



## 狐狸总会露出尾巴的

对 Lawrence Mitchell 的调查

请副校长陈信元认真回答



上海财经大学为何收容涉嫌性侵的改名不换姓的美国学者 Lawrence Mitchell(米罗)？

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## 1. The Lawrence Mitchell case appendix 1: Matching

Introduction: Lawrence Mitchell and Ezra Wasserman Mitchell should be the same person. Some evidences are presented below:



law.shufe.edu.cn/LAWRENCE1.html

上海财经大学 法学院

学院概况 党建工作 学院人员 学术科研 学科概况 人才培养 海外交流 社会

人员 **WHY?** 您现在的位置:

**EZRA WASSERMAN MITCHELL**

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## EZRA WASSERMAN MITCHELL



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## EZRA WASSERMAN MITCHELL在上财主页写的论文

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- Talking with my Friends: A Response to a Dialogue on Corporate Irresponsibility (Symposium Irresponsibility: America' s Newest Export)70 George Washington Law Review 988 (2002) (SSCI 来源期刊)
- If I Only Had a Heart: Or, How Can We Identify a Corporate Morality (Symposium)(with There Gabaldon) 76 Tulane Law Review 1579 (2002).
- How to Do the Right Thing Optimize (February 2002)
- Review of Jerry L. Mashaw, Greed, Chaos, & Governance: Using Public Choice to Improve Pub Responsive Community (1999)
- The Naked Emperor: A Corporate Lawyer Looks at RUPA' s Fiduciary Provisions (Symposium: of Unincorporated Associations) 54 Washington & Lee Law Review 465 (1997)
- The Human Corporation: Some Thoughts on Hume, Smith, and Buffett (Symposium: Warren I Cardozo Law Review 341 (1997)
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- Private Law, Public Interest? (Foreword to Symposium, The ALI Principles of Corporate Govern George Washington Law Review 871 (1993) (SSCI 来源期刊)

70 Geo. Wash. L. Rev. 988 (2002)

Talking with My Friends: A Response to a Dialogue on Corporate Irresponsibility

### Talking with My Friends: A Response to a Dialogue on *Corporate Irresponsibility*

Lawrence E. Mitchell\*

After the initial rush of overwhelming flattery of a symposium held on my book began to wear off, I was confronted with the far more disquieting sentiments of awe and anxiety. Awe because of the extraordinary insights, ideas, information, and critiques the participants in this endeavor have offered to and levied upon me; anxiety because, during his wonderful talk, Mitu Gulati, who I had theretofore *thought* was my friend, came up with the idea that I write a response—and Mitu's challenge to me is probably the most difficult of all. (In fairness to Mitu, the editors of the *Law Review* would undoubtedly have come up with this anyway—but I had planned on ducking it by claiming that my response was *Corporate Irresponsibility*.) After listening to my colleagues, however, it is clear to me that response is inadequate. And so I take up the challenge of responding to this wonderful and disquieting

Google Scholar展示的Lawrence Mitchell 的英文论文

## 我院Ezra Wasserman Mitchell教授入选第六批“上海千人计划”

经上海市委组织部批准，“上海千人计划”第六批入选名单日前揭晓，我院推荐的Ezra Wasserman Mitchell教授入选创新人才长期项目。这是继2015年Mark Poustie教授入选第五批“上海千人计划”创新人才长期项目之后我院引进人才的又一次入选。

### Ezra Wasserman Mitchell教授简介



Ezra Wasserman Mitchell（曾用名Lawrence E. Mitchell，美国籍）教授毕业于哥伦比亚大学，曾任美国Case Western Reserve University（凯斯西储大学）法学院院长，Joseph Hostetler-Baker & Hostetler法学教授，是普

## 2. The Lawrence Mitchell case appendix 2: Resume

**Link:** <http://law.shufe.edu.cn/LAWRENCE1.html>

EZRA WASSERMAN MITCHELL



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#### 教育背景

美国哥伦比亚大学 (Columbia University) 法学院

法律博士 (Juris Doctor, J.D.) 1981

美国威廉姆斯学院 (Williams College)

文学士 (Bachelor of Arts, B.A.) 1978

#### 工作经历 (学术机构)

美国凯斯西储大学 (Case Western Reserve University) 法学院

院长；Joseph Hostetler – Baker & Hostetler 法学教授 2011 年至今

美国乔治华盛顿大学 (George Washington University) 法学院

Theodore Rinehart 商法学教授 2006 年至今

John Theodore Fey Research 法学教授 1995 - 2006

法学教授 1993 - 1995

法学副教授 1991 - 1993

北京大学法学院

兼职教师 (2010 年聘任)；北京大学金融经济法项目顾问

乔治城大学 (Georgetown University) 法律中心

客座法学教授 1999 年春

奥尔巴尼法学院 (Albany Law School of Union University)

副教授 1990 - 1991

助理教授 1987 - 1990

工作经历 (法律实务)

Paul, Weiss, Rifkind, Wharton & Garrison 律所 (纽约)

担任律师 1985.4 - 1987.6

O' sullivan Graev Karabell & Gross 律所 (纽约)

担任律师 1983.8 - 1985.3

White & Case 律所 (纽约)

担任律师 1981.8 - 1983.7

学术成果

著作与选集

• The Panic of 2008: Causes, Consequences and Implications for Reform

[2008 年危机：成因、后果以及对改革的影响] (Edward Elgar; 2010)

- Corporate Governance [公司治理] (Ashgate Press; 2009)
- The Speculation Economy: How Finance Triumphed over Industry [投机经济：金融如何战胜工业] (Berrett-Koehler Publishers; 2007)
- Corporate Irresponsibility: America's Newest Export [无责任的公司：美国最新的输出品](Yale University Press 2001);
- Stacked Deck: A Story of Selfishness in America [谋私利：利己主义在美国] (Temple University Press, 1998)
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- Gentleman's Agreement: The Antisemitic Origins of Restrictions on Stockholder Litigation, 36 Queen's Law Journal 71 (2010)
- Financialism: A Brief History, in The Embedded Corporation (Cynthia A. Williams and Peer Zumbansen, eds.: Cambridge University Press)
- Toward a New Law and Economics: The Case of the Stock Market, (in circulation; available on SSRN.com) (2010)
- The Financial Determinants of Corporate Governance (with Dalia T. Mitchell), in Corporate Governance (H. Kent Baker and Ronald Anderson, eds; John Wiley & Sons; 2010)
- The Legitimate Rights of Public Shareholders 66 Wash. & Lee L. Rev. 1635 (2010) (selected for republication in Corporate Practice Commentator,

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- Who Needs the Stock Market?: Part I: The Empirical Evidence (in revision, forthcoming, Accounting, Economics, and Law – A Convivium 2010, available on SSRN.com)
- The Trouble with Boards (Symposium, The New Corporate Governance) (in The New Corporate Governance, Troy A. Paredes and F. Scott Kieff, eds., Cambridge University Press; 2010)
- The Morals of the Marketplace: A Cautionary Essay for Our Time, 20 Stanford Law & Policy Review 171 (2009)(translated into Mandarin by Xiao Yu, forthcoming Peking University Financial Forum 2010)
- The Innocent Shareholder: An Essay on Compensation and Damages in Securities Class Actions, 2009 Wisconsin Law Review 243 (SSCI 来源期刊)
- Corporate Social Responsibility in Capital Markets in the U.S. 20 Peking University Law Journal 8 (2008) (in Mandarin) (presented in English at Beijing Forum 2007, Peking University, and Tsinghua University)
- The Board as a Path to Social Responsibility (in The New Corporate Accountability: Corporate Social Responsibility and The Law (Doreen McBarnet, Aurora Voiculescu, and Tom Campbell, eds., Cambridge University Press; 2007) 279
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- Structural Holes, CEOs, and Informational Monopolies: The Missing Link

