ERRATA

STEPHEN W. CRAIG of WINSTON & STRAWN taught Corporate Reorganization during the fall semester, 1985. We regret our error in confusing Stephen J. Craig and Stephen W. Craig.
Law School Receives Gifts of Art

The College of Law has recently received eight gifts of art from various local and regional artists. Suzanne Brown of the Suzanne Brown Gallery in Scottsdale represents the works of these artists and is responsible for securing the gifts. All of the artists reside in the Southwest. Five are from Arizona. They are all nationally recognized, and some have international acclaim.

The art works have been hung in the newly decorated administrative offices at the College of Law. This location was chosen because it is the main entrance to the law school, and the works can be seen by visitors as well as students, faculty and staff. The College of Law has recently begun the process of renovation to its building in an effort to improve its comfort and attractiveness. This artwork is a significant contribution. A public reception at the College is planned during the 1986-87 academic year.

The gifts of art include two acrylics, two lithographs, two oils, a woodblock print and a serigraph. Specifically, the collection consists of:

-Southwest Triangle,- an acrylic painting by Minnie Dobkins of Las Vegas, Nevada. Several of her pieces can be seen at various banks in Denver, Colorado.

-Holocaust Series, State Two,- a lithograph by Gale Dubrow of Phoenix. Ms. Dubrow received her Bachelors of Fine Arts from Arizona State University. In 1981 she was commissioned to execute the Holocaust Memorial Sculpture for the Jewish Community Center of Phoenix.

-Navaio Family, State II,- a lithograph by Katalin Ellings of Cave Creek. Ellings who is known for her work in batik, was born in Kaosa, Hungary. She has several works displayed within the Valley in-

(Continued on inside back cover)
Dear Alumni and Other Friends of the College of Law:

With this issue, the Forum adopts a somewhat revised format with increased emphasis on alumni activities and accomplishments, interesting substantive issues and extended news about current happenings and developments at the law school. The law school is an extremely exciting place. We hope to convey some sense of that excitement through the Forum. We also hope to be able to follow a regular schedule of twice-a-year publication, with one issue covering the fall semester (distributed in the spring), and a second issue devoted to the spring semester (ready for distribution in the early fall).

As you can see from the contents of this issue, we are in the midst of a great number of positive developments. We are on the verge of beginning construction of a much-needed addition to our physical plant, refurbishing of the present building, including the display of a number of recent gifts of art work, it already underway; we have received a grant from the State Bar Foundation's IOLTA program to establish a new community-service clinical program; the Center for the Study of Law, Science and Technology is beginning a number of interesting programs; our faculty continues to grow with the addition of two exceptional young scholars; we are examining a number of interesting curricular innovations. The quality of our student body also continues to improve in a very gratifying way. Indeed, the median LSAT score of this year's entering class (38 on the new scale; the equivalent of about 660 on the old 200-400 scale) ranks it within the top 25 law schools in the entire United States. This is remarkable progress for a school that has not yet completed its second decade.

Please let us know of ideas about ways in which the Forum—and the school itself—can continue to improve. We keep saying that we want to be as good a law school as we can possibly be, and we mean it. Meanwhile, let me convey warmest greetings on behalf of our students, staff and faculty.

Paul Bender
Dean

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The Future of Conservatism in American Law*

Edwin Meese, Jr.

I am honored to be here today morning as part of the program sponsored by the Barry Goldwater Chair of American Institutions. It is especially gratifying because of the great American this professorship honors and also because of the substantive concerns the Barry Goldwater Chair represents. The political institutions of our great nation have had no advocate more dedicated, more eloquent than Senator Goldwater himself.

The distinguished men and women who have preceded me at this podium serve as proud testimony to Senator Goldwater's unequalled record as defender of our Constitutional order. At the risk of providing merely an echo—I hope my remarks today will further underscore our national debt to the Senator for his many years of tireless public service.

In recent months, I have been involved with others in a debate regarding constitutional interpretation. Last year, in an address before the American Bar Association I suggested the need for a serious regard for our written Constitution. In my judgment, our public officials must be guided by the text of the document and the original intentions of those who framed, proposed, and ratified it. To do otherwise is to substitute contemporary policy preferences for fundamental, enduring principles. I seem to have sparked this debate by my call for the development of a jurisprudence of original intention—a jurisprudence at odds with the approach fashionable in some circles, what might be called a jurisprudence of personal invention.

Needless to say, I welcome this debate and the lasting contributions such a dialogue is likely to make to our constitutional order and the perpetuation of our political institutions.

Today, I would like to speak to a related but slightly different theme. Much of the criticism of jurisprudence of original intention has rested on false premises. There has been a tendency among some to dismiss such an approach as nothing more than conservative ideology cloaked in so-called fundamental principles. Nothing could be further from the truth.

To take the Constitution seriously—its text and intentions—is to rise above the labels of "liberal" and "conservative." A serious regard for our great charter serves all the ideological points along the political spectrum that is American society. But even saying that is unlikely to satisfy our critics completely. Therefore, today I would like to offer a few reflections on what I see as the future of conservation in American law—and, perhaps more important, a few reflections on how that tradition is necessary to the maintenance of our governmental system.

No one, I think, has ever understood the Constitution better than the man often called its father, James Madison. His academic preparations for the Constitutional Convention are legendary. His role in Philadelphia as a spokesman for the nationalists and as the leading theoretician of republican government was unmatched. His great public service in transcending for posterity the work of the Great Convention remains a shining example of a statesman with a sense of history. It is hard to imagine where we would be—or if we would be—had he not lived during that great moment of our national birth.
Madison was blessed with the happy combination of philosophical sophistication and old-fashioned political savvy. He knew what was in it—and most important, how to say it. His contributions in The Federalist to the struggle for ratification remain masterpieces of American political rhetoric, so understood that often the simpler the language, the more powerful the argument.

Thus, he put it simply. "Justice," he said, "is the end of government. It is the end of civil society. It is ever has, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit."

He did not, of course, think liberty would be lost. He believed the Constitution was capable of securing justice and preserving liberty. But what, precisely, did Madison envision? How was this Constitution he had helped design expected to effect that happy union of liberty and justice for all?

The political secret, he thought, lay in the institutional design the Constitution created. By "contriving the interior structure of the government in a particular way," he argued, "its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places.

There had never been a government that was inclined to do too little. There would always be a tendency for government to do too much. Power, this sage from Virginia pointed out, ever had been and always would be a wolf in sheep's clothing.

The solution Madison and his brethren offered was an institutional solution. It was a science of politics that sought to erect hurdles to the various passions and interests that would chafe at liberty.

The particular of the Framers' science of politics were best catalogued by Madison's celebrated collaborator in The Federalist, Alexander Hamilton. Those particulars included:

- The regular distribution of powers into distinct departments—-the introduction of legislative balances and checks—the separation of the government from the judiciary and the legislature by deputes of their own election.

As Hamilton put it, these were "means, and powerful means, by which the excellencies of republican government may be retained and its imperfections lessened or avoided."

- Fundamental to their institutional scheme was the notion of separation of powers. Madison's famous reasons for this structural device of separated powers merits a full hearing.

- The great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others.

Madison concluded:

- If men were angels, no government would be necessary. If angels were governed by men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the greatest difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, therefore, the only security against the oppression of the rulers by the governed."

The “auxiliary precautions” constitute the improved science of politics offered by the Framers as their "Republican remedy for the diseases most incident to Republican Government." The "diseases most incident to Republican Government" were basically two. First, democratic tyranny. Second, democratic intemperance.

The Framers recognized that the problem of majority faction, the abuse of minority or individual rights by an "interested and overbearing" majority. The second was the problem of making a democratic form of government efficient and effective.

The goal was limited but energetic government. The constitutional object was, as Herbert Storing said, "a design of government with the powers to act and a structure to make it act wisely and responsibly."

This idea of separation of powers along with the idea of federalism constitutes the principle structure of American constitutionalism. This is what Madison meant when he said that under the structure of the Constitution "a double security arises to the rights of the people. The different governments will control each other at the same time that each will be controlled by itself."

What this means, in the simplest possible terms, is that the Constitution does not make our liberties dependent upon the good will or the bad will of one ruler or another. Instead, it holds the people as a whole in check. Madison said that the Constitution's Framers did not mistakenly assume that this nation was to be governed by a "philosophical race of kings wished for by Plato." No, they knew they were "yet to enjoy the empire of perfect wisdom and perfect virtue." Sound institutions were thus meant to supply the defects of human reason and virtue.

Recognizing that human nature was marred by man's "fallible" reason and the influence upon that reason by his passions and his interests, the Framers sought to construct institutions that would "refine and enlarge" public opinion. These institutional contrivances—-representation, a bicameral legislature, an independent judiciary, and an energetic executive—would help the Madison's words to "amplify" voluntary cooperation would be forced to pass before being translated into public law and policy. The purpose was not to thwart popular will but to slow down popular passions and give the people "time and opportunity for more cool and sedate reflection."

By hedging against this natural tendency of popular institutions "to yield to the impulse of countervailing passions, and to be seduced by factious leaders into intestine and pernicious resolutions," the Constitution seeks to check popular passions and elevate public reason. As Madison put it, "it is the reason alone that ought to control and regulate the government. The passions ought to be controlled and regulated by the government."

The primary focus of the Framers' concern was, as everyone knows, the legislative power. History proved to their satisfaction that a legislative department generally has the least regard for its activity and to "draw all power into its impetuous vortex." Saying it should usurp the other powers of government was not the point. "Factions or barriers," the Framers knew, were no match for power.

In order to check legislative power, the other, naturally weaker powers—the executive and the judicial—had to be checked. The Framers' plan was to give each institution "an constitutional control over the others." Only in this way could the theory of separation of powers be maintained in practice.

Let me return for a moment to the obvious concern. Popular government presupposes that popular opinion should govern. But popular opinion is not always just. Madison knew this. The object of popular government was to achieve through institutional channels a qualitative not merely a quantitative majority rule. Thus the institutions created by the Constitution—the Congress, the Executive and the Judiciary—each has an indispensable role to play in securing the great ends for which the Constitution was established in the first place: the security and liberty of the people.

And the security and happiness of liberty of the people depends upon the entire constitutional design, not just a single part of it. Civil rights and political liberties are not something that is thought lodged solely even primarily in the hands of any one single institution rather than another. The substantive rights sought by the Constitution's Framers were understood to be secured through orderly and necessary procedures that would be clearly defined by the entire constitutional system.

Sound procedure is a necessary means to achieving substantive justice under the Constitution.

There are obviously some who will disagree. The true substance of American justice, they will tell you, depends upon adherence to procedures more than upon the evolutionary moral vision of public officials. The ends, they will argue, justifies the means—any means—necessary to achieve them.

This view was rejected by the Framers; it must likewise be rejected today.

