RESUME

LeRoy Pernell Professor of Law

Florida A&M University College of Law

Contact: Office - (407) 254-4034, leroy.pernell@famu.edu

EDUCATION: OHIO STATE UNIVERSITY, COLLEGE OF LAW, COLUMBUS,

OHIO

1971-1974 J.D.

FRANKLIN AND MARSHALL COLLEGE, LANCASTER, PENNA.,

1967-1971 B.A. GOVERNMENT

EMPLOYMENT:

(Teaching)

Professor of Law Florida A&M University College of Law 201 Beggs Ave. Orlando, Florida 32801 April, 2019 to date

Interim Dean and Professor of Law Florida A&M University College of Law 201 Beggs Ave. Orlando, Florida 32801 May 2, 2017 to April 2019

Dean and Professor of Law Florida A&M University College of Law 201 Beggs Ave. Orlando, Florida 32801 January 1, 2008 to June 30, 2015

Dean and Professor of Law, *emeritus* Northern Illinois University College of Law Rm 270, Swen Parson Hall August 1, 1997 to December 31, 2007

Vice Provost, Office of Minority Affairs

102 Bricker Hall, Ohio State University September 1994 to July 31, 1997

Interim Vice Provost, Office of Minority Affairs 102 Bricker Hall, Ohio State University September 1993 to September 1994

Professor of Law, Ohio State University College of Law 1659 North High Street, Columbus, Ohio 43210 July 1, 1990 to May 1998

Associate Professor of Law, Ohio State University College of Law 1659 North High Street, Columbus, Ohio 43210 1979 to 1990.

Assistant Professor of Law, Ohio State University College of Law 1659 North High Street, Columbus, Ohio 43210 October 1977 to September 1979

Visiting Instructor, Ohio State University College of Law 1659 North High Street, Columbus, Ohio 43210 October 1976 to September 1977

Adjunct Professor of Law and Clinical Staff Attorney, Ohio State University College of Law 1659 North High Street, Columbus, Ohio 43210 January 1975 through September 1976.

COURSES TAUGHT:

Criminal Procedure, Juvenile Law, Torts, Product Liability, Juvenile and Criminal Defense Clinic, Trial Practice, Mental Health. Racism and Law Seminar. Seminars in Scientific Evidence, Child, Parent and State, Civil Rights, Post-Conviction Relief and Criminal Appeals Clinic.

LEGISLATIVE ACTIVITIES

From 1975 to 1994 I was involved in a series of legislative reform projects, including advising the state legislature on pending legislation in the area of civil commitment, juvenile justice, criminal justice and the submission and subsequent adoption of amendments to pending legislation.

Chair, Subcommittee on Juvenile Justice, Congressional Black Caucus Criminal Justice Brain Trust (1982).

Appointed by United States Congressman John Conyers (Rep. Mich.) in summer 1982 to preside over a Subcommittee on Juvenile Justice and to report to the Criminal Justice Brain Trust regarding issues arising within the Juvenile Justice system upon which the Congressional Black Caucus may focus and/or target for legislative action.

CONGRESSIONAL TESTIMONY

In 1982 testified before the criminal justice subcommittee of the Judiciary Committee of the United States House of Representatives regarding pending federal habeas corpus legislation. (H.R. 5679)

DIRECTOR CLEO REGIONAL SUMMER INSTITUTE 1981, 1982, AND 1986

In the summers of 1981, 1982, and 1986 I was the director for regional summer institutes for the Council on Legal Educational Opportunity (CLEO). The CLEO summer institute is an intensive six-week study and orientation program for thirty minority/economically disadvantaged law school applicants designed to aid the transition to law school by developing basic analytical and writing skills. Students took four law school style course taught by law faculty from various institutions. The director's duties included the selection and hiring of teaching faculty and assistants, the selection and admission of students and the general administration of the project and budget.

JUDICIAL ACTIVITIES

Democratic Endorsed Candidate for Judge, Franklin County Court of Commons Pleas, 1986

EMPLOYMENT

(Non-teaching)

OTTO BEATTY AND ASSOCIATES (OF COUNSEL) 233 South High Street, Columbus, Ohio, 1992-1994

Provided general part-time private practice services on a referral basis concentrating on a full range of federal and state criminal and juvenile matters as well as personal injury litigation.

