

Capital University Law School



2002-  
2003

# Dean's Annual Report

*Celebrating 100 Years of Leadership*



# 100

## On the Cover:



Columbus Law School  
at the YMCA  
1903-1923

*Photo courtesy of YMCA of Central Ohio*



Capital University Law School  
1997-present



William D. Corn  
Founder and First Dean  
1903-1904



Athornia Steele  
Interim Dean and Professor  
2003-present



Columbus, Ohio  
early 1900s

*Photo courtesy of Ohio Historical Society*



Columbus, Ohio  
present day

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# Message from the Dean



## Dear Friends,

An annual report serves multiple purposes, one of which is to chronicle the accomplishments of an institution over the previous year and to communicate those accomplishments to a variety of constituent groups. At the same time, the annual report provides an opportunity to view the past as a mirror to the future, thus connecting the accomplishments of the past with the goals of the future.

This is particularly true for Capital University Law School as we look back not only over the last year, but the last 100 years; as we continue to implement the strategic plan we adopted two years ago; and as we make one of the most significant decisions for the future of our law school—the appointment of a new dean who will lead Capital into its next 100 years. This report also is a tribute to Steven C. Bahls, former dean and now president of Augustana College, and his years of service and leadership at Capital. Lastly, this report is continuing evidence of the dedication and commitment of the faculty, staff, and students and the quality of the programs of Capital University Law School.

Capital's strategic plan seeks to advance the Law School as one of the premier private law schools in the Midwest, with a focus on the academic excellence of students, the recruitment and retention of a highly qualified and dedicated faculty, the strengthening of its academic programs and centers of excellence, and the development of a strong endowment.

- This year's class was selected from one of the largest, most diverse and most academically qualified applicant pools in our history. Applications have grown 27 percent in the last two years.
- In the last three years, Capital has hired eight new tenure-track faculty members. Five of these faculty members, including Mark R. Brown, holder of the Newton D. Baker/Baker and Hostetler Chair of Law, joined the faculty this year. The result is a newly energized faculty of great talent.
- With the hiring of these new faculty members, every first year student has at least one small section of a first-year course. Opportunity for mid-term examinations, writing projects, greater interaction with faculty, and feedback on academic performance all serve to enhance the learning environment as students develop critical legal skills.
- Capital's centers of excellence and new initiatives provide a wealth of opportunities for our students, the community and the nation. The National Center for Adoption Law and Policy, for example, continues to raise issues about the safe, timely and appropriate placement of children with families. Its hallmark project, the Adoption Law Website, is a resource tool for parents, lawyers and professionals across the country researching adoption law issues. Similarly, the Family Advocacy Clinic, through its partnership with the courts and agencies dealing with family violence issues, offers students a wonderful educational opportunity while providing an essential service to the community.
- Plans are underway for the next capital campaign to build endowment for scholarships and faculty chairs and to fund program growth and development.

Over the past few weeks, I have had the opportunity to read the history of the law school to be published in 2004. From its early years as one of fourteen law schools offering an evening program under the auspices of the Y.M.C.A. to its present affiliation with Capital University (beginning in 1966), this law school has made significant strides. At times the hurdles seemed insurmountable. However, the early deans and faculty had a vision for the future, and they never looked back. Whether it was starting a full-time program, gaining accreditation from the American Bar Association, membership in the Association of American Law Schools, or acquiring a great facility, the faculty and leadership have always reached and exceeded its vision.

Today, Capital University Law School faculty, students, staff, and alumni have a vision for the future—that of becoming one of the premier private law schools in the Midwest. As a long-time faculty member and associate dean, I am proud to serve this institution as its Interim Dean and help the Law School community fulfill this vision. As our past demonstrates, with hard work, solid leadership, and determination, our vision for the future will undoubtedly be attained.

Yours in service and vision,

A handwritten signature in black ink that reads "Athornia Steele". The signature is written in a cursive, flowing style.

Athornia Steele, '74, L'77  
Interim Dean and Professor of Law

### **Capital University Law School Strategic Plan – “Becoming one of the Midwest’s Premier Private Law Schools”**

#### **The Goals of Our Strategic Plan**

- Become a more selective law school and admit students who are both well-qualified and committed to the values of the legal profession.
- Provide a high-quality, academically rigorous legal education that integrates theory with practice.
- Foster the Law School’s centers of strength.
- Attract and retain a world-class faculty of teacher/scholars and retain Central Ohio’s best lawyers as adjuncts.
- Develop a strong resource base and endowment to fund a quality educational experience for our students and increase the value of Capital University Law School to students and the community.

[1903]

The Columbus Law School of the YMCA is founded on October 16, 1903, by William Dustin Corn, as part of a national program sponsored by the Y that seeks to make legal education practical, accessible and affordable. The first evening classes in the Y building are held on South Third Street; today, the site is the location of the Columbus Dispatch.



*Columbus Law School at the YMCA on Third Street*

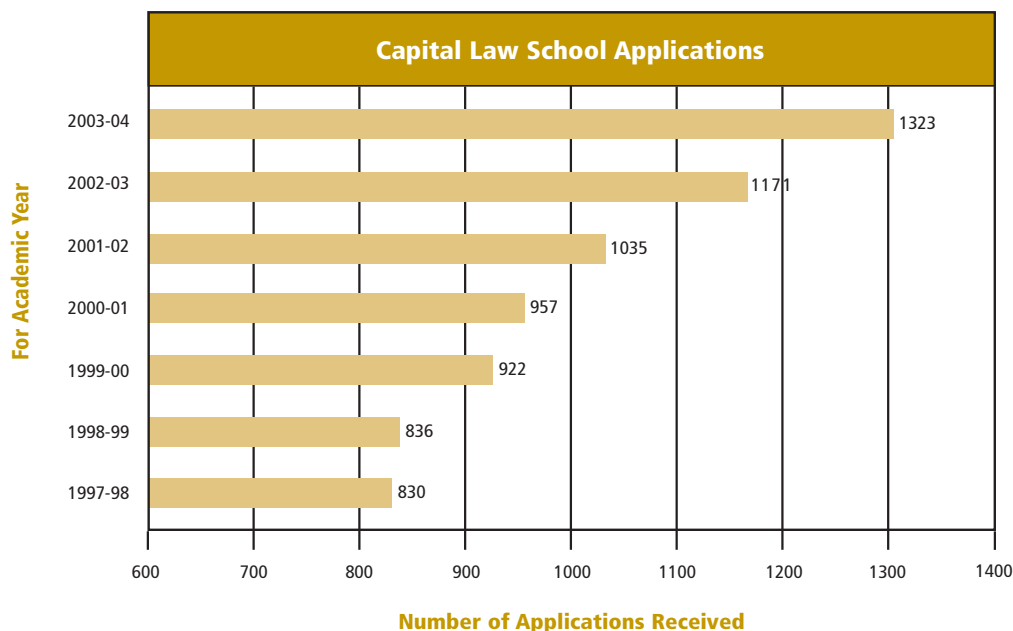
# Admission & Financial Aid

For the second straight year, law schools across the country experienced significant increases in applications. Nationwide, there were more than 98,000 applicants seeking admission to law schools for fall 2003. Capital University Law School enjoyed continued growth in the number of applicants. Applications for the 2003 entering class totaled more than 1,300 with applications to the day division program increasing by 14 percent over last year. Since moving into Capital's new facility in 1997, applications have increased 59 percent.

In spite of the increased demand for legal education, Capital's strategic plan provides for the Law School to maintain, rather than increase, the size of the entering class as one way of increasing the quality of the student body. This year's entering class was comprised of 169 full-time students in the day division and 89 part-time students in the evening or part-time day divisions. The quality of this year's class has risen dramatically. The median undergraduate GPA for those who

enrolled was 3.2, and the median LSAT score was 153, representing a two-point increase over last year's entering class. With more than 1,300 applications this past year, Capital received more than five applications for every seat in the 2003 entering class. As we strive to continue to raise the academic standards of admitted students, our goal is to continue to carefully review each application and to admit those students who are not only well-qualified, but who are truly committed to the values of the legal profession. We value those who have demonstrated leadership experience, bring with them a solid work ethic, and have a passion for justice.

Women make up approximately half of the new students in this year's entering class. National studies show that a higher percentage of college freshmen who are women plan to go to law school. Therefore, we can expect this trend of more women in law school to continue. In keeping with this trend, Capital University Law School is committed to increasing the number of women on the faculty.



Consistent with the Law School's strategic plan, Capital made a special effort last year to raise awareness of its academic programs and to achieve greater geographic diversity within its applicant pool. In addition to traditional recruiting methods, the Admission Office is utilizing more technology in an attempt to provide specific information about Capital's programs to targeted groups of prospective students across the country. The use of e-mail blasts and the expanded use of Capital's Web site provide a cost-effective means of effectively communicating with prospective students, particularly when these new strategies are integrated with the more traditional use of printed materials, recruitment visits to college campuses, and informational open houses hosted at the Law School.



*Street Fair during new student orientation in August 2003*

<b>First-Year Class Profile</b>	<b>Fall 2003</b>	<b>Fall 2002</b>
Full-Time Enrollment	169	171
Part-Time Enrollment	89	101
Total Applications	1323	1171
% Applying Electronically	54	48
States Represented	18	19
Countries Represented	3	2
Undergraduate Institutions Represented	110	115
Median LSAT	153	151
Median GPA	3.19	3.16
% Minority	13	12
% Male/Female	51/49	50/50

### **Financial Aid**

The availability of scholarships has a significant effect at many critical points in a student's legal education. It plays a major role in where students decide to enroll; it may determine how much students choose to work during law school and what they do with their summers; it may be the deciding factor in students' decisions to transfer to lower-tuition schools after their first year; and it continues to drive many lifestyle choices after graduation. For the 2002-2003 academic year, nearly 40 percent of Capital's student body received some form of scholarship or grant assistance, totaling more than \$1.8 million. Scholarships range from \$1,000 to \$13,000 annually. The median scholarship award for full-time day students was \$6,000, and the median award for part-time students was \$2,500.



[1923]

The Law School, under the name of the Columbus College of Law, moves with the YMCA to its newly constructed building on 40 East Long Street. The building continues today as the facilities of the Central Ohio YMCA.

