The Commentator

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NYU Law's Raid on Columbia's Law School Faculty Continues: Catherine Sharkey Comes Aboard

By Ben Kleinman '08

Professor Catherine Sharkey probably qualifies as a legal rockstar. NYU Law has had plenty of them grace us with their presence – Yoshino, Feldman, C-Rod… And based on what I know of those professors and what I heard from Professor Sharkey during our interview, she shares not just their impeccable qualifications but also their passion for teaching. What came through when she and I spoke was both a personal interest in students, and also a scientist's or experimentalist's (an empiricist's, she might have me say) interest in how best to engage with students.

First, the credentials: Yale undergrad with a rindoculous GPA and two national lacrosse championships to her credit. Rhodes Scholar. Yale Law School. Clerkships for Judge Calabresi and Justice Souter. Temple Bar Scholar in London. A few years of litigation work at a firm for seasoning, and then a mere four years at Columbia before becoming a full Professor. After visiting at Harvard and NYU last year, Professor Sharkey is now all ours, joining a number of others who have made the move downtown from Columbia Law, including Issacharoff, Estlund, and Waldron.

It's clerkship season, so let's go there first. With two prestigious clerkships under her belt and her experience as co-chair of Columbia's clerkship committee, it's no surprise that we've tapped her to serve on our clerkship committee. Sharkey values clerkships for the same reasons many others do – in addition to the experience itself, the judges become mentors for life. But she does have some advice for those of you out there who may be contemplating the clerkship process in a year or two, and it's relevant even to those of you who aren't: relax.

"Enjoy yourself and immerse yourself" when you first start law school, she advises. First semester grades will be what they will be and, while they matter, they're not completely determinative of whether or not you can get a clerkship down the road. Of course, if your grades aren't where you want them to be, it never hurts to show an "upward trajectory." If you're interested in clerkships or an academic career, or simply getting more out of your time at law school, Sharkey recommends that you develop a relationship with your (or any) professors.

We spoke a lot about how to develop that relationship. With her experience at Yale, Sharkey was familiar with a smaller student body and smaller classes. But NYU, like Columbia, is huge. Professor Sharkey and her colleagues struggle with the same problem faced by many students at NYU: how to foster an atmosphere of collegiality and approachability in a law school the size of ours. Sharkey, whose torts class this semester has 112 people in it, has tried different ways to "foster engagement."

One method she's trying here after past success is TA-sections. These are optional weekly sessions, run by the TAs, where students can explore issues in more depth or work out issues they may not have grasped the first time around. Sharkey also relies on her TAs in brainstorming sessions to come up for new ways to engage students. For example, she's varied her office hours so that once a week she has open sessions when small groups of students usually come in to discuss issues, and once a week she has appointment office hours that target students who want the benefit of a one-on-one meeting.

Sharkey is less fond of email as a way of connecting with students, basically because it doesn't give her enough insight into how students are thinking. She "like[s] face to face contact in an electronic age." The ideal would be to have students talking about issues in the lounge, with professors occasionally popping in or walking by, joining in the general conversation. This is the kind of atmosphere Sharkey encourages through her student lunches (a program dear to most NYU students), which she holds on campus to maximize the time she has to meet and talk with her students. But the winds of technological progress are strong, and this year Sharkey's experimenting with online discussion boards that are linked to the TA-sections.

Of course, being a law professor isn't all about teaching, and Sharkey has come to appreciate the "biorhythms" of the job. As classes wind down and summer approaches, she gets to indulge her "passion for ideas and writing" with a season of "fervent reading and writing." Anyone interested can find a sample of her work, but lately she's been most interested in the intersection of law, particularly torts, and institutions. Her illustrative example was that the pharmaceutical industry can be subject to common law actions, tort legislation, or FDA regulation (at the very least). Lately, larger industry players have been agitating for regulation to preempt legislation or common law claims, perhaps on the theory that it's easier for them to capture one federal regulatory body than to lobby national legislators or, especially, a multitude of states. These questions of intersectionality and preemption are fertile ground for Sharkey. In fact, one of the reasons she made the move to NYU was the strength of the research programs in and the collaboration among the torts, civil procedure, and administrative law disciplines.

