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I. PROFESSIONAL EXPERIENCE

GERHARDSTEIN & BRANCH CO. LPA

This is a private, public interest law practice which focuses on civil rights including age, race, sex, sexual orientation, and disability discrimination in housing and employment, prisoner rights, police misconduct and reproductive health issues.

1978 - Present

LEGAL AID SOCIETY OF CINCINNATI

Reginald Heber Smith Fellow. 1976-1978

II. ADMISSIONS

Supreme Court of Ohio

Supreme Court of Minnesota

United States Supreme Court

United States Sixth Circuit Court of Appeals

United States District Court, Southern District of Ohio

United States District Court, Northern District of Ohio

III. EDUCATION

BELOIT COLLEGE, Beloit, Wisconsin,
B.A. Degree, 1973. Major: Government

NEW YORK UNIVERSITY SCHOOL OF LAW,

New York, New York. J.D. 1976

Root-Tilden Public Interest Law Scholarship

IV. TEACHING

*ADJUNCT PROFESSOR - CHASE LAW SCHOOL,
NORTHERN KENTUCKY UNIVERSITY*

Courses:

Civil Rights Litigation 1988 - 1992

Prisoner Rights 1989

ADJUNCT PROFESSOR - UNIVERSITY OF CINCINNATI

Civil Rights Litigation. 2015

V. RECOGNITIONS

2016 – Making Democracy Work Award (Joint with wife, Mimi Gongold), League of Women Voters of the Cincinnati Area

2015 – Courage Award, Ohio Association for Justice

2015 – Ally for Equality Award, for support to LGBT Community, Equality Ohio

2014 – Racial Justice Award, YWCA Greater Cincinnati

2014 – Theodor M. Berry Award, Cincinnati Chapter, NAACP

2010 – Courage Award, Ohio Association for Justice

2010- Award for Vision, Courage & Commitment to the Continuing Education on Police Reform

2008 – The Diamond Award for Leadership, Service and Support, Planned Parenthood Southwest Ohio Region

2008 – Jewish National Fund/Judge Carl B. Rubin Legal Society Attorney of the Year

2007 – President’s Award, for dedication to community service, civil rights, and to the Sentinels Police Association’s Mission, Sentinel Police Association

2005 – Martin Luther King Spirit Award Baptist Minister’s Conference, Health Alliance of Cincinnati, UC Medical Center

2003 – Charles P. Taft Civic Gumption Award, Charter Party of Cincinnati

2002 – Wright-Overstreet Award for Community Service, NAACP Cincinnati Chapter

2001 – Outstanding Achievement Award, Cincinnati Women’s Political Caucus

2001 – Outstanding Service Award for Representing Indigent Parties in Civil Cases in United States District Court, Federal Bar Association

1999 – “Champions of Choice” Leadership Award, Ohio NARAL

1999 – “Steward for Choice” Award, Planned Parenthood of Southwest Ohio and Northern Kentucky

1998 – Community Service Award, Stonewall Cincinnati

1997 – Firm recognized for defense of Civil Liberties, ACLU, Cincinnati Chapter

1996 – Human Rights to Prisoners Award - Justice Watch

1996 – Outstanding Service Award as Mediator in the United States District Court,
Federal Bar Association

1996 – Outstanding Service Award for Representing Indigent Parties in
Civil Cases in United States District Court, Federal Bar Association

1995 – Andrew B. Dennison Courageous Advocate Award
Potter Stewart Inn of Court

1994 – President’s Award, for dedication to community service, civil rights, and to the
Sentinels Police Association’s Mission, Sentinel Police Association

VI. MEDIATION

Experienced as mediator for Equal Employment Opportunity Commission, United States District Court and private parties.

VII. CIVIL RIGHTS ACTIVITIES

A. Civil Rights - Publications

“Making a Buck While Making a Difference,” (submitted 2016) Vol 21 Michigan
Journal of Race and Law

Alphonse Gerhardstein & David Krings, “Uncomfortably True, Police Misconduct Cases,
Keys to Appropriate Methods of Resolution,” 10 PUBLIC MANAGEMENT (2012)

“Can Effective Apology Emerge Through Litigation?” 72 Duke University School of
Law, Law and Contemporary Problems No. 2, Spring 2009

“Leveraging Maximum Reform While Enforcing Minimum Standards,” XXXVI
Fordham Urban Law Journal No. 1, January 2009

“A Practitioner’s Guide to Successful Jury Trials on Behalf of Prisoner-Plaintiffs”
24 Pace Law Rev. No. 2 Spring 2004

“PLRA Can Affect Private Practitioner’s Ability to Represent Inmates”
XIII Correctional Law Reporter 66 (Feb/Mar 2002)

“Private Prison Litigation: The Youngstown Case and Theories of Liability”
XI Correctional Law Reporter 51 (Dec/Jan 2000)

Contributing Author, Chapter 247, “Civil Rights,” Ohio Jury Instructions (1994)

Gerhardstein, False Teeth? Thornburgh's Claim That Turner's Standard for Determining a Prisoner's First Amendment Rights Is Not "Toothless", 17 NK L. Rev. 527 (1990)

Various guest columns in Cincinnati Enquirer, and civil rights newsletters.

