

DAVID BARNHIZER
Professor of Law Emeritus
Cleveland State University
College of Law

Academic History

Master of Law (LL.M), Harvard Law School

Juris Doctor (J.D.) *summa cum laude*, Ohio State University College of Law

Bachelor of Arts (A.B.), Muskingum College

Honors

Awarded Juris Doctor degree *summa cum laude*

Articles Editor, Ohio State Law Journal

Order of the Coif

Visiting Fellow, University of London, Institute of Advanced Legal Studies, 2003

Ford Urban Law Fellow, Harvard Law School, 1971-1972. Activities included extensive seminars at Columbia Law School on urban legal issues as well as research on the environment and technology assessment at Harvard during the 1971-1972 academic year.

Teaching Fellow, Harvard Law School, 1971-1972. The responsibilities included clinical teaching in the first year of Harvard's clinical program, teaching seminars, and working with Gary Bellow to develop Harvard's basic clinical program.

CLEPR Fellow, National Institute for Trial Advocacy, University of Colorado (Summer, 1973)
Diplomate in Trial Advocacy

Awarded the first *William Pincus Distinguished Clinical Teacher Award* by the AALS Section on Clinical Legal Education, 1981

Oleck Award for Distinguished Faculty Scholarship, 1990

2002 Stapleton "Teacher of the Year Award," Cleveland-Marshall Law Alumni Association

Who's Who in American Law

Designated *Distinguished Colorado Legal Services Attorney* for work done as an attorney with the Legal Services Office of El Paso County, 1969-1971

Named one of Northeast Ohio's leading environmentalists by the Earthday Coalition, 1995

Employment History

Professor of Law *Emeritus*, Cleveland State University College of Law, beginning June 2007

Professor of Law, Cleveland State University College of Law, 1972-2007

Visiting Professor, Westminster University School of Law, London, 2003

Founder and Director, CSU Environmental Law Clinic, 1991-2003

Senior Advisor, International Program, Natural Resources Defense Council, 1996-2004

General Counsel and Senior Fellow, Earth Summit Watch, Washington, DC, 1997-2003

Strategic Consultant, Government of Mongolia, Mongolian Action Programme for the 21st Century (MAP-21), 1997-1998. I edited the English language version of Mongolia's national sustainable development report.

Consultant, UN Development Program, 1997-1998

General Counsel, The Shrimp Sentinel, NRDC, 1996-2003

Faculty, St. Petersburg University/CSU, Russia (Summer 1998 and 2002); teaching International Environmental Law

Executive Director, The Year 2000 Committee, Washington, D.C., 1980-81. The Committee was a seventeen-member group concerned with advocating government action to protect the environment. Members included Russell Train, Cyrus Vance, William Ruckelshaus, Elliott Richardson, Walter Cronkite, Robert MacNamara, Robert O. Anderson, Henry Schacht, and George Mitchell.

Director, Clinical Legal Education, CSU, 1972-1979

Curriculum Evaluator, Georgetown University Law Center, 1980-81

Attorney, International Program, Natural Resources Defense Council, 1980-81

Ford Urban Law Fellow and Clinical Teaching Fellow, Harvard Law School, 1971-1972

Attorney, Cambridge and Somerville Legal Assistance, Cambridge, Massachusetts, 1971-1972

Reginald Heber Smith Community Lawyer Fellow (University of Pennsylvania) assigned to Legal Services Office of El Paso County, Colorado Springs, Colorado 1969-1971

Founder and Director, Consumer Information Agency, Colorado Springs, Colorado 1970-1971

Adjunct Professor, University of Colorado, 1970-1971 (poverty law and economics)

Professional Activities

Member, Board of Directors, Performance Capital Management, LLC. PCM LLC is a California-based corporation with assets of approximately \$20 million.

Curriculum Consultant, Florida A & M University School of Law, October-December 2005.

