

Margery Malkin Koosed  
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**Present Position**

Aileen McMurray Trusler Professor of Law  
Research Fellow in Constitutional Law  
The University of Akron School of Law  
Akron, Ohio 44325  
(330) 972-6793  
FAX (330) 258-2343  
E-mail mkoosed@uakron.edu

Promoted to Full Professor (Sept. 1987)

Received tenure and promotion to Associate Professor (Sept. 1981)

Assistant Professor of Law (Sept. 1976 to Sept. 1981).

**Courses Taught:**

Administration of Criminal Justice	
Criminal Law	Seminar in Criminal Process
Legal Ethics	Seminar in Capital Punishment
Appellate Advocacy	Litigation
Legal Research	Clinical Seminar

Adjunct Professor Of Law, Case Western Reserve University School of Law, Spring Semester, 1993. [Co-teaching Seminar in Capital Punishment Law with Prof. Paul Giannelli.]

Visiting Professor Of Law, Case Western Reserve University School of Law, Fall Semester, 1993. [Criminal Law].

**Biographical Data**

Birthdate:	November 3, 1948
Marital Status:	Married to Lee A. Koosed
Husband's Occupation:	Attorney, Partner in Stotter & Koosed, L.P.A., Cleveland, Ohio
Children:	Son, Brian David Koosed J.D. Georgetown Univ. 2005 Son, Andrew Jeremy Koosed B.S. U. of Akron 2005

**Education**

**LEGAL:**

Case Western Reserve University, Franklin Thomas Backus School of Law, Cleveland, Ohio

Degree: Juris Doctor

Received: June, 1974

UNDERGRADUATE:

Miami University, Oxford, Ohio  
Degree: Bachelor of Science, Received: June, 1971  
cum laude  
Major: Social Sciences and  
English

**Bar Admissions**

Ohio Supreme Court  
United States Supreme Court  
United States Court of Appeals for the Sixth Circuit  
United States District Court, Northern District of Ohio  
United States District Court, Southern District of Ohio

**Publications**

*Books and Law Review Articles:*

Co-Contributing Editor with Professor Richard Aynes, *Ohio Death Penalty Manual*, published by the Ohio Death Penalty Task Force and the Ohio Public Defender Commission (November, 1982).

Co-Contributing Editor with David Stebbins, *Motions Manual for Capital Cases*, published by the Ohio Death Penalty Task Force and the Ohio Public Defender Commission (November, 1982).

Co-contributing editor, *Public Defender Offices and Statewide Coordination of Death Penalty Defense*, published by the Ohio Public Defender Commission and National Legal Aid and Defender Association (1983).

Co-editor, with Professor Richard Aynes and Elizabeth Manton, and Contributing Author of "Federal Habeas Corpus Petitions", *Ohio Appellate Defense Manual*, published by the Ohio Public Defender Commission (1983).

Co-contributing editor, with David Stebbins, *Volume II of the Motions Manual for Capital Cases*, published by the Ohio Death Penalty Task Force and the Ohio Public Defender Commission (1983).

Co-contributing Editor, with David Stebbins, *Strategies for Capital Litigation*, published by the Ohio Public Defender Commission and the Ohio Death Penalty Task Force (September, 1986).

"Some Perspectives on the Possible Impact of Diminished Federal Review of Ohio's Death Sentences", 19 *Cap. U.L.Rev.* 695-808 (1990).

Contributor, *Motions Manual For Capital Cases* (4th ed. 1991), pp. IX-65 to IX-74, IX-97, X-4 to X-6, X-12 to X-16, XI-24 to XI-63, published by the Ohio Public Defender Commission and the Ohio Death Penalty Task Force.

"Incorporating Into A Seminar or Clinical Course The Representation Of An Indigent Death Row Inmate Seeking Certiorari In The United States Supreme Court", 40 *Cleveland State Law Review* 439-442 (1993).

Editor and Introduction(s) Author, *Capital Punishment*, a three-volume set in Garland Publishing Co. (New York and London) series entitled *Controversies in Constitutional Law* (1996). Library of Congress ISBN 0-8153-2219-4, KF9227.C2C345. [Individual volumes are titled: *The Philosophical, Moral, and Penological Debate Over Capital Punishment; Capital Punishment Jurisprudence, and Litigating Capital Cases.*]

"On Seeking Controlling Law and Re-Seeking Death Under Section 2929.06 of the Ohio Revised Code", 46 *Cleve.St.L.Rev.* 261 (1998).

