

Deana Pollard Sacks
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EDUCATION

University of California, Berkeley, LL.M. May 1999.

All honors and high honors grades. Grade point average: 4.1/4.0.

Emphasis: Employment Discrimination, Critical Race Theory, Sexual Harassment, Mediation, Trial Advocacy.

Thesis on implicit racial bias published, *see* 74 WASHINGTON LAW REVIEW 913-1032 (1999).

University of Southern California, J.D. May 1989.

Merit Scholarship. Order of the Coif. Top 2% second and third years.

Emphasis: Constitutional Law, Torts.

Research Assistant to Erwin Chemerinsky.

Senior thesis on regulating violent pornography published, *see* 43 VANDERBILT LAW REVIEW 125-159 (1990).

University of Washington, B.A., English Literature. June 1986.

MAJOR PUBLICATIONS

Judicial Protection of Medical Liberty, 49 FLORIDA STATE UNIVERSITY LAW REVIEW 515 (2022).

SEX TORTS (forthcoming, tentative title). This book reviews the history of sex regulation and legal norms with a focus on civil liability for sexual assault and other sexual misconduct. It analyzes sexual culture and the rapid changes to the law resulting from the #MeToo and #TimesUp social movements. The problems with legal doctrine and the legal system itself are analyzed in detail, and reform is suggested by reference to progressive American and international consent analysis and rape doctrine. The last chapter proposes a civil remedy for children against pornographers, who are known to target children online. Foreword by Dean Erwin Chemerinsky, U.C. Berkeley School of Law.

THE GODFATHERS OF SEX ABUSE, BOOK II: HARVEY WEINSTEIN & BILL COSBY (2020). In the second GODFATHERS book, Harvey Weinstein's and Bill Cosby's *modi operandi* are dissected, focusing on the similarities to Jeffrey Epstein's *modus operandi*. Many of the same famous lawyers and trusted prosecutors played a role in aiding these men as in Jeffrey Epstein's case. In a third part, The Penumbra of #MeToo, the intersection of race, misogyny, and youth in the rape equation are analyzed. In the end, reform to

information systems is suggested, along with proposed proactive collective and individual action, to further the goal of sexual free will for all.

THE GODFATHERS OF SEX ABUSE, BOOK I: JEFFREY EPSTEIN (2019). Jeffrey Epstein's rise to incredible fortune, his elaborate Ponzi-style international sex-trafficking operations, and his reported death by suicide hanging are detailed in this first of a series of books about how rich and powerful men have been immunized from consequences for their sex crimes for decades. The many layers of enablers, including trusted prosecutors, are identified, as are the components of a compromised judicial system that creates one justice system for the rich and one for the rest of us.

Supreme Court Decision on Violent Video Games Was Based on the First Amendment, Not Scientific Evidence, AMERICAN PSYCHOLOGIST, with Brad Bushman (April 2014).

Constitutionalized Negligence, 89 WASHINGTON UNIVERSITY LAW REVIEW 1065 (2012).

Implicit Bias-Motivated Torts, in IMPLICIT RACIAL BIAS ACROSS THE LAW, Justin Levinson & Rob Smith, editors. (Cambridge University Press, 2012).

Do Violent Video Games Harm Children? Comparing the Scientific Amicus Curiae "Experts" in Schwarzenegger v. Entertainment Merchants Association, 106 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 1, with Brad Bushman and Craig Anderson (2011).

Snyder v. Phelps: A Slice of the Facts and Half an Opinion, 2011 CARDOZO LAW REVIEW DE NOVO 64.

Children's Developmental Vulnerability and the Roberts Court's Child-Protective Jurisprudence: An Emerging Trend? 40 STETSON LAW REVIEW 777 (2011) (symposium).

Snyder v. Phelps, the Supreme Court's Speech-Tort Jurisprudence, and Normative Considerations, 120 YALE LAW JOURNAL ONLINE 193 (2010) (Feature Essay).

