FACULTY NOTES

Susan Frelich Appleton
Lemma Barkeloo and Phoebe Couzins Professor of Law

In August 2004 Susan Appleton was elected to the board of directors of the American Bar Foundation, an independent, nonprofit national research institute that undertakes and supports interdisciplinary empirical research on law and legal institutions. In her capacity as secretary of the American Law Institute (ALI), Appleton participated in an officers’ meeting in Santa Fe in January 2005 to discuss ways to improve the ALI’s ability to carry out its mission to clarify and simplify the law and better adapt it to social needs. She attended the annual Law & Society meeting in Las Vegas in June 2005.

In October 2004 MICDS (a St. Louis elementary and secondary school once affiliated with Washington University) honored Appleton as a distinguished alumnus by presenting her with the Mary Institute Laurel Award.


Samuel R. Bagenstos
Professor of Law

In fall 2004 Samuel Bagenstos published ‘The Future of Disability Law’ in the Yale Law Journal, “Has the Americans with Disabilities Act Reduced Employment for People with Disabilities?” in the Berkeley Journal of Employment and Labor Law, and “Comparative Disability Employment Law from an American Perspective” in the Comparative Labor Law and Policy Journal. His article, “The Structural Turn and the Limits of Antidiscrimination Law,” has been accepted for publication in the California Law Review in its 2005-06 volume. This past spring Bagenstos presented the ‘Structural Turn’ piece at the New York University Labor and Employment Law Colloquium and at a faculty workshop at Loyola Law School in Los Angeles. In fall 2004 he presented a response to the Childress Lecture presented by Professor Drew Days at Saint Louis University School of Law, and in spring 2005 he participated in a conference, Bruce Springsteen and the American Lawyer, at Widener University School of Law.

In the past year Bagenstos also continued his involvement in disability rights litigation. He is counsel for the plaintiff in Goodman v. Georgia, which the Supreme Court of the United States has agreed to hear in its October 2005 term. Goodman involves the constitutionality of the Americans with Disabilities Act (ADA) as applied to state prisons. He is also counsel for the plaintiff in Spector v. Norwegian Cruise Lines, a case argued during the Supreme Court’s October 2004 term involving ADAs application to foreign-flagged cruise ships.

Katherine Barnes
Associate Professor of Law

In 2004–05 Katherine Barnes continued her research on discrimination in criminal procedure. Her most recent article, ‘Assessing the Counterfactual: The Efficacy of Drug Interdiction Absent Racial Profiling’ in the Duke Law Journal, empirically estimates the potential benefits (if any) to racial profiling in the context of highway stops and quantities some of the costs of such a program. Her current empirical projects include an investigation of the charging decisions of Missouri prosecutors in death-eligible cases, an examination of whether the death penalty deters crime, and ‘Making a Federal Case of It: Federal Homicides Prosecutions’ investigating the decisionmaking of federal prosecutors in homicide cases. Barnes is also continuing her statistics research into Bayesian selection models.

Barnes presented her work at several conferences, including the International Conference on Forensic Statistics, the Joint Interface and
Classification Society meeting, and the annual meeting of the Law & Society Association.

**Christopher A. Bracey**  
Associate Professor of Law

Throughout the 2004-05 academic year, Christopher Bracey continued his research and scholarship on race relations and American law. His article, ‘Dignity in Race Jurisprudence,’ which was presented in spring 2004 at a symposium held at the University of Pennsylvania School of Law, was published this summer in the University of Pennsylvania Journal of Constitutional Law. Bracey expanded on these ideas in a subsequent paper titled ‘Some Thoughts on Race and Dignity,’ which was presented at Washington and Lee School of Law as part of the Frances Lewis Center Faculty Workshop Series.

He is working on a series of projects that operationalize this theory and explore precisely what dignity demands in a variety of contexts—including, but not limited to, employment, education, criminal justice, and intimate association. Bracey is scheduled to present the first of these papers, “Dignity and Materialism,” at the Tenth Annual Latino/a Critical Theory Conference in San Juan, Puerto Rico. He will be on research leave for the fall 2005 semester to complete these projects and to begin work on a book-length legal history of race and 20th-century American prizefighting.

In addition to these scholarly activities, Bracey provided expert commentary on the criminal prosecution of celebrities and professional athletes. His comments on the criminal trial of pop icon Michael Jackson have appeared in various news and media outlets, including ABC News Radio, Associated Press, Salon Magazine, San Jose Mercury News, and Campbell Live, TV-3 in Auckland, New Zealand.

**Kathleen F. Brickey**  
James Carr Professor of Criminal Jurisprudence

In fall 2004 Kathleen Brickey presented a paper, ‘Mostly Martha,’ at a conference titled Enron Three Years Later: A White-Collar Crime Scoreboard. This conference, sponsored by the Washburn University School of Law, addressed “red-hot” issues in white-collar crime. Conference papers were published in a symposium issue of the Washburn Law Journal this summer.

Earlier this year she published “Enron’s Legacy” in a symposium issue of the Buffalo Criminal Law Review, and she recently completed the 2005 Supplement to her treatise, Corporate Criminal Liability. She is working on the fourth edition of her casebook, Corporate and White Collar Crime, for publication in spring 2006, as well as several article-length projects relating to the recent corporate fraud scandals.