B. Civil Rights – Presentations & Seminars

February, 2016, Invited speaker on civil rights litigation, University of Colorado Law School, Boulder, Colorado.

February, 2016, Presenter, “Making a Buck While Making a Difference” at Symposium U of Mich Law, “**Innocent Until Proven Poor: Fighting the Criminalization of Poverty**”

January, 2016, “Religion and same-sex Marriage,” Martin Luther King Civil Rights Symposium, Columbus Ohio Bar Assoc

December, 2015, “Litigating Marriage Equality,” Ohio Association for Justice Winter Conference, Cleveland, OH

July, 2015, invited guest of Major League Baseball for panel discussion on Cincinnati Collaborative police reforms in connection with 2015 All Star Game events, Cincinnati, OH

March, 2015, invited presenter to Governor Kasich Task Force on Community Police Relations, Cincinnati, Ohio

January 2015, invited written presenter to President Obama’s Task Force on 21st Century Policing

January, 2015, presentations on police misconduct litigation and same-sex marriage, Martin Luther King Civil Rights Symposium, Columbus Ohio Bar Assoc

November, 2014, Stopping Taser Abuse One Lawsuit at a Time, NYU School of Law, New York City

2014 – 2015, various presentations on police reform in New York City, Ferguson Missouri, Cleveland, Ohio, Cincinnati, Ohio and other locations

2014 – 2015, various talks for Unitarian Universalist Justice Ohio at various pulpits on same-sex marriage

October, 2014, Federalist Society Debate, “Can States Require Abortion Clinics and Doctors to Have Transfer Agreements and Admitting Privileges?” Gerhardstein vs. Prof David Forte, Cleveland Marshall College of Law

October, 2014, St. John's Unitarian Church, Remarks for "Coming Out Day" at opening of exhibit, "Love Makes a Family."

March, 2014, Civil Rights Litigation, Indiana Tech Law School, Fort Wayne, Indiana

November, 2013, Keynote, "Seeking Justice, A Civil Rights Attorney's Journey with our Second Principle." UUJO Conference, Columbus, Ohio

May, 2013 – Ohio Association for Justice, "You Can Fight City Hall," CLE presentation to plenary session of conference, Columbus, Ohio

February, 2013, "Civil Rights Statutes in Action," Case Western Reserve University Law School

February 15, 2013, "Working with DOJ to Hold Police Accountable," National Police Accountability Project Seminar, New Orleans, LA

December 11, 2012, Keynote, Greater Cincinnati Homeless Coalition Annual Award Dinner

November, 2012, Police Misconduct Litigation, Race, Class and Crime Course, University of Cincinnati

May, 2012, Plaintiff View, Police Liability Claims, Lorman Seminar, Cincinnati, OH

May 2012, Plaintiff View - Taser Litigation, Law Enforcement Liability Risk Management Institute, San Antonio, Texas

May, 2012, "Caught on Tape: Fact and Expert Deposition Strategy and the Use of Video," OAJ Spring Conference, Columbus, OH

March, 2012, Dream Act, Sharonville Convention Center

February, 2012, Civil Rights Litigation, Case Western Reserve School of Law, Cleveland, Ohio

November 2011, Plaintiff View - Taser Litigation, Law Enforcement Liability Risk Management Institute, Las Vegas, Nevada

June, 2011, Handling Police Liability Claim, National Business Institute, Cincinnati, OH

September, 2011, Best Practices in Community Policing, Greater Cincinnati World Affairs Council International Visitors presentation

June, 2011 – National Business Institute, "Handling the Police Liability Claim," CLE presenter, Cincinnati, Ohio

March, 2011 – Tips for Plaintiff attorneys in civil rights litigation, 29th Annual

Georgetown Law, Section 1983: Civil Rights Litigation

March, 2011 – University of Cincinnati School of Law, Presentation on civil rights practice hosted by ACLU

March, 2011 – Wise Temple Cincinnati, Ohio – Panel presentation on Juvenile Justice in Ohio

April, 2010 – Freedom Center, Cincinnati, Ohio – Panel on Hate Crimes

May, 2010 – Ohio Association for Justice, Columbus, Ohio, “The Section 1983 Claim and Recovering Attorney Fees”

October, 2009 – Federal Bench/Bar Conference Columbus, Ohio, “Section 1983 Plaintiff Update”

March, 2007 – Vanderbilt School of Law, Nashville, TN, “A Life of Causes, Not Cases”

