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Faculty News

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Faculty changes

► New Title



Michael Scaperlanda assumed the role of associate dean for academic affairs and associate director of the Law Center May 14. In addition, he was named director of the Department of Legal Assistant Education. Scaperlanda joined OU Law in 1989 and has provided extensive academic support service in a variety of capacities, including special assistant to the university president, faculty fellow in the Norman provost's office and associate dean for research. He holds the Gene and Elaine Edwards Family Chair in Law and teaches Constitutional Law, Immigration Law, Jurisprudence Seminar and Professional Responsibility.

Faculty honors

► Anderson and Helton honored by university



Owen Anderson



Taiawagi Helton

Professors Owen Anderson and Taiawagi Helton were recognized at the Faculty Tribute, a university-wide faculty awards ceremony, on April 5.

Anderson was named a George Lynn Cross Research Professor, the highest research honor a faculty member may receive from OU. To qualify for a George Lynn Cross Research Professorship, a faculty member must have demonstrated outstanding leadership over a period of years in his or her field of learning or creative activity and been recognized by peers for distinguished contributions to knowledge or distinguished creative work.

"OU Law is one of the great public law schools in the nation with outstanding faculty," OU Law Dean Joe Harroz said. "With extensive international experience and accolades, Professor Anderson was selected from 1,500 OU faculty members to receive the George Lynn Cross Research Professorship. This award puts Professor Anderson among the ranks of Fred Miller, Frank Elkouri, Eugene Kuntz and Maurice Merrill – four of the legendary OU Law faculty members who previously received this prestigious award."

Helton received the Regents' Award for Superior Teaching, which was established in 1963. This award recognizes superior accomplishment in specific areas such as teaching, research, creative activity and professional and university service.

"Professor Helton has helped shape our Native American law program into one of the top programs in the country," Harroz said. "His work both inside and outside of the classroom makes him an exceptional teacher. We couldn't be more proud of Professor Helton and Professor Anderson."

Anderson is the Eugene Kuntz Chair of Law in Oil, Gas and Natural Resources and director of the John B. Turner LL.M. Program in Energy, Natural Resources & Indigenous Peoples Law at OU Law. He teaches various oil and gas law courses at OU, including International Petroleum Transactions. He also regularly teaches at the University of Texas and at other universities on six continents. In 2011, he received the Clyde O. Martz Award for Excellence in Teaching from the Rocky Mountain Mineral Law Foundation. Anderson has authored numerous articles on oil and gas law and serves on the board of editors for the *Oil and Gas Reporter* and the *Texas Title Standards*.

Helton joined the faculty in 2001 and teaches Environmental Law, Property, Native American Natural Resources and Federal Indian Law. He is a faculty director for the Center for the Study of American Indian Law and Policy. His research emphasizes environmental and natural resources issues relating to Native Americans, as well as nation building in Indian country. He has served as a Special Justice for the Cheyenne and Arapaho Tribes Supreme Court (2004-2008) and as a member of the Board of Directors of Oklahoma Indian Legal Services.

► Ragavan teaches in India on Fulbright Grant



Professor Ragavan (front row, fourth from left) is pictured with colleagues attending the New Perspectives in Teaching Intellectual Property Rights conference that was held at the National Law University in New Delhi and sponsored by Microsoft through the Asian Law Center of the University of Washington at Seattle.

Professor Srividhya Ragavan worked on a Fulbright grant with the National Law School of India University in Bangalore, India, during the spring semester and a portion of the summer.

The NLSIU is the highest ranked law school in the country and admits students into its five-year integrated law program based on an admissions test. In addition to teaching classes on intellectual property issues, particularly relating to international trade and sustainable development, Ragavan worked to assist the NLSIU to strengthen its intellectual property programs including curriculum and outreach. Ragavan also worked with the University of Washington at Seattle to educate Indian intellectual property professors on new perspectives in teaching intellectual property rights.

“India is a relatively new member to the World Trade Organization and continues to work on the process of establishing a vibrant intellectual property regime,” Ragavan said. “As the transition continues, Indian universities are seeking out experts in intellectual property rights with awareness of third-world issues.

Ragavan’s previous time spent working and living in India brought opportunities for OU Law. “During the tenure of Dean Coats, I assisted in the law school signing a Memorandum of Understanding with the NLSIU as well as the National Academy of Legal Studies and Research, Hyderabad. I am hopeful that

my current tenure in India will result in additional long-term collaborations,” she said.