COLUMBUS LEGAL AID AND DEFENDER SOCIETY 40 West Gay Street, Columbus, Ohio

Family-Juvenile Unit, April 1974 - November 1974

Represented juveniles in all phases of delinquency, unruly, dependency and paternity matters. Represented adults in domestic matters concerning divorce, child custody, and child support.

Municipal Defender Unit, November 1974 - January 1975

Represented individuals charged with misdemeanors including arraignment, pretrial, trial and sentencing. Represented individuals charged with felonies through arraignment and preliminary hearing.

PUBLICATIONS:

Books:

CASES AND MATERIALS ON COMBATTING RACISM IN CRIMINAL PROCEDURE, (Omar Saleem, co-author) Vanderplas Publishing, 2021

CRIMINAL APPEALS AND POST-CONVICTION RELIEF: CASES AND MATERIALS, Carolina Academic Press, in progress

CRIMINAL APPEALS AND POST-CONVICTION RELIEF: CASES AND MATERIALS, TEACHER'S MANUAL, Carolina Academic Press, in progress

Chapters

<u>Contribution Among Joint Tortfeasors</u>, [1985] 28 PERSONAL INJURY (Matthew Bender 1967)

Supplements

West's OHIO PRACTICE, Civil Procedure Forms, Vols. 11-12, 1978 Supplement.

West's OHIO PRACTICE, <u>Civil Procedure Forms</u>, Vols. 11-12, 1979 Supplement.

West's OHIO PRACTICE, Civil Procedure Forms, Vols. 11-12, 1980 Supplement.

West's OHIO PRACTICE, <u>Civil Procedure Forms</u>, Vols. 11-12, 1981 Supplement.

West's OHIO PRACTICE, Civil Procedure Forms, Vols. 11-12, 1982 Supplement.

West's OHIO PRACTICE, Civil Procedure Forms, Vols. 11-12, 1983 Supplement.

West's OHIO PRACTICE, <u>Civil Procedure Forms</u>, Vols. 11-12, 1985 Supplement.

West's OHIO PRACTICE, <u>Civil Procedure Forms</u>, Vols. 11-12, 1986 Supplement.

Unpublished

LeRoy Pernell & Robert Krivoshey, **JUVENILE/CRIMINAL DEFENSE PRACTICUM COURSE MATERIALS** (Fall 1991)
(unpublished class materials) (on file with author). **Citations 79 Ohio State. L. J. 7 (2018)**

Law Review Articles

"In Memoriam: David Williams II – Mentor, Colleague, Friend", **81 Ohio St. L.J. 11 (2020)**

"Racial Justice and Federal Habeas Corpus as Post-Conviction Relief from State Convictions", **69 Mercer Law Review 433 (2018)**

Citations

63 Ariz. L. Rev 1 (2021) 106 Va. L. Rev. 523 (2020) 1 FEDERAL HABEAS CORPUS PRACTICE AND PROCEDURE SEC. 2.1 "The Pedagogy of "Yes We Can" Teaching Reformative Legal Justice in the Age of Obama", **1 Faulkner University Law Review 227 (2010)**

"Reflecting on the Dream of the Marathon Man: Black Dean Longevity and its Impact on Opportunity and Diversity", **38 Toledo Law Review 571 (2007)**

Citations

90 Chi.-Kent L. Rev. 361 (2015)

19 Tex. J. on C.L. & Civ Rts. 1 (2013)

9 Socio-Legal Rev. 60 (2013)

19 Duke J. Gender L. & Pol'y 133 (2011)

14 J. Gender Race & Just. 765 (2011)

31 Seattle U. L. Rev. 737 (2008)

14 Cardozo J.L. & Gender 459 (2008)

A Deans of Color Speak Out: Unique Voice in a Unique Role **20 Boston** College Third World Law Journal **43** (2000)

Citations

23 U. Pa. J.L. & Soc. Change 363 (2020)

19 Duke J. Gender L. & Pol'y 133 (2011-2012)

42 U. Tol. L. Rev. 637 (2011)

38 U. Tol. L. Rev. 571 (2007)

15 Am. U. J. Gender Soc. Pol'y & L 443 (2007)

31 Seattle U. L. Rev. 775 (2007-2008)

34 Journal Of Black Studies 63 (2003)

6 Wid. L. Symp. J. 175 (2000)

20 B.C. Third World L. J. 1 (2000)

Gouvin, Eric Joseph, Looking for a Leader: A Primer for the Dean Search Committee Chair (2002). Jurist, October 2002, Western New England University School of Law Legal Studies Research Paper, Available at

