

FORUM

October 2001

Arizona State University College of Law FORUM is published for alumni, students, faculty and friends.

Patricia D. White
Dean and
Professor of Law

Patrick M. Brennan
Associate Dean
for Academic Affairs
and Research
and Professor
of Law

Jodi Weisberg
Director of
Communications,
Editor of the FORUM

Attention Alumni:
The FORUM is looking for news about you! Please submit items such as births, marriages, job moves, awards, etc. to the editor at jodi.weisberg@asu.edu

We want to include your news in upcoming issues.

Rocky Road...Smooth Finish

If you ever felt like a failure during law school, “hang on, dig down deep, and find your source of strength.” At least that’s the advice Lynn Roseberry (’88), would give. And if you’re an employer, “don’t be fooled by lackluster grades...look at the whole person to see what obstacles they have had to overcome to get where they are.”

When she entered law school at ASU, Roseberry was a high achiever who had always enjoyed academic success (B.A. Yale, magna cum laude, ’82). She was also an accomplished violinist, and had every expectation of being at the top of her law school class. But things didn’t go as expected.

During her first year of law school, her marriage was failing, she didn’t like or understand her classes, and she couldn’t focus. She barely studied and her grades showed it.

“My grades for my first semester were the worst I had ever gotten in my life,” she said. “I was completely depressed.”

Roseberry was disheartened, but decided to return and finish out her first year.

“By the end of the spring semester, I was ready to quit,” she said. “I was disappointed with my performance, and disappointed with the content of the courses. I wanted to learn how law reflects society and its values, and how law can be used to help people, and I just couldn’t see any of it at that point.”

Just before exams, Roseberry felt like she had had enough. She actually got up in the middle of her contracts class, and left to find out what it would take to become a teacher. But her mother convinced her to stick it out and take her exams. Although she went through the motions of studying, her grades didn’t improve much.

With the encouragement of a family friend, and because she wanted a career that would allow her “to make a decent living,” Roseberry returned for her second year. She also decided to throw herself back into music because it helped her feel more centered. The turning point in her law school career was taking International Law taught by Fernando Tesón.

“I remember the class really got my attention for the first time in law school,” she said. “Here at last was a class that measured up to my expectations of what law school should be about.”

She was so pleased that after class she went to Tesón’s office to tell him. It was the first time she had ever talked to a professor outside of the classroom, but it wouldn’t be her last.

“She was a student of extraordinary quality, and natural talent,” said Tesón. “She combined intelligence, effort, and intellectual curiosity to a degree that is rare.”

Roseberry signed up for moot court because she wanted “to see what writing and arguing a brief might be like.” Luckily, the topic involved issues connected to the Sanctuary movement – a cause she knew something about and supported.

“Here was my chance to see how American law dealt with this issue, and how it could be used to advance a cause I believed very strongly in,” she said.

Her performance in the moot court competition was stellar, and Roseberry won awards for best brief and best overall advocate. She also found two other classes that inspired and motivated her – Labor Law taught by Hannah Arterian and Gender and Sexuality taught by Jane Aiken.

“Lynn was an intelligent and motivated student,” said Arterian. “One knew she would do well in whatever she attempted.”

After graduation, Aiken suggested that Roseberry consider teaching law. It was something that had never occurred to her since she hadn’t been on law review, hadn’t clerked for a judge, and wasn’t in the top 10 percent of her class. Nonetheless, Aiken suggested she go to Harvard Law School for her LL.M. Roseberry followed that advice and did well.

After earning her degree in 1992, Roseberry “still didn’t really believe she had the right stuff to become a law professor,” so she returned to Phoenix and the firm of O’Connor Cavanagh, where she had practiced after graduating from ASU.

But while at Harvard, Roseberry met her future husband, a Danish lawyer named Olaf. Deciding employment opportunities were better for him back in Denmark, she moved to Copenhagen in April, 1994. They married that June, and Roseberry got a job teaching law at the University of Copenhagen. She also had a job as a research assistant in the law department of the Copenhagen Business School, which carried the expectation that she would pursue a Ph.D. in law if she wanted to become an assistant professor.

