

Stanford Law School

Stanford Program in Law and Society

Third Conference for Junior Researchers 2016
Stanford Program in Law and Society

Discussant Biographies

Panel Session 1: Uncovering the Work of Legal Actors

Professor Deborah R. Hensler

Judge John W. Ford Professor of Dispute Resolution and Associate Dean for Graduate Studies

Deborah R. Hensler's empirical research on dispute resolution, complex litigation, class actions and mass tort liability has won international recognition. A political scientist and public policy analyst who was the director of the RAND's Institute for Civil Justice before joining the Stanford Law School faculty, she has testified before state and federal legislatures in the United States on issues ranging from alternative dispute resolution to asbestos litigation and mass torts and consulted with judges and lawyers outside of the United States on the design of class action regimes. Professor Hensler is the organizer of the Stanford Globalization of Class Actions Exchange, which is spearheading international collaborative research on class actions and group litigation procedures by scholars in Asia, Europe, Latin and North America, and the Middle East. Noted for her decades-long scholarship on asbestos litigation in the United States, her research and publications have described and interpreted the trajectory of mass claims world-wide. At Stanford Prof. Hensler teaches seminars on complex litigation, transnational litigation, the legal profession, and research design for empirical legal studies and serves as associate dean of graduate studies. She has also collaborated with Dean Emeritus Paul Brest on the development of the law schools' Law & Public Policy Laboratory.

Professor Hensler is a fellow of the American Academy of Arts and Sciences and the American Academy of Political and Social Science and has been awarded a personal chair in empirical studies of mass claims resolution by Tilburg University (Netherlands). In 2014 she was awarded an honorary doctorate in law by Leuphana University (Germany).

Panel Session 2: Experimental Approach to Legal Studies**Professor Valarie Hans**

Professor of Law, Cornell Law School

Valerie Hans conducts empirical studies of law and the courts, and is one of the nation's leading authorities on the jury system. Trained as a social scientist, she has carried out extensive research and lectured around the globe on juries and jury reforms as well as the uses of social science in law.

She is the author or editor of 8 books and over 100 research articles. Current projects on the American jury include developing a new theory of damage awards, analyzing how jury service promotes civic engagement, examining the impact of race in tort decisions, and researching the jury's role in death penalty cases. Professor Hans is also studying the introduction of juries and other forms of citizen participation in other countries, including Argentina, Japan, Korea, Russia, Spain, and Taiwan. Her books include *Business on Trial: The Civil Jury and Corporate Responsibility* (2000); *The Jury System: Contemporary Scholarship* (2006); and three coauthored books: *Judging the Jury* (1986); *American Juries: The Verdict* (2007); and *The Psychology of Tort Law* (forthcoming). Professor Hans is President of the Law and Society Association.

Panel Session 3: Learning by Comparison: Perspectives of Comparative Law**Professor Amalia Kessler**

Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies
Professor (by courtesy) of History

A scholar whose research focuses on the evolution of commercial law and civil procedure, Amalia D. Kessler (MA '96, PhD '01) seeks to explore the roots of modern market culture and present-day process norms. Her new book is entitled *Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877* (Yale University Press, forthcoming 2016). In 2008, her book, *A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-Century France* (Yale University Press, 2007), was awarded the American Historical Association's J. Russell Major Prize for the best book in English on any aspect of French history. In 2011, she received the Hessel Yntema Prize from the American Society of Comparative Law for the "most outstanding" article by a scholar under 40 appearing in the previous year's volume of the *American Journal of Comparative Law*. And in 2005, she received the Surrency Prize from the American Society for Legal History for the best article in the previous year's volume of the *Law and History Review*.

Professor Kessler is the Jean-Paul Gimon Director of the France-Stanford Center for Interdisciplinary Studies and has an appointment (by courtesy) with the Stanford History Department. She has been a visiting professor at Yale Law School, Tel Aviv University Law School, the Université Panthéon-Assas (Paris II) and the École des hautes études en sciences sociales. Before joining the Stanford Law School faculty in 2003, she was a trial attorney in the Civil Division of the U.S. Department of Justice and clerked for Judge Pierre N. Leval of the U.S. Court of Appeals for the Second Circuit.

