

Andrew S. Pollis

Case Western Reserve University School of Law
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ACADEMIC APPOINTMENT

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

Professor (2016–present)
Associate Professor (2014–16)
Assistant Professor (2011–14)
Visiting Assistant Professor (2008–11)

COURSES

APPELLATE LITIGATION CLINIC (2020–present)

Notable Cases

- [*State v. Barnes*](#), 163 Ohio St.3d 1508, 2021-Ohio-2481, --- N.E.3d --- (accepting jurisdiction over appellate-court decision in [*State v. Barnes*](#), 2021-Ohio-842 (Ohio Ct. App., 8th Dist.), to review Ohio standard for pre-sentence motions to withdraw guilty pleas)
- [*State v. Hervey*](#), 2022-Ohio-1498 (Ohio Ct. App., 8th Dist.) (vacating imposition of consecutive sentences)
- [*Sharp v. M3C Investments LLC*](#), 2022-Ohio-1394 (Ohio Ct. App., 8th Dist.) (reversing trial court’s determination of damages on default judgment without affording plaintiff a jury trial)
- [*City of Cleveland v. Davis*](#), 2022-Ohio-195 (Ohio Ct. App., 8th Dist.) (vacating conviction based on improper waiver of right to counsel)
- [*City of Parma v. Hardimon*](#), 2021-Ohio-4430 (Ohio Ct. App., 8th Dist.) (vacating denial of motion to withdraw guilty plea)
- [*State v. Byas*](#), 2021-Ohio-3924 (Ohio Ct. App. 8th Dist.) (vacating conviction based on coerced no-contest plea)
- [*City of Cleveland v. McIntyre*](#), 2021-Ohio-2517 (Ohio Ct. App., 8th Dist.) (affirming summary judgment for defendant against City’s claim for reimbursement of cost to demolish distressed home)
- [*State v. Ketchum*](#), 2021-Ohio-1583 (Ohio Ct. App., 8th Dist.) (reversing conviction based on indictment that failed to identify second offending incident in alleged criminal pattern of conduct)
- [*City of Cleveland v. Beach*](#), 2021-Ohio-577 (Ohio Ct. App., 8th Dist.) (reversing conviction for violation of speedy-trial statute)

CIVIL LITIGATION PRACTICUM (FOR FIRST-YEAR STUDENTS) (2019–2021)

EVIDENCE (2019–present)

CIVIL LITIGATION CLINIC (2008–18)

Notable Cases

- [*Cleveland Central Catholic High School v. Mills*](#), 2018-Ohio-4873 (Ohio Ct. App., 8th Dist.) (reversing summary judgment for private school against parent for nonpayment of tuition)

**COURSES
(CONT'D)**

- [*GPI Distribs., Inc. v. N.e. Ohio Regional Sewer Dist.*](#), 2018-Ohio-4871 (Ohio Ct. App., 8th Dist.) (addressing Ohio statutory bond requirement for administrative appeals); [petition for writ of certiorari](#) pending in U.S. Supreme Court)
- [*Discover Bank v. Bennington*](#), 2018-Ohio-3246 (Ohio Ct. App., 11th Dist.) (reversing trial court's denial of credit-card holder's motion to stay litigation pending arbitration)
- [*Kelley v. Sullivan*](#), 2018-Ohio-1410 (Ohio Ct. App., 8th Dist.) (addressing availability of punitive damages in case under Ohio Consumer Sales Practices Act)
- [*Berube v. Richardson*](#), 2017-Ohio-1367 (Ohio Ct. App., 8th Dist.) (clarifying plaintiff's entitlement to jury trial on issue of damages in default-judgment setting)
- [*Wilkins v. Sha'ste Inc.*](#), 141 Ohio St.3d 548, 2015-Ohio-477, 26 N.E.3d 811 (declining to decide whether a trial court may award reasonable attorney fees to a prevailing party in a discovery dispute regardless of the party's fee arrangement with counsel; oral-argument video available at <http://goo.gl/8v2EsY>)
- [*Favors v. Burke*](#), 2013-Ohio-823 (Ohio Ct. App., 8th Dist.) (reversing trial court's failure to award our client non-economic damages and attorney fees against fraudulent contractor)
- [*Russo v. Fonseca*](#), 2012-Ohio-5714 (Ohio Ct. App., 8th Dist.) (affirming trial-court decision granting our client relief from default judgment)
- [*Capital One Bank \(USA\), N.A. v. Rotman*](#), 2012-Ohio-480 (Ohio Ct. App., 8th Dist.) (reversing trial court's refusal to stay debt-collection action against our client pending arbitration, placing onus of instituting arbitration on creditor)
- [*Eaton Family Credit Union v. Brier*](#), 2012-Ohio-178 (Ohio Ct. App., 8th Dist.) (reversing trial court's imposition of filing fee on low-income client as condition of pursuing appellate review)
- [\\$1.17 million jury verdict](#) in favor of low-income client and her family victimized by home-repair/mortgage-broker fraud (2011)
- [*Ortiz v. Jordan*](#), 562 U.S. 180 (2011) (reinstating former prison inmate's \$625,000 verdict against prison officials following sexual assault by prison guard and clarifying procedural interplay between motions for summary judgment and for post-trial judgment as a matter of law) (co-counsel to lead counsel, David Mills)

