

# Arizona State **LAW FORUM**



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## Remarks from the Dean

In November, a conference on "Legal Education in the 1980's" was held in New York City. Sponsored by the American Bar Association Section of Legal Education and Admissions to the Bar and by the New York University College of Law, the meeting focused upon several significant developments which will have impact on the programs of law schools during the next several years. An awareness of these developments is essential to effective planning by all who are interested in quality legal education in the future. For Arizona State, as well as for other American law schools, there can be only one certainty — the study of law will not be the same as it has been in the recent past.

Serious financial limitations, a move to sophisticated information retrieval systems in law libraries, difficult curricular choices and a projected decline in the number of applicants are among the challenges which law schools must contend with during the 1980's and beyond. Sublimating these developments will be the important task of law faculties and university administrators.

At a time when public funding for higher education is being reduced in many areas of the country, the costs of law study are increasing dramatically — particularly for skills education and for books and library technology in the form of computerized research and data search equipment. In addition, the gap between remuneration received by law teachers and their counterparts in the practicing bar has widened seriously in recent years, and the recruitment of fine young faculty members and the retention of gifted teachers presently in the profession are now and will be affected negatively in the future. Legal education has been historically a relatively low-cost graduate program for universities, and the law schools are voicing their claims for a larger share of institutional resources at a time when inflation and smaller appropriations have reduced the funding available for all disciplines. For the next few years, retrenchment will be a reality for many schools.

For a variety of reasons, the number of persons applying for admission to law schools will decrease over the next decade. Those Americans who turn twenty-two years of age — the usual time for application — will decline rather suddenly beginning in 1983, according to demographic projections. A second factor evident at present is a lessening of interest in law study among college graduates who are turning to other fields. Aggravating the situation is the fact that, with changes in the availability of federally insured loans, fewer persons will find it possible to afford graduate education.

Since most schools have had an over-abundance of interest in law admission, the impact of these influences may not be significant, at least for public law schools and

the prestigious private institutions. Because of its urban setting and fine reputation, Arizona State will continue to receive many more applications than it has places in the entering class to fill. However, for many small private law schools in the nation, the prospect of empty classroom seats is a distinct possibility.

To meet the financial press faced by law schools, major boosts in tuition are inevitable. With Stanford Law School announcing 1982-83 tuition at a figure exceeding \$7,000 for the year, the race is on and even the public institutions will be forced to adjust the charge upward for legal study. Unfortunately for future law students, governmental financial assistance is being reduced substantially while the costs of tuition, books and regular living expenses are soaring. A recent study by the Consultant on Legal Education to the American Bar Association shows that in 1980-81, federally insured bank loans provided an average of 66% of total tuition income at private schools and 78% at public law schools. With less financial assistance, some persons will have to forego graduate education.

For the past several years, American law schools have moved to integrate innovative clinical education into the traditional substantive course mainstream. The attempt to wed practical application to the strictly academic has been successfully accomplished at many schools, although not without opposition. With the budget squeeze, however, a resources problem is inevitable for internships, individualized writing programs and other activities which require intensive faculty supervision for a smaller number of students. Many law schools will have to reduce the number of course and seminar offerings presently taught. The use of adjunct instructors will increase; faculty-student ratios will rise because of larger classes. Controversy will continue with respect to the training for "competence" and professional responsibility, and the attempted influence of the state courts and bar examination committees upon curriculum selection will continue to be felt.

The concerns caused by these developments are balanced by a confidence based upon the proven effectiveness of legal education in this country and a commitment to the maintenance of quality programs. Obviously, a good law school cannot remain so if it is financially neglected, but the prospect for the Arizona State University College of Law is a bright one. The school has been designated for "emphasis" among the programs of the University in the Board of Regents' Mission and Scope Statement for Arizona Universities. With the support of the Legislature, the University and the community, changes in resources and programs will not materially slow the progress toward excellence.

— Alan A. Matheson



# The College of Law Welcomes New University President J. Russell Nelson

During the fall semester, President and Mrs. J. Russell Nelson were guests of the College of Law and Dean and Mrs. Alan A. Matheson at a dinner held in the Matheson home. In addition, President Nelson addressed the law school Board of Visitors at a luncheon and welcomed participants at the Arizona Lower Court Study Conference. This interview was held in October with Associate Dean and Law Forum Editor, David Kader.



University President J. Russell Nelson

**Kader:** What prompted you to become interested in the ASU Presidency?

**Nelson:** I had decided that I wanted to do something different from what I had been doing, and I looked at a number of things, and one of the things that I was invited to look at was the ASU Presidency. As I studied the situation, it seemed to me that it is an institution with great promise for the future. It sits in a metropolitan area which is vibrant and growing, and it is in a state that has had a benign and supportive attitude toward higher education. As I looked at all of the forecasts for what is going to happen in the Sun Belt and elsewhere, it seemed likely that the two factors I mentioned were going to be magnified over the next decade.

**Kader:** Do you foresee continued benign support from the state, and what is your assessment of the impact of budgetary decisions at the federal level on state support for higher education in Arizona?

**Nelson:** I think the state has made an impressive commitment to the support of its three Universities. When I look at what is going on in the Pacific Northwest, and the Northeast and the Midwest, for example, I would have to say that relatively speaking, Arizona is doing pretty well. We have not had a major decline in the economy as has happened in Michigan, Washington, and Ohio. Our population has not fallen as it has in many other states to the east and north of us. The state economy exhibits some propensity to be less dramatically cyclical than the national economy and it is evident that people are moving here. If you look at population forecasts for this area over the next several years, it seems to me that we are likely to have a relatively buoyant economy and a relatively large number of people. If these economic and population assessments prove correct, the Universities will continue to receive support from the state.

Now if you want to talk about the federal component of support, I am less hopeful about that right at the moment. The present administration seems intent on dismantling the Department of Education. It seems likely that it will have an adverse impact on the ability of higher education to have a voice, let us say, at the Cabinet level. There certainly are dramatic reductions in financial aid for students in prospect. The change in the budget or the currently projected changes in future years suggest that money that has come as programmatic support to the states in the past is likely to be cut out or to become block grants to the states. In such situations the states are going to have to choose whether they will continue to support programs

that have operated in the past in those states with federal money. In Arizona I hear there may be as much as \$100 million in projects which the state is going to have to decide whether to support or not. If it decides to support them, those programs might be viewed as directly in competition for the state dollar and it comes at a time when the economy is a little less buoyant than it has been. So while I am generally optimistic about the future of the University, I am somewhat less hopeful about the near term prospects for federal support including basic research.

**Kader:** In what way does the private sector, alumni and friends of the University and the Colleges, fit into the economic forecast?

**Nelson:** I think private sector support is going to become increasingly important to the University because there are limits to what public money can and will do, and what it ought to be expected to do. I think that the difference between what the public money can do and a full exploitation of the potential of the University will have to be financed with private money if it is to be done at all, and that means calling on alumni and other friends of the University to help pay some of the bills in the future. That is where the margin of excellence will come from. Public universities in the west have not had the tradition of calling on their alumni and friends for the kinds of contributions that we will have to have in the future. When I announced the re-organization of the administration of the University, I proposed a Vice President for Development for the purpose of helping to mobilize private fund-raising and related programs for the University.

**Kader:** In the Mission and Scope Statement of the Regents, one of the five areas of special emphasis designated for ASU is the College of Law. What do you understand is the main focus of the Mission and Scope Statement generally, and what does it mean in concrete terms for the law school?

**Nelson:** I suppose the most important part of the Mission and Scope Statement for the University from my point of view is the encouragement from the Board of Regents for us to become a major research university and to become competitive with the best public universities in the country. That is a long passage from being a territorial normal school 95 years ago. And when we start looking around at models of what major research universities are we find that the company is very fast indeed. Yet the Regents still encourage us to be in that company. The major challenge, if we are to be competitive with the best, is the enhancement of the strength and quality of the programs on campus. Now if you believe, as I do, that money will not be abundant even though we may be relatively better off than many other schools, I think that we are going to have to focus on a group of programs for special development, and there are five broad areas that have been identified for that kind of development in the Mission Statement. Among those is the College of Law, which for a young law school seems to have achieved a relatively good standing among American

law schools. As for the Mission and Scope Statement's relevance to the law school, we should note that it says that we ought to engage in activities that are especially important and relevant to the needs of the metropolitan community. I suspect that envisions a broader responsibility for the law school than it may have right now or than it may perceive itself to have. Currently, it is a daytime, full-time law school. There may be responsibilities in continuing legal education that are important; there may be needs for certain kinds of legal research or consulting that would be relevant to the needs of Arizona; it may mean that there are needs for certain areas of concentration within the law school that would be of special relevance to the needs of Arizona and the region that ought to be developed. Water, for example, is extremely important and it may be that we need to develop a specialty in the area of water law or in the whole area of environmental protection. Not that those subject areas are unique as special opportunities, but they are suggestions of ways to develop a specialty within the law school relevant to the needs of our state and region. In turn — with such a focus — hiring, library acquisitions and curriculum development could be given prominence, while maintaining a high quality, general law program.

**Kader:** What are your views on the length of faculty probationary periods?

**Nelson:** I tend to favor a lengthy probationary period as it seems to me that it takes some of the pressure off the faculty member, particularly in a school like the law school where the time for that decision is so short. Unless the faculty members have had an unusual career start before coming here, they are not likely to have published very much or have done much in the way of academic research. To then require such a new member of the faculty to build the background for teaching, to work with students, to fit into a new community, and at the same time develop a research program and bring something to fruition in three years seems unrealistic.

**Kader:** Can you suggest what the appropriate length for the probationary period ought to be?

**Nelson:** I suspect the law faculty is in a better position, at least initially, to propose what is a reasonable length of time. Nobody wants to bring people in and then turn them

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... there are limits to what public money can and will do ... full exploitation of the potential of the University will have to be financed with private money ... That is where the margin of excellence will come from.

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out at the end of three years. On the other hand, you have to be competitive in the market for law school faculty and I do not know at what point the length of the probationary period might become detrimental in that regard. The selection of the appropriate length will involve a dialogue with the law school.

**Kader:** What are your perceptions on the acknowledged widening gap between income of practicing and academic lawyers in the early years of their respective careers?

**Nelson:** Law faculty are not unique in that respect. If you look at engineering and business, as two examples, they face a competitive environment with industry that is very similar to what you are describing. In fact, in a field like accounting, for example, salaries may be moving even faster than they are in the law school. But I think the overriding point is that the people who make a decision to go into teaching presumably do so with their eyes open to the fact that they are trading off income for something else that may be important to them. It may be very important for them to have the opportunity to teach; that is a different kind of professional activity than the practice of law. They may want the opportunity to be free of the competitive pressure of making a living so they can contribute to the development of the law in a different way than they would be able to were they working as practicing lawyers. At some point I suppose that the various professional groups including those in the legal profession are going to have to make some kind of financial commitment to help close the financial gap. Professional schools' salaries can thus be augmented in a way that will make it possible for some of the best people to stay in higher education where their predilection might lead them anyway but where the economic rewards are not sufficient to overcome the opportunities of professional or industrial practice.

**Kader:** Finally, what would you hope to be the major accomplishment of your tenure as President at ASU?

**Nelson:** Well, if we are going to achieve what we have set out to do, namely, to become a major research university competitive with the best public universities in the country, the intention seems to lay out the goal that all need to strive for. Such a goal seems to call for a much greater emphasis on creative work and research by members of the faculty

than has been called for in the past. That is not something that will happen overnight, but as we recruit new faculty for example, we may look for a somewhat different mix of talent than we have in the past. I suppose that is my number one objective — to shift further the emphasis of faculty development toward research and creative work in addition to good teaching and public service. I suppose a second goal is to provide a setting that will encourage those kinds of activities and that will attract to the campus a suitable number of students. We attract very few freshmen to the campus right now. Many of them go elsewhere, particularly community colleges. I think we need to recruit more talented freshmen students from Arizona. I also think we need to develop graduate programs that will be attractive to larger numbers of more traditional graduate students. People who, instead of coming out to take two or three courses and then go back to their jobs, would come to study as full-time graduate students. I do not want to scare away the other students but it seems to me that a good program should attract outstanding full-time students and I would like to see that happen in some areas. So, I hope we accomplish overall program strength, strength in the quality and size of the student body, and a faculty selection stronger in research talent.



Associate Dean and Law Forum Editor David Kader

# The Sagebrush Rebellion as Policy and Politics

JOHN D. LESHY

Several Western states, including Arizona (overriding the Governor's veto), have enacted laws claiming ownership of certain federal lands within their borders, thus setting the stage for a legal test of continued federal management of millions of acres of Western lands. This clash poses important legal and policy issues which the rhetoric of debate has not fully illuminated. Proponents tend to argue, for example, that the rebellion is a genuinely inspired effort to "return" these lands to the states and to replace distant, inefficient and unresponsive federal land management with better, local governmental control. Opponents argue the rebellion is merely a land grab, a rip-off of the federal treasury by states fronting for interest groups seeking to gain exclusive rights to exploit these lands free from regulation.



This article is excerpted from *Unraveling the Sagebrush Rebellion: Law, Politics and Federal Lands* published at 14 U.C. Davis L. Rev. 317 (1980). That article was part of a special symposium on the public trust doctrine in natural resources law and management. Readers interested in pursuing the subject should consult the full text of the article, which includes appropriate references and citations as well as an analysis of the relevant constitutional issues. Professor John D. Leshy, who joined the College of Law faculty in the Fall of 1980, was Associate Solicitor for Energy and Resources in the Department of the Interior from 1977 through July 1980.

