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University of Cincinnati College of Law

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EDUCATION

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

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

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

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

Scholastic Honors: Graduated *Summa Cum Laude*; University Honors Scholar; Dean's List all 12 quarters; Honors in Political Science; Senior Honors Thesis: "*Lobbying*" the Supreme Court: *The U.S. Department of Justice as an Interest Group*; recipient of 4-year, full-tuition scholarship. Intern, Washington DC office of U.S. Representative Clarence J. Brown, Jr., (R-Ohio), Summer 1978.

ACADEMIC EXPERIENCE

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

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

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

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

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

Recipient, Goldman Prize for Teaching Excellence (1991).

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

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

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

Recipient, University of Cincinnati Provost's Faculty Career Award (2017).

Recipient, University of Cincinnati Provost's Faculty-to-Faculty Research Mentoring Award (2017).

Elected to Fellows of the University of Cincinnati Graduate School (2018).

Recipient, Faculty Excellence Award (2019).

Member, American Law Institute, elected 2021.

SCHOLARSHIP

BOOKS

VOTING RIGHTS AND ELECTION LAW: CASES, EXPLANATORY NOTES, AND PROBLEMS (Carolina Academic Press, 3rd edition 2021)(with Profs. Michael Dimino and Bradley Smith).

UNDERSTANDING ELECTION LAW AND VOTING RIGHTS (Carolina Academic Press, 2017)(with Profs. Michael Dimino and Bradley Smith).

CASES AND MATERIALS ON APPELLATE PRACTICE AND PROCEDURE (Thomson/West, 2d ed., 2005) (with Prof. Emeritus Robert J. Martineau, Prof. Kent Sinclair, and Delaware Supreme Court Justice Randy J. Holland).

RESPECTING STATE COURTS: THE INEVITABILITY OF JUDICIAL FEDERALISM (Westport, CT: Greenwood Press, 1999; Contributions in Legal Studies, Number 92) (with Prof. James L. Walker).

- cited in *State v. Baldon*, 829 N.W.2d 785 (Iowa 2013)

ANDERSON'S OHIO CIVIL PRACTICE, volume three, chapters 145-158 (Matthew Bender/LexisNexis, updated and published annually).

- cited in *Whaley v. Franklin Cty. Bd. of Comm.*, 92 Ohio St.3d 574, 752 N.E.2d 267 (2001); *State ex rel. Thomson v. Ct. of Claims*, 80 Ohio St.3d 495, 687 N.E.2d 456 (1997); *Thomas v. Freeman*, 79 Ohio St.3d 221, 680 N.E.2d 997 (1997); *Fraiberg v. Cuyahoga Ct. of Common Pl.*, 76 Ohio St.3d 374, 667 N.E.2d 1189 (1996); *Hoover Co. v. Robeson Indus. Corp.*, 904 F. Supp. 671 (N.D. Ohio 1995); *Goldstein v. Christiansen*, 70 Ohio St.3d 232, 638 N.E.2d 541 (1994)

ANDERSON'S OHIO CIVIL PRACTICE, volume four, chapters 159-185 (Matthew Bender/LexisNexis, updated and published annually).

OHIO CIVIL RULES PRACTICE (Matthew Bender/LexisNexis, updated and published annually) (with the late Judge John W. McCormac).

ARTICLES and ESSAYS

I. Sole Authorship

Party Patronage in OXFORD HANDBOOK OF AMERICAN ELECTION LAW (Eugene Mazo, ed., forthcoming)(invited).

Three-Judge District Courts, Direct Appeals, and Reforming the Supreme Court's Shadow Docket, 98 INDIANA LAW JOURNAL SUPPLEMENT (forthcoming 2023).

Recognition and Enforcement of Foreign Judgments in American Courts and the Limits of the Law Market Model, 23 THEORETICAL INQUIRIES IN LAW 97-117 (2022)(symposium on The Global Law Market, sponsored by the Cegla Center for Interdisciplinary Research of the Law, Buchmann Faculty of Law, Tel Aviv University).

Institutional Loyalty and the Design of Partisan Gerrymandering Adjudication in the Federal Courts, 14 NEW YORK UNIVERSITY JOURNAL OF LAW & LIBERTY 171-204 (2020)(invited).

The Renaissance of Permissive Interlocutory Appeals and the Demise of the Collateral Order Doctrine, 53 AKRON LAW REVIEW 607-38 (2019)(symposium).