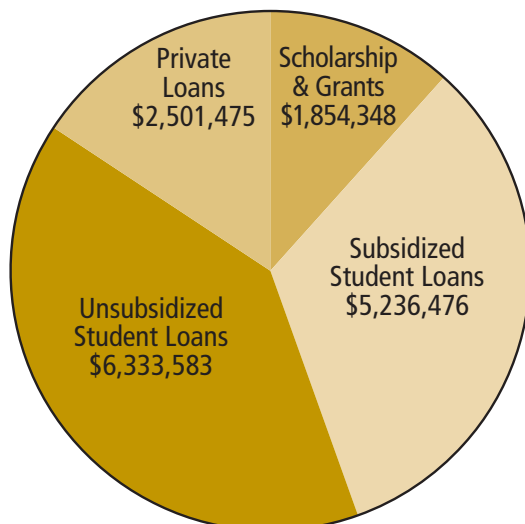


*Columbus College of Law at the YMCA on Long Street*

# Admission & Financial Aid

Capital is fortunate to have the support of friends, alumni and past scholarship recipients to ensure that its students' pursuit of excellence is allowed to continue and to help reduce the level of student indebtedness. Over the past year, we've made some strides in helping students reduce their debt loads. Through the generosity of Capital's friends and alumni, several new scholarships were created. There was a particular interest in rewarding upperclass students who may not have qualified for scholarships based upon their entering credentials but who have performed at the top of their classes in law school. A stronger endowment, however, would provide even more student scholarships, grants and low-interest loans. Currently, the endowment constitutes only three percent of the total institutional financial aid that Capital Law School awards to its students. Unfortunately, most students must depend heavily upon student loans to afford to attend law school. Last year, the average law school debt of Capital graduates was \$63,258. Students assume this loan burden on top of loans that they accumulated as undergraduate students.

## Sources of Financial Aid 2002-03



## New Scholarship Awards

### Steven C. Bahls Book Awards

Members of the Class of 2003, with the support of faculty, staff and alumni, created an endowment in recognition of former Dean Steven C. Bahls and his many contributions to Capital University Law School and its students. Each year, three current first or second-year students will benefit from this award by each receiving \$500 to use toward law school books and supplies.

### Marsha Rockey Schermer Memorial Scholarship

Established by the Columbus Bar Foundation in 2002, this scholarship was created to promote the ideals and beliefs Marsha Rockey Schermer championed during her lifetime—advancing and protecting the rights of women and minorities. This scholarship, in the amount of \$5,000, is awarded to a Central Ohio student on the basis of academic merit, financial need and character. The award is renewable each year provided that the recipient maintains eligibility and demonstrates satisfactory academic performance.

### The Weiler Scholars Fund

Capital University Law School is exceptionally pleased to have received a very generous philanthropic commitment from Dr. Robert J., L'83 and Mrs. Missy Weiler to establish *The Weiler Scholars Fund*. In May 2003, Mr. and Mrs. Weiler made a significant five-year commitment to create a permanently endowed scholarship fund that will provide financial support to students who have achieved academic excellence during their first year at Capital University Law School. The intent is for this financial support to be a renewable scholarship available to each Weiler Scholar. This scholarship, for which both day and evening students are eligible, will be based on academic merit and demonstrated financial need. This new scholarship is in addition to The Robert Weiler Company Scholarship which Dr. and Mrs. Weiler established in 1994 to support an incoming day or evening student who is an African-American citizen of the United States.



# Career Services

# 1000

Capital University Law School's Career Services Office provides job placement service and career counseling to students and alumni. During the 2002-2003 academic year, more than 300 individual student counseling sessions were conducted and more than 100 alumni took advantage of the individual counseling services that are offered. Reciprocity with other law schools across the country is available to Capital's students and alumni. Reciprocity allows Capital's students and alumni to visit other law schools and use their career services resources. This past year, Capital's Career Services Office sent 17 requests for graduate reciprocity to other schools and granted seven requests for graduate reciprocity from other schools.

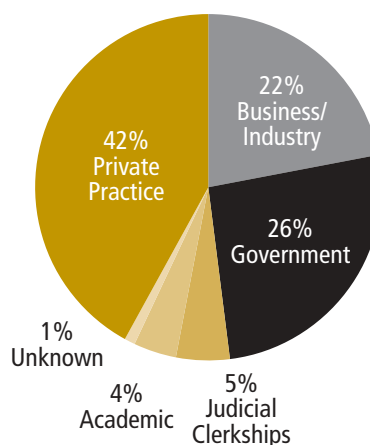
The Career Services Office lists job openings it receives from employers on Law Match, a Web-based data base giving alumni and students immediate access to job postings in the legal community. Nearly 400 employers contacted the office with immediate full-time, part-time and summer vacancies. Alumni and students also may post their resumes online, allowing employers access to their credentials through this online service.

Throughout the year, the Career Services Office sponsors a variety of programs and pursues career placement opportunities for students. The Career Services 15th Annual Career Information Fair included nearly 30 employers. The Office also hosted 41 on-campus interviews for employers during the 2002-03 academic year. An additional 63 employers took advantage of Capital's resume collection or direct contact services. These services offer Capital's students access to law firms that are unable to travel to campus to participate in the On-Campus Interview Program.

Despite a slow down in associate hiring and a tight legal market affecting law graduates nationwide, Capital University law graduates continue to experience placement rates above the national average. For the Class of 2002, 94.8 percent of the graduates were employed or pursuing full-time graduate studies within nine months of graduation. This is significant considering the failing economy and the overall comparable national rate of 91.4 percent. The average starting salary was \$57,549. Capital University Law School graduates have achieved a gradual increase in salaries, even though the economy is experiencing a recession and some law firms have frozen associate salaries.

Class of 2002	
Total Graduates	200
Employed within 9 months of Graduation	175
Enrolled in Graduate School	6
Not Seeking Employment	2
Employment Status Unknown	9
Pursuing Employment	8
Average Starting Salary	\$57,549

Placement of 2002 J.D. Graduates



# Academic Programs

## Commencement

On Sunday, May 18, 2003, Capital University Law School awarded 242 degrees during its Commencement ceremony held in The Capital Center on Capital University's Bexley campus. Two hundred thirteen graduates received juris doctor degrees and 29 Master of Laws and Graduate Tax degrees were conferred.

Paul J. McNulty, a 1983 graduate of Capital University Law School, delivered the Commencement address and received an honorary Doctor of Laws degree in recognition of his dedication to public service. In September 2001, McNulty was confirmed as the 56th United States Attorney for the Eastern District of Virginia. As such, he has been on the front lines prosecuting terrorists, overseeing the prosecutions of alleged Taliban member John Walker Lindh and Zacarias Moussaoui, the first person to face U.S. criminal charges in the September 11 terrorist attacks. McNulty has more than 20 years of experience in federal and state government, most of which has involved law enforcement and criminal justice policy. He directed President Bush's transition team for the Department of Justice and then served as Principal Associate Deputy Attorney General. In the former Bush administration, McNulty served as the Director of Policy and Communications for the Justice Department. His experience also includes the U.S. Congress, where he was Chief Counsel and Director of Legislative Operations for the Majority Leader of the U.S. House of Representatives.



*Dean Steven C. Babls (left) and Associate Dean Athornia Steele (right) hood Commencement speaker Paul J. McNulty, L'83 (center)*

## Graduate Law Programs

The Office of Graduate Law and Certificate Programs oversees Capital University Law School's Master of Laws and Master's of Taxation programs and the post-baccalaureate certificate programs. It is responsible for supporting more than 260 students annually. Capital University Law School is the only ABA-accredited law school in the country with such a department that encompasses post-baccalaureate, law-related certificate programs; Master of Laws (LL.M.) programs in Business and Tax; and a Master's of Taxation (M.T.) program for accountants.

[1926]

Esther Brocher, the first woman, graduates from the Law School on June 9, 1926.



*Judge John F. Seidel and his law class in 1924-1925*

### **LL.M. and M.T. Programs**

Capital University Law School currently offers three Master of Laws degrees — Taxation; Business and Taxation; and Business, as well as a Master's of Taxation for accountants. With an active student roster of approximately 145 LL.M. and M.T. students, Capital's program is one of the largest in the nation. Students studying for their J.D. degree benefit from the Master of Laws program in two significant ways: 1) increased and advanced course selections in tax and business; and 2) the opportunity to earn both a J.D. and LL.M. in three and one-half years.

While Capital's newest LL.M. program, the LL.M. in Business, continues to grow and prosper, a faculty committee is studying how to further enhance the curriculum. Marketing and recruiting efforts continue to evolve, including more direct outreach to accounting and law firms as well as an overture into radio advertising. The program has benefited from increased involvement with the Ohio Society of CPAs and the Tax Executives Institute (TEI), a national organization of corporate tax executives with local chapters. The Columbus/Dayton/Cincinnati Chapter of TEI has committed to provide a scholarship on a biannual basis to a Capital University Law School Master's of Taxation student. Every other year, TEI will provide a \$1,000 scholarship to an M.T. student with at least a B average and demonstrated financial need. The scholarship is applied to tuition and books.

### **New Certificate Programs in Estate Planning and Employee Benefits Offered**

In response to changing market demands, Capital University Law School has created two new tax certificate programs — Estate Planning and Employee Benefits. These focused certificate programs are ideal for individuals who are not yet ready to enter a master's program or for those who already have a master's degree but wish to expand their practice in a new direction. The certificates are designed for lawyers and accountants who want to advance their careers and gain specialized taxation knowledge. Certificate Program students must meet the same admission standards as Master of Laws in Taxation or Master's of Taxation students. Students in the Estate Planning Certificate Program must complete three required courses (Estate and Gift Tax, Income Taxation of Trusts and Estates, and Estate Planning Practicum) for seven credit hours. Students in the Employee Benefits Certificate Program must complete three courses (Qualified Retirement Plans, Executive Compensation, and Welfare Benefits Plan) for a total of five credit hours. Course credits may be applied to an LL.M. or M.T. degree.

### **Annual Tax Institute Established**

For the first time in recent years, Capital University Law School is offering an annual Tax Institute for tax attorneys, tax accountants and financial planners or analysts. The first institute, "Tax Planning: What Can Tax Practitioners Do Today?," was held October 10, 2003, and featured nationally recognized faculty including Stephen A. Whitlock, Deputy Director of the Office of Professional Responsibility for the Internal Revenue Service, and Linda Galler, Professor of Law at Hofstra University School of Law.

# Academic Programs

## Paralegal Program Celebrates 30th Anniversary, Begins Summer Immersion Option

Capital's highly respected Paralegal Program, approved by the American Bar Association and endorsed by the Columbus Bar Association, celebrated its 30th anniversary this past academic year, with an exciting and well-attended anniversary event. The highlight of the evening was a presentation by the program's founder, the Hon. John W. McCormac. In attendance were alumni dating back to the program's inception, current students and many faculty and board members.

Program enrollment continues to remain strong, with approximately 70 students combined between the August and February paralegal class sessions. The Dayton branch continues to grow and seated a class of 18 students in fall 2003. The reputation of the program also is steadily increasing, with outstanding placement statistics and the annual awarding of a scholarship from the Greater Dayton Paralegal Association to a Dayton paralegal program student.

