Clinical Education Program: Promoting Justice through Client Service and Systemic Change
This issue of Washington University Law Magazine highlights the extraordinary trajectory of our Clinical Education Program. From its early roots nearly four decades ago, it grew substantially under the direction of Professor Karen Tokarz. Continuing along the program’s current path of excellence in clinical learning, teaching, and scholarship under the recent leadership of Professor Annette Appell, the program will soon be under the direction of Professor Robert Kuehn.

Back in 1973, when Professor Samuel H. Liberman made the bold move to open a storefront legal office in conjunction with Legal Services of Eastern Missouri, he was firmly committed to the power of experiential learning while providing a needed community service. However, even a visionary like Liberman likely could not have imagined that this fledgling program would expand to offer the breadth of our 15 current clinical opportunities. Indeed, today’s full array of clinical and externship programs allows students and faculty to tackle complex current issues in the law in numerous substantive areas while directly serving clients locally, nationally, and internationally.

As the articles here show, our Clinical Education Program has benefited not only from extraordinary leadership and expanded programs, but also in recent years from the new professional facilities that mirror a law office. As you read these articles you also will learn about the exciting work of today’s clinic students addressing environmental hazards, advocating for systemic change in juvenile justice and family advocacy, assisting nonprofit groups in meeting their community objectives, and benefiting from the mentoring of accomplished judges and practitioners and of our dedicated faculty. You also will have the opportunity to hear from several of our alumni whose clinical experiences helped forge their current career goals.

Other areas of interest at our school, which are spotlighted in this issue, include progress in the Crimes Against Humanity Initiative’s draft treaty under the leadership of Professor Leila Nadya Sadat and several student-related articles. I hope you will enjoy reading about those students who organize intramural competitions, a 3L who garnered a prestigious fellowship, and an inspirational 1L who recently returned from the White House where he was involved in a disabilities-related mentoring program.

Other staples include the now regular Why I Teach column by Professor Daniel Keating and two faculty scholarship pieces by Professors Marion Crain and Kevin Emerson Collins. Our alumni features span articles on Loren Wells’ Discography project with our Center for Empirical Research in the Law, on entrepreneur Brett Thompson who edged out the competition on ABC’s Shark Tank to gain funding for his barbecue company, on Cory Shade who brings a wealth of expertise to Perry Ellis International, and on Stuart Kurtz whose firm combines business and law to offer a personal touch for his clients. We also have a wonderful narrative about a group of dedicated alumni who annually host our incoming students for dinner and conversation.

We continue to be so proud here of the accomplishments of our alumni, students, faculty, and staff—and nowhere more so than in the areas highlighted in this issue.
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Our Clinical Program:

Building on an Illustrious Past, Advocating for a Better Future

By Kenneth J. Cooper, AB ’77

Washington University School of Law has a long tradition of valuing the importance of clinical education in furthering students’ professional development while providing ethical and much-needed legal services to underrepresented groups. When Professor Samuel H. Liberman opened the school’s first storefront legal office in 1973, law students and faculty literally expanded outside of the classroom and into the community. This first Introductory Clinic, offered in conjunction with Legal Services of Eastern Missouri, was soon augmented by the Advanced Clinic and Judicial Clerkship Clinic. Five years later, the program expanded nationally with the launching of the Congressional Clinic. Then under the direction of Professor
Karen Tokarz, from 1980 to 2008, the program grew dramatically both in stature and clinical offerings, including international placements, and has been consistently ranked among the top clinical programs nationally. Under the subsequent vision of Associate Dean Annette Appell from 2008 to 2011, the program dedicated its new professional space and expanded to the current 15 distinct local, national, and international clinical opportunities. These include the most recent offering, the New York Regulatory & Business Externship, which will send 12 law students to New York next academic year for a semester-long clinical experience. Now with the naming of Professor Robert Kuehn as the new associate dean, the law school is furthering the program’s trajectory of providing superior clinical education; award-winning faculty scholarship and advocacy; increased services to clients; and projects to address systemic change.

Clinical Offerings

• Appellate Clinic
• Civil Justice Clinic
• Civil Rights & Community Justice Clinic
• Congressional & Administrative Law Program
• Corporate Judicial Field Placement
• Criminal Justice Clinic
• Government Lawyering Externship
• Intellectual Property & Nonprofit Organizations Clinic
• Patent Law Field Placement
• Interdisciplinary Environmental Clinic
• International Justice & Conflict Resolution Practicum
• Judicial Clerkship
• Lawyering Practice Externship
• New York Regulatory & Business Externship
• Supervised Practicum

LOOKING BACK: The law school launched the Clinical Education Program in 1973 with its first clinic in a storefront law office in conjunction with Legal Services of Eastern Missouri.

Dean Kent Syverud, left; Missouri Supreme Court Judge Richard Teitelman, JD ‘73; and Associate Dean Annette Appell cut the ribbon at a celebration of the newly renovated clinic space in Anheuser-Busch Hall. Teitelman was a guest speaker for the November 13, 2009 event.
Clinical Education Program
Capitalizing On New Space, Faculty, Student Offerings

Three years ago, when Professor Annette Appell arrived at the law school as associate dean of clinical affairs, the clinical program was widely recognized among the top programs nationally. However, the facilities were lacking. The four in-house clinics were scattered around the school. The faculty members had offices elsewhere in the building. There were no reception areas for visitors, or for that matter, a central telephone number to reach all the clinics.

What these four in-house clinics (as distinct from those clinics based in the community) needed was dedicated space configured like a law firm. The law school’s administration had already committed to the new space as part of the overall renovations of Anheuser-Busch Hall, but waited for Appell’s arrival to lead the actual clinic space project. In fall 2009, the new space for the clinics was dedicated, and the Civil Justice Clinic (CJC), Interdisciplinary Environmental Clinic (IEC), Intellectual Property & Nonprofit Organizations (IP/NO) Clinic, and Appellate Clinic now share new, spacious quarters on the first floor of Anheuser-Busch Hall.

“We have a really high-functioning professional space,” Appell says. “There is a reception area. There are conference rooms. There’s a large confidential space for the students to work together, either in their own carrels or in groups. All the clinic faculty also have regular or smaller ‘hoteling offices’ that ring around the student space.”

The model law office is the most obvious of the significant changes in the law school’s clinical program during the past few years, but there are others. Three clinics have altered or expanded their focus, bringing in faculty members with special expertise. The CJC has shifted from its longtime mission of handling domestic violence cases to juvenile justice and child welfare matters. The former Intellectual Property Clinic has broadened its scope to include assisting nonprofit organizations. The Civil Rights & Community Justice Clinic also has expanded its focus to include mortgage loan foreclosure mediation. Additionally, the Lawyering Practice Externship was created to increase clinical opportunities for students, and the Patent Law Field Placement is now being offered.

The changes in the Clinical Education Program are part of a trajectory of expanded and improved clinical offerings that furthers the law school’s commitment to educating tomorrow’s leaders by providing students with high-quality legal education. Building on the award-winning work of longtime and now former clinical director Karen Tokarz and the expertise of both long-standing and newer faculty, the clinical program is better preparing students to meet the market demand for practice-ready graduates. The clinical program now offers 15 distinct
opportunities, greatly expanding placements for students both in the law school-based clinics and those that provide externships in the greater St. Louis community, nationally, and overseas. Other highlights of the program include increased opportunities for faculty scholarship and for professional partnerships.

For example, at the request of Dean Kent Syverud, who is one of two independent trustees of the Deepwater Horizon Oil Spill Trust, IEC students this past fall helped research issues related to BP’s massive oil spill in the Gulf of Mexico. To date, the law students have performed background research on legal and environmental issues in order to lay a foundation for the orderly distribution of $20 billion. BP has allocated these funds for damage claims and reimbursements of government cleanup expenses.

At the IEC, Professor Robert Kuehn arrived in 2009 to join Senior Lecturer in Law Maxine Lipeles, that clinic’s founder, as co-director.

“The Interdisciplinary Environmental Clinic is, if not the top, one of the top environmental clinics in the country,” Appell says. “The clinic performs very complex work on behalf of community organizations and sometimes individuals, protecting vulnerable communities from toxic and harmful waste and other pollution. They have a very high-level, complex practice that is akin to what you might see in a law firm.”

On campus, the IEC also has deepened its relationship with the George Warren Brown School of Social Work. As a way to better connect with local community organizations, the IEC started a community outreach program, staffed by a Master of Social Work (MSW) student as part of the Brown School’s practicum requirement. Other MSW students work alongside law, engineering, and environmental studies students on interdisciplinary teams in the clinic, which last year marked its 10th anniversary.

ALTHOUGH THE FOCUS is not new, the Appellate Clinic’s work supports efforts to give students exposure to professional practice. This clinic tackles nuances in the law while handling cases before the U.S. Court of Appeals for the Eighth Circuit.

“We often have highly complex procedural settings, delicate balances of authority between federal and state courts, or delicate balances of authority between Article III federal courts and Article I courts, legislative courts, or the military courts,” says Appellate Clinic founder and director D. Bruce La Pierre, professor of law. “We represent clients who face continual uphill battles. The government holds the upper hand in this type of litigation.”

LOOKING BACK: The Criminal Justice Clinic has a long-standing collaborative relationship with the Missouri State Public Defender System. Currently co-directed by Vice Dean Peter Joy, second from right, clinic students engage in extensive criminal defense practice under the supervision of faculty and attorneys. Their clinic is housed in the St. Louis County Public Defender’s Office.

Professor Bruce La Pierre, second from left, works with Appellate Clinic students on a brief before the U.S. Court of Appeals for the Eighth Circuit. La Pierre, an experienced appellate advocate, coordinates with Michael Gans, JD ’77, clerk of the court, (not pictured) on obtaining pro se litigants in need of clinic assistance.

RESEARCH EXCERPT
Annette Appell, Associate Dean of Clinical Affairs; Professor of Law; and Co-Director, Civil Justice Clinic

“The article deploys the gendered and racial history of adoption law and the lived experience of adoption’s constituents to illustrate the perils and promise of the regulation of contemporary families—particularly lesbian and gay families, stepfamilies, and families created with reproductive technologies. The article proposes a unique and perhaps controversial approach to kinship that pushes against current regulatory trends that privilege social relations at the expense of biological connections.”
While a clinic student last year, alumnus Wade Carr, JD ’10, argued a complex case before the Eighth Circuit involving a challenge to a court martial. Carr was later hired to clerk on that bench.

La Pierre observes: “I think Wade is one of the few clerks on the U.S. Court of Appeals who has already argued a case in the court in which he is clerking.”

ACROSS THE SCHOOL’S clinics, hallmarks remain serving underprivileged members of the community locally, nationally, and internationally, as well as working for systemic change to protect their clients’ rights and to give voice to their interests.

“Part of being a professional is understanding how we are privileged, but another part is understanding how our tools can be used,” says Appell. “People who make it through law school, even if they didn’t start out privileged, gain social and economic status as lawyers. The lessons about how the law affects people who are not so privileged are important for lawyers to learn because legal professionals often serve as leaders in their communities, in legislatures, and in the court system.”

Faculty members who teach in the clinics and guide students in representing clients combine their advocacy with scholarship, a potent one-two punch in the battle for broader reform. Faculty of both the Civil Justice Clinic and Criminal Justice Clinic, for example, have worked on preserving the constitutional right to counsel for indigent people despite the overburdened and understaffed public defender system in Missouri.