- in Corporate Governance (Symposium: Social Science and Corporate Misbehavior) 70 Brooklyn Law Review 1313 (2005)
- Structure as an Independent Variable in Assessing Stock Market Failures 72 George Washington Law Review 547 (2004) (SSCI 来源期刊)
  - Sarbanes-Oxley and the Reinvention of Corporate Governance (Symposium: Enron) 48 Vill. Law Review 1189 (2003)
  - No Business Like No Business, in The Rehnquist Court: Judicial Activism On the Right (Herman Schwartz, ed.; Hill & Wang; 2002) 227
  - The Importance of Being Trusted (Symposium: Trusting Relationships) 81 Boston University Law Review 591 (2001) (SSCI 来源期刊)
  - Trust and Team Production in Post-Capitalist Society (Symposium: Team Production) 24 Journal of Corporation Law 869 (1999)
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  - The Puzzling Paradox of Preferred Stock (And Why We Should Care About It) 51 Business Lawyer 443 (1996) (SSCI 来源期刊)
  - Trust, Contract, Process., in Progressive Corporate Law (L.Mitchell, ed)(Westview Press; 1995) 185
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  - Cooperation and Constraint in the Modern Corporation: An Inquiry into the Causes of Corporate Immorality 73 Texas Law Review 477 (1995) (SSCI

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- Fairness and Trust in Corporate Law 43 Duke Law Journal 425 (1993)  
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- Critical Look at Corporate Governance 45 Vanderbilt Law Review 1263  
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- A Theoretical and Practical Framework for Enforcing Corporate  
Constituency Statutes 70 Texas Law Review 579 (1992) (SSCI 来源期刊)
- The Fairness Rights of Corporate Bondholders 65 New York University  
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- Talking with my Friends: A Response to a Dialogue on Corporate Irresponsibility (Symposium: Corporate Irresponsibility: America's

Newest Export)70 *George Washington Law Review* 988 (2002) (SSCI 来源期刊)

- If I Only Had a Heart: Or, How Can We Identify a Corporate Morality (Symposium)(with Theresa A. Gabaldon) 76 *Tulane Law Review* 1579 (2002).
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- The Naked Emperor: A Corporate Lawyer Looks at RUPA' s Fiduciary Provisions (Symposium: The Future of Unincorporated Associations) 54 *Washington & Lee Law Review* 465 (1997)
- The Human Corporation: Some Thoughts on Hume, Smith, and Buffett (Symposium: Warren Buffet) 19 *Cardozo Law Review* 341 (1997)
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- Groundwork of the Metaphysics of Corporate Law (Symposium: New Directions in Corporate Law) 50 *Washington & Lee Law Review* 1477 (1993)
- The Cult of Efficiency, reviewing Easterbrook & Fischel, *The Economic*

Structure of Corporate Law 71 Texas Law Review 217 (1992) (SSCI 来源  
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- A Parable of the 1980s: Anadarko Petroleum Corp. v. Panhandle Eastern Corp. 53 Albany Law Review 655 (1990)

案例教科书 (公司金融法领域)

- Cases and Materials on Corporations (with Dalia Tsuk Mitchell) (Carolina Academic Press; 2006)

- Corporate Finance and Governance: Cases, Materials and Problems for an Advanced Course in Corporations (four editions)

- Cases and Materials on Corporations: An Interdisciplinary Approach (Carolina Academic Press; 2004) (with Michael Diamond)

### 3. The Lawrence Mitchell case appendix 3: investigation

#### 1

**Introduction:** The sexual harassment case of Lawrence Mitchell was reported by Cleveland Scene Magazine (Cleveland Scene Magazine is published every week by Euclid Media Group. Scene is a Verified Audit Member).

**Link:**

<https://www.clevescene.com/cleveland/sex-politics-and-revenge-lawrence-mitchell-was-supposed-to-bring-stability-to-case-western-reserve-universitys-law-school-not-treat-it-as/Content?oid=4307875&showFullText=true>

**Title:** Sex, Politics and Revenge: Lawrence Mitchell Was Supposed to Bring Stability to Case Western Reserve University's Law School, Not Treat It as His Personal Pickup Playground

**Author:** By Doug Brown (Email: [dougbrown8@gmail.com](mailto:dougbrown8@gmail.com))

**Full Report:**

"Great cities have great law schools," boasted Lawrence Mitchell at the City Club of Cleveland, flanked by the law school deans of the University of Toledo, University of Akron and Cleveland Marshall. It was January 2012, the beginning of Mitchell's second semester at the helm of the Case Western Reserve University School of Law, and he was holding court with the same confidence and charisma that had won over the search committee less than a year earlier. "We are the entry point for students from around the country,

and increasingly, around the world, bringing talent to this area that previously had not been here."

The City Club's "Meet the Deans" event was a conversation about diversity, plummeting application rates and the value of an expensive law school education during a time when demand in that field has taken a nosedive.

"The economics are real and they're complex," he said. "What we've decided to do as a law school is cut our class size by 10 percent, which is going into effect this year. We're doing that for a number of reasons, not the least of which is we believe the restructuring of the legal profession is a common fact of life. We believe the demographic trends are going to lead to fewer applicants. We believe we ought to be concentrating our resources on a fewer number of students and doing a better job educating those students so they can fulfill the mission of our law school."

Off the stage, things weren't nearly as smooth.

Someone who had an axe to grind against Mitchell had handed out flyers to the City Club guests. "QUESTIONS SOMEONE SHOULD ASK DEAN MITCHELL," its header read, with six paragraphs below, each containing salacious rumors about who Mitchell had slept with and allegations of sexist comments. University administrators reportedly got a copy.

"Dean Mitchell, about half of all law students today are female. What should female law students expect from a dean who, in his short time in Cleveland, has already had affairs with a Case graduate student, a recent Case law grad,

a local lawyer, and the girlfriend of [y]our personal assistant?"

"Dean Mitchell, what does it say about your attitude toward female students that you joked to Case faculty members that the Case graduate student you were having an affair with, "wasn't good for anything but keeping the bed warm?"

The note also mentioned his two divorces, one from a spouse who was a former student, the other a professor who was his subordinate.

Gossip spreads fast through the Cleveland legal community. One female student, a first-year at CWRU at the time, said the drama quickly entered the inbox of her online dating profile.

"Some guy claiming to be a lawyer in Cleveland messaged me and said, 'Did you hear about all this drama at the City Club?' and accused Lawrence Mitchell of this, that or the other. I was just astounded," she says. "All it said on my dating profile was I'm a law student in town."

Just four months into his tenure at the law school, Lawrence Mitchell had already ruffled more than a few feathers with his overtly sexual come-ons and had quickly solidified his reputation as a heavy drinker with few personal or professional boundaries.

Nearly two years after the City Club fiasco, Lawrence Mitchell and Case Western Reserve University would face more than anonymous rumors.

