

AYESHA BELL HARDAWAY

Case Western Reserve University School of Law
11075 East Boulevard
Cleveland, OH 44106
(216) 368-6360
ayesha.hardaway@case.edu
SSRN: <http://ssrn.com/author=2298541>

ACADEMIC EMPLOYMENT

Case Western Reserve University School of Law, Cleveland, OH **June 2012 – present**

Assistant Professor of Law (2016 – present)

Co-Director, Social Justice Institute

Director, Social Justice Law Center

Director, Criminal Defense Clinic

Visiting Assistant Professor of Law (2012 – 2016)

Schubert Center for Child Studies Faculty Associate

Center for Genetic Research Ethics and Law Affiliated Faculty

Courses: Criminal Defense Clinic, Health Law Clinic, Civil Litigation Clinic, Public Health Law Lab, Selected Topics Health Law I and II, Moot Court and Trial Tactics Faculty Liaison

Committees: Admissions Committee (2014 –2016; 2017-2018); Appointments (2018-2020); Alumni Admissions Interviews (2013-2015), Diversity Committee (2011; 2020-); Library Committee (2017-2018); Curriculum (2017-2019)

EDUCATION

Case Western Reserve University School of Law, Cleveland, OH

Juris Doctor, 2004

Honors:

- Merit Scholarship
- Anderson Publishing Company Book Award
- CALI Excellence for the Future Award, Criminal Justice Law Clinic
- Dean's List – Spring 2003, Fall 2004, Spring 2004

The College of Wooster, Wooster, OH

Bachelor of Arts, Sociology, May 1997

Honors & Activities:

- Campus Leadership Award, Campus Council, Judicial Board, Dean's List

PUBLICATIONS

Articles:

Creating Space for Community Representation in Police Reform Litigation, 109 GEO. L. J. (forthcoming 2021)

The Supreme Court and the Illegitimacy of Lawless Fourth Amendment Policing, 100 B. U. L. REV. 1193 (2020)

Time is Not on Our Side, 15 STAN. J. C. R. & C. L. 137 (2019)

The Paradox of the Right to Contract, 39 SEATTLE U. L. REV. 957 (2016)

The Breach of the Common Law Trust Relationship between The United States and African Americans – A Substantive Right to Reparations, 39.4 N.Y.U. Rev. L. & Soc. Change 525 (2015) [SSRN](#)

The Case for International Reparations for Slavery Is Moral and Lawful, Even If Hard to Prove, [The New York Times](#) “Room for Debate” Op-Ed October 2015

Compensating Fact Witness: Unpatriotic or Commonplace Practice? – For the Defense, April 2010

Media:

The Associated Press – “Police contracts can stand in the way of accountability” interviewed by Martha Bellisle July 2020

The Center Square – “How will Ohio lawmakers tackle police reform?” interviewed by Todd DeFeo July 2020

Parents.com – “Why We Need to Go Beyond Not Seeing Color – Even for Little Kids” interviewed by Maressa Brown July 2020

NPR Affiliate 90.5 WKAR – “Protesters Want Big Police Reforms. Michigan Lawmakers Offer Small Changes” interviewed by Abigail Censky June 2020

ABC News Affiliate WEWS Channel 5 – “Gov. DeWine recommends officer licensing process, independent investigations, more training, other reforms” interviewed by Joe Pagonakis June 2020

Parents.com – “6 Black Moms on the Frontlines in the Fight Against Racism” interviewed by Maressa Brown June 2020

NPR Affiliate 90.3 WCPN – “What Does Defund the Police Mean?” interviewed by Michael McIntyre June 2020

Law360 – “Future Form of Police Unions Unclear After Floyd Protests” interviewed by Braden Campbell June 2020

ABC News Affiliate WEWS Channel 5 – “‘Enough is enough’: Why George Floyd’s death sparked widespread protests” interviewed by Emily Hamilton June 2020

Cleveland.com – “Cleveland blamed 1966 Hough riots on outsiders -- and it wasn’t true” interviewed by Mary Kilpatrick June 2020

Newswise – “Police Brutality and BLM Protests: Live Expert Panel” interviewed by Thomas Canalichio June 2020

Spectrum News – “Addressing Historical Injustice to Begin Progress and Healing” interviewed by Lindsay Oliver
June 2020

