

# CHASE

## HOW ALUMNI HELP

**SUPPORT LEGAL RESEARCH**

**ATTRACT TOP STUDENTS**

**PROVIDE SCHOLARSHIPS**

**RECRUIT FACULTY**



**ALSO**

Professor Billings Retires | *Practice Tips Worth Remembering*

# FOUR GREAT REASONS TO GIVE TO THE CHASE ANNUAL FUND CAMPAIGN



1, 2, 3

THIS YEAR'S CAMPAIGN RECOGNIZES THE CONTRIBUTIONS OF THREE PROFESSORS, WHO PREVIOUSLY ANNOUNCED PLANS TO RETIRE, IN EDUCATING GENERATIONS OF LAWYERS AT SALMON P. CHASE COLLEGE OF LAW.



Nancy Firak



Gerry St. Amand



Mark Stavsky



YOUR GIFT WILL HELP SUPPORT PROGRAMS AND ACTIVITIES THAT WILL CONTRIBUTE TO THE EDUCATIONS OF FUTURE CHASE LAWYERS.

# Alumni Endow Chase with Many Gifts

**YOUR EXPERTISE,  
ENGAGEMENT, AND  
FINANCIAL BACKING  
HELP GUIDE THE  
COLLEGE INTO ITS  
FUTURE**

Chase will be as strong as our alumni make it.

The longer I serve as dean of the historic Salmon P. Chase College of Law, the more I am convinced of the truth of this simple observation. Chase relies on the engagement of you, our alumni. You help us provide our students with practical classroom instruction, serving as adjunct faculty for little or no pay. You create externship and other experiential learning opportunities for our students at your offices and chambers. You donate hours giving our students career advice and counseling. When you have hiring needs, you consider Chase graduates. And perhaps most importantly, you help sustain and enhance our educational program by your financial contributions to our school. You make Chase possible!

I ask all of our alumni to be engaged with Chase and to support us. I know most of you have other philanthropic interests. In this day of easy communications, we get asked a lot. But remember, for a law school, our alumni are all we have. Few non-lawyers see any reason to help educate the next generation of lawyers. But our alumni do, and are so often willing to extend their helping hand to the next generation, much like that hand was extended to so many of us. Your contributions, be they financial, pedagogical, personal, or otherwise, help make the aspirations and dreams of the next generation possible. Through your contributions to Chase, you allow us to show a new world to so many young people from all parts of the region, and even the nation.

I never hesitate to ask for help on behalf of Chase's students. Once, as a much younger person, the helping hand of generous alumni enabled me, a person from a humble upbringing, to attend college and embark on a career that has culminated here at Chase. I am grateful every day for the hand that was extended to me, and I do all that I can to pass it along. I ask you to do the same, and am grateful for those who do so much.

These pages are filled with stories of your contributions at work: in the splendid success of our students, in the terrific work of our faculty, in the innovative curriculum for which Chase is renown, and most importantly in the proud graduates who walk across the final stage. On their behalf, thank you very much for your continuing support of Chase!

**Jeffrey A. Standen**

DEAN AND PROFESSOR OF LAW



”

I ASK ALL OF OUR ALUMNI TO BE ENGAGED WITH CHASE AND TO SUPPORT US ...  
IN THIS DAY OF EASY COMMUNICATIONS, WE GET ASKED A LOT. BUT REMEMBER,  
FOR A LAW SCHOOL, OUR ALUMNI ARE ALL WE HAVE.

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From left, Professor Amy Halbrook, 2L Nicholas Hunt, 1L Erik Crew, and Professor Matthew Tokson.

CHASE is published twice a year, as spring/summer and fall/winter issues, by Salmon P. Chase College of Law, through the Office of Communications in the Office of the Dean, Jeffrey Standen, dean. Please send change of mailing address and alumni news to CHASE magazine, Salmon P. Chase College of Law, Northern Kentucky University, 100 Nunn Drive, Highland Heights, KY 41099 or by email to [brunj1@nku.edu](mailto:brunj1@nku.edu).

Photography by Tim Sofranko, Northern Kentucky University photographer, for this issue of CHASE appears on Pages 4, 8, 9, 15, 17 top left, 24, and 25.



# The World Comes to Chase

## THE COLLEGE'S L.L.M. IN U.S. LAW FOR FOREIGN LAWYERS IS THE FIRST ADVANCED LAW DEGREE IN KENTUCKY

One-hundred-twenty years after Salmon P. Chase College of Law awarded its first LL.B. degree and fifty-four years after its first J.D. degree, it is now authorized to award its first LL.M. degree.

Chase launched an LL.M. in United States Law for foreign-trained lawyers after the Kentucky Council on Postsecondary Education in February approved Chase to be the first law school in Kentucky to offer the advanced law degree.

For international lawyers, the one-year program will provide training to be able to better advise clients on matters involving U.S. law and to communicate effectively with counterparts in U.S. law firms. For Chase J.D. students, the presence of foreign-trained lawyers in classes will help broaden their legal and cultural perspectives.

"This program will provide a wonderful opportunity for foreign-trained lawyers to learn about the U.S. legal system and to gain knowledge about particular areas of American law," Dean Jeffrey Standen says. Students in the LL.M. program will attend classes with J.D. students. They will be able to choose to concentrate their studies in particular fields of law, such as law and informatics and intellectual property, or to obtain a broad overview of American law.

To introduce LL.M. students—many of whom are expected to be from civil-law countries—to the U.S. legal system and the U.S. style of law school instruction, Associate Dean for Academics Lawrence Rosenthal will teach an introductory course in U.S. law before a fall semester begins.

"I think this course will be beneficial to the students and to me. As interested as they are in the U.S. legal system, I am just as excited to learn about other nations' legal systems and how they compare with our system. I think this course will be a great opportunity for everyone to learn a lot," Associate Dean Rosenthal says.

"This course will allow students to gain a better understanding of how the American legal system works, and the knowledge they learn in this course will allow the students to actively participate in the other courses in which they enroll while here at Chase."

The number of foreign lawyers interested in studying U.S. law at American law schools has grown with the global economy. To facilitate their transitions to living in the U.S. for a year, Chase has created an orientation program that includes assistance in finding housing and introductions to social and cultural opportunities in Northern Kentucky and Cincinnati.

To promote the program to international lawyers and graduates of law programs outside the U.S., Chase created print and online informational materials for use at education fairs and for individual inquiries.

Applicants who will be accepted into the program must have earned a law degree outside the U.S. and be proficient in English. They will join an already internationally diverse J.D. student body that includes students from China, the Republic of Georgia, and Canada.

See what Chase tells prospective students about the LL.M. in U.S. Law program online at [llm.nku.edu](http://llm.nku.edu).



## Senate Majority Leader Brings Supreme Court Argument to Chase



For about 80 Chase College of Law students and faculty members, hearing in late March that U.S. Senate Majority Leader Mitch McConnell would block confirmation proceedings for a Supreme Court nominee sounded as fresh as when he announced the position a month earlier. That was because they heard it from Senator McConnell himself.



Senator McConnell, R-Kentucky, spoke in a presentation sponsored by the Chase College of Law Center for Excellence in Advocacy and the student chapter of The Federalist Society for Law and Public Policy Studies, a national group that describes itself as conservative- and libertarian-oriented.

His visit to Chase gave students an opportunity to see a political leader outside the televised trappings of Washington power and to better understand the legislative process, Kristin Turner, president of the Federalist Society chapter, says. “You learn a lot about the system. It informs you to be in front of people who make the decisions.”

As he had said in media interviews, Senator McConnell told his Chase audience he decided before President Obama nominated Judge Merrick Garland to succeed the late Justice Antonin Scalia that there would be no confirmation hearing in order to focus attention on a principle rather than an individual.

The principle, Senator McConnell said, was his position that a president should not make a lifetime judicial appoint during an election year. To buttress it, he said his principal was no different than what Vice President Joe Biden said when he was Senate Judiciary Committee chair during the 1992 presidential election year. The position Vice President Biden took twenty-four years ago, Senator McConnell said, was that the Senate would not have confirmed an appointment to a court vacancy if one had occurred.

(Vice President Biden has said his statement—that the president “should not name a nominee until after the November election is completed”—was a hypothetical in a Senate speech.)

Even if the current Senate were to allow a hearing, Senator McConnell said he could not imagine Republicans would provide the votes to confirm Judge Garland, because the National Rifle Association and the National Federation of Independent Business are against his nomination.

### GOVERNMENT

#### Kentucky Congressman Explains Process

U.S. Representative Thomas Massie, R-Kentucky, spoke at Chase College of Law in mid-April.

**Why he visited Chase:** Representative Massie spoke at a student-oriented program sponsored by the Chase College of Law Center for Excellence in Advocacy and the student chapter of The Federalist Society for Law and Public Policy.

**What he said:** Representative Massie, who represents the Fourth Congressional

District that follows the Ohio River from Ashland to the outer suburbs of Louisville, talked about the legislative process. He explained the House committee structure, and that more than seventy-five percent of work in Congress is done in committees.



## EDUCATION

### EARLY-ADMISSION PROGRAM EXPANDS

Chase College of Law has expanded its program that allows Northern Kentucky University students to combine completion of an undergraduate degree with a first year of law school to include nearby Thomas More College.

**What it is:** The 3+3 Accelerated Law Program, named for three years of undergraduate study and three years of law school, allows students to apply first-year courses at Chase as both elective credits for a bachelor's degree and required credits for a Juris Doctor.

**Who benefits from it:** Students can save one year of undergraduate tuition and can begin law careers one year sooner. The expansion to Thomas More adds another pathway for Chase to attract high-performing students.

**What Dean Jeffrey Standen says about it:** "Students in the 3+3 program, whether from NKU or Thomas More, have to be focused and disciplined. Allowing them to join other Chase students pursuing the same law school goals a year earlier than they would otherwise will expand their opportunities, and provide a fast-track for students committed to a career in law."

**How it works:** Applicants to the 3+3 program must take the LSAT and have enough core credits for a baccalaureate degree by the end of a junior year. They receive bachelor's degrees for their undergraduate colleges after successfully completing their first year at Chase.

## GENDER ISSUES

### Students Talk about Life after Law School



The Panel of Power program included panelists Kentucky Supreme Court Justice Michelle Keller '90, second from left, and lawyer Janaya Trotter Bratton '08, third from left, standing with Chase Legal Association of Women executive board members, from left, Haley Koontz, Brittany Grigery, Heather Herald, and Stephanie Scott Brooks.

**Some law practice issues can be discussed in a classroom and some can only be experienced in a law office.**

The office issues are the ones leaders of the Chase College of Law Legal Association of Women discussed at their Panel of Power program in late March.

**What it was:** The forum, co-sponsored by the Chase College of Law Center for Excellence in Advocacy and moderated by Professor Sharlene Boltz, was an

opportunity for students to ask female lawyers what professional life is like after graduation.

**What they discussed:** The question-and-answer format explored such issues as the gender wage gap, gender perceptions in the work force, family and work balance, and managing personal relationships while pursuing a career.

**The panelists:** Chase graduates Kentucky Supreme Court Justice Michelle Keller '90 and Janaya Trotter Bratton '08.

## CRIMINAL LAW

### Dog Search May Need Warrant

**Sniffing around is what dogs do, but if a dog is looking for illegal drugs, it may need a search warrant, a former FBI agent told some Chase College of Law students.**

**The program:** Alicia Hilton spoke at a mid-January program entitled "Sniff and Search: Drugs, Dogs, and the Fourth Amendment," sponsored by the Chase College of Law Center for Excellence in Advocacy and the student chapter of The Federalist Society for Law and Public Policy Studies.

**What she said:** Ms. Hilton, who holds a Juris Doctor from the University of Chicago Law School, talked about the reliability of police dogs in drug searches. Because a "sniff search" is considered to be intrusive, police must have a warrant to conduct one on private property, she said.

Alicia Hilton



## CONSTITUTIONAL LAW

### View on Use of Force Can Vary



**Some Chase College of Law students learned by listening that they can see situations through the eyes of other people.**

**The program:** The panel discussion in early March explored the constitutionality of use of force in police matters, and when it can become an unconstitutional use of force. It was sponsored by the Chase College of Law Center for Excellence in Advocacy and the student chapter of the American Constitution Society, a national group that describes itself as having a progressive view of the Constitution.

**Lawyers who spoke:** Chase graduates Lt. John Inman '12 of the Kenton County Police Department; Kate Bennett '11, assistant commonwealth attorney for Kenton County; Laura Ward '05, a criminal defense lawyer in private practice in Covington; and Kentucky District Judge Kenneth Easterling '88; and Nicholas Summe, a lawyer in private practice in Covington.

**What some students say they learned:** Some students who attended say they learned that some situations may not be as they first appear, and that professional careers can shape initial perspectives on events.

## SUPREME COURT

### Professors Assess Prospects for Filling a Vacancy and its Impact on Next Term

**The signals were already out that there would not be much action in Washington, D.C., on filling a vacancy on the Supreme Court of the United States when some Chase College of Law professors began to talk about what that could mean.**

**The program:** Three professors—Kenneth Katkin, John Bickers and John Valauri—formed the panel for a discussion sponsored by the student chapter of the American Constitution Society and the Chase College of Law Center for Excellence in Advocacy, in late February.

**What they said:** Professor Katkin told students that because a new Congress would begin its term two weeks before President

Obama would complete his, it is theoretically possible that should Democrats take control of the Senate at the November elections, the Senate could then confirm a nomination that had been blocked by a Republican-controlled Senate. In reality, Professor Katkin said it would be unlikely for President Obama to attempt such a maneuver.

With Republicans refusing to allow a confirmation hearing and a Court seat likely to be vacant into next year, Professor Bickers predicted that the Court's 2016 term will be relatively routine. The eight justices probably will grant *certiorari* only in cases in which they anticipate there will be general agreement, he said.

## COMPETITION

### NEGOTIATORS WIN PRAISE

**Chase College of Law students who participated in the Law Student Negotiation Competition at Liberty University School of Law in mid-February received high praises from judges.**

**The Chase team:** 3Ls Hillary Jamison and Tressa Root.

**What judges said:** One judge said the team had creative solutions to problems and another said there was no area in which the team needed to improve.



## HEALTH CARE

## Panel Looks at What is Ahead



Shortly after Kentucky voters elected a new governor who had campaigned to end Medicaid expansion in the commonwealth, a panel of lawyers from DBL Law explored the legal road ahead for any changes.

**The program:** The Chase College of Law Transactional Law Practice Center and the First District Ohio Court of Appeals sponsored a continuing legal education health care program in early December that looked at what to anticipate following campaign promises by new Kentucky Gov. Matt Bevin to halt Medicaid expansion under the federal Affordable Health Care Act.

**What panelists said:** The combination of existing Kentucky law, federal regulations, and potential litigation could make changes difficult to effect without new legislation.

## BUSINESS

## BOOT CAMP PROVIDES GOOD FOOTING

Seven Chase College of Law students have added an introduction to business skills to their law studies. They completed the five-session Business Boot Camp, offered through the Chase College of Law Transactional Law Practice Center and the Northern Kentucky University Haile/US Bank College of Business.

**What they learned:** The program was designed to introduce students to some fundamental business practices they could

encounter when they practice law. Among the topics were introductions to fundamentals of accounting, business models and financing, human resources, and strategic analysis. They also learned about working in teams.

**One thing they did:** Students worked in teams to compete in developing a business plan for a new business.

**Who directed the camp:** Barbara Wagner, Chase professor of law, and Sandra Spataro, NKU associate professor of management and MBA program director, organized the program that was spread over two weeks in mid-January.

## CLINICS

## Students offer business advice

Students in the Chase College of Law Small Business & Nonprofit Law Clinic represented more than forty clients this past academic year.

**The numbers:** Nine students represented twenty clients during spring semester and ten students represented twenty-three clients during fall semester.

**What they did:** Work during spring semester included assistance to an entrepreneurial incubator called Bad Girl Ventures, which included six entrepreneurs in the incubator's business course. Fall semester projects included an analysis for an entrepreneur on a choice between for-profit and nonprofit incorporation, employee handbooks for two nonprofits, advice to an entrepreneur on licensing of high school and university logos, and guidance for an aspiring winery operator on federal and Kentucky regulations.



## QUOTED

## CHASE COLLEGE OF LAW FACULTY MEMBERS QUOTED IN THE MEDIA

•••

**Dean Jeffrey Standen** in *The New York Times* on legal implications of an acknowledgement by the NFL of a link between football and brain injuries

“Strategically, the N.F.L.’s admission makes a world of sense. The league has paid a settlement to close all the (brain injury) claims previous to 2015. For future sufferers, the N.F.L. has now effectively put them on notice that their decision to play professional football comes with the acknowledged risk of degenerative brain disease.”