The greatest strength of the American Constitution is its design to replace the rule of men by the rule of law. The alleged benevolence of public officials is not to be trusted as the basis for our constitutional safety and political progress. This goes for "conservatives" and "liberals." The strength of a conservative ideology is through a disregard for the institutional arrangements of the Constitution is no more palatable to true conservators than the imposition of a liberal ideology.

True conservative recognizes and appreciates that the institutional distillation of popular opinion is fundamental to good popular government. This is not to say popular opinion always has the final word. There are certain cases in which popular opinion cannot be allowed to rule. The Constitution rejects in principle and guards against in practice any simplistic notion of popular sovereignty. Liberty bereft of all restraint is not conducive to good government. "Anarchy," said "liberty may be endangered by the abuses of liberty as well as by the abuses of power."

True conservation respects the Constitution as a document that organizes the processes of government. For example, it means taking the 10th amendment's language that "powers not delegated to the United States by the Constitution, to the States respectively, or to the people" seriously. Even though we may sometimes wish that the "right result" somehow could be imposed nationally, it respects the principle that the states are free to argue and decide, rightly or wrongly, for themselves in many areas. It means that states should be free to manage their governmental operations free from federal interference. It means that federal legislators, federal judges, and federal agents have no right to "go the states or the people" without their consent.

True conservation understands that it is an ordered liberty the Constitution seeks to secure, liberty tempered by a sense of restraint. As the man honored by this Chair once put it:

"Freedom made orderly for this nation by our constitutional government. Freedom under a government that is cooperative in the interests of nature and of nature's God. Freedom balanced so that order lacking liberty will not become the slavery of the prison cell; balance without order lacking order will not become the license of the mob and of the jungle."

This is the fundamental point of the rule of law: to guide us, a free people, between the twin disasters of anarchy and despotism. True conservatism, the conservations of the "powers of nature and of nature's God. Freedom balanced so that order lacking liberty will not become the slavery of the prison cell; balance without order lacking order will not become the license of the mob and of the jungle."

That is what keeps our Constitution and this republic what it has been for nearly two hundred years: "the last best hope of earth" to the cause of freedom.

Thank you.
AIDS—Striving Toward Legal Compassion

Jane Aiken*

As Albert Camus said in *The Plague*,

"Everyone knows that pestilences have a way of recurring in the world, yet somehow we find it hard to believe in ones that crash down on our heads from a blue sky. There have been as many plagues as wars in history; yet always plagues and wars take people equally by surprise. . . . A pestilence isn't a thing made to man's measure: therefore we tell ourselves that pestilence is a mere body of the mind, a bad dream that will pass away. But it doesn't always pass away and, from one bad dream to another, it is men who pass away . . . ."*

The Center for the Study of Law, Science and Technology is sponsoring a national conference called "Responding to the AIDS Epidemic: Constitutional, Legal and Social Policy Issues." The conference is designed to address the innumerable issues that have arisen in response to the spread of AIDS. The disease not only poses significant and difficult medical issues but also creates legal questions hereafter unaddressed. At the conference, speakers from all over the country will discuss the implications of AIDS that have for employment, for private and public insurance, and for public health generally. It will be clear at the close of the conference that AIDS poses a great challenge to the legal system in balancing the needs of a frightened public and the rights of those people who are afflicted with the disease. It is important for the law to confront these challenges by anticipating needs before they overwhelm us.

In order to truly understand the legal implications of the disease, one needs to know a little about its medical history and prognosis. Acquired Immunodeficiency Syndrome or AIDS is acquired damage to the immune system that makes the body susceptible to certain rare opportunistic infections that the body is usually able to fight off. The disease was first identified in 1981. At that time there appeared to be approximately 60 cases in the United States. There are now over 17,000 known cases of AIDS in the United States. The figure is expected to double every 10 months.

There are three levels of infection that are recognized. AIDS is the disease when the person shows signs of immune suppression with a pre-AIDS condition ranging from swollen lymph glands, flu-like symptoms to more serious diseases. It is unclear how many people suffer from ARC. Finally, the third level of diagnosis is a positive test for HTLV-III antibody. In March 1985, an experimental test, known as the ELISA test, was approved to screen blood for the presence of the AIDS antibody. A positive result on this test may indicate that the person has been exposed to the AIDS virus. It does not indicate whether the virus is live or dead. Furthermore, the ELISA test has a high degree of false positives. If a person tests positive twice on this test, a third test called the Western Blot test is used. This test is considerably more expensive but more accurate. It is estimated that between 10-33% of people who test positive for the HTLV-III antibody will eventually come down with some form of AIDS. The Centers for Disease Control estimate that currently as many as 2 million people would test positive for HTLV-III antibody. That figure grows daily.

There is a great deal of confusion about what causes AIDS. Epidemiologists understand how the disease acts in the body. They do not as yet know how to stop it. To date, there is no cure and no vaccine. Most people die within 18 months of a diagnosis of AIDS. AIDS cannot be contracted through casual contact. It is transmitted through blood and semen. Although the virus has been isolated on rare occasions in saliva and tears, medical evidence indicates that the disease cannot be spread through these bodily fluids. There has been no case of a family member getting AIDS from a person in the family suffering from the disease unless born of an infected mother. The virus is not hardy. It appears to require an exchange of blood and/or semen and a host with an already depressed immune system. In the United States, the majority of those persons with AIDS are homosexual men or intravenous drug users. This does not tell us much about the disease. In Africa, the disease affects heterosexual people with no history of intravenous drug use. Despite the clear evidence that AIDS cannot be communicated through casual contact, much of the public has been blinded by fear of this disease. In a recent Los Angeles Times poll, 51% of those polled said that they favored quarantine for persons with AIDS. It is this public fear and misinformation that has given rise to the need for civil libertarian vigilance in coping with the AIDS crisis.

The response to AIDS has come from the public and private sector. Legislative, there have been a number of proposals. Some of the legislation has anticipated the problem of discrimination against those persons with AIDS or persons perceived to be at risk of having AIDS.
Unfortunately, many of the legislative and regulatory proposals reflect a misunderstanding of the disease and create a serious threat to civil liberties. In Arizona, the State Health Department promulgated emergency rules to make AIDS a reportable disease. The Health Department is considering making a positive ELISA test for HTLV-III antibody reportable. Such mandatory reporting of HTLV-III test results also incorporated in a bill sponsored by Representative Franks pending in the Arizona legislature. Senator Kunasek and Representative Baker have introduced a bill that would set up Communicable Disease Advisory Committees. These committees are being considered by the legislature. Several legislatures are considering a mandatory blood test for the HTLV-III antibody before granting permission to marry. These measures are being considered by the Health Department to deal with AIDS and other communicable diseases. Representative Goudski has introduced a bill that would prevent discrimination against persons with AIDS.

The abundance of bills and new regulations dealing with AIDS is not limited to Arizona. New York State’s Public Health Council has added quarantine power and has authorized the permanent closure of gay men’s baths. The Texas Board of Health has proposed a rule to add AIDS to the list of diseases subject to quarantine. The Illinois legislature has proposed a law that would require registration of persons with AIDS and allow for quarantine. The use of the quarantine power raises fundamental issues concerning the exercise of police power and protection of individual liberties. The quarantine laws are broad in coverage and are given great deference by the courts. Generally, the power to quarantine has only been deemed necessary when the disease is communicable and can be communicated by casual contact. The fact that AIDS is a blood borne disease transmitted through the exchange of semen or blood, the use of counterfeit power appears too inappropriate yet states continue to authorize the power to add AIDS to the list of quarantinable diseases.

The Executive Director of the Association of State and Territorial Health Officers urged at a national meeting of that group that there should be mandatory reporting of positive HTLV-III antibody tests and contact tracing of all sexual partners. Wisconsin and Colorado already have mandatory reporting of HTLV-III positive results. The reason for such reporting is unclear particularly when balanced with the potential for discriminatory use. First, the test has limited predictive value since only 10-33% of those who repeatedly test positive come down with AIDS. Secondly, the test is flawed by its high false positive rate. That flaw may be tolerable to protect the blood supply but not for the other purposes that the test may be used. For example, some employers have considered using the test to screen applicants for specified jobs. Other policy makers have considered requiring some workers to carry cards indicating that they are not infected. Only two of the states reported permit children with AIDS to remain in school. Since that time the Center for Disease Control has issued guidelines that indicate that children with AIDS should be allowed into school unless they have open sores. Of course, this has not quieted many parents fears and leaves open many questions on how such guidelines should be enforced.

Dealing with AIDS in prison creates the same tension as making AIDS a reportable disease. The New York State prison population would test positive for the AIDS antibody. Inmates who fear contracting AIDS in prison are calling for mandatory screening and segregation of people who test positive or are diagnosed as having AIDS. Those prisoners with AIDS are fighting the loss of isolation and the restrictive conditions flow from segregation. Medical care in prison is often inadequate and diagnosis of AIDS is often delayed, resulting in early deaths due to a lack of understanding of how the disease progresses. Prison personnel are concerned about the risk of exposure to the AIDS virus and many are unwilling to have any contact with the inmate with AIDS. Prison administrators argue that isolation is necessary to protect the life and safety of the inmate who is diagnosed with AIDS. They note that the spread of the disease is likely given the incidence of consensual and nonconsensual sex in prison. There have been proposals to set up an "AIDS colony"—a specific prison designated for inmates with AIDS. Civil libertarians are troubled by the thinking of the rights of the inmate with AIDS against the rights of the other prison population concerned about the transmission of AIDS.

Doctors knowledgeable in the research concerning AIDS have been in asylum proceedings and have promoted the spread of the disease to educate the public about unsafe sex practices and hygiene needle use. Many state health departments have been approached by groups who are willing to file suit in other states and services concerning ways to prevent the spread of AIDS. These departments have been reluctant to assist financial organizations in the production and distribution on the theory that the government should not assist in criminal activities, i.e., sodomy and illicit drug use. Despite the evidence that education is the most effective means to curb the spread of AIDS, the Center for Disease Control has not published educational materials on AIDS out of concern that the government may be producing pornographic materials.

Not all the views are about the phenomenon of AIDS, we are not able to avoid its impact. In the near future, we will see an ever expanding number of people coming down with the disease and more and more legislation that attempts to cope with the myriad problems that AIDS poses for us as a society. It is essential that we respond to AIDS with knowledge and compassion. We must have the courage and the gaze to ignore the others that go away and the urge to separate ourselves from the victims and punish them for the disease thinking such punishment will keep us safe. We must strive to be "true healers" who see through the eyes of the victims. As Ca-
Should The State of Arizona Divest From American Companies in South Africa?

Richard D. Mahoney '80

Should the state of Arizona allow its pension funds to be invested in U.S. companies doing business in South Africa? Ten states have already withdrawn such monies; another five have conditionally pension investment on proof that the companies in question commit themselves to the Sullivan principles, which require equal pay for equal work, a desegregated workplace, and free labor organizing. The state legislature is now considering a bill passed together by the Arizona Civil Rights Advisory Board that requires companies such as IBM and Honeywell to live up to the Sullivan principles (signatory companies in South Africa are audited each year by Arthur D. Little, Inc.), or face the withdrawal of the approximately $700 million the state pension fund has invested in U.S. companies.