Panel Session 4: Obligations, Incentives and Behavioral Analysis in Context**Professor Barbara Fried**

William W. and Gertrude H. Saunders Professor of Law

Barbara H. Fried's scholarly interests lie at the intersection of law, economics, and philosophy. She has written extensively on questions of distributive justice, in the areas of tax policy, property theory and political theory. She is also the author of a path-breaking intellectual biography of Robert Hale, one of the leading legal realists. Professor Fried is a three-time winner of the John Bingham Hurlbut Award for Excellence in Teaching. She regularly teaches the Legal Studies Workshop at Stanford Law School, an interdisciplinary student-faculty workshop designed for law students interested in pursuing academic careers, as well as contracts, modern American legal thought, tax, and advanced seminars in law and moral/political theory. She has twice been a visiting professor of law at New York University Law School.

Before joining the Stanford Law School faculty in 1987, Professor Fried practiced as an associate with the New York City law firm of Paul, Weiss, Rifkind, Wharton & Garrison, and served as a law clerk to Judge J. Edward Lumbard of the U.S. Court of Appeals for the Second Circuit.

Panel Session 5: Evolving Copyright Regimes in the Digital Era**Professor Phillip R. Malone**

Professor of Law

Director of Juelsgaard Intellectual Property and Innovation Clinic

Phil Malone joined Stanford Law School's faculty in July 2013 as the inaugural director of the Juelsgaard Intellectual Property and Innovation Clinic of the Mills Legal Clinic and professor of law. A leading expert in IP, innovation and cyberlaw, he brings to the position nearly a decade of experience in clinical education and another 20 years of antitrust and technology litigation. His clinical work and scholarship is focused on understanding and promoting sound innovation and exploring how intellectual property and competition policy in high-tech industries affect it. His work also looks at ways in which to encourage broad opportunities for creativity, online expression, open access and dissemination of information and increased access to justice. His teaching has addressed the relationship between legal policy and innovation, including the role of competition and antitrust law, intellectual property, privacy and security law.

Professor Malone comes to Stanford from Harvard Law School, where he was a clinical professor of law and the director of the Cyberlaw Clinic at the Berkman Center for Internet & Society. He also taught courses in cybercrime; antitrust, technology and innovation; IP and cyberlaw litigation; and a Harvard College freshman seminar, Cyberspace in Court: Law of the Internet. Professor Malone was one of the faculty directors of the Berkman Center and was the initial HLS liaison to the Harvard Innovation Lab, a new, university wide center aimed at facilitating innovation and entrepreneurship among Harvard students and faculty.

Prior to joining the academy, Professor Malone was a senior attorney for over 20 years with the Antitrust Division of the U.S. Department of Justice (DOJ), where he directed numerous civil and

criminal investigations and litigated a number of major antitrust trials. Much of his DOJ experience focused on high-technology industries, the Internet and computer software and hardware. Beginning in 1996 he was lead counsel in the DOJ's investigations of Microsoft, and he was the primary career counsel, along with outside counsel David Boies, in the trial of U.S. v. Microsoft Corp (D.D.C). Before leaving the Justice Department he was one of the lead lawyers in the government's antitrust case against Oracle Corp. From 2001-2003 he was the Victor H. Kramer Fellow at HLS, focusing on legal approaches to encouraging and preserving innovation in high-tech industries, evolving competition policy in the computer industry and the use of technology in discovery and litigation.

Panel Session 6: Corporate Behavior Under Scrutiny

Professor F. Daniel Siciliano

Professor of the Practice of Law

Associate Dean for Executive Education and Special Programs and Faculty Director, Rock Center for Corporate Governance

F. Daniel Siciliano, JD '04, is a legal scholar and entrepreneur with expertise in corporate governance, corporate finance, and immigration law. He assumes a variety of leadership roles at the law school, including faculty director of the Arthur and Toni Rembe Rock Center for Corporate Governance, associate dean for executive education and special programs and co-director of Stanford's Directors' College. He is also the co-originator of the OSCGRS (Open Source Corporate Governance Reporting System) Project. Previously, Siciliano was a teaching fellow for the law school's international LLM degree program in Corporate Governance and Practice and executive director of the Program in Law, Economics and Business. He is the senior research fellow with the Immigration Policy Center and a frequent commentator on the long-term economic impact of immigration policy and reform. His work has included expert testimony in front of both the U.S. Senate and House of Representatives. Prior to joining Stanford Law School, Siciliano co-founded and served as executive director of the Immigration Outreach Center in Phoenix, Arizona. He has launched and led several successful businesses, including LawLogix Group—named three times to the Inc. 500/5000 list. Siciliano serves as a governance consultant and trainer to board directors of several Fortune 500 companies and is a member of the Academic Council of Corporate Board Member magazine.

