MEET THE CLASS

Born in Manhattan, Thomas Harshman has lived in eight states and attended 14 schools. Dedicated early in life to piano studies, he pursued lessons for over 20 years and competed regionally, nationally, and internationally before completing his undergraduate work at Princeton, where he majored in English literature. His piano teachers included Kyrilna Siloti (1895-1989), with whom he trained for five years and whose close family friends in Russia included Tchaikovsky, Rachmaninoff, and Stravinsky. Postponing the study of law, Thomas entered the English language and literature Ph.D. program at Brown, which he completed in 1995, focusing on Renaissance studies and literary theory. His undergraduate and graduate thesis projects touched upon operatic treatments of Hamlet and The Turn of the Screw, as well as post-structuralist theoretical analyses of plays by Renaissance author Ben Jonson. Over the last decade Thomas has largely devoted himself to teaching composition, literature, linguistics, liberal arts, speech, and special topics courses on various New England campuses and to looking after his dogs, two Cavalier King Charles Spaniels, acquired in 1992. At ASU, Thomas has been selected for the faculty Appointments Committee and serves in the Admissions Office’s student ambassador program.

Alison Cook grew up in Arizona and attended the University of Arizona as an undergraduate. She wanted to pursue psychology, and went to the University of Missouri, Columbia, where she received her master's degree in 2002 and completed her Ph.D. in Social Psychology in 2006. Her research is focused on how people perceive fairness and justice for the self and for others. She wanted to continue to pursue research questions that bridge social psychology and law, and decided to come to the Sandra Day O'Connor College of Law to pursue her Master’s in Legal Studies. “The law school is very supportive of interdisciplinary scholarship and it is providing me with a new perspective as well as new directions for research,” Cook said.

DID YOU KNOW?
The winner of the $50 gift certificate to the Sidebar Café is... Scott B. Sey- mann (1L), who provided this interesting fact about himself. Music that I composed is played every day around the world...on video slot machines! We will give away another gift certificate this week. Just e-mail us (judy.nichols@asu.edu) an interesting fact about yourself that we can use in upcoming issues, and we’ll draw a winning name out of a hat.

MIDTERM EXAMS
Midterms start on Wednesday, Sept. 27. If you plan on using your laptop to take your exams, make sure it’s running well. If it is acting sluggish or slow, come to the IT Help Desk and we’ll get it tuned up for you.

FUN IN THE SUN
Dean Patricia White, Professor Michael Berch and Executive Director of Alumni Relations Helene Fenlon hosted a reception for our San Diego alumi on Tuesday, Sept. 19, at the City Front Entertainment Center in downtown San Diego. The reception was a great opportunity for our alumni in the San Diego area to rekindle friendships and to network with other Sandra Day O’Connor College of Law graduates. Among the alumni in attendance was Martha Kaplan, Class of 1976; Amar Thakur, Class of 1995; Carey Fox, Class of 1995; Greg McElroy, Class of 1986; Erik Anderson, Patrick McGinnis and Michael Running, Class of 1989; Michael Rodriguez, Class of 1995; Eric Volkert, Class of 1993; David Ortiz, Class of 1993; Amy Langerman, Class of 1983; and David Hammond, Class of 2001. Our alumni and their guests enjoyed the camaraderie and learning about new initiatives at the law school.

HEARD ON THE HILL
Professor David Kaye was part of an Evaluation Committee formed by the Ninth Circuit to study concerns about the representative nature of the limited en banc panel. The effort was prompted by issues raised during the White Commission hearings. Kaye, a noted expert in the field of law and statistics, conducted a statistical analysis of the size of the limited en banc court in relation to a full court of 28 judges. Kaye calculated the probability that the outcome of the limited en banc court vote would be the same as that of a full court of 28. He posited a binary issue (judges would vote either to affirm or to reverse), and he considered the possible divisions among 28 judges. He found that expanding the en banc court would result in only a trivial gain in the degree by which an en banc court decision would represent the views of all judges of the court. The largest gain would occur when there were 28 active judges who divided 17 to 11 in their views as to whether the panel opinion was correct. Yet even in that situation, if the limited en banc court were expanded to 13, the gain in accuracy of “representativeness” would be only 3.5 cases per hundred, and only 7 cases per hundred if the limited en banc court were expanded to 15.

