VITAE
OF
RICHARD L. AYNES

PROFESSIONAL EXPERIENCE

School of Law, The University of Akron.

- Director, Constitutional Law Center (August 27, 2007 – present)
- John F. Seiberling Chair of Constitutional Law (July 1, 2007 – present)
- Dean, July 1, 1995-June 30, 2007
- Research Fellow, Constitutional Law Center (1998 - 2007)
- John F. Seiberling Chair of Constitutional Law, April 11, 1994 to December 30, 1994

Athletic Department, The University of Akron.

- Interim Athletic Director, June 15, 1993 to April 9, 1994

School of Law, The University of Akron.

- Associate Dean, October 1, 1984 to June 15, 1993
- Professor of Law, September 1986 to present
- Associate Professor of Law, August 1982 to September 1986
- Assistant Professor of Law, September 1979 to August 1982
- Lecturer in Law and Coordinator of Clinical Education, September 1976 to August 1979

Law Clerk to Judge Leo A. Jackson, Eighth District Ohio Court of Appeals, during his tenure as Chief Judge, September 1975 to September 1976.

Tremont Law Office of the Cleveland Legal Aid Society, Legal Intern & attorney: July 1974 to August 15, 1975.

EDUCATIONAL BACKGROUND

Cleveland State University, Cleveland-Marshall College of Law, Juris Doctor, *Summa Cum Laude*, December 1974. Law Review Issue Editor, Moot Court Executive Board.

Miami University, Oxford, Ohio, Bachelor of Science, *Cum Laude* and General Honors, 1971. Phi Beta Kappa, Omicron Delta Kappa (ODK), Kappa Delta Pi (Education Honor Society) and Honors Program.

SUBJECTS TAUGHT

Law and History**;** Constitutional Law; First Amendment Seminar; Civil and Political Rights Seminar; Pleading and Discovery Seminar; Legal Method; and Seminar in Constitutional Litigation (co-taught with the late Justice Arthur J. Goldberg).

SELECTED PUBLICATIONS

Book chapters

"The 39th Congress (1865-1867) and the 14th Amendment: Some Preliminary Perspectives" in *INFINATE HOPE* (University of Akron press).

"Ohio and the Drafting and Ratification of the Fourteenth Amendment," Chapter 9 in *Ohio Legal History* (John Winkler and Michael Les Benedict, eds., Ohio University Press 2005) [reviewed in a history journal and cited in one law review]

"The Unintended Consequences of the Fourteenth Amendment," Ch. 4 in *The Unintended Consequences of Constitutional Amendment* (David Kyvig, ed.) (U. of Georgia Press 2000)[reviewed in one history]

Articles and essays

***McDonald v. Chicago, Self-Defense, and the Future*, Akron J. of Constitutional Law 1-31 (forthcoming 2011) (on-line journal)**

***Kate Chase's influence upon Chief Justice Chase and his dissent in Bradwell v. Illinois*, 117 OHIO HISTORY 31-49(2010)** (update and revision of 1999 article in LSU Law Review.) (solicited)

***McDonald v. Chicago, the Fourteenth Amendment, the Right to Bear Arms and Right of Self-Defense*, Cardozo Law Review, de novo 170-202 (2010) (on-line journal; symposium)**

***Ink Blot or Not: The Meaning of Privileges and/or Immunities*, 11 J. of Constitutional Law 1295-1327 (2009) (Based upon presentation at the University of Pennsylvania"SecondFounding" Conference in November 2008) "Highly recommended" on University of Illinois Professor Lawrence Solum's Legal Theory Blog and discussed by CUNY Professor Ruthann Robson in the Saturday Evening Review feature of the Constitutional Law Professors blog,** http://lawprofessors.typepad.com/conlaw/2009/11/privileges-or-immunities-clause-pedgagogy-robsons-Saturday-evening-review.html

***The 39th Congress (1865-1867) and the Fourteenth Amendment: Some Preliminary Perspectives*, 42 AKRON L. REV. 1019-1049 (2009) (Symposium; lead article)**

- **"Recommended" by Lawrence Solum in Legal Theory Blog**

***Enforcing the Bill of Rights against the states: the history and the future*, 18 J. CONTEMPORARY LEGAL ISSUES 77-152 (2009)** (based upon presentation to the University of San Diego "Incorporation Conference" January 2009).

