

David R. Cleveland

Dean & Professor of Law

Valparaiso University Law School

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EDUCATION:

Georgetown University Law Center, J.D., 2002

Georgetown Journal of Legal Ethics, 2000-2002

Write-On Competition Judge, *Georgetown Journal of Legal Ethics*, 2001

Treasurer, Homecourt, 2001

University of Michigan Law School, Visiting J.D. Student, 2001-2002

Western Michigan University, B.A., College of Education, *magna cum laude*, 1998

Carl & Winifred Lee Honors College Honors Graduate, 1998

WMU Excellence Scholarship, 1994-1998

Margaret Macmillan Writing Award in 1997 by the History Department at WMU

(Department's highest honor for undergraduate research and writing.)

Knaus-Burnham Senior Award in 1998 by the History Department of WMU

(Given for excellence in scholarship, research, and writing.)

Phi Alpha Theta Regional History Conference Presentation Certificate

(For presentation of original professional research and writing.)

Golden Key National Honor Society, Alpha Lambda Delta and Phi Alpha Theta Honor Societies

ACADEMIC POSITIONS AND EXPERIENCE:

Current

Dean, Valparaiso University Law School, 2018-

Professor of Law, Valparaiso University Law School, 2015-

Director, Legal Writing Program, Valparaiso University Law School, 2016-

Past

Interim Dean, Valparaiso University Law School, 2018-19

Associate Dean for Academic Affairs, Valparaiso University Law School, 2016-2018

Associate Professor of Law, Valparaiso University Law School, 2012-2015

Professor of Law, Nova Southeastern University, Shepard Broad Law Center, 2011-2012

Associate Professor of Law, Nova Southeastern University, Shepard Broad Law Center, 2009-2011

Assistant Professor of Law, Nova Southeastern University, Shepard Broad Law Center, 2005-2009

Intern Teacher, Kalamazoo Central High School, Kalamazoo, MI, Spring Semester 1998

Instructor, English Dept., Western Michigan University, Kalamazoo, MI, Fall Semester 1997

GOVERNANCE AND ADVISORY:

University Council of Deans 2018-

University Provost's Council 2018-

University Taskforce on Integration of the Law School, Chair 2016-17

Appointments Committee, *ex officio* 2016-2018

Curriculum Committee, *ex officio* 2016-2018

University Assessment Committee 2013-17

University International Recruitment Strategy Working Group 2016-2018

University Student Learning Outcomes Taskforce 2015-16

Admissions Committee 2005-06, 2014-16; Chair 2015-16

Curriculum Delivery Taskforce 2014-16

Student Advising Taskforce 2013-14
Student/Teacher Evaluation Taskforce 2013-14
Committee on Review, Promotion, and Tenure 2011-12
Program Review Committee 2010-11
Appointments Committee 2006-10; Co-Chair 2007-08 & 2009-10
Adjunct Review Subcommittee Chair 2007-08 & 2009-10
Law Library Director Search Committee 2009, 2016
Honor Court, Chair, 2014
Representative, Florida Bar Student Education and Bar Admissions Committee, 2007-10
Academic Advisor, 2006-18
Advisor, International Moot Court Society/Jessup, 2007-2016
Advisor, American Bar Association, Law Student Division 2007-12

COURSES TAUGHT:

J.D.:

Legal Writing and Skills Courses: Legal Writing I & II, Lawyering Skills and Values I & II, Administrative Law Research Skills, Foundations, Praxis II, Legal Communications, Legal Writing II: Appellate Advocacy, Legal Writing II: IMC, Advanced Appellate Advocacy: IMC, and Advanced Appellate Advocacy: Criminal
Doctrinal Courses: Professional Responsibility, Legal Profession, Internet Gambling Law, and Gaming Law Seminar

LL.M & M.S.L.: LL.M. Legal Writing and Research, Business Organizations, Legal Research, Methods & Reasoning, and Individual Research Project on Federal Issues/Patients' Rights

PUBLICATIONS:

Articles

Book Review: Gambling Under the Swastika, 10 UNLV Gaming Law Journal __ (2020) (forthcoming)

Legal Writing: A History from the End of the Civil War to the 1930s, 24 Leg. Writing __ (2020) (forthcoming) (co-authored with Jeffrey D. Jackson)

Appellate Court Rules Governing Publication, Citation, and Precedential Value of Opinions: An Update, 16 J. App. Prac. & Process 101 (2016)

Discrimination Law's Dirty Secret: The Equal Opportunity Sexual Harasser Loophole, 58 How. L.J. 5 (2015)

Legal Writing: A History; Part I – From the Colonial Era to the End of the Civil War, 19 Leg. Writing 191 (2015) (co-authored with Jeffrey D. Jackson)

Post-Crisis Reconsideration of Federal Court Reform, 61 Clev. St. L. Rev. 47 (2013)

The Decline of Oral Argument in the Federal Appellate Courts: A Modest Proposal for Reform, 13 J. App. Prac. & Process 119 (2012) (co-authored with Steven Wisotsky)

Precedent and Justice, 49 Duq. L. Rev. 35 (2011) (co-authored with William D. Bader)