The Board held hearings last December in Phoenix and Tucson and received the oral and written testimony of more than 50 individuals and groups. The Board's recommendation was drawn from its answers to two questions:—Is the cruelty of the South African state so unique that we must set it apart from the other 147 states with which we do business?—What results would our withdrawal of monies from U.S. companies in South Africa have on the Afrikaner regime and black South Africans?

Is South Africa Unique?

Arizona Senate President Stan Turley made the observation following his prepared testimony on December 17 that, however wrong apartheid may be, such repression is not unique—"what about the Soviet Union?" Arizona Republic columnist Pat Murphy and State Representative Jim Hardeman were others. The Board believed this opinion deserved serious consideration.

The simplest reading of the 1985 Amnesty Interna-
tional report produces the conclusion that whatever the measure of state terror—number of executions, incidence of political torture and imprisonment, etc.—South Africa is neither unique in the world, nor necessarily first in its repressive class on the continent of Africa.

What does set South Africa aside is the racial basis of its brutality and depredation, one in which the white state has deliberately upon a web of laws to reduce its 21 mil-

lion Africans (about 72 percent of the total population) to servitude and to strip them of citizenship. Senator Turley (with House Speaker Jamie Sommers's concurrence) pointed out that the white government this past year has dismantled certain laws such as the Mixed Marriages Act, Mike Shea (representing the Arizona Coalition Against Apartheid) and the Arizona Daily Star, however, characterized these reforms as mere "mechanisms for modernizing apartheid." The Board agreed with Mr. Shea.

The enormous gulf between black and white—whose iron wedge is apartheid—remains:

— Black infant mortality rates in the homelands or bantustans into which the African population has been ban-

ned are 20 times as high as white infant mortality rates;
— over 3 million Black children under the age of 15 suf-

fer from malnutrition in Africa's richest state;
— the government spends $1,115 per year on the educa-

tion of each white while his black counterpart receives only $170;
— the white manufacturing worker receives four times the wage as the black for the same job.

As Carolyn Troowbridge put it testifying by behalf of Tuscan Against Apartheid, "separate in South Africa does not mean equal." What became apparent from such testimony and our own reading is that South African law is the central source of this misery. Since 1960, the South African govern-

ment, under its "influx control" law, has forcibly re-

moved over 3.5 million blacks from white areas. Another 1 million more Africans have been forcibly relocated to the bantustans. The immediate result of this forced ex-

odus has been arrests and violent resistance. The long-

term result of forcing the Africans (72 percent of South Af-

rica's people) at the point of the gun to relocate on 13 percent of South Africa's land—barren, to a large ex-

tent—is to doom them to the levels of infant mortality and malnutrition previously maintained.

Apartheid's master device is the requirement under the Abolition of Passes Act of 1956 that all Africans over age 16 must be fingerprinted and carry a pass book at all times to en-

able the police to track their entry into white areas, em-

ployment, etc. In 1982 alone, more than 200,000 Afri-

can women were arrested under this law, South Africa, accordingly, has the highest per capita prison population in the world (440 per 100,000); about half of those in jail for offenses Africans can legally commit.

The Reverend Warren Stewart (Pastor of the First Insti-
tutional Baptist Church in Phoenix), who himself has vis-

ited Soweto, quoted Dr. Martin Luther King, Jr. regarding the paradox of South Africa: "A medicinal segregation is organized with 20th century efficiency. A sophisticated form of slavery is imposed by a majority upon a minority that is kept in bondage.

To come to the first question: the Board believed that the level of violence in South Africa—outrageous as it may be—is not unique; many governments, including some in Black Africa, are at war with their own peoples. What makes South Africa unique is the racial basis for its systematic assault upon the dignity and liberty of the majority of its citizens. The freeing of Black South Africans by the European powers and in America by the brave among us, may well be the cen-

tral achievement of our age. In the second half of the twentieth century, there is still one great banner standing against this global tide—white South Africa.

What Impact Would the Withdrawal of Our Monies Have Upon the Afrikaner Regime and Black South Africans?

We sought to pose this question in the practical—and not moral—realm: "What will happen if we pull out?" The answers we heard regarding divestment's impact on the Afrikaner regime ranged from "the destruction of apartheid" to "nothing at all." It is admittedly difficult to calculate the impact of widespread symbolic actions (such as the one we are contemplating) on any government's behavior. But the white regime seems impervious on all counts. In the first place, the Afrikaners' historical concept of themselves has been to fight to the death whether against the Zulus or the British. They are accordingly armed and ready for the siege and brandish the tenets of the Dutch Reformed Church in arms who might waver. Second, P.W. Botha had every reason this past year—from inter-

nal upheaval to international pressure—to undertake ma-

jor reforms at the eleventh hour and didn't. Instead, he drew in the ajar (the circled wagon) and redeployed his soldiers to direct offensive fire from armored cars at Afri-

can crowds. Aside from his own convictions, there was a political and economic rationale; namely, to protect his ruling Nationalist party from further losses to right-

wing splinter groups which have accused his government of South African appeasement. In the economic realm, pressure seems unsalvaging; when the Chase Manhattan Bank and other U.S. banks refused to roll over some of South Afri-

ca's short-term debt, the government angrily defaulted.

Reform, Botha's Defense Minister Mongal Malan ob-

served in the South African Parliament, will only trigger the floodtides of "black chaos" and ensure white pre-


dominance. The Arizona Civil Rights Advisory Board does not see a serious basis for anticipating change among the Afri-

kaners as a result of divestment.

Does American investment (about $14 billion of which $2.6 billion is direct investment) strengthen the eco-

nomic and military self-sufficiency of the Afrikaner re-

gime? The president of the African Students Union at the University of Arizona, Didier Ngueuma, made a forcible case that U.S. corporations are "the single most fool-

proof source of revenue for apartheid." Control Data Corp. has sold a South African police in violation of U.S. customs regulations; IBM pro-

vides computers to the government, some of which are presumably used for "influx control." Charles Henderson, an executive in the Northern Trust Company, con-

cluded, on the other hand, that in many cases American businesses have been exemplary (e.g. negotiation the first contract with the government in South Africa), by which means now numbers about 270,000). We believe the record is mixed, and our recommendations are based on that judgment.

What is the impact of divestment on Black people? Representative David Bartlett of Tucson pointed out that in the many unknowns regarding divestment, one thing is known: that over 100,000 black workers, many of whom benefit from the salaries and profits provided in the workplace of the American companies, will lose their jobs as a result of a U.S. withdrawal. Mildred Jones, the President of the Maricopa County Branch of the NAACP, agreed but argued that South African blacks are prepared to pay the price of such withdrawal:

The victims of Apartheid will be the victims in the struggle to end it. Our concerns for those vic-


tims and our opposition to institutionalized racism cannot be suppressed by economic considerations given to American businesses which do not aggressively defy Apartheid. Shortly before his death because of his public statement con-

demning apartheid, Steve Bilko stated, "We blacks are perfectly willing to suffer the conse-

quences of (divestment). We are quite accustomed to suffering." Nobel laureate and head of the South African Council of Churches, Bishop Desmond Tutu, has also declined the effect of American investment. Reverend Allan Bosenal, the head of the multiracial United Democratic Front.

Gatha Bethelholz, the Chief of the Zulu nation in South Africa believes the opposite; namely, that blanket divest-

ent—
Equal pay for equal work;
Nonretention of the races in all eating and work facilities;
Initiation of training programs to bring blacks into supervisory, technical and management positions;
Improving the quality of life for minorities outside the work environment in areas as housing, health, nutrition, and schooling;
Minimum wage standards;
Support of the right of black workers to organize and join unions.

Of the 352 American companies in South Africa, 152 have signed the Sullivan principles. According to Arthur D. Little, the corporation assigned to monitor and grade subscribing corporations, of that 152 signatories, 43 companies fully comply (class I); the other two thirds received either failing or inadequate grades. Corporate performance under the Sullivan principles, therefore, has fallen far short of its promise, and this fact occasioned hard commentary from some of our witnesses. Carolyn Trowbridge quoted Bishop Tutu: "Our rejection of the Sullivan code is on the basis that it does not aim at changing structures. The Sullivan Principles are designed to be ameliorative. We do not want apartheid to be made more comfortable. We want it to be dismantled."

According to Mike Shea, when the Ford Motor Company (the largest U.S. employer of black workers in South Africa) asked its African workers to evaluate the Sullivan principles, they responded with a written statement that called the principles "a toothless package...that allows this cruel system of apartheid to survive."

The Board is aware of the deficient record of corporate action to attack apartheid in the workplace as well as the prospect that the Sullivan principles proffer reform in a season of revolution. Nevertheless, we think there is no alternative but to stay and fight, and we think that what leverage we have (which is not great) is best used to inform the American companies into which we have funds to adhere fully and strictly with Sullivan, or else. We think we have a candle to light in South Africa and that no one will gain from cursing the darkness. We note that after its own internal debate on this matter, the national board of directors of the NAACP accepted Executive Director Benjamin Hooks' call for a selective boycott on U.S. companies, the standard being Sullivan. Our recommendation for action does not satisfy our intentions; it only addresses our calculation of results.

Recommendations for Action

The Arizona Civil Rights Advisory Board has recommended to the Legislature and the Governor:
1) that there be no new investment of Arizona pension funds in American companies doing business in South Africa if those companies permit any form of apartheid in the workplace;
2) that Arizona pension funds be immediately withdrawn from companies that do not adhere to the strictest standard of the Sullivan principles (class I).

In making these recommendations, it is important that we emphasize our belief that the American government, more than American companies, is our essential instrument to fight for change in South Africa—and that the policy of accommodation with the whites, known as "constructive engagement," practiced over the past five years resulted in very little more than a carte blanche for Afrikaner renunciation. President Reagan's imposition of sanctions under congressional pressure last September admitted as much; but we lost five years in the realization.

It is fundamental that the U.S. government open a dialogue with the exiled African National Congress, as Secretary of State George Schulz has suggested the white South Africans do. We should move actively to secure Nelson Mandela's release as well as to stop the western flow of technology that is used in the repression of black people.

Great events—as Montesquieu wrote—do not have small causes. And the United States, for all its great political and commercial power, remains a small cause in the South African reckoning. But that must not stop us from doing what we can. Robert F. Kennedy, on tour in South Africa in 1966, told students that "few will have the greatness to bind history itself, but each of us can change a small portion of events, and in the total of all those acts will be written the history of this generation."
College of Law Receives Grant For New Clinical Program

The State Bar of Arizona and the Arizona Legal Aid Corporation have awarded a grant of $50,000 to the College of Law which will enable the College to establish an important new clinical program. Law students entitled to participate in the program will provide representation for low-income and indigent clients under the direct supervision of law school faculty members.

