

# ANDREW GERONIMO

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## TEACHING EXPERIENCE

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### **Case Western Reserve University School of Law, Cleveland, Ohio**

*Lecturer in Law & Director, First Amendment Clinic, 2020 – present;*

*Director, Intellectual Property Venture Clinic, 2019 – 2020;*

*Stanton Foundation First Amendment Fellow, 2017-2018*

#### Courses Taught:

##### **First Amendment Clinic Seminar, 2020 – present; Fall 2018**

- Supervise Certified Legal Interns in all aspects of speech-defense litigation, from pre-investigation, pleading, discovery, motion practice, trials, appeals, and settlement with an emphasis on client service and professional conduct;
- Represent clients in litigation matters asserting First Amendment civil rights claims, defending causes of action sounding in defamation, and public access to courts, court records, and public records.
- Counsel clients regarding newsgathering rights, access rights, pre-publication review, and other matters implicating speech rights.

##### **Intellectual Property Venture Clinic Seminar, Spring 2019; 2019 – 2020**

- Supervise Certified Legal Interns in corporate, transactional, and intellectual property matters for a student entrepreneur client base with an emphasis on client service and professional conduct;
- Co-taught bi-weekly seminar introducing students to contract drafting, corporate law concepts, intellectual property concepts, funding and valuation, and blue sky laws and exemptions;

##### **First Amendment Government Transparency Lab, Spring 2018**

##### **First Amendment and the Arts Lab, Fall 2017 (co-taught with Adjunct Professor)**

#### Other Faculty Service:

- Recipient, Latinx Law Students Association “Trailblazer Award,” 2023;
- Clinic Administrative Responsibilities: *Civil Rights Clinic Litigation Coverage* –Spring 2018, *Summer Clinic Coverage & Extern Supervision* – Summer 2019;
- Stephanie Tubbs Jones Summer Legal Academy (legal education program for inner-city high school students) – Summer 2019, Summer 2018;
- Student-Faculty Mentorship Program.

## **OTHER LEGAL EXPERIENCE**

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### **The Pattakos Law Firm, LLC, Fairlawn, Ohio**

*Of Counsel, 2019 – present*

- Represent clients in First Amendment and other civil rights litigation.

### **Singerman, Mills, Desberg & Kauntz Co., LPA, Cleveland, Ohio**

*Associate Attorney, 2014 – 2017*

- Represented clients in a wide variety of litigation matters in state and federal courts through all stages of litigation, from intake, evaluation, pleading, motion practice, discovery, summary judgment, trial, settlement, and appeal.
- Matters included contract- and statutory-based claims, injunctions, eviction, zoning, quiet title and other real property claims, intentional torts, negligence, the Uniform Commercial Code, nondisclosure/trade secrets, eviction, and foreclosure.
- Counseled clients on business, corporate, and compliance issues including areas of real estate, employment, environmental, professional licensing, and trade secret.

### **Mansour, Gavin, Gerlack & Manos Co., LPA, Cleveland, Ohio**

*Associate Attorney, 2012 – 2014*

- Represented clients in a wide variety of litigation matters in state and federal courts and before administrative boards, including cases relating to negligence, breach of contract, civil rights, fair housing, products liability, employment, and defamation and other intentional torts.

### **Baker & Hostetler LLP, Cleveland, Ohio**

*Staff Attorney, 2011 – 2012*

- Assisted in preparation of case materials and analysis of e-discovery issues for the liquidation proceeding of Bernard L. Madoff Investment Securities LLC and related litigation matters.
- Reviewed and analyzed pleadings, evidence, and discovery materials for complex securities and financial fraud issues in a time-pressured litigation setting.

### **Cleveland Metropolitan Bar Association, Cleveland, Ohio**

*Staff Attorney, 2010 – 2011*

*Law Clerk, 2008 – 2010*

- Investigated and prosecuted attorneys accused of ethical misconduct and non-attorneys accused of engaging in the unauthorized practice of law.
- Drafted ethics opinions providing guidance on compliance with the Ohio Rules of Professional Conduct.