Facilitator, Oxfam/Novib-sponsored strategic meeting of Asian environmental and social action organizations, Penang, Malaysia, April 2004

Rapporteur, World Bank/FAO Experts' Consultation on Effective Legal and Institutional Arrangements for Shrimp Aquaculture, Brisbane, Australia, December 1999

Conference Coordinator, "Effective Strategies for Protecting Human Rights: Economic Sanctions, Use of National Courts, the Role of Media, and Coercive Power: A Symposium on Practical Strategies for Human Rights Protection," April 13-15, 2000

Member, Equity Shareholders Committee (appointed by the Justice Department) in an ongoing bankruptcy case in California. On behalf of the limited partners we succeeded in taking control of \$30 million in investor assets from an unscrupulous general partner and in the process protecting 2300 elderly investors from losing all their money in a highly suspect equity limited partnership. The reorganized company emerged from bankruptcy in January 2002 and I was elected to a term on the board of directors.

Member of litigation team in NEPA lawsuit by NRDC and other environmental plaintiffs against the U.S. Department of Energy. The settlement in favor of the plaintiffs included creation of a comprehensive data base by DOE accessible to the public and payment of \$6.25 million by DOE into a new foundation that will greatly enhance the ability of environmentally concerned citizens to monitor and challenge the nuclear activities of DOE.

Member, Board of Editors, Journal of Legal Education, 1995-1997

Facilitator, Ohio Conclave on the Legal Profession, 1994

Coordinator, CSU Environmental Semester in Washington, D.C., 1994-1997, supervising students working in the Justice Department, at NRDC, and with a Congressional subcommittee chaired by Rep. Michael Oxley

Senior Project Associate, Center for Global Change, University of Maryland, 1993-1994 (exploring the connections between positive economic development and environmental solutions)

Consultant, William Bingham Foundation, 1991 (focusing on environmental programs)

Consultant, University of Akron, 1989

Globescope 87 Coordinator, 1985-87, Global Tomorrow Coalition. Globescope was an international conference dealing with practical solutions to problems of environment, population, and economic development

Consultant, British Petroleum/Sovonics Solar Systems, 1986 (developing business strategy)

Consultant, Syracuse University, 1983

Consultant, World Resources Institute, 1982 (helped develop part of WRI's initial agenda)

Consultant, International Institute for Environment and Development, 1981-84

Consultant, Natural Resources Defense Council, 1981-84

Consultant, U.S. Department of Education (various years)

Rapporteur, National Foresight Capability Workshop, U.S. House of Representatives, Energy and Commerce Committee, 1982

Special Advisor, The Year 2000 Committee, 1981-82

Rapporteur, National Environmental Leadership Conference, The National Audubon Society, 1981

Program Consultant, Legal Services Corporation (various years)

Chairman (three terms), Association of American Law Schools (AALS), Section on Clinical Legal Education, 1977-1979

Special Consultant, ABA-AALS Committee on Guidelines for Clinical Legal Education, 1977-1980

Trainer, Legal Services Corporation, 1977-1987

Training Coordinator, Cuyahoga County Public Defender, 1977-1979

Consultant, Osgoode Hall Law School, York University, Toronto, 1977, 1979

Consultant, Georgetown University Law Center, 1980-1981 (in-depth evaluation of five advocacy clinics)

Consultant, University of Connecticut School of Law, 1977

University and Community Activities

Chair, Law School Curriculum Planning Committee, 1998-2000

Member, CSU International Programs Committee, 2001-2002

Chair, Law School International Programs Committee, 1998-2002

Member, CSU Pew Higher Educational Roundtable, 1998-2000

Member, CSU University Curriculum Committee, 1997-1998

Member, Advisory Board, CSU Center for Environmental Science, Technology, and Policy, 1995-1996

Member, Advisory Committee, Great Lakes Museum of Science and Technology, 1994-1995

Member, Technical Advisory Council, Cuyahoga County Solid Waste Strategy Group, 1991 - 1992

Organizer and Coordinator, conference on *The Justice Mission of American Law Schools*, October, 1991

Organizer and Moderator, Symposium on *The Allocation of Risk and Suffering: The Practical Application of Jurisprudential Thought*, Cleveland State University, October, 1989. (This brought John Finnis, David Luban, Mark Tushnet and others to the law school to present papers on legal philosophy. It resulted in a well-received double issue of the law review.)