"Averting Mistaken Executions by Adopting the Model Penal Code Exclusion of Death in the Presence of Lingering Doubt", Vol. 21 *Northern Illinois Law Review* 41 (2001).

"The Proposed Innocence Protection Act Won't -- Unless It Also Curbs Mistaken Eyewitness Identifications", 63 *Ohio St. L. J.* 263 (2002).

Encyclopedia Entry, "Capital Punishment", *Oxford Companion to the Supreme Court* 146-148 [Oxford University Press (2005), Kermit L. Hall, ed.]

Encyclopedia Entries "Lineups", "Eyewitness Identification", "Kirby v. Illinois", "Manson v. Brathwaite", "U. S. v. Wade", and "U.S. v. Ash", *Encyclopedia of American Civil Liberties* [Taylor and Francis Press (2006), Paul Finkelman, ed.]

*Articles in Professional Journals:*

"Narrowing Applications of the Fourth Amendment Exclusionary Rule," Vol. 1, No. 3, *Public Defender Reporter* (July, 1978).

Co-author with Professor Richard Aynes, "Constitutional Challenges to Placing the Burden of Proof of Affirmative Defenses Upon the Accused," Vol. 2, No. 1, *Public Defender Reporter* (January-February, 1979).

Co-author with Professor Richard Aynes, "The Death Penalty," *Pleas and Sentencing Manual* (Ohio Legal Center Institute 1979).

"The Prosecutor's Constitutional Duty to Disclose Favorable Evidence," Vol. 3, No. 3, *Public Defender Reporter* (May-June, 1980).

"Judicial Overseeing of Jury Decision-Making: Motions for Acquittal and Appellate Review of Guilty Verdicts," Vol. 3, No. 3 *Cuyahoga County Criminal Courts Bar Association Newsletter* (November - December, 1980).

"Life and Death Decisionmaking Under Ohio's New Death Penalty Law," Vol. 5, No. 1 *Public Defender Reporter* (January-February, 1982).

*1982 Cumulative Supplement to the Ohio Death Penalty Manual*, published by the Ohio Death Penalty Task Force (November, 1982).

*1983 Supplement to the Ohio Death Penalty Manual*, published by the Ohio Death Penalty Task Force (1983).

Co-author, with David Stebbins, *Jury Instructions for the Penalty Phase*, published by the Ohio Death Penalty Task Force (1983).

"Effective Assistance of Counsel," (2 parts) Vol. 6, No. 6, and Vol. 7, No. 1, *Public Defender Reporter* (November-December 1983, January-February, 1984).

"Death Row Appeals and Stays of Execution", *Akron Bar Communicator* (October, 1983), and *Cincinnati Bar Association Report* (February, 1984).

Co-contributing editor with David Stebbins, *Ohio Capital Litigation Reporter*, a publication of The Ohio Public Defender Commission and the Ohio Death Penalty Task Force (begun May, 1984).

"Prosecutorial Misconduct in Penalty Phase Oral Argument--The Improper Invitation to Kill," (2 parts), Volume IX, No. 9, *The Champion*, 40, (November 1985) and Volume IX, No. 10 *The Champion*, 34 (Official Journal of the National Association of Criminal Defense Lawyers) (December 1985).

"Federal Habeas Corpus Relief--Avoiding [A] Comity [of] Errors", Vol. XI, No.1, *The Champion* 28 (Official Journal of the National Association of Criminal Defense Lawyers) (January/February 1987).

"Preserving Issues in Capital Cases: Lesser Offense Instructions," *The Vindicator*, 23-24 (Official Journal of the Ohio Association of Criminal Defense Lawyers) (Winter 1987).

"Preserving Issues in Capital Cases: Giving Effect to Mitigation," *The Vindicator*, 23-25 (Official Journal of the Ohio Association of Criminal Defense Lawyers) (Summer 1988).

"Franklin v. Lynaugh--Can Lingering Doubt Linger Longer", Vol. XII, No.9, *The Champion* 46-52 (Official Journal of the National Association of Criminal Defense Lawyers) (Nov.-Dec. 1988).