In 2011, Lawrence Mitchell left his longtime post as a professor at George Washington, one of the country's top law schools, for a new challenge:

leading an unstable and money-hemorrhaging law school in the Rust Belt back to prominence. The 52-year old corporate law scholar had a sterling academic career on paper and Case Western was in the midst of trying to repair its image.

Not only was the law school market in a downturn, but Case had also been left in a lurch after a forced resignation of the last full-time law school dean, one who had alienated wealthy alumni during his tenure. Complicating its leadership crisis, the university was also struggling with fundraising and its place on the almighty (but seemingly arbitrary) U.S. News and World Report law school rankings.

Barbara Snyder, who began her academic career as a CWRU law professor in the mid-1980s before working her way up the administrative ladder with positions at Ohio State, was named Case president in 2007. A year prior, Gary Simson, a law professor at Cornell who emphasized the social justice tenets of the profession, replaced Gerald Korngold at the top of the Case law school. Simson's time as dean was rough — the school dipped in the U.S. News rankings (he had been a staunch critic of the methodology used in those rankings), CWRU students' bar passage rates became the second lowest among the nine law schools in the state of Ohio (75 percent for first-time test takers, compared to 95 percent at Cleveland Marshall), and he had created testy relationships with wealthy Case alumni (those coveted donors who write the big checks).

Snyder is a fundraiser. Snyder is a schmoozer. Simson didn't jibe with her needs. Sources say she created a panel to review his position, dismissed him in 2008 and then crafted a press release announcing that Simson had agreed to resign. "He was unceremoniously dumped," a source says. "They pretended he was resigning, but he wasn't."

The school installed Bob Rawson as interim dean while they looked for a permanent candidate. Rawson, a partner at Jones Day, was universally praised for guiding the law school through a tough period, though that interim stint wasn't supposed to last three years. Case, it seemed, had trouble attracting a permanent replacement.

And so, in late 2010 and early 2011, CWRU finally connected with Lawrence Mitchell. A 1981 Columbia law graduate, he spent the mid-1980s as a corporate lawyer for Wall Street firms before teaching at the Albany Law School of Union University and eventually landing on the faculty at George Washington in 1991.

By 2010, after 20 years on staff, Mitchell was eyeing other opportunities. He had sought the dean position at the Brooklyn Law School (in his hometown) and, according to reports at the time, was a finalist for jobs at the University of San Diego School of Law and the University of Colorado Boulder Law School. Mitchell had also sought the recently opened dean position at the George Washington law school, sources said, but took his name out of the running early on when he realized he wouldn't get it.

What set Mitchell apart from other finalists for the CWRU job — including former Lt. Gov. Lee Fisher and former Federal Election Commission Chairman Bradley Smith — was his "brutal honesty" while laying out his plans for the school. He illustrated Case's myriad problems, outlined small tasks he'd tackle in order to correct them, pledged to focus on the school's U.S. News ranking and presented himself as a donor's friend. He was the anti-Gary Simson; he valued corporate law and making money over public-interest work. He was Snyder's kind of law school dean.

But Mitchell also came with plenty of red flags, the kind of warnings that did not bode well for someone about to take over that much power. Taken individually, they could be written off as inconsequential. Taken as a whole, they showed a pattern of behavior that could very well cause problems down the road.

In Mitchell's case, it was widely known throughout law school faculty, the search committee and the administration that he had a documented history of sexual relationships with at least one student and people under his authority. He was 43 when he married a 24-year-old law student in April 2000. They would be divorced soon after. In 2004, Dalia Tsuk joined the faculty at George Washington as an associate professor, a subordinate to Mitchell. Mitchell and Tsuk would get married shortly later. After adopting a daughter, the relationship ended in 2010.

Pam Davis, the successful dean of Case's medical school, co-chaired the

university's search committee. According to attorney Daniel Dubè, who was a student of Mitchell's at GW and who came with him to Case as his personal assistant, Mitchell told him that Davis had discouraged the university from hiring him.

"He told me that the dean of the med school had discouraged his being hired, as she feared him to be a substance abuser," Dubè said in a written statement to Scene. "Specifically, Mitchell cited her as having been horrified that he had two highball scotches at an important event. He intended to convey that she was a prude. At the time, he claimed to have learned this information from provost Bud Baeslack."

Despite these concerns, Snyder tabbed Mitchell as the official pick and the board of trustees signed off. In April 2011, the school announced Mitchell as the new law school dean and Snyder bestowed him with a seven-year contract, according to a source. He was supposed to be the steadying force for a school that had faced so much uncertainty in previous years.

Mitchell packed up and moved to Cleveland alone. He bought a \$575,000, five-bedroom house in Cleveland Heights, just a few miles from campus, with plenty of space to host parties for students and faculty.

From a macroscopic view, Mitchell was everything Barbara Snyder could want in a law school dean hired during the great law-school market crash.

Shortly after arriving, he did meet-and-greets with faculty members — something previous deans had never done. He personally visited big law

firms that had hired Case graduates, introducing himself and lobbying partners to give his grads a shot. He helped Case tally a record fundraising year at the law school.

Mitchell consciously cut class sizes. His first year, 190 new students enrolled. In 2012, that became 165. Last fall, 104. But fewer students didn't mean less money. The dean established strong connections to institutions in China, which brought in students who would pay the full annual tuition (currently \$46,000 for J.D. students), whereas in-country candidates rarely pay full price.

He helped reverse CWRU's previously tumbling place in the U.S. News rankings. While the system is almost universally panned as arbitrary, a school's rankings can have dire consequences and significant rewards, and Mitchell knew how to game the system. One important factor: the peer assessment rankings, which might be why Mitchell penned a widely discussed Nov. 2012 New York Times op-ed entitled, "Law School is Worth the Money," in which he chastised those who argued against the lofty tuition tag for an education in a struggling industry. Journalists might have roundly panned it, but those people don't contribute to the peer assessment rankings in the U.S. News report. It worked: CWRU climbed to No. 64 last year, up four spots from 2012.

He also developed a new curriculum that will be installed this fall, and which was widely praised by the law community, emphasizing practical experience

for the Case law students.

From the top down, Mitchell's rein looked to be off to auspicious beginnings. He was working long hours, traveling and putting in the effort previous deans had not, sources said. But that wasn't the full picture.

The law students who will walk across the stage of Severance Hall next week to receive their diplomas have the most colorful stories about Lawrence Mitchell. A lot of them come from the days before classes even started during their first years together.

"During orientation week that first year, the school had organized events at various bars downtown to kind of get to know everyone in the class," says a third-year law student. "There was this one at Pickwick and Frolic, and the dean had come to mingle with the students, and within an hour he was really drunk, pounding on the bar, screaming at the bartenders. It looked like he was about to puke all over the bar and lose it."

Another student remembers the same drunken display: "He apparently just flew in from some sort of trip. He got sloshed at this thing, telling us the only way he got through law school was his friend Jack Daniels, or something like that. And this is the first time ever meeting the students, the first impression. Already, it's like OK, this guy is kind of weird."

Students present at the function tell Scene Mitchell propositioned a female law student for a threesome that evening, making the offer as people were leaving the East Fourth Street bar while offering the young woman a ride

home. Sources at the university say students had informed some faculty soon after orientation week that Mitchell had propositioned them for a threesome as well.