Are Interlocutory Qualified Immunity Appeals Lawful?, 94 NOTRE DAME LAW REVIEW ONLINE 169-84 (2019).

Institutional Effects on Reciprocal Legitimation in the Federal Courts, 70 VANDERBILT LAW REVIEW EN BANC 105-118 (2017).

Game Theory and Private International Law, in 1 ENCYCLOPEDIA OF PRIVATE INTERNATIONAL LAW 830-35 (Edward Elgar Publishers, Jürgen Basedow, et al., eds., 2017).

Retooling the Amicus Machine, 102 VIRGINIA LAW REVIEW ONLINE 151-67 (2016).

Judicial Review and Direct Democracy: A Reappraisal, 104 KENTUCKY LAW JOURNAL 671-97 (2016)(symposium).

The Fall and Rise of Specialized Federal Constitutional Courts, 17 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 115-60 (2014).

Rethinking District of Columbia Venue in Voting Rights Preclearance Actions, 103 GEORGETOWN LAW JOURNAL ONLINE 29-40 (2014).

The Solicitor General Unbound: Amicus Curiae Activism and Deference in the Supreme Court, 46 ARIZONA STATE LAW JOURNAL 1183-1225 (2013).

Congress, the Solicitor General, and the Path of Reapportionment Litigation, 62 CASE WESTERN RESERVE LAW REVIEW 1109-51 (2012) (symposium).

State Amici, Collective Action, and the Development of Federalism Doctrine, 46 GEORGIA LAW REVIEW 355-406 (2012).

Interstate Recognition of Same-Sex Marriage, the Public Policy Exception, and Clear Statements of Extraterritorial Effect, 41 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL 105-41 (2010) (symposium).

State Judicial Elections and the Limits of Calibrating Access to the Federal Courts, 96 VIRGINIA LAW REVIEW *IN BRIEF* 41-50 (2010).

Congress, Separation of Powers, and Standing, 59 CASE WESTERN RESERVE LAW REVIEW 1023-59 (2009) (symposium).

Ex parte Young: An Interbranch Perspective, 40 UNIVERSITY OF TOLEDO LAW REVIEW 999-1019 (2009) (symposium).

Congress, Ex parte Young, and the Fate of the Three-Judge District Court, 70 UNIVERSITY OF PITTSBURGH LAW REVIEW 101-53 (2008)(presented at the Ohio Legal History Seminar, and the 2008 annual meeting of the Midwest Political Science Association).

Institutional Process, Agenda Setting, and the Development of Election Law on the Supreme Court, 68 OHIO STATE LAW JOURNAL 767-805 (2007) (symposium).

Due Process and En Banc Decisionmaking, 48 ARIZONA LAW REVIEW 325-40 (2006) (symposium).

- cited in *Doe v. Fairfax County Sch. Bd.*, 10 F.4th 406 (4th Cir. 2021); *Igartúa v. United States*, 654 F.3d 99 (1st Cir. 2011)

Status Seeking and the Allure and Limits of Law School Rankings, 81 INDIANA LAW JOURNAL 299-306 (2006) (symposium).

Judicial Stratification and the Reputations of the United States Courts of Appeals, 32 FLORIDA STATE UNIVERSITY LAW REVIEW 1331-63 (2005) (symposium).

The Future of Parity, 46 WILLIAM & MARY LAW REVIEW 1457-97 (2005) (symposium).

Recalibrating Justiciability in Ohio Courts, 51 CLEVELAND STATE LAW REVIEW 531-55 (2004) (symposium).

Nepotism in the Federal Judiciary, 71 UNIVERSITY OF CINCINNATI LAW REVIEW 563-83 (2002) (Faculty Scholarship symposium).

Jorge Carro, Scholar, 71 UNIVERSITY OF CINCINNATI LAW REVIEW 5-9 (2002) (memorial tribute).

Supreme Court Monitoring of State Courts in the 21st Century, 35 INDIANA LAW REVIEW 335-63 (2002) (symposium), *reprinted in* INSIDE THE JUDICIAL PROCESS: A CONTEMPORARY READER IN LAW, POLITICS, AND THE COURTS (Jennifer Segal Diascro & Gregg Ivers, eds., 2006).

Judicial Federalism After Bush v. Gore: Some Observations, 23 JUSTICE SYSTEM JOURNAL 45-55 (2002) (keynote address to Conference on Federalism and the Courts, University of Georgia, 2001).