The grant was presented to Dean Paul Bender of the College by the president of the Arizona State Bar, Jerry L. Angele, on January 16. Mr. Angele and Professor of Law, said the grant will be used to add a new member to the law school faculty who will design and supervise a community service clinical program at the Community Legal Services office in Phoenix beginning in April.

Armstrong Hall Addition and Remodeling

The Arizona State Legislature has approved bonding authority to fund several University buildings including a $14,500 sq. ft. addition and $4.5 million dollar project on Armstrong Hall. The addition and remodel project was approved by the Board of Regents and procedures are now underway for the selection of a project construction manager and an architect. The two buildings will be connected on two existing parking lots located south of the New Student Union and east of Armstrong Hall.

The new building will provide classrooms for the College of Law, Science and Technology, and students. The addition and remodel project will provide classrooms and an increase in the student body.

Arizona Water Law

Michael Silfman (75)

The Arizona College of Law Alumni Association sponsored a Water Law Seminar on October 26, 1986. The seminar, which was held in the Great Hall with more than 400 persons in attendance.

Groundwater Hydrology Seminar

The Center for the Study of Law, Science and Technology co-sponsored a seminar on groundwater law with the Department of Civil Engineering at Arizona State University, and the Arizona Hydrological Society. The short course titled "Groundwater Hydrology" was held on December 7, 1985. Groundwater Hydrology was dedicated to the art and the science of investigating, developing and managing groundwater for man's beneficial use. The seminar covered such issues as the history of groundwater hydrology, introduction to terms, hydrogeologic concepts, methods for hydrologic evaluation, groundwater quality and practical applications. Approximately 125 attorneys and others attended this program.

Anti-Discrimination in Employment

The seminar was moderated by Kenneth Finn, the newly appointed and recently confirmed Director of the Arizona State Department of Water Resources.

The seminar was a nuts and bolts approach to the status of water laws in Arizona. The project covered such diverse areas as the authority of the Department of Health Services to promulgate groundwater quality regulations and the impact of these regulations on practical issues under the Arizona Groundwater Code, including proof of 100 years of supplies of water, formation of water districts, drilling problems, service areas, well impact, and the purchase of water rights; urban, agricultural and practice perspectives of water transfers; the adjudication of water rights including the status of Cilla and Little Colorado River adjudications; and federal water rights, the relationship between service water and groundwater and the potential effects of adjudications; and the legal characteristics of water rights.

Alumni and faculty members participating in the seminar included Michael Busy, Professor John Cook and Professor Robert Ashton.

The seminar was the most successful seminar ever sponsored by the Arizona College of Law Alumni Association in terms of attendance and response of those in attendance. It proved to be a valuable public service in identifying topical water law issues in Arizona and was directed to public officials, attorneys, engineers, hydrologists, and city and county area planners.

Groundwater Hydrology Seminar

Jerry L. Angele, President of the Arizona State Bar Association presenting Dean Paul Bender with the IOLTA check.

The IOLTA plan requires savings accounts to be invested in short-term deposits so that otherwise profitable funds may be pooled to generate interest. These funds are then channeled through the Arizona Bar Foundation in order to provide legal services to the poor and public legal education.

According to the State Bar, about 90 percent of Arizona’s banks do not have IOLTA accounts and do not receive civil legal assistance funding because of insufficient funding for legal aid to the poor.

Rhonda Kirkeide in Sociology with a minor in Business Administration.

The Business Manager is responsible for a wide variety of tasks ranging from monitoring the law school budget to coordinating the building remodel and repairs. Ms. Kirkeide also schedules meetings and conferences at the law school. If you are interested in scheduling a function at the College of Law, please contact Ms. Kirkeide at 965-6181.

New Admissions Director Joins College of Law

Although Brian J. Murphy, the law school's first-time Admissions Director only joined our staff in September he quickly found himself on the "recruitment road." He represented the College of Law at various law school venues in the country and in various cities, at a diverse pool of students to our campus. Rather than merely processing unsolicited applications, as was the common practice in the past, the admissions process now requires more active recruiting. "We are interested in attracting students rather than sitting back and waiting for them to come to us," stated Murphy.

During the fall semester, ASU conducted student information sessions at Temple University, the University of Pennsylvania, Princeton University, Columbia University, Brown University, Harvard University and Northern Arizona University. In total, 30 college fairs and seminars were attended in February, as well as 10 at the Phoenix and San Diego campuses. Approximately 500 'prospective law students were contacted in this manner.

In December, a direct mail campaign was launched. Letters from admissions Director Dean Bender were sent to around 900 minority students in the state, encouraging each student to attend the College of Law. Most of these students were minority law students and were interested in attending law school.

Looking ahead, the challenges of a new position as the law school's new Admissions Director, will be easy to market, Murphy stressed diversity and recruitment at the top priorities in the days ahead.

New Admissions Program

With the appointment of a full-time Admissions Director, the College of Law has rede
dedicate all its resources to this function. The College is committed to attracting talented students from all parts of the state.

This entails a substantial increase in recruitment activities, including participating nationwide in pre-law events. We also will explore relationships with state undergraduate institutions and the community at large. Eventually, students, staff, faculty and alumni will have an opportunity to play a vital role in the College's efforts to attract minority students to our law school. In this respect, we look forward to contact with newly admitted students, answering their questions and encouraging their matriculation.

Placement

During the fall semester, law firms and businesses replaced their staffs and the Placement Office reports that 89 employers vio
ded the College of Law's campus and otherwise continued to respond to the College. The College is committed to attracting talented students from all parts of the state.

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ded the College of Law's campus and otherwise continued to respond to the College. The College is committed to attracting talented students from all parts of the state.

Transforming the lives of those who seek legal assistance is the primary goal of the law school and the college. The College of Law is dedicated to improving the lives of those who seek legal assistance and ensuring that all students, regardless of their socioeconomic status, have access to legal representation.

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Guests and Visitors

U. S. Attorney General Edwin Meese spoke on "The Future of Conservatism in American Law" on November 22 at the William H. Pedrick Great Hall at the College of Law. His talk was sponsored by the William H. Pedrick Scholarship Committee of the American Bar Association of Arizona.

Meese graduated from Yale University and from Stanford Law School. He served as a special assistant to the Attorney General of California, a special assistant to the Governor of California, and a special assistant to the Governor of Washington.


Dr. Robert Bowman fue a la Universidad de la Nación de México en 1953. Posteriormente, se licenció en la Universidad de California en Berkeley. Su trabajo se centraba en la dirección de programas de Justicia Penal y la formación de líderes para el área de México.

The spring recruitment pro-

Gothic in the late 19th century. The term "Gothic" was coined in the 18th century by the philosopher William Hazlitt, who used it to describe the style of architecture that characterized the Middle Ages. In the 19th century, the term became associated with the romantic movement, which sought to evoke the spirit of the Middle Ages and to celebrate its values. The Gothic Revival style was characterized by its emphasis on symmetry and balance, and by its use of decorative elements such as pointed arches, ribbed vaults, and tracery. The style was popular in the United States in the late 19th and early 20th centuries, and it is still occasionally used today. -- Wikipedia


Moot Court News

The College of Law's National Moot Court Team at Arizona State University will be competing in the National Moot Court

Student Bar Association Activities

Edward Ranger, President (86)

The Student Bar Association (SBA) meeting for the fall semester is scheduled for October 21. The meeting will be held from 6:00 to 9:00 PM in the College of Law at Room 112. The meeting will be open to all registered students.

The SBA has several activities planned for the fall semester. These activities include a welcome reception for new students, a welcome breakfast for returning students, and a series of guest lectures and panel discussions on legal topics. The SBA also plans to host a Social at a local restaurant.

The SBA is also planning to continue its tradition of hosting monthly Socials and potlucks. These events will provide opportunities for students to meet and get to know each other in a relaxed setting.

In addition to its regular activities, the SBA will be hosting a series of events in conjunction with the College of Law's Career Services Office. These events will include a career fair, a panel discussion on current legal issues, and a guest lecture by a practicing lawyer.

The SBA also plans to continue its tradition of hosting a mock trial competition. The event will be held in the fall and will involve teams from various law schools across the country.

The SBA is looking forward to an exciting fall semester with many opportunities for students to get involved and to enhance their legal education.

Scholarship News

Two outstanding students from the class of 1986, Gary Scott Dukatich and Daniel Joseph Keery, have been awarded $5,000 scholarships in the names of Mariotti, Meyer, Hendriks & Victor and the Law School. Mr. Dukatich received his B.S. from Arizona State University in 1986 and Mr. Keery received his B.A. from Harvard in 1986.

In recognition of superior academic performance, additional entering students received tuition waivers and $1,000 scholarships from the Law Society. These awards were made to students for three years with the condition that they maintain a 3.0 grade point average and maintain membership in the Law Society.

The recipients include: Lynn Rosebrough, Daniel Joseph Keery, Gary Scott Dukatich, Michael Franklin, and William A. Miller. These students will be a part of the Class of 1989.

Bar Examination Results

The oral examination, which was held on July 10, 1985, was administered by the Bar of Arizona. Of the 300 students who took the examination, 176 passed and 23 failed, for an overall pass rate of 73%.

LAW FORUM
In Re Faculty

Michael Altman continued as a participating attorney in the Arizona Sanctuary case. He was quoted in the January 1986 issue of the Student Lawyer in the article "Hiring in the Frenzy" by Peter Korn on issues relating to the "sanctuary movement."

Hannah Arterburn Finch continued as a part-time faculty member at the Arizona State University College of Law. She will be on sabbatical leave for the spring semester to work on a projected article considering the educative role of law in American society focusing on harassment under Title VII of the Civil Rights Act of 1964 as the model.

Roxana C. Bacon, partner at Tack, Tierney & Kasein in Phoenix, taught Legal Profession during the fall semester. Ms. Bacon was a Visiting Professor at the College of Law in 1985.

Robert D. Bartels, as Chair of the Appointments Committee, attended the AALS Annual Meeting in Chicago. He completed the final revisions on the manuscript of his book on State vs. Tripler-ten Iowa murder case.

Dean Paul Bender published a chapter entitled "The Objection and Pornography Report" in the book Media, Social Science and Social Policy for Children, Rubenstein and Brown, eds. (Aldus Pub. Corp. 1985). During the summer he taught a course on the American Bill of Rights at the 12th Annual Human Rights Seminar of the Canadian Human Rights Foundation in Charlottetown, Prince Edward Island, Canada, and also spoke on the Charter of Rights and Freedoms and the U.S. Bill of Rights at a conference at Dalhousie University, Halifax, Canada. In September, Dean Bender delivered his annual review of the Supreme Court term to the NAACP Legal Defense Fund Cooperating Lawyers Institute at Arie House, Warrenton, Virginia. He also spoke on obscenity law to the Phoenix Press Club and on the Equal Protection Clause to a leadership conference of the Arizona Civil Liberties Union. He was appointed to the National Academy of Sciences' Committee to recommend a national strategy for the study of hurricanes and tropical storms.