Notable Awards

- Student-Selected Professor of the Year (2012)
- Alumni Association Teacher of the Year (2011)

APPELLATE PRACTICE (instructor, 2009–10; coordinator 2013–present)

**COURSES
(CONT'D)**

FACULTY SUPERVISOR FOR JUDICIAL EXTERNSHIP AT OHIO COURT OF APPEALS (2011–17)

FIRST-YEAR ORIENTATION PROGRAM

Co-Coordinator (2011)

Oralist for Mock Appellate Argument (2009–11)

Coordinator of Ice-Breaking Sessions (2009–13)

FACULTY ADVISOR FOR MOOT-COURT TEAMS (2008-09, 2010-11, 2013–present)
(coached team to regional victory at ABA National Appellate Advocacy Competition (2015))

**SCHOLARLY
PUBLICATIONS**

[*The Appellate Judge as the Thirteenth Juror: Combating Implicit Bias in Criminal Convictions*](#), 95 TEMPLE L. REV. --- (forthcoming 2022)

[*Fixing the Broken System of Assessing Criminal Appeals for Frivolousness*](#), 53 AKRON L. REV. 481 (2019)

[*Busting up the Pretrial Industry*](#)
85 FORDHAM L. REV. 2097 (2017)

[*Trying the Trial*](#)
84 GEO. WASH. L. REV. 55 (2016)

[*The Death of Inference*](#)
55 B.C. L. REV. 435 (2014)

[*Civil Rule 54\(b\): Seventy-Five and Ready for Retirement*](#)
65 FLA. L. REV. 711 (2013)

[*The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation*](#)
79 FORDHAM L. REV. 1643 (2011)

**OTHER
PUBLICATIONS**

[OHIO APPELLATE PRACTICE](#)
(Baldwin's Ohio Handbook Series, yearly editions from 2008–present)
(co-author)

[*Ten Tips for Persuasive Oral Argument*](#)
32 GPSOLO MAGAZINE 32 (No. 5, Sept./Oct. 2015)

Recent Amendments to the Appellate Rules
CLEVE. METRO. BAR J. 34 (Oct. 2015)

[A CENTURY OF LEGAL ETHICS: TRIAL LAWYERS AND THE ABA CANONS OF PROFESSIONAL ETHICS](#)

(First Chair Press 2009) (contributing co-editor)

Recovering Costs and Damages on Appeal
2 CLEVE. METRO. BAR J. 22 (Dec. 2009)

Analyzing a New Era in Ohio's Appellate Courts
69 CLEVE. BAR J. 32 (Sept. 1998)

SERVICE

FACULTY SENATE (2017-20)