**Tomiko Brown-Nagin**  
Associate Professor of Law and of History


She delivered conference or workshop presentations on the jurisprudence of Justice Clarence Thomas at the Center on Race and the Law, University of Virginia School of Law; on Grutter v. Bollinger for the University of Virginia School of Law’s Faculty Workshop Series; on civil rights history in Atlanta at Fordham University School of Law’s Critical Race Lawyering Conference; on black ambivalence about Brown v. Board of Education at Villanova Law School’s Legal History Colloquium; and on school desegregation in Atlanta at Georgia State University’s Southern Regional Council Symposium. She also moderated a panel for the Missouri Bar Associations program on Thurgood Marshall.

**Kathleen Clark**  
Professor of Law

Kathleen Clark continues to write and speak in the fields of national security law and ethics. In April 2005 she was a panelist at a Federalist Society conference titled The U.S. Supreme Court & War on Terror. In June 2004 she co-authored a Washington Post op-ed, “Torturing the Law,” criticizing a 2002 United States Department of Justice memo on torture. In response to that op-ed and other criticisms of that first torture memo, the Justice Department issued a new memo on torture in December 2004 repudiating some of the more problematic parts of the 2002 memo. Clark also has written a law review article on the issue, “Torture Memos and Lawyers’ Ethics,” that will be published in the Journal of National Security Law & Policy. She is the chair-elect of the Association of American Law Schools (AALS) Section on National Security Law.
Clark was a commentator at a conflicts-of-interest conference in Trento, Italy. She also presented a paper on campaign finance law at the University of California at Los Angeles Law School and co-authored a book chapter on government ethics for The Lobbying Manual. Additionally, she participated in a Brookings Institution project to analyze the feasibility of conducting a 50-state “Democracy Audit” identifying indicators of democratic accountability.

She continues to serve on the board of Servicemembers Legal Defense Network (SLDN), which has filed a lawsuit on behalf of 12 military veterans seeking reinstatement in the military; they had served honorably before they were discharged because they are gay or lesbian. Clark spoke at the AALS conference in San Francisco about the military’s ban on open service by gays, lesbians, and bisexuals, and SLDN’s efforts to overturn or repeal the ban.

**Rebecca Dresser**
Daniel Noyes Kirby
Professor of Law and Professor of Ethics in Medicine

Rebecca Dresser published the following articles in 2004-05:

She wrote two commentaries for the St. Louis Post-Dispatch, one on the Schiavo case and the other on research cloning.

Dresser’s presentations in fall 2004 included “Federal Oversight, Policy Options for Human Germline Genetic Modification,” Genetics & Public Policy Center, Washington, D.C.; “Bioethics and Conflicts of Interest,” University of Tokyo Symposium on Conflicts of Interest in the Legal and Medical Professions; “Stem Cells: Saving Lives or Crossing Lines?” ethics panel, Rice University; “Hope in Clinical Trials,” annual meeting, American Society for Bioethics and Humanities; “Stem Cell Research: The Big Picture,” Conley Lecture, State University of New York Downstate Medical Center, Brooklyn; “Stem Cell Research and the Public Imagination,” Catholic University; and “The Work of the President’s Council on Bioethics,” Special Committee on Bioethics and the Law, annual meeting, American Bar Association, Atlanta.


**Lee Epstein**
Edward Mallinckrodt Distinguished University Professor and Professor of Law

Lee Epstein received a grant from the National Science Foundation to work with the papers of Justice Harry Blackmun for a book on agenda setting on the Supreme Court of the United States (under contract with Cambridge University Press). Her co-authored article, “The Effect of War on the Supreme Court” in the New York University Law Review, won two awards: the 2005 Pi Sigma Alpha Award for best paper delivered at the 2004 meeting of the Midwest Political Science Association and the 2005
Robert H. Durr Award for best paper delivered at the 2004 annual meeting of the Midwest Political Science Association.


During 2004–05 Epstein presented papers at the law schools of Northwestern University, University of Pennsylvania, University of California at Berkeley, Vanderbilt University, University of Southern California, and University of North Carolina.

**Frances Foster**
Edward T. Foote II Professor of Law

In 2004–05 Frances Foster continued her scholarship on trust law issues in China and the United States. At her February 2005 installation as the inaugural Edward T. Foote II Professor of Law, she delivered an address titled “American Trust Law in a Chinese Mirror.” In April 2005 she presented a paper, “Trust Privacy,” at a Washington University law faculty workshop. In June 2005 Foster attended the first annual Uniform Trust Code National Conference, sponsored by the American College of Trust and Estate Counsel Foundation. Her major project for summer 2005 was a critique of recent United States trust law reforms titled “Privacy and the Elusive Quest for Uniformity in the Law of Trusts.”

During 2004–05 Foster participated in several comparative law conferences, including the Whitney R. Harris Institute for Global Legal Studies’ Latin-American Law Workshop and the American Society of Comparative Law’s Annual Meeting.

