

JOANNE C. BRANT

Ohio Northern University
Claude W. Pettit College of Law
Ada, OH 45810
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Current Position: Professor of Law 1991-present
Ohio Northern University
Claude W. Pettit College of Law
Ada, OH

Areas of teaching and scholarship include constitutional law, federal jurisdiction, religion and the law, law and literature, mass media law, women and the law, alternative dispute resolution, legal profession and election law.

Honors and Awards: Dean's Award: Outstanding Classroom Teacher: 2006, 2011, 2017
Moot Court: Outstanding Faculty Advisor: 1999, 2011, 2015, 2017
SBA Most Effective Teacher: 2015, 2017
Ella and Ernest Fisher Chair in Law: 1999-2002
Fowler Harper - Outstanding Scholarship: 1996, 1998
Pro Bono/Public Service Award: 2001
Phi Delta Phi: Legal Ethics/Professionalism Award: 1995
Liberty Bell: 2018
Daniel S. Guy Award for Excellence in Legal Journalism, 2020

Other Teaching Experience: University of Fribourg Summers 2013-15
Fribourg, Switzerland

University of Alabama Multiple Summers 2001-13
Tuscaloosa, AL January Term 2012

Ohio State University Fall 2000
Columbus, OH

Other Professional Experience: Fisher for Atty General 1990-91
(Issues Director)
Cleveland, OH

Squire, Sanders & Dempsey 1989-90
(now Squire Patton Boggs)
Cleveland, OH

Thompson, Hine & Flory 1987-89
Cleveland, OH Summer 1985

The Honorable Pierce Lively (then Chief Judge) 1986-87
United States Court of Appeals for the Sixth Circuit
Danville, KY

Education:

Case Western Reserve University School of Law 1986
Law Review; Contributing Editor; Exec. Bd
Dean's List; Academic Scholarship
J.D., *cum laude*
Cleveland, OH

Cornell University, College of Arts and Science 1983
A.B. (Philosophy, Government)
Ithaca, NY

Sweet Briar College
Sweet Briar Scholar, Nat'l Merit Scholarship,
Freshman Honors, Equestrian Team,
Attended 1979-80
Sweet Briar, VA

Publications:

Nancy Sabol: A Tribute, 46 **OHIO N.U. L.REV.** 539 (2020).

Engel: Divisiveness or Coercion – A Response to Professor Marshall, 46 **CAP. L. REV.** 373 (2018) (invited piece for Sullivan Lecture)

Earning His Second Pair of Wings: The Inspiring Life of Mike Lewis, 42 **OHIO N.U. L. REV.** 873 (2016)

Ch 23, *Interstate and Foreign Support Practice*, in **DOMESTIC RELATIONS LAW** (Sowald & Morganstern, eds.) (4th ed. Baldwin's Ohio Practice 2009) (with Leonard) (updated annually since published in 2002)

Religious Employers and Discrimination: Breaking Faith with the Faithful , **THE WRIT**, Ohio Northern University (2003)

The Half-Open Door: Article III, the Injury-in-Fact Rule and the Framers' Plan for Federal Courts of Limited Jurisdiction, 54 **RUTGERS L. REV.** 1 (2002) (with Leonard)

Religious Discrimination by Religious Institutions, 4 **EMPLOYEE RTS. & EMPLOYMENT POL. J.** 101 (2000)

Essays on: *Evolution, the Public Schools and the Courts; Title VII Discrimination and Religion; Public School Curricula and Free Exercise Challenges and Board of Educ. v. Allen* in **RELIGION AND AMERICAN LAW: AN ENCYCLOPEDIA** (Finkelman, ed. 2000)

The Ascent of Sovereign Immunity , 83 **Iowa L. Rev.** 767 (1998)

Seminole Tribe , Flores and State Employees: Reflections on a New Relationship, 2 **EMP. RTS. & EMPLOY. POL. J.** 175 (1998)

Essays on: *Middlemarch, Silas Marner, The Mill on the Floss, Adam Bede, Felix Holt, Romola, Gaudy Night, Waiting for the Barbarians and The Last Billable Hour* for **AN ANNOTATED BIBLIOGRAPHY ON LAW AND LITERATURE**, (Gemmette, ed. 1998)