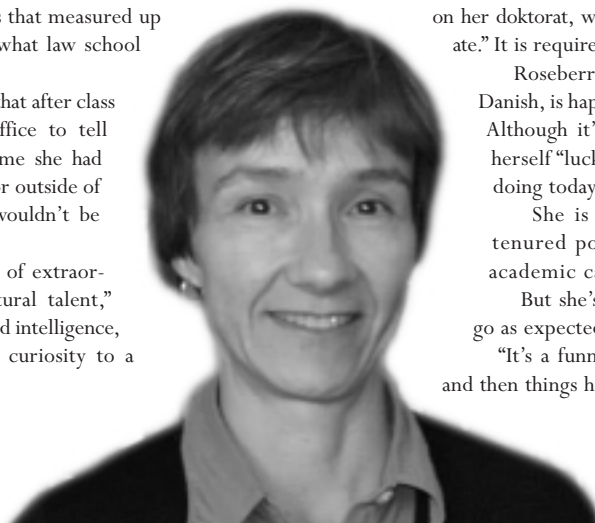
She received her Ph.D. in 1999, and is now working on her doktorat, which she translates as a “super doctorate.” It is required to earn the title of professor.

Roseberry is about to teach her first class in Danish, is happily married, and has two daughters. Although it’s been a tough road, she considers herself “lucky to be where I am, doing what I’m doing today.”

She is currently being considered for a tenured position and wants to continue her academic career.

But she’s also aware that things don’t always go as expected.

“It’s a funny thing with plans – you make ‘em and then things happen,” she said.





DONNA HOWARD

“I loved it and decided I wanted to be on the other side of it. I wanted to be the one helping to do the strategy and planning.”



JEROD TUFTTE

“I appreciate the recognition of my hard work at law school in the form of this award.”

Forum Scholars

Two engineers, both 3L’s, were selected as this year’s Forum Scholars. Each of them will begin clerkships on the U.S. Court of Appeals after graduation.

Donna Howard earned her degree in chemical engineering from Louisiana State University and worked as an environmental consultant before deciding to enter law school. It was assisting her boss, who had been hired as an expert witness in a trial, that exposed her to the legal world.

“I loved it and decided I wanted to be on the other side of it,” said Howard. “I wanted to be the one helping to do the strategy and planning.”

After graduation, she will clerk for ASU alumnus Judge Barry Silverman on the 9th Circuit. When her one-year clerkship ends, Howard anticipates working in the commercial/intellectual property areas at a Phoenix law firm.

When she’s not working, Howard enjoys spending time outdoors, especially running and hiking. She also loves to travel and goes home to Louisiana at least once a year to catch an LSU football game.

Jerod Tufte is a stellar student, who has alternated between being first and second in his class. He is an article editor on the *Arizona State Law Journal* and is happy to have

received this merit-based scholarship.

“I understand that there isn’t a lot of scholarship money to go around,” he said. “I appreciate the recognition of my hard work at law school in the form of this award.”

He earned his degree in computer engineering from Case Western Reserve

University in Ohio and then worked at Motorola. Realizing his background would be beneficial in the patent law area, Tufte decided to go to law school.

He has accepted a clerkship in South Dakota with Chief Judge Roger Wollman, of the 8th Circuit Court of Appeals. Afterwards, he intends to

move back to Phoenix, where he and his wife have a home. Tufte also hopes to get a job that would allow him to gain experience in the state legislature.

Tufte enjoys pro bono work and public interest law. When he’s not busy studying, he likes to camp and target shoot.

PEDRICK LECTURE TO FEATURE RONALD M. DWORKIN

Ronald Dworkin, the most influential writer in contemporary jurisprudence and a professor of law at New York University, will deliver a provocative talk on **Jurisprudence and the 2000 Election** at this year’s Pedrick Lecture at the ASU College of Law on November 19 at 7:30 p.m.

Dworkin received B.A. degrees from Harvard College and Oxford University and an LL.B. from Harvard Law School. He also clerked for Judge Learned Hand of the Second Circuit Court of Appeals.

