

CURRICULUM VITAE

MERLE F. WILBERDING

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Professional Background: My primary career has been as a practicing lawyer, although my interests and pursuits have included a broad range of topics. In 1969, I started as an associate with Arent, Fox, Kintner, Plotkin & Kahn in Washington, D.C. During the Vietnam War I was commissioned as an Army Captain in the JAG Corps and assigned to the Government Appellate Division where I briefed and argued the *Presidio Mutiny* case (a non-violent mutiny anti-war demonstration at The Presidio Army Base) and the *My Lai Massacre* (Lt. William L. Calley) case.

In 1973 I moved to Dayton where I joined Coolidge Wall, Co. LPA. My practice is a business law practice, encompassing a wide range of corporate (and other forms of business ownership), tax, non-profit organizations, banking, and commercial real estate transactions.

My other interests and pursuits include a wide range of legal and free-lance writing, including authoring a number of books, Op Ed columns in multiple newspapers, and online publications. The extension of these interests generated my pursuit of an online Master of Library Science and Information degree that had the effect of significantly expanding my knowledge on gathering and processing information and extensively increasing my computer research skills.

Education

- B.A. (Economics) St. Mary's University (Minnesota) (1966)
- J.D. University of Notre Dame (1969)
- LL.M. (Tax) George Washington University (1972)
- M.B.A. University of Dayton (1975)
- M.L.I.S. (Library) University of Wisconsin-Milwaukee (2006)
- Additional Study Oxford University, England (2001)

Recognition

- **Ohio Veterans Hall of Fame** selected Merle Wilberding for induction in 2019 in a ceremony presided by Governor Mike DeWine. The Ohio Veterans Hall of Fame is the first state-recognized veterans hall of fame in the nation and honors the post-military achievements of Ohio's outstanding veterans. It includes such luminaries as six U.S. Ohio Presidents who had previously served in the military, Astronauts Neil Armstrong, James Lovett, and John Glenn, and all the Ohio Medal of Honor winners.
- **The Ramey Award for Distinguished Community Service**, given by the Ohio State Bar Foundation. This award is one of the top two awards given by the OSBF and is given annually to an Ohio attorney whose career has been exemplified by dedication to the goals and values sought to be furthered by the Foundation, a lifetime of service to the public and to the community, and integrity, honor, courtesy and professionalism. This award was given on November 12, 2012.
- **Distinguished Alumnus of the Year**, St. Mary's University (Minnesota) (2016).
- **Lloyd O'Hara Public Interest Law Award**, given by the Advocates for Basic Legal Equality (ABLE) and the Legal Aid of Western Ohio (LAWO) at its Access to Justice Awards Gala on November 3, 2016.
- **The Walter J. Rice Honorary Alumnus Award** given by the University of Dayton School of law, in recognition of an extraordinary commitment to the community, the profession and the University of Dayton, School of Law (2015).
- **Muse Machine Honoree**. In recognition of 25 years of service as a board member, emeritus board member, legacy donor, and contribution to the community, the Muse Machine honored me by dedicating its musical, "Seussical," to me on January 18, 2014. The Muse Machine is a nationally acclaimed music and theater program for elementary and high school children in more than 90 schools in the Miami Valley. www.musemachine.com.
- **Distinguished Life Fellow Associate**, American Bar Foundation and given in recognition of support and participation in public interest projects on behalf of the American Bar Foundation.
- **Distinguished Life Fellow Associate**, Ohio State Bar Foundation and given in recognition of support and participation in public interest projects on behalf of the Ohio State Bar Foundation.
- **Distinguished Life Fellow Associate**, Dayton Bar Association and given in recognition of support and participation in public interest projects on behalf of the Dayton Bar Association.

- Proclamation by the Mayor and the Dayton City Commission for March 11, 2020, to be “Merle Wilberding Day” in the City of Dayton in recognition for his induction into the Ohio Veterans Hall of Fame.
- President-Elect, Dayton Bar Association (2021-2022).
- Dayton Bar Association 50 Years of Service Award, as Counselor of Law (2019).
- Ohio State Bar Association Award for 50 Years of Service as Counselor of Law (2019).
- Best Lawyers’ “2012 Dayton Lawyer of the Year – Real Estate Litigation”.
- Best Lawyers’ “2015 Dayton Lawyer of the Year – Corporate Law”.
- Dayton Original, I was named a “Dayton Original” by the Dayton City Commission. In doing so, I joined others who have helped shape the development of the city, including such noted individuals as Edwin Moses, Willis “Bing” Davis, Mike Peters, Daequan Cook, Hal McCoy, and C. J. McLin.
- Received from Sinclair Community College, a plaque “In Recognition of Your Role in History” in a presentation on April 25, 2018.
- Recognized as “Counsel for the Community” in University of Dayton Magazine (Autumn 2013, Page 45) (See Page 30, *infra*).
- As a part of its Centennial Celebration, St. Mary’s University (Minnesota) honored me as one of its 100 alumni (out of 42,000) who are living its mission of service & leadership, transforming lives and making a difference in the community. (Saint Mary’s Magazine, Spring-Summer 2015 Page 59).
- Appointed by Congressman Michael R. Turner (Ohio 10th) as Chair of the Citizens’ Commemoration Panel that has been tasked with recommending a name for the Dayton Federal Building and U.S. Courthouse in Dayton, Ohio (July 20, 2016).
- Appointed by Ohio Governor Ted Strickland on May 15, 2009 to the Judicial Appointment Selection Panel to fill a seat on the Dayton Municipal Court.
- Ohio Super Lawyers – recognition of the Top 5% of lawyers in the State of Ohio.
- Recognized by the Ohio State Bar Association and by the Dayton Bar Association for 50 years of service as a licensed attorney.
- The Best Lawyers in America.

- Martindale-Hubbell AV Pre-Eminent Peer Rating.
- *Beta Phi Mu*, National Honor Society for information studies.
- Leadership Dayton, Class of 1984.
- Executive Editor, Notre Dame Law Review (Volume 44, 1968 – 1969).
- John F. Kennedy Scholarship while attending Notre Dame Law School. This was a full scholarship awarded to one student based on performance during the first year of law school and personally funded by Senator Robert F. Kennedy (D. New York).
- Meritorious Service Medal, U.S. Army - - special award in recognition of the contributions made in the appellate review of the My Lai Massacre prosecution and conviction of Lt. William L. Calley.
- Army Commendation Medal, U.S. Army - - an award for outstanding service in the Government Appellate Division, Washington, D.C. during the Vietnam War.
- National Defense Service Medal for honorable service during the Vietnam War.

Community Projects & Contributions

- **National Legislation on Sexual Assault.** The savage murder of LCpl Maria Lauterbach at Camp Lejeune in 2007 and the failure to diligently investigate and prosecute her original sexual assault claim as well as the Marines' disinterest in investigating her one month disappearance ignited the efforts of Mary Lauterbach and me to pursue legislative changes that would improve the protection and rehabilitation of victims of sexual assault, as well as improve the procedures for prosecuting the perpetrators. Mary Lauterbach and I traveled to Washington DC six to eight times to meet with members of Congress and to testify before committees of the U.S. House of Representatives. As a direct result of those efforts, the National Defense Authorization Act in four consecutive years included provisions that addressed sexual assault in the military, including the following changes in the Uniform Code of Military Justice:
 - Established a right of counsel to victims of sexual assault in the military.
 - Created "Privileged Communication" protection for Victim Advocates.
 - Created an accelerated base transfer request procedure for victims.
 - Significantly increased training and education for sexual assault prevention.
 - Created an automatic extension of Military Protective Orders ("MPO").
- **LCpl Maria Lauterbach, USMC.** Beginning with the discovery of the body of LCpl Maria Lauterbach buried in the backyard of fellow Marine Cpl Cesar Laurean on January 11, 2008, I began to represent on a virtual *pro bono* basis, Mary Lauterbach, the mother of Maria Lauterbach. The case attracted the national media, and selecting media opportunities became a critical part of preserving the good name of Maria

Lauterbach. Mary Lauterbach became the voice of her daughter in speaking out for changes for victims of sexual assault in the military and speaking to armed forces throughout the world. From that starting point and continuing through the present I have been working with Mary Lauterbach on these issues, and often speaking and writing directly on these issues. It is particularly rewarding to see the impact that these efforts have had on the military and on Congress in protecting the victims of sexual assault in the military (and increasing prosecutions) a major priority for Congress and the Department of Defense.