An exciting new development is the creation and implementation of a Summer Immersion Paralegal Program. This full-time, day program compresses the full 324 clock hours of the part-time evening program into three months.

Classes are offered Monday through Thursday, from 8:30 a.m. until 3:30 p.m. The program is marketed to new college graduates and to individuals outside of Central Ohio. Modeled after a highly successful program at Duquesne University, approximately 25 students began the first program in summer 2003.

The paralegal profession is one of the top 10 fastest-growing professions, with the Department of Labor predicting that paralegal positions are estimated to increase 62 percent through 2008, creating thousands of new career opportunities.



*Members of the first Paralegal Class with The Hon. John McCormac (left to right): Nancy Crown, Jo Barrett and Dorothy Ferguson-Hill*

[1931]  
David D White, the first African American, graduates from the Law School. He is the first African American attorney licensed to practice in Columbus.



*David D. White*

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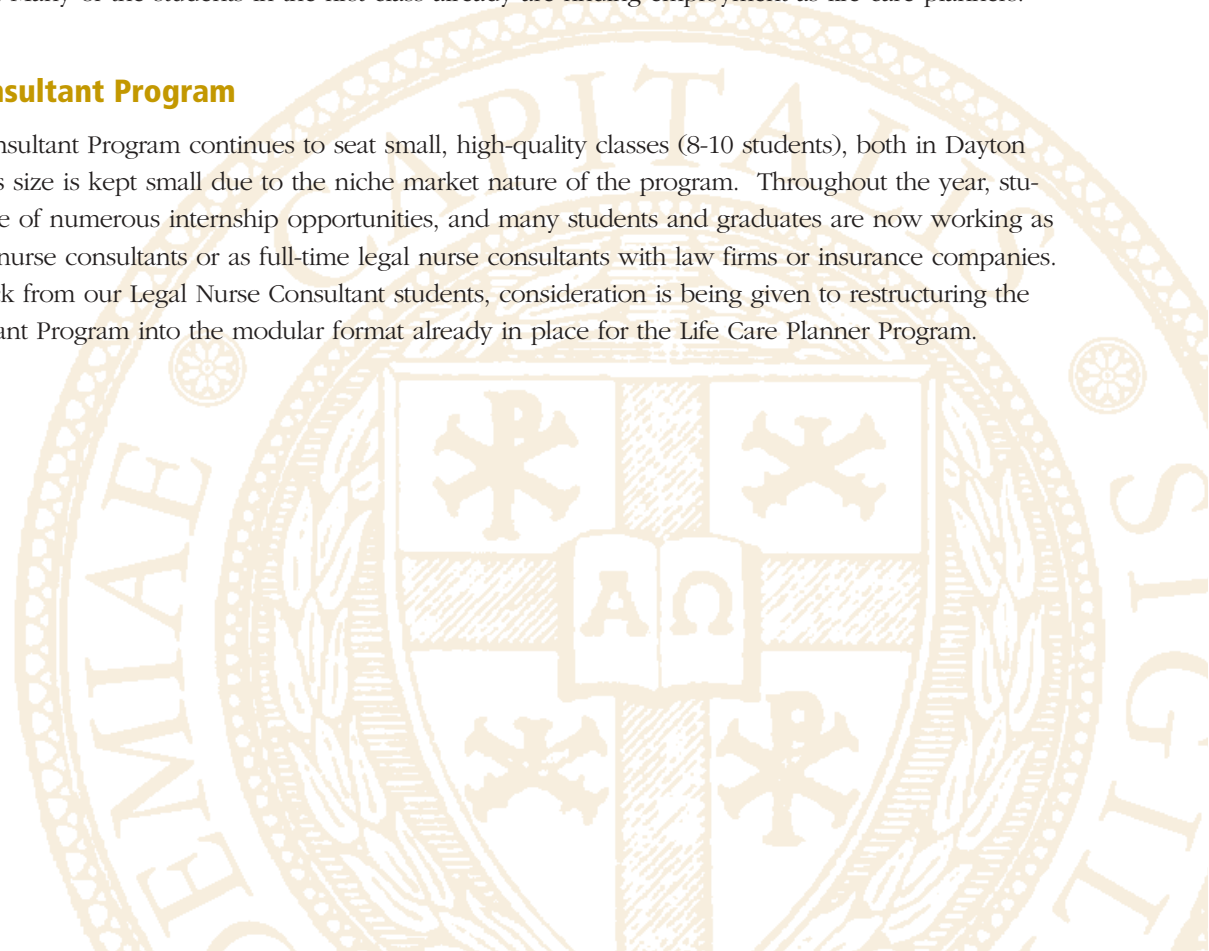
### **Law School Celebrates First Graduating Class of LCP Program**

On August 10, 2003, the Capital University Law School Life Care Planner Program inaugural class of 18 students proudly completed their program with a graduation ceremony. This certificate program, launched in October 2002, explores the intersection between law and medicine. Individuals with a nursing or rehabilitation background work with the legal team in cases involving clients with catastrophic illnesses or injuries. Life care planners work with a team of experts and detail the care the person will need for the rest of his or her life. Life care planners also must determine the financial implications for the various types of care required. The life care planner functions as an expert witness for either the plaintiff or the defense, and therefore must be familiar with the trial process, relevant rules of civil procedure and evidence, and with the substantive law often involved in such cases.

The eight-month program is offered in intensive weekend modules (one per month) that are bridged by a distance learning component. Many of the students in the first class already are finding employment as life care planners.

### **Legal Nurse Consultant Program**

The Legal Nurse Consultant Program continues to seat small, high-quality classes (8-10 students), both in Dayton and Columbus. Class size is kept small due to the niche market nature of the program. Throughout the year, students took advantage of numerous internship opportunities, and many students and graduates are now working as self-employed legal nurse consultants or as full-time legal nurse consultants with law firms or insurance companies. Based upon feedback from our Legal Nurse Consultant students, consideration is being given to restructuring the Legal Nurse Consultant Program into the modular format already in place for the Life Care Planner Program.





# Centers of Strength

## The Project for Advanced Dispute Resolution Education

Building on its history as one of the nation's first law schools to create an academic center for dispute resolution, Capital University Law School has created The Project for Advanced Dispute Resolution Education. With the support of a \$300,000 challenge grant from The Nationwide Foundation, the project is scheduled to launch next academic year. The project components include: 1) developing new advanced dispute resolution courses to enhance the dispute resolution concentration in the J.D. program; 2) creating a dispute resolution concentration in Capital's LL.M in Business program; 3) creating a certificate program in advanced dispute resolution for non-lawyer, business professionals; and 4) sponsoring a national conference on alternative dispute resolution for minority professionals. Negotiation, mediation and dispute resolution skills are used extensively by all types of organizations — corporations, courts, educational institutions, government, social service agencies and religious institutions. Professionals in various industries are demanding more focused, specialized education and training because their organizations' leaders recognize the value added by these skills and the significant cost savings obtained by resolving disputes through negotiation, mediation and arbitration versus litigation. The Project for Advanced Dispute Resolution Education at Capital University Law School will increase awareness and, ultimately, the use of dispute resolution as a viable business tool by all professions.

## The National Center for Adoption Law & Policy at Capital University Law School

On January 1, 2003, with the strong support of the Dave Thomas Foundation for Adoption, Capital University Law School's Dave Thomas Center for Adoption Law became the National Center for Adoption Law and Policy with the tagline, "...because every child deserves a family." This name change better emphasizes the Center's work, which in just five short years has become nationally prominent in the adoption arena. The only entity of its kind in the nation, the Center is *the source* for current adoption information. Using research, advocacy and education, the Center works to bring about change in child protection and adoption systems throughout the nation. Every day, the Center works toward the goal that all children — especially those who have been abused, neglected or are dependent on the state for their care — live in safe, healthy, permanent homes. To accomplish this goal, the Center's education, research and advocacy efforts include:



*National Center for Adoption Law & Policy staff (left to right): Margaret Frazier, Peter Caborn, Denise St. Clair, Kent Markus, and Jim Riedel*

[1933]

Franklin University is founded as the new educational arm of the YMCA. All of the schools the Y operates, including the Columbus College of Law, fall under Franklin's umbrella. The Law School's name is changed to Franklin University Law School in 1948.



*Joseph E. Frasch, First  
President of Franklin  
University*

- **Adoption LawSite:** On July 15, 2003, the Center launched a new electronic tool — [www.adoptionlawsite.org](http://www.adoptionlawsite.org). Adoption LawSite is the nation's first comprehensive online compilation and synthesis of the law of adoption. The site provides free access to adoption-related statutes and regulations, as well as key cases and articles from every U.S. state and territory. The construction of the site was primarily funded by a \$230,000 grant from the U.S. Department of Health and Human Services and secured by U.S. Rep. Deborah Pryce (R-OH). Additional funding for the project was made available by the Dave Thomas Foundation for Adoption and the Ohio State Bar Foundation. In just a couple months, the site has received more than 600,000 hits to the Web site.
- **Adoption JobSite:** The Center concluded another successful summer of the Adoption JobSite program which places law students from across the nation with paid or volunteer summer positions that deal with adoption and permanency for children. The Center placed more than 40 students nationally in 20 states and territories in positions with courts, tribes, Legal Aid, children's services agencies and other non-profit organizations.
- **Adoption Academy:** In collaboration with Children's Hospital, the Center continues to offer an 11-week Adoption Academy. This course is for those thinking about adoption and trying to better understand the choices and challenges associated with adoption.
- **Adoption Law Course and Case Book:** The Center's Director, Professor Kent Markus, teaches the only adoption law course regularly offered in the nation. He is preparing his course materials for publication, and the course book will be marketed to law schools nationally.
- **News and Case Summaries:** The Center sends its free, weekly electronic summary of adoption news and free, weekly electronic summary of recent adoption cases to more than 2,000 subscribers representing every state in the U.S.
- **Amicus Curiae:** The Center won a case in the Oklahoma courts in which it appeared as lead *Amicus Curiae*. Litigating on behalf of a severely mentally retarded adoptee, the Center convinced the court that the Oklahoma statutory structure for the determination of subsidy payments to the families of adopted special needs children violated federal law. This statutory structure exists in other states and the Center hopes that this case will be used to help special needs children in other jurisdictions.
- **Annual National Symposium:** The Center held its fifth Annual National Symposium: *Examining the First Five Years of the Adoption and Safe Families Act* on October 20-21, 2003. Among the leading national child welfare and adoption experts who spoke were Dr. Richard Barth, of the School of Social Work at the University of North Carolina, Chapel Hill; Dr. Nancy Young, Director of Children and Family Futures, Inc.; Judge Len Edwards, Immediate Past President of the National Council of Juvenile and Family Court Judges; Joe Kroll, Executive Director of the North American Council on Adoptable Children.
- **Wine Celebration and Fund Raiser:** The Center hosted its first annual Autumn Wine Celebration on Friday, September 19, 2003, at the home of Kaira & Harley E. Rouda Jr. More than 220 guests enjoyed a wine tasting of selected Robert Mondavi wines, hors d'oeuvres, desserts and a silent auction. More than \$13,000 was raised to support the work of the Center.





