

## Jessica J. Berch

Sandra Day O'Connor College of Law, Arizona State University  
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### TEACHING EXPERIENCE

**Sandra Day O'Connor College of Law** June 2016-present  
**Arizona State University**, Phoenix, Arizona

*Lecturer; previously Visiting Associate Professor (June 2016-June 2017)*

Courses: Civil Procedure I & II; Evidence; MLS Evidence (online course for Masters of Legal Studies students); Constitutional Law II (individual rights); Constitutional Criminal Procedure

Faculty Advisor Positions: Student Federal Bar Association (2017-present, founding faculty advisor); MAJORS/AZ focused on local policy (2017-present, founding faculty advisor)

**Concordia Law School**, Boise, Idaho July 2014-present  
*Associate Professor of Law* (on leave 2016-2017)

Professor of the Year (2014-15)

Courses: Civil Procedure I & II; Federal Courts; Conflict of Laws

Committees: Dean Search (2016); Scholarship & Teaching (2015-2016); Adjunct Training & Supervision (2014-2016); Faculty Affairs (chair: 2014-2016); Faculty Evaluation and Retention (2014)

Faculty Advisor Positions: Law Review (2014-2016, founding faculty co-advisor); Women's Law Society (2015-2016, founding faculty advisor); American Constitution Society (2015-2016)

**Southwestern Law School**, Los Angeles, California June 2012-June 2014  
*Visiting Associate Professor of Law*

Courses: Civil Procedure I & II; Constitutional Criminal Procedure

Committees: Public Interest (2012-2014); Student Enhancement (2012-2014)

### EDUCATION

**Columbia Law School**, New York, New York J.D. 2008

Kent Scholar (highest honors), 2L & 3L; Stone Scholar (second highest honors), 1L

Other selected honors and activities:

- Articles Editor, *Columbia Journal of Transnational Law*
- Research Assistant, Professor Michael Heller (*The Gridlock Economy*)
- Research Assistant, Professor Fabrizio Cafaggi, European University Institute
- Extern, the Honorable Shira A. Scheindlin, Southern District of New York
- Teaching Assistant, Professor Peter Strauss, Legal Methods

**Arizona State University, Barrett Honors College**, Tempe, Arizona B.A. 2004

Summa Cum Laude, 3.97 GPA (major in humanities, emphasis in classics; minor in philosophy)

Phi Beta Kappa

Thesis: *Athenian Ideologies, Athenian Laws*

## **SCHOLARLY PUBLICATIONS AND PRESENTATIONS**

### **Published Articles**

*Reefer Madness: How Non-Legalizing States Can Revamp Dram Shop Liability to Protect Themselves from the Marijuana Spillover Flowing from their Legalizing Neighbors*, 58 B.C. L. REV. 863 (2017) (symposium).

*Waiving Jurisdiction*, 36 PACE L. REV. 853 (2016).

*Waving Goodbye to Non-Waivability: The Case for Permitting Waiver of Statutory Subject-Matter Jurisdiction Defects*, 45 MCGEORGE L. REV. 635 (2014) (lead article, Issue 4).

*The Confrontation Clause and the Border Patrol: Applying the “Primary Purpose” Test to Multifunction Agencies*, 96 MARQ. L. REV. 793 (2013) (co-author: Caleb E. Mason).

- Featured as a “must read” for criminal defense attorneys by the National Association of Criminal Defense Lawyers in their publication, GETTING SCHOLARSHIP INTO COURT PROJECT

*May I Have a Word with You: Oops, Have I Already Violated the No-Contact Rule?*, 6 PHOENIX L. REV. 433 (2013) (co-author: Michael A. Berch).

*The Costs of Litigation: A Proposal to Amend Federal Rule of Appellate Procedure 39(a)(4)*, 83 TEMPLE L. REV. 103 (2010).

*The Need for Enforcement of U.S. Punitive Damages Awards by the European Union*, 19 MINN. J. INT’L L. 55 (2010).

### **Works-in-Progress**

*Weed Wars: Winning the Fight Against Marijuana Spillover* (draft)

### **Books**

MICHAEL BERCH, REBECCA BERCH, RALPH SPRITZER, & JESSICA BERCH, INTRODUCTION TO LEGAL METHOD AND PROCESS: CASES AND MATERIALS (Thomson West 5th ed. 2010).

MICHAEL BERCH, REBECCA BERCH, RALPH SPRITZER, & JESSICA BERCH, TEACHER’S MANUAL TO ACCOMPANY INTRODUCTION TO LEGAL METHOD AND PROCESS: CASES AND MATERIALS (Thomson West 5th ed. 2010).

