

JONATHAN L. ENTIN

Case Western Reserve University School of Law
11075 East Boulevard
Cleveland, Ohio 44106-7148

(216) 368-3321 (office)
(216) 640-0082 (cell)
jle@case.edu (e-mail)

Law-Related Employment

David L. Brennan Professor Emeritus of Law, Case Western Reserve University, 2023-present;
David L. Brennan Professor Emeritus of Law and Adjunct Professor of Political Science, 2016-23; David L. Brennan Professor of Law and Professor of Political Science, 2012-16; Associate Dean for Academic Affairs (School of Law), January 2007-June 2010, and November 2011-June 2015; Professor of Law and Political Science, 1996-2012; Professor of Law, 1991-96; Associate Professor, 1987-91; Assistant Professor, 1984-87

Research Interests: Constitutional Law, First Amendment, Race and Sex Discrimination, Administrative Law, Supreme Court, Law and Social Science, Law and Public Policy

Courses Taught: Administrative Law; Constitutional Law; Courts, Public Policy, and Social Change; Law, Legislation, and Regulation; L

recipient of ten teaching awards, including Distinguished Teacher Award (CWRU Law Alumni Association, 2008) and Teacher of the Year (graduating classes of 1991, 2002, 2004, 2006, and 2016)

recipient of the Dennis J. Jenks Memorial Award as Administrator of the Year (graduating classes of 2014 and 2015)

recipient of Federal Bar Association's Excellence in Civics Education Award (2017) (first recipient of this national award)

Visiting Professor of Law, University of Nebraska, fall 2004

Judicial Fellow, Federal Judicial Center, 1991-92

Associate, Steptoe & Johnson, Washington, D.C., 1982-84

Law Clerk to Judge Ruth Bader Ginsburg, U.S. Court of Appeals for the District of Columbia Circuit, 1981-82

Professional Publications

Articles

The Decline of Representation Reinforcement in the Supreme Court: Increasing Deference to the Political Process, 73 CLEVELAND STATE LAW REVIEW (in press)

Kinship and Recusal, THE FEDERAL LAWYER (in press)

Taxing Remote Workers: The Pandemic and Its Implications, JOURNAL OF TAXATION OF INVESTMENT

Another Superseded Quill: The End of the Physical-Presence Rule for Requiring Out-of-State Businesses to Collect Use Taxes, JOURNAL OF TAXATION OF INVESTMENTS, Fall 2018, at 15

Physical Presence and State Taxing Authority: The Uncertain Legacy of Quill, JOURNAL OF TAXATION OF INVESTMENTS, Fall 2017, at 31

Fred Gray and the Role of Civil Rights Lawyers, 67 CASE WESTERN RESERVE LAW REVIEW 1277 (2017)

In Honor of Fred Gray: Making Civil Rights Law from Rosa Parks to the Twenty-first Century — Introduction, 67 CASE WESTERN RESERVE LAW REVIEW 1025 (2017)

State Power to Impose Capital Gains Taxes on Nonresidents: A Note on S Corporations and

Toward Understanding the Dynamics of Criminal Enforcement of Environmental Laws, 31
COLUM

Scholarship About Teaching, 73 CHICAGO-KENT

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Race and the Origins of Zoning in the Chicago Suburbs, in CONTESTED TERRAIN: POWER, POLITICS AND PARTICIPATION IN SUBURBIA 71 (Marc Silver & Martin Melkonian eds., 1995)

Ruth Bader Ginsburg: Scholar, Advocate, Justice, in LAW DAY STORIES 80 (Pamela Bliss ed., 1995)

Legal Considerations in Census Planning, 3 INTERNATIONAL POPULATION CONFERENCE PROCEEDINGS 157 (International Union for the Scientific Study of Population, 1993)

Essays

Thinking About Ethics Rules for Supreme Court Justices, INTER ALIA, Winter 2024, at 6

Introduction to Symposium on America's Classrooms: Front Lines of the First Amendment, 73 CASE WESTERN RESERVE LAW REVIEW 1047 (2023)

Introduction to Symposium on AEDPA and the PLRA After 25 Years, 72 CASE WESTERN RESERVE LAW REVIEW 527 (2022)

