

# ***Catherine Gage O'Grady***

**Professor of Law**

**University of Arizona**

James E. Rogers College of Law

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## **Professional Experience**

### **James E. Rogers College of Law, University of Arizona, Tucson, Arizona**

**Professor of Law**, July 2015 - present.

**Associate Dean of Academic Affairs**, July 2015 - July 2020.

### **Sandra Day O'Connor College of Law, Arizona State University, Tempe, Arizona**

**Professor of Law**, 1998 - 2015; **Associate Professor of Law**, 1994 - 1998.

**Associate Dean for Clinical Affairs and the Profession**, 2008 - 2011.

**Director of Clinical Programs**, 2000—2007.

### **James E. Rogers College of Law, University of Arizona, Tucson, Arizona**

**Visiting Professor of Law**, Aug 2011 – May 2012. Taught Civil Procedure, Constitutional Law, and Professional Responsibility. Recipient of Outstanding Visiting Professor Award (selected by students).

### **Université Paris 5 René Descartes, Paris, France**

**Visiting Professor of Law**, Oct 2008, Oct 2009, and Oct 2010. Taught law students in the common law program.

### **Arizona Solicitor General's Office, Phoenix, Arizona**

**Special Assistant Attorney General**, August 2007 – May 2008. Spent academic sabbatical serving as counsel on cases involving federal or state constitutional issues. Briefed and argued case in Arizona Supreme Court; participated in bench trials in Federal District Court and Maricopa County Superior Court.

### **Meyer, Hendricks, Victor, Osborn & Maledon, Phoenix, Arizona**

**Associate Attorney**, August 1988 – August 1991. Responsible for broad practice.

## **Judicial Clerkship**

Law Clerk to William C. Canby, Jr., United States Court of Appeals for the Ninth Circuit, Phoenix, AZ, 1987 – 1988.

## **Education**

Arizona State University College of Law, J.D. received May, 1987.

Graduated magna cum laude

Co-Valedictorian and recipient of the Armstrong Award for Outstanding Graduate

Executive Editor, Arizona State Law Journal  
Order of the Coif, Member of National Moot Court Team, Research Assistant to the Dean.

University of Michigan, College of Business Administration, B.B.A. 1981.

### **Teaching (Subjects)**

Courses: Civil Procedure, Constitutional Law, Professional Responsibility, United States Supreme Court Seminar, Law and Social Psychology Principles Seminar (Problem Solving, Decision Making, and Professional Judgment).

### **Significant Administrative Experience**

**Associate Dean of Academic Affairs (University of Arizona) (until July, 2020):** Work with dean and small team of administrators on all College matters and innovations, including mission and strategic plan initiatives and implementation. Work with all faculty and faculty committees on matters pertaining to curriculum, accreditation reviews, new programs, new requirements, course scheduling, academic calendar, student matters, and bylaw changes. Oversee staff in academic affairs and faculty support. Handle all student honor code matters.

**Associate Dean of Clinical Programs and the Profession (Arizona State University):** Responsible for all curricular and administrative areas that fall under the umbrella of professional practice readiness, experiential education, and professional responsibility including clinical programs, externship program, and professional responsibility curriculum. Successfully remodeled ASU College of Law's externship program, which is one of the largest in the country. Worked to secure two grants used to expand two separate clinical offerings and create a new program. Generated fundraising from individual donor to build new high-tech courtroom/classroom. Handled all student honor code matters.

### **Publications**

With co-author Tigran Eldred, *Beyond the Rules – A Behavioral Approach to Understanding Legal Ethics* (book – work in progress) (accepted for publication by West Academic).

*A Behavioral Approach to Lawyer Mistake and Apology*, 51 New England L. Rev. 7 (2017) (symposium keynote author – behavioral legal ethics volume with scholarly comments on this keynote article) ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2848612](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2848612)).

*Behavioral Legal Ethics, Decision Making, and the New Attorney's Unique Perspective*, 15 UNLV 671 (2015) (symposium) (<http://ssrn.com/abstract=2479081>).