“The work with clinic students, cases, and clients often provides us with insights into issues for our scholarship,” says Peter Joy, vice dean, the Henry Hitchcock Professor of Law, and co-director of the long-standing Criminal Justice Clinic.

“The practice in the clinic provides another dimension,” Joy adds. “Instead of seeing issues in a two-dimensional way, some of the issues can be understood in a three-dimensional way—and the writing, I believe, becomes of interest to people who both are scholars and also practitioners.”

THE NEW SPACE for the in-house clinics is not only more functional, it also provides a physical environment that fosters the kind of collaboration that students, once they graduate, will experience in a law firm, group practice, or government counsel’s office.

“It makes a huge difference,” Appell says. “It affords an opportunity for our students to work together across clinics much more easily. It also helps create community among the students and among the faculty who teach in the clinics.”

As contemplated, cross-clinic collaboration is happening. “For instance, we already have a situation in which the intellectual property and environmental clinics are sharing a client,” she notes.

As a research assistant for Professor Mae Quinn, left, law student Tiffany Ellis, right, worked on an education case in the U.S. District Court for the Eastern District of Missouri. A settlement was reached with the Saint Louis City Public Schools in the lawsuit challenging the constitutionality of disciplinary practices for two high school students. Ellis continued to work on settlement issues as a clinic student with Quinn.

LOOKING BACK: Merton Bernstein, now the Walter D. Coles Professor of Law Emeritus, front center, founded the Congressional Clinic in 1978. Its successor, the Congressional & Administrative Law Program, recently expanded to offerings throughout the year in conjunction with a new university-wide academic partnership with the Brookings Institution.

RESEARCH EXCERPT

Peter Joy, Vice Dean; Henry Hitchcock Professor of Law; and Co-Director, Criminal Justice Clinic, and
Robert Kuehn, Professor of Law and Co-Director, Interdisciplinary Environmental Clinic


“As universities increasingly seek to educate students through service-learning courses, law school clinics may be the bellwether for determining whether the faculty’s academic freedom in teaching will transcend the traditional classroom or be left at the classroom door. Recent legislative and corporate efforts to interfere in the operations of law clinics indicate that academic freedom is at risk when hands-on student learning bumps up against ‘real-world’ disputes.”
Kuehn to Succeed Appell as Head of Clinical Program

ROBERT KUEHN, professor of law and co-director of the Interdisciplinary Environmental Clinic, will succeed ANNETTE APPELL as head of the Clinical Education Program. Immediate past president of the Clinical Legal Education Association, Kuehn joined the law faculty in 2009. A well-known scholar, teacher, and clinician in environmental law and professional responsibility, he also has served on the American Association of Law School’s Standing Committee on Clinical Education and Executive Committee for the Section on Clinical Legal Education. He formerly founded and directed the Tulane Environmental Law Clinic and served as associate dean for skills programs at the University of Alabama School of Law.

“We are very fortunate to have Bob assume this position,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “He is widely praised as a clinical teacher and program administrator. Standing on the shoulders of the terrific work of his predecessors, Annette Appell and Karen Tokarz, he will provide great leadership to our expanding clinical program.”

Appell will return to the full-time faculty and Civil Justice Clinic: Child & Family Defense Project. She also is a past president of the Clinical Legal Education Association along with Professors Peter Joy and Karen Tokarz. Appell is a nationally recognized expert in child advocacy, adoption, and child welfare. During her tenure as the school’s first associate dean of clinical affairs, she made important advances to enhance professionalism in the structure and operations of the Clinical Education Program. Her leadership helped accomplish the redesign and renovation of the live-client clinic facilities in Anheuser-Busch Hall, further integration of in-house clinics and of the clinical program generally, strategic hiring of new clinical faculty and staff, and the expansion of clinical offerings.

Annette is a first-rate clinician and scholar who cares deeply about quality education for students,” Syverud says. “I am deeply grateful for her hard work and assistance in moving our clinical programs forward. I am also happy that she will be continuing to play a leadership role in our Civil Justice Clinic.”

THE GROWTH and development across the clinical program, such as with the intellectual property clinic, is significant. The brainchild of Charles McManis, the Thomas and Karole Green Professor of Law, the IP clinic was originally launched in 2005 thanks in part to funding from an Ewing Marion Kauffman Foundation grant. At that time, the clinic also had an entrepreneurial component. David Deal, who has extensive experience in private practice and as a patent examiner with the U.S. Patent and Trademark Office, was recruited as the clinic’s first director.

In 2008, the clinic changed its name and expanded its work to more fully include the nonprofit side with the arrival of alumnus Peter Ruger, JD ’69. Ruger had been working with the clinic for several years as an adjunct. Now a senior lecturer in law, he is a former general counsel of Washington University and has served on numerous boards of nonprofit organizations.

The Congressional & Administrative Law Program has seen dramatic changes as well. Launched in 1978, the program has expanded its offerings throughout the year and has recently forged a partnership with the Brookings Institution. The Washington, D.C.-based clinical program also moved into Washington University’s new space adjacent to the Brookings Institution, where students attend seminars and meet informally, sharing their experiences in the nation’s capital. Previously, seminars for externs in congressional, administrative, or executive offices were held in borrowed space at various law firms.

“Now we actually have space for the class in the university’s building,” Appell says. “The students also hang out there. It’s wonderful to have this kind of physical space for them.”
Hill ingested the clinic experience like a wonderful meal, and as dessert found his calling as a prosecutor. After law school, he began his career with the District Attorney’s Office in Queens, New York. He handled domestic violence cases for 18 months and then narcotics cases and felony assaults, robberies, and burglaries for three years.

Last winter he left Queens, and in January 2011, Hill joined the criminal division of the U.S. Attorney’s Office in Washington, D.C. He explains that he changed jobs because he was both interested in the office’s high-profile cases and because he wanted to be closer to his family in Glade Spring, Virginia.

“I love trying cases,” Hill says. “Being in the courtroom was my whole point in becoming a lawyer. I can’t see myself in an office working on contracts or mergers.

“I love the opportunity to interact with different members of the community,” he continues. “As a prosecutor you’re dealing everyday with the victims, their families, and the police officers working the case.”

No matter what kind of cases he prosecutes, however, his job does carry a burden. “The hardest thing,” he says, “is that every day you’re faced with a very serious matter. You’re dealing with someone’s life.

“You want to investigate fully to determine that the right person has been charged,” he continues. “That’s something you take home with you every day. You’re always thinking, ‘Is this the right person? Is this the right person that I’m going to try against?’ Because you don’t want people sitting in jail for something they didn’t do. And you don’t want to let a guilty person go free either and not get justice for the victim.”

Despite the accompanying job stress, Hill wouldn’t change anything. “It’s been a marvelous career,” he says.
IP/NO Clinic’s Clients Range from Sexual Assault Survivors to Pet Pantry Founders

By Kenneth J. Cooper, AB ’77

A HORRIFIC CRIME 1,700 MILES AWAY led the Intellectual Property & Nonprofit Organizations (IP/NO) Clinic to work on a charitable project that uses music to benefit victims.

Two years ago, a man with a knife invaded a Seattle home, where he stabbed and sexually assaulted two women who had been asleep there. One survived. Her partner, Teresa Butz, a native St. Louisan from a large, musical family, did not.

After struggling with the horrendous news, two childhood friends of Butz decided to pay tribute to her by producing a compact disc and selling it to support sexual assault survivors around the country. Rachel Ebeling and Jean Fox initially consulted a St. Louis lawyer, who early last year referred them to the IP/NO Clinic. The lawyer was acquainted with Senior Lecturer in Law Peter Ruger, JD ’69, who had joined the clinic as co-director several years earlier to expand its mission to work with nonprofit organizations.

From their friend’s tragedy was born the Angel Band Project, which last fall released the CD to raise funds for the Voices and Faces Project, a national organization that supports sexual assault survivors, their family members, friends, and communities.

To accomplish that goal within a year, Ruger and clinic co-director David Deal, working with law students, guided Ebeling and Fox through a number of legal matters. “This project involved both nonprofit issues in creating a not-for-profit corporation for them and some very significant intellectual property issues in getting the rights to the music,” Ruger says.

“Some original pieces of music had been written for this project, and some were remakes of known songs by more popular artists,” explains third-year law student Eric Finch, who is currently studying in Singapore as an exchange student. “We basically had to walk them through the permission process to use the music that was written by others. The project was pretty heart-wrenching since it sprang from a tragedy, but helping them produce the CD allowed us to use our legal skills to obtain a really positive outcome.”

Ebeling and Fox chose two songs by Patty Griffin, who agreed to allow them to be recorded on the CD for free—as long as no one else was paid for their music. But they were unable to reach agreement with Bob Dylan’s publisher to use one of his songs for free. So Deal and his students showed the two friends how to obtain a “mechanical license” for Dylan’s song under a federal statute that sets a small royalty per each CD sold, enabling someone to record a composer’s song without directly obtaining permission.

The other nine songs were created for the CD, and Ebeling and Fox had less difficulty obtaining those rights. “The songs were created and recorded by friends and family of the victim,

LOOKING BACK: The Intellectual Property & Nonprofit Organizations Clinic originally combined intellectual property with business formation and entrepreneurship when it was created by Charles McManis, left, in 2005. The clinic continues to partner with the Missouri Botanical Garden on intellectual property and biotechnology issues.
and all rights in the musical compositions and recordings were assigned to the Angel Band Project,” Deal explains.

The CD was released at a party in St. Louis last October. Still, the Angel Band Project organizers remain one of the clinic’s clients. The clinic is currently working on legal issues surrounding promotional efforts planned to increase sales of the CD. Live concerts, online videos, and a documentary film about the making of the CD are under consideration, but permissions must be sorted out first.

THE CLINIC’S IP AND NONPROFIT practice areas have collaborated to assist other clients as well. One client wanted to incorporate as a nonprofit in metro St. Louis to help disabled and elderly people maintain their homes.

“When they started out, they wanted to use a name called, ‘Lend a Helping Hand,’” Ruger recalls. “Under Dave’s direction, some of the students checked and found that name was being used by a charity that’s based in Los Angeles.”

“It was also being used by a commercial outfit in California,” Deal explains, “a big food wholesaler that had started a nonprofit philanthropic effort to help kids go to college. I suspect because it was supported by a large commercial outfit, they had registered the phrase as a trademark.”

The client, a successful businessman, understood the risks of violating a trademark so the name “The Brooktree Foundation” was adopted instead. The bulk of the clinic’s work involves similar transactions, though Ruger says students do represent clients in some administrative or civil hearings concerning, for instance, tax exemptions for real estate. The nonprofit side also helps draft bylaws, review contracts, and dissolve entities whose funding has dried up. Among the clinic’s clients have been several charter schools needing a variety of such services.

“What our students do, I think, accurately reflects what most lawyers in practice do,” Ruger says. “Very few lawyers deal with criminal law issues. To be sure, there’s a substantial number, but not as a percentage of lawyers practicing.

“The other thing that I hope that we’re doing,” he continues, “is giving students skills that when they’ve finished school, they can serve as volunteer lawyers, helping worthy organizations in whatever community they choose to live in.”

