Suzanne M. Barker, a 2003 Moritz Law graduate, is the new senior case coordinator/volunteer mediator manager for Community Mediation Services of Central Ohio (CMS). CMS is a private not-for-profit organization that mediates community, neighbor, family, housing, business, and consumer disputes. Operating for nearly two decades, CMS aims to provide non-adversarial conflict management strategies that empower parties and mitigate the physical, emotional, and economic effects of unresolved disputes. CMS also collaborates with the Legal Aid Society of Central Ohio and the Columbus Bar Association to serve the needs of low-income families initiating divorce proceedings.

In her dual role, Suzanne is responsible for: (1) conducting intake interviews and assigning cases for mediation; (2) recruiting, training, and managing a staff of 50 CMS volunteers; and (3) facilitating CMS trainings in basic and domestic mediation. Of course, Suzanne also mediates a wide range of disputes. When parties contact CMS, they interact first with Suzanne. In Suzanne’s words: “I always try to educate individuals about the benefits of amicably resolving their disputes. I love this job because everyday I have the opportunity to help people satisfy their interests in ways that adversarial avenues cannot.”

Suzanne received her certificate in dispute resolution from the law school. A now-frequent guest mediation trainer at Moritz Law, she credits the Mediation Practicum taught by Associate Dean Joseph Stulberg for inspiring in her the skills, creativity, and passion to be a first-rate mediator. As a student in Dean Nancy Rogers’ Advanced Issues in Dispute Resolution, she also studied methods and principles to create dispute resolution programs for businesses and public entities. She is now “thrilled to have the opportunity to put that knowledge into practice to benefit the Community Mediation Services of Central Ohio.”

Beyond her course and clinical work, Suzanne graduated with significant hands-on experience in both mediation and dispute system design. As a summer intern, Suzanne developed a youth mediation program for a Columbus nonprofit “Neighborhood House,” which offers summer activities for youth ages six to 16. To address the significant amount of conflict that the children experienced throughout the day, Suzanne designed interactive lessons and role-plays to help them learn to recognize, understand, and engage productively with anger.

Before coming to CMS, Suzanne worked for the Columbus City Attorney Night Prosecution Mediation Program. As a law student she served as a volunteer mediator, with cases addressing matters such as barking dogs, neighborhood brawls, youth violence, and long-simmering family disputes that resulted in physical altercations. Still in law school, Suzanne was asked to become the night director for the program, with responsibilities including supervising mediators and working to inform the public about the benefits of mediation, in addition to mediating disputes.

Suzanne suggests that range, complexity, and high emotional demands of the disputes she helped settle greatly aided her in honing the skills that now make her such a valuable asset to CMS. A testament to her amazing commitment to community problem solving, Suzanne continues to serve as a mediator for the Columbus City Attorney Night Prosecution Mediation Program, Franklin County Small Claims Court, and the Franklin County Juvenile Mediation Program, her day job notwithstanding!
Memories of the Law Clinic from the Late 1970s

—By Tom Montgomery, ’80

I happened to pick up my latest Clinic News tonight and wanted to pass along my thoughts on my own clinic experience and its repercussions. I took the Juvenile Law Practicum my third year, 1979–80. I’d gone to law school straight out of college and had not spent much time around children. My practicum experience showed me firsthand what many city kids experience every day—a jarring wakeup call from my small-town, liberal arts upbringing. I became active in the Columbus Big Brothers-Big Sisters program before being drawn to Washington, D.C., to work for a then-new member of Congress, and Ohio State law grad, Mike Oxley. Through my local church, I have been on three mission trips to Kenya to work with orphans at St. Nicholas Children’s Home. These are kids who could easily fall through the cracks, and sometimes still do. I am working with U.S. government officials and Kenyan authorities to help bring some financial stability to a 23-year-old who is striving to get his younger sister out of a horrific guardianship situation while, at the same time, attempting to establish a small business that would export fishing lures. My commitment to needy children was certainly launched at Ohio State and nurtured with my mission work, but it was absolutely cemented when our first child, Laura, was born with Down Syndrome. She is the light of our lives, and we celebrate her every accomplishment.