*Wrongful Obedience and the Professional Practice of Law*, 19 J. Law, Bus. & Ethics 9 (2013) ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2135786](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2135786)).

*The Role of Speculation in Facial Challenges*, 53 Ariz. L. Rev. 867 (2011) ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1807406](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1807406)).

*Cognitive Optimism and Professional Pessimism in the Large-Firm Practice of Law: The Optimistic Associate*, 30 Law & Psychology Review 23 (2006) ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1434560](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1434560)).

*Empathy and Perspective in Judging: The Honorable William C. Canby, Jr.*, 33 Ariz. St. L.J. 4 (2001) ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1434567](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1434567)).

*Preparing Students for the Profession: Clinical Education, Collaborative Pedagogy, and the Realities of Legal Practice for the New Lawyer*, 4 Clinical Law Review 485 (1998) ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1434563](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1434563)).

*Targeting State Protectionism Instead of Interstate Discrimination Under the Dormant Commerce Clause*, 34 San Diego L. Rev. 571 (1997) ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1434565](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1434565)).

### **Institutional Service**

American Law Institute (elected): 2015 – present.

Dean's Advisory Committee (faculty elected): 1996-97, 1997-98, 1998-99, 1999-2000, 2002-03, 2003-04, 2005-06, 2006-07.

Appointments Committee 1995-96, 1997-98; 2001-02 (chair); 2002-03 (chair), 2003-04 (chair); 2012-13 (chair).

Externship Committee 2008-09, 2009-10 (chair); current.

Personnel Advisory Committee 2008-09, 2009-10 (chair) 2010-11 (chair).

Readmissions Committee 1994-95, 1995-96, 1996-97, 1997-98, 1998-99, 1999-2000.

Curriculum Committee 1994-1995, 1999-2000; current.

Member, Task Force on Curriculum Reform 2008-09;

Faculty Adviser: Women Law Student Association (1997, 2004), Homeless Legal Assistance Project (1995-present), Delta Theta Phi Law Fraternity (1995-97); Animal Law Project (2002, 2004).

### **Talks and Presentations**

#### **Television Appearances:**

Legal commentator for ABC local evening news on the impact of the United States Supreme Court's decision regarding Arizona Senate Bill 1070 (June 2012).

Legal commentator for NBC Nightly News with Brian Williams (with segments shown on Nightline and the Today show) on the constitutionality of Arizona's Senate Bill 1070 (July 2010).

Legal commentator on KAET's PBS Horizonte show discussing Arizona's Senate Bill 1070. Regular legal commentator on KAET's PBS Horizon and Horizonte shows discussing United States Supreme Court and Arizona cases (1994-2010).

#### **Selected Presentations:**

Keynote speech, *Behavioral Legal Ethics: What Actually Influences the Making of Ethical Decisions*, PilotLegis Annual Member conference, Washington, D.C. (November 5, 2018)

*A Behavioral Approach to Attorney Mistake and Apology*, Tucson Defense Bar (April 23, 2018).

Keynote speech, *A Behavioral Approach to Lawyer Mistake and Apology*, The New England College of Law, Boston, MA (November 10, 2016).

*Behavioral Legal Ethics and Law's Work Groups*, ABA National Conference on Professional Responsibility (May 28, 2015).

*When Good Intentions Go Awry: An Introduction to Behavioral Ethics in a Legal Context*, National webcast for Practicing Law Institute, November 10, 2015 (MP # 8206; TB # 162998; on-demand # 163000).

*Behavioral Legal Ethics, Decision Making, and the New Attorney's Unique Perspective*, 16<sup>th</sup> Annual Conference on Engaging the Future Responsibly, Society for Ethics Across the Curriculum (October 3, 2014).

*Behavioral Legal Ethics, Moral Decision Making, and the New Attorney's Professional Development*, Psychology and Lawyering: Coalescing the Field Conference, UNLV College of Law (February 21-22, 2014).