ABC News Affiliate WEWS Channel 5 – “Outdated Use of Force” interviewed by Michael Brookbank
May 2020

Cleveland.com – “Economic woes spawned by coronavirus crisis resurrecting talk of mergers, regional cooperation” interviewed by Peter Krouse
May 2020

Deadline – “Byron Allen Vs. Comcast: Supreme Court Hears Arguments On When a Racial Discrimination Case Is ‘Plausible’ Enough to Go Forward” interviewed by Ted Johnson
November 2019

NBC Affiliate WXIA - “Why did it take a jury so long to return verdict in Robert Olsen trial?”
interviewed by Jonathan Raymond
October 2019

Memphis Commercial Appeal – “With an officer assaulting a woman over a hot dog, where officers live is the least of MPD's woes” interviewed by Tonyaa Weathersbee
October 2019

NPR Affiliate 90.3 WCPN – “Efforts to Reduce Barriers to Re-Entry; Statehouse Update” interviewed by Michael McIntyre
April 2019

NBC News Affiliate WKYC Channel 3 – “Is Jussie Smollett a victim? How this could hurt other victims”
interviewed by Brandon Simmons
February 2019

Cleveland.com - “Stand your ground” debate begs larger discussion about race, Cleveland legislator says”
interviewed by Peter Krouse
December 2018

NPR Affiliate WKSU – “Ohio House Passes Controversial "Stand Your Ground" Law” interviewed by Mitch Felan
November 2018

Memphis Commercial Appeal – “Expensive jail calls are a crime against children of incarcerated parents”
interviewed by Tonyaa Weathersbee
November 2018

CBS News Affiliate WOIO Channel 19 – “Clash between East Cleveland policeman, driver raises questions” interviewed by Erin Logan
November 2018

ABC News Affiliate WEWS Channel 5 – Interviewed regarding the legal implications and potential an Ohio State Ballot Initiative by Homa Bash
November 2018

Crain's Business Cleveland –Featured in article “Shaker Heights grads often circle back to help beloved community” by Jay Miller
November 2017

Crain's Business Cleveland – Research featured in article “A legal case for repairing some of the damage” by Jeremy Nobile
August 2015

ABC News Affiliate WEWS Channel 5 – Interviewed regarding the selection of the Independent Monitor for the Consent Decree by Sarah Buduson
June 2015

NPR Affiliate 90.3 WCPN “Should We Keep the Grand Jury” – Interviewed by Michael McIntyre
May 2015

Mother Jones - Quoted in article “2 Shootings Caught on Video, 2 Young Black Victims, and Zero Charges Against the Police” by Jaeah Lee
May 2015

PRESENTATIONS

Invited Lecturer – *George Floyd Teach-In*, Seattle University School of Law and Case Western Reserve University School of Law
June 2020

Invited Panelist – “Police Reform Litigation and Social Movements” Law and Society Association Annual Meeting: Rule and Resistance
May 2020

Invited Presenter - *Police Brutality & Youth-Police Interaction*, Teaching Cleveland Learning Lab
January 2020

Paper Presentation – *Surely There's Room at the Table*, Northeast Ohio Faculty Colloquium, Michigan State University College of Law
December 2019

Paper Presentation – *Surely There's Room at the Table*, Northeast Ohio Faculty Colloquium, Cleveland-Marshall College of Law
November 2019

Invited Presenter – *Racism and The Juvenile Legal System*, Greater Cleveland Delta Foundation CLE Cleveland, OH
November 2019

Invited Moderator – *Rethinking Graham: Changing Law to Change Outcomes*, Boston University Law Review Symposium "Beyond Bad Apples: Exploring the Legal Determinants of Police Violence"
Boston, MA
October 2019

Invited Presenter – *The Case for Reparations: The Breach of the Common Law Trust Relationship*, Cleveland-Marshall College of Law School Symposium: “400 Years After: The Continuing Impact of Slavery
October 2019

Paper Presentation – *Surely There's Room at the Table*, LatCrit Biennial Conference, Georgia State University College of Law
October 2019

Moderator and Invited Presenter – *What to Publish and How to Build a Body of Work*, Lutie A. Lytle Faculty Workshop & Writing Retreat, Penn State Law
June 2019