# Centers of Strength

## Family Advocacy Clinic Receives Choices 10th Annual Peacemaker's Award

The Family Advocacy Clinic at Capital University Law School, established in October 2000, is made possible by funding from the Columbus Coalition Against Family Violence, which was established with gifts from Abigail and Les Wexner. The Family Advocacy Clinic operates under the umbrella of the Capital University Legal Clinic, and provides free representation to victims of domestic violence who do not qualify for assistance from the Columbus Legal Aid Society but lack the financial resources to retain private counsel. The Family Advocacy Clinic informally collaborates with the Columbus Legal Aid Society, the Columbus City Attorney's Office, and Choices for Victims of Domestic Violence.

The clinic is composed of two units. The Civil Protection Unit provides legal representation to victims of domestic violence to secure Civil Protection Orders.

It also assists clients with housing needs, employment concerns and divorce and dissolution proceedings. This unit is staffed by two attorneys and a paralegal. The Contested Custody Unit provides legal assistance to victims of domestic violence in cases where child custody is, or is likely to be, contested. Representation is provided in divorce proceedings as well as post-decree custody and visitation matters. This unit is staffed by two attorneys. A program initially designed to handle 200 cases per year, the Family Advocacy Clinic has provided services for approximately 2,000 individuals.

As a result of its efforts in the community, the Family Advocacy Clinic received the Choices 10th Annual Peacemaker's Award for the pro bono representation it provides to victims of family violence. Choices is an organization dedicated to serving victims of domestic abuse through a wide range of services including shelters, hotline counseling, education and advocacy.

Roberta Mitchell, Professor of Law at Capital University Law School, is director of the Family Advocacy Clinic. Attorneys Danny Bank and Lorie McCaughn supervise the two units of the Family Advocacy Clinic. Capital University Law School students who enroll in General Litigation Clinic participate in the Family Advocacy Clinic as well. They help attorneys in court on child custody cases and by working as law clerks.

## Third-Year Legal Writing Course Implemented

Capital University Law School implemented a new legal writing graduation requirement for students who began Law School in fall 2002. In addition to completing the comprehensive first-year Legal Research and Writing course, and writing a scholarly article of publishable quality, students now are required to complete a Legal Drafting Course in their final year of law school. This course reinforces and expands on the writing skills that students gained in their first-year course. It also introduces students to the principles of drafting some common transactional documents. Students are asked to write a new document nearly every week of the semester. They are guided by one-on-one feedback from their Drafting Course Instructor. This course will be the capstone writing experience for Capital's students and will position them well as they embark on their legal careers. The Law School



*Family Advocacy Clinic staff (1st row left to right): Roberta Mitchell, Lori McCaughan, Jenifer Thompson, Lina Kirchner, Brandi Rovito, Nicole Hall-Wilkinson. 2nd Row left to right: Lisa Eschleman and Danny Bank. Not Pictured: Phyllis Hill and Rebecca Sager*

[1950]

As a result of Dean Ralph Klapp's efforts, the Law School receives conditional ABA sanctioning on February 27, 1950, and is placed on the approved list of the Section of Legal Education of the ABA. Full Accreditation is given on August 18, 1954.



Dean Ralph H. Klapp

will be hiring new instructors to teach the Drafting Course, which will be offered in small sections.

A new Legal Research and Writing Instructor was appointed, Todd W. Reed. Professor Reed was previously a managing partner and trial attorney at Reed & Pettys in their West Virginia Office. He is a 1992 graduate of Capital University Law School, and holds an M.B.A. from Marshall University and a B.A. from West Virginia University. He has been a contributing writer to many publications including the *West Virginia Tax Institute* and *The Charleston Daily Mail*.

### **First Students Graduate with Children & Family Law Concentration**

Ten students were the first to graduate with Capital's new Children & Family Law concentration. The concentration builds upon Capital's strengths in the area of family law, including the National Center for Adoption Law & Policy, the Family Advocacy Clinic, and faculty scholarship in this area. The concentration prepares students for practicing law effectively regarding the myriad issues involving families. Issues span infancy to death, including topics of adoption, rights of children, family violence, elder care, and estate planning. Eleven credit hours of course work are required to obtain a certificate in this concentration. Students must also maintain a minimum 2.8 grade point average in the courses taken to satisfy the concentration. Students are required to take Family Law and at least two of the following: Adoption Law; Elder Law; Juvenile Law; Sexual Orientation and the Law; or Family Advocacy Clinic. Elective courses include: Administrative Law; Legislation; School Law; Mediation; Dispute Resolution; and Estates and Trusts.

In addition to the 10 students graduating with a Children & Family Law concentration, an additional 28 students graduated with a concentration in Environmental Law; Labor & Employment; Governmental Affairs; Small Business Entities; Publicly-held Companies; or Dispute Resolution.

### **BLSA Wins National Chapter of the Year Award**

Capital University Law School's Black Law Students Association (BLSA) received the 2003 National Black Law Students Association (NBLSA) Chapter of the Year award. Each year, NBLSA recognizes six regional BLSA chapters that have diligently served their community. The award is based on social, political, academic, educational, cultural, recreational and philanthropic programming and the degree to which a chapter positively impacts its members, university and the community.

Capital's BLSA had a successful year of programming that reached out to both the Law School and area community. The organization's community service projects included the Street Law program, Adopt-a-School program, Make a Difference Day with the Salesian Boys and Girls Club, and a clothing drive. BLSA also sponsored an affirmative action debate for the Law School community in an effort to facilitate open discussion and foster mutual understanding of issues surrounding affirmative action in higher education. The debate was repeated for Capital's undergraduate campus as part of the Martin Luther King Jr. Day of Learning.

The 2002-03 BLSA officers were B. Makeda Neal, President; Amir Clayton Powell, Vice President; Terri Jamison, Secretary; Shontell Walker, Treasurer. Committee chairpersons included: Veronica Lindsay, Community Service; Jarrod Skinner, Digital Yearbook; Terri Jamison, Professionalism; Shontell Walker, Fund Raising; and Ali Shakoor, Martin Luther King Jr. Day. Professor Shirley Mays is the adviser to BLSA.

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If Franklin University Law School is to continue, it needs to affiliate with an accredited university that has better physical facilities and room for expansion. On September 1, 1966, the Law School officially becomes a part of Capital University, under the leadership of Deans John McCormac and John Sullivan, and moves to Capital's Bexley campus.



*President Joseph Frasc and President Harold Yocum at the signing of the transfer of the Law School from Franklin University to Capital University*

# Faculty

One goal of the Law School's strategic plan is to "attract and retain a world-class faculty of teacher/scholars as well as [to] attract and retain Central Ohio's best lawyers as adjunct professors." Specifically, this goal includes: 1) an increase in scholarship, which facilitates both teaching and the advancement of the law; 2) the enhancement of the student/faculty ratio; 3) an increase in elective courses, reflective of current and future trends in legal practice; and 4) the reduction of class size in first- and second-year required courses, thus enhancing the teaching and learning experience.

Capital University Law School's newly appointed chair and faculty members join an already dedicated and talented faculty. Their appointments continue Capital's commitment to diversity within its faculty ranks — 35 percent are women; 13 percent are minority; and their professional degrees are earned from more than 30 different educational institutions. These individuals are committed teachers, scholars and practitioners and will lead Capital University Law School into its second century.

With the new faculty appointments, every first-year student now has a small section of a substantive course. Depending on faculty leaves and sabbaticals, first- and second-year students also will experience small sections in other required and bar courses. There is no doubt that such steps increase faculty effectiveness and enhance the learning environment.

## Faculty Appointments



*Mark R. Brown*  
*B.S., University of Dayton*  
*J.D., valedictorian, University of Louisville School of Law*  
*LL.M., University of Illinois College of Law*

**Professor Mark R. Brown** has been named the Newton D. Baker/Baker and Hostetler Chair of Law. He is one of the nation's leading scholars in the area of civil rights litigation. His articles have appeared in the country's top law journals, including the *Temple Law Review*, *Tulane Law Review*, *University of Illinois Law Review*, *Cornell Law Review*, and the *Ohio State Law Journal*, and his scholarship is cited and quoted frequently. His most recent publication is the book

*Constitutional Litigation Under Section 1983* (2003), co-authored with Professor Kit Kinports of the University of Illinois.

Professor Brown is a cooperating attorney with the ACLU Foundation of Florida, Inc. He has litigated more than two dozen pro bono cases for various organizations, including the ACLU, NAACP, Southern Christian

Leadership Conference, and National People's Democratic Uhuru Movement. In 2002, he was chair of the AALS Section on Civil Rights and he currently chairs the ABA Section on Litigation Subcommittee on Section 1983 Litigation.

Professor Brown comes to Capital from the Stetson University College of Law in Florida, where he was a tenured faculty member. He also has taught at the University of Illinois College of Law and The Ohio State University College of Law as a visiting professor. For the 1993 October Term, Professor Brown was a Supreme Court Judicial Fellow, serving under Chief Justice William H. Rehnquist. Upon graduation from the University of Louisville School of Law, where he served on the *Law Review* editorial board and was the first student in the school's history to graduate with straight A's, Professor Brown clerked for the Hon. Harry W. Wellford of the U.S. Court of Appeals for the Sixth Circuit. He teaches Constitutional Law and Constitutional Litigation.



*Regina F. Burch*  
 A.B., Harvard College  
 M.S.A., Sloan School of Management,  
 Massachusetts Institute of Technology  
 J.D., University of California, Hastings College of the Law

**Professor Regina F. Burch** comes to Capital with diverse academic, legal and business experience. Most recently, she was a visiting professor of law at DePaul University where she taught Business Organizations and Intellectual Property Transactions for corporate attorneys. She practiced corporate, securities and intellectual property transactional law with the firm of Testa, Hurwitz and Thibeault, LLP in Boston, Mass., and then with McCutchen, Doyle, Brown and Enersen, LLP in Palo Alto, Calif. While a student at Hastings College of the Law, Professor Burch served

as the senior symposium editor for the *Hastings West-Northwest Journal of Environmental Law & Policy*. A graduate of the Sloan School of Management, her fields of emphasis were corporate strategy and information technology. She worked as a consultant and analyst for such corporations as Shaman Pharmaceuticals; Ernst & Young, LLP; Chiron Corporation; and VISA International. At Capital, Professor Burch teaches Business Associations and other business law courses. Her research interests include the regulation of corporate law and the development of internal corporate governance structures.