My purpose here is to examine only the broader policy issues the rebellion presents. Because the rebels purport to base their claim on the federal constitution, however, I have explored the rebellion's legal basis in the earlier-referenced article in *U.C. Davis Law Review*.

Although the sagebrush rebels claim they are igniting a "second American Revolution," there have actually been a series of "sagebrush rebellions" throughout our history. In the last century alone, battles by western states to gain title to large amounts of federal land have been waged numerous times, reaching crescendos in 1891, 1912, 1930, and 1948. Within the last decade Congress has once again addressed fundamental issues of ownership and control of federal public lands (those lands managed by the Bureau of Land Management (BLM) in the Department of the Interior), deciding after thorough consideration in favor of continued federal retention and management of most public lands, while at the same time setting forth uniform standards and procedures by which some lands may be sold. If a single development may be said to have triggered the rebellion, in fact, it is Congress's enactment of the Federal Land Policy and Management Act of 1976 (FLPMA). That Act was the culmination of a congressionally inspired re-evaluation of federal public land management given impetus by the report of the Public Land Law Review Commission (PLLRC) six years earlier. The PLLRC recommended express reversal of the presumption, reflected in numerous prior statutes, that there would be large-scale disposals of the unappropriated public lands. While not closing the door entirely on the future disposals, it concluded that "most public lands would not serve the maximum public interest in private ownership."

The PLLRC's recommendation on federal retention was carried out in the FLPMA. It is especially worth noting, in the current climate of rebellion, that the primary proponents and shapers of both the PLLRC and the FLPMA were Westerners. The region that would most feel the impact of the law thus played the biggest role in writing it.

What, then, are we to make of the sudden rise of the sagebrush rebellion so soon after this latest national debate appeared to have determined, once and for all, that the bulk of the remaining public lands should be retained in federal ownership and managed in the national interest? Did the PLLRC and the Congress misread Western public sentiment on the issue so seriously that a grassroots "rebellion" spontaneously arose to protest this alleged "selling out" of Western interests? I think not. Instead, I suggest that the rebellion has several disparate roots which are not



easily reconciled with each other, but which can teach us several things about politics and values in the modern West.

First, the rebellion obviously feeds at the trough of national disaffection with government regulations and bureaucracy. With its extensive landholdings giving it a highly visible, pervasive presence throughout the West, the federal government naturally feels the brunt of anti-government feeling there. Moreover, the FLPMA goes well beyond mere retention of the public lands. It and other recent laws have placed new restrictions on the private exploitation of the public lands, especially their forage and minerals. As the reality of such restrictions has become apparent, those most affected — graziers and miners — have begun to chafe at this reduction in their freedom of exploitation. In this sense, the rebellion mimics earlier calls for transfers of federal lands out of federal ownership by commodity interests threatened with regulatory constraints; indeed, it is difficult to read current rebel rhetoric without a strong sense of *déjà vu*.

Also at work here is the increasing realization that man's abilities to make nature over in his own image are not unbounded. Natural limitations in the West, most obviously its aridness, have long been obstacles to development. But in many areas they have been, at least for the time being, successfully surmounted by man's ingenuity, often aided by federal funds. But now Westerners find themselves facing resource shortages which are not only fractious but, more important, appear to defy the solutions of the past. Part of the frustration provoked by that realization has undoubtedly tarnished the image of the federal government as problem-solver. At the same time, ironically, the resources of federal lands are increasingly being viewed as providing a safety net to help solve local or regional problems in the West.

Another factor is an idea long basic to the Western system of values — that man not only can but *must* exploit and tame nature into submission in order to survive and prosper in the sometimes harsh Western environment. Part of the FLPMA's regulatory scheme is designed to achieve environmental restoration and protection on all the public lands and, beyond that, to preserve parts of the public lands in their natural condition. This does not go down easily with those who, by experience or cultural inculcation, regard the natural environment as their enemy.

A fourth root of the rebellion is found in the greatly increased competition for public lands and resources. "Multiple use" is the well worn phrase which describes the fundamental management principle for most public lands in this country. Yet until recently, overt competition for use of specific areas of public lands was the exception rather than the rule. Livestock graziers, miners, lumbermen, hunters and fishermen generally co-existed peacefully, and few other demands were placed on these lands. Now, however, growing numbers of off-road vehicle fanciers, wilderness advocates, endangered species and other wildlife protec-

tionists, white-water enthusiasts, cultural and archaeological resource investigators, hikers, campers, skiers, photography buffs and rockhounds have combined with the sometimes increasing demands of more traditional users (especially those seeking to exploit domestic energy resources) to place unprecedented strains on the poor land managers who must give concrete meaning to the lordly dictate of "multiple use." Increasing competition inevitably means increasing regulation and red tape for all public lands users, most dramatically illustrated, perhaps, by the increasing need to require permits for foot access into wilderness areas. Needless to say, such regulation does not please those whose private pursuits are regulated in order that the public's resources may be preserved for use by others, including future generations.

Another factor which explains why the rebellion has advanced as far and as fast as it has is the lag between demographic changes and political power shifts. The modern West has become, by generally accepted standards of measurement, the most urban region in the country. The availability of nearby public lands for recreation and the value that open spaces provide the human spirit are important parts of the lifestyle that most Westerners lead from their urban oases. Recreation and tourism are major sectors in the economies of most Western states, sometimes even outstripping more traditional pursuits such as mining, grazing and farming. But in many areas of the West, the interests of urbanites and suburbanites have not yet been effectively translated into political power in state legislatures. Where public lands are concerned, traditional agricultural, stock-raising and mining interests still tend to hold sway, though the situation is changing.

Related to this lag in the shift of political power is the generally perceived weakness in the rebels' legal claim, for the rebels' political case in the state legislatures might well have been considerably weaker if their legal case had been stronger. Many may have voted for the bills not so much out of belief in the wisdom of the program to transfer lands out of federal ownership, but more because the measure was a legally ineffective, and therefore harmless, gesture of displeasure with Washington.

Finally, the rebellion partakes of the current movement to return to states and localities greater responsibility over their affairs. While that movement extends far beyond federal land management policies, it has certainly been felt in that area. It is interesting to note that the sagebrush rebellion reached a flash point before a major reform embodied in the FLPMA — systematic planning for the uses of the public lands and their resources — was given a real chance to work. This is both ironic and unfortunate, because one aspect of this congressionally mandated land-use planning process has been almost wholly ignored in the sagebrush rebellion debate. Specifically, FLPMA gives state and local governments a much greater say in federal land management than they previously had. The land-use planning provisions of the FLPMA require the BLM to

provide for compliance with all applicable pollution control laws, including specifically state and perhaps local laws as well. Furthermore, BLM must coordinate public land-use planning with the planning and management programs of the states and local governments within which such lands are located.

In short, FLPMA significantly enlarged the formal opportunities for state and local influence over federal management. It would be unfortunate if the rebellion continues to deflect attention away from this cooperative process; in this sense, at least, the rebellion is, in Utah Governor Scott M. Matheson's words, a "diversion" in the states' effort to influence federal lands decisions.

Given these disparate factors, I believe that the sagebrush rebellion will ultimately be viewed as representing not the beginnings of a second American Revolution, but instead a last gasp of a passing era, a poignant effort to turn back the clock to the days when competition among uses of federal lands was rare, when resources seemed inexhaustible, and when a consensus existed for exploitation. Yet there are reasons to welcome it. For one thing, it will focus attention on positive as well as negative attributes of federal land ownership, out of which may ultimately emerge an even stronger consensus for sound land management. Although concern about such management and support for federal land managers exists, it is often latent. A frontal assault like the sagebrush rebellion can be the catalyst to mobilize it. Those calling for state or private ownership will, I would suggest, ultimately find that they are a minority — that the public lands have friends and supporters in numbers greater than the rebels imagined. If I am correct in surmising that these people constitute a large, if largely silent, majority, their organization around the sagebrush rebellion could prove to be a powerful force indeed. (Arizonans may soon have an opportunity to address the issue directly, if a current effort to qualify a referendum on the issue in the November 1982 election gathers enough signatures.)

Another positive effect of the sagebrush rebellion may well be a sharpened focus on state management of state-owned lands. In contrast to their frank call for transfer of public lands out of federal ownership, the rebels have been somewhat vague about how the lands would be handled once the states took over. Some rebels appear to favor transfer into private ownership, while others seem to believe that the states should retain ownership and manage the lands for multiple uses as the federal government now does. The debate should, then, logically lead to a closer scrutiny of current state land-management programs, as well as an examination of the broader issue of private versus government control. It may, in other words, explore whether it is federal management or public ownership which causes the problems the rebels perceive.

The rebellion might also prompt a re-examination of federal financial assistance to those states with large amounts of federal lands, including the wisdom of continu-

ing the heavy subsidies for western agriculture embodied in the federal reclamation program, the special "revenue sharing" of the Payments in Lieu of Taxes Act, and the existing schemes for sharing with the states the revenues generated from the sale and lease of federal lands and resources. Because the theory on which the rebels seek transfer of federal lands is bottomed on equity, the rebellion inevitably implicates questions of fairness among regions in the distribution of federal benefits as well as ownership of federal lands. Such questions have recently surfaced in federal water project funding, and ongoing efforts to bring the federal budget into balance might well make this a propitious time for scrutiny of such federal programs. If such an examination shows, as it well might, that the states with large amounts of federal land obtain more federal funds than other states, of course, the rebels' case is weakened.

Finally, no one could argue that federal land managers are infallible. Certainly there are ways in which federal red tape can be cut and federal decision-making made more sensitive to local concerns, without sacrificing the national interest in proper management of these lands. There also must be situations in which the public interest might well dictate the sale or exchange of federal lands. To the extent that the sagebrush rebellion represents public dismay at genuinely insensitive and misguided federal attitudes, it may well succeed in enhancing the federal government's appreciation of state and local concerns.

## Conclusion

As constitutional theory, the sagebrush rebellion is, as I have suggested elsewhere, fatally flawed. The rebels are surely fighting the wrong battle — for absolute ownership of all public lands rather than for more limited transfers and a greater state and local voice in federal management. And they are fighting in the wrong place — the courts rather than in Congress and the executive land-management agencies.

Despite its legal veneer, the rebellion is, like its predecessors, a political movement. Accepting it as such, as raising questions about federal, and indeed all governmental land management, the rebellion is not wholly undesirable. I suspect, however, that the ultimate outcome will be largely counter to the rebels' objective, even though the results of the recent national election have been hailed by the rebels as paving the way for ultimate victory. Whatever mandate was voiced in the 1980 Presidential election, I would argue it was not to strip the national government of ownership of large areas of public lands. Instead, the rebellion should bring forth greater appreciation and stronger support for federal land managers as they go about the increasingly difficult task of balancing competing demands upon the public lands and their resources.



# W. Willard Wirtz Speaks at the Law Society/Law Alumni Association Dinner

"My wife, Jane, and I have enjoyed our visit here. I want to tell you that the law faculty at ASU is as fine as I have encountered, and the students are the best I have ever taught." Those words by W. Willard Wirtz, the College of Law Meriam Distinguished Visiting Professor and former United States Secretary of Labor, ended his address at the Sixteenth Annual Law Society and Law Alumni Dinner held at The Registry Resort in Scottsdale during February.

Approximately three hundred attorneys, judges, alumni, friends of the law school and faculty enjoyed the evening arranged by Placement Director Virginia G. Stewart. Although the dinner was primarily a social gathering, a few business items were handled. Dean Alan A. Matheson gave a short report on the state of the law school; University President J. Russell Nelson presented the University Distinguished Achievement Awards to Phoenix attorneys Michael L. Gallagher '70 and John P. Frank; and Timothy G. Burns

'80, President of the Law Alumni Association, gave Law Alumni Awards to Thomas E. Collins '72, Maricopa County Attorney, Robert Duber '76, Gila County Attorney, and William J. Ekstrom '73, Mohave County Attorney. In addition, Law Society President Louis McClellan presided over the nominations and elections of the officers for 1982-83: Louis McClellan (President), Michael L. Gallagher '70 (Vice President), Gary G. Keltner, (Secretary), and Peter Kiewit, Jr. (Treasurer).

Nonetheless, the Wirtz speech, concerning the state of labor in the United States, was the highlight of the evening. It was a special pleasure for former Dean Willard H. Pedrick to introduce Mrs. Charles (Ethelmae) Meriam, who was a guest at the banquet. It was through a gift from Mrs. Meriam and her late husband, Charles, the Meriam Distinguished Visiting Professorship was established, and it was that gift which allowed the College of Law to bring Professor Wirtz to the law school during the 1982 Spring Semester.



W. Willard Wirtz



Ethelmae Meriam

# Wendell P. Kay Dinner



On October 22, 1981, a testimonial dinner was held in Anchorage, Alaska, to honor Wendell P. Kay. Organized by friends and associates in Alaska, the event recognized the contributions which Kay has made to the legal profession and to legal education for many years. Billed as a "roast," the dinner attracted over 370 persons who gathered at the Anchorage Sheraton Hotel to hear barbs and reminiscences from fellow attorneys, judges and politicians.

For the past seven years, Kay has taught a course in Practice Court at the Arizona State University College of Law. An experienced defense attorney, he has provided a practitioner's view to instruction in advocacy skills, and his students have greeted his efforts with enthusiasm.

In conjunction with the dinner, there was a fund-raising effort to establish a Wendell P. Kay Professorship Endowment Fund at the law school to support instruction in advocacy. Twenty-five thousand dollars was contributed by both Kay's friends in Alaska and his students in Arizona and throughout the United States. The funds will be invested, and the interest will be utilized for this purpose.