2008 – National Association for Civilian Oversight of Law Enforcement, Panel Speaker on Cincinnati Collaborative

Visiting Practitioner, New York University School of Law, annual lecture on civil rights practice, (1986 - 1999)

CLE faculty, Ohio State Bar Association:

Annual Midwest Labor and Employment Law Seminar

2005 – Plenary presentation on Rights of Whistleblowers

2004 – Break out session on §1983 claims in Employment

1999 – Break out session on Evidentiary Issues in Employment Cases

1998 – Break out session on Privacy in Workplace

“§1983 Civil Rights Litigation” (1999, 2000) (Course Planner)

“Legal Rights of Pregnant Minors” (1997)

(Cleveland) (Course Planner)

“Prisoner Rights” (1998) (Course Planner)

“Employment Law for the General Practitioner” (1993 - 1999)

(Cleveland and Cincinnati)

EEO Basics, 1999 (Columbus)

Kentucky Academy of Trial Lawyers

2004 Intro §1983 litigation

Professional Education Systems Institute

2004 Police Liability seminar, Columbus and Cleveland

Lorman Education Services

2004 Use of Force in Ohio

Hamilton County Democratic Forum, Panel, Justice for All, Forum on Parole and Probation, February, 2002

Symposium on the History of the Federal Court in the Southern District of Ohio, 2/9/04, Dayton Ohio, Panel Discussion of police reform litigation

National League of Cities, 2003 – Presentation on “Cincinnati: A Collaborative Approach to Community Policing”

ABA Section on Alternative Dispute Resolution, Insight for Inspired Practice, Collaborative on Police-Community Relations, San Antonio Texas, March, 2003

Faculty, National Workshop on Privatization, U.S. Department of Justice, Office of Justice Programs, Corrections Programs Office, Philadelphia, PA. June 1999.

Topics:

Prison Privatization:

Responsibility and Accountability:

Ensuring and Implementing Legal Safeguards

The Future of Privatization as Seen by the Litigators

Faculty, Prison Privatization Workshop, University of Minnesota Law School, March, 1999:

Topics:

Prison Privatization and Correctional Policy Process

Managing Prison Privatization

Legal and Legislative Issues

“Municipal Liability Under §1983”, Police Misconduct Seminar, Professional Education Systems (1999, 2002, 2002) (Columbus and Cleveland)

Conference Speaker, Probation Officers Association of Ontario, Canada: “Private Prisons, Private Justice, Public Service,” (Niagara Falls, Ontario 1999)

Speaker, “Private Prisons”, forums sponsored by the Ontario Public Service Employees Union, Toronto, Canada (1999).

“Recent Developments in Gay Rights Issues”, Civil Rights Litigation in 1999, Cincinnati Bar Association

Presenter, “Private Prisons”, Center On Crime, Communities and Culture Briefing, New York City, 1998

Speaker, “Members of the Jury,” ACLU of Youngstown, Ohio (1998)

“Prison Litigation Reform Act”, Civil Rights Seminar, Cincinnati Bar Association, 1998

“Jury Selection”, 1997 Federal Bench/Bar Conference,
Columbus, Ohio

“Abortion Litigation Update”, 1995 Planned Parenthood Federation of America,
Midwest Regional Conference, St. Louis, Mo.

Visiting faculty, Cincinnati Police Academy, Affirmative action, (1992 - 1997)

Opera Rap, Debate on Death Penalty (2002) (Cincinnati Opera) (In connection with *Dead Man Walking*)

Regular presenter at Civil Rights Committee Seminars, Cincinnati Bar Association

Frequent speaker at churches, banquets and meetings of professional and
general audiences on civil rights topics, including appearances on
CBS, NBC, and NPR news programs.

C. Civil Rights - Professional

1. Memberships:

Editorial Board, Correctional Law Reporter, 1999 - 2014

The Potter Stewart American Inn of Court

Master of the Bench, (1984 - present); Emeritus (1988 - present)

National Lawyers Guild (through 2000)

American Civil Liberties Union

National Employment Lawyers Association

Cincinnati Bar Association

Ohio State Bar Association

2. Activities:

Founder, Ohio Justice and Policy Center (formerly Prison Reform Advocacy Center),
President 1997 – 2010; Board 1997 – 2013

(non-profit organization advocating for reforms in prison health care, reentry,
offering assistance on prison litigation, and promoting restorative justice)

Judicial Advisory Commission For the Northern District of Ohio 2009 – present
(Appointed by United States Senator Sherrod Brown to serve on the Commission that
reviews and interviews candidates for open positions on the United States District Court
for the Northern District of Ohio)

Ohio Association for Justice Board Member 2007 - present

Cincinnati Civilian Police Review Panel. Principal author of ordinance establishing
civilian review board following service as counsel to NAACP, Urban League, Baptist
Minister’s Conference and other community groups in mediation with City of Cincinnati
conducted by the United States Department of Justice. (1998)