Snyder v. Phelps: A Prediction Based on Oral Arguments and the Supreme Court's Established Speech-Tort Jurisprudence, 2010 CARDOZO LAW REVIEW DE NOVO 418.

State Actors Beating Children: A Call For Judicial Relief, 42 U.C. DAVIS LAW REVIEW 1165 (2009).

Intentional Sex Torts, 77 FORDHAM LAW REVIEW 1051 (2008).

Elements of Liberty, 61 S.M.U. LAW REVIEW 1557 (2008).

Sex Torts, 91 MINNESOTA LAW REVIEW 769 (2007).

Wrongful Analysis In Wrongful Life Jurisprudence, 55 ALABAMA LAW REVIEW 327 (2004).

Banning Child Corporal Punishment, 77 TULANE LAW REVIEW 575 (2003).

Banning Corporal Punishment: A Constitutional Analysis, 52 AMERICAN UNIVERSITY LAW REVIEW 447 (2002).

Unconscious Bias and Self Critical Analysis: The Case For A Qualified Evidentiary Equal Employment Opportunity Privilege, 74 WASHINGTON LAW REVIEW 913 (1999).

Regulating Violent Pornography, 43 VANDERBILT LAW REVIEW 125 (1990).

SCHOLARLY IMPACT

Scholarship use and recognition has resulted in top 10% ranking on SSRN, the Social Science Research Network. The number of views and downloads also has resulted in top statistics on ResearchGate.

Scholarship has received international recognition and has been cited in over 200 law review articles, treatises, federal and state published court opinions (including the United States Supreme Court), practice manuals, and statutory annotations.

Cases

Osborne v. Ohio, 495 U.S. 103 (1990) (violent pornography).

Kohl v. Kohl, 149 So.3d 127 (Fl. App. 2014) (sex torts).

Clark v. Children's Memorial Hospital, 955 N.E.2d 1065, 1091 (Ill. 2011) (wrongful life).

Nolan v. Memphis City Schools, 589 F.3d 257, 268, n. 1 (6th Cir. 2009) (corporal punishment).

Endres v. Endres, 185 Vt. 63 (2008) (sex torts).

In re J.A.J., 225 S.W.3d 621, 629 (Tex. App. – Houston [14th Dist.], 2006) (corporal punishment).

Statutes

Connecticut General Statutes Annotated, Constitution of the State of Connecticut, Sec. 4, Liberty of speech and the press (effective August 1, 2015) (Editor's Note cites Yale publication concerning speech-tort jurisprudence exclusively as authority).

H.R. 3027: Ending Corporal Punishment in Schools Act of 2011 (introduced repeatedly by Congresswoman Carolyn McCarthy, New York, but not enacted) (publications on corporal punishment were reviewed during drafting stage concerning definition of corporal punishment).

Revised Code of Washington 49.60.180, Unfair practices of employers (effective July 22, 2007) (Editor's Note cites Washington Law Review article concerning unconscious bias exclusively).

Treatises & Other Authorities

Restatement (Third) of Torts, Inten. Torts to Persons, Sec. 101 Battery (Discussion Draft, April 3, 2014) (reporter's notes, intentional sex torts).

American Jurisprudence 2d, Prenatal Injuries, Etc., Wrongful Life, Birth, or Conception, Sec. 54 (Feb. 2016 update) (wrongful life article).

American Jurisprudence 2d, including Proof of Facts 2d Sec. 365, Child Abuse – The Battered Child Syndrome and Proof of Facts 2d Sec. 511, Teacher's Use of Excessive Corporal Punishment (Feb. 2016 updates) (corporal punishment article).

The New Wigmore: A Treatise on Evidence: Evidentiary Privileges, Sec. 6.2.6 Physician-Patient Relationship (2015) (footnote 432, unconscious bias article).

The New Wigmore: A Treatise on Evidence: Evidentiary Privileges, Sec. 7.8.1 General Privilege (2015) (footnote 21, unconscious bias article).