SSRN: https://ssrn.com/abstract=1975439

С

A In Memoriam: Rodolphe Jean Alexander De Seife (with Daniel Reynolds), 19 N. Ill Univ. L. Rev. 221 (1999)

"A Commentary on Professor Goplerud's Article, "NCAA Enforcement Process: A Call for Procedural Fairness" 20 Capital Univ. Law Rev. 561 (1991)

Citations

25 N. Ill. U.L. Rev. 297 (2005)

15 J. Legal Aspects Sport 39 (2005)

5 Mich. J. Race & L. 161 (1999-2000)

4 Seton Hall J. Sports L. 763 (1994)

12 SPG Ent. & Sports Law 10 (1994)

Brian Porto, THE SUPREME COURT AND THE NCAA: THE CASE FOR LESS COMMERCIALISM AND MORE DUE PROCESS IN COLLEGE SPORTS (Univ of Mich Press 2013)

"Suffering The Children: 35 Years of Suspension, Expulsion and Beatings - The Price of Desegregation" **7 Harvard Blackletter Journal 119 (1990)**

Citations

42 Fordham Urb. L. J. 613 (2015)

56 S.C. L. Rev. 1 (2004)

42 Buffalo L. Rev. 829 (1994)

Keeling, D. (2018). Towards a Critical Race Discourse Framework for Addressing Discipline Disparities for African American Students. https://doi.org/10.17615/smyn-xr03

"Drug Testing of Student Athletes: Some Contract and Tort Implications" **67 Denver University Law Review 279 (1990)**

Citations

81 Miss. L.J. 265 (2011)

Barrie Houlihan, SPORT, POLICY AND POLITICS: A COMPARATIVE ANALYSIS (Routledge, 1997)

12 Ent. & Sports Law. 10 (1994-1995)

46 S.M.U. L. Rev. 513 (1992-1993)

35 Physical Education / Sports Philosophy Research 69 (2013)

"Reign of the Queen of Hearts: The Declining Significance of the Presumption of Innocence, - A Brief Commentary" **37 Cleve. St. L. Rev. 393 (lead article) (1990)**.

Citations

89 Denv. U.L. Rev. 327 (2012)

33 Fordham Int'l L.J. 1101 (2010)

85 Chi-Kent L. Rev. 23 (2010)

40 McGeorge L. Rev. 903 (2009)

55 Okla. L. Rev. 257 (2002)

81 Marq. L. Rev. 655 (1998)

30 St. Mary's L. J. 239 (1998)

52 U. Miami L. Rev. 661 (1998)

49 Okla. L. Rev. 511 (1996) 27 St. Mary's L.J. 389 (1996) United States v. Doyle, 130 F. 3d 523 (2d Cir. 1997) Simpson v. State, 447 S.W. 3d 264 (Tex. 2014)

"Random Drug Testing of Student Athletes by State Universities in the Wake of <u>Von Raab</u> and <u>Skinner</u>," **1 Marquette Sports Law Journal. 41** (1990).

Citations

28 Suffolk U.L. Rev. 217 (1994) 4 Seton Hall J. Sport L. 763 (1994) 10 Ent. & Sports Law. 1 (1992-1993)

In Memoriam - Professor Charles A. Thompson, **44 Ohio St. L. J.** (dedication) (1983)

<u>United States v. Raddatz</u>, **Preview of United States Supreme Court** Cases No. 34 (April 23, 1980)

"Interim Detention of Juvenile Delinquents in Ohio: A Proposal for Controlling Judicial Discretion," 39 Ohio St. L.J. 306 (1978). Citations
15 Suffolk L. Rev. 611,618 (1981)
4 Justice Quarterly 223 (1987)
33 How. L. J. 339 (1990)

Non- Law Review Articles:

1981 Testimony on Behalf of the National Conference of Black Lawyers Before the Subcommittee on Criminal Justice of the Committee on the Judiciary House of Representatives, Ninety-Seventh Congress First and Second Sessions on H. R. 1647, H.R. Law Revision Serial No. 132, Part 3.