"Residual Doubt in the Post-Franklin v. Lynaugh Era", Vol. XIII, No. 1, *The Champion* 38-44 (Official Journal of the National Association of Criminal Defense Lawyers) (Jan.-Feb. 1989).

"Death Penalty Update: Capital Litigation Issues Soon To Be Decided In the United States Supreme Court", *The Vindicator*, 21-22 (Official Journal of the Ohio Association of Criminal Defense Lawyers) (Winter 1989).

"Dead Wrong: Mistaken Identifications and Capital Prosecutions", Volume XIII, No. 5 *The Champion* 42-50 (Official Journal of the National Association of Criminal Defense Lawyers) (June 1989).

"Preserving Issues in Capital Cases: New Decisions", *The Vindicator*, 15-17 (Official Journal of the Ohio Association of Criminal Defense Lawyers) (Fall 1989).

"Preserving Issues in Capital Cases: Foreclosing Consideration of Victim Characteristics and Victim Impact Evidence (Part 1)", *The Vindicator*, 28-30 (Official Journal of the Ohio Association of Criminal Defense Lawyers) (Spring 1990).

"Should We, The Citizens of Ohio, Execute The Mentally Retarded ? --No!", *Akron Bar Association Examiner*, 7, 10, (March 1991).

"Preserving Issues in Capital Cases: Foreclosing Consideration of Victim Characteristics and Victim Impact Evidence (Part 2) -- How Capital Defense Counsel Can Gather *Gathers* Relief", *The Vindicator*, 11-13, 15-16 (Official Journal of the Ohio Association of Criminal Defense Lawyers) (Spring 1991).

"Habeas Corpus: Where Have All The Remedies Gone? Rebuilding the Great Writ", *Trial Magazine*, July 1993, pp. 70-79.

"Against the Death Penalty", *Akron Bar Examiner* (2000).

*Other Writings:*

"Wrong Clock Was Ticking", *Cleveland Plain Dealer*, March 23, 1994.

"Issue 1: A Mistake in the Making---No Time Saved + More Harm Done = No On One", Vol. 107 No. 214 *Daily Legal News and Cleveland Recorder* 1, 7-8 (October 27, 1994).

"Oppose State Issue 1: Less justice for all doesn't make sense", Vol. 106 Issue 25 *The Buchtelite* 5 (November 1, 1995).

Co-drafter, six "Law You Can Use" Columns submitted by the Ohio State Bar Association to newspapers throughout the state, printed in many, and published at OSBA web site.

Co-drafted (with Diane Kappeler) *Comments to Rule 65* (now Rule 20), *Ohio Supreme Court Rules of Superintendence*, and assisted in drafting of that Rule (1987).

Assisted in drafting various administrative regulations of the Ohio Public Defender Commission, found in *Ohio Administrative Code* Section 120.

Assisted in drafting revised pamphlet in the 'Know Your Rights' series of the Ohio State Bar Association, *What You Should Know About Your Rights When You Are Questioned, Suspected, Accused, Or Arrested By The Police*.

Drafted or assisted in drafting pamphlets and campaign literature opposing State Issue One on the November 1994 ballot (which when passed revised the Ohio Constitution Article IV's provisions on appeals in capital cases).

Critiqued and edited numerous textbooks at request of publishers, and a teaching manual at request of Assoc. Prof. Dana Cole ("Gerry Spence's 'The Smoking Gun' as a Teaching Tool"). [Acknowledged and my 2001 article cited in Criminal Law textbook by McMunigal and Bloch (Aspen, 2005)].

Authored numerous *Amicus Curiae Briefs*: on behalf of the National Association of Criminal Defense Lawyers in the United States Supreme Court and the Nevada Supreme Court; on behalf of the National Legal Aid and Defender Association in the Kentucky Supreme Court and the United States Navy-Marine Corps Court of Military Review; on behalf of the Ohio Association of Criminal Defense Lawyers in the United States Sixth Circuit Court of Appeals and the Ohio Supreme Court; on behalf of the Ohio Death Penalty Task Force in the Ohio Supreme Court and Eighth District Court of Appeals; assisted in editing two law professor's amicus curiae briefs and other briefs in Ohio Supreme Court. Also served as pro bono counsel of record on several petitions for certiorari to the

United States Supreme Court, and assisted in drafting of briefs in the U.S. Supreme Court.