- **Marianist Province of the United States.** Selected by the planning committee of the priests and brothers of the Society of Mary, I conducted the due diligence, created the legal structure, and drafted all documents used to consolidate the four Marianist provinces - - the New York Province, the Cincinnati Province, the St. Louis Province, and the Marianist Province of the Pacific - - into one national province, the Marianist Province of the United States, effective July 1, 2002.
- **Dayton Performing Arts Alliance.** Selected by the *ad hoc* planning committee, I conducted the due diligence, created the legal structure and drafted all documents used to consolidate the three arts organizations in the Dayton community - - the Dayton Opera, the Dayton Ballet, and the Dayton Philharmonic - - into one organization, the Dayton Performing Arts Alliance, effective July 1, 2012.
- **Law & Leadership Institute.** Launched by the Ohio Supreme Court in 2008, the Law & Leadership Institute is designed to increase the diversity of Ohio's law schools and the legal profession that inspires and prepares students from underserved communities for post-secondary and professional success. I have been an active participant in the LLI program by speaking at its summer sessions, by hosting high school interns at our law firm, by writing an Op Ed column for the *Dayton Daily News* and by financial support. In 2014 I was elected to the Board of Trustees for the State of Ohio, and currently serve as Treasurer, Chair of the Finance Committee and serve on the Executive Committee.
- **Province Review Board (Marianist Province of the United States).** Since the consolidation of the four regional provinces into one national province headquartered in St. Louis, I have been a member of the Province Review Board for the Marianist priests and brothers. The board reviews and makes recommendations on policies and procedures relating to the investigation and disposition of claims of past sexual misconduct as well as making recommendations on policies and procedures.
- **Dayton Bar Association, Oral History Project.** For more than ten years and continuing forward I have been an active member of the committee to preserve the lives and memories of the senior members of the bar. The committee has conducted video interviews of more than 100 members of the Dayton Bar Association.
- **State of Ohio, Supreme Court *Ad Hoc* Committee.** A committee organized to preserve the history of the trial courts and appellate courts of the State of Ohio,

including the archiving of critical evidence from the major cases in Ohio and the development of oral histories for past and present judges in the State of Ohio.

- **Children's Historical Publishing Co.** The purpose of this organization is to develop supplemental educational materials for distribution and use in the inner city schools and other areas of disadvantaged children. In addition to authoring two "Haki" books for this program, I serve as an advisor for future content and future sustainability, including contributing a significant time and effort in securing a \$40,000 grant from the Ohio State Bar Foundation for the geographical expansion of the distribution of *Haki & the Rule of Law* throughout the State of Ohio.

Board Experience

- Director, First National Bank of Germantown (1982 – Present).
- Director, Germantown Independent Telephone Company (1995 to 2007).
- General Counsel & Board Secretary, The Dupps Company (2007 – Present).
- Chair & Trustee, Greater Dayton Foreign Trade Zone, Inc. (1999 to 2009).
- Trustee, Ohio Law & Leadership Institute LLC. (Treasurer, Executive Committee and Chair of Finance Committee).
- Trustee, Dayton History (Carillon Park) (2014 to 2020).
- Trustee, Dayton Bar Association (2015 to Present).
- Trustee, The Human Race Theatre (2015 to 2018).
- Trustee, and Emeritus Trustee, The Muse Machine – Bringing the Arts to the Schools.
- Trustee and Emeritus Trustee, Dayton Opera Association.
- Trustee, Inventing Flight -- Wright Brothers Centennial (1903 -2003).
- Advisory Council, University of Dayton Law School (Chair, Law School of the Future).
- Advisory Council, Wright State University College of Liberal Arts (2007 -2012).
- Founding Trustee, Dayton Literary Peace Prize Award Foundation.
- Trustee, Dayton Metro-Library Foundation.
- Trustee, Montgomery County Law Library Resource Board.

- Member, Dayton Sister Cities Committee.
- Member, Province Review Board, Marianist Province of the United States.
- Member, City of Learners Committee for the City of Dayton (2014 -2015).
- Member, Grants Committee, Ohio State Bar Foundation. (2012 – 2020)
- Member, Development Committee (2021 – Present)
- Life-Time Member, American Legion, South Park Post # 675.
- Ad Hoc City of Dayton Committee to Commemorate 50 Year Anniversary of Vietnam War.
- Ad Hoc Dayton Committee to Commemorate 20 Year Anniversary of Dayton Peace Accords.
- Board of Editors, Notre Dame Law Review (Executive Editor) (1968 – 1969).

Supreme Court Cases for which I was Lead Counsel

- **United States Supreme Court**
 - *Petition for Writ of Certiorari*, Kittyhawk Ltd. V. City of Middletown, *Cert. Denied*, 419 U.S. 901 (1974).
 - *Petition for Writ of Certiorari*, Dayton Hydraulic Co. v. United States of America, *Cert. Denied*, 444 U.S. 831 (1979).
- **State of Ohio Supreme Court**
 - Dayton Supply & Tool v. Montgomery County Board of Revision, 111 O.S.3rd 367 (2006) (Video) <http://www.ohiochannel.org/MediaLibrary/Media.aspx?fileId=119542>
 - Dupps Company v. Lindley, 62 O.S.2nd 305 (1980).
 - Ernst Enterprises, Inc. v. Tracy, 68 O.S.3rd 542 (1994).

Ohio Revised Code Legislation which I had Proposed or Participated in its Enactment:

- **Ohio House Bill # 298**, effective July 26, 1991, created Section 37212.01(A)(1)(c)(x) of the Ohio Revised Code. The new law excludes from the definition of a nursing home until January 1, 1994, any facility in which care is provided to members of a religious order if the facility is owned by a degree-granting institution of higher education.

- **Ohio House Bill # 390**, effective September 28, 2006, created Section 131.02(F)(3) of the Ohio Revised Code. The new law imposes a statute of limitations on the enforcement of tax assessments in State of Ohio.
- **Ohio House Bill # 59**, effective July 1, 2013, created Section 4112.02(R) of the Ohio Revised Code. The new law exempts religious institutions from discrimination allegations if they hire or fire someone who does not share the same religious beliefs.
- **Ohio House Bill # 483**, effective January 1, 2014, created Section 5709.12(G) of the Ohio Revised Code. The new law exempts from real estate taxation any real property used by a 501(c)(3) organization exclusively for the processing of blood, eyes, organs and other tissue.

Teaching

- **University of Dayton School of Law**
 - Federal Income Tax (1976 – Two Terms)
 - Corporate Income Tax (1977 – Two Terms)
 - Business Planning (1977, 1978, 1979 & 1980)
 - Real Property (2010)
- **Wright State University**
 - Entrepreneurship Course (Guest Lecturer: 1976-1985)

Writing: Books:

What Everyone Needs to Know About Law (1971) (U.S. News & World Reports).

Bobsleds & Farmsteads (1998) --- Book on rural Iowa.

150 Years of Cool Law (2003) --- History of Dayton & Coolidge Wall Law Firm.

Dumplings & Doughnuts (2004) -- Annotated & illustrated recipe book.

Haki & The Rule of Law (2009) - - Text Supplement – Inner City Schools (K - 12).

Haki Finds Common Ground (2015) Susan Elliott & Merle Wilberding.

Till the Cows Come Home (2015) - - Book on Iowa Farm Life in 1950's.

Writing: Free Lance Articles:

“My Lai 40 Years Later - What Happened in Pinkville?” **VIETNAM** Magazine (28-35 (April 2008).

Book Review, *THE FARM AT HOLSTEIN DIP: AN IOWA BOYHOOD* by Carroll Engelhardt, **ANTIOCH REVIEW** 193 (2013) reposted, www.readperiodicals.com/201301/2874557591.html.

Citation for Tim O'Brien as Richard Holbrooke Distinguished Achievement winner of the **Dayton Literary Peace Prize** (November 11, 2012), as published on website and in 2012 award program. www.daytonliterarypeaceprize.org.

"Remembering Bobby Kennedy at Notre Dame on April 4, 1968," **WE ARE ND: THE STORY OF NOTRE DAME AS TOLD BY HER ALUMNI**, Pp 126 – 127 [ISBN 978-0-9554097-4-5] (2008) (Booklink, Holywood County, Ireland 2008).