At OU Law, Ragavan teaches Intellectual Property Survey, Patent Law, Trademarks Law and International Intellectual Property Law. Ragavan has spoken at numerous conferences and is well-published in and on India. She is authoring a book titled *Patents and Trade Disparities in Developing Countries*, which will be published by the Oxford University Press in the fall. Ragavan continues to be an active member of the various intellectual property communities and organizations in the United States as well as in India.

Established in 1946, the Fulbright Program serves as a vehicle for promoting mutual understanding between the people of the United States and the people of other countries. Fulbright alumni include Nobel and Pulitzer Prize winners, senators and governors, prime ministers and heads of state, ambassadors, scientists, artists, Supreme Court Justices and corporate CEOs. The Fulbright program is sponsored by the U.S. Department of State and administered by the Council for International Exchange of Scholars in Washington, D.C. It is primarily funded by an annual congressional appropriation. Additional funding comes from participating governments, host institutions and private organizations in the United States and abroad.

▶ Strickland inducted into Historians Hall of Fame



Rennard Strickland, senior scholar in residence at OU Law, was inducted into the Oklahoma Historians Hall of Fame April 20 during the annual awards luncheon of the Oklahoma Historical Society. The event was held in Miami, Oklahoma, in the Bruce Carter Student Center on the campus of Northeastern Oklahoma A&M College.

Strickland is internationally renowned as a pioneer who introduced American Indian Law into university curricula. He is author or editor of 43 books, including the revision of Felix Cohen's *Handbook of Federal Indian Law*. His most recent book, *Building One Fire: Art and World View in Cherokee Life*, was written with Chad Smith, former principal chief of the Cherokee Nation, and published last fall by the University of Oklahoma Press and the Cherokee Nation.

Beyond the classroom

▶ Henderson and Thai's Crimprof Multipedia grows in popularity

The Crimprof Multipedia, an online publication of multimedia teaching materials for criminal law and procedure professors created and managed by professors Stephen Henderson and Joe Thai, has a user base that has surpassed 300 professors worldwide.

The Crimprof Multipedia hosts video and audio clips, images, original documents and links to other items for teaching Criminal Law, Criminal Procedure I (investigation), and Criminal Procedure II (adjudication). Like a law textbook, the website accompanies its materials with pedagogical comments and questions. The College of Law hosts the website at <http://jackson.law.ou.edu/criminal>.

▶ Wattley wins Texas exoneration case



Cheryl Wattley and Richard Miles stand in the Bell Courtroom following a 2010 BLSA program featuring Miles after his release from prison, but prior to the Texas Court of Criminal Appeals ruling.

Richard Miles, a client of Professor Cheryl Wattley, was granted the writ of habeas corpus February 15 by the Texas Court of Criminal Appeals, after spending 17 years in custody for a murder and aggravated assault he didn't commit. Miles has been awaiting this state Court of Criminal Appeals' decision for more than two years.

Miles was sent to prison in 1995 at age 19. He was accused of the murder and

attempted murder at a Texaco near Bachman Lake. In a rare decision that did not involve DNA or eyewitness accounts, the court's ruling was based on actual innocence, meaning Miles is a free man, eligible for state compensation for the time he served.

Wattley worked with Centurion Ministries, a nonprofit organization in Princeton, New Jersey, in the presentation of Miles' case. Wattley is also director of the OU Legal Clinic, an organization providing legal services to those who would otherwise not be able to afford legal representation.

► New service to follow faculty scholarship

By Darin Fox, director of OU Law Library



Have you ever wanted to be alerted whenever one of our faculty scholars produces a new book, article or other work? The College of Law has established a new service that allows lawyers, scholars and students to keep abreast of the scholarship and other creative activities of the faculty of the College of Law.

The new service is called "Selected Works," provided by Berkeley Electronic Press, also referred to as "bepress." To access this new service, simply go to <http://works.bepress.com/oulaw>, or you can access the service from the "Faculty Scholarship" link in the Faculty section of the OU Law website. There is no charge to use this service.

From the Selected Works home page, you can easily view the 10 most recent articles published by the law school's faculty and the 10 most downloaded articles. In the lower right-hand corner of the website, you will see an orange button with the words "RSS Feed." RSS stands for "really simple syndication." It is an Internet protocol that allows you to receive notices whenever an OU faculty member uploads a new piece of scholarship.