The New Wigmore: A Treatise on Evidence: Evidentiary Privileges, Sec. 10.3.3 The Contextual Synthesis (2015) (footnote 167, unconscious bias article).

The New Wigmore: A Treatise on Evidence: Evidentiary Privileges, Sec. 6.9.1 Definition of the Various Parties in the Privileged Relations (2015) (footnote 172, unconscious bias article).

American Practice Series, Ch. 5 Dependency Process, Sec. 5:6, Petition (2015) (footnote 27, corporal punishment article).

Washington Practice Series, Rule 501 Privileges – General Rule, Sec. 501.106, Law review articles and other commentary on privileges and nonprivileges (2015) (unconscious bias).

Law Review Citations

Publications have been cited in many prestigious journals, including the Harvard Law Review, the Yale Law Journal, the Cornell Law Review, the California Law Review, the Northwestern University Law Review, the University of Chicago Law Review, the Texas Law Review, and the University of Pennsylvania Law Review.

ACADEMIC EMPLOYMENT

Texas Southern University, Houston, Texas. (2000-2020).
Assistant Professor 2000-2004; Associate Professor 2005-2007; Professor 2008-2020;
Roberson King Professor of Law, 2011-2016. Teaching areas: torts, property, real estate

transactions, constitutional law (first amendment and civil rights), mediation, and law practice management.

University of Houston, Houston, Texas. (Spring, 2013).
Visiting Professor. Courses: torts and law office management.

Florida State University, Tallahassee, Florida. (Summer & Fall, 2010).
Visiting Professor. Courses: constitutional law and torts.

South Texas College of Law, Houston, Texas. (Fall, 2007).
Adjunct Professor. Course: torts.

University of Denver, Denver, Colorado. (2003-2004).
Visiting Professor. Courses: torts, first amendment law, and family law.

SELECTED PRESENTATIONS, PUBLICATIONS & SCHOLARLY ENDEAVORS

Host, *Counterspeech*, on Revolution Radio, Studio B, Saturdays 6-7 PM EST (2021-present). Podcasts of live radio shows are on Rumble.com.

Model Legislation Drafter, Five Freedoms Bills concerning COVID relief to ban vaccine mandates, passports, and masks, *inter alia*, for Naomi Wolf and the Daily Clout, dailyclout.io. (2021-present).

Host and Executive Producer, *Meet The Professors, A Sociopolitical Educational Talk Show*. Available online at MeetTheProfessors.org. (2014-2016).

Plenary Speaker, 2013 National Council on Family Relations 2013 Annual Conference. Conference theme: Well-Being of Children and Youth in Families and Communities. San Antonio, Texas. Available online at DeanaPollardSacks.com. (November 6, 2013).

Presenter, *Implicit Bias-Motivated Torts*, chapter from *IMPLICIT RACIAL BIAS ACROSS THE LAW* (forthcoming, Cambridge University Press, June, 2012). Harvard Law School. Available on CSPAN and online at DeanaPollardSacks.com. (June 14, 2012).

Panelist, *Implicit Bias-Motivated Torts*, chapter from *IMPLICIT RACIAL BIAS ACROSS THE LAW* (forthcoming, Cambridge University Press, June, 2012). Law and Society Conference, Honolulu, Hawaii. (June 7, 2012).

Presenter, *Brown v. Entertainment Merchants Association: The Supreme Court's Opinion, the Scientific Data, and the Social Implications*. Presented at CLE luncheon at the Houston City Club. (October 11, 2011).

Changing Disciplinary Choices by Changing Social Norms. Paper presented at the Global Summit on Ending Corporal Punishment and Promoting Positive Discipline, Dallas, Texas. Available online at DeanaPollardSacks.com. (June 2, 2011).

Outlawing School Paddling: The Efficacy of Existing Methods. Paper presented at the Global Summit on Ending Corporal Punishment and Promoting Positive Discipline, Dallas, Texas. Available online at <http://smu.edu/psychology/html/globalSummit.html>. (June 2, 2011).

