CONSTRUCTIVE NOTICE

DEAN WHITE APPRECIATION

Current students and the College of Law Alumni Association have organized a celebration of Dean Patricia White as she steps down after nearly 10 years to return to teaching. The Dean White Appreciation is scheduled for 3 p.m. on Thursday, April 17, in the Steptoe & Johnson Rotunda. The event is open to the public. There will be remarks and refreshments.

LUNCH RSVP REQUIRED

Graduating students must RSVP by noon on Monday, April 21, for the lunch and class picture with retired U.S. Supreme Court Justice Sandra Day O’Connor on Thursday, April 24. RSVP to Amanda Brown at amanda.brown@asu.edu. Students must check in for the photo at 11:30 a.m. at the Student Plaza in front of the Ross-Blakley Law Library. Lunch will follow at noon.

BERCH HONORED BY ASU PARENTS ASSOCIATION

Professor Michael Berch was honored by the ASU Parents Association at the 12th annual Celebration of Teaching and Learning Excellence on Monday, April 14. Berch, a longtime professor, was among 30 faculty members at ASU who were nominated for the 2008 Professor of the Year award. He was nominated by Brent Roam, a third-year law student, who in his nomination letter offered a descriptive, entertaining recounting of Berch’s presentation last April at ASU’s Last Lecture Series.

“Professor Michael Berch, counsel for the defense, paced nervously at the back of the courtroom,” Roam wrote. “Berch’s long, pale fingers shot out of his navy blue blazer, casting the notes he would use for his final plea. A thick shuck of frizzy red hair stood in a permanent explosion on top of his narrow white skull. His eyes, sunk in their sockets, gleamed and crackled with anticipation as he watched the jury file in and take their seats. Slightly hunched, rail thin, with a raspy cough and sharp, violent features, Professor Berch looked like a man possessed. And tonight he was.”

The lecture to which Roam referred focused on whether legal method and processes and the rules of law they produce function accountably or whether the rules vary, depending on factors such as race, wealth, accidents of birth and luck. Berch’s presentation, A Defense Plea for Leniency at the Mitigation Hearing—State v. Raskolnikov, had a theatrical clarity, with the professor creating a summation based on the trial of Rodia Raskolnikov, the central character in Fyodor Dostoevsky’s Crime and Punishment.

The passion, urgency and intensity with which Berch delivered that lecture was always recreated in his classroom, Roam said in his letter.

“His performance that night was not anomalous,” he wrote. “He sleeps, dreams, eats, and breathes for his students. His lost for learning is insatiable, and the joy and energy he brings to the classroom is boundless and, thankfully, contagious.”

“He’s the real McCoy, a character of legendary proportions. He’s loud, he’s brash, he’s vain at times, but he is pure gold. No one cares more for this school and these students than Professor Michael Berch.”

A selection committee of the ASU Parents Association named English Education Professor James Blasingame the 2008 Professor of the Year. In remarks to an audience of about 200 people at Old Main, Elizabeth D. Capaldi, University Provost and Executive Vice President, said the 30 nominees were “all fantastic.”

Amy Ostrom, a marketing professor in the W.P. Carey School of Business and the 2007 Professor of the Year, said teaching offers many rewards, from seeing indifferent students become passionate to watching them become successful.

“Teaching is really a privilege, as is being a part of this transformative journey that students are on while they are at ASU,” Ostrom said.

To read Roam’s nomination letter, go to law.asu.edu.

LAW SCHOOL COMMUNITY TOURS CHASE FIELD

An insider’s view of Chase Field, home of the Arizona Diamondbacks, recently was given to a group of students, faculty members and staff of the College of Law.

Gary Birnbaum, Associate Dean for Graduate Studies and Program Development, arranged for a guided tour of the ballpark for members of his Private Rights class. Also attending were Dean Patricia White and students in the Accelerated Master of Real Estate Development program at ASU.

Birnbaum, an adjunct professor at the College and managing director of Mariscal, Weeks, McIntyre & Friedland, P.A., said the condemnation at the Maricopa County Stadium District’s acquisition of downtown Phoenix property for the ballpark.

Aaron Gagnon, a second year law student in Birnbaum’s class, said he loved seeing the Diamondbacks clubhouse and sitting in the dugout. The tour dovetailed nicely with his Private Rights course, he said.

“We spent a significant amount of time discussing the land acquisitions that were required prior to the park’s construction, specifically the process the county undertook to acquire the various parcels of land and how each acquisition presented various legal challenges,” Gagnon said.

“In the classroom, it is difficult, even with the use of visual aids, to get a sense of the size and scope of such acquisitions. I had been to the park a number of times, but this was the first time I had visited the park subsequent to our classroom discussion,” he said. “As a result, I viewed the park and the surrounding land with a new perspective. I replayed the lectures in my mind and could identify the various structures and landmarks that were affected. This added a vibrant context to our lectures and solidified my understanding of the overall land acquisition process.”