•••

**Professor David Singleton** in the British newspaper *The Guardian* on Tyra Patterson, a Dayton, Ohio, woman he is representing, who was convicted as a teenager in the killing another teen, Michelle Lai

“A tragedy happened in this case: Michelle Lai didn’t get to live her life. Tyra Patterson is alive, but she has been branded a murderer and her life has been taken away from her. The greatest tragedy of Tyra’s case is that she had a story of innocence to tell, and it never got told.”

•••

**Professor Kenneth Katlin** on WLW radio in Cincinnati on the nomination of Judge Merrick Garland to the U.S. Supreme Court

“(I)n criminal justice areas, terrorism areas, he is a vote that’s really on the government side. Now in regulatory cases ... also on the government side. Across a wide variety of issues ... we can see that this is pretty true no matter whether we have a Republican or Democratic administration in. He tends to want to support what the government is doing.”

# Symposium Gathers Experts on *Miranda*

Chase professors lead the discussions on the impact of a 50-year-old landmark decision

They are probably the most widely recognized four sentences related to any decision by the Supreme Court of the United States (if only because they have been repeated so many times on television crime shows):

**You have the right to remain silent.  
Anything you say can and will be used against you in a court of law.  
You have the right to an attorney.  
If you cannot afford an attorney, one will be appointed for you.**

But those four sentences outlining rights established in the landmark case of *Miranda v. Arizona* (1966) represent only half of the decision, Salmon P. Chase College of Law Professor Michael Mannheimer told the “*Miranda at 50*” symposium. The symposium at Chase this past February was sponsored by the *Northern Kentucky Law Review* and the Chase College of Law Center for Excellence in Advocacy.

*Miranda*, Professor Mannheimer said, was really two decisions. One told police what they have to do before interrogating a crime suspect and one told courts what they have to do if police do not.

With two directives rolled into one decision, the result has been 50 years of confusion over the ambiguity of what Professor Mannheimer calls a “police conduct model” for interrogation, on one hand, and an “admissibility model” for evidence, on the other.

Whether the Court in the progeny of *Miranda* adopted a “police conduct model” or an “admissibility model” has led to the confusion, Professor Mannheimer said.

Professor Mannheimer was one of 12 scholars who spoke in four panels at the symposium on aspects of *Miranda* and its legacy. Those panels explored what the decision really says, what values it advances, whether it protects the innocent, and what is its future.

“Almost fifty years after it was decided, the impact of *Miranda*, both on effective law enforcement and on the protection of suspects’ rights, is still hotly contested,” Professor Mannheimer says. “Lack of clarity persists over *Miranda*’s subsidiary issues, such as the meaning of ‘custody,’ ‘interrogation,’ and ‘waiver.’”

In addition to Professor Mannheimer, who was a presenter and a moderator, three other professors were moderators: Matthew Tokson, David Singleton, and Mark Stavsky. Law review articles from the symposium will be published in the *Northern Kentucky Law Review*.



Chase Professor David Singleton at “*Miranda at 50*” on the Northern Kentucky University campus.

## THE EXPERTS

The twelve panelists from across the nation who participated in the “*Miranda at 50*” symposium were:

**Laura I. Appleman**, associate dean and professor, Willamette University College of Law, Salem, Oregon.

**Paul G. Cassell**, professor, S.J. Quinney College of Law, University of Utah.

**Mark A. Godsey**, professor, University of Cincinnati College of Law.

**Tonja Jacobi**, professor, Northwestern University School of Law.

**Kit Kinports**, professor, Penn State Law.

**Richard A. Leo**, professor, University of San Francisco School of Law.

**Michael J.Z. Mannheimer**, associate dean and professor, Chase College of Law.

**Larry E. Rosenthal**, professor, Chapman University Dale E. Fowler School of Law.

**Meghan J. Ryan**, associate professor, Southern Methodist University Dedman School of Law.

**Laurent Sacharoff**, associate professor, University of Arkansas School of Law—Fayetteville.

**George C. Thomas III**, professor, Rutgers School of Law—Newark.

**Charles D. Weisselberg**, associate dean and professor, University of California, Berkeley, School of Law.



# Total Commitment Pays Off

Laurie Williams

**2L LAURIE WILLIAMS IS ONE OF A FEW LAW STUDENTS CHOSEN NATIONALLY FOR A GOVERNMENT HONORS PROGRAM INTERNSHIP**

Second-year student Laurie Williams is using her Salmon P. Chase College of Law classes and externships to decide how she will practice law. She already knows why she wants to be a lawyer.

“Chase is giving me a tool to fill my basket. Without Chase I would not be able to fill a life-long goal to be a lawyer,” says Mrs. Williams, who entered Chase after an Army career in intelligence units. “To me, a lawyer is giving back. To me, working with the government is giving back.”

Mrs. Williams, who grew up in California, had long wanted to attend law school, but she followed the advice of an uncle who is a lawyer not to do it until she was one-hundred-percent committed. She knew she did not have that commitment when she was in her twenties. She had it when she left the Army as a sergeant.

This summer she is one of thirteen law students chosen nationally through the federal Government Honors Program for internships in the Department of Justice Executive Office for Immigration Review. She will be working in San Diego in the Office of the Chief Immigration Judge on matters such as removal of undocumented immigrants and eligibility for relief from removal, and drafting decisions for immigration judges.

The Department of Justice internship is part of her strategy of combining classroom and internship experiences at Chase to lead to a new phase of life. “I hope that all of these experiences help me build knowledge. I hope [potential employers] will see that I am older, and that I bring more to the table than someone who just graduated. I hope all of this rounds out my life,” she says.

That rounding process continued during her first year at Chase. That summer she obtained a

judicial externship—no salary, no law school credit—in Cincinnati with U.S. District Court Senior Judge Sandra Beckwith. “As a 1L, I had no idea what I was getting into or what I was going to be doing.” What she did do was conduct legal research and draft memoranda on a variety of matters, including motions for summary judgment and motions to dismiss.

“Judge Beckwith was great, on the aspect she wanted an extern to grasp all of it. I sat in on conferences with lawyers, on sentencings, on hearings.”

That experience has dovetailed with her classroom experience. She has seen legal principles she had read about in casebooks applied in practice. Chase professors have also contributed to that linkage. “When professors put insights from their personal experiences before they became professors into their courses, it’s fantastic,” she says.

Her drive to “fill her basket” with experiences that can shape her narrowing career decision continued this past spring semester with an externship involving legal research in the Office of Administrative Law Judges in Cincinnati.

With one year remaining until she is graduated from Chase, she is continuing to pack in experiences she hopes will lead to an ultimate career decision. “There is so much out in the federal [career] world I don’t know about. I am hoping this experience will help me find that perfect job.”

She is getting close. “I would love to be an intelligence attorney. That would be my dream job.” All she might need for that is to experience Washington, D.C., where most intelligence jobs are located, and then decide to move there from Northern Kentucky.

# What does *soap* have to do with it?



Chase students are learning that innovative techniques of the world's largest consumer products company may help them serve potential clients

In purely business terms, Professor Chris Gulinello would be something of a new-product development manager in his role as director of the W. Bruce Lunsford Academy for Law, Business + Technology at Salmon P. Chase College of Law.

The two-year-old honors program is designed to help students shift from traditional views of law, business, and technology as being separate brands to seeing them on the same shelf as a co-branded approach to problem-solving. To develop that way of thinking, Professor Gulinello has had to design classes that had not been part of a law school inventory—and find instructors for them. He had to do what the Lunsford Academy was designed to do—innovate.



**P&G represents innovation. It is a firm that has been around for close to 200 years, and is on the cutting edge of product development because of its commitment to innovation and the use of 'design thinking' in all aspects of its business.**



For a class that teaches students how to identify potential clients' needs and to think creatively about solutions, he recruited a manager from Procter & Gamble Co. who leads a team that thinks creatively about possibilities for new products.

For a law practice technology course he found a practicing lawyer who retired from Procter & Gamble after a career in information technology, largely in the company's legal, manufacturing, and research and development divisions.

For a course in data privacy that academy students this past fall asked to have added for spring semester he brought in a lawyer now in the Procter & Gamble legal department.

In seeking adjunct professors for a leading-edge program who have expertise that is not typical among law professors, Professor Gulinello has gathered, by coincidence, an adjunct faculty from a background that showcases a common assessment among business analysts: There are few better examples of innovation than the world's largest consumer products company, headquartered seven miles from Chase.

"P&G represents innovation. It is a firm that has been around for close to 200 years, and is on the cutting edge of product development, because of its commitment to innovation and the use of 'design thinking' in all aspects of its business," Professor Gulinello says.

The creative thinking course he co-taught with P&G design manager Tiffany Stevens was developed around a technique known as "design thinking." It was once used primarily in product design, but many companies now use it in a variety of areas to guide thinking beyond traditional strategies.

"'Design thinking' is an approach to problem solving," Professor Gulinello says. "It is a process for understanding the user, defining the problem, generating possible solutions, prototyping solutions, and testing them to have the best chance to come up with a good solution."



"Law students typically look to the law for answers, and many lawyers do the same. But the answers to clients' problems sometimes are not in the law," he says.

Much of the fresh thinking at Procter & Gamble in recent years has come out of an in-house think tank known as the Clay Street Project, for its location in Cincinnati's Over-the-Rhine neighborhood. Multidiscipline teams use it as a place to envision ways to revitalize sagging brands and to create new products.

Even in technology, which is constantly innovating, reinvention has to be part of lawyers' thinking, says William Lunceford, who retired from P&G and now practices law in Greater Cincinnati and teaches the law practice technology course. "P&G constantly re-invents itself, and this is even more true in Global Business Services and IT," he says of two divisions in which he worked.

"My experience allows me to give the students a taste of what is to come in the legal industry as law firms reinvent themselves or die. The legal service startups these days are similar to, although smaller than, the dot-com boom, in terms of the variety of new applications, services, and offerings that come and go each month.

"One goal [of the course] is to impart to the students how they can invent and reinvent themselves using technology as a tool throughout their careers, while not wasting time chasing the latest gadget or glossy presentation," Mr. Lunceford says.

The type of multidisciplinary approach to problem-solving that goes into P&G brand development is also part of the Lunsford Academy approach to preparing students to practice law. The classroom lesson is that a solution for a client's problem may be in more places than just a statute.

"One of the things I have found most striking about working at P&G is the high level of collaboration, both within the company's legal practice groups, and between the company's lawyers and our internal clients," says Matthew Lawless, a P&G lawyer who teaches the data privacy course.

"This tight-knit collaboration allows us, as lawyers, to do our best work. Not only can we readily share and advance our expertise through challenging discussions with our legal colleagues, we can improve our legal guidance by working to understand our clients' businesses and the mediums and markets in which they operate."

For Chase Lunsford Academy students, being able to innovate and collaborate are ways to put their brands on an established profession.

"Lawyers who want to create value for their clients," Professor Gulinello says, "need to be able to work with them to develop creative solutions for their needs, especially in the business context. If firms like P&G employ design thinking in various aspects of their business, then any lawyer who serves these firms will have to understand and be able to participate in design thinking processes to be part of the team that works on a problem."

At Chase, learning to "think like a lawyer" also means learning to think beyond the traditional.



Professor Chris Gulinello

# Professor Tokson Shines a New Light on Privacy

His article, selected for a law schools conference and a law review, explores how much people know about their right to be let alone

Professor Matthew Tokson has absolutely no expectation of privacy for an article he wrote about privacy.

The Southeastern Association of Law Schools has asked him to discuss it at its annual meeting in August, and it will be published this year in the *Northwestern University Law Review*.

The article, entitled “Knowledge and Fourth Amendment Privacy,” looks at how courts rely on societal knowledge to determine reasonable expectations of privacy throughout society. Many of those expectations have had decades to develop: Louis Brandeis wrote in 1890—twenty-six years before he was appointed to the Supreme Court of the United States—of a right to be let alone, and Justice William O. Douglas identified in 1965 a right to privacy in the penumbra of the U.S. Constitution.

But when expectations move forward to a digital age, some courts might measure what people could be presumed to know through societal knowledge in small bits and bytes of knowledge. Although most people might be expected to know that a 5G cell phone will be faster than a 4G phone, there might be little else courts would uniformly presume people to know when they turn on phones or computers and later find that calling locations had been tracked or email addresses had been captured.

What courts often conclude about what people commonly know about privacy when they cross into the digital frontier is often incorrect, Professor Tokson determined in his article. “It finds that assessing societal knowledge about privacy is inherently difficult, that courts often err in determining societal knowledge, and that relying on knowledge to determine the scope of the Fourth Amendment would be problematic even if courts could assess it perfectly,” he says.

Based on excerpts from Professor Tokson’s article, here are two things cell phone and computer users might be presumed to know or not to know about expectations of privacy in a digital world:

**The location where a cell phone call originates may or may not be a private matter, depending on the state from which the call is made. On this, Professor Tokson cites splits among federal courts of appeals:**

The Third Circuit [Delaware, New Jersey, and Pennsylvania] held that a cell phone user had not waived his privacy in his cell phone location data, because “it is unlikely that cell phone customers are aware that their cell phone providers collect and store historical location information.”



Professor  
Matthew Tokson

The court's reasoning was that "[w]hen a cell phone user makes a call, the only information that is voluntarily and knowingly conveyed to the phone company is the number that is dialed, and there is no indication to the user that making that call will also locate the caller."

The Fourth Circuit [Maryland, North Carolina, South Carolina, Virginia, and West Virginia] recently agreed, finding Fourth Amendment protection for cell phone location data because "[w]e have no reason to suppose that users generally know what cell sites transmit their communications or where those cell sites are located."

The Fifth Circuit [Louisiana, Mississippi, and Texas] reached the opposite conclusion. It ruled that "users know that they convey information about their location to their service providers when they make a call and ... they voluntarily continue to make such calls," thereby waiving their privacy. The court reasoned that cell phone companies' terms of service and privacy policies "inform subscribers that the providers not only use [cell phone] information, but collect it."

The Eleventh Circuit [Alabama, Florida, and Georgia] has also denied Fourth Amendment protection for cell phone location data, determining that cell phone users "know... that cell phone companies make records of [their] cell-tower usage." The court found that there were sufficient "publicly available facts" regarding cell phone location data that cell phone users could have no reasonable expectation of privacy in their location data.

**Societal knowledge about old technology might apply by analogy to new technology. On this, Professor Tokson wrote:**

For example, in *United States v. Forrester* [(2007)], the Ninth Circuit answered the novel question of whether the Fourth Amendment protects email to/from addresses and the IP addresses of the websites that a user visits by drawing a parallel to the [U.S. Supreme] Court's assessment of collective knowledge [in *Smith v. Maryland* (1979) about the use of a pen register installed on phone company property to record dialed telephone numbers].

The Ninth Circuit noted that "*Smith* based its holding that telephone users have no expectation of privacy in the numbers they dial on the users' imputed knowledge that their calls are completed through telephone company switching equipment." It then held that website and email to/from addresses are not protected by the Fourth Amendment because of the knowledge of Internet users.

"Analogously, e-mail and Internet users have no expectation of privacy in the to/from addresses of their

messages or the IP addresses of the websites they visit because they should know that this information is provided to and used by Internet service providers for the specific purpose of directing the routing of information."

Other courts have reached the opposite conclusion regarding website IP addresses, based on a different analysis of users' knowledge about the Internet [with the New Jersey Supreme Court determining in *State v. Reid* (2008)]:

"[W]hen users surf the Web from the privacy of their homes, they have reason to expect that their actions are confidential. Many are unaware that a numerical IP address can be captured by the websites they visit. More sophisticated users understand that that unique string of numbers, standing alone, reveals little, if anything, to the outside world."

//

**Assessing societal knowledge about privacy is inherently difficult, courts often err in determining societal knowledge, [and] relying on knowledge to determine the scope of the Fourth Amendment would be problematic even if courts could assess it perfectly.**

//

Many users' lack of understanding of how websites operate, coupled with other users' awareness of the technical specifics of IP addresses, provided the basis for a reasonable expectation of privacy.

In the first set of cases to address whether government collection of the contents of emails is covered by the Fourth Amendment, the Sixth Circuit [in *Warshak v. United States* (2007)] held that the question depends on the knowledge of email users. The judges inferred customers' knowledge based on the user agreements that their email service providers promulgate. Thus, "where a user agreement explicitly provides that e-mails and other files will be monitored or audited ..., the user's knowledge of this fact may well extinguish his reasonable expectation of privacy."

The Sixth Circuit noted that the Fourth Amendment inquiry "may well shift over time" and would "assuredly shift from internet-service agreement to internet-service agreement." It ultimately concluded that the defendant had a reasonable expectation of privacy in his emails because his ISP user agreement did not inform him that the ISP would "audit, inspect, and monitor" its subscriber's emails."





- Innovation*
- Top students & faculty*
- Legal scholarship*
- Financial aid*
- 

# MAKING *an* IMPACT

Alumni giving is increasingly important for law schools to maintain their academic reputations. Chase is no exception. Here are some ways alumni gifts help.