Taking the Supreme Court at its Word: The Implications for RFRA and Separation of Powers, 56 **MONT. L. REV.** 5 (1995) (prepared by invitation for Symposium on RFRA)

Ethical Issues and Trouble Spots, 4 **J. OF PHARM. & L.** 25 (1994) (prepared by invitation for Symposium on Pharmacy and Law)

"Our Shield Belongs to the Lord:" Religious Employers and a Constitutional Right to Discriminate, 21 **HAST. CONST. L. Q.** 275 (1994)

Not a Prayer for Curricular Reform after Lee v. Weisman, 43 **CASE W. RES. L. REV.** 753 (1993) (prepared by invitation for Symposium on Lee v. Weisman)

Recent Developments in the Law on Sexual Harassment, ONU Monograph (1993)

Employment Discrimination in Religious Schools: A Constitutional Analysis, in **PUBLIC VALUES, PRIVATE SCHOOLS** (with Marshall) (Devins ed. 1989)

ABA Service: Served on ABA Site Inspection Team for University of Nevada - Las Vegas in March, 2001

University Service: University Council: 1994-2000; 2012-17, 2018-21
Vice-Chair: 2016-18
Parliamentarian: 1998-2000; 2013-14

University Personnel Committee: 1997-00; 2015-present
Chair: 2018-19
Vice Chair: 2015-17
Secretary: 2015-17

University Disciplinary Board: 2019-21

Cultural and Special Events Committee: 2016-18

Strategic Planning Group for Online Learning
Chair: 2013-14

Honorary Degree Committee: 2015-21

Strategic Enrollment Planning:
Academic Initiatives Committee: 2016-18

Tuition Exchange Committee: 2016-18

College Assessment Committee: 2013-15

University Judicial Board: 2001-02

Health Benefits Advisory Committee: 1994-98

Law College Service: Tenure Committee: 1997-present

Curriculum Committee: 2000-present
Chair: 2004, 2014

Personnel Committee: 1995-2004, 2020-21
Chair: 1998-99

Student Success Working Group 2019-20
Chair

Remote Exam Success Task Force 2020-21

Admissions Committee: 1993-2002

Faculty Development Committee: 1991-2004
Chair: 1997-98; 001-02

Adjudication Committee: 1992-93; 2011-13
Chair: 2012-13

Grievance Committee - 2019-20

Moot Court Competition Team Coach: ABA National Moot Court Team (2009 - present). Past teams: Constitutional Law Moot Court Team (2006-09); Spring ABA National Moot Court Team (4 times).

ONU Bar Review: Lecturer on Constitutional Law (annual)

**Professional
Development:**

Presenter and Organizer, Constitution Day, Ohio Northern University, Sept 24, 2020 (presented on *Chiafalo v. WA* and current election law issues).

Presenter and Organizer, Constitution Day, Ohio Northern University, Sept 13, 2019 (presented on *Rucho v. Common Cause*).

Judge, Louis Jackson National Student Memorial Writing Competition, Spring, 2020, many times in previous years.

Presenter, Federalist Society Debate: *Shelby County v. Holder*, (w/Ilya Shapiro) Ohio Northern University, Nov. 6, 2018

Presenter, Federalist Society Debate: *Masterpiece Cakeshop v. CCRC*, Ohio Northern University, October 3, 2017

Presenter, "Equality, Past and Present," Law Day, Hancock County Bar Association, Findlay, Ohio, April 28, 2017

Presenter, "Religion in the Public Schools: Revisiting *Engel*," Constitutional Symposium on Religious Liberty, Utah Valley

University, Orem, UT, April 6, 2017

Presenter, “*Engel v. Vitale*: Divisiveness or Coercion?”, Sullivan Lecture, Capital University (Responding to Marshall), Columbus, OH, November 15, 2016

Presenter, Federalist Society Debate: *Obergefell v. Hodges*, Ohio Northern University, September, 2015

Presenter, Federalist Society Debate: “The Rise and Fall of Detroit,” Ohio Northern University, September 16, 2014

Presenter, The 2012 Term, Constitution Day program (with Patchelko and Frohnen), Ohio Northern University, September 25, 2012

