

To: Chair Jerry Cirino; Vice Chair Michael Rulli; Ranking Member Kent Smith; Members of the Senate Workforce and Higher Education Committee

From: Michael H. Stahl, M.A., MBA, J.D., Esq.

Date: May 16, 2023

Re: Written testimony in support of Senate Bill 117 and the Institute of American Constitutional Thought and Leadership at the University of Toledo

The Institute of American Constitutional Thought and Leadership would provide future lawyers, and others, with the opportunity to develop the confidence that comes with a rich understanding of the philosophy behind the law and supplement the law school curriculum and enhance the quality of the institution as a whole.

May it please the Chair and Members of the Senate Workforce and Higher Education Committee:

I am presently a practicing lawyer in Ohio and have been since 2017. My practice is mainly focused on Criminal Appeals and Post-Conviction work. I was a non-traditional student, and in fact I turned 40 during the first semester of my 1L year. Because of this, I had the distinct advantage of bringing to law school not only life experience, but also two prior graduate degrees. My study in History, in particular, has been incredibly useful in my legal career, as I studied the development of the common law, and as such was exposed to much of the body of historical and philosophical works that the Institute would advance.

In addition to this background, or perhaps because of it, I had the distinct pleasure of serving as a Research Assistant to Prof. Lee Strang while in Law School. In this role I assisted Prof. Strang in developing a Casebook on Ohio Constitutional Law for use in a seminar class that he was teaching. I was fascinated by the interplay between the Ohio Constitution and the Federal Constitution in the courts, and in fact this led me to write an independent study paper detailing what I saw as

a practical independence of State courts in applying Federal Constitutional decisions. I later presented this paper at the 8th Annual Midwest Graduate Research Symposium, thereby gaining valuable academic experience.

I did well in law school, I was an associate editor of the Law Review, competed (and won an award) nationally on the law school's Moot Court Team, and graduated with Honors. Toledo Law is a good school, with strong faculty and a unique culture, and the law school made me a competent lawyer.

It was however the combination of the life experience, prior study and, especially, the unique experience of the research that I carried out for Prof. Strang that I credit with the *confidence* to be as effective a lawyer as I have been so quickly. This knowledge base has been invaluable in issue spotting, and just as crucially, developing and presenting compelling arguments to address those issues.

As an example of this confidence in action, I recently argued a case before the Ohio Supreme Court involving Ohio Criminal Rule 7, and how Ohio provides Constitutionally sufficient notice to indicted defendants. The Rule, and both the Ohio and U.S. Constitutions require particularized notice of the crime charged in an Indictment, but a body of caselaw developed in multiple Ohio Courts of Appeals that indicated that this formal notice was not necessary. This caselaw was based upon a flawed premise, which I identified and presented to the Ohio Supreme Court. I won that case, and not only gained relief for my client, but overturned literally dozens of flawed lower court decisions around the State. *State v. Haynes*, 2022-Ohio-4473.

I do not think that I would have had acumen to spot the issues in the *Haynes* case or the confidence to present the bold, effective, argument that I did without my prior background, and the experience that I gained from my research for Prof. Strang. Indeed, the issue in *Haynes* had been percolating for decades, and while it was challenged, it was not challenged in such an encompassing manner to my knowledge.

This is not isolated, I have had many successes in my relatively short legal career, including a trial court granting an *unopposed* Petition for Post-Conviction Relief, and the Court of Appeals ordering a new trial in a 15-year-old triple Aggravated Murder case based upon new evidence that I discovered. *State v. Thompson*, 6th Dist. Lucas No. L-21-1015, 2022-Ohio-2438.

I presently have multiple cases at the jurisdictional stage before the Ohio Supreme Court arguing Ohio Constitutional protections for criminal defendants where the arguments are based in the insight I gained from my study with Prof. Strang.

In short, I believe that I, in an ad hoc manner, was able to gain the sort of dynamic philosophical and historical acumen, and the resultant confidence that the Institute would seek to instill in a much wider set of students. The Institute is a needed supplement to the traditional law school experience in this regard. I strongly urge you to support SB 117.

Sincerely,

/S/ Michael H. Stahl