"Protecting the Law School Gateway for African Americans: Bar Passage, ABA Accreditation Standards and the HBCU Law School" **National Bar Association Journal (2013)**

"Stop and frisk: A price too high for innocent people", Guest Columnist, **Orlando Sentinel** – July 2, 2016 http://www.orlandosentinel.com/opinion/os-ed-utah-police-race-frisk-070216-20160701-story.html

Privacy takes a hit if Apple gives in to FBI: From The Community - **Orlando Sentinel** - February 21, 2016 http://www.orlandosentinel.com/opinion/os-ed-apple-national-security-022116-20160220-story.html

S.C. body-slam shows schools trigger-happy, Guest Columnist, **Orlando-Sentinel**, October 29, 2015 p.10, http://www.orlandosentinel.com/opinion/os-ed-police-black-students-103015-20151029-story.html

Deep roots' in cop-black tension: Front & Center **Orlando Sentinel** - December 23, 2014 http://www.orlandosentinel.com/opinion/os-ed-front-center-pernell-20141222-story.html

PRESENTATIONS:

NEW SCHOLARS WORKSHOP ON CRIMINAL LAW AND PROCEDURE, Moderator, Southeast Association of Law Schools (SEALS) August, 2018, Fort Lauderdale Florida

MAKING THE CASE FOR LEGAL EDUCATION AND EXPLAINING THE IMPACT AND IMPORTANCE OF GIVING, Southeast Association of Law Schools (SEALS) August, 2018, Fort Lauderdale Florida

UPDATE: DUE PROCESS FOR STUDENTS AND THE NCAA, Southeast Association of Law Schools (SEALS) July, 2011, Hilton Head South Carolina

REFLECTIONS ON THE DECLINE OF AFRICAN AMERICAN ENROLLMENT AND THE FUTURE OF LEGAL EDUCATION, National Bar Association, August, 2011, Baltimore Maryland

Commentator, CASEY ANTHONY TRIAL, NEWS13, July 2011, Orlando, Florida

THE PEDAGOGY OF "YES WE CAN" - TEACHING REFORMATIVE

LEGAL JUSTICE IN THE AGE OF OBAMA, 5th Annual Fred Gray Sr. Civil Rights Symposium, Faulkner University School of Law October 21, 2009

DIVERSITY IN THE LEGAL PROFESSION, Southeast People of Color Scholarship Conference, Columbia University of South Carolina School of Law, March 26, 2009

DEANS OF COLOR, panel discussion, Second National People of Color Scholarship Conference, George Washington University Law School, October 8, 2004

ILLINOIS BASED EFFECTIVE PRACTICES FOR FACULTY DIVERSITY, panel discussion, Illinois Board of Higher Education, University of Illinois, Springfield, Public Affairs Center, July 20, 2004

"CHALLENGES AND OPPORTUNITIES FOR PEOPLE OF COLOR IN LEGAL ACADEMIA", panel discussion, Midwestern People of Color Annual Meeting, Cleveland-Marshall College of Law, Cleveland State University, Cleveland Ohio, October 10, 2003

"RACE AS PROXY", Moderator, panel discussion, DePaul University College of Law, Law Review, March 8, 2003

"DEATH PENALTY AND CRIMINAL JUSTICE ISSUES", panel discussion, Rainbow/PUSH Coalition Annual Conference, Chicago, Illinois, July 23, 2002

"LEGAL CHALLENGES FACING PEOPLE OF COLOR", Moderator, Rainbow/PUSH Coalition. Chicago, Illinois, May 11, 2002

"DIVERSITY ISSUES FOR PROFESSIONAL SCHOOLS", Illinois Board of Higher Education, University of Illinois – Springfield, Springfield, Illinois, May 2, 2002

"KEEPING OUR FACULTIES" Symposium on Diversity, University of Minnesota, April 21, 2002

"FUTURE TRENDS IN LEGAL EDUCATION" First Annual Conference on the Development of Palestinian Law Schools, DPK Consulting, Amman, Jordan, March 6, 2002

"ETHICS AND INTEGRITY IN COLLEGE ATHLETICS," Waubonise Community College, October 17, 2001