THEY'RE WATCHING PROFESSOR SYLVESTER
Professor Douglas Sylvester of the Sandra Day O'Connor College of Law was the moderator at a town hall held Thursday in Phoenix entitled “Spying, Secrecy, and Presidential Power.” It featured former White House Counsel John W. Dean. The panel, hosted by the American Civil Liberties Union of Arizona, discussed the controversy surrounding the Bush administration’s warrantless surveillance of Americans by the National Security Agency in light of the federal court decision striking down the NSA spying program. Dean, former White House counsel to President Richard Nixon, has emerged as a vocal critic of President George W. Bush’s domestic spying program, drawing comparisons between the actions and attitudes of the current administration and the abuse of executive power and defiance of the law by the Nixon White House. Caroline Fredrickson, Director, Washington Legislative Office of American Civil Liberties Union, joined Dean as a featured panelist. Since news of the NSA spying program broke last year, Fredrickson has led the ACLU’s efforts in Congress to end warrantless spying and to restore the rule of law.

DISPUTE RECOGNITION
William C. Canby, Jr., Senior Circuit Judge, U.S. Court of Appeals for the Ninth Circuit, recently presented the Sandra Day O’Connor College of Law with the Ninth Circuit Court of Appeals inaugural Alternative Dispute Resolution (ADR) in Education Award. Professor Art Hirshaw, Director of both the College of Law’s Lodestar Dispute Resolution Program and the Lodestar Mediation Clinic accepted the plaque. The Clinic is an integral part of the Lodestar Dispute Resolution Program, a nationally recognized center of excellence for teaching and scholarship in the field of ADR. The Lodestar Mediation Clinic provides a unique opportunity for students to learn about alternatives to litigation by providing practical experience in the mediation process. After significant training. Clinical students mediate civil cases in the Maricopa County Justice Courts with up to $10,000 in dispute. The Lodestar Mediation Clinic serves as the foundation for the law school’s ADR curriculum. The Ninth Circuit’s Standing Committee on ADR was particularly impressed that the law school’s ADR program reaches a broad spectrum of students, and that ADR scholarship and research is a priority among faculty members. “In 1996 when Professor Bob Dauber founded the Clinic, everyone said mediation was the wave of the future,” Hirshaw said. “Through the generous support of the Lodestar Foundation and the hard work of the law school’s administration, faculty and students, the Clinic grew into an area of emphasis. Winning a prestigious award like the Ninth Circuit ADR in Education Award is such a wonderful honor for the College of Law. Everyone involved should be proud.”

EEOC Vice Chair Leslie E. Silverman was the keynote speaker at Celebrat ing 10 Years of Mediation, Shaping the Next 10 Years, a joint conference of The Sandra Day O’Connor College of Law at Arizona State University and the U.S. Equal Employment Opportunity Commission. “At the EEOC,
we recognize that parties to a dispute are often better able to resolve their differences than the government or the courts," Silverman said. "That is why we created a mediation program which provides employers and employees alike with a confidential, informal, and cost-effective alternative to EEOC enforcement and litigation. With our program’s 70 percent success rate and ability to resolve charges in less than half the time of traditional enforcement procedures, mediation is truly a win-win for all involved." Mediation is a process where a neutral third party acts as a facilitator for a negotiation. It is a form of Alternative Dispute Resolution (ADR) that is offered by the EEOC as an alternative to the traditional investigative or litigation process. The AEOC successfully resolves about 8,000 employment discrimination cases per year through its widely acclaimed National Mediation Program.