Circuit Secretary, Sixth Judicial Circuit, NYU School of Law Root Tilden Kern Program
1997-2000

Selection Committee, Soros Justice Fellowship Program, Center on Crime,
Communities and Culture (New York City)(1997 – 1999)

Glenmore Justice Institute, 1999, Invited Participant

D. Civil Rights - Litigation

Federal and state court litigation in the areas of employment discrimination, disability law, Affirmative action, police brutality, prisoner rights, abortion rights, first amendment rights and other civil rights, including:

PRISON/POLICE

Goodwin v. City of Painesville, 781 F.3d 314 (6th Cir. 2015) Taser abuse, MSJ denial affirmed following extended trigger pull and chest shot. Settled 2015 for \$2, 250,000 and agreement to update taser policy and use tasing as case study for in service

Brown v. Chapman, 2015 WL 2090228, Excessive Force, failure to provide medical care to victim. MSJ denied by district court, January 2015.

Estate of Sam DuBose v. Tensing, Excessive force settled against officer and University of Cincinnati, January, 2016. \$4.85 million in damages, apology, university tuition and fee waiver for 12 children, memorial on campus, and participation in University of Cincinnati police reform.

Louisville Misidentified 4 – claims by wrongfully charged young men settled March, 2015 with Louisville Metro Gov't for \$1,500,000.00.

Range v. Douglas, 763 F.3d 573 (6th Cir. 2014). Denial of Summary Judgment affirmed on state law claims against county employees responsible for sexual abuse of bodies in morgue. Case settled 2014 for \$800,000.

McGinnis v. North College Hill, USDC, SD OH Case No. 1:13-cv-00423, taser chest shot resulted in death of plaintiff. Case settled 2014 for \$650,000, taser policy and training reforms

Goodwin v. City of Cleveland, USDC, ND OH, Case No. 1:13 CV 2651, Couple shot 137 times by Cleveland police. Case settled for \$3,000,000.00 in 2015

McCauley v. Mayer, No. 3:13-CV-2115, 2014 WL 584839, (N.D. Ohio Feb. 12, 2014) Summary judgment denied in claim of false arrest and fabrication of evidence. Settled for \$137,500. City upgraded training for all officers who did juvenile interviews.

McKissic v. Miller, 37 F. Supp. 3d 907 (N.D. Ohio 2014). Summary Judgment denied to officer who shot plaintiff in vehicle during arrest for drug transaction.

Dugan v. Starrett, 2014 WL 773226 (S.D. Ohio Feb. 25, 2014). Summary Judgment denied in excessive force case where officer boxed in plaintiff and shot driver through windshield.

Estate of Everette Howard v. Haas, USDC, SD OH, Case No. 1:12-cv-00586, Taser to chest resulted in death of unarmed student at University of Cincinnati. Settled 2013 for \$2,000,000.00 and taser reform and apology and tuition remission for siblings.

Peabody v. Perry Twp., Ohio, 2013 WL 1327026 (S.D. OH 2013). Excessive force based on use of taser on suspect fleeing from property crime, fell from elevated surface and has permanent brain injury. Settlement of \$2,225,000; Township changed taser policy

Parrish v. City of Mason, 2013 WL 1190022 (S.D. OH 2013). Excessive force based on use of taser on a suspect multiple times in less than two minutes.

Patrizi v. Huff, 690 F.3d 696 (6th Cir. 2012). Summary judgment denied on claims of Fourth Amendment violation, malicious prosecution, and false arrest stemming from a criminal defense attorney's involvement at a nightclub scene.

Padula v. Trumbull County Ohio, 2012 WL 3260231 (N.D. OH 2012). Summary Judgment denied in death of jail inmate from alcohol withdrawal.

Marcum v. Scioto County, Ohio, 2012 WL 2674303 (S.D. OH 2012); 2012 WL 2018523 (S.D. OH 2012). Jail policies, practices, customs and usages were moving force behind decedent's death from an asthma attack and defendants were deliberately indifferent to decedent's serious medical needs

Crooks v. Hamilton Cty., Ohio, 458 F. App'x 548 (6th Cir. 2012). Reverse grant of summary judgment in case where elderly woman injured when handcuffs applied improperly and then injured during cruiser transport

Nall v. City of Painesville, 2012 WL 1658623 (N.D. OH 2012). Heart arrest and brain injury following taser use during arrest for alleged disorderly conflict.

Brinson v. University Hospital, 2011 WL 2492960 (S.D. OH 2011). Challenge to death of civilly committed psych patient following use of force and taser deployment. Settlement of \$638,000; advisory panel established for psyche unit.

Cooper v. Ernst, 2011 WL 1898942 (S.D. OH 2011). Excessive force based on officer's release of police dog from a leash.