Read the rest of the story at law.asu.edu.

LAW SCHOLARS RECEIVE ABA GRANT

Three scholars at the College of Law have received a national grant to support their study of the National Childhood Vaccine Injury Compensation Program.

The grant from the Litigation Research Fund of the American Bar Association’s Section of Litigation was awarded to Professors Michael Saks and Betsy Grey and to Roselle Wissler, Research Director of the College’s Lodo-Star Resolution Program. The National Childhood Vaccine Injury Compensation Program, which is funded through a small excise tax added to every dose of vaccine, is a mandatory alternative to conventional litigation for people seeking compensation for injuries they believe resulted from vaccines. It was designed to address the interests of all stakeholders, in that vaccine manufacturers are largely insulated from liability, and claimants are relieved of proof of fault and, in some cases, proof of causation.

Generally, the program is thought to have achieved its goals of maintaining the vaccine supply and stabilizing costs, Wissler said, but not its goal of providing efficient and effective access to a forum for deciding on compensation for victims.

ADJUNCT LAW PROFESSOR GIVEN NATIONAL AWARD

Larry Hammond, a member of the Osborn Malcolm law firm in Phoenix and an adjunct professor at the College of Law, has been chosen as the 2008 recipient of the American Judicature Society’s Justice Award, the highest honor given by the Society.

The award ceremony is scheduled for Thursday, April 24, at the Scottsdale Stadium. For tickets, visit www.ajs.org or call (800) 636-4040.

Hammond, who serves as a past president of the Society from 2003-2005, said he was shocked to receive the award.

“Of all the lawyers I’ve actually been the person presenting this three times, and it never occurred to me that, at least any- time before I died, I would be on the receiving end,” Hammond said.

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Society President John R. Tunheim praised Hammond’s work.

“One of the foremost criminal defense lawyers of his or any other genera- tion, Larry has devoted his unmatched energy and legal acumen to ensuring the fairness and accuracy of our criminal justice system and improving the administration of justice for all,” Tunheim said.

Hammond led efforts to create the AJS Institute and the Commission on Forensic Science and Public Policy and was instrumental in planning the National Conference on Preventing the Conviction of Innocent Persons, convened by the Society in January 2003. He is also one of the founders of Arizona’s Innocence Project, called the Justice Project, which addresses wrongful convictions and other manifest injustices. It recently moved from Osborn Maloney to the College of Law.

Read the entire story at law.asu.edu.
Saks, Grey and Wissler want to better understand the functioning of the program and gain broader insights into the use of no-fault systems to litigate health-care injury disputes. The researchers, all Faculty Fellows at the College of Law’s Center for the Study of Law, Science, & Technology, will offer specific recommendations for potential improvements to the program, as well as general guidelines for designing other alternative injury compensation systems. Read the full story at law.asu.edu.

**STUDENT NEWS**

Congratulations to the third-year law students who will serve on the Executive Board of the 2008-2009 Journal of Jurimetrics:

**Bryan Treglia**, Executive Editor, has a chemical engineering degree from the University of Cincinnati and was an engineer and manager at Intel for 10 years before coming to law school. A scholar for the College’s Center for the Study of Law, Science, & Technology, Treglia is interested in intellectual property law and will do IP-related work as a summer associate at Quarles & Brady LLP. Jurimetrics will benefit from Treglia’s leadership and organizational skills and his industry experience. As if he didn’t have enough on his plate, Treglia and his wife, Jessica, have a 22-month-old daughter, Cassie, and newborn twin girls, Alexandra Teagan and Victoria Rhiannon, born on April 11.

**Tinna Otero**, Senior Production Editor, has a bachelor’s degree in Chemical Engineering from the University of South Florida. She worked as an international process engineer in the automotive industry and liquid crystal display manufacturing, then came to ASU, where she earned a Ph.D. in Chemical Engineering. Otero is pairing her engineering background with law and plans to work in Intellectual Property law. During law school, she was involved in Phi Alpha Delta, is on the Board of the Law & Science Student Association (LASSA) and is a member of the Women Law Students’ Association (WLSA) and the Intellectual Property Student Association (IPSA).

**Yu Cai**, Production Editor, is a native of Shanghai, China, who arrived in the U.S. in 2000. She has a bachelor’s degree in biochemistry engineering and a master’s in biochemistry and molecular biology from Shanghai Jiao Tong University, and a Ph.D. in plant sciences and genetics from the University of Arizona. Cai is President of the Asian Pacific American Law Students Association and a scholar for the Center for the Study of Law, Science, & Technology. She recently co-authored a paper for submission with Professor Gary Marchant, the Center for the Study of Law, Science, & Technology’s Executive Director.