Dworkin is a prolific author who has published numerous articles in philosophical and legal journals, as well as articles on legal and political topics in the *New York Review of Books*. Among his books, several of which have been translated into Japanese, Chinese and the major European languages, are *Freedom’s Law: The Moral Reading of the American Constitution* (1996), *Taking Rights Seriously* (1977) and *Philosophical Issues in Senile Dementia* (1987).

He was associated with the New York law firm of Sullivan & Cromwell prior to joining the law faculty at Yale University from 1962-1969. Dworkin was Professor of Jurisprudence at Oxford and Fellow of University College until 1998. Since 1998, he has been the Quain Professor of Jurisprudence at University College, London, and is a Fellow of the British Academy and a member of the American Academy of Arts and Sciences. He has taught at the NYU law school since 1975.

His best-known book, *Law’s Empire* (1986), received the prestigious Coif Award from the American Bar Association as the best book written on law over a three-year period and the Ames Prize of the Harvard Law School for the best book on law over a five-year period. His latest book is *Sovereign Virtue: The Theory and Practice of Equality* (2000).

The Pedrick Lecture will take place in the Great Hall. For further information, please call 480.965.6405



New Face in Career Services

For 19 years Ilona DeRemer worked in a variety of high-level administrative positions for the Gonzaga University School of Law. Now she has brought her talent and expertise to the ASU College of Law as the new W.P. Carey Director of Placement.

“I hope to take my experience, contacts and enthusiasm and translate that into doing a great job for ASU,” she said. “I am extremely impressed with Dean [Patricia] White, and I think it will be fun to work with a woman dean. She is so open to new ideas.”

According to DeRemer, several changes are afoot in the office. She plans to reorganize the physical office structure better to accommodate students and potential employers that come to ASU to recruit. She also plans to work individually with students, helping them to explore careers and develop self-awareness of their strengths and interests. Developing personalized job strategies for each student is another service the office will offer.

“Ilona brings a wealth of experience and great warmth and energy to this position,” said Dean White. “I am confident that under her leadership our expanded career services office will provide an exceptional level of service and responsiveness.”

From 1989 DeRemer served as the Associate Dean for Admissions, Financial Aid & Career Services at Gonzaga. From 1982-1989, she was the Career Services Director & Assistant Dean. She also served as an adjunct professor at Eastern Washington University in 1979-80, where she taught classes in Business Communications and in the Administration and Supervision of Work Experience program.

In addition to her many years of experience at Gonzaga, DeRemer is active in the National Association of Law Placement, a professional organization of career services directors and legal hiring administrators. She is also a member of the Northwest Law Schools Consortium, a group of career services administrators, which includes law schools in Washington, Oregon, Idaho, Utah, and Arizona. Her affiliation will benefit ASU students in several ways, including the sharing of a judicial clerkship database.

“Our students will also be granted reciprocal use of the other school’s placement offices, and our office will receive law firm directories from each geographic area,” she said.

DeRemer holds B.A. and M.A. degrees in Business Education from Eastern Washington University. In 1976, she was selected by the faculty as the National Business Education Graduate of the Year.

According to DeRemer, her recent duties at Gonzaga have been managerial in nature, and she has missed having direct contact with students.

“I’m a people person and I enjoy that interaction very much,” she said. “I have missed the relationships with students and alums and working directly with them. You can really change somebody’s life by helping them with jobs.”

One of DeRemer’s goals is to make the Career Planning Office an inviting place that students and alumni will utilize.

“It is important that students feel comfortable with the office and want to come here for assistance,” she said. “I want the office to be open and accessible, while educating and empowering students with the skills that will be helpful to them their whole life.”

DeRemer also understands the importance of community relationships and has made them a priority.

“I want to form new partnerships and relationships with the legal community,” she said. “I plan to visit potential employers and invite them to the law school. There are also about 75 Gonzaga alumni living in Phoenix, so I will also use those connections in helping ASU.”

When she’s not working, DeRemer enjoys golf, reading, and travel. She has two sons and two stepsons, and she and her husband are building a home in Marana.

“I’ve always loved Arizona and came here every year when I was recruiting for Gonzaga,” she said. “I’m a warm weather sun lover so this job is ideal.”