Alden Bierwisch continued as the President of the Arizona Women's Law Foundation.

Michael Berch published a book, "The Role of Government in the Criminal Justice System," in the fall of 1985 with Rebecca White Berch. He also served as the co-chair of a National Moot Court Team at the national competition in Provo, Utah.

Rebecca White Berch continued as the Director of the Judicial Internship Program at the College of Law. This program has been successful in increasing the retention of our first-year students.

Richard L. Brown was selected Book Review Editor for the Journal of Criminal Law and Policy in October. He won the Local Arrangement Chair for the American Association of Law Libraries Mid-Winter Institute that was hosted by our Law Library on January 8-11, 1986. In addition, he also published an article in Volume 11 of the Rutgers Computer and Technology Law Journal entitled, "Copyright and Computer Databases: The Case of the Bibliographic Utility."

Charles F. Callejo directs the new writing program for the College of Law for the academic year 1985-86. In October he presented a paper, "Variations on the Problem Method in First-Year and Upper Division Courses," to the Conference on Minority Faculty at the University of San Francisco School of Law. He also published an article in the Winter 1985 issue of the Hofstra Law Review entitled "Reconciling the Goals of Federalism with the Policy of Title VII: Subject Matter Jurisdiction in Judicial Enforcement of EEOC Conciliation Agreements."

David G. Campbell of Meyer, Hendricks, Victor, Okons & Maloney in Phoenix is teaching a class on Presidential Powers with Lawrence A. Hammond of the same firm during the spring semester.

The Honorable William C. Canby, Jr. of the United States Court of Appeals, Ninth Circuit, teaches Constitutional Law during the spring semester. Judge Canby is a former member of the College of Law faculty.

Vincent F. Chiappetta, of the Phoenix firm of Meyer, Hendricks, Victor, Okons & Maloney, is the Associate Professor of Law at the College of Law for the fall and spring semesters. In 1986 Judge Chiappetta was the Visiting Professor to the Center for the Study of Law. Science and Technology. See issue on the Law and Science, Vol. 23, pg. 25, et al. note. He will be teaching Law and Technology and will be counseling the Business and Client spring semester.

Stephen J. Craig of the Civil Division of the Phoenix City Attorney's Office joined the faculty as an Adjunct Professor for the fall semester, teaching Corporate Reorganization.

Steven D. Duke, the Law of Science and Technology Professor at Yale Law School, in the 1986 Charles Merriam Distinguished Visiting Professor at the College of Law during the spring semester (see the article on Professor Duke, pg. 21, et al. note). He will be teaching Criminal Procedure.

Richard W. Elliff has joined the faculty of the University of Arizona at Little Rock, where he was the Benjamin J. Altshuler Distinguished Visiting Professor of Law, while in Little Rock he gave a public lecture on December 5th entitled "The Law of the Horizon: Uniform Legislation to Provide New Estate Planning Tools." As one of the Arizona Commissioners on Uniform State Laws, he is currently a member of the drafting committee of the National Conference of Commissioners on Uniform State Laws to prepare a Non-Probate Transfer of Property Act. He also serves as the law clerk to the Conference drafting committee on a proposed Power of Attorney Statutory Form Act. He will attend a three-day meeting of the Committee on January 31-Feb. 2. He continues as the Research Director of the Joint Editorial Board on the Uniform Probate Code. The Board meets twice a year to consider changes to the Uniform Probate Code, and to recommend to the Conference possible new legislation. For several years Professor Elliff has served as a member of the Wisconsin State Bar Committee on Marital Property and the Wisconsin Commission on Marital Property, which is the state of Wisconsin in the Law and the Public Interest, is teaching a course in public interest law during the spring semester.

Mark Hall revisited an article written during the summer entitled "Hospital and Physician Disclosure of Patient Crimes." It will be published in the University of District Law Review. He also wrote a book review of P. Daniel's Medical Malpractice (1985) to be published in the Winter 1986, American Bar Association Journal. He attended a conference in Mesa on "Health Care: Right or Privilege?" and was selected as the faculty member to represent the College of Law in its new London program.

Dennis Hoffman, Associate Professor of Economics at ASU, turned up with Professor David Kaye to teach the course Forensic Economics during the fall semester.

David Kader has taken a sabatical leave for the spring semester and will be teaching as an exchange professor with the University of Southwark in London. Professor Kader will also work on a new article covering the history, techniques and theory of the overruling decisions of the Supreme Court of the United States.
A Conversation with Three Visiting Professors

The College of Law is fortunate in having three prominent visiting professors during the spring semester. Each one has a different background and experience: Steven Duke is a Professor at Yale Law School; B. Leigh Price, Jr., is the Agency Indian Coordinator for the EPA, and Vincent Chiquietti is a member of the Phoenix law firm, Mendelsohn, Hendricks, Victor, Oshorn & Malekin. The interviews were held in February, 1986 and highlight the wide variety of experience and knowledge brought to their teaching.

Have you been here since the Law School was built? I came here for the dedication of the building, which was in about 1961. Most law schools sent representatives. It was a wonderful celebration. The campus has grown enormously since then.

It probably isn't fair to ask you this just yet, but what are your impressions of the College of Law?
The Law School got off to an exceptionally strong start, with a superb Dean, a first-rate faculty, and an excellent building. It seems to have made good progress since then.

I sense ambition to become one of the great law schools, an ambition that can be achieved with adequate financial support. The faculty, administration, and staff have been very friendly and accommodating. The students bear only a physical resemblance to my ASU classmates. They are serious about learning.

Tell us something about your experience as a clerk for Justice Douglas. What kind of influence did this have on you and your professional career?
In terms of my professional development, it was the most exciting thing that happened to me. It gave me confidence in my own abilities. My view of the right thing to do is what was taught at Harvard. I agreed with Douglas because he was the best. He was the most ethical and moral person in my life. He was a true scholar and a wonderful man.

Did you have any idea while clerking for Justice Douglas that he would become such an influential Supreme Court Justice?
I knew he was already.

Tell us some of the highlights of your clerkship.
There are many. One was a case where I represented an estate of a wealthy man. He died and left a large estate to his children. The children argued about who should receive the money. I argued that the children should get the money because the father had already decided that's what he wanted. The Court agreed with me.

Steven B. Duke is the 1986 Charles J. Meriam Distinguished Visiting Professor at the College of Law during the spring semester. He is the Law of Science & Technology Professor at Yale Law School. Professor Duke graduated from Yale Law School in 1961 with an LL.M. after having received his J.D. from the University of Arizona (where he was Editor-in-Chief of the Arizona Law Review) and B.S. from Arizona State University. He was a law clerk to Mr. Justice Douglas of the Supreme Court of the United States from 1959-61, clerking for a time as a Supreme Court Justice at the same time as Justice Earl Warren.

Mark S. Wallace is a partner in the firm of Venable, Blackwelder, Henderson, Victor, Oshorn & Malekin in Phoenix, on campus fall semester for a class in Environmental Law.

Laurence H. Wisecup moderated a faculty alumni seminar this fall on the law and policy aspects of water conservation, current controversies involving those practices, and some of its audiences.

Hugh Zelter will continue his leadership role as Executive Director of the Environmental Protection Agency. Professor Zelter is with the Maricopa County Attorney’s Office in Phoenix.
What case was that, do you remember?
Yes, I do, but I probably shouldn't identify it. There was another occasion when he gave me the opportunity to convert an opinion he'd written for the Court into a dissenting opinion which he had lost his majority. I started from scratch. He got his court back so what was initially a dissent became a Court opinion. It is a totally insignificant case, but it was very unusual experience for a Douglas clerk.

Another noteworthy event that stands out—one of the stories I tell about Douglas—is that he never complimented you. He never said you did a good job. One time he gave me a job on Thursday that required that I tabulate the results of about 30,000 certiorari petitions by Monday. I said that it was impossible. He replied, 'See what you can do.' He gave me the job. I worked all the way through the weekend and was working away on Sunday morning when he came walking in with his dog and said, 'Duke, what are you doing here?' I told him that I was working on that table. He said, 'Oh.' To my amazement, about a half hour before he came in on Monday, I finished it and put it on his desk. He then put it in his opinion, and never referred to it. The one compliment he did pay me, where I turned in the dissenting opinion, that became a majority opinion was, 'Well, it's a little fuzzy, but I guess it'll do.'

How could you evaluate your own job performance?
You felt you did a good job; you'd do it again, fire you, or at least go through the motions of firing you. I was told before I went that I would be fired early in the term but to just ignore it. The story was that he would tell his clerks he fired clerks were all male in those days) and that was the way he put you in your place. He didn't really mean you were fired, he just wanted to remind you that you wouldn't get up with him. He did say some nice things about me to other people, who relayed them to me, as he probably intended.

Was he a loner?
Yes, he ate lunch in his chambers. The other justices ate together in a room, but he ate in his chambers. He was a nonstop worker, strictly business on the job. On the other hand, he invited me to several social occasions. I used to go to Redskins football games with him, went on hikes with him, to his house for dinner several times; he was utterly charming. Away from the Court, he was totally a different person.

What were his outside activities?
He was a hiker, and a naturalist. Those were his major recreational interests. In those days, he also went to a lot of formal parties and semi-political functions, embassy functions and things of that sort. He also wrote a couple of books a year and a half dozen press releases.

Did you see Justice Douglas after you finished your clerkship?
I saw him on an irregular basis. Back in the late 50s, Douglas heard they were going to turn the C & O Canal into a superhighway, and he led a bunch of people in a protest hike. The C & O Canal begins in Washington and ends up in Maryland, or vice versa. It's about 200 miles of old canal, like the Erie, with locks. Boats would come down, and they would close up a lock to allow it to pass through a lock. It is also a transportation route. He led this protest walk and succeeded in getting it declared a national wilderness area, so every year this same group of people would have a commemorative, overnight walk along about 20 miles. I went down for that for five or six years, and then he came up to Yale a couple of times, so I saw him there. I also saw him at reunions with his ex-clerks every five years.

Tell me something about your experience arguing before the U.S. Supreme Court. How were you on the bench and on the scenes and getting ready to appear before them, what were your feelings?
I've argued cases before them. The first appellate argument that I ever made was in the Supreme Court of the United States, so it was not only my first argument for that Court, it was my first argument to any Court. I was apprehensive about that, but the great advantage an ex-clerk has, is that you aren't burdened by awe and reverence for the Court. You've been inside and seen how they operate. You feel as if you know them. You have also seen a lot of arguments. Where did you argue against?
Ralph Spritzer, who visited here a year or so ago. He was an old pro, compared to me, had been with the Solicitor General several years and argued before the Court many times. He scared me more than the Court did. I was a very happy, exciting and fun. I argued again before the Court in 1984. The only Justice I knew was Brennan who had been there when I clerked. Justice Rehnquist startled me when he quizzed me about how they appointed counsel in Arizona in the late 50's. I have no idea how he knew that I knew anything about Arizona.