At the same time, the IP side of the clinic shows startup entrepreneurs how to protect the rights to their goods and services. “I would broadly describe the work we do under the term ‘community development,’” Deal says, “whereas a number of the other clinics at the law school are based upon individuals who are lacking access to legal representation. We’re providing a service that is hopefully developing the community, and there’s an economic element to that.”
DURING THE FALL semester, third-year student Steve Chiang worked for both sides of the clinic, which he calls “an excellent starting point for law students who wish to experience the transactional side of lawyering.”

Chiang adds: “Although we provided many legal services to local nonprofits and inventors and nearly every client expressed how grateful they were for our help, it was we, the law students, who gained the most from our interactions with clients. This process generally required understanding the client’s business as a whole, a valuable and must-have skill for any attorney.”

In another recent project, students worked with the Bi-State Pet Food Pantry, a nonprofit organization that assists low-income families in St. Louis with free food for their pets. The pantry is the brainchild of St. Louisans Kylie Shafferkoetter and Sandy Lynn who are pet owners themselves and volunteers with Stray Rescue.

“We felt very fortunate to have Peter and the students on our side,” says Shafferkoetter. “After we formed the pantry, had it incorporated, and started getting the word out, people began giving us donations. Our board had helped us with the bylaws, but we weren’t sure how to proceed with getting tax exempt status. So we went online, but the IRS website was very confusing. It felt overwhelming.”

“The clinic really made the process much more pleasant and easy,” agrees Lynn. “They were able to help guide us through all the steps.”

Clinic student Taylor Stevens, an LLM degree student in the Intellectual Property & Technology Law Program, helped the pantry with filing the roughly 30-page IRS application. “Their project was one of the easiest since they already had a clear idea of what they wanted,” notes Stevens, who enrolled in the LLM program after earning her JD from Stetson University.

“Our clients are extremely dedicated individuals who are offering a service to humanity,” she adds. “They are helping ensure that low-income people with pets have access to ample and nutritious food. It was a wonderful feeling to help them realize that, while also having the opportunity to work directly with them as clients. That is what I went to school for.”

Peter Ruger, JD ’69, right, co-teaches the Intellectual Property & Nonprofit Organizations Clinic. Ruger has led and serves on the boards of numerous nonprofit organizations, such as Susan G. Komen for the Cure.
Delaware Supreme Court Externship Gives Katherine Childers Invaluable Experience

By Gary Libman

During HER EXTERnship at the Delaware Supreme Court, Katherine Childers, JD ’10, often wrote memos on such varied areas of law as workers’ compensation, corporate governance, or criminal law.

Her corporate judicial externship, one of the first offered through the law school, was new territory for Childers. “In law school you’re used to taking a whole semester to master a subject,” she says. “But every week at the court, you’re having to learn a new field of law and doing it quickly and efficiently. And you need to be able to do so in a manner that you’re able to talk intelligently about it to a supreme court justice.”

When she first started the job, the rapid pace of the clerkship created some anxiety, Childers admits. “Even today sometimes I’ll get a subject matter and I’ll say, ‘I don’t even know where to begin.’ But I’ve been doing this for a while now, and it has gotten much easier.”

Childers’ adaptability not only has helped her performance, but also has impressed her boss. After graduating from the law school last May, she arrived in Delaware to work as an unpaid extern from September through December. Childers is the first extern in the new Corporate Judicial Field Placement established by Hillary A. Sale, the Walter D. Coles Professor of Law and professor of management.

But within a few weeks, Childers’ boss, Delaware Supreme Court Justice Randy J. Holland, offered to extend her stay until the end of the summer of 2011. “I was converted into a real law clerk—meaning that I was getting paid,” she says, happily.

Childers says the work is preparing her well “for what I’m going to be doing the rest of my career.” This fall, she will join the general litigation practice at Alston & Bird LLP in Atlanta.

Childers’ assignments with Holland begin when he asks her to review a case appealed to the Delaware Supreme Court. Childers then reads the lower court opinion and the briefs filed by opposing attorneys before writing a detailed memo for the justice. Sometimes an issue of law is unclear or Holland wants a legal question answered so Childers conducts further research.

“The type of writing we do is very interesting,” Childers says. “Often in law school, you want to make arguments based on fairness—what seems right in your mind. However, most times you’re told not to do that because ‘fairness’ is not really a legal argument. But at the appellate level, the judges do hear those fairness arguments, and sometimes they make a difference. … The writing’s a little more nuanced.”

Although she loves hearing the attorneys’ oral arguments and the justices’ pointed questions in court, Childers says her favorite part of the clerkship is interacting with Holland himself. Appointed to the Delaware Supreme Court in 1986, Holland is the youngest person ever to sit on the court, as well as the longest serving Supreme Court justice in Delaware’s history.

“It’s a very easy interaction,” Childers says. “First and foremost, he’s a teacher. He takes time to explain very complicated issues that might not make much sense when you first read them. But after listening to him for five minutes, they make perfect sense.”

Katherine Childers, JD ’10, converted her Corporate Judicial Field Placement into a law clerk position with Delaware Supreme Court Justice Randy J. Holland.
“TERRIFIED” PROBABLY BEST DESCRIBES how I felt as I stood at the podium ready to address my panel for oral argument. I wasn’t arguing before the Eighth Circuit. At least not yet. In one of three moot court sessions organized by Professor D. Bruce La Pierre, my adviser for the Appellate Clinic, my panel of “judges” included Washington University professors and local practitioners ready to subject me to up to 45 minutes of relentless questioning.

The nerves hadn’t completely disappeared when I finally appeared before the Eighth Circuit to argue the clinic’s case, Allen v. United States Air Force, 603 F.3d 423 (8th Cir. 2010). But I was comfortable and confident that I could field any question the real judges might throw at me.

My experience working in the Appellate Clinic taught me far more than how to present a 15-minute oral argument. For several months prior to the argument, Professor La Pierre guided a group of students [now alumni] from the Appellate Clinic—Aaron Block, Nicholas Niles, Shibani Shah, Stephen Winter, Reed Wycuff, and me—as we combed through a challenging record of court martial proceedings, researched military law, developed potential arguments, and, finally, drafted our brief.

Throughout the process, Professor La Pierre provided careful instruction while, at the same time, giving us a significant amount of independence and control over the assignment. The students decided which arguments would best make our case. The students drafted the briefs. And for the oral argument, I decided exactly how to address the court. Professor La Pierre simply ensured that our work lived up to the Appellate Clinic’s high standards. He helped us tackle a daunting task, and we emerged with a much greater understanding of federal appellate advocacy.

Less than a year after graduating, I have already put my Appellate Clinic experience to good use. Now, as a clerk to the Honorable Lavenski R. Smith on the U.S. Court of Appeals for the Eighth Circuit, I’m viewing the appellate process from a much different perspective. And I’m finding that my clinic experience prepared me well.

As a clerk, I have come to recognize the qualities Professor La Pierre emphasized—thorough preparation, candor with the court, clear and organized arguments, meticulous editing, to name a few—as the hallmarks of effective written and oral advocacy. My clinic experience has helped me become a more critical thinker and a better writer. On a more practical (and perhaps more mundane) level, my familiarity with appellate rules and practices allowed me to hit the ground running.

I’m extremely grateful for my experiences in the Appellate Clinic—both the joy of working with Professor La Pierre and my classmates and the thrill of arguing my first case before the Eighth Circuit. Just as important, I’m confident that the lessons I learned will serve me well for years to come.

Former Appellate Clinic student Wade Carr, JD ’10, is currently clerking for Judge Lavenski R. Smith on the U.S. Court of Appeals for the Eighth Circuit.
Civil Justice Clinic Achieves Success in Juvenile Justice, Child Welfare Cases

By Kenneth J. Cooper, AB ’77

STUDENTS IN THE CIVIL JUSTICE CLINIC (CJC) this past fall achieved a track record in St. Louis County Family Court that would be the envy of any high-end law office.

“We were successful in having a full third of the cases we took on dismissed,” says Mae Quinn, professor of law and CJC co-director. That’s seven out of 20 cases with all charges against an accused youth dropped, either by the prosecutor or the judge. The overall caseload, Quinn says, ranged from serious assault and burglary charges to minor status offenses like truancy and curfew violations.

There’s more. The most serious consequence in juvenile court is transfer of the case to adult court, where a prison sentence can be imposed on a youthful defendant. Two of the “adult certification” cases that CJC students handled resulted in dismissals.

To cap off the semester, third-year law student Nancy Spencer successfully argued before the Missouri Court of Appeals for the Eastern District of Missouri for the return of a two-year-old child from foster care to his young mother. The court delivered the unanimous decision in favor of the CJC’s client just before Christmas.

Spencer says she is thrilled by the outcome: “It is so rewarding knowing that justice has been served and all of our hard work has paid off.” Spencer adds that she found the experience of arguing before the appellate court “a bit nerve-racking at first, but after I got the first couple of sentences out, all of my preparation took over and I was able to successfully argue the case.”

Spencer says she appreciates the in-depth professional experience the CJC affords. “As student-attorneys, we are taught best practices in an environment that is more like a law firm than a typical law school class,” she observes. “The majority of our clients are youth who come to us expressing frustration with not having their voices heard in court and other proceedings. We help them to finally be heard.”

Clinic attorney Kathryn Pierce, who worked with a number of clinic students on the case, praises Spencer’s dedication in the oral argument. “Nancy’s ability to roll up her sleeves and get down to the work at hand helped in her oral advocacy,” Pierce says. “It was clear that Nancy was not simply reciting a memorized argument, but was instead bringing her client to life for the panel.”

Quinn’s students also have represented youth facing disciplinary action in schools, needing appropriate special education services, or being inadequately educated in alternative schools.

The youth and family advocacy mission is relatively new for the clinic. One of the law school’s oldest clinics, the CJC over the years has focused on a range of important legal issues. The recent change takes full advantage of the long and deep experience with youth and family law of Quinn and Annette Appell, associate dean of clinical affairs, CJC co-director, and professor of law.

The CJC also helps meet a community need for specialized juvenile advocates in St. Louis County Family Court. Unlike many other metropolitan areas, the family court no longer has a specialized public defender’s office devoted to its docket. The CJC is now one of the only specialized law offices in the area representing children or parents in juvenile court.

THE SUCCESS RATE on child welfare issues is much harder to tally. Appell notes that those cases usually last longer than a semester, and the clinic represents clients until the case closes. When individual clinic students cannot see a case that they started all the way through to the finish, their faculty supervisors are there to work on the cases with subsequent rounds of students.

“Normally, child protection cases, which are highly complex and multidisciplinary, last one, two, three, four, or more years, depending on the situation of the family and the child,” Appell observes. “We become involved in these cases because they provide pedagogical opportunities and because we have the resources, expertise, and personnel to handle challenging matters. And the work itself is important to the community.”

Appell, Quinn, and Pierce share a passion for serving socioeconomically disadvantaged youth and families.

“That’s why I began teaching,” Appell says. After law school, she went to work for a law firm, but took a leave of absence to represent children in neglect and abuse cases in the Cook County Juvenile Court in Chicago. “I just fell in love with the work and never returned to the firm,” she says. Instead, when her alma mater, Northwestern University Law School, created a reform-oriented child advocacy clinic, she jumped at the chance to teach there.
Quinn started law school interested in defending victims of domestic violence, but in her first clinic case, she was called upon to represent an accused batterer. That experience made her see that the line between victim and perpetrator, particularly when both are disadvantaged, can be gray. “That was one way in which I got interested in representing accused young people,” she says.