**Seminars Conducted** (with extensive written materials)

Conferences sponsored by the Ohio Public Defender Association (later known as the Ohio Criminal Defense Lawyers Association):

"Post-Conviction Remedies," as part of Current Issues in Criminal Law Seminar (March 5, 1976).

"Survey of Appellate and Post-Conviction Procedures," as part of Appellate Practice Seminar (June 24, 1977).

"Narrowing Applications of the Exclusionary Rule," as part of Criminal Law Update Seminar (May 3, 1978).

"Search and Seizure Update," as part of Criminal Law Update (May 8, 1979).

Conferences sponsored by the Cuyahoga County Public Defender Office:

"Updating the 4th, 5th and 14th Amendment Exclusionary Rules", "Making the Record For Appeal," series of three seminars, each two hours in length (August 1978).

"Affirmative Defenses and the Burden of Proof," with Prof. Richard Aynes (October 31, 1978).

"Seminar on Burden of Proof and Affirmative Defenses" (April 13, 1980).

**Presentations** [generally with written materials]:

"Overview of the New Ohio Death Penalty Law" at the *Death Penalty Symposium*, co-sponsored by the Ohio Academy of Trial Lawyers and the Ohio Criminal Defense Lawyers Association, in Columbus, Ohio (November 6, 1981).

"Orientation to Ohio's Death Penalty Statutes" at the *Death Penalty Conference*, co-sponsored by the State Public Defender Office, the Ohio Death Penalty Task Force, and the Cuyahoga County Bar Association, in Cleveland, Ohio (November 6, 1982).

"Update on Capital Litigation Constitutional Issues" and "Federal Habeas Corpus Petitions", at the *Appellate Procedure and Death Penalty Conference*, co-sponsored by State Public Defender Office, Cuyahoga County Bar Association, and Ohio Death Penalty Task Force, in Cleveland, Ohio (November 3-4, 1983).

Panelist, "Public Defender Offices and Statewide Coordination of Death Penalty Defense" at the *National Legal Aid and Defender Association Annual Meeting*, in Philadelphia, Pennsylvania (September 21, 1983).

Panelist, "Capital Appellate Practice Workshop", at the *California Death Penalty Defense Seminar*, co-sponsored by the California Public Defender Association and the California State Public Defender Office, in Pacific Grove, California, February 17, 1985.

Panelist, "Death Penalty Update--Ohio and National", Speaker, "Death Penalty Appeals Are Different Too (Technique Pointers)"; Panelist, "Hot Appellate Issues"; Speaker, "Organization of the Capital Appeals Brief and Briefing for Every Issue"; Panelist, "Federal Habeas Corpus Relief", at the *Advanced Trial Practice Seminar*, co-sponsored by the Ohio Public Defender Commission and the Ohio Death Penalty Task Force, in Columbus, Ohio, September 19-21, 1985.

Panelist, "Review of Major Issues and Trends In Federal Courts of Appeals and State Courts", at the *NAACP Legal Defense Fund Annual Capital Punishment Conference*, in Warrenton, Virginia, August 6, 1987.

Co-panelist, "Federal Habeas Corpus Relief," at the *Post-Conviction Seminar*, co-sponsored by the Ohio Public Defender Commission, the Ohio Association of Criminal Defense Lawyers, and the Ohio Death Penalty Task Force, in Cleveland, Ohio, November 19, 1987.

"Hot Issues and Update," at the *Death Penalty Litigation Seminar*, co-sponsored by Ohio Public Defender Commission, Ohio Association of Criminal Defenses Lawyers, Ohio Death Penalty Task Force, and the Ohio Supreme Court Rule 65 Committee, in Columbus, Ohio, July 14-15, 1988.

"United States Supreme Court Update", at the *Death Penalty Litigation Seminar*, sponsored by the Ohio Death Penalty Task Force, and approved by the Ohio Assn. of Criminal Defense Lawyers, and the Ohio Supreme Court Rule 65 Committee, in Cleveland, Ohio on January 19-20, 1989.

"Federal Developments Update", "Appellate Practice in Capital Cases", at the *Death Penalty Seminar*, co-sponsored by the Ohio Death Penalty Task Force and the Ohio Assn. of Criminal Defense Lawyers, and approved by the Ohio Supreme Court Rule 65 Committee, in Cincinnati, Ohio on July 13-14, 1989.