*Behavioral Legal Ethics, Moral Decision Making, and the New Attorney's Professional Development*, Young Lawyers Division of the American Bar Association, Annual Meeting (October 12, 2013).

*Behavioral Legal Ethics, Law's Work Groups, and Arizona's Newest Attorneys*, Arizona Women Lawyers Association Tucson Chapter (March 16, 2015).

*Behavioral Legal Ethics and Arizona's Newest Attorneys*, The Young Lawyers Association, Tucson Chapter (March 19, 2015).

Presenter, *Obedience, Conformity, and the Professional Practice of Law*, AALS National Conference on Clinical Legal Education, Los Angeles, California (May 2012).

Moderator, *Arizona's S.B. 1070: A Combustible Mix of Constitutional Law, Criminal Justice, Racial Profiling, and Blatant Falsehoods*, AALS Annual Meeting, San Francisco, California (January 2011).

Presenter, *The Role of Speculation in Facial Challenges to the Constitutionality of State Statutes*, Horace Rumble Inn of Court (September 16, 2010).

Moderator and Presenter, *Teaching Values in Legal Education – Should We and If So, How?* AALS Annual Meeting, New Orleans, Louisiana (January 2010).

Moderator, Debate Between Candidates for Maricopa County Clerk of the Court, Sponsored by the Arizona Women Lawyers Association (September 28, 2010).

Presenter, *Current Cases in the United States Supreme Court*, Rio Verde Community Lecture Series (February 2010).

Presenter (w/Professor Paul Bender), *Current Cases in the United States Supreme Court*, Federal Bar Association (May 2010).

AALS National Conference on Clinical Legal Education, Cleveland, Ohio, Plenary Presenter and Panelist, *Teaching Students to Learn and Work Collaboratively* (May, 2009).

Presenter (w/Professor Paul Bender), *Current Cases in the United States Supreme Court*, Federal Bar Association (May 2009).

Presenter, *Legal Issues and Updates on the United States Supreme Court*, Judicial College of Arizona – Annual Judicial Conference (June 2009).

Presenter, *Current Cases in the United States Supreme Court*, ASU President's Community Enrichment Program (November 2009).

Panelist, *Attorney Ethics in Arizona*, State Bar of Arizona (December 2009).

Presenter, *Wrongful Obedience and Individual Autonomy In Law's Hierarchies*, Maricopa County Bar Association (October 2008).

Presenter, *The People's Constitution*, Judicial College of Arizona – Annual Judicial Conference (June 2007).

Plenary Presenter, *The Technology Venture Clinic at Arizona State University College of Law*, American Association of Law School/Clinical Legal Education Annual Conference, New York City, N.Y. (May 2006).

Panelist and Speaker: *Arizona's Supreme Court Legacy: Chief Justice Rehnquist and Justice O'Connor*, State Bar of Arizona Annual Conference, Tucson, Arizona (June 16, 2005).

Presenter (w/Paul Bender): *The United States Supreme Court; A Mid-Term Review*, Federal Bar Association (January 20, 2005, February 2006, February 2007, February 2008).

Presenter: *Key Cases in the United State Supreme Court*, Appellate Practice Section's First Monday in October Lecture (October 4, 2004).

Presenter: *A Sense of Community*, Arizona Women Lawyers Association Annual Breakfast Key Note Speaker (June 11, 2004).

Presenter: *Jury Selection and Release*, Judicial College of Arizona (June 18, 2003).

Presenter: *Civil Liberties and War*, Judicial College of Arizona (June 19, 2003).

Paper Presenter: *The Role of Empathy in Judicial Decision Making*, Law & Society Association's Annual Meeting (May 31, 2002).

Catherine O'Grady, *Empathy Does Not Supplant Reason*, The Forum - Arizona State University College of Law (July 2002).