*Charles E. Cohen*  
 B.A., cum laude, Harvard University  
 J.D., cum laude, Order of the Coif, University of California, Hastings College of the Law

**Professor Charles E. Cohen** teaches in the areas of Property Law and Commercial Law. Before coming to Capital, he was with the law firm of Farella Braun & Martel LLP in San Francisco, where his practice focused on real property and bankruptcy litigation. Professor Cohen served as a law clerk to the Hon. Thomas G. Nelson of the United States Court of Appeals for the Ninth Circuit. While a student at Hastings College of the Law, he was senior articles editor for the *Hastings Law Journal*. Prior to becoming an attorney, Professor

Cohen was a freelance writer and editor, a staff writer for *People* magazine and *Money* magazine and an

editor of the electronic edition of *The New York Times*. Professor Cohen's scholarly interests lie primarily in the field of real property law, particularly takings law. His most recent article, *Takings Analysis of Police Destruction of Innocent Owners' Property in the Course of Law Enforcement*, appears in 34 *McGeorge Law Review* 1 (2002).



*Kent Markus*  
 B.S., Northwestern University  
 J.D., cum laude, Harvard Law School

**Professor Kent Markus** has been appointed Associate Professor of Law. He also directs Capital's National Center for Adoption Law & Policy. Professor Markus teaches an extensive array of subjects including Adoption Law, Administrative Law, Remedies, Ethics, Legislation, and a course on Baseball & The Law. He serves on the boards of the Ohio Legal Assistance Foundation, Franklin County Children Services and SEARCH (The National Consortium

for Justice Information & Statistics). At the request of the Mayor of Columbus, he is currently chairing the Neighborhood Safety Working Group aimed at increasing public safety and reducing crime in Central Ohio. Prior to coming to Capital as a visiting professor in 1998, Professor Markus was deputy chief of staff at the U.S. Justice Department and Counselor to Attorney General Janet Reno. During his five years at the Justice Department, he was responsible for the implementation of the Brady Law and the 1994 Crime Act; he established and was the first director of the Office of Community Oriented Policing Services; he managed the Department's dealings with Congress; and he was the point person for the Department on crime policy. Professor Markus was the chief of staff at the Democratic National Committee and before that, chief of staff for former Ohio Attorney General Lee Fisher. Earlier in his career, he worked at law firms in Australia, Alaska and Washington, D.C., before returning home to clerk for U.S. District Judge Alvin I. "Buddy" Krenzler, and to practice law and teach at Cleveland State University Law School. On Capitol Hill, Professor Markus worked for former U.S. House Speakers Carl Albert and Tip O'Neill and was special adviser to former House Rules Committee Chairman Richard Bolling.



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The Law School's first full-time day law program begins with fifty-two students.



Capital University Law School at the Willaman Building on Main Street

# Faculty



Susan D. Rozelle  
B.A., summa cum laude, *University of Central Florida*  
J.D., magna cum laude, *Duke University School of Law*

**Professor Susan D. Rozelle** served as a law clerk to Justice Mel L. Greenberg of the Massachusetts Appeals Court and as a law clerk to Justice Roderick L. Ireland of the Supreme Judicial Court of Massachusetts. Between clerkships, she practiced law as a litigation associate with Nutter, McClennen & Fish, LLP, in Boston, and consulted pro bono with the Massachusetts Women's Bar Foundation Elder Law Project. Professor Rozelle co-authored with Edward P.

Leibensperger *An Introduction to Massachusetts Discovery Practice*, in *Massachusetts Discovery Practice* (MCLE, Inc. 2002). Her most recent article, *The Utility of Witt: Understanding the Language of Death Qualification*, appears in 54 *Baylor Law Review* 677 (Fall 2002). While a law student at Duke University, Professor Rozelle worked as a mediator for the Private Adjudication Center and as an editorial assistant for *Law and Contemporary Problems*. She also founded and was editor-in-chief of *Alibi* literary magazine. Professor Rozelle's research interests include criminal responsibility and language and the law. She teaches Criminal Law and Evidence.



Angela Upchurch  
B.A., summa cum laude, *Loyola University Chicago*  
J.D., magna cum laude, *Loyola University Chicago School of Law*

**Professor Angela Upchurch** joins Capital as an Assistant Professor of Law teaching Civil Procedure and Torts. Most recently, she was a law clerk to the Hon. Michael Murphy of the United States Court of Appeals for the Tenth Circuit in Salt Lake City. She previously served as law clerk to the Hon. Avern Cohn of the United States District Court for the Eastern District of Michigan. Professor Upchurch graduated first in her class at Loyola University Chicago School of Law, where she

was editor-in-chief of the *Loyola University Chicago Law Journal* and recipient of the Loyola University Chicago Presidential Medallion. She is a contributing author of the book *ABA Center on Children and the Law, A Judge's Guide: Making Child-Centered Decisions in Custody Cases* (2001). Her research interests include procedural law and issues related to children and the law. She currently is working on an article related to frozen embryo disputes.

## Faculty News & Announcements

Professor **James R. Beattie Jr.**, participated in the Ohio State Bar Association's Faith and the Law Seminar in November 2002. His presentation was titled, "Religion and the Public Schools." He also presented "Religious Liberties in Canada and the United States" at the North American Interfaith Network in August 2003. Professor Beattie, whose research is in the area of religion and the law, was interviewed by WOSU Public Radio for two different shows – "Charitable Choice and the Constitution" on April 15, 2003, and "Faith Based Initiatives" on April 7, 2003. He was a panelist for the April 15, 2003, Community Tapestry program, "Religious Accommodation," on Government Channel 3. He was interviewed by *The Columbus Dispatch* for its Faith & Values section, "When Faiths Collide," June 27, 2003.

Professor **Carole C. Berry** released the third edition of *Effective Appellate Advocacy: Brief Writing and Oral Argument*. Published by West Group, the book and its accompanying teacher's manual are used by law schools across the country to teach brief writing and oral argument. The third edition reflects minor changes in or interpretation of the Federal Rules of Appellate Procedure, the Rules of the Supreme Court, the various Circuit Rules and the Internal Operating Procedures of the Circuits, and also expands upon the ethics of appellate practice. In addition to being used by law schools in the semester in which brief writing and oral

argument are the main topics, Berry also believes the book will be helpful to lawyers embarking on a career as appellate advocates.

**Janet George Blocher**, Director of Legal Research and Writing, spoke on “Skills Development” at the New Lawyers Training Seminar sponsored by the Ohio State Bar Association in June 2002.

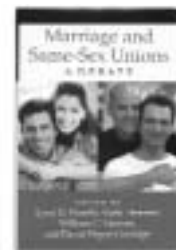
Professor **Michael Distelhorst** was named the new President of the Council for Ethics in Economics. He has long been active in the work of the Council and previously served on its Board of Trustees. He publishes in the areas of business and professional ethics and speaks frequently about ethics to corporate and professional audiences. His speeches this past year included the Ohio Society of CPAs; Ohio Judicial College; Lutheran Social Services; Buckingham, Doolittle & Burroughs, LLP; Leadership Worthington; Columbus Bar Association, Real Property Committee; Midwest Presbyterian Senior Services; Central Ohio Chapter of the American Corporate Counsel Association; and the Ohio Farm Bureau Federation Inc. Board of Trustees. Professor Distelhorst also appeared before the Columbus Metropolitan Club with Jerry Jurgenson, CEO of Nationwide, and Thomas Holden, a forensic accountant with PriceWaterhouseCoopers, to discuss “Restoring Public Trust After Enron.” He was interviewed about the program on WOSU Radio, WBNS TV and Ohio News Network TV.

Professor **Susan Gilles** spoke before Ohio judges in November 2002 for the Ohio Judicial College on “U.S. Constitutional Law.”

Associate Director for Public Services and Legal Writing Instructor **Jacqueline Orlando** appeared on a panel discussion in October 2002 for the Columbus Bar Association on library budget and retention issues. She also addressed the Ohio Valley Area Libraries on Legal Reference, Sources and Premises Liability.

Professor **David Mayer** presented “Abraham Lincoln: Hero or Villain?” at “Objectivism: Theory and Practice,” at the 13th annual Objectivist Center Summer Seminar held at the University of California at Los Angeles in July 2002. He also presented “History of Classical Liberal Thought” and “Origins of the Bill of Rights,” at the Institute for Humane Studies’ “Liberty and Society” Seminar, Pitzer College, Claremont, Calif., June 22-28, 2002.

Trustees Professor of Law **Mark Strasser** released two books on constitutional issues related to same-sex marriages and civil unions — *On Same-Sex Marriage, Civil Unions, and the Rule of Law: Constitutional Interpretation at the Crossroads* (Praeger Publishers/Greenwood Publishing Group, 2002); and *Marriage and Same-Sex Unions: A Debate* (Praeger Publishers, 2003), co-edited with Lynn D. Wardle, William C. Duncan and David Orgon Coolidge. *On Same-Sex Marriages, Civil Unions, and the Rule of Law*, explores the constitutional implications of the recognition or non-recognition of same-sex marriages and civil unions. In writing the book, Strasser focused on a number of constitutional areas including equal protection, due process, the religion clauses and the right to travel. *Marriage and Same-Sex Unions: A Debate* is a compilation of essays and responses from authors around the country, arguing the pros and cons of recognizing same-sex marriages or civil unions. This presentation of essays involving constitutional, historical, family and political perspectives is unique in that by including both essays and responses, the issues are fleshed out and clarified to a degree that most compilations are unable to achieve.



# Faculty

Professor **Floyd D. Weatherspoon** presented “Impact of the Supreme Court Decisions on the ADA” at the Ohio Department of Administrative Services, Equal Opportunity Division 2nd Annual EEO Officers’ Retreat in February 2003. In March, he spoke at the ABA Section on Dispute Resolution Conference in San Antonio, Texas. His presentation was titled, “Expanding Opportunities for Minorities and Women in ADR.” Professor Weatherspoon also spearheaded the National Conference of Minority Professionals in ADR sponsored by Capital University Law School in May and presented at one of the concurrent sessions, “Mandatory Arbitration: What Opportunities Lie Ahead for Arbitrators,” with Kelly Lasita of GE Aircraft Engines in Cincinnati, Ohio.

## Faculty Publications

### Books

Carole C. Berry, *Effective Appellate Advocacy: Brief Writing and Oral Argument* (with revised Teacher’s Manual, 3d ed., West Group, 2003).

Mark R. Brown, *Constitutional Litigation Under Section 1983* (Lexis, 2003) with K. Kinports.