The juvenile justice system in Missouri, Quinn contends, “really is quite broken” despite “a lot of well-meaning, well-intended, committed, compassionate people doing the best they can.” She identifies three main issues: “a lack of lawyers, a problematic systemic structure, and a juvenile code very much in need of reform.”

Quinn says one complication with the juvenile court’s structure in Missouri is that the prosecutor and probation officer do not work independently, as in most states, but rather the probation officer is “the client” of the prosecutor. “The legal issues get blurred by the individual interests of probation officers,” she concludes.

Appell agrees that the position of the juvenile officer is problematic from both a separation of powers perspective and a resource perspective. She takes the long view, hoping to train a cadre of law students in best practices for the legal representation of children and parents. She pairs this with the clinic’s advocacy in an effort to help change some of the norms of practice in juvenile court. Appell also is hoping to create the conditions for specialized legal offices that would provide high-quality representation of parents and children in the counties, as well as the cities.

Each semester she teaches, Quinn plans to have the clinic focus on at least one particular systemic reform issue. This past fall, law students focused on improving probable cause determinations in juvenile cases. Their efforts resulted in having one case dismissed on those grounds. In addition, Quinn says the adult certification statute makes no provision for a probable cause hearing at that stage, a fact highlighted in research the clinic has done.

CJC students working on juvenile cases last semester also had to complete a public citizen lawyering project, a requirement that Quinn had initiated during her tenure at the University of Tennessee. The CJC projects supervised by Quinn and Pierce included letters challenging police stops of alternative school students as possible truants and those warning St. Louis County courts about sharing too much information with schools about their students’ cases.

A further concern for the clinic is protecting the rights of youth committed to Missouri Division of Youth Services’ juvenile facilities.

“Unlike with other lawyers, our representation does not terminate with resolution of the court charges,” Quinn explains. “As holistic advocates, we remain on our clients’ cases post-disposition and throughout state placement, if they wish.

“Often such youth need advocates in the system to ensure that they are receiving educational and other programming to which they are entitled, as well as making sure they are being considered for community re-entry at the appropriate time,” adds Quinn, who has been elected to the Board of Directors of the Clinical Legal Education Association.

But Quinn says state administrators are not used to such advocacy efforts, signaling that they question the right of such children to have independent legal representation while in placement. Through the clinic this coming fall, she and Pierce vow to advocate for their clients by “reframing the conversation about the right to counsel for young people.”

RESEARCH EXCERPT

Mae Quinn, Professor of Law and Co-Director, Civil Justice Clinic
“Feminist Legal Realism,” Harvard Journal of Law & Gender (forthcoming)

“Beyond providing an account of one forgotten female Realist, [Judge Anna Moscovitz Kross], this article offers some thoughts about contemporary Feminist legal activities, as well as hopes for the future. It suggests that those who are currently grappling with the realities of Feminism and the law—particularly within the academy—may draw some lessons from the life and experiences of Kross, her contemporaries, and Feminist Legal Realism. Like Feminists today, in the shadows of constructed categories and lists, they too sought to establish their own agency and identities while challenging lived injustice ... [but] through activism and not just academics.”
Innovative Environmental Clinic Celebrates 10 Years

By Kenneth J. Cooper, AB ’77

FOUNDED IN 2000, the Interdisciplinary Environmental Clinic (IEC) has made a name for itself nationally with its unique approach of combining interdisciplinary teams of students and faculty to address complex environmental issues for nonprofits and community organizations. Students in the IEC are drawn from Washington University academic areas of law, environmental studies, engineering, social work, medicine, and business.

In addition to co-directors Maxine Lipeles and Robert Kuehn, the clinic draws upon the expertise of other IEC faculty—Beth Martin, engineering and science director; Elizabeth Hubertz, clinic attorney; Peter Goode, environmental engineer; and Katherine Pawasarat, engineering and science fellow. This year, alumnus Aaron Oakley, JD ’10, is also working with the clinic on a variety of issues. The IEC’s efforts have won the clinic several recognitions over the years, including most recently a community service award from the Missouri Coalition for the Environment.

When Kuehn arrived at the clinic in 2009, Lipeles says he transplanted an innovation he had initiated at Tulane University. Drawing from the success of the Tulane Environmental Law Clinic’s community outreach coordinator, Kuehn approached Washington University’s George Warren Brown School of Social Work with the idea of attracting a Master’s of Social Work (MSW) practicum student to develop an outreach program in the St. Louis area. Since the spring 2010 semester, the IEC has had a social work student filling that role.

The first student, Lipeles says, did baseline work compiling a database of community organizations that have worked with the clinic and of others that may be interested in doing so. That student also surveyed past clients about their experiences with the clinic.

MSW STUDENT Andrea Gross is the current community outreach coordinator. Among the areas where she is focusing her outreach this academic year and summer is the Lindell Park Neighborhood in St. Louis. The neighborhood adjoins the abandoned Carter Carburetor plant. Closed in 1985, it has been largely unused since it is “a classic brownfield,” a property whose reuse has been inhibited because of long-standing contamination, Kuehn says.

The U.S. Environmental Protection Agency (EPA) is planning a cleanup of the PCBs, asbestos, and volatile organic compounds at the site, he says.

MSW student Andrea Gross adds a valuable social work component to the Interdisciplinary Environmental Clinic as its community outreach coordinator.
“Andrea’s the one who first learned about this and made the initial contact with the community organization,” Kuehn says. “She continues to help us make sure that we’re responsive to what the residents need. In my view, it’s all about trying to give a voice to people and communities that otherwise are either overlooked or ignored.”

“The Lindell Park Neighborhood Development Association is concerned about the site, not only because it is toxic, but because it could be another missed opportunity to redevelop a brownfield site that creates jobs and increases economic stability for North St. Louis residents,” Gross says. “The EPA often talks about creating ‘green jobs’ in economically depressed areas. Therefore, it is crucial for the EPA to continue to listen to the community in order to facilitate an inclusive redevelopment plan for the Carter Carburetor site.”

Gross adds that she has benefited greatly from “collaborating with Professor Kuehn and the rest of the clinic students and faculty to address the many issues from various standpoints—not only from my own social work perspective, but also from law, science, and environmental studies.”

This case, like many the clinic handles, involves advocacy on behalf of clients, but not court litigation. The clinic also has handled several matters involving litigation before administrative agencies and state and federal courts.

Environmental Clinic Assists Dean in BP Settlement Process

By Kenneth J. Cooper, AB ’77

SHORTLY AFTER BEING NAMED one of two independent trustees of the BP Deepwater Horizon Oil Spill Trust, Dean Kent Syverud turned to the law school’s Interdisciplinary Environmental Clinic (IEC) for background research.

“He knew that he was taking on a lot of responsibility and could use some assistance with the underpinnings of environmental law and trust law,” recalls Professor Robert Kuehn, who co-directs the IEC with founder and Lecturer in Law Maxine Lipeles.

The request of Syverud, the Ethan A.H. Shepley University Professor, was a tall order, but he was confident that the IEC, which celebrated its 10th anniversary last year, would be up to the task. BP established the $20 billion trust in August 2010 in order to pay claims for business losses, environmental...
damages, and government costs. The trust was created to address issues caused by the oil leak from the company’s damaged well in the Gulf of Mexico. A team of two law students and two undergraduate seniors majoring in environmental studies was given the high-profile assignment.

“The initial reaction of some of the students was probably both excitement and apprehension—excitement because it was such a phenomenally important issue and a little apprehension since it’s a huge case both in terms of the environmental impacts and the allocation of the 20-billion-dollar trust fund,” Kuehn recalls. “Surely, that also helped motivate them to do a good job.”

UNDER THE SUPERVISION of Kuehn and other faculty with technical expertise, the team soon realized that the assignment was “very similar to every other problem presented to lawyers or engineers or scientists,” notes Kuehn, immediate past president of the Clinical Legal Education Association.

“You simply need to parse out what the issues are and what information is available,” Kuehn explains. “You then present the information and the alternatives in as thorough and objective a fashion as possible. It is actually very similar to what we have been handling in the clinic during the past decade.”

Throughout the fall semester, the team delivered research covering the role of trustees, trust administration, the Exxon Valdez oil spill, environmental law, and related matters. They passed on their research to both Syverud and Mark Templeton, trust fund executive director. While the trust fund administrators also drew on the advice of legal counsel, the IEC’s research helped trustees through a busy period, Templeton notes.

The trustees and Templeton initially were focused on making sure that the company lives up to its financial commitments, as well as putting legal protections in place. The relatively small operation for the trust fund “didn’t have the bandwidth to be able to handle all those issues and the research at the same time,” says Templeton, a former director of the Missouri Department of Natural Resources who currently is teaching a course on energy law and policy at the law school.

“The work of the clinic was incredibly helpful in a number of ways,” Templeton says. “They were able to tackle some of the more complex research questions that involved a legal perspective, an environmental perspective, and an engineering perspective. We asked for and got their excellent assistance.”

**IEC Clinic Victories Span Many Issues**

*By Kenneth J. Cooper, AB ’77*

ASKED WHAT HAS BEEN the Interdisciplinary Environmental Clinic’s (IEC) biggest victory, founder Maxine Lipeles cites a 2004 lawsuit that led to the EPA reducing the national air pollution standard for lead by 90 percent in 2008, following a long process in which the clinic participated. The clinic challenged one aspect of the EPA’s decision, a limitation on monitoring for compliance with the new lead standard that the Office of Management and Budget had pressed the EPA to adopt. Last December, the EPA reconsidered that aspect of its decision and expanded the monitoring requirements.

Similarly, on behalf of the American Bottom Conservancy, a grassroots organization, the IEC filed a petition urging the EPA to object to an air pollution operating permit issued by the Illinois Environmental Protection Agency. The permit had been issued to a massive steel manufacturing facility in Granite City, Illinois. After the IEC sued the EPA to force a decision on the petition, the EPA issued its decision in January 2011, objecting to 50 different aspects of the air permit on the grounds that they are insufficient under federal law. The state must now revise the permit to include additional pollution control requirements and monitoring requirements. The voices of the clinic’s clients were heard yet again.

Other victories have addressed issues related to lead contamination in Herculaneum, Missouri; water pollution; global warming; and environmental justice. In a current case, the Interdisciplinary Environmental Clinic (IEC) alumnus Aaron Oakley, JD ’10, center, and faculty Maxine Lipeles, second from left, and Peter Goode, second from right, meet with IEC students at the overlook for the site of a proposed coal ash landfill in the Missouri River floodplain. Goode provides the clinic with environmental engineering expertise.
The Interdisciplinary Environmental Clinic is representing a grassroots organization in Labadie, Missouri, that is challenging a utility company’s plans to build a large coal ash landfill in the Missouri River floodplain. The initial focus has been at the local government level, where zoning changes to accommodate the landfill proposal are pending. Several clinic students have spoken at contentious public hearings, presenting technical and legal issues to the county decision-makers.

Third-year law student Jeremy Cohn observed that the IEC provided him with an opportunity to step out of the classroom and apply the skills he had been learning in law school to real-world issues. In the Labadie case, he enjoyed working under the supervision of IEC faculty in the advocacy effort for the local grassroots environmental organization.