### **Federal Public Defender for the Northern District of Ohio, Cleveland, Ohio**

*Legal Extern, 2009*

- Researched legal issues and wrote motions for indigent defendants' criminal matters in the U.S. District Court for the Northern District of Ohio and the Sixth Circuit Court of Appeals involving allegations of violence, terrorism, internet-based crimes, and drug and firearm crimes.

## EDUCATION

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**Case Western Reserve University School of Law, Cleveland, Ohio**

J.D., 2010

- Dean's Honor List;
- Founding Member & Co-Editor in Chief, *Journal of Law, Technology & the Internet*;
- CALI Excellence for the Future Award Recipient, *Copyright in the Digital Millennium Seminar (Towards a Postmodern Conception of Authorship in U.S. Copyright Law)*;
- Social Justice Fellow, Federal Public Defender;
- Selected Participant, *Cleveland Bar Association Minority Clerkship Program*.

**Fort Lewis College, Durango, Colorado**

B.A., English, 2005

- Senior Thesis, *Translation as Deconstruction: Authorial Intention and the Role of the Translator*, selected for 2006 Int'l Assn. for Translation and Intercultural Studies Conference; Helpdesk Technician in the Information Technology Dept.

## PUBLICATIONS

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[\*Memo to Larry Householder: The First Amendment Guards against using political position to suppress dissenting speech\*](#), CLEVELAND.COM (June 17, 2019).

[\*Ohio Open Government Guide\*](#), Reporters Committee for Freedom of the Press (2019 Update, with David Marburger).

*Ohio Adopts the Uniform Bar Exam*, Cleveland Metropolitan Bar Journal, October 2018.

## PRESENTATIONS

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Panelist, [\*Protecting Everyones' Constitutional Rights: Panel on Qualified Immunity\*](#), Institute for Justice & Case Western Reserve University Social Justice Institute, Feb. 18, 2023.

Panelist, [\*From the Civil Rights Movement to Depp v. Heard: New York Times v. Sullivan, its Past, Present, and Future\*](#), American Bar Association Forum on Communications Law Pro Bono Day of Service, Loyola University New Orleans School of Law, Feb. 2, 2023.

Moderator, *America's Classrooms: Frontlines of the First Amendment*, [\*Panel II: Academic Freedom and Student Mistreatment\*](#), Case Western Reserve Law Review Symposium, Oct. 28, 2022

[\*Jacobellis v. Ohio and the Trouble With Obscenity\*](#), Cleveland Metropolitan Bar Association Walking CLE Tour, July 14, 2022.

*Media & The Law*, Cleveland-Marshall College of Law Alumni Association CLE program, Apr. 22, 2022.

[Truth, Lies, and Malice: First Amendment Limits on State Defamation Law](#), CWRU School of Law Homecoming CLE Presentation, Oct 23, 2021.

*The Intersection of the Law and Social Media*, Cleveland Metropolitan Bar Association Media and the Law Series, Dec. 14, 2020

[Political Activism, Lobbying, and Free Speech](#), Cleveland Metropolitan Bar Association Volunteer Lawyers for the Arts, Oct. 27, 2020.

*Police Body Cameras & Facial Recognition*, Cleveland Metropolitan Bar Association Media and the Law Series, Oct. 16, 2020.

[Communications Decency Act Section 230 and The Future of Online Speech](#), CWRU School of Law Panel Discussion, June 30, 2020.

*Written Testimony regarding Government Transparency*, Ohio House of Representatives, Subcommittee on Criminal Sentencing, Nov. 16, 2019.

*A Discussion of Gibson Bros. Inc. v. Oberlin College: The First Amendment on College Campuses*, Cleveland Metropolitan Bar Association, Oct. 24, 2019.

*Internet Free Speech: Blocking, Banning & Removing Content*, Case Western Reserve University School of Law Louis C. Greenwood Lecture Series Downtown at the City Club, The City Club of Cleveland, Oct. 16, 2019.

*Protest Art: Free Speech and Its Legal Boundaries*, Cleveland Metropolitan Bar Association Volunteer Lawyers for the Arts, Spaces Gallery, Nov. 29, 2018.