Rachel M. Janutis, *Cases and Problems on Remedies* 3d ed. (Foundation Press 2002) with Elaine W. Shoben and William M. Tabb.

Mark P. Strasser, *Marriage and Same-Sex Unions: A Debate* (Praeger Publishers, 2003) with Lynn D. Wardle, William C. Duncan and David Organ Coolidge.

Mark P. Strasser, *On Same-Sex Marriages, Civil Unions and the Rule of Law: Constitutional Interpretation at the Crossroads* (Praeger Publishers/Greenwood Publishing Group, 2002).

### Book Chapters

Josiah H. Blackmore II, *Not From Zeus’ Head Full Blown: The Story of Civil Procedure in Ohio*, in *The History of Ohio Law* (Michael Les Benedict & John F. Winkler eds., forthcoming 2003).

Stanton G. Darling II, *History of Ohio Products Liability Law*, in *The History of Ohio Law* (Michael Les Benedict & John F. Winkler eds., forthcoming 2003).

Susan E. Looper-Friedman, *From Nuisance to Zoning: 200 Years of Land Use Regulation in Ohio*, in *The History of Ohio Law* (Michael Les Benedict & John F. Winkler eds., forthcoming 2003).

Christopher B. McNeil, *Government Agencies and Administrative Law*, in *Ohio Administrative Law Guide and Directory* (2002).

Susan D. Rozelle, *An Introduction to Massachusetts Discovery Practice*, in *Massachusetts Discovery Practice* (MCLE, Inc. 2002) with Edward P. Leibensperger.

Floyd D. Weatherspoon, *Arbitral Standards for Determining the Reasonableness of Plant Rules*, in *How Arbitration Works* (6th ed., BNA, forthcoming 2003).

### Law Review Articles

Steven C. Bahls, *September 11, 2001 and Agricultural Law*, 7 *Drake Journal of Agricultural Law* 1 (2002).

Steven C. Bahls, *Generational Change and the Problem of Associate Retention*, 29 *Capital University Law Review* 887 (2002).

James R. Beattie Jr., *Socratic Ignorance: Once More into the Cave*, 105 *West Virginia Law Review* 471 (2003).

Carole C. Berry, *Taxation of U.S. Athletes Playing in Foreign Countries*, 13 *Marquette Sports Law Review* (2002).

Mark R. Brown, *Affirmative Inaction: Stories from a Small Southern School*, 75 *Temple Law Review* 201 (2002).

Charles E. Cohen, *Takings Analysis of Police Destruction of Innocent Owners’ Property in the Course of Law Enforcement*, 34 *McGeorge Law Review* 1 (2002).



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The Capital University Law Clinic and the Night Prosecutor Mediation Program, the first major mediation program in the nation, are established this year.



John Palmer, James Hughes, Randy Smith, Tom Vargo and Randall Robinson of the Night Prosecutor Program receiving Ohio Governor John J. Gilligan's Award for Community Action

Susan M. Gilles, *From Baseball Parks to the Public Arena: Assumption of the Risk in Tort Law and Constitutional Libel Law*, 75 Temple Law Review 231 (2002).

Susan M. Gilles, "Poisonous" Publications and Other False Speech Physical Harm Cases, 37 Wake Forest Law Review 1073 (2002).

Susan D. Rozelle, *The Utility of Witt: Understanding the Language of Death Qualification*, 54 Baylor Law Review 677 (Fall 2002).

Mark P. Strasser, *Harvesting the Fruits of Gardiner: On Marriage, Public Policy, and Fundamental Interests*, 71 George Washington Law Review 179 (2003).

Mark P. Strasser, Hans, Ayers, and *Eleventh Amendment Jurisprudence: On Justification, Rationalization, and Sovereign Immunity*, 10 George Mason Law Review 251 (2002).

Mark P. Strasser, *When Is a Parent Not a Parent? On DOMA, Civil Unions, and Presumptions of Parenthood*, 23 Cardozo Law Review 299 (2002).

Mark P. Strasser, *Same-Sex Marriages and Civil Unions: On Meaning, Free Exercise, and Constitutional Guarantees*, 33 Loyola Chicago Law Journal 597 (2002).

Mark P. Strasser, *Some Observations about DOMA, Marriages, Civil Unions, and Domestic Partnerships*, 30 Capital University Law Review 363 (2002) (Symposium Issue).

Mark P. Strasser, *Toleration, Approval, and the Right to Marry: On Constitutional Limitations and Preferential Treatment*, 35 Loyola Los Angeles Law Review 65 (2002).

### Book Reviews and Essays

David N. Mayer, *Thomas Jefferson*, in The Oxford Companion to American Law 433 (Kermit L. Hall ed. 2002).

Daniel C. Turack, 3 Non-State Actors and International Law 161 (2003) (reviewing Andreas O'Shea, *Amnesty for Crime in International Law and Practice* (2002)).

Daniel C. Turack, 9 International Peacekeeping 164 (2002) (reviewing Ramesh Thakur & Albrecht Schnabel, *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (2001)).

Daniel C. Turack, 10 International Journal of Children's Rights 303 (2002) (reviewing Paul R. Beaumont & Peter E. McElevay, *The Hague Convention on International Child Abduction* (1999)).

Daniel C. Turack, 7 Deakin Law Review 223 (2002) (reviewing Philip Alston, *Promoting Human Rights Through Bills of Rights Comparative Perspectives* (1999)).

Daniel C. Turack, 19 Journal of Third World Studies 339 (2002) (reviewing Kemel Baslar, *The Concept of the Common Heritage of Mankind In International Law* (1998)).

Daniel C. Turack, 2 Global Environmental Politics 126 (2002) (reviewing Phoebe N. Okowa, *State Responsibility for Transboundary Air Pollution in International Law* (2000)).

### Other Publications

Dennis Hirsch, editorial "Nazi analogy doesn't fit Israel's reality," *Cleveland Plain Dealer*, April 17, 2003.

Daniel T. Kobil, editorial "Because Judges Err, Clemency is Crucial," *Tennessean*, April 28, 2003.

Daniel T. Kobil, editorial, "The History Behind Clemency," *The Chicago Tribune*, December 4, 2002; *The Columbus Dispatch*, December 5, 2002; *Cleveland Plain Dealer*, December 23, 2002.

Daniel T. Kobil, editorial, "Only Congress has the power to authorize going to war," *The Columbus Dispatch*, September 17, 2002.

Daniel C. Turack, *On the Road to Statehood and Justice: East Timor*, 21 Journal of Development Alternatives and Area Studies 47 (No. 1/2, March-June 2002).

# Lectures & Symposia

## Symposium on Marriage, Adoption and the Best Interests of the Child



*Professor Kent Markus leading panel discussion at the symposium on Marriage, Adoption and the Best Interests of the Child. Professor Barbara Cox, California Western School of Law, speaking*

Capital University Law School, The National Center for Adoption Law & Policy, and the Brigham Young University J. Reuben Clark Law School hosted a two-day symposium in November 2002 on marriage and adoption. Among the important issues discussed were the constitutional and public policy issues regarding adoptions by same-sex couples and different-sex, non-marital couples. Experts from around the country, including law professors and adoption professionals looked at such issues as whether states must recognize adoptions performed in other states, even if those adoptions would not be permitted locally; and the status of international adoption laws. Capital University Law School Professors **Kent Markus** and **Mark Strasser**, along with Professor Lynn Wardle of the J. Reuben Clark Law School organized the symposium.

The program attracted about 150 major stakeholders in adoption, including judges, attorneys, government officials and social workers. Final papers of this symposium are being published in the *Capital University Law Review*, *BYU Journal of Public Law*, and the *Utah Journal of Law and Family Studies*.

## Judge Diane Wood Presents Annual Sullivan Lecture

The Hon. Diane Wood, Circuit Judge for the 7th Circuit U.S. Court of Appeals, presented the 24th John E. Sullivan Lecture on November 18, 2002. Wood's lecture explored the rapid growth in the use of arbitration to resolve commercial, consumer, employment, statutory and constitutional claims, and whether the courts should modify their current strong presumption in favor of arbitration agreements and awards and replace it with a more nuanced approach.

In addition to serving as a circuit judge, Wood is also a senior lecturer in law at the University of Chicago Law School, where she teaches in the field of international economic law. Prior to her appointment in 1995 to the court, she served from 1993 to 1995 as Deputy Assistant Attorney General in the Antitrust Division of the U.S. Department of Justice, where she was responsible for international antitrust policy and enforcement, as well as the division's appellate litigation. From 1981 until 1995, she was a Professor at the University of Chicago Law School. In 1990, she was named to the Harold J. and Marion F. Green Professorship in International Legal Studies, becoming the first woman to hold a named chair at the school. She served as Associate Dean of the law school from 1989 through 1992.

[1972]  
A certified Legal Assistant Program, endorsed by the Columbus Bar Association, begins and the Capital University Law Review unveils its first edition in the Spring of 1972.



*Cover of the first edition of the Law Review*

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The John E. Sullivan lecture series was established in honor of Professor Emeritus John Edward Sullivan, a dedicated teacher and scholar who joined the Capital law faculty in 1953 and went on to serve as Acting Dean and Academic Dean during his tenure at the Law School. The Sullivan Lecture is presented each academic year by a distinguished legal scholar who addresses a matter of significance to the Law School and greater legal community.

### **Law School and Bar Sponsor Mentoring Program**

In April 2003, Capital University Law School and the Columbus Bar Association sponsored a program for Columbus managing partners and corporate general counsel on how to use mentoring programs and professional development opportunities to develop successful attorneys, including minority associates. Susan G. Manch, principal of Shannon & Manch, presented the CLE program, an outgrowth of the Managing Partners Racial Diversity Initiative. More than 30 managing partners and recruiting leaders from Columbus' largest law firms and corporations participated. The program evaluations were outstanding. Nearly 95 percent of the participants indicated the seminar was relevant to their organization and 73 percent indicated they would incorporate the content into their mentoring program. The Law School and CBA held a follow-up program in fall 2003.



*The Hon. Diane P. Wood (right) posing with Dean Steven C. Babls and Professor John and Mary Jane Sullivan at Sullivan Lecture*

### **National Symposium on Mental Illness and the Criminal Justice System**

The National Symposium on Mental Illness and the Criminal Justice System was held April 10 – 11, 2003 at the Radisson Airport Hotel and Conference Center. The program was sponsored by the Law School, The Supreme Court of Ohio and the *Capital University Law Review* and was made possible with a grant from the Ohio State Bar Foundation Continuing Legal Education Fund.