“Our client is at a natural disadvantage because it has to work with limited resources to try to sway a highly politicized process,” Cohn says. “Maxine Lipeles and Peter Goode are helping students work with the environmental group to utilize resources in tactical and creative ways to gain support from others in the community and to attempt to educate local decision-makers on what is a highly important and complex issue.

“Working on the Labadie case has taught me the importance of versatility and perseverance because well-reasoned legal analysis alone may not be enough to prevail if you can’t get decision-makers to buy into it,” he adds.

RESEARCH EXCERPT

Elizabeth Hubertz, Lecturer in Law and Clinic Attorney, Interdisciplinary Environmental Clinic


“Professional engineers working with lawyers may be unable to completely remove their engineering hats, but this is not necessarily a terrible thing. As one scholar has noted, ‘If professionals are not able to retain sufficient independence so as to defend their professional integrity in critical decisions, why, ultimately, pay a premium for their skills?’ If you hire engineers but ask them to take off their engineering hats, have you really hired engineers? After all, surely one of the many lessons of the Challenger disaster is that non-engineers should pay more attention to the engineer’s judgment.”
Clinical Externships Integral to Judge Fleissig’s Career

By Gary Libman

AS A PARTICIPANT in the judicial clerkship program during her final year of law school, Audrey Fleissig, JD ’80, was privy to some of the thought processes of her supervisor, U.S. District Court Judge Edward L. Filippine, a respected jurist on the Eastern District of Missouri bench.

“Judge Filippine would talk candidly to me about cases he was handling and issues he was facing,” says Fleissig, now an accomplished judge, herself, on that same court. “I would get to hear his thinking from a philosophical as well as from a legal standpoint.”

Fleissig says she not only benefited from the mentoring she received, but also the two developed a mutual respect for one another. “Judge Filippine’s been my friend for 30 years,” she recalls. “I don’t know how you put a price on that.”

Later, in a symmetry of events, Fleissig was nominated to the U.S. District Court seat that Filippine had once held. Today it’s Fleissig who talks frequently to law students, offering them insights into the inner workings of the court.

“For instance if a judicial extern was watching a motion hearing or part of a trial, at the end of the day or during a lunch break, I’m able to share with him or her what I think worked or didn’t work,” she says of the attorneys’ arguments.

“I also discuss with the student why I ruled a certain way, or how the attorneys might have handled the matter differently,” continued Fleissig, who also is a longtime adjunct professor at the law school and currently teaches courses in evidence.

Fleissig has experienced clinical externships from many sides—first as a student, then as a supervisor of law students while an Assistant U.S. Attorney and as the U.S. Attorney, next as a U.S. Magistrate Judge in the Eastern District of Missouri, and now in her current role on the U.S. District Court.

DURING HER STINT in the U.S. Attorney’s Office, Fleissig oversaw students in the Government Lawyering Clinic. The long-standing clinic is designed to expose students to either the civil or criminal divisions of the U.S. Attorney’s Offices in both the Eastern District of Missouri and the Southern District of Illinois. Supervised by Professor Katherine Goldwasser, law students have the opportunity to work on all facets of investigations and prosecutions that come before the U.S. Attorney’s Office.

The experience as a clinic student and now as a supervisor has convinced Fleissig that clinical externships are a winning proposition for both the students and the attorneys or judges they serve.

“Clinics and externships offer incredibly valuable learning experiences,” she notes. “They help prepare students for handling the rigors of practicing law after graduation.”

Fleissig recalls that she entered her clerkship in her final semester of law school with “a pretty good idea that I wanted to be a litigator.” During her clerkship, she learned such valuable nuggets as how the court’s work flowed, where the clerk’s office was located, and who did what in the courthouse.

“As a young trial lawyer, it was wonderful to have had that experience,” says Fleissig, who worked in private practice after law school. “I felt more at ease in federal court. I had a better idea of what was going on and what you should and shouldn’t do.”

Now under the supervision of Charles Bobinette, who has taught in the clinical program for nearly 30 years, the Judicial Clerkship program places students as part-time law clerks under the supervision of local, state, and federal trial and appellate judges in Missouri and Illinois.

Fleissig believes the hard work of her clerks helps the court system run smoothly. “The public deserves to have the finest, most efficient product come out of this chamber that we can possibly create,” she notes. “Our experience shows that with proper supervision and guidance, bright externs help us get that work done more efficiently.”

RESEARCH EXCERPT

Katherine Goldwasser, Professor of Law


“We have come to believe that, if the aim is to significantly reduce domestic violence, approaches that focus on empowering abused women are flawed in ways that render them not just ineffective, but actually counterproductive. Our thesis is that the use of such strategies reflects fundamental misconceptions and false assumptions about the nature of domestic violence, about why this sort of violence persists, notwithstanding the panoply of legal remedies designed to combat it, and, ultimately, about what it takes to change behavior that has long been tolerated, if not actually fostered, as a result of deeply imbedded social and cultural norms.”
International Human Rights: A Global Pursuit

By Sarah Placzek, JD/MSW ’10

BEFORE ENTERING LAW SCHOOL and graduate school in social work, I was a Peace Corps volunteer in Timor-Leste, and it whet my appetite to work internationally. Although my stint was interrupted by civil unrest, the experience confirmed my belief that law and social work could be combined to effectively support peace and human development in post-conflict nations. Once I arrived at Washington University, I pursued opportunities to foster my goal of a career in international human rights.

Following my first year of law school, I did a summer internship at the Legal Resources Centre in Accra, Ghana, through the Africa Public Interest Law Initiative, coordinated by Professors Karen Tokarz and Kimberly Norwood. I engaged in human rights education with various community-based organizations working to gain better access to health care and to combat repressive widowhood rites. Through this experience, I learned the importance of linking community concerns to national policy development in order to better protect economic, social, and cultural rights of the less privileged.

As an intern with the United Nations Inter-Agency Project on Human Trafficking (UNIAP) in Bangkok, Thailand, after my second year, I assisted in the design and implementation of a research study aimed at assessing the influx of Cambodian deportees from Thailand and establishing the level of unidentified or misidentified trafficking victims within these deportees. I also initiated a media project that would enable victims entering shelters to gain more information about their rights through an illustrative video available in multiple languages.

My capstone learning experience, however, was my semester externship in the spring of my fourth year at the International Criminal Tribunal for Rwanda in the Appeals and Legal Advisory Division within the Office of the Prosecutor. I received this assignment through the law school’s new International Justice & Conflict Resolution Field Placement, facilitated by Professors Karen Tokarz and Leila Nadya Sadat. After studying international criminal law at Washington University, I was excited to utilize what I had learned in the classroom and to further my understanding of international justice systems.

Being a small part of the tribunal’s work provided invaluable insight into the challenges Rwanda and the international community face in working to end impunity and support lasting peace. I realized the historic significance of the tribunal for setting a strong precedent for the International Criminal Court and national jurisdictions; there is much to learn from the tribunal’s achievements, as well as its disappointments.

MY SEMESTER at the tribunal also provided practical work experience relevant to both domestic and international legal work—I conducted legal research and analysis, drafted appellate briefs, participated in oral advocacy training, and practiced on a multinational team.

I had amazing international learning experiences through the law school in large part because of the support and professional connections of my international and clinical faculty mentors. I am grateful for these unique learning experiences and the many efforts of my professors to ensure international opportunities designed to advance my career goal.

After graduation, I accepted a two-year clerkship with a judge on the Missouri Court of Appeals in my hometown, Springfield, Missouri, where my brother, sister, and father, Mathew Placzek, JD ’73, practice law. I am enjoying this period of time to refine my research skills, reconnect with my family, and refuel for what I hope is a meaningful career in international human rights.

Former international extern Sarah Placzek, JD/MSW ’10, is currently clerking for Judge William W. Francis, Jr. of the Missouri Court of Appeals for the Southern District.
Cynthia Wolken Seeks Greater Role for Women in Politics
By Gary Libman

CYNTHIA WOLKEN, JD ’05, runs training schools in Montana for progressive women seeking political office. She devises campaign plans, shows women how to talk to voters while going door to door, and helps the candidates raise money.

“We send fundraising letters to progressive women across the state asking them to give money to our candidates,” she says. “We’re like an Emily’s List in Montana,” she adds, referring to the national group dedicated to electing pro-choice Democratic women to office.

The project has elected nearly 15 women to the state legislature, and another candidate became a state superintendent of public instruction.

And Wolken isn’t stopping there. She hopes to find female candidates for Montana’s governorship and U.S. Senate seats. “It’s called a pipeline,” she says. “The more women we plug into state offices, the better our chances will be to support a woman who can get elected to the Senate.”

Prospects to elect female progressives in Montana might seem reasonable because the state’s current governor and U.S. senators are Democrats. Nevertheless, finding women to run can be challenging. “Women are sometimes more used to support roles,” Wolken says. “They don’t always think of themselves as candidates.” To address this, Wolken’s seminars convince women that they can run for office and win.

Wolken learned campaigning skills working for a year before law school in former St. Louis Congressman Richard Gephardt’s office in Washington, D.C. She once campaigned door to door with Gephardt in his St. Louis district. She also took days off from Gephardt’s office to help candidates in Virginia and Maryland with their campaigns.

Her experience in Gephardt’s office—and through both a 2004 law school summer internship and a subsequent clinical research project—led Wolken to a career in public policy law, she says.

The internship was part of the law school’s American Indian Law Program. During the internship, Wolken helped codify the laws of the Cheyenne River Sioux Tribe at its reservation in Eagle Butte, South Dakota. The laws, written by a tribal council, “were in several places with no central receptacle,” Wolken says. “If you got charged with a crime, you wouldn’t necessarily know where the law was codified. We wanted to make the law more accessible.”

WOLKEN SAYS that the experience “absolutely” influenced her career. “The internship was one of the first times I realized that I could use the skill set I had learned in law school to help marginalized communities empower themselves,” she says.

After Wolken finished her internship, she further honed her advocacy skills through the Civil Rights & Community Justice Clinic, where she collaborated with the clinic’s director, Karen Tokarz, the Charles Nagel Professor of Public Interest Law & Public Service, on a project aimed at combating human trafficking. Wolken continued her work on the topic as a research assistant for Tokarz, former Clinical Education Program director and current director of the law school’s Dispute Resolution Program.

Tokarz and Adjunct Professor Steven Gunn, director of the American Indian Law Program, then helped Wolken win a coveted Skadden Fellowship. After graduation, she worked as a Skadden Fellow and staff attorney at the Montana Legal Services Association in Missoula during 2006–08, helping combat human trafficking in the rural western United States. When the fellowship ended, she began consulting with Montana women running for office.

“I was excited and humbled by how well democracy and grassroots politics still work in Montana,” says Wolken, who grew up in St. Louis. “You can still run and win a political race based on your ideas about policy. You can also run a race for between $5,000 and $15,000, which makes it accessible for people who aren’t wealthy. Democracy is still relatively pure.”
Effective Assistance of Counsel

By Chansi R. Powell, JD ’10

I HAVE ALWAYS SUPPORTED the tenet, “you commit the crime, you do the time.” It was thus with mixed feelings that I began my spring 2010 externship at the Federal Public Defender’s Office for the Eastern District of Missouri.

I feared that in cases where I helped defend persons who had admittedly committed crimes, I would implicitly condone “bad” behavior by either reducing their possible sentences or by eliminating the possibility of their going to jail altogether. As a result, although I had a growing interest in criminal law, my goals for my three-month externship—though sincere—were fairly boilerplate: to improve my legal research and writing skills and to learn more about sentencing law and policy in the United States.