"**My contribution to Stone Soup: Thoughts on Balancing a Deanship and Family Life after Twelve Years of Being a Dean."** 39 U Tol. Rev. 221-231 (2008) (administrative symposium)

"The Unintended Consequences of the Fourteenth Amendment and what they tell us about its interpretation," Akron Law Review 289-321 (2006) **(**update of Chapter 4 above) (lead article)

"The Continuing Importance of Congressman John A. Bingham and the Fourteenth Amendment," 36 Akron Law Review 101-128 (2003) (lead article)

"*The Bill of Rights*, the Fourteenth Amendment, and the Seven Deadly Sins of Legal Scholarship," 8 William & Mary Bill of Rights J. 407-435 (2000) (Symposium)

"Akhil Amar and Refined Incorporation," 33 of Richmond L.R. 289-312 (1999) (Symposium)

"*Bradwell v. Illinois*: Chief Justice Chase's Dissent and the 'Sphere of Women's Work,'" 59 L.S.U. Law Rev. 521-541 (1999)[cited in 7 articles and 3 books]

"Charles Fairman, Felix Frankfurter and the Fourteenth Amendment," 70 Chicago-Kent L. Rev. 1197 (1995). (Symposium

"Constricting the Law of Freedom: Justice Miller, the Fourteenth Amendment and the Slaughter-House Cases," 70 *Chicago-Kent L. Rev*. 627 (1994). (Symposium)

"On Misreading John Bingham and the Fourteenth Amendment," 103 *Yale Law Journal* 57 (1993). (lead article)

"The Impeachment and Removal of Tennessee Judge West Humphreys: John Bingham's Prelude to the Johnson Impeachment Trial," II *Georgia J. of So. Legal Hist.* 71 (1993).
[included in Federal Judicial Center Bibliography]

"An Examination of Brown in Light of Plessy and Croson: Lessons for the 1990s," 7 *Harvard BlackLetter Journal* 149 (1990). (Symposium)

"The Anti-Slavery and Abolitionist Background of John A. Bingham," 37 *Catholic U.L. Rev*. 881 (1988). (lead article)

"Constitutional Considerations: Government Responsibility and the Right Not to be a Victim," 11 *Pepperdine L. Rev.* 63-116 (1984) (includes analysis of historic background of fourteenth amendment). (Symposium)

"Maintaining the Integrity of the Ohio Appellate System," 16 *Akron Law Review* 115 (1982).

"Evaluation of Judicial Performance: A Tool for Self-Improvement," 8 *Pepperdine Law Review* 255 (1981).

Note, "Behavior Modification: Winners in the Game of Life?," 24 *Cleveland State Law Review* 422 (1975).

Note, "Katz and the Fourth Amendment: A Reasonable Expectation of Privacy, or A Man's Home Is His Fort," 23 *Cleveland State Law Review* 63 (1974).This note received two separate awards: The Sidney A. Levine Award for Best Law Review Article and Delta Theta Phi Award for article of most use to practicing lawyers.

Book Reviews

Book Review, Heather Cox Richardson, *The Death of Reconstruction: Race, Labor and Politics in the Post-Civil War North, 1865-1901*, 68 The Historian 163-4 (2006)

Book Review, Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation, South*, 66 The Historian 336-227 (2004)

Book Review, Pamela Brandwein, *Reconstructing Reconstruction, The Supreme Court and the Production of Historical Truth*, 65 Am. J. of Legal History 98-99 (2001) [actually published 2003]

Book Review, Wayne D. Moore, "Constitutional Rights and Power of the People," 61 The Historian 169 (1998)

Book Review, Stephen L. Wasby, "Race Relations Litigation in an Age of Complexity," XII Am. J. of L. Hst. 470-71 (1997) (actually published 1998)

Book Review, "Behind the Mask of Chivalry, The Making of the Second Ku Klux Klan," 57 The Historian 807-808 (1995).