It is a great experience to have nine very bright people pecking away at you while you are trying to get your point across in thirty minutes. It is far more intense than a day in front to a Court of Appeals, even if you only ten minutes to argue. The experience I have had that it rivals for emotional intensity is trying a murder.

At Yale you are the Law of Science and Technology Professor at the Law School. What does this actually mean?
It is a chair, which means that a donor has endowed the Law School with funds with which to pay my salary, hopefully to encourage that type of work. In my case, there is much science and technology that I know little about and I am not particularly interested or expert in the law of "off" much of science and technology. My major interest is in how legal and technology impact on criminal and procedural issues.

How do you bring science and technology into your area of interest—criminal law and criminal procedure? The technology of information systems is very important in law enforcement and in intruding on privacy.

Seemingly every month or so a new method or device is invented to capture what was previously practically immune from scrutiny. I am also particularly interested in the use and misuse of science in litigation—in determining through the use of a transport lock. It is also important in formulating rules of procedure. You can't intelligently evaluate legal doctrine without reference to what is passing for the facts underlying the doctrine.

Are you doing any research for publication?
I'm working on forensic hypnosis, and I'm also working on a couple of issues on search and seizure. I've been working on hypnosis for 15 years, and I've been heavily involved in trying to get a manuscript finished. I've got a very rough draft of it, but I've laid it aside temporarily because of a short piece on search and seizure, where I am responding to some statistical arguments.

Do you think you'll stay in New Haven and retire there or might you return to Arizona?
I don't know. I don't have much of a retirement plan. If I were to leave New Haven, this would be a likely place because I think it is important when people retire that they don't abandon their roots. It can be very traumatic. I have many Arizona roots. It's a few sets of my grandparents came to Mesa around the turn of the century. I spent the first twenty-five years of my life here. The place is littered with my relatives. Some of my best friends are here. The most fun I ever had was as a student at ASU.

B. Leigh Price, Jr. is currently the Agency Indian Coordinator of the U.S. Environmental Protection Agency in Washington, D.C. Mr. Price is a 1972 graduate of Yale University Law School and is a member of the New Mexico State Bar. He has been with the EPA since 1975 in various positions. Prior to that time, he served as Director for the Indian Legal Information Development Service with the Institute for the Development of Indian Law in Washington, D.C. He has also been a consultant and advisor to the Council of Resource Management Resources (a consortium of 29 American Indian Tribes owning a significant portion of the nation's energy resources) on the issue of the environmental and social impacts of rapid energy development. Mr. Price is a Visiting Professor at the College of Law during the 1995-86 academic year, teaching classes on Indian Law and Environmental Law.

How did you get interested in Indian Law and Environmental issues?
One summer, I did volunteer work for Taos Pueblo in New Mexico. Through contact with the Taos Tribal Government, I learned some of the problems that arise from the special jurisdictional status of Indian tribes. Tribes are, in law, "domestic, dependent Nations," but the Supreme Court has yet to define this concept in any significant detail. As tribal governments evolve into more complex, "citizenship acts" with responsibilities for commercial and environmental regulation, the need for a more precise definition of their place in the American body politic becomes increasingly critical.

I think the next decade should see the Supreme Court take significant steps towards settling the political status of tribal governments in the Federal System. Of course, these decisions will have major direct political implications for the tribes. They could well determine whether tribal governments will be affirmed in a legal and political status sufficient to support future economic and cultural development. Conversely, they may confine the tribes to some advisory or strictly intramural function with the real control in the hands of outsiders.

In the 1970's, I worked on a project for the Institute for the Development of Indian Law in Washington, D.C. I discovered that EPA was making decisions affecting reservation environments without considering or consulting tribal governments. There were real situations where reservation lands had been concerned, the appropriate state governments would have been consulted. I went to talk to the people at the Agency to discuss the legal and institutional changes that were needed to make the environmental statutes work on Indian lands, and eventually, I found myself at EPA working on these problems from the inside.

The Agency has now adopted an Indian Policy that looks to tribal governments to make key environmental policy decisions and run regulatory programs for the reservation. The Agency is not funding tribal programs, seeking legislative amendments to its basic statutory charter, and revamping its regulations to allow tribes to enter the regulatory arena.

I should add that, throughout this all, we have worked closely with the Indian community. The Navajo Nation has been very actively legislatively through their Washington, D.C. office, and the National Congress of American Indians, in particular, has been very watchful and supportive of tribal needs.
As a consultant and advisor to the Council of Energy Resource Tribes (CERT), how did you find the Indian energy policy different from that of the Federal or State Government?

In the early days of CERT's existence, I worked with the CERT tribes, advising on various regulatory strategies for tribes to preserve their environments in the process of developing their natural resources. From the beginning, the CERT tribes have been concerned with the need to control the side effects of major economic and natural resource development projects. These include impacts on the environment, demography, transportation, police and water needs, all impacts associated with the "boom town effect."

The Federal Government has been of very little help as an advisor, perhaps because it is organized into pro-development and pro-environmental political institutions with divergent policies and interests. The CERT tribes, in an effort to control the development of their resources with respect for the long term value of reservation lands, began to hire independent experts rather than rely on the Federal Government. This was part of the original rationale behind the formation of CERT.

Describe the article you are now writing.

My article looks at the legal problems that arise in Indian tribally, with a particular focus on the regulatory control over their reservations. Although I focus on the environmental statutes, my larger purpose is to propose a conceptual framework for viewing the tribal autonomy of regulatory control over their reservations in the broadest sense. Since the end of the Indian wars at the turn of the century, tribal governmental powers have, for the most part, been limited to control over the behavior defined only as tribal members only. Today, however, tribes are going to regulate their environment properly, they must control all reservation pollution sources, whether those sources are Indian or non-Indian. The jurisdiction needed to do this must be territorial in nature rather than racial. This means regulation of non-Indians who, although they may be permanent residents of the reservation, do not vote in tribal elections. Such problems have been addressed elsewhere and can be resolved sensibly in the reservation context, but there has been very little analysis or discussion of these problems in the literature. I want to provide that analysis.

While you are visiting at the college you will be assisting the Admissions Office in its outreach to the Indian community. What are your ideas on Indian student recruitment?

I have been working with Mike Berch, Chairman of the faculty's Admissions Committee, and with Brian Murphy, the new and very able Director of Admissions, to look at the law school's approach to recruitment of Indian students and to build an information network in the Indian community. This year, because of Brian Murphy's presence, we have had the time and staff to undertake a more active recruitment program, identifying and making personal contacts with Indian pre-law students from Dartmouth to Arizona, with a concentration of effort on Arizona tribes and universities.

I believe that the College of Law has an important public service role to play. Not only does ASU have a responsibility to provide legal education to Arizona's Indian community, it has an opportunity to make an intellectual contribution to the solution of the many legal and political problems that confront the Tribes, the State of Arizona and the nation as a whole.

These two goals are mutually supportive. By making a serious commitment to scholarships in the critically important area of commercial and regulatory activity on reservation lands, ASU will create an intellectual climate that will attract the best young Indian students from the entire country.

Vincent Chiappetta is the first Visiting Professor to the Center for the Study of Law, Science and Technology at the College of Law. He is a member of the Phoenix firm of Meyer, Hendricks, Victor, Osborn & Maloney, practicing in the area of business planning, securities, tax and intellectual property. Mr. Chiappetta received his J.D magna cum laude in 1971 from the University of Michigan where he was the Note Editor for the Michigan Law Review and a member of Order of the Coif. His undergraduate degree, B.S.E.E., was received from the Massachusetts Institute of Technology in Computer Science. He was a Visiting Professor at Indiana University School of Law during the 1981-82 school year. Mr. Chiappetta will be teaching a seminar on Law and Technology and a class on Planning for the Business Client during the spring semester.

As the first Visiting Professor to the Center for the Study of Law, Science and Technology and as a local practicing attorney, how do you think the Center will aid attorneys in the Valley and business in general?

I see the Center as part of a larger effort by the University and the community to demonstrate their interest in and the availability of scientific and technological expertise and understanding in the Phoenix Metropolitan area. I think just that expression of commitment alone is an important feature of the Center. As far as business is concerned, the Center should help provide a base of people who are sensitive to and aware of the various legal areas related to science and technology. A business, or a law firm for that matter, seeking assistance from someone who has an understanding of law and technology or law and science issues and solutions would find such assistance more readily available as a result of the Center's existence. I believe it is particularly important to starting businesses to know such help is readily available. Consequently, the infrastructure contributions the Center provides should be extremely beneficial to continued business growth in these areas in the Valley. As far as practitioners are concerned, I think that in addition to being a research assistant and expense resource, the kinds of seminars and symposiums that have been offered over the last couple of years are good examples of the sort of "hands on" contact with specialized areas of law the Center can provide. It gives experts and neophytes (business folks, practitioners and academics) a place to congregate, exchange ideas and explore these areas of the law as well as develop their own expertise in the field. I believe the forum of the Center will provide only a basic tool to create a legal and legislative environment sensitive to the issues, which is required to permit business, including the legal field, to grow in proper directions and prosper, but can help to enhance the community's appreciation and understanding of and input on these issues as well.

In what way does your present law practice emphasize law and technology, and why do you think your class in law and technology is an important current offering?

That is really two separate questions. My particular practice in law and technology is really two-pronged. Most directly, it involves development, protection and licensing of industrial property, for example: patentable inventions, trade secrets and related products. Basically, I help businesses understand and protect the legal rights they have with respect to their technologies and to maximize the benefit of those technologies. It is my practice are more indirectly related to technology itself, but at least as important. I do a lot of financial work: lending, raising capital and related securities law matters. One of the greatest interests that a technology-based company, as any other business has, is how and where to get its funding. I particularly enjoy the opportunity this work gives me as an assistant to growing technology-based companies in realizing their potential.

The second question has to do with the seminar that I'm teaching this semester at the law school in law, science and technology. The class is aimed at exploring the relationship between law on the one hand and science and technology on the other. I try to get the participants to explore the potential and proper roles of the law and its institutions in connection with the kind of issues that are raised by contemporary science and technology. I think that "how the law works (or doesn't)" perspective is of fundamental importance to understanding what it means to be a lawyer. Hopefully, the class provides some of the same benefits as the Center. People have the opportunity to come in contact, with and develop awareness of each other's concerns, how to address and resolve the legal and policy issues raised by science and technology.

It is obvious that the experience of practice may be beneficial to teaching. How does teaching benefit your practice?