Presenter: *Civil Liberties in a Time of War - The USA Patriot Act*, John Morris Memorial Presentation, Arizona State University College of Law (March 5, 2003).

Presenter: *CLE by the Sea - Litigating in a High-Tech Computer Integrated Courtroom: Overcoming Training Obstacles* (July 2001).

Article: Catherine O'Grady, *Order In The Classroom: Training Future Lawyers in High-Tech Courtrooms*, 37 Ariz. Atty. 41 (April 2001).

Presenter (with Paul Bender), Federal Bar Association Meeting, *Review of the U.S. Supreme Court Term (1999-2000 term)*, April 2000.

Presenter, Association of American Law Schools Annual Meeting, *Attorney Satisfaction: What Tools Can We Give Our Students To Help Them Find Personal and Professional Satisfaction*, January 7, 1998.

Presenter, State Bar of Arizona Continuing Legal Education: *Paul Bender & Cathy O'Grady Review the 1996-97 U.S. Supreme Court Term (With a Preview of the 1997-98 Term)*, October 17, 1997.

Presenter, Maricopa County New Judge Orientation: *Jury Issues and Working With Juries*, January 8, 1997.

Presenter, Spirit of the Senses: *Key Cases From the United States Supreme Court*, June 13, 1996.

Presenter, State Bar of Arizona Continuing Legal Education: *Batson v. Kentucky: Its Impact on Jury Selection in Civil and Criminal Trials*, April 27, 1995.

Presenter, State Bar of Arizona Sole Practitioners' Section: *Major Cases Expected From the U.S. Supreme Court in the 1995-96 Term*, October 4, 1995.

Presenter, Scottsdale Bar Association: *Major Cases Expected From the U.S. Supreme Court in the 1995-96 Term*, December, 1995.

Presenter, State Bar of Arizona Continuing Legal Education: *Arizona Appellate Practice Institute*, March 24-25, 1995.

## **Professional and Community Service**

Member of Arizona Supreme Court Task Force on the Arizona Rules of Civil Procedure (appointed by Chief Justice) (2014 – current).

Expert Consultant on Civil Procedure for (then) Chief Justice Rebecca Berch of Arizona Supreme Court, working on Arizona State Bar examination materials (2012 – current).

Member of Arizona Supreme Court Commission on Technology (appointed by the Chief Justice) (served for six years ending 2011).

Member of the Judicial College of Arizona (appointed by Chief Justice) (served for three years ending 2011).

Member of Arizona Supreme Court Committee on Judicial Education and Training (appointed by Chief Justice) (served for three years ending 2010).

Member of the Arizona Supreme Court Publications Committee (completed 2011).

Member of the Arizona Supreme Court's Rule 123 and Data Dissemination Advisory Board (appointed by the Chief Justice) (completed 2010).

Member of the Arizona Supreme Court Admission on Motion Committee (appointed by the Vice Chief Justice) (completed 2009).

Member of Arizona State E-Filing RFP Review Group (invited by the Vice-Chief Justice) (completed).

Member of Maricopa County Superior Court E-Courtroom Committee, Co-Chair of the Subcommittee on Training. Assisting the Court system with the implementation of computer technology in new courtrooms (completed).

Board of Directors, Age-Link School (2001 to 2008).

ACLU Legal Review Panel (2004-2007; 2013 - current).

Co-Chair, Arizona State University College of Law Alumni Reunion Committee -- Class of 1987 Ten-Year Reunion (1997), and Twenty-Year Reunion (2007).

Barrister Member of the Thurgood Marshall Inn of Court, September, 1992 - May, 1996.

Board of Directors, ASU-Homeless Legal Assistance Project (Founding Board Member - current).

Collaborative Publication with Law Student: Lee Holtry and Catherine O'Grady, *The Homeless Legal Assistance Project -- Pro Bono Excellence at Arizona State University College of Law*, Arizona Attorney, October 1994; Arizona State University College of Law Forum (Spring, 1995).

**Bar Admissions: Arizona and Federal Bar**