Joe Stewart-Pirone has never met Salmon P. Chase College of Law students Nicholas Hunt and Eric Crew, and Professor Matthew Tokson was not on the faculty when he was graduated in 2012. But Mr. Stewart-Pirone, a senior associate at Frost Brown Todd in Cincinnati, is part of why they are at Chase, along with about four-hundred-thirty other students and forty-five faculty members.

Mr. Stewart-Pirone and hundreds of other alumni and friends of Chase who have contributed to the Chase Alumni Fund are part of an increasingly important budget line for law schools across the nation. As legislatures have moved money from higher education to balance budgets in other areas, and competition has increased among law schools for superior students and professors to help buttress institutional reputations, more alumni are seeing the tangible returns of law school donations.

"I am profoundly grateful to Chase and the alumni before me. I had a terrific opportunity to get a top-quality education at Chase," Mr. Stewart-Pirone says. Now, he recognizes that he is one of those alumni who have "gone before." Collectively, the gifts alumni and friends make to Chase can help the college:

- *Recruit top students and professors who help drive an academic reputation to compare against other regional law schools.*
- *Make a Chase education available to more students.*
- *Offer innovative programs that connect to changes in law and society.*
- *Support faculty scholarship on legal theories that become part of the law and the profession.*

With approximately two hundred American Bar Association-approved law schools awarding a Juris Doctor degree (and eighty-four of them public institutions), Chase this past academic year enrolled students from twenty-one states—most of whom had choices. To stand out in that field, Chase has awarded a blend of public and private scholarships in many of the same ways as other law schools to underwrite a quality of education on which to stake a reputation.

Gifts from alumni and friends help in each of four areas – recruiting, financial aid, innovation, and faculty scholarship – that together enrich students' experiences and strengthen the stature of Chase. This is how that type of engagement helps in:

## Recruiting top students and faculty



### WHY DEAN STANDEN SAYS IT'S IMPORTANT

"As dean, my goal every day, in every recommendation or decision I make, is to enhance the value of the Chase degree. A large part of that value comes from the success of our graduates. We ensure successful Chase graduates when we are able to attract and retain outstanding students and put an outstanding faculty in front of them.

"Alumni and donor support helps us compete for the very best, giving us essential funding to offer attractive scholarships for students and needed professional support for faculty."

### WHAT IT LOOKS LIKE IN NUNN HALL

1L **Erik Crew** was graduated from Yale University with distinction, and considered enrolling in an Ivy League law school. But the emphasis on legal theory he thought he would get there would not help him become the lawyer he wants to be. He chose Chase.

"I wanted to get the practical, how to represent clients, to be able to hit the ground running," he says.

The instruction at Chase, he says, "is no different than I received at Yale. The professors here are top-notch. They know not just the law and theory, but how it works and what it means to be in front of a judge. They have academic minds, and they are able to translate it."



Erik Crew



Professor  
Matthew Tokson

**Professor Matthew Tokson** taught as a fellow at the University of Chicago Law School, was a law clerk for Supreme Court of the United States justices Ruth Bader Ginsburg and David Souter, and was a senior litigation associate in a Washington, D.C., law firm. He chose Chase to become a full-time law professor.

"I was attracted by the faculty, who were intelligent and friendly, and asked great questions during the interviewing process. It seemed like a place where I would fit in and be intellectually challenged," he says.

In August, Professor Tokson will be one of four professors the Southeastern Association of Law Schools has invited to present articles at its 2016 conference. His article about what people can be presumed to know about privacy will be published this year in the Northwestern University Law Review.

May graduate **Amy Hebbeler** had been accepted at five law schools when she was graduated from Centre College, in Danville, Kentucky, where she was an All-East Region Scholar among NCAA female athletes. That meant having at least a cumulative 3.3 grade point average (hers was higher) and starting at least fifty percent of Centre's soccer matches the season of her recognition.

After considering offers from law schools within about an hour-and-a-half drive of her home in Fort Wright, Kentucky, she chose Chase. "I knew Centre was the place for me when I talked with the people there; Chase was the same for me. It told me the people really want to help you," she says.



Amy Hebbeler

"Chase has a lot of out-of-class opportunities. Part of that is the fifty hours' pro bono [requirement]. That showed me Chase wants to take the extra step to get you out there [to be able to practice]." She was graduated from Chase summa cum laude, which requires a grade point average of 3.65 or higher.

## Providing students financial assistance to receive a Chase education

**DEAN STANDEN:** "Engagement by our alumni and friends provides so many terrific opportunities for our students. Our dedicated alumni teach as adjuncts in our classrooms, lead our advocacy competition teams, provide externship learning opportunities in their offices and chambers, and look for Chase grads when they make new hires. As importantly, alumni engagement helps us financially, primarily by providing needed scholarships for outstanding students from around the region. I appreciate how often and generously Chase grads extend their helping hand to the next generation."

### WHAT IT LOOKS LIKE IN NUNN HALL

2L **Nicholas Hunt** grew up and was graduated from college in Pikeville, Kentucky, where his parents are school teachers. Pikeville, in the economically depressed eastern region of the commonwealth, is where he eventually wants to practice law and, possibly, enter politics.

His dream since middle school has been to become a lawyer. ("I will be the first lawyer in my family," he says with pride.) To achieve the dream, he enrolled at Chase—after being accepted at three other law schools—and was awarded the Brianne Hammond Scholarship, an Alumni Fund scholarship, and the John Marshall Harlan Diversity Scholarship, based on achievement and his Appalachian background.

"I believe everyone deserves to have 'a day in court' and to be heard. I want to be able to advocate for them. I'm from eastern Kentucky, which is poverty-stricken. A lot of people's voices are not heard," he says.

He will be president of the Student Bar Association next academic year, and continuing to work toward his dream. "We have wonderful professors at Chase. It seems like every one is an expert in an area of the law."

Nicholas Hunt



## Offering innovative programs

**DEAN STANDEN:** “Chase has long been a leader in innovative, skills-oriented training. Our centers, clinics, and new academy provide impactful learning opportunities for our students, including our competition teams, business boot camp, and other student activities. Our alumni and friends help us in so many ways, and we are grateful for every dollar and every hour that is donated.”

### WHAT IT LOOKS LIKE IN NUNN HALL

2L **Jennifer Zaccheus-Miller** was working two jobs when she enrolled at Chase—as a paralegal and a property manager. It was too much. With a Kentucky Legal Education Opportunity Scholarship—funded this year by the commonwealth but at previous times supplemented by Chase when public funding fell short—she has been able to work only one job, as a paralegal.

“I look at the student loan debt, read the reports that it will be the next housing crash, and I’m going to be in that. That [law school scholarship] is fifteen thousand dollars less debt,” she says of the total three-year award.

Jennifer Zaccheus-Miller



The W. Bruce Lunsford Academy for Law, Business + Technology is backed by a commitment by W. Bruce Lunsford, a 1974 Chase graduate who is a former Kentucky commerce secretary. The academy was created two years ago to teach students how to combine strategies in law, business, and technology in problem-solving.

Those areas separately are constantly changing; together they can be a whirlwind. For Academy Director and Law Professor **Chris Gulinello**, that means having to quickly move new courses into classrooms.

When some 2L students in the academy this past fall semester saw career benefits in earning a certification in data privacy law, Professor Gulinello needed about one month to get the course on the class list for the following spring semester.

“Because of the Lunsford gift, I did not have to worry about whether we had [public] funding for the instructor or whether there would be sufficient student interest in the class that would justify the expense [of offering it].” Not only was there funding, there was interest.

Professor Chris Gulinello





# Supporting faculty scholarship that has impact in the profession and the nation

**DEAN STANDEN:** "The faculty is the beating heart of a law school. Consequently, the health of the school can be measured by the productivity and intellectual engagement of the faculty. Chase's faculty is fully engaged. Just in the last few years, our faculty's articles have been published in notable national journals, including the law reviews at Hastings, the University of Chicago, Northwestern, Emory, Iowa, and others."

"Most of our faculty publish regularly, making substantial contributions to their fields. An engaged, productive faculty not only provides thought leadership to the profession, it also provides the best in classroom instruction, continuously introducing ongoing innovations in thought and scholarship. Chase's growing excellence in scholarship will lead to a growing and deserved national reputation for the Chase degree."

## WHAT IT LOOKS LIKE IN NUNN HALL

Professor **Amy Halbrook** questioned the validity of mandatory lifetime registration for juvenile sex offenders during a clinical fellowship at Northwestern University School of Law. She had an opportunity to raise the issue in a larger audience when she became a professor at Chase.

Her law review article, "Juvenile Pariahs," which explores whether lifetime registration for juveniles violates an Eighth Amendment protection from cruel and unusual punishment, was published in the *Hastings Law Journal* [65 HASTINGS L.J. 1 (2013)] and subsequently cited favorably in two state supreme court decisions that invalidated lifetime registrations.

"During that year [at Northwestern], I came to believe that there was an overwhelming cost associated with registration – to registrants, their families, and the community – without any significant benefit. When *Miller v. Alabama* [543 U.S. 551 (2012)] was decided, and the Supreme Court said that mandatory life-without-parole prison sentences were unconstitutional for juveniles, I thought it was an opportunity to look at whether mandatory lifetime sex offender registration is also unconstitutional for juveniles."



Professor  
Amy Halbrook

In June 2015, the Supreme Court of Kansas cited the article by Professor Halbrook in deciding that lifetime registration for juveniles is unconstitutional. It followed a decision by the Supreme Court of Pennsylvania, which cited Professor's Halbrook's article to reach the same conclusion in 2014. When the State of Kansas asked the Supreme Court of the United States to review its supreme court's decision, the respondents cited Professor Halbrook's article in a brief in opposition. The Court denied *certiorari*.

In addition to the article by Professor Halbrook, articles by current or former Chase faculty members have been cited by courts more than one hundred times. Among them is an article by Professor **John Bickers** the Supreme Court of the United States cited in 2006. A plurality in *Hamdan v. Rumsfeld* relied on his article in the *Texas Tech Law Review* [34 TEXAS TECH LAW REVIEW 899 (2003)] to analyze the nature of military tribunals in holding that a president needed congressional authorization to create a tribunal to try alleged terrorism detainees.

## WHY ALUMNI MATTER

Even though much has changed at Chase in the four years since Mr. Stewart-Pirone was graduated, much has remained the same. New professors have joined the faculty, for example, and the Lunsford Academy is entering its third year, while the evening program is continuing into its one-hundred-fourteenth year.

That blend of new and old allows Chase to offer students both unimagined expectations and established traditions. For alumni such as Mr. Stewart-Pirone, engagement is an opportunity to remain part of Chase, no longer as a student, but as a lawyer promoting high academic standards and teaching, legal research that can shape the laws of the nation, and access to a Chase education for more lawyers to follow.



# Liking social media is fine, but use it carefully



To stay digitally current and ethically safe, Salmon P. Chase College of Law Professor **John Bickers** points out five things lawyers should remember when they are online

Even though Internet and social media users like to say the old rules don't apply in a digital age, some "old rules" very much apply for a lawyer using social media, such as Facebook or Twitter, in a practice. Those are the Rules of Professional Conduct. Here is what Professor John Bickers, who teaches professional responsibility, says lawyers should keep in mind when:

#### **Using social media to contact potential clients.**

This is generally permitted, even when it is primarily for the lawyer's pecuniary gain, if it is not done in real-time. An email or other recorded message is thus allowed, provided the words "Advertising Material" appear in the subject line. Essentially, such communications are considered the same as a letter under SCR 3.130(4.5), which means that there is a thirty-day cooling-off period after a disaster in which such communications are not allowed.

#### **Using social media to contact current clients.**

Although Kentucky has not yet adopted the ABA Model Rule of Professional Conduct 1.6(c), which requires lawyers to make reasonable efforts to prevent the inadvertent revelation of client information, that duty already exists. Comment 14 to Kentucky's Rule 1.6 notes that attorneys must act competently

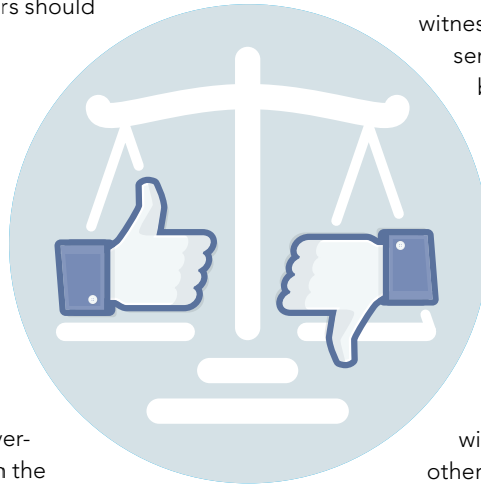
to prevent such accidental disclosures by themselves or the people who work for them.

#### **Using public social media to investigate third parties.**

Where information that might benefit a client is contained in a public site, lawyers may investigate it thoroughly without any concern that they are violating any rules, Ethics Opinion KBA E-434.

#### **Using private social media to investigate third parties.**

Where information is only accessible if there is some relationship between the two people, the ordinary rules of contacting third parties apply. As Rule 4.1 requires honesty in dealing with others, lawyers cannot conceal their identities or purposes. If a witness or other person is unrepresented, Rule 4.3 allows contact by the lawyer, provided the lawyer makes clear that he or she is not disinterested, corrects misunderstandings about the lawyer's role, and offers no legal advice to the person. If, on the other hand, the person is represented by counsel, Rule 4.2 generally prohibits communication without the consent of the other attorney.



#### **Using social media to become "friends" with judges.**

Kentucky does not consider the use of the term "friend" on social media to mean real friendship, but recognizes that, like "follower," it is a term of art of some social media sites, Judicial Ethics Opinion JE-119. The Ethics Committee of the Judiciary, noting that Kentucky judges are elected, provided that they should not be cut off from their communities by denying them a presence on social media. Nonetheless, it warned judges of the risks of required recusal from commentary or *ex parte* communications. If you "friend" a judge, be careful.

# The Journey Continues

With careers before them, a retired United States District Court judge tells graduates how lawyers can improve lives and shape a just future



Once they were students. Now they are graduates.

One-hundred-twenty-six Salmon P. Chase College of Law students became Chase graduates during a commencement ceremony May 13 at BB&T Arena on the Northern Kentucky University campus.

For them, it was a culmination of three or four years of classes and examinations. For commencement speaker John Gleeson, a retired judge of the United States District Court for the Eastern District of New York and a former federal prosecutor, it was a beginning—a first commencement address and a first honorary Doctor of Laws. Together, graduates and commencement speaker, represented an outlook that typifies Chase students and a type of lawyer they can aspire to become.

At Salmon P. Chase College of Law, these are the words to remember from the 2016 commencement ceremony:

**Dean Jeffrey Standen, recognizing what it takes to become a Chase graduate:**

“Chase students know the value of hard work. ... I sensed that grit and that determination when I first met you and your peers, and my three years at Chase has shown me that my initial impression was accurate. You came here determined to succeed.”



Graduate Christopher Hale and Dean Jeffrey Standen.

**NKU President Geoffrey Mearns, introducing Judge Gleeson, a judge for twenty-two years who had written more than 1,500 published opinions before he retired this year to enter private practice and who, as a prosecutor, had obtained notable convictions of organized crime families:**

“Mr. Gleeson’s most impressive achievements are not the convictions he obtained as a prosecutor nor his many awards and honors. Rather, what I admire most is his abiding commitment to justice for all people in all cases.”

**Judge Gleeson, sharing his experiences—from young lawyer confronting the basics, to a more experienced lawyer with an opportunity to improve lives, to a judge with an understanding of the purpose of law school—as guides for graduates onto a path he predicted would transform them into complete lawyers:**

“More than anything else, the law is about individuals, and their families and communities, and it is so important never to lose sight of that.

...

“I have something important I want to try to convey to you, but it’s something I have learned from my own experiences down in the weeds, not from on high. I’ve decided that the best way I can do it is to share three vignettes with you.

“My sister, Mary, and her husband, Eddie, had a deli in Larchmont, New York, a suburb north of New York City. ... They decided to sell the name of the store, Bon Appetit, their rights under the lease, a couple of meat slicers, and the inventory, to their only employee for \$20,000. ...

“I was the first lawyer in our big family, and, even though I was just out of law school, of course, they thought I could do everything lawyers do, so Mary and Eddie asked me to handle the deal. I was a litigation associate at Cravath, Swaine & Moore, so I called a friend in



**Judge John Gleeson delivers the commencement address after being awarded an honorary Doctor of Laws degree.**

the corporate department and said I needed help with an asset purchase agreement.

"The next day a one-hundred-twenty-page document landed on my desk. It was a contract pursuant to which a Cravath client had recently sold a Boeing 737 to a buyer in Eastern Europe. ... I adapted it as best I could, and the draft agreement I sent to the buyer's lawyer was the most complicated \$20,000 asset purchase agreement ever drafted. ...