**Michael M. Greenfield**
Walter D. Coles Professor of Law

Michael Greenfield has completed drafting the Uniform Debt-Management Services Act, which is scheduled for final approval by the National Conference of Commissioners on Uniform State Laws. The statute, regulating consumer credit-counseling agencies and debt-settlement companies, will be introduced around the country during the next legislative session. Additionally, Greenfield has been invited to revise a casebook on sales transactions.

In October 2004 Leigh Greenhaw and Mike Koby presented a paper on “Comparative Approaches to Regulating Religion and Belief: State Authority and the Rule of Law.” The paper was published in the Vanderbilt Journal of Transnational Law (May 2005). Written for a foreign audience, it reflects insights about distinctive aspects of the United States legal methods gleaned from Greenhaw’s courses, U.S. Law & Methods I & II, for international lawyers enrolled in the School of Law’s master’s degree programs.

**Leigh Greenhaw**
Senior Lecturer in Law

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**Steven J. Gunn**
Associate Professor of Law

Steven Gunn has spearheaded the Civil Justice Clinic’s efforts to combat predatory mortgage lending practices in the St. Louis metropolitan area. To date, the clinic and its students have litigated numerous cases in the state and federal courts in Missouri and Illinois on behalf of low-income homeowners who have been victimized by fraudulent, deceptive, and unlawful acts and practices of unscrupulous lenders, brokers, and appraisers. In these cases, the clinic strives to help low-income homeowners keep their homes and preserve the equity they have accumulated in those homes. A recent decision in one of the clinic’s cases is reported at Chapman v. Mortgage One, 359 F.Supp.2d 831 (E.D. Mo. 2005).

Gunn also has participated in the Civil Justice Clinic’s successful litigation against the City of St. Louis and the St. Louis Police Department on behalf of the homeless. In October 2004 a federal judge granted the plaintiffs’ motion for a preliminary injunction, barring St. Louis police officers from removing homeless persons from public areas without probable cause and further barring corrections officials from imposing punishments without adjudications of guilt. The court’s decision is reported at Johnson v. Board of Police Com’rs, 351 F.Supp.2d 929 (E.D. Mo. 2004).

As director of the American Indian Law and Economic Development program at the School of Law, Gunn has worked with law students and pro bono attorneys from the firm of Sonnenschein Nath & Rosenthal to defend the sovereignty and right to self-government of the Cheyenne River Sioux Tribe in South Dakota. Together they helped defend the tribe’s jurisdiction to combat racially discriminatory lending practices committed on the reservation by a non-Indian financial institution.

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Gunn continues to write and teach in the area of Indian law. His forthcoming article, “The Montana Exceptions,” examines the scope of tribal regulatory authority over the conduct of non-Indians in Indian country.

**John O. Haley**  
Wiley Rutledge Professor of Law and Director of the Whitney R. Harris Institute for Global Legal Studies


Haley also participated in a colloquy on the Japanese judiciary at a symposium titled Japanese Law: Current Issues & Controversies, sponsored by University of Illinois College of Law, as well as a conference in Beijing titled Comparative Approaches to Regulating Religion and Belief; State Authority and the Rule of Law, which was co-sponsored by the Institute for World Religions of the Chinese Academy of Social Science and the Harris Institute, among others.


Haley’s research plans include a long-term comparative study of judicial selection and accountability and a book on legal traditions. He is also working with his co-editors, John Henry Merryman and David S. Clark, on a revised third edition of the casebook, The Civil Law Tradition: Europe, Latin America and East Asia.

In addition to directing the Harris Institute, he continues to serve on the board of trustees of the Society for Japanese Studies (Journal of Japanese Studies) and the board of directors of the World Affairs Council of St. Louis. He was recently elected to the Executive Committee of the American Society of Comparative Law.

**Peter A. Joy**  
Professor of Law, Director of the Trial and Advocacy Program, and Director of the Criminal Justice Clinic


Joy traveled to Japan in December to deliver a lecture titled “Conflicts of Interest in the Legal and Medical Professions” at a conference sponsored by the University of Tokyo, and he delivered “Teaching Legal Ethics in Law School” at the University of Tokyo. At Omiya Law School, he delivered “Challenges of Providing Clinical Programs for Part-time Students.” In May he returned to Japan to deliver “The Birth of the Waseda Law Clinics: Bridging Theory and Practice” at Waseda University. He also gave lectures on “Clinical Legal Education from the Student’s Perspective” at Kokugakuin Law School and “Practicing Law in Japan: A Japanese Legal Ethics Survival Guide and Update for Persons Admitted to Practice in the United States” as part of the Whitney R. Harris Institute for Global Legal Studies’ Alumni Lecture Series. In other speaking engagements, Joy presented “Ready from Day One: What Should Law Graduates Be Able to Do?” at the American Bar Association’s annual meeting, Atlanta, Georgia, and moderated the panel on “Legal Ethics and Professional Responsibility in a Global Context” at the Lawyers and Jurists in the 21st Century Conference sponsored by Washington University School of Law. He was also a small-group facilitator at the 2005 Association of American Law Schools Clinical Workshop in Chicago, Illinois, and he helped organize the joint
Daniel L. Keating
Dean and Tyrrell Williams Professor of Law

In 2004-05 Dan Keating finished his service as chair of the School of Law’s faculty/staff Self-Study and Strategic Planning Committee by helping to oversee a very successful reaccreditation site inspection. The American Bar Association and Association of American Law Schools (AALS) evaluate the School for reaccreditation every seven years. In the spring Keating chaired the Chancellor’s Advisory Committee for the Dean Search, which helped lead to the selection of Dean-designate Kent Syverud. Keating himself will serve a six-month term as dean until January 1, 2006, when Dean Syverud will assume his duties.

