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EDUCATION

1989 - 1992

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

Cleveland, Ohio

J.D.

- SAUL S. BISKIND FELLOW: One year fellowship awarded to one student in every graduating class to provide legal services in a public interest setting.
- CWRU AULT MOCK TRIAL TEAM
 - ABA National Trial Competition Team 1992
Regional Semi-Finalist
 - ABA National Trial Competition Team 1991
Regional Co-Champions
 - Tournament of Champions Team 1991
- ACADEMIC SCHOLARSHIP
- STUDENT PUBLIC INTEREST LAW FELLOWSHIP 1989 - 1992
 - President 1990 - 1991
- STUDENT BAR ASSOCIATION
 - Governor 1991 - 1992
 - Social Committee Chairperson
 - Racial/Sexual Harassment Committee
 - Budget Committee

1986 - 1988

PEPPERDINE UNIVERSITY

Malibu, California

M.A. Clinical Psychology

- President of Graduate Students 1987 - 1988
 - First graduate student representative to University Student Government -unified five graduate programs
- Teaching Assistant 1986 - 1988

1982 - 1986

CASE WESTERN RESERVE UNIVERSITY

Cleveland, Ohio

B.A. Psychology

- Sigma Chi Fraternity
- Student Health Advisory Council 1984 - 1986

EMPLOYMENT

- 2004 - Present **LAW OFFICE OF MICHAEL J. BENZA, INC.**
Cleveland, Ohio
Solo Practice: Private practice focusing on federal *habeas corpus* litigation of state death penalty cases in Ohio, Indiana, and other states. Currently representing fourteen men under sentence of death in federal and/or state court.
- 1998 - Present **CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW**
Cleveland, Ohio
Visiting Associate Professor of Law
- 1998 - Present Death Penalty Issues: Teaching a seminar course on the death penalty. The 1998 course was an upper-level writing requirement class. Beginning in 1999 the course became a traditional, upper-level lecture class addressing constitutional issues surrounding the death penalty primarily focused on Eighth and Fourteenth Amendment issues.
- 2000 - Present Coach - Mock Trial Team: Supervise, train, and coach a team of law students in national mock trial competitions.
- 2001 - Present Criminal Procedure I: Fourth Amendment search and seizure and Fifth Amendment statement course generally taken by every law student.
- 2004 - Present Death Penalty Lab: Supervise and direct students working on death penalty issues specific to actual cases. The students do not engage in direct representation but accept research issues from practitioners representing death sentenced or capitally-indicted individuals.
- 2008 Criminal Law: Required first year criminal law course focusing on legal theory of criminal law, social and moral issues of criminal law, as well as developing legal research and analytical skills.
- 2007; 2008 Professor of the Year Award by Student Bar Association
- 1999 - 2004 **JEFFRY F. KELLEHER & ASSOCIATES, CO.**
Cleveland, Ohio
Partner: Full-time private practice concentrating on federal criminal practice and federal *habeas corpus* litigation of state death penalty cases.
- 1997 - 1999 **CLEVELAND BAR ASSOCIATION**
Cleveland, Ohio
Assistant Counsel: Staff attorney to the Bar Association. Provide legal support to the various committees including the Certified Grievance Committee, Bar Admissions Committee, and Criminal Law Section.