The False Promise of Judicial Elections in Ohio, 30 CAPITAL UNIVERSITY LAW REVIEW 559-81 (2002) (symposium).

- cited in *Ohio Council 8 Am. Fed. of State, Cty. & Mun. Employees v. Brunner*, 24 F. Supp.3d 680 (S.D. Ohio 2014)

The Quiet Revolution in Personal Jurisdiction, 73 TULANE LAW REVIEW 1-67 (1998).

Competitive Federalism and Interstate Recognition of Marriage, 32 CREIGHTON LAW REVIEW 83-103 (1998) (symposium).

The Three-Judge District Court in Voting Rights Litigation, 30 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 79-145 (1996).

- cited in *Chestnut v. Merrill*, 356 F. Supp. 3d 1351 (N.D. Ala. 2019)

Social Science Perspectives on Teaching Conflict of Laws, 27 UNIVERSITY OF TOLEDO LAW REVIEW 619-30 (1996) (symposium, papers presented at Conflict of Laws section meeting at 1996 Annual Meeting of Association of American Law Schools).

Symposium, *Jurisdiction, Justice, and Choice of Law for the 21st Century*, 29 NEW ENGLAND LAW REVIEW 517, 572-76 (1995) (symposium panel presentation).

Removal, Remands, and Reforming Federal Appellate Review, 58 MISSOURI LAW REVIEW 287-333 (1993).

- cited in *Snapper, Inc. v. Redan*, 171 F.3d 1249 (11th Cir. 1999); *Todd v. Richmond*, 877 F. Supp. 1485 (D. Kan. 1995)

The Impact of Babcock v. Jackson: An Empirical Note, 56 ALBANY LAW REVIEW 773-94 (1993)(symposium).

Constitutional Restrictions on the Partisan Appointment of Federal and State Judges, 61 UNIVERSITY OF CINCINNATI LAW REVIEW 955-68 (1993).

Choice of Law in the American Courts in 1991, 40 AMERICAN JOURNAL OF COMPARATIVE LAW 951-66 (1992).

Forum Selection Clauses and the Privatization of Procedure, 25 CORNELL INTERNATIONAL LAW JOURNAL 51-101 (1992), reprinted in JURISDICTION AND PRIVATE INTERNATIONAL LAW (Edward Elgar Publishers, Patrick Borchers, ed., 2014).

- cited in *Professional Ins. Corp. v. Sutherland*, 700 So.2d 347 (Ala. 1997)

Rethinking Exclusive Federal Jurisdiction, 52 UNIVERSITY OF PITTSBURGH LAW REVIEW 383-434 (1991).

Revitalizing Interlocutory Appeals in the Federal Courts, 58 GEORGE WASHINGTON LAW REVIEW 1165-1213 (1990).

- cited in *Gelboim v. Bank of Am. Corp.*, 574 U.S. 405 (2015)

Rule 11 Litigation in the Sixth Circuit, 21 UNIVERSITY OF TOLEDO LAW REVIEW 425-58 (1990)(symposium).

An Economic and Empirical Analysis of Choice of Law, 24 GEORGIA LAW REVIEW 49-93 (1989).

Ideology and En Banc Review, 67 NORTH CAROLINA LAW REVIEW 29-76 (1988).

Enforcement and Interpretation of Settlements of Federal Civil Rights Actions, 19 RUTGERS LAW JOURNAL 295-339 (1988).

Recovery of Economic Damages in Products Liability Actions and the Reemergence of Contractual Remedies, 51 MISSOURI LAW REVIEW 977-95 (1986).

Adjudication of Federal Civil Rights Actions in Ohio Courts, 9 UNIVERSITY OF DAYTON LAW REVIEW 39-63 (1983).

Newsmagazine Coverage of the Supreme Court, 57 JOURNALISM QUARTERLY 661-63 (1980).

Comment, *The Constitutionality of Congressional Legislation to Overrule Zurich v. Stanford Daily*, 71 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 147-62 (1980).

Casnote, *Fifth Amendment -- The Use of Grand Jury Testimony at Trial*, 70 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 424-32 (1979).

I. Joint Authorship

The Boundaries of Confusion: Gerrymandering and Racial Disparities in State House and Congressional District Line Congruity, SOCIAL SCIENCE QUARTERLY (forthcoming)(with Profs. David Niven, Barbara Harris Combs, Carolette Norwood & Kayln E. Rossiter).