Keating finished his three-year term on the AALS Professional Development Committee, an appointment that entailed overseeing the various stand-alone workshops that the AALS presents in different substantive areas each year. He was also a member of the AALS Committee on Nominations, which selects the new members to the Executive Committee of AALS. He chaired the Planning Committee for the AALS Conference on Commercial Law, held June 2005 in Montreal. Keating was chosen last year as a fellow of the American College of Bankruptcy, an honorary association of bankruptcy and insolvency professionals. Fellows are chosen each year “based on a proven record of the highest standards of professionalism and service to the profession.” He was also selected as a member of the board of advisors of the Institute for Law School Teaching, which supports research and development of materials to enhance teaching and learning in law schools nationwide.

Scott Kieff
Associate Professor of Law

Scott Kieff’s book Principles of Patent Law was published in its third edition. He published a paper on conflicts within recent Supreme Court cases on intellectual property as part of a symposium held at the William Mitchell College of Law. Kieff also co-authored two papers with Troy Paredes: one on the intersection between IP and antitrust, and one on the intersection between IP and bankruptcy. In addition, he gave numerous presentations, including the annual Baker Botts Lecture at the University of Houston Law Center.

Kieff continues as a member of the founding faculty of the Munich Intellectual Property Law Center, a joint venture of the Max Planck Institute for Intellectual Property, Competition, and Tax Law; the University of Augsburg; the Technische Universität München; and George Washington University Law School. He also is a member of the founding faculty of the Canadian Centre for Intellectual Property Policy at McGill University. Kieff continues to serve on the editorial board of the American Intellectual Property Law Association Quarterly Journal.

In addition to teaching a class on patent law and a seminar on contracts and IP at Washington University, Kieff was reappointed to one of the pre-eminent faculty fellowships in the United States for research and writing at the Hoover Institution at Stanford University.

Pauline Kim
Professor of Law

In fall 2004 Pauline Kim taught a short course titled Common Law Regulation of the Employment Relationship at Vanderbilt Law School as a visiting professor. During 2004 Kim published the following articles, which she authored or co-authored: “The Family and Medical Leave Act of 1993: Ten Years of Experience,” Washington University Journal of Law & Policy; “The Supreme Court Forecasting Project: Legal and Political Science Approaches to Predicting Supreme Court Decisionmaking,” Columbia Law Review; “Competing Approaches to Predicting Supreme Court Decisionmaking:” Perspective on Politics; and “On Tournaments for Appointing Great Justices to the U.S. Supreme Court,” California Law Review, co-authored with other members of the Workshop on Empirical Research in the Law.


In October 2004 Kim moderated a panel at the School of Law’s conference titled Whiteness: Some Critical Perspectives. In December 2004 she presented a paper, “Constructing Legal Disputes: A Look at Workplace Drug Testing,” at a faculty workshop at the School of Law and at a Legal Theory Workshop at Vanderbilt Law School. In June 2005 she was a panelist at a session on “Regulating the Employment Relationship in Contemporary Society” and a commentator on “Governance of the Workplace in Contemporary Society” at the Law and Society annual meeting in Las Vegas.
Kim, a member of the American Law Institute (ALI), serves as an adviser for the ALI’s Draft Restatement of Employment Law.

Michael H. Koby
Director of Legal Research & Writing and Senior Lecturer in Law

Michael Koby co-authored with Leigh Greenhaw an article on “Constitutional Conversations and New Religious Movements: A Comparative Case Study,” published in the Vanderbilt Journal of Transnational Law. This article was originally presented in October 2005 in Beijing, China, at an international conference on law and religion titled Comparative Approaches to Regulating Religion and Belief: State Authority and the Rule of Law.

In March 2005 Koby presented “Engaging Students in a More Sophisticated Discussion in the First Year” as part of the Rocky Mountain Legal Writing Conference at Arizona State University.

In July 2005 he delivered a series of lectures on United States legal methodology at the International Law Institute in Washington, D.C.

In spring 2005 Koby received the Student Bar Association’s 2005 Professor of the Year Award.

David T. Konig
Professor of History and of Law

David Konig published “The Persistence of Resistance: Civic Rights, Natural Rights, and Property Rights in the Historical Debate over ‘The Right of the People to Keep and Bear Arms,’” in Fordham Law Review. He served as a commentator for sessions on “The Embarrassing Second Amendment” Twenty-Five Years Later” at the annual meeting of the American Society for Legal History, “The Missouri Freedom Suits” at the annual meeting of the American Society of State and Local History, and “St. George Tucker, States’ Rights, and the Commerce Clause” at a conference on St. George Tucker at the Institute of Bill of Rights Law, Marshall-Wythe School of Law. He also delivered a lecture on “Rating the Founding Fathers: Who’s Hot, Who’s Not, and What This Tells Us about Ourselves” for Washington University’s Century Club.