My supervising attorney gave me some interesting writing assignments that allowed me to put my legal research skills to good use. I also attended various stages of court proceedings, from initial appearances to sentencings that gave me a better grasp of sentencing law and policy issues within the federal judicial system.

I ultimately achieved my core goals throughout the externship, but I left the externship more enlightened than I had ever anticipated. This enlightenment arose because, in addition to the research, writing, and court appearances, I had many intimate meetings with clients in preparation for court. Along with my supervising attorney, I met clients ranging from those with serious mental health issues to those who had drug and alcohol addictions.

I often read these clients’ files before meeting them. Those files detailed their criminal histories, which usually started at the juvenile stage and were occasionally coupled with a family history of some type of abuse. In reading my clients’ files prior to meeting them, I found the clients—some of whom were career criminals—became humanized for me. This, in turn, increased my desire to ensure that they had a proper defense—one that, when possible, took into account their backgrounds.

Initially, this sentiment concerned me deeply because I was hesitant to overly humanize someone who had admittedly committed a crime. I came to learn throughout the externship, however, that in order to adequately provide legal representation, attorneys must learn and then present their client’s relevant history.

I now believe that humanization of the client is an often inevitable, and perhaps necessary, result of this learning process—one that helps ensure a good attorney will do his or her job properly. In accepting and embracing this notion, I understood truly that everyone does indeed deserve the right to an ample defense.

AS HARD AS THAT IDEA may be for some to accept, I believe that in order for the American legal system to function effectively and fairly, this tenet must hold true regardless of who a client may be or what crime he or she may have committed. While I still believe that if “you commit the crime, you do the time,” I understand better now that crime and punishment may not be as clear-cut as some might like.

In the end, I am truly pleased I had the opportunity to participate in the externship with the Federal Public Defender’s Office. Under the excellent direction of my supervising attorney and legal field placement coordinator, Professor Michael Koby, I was able to seek their professional guidance in working through many of these issues.

While I also improved my research and writing skill set, the externship more importantly forced me to step outside of my comfort zone. I was compelled to broaden my somewhat narrow value system and take to heart that where the client is concerned, personal judgments and values have no place. What matters instead is my legal duty to provide effective assistance of counsel to the client—whoever he or she may be. 

Chansi Powell, JD ’10, learned invaluable lessons about client advocacy through her externship with the Federal Public Defender’s Office.

Former clinic extern Chansi Powell, JD ’10, is currently working for the Democratic Election Standards Project in Atlanta, Georgia.

Under the expert direction of Michael Koby, professor of practice and director of the Trial & Advocacy Program, the Lawyering Practice Externship was recently created to expand the number of students who engage in various phases of lawyering practice while working with field supervisors in government law offices or legal departments of tax-exempt charitable organizations.
HAVING AN EXTERNSHIP in Washington, D.C., through the Congressional & Administrative Law Program makes many law students want to circle back to the nation’s capital to start their careers in the federal government.

Third-year student Raphael B. Moreen spent last fall at the State Department, where he worked in the Office of the Legal Adviser. He split his time doing research and writing for attorney-advisers in two sections of that office, the Office of Treaty Affairs and the Office of Oceans, International Environmental and Scientific Affairs. He also attended meetings with internal clients and participated in international law sessions hosted by the Office of the Legal Adviser.

“Having the chance to serve in the Office of the Legal Adviser has given me a solid foundation in international law and an understanding of what it means to represent clients in the Executive Branch,” Moreen says. “The attorney-advisers whom I had the chance to serve with are extremely talented, and their professionalism is inspiring.”

This spring, Moreen is serving as a primary editor of the law school’s *Journal of Law & Policy*. “Post-graduation I hope to be back in Washington, D.C.,” he adds.

Ebony Gayles, another third-year student, externed at the Department of Housing and Urban Development (HUD) in its Office of Fair Housing and Equal Opportunity. She performed most of her work with the Compliance and Disability Rights Division, including joining a team that reviewed a local condominium complex for compliance with the Fair Housing Act. Gayles also briefed and responded to appeals related to violations of civil rights laws covering people with disabilities.

“I specifically wanted to participate in the Congressional & Administrative Law Program because I knew it would provide me the opportunity to extern with HUD, deepen my understanding of the fair housing laws HUD enforces, and make professional contacts relevant to my future career goals,” Gayles says.

“Prior to my externship, I knew I wanted to specialize in housing law, and thanks to the opportunity provided to me...
through the Congressional & Administrative Law Program, I was able to confirm that specialty.”

Her supervisor, HUD Assistant Secretary John Trasviña, says Gayles “helped us immeasurably on fair housing issues ranging from drafting guidance on housing needs of people with disabilities transitioning out of institutions to drafting a white paper on fair housing issues regarding returning veterans.

“The law school’s program gives students like Ebony, who already have a passion for civil rights law enforcement, the experience and exposure to the role of lawyers in the federal government, which, in turn, provides them with greater skills for their legal careers,” he adds.

Washington University has made a significant investment to increase its presence in the nation’s capital. New resources, including a classroom, office space, and the Washington University alliance with the Brookings Institution, have allowed the law school to greatly expand its offerings in Washington, D.C. One of the oldest legal externship programs in the nation’s capital and one of the law school’s oldest clinics, the program annually attracts more than 10 percent of each third-year law class.

THE PROGRAM was initiated in the late 1970s through the efforts of Merton Bernstein, now the Walter D. Coles Professor of Law Emeritus. Opportunities were further developed under the direction and mentoring of Professors Karen Tokarz and Kathleen Clark and Senior Lecturer Susan Kaplan. Currently, Kaplan and Toma Mersmann, JD ’91, associate dean for strategic initiatives and lecturer in law, are working to expand student placements in externships on Capitol Hill, in federal agencies, and at the Brookings Institution itself. They also are coordinating with Steven Jackson, director of Washington University’s academic program in the nation’s capital.

“Law students are very interested in these placements,” Mersmann says. “In addition to Raphael’s externship with the State Department and Ebony’s work at HUD, some of the other recent externships are those with the Council on Environmental Quality, the Securities and Exchange Commission, Department of Health and Human Services, and the Department of the Treasury.

“We also have a strong history of placing students in congressional committee offices such as the Senate Judiciary Committee and the Committee on Foreign Relations. The expanded resources have allowed us to increase the number of students experiencing the D.C. program from 24 to between 36 and 38 students each academic year,” she adds.

Annette Appell, professor of law and associate dean of clinical affairs, agrees that the Congressional & Administrative Law Program is in high demand: “It has long been one of the leading programs attracting students to our school. Many of our students go to work in Washington after law school. In fact, Washington, D.C., is one of the largest markets for our alumni.”
Clinic Alumni Find Common Cause in Legal Assistance Foundation

By Gary Libman

BEVERLY YANG, JD ’06, was forever changed by her experience in the Civil Rights & Community Justice Clinic.

“It’s where I learned the day-to-day practice of law. By co-counseling cases at Legal Services of Eastern Missouri, I learned that I wanted to advocate for justice on behalf of people who usually don’t have a fair shake in court,” says Yang, who now works as a staff attorney with the Land of Lincoln Legal Assistance Foundation in Alton, Illinois.

Yang is among several Washington University law graduates who staff the Land of Lincoln office in Alton. She is joined by staff attorneys and alumni Benjamin Bozicevic, JD ’07, and Clarissa Gaff, JD ’06, and one-year AmeriCorps attorney Linda Jun, JD ’10. The office’s longtime managing attorney is Joan Spiegel, JD ’81, also an alumna and a highly respected public interest lawyer in Illinois.

While in law school, Yang, Gaff, and Jun were members of Professor Karen Tokarz’ Civil Rights & Community Justice Clinic, and Bozicevic interned in South Africa through the Africa Public Interest Law Initiative. Drawing on these experiences in law school and then at the Land of Lincoln, Yang, Gaff, and Bozicevic are now supervising current members of Tokarz’ Civil Rights & Community Justice Clinic.

Gaff says that her experience in the clinic helped prepare her for practice as well as garner her position at Land of Lincoln. “It is thrilling for us to now be in a position to pass on what we have learned to current clinic students,” she says. “We know how valuable the clinic experience was for us and can be for them, so we are very invested in their development.

“It is also very satisfying to have the opportunity to continue to work with Professor Tokarz on projects such as financial literacy and mortgage loan foreclosure mediation,” she adds.

Students choose the opportunity to extern with Land of Lincoln to join in providing “high-quality, free legal assistance to poor people,” says Spiegel, and to have the opportunity to work with experienced lawyers on important issues.

According to Yang, their office provides clinic students with a view of society they don’t always recognize: “While clinic students may expect to interview clients and be in the courtroom, they aren’t always prepared for exposure to the difficult conditions in which our clients live. Our clinic students may see more poverty during the course of our representation than they ever thought the U.S. could harbor.”

Learning new perspectives about clients, client community problems, and the legal system is part of the hands-on legal experience that clinic students crave when they come to Alton.
“They interview and counsel clients, research issues, draft pleadings, provide community education, and go to court with us,” Spiegel says. “They do pretty much what a new public interest lawyer would do, but under close supervision.”

Spiegel adds that the student attorneys learn what it’s really like to engage in client advocacy, negotiation, administrative practice, litigation, and community education. For example, she says, the students might help a client get public medical insurance or Social Security disability benefits, keep public housing, and/or prevent an eviction.

SPIEGEL ADMITS that the work can be wearing. “Our clients often come to us with many problems, beyond simple legal matters,” she says. “Poverty, legal problems, and mental illness are frequently combined, making resolution of the legal issues all the more challenging. We also deal with victims of violence who’ve lost confidence in their ability to function outside the control of their abuser.”

“When we defend an eviction or foreclosure, not only do we help our clients and their families avoid homelessness, we also help ensure the continuity of their children’s education and the family’s financial stability,” Yang adds. “Often, our clients cannot afford market rent and are receiving help from the government just to remain housed. It would be a monumental loss if they were evicted and lost their eligibility for subsidized housing.”

Because above all the attorneys want to help their clients, being unable to address some of the legal and nonlegal issues can be tough. “We as lawyers have to learn the limits of what the legal system can do and how to be creative at pushing those boundaries,” Yang says. “We also have to develop partnerships with social service agencies when the system doesn’t identify a legal injustice that we can negotiate or litigate. It’s hard to tell a client that the law provides no recourse or remedies for her situation.”

Nevertheless, the work delivers many feel-good moments mixed in with the difficult cases. “My favorite part of the job is the client interaction,” says Bozicevic, a staff attorney specializing in subsidized housing and public benefits issues. “Being able to assist those in need, whether helping clients maintain their subsidized housing or obtain important public benefits, can give you the highest of highs. But the work has its low points as well; unfortunately you can’t always help every client.”

“For students, the experience of representing a client for the first time can provide the ‘Ah ha!’ moment where they realize why they wanted to become a lawyer in the first place,” says Yang. “Together, we show our clients, who often don’t trust any authority—especially the legal system—that there’s justice for them, even if they are a marginalized part of society.