I don't think there's any question that when you have the opportunity to teach in an area that is directly applicable to your practice, as I've done in my business planning classes, it permits you to more fully develop your expertise in the area. Teaching after you have practiced
for a few years forces and permits you to reflect on your practice experiences and the related legal areas in an organized way. Preparing to teach a subject in your area of practice is very useful to developing a broader, fuller understanding of the law and your practice. On the other hand, teaching in new areas helps expand my perspective on the law and its operation.

How is your life different as an academic rather than as a practitioner, and which do you prefer?

That is a complicated question. There are significant differences. As an academic, I am more in control of my own program. That is, I get to select the areas that I want to explore, the depth of that exploration, the kinds of connections and interrelationships that I want to pursue. It is, however, a little more solitary, I spend more time with my own ideas and thoughts. Of course, that is in part a reflection of the lack of client demands (and consequently control) I have in my practice. A client's needs and desires largely control my practice life, i.e., the telephone calls tell me what I'm going to be doing that day. On the other hand, the absence of those calls means I don't have the same outside interest and perhaps urgency in what I am doing. My experience in academics is that it's unusual, although, certainly not impossible, to find someone that has the same research interests you do. Particularly if you pursue topics that are fairly technical or involved, there is a preference for doing that kind of work in order to have a really full ongoing exchange. It's just too much of a time commitment to expect of someone with unrelated interests.

These statements are obviously colored by the short period of time I've been teaching. I don't have the same kinds of contacts with other academics that someone who's been teaching here for a long time does, so I'm really not in a good position to make a valid judgment. The teaching and student contact also provides an important application for some of the information gathering and analysis. A course or particular class that works for me and the students can be easily as fulfilling as a job well done for a client, which brings me to a related point, I think that in terms of the time commitment there's a real misunderstanding about the differences. I probably spend more time at my job than I'm teaching than when I'm practicing. That is partly because the depth of daily background work and preparation that I feel is necessary for teaching and academic research. When I get up to teach, to really explain the law in a classroom situation I want to have as full a range of information and understanding as possible. Also, it needs to be organized in a way that has pedagogical value. Teaching is far more than war stories and anecdotes. Practice, by contrast, is more focused. It requires, of course, a complete grasp of and facility with the applicable law so you know the appropriate and proper response for the particular issues. However, the client would rightfully object if you went off pursuing tangents.

In teaching and academic research the job is never really done. I spend a lot of time chasing down those tangents and side topics, interconnections with related areas, policy and jurisprudential issues. This difference may also be simply a reflection of my personal predilections and preferences. Certainly long hours can be spent in practice. My point is simply that similar diligence in teaching or research can be equally if not more demanding.

So, what are you saying you prefer?

I don't know. They're so different. If there were some way to find an appropriate combination of the two— it would be nice having some of the direct applications to people's particular problems that practice provides and on other days to be able to say to myself— "Today, I'm going to do some in depth research on copyright law or follow up on some other area of particular personal interest." For me it is difficult to just do one or the other for an extended period. It is hard to say whether I would prefer one or the other over the long haul. Over the short haul, if I have a particularly intense practice experience over a six month period, teaching sounds just wonderful. But, I think that if I were totally committed over a long period to a particular academic area then I would want to have some application for my expertise. I would want to deal with people that are actually and directly affected and therefore have a special interest in the area. I don't know if such a combination is really workable, or if so, which works best as the primary commitment. It certainly bears investigation.
Alumni News

Faculty/Alumni Luncheons, Fall 1985

During the fall of 1985, the College of Law Alumni Association sponsored two faculty/alumni luncheons. These luncheons serve the purpose of introducing new faculty members to the alumni, providing the alumni an opportunity to socialize, and educating the alumni on recent developments in various areas of the law.

In September, Professor John Leshey gave a presentation on the "New Federalism in State Constitutions." Professor Leshey outlined the activism found in many states that either limits or extends the rights and protections afforded its citizens above and beyond protection afforded by the federal constitution. Professor Leshey emphasized that a state litigant is not precluded from arguing for an expanded view of state protection even though state courts have interpreted the U.S. Constitution in a more limited way.

In November, Professor Ann Stanton gave a presentation on the "New Status of Child Support Guidelines" in November. Professor Stanton’s talk covered the existing avenues for pursuing the nonsupportive parent as well as an overview of the legislation from various jurisdictions other than Arizona. Professor Stanton presented some of the practitioners present with her suggestions for the use of federal governmental authorities to ensure the recovery of child support arrears. One of the potential sources given for collection assistance was that most efficient collection agent, the Internal Revenue Service.

1985-86 Annual Fund Drive Update

The 1986 Annual Fund Drive has received a total of over $104,000 in private contributions since the beginning of the drive July 1, 1985. The purpose of the Annual Fund Drive is to encourage unrestricted gifts to meet the various needs of the law school. These needs include funds for scholarships, loans for students with financial need; research assistance for faculty, summer stipends to support faculty research; funds to bring distinguished visitors, scholars and speakers to the campus; funds to enhance the library; support for student activities (such as moot court and the law journal) and support for continuing legal education and other public programs.

Alumni

As of January 13, 1986, alumni cash gifts totaled $26,118, an increase of nearly 41% compared to last year at the same time. The goal for alumni gifts this fiscal year is $46,000. Alumni wishing to contribute may contact their appropriate class agent listed below or send their contribution in the attached envelope. A telethon will be conducted in the spring to encourage alumni who have not yet contributed this fiscal year. The 1986 Annual Fund ends June 30, 1986.

1985-86 Class Agents

1970 - Duane Schultz
   ASU Legal Counsel
   365-4550

1971 - Guy Knoller
   Burns and Burns
   264-3272

1972 - Greg Robinson
   Farley, Robinson & Lee
   265-0191

1973 - Ted Jarvi
   Jacoby and Meyers
   267-8111

1974 - Franzula "Dolly" Bacher
   O'Connor, Cavanagh, Anderson, Westover, Kellingworth & Beshers
   263-2340

1975 - Michael Carnahan
   O'Connor, Cavanagh, Anderson, Westover, Kellingworth & Beshers
   263-2340

1976 - Martha Kaplan
   Home, Silver, Kaplan & Bistow
   253-9700

1977 - Michael Brophy
   Ryley, Carlock & Applewhite
   253-7701

1978 - Joyce Geyster
   Sacks, Tierney & Kasen
   279-4900

1979 - Rebecca White Berch
   ASU College of Law
   965-6181

1980 - Jack MacIntyre
   Martin and MacIntyre
   949-0075

1981 - Ann Dumont
   Jennings, Strouss & Salmon
   262-5911

1982 - Judy Miller
   Law Offices of Judy Miller
   253-3622

1983 - Lenni Benson
   Sacks, Tierney & Kasen
   279-4900

1984 - David Damore
   Vogel & Wulfers
   994-9945

1985 - Vicki Riccardo
   Feller & Cohen
   265-1791

1986 Alumni Association Luncheon

Arizona State University College of Law Alumni Association hosted the Annual Alumni Luncheon on December 6, 1985 at Oscar Tayloes, The Honorable Renz Jennings (75), Chairman, Arizona Corporation Commission, was the featured speaker.

Professor John Leshey received the outstanding faculty award for 1985. He has been a professor at the College of Law since 1980, and is currently teaching Constitutional Law I and Arizona Constitutional Law. Professor Leshey is preparing materials for a treatise on the Arizona Constitution.

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Election of Board of Directors

The College of Law Alumni Association elected eight new officers to the Board of Directors. A complete list of board members is given below. Board members are responsible for planning and sponsoring C.L.E. programs, presenting an employment seminar to law students and other activities which benefit the law school.

*Claire Abel (81)
*Andy Abraham (82) - (President)
*Judy Bailey (75)
*Barbara Connell (73)
*Robert Dube (76)
*Ellie Finn (72)
*Stuart Gerlich (83)
*Ted Jarvi (73) - (Secretary)
*Richard Lenderen (80) - (President)
*Randy MacIntyre (80)
*Randy Nusbaum (80)
*Elien Nolen (83)
*Larry Pringle (86)
*Michael Scott (71)
*George Sterling, Jr. (72)
*Susan Van Slyk (81) - (Treasurer)
*Mauri White (83)

*Indicates newly elected board members.

Law Society

The Law Society consists of all non-alumni who contribute to the College of Law, included individuals, law firms, law faculty and corporations. Total gifts from the Law Society as of 11/30/85 are $59,911, an increase of 6% from last year at this time. If you would like to make a gift to the law school, please contact the Development Office or enclose your gift in the envelope provided.

The annual dinner of the College of Law Alumni Association and the Law Society will be held April 4th at the Hilton Pavilion in Mesa. The evening speaker will include former Deans Willard Pedrick and Alan Matheson, the Honorable William C. Canby, Jr., Professor Emeritus Edward Cleary, Professor Emeritus.

Richard Dahl, Professor Emeritus Richard W. Elkind, and Professor John Morris who will present "Pioneering the ASU Law School."

Sharon Storn (75) and Susan K. Smith (75) at the barbeque.

Michael Messen (75), Professor Willard Pedrick, Judy Canby and Herb Schlagter (75) reminisce about law school days.

Class of ’75 Reunion

Michael Carnahan (75)

After 10 years of time to forget the rigors of law school, the Class of ’75 decided to have a reunion to see if they would recognize one another. And sure enough they did. Sharon Storn provided much of the initiative to get us together and Chuck Case and his lovely wife volunteered their house.
Class Notes

Class Editors Note: Alumni should use the enclosed information card to provide address changes and news. We welcome personal notes, clippings, photographs and other forms of communications about events of interest to the lives of the College of Law alumni. Photographs will be credited and returned after publication if so requested. Please send your news and Class Notes Editor, Law Forum, College of Law, Arizona State University, Tempe, AZ 85287.

Michael Scott is a member of the Law Alumni Board of Directors.

Steven B. Yarborough has been active in the Arizona Bar Association and the Arizona Family Law Section. He specializes in family law and personal injury in Tempe.

Robert A. McConnell, vice president of the Board of the National Association of Broadcasters, before leaving the Department of Justice in December 1984, he argued U. S. v. Dunn in the U.S. Supreme Court asking to reverse a Ninth Circuit opinion by the U.S. v. Dunn. The Supreme Court reversed 9-0. Bob comments that unfortunately the statute of limitations had run on the Constitutional Law grade that Professor Canby had given him in 1968. It was the first in a long series of papers on the subject of the United States.

Andrew J. Britton has been active in his community of Venice, Florida, serving as a director and vice-president of the United Way agency, an officer of the Venice Yacht Club, and as director/past president of the little league. He also served as chairman of the Chamber of Commerce Economic Development Committee and is a member of the Sarasota County Bar.

Ellie Finn and George Sterling, Jr., are members of the Law Alumni Board of Directors.

Michael Kelley now serves as vice-president and general counsel of the Kansas State Bar Association. His practice involves work in real estate and mineral cases. However, he is considered to be a very busy man and is often not available for personal contact.