"The second vignette also arose out of my role as consigliere to the Gleeson family. I'd been a lawyer about five years. My brother, Pat, has a son, Daniel, who at age two-and-a-half contracted a form of meningitis that stole his ability to hear. ... Rather [than have Daniel learn American Sign Language], the whole family learned cued speech, a visual communication system that enhances a hearing-impaired person's ability to read lips.

[Two years later, school officials refused to enroll Daniel in general public school, and said he had to go to a state boarding school for hearing-impaired children and learn sign language.]

"Panicked that he would lose both his physical connection and his language connection with his son, Pat called me. With a little work, I learned that what felt wrong was in fact wrong under the law. We took them on legally, and that boy not only went to kindergarten in the local school with a cued speech expert at his side, but she stayed by his side for seventeen years, until he graduated with honors from the University of Delaware, and now all of the

hearing-impaired children in Delaware whose parents want them mainstreamed are, in fact, mainstreamed.

"Finally, fast-forward twenty-five years to a scene in my courtroom. The defendant is a thirty-five-year-old man charged with a non-violent drug trafficking charge. The prosecutor is telling me as long as he pleads guilty by the next day, the government is fine with a sentence of less than eight years in prison, and open to my giving an even shorter sentence. But if he insists on going to trial, the prosecutor tells me, the government will invoke a sentencing provision that will require me to impose a sentence of life without the possibility of parole if the jury finds him guilty.



**Kimberly Jones amid graduates.**



# Commencement



Sarah Larcade, from left, Jabari Shaw, Laura Maushart, and Chad Hirschauer pose for a photo.



"The more remarkable thing to me was not that the prosecutor had the power to do that—though that was pretty remarkable – but that our criminal justice system had gotten to the point where a well-meaning young man, acting in good faith, didn't feel even the slightest hesitation in saying out loud in open court it would cost the defendant the rest of his life to go to trial, a sentence so extravagantly harsh that no one – not even the prosecutor himself – would even try to claim was just.

"The arc of my career is by no means complete, but those three vignettes pretty much sum it up so far. When I left law school more than thirty-five years ago I was an earnest and careful young lawyer who could spot issues. The deal I did for my sister, Mary, and her husband, Eddie, was more paint-by-numbers than it was lawyering, but I learned something and got the job done.

"Daniel's case brought me to another level of lawyering, and for me it was an epiphany. It taught me a transformative lesson: how to use the law as a tool to accomplish important and tangible results that improve lives.

"But I don't think I really appreciated law school until the past ten years, and the last vignette lies at the heart of what I want to convey to you tonight. Sometimes – more frequently than I appreciated when I was sitting where you are tonight – the law is just wrong, and it becomes an instrument of harm. ...

"And that's when I fully realized how much law school did for me. I discovered that the only really effective way to argue for change is to deconstruct – to go back and learn how the law got to where it is, identify the forks in the road along the way; learn where the law went wrong and where it might have gone if only some more rigorous thinking had been applied. ...

"You are about to become members of a great profession. Go out there and learn how to do the paint-by-numbers stuff. ... Stay in each moment as you grow as a lawyer – make sure you focus on getting the task before you right every time.

"Then you'll get to the point I arrived at with my nephew Daniel's case, when you're more proactive, when you envision good results for your clients, and use the law as an instrument to achieve those results.

"Finally, doing those things is exactly how you'll identify places where you think the law needs to change, and when that happens you'll become complete lawyers, because you'll fulfill your responsibility to try to bring that change about. ... [E]verything I say to you about advocating for change that you think is needed applies equally to opposing changes you think would be unwise. So go for it. Dissect what I've said, and use the legal skills you got right here to construct your own arguments. It's precisely that sort of reasoned back-and-forth that makes a legal system healthy. ..."

**The full commencement ceremony is available on the NKU YouTube channel.**

Faculty members, from left, Amy Halbrook, Gerry St. Amand, Jennifer Jolly-Ryan, and Eric Alden applaud graduates.



Salmon P. Chase Award recipient Mark Clark, center, and Student Bar Association President Andrew Johnson.



# Salmon P. Chase Award Honors Student Who Exemplifies Advocacy of College's Namesake

**Like Salmon P. Chase more than 165 years before him, new Chase graduate Mark Clark is an advocate.**

Mr. Clark (pictured at left, with award) received the Salmon P. Chase Award at the Chase commencement ceremony as recognition of his advocacy in the tradition of Salmon P. Chase, who, as a Cincinnati lawyer, advocated for the rights of individuals.

Salmon P. Chase was known before he became a member of Abraham Lincoln's cabinet and later Chief Justice of the United States as an advocate for the rights of African Americans and an opponent of the Fugitive Slave Act. Mr. Clark of Highland Heights, Kentucky, received the Salmon P. Chase Award for his advocacy for individuals through the Chase Constitutional Litigation Clinic at the Ohio Justice and Policy Center, the Kentucky Innocence Project, and the Alaska Public Defender Agency, in Kodiak, Alaska.

"It has been nearly two hundred years since Salmon Chase stood in a courtroom in Cincinnati and gave a voice and a name to Samuel Watson, a fugitive slave. I hope that I am able to have just a fraction of the impact that Salmon Chase had in furthering the cause of equality of every person in this country," Mr. Clark told the commencement audience in accepting the award.

In the Chase litigation clinic, he represented four clients in actions against prison officials that alleged deprivations of rights under federal statute and, with classmates, secured a settlement for one who was assaulted by guards. With the innocence project, he extended a one-year commitment to investigate a man's claims he had been wrongly convicted into a two-year pursuit. In Alaska, he crafted constitutional arguments for clients. In Kentucky, he also worked in the Newport office of

## Legacies

*In a law school tradition of legacy hooding at commencement, these Chase alumni presented doctoral hoods to graduating relatives:*

**Roger W. Howland '83** to niece **Chelsea Pille**

**Michael Lotspeich '93** to son **Zachary Lotspeich**

**Dominic Donovan '14** to brother-in-law **Kyle Henry**

the Kentucky Department of Public Advocacy.

After graduation, he will return to Alaska as a law clerk. He plans to become a public defender.

Chase College of Law first presented the Salmon P. Chase Award for a graduating student in 2014.

## Looking Both Ways | Some graduates' best memories and their plans

**Jessica Hughes,**  
*Florence, Kentucky*

**BEST:** Participating in late-night study sessions with her study groups. "There was some stress, but mostly food, learning, and laughter. I will miss that most of all."

**AHEAD:** Continue working at Richards and Associates, a Montgomery, Ohio, firm, as an associate, after passing the Ohio bar exam.

**Byron Turner,**  
*Bowling Green, Kentucky*

**BEST:** A first-year, two-student study session conducted by Professor Sharlene Boltz. "She spent two hours in the study room answering all of our questions, reminding us of the small details, and working through practice essays. It showed that the faculty is truly committed to student success."

**AHEAD:** A position as an Ohio assistant attorney general, in Columbus.

**Nicole Miller,** *Cincinnati*

**BEST:** "The outpouring of love and support I received from the faculty and students when my family suffered the tragic loss of my sister, Monica. I honestly don't know if I would have been able to make it through such a difficult time in my life and succeed in law school if it hadn't been for my Chase family."

**AHEAD:** Applying skills learned at Chase to advocate for greater protections for domestic violence victims.

**Brooke Cooper,**  
*Covington, Kentucky*

**BEST:** Finding a commitment in advocating for children. "I truly believe in generational change through relationships with our youth, and Chase allowed me to explore this passion through numerous fellowships and externships."

**AHEAD:** Continue advocating for children.

# Professor Roger Billings Jr. Retires

His more than four decades at Chase include teaching new classes of students each year, writing in a range of topics, and one constant—researching the nation’s sixteenth president’s law career

**Roger Billings Jr.** became a professor at Salmon P. Chase College of Law by invitation, stayed forty-four years by choice, but began his signature interest in Abraham Lincoln scholarship by happenstance.

Professor Billings, who joined Chase in 1972 as one of its first new professors following its merger with now Northern Kentucky University, retired at the end of the 2015-16 academic year.

“I’m retiring from a ‘job,’ not ‘work.’ In that sense, I am enormously blessed,” he says.

While Professor Billings is foremost a law professor with a reputation in teaching and writing in the area of business law, he is also a widely recognized scholar on the law career of Abraham Lincoln. And that pursuit developed because another United States president had expanded a peacetime draft.

It was 1961, and the Cold War between the U.S. and the then-Soviet Union was boiling with the Soviet bloc’s construction of the Berlin Wall. At that time, Professor Billings was First-Year Law Student Billings. He would soon be U.S. Army Pvt. Billings.

Professor Billings was assigned to a recruitment station to administer psychological tests. But there was a lot of down time, and he decided to fill it by reading.

“I went to the library in Fairmont, West Virginia, and the first book I found that looked interesting was about Lincoln, by [poet and writer] Carl Sandburg. I never stopped; I started collecting books. The Lincoln story is so unfathomable,” he says.

With law school interrupted, Professor Billings had to spread his studies over eight years—including summers at Case Western Reserve University School of Law and George Washington University Law School—to earn a law degree at the University of Akron School of Law.

It was during a summer session at Case Western Reserve that he met Jack Grosse, who was pursuing an LL.M. and would become dean of Chase in 1970 and guide its merger the following year. The men became friends, and Dean Grosse remembered Professor Billings when he needed to recruit professors.

“I was perfectly happy with my job as a field editor for Charles Scribner’s Sons [a major publishing house] in New York City. I did not go to law school ever dreaming I would be a professor. I wanted to be in the publishing business, where I was,” Professor Billings says.



Professor Roger Billings Jr.

But he accepted Dean Grosse's invitation and resisted efforts from Scribner's to lure him back. "I got interested in what professors do, researching and writing. My law review articles are all over the waterfront; they are what interests me," he says.

He has written on such topics as academic plagiarism, off-air video-copying and copyright, prepaid legal services, and a subject he considers to be particularly enduring—why businesses fail in Russia. Not much has changed on that topic: "I stand by what I wrote twenty-three years ago about why businesses fail in Russia," he says.

He expanded his writing and editing with four practice-focused books for lawyers, on consumer and dealership financing in the auto industry, auto warranty and repossession, auto financing and leasing, and business opportunities in the European Community.

As a professor who began professional life in the ink-on-paper era of publishing and entered academia when the Socratic Method was so dominant in law schools that little else existed, Professor Billings modified and adapted his classroom approach to changing strategies.

As law schools loosened their reliance on casebooks and Socratic instruction to adopt more practice-oriented instruction, Professor Billings stepped into a new era. He steered his Uniform Commercial Code courses onto the cyber highway with exercises in contemporary applications of the code, and when Chase probed the idea of online courses, he logged-on to teach one.

"In those core courses, we're being encouraged to insert practice-oriented instruction. I interrupt [the traditional sequence in] classes somewhere in the middle to take a deep dive into practice. In [UCC] payment systems, I took a week out to teach bitcoins."

The bitcoin digital payment system that was born of the Internet in 2009, obviously, did not exist when the UCC was published in 1952, but Professor Billings merged the present with the statutory tradition to help students understand how they might



practice law in the future. "I assigned every student to research and post a paper on the class website, and someone else to critique it," he says.

With the endurance of the Socratic Method and the expertise professors have developed in it, a pivot to online instruction can be eye-opening, Professor Billings says. His experience with online instruction came in teaching a course on the European Union, focused on drafting international distribution agreements.

"I have students posting constantly. Online courses are extremely time-consuming and difficult to teach. Posting goes on on a regular basis, and you have to respond to students. It takes a great deal more time to teach than classroom courses," he says.

His own off-line review of it: "The students loved it. I've never had a better response from students in law school."

Even though he has retired from Chase, with its bronze statue of Abraham Lincoln outside Nunn Hall, he is continuing his interest in the Lincoln lore that led him to publish, as co-editor, in 2012, *Abraham Lincoln, Esq.: The legal Career of America's Greatest President*. "I set myself up for retirement into the Lincoln community. I'm on the boards of two major Lincoln organizations in the country. Between them, there are four or five meetings a year."

For Professor Billings, teaching at Chase has been "a privilege job, and so much fun. I never thought of myself as [becoming] a professor."

He chose to be a professor ... and to remain one at Chase for forty-four years.

**Professor Billings remembers the life of his friend and colleague, the late Chase Dean Emeritus W. Jack Grosse, on Page 28 by recalling a war story.**

## WHAT SOME COLLEAGUES SAY ABOUT PROFESSOR BILLINGS:



**Jeffrey Standen**, dean

"With Roger's retirement from Chase, we lose a legend. He has taught generations of students and contributed to the life of so many. He has lived and helped shape our institutional history. We will miss his pleasantness, humility, decency, and charm."



**Lawrence Rosenthal**,

associate dean for academics and professor of legal writing

"As a faculty member, Roger was always willing to teach the courses where we need coverage. I knew I could count on him for both UCC courses; Agency, Partnership and LLCs; and a wide variety of electives.

"When I arrived at Chase in 2003, Roger welcomed me and took a sincere interest in my progress through the tenure process. He was also very interested in the non-Chase aspects of my life, as we would often discuss tennis, my wife's writing, and various other topics.

"Roger is an example of a true professional. He often voiced strong opinions at faculty meetings, but he never did so in anything other than a collegial manner."



**Jennifer Jolly-Ryan**,

professor of legal writing

"Professor Roger Billings is part of the fabric of Chase and NKU. I am a Chase alumnus, and Professor Billings was my professor in the early '80s. He taught me Sales and Secured Transactions (or at least he tried his best to teach me). I know that it is a unique gift when a student has the opportunity to work later in life with professors as colleagues."

DEAN EMERITUS W. JACK GROSSE, 1923-2015

## AN HISTORIC DEAN

For many alumni and faculty members, he was 'Mr. Chase'

*Dean Emeritus W. Jack Grosse died December 16, 2015. This appreciation was first posted on the Salmon P. Chase College of Law website.*

W. Jack Grosse did more for Cincinnati and Northern Kentucky than give it hundreds of lawyers; he gave it a law school.

Dean Emeritus Grosse, who was dean and professor of law at Salmon P. Chase College of Law when it was an independent law school and continued as dean and professor after it merged with what is now Northern Kentucky University, died December 16, 2015. He was 92 years old.

Dean Grosse became dean in 1970, when Chase had classrooms and a library in what was then the Cincinnati and Hamilton County YMCA at Central Parkway and Elm Street, in Over-the-Rhine. The location was a legacy of its founding in 1893 as part of a nationwide effort by the YMCA to expand access to legal education by creating night law schools. As many of those schools later merged with other institutions, the American Bar Association pressured remaining independent programs to find affiliations.

By the 1960s, the ABA, which had approved Chase in 1954, was pressing harder and harder for the college to leave its crowded facilities and to expand its program in a merger with another institution. Nothing Chase administrators explored worked out, and concerns about its future as one of the nation's few independent law schools were growing. Then, in 1970, Dean Grosse, who had previously been on the Chase

faculty, became dean. The next year, Chase announced it would become part of Northern Kentucky State College, now Northern Kentucky University.

"Jack Grosse was an historic dean of the law school, as he was at the center of moving Chase from an independent, stand-alone program to its present affiliation with the Northern Kentucky University. By all accounts, he was a dynamic and visionary leader," current Dean Jeffrey Standen said following Dean Grosse's death. "From my personal acquaintance with Jack, I can say he was also a charming and fascinating narrator of events"



Dean Emeritus W. Jack Grosse and daughter Lisa Grosse '77

Some observers of and participants in the efforts that led to the merger of Chase with NKU say that without Dean Grosse there may not be a Northern Kentucky University Chase College of Law.

W. Frank Steely, an NKU president emeritus, wrote of Dean Grosse in the *Northern Kentucky Law Review* at Dean Grosse's retirement from Chase in 1991:

"No individual has contributed more to Chase College of Law than Jack Grosse and,

in so doing, he has served Northern Kentucky University and the entire Commonwealth of Kentucky.

"As first president of Northern, I joined Dean Grosse as he led Chase in its merger with Northern Kentucky University in 1972. In so doing, he placed the law school on solid financial ground while preserving the precious opportunity for evening legal education in the immediate Cincinnati area."



One of the first professors Dean Grosse recruited to Chase at the beginning of the merger was Roger Billings Jr., whom he had met in the mid-1960s when they were studying during summers at Case Western Reserve University School of Law, in Cleveland.

“For a person whose competency and skills were at the highest level, he was one of the easiest persons to know, and someone you had to like.”

As do others who knew Dean Grosse, Professor Billings says it is impossible to separate him from Chase or Chase from him. “He could easily be called ‘Mr. Chase.’ There was no one like him.



“He was well-known by everyone in town, because of teaching at Chase for years. He was a friendly influence on many, many students,” Professor Billings says.

