

VITAE
OF
PROFESSOR OF CLINICAL EDUCATION
J. DEAN CARRO

The University of Akron
School of Law

I. PROFESSIONAL EXPERIENCES

Professor of Clinical Law, Director of Legal Clinic Offices 1997-present

Associate Professor of Clinical Law, Director of Legal Clinic Offices, Staff Attorney, January 1989-present.

Assistant Professor of Clinical Law, Coordinator of Legal Clinic Offices, Staff Attorney, January 21, 1985-1988.

Instructor in Law, Coordinator of Legal Clinic Offices, Staff Attorney, July 1982-January 20, 1985

Lecturer in Law, Coordinator of Legal Clinic Offices, Staff Attorney and Member of the General Faculty, July 1980-June 1982

Lecturer in Law, Assistant Coordinator of Legal Clinic Offices, Staff Attorney and Member of the General Faculty, The University of Akron School of Law, November 1978-June 1980

II. EDUCATIONAL BACKGROUND

The University of Akron, School of Law
Juris Doctor, May 1978.

Member, National Moot Court Team
Member, National Order of Barristers
Member, Student Bar Association

State University College of New York at New Paltz
Bachelor of Arts, Political Science, Cum Laude, June 1974.

Dean's List, 1973-1974
Member, Intercollegiate Track Team 1970-1974
Recipient, New York State Regents Scholarship Award

III. SUBJECTS TAUGHT

Clinical Seminar I: Fall 1978-Summer 1986; Summer 1992-Fall 1992
Basic Legal Research: Spring 1979
Clinical Seminar II (Class): Spring 1995-present

Trial Advocacy Intersession: Spring 1995, Spring 1996, Spring 1997, Spring 1998

Intermediate Legal Communications: Spring 1984
Moot Court Team Advisor: Spring 1980-Summer 1983; Spring, Fall 1985; Summer 1992-2008
Summer Qualification Program--Legal Methods: Basic Criminal Law: Summer 1985; Summer 1986; Summer 1987
Criminal Law: Spring 1986, Spring 1987, Spring 1988, Spring 1989, Spring 1990, Spring 1991; Spring 1992; Spring 1994; Spring 1995, Spring 1996, Spring 1997, Spring 1998, Spring 1999, Spring 2000, Spring 2001, Spring 2002
Administration of Criminal Justice: Fall 2002-Fall 2011
Clinical Seminar (Mediation Training): Spring, Summer 1986, Fall 1988
Basic Legal Communications: Fall 1987, Fall 1988, Fall 1989, Fall 1990; Fall 1991
Moot Court Class: Fall 1980-1990
Legal Process Workshop Orientation: Summer 1991-Summer 1992-Present
Introduction to Law and the Legal System: Fall 1993
Clinic Activities: 1978-Present
Appellate Advocacy: 1985-Present

The majority of my time is spent in the Clinic. It is, therefore, important that I discuss my Clinic activities.

A. Administrative Duties

When I first came to the Clinic, my administrative duties were minimal. I was charged with drafting grant proposals and overseeing the inmate assistance program budgets. At the present time, I am responsible for preparing the entire Clinic budget and overseeing the expenditure of all funds, and oversight over all activities.

To a limited extent, I supervise the other attorneys work load and insure full support for activities. I also interview and hire all Clinic student staff. I keep track of the Clinic's pending cases, outstanding inmate letters, and court filing dates. Some of my administrative time is devoted to extra-clinical activities, e.g., organizing Jurist-in-Residence programs; drafting grants for the LRE programs, etc.

B. Teaching/Legal Duties

To explain my Clinic teaching duties, it would be best to explain the working of the Clinic. First, I have six primary areas of responsibility:

1. supervise criminal appellate cases;
2. supervise civil rights litigation;
3. represent clients in court;
4. supervise two inmate assistance programs; and
5. respond to inmate letters.

Cases come to the Clinic in one of three ways: by court appointment; by referral from attorneys or the Ohio or Summit County Public Defender's Office; or by inmate contacts. When a case comes into the office, I read the trial transcripts (if available), all pleadings and court opinions, and research relevant law. I then decide whether to accept the case based upon its academic value, reasonable chance for

success, and the opportunity the case presents to impact on the evolution of the law. For every case I accept, I reject approximately five cases. This means that I must devote time to read six case files for every case we take.