- 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. Represented capital-indicted persons at trial and death row inmates in direct appeals to the court of appeals and the Supreme Court of Ohio, post-conviction petitions and appeals, federal habeas corpus relief, and collateral death penalty litigation including Section 1983 litigation. See *Woodard v. Ohio Adult Parole Authority*, 107 F.3d 1178 (6th Cir. 1997) (briefed and argued), reversed *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272 (1998) (briefed and second chair).
- 1992 - 1993 **THE LEGAL RESOURCES CENTRE**
Johannesburg, South Africa
Legal Extern: One year position in public interest law practice addressing human and civil rights, land reform, housing and land development issues, HIV/AIDS discrimination, labor discrimination, consumer rights, and police/military brutality cases. Drafted Heads of Argument for cases before the Appellate Division and the Labour Appeal Court. Conducted seminars on U.S. Constitutional Law, Native American Land Claims, Women's Rights, Affirmative Action, and Abortion Rights. Member of the Human Rights and Law Reform Committees of the National AIDS Co-Ordinating Committee of South Africa. Saul S. Biskind Fellowship position.
- 1992 **OFFICE OF THE OHIO ATTORNEY GENERAL**
Cleveland, Ohio
Law Clerk: Wrote motions and post-hearing briefs, assisted in discovery, and prepared memorandum of law in Civil Rights Division dealing with employment, housing, handicap, and service discrimination.
- Summer 1991 **PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA**
Washington, D.C.
Law Clerk: Wrote motions, conducted investigations, and assisted attorney in preparation for and presentation of first degree felony cases. Assisted with felony cases from arraignment to post-sentencing.
- 1990 - 1991 **SAFE SPACE STATION**
Cleveland, Ohio
Law Clerk: Conducted client interviews, prepared motions, performed discovery, interviewed witnesses, developed case plans, and assisted in trial preparation and case presentation. The majority of the case load consisted of juvenile criminal defense with some probate and domestic relations work.
- 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.

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	
of Ohio	United States District Court for the Southern District
of Ohio	United States District Court for the Northern District
	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

Woodard v. Ohio Adult Parole Authority, 107 F.3d 1178 (6th Cir. 1997) (briefed and argued), reversed by *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272 (1998) (briefed and second chair). I represented Eugene Woodard, an Ohio death row inmate. The State of Ohio attempted to conduct a clemency review of Mr. Woodard without counsel and at a point in time in which any execution of Mr. Woodard was many years away. The district court granted the State's motion for summary judgment finding that no due process rights vested in clemency proceedings. The Sixth Circuit reversed finding due process protections were required in clemency proceedings and remanded the matter to the district court to determine the scope of those protections. The Supreme Court of the United States reversed the Sixth Circuit on the basis that Ohio's clemency process on its face comported with due process requirements. A majority of the Justices agreed that due process of some degree is required in death penalty clemency proceedings.

Getsy v. Mitchell, 456 F.3d 575 (6th Cir. 2006), reversed *en banc*, 495 F.3d 295 (6th Cir. 2007). I represented Jason Getsy, an Ohio death row inmate on appeal to the Sixth Circuit Court of Appeals. The panel reversed Getsy's death sentence on the basis of *Furman v. Georgia*, because his death sentence is arbitrary and capricious. Jason was convicted of being hired to kill a business rival of John Santine. Santine was tried separately and was acquitted of hiring Jason. Of the four active participants in the crime only Jason was sentenced to death. The panel determined that this result demonstrated that the death sentence was arbitrary and capricious when the more culpable Santine was not even death eligible. The *en banc* Court reversed the Panel decision by a vote of 8-6.

Greer v. Mitchell, 264 F.3d 663 (6th Cir. 2001), reversed and remanded to district court for evidentiary hearing on ineffective assistance of appellate counsel claim. I represent Paul Greer, an Ohio death row inmate. During state court proceedings Mr. Greer properly pursued every avenue of state court relief despite the fact that the Ohio courts continually changed those avenues. The state courts ultimately denied relief and Mr. Greer pursued *habeas* relief. I began representing Mr. Greer on appeal to the Sixth Circuit. The Circuit determined that the state imposed procedural defaults were probably improper but did not need to ultimately decide that issue choosing instead to order review of the performance of state appellate counsels' performance in failing to challenge trial counsels' performance. I continue to represent Mr. Greer in federal court and in state court on his *Atkins* claim. The death sentence was vacated pursuant to *Atkins v. Virginia*.

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 of the United States 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, construction of outdoor recreation facilities and mental and physical health facilities and practices, and other issues remain in full effect.

United States v. Humphrey, 287 F.3d 422 (6th Cir. 2002). I represented Montel Humphrey, a federal defendant on direct appeal of his conviction and sentence for drug conspiracy and other charges. On appeal the Sixth Circuit reversed as to sentence because the trial court felt constrained to impose the mandatory minimum sentence of 20 years rather than a discretionary sentence justified by the jury verdict as to drug quantity. The Circuit Court ordered that, per *Apprendi v. New Jersey*, the district court should not have been constrained by the mandatory minimum.