Additionally, he established a Washington University program in which law students mentor undergraduate pre-law students. He also organized and served as first chair of the William Nelson Cromwell Foundation Prize Committee for best work in American legal history by a junior scholar.

D. Bruce La Pierre
Professor of Law and Director of the Appellate Clinic

Bruce La Pierre taught this summer in Tokyo at Aoyama Gakuin University and lectured at Doshisha University in Kyoto. In fall 2005 he is a Fulbright fellow at Universidade Catolica Portuguesa in Lisbon, Portugal.

C.J. Larkin
Administrative Director of the ADR Programs, and Lecturer in Law

In 2004-05 C.J. Larkin directed a five-week conflict skills course for a children’s community program in University City under the auspices of the School of Law’s Interdisciplinary Institute for Children and Youth. Lawyers and law students served as coaches and mentors for the children, ages 5 to 18. The goal was to present them with new skills in conflict resolution and tools for anger management. The Lutheran Foundation and the University’s Center for the Study of Ethics and Human Values provided funding for the program.

Larkin and the ADR Program—in collaboration with the International Institute in St. Louis—will receive funding through a grant from the ASC Foundation that will be used to provide training in dispute resolution to immigrant-refugee ethnic leaders in St. Louis. Students in the School’s Civil Rights & Community Justice Clinic will be involved in the project.

Also during 2004-05 Larkin coached the School of Law’s first team to participate in the American Bar Association’s ADR Committees Representation in Mediation Competition. The students won the regionals in Columbia, Missouri, and ranked fifth out of 85 teams in the nationals in Los Angeles.

Additionally, Larkin served as a co-mediator with the Department of Justice’s Community Relations Service on a local school district dispute; was appointed to a statewide Missouri Restorative Justice Coalition; and provided CLE programs on civil and family mediation in St. Louis and in Springfield, Missouri.

Stephen H. Legomsky
Charles F. Nagel Professor of International and Comparative Law

Steve Legomsky is spending the fall semester as the Mason Ladd Distinguished Visiting Professor at the University of Iowa College of Law. This past summer Foundation Press published the fourth edition of his course book, Immigration and Refugee Law and Policy, which has now been adopted as
the required text at 147 United States law schools. His article on national security and ethnic profiling was published by the Boston College Third World Law Journal, and his essay on the expedited removal of non-United States citizens is part of an immigration encyclopedia published this year by ABC-CLIO. During the past year he also wrote an article on judicial independence that will be published in the Cornell Law Review and co-authored a comparative study of United States and Canadian refugee policy for inclusion in a book to be published by Berghahn Books. He was quoted in several newspapers and interviewed on CNN News and Voice of America in connection with various immigration-related stories.

This past spring Legomsky gave a faculty workshop at the University of Iowa on secondary refugee movements. He delivered a response (in absentia because of a canceled flight) to a keynote speech at a Fordham University conference on law and religion, a guest lecture to a Washington University undergraduate class, a panel presentation at Cornell University for a conference on habeas corpus, and a presentation at Washington University for a panel on Islam and gender. In August 2005 at Lake Tahoe he participated in a workshop sponsored by McGeorge School of Law on globalizing the law school curriculum. This September he is presenting a paper on the interaction of vessels in the Caribbean region at an asylum conference co-sponsored by the United Nations High Commissioner for Refugees and Monash University in Prato, Italy.

Legomsky received the University’s 2005 Arthur Holly Compton Faculty Achievement Award for outstanding achievement in research, scholarship, teaching, and service. He also served on the law school’s Appointments Committee and the Chancellor’s Advisory Committee for the Dean Search.

Ronald Levin
Henry Hitchcock Professor of Law

Ronald Levin made three presentations during a September 2004 trip to Japan. He spoke about statutory reform of the American administrative process at the Japan Federation of Bar Associations and at the Japanese American Society for Legal Studies. These talks will be published in the Law Review of Osaka University of Economics and Law and the Washington University Law Quarterly, respectively. Levin also spoke to faculty and students of Kobe University about recent reforms of judicial review in Japan. His talk is published online at http://www.cdams.kobe-u.ac.jp/archive/dp04-26.pdf.

Other recently published articles include “The Case for (Finally) Fixing the APA’s Definition of ‘Rule’” in the Administrative Law Review and “The Administrative Law Legacy of Kenneth Culp Davis” in the San Diego Law Review.

In November 2004 Levin spoke about judicial remedies in administrative law at the fall meeting of the Section of Administrative Law and Regulatory Practice of the American Bar Association, responding to a presentation by Judge Raymond Randolph of the D.C. Circuit. In April 2004 Levin moderated a panel at the section’s spring meeting in Savannah about the future of state administrative law. Two books published by the section in 2005 include contributions by Levin, including a chapter on remedies in A Guide to Judicial and Political Review of Federal Agencies and a co-authored chapter on the constitutionality of the Lobbying Disclosure Act for the third edition of the section’s manual on lobbying laws.