"Penalty Phase Closing Argument in Capital Cases", to the Criminal Law Section of the *Association of Trial Lawyers of America [ATLA] 1989 Annual Convention*, in Boston, Massachusetts, July 16, 1989.

"Federal Developments", Panelist, "Death Penalty Appeals," "Special Problems in Death Penalty Appeals, Post-Conviction, and Federal Habeas Corpus", *Ohio Death Penalty Seminar And Workshop*, in Dublin, Ohio, June 14-15, 1990.

Panelist, "Certification of Counsel", *Annual Capital Punishment Conference [NAACP Legal Defense Fund Airlie Conference]*, in Warrenton, Virginia, August 3, 1990.

"Federal Developments", "Death Penalty Overview", Panelist, "Appellate Practice, Post-Conviction and Habeas Corpus" at the *Death Penalty Seminar & Workshop*, sponsored by the Ohio Association of Criminal Defense Lawyers and approved by the Ohio Supreme Court Rule 65 Committee, in Westlake, Ohio, December 5-7, 1990.

"Federal Update", "Death Penalty Overview", Panelist, "Jury Instructions, Guilt and Penalty Phase", at *The Hangman's Coming: Death Penalty Litigation In the 90's*, approved by the Ohio Supreme Court Rule 65 Committee, in Columbus, Ohio, June 19-21, 1991.

"Federal Update", "An Overview of Death Penalty Statutes and Case Law", Panelist, "Jury Instructions", at the *Death Penalty Seminar and Workshop*,

approved by the Ohio Supreme Court Rule 65 Committee, and sponsored by the Ohio Association of Criminal Defense Lawyers, in Cincinnati, Ohio, December 4-6, 1991.

"Motions Practice/Jury Instructions", at *Ohio Death Penalty Seminar and Workshop*, approved by the Ohio Supreme Court Rule 65 Committee, in Cleveland, Ohio, May 7-8, 1992.

Panelist, "Workshop: Recusal Motions and Rule 11", *Annual Capital Punishment Conference [NAACP Legal Defense Fund Airlie Conference]*, in Warrenton, Virginia, July 11, 1992.

"Hot Issues: New Ideas", "Motions Practice/Jury Instructions", at *Ohio Death Penalty Seminar and Workshop*, approved by the Ohio Supreme Court Rule 65 Committee, in Cincinnati, Ohio, March 4-5, 1993.

"A Constitutional and Statutory Overview of Capital Litigation in Ohio", "Hot Issues/Appellate Overview", at the *Ohio Death Penalty Seminar: Newest Concepts in Death Penalty Litigation*, co-sponsored by the Cuyahoga County Criminal Defense Lawyers Association and approved by the Ohio Supreme Court Rule 65 Committee, in Cleveland, Ohio, June 23-25, 1993.

"Appellate Review in Criminal and Capital Cases", at the *Ohio Appellate Judges Association Conference Program*, in Columbus, Ohio, on September 8, 1993.

"Introduction to Capital Litigation", "Hot Issues! Issues In Flux", "Jury Instructions", at the *Ohio Death Penalty Seminar & Workshop: Death Penalty Litigation in the 90's*, sponsored by the Ohio Association of Criminal Defense Lawyers Assn., in Columbus, Ohio, December 1-3, 1993.

"Orientation to Capital Litigation" and "Blows Against the Empire: Hot Issues in Capital Litigation", with David Stebbins, at the Ohio Association of Criminal Defense Lawyers [OACDL] *Death Penalty Seminar* in Columbus, OH, Nov. 30-Dec. 2, 1994.

"Case Law and Legislative Update", for the Ohio Academy of Trial Lawyers *1995 Criminal Law Seminar*, February 17, 1995 in Columbus.

"Introduction to Capital Punishment Law/Orientation [Constitutional Component]"; "Federal and Other State Developments in Capital Punishment Litigation" [with David Stebbins] at the *1995 Ohio Death Penalty Seminar*, sponsored by the Cuyahoga County Criminal Defense Lawyers Assn. and Malcolm Productions, on June 7 and June 8, 1995 in Cleveland, OH.

"Introduction to Capital Punishment Law"; "Hot Issues: Updating the Legal Landscape" [with Ken Murray], "Jury Instructions" [with David Doughten], at the *1995 Ohio Death Penalty Seminar*, sponsored by the Ohio Association of Criminal Defense Lawyers Assn., on Nov. 30-Dec.2, 1995 in Columbus, OH.