Presenter, “*Stern v. Marshall*,” Cleveland Bar Association, Bankruptcy Law Section, CLE, Cleveland, OH, November 17, 2011

Presenter, “The Constitution after 9/11,” Constitution Day program (with Lewis), Ohio Northern University, September 19, 2011

Presenter, Templeton Debate Series on Freedom, “*Christian Legal Society v. Martinez*,” Federalist Society/Christian Legal Society, Ohio Northern University, March 10, 2010

Presenter, “Guns and Gitmo,” Ohio Northern University, (w/Lewis), October 14, 2009

Moderator, Ohio Northern Law Review Symposium, “Role of Ethics in Corporate Landscape,” Law Review and Carhart Program, Ohio Northern University, Spring 2009

Presenter, “The Great Debate:” Can Catholic Charities be Required to Cover Prescription Birth Control in Employee Health Coverage Plans? Christian Legal Society, Ohio Northern University, (w/ Veltri), April 9, 2008

Presenter, “The Enemy Combatant Cases,” Ohio Northern University, (w/ Lewis), March 6, 2008

Organizer, Moderator and Presenter: “Recent Developments in Federalism and Eleventh Amendment Jurisprudence,” in “Leading

Cases of Supreme Court's 2005-06 Term," Ohio Northern University, (Two programs: 10/12/06 and 11/15/06)

Moderator, "Would You Be a Source? Reporter Privilege in the Post-9/11 World," Ohio Northern University Law Review Symposium, March 24, 2006

Presenter, "Obscenity Law: Constitutional Considerations," for Ohio State Bar Association CLE Program, "Obscenity and Child Pornography Cases: Current Legal Issues and Trial Considerations," Cleveland, Ohio, October 27, 2005

Presenter, "A History of the Appointment Process," Ohio Northern University, Constitution Day Program, September 19, 2005

Presenter, "Discrimination and Religion: A Conflict in Constitutional Values," for Wayne State Symposium, "The Intersection of Law and Religion," Dayton, Ohio, April 28, 2005

Moderator, "Privacy and Surveillance: Emerging Legal Issues," Ohio Northern University Law Review Symposium, March 19, 2004

Moderator, "Military Tribunals and the Afghanistan Detainees: The Geneva Convention and Terrorists," Ohio Northern University, March, 2002

Moderator and Presenter, "The USA Patriot Act and the Fourth Amendment: Civil Liberties vs. Civil Rights," Ohio Northern University, February, 2002

Presenter, "Recent Developments in Eleventh Amendment Litigation," Ohio Attorney General's Office, Columbus, Ohio, October, 2001

Moderator, "Sexual Harassment in the Workplace: Fifteen Years After *Meritor Savings Bank*," Ohio Northern University Law Review Symposium, March, 2001

Presenter, "Handicapping the Court in *Univ. of Alabama Board of Trustees v. Garrett*: Observations and Predictions After the Oral Arguments," Faculty Development Program, Capital University School of Law, Columbus, OH, October, 2000

Principal Presenter, Two Cities Symposium, "Tort, Contract and Employment Litigation: The Case Against Church Autonomy," George Washington University Law School, Washington, D.C., March, 2000

Principal Presenter, AALS Annual Meeting: Section on Law and Religion, "Do Religious Employers Still Enjoy a Constitutional Right to Discriminate?," Washington, D.C., January, 2000

Moderator and Organizer, AALS Annual Meeting: Section on Law and Religion, "Children, Spiritual Treatment and Free Exercise," Washington, D.C., January, 2000

Presenter, CHILD, Inc., Annual Board of Directors Meeting, Delivered report on pending CHILD-sponsored litigation, and spoke on "First Principles of Religion Clause Jurisprudence," Toledo, OH, July, 1999

Presenter and Panelist, "The Impeachment Controversy," sponsored by SBA, Federalist Society, Environmental Law Society and Criminal Law Society, Ohio Northern University, November 3, 1998

Presenter, "The New Importance of Sovereign Immunity," Faculty Development Colloquium, Ohio Northern University, March, 1997