President, Board of Trustees, Fairmount Fine Arts Center, 1991 to 1993

Founded and directed the Environmental Law Clinic at CSU, 1991

Developed an extensive strategic planning document for CSU and worked with university-wide Strategic Planning Committee, 1991-1992

Developed the strategic plan for the Fairmount Fine Arts Center, 1993-1994

Founded and directed the clinical program at the Cleveland State University College of Law, 1972-1979. The program was recognized nationally for its excellence.

Founded and served as initial director of CSU's Street Law Program, 1974. It was the second program of its kind in the United States.

Member, Steering Committee, CSU Center for Effective Learning, 1972-1974

Fundraising Activity

Extensive fundraising activity includes:

Raising funds for the law school's clinical programs when I directed the criminal and civil clinics for eight years, as well as developing and obtaining funding for CSU's Street Law Program, the second of its kind in the U.S.

Raising funds for the first three AALS National Clinical conferences.

Doing the fundraising for the ABA/AALS Clinical Guidelines Project that ran from 1977-1979.

Raising funds for the Training Program of the Cuyahoga County Public Defender's Office that I coordinated for three years.

President and Vice-President for Development for the Fairmount Fine Arts Center.

Raising money for the Year 2000 Committee for which I served as Executive Director in its start-up period in 1980-81.

Fundraising for the Globescope 87 International Conference.

I played an instrumental role in raising more than \$500,000 in funding related to international work in shrimp aquaculture for the international network, ISA Net, from the Rockefeller Brothers Fund and the John D. and Catherine MacArthur Foundation.

Presentations

Presentation on Clinical History, American University, “Stories and Recollections of the Founding Days of Clinical Legal Education: The 25th Anniversary Convocation of the Key Biscayne Group Steering Committee”, November 10-11, 2005

“Operational versus Rhetorical Sustainability: Different Goals, Methods and Values,” United States Society for Ecological Economics, Tacoma, WA, July 2005

“Perception and Sight in Legal Strategy: Applying the Strategic Principles of Musashi and Sun Tzu,” University of London, Institute of Advanced Legal Studies, June 11, 2003

“Globalization and Legal Education: The Dangers and Dilemmas of Seeking Social Justice through the University”: Paper presented at UK Centre for Legal Education Conference, March 8, 2003, University of Warwick

“The Impossibility of “Educating” Ethical Lawyers”: Paper presented at British Council Seminar on “Developing legal expertise: learning law from student to minister of justice” March 2-7, 2003, Kenilworth, Warwickshire

“Presentation on shrimp aquaculture and its impact on human and community rights,” Environmental Justice Foundation, Senate House, University of London, February 20, 2003

“Truth or Consequences? The Dilemma of the Activist Intellectual,” presentation to Westminster Faculty Forum, February 5, 2003

June 26, 2001--“Ordered Conflict as an Essential Element of a Free and Diverse Society: The Implications for the Law School Curriculum,” presentation at WG Hart Conference, Institute of Advanced Legal Studies, University of London

April 12, 2001--“Analysis of the Impact of Large Scale Shrimp Aquaculture in Bangladesh,” Workshop, Dhaka, Bangladesh

December 4, 2000—“ISA Net and Environmental Concerns about Irresponsible Shrimp Aquaculture,” presentation at World Bank/FAO Experts’ Consultation on Effective Legal and Institutional Arrangements for Shrimp Aquaculture, Brisbane, Australia

October 23, 2000—“Confusion, Conflict, and Corruption: The Ongoing Struggle to Achieve Effective Legal and Regulatory Systems in Responsible Shrimp Aquaculture,” presentation at FAO/World Bank/World Wildlife Fund Workshop on Case Studies for Sustainable Shrimp Aquaculture, Washington, DC

February 20-25, 2000—Panelist at FAO/NACA conference, “Aquaculture in the 21st Millennium,” Bangkok, Thailand

February 19, 2000—"A Strategic Comparison of Sustainable Development Systems in Coastal Zone Aquaculture," ISA Net Workshop, Bangkok, Thailand

October 1999—chaired panel and spoke at Yale University's "Conference on the Uses and Abuses of Cost Benefit Analysis."