Conservation Easements, the Internal Revenue Service, and the Administrative Procedure Act, JOURNAL OF TAXATION OF INVESTMENTS, Summer 2022, at 27

The American Rescue Plan Act and State Tax Cuts, JOURNAL OF TAXATION OF INVESTMENTS, Summer 2021, at 15

Over the Top: Judges, Lawyers, and COVID-19 Rhetoric, 31 HEALTH MATRIX 51 (2021)

Ruth Bader Ginsburg: A Law Clerk's Reflections, 71 CASE WESTERN RESERVE LAW REVIEW 1 (2020)

Ruth Bader Ginsburg: An Appreciation, 42 CARDOZO LAW REVIEW 2991 (2021)

Introduction to Symposium on Fair Housing Past, Present, and Future: Perspectives on Moving toward Integration, 70 CASE WESTERN RESERVE LAW REVIEW 659 (2020)

State Taxation of Out-of-State Trusts: Minimal Guidance About Minimum Contacts, JOURNAL OF TAXATION OF INVESTMENTS, Fall 2019, at 65

More on Taxation of Bobbleheads and Other Sports Promotional Items, JOURNAL OF TAXATION OF INVESTMENTS, Spring 2019, at 87

Introduction to Symposium on National Security, National Origin, and the Constitution 75 Years After Executive Order 9066, 68 CASE WESTERN RESERVE LAW REVIEW 1059 (2018)

Taxation of Bobbleheads and Other Sports Promotional Items, JOURNAL OF TAXATION OF INVESTMENTS, Winter 2018, at 45

Landmark Supreme Court Cases from Cleveland and Northeast Ohio, THE FEDERAL LAWYER, August 2016, at 60

Judicial Profile: Hon. Karen Nelson Moore, THE FEDERAL LAWYER, August 2016, at 57

Introduction to Symposium on The Supreme Court's Treatment of Same-Sex Marriage in United

Introduction to Symposium on The New Federalism after United States v. Lopez, 46 C

51 GEORGE WASHINGTON INTERNATIONAL LAW REVIEW 369 (2019) (reviewing *UCIA: Universal Citation in International Arbitration* (Stephen Anway gen. ed., 2018))

Ray Bliss in Retrospect, 9 CONLAWNOW 1011 (2018) (reviewing William L. Hershey & John C. Green, *Mr. Chairman: The Life and Times of Ray C. Bliss* (2017))

A Civil Rights Life, 68 CASE WESTERN RESERVE LAW REVIEW 651 (2017) (reviewing Nathaniel R. Jones, *Answering the Call: An Autobiography of the Modern Struggle to End Racial Discrimination in America* (2016))

CLEVELAND PLAIN DEALER, Sept. 16, 2007, at M5 (reviewing Egil Krogh, *Integrity: Good People, Bad Choices and Life Lessons from the White House* (2007))

CLEVELAND PLAIN DEALER, Apr. 22, 2007, at M4 (reviewing Kevin Merida & Michael Fletcher, *Supreme Discomfort: The Divided Soul of Clarence Thomas* (2007))

The Perils of Wishful Thinking About Abortion, 17 HEALTH MATRIX 101 (2007) ((reviewing Anne Hendershott, *The Politics of Abortion* (2006))

CLEVELAND PLAIN DEALER, July 2, 2006, at H1 (reviewing Artemus Ward & David L. Weiden, *Sorcerers' Apprentices: 100 Years of Law Clerks at the United States Supreme Court* (2006))

CLEVELAND PLAIN DEALER, September 18, 2005, at H1 (reviewing Mark Levin, *Men in Black: How the Supreme Court Is Destroying America* (2005))

On Understanding the History of Residential Segregation, 33 THE URBAN LAWYER 189 (2001) (reviewing Stephen Grant Meyer, *As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* (2000))

Learning from History in the Cigarette Debate, 10 HEALTH MATRIX 205 (2000) (reviewing Cassandra Tate, *Cigarette Wars: The Triumph of "The Little White Slaver"* (1999))

Baseball and Civil Rights Down on the Farm, 35 TULSA LAW JOURNAL 317 (2000) (reviewing Bruce Adelson, *Brushing Back Jim Crow: The Integration of Minor-League Baseball in the American South* (1999))