Known as the "Silver Fox" in Alaska and as the "Desert Fox" in Arizona, Kay was roasted at the dinner by United States Senator Ted Stevens, attorneys Cliff Groh, Gene Williams and Stan Ditus, and Superior Court Judge (and former law partner) Seaborn Buckalew. Master of Ceremonies for the occasion was United States District Court Judge James A. von der Heydt. Kay said the dinner was one of the highlights of his life.

Kay, recognized as the dean of Alaska trial lawyers, came to Alaska in 1947 from Centralia, Illinois, by way of Portland, Oregon. Between cases, he served in the Territorial House of Representatives, ran for governor in 1966 and for United States Senator in 1970. He attended Northwestern Law School, where he was an editor for the *Northwestern Law Review* and edited the manuscripts of a young candidate for the review staff, Willard H. Pedrick.

During the third quadrant of the current school year, Kay taught a section of Practice Court for the College of Law.

Wendell P. Kay



# Arizona Lower Court Study

A six month study of the Arizona lower court system (justices of the peace and municipal courts) was recently completed by the College of Law and the Center of Criminal Justice under a grant from the Arizona Legislative Council. The hope was that it would be possible to identify problem areas where improvements could be made in the operation of the Arizona city and justice court system. With identification of problems, proposals to improve the operation of the system were made by the investigators.

The study was staffed by Dr. Jo Ann G. Pedrick, D.S.W., as Director, with Professor Peter Haynes, Ph.D., Center of Criminal Justice, and Professor Willard H. Pedrick, J.D., College of Law, as Co-Directors. Peter M. Gorski, M.S., a second year law student, was a Research Associate. A number of professional consultants were enlisted.

Professor Willard H. Pedrick, who served as a Co-Director of the Study, is also chairing the State Bar Committee on re-organization of the lower courts of Arizona.

A sequence of committees from the State Bar of Arizona over a decade have studied and recommended legislation. The Supreme Court of Arizona in 1974 appointed a special ad hoc committee under the chairship of then Senator Sandra D. O'Connor, which also studied and recommended legislation. At least four major legislative proposals on the subject of lower court improvement were introduced into the Legislature prior to 1980. Thus far, however, no major revision in the lower court system has been effected.

In connection with the study, lengthy questionnaires were completed by 91% of the lower court judges, similar completed questionnaires were received by 78% of a selected group of attorneys who practice in these lower courts and 128 telephone interviews were completed with persons who have used these courts. Other groups invited to offer their assessments of the lower courts operation and suggestion for improvements included: Presiding Superior Court Judges, court administrators, public defenders, community legal services attorneys, clerks of the court, city and county attorneys and sheriffs and chiefs of police.

The study was built on research projects which have studied lower courts and recommended institutional changes in other states. Fortunately, some of the basic research in lower courts in Arizona was done in 1973-74. For the Arizona Town Hall, Professor Harold H. Bruff, then of the Arizona State University law faculty, conducted a study entitled: "Arizona's Inferior Courts," assembling important data and offering a range of recommendations. That study was published in Vol. 1973, No. 1 of *Law and the Social Order* (now published as the *Arizona State Law Journal*). In the years since 1973 a number of other states have succeeded in achieving substantial improvements in their lower court systems and the experience in those states

was studied. Those conducting the 1981 Arizona Lower Court Study believed it should be possible to develop proposals for lower court improvement which should win a broad base of support.

The investigators, in the closing stages of the study, engaged in analyzing the data and formulating their recommendations. A relatively large Advisory Council was developed to bring together a substantial group of approximately 100 leaders in Arizona (1) to hear the basic recommendations to be offered on the subject of improvement of the Arizona lower court system, (2) to offer reaction to alternative methods for achieving improvement and (3) to help bring the recommendations into actual operation through legislation.

The first convocation of this group was the conference on "Arizona's People's Court: Proposals for Improvement" held last November in the College of Law Great Hall with the Honorable Sandra D. O'Connor, Associate Justice of the United States Supreme Court, as the keynote speaker. The final and revised report of the study with its findings and final recommendations was delivered in printed form to the Legislative Council in early January.



The Hon. Sandra Day O'Connor, Associate Justice of the United States Supreme Court, delivered the keynote address entitled "Don't Just Stand There," at the November meeting of the Advisory Council for the Arizona Lower Court Study. At the conclusion of her speech, which was open to the public, Dean Alan A. Matheson presented Justice O'Connor with a Resolution from the College of Law Faculty, congratulating her on her appointment to the Supreme Court and acknowledging her long-time friendship with the law school and faculty.

## ★ RESOLUTION ★

of the  
FACULTY of the COLLEGE OF LAW  
ARIZONA STATE UNIVERSITY

WHEREAS, Sandra Day O'Connor has served the State of Arizona and the legal profession with great distinction and has now been appointed by the President of the United States and confirmed by the United States Senate to sit as the 102nd Associate Justice of the United States Supreme Court and the first woman in the history of the Republic so honored,

The Faculty of the College of Law unanimously recommends to Dean Alan Matheson that sabbatical leave be extended to Sandra Day O'Connor, from her position with the College of Law as a Member of our Board of Visitors and as a Judge in our Canby Moot Court Competition, to permit assumption of her duties as Associate Justice of the Supreme Court of the United States.

All, however, on condition that she undertake to lecture and otherwise participate in the educational program of the College of Law on all such occasions as her schedule permits.

BE IT FURTHER RESOLVED, that the Law Faculty extends its congratulations to our good friend

**Associate Justice Sandra Day O'Connor.**



Robert L. Thimer  
Michael A. Burch  
Dra Mark Ellman  
Richard W. Efland  
Charles A. Kulas  
David Kye  
Charles R. Callow  
Kris R. Sullivan  
Ann M. Stanton  
Dany J. Longthad  
Willard H. Pedrick  
Joe R. Hines  
Jonathan Rose  
Hannah Arkian Fernald  
John D. Leedy  
Red L. Johnson  
Richard C. Dahl  
Victor J. Gold  
Deane A. Smith  
Kasper Kueber Zander  
Dennis S. Kayala  
Michael J. Altman  
Alan Matheson  
Edward W. Clary

Professors of Law

Dated this 25th day of September, 1981 in Tempe, Arizona



# Guests and Visitors

The past academic year has been rich with distinguished visitors and guests to the College, who spoke to various classes, gave open lectures in the Great Hall to the University community, and on occasion conducted faculty seminars. An outline of the presentations follows, some of which were cosponsored by others.

**Jeffrie G. Murphy**, Professor of Philosophy at the University, spoke to Professor David Kaye's Jurisprudence class and guests August 27 on "The Major Questions of Moral Philosophy."

**Milton Rector**, President of the National Council on Crime and Delinquency, spoke to an open assembly in the Great Hall September 17 on "The Justice Industry — As It Operates Today."

**Alvin Bornstein**, Executive Director of the National Prison Project of the American Civil Liberties Union Foundation, spoke at an open meeting November 5 on "Riots or Rights — American Prisons Today."

**Robert A. McConnell**, '70, Assistant United States Attorney General for Legislative Affairs, discussed the confirmation hearings of Justice Sandra Day O'Connor and proposals on immigration law reform at an open meeting November 24.

**Stewart Udall**, Secretary of the Interior in the Kennedy and Johnson administrations from 1961 to 1969, spoke November 24 to the Indian and Water law classes of Professor John D. Leshy on Interior perspectives on those topics.

**Sandra Day O'Connor**, Associate Justice of the United States Supreme Court, delivered the keynote address

"Don't Just Stand There" November 27 to the Arizona's People's Court — Proposals for Improvement Conference. The day-long public meeting also received presentations by members of the state judiciary and legislature.

**Archibald Cox**, Professor of Law at Harvard University and former Watergate Special Prosecutor, spoke as National Chairman of Common Cause to a general assembly in the Great Hall January 15 on "Watergate, Attempts to Limit Court Jurisdiction and the Politics of Constitutional Amendments."

**W. Willard Wirtz**, the Meriam Distinguished Visiting Professor of Law at the College and Secretary of Labor in the Kennedy and Johnson administrations, conducted a faculty seminar January 27 "On Poland." Professor Wirtz was also the keynote speaker at the annual Law Society dinner February 25 and spoke on current developments in labor negotiations.



Arthur Goldberg

**William C. Canby, Jr.**, Judge, U.S. Circuit Court of Appeals, Ninth Circuit, and former Professor of Law at the College, offered a faculty seminar February 1 "On Judging."

**Arthur Goldberg**, former Associate Justice of the United States Supreme Court, Secretary of Labor and Ambassador to the United Nations, visited the law school for a number of days in mid-February. During his visit, Justice Goldberg spoke to classes in Labor and Constitutional Law and delivered an open assembly lecture in the Great Hall February 12 on "Can We Afford Liberty?"

**Frank X. Gordon, Jr.**, Justice of the Arizona Supreme Court; **Stephen H. Scott**, Judge of the Superior Court of Maricopa County; **Jordan L. Green** of Lewis & Roca; and **John H. Westover** of O'Connor, Cavanagh, Anderson, Westover, Killingsworth and Beshears appeared as panelists February 25 at the Civil Clinic Seminar



Archibald Cox

program on ethical problems of the attorney when a client indicates a desire to lie on the witness stand. The panel program was organized by Carla Gene Ryan, Director of the Civil Clinic.

**Morris Axelrod**, Professor and Director of the University Survey Laboratory, spoke February 29 on "What Lawyers Should Know About Survey Research" to the Law and Social Science class of Professors David Kaye and Ann Stanton and guests.

**David Baldus**, Professor of Law



Al Bronstein

and Director of the Center for Interdisciplinary Legal Studies at Syracuse University, spoke at an open meeting March 4 on "Tentative Results of the L.E.A.A. Study of Capital Sentencing in Georgia." Professor Charles Pulaski of the law school, project participant, placed the empirical study in its doctrinal context.

**Geoffrey Bindman**, Barrister-at-Law in England and currently Visiting Professor of Law at University of California at Los Angeles, offered a faculty seminar March 8 on "Race Relations in Britain." In addition, Bindman spoke to Judge William C. Canby's seminar on Equality.

**Richard Posner**, Judge, United States Circuit Court of Appeals, Seventh Circuit, and former Professor of Law at the University of Chicago, spoke at a general assembly in the Great Hall March 8 on "Excessive Sanctions for Government Misconduct: An Economic Analysis."

**Eric Neisser**, Director of Staff Attorneys for the United States Court of Appeals, Ninth Circuit, spoke March 10 to law students interested in clerkship opportunities at a meeting organized by Professor Charles R. Calleros.

**William Cary**, Dwight Professor Emeritus of Law at Columbia University, visited the law school the end of March, during which time he spoke to Professor Dennis S. Karjala's Business Association class and offered a faculty seminar March 29 on "ALI Project on Corporate Governance."

**Wendell Kay**, attorney extraordinary and adjunct at the law school offering a course in Practice Court, conducted a faculty seminar March 31 on "Development in Trial Law."

**Dennis DeConcini**, United States Senator from Arizona, addressed the graduating class of 1982 at its Commencement on May 14 in the Great Hall.

In addition to the enrichment offered by these many guests and visitors, the faculty seminar program also received presentations from members of the faculty. Professor **Dale B. Furnish** spoke on "The New Bankruptcy Jurisdiction" March 22, and Professor **John D. Leshy** spoke on the "Irrigation District Project" April 28.



# Looking at Southampton

F. RALPH BEDDARD

Southampton is situated in the south of England and lies at the head of a natural harbor formed by the convergence of two rivers — the Test and the Itchen. Both of these rivers, incidentally, in their upper reaches, have some of the best salmon and trout fishing in England. Southampton, in



Stephen E. Lee

the heyday of trans-Atlantic liners, was the largest passenger port in Britain. Since the decline of such trade, the port has turned its attention to the growing passenger and freight traffic to France and Spain and has also remodeled its facilities into one of the best container ports in the country. The University at Southampton existed from the beginning of the century first as the Hartley Institute and later as a university college of the University of London. It received its statute as a full university in 1953 — the first university to be created during the reign of Queen Elizabeth II.

The teaching and research in the University is arranged in eight schools, or as they are traditionally called in England — Faculties. These are the Faculties of Arts, Pure Science, Applied Science, Mathematical Studies, Social Sciences, Law, Educational Studies and Medicine. The Medical Faculty established in Southampton is one of the newest medical schools in the country. There are about 6,000 students in Southampton which is about the average size for a British university. Oxford, Cambridge, London, and the Scottish Universities are older established institutions and have larger numbers, but most of the traditional civic universities range somewhere between 5,000-10,000 students. The Law Department is again of average size, about 350 students, 120 in each year with some post-

Visiting Professor F. Ralph Beddard of the University of Southampton law faculty returned last fall for his second visit to the Arizona State University College of Law. He came as the first Southampton visitor in the Fall of 1973 and has been followed by three other Southampton faculty members: David Jackson, John Wilson, and Robert Grime. ASU faculty visiting at Southampton have been Professors Alan A. Matheson, Jonathan Rose, Michael L. Altman, Donald Zillman, Willard H. Pedrick, and, most recently, David Kaye in Spring 1981 and Stephen E. Lee in Fall 1981. The exchange evolved in the early 1970's out of the professional and personal relationship of founding law school Dean Willard H. Pedrick and then Dean of Southampton, David Jackson.