Representing People and Places: Castaway Voters and the Racial Disparity in Redistricting, 21 ELECTION LAW JOURNAL 171-86 (2022)(with Prof. David Niven).

The Strange Career of the Three-Judge District Court: Federalism and Civil Rights, 1954-1976, 72 CASE WESTERN RESERVE LAW REVIEW 909-75 (2022)(with the late Prof. James L. Walker).

- cited in *Richardson v. Flores*, 28 F.4th 649 (5th Cir. 2022); *Lewis v. Scott*, 28 F.4th 659 (5th Cir. 2022); *Texas Alliance for Retired Americans v. Scott*, 28 F.4th 669 (5th Cir. 2022)

Are Individuals Harmed by Gerrymandering? Examining Access to Congressional District Offices, 102 SOCIAL SCIENCE QUARTERLY 29-46 (2021)(with Profs. David Niven and Benjamin Plener Cover).

State Standing and National Injunctions, 94 NOTRE DAME LAW REVIEW 1955-83 (2019)(with Prof. Brad Mank)(symposium).

Precedent, Three-Judge District Courts, and the Law of Democracy, 107 GEORGETOWN LAW JOURNAL 413-55 (2019)(with Prof. Joshua A. Douglas).

- Cited in *Gonidakis v. LaRose*, ___ F. Supp.3d___ (S.D. Ohio 2022)(three-judge court)

Federalism, Federal Courts, and Victims' Rights, 64 CATHOLIC UNIVERSITY LAW REVIEW 909-48 (2015)(with Kathryn Elvey).

- cited in *State v. Butler*, 502 P.3d 997, 252 Ariz. 346 (Ariz. App. 2021)

The Supreme Court and the Sophisticated Use of DIGs, 18 SUPREME COURT ECONOMIC REVIEW 155-76 (2010) (with Prof. Rafael Gely) (presented at the 2006 annual meeting of the Midwest Political Science Association).

Federal and State Judicial Selection in an Interest Group Perspective, 74 MISSOURI LAW REVIEW 531-54 (2009) (symposium)(with Prof. Rafael Gely).

Commemorating Seventy-Five Years of the University of Cincinnati Law Review, 75 UNIVERSITY OF CINCINNATI LAW REVIEW 1-5 (2006) (with Dean Louis D. Bilonis), *reprinted in CBA REPORT* 12-14 (July 2007).

The Supreme Court and the DIG: An Empirical and Institutional Analysis, 2005 WISCONSIN LAW REVIEW 1421-78 (with Prof. Rafael Gely). Awarded 2006 Howard B. Eisenberg Prize by the American Academy of Appellate Lawyers.

The Selection of Judges in Ohio in THE HISTORY OF OHIO LAW 211-37 (Michael Les Benedict & John Winkler, eds., Ohio University Press, 2004) (with Prof. Richard B. Saphire).

Deregulating Voluntary Dismissals, 32 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 367-418 (2003) (with Amy Lippert, Esq.).

Supreme Court Monitoring of the United States Courts of Appeals En Banc, 9 SUPREME COURT ECONOMIC REVIEW 171-204 (2001) (with Prof. Tracey George), *reprinted in* THE ECONOMICS OF JUDICIAL BEHAVIOR (Edward Elgar Publishers, Lee Epstein, ed., 2013).

Deciding to Decide: Class Action Certification and Interlocutory Review by the United States Courts of Appeal Under Rule 23(f), 41 WILLIAM & MARY LAW REVIEW 1531-1600 (2000) (with Christine Oliver Hines, Esq.).

* cited in *Microsoft Corp. v. Baker*, 137 S. Ct. 1702 (2017)

Judicial Reputation: A Citation Analysis of Federal Courts of Appeals Judges, 27 JOURNAL OF LEGAL STUDIES 271-332 (1998) (with Profs. William Landes and Lawrence Lessig), *reprinted in* THE ECONOMICS OF JUDICIAL BEHAVIOR (Edward Elgar Publishers, Lee Epstein, ed., 2013).

State Court Regulation of Offers of Judgment and Its Lessons for Federal Practice, 13 OHIO STATE JOURNAL OF DISPUTE RESOLUTION 51-87 (1997) (with Bryan Pacheco, Esq.).