“I hope to take my experience, contacts and enthusiasm and translate that into doing a great job for ASU”



FACULTY NEWS

Bob Bartels has been working on public lands cases for the U.S. Department of Justice, on criminal cases for the Arizona Justice Project, and on the 2001 supplement to the Fourth edition of *Arizona Practice: Law of Evidence*.

Michael Berch is on sabbatical and is teaching a professional responsibility course at Fordham University in New York City during the fall semester. He will continue to teach several professionalism courses and coach several moot court teams at ASU.

Charles Calleros presented at three teaching conferences this summer in Canada, Virginia, and Washington. He was appointed to the Advisory Board for the Institute of Law School Teaching and was appointed as a Decree Monitor for the class action settlement decree in a federal discrimination lawsuit.

T.J. Davis presented a paper on "When Isn't Sex Sex? Workplace Harassment and Sexual Orientation, Perception and Reality in the Light of *Spearman v. Ford Motor Co.*", at the Oxford Round Table on Employment Discrimination Law in the United States, the United Kingdom, and the European Union. He also authored several articles and a book review.

Owen Jones is a visiting professor at the University of Texas School of Law this year. His article "The Evolution of Irrationality," as well as a reply to commentary, appears in the current issue of *Jurimetrics: The Journal of Law, Science, and Technology*.

Dennis Karjala is on sabbatical as a visiting research scholar at the Faculty of Law, University of British Columbia, in Vancouver, Canada. He

will be investigating fundamental problems of intellectual property law in the information age.

David Kaye gave talks on expert and scientific testimony, DNA in the courtroom, and privacy issues arising from DNA databases. He also published "DNA Typing: Neglected and Lingering Issues" (with E.J. Imwinkelried), in the *Washington Law Review*, and "Choice and Boundary Problems in *Logerquist, Hummert, and Carmichael*," part of a symposium published in the *Arizona State Law Journal*.

Gary Lowenthal will teach a sentencing workshop in November, January, and February, consisting of three weekend retreats with Maricopa County Superior Court Judges Franks, Keppel, Martin, McVey, O'Toole, P. Reinstein, Schneider, and Schwartz, in addition to 12 students, Assistant U.S. Attorney John Tuchi, and Professor Bob Levy of the University of Minnesota Law School. Each participant in the workshop will make sentencing decisions in difficult cases submitted by the judges.

Myles Lynk moderated a panel discussion, "Prescribing Marijuana for Medicinal Purposes: Medical Ethics and the Criminal Law," at the ABA annual meeting in Chicago. He also chaired the annual business meeting of the Coordinating Group on Bioethics and the Law, and the first meeting of the Committee on Community Economic Development, of the ABA's Section on Business Law.

Gary Marchant published the article "A Regulatory Precedent for Hormesis" in the journal *Human & Experimental Toxicology*. He gave presentations on the precautionary principle, genetically modified foods,

and cost-benefit analysis at Environmental Economics & Policy Analysis: A Seminar for Law Professors sponsored by the Foundation for Research on Economics & the Environment in Bozeman, Montana.

Jeffrie G. Murphy was appointed an Affiliated Professor of Religious Studies, and was selected as a Lincoln Ethics Center Public Ethics Scholar for 2001-2002. As the Public Ethics Scholar, he will present three public lectures on "The Ethics of Forgiveness."

Catherine O'Grady returned from her sabbatical and is teaching Lawyering Theory & Practice and working in the clinic. She published an article on judicial decision making entitled "Empathy and Perspective in Judging: The Honorable William C. Canby, Jr.," 33 *Ariz. St. L.J.* 4 (2001), and is pleased to announce the completion of "stage one" of the College's Ryan C. Harris Courtroom. This new courtroom/classroom (Room 115) will be a high-tech, computer-integrated courtroom.

Jonathan Rose spent time in England this summer where he presented a paper "Of Ambidexters and Daffidowdillies: Defamation of Lawyers, Legal Ethics and Professional Reputation," at a conference. He also took a course on Reading Medieval Latin at the University of Keele Latin & Paleography Summer School in Keele, Staffordshire.