Clarion Call or Sturm und Drang: A Response to Pierre Schlag's Spam Jurisprudence, 35 Nova.L.Rev. 503 (2011)

Clear as Mud: How the Uncertain Precedential Status of Unpublished Opinions Muddles Qualified Immunity Determinations, 65 U. Miami L. Rev. 45 (2010)

Local Rules in the Wake of Federal Rule of Appellate Procedure 32.1, 11 J. App. Prac. & Process 19 (2010)

Draining the Morass: Ending the Jurisprudentially Unsound Unpublication System, 92 Marq. L. Rev. 685 (2009)

Overturning the Last Stone: The Final Step in Returning Precedential Status to All Opinions, 10 J. App. Prac. & Process 61 (2009)

The Ermine and Woolsack: Disciplinary Proceedings Involving Judges, Attorney-Magistrates, and Other Judicial Figures,” Note, 14 Geo. J. Legal Ethics 1037 (2002) (co-authored with Jason Masimore)

Book Chapters

Pedagogical Methods in Legal Research and Writing Courses (co-authored with Olympia Duhart). In: ABA Sourcebook on Legal Writing (3rd ed. 2020) (*forthcoming*)

American Legal Education: A History of Integrated Instruction (co-authored with Jeffrey D. Jackson). In: The Doctrine-Skills Divide, Linda Edwards (Carolina Academic Press, 2017), pp. 277-294

Other

Appellate Advocacy Blog (Founder/managing editor, 2013-16; Founder emeritus, 2016-) (various posts)

The Perils of Non-Precedential Opinions, Daily Journal, Op-Ed, February 25, 2015

ABA Promulgates Formal Ethics Opinion on Lawyer Websites, AALS Professional Responsibility Newsletter, Fall 2010

Indiscriminate Harasser Liability under Title VII: A Pair of LRW Brief Writing Problems, Legal Writing Institute Idea Bank 2010

High Tech Covenants Not to Compete in Arkansas Law: Three LRW Objective Memo Problems, Legal Writing Institute Idea Bank 2010

Dr. Bloom Goes to Law School, Second Draft, Vol. 25, Issue 1, Fall 2010

Publicizing Your Scholarship, AALS New Law Professors Section Newsletter, Dec. 2009

Title IX Sexual Harassment by a Student Coach: LRW Problems, LWI Idea Bank 2007

Covenants Not to Compete for Dog Trainers in Pennsylvania Law: A Series of Three LRW Memo Problems, Legal Writing Institute Idea Bank 2007

BarCharts, Professional Responsibility 2007-10

PROFESSIONAL PRESENTATIONS:

“The History of Legal Writing Part III: Modern Programs Take Shape,” LWI Biennial Conference 2018, July 14, 2018 (with Jeffrey D. Jackson)

“A Response to the ABA Future of Legal Services Report,” Akron University Law School, Miller-Becker Center for Professional Responsibility Lecture, April 21, 2017

“The History of Legal Writing, Part II: The Genesis of the Modern Legal Writing Program,” at the Legal Writing Institute Biennial Conference in Portland, July 13, 2016

“Professionalism for 1Ls: The Start of Professional Identities as Lawyers,” Sixth Annual Capital Area Legal Writing Conference, March 12, 2016

“The Death of the Common Law,” Professorial Lecture, Valparaiso University, January 21, 2016

“Radical Restructuring: A Skill-Driven 1L Curriculum,” ALWD Biennial, June 5, 2015 (with Susan Stuart, Ruth Vance, and Steve Probst)

“Exercises and Activities for Legal Analysis,” Valparaiso Law Faculty Lunch and Learn, January 14, 2015

“The History of Moot Courts in the Early American Law School,” LWI Moot Court Conference, October 25, 2014 (with Jeffrey D. Jackson of Washburn)

“The Early History of Legal Writing: Where We Came From and How We Got Here,” Legal Writing Institute Biennial Conference, July 1, 2014 (with Jeffrey D. Jackson of Washburn)

“Legal Writing Instruction in America: An Interesting (and Instructive?) History” Capital Area Legal Writing Conference, March 1, 2014

“Student Generated Rubrics: A Tool for Metacognition and Building Student Confidence” Rocky Mountain Legal Writing Conference, March 22, 2013

“Increasing Student Reflection and Buy-In with Student-Generated Rubrics” Third Annual Capital Area Legal Writing Conference, March 1, 2013

“Building a Community of Learners in the LRW Classroom” Rocky Mountain Legal Writing Conference, March 24, 2012

“Live Critiquing: Individual Conferencing Meets Formative Assessment” Second Annual Capital Area Legal Writing Conference, March 10, 2012

“Dr. Strangeread: How I Learned to Stop Worrying and Love Live Critiquing,” Rocky Mountain Legal Writing Conference, March 25, 2011

“Professional Responsibility in the Legal Writing Classroom,” Capital Area Legal Writing Conference, February 25, 2011

“(Not So) New Ideas on Federal Court Reform Options,” Southeastern Association of Law Schools Conference, August 1, 2010

“New Ideas about the Design of Appellate Courts,” Southeastern Association of Law Schools Conference, August 1, 2010 (moderator)

