



THE UNIVERSITY OF UTAH
**S.J. QUINNEY
COLLEGE OF LAW**

Annual Report for the S.J. and Jessie E. Quinney Foundation

2022-2023 Academic Year

Introduction

The S.J. Quinney College of Law is honored to present our annual report to the S.J. and Jessie E. Quinney Foundation to review the 2022-2023 academic year and to take this opportunity to celebrate the culmination of the foundation's deeply transformative \$26 million pledge. In 2001, as the pledge was made public, former Dean Scott M. Matheson Jr. articulated the U's gratitude for this gift when he said, "We are overwhelmed with gratitude and excitement. This magnificent gift will propel our law school to the highest levels of quality and achievement in legal education." In 2023, at the culmination of this profound gift, we can confirm that the Quinney Foundation's investment has propelled this college to unforeseen heights. This spring, SJQ soared through the U.S. News & World Report's Best Law Schools in 2024 ranking to #32 nationally and #12 among public law schools. This is the college's highest ranking ever—a five-spot jump from last year's ranking, and a 11-spot increase over the past two years. This is due in no small part to the significant investment the Quinney Foundation has made in the S.J. Quinney College of Law.

For purposes of this report, in addition to providing an overview of how funds were utilized last year, we want to more broadly illustrate the tangible impact of your generosity over the last two decades. In addition to review of resource allocation in 2022-2023 and our plans for 2023-2024, the remainder of this report will be a broad look back at the last 20 years of support and the meaningful impact of that support for the College of Law and the individuals who benefited from that investment.



Quinney Endowment Overview

The utilization of earnings during academic year 2022-2023 was similar to past years, with \$---,--- available to support the needs and activities of the law school as follows:

Fellowships \$---,---
Programs \$---,---
Professorship \$--,---
Student Scholarships \$--,---

Total: \$---,---



Student Fellowships

The highly respected Quinney Research Fellowship program provided \$---,--- to support 31 student fellowships in partnership with our faculty. This program serves a central need by helping both students and faculty to achieve the academic mission of the College. The recruitment benefit of the Quinney Research Fellows cannot be overstated. These highly prized opportunities equip our students with individual learning opportunities while helping to reduce their debt burden. As you know, these Fellowships are

awarded to recognize demonstrated interest and/or achievement in a specific area of law, and include a service or research work component for which the student receives a stipend and may include a tuition benefit. For academic year 2023-24 the College has budgeted \$---,--- from the Quinney endowment funding for Quinney Fellows.



College of Law Programs

Last year, \$---,--- was used to support program activities such as events, faculty scholarship lunches, and alumni relations activities including development activities. The amount allocated to this category was more significant in 2022-2023 as we ramped up in-person events to support the sense of community we lost during the pandemic. Moving forward, the college has made a concerted effort to fund some of its programming needs from other sources so that the bulk of the Quinney earnings can be used for student

needs. To that end, we have allocated additional resources from general endowments for signature events and will be raising additional funds to help cover our significant programming expenses.

S.J. Quinney Endowed Professorship

In February 2023, Professor Alex Skibine, our S.J. Quinney Endowed Professor of Law, passed away. Alex's passing was an enormous loss for both our college community and the field of Indian Law, and we held a celebration of life in the Moot Courtroom as a gathering place for friends, family, and colleagues to reminisce about his towering presence in all of our lives. More information on Professor Skibine is included below. In his place, we have awarded Professor Laura Kessler the prestigious Quinney Professorship. In 2022-2023, the Quinney Professorship supported \$--,--- toward Skibine and Kessler's salaries. We have budgeted for the same amount in 2023-2024.



Professor Laura T. Kessler teaches Civil Procedure, Family Law, Reproductive Rights and Justice, Sexual Harassment Law, and Employment Discrimination Law. Her research focuses on the legal regulation of sex in various contexts. Professor Kessler's scholarship has examined LGBTQ family rights; sex discrimination in the law of marriage and divorce; polygamy and religious freedom; multi-parent families; workplace sex and pregnancy discrimination; sexual misconduct in the military; access to contraception; and sterilization abuse. She is an author of the case book *Women and the Law* (Foundation Press, 5th ed. forthcoming 2024).

