

# David J. Carney

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## Education

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI

*J.D. Cum Laude*, May 1989

HIRAM COLLEGE, Hiram, OH

*B.A. Cum Laude*, Political Science and Economics,  
June 1986

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## Honors, Activities & Publications

Member, *Board of Education*, Cleveland Municipal School District, 1998 – present.

Currently serving four-year term as member of nine-person board of education appointed by Mayor White to oversee operation and reform of Cleveland Public Schools.

**1984 Truman Scholar.** Four year national scholarship awarded to individuals with demonstrated interest in government service, teaching or other public interest work.

**Contributing Editor**, Gotherman and Babbitt's *Ohio Municipal Law*, 1992 Revision.

**Contributing Editor**, University of Michigan Journal of

Law Reform, vol. 21 (1989)

Currently preparing articles on the following topics:

- The Scope Of The "Fair Use" Exception To U.S. Copyright Laws In Educational Use Of The Internet. Article will address the legal implications of incorporation of copyrighted material into "educational" web sites and the difficulties of applying traditional copyright doctrine to the Internet in general and educational web sites in particular.
  - The Constitutionality of Laws Regulating Unsolicited E-Mail on the Internet. This article will examine several recent attempts by State legislatures (most notably California) to pass laws regulating the use of "spamming," i.e., the e-mailing of junk solicitations to internet users.
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## Employment Experience

CASE WESTERN RESERVE UNIVERSITY  
SCHOOL OF LAW,  
Cleveland, OH

Professor of Lawyering Skills/Instructor at Law, 1997-present

### Courses Currently Teaching or Scheduled to Teach

**Research Analysis and Writing:** Mandatory Two-Semester Course Taught to all First-Year Law Students; teaches students the basic skills required to practice law, especially written communications such as legal memoranda and briefs.

**Appellate Advocacy:** Advanced Course offered to Second and Third Year Law Students; teaches students

the skills necessary to successfully represent clients before the court of appeals and the United States Supreme Court.

**Trial Tactics:** Advanced Course offered to Second and Third-Year Law Students concerning specific tactics and practices to be used in court when trying cases for clients.

**Evidence:** Advanced Course offered to Second and Third-Year Law Students covering the provisions of the Federal Rules of Evidence.

Currently developing proposal for course on

**Telecommunications and the Internet**, focusing on legal and administrative issues presented by wireless telephony, and the merger of telephone, data, and cable television into one information infrastructure.

**CALFEE, HALTER & GRISWOLD,**  
**Cleveland, OH**

**Litigation and Public Law Associate, 1989-1997**

Served as attorney for Cleveland's second-largest law firm, representing wide variety of corporate, governmental, and individual clients, as described in greater detail below.

**Trial Practice Experience**

First chair jury and bench trial experience in state and federal courts.

First chair appellate experience. Briefed and argued numerous motions and appeals; Served as primary author of briefs filed in state and federal courts,

including Ohio Supreme Court and United States Court of Appeals for the 6<sup>th</sup> Circuit.

Represented clients in arbitrations, mediations and wide variety of other ADR proceedings.

Conducted depositions of fact and expert witnesses, supervised younger associates in research and writing, discovery, trial and case management.

### **Substantive Legal Expertise**

Substantial expertise in areas of public and administrative law, including Ohio municipal law, Ohio public records law, elections law, and Ohio constitutional law. Drafted legislation and advised city, village, township and county legislative bodies regarding proposed legislation, statutory interpretation, settlement of pending litigation, zoning disputes, and other matters; Represented wide variety of Ohio city or county governments, governmental officials, and quasi-governmental organizations in wide variety of public sector litigation. Representative clients include the Ohio Municipal League, the Ohio Municipal Attorneys Association, MetroHealth Medical Center, Summit County Executive and Council, Cities of Cleveland, Cincinnati, Toledo, Dayton, Euclid, Montgomery, and Bedford, and Greater Cleveland RTA.

Author of *Amicus Curie* briefs filed with Ohio Supreme Court and Sixth Circuit Court of Appeals regarding state and federal Constitutional law, including claims regarding First and Fifth Amendments to the United States Constitution.

Litigated actions alleging civil rights violations,

employment discrimination, wrongful termination and breach of employment contract.

Experienced with Ohio land use and zoning law, including land use and eminent domain litigation.

Represented Cleveland RTA in Waterfront Line expansion of Rapid through Flats and along Cleveland's lakefront to Cleveland Municipal Stadium and Rock and Roll Hall of Fame.

Substantial experience in field of environmental law, especially Superfund litigation. Represented Fortune 500 Corporations in environmental litigation in Ohio and other states.

Represented several clients in complex engineering malpractice litigation concerning allegedly defective design, testing, and construction of complex machines and structures.

Represented utilities in hearings before the Public Utilities Commission of Ohio concerning allegations of unfair competition and compliance with provisions of Telecommunications Act of 1996.

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## **Activities & Interests**

Personal interests include baseball, military history, politics, and the Internet.

Member, Legal Writing Institute

Member, American, Cleveland and Ohio State Bar Associations

Associate Member, Cuyahoga County Law Directors Association