“Empire or Quagmire?” Stetson’s Virtual Writing Conference: Annual Scholarship Highlights in Legal Communication, April 29, 2010

“Unpublished Opinions for Beginners” Rocky Mountain Legal Writing Conference, March 19-20, 2010

“Clarion Call or Sturm und Drang: A Response to Pierre Schlag’s Lecture on the State of Legal Scholarship” NSU Faculty Symposium, March 12, 2010

“Unclearly Established: How Unpublished Opinions Muddle Qualified Immunity Determinations” Florida Junior Faculty Forum, Stetson Law School, November 15, 2008

“Ending the Era of Unprecedented Precedents” Southeastern Association of Law Schools Conference, August 1, 2008

“Teaching about the Changing Value of Unpublished Opinions” Rocky Mountain Legal Writing Conference, March 21-22, 2008

“F.R.A.P. 32.1 and Unpublished Opinions Issues” NSU Faculty Table Talk, Nov. 19, 2007

“Overturning the Last Stone: Taking The Final Step in Returning Precedential Status to All Opinions” Florida Junior Faculty Forum, Stetson Law School, November 2, 2007

MEDIA COMMENTS AND INTERVIEWS:

Lake County Bar Association forms amicus committee, Marilyn Odendahl, July 26, 2017

Local Rule Shields Petraeus Documents, The Charlotte Observer, Fred Clasen-Kelly, May 16, 2015 (<http://www.charlotteobserver.com/news/local/article21181512.html>)

Courts Write Decisions that Elude the Long View, New York Times, Adam Liptak, February 3, 2015 (available at <https://tinyurl.com/yxfcdhj9>)

FCC Order Regulates Internet Service Providers, The Current, January 31, 2011

A Judge’s Unusual Request Don’t Print This in Westlaw or Lexis, ABA Journal Online, Debra Cassens Weiss, March 11, 2010 (available at <http://tiny.cc/ABAJournalInterview>)

Cleveland’s Unpublished Opinions Redux, Law Librarian Blog, August 10, 2009 (available at: <http://tiny.cc/LawLibInterview2>)

Unpublished Opinions in Federal Courts: An Interview with David Cleveland, Law Librarian Blog, October 29, 2008 (available at: <http://tiny.cc/LawLibInterview>)

BAR ADMISSION:

State Bar of Michigan 2002-
United States Supreme Court Bar 2009-
Sixth Circuit Court of Appeals Bar 2004-
Western District of Michigan Bar 2002-
Florida Bar, Faculty Affiliate Member 2005-12

LEGAL EXPERIENCE:

Miller, Johnson, Snell & Cummiskey, PLC, Grand Rapids, MI
Litigation Associate, 2002-2005
Summer Associate, 2000, 2001

Eighth District Court of Michigan, Kalamazoo, MI.
Deputy Clerk, 1998-1999

PROFESSIONAL MEMBERSHIPS:

Association of Legal Writing Directors (Board Member 2013-2018; Voting Delegate 2008-; Board Diversity Committee Member 2017-18; Conference Committee Chair 2011-2016; Scholarship Committee Chair 2010-12; Scholarship Grant Mentor 2016-17)
Legal Writing Institute 2005-
American Bar Association 2002-
American Association of Law Schools, Legal Writing Section Awards Committee 2010-12
American Bar Association Center for Professional Responsibility 2005-
Federal Bar Association 2002-
Inns of Court, Grand Rapids Chapter 2002-05
Inns of Court, Chicago Chapter 2018- (*ex officio*)

CONTINUING EDUCATION:

American Bar Association, Deans Conference, June 2019
American Bar Association, New Deans Conference, June 2018
American Bar Association, Associate Deans Conference, 2016, 2017
Association of Legal Writing Directors Annual Conference 2009, 2011, 2013, 2015, 2017, 2019
Legal Writing Institute, Biennial Conference 2006, 2008, 2010, 2012, 2014, 2016, 2018
American Association of Law Schools Conference 2017, 2018
Southeast Association of Law Schools (SEALS) Conference Moderator and Presenter 2010
Southeast Association of Law Schools (SEALS) Conference Mentor 2009
Southeast Association of Law Schools (SEALS) Conference Presenter 2008
Capital Area Legal Writing Conference 2011, 2012, 2013, 2014, 2015, 2016
Rocky Mountain Legal Writing Conference 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2019
Central States Legal Writing Conference 2012
Building an Assessment Plan Conference 2015
Southeast Legal Writing Conference, Volunteer 2007
Florida Junior Faculty Forum 2007, 2008
Dale Carnegie Training 2004
Grand Rapids Bar Assn. 2002-2005
Grand Rapids Bar Assn. Fund Development Cmte 2003-2004
Institute for Continuing Legal Education, Litigation Boot Camp 2003-2004
State Bar of Michigan ADR Section Annual Meeting 2004
DRI: Annual Damages Seminar, 2004 and 2005
Hillman Advocacy Program Advocate 2003, Volunteer 2004
Civil Depositions and Motion Practice 2003
Michigan Annual No-Fault Update 2002, 2003, and 2004