Levin is serving as co-reporter for judicial review issues on a section project to summarize the administrative law of the European Union. In addition, he is a member of the ABA’s Standing Committee on Amicus Curiae Briefs, which reviews, edits, and approves all ABA amicus briefs.

In August 2004 Levin participated in a panel on “Should the APA Be Amended?” at the annual meeting of the Southeastern Association of Law Schools on Kiawah Island, South Carolina. In April 2005 he spoke about direct final rules and interim final rules at a conference on rulemaking at American University.

Jo Ellen Lewis
Associate Director of Legal Research & Writing and Senior Lecturer in Law

Jo Ellen Lewis recently returned from Aoyama Gakuin University in Tokyo, Japan, where she was a visiting lecturer in June and July 2005. She taught a course, U.S. Real Estate Transactions, to undergraduate and graduate law students. A theory and practice course, it was designed to teach Japanese law students about the common issues that arise in negotiating and documenting sophisticated real estate transactions in the United States. While in Tokyo, Lewis also gave a special lecture, “Introduction to Japanese Investment in U.S. Real Estate,” to alumni and other practicing attorneys. The lecture was part of the Whitney R. Harris Institute for Global Legal Studies’ Alumni Lecture Series.

In September 2005 Lewis is presenting “Teaching Law in Another Country” at the Indiana University School of Law. The presentation is part of the Central Region LRW/Lawyering Skills Conference.
Daniel R. Mandelker
Howard A. Stamper
Professor of Law

Daniel Mandelker organized a conference titled Planning Reform in the New Century for the Center for Interdisciplinary Studies. He also delivered a keynote address at the annual conference of the International Housing and Planning Association in Oslo, Norway. Other presentations included those at a conference on the National Environmental Policy Act and at a workshop on sign regulation at the annual conference of the American Planning Association. LexisNexis published the sixth edition of his casebook, Planning and Control of Land Development.

Charles R. McManis
Thomas & Karole Green Professor of Law and Director of the Intellectual Property & Technology Law Program


In June 2005 he taught a course titled Biodiversity, Biotechnology, and the Legal Protection of Traditional Knowledge as a part of the Intellectual Property Summer Institute at Franklin Pierce Law Center in Concord, New Hampshire. In July 2005 McManis, who is on the Executive Committee of the International Association of Teachers and Researchers of Intellectual Property (ATRIP), attended the ATRIP annual meeting at the University of Utrecht in the Netherlands.

In fall 2004 McManis became director of the newly established Center for Research on Innovation & Entrepreneurship, a campuswide center that is located at the law school and funded by generous grants from the Ewing Marion Kauffman Foundation and the Skandalaris family. The center will both sponsor academic conferences and administer a campuswide competitive faculty grant program to promote research on innovation and entrepreneurship. The inaugural academic conference addressing Commercializing Innovation, being organized by Scott Kieff and Troy Paredes, will be held at the law school on November 4-5, 2005.

McManis also established a new Intellectual Property & Business Formation Legal Clinic, likewise funded by a generous grant from the Kauffman Foundation.

In November 2004 he was awarded a competitive faculty grant to conduct empirical research on the impact of early-stage access to legal advice on the innovative process, using the operations of the new clinic as a research tool.

A. Peter Mutharika
Professor of Law

This past summer Peter Mutharika completed his book titled Foreign Investment Security in Sub-Saharan Africa: An Agenda for the 21st Century. In July he presented a paper on economic growth and financial development under IMF/World Bank programs at the Oxford Round Table at St. Antony’s College. In September he is presenting a paper titled “Reflections on Rights Enforcement: Comparative Perspectives” at the University of Saskatchewan School of Law in Saskatoon, Canada. In December he is scheduled to present a paper on “Comparative Constitutionalism and Rights: Global Perspectives” at the University of Natal in Durban, South Africa.

Kimberly Jade Norwood
Professor of Law

Kimberly Norwood gave a lecture in Tokyo, Japan, as part of the Whitney R. Harris Institute for Global Legal Studies’ Alumni Lecture Series. Her lecture was titled “The Pros & Cons of the American Tort Law System & Why Alleged Reforms Currently on the Table Won’t Work.” She recently was recognized as a distinguished alumna of the University of Missouri at Columbia School of Law by the Black Law Students Association there. She also received a legal community service award from the Mound City Bar Association.

Norwood is researching and writing a book to be titled Blind-Eyed Justice: A Study in the Effect of Stereotypes, Biases, Preferences, & Other Distortions in the Courtroom.