We want to hear from you!

If you are an alumnus of the Clinical Program at Moritz Law and would like to share a memorable experience you had in a clinic, comment on the program, or just let us know what you are doing now, please contact us!

Write to:
Greg Travailio
Director of the Clinical Program
Moritz College of Law
55 W. 12th Avenue
Columbus, OH 43210

Or send e-mail to:
travalio.1@osu.edu.

Moritz College of Law Clinical Program Faculty

The Moritz College of Law Clinical Program is comprised of seven different clinics and practica. In the academic year 2005–2006, over 150 students have enrolled in Moritz Law clinics.

Civil Law Practicum
Professor David A. Goldberger, Isadore and Ida Topper Professor of Law
Professor Gregory M. Travailio, Lawrence D. Stanley Professor of Law and Director of the Clinical Program
Clinical Professor Elizabeth Cooke

Prosecution Practicum
Assistant Professor Ric Simmons
Clinical Professor Robert Krovoshey

Criminal Defense Practicum
Professor Barbara Rook Snyder, Joanne Wharton Murphy/Classes of 1969 and 1973 Professor of Law and Executive Vice President and Provost of the university
Clinical Professor Robert Krovoshey

Justice for Children Practicum
Professor Katherine Hunt Federle, Director of the Justice for Children Project
Clinical Professor Angela Lloyd

Mediation Clinic
Professor Sarah Cole
Professor Joseph P. Stulberg, Associate Dean for Professional Relations
Assistant Professor Amy Cohen

Legislation Clinic
Associate Professor Steven Huefner
Professor James J. Brudney, Newton D. Baker-Baker & Hostetler Chair in Law
Clinical Professor Terri L. Enns
Faculty Profile: Professor Greg Travalio

Professor Travalio took over as Director of the Clinical Program last year after teaching in the clinic for 10 years and teaching at Moritz Law for 27 years. He also served as the Associate Dean for Professional Relations for the law school for four years. He recently discussed his background and his future plans for the clinic:

CN: Your background is somewhat unusual for a law professor—you graduated from college as an English major, joined the army as an infantry officer, and then attended law school. How did you end up on that path? Did you always know you wanted to go to law school?

GT: I went into the army following college because I was in ROTC while in college. It was during the Vietnam War, and I preferred to go in the service as an officer, given the likelihood that I would have been drafted in any event. I didn’t always want to go to law school, although it was in the back of my mind as a career option. My initial career goal was to attend graduate school following the army and teach English or history at the college level. While I was in the army, however, I took the LSAT and did well on it. When I got out of the service, I went to work for an insurance company as a junior executive and was bored to tears. I decided to go to law school because it was almost impossible to get a college teaching job; there were hundreds of Harvard and Columbia Ph.D.s driving cabs. I figured if I didn’t like law school, I could either get another job or go to graduate school. I decided to go to Pitt because I still had many friends in the area from undergraduate school, and I felt that they could help me find a job if law school didn’t work out. As it turned out, I was one of those people who actually loved law school.

CN: Your background is somewhat unusual for a law professor—you graduated from college as an English major, joined the army as an infantry officer, and then attended law school. How did you end up on that path? Did you always know you wanted to go to law school?

GT: I went into the army following college because I was in ROTC while in college. It was during the Vietnam War, and I preferred to go in the service as an officer, given the likelihood that I would have been drafted in any event.

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1997 until 2002, I was assigned for over four years to U.S. Central Command, which has the Middle East as its area of responsibility. It was extraordinarily interesting work, and actually two law review articles were generated, at least in part, as a result of my work there. I worked on issues related to international terrorism, the law of war, and many other topics that are of relevance today.

It has significantly affected my teaching and research. As I mentioned, two law journal articles—both among my most widely cited—were generated in part from my military experience. In addition, I have taught a seminar here at the college in Law and the Use of Military Force, which was prompted in large part by my experience as a judge advocate.

CN: How did you end up specializing in contracts and sales?