Panelist, *Free Speech and the Role of Torts*, Free Speech and Civil Discourse in the 21st Century, Charleston School of Law, Charleston, North Carolina, February 18, 2011. *Children's Developmental Vulnerability & The Roberts Court's Child-Protective Jurisprudence.* Paper presented at the Constitutional Law Discussion Forum, University of Louisville, Louisville, Kentucky. (December 15, 2010).

Panelist, *Schwarzenegger v. Entertainment Merchants Association*, American Constitution Society Supreme Court Preview, Florida State University, Tallahassee, Florida. One of three faculty panelists chosen by the students. (September 30, 2010).

The Roberts Court, The First Amendment and Children. Research presented at the Southeastern Association of Law Schools 63rd Annual Meeting, Palm Beach, Florida. (August 2, 2010).

School Paddling: The State of American Law, United States, Briefing for the Human Rights Council, Universal Periodic Review, 9th Session, 2010-04-19. Available online at http://lib.ohchr.org/HRBodies/UPR/Documents/session9/US/EPOCH_USA.pdf. (2010).

Mass Media and Children: Revisiting the Balance of Rights. Paper presented as part of Michigan State University's 2009-2010 Distinguished Speaker Series, East Lansing, Michigan. (March 24, 2010).

Ethics of Dogma, Ethics of Greed: How Public and Private Actors are Ignoring Science and Depriving American Youth of Life, Liberty, and Happiness. Paper presented at Children At Risk's 2009 Children's Law Symposium, Houston, Texas. Paper published as part of the CLE materials and is on file with the author. (October 16, 2009).

Panelist, *Law and Pornography.* Southeastern Association of Law Schools 62nd Annual Meeting, Palm Beach, Florida. (August 3, 2009).

Reforming American Sex Tort Law. Paper presented at the 1st Global Conference, Good Sex Bad Sex: Sex Law, Crime and Ethics, Budapest, Hungary. Paper published on the Inter-disciplinary.net website and is available at <http://www.inter-disciplinary.net/wp-content/uploads/2009/04/gsbs1sacks.pdf>. (May 5, 2009).

SERVICE

California State Bar. Drafted model torts questions and answers. (2016 - 2019).

Mentor to Texas Challenge Academy cadet. The T.C.A. is a Texas National Guard supported military high school for drop outs. The academy gives teens a second chance to start their lives on the right path. Each cadet requires a mentor. (2016).

Volunteer, Operation Safe Canyons, Los Angeles County. (2014-2016).

Produced and hosted thirty minute radio shows on KPFT's Open Journal. Issues concern children, society, first amendment law, and tort law. (2011-2013).

Chair of the Legal Committee and Advisory Board Member of EPOCH-USA (End Physical Punishment of Children, USA) and Board Member of PTAVE (Parents and Teachers Against Violence in Education) (2005-2008).

Worked on original draft, House Bill 5628 (September, 2009). The bill proposes to deny funding to schools that continue to discipline students with corporal punishment. The bill was introduced by Carolyn McCarthy (NY) in 2010 and was reintroduced, but has not been enacted. The bill is currently titled H.R. 3027: Ending Corporal Punishment in Schools Act of 2011.

Drafted social science section of amicus brief, *Hunter v. Hunter*, 484 Mich. 247, 771 N.W.2d 694 (2009). Argued that the trial court's finding that the children's custodians' use of corporal punishment did not cause lasting injury was erroneous, and provided the court with research on the harmful effects of corporal punishment. The biological mother on whose behalf the amicus brief was filed succeeded in obtaining remand of the "best interests" analysis that supported the trial court's termination of her parental rights and ultimately regained custody of her children.

Reviewed draft bills and/or testified before legislative committees regarding bills proposed by Alma Allen in Texas and James Marzilli in Massachusetts to ban public school paddling and parental spanking, respectively. (2005).