"The Building Blocks of Capital Cases" [with David Stebbins and Ken Murray], at *The Death Penalty Seminar*, sponsored by Malcolm Productions and the Cuyahoga Criminal Defense Lawyers Assn., on May 2, 1996 in Cleveland, OH.

"Hot Issues in Postconviction" at the *Postconviction Representation Seminar*, sponsored by the State Public Defender Office, in Columbus, OH on June 10, 1996.

"Overview of Current Developments in Death Penalty Law: Hot Issues" [with David Stebbins], at the *Death Penalty Appeals Seminar*, sponsored by the Ohio Public Defender Commission and approved by the Ohio Supreme Court Rule 65 Committee, October 4, 1996 in Columbus, OH.

Co-panelist on: "Introduction to Capital Litigation", "Recent Developments in State and Federal Case Law and Statutes", "Lessening the Effect of Racism", to over 150 attorneys at the *Ohio Death Penalty Seminar*, May 7-9, 1997, in Cleveland, co-sponsored by Ted Stebbins and the Cuyahoga County Criminal Defense Lawyers Association, and approved by the Ohio Supreme Court Rule 65 Committee.

Presented "An Overview of Recent Developments in Death Penalty Law", at the *Ohio State Bar Association Annual Meeting Program of the Criminal Justice Committee*, as co-panelist with Prof. Carro of session entitled "Hot Topics In Criminal Law" on June 5, 1997 in Columbus.

Co-panelist "Introduction to Capital Punishment", "News of the Legal World: Death Penalty Update, Supreme Court Update, Federal Court Update, Ohio Court Update", and "Jury Instructions", to over 200 lawyers, for the *OACDL Death Penalty Seminar*, sponsored by the Ohio Association of Criminal Defense Lawyers and approved by the Ohio Supreme Court Rule 65 Committee, Nov. 12-14, 1997 in Columbus, OH.

"A History of the Death Penalty", presentation at the *Ohio Judicial College Seminar*, Legal History Track, May 4, 1998 in Columbus, OH.

"Developments in Capital Litigation", presentation at the *1998 Ohio State Bar Association Criminal Justice Committee Annual Meeting CLE Seminar*, May 7, 1998 in Dayton, OH.

Co-panelist, "Introduction to Death Penalty Defense" and "The Legal Landscape: Things You Need to Know", presentations at the *Death Penalty Seminar*, May 13 and May 14, 1998 in Cleveland, OH.

Co-panelist, "Orientation to Capital Litigation", "Overview and Update in Capital Cases", at the *OACDL Death Penalty Seminar*, Columbus, OH, Nov. 18 & 19, 1998.

Co-panelist, "Overview of Current Developments in Death Penalty Litigation", "Jury Instructions and Prosecutorial Argument", at the *Ohio CLE Institute Death Penalty Defense: Trials and Appeals Seminar*, Dec. 17, 1998, in Columbus, OH.

Co-panelist, "Orientation to Capital Punishment Litigation", "Overview of Legal Issues", and "Jury Instructions in Capital Cases", at the *Ohio Death Penalty Seminar*, sponsored by the Cuyahoga County Criminal Defense Lawyers Assn., May 19-21, 1999, in Cleveland, OH.

"Introduction to the Death Penalty", "Case Law in Capital Cases", at the *OACDL Death Penalty Seminar*, Nov. 17-19, 1999, in Columbus, OH.

"Defending Homicides", at the *Cuyahoga Criminal Defense Lawyers Association Monthly Meeting CLE*, Feb. 17, 2000, in Cleveland, OH.

"Averting Mistaken Executions", at the *Northern Illinois University School of Law "Death Penalty Symposium"*, March 23, 2000, in DeKalb, Illinois.

"Introduction to Capital Litigation", "United States Supreme Court Developments", "Federal and Other State Developments", at the *Death Penalty Seminar*, sponsored by the Cuyahoga County Criminal Defense Lawyers Assn. and Ted Stebbins, approved by the Ohio Supreme Court Rule 20 Committee, April 26-28, 2000 in Cleveland, OH.

"A Forgotten Art: Jury Voir Dire: The Law of Voir Dire", at the *Ohio State Bar Association Criminal Justice Annual Meeting Seminar*, May 18, 2000, in Toledo, OH.