GT: These are areas I really liked in law school, and which formed a large part of my private practice when I worked for the Wolf Block firm in Philadelphia. I had John Murray, an eminent national authority in both subjects, and he was influential in directing me into these areas. I have loved teaching them and I have no regrets.

CN: How did you get involved in teaching in the clinic? When did you teach your first clinical class and what was that class like?

GT: I have done a wide variety of things in the JAG corps, from trying cases as a junior officer to my last assignment as the Reserve Executive Officer to the Judge Advocate General of the Army. From
GT: The most challenging aspect for me is balancing teaching in a clinical setting with all of the other things that demand time in my life, including the teaching of substantive courses, scholarship, administrative duties, and bar activities. However, I try to keep in mind what I tell our students—that when you represent real people, they come first! So, if necessary, the other things take a back seat to my work in the clinic.

CN: One priority you have been pushing for the clinic and for the law school generally is to build stronger relationships with the practicing bar in Columbus, for example by helping to establish the CBA Professor-Practitioner Initiative. Why do you think this is important and what other ways are there to build and maintain these relationships?

GT: Legal education is a shared responsibility between law schools, the practicing bar, and the judiciary. In three years, law schools cannot hope to turn out a fully competent attorney. We need the cooperation and interaction of the practicing bar and the judiciary to insure that legal education is conducted in the most effective and efficient manner possible, both while a person is in law school and after he or she graduates. This is particularly true as resources for legal education have not grown in proportion to the difficulty and complexity of practice. There are some things that law schools do better, some things that are better left to the practicing bar, and many others that we do best together.

CN: How has the Clinical Program changed since you first started teaching it in?

GT: It has expanded both in depth and quality. When I first started teaching in the clinic, we did not have either the Legislation Clinic or the Justice for Children Practicum. Also, we have hired some extraordinary people in the Clinical Program—people whose competence, dedication, and caring amaze me every day.

CN: What is the most challenging aspect about teaching in a clinical setting? How do you try to meet that challenge?

GT: My first aspiration is to be a worthy successor to my predecessor, David Goldberger. David was the director for nearly 20 years and literally built the clinic from the ground up. My hope is that we can continue to expand clinical offerings at the college, and I hope to get a small business or transaction clinic going in the next year or two. I want us to continue to talk with each other regularly about clinical education and how we can improve the quality of our graduating students and the quality of the profession. I would also like to find additional ways to tell our various constituencies about the wonderful things that the clinic is doing. I honestly believe that we are one of the premier clinical programs in legal education.

As just one example, in the practice trials in our Civil Litigation Clinic, we use real judges from the Common Pleas Court, all of whom have more than 20 years’ experience. They provide feedback to our students that we could not possibly provide. In addition, and this is very important, they reinforce and provide credibility to much of what we are teaching. This engagement of judges would not have been possible, I believe, without my active involvement with the bar and judiciary. I could cite dozens of other examples. While we, as law school faculty, have a number of missions, I still believe that our primary mission is to train competent, ethical lawyers. And to do that effectively and efficiently, we need the engagement of judges and lawyers.

CN: As the new clinic director, what are your goals and aspirations for the Moritz Law Clinical Program?

GT: My first aspiration is to be a worthy successor to my predecessor, David Goldberger. David was the director for nearly 20 years and literally built the clinic from the ground up. My hope is that we can continue to expand clinical offerings at the college, and I hope to get a small business or transaction clinic going in the next year or two. I want us to continue to talk with each other regularly about clinical education and how we can improve the quality of our graduating students and the quality of the profession. I would also like to find additional ways to tell our various constituencies about the wonderful things that the clinic is doing. I honestly believe that we are one of the premier clinical programs in legal education.

Professor Travaglio is the Lawrence D. Stanley Professor of Law. He teaches the Civil Litigation Clinic, Sales, Consumer Law, Contracts, and Law and Economics.
Civil Law Clinic Students Save the Family Home

In a case demonstrating that truth is stranger than fiction, students in the Civil Law Clinic saved an elderly couple from losing their home after their own daughter sold it out from under them.