"Santo Subito," (An essay about my shaking hands with Saint Pope John Paul II) **NOTRE DAME MAGAZINE** <http://magazine.nd.edu/news/44860-santo-subito/> (December 10, 2013), Reprinted in the "Daily Gospel Reflection" on Saint John Paul II – Linked "HERE" (October 22, 2015) <http://faith.nd.edu/s/1210/faith/interior.aspx?sid=1210&gid=609&pgid=16742&cid=33444&ecid=33444&crid=0>.

"Brother K. Basil Gave Students the Greatest Gift a Teacher Can Give," **SAINT MARY'S MAGAZINE**, pages 3-4 (Winter 2005 – 2006).

Essay on History of Coolidge Wall Law Firm (**OHIO – An Illustrated History**) (Book 2008).

"A Strong Man in Dayton's History," **The Dayton Anthology** (Book 2020).

"Perspectives - - Saluting Maria," (An essay on the sexual assault and murder of Marine LCpl Maria Lauterbach) **UNIVERSITY OF DAYTON MAGAZINE**, Page 62 (Winter 2013 - 2014).

"IN MEMORIAM: Roger Makley – A Man to be Remembered," **DAYTON BAR BRIEFS**, Page 12, (October 2008) (Reprinted in **DAYTON BARRISTERS**, Pgs. 167-169 (Orange Frazer Press 2009)).

"Three Initials that Defined the Supreme Court – 100 Years Ago," **DAYTON BAR BRIEFS**, October 2019, Pages 4-5.

"Sweethearts," (An essay about the enduring love of Norman and Lucille Schaefer) **UNIVERSITY OF DAYTON MAGAZINE**, Page 62 (Winter 2015 -2016).

Essay on Coolidge Wall (**LIVING ARTS** magazine 2008/1Q).

"Catching Up with a Rising Star in the Legal Field," a recount in the **DAYTON CITY PAPER** of a March 13, 1913 article about Lee Warren James (Circa 2004).

"The Time Mudlick Distillery Went to Washington, D.C." **GERMANTOWN PRESS**, Germantown, Ohio (August 19, 2004).

"Changing Seizens, the History of Recording Deeds in Montgomery County," **DAYTON BAR BRIEFS** (November 2015).

"Tribute to Dennis Greene," (Dennis Greene was a professor of law at U Dayton School of Law. In his early days, he was a founding member of the Sha Na Na music group that played at the Woodstock music festival in 1969. He sang the solo, "Tears on my Pillow" in a cameo appearance as Johnny Casino & the Gamblers in the movie, "*Grease*." **DBA BAR BRIEFS** (Summer 2016).

Writing: Op Ed Columns:

"Godspeed, John Glenn: An Uncommon Common Man," Op Ed Column, **DAYTON DAILY NEWS** (December 11, 2016), reprinted in **CARROLL TIMES HERALD** (Carroll, Iowa) December 12, 2016.

"For Bosnia and All, Peace Be with You," Op Ed Column, **DAYTON DAILY NEWS** (July 13, 2016).

"Columbus Gets Special Treatment," **DAYTON DAILY NEWS**, August 12, 2005.

"Mother's Love Was Secret Ingredient," **DAYTON DAILY NEWS**, September 28, 2005.

"Building Communities - A Yard at a Time," **DAYTON DAILY NEWS**, November 31, 2005.

"A Walk Through History," **DAYTON DAILY NEWS**, January 25, 2006.

"A My Lai Case Lawyer Sees Comparison to Iraq," **DAYTON DAILY NEWS**, March 17, 2006.

"People Connect When They Take Part in the Big Read," **DAYTON DAILY NEWS**, April 12, 2006.

"JUMP for Joe," Op Ed Column, **KETTERING-OAKWOOD TIMES**, September 13, 2006.

"Gunckel to be Inducted into Miami Valley Walk of Fame," **GERMANTOWN PRESS** (September 14, 2006).

"Sexual Assault in the Military - - Looking for a Few Good Changes," www.IowaIndependent.com (August 4, 2008), reposted at www.rhreality.org/blog (August 10, 2008).

"A Time to Recall our Civil War Volunteer Regiment, Ideas & Voices," Op Ed Column on the Ohio 93rd Regiment, **DAYTON DAILY NEWS** (August 16, 2012).

"Fighting the War Within," Op Ed Column on The Invisible War, **CARROLL TIMES HERALD** (Carroll, Iowa) November 8, 2012.

"Vietnam Experience Fuels Passion for Peace," Ideas & Voices, Op Ed Column on Tim O'Brien's Acceptance Speech of Dayton Literary Peace Prize, **DAYTON DAILY NEWS** (November 23, 2012).

"The Continuing Echo of the Vietnam War," Op Ed Column on Tim O'Brien, **CARROLL TIMES HERALD** (Carroll, Iowa) (December 12, 2012).

Leroy "Sugar" Bonner Remembered as King of Funk," (Leroy "Sugar" Bonner was the lead singer for the OHIO PLAYERS.) Op Ed Column, **DAYTON DAILY NEWS** (March 17, 2013).

"Sexual Assault in the Military - - When Will They Ever Learn?" Op Ed Column, **CARROLL TIMES HERALD** (Carroll, Iowa) (May 8, 2013) reposted at www.dmcityview.com (May 29, 2013).

"Strengthening the Bonds of Our Community," Op Ed Column on Law & Leadership program in the community), **DAYTON DAILY NEWS** (September 12, 2013), reposted at www.daybar.org (September 19, 2013).

"Templeton Wry - - Remembering Bob Feller," Op Ed Column, **CARROLL TIMES HERALD** (Carroll, Iowa) (September 23, 2013).

"Remembering the Day Camelot Died," Op Ed Column, **CARROLL TIMES HERALD** (Carroll, Iowa) (November 22, 2013) (50th Anniversary of Assassination of President John F. Kennedy).

"Viva il Papa, Viva il Santo," (A commentary on the canonization of Pope John Paul II, **CARROLL TIMES HERALD** (Carroll, Iowa) April 22, 2014.

"Civilization Can Achieve Peaceful Change," Op Ed Column (Commentary on Louise Erdrich, winner of 2014 Dayton Literary Peace Prize) **DAYTON DAILY NEWS** (December 6, 2014).

"Tobacco: Choices & Consequences," Op Ed Column, **DAYTON DAILY NEWS** (January 20, 2015).

"Curious but Cautious about Harper Lee's New Book," Op Ed Column (on the Sequel/Prequel of To Kill a Mockingbird), **DAYTON DAILY NEWS** (February 24, 2015), reprinted in **CARROLL TIMES HERALD** (Carroll, Iowa) (February 27, 2015).

"Tax Scams and Robo-Bandits," Op Ed Column, **DAYTON DAILY NEWS** (April 13, 2015).

"Getting to Know an Approachable Hillary Clinton," Op Ed Column, **CARROLL TIMES HERALD**, Carroll, Iowa, April 16, 2015.

"Marking the Fall of Saigon – 40 Years Later," Op Ed Column, **DAYTON DAILY NEWS** (April 29, 2015).

"The Fall of Saigon – 40 Years Later," **CARROLL TIMES HERALD**, Carroll, Iowa, April 29, 2015.

"Reflections on Memorial Day," Op Ed Column, **CARROLL TIMES HERALD**, Carroll, Iowa, May 26, 2015.

"Reflections about Military Service on Memorial Day," Op Ed Column, **DAYTON DAILY NEWS** (May 29, 2015).

“The ‘Ames Strain’ Again - This Time it’s Donald Trump,” Op Ed Column, **CARROLL TIMES HERALD**, Carroll, Iowa July 22, 2015.

“The Opening Bid Should be No Trump,” Op Ed Column, **DAYTON DAILY NEWS** (July 24, 2015).

“An ‘Ames Strain’ Anthrax Memory Spawns a New Friendship,” **CARROLL TIMES HERALD** July 28, 2015.

“Iowa Really Ought to Give Kasich a Try,” Op Ed Column, **CARROLL TIMES HERALD**, Carroll, Iowa (September 15, 2015).

“The Endearing and Enduring Four Leaf Clover at the Iowa State Fair,” Op Ed Column, **CARROLL TIMES HERALD** (FARM SUPPLEMENT), September 22, 2015.

“Diner’s Lament: Where Have all the Olives Gone?” **DAYTON DAILY NEWS** October 13, 2015.

“Truman’s Advice to Get a Dog is Spot On,” **DAYTON DAILY NEWS** (November 24, 2015).