Michael Saks spoke on the emerging problems of law and forensic science at a judicial education program at Duke Law School, and to the private criminal defense bar of Florida and the public defenders of Kentucky, where he was designated a "Kentucky Colonel" by proclamation

of the Governor of the Commonwealth. He also completed the second edition of *Modern Scientific Evidence* (with David Faigman, David Kaye, and Joseph Sanders).

Milt Schroeder completed an update to his treatise on *The Law and Regulation of Financial Institutions*, attended several conferences on business law and the UCC, and served as an arbitrator in a case assigned by the Maricopa County Superior Court. He also won several ribbons in an English riding competition on his horse, True Blue Berry.

Dan Strouse moved to fulltime faculty status after 11 years as Director of the Center for the Study of Law, Science, and Technology. He will teach health care law and bioethics, and will add new courses in legislation and public health law.

Victoria K. Trotta presented a pre-conference workshop for the joint meeting of SEALL/SWALL (the Southwest and Southeastern Chapters of the American Association of Law Libraries) in Atlanta. She currently serves on the AALS Committee on Technology and Libraries and has recently been appointed Chair of the American Association of Law Libraries Annual Meeting Program Chair for 2002.

Lawrence Winer, along with students Abby L. Ewing and Carolyn M. Kusian, filed an amicus brief with the Arizona Court of Appeals on behalf of the Arizona Civil Liberties Union in *State v. Evenson*. He also presented a seminar to the law faculty of the University of New South Wales in Sydney, Australia, on the subject of children and the mass media.



Jeffrie G. Murphy will present three public lectures on "The Ethics of Forgiveness."



Milt Schroeder completed an update to his treatise on *The Law and Regulation of Financial Institutions*.



Victoria K. Trotta currently serves on the AALS Committee on Technology and Libraries and has recently been appointed Chair of the American Association of Law Libraries Annual Meeting Program Chair for 2002.

New Student Organization

Bradley Shwer, a former kindergarten teacher, is both the brains and the brawn behind the Family Law Students Association (FLSA).

Coming to law school with the goal of becoming a legal advocate for children and families, Shwer found that although there are many quality organizations at the school, there was none dealing with children or family issues. He decided to change that.

"I came here wanting to look into family law as a field, and I guess more importantly, wanting to work with kids somehow in a legal aspect," he said.

With the full support of Dean White, the Family Law Students Association, a pro bono based group, was created last February. Within a month, their membership grew to more than 50 students.

"We have dedicated this organization to doing as much work as possible to help families and kids in our community," said Shwer. "We have created

solid relationships with law firms, children's charities, and judges, which is of great benefit to all concerned."

Ideas for potential pro bono projects come from students. The demand has become so great that each project has its own chairperson. And because of the demand, FLSA is careful not to take on too many projects.

"We'd rather just say no, there's nothing we can do, rather than lead someone around and then drop them," said Shwer.

The FLSA does not require members to pay dues, and plans to raise money by selling tee shirts. Students are requested to spend a minimum of five hours per semester, working in one of FLSA's pro bono projects.

Current projects include: the Family Lawyers Assistance Project, which provides legal assistance to needy families in child custody, child support, divorce and paternity cases; GAL, the Guardian Ad Litem project, where attorneys represent the best interests of children in complicated

custody disputes; One Vision Children's Foundation, which provides free services such as fingerprinting; and the Never Again Foundation, which provides services to battered women and sexually abused children.

In November, FLSA will co-sponsor a celebrity golf tournament with One Vision Children's Foundation. Shwer acknowledges that the majority of FLSA members probably have no interest in practicing family law. But they find rewards in using their legal education to give back to the community.

"There's something incredibly rewarding about helping out these kids and families who find themselves in difficult situations," he said.

Working with FLSA is personally and spiritually rewarding to Shwer, but he finds it also helps him in honing his legal skills.

"It can only help later in your career for your personal skills and your perspective on what might be truly important," he said. "It gives you a really important sense of perspective, and it enables you to work in any kind of law."