Professor Beddard holds both an honors law degree and a Ph.D. from the University of Sheffield in England and is the author of two widely respected books, *Human Rights and Europe* (Sweet and Maxwell) and *World Shipping Laws* (Oceana). While at the College of Law, Professor Beddard taught International Human Rights and Jurisprudence and wrote this brief look at Southampton.



Two honest lawyers — the British pub and David Kaye

graduate students taking courses in maritime law. Southampton's interest in maritime law, as may be imagined, is quite a strong one.

The study of law in Britain is undertaken at undergraduate level and the majority of the entrants to the law school come directly from school. The course is a three-year one leading to the degree of Bachelor of Laws. After that time, students will normally register with a bar school or a college of the Law Society for one-year courses leading to professional examines. The legal profession in England is divided into solicitors and barristers, and graduates at this stage must decide which branch of the profession they wish to enter. Following success in bar examinations, an intending barrister then must do a certain period of time as a "pupil" with a "pupil master" before being allowed to

practice alone in the courts. A student wishing to become a solicitor must take articles with a practicing solicitor for a further two years or so before being allowed to practice alone. Since law is an undergraduate study in England, students may also undertake post-graduate study in law. Southampton has an instructional course leading to the degree of Master of Laws which is available to anyone having a degree from any other recognized university. The course lasts 12 months and consists of the study of three elective subjects often in practice taken from maritime law subjects, but not necessarily so, followed by the writing of a dissertation which is commenced in July and is normally submitted at the end of September. In addition to the LL.M. course, Southampton also has courses leading to the Master of Philosophy by research and the Doctor of Philosophy Degree which normally takes two to three years of further study and research. As yet, although there have been informal links and visits by students, no student from either institution has been persuaded to register for a course at the sister college.

There are some 28 members of the teaching faculty at Southampton although again by tradition these do not all have the title of professor. Some are known as Lecturers or Senior Lecturers; others are known as Readers. In practice, only three members of the law faculty have the title of Professor. This is the normal situation in the United Kingdom.

Like most law schools in Britain, Southampton is not intended as a vocational, practitioners school and as a result, only some 60 or 70 percent of Southampton's students will become practicing lawyers. The rest may well find employment for themselves in industry or commerce or in a post allied to the legal profession. Links with other social sciences in teaching and research are naturally being strengthened all the time.

Research interest in Southampton varies as one might imagine over the whole range of legal discipline. Naturally, as stated before, the links with the sea are great. Six or seven members of the faculty are engaged in producing a digest of shipping laws. There is a newly formed interest in computing in law at Southampton. This has recently resulted in the creation of a research fellow in law and computing, an established post not found in many law faculties in the country. There is also a thriving research group looking at the possibility of creating a maritime law data base. This, if it succeeds, will be the only subject mounted data base, as opposed to library data base, in the country. It may well be, for example, in this area of subject-data-bases that Southampton and Arizona State University could cooperate. Those members of each school that have spent time in the sister institution, taught its students, or used its library and other facilities have all returned home excited in some way or another by what they have found across the Atlantic, comforted to find the same type of research and learning being carried on there and reassured by knowing that they have established contacts, points of reference and friends.



# In Re Faculty

■ **Michael L. Altman** has completed a report for San Diego County evaluating the contract public defender system in San Diego. He served on the Arizona State University Select Committee on Intercollegiate Athletics of the Faculty Senate and recently represented the Student Rights Coalition in its effort to reduce the amount of censorship on campus.

■ **Hannah Arterian Furnish's** article, "Path Through the Maze: Disparate Empact and Treatment under Title VII of the Civil Rights Acts of 1964 After *Beager & Burdine*," will appear this spring in the *Boston College Law Review*. She gave two talks — "Sexual Harassment in the Work Environment" and "Toxic Work Environments Effects on Reproductive Health" — at the Arizona Hospital Personnel Association quarterly meeting in Tucson this past March. Professor Arterian Furnish continues to serve as faculty advisor to the Moot Court program and its Canby Competition.

■ **Robert D. Bartels** continues his novel work on a novel, based on a clinic criminal case he was deeply involved in for a number of years.

■ **Michael A. Berch** worked extensively with this year's successful team in the Regional and National Moot Court Competitions held this past November in Salt Lake City and last January in New York City. He also served as advisor to the Jenckes Competition team. He continues his study and work on judicial review.

■ **Charles R. Calleros** assisted in the revitalization of the first year tutorial program and will be applying his skill and interest in legal writing as a consultant to Streich, Lang, Weeks and Cardon. As a consultant, Professor Calleros will develop a writing program for the firm's first year associates and summer clerks. He is studying a number of questions within Civil Rights law which will lead to an article.

■ **Edward W. Cleary** continues to



Hannah Arterian Furnish



Michael A. Berch



Dale Beck Furnish

enjoy his status as Professor Emeritus and is currently working on a book.

■ **Richard C. Dahl** is beginning a study of the impeachment of Francis Bacon in the early 1600's and the legal ethics of his conduct.

■ **Richard W. Effland** completed the sixth edition of his casebook (with Ritchie and Alford) on *Decedent's Estate & Trusts* for Foundation Press and will soon have an article appearing in the *Arizona State Law Journal* on "Arizona Community Property Law — Time for Review and Revision." He spoke at the Four State Seminar in Reno in January (sponsored by the state bars of Nevada, Idaho, New Mexico and Washington) on "Problems of the Transitory Community." Professor Effland received a six year Gubernatorial appointment to the State Commission on Uniform State Laws and is serving on the University Self-Study Committee for Reaccreditation.

■ **Ira Mark Ellman's** article, "Another Theory of Non Profit Corporations," appeared in the April issue of the *Michigan Law Review*. He spoke on the same theme this winter at the Institution for Social and Policy Studies at Yale University. He is serving as Secretary to the American Bar Association Committee drafting a new model nonprofit corporation act and is beginning work on a Family Law casebook (with Professor Stanton) for Michie-Bobbs/Merrill.

■ **Dale B. Furnish's** article, "Custom as a Source of Law in the United States," will appear this Spring in the *American Journal of Comparative Law*, as will two book reviews. Professor Furnish has contributed a chapter, "Secured Transaction Devices Under Mexican Law," to Matthew Bender's *Doing Business in Mexico*, and two chapters to the forthcoming Oceana treatise on *The Mexican Legal System*. He will soon begin a treatise for Warren, Gorham and Lamont on *Corporate Reorganizations in Bankruptcy*,

and with Professor William J. Boyes of the Economics Department authored "Usury and the Efficiency of Market Control Mechanisms: Commentary on the Goode's Usury in English Law," which will appear in the inaugural issue of the *Arizona Journal of International and Comparative Law*. He spoke at the Doing Business in Mexico Symposium this past February in Acapulco and spoke at the Banking Law Institute meeting in Fort Worth in March on "Security Interests in Agricultural Financing." Professor Furnish continues service on the Association of American Law Schools Accreditation Committee and is Chair of the State Bar Committee to draft a New Exemptions Law for the state in the creditor/debtor field.

■ **Victor J. Gold** has completed work on an article, "Clean Water, Federalism and the Res Judicata Empact of State Judgments in Federal Environmental Litigation," which will be forthcoming in the *University of California-Davis Law Review*. He served as a panelist at the Evidence Section of the Association of American Law Schools annual meeting in Philadelphia in January and received an Edward W. Cleary Research Grant to study Rule 403 of the Federal Rules of Evidence this summer.

■ **David Kader** spoke on "International Human Rights in Light of the Holocaust" at Hillel Union of Jewish Students on campus and "The Status of the Genocide Convention in the United States Senate" to the Second Generation Conference on the Holocaust in Los Angeles in March. This summer, Professor Kader will deliver a paper in Israel at the International Conference on the Holocaust and Genocide on "A New Strategy for Genocide Prevention: The Proposal of a 'Committee on Conscience' by the U.S. President's Commission on the Holocaust." Professor Kader continues to serve as Associate Dean.

■ **Dennis S. Karjala** authored an article in Japanese entitled "Recent Thinking Concerning Corporate Social Responsibility in the United States," which appeared in the first volume of



Victor J. Gold



Robert L. Misner



Richard J. Morgan

*Management Review*, a journal of Ryukyu University, Okinawa, Japan. Professor Karjala's recent work, supported by an Edward W. Cleary Research Grant, "Statutory Regulation of Inside Trading in Impersonal Markets," will appear this fall in the *Duke Law Journal*. He is presently working on a study of deferred compensation arrangements in tax and continues to serve as faculty advisor to the *Arizona State Law Journal*.

■ **David Kaye's** comment, "Paradoxes, Gedanker, Experiments & The Burden of Proof: A Response to Doctor Cohen's Reply," appeared at 1981 *Arizona State Law Journal* 635, and soon forthcoming in the *Journal of Legal Education* will be "How Legal Scholars Fail: A Review and a Modest Proposal." He will soon have two invited papers published, one in the *Michigan Law Review* and another in the *Journal of the American Statistical Association*, both dealing with the statistical proof of discrimination. An article on "The Limits of the Preponderance of the Evidence Standard" is in progress by Professor Kaye, as an Affiliated Scholar of the American Bar Association Research Foundation and will appear in its journal. In addition, he is collaborating with Professor Hans Zeisel on a textbook on social science research in litigation and will deliver a talk in Virginia in May on "Probability Calculating as Evidence in Paternity Cases" to the American Association of Bloodbanks International Conference on Inclusion Probabilities in Parentage Testing. Professor Kaye is Chairman of the American Statistical Association Subcommittee concerned with statistical training in law.

■ **Stephen E. Lee** has returned from a teaching visit at Southampton University where he learned and taught English Income Tax Law.

■ **John D. Leshy's** article, "Wilderness and Its Discontents: Wilderness Review Comes to Public Lands," appeared in 1981 *Arizona State Law Journal* 361. His work on the special *Law Journal* summer project on Irrigation Districts, which he conceived and is supervising, will likewise appear



in a forthcoming issue of the *Law Journal*. Professor Leshy received a Resources for the Future Grant to study the administration of the Mining Law of 1872 to determine whether legislative reform is necessary.

■ **Gary T. Lowenthal's** article, "Theoretical Notes on Lawyer Competency and an Overview of the Phoenix Criminal Lawyer Study," appeared as part of his conceived and supervised special project on "Fact Investigation Practices of Criminal Lawyers in Phoenix, Arizona" in 1981 *Arizona State Law Journal* 451. He is engaged in the preparation of a book on competency of criminal lawyers and an article on attorney conflicts of interest. This summer in San Francisco he will serve as a panelist on "Competency of Counsel" for the American Bar Association Criminal Justice Section at the American Bar Association Convention. Professor Lowenthal on appointment, with others, by the Arizona Supreme Court, conducted discussion seminars with state judges on programs for judicial education in the 1980's.

■ **Alan A. Matheson** was appointed by the Governor to the State Prosecuting Attorney's Advisory Council and is serving on University Committees involved in the appointment for a University Academic Vice President and the inauguration of President Nelson. Dean Matheson spoke at the American Bar Association mid-winter meeting in Chicago on "Promotion and Tenure" to the New Deans Workshop.

■ **Robert L. Misner's** article on "Local Associated Counsel in the Federal District Courts" is forthcoming in the *Cornell Law Review*, and he is currently engaged in the preparation of a book on state and federal speedy trial law for Michie-Bobbs/Merrill. Professor Misner was appointed by the Governor to the Work Furlough Commission which is charged with overseeing that program within the Department of Corrections and drafting rules and regulations. He continues to serve as a member of the State Commission on Uniform Juvenile Detention Standards and spoke to state judges on

"Criminal Cases in the U.S. Supreme Court" at their Annual Conference this past winter in Rio Rico.

■ **Richard J. Morgan's** article, "Reconciling the Conflicting Duties of Issuers and Transfer Agents Under the Uniform Commercial Code and the Securities Act," will appear this Spring in the *Ohio State Law Journal*, and his article, "The Insider Trading Rules After *Chiarella*: Are They Consistent with Statutory Policy?" will appear in early Summer in the *Hastings Law Journal*. He is presently engaged in the study of "offers to buy" under the Securities Act of 1934. Professor Morgan served on the Maricopa County Bar Association committee established to evaluate and comment on the Model Rules of Professional Responsibility.

■ **John P. Morris** is on sabbatical for the academic year.

■ **Willard H. Pedrick's** article, "Oh, To Die Down Under! Abolition of Death and Gift Duties in Australia," appeared in 35 *Tax Lawyer* 113 (1981) and "Taxation for Prosperity" (with Professor W. Blum) appeared in *Taxes* (February, 1982). With three co-authors, he has filed a report on proposals for improvement of the Arizona lower courts with the Arizona Legislative Council and the Judges of the State and continues to serve as Chairman of the Arizona State Bar Committee on Lower Court Improvement. Professor Pedrick gave a talk on the "Economic Recovery Act of 1981" at the national convention of the National Estate Planning Council this past December in Phoenix, and a presentation to the New Mexico Tax Institute at its winter Albuquerque meeting on "How to Freeze Your Assets." He is also Co-chairman of the Commerce Clearing House Taxation Casebook Series and is currently involved in decisions to expand the series. Professor Pedrick will give the commencement address at the University of Pittsburgh Law School in May.

■ **Charles A. Pulaski, Jr.** completed a casebook on *Criminal Pre-Trial & Trial Practices* for Michie-Bobbs/Merrill and continued his team study of the imposition of the death

penalty in Georgia.