In pursuing her research, Professor Kessler draws on several methodologies, integrating legal analysis and social science methods such as survey research, structured interviews, content analysis of text, and systematic analysis of sources found in archives. She is a longtime member of the Law and Society Association, a group of scholars from many fields and countries

interested in the place of law in social, political, economic, and cultural life. For the Association, she has served on the Herbert Jacob Book Prize Committee, Article Prize Committee, and as a facilitator of its Early Career Workshop for junior scholars.



Student Scholarships

It is clear that the Quinney Foundation Endowment has enabled us to attract top quality students and the scholarships we have been able to provide enable them to obtain a top tier education. Scholarships continue to be a critical focus for the law school and \$--,--- of the endowment earnings were allocated to this area last year. Aside from the Quinney Endowed Professorship, in 2023-2024, the law school will be utilizing the majority of the Quinney endowment funds for student fellowships and scholarships.

Additional scholarship resources benefit recruitment efforts and reputational purposes, and we are focusing much of our efforts on securing additional student support. Thanks to a generous commitment from President Taylor Randall, the College of Law will soon be announcing a \$3.5 million scholarship matching challenge where every gift toward scholarships will be doubled up to \$3.5 million over the next five years.

Wallace Stegner Center Support

The Wallace Stegner Center continues to offer students experience and training in one of the nation's top ranked environmental and natural resources law programs. The Center provides students a variety of educational opportunities, including a J.D. Certificate in Environmental and Natural Resources Law; an LL.M. degree; a practical skills curriculum with clinical experience opportunities; numerous substantive law courses; participation in national environmental law moot court competitions; and opportunities to participate in the new Environmental Law Justice Clinic, founded in 2022.

Throughout the academic year, students have the opportunity to attend and learn from various Stegner Center events and speakers, through the Stegner Center's annual symposium, which brings together 20-30 experts from around the country and provides a deep dive into a topical environmental issue of regional, national or international significance; the annual young scholar program featuring a rising star in the field of environmental law scholarship; and the annual green bag lecture series focused on local and regional environmental and natural resources issues. Students also work with professors in the Law & Policy Program, including focused research on public lands issues and the opportunity to publish papers with professors. The Stegner Center also hosts the Environmental Dispute Resolution Program, which is unique among law schools in offering training, educational materials, and services on the use of mediation and collaborative processes to resolve conflicts. For last year and the current academic year, \$60,000 of funds from the Quinney Foundation is allocated to offset the salary and benefits for the Stegner Center's Associate Director.

Reflections on the Wallace Stegner Center

The Stegner Center has been successful over the past nearly thirty years due in no small part to the funding provided early on by the Quinney Foundation. In commenting on the growth of the Stegner Center over the years, Center Director and University Distinguished Professor Bob Keiter noted,

"The Stegner Center has continued to be guided by the vision Wallace Stegner set forth in his award-winning books on the West—a vision tempered by pragmatism and grounded in an appreciation of our Western landscapes and the unique culture of the people of the American West. Knowing that Joe Quinney and Wallace Stegner enjoyed a deep friendship and shared a mutual commitment to Utah and the West, we believe they would both be pleased that the Center—in the immortal words of Wallace Stegner—continues striving to 'create a society to match our scenery'."



In reflecting on the support of the Quinney Foundation, Associate Director Jan Nystrom—whose position was made possible by the Foundation's initial funding commitment—explained, "The funding provided early on by the Foundation for the Stegner Center has been vital, as it provided support for a full-time staff position to focus on events and fundraising. Without this initial support, the Stegner Center would not have had the resources to develop and

and sustain its annual programs, including the symposium and lecture series, and to raise funds that have enabled us to add the Law & Policy Program and the Environmental Dispute Resolution Program."

A \$26 million Impact at the S.J. Quinney College of Law

The S.J. Quinney College of Law is thriving as the #12 public law school in the national thanks to the tremendous support given to the College by the S.J. and Jesse E. Quinney Foundation. As we celebrate the culmination of your profound \$26 million commitment to the College of Law, we want to reflect on a few of the highlights from the last twenty years.