COMMITTEE MEMBERSHIPS

- School of Law Appointments Committee (2021–present)*
- School of Law Bylaws Committee (2021–present)*
- University Minority Affairs Committee (2020–present)*
- University Renew & Reemerge (COVID) Committee (2020–present)*
- School of Law Admissions Committee (2014–17, 2018–present; Chair 2014–15)*
- University Committee on Faculty Personnel (2016–present)*
- School of Law Promotion and Tenure Committee (2016–21)*
- School of Law Deans' Reappointment Committee (2020)*
- School of Law Metrics and Assessment Committee (2014–15)*
- School of Law Dean Search Committee (2015)*
- School of Law Budget Committee (2012–14)*
- School of Law Curriculum Committee (2011–14)*
- School of Law Ad hoc Committees Formed to Address New Curriculum:*
 - *Writing-Requirement Committee (2013–15)*
 - *Third-Year Capstone Experience & LLEAP IV Committee (2013–15)*

FACULTY MENTOR TO 1L AND TRANSFER STUDENTS (2009–2013)

CO-FACILITATED OHIO SUPREME COURT ON-SITE ARGUMENTS (September 2012)

CO-FACILITATED EIGHTH DISTRICT COURT OF APPEALS ON-SITE ARGUMENTS (2010–12)

EDUCATION

HARVARD LAW SCHOOL, J.D., *cum laude* (1990)

- Member, Director, Harvard Legal Aid Bureau*
- General and Executive Editor, Harvard Civil Rights-Civil Liberties Law Review*
- Third-Year Paper: Rights Up in the Air: Protecting the Interests of Airline Passengers*

BROWN UNIVERSITY, A.B. American Civilization/Italian Studies, *magna cum laude* (1986)

- Elected to Phi Beta Kappa*
- Junior Year at Università di Bologna (Italy)*

PREVIOUS PRACTICE EXPERIENCE

[HAHN LOESER & PARKS LLP](#), Cleveland, Ohio

- Litigation Partner/Chair of Appellate Practice Group (1998–2008); Litigation Associate (1990–98)*

Notable Cases

- [Exxon Mobil Corp. v. Saudi Basic Indus. Corp.](#), 544 U.S. 280 (2005) (clarifying *Rooker-Feldman* doctrine and reinstating federal lawsuit despite pendency of same claims in state-court action)
- [Saudi Basic Indus. Corp. v. Mobil Yanbu Petrochem. Co.](#), 866 A.2d 1 (Del. 2005) (affirming \$416.8 million verdict to joint-venture partner for overcharging royalties for licensed manufacturing process; case decided under Saudi Arabian law)

**PREVIOUS
PRACTICE
EXPERIENCE
(CONT'D)**

- *Chi. Title Ins. Corp. v. Magnuson*, No. 2:03-CV-368, 2005 WL 2373430 (S.D. Ohio Sept. 26, 2005) (upholding \$43.2 million verdict in favor of title-insurance company against competitor that had wrongly induced former employee to breach non-compete agreement), [*aff'd in part, rev'd in part*](#), 487 F.3d 985 (6th Cir. 2007)
- [*Security Title Agency, Inc. v. Pope*](#), 200 P.3d 977 (Ariz. Ct. App. 2008) (reviewing \$41.5 million jury verdict for title insurance company against former employee who breached fiduciary duties and against competitor that aided and abetted breaches; affirming verdict in all respects but reducing punitive damages down to 1:1 ratio)
- [*Knox v. Hetrick*](#), 2009-Ohio-1359 (Ohio Ct. App., 8th Dist.) (reversing summary judgment in favor of police offer on qualified-immunity grounds in case involving wrongful arrest of teenager for uttering seven words: “Don’t tell my mother to shut up.”)
- *In re MTBE Prods. Liab. Litig.*, No. 07-4290 (2d Cir. Nov. 16, 2007) (denying mandamus review over jurisdictional challenge in multi-district litigation involving oil industry’s use of federally mandated oxygenate in gasoline and alleged effects of same on water supplies)
- [*Doll v. Chi. Title Ins. Co.*](#), 246 F.R.D. 683 (D. Kan. 2007) (denying class certification against title-insurance company for alleged overcharging of real-estate recording fees)
- [*Tharo Sys., Inc. v. cab Produkttechnik GmbH & Co. KG*](#), 196 F. App’x 366 (6th Cir. 2006) (affirming €1.7 million trial verdict for breach of partnership agreement involving sale of computer label-printing system)
- [*COB Clearinghouse Corp. v. Aetna U.S. Healthcare, Inc.*](#), 382 F.3d 877 (6th Cir. 2004) (affirming trial court’s dismissal of claims against health insurer brought by plaintiff seeking reimbursement based on ERISA coordination-of-benefits theory)
- [*Olive v. Columbia/HCA Healthcare Corp.*](#), Nos. 75249, 76349, 2000 WL 263261 (Ohio Ct. App., 8th Dist., Mar. 9, 2000) (reversing multi-million-dollar age discrimination verdict against hospital system)