■ **Jonathan Rose's** article, "Regulation: the Current Controversy," will appear in *Law & Human Behavior*. He was recently appointed to the state's Regulatory Review Council and was elected to membership in the American Law Institute. He has delivered a number of talks on professional regulation and in May provided an anti-trust update to the Arizona State Bar Association at its annual convention. He is engaged in a study for the Administrative Conference of the U.S. on "Representation by Nonlawyers in Administrative Agencies," and is advising on an upcoming *Law Journal* project on state regulatory reform. Professor Rose continues to serve as Chairman of the Antitrust Section of the Arizona Bar Association.

■ **Milton R. Schroeder's** revision of the *Bank Officers Handbook of Commercial Law*, fifth edition (with Beutel) is completed, for Warran, Gorman and LaMont. He serves the University as Faculty Representative to the National Collegiate Athletic Association (NCAA) and Pacific Athletic Conference (PAC 10).

■ **Ann M. Stanton's** article, "Child-Parent Testimonial Privilege: An Examination and Proposal," will appear in the Spring issue of the *Family Law Quarterly*. She is working on manuscripts dealing with the property rights of unmarried cohabiters and on the standard of proof needed in the termination of parental rights, and will soon begin work (with Professor Ellman) on a Family Law casebook. Professor Stanton was a panelist on the "Use of Empirical Research in Litigation" at the law and social science program of the Association of American Law Schools in Philadelphia, this past January, and is President-elect of that section. She also serves on the executive board of the "Women and Law" section of Association of American Law Schools.

■ **Karin Kirksey Zander** continues service on the Board of Directors of Community Legal Services.

## Law Journal Completes Major Project on Usury

The first issue of the 1981 volume of the *Arizona State Law Journal* includes a 265-page Special Project entitled "Usury and the Monetary Control Act of 1980." The project includes contributions from four student members of the law journal dealing with the history of usury, the Arizona usury laws, federal controls over the financial system, the effect of deregulation and the Monetary Control Act of 1980 on the mortgage market, and the future of usury. Student contributors are James M. Ackerman, Kimberly Graber, Ralph Wexler, and Michael Ahearn. The project also includes a study of the economic effects of usury laws in Arizona by William J. Boyes, an Associate Professor in the Department of Economics on campus, and Nancy H. Roberts, a doctoral candidate from the same department. Funding for the project was provided by the Arizona State University Provost's Research Fund and supplemented by the College of Law. This funding enabled the student contributors to begin their research and writing in the summer between their first and second years of law school, uninterrupted by demands of outside employment, and also provided necessary summer support for the faculty supervisors of the project, Professor Boyes and College of Law Professor Dale Beck Furnish. Professors Furnish and Boyes conceived the usury project in conjunction with the 1979-80 law journal staff, headed by Editor-in-Chief Barbara M. Torrez '80. The Editor-in-Chief of the *Arizona State Law Journal* while the project was being carried out was Victoria S. Lewis '81.

The major conclusions of the usury study, which has generated considerable reader interest, were that federal intervention in the money markets has made state controls problematical and that states should evaluate new usury legislation under certain criteria, suggested by the study. This second conclusion was based on findings that the laws usually have set usury rates well above free market levels so that they have no effect. Yet, when the free market hits the legal limit, the effect is to make credit scarce or unavailable to the neediest borrowers, whom usury is supposed to protect. The study had special importance to Arizona, a capital-importing state, whose usury laws may have cost residents \$500 million of potential income in the latter part of 1979.

The usury project was the second summer project in a series which the *Arizona State Law Journal* hopes will become a traditional summer undertaking, enabling new second-year members to participate at an early state in research and writing on timely and important topics. The first such special project appeared in the 1980 volume of the law journal under the title "Survey of Abortion Law." It

was initiated by former Editor-in-Chief Ronald Kilgard '79 and his Executive Editor James Howell '79, and the bulk of the work was carried out under the leadership of Kilgard's successor Barbara M. Torrez. The abortion project also received critical funding from the Provost's Research Fund and the College of Law, supporting the student writers and their faculty advisors during the summer. The student contributions from Anthony N. Cabot '81, Carole P. Clark '81, and Paula S. Bickett '81 included pieces on the history of abortion law, perspectives of the concept of viability of the fetus, and problems concerning federal funding of abortion. Funding was also provided for important statistical analysis carried out by two graduate students from the Department of Sociology, Terry R. Grib and June E. G. Meitz. They analyzed the impact of changes in Arizona's abortion funding, reaching what may have been a startling conclusion that discontinuance of the use of county funds in Maricopa County to subsidize elective abortions had no effect on the actual abortion rate in the county. The advisors on this project were College of Law Professors Dale Beck Furnish and Ira Mark Ellman.

A third Special Project was begun in the summer of 1981 under the faculty leadership of Professor John D. Leshy of the College of Law. The project is tentatively titled "Irrigation Districts in a Changing West" and proposes to focus on the nature of irrigation districts, their powers, and the various forms of federal and state regulation that affect them. The project hopes to place particular emphasis on the effects of urbanization on the changing role of irrigation districts. Funding for this project has been provided by a grant from the Ford Foundation and has been used to support the work of Professor Leshy, Professor John McDowell, an Assistant Professor in the Department of Economics, three second-year law journal summer writers, David L. Lansky, Lenni Beth Benson, and Mark Wilson, and one economics graduate student, Keith Ugone. This project is being carried out under the overall direction of current Editor-in-Chief Mark Karolczyk and Special Projects Editor Gary Gotto. The results will be published in an early issue of the 1982 volume of the *Arizona State Law Journal*.

During the summer of 1982 the special project work of the law journal will continue. A study of regulatory reform at the state level will be undertaken. In particular, the project will determine which methods of deregulation are the most efficacious, and analyze the legal limits on state legislature or executive powers in implementing regulatory reform. The project will be conducted under the guidance of Professor Jonathon Rose of the College of Law.



These special projects constitute valuable contributions to current legal literature and at the same time provide invaluable educational and writing experiences for the personnel involved, particularly the student contributors.

The *Arizona State Law Journal* expects to continue these projects and hopes that the successful completion of the first four will lead to a permanent source of funding.

## Computers and the Law Library

The 1980's will be the decade of the computer for the Arizona State University Law Library. Computers are being used both directly and indirectly to improve or supplement the quantity and quality of legal research done in the library. There are now three computer terminals and a computer-produced, automated microfilm index located in the law library.

In January of 1980 the College of Law acquired LEXIS, a computer-based rapidly interactive, full-text legal research system. A contract was negotiated that allows access to this growing data-base for many hours a day, though its use is restricted to students or faculty working on school-related projects. The library staff oversees the use of the system and provides instructions for the students.

As a research tool, LEXIS greatly expands the researcher's ability to rapidly locate and retrieve cases. It is designed to accomplish some research tasks that cannot be done by manual research. Furthermore, it provides a different dimension to research as the user searches for cases containing a term or combination of terms believed likely to appear in the language of relevant cases. Thus the researcher is not restricted to the predetermined subject headings of traditional research tools such as digests and indexes.

LEXIS does not replace traditional legal research materials and methods but is a powerful supplement. While LEXIS allows the researcher to interact with cases and the language of the courts and rapidly retrieve relevant materials, success in use of this tool is dependent, as it is with the traditional approach, on the individual. Poorly framed search requests will produce unsatisfactory results.

Another computer terminal has been installed in the library that provides a direct link to the University's Computer Center and its computer system and program's library. This will permit faculty and students, conducting research that includes data gathering, to store and analyze it with standard statistical programs. This equipment may in the future, depending upon the budget and faculty and student interest, provide access to independent research data bases, such as Lockheed's Dialog Service and System Development Corporation's Orbit Search Service. These services could make available 175 or more data bases in the field of business, social science, science and technology, government documents and legal and general periodical literature.

Another possible use involves developing or adapting existing programs and materials for use in teaching various areas of the law. For example, computer aided instruction (CAI) materials have been developed at both the University of Illinois College of Law, Champaign, and the University of Minnesota Law School and are in use by approximately 20 law schools for instructional purposes. Subject areas include evidence, civil procedure, torts and trial practice.

In March 1981, the law library joined a regional network of On-Line Computer Library Center (OCLC), Inc., and a computer terminal has been installed in the offices of the library. OCLC operates an on-line computer network used by over 2500 libraries in 50 states, Canada and other countries. There are more than 3000 remote computer terminals in the network connected to a very large data base containing over seven million bibliographic records of books and other library materials.

When the library has completed the retrospective conversion of our catalog cards to machine-readable format and completed the cataloging of our serials collection, several exciting options will be available. The library could adopt a computer output microfilm catalog and, in the not too distant future, an on-line catalog. Acquisition and circulation procedures might also then be added to this same computer system. Already it is possible to utilize the computer network to increase the prompt availability of library resources for patrons. In addition, using the computer network will help reduce the rate of increase in cataloging costs.

Two computer-produced indexes were added to the law library in 1980. The current Law Index, published by Information Access Corporation under the auspices of the American Association of Law Libraries, indexes over 680 legal periodicals beginning with the 1980 imprint of each periodical. It is a printed index issued monthly with quarterly and annual cumulations.

The Legal Resource Index contains the same material but it is produced on microfilm and read on a specially designed automated reader. Each month, a new cumulated reel of microfilm is placed in the machine so the reader does not have to go through separate issues as with printed indexes.

In addition to the 680 legal periodicals, it contains materials from the popular periodicals, national newspapers and six legal newspapers. It uses Library of Congress

Subject Headings and has much improved the indexing of legal periodical literature. These indexes are kept with our periodical collection for the use of our patrons.

By contract, LEXIS and the terminal that is linked to the University's Computer Center are available only to faculty, staff and students doing law school related research. The community at large, however, is benefited as the research efforts of the faculty are enhanced and the training of the students is broadened. The OCLC terminal is used only by the library staff, but patrons are helped as the

speed and accuracy of the library's cataloging and inter-library loan activities are improved. The computer-produced indexes are for public use and have greatly improved retrieval of articles in current legal periodicals and newspapers.

A goal of the Law Library is to adopt any feasible technological advance that can improve legal research. Computers have demonstrated their usefulness and will now play an important role in the operation and research services of the Arizona State University Law Library.

## Ford Foundation Grant Provides for Study of Irrigation Districts

The College of Law has received a grant of \$25,000 from the Ford Foundation to conduct an interdisciplinary study of the legal, economic and equity implications of the operation of irrigation districts in urbanizing areas of the West. The study is now being carried out under the general supervision of Professor John D. Leshy, College of Law, along with Assistant Professor John McDowell of the Department of Economics in the College of Business Administration. Honors law students Lenni B. Benson and David L. Lansky with Department of Economics graduate student Keith R. Ugone are the principal investigators.

The generic label "irrigation district" is usually applied to special governmental districts in the West which are cloaked with the usual attributes of government. As the label suggests, these districts were originally established to administer agricultural irrigation projects, often constructed by the federal government under the reclamation program. But as urban areas in the West have mushroomed, particularly in the past couple of decades, many of these districts now serve water to substantial municipal populations as well. Furthermore, some such districts have been given authority to generate and sell electricity for both farm and, increasingly, non-farm use.

Two features of irrigation districts raise important questions of public policy in this era of inflating water and power costs, particularly in the increasingly urban and water-short West. First, these districts typically are not subject to careful scrutiny by federal or state regulatory authorities or the courts, and instead exercise near-plenary power to set rates for the sale of water and power within their service areas. Second, the right to select governing boards of these districts is often limited to property owners apportioned on a per acre basis. Both features stem from the original purpose of these districts — to protect and foster agriculture. Taken together, they mean that many water and power customers and others affected by their operations have essentially no voice, at least formally, in district policies.

The College of Law study is focusing on a few large irrigation districts whose functions have been transformed in recent years by urban growth. Central Arizona's Salt River Agricultural Improvement and Power District (SRP) is perhaps the preeminent example, for it has evolved from exclusively rural origins to become the nation's largest water and power special governmental district, supplying well over half the municipal water and electrical power to metropolitan Phoenix. In evaluating districts like SRP, the project is addressing the following issues:

1. What authority over water and power supply do the Western states vest in irrigation districts, and how do they differ legally from private suppliers such as regulated public utilities?
2. What is the relationship between state irrigation districts and federal reclamation law, and what regulatory powers do federal agencies have, and exercise, with respect to these districts?
3. What are the economic effects of the special governmental status conferred on these districts and their exercise of delegated powers over water and power?
4. Are current provisions for selecting governing boards for such districts constitutionally sound and adequate to protect the public?

That these issues are of substantial current concern is illustrated by the growing competition between agriculture and municipalities for increasingly scarce water supplies in much of the Southwest, the perceived need for water conservation and better coordination in water management, and the recent Supreme Court decision in *James v. Ball*, 101 S.Ct. 1811 (1981) which held, 5-4, that SRP was not subject to the one-person one-vote principle in electing its governing board.

The Ford Foundation grant will result in a special symposium of articles to be published in a forthcoming issue of the *Arizona State Law Journal*.



# Clinical Programs Enhanced by Recent Grant

The College of Law has received an award of \$42,500, authorized under Title IX of the Higher Education Act of 1965, that is designed to provide intensive and individualized supervision for third-year students enrolled in the clinical programs offered by the law school. It is anticipated that students in the clinic, as a result of the grant, will be able to work on increasingly sophisticated legal problems under the close supervision of experienced lawyers.

The Title IX grant consists of several components. First, the federal government has provided funds for the College to hire a supervising attorney for one year to assist Carla Gene Ryan, the Director of the Civil Clinic. The new staff attorney is Lawrence B. Weeks, the former Managing Attorney of Community Legal Services, Prescott Office. He will supervise individual students in the clinic in the preparation and trial of cases, in addition to participating in the Civil Clinic Seminar.