- cited in *Doe v. Rutherford Cty.*, Tenn. Bd. of Ed., 86 F. Supp.3d 831 (M.D. Tenn. 2015)

Federalism, Liberty and State Constitutional Law, 23 OHIO NORTHERN UNIVERSITY LAW REVIEW 1457-82 (1997)(with Prof. James L. Walker)(symposium).

Diluting Justice on Appeal?: An Analysis of the Use of District Judges Sitting by Designation on the United States Courts of Appeal, 28 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 351-407 (1995)(with Professor Richard B. Saphire).

Rethinking Feminist Judging (with Susan E. Wheatley, Esq.), 70 INDIANA LAW JOURNAL 891-920 (1995).

The Supreme Court, Judicial Review, and the Public: Leadership Versus Dialogue, 11 CONSTITUTIONAL COMMENTARY 1-6 (1994) (with Prof. James L. Walker).

Training for Practice: Skills, ADR, Clinics, and Externships, 6 OHIO LAWYER 12-13, 35 (March/April 1992) (with Dean Joseph P. Tomain).

The Next Word: Congressional Response to Supreme Court Statutory Decisions, 65 TEMPLE LAW REVIEW 425-58 (1992) (with Prof. James L. Walker).

- cited in *United States v. Enas*, 255 F.3d 662 (9th Cir. 2001); *United States v. Archambault*, 174 F. Supp.2d 1009 (D.S.D. 2001)

Skills Skepticism in the Post-Clinic World, 40 JOURNAL OF LEGAL EDUCATION 307-20 (1990) (with Dean Joseph P. Tomain).

State Court Protection of Federal Constitutional Rights, 12 HARVARD JOURNAL OF LAW & PUBLIC POLICY 127-62 (1989) (with Prof. James L. Walker).

- cited in *Friedman v. Comm’r of Public Safety*, 473 N.W.2d 828 (Minn. 1991)

Shoring Up Article III: Legislative Court Doctrine in the Post CFTC v. Schor Era, 68 BOSTON UNIVERSITY LAW REVIEW 85-152 (1988) (with Prof. Richard B. Saphire).

- cited in *TVA v. Whitman*, 336 F.3d 1236 (11th Cr. 2003)

Relaxed Liability: A Proposed New Standard for Defamation By the Press, 22 AMERICAN BUSINESS LAW JOURNAL 93-108 (1984) (with Profs. Charles J. Hartmann, Steven M. Renas, & Rishi Kumar).

Constitutional Litigation in Federal and State Courts: An Empirical Analysis of Judicial Parity, 10 HASTINGS CONSTITUTIONAL LAW QUARTERLY 213-53 (1983) (with Prof. James L. Walker).

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

II. Book Reviews

Independence, Accountability, and the Case for State Judicial Elections, 9 ELECTION LAW JOURNAL 215-22 (2010) (review of Chris W. Bonneau & Melina Gann Hall, *In Defense of Judicial Elections* (2009)).

Formalism, Pragmatism, and the Conservative Critique of the Eleventh Amendment, 101 MICHIGAN LAW REVIEW 1463-91 (2003) (essay review of John T. Noonan, *Narrowing the Nation's Power: The Supreme Court Sides with the States* (2002)).

The Causes and Consequences of the Reapportionment Revolution, 1 ELECTION LAW JOURNAL 579-84 (2002) (review of Gary W. Cox & Jonathan N. Katz, *Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution* (2002)).

The Law and Economics of Conflict of Laws, 4 AMERICAN LAW & ECONOMICS REVIEW 208-226 (2002) (essay review of Michael J. Whincop & Mary Keyes, *Policy and Pragmatism in the Conflict of Laws* (2001)) (reprinted in 1 ECONOMICS OF CONFLICT OF LAWS 65-83 (Erin A. O'Hara, ed. 2007)).

Review of W. David Slawson, *Binding Promises: The Late 20th Century Reformation of Contract Law* (1996), 7 LAW & POLITICS BOOK REVIEW 149-51 (1997).

Review of Larry W. Yackle, *Reclaiming the Federal Courts* (1994), 78 JUDICATURE 313-16 (1995).

Activism and Politics on State Supreme Courts, 57 UNIVERSITY OF CINCINNATI LAW REVIEW 987-1004 (1989) (review of G. Alan Tarr & Mary Cornelia Porter, *State Supreme Courts in State and Nation* (1988)).