When I decide to accept a case, I assign a student to work on the case. (I keep a small number of cases solely myself.) When a student is selected to work on a case, I give the student the case file, ask him/her to review it, and then schedule a time to discuss the case. At our initial case meeting, we discuss:

1. the stage the case is at in the court system;
2. the legal issues presented;
3. the research strategy;
4. time frames involved;
5. resources to consult; and
6. ethical concerns in the case.

I then direct the student to begin with a reading of the relevant rules and landmark cases. The student will meet with me periodically to discuss case progress and any problems encountered. On each case, we do many rough drafts of court documents. I read and critique the drafts and meet with the student to discuss any changes and to again discuss research strategy and tactics. If the case is a civil, misdemeanor, or federal criminal case, I offer the student the opportunity to appear in court if court representation is appropriate. If a student is to do any in-court work, we meet to discuss the strategy and generally "moot court" the activity. If a client or witness interview is involved, the student conducts the interview with me present. We would then evaluate and critique the interview. We have received uniformly positive remarks from judges in this regard.

I meet every week with the inmate assistance directors to discuss the interviews and develop research strategy. I review inmate letters generated by the students and any other inmate letters that leave the office under my name.

I was selected by the parties to the consent decree in Smith v. Troutman to serve as the jail monitor beginning in July 1984. Evidently, the parties felt I could be objective and would be interested in the case. I went to the jail each week and toured the entire facility. I spoke with inmates and deputies in the facility. I inspected the kitchen, ate a meal on the range with the inmates, inspected the dispensary, and reviewed all relevant paperwork. I also prepared quarterly reports to the parties and semi-annual reports to Judge Murphy of the Summit County Court of Common Pleas. In addition, I read material on penology, visited jails that utilized a direct supervision technique, and monitored the present County Jail.

When I noted a situation of non-compliance with the court order, I notified the parties; scheduled a monitor's hearing; and attempted to mediate the dispute. If I was unsuccessful at mediating the dispute, I reported to Judge Murphy so he might resolve the problem. If he was unsuccessful, I then reported to Judge Battisti. During the course of my monitoring duties, I held approximately eight monitor's hearings and had to report to Judge Murphy on only two occasions. One occasion resulted in a modification of the Consent Decree requiring the defen-

dants to construct a new jail. The other occasion dealt with overpopulation in the jail. I "completed" my monitoring in 1994.

My actual representation of clients requires me, inter alia, to keep abreast of recent legal developments. In that regard, on a regular basis, I read the following:

1. Ohio Official Reports;
2. Ohio Bar Association Reports;
3. United States Law Week;
4. Criminal Law Reporter;
5. Sixth Circuit Review;
6. Various law review and law journal articles;
7. Trial magazine;
8. ABA Criminal Justice Section magazine;
9. ABA Litigation magazine; and
10. Other publications.

Before appearing in court on behalf of clients, I discuss with the student (if any) who prepared the brief the merits of the case and problems in the case. I review the file and all relevant cases. I try to take a student with me when I go to court. Following the court appearance, I ask the student to critique my work and what has transpired. I have represented over 35 clients in the Sixth Circuit; over 20 clients in the Ohio Supreme Court; and over 150 clients in the Ohio Courts of Appeals. I have also represented scores of individuals in Federal District Courts.

I have also received numerous requests from attorneys for assistance on civil rights and criminal cases. Generally, the contact simply requires a telephone response and providing general case cites or samples of briefs. But on some occasions, I am requested to offer consulting services on an extended basis. For example, on several occasions I have consulted on civil rights cases. Normally, I personally receive no remuneration. Rather, attorneys donate funds to the Legal Clinic.

Other:

Taught selected classes as guest speaker in Trial Advocacy, Seminar in Political and Civil Rights, Pretrial Advocacy, Basic Legal Communications, and Alternative Dispute Resolution. I also assist with the various Moot Court practices and in selecting the Client Counseling team.

IV. NOTEWORTHY CONSTITUTIONAL LITIGATION

United States Supreme Court

Martin v. State of Ohio, 480 U.S. 288 (1987)

Prepared Amicus brief with Professors Aynes and Koosed on behalf of Ohio Public Defender's Commission. The issue was whether the State may constitutionally burden the defendant with proving the defense of self-defense consistent with the Due Process Clause of the United States Constitution.

Engle v. Isaac, 456 U.S. 107 (1982)

I was co-counsel on this case with Dean Aynes. The case dealt with an interpretation of the procedural default rule of "cause and prejudice" expressed in Wainwright v. Sykes. Second, the case concerned whether Ohio could constitutionally burden a defendant with proving the defense of self-defense consistent with the Due Process Clause of the United States Constitution.

Sixth Circuit Court of Appeals

Smith v. Perini, 723 F.2d 478 (6th Cir. 1983)

This case dealt with the reliability of an identification in a criminal case. The brief was noteworthy as it substantially utilized scientific studies to support the legal argument.

Howze v. Marshall, 716 F.2d 396 (6th Cir. 1983)

The issue in this case was whether Ohio may burden a defendant with proving the defense of insanity (irresistible impulse). This is an issue which has never been addressed by the U. S. Supreme Court. I received compliments from the bench on both my brief and my oral argument.

Campbell v. Marshall, 769 F.2d 314 (6th Cir. 1984)

This is the first case reported at the Circuit Court level dealing with the State's obligation to reveal exculpatory evidence to a defendant prior to a plea of guilty. The issue has never been decided by the U. S. Supreme Court.

Rogers v. McMackin, 884 F.2d 252 (6th Cir. 1989)

This is the first case reported in the Sixth Circuit dealing with whether Bruton applies to bench trials.

Federal District Courts

I have represented many clients in 42 U.S.C. §1983 cases.

The following is a list of some of the reported cases on which I have been counsel.

Engle v. Isaac, 456 U.S. 107 (1982)

Wood v. Marshall, 790 F.2d 548 (6th Cir. 1986)

White v. Arn, 788 F.2d 338 (6th Cir. 1986)

Campbell v. Marshall, 769 F.2d 314 (6th Cir. 1985)

Aldridge v. Marshall, 765 F.2d 63 (6th Cir. 1985)

Watters v. Hubbard, 725 F.2d 381 (6th Cir. 1984)

Smith v. Perini, 723 F.2d 478 (6th Cir. 1983)

Long v. McKeen, 722 F.2d 286 (6th Cir. 1983)

Howze v. Marshall, 716 F.2d 396 (6th Cir. 1983)

Rogers v. McMackin, 884 F.2d 252 (6th Cir. 1989)

Logan v. Marshall, 680 F.2d 1121 (6th Cir. 1982)

State v. Lentz, 70 Ohio St.3d 527 (1994)

City of Akron v. Rowland, 67 Ohio St.3d 374 (1993)

State v. Blankenship, 38 Ohio St.3d 116, 526 N.E.2d 816 (1988)

State v. Moore, 16 Ohio St.3d 30, 476 N.E.2d 355, (1985)

State v. Doran, 5 Ohio St.3d 187, 449 N.E.2d 1295, (1983)

State v. Kapper, 5 Ohio St.3d 36, 448 N.E.2d 823, (1983)

State v. Sturm, 66 Ohio St.2d 483, 422 N.E.2d 853, 403 (1981)

State v. Daniels, 61 Ohio St.2d 220, 400 N.E.2d 399, 15 Ohio Op.3d 232 (1980)

In re: Baby Boy Blackshear, 90 Ohio St.3d 197, 736 N.E.2d 462 (2000)

State v. Lozier, 101 Ohio St. 3d 161, 803 N.E.2d 770(2004)

Eads v. Morgan, 101 Ohio St. 3d 1493, 805 N.E.2d 542 (2004)

State v. Talty, Ohio St. 3d 177; 814 N.E.2d 1201 (2004)

State v. Lowe, 112 Ohio St. 3d 507, 861 N.E.2d 512 (2007)

In re: D.A., 113 Oh. St. 3d 88, 802 NE 829 (2007)

Dotson v. Collins, 2008 U.S. App. LEXIS, 1120 (6th Cir. 2008)

V. ACCOMPLISHED RESEARCH

I have written an article on Guilty Pleas and several small pieces for inclusion in the Bar Association newsletter and ARETE. The majority of my research deals with my work on Clinic cases. In that regard, my research runs the spectrum of criminal and constitutional law issues, civil rights litigation, and federal criminal law. I also completed a substantial review and analysis of selected United States and Ohio 1988-2007, Supreme Court cases for a CLE program jointly sponsored by the Akron Bar Association and the School of Law. I have also presented to the Ohio Appellate Judges Conference on criminal law issues. I have written a chapter on Trial Practice for Lawyer's Cooperative.

An article I wrote on teaching was published by the Cooley Law Review Fall 2000, "My Sage Law Professor", 16 Thomas M. Cooley L. Rev. 279 (1999).

VI. CURRENT RESEARCH

I am researching the judicial philosophy of Justice Robert H. Jackson and the affect his Nuremburg experiences had on his judicial approach. I was granted a leave Fall 2000 to do this research. I have completed several drafts.

VII. PUBLICATIONS

"Alternatives to Incarceration," Akron Bar Communicator, November 1981.

"Eyewitness Identification," Akron Bar Communicator, February 1983.

Appealing Guilty Pleas and No Contest Pleas, Ohio Appellate Defense Manual 1983.

Guilty But Mentally Ill, ARETE 1982.

Criminal Law Update--CLE presentation, 1989-2008.

Presentation to Ohio Appellate Judges Conference, July 1993, 2006, 2007

Lawyer's Cooperative, Trial Practice, Fall 1995 Chapter

Criminal Law Bulletin, Legal Literature 1999-2002 (2-4 editions/year)

VIII. PROFESSIONAL RECOGNITION

Participated as judge in critiquing attorneys on appellate arguments, NLADA Appellate Advocacy Program, Indianapolis, Spring 1980.

Presentation at Appellate Practice/Death Penalty Seminar, Ohio Public Defender's Commission, Cleveland, Fall 1983 [appealing guilty pleas].

Presentation at Appellate Practice/Death Penalty Seminar, Ohio Public Defender's Commission, Columbus, Fall 1985 [brief-writing and post-conviction relief].

Presented topics at NLADA Appellate Advocacy Program, Indianapolis, Indiana, Spring 1990.

Elected Counselor to Scanlon Inn of Court.

Appointed Vice Chair of Akron Bar Association/University of Akron Liaison Committee, Criminal Law Committee.

Selected to be arbiter in Futures Commodities Arbitrations.

Presented CLE courses on Criminal Law, 1989-2011 to Akron Bar Association Members, Federal CJA Panel Members.

Presented CLE to Trumbull County Bar Association, Spring 1993.

Presented CLE to Ohio Appellate Judges, 1997 and 1998, 2006, 2007.

Presented CLE to Ohio County and Municipal Court Judges 2007, 2008, 2009, 2010, 2011.

Elected to the Board of Trustees, Akron Bar Association.

Elected to the Board of Trustees, Akron ACLU.

Selected to the Federal District Court ADR Panel. One of only 10 members to do ADR in over 40 cases.

Appointed and re-appointed to the Summit County Public Defender Commission.

Appointed to the Ohio State Bar Association Committee to draft Ohio's post-conviction statute.

Appointed to Federal Commission to Study PLRA.

Appointed to ABA/AALS site evaluation team. Villanova, North Carolina Central State Law School, and University of Houston.

Appointed to AALS Clinical Law section.

Selected outstanding Alumni of University of Akron School of Law 1999.

Selected as outstanding teacher by BLSA 2005.

Awarded Liberty Bell Award, 2005.

Elected-President-Elect Akron Bar Association (2006-2007)

President-Akron Bar Association (2007-2008)

Appointed to Chair Akron Bar association Task Force on Judicial Campaigns Spring 2012

IX. CIVIC AND PROFESSIONAL ACTIVITIES

Presentations on the legal system to various high schools and community groups (e.g., Columbiana County Bar Association; Knights of Columbus, Akron).

Member, Advisory Committee to Community & Technical College, The University of Akron

Member, Hearing Panel, Akron City Hospital

Member, American Arbitration Association

Presentations to area high schools on law as a career, 1980-present

Various presentations on Criminal Justice System to Summit County Sheriff's Deputies

Initiated Inmate Legal Assistance Program at Summit County Jail, Fall 1983

We started this program on an experimental basis, and it was eventually incorporated into the Consent Decree involving the Summit County Jail. In this program, students tour the jail, speak with inmates about their legal problems, and discuss the interviews with me. We then decide on a strategy for a response.

Selected as presenter at ADR conference, June 1989, July 1993, July 1994.

Initiated Inmate Legal Assistance Program at Mahoning County Jail, May 1984.

This program came about as a result of my appointment by the federal court to represent several inmates in a class-action jail conditions suit. We settled the case for a small sum of money, and the institution of a legal assistance program resulted.

Federal Court Monitor at Summit County Jail, January 1984-1994.

Chairperson, Phoenix Program Advisory Committee (agency of Akron YMCA), 1981-1984.

YMCA Fundraising Campaign Director, Phoenix Program, 1981-1990.

YMCA Community Campaign Co-Chair 1990; Chair 1991

Outstanding Young Man of America, 1982.

Obtained grants to establish mediation program.

Assigned as special consultant for ABA-CEELI to Slovakia.

Appointed as IRB member for the University of Akron 2001-2002 and Neoucom 2002 - 2005.

Appointed to the Performance Assessment Review Committee to review the County of Summit Children's Services Board 2003.

Chaired Magistrate Judge Re-Appointment Committee 2006, 2007, served on same committees 2010 and 2011

XI. SCHOOL OF LAW INVOLVEMENT

Planning and Resources Committee, 1980

Alumni and Student Affairs Committee, 1980-present, Chair 1995, 1996

Admissions Committee, 1982-present

a) Selection Subcommittee Chairman, September 1985-1988

b) Subcommittee on Recruitment, 1984-1988

c) Subcommittee on Scholarships, September 1985-1988

Chair of Self-Study for ABA visit, 2001.

Dean Jenkins' representative at statewide meeting on Law Related Education, Columbus, August 1983.

Wrote successful grant to Federal Department of Education, for \$21,825 to institute Trial Clinic, Spring 1983.

Co-wrote a successful grant to Federal Department of Education for \$22,400 to create a Community Dispute Resolution Center, Fall 1988. This grant was a follow up to our pilot mediation program, which I started in 1986.

Organized various activities for Justice Goldberg, e.g., Moot Court argument with Judges Bell and Contie and Ohio Supreme Court visit (1984).

Organized Judge Bright's Jurist-in-Residence Program, April 1986.

Organized Justice Mosk's Jurist-in-Residence Program, April 1987.

Various and sundry planning activities.

Appointed chair of self-study committee, Fall 1999.

Coached Thurgood Marshall Mock Trial Team (2004).

XI. UNIVERSITY INVOLVEMENT

I have served on University Council. I served for several years on an Advisory Committee to the Community and Technical College. I also previously assisted Professor Leyerle with the coaching of the University's women's track team. I competed on the University's Corporate Cup Challenge team in 1986 and 1987. I worked part-time as the Interim Assistant Athletic Director from August 1993 to May 1994. I have been the University's Faculty Athletic Representative since 2003.

Appointed by President Proenza to "Plinton" Commission (Student Disciplinary Review Commission) 2006

Appointed to Dean Search Committee 2007.

XII. PERSONAL INTERESTS

My primary personal interest is reading. I have a wide range of reading interests, including fantasy, science fiction, military history, contemporaneous historical accounts, and general fiction.

I enjoy a variety of sports and enjoy spending time with my wife and sons, Benjamin and Adam. I coached community traveling soccer. I taught Sunday school at my church. Since 2006 I have competed in the Senior Olympics and finished second in the United States in the discus in 2009.

XIII. OTHER ACCOMPLISHMENTS

During my tenure at the Legal Clinic, I have developed a level of expertise in criminal law and civil rights litigation. I receive three to six federal criminal appointments per year and a corresponding number of civil rights appointments. I have represented in excess of a

score of civil rights litigants. I also routinely advise private practitioners in civil rights and criminal cases. Several of these practitioners have donated money to the Clinic in recognition of the value of my assistance.

I have also been active in grant writing, having successfully authored or co-authored federal grants, which have generated over \$50,000 for the School of Law or the Clinic.