"The Supreme Court in the Current Of Legal Thought," 23 Reviews in Am. History 290-295 (1995) (Review of two books by Bernard Schwartz).

Book Review, K. Hall and J. Ely (eds.), "An Uncertain Tradition: Constitutionalism of the South," 69 *Florida Historical Quarterly* 238 (1990).

Book Review [J. Sirica, To Set the Record Straight (1979)], 14 Akron Law Review 313 (1980).

Encyclopedia entries

Chief Justice Warren E. Burger, this is for a reference book to be published by the Schlager Group in 2009.

Judge Leo A. Jackson in *African American National Biography* (Henry Louis Gates, Jr. and Evelyn Higginbotham, Editors in Chief, Oxford U. Press, 2008)

John A. Bingham in *The Yale Biographical Dictionary of American Law* (Roger K. Newman, ed; Yale U. Press, 2009)

Entries in *Encyclopedia of the Supreme Court of the United States* (David Tanenhaus, Editor in Chief, Macmillan Reference USA [Thompson Gale], forthcoming)

- **Secession**
- **Stone v. Mississippi, 101 U.S. 814 (1880)**
- **The Test Oath Cases, 107 U.S. 265 (1882)**
- **Missouri Compromise**
- **Chief Justice Morrison Waite**
- **Writs**

Dictionary of American History (2 ed., Stanley Kutler, ed., by *The American Midwest*, (gen. ed. Richard Sisson, Christian Zachar, Andrew Clayton Indiana U Press, Bloomington: 2007), entries on 14th Amendment author John Bingham and U.S. Supreme Court Chief Justice Salmon P. Chase

Charles Scribner's Sons, 2003). Entries on:

- The Slaughter-House Cases, 83 U.S. 36 (1873) (interpretation of fourteenth amendment)
- Springer v. U.S., 102 U.S. 586 (1880) (interstate commerce and the regulation of stockyards in Chicago)

- Munn v. Illinois, 94 U.S. 113 (1876) (fourteenth amendment and regulation of grain elevators
- Stafford v. Wallace, 258 U.S. 495 (1922) (interstate commerce and the regulation of stockyards in Chicago)

American National Biography (Oxford University Press) (1999).

- John A. Bingham, Congressman and author of § 1 of the Fourteenth Amendment
- U.S. Supreme Court Justice John Catron
- U.S. Supreme Court Justice John McLean
- James Hillard (treaties writer; wrote first treatise on torts)
- U.S. District Judge Humphrey Howe Leavitt (authority on patents; handled fugitive slave cases and Clement Valladigham's habeas corpus case)
- Charles O'Conor (leading N.Y.C. attorney and splinter party Presidential candidate in 1872)
- George Washington Paschal (Justice, Arkansas Supreme Court; Texas unionist; U.S. Supreme Court advocate: treatise writer)
- John Pomeroy (law professor and treatise writer)
- Ohio Supreme Court Joseph Rockwell Swan
- John Van Zandt (abolitionist who helped fugitive slaves and whose federal case became a cause celeb)
- Charles Fairman (Professor of Law at Stanford, Washington University, and Harvard; author)

Encyclopedia of Religion and the Law. (Garland Press 1999) (Six entries on key court cases concerning religion and the proposed Blaine Amendment.)

"The 27th Amendment" in *James Madison and the American Nation, 1751-1836: An Encyclopedia*. (1994).

Public service writings

Essay on Heller v. District of Columbia, 2 *Akron Law 2 (2008)* (alumni magazine)

"Correspondence," 1 *The Georgia Journal of Southern Legal History* 499 (1991)

"Reader Reply" (Letter) critiquing a review of a book on the Emmett Till case, 60 *American Scholar* 156 (1991)

"Dedication, Judge Leo A. Jackson," 35 *Cleveland State Law Review* 349-350 (1988).