May 1999—"Clinical Legal Education in Russia and the United States," Novgorod State University, Novgorod, Russia

April 1999—"Environmental Perspectives on Shrimp Aquaculture," High-Level Experts' Meeting, Network of Aquaculture Centers of Asia and the Pacific (NACA) Kasetsart University, Bangkok, Thailand

November 1998—"Sustainable Development and the Role of Environmental NGOs in the Context of Shrimp Aquaculture," presentation to government officials at the ISA Net Second International Conference, Guayaquil, Ecuador

June 1998—"Presentation of MAP 21 Report to Mongolian Government," Ulaanbaatar, Mongolia

October 1997—"Principles of Sustainable Aquaculture," Guayaquil, Ecuador, presentation at the Ecuadorian "4th World Aquaculture Congress"

October 1997—"The 'Prince of Darkness', and Other Lawyers I Have Known," Lake Arrowhead, California, presentation at UCLA/Warwick International Conference on Exploring New Paradigms in Clinical Education

September 1997—"A Challenge to Mongolia's Leadership," Ulaanbaatar, Mongolia, presentation at the Mongolian government's High Level Advocacy Meeting relating to the development of the country's sustainable development plan

April 1997—"Comments on Sustainable Development", New York, presentation at Shrimp Tribunal session at UN Commission on Sustainable Development

November 1996—"The Role of Non Governmental Organizations in Saving the Oceans," Lisbon, Portugal, presentation at OCEANS II Conference, sponsored by the Luso American Development Foundation

October 1996—"Strategic Approaches to Remedying Environmental and Cultural Harms from Shrimp Aquaculture: The Role of the Shrimp Tribunal," Choluteca, Honduras, presentation at international meeting of grass roots environmental and community activists from Latin America, Asia, Europe, and the United States.

Publications

Books and Manuals

THE BLUES OF A REVOLUTION: The Damaging Impacts of Shrimp Farming (with Isabel de la Torre, ed., ISA Net, 2003)

EFFECTIVE STRATEGIES FOR PROTECTING HUMAN RIGHTS: Economic Sanctions, Use of National Courts and International Fora, and Coercive Power (Ashgate, December 2001)

EFFECTIVE STRATEGIES FOR PROTECTING HUMAN RIGHTS: Prevention and Intervention, Trade, and Education (Ashgate, December 2001)

THE MONGOLIAN ACTION PROGRAMME FOR THE 21ST CENTURY (THE *MAP 21 REPORT*) 200+ pp. (1999) (edited the English version for the government of Mongolia)

EXECUTIVE SUMMARY AND STRATEGIC ANALYSIS: The Mongolian Action Programme for the 21st Century (June 1998) [I wrote all of the primary text of this document, although obviously I can only be listed as a “contributor”]

THE WARRIOR LAWYER (Transnational, December 1997) [This book applies the strategic work of Sun Tzu and Musashi to the practice of law]

CITIZEN’S GUIDE TO HAZARDOUS WASTE, editor (CSU, 1996)

Symposium Editor, THE JUSTICE MISSION OF AMERICAN LAW SCHOOLS, 40 CLEVELAND STATE LAW REVIEW, No. 2 & 3 (1992)

ENVIRONMENT CLEVELAND, editor (CSU, 1990)

STRATEGIES FOR SUSTAINABLE SOCIETIES, editor (Global Tomorrow Coalition, 1988)

MANUAL FOR CLINICAL TEACHERS (AALS, 1978)

MANUAL FOR CLINICAL TEACHERS (AALS, 1977)

Articles and Book Chapters

“A Chilling of Discourse,” 50 *St. Louis University L. J.* 361 (2006)

“Waking from Sustainability’s “Impossible Dream”: The Decisionmaking Realities of Business and Government,” 18 *Georgetown International Environmental L. Rev.* 595 (2006)

“Propertization, Contract, Competition, and Communication: Law’s Struggle to Adapt to the Transformative Powers of the Internet,” 54 *Cleve. St. L. Rev.* 1 (2006)

“Truth or Consequences in Legal Scholarship,” 33 *Hofstra Law Review* 1203 (2005)