"ETHICS, RIGHTS AND RESPONSIBILITIES FOR STUDENT ATHLETES", Northern Illinois University Department of Athletics, July 30, 2001

"A DEANS AND ADMINISTRATORS CONVERSATION ON THE FUTURE OF LEGAL EDUCATION, Mid-Atlantic People of Color Conference, Penn State University, Dickinson College of Law, February 3, 2001

TORT REFORM IN ILLINOIS@, Rockford Illinois Chamber of Commerce, May 22, 2000

DIVERSITY IN THE CLASSROOM, Faculty Development and Instructional Design Center, Northern Illinois University, April 17,2000

ISSUES OF LIABILITY @ YMCA Kishwaukee, Illinois, 1999

SUSPENSION AND EXPULSION OF AFRICAN AMERICAN CHILDREN, Springfield, Illinois, Rainbow Push Coalition Panel, 1999

RACISM IN THE CRIMINAL JUSTICE SYSTEM", (Panel Discussion with Johnnie Cochran) African American Leadership Conference, Northern Illinois University, April 16, 1999

DEANS OF COLOR SPEAK OUT, Moderator, National People of Color Conference, Chicago, Illinois, March 27, 1999

LAW SCHOOL EXAM TAKING TECHNIQUES, Minority Legal Education Resources (MLER), Loyola University College of Law,

TRANSFORMATIONS IN HIGHER EDUCATION FOR THE 21 ST CENTURY, National College Band Directors Association, Austin, Texas, February 24, 1998

"RACIAL BIAS IN THE COURTROOM Ohio Judicial College, February 22, 1991

"URINE DRUG TESTING: A MEDICAL AND A LEGAL VIEWPOINT" AWISCO and AWMA, November 27, 1990

"DRUG TESTING AS A MECHANISM TO CONTROL SUBSTANCE ABUSE: ETHICAL, CONSTITUTIONAL, AND EDUCATIONAL ISSUES" Ohio Center for Law Related Education, First Annual Sports and Law Conference, October 15, 1990

"CASE LAW UPDATE: JUVENILE LAW," Public Defender Association Conference on Juvenile Justice, June 22-23, 1989.

"CRITERIA AND BASIS FOR INVOLUNTARY HOSPITALIZATION," before Ohio Hospital Association, September 22, 1978.

"PRE-TRIAL DETENTION, SHELTER CARE AND THE RIGHT TO BAIL," before Juvenile Law Seminar, Ohio Public Defenders Association, December 1977.

"LEGAL ISSUES AND RESPONSIBILITIES IN GENETIC COUNSELING," before Genetics and Genetic Counseling Center, Children's Hospital and School of Allied Medical Professions, The Ohio State University, May 9, 1979.

"WHAT THE DEFENSE ATTORNEY SHOULD EXPECT FROM A TRIAL COMPETENCY EVALUATION," before Ohio Department of Mental Health and Mental Retardation, 1977.

"INTERIM DETENTION OF JUVENILES," UPFRONT, WCOL-FM Radio, January 1979.

"IMPLICATIONS OF THE BAKKE DECISION," Focus on Columbus WCMH Television, June, 1978

"SEXISM AND RACISM IN THE JUVENILE JUSTICE SYSTEM," Association for Juvenile Justice in Ohio, National Council on Crime and Delinquency, September 29, 1979.

"PRIVACY AND CONFIDENTIALITY," Medical Ethics Rounds, Ohio State University College of Medicine, March 8, 1980.

"CIVIL COMMITMENT," Ohio State Legal Services Association, September 18, 1977.

AWARDS AND APPOINTMENTS:

The CLEO EDGE AWARD, Council on Legal Education Opportunity,

Inc., November 2018

Induction into The National HBCU Pre-Law Hall of Fame , 5^{th} Annual National HBCU Pre-Law Summit, 2018

Franklin & Marshall College's Distinguished Alumni Award, June 2011

Third National People of Color Legal Scholarship Conference, Special Visionary Leadership Award, 2010

Extraordinary Leadership Award, Second National People of Color Scholarship Conference, October 7-10, 2004

Leadership Council, Franklin & Marshall College,

Carl Owens Award, for Commitment to Diversity at Northern Illinois University, October 12, 2007