“This gift was truly transformational and has allowed us to do and accomplish so much—from providing student financial support to supporting world-class research and activities of faculty. There is not a day that goes by that I do not thank Joe Quinney and his family for the exceptional gift and investment in the College of Law.”

- Dean Elizabeth Kronk Warner

Remembering the Inaugural S.J. Quinney Endowed Professor Alexander Tallchief Skibine



In March 2023, family, colleagues and students joined at the law school to celebrate the late Professor Alexander Tallchief Skibine and his 34-year teaching career at Utah Law. Skibine was the inaugural S.J. Quinney Endowed Professor of Law until just shortly before his death from a recurrence of glioblastoma.

Skibine was a member of the Osage Nation and served on the board of directors of the Osage Nation Foundation, and he gained national distinction as a leading scholar in Indian law. After graduating from law school in 1976, he was a researcher at the Institute for the Development of Indian Law in Washington, D.C. He was later deputy counsel for Indian Affairs for the U.S. House of Representatives Committee on Interior and Insular Affairs. Skibine played a major role in creating the Indian Gaming Regulatory Act of 1988. The law

provides the basis for which Indian tribes can run gaming operations to promote tribal economic development, self-sufficiency, and strong tribal governance. He also was a prolific writer, composing articles on such topics as sacred site protection and religious freedom. When he arrived at the law school in 1989, there were no more than five Native scholars nationally who taught Indian law, says Dean Elizabeth Kronk Warner, a member of the Sault Ste. Marie Tribe of Chippewa Indians and an expert in Indian law herself. “By just his very existence, he was a trailblazer,” she says.

At Utah Law, Skibine cast himself the “quintessential dapper professor,” donning tweed jackets, corduroy pants and a woolen driver cap. His presence will be missed at the S.J. Quinney College of Law, but his legacy lives on through the many students he taught as the Quinney Professor of Law.

Looking Back on Scholarship Made Possible by Quinney Fellowship Funding



Michael E. ('17) is now an associate at Kirton McConkie.

Jorge Contreras (co-authored with Quinney Fellow Michael E.)
Jorge L. Contreras & Michael A. Eixenberger, Model Jury Instructions for Reasonable Royalty Patent Damages, 57 Jurimetrics J. 1, 2-3 (2016)

Both courts and practitioners have recognized the practical and historical significance of jury instructions. As noted by one commentator, “jury instructions are arguably the most important aspect of a trial because the recitation of the jury instructions is the best opportunity for the court to teach the jurors the law.” Despite a general recognition of the importance of the jury charge, fashioning accurate, concise, and understandable instructions in complex legal and factual disputes has proven to be challenging. As one prescient commentator noted a half century earlier, “No area of jury trial procedure has been more troublesome or perplexing to both the bench and the bar than that phase of the trial described as the instruction process.”



Christopher W. ('22) is now an associate city prosecutor for Salt Lake City.

Teneille R. Brown (Quinney Fellow Christopher W. as research support)

Teneille R. Brown, Treating Addiction in the Clinic, Not the Courtroom: Using Neuroscience and Genetics to Abandon the Failed War on Drugs, 54 Ind. L. Rev. 29, 77 (2021)

The opioid addiction epidemic has been one of the most overwhelming public health crises our country has faced. It has also created a legal crisis, as its aftermath spills over into the criminal, civil, and family courts. One estimate puts its cost to the U.S. economy at over \$500 billion in 2015.¹ More than a hundred people die every day from an opioid overdose,² with that number likely increasing during the COVID-19 pandemic. The pressure on law enforcement, emergency responders, behavioral health services, and jails is crippling our cities and counties. This Article is an attempt to relieve some of that pressure by doing something we should have done a long time ago: change the way we think about and treat addiction.



Erika S. ('12) is now in-house counsel at Dow in Denver.

Clifford Rosky (Quinney Fellow Erika S. as research assistant)

Clifford J. Rosky, Fear of the Queer Child, 61 Buff. L. Rev. 607, 697 (2013)

This Article is about the fear of the queer child. The simplest version of this fear is the claim that exposing children to homosexuality will “turn” them into homosexuals, but the fear is more refined, varied, and capacious than this terminology suggests. It includes the fears that exposing children to homosexuality and gender variance will make them more likely to develop homosexual desires, engage in homosexual acts, form homosexual relationships, deviate from traditional gender norms, or identify as lesbian, gay, bisexual, or transgender. In one form or another, these are all fears of the queer child.