SUGARMAN, ROGERS, BARSHAK & COHEN, P.C., Boston, MA
Summer Associate (1989)

SIRIANNI & YOUTZ, Seattle, WA
Summer Associate (1988)

HENDRICKS & LEWIS, Seattle, WA
Litigation Paralegal (1986–87)

CITY OF EAST PROVIDENCE, RI
Law Clerk (1985–86)

PRESENTATIONS

- PRESENTER, "Is That Your Final Answer? How to Assess Appellate Jurisdiction Like a Millionaire"
Ohio Sixth District Court of Appeals Judges Conference (Apr. 2022)
- PRESENTER, "Is That Your Final Answer? How to Assess Appellate Jurisdiction Like a Millionaire"
Ohio Court of Appeals Judges Association (Feb. 2022)
- PRESENTER, "Binding or Not Binding? Deciphering Precedential Value When the Justices Disagree"
Cleveland Metropolitan Bar Association, 8th District Advanced Appellate Advocacy Seminar (Nov. 2021)
- PRESENTER, "Appellate Issues for Magistrates"
Ohio Association of Magistrates Annual Conference (Oct. 2021)
- PRESENTER, "[Fixing the Broken System of Assessing Criminal Appeals for Frivolousness](#)"
Council of Chief Judges of the State Courts of Appeal (May 2020)
- PRESENTER, "[The State of Anders Briefs in Ohio Appellate Courts](#)"
Ohio State Bar Association Webcast (Nov. 2019)
- PANELIST, "The Opioid Crisis Facing Our Courts: A Judge's Perspective"
Case Western Reserve University School & Laura & The Alvin Siegal Lifelong Learning Program (Oct. 2018)
- PRESENTER, "A Gander at Anders Can Get up Your Dander"
Ohio Court of Appeals Judges Association (Feb. 2018)
- PRESENTER, "Procedural Aspects of Appellate Practice"
Ohio State Bar Association Webcast (Sept. 2017)
- PRESENTER, "[Trying the Trial and Lawyer Misconduct](#)"
Case Western Reserve University School of Law, Faculty View from CWRU Video Series (May 2016)
- PANELIST, "Highlights from the 2014-15 Supreme Court Term"
Case Western Reserve University School of Law, Federalist Society/American Constitution Society Joint Program (Sept. 2015)
- PRESENTER, "'Final' Exam: Testing Your Knowledge of Final, Appealable Orders"
Ohio Court of Appeals Judges Association (Sept. 2015)
- PRESENTER, "Same-Sex Marriage in the Supreme Court"
Laurel School "Perspectives" Lecture (Apr. 2015)
- PRESENTER, "Same-Sex Marriage in the Supreme Court"
Senior Scholars Series. The Laura & Alvin Siegal Lifelong Learning Program (Mar. 2015)
- PRESENTER, "Trying the Trial"
University of Pittsburgh School of Law (Feb. 2015)
- PRESENTER, "Trying the Trial"
University of Toledo College of Law (Jan. 2015)