Troy Paredes
Professor of Law

Troy Paredes was promoted to professor of law with tenure in 2005. He has become the new co-author of the multivolume securities regulation treatise, Securities Regulation (with Louis Loss and Joel Seligman). Paredes published the article titled “Too Much Pay, Too Much Deference: Behavioral Corporate Finance, CEOs, and Corporate Governance” in a symposium volume of the Florida State University Law Review. His article on “An Approach to Intellectual

He presented ‘On Regulating Hedge Funds: Regulatory Philosophy, Regulatory Style, and the Mission of the SEC’ at a conference co-sponsored by Washington University and the Institute for Law and Economic Policy. He delivered ‘Too Much Pay, Too Much Deference’ at the American Law and Economics Associations annual meeting. He also spoke on disclosure issues at the 2004 MIT Sloan CFO Summit and presented a paper on comparative corporate governance at Washington University’s Olin School of Business. In September 2004 Paredes presented ‘Competing Models of Corporate Law: Property Rights, Corporate Governance, and Economic Development’ at the annual conference of the International Society of New Institutional Economics; a version of the paper is forthcoming in the European Business Organization Law Review. Paredes was also a panelist at the University of California at Los Angeles’ Sloan Research Program on Business Organizations Conference in January 2005 focusing on the means and ends of corporations. Paredes was co-coordinator of the 2004 and 2005 F. Hodge O’Neal Corporate and Securities Law Symposia. He is organizing two conferences for 2005: one on the Commercialization of Innovation and the other on The New Corporate Governance. He is also working on several projects concerning corporate governance, behavioralism, corporate decision-making, hedge funds, and fraud.

Stanley L. Paulson

William Gardner Hammond Professor of Law and Professor of Philosophy

After having been awarded an honorary doctorate (LLD) on January 23, 2004, by the Faculty of Law at the University of Uppsala (Sweden), Stanley L. Paulson was awarded a second honorary doctorate on July 14, 2004, by the Faculty of Law at the University of Kiel (Germany). Paulson’s inaugural lecture in Uppsala was devoted to the campaign waged by the fin de siècle Neo-Kantians against naturalism in legal science. His inaugural lecture in Kiel was devoted to the question of ‘normativism without normativity,’ a central problem in Hans Kelsen’s legal theory. An expanded version of the Kiel lecture will appear in the German Juristen-Zeitung.

In 2003 Paulson received the Alexander von Humboldt Foundation’s prestigious research prize for “internationally recognized foreign scholars in the humanities.” In April 2005, thanks to the initiative of Professors Robert Alexy of Kiel and Christoph Müller of Berlin, the Humboldt Foundation followed up with support for Paulson for a second period of research in Germany.

For fall 2006 and again for fall 2007, Paulson has been invited by the directors of the Académie européenne de théorie du droit in Brussels to deliver a series of lectures on Kelsen’s legal philosophy. Paulson has been invited by the Faculty of Law at the University of Oslo to deliver a comparable series of lectures there in fall 2006.

In 2006 Paulson also will serve as co-director of three international conferences: in January, together with Julian Rivers, a conference on the legal philosophy of Gustav Radbruch at the University of Bristol; in March, together with John Haley under the auspices of the Whitney R. Harris Institute for Global Legal Studies at the School of Law, a conference on the reception of Kelsen’s legal philosophy in various countries of the world; and in June, together with Joachim Lege, a conference at the University of Greifswald on the legal theories of Philipp Heck, Bernhard Windscheid, and others.

In 2004, while in Kiel, Paulson wrote 11 academic papers in English and German. Several have already appeared, and the others will appear later this year or in 2006. In addition, over the course of 2004, the editors of five encyclopedias of philosophy, legal philosophy, and legal sociology invited Paulson to contribute articles on aspects of Kelsen’s theory, along with articles on Georg Jellinek and Hermann Kantorowicz.

From summer 2004 through summer 2005, Paulson delivered guest lectures and lead conference papers at a dozen universities in Europe.

Neil Richards

Associate Professor of Law

In 2004-05 Neil Richards continued his research into the intellectual history and theoretical underpinnings of free speech and privacy law. His article, ‘Reconciling Data Privacy and the First Amendment,’ was published by the UCLA Law Review, and his essay on metaphors and the “information privacy law project” was accepted for publication by the Georgetown Law Journal. He presented ‘Privacy, Speech, and Lochner’ at Fordham University School of Law as part of a Fordham Law Review symposium on law and the information society, and he presented ‘Branders, Privacy, and Speech’ at the Washington University School of Law Faculty Research Seminar Series.

Richards has been awarded the School of Law’s Israel Treman Faculty Fellowship to support his research into the intellectual origins of modern speech and privacy rights.
He gave talks at the law school on topics including the Supreme Court’s war on terror cases, the “don’t ask, don’t tell” litigation, and becoming a law professor. Richards attended the annual meetings of the American Society for Legal History, the Association of American Law Schools, and the Law and Society Association, where he organized and chaired a roundtable panel titled “The Digital Person and the Information Privacy Law Project.” A frequent commentator on privacy, free speech, and Supreme Court issues for national and local media, he was quoted in the Washington Times, U.S. News & World Report, and the Christian Science Monitor, among other publications.

Laura Rosenbury presented a working paper, “Some Thoughts on Sex Negativity,” at Emory Law School in April 2005 as part of the Feminism and Legal Theory Project’s Uncomfortable Conversation on Feminist and Queer Legal Theory: Convergences and Divergences. Her most recent article, “Two Ways to End a Marriage: Divorce or Death,” will be published in the Utah Law Review this fall.