Virtually every e-mail program, including Microsoft Outlook, will allow you to follow an RSS Feed so you can receive an e-mail whenever a new item is posted to OU Law's Selected Works site. Note that you can choose to "follow" the entire College of Law faculty and receive notifications of all new faculty scholarship,

or you can choose to follow an individual faculty member. Most of the law review articles written by our faculty are freely available from the Selected Works site. Links are provided to books and other types of creative works.

If you have any questions about how to use the Selected Works site, contact the Law Library at (405) 325-4311 for staff assistance.

► Robertson testifies before U.S. Senate

Professor Lindsay Robertson testified before the U.S. Senate Finance Committee on May 15 about what tax reform could mean for Native American tribes and territories. While this was Robertson's third trip to Washington, D.C., to testify before Congress, this was his first time testifying before the Senate Finance Committee. He has testified twice for the Indian Affairs Committee.



Photo by Jay Mallin Photos

Symposiums and colloquiums

▶ OLR symposium discusses Oklahoma water supply



Gary Allison, University of Tulsa College of Law vice dean and professor; Jason Aamodt, Aamodt Law Firm in Tulsa, Oklahoma; and Drew Kershen, OU Law professor, were three of the presenters at the annual *Oklahoma Law Review* symposium held March 9 in the Dick Bell Courtroom. Professor Emily Meazell moderated the 2012 symposium, "Oklahoma's 21st Century Water Challenges," which featured speakers with backgrounds in environmental and water law issues. Other presenters included Charles DuMars of Law & Resource Planning Associates PC, Albuquerque, New Mexico; Stephen Greetham, special counsel on water and natural resources with Chickasaw Nation; and Dean Couch, general counsel of the Oklahoma Water Resources Board.

▶ OU Law collaborates on interdisciplinary symposium

Joining the fields of law and business on a background of art, the interdisciplinary public symposium titled "Producing Success: An Interdisciplinary Look at the Functions of an Entertainment Enterprise" was presented April 19 at the Fred Jones Jr. Museum of Art. The symposium coincided with the museum's exhibit of a collection of Walt Disney animation cels.

OU Law Professor Stephen Henderson worked with representatives from the OU Michael F. Price College of Business and the Museum of Art to organize the event that explored a range of topics from copyright to fostering creativity for business as well as business goals and brand management.

Guest presenters included Ed Grier, former top-level executive for The Walt Disney Company for 29 years; Joni Newkirk, former senior vice president of Business Insight and Improvement at The Walt Disney Company; Kevin Daley, attorney in the intellectual property group at The Walt Disney Company; and Alan Garfield, a distinguished professor of law at Widener University School of Law on the Delaware campus.



OU Law Professor Stephen Henderson (right) introduced presenters for the legal portion of the program, (from left) Alan Garfield and Kevin Daley.



Owen Anderson



Randy Coyne



Jonathan Forman



Darin Fox

Published

Randy Coyne co-authored, with Lyn Entzeroth, the fourth edition of the casebook *Capital Punishment and the Judicial Process*, published by Carolina Academic Press.

Darin Fox is co-authoring a book on Oklahoma Legal Research that will be published by Carolina Academic Press. The book will be available for purchase by the end of 2012.

Mark Gillett and **Katheleen Guzman** published the book *Fiduciary Accounting: Principles, Modern Application, Illustrations* (ALI-ABA 2012).

Katheleen Guzman wrote "Intents and Purposes" in *The Kansas Law Review*, Vol. 60, No.2.

Stephen Henderson will publish "What Alex Kozinski and the Investigation of Earl Bradley Teach About Searching and Seizing Computers and the Dangers of Inevitable Discovery" in the fall 2012 issue of the *Widener Law Review*.

Drew Kershen co-authored a chapter for a book titled *Successful Crops for Emerging Economies* to be published this summer by Cambridge University Press.

Judith Maute wrote "Law Stories Symposium, Reflections from Former Chairs of AALS Women in Legal Education, From Whence We Came and Where We Might Go," to be published in an upcoming issue of the *UMKC Law Review*.

Brian McCall wrote *The Church and the Usurers: Unprofitable Lending for the Modern Economy*, to be published by Sapienta Press of Ave Maria University later in 2012.