In addition to the new staff attorney, the Title IX grant provides funds for expert witnesses, translators and steno-

graphic depositions for each of the clinical programs at the College. The expert witness fund, in particular, provides a unique opportunity for students to engage in challenging and stimulating legal work while enrolled at the College. It is anticipated that student interns will consult with experts from several other disciplines in the preparation and trial of their cases, enhancing the richness of their clinical experience.

Professor Gary T. Lowenthal is the Project Director for the Title IX grant. To match the federal funds provided under this grant, the College is offering a new course, entitled the Lawyering Process. This course is designed primarily for second-year students, to develop an overview of lawyers' roles, responsibilities and skills, before the students enter the College's clinical programs in the next and last year of law school. The course is taught by Professor Lowenthal, along with four experienced trial lawyers from Phoenix. There were 114 students enrolled in the course during the fall 1981 semester.



Gary T. Lowenthal



Carla Gene Ryan



Lawrence B. Weeks

# Willard H. Pedrick Scholars

The College of Law has instituted the Willard H. Pedrick Scholars in recognition of students who excel academically. Each semester, second- and third-year students, who complete ten graded hours with a minimum grade point average of 85, will receive a certificate naming them Pedrick Scholars. Likewise, each semester first-year students, who complete the full course load of 16 hours with a minimum grade point average of 85, will be eligible for the award.

The first awards were made following the 1981 Spring Semester, and for this first presentation all students whose grade point averages placed them in the top twenty percent of their classes also received a Pedrick Scholar certificate.

The program is named after the founding Dean of the College of Law, member of the law faculty, and nationally recognized scholar, Professor Willard H. Pedrick.

## The First Willard H. Pedrick Scholars

### Spring 1981

#### THIRD-YEAR CLASS

Mary J. Alexander	Carole P. Clark	Douglas Gerlach	Alison Lewis	Diana Parton	David Allen Weatherwax
John M. Antieau	Deanna Delmar	Vickie Gotkin	Victoria S. Lewis	Michael Peter Shiaras	Ann Elizabeth Woodley
James Martin Balogh	Ann Marie Dumenil	Carolyn Litten Harris	Alix Rachel Magid	Yvonne Joy Strouf	James B. Wright
Paula Susan Bickett	Rita A. Eisenfeld	Joseph M. Hennelly, Jr.	Roger O'Sullivan	Robert P. Ventrella	Joyce A. Kline Wright
Anthony Nathan Cabot	Karl Jeffrey Erhart	Brian Imbornoni			

#### SECOND-YEAR CLASS

James M. Ackerman	David W. Dow	Linda L. Hudson	Kaye L. McCarthy	Duane E. Okken	Ann M. Simonson
Michael J. Ahearn	Richard M. Elliott	Sandra R. Kane	William R. Medsger	Richard C. Onsager	Stephen R. Smith
Thomas C. Arendt	Jane E. Evans	Mark E. Karolczyk	Howard M. Messinger	Phyllis H. Parise	Lawrence J. Smylie
Julia C. Attwood	Robert M. Frank	Steven Keller	Jonathan P. Meyer	Lance B. Payette	Margaret L. Steiner
James B. Ball	John P. Golab	David L. Kurtz	Judith Miller	Michael R. Perry	David A. VanEngelhoven
Kathryn Busby	Gary A. Gotto	Philip L. Latish	John T. Moshier	Susan Sendrow	Ralph J. Wexler
Catherine Connor	Kimberly J. Graber				

#### FIRST-YEAR CLASS

Lennie B. Benson	Jo Ann Joy	Joseph Maziarz	David J. Rivers	David R. Schwartz	Randall S. Theisen
Mark R. Dauber	Allen Kalsbeek	Alan A. Meda	Dwayne E. Ross	Janet W. Sell	Susan D. Ward
Jessica Y. Elliott	Eric W. Kessler	Hope P. McGowan	Philip R. Rupprecht	Sharon G. Shively	Mark D. Wilson
Andrew S. Hendricks	Amy G. Langerman	Patricia E. Nolan	Daniel G. Rye	Karen Tarr	Jeffrey C. Zimmerman
Lee A. Johnson	David L. Lansky	Richard E. Oney			

### Fall 1981

#### THIRD YEAR CLASS

Michael J. Ahearn	Pamela Culwell	Debra Gregerson	William R. Medsger	Lance B. Payette	Gloria Sturman
George Bock	Kimberly Graber	Kaye L. McCarthy			

#### SECOND YEAR CLASS

Richard Cole	Jessica Y. Elliott	Richard Hine	Patricia Magrath	Philip R. Rupprecht	Susan D. Ward
Bruce Crawford	Bruce Erusha	Michael Johnson	Joseph Maziarz	Daniel G. Rye	Jeffrey C. Zimmerman
Timothy Dickerson	Andrew S. Hendricks	Joseph Kendhammer	Steven Mesaros	Janet W. Sell	

#### FIRST YEAR CLASS

Virginia Barklow	Lynne Bonanno	David Damore	Coni Good	Jane Nicoletti-Jones	Gregg Temple
Nancy Bayless	Barbara Borden	Pamela Doak	Lizbeth Griffin	Victor Russo	Christopher Ware
Michael Bengtson	James Burns	Jody Falk	Cindy Hansel	Chad Schexnayder	Louise Werho
David Beychok	Paul Cereghini	Edwin Fleming	James Kneller	Rita Schmitz	Craig Williams
Robert Boatman	Scott Crowell	Natalie Garth	Charles Neuzil	Robert Solliday	



# Law School News Briefs

## New Faculty and Staff

■ Professor Charles R. Calleros joined the faculty in the Fall of 1981 after two years with the United States Court of Appeals, Ninth Circuit, as law clerk to both the central staff and Judge Procter Hug, Jr. Calleros earned a law degree with honors at the University of California at Davis and a B.A. in Economics with highest honors at the University of California at Santa Cruz. He teaches Contracts and Legal Writing in the first year and offers a Civil Rights Legislation course for senior students. Last summer he taught in the Arizona State College of Law sponsored Council on Legal Education (CLEO) Institute. He is a member of the California and Arizona Bars.

■ Professor Robert D. Bartels joined the faculty this semester after ten years on the University of Iowa law faculty where he established an exemplary clinic program. During his service at Iowa, he and his students handled a number of cases before the United States Supreme Court, many before the Eighth Circuit Court of Appeals and the Iowa Supreme Court, and conducted numerous trials in federal district court and the state courts of Iowa and Colorado (where in 1975-76 he was a visiting faculty member). In addition to his clinic teaching and service, Bartels has taught courses in the areas of criminal and civil procedure, evidence, and the lawyering process. His law degree is from Stanford University and his B.A. from the University of Michigan. He is currently teaching civil clinic and evidence and will offer an environmental law course.

■ In the fall, Dean Alan A. Matheson announced the appointment of Edward A. Johnson to the newly created position of Community Relations Director for the College of Law. As Director of Community Relations, Johnson's duties include organizing public relations, alumni activities, continuing edu-



Charles R. Calleros

cation seminars and community outreach programs for the College of Law. Johnson, a member of the Iowa bar, holds a B.S. degree from Morningside College in Iowa and a J.D. degree from Creighton University School of Law. He is currently working on a dissertation for a Ph.D. degree in Higher Education from Arizona State University. Johnson served for two years as the Director of Alumni Relations at Morningside College and was responsible for annual fund campaigns, deferred giving, and special fund-raising as-



Edward A. Johnson



Robert D. Bartels

signments in addition to continuing education activities for alumni. He also worked as a Research Associate on the Arizona State University campus for the Dean of Students, the Provost and the President.

■ Annette M. McQueen recently was promoted to the position of Admissions Officer, replacing Susan Banes who resigned in order to spend more time with her infant son, Christopher. McQueen is a graduate of the University of Kentucky with a major in English. Her former position as receptionist and bookkeeper for the College of Law has been filled by the appointment of Audrie Kirksey.

## Visiting Faculty

■ During the Spring Semester, W. Willard Wirtz, former Secretary of Labor and Professor of Law, served as the Merriam Distinguished Visiting Professor teaching a Labor Problems course. Next spring, the Hon. Hans Linde, Oregon Supreme Court Justice and former Professor of Law at the University of Oregon, will be in residence as the Merriam Professor and will teach a Constitutional Law course. The Merriam Distinguished Visiting Professorship is made possible by a gift from the

Charles J. Merriam family and has contributed greatly to the educational vitality of the college. Mr. Merriam was a well-known patent attorney, who originally practiced in Illinois but later moved to Arizona. Past Merriam Professors have been Professor Louis B. Schwartz of the Pennsylvania Law School and Professor William Cohen of the Stanford Law School.

■ In addition to Professor Wirtz, the law school benefitted this academic year from the Fall Semester visit of Professor Frederick Ralph Beddard of Southampton University, England, who offered courses in International Human Rights and Jurisprudence. In the current semester, Judge William C. Canby, Jr. of the U.S. Court of Appeals, Ninth Circuit, offered a seminar on Equality and Wendell Kay of the Alaska State Bar taught Practice Court.

## National Moot Court Team Goes to New York

■ One of the winning teams at last year's First Annual Canby Competition excelled in the National Moot Court Competition. Shawn K. Aiken, Amy G. Langerman and James Wayne Turley finished second in the Inter-Mountain Regional Moot Court Competition held in Salt Lake City, Utah, last November. That showing entitled



The 1981-82 Moot Court Team was composed of Shawn K. Aiken, Amy G. Langerman and James Wayne Turley.

the team to advance to the finals in New York City in January. Of the 153 schools entered in the regional competitions only 29, including the Arizona State University College of Law, advanced to the New York finals. Until their elimination by the Fordham University team, Aiken and Langerman remained undefeated through the first two rounds of competition.

## Canby Competition

■ The Second Annual William C. Canby, Jr. Moot Court Competition was held April 10 at the College with an awards banquet that evening at the Fiesta Inn. The students selected to represent the College of Law in the National Moot Court Competition are Richard D. Hine, John H. Ishikawa, Amy G. Langerman, Gail M. Ledward and Mary Ellen Simonson. John H. Ishikawa was named the Best Overall Advocate. Other individual winners were Amy G. Langerman (Best Oralist), Mary Ellen Simonson (Best Brief), John H. Ishikawa (Runnerup Oralist), and Gail M. Ledward (Runnerup Brief). Denise M. Blommel '78 sponsors the award for Best Overall Advocate; the Maricopa County Bar Association sponsors the award for best brief; and the Law Alumni Association sponsors the other three individual awards. Judges for the Second Annual

Competition included the Hon. William C. Canby, Jr. and the Hon. Carl McGowan of the United States Court of Appeals, Ninth and D.C. Circuits respectively; the Hon. Carl A. Muecke of the United States District Court of Arizona; the Hon. James Duke Cameron of the Arizona Supreme Court; and the Hon. Joseph W. Contreras and Hon. Levi Ray Haire of the Arizona Court of Appeals.

## Commencement and Student Awards

■ For the May 14 commencement exercises in the Great Hall, Gary Anthony Gotto has been named the recipient of the Armstrong Award, the student selected by the faculty as the outstanding graduate. Gotto spoke to the graduating class and guests at commencement and was followed by the principal speaker, the Hon. Dennis DeConcini, United States Senator from Arizona.

■ James M. Ackerman was selected by the faculty to receive the 1982 Alumni Association Outstanding Graduate Award, and Gary Anthony Gotto was the recipient of the Achievement Award given to the graduating student with the highest grade point average.

## Aiken/Langerman Win Jenckes Competition

■ ASU's successful National Moot Court team of Shawn K. Aiken and Amy G. Langerman won the Joseph S. Jenckes, Jr. Competition. The annual ASU/UA College of Law jury summation contest is sponsored by the Arizona Fellows of the American College of Trial Lawyers and has been conducted annually since 1970-71. Past ASU winners are: Daniel Hanlon and James Rhoads in 71-72, and Denise M. Blommel and Robert Koch in 76-77.

## Student Appointments

■ Robert Spurlock was elected President of the Student Bar Association for the 1982-83 academic year, Lynn Thomas Ziolk — Vice President, Chad L. Schexnayder — Secretary, and Robert P. Solliday — Treasurer. Third-year representatives will be Cyn-



thia Anne Certa, Jeannette L. Bickner and Gregory Y. Harris; second-year representatives will be Denise M. Westfall, Thomas Enrique Varela, and Benidia Rice; Christopher V. Johns and Kevin John Witasick will serve as representatives to the Associated Students of Arizona State University (ASASU).

■ The editorial board of the *Arizona State Law Journal* for the coming year has been announced. Philip Ray Rupprecht, Editor-in-Chief, will be assisted by the following editors: David R. Schwartz and Consuelo Marie Ohanesian (Co-Executive); Jessica Youle Elliott and Daniel G. Rye (Co-Topics); Lennie Beth Benson, Gifford Charles Loda and Sharon Brook Shively (Tri-Managing); Randall S. Theisen, Lee Allen Johnson, and Richard Oney (Tri-Outside Articles); and Julie J. Stockwell, Hope P. McGowan and Cynthia Anne Certa (Tri-Student Articles).

■ The student paper, *The Devil's Advocate*, is under the new editorship of David Beychock.