Panel Session 7: Art, Cultural Heritage and Law – Special Panel in Memory of Professor John Henry Merryman

Professor Stacey Jessiman de Nanteuil

Lecturer in Law

Stacey Jessiman is a specialist in cultural heritage law and dispute resolution. At SLS, Jessiman teaches an interdisciplinary seminar that she developed called "Indigenous Cultural Heritage: Protection, Practice, Repatriation", which examines means of strengthening tribal, domestic and international legal and ethical frameworks for indigenous heritage protection and repatriation and brings into the classroom the voices of renowned Indigenous and museum experts from around the world through interviews and performances that she filmed. For the last two years she has also co-

taught “Stolen Art”, a course she developed with Professor John Henry Merryman that addresses law and ethics questions relating to five current hotly debated art topics: Imperialism, the Holocaust, Indigenous Art, Collectors and Museums, and the Illicit Trade in Antiquities.

Before coming to Stanford, Jessiman practiced as a dispute resolution and corporate law attorney at Salans LLP in Paris and Debevoise & Plimpton LLP in New York. She holds BA degrees in Art History (Hons) and International Relations from Stanford University and a Juris Doctor from the University of Toronto Faculty of Law, where she won the Ting Sum Tang Memorial Prize for International Law and Finance and was an editor of the Law Review. She received her LLM degree from the University of British Columbia Faculty of Law. Jessiman has also completed advanced mediation training at Harvard Law School and has designed and led Alternative Dispute Resolution seminars for the Canadian Bar Association, the UBC Faculty of Law and several law firms. Prior to attending law school, Jessiman worked at the Centre for Effective Dispute Resolution in England, where she coordinated commercial mediations and mediation training sessions and was editor of its internationally distributed publication “Resolutions”.

Jessiman is a frequent speaker at international conferences on cultural heritage and dispute resolution issues. Her recent publications include “The Repatriation of the G’psglox Totem Pole: A Study of its Context, Process and Outcome”, *International Journal of Cultural Property* (2011) 18:365-91, “The Edgy State of Decolonization at the Canadian Museum of History, UBC Law Journal special issue (2014), and “Challenges for implementing UNESCO’s HUL Recommendation in Canada” in *Urban Heritage, Development and Sustainability: International Frameworks, National and Local Governance*, Sophia Labadi and William Logan eds (forthcoming Routledge, 2015).

Panel Session 8: International and Domestic Dilemmas in Protecting Public Order and Safety

Professor Benedetta Faedi Duramy

Professor of Law, Golden Gate University

Professor Benedetta Faedi Duramy is Professor at Golden Gate University School of Law in San Francisco where she teaches International Human Rights, Gender and Children’s issues in International Law, International Humanitarian Law, and Property. The author of two books and several book chapters and articles, Benedetta completed her JSD at Stanford Law School where she has been the recipient of numerous awards for her extensive research and scholarship on human rights and gender issues, with a special focus on Haiti. Previously she received an LLM from the London School of Economics and Political Sciences, an MA in Political Science from the University of Florence, and an LLB from the University of Rome “La Sapienza” (summa cum laude). She formerly was a researcher for the Child Protection Unit of the United Nations Stabilization Mission in Haiti and worked in private practice in London.

Panel Session 9: Regulating Criminal Behavior

Professor David Sklansky

Stanley Morrison Professor of Law

Faculty Co-Director, Stanford Criminal Justice Center

David Sklansky teaches and writes about criminal law, criminal procedure, and evidence. His scholarship has addressed topics as diverse as the law, sociology, and political science of policing; the interpretation and application of the Fourth Amendment; fairness and accuracy in criminal adjudication; the relationship between criminal justice and immigration laws; and the role of race, gender, and sexual orientation in law enforcement.

Sklansky is the author of the well-regarded evidence casebook, *Evidence: Cases, Commentary, and Problems*. His other recent publications include “Crime, Immigration and Ad Hoc Instrumentalism,” *New Criminal Law Review* (2012); “Evidentiary Instructions and the Jury as Other,” *Stanford Law Review* (2013); “Too Much Information: How Not to Think About Privacy and the Fourth Amendment,” *California Law Review* (2014); and “Two More Ways Not to Think about the Fourth Amendment,” *University of Chicago Law Review* (2015).

Prior to joining the faculty of Stanford Law School in 2014, Sklansky taught at U.C. Berkeley and UCLA; he won campus-wide teaching awards at both those institutions. Earlier he practiced labor law in Washington D.C. and served as an Assistant United States Attorney in Los Angeles.