“Profession Deleted: Using Market and Liability Forces to Regulate the Very Ordinary Business of Law Practice for Profit,” 17 *Georgetown J. of Legal Ethics* (2004)

“Of Standards, Regulations, and Market Campaigns: Going Beyond the Rhetoric,” (with de la Torre) in *BLUES OF A REVOLUTION* (ISA Net/Quality Books, 2003)

"Environmental Activism on the Internet," in Steven Hick and John G. McNutt Editors, **ADVOCACY, ACTIVISM, AND THE INTERNET: COMMUNITY ORGANIZATION AND SOCIAL POLICY**, (Lyceum Books, January 2002)

"Human Rights as a Strategic System," in **EFFECTIVE STRATEGIES FOR PROTECTING HUMAN RIGHTS: Economic Sanctions, Use of National Courts and International Fora, and Coercive Power** (Ashgate, December 2001)

"Human Rights Strategies for Investigation and "Shaming," Resisting Globalization Rhetoric, and Education," in **EFFECTIVE STRATEGIES FOR PROTECTING HUMAN RIGHTS: Prevention and Intervention, Trade, and Education** (Ashgate December 2001)

"Trade, Environment and Human Rights: The Paradigm Case of Industrial Aquaculture and the Exploitation of Traditional Communities," in **EFFECTIVE STRATEGIES FOR PROTECTING HUMAN RIGHTS: Prevention and Intervention, Trade, and Education** (Ashgate December 2001). An edited version was reprinted in **BLUES OF A REVOLUTION** (ISA Net/Quality Books, 2003)

"'On The Make': Campaign Funding and the Corrupting of the American Judiciary," 50 *Catholic Law Review* 361 (2001)

"The Virtue of Ordered Conflict: A Defense of the Adversary System," 79 *Nebraska Law Review* 657 (2000)

"Princes of Darkness and Angels of Light: The Soul of the American Lawyer," 14 *Notre Dame Journal of Law, Ethics & Public Policy* 371 (2000)

"Comparison of Russian and American Clinical Education," *Proceedings of the CSU/Novgorod University Conference on Clinical Legal Education*, Jane Picker, editor, on CD-ROM (2001)

"Effective Strategies for Protecting Human Rights: A Conference Engaging the International Community," *CSU Law Notes* (Spring 2001)

"From Genghis to Gingrich," *CSU Law Notes* (Spring 1998)

"Showdown at Implementation Gap: The Failure of Agenda 21", (with J. Scherr) *ECODECISION*, Spring 1997

"The Role of NGOs in Saving the Oceans," in **THE CHALLENGES AHEAD IN OCEANS POLICY** 123 (Luso American Development Foundation) (Lisbon, 1997)

"The Justice Mission of American Law Schools," excerpts reprinted in **CLINICAL ANTHOLOGY: READINGS FOR LIVE-CLIENT CLINICS**, Hurder, Bloch, Brooks, and Kay, editors (1997)

"Don't Ride Buses in Honduras," in *CSU Law Notes*, Winter 1996

"Of Rat Time and Terminators," 45 *J. Legal Ed.* 49 (1995)

"Freedom to Do What? Institutional Neutrality, Academic Freedom and Academic Responsibility," 43 *J. Legal. Ed.* 346 (1993)

"The Justice Mission of American Law Schools," 40 Cleveland St. L. Rev. 285 (1992)

"The Purposes of the University in the First Quarter of the Twenty-first Century," 22 Seton Hall L. Rev. 1124 (1992)

"The University Ideal and Clinical Legal Education," 35 New York L.J. 87 (1990)

"Natural Law as Practical Methodology: A Finnisian Analysis of *City of Richmond v. Croson*," 38 Cleveland St. L. Rev. 15 (1990)

"Outmoded Political, Economic, and Educational Structures: Obstacles to Environmentally Sound Solutions," in ENVIRONMENT CLEVELAND 1 (D. Barnhizer ed., 1990)

"The Revolution in American Law Schools," 37 Cleveland St. L. Rev. 227 (1989)

"The University Ideal and the American Law School," 42 Rutgers L. Rev. 109 (1989)