*Judicial and Attorney Ethical Issues in Serial Podcast, Season 3*, Ursuline College Paralegal Studies Legal Ethics Course, Oct. 10, 2018.

Guest Lecture, *Attorney Discipline Litigation Overview*, Ursuline College Paralegal Studies Legal Ethics Course – February 2011, February 2014, January 2017

Guest Lecture, *Networking Skills Workshop/Relationship Building Panel*, Case Western Reserve University School of Law Professional Development Series – August 2015, October 2016

## **SELECTED LITIGATION MATTERS**

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### **Clinical Litigation (direct client representation while supervising students / fellows)**

- *City of Beachwood and Katherine McLaughlin v. John Doe*, Cuyahoga County Court of Common Pleas, representing anonymous internet commenter sued for defamation, successfully defended a Motion to Authorize Discovery based upon the Court's ruling that all of the posts at issue was constitutionally protected speech.

- *Thompson-Hashman v. Whitmore, et al.*, Athens County (Ohio) Court of Common Pleas No. 20CI00094 (2020-2023), representing a defendant in a defamation lawsuit, obtained summary judgment on defamation, intentional infliction of emotional distress, and civil conspiracy claims in case involving a former Clerk of City Council, hired while her father was a Councilmember, who sued anonymous internet commenters for criticism of her official conduct for “nepotism” and “corruption.”
- *State ex rel. Standifer & Cleveland Scene v. City of Cleveland*, Ohio Sup. Ct. No. 2021-1280, 2022-Ohio-3711, representing investigative journalist and local alt-weekly in Ohio Public Records Act case involving the Cleveland Division of Police’s Use-of-Force reports. After Ohio’s Eighth District Court of Appeals found the records were exempt from disclosure as Confidential Law Enforcement Investigatory Records, appealed to The Supreme Court of Ohio, which reversed and ordered the release of records unless the City made a specific showing.
- *State ex rel. Dissell v. City of Cleveland*, Ohio Ct. App. 8th Dist., representing investigative journalist in Ohio Public Records Act case involving data in the City of Cleveland’s “Mayor’s Action Center,” a telephone number and website form soliciting input from the public on city services.
- *State ex rel. Ideastream Public Media v. City of Cleveland & State ex rel. Ideastream Public Media v. Cleveland Metropolitan Housing Authority*, Ohio Ct. App. 8th Dist., representing investigative journalist and public media outlet seeking surveillance video of Cleveland Metropolitan Housing Authority police fatally shooting a young man.
- *Wood v. Eubanks*, (6th Cir. No. 20-3599, decision at [25 F.4th 414](#) (6th Cir. 2022)), supervised Clinical Fellow in her first appellate argument in a case involving claims of First Amendment retaliation for client’s ejection from a County fair while wearing a t-shirt that said “Fuck the Police.” We successfully argued for a narrow view of “fighting words” in light of Ohio’s disorderly conduct statute, and successfully defeated the officers’ qualified immunity defense.
- *Koger v. Mohr et al.* (N.D. Ohio No. 4:17-cv-02409)(6th Cir. No. 19-4020, decision at [964 F.3d 532](#) (6th Cir. 2020)), (Representing Rastafarian inmate bringing claims against prison officials under the First and Fourteenth Amendments and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc, et seq., for burdening his religious exercise in a discriminatory way. Briefed Summary Judgment, obtained reversal of grant of summary judgment in the United States Court of Appeals for the Sixth Circuit, and supervised three students and one clinical fellow in a 4-day bench trial).
- *Cover v. Ohio Department of Rehabilitation and Correction* (Ohio Court of Claims) (public records litigation regarding prison video of the force-cut of client’s

dreadlocks (see above)). *State of Ohio v. Hawkins* (Ohio Ct. App. 8th Dist. No. CA-18-108057) (Supervising student appeal of a criminal matter alleging ineffective assistance of counsel).