During 2004-05 Sadat published a commentary on the Klocko decision handed down by the International Criminal Tribunal for the Former Yugoslavia; two essays on United States policy toward the International Criminal Court; and essays regarding United States foreign policy toward the Middle East, including the allegations surrounding the mistreatment of Iraqi detainees by United States forces. She also presented several papers at Cornell Law School, DePaul University, Idaho Law School, the National University of Ireland’s Centre for Human Rights, the University of Michigan, and Vanderbilt Law School. She will give an endowed lecture on public international law at Tulane Law School this fall. Sadat’s most recent article, “Exile, Amnesty and International Law,” will appear in the Notre Dame Law Review next spring.

This past summer Sadat debuted the School of Law’s Summer Institute for Global Justice in conjunction with Case Western Reserve School of Law and the University of Utrecht in the Netherlands; the program is held at the University of Utrecht. Sadat also launched a war crimes research program for students who are working directly with the Office of the Prosecutor (OTP) for the Special Court for Sierra Leone, drafting memos on research topics assigned by the OTP. Sadat and Gilbert Sison, JD ’00, coached the 2004-05 Philip C. Jessup International Moot Court team, which took the prestigious Hardy C. Dillard award for the best memorial in the national and regional competitions, topping the list of more than 500 schools competing worldwide.

Margo Schlanger was installed as the Henry H. Oberschelp Professor of Law on September 7, 2004. Introducing her was Justice John Gibbons. Next year the Washington University Journal of Law & Policy will publish a series of articles coming out of the commission’s hearings and recommendations.

Schlanger presented “Damage Action Deterrence” at the DePaul University Clifford Symposium, as well as at faculty workshops at the University of California at Los Angeles and University of Missouri at Columbia; it will be published in the DePaul Law Review. The paper examines situations in which common law tort and statutory damage actions may set up inappropriate incentives for those engaged in risky activities. Her paper on “Civil Rights Injunctions over Time: Prison and Jail Court Orders” offers an empirical look at the 30-year history of litigation seeking to reform prison and jail conditions. She presented it this year at a conference on empirical legal studies at Cornell Law School and at the Law & Society Association’s annual meeting.

In addition, Schlanger is establishing a new resource for lawyers, scholars, and policymakers interested in civil rights lit-
The Civil Rights Litigation Clearinghouse will present previously unavailable documents and information from hundreds of civil rights cases in several categories, including prison and jail litigation, police reform, and mental health and mental retardation facility conditions litigation. The clearinghouse, which will be entirely Web accessible, is scheduled to be running by late 2005.

Nancy Staudt
Professor of Law and Faculty Adviser of the LLM Program in Taxation. She also presented her work at conferences at Seattle Law School and the University of California at Berkeley, Indiana University, University of Washington, and Washington University. Bertrand presented papers in a variety of approaches to Access to Legal Services: Research, Practice, and Policy at the ABA mid-year meeting in March 2005 in Salt Lake City. Tokarz serves on the ADR Advisory Committee for the United States District Court, Eastern District of Missouri, and spoke on “ADR Anatomy: What settles? What doesn’t?” at the court’s program on New Challenges for Federal Practitioners in October 2004.

Tokarz was recently named to the Steering Committee for the new Richard A. Gephardt Institute for Public Service at the University. This fall she will receive a Washington University Distinguished Faculty Award at the 2005 Founders Day celebration.

Peter Wiedenbeck
Associate Dean of Faculty and Joseph H. Zumbalen Professor of the Law of Property

Karen Tokarz continues to direct the School of Law’s Clinical Education Program, which was ranked third in the nation by U.S. News & World Report in spring 2005.

She also directs the School’s Alternative Dispute Resolution (ADR) Program. Tokarz works with C.J. Larkin, the ADR Program administrative director, to develop new ADR curricular opportunities for students, as well as ADR training for local and international lawyers and judges. The ADR Program has garnered two grants for the next three years: one to fund the development of community mediation training for immigrant and refugee leaders in St. Louis and the other to fund ADR training for Nepal law school faculty and leaders of public interest organizations.

Both grants will involve students enrolled in the School of Law’s Civil Rights & Community Justice Clinic.

Tokarz coordinated a March 2005 conference titled Poverty, Wealth and the Working Poor: Clinical and Interdisciplinary Perspectives. Co-sponsors were the School of Law’s Clinical Education Program, Center for Interdisciplinary Studies, and Washington University Journal of Law & Policy, and Washington University’s George Warren Brown School of Social Work. Ten papers from the conference will be published in a special issue of the Journal, for which Tokarz authored the introduction. This is the Clinical Program’s third volume on interdisciplinary clinical education in three years. The conference coincided with the fifth annual Access to Equal Justice Colloquium, aimed at developing University-community collaborations to enhance access to justice and the delivery of legal services in the region. Tokarz continues to coordinate with Peter Wiedenbeck the Public Interest Law Speakers Series titled Access to Justice: The Social Responsibility of Lawyers, now in its eighth year.

She served on the American Bar Association Accreditation Committee from 2003-05 and was a responder for a conference plenary on New Approaches to Access to Legal Services: Research, Practice, and Policy at the ABA mid-year meeting in March 2005 in Salt Lake City. Tokarz serves on the ADR Advisory Committee for the United States District Court, Eastern District of Missouri, and spoke on “ADR Anatomy: