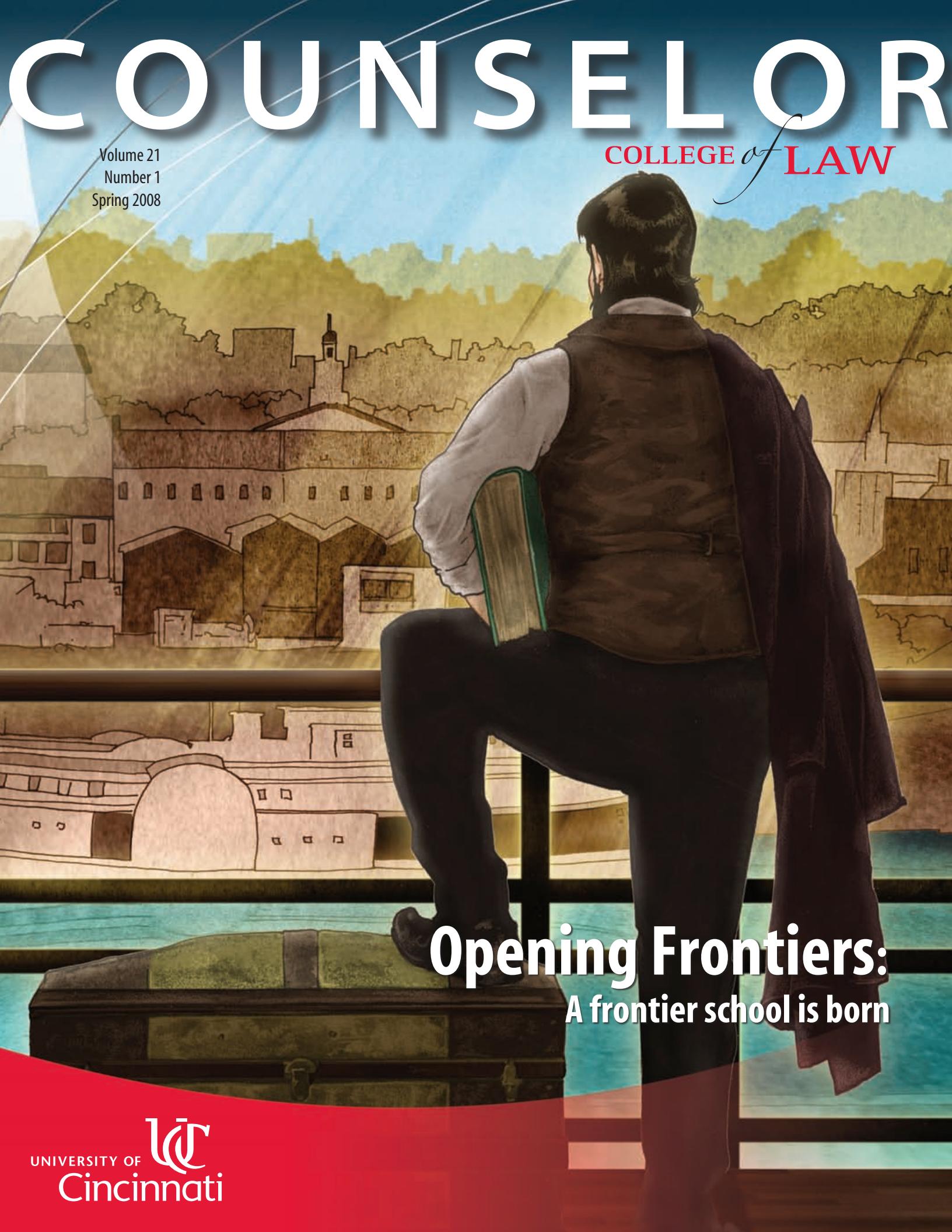


COUNSELOR

COLLEGE *of* LAW

Volume 21
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Opening Frontiers:
A frontier school is born

COUNSELOR

The Record

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Opening Statement



Dear alumni and friends,

As you read this Counselor's feature on the founding of the College of Law 175 years ago, let your imagination take you back to the nation as it existed when the school was founded. Andrew Jackson was President. John Marshall was Chief Justice. Cincinnati, the country's first boomtown, was a bustling city on the frontier of a nation consisting of only 24 states. Timothy Walker left the east coast, crossed the Allegheny Mountains, and arrived in Cincinnati in search of more. He found opportunity here — and in establishing a College of Law committed to the highest standards of legal education and legal scholarship, he created opportunity for others.

Walker's is a quintessential American story of bold vision, strong ambition, and opportunities on the frontier. It is our story too, one that men and women have lived in their own ways throughout the College's history.

People like William Hartwell Parham. In the 1870s, Parham became the first African American to graduate from the College — indeed, the first African American to earn a degree from the institution now known as the University of Cincinnati. Parham subsequently was elected to the Ohio Legislature, and he led the black schools in Cincinnati for nearly a quarter of a century. He found opportunity here — and created opportunity for others.

People like Irvin Rutter, Wilbur Lester, and William Jeffrey — three

visionary Cincinnati professors. In the 1930s, they developed a groundbreaking curriculum to teach not just the law, but the skills of lawyering. They brought theory and practice together in a sophisticated way not seen before, and their work was praised as the best in the country. They found opportunity here — and created opportunity for others.

People like the Honorable Sandra S. Beckwith. One of a small handful of women in her class, she went on to a career of firsts. The first woman elected to Hamilton County's Municipal Court bench. The first woman elected to the Court of Common Pleas, Division of Domestic Relations. The first woman member of the Hamilton County Board of County Commissioners, and its first woman president. The first woman to serve on the U.S. District Court for the Southern District of Ohio, and the first woman to lead that Court as Chief Judge. She found opportunity at the College — and broke paths to create opportunity for others.

Today, students from far and wide come to Cincinnati to be a part of the Urban Morgan Institute — the first center at an American law school dedicated to the study of international human rights. They come to be a part of our Joint Degree Program in Law and Women's Studies — the first of its kind at an American law school. They come to work with the Corporate Law Center or the Glenn Weaver Institute for Law and Psychiatry — nationally known programs that open the College's doors

to the community and bring the law to life. They come to work with the Lois and Richard Rosenthal Institute for Justice and its Innocence Project — a program that changes the lives of everyone it touches, and whose successes have been acclaimed nationwide.

For generation upon generation, students have come to the College of Law to learn from accomplished professors — leading scholars with passion and commitment who provide a rigorous individual training that is hard to find. Students come to capitalize on our purposely small size — the better to hone one's mind and grow. They come to capitalize on the powerful experiences and rich resources we can offer thanks to our deep relationship with a classic American city — the better to develop one's capacity to lead and make an impact.

The paths are diverse, but people who find the College of Law their home share a common bond. Like Timothy Walker, they come with expectations of excellence and high hopes for their future. They come for opportunity.

With all best wishes,

A handwritten signature in black ink, appearing to read "Louis D. Bilionis".

Louis D. Bilionis
Dean and Nippert Professor of Law



Creating A Value...Changing Lives

Be Part of a UC Law Legacy

As friends and graduates of the University of Cincinnati College of Law, you are part of a family who are among the leaders of major law firms, corporations, non-profit organizations, the judiciary, and government service. Many supporters make bequests to express their gratitude for a lifetime of value they received from their law school education. Others express their gratitude for the significant impact UC Law has made on the legal community. Regardless of the reason for giving, your contribution can help create scholarships, continue to attract excellent faculty, and provide for facility enhancements.

Why not consider a gift today? For more information, please contact the College of Law Development Office:

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Editor's note

To our readers:

The academic year is in full-swing and the College of Law's 175th Anniversary celebration is ongoing. Numerous events have marked this year — from the kick-off event to the gala celebration, from new symposiums to dramatic presentations brought by world-class actors telling the story of various aspects of the law.

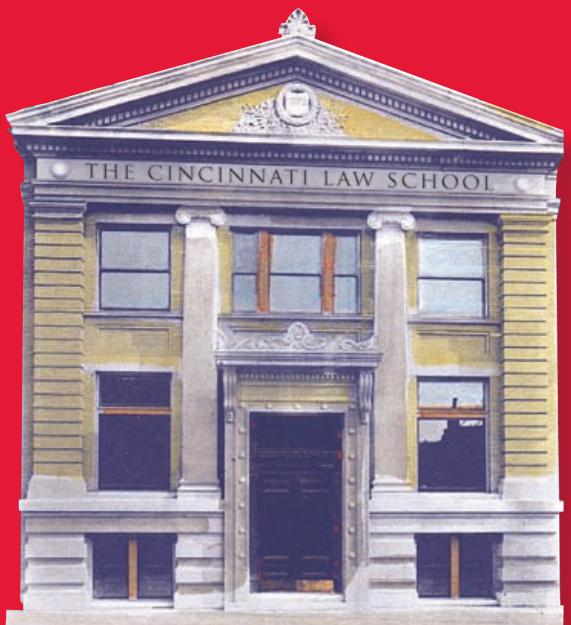
Speaking of telling stories ... **In the last issue of Counselor we began to share the story of our rich history.**

We learned what happened during those critical mid-years as the law school faced uncertainty. We discovered how the aging physical structure impacted the school, the faculty, and the students. And we learned the critical importance of strong leadership, particularly in the area of the deanship of the school.

In this issue of *Counselor*, we will **go back to the very beginning of our history**, when a young man from Massachusetts embarked on a trip across the Alleghenies to the River City. Timothy Walker, a recent Harvard Law School graduate, would become the key force behind the founding of the law school. We'll also learn about other key figures, such as Charles Daniel Drake, and events, including the reasons behind the birth of the College of Law.

We hope you're enjoying this look back at our history. And we're sure you'll see, just as we do, how the past truly does impact the future.

Enjoy.



Cover Story



Opening the Frontiers:

A frontier school is born

By Jeffrey L. Cruikshank
and John Sedgwick¹

In the midsummer heat of late July 1830, a slender, handsome 28-year-old Massachusetts man named Timothy Walker boarded a train from Boston to Baltimore. The train moved at a brisk twelve miles an hour "without the least jarring," as Walker, future founder of the College of Law, noted approvingly in his journal.

The next leg of his journey was less congenial: a bone-rattling mail stage over the Alleghenies, along "the roughest road I have ever traveled," through Frederickson, Brownville, and other dusty towns, and finally to the Ohio River port of Wheeling, Virginia. From there, the elegant steamboat *Emigrant* transported him in style down the broad, curving waters of the Ohio River.¹

Walker's destination was Cincinnati — the River City, the largest and most vibrant community on the Ohio — which then marked the advancing edge of the American frontier. From his vantage point on the deck of the *Emigrant*, Walker could see impenetrably thick woods pushing right up to the river's western shore.² But now, as he disembarked on the public landing on Front Street, he was startled to find hundreds of solid, handsome houses lining orderly streets, a sprinkling of white churches with soaring steeples, and a clutch of stout factories spewing fumes as they cranked out tools, furniture, fur hats, cotton goods, leather, soap and candles — outgrowths of and complements to the city's thriving trade in wheat, corn, pork and whiskey. Her shipyards launched some thirty steamboats a year, making the city one of the nation's largest boat builders.

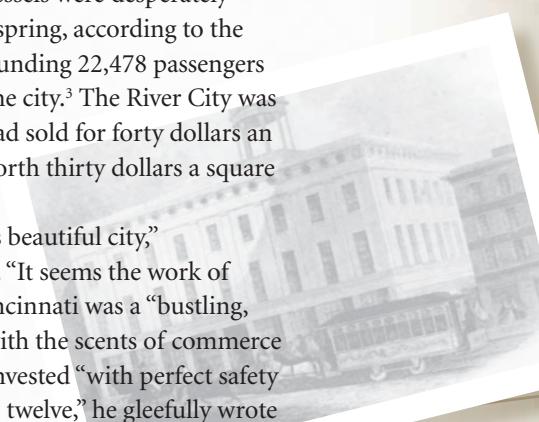
Timothy Walker arrives in Cincinnati aboard the *Emigrant*.

And these commercial vessels were desperately needed: In four months that spring, according to the Cincinnati Directory, an astounding 22,478 passengers were delivered by river into the city.³ The River City was booming. Choice land that had sold for forty dollars an acre back in 1789 now was worth thirty dollars a square inch.⁴

"I am delighted with this beautiful city," Walker exulted in his journal. "It seems the work of enchantment." To Walker, Cincinnati was a "bustling, thriving" metropolis, sweet with the scents of commerce and profit. Money could be invested "with perfect safety at ten percent and sometimes twelve," he gleefully wrote to a friend back home shortly after his arrival. French historian Alexis de Tocqueville, who spent time with Walker when he passed through the thriving city in 1831, seconded the sentiment: "The image of industry and labor [was] obvious at every step."

Not that Walker was viewing this solely with an investor's eye. He was a lawyer, a recent graduate of Harvard's law school, and he knew that vibrant commercial centers needed legal talent to make business go smoothly. Walker had come to Cincinnati because he was frustrated by the legal system that pertained in his native Massachusetts and throughout the east: It required every law school graduate to "read law" — that is, to apprentice himself to a working lawyer — before he could secure a license to practice on his own. (Massachusetts, which demanded a three-year apprenticeship, was among the toughest.) To Walker, this was a thinly disguised form of indentured servitude.

Cincinnati Law School,
rebuilt in 1845.



Opening the Frontiers:

A frontier school is born

Life on the frontier, however, was different. Ohio required only two years of apprenticeship — one of which might be waived in light of his Harvard training — and a year in residence in the state. After that, Walker could be licensed to practice on his own. He would pay the requisite dues in Cincinnati, and then return to Boston, where as a practicing lawyer he could seek and gain speedy admission to the Massachusetts bar.

Or at least, that was the plan.

Living by his wits

Walker was in every sense an Easterner — born in rural Wilmington, Massachusetts, in 1802, and raised and schooled there — but was in no way privileged. The second son of a hardscrabble farmer who died young, eleven-year-old Timothy and his older brother were left to work the soil and tend to the farm animals. It wasn't until the boys' mother remarried six years later that either of the Walker boys was able to attend school.⁵

Walker scrounged the money to attend Harvard, and — upon enrolling there in 1822 — began to demonstrate the brilliance that started to win him a rapidly expanding circle of admirers. As a junior, he was hired by his philosophy professor to translate a thousand-page French philosophy tome into English. It took Walker a year. The result was so impressive that the professor published it under his own name — and gave Walker no credit for his contribution!

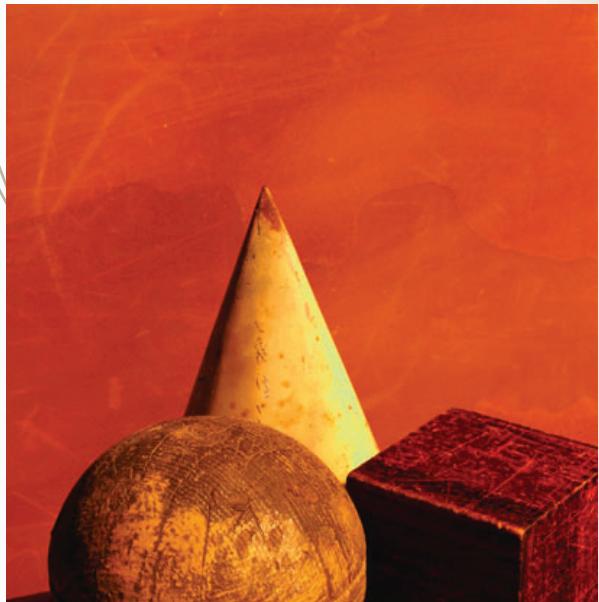
He was elected to Phi Beta Kappa, and finished at the head of his class.⁶ Geometry was his best subject, mainly because its clarity and logic held a deep appeal for him. Upon his graduation from Harvard in 1826, he was invited to teach the subject at an innovative school called Round Hill in Northampton, Massachusetts. Round Hill was headed up by a no-nonsense academician named George Bancroft, who was fond of harrumphing that he was not going to make "an amusement of what should be hard work."

This appealed strongly to Walker, who had already developed a tough-minded attitude of his own. When his classroom duties permitted, he devoted much of his time — sometimes as many as fourteen hours a day — to the writing of a textbook on the basic principles of geometry. "My joy at writing the last word need not be described," he noted when the book was finally

complete. The prestigious *North American Review* lauded Walker's approach as "simple and natural, his explanations clear, his original demonstrations ingenious and his illustrations easy and familiar."

Thanks to this conspicuous triumph, both Harvard and the University of Virginia invited Walker to teach geometry, but he turned them down. Declaring Walker to be "among the most prominent men of the day," Harvard Professor (and future Harvard President) Edward Everett recommended him to Treasury Secretary Nicholas Biddle for a post with the Bank of the United States. But no such offer materialized, and Walker returned for another year at Round Hill.

By then, he'd had enough of educating the young. He was ready to "sustain collisions with men," as he put it. At the relatively advanced age of twenty-seven, he



"simple and natural, his explanations clear, his original demonstrations ingenious and his illustrations easy and familiar."

— North American Review

Timothy Walker spent many hours tilling soil on his family farm.

turned to the pursuit that had long been in the back of his mind: the law.⁷

Learning the law in two cities

Walker started his legal education at a nearby law school in Northampton. It had been modeled on Litchfield, the fabled first law school in the nation, which, despite being located in out-of-the-way western Connecticut, had produced such political eminences as Vice President Aaron Burr and Senator John C. Calhoun. Judge Samuel Howe, a Litchfield graduate, set up his Northampton school to provide legal instruction in the same informal style practiced at Litchfield — one that allowed ample time for deep conversation between teacher and pupils, and therefore provided an intense and penetrating education. Walker took full advantage, talking with Howe for hours at a time. “Every day enhances my debt of obligation to him,” he told his diary. “Such men are blessings to society.”⁸ But Howe collapsed and died while Walker was still a student, and Walker decided to complete his legal education at Harvard.

The Harvard Law School of the late 1820s was a very tentative enterprise, housed in a couple of downstairs rooms of the gambrel-roofed College House Number 2 across from Harvard Yard. In 1828, eleven years after its founding, only two students still attended; the following year, there were no students at all. Some suggested that Harvard’s struggling experiment in legal education should be brought to an end.

But a wealthy lawyer named Nathan Dane stepped forward to endow a Harvard professorship in law. Dane wanted the chair to go to his neighbor on Massachusetts’s North Shore — the celebrated Joseph Story — in the hope that Story could revitalize Harvard’s foundering law school. Bald, with a penetrating gaze, Story was an Associate Justice on the Supreme Court, which required him both to serve as a circuit judge in four New England states and sit on the appellate court. Already seriously overcommitted, Story tried to beg off, whereupon Dane sweetened his offer with a handsome salary to supplement Story’s judicial pay, an attractive Cambridge house equivalent to the one he would have to give up in Salem, and help from another professor (who would do the bulk of the actual teaching). With those inducements, Story came around, and almost overnight, his prestige made all the

difference. In the fall of 1829, the entering class swelled to twenty-four, including the purposeful Timothy Walker, eager to get on with his life.⁹

In those days, Harvard required three years’ legal study for college graduates, a year and a half of which was to be spent apprenticing with law firms. Story disdained this archaic system. He subscribed instead to the approach of the 18th-century English legal



A view of the Cincinnati riverfront in the 1800s.

theorist, Sir William Blackstone, who believed the law to be a system of abstract thought that could far better be understood through rigorous study than by chance encounters with a random assortment of real-world cases at a law firm. In this spirit, Story’s lectures were both didactic and (as Story’s son later put it) “conversational commentary”: the better to drive home the essential legal principles behind the issue at hand.

Also to this end, over the next fifteen years Story published a series of legal commentaries, based on his lectures, to do for American law what Blackstone had done for England — that is, to map out the underlying legal principles that obtained in this country, with a particular emphasis on the commercial law that, like industry itself, was expanding rapidly in every direction.

But even the influential Story could not undo the burdensome Massachusetts apprentice system. So it was that Walker left Boston after his second year of legal study, bent on obtaining his license in the presumed wilds of faraway Cincinnati.

Opening the Frontiers: A frontier school is born

Good credentials and good friends

It wasn't just the economic bustle of the city that Walker found appealing. The River City, it seemed, was an open society, where a man was limited only by the limits of his talent. "The question is not where or how a man was educated," he wrote approvingly, "but what he is."¹⁰ Cincinnati announced itself as a place of brisk energy. "Business, stirring, active, unremitting business is the habit of this place," Walker decided. "For incessant activity what can you call it but an immense human hive."¹¹

Armed with impressive letters of introduction from Joseph Story, Harvard President Josiah Quincy, and others, Walker signed on with the office of Bellamy Storer and Charles Fox, probably the most prestigious firm in the city. With his connections and erudition, he quickly carved a niche for himself in a city that emphasized *associations*—business and otherwise. He joined the Friday Evening Club for earnest conversation



"Business, stirring, active, unremitting business is the habit of this place, ...For incessant activity what can you call it but an immense human hive."

– Timothy Walker



Salmon P. Chase

(first topic: "The Uses of History"); the highly literary Semi-Colon club; the politically minded Cincinnati Legislative club; the New England Society; and the American Decolonization Society, advocating the repatriation of American blacks to Africa, Haiti, or the American West.¹²

Through these many associations, he came to know other young lawyers on the rise, including the tall, prodigiously talented, but rather humorless Salmon P. Chase, who would become Ohio's governor, U.S. Senator, Secretary of the Treasury in the Lincoln administration, and Chief Justice of the U.S. Supreme Court. The two high-minded Massachusetts expatriates longed for the fine talk of the eastern cities; together, they founded a Lyceum as an intellectual watering hole for educated Cincinnatians. Later, they tried to create a *Western Quarterly Review* that would bring to the frontier what the *North American Review* delivered to the east, with Walker touring the northeast trying to solicit contributions from the likes of Daniel Webster and Henry Clay — all to no avail, as it turned out.

Gradually, it became clear that Walker had moved to Cincinnati for good. His mentor, Joseph Story, could tell as much before six months were out. "I had indulged a faint hope, that we might be able to regain you," Story wrote to his former student in December 1830. "But I presume it is all over; and henceforward you are to be a citizen of Ohio. God grant you much of honor, much of profit, much of happiness in that sunny, in that new New England."¹³

Having passed the Ohio bar, Walker opened an office of his own with the fast-rising pair of Salmon Chase and Edward King. The son of Federalist titan Rufus King, Edward King had studied law at Litchfield, and then headed west and embarked on a political career that quickly took him to the heights of Ohio politics: Speaker of the Ohio House of Representatives. Only a year earlier, at age 36, he'd quit the state capital

to try his hand at lawyering in bustling Cincinnati.

Thanks to the talents and connections of the two continuing partners — Chase left after a few months to make his name in politics — the firm prospered. Walker and King conducted a practice that ranged broadly from debt collection to legal consultation, and from courtroom prosecutor to defender. And as Walker's stature and reputation grew, he was asked to weigh in on other subjects. At one point, for example, he delivered a warm speech on the legal rights of women, of which he was an early proponent. On Independence Day, Walker addressed 600 people from the back of a wagon. “[I] grew excited,” he confided to his journal, “and continued an hour, and the consequence is that I have not been able to speak loud since.”

In 1832, the final missing pieces of Walker's life seemed to fall into place. In that year, he married Anna Lawler Bryant, the granddaughter of one of Cincinnati's richest residents. “A beautiful jeune damoiselle who has a purse,” he called her with startling candor. Once married, he declared himself “indescribably happy,” adding that Anna “binds me here by a chord I never wish to sever.”

Founding a law school

Although Walker's and Chase's *Western Quarterly Review* was stillborn, the experience helped stir in Walker the desire to elevate community life in a different and even bolder way: through the creation of a law school.

This was a far more ambitious undertaking than a literary journal. The apprentice system was still the dominant mode of teaching and learning law; in fact, there were only six other law schools in the entire country. By the same token — Walker must have reasoned — the field was wide open. There was no other law school in Ohio, and only one west of the Alleghenies: a small school that had been founded in 1799 at Kentucky's Transylvania University. The Litchfield school, where Walker's partner Edward King had studied, closed its doors in 1833, which may have added a sense of urgency (and opportunity) to the venture.

Seeking colleagues in this daring new enterprise, Walker turned first to his law partner, Edward King. Next, Walker enlisted Judge John Wright, a sitting

member of Ohio's Supreme Court who previously had served three terms in the U.S. Congress. (Walker described Wright as a “dapper little man” who “loved a joke well.”) Wright brought prestige, credibility, and connections to the venture; King brought his own connections, as well as the Litchfield legacy; and Walker brought his strong Harvard training and his passion. Together, the three founders set out to create a new kind of law school: on the edge of the physical frontier, but also on the frontiers of legal education.

In May 1833, the local papers published a prospectus for the new “Cincinnati Law School.” The school would offer “lectures on general and local law; practice in moot courts organized on the work of the several courts of Ohio; and frequent examination of the books read.”¹⁴ In addition, students would be encouraged to observe Walker and King at work in their offices, and to peruse their law books. The advertisements had their desired effect: Seventeen

Founding fathers of the College of Law: (left) John C. Wright, (right) Timothy Walker, and (center) Edward King.



“Together, the three founders set out to create a new kind of law school: on the edge of the physical frontier, but also on the frontiers of legal education.”

Opening the Frontiers:

A frontier school is born



Ellen Walker, Timothy's second wife, and their children.

students entered the school that first year, including five from out of state.

One of the matriculating students was a young man named Charles Daniel Drake. He had been born in Cincinnati 22 years earlier, but had been educated in a succession of schools in Ohio, Kentucky, and Connecticut, and had enlisted in the Navy at age 16. From early on, Drake was a wild boy, who ran away from most of the schools in which his parents placed him. His father — a distinguished Cincinnati physician — hoped two or three years at sea would give his son “steadiness of purpose and habits of regular and methodical application.”¹⁵ But the Navy experiment proved a dismal failure, mainly due to Charles’s difficulties in getting along with his fellow sailors. (Getting along with people, as it turned out, proved a challenge for Drake throughout his life.) He ultimately wound up back to Cincinnati, where he spent the early years of the 1830s working in an uncle’s law office, until he enrolled in the new school of law.

The classrooms in which Drake and his classmates studied were located upstairs from Walker and King’s law offices at the corner of Third Street and Main.

Walker’s law school was the first in the country to have a faculty of as many as three members. (Harvard, at that point, still had only two: Judge Story and his full-time helper.) Walker taught constitutional law and real property, Wright taught criminal law, and King handled commercial law. The coursework required three three-month sessions, at a cost of sixty dollars per session.¹⁶ Classes were held in the evening, so as not to interfere with Walker and King’s law practice. In keeping with Walker’s exacting nature, professors were permitted to “use the rod” in cases of “willful disobedience, although not “as a means to excitement to study.”¹⁷ Dueling was forbidden, as was entering a tavern except in the company of a professor — significant restraints in the day.

Thirteen of the students, including Charles Daniel Drake, graduated that first year. The Cincinnati Law School, it seemed, was on its way to success.

Valleys and peaks

In this same period, though, Timothy Walker was wrestling with personal demons that threatened to undercut his professional achievements. Always susceptible to dark moods, he fell into a profound depression when Anna died in 1834, shortly after giving birth to their second son, who had been stillborn. Two years later, Walker’s first son, Thomas Bryant, also died, leaving Walker utterly bereft. “I have been a lonely man,” he wrote later. “I have had melancholy experience of the futility of human hopes.”

Deep in mourning, he sold his house and withdrew into a secluded boarding house by the shop-lined Turkish Bazaar on Broadway. The boarding house was run by a well-educated, artistically inclined widow named Ann Wood, who had been forced to take in lodgers after her husband James died in the cholera epidemic of 1832.

By 1839, Walker, now 37 years old, had recovered his spirits enough to buy a dwelling of his own, on which he spent a very lavish \$4,000 for repairs and upgrades. The extravagance was intended, in large part, to help win the hand of Mrs. Woods’ delightful daughter, Ellen. But Ellen — eight years younger, and leery of marrying a widower who was obviously still pining for his late wife — turned him down. Still, Walker persisted, and Ellen finally relented. When the

two were married in 1840, Walker was ecstatic. Ellen was “all I could ever desire in a wife,” he told his journal. “I am too happy now.” When the union yielded a son a year later, he exulted: “I have a longing desire to leave offspring—or rather to have offspring to love, and by them to be loved.”¹⁸

Gradually, Walker regained his footing, finding fulfillment in many aspects of his life. When Charles Dickens came through town on a triumphal lecture tour in 1842, it was Walker who was chosen to receive and entertain him. During that visit, Walker told Dickens the haunting story of the Cincinnati woman who, after being jilted by her fiancé, retired into her house, where she wore her bridal dress in solitude for the rest of her days. Dickens turned Walker’s “mourning bride” into Miss Havisham in *Great Expectations*.

Perhaps most gratifying, through this period of peaks and valleys, was his unqualified success as a teacher. The *Cincinnati Chronicle* declared him:

A gentleman who has, perhaps, as high capabilities for teaching as any other law professor in the United States. He delights in the business of instruction, and consequently performs it with an enthusiasm which seldom fails, sympathetically, to awaken and sustain the attention of every pupil. His enunciation is distinct and impressive; his style terse and aphoristic; and his knowledge of the various branches of the law, all that the student can desire.¹⁹

And the students themselves were no less impressed. The law school class of 1839-40 wrote a letter of appreciation, hailing Walker for his “clearness and

perspicacity as a lecturer, his profoundness as a lawyer, and his urbanity and familiarity as a gentleman and friend.”²⁰

In this same period, Walker was also reestablishing his reputation as a gifted author. Since the mid 1830s, he had been deeply engaged in an ambitious new project that, if successful, would bring his ideas about law and legal education to a far broader audience. Going his mentor Joseph Story one better, Walker had set out to create the definitive text on American law.

Like Story, Walker drew his book — *Introduction to American Law* — from his own lectures. Subtitled

“Walker didn’t simply want to explain American law; he also sought to systematize it.”



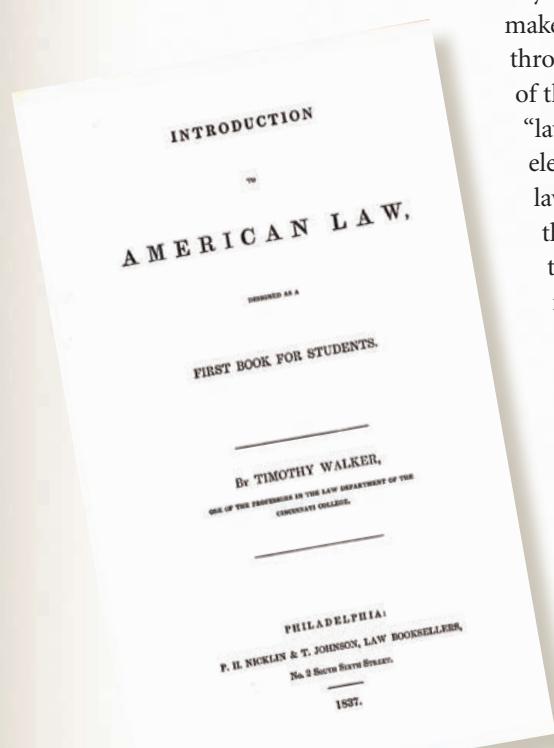
Opening the Frontiers: A frontier school is born

Designed as a First Book for Students, Walker's monumental opus was intended to serve as a point of entry for law students. But it aspired to far more: Walker didn't simply want to explain American law; he also sought to *systematize* it. For despite Story's efforts in a similar vein (published as his *Commentaries*), the United States still lacked a systematic exposition of the American legal framework.

The clarity and precision of Walker's thought was apparent from the first. As he declared at the outset of the book:

The course of lectures to which this is introductory is intended to comprehend the rudiments of American law. I say rudiments, because I am persuaded that nothing beyond the principles strictly elementary, can be profitably presented in the form of lectures. The almost infinite variety of details into which this science runs, can only be learned by a laborious examination of books, and an assiduous attendance upon courts.

Nonetheless, for almost 700 encyclopedic pages, Walker makes a thorough sweep through the development of the very concept of "law"; the distinctive elements of American law; the Constitution; the "law of persons," a term that Walker uses to refer both to corporate law and contractual interpersonal relationships, such as the one between spouses; matters of property, from estates to chattel mortgages and much more; and rules of "procedure," whether they pertain to civil suits, the admiralty, or criminal matters.



First published in 1837, it was the sum of his life's work in the legal realm, and by contemporary accounts it was an astounding achievement. The *North American Review* greeted his effort with even higher praise than it had lavished on his geometry textbook, calling it "intelligible and expressive," and admiring above all its *Americanism*: "The tone and spirit of the book are such as become our country; they are congenial with our free institutions, and our expanding social character." Within a few short years, Walker was being referred to as "America's Blackstone" — a description that he modestly rejected — and Cincinnati emerged as a major center of American legal thinking.²¹

The future Justice Oliver Wendell Holmes, Jr., first encountered *Introduction to American Law* as a student at Harvard Law School. He later told William Howard Taft that Walker's book gave him "the first clear idea what the law was and what was the profession upon which he was entering." Ultimately, the book went through eleven editions and survived into the new century.

Meanwhile, Walker in 1843 made an even more adventurous foray into legal publishing when he founded the *Western Law Journal*, intended to "diffuse among the Lawyers of the West, whatever is most worthy of note in their profession." Walker sunk a good part of his personal fortune (and a decade of his life) into nurturing the *Journal*. From a financial standpoint, it was not a good bet. Lacking sufficient subscriptions and contributions, the *Journal* lost money year after year, until Walker reluctantly shut it down in the fall of 1853.

But in a broader sense, the gamble more than paid off: By focusing on *western* legal issues — which at the time meant west of the Alleghenies — Walker's journal carved out a distinctive niche for itself, and lent still more distinction to the River City.

A founder departs the scene

Begun as an independent entity in 1833, the Cincinnati Law School affiliated with Cincinnati College two years later, mainly to secure the right to issue diplomas. Once the institutional marriage was completed, the law school moved to the college campus on Walnut Street between Fourth and Fifth, taking rooms in a rickety two-story building. There, in March 1837, the first Bachelor of Laws degrees were granted to the current graduates, as well as to all the previous ones.²²

Throughout the school's first half decade of existence, the number of enrolled students fluctuated between a dozen and two dozen. It remained consistently high enough, though, that by 1839, Walker had begun to think of the school as a profitable investment — although he noted in his diary that "his motive for persevering" was not financial, but "to be useful and to acquire reputation." The next winter, the incoming class swelled to thirty-three; and it rose to thirty-five in 1841.

But the burden of running the school remained largely on Walker's shoulders. This point was underscored in the fall of 1841, when he came down with a serious case of bronchitis, which for several weeks rendered him unable to speak in court or to lecture in the classroom. He had to cancel classes for the full year: the only time in the history of the law school that classes were not held.

A little less than three years later, in March 1844, Walker decided that it was time to withdrew from the law school that he had helped found just over a decade earlier. For the rest of his life, he concentrated on his law practice and on legal reforms — including the clarifying codification of the general laws and principles that governed Ohio, and the systemization of the criminal code, and the abolition of capital punishment. Nonetheless, his reputation continued to grow. In 1848, he was asked to speak for the entire city of Cincinnati in delivering a eulogy to the recently deceased John Quincy Adams.²³ Addressing Harvard's Phi Beta Kappa Society in 1850, he decried the still slipshod state of American legal theory. "I hold it to be a disgrace to this age and this country," he declared, "that so much of our law should remain *unwritten* — hidden, I may say, in the breasts of our judges."²⁴

But the challenge of legal reform proved too enormous, and Walker's time proved too short. In August 1855, a drunken teamster sideswiped Walker's carriage, slamming a loose wagon pole into his chest. Grievously injured, Walker clung to life for months before finally succumbing in January 1856.

But by then, Walker had lived long enough to be reassured that his Cincinnati Law School — now under the able direction of Dean Maskell E. Curwen, who had worked with Walker for three years on the *Western Law Journal*, and was himself a distinguished legal scholar and author — would survive his passing.



Judge Oliver Wendell Holmes, Jr.

"Walker's book gave him 'the first clear idea what the law was and what was the profession upon which he was entering.'"

— Oliver Wendell Holmes, Jr.

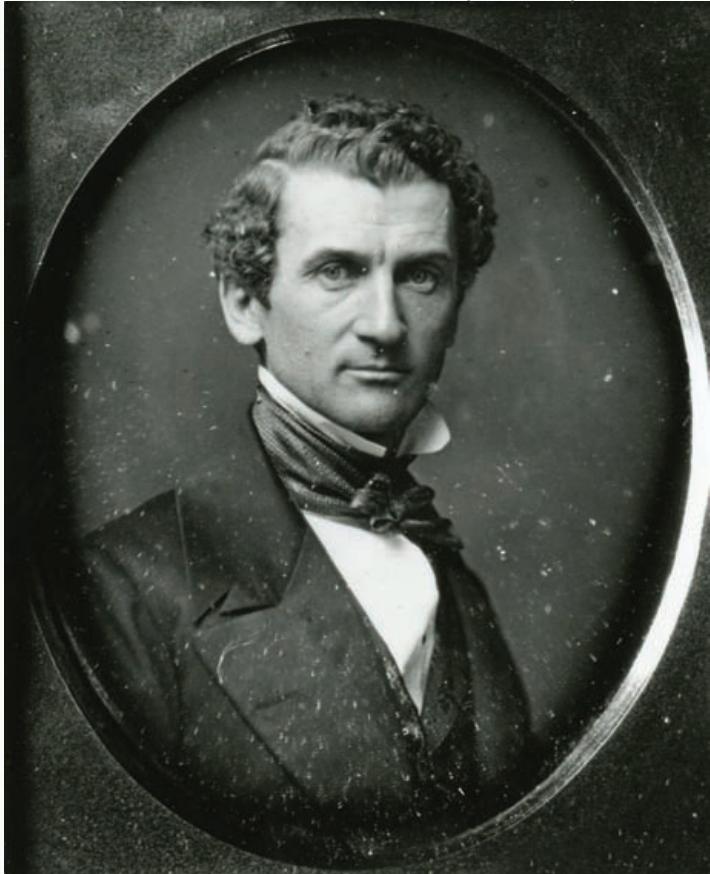
An alumnus looks back

On the evening of May 8, 1878, Charles Daniel Drake rose to address the 56 members of the graduating class of the Cincinnati Law School.

Then in his 67th year, Drake had achieved national renown since his own days at Cincinnati's first law school. He had relocated to St. Louis, where he practiced law and became involved in both the Presbyterian Church and politics. He founded (in 1838) the Law Library Association of St. Louis, then only the fourth such legal resource in America, and still in existence today. When his legal practice ebbed in the late 1840s

Opening the Frontiers:

A frontier school is born



Charles Drake

“Drake was one of a group of delegates who met with President Lincoln in the fall of 1863 to demand an implementation of the Radical agenda — including emancipation of all slaves.”

and early 1850s, he authored an ambitious book — *A Treatise on the Law of Suits by Attachment in the United States* — which was published in 1854, and went through multiple editions before and after the Civil War.

Elected to the Missouri General Assembly in 1859, Drake emerged as a staunch moralist (and therefore, not a particularly good politician). As for many of his contemporaries in the Border States, the Civil War challenged both his ethics and his politics. He owned no slaves himself, but he publicly decried the Northern abolitionists who sought to eradicate slavery. At the same time, he abhorred the secession of the Southern states, and — as his Unionist sentiments intensified — he came to hate the institution of slavery that had torn apart the Union. He therefore embraced Radical Republicanism, and gained national recognition as one of a group of delegates who met with President Lincoln in the fall of 1863 to demand an implementation of the Radical agenda — including immediate emancipation of all slaves. Lincoln, the consummate politician, was polite but noncommittal.

Drake was considered briefly as a candidate for governor of Missouri in 1864, and helped push a Radical state constitution through the legislature in 1865. When a U.S. Senate seat opened up in 1867, a grateful Republican party awarded the post to Drake.²⁵

Drake served only three years in the Senate, resigning in 1870 to accept the position as Chief Justice of the Court of Claims, which was offered to him by President Ulysses S. Grant. A federal court established by Congress in 1855 to hear claims against the U.S. government, the Court of Claims was by almost every measure a step down from the Senate. But Drake was no doubt drawn to the prestige of a “chief justiceship”; he may also have suspected that in light of his rapidly accumulating enemies, he would be denied reelection to the Senate in 1883.

So when he rose to speak on that spring evening in 1878 — introduced by Dean Rufus King, grandson of the school’s cofounder Edward King — he was “Mr. Chief Justice Drake.” He was the first president of the recently organized “Alumni Association of the Law School,” which survives to this day. And finally, he was the sole surviving member of his law school’s first class.

The school had gone through many changes since Drake’s day. It had been burned out of its home twice: first in 1845, and then again in 1869. The strong



Cincinnati Law School, located at 21 West Ninth Street.

leadership of Dean Maskell E. Curwen had ended with his resignation and death in 1868, and was followed by a decade of interregnum, with the deanship rotating among the school's faculty. But the still youthful school had the benefit of momentum and a strong sense of self. When the newly organized University of Cincinnati proposed a merger in 1872 with the law school — no doubt with one eye on the annual \$10,000 in rental income that the school earned on its property — the law school politely declined. At that time, the City Council appointed the directors of the University, and it seemed possible that political patronage might overly influence hiring, up to and including professors!

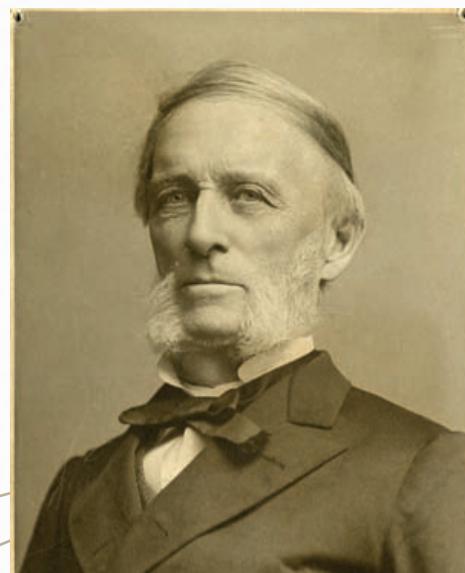
Meanwhile, the school went about its business, raising its standards and demanding more of its students. In 1874, for example, a system of written year-end examinations was implemented — a concrete (and no doubt unpopular!) manifestation of the small school's high ambitions. "Every exertion will be made," a school publication noted, "to place and keep the School in the front ranks of the Law Schools of the United States."

Drake — who probably knew a great deal of this history — began his oration by noting that he was standing just three blocks from his birthplace, and only one block away from the Lancasterian Seminary where he had begun his schooling as a boy. (He did *not* reveal

that his parents had then sent him to school out of the city to get him away from perceived bad influences in the neighborhood.) He then paid tribute to the three founders of the law school, each of whom he had known personally:

John C. Wright, the cool-headed, logical, and learned Judge; Edward King, the astute advocate, the genial gentleman, the brilliant orator; and Timothy Walker, the earnest student, the well-grounded and solid young lawyer, the faithful teacher, and afterwards the able author.²⁶

Then, in keeping with all commencement addresses everywhere, he offered a series of prescriptions to the young men in his audience. *Dare to be honest with yourself*, he advised. *Be rigorous in your thinking. Rest your cases on the controlling point.*



Rufus King

"Every exertion will be made to place and keep the School in the front ranks of the Law Schools of the United States."

— Note in an 1874 school publication

Opening the Frontiers:

A frontier school is born

To underscore this last bit of advice, Drake told a story about his visit to the White House fifteen years earlier:

And President Lincoln, in 1863, in reply to my words, “That is the point,” Mr. President, said, “That isn’t a point; it’s a spread”; and after a little thought, I saw that he was more than half right.

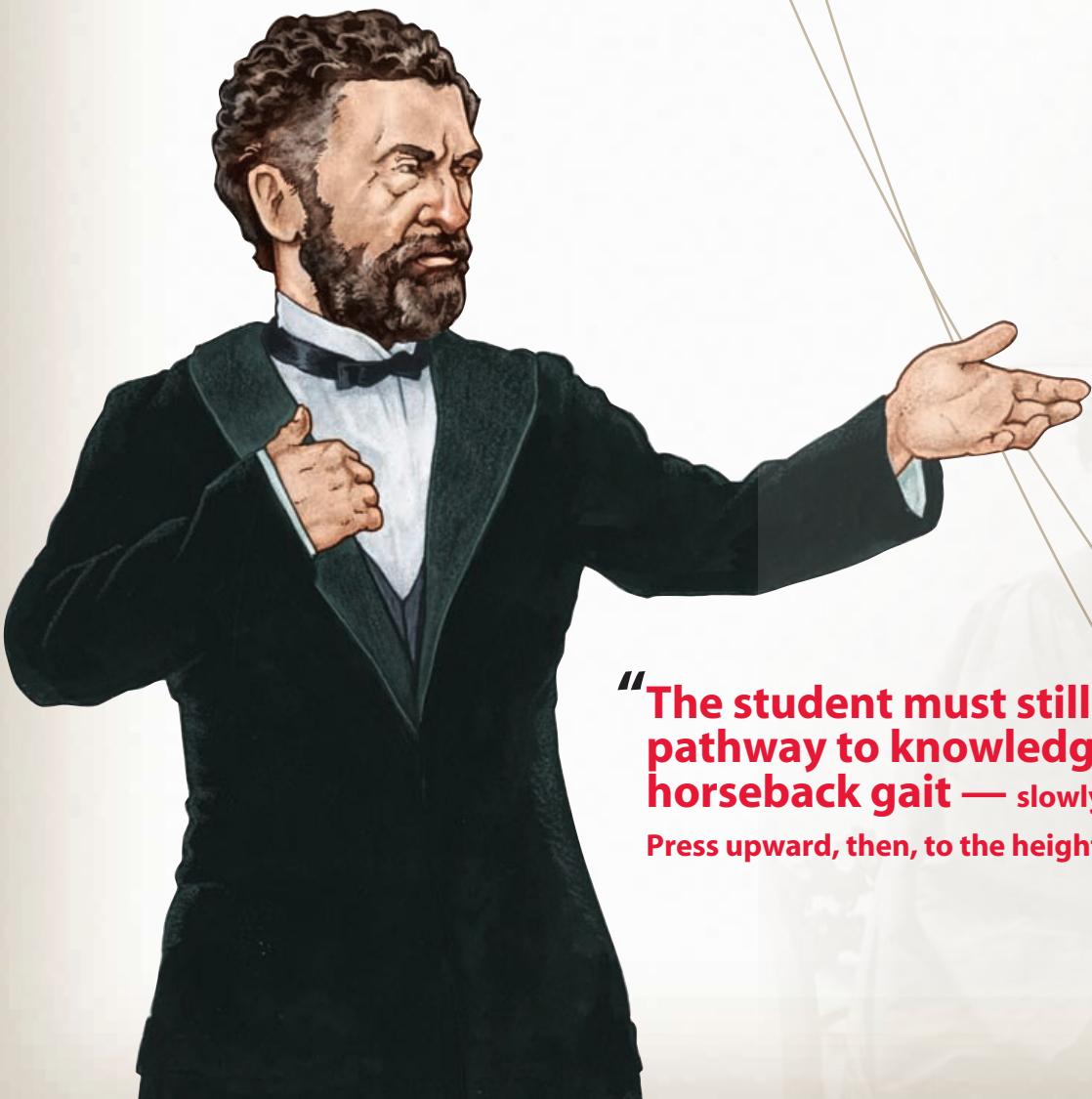
Work hard, Drake continued, resuming his serious tone. Work systematically. Follow your conscience, and espouse no causes from which your conscience recoils.

In closing, Drake recalled how in his childhood, a voyage to or from the Eastern seaboard was referred to as going “over the Mountains” — a phrase that in recent years had fallen into disuse. Back at the beginning of

the 19th century, that journey, east or west, involved a “lonesome and weary journey on horseback, through an almost unpeopled wilderness.” A half century later, Drake noted, seemingly with a touch of disapproval, the same journey could be made in “luxurious ease, behind the fiery iron horse.”

True, the railroads had leveled the mountains, Drake declared, as he gained momentum toward to his stirring conclusion. *But no railroad to knowledge has yet been built. The student must still traverse the pathway to knowledge at the old horseback gait — slowly, patiently, ploddingly. Press upward, then, to the heights!*

* * * *



“The student must still traverse the pathway to knowledge at the old horseback gait — slowly, patiently, ploddingly.

Press upward, then, to the heights!”

Notes

¹John Sedgwick is the author of *In My Blood: Six Generations of Madness and Desire in an American Family*, and five other books. Jeffrey L. Cruikshank, president of the Cruikshank Company, is the author of numerous institutional histories and management-oriented books, as well as a murder mystery.

²Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: pp. 19-20

³Aaron, Daniel. *Cincinnati: Queen City of the West*, p. 20, and Silberstein, Iola Hessler, *Cincinnati Then and Now*, p. 25

⁴Silberstein, p. 26

⁵Livingston, Biographical sketches, p. 560, cited in Hitchcock 3; rest of info about childhood, Hitchcock p. 2

⁶"Timothy Walker: Blackstone for the New Republic," by M. Paul Holsinger, *Ohio History*, Volume 84, p. 146

⁷Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 10

⁸Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 13

⁹Sutherland, Arthur E. *The Law at Harvard*.

- Harvard University Press. Cambridge: 1967, pp. 92 ff
- ¹⁰Glazer, Walter. "Cincinnati in 1840: the social and functional organization of an urban community during the pre-Civil War Period," p. 12
- ¹¹Ohioan history, 147
- ¹²Gordon A. Christenson, "A Tale of Two Lawyers," 71 *University of Cincinnati Law Review* 457-92 (2002), p. 471
- ¹³Letter, Story to Walker, 11.24.1830, Walker papers (on deposit at the Cincinnati Historical Society)
- ¹⁴From the Cincinnati Law School's prospectus, issued on May 29, 1833
- ¹⁵March, David D. *The Life and Times of Charles Daniel Drake*. Unpublished thesis, University of Missouri, 1949. Our thanks to the University's very helpful librarians in Columbus.
- ¹⁶Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 67
- ¹⁷Barrow, Historical Note on the U of C COL p. 290
- ¹⁸deChumbrun, Clara Longworth. *The Making of Nicholas Longworth* (citing Walker's journal)
- ¹⁹*Cincinnati Chronicle*, 09.01.1838, Walker papers (on deposit at the Cincinnati Historical Society)
- ²⁰From a March 1840 letter to Walker signed by a number of students at the school, Walker papers (on deposit at the Cincinnati Historical Society)
- ²¹"Timothy Walker: Blackstone for the New Republic," by M. Paul Holsinger, *Ohio History*, Volume 84, p. 152
- ²²Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 68
- ²³Walker, Timothy. "An Oration on the Life and Character of John Quincy Adams, delivered before the citizens of Cincinnati on the 22nd day of March, 1848, published by J. F. DeSilver
- ²⁴Walker, Timothy. "The Reform Spirit of the Day." Oration before the Phi Beta Kappa Society of Harvard University, July 18, 1850, published by James Munroe and Company
- ²⁵Many of these details come from March's book, op. cit., or from his article, "Charles Daniel Drake of St. Louis," in the *Bulletin of the Missouri Historical Society*, Vol. IX (1952-53), 291-310.
- ²⁶From Drake's "Address," delivered May 8, 1878, at the annual commencement of the Cincinnati Law School, LAW Microforms, Fiche 30-5418, University of Cincinnati Archives and Rare Books

Historical photos used with permission: Cincinnati Museum Center, Cincinnati Historical Society Library and Public Library of Cincinnati and Hamilton County

What no one in the audience that day knew, or could have known, was that the Cincinnati Law School was on the verge of scaling dramatic new heights of its own. But by the time the school celebrated its 50th anniversary in 1883 — a scant five years after Drake's remarks — the signs pointing to a new and golden era already were abundant.

Historians in recent years have shied away from the heroic approach to interpreting history. The times call forth the man, they argue, rather than the other way around. But Timothy Walker stands as an interesting exception. He changed the world around him in ways that few others could have.

Plunging into law relatively late in life — a half-decade older than many of his fellow students — he was a man in a hurry. He devised an elaborate short cut: Win a place in a prominent Eastern law firm a year or more early by doing his unloved internship in Cincinnati. Probably in that same spirit of hurried ambition, he joined multiple associations in his adopted city, and made valuable connections.

But something happened to Walker, over those next few professionally formative years. Having succeeded

beyond his wildest expectations, he found himself unable simply to *enjoy* that success. Instead, he began looking for, and finding, ways to create opportunities for others, and elevate his profession. With Salmon P. Chase, he founded an ill-fated literary review. With his law partner and a judge, he founded Ohio's first law school. When that school was firmly underway, he established and funded a law journal for western lawyers. In all these ventures — as with the geometry text he wrote in his 20s, and the sweeping exposition of American law that he produced in his 40s — he held himself to the highest of standards.

Restlessness, ambition, generosity, an openness to new ideas, and relentlessly high standards: These were the traits that Walker imbued in his infant school. They proved an enduring legacy.

To be continued...

Happy Anniversary! The law school, alumni and friends celebrated 175 years of greatness at the Anniversary Gala. Highlights of the event include author John Grisham, who met with students and presented the keynote address; a visit by Ohio's Governor Ted Strickland; and the many alumni who returned to celebrate at this very special event. The following pages include photos of the events. For more, visit www.law.uc.edu/175.

January 25, 2008

175th Anniversary Gala



1



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6



4



7

1. Angela Chang, David and Krista Nufrio
2. Pat and Harvey Kennedy, Michael Solomine, Tom Langlois
3. Jerry Baldwin, John Cobey, Ann Ransom
4. Irwin Katzman
5. Jim Walkley, Kate Furlong, Trevin Pearl
6. University of Cincinnati Pep Band
7. Geri Geiler, Roshani Hardin
8. President Nancy Zimpher
9. Gordon Christensen, John Murphy
10. President Nancy Zimpher, Governor Ted Strickland, Dean Lou Bilionis
11. Bert Lockwood, Bob Martineau, Sr.



12. Top L to R: Janet Howard, Terri Abare, Laura Reyering

Bottom L to R: Bill and Rosemary Reyering

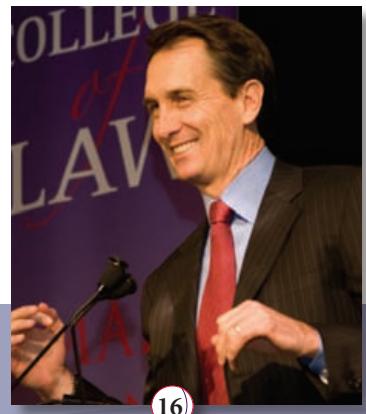
13. John Cranley, Sue Doan

14. John Grisham

15. Governor Ted Strickland, Cris Collingworth, Dean Lou Bilionis

January 25, 2008

175th Anniversary Gala continued



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18)



19)



20)



21)

16. Cris Collingsworth
17. Diane and Jim Katsonis, John and Gloria Goering
18. Dick Ward, Ginny Eaton, Genevieve Pennington, Leon Wolf
19. John and Jill D'Shea, Don Rafferty, Kevin Flynn, Pete and Carol Ney
20. Francie Williams, Lou Gilligan

21. Deni Tato, Charlie Luken, Lorrie Platt
22. Tom Ani, Judge John West, Jeff Shoskin, Dean Lou Bilionis
23. Candi Taggart, Bob Caress, Mike Debbeler
24. John Murphy, Dean Lou Bilionis, Joe Tomain



25. Cheryl Campbell, Steve Wolnitzek, Melany Stinson Newby and Dave Campbell

26. Robert Steinberg, Stan Chesley, Sarah Fairweather, Billy Martin

27. Katy Hollister, Alex Stillpass

28. Julie Woodside, Vivian and Jim Schwab

January 25, 2008

Ohio Innocence Project Reception



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10)

1. Dan Burke, Aine Baldwin
2. Gary Reese, John Grisham, Mark Godsey
3. Will and Helen Ziegler
4. Rob Richardson
5. Jim Helmer
6. Buck and Patti Niehoff
7. Mike Schwartz, Maria Palermo
8. Dick and Lois Rosenthal, John Grisham
9. Jill and Jack Fuchs
10. Judge Nate Jones, John Grisham, Billy Martin



11



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11. John Grisham, DeeDee Chesley, Stan Chesley, Rick Chesley, Dean Lou Bilionis

12. Victor Schwartz, John Grisham

13. Dan Buckley and Ann Marie Tracey

14. Frank and Julia Woodside

15. Marcia and Richard Williams

16. Mary Healy, Judge Susan Dlott, John Grisham, Nancy Lawson, Barbara Bromberg

17. Walter and Trish Smitson

18. John Grisham, Paula and Nate Lampley

19. Patrick Hornschemeier and Margaret Clark

20. Margaret Buchanan, Mike Carroll

21. Barbara Gould, Dean Lou Bilionis, Mark Godsey

Anniversary Celebration Features

Alumni "Teach In"



W. Kelly Johnson

As part of the law school's Anniversary celebration, alumni came home to teach! On Tuesday, October 30, 2007, alums took center stage as teachers for the day, bringing "real world" experiences to the classroom. They visited 18 classes, offering their insights and perspectives on the issues of the day.

Many visiting alumni were practicing attorneys in Cincinnati; however, some came from as far away as Florida, Georgia, Texas and Delaware. They included former Corporate Law Fellows, Urban Morgan Institute Fellows, and one of the first graduates of the JD/MA in Women's Studies program. The participants included attorneys from The Kroger Company, Florida State University, Duke Energy, the Coca-Cola Company, numerous law firms, and the U.S. District Court, Southern District of Texas.

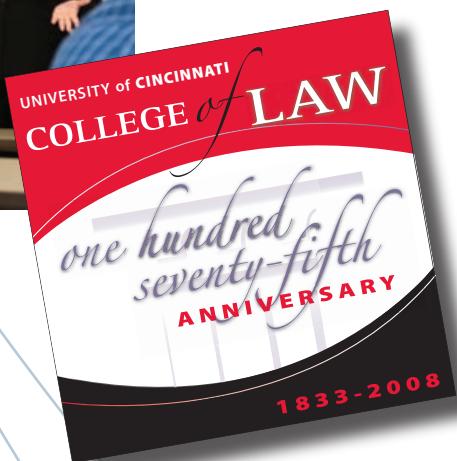
Thanks to 3L Jeanelle Gonzalez-Kelly, the student representative on the Anniversary Planning Committee, for suggesting this idea. And, thanks to Faculty members who helped identify many of the alums who "came back" to visit law school classes.



Tarik Haskins

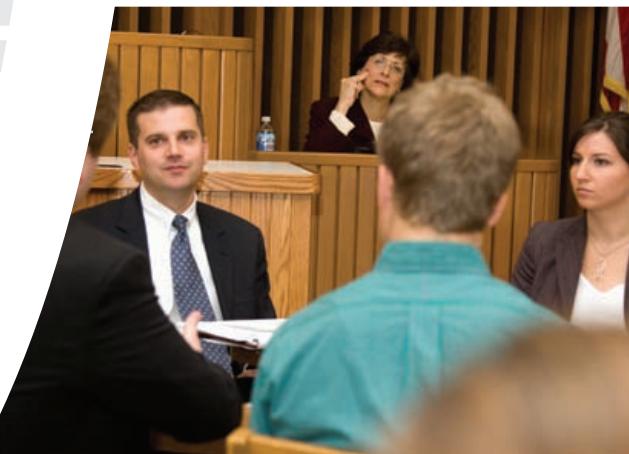


Janet Abaray



Participants Included:

Janet Abaray, '82	Cincinnati	(Burg, Simpson)
Christine Buttress, '79	Cincinnati	(Graydon Head & Ritchey)
Terry Coonan, '95	Tallahassee, FL	(Florida State University)
Tarik Haskins, '01	Wilmington, DE	(Morris, Nichols, Arsh & Tunnel)
Lou Gilligan, '64	Cincinnati	(Keating, Muething & Klekamp)
W. Kelly Johnson, '86	Cincinnati	(Federal Prosecutor's Office)
Hon. Nancy Johnson, '78	Houston, TX	(US District Court, SD Texas)
Tom Korbee, '77	Cincinnati	(The Lawrence Firm)
Clayton Kuhnell, '01	Cincinnati	(Dinsmore & Shohl)
Lori Landrum, '93	Cincinnati	(Frost Brown Todd)
Rick Landrum, '93	Cincinnati	(The Kroger Company)
Deboray Lydon, '79	Cincinnati	(Dinsmore & Shohl)
Laura Martin, '92	Dayton	(Behnke, Martin & Schulte)
Katie Morgan, '97	Cincinnati	(Frost Brown Todd)
Jill O'Shea, '86	Cincinnati	(Duke Energy)
Kenya Pierre, '01	Atlanta, GA	(The Coca-Cola Company)
Eric Robbins, '01	Cincinnati	(Ulmer & Berne)
Brie Rogers, '02	Cincinnati	(Taft, Stettinius & Hollister)
William Sherman, '94	Cincinnati	(Robbins, Kelly, Patterson & Tucker)
Michael Schwartz, '92	Cincinnati	(Vorys, Sater, Seymour & Pease)
Kevin Schad, '93	Lebanon, OH	(Schad & Schad)
Lea Webb, '01	Cincinnati	(Webb & Pillich)



Top to bottom: Tom Korbee, Laura Martin,
Lori Landrum, Eric Robbins

Order of the Coif Visitor Dean Jesse Choper Visits Law School

By Professor Christo Lassiter
and Jeanelle Gonzalez-Kelly, 3L

On November 15, 2007, Dean Jesse Choper delivered the inaugural Order of the Coif Distinguished Visitor Lecture as part of the year long celebration of the 175th Anniversary of the University of Cincinnati College of Law. The College of Law is a founding member of the Order of the Coif, which honors the top 10 percent of the graduating class each year. Associate Dean Barb Watts first saw the possibility of hosting the Order of Coif's Distinguished Visitor Lecturer and worked with Professor Christo Lassiter, Secretary of the UC Chapter of the Order of the Coif, and Third-Year student Jeanelle Gonzalez-Kelly to host Dean Choper. Dean Choper's presentation was entitled: "Liberal and Conservative Supreme Court Justices: Evolution to the Roberts Court." The lecture was well attended by all law students, faculty, and members of the administration.



Choper's experience is rich

Upon graduation from the University of Pennsylvania Law School, Dean Choper served as law clerk to Chief Justice Earl Warren. At the conclusion of his clerkship, Dean Choper taught at the Wharton School of the University of Pennsylvania (1957-60) and the University of Minnesota (1961-65), before joining the faculty at the University of California at Berkeley (formerly known as Boalt Hall) in 1965. Since 1965, he has taught constitutional law and also served as dean of the law school from 1982-1992. Dean Choper was a visiting professor at Harvard Law School, Fordham Law School, the University of Milan, Free University in Amsterdam, Autonoma University in Barcelona, and the University of New South Wales in Sydney.

From 1979 to 1998, Dean Choper was one of the three major lecturers at the U.S. Law Week's Annual Constitutional Law Conference in Washington, D.C. He has also delivered major lectures at the University of Michigan, Cornell, Illinois, and Minnesota. In addition Dean Choper has held leadership positions in the American Academy of Arts and Sciences, National Order of the Coif, American Association of Law Schools, and the American Law Institute. In 1998, Dean Choper received the UC Berkeley Distinguished Teaching Award and the Rutter Award for Teaching Distinction at Boalt Hall in 2006. The Boalt Hall Alumni Association presented him with a faculty Lifetime Achievement Award in 2005.

Dean Choper has authored *Judicial Review and the National Political Process: A Functional Reconsideration of the Role of the Supreme Court*, which received the

Order of the Coif triennial award in 1982, and *Securing Religious Liberty: Principles for Judicial Interpretation of the Religious Clauses*. His recent work includes the tenth edition of his casebook on Constitutional Law and sixth edition of his casebook on Corporations; the second edition of *The Supreme Court and its Justices*; and *The Political Question Doctrine: Suggested Criteria* in the Duke Law Journal (2005).

Law School visit is varied

Dean Choper's visit began on the evening of November 14, with dinner with several members of the faculty and student body leaders. The evening was filled with rolling, thoughtful conversations. At its close, a student remarked that it was, "refreshing to meet someone with such distinction who is also so down to earth."

The next morning members of the Law Review, Moot Court, Human Rights Quarterly, Immigration Law Journal, and the Freedom Center Journal were afforded the opportunity to greet and talk informally with Choper. He then moved on to a coffee hour open to the College of Law's faculty. The day ended with a meeting with members of the Federalist Society, the Law Democrats, and the ACS.

Throughout his visit, Dean Choper met with several classes including Professor Lassiter's White Collar Crime class where the topic of the class was the Expansion and Contraction of Federal Jurisdiction and the discussion focused on when it is appropriate to allow federal jurisdiction to supersede suspect judgments made by state prosecutors. Later, Dean Choper met with Professor Ronna Schneider's



Dean Choper speaks with 3L Sarah Sparks.

Education Law class where the topic was centered on the recent Supreme Court decisions of *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*. Finally, the dean met with a joint class combining Professor Bert Lockwood's and Professor Chris Bryant's Constitutional Law classes where the topic was Choper's book, *Judicial Review and the National Political Process* and his views regarding the wisdom of judicial enforcement of federalism.

Getting to know us

Although seemingly a whirlwind of events and lectures, Dean Choper took his visit to Cincinnati as an opportunity to become more acquainted with the students and faculty of the law school. The College of Law greatly benefited from his generous spirit and willingness to join in the celebration the school's 175th Anniversary. Dean Jesse Choper's visit will long resonate in the memories of current students and add to a long resume of distinction in the annals of the University of Cincinnati College of Law.

Guilt v. Innocence ... Good v. Evil... the Impact of Science on Personal Responsibility is Examined at Annual Weaver Symposium

By Dr. Douglas Mossman, Administrative Director, Glenn M. Weaver Institute for Law and Psychiatry

Will science's rapidly advancing discoveries about the brain soon make punishment and personal responsibility obsolete? How will 21st-century psychiatric explanation change our fundamental notions of guilt, innocence, good, and evil?

These were two of several questions to which psychiatrists, philosophers, and law professors responded at "Revising the Frontiers of Responsibility and Blame: How Neuroscience Is Reshaping Philosophy and the Criminal Law," a symposium held October 11, 2007 at the University of Cincinnati College of Law.

More than 150 students, scholars, and practitioners of medicine, law, psychology, and philosophy attended the symposium, which was co-sponsored by UC College of Law's Glenn M. Weaver Institute of Law and Psychiatry, the Department of Philosophy, and the College of Medicine.

Impact of human action

Traditionally, the law has viewed human action as the outgrowth of our beliefs and desires, and society has seen people as potentially blameworthy and punishable because they can control their own behavior. But psychiatrists and neuroscientists now explain behavior in ways that

challenge the core beliefs upon which law and Western society ascribe responsibility and blame.

Explaining their positions

The program opened with a presentation by psychiatrist Douglas S. Lehrer, who helps lead neurobiological research at the Wright State University Boonshoft School of Medicine. After describing psychiatry's historical efforts to link brain abnormalities to mental pathology, Dr. Lehrer discussed how recent neuroscientific discoveries have led psychiatrists to regard schizophrenia, depression, and other serious mental disorders as problems of signal processing and faulty brain circuitry.

Next up was Stephen J. Morse, the Ferdinand Wakeman Hubbell Professor of Law and Professor of Psychology and Law in Psychiatry at the University of Pennsylvania. Contemporary neuroscience is fascinating, said Professor Morse, but the field does not challenge the law's view that people are responsible agents. Even if conscious will is an illusion (as some neuroscientists argue), and even though all conscious processes have their origins in brain processes, human actors still form conscious intentions that we can discern and that cause us to act. Moreover, we simply cannot

conceive of ourselves as anything other than rational, intentional beings who act for reasons. As such, concluded Professor Morse, our choices and behavior remain proper subjects of the criminal law, which seeks to decide which actions are punishable.

Echoing many of Professor Morse's sentiments was John Bickle, Head of the Department of Philosophy and Professor in the Neuroscience Graduate Program at UC. Professor Bickle also argued that causal determinism simply does not yet meet science's requirements of observation, change with manipulation, and integration with the abundance of other information about human action. Moreover, said Professor Bickle, existing legal principles can comfortably assimilate the new neuroscience with little conceptual change. The law thus remains well prepared to receive new scientific details and new sources of evidence.

Valerie Gray Hardcastle, who joined UC's McMicken College of Arts and Sciences this fall as its new dean, drew on her academic background as a philosopher of cognitive science to discuss the relationship between personal responsibility and obesity. Our society regards smoking and overeating as personal choices, said



Dr. Douglas Mossman presents.

Dean Hardcastle. Yet for many years, Americans have recognized the huge health costs of smoking and have used government regulation to reduce cigarette consumption and nicotine addiction. Some scientists believe obesity is a disease, and that because its health costs are significant, some form of social intervention is needed. Moreover, Dean Hardcastle noted, overeating shares many similarities with addiction, including the way that social networks reinforce the behavior.

Rounding out the program were comments from Glen Weissenberger, Dean of the College of Law at DePaul University (and former law professor at UC) and Stephen Strakowski, Chair of Psychiatry, Psychology, and Neuroscience at the UC College of Medicine. Dean Weissenberger emphasized the central role that free will plays in legal explanation and

the ways that we think about our own activities and choices. Though Dr. Strakowski has spent his research career probing the links between brain function and psychopathology, he still regarded scientific behavioral explanation as grounded in the same kinds of concepts that the law uses to make decisions about personal responsibility.

At the conclusion of the symposium, attendees could feel comforted in the knowledge that modern neuroscience will not soon collapse the philosophical groundings of the law. Yet courts and lawyers must anticipate that fact-finders will increasingly hear evidence from experts whose psychiatric and neuroscientific expertise relies on increasingly detailed, sophisticated conceptions of how brains create mental processes.



**Freedom Center Journal Hosts
Inaugural Symposium:
Reconstructions:
Historical Consciousness
and Critical Transformation**

By Nayia Patel, 3L



The *Freedom Center Journal* ("FCJ") is a joint, scholarly publication of the University of Cincinnati College of Law and the National Underground Railroad Freedom Center. The FCJ, edited and published annually by students of the Law School, explores the legacy of historic struggles of freedom in order to understand ongoing subordination and craft strategies for social change.

Specifically, the FCJ fosters discussion on issues of race, freedom, justice, and law among scholars, legal practitioners, law students, and theorists from other disciplines. For its student editors, the FCJ serves as a forum

of vibrant debate, critical reflection, and rewarding self-education. More

broadly, the FCJ serves as a resource for the larger law school, legal, and local communities, and as a means of providing innovative analysis of the most pressing and cutting-edge issues of the day. Each issue of the FCJ will include articles, comments, essays, and/or book reviews, which will cover a diverse range of theoretical, practice, legal, and policy matters relating to freedom and justice.

During the past two academic years (2006-2008), the FCJ has transitioned from an independent research and writing class to a student-run journal where highly motivated students are provided a meaningful journal experience through: participation in topically-related reading groups; research and analysis in the writing of student notes and articles; collaborative editing and feedback on student writing; interaction with publishing

scholars and invited speakers; and selection, editing, and publication of student and scholarly pieces.

On October 26, 2007, the FCJ and the National Underground Railroad Freedom Center sponsored the inaugural symposium of the FCJ titled *Reconstructions: Historical Consciousness and Critical Transformation*. The symposium featured many of the nation's prominent scholars who enlightened the audience with their expertise on: the barriers to historical consciousness, particularly concerning subordination; what the reconstructed histories tell us about the current state of subordinated groups; and how we can affect a critical transformation that is truthful about our history and committed to overcoming it.

During a post-symposium evaluation meeting, FCJ's Associate Editor, Joshua Cohen, expressed



UC Professor Emily Houh responds to a question.



Alfred Brophy, University of Alabama School of Law.



Kevin Noble Maillard, Syracuse University College of Law.



Margaret Montoya and Christine Zuni Cruz, both University of Mexico School of Law.

how, “it was very memorable and meaningful to have been a part of FCJ’s inaugural symposium and to have had the opportunity to meet figures as respected and renowned as those who spoke.” According to FCJ’s Executive Editor, Kelly McCloud, “The symposium was a tremendous success! The panel discussions and audience interaction were vibrant, thought-provoking, and inspiring! Likewise, the opportunity to meet informally with the speakers and chat with them on various issues was memorable and delightful. The symposium’s success was a real testament to the hard work, dedication, and commitment of the Journal members, our faculty advisors, and the UC community.”

Since the success of the FCJ Symposium and its very first issue, the time has come for the Executive Board to pass the torch to a group

of ambitious editors. The Executive Board is confident that they will continue to add to the vision and take the FCJ to a higher level. Joshua Cohen is eagerly planning ahead: “I feel privileged to be contributing to the production of the initial issues, and I hope that, as a 3L, I can help develop FCJ into a highly regarded publication. I am also optimistic that, through symposia, discussion groups, and published articles, we can foster thoughtful and open discussions about issues that don’t always get the attention they deserve in the law school setting.”

The FCJ is an exciting new endeavor and with the commitment of 12 associate editors, six executive editors, and three faculty advisors, it aspires to be an integral and permanent part of the University of Cincinnati College of Law.

Naiya Patel, author of this article, is the Editor in Chief ('07-'08) of the Freedom Center Journal

Law School's Black Law Student Association Hosts Midwest Convention in Queen City

By Jasmine Robinson, 2L

On January 16-20, 2008 UC's chapter of the National Black Law Students Association (BLSA) had the honor of bringing the Midwest BLSA Convention to Cincinnati. Held at The Westin Cincinnati, this annual event brought together students and leaders from across the Midwest for the common goal of commemorating *40 Years of History: Embracing the Past to Ensure the Future.*

Founded in 1968, NBSA is the largest student-run organization in the nation with over 200 chapters at law schools throughout the country. NBSA is a non-profit organization that promotes the professional needs and goals of minority law students. The Midwest Region of the association is composed of students from 12 states and over 45 schools and considers itself mighty because it is the largest region of NBSA.

The goal for this year's convention was to provide attendees with the skills necessary for a successful legal career and an ultimate networking opportunity. Much gratitude is given to the University of Cincinnati College of Law, the 18 sponsors, and a dynamic convention committee, all of whom made this year's convention a grand success.



BLSA students connect with future attorneys.



2L Jasmine Robinson, Chairperson, at reception.

An array of seminars, luncheons, receptions, and other networking activities filled this five-day event. Event favorites of attendees were the Journey to Judgeship Luncheon featuring current and former Ohio judges and the National Underground Railroad Freedom Center Reception that gave attendees a look at the nation's newest monument to freedom and the ideal location to embrace the past.



Tri-state judges attended BLSA convention events.

In addition to workshops, the annual convention also brought together competitors to practice the role of advocate in the distinguished Frederick Douglass Moot Court and Thurgood Marshall Mock Trial Competitions. Culminating the convention was the annual awards banquet featuring keynote speaker Laurie N. Robinson, Vice President and Assistant General Counsel of CBS Corporation and Founder & CEO of Corporate Counsel Women of Color.

This convention was even more special for the UC BLSA chapter, as it was awarded the coveted "Chapter of the Year" award during the awards banquet. "Chapter of the Year" is given to the individual chapter that best embodies BLSA and all it has to offer. Criteria for "Chapter of the Year" include local, national and international community service;

dedication to feeding the legal pipeline through academic initiatives for high school, college, and 1L students; and programming activities. When asked by the selecting committee what makes our UC chapter so great, UC BLSA President, Akanni Turner responded "We are small in number, but we are mighty."

UC's BLSA chapter competed at the National Convention, which was held March 26-30, 2008 in Detroit, Michigan for the National Chapter of the Year award.

Akanni Turner, 3L,
and Anitra Walden,
'07 graduate.

**"Congratulations!
UC's BLSA Chapter
awarded coveted
"Chapter of the
Year" award. They
competed at the
national convention
this year."**

Photography courtesy of BLSA.

Burlingame Lecture Brings Michael Powell, Former Chairman of the FCC, to Town

John H. Burlingame, for whom the UC College of Law's Lecture Series is named, as well as John D. Drinko, one of the benefactors of the Series, were happy that the Lecture Series was getting back to its roots with a topic that concentrated on Law and Media.

Michael C. Powell, the son of former Secretary of State Colin Powell, served as Chairman of the Federal Communications Commission (FCC) at a time of revolutionary change in technology and communications. He was appointed by President Bill Clinton in 1997 and was designated Chairman by President George W. Bush in 2001.

As Chairman, Mr. Powell created the right regulatory conditions to stimulate the deployment of powerful technologies, which put more power in the hands of the people. He clearly saw the importance of the rise of digital technologies and the impact they would have on our lives — from health care to education. He focused on initiatives that encouraged market-driven solutions — promoting consumer interests and innovative broadband technology approaches—such as broadband over power lines, WiFi hotspots, cable broadband, and DSL.

Chairman Powell previously served as the Chief of Staff of the Antitrust Division in the Department of Justice. In that capacity, he advised

firm clerked for the Honorable Harry T. Edwards, Chief Judge of the US Court of Appeals for the DC Circuit.

Before starting his legal career,



Michael Powell makes a point about technology.

the Assistant Attorney General on substantive antitrust matters and managed the division.

Before joining the Antitrust Division, Mr. Powell was an associate in the law firm of O'Melveny & Myers, and just prior to joining the

Powell served as a policy advisor to Secretary of Defense Richard B. Cheney. His experience includes military service as an armored cavalry officer in the US Army. While on duty, Mr. Powell was seriously injured in a training accident and — after



Hon. Michael Barrett, Tom Terp, Pamela Terp.



Larry Leser and Dean Joe Tomain.



Libby Drinko, John Burlingame, John Drinko.

spending a year in the hospital — was retired from service.

Powell graduated in 1985 from the College of William and Mary with a degree in Government. He earned his JD from Georgetown University Law Center.

Powell spent the evening speaking on the topic, "Changing Regulation For the Future: Technology and Public Policy". He led the FCC during one of the most critical times in its existence, helping it meet the challenges of new technology and outdated policy — often in the face of strong resistance to change. His vision helped drive the realization that it

is time for a significant overhaul of U.S. telecommunications policy to better fit the demands of the Information Age. Powell provided a candid look at the regulatory process, what needs to change as Congress considers a new law, and what is at stake in the process — U.S. global competitiveness, innovation and investment in the future that our children will inherit.

One of the highlights of the speech was when he told a personal story about his 14 year old son. He explained that his son was better equipped, technology-wise, than he or probably many of us. There were things that his 14 year old

could do on the computer that we would never dream of doing. It was a surprising illustration and reminder of how sophisticated and fast-paced technology is today.

Editor's note: John D. Drinko, benefactor of the Burlingame Lecture Series, passed away January 30, 2008. John was not only a valued friend to the UC College of Law, but his leadership and beneficence benefited us all in many ways. From his dedication to the legal profession, as a corporate and philanthropic board member, and as an ardent supporter of higher education, the legacy of his service and generosity will be felt for years to come.



Mike Gray, Dean Lou Bilionis, John Burlingame, Mark Contreras, Robin Davis, Alan Horton, Dee Burlingame, Jeanine Holcombe, Dave Holcombe.

The Professional: Professional Development for Law Students

By Mina Jones Jefferson

I was on a fact finding mission. I wanted to know why we should counsel students to pursue a joint JD/MBA degree. Consequently I met with an MBA admission counselor and simply asked "what is the benefit?" The response was "it



equips students with skills to manage and lead others." I snickered and said "Well, there's the problem. Our profession does not place a premium on those competencies." Admittedly, not the best way to start a meeting; however, it is what it is.

When Mark Twain wrote "[e]verything happens ten years

later in Cincinnati," the same thing could easily have been said about the legal profession. In the age of escalating starting salaries the stakes are extremely high when it comes to hiring decisions. The ability to manage talent goes a long way toward protecting the investment that accompanies each new hire. Regardless of whether we like it, the world of professional development, which has long been a part of the corporate world, is finally knocking on the door of the legal profession.

So what is professional development? It can be described as those activities that we undertake to keep our jobs or to obtain new ones. It's like personal continuing education. It is the training we receive and the activities we pursue to become proficient in our professional roles — litigator, associate, managing attorney, senior attorney, administrative partner, etc. Not every employer is doing the same thing, but just about every employer is doing *something*. A formal professional development program provides a roadmap for success. It reduces the guesswork among employees as to what it takes to succeed. It is a tool for talent management. It helps associates know what is expected of them and when. It acknowledges that while an associate needs to master "a, b and c," the timetable will vary depending on time and place.

A formal professional development program requires its own staff, not a hiring or recruiting professional wearing another hat. An effective professional development program is based on competencies, a

measurable behavior of an individual that distinguishes performance in a given job, role, organization or culture, according to Seyfarth Shaw. Identifying these competencies is a collaborative effort. It should include department heads, practice group leaders, recruiting personnel, management, administrators and junior attorneys, in a 360° fashion.

Admittedly the notion of competencies is enough to send most lawyers running. "Competencies" conjures up notions of consultants, charts and diagrams; however, the reality is that competencies should drive all talent decisions from hiring, developing, evaluating, promoting or encouraging someone to "get on with life's work!" Once identified these competencies should form the base of your hiring, evaluation and promotion processes. Your list will likely include legal research and analysis, written and oral advocacy, client service and communication, as well as working cooperatively and effectively with others.

If your organization undertakes this exercise, it behooves you to incorporate these competencies into your interview/hiring process by developing behavioral questions focused on these competencies. Past behavior is an excellent predictor of future performance. Ask summer associate candidates to tell you about a time they had to deliver bad news to a superior or to describe a situation in which they took initiative. The competencies should also form the backbone of the evaluation process, and ultimately the yardstick for promotion.

The reality of employers creating formal professional development programs behooves law schools to prepare law students accordingly. Law school career services offices are uniquely positioned to do so. I know, heresy at best, to even think that something other than “thinking like a lawyer” should be promoted within the law school context. Equally shocking is the notion that someone not devoted to full time scholarship is qualified to equip students with the tools to succeed. When you really think about it, lawyers work through and with others, which immediately implicates interpersonal skills. CSO’s offer programs to better equip students with the tools to meet the expectations that await them. UC Law is no exception. This year our students have had the opportunity to take personality inventories, learn about communication styles, emotional intelligence and thinking styles in addition to learning to think like a lawyer.

Authored by Dean Mina Jones
Jefferson, “The Professional”
highlights common issues
and challenges with solutions
designed just for you.

If you have a question or column suggestion, please email the Editor at counselor@law.uc.edu.

Two Staff Members Join Admissions Team

The Office of Admissions has two new staff members joining Assistant Dean Al Watson in the selection and recruitment



of the Class of 2011. **Jessica Butler** is the new Admissions Officer for the College of Law, joining the admissions staff last summer. Ms. Butler is a graduate of Xavier University and works with prospective students throughout the admissions process.

John Stiles is the new Assistant Director of Admissions, beginning his duties at the turn of the new year. Mr. Stiles’ primary duties revolve around the counseling and recruitment of prospective students to the

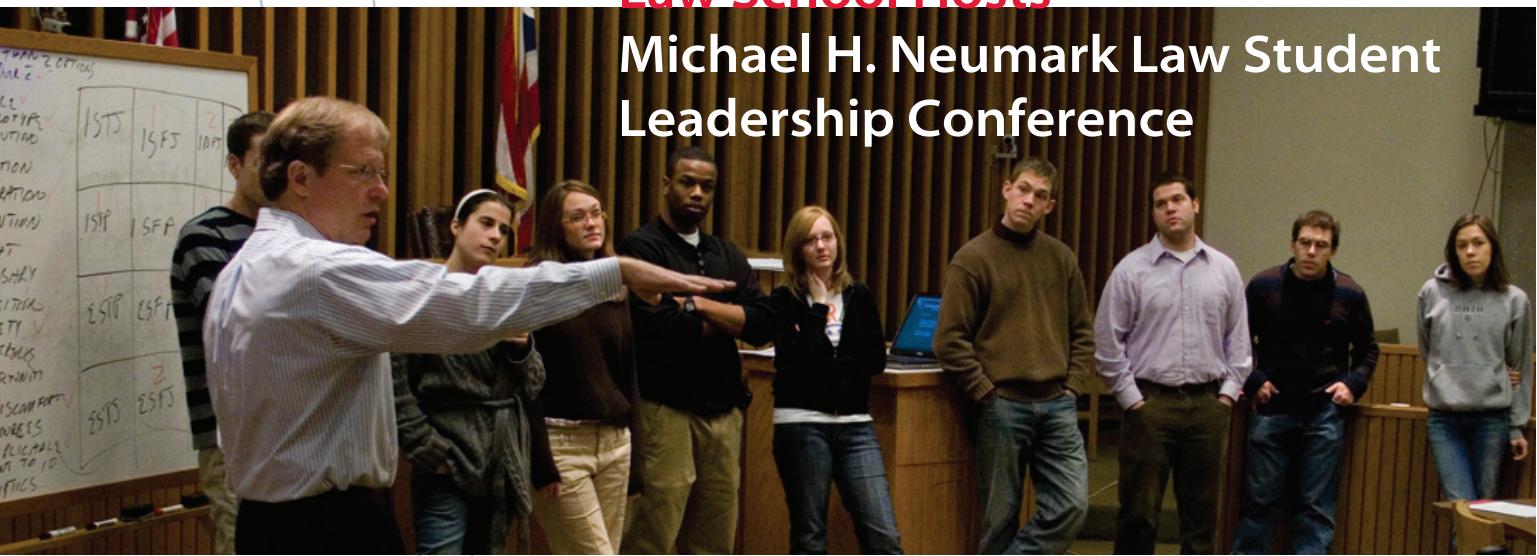
College of Law and advising the Student Ambassadors. He has extensive experience in the enrollment management and financial aid industries, bringing eight years of experience with him to this position. He has a B.A. and M.A. from the University of Dayton.



Welcome Jessica and John!

Law School Hosts

Michael H. Neumark Law Student Leadership Conference



2L and 3L students engage in an exercise.

The University of Cincinnati College of Law celebrated the return of the annual Student Leadership Conference on Saturday, February 2, 2008. Renamed the Michael H. Neumark Leadership Conference after one of the school's distinguished alumni, this event provided 24 law student leaders, nominated by their peers, the opportunity to further hone and refine their leadership skills. The half day program included a variety of speakers and workshops on topics such as leadership styles, conflict resolution, and community service. Workshops were led by Jim Mason, President and CEO of Beech Acres, who guided the students through their Myers-Briggs Type

Indicator and explored individual and group leadership styles; Kent Wellington, a Partner with Graydon Head &

Ritchey LLP, who offered his personal reflections on leadership through service; and John J. Cruze, Hamilton County Common Pleas's Senior Mediator, who led a workshop on leading past conflict and through difficult conversations.

"The advanced leadership training they received will help them make the most of their student organization experiences, as well as bridge the gap to the practice of law," said attorney and UC Law public interest coordinator Sean Rhiney.

In renaming the College of Law's Leadership program in honor of Mike Neumark, it was noted that one of his many contributions to the legal profession was the founding of the Cincinnati Academy of Leadership for Lawyers (CALL) Program — a seminar series that promotes and encourages leadership, professionalism, and the highest ethical standards among practicing lawyers. In 2005, when Mike lost his battle with cancer, the CALL program was renamed in his honor and a scholarship established

to support those who wished to participate in the program. This past year, the College of Law's Leadership program was renamed in his honor with the goal of educating the next generation of UC Law leaders with the principles that Mike so passionately demonstrated in his life.



Akanni Turner, 3L, and Greg Couter, 2L



Cameron Huey, 3L, listens closely.

2007 William Howard Taft Lecture by Professor Post: “Mr. Taft Takes Charge”



Professor Robert Post

As we celebrate the 175th Anniversary of the University of Cincinnati College of Law, it is fitting that this year's William Howard Taft Lecture highlighted the life of one of our most prominent alumnus — William Howard Taft himself. Lecturer and Professor Robert C. Post, David Boies Professor of Law at Yale Law School, is the nation's foremost expert on Taft's contributions as Chief Justice of the Supreme Court. Professor Post examined the jurisprudence of the Taft Court and the ways Taft's perspective as former president changed the role of the Chief Justice and the institution of the Supreme Court.

Professor Post started by tracing the path of William Howard Taft, as the son of a prominent Cincinnati attorney and graduate of the Cincinnati Law School. Political connections and good fortune aided Taft's progression from young

attorney to President; as Taft stated himself: “When an office fell, my plate was up.” But Taft's good fortune did not last and he only lasted one term as president. Professor Post stated that Taft “possessed neither charisma nor raw political talent” to bridge the widening gap between the competing wings of the Republican Party.

Although Taft may have been “innocent of politics,” he was most suited for judicial administration, the dominant interest of his public life. According to Professor Post, as the Chief Justice of the Supreme Court “Taft's achievements are legion.” Taft's successes as Chief Justice were not due to his striking opinions or jurisprudential vision. Indeed, his contemporaries remember his decisions as “rather spongy” and unmemorable. But Chief Justice Taft is most well known for his reform of judicial administration. As Professor Post stated, through the Judiciary Act of 1925, Taft “transformed the United States Supreme Court from a tribunal of last resort into something like the supervisor of the system of federal law.” Taft was also well known for his ruthless efficiency. According to Professor Post, Taft “mov[ed] heaven and earth to push the Court to diminish its embarrassingly large backlog of cases. Yet, the dominant image of Chief Justice Taft was that of a man who could easily dispose of executive details without friction.

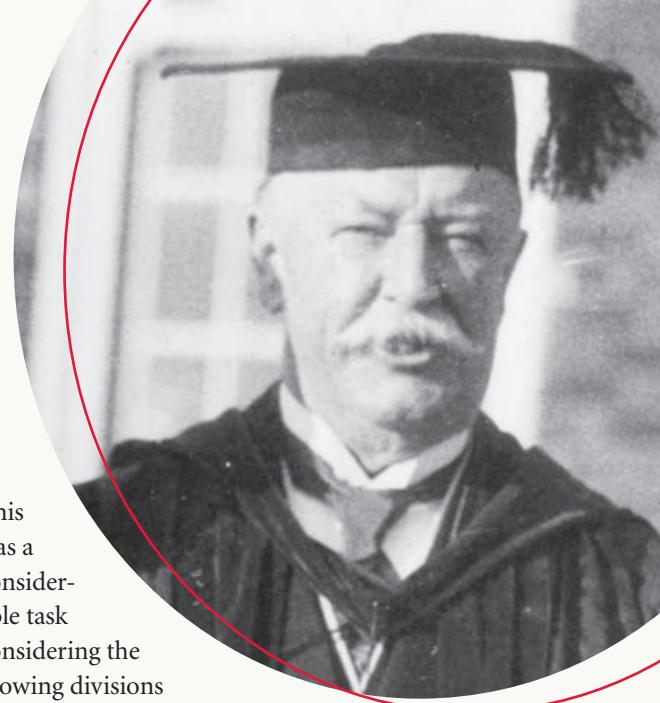
This was a considerable task considering the growing divisions within the Court and the country at large.”

Indeed, the Taft Court was “caught at the cusp between two eras.” Taft's jurisprudential style of “progressive conservatism” reflected the ambivalence and confusion of the country as a whole. Professor Post summarized the muddled jurisprudence that followed “as a hesitant effort both to conserve pre-war deities and to accommodate the consequences of profound social change.” As a result, “the Court's jurisprudence has largely sunk into an oblivion as deep as that of Taft himself.”

Yet, while the contributions of the Taft Court have been largely forgotten, Taft's role as judicial reformer and administrator leave much to be celebrated.



Former UC Law Dean Gordon Christensen, Professor Post, former Ohio Governor Bob Taft, and UC Dean Louis Bilionis



Law School Mourns Loss of Dr. Glenn Weaver, Founder of the Glenn M. Weaver Institute for Law and Psychiatry

Glenn M. Weaver, M.D., a long-time member of the adjunct faculty at The University of Cincinnati College of Law and founder of the Glenn M. Weaver Institute for Law and Psychiatry, died October 25, 2007 at age 86. Dr. Weaver maintained an active psychiatric practice and continued to teach at the College of Law until just a few weeks before his death.

"Dr. Glenn Weaver helped transform the College of Law," said University of Cincinnati College of Law Dean Lou Bilionis. "Glenn's vision for the Institute that bears his name, his drive to see it succeed, and his passion for work at the intersection of law and psychiatry were inspiring. We have lost an engaged and engaging colleague, and a dear friend."

Funeral services were held on October 30, 2007 at the Gwen Mooney Funeral Home, 4389 Spring Grove Avenue.

Get to know Dr. Weaver

Dr. Weaver was born and raised in Huntington, West Virginia. He received his BS degree from the University of Cincinnati in 1943 and his MD from UC's College of Medicine in 1945. After completing an internship at St. Louis City Hospital, he served as Captain in the US Army Medical Corps in Germany during the military occupation that followed World War II. He returned to Cincinnati for his psychiatry residency, training at Cincinnati General Hospital, Longview State Hospital, and Christ Hospital.

After completing his residency, Dr. Weaver practiced clinical psychiatry in Cincinnati for the next 55 years. For more than 20 years, he served as an instructor in the Department of Psychiatry at UC's College of Medicine. He later became Director of the Department

of Psychiatry and Coordinator of Teaching and Psychiatry at The Christ Hospital. In addition, he provided testimony as an expert in hundreds of trials and other legal proceedings in Southwest Ohio and across the United States.

The subsection of law & psychiatry

Dr. Weaver's deep interest in the interaction between law and psychiatry led him to spend countless hours promoting a greater understanding of the ways in which these two areas intersect. A specialist in the field of forensic psychiatry since its development in the 1950s, he became a charter member of the Midwest Chapter of the American Academy of Psychiatry and the Law. He also served as president of the Cincinnati Society of Psychiatry and the Cincinnati Society of Neurology and Psychiatry. He was a member of the American Academy of Legal Medicine, the American Society of Law and Medicine, the International Academy of Law and Mental Health, and the American College of Legal Medicine. In addition to treating outpatients and inpatients, Dr. Weaver served as a consultant and special examiner for many local

Welcome the Law School's newest student organization — the student ambassadors!

The Student Ambassadors are SBA's newest student organization. Founded in 2007 as a student volunteer organization devoted to assisting the Office of Admissions, members lead tours of the building for prospective students, conduct telephone campaigns of accepted students, and participate in the admissions office's newest recruiting endeavor—online chats. Twenty-five students began the organization last year, but interest has increased significantly this year, with over 50 new members attending the initial orientation meeting.

Good luck Student Ambassadors!



Dr. Weaver and his wife.

courts and agencies. In 1984, he became one of the first medical professionals in the region to be board certified in forensic psychiatry.

In 1986, Dr. Weaver began teaching as an Adjunct Professor of Law and Psychiatry at the College of Law. In 1998 he founded The Glenn M. Weaver Institute for Law and Psychiatry, which is dedicated to helping students with special interests in mental health law. The Institute's overarching mission is to provide opportunities to learn more about how psychiatry contributes to the resolution of very diverse legal issues, including criminal, civil, correctional, or legislative matters, along with social policy that affects mental health and legal concerns.

A work in progress

Always interested in advancing his own knowledge about the law, Dr. Weaver could often be found taking classes alongside students—learning about criminal law, torts, evidence, and procedure. UC law students who took Dr. Weaver's course often had the startling experience of seeing that one of their instructors was also their classmate! Dr. Weaver was active in neighborhood and community organizations, which reflected his belief that professional acclaim and personal achievements are inconsequential if the fruits of those achievements are not used to enlighten society and improve the human condition. This belief not only motivated his service, but also underlined his vision for the Institute.

Dr. Weaver will be greatly missed by his colleagues and fellow students at the College of Law. We will remember him as a thoughtful and ever-curious clinician, a dedicated teacher, an extremely generous gentleman, an avid consumer and admirer of scholarship in science and the law, and as a superb exemplar of life-long learning.



Katsanis Scholarship Awarded to Outstanding Student

Melissa Loundsbury, '09, was recently presented with the Katsanis Scholarship. A 2001 graduate of Tulane University, she majored in history and graduated cum laude. Before joining the law school in 2006, she worked as a teacher, first with the Houston Independent School District, and more recently with Mason City Schools in Cincinnati, OH. In addition to an outstanding academic standing in the Class of 2009, Loundsbury has remained active in the community with Habitat for Humanity, as a student mentor, and as a literacy tutor with local elementary schools.

Melissa Loundsbury, 2L, is presented with Katsanis Scholarship check.

Faculty Briefs PUBLICATIONS & HONORS



Marjorie Corman Aaron,
Professor of Clinical Law and Executive Director, Center for Practice, taught Advanced Decision Analysis Workshop

and Negotiations. She also taught:

- Two three-day negotiation workshops to representatives of various New Zealand government ministries under the auspices of the Leadership Development Centre in Wellington, New Zealand.
- A course on Decision Analysis at North Carolina Central State University.

Aaron published *On Negotiation, in Negotiating Outcomes*, part of Harvard Business School Publishing's Pocket Mentor Series.

She also designed and facilitated three new CLE programs in conjunction with the Center for Practice, drawing insight from acting, improvisation, communication, rhetoric, and debate for legal practice:

- *Great on Your Feet and In the Moment* (with Daniel J. Donnellon of Keating, Muethling & Klekamp) targeted the challenge of quick and effective responses;
- *Lawyers Present ... So Present Well* (with Shelley Bamberger Bailey of i-Cue Communications) aimed at polishing formal presentations; and
- *Drama Does It for Lawyers* (with John Bromel (Playhouse in the Park) & Melinda Seibert (Ovation Theater) focused on voice, tone, timing, stance, and gesture with clients, counsel, colleagues, and the court.



Timothy K. Armstrong,
Assistant Professor of Law, taught Computer & Internet Law and Introduction to Intellectual Property.

He presented *Open Access in Law* to the faculty, and was a panelist (with Paul Caron and John Hopkins) on *Faculty Time-Saver Technology Tips*, as part of the College's Faculty Development Series.

Armstrong was the discussant for a faculty workshop by Bernadette Atuhene (Chicago-Kent) on *The Legitimacy of Property Rights* as part of the College's Faculty Colloquia Series.



Lin (Lynn) Bai,
Assistant Professor of Law, taught Corporate Finance. She presented *The Uptick Rule of Short Sale Regulation: Can It Alleviate*

Downward Price Pressure from Negative Earning Shocks? at the Annual Meeting of the European Association of Law and Economics in Copenhagen, Denmark.

Bai posted *There are Plaintiffs and... There are Plaintiffs: An Empirical Analysis of Securities Class Action Settlements* (with James D. Cox (Duke) & Randall S. Thomas (Vanderbilt) on SSRN.)



Marianna Brown Bettman,
Professor of Clinical Law, taught Torts and Legal Ethics. She received the Cincinnati NAACP's

Fair and Courageous Award at the organization's 52nd Annual Freedom Fund Dinner.

She presented:

- *Highlights of the Past Term of the Ohio Supreme Court* at the Annual Meeting of the Ohio Judicial Conference
- *Highlights of the Past Term of the Supreme Court of Ohio (June 2006-June 2007)* at CLE Programs at the UC Alumni Association and the Cincinnati Bar Association.

Bettman hosted visits to the College by:

- Kathleen Brinkman, who spoke to the students on *Your Money and/or You*

Life: My Career Prosecuting Crooks as part of the Harris Distinguished Practitioner Program;

• Judge John West, Hamilton County Court of Common Pleas, presided over a plea, a sentencing hearing, and an insurance coverage issue, and conducted a Q&A session with the students at the end of the session.

Bettman was appointed by Chief Justice Moyer to serve on the new Ohio Supreme Court Task on the Code of Judicial Conduct. She also was appointed to the History Advisory Board of the Cincinnati Museum Center.

In addition, she wrote monthly *Legally Speaking* columns for the American Israelite, Cincinnati Herald, and City Beat. She also arranged (with Jenny Carroll) a lunchtime program on *Representing the Unpopular Client* with local criminal defense lawyers Cathy Adams, Marty Pinale, Scott Rubenstein, and David Singleton.

Finally, Bettman designed and organized a CLE program on *Children Exposed to Batterers: Making Trauma-Informed Custody and Visitation Decisions* for judges and magistrates of the Hamilton County Domestic Relations Court, sponsored by the YWCA of Greater Cincinnati Family Violence Prevention Project and the College's Domestic Violence and Civil Protection Order Clinic. She taught a class on tort law at the Institute for Learning in Retirement at Raymond Walters.



Joseph Biancalana,
Judge Joseph P. Kinneary Professor of Law, was on academic leave. He published *The Origin and Early History of the Writs of Entry*, 25 Law & Hist. Rev. 513 (2007). His article, *Early Chancery Jurisdiction over Testamentary Matters*, was accepted for publication by Tijdschrift voor Rechsgeschiedenis

Biancalana presented *Assumpsit, Consideration and Early Chancery* at the 18th British Legal History Conference at Oxford. He also participated on a panel on Chancery with Michael McNair (Oxford), Neil Jones (Cambridge), and John Langbain (Yale).



Louis D. Bilionis, Dean and Nippert Professor of Law,

attended the annual ABA meeting in San Francisco and visited with Bay-area UC alumni, including a graduate from the Class of 1930. He gave a welcoming address to the College of Law Class of 2010 during Orientation Week.

Dean Bilionis hosted the College's semi-annual Board of Visitors meeting and participated in the Corporate Law Center Advisory Board meeting. He hosted the Constitution Day program on Thurgood Marshall and the Burlingame Lecture with Michael Powell.

In addition, Bilionis presided at the College's 175th Anniversary Kickoff celebration (with William Howard Taft and UC President Nancy Zimpher) and dinner. He was selected to serve as Chair of the College-Conservatory of Music Dean Search Committee and as a member of the UC Diversity Council.

He moderated a panel on *Representing the Unpopular Client* at the College. He spoke on *First Amendment Freedom of Association Protection for Fraternities and Sororities* at the 11th National Fraternal Law Conference held in Cincinnati.

Bilionis participated in panel discussion on Ethical Ramifications of Conflicts of Interest at Dinsmore & Shohl's *Ethics, Professionalism, and Substance Abuse: Conflicts of Interest* CLE seminar.

He serves as vice chair of the Council of Deans at UC and serves on UC's Diversity Council. He served on an

action team on effective governance as part of the Cincinnati USA Chamber's Agenda 360 initiative. He was invited to participate in a conference on *Legal Education at the Crossroads* held at University of South Carolina.



**Barbara Black,
Charles Hartsock
Professor of Law,**
taught Corporations I. She published *Tattlers and Trail Blazers: Attorneys' Liability for Clients' Fraud*, 46 Washburn L.J. 91 (2006).

Black's article, *Should the SEC be a Collection Agency for Defrauded Investors?*, was accepted for publication in The Business Lawyer. She presented:

- Stoneridge Investment Partners v. Scientific-Atlanta (8th Cir. 2006): *What Makes It the Most Important Securities Case in A Decade?* at Supreme Court Preview Symposium — Scheme Liability, Section 10(b), and Stoneridge Investment Partners v. Scientific Atlanta, organized by the Center for Business Law and Regulation at Case Western.
- *The Role of Corporate Counsel in Fostering an Ethical Environment* at the Southwest Ohio Chapter of the Association of Corporate Counsel America CLE seminar.
- *Should the SEC Be a Collection Agency for Defrauded Investors?* at the Corporate Women Scholars Conference at Seattle University School of Law. She also presented the paper as part of the 11th Annual UC Faculty Summer Scholarship Series.

Black spoke on a variety of securities arbitration and ethical issues at both the Securities Law Program and the Annual Meeting of the Public Investors Arbitration Bar Association (PIABA). She was an invited participant in the *Conglomerate Blog's Third Annual Junior Scholars Workshop* and commented on a paper by Darian M. Ibrahim (Arizona).

Black and the Corporate Law Center are assisting the Ohio Task Force on Commercial Dockets with research on the operation of business and commercial courts in the United States. The Task Force, co-chaired by Patrick Fischer, President of the Cincinnati Bar Association (and partner at Keating, Muething & Klekamp) and Judge John Bessey, was appointed by the Chief Justice of the Ohio Supreme Court to assess the best method of establishing commercial civil litigation dockets in the courts of common pleas in Ohio and to develop, oversee and evaluate a pilot project.



Michelle Bradley, Assistant Professor of Research and Writing, taught Lawyering I: Legal Research & Writing and Judicial Extern.



A. Christopher Bryant, Professor of Law, taught Constitutional Law I. He presented *Presidential Signing Statements: Congress's Power and Duty to Oversee the Execution of the Laws* as part of the 11th Annual UC Faculty Summer Scholarship Series. He completed the article and submitted it to the William & Mary Bill of Rights Journal as part of a symposium issue on *The Last Word? The Constitutional Implications of Presidential Signing Statements*. Bryant completed 13 encyclopedia entries on various constitutional law topics to appear in *The Encyclopedia of the Supreme Court of the United States* (David S. Tanenhaus et al. eds., Macmillan).

Bryant and Kristin Kalsem presented *Methods of Statutory Interpretation and the BAPCPA* to the Cincinnati Bar Association Bankruptcy Section.

Faculty Briefs PUBLICATIONS & HONORS



**Paul L. Caron,
Associate Dean of
Faculty and Charles
Hartsock Professor
of Law,** taught
Introduction to the
Law.

Caron

published *Are Scholars Better Bloggers? Bloggership: How Blogs Are Transforming Legal Scholarship*, 84 Wash. U. L. Rev. 1025 (2006). He presented *Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning* at Illinois.

He presented *Law School Rankings: Past, Present, and Future* to the faculty, and was a panelist (with Tim Armstrong and John Hopkins) on *Faculty Time-Saver Technology Tips*, as part of the College's Faculty Development Series. He was the discussant for a faculty workshop by Victor Fleischer (Illinois) on *Regulatory Cost-Engineering: The Lawyer's Role in Regulating Gamesmanship* as part of the College's Faculty Colloquia Series.

For the second year in a row, Caron was named one of the Top 100 Most Influential People in Tax and Accounting by *Accounting Today*. He was profiled on Law Crossing and revealed, among other things, his connection to Bill Clinton, his favorite ice cream, the last book he read, and the contributions of his three mentors.

The *Law Stories Series* of Foundation Press, for which Caron serves as Series Editor, published:

- *Antitrust Stories*, by Eleanor Fox (NYU) & Daniel Crane (Cardozo).
- *Bankruptcy Law Stories*, Robert Rasmussen (Dean, USC)
- *Education Law Stories*, by Ronna Schneider (Cincinnati) & Michael Olivas (Houston).
- *International Law Stories*, by John Noyes (California Western), Mark Janis (Connecticut) & Laura Dickinson (Connecticut).

Caron's *TaxProf Blog* passed the 3,500,000-visitor mark, making it the most-visited law-focused blog edited

by a single law professor. The most recent census of law professor bloggers revealed that 77 (21%) of the 365 law professor bloggers are part of his Law Professor Blogs Network. He launched several new blogs as part of his network:

- *ADR Prof Blog*, edited by Andrea Schneider (Marquette), Nancy Welsh (Penn State), Michael Moffitt (Oregon) & Sarah Rudolph Cole (Ohio State).
- *BankruptcyProf Blog*, edited by M. Jonathan Hayes (West Los Angeles).
- *Civil Rights Prof Blog*, edited by Lynda Dodd (American).
- *EvidenceProf Blog*, edited by Colin Miller (John Marshall (Chicago)).
- *First Amendment Law Prof Blog*, edited by Kathleen Bergin (South Texas) & Josie Brown (South Carolina).
- *Law & Development Blog*, edited by Tom Ginsburg (Illinois) & Veronica Taylor (Washington).
- *Leiter's Legal Philosophy Blog*, edited by Brian Leiter (Texas).
- *Nonprofit Law Prof Blog*, edited by David A. Brennen (Georgia) & Darryll K. Jones (Stetson).
- *Sexual Orientation and the Law Blog*, edited by Sara Benson (Illinois) & William Turner (Emory).

Caron and Bill Henderson (Indiana-Bloomington) invited 40 prominent legal academics and practitioners to offer their single best idea for reforming legal education to Erwin Chemerinsky, the inaugural dean of the new law school at the University of California-Irvine. The contributions were published on his *TaxProf Blog* and attracted considerable attention in the media and blogosphere.



**Jenny Carroll,
Assistant Professor
of Clinical
Law and Academic
Director,** Lois and Richard Rosenthal Institute for Justice and Ohio Innocence Project.

She appeared (along with Mark Godsey and several UC students) on the A&E

Network's *Innocence Files Series* in a documentary on the Ohio Innocence Project's Glenn Tinney case, featuring several current UC Law Students.

Carroll arranged (with Marianna Bettman) a lunchtime program on *Representing the Unpopular Client* with local criminal defense lawyers Cathy Adams, Marty Pinela, Scott Rubenstein, and David Singleton.

Finally, she and Adam Steinman welcomed Syla Augustine Steinman into their family in November.



**Jacob Katz
Cogan, Assistant
Professor of Law,** taught Contracts and International Law. He presented *Competition and Control in*

International Adjudication at the AALS American Society of International Law Joint Conference in Vancouver.

Cogan provided commentary on a lecture by Eugene Kontorovich (Chicago) on *The Quasi-Legality of Israel's Annexation of the Golan Heights & Occupation of the West Bank*, hosted by the Federalist Society. He was an invited participant at the *Workshop on Noncompliance with International Law* at the Buffett Center for International and Comparative Studies at Northwestern. He attended the American Society of International Law's International Law in Domestic Courts Interest Group Workshop at Texas.



**Margaret B.
Drew, Associate
Professor of Clinical
Law and Director,** Domestic Violence and Civil Protection Order Clinic, taught Domestic Violence

and Civil Protection Order Clinic. She presented *The Domestic Violence and Civil Protection Order Clinic* to the faculty as part of the College's Faculty

Development Series. She presented *Recognizing Domestic Violence in Your Legal Practice* to Law Women.

Drew facilitated discussions at the Muskie Institute of Public Service Conference on *Custody Evaluations in Domestic Violence Cases* in Portland, Maine. She taught *Interviewing on Sexual Assault Issues in Domestic Violence Cases* at the National Child Custody Civil Law Institute held in San Francisco.

She attended a meeting of the newly formed coalition organized to address issues of human trafficking in Greater Cincinnati. She planned and attended a conference on immigrant battered women sponsored by Legal Momentum's National Network to End Domestic Violence Against Immigrant Women. She also attended meetings of the Youth At Risk Commission and the Commission on Domestic Violence at the ABA annual meeting held in San Francisco. She was reappointed as Special Advisor to the Commission on Domestic Violence. Drew attended a three-day conference in London, Ontario on *Children's Issues in Domestic Violence Cases*.

Drew attended the regional conference of the Association of Family and Conciliation Courts in Columbus. She trained advocates for the UC Women's Center on the dynamics of stalking and related legal remedies.

She attended a meeting of the Hamilton County Fatality Review (which reviews the circumstances of domestic violence homicides in order to determine areas where services to domestic violence victims might be improved.) She also trained attorneys from Clermont and Brown County on the Dynamics of Domestic Violence in Family Law Cases. Drew attended the Mid-West Clinical Conference on Implementing the Carnegie Report Recommendations at Drake Law School in Des Moines. She gave the keynote address on *Self-Care of Those Who Work with Victims of Domestic Violence* at the annual meeting

of the Rape Crisis and Abuse Center. She trained lawyers and staff at Legal Aid of Greater Cincinnati on the dynamics of domestic violence.

Drew presented *Advanced Issues in Property Division in Divorce and Negotiations in Domestic Violence Cases* at a conference on Working With Battered Immigrant Women sponsored by the National Network to End Domestic Violence, Legal Momentum, and the Department of Justice in Lexington, KY. She participated in a meeting of the ABA Commission on Domestic Violence and in joint meetings with the ABA and AMA on training for their members on legal-medical issues involving domestic violence.

Finally, Drew participated in a three day training session on adult learning methods in Washington, D.C. sponsored by the NITA and ABA Commission on Domestic Violence. She presented *Litigation Issues for the Protective Parent* in a CLE program on *Children Exposed to Batterers: Making Trauma-Informed Custody and Visitation Decisions* for judges and magistrates of the Hamilton County Domestic Relations Court, sponsored by the YWCA of Greater Cincinnati Family Violence Prevention Project and the College's Domestic Violence and Civil Protection Order Clinic.



Thomas D. Eisele, Judge Joseph P. Kinney Professor of Law, taught Introduction to the Law and Wills, Trusts & Future Interests. He

presented *Participating in Disillusion and Renewal* as part of the College's Faculty Development Series. He led a faculty colloquia at Chase College of Law on *Wittgenstein Tests Holmes: On the Proposal to Separate Legal Concepts from Moral Concepts*.



Rafael Gely, Judge Joseph P. Kinney Professor of Law, taught Contracts, Introduction to the Law, and Employment

Law. He published *Social Isolation and American Workers: Employee Blogging and Legal Reform*, 20 Harv. J.L. & Tech. 287 (2007) (with Leonard Bierman).



Mark A. Godsey, Professor of Law and Faculty Director, Lois and Richard Rosenthal Institute for Justice and Ohio Innocence Project, taught

Evidence. He presented *Silence and the Self-Incrimination Clause* as part of the 11th Annual UC Faculty Summer Scholarship Series.

Godsey appeared (along with Jenny Carroll and several UC students) on the A&E Network's *Innocence Files Series* in a documentary on the Ohio Innocence Project's Glenn Tinney case, featuring several current UC Law students.

Godsey was a member of the ABA panel that published *Evaluating Fairness and Accuracy in State Death Penalty Systems: The Ohio Death Penalty Assessment Report (An Analysis of Ohio's Death Penalty Laws, Procedures, and Practices)*. He provided commentary on a presentation by Stephanos Bibas (Penn) at the College on *Formalism in Criminal Procedure: The Triumph of Justice Scalia, The Unlikely Friend of Criminal Defendants?* He was interviewed by the show *Forensic Files* for a Court TV episode to air in the coming months.

Godsey hosted the presentation of two documentary films at the MainStreet Cinema, Tangeman Center, on the work by the students in the Ohio Innocence Project. He and Innocence Project students were featured in the Court-TV program, *Justice Delayed*. He also hosted

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a visit to the College by author Scott Turow (*OneL, Presumed Innocent, Ultimate Punishment, etc.*).

Godsey is featured in the documentary *Conviction: The True Story of Clarence Elkins*, which was accepted into the Big Sky Film Festival. He attended the film festival in February and spoke about the film and the innocence movement at the University of Montana School of Law.

Finally, Godsey was featured in *Revealing Evidence*, UC Research (Dec. 2007). He was quoted in a front-page article in the Wall Street Journal: *Cheese! Uh-oh Cellphone Photos Prove Perps' Guilt Snap-happy Criminals a Boon for Prosecutors; Don't Forget the Charger*, Dec. 6, 2007, at A1.



Emily Houh,
Professor of Law,
taught Sales. She presented Stigma and Affirmative Action as part of the 11th Annual UC Faculty Summer Scholarship Series.

She, Kristin Kalsem, and Verna Williams organized and hosted the inaugural symposium of the Freedom Center Journal, *Reconstructions: Historical Consciousness and Critical Transformation*.

Houh was the discussant for a faculty workshop by Luis Fuentes-Rohwer (Indiana) on *Bringing Democracy to Puerto Rico: A Rejoinder*, as part of the College's Faculty Colloquia Series.



Ann Hubbard,
Professor of Law,
was on academic leave.



Kristin Kalsem,
Professor of Law,
taught Secured Transactions. She published a book review of Morris B. Kaplan, *Sodom on the Thames: Sex, Love, and Scandal in Wilde Times* (Cornell University Press., 2005), in 25 Law & Hist. Rev. 659 (2007).

Kalsem, Emily Houh, and Verna Williams organized and hosted the inaugural symposium of the Freedom Center Journal, *Reconstructions: Historical Consciousness and Critical Transformation*.

She presented *Social Justice Feminism* (with Verna Williams) as part of the 11th Annual UC Faculty Summer Scholarship Series. Kalsem and Chris Bryant presented *Methods of Statutory Interpretation and the BAPCPA* to the Cincinnati Bar Association Bankruptcy Section.



Christo Lassiter,
Professor of Law and Criminal Justice, taught Criminal Procedure I and White Collar Crime. He published *Lex Sportiva: Thoughts Towards a Criminal Law of Competitive Contact Sport*, 22 St. John's J.L. Comm. 35 (2007).

Lassiter published an op-ed in the Cincinnati Enquirer, *Bring Federal Charges against Mom in Heat Death*, Sept. 11, 2007, which generated an opposing op-ed by Don White, *Law Professor's Column on Heat Death Wrong on Many Counts*, Cincinnati Enquirer, Sept. 12, 2008.

Finally, Lassiter was selected for the inaugural class of UC's Academy of Fellows for Teaching and Learning. He hosted a two-day visit to the College by Order of the Coif Distinguished Visitor Jesse H. Choper, Earl Warren Professor of Public Law and former Dean, Boalt Hall, University of California at Berkeley.



Bert B. Lockwood, Jr.,
Distinguished Service Professor of Law and Director,
Urban Morgan Institute for Human Rights, taught Constitutional Law I. The *Pennsylvania Studies in Human Rights Series* of the University of Pennsylvania Press, for which Lockwood serves as Series Editor, published:

- *The Phenomenon of Torture: Readings and Commentary* (2007), by William F. Schulz, ed.
- *Terror, Insurgency, and the State: Ending Protracted Conflicts* (2007), by Marianne Heiberg, Brendan O'Leary & John Tirman, eds.
- *The Age of Apology: Facing Up to the Past* (2007), by Mark Gibney, Rhoda E. Howard-Hassmann, Jean-Marc Coicaud, & Niklaus Steiner, eds.

Finally, Lockwood hosted a visit to the College by Chris Calabrese, Project Counsel for the ACLU's Technology and Liberty Program, on The Impact of the Real ID on Ohioans.



S. Elizabeth Malloy,
Professor of Law and Faculty Director,
Glenn M. Weaver Institute of Law & Psychiatry, taught Torts. She published *Blogging and Defamation: Balancing Interests of the Internet*, 84 Wash. U. L. Rev. 1187 (2007).

Malloy presented *Roll Out the Lawsuits: Could Tort Lawyers Have a Barrel of Fun with the Genetics of Alcoholism?* (with Douglas Mossman) as part of the 11th Annual UC Faculty Summer Scholarship Series.

Malloy and Doug Mossman organized the symposium, *Revising the Frontiers of Responsibility and Blame: How Neuroscience Is Reshaping Philosophy and the Criminal Law*, co-sponsored by the Glenn M. Weaver Institute, the UC

Department of Philosophy, and the UC College of Medicine.

Malloy was the discussant for a faculty workshop by Melanie Wilson (Kansas) on *Prosecutors Doing Justice Through Osmosis: Reminders to Encourage a Culture of Cooperation*, as part of the College's Faculty Colloquia Series.



Bradford C. Mank, James B. Helmer, Jr. Professor of Law, taught Environmental Law I. He published:

- After Gonzales v. Raich: *Is the Endangered Species Act Constitutional under the Commerce Clause?*, 78 U. Colo. L. Rev. 375 (2007).
- *Title VI and the Warren County Protests*, 1 Golden Gate Envtl. L. Rev. 73 (2007).

Mank's article, *Should States Have Greater Standing Rights Than Ordinary Citizens?: Massachusetts v. EPA's New Standing Test for States*, which he presented as part of the 11th Annual UC Faculty Summer Scholarship Series and at Louisville, was accepted for publication in the William & Mary Law Review.

Finally, he participated in an online CLE program on *Evolving Climate Change Regulations: Developing Trends in Law and Litigation* sponsored by The Digest of Environmental Law and the Legal Publishing Group of Strafford Publications.



Darrell A. H. Miller, Assistant Professor of Law, taught Civil Procedure I. He published *The Stain of Slavery: Notes Toward an Attainder*

Theory of the Thirteenth Amendment, 38 U. Tol. L. Rev. 1011 (2007).



Douglas Mossman, Administrative Director, Glenn M. Weaver Institute of Law & Psychiatry, taught Law and Psychiatry (with Jim

Hunt). He published:

- *Stalking, Competence to Stand Trial, and Criminal Responsibility*, in *Stalking: Psychiatric Perspectives and Practical Approaches* 164-92 (Pinels DA, ed.) (Oxford University Press, 2007).
- *AAPL Practice Guideline for the Forensic Psychiatric Evaluation of Competence to Stand Trial*, J Am Acad Psychiatry Law, Dec 2007; 35: S3-S72.
- *Avoiding Errors About "Margins of Error"*. Br. J. Psychiatry 2007; 191: 561.
- *Analyzing the Performance of Risk Assessment Instruments: A Response to Vrieze and Grove* (2007). Law and Human Behavior DOI 10.1007/s10979-007-9123-7.

Mossman submitted two articles for publication:

- *Connecting Which Dots? Problems in Detecting Uncommon Events, Correctional Service of Canada, High-Risk Offenders Roundtable*.
- *Conceptualizing and Characterizing Accuracy in Assessments of Competence to Stand Trial*, Journal of the American Academy of Psychiatry and the Law.

He presented:

- *Connecting Which Dots? Problems in Detecting Uncommon Events* at the Correctional Service of Canada, High-Risk Offenders Roundtable, in Ottawa, Ontario.
- *Roll Out the Lawsuits: Could Tort Lawyers Have a Barrel of Fun with the Genetics of Alcoholism?* (with Betsy Malloy) as part of the 11th Annual UC Faculty Summer Scholarship Series.
- *The Psychiatrist's Perspective on Alcohol Use Disorders* to the Cincinnati Lawyer's Club.
- Two papers at the Annual Meeting of

the American Academy of Psychiatry and the Law in Miami Beach, Florida: *Stalking: From Risk Assessment to Prosecution and Assessing Adjudicative Competence: How Accurate?*

Mossman and Betsy Malloy organized the symposium, *Revising the Frontiers of Responsibility and Blame: How Neuroscience Is Reshaping Philosophy and the Criminal Law*, co-sponsored by the Glenn M. Weaver Institute, the UC Department of Philosophy, and the UC College of Medicine. Finally, he gave seven guest lectures during the Forensic Psychology course at Xavier University.



Nancy Oliver, Associate Professor of Legal Research and Writing, taught Lawyering I: Legal Research & Writing. She attended a conference on

preparing winning briefs and oral arguments in Las Vegas.



William J. Rands, Professor of Law, taught Corporate Tax I. He announced his retirement, effective August 2008.



Ronna Greff Schneider, Professor of Law, taught Torts and Education Law. She published *Education Law Stories* (2008) (with Michael A.

Olivas (Houston)), part of the *Law Stories Series* of books published by Foundation Press.

Schneider was a panelist on *War and the Press* at the annual Ohio State Bar Association Law and Media Conference in Columbus, OH. She spoke about the First Amendment implications of prosecuting those who publish or

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otherwise reveal to the media or others leaked classified information.



Rachel Jay Smith, Associate Professor of Legal Research and Writing, taught Lawyering I: Legal Research & Writing and Intensive

Practical Lawyering Skills. Smith participated as a panelist on *Good Legal Writing: What Judges Want and Need* at the Potter Stewart American Inn of Court (with Judges Beth Myers and Penelope Cunningham).



Michael E. Solimine, Donald P. Klekamp Professor of Law and Director, Extern Program, taught Civil Procedure I and Federal Courts. He

published *Institutional Process, Agenda Setting, and the Development of Election Law* on the Supreme Court, 68 Ohio St. LJ 767 (2007), as part of a Symposium on Election Law and the Roberts Court.

Solimine posted *Congress, Ex Parte Young, and the Fate of the Three-Judge District Court* on SSRN and presented the paper at the Ohio State Legal History Seminar. His article, *The Law and Economics of Conflict of Laws*, 4 Am. L. & Econ. Rev. 208 (2002), was reprinted in *1 Economics of Conflict of Laws* (Edward Elgar, Erin A. O'Hara, eds., 2007).

He was the discussant for a faculty workshop by David Stras (Minnesota) on *Judicial Appointments and Ideology* as part of the College's Faculty Colloquia Series.



Adam Steinman, Associate Professor of Law, taught Civil Procedure I. He published:

- *Reinventing Appellate Jurisdiction*, 48 B.C. L. Rev. 1237 (2007).

• *Less is More? Textualism, Intentionalism, and a Better Solution to the Class Action Fairness Act's Appellate Deadline Riddle*, 92 Iowa L. Rev. 1183 (2007).

Steinman presented:

- *Erie's Past, Erie's Future: What Is the Erie Doctrine and What Does It Mean for the 21st Century Politics of Judicial Federalism?* at Indiana as part of the College's Scholar Exchange Program.
- *Our Class Action Federalism* as part of the 11th Annual UC Faculty Summer Scholarship Series.

Steinman and Jenny Carroll welcomed Syla Augustine Steinman into their family in November.



Suja Thomas, Professor of Law, was on academic leave. She delivered the Harold C. Schott Scholarship Award Lecture at the College on *The Civil Jury: The Disregarded Constitutional Actor*.

She posted the lecture on SSRN; Larry Solum (Illinois) praised the lecture on his *Legal Theory Blog* as ([a]nother paper from Thomas, who has written a number of cool papers on various aspects of the civil jury trial and the constitution.) The lecture also was covered on the *Jury Experiences Blog*.

Thomas' article, *Why the Motion to Dismiss Is Now Unconstitutional*, was accepted for publication in the Minnesota Law Review. Larry Solum (Illinois) praised the article on his *Legal Theory Blog* as ([a]nother important and well argued piece from Thomas. Highly recommended.) The article was featured

on a number of blogs, including *Civil Procedure Prof Blog*, *Deliberations*, and *Corporate Law and Democracy*, as well as in the *National Center for State Courts Jur-E Bulletin*. She presented the paper at Northwestern, Florida State, and at Cincinnati as part of the College's 11th Annual Summer Scholarship Series.

Finally, Thomas presented *Why Summary Judgment is Unconstitutional*, 93 Va. L. Rev. 139 (2007), to the Cleveland Employment Lawyers' Association. She participated in the Vanderbilt workshop on *Empirical Research from the Federal Judicial Center*.



Joseph P. Tomain, Dean Emeritus and Wilbert & Helen Ziegler Professor of Law,

taught Contracts, Introduction to Law, and Research Seminar: Law, Literature & Philosophy.

Tomain was appointed to the:

- Screening Committee for the Annual Meeting of the Ohio State Bar Association.
- Community Investment Committee of the Greater Cincinnati Foundation.
- Human Services Committee (Chair) of the Greater Cincinnati Foundation.

He served as a peer reviewer for Yale University Press. His article on Judicial Compensation was published in the Cincinnati Bar magazine.

In addition, Tomain served as Board Chair of the:

- Program and Grants Committee of the Ohio State Bar Foundation.
- KnowledgeWorks Foundation.

COUNSELOR



Verna L. Williams,

Professor of Law,

taught Family Law
and Juvenile Law.
Williams, Emily Houh
and Kristin Kalsem
organized and

hosted the inaugural symposium of the Freedom Center Journal, *Reconstructions: Historical Consciousness and Critical Transformation*.

Williams presented *Social Justice Feminism* (with Kristin Kalsem) as part of the 11th Annual UC Faculty Summer Scholarship Series. She participated on a panel, *On Pedagogy: Best Practices for Critical Teaching*, with Bob Chang (Loyola-L.A.), Roberto Corrado (Denver), and Bryan Adamson (Seattle) at the *Junior Faculty Development Workshop* held in connection with the *Twelfth Annual LatCrit Conference* in Miami, FL.

Williams spoke at a Coffee Talk with students at the College sponsored by the Public Interest Law Group.



Ingrid Brunk Wuerth, Professor of Law,

was on academic leave. She was awarded a Fulbright Fellowship. Wuerth presented *What Are Rules*

Concerning Capture on Land and Water? as part of the 11th Annual UC Faculty Summer Scholarship Series.

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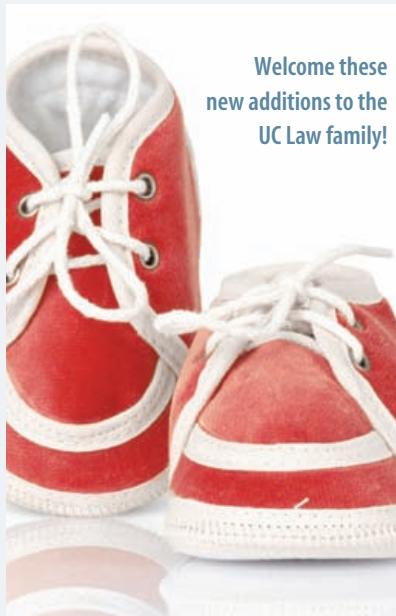
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Hearsay ALUMNI ANNOUNCEMENTS

Wonder what your classmates are up to? Look no further than Hearsay!



Welcome these
new additions to the
UC Law family!

1960s



John S. Stith,
'64, a partner with
Porter Wright Morris
& Arthur LLP, was
selected for inclusion
in *The Best Lawyers*
in America 2008.

He was named, for the 14th consecutive year, as one of the "best lawyers" in the area of Corporate Law. Mr. Stith has been a leader in the Cincinnati business community and the legal profession, as well as having substantial involvement with the nonprofit sector, both as a professional advisor and as a volunteer. An immediate Past President of the Ohio State Bar Association, he has extensive experience in working with public companies, as well as with entrepreneurial businesses of all kinds. Mr. Stith was also selected for inclusion in *Ohio Super Lawyers* 2008, which comprises the top five percent of lawyers in each state based on jury verdicts and transactions, experience, bar and professional activity, pro bono work and community service, and other indicia of achievement.

Legal Eaglets

Robert Junk, '91, and his wife Lisa have adopted a daughter, Abigail, last March in Guangzhou, People's Republic of China.

Aviva R. Rich, '99, and husband Mitchell Quint announce the birth of twin girls, Charlotte Corinne and Evelyn Sophia, on February 15, 2007.

Wendy (Clink) Neal, '99, and husband Brian announce the birth of their son Patrick Charles in October 2007.

Jennifer (Wang) MacCourt, '05, and her husband announce the birth of their daughter Baylee Katherine on December 2, 2007.

1970s

Dan Schneider, '70, was acknowledged for his contribution to *Roe v. Wade*. This was recognized in late January at NARAL's 35th anniversary celebration of *Roe v. Wade*. Mr. Schneider worked with Sarah Weddington in 1971 as she prepared the briefs and argument for the Supreme Court.



William G. Deas,
'72, a partner with
Porter Wright Morris
& Arthur LLP, was
selected for inclusion
in *The Best Lawyers*
in America 2008.

He was named as one of the "best lawyers" in the area of Real Estate Law and has been named a "best lawyer" consecutively for more than 10 years. Mr. Deas has considerable experience representing banks, insurance companies, real estate owners and developers. His experience includes three years as in-house counsel for a national restaurant chain that owned and leased restaurants throughout the United States.



Mark P. Painter,
'73, was named the first Stanley Chesley Distinguished Visiting Professor of Practice at the College of Law. With this position, he taught courses emphasizing the importance of simplicity and the use of plain English in legal writing.



Daniel Buckley,
'74, has been named a 2008 Ohio Super Lawyer. *Super Lawyers* magazine distinguishes the top five percent of attorneys in each state, as chosen by their peers with the assistance of independent research by *Law & Politics*.



Robert H. Cohen,
'76, a partner with the firm Porter Wright Morris & Arthur LLP, was selected for inclusion in *The Best Lawyers* in America 2008.

He was named as one of the "best lawyers" in the area of Immigration Law and has been named a "best lawyer" consecutively for more than 10 years. He was also selected for inclusion in *Ohio Super Lawyers* 2008. Mr. Cohen focuses his practice on immigration and nationality law. He has extensive experience in all aspects of business and family immigration procedures.

Stephen M. Hester, '77, has joined the Pittsburgh office of Reed Smith LLP, one of the 15 largest law firms in the world. He will join its firm-wide Benefits & Executive Compensation Group. In his 30 years of practice, Mr. Hester has over 20 years of service as benefits counsel to two major employers, in addition to his work as outside counsel.



Carolyn A. Taggart, '78, a partner with Porter Wright Morris & Arthur LLP, was selected for inclusion in *Ohio Super Lawyers* 2008. In addition,

she was recognized as one of the top 50 Female *Ohio Super Lawyers*, as one of the top 50 *Cincinnati Super Lawyers*, and as one of the top 25 Female *Cincinnati Super Lawyers*. Ms. Taggart was also selected for inclusion in *The Best Lawyers in America* 2008. She was named as one of the "best lawyers" in the area of Product Liability Litigation. Ms. Taggart has extensive jury trial and appellate experience in both state and federal courts. Her practice involves the defense of claims of catastrophic injury and death, product liability, legal malpractice, nursing home liability and intentional tort claims arising from serious workplace accidents.

1980s



David A. Tumen, '81, a partner with Porter Wright Morris & Arthur LLP, was selected for inclusion in *Ohio Super Lawyers* 2008. This comprises the

top five percent of lawyers in each state based on jury verdicts and transactions, experience, bar and professional activity, pro bono work and community service, and other indicia of achievement. Mr. Tumen is head of the firm's Tax Practice Group and has extensive experience advising corporations, partnerships, limited liability companies and their owners regarding tax-efficient strategies, operation, acquisition and disposition of businesses.



Peter J. Manso, '82, has been named a partner with the firm Edwards Angell Palmer & Dodge. Mr. Manso is a member of the Intellectual

Property Department in the Fort Lauderdale, FL office. He is a registered patent attorney with over 25 years of experience in the field of intellectual property and technology-related law.



Melvin Bedree, '84, has been named a 2008 Ohio Super Lawyer. *Super Lawyers* magazine distinguishes the top five percent of attorneys in each

state, as chosen by their peers with the assistance of independent research by *Law & Politics*. His practice area is banking.



Thomas Gabelman, '84, has been named a 2008 Ohio Super Lawyer. *Super Lawyers* magazine distinguishes the top five percent of attorneys in each state, as chosen by their peers with the assistance of independent research by *Law & Politics*. His practice area is construction/surety.

Gary E. Powell, '84, started his own practice after 21 years with Manley Burke. Mr. Powell's new venture focuses on land use, zoning and municipal law issues. In addition, he has taught as an adjunct at UC since 1986 and is currently teaching Planning Law and Administration to undergraduate and graduate planning students in DAAP.



W. Breck Weigel, '85, an attorney with Vorys, Sater, Seymour and Pease LLP, has been named a 2008 Ohio Super Lawyer. *Super Lawyers* magazine

distinguishes the top five percent of attorneys in each state, as chosen by their peers with the assistance of independent research by *Law & Politics*. His practice area is business litigation.



Nathaniel Lampley, Jr., '88, managing partner with Vorys, Sater, Seymour and Pease LLP, has been named a 2008 Ohio Super Lawyer. *Super Lawyers* magazine distinguishes the top five percent of attorneys in each state, as chosen by their peers with the assistance of independent research by *Law & Politics*. His practice area is employment and labor.

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1990s



Michael L. Scheier, '91, a partner at Keating Muething & Klekamp PLL, was recently appointed as co-chairperson of the Litigation Practice Group. Mr.

Scheier's practice is concentrated in the areas of complex banking and creditor's rights disputes, bankruptcy related litigation, and mass tort bankruptcy proceedings. He has extensive experience representing financial institutions in a wide range of matters, including banking fraud, lender liability, UCC Article 3 and 4 litigation, insolvency litigation and general enforcement of creditors' rights.



Michael G. Schwartz, '91, has been named a partner for the Cincinnati office of Vorys, Sater, Seymour and Pease LLP. Mr. Schwartz is a

member of the probate and tax practice group, representing individuals and closely-held businesses in all facets of estate and business planning. In addition, he is one of only four attorneys in Ohio certified as a dual specialist by the Ohio State Bar Association in the practice areas of Federal Taxation Law and Estate Planning, Trust and Probate Law. Mr. Schwartz also serves as outsourced general counsel to several closely-held businesses in a variety of service and manufacturing industries.

Joseph E. McCright, '92, will run the 2008 Boston Marathon to raise money for the Cancer Care Center for Children-Massachusetts General Hospital. For more information, go to www.firstgiving.com/joeandsandra. This will be his 11th marathon.



Scott Carroll, '93, attorney with Vorys, Sater, Seymour and Pease LLP, has been named a 2008 Ohio Super Lawyer. *Super Lawyers* magazine distinguishes the top

five percent of attorneys in each state, as chosen by their peers with the assistance of independent research by *Law & Politics*. His practice area is employment and labor.



Richard L. Moore, '93, a partner with Vorys, Sater, Seymour and Pease LLP, has been appointed to The Mercantile Library Board of Directors.

Mr. Moore works in the litigation group. He has remained active in the Cincinnati community through service on the Board of Trustees of the Urban League of Greater Cincinnati and his current position on the board of The Wellness Community of Greater Cincinnati and Northern Kentucky.



Deborah M. Nelson, '93, has relocated to Seattle, Washington and joined the firm Nelson Lange Nelson, PLLC, as a partner. She was recently elected President of the Council of Presidents of the American Association for Justice, where she serves on the Executive Committee. Ms. Nelson focuses her plaintiff's personal injury practice in the areas of brain injury, catastrophic personal injury, long term disability insurance denial, and insurance bad faith litigation.



Eric Richardson, '96, a partner at Vorys, Sater, Seymour and Pease LLP, has been appointed by Kentucky's Governor Steve Brashear to serve as a Special Justice to the Kentucky Supreme Court. He will consider four cases pending before the court. Mr. Richardson, a member of the Order of the Coif, is a member of the Kentucky Bar Association, the Cincinnati Bar Association, and the Northern Kentucky Chamber of Commerce. Mr. Richardson was also selected as a 2008 Leading Lawyer and was profiled in the February issue of *Cincinnati Magazine*.



Karen Kreider Gaunt, '97, has joined Greenebaum Doll & McDonald PLLC as a member of the firm's Intellectual Property team. Ms. Gaunt is included in the 2007 Chambers USA: America's Leading Business Lawyers listing, the 2008 *The Best Lawyers in America* listing, and was named an *Ohio Rising Star* by *Law & Politics* in 2005 and 2006.



J. Michael Hurst, '98, has joined Keating Muething & Klekamp as of counsel in the intellectual property practice area. Mr. Hurst has extensive experience in trademark prosecution and protection as well as in intellectual property licensing areas, both in the U.S. and internationally.



Sean M. Ansberry, '99, has been named partner at Hahn Loeser + Parks LLP. He will continue to focus his practice in the area of Litigation.

Wendy (Clink) Neal, '99, is a partner in the Intellectual Property and Technology group at Snell & Wilmer L.L.P. in Phoenix Arizona. Her practice is focused on U.S. and foreign technology-driven acquisition, licenses, and other business transactions, strategic counseling in the development and enforcement of intellectual property portfolios, and intellectual property litigation and dispute resolution.



Anthony Osterlund, '99, a member of the litigation group, has been named a partner in the firm Vorys, Sater, Seymour and

Pease LLP. His practice focuses on civil litigation in state and federal court. Mr. Osterlund represents parties in business, construction, contractual, toxic tort, bank fraud, and employment disputes, as well as race, sex, age, and disability actions. He has successfully defended a large pharmaceutical manufacturer in federal and state court actions asserting individual and class claims as well as prosecuted actions against numerous individuals for bank fraud and embezzlement.

2000s

Christopher A. Wagner, '00, is the co-managing attorney in the Cincinnati Regional Office of the Ohio State Attorney General's office. Additionally, he serves in the Special Prosecutions Section and assists local law enforcement agencies across the southern region of the state. Formerly, Mr. Wagner worked in the Cuyahoga County Prosecutor's Offices as a Major Trial Prosecutor and Special Assistant United States Attorney prosecuting homicide, sexual assault, and gang conspiracies in both state and federal court.

Andrew Sharretts, '03, recently accepted a position with the U.S. Department of Agriculture and began training for the position of Farm Service Agency County Executive Director in Franklin County (Chambersburg, PA). Formerly, Ms. Sharretts was the Natural Resources Director at Pennsylvania Farm Bureau.

Jennifer (Wang) MacCourt, '05, is working in a contract position with Seyfarth Shaw's Professional Development department in Chicago and with Heller Ehrman's Legal Recruiting department in San Francisco.

Robert Richardson Jr., '05, a local labor attorney, has been appointed as a University of Cincinnati trustee by Governor Ted Strickland. An associate at the firm Cook, Portune & Logothetis, Mr. Richardson is an executive board member of the Cincinnati NAACP and a member of the Cincinnati Park Board.



Timothy D. Ardizzone, Ph.D., '07, has joined Wood, Herron & Evans L.L.P. He will focus his practice in the Biotech Practice Group.



Ana C. Jaquez, '07, has joined Wood, Herron & Evans LLP. She will focus her practice in the areas of software, internet, and computer technologies. She is

also registered to practice before the U.S. Patent and Trademark Office.

Scott A. Kelly, '07, has joined the firm Tomb Roberts & Busio, LLP in Troy, OH. He plans to practice law in the areas of estate planning, personal injury, and general litigation.

Nose for News?

Do you have a...nose for news? Do you like to stay in touch with your classmates? Then, **Counselor** needs you! We're looking for class reporters, those individuals who enjoy keeping in touch with their classmates and wouldn't mind passing on the information to us. Reporters are needed for all classes, so contact the editor at Counselor@law.uc.edu or via phone at 513/556-0060. Looking forward to hearing from you!



Inside this issue:

UC College of Law is born — the early years.

John Grisham, UC Law, and You — celebrate our 175th Anniversary.

BLSA hosts regional conference in Queen City.



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