"Hybrid Representation: The Defendant as Co-Counsel," (with S. Philabaum); "Other Defenses, Lessers, and their Relation to Mitigation," (with M. Koosed); "Competency of the Client" (with P. Walker), in *Strategies for Capital Litigation* (D. Stebbins & M. Koosed, eds. 1986).

Co-Reporter, *The Guidelines and Commentary on the Evaluation of Judicial Performance* (American Bar Association 1985).[guidelines adopted by ABA House of Delegates]

Co-editor and contributor, *Ohio Appellate Defense Manual* (1983).

"The Honorable Oscar A. Hunsicker - An Old-Fashioned Gentleman," 17 *Akron L. Rev*. 6-8 (1983).

"Weight of the Evidence Revisited," Akron Bar *Communicator* 5 (December 1982).

"Constitutional Questions Concerning A Limited Constitutional Convention," Akron Bar *Communicator* 3 (May 1982).

Co-contributing Editor (with Professor Koosed) *Ohio Death Penalty Manual* (1981) (supported by The University of Akron Research Grant.)

"Justice O'Connor," Akron Bar *Communicator* 3 (October 1981).

"Weight vs. Sufficiency: A Distinction that Makes a Difference," Akron Bar *Communicator* (November 1980).

"Recent Developments in the Law Concerning Self-Defense," V *The Defender* 3 (1980).

Book Review of *The Brethren,* Akron Bar *Communicator* 4 (May 1980).

Contributor (with Professor Koosed), *Pleas and Sentencing Manual*, "The Death Penalty" (Ohio Legal Center Institute, 1979).

Co-author (with Professor Koosed), "Constitutional Challenges to Placing the Burden of Proof of Affirmative Defenses Upon the Accused," 2 *Public Defender Reporter* 1 (Jan-Feb 1979).

Co-author (with Professor Koosed), "Making the State Disprove Self-Defense," IV *The Defender* 3 (December 1978).

PUBLIC PRESENTATIONS

Over forty public and CLE presentations, including the 1984 American Bar Association Annual Convention (Criminal Justice Section); the 1985 Ohio Court of Appeals Conference; the 1996 American Society for Legal History Society Meeting (commentator); 1993 AALS Constitutional Law Conference (work-in-progress; U of Michigan); the Second Annual Lloyd O'Hara Lecture on Law and Public Policy at Miami University (1996); and “John Bingham”, Library of Congress (2000) (Broadcast on C-Span)

SELECTED PROFESSIONAL RECOGNITION

Akron Bar Association Liberty Bell Award for defending the Constitution (May 2007)

The Harold K. Stubbs Humanitarian Award for Distinguished Service in the field of Law (2001)

Urban League Community Service Award (2000)

University of Akron Board of Trustees Outstanding Administrator Award for 1993-94.

University of Akron Board of Trustees Outstanding Administrator Award for 1992-93.

David L. Brennan Research Fellowship, Summer 1989 (no income received because I was on a 12-month contract. This was used to support a research assistant.)

University of Akron Board of Trustees Outstanding Faculty Achievement Award for 1987-88.

Outstanding Professor of the Year Award presented by the graduating class of May 1985.

Black Law Student Association Award as the Outstanding Law Professor, 1984.

Outstanding Young Man of America (1981)

Who's Who in America (55th , 56th, 57th , 58th, 59th, 60th and 61st [2007] eds.)

Who's Who in the World (12th, 21st, 22nd and 24th eds.)

Who's Who in the Midwest (24th, ed.)

Who's Who in American Education (3rd, 4th , 5th, 7th and **8th [2007-08] eds.)**

Who's Who in American Law (6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th and **15th [2007-08] eds**.)

Who's Who of Emerging Leaders in America (1st, 2nd, 3rd & 4th eds.)

Who's Who Among America's Teachers (7th, 8th, and 9th [2005] eds.)