For Professor Emeritus Caryl Zyenbaard, it also is impossible to think of Chase without thinking of Dean Grosse. “I think of Jack and ‘Chase dean’ as synonymous. As dean, he was extremely effective,” she says.

“Jack was a people-person. He was just a really, really nice person, and he was a very effective administrator,” she says.

His administration of Chase following the merger included the expansion from a night law school to one with a full-time day division and part-time night classes.

“Under his guidance, Chase expanded its student population and instituted its first full-time program in 1975,” Professor Edward P. Goggin, who had joined the Chase faculty in 1972, wrote in the *Northern Kentucky Law Review*.

While Dean Grosse’s guidance of Chase from an independent college of law into a part of a growing university was a landmark achievement,

it stands alongside the impact he had as a professor in the classroom.

“My first recollection of Jack Grosse was as a student in his contracts class,” wrote former professor Jack Sherman, who was graduated from Chase in 1969 and became a magistrate judge for the U.S. District Court for the Southern District of Ohio and who also taught at Chase from 1975 to 1985.

“Jack was an excellent teacher. He knew his subject and was always well-prepared. Using the Socratic Method, he encouraged class participation ... When a student was called upon to orally



brief a case in class, he gave encouragement and support. He never embarrassed a student who faltered or was unprepared; that was simply not his style,” Professor Sherman wrote.

Dean Grosse worked in banking prior to his academic career. From 1954 to 1962 he was a professor and administrator at what was then the Chase College of Commerce, where he had earned a bachelor’s degree in business administration. He later earned a master’s degree in business administration at Xavier University, a law degree at Chase, and an LL.M. at Case Western Reserve University School of Law.

He was assistant dean and professor at Chase College of Law from 1962, the year the Chase business program was terminated, until 1964. After leaving to teach at Clarkson University in upstate New York, he returned to Chase in 1966. In 1968 he left to teach in a graduate program at Xavier. He returned in 1970 as dean, and continued in that role for nine years, when he returned to the faculty. Following his retirement in 1991 and award of professor emeritus status, he served as interim dean during parts of 1992 and 1993.

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No individual has contributed more to Chase College of Law than Jack Grosse and, in so doing, he has served Northern Kentucky University and the entire Commonwealth of Kentucky.

— W. Frank Steely

//

Dean Emeritus W. Jack Grosse at Chase events.

# My Memories of Jack Grosse



A chance meeting fifty years ago led to an enduring personal and professional friendship between Professor Roger Billings Jr. and Dean Emeritus W. Jack Grosse. With memories that include a real war story and lunchtime chess matches, Professor Billings recalls the late Dean Grosse.

by PROFESSOR ROGER D. BILLINGS JR.

Jack Grosse and Abraham Lincoln have a good deal in common. Both were tall, about six feet, four inches, and lanky. Both were good at sports and enjoyed the camaraderie of friends – numerous friends. Both were highly intelligent lawyers who expressed themselves exceptionally well. And both had great senses of humor, telling amusing stories from their experiences, and beginning to laugh almost before the story was finished.

There were, of course, differences. For example, Lincoln never fought in the U.S. Army (he just commanded it), but Jack served in it during World War II. Just when a possible career as a baseball pitcher was in sight, Jack was drafted into the Army and became a military policeman.



My friendship with Jack grew. We played chess together at lunchtime, ate at oyster bars during an Association of American Law Schools convention in New Orleans, and enjoyed occasional family get-togethers.



By his own account, Jack and his buddy, “Irish,” served together in General Albert Smith’s Fourteenth Armored Division. They followed the Army’s advance from France into Germany in 1945. In the last days of the war, they found themselves alone on a mission to check out an abandoned train in southern Bavaria.

In the chaos that followed the collapse of the Third Reich, Jack and Irish became separated from their unit. Each time they thought they had caught up with it, they found out it had moved on.

One time in Munich they asked where their unit was and were told it was in France. They dutifully took leave of Munich to find it. When they got to the alleged location they learned that, once again, their unit had moved on. They registered their presence with the other units at that location to avoid being called AWOL.

Finally they checked in at Antwerp, Belgium. A major looked at their papers and pondered what to do with them. According to Jack, the major felt the war was over, everyone was trying to go home, and so he just assigned the soldiers to a ship bound for America. As for Irish, Jack had little further contact with him.

Twenty-one years later, my first meeting with Jack reminded me of words Abraham Lincoln used at this first meeting with his friend Joshua Speed, in 1836. Having nowhere to stay when he first went to Springfield, Illinois, Lincoln accepted Speed’s invitation to room with him. He took his bags upstairs to Speed’s room, dropped them and said, “Well, Speed, I’m moved.”

Similarly, when Jack and I coincidentally enrolled in the summer school of Case Western Reserve University School of Law in 1966 we were assigned to the same dormitory room at Graduate House. Jack came into the room, dropped his bags and, after introducing himself, said, “Well, Roger, I’m moved.”

That began a fifty-year friendship. Jack was transitioning from a two-year stint as professor in the business school of Clarkson University in upstate New York. Previously, he had been professor of law and associate dean at Chase under the legendary Dean Ray Hutchens. He loved teaching at Clarkson and made close friends, but winters there were exceedingly cold, so he and “Kirby” (as he called his wife, Norma) decided to return to Cincinnati to resume his law-teaching career. He told me he knew he would probably become dean, and was at Case Western Reserve to get a master’s degree in law library science.

Jack and I made sure we roomed together the next summer. He finished his master’s degree and I piled up more hours of credit in law school. I had been drafted in 1961, after my first year in law school, and after being discharged in 1963 I took a job with Charles Scribner’s Sons, publishers. After six more years of part-time study in three law schools, studying in summers and evenings, I became a member of the Ohio Bar.

One day in spring 1972, Jack visited me in New Jersey. He said he was hiring five new professors for the 1972 fall semester, because Chase had become part of Northern Kentucky University. The American Bar Association rules required that more courses be taught by full-time professors. At that time Chase had only six full-time professors – Jack, Tony Zito, Eugene Youngs, Mike Tomlin, Max Dieffenbach, and Marty Huelsman.

And so, I left the publishing industry where I had been happy. During the first year of teaching law my old employer asked me to return as manager of the college book business. I was tempted, but I decided to stay at Chase, and my friendship with Jack grew. We played chess together at lunchtime, ate at oyster bars during an Association of American Law Schools convention in New Orleans, and enjoyed occasional family get-togethers.

The last time I saw Jack was in 2015, when I took Dean Standen to meet him. Jack was as sharp as ever, and recounted details of how he arranged for Chase to become a college within Northern Kentucky University. He explained how the ABA had decreed that it could no longer approve a stand-alone night law school such as Chase.

In the course of finding NKU as a home for Chase, Jack approached Miami University, only to be turned down by one vote of the board of trustees. Xavier University wanted Chase, but Jack knew it could not afford the cost of running a law school.

After retirement from Chase, Jack became a consultant to new law schools. The ABA had relaxed its restrictions and opened the door to many proposals for new schools. But before any new school could be approved, an independent consultant had to pronounce it well-financed and otherwise ready for ABA provisional accreditation.



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*Dean Emeritus  
W. Jack Grosse died  
December 16, 2015.  
An appreciation  
appears on pages  
26-27 in this issue  
of CHASE.*

Jack became acquainted with James White, a professor of law at Indiana University in Indianapolis who was a longtime consultant on legal education to the ABA, advising on applications for ABA approval. Professor White often recommended Jack as a consultant to applicants, and so Jack visited persons all over the country who were organizing law schools. Organizers were judges, civic leaders, and wealthy backers, and his report would be crucial to their success.

It says a great deal about Jack that, among all the notable deans and former deans in the country, Professor White especially trusted Jack for this work.

Like Professor White, all who knew Jack could trust him. His capacity for friendship was enormous. I was one of the lucky ones.

# GOOD ADVICE

Adjunct professors who share with students their own practice experiences still follow some of the best tips they received from adjunct faculty members when they were students

Being an adjunct professor at Salmon P. Chase College of Law often means closing a case file in a law office at one point in a day and opening a casebook in a classroom a few hours later. From that nexus, adjunct professors often pass along to students practice-focused experiences that become part of the shared wisdom of the profession. Here are some Chase adjunct professors, their courses, and the best practical advice they remember hearing as students from their adjunct professors:

## Steven H. Ray

*contract and legal drafting*

LAW OFFICES OF  
STEVEN H. RAY, CINCINNATI

**The advice:** “My [trial advocacy adjunct] professor was a practicing trial attorney, and he once advised me never to use humor during a trial. Two years later, I ignored his advice during my first bench trial, prosecuting a man for possessing marijuana. The defendant claimed that his passenger owned the drugs, not him. In final argument, I contended that under state law, two people could possess the same contraband: ‘Which is the exact point of my case—joint possession.’ The defense objected to my pun. The judge sustained, glared at me, and asked if I had anything intelligent left to say. I didn’t. Though I was sure my joke had ruined the case, I still got a conviction, but I never used humor in trial again.”

## Eric W. Richardson

*information privacy and intellectual property*

VORYS, SATER, SEYMOUR  
AND PEASE, CINCINNATI

**The advice:** “If the court has agreed with you, it is time to sit down and stop talking. At that point, you can only hurt your case by continuing to argue the matter. In my own practice, I have attempted to be concise, to make my points and, if the court has agreed with me, to stop talking.”

## J. Stephen Wirthlin

*pretrial litigation and trial advocacy*

BEIRNE & WIRTHLIN Co.,  
CINCINNATI

**The advice:** “Perhaps the two most important pieces of advice that I received were, one, to always be on time and be prepared, and, two, you were prepared if, when all is said and done in a trial, you can truly say that you did everything you should have done and didn’t do anything you shouldn’t have done in the representation of your client.”

“The first piece of advice came from Hamilton County Court of Common Pleas Judge Harry Klusmeier, whom I had the good fortune to clerk for while still in law school. The second piece of advice came from my father, John S. (Jack) Wirthlin, who was not only my senior partner/mentor when I started practicing law, but team-taught trial advocacy at Chase for a number of years with Professor Robert Bratton.”

## Debra Rothstein

*interviewing, counseling, and negotiating skills*

LEGAL AID SOCIETY OF SOUTHWEST OHIO, HAMILTON

### **The advice:**

“Treat all clients with respect and due regard. This is such a basic principle. This was very helpful in recognizing law as the client-oriented profession that it is.”



**JB Lind**

*information privacy*

VORYS, SATER, SEYMOUR  
AND PEASE, CINCINNATI

**The advice:** "During my time at NKU Chase I sought out classes taught by adjunct professors. These wonderful adjuncts included Frank Mungo, Steve Wirthlin, the Honorable Karen Thomas, and the Honorable Gregory Bartlett. While each of them advised us in his or her own way, the message was similar: Brevity will carry the day. Before I write a motion or brief, before I present any oral argument, I always ask myself whether my position is clear and concise. Their advice wasn't groundbreaking; it just works."

**Kate Molloy**

*trial advocacy*

SUPREME COURT OF KENTUCKY  
STAFF COUNSEL

**The advice:** "Bernard Gilday taught evidence to my entire second-year day class. Everybody wanted to be prepared in that class, as it was so obvious to us that Professor Gilday was so invested in our understanding of evidence, and he was very disappointed in those who were not prepared. Looking back on that class, the ultimate lesson was to be prepared—anticipate the other side's argument."

**Beth Winchell**

*deposition skills*

LANDRUM & SHOUSE,  
LEXINGTON

**The advice:** Read the rules, a guest lecturer advised. "This stuck with me (for obvious reasons), and applies to the civil rules, evidentiary rules, and local rules alike. Judges look favorably on the party who has followed the rules of his or her court, and being more prepared than opposing counsel and more familiar with the most basic rules of practice makes you seem more professional and, possibly, more persuasive."

**Erin Corken**

*electronic discovery*

U.S. LEGAL SUPPORT

**The advice:**

"Protect your reputation, it is the most valuable thing you have."

**Michael H. Carr**

*transactional practice ethics*

GE AVIATION, CINCINNATI

**The advice:** "Use every resource available to help you achieve and maintain competency as a lawyer. Maintain the highest level of ethical behavior—your reputation is paramount."

**Ann Schoen**

*patent law*

FROST BROWN TODD,  
CINCINNATI

**The advice:** Tell a compelling story in litigation. "I'm now a patent litigator, and use that advice as I put together my case from the very beginning, with an eye toward developing and furthering that story."

**Robert A. Goering**

*bankruptcy*

GOERING & GOERING,  
CINCINNATI

**The advice:** "The best I received was from Fred Mebs. He told us that some lawyers are deal makers and others are deal breakers, and we should be the makers and not the breakers. That advice has served me well."

**Joe Mordino**

*mediation*

FAULKNER & TEPE,  
CINCINNATI

**The advice:** Be yourself in the courtroom. "In other words, don't try to mimic someone else's style. I have utilized this advice in every trial, arbitration, mediation, and hearing I have ever attended. I have a certain personality and a certain style. I stay true to that style. I try to be authentic. Jurors, judges, mediators, and clients can all spot a fake."

# Practice experience provides classroom insights

**ALUMNUS TERRY R. MONNIE SPENDS A DAY WITH STUDENTS AS DISTINGUISHED GUEST PROFESSOR**

**Terry R. Monnie** is a man of numbers.

He was graduated from Salmon P. Chase College of Law in 1974, has practiced law for forty-two years, closed more than thirty-thousand residential real estate loans, taught real estate law for eleven years at a Cincinnati evening college, and presented more than one hundred lectures on real estate law at Realtor meetings.



Distinguished Guest Professor Terry Monnie and students.

This past winter he returned to Chase to add one more number: He spent one day as Distinguished Guest Professor to talk with students about his experience in real estate as owner of Terry Monnie Title Company in Fort Mitchell, Kentucky.

Here are four points he made to students and his explanations of them:

**If you want to learn your craft, teach it.**

"After practicing law for five years, the head of the University of Cincinnati Evening College Real Estate Division (a long time real estate broker in Ohio) called me to inquire if I would teach a class or two. My first class consisted of one-hundred-twenty-five students, and I was somewhat apprehensive, to say the least, but learned to relax, knowing I had a captive audience eager to learn from my experiences. I continued teaching several classes over eleven years and found that the teaching experience had, and continues to have, an enormous impact on my law practice. I learned to be prepared and concise in my delivery. Now teaching is one of my favorite pursuits."

**Embrace technology.** "My law practice is limited to real estate, primarily with my title company doing residential closings as well as land installment contracts, seller financing, and related matters. The biggest changes in my day-to-day practice are the result of the technological advances that we all have witnessed. From carbon paper to the Xerox machine to digital imaging, all have contributed to reductions in overhead with fewer staff to do even more work."

**Write.** "In an age of incomplete sentences in emails and tweets, as well as photos and videos on social media, I find that narrative writing enhances my communications at many levels, from daily emails to my weekly newsletter directed to several thousand recipients."

**Treat your law practice as a business and learn to market yourself and find a niche.** "I have known several attorneys who were brilliant lawyers, but who never seemed to have developed successful legal practices. The legal profession is very competitive, and the most successful practitioners I know have found a way to set themselves apart from the crowd. In my instance, I created a weekly newsletter that is emailed to almost four thousand recipients. Among them are Realtors and lenders who are possible clients or referral sources."

For alumni and friends of Chase, the Distinguished Guest Professor program is an opportunity to return to Chase for a day to lecture and to talk informally with students and faculty about substantive and practice-related topics. The Distinguished Guest Professor participants during 2015 were David C. Stratton '78 and Daniel P. Stratton '78, principals with the Stratton Law Firm in Pikeville, Kentucky, and Maria Longi '93, now a deputy assistant administrator with the United States Agency for International Development.

# TO ALL OUR ADJUNCT PROFESSORS AT SALMON P. CHASE COLLEGE OF LAW THE PAST THREE ACADEMIC YEARS

Mark Arnzen  
Donyetta Bailey  
David Barron  
Hon. Gregory M. Bartlett  
John Benintendi  
Mike Carr  
Naima Clarke  
Erin Corken  
John Cruze  
Peter DeHaan  
David Dorton  
John M. Dunn  
Amanda Gerken  
Bob Goering  
Rob Goering Jr.  
Bill Gustavson  
Sheryl Heeter  
Penny Hendy

Daniel A. Hunt  
David Jeffries  
Richard Katz  
Penny Landen  
Matthew Lawless  
J. B. Lind  
J. Robert Linneman  
William Lunceford  
Hon. Rob Lyons  
Michael M. Mahon  
Kate Molloy  
Joseph Mordino  
Frank Mungo  
Dan Murner  
Col Owens  
Marc Pera  
Steven H. Ray  
Eric W. Richardson  
Debra Rothstein  
Thomas Rouse  
Ann Schoen  
Adam M. Sherman  
Gregory Sizemore  
Nathaniel Sizemore  
Christen Steimle

Judge Douglas Stephens  
Tiffany Stevens  
Joseph Tansino  
Amul Thapar  
Karen A. Thomas  
Bernadine C. Topazio  
Scott Van Nice  
Al Weisbrod  
Elizabeth Z. Winchell  
Justice Donald  
Wintersheimer  
J. Stephen Wirthlin Jr.  
Liz Zink-Pearson



FOR THE COMMITMENT TO ACADEMIC EXCELLENCE YOU  
BRING TO ALL OUR CLASSES. YOUR LEGAL SCHOLARSHIP  
AND PROFESSIONAL EXPERIENCES ENHANCE THE  
EDUCATIONS OF ALL OUR STUDENTS.



