

Michael J. Benza, Esq.
Case Western Reserve University
School of Law
Cleveland, Ohio 44106
(216) 368-0284
michael.benza@case.edu

EMPLOYMENT

2004 - Present

LAW OFFICE OF MICHAEL J. BENZA, INC.

Solo Practice: Private practice focusing on federal *habeas corpus* litigation of state death penalty cases in Ohio, Indiana, and other states. Currently representing six men under sentence of death in federal and/or state court.

1998 - Present

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

2012 - Present

Senior Instructor of Law

2008 - 2012

Visiting Associate Professor of Law

2001 - 2008

Distinguished Practitioner of Law Professor of Law

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1993 - 1997

OFFICE OF THE OHIO PUBLIC DEFENDER

Columbus, Ohio

Assistant State Public Defender: Staff attorney in the death penalty division providing direct representation to people sentenced to death in Ohio.

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1988 - 1989

LOS ANGELES COUNTY DEPARTMENT OF CHILDREN'S SERVICES

Long Beach, California

Children's Social Worker: Emergency Response Unit. Conducted interviews with clients and investigations to determine validity of child abuse complaints, developed case plans, wrote reports to the court to present evaluations and recommendations for the situation. Received Employee of the Month honors and six letters of commendation.

1987 - 1988

HCSP/OPTIONS HOUSE

Hollywood, California

Counselor: Performed counseling and suicide hotline intervention at runaway shelter, located long-term housing for runaways in foster homes, group homes, or job placement programs, and supervised six residents in daily living.

COMMUNITY SERVICE

2004 - 2010

SOUTHERN AFRICA LEGAL SERVICES FOUNDATION

Board Member

Southern Africa Legal Services Foundation is a non-profit organization supporting legal services in s Td ()Tj 0.48 Tw 9 0 Td [(S)-4(out)-5o8.(u70750i)3(od)(m

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BAR ADMISSIONS

Supreme Court of the United States
United States Court of Appeals for the Sixth Circuit
United States Court of Appeals for the Seventh Circuit
United States Court of Appeals for the Eleventh Circuit
United States District Court for the Southern District of Ohio
United States District Court for the Northern District of Ohio
United States District Court for the Southern District of Indiana
United States District Court for the Northern District of Indiana
State of Ohio

CERTIFICATIONS

Ohio Rules of Superintendence Rule 20 certified for appellate counsel in death penalty cases.

SIGNIFICANT CASES

Smith v. Spisak, 130 S.Ct. 676 (2010). Counsel of record including briefing and arguing the case to the Court in October 2009. The Supreme Court granted the State of Ohio's petition for a writ of certiorari to address two issues in this Ohio capital case. I represented Frank Spisak who was convicted and sentenced to death for a series of homicides in Cleveland, Ohio. The Sixth Circuit granted Spisak's habeas petition and ordered a new sentencing proceeding due to defective sentencing phase jury instructions and the woeful performance of counsel in advocating for Spisak's life. The Court reversed the Sixth Circuit finding that the state court judgment on the jury instructions was not contrary to or an unreasonable application of federal law and that, while defense counsel was deficient, there was no prejudice from his closing argument.

Wilkinson v. Austin, 545 U.S. 209 (2005). I was a member of the legal team challenging the conditions of confinement at Ohio's supermaximum security prison (OSP). The District Court found the prison to constitute a significant and atypical hardship and ordered sweeping reforms to the operation and physical plant of the prison. *See Austin v. Wilkinson*, 189 F.Supp.2d 719 (N.D. Ohio 2002). On appeal the Sixth Circuit affirmed the vast majority of the district court's orders. *Austin v. Wilkinson*, 372 F.3d 346 (6th Cir. 2004). The Supreme Court affirmed that due process requirements must be satisfied in placement and retention decisions at supermax facilities. The district court's orders barring the housing of mentally ill inmates at OSP, and requiring the construction of outdoor recreation facilities and mental and physical health facilities, changes to medical and mental health practices, and other issues remain in full effect.

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Bradshaw v. Stumpf