“Bill Clinton, Still Amazing After All These Years,” **CARROLL TIMES HERALD**, November 24, 2015, reprinted in **DAYTON DAILY NEWS** (December 7, 2015).

“The Dog Stops Here,” **DAILY TIMES HERALD**, December 23, 2015.

“Basketball and the Game of Life,” Op Ed Column, **CARROLL TIMES HERALD**, December 31, 2015, revised and re-published as an Op Ed Column, **DAYTON DAILY NEWS** (January 9, 2016).

“Looking at Basketball and the Game of Life,” **DAYTON DAILY NEWS**, January 9, 2016.

“Muse Machine Stars Shine on Broadway,” Op Ed Column, **DAYTON DAILY NEWS** (January 15, 2016).

“The Squirrels are Back in the Attic,” Op Ed Column, **CARROLL TIMES HERALD** (Carroll, Iowa) January 29, 2016).

“It’s Time to Put Iowa on the Supreme Court,” Op Ed Column, **CARROLL TIMES HERALD** (Carroll, Iowa) (February 25, 2016).

“Orphan Trains – Great Fiction, but Tragic Reality,” Op Ed Column, **DAYTON DAILY NEWS** (April 18, 2016), reprinted “The Orphan Train Stops in Carroll,” Op Ed Column, **CARROLL TIMES HERALD**, Carroll, Iowa (May 20, 2016).

“Let the Elephants Go out to Pasture,” Op Ed Column, **CARROLL TIMES HERALD** (Carroll, Iowa) (April 26, 2016), published “Will the Librarians Follow the Elephants?” Op Ed Column, **DAYTON DAILY NEWS** (February 23, 2016).

“Even after Passing, the Funk will Live On – the Passing of Marshall Jones of the Ohio Players,” Op Ed Column, **DAYTON DAILY NEWS** (June 1, 2016).

“Should Veterans want Trump as Commander-in-Chief?” Op Ed Column, **CARROLL TIMES HERALD** Carroll, Iowa June 21, 2016.

“Peace Be With You – and With the People of Bosnia,” **CARROLL TIMES HERALD**, July 18, 2016.

“Trump, He is all he can be,” Op Ed, **CARROLL TIMES HERALD**, August 8, 2016.

“Students Can Learn to Find Common Ground,” **DAYTON DAILY NEWS**, August 29, 2016.

“The Continuing Echoes of Yesteryear,” **CARROLL TIMES HERALD**, September 19, 2016.

“Library and Cooper Park Will Finally Meet,” **DAYTON DAILY NEWS**, October 1, 2016.

“Twitter Donald, Twitter Dumb,” **CARROLL TIMES HERALD**, October 6, 2016.

“Catholics are Again the Targets in a Presidential Campaign,” **CARROLL TIMES HERALD**, October 27, 2016.

“A New Political Reality,” **CARROLL TIMES HERALD** (Carroll, Iowa), undated – 2016.

“Celebrating Life of Thurgood Marshall,” **DAYTON DAILY NEWS**, December 1, 2016.

“Finding a New Year’s Path in Music,” Op Ed Column, **DAYTON DAILY NEWS** (January 4, 2017).

“Steve King’s Jump-Start Legislation,” Op Ed Column, **CARROLL TIMES HERALD** (Carroll, Iowa), (January 10, 2017).

“National VA Archives Vital to our History,” Op Ed Column, **DAYTON DAILY NEWS**, (January 24, 2017).

“Alternative Facts – Alternative Reality,” **CARROLL TIMES HERALD**, February 1, 2017.

“Paying Close Attention to the Rule of Law,” **DAYTON DAILY NEWS**, March 22, 2017.

“Go Forth, Judge Gorsuch,” **CARROLL TIMES HERALD**, March 22, 2017.

“The Dayton VA Center Celebrates its 150th Anniversary,” **DAYTON BAR BRIEFS**, April 2017.

“Metro Library’s ‘Main Event’ Gave Glittery Look at Future,” **DAYTON DAILY NEWS**, April 28, 2017.

“Senator Grassley and Private Debt Collectors,” **CARROLL TIMES HERALD**, May 5, 2017.

“Some Tasks Are for Government Only,” **DAYTON DAILY NEWS**, May 16, 2017.

“Respect for Those Who Serve Unites Us,” **DAYTON DAILY NEWS**, June 19, 2017.

“It’s Good to be an American,” **CARROLL TIMES HERALD**, June 19, 2017.

“Similarities and Success Tied to Carroll Library Plan,” **CARROLL TIMES HERALD**, July 13, 2017.

“New Dayton Library Brings Plenty of Magic to Third Street,” **DAYTON DAILY NEWS**, August 10, 2017.

“Considering a Worthy Profile in Courage,” **DAYTON DAILY NEWS**, August 18, 2017.

“Another Profile in Courage,” **CARROLL TIMES HERALD**, September 7, 2017.

“Iowa – The Beauty of the Land,” **CARROLL TIMES HERALD**, September 12, 2017.

“On This, The Dragons Are Ahead of the Curve,” **DAYTON DAILY NEWS**, October 2, 2017.

“On This Veterans Day, Consider all Sides,” **DAYTON DAILY NEWS** (November 11, 2017).

“Living in the Land of the Free, Thanks to our Veterans,” **CARROLL TIMES HERALD**, November 10, 2017.

“Looking Back at Vietnam War Experiences,” **DAYTON DAILY NEWS**, (December 1, 2017).

“The Case that Changed Military Sex Assault Laws,” **DAYTON DAILY NEWS**, December 26, 2017.

“Sexual Assault: A 10-Year Perspective,” **CARROLL TIMES HERALD**, January 19, 2018.

“A First-Hand Look at China’s New Glitter, Glitz,” **DAYTON DAILY NEWS**, January 26, 2018.

“Think We’re Divided Today? Remember 1968,” **DAYTON DAILY NEWS**, February 20, 2018.

“China – Capitalism’s Latest Skylines,” **CARROLL TIMES HERALD**, February 21, 2018.

“Looking Back at 1968,” **CARROLL TIMES HERALD**, February 23, 2018.

“Remembering My Lai Massacre 50 Years Later,” **DAYTON DAILY NEWS**, March 14, 2018.

“April 4, 1968 – A Day of Hope and Tragedy,” **DAYTON DAILY NEWS**, April 3, 2018.

“Abigail and Barbara: Two Special First Ladies,” **DAYTON DAILY NEWS**, April 24, 2018.

“First Ladies and First Mothers,” **CARROLL TIMES HERALD**, April 27, 2018.

“Bill Closes Sex Assault Loophole in Military,” **DAYTON DAILY NEWS**, May 2, 2018.

“Falling Milk Prices, A Bad Omen for Farm Life,” **CARROLL TIMES HERALD**, May 24, 2018, reprinted **DAYTON DAILY NEWS**, May 29, 2018.

“St. John Paul II is Coming to Carroll,” **CARROLL TIMES HERALD**, July 12, 2018.

“New County Fair Brings Back Old Memories,” **DAYTON DAILY NEWS**, July 17, 2018.

“Is Trump Betting the Farm? Your Farm?” **CARROLL TIMES HERALD**, August 28, 2018.

“Thieves Find New Ways to Steal House Deeds,” **DAYTON DAILY NEWS**, September 4, 2018.

“Sears’ Demise Leaves a Catalog of Memory,” **DAYTON DAILY NEWS**, October 23, 2018.

“On Armistice Day, Remember WWI Sacrifices,” **DAYTON DAILY NEWS**, November 10, 2018.

“Looking Back 100 Years at Armistice Day,” **CARROLL TIMES HERALD**, January 3, 2019.

“Sears was a Way of Life,” **CARROLL TIMES HERALD**, January 8, 2019.

“Roberts May Be Court’s New Swing Vote,” **DAYTON DAILY NEWS**, January 18, 2019.

“Considering the Draft, 50 Years Later,” **DAYTON DAILY NEWS**, March 6, 2019.

“The Draft, 50 Years Later,” **CARROLL TIMES HERALD**, March 12, 2019.

“Joyful Return of our American Bald Eagles,” **DAYTON DAILY NEWS**, April 3, 2019.

“Apollo 11 Gave us the Power to Dream,” **DAYTON DAILY NEWS**, July 14, 2019.

“2 Famed Architects Left Their Mark in Dayton,” **DAYTON DAILY NEWS**, August 16, 2019.

“Report from a Visit to Greenland,” **CARROLL TIMES HEARD**, August 30, 2019.