D.D. v. Washington County, Ohio, 2011 WL 830761 (S.D. OH 2011). Certification of class in challenge to conditions of confinement in juvenile facility.

Gray v. Village of Middleport, S.D. OH, Case No. 2:09-cv-838. Excessive force based on shooting of plaintiff following high speed chase. Settled for \$450,000; new training for officers.

Thomas v. Village of Middleport, S.D. OH, Case No. 2:10-cv-139. Excessive force on arrest and due process challenge to Mayor's Court. Settled with \$100,000 payment and consent decree reforming Mayor's Court.

Cockrell v. City of Cincinnati, 2010 WL 4918725 (S.D. OH 2010). Challenge to Cincinnati taser policy permitting use against persons fleeing from minor crimes. City taser policy changed.

Hernandez v. Wilkinson, 2010 WL 4026386 (N.D. OH 2010). Class action settlement reviewed and where appropriate, corrected sentences of thousands of offenders sentenced to post release control in Ohio.

Rodriguez v. Jones, USDC, SD OH Case No. 1:08-cv-00339. Equal Protection, False arrest and malicious prosecution suit by undocumented worker arrested at worksite and forced to leave country. Settled 2010 for \$100,000.00

Allen v. Collins, 2010 WL 3075186 (N.D. OH 2010). Due process challenge by inmates to procedures used by Ohio parole board.

Maynard v. Jackson County, Ohio, 706 F. Supp. 2d 817 (S.D. OH 2010). Excessive force due to roadblock causing plaintiff to crash.

Meyers v. McNichols, 2010 WL 348311 (S.D. OH 2010). Jury verdict in favor of inmate attacked by other inmates, defendant sergeant failed to protect.

Lowe v. Cuyahoga County Board of Commissioners et al., N.D. OH, Case No. 1:08-cv-1339. Death of inmate due to Xanax withdrawal. Settled for \$4 million.

Kies ex rel. Kies v. City of Lima, Ohio, 612 F. Supp. 2d 888 (N.D. Ohio 2009). Summary Judgment denied in excessive force claim where officers beat unarmed suspect causing injury. Case Settled \$375,000.

Mosser v. Watson, USDC, SD OH Case No. 1:09-cv-617. Excessive force against unarmed bystander. Settled 2011 for \$390,000.

Rush v. City of Mansfield, 2009 WL 454347 (N.D. OH 2009). Challenge to SWAT raid on family for service of warrant for property resulting in shooting death of resident.

Knox v. City of Blue Ash, 2009 WL 3210346 (S.D. OH 2009). Challenge by estate of suspect killed by police after high speed chase.

Fussell et al v. Wilkinson, 2009 WL 3010850 (S.D. Ohio 2009). Class action settlement dramatically upgraded prison health for all adult Ohio prisoners.

Jennings v. City of Lima, N.D. OH, Case No. 3:08-cv-01868. Challenge to SWAT raid resulting in death of mom holding child and injury to child. Settled for \$2.5 million. SWAT policies reviewed by independent third party.

Trevino v. Jones, S.D. OH, Case No. 1:08-cv-00339. Arrest of undocumented worker without probable cause. Settled for \$100,000.

Green v. Taylor, 239 F. App'x 952 (6th Cir. 2007). Death of teenager shot following chase. Settled for \$1 million.

Fossyl v. Watson, 2007 WL 6960326 (S.D. OH 2007). Cover up of murder and civil suit for wrongful death against the murderers. Settlement with County; \$1 million verdict against the murderers.

SH v. Taft, 2007 WL 1989753 (S.D. OH 2007). Statewide class action challenging conditions of confinement in juvenile facilities run by Ohio Dept. Youth Services. Settled with stipulation and monitoring. Case closed 2015 with reduction in facilities from 8 – 3 and population reduction from 2000 to 475 and best practices instituted in all areas.

Watkins v. Collins, 111 Ohio St.3d 425 (2006). Habeas corpus denied to twelve inmates who claimed that they had been improperly placed on post release control.

Leis v. American Civil Liberties Union Foundation of Ohio, Inc., 2006 WL 2345797 (S.D. OH 2006). Effort by local sheriff patrolling in City limits to avoid compliance with police reforms under consent decree with City.

Butler v. City of Middleport, S.D. OH, Case No. 2:04-cv-00834(with Attorney Richard Lewis, Jackson, Ohio). Suicide of two young men in jail. Settled for \$525,000 and memorial. 2006.

Kammeyer v. City of Sharonville, 311 F. Supp. 2d 653 (S.D. OH 2003). Action by adult children of murder victims against police who covered up evidence that would have resulted in prompt prosecution of murderer.

Samples v. Logan County, Ohio, 2006 WL 1793250 (S.D. OH 2006). Civil rights and wrongful death case based on death of inmate due to alcohol withdrawal.

Green v. Bowles, 361 F.3d 290 (6th Cir. 2004). Failure to protect transsexual inmate from attack by other inmate.

Nutter v. Kelly, S.D. OH, Case No. C3-01-214. Suicide in Clark County Jail. Settled \$270,000 and memorial. 2004.

Green v. City of Cleveland, et al., N.D. OH, Case No. 1:03-cv-906 (with attorney Barry Scheck, NYC). Civil rights case by man exonerated with DNA evidence after serving 13 years in prison on the wrongful conviction. Settlement of wrongful incarceration and civil claims for millions in damages and a forensic audit of the Cleveland forensic lab.

Thomas v. Woolum, 337 F.3d 720 (6th Cir. 2003). Inmate beaten by officer. PLRA exhaustion satisfied even if procedure of grievance system not followed; must use grievance to give notice to potential defendants.

Leisure v. City of Cincinnati, 267 F. Supp. 2d 848 (S.D. OH 2003)(with attorneys Scott Greenwood and Kenneth Lawson) Action by family of unarmed citizen shot and killed by Cincinnati Police.

In re Cincinnati Policing, 209 F.R.D. 395 (S.D. OH. 2002). Class action settlement of racial profiling lawsuit establishing reforms on use of force, fairness in policing, citizen review of police misconduct, and community problem oriented policing.

Davis v. Mendel, S.D. OH, Case No. 01-cv-001. Injunction required inmate with end stage liver disease to be evaluated for liver transplant. March/April 2002 *Correctional Law Reporter* 84.

Morrison v. Davis, 88 F. Supp. 2d (S.D. OH 2000). Constitutional challenge to fee cap in Prison Litigation Reform Act.

Culberson v. Doan, 125 F. Supp. 2d 252 (S.D. OH 2000). Civil rights claim against police chief and village for violating parent's property rights by failing to secure the scene where their daughter's body was hidden. Jury verdict for \$3.75 million in 2001.

In Re: Northeast Ohio Correctional Center, N.D. OH, Case No. 4:97-CV-1995, Class action on behalf of Washington D.C. inmates housed in a private for-profit prison in Youngstown, Ohio on Eighth Amendment medical, use of force, and failure to protect claims. Case settled for \$1.75 million to be distributed to all 2,000 inmates and a three year agreement to monitor prison conditions. 1999. See December January 2000 *Correctional Law Reporter* 51.

In re Southern Ohio Correctional Facility, 173 F.R.D. 205 (S.D. OH 1997). Appointed in 1994 by federal court as plaintiffs' class counsel on claims based on 1993 prison riot. Settled for 4.1 million and extensive terms reforming conditions at prison.

Grimm v. Lane, 895 F. Supp. 907 (S.D. OH 1995). Prison beating and cover-up. \$450,000 jury verdict for plaintiffs.

Dunn v. Voinovich, S.D. OH, Case No. C-1-93-0166 (with Robert Newman). Class counsel in stated-wide class action challenging inadequate mental health treatment in Ohio prisons. Consent decree case. 1995.

Weeks v. Chaboudy, 984 F.2d 185 (6th Cir. 1993). Affirmed \$50,000 damage award against Southern Ohio Correctional Facility physician.

White v. Morris, 832 F. Supp. 1129 (S.D. OH 1993)(with Robert Laufman). Class action challenge to segregated celling at Southern Ohio Correctional Facility.

Wolfel v. Morris, 832 F.2d 712 (6th Cir. 1992). Affirmed judgment in favor of inmates challenging punishment for petitioning activity within the Southern Ohio Correctional Facility.

Gumpl v. Seiter, 689 F. Supp. 754 (S.D. OH 1988). Challenge to lack of recreational opportunities for protective custody prison inmates. Settled with creation of new housing unit and expanded recreation.

Dotson v. Seiter, S.D. OH, Case No.. C-1-84-1312. Class action challenge to practice of using excessive force against mentally ill inmates. Settled in 1987.

Johnson v. Seiter, S.D. OH, Case No.. C-1-84-1008. \$25,000.00 damage award against prison medical official for failure to treat a keloid for four years. Judgment entered 1987.

Hendrix v. Dallman, S.D. OH, Case No.. C-1-82-123 and C-1-83-1805. Race discrimination in prison. Rule 68 offer of judgment accepted and entered 1986.

Matje v. Leis, et al., 571 F. Supp. 918 (S.D. OH 1983). Misconduct by undercover drug agent resulted in consent decree regulating agent behavior and instituting citizen complaint system. Settlement on jail suicide claim. Consent decree and case summary in Police Misconduct and Civil Rights Law Report, No. 9, p.103-104 (Winter, 1985)).

Ar-Raheem v. Phillips, S.D. OH, Case No.. C-1-83-556. Challenge of punishment of Muslim inmate for refusing to handle pork. Settled.

REPRODUCTIVE RIGHTS

Planned Parenthood Southwest Ohio Region v. Hodges, USDC, SDOH, Case No. 2:15-cv-3079. TRO secured to block enforcement of fetal tissue disposal regulation.

Planned Parenthood Southwest Ohio Region v. Hodges, USDC, SDOH, Case No. 1:14-cv-00867. Challenge to termination of ASF license due to lack of written transfer agreement. Dismissed when variance granted.

Planned Parenthood Cincinnati Region v. Strickland, 531 F.3d 406 (6th Cir. 2008). Challenge to Ohio restrictions on medication abortion.

Women's Medical Professional Corp. v. Baird, 2008 WL 545015 (S.D. OH 2008). Enjoin effort to close abortion clinic as violating due process.

Cincinnati Women's Services v. Taft, 468 F.3d 361 (6th Cir. 2006). Lead counsel in challenge to HB 421, which requires in-person meeting with physician 24 hours before abortion and replaces parental notice with parental consent for abortion.

Planned Parenthood Cincinnati Region v. Taft, 444 F.3d 502 (6th Cir. 2006)(with Planned Parenthood Federation Counsel). Enjoin statute regulating medical abortions.

Women's Medical Professional Corp v. Taft, 114 F. Supp. 2d 664 (S.D. OH 2000). Lead counsel in challenge to Ohio ban on "partial birth feticide".

Doe v. Barron, 92 F. Supp. 2d 694 (S.D. OH 1999). Injunction granted permitting prisoner access to abortion services.

Jane Doe v. River City Correctional Center, 92 F. Supp. 2d 694 (S.D. OH 1999). Prisoner access to abortion.

Women's Medical Professional Corp v. Voinovich, 130 F.3d 187 (6th Cir. 1997), *cert. denied* 523 U.S. 1036 (1998)(co counsel with Planned Parenthood Federation of America). Challenge to 1995 Ohio abortion statute.

Cleveland Surgi Center, Inc. v. Jones, 2 F.3d 686 (6th Cir. 1993)(with Planned Parenthood Federation of America). Unsuccessful challenge to parental notice law as applied.

In Re Jane Doe 1, 566 N.E.2d 1181 (Ohio St 1991). First appeal in Ohio under new parental notification of abortion statute.

Planned Parenthood Ass'n. of Cinti., Inc. v. Project Jericho, 556 N.E.2d 157 (Ohio St. 1990). Affirmed contempt convictions of anti-choice picketers and Affirmed the certification of a defendant class.

Planned Parenthood Ass'n. v. City of Cincinnati, F. 2d 1390 (6th Cir. 1987). Cincinnati fetus disposal ordinance enjoined as unconstitutional interference with a woman's right to secure abortion services.

GAY/LESBIAN RIGHTS

Obergefell v. Hodges, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015). Lead case in consolidated actions at SCOTUS where marriage equality won nationwide for same-sex couples. Reversed Sixth Circuit ruling 772 F.3d 388 (6th Cir.).

Barnes v. City of Cincinnati, 401 F.3d 729 (6th Cir. 2005). Affirmed \$320,000 verdict for transsexual police officer discriminated against in demotion from sergeant. Attorney fees and multiplier award upheld on appeal.

Glover v. Williamsburg School District, 20 F. Supp. 2d 1160 (S.D. OH 1998). Damage verdict and reinstatement ordered for gay teacher discharged from school.

Equality Foundation v. City of Cincinnati, 54 F. 3d 261 (6th Cir. 1995) *cert. granted*, vacated and remanded, 116 S.Ct. 2519 (1996); 128 F. 3d 289 (6th Cir. 1997) (on remand from the U.S. Supreme Court), *cert. denied* 525 U.S. 943 (1997). Constitutional challenge to anti-gay City Charter amendment.

Greenwood v. Taft, Stettinius & Hollister, 663 N.E. 2d 1030 (Ohio App. 1995). Challenge to discharge and disclosure of private information about gay attorney.

EMPLOYMENT DISCRIMINATION

Broach v. City of Cincinnati, 2013 WL 4241410 (S.D. OH 2013). \$224,522.41 jury verdict for Fire Lieutenant based on employment claims for retaliation for opposition to race discrimination, retaliation based on participation, and hostile work environment.

Mell v. City of Cincinnati, 2010 WL 796751 (S.D. OH 2009). Class action challenge to denial of demutualization proceeds to workers.

Benaugh v. Ohio Civil Rights Commission, 2007 WL 1795305 (S.D. OH 2007). Successful jury trial challenging disability discrimination by civil rights agency

Riester v. Riverside Community School, 257 F. Supp. 2d 968 (S.D. OH 2002). Retaliation against teacher in charter school.

Hoffman v. Honda of America Mfg., Inc., 191 F.R.D. 530 (S.D. OH 1999). Sex discrimination class action.