# Out-of-Classroom Experiences

**CHASE PROFESSORS WHO WRITE AND JOIN AMICUS BRIEFS FIND THAT THEIR APPELLATE WORK CAN HELP STUDENTS CONNECT CASEBOOK THEORY TO CONTEMPORARY ISSUES**

Salmon P. Chase College of Law students know their professors as instructors, but other lawyers and judges also know them as advocates. And that additional recognition can ultimately pay off for students.

Four faculty members have been involved this year either in *amicus curia* briefs or an appellate court appearance:

**Professor Jennifer Kinsley** wrote an *amicus* in a federal case involving a Michigan law that requires sex offenders to disclose email addresses and other electronic identifiers.

**Professor Michael Mannheimer** joined 32 professors at other law schools in a separate *amicus* in the same case, and also joined an *amicus* to the Supreme Court of the United States in support of a petitioner seeking retroactive application of a decision that invalidated a sentencing provision in federal law.

**Professor David Singleton** argued the state appeal of a suspended juvenile court judge convicted of mishandling confidential documents, and said he would seek a state supreme court appeal after the appeals court affirmed the conviction.

**Professor John Bickers** wrote an *amicus* in that case that urged the state supreme court to accept a discretionary appeal.

For some professors, a limited law practice allowed by American Bar Association law school standards can keep them connected to interests that led them into law and to contemporary issues in courses they teach. For students, the benefits can be seeing connections between casebooks and life, and in identifying professional contacts.



**Professor Kinsley**, a member of *amicus* committees of the First Amendment Lawyers Association and the National Association for Public Defense, focuses much of her work in areas of freedom of speech and privacy. “Those *amicus* briefs I have authored have involved particular interests or passions,” she says.

They have, at times, involved Chase students and opened networking paths for them. Three students a few years ago assisted in an *amicus* she filed with the Supreme Court of the United States. In that case, the Court held unanimously for the position in the brief.

The benefit she sees for students in her *amicus* work is, “It enables me to connect to students with cutting-edge cases, not just through the past.” It also puts her in a professional network that can feed into her position as director of the

Chase field placement program for student externships.

The ability to connect a classroom to a courtroom is also part of Professor Mannheimer's philosophy in his *amicus* work.

"It is difficult sometimes to get students to understand that the cases we read are about real people, and that their future clients are not bloodless hypotheticals. I hope that when they see their professors filing briefs in real cases, it demonstrates that the concepts we learn in the classroom and write about in our scholarship are not purely academic," he says.

Like Professor Kinsley, he tends to concentrate his *amicus* work in areas of personal interest. "Although I sometimes join *amicus* briefs written by others, I will typically write or co-write *amicus* briefs only if the issues involved dovetail with my own research interests."

He has, for example, written in law review articles that an original understanding of the Cruel and Unusual Punishment Clause of the Eighth Amendment to the U.S. Constitution could limit a punishment imposed under federal law to no more than what the state where the crime was committed would impose. "The starkest example of this phenomenon is where the federal government seeks the death penalty for a crime committed in a non-death-penalty state. I have filed *amicus* briefs setting forth my arguments in capital cases before the *en banc* Sixth Circuit, in a case from Michigan, and, most recently, in federal district court in Vermont."

In the Michigan email case in which professors Kinsley and Mannheimer were involved in separate *amici* to the U.S. Court of Appeals for the Sixth Circuit at Cincinnati, Professor Kinsley wrote on a free-speech theory and the brief Professor Mannheimer joined argued against *ex post facto* application of the law.

In that case of *John Does, #1-5; Mary Doe v. Richard Snyder, et al.*, Professor Kinsley argued for the Center for Democracy and Technology, the First Amendment Lawyers Association, and a retired Temple University law professor and expert witness. Her contention: The Michigan statute that requires disclosure of email addresses even if an underlying conviction did not involve the Internet is a vague and unjustified restriction on online speech.



The brief **Professor Mannheimer** joined contends that applying the Michigan law to persons convicted before it was enacted violates the U.S. Constitution prohibition of *ex post facto* criminal legislation.

The *amicus* to the Supreme Court of the United States he joined on retroactive application of its sentencing decision in *Johnson v. United States* (2015) argues that the Court created a new rule of substantive law in that case when it struck down an enhanced sentencing provision of a federal statute as a violation of due process. The *amicus* in *Welch v. United States* urges the Court to resolve a split among the circuit courts of appeals in favor of retroactivity.



In the case of the conviction of former Hamilton County (Ohio) Juvenile Court Judge Tracie Hunter, **Professor Singleton** said he would appeal to the Supreme Court of Ohio after the First

District Court of Appeals affirmed her conviction. Among his contentions in oral argument was the way in which the trial judge polled jurors following their verdict: A verdict had not been read to them when they were asked if it was their true verdict.



To support Professor Singleton's petition to the Ohio Supreme Court to accept a discretionary appeal that included allegations of prosecutorial misconduct, **Professor Bickers** wrote an *amicus* on behalf of some law professors and former prosecutors.

"Fundamental to the justice system is the faith and trust that the public has in the prosecutors. The ethic of our legal system insures that a prosecutor is a minister of justice, not a mere advocate seeking to incarcerate defendants," Professor Bickers wrote.

For professors who want to show students connections between classrooms and courtrooms, the opportunities sometimes are in *amici* filings in state and federal courthouses just a few miles away.



I hope that when [students] see their professors filing briefs in real cases, it demonstrates that the concepts we learn in the classroom and write about in our scholarship are not purely academic.

— Professor Michael Mannheimer



# FEATURED SCHOLARSHIP



The Fourth Amendment protection against unreasonable searches and seizures may have meant different things in different states when it was ratified, Salmon P. Chase College of Law Professor Michael Mannheimer contends. In "The Contingent Fourth Amendment," his law review article published in the *Emory Law Journal*, he explores how that protection was contingent on how each state applied its common law—and what that may mean for contemporary interpretations. His following analysis is excerpted from that article.

by MICHAEL J. ZYDNEY MANNHEIMER\*

Over the past forty years, the U.S. Supreme Court has increasingly advanced the notion that the Fourth Amendment tracks the common law of search and seizure as it existed in 1791 when the Amendment was adopted. In other areas, the Court has embraced the Realist view that the common law is nothing more or less than the positive law of each individual jurisdiction, fluid and differentiated, evolving to meet the needs of a growing society and adapting to meet the needs of different polities. Yet the Court typically acts as if the common law of search and seizure as of 1791 was generally a unified corpus of settled doctrine.

As it turns out, there rarely was consensus in the common law of 1791 on the issues that matter to lawyers. Examination of the law of search and seizure during the founding period demonstrates important differences across borders and over time. Importantly, a significant portion of framers and ratifiers of the Bill of Rights understood that the common law in general, and the law of search and seizure in particular, was thus differentiated. In particular, the Anti-Federalist opponents of the Constitution embraced this proto-Realist, jurisdiction-specific view of the law. Their speeches and essays in opposition to the Constitution suggest that they sought not constraints on federal search-and-seizure authority that would be uniform across the Nation. Rather, they sought constraints that would require federal actors to conform their conduct to the laws of the respective States.

Ultimately, a sufficient number of moderate Anti-Federalists dropped their opposition to the Constitution in return for the promise of a Bill of Rights that would provide such constraints. Because we owe the Bill of Rights to these moderate Anti-Federalists, we should give their views primacy when interpreting the Fourth Amendment.

Consistent with this view, the Fourth Amendment is best viewed as being largely contingent on state law. That is to say, if the Court is to continue to attempt to ascribe to the Fourth Amendment the meaning it was understood to have in 1791, the Amendment is best viewed as having incorporated state law search and-seizure constraints against federal actors, so that federal agents and officers are bound by the search-and-seizure rules in the respective States in which they operate. The only exceptions are the rules set forth explicitly in the Warrant Clause—bars on general warrants and those not issued upon probable cause or unsupported by oath or affirmation—which the Amendment fixes as uniform. But the rest were likely understood by a significant number of the framers and ratifiers of the Bill of Rights as being contingent on state law.

\* \* \*

Examination of the justice of the peace manuals used during the founding period reveals some of the haziness, the contentiousness, and the dynamism that characterized the common law

\* Professor of Law and Associate Dean for Faculty Development, Salmon P. Chase College of Law, Northern Kentucky University. Excerpted from *The Contingent Fourth Amendment*, 64 EMORY L.J. 1229 (2015).





of search and seizure. These manuals directed justices of the peace and constables in exercising their common-law search-and-seizure authority. Different versions of the manuals were used in different colonies and States at different times during this period. That fact alone should give us pause before we conclude that the law was uniform. And a comparison of ten of these manuals published between 1761 to 1795 reveals a number of significant differences in the common law of search and seizure based on location and time period, such as what circumstances permitted the breaking of doors to make an arrest, the grounds for making a warrantless arrest, whether seizure of private papers was ever legal, and whether searches incident to arrest were permissible.

It is clear that a large segment of those who spoke and wrote about the common law, and in particular the Anti-Federalist progenitors of the

Bill of Rights, understood its differentiated nature. The moderate Anti-Federalists initially opposed the Constitution and later demanded that the Bill of Rights be adopted as the price for their reluctant acquiescence to ratification. Thus, Anti-Federalist views on the necessity of a Bill, grounded in the belief that individual liberty was tied to state norms, is critical to a complete understanding of the Bill.

The Anti-Federalists were opposed to the Constitution because the proposed new central government would draw power away from the States, weakening them and leading to infringement of the rights of their citizens. While we tend to view individual rights as being in tension with governmental power, the Anti-Federalists viewed the States as guardians of liberty, for nearly every State had drafted a constitution since 1776 guaranteeing its citizens a number of individual rights. The threat to freedom came,

not from government in general, but from the proposed new federal government. The greatest fear of the Anti-Federalists, spurring them to demand a federal bill of rights, was that the state constitutions and bills of rights would be ineffectual to protect the citizenry from the new federal government's exercise of broad powers. Because the federal government would be acting directly upon the citizenry, state constitutions and bills of rights were no barrier. Preservation of individual freedom was thus inextricably linked to the preservation of state power; states' rights and individual rights were intertwined.

Thus, Anti-Federalist Agrippa (James Winthrop of Massachusetts) suggested that the Constitution be amended to provide expressly that state bills of rights stand as a barrier between the federal government and the individual:

Nothing in this constitution shall deprive a citizen of any state of the benefit of the bill of rights established by the constitution of the state in which he shall reside, and such bills of rights shall be considered as valid in any court of the United States where they shall be pleaded.<sup>1</sup>

In a similar vein, an amendment proposed by Melancton Smith at the New York ratifying convention would have required all federal officers "to be bound, by oath or affirmation, not to infringe the constitutions or rights of the respective states."<sup>2</sup>

Ultimately, ratification failed on the initial ballot in Massachusetts, New Hampshire, New York, North Carolina, and Virginia. This failure stemmed in large part from the Anti-Federalists' belief that, without an explicit provision such as Agrippa's or Smith's proposed amendment, state constitutions and bills of rights were no protection against the proposed federal government. And the reason for that position has much to do with two very distinct views of the common law entertained respectively by the Federalists and Anti-Federalists.

The "common law" in 1791 was a notoriously slippery notion. And there was a distinct ideological split in the way the common law was viewed. The pre-Realist view was dominant among Federalists, who generally viewed common law as deriving from higher law, the law of nature. As such, they viewed the common law, and common-law rights in particular, not as transient but as fixed, existing "in the air" rather than being tied to sovereignty.

But by the late eighteenth century, there were sharp disputes over the nature of the common law. A proto-Realist view of the law had seeped into the American understanding of the nature of law, and this proto-Realist view was embraced by the Anti-Federal-

ists. While their mission was to secure as against the federal government the common-law rights of Englishmen, the Anti-Federalists were under no illusion that the common law was the same in the United States as it was in England, or that it was the same in every State.

As George Mason summed up the Anti-Federalists' proto-Realist stance: "[T]he common-Law . . . stands here upon no other Foundation than [its] having been adopted by the respective Acts forming the Constitutions of the several States."<sup>3</sup> That is to say, even the common law, that great source of English liberty, has no authority unless adopted as the positive law of the state: it has "no other [f]oundation." Likewise, "A Maryland Farmer" (probably John Francis Mercer) observed that the common-law rights of Englishmen are inapplicable unless they have been adopted as part of the positive law, and that they differed from State to State:

If a citizen of Maryland can have no benefit of his own bill of rights in the confederal courts, and there is no bill of rights of the United States . . . [h]ow could he take advantage of any of the common law rights, which have heretofore been considered as the birthright of Englishmen and their descendants, could he plead them and produce the authority of the English judges in his support? Unquestionably not, for the authority of the common law arises from the express adoption by the several States in their respective constitutions, and that in various degrees and under different modifications.<sup>4</sup>

Thus, it appears that what the Anti-Federalists had sought in the Bill of Rights was the application of common-law rights, as adopted by the respective States, to the federal government. Statements made by the Anti-Federalists specifically regarding federal search-and-seizure authority bear this out. Consider, for example, the warnings that Massachusetts Anti-Federalist John DeWitt issued about the authority that Congress would give to federal tax collectors under the proposed Constitution:

They are to determine, and you are to make no laws inconsistent with such determination, whether such Collectors shall carry with them any paper, purporting their commission, or not—whether it shall be a general warrant, or a special one—whether written or printed—whether any of your goods, or your persons shall be exempt from distress, and in what manner either you or your property is to be treated when taken in consequence of such warrants.<sup>5</sup>

DeWitt's admonition was aimed not simply at the prospect of Congress' formulating search-and-seizure policy that would be antithetical to general common-law principles. Rather, he cautioned his fellow Bay Staters that they would be unable, via the typical routes

of judicial and legislative rulemaking, to require federal officials to follow Massachusetts law: “you are to make no laws inconsistent with [Congress’s] determination.”

If, at least for the Anti-Federalists, the common-law rights adopted in the Bill of Rights had no existence separate and apart from their adoption in the States, and if the common law differs in every State and can change over time, then it follows that the common-law rights incorporated into the federal Bill of Rights also might vary by State and over time. True, the Anti-Federalists lost the ratification battle. But the Bill of Rights was added to the Constitution as an implicit condition for ratification. Without it, ratification almost surely would have failed. Indeed, in New York, popular sentiment was opposed to ratification by a margin of greater than two to one. The Federalists realized that they would need to promise adoption of such a bill shortly after ratification in order to ensure that the Constitution would be ratified. The strategy worked. Melancton Smith, leader of the Anti-Federalists at the New York ratifying convention ultimately voted in favor of ratification and took eleven other moderate Anti-Federalists with him, bringing New York into the Union by the slim margin of 30 to 27. Even after ratification, James Madison, drafter of the Bill of Rights, saw the adoption of a Bill as an absolute necessity to make good on the Federalist promise for such a Bill, to bring the last two States—North Carolina and Rhode Island—into the fold, to save his own political career in Anti-Federalist-heavy Virginia, and to preserve the fledgling Union. As Murray Dry put it: “[W]hile the Federalists gave us the Constitution, the Anti-Federalists gave us the Bill of Rights.”<sup>6</sup> Given the Bill of Rights’ status as the product of the bargained-for exchange between the Federalists and the Anti-Federalists, it is appropriate to interpret it as the Anti-Federalists contemplated.

Incorporation of the Anti-Federalist worldview into our interpretive strategies suggests a new view of the Bill of Rights, one that looks to state law as the benchmark for federal rights, at least where the capacious language of the Bill cries out for a benchmark. Such is the case with the Fourth Amendment. While the Warrant Clause sets forth a few uniform rules for the issuance of warrants, the repository of most constitutional search-and-seizure rules is the Reasonableness Clause. The Supreme Court has used as its primary benchmark for “reasonableness” the common law of 1791. Assuming that the Court is correct, it should not continue to ignore that the common law existed “in various degrees and under different modifications” in the respective States. Rather, on an originalist account, it is more plausible to read the Constitution as providing that federal search-and-

seizure authority, other than those rules relating to the content and issuance of warrants, is to be governed by state law. The Reasonableness Clause is most plausibly read as a directive that federal officials adhere to state common-law constraints on search and seizure in each respective State.