- *State of Ohio v. Hawkins* (Ohio Ct. App. 8th Dist. No. No. 18-107821) (Supervising student appeal of a criminal matter alleging ineffective assistance of counsel).
- *Phillips v. Cincinnati*, (S.D. Ohio No. 1:18-cv-00541) (Representing homeless people challenging the criminalization of homelessness, bringing claims under the First, Fourth, Fifth, Eighth, and Fourteenth Amendments).
- *State ex rel. Advance Ohio v. Breaux* (Ohio Ct. App. 9th Dist. No. CA-28642) (Representing media outlet bringing writs of mandamus and prohibition against trial judge and common pleas court, alleging a wrongful restraint on public access to a civil case alleging widespread fraud by a personal injury law firm).

### **Private Practice**

- *Lawless v. Cleveland State University* (N.D. Ohio No. 1:19-cv-00178) (Representing artist bringing claims under the First Amendment and the Visual Artists Rights Act, 17 U.S.C. § 106A and a request for injunctive relief against a public university for censoring his sculpture on university property).
- *Bedford Associates, et al. v. Coleman Ali-El, et al.* (Ohio C.P., Cuyahoga Cty., No CV-16-869226; N.D. Ohio No. 1:16-cv-03016) (Representing property owner seeking injunctive relief for defendant's alleged harassment by stalking, malicious prosecution, and defamation).
- *Lake Breeze Condominium Owners Assn. v. Eastlake Ohio Developers LLC* (Ohio C.P., Lake Cty., No. 16-CV-001477) (Representing property owner seeking injunctive relief and damages to prevent defendant's alleged trespass to build a housing development).
- *Meldon v. Village of Chagrin Falls* (Ohio C.P., Cuyahoga Cty., No. 16-CV-866473; N.D. Ohio No 1:16-cv-02085) (Civil rights action alleging unlawful arrest, imprisonment, and wrongful condemnation of client's property).
- *Wildberry Homeowners Assn. v. Schuffert* (Ohio Ct. App. 9th Dist. No. 15-CA-010840) (Representing homeowners association in appeal seeking enforcement of association declarations against homeowner).
- *Abbe Road Realty, LLC v. Kuehne & Nagel, Inc.* (N.D. Ohio No. 1:14-cv-02463) (Representing property owner in commercial lease dispute).

- *Hurd v. Polverine, et al.* (N.D. Ohio No. 1:12-cv-02037) (Representing government officials in civil rights action brought by inmate alleging excessive force and denial of medical care).
- *Teodecki v. Litchfield Twp.* (N.D. Ohio No. 1:11-cv-2737) (Representing government officials in claims of First Amendment retaliation, defamation, and a constitutional right of privacy).
- *Cleveland Metropolitan Bar Assn. v. Axner*, 135 Ohio St.3d 241, 2013-Ohio-400 (Ohio Sup. Ct.) (disciplinary case against attorney accused of neglecting client matters, failure to communicate with clients, and failure to cooperate with the investigation).
- *Cleveland Metropolitan Bar Assn. v. Brown*, 143 Ohio St.3d 333, 2015-Ohio-2344 (Ohio Sup. Ct.) (disciplinary case against attorney for neglecting client matters, mishandling client funds, and other misconduct).

## **PROFESSIONAL MEMBERSHIPS & COMMUNITY ACTIVITIES**

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**Amicus Curiae**, *Bey v. Resawehr*, Ohio Supreme Court No. 2019-0295 (regarding the balance between the First Amendment and civil stalking protection orders prohibiting persons from posting on social media).

**Advisory Board Member**, *Initiative for a Representative First Amendment*, Berkman Klein Center for Internet & Society and the Cyberlaw Clinic at Harvard University

**Member**, Free Expression Legal Network

**Committee Member (2010-2020)**, Certified Grievance Committee, Cleveland Metropolitan Bar Association

**Committee Member (2010-present)**, Bar Admissions Committee, Cleveland Metropolitan Bar Association

**Board Member**, Legal Studies Advisory Board, Ursuline College

**Member**, Clinical Legal Education Association

**Volunteer Judicial Panelist**, Ohio High School Mock Trial Competition

## **MEDIA MENTIONS**

WOIO Staff, [Judge Strikes Down Bid to ID Critic](#), WOIO Cleveland (CBS Affiliate), Apr. 24, 2023.