Those first interactions with Mitchell still resonate with the soon-to-be graduating law class. "During the first weeks of school, everybody was talking about how the dean was out, drinking various things, doing various stuff," says another student. "Maybe you've heard this, but one person even has a picture of him making out with this girl. There was this first year orientation event and the dean just shows up with this young chick; he doesn't even have a pretense, he's smashed and he's making out with her."

Two third-year students independently reported to Scene that a picture of Mitchell making out with a college-age woman during an orientation week event in Coventry was circulating on Facebook in the fall of 2011.

Over three years, Mitchell developed that reputation and more. For this year's graduating class, if they haven't experienced it firsthand, they know someone who has, and many of those incidents happened at booze-fueled parties at his home. There would be regular get-togethers with a full bar and plenty of beer, and Mitchell would tell particular female students just where to find the good stuff.

"You'll just hear from female students who went to these dean's dinners, that he was very — I guess the word would be 'lecherous,'" says one student.

"To be quite frank, it would not be inaccurate to describe him as a dirty old man, but that said, there's nothing wrong with being a dirty old man as long as you are able to keep that in an appropriate setting," says a third-year student who also explained that Mitchell was much more personable than other administrators they had interacted with. "Where I think the error of judgment occurred is being more relaxed in settings where he was with his staff and colleagues and students and not trying to tone down that part of his personality. If you're living in New York City or D.C., you can go out to bars and you're anonymous, just a guy at a bar. But Cleveland is a small town, and an even smaller legal community, so you really have to be vigilant about what you say and who could possibly be listening. Unfortunately he didn't do a very good job of that."

Another female law student remembers bumping into Mitchell with a young girl at a Cleveland Heights grocery store near campus: "I was like, 'Oh, cute he's with his daughter.' But then he starts making out with her in the meat section."

Another said Mitchell overtly hit on a gay law student.

Another relayed what she saw one evening last spring when she was walking past the law building after dark. The lights in Mitchell's corner office were on. There was a young woman on his lap, open for all walking by to see. "I just kind of stopped for a second and thought, 'Oh my god, I cannot believe he's doing this,'" she says.

He did that and more for more than two years under the consenting eye of CWRU leadership.

Raymond Ku, a tenured Case law professor since 2003, is an Internet law and privacy law expert who was named the school's professor of the year in 2009. In 2010, under Bob Rawson, he was named the law school's associate dean for academic affairs. He was also co-director of both the Center for Law, Technology & the Arts, and the Cyberspace Law & Policy Office.

Ku, the son of two Chinese immigrants, is also ambitious. In 2006, he ran for state representative as a Democrat in the Republican-leaning district around his Bainbridge Township home in Geauga County. After an uncontested primary, he lost to incumbent Matt Dolan, the Republican son of Indians owner Larry Dolan (and also a Case Western law school grad), with 43 percent of the vote. Ku also apparently wanted to be considered for the then-vacant Case law school dean job, the one that Mitchell ended up scoring.

In October of 2013, Ku filed a lawsuit against Mitchell and Case Western alleging sexual harassment and retaliation from Mitchell when Ku confronted school administrators and the dean about the allegations.

The complaint outlines the same type of behavior that multiple students had witnessed for years; Ku's tales begin with Mitchell's first semester in Cleveland.

"From the time Dean Mitchell became dean, he made comments to

professor Ku regarding his Chinese heritage," the complaint reads. "Upon learning that Professor Ku was about to convert to Judaism, Dean Mitchell remarked that Professor Ku was in two of Dean Mitchell's favorite groups, Asian and Jewish. Dean Mitchell asked Professor Ku about being circumcised."

Ku's genitals were brought up again on August 28, 2011, during a faculty party hosted by Mitchell. He again prodded Ku about the status of his penis, this time in front of Ku's wife. (Mitchell's response, per court records: "Dean Mitchell also admits there was a brief discussion as to a 'Bris.'")

Later that evening, as Ku and his wife were leaving for the night, he saw Mitchell "run his hand up the back" of an assistant dean, who was wearing a "summer dress." It was "inappropriate physical contact — which is best described as a caress of his colleague's exposed skin — and found it to be sexually inappropriate as well as unnerving and creepy."

The next week at work, the new dean's behavior was the topic of discussion. One female professor told Ku about Mitchell's "discrimination/harassment" of two other professors and also about how Mitchell, at the party, had said to yet another female professor, in front of her husband, something "about Dean Mitchell stealing her away from her husband," a comment that apparently caused some tension. Yet another staff member, an associate dean, later told Ku that Mitchell said the same thing to her that night — that he was going to "steal her" from her husband.

Ku and that associate dean deemed this sexual harassment, the suit says, and intended to follow the school's policy on reporting such actions. The woman was scared for her job, but Ku had tenure so he decided to bring the concerns to the university himself.

On Sept. 1, Ku met with provost Bud Baeslack — the No. 2 administrator at the university, the one most directly in charge of Mitchell and described by some as Barbara Snyder's "hatchet man" — about the law school dean. He "reported what he had witnessed and heard about Dean Mitchell's inappropriate and sexually harassing behavior toward women at Case." He didn't drop the names of the women, "out of concern for their privacy and potential retaliation against them."

It didn't go as planned. Baeslack told Ku to address Mitchell individually and report back to him on how the conversation went. On Sept. 6, during a previously scheduled meeting, he did just that. Mitchell didn't take it well, expressing disbelief that those who had come to Ku didn't come to him directly. The conversation ended with accusations of disloyalty.

If Ku ever reported him again, the suit says, Mitchell said he'd fire him.

"Dean Mitchell continued to claim he had been 'betrayed' by Professor Ku and — effectively admitting conduct — stated, 'it's not like I raped someone,'" the complaint reads. "Dean Mitchell accused Professor Ku of undermining his authority and stated that this is exactly why Case Law School 'was not able to get a real dean' for the last several years." Mitchell

ended the meeting, telling Ku to apologize on his behalf "to the women who expressed concerns with him."

When Ku reported back to Baeslack, the provost acknowledged that Mitchell had contacted him about the conversation and was indeed quite angry. But that was understandable. Baeslack conceded it was expected for Mitchell to be angry Ku had gone over his head and, according to the complaint, he too would be miffed if a subordinate did that to him.

Ku claims that Mitchell then engaged in a systematic attempt in trying to force him out from Case.

Mitchell enlisted his assistant to "monitor Professor Ku's blog posts and drum up faculty support for the dean, while attempting to discredit Ku."

Mitchell, in the response to the suit, admitted he had someone monitor Ku's postings. The dean also enlisted his assistant in a campaign to persuade other staff that Ku's claims were baseless. The unofficial henchman did his job well apparently — he received a bonus shortly thereafter.

The campaign to make Ku's life miserable didn't stop there, according to the complaint. Mitchell forced him to do what Baeslack reportedly admitted to be unnecessary "homework" and shut him out of meetings associate deans would normally have attended. Next, Mitchell took three major responsibilities another faculty professor had been taking care of and assigned those to Ku.

That September, Ku met with Marilyn Mobley, the university's Vice

President of the office of inclusion, diversity & equal opportunity, and explained his situation.

"Dr. Mobley responded that this was 'a classic case of retaliation,'" according to the filing. "Dr. Mobley told Professor Ku that she was going to bring Dean Mitchell's retaliation to University President Barbara Snyder's attention right away."