“Recognizing a Career of Community Service,” **DAYTON DAILY NEWS**, September 4, 2019.

“Think about Service Given to Our Country,” **DAYTON DAILY NEWS**, November 11, 2019, reprinted in the program for The Musicians Concert of Praise dedicated to our Veterans, Germantown United Methodist Church, April 19, 2020.

“As 2019 Ends, Look Ahead to a Brighter 2020,” **DAYTON DAILY NEWS**, December 31, 2019.

“Explaining Power and Popularity of Iowa,” **DAYTON DAILY NEWS**, January 29, 2020, reprinted in the online edition of the **CARROLL TIMES HERALD** (Carroll, Iowa) (January 31, 2020). https://www.carrollspaper.com/opinion/you-really-ought-to-give-iowa-a-try/article_9157e1e8-4435-11ea-8c37-c37a746ce7a3.html

“Fair is Foul, and Foul is Fair, Except in Baseball,” **DAYTON DAILY NEWS**, February 26, 2020.

“Here We are, Down Alice’s Viral Rabbit Hole,” **DAYTON DAILY NEWS**, March 27, 2020, reprinted in the **CARROLL TIMES HERALD**, March 27, 2020, and reprinted again in the **DAYTON BAR BRIEFS**, April 2020.

“Let’s Record our Pandemic Activities for Future Reference,” **DAYTON DAILY NEWS**, May 3, 2020, reprinted in **CARROLL TIMES HERALD**, May 15, 2020.

“Sexual Assault in the Military – The Tragedies Continue,” **CARROLL TIMES HERALD**, July 17, 2020, paired with Doug Burns’ article, “Latino Group Holds Memorial for Slain Soldier.”

“75 Years After the Bombs, The Search Continues,” **DAYTON DAILY NEWS**, August 7, 2020.

“There’s No Joy in DeJoy,” **CARROLL TIMES HERALD**, September 11, 2020.

“We are Different. We are One,” **CARROLL TIMES HERALD**, September 25, 2020, reprinted in **DAYTON DAILY NEWS**, September 30, 2020, and in the Dayton Bar Association **BAR BRIEFS**, November, 2020.

“We are all Practicing Law Down the Rabbit Hole,” Dayton Bar Association **BAR BRIEFS**, Page 4, October 2020.

“Veterans Should be Honored as Heroes for Sacrifices,” **DAYTON DAILY NEWS**, November 11, 2020 (Veterans Day).

“Sexual Assault in Military is Still an Issue,” **DAYTON DAILY NEWS**, December 13, 2020.

“2020 Hindsight,” **CARROLL TIMES HERALD**, December 31, 2020.

“Winnie the Pooh’s Wisdom Applies in Days of COVID,” **DAYTON DAILY NEWS**, January 3, 2021.

Writing: Law Review Articles:

“Tax Consequences of Shareholder Guarantees: There’s Still Hay in *Tulia Feedlot*,” 6 **WYOMING LAW REVIEW** 165 (2006). This article has been posted for comment on *Tax Professor Blog*. http://taxprof.typepad.com/taxprof_blog/2006/04/wilberding_on_t.html and reprinted in *The Monthly Digest of Tax Articles* (October 2007).

"Banks and the Equal Pay Act: Establishing a *Bona Fide* Management Trainee Program," 1 **U. DAYTON LAW REVIEW** 1 (1976).

"An Individual's Business Investigation Expenses: An Argument Supporting Deductibility," 26 **TAX LAWYER** 219 (1973).

"Enforcement of the Merger Laws by Private Party Litigation," 47 **INDIANA LAW JOURNAL** 293 (1972) (co-author: Earl W. Kintner) (Reprinted in 14 **CORPORATE PRACTICE COMMENTATOR** 209 (1972)). (Article cited by United States Supreme Court in California v. American Stores, 492 U.S. 1301, 1306 (1989)).

"New Tax Considerations Injected into Antitrust Treble Damage Proceedings," 19 **KANSAS LAW REVIEW** 441 (1971).

"An Ominous Warning for Antitrust Law: The Disposition of the 'Bathtub' Conspiracy -- as Applied to Unincorporated Divisions -- May Have Left a Tell-Tale Ring Around the Tub," 32 **OHIO STATE LAW JOURNAL** 43 (1971) (Reprinted in **CORPORATE COUNSEL'S ANNUAL** - 1972, 393 (1972)).

"State Voting Residency Requirements and Civil Rights," 38 **GEORGE WASHINGTON LAW REVIEW** 93 (1969) (co-author: John A. Macleod) (Article cited by United States Supreme Court in Dunn v. Blumstein, 405 U.S. 330, 346 n. 16 (1972)).

"The Progressive Penal System at the United States Disciplinary Barracks," 31 **FEDERAL BAR JOURNAL** 44 (1972).

"New Speedy Trial Guidelines Promulgated," 2 **ARMY LAWYER** 1 (Feb. 1972).

"Balance Amid Change -- You and Military Justice," 28 **SOLDIERS** 4 (June 1973).

"Supreme Court Adds New Guidelines in Determining Court-Martial Jurisdiction," 1971 **WASHINGTON UNIVERSITY LAW QUARTERLY** 413 (1971).

"Miranda-Type Warnings for Consent Searches?" 47 **NORTH DAKOTA LAW REV** 281 (1971).

"Church-State: A Legal Survey -- 1966-1968," 43 **NOTRE DAME LAWYER** 684 (1968) (See Text accompanying notes 230-399, at 715-734).

Case Comment, "Criminal Procedure -- 'Beyond a Reasonable Doubt' Standard Not Applicable in Judge's Determination of the Voluntariness of a Confession," (Clifton v. United States, 371 F.2d 354 (D.C. Cir. 1966), *cert. denied*, 386 U.S. 995 (1967)), 43 **NOTRE DAME LAWYER** 115 (1967).

Book Review: **MERGERS, MANAGERS & THE ECONOMY** (Dr. S. Reid), 45 **NOTRE DAME LAWYER** 154 (1969).

Speeches

United States House Subcommittee on National Security and Foreign Affairs. Merle Wilberding testified before this subcommittee in the Oversight Hearings on “Sexual Assault in the Military” on February 24, 2010, in Washington, D.C.

United States House Subcommittee on National Security and Foreign Affairs. Mary Lauterbach and Merle Wilberding participated in the Oversight Hearings on “Sexual Assault in the Military” on July 31, 2008, in Washington, D.C.

State of Ohio House Ways & Means Committee. On January 12, 2006, Merle Wilberding testified before the Ohio House Ways & Means Committee in support of H. B. 390, a bill to impose a statute of limitations on the enforcement of tax assessments in Ohio, now enacted in part as Section 131.02(F)(3) of the Ohio Revised Code.

Conference on the Legacy of 1968. “The Legacy of the My Lai Massacre & Lt. William L. Calley,” presented at The Legacy of 1968 - - an Inter-Disciplinary Conference held at Chestnut Hill College, Philadelphia, Pennsylvania on April 4, 2008.

Chancery Club. At its luncheon in the rotunda of the old Dayton Court House on January 20, 2012, Merle Wilberding gave a speech entitled “Controversial Cases in a Controversial War - - The Presidio Mutiny and the My Lai Massacre,” a presentation on two cases he worked as a Captain in the JAG Corps in the U.S. Army during the Vietnam War.

Silver Sea Cruise Ship, “The Vietnam War & the My Lai Massacre,” presented on the Silver Sea Cruise Line’s Silver Whisper prior to its arrival in Da Nang, Vietnam, on February 26, 2013.

Cincinnati Bar Association, “Famous Political Trials – The Court-Martial of Lt. William L. Calley,” December 3, 2013 (Cincinnati, Ohio).

University of Dayton Osher Lifelong Learning Institute, “Vietnam Retrospective - - My Lai Massacre,” University of Dayton River Campus, May 5, 2014).

University of Dayton Osher Lifelong Learning Institute, “The History of the Civil Rights Legislation,” University of Dayton River Campus, October 5, 2015.

University of Dayton Osher Lifelong Learning Institute, “Links between Abraham Lincoln and the City of Dayton,” April 9, 2016.

Friday Afternoon Club, “Vietnam – A Retrospective on one of its Defining Moments,” February 27, 2015, Dayton Country Club.

Dedication of Lewis W. Gunckel Fountain. The Legacy of Lewis B. Gunckel – A Fountain for the Community,” Dayton VA Medical Center on June 17, 2015.