CONSTITUTIONALLY SPEAKING
Catherine O’Grady, professor at the Sandra Day O’Connor College of Law at Arizona State University, was one of three speakers at a celebration of the U.S. Constitution on Friday, Sept. 15, in the Carson Ballroom of the Old Main building on ASU’s Tempe campus. The event was sponsored by the ASU University Libraries and the Ross-Blakley Law Library. O’Grady’s speech was titled, “The Constitution in Action: Review and Preview of Upcoming Constitutional Supreme Court Cases.” Other speakers at the event were: Catherine Kaplan, assistant professor of history in the College of Liberal Arts and Sciences; “Re-birth of a Nation: Origins and Ratification of the Constitutions;” and Joseph Russomanno, associate professor of journalism, at the Walter Cronkite School of Journalism and Mass Communication, “Watchingdogs or Lapdogs? The Role of a Free Press and the First Amendment.” The event was a celebration of Sept. 17, 1787, when delegates to the Philadelphia Convention completed and signed the U.S. Constitution. The ideas on which America was founded – commitments to the rule of law, limited government and the ideals of liberty, equality and justice – are embodied in the Constitution, the oldest written constitution of any nation on Earth. O’Grady is the Executive Director of Clinical Programs at the law school, and oversees the College’s seven clinical offerings.

PROTECTING THE ENVIRONMENT
The Sandra Day O’Connor College of Law at Arizona State University has forged a new collaboration with state government to work on environmental policy issues. Erica Rosenberg, director of the Program on Public Policy at the law school, has been appointed as special advisor in the director’s office of the Arizona Department of Environmental Quality. The appointment began Aug. 21 and will last for nine months. Rosenberg said she was excited about the appointment. “It’s an opportunity to work in the policy world on real-world problems,” she said. “When I worked in federal agencies and on Capitol Hill, I was really in the thick of it. I enjoy that.” Before joining the law school, Rosenberg worked for many years in federal government, including most recently as Democratic staff counsel to the United States House of Representatives Committee on Resources and in the general counsel office for the U.S. Environmental Protection Agency. The collaboration is an example of community involvement that ASU President Michael Crow has called for in his outline of a New American University.

SAVE THE DATES
NCAA Senior Vice President Bernard Franklin will speak about the use of Native American mascots and imagery at a conference entitled “Pride or Prejudice: Indian Mascots and Imagery in the United States,” on Friday, Oct. 20. The conference will explore the legal and ethical implications of Native American mascots and imagery by American educational institutions. Speakers from all over the country will serve on panels about a variety of topics, including the history and cultural imagery framework, psychological and social impact of mascots, pride or prejudice and law and legislation. Invited guests include professors, attorneys, legislators, activists and members of Native American tribes who have medicated the debate by the Legal Profession.

The Sports Entertainment Law Students Association will present a Sports and Entertainment Law Symposium sponsored by SOMA Cafe and the Arizona Cardinals on Friday, Oct. 13. The symposium will include a two-panel, CLE program on “Legal Issues in Professional Sports” and “Legal Issues in the Film and Television Industry.” The comprehensive sports panel, which will be held from 10 a.m.- noon, will include the following speakers: Debbie Wardrop, (moderator), Chief Executive Officer and President, Arizona Super Bowl Host Committee; Mike Bidwill, Vice President and General Counsel, Arizona Cardinals Football Club; Laurence Gilman, Senior Vice President and Assistant General Manager, Phoenix Coyotes Hockey Club; Ray Artigue, Executive Director of the ASU MBA Sports Business Program and former Vice Presidents for Marketing for the Phoenix Suns; Michael Kennedy, co-founding partner at Gallagher & Kennedy, PA, and Chairman of the Board of the 2008 Super Bowl Host Committee; and Brian Mueller, sports attorney at Mariscal, Weeks, McIntyre, & Friedlander, PA.