\* \* \*

A nuanced originalist approach to the Fourth Amendment requires a reassessment both of the reality and perception of the common law of search and seizure during the framing period and of the place of the Bill of Rights uniquely as a constraint on federal power. Such a reassessment leads most plausibly to a contingent Fourth Amendment, by which federal authority to search and seize is generally calibrated to state norms.

At the very least, an acknowledgement of the origins of the Fourth Amendment in the differentiated common law of search and seizure present at the founding and the struggle of the Anti-Federalists to cabin federal authority via state law should cause us to rethink Fourth Amendment doctrine. In positing a monolithic Fourth Amendment applicable to state and federal governments alike, the Court has paid inadequate attention to state law as a guidepost for constitutional constraints on the federal government and, at the same time, has disregarded the essential federalism component of the Amendment which makes jot-for-jot incorporation against the States highly problematic. For too long, our view of the Fourth Amendment has been driven by the laudable notion that we are a Union of states at the expense of the equally laudable notion that we are a union of States.

#### ENDNOTES

<sup>1</sup> Letter from Agrippa to the Massachusetts Convention (Feb. 5, 1788), reprinted in *THE ESSENTIAL ANTI-FEDERALIST* 54, 57 (W.B. Allen & Gordon Lloyd eds., 2d ed. 2002).

<sup>2</sup> *THE DEBATES IN THE SEVERAL STATE CONVENTIONS ON THE ADOPTION OF THE FEDERAL CONSTITUTION* 409-10 (Jonathan Elliot ed., Philadelphia, J.B. Lippincott & Co. 1876) [hereinafter *ELLIOT'S DEBATES*].

<sup>3</sup> George Mason, *Objections to the Constitution of Government Formed by the Convention* (1787), reprinted in *2 THE COMPLETE ANTI-FEDERALIST* 11 (Herbert J. Storing ed., 1981) (emphasis added).

<sup>4</sup> Essay by A [Maryland] Farmer No. 1 (Feb. 15, 1788), reprinted in *5 THE COMPLETE ANTI-FEDERALIST*, supra note 3, at 13 (emphasis added).

<sup>5</sup> John DeWitt, *Essay to the Free Citizens of the Commonwealth of Massachusetts No. IV* (Dec. 1787), reprinted in *4 THE COMPLETE ANTI-FEDERALIST*, supra note 3, at 29, 33 (emphasis added).

<sup>6</sup> Murray Dry, *The Anti-Federalists and the Constitution*, in *PRINCIPLES OF THE CONSTITUTIONAL ORDER: THE RATIFICATION DEBATES* 63, 80 (Robert L. Utley, Jr. ed., 1989).



# Faculty News

## Professor Bickers Wins Praise

Graduating students in the Chase College of Law Class of 2016 voted Professor John Bickers as the 2015-16 Chase Professor of the Year. The annual award was presented to him May 13, at a pre-commencement reception at the BB&T Arena on the Northern Kentucky University campus.

### Why students chose him:

The award reflects students' recognition of excellence in teaching and dedication to Chase and its students.

### One student's comment:

He is knowledgeable and conducts classes in a well-organized, friendly manner. He is both intellectual and fun.

**His background:** Professor Bickers joined the Chase faculty in 2006, after more than 20 years in the Army, primarily as a judge advocate. In his Army career, he was a prosecutor, a defense counsel, an administrative law attorney, manager of a law office in Germany, and a teacher at the United States Military Academy at West Point. At Chase, he teaches constitutional law and professional responsibility.



**John Bickers**  
Professor of Law

### ACADEMIC

Selected as Chase Professor of the Year by the graduating Class of 2016.

### PROFESSIONAL ACTIVITY

Wrote an *amicus curiae* brief in support of a discretionary appeal to the Supreme Court of Ohio by a former Hamilton County (Ohio) Juvenile Court judge. The brief, filed in March, argued the importance of prosecutors adhering to a role as ministers of justice.



**Sharlene Boltz**  
Professor of Law

### PRESENTATIONS

Spoke to the Florence (Kentucky) Rotary Club about human trafficking.

Presented "Check Your Bubble! Mindful Intersections of Trauma and Community Policing" at the Mini-Conference on Policing and Race at the University of Cincinnati.



**Carol Furnish**  
Professor of Law Library Services

### PUBLICATION

*Kentucky Legal Ethics Research: A Crib Sheet*, *Lex Loci*, February 2016.



**Amy Halbrook**  
Associate Professor of Law

### SCHOLARSHIP

*Juvenile Pariahs*, 65 *HASTINGS L.J.* 1 (2013), was relied on in a brief in opposition to *certiorari* to the Supreme Court of the United States in the case of *Kansas v. Dull* (No. 15-276). The Supreme Court of Kansas, relying heavily on the article, struck down as cruel and unusual punishment lifetime supervision for a juvenile convicted of a sex offense. The Court denied *certiorari* March 7.



**Jack Harrison**  
Associate Professor of Law

### SCHOLARSHIP

*At Long Last Marriage*, 23 *AM. U. J. GENDER & SOC. POL'Y & L.* 1 (2015) was among the top-ten downloads during October 2015 in the constitutional claims category of the online Social Science Research Network.

### PRESENTATIONS

Presented "Registration, Fairness and General Personal Jurisdiction," a work-in-progress, at a faculty workshop at Ohio Northern University College of Law.

Discussed the potential impact of the Supreme Court of the United States decision on same-sex marriage in *Obergefell v. Hodges* on future litigation involving LGBTQ issues, using his article, *At Long Last Marriage*, at a forum at Ohio Northern University College of Law.

Presented his article, *On Marriage and Polygamy*, at the annual conference of the Central States Law School Association.

### PROFESSIONAL ACTIVITY

Included in the 2016 edition of *The Best Lawyers in America* in the areas of mass tort litigation/class actions—defendants and product liability litigation—defendants.





**Jennifer Kinsley**  
Associate Professor of Law

**PRESENTATIONS**

Lectured and led training sessions on free speech law and strategic litigation designed to strengthen free speech protections in Russia at the Urals International Human Rights School in Yekaterinburg, Russia.

Lectured on American free speech law at the Liberal Arts University of Yekaterinburg, Russia. Presented “2015 United States and Ohio Supreme Courts Update” to the Ohio Association of Criminal Defense Lawyers.

Spoke to the Lawyers Club of Greater Cincinnati on key criminal law decisions of the Supreme Court of the United States during 2015.

Presented her article, *Just Chill*, at the International Free Speech Discussion Forum at the University of Louisville Brandeis School of Law.

**PROFESSIONAL ACTIVITY**

Wrote an *amicus curiae* brief on behalf of the Center for Democracy and Technology, the First Amendment Lawyers Association, and a retired Temple University law professor and expert witness filed in *Doe v. Snyder* in the United States Court of Appeals for the Sixth Circuit that argued that a Michigan statute that requires sex offenders to disclose email addresses is an unjustified restriction on online speech.

Handled a case that challenged the scope of subpoenas issued by the Ohio secretary of state in an investigation into the collection of voter signatures for a ballot initiative to legalize marijuana.

Was a member of an *ad hoc* task force of the Greater Cincinnati Coalition for the Homeless and other groups that reviewed Cincinnati ordinances on panhandling and public solicitation.



**Jennifer Kreder**  
Professor of Law

**SCHOLARSHIP**

*The Holocaust, Museum Ethics and Legalism* was re-printed by Hadassa Word Press in Germany.

*Fighting Corruption of the Historical Record: Nazi-Looted Art Litigation*, 61 U. KAN. L. REV. 75 (2012), was cited by JOHN SPRANKLING AND RAYMOND COLETTA, PROPERTY: A CONTEMPORARY APPROACH (3D ED. 2015).

**PRESENTATION**

Selected to present at the Kentucky Bar Association Annual Convention in spring 2016.



**Michael Mannheimer**  
Professor of Law, Associate Dean for Faculty Development

**PRESENTATIONS**

Presented “The Two *Mirandas*” and moderated a panel at the *Northern Kentucky Law Review* “*Miranda* at 50” symposium.

**PROFESSIONAL ACTIVITIES**

Joined professors at other law schools in an *amicus* merits brief to the Supreme Court of the United States in *Welch v. United States*, arguing that the Court’s recent decision in *Johnson v. United States* should be applied retroactively on collateral review.

Joined thirty-three law professors in an *amicus curiae* brief to the United States Court of Appeals for the Sixth Circuit in *Doe v. Snyder*, arguing that the Michigan Sex Offender Registration Act violates the state *Ex Post Facto* Clause of the United States Constitution when applied to persons convicted prior to passage of the statute.



**Ljubomir Nacev**  
Professor of Law

**PRESENTATION**

Presented “Debt and Cancellation” at the 56th Annual Southwestern Ohio Tax Institute, sponsored by the Cincinnati Bar Association.

**PROFESSIONAL ACTIVITIES**

Participated in an application to an Internal Revenue Service program that obtained \$75,000 for a low-income tax clinic of the Center for Great Neighborhoods of Covington, Kentucky. He has helped acquire \$1.25 million in grants for low-income tax clinics since the IRS program was initiated in 2000.

Assisted the recently established Low Income Tax Clinic of the Legal Aid Society of Southwest Ohio in its initial U.S. Tax Court filing, in which the court awarded innocent-spouse relief to joint liability under a provision of the Internal Revenue Code.



**Lawrence Rosenthal**  
Professor of Legal Writing, Associate Dean for Academics

**MEDIA**

Quoted in the November 24, 2015, issue of *New Jersey Law Journal* in an article about a then-pending Americans with Disabilities Act lawsuit.



**David Singleton**  
Associate Professor of Law

**PUBLICATION**

*Unmaking a Murderer: Lessons from the Struggle to Restore One Woman’s Humanity*, 47 SETON HALL L. REV. (forthcoming 2017).

**PRESENTATIONS**

Panelist at the American Bar Association mid-year Summit on Indigent Defense, focusing on protecting the right to counsel in misdemeanor cases.

Panelist at the Working in the Public Interest conference at the University of Georgia School of Law, addressing the importance of qualified representation in misdemeanor cases.

Moderated a panel at the *Northern Kentucky Law Review* “*Miranda* at 50” symposium.

Spoke on Martin Luther King Jr. Day at an interfaith service and at the Warren and Madison correctional institutions in Ohio.

## PROFESSIONAL ACTIVITY

Testified in November 2015 to the Ohio Senate Criminal Justice Committee in support of legislation to exempt from the death penalty persons who are seriously mentally ill at the time of a capital offense.

## MEDIA

Wrote an op-ed article, entitled “Scalia’s Death Nothing to Celebrate,” published February 15 in *The Cincinnati Enquirer*.

Quoted in an Associated Press article about the public health response to the heroin epidemic.



**Jeffrey Standen**  
Dean, Professor of Law

## PUBLICATION

*The Law of Sports Wagering in Oxford Handbooks Online*, ed. Markus Dubber. New York: Oxford University Press (forthcoming)

## MEDIA

Quoted in the March 15 issue of *The New York Times* in “N.F.L. Shifts on Concussions, and Game May Never Be the Same.”



**Mark Stavsky**  
Professor of Law

## PUBLICATIONS

*Discovery Reform in Kentucky*, BENCH & BAR (January/February 2016)

*Kentucky Innocence Project: A Pedagogical Perspective*, BENCH & BAR (January/February 2016)

## SCHOLARSHIP

*No Guns or Butter for Thomas Bean: Firearms Disabilities and their Occupational Consequences*, 30 FORDHAM URB. L. J. 1759 (2003) was cited in *Revealing the Hidden Sentence: How to Add Transparency, Legitimacy, and Purpose to “Collateral” Punishment Policy*, 10 HARV. L. & POL’Y REV. 123 (2016)

## PRESENTATIONS

Moderated “Full and Fair Discovery: Advancing Just Results and Public Safety: Advantages of Timely, Full Open File Discovery” at the Fourth Annual Forum on Criminal Law Reform in the Commonwealth of Kentucky.

Moderated a panel at the Northern Kentucky Law Review “Miranda at 50” symposium.



**Henry “Steve” Stephens**  
Professor of Law

## PROFESSIONAL ACTIVITY

Serves as a commissioner for Kentucky on the Uniform Law Commission and as a member of the Kentucky Legislative Ethics Commission.



**Matthew Tokson**  
Assistant Professor of Law

## PUBLICATION

*Knowledge and Fourth Amendment Privacy*, 111 NW. U. L. REV. \_\_\_ (forthcoming 2016). This article was selected as one of four winning entries in the 2016 call for papers by the Southeastern Association of Law Schools to be presented at its annual meeting in August on Amelia Island, Florida.

## PRESENTATION

Moderated a panel at the Northern Kentucky Law Review “Miranda at 50” symposium.



**Barbara Wagner**  
Assistant Professor of Law

## PUBLICATION

Co-authored *Proposed List of Competencies for an Entry-Level Business Lawyer* in connection with her work as co-chair of the Task Force on Defining Key Competencies for Business Lawyers of the American Bar Association Business Law Section Committee on Business

Law Education. The article was a top-ten download on the online Social Science Research Network.

## PRESENTATION

Presented “Engaging Students in Entrepreneurship through the Chase Small Business & Nonprofit Law Clinic” as part of the International Visitor Leadership Program in Northern Kentucky for professors from the Balkans.



**Michael Whiteman**  
Professor of Law, Associate Dean for Law Library Services & Information Technology

## PUBLICATION

*Appellate Jurisprudence in the Internet Age*, 14 NW. J. TECH. & INTELL. PROP. \_\_\_ (forthcoming 2016).

## PRESENTATIONS

Presented *Appellate Jurisprudence in the Internet Age* at the annual meeting of the Ohio Regional Association of Law Libraries at Fort Wayne, Indiana.

Panelist on “Law Library Innovation: How Law Libraries Are Adapting to New Standards and Institutional Challenges” at the 2016 Association of American Law Schools conference.

# Obstacles Overruled

A self-discipline nurtured at Chase has helped W. Ron Adams succeed in practice even when difficulties beyond his control objected

W. Ron Adams has repeatedly beaten the odds.

After an ankle injury interrupted his plan to play basketball on scholarship at what is now University of the Cumberlands, he took a job in a coal mine while he waited to heal. A runaway shuttle car left him a quadriplegic.

After earning a business degree at Murray State University and, in 1987, a Juris Doctor and a Master of Business Administration in the joint-degree program at Salmon P. Chase College of Law, he opened a solo practice in Florence, Kentucky. Eight years later, in 1995, he was diagnosed with a rare brain tumor. Without income during three years for recovery, he lost his house.

But Mr. Adams would not quit. He restarted his law practice in Erlanger, Kentucky, as W. Ron Adams Law. With three paralegals, a legal assistant, and streamlined use of technology, he concentrates in bankruptcy, probate, uncontested divorce, auto accidents, and Social Security.

These are some of the lessons he has learned in finding success when the odds seemed to say, “give up”:

**Your life has been one of personal perseverance, but what did you experience at Chase that helped prepare you to persevere through the challenges of beginning a solo practice?**

The enormous time demands during a law school semester, especially at finals time, require mental discipline and the ability to manage your time.

I had to do everything myself [in practice], because I could not afford to hire anyone to help me at first. Law school had prepared me to work long hours while juggling multiple projects under rigorous time constraints. Law school put an enormous amount of pressure on me to learn and apply a vast array of information quickly and accurately, which helped me as a sole practitioner, because I had to spend a lot of time answering my own phones, making new appointments, and handling my existing cases.

**Drawing on your life experiences, what do you tell a person who is told not to try to achieve a personal dream because he or she is not capable of reaching it?**



W. Ron Adams outside the United States Courthouse in Covington, Kentucky.

When I was told at 19 years of age that I would never feed myself or walk again, I was left with two options. One was to agree with the doctors, or, two, to say that it doesn't matter what they believe. It's your life, and you have to keep doing whatever it takes, because, in the final analysis, it's either quit or try as hard as you must.

**You have a separate non-profit ministry, His Well Ministry, inspired by the Bible verse of John 10:10—“The thief comes only to steal and kill and destroy; I have come that they may have life, and have it to the full.” How is that message reflected in the ministry and your life?**

Because of the many personal adversities that I experienced growing up and putting so much effort into law school, and then losing my practice due to an additional medical issue, I was seeking an answer to “why keep trying?” It was a gut-check moment to determine whether to try again, which we all experience at some point in our lives. Then I felt like God led me to the verse of John 10:10, which said that no matter what has come against you, that Jesus came that you might have life and have it to the full. From that moment on, neither I nor my future clients would leave my office feeling like we would be tossed around by life, with no input. My mental perspective changed that I had more control over my life, as well as that my clients can take better control over their lives.



# Class Action

## SHARE YOUR NEWS

Send news about your life or career for publication in CHASE to Judy Brun, law specialist, by email to [brunjl@nku.edu](mailto:brunjl@nku.edu) or by mail at Chase College of Law, 529 Nunn Hall, 100 Nunn Drive, Highland Heights, KY 41099.