The Lincoln Society of Dayton. “Lewis B. Gunckel - - Dayton’s Treasure and Abraham Lincoln’s Friend,” November 1, 2015.

Ohio State Bar Committee on Military Affairs. On January 18, 2013, a presentation on recent legislative changes (as well as proposed changes) relating to the victims and perpetrators of sexual assault in the military.

2008 ORALL Conference. “Losing Space and Tightening Budgets: How to Build the 21st Century Law Library,” a presentation at the 2008 Annual Conference of the Ohio Regional Association of Law Librarians, Dayton, Ohio on October 16, 2008.

Dayton Walk of Fame. Acceptance speech on the induction of Lewis B. Gunckel into the Dayton Walk of Fame. In 1853, Lewis B. Gunckel along with Hiram Strong founded what is now known as Coolidge Wall law firm. Gunckel served as a United States Congressman and is credited for securing the National Home for Disabled Soldiers in Dayton, Ohio, where it now serves as the VA Center.

The Exchange Club. Speech on Three Community Programs for Our Youths, Exchange Club Walnut Grove Country Club (February 4, 2016).

Germantown Book Club. Speech on underlying history of The Orphan Train (June 14, 2016).

DBA Celebration of Life 2008. Memorial presentation speech on the life of Janice M. Paulus (1960 – 2007), shareholder at Coolidge Wall Co. LPA. (May 19, 2008).

DBA Celebration of Life 2009. Memorial presentation speech on the life of Roger J. Makley (1934 – 2008), shareholder at Coolidge Wall Co. LPA. (May 18, 2009).

DBA Celebration of Life 2011. Memorial presentation speech on the life of Robert B. Matusoff (1930 – 2011), former shareholder at Coolidge Wall Co. LPA. (May 16, 2011).

DBA Celebration of Life 2012. Memorial presentation speech on the life of Ronald S. Pretekin (1942 – 2011), shareholder at Coolidge Wall Co. LPA. (May 22, 2012).

DBA Celebration of Life 2016. Memorial presentation (video) speech on life of F. Dennis Greene (1949 – 2015), Professor U. D. School of Law & founding member of *Sha Na Na* (May 25, 2016).

DBA Celebration of Life 2017. Memorial presentation speech on the life of Robert B. Womsley, 1933 - 2016, Shareholder at Coolidge Wall Co., LPA (May 9, 2017).

DBA Celebration of Life 2019. Memorial presentation speech on the life of Mark Kingseed, Shareholder at Coolidge Wall Co., LPA (May 15, 2019).

Rotary Club. Speech on Sexual Assault in the Military, Vandalia Rotary Club (August 23, 2012).

Rotary Club. Speech on 40 Year Anniversary of My Lai Massacre, Vandalia Rotary Club (2008).

Rotary Club, Speech on Haki & Rule of Law, City of Dayton Rotary Club (August 24, 2009).

Rotary Club, Speech on My Lai & the Rule of Law, City of Dayton Rotary Club (May 2, 2016).

From Barnyard to Courtyard, Law & Leadership Institute, U Dayton Law School, July 19, 2012.

From Barnyard to Courtyard, Law & Leadership Institute, U Dayton Law School, July 9, 2013.

From Barnyard to Courtyard, Law & Leadership Institute, U Dayton Law School, July 24, 2015.

From Barnyard to Courtyard, Law & Leadership Institute, U Dayton Law School, July 11, 2018.

From Barnyard to Courtyard, Law & Leadership Institute, U. Dayton Law School, July 16, 2019.

Law Review Leadership, University of Dayton Law Review Luncheon, August 21, 2010.

Law Review Leadership, University of Dayton Law Review Luncheon, August 18, 2012.

Law & Leadership Institute, at Diversity Day, a CLE Seminar, Sinclair College, April 4, 2014.

2014 OSBF Class – Life Fellows, Carousel Works, Mansfield, Ohio March 7, 2014.

2014 OSBF Class – Life Fellows, Ohio State Bar Foundation, Wine Galley, April 7, 2014.

2014 OSBF Class – Life Fellows, Ohio State Bar Foundation, U.D. Law School, July 23, 2014.

Presentation of Roger J. Pytlewski '66, for Induction into the Sports Hall of Fame at St. Mary's University (Minnesota) September 7, 2018.

Commentary on 150 Year History of Coolidge Wall Firm, Carillon Park, June 22, 2003.

Commentary on 160 Year History of Coolidge Wall Firm, Moraine Country Club, May 15, 2013.

Commentary on History of Coolidge Wall Firm during 1913 Flood, Carillon Park, March 21, 2013.

Commentary on 50 Years of Practice at Coolidge Wall Firm, Dayton Club, January 30, 2019.

Commentary on 50 Years of Practice in the Dayton Bar Association, Sinclair, October 17, 2019

Selected Media

TODAY SHOW, Interview on LCpl Maria Lauterbach case with Matt Lauer, January 28, 2008.

TODAY SHOW, Interview on LCpl Maria Lauterbach case with Ron Mott, April 11, 2008.

TODAY SHOW, Interview on LCpl Maria Lauterbach case with Amy Roebach, April 12, 2008.

TODAY SHOW, Interview on LCpl Maria Lauterbach case with Meredith Vieira, October 16, 2008.

CNN MORNING NEWS SHOW, Interview with News Anchor Betty Nguyen, April 11, 2008.

CNN ANDERSON COOPER 360, Interview with Susan Candiotti, April 10, 2008.

CBS Evening News with Walter Cronkite. Report on Appellate Argument of Lt. William Calley's appeal of his court-martial conviction for his role in the My Lai Massacre. December 4, 1972.

Press Conference Comments, Washington D.C., Introduction of legislation by Congressman Mike Turner (R. Ohio) and Congresswoman Nikki Tsongas (D. Mass.), "The Strong Act," April 13, 2011.

Press Conference Comments, Dayton, Ohio, Introduction with Congressman Mike Turner (R. Ohio) to private viewing of THE INVISIBLE WAR (September 4, 2012).

Press Conference Comments, Goldsboro, North Carolina, With Mary Lauterbach at the end of criminal trial of Cesar Laurean, August 23, 2010.

Press Conference Comments, Dayton, Ohio, Congressman Mike Turner, Congresswoman Nikki Tsongas, Mary Lauterbach & Merle Wilberding, Hope Hotel, Wright Patterson Air Force Base, August 18, 2014.

St. Mary's University, Alumnus of Year Interview. June 25, 2016 (Available: www.youtube.com)

Ohio Veterans Hall of Fame Interview, November 6, 2019. (Available on www.youtube.com)

Press Conference Comments, Dayton, Ohio, Presentation to Judge Walter H. Rice of a framed copy of Public Law 115-312 (March 13, 2019).

Dayton Access Television, Interview by Stan the Man Brooks (Dayton Soul Radio, 98.7 FM) for the Funk Museum & Exhibition Center (February 27, 2020). (Available on www.youtube.com)

ABA Journal. In the April 2012 issue of the ABA Journal, Merle Wilberding was featured in a photograph and a quote about participation in the American Bar Association Programs: "ABA – CLE programs provide a unique opportunity to soar with the eagles in the profession."

Ohio Super Lawyers. In the 2007 issue of the *Ohio Super Lawyers*, Merle Wilberding was featured in an article entitled "Memories of My Lai," focusing on Merle Wilberding's briefing and arguing on

behalf of the Government in the appeal of Lt. William L. Calley's appeal of his court-martial conviction for his role in the My Lai Massacre in Vietnam on March 16, 1968.

In the midst of media attention and growing anti-military sentiment, Wilberding managed to focus on the task in front of him. Working on the case meant sorting through enough trial records and exhibits to fill a four-drawer file cabinet. 'There wasn't any question of evidence.' he says.

Barrister of the Month. Merle Wilberding was featured in the *DBA Bar Briefs* as the Barrister of the Month in February 2008 (reprinted in the DBA book **Dayton Barristers** (2009)).

Congressman Mike Turner (R. 10th Ohio) Blog. Merle Wilberding cited in Weekly Column by Congressman Michael R. Turner for Wilberding's integral help in finding legislative solutions to the problems associated with sexual assault in the military.

CCH Property Tax Alert. In the February 2007 (Vol. 13, No. 2) issue of *CCH Property Tax Alert*, Merle Wilberding was interviewed on his argument before the Ohio Supreme Court in *Dayton Supply & Tool Co. v. Board of Revision*, a case that granted non-lawyer company officers the right to sign and file complaints with a county board of revision on property valuations. Quoting Merle Wilberding, the interview concludes, the ruling means an end to "the way the local boards have been arbitrarily keeping some corporate property owners out of the appeal system."