The clinic’s clients, Mr. and Mrs. Ling, whose names have been changed to protect their privacy, are first-generation immigrants from Southeast Asia in their 70s. In the late 1990s, the Lings and their four adult children held a family meeting. Mr. and Mrs. Ling, both retired, were having trouble making their mortgage payments on their fixed monthly income. The family agreed that Suzie, the eldest daughter and a licensed real estate agent, would sell Mr. and Mrs. Ling’s home. Mr. and Mrs. Ling then would use the equity realized from the sale of their home to purchase a one-acre piece of land from Suzie. The remaining money realized from the sale of the Lings’ home would be used to build a small house on the property for the Lings to live in.

The plan seemed to work at first. Suzie sold the Lings’ home, taking a commission on the sale. Suzie and Mr. and Mrs. Ling entered into a written contract for the sale of the land, the Lings paid Suzie for the land, and Suzie and the Lings executed a deed for the property. Suzie assured her parents that she would take care of recording the deed and finalizing an easement for access to the property. Because Suzie was a real estate agent, and moreover their daughter, the Lings agreed and felt secure. The Lings invested the remainder of the money they made from the sale of their first house to build a new, one-bedroom home on the property.

At first the Lings were curious as to why Suzie had not given them a copy of their recorded deed, but when they asked Suzie, she assured them that she was taking care of everything. Suzie instructed her parents to pay their property taxes through her, explaining that as soon as the easement was approved, the bill would come directly to them.

Approximately four years later, Suzie needed cash—fast. The bank foreclosed on an investment property she owned, and other creditors were in hot pursuit. Suzie approached her parents about her money problems and asked them to take out a loan on their home. Mr. and Mrs. Ling refused to take out a loan, reminding Suzie that the reason they built the new home was to be debt free, allowing them to live within their fixed income.

Unbeknownst to the Lings, Suzie had never recorded the deed in their name. So, to raise money to fend off her creditors, Suzie re-sold the property with Mr. and Mrs. Ling’s home on it to Suzie’s son-in-law. The son-in-law obtained a mortgage in excess of $50,000 to buy the property and presumably gave the money to Suzie. No one, neither Suzie nor the son-in-law, informed the Lings that their home and property had been sold out from under them. The Lings only learned they no longer owned the property five months later, when they tried to apply for a homestead exemption to reduce their property taxes.

Shocked, the Lings confronted Suzie and her son-in-law, who responded by demanding that the Lings move out of “his” house. The Lings’ other three children tried to intervene and convince Suzie to fix the mess she created, but to no avail—the son-in-law filed an eviction action in municipal court against Mr. and Mrs. Ling.

Civil clinic students Caprice Itagaki and Chris Ries filed an answer to the eviction complaint with a counter-claim in excess of the mortgage the son-in-law placed on the Lings’ property. Simultaneously, they filed an action in the Court of Common Pleas for breach of contract and fraud against Suzie and fraud against the son-in-law.

The Lings’ main goal was to keep their beloved home, but the students counseled them that a judgment against Suzie and/or the son-in-law would be hard to collect. The clinic worked closely with the Lings and their other three children to explore creative solutions that would at least allow the Lings to get the money back that they had spent on the property and building their home. For nearly 10 months, Suzie and her son-in-law refused to engage in any negotiations. Civil clinic students Joe Clark and Shannon Rogers conducted extensive discovery and learned that there was no way the son-in-law should have been able to qualify for a mortgage in excess of $50,000 and that Suzie was making the mortgage payments, not her son-in-law—a fact that supported the clinic’s theory of the case.