**Tinna Otero**

**Yu Cai**

**Michelle Gross**, Book Review Editor, has undergraduate degrees in physics and finance from the University of Wisconsin. As a recipient of the Survivor’s and Lisa Patent Law Fellowship, she has gained extensive experience in conducting patent infringement analysis and litigation-oriented claims drafting. She also has a Registered Patent Agent with Booth Udall PLLC. Before coming to law school, Gross owned a financial-planning practice where she specialized in wealth management, estate and business succession planning, and charitable planning. She has been involved in LASSA, WLSA, the Pro Bono Program and the Arizona Attorney General’s Satellite Outreach Project and is on the executive board of IPSA.

**Janice Peters**, Senior Articles Editor, has a bachelor’s degree in molecular biology from the University of Wyoming, a master’s degree in biochemistry from Duke University, and a MBA with a concentration in finance from the University of Washington. Before coming to law school, Peters was exposed to health law as a compliance auditor for Northern Arizona Healthcare in Flagstaff. She is now working on a Certificate in Health Care Law from the Center for the Study of Law, Science, & Technology. While at law school, she has served in the Civil Division of the U.S. Attorney’s Office and for Judge Susan Bolton in the U.S. District Court. She’s worked on Pro Bono Programs, been a member of WLSA, the clerk for the Phi Alpha Delta Law Fraternity and a student ambassador.

**MEDIATION TEAM COMPETES NATIONALLY**

Kristine Reich (3L) and Trish Sthunan (2L) recently competed in the national round of the ABA’s Representation in Mediation Competition in Seattle, Wash. Of the 10 teams participating, Reich and Sthunan advanced to the semi-final round and ultimately made the national finals. Professors Bob Dauber, Amy Langenfeld and Andy Hessick, associated Shannon Arriola, recent graduates Donald Scott and Mikkel Steinfeld, and Erika Mansur (2L) helped the team prepare for nationals.

**ELLMAN WEIGHS IN ON JUDICIAL ELECTIONS**

A dispute between the judicial and legislative branches of government in Arizona over the selection of judges is confirmation that the system of checks and balances works, Iris Ellman, a professor at the College of Law, told The Arizona Republic.

In an article published on March 17, titled “Arizona voters may have say in who sits on the bench,” reporter Scott Wong said a bill in the state legislature would require judges in Maricopa and Pima counties to be elected by the people, as they are in Arizona’s 13 rural counties. Currently, judges in Maricopa and Pima counties are nominated by a non-partisan commission, then appointed by the governor.

Arizona Supreme Court Chief Justice Ruth McGregor, who is among those opposed to the bill, said a majority of the public believes that judges accepting campaign contributions from lawyers and others appearing before them affects their rulings. “This is so harmful to our traditional view of an impartial judiciary,” said McGregor, a 1974 alumna of the College of Law.

The bill is supported by, among others, Maricopa County Sheriff Joe Arpaio, who said, “It’s an insult to judges to say they can’t separate their campaigns from their rulings.”

Ellman said such discretion “is an intentional tension created by our system of government. It is not a defect in our system; it’s an advantage. It creates this tension, and that purposefully is an antidote to tyranny. It’s part of the genius of the American political system.”

**MARCHANT TALK BLOGGED BY ‘TIMES’**

Professor Gary Marchant, executive director of the Center for the Study of Law, Science, & Technology at the College of Law, met with other scholars recently at New York University School of Law for a conference, “Breaking the Logjam.” The meeting, which was blogged by John Tierney, a science columnist at the New York Times, focused on convincing the federal government to promote, not discourage, local innovation to deal with climate change and other problems.

Tierney quoted Marchant, co-author of a paper that said regulatory agencies tend to engage in a “science charade” in justifying decisions based in politics. Marchant and Angus MacBeth, an environmental lawyer in Washington, D.C., and former EPA lawyer, proposed the creation of an independent agency that would report what science does and does not say about a particular problem. This Institute for Science Assessments would offer impartial guidance to regulatory agencies.

“A document from the Institute of Science Assessments, stating what science does and does not answer, would force the regulatory agency to more expressly and honestly disclose the policy and normative bases for its decision,” Marchant’s report stated.

Read the entire blog at tierneylabblogs.nytimes.com.

**EXAM HELP FROM THE LIBRARY**

The Law Library Blog has important information about exam time services and resources that you can use to ease the heavy load, as well as helpful resources for a productive and successful summer. Recent blog posts include:

- **Helpful Exam Time Study Tools and Services**
  - CALL Can Help You Study for Exams
  - CALL Radio
  - Library Conference Room & Classroom Use
  - Westlaw, Lexis, CALL & Lousial Summer Access
  - Summer Research Help
  - Studying for the Bar Exam this Summer?
  - Resources for Summer Associates

**LAST BAR EXAM PREP**

The last session of a new course designed to help law students improve their performance on the Arizona Bar Exam will be held from 3:30-6 p.m. on Friday, April 18, in the Great Hall. Professor Bob Bartels will teach the segment on Evidence.

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