#### Graduate and Professional Opportunities Program (G\*POP)

■ The College of Law has received two fellowships under the Graduate and Professional Opportunities Program (G\*POP), as authorized under Title IX of the Higher Education Act of 1965. The purpose of the program is



Robbin Coulon

to recruit and retain minorities by awarding fellowships for study leading to an advanced degree in a graduate or professional study program. Arizona State University was funded for eight scholarships in four of the five suggested areas — Psychology, Biochemical Engineering, Public Affairs and Law.

Two women, one Black and one Chicano, were recruited with the G\*POP fellowships by the College of Law for entry last fall. Robbin Coulon and Dorothy Macias, both *cum laude* graduates of Arizona State University, will receive a stipend of \$5,000 and all registration fees each year for three years.

The University grant is under the general direction of Dr. Betty Greathouse, Assistant Dean for Minority Affairs in the Graduate College, and the College of Law proposal was prepared by Assistant Dean Susan M. Janssen. Dean Janssen has been involved with the G\*POP since the program first started in 1977. She wrote the initial and continuation proposals for the University and directed the program until she joined the College of Law.

#### Upcoming Fall Conferences

■ The College of Law will host two major student sponsored conferences in October of 1982. The 12th Far West Regional Conference on Women and the Law will bring alumni, practitioners, faculty and students from the Ninth Circuit to the law school for workshops under the theme of "Facing New Challenges." Program details will be sent to all alumni this summer. However, additional information can be obtained from Community Relations Director Edward A. Johnson or Conference Coordinator Patricia J. Brown at 602-965-3403.

■ The Fall Roundtable Conference of the American Bar Association Law Student Division for the 15th Circuit will be conducted under the leadership of current second-year student Gerald P. Richard II. Richard was elected Circuit Governor at the Spring Roundtable Conference held at the



Gerald P. Richard II

University of Colorado in Boulder during March, when he also received the Civil Key Award for outstanding service in the Circuit. The 15th Circuit covers the five-state region of Arizona, New Mexico, Utah, Colorado and Wyoming.

#### Dinner with the President

■ J. Russell Nelson, newly appointed President of the University, and his wife Bonita met with the law faculty and distinguished guests at a fall dinner hosted by Alan and Milicent Matheson. President of the Law Alumni Association Richard H. Lee '76 was in attendance along with many past and present officers of the Law Society and their spouses. Some of the guests included Louis McClennen, Michael L. Gallagher '70, Frank Haze Burch, Gary G. Keltner, Clarence J. Duncan, the Hon. Frank X. Gordon, Edward Jacobson, Orme Lewis, and Elias M. Romley.

#### The Board of Visitors

■ The Board of Visitors was at the College of Law in November to watch and study the educational programs of the law school and visit with faculty and students. Members of the distinguished board of lawyers and jurists were: Gloria Aguilar '73, Frederick M. Aspey '72, John J. Bouma, James E. Brophy, III '74, Robert E. Brown, Frank



David Kaye

Haze Burch, Mariner P. Cardon, Hon. Walter E. Craig, Clarence J. Duncan, Paul F. Eckstein, Michael L. Gallagher '70, Hon. Frank X. Gordon, Jr., Richard Grand, Kevin M. Kane '71, Jarril F. Kaplan, Roger W. Kaufman, Gary G. Keltner, David L. Lange '73, Ilene J. Lashinsky '72, I. Harrison Levy '71, John E. Lundin, Louis McClennen, Ruth V. McGregor '74, Daniel H. O'Connell, the Hon. Sandra Day O'Connor, Robert J. Stephan, Jr. '72, Martha T. Thomas '72, Philip E. von Ammon, Ted F. Warner, and Ronald E. Warnicke.



Willard H. Pedrick visits with Mr. and Mrs. Clarence J. Duncan.

Faculty presentations to the Board included one by Professor David Kaye, Chairman of the Curriculum Committee, concerning the work of the faculty on curriculum evaluation and reform. Professors Charles A. Pulaski, Jr., Willard H. Pedrick and John D. Leshy gave presentations on their research activities. The Board and faculty met for lunch with University President J. Russell Nelson, who also was the guest speaker, and a plenary session completed the day's visit.

#### 1970 and 1971 Class Reunions

■ On Saturday, September 26, the College of Law graduating classes of 1970 and 1971 met for their First Reunion at the Open Air Lath House in Phoenix Heritage Square. The affair included a buffet dinner, a band which provided the music for dancing, and tours of the historic Rosson House. Kevin M. Kane and John M. McVey, both members of the class of 1971, were in charge of the arrangements.

#### Reunion of California Alumni

■ During the California Bar Association Annual Meeting, held last October in San Diego, several College of Law alumni met for lunch with Associate Dean David Kader, who gave each person attending a packet of current information about the law school

and answered questions concerning the programs and faculty of the College. Those attending were Eve T. Bermingham '71, Jud A. Holtey '74, Anthony G. Mesa '81, and Gerald A. Wolf '71. Since more alumni are locating in California, it is hoped the reunion program will continue.

#### Law Alumni Association

■ At the annual winter luncheon, the Law Alumni Association honored Placement Director Virginia G. Stewart with a plaque which reads:

Virginia Stewart — whose influence has guided so many young professionals into the practice of law. Recognized by the ASU Law School Alumni Association for her outstanding contributions to the Law



Virginia G. Stewart



Professors Ira Mark Ellman (left) and Dennis S. Karjala speak with President J. Russell Nelson before dinner at the Matheson home.



School and its graduates. December 11, 1981.

A bouquet of roses, a violin-a-gram with a requested serenade of "Dixie," and the largest attendance for a luncheon meeting were additional tributes to the honored guest.

At the luncheon, the following graduates were elected officers of the Law Alumni Association for 1982: President Timothy G. Burns '80, Vice President Michael W. Sillyman '75, Secretary

Layna Taylor '80, and Treasurer Donna M. Killoughey '79. The following will serve on the Board of Directors: Rebecca White Berch '79, Carol N. Campbell '79, Steve R. Chanen '80, Paul Cruikshank '79, Deanna Delmar '81, Cheryl K. Hendrix '71, Sharon I. Howard '80, Barbara A. Jarvis '79, Kevin M. Kane '71, Dennis P. Kavanaugh '78, Richard H. Lee '76, I. Harrison Levy '71, John J. MacIntyre '80, Susan E. Sanders '78, and Albert E.



**Class of 1970.** Among those pictured are Dean Alan A. Matheson, John S. Lancy, Professor Michael A. Berch, Paul J. Prato, William J. Wolf, Ronald A. Schlosser, Sarah E. Grant, Professor Warren H. Cohen, Michael D. Hawkins, Warren B. Siegal, Galen H. Wilkes, Richard L. Sallquist, Olivia Birchett, Ron B. Fineberg, and Bruce G. Arnold.



**Class of 1971.** Among those pictured are Dean Alan A. Matheson, Professor Michael A. Berch, John M. McVey, William J. Wolf, Kevin M. Kane, Anders V. Rosenquist, Michael B. Scott, Steven H. Williams, Professor Warren H. Cohen, Sarah E. Grant, Jolyon Grant, Guy D. Knoller, Cheryl K. Hendrix, William D. Gorman, Steven B. Yarbrough, Clair W. Lane, Vincent H. Tolino, Olivia Birchett, Daniel E. Ahlstrom, Gerald A. Wolf, Richard A. Gibson, and Benjamin Hanley.

Van Wagner '79.

### Alumni Donations

■ The largest gift from a College of Law graduate has been received anonymously and in the form of Arizona real estate. In a letter transmitting the deed, the alumnus stated, "I have always felt wonderfully privileged to have had the benefit of instruction from as fine a group of teachers as I have ever known."

■ The Sandra Day O'Connor Award for excellence in Constitutional law has been established by Jacqueline Norton Vieh and Barry G. Silverman, both members of the Class of 1976. Judge O'Connor, Associate Justice of the United States Supreme Court, has given permission for the use of her name on the award.

■ Scholarships providing book funds have been established by Kevin M. Kane '71 and George S. Wright '74. The scholarships are awarded each semester to needy students.

### Alumni Annual Fund Update

■ The College of Law has received \$15,758 in gifts during the current campaign which concludes June 30. "This total is \$4,635 more than received all of last year and gives us an excellent opportunity to reach our \$20,000 goal for the year," notes Dean Alan A. Matheson. "We thank all contributors for their generosity and investment in quality legal education."

### Arizona Bar Results

■ Of the 113 College of Law graduates taking the Arizona Bar examination this past summer for the first time, 102 passed which is a 90% pass rate. When the results were announced in October, it was also revealed that Arizona State University College of Law graduates Karl Jeffrey Earhart ranked first and Roger O'Sullivan ranked third among the 342 people who passed the examination.

### Continuing Legal Education Programs

■ The Law Alumni Association offered an Employment Seminar for all

law students during the fall in the Great Hall. Representatives from the Court, government and private law firms participated in the program which provided information on different types of practice and how to pursue jobs. The three-hour program included a general question and answer session as well as an update on interviewing techniques. Participants included the Hon. Joseph W. Contreras, Arizona Court of Appeals; Thomas E. Collins '72, Maricopa County Attorney; Richard J. Woods, O'Connor, Cavanagh, Anderson, Westover, Killingsworth and Beshears; Michael L. Gallagher '70, Gallagher and Kennedy; Rodney G. Johnson, McGowan, Johnson and Dossey; Donna M. Killoughey '79, McGowan, Johnson and Dossey; and the College of Law Placement Director, Virginia G. Stewart.

■ A Child Advocacy Seminar, co-sponsored by the Law Alumni Association and the Child Advocacy Committee of the Maricopa County Bar Association, Young Lawyers Section, was held in the College of Law Great Hall on Saturday, September 26. Topics discussed included physical and emotional child abuse, the role of the Arizona Department of Economic Security, social services provided by public and private agencies, and the role of the child's attorney in legal proceed-



Edward W. Cleary

ings. Among the participants were Robert Budoff, Juvenile Court Referee; Kay Ekstrom, Executive Director, Arizona Foundation for Children; Judith O'Neill, Maricopa County Attorney's Office; Nancy E. Opre '78, Attorney General's Office; Dr. Mary Rimsa, Pediatrician, Maricopa County General Hospital; and Christy E. Wotruba '74, practicing attorney.

■ Also in the fall, Professor Emeritus



Dean Alan A. Matheson and Philip von Ammon meet during the Board of Visitors meeting at the College of Law.

Edward W. Cleary presented a well-attended, continuing legal education program entitled Evidence for the Criminal Practitioner which was sponsored by the Law Alumni Association. The course, which was held at the Central Court Building in Phoenix, was offered in two-hour segments on three consecutive Tuesday evenings. Professor Cleary is a widely recognized authority on evidence and procedure and served as reporter for the Advisory Committee on Federal Rules of Evidence.

### Death of Professor Harold C. Havighurst

■ On October 13, 1981, Professor Harold C. Havighurst, one of the early members of the College of Law faculty, died in Alexandria, Virginia, at the age of 83. A distinguished law teacher at Arizona State University from 1968 until 1972, Professor Havighurst had served as Dean at the Northwestern University School of Law where he taught as a member of the faculty for many years until his retirement in 1967. His professional activities included being a member of the Commissioners on Uniform State Laws and service with the Antitrust Division of the United States Justice Department as a Special Assistant to the Attorney General. His writings, particularly in the field of contract law, have been widely acclaimed, and law students at Arizona State University, who had the privilege of being instructed in first-year contracts by Professor Havighurst, know that he made a great contribution to their legal education. Those members of the present faculty who associated with him in the early years of the College of Law retain an indelible impression of a great legal scholar, an outstanding classroom teacher and a good friend. Professor Havighurst is survived by his wife Marion, a son Clark — a law professor at Duke University — and a daughter Virginia.



# Alumni News

## Alumnae Appointed to Distinguished Judicial Posts

By the formal actions of the President of the United States, the United States Senate, an Associate Justice of the United States Supreme Court and the Governor of Arizona, three alumnae of the College of Law have re-

ceived appointments to distinguished judicial assignments. Ruth V. McGregor, '74, has served this past year as law clerk to United States Supreme Court Justice Sandra Day O'Connor; Sarah E. Grant, '70, was appointed to

the Arizona Court of Appeals, Division One, replacing Sandra Day O'Connor on the bench; and Cheryl K. Hendrix, '71, was appointed to the Superior Court of Arizona, Maricopa County, to replace Sarah E. Grant.



**Ruth V. McGregor** has been associated with the Phoenix law firm of Fennemore, Craig, von Ammon and Udall since her graduation from the law school. McGregor received the Armstrong Award as the outstanding graduate in her class and has continued her relationship with the law school, in part, by serving on its select Board of Visitors. She is the second alumna who has received a United States Supreme Court clerkship. H. Barton Farr, '73, served Associate Justice William H. Rehnquist.



**Cheryl K. Hendrix** was sworn in March 29 to the Maricopa County Superior Court bench on the appointment of Governor Bruce E. Babbitt. Judge Hendrix was with the Phoenix law firm of Hill and Savoy from the time of her law school graduation until her appointment in January 1981, as Court Commissioner for the Superior Court of Arizona, Maricopa County.



**Sarah E. Grant** joined the Arizona Court of Appeals this past January after serving as the first woman Presiding Criminal Judge in the Maricopa County Superior Court. Judge Grant began her judicial service on the Maricopa County Superior Court in 1979. Before her first judicial appointment, she served the Arizona Supreme Court for four years as Chief Staff Attorney and three years as Research Analyst. She began her legal career with the Phoenix law firm of Debus and Busby.