SELECTED PROFESSIONAL ACTIVITIES

Akron Bar Foundation (2002 – present)

Ohio Bar Foundation (1995 – present)

America Law Institute (1995-2007) (ex officio)

OSBA Task force on New Lawyer Continuing Legal Education (2004-2005)

Ohio Supreme Court CLE Commission (2003-2006)

Scanlon Inn of Court (1995-2007)

Akron School Board Search Committee for General Counsel (2003) and again (2007)

Ohio Supreme Court's Racial Fairness Implementation Committee (2000-2001)

American Bar Association Questionnaire Committee (1999-2005)

Selection Committee for Sir Thomas More Committee (2002-present)

Chair, Task Force on Municipal Campaign Finances (appointed by Mayor, City of Akron) (1998).

Summit County Social Services Advisory Council (1997-2000)

Life Member of the Judicial Conference of the U.S. Court of Appeals for the Sixth Circuit (1990-present)

Counsel in thirty reported cases, including one merit argument in the U.S. Supreme Court and two merit arguments in the Ohio Supreme Court.

Summit County Financial Review Committee (1992-1993) (Appointed by the County Executive upon the recommendation of the President of County Council)

Trustee (1979-1993) and Vice President (1982-1985; 1987-1989) of the Western Reserve Legal Services Board of Trustees (Summit, Portage and Medina Counties).

Vice Chairperson of the American Bar Association/C.J.S. *Amicus Committee* (1982-1987) and Vice Chairperson of the Committee on Evaluating Judicial Performance, 1980-82.

At their invitation, testified before the Ohio House (1979) and Ohio Senate (1980) and served on a committee of constitutional law scholars to advise the Ohio Legislature on constitutional issues concerning two state initiative questions (1983).

Served as Legal Counsel to the Committees to elect Judge Jack G. Day to the Ohio Supreme Court (1978) and re-elect Judge Leo A. Jackson to the Eighth District Ohio Court of Appeals (1980).

Appointed by the Federal Court to the Merit Selection Panel to determine whether U.S. Magistrate Charles R. Laurie should be appointed to another term of office. Appointed Secretary of the Merit Panel.

Reporter, American Bar Association Special Committee for the Evaluation of Judicial Performance (1983-1984).

Consultant, American Bar Association Victims Committee (National Institute of Justice study) (1982-1983).

Chair, Akron Bar Association Judicial Selection and Evaluation Committee (1991-1993).

SELECTED SCHOOL OF LAW ACTIVITIES

Admission Committee (2009-present)

Chair, Planning and Resources Committee (2007-2010)

Faculty Appointments Committee (1980-1993), Secretary, 1980-82; Chairperson, 1983-1984 and 1995; member, 1985-1988.

Law School Strategic Planning Committee. (Drafted text of initial five-year plan for Law School Strategic Planning Committee).

Faculty-elected member of the Law School Dean Search Committee (1979-1981).

Law Review Advisor (1981-1985).

Moot Court Advisor (1979-1980).

SELECTED UNIVERSITY ACTIVITIES

University Program Review Committee (2006-present)

University Innovation Committee (2006-2008)

Search Committee, Dean of College of Business Administration (2003); Chair of second search (2004)

Chair, Athletic Director Search Committee (2000)

Search Committee, Dean of the College of Nursing (1996-97)

Elected as a representative of the Deans to the University Budget Committee (1996-97) (Chair of the Subcommittee on Enrollment & Optimum sizing)

Athletic Department's NCAA Certification Self-Study Sub-Committee on Fiscal Integrity (1995-96)

University of Akron Faculty Phi Beta Kappa Committee (1990-94)

Convener of the Policy Committee of the University's Center for Taxation Studies (1987-1992)

Two promotional committees for the College of Fine and Applied Arts (Fall & Spring 1989)

University Committee to establish criteria for the rank of Distinguished University Professor (1991)

University Committee of Department Heads (1984-1993)

Task Force on University Governance (1992)

University Task Force on Student Assessment (1991-1992)

University Program Review Committee for the Department of Urban Studies (1994-95)

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