"Overview of Current Developments in Death Penalty Litigation", at the *Ohio State Bar Association CLE Institute "Death Penalty Defense - Trials and Appeals" Seminar*, June 15, 2000 in Columbus, OH.

"United States Supreme Court Opinions Affecting State Criminal Litigation (with Emphasis on Capital Litigation)", at the Ohio State Bar Association Criminal Justice Committee's Annual Seminar, May 10, 2001 in Dayton, OH.

"United States Supreme Court Developments", at the Cleveland Bar Association CLE, presented June 29, 2001, in Cleveland, OH.

"New Developments in State and Federal Law" at the OACDL Death Penalty Seminar on Nov. 15, 2001 in Columbus, OH.

"The Basic Tools of Capital Litigation: The Statutes, The Constitution, and New Ideas", and "What Every Lawyer Needs to Know About Death Penalty Law and Legislative Developments", at the Ohio Death Penalty Seminar in Cleveland, OH, April 17 and 18, 2002.

Co-panelist, "Recent Cases That Can Help You Win Capital Cases", distributed at the Death Penalty Seminar in Cleveland on April 10, 2003.

"The Evolving Capital Prosecution: The Implications of Recent Cases and Events on Capital Litigation" at the University of Dayton Law School's Gilvary Symposium on Law, Religion and Social Justice "The Evolving Standards of Decency in 2003: Is the Death Penalty on Life Support", on October 9-10, 2003. Also participated in two roundtable panel discussions (one following the Keynote address by Prof. Erwin Chemerinsky).

"Recent Developments in Death Penalty Litigation," the OACDL Annual Death Penalty Seminar in Columbus, OH, on Nov. 12, 2003.

"Recent Cases That Can Help You Win Capital Cases: Ohio - National", with Kate McGarry, at the Capital Defense Seminar, April 15, 2004 in Cleveland, Ohio (co-sponsored by the Cuyahoga County Criminal Defense Lawyers Assn.).

"Orientation to Ohio Death Penalty Statutes and Litigation" and "Case law Update", at the OACDL Annual Death Penalty Seminar in Newark, Ohio on Nov. 17 and 18, 2004.

Prepared materials for talk "Cases from the U.S. Supreme Court and Sixth Circuit: Recent Cases that Can Help You Win" for the Capital Defense Litigation Seminar, April 22, 2005, in Cleveland, OH, that another delivered.

"Federal Caselaw Update", at the OACDL Death Penalty Seminar, in Columbus, Ohio on Nov. 17, 2005.

"United States Supreme Court and Selected Sixth Circuit Decisions" at the Ohio State Bar Association Criminal Justice Section CLE Criminal Law Update, at the Annual Meeting in Akron, Ohio on May 5, 2006.

"Federal Caselaw Update", at the OACDL Death Penalty Seminar, in Columbus, Ohio on Nov. 16, 2006.

[I have also spoken to numerous bar association and community group gatherings on various current developments in criminal law and procedure.]

### **Significant Professional Activities**

Commissioner, State Public Defender Commission, appointed by Governor Richard Celeste (1983-1991).

Chair, State Public Defender Commission's Committee on Capital Defense Counsel Qualifications (December, 1983 to 1991).

Acting Judge, South Euclid Municipal Court, appointed by Judge Jerome Klein (1981 to 1991).

Member, Ohio State Bar Association Criminal Justice Committee, (1986-1987, 1991-1994), Chair, co-chair and/or member, Legislative Subcommittee (1993-2004), Chair, Annual Meeting CLE Committee (1997-2000), Member, Subcommittee on Death Penalty Processes (1997-1998).

Member, Executive Committee, Association of American Law Schools Section on Criminal Justice (1992-1993 and 2005-2006).

Member, American Bar Association Individual Rights and Responsibilities Section's Death Penalty Moratorium Implementation Project's Ohio Assessment Team, that will study and ultimately publish an analysis of death penalty policy and practices in Ohio (2004 to present).

Member at Large, Board of Directors, The Ohio Public Defender Association (also known as the Ohio Criminal Defense Lawyers Association) (1980 to 1985).

Coordinator, Ohio Death Penalty Task Force, organized by the Ohio Criminal Defense Lawyers Association to assure adequate representation is provided in capital cases (November, 1981 to 1989), (1993 to 1999).