Recipient, *Extraordinary Leadership Award*, Second National People of Color Scholarship Conference, October 7-10, 2004

Elected, Board of Trustees, Law School Admissions Council

Trustee Liaison, Law School Admissions Council, Audit Committee

American Law Institute Members Consultative Group on Criminal Sentencing

American Law Institute Members Consultative Group on Restatement of Torts 3rd

Elected, American Law Institute, May 18, 2000

The Juvenile Justice Initiative, Steering Committee Member, Chicago, Illinois

Illinois Equal Justice Project, Illinois State Bar Association, 2000

Chair, Commission on the Status of Minorities, Northern Illinois University

Merit Reappointment Committee for the Magistrate of the United States District Court, for the Northern District of Illinois, 1999

American Bar Association, Task Force on Diversity, 1999

Citizens for Independent Courts (now The Constitution Project), 1998

Consultant, Practice Skills for New Lawyers, Illinois State Bar Association, 2000

Rules and Governance Committee of the University Council, Northern Illinois University Council, 1998

Visiting Scholar, Columbia University School of Law, 1988

Governor's Commission on Socially Disadvantaged Black Males, Criminal Justice and Victimization Sub-Committee, 1989-1990

Governor's Council on Juvenile Justice, 1988

Franklin County Task Force on Juvenile Justice 1988

Recipient 1986 Ohio State University Distinguished Affirmative Action Award

COMMUNITY ACTIVITIES AND PROFESSIONAL ASSOCIATIONS:

American Bar Foundation Fellow

National Association of Criminal Defense Lawyers

American Civil Liberties Union

Transition Committee on Civil Rights, Governor Blagojevich

Transition Advisory Panel, Attorney General Lisa Madigan

Law School Admission Council, Program and Services Committee, 2001

Law School Admission Council, Minority Affairs Committee, 2000

Association of Trial Lawyers of America

Honorary Member, Delta Theta Phi, Legal Fraternity

Association of American Law Schools Representative, ABA Committee on Legal Education, Sabbatical Inspection of Washburn University School of Law, 2007

American Bar Association, Committee on Legal Education, Special One Person Inspection Team Southern University School of Law, Evening Division, 2006

Member Mock Inspection Team, Florida A&M College of Law, September 8-9, 2003

American Bar Association, Committee on Legal Education, Chair, Sabbatical Inspection of Creighton University School of Law, 2002

Association of American Law Schools Representative, ABA Committee on Legal Education, Sabbatical Inspection of University of South Carolina School of Law, 2002

American Bar Association, Committee on Legal Education, Sabbatical Inspection of Georgia State University College of Law, 2000

American Judicature Society, 1999

Past Member, Ohio State University Athletic Council Past Vice-Chair, OSU Athletic Council, 1986

Past-Chair, Nominating Committee OSU University Athletic Council

Member, Ohio State University Committee on Affirmative Action Policy Revision

Hearing Officer, University Faculty Review Panel

Past-Chair, Sports and Law Section, Association of American Law Schools

Past-Chair, Minority Group Section, Association of American Law Schools

Board Member, Columbus Montessori Educational Center

Past President, Board of Trustees, Association for the Developmentally

Disabled

Past President, Board of Trustees Youth Advocate Services

Past Member, Board of Trustees, Mental Health Advocates

Past Board Member, Columbus Legal Aid Society

Member, Law Professor's Advisory Committee, NAACP Legal Defense Fund

Past Board Member, Franklin County Children's Services, Citizens Council; Chairperson, Subcommittee of the Developmentally Disabled Child

Past Member, Service and Program Committee, Franklin County Children's Services Board

Past Member, Advisory Committee, Rights of the Institutionalized Project, American Civil Liberties Union of Ohio

Co-Founder and Past Chair, National Conference of Black Lawyers, Columbus Chapter

Faculty Advisor, Black Law Student Association

American Bar Association

Ohio State Bar Association

Columbus Bar Association

BAR ADMISSIONS:

State of Ohio, November, 1974; United States District Court, Northern District of Ohio, October 1975; Southern District of Ohio, August, 1976; United States Court of Appeals, Sixth Circuit, December 1976. United States Court of Appeals, Eleventh Circuit, June 24, 2010

United States Supreme Court, October 20, 2008