Finally, students Jennie Ferguson and Ann Zallocco negotiated a deal to satisfy everyone involved. Suzie bought back the Lings’ home from her son-in-law, cancelling the mortgage, then “sold” the property back to the Lings without a payment from the Lings beyond the initial contract price. In the end, the Lings received a properly recorded deed to their home and peace of mind. Hopefully, time will heal the wounds within the family. Along the way, the clinic students learned a tremendous amount about real property law, fraud, breach of contract, procedure, discovery and motions practice, negotiations and, last but not least, family dynamics.
Justice for Children Project Receives Grants to Pursue Court Reform for Children in Franklin County

In the fall of 2005, the Columbus Bar Association Pro Bono Committee identified the Franklin County Domestic and Juvenile Court as a forum greatly in need of pro bono involvement. As active child advocates and practitioners, the Justice for Children Project members embraced the opportunity and developed a program to train and mentor volunteer attorneys to represent indigent children as attorneys/guardians ad litem in Franklin County. In mid-March, the Columbus Bar Foundation, in collaboration with the Columbus Bar Association, awarded the Justice for Children Project’s proposed Pro Bono Partnership Project $25,000 to implement it.

Concurrently, the American Bar Association committed its 2006 Directed Grants Program to co-fund the Pro Bono Partnership Project. In April, the ABA chose the Pro Bono Partnership Project to be one of six grantees to receive awards in 2006, giving the project $8,000.

The Pro Bono Partnership Project will utilize the ABA training materials to develop Ohio best practices standards for representing children in domestic matters. These materials will be memorialized in desk reference books and CLE training materials to be distributed to participating attorneys. The project, in collaboration with the Columbus Bar Association, the Columbus Bar Foundation, local experts in the field, and the Franklin County Domestic and Juvenile Court, will then train a cadre of private attorneys, pursuant to Ohio and ABA standards, to represent indigent children in divorce, custody, and parenting cases. Each volunteer attorney will be mentored by Justice for Children Project attorneys and paired with law students, who can provide computer-based research, drafting, and on-the-ground support to the representation.

Through the development of a committed group of well-trained pro bono attorneys, the project believes that it can become self-sustaining and can fundamentally improve both the quality and quantity of the representation received by indigent children in Franklin County.

“From Being a Person to Being a Lawyer”

Of the nearly 50 cases handled by the Criminal Defense Clinic this year, one stands out because of the nature of the allegations and the evidentiary issues presented. The charge was assault, and the defendant was accused of striking a two-year-old child about 25 times with an electric cord. The two third-year students handling the case, Jen Dutcher and Lana Knox, were initially reluctant to represent this defendant because he could not prove his case, and charges against the defendant were dismissed. The students who were first so reluctant to represent this defendant were now thrilled the charges had been dropped. As Professor Krivoshey proudly proclaimed: “Congratulations! You’ve graduated from being a person to being a lawyer.”

Provost and Law Professor Barbara Snyder Becomes Vital Part of Criminal Defense Clinic

Like all the clinics at the law school, the Criminal Defense Clinic is co-taught by two faculty members: the clinical professor, who is responsible for the courtroom component of the course, and the traditional faculty member, who is responsible for much of the classroom component. However, the defense clinic is the only clinic whose traditional faculty member is also the provost of the university. For the past four years, Professor and Provost Barbara Snyder has taken time away from an unbelievably hectic schedule to maintain her ties to the classroom and the law school by co-teaching the clinic. In between trips to India, China, and California, she still makes time to attend class and offer her insights to students who are struggling with how to represent their first clients.

As the author of numerous articles on evidence and constitutional law, Snyder brings to the clinic classroom her extraordinary knowledge of the rules of evidence and the principles of constitutional law that the new student-lawyers must understand in order to argue a point in the courtroom or engage in negotiations with the prosecuting attorney.
Justice for Children’s Amicus Project Adds New Staff Attorney

The Justice for Children Project, building on its recent success in the Washington Supreme Court in *In re L.B.* (see last issue), has hired a full-time staff attorney to serve as its amicus attorney and web site manager. Jason (Jay) Macke joins the Justice for Children Project after four years in a Columbus private practice, which focused on appellate, probate, criminal defense, and civil litigation. In his appellate practice, Jay represented civil plaintiffs, criminal defendants, parents, and children in dependency and permanent custody cases. Jay has handled hundreds of cases in numerous state and federal courts, including the Ohio Supreme Court. He also served as chair of the Ohio Association of Criminal Defense Lawyers (OACDL) Amicus Committee and has authored numerous *amicus* briefs for that organization. Jay is currently serving as secretary of OACDL.