Committee Member, Ohio Death Penalty Task Force (March 1981 to November, 1981).

Member, National Association of Criminal Defense Lawyers Death Penalty Committee (December 1983 to 1985).

Member, National Association of Criminal Defense Lawyers Hot Line Expert Assistance Project (1989-1991)

Chair, President's Death Penalty Task Force of the Ohio Association of Criminal Defense Lawyers (1989 - 1990).

Testimony before the Ohio House of Representatives Judiciary Committee regarding proposed capital punishment law (February 1, 1979 and March, 1981), capital appeals provisions (June 1985), and self-defense (1987), special venire

provisions, and executing the mentally retarded (1992), felony-murder and specific intent issues in capital cases (1997), establishing a study commission on the death penalty (June 2003); before the Ohio Senate Judiciary Committee regarding capital appeals provisions (May 1989), before the Ohio House Select Committee on Crime and the Ohio Senate Judiciary Subcommittee on Crime on removing intermediate appeals in capital cases (March-April 1994).

Testimony before the *American Bar Association Criminal Justice Section's Task Force Studying Federal Habeas Corpus Review of State Death Penalty Convictions*, on August 31, 1989, in Atlanta, Georgia; cited or quoted at various points in the American Bar Association's Report, *Toward A More Just And Effective System Of Review In State Death Penalty Cases*, at p. 10, n.9; p. 10, n. 12; p. 11, n. 14; p. 57, n. 175; p. 95, n. 364. (August 1990) [Project Reporter, Professor Ira P. Robbins, American University, Washington College Of Law] [ISBN: 0-89707-577-3].

Cited and/or acknowledged in varying law review articles, books, and statutory annotations.

Quoted in two places in Kamisar, LaFave, Israel and King, *Modern Criminal Procedure*, 11<sup>th</sup> edition (West 2005), at pages 756, and 784.

Cited, Kevin McMunigal and Kate E. Bloch, *Criminal Law: A Contemporary Approach, Cases, Statutes and Problems* 471, n. 107 (Aspen Publishers Inc. 2005)

Quoted in Coyle, Strasser, & Lavelle, "Fatal Defense: Trial and Error in The Nation's Death Belt", *National Law Journal*, June 11, 1990, pp. 30-44, at 31.

Quoted, "Public Defender Sanctioned For Maligning D.A.'s Motives", Vol. 5, No. 22 *BNA Criminal Practice Manual* 505, 507-509 (October 30, 1991).

Profiled, "Profiles in Justice", by Beth Short, *State Defender's Report*, July 1992-September 1992, pp. 8-9.

As a volunteer lawyer for the non-partisan Ohio Voter Protection Coalition in 2004, I represented challenged voters in Summit County and helped assure their right to vote in the upcoming election. See "Courts stall voter challenges", All Things Considered, <http://www.npr.org/templates/story/story.php?storyId=4133515>, October 29, 2004.

### **Previous Employment**

Organization:	The University of Akron School of Law.
Position:	Lecturer in Law and Coordinator of the Appellate Review Office/Legal Clinical Program (September, 1974 to September, 1976).
Duties:	Administration of Legal Clinic on day-to-day basis supervision of student interns (some credit receiving and some paid).  Representation of indigent defendants in all levels of state and federal courts, representation in principally criminal appellate and post-conviction relief petitions.

Faculty supervisor of Inmate Assistance Program (legal counselling at Mansfield and Marysville Reformatories).

Instructor of Clinical Courses.

#### **Selected University Activities**

(1985-1991) Faculty Rights and Responsibilities Committee

(1987-1988) Faculty Advisory Committee to the President  
(1996-1997) of the University of Akron

(2003-2005) Faculty Advisory Committee to the Provost

(1986-1987) Dean Search Committee

(1988-1991) Chair, Alumni & Student Affairs Committee

(1991-1992) Law School Representative to the AALS

(1991-2002) Chair, Standards/Regulations/Bylaws Committee

#### **Selected Community and Public Service Activities**

Case Western Reserve University School of Law Alumni Board of  
Governors (1988-1991)

Volunteer for various charitable and religious organizations.

Television and radio appearances, interviews, and talks to community  
groups, on topic of capital punishment and on other criminal justice  
issues.

Volunteer lawyer for non-partisan Ohio Voter Protection Coalition (2004,  
2006).