## CLASS OF 1970

**Warren R. Brown** was elected President and Chairman of the Board of Sunpower Systems Corporation in Tempe, one of the largest manufacturers of suntracking solar equipment in the Southwest. He is one of the founding members and serves on the Board of Directors of the Phoenix Symphony Council.

**Irby K. Cain** has been appointed "Pro Tem" for the Phoenix Municipal Court.

**Michael D. Hawkins**, former United States Attorney for the District of Arizona, has joined the Phoenix firm of Dushoff and Sacks. He also has been elected to the Board of Directors of the Maricopa County Bar Association.

**George B. Mount** has been appointed chief of the Organized Crime and Racketeering Unit of the Maricopa County Attorney's Office.

## CLASS OF 1971

**Thomas B. Burns** served as a Director of the Tri-City Bar Association during the 1981-82 year. Membership in the association is open to all attorneys living or working in the Tempe, Mesa, Chandler and east Maricopa County area.

**Christine M. Durham**, who attended the College of Law in 1969 as a first-year student, has been named the first woman justice of the Utah Supreme Court. She also attended the Boston College Law School and graduated in 1971 from the Duke University School of Law. For the past three years, Judge Durham has served on the district court bench. Previously she was in private practice, served as an adjunct professor at the J. Reuben Clark Law School at Brigham Young University, and taught legal medicine at the University of Utah Medical Center and the Duke University Medical Center.

**Ian A. Mac Pherson** served on the faculty of a Legal Assistants Seminar held in the fall which was co-sponsored by the State Bar of Arizona and the Arizona Paralegal Association. He is presently Assistant Attorney General of the State of Arizona.

## CLASS OF 1972

**Harriet C. Babbitt**, a partner in the Phoenix law firm of Robbins and Green, was elected to the Board of Directors of Great Western Bank and Trust.

**W. Michael Kelley** has been promoted from General Counsel to Vice President-Law and Secretary of the New Mexico and Arizona Land Company. He serves the Corporate Counsel Section of the Maricopa County Bar Association as Vice President and is a member of the Arizona State Bar Rules of Professional Conduct Committee.

**Michael E. McNeff** is the law enforcement statesman liaison for the Maricopa County Attorney.

**James A. Rizer** has joined the Maricopa County Attorney's Office.

**Gregory A. Robinson** recently addressed a group of high school teachers and administrators in a Street Law Institute sponsored by the State Bar of Arizona, the Maricopa County Bar's Young Lawyer Section, and the Ari-

zona State University Center of Criminal Justice. He is with the Phoenix firm of Robinson and Lee.

## CLASS OF 1973

**Alice L. Bendheim**, Theodore D. Mote '73 and Macre S. Monson '80 have announced the formation of Bendheim, Mote and Monson. Mote recently spoke at a mini-workshop entitled "School Law: Teacher Rights and Responsibilities", sponsored by the Arizona Center for Law-Related Education and held at the Arizona State Bar offices.

**Jerry C. Bonnett** is the author of the article "Enforceability of a Real Estate Financier's Contractual Right to Increase the Interest Rate When Non-Residential Property is Transferred by the Borrower" which appeared in a recent issue of the *Arizona Bar Journal*.

**H. Whitfield Crail, Jr.** has been elected Vice President of the Scottsdale Bar Association.

**William J. "Bill" Ekstrom, Jr.** has served the last two years as Mohave County (Arizona) Attorney.



John M. Rice '73



**H. Barlow Farr III's** Washington, D.C. firm, Onek, Klein and Farr, is named in the April 1982 issue of *The American Lawyer* as one of twenty "great, new firms."

**John M. Rice** has been appointed director of the Arizona-Mexico Regional Office of the American Arbitration Association. He was formerly with the Phoenix law firm of Venable, Rice, Lee and Capra.

**Mack E. Tarwater** is now an associate with the Phoenix law firm of Murphy, Ingraham and Clements.

**Walter R. Ulman** of the Phoenix firm Ely, Bettini and Ulman was a participant in the Workers' Compensation and Third Party Claims Seminar held in Phoenix during January and sponsored by the Arizona Trial Lawyers Association in cooperation with the Arizona State AFL-CIO.

#### CLASS OF 1974

**Claudeen Bates Arthur** was a member of a panel which discussed Water and the Indian Future, part of a national symposium on Indian Water Policy held recently in California. She is Field Solicitor with the U.S. Department of the Interior, Window Rock, Arizona.

**John G. Gliege** was a speaker at the Street Law Institute held on the Arizona State University campus and co-sponsored by the State Bar of Arizona, the Maricopa County Bar's Young Lawyer Section, and the Arizona State University Center of Criminal Justice.

**Emily Jenkins-Reed** is counsel to the firm of Kenneth R. Reed, P.C. which specializes in the areas of anti-trust law and general commercial litigation.

**George H. Rodgers** has relocated his office to 6601 South Rural Road in Tempe.

**James W. Ryan** served on the faculty last fall for a continuing legal education program entitled "Freezing Estate Taxes; New Techniques in Preferred Stock Recapitalizations and Partnership Freezes." The event was co-sponsored by the State Bar of Arizona and

the Arizona Paralegal Association. Ryan is a partner in the law firm of Lancy, Scult and Ryan.

#### CLASS OF 1975

**Dan E. Adams** has become a partner in the firm of Kirkland and Ellis, Washington, D.C. The firm also has offices in Denver and Chicago.

**Guadalupe I. Iniguez** served on the Advisory Board of the Eleventh Far West Regional Conference on Women and the Law which was held last fall at the University of Santa Clara School of Law. She has been appointed to the Phoenix Board of Adjustments and is associated with the firm of Burch and Cracchiola.

**Keith G. Larsen** was recently named a partner in the Salt Lake City, Utah, firm of Greene, Callister and Nebeker.

**Dougal B. Reeves, Jr.** has been elected to serve on the Board of Directors of the Scottsdale Bar Association.

**Susan K. Smith** of Olsen-Smith, Ltd. participated as a faculty member in a continuing education program on Basic Estate and Gift Taxation, held in early March and co-sponsored by the American Law Institute, the American Bar Association, and the State Bar of Arizona.

**David M. Thomas** is working with the Arizona Legislative Council.

#### CLASS OF 1976

**Michael M. Grant**, an associate with the Phoenix firm of Shimmel, Hill, Bishop and Gruender, hosts *Horizon*, a television program originating from KAET-TV, Arizona State University's Public Broadcasting Station.

**William M. Lawson, Jr.** was recently named a partner in the Phoenix firm of Warner, Angle, Roper and Hallam.

**Jon E. Pettibone**, a member of the law firm of Lewis and Roca, participated in a State Bar of Arizona continuing legal education program on Labor and Employment Issues for 1982.

**Jose de Jesus Rivera** has joined the Phoenix firm of Langerman, Begam, Lewis and Marks. He serves the Arizona State Bar as Chairperson of the Prison Rehabilitation Committee.

**Susan M. Swick** assisted in the Maricopa County Bar Association Mini-Continuing Legal Education Series entitled "Preserving Corporate Confidences." She is presently International Counsel at Motorola, Inc., where she practices in the areas of international law and commercial litigation.

**Richard C. Underwood**, who is associated with the Phoenix firm of Snell and Wilmer, recently received an LL.M. in Taxation from New York University.

**Thomas G. Watkins, III** is associated with the Phoenix firm of Cahill, Sutton and Thomas.

#### CLASS OF 1977

**Dale R. Gwilliam** has been elected to serve as Director of the Tri-City Bar Association which serves all attorneys living or working in the Tempe, Mesa, Chandler and east Maricopa County area.

**James Robert Junker** has been elected to serve on the Board of Directors of the Scottsdale Bar Association.

**Persis McClennen** is now working in the Legal Department of the Army Corps of Engineers in Waltham, Massachusetts.

**Laurie F. Shanks** is working in the Arizona Public Defender's Office.

**Glenda M. Ulfers** is involved in consulting with a Tri-State Kellogg funded grant in risk management. She is also Director of Risk Management and Quality Assurance at St. Anthonys Hospital in Pocatello, Idaho.

**Mark D. Winemiller** was named the Volunteer of the Month by the Volunteer Lawyers Program, a joint project of the Maricopa County Bar Association and Community Legal Services. He is a sole practitioner in Phoenix dealing in domestic relations, bankruptcy, wills and estates, and personal injury litigation.

#### CLASS OF 1978

**Paul W. Ahler** is the Assistant City Prosecutor for Phoenix.

**Deborah Anderson** and **Jeffrey R. Baker**, '77, Anderson and Baker, have relocated their office to 572 East Third

Avenue in Durango, Colorado.

**Mark R. Caldwell** recently formed the firm of Friedman and Caldwell located in Phoenix. He is a member of the Social Security Disability Subcommittee of the State Bar of Arizona and was named Volunteer of the Month, a joint project of the Maricopa County Bar Association and Community Legal Services.

**Francis G. Fanning** has opened an office in Tempe for the practice of law with emphasis on juvenile, domestic relations and family practice. He was formerly associated with the law office of Carl W. Divelbiss.

**Mark D. Freitag** has joined the law firm of Kenneth R. Reed, P.C. Previously, he served as Assistant Attorney General, Antitrust Division Office of the Attorney General of Arizona.

**C. Steven McMurry**, who has been an associate of the Los Angeles, California, firm of McKenna, Conner and Cuneo since 1979, is a member of the Arizona Appellate Handbook Committee and the Los Angeles County Bar Association Appellate Courts Committee.

**Steven K. Rendell** has been appointed Deputy Director of the Joint Law Center of the Marine Corps Air Station in Beaufort, South Carolina.

**Susan E. Sanders** is currently serving a one-year term as a Director of the Tri-City Bar Association, which serves attorneys who live or work on the east side of the Phoenix area.

**A. Frederick Schaffer, Jr.**, formerly an associate with the Phoenix firm of Furth, Fahrner, Bluemle and Mason, has opened his own firm dealing in securities law, corporation, partnership and business matters.

**David M. Talamante** is the Assistant Real Estate Commissioner for the Arizona Department of Real Estate.

**John R. Zarzynski** has formed a partnership with Joseph C. Richter and David M. Knetzger under the name of Richter, Knetzger and Zarzynski with offices in Tempe and Phoenix.

#### CLASS OF 1979

**C. Alan Bowman** recently joined the

Brian E. Smith firm in Yuma, Arizona.

**Patrick J. Cunningham** has been named Senior Defense Counsel for the Nurnberg (Germany) Field Office of the U.S. Army Trial Defense Service. The office is the Army's largest court-martial jurisdiction.

**Teri O'Brien** is a staff attorney with Homart Development Co. in Chicago, Illinois. Homart is a shopping center developer and a subsidiary of Sears, Roebuck and Co.

**Nina Rivera Parsons** is a member of the American Bar Association Committees on Commercial Law and Corporations as well as a subcommittee on Bankruptcies. She also serves on the Inspector General's Advisory Consul of the Small Business Administration.

#### CLASS of 1980

**Virginia L. Balmes** is the author of an article in a recent issue of the *Arizona Bar Journal* entitled "Appeals from Adoptions and Parental Termination Orders — A Procedural Roller Coaster."

**Steve R. Chanen** has become a member of the Phoenix firm of Wentworth and Lundin. He assisted in the Maricopa County Bar Association Mini-Continuing Legal Education Series entitled "Preserving Corporate Confidences."

**Suzanne P. Clarke** has co-authored two articles: "Working with Legal Assistants: Professional Responsibility" which appeared in the *American Bar Association Journal* and "Working with Legal Secretaries" in the *Arizona Bar Journal*. In the fall, she served as planning co-chairperson of a continuing legal education program on Legal Assistants which was sponsored by the State Bar of Arizona and the Arizona Paralegal Association. She is an associate in the Phoenix law firm of Lewis and Roca, specializing in civil litigation.

**Thomas K. Irvine**, an associate with Dushoff and Sacks in Phoenix, has been appointed to the City's Commission on the Status of Women.

**Brian E. Kelley** has joined the firm of Richmond and Trujillo in Phoenix.

Richard J. Trujillo graduated from the law school in 1971.

**Jeri L. Kishiyama** has joined the staff of the Arizona Attorney General.

**Scott K. Midgley** has joined the Phoenix firm of Ellis and Baker.

**Macre S. Monson, Alice Bendheim '73, and Theodore D. Mote '73** have announced the formation of Bendheim, Mote and Monson.

**Mary C. Stevens**, after spending a year as a clerk for James Duke Cameron, Associate Justice of the Supreme Court of Arizona, has joined the law offices of James A. Ullman.

#### CLASS OF 1981

**Richard M. Stokes** has accepted the position of Assistant Manager for Government Relations Programs with Nabisco Brands and is based at the company's international headquarters in East Hanover, New Jersey.

**Susan M. Van Slyck** is now an associate with Carson, Messinger, Elliot, Laughlin and Ragan of Phoenix.

#### In Memorium

**Harold C. Havighurst**, Professor of Law (1968-1972); **Clayton H. Morrison '73; Truman R. Young '74.**

#### Missing Alumni

The College of Law would appreciate knowing the whereabouts of the following alumni. If you have a current address for one of these people, please send the information to the *Law Forum* on the attached self-addressed, postage-paid postcard.

Arby R. Beardslee	1971
Francis J. Bentley	1970
Robert D. Brower	1981
Randall L. Gephart	1978
Daniel R. Grijalva	1973
Douglas F. Hadra	1976
Richard W. Harris	1971
Sandra K. Harward	1972
Patrick A. Lee	1973
Alice J. Little	1977
Charles S. Murry	1970
George T. Poppic	1973
Catherine E. Wilson	1978



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