10 LAW AND POLITICS BOOK REVIEW 337 (2000) (reviewing Neil Duxbury, *Random Justice: On Lotteries and Legal Decision-Making* (1999))

Using Great Cases to Think about the Criminal Justice System, 89 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1141 (1999) (reviewing Gilbert Geis & Leigh B. Bienen, *Crimes of the Century* (1998))

CLEVELAND PLAIN DEALER, November 21, 1999, at 12-I (reviewing Peter Irons, *A People's History of the Supreme Court* (1999))

OHIO LAWYER, May/June 1998, at 34 (reviewing Ken Gormley, *Archibald Cox: Conscience of a Nation* (1997))

48 JOURNAL OF LEGAL EDUCATION

Legislative Meddling W

Ruth Bader Ginsburg Helped Shape the Modern Era of Women's Rights—Before She Went on the Supreme Court, T

A Better Way to Oppose Donald Trump Than Through Protests, CLEVELAND.COM, November 18, 2016, https://www.cleveland.com/opinion/2016/11/a_better_way_to_oppose_donald.html

Agency Sunset Bill Is a Solution in Search of a Problem, CRAIN'S CLEVELAND BUSINESS, October 31, 2016, at 10

Dubious Argument Won't Bar Clinton Holding the Presidency, CLEVELAND PLAIN DEALER, September 23, 2016, at E1

A Conversation About Fred Gray: Rosa Parks's Lawyer and Dr. King's First Lawyer, 10 NORTHWESTERN JOURNAL OF LAW

We Need a Census Director Now, CLEVELAND PLAIN DEALER, July 12, 2009, at G3

Entries on “*Brown v. Mississippi*,” “Commerce Clause,” “Concurring Opinions,” “*Kelo v. City of New London*,” “Rational Basis Test,” and “*Raymond Motor Transportation, Inc. v. Rice*,” ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus et al. eds., 2008)

Melvyn R. Durchslag: Scholar, Colleague, Mentor, Friend, 58 CASE WESTERN RESERVE LAW REVIEW 1007 (2008)

By 1968 King Was Facing Bigger Problems, CLEVELAND PLAIN DEALER, April 4, 2008, at B

Appellate Review Needed in Death Penalty Cases: Why State Issue 1 Should Be Defeated, DAYTON DAILY NEWS, October 27, 1994, op-ed page

No Party: Lack of Support Hurts Clinton's Presidency, PATRIOT LEDGER, September 28, 1994, at 25

Right, Wrong in Lessin Decision, CLEVELAND PLAIN DEALER, Nov. 3, 1993, at 7-B

A Year at the Federal Judicial Center, IN BRIEF, January 1993, at 7

Property Meets Con Law in Prince Edward County, IN BRIEF, September 1991, at 2

Desegregating the American Law School: The Road to Brown, IN BRIEF, Fall 1985, at 14

Note, *United States v. Progressive, Inc.: The Faustian Bargain and the First Amendment*, 75 NORTHWESTERN UNIVERSITY LAW REVIEW 538 (1980)

Professional Activities

Co-editor, JOURNAL OF LEGAL EDUCATION, 1992-98

Member, Electronic Publishing Advisory Group, Association of American Law Schools, 1998-2001

Lecturer, programs on Ethics in Public Administration, B

Reporter, Task Force to Review Criminal Provisions in Environmental Law, Section of Corporation, Banking, and Business Law, 1982-84

Co-Chair, Committee on Environmental and Natural Resource Regulation, Section of Administrative Law and Regulatory Practice, 2010-11; Vice-Chair, 2003-10

Standing Committee on Gavel Awards, 2020-23

American Bar Foundation (life fellow)

American Political Science Association

Federal Bar Association

Board of Directors, Northern District of Ohio Chapter, 2010-present
Fellow, Foundation of the Federal Bar Association

Law and Society Association

Ohio State Bar Association

Population Association of America

Education

Northwestern University, J.D. cum laude, 1981

Coordinating Executive Editor, NORTHWESTERN UNIVERSITY LAW REVIEW, 1980-81;
Staff Member, 1979-80

University of Michigan, graduate study in sociology, 1969-70

Charles Horton Cooley University Fellow

Brown University, A.B. with honors, sociology, 1969