Srividhya Ragavan wrote *Patent and Trade Disparities in Developing Countries*, which will be released in the United States by Oxford University Press. The Press also commissioned a separate India reprint of the book.

Ragavan's op-ed "Imprisoning the consumer behind a digital firewall" was published in one of India's leading daily newspapers, *The Hindu*, on May 24.

Robert G. Spector wrote "After the Hague Is Over: Implementation Issues and the View from the USA with Regard to the 1966 Protection of Children Convention," which was published in the March 2012 issue of *International Family Law*.



Mark Gillett



Kathleen Guzman



Joe Harroz



Steven Henderson

At the podium

Stephen Henderson spoke at a February symposium at the Mississippi College School of Law on the constitutional and statutory privacy protections for social networking. His paper will appear in the symposium issue of the *Mississippi College Law Review*.

In March, Henderson participated in an American Bar Association Teleconference/Webinar on "Privacy After the Jones GPS Decision."

Judith Maute presented "Getting a Grip on Your Student Loans" at the American Bar Association 10th Circuit Law Student Division Conference in February in Norman, Oklahoma.

Srividhya Ragavan was the keynote speaker at a seminar discussing Media Regulations at the Chennai campus of Sri Ramaswamy Memorial University in India on May 24.

Ragavan was a speaker at the first International Conference on Internet Governance conducted by the Institute of Global Internet Governance and Advocacy at the National Academy of Legal Studies and Research University of Law, Hyderabad, India on April 5.

Rick Tepker was a presenter in the April 2 symposium, Religious Freedom in America: Constitutional Traditions and New Horizons, presented by the Institute for the American Constitutional Heritage at Oklahoma Memorial Union. His topic was "Marriage Equality, Religious Freedom and the Pursuit of Happiness."

Professional service

Jonathan Forman is a member of the State of Oklahoma Incentive Review Committee, which recently published the *2011 Report of the Incentive Review Committee*. The report offered recommendations about the goals for economic development tax incentives, as well as the design and evaluation of these tax incentives.

Darin Fox serves on the Law Libraries Executive Committee of the Association of American Law Schools.

Stephen Henderson served as reporter for the task force that developed "Black Letter" Standards on Law Enforcement Access to Third Party Records, which were approved in February by the American Bar Association House of Delegates.



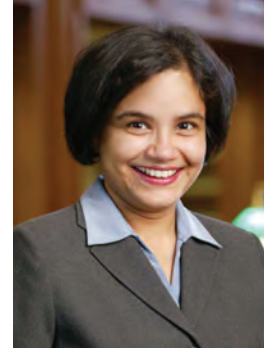
Drew Kershen



Judith Maute



Brian McCall



Srividhya Ragavan

Quoted

Owen Anderson was quoted April 2 in a story in *The Wall Street Journal* about the oil boom in North Dakota sparking a legal battle over land beneath and along the Missouri River. *“These kinds of fights occur whenever there’s something worth fighting about,”* Mr. Anderson said. *“And all of sudden, there’s something worth fighting about.”*

Randy Coyne was quoted in an article discussing the 10th Circuit Court of Appeals rejections of death penalty appeals published April 16 in *The Denver Post*. *The 10th Circuit, Coyne said, isn’t seen as a rubber stamp for death sentences, but it also isn’t a frequent blocker of them. “The 10th Circuit’s reputation is that of a moderate court,”* Coyne, an expert on capital punishment, said. *“They tend to be middle of the road.”*

Joe Harroz was quoted in an April 11 article in *The Norman Transcript* about the practice of employers asking job applicants for Facebook usernames and passwords and recent legislation passed in some states prohibiting the practice. *Dean Joe Harroz, dean of the OU College of Law, agreed with the negative response to this trend. “This happens a lot with new technology — legislators and legal professionals must ask and redefine what seems right and fair. This practice is invasive, and it just feels wrong,”* Harroz said. *“It’s like asking for a diary instead of references...I think there’s a strong argument of reasonable expectation of privacy for employees...If I had to guess, I think this will be resolved by Congress and state legislators within the year.”*