In mid-September, on the advice of Mobley and faculty diversity officer John Clochesy — who shared his opinion that Baeslack "just didn't get it" regarding sexual harassment in general, based on his behavior after a past sexual incident involving a student in a study abroad program — Ku filed a formal complaint for retaliation. The school was to begin an investigation. But a week or two after the internal complaint, Mitchell reportedly learned that president Snyder had decided to back him regardless of Ku's allegations.

Meanwhile, a few days later, Ku learned that yet another professor had begun the process of bringing another allegation to the administration after a student confided in them that Mitchell had propositioned the student for a threesome.

The multiple allegations didn't amount to anything: At the end of October, Mobley told Ku that her investigation was complete and his allegations were unsubstantiated. There was no explanation of how she had proceeded with the investigation.

The administrator's ruling essentially meant Mitchell won; he forced Ku out and the administration gave the move its stamp of approval. The very next day, Ku resigned as the associate dean for academic affairs and chair of the law school diversity committee. He remained a professor, however, and planned on teaching classes until his sabbatical for the 2012-2013 academic year. Several students who took his Spring 2012 semester class say Ku did not finish out the year though, instead leaving at the end of March. He didn't communicate much nor create the final exam for the class. During one Skype session, he told students he wasn't even supposed to be getting out of bed.

"So Ku takes this leave, right? That's when rumors start swirling, and the rumors that start swirling are the ones that are backed up in this complaint," says a student. Many of those classmates had seen Mitchell's questionable activity firsthand or heard about it from elsewhere, knew that he asked a classmate for a threesome, knew about his drinking and dating habits. "The rumor was that some students had gone to Ku and complained about Dean Mitchell's behavior, and that Ku had stood up to Dean Mitchell, and that they had kind of gotten into it. I heard that as a result of this, Ku was going to be stepping down from Case and take a job at another school, and he was just phoning it in."

When Ku returned from sabbatical last summer, he learned an additional undergraduate seminar had been added to his workload (a role that came

without pay and one that had been previously filled by faculty who volunteered).

Then he found out Mitchell had knocked him down from the role he cherished — he would no longer be a part of the Center for Law, Technology & the Arts for the first time since he was hired a decade earlier.

That last move, according to some, was a kick in the gut and the final straw for Ku.

On Oct. 23, 2013, he filed suit. While the allegations of retaliation were surprising to students, the tales of sexual harassment were not.

"All this shit was common knowledge, it was all out there," says one third-year student about the harassment described in the lawsuit. "The student body was all talking about it."

Mitchell's lawyers contend the lawsuit is factually baseless and nothing more than the retaliatory actions of a man who been denied the chance to be dean.

But, a signed affidavit later submitted to the court by Daniel Dubè, an attorney and Mitchell's former assistant, says differently. (Click [here](#) to read that affidavit. Dubè is not a party in the suit and rejected the school's offer for money in exchange for signing a nondisclosure agreement.)

Dubè writes, under oath, that in early September 2011, Mitchell told him Ku had made a sexual harassment claim through the school. It stemmed from, among other incidents, a night when Mitchell drove a female law student

home from a school party in August 2011. Dubè says that Mitchell admitted he drove her home "with the intention of engaging in sexual relations with her" but "he reconsidered and simply 'made out' with her on her doorstep before departing."

After the claim made its way to provost Baeslack, Dubè says Mitchell made it clear that he had the university on his side and supported his desire to remove Ku from the faculty.

Dubè was in a precarious position: He had personally heard Mitchell's various admissions, including that he had made out with a current law student following a party, but he needed to protect his job, for which he had moved from D.C. to take just a few weeks earlier (Dubè was a student of Mitchell's at GW). "I felt that I had no choice but to support Mitchell if I wanted to keep my job," he wrote in his affidavit.

Mitchell's assistant was privy to the dean's candid emotions and conversations, all of which backed up Ku's claims.

"Mitchell told me that he did this hoping and expecting that Ku would not abide by the new requirement, thus providing Mitchell with a pretext to fire Ku as the Associate Dean," Dubè wrote.

When Ku did step down as dean, Mitchell "expressed surprise and relief that he had been saved the work of formally firing Ku," he said, reporting that Mitchell already had replacements in mind. And the Teflon dean reiterated that president Snyder was on his side.

Dubè had tales of his own to tell, ones that further illustrated how manipulative and deliberate Mitchell could be. He relayed how one professor had come to him hoping Dubè could talk to Mitchell on the professor's behalf — it seems Mitchell had been "all over" his date at a recent dinner for senior faculty.

At another party Mitchell hosted for students at his house, Dubè and other staff members saw Mitchell "paying an inordinate amount of attention to a particular female staff member," which they "found to be sexually inappropriate in the presence of students and staff."

This particular female staffer had brought her longtime boyfriend to the dinner. But Mitchell had directed Dubè to arrange the seating chart so that she'd be next to him and to seat her boyfriend on the opposite side of the table next to Dubè, so he could distract him. Mitchell had previously asked him to analyze email exchanges between the two "for sexual attraction." He had also planned on taking her on a business trip to Columbus, but had confided in Dubè that another Case staffer had warned her about taking a trip alone with the dean.

And then there was the time Mitchell pulled his favorite move on Dubè and his girlfriend — inviting them to a guest bedroom in his house and propositioning them for a threesome, pointing out his new silk sheets.

"The sexual proposition from my boss was unwelcome and made me uncomfortable, and I declined to engage in the 'threesome' with Mitchell,"

Dubè wrote.

The undercurrent of all the allegations, innuendo and firsthand experiences with Mitchell's come-ons and physical interactions was the frequency with which those stories were told around campus. It would be impossible for president Barbara Snyder not to know about Mitchell's inter-school dalliances and sexual habits given the internal complaints and stories circulating around town, and his history before coming to Cleveland. In addition to the anonymous message distributed at the City Club event in January 2012, for example, an anonymous letter was sent to president Snyder in October 2011.

Dubè finally confronted Mitchell on his own in November 2011, fed up with his boss's actions and concerned about the image of the university. After he shared his thoughts about the internal management of the school and sexual impropriety, Dubè says Mitchell stopped meeting with him as regularly and diminished his role.

One month later, in December 2011, Dubè hand-delivered a signed letter to the same provost that took Ku's original complaint: "The letter stated that Mitchell had engaged in sexual relations with a current law student and that he was retaliating against me because of my knowledge of his improprieties. I expressed that this improper conduct was part of 'a pattern of unprofessional behavior.'"

Two days after delivering the letter, and after administrators told him they

didn't have enough evidence to start an investigation, Dubè met with two vice presidents at the university: Carolyn Gregory, the VP for human resources; and Marilyn Mobley, the VP for inclusion, diversity, and equal opportunity.

Over a few hours, Dubè outlined the long list of Mitchell's bad behavior and offered to supply specific documents to support his claims. The school officials refused that offer. In a written response to Scene, he elaborated on what he said in his affidavit: "I offered to supply all my e-mails, including all e-mails from my personal account going back to GW, some of which I described. In total, these numbered in the hundreds."

Instead, on Jan. 5, 2012, Mobley sent him a letter that read: "The allegations that you raised could fall within the University's Sexual Harassment Policy, if true, and, therefore, I conducted an initial inquiry under that process to determine whether there was a complaint to be processed via that Policy.

"I can advise you that from my inquiry, I did not obtain any information corroborating the allegations concerning Dean Mitchell... Therefore, this informal inquiry under the Policy is considered closed unless information is received regarding any allegations..." (click here to read the full letter)

This was now twice that the university heard identical claims against Mitchell. In both cases, they dismissed them.