"The War to Achieve Sustainable Societies," in STRATEGIES FOR SUSTAINABLE SOCIETIES 1 (D. Barnhizer ed. 1988)

"Prophets, Priests and Power Blockers: Three Fundamental Roles of Judges and Legal Scholars in America," 50 Pitts. L. Rev. 127 (1988)

"A Clinical Carol," AALS Clinical Newsletter, 1987

"Foresight Capability: A Different Perspective," U.S. House of Representatives, Energy and Commerce Committee, (GPO, 1982)

"Creating a Sustainable Future," U.S. House of Representatives, Energy and Commerce Committee (GPO, 1982)

"The Outlook for Preventing Climatic Change Due to CO₂ Emissions," (with Thomas Stoel, Jr.). Working paper for the Hubert H. Humphrey Institute for Public Policy, University of Minnesota, 1982

"Looking Back, Looking Ahead: An Analysis of How Major U.S. Corporations Reacted to the Global 2000 Report." (With Hoffman) Report to the U.S. Council on Environmental Quality, 1981

"Teaching and Testing Clinical Skills," LEGAL EDUCATION AND LAWYER COMPETENCY: CURRICULA FOR CHANGE (F. Dutile ed. 1981)

"The Role of Practical Legal Education in the University Law School," in PERSPECTIVES ON LEGAL EDUCATION 278 (N. Redlich ed. 1979)

"The Clinical Method of Legal Instruction: Its Theory and Implementation," 30 J. of Legal Education 67 (1979)

"Clinical Education at the Crossroads: The Need for Direction," 1977 B.Y.U. Law Rev. 1025.

“Environmental Policy-Making: Reflections on the Process of Technology Assessment,” 13 Santa Clara Lawyer 675 (1973)

“Truth-in-Lending: An Analysis for Attorneys Representing the Poor,” 4 Clearinghouse Rev. 525 (March, 1971)

“Training Material for the Consumer Information Agency of Colorado Springs,” in COMMUNITY LEGAL EDUCATION MATERIALS (ed. Mary Ader) National Clearinghouse for Legal Services, Northwestern University School of Law (1971)

“Trade Secret Protection in Ohio and the Proposed Federal Statute,” 30 Ohio St. L.J. 157 (1969)

Work in Progress

ENTERING THE SHADOWS: SUN TZU ON THE ART OF BUSINESS IN CHINA (book project)

"Reverse Colonization: Islam, Honor Cultures and the Confrontation between Divine and Quasi-Secular Natural Law" (April 16, 2007). Cleveland-Marshall Legal Studies Paper No. 07-142 Available at SSRN: <http://ssrn.com/abstract=980687>

"Ideology, Propaganda and Legal Discourse in the Argument Culture" (March 20, 2007). Cleveland-Marshall Legal Studies Paper No. 07-141 Available at SSRN: <http://ssrn.com/abstract=975256>

"The 'Delicately Constituted Fiction' of the Rule of Law" (March 20, 2007). Cleveland-Marshall Legal Studies Paper No. 07-140 Available at SSRN: <http://ssrn.com/abstract=975245>

"An Essay on Strategies for Facilitating Learning" (June 2006). Cleveland-Marshall Legal Studies Paper No. 06-127 Available at SSRN: <http://ssrn.com/abstract=906638>

"Roe v. Wade and The Conflict Between Legal, Political and Religious Truth" (March 2006). Cleveland-Marshall Legal Studies Paper No. 05-104 Available at SSRN: <http://ssrn.com/abstract=684161> or DOI: [10.2139/ssrn.684161](https://doi.org/10.2139/ssrn.684161)

“The Death of the American Dream: Legal, Economic and Social Policy in the United States.” Presently a thirty page critique of U.S. policy in critical areas of concern to the nation’s well-being.

Teaching

Trial Advocacy
Strategy
Alternative Dispute Resolution
Jurisprudence
Legal Profession
Interviewing, Counseling and Negotiation
Environmental Law
Environmental Law Clinic
Human Rights
International Trade and Environment

Environmental Law and Business
International Environmental Law
Toxic Torts