Michael Scaperlanda



Robert G. Spector



Rick Tepker



Joe Thai

Stephen Henderson was quoted in a widely published Associated Press story written in April about a 5th Circuit Court of Appeals judge who ordered the U.S. Department of Justice to submit a letter affirming the federal court's authority to strike down laws passed by Congress. The order was entered following a comment from President Obama that it would be unprecedented for the Supreme Court to strike down a law like the health care law. Henderson, who once clerked for the judge, was asked about the judge. *"Judge Smith is not about grandstanding. If he asks a question from the bench, it's an honest question,"* Henderson said. *"Judge Smith has no control over whether others turn a court order into a political football. If he asks a question, it's because he wants to know the answer."*

Brian McCall was quoted April 8 in a *Tulsa World* story discussing a case pending before the Oklahoma Supreme Court dealing with a 2010 state law that allows the state to set aside public education monies to fund a portion of student's private school tuition. *McCall said the Oklahoma Constitution is flexible when it comes to education. "There is a real fundamental difference in setting up a church and funding it and providing the education the state is committed to provide every citizen through another medium that is more appropriate for that particular child,"* he said.

Michael Scaperlanda was quoted in a March 29 story of the Catholic News Agency about the U.S. Supreme Court's awaited decision on the federal health care law. Scaperlanda indicated if the law is overturned, he is hopeful solutions for the uninsured, and those with preexisting conditions, can be found at the state level. *"One reason would be, that our state legislators are much more accessible to us than our federal legislators,"* he explained. *"I'm Facebook friends with several of my state legislators; I can have conversations with them. They're much more in tune to the values of people in the community than people in Washington. Multiple heads are better than one,"* Scaperlanda said. *"Having different proposals and solutions, and watching to see what works, leads to a better solution than having a small group of policy experts tell us what's going to work and then hoping for the best."*

Rick Tepker was quoted March 29 in a *Tulsa World* story about the possibility that the U.S. Supreme Court decision on the constitutionality of the Affordable Care Act could affect other federal laws. *University of Oklahoma law professor Rick Tepker said the high court could draw a line that distinguishes between the Affordable Care Act and the other government programs. If the Obama administration had designed the Affordable Care Act as a tax-and-spend proposition, it would have had a much easier time defending it in court, Tepker said. Instead, fearful of being accused of raising taxes, the program tries to use the existing insurance industry as the mechanism for paying for health care and adds the individual mandate as the means of providing enough premium-paying clients to underwrite the costs of universal coverage, he said.*

Joe Thai was quoted in an Associated Press story, which appeared in multiple newspapers in April, discussing the “personhood bill” being considered in the Oklahoma Legislature. *Joseph Thai, a constitutional law professor at the University of Oklahoma who predicted the bill was likely to have been struck down as unconstitutional before it ever took effect, said it was “a good day for Oklahoma taxpayers. For now, they won’t be on the hook for expensive litigation to defend a constitutionally questionable law,” Thai wrote in an email to The Associated Press. “It’s also a good day for Oklahoma, not to be in the national spotlight yet again for socially divisive legislation. And, of course, it’s a good day for Oklahoma women and their doctors, who for now need not worry that their medical care could turn into a murder case.”*

Thai was quoted February 13 in a story in *The Kansas City Star* about the privacy policy changes Google Inc. was making March 1. *“It would almost be corporate malpractice for Google to not aggregate, sell better ads, make more money off its data and give its shareholders better returns. There’s nothing evil about that.” At the same time, the consolidation of data prompted Thai to close his account with Google Plus. “It’s the principle,” he said. “That someone somewhere has a better picture of me than even I have — it’s not something I’d want to sell, much less give away for free.”*

On the air waves

Rick Tepker appeared on OETA’s “Oklahoma Forum” on April 1 to discuss health care reform and the U.S. Supreme Court.

Joe Thai appeared on OETA’s “Oklahoma Forum” on February 5 to discuss the First Amendment and laws regulating freedom of assembly.

▶ Library has new book scanner

by Darin Fox, Director of the Law Library



Have you ever needed to convert part of a print book into a PDF file? Researchers can now do that with the simple push of a button in the OU Law Library. The Book2Net Spirit Scanner near the Law Library circulation desk will capture the scanned pages and save them to a PDF file on your flash drive.

To use the scanner, simply place your book face-up on the scanner tray, insert your flash drive into the system, and follow the on-screen instructions. Scanning is as simple as turning a page and pressing a button. Better yet, there is no charge for using the system since no paper or toner is used in the process.

For more information, researchers may contact the OU Law Library at (405) 325-4311.