Mark Oprea, [Judge Denies Beachwood Police Chief's Attempt to Identify Anonymous Commenter](#), Cleveland Scene, Apr. 22, 2023.

Spectrum News Staff, [Implications of Fox News, Dominion Voting Systems settlement, Spectrum News](#), Apr. 20, 2023.

Eric Heisig, [Norfolk Southern Judge's Frank Demeanor Demands Lawyers' Focus](#), Bloomberg, Apr. 20, 2023.

The Athens Messenger staff, [Lawsuit against Nelsonville Crackheads Facebook page administrator settled](#), The Athens Messenger, Apr. 19, 2023.

Harry Brunius, [Dominion v. Fox: Could case be weaponized against freedom of press?](#), [Christian Science Monitor](#), Apr. 17, 2023.

Alex Woodward, [Will Fox News settle the Dominion defamation lawsuit? First Amendment experts aren't so sure](#), The Independent, Mar. 17, 2023.

The Megyn Kelly Show, [Dominion and Fox News Arguments in Major First Amendment Case](#), SiriusXM, Mar. 3, 2023 (live cable news appearance).

Stephen Battaglio, [How strong is Dominion's defamation case against Fox News? Legal experts weigh in](#), Los Angeles Times, Mar. 1, 2023.

Case.edu, [First Amendment Clinic recovers \\$29,750 in Attorneys' Fees In \\$155,000 Settlement in Civil Rights Lawsuits for Violation of First Amendment Rights](#), Feb. 22, 2023.

Scripps News "Morning Rush," Panel Discussion on Actual Malice and Dominion's Motion for Summary Judgment in [Dominion Voting Systems v. Fox Corp.](#) defamation lawsuit, Feb. 20, 2023 (live cable news appearance).

Becky Raspe, [CWRU School of Law enters City of Beachwood vs. John Doe Lawsuit](#), Cleveland Jewish News, Feb. 8, 2023.

Cory Shaffer, [National organization wants to join legal fight over Beachwood, police chief's efforts to unmask anonymous critics](#), [cleveland.com](#), Jan. 23, 2023.

Cory Shaffer, [Beachwood, police chief file defamation lawsuit to find out who has been anonymously criticizing her](#), [cleveland.com](#), Jan. 12, 2023.

Jessi Schulz, [Ethan Liming family attorney considering a lawsuit against TikTok and toy-gun manufacturer after teen's death](#), WEWS Cleveland, July 28, 2022.

Peter Hunt Szpytek, [A look into Texas' controversial anti-censorship law HB 20](#), Digital Trends (May 23, 2022).

Trone Dowd, [It's Totally Legal to Yell 'Fuck You' at Cops. Why are People Still Getting Arrested?](#), Vice News, (Mar. 3, 2022).



Jessie Balmert, [\*Tired of political text messages? Do Not Call list won't help\*](#), Cincinnati Enquirer (Jan. 31, 2022).

[\*Faculty Network Interview: Andrew Geronimo, Case Western Reserve University\*](#), Foundation for Individual Rights and Expression (Nov. 22, 2021).

Cory Shaffer, [\*Judge rejects Cuyahoga County prosecutor's request for gag order against man whose 1989 murder conviction was overturned\*](#), cleveland.com (Oct. 29, 2021).

Dani Kington, *Lawyer for CrackHeads page alleges potential misconduct in defamation, free speech case*, Athens Messenger (Oct 1., 2021).

Gary White, [\*Rep. Scott Franklin's limits on Facebook comments draw complaints\*](#), The Lakeland (FL) Ledger (Aug. 26, 2021).

Henry Gass, Harry Bruinius, Chelsea Sheasley, [\*The case of the cursing cheerleader: Justices give students free speech win\*](#), Christian Science Monitor (June 24, 2021).

Brad Kutner, [\*Virginia Republican Files Defamation Suit Over Anonymous Text Calling Him Gay\*](#), Courthouse News (May 4, 2021).

Mary Hansen, [\*Can Cops Say That?\*](#), NPR Illinois/Illinois Times, (Apr. 8, 2021).

Brad Kutner, [\*Trump Insurrection Creates Complex Civil Liability Questions\*](#), Courthouse News (Feb. 13, 2021).