## **Selected Blog Posts**

*Law Students May Take the Bar Exam While Still Students?*, Dec. 28, 2015, PRAWFSBLAWG.BLOGS.COM.

*A Modest Proposal for Preventing the Marijuana of Legalizing States from Being a Burden to Prohibitionist States*, Dec. 15, 2015, PRAWFSBLAWG.BLOGS.COM.

*Cert Granted in Universal Health Services v. United States ex rel. Escobar regarding the Meaning of Fraud in the FCA*, Dec. 11, 2015, PRAWFSBLAWG.BLOGS.COM.

*Space Mining Legislation*, Dec. 9, 2015, PRAWFSBLAWG.BLOGS.COM.

*Franchise Tax Bd. v. Hyatt: State Sovereign Immunity, Our Federalism, and Jerry Springer*, Dec. 7, 2015, PRAWFSBLAWG.BLOGS.COM (co-author: Chad DeVeaux).

- Cited on SCOTUSblog & TaxProf Blog

*“Joint” Post on Pot Federalism*, Dec. 3, 2015, PRAWFSBLAWG.BLOGS.COM (co-author: Chad DeVeaux).

*Don’t Fear, the 2015 Amendments to the FRCP will be Tested on the July 2016 MBE and MEE*, Dec. 2, 2015, PRAWFSBLAWG.BLOGS.COM.

*Out with the Old (FRCP), in with the New (FRCP)*, Dec. 1, 2015, PRAWFSBLAWG.BLOGS.COM.

*Mellow Out, Chad!*, Dec. 1, 2015, PRAWFSBLAWG.BLOGS.COM.

*Multiplying Loaves and Fishes: Why Congressional Debt-Ceiling Brinkmanship May Plunge Us into Economic Depression and How President Obama Can Save Us from Going Back to the Breadlines*, Oct. 26, 2015, PRAWFSBLAWG.BLOGS.COM (co-author: Chad DeVeaux).

## **Selected Panels and Presentations**

Federal Sentencing Reform (moderator) June 2016  
Conference on Criminal Justice Reform  
Concordia University School of Law; Boise, ID  
Co-Panelists: Amy Baron-Evans, Tom Hillier, Andrew Kim, Alex Kreit, Hon. B. Lynn Winmill, Jonathan Wroblewski

One Toke Over the (State) Line (co-organizer & panelist) June 2016  
Horizontal-Federalism Implications of Marijuana Legalization  
Law & Society Conference; New Orleans, LA  
Co-Panelists: David Ball, Brannon Denning, Chad DeVeaux

Marijuana Federalism Debate (moderator) Idaho State Bar University of Idaho School of Law; Boise, ID Co-Panelists: Chad DeVeaux, Shaakirrah Sanders	Nov. 2015
Waiving Jurisdiction Inland Northwest Junior Scholars Workshop University of Idaho College of Law; Boise, ID	Aug. 2015
Mandatory Arbitration Agreements: Promoting Efficiency or Exploiting Inequality Analyzing Arbitration Clauses as Forum-Selection Clauses Law & Society Conference; Minneapolis, MN	June 2014
Understanding the Sixth Amendment's Confrontation Clause Presentation to Professor Norm Garland's Constitutional Criminal Procedure Class Southwestern Law School; Los Angeles, CA	Mar. 2014
Jurisdictional Procedure and Uncertainty Bending the Rules of Subject-Matter Jurisdiction Law & Society Conference; Boston, MA	June 2013

**OTHER LEGAL WORK EXPERIENCE**

<b>Perkins Coie LLP</b> , Phoenix, Arizona <i>Associate; Summer Associate</i> (Summers of 2006 and 2007)	Oct. 2009-June 2012
<b>Court of Appeals for the Ninth Circuit</b> , Phoenix, Arizona <i>Law Clerk (and en banc law clerk) to the Honorable Mary M. Schroeder, former Chief Judge</i>	Aug. 2008-Aug. 2009
<b>Quarles &amp; Brady, L.L.P.</b> , Phoenix, Arizona <i>Summer Associate</i>	Summer 2007

**LAW-RELATED SERVICE**

Lorna Lockwood Inn of Court Membership Chair (2017-present)	2008-2012, 2016-present
Federal Bar Association member	2017-present
Arizona Women Lawyers Association member AWLA board member (2011-2014) Attorney mentor to women law students (2009-2012)	2009-2014
Arizona Town Hall Report chair (2012) Recorder (2010)	2010-2012
Courtroom Advocates Project for Domestic Violence	2006-2008