OTHER LEGAL EXPERIENCE

Policy Analyst, The *Elected* Los Angeles Charter Reform Commission, Los Angeles, California (1998). Researched and analyzed issues relating to city government policy, including balance of power issues and constitutional issues, under the direction of Erwin Chemerinsky. The new charter was passed by the Los Angeles voters on June 8, 1999.

Davidson, Czeisler, Kilpatric & Zeno, Kirkland, Washington (1995-1997).
Litigation associate in general practice, employment, and real estate firm.

Law Offices of Richard A. Love, Los Angeles, California (1992-1994).
Litigation associate in plaintiff's employment discrimination firm.

Levin, Stein & Chyten, Los Angeles, California (1992).
Associate attorney in litigation department.

Greenfield & Chimicles, Los Angeles, California (1991).
Associate attorney in Pennsylvania-based plaintiffs' class action firm.

Erwin, Cohen & Jessup, Beverly Hills, California (Summer, 1989 & 1990).
Summer associate and associate attorney in litigation department.

PROFESSIONAL ASSOCIATIONS

Admitted to the California Bar and the Ninth Circuit (1989).

Admitted to the Washington Bar (1994).

Admitted to the Fifth Circuit and United States Supreme Court (2020).

Admitted to the Third Circuit (2022).

SELECTED MEDIA APPEARANCES

America, Can We Talk? With Debbie Georgatos. Dallas-based podcast on politics and news. Discussed Jeffrey Epstein cases and reported suicide. (March 10, 2020).

CW39 The Morning Dose. Discussed the Harvey Weinstein verdict on Houston-based morning talk show. (February 25, 2020).

KPFT 90.1 Radio for Peace. Produced and hosted 30 minute radio shows on Open Journal segment, concerning children's issues, social issues, bullying, free speech, constitutional law, and tort law. (2011-2013).

Let's turn off video games that inflict harm on kids. Houston Chronicle Op Ed. (July 17, 2011, Page B 9).

How Protected Is Free Speech? Article, WorldPress.org. Available online at <http://www.worldpress.org/Americas/3649.cfm>. (November 7, 2010).

TXA 21 News/CBS 11 News (Dallas). Appeared live to debate whether corporal punishment should be reinstated in the Dallas Independent School District. Filmed in Tallahassee, Florida. (May 12, 2010).

MSNBC (New York). Appeared live on Dan Abrams's show to debate James Marzilli's proposed Massachusetts legislation to prohibit parental spanking. Filmed in Houston, Texas. (November 28, 2007).

Fox News Channel (New York). Appeared live on various virtual roundtable national news segments. Filmed in Houston, Texas. (2005-2008).

New England Cable News Network (Boston). Debated Chester Darling live on Amanda Rosseter's talk show regarding proposed spanking bill, religious rights, and parental rights. Filmed in Boston, Massachusetts. (January 14, 2005).

KUSA Channel 9 News (Denver). Appeared on "@ISSUE" news segments concerning children's rights, liability for sexual disease, and unconscious racial bias relating to Kobe Bryant's rape charges in Eagle County. Filmed in Denver, Colorado. (2003-2004).

KRIV Fox 26 News at Nine (Houston). Various appearances relating to legal topics such as civil liability for transmitting a sexual disease, the Bush v. Gore lawsuit, and the Americans with Disabilities Act. Filmed in Houston, Texas. (2000-2010).

Spare the rod and spoil regressive spanking bill. Houston Chronicle Op Ed. (February 1, 2005, Page B7).

REFERENCES

Dean Erwin Chemerinsky, U.C. Berkeley School of Law (510) 642-6483.
Professor John Brittain, University of D.C. School of Law (202) 274-6443.
Professor Martina Cartwright, Texas Southern University (713) 927-1195.
Professor Alfred Brophy, University of Alabama School of Law (405) 209-5781.
Professor Fred Galves, Colorado State University (916) 248-3051.

Additional references available upon request.