“And, we can share with the students what Professor Tokarz taught us about the impact lawyers can have on people’s lives and help them to understand the power and privilege of lawyering,” she adds.
URING THE FINAL THREE YEARS of my 16-year career in law school administration, I was spending about 90 percent of my time on administration, and I was teaching just one seminar per year as my entire teaching load. Now that I am back teaching a full load again, I can appreciate better than ever the joys of the classroom that I was missing. Having come full circle—from teaching a lot at the start of my career, to teaching a little during my administrative career, to teaching a lot again—I have the benefit of a more well-informed perspective on the question of why I teach. There are at least six good reasons I can articulate:

I teach because it’s in my genes.

I come from a family of teachers. Both of my parents are retired teachers, and two of my three brothers are currently teachers. My father taught for more than 20 years in the Chicago public schools and then spent the last 20 years of his career as a principal. My mother was also a teacher in the Chicago public schools for 20 years. My older brother Kevin is a tenured math professor at the University of Florida, and my younger brother Mike teaches math at a junior college near Chicago. Even my third brother, Tom, taught for a time as a PhD and postdoc biology student until he received his law degree from Washington University School of Law.

When I took my first job out of law school in the fall of 1986 as an in-house bankruptcy attorney for the First National Bank of Chicago, I enjoyed the practice of law well enough. Yet it was not too long before I realized that the parts of the job that I liked the most—making presentations, mentoring summer associates, and explaining the law to my clients—were all forms of teaching. After just two years in practice, I began my career as a law teacher at age 26 at Washington University School of Law, the school that I knew from the beginning was the place where I wanted to spend my career.

I teach in order to connect.

The job of a full-time law professor can be at times a very solitary one. Particularly in the summer when most faculty use that quiet time to write scholarship, it is not unusual for me to spend hours alone in the office with no personal contact. Teaching is the antidote to that summer isolation. Teaching is my opportunity to connect with and get to know interesting (and increasingly younger, it seems!) people in a “win-win” setting. One unfortunate feature of many law practices is that interactions with other people can often be adversarial by the very nature of the enterprise. Teaching, by contrast, is a way to interact with other people that is truly collaborative. We are all in this together, teacher and students, striving for the same goal.

For teaching to be about connections, it cannot be impersonal. I don’t want to teach to a nameless, faceless group of individuals. So my first order of business, whether my class has 20 members or 120, is to learn their names and faces. Each semester my wife, Jane, and I make it a point of inviting each of my classes to have dinner at our house, just so that my students can see me in a different setting than up at the podium.

One secret that I learned early in my teaching career is to keep my focus on the students and whether they are learning the material. The first class I ever taught was a basic Bankruptcy class of 120 students. I was so anxious about the “performance” aspects of that task that I literally had shortness of breath sometimes when I taught. My problem was that I was too focused on myself and how I was being perceived by the students. Once I stopped caring about what they thought of me and started caring only about whether they were learning, there was no longer any reason for me to be nervous.

I teach because it’s productive.

I believe that each of us has within us an innate desire to be productive and to create. Teaching satisfies that desire within me. There were many days during my years as an administrator when I would end the day wondering if I had really accomplished anything worthwhile. When I finish teaching a class well, I know that I have done something useful and productive. I know that my students have benefited, even if only in an incremental way.

One way that I differ from some of my colleagues is that I love teaching large classes. If I am going to work hard to prepare a particular class, I would prefer to have 120 students get the benefit of my efforts than to have only 20 students benefit. Even in large classes, I don’t want my students to be passive.
I teach code-based courses like UCC and Bankruptcy, and my classes consist of the students solving problems by applying code provisions to particular fact situations. When students are able to solve these difficult problems in front of their peers (sometimes with a little help from me), they feel good about what they have accomplished. That, in turn, makes me feel productive!

Considering productivity from a larger perspective, I feel that by teaching commercial law courses I help my students to understand many of the business and bankruptcy-related news stories they read. I also believe in the value of education as a tool for advancement in our society. Finally, I enjoy doing my small part to promote the rule of law in this country. I don't need to look far in the realm of current world events to be reminded that the alternatives to a society founded on the rule of law are usually grim indeed!

I teach to learn.

There is no better way to learn something than to have to teach it. For example, Congress passed a major set of Bankruptcy Code amendments in 2005, and I had never really taken the time to learn them. So this term I volunteered to teach the basic Bankruptcy class as an overload because I knew that this would force me to learn these amendments really well. I believe that my teaching performance may be the strongest when the material is new to me because I am facing the same struggles as the students in learning the material. The more times I have taught something, the further removed I become from where the students are in learning that material.

Teaching is also a great way for me to formulate article ideas. When you teach a subject for a number of years, you start to see connections among issues in the area that were not obvious at first. Occasionally one of these connections will be novel in the particular field and, with the help of additional research, will prove worth exploring in an essay or law review article.

I teach because it’s our law school’s heritage.

Washington University is a great teaching law school. When I came here in 1988, I was welcomed by many of the school’s all-time teaching legends, of whom there were too many for me to try to list here. When I was an untenured faculty member, I was mentored by David Becker and I came to appreciate the rich teaching culture and history of the institution through my weekly lunches with Frank Miller, often accompanied by Bill Jones or Kathy Brickey.

Yet the most exciting thing for me about the teaching culture at Washington University School of Law is not its history, but its future. Case in point: In 1993, when I was still an untenured faculty member, I read an article on tips for the new law teacher that was far and away the best article that I had ever read of its kind. In fact, I was so inspired by this article that I felt moved to write a gushing letter (we had no e-mail then) to its author, a young professor at the University of Michigan whom I had never met. The professor’s name? Kent Syverud.

I teach because it’s fun.

In my first stint as interim dean, I decided that I would not teach any courses that year due to the obvious demands of my new assignment. When spring semester came around, however, I simply could not help myself. One week into the semester, I decided that I would rejoin my Chapter 11 Reorganization co-teachers, Judge Barry Schermer and attorney Lloyd Palans, to teach that seminar again. After being interim dean for six months, I desperately needed some fun! While teaching is always fun for me, it is never more fun than when I get to do it in tandem with two good friends who also happen to be experts in the field. These two adjuncts have been co-teaching that seminar for over 20 years with me, and they do it for free.

At that point, more than ever, I could fully appreciate why they were doing this for nothing. It was for them, as it remains for me, a true labor of love.

Daniel L. Keating, the Tyrrell Williams Professor of Law, is a nationally known expert in bankruptcy, commercial law, and UCC Article 2. He has served twice as interim dean, as well as vice dean and associate dean.

"Why I Teach" is a regular column in the Washington University Law Magazine highlighting various faculty members’ unique and heartfelt reflections on what makes teaching law rewarding. Previous columns have been written by Dean Kent Syverud and Professors Susan Appleton, David Becker, John Drobak, and Michael Greenfield. To view these columns, visit: law.wustl.edu/WhyTeach.
MOST LAWYERS HAVE THE REPUTATION of being an aggressive, competitive lot. Who, after all, wants to be represented by a professional who plays the game with grace and dignity, but doesn’t mind losing?

In what has become tradition at Washington University School of Law, sports competitions among classmates have emerged as social outlets that forge identity, camaraderie, and even comic relief.

Of course, that doesn’t mean they don’t try to capture the Geek Bowl or Section War titles each year. Because there is no equivalent to the Elias Sports Bureau at the law school, historical fact and statistics for the annual competitions are almost non-existent. Anecdotal evidence, however, indicates that intramural activity dates back at least to the early 1960s. Then in the 1970s, when beloved registrar Erna Arndt died, students also organized a basketball tournament to raise money for a scholarship in her name.
Two events, in particular, recently have captured the fancies of the law school, largely for their novelty and good-natured rivalry. The annual Geek Bowl flag football game is held in early October. The competition pits student representatives from the three prestigious law journals, the Washington University Law Review, Washington University Journal of Law & Policy, and Washington University Global Studies Law Review. Organized by the journals’ managing editors, the teams are co-ed, enthusiastic, and nearly as serious as the old “Cardiac Cardinals.”

Having completed its second year, Section Wars, which pits groups of students against each other in multiple sporting events, has achieved official status from the Student Bar Association. The brainchild of third-year student Jeryl Hayes, this competition is so-named for its organization of teams by first-year class sections. For academic year 2010–11, there were six sections, A–F. Students in these sections bond naturally, as they all have nearly the same classes, professors, and schedules. Hayes modeled the wars after an event she had experienced at her high school.

“My recurrent nightmare that first year of the law school competition was that after all the planning, maybe 10 people would show up,” recalls Hayes. “But it was actually very enthusiastically received. My hope is that it continues to be a tradition.”

Similarly, Meghan Jones, associate managing editor for the Journal of Law & Policy, notes: “The Geek Bowl is a great way to spend an early fall afternoon watching your friends and colleagues forget everything else and compete. It’s also an opportunity to get to know new members of the journals. It’s good-natured, but we also try to win. It’s how the game is played.”

For the record, the Law Review won the tournament this year, beating Jones’ team after previously knocking off the Global Studies Law Review. In fact, the Law Review has won two years straight. “But we won it all two years ago,” Jones quickly points out.

Amber Woodward, Law Review senior executive editor and social chair, adds: “We have a large football trophy and a secondary softball trophy with dates and winners going back to the 1970s. You can imagine that we didn’t want to lose these to another journal as we are quite accustomed to having them displayed in our office!”

Every year, Woodward says, each journal designs amusing T-shirts, which become jerseys for both events. Dean Kent Syverud receives a shirt from the different journals, as well, and he takes turns wearing them and cheering for each team.

Law Review team captain Mike Weinhold credits a stout defense, a few practiced trick plays, and a strong performance by the team’s female students as factors that carried the day in fall 2010. “The Geek Bowl is really a lot of fun,” he says. “The three journals take it way more seriously than you would expect, and I’m just glad that we could take home the title again.”

In Section Wars 2010, each section was assigned a color and instructed to designate a team captain to be a liaison in charge of organizing the team and T-shirt orders. Sections play flag football, softball, and kickball using standard co-ed IM rules.

Hayes also sees Section Wars as a way to encourage transfer students to get to know some of their classmates. While the returning second-years are automatically placed on teams based on their first-year sections, the transfers are “free agents” of sorts, and team captains vie to have them join their teams.

“Section Wars was a great opportunity to enjoy some fresh air and friendly competition,” agrees transfer student Stefan Knudsen. “It was a highlight of the fall semester.”
HAVING RELEASED a proposed multi-lateral treaty on the prevention and punishment of crimes against humanity, the law school’s Crimes Against Humanity (CAH) Initiative is seeking international and United Nations support.

According to Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and director of the law school’s Whitney R. Harris World Law Institute, this is the first time that such a convention has been drafted.

“It represents a real opportunity for the international community to complete the Rome Statute system by imposing a clear obligation on States to prevent and punish crimes against humanity,” says Sadat, who launched the CAH Initiative and is chairing the seven-member Steering Committee. “Moreover, it offers mechanisms designed to help States cooperate with each other in the investigation and prosecution of such crimes.”

In addition to Sadat, CAH Steering Committee members are: M. Cherif Bassiouni, the Distinguished Research Professor of Law at DePaul University College of Law and founder and president emeritus of the International Human Rights Law Institute; Hans Corell, former Under-Secretary-General for Legal Affairs and legal counsel of the United Nations; Richard J. Goldstone, former chief prosecutor of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda; Juan E. Méndez, visiting professor, Washington College of Law, American University, Washington, D.C.; William A. Schabas, director of the Irish Centre for Human Rights, National University of Ireland, Galway; and Christine Van den Wyngaert, judge for the International Criminal Court. The CAH Initiative has been generously supported by alumnus Steven Cash Nickerson, JD ’85, MBA ’93; The United States Institute of Peace; and Humanity United.