Jansen v. City of Cincinnati, 977 F.2d 238 (6th Cir. 1992)(with Legal Aid Society). Reversal of order terminating consent decree for City of Cincinnati Fire Department. See also ***Youngblood v. Dalzell***, 925 F. 2d 954 (6th Cir. 1991).

Vogel v. City of Cincinnati, 959 F.2d 594 (6th Cir. 1992). Successfully defended police consent decree against reverse discrimination challenge.

Hubbard v. City of Middletown, 728 F. Supp. 1573 (S.D. OH 1990). Sexual harassment.

Wheeler v. Southland Corporation, 875 F.2d 86 (6th Cir. 1989). Title VII action, sexual harassment, constructive discharge. Plaintiff verdict Affirmed.

U.S. v. City of Cincinnati, 771 F.2d 161 (6th Cir. 1985). Black and female police officers appointed on same day as white males were entitled to challenge layoffs having a discriminatory impact. Matter was settled after remand.

Bryant v. CCHB, S.D. OH, C-1-83-798. Age discrimination. Plaintiff verdict following jury trial in 1985.

Martin v. Norbar, 537 F. Supp. 1260 (S.D. OH 1982). Sexual harassment.

HOUSING

Skidmore v. Butler Metropolitan Housing Authority, S.D. OH, C-1-80-346. Race discrimination class action. Consent decree instituted strong Affirmative action program in two cities that over four-year period desegregated the public housing units.

CONSUMER

Pearson v. Easy Living Furniture, 534 F. Supp. 884 (S.D. OH 1981). Truth in lending.

OTHER CIVIL RIGHTS

P.C. v. Milford Exempted Village School, 2013 WL 209478 (S.D. Ohio 2013). Ohio Department of Education administrative decisions denying private reading services to disabled junior high student overturned because school predetermined student's education placement and thus committed a procedural violation of the IDEA.

Range v. Douglas, 878 F. Supp. 2d 869 (S.D. OH 2012). Failure to protect bodies in morgue from sexual abuse by morgue attendant.

Logan v. Sycamore Community School Bd. of Educ., 2011 WL 382559 (S.D. OH 2011). Title IX and 1983 claim against school district that failed to protect student from harassment following sexting of photo.

Hunter v. Hamilton County Board of Elections, 850 F. Supp. 2d 795 (S.D. OH 2012). Equal protection and due process challenges to exclusion of provisional ballots from vote count.

B.H. v. West Clermont Bd. of Educ., 788 F. Supp. 2d 682 (S.D. OH 2011). Successful appeal of administrative decision denying special education student services. Settlement for \$70,000 plus fees on 1983 claim for restraining student.

Fangman v. City of Cincinnati, 634 F.Supp.2d 872 (S.D. OH 2008). First Amendment challenge to restrictions on donations and political activity by city workers.

Chesher v. Neyer, 2007 WL 4553908 (S.D. OH 2007). Class action challenge to county officials who permitted photographer to access, manipulate, and photograph bodies with props in the Hamilton County, Ohio Morgue. Settled for \$8 million.

Jennings v. University Ear, Nose & Throat Specialists, Inc., 101 Ohio St. 3d 326 (2004). Court of Claims has exclusive jurisdiction to determine if a state employee is immune from suit.

In re Estate of Carpenter, 127 Ohio Misc.2d 22 (C.P. Hamilton Co. 2004). Allowed settlement for minor in police misconduct case to be confidential.

Spencer v. Blackwell, 347 F. Supp. 2d 528 (S.D. OH 2004). Lawsuit brought on eve of 2004 election to hold unconstitutional Jim Crow election law that permitted republican challengers in the black precincts.

Jorg v. Cincinnati Black United Front, 792 N.E.2d 784 (Ohio App. 2003). Affirmed dismissal of slander action against civil rights organization for statements critical of police action in death of Roger Owens by.

Gable v. Lewis, 201 F.3d 769 (6th Cir. 2000). Affirmed jury verdict for plaintiff in sex discrimination and retaliation case.

Shields v. Campbell Co. Board of Education, E.D. KY, No. 84-242. Preliminary injunction reinstated female to ninth grade football team; consent decree guaranteed her right to compete on same basis as boys.

In re Cincinnati Radiation Litigation, 187 F.R.D. 549 (S.D. OH 1999). Serving as a defense attorney for physician charged with civil rights violations in mass tort action

In re: Fernald Litigation, S.D. OH, Case No. C-1-85-0149. Appointment in 1993 by the federal court as a litigating amicus in this mass tort action to advise the court on due process issues raised by the imposition of deadlines for monetary claims by members of the class.

Americans for Civil Participation v. Hamilton County Welfare Dept., S.D. OH, Case No. C-1-84-1318. Injunction granted September 21, 1984 permitting voter registration in food stamp stores.