Law isn't all teaching and writing though – Sharkey travels a surprising amount, largely to workshop and present on research. All of which keeps her from her 8 ½ month old son Caleb, whose picture flits across her screen with regularity during our interview.

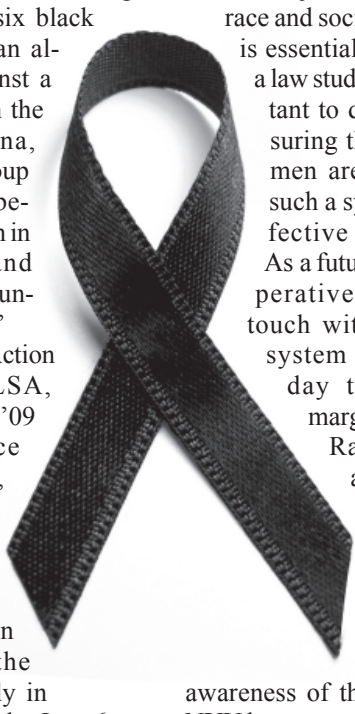
During her time as a Rhodes Scholar and a Temple Bar Scholar, Sharkey had the opportunity to step outside the boundaries that sometimes constrain our ability to think critically about the institutions that we're most familiar with. In sharing her daily life with people from around the world and immersing herself in traditions different from those she grew up with and studied, Sharkey seems to have gained an appreciation for the idea that inertia is not always sufficient justification for proceeding with business as usual. Her experiments with teaching and engaging students mirror her current academic interests. If there's a better way of doing things, Professor Sharkey is likely to give it a shot.

Louisiana's Jena 6 Find Support at NYU

By Bobbie Andelson '08

On Thursday, September 20, the Black Allied Law Students Association (BALSA) held a fundraiser in support of the "Jena 6" from 9 am to 5 pm in the Vanderbilt Courtyard.

During this time, BALSA members collected donations for the Jena 6 Defense Fund, a legal defense fund for six black teens charged in an alleged assault against a white classmate in the tiny town of Jena, Louisiana. The group of six teens has become widely known in the media and throughout the country as the "Jena 6."



The Political Action Chairs of BALSA, Philip Desgranges '09 and Krenice Roseman '09, planned the event at the law school to coincide with the Jena 6 National Day of Action. On September 20, the NAACP led a rally in Jena in support of the Jena 6.

Students who donated $1 or more to BALSA members fundraising in the Vanderbilt Courtyard received a black ribbon to wear as a show of support for the Jena 6.

BALSA does not have a total count on the number of ribbons handed out, but they raised $336 to give to the Defense Fund.

Roseman considered the event a success for two reasons. "First, we were able to raise [money for] the Jena 6 legal defense fund," she said. "Second, we were able to generate some discussion and awareness about the Jena 6 within the NYU School of Law community with fact sheets describing the situation in Louisiana. Many people were generally unaware about what actually happened in Jena, Louisiana and became more interested in the story of the young men after dropping by our table."

Roseman continued: "[Planning the event] was important because the situation in Jena, Louisiana is a reminder of why I came to law school in the first place. Understanding that even in 2007 a dual system of justice continues to exist that harshly defines 'fairness' and 'justice' on the basis of race and socioeconomic status is essential to my growth as a law student. It was important to do our part in ensuring that the six young men are able to combat such a system through effective representation. As a future lawyer, it is imperative that I not lose touch with how the legal system is affecting the day to day lives of marginalized peoples. Raising awareness about the Jena 6 was just one of many ways the Poltical Action Committee hopes to heighten the awareness of these issues in the NYU law community."

The town of Jena was wracked with racial tension prior to the Jena 6's assault. Nooses were hung from a tree at the local high school, allegedly as a symbol that the tree was to be congregated at only by whites. A potentially racially motivated arson was committed the weekend before the assault, and that same weekend fighting erupted between groups of blacks and whites.

The Jena 6 have received national attention in part because they were charged with attempted murder, and the lethal weapon cited by the district attorney to justify the charge was their sneakers. The first trial of one of the boys also resulted in his being convicted of aggravated battery and conspiracy to commit battery after a two-hour deliberation by an all-white jury.

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