Review of Martin H. Redish, *Freedom of Expression: A Critical Analysis* (1984), 54 UNIVERSITY OF CINCINNATI LAW REVIEW 1243-56 (1986).

Trashing Federal Jurisdiction, 35 CASE WESTERN RESERVE LAW REVIEW 335-44 (1985) (review of Howard P. Fink & Mark V. Tushnet, *Federal Jurisdiction: Policy and Practice* (1984)).

III. Essays & Papers

Lawyers, Clients, and Ethics in Class Action Cases in SOCIETY, ETHICS AND THE LAW: A READER 156-61 (Jones & Bartlett Learning: David Mackey & Kathryn Elvey, eds., 2021).

The Political Economy of Judicial Federalism, UNIVERSITY OF CHICAGO LAW REVIEW ONLINE (December 7, 2019), <https://lawreviewblog.uchicago.edu/2019/12/05/the-political-economy-of-judicial-federalism-by-michael-e-solimine>.

State Courts as Forums for Federal Partisan Gerrymandering Claims after Common Cause v. Rucho, Election Law Blog, June 30, 2019, www.electionlawblog.com (guest contribution).

Standing in Ohio Courts: Divergence From and Convergence with Federal Law, Legally Speaking Ohio, May 21, 2018, www.legallyspeakingohio.com (guest contribution)(with Kristen A. Elia '18).

Partisan Balance in Three-Judge District Courts under BCRA, Election Law Blog, June 3, 2016, www.electionlawblog.com (guest contribution).

Judges Followed Law in Franklin Case, CINCINNATI ENQUIRER, February 21, 2007, p.B7.

Issue 4 Would Curb Political Gerrymandering, CINCINNATI POST, October 26, 2005, p.13A.

Republican Party of Minnesota v. White, in THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES 849-50 (Oxford University Press, 2d ed., 2005).

How Not to Confirm Judges, CINCINNATI POST, April 9, 2002, p. 17A (with John B. Nalbandian, Esq., now Judge, U.S. Court of Appeals for the Sixth Circuit).

Reform Attorneys' Fees in Ohio (Perspective on Current Issues, The Buckeye Institute for Public Policy Solutions, Columbus, Ohio, December 1999), *reprinted in* TOWARD A FREE AND PROSPEROUS OHIO: A DECADE OF PUBLIC POLICY SOLUTIONS BY THE BUCKEYE INSTITUTE 244 (Joshua Hall, ed., 2004).

Ohio Needs New Way to Pick Judges, CINCINNATI ENQUIRER, Dec. 4, 1999, p. A15.

Though Unpopular, Federal Review of State Court Protects Us All, CINCINNATI POST, Jan.5, 1999, p. 10A.

Lawyers Object, but Justice Benefits, CINCINNATI ENQUIRER, May 25, 1994, p. A11.

Thomas Acts As a Justice Must, CINCINNATI ENQUIRER, Feb. 18, 1992, p. A-4.

Commentary: The Transient Physical Presence Rule in State and Federal Courts in Ohio, 38 DAYTON BAR BRIEFS 20 (May 1989).

Insights Into the Constitution, CINCINNATI ENQUIRER, July 20, 1987, p. A-8.

SERVICE

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

Board of Academic Advisors, The Buckeye Institute for Public Policy Solutions (1996-2010).

Community: DaVinci University Club Scholarship Committee (1988-2009).

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

Law School: Career Planning Committee (1986-1991; 1988-89(chair)); Appointments Committee (1993-1995, 1999-2001, 2003-04, 2009-10(chair), 2012-14); Acting Director, Center for the Study of Professional Skills (1987-1989); Supervisor of Extern Program (1987-1991, 1993-2007); Co-Supervisor of Extern Program (1991-1993); Faculty Advisor, Federalist Society (1987-2006); Committee on Committees (1993-1996); Orientation Committee (faculty chair, 1993-1995); Reappointment, Promotion & Tenure Committee (1994-1998, 2001-03, 2004-05, 2005-19, 2021-23 (chair, 2005-07, 2011-12, 2014-19, 2021-23)); Merit Pay Advisory Committee (1996); Faculty Advisor, Law Review (1996-2004, 2005-08, 2011-12); Decanal Review Committee (1998-99; 2003-04 (chair), 2008-09); Self-Study Committee (2009-10); Faculty Advisor, The Freedom Center Journal (2003-06); Director of Faculty Development (2005-07); Academic Policy Committee (2020-21); Ad Hoc Committee on Curricular Reform (2020-21).