The entertainment panel will be held from 1 p.m. – 3 p.m. The speakers for this panel will include: Brent Roam (moderator), former actor on The Shield, Tremors IV, and Boxout Murder; Michael Marshall, the Vice President of Business and Legal Affairs at Marvel Studios; Dean Servin, Hollywood entertainment attorney; Maria Maggenti, writer/producer (Without a Trace and The Love Letter); Jason Shapiro, talent agent at United Talent Agency. There is no charge to attend the event unless CLE credit is sought. Attorneys can receive 4 CLE credits for attending for $100. Breakfast and lunch will be provided by SOMA Cafe to all guests in attendance. Please RSVP to Kate Brown, SELSA President, (520) 584-6050 or by email at katherine.brown@asu.edu.

KITTIREE IN REVIEW
Professor Orde Kittrie reports that his new scholarly article entitled “Federalism, Deportation and Crime Victims Afraid to Call the Police” is posted by the Iowa Law Review at http://isrnn.com/abstract=926766. The article is currently being featured on the following websites:

• UC Davis Law Prof. Kevin Johnson, who calls the article “fascinating,” features it on the ImmigrationProf Blog at: http://lawprofessors.typepad.com/immigration/2006/09/new_article.htm


• Bender’s Immigration Bulletin prominently features it at http://bibdailly.com

Cincinnati Law Prof. Mark Gosey puts the Crim Prof Blog’s “new article spotlight” on it at: http://lawprofessors.typepad.com/crimprof_blog/2006/09/new_article_spo_2.html

LENO IN SUPPORT
Jay Leno and ASU’s new real estate education initiative will join forces for “An Evening of Comedy with Jay Leno” on Wednesday, Sept. 27, at ASU’s Grady Gammage Auditorium. This special evening begins at 8 p.m. and tickets are available now for $15 per person. The event, hosted by the National Association of Industrial and Office Properties (NAIOP) and SkySong in partnership with the ASU Foundation, will benefit ASU’s newest real estate degree program. The Master of Real Estate Development (MRED) was launched on Aug. 17 and is unlike any other program in the nation. It’s built upon an innovative, transdisciplinary, collaborative approach involving four ASU schools: Sandra Day O’Connor College of Law, College of Design, W. P. Carey School of Business and Del E. Webb School of Construction. The 30-week, full-immersion program focuses on curriculum presented in a fast-paced topic sequence reflective of the real estate development process — from dirt to deal, from finance to façade. The curriculum features industry case studies presented by leading local and national developers, synthesis projects, classroom and collaborative team assignments, research, site visits, mentor presentations and distinguished visitor lectures. For more information about the event, contact Gina Gillies at 480.965.7622 or Gina.Gillies@asu.edu. To purchase tickets, go to www.tickemaster.com (enter “NAIOP” in the search box) or call Gammage Box Office at 480.965.3434.

SPEAKING THIS WEEK
Tuesday, Sept. 26, 12:15 p.m., Room 116: ASU Athletic Director Lisa Love will speak on Legal Issues in College Athletics as part of the SELSA Speaker Series. Wednesday, Sept. 27, 12:10 p.m., Room 114: Professor Adam Chodorow will speak on “The California Energy Debacle.” Having previously served as an attorney with Pacific Gas & Electric, Chodorow provides an insider’s view of the conditions that permitted the crisis that crippled California several years ago.
Thursday, 12:15 p.m., Sept. 28, Room 114: Members of the PetSmart’s Corporate Counsel Office will speak about their experience in specialty retail services. Everyone is invited and pizza will be served.
Friday, Sept. 29, 12:10 p.m., Room 114: Barbara Evans, Ph.D., J.D., L.L.M., and Director of the Ethics, Pharmacogenomics and Public Policy Program in the Bioethics Center at the University of Indiana will present on “Regulatory Reform and Pharmacogenomics.” Evans teaches Law and Genetics and Administrative Law at the IU Law School. As an economist at the World Bank and later as partner in a large international law firm, Evans has participated in numerous projects to restructure regulated industries and create new market structures, both in the U.S. and internationally. She is experienced in pricing and market analysis, design of new service offerings, and drafting of regulations and contractual agreements to manage the use of shared resources such as electric power pools, data resources, and tissue repositories.