Moderator, "Supreme Court Symposium: *City of Boerne v. Flores*," Ohio Northern University, September, 1997

Panelist and Paper Presenter, "The Full Faith and Credit Implications of Same-Sex Marriage," Federalist Society, Ohio Northern University, November, 1996

Panelist and Paper Presenter, "Attorney Advertising: The Good, the Bad and the Ugly," Ohio Northern University, November, 1996

Moderator, "The Future of Affirmative Action," Law Review Symposium, Ohio Northern University, Columbus, Ohio, March, 1996

Moderator, "Leading Cases of the 1996 Term," Ohio Northern University, Ada, March, 1996

Moderator, "Racial Gerrymandering," Ohio Northern University, February, 1996

Moderator, "Theory of Law and Literature," Law and Literature Symposium, Univ. of California, Berkeley, Boalt Hall School of Law, Berkeley, California, September, 1995

Panelist and Paper Presenter, "Taking the Supreme Court at Its Word," The James R. Browning Symposium for 1994: The Religious Freedom Restoration Act, University of Montana School of Law, Missoula, Montana, September, 1994

Panelist and Paper Presenter, "Ethical Issues and Trouble Spots," Pharmacy and Law Symposium, Ohio Northern University, July, 1994

Ohio Attorney General's Ethics and Professional Responsibility Advisory Council

Presenter, "Developments in Ethics," Ohio CLE Institute, Professional Curriculum Committee, at annual "General Practice Update" program, Columbus, Ohio, Spring 1994

Presenter, "Supreme Court Seminar on the Religion Clauses," Ohio Northern University, October, 1993

Panelist and Paper Presenter, "Not a Prayer for Curricular Reform," Symposium on Religion and the Public Schools After *Lee v. Weisman*, Case Western Reserve University College of Law, Cleveland, Ohio, November, 1992

Presenter, "Diversity and Ideological Perspectives," Ohio Northern University, September, 1992

Presenter, "Leading Cases of the 1992 Term," Ohio Northern University, September, 1992

**Pro Bono
Legal
Representation:**

General Dynamics Land Systems Inc. v. Cline, 540 U.S. 581(2004)
Assisted counsel for Dennis Cline, et al. Principal author of Respondent's Brief before United States Supreme Court in reverse ADEA challenge to withdrawal of retirement health care benefits from age-denominated class of employees.

Schwartz v. Citibank, 50 Fed. Appx. 832, 2002 (9th Cir. 2002)
Counsel for C. Yeomans, Intervenor. Filed petition for *certiorari* in nationwide class action challenging payment-crediting policies of

credit card issuer.

CHILD v. DeParle, 212 F.3d 1084 (8th Cir. 2000), *cert. denied*, 121 S.Ct. 1483 (2000)

Counsel for Minnesota Civil Liberties Union, *et al.* Filed *amicus curiae* brief before Eighth Circuit. Establishment clause challenge to Medicare and Medicaid statutes authorizing federal reimbursement for nursing services provided in Christian Science sanatoria. Eighth Circuit upheld federal statutes; Supreme Court denied *certiorari*.

CHILD v. Deters, 92 F.3d 1412 (6th Cir. 1996), *cert. denied*, *CHILD v. Montgomery*, 519 U.S. 1149 (1997).

Assisted with petition for *certiorari* before the United States Supreme Court. Establishment clause and equal protection challenges to Ohio child welfare statutes exempting parents who treat children with prayer from civil and criminal liability. Sixth Circuit upheld statutes on eleventh amendment grounds; Supreme Court denied *certiorari*.

Professional Memberships:

American Association of Law Schools

Law and Religion Section: Chair 2000-01

Employment Discrimination Section: Executive Board Member, 1993-96

Federal Courts Section

Constitutional Law Section

American Bar Association

Labor and Employment Law Section

Ohio State Bar Association

Labor and Employment Section

National Association of Securities Dealers (now FINRA)

Public Arbitrator: 1997-2002

Bar Affiliations:

Ohio (1986)

United States Court of Appeals for the Sixth Circuit (1987)

United States District Court for the Northern District of Ohio (1987)

United States Court of Appeals for the Eighth Circuit (1998)

United States Supreme Court (2000)