Tracy Friddle, vice president of FLSA, worked as an elementary school teacher before law school. She believes that FLSA's motivation is similar to that of the Montessori schools, where both she and Shwer have worked. The Montessori motto is

"Doing to learn."

"That's kind of what this organization is all about, doing to learn, getting out in the community, working and learning as we go," she said.

Friddle joined FLSA because dealing with children and families appealed to her, and provided at the same time a way to fuse her previous background with a legal career.

"I like the pro bono focus of getting students out there, not just to learn about different areas of law, but to contribute to the community," she said.

Both Friddle and Shwer are optimistic that FLSA will continue to grow and provide opportunities for students to make significant and immediate differences in the community.

"In sum, my goal of helping families and children, while also encouraging those around me to assist me in this goal, has gotten off to an incredible start thanks largely to the support of those around me," said Shwer. "The Family Law Students Association is now a part of ASU law school that I hope will benefit many people for years to come."

For further information about the FLSA, contact Shwer at bshwer@yahoo.com or Tracy Friddle at friddle@phnx.uswest.net.

THE ENTERING CLASS

ASU, following a national trend, saw an increase in applicants and a larger than usual entering class. From the 2,003 applications received, 490 men and women were admitted. Of that number, 178 students began classes this fall, with women comprising 49% of the class.

Among the 1134 students are Caucasian, 19 are Hispanic, 9 are Native American, 9 are African-American, and 8 are Asian. The average LSAT score of those admitted was 156, and the average undergraduate GPA was 3.32.

"Some people think the increase is due to the falling business market and the demise of dot com businesses, so law may be viewed as a more secure career," said Brenda Brock, Director of Admissions. "Many law schools across the country are over capacity, and there was an 18% increase in people taking the LSAT in June. That is usually a good projection of how things will go."



Bradley Shwer

Calendar of Events

October 8-12, 2001

Fall Break

October 26, 2001

**Class Reunions for 1971, 1976,
1981, 1986 and 1991**

5:30 p.m. University Club
For more information, call 480.965.6405

October 28-30, 2001

ASU Ethics and Arts Conference

Lincoln Center of Ethics
Tempe, Arizona

November 2, 2001

CLE Professionalism Class

\$70 for ASU alumni; \$85 for all others
To register, call 480.965.3096

November 19, 2001

Pedrick Lecture

Great Hall 7:30 p.m.
Speaker: Ronald Dworkin on Jurisprudence
and the 2000 Election
For more information, call 480.965.6405

November 29, 2001

Classes End

Arizona State
University
College of Law

Please send
correspondence to:
Arizona State
University
College of Law
PO Box 877906
Tempe, AZ
85287-7906

Tel: 480.965.6181
Fax: 480.965.2427
www.law.asu.edu

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made to ensure that
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If you see an error,
please accept our
apologies and let
us know so we can
correct our records.

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ALUMNI UPDATES



Rebecca K.
(Merritt) Barnes

Rebecca K. (Merritt) Barnes (1994) was elected partner at Brown & Bain. She joined the firm in 1995, and practices in the area of business litigation with an emphasis on professional liability, securities, and antitrust.

Alisa J. Gray (1992) was elected Chair of the Probate and Trust Section of the State Bar of Arizona. She practices with her husband, Jim Fassold (1995), at the Phoenix firm of Gray & Fassold, P.C. Their practice emphasizes probate litigation, including contested probate and estate matters and complicated guardianships and conservatorships.

Tom Hannis, (1978), took a job with the War Crimes tribunal in The Hague. He was formerly senior litigation counsel with the U.S. Attorney's Office.

Judge Robert William Kuebler Jr., (1972), died July 2 in Deer Lodge, Montana. He is survived by his wife, Miriam; children, Robert William Kuebler III, Kerri Kuebler, Holly Kuebler, Kevin Lewis, and Heather Tippit; sister, Karen Picard; and brothers, Gary Kuebler and Lt. William C. Kuebler.

Mary Ann Sophy (1991) accepted a position as staff attorney for the Arizona chapter of the ACLU. Her connections with Los Abogados, the Hispanic Bar, will be of great benefit to the ACLU.

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College of Law
PO Box 877906
Tempe, AZ
85287-7906

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