Angie S. ('19) is now an associate at Troutman Pepper.

RonNell Andersen Jones (Quinney Fellow Angie S. as research assistant)

RonNell Andersen Jones, Press Speakers and the First Amendment Rights of Listeners, 90 U. Colo. L. Rev. 499, 550 (2019)

This Article explores American press freedom through the lens of speaker-listener relationships. It argues that the unique features of this particular First Amendment partnership should lead to greater appreciation of the press as a special institutional speaker and to greater protection for newsgathering performed on behalf of listeners.



Landon N. ('13) is now a staff attorney for the Southern Utah Wilderness Alliance.



Jeffrey M. ('15) is now an estate planning attorney at The Fadel Law Firm.

Robin Craig (Quinney Fellows Landon Corey N. and Jeffrey M. as research assistants)

Robin Kundis Craig, Of Sea Level Rise and Superstorms: The Public Health Police Power As A Means of Defending Against "Takings" Challenges to Coastal Regulation, 22 N.Y.U. Envtl. L.J. 84, 85 (2014)

Climate change is affecting our coasts. Specifically, sea levels are rising--faster in some places than others. As the Intergovernmental Panel on Climate Change (IPCC) reported in the final draft of the 2014 Fifth Assessment Report, varying local factors such

as subsidence or uplifting, sediment transport, and the extent of coastal development means that different coastal locations will experience potentially significantly greater or lesser sea level rise. Nevertheless, [c]oastal systems and low-lying areas will increasingly experience adverse impacts such as submergence, coastal flooding and coastal erosion due to relative sea level rise (very high confidence).



Rebecca (H.) J. ('11) is now senior counsel at rPlus Energies.

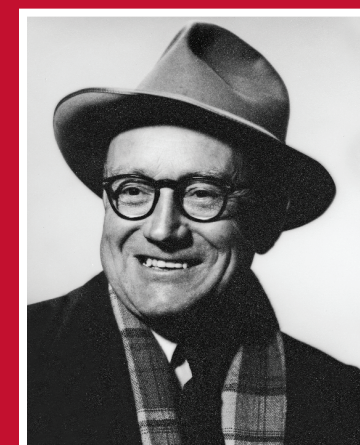
Robert Keiter (Quinney Fellow Rebecca (H.) J. as research assistant)

Robert B. Keiter, The National Park System: Visions for Tomorrow, 50 Nat. Resources J. 71, 110 (2010)

How might we expand and strengthen the national park system to meet tomorrow's challenges? Several options merit consideration: expanding individual parks to embrace entire ecosystems, creating new national restoration areas, promoting park-focused ecosystem management arrangements, and developing new urban-based parks to address the needs of an increasingly diverse populace. It may be necessary, however, to revisit the "national significance" standard that has long guided expansion of the national park system. The ultimate goal must be to address and meet the needs of the future generations to whom our national parks are dedicated.

Introducing the Annual Spirit of Quinney Award

We propose to establish an annual award to be presented at the Utah Law Awards Dinner each April to honor those who exemplify Joe Quinney's commitment to Community and Public Service. The Dean will select an alum from the College of Law who best fits the selection criteria and the winner will receive an etched glass plaque featuring a picture of Joe.



The winner of the Spirit of Quinney Award profoundly demonstrates commitment to Community and Public Service in their personal and professional life in any of the following ways:

- Volunteers for a nonprofit or non-political organization that enhances the community
- Serves on the leadership committee of a student law group
- Interns, clerks, or volunteers for a government entity or nonprofit

In Conclusion

Countless students, professors, staff, event attendees, and community members have been profoundly impacted by the Quinney Foundation's investment in the S.J. Quinney College of Law. We extend our deepest thanks for your support and the legacy you have ensured through these endowed funds. We look forward to providing you with reports and updates and partnering with you to ensure the S.J. Quinney College of Law continues to thrive.



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