In return for coming forward, Dubè was about to enjoy the same treatment from his employer that professor Ku had endured.

In January 2012, he was reassigned out of the law school "and brought to work next door to Gregory's office" in the human resources department, which was previously used as a storage room. His parking pass was deactivated, his new phone didn't work, his email was rarely accessible, his work computer didn't allow him to sign on and he was given very few assignments.

This set-up was short lived: He was laid off for "budgetary reasons" less than a week later. He was offered a generous severance package if he signed a non-disclosure agreement. He did not.

The university officials told Dubè that Case had a policy to only offer severance packages to employees who have been there for at least a full year, but they were happily offering it to Dubè, repeatedly telling him he was "so close" to that mark. He had only been there five months. He, again, refused to sign it. The VPs informed him he was done working at Case but would receive his regular salary for two and a half more months.

"The amount was such as might be generally attractive in proportion to my salary, and for someone of my age facing a layoff," he wrote to Scene, describing the non-disclosure offer. "I did not sign because I wanted to retain the possibility of speaking or speaking out. I valued my voice."

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A trial for the case is set for January 2015 in Cuyahoga County but is currently on hold as Mitchell's lawyers appeal a discovery ruling by Judge

Corrigan.

With the lawsuit lingering, Mitchell resigned from his position as dean of the law school in March, though he'd been on paid leave since Nov. 6, two weeks after the lawsuit was filed. He will also draw another full year's salary for his upcoming sabbatical — he's a tenured professor, after all, and Case has stood behind him during this entire process.

"Upon thorough reflection, I have concluded I that I cannot return to my job as dean with the same energy and enthusiasm that characterized my earlier service," Mitchell wrote in a letter to the school. "At this point, it is in the best interest of the law school for me to step down as dean. I will retain my position as tenured professor and continue to seek to serve the school however I can."

He's maintained a personal blog during his leave, and on April 3 he wrote that he was leaving Cleveland too, in a post entitled "Leaving Egypt." He compared his exit from Case Western to the Book of Exodus, the Hebrew prophet Moses leading the Israelites from slavery in Egypt.

"Today I am leaving a place I have lived for the past few years, a place for me of pain, of disillusionment, of disappointment. I've been thinking a lot about it and where I'm going — to my own promised land" in New York.

Mitchell provided a statement to Scene through his lawyer: "I stepped down as dean in part to concentrate on my defense of this lawsuit and will continue to do so through the judicial system. I have great confidence in the

court system and believe the appropriate place for factual evidence to be presented and considered is in the court room, and nowhere else. I also believe strongly in our faculty, staff and students, as well as in the interim deans now leading the school. Any comment on my part would unnecessarily distract from their important work, when in fact the community should focus on the outstanding achievements the law school has made in recent years under my leadership."

President Snyder and provost Baeslack declined to comment for this story, but a Case Western Reserve University spokesman did issue this statement to Scene: "First, the university takes seriously all allegations of sexual misconduct. Second, the claims raised in the lawsuit are many and complex. The appropriate venue for discussing and resolving them is the judicial system, which is best suited to allow due process for all, as well as full and thorough presentation of the facts."

While students were quick to talk and some faculty agreed to only speak anonymously, public comment amongst professors has been even-keeled, but the sentiment centers on looking forward. In the wake of Mitchell's resignation, two interim deans were appointed — Jessica Berg, a law and biomedical ethics professor and associate director of the Law-Medicine Center, and Michael Scharf, a law professor and director of the K. Cox International Law Center — while a nationwide search gets underway.

"I don't think anybody wants to take a particularly strong position on

anything," says Cassandra Robertson, one of a few professors to speak on record to Scene. "I mean, none of us really know the facts of what happened. There's an overall sense of not knowing what happened, not knowing who may be in the right, not wanting to make any really strong statements without having that kind of knowledge. We're law professors — we want to let the justice system play out and hopefully to get to the bottom of this."

"One of the good things to come out of all of this is the faculty has very much unanimously rallied around Jessica and Michael, our new interim deans," she says. "Jessica and Michael have been doing a really good job substantively, and the best thing they have done is get faculty unanimously behind them and moving forward with the law school. Larry [Mitchell] has moved on, and I think the school has moved on."

Berg and Scharf declined to comment, but a university spokesman issued a statement on their behalf, extolling the recent success of the law school.

"It has been a privilege to serve this law school and to see the overwhelmingly positive response prospective students have had to the new curriculum we're launching this fall. Our faculty, staff, students and alumni have demonstrated enormous dedication to the school, and their efforts have brought us great success.

"As of April 30, applications are up 63 percent over this date in 2013, and deposits have increased 55 percent over the same date a year ago.

"Meanwhile, our employment figures for the Class of 2013 show a 6.5 percentage point increase over the previous year for overall employment, and an 11-point jump in the proportion of graduates employed in positions that require passage of the bar.

"And last week we learned that 100 percent of our first-time takers passed the Ohio Bar Exam in February."

More applicants, more donors, more employment, better rankings. The school has moved on, for sure. And for Barbara Snyder and company, the ends have justified the means.

## 4. The Lawrence Mitchell case appendix 4: investigation

### 2

**Introduction:** The sexual harassment case of Lawrence Mitchell was reported by Above the Law (Above the Law is a news website about law, law schools, and the legal profession. The site is owned and published by Breaking Media).

**Link:**

<https://abovethelaw.com/2014/05/lawrence-mitchell-threesomes-and-other-startling-allegations-in-affidavit/>

**Title:** Lawrence Mitchell Threesomes And Other Startling Allegations In Affidavit

**Subtitle:** A firsthand account of the inner workings of Case Western Reserve Law School, replete with shocking allegations.

**Author:** By JOE PATRICE (**Email:** hello@muckrack.com )



### **Full Report:**

Who doesn't want a Larry Mitchell sandwich? Apparently not the former "Special Assistant to the Dean." In a detailed affidavit, Daniel J.N. Dubé alleges that the former dean of Case Western Reserve Law propositioned him for a threesome (with Dubé's girlfriend, which is both eww and impressively ballsy), used his office in the constant pursuit of tail, and ordered his subordinates — specifically Dubé — to exact retribution upon those who questioned Mitchell.

We've heard rumblings about Mitchell's alleged misbehavior before, including the lengthy treatment in a Scene article titled Sex, Politics and

Revenge, but this is a first-hand account from a young man who directly aided Mitchell before ultimately renouncing his allegiance...

It seems like only yesterday that Larry Mitchell entered our hearts as the public face of duping law students into ignoring the stark realities of the market by mostly blaming Elie Mystal. When he finally resigned, rumors were already rampant that he'd used that same charm to dupe students and young staff into bed, which was probably an equally poor decision on their part.

Dubé tells an interesting tale about what happened to Case Western law professor Raymond Ku. Ku had served as Associate Dean for Academic Affairs and sued Mitchell and the school for retaliating against him after he reported allegations of sexual harassment. Dubé alleges that this is not only true, but that he was instrumental in that retaliation:

As part of the retaliation, Mitchell worked, with my assistance, to try to discredit to among his colleagues on the faculty. Mitchell instructed me to monitor Ku's blog posts and to meet with faculty to try to cultivate support for Mitchell while discrediting Ku. Although Mitchell had admitted to me that he had "made out" with a current law student following the LGBT party, I followed his direction to tell faculty members that Ku's allegations were baseless nonsense. I felt that I had no choice but to support Mitchell if I wanted to keep my job.