The symposium brought together leading state and national experts to look at collaboration between courts and the mental health system; appropriate sentence responses for defendants with mental illness, crisis intervention teams and assertive community treatment programs; and successful uses of mental health courts and other diversion programs. Approximately 300 individuals from across Ohio and surrounding states attended, including judges, magistrates, court administrators, jail administrators, parole officers, prosecutors, public defenders, criminal defense attorneys, law clerks, case managers, social workers, law enforcement representatives, treatment professionals and consumer advocacy groups.

# Lectures & Symposia

Ohio Supreme Court Justice Evelyn Lundberg Stratton, a state and national leader on this topic and the central figure in planning the symposium, spoke and moderated the two day program. In addition to Justice Stratton, other conference speakers included former United States Sen. Paul Simon, who currently directs the Public Policy Institute at Southern Illinois University in Carbondale; Dr. Fred Frese, a prominent psychologist who was diagnosed with schizophrenia 30 years ago and went on to obtain his Ph.D. in Psychology; Michael Hogan, Director of the Ohio Department of Health and Chair of President George W. Bush's New Freedom Commission on Mental Health; judges who are among the nation's leaders in establishing mental health courts in Florida, Indiana and Ohio; the National Alliance for the Mentally Ill and Ohio Advocates for Mental Health; and law enforcement officials who have established successful crisis-intervention teams in Memphis, Tenn., and Akron, Ohio.



*National Symposium on Mental Health and the Criminal Justice System Symposium speakers with members of the Capital University Law Review. 1st Row (left to right): U.S. Senator Paul Simon, The Hon. Ginger-Lerner-Wren, The Hon. Evelyn Lundberg Stratton, Dr. Penelope A. Frese, The Hon. Joyce A. Campbell. 2nd Row (left to right): Kirsten Bartholomew, Gabe Roebrenbeck, Kelley Bergelt, Todd Ernsberger, Jeremy Heck, Kim Bond. 3rd Row (left to right): President Theodore Fredrickson, Dean Steven C. Babls, Lt. Michael S. Woody, Dr. Mark R. Munetz, Dr. Michael F. Hogan, Dr. Tom Hamilton, The Hon. Elinore Marsh Stormer, The Hon. Michael J. Sage, Dr. Frederick J. Frese III. Not pictured: The Hon. Evan D. Goodman, Major Sam Cochran, Mr. Terry Russell and Mr. Doug DeVoe*

[1980]

Outgrown its space in Bexley, the Law School moves to new, leased facilities on South High Street — the former Grange Insurance building. Volunteers help to move 100,000 volumes of the law library.



*Capital University Law & Graduate Center on South High Street*

## National Conference of Minority Professionals in ADR

In May 2003, the Law School sponsored a *National Conference for Minority Professionals in Alternative Dispute Resolution: Eliminating Barriers for Minorities in the Field of Alternative Dispute Resolution*, under the leadership of Professor **Floyd D. Weatherspoon** and a conference planning committee. The three day conference was held at the Columbus Convention Center and was made possible in part by the William and Flora Hewlett Foundation and Porter, Wright, Morris & Arthur, LLP/Estabrook Charitable Trust.

The conference enhanced the skills of minority professionals in alternative dispute resolution; promoted the use of alternative dispute resolution in the minority community; identified obstacles that minorities face in alternative dispute resolution; assessed the impact of effective resolution on the minority community; brought together a network of minority professionals and encouraged their active participation in the profession; provided information and guidelines on how minorities can become listed on various alternative dispute resolution panels; and provided affordable, quality training to the minority community.

Numerous sessions and trainings were offered to accommodate various levels of experience among minority professionals in alternative dispute resolution. Presentations covered a wide range of dispute resolution areas, including commercial, courts, family, community, employment, labor, environment, government and education. Pre-conference trainings included basic mediation, transformative mediation, cultural competence, peer mediation, domestic abuse, negotiation, faith-based conflict resolution, and NASD.

Agnes Wilson, Esq., divisional vice-president of the American Arbitration Association, opened the conference. Duard Bradshaw, Esq., president of the Hispanic National Bar Association, was the luncheon keynote speaker.



*National Conference of Minority Professionals in ADR Planning Committee Members (left to right): Crevon Terrence, Christy Cumberlander Walker, Eddie Jones, Professor Floyd Weatherspoon, Patricia Williams and Sandra Quick*



# Development & Alumni

## Development

One of the five foundational goals of Capital University Law School's Strategic Plan is to: *"Develop a strong resource base and endowment to fund a high-quality education and increase the value of a Capital University Law School degree."* An *"increase in the value of a Capital University Law School degree"* benefits not only our current and future students, but also all Capital Law School alumni and the broader community. In recognition of these relationships and the resulting mutually beneficial "return on investment," one of the strategies articulated in support of the goal above is to: *"Implement a plan to share the cost of providing a higher quality education that is supported by faculty, administrators, students, alumni and the community."*

Last academic year, Capital University Law School received \$1,040,445 in philanthropic and grant support. The two pie charts highlight the sources of the

gifts and grant support received and the utilization of that support during the 2002-03 academic year. Plans are being implemented to build upon this base of philanthropic support for which Capital University Law School is most grateful.

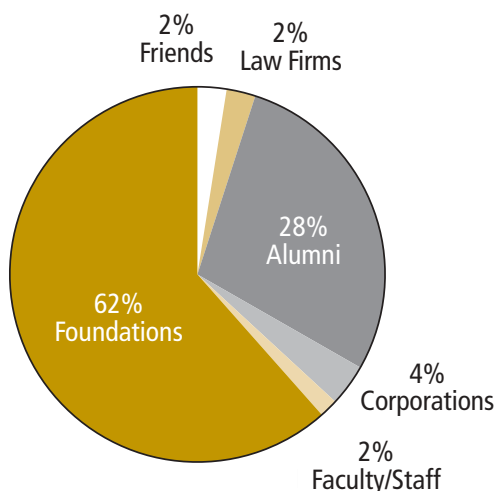
## Foundations

Almost 64 percent of the support received this past year by Capital University Law School was designated for specific program support. More than 96 percent of the program support was received from foundations, most notable:

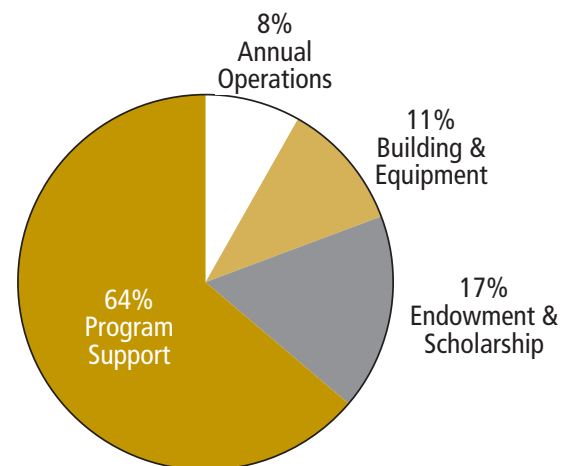
**The Columbus Coalition Against Family Violence Fund** awarded \$416,898.96 in support of Capital University Law School's *Family Advocacy Contested Custody Clinic and the Civil Protection Unit*.

**The Dave Thomas Foundation for Adoption** awarded \$225,000 to *The National Center for Adoption Law &*

**Sources of Philanthropic/Grant Support**  
June 1, 2002 - May 31, 2003



**Uses of Philanthropic/Grant Support**  
June 1, 2002 - May 31, 2003



[1983]

The Law School is admitted as the 145th member of the prestigious Association of American Law Schools during the AALS annual meeting held in Cincinnati, Ohio.



*Dean Josiab Blackmore and President Harvey Stegemoeller with board members of the Association of American Law Schools*

*Policy* at Capital University Law School to support the Center's core operating costs, including an annual national symposium; the National Summer Jobs Clearinghouse; Adoption Academy for prospective adoptive parents; the Adoption LawSite Project; a free weekly adoption law news summary; and the design of a mediation program for every jurisdiction in the United States that will provide strategic planning and expert technical assistance to juvenile and family courts across the country that are seeking to develop, improve or expand mediation efforts in the child welfare and adoption arenas.

**The Estabrook Charitable Trust of Porter Wright Morris & Arthur LLP** committed \$50,000 over five years to support Capital University Law School's *National Conference of Minority Professionals in Alternative Dispute Resolution*. R. Bruce Snyder, Partner-in-Charge of the Dayton office of Porter Wright Morris & Arthur LLP, serves as the trustee of the Estabrook Trust. Hubert Estabrook was a prominent Dayton lawyer until his death in 1975 and a co-founder of the firm that is now Porter Wright's Dayton office. The entire Estabrook estate was conveyed to the Hubert A. and Gladys C. Estabrook Charitable Trust in 1977 to fund legal education in Ohio. Based on their wishes, the Estabrook Charitable Trust Fund is directed to distribute its funds to Ohio's nine law schools and other institutions that advance the study of law in Ohio.

**The William and Flora Hewlett Foundation** awarded Capital University Law School a \$20,000 grant for the *National Conference for Minority Professionals in ADR*. The Hewlett Foundation, incorporated as a private foundation in the State of California in 1966, was established by the late Palo Alto industrialist William R. Hewlett, his wife, Flora Lamson Hewlett, and their eldest son, Walter B. Hewlett. The Foundation pro-

notes the well-being of humanity by supporting charitable activities and organizations or institutions. The Foundation concentrates its resources on activities in conflict resolution, education, environment, performing arts, population, and U.S.-Latin American relations. In addition, the Foundation has initiatives supporting neighborhood improvement, philanthropy and global affairs.

**The Ohio State Bar Foundation Continuing Legal Education Fund** awarded a \$10,000 grant for the *National Symposium on Mental Illness and the Criminal Justice System*. The symposium, organized under the leadership of Justice Evelyn Lundberg Stratton of the Ohio Supreme Court, raised awareness of the problem and issues surrounding people with mental illness who enter the criminal justice system.

**The Nationwide Foundation** has awarded Capital University Law School a \$300,000 challenge grant, pending a match of \$150,000, to support the *Project for Advanced Dispute Resolution Education* that is scheduled to begin in the 2004-05 academic year. The project addresses the increased demand for advanced dispute resolution training and curriculum by: 1) developing new advanced dispute resolution courses to enhance the dispute resolution concentration in Capital's J.D. program; 2) creating a dispute resolution concentration in Capital's LL.M in Business program; 3) creating a certificate program in advanced dispute resolution for non-lawyer, business professionals; and 4) sponsoring a national conference on alternative dispute resolution for minority professionals. To-date, \$27,000 of the required match has been met thanks to the generosity of the William & Flora Hewlett Foundation and Mr. Theodore R. Simson in support of *The National Conference of Minority Professionals in Alternative Dispute Resolution*.