Paper Presentation – *A Seat at the Table*, Lutie A. Lytle Faculty Workshop & Writing Retreat, Penn State Law
June 2019

Invited Panelist - *The Fifth Amendment: Self-Incrimination and Double Jeopardy*, The City Club of Cleveland ConstitutionALE
March 2019

Paper Presentation – *Time is Not on Our Side*, Lutie A. Lytle Faculty Workshop & Writing Retreat, SMU Dedman School of Law July 2018

Paper Presentation – *Law Enforcement Consent Decrees and Union Contract Provisions: Proportional and Congruent Remedies to Unconstitutional Policing*, University of Toledo, Faculty Exchange Workshop – March 2018

Invited Presenter, *Authoritarianism Yesterday and Today*, Case Western Reserve University Social Justice Institute – September 2017

Invited Presenter, *Cleveland Consent Decree: Its Process and Effects On the Police Department and Community*, National Black Prosecutor's Panel Presentation July 2017

Invited Presenter, *America's Challenge in Policing Police Brutality*, Case Western Reserve University School of Law – November 2017

Paper Presentation - *Law Enforcement Consent Decrees and Union Contract Terms: Proportional and Congruent Remedies to Unconstitutional Policing*, SEALS Conference Paper Presentation, Boca Raton, FL – August 2017

Lecturer - *The Paradox of the Right to Contract*, The City Club of Cleveland November 2017

Invited Presenter, *Law and Social Justice: Is there a Connection?* Case Western Reserve University School of Law April 2016

Invited Presenter, *Pursuing Full Rights of Citizenship 2015: The Clash between Constitutional Rights and Policing “The Criminalization of Marginalized People”*
Carl B. Stokes U.S. Courthouse December 2015

Invited Presenter, *Social Justice Institute Think Tank “Educating for Struggle: Social Justice, Empathy and Social Transformation”* Case Western Reserve University November 2015

Moderator, *Whren at Twenty: Systemic Racial Bias and the Criminal Justice System “Eroding Trust for Police Post Whren: How Did We Get Here and What does it Mean?”* Case Western University School of Law, Law Review Conference October 2015

Invited Presenter, “*The Path to Success on the ‘Inside,’*” Case Western Reserve University School of Law Women's Law and Leadership Conference October 2015

Paper Presentation and Discussion, “*The Paradox of the Right to Contract,*” University of Pittsburgh School of Law September 2015

Invited Presenter, *Global Ethical Leaders Society Discussion on Racial Discrimination “Power + Privilege,*” Case Western Reserve University Inamori Center September 2015

Invited Presenter, *Sesquicentennial Conference: The Thirteenth Amendment through the Lens of Class and Labor Symposium “The Paradox of the Right to Contract,”* Seattle University School of Law
June 2015

Invited Presenter, “*The Paradox of the Right to Contract*” The Association of American Law Schools
May 2015

Invited Presenter, “#BlackLivesMatter: Law Clinic, Field Placements and Clinical Response in Sanford, Ferguson, Staten Island, Cleveland and Our Communities”
The Association of American Law Schools May 2015

Moderator, *Zaremski Law-Medicine Forum “Will the Supreme Court Upend the Affordable Care Act?”*
Case Western University School of Law April 2015

Moderator, *The Institute for Global Security and Law Panel Discussion “Police Brutality, Race, and the Law,”* Case Western University School of Law January 2015

Invited Presenter and Moderator, *50th Anniversary of the 1964 Civil Rights Act: Has America Moved Beyond Race? “Future Outlook”*
November 2014

Moderator, *Zaremski Law-Medicine Forum “The Hobby Lobby Decision: Its Effect on Reproductive Rights and Judicial Precedent,”* Case Western University School of Law
September 2014

Invited Presenter, *Annual Conference on Clinical Education “The Globalization of Legal Education: Integrating International LLM and JD Students into Litigation and Non-Litigation Clinics in the U.S.”*
The Association of American Law Schools April 27 – May 1, 2013

Invited Presenter, “*The Breach of the Common Law Trust*” Loyola University Chicago School of Law
April 2013

Invited Presenter, *Fisher v. University of Texas – Debate on Affirmative Action*, Case Western Reserve University School of Law November 2012

GRANT WORK

Co-Investigator, Ethical, Legal and Social Implications Reproductive Genomic Testing and Screening, Grant Proposal submitted to The National Institute of Health November 2013/February 2014

Investigator, Pilot Study of Opinion Leaders on African American Attitudes about Reproductive Genomic Testing and Screening funded by Center for Genetic Research Ethics and Law September 2014

OTHER LEGAL EMPLOYMENT

The Aden Group
Independent Deputy Monitor September 2019 – present

Serving as deputy monitor to the federal judge overseeing the implementation of the of the Consent Decree between the City of Cleveland and the United States Department of Justice to reform the Cleveland Police Department.