John Herrick has remained in his law firm and moved to offices in Mesa. The name of his firm is Brown & Herrick.

Guy Knoll
Burns and Burns
3550 North Central, Suite 100
Phoenix, Arizona 85012
264-3227

Roslyn Olson Moore Silver is now with the Department of Justice in Phoenix.

John Burgo, who had had a partnership in Mesa for several years, has joined with Robert J. Webster (70) at Webster & Matheson, Whitney, Webo and Moak. We are not sure but we believe this gives John and Bob the title of longest firm law name in Mesa. John has also been active in the East Valley Big Brothers organization and will be serving as Board President. His extracurricular activities have also included being the past president of the Desert Samaritan Advisory Board.

David L. Case of Ryley, Carlock & Applewhite in Phoenix, is serving as Treasurer on the Board of the Central Arizona Estate Planning Council.

Craig R. O'Connor, Tampa, Florida, is currently with the U.S. Department of Commerce, National Oceanic & Atmospheric Administration. Craig specializes in administrative law dealing with natural resources.

Ed Richardson is with the firm of Robbins & Green, P.A. He has recently authored a chapter on the Uniform Commercial Code for use in the State Bar practice manual.

Barbara Caldwell has been elected to the Law Alumni Board of Directors.

Ted Jarvi has been re-elected to serve as Secretary for the Law Alumni Board of Directors.

Franzka "Dolly" Bacher O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshers One East Camelback, Suite 1100 Phoenix, Arizona 85012-1656 263-2400

Maurice Ellsworth was appointed U.S. Attorney for the state of Idaho. He was formerly an Associate Solicitor for the Division of Audit and Investigations at the U.S. Department of the Interior.

Renzen Bennings took over as Chairman of the Arizona Corporation Commission in September 1985. He is expected to hold that position until the expiration of his term in 1986.

Wendy Bay Lewis has left her private practice with a concentration in immigration law to develop programming in law-related education and international visitor exchange.

Zanott Named Publisher and President of The Cincinnati Enquirer

John P. Zanott (74) has been named President and Publisher of The Cincinnati Enquirer, a Greenwich newspaper with a daily and Sunday circulation of 189,925 and 304,421, respectively. He has been an attorney at the Cincinnati firm of Bergmann, Williams, Joy, Reiss & Enquirer, serving as chairman since 1984. The announcement was recently made by Cincinnati’s Board of Directors. Mario J. Bergmann (70) is Publisher and President of the Cincinnati Enquirer, Inc., where he held numerous positions at the company’s corporate headquarters in New York, New York. He joined the Enquirer in 1979 as its corporate editor. In 1979, he was named senior corporate editor of the company’s print and electronic publications. In 1979, he was named vice president/legal and marketing. He was promoted to Cincinnati in 1983 as president of Harte-Hanks’ Direct Marketing Group/Central, headquartered in Cincinnati.

Before joining Harte-Hanks, Zanott was an attorney for the firm of O’Melveny & Myers in Los Angeles. A native of Los Angeles, Zanott is a graduate of the University of Southern California and the Arizona State University College of Law.

Zanott and his wife, Claudia, have four children: Jeffrey, Laura, Mark, and Christina, 23.

Chairman of the Board of Directors, The Cincinnati Enquirer, Inc., and the Enquirer & Times, and President and Publisher of the Cincinnati Enquirer, Inc., are the corporate offices of the company.

Michael Silman is vice president of the Arizona State University Alumni Association, and his wife Amy is the new parent of a baby girl—Adele Watkin Silman.

"Addie" was born last October.

Martha Kaplan
Kaplan & Bistrow
201 North Central, Suite 2480
Phoenix, Arizona 85012 263-2400

Michael L. Carter is a member of the Greater Paradise Valley Community Council and is the Treasurer of the Jewish Family and Children Services.

Cecilia Esquerra is currently serving on the Bar Association’s standing committee on legal services. She recently served as Director of the Arizona Statewide Legal Services while on sabbatical from her position as Assistant Professor at the ASU College of Business.
Carol N. Campbell: the last edition of the Law Forum incorrectly stated that Carol N. Campbell had joined the firm of Campagna & Home, P.C. Ms. Campbell is a partner with the Phoenix law firm of O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears. She has been associated with the firm since 1979.

Mary Verdi, formerly of the Attorney General's Office, has been appointed to the Juvenile Court Commission. She was sworn in on February 18. Congratulations, Mary.

Donna Donahue, of the Phoenix law firm Lancy, Scull & Ryan, was appointed to the Arizona Board of Medical Examiners.

Mark Ross Caldwell of Caldwell, Flanders & Stewart, is serving on the Board of Directors of the Very Special Arts.

A. Frederick Schaffer, Jr., is serving as an arbitrator for the National Association of Securities Dealers and the American Stock Exchange.

Rori S. O'Brien is senior attorney of Honnatt Development Co. in Chicago. She ran the America's Marathon in Chicago last October. Then she traveled to the marathon in Brazil.

Paul D. Craskins, of the "Los Angeles Times" law firm, has asked the Appeals Court to review its decision on public school law.

John White, University of Southern California law professor, died in a car crash on a mountain highway.

Cheri McCracken and husband Larry Pringle (76) have a baby girl—Andrea Leigh—born January 12, 1985. Cheri is a solo practitioner specializing in real estate, employment and juvenile work.

Rebecca White Berch is now directing Academic Support Services for the College of Law. Michael and Rebecca have a law school textbook entitled "Introduction to Legal Method and Process." They have published a book entitled "Introduction to Legal Method and Process."
Shively and Jaret Stievveright.
As for your class agent, I am working at Sacks, Tierney & Kasen and serving on the Central and State Boards of the Arizona Civil Liberties Union.
A special thank you to Gregory Harris for helping me compile these notes. Please send me news for the next edition.

'84

David Damore
Vogel & Wuller
6902 East First Street
Scottsdale, Arizona 85251
994-9945
The Class Notes Editor for the Class of '84 says, "It's a bad job. I take long coffee breaks with the Maytag repairman and we watch Dick Van Dyke every day. But I do meditate for mail. The alumni mentioned below have nobly attempted to fill the gap between coffee breaks."

Steven G. Lisa and his wife, Laurie, have a new son named Anthony Steven. Steven has accepted a trial position with the Intellectual Property Group of the law firm of Kirkland and Ellis in Chicago. His primary focus of work will be Patent, Trade Secret and Antitrust Litigation.

Lynn Thomas Ziolek was married to Barbara Jean Rupley of Phoenix last May.

Jennifer Smith Flanagan married classmate Alex Flanagan in September.

'85

Vicki Riccardo
Feller & Cohen
727 East Bethany Home, #D-140
Phoenix, Arizona 85014
265-1791
Micki Walker married Joel Rueschel ('84) in January 1986. She is working in Flagstaff and he in Holbrook. They live in-between and are commuting to work.

Corina Almeida is working for the Justice Department in Houston as a

Prosecutor for Immigration and Naturalization Services.

Cina Huerta is in Houston as a law clerk for an immigration judge.

Tracey Westerhagen is working as a clerk for Court of Appeals Judge Sarah Grant.

Cynthia Weigend has joined the Phoenix law firm of Jennings, Kepper & Haug.

Debbie Williams is an associate with Murray Miller, Esquire. She is engaged to Rick Cole ('83).

Help Us Find These Missing Alumni
The College of Law is presently compiling a new Alumni Directory. If you have any information on the location of any of these alumni, please contact the Development Office.

Class of 1970
Peter S. Fineman
Richard Anthony Johnson
Money L. Weatherly

Class of 1971
Lawrence J. Evans
Clair W. Lane
Nils K. Olmstead
Paul S. Fruechel.

Class of 1972
Judis R. Andrews
Gordon W. Campbell

Class of 1973
William K. Colburnson
Shirley H. Frondlar

Class of 1974
Emily Jenkes Reed
Kathleen A. Kihl

Class of 1975
David M. Thomas
Herbert Vazee

Class of 1976
David F. Conley
Robert J. Hartman

Class of 1977
Judith M. Hedgcock
F. Harvey Whittemore

(Continued on back cover)
The Law Forum welcomes comments, news, and photos. Please let us know about a new job or a promotion, honors or awards, publications, professional travels, etc.

(Continued from inside front cover)

including some at Dean Witter, the Arizona Bank Building, the Valley National Bank Building and Motorola Corporate Headquarters in Phoenix.

“West Fork of Oak Creek,” an acrylic painting by Jerry Cunningham of Phoenix. Cunningham is a native New Yorker whose paintings have captured several dimensions of the Arizona landscape.

“Study for Moran Point,” an oil painting by Bob Howard of Sedona, Arizona. Howard has attended Arizona State University. He was the “Best of the Show” award at the World Federation Space Art Competition in Hiro, Hawaii. His art can also be viewed at Mobil Land Corporation in Scottsdale, La Paloma Country Club in Tucson and the Coordinated Consulting Services in Phoenix.

“Cloud Feathers I and II,” a woodblock print by Daryl Howard of Austin, Texas. She employs an ancient Japanese method of woodblock printing, using handmade mulberry paper Kyoagi paper found in a small village on the Sea of Japan.

“White Horse,” a serigraph by Howard Post of Tempe. Post has designed the 1988-89 Commemorative Poster for the Arizona Opera Company. He lives and works in Tempe and has previously taught at Arizona State University.

“Stir Writing,” an oil painting by Velvett Night of Taos, New Mexico. He was one of the first established Southwestern artists to work in monotypes. His work includes semi-abstract Indian images.

In addition, the College of Law received a Navajo rug as a gift from William Douglas Bank (76) during the fall semester. The rug is from the Western part of the Navajo reservation, north of Tuba City and south of Page. The weaver was Mattee Sampson.

“West Fork of Oak Creek”

Jerry Cunningham
Class of 1978
Lebeebah Ahmad
Bruce James Dunn

Class of 1979
Julie Doherty
Lawrence Koslow
Michaël Scott Martin

Class of 1980
Maria Graciela Alfaro
Philip R. Byrnes
Mark David Dioguardi
Lawrence W. Kelly

Class of 1981
G. Douglas Johnson
Steven L. Reed
Gaylen G. Whatcott
George McCaskey

Class of 1982
Patricia Jean Boland
Joni Shill Wilson

Class of 1983
Richard Donald Hine

Class of 1984
Karen Sinodis Gaylord
Kent Anthony Lang
Christopher Cavalar Mason
Charles F. Meyer

Class of 1985
Edward Joseph Humphryes
Barbara L. Maxwell
Dennis L. McGuire
Kaye D. Woodward

Upcoming Events

May 16 College of Law Graduation and Reception
May 25-June 1 Trial Advocacy Intercession
June 2 Summer School Begins
August 8 ASU Summer Graduation

For more information, call the College of Law (602) 965-6181.

100863
Arizona State University
College of Law
Tempe, Arizona 85287

Address Correction Requested