**PRESENTATIONS
(CONT'D)**

- PRESENTER, "Standards of Appellate Review"
Weltman Weinberg & Reis Co., LPA (Aug. 2014)
- PRESENTER "'Final' Exam: Testing Your Knowledge of Final, Appealable Orders"
Cleveland Metropolitan Bar Association Appellate Courts Committee Annual Seminar (June 2014)
- PRESENTER, "'Final' Exam: Testing Your Knowledge of Final, Appealable Orders"
Ohio Association of Civil Trial Attorneys Appellate Advocacy Seminar (June 2014)
- PRESENTER, "The Death of Inference"
University of Kansas School of Law, Lawrence KS, Junior Faculty Exchange (Feb. 2014)
- PRESENTER, "The Death of Inference"
Sixth Annual Junior Faculty Federal Courts Workshop, Brooklyn Law School (Oct. 2013)
- PRESENTER, "Civil Rule 54(b): Seventy-Five and Ready for Retirement"
University of Arkansas School of Law, Fayetteville, AR, Junior Faculty Exchange (Oct. 2012)
- PRESENTER, "Civil Rule 54(b): Seventy-Five and Ready for Retirement"
Michigan State University Junior Faculty Workshop (Oct. 2012)
- PRESENTER, "Appellate Issues for Magistrates"
Ohio Association of Magistrates Annual Conference (Oct. 2012)
- PRESENTER, "Changes in Ohio's Citation Rules"
Cleveland Metropolitan Bar Association Appellate Courts Committee Annual Seminar (Sept. 2012)
- MODERATOR, "What Works and What Doesn't?" (panel discussion among six judges of Northern District of Ohio), part of "Everything MDL: First-Hand Perspectives from MDL Panel Judges, MDL District Court Judges, and MDL Lawyers"
Cleveland Metropolitan Bar Association and Federal Bar Association (July 2012)
- PRESENTER, "Final Appealable Orders"
Ohio Court of Common Pleas Judges Association (June 2012)
- PANELIST, "Federal Appellate Practice," Second Nathaniel R. Jones Federal Court Institute
Akron Bar Association and University of Akron School of Law (Mar. 2012)
- PRESENTER, "Exploring the Quirks of Appellate Jurisdiction"
Case Downtown Series, City Club of Cleveland (Mar. 2012)
- MODERATOR, "A View from the Bench: Top 10 Mistakes Attorneys Make in the Courtroom"
National Business Institute, Telephonic Seminar (Mar. 2012, Mar. 2011)
- PRESENTER, "Final Appealable Orders"
Ohio Court of Appeals Judges Association (Feb. 2012)

**PRESENTATIONS
(CONT'D)**

- PRESENTER, "Sixth Circuit Year in Review"
Squire, Sanders & Dempsey (Sept. 2011)
- PRESENTER, "What Can Be Appealed and When?"
Ohio Judicial Conference 2011 Annual Meeting (Sept. 2011)
- WORKING-GROUP DISCUSSION LEADER (COMMUNITY LAWYERING)
AALS Conference on Clinical Legal Education (June 2011)
- MODERATOR AND PRESENTER, "The Ins and Outs of Appellate Practice"
Cleveland Metropolitan Bar Association (June 2011)
- PRESENTER, "Appellate Jurisdiction"
ABA Section of Litigation "Sound Advice" Series (posted May 2011 for online play)
- MODERATOR, "Ethics and Discovery in the 21st Century"
ABA's Fifth Annual National Institute on E-Discovery (May 2011)
- MODERATOR, "As Judges See It—Top 10 Objections Mistakes"
National Business Institute, Telephonic Seminar (Dec. 2010)
- PRESENTER, "The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation"
University of Maryland Law School (Oct. 2010)
- PRESENTER, "The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation"
Northeast Ohio Scholarship Colloquium (Oct. 2010)
- PRESENTER, "The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation"
University of Toledo College of Law (Sept. 2010)
- PRESENTER, "Abuse of Abuse of Discretion: Ensuring a Standard Standard of Review"
Ohio Court of Appeals Judges Association (June 2010)
- PRESENTER, "For Your (*En Banc*) Consideration: Pending Amendments to Ohio R. App. P. 26(A)"
Ohio Court of Appeals Judges Association (June 2010)
- MODERATOR, "A View from the Bench: Top 10 Mistakes Attorneys Make in the Courtroom"
National Business Institute, Telephonic Seminar (Dec. 2009)
- PRESENTER, "Recovering Costs on Appeal"
Cleveland Metropolitan Bar Association (Oct. 2009)
- PRESENTER, "Appellate Jurisdiction"
Ohio Court of Appeals Judges Association (June 2009)