1st Annual Tax Controversy Forum. "The Legislative History of HB 390," a presentation on the legislative history of what became the basis for Section 131.02(F)(3) of the Ohio Revised Code, presented at Sinclair Community College on November 3, 2009.

Writer to Writer TV Show. A 45-minute interview on the background of writing the book *150 Years of Cool Law* that appeared on **Writer to Writer**, a cable TV show that airs on EATV-24, an educational cable channel. (To date the show has aired, and re-aired, at least 20 times.).

WHIO-TV Reports. Merle Wilberding and Doris Ponitz were interviewed by Jim Otte about the Dayton Literary Peace Prize Awards that appeared October 29, 2006, on **WHIO-TV Reports**, a TV show on the Dayton CBS affiliate TV station.

WGTZ, 92.9 FM. Radio interview by Dan Edwards with Merle Wilberding & Susan Elliott on *Haki Finds Common Ground*, a supplemental curriculum book funded by a \$40,000 grant from the Ohio State Bar Foundation (October 2, 2016).

City Show (Channel 6, Lebanon). TV Interview on June 21, 2016, by Emiko Moore with Merle Wilberding & Susan Elliott on the *Haki Finds Common Ground*, a supplemental curriculum book funded by a \$40,000 grant from the Ohio State Bar Foundation.

Ohio Veterans Hall of Fame, Interview on November 6, 2019, with Merle Wilberding on his induction into the Veterans Hall of Fame www.YouTube.com

Funk Chronicles with the Music Center Hall of Fame, DATV Interview on February 27, 2020, by Stan the Man Brooks (Radio 98.7 FM) with Merle Wilberding on his working with the Ohio Players www.YouTube.com

St. Mary's University (Minnesota), Interview on June 22, 2016, by Deb Nahrgang with Merle Wilberding on his honor of being selected Alumnus of the Year www.YouTube.com

Military Background

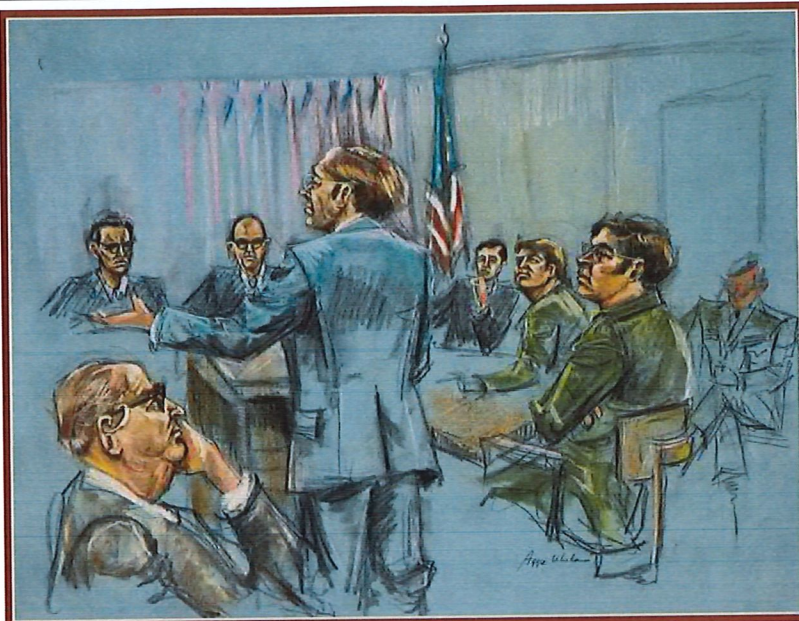
I served as a Captain in the Judge Advocate General's Corps in the U.S. Army during the Vietnam War, from 1969 to 1973. I attended the Basic Course at the JAG School at the University of Virginia and was then assigned to the Pentagon. I represented the Army in the courts-martial appellate process and briefed and argued numerous cases in the Army Court of Military Review and the U.S. Court of Military Appeals, including the *Presidio Mutiny* cases (*United States v. Rowland, et al*, 42 CMR 668 (Army Court of Military Review 1970)) and the "My Lai Massacre" case (*United States v. Lt. William L. Calley*, 46 CMR 1131 (Army Court of Military Review -1973)).

Admitted to Practice

- State of Ohio
- State of Iowa
- District of Columbia
- United States Tax Court
- United States Supreme Court
- Army Court of Military Review
- United States Court of Military Appeals
- *Pro Hac Vice*, Minnesota Tax Court
- United States Court of Appeals 6th Circuit
- United States Court of Appeals 7th Circuit
- United States Court of Appeals 8th Circuit
- United States Court of Appeals for District of Columbia
- United States District Court for Southern District of Ohio

Family

- My daughter, Abigail Wilberding Pavell, is married to Gene Pavell and they have three children: Clare (21), Leopold (18), and Frances (15). Abigail teaches English at Upper Arlington High School in Columbus, Ohio. Clare attends The Ohio State University; Leopold and Frances attend Bishop Watterson High School in Columbus, Ohio.
 - B.A. English Purdue University (1993)
 - M.A. Education Ohio State University (1998)
- My son, James Grandison Wilberding, is the Chair of the Ancient Philosophy Department at Humboldt University in Berlin, Germany. He has written seven books and many journal articles on Ancient Philosophy, most of which have been published by the Oxford University Press. James was a Fulbright Scholar at Bielefeld University (Germany) in 1994-1996.
 - B.A. Studio Art & Philosophy University of Notre Dame (1994)
 - B.S. Mathematics University of Notre Dame (1994)
 - Ph.D. Ancient Philosophy University of Chicago (2002)



**United States v. William L. Calley
Army Court of Military Review
CBS Evening News with Walter Cronkite
December 4, 1972**



**Captain Merle F. Wilberding
United States v. William L. Calley
Army Court of Military Review
CBS Evening News with Walter Cronkite
December 4, 1972**



THE TODAY SHOW
Chris Conard, Kara Conard, Pete Steiner, Mary Lauterbach,
Matt Lauer Merle Wilberding, Susan Elliott
January 28, 2008



THE TODAY SHOW
Amy Roebach – Merle Wilberding Mary Lauterbach Chris Conard
April 12, 2008



THE TODAY SHOW
 Merle Wilberding Mary Lauterbach & Meredith Vieira
 October 16, 2008



CNN MORNING NEWS SHOW
 Betty Nguyen - - Mary Lauterbach Merle Wilberding
 April 11, 2008



PRESS CONFERENCE
Rayburn Office Building, Washington D.C.
Introduction of THE STRONG ACT
Merle Wilberding
Congresswoman Nikki Tsongas (D. Mass.)
Congressman Mike Turner (R. Ohio)
April 13, 2011



PRESS CONFERENCE
THE INVISIBLE WAR
Congressman Mike Turner – Merle Wilberding
September 4, 2012



PRESS CONFERENCE
Trial of Cesar Laurean for Murder
Goldsboro, North Carolina
August 23, 2010



AUTHOR'S RECEPTION
DAYTON LITERARY PEACE PRIZE AWARDS
Richard Bausch, Ben Skinner, Taylor Branch, Bob Fogarty
Merle Wilberding
November 7, 2009



**Merle F. Wilberding
Testifying before the
U. S. House Subcommittee on National Security & Foreign Affairs
February 24, 2010**



**Merle Wilberding – Heather Sowald, President OSBF
Receipt of Distinguished Community Service
Ohio State Bar Foundation
November 12, 2012**

Counsel for the community

MERLE WILBERDING '75

When Merle Wilberding met writer Tim O'Brien this past November, they realized they had much in common: growing up near the Iowa-Minnesota border; fishing in Iowa's Spirit Lake; attending small Minnesotan colleges; being drafted into the U.S. Army two weeks after graduation.

But their deepest connection is the My Lai massacre. Lying in a ditch in 1969 not far from that Vietnamese village, O'Brien vowed, "I will not stay quiet."

And, "for 40 years he has written and spoken eloquently ... he has used his moral compass to direct his war stories toward the goals of peace," said Wilberding, who as a captain in the Army Judge Advocate General's Corps represented the government in Lt. William Calley's appeal of his court-martial conviction for his actions at My Lai.