Jay is a 1998 graduate of the Moritz College of Law and a former member of the Ohio State Law Journal. Jay’s student note, *Of Covenants and Conflicts*, was published by the journal in 1998, and he won the Rebecca Topper Law Journal Writing Award for outstanding writing by a third-year *Law Journal* student for that note. He also received the CALI award for constitutional theory, served as a member of the Student Bar Association and as a public service fellow, and was editor-in-chief of *The Hearsay*.

After graduation, Jay served as a judicial clerk to the Honorable Stephen R. Shaw of Ohio’s Third Appellate District for three years, during which time he worked on drafts of over 200 opinions issued by that court. He has presented continuing legal education classes on numerous topics and served the Moritz Law community as an appellate advocacy adjunct professor for three years.

In his brief tenure at the Justice for Children Project, Jay has already filed two *amicus curiae* briefs with the Ohio Supreme Court on behalf of the project in *In the Matter of J.B.* and *In Re: A.B., J.B., T.B. and C.B.*. In addition, Jay has updated and improved the project’s web site (moritzlaw.osu.edu/jfc/). On May 1, 2006, Jay added mentoring to his duties as he undertook work on the project’s newest endeavor, the Pro Bono Partnership Project. As director Katherine Hunt Federle relays: “Jay is a terrific addition to the project staff who brings tremendous energy and commitment to the children we strive to enfranchise.”

Legislation Clinic Hosts Direct Democracy Conference

On March 3, 2006, the Legislation Clinic at Moritz Law hosted a one-day conference titled “The People as Legislators: The Influence of Direct Democracy.” Approximately 100 attendees participated in the conference, which occurred in the Statehouse Atrium and the Vern Riffe Center in downtown Columbus. It was the third conference that the Legislation Clinic has sponsored.

Professor Elizabeth Garrett, vice provost of Academic Affairs at the University of Southern California and one of the country’s foremost experts on direct democracy, provided the conference’s opening address. Her remarks, titled “The Promise and Perils of Hybrid Democracy,” described three ways in which the initiative and referendum processes can serve as an additional check on our elected representatives. First, candidates can run on platforms tied to initiatives and, thereby, make more credible promises about the policies that they will favor and pursue. Second, initiatives provide a mechanism for reforming the processes of representative government in ways that self-interested representatives themselves are not likely to adopt. Third, politicians can use initiatives to counter special interests and serve majoritarian goals. Professor Garrett argued that although direct democracy has its own risks, on balance it is an important part of a hybrid system and that, in any event, it is here to stay.

Following Professor Garrett’s keynote, three panels addressed particular aspects of direct democracy. Caroline Tolbert, professor of political science at Kent State University, and Catherine Turner, legislative director of Ohio Citizen Action, discussed “Public Policy Questions for which Direct Democracy Is (or Is Not) Well-Suited.” Following lunch in the Statehouse Atrium, the second panel addressed “How the Option of Direct Democracy Influences the Legislative Process.” The panelists for this topic were the Honorable Kevin DeWine of the Ohio House of Representatives, Daniel Smith, professor of political science at the University of Florida, and Julie Carr Smyth, then chief legislative reporter for the (Cleveland) *Plain Dealer*. The final panel, consisting of Jennie Bowser from the Legislative Management Program of the National Conference of State Legislatures, Professor Kris Kobach of the University of Missouri-Kansas City law school, and Dana Walch, former director of Legislative Affairs and former director of Elections for the Ohio Secretary of State, addressed “Constitutional and Statutory Constraints on Direct Democracy.”

A number of students currently participating in the Legislation Clinic, as well as students currently enrolled in Moritz Law’s first-year course in legislation, attended the conference. Other attendees included many members of the staff of the Ohio General Assembly, representatives of a number of interest groups, and a variety of practicing attorneys. The conference provided 4.5 hours of CLE credit.
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