Police Assessment Resource Center

Community Engagement Team

September 2015 - 2019

Selected to serve on the team of experts advising the Independent Monitor appointed to assess, implement, and evaluate the terms of the Consent Decree between the City of Cleveland and the United States Department of Justice to reform the Cleveland Police Department following a finding of their pattern and practice of unconstitutional policing.

Tucker Ellis, LLP - CLEVELAND, OHIO

Litigation Department

Counsel

January 2011 – June 2012

Associate

May 2006 – December 2010

Practiced as a member of a National Coordinating Counsel team responsible for managing and organizing the defense of two major manufacturers against product liability cases throughout the country. Responsible for managing and collaborating with local counsel, defend clients' interests from the inception of the case to completion by interviewing and preparing witnesses to be deposed, taking and defending depositions, drafting relevant motions, arguing motions before the court, conducting settlement negotiations and reporting to the client. Also practiced as defense counsel for various pharmaceutical and medical related clients in product liability and medical malpractice suits. Additional experience in defending against medical malpractice suits and pharmaceutical product liability actions in the MDL. Responsible for supervising associates and managing staff.

Cuyahoga County Prosecutor - CLEVELAND, OHIO

Assistant Prosecuting Attorney

General Felony Unit

March 2006 – May 2006

Juvenile Division/Delinquency

December 2005 – March 2006

Juvenile Division/CSEA

November 2004 – December 2005

Represented the State of Ohio in the prosecution of adult felony offenses, juvenile delinquency misdemeanors, and child support enforcement actions. Prosecuted cases from the beginning at the pre-trial stage through sentencing, completing discovery, subpoenaing witnesses, as well as responding to various defense motions concerning suppression and competency.

Law Clerk

Appellate Division

May 2003 – November 2004

Worked directly with various prosecutors to research, draft and finalize appeals for a variety of criminal issues. Drafted responses to motions on issues such as *habeas corpus* and genetic testing.

Assisted major trial prosecutors in the investigation and indictment of suspected felony offenders.

Compiled and organized exhibits for felony trials.

AWARDS AND HONORS

- Society of Benchers Inductee, 2020
- Who's Who in Black Cleveland, 2017 and 2019

PROFESSIONAL/CIVIC AFFILIATIONS

- Member, United States District Court, Northern District of Ohio Advisory Group (2013 – present)
Access to Justice Co-Chair (2018-)

- ABLE Project Board of Advisors, Georgetown Law Center (2020-)
- Cleveland Metropolitan Bar Association
 - Judge4Yourself Judicial Ratings Committee (2020-)
 - Co-Chair, Stokes Scholars Internship Program (2011-2015)
 - Co-Chair, High School Internship Program (2008-2011)
 - Team Leader, 3Rs Team (2007-2010)
 - Coach, Mock Trial Competition Coach (2008-2009)
- Member, Norman S. Minor Bar Association
- Cleveland Rape Crisis Center, Board of Directors and Executive Committee (2008 – 2013)
- Go Red for Women – American Heart Association, Corporate Leadership Team (2008-2010)
- Olivet Housing and Community Development Corporation, General Counsel (2014 – 2018)
- The College of Wooster Alumni Board (2015 – 2018)
- Eighth District Judicial Committee, Lifetime Member (2013 – present)
- Shaker City Schools Strategic Planning Committee - Alumni and Community Member (2014)
- Shaker Heights City Schools Equity Task Force Member (2017 - 2019)
- Shaker Heights City Schools Equity Implementation Team Member (2019-present)
- Elected Member, Shaker Heights City Board of Education (2018-)

BAR MEMBERSHIP

State of Ohio, 2004

United States District Court Northern District of Ohio, 2009