O'Brien was in Dayton to receive The Richard C. Holbrooke Distinguished Achievement Award; Wilberding serves on the board of the Dayton Literary Peace Prize Foundation which distributes the honor.

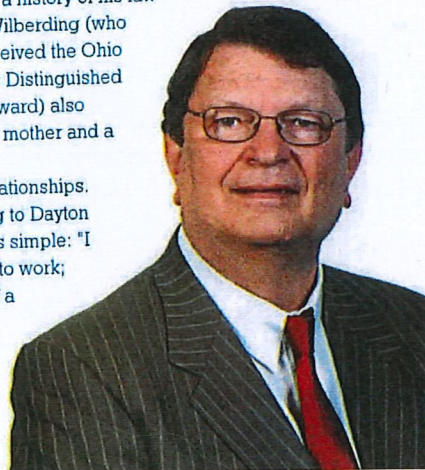
Wilberding's service to country and community has also continued since Vietnam pricked the conscience of a nation. This magazine, among many, chronicled his work — with Mary Lauterbach '94 and Congressman Michael Turner '92 — in spotlighting sexual assault in the military and championing legislation to combat it.

Locally, his service (besides the Literary Peace Prize Foundation) includes work with the Dayton Bar Association, Dayton Opera, Greater Dayton Foreign Trade Zone, Montgomery County Legal Resources Board, Muse Machine and the UD School of Law advisory council.

Between finding time for creating a book on law for use in inner-city schools and a history of his law firm, Coolidge Wall, Wilberding (who in November 2012 received the Ohio State Bar Foundation's Distinguished Community Service award) also wrote a memoir of his mother and a family cookbook.

He believes in relationships. His reason for coming to Dayton four decades ago was simple: "I wanted not just to go to work; I wanted to be part of a community."

—Thomas M.
Columbus



**Muse Machine Honoree
"Seussical"**



**January 18, 2014
Annual Benefit Dinner**

**The Walter H. Rice Honorary Alumni Award
University of Dayton, School of Law**



**Dean Paul McGreal,
U.S. District Court Judge Walter H. Rice,
Merle Wilberding & Susan Elliott**

June 12, 2015

Merle Wilberding '66, J.D.

Advocate for Sexual Assault Victims,
Active Community Volunteer,
Lauded Attorney

Hometown: Breda, Iowa

Major: Economics

Throughout his career as an attorney in Washington, D.C., and Dayton, Ohio, Merle Wilberding has accrued a lengthy list of prominent legal achievements and worked high-profile national cases. He has repeatedly received the highest ratings from his peers and is continuously named an "Ohio Super Lawyer" and included in the "Best Lawyers in America." Most significantly, he received the "State of Ohio Award for Distinguished Community Service." He received national recognition as an Army JAG Captain, representing the government in briefing and arguing the appeal in U.S. vs. Lt. William L. Calley, otherwise known as the "My Lai Massacre," a notorious court-martial arising out of the Vietnam War. More recently, in 2008, on a substantially pro bono basis, he represented the family of LCpl. Maria Lauterbach who was murdered in North Carolina. As part of the case, he was interviewed on CNN's morning news, "The Today Show," and other national news shows and testified in hearings before the U.S. Congress. Subsequently, he became a national spokesperson for the victims of sexual assault in the military. An active community leader and volunteer and a prolific writer, Wilberding has dedicated a lifetime of service for the benefit of his fellow man.



**St Mary's University
Centennial Alumnus**

**Distinguished Alumnus Award
St Mary's University – Minnesota
June 25, 2016**





Richard Bausch	Benjamin Skinner	Taylor Branch	Bob Fogarty	Merle Wilberding
<i>Peace</i>	<i>Crime So Monstrous</i>	<i>The Clinton Tapes</i>	<i>Antioch Review</i>	Moderator

Dayton Literary Peace Prize
Authors' Reading & Reception
November 7, 2009



Dayton Literary Peace Prize
Authors Reading & Reception
November 19, 2016

Wil Haygood
Showdown

Jeff Hobbs
Life of Robert Peace

Josh Weil
Great Glass Sea

Susan Southard
Nagasaki - Life After

Viet Thanh Nguyen
The Sympathizer

James Hannaham
Delicious Foods

Marilynne Robinson
Gilead

Merle Wilberding
Master of Ceremonies



**Dayton Literary Peace Prize
Authors Reading & Reception
November 4, 2017**

Patricia Engel
Veins of the Ocean

James Hannaham
Delicious Foods

Viet Thanh Nguyen
The Sympathizer

Andrew Krivak
The Sojourn

Susan Southard
Nagasaki

David Wood
What Have We Done

Colm Tóibín
Brooklyn

Merle Wilberding
Master of Ceremonies



**Dayton Literary Peace Prize
Authors Reading & Reception
October 27, 2018**

Patricia Engel
Veins of the Ocean

David Wood
What Have We Done

Hala Alyan
Salt Houses

Michelle Kuo
Reading with Patrick

Min Jin Lee
Pachinko

John Irving
The World According to Garp

Merle Wilberding
Master of Ceremonies



**Dayton Literary Peace Prize
Authors Reading & Reception
November 2, 2019**

N. Scott Momaday
House Made of Dawn

Maaza Mengiste
The Shadow King

Adam Hochschild
Bury the Chains

Eli Saslow
Rising Out of Hatred

Wil Haygood
Tigerland

Golnaz Bonde
What We Owe

Richard Powers
The Overstory

Merle Wilberding
Master of Ceremonies

Merle Wilberding Creates Writing Award for the University of Dayton Law Review

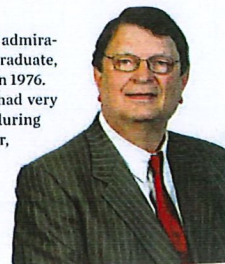
Honoring law school professor

Dayton attorney Merle Wilberding has established an endowment to create the Susan Newhart Elliott Award for Excellence in Legal Scholarship to recruit legal scholars to write for the *University of Dayton Law Review* as well as support it in perpetuity. Newhart Elliott, a professor at the School of Law since 1994, is director of the Zimmerman Law Library and serves as the *University of Dayton Law Review* faculty adviser. Newhart Elliott is a 1987 School of Law graduate and was the law review's managing editor while a student.

"These gifts honor Susan's longstanding service and contributions to legal scholarship, and the law review, for

which I have a great deal of respect and admiration," said Wilberding, a 1975 UD MBA graduate, who wrote the law review's first article in 1976.

Said Newhart Elliott, "Merle and I had very rewarding experiences with law review during our law school years. As a faculty member, I have tremendously enjoyed sharing the experience with students. Merle and I see the law review as a public face of the law school. I am extremely grateful to be part of this opportunity to offer continuing support to it."



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Merle F. Wilberding
Induction into the Ohio Veterans Hall of Fame,
Presented by Major General Ashenhurst (Ret) & Governor Mike DeWine
November 7, 2019
Dublin, Ohio



• A PROUD •
DAYTON ORIGINAL

The Dayton City Commission Recognizes

MERLE F. WILBERDING

*For perpetuating Dayton's legacy as a home of
CREATIVE THINKERS, DOERS, BELIEVERS and ACHIEVERS.*

DAYTONORIGINALS.ORG

The city of Dayton is renowned for its legacy of invention, innovation and inspiration. Dayton has been, and is, a catalyst for creativity. For originality.

Dayton's creative nature has touched people's lives in countless ways, including art, architecture, science, education and industry. The city continues to attract, welcome and reward originality – in thought, in deed and in character. The result is a community energized not by the status quo, but by what can be.

Just as Dayton's rich history was forged by unique people and ideas, Dayton's future rests with those, like you, who are bold enough to be...Original!



With Appreciation & Best Wishes

Mayor Gary Leitzell

Commissioner Dean Lovelace
Commissioner Matt Joseph

Commissioner Joey D. Williams
Commissioner Nan Whaley



**Merle Wilberding and "Stan the Man" Brooks
The Funk Museum Chronicles
Dayton Access TV Studios
Dayton FM Radio 98.7
February 27, 2020**



**Dayton City Commission
Proclamation for "Merle Wilberding Day"
March 11, 2020**

Darryl Fairchild
Commissioner

Jeffrey Mims
Commissioner

Nan Whaley
Mayor

Matt Joseph
Commissioner

Chris Shaw
Commissioner

Merle Wilberding
Honoree

Rashella Lavender
City Commission Clerk

Shelley Dickstein
City Manager

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