After Ku left his post as associate dean, Dubé alleges that he received a bonus specifically in recognition of his work in the retaliation project.

But Dubé claims his loyalties slowly eroded the more he witnessed Mitchell acting like Christopher Walken's character in *The Continental*, culminating in this:

Following a party for law students held at Mitchell's house in late September 2011, he propositioned me to engage in a "threesome" with him and the woman whom I was dating at the time. Mitchell showed me the guest bedroom and pointed out the new Chinese silk sheets he had purchased. This sexual proposition from my boss was unwelcome and made me uncomfortable, and I declined to engage in the "threesome" with Mitchell.

Dubé then details how he was forced out of his job at Case Western after he followed Ku's lead and reported the things he'd observed.

It's a fascinating read...

**Affidavit of Daniel J.N. Dubé**

I, Daniel J.N. Dubé, being duly sworn according to law, depose, and state the following:

1. I am over the age of 18 and am competent to make the statements contained in this affidavit. I am licensed to practice law in the State of Maine, the Commonwealth of Massachusetts, and the District of Columbia.
2. I have reviewed the Complaint and Amended Complaint in *Ku v. Mitchell, et al.*, Case No. 815935 (Cuyahoga C.P.).
3. In the Complaint and Amended Complaint, I am referred to as "Administrative Staff Member 3."
4. I am a 2011 graduate of The George Washington University Law School where Lawrence Mitchell was my professor and mentor, as was Dr. Dalia Tsuk Mitchell, his then wife. I served as his research assistant at GW. When he assumed the deanship at Case Western Reserve University School of Law, he asked me to join his administration as 'Special Assistant to the Dean.' I began in that position in August 2011. Mr. Mitchell referred to me as his and the law school's "chief of staff."
5. In early September 2011, Mitchell told me that Associate Dean for Academic Affairs Raymond Ku had levied a claim of sexual harassment against Mitchell. According to Mitchell, Ku's complaint was based on some combination of the following: (1) Mitchell driving a female law student home from a law-school LGBT party in late August; (2) improper behavior by Mitchell with faculty or faculty wives during a party at his home in late August; and (3) sexual harassment of staff. Mitchell was aware that he was not supposed to share the details of a claim of sexual harassment with me, but rather that he was required by university policy to keep such information confidential.
6. Mitchell admitted to me that he had driven a current law student home from the LGBT party with the intention of engaging in sexual relations with her. He told me that he had reconsidered and simply "made out" with her on her doorstep before departing.
7. Shortly after Ku complained to the Provost, Mitchell began retaliating against Ku for having made the report. Mitchell tried to have Ku removed from the law-school faculty entirely. Mitchell told me that the Provost was securely on Mitchell's side and was supportive of Ku being removed from the faculty. As part of the retaliation, Mitchell worked, with my

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assistance, to try to discredit Ku among his colleagues on the faculty. Mitchell instructed me to monitor Ku's blog posts and to meet with faculty to try to cultivate support for Mitchell while discrediting Ku. Although Mitchell had admitted to me that he had "made out" with a current law student following the LGBT party, I followed his direction to tell faculty members that Ku's allegations were baseless nonsense. I felt that I had no choice but to support Mitchell if I wanted to keep my job.

8. Further retaliating against Ku for his complaint to the Provost, Mitchell excluded Ku from discussions and decision-making regarding the law school in nearly all matters in which the Associate Dean would usually be involved, except for insignificant issues, terminating Ku's substantive authority in that position.
9. I was aware from discussions with Mitchell that Mitchell increased the expectation of the number of days in the week Ku would be expected to be in the building. Mitchell told me that he did this hoping and expecting that Ku would not abide by the new requirement, thus providing Mitchell with a pretext to fire Ku as Associate Dean.
10. Mitchell was planning imminently to terminate Ku from his position as Associate Dean. He and I had already been discussing potential replacements when Ku resigned. Mitchell told me that the Provost already had approved firing Ku from the Associate Dean position. Mitchell and other upper-level administrative personnel, including "JT" Garabrant, celebrated the news of Ku's resignation from the Associate Dean position. Mitchell expressed surprise and relief that he had been saved the work of formally firing Ku.
11. In the wake of my efforts at Mitchell's express direction to retaliate against Ku, Mitchell arranged for me to have a monetary bonus. It was my understanding—and the timing was spot on—that the bonus was based in part on my performance in support of Mitchell's retaliation against Ku for his complaint to the Provost. In connection with the bonus, I received an evaluation indicating that my performance was excellent and exceeded expectations.

12. Within a week or two after Ku complained to the Provost, Mitchell informed me that University President Barbara Snyder was behind him regardless of Ku's complaint, and that nothing adverse to Mitchell would happen in response to the complaint. Mitchell was jubilant to learn that the university's central administration would be backing him (indemnifying him and providing for his defense) in relation to the Ku complaint.
13. In the context of discussing the formation of a strategic planning committee, Mitchell stated vehemently, "I am a dictator!" He shared with me that he intended to let the faculty feel as though they had a voice in creating a strategic plan for the law school even though the plan would simply accomplish what he wanted to accomplish. In a later conversation, he proclaimed: "I have things so well engineered up there [pointing and referring to the faculty floor, the third floor of the law school]."
14. While I was serving as 'Special Assistant to the Dean' a professor came into my office, and, behind closed doors, requested that I raise with Mitchell the issue of him being "all over" his date at a dinner of senior faculty that was part of a selection-review process for a candidate for faculty position. The candidate had been present. I shared the concern with Mitchell without revealing the professor's identity, per her request. Mitchell became very angry.
15. At a party Mitchell hosted for law students at his home, I observed Mitchell paying an inordinate amount of attention to a particular female staff member. She sat on the arm of his chair all evening, or on the floor with him by the stereo, and they engaged in physical positioning and exchanges that caused remark. Other administrative staff members and I discussed how to distract Mitchell from such interaction, which we found to be sexually inappropriate in the presence of students and staff.
16. Despite the aforesaid staff concerns, Mitchell directed me to seat him next to this particular female staff member on the seating chart for a faculty dinner and to sit her long-time boyfriend next to me at the other end of the room, so I could keep the boyfriend occupied. Mitchell had me analyze her e-mails to him for sexual interest. Mitchell also arranged a trip alone with her to Columbus for the bar swearing-in ceremony. At the same time as he pronounced himself to be looking forward to the trip out of sexual attraction, he mentioned that he had been made aware that a superior of the staff member had admonished the staff member not to make the trip alone with the dean. The female staff member was promoted during Mitchell's tenure as dean.