[1984]

The Center for Dispute Resolution is established by Professor Roberta Mitchell and Adjunct Professor Scot Dewhirst. Among the Center's first activities are trainings for individuals who want to create a mediation program similar to the Night Prosecutor Mediation Program.



*The Center for Dispute Resolution at the Law School*

# Development & Alumni

Financial support from Capital University Law School alumni, including paralegal and LL.M. graduates, represented slightly more than 28 percent of gifts and grants received during the past fiscal year. The average gift support provided per alumnus was a generous \$625. Eight percent of our graduates made a donation. According to data available from the Association of American Law Schools (AALS), the percentage of alumni who provide support to other Ohio Law Schools averages more than 17 percent.

From a resource development perspective, the overriding ongoing strategy is to *"Increase the amount of the Law School Endowment."* As of May 31, 2003, the market value of Capital University Law School's endowment totaled \$4,212,702. Endowment designated for scholarship support totals \$1.44 million and endowment designated for the recruitment and retention of faculty equals \$2.35 million; the balance is earmarked to support specific programs and the operation of the Law School. Capital University Law School's endowment per full-time equivalent law student is \$6,784. Based on the most recent data available from the AALS, the average endowment per student for other Ohio law schools is \$63,020; Capital Law School's endowment is less than 11 percent of the statewide average for the other Ohio law schools.

## Alumni

### Law Alumni Association

The first of Capital University Law School's commemorative centennial events was the National Scholarship Dinner & Silent Auction held in September 2002 at Rocky Fork Hunt & Country Club. Sponsored by the Law Alumni Association, alumni, friends, faculty and guests enjoyed an elegant evening, chaired by Ms. Terry T. Botsko, L'91, Mr. Thomas H. "Buck," L'94, T'98 and Ms. Katharine D. Mallory, L'98. This event raised funds to increase the Law School's Scholarship Endowment Fund.



*National Scholarship Dinner and Silent Auction (left to right): Dean Steven C. Babls; Jane Babls; Thomas Botsko; Terry T. Botsko, L'91 (event co-chair); Katharine D. Mallory, L'98 (event co-chair); Thomas H. "Buck," Mallory, L'94, T'98 (event co-chair); and Don Cambareri, L'86 (Alumni Association President)*



### African American Law Alumni Association

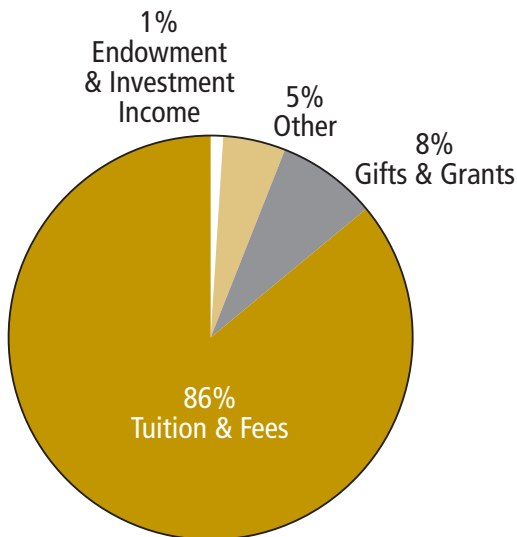
In March 2003, Mr. Ben E. Espy was honored at the 14th Annual David D. White Reception, hosted by Schottenstein, Zox & Dunn Co., LPA. Sponsored by the African American Law Alumni Association, this event is named in honor of David D. White who graduated in 1931 from the Columbus College of Law, which one day would be Capital University Law School. Mr. White was the first African American to receive a Juris Doctorate from the Columbus College of Law and to practice law in Columbus. Since its inception, the proceeds of this reception have created an endowment fund that provides scholarship support for African American students. As of May 31, 2003, this fund's market value was \$123,683.69.



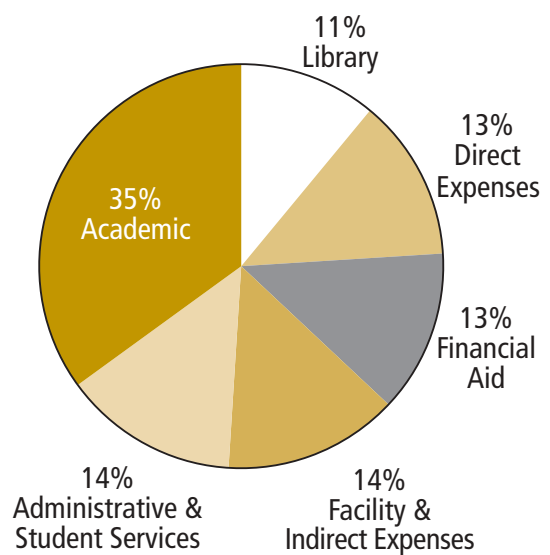
*Ben E. Espy (center), recipient of the 2003 David D. White Award, with Benjamin L. Zox (left) and Dean Steven C. Babls (right)*

### Law School Budget

**Total Revenues 2002-03**  
**\$15,738,505**



**Total Operating Expenses 2002-03**  
**\$14,662,068**



**The \$1,076,437 surplus is available for future Law School use, including capital expenditures and debt.**

# The Dean's Council

## The Dean's Council – Permanent Members

The Dean's Council of Capital University Law School was established in 1983 to permanently recognize the exceptional generosity of individuals who have contributed to the continued vitality and growth of Capital University Law School.

Effective June 1, 2002, donors may achieve membership in The Dean's Council with cumulative lifetime giving of \$50,000 or more in support of the Law School, via a verified planned gift commitment of \$50,000 or more, or through a combination of both lifetime giving and planned gifts.

Capital University Law School sincerely appreciates the sustained support of the individuals listed below.

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[1986]

A Graduate Tax Program is approved by the ABA. Twenty-six graduate lawyers begin their studies toward a Master of Laws (L.L.M.) in Taxation, and 26 graduate accountants begin their studies toward a Masters in Taxation (M.T.).



*First full-time faculty members of the Graduate Tax Program - Ronald Worley, David Johnston, Carole (Butler) Berry, Addison Dewey, Richard Donovan, and Robert Wade*

1000

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# Honor Roll of Donors

The Dean, faculty, staff and students gratefully acknowledge the generosity of the following alumni, friends, law firms, foundations and corporations who contributed \$1,040,444.79 between June 1, 2002, and May 31, 2003. This private, philanthropic support provides the much-needed foundation for the fulfillment of our strategic vision of "Becoming one of the Midwest's Premier Private Law Schools."

## The Dean's Circle

*(Donors of \$1,000 and more annually)*

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Donors are listed alphabetically within each gift level with their class year and other designation: Adjunct Faculty (AF); Capital University Faculty (F); Law School Faculty (LF); Legal Writing Faculty (LWF); Law Staff Attorney (SA); Law Staff (S); or Visiting Professor (VP).



[1987]

Capital's National Moot Court Team  
wins the national championship.



*1987 National Moot Court Team Members –  
Professor Brian Freeman, advisor; Jenny Marks;  
Jane Kirkeide; Professor Roberta Mitchell, advisor;  
Deborah Roeger; Susan Geary; and Benson Wolman*

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**African American Law Alumni Association Annual CLE: Jurist Perspectives**

December 6, 2003

**25th Annual John E. Sullivan Lecture — Thomas D. Morgan, Oppenheim Professor of Antitrust and Trade Regulation Law, The George Washington University Law School**

March 3, 2004

**Law School Centennial Gala**

March 3, 2004

**David D. White 15th Annual Reception**

March 16, 2004

**Commencement**

May 23, 2004

**National Training Institute for Minority Professionals in ADR**

May 24-28, 2004

**Admission to the Bar of the Supreme Court of the United States**

June 21, 2004

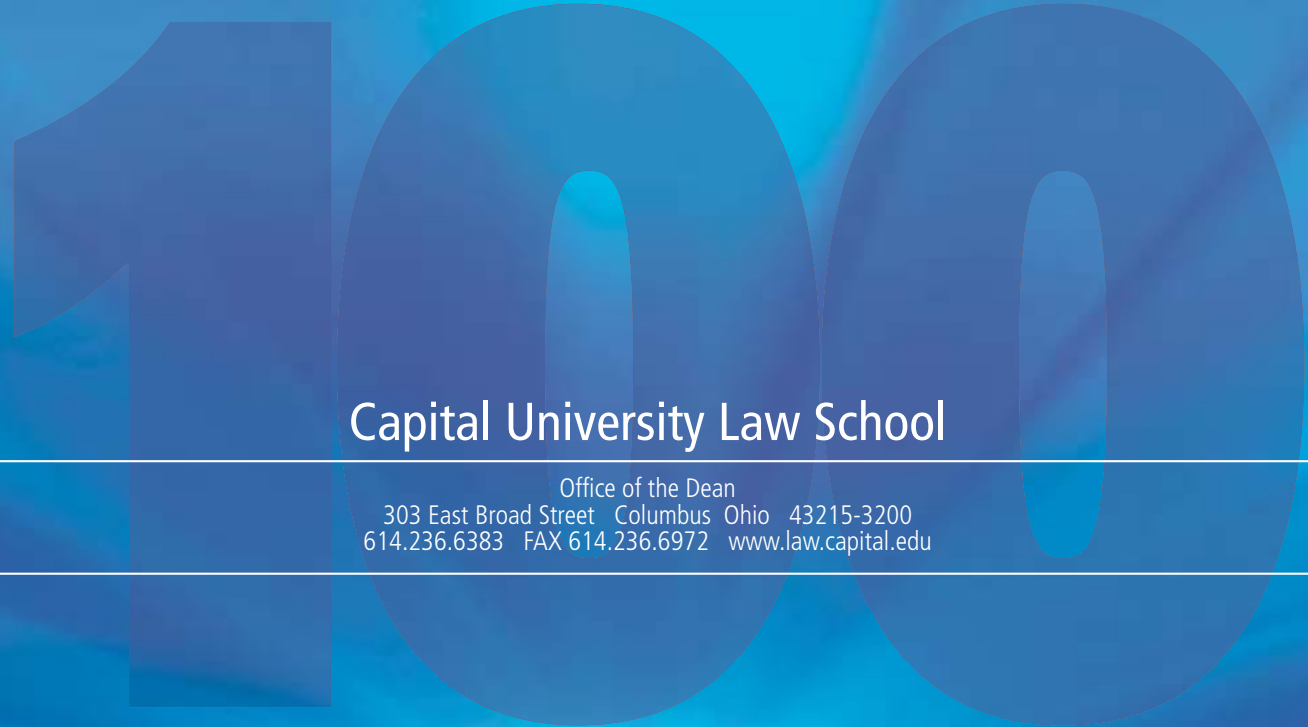
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