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

ADVOCACY & PRACTICE

Signatory, Brief of Amici Curiae Erwin Chemerinsky at al., in Support of Respondent and Affirmance, *BP P.L. C. v. Mayor and City Council of Baltimore*, 141 S. Ct. 1532 (2021).

Signatory, Brief of Amici Curiae Lawyers and Professors in Support of Respondent, *Carney v. Adams*, 141 S. Ct. 493 (2020).

Signatory, Brief of Law Professors as Amici Curiae in Support of Petitioners, *Whole Woman's Health, et al. v. Texas Catholic Conference of Bishops*, 139 S. Ct. 1170 (2019).

Signatory, Brief of Federal Courts Scholars as Amici Curiae in Support of Respondent, *Salt River Project Agricultural Improvement and Power District v. Tesla Energy Operations, Inc.*, 138 S. Ct. 1323 (2018).

Signatory, Brief of Federal Jurisdiction and Securities Law Scholars as Amici Curiae in Support of Respondent, *Cyan, Inc. v. Beaver County Employees Retirement Fund*, 138 S. Ct. 1061 (2018).

Signatory, Brief of Civil Procedure Scholars as *Amici Curiae* in Support of Petitioner, *Microsoft Corp. v. Baker*, 137 S. Ct. 1702 (2017).

Signatory, Amicus Curiae Brief of Public Law Professors, *Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016).

Signatory, Brief of Federal Courts Professors in Support of Granting the Petition, *Aurelius Capital Management, LP v. Tribune Media Co.*, 577 U.S. 1230 (2016).

Signatory, Amicus Curiae Brief of Joshua A. Douglas and Michael E. Solimine, Election Law Scholars, *Shapiro v. McManus*, 577 U.S. 39 (2015).

Signatory, Amicus Curiae Brief of Ohio Law Professors, *ProgressOhio.org, Inc. v. JobsOhio*, 139 Ohio St.3d 520, 13 N.E.2d 1101 (2014).

Signatory, Amicus Curiae Brief of Legal Scholars with Respect to Stare Decisis, *Halliburton Co. v. Erica P. John Fund, Inc.*, 573 U.S. 258 (2014).

Signatory, Amicus Curiae Brief of Public Law Professors, *First Financial Corp. v. Edwards*,

567 U.S. 756 (2012).

Signatory, Amicus Curiae Brief of Civil Procedure Professors, *Kiobel v. Royal Dutch Petroleum Co.*, 565 U.S. 1244 (2012).

Signatory, Amicus Curiae Brief of Law Professors, *In re National Security Telecommunications Records Litigation*, 671 F.3d 881 (9th Cir. 2011), cert. denied, 568 U.S. 958 (2012).

Signatory, Amicus Curiae Brief of Federal Procedure Scholars, *Philip Morris USA, Inc. v. Williams*, 556 U.S. 178 (2009).

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

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

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

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

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

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

Of Counsel in: *Foster v. McDevitt*, 31 Ohio App. 3d 237, 511 N.E.2d 403 (1986); *Hill v. Sonitrol of Southwestern Ohio, Inc.*, 36 Ohio St. 3d 36, 521 N.E.2d 780 (1988); *Howard v. Delco Div. of General Motors Corp., Inc.*, 41 Ohio App. 3d 145, 534 N.E.2d 936 (1987); *Williams v. Mid-America Federal Savings and Loan Assoc.*, 624 F. Supp. 160 (S.D. Ohio 1985); *Newman v. Voinovich*, 789 F. Supp. 1410 (S.D. Ohio 1992), *aff'd*, 986 F.2d 159 (6th Cir.), cert. denied, 509 U.S. 924 (1993); *Lowe v. Schottenstein Stores Corp.*, 1987 Ohio App. LEXIS 6243, 1987 WL 8491 (1987).

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

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

PROFESSIONAL ASSOCIATIONS

American Political Science Association; Federalist Society.

American, Federal, Ohio, and Cincinnati Bar Associations.

Member, bars of Ohio, Southern District of Ohio, United States Court of Appeals for the Sixth Circuit.

Master of the Bench, American Inn of Court, Potter Stewart chapter (Cincinnati, Ohio) (1987-2007).