Sam Allard, *Two Indicted on Felony Assault Charges for Using Megaphones at TownHall Protest*, Cleveland Scene (Jan. 28, 2021).

Vince Grzegorek, *Do U.S. Trademark Office Rulings Give Early Insight Into Possible New Names for Cleveland Indians?*, Cleveland Scene (Jan. 25, 2021).

Aja Romano, [\*Kicking people off social media isn't about free speech\*](#), Vox (Jan. 21, 2021).

Courtney Astolfi, [\*First Amendment scholars weigh in on legality of Terminal Tower "Biden Harris" light display\*](#), Cleveland.com (Oct. 5, 2021).

Eric Heisig, [\*Mass gatherings of 100 or more are banned in Ohio because of coronavirus. So why can people still go to church?\*](#), Cleveland.com (Mar. 13, 2020).

Evan MacDonald, [\*Citizen app debuts in Cleveland, bringing crime alerts to users' cellphones\*](#), Cleveland.com (Feb. 17, 2020).

Shira Feder, [\*Why we over-share on dating apps \(even when we know we shouldn't\)\*](#), Insider (Feb. 14, 2020).

Todd DeFeo, [Ohio Senate approves campus free speech measure](#), The Center Square (Feb. 4, 2020).

Kevin Barry, [New service called 'Bark' helps teachers monitor and protect children from online bullying](#), WEWS NEWS5 Cleveland (Feb. 5, 2020).

Mason Vera Paine, [Sorting Through COPPA](#), WGN Radio 720 (Dec. 9, 2019).

Rachel Polansky, [3News Investigates Ring's Cozy Relationship With Four Northeast Ohio Police Departments](#), WKYC-TV Cleveland (Nov. 12, 2019).

Scott Fallon and Lindy Washburn, [A year after Wanaque deaths, NJ still refuses to release documents showing its response](#), North Jersey Record (Oct. 23, 2019).

Sabrina Eaton, [Geauga County Judge David Ondrey won't release letters written on Scott Coleman's behalf](#), cleveland.com (Oct. 18, 2019).

Olivia Fecteau, [Fans alert local T-shirt company to copycats](#), WEWS News 5 Cleveland (Aug. 1, 2019).

Bill Sheil, [I-Team: Court battle to find out how much local community college paid actress to speak at luncheon](#), FOX 8 Cleveland (June 26, 2019).

Joe Pagonakis, [Local experts say Facebook needs more scrutiny after New Zealand Massacre was broadcast live](#), WEWS News 5 Cleveland (Mar. 15, 2019).

Chance Seales, [Social Media Content Moderation](#), Newsy *The Why* (Mar. 19, 2019).

Alan Cohn, [Who are you really engaging with on social media?](#), WOIO Channel 19 News Cleveland (Feb. 14, 2019).

Lindsay McKenzie, [Liberty University stands by CIO, despite questionable business activities](#), Inside Higher Ed (Jan. 29, 2019).

Nick Castele, [Lawsuit Says Cleveland State Censored Sculpture Criticizing Trump](#), ideastream (Jan. 24, 2019).

Eric Heisig, [Lawsuit against Cleveland State says officials censored phrase critical of Trump on large sculpture](#), cleveland.com (Jan. 24, 2019).

Vince Grzegorek, [Artist Sues Cleveland State for Censoring Trump Message on His Iconic 'The Politician: A Toy' Sculpture](#), Cleveland Scene (Jan. 24, 2019).

Annie Zaleski, [Protecting Speech: New law clinic defends First Amendment rights](#), CWRU Think Magazine (Summer 2018).

Cory Shaffer, [Judge lifts gag order in KNR lawsuit and restores access to court records](#), cleveland.com (Oct. 16, 2017).

Cory Shaffer, [Lawyers for cleveland.com ask appeals court to lift KRN lawsuit gag order, restore access to records](#), cleveland.com (May 19, 2017).

## **BAR ADMISSIONS**

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Ohio (2010); U.S. Court of Appeals for the Sixth Circuit (2012); U.S. District Court, N.D. Ohio (2012), U.S District Court, S.D. Ohio (2017).