17. Following a party for law students held at Mitchell's house in late September 2011, he propositioned me to engage in a "threesome" with him and the woman whom I was dating at the time. Mitchell showed me the guest bedroom and pointed out the new Chinese silk sheets he had purchased. This sexual proposition from my boss was unwelcome and made me uncomfortable, and I declined to engage in the "threesome" with Mitchell.
18. During my time working for Mitchell at Case, he would regularly mention his own sex life and inquire into mine. A number of such comments were unwelcome and made me uncomfortable. At times, I was too shocked to reply.
19. In October 2011, Mitchell made me aware that President Snyder received an anonymous letter making sexual allegations about Mitchell.
20. In November 2011, after I had shared with Mitchell my concerns about the internal management of the school and sexual impropriety, which in Mitchell's case seemed interrelated, he stopped meeting with me as regularly and my duties were diminished.
21. On the morning of December 12<sup>th</sup>, 2011, I hand-delivered a signed letter of complaint to Provost "Bud" Baeslack at his office in Adelbert Hall. The letter stated that Mitchell had engaged in sexual relations with a current law student and that he was retaliating against me because of my knowledge of his improprieties. I expressed that this improper conduct was part of "a pattern of unprofessional behavior." I reported my concerns to the Provost because I was aware from conversation with Mitchell that Ku had made his report of sexual harassment to the Provost.
22. In my letter to the Provost, I went on to note that, "my close knowledge of Dean Mitchell's past and potential behavior causes me to have great concern for the integrity and reputation of the Case Western Reserve University Law School and for the safety of the students and staff." I also stated with equal sincerity: "I have come to fear for my personal safety."
23. After I raised my concerns to Baeslack, Case administrators refused my request for paid administrative leave, so that I could go where I felt safe, and they told me to work from home, an apartment a mile from campus that Mitchell had to drive past daily. Despite my report of sexual misconduct and safety concerns, top-level university administrators claimed to me that they did not have enough information to commence an investigation. Although I was very frightened, I agreed to come in for a meeting on December 14<sup>th</sup>, 2011.

24. On December 14<sup>th</sup>, 2011, I met with Carolyn Gregory, Vice President for Human Resources, and Marilyn Mobley, Vice President for Inclusion, Diversity, and Equal Opportunity. They refused my multiple requests to audio record our discussion. During this meeting, which lasted two to three hours, I told Gregory and Mobley about Mitchell's retaliation against Ku. Both took notes during the meeting, but I do not know that they were complete. I made it clear that Mitchell had retaliated against Professor Ku for Ku's report of sexual harassment and that—at Mitchell's express direction—I had been complicit in that retaliation. I provided detail about my efforts at Mitchell's direction, to discredit Professor Ku among his colleagues on the faculty, and about Mitchell's own efforts to push Ku out of the associate deanship and even to have him removed from the faculty. I indicated that I was willing to testify under oath. I also offered to supply specific documents, but Gregory refused that offer. To the best of my knowledge, Gregory and Mobley did not act on this information.
25. When I met with Gregory and Mobley on December 14<sup>th</sup>, I shared with them not only that Mitchell, with my complicity and help, had retaliated against Ku because Ku complained to the Provost about Mitchell sexually harassing women, but also that Mitchell had propositioned me to engage in a "threesome" with him. To the best of my knowledge, Gregory and Mobley did not act on this information. The letter of response to that interview, received in person January 5<sup>th</sup>, 2012, refers only to an "inquiry" having been made on Dec. 14<sup>th</sup>, 2011, and does not refer to any further steps of investigation having been taken.
26. Shortly after this meeting with Gregory and Mobley, I discovered that my access to my @Case.edu e-mail, my official work e-mail, had been cut, along with my campus parking pass, which was to Severance garage.
27. Despite my repeated and detailed reports that I feared for my personal safety, Gregory ignored my concerns, and shared directly with Mitchell an electronic calendar notification of her meeting with me to share the results of the "inquiry" into my complaints on January 5<sup>th</sup>. I know this, for when my e-mail was briefly restored at my request later in January, Mitchell's calendar was still linked to the account, and I saw the notification Gregory had shared with him; it was listed as having been sent from her calendar.
28. On or about January 5<sup>th</sup>, 2012, Gregory told me that the purported investigation determined that there was no retaliation against me and that I should "continue" to work from home. But I received no assignments between December 14<sup>th</sup> and January 5<sup>th</sup>, and then received no assignments between January 5<sup>th</sup> and later in January, when I was

asked physically to come in and receive assignments while occupying an office on campus.

29. After complaining about Mitchell to the Provost, Gregory, and Mobley, I was briefly reassigned outside the law school, and brought to work next door to Gregory's personal office in Crawford Hall, in what was used as a storage room for files. I was told to make as little contact as possible with others on the floor, and not to explain my presence. It was repeatedly suggested I use only certain eating places in or near Crawford Hall, places law school faculty, staff, and students little frequented. My parking pass remained revoked, and I was not given a key to my office or the number to my telephone. A staff member from the law school accidentally called the phone on my desk, as the phone had once belonged to another university employee, and still carried the extension that the law school staff member had known. Shortly thereafter, I picked up the receiver and found the line to be dead. My e-mail was not accessible until I noted the fact to Gregory. The computer did not allow me to log on, so I completed what few assignments I received using my own personal computer and my personal satellite internet connection, just as I would have done at home. The first day, there was what I perceived to be an attempt to set me up for being fired for cause, by assigning me items that I had supposedly failed to complete in earlier months, but that I had in fact completed or that had been cancelled months prior. After I gave a detailed history of each "assignment," completed or cancelled, new assignments were given me. The ordinary tools of keys, desk phone number assigned to me, computer, internet, and parking pass, were never restored. E-mail was only briefly restored. Less than a week after returning to work, regardless, I was "laid off for budgetary reasons."
30. At the end of that workweek, after I returned from lunch on January 20<sup>th</sup>, I was summoned by Carolyn into her personal office. There, I was offered a monetary severance package in an effort to buy my silence by having me sign a non-disclosure agreement. Vice President Gregory and Senior Vice President for Administration John Wheeler encouraged me to sign this non-disclosure agreement, but I refused. Gregory also promised a positive written recommendation from her if I accepted the severance package and signed the non-disclosure agreement. Again, I refused.
31. Gregory and Wheeler informed me during this meeting that it was the university's policy to offer severance packages only after an employee has completed one year of service, but it was said repeatedly that I was "so close" to the one year mark, a severance package was being offered. But I was almost seven months away from the one-year mark.

32. Gregory and Wheeler told me to return home and cease all employment duties, but that I would be paid regular salary through March 31<sup>st</sup>, approximately two and a half months of extra pay, for zero work. I believed at the time, and still do, that this offer was intended to limit "damages," making my suit less attractive to possible attorneys who might engage in fact-finding and create a public record of information about Mitchell.
33. Gregory and Wheeler promised that my belongings would be sent via "Federal Express" to my address approximately one mile away. Subsequently, despite my having been remarkably civil and polite in all dealings and communications, I was informed that I had to pick up my belongings from the university police department.
34. In addition to complaining to Gregory and Mobley about Mitchell's propositioning me for a "threesome," I reported the same to a prominent Case Law School professor.
35. While I served as the Special Assistant to the Dean, Mitchell complained that his visits with his adopted daughter were supervised. I am not the only person at Case Law School to whom he stated this.
36. I have not been requested in this affidavit to address all other issues related to the lawsuit aside from those that are in the Amended Complaint.

I affirm the above to be true and accurate to the best of my knowledge under penalty of perjury.

David Don Norman Dule, Esq. 14 Nov. 2013  
Signature of Affiant Date

State of Maine  
County of Candruscoogen

Sworn to and subscribed before me on November 14, 13

at Hewittston, Maine.

Erica L. Sioiett  
(Signature of Notary Public)

(Notary Public Seal)

Erica L. Sioiett  
(Printed Name of Notary Public)

Notary Public, State of Maine  
My commission expires on \_\_\_\_\_  
ERICA L. SIOIETT  
Notary Public, Maine  
My Commission Expires October 8, 2015