## 1976



**John C. Norwine** planned to retire in June after more than twenty-one years as

executive director of the Cincinnati Bar Association. He will be a consultant to the association until the end of the year.

## 1977

**Ralph P. Ginocchio** was inducted as a 2016-2017 trustee of the Cincinnati Bar Association.

## 1978

**Dustan McCoy** retired as chairman and chief executive officer of Brunswick Corporation, the manufacturer of recreational marine engines, boats, fitness equipment, and billiard tables.

## 1980



**Robert J. Gehring** joined the Cincinnati law firm of Buechner, Haffer, Meyers & Koenig. He is

certified as a civil trial specialist

by the National Board of Trial Advocacy and concentrates his practice in the area of civil litigation. He is a past president of the Cincinnati Bar Association, and currently is secretary of the Legal Ethics and Professional Conduct Committee of the Ohio State Bar Association. He has served the past five years as president of the board of trustees of the Madeira and Indian Hill (Ohio) Joint Fire District, and is chairman of the Civil Service Commission of the City of Madeira.



**Stephen E. Gillen**, partner in Wood Herron & Evans in Cincinnati, was named to the 2016 *Ohio Super*

*Lawyers* list of top attorneys in Ohio. His practice areas include advertising, copyrights, litigation/dispute resolution, publishing/media, and software/computer/Internet.



**Margo L. Grubbs** has opened the law firm of Grubbs Rickert Landry in Covington, Kentucky, with Chase alumni Bonnie Rickert '01 and Jennifer Landry '09.

The practice will handle cases involving family/domestic relations, personal injury, criminal litigation, Social Security disability, and probate.



**Mark R. Schweikert** retired in April as head of the Ohio Judicial Conference, after a decade

of service. He was previously a Hamilton County Common Pleas Court judge. He plans to work in Ohio as a judge by assignment.

## 1978

**Sara Sidebottom**, vice president of legal affairs/general counsel of Northern Kentucky University, will retire July 31. She plans to maintain a part-time law practice and mediation service.

Northern Kentucky University President Geoffrey Mearns told the April meeting of the university's board of regents that, "Despite often dealing with difficult issues, Sara always maintains a positive spirit and a sense of humor. I will miss her pride, her experience, and her good judgment."

Prior to joining NKU, she was a District Court judge in Kenton County, Kentucky. She is chair of the Kenton County Police Merit Review Board, a co-founder of the Northern Kentucky Women's Lawyer Association, was vice-chair of the Kentucky Commission on Women, and was co-chair of the Steering Committee for the Governor's Summit on the Economic Status of Kentucky's Women.



## 1986



**H. David Wallace**, a partner in Wallace Boggs, in Fort Mitchell, Kentucky, was awarded the

Client Distinction Award 2015 by Martindale-Hubbell and Lawyers.com in recognition of excellence based on client review ratings. He concentrates his practice in the areas of corporate, banking, and real estate law.

## 1987



**Todd V. McMurtry**, a member of Hemmer DeFrank Wessels, in Fort Mitchell,

Kentucky, recently completed his term as president of the Northern Kentucky Bar Association and will serve one year as immediate past president. He concentrates his litigation practice in the areas of business, real estate, and construction. He frequently represents cities and counties in municipal law matters, and is also a mediator in commercial disputes.

## 1993



**Tom Glassman**, a partner in Smith Rolfes & Skavdahl, an insurance defense firm with offices in

Ohio, Kentucky, Michigan, and Florida, taught at the Riga Graduate School of Law, in the Latvian capital of Riga. He received a Fulbright grant to teach a course focusing on appellate and trial advocacy.



## 1981

**U.S. District Court Judge Danny C. Reeves** has been nominated by President Obama to serve on the U.S. Sentencing Commission. "Throughout his career, Judge Danny C. Reeves has demonstrated an unwavering commitment to justice," Mr. Obama said in a prepared statement.



The commission is an independent agency within the federal judiciary that sets sentencing guidelines and advises Congress and executive branch departments on crime and sentencing issues. Judge Reeves was nominated for the U.S. District Court for the Eastern District of Kentucky in September 2001 and confirmed three months later. His nomination to the sentencing commission requires Senate confirmation.

## 1996



**John C. Tilley**, was appointed secretary of the Kentucky Justice and Public Safety Cabinet by Governor

Matt Bevin, after serving nearly five terms in the Kentucky House of Representatives. He had been a long-time chair of the Judiciary Committee. He is from Hopkinsville, Kentucky.

## 1999



**Shane C. Sidebottom**, a member of Ziegler & Schneider, in Crescent Springs,

Kentucky, was elected 2016 president-elect of the Northern Kentucky Bar Association. He has served in Kentucky Bar Association leadership for years, and recently completed his second appointed term as the

Sixth Judicial District Representative of the Continuing Legal Education Commission. He maintains a general law practice that emphasizes employment and labor law, immigration law, family law, small business representation, and complex litigation. He has an AV Preeminent peer rating from Martindale-Hubbell and has been listed as a Kentucky Super Lawyer the previous four years for his work in general litigation.



**Paige L. Ellerman**, a member in Frost Brown Todd, in Cincinnati, was inducted as a 2016-2017

trustee of the Cincinnati Bar Association.



## 2000



**Kevin K. Malof**, a partner in Frost Brown Todd, in Ohio, has also joined FBT Project Finance

Advisors as vice president. He and other lawyers assist government entities and borrowers in developing financing strategies and funding for projects involving economic development, real estate, infrastructure, public-private partnerships, and health care.

## 2001



**J. Robert Linneman Jr.**, a partner in Santen & Hughes, in Cincinnati, has been elected

vice-chair of the board of directors of the Corporation for Findlay Market, in Cincinnati. The nonprofit organization manages and operates Findlay Market, Ohio's oldest public market. He has been a member of the corporation's board of directors since 2009. His practice is focused on business counseling, commercial litigation, and civil rights.



**Bonnie Rickert** joined Chase alumni Margo L. Grubbs '80 and Jennifer Landry '09 to form

Grubbs Rickert Landry in Covington, Kentucky. The practice will handle cases involving family/domestic relations, personal injury, criminal litigation, Social Security disability, and probate.

## 2003

**Joy L. Hall**, a partner in Strauss Troy Law Firm, with offices in Cincinnati and Covington, Kentucky, was elected to the Northern Kentucky Bar Association board of directors as treasurer. She concentrates her practice in federal and state civil and criminal tax matters.

## 2004

**Margaret E. Cunningham** was elected to the Northern Kentucky Bar Association board of directors.



**Stephen G. Nesbitt** was named a partner in Ulmer & Berne, in Cincinnati. He counsels clients

on corporate and real estate legal matters.

## 2005



**Timothy B. Spille** has been named a 2016 Kentucky Rising Star for the second consecutive year.

He is a shareholder in Freund, Freeze & Arnold, based in the firm's Cincinnati and Northern Kentucky offices. He concentrates his practice in insurance defense and coverage matters, small business representation, and construction litigation.

## 2006



**Beth Bryan** was named a partner in the Cincinnati office of Taft Stettinius & Hollister. She practices in the areas of commercial litigation,

2006

**David Spaulding** received the Northern Kentucky University Outstanding Young Alumnus Award for his work in shaping the physical appearance of the NKU campus and the region. As general manager of Turner Construction, he has been involved in construction of such buildings as Great American Tower and the restoration of Union Terminal, in Cincinnati. He has also been involved in the completed construction of NKU Griffin Hall and the current construction of the NKU Health Innovation Center.



Mr. Spaulding has been with Turner for more than 10 years, and has been legal counsel for its offices in Ohio and manager of business development for the Cincinnati office.

Judicial Circuit of Harrison, Nicholas, Pendleton, and Robertson counties, between Cincinnati and Lexington, for nearly a decade.

2007



**Acena Beck** joined the Children's Law Center in Northern Kentucky as managing

attorney. She will represent youth in legal matters that affect children, supervise the student program, and oversee administration. She has also been named Northern Kentucky Bar Association 2015 Outstanding Volunteer of the Year.

**Jamie Jameson** was elected judge of the Forty-Second Kentucky Circuit of Marshall and Calloway counties in southern Kentucky. He previously was a lawyer for seven years in the Kentucky Department of Public Advocacy.



**Jodie Drees Ganote** of Ganote Law was inducted as a 2016-2017 trustee of the Cincinnati Bar Association.

2008



**Michael P. Bartlett** joined the legal department of the City of Covington, Kentucky, as an

assistant city solicitor. He is also the alcoholic beverage control administrator for Covington. He previously practiced in the areas of general civil litigation, administrative law, and government representation.

**Paul J. Linden** was elected partner in Wood Herron & Evans, in Cincinnati. He is

legal malpractice defense, and election law.



**Chris Dutton** joined Porter Wright Morris & Arthur in the firm's Cincinnati office as a senior

associate in the litigation department, focusing on construction and commercial business litigation.



**Michael Laws** received the Outstanding Assistant Commonwealth Attorney Award from the

Kentucky Commonwealth Attorneys Association at its winter conference in February in Lexington, Kentucky. He has been assistant commonwealth attorney for the Eighteenth



**Faith Whittaker**

was elected to partnership in Dinsmore & Shohl in the Cincinnati office. She practices in the labor and employment department. She was inducted as a 2016-2017 trustee of the Cincinnati Bar Association and was elected chair-elect of the Cincinnati Bar Association Young Lawyers Section.

ALUMNI GATHERINGS

Board of Visitors meets

Members of the Salmon P. Chase College of Law Board of Visitors met in early April on the Northern Kentucky University campus to receive updates on various Chase programs from Dean Standen.



(TOP ROW) Dean Standen with Donald Hemmer '79 and David Bender '79; Norman Zoller '74 and Judge Sylvia Hendon '75; Philip Schworer '86 and William T. (Bill) Robinson III; (AT LEFT) Larry Deener '79, John Lucas '79, and Jeffrey Raines '78 at the Board of Visitors meeting.

involved in the firm's intellectual property practice, with emphasis on litigation and dispute resolution involving patents and trademarks.



**Rebecca Cull** is a lawyer with the Cincinnati firm of Kohnen & Patton in the employment and litigation

department. In January, she joined the Cincinnati USA Regional Chamber C-Change Class 11, a year-long leadership development program.

**Janaya Trotter Bratton** was inducted as a 2016-2017 trustee of the Cincinnati Bar Association.

## 2009



**Ethan A. Busald III** was named a partner in Busald Funk Zevely, in Florence,

Kentucky, and director of the firm's workers' compensation division. He was inducted into the Pioneer Hall of Fame of Transylvania University.



**Lindsay Lawrence**, a lawyer in The Lawrence Firm, in Covington, Kentucky, is serving on the

American Association for Justice Women Trial Lawyers Caucus State Outreach Committee and the Ohio Association for Justice Continuing Legal Education Committee. She focuses her practice in the areas of medical malpractice, personal injury, and mass torts.



**Jennifer Landry** joined Chase alumni Margo L. Grubbs '80 and Bonnie Rickert '01 to form

Grubbs Rickert Landry in Covington, Kentucky. The practice will handle cases involving family/domestic relations, personal injury, criminal litigation, Social Security disability, and probate.



**Danielle L. Lorenz**, a lawyer with Reminger Co., with offices in Ohio, Kentucky, and Indiana,

was inducted as a 2016-2017 trustee of the Cincinnati Bar Association. She was selected for Class XX of the Cincinnati Bar Association's Cincinnati Academy of Leadership for Lawyers.

## 2010



**Brian P. O'Connor** was elected partner in Santen & Hughes, in Cincinnati. He focuses his

practice on litigation and dispute resolution.

**Joseph Johns**, a lawyer with Votaw & Schwarz Law, in Lawrenceburg, Indiana, was appointed judge of Lawrenceburg City Court by Governor Mike Pence. He has been counsel for the Lawrenceburg Advisory Planning Commission, Board of Zoning Appeals, and Historic Preservation Commission, and attorney for the City of Rising Sun (Indiana) Advisory Planning Commission and Board of Zoning Appeals.

## 2012



**Colby B. Cowherd**, a lawyer with Taliaferro, Carran & Keys, in Covington, Kentucky, was

elected 2016 chair of the Young Lawyers Section of the Northern Kentucky Bar Association board of directors. His practice focuses on personal injury.

**Amanda M. Perkins** joined other lawyers in Lexington, Kentucky, to open Gilbert Law Group. The firm will concentrate its practice in the areas of workers' compensation and Social Security disability, personal injury, and general practice.



**Michael Inderhees** was sworn in as a Colerain Township (Ohio) trustee by Hamilton

County Municipal Court Judge Richard Bernat '75 in February. He is a trial lawyer in the Hamilton County Public Defender Office.

## Chase attends All-Ohio Legal Forum

Chase alumni were at the Ohio State Bar Association All-Ohio Legal Forum, the association's annual meeting, in late April at the Hilton Cincinnati Netherland Plaza. Chase sponsored a reception for alumni the second evening of the meeting.

**William Kaufman '71**, left, a member of the OSBA Board of Governors, and former governor **Robert Gresham** and OSBA Assistant Executive Director **Sylvia Brown** at the All-Ohio Legal Forum.



## Golf outing supports scholarships

Chase alumni and friends of the college did more than just play golf in late May; they played golf to benefit student scholarships at Chase. The event was at Belterra Casino and Golf Course at Florence, Indiana, about fifty miles southwest of the Chase campus and about midway between alumni in Cincinnati and Louisville.



Top: Vince Antaki '00, Ian Mitchell '13, John Dunn '03, Chris Jackson. Bottom: Dean Standen, Andrea Sager '17, Tim Timmel '76, Ali Walden '17.





**Jonathan "Tyler" Adkins**

joined Steptoe & Johnson. His practice will focus on civil litigation and

corporate law in the firm's Charleston, West Virginia, and Lexington, Kentucky, offices. He was named a *Super Lawyers* Rising Star in Kentucky in the area of civil litigation for 2016 and a 2015 Lexington Young Professionals Association Rising Star. He is a member of the Lexington Young Professionals Association, the Young Lawyers Committee of the Defense Research Institute, and serves on the board of directors of the Kentucky Law Enforcement Memorial Foundation and on the board of trustees of Supporting Heroes.

**2013**

**Christopher Brann** joined Garvey Shearer Nordstrom as a litigation attorney and will work from the firm's Cincinnati and Northern Kentucky offices. He has experience in the areas of personal injury and criminal law.

**2014**



**Soren Campbell**

, a partner in Campbell & Smith Law, in Williamstown, Kentucky, is now of-counsel at

Braden, Humfleet & Devine, a Kentucky firm. His practice areas include business law, intellectual property, and Social Security law.



**Lindsay I. Hart**

joined Goldberg Simpson, in Prospect, Kentucky, as an associate. Her practice will

focus on family law. She is a member of the Cystic Fibrosis Foundation and the Junior League of Louisville, Kentucky.



**Dustin Maguire**

opened The Center for Family Law in his hometown of Edwardsville, Illinois. His

practice focuses on divorce, custody, visitation, and child support. He is also a certified mediator.

IN MEMORIAM

1953

**Robert C. Martin**  
*November 11, 2015*

**Eugene K. Purdy**  
*October 10, 2015*

1957

**Charles J. Tekulve**  
*December 31, 2015*

1961

**Joseph Oths**  
*January 4, 2016*

**Jack David Young**  
*January 31, 2016*

1962

**W. Jack Grosse**  
*December 16, 2015*

1963

**Donald E. Hardin**  
*December 13, 2015*

1968

**Hugh O. Frost II**  
*November 7, 2015*

1970

**Raymond R. Ashcraft**  
*December 26, 2015*

1975

**Dolores Dunn**  
*February 14, 2016*

1976

**Paul E. Balash**  
*July 26, 2015*

1977

**Joseph Anthony Pitocco**  
*September 15, 2015*

**Craig L. Petre**  
*February 11, 2016*

1978

**James M. Looker**  
*December 29, 2015*

1979

**John Howard Golden**  
*October 8, 2015*

1980

**James H. Brown**  
*February 26, 2015*

1987

**Hon. Jeffrey Brock**  
*April 22, 2016*

2015

**James W. "Jimmy" McCown**  
*April 26, 2016*

**Chase is at Kentucky Bar Association convention**

Salmon P. Chase College of Law alumni, faculty, students, and newly admitted students participated in Chase-sponsored events at the Kentucky Bar Association annual convention in mid-May in Louisville, Kentucky. Students and newly-admitted students attended a breakfast with American Bar Association President Paulette Brown and alumni gathered for an evening reception at the Louisville Marriott Downtown. The breakfast included a discussion about opportunities in the legal profession.



Breakfast attendees gather with American Bar Association President Paulette Brown, center right, and Chase Assistant Dean of Students Heather Crabbe, center left.



Along with Dean Jeffrey Standen, top right, and Professor Jennifer Kreder, lower left third from left, Chase alumni and guests gather at an reception Chase hosted for alumni at the Kentucky Bar Association annual convention in Louisville.





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