**PRESENTATIONS
(CONT'D)**

- PRESENTER, "Litigation Section Annual Meeting and CLE"
Cleveland Metropolitan Bar Association (June 2009)
- PANELIST, "Impact Litigation or Impact Education: Striking the Right Balance
in Law School Clinics"
AALS Conference on Clinical Legal Education (May 2009)
- MODERATOR, "Trials and Tribulations: Ethical Dilemmas That Occur During
Trial"
ABA Section of Litigation Annual Conference (May 2009)
- PRESENTER, "Raising the Bar: The Art of Appellate Practice"
Cuyahoga County Bar Association (Oct. 2007)
- PRESENTER, "Annual Appellate Practice Essentials"
Cleveland Bar Association (May 2005)
- PRESENTER, "Supreme Court Practice Update"
Cleveland Bar Association (May 2004)
- PRESENTER, "Annual Convention Seminar"
Ohio State Bar Association (May 2003)
- MODERATOR, "The Scottsboro Trial: Seventy Years Later"
ABA Section of Litigation Annual Conference (Apr. 2002)
- PRESENTER, "Appellate Jurisdiction"
Ohio Court of Appeals Judges Association (Nov. 2001)
- PRESENTER, "Final Appealable Orders"
Cleveland Bar Association (Mar. 2001)
- PANELIST, "Selected Issues in Appellate Practice"
Cleveland Bar Association (May 2000)
- PRESENTER, "Annual Appellate Practice and Procedure Clinic"
Cleveland Bar Association (Apr. 2000)

**PROFESSIONAL
ASSOCIATIONS**

[COMMISSION ON THE RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS](#)

Member (2015–20; Chair, 2019–20)
Counsel to Appellate Rules Subcommittee (2009–14)

[AMERICAN BAR ASSOCIATION](#)

[Litigation Section Leadership](#) (2001–13)

- Co-Chair, Civil Rights Litigation Committee (2011–13)
- Co-Chair, Consumer and Civil Rights Litigation Committee (2010–11)
- Co-Chair, Ethics and Professionalism Committee (2007–10)
- Co-Chair, Amicus Curiae Briefs Committee (2004–05)
- Co-Chair, Membership Committee (2005–07)
- Co-Chair, Appellate Practice Committee (2001–04)

[Judicial Division, Appellate Judges Conference, Council of Appellate Lawyers](#)

- Founding Secretary (1999–2001)

**PROFESSIONAL
ASSOCIATIONS
(CONT'D)**

OHIO STATE BAR ASSOCIATION

Chair, Litigation Section (2004–06)

Founding Chair, Appellate Practice Committee (2002–04)

CLEVELAND METROPOLITAN BAR ASSOCIATION

Litigation Section Appellate Courts Committee

- *Chair (2007–10)*
- *Secretary (1999–2002)*

CUYAHOGA COUNTY BAR ASSOCIATION

Chair, Young Lawyers Section (1992–93)

CLEVELAND HEIGHTS HIGH SCHOOL

Founding Coach, Mock Trial Team (2007–10)

EAST HIGH SCHOOL, CLEVELAND, OH

Tutor in “3Rs” Program (2006–07)

COUNCIL GARDENS

Trustee (2004–06)

THE LILLIAN AND BETTY RATNER SCHOOL

Trustee (2001–07)

CLEVELAND ASSOCIATION OF PHI BETA KAPPA

Trustee (2001–05, 2008–10)

JOHN HAY HIGH SCHOOL, CLEVELAND, OH

Tutor for Ohio Proficiency Test (2001–03)

**PROFESSIONAL
RECOGNITIONS**

APPELLATE LAW SPECIALIST (2008–present)

Certified by Ohio State Bar Association

BEST LAWYERS IN AMERICA

Listed for Appellate Litigation (2008–09)

OHIO SUPER LAWYERS

Listed as One of “Ohio Super Lawyers” for General Litigation (2004–09)

BAR ADMISSIONS

OHIO

UNITED STATES SUPREME COURT

UNITED STATES COURTS OF APPEALS FOR THE SECOND, THIRD, FIFTH, SIXTH,
SEVENTH, EIGHTH, TENTH, ELEVENTH, AND FEDERAL CIRCUITS

UNITED STATES DISTRICT COURTS FOR THE NORTHERN AND SOUTHERN DISTRICTS OF
OHIO

LANGUAGES

ITALIAN (fluent)

FRENCH (proficient)