The text of the Proposed International Convention on the Prevention and Punishment of Crimes Against Humanity can be found in English and in French at the CAH Initiative’s website: law.wustl.edu/harris/crimesagainsthumanity. It also appears in the book, Forging a Convention on Crimes Against Humanity, published by Cambridge University Press this spring.

In addition to the treaty, the book contains a comprehensive history chronicling the drafting process of the Proposed Convention, as well as essays from 15 distinguished experts in international criminal law. During the development of the Proposed Convention, the CAH Initiative convened multiple conferences and technical advisory sessions. As part of this three-year process, nearly 250 experts from around the world gathered to discuss the problem of crimes against humanity and work on the draft convention.

Last fall, the CAH Initiative entered its fourth and final phase—focusing on publicity, lobbying, and educational activities to raise awareness of the pervasiveness of crimes against humanity, the plight of victims, the existing culture of impunity for perpetrators, and the great need for a specialized international convention to combat this problem.

Steering Committee member Goldstone notes that while treaties exist to address genocide and war crimes—the Genocide Convention of 1948 and the Geneva Conventions of 1949 together with their Optional Protocols of 1977—there is currently no treaty on “crimes against humanity.”

“This gap in the law was thrown into sharp relief in the decision of the International Court of Justice in the case between Bosnia and Serbia,” he observes. “The court was restricted to claims of genocide, and crimes against humanity fell between the cracks. The Crimes Against Humanity Initiative is designed to fill this important gap in international humanitarian law.”

Steering Committee member Schabas agrees that the CAH Initiative addresses a significant gap in international law.

“Many obligations, such as the duty to cooperate in prosecution and extradition, and the responsibility to prevent the crime, are said to be enshrined in customary international law,” he says. “However, it is important to take such vague commitments a step further, and incorporate them in a binding treaty.”

The process of circulating the Proposed Convention is well under way. It is currently being brought before governments, U.N. decision-makers,
academics, and nongovernmental organizations for the purposes of promoting the CAH Initiative’s work and urging support for the adoption of a comprehensive international instrument on crimes against humanity. The next step will be for the CAH Initiative to convene and participate in meetings in Africa, the Middle East, Latin America, and Asia to further its objectives.

“It is hoped that by the end of Phase IV, the international community will have acquired a strong conviction that the elaboration of a comprehensive international instrument on crimes against humanity is both urgently required and eminently feasible,” Sadat says.
“WOW,” WHISPERED first-year law student Kevin Fritz to himself, as he mingled with top administration officials at the White House. His excitement would be reasonable under any circumstances. However, for Fritz, who has spent his life in a wheelchair, the experience affirmed both years of hard work against sometimes nearly insurmountable odds and his hopes for the future—to make a difference for people with disabilities.

Fritz had been invited last fall to the American Association of People with Disabilities’ Disability Mentoring Day. He spent the morning with Bob Williams, senior adviser in the Social Security Administration and an author of the Americans with Disabilities Act (ADA). In the afternoon, he met with Commissioner Chai Feldblum of the Equal Employment Opportunity Commission (EEOC), also an ADA author.

“I’m only where I am today because of the ADA,” Fritz notes. “If it weren’t for the ADA, I would never have been educated let alone be in law school.” Nor would he have had the opportunity to work as a summer intern for then-Senator Barack Obama, or to pursue other enriching professional experiences. So to spend a day with ADA drafters was, he says, “amazing.”

The White House reception capped the day of inspirational events. Kareem Dale, Obama’s special assistant for disability policy, and John Berry, director of the Office of Personnel Management, spoke about the president’s commitment to add 100,000 new federal jobs for those with disabilities and urged the participants to consider public service work.

For Fritz, the day was profoundly encouraging. “It’s remarkable to be living in this time,” he says, “when there are opportunities to make things better.”

“Making things better” is at the heart of Fritz’s unflagging efforts, while at every moment he is, himself, faced with many difficult challenges. Born with spinal muscular atrophy, he has crippling muscular weakness. Simple tasks take hours to perform. Still, he graduated from the University of Illinois at Urbana-Champaign summa cum laude and then began law school last fall at Washington University.

He readily admits his first semester of law school was exhausting. Just the ordinary morning routine takes him three hours, often depriving him of sleep. Eating is also time-consuming, reducing his study time. “But I’m still here, pushing,” he says with determination. “I’ve learned that you just can’t give up—because at the end of the day, the only person who can push you is yourself.”

Fritz says that lesson was reinforced during his 2008 summer in Washington, D.C., working for then-Senator Obama as a health policy intern. It was grueling, involving long hours getting ready for work and a difficult daily commute. Once at his internship, however, he immersed himself in preparing memos and conducting policy research. Fritz also had the opportunity to represent Obama at hearings and roundtable discussions—by far Fritz’s favorite assignments. He even spoke with Obama on several occasions and was deeply touched when the senator told him he recognized the effort Fritz was investing just to be on the job every day.

“It was the hardest summer of my life,” Fritz recalls, “but it was all worth it.”

He’ll return to Washington this summer as an EEOC disability policy and employment intern, a coveted position. “Washington is the mecca for change,” he notes. Though his interests range across employment, health, family, and IP law, he also aspires to political office. “I think I was put on Earth for a reason,” he says simply, “to be an advocate on a national level for people with immense hardships.”
ARA GANDAL-POWERS, JD ’11, has been granted a prestigious Health Law Fellowship at the National Women’s Law Center (NWLC). The highly competitive two-year fellowship focuses on projects related to the NWLC’s Health and Reproductive Rights Program.

As a fellow, much of Gandal-Powers’ work will involve compiling research and analyzing policy proposals on subjects such as abortion rights; prevention of unintended pregnancy through improved access to contraception, especially for low-income women; and barriers to reproductive health care access, such as religious restrictions.

“I plan to dedicate my career to improving women’s health,” Gandal-Powers says. “This fellowship will give me an opportunity to gain the skills and experience I need to build a solid foundation for my career.”

Gandal-Powers earned a degree in Women’s Studies from Bowdoin College and worked for a public health association for four years before enrolling at Washington University. She says she decided to attend law school to better prepare herself for a career in women’s health issues. She chose Washington University in part because her father, Larry Gandal, BSBA ’61, JD ’69, is an alumnus.

Gandal-Powers believes her time at the law school has prepared her well, specifically through her Individual Rights & the Constitution and Family Law courses. “Both Professors Neil Richards and Laura Rosenbury provided me with a superb introduction to the substantive law I will need to become an effective advocate for women’s rights.”

Founded in 1972, the NWLC is a nonprofit advocacy organization that works on issues related to the progress of women and girls. Its emphasis is on employment, education, reproductive rights and health, and family issues, and it places a high priority on assisting low-income women and their families. The NWLC also has long been at the forefront of major legal and public policy initiatives, working to educate policymakers and the public, build coalitions, and litigate significant cases.

Last summer, Gandal-Powers had the opportunity to intern at the NWLC, where she learned that a career working on women’s health, especially reproductive rights, would not only “allow me to improve women’s lives, but also excite and challenge me,” she says.

In spring 2011, Gandal-Powers enrolled in the law school’s Congressional & Administrative Law Program in Washington, D.C., working as a law clerk for Senator Al Franken, chairman of the Senate Committee on the Judiciary, Subcommittee on Privacy, Technology, and the Law.

Gandal-Powers reports that she is enjoying her clinical externship in the nation’s capital on the road to her position at the NWLC upon graduation. “Working on reproductive rights now, as the health care reform act is being implemented, is extremely important,” she says. “The law center is one of the strongest advocates for women, and I’m thrilled I’ll be part of their team during this critical time.”

“Both Professors Neil Richards and Laura Rosenbury provided me with a superb introduction to the substantive law I will need to become an effective advocate for women’s rights.”
DO BLACK LEATHER PANTS qualify as a tax deduction for rock stars? Fans, musicians, researchers, and anyone else interested in music can see how the courts have dealt with this question and nearly any other legal issue involving the music industry at The Discography: Legal Encyclopedia of Popular Music, accessible through the website: thediscography.org.

Musician and alumnus Loren Wells, JD ’10, created the site, which is supported by the law school’s Center for Empirical Research in the Law (CERL). The website’s database—the most elaborate of its kind—covers 2,400 court opinions spanning nearly 200 years of the music industry. The opinions, ranging from copyrights and contracts to taxes and torts, are fully summarized and searchable by variables such as artist, location, timeframe, and issue.

“You can see nearly all of U.S. law through these cases. While the cases are educational, they’re also immensely entertaining,” Wells says. “The Discography is for anyone who wants a balanced perspective of the music industry and an appreciation for the people who make it happen.”

Wells, himself, started in the music industry in Central Illinois and then Chicago with small rock shows before moving on to playing the House of Blues and record label showcases. He strayed from the stage to attend law school, and shortly after graduation, entered into the partnership with CERL for the The Discography project.

“Washington University turned out to be the perfect place for a project like this,” says Wells. “St. Louis is where Scott Joplin, Chuck Berry, Miles Davis, and Ike and Tina Turner, among others, started their careers, and the city’s rich history provided early inspiration for my endeavor.”

As a first-year law student reading cases that formed the foundations of modern law, Wells says he began to understand the importance of history in relation to both law and music. It was the overlap between the two that provided the spark for the database project.

Charles McManis, the Thomas and Karole Green Professor of Law, and others in the law school community encouraged Wells to approach CERL about helping him transform his project from an Excel spreadsheet into a robust database.

“My law professors took an interest in what I was doing with the project and encouraged me to do bigger and better things with it than I’d ever imagined,” Wells recalls. “The support I got from faculty, staff, and my fellow students is unquantifiable. Without them, this might still be just an odd little file on my desktop.”

In addition to the database, thediscography.org also features a blog that highlights interesting cases,
artwork by Wells, and a news section on current legal events in the music industry. CERL provides the technical platform to deliver Wells’ database to anyone who would like to access it.

“We took an uncut gem and presented it in a defined form,” says Andrew Martin, CERL director; professor of law; and chair of and professor in the Department of Political Science in Arts & Sciences. “The Discography is exciting because it’s an extraordinary collection of information that did not previously exist.

“The value of the database is immense,” Martin adds. “Through the lens of music cases, we’re able to understand a great deal of American law.”

CERL’s research technologist Troy DeArmitt says Wells put a lot of energy and knowledge into constructing this body of information. “It would be criminal if this information was not accessible to the world,” DeArmitt observes.

Although he says his future is not completely set, Wells has returned to Chicago to begin his professional and legal career. “I took a big risk putting off the ‘real world’ so I could spend six months on an academic database of this sort, but the response has been wonderful,” he says. “Right now, I’m just happy to make an individual contribution and provide the legal and musical worlds with something of value.”

Visit thediscography.org for more information or e-mail loren@thediscography.org.
Managing Identity: Buying into the Brand at Work

THE CORPORATE BRAND is the most valuable asset that most modern businesses possess. Brands infuse a firm’s products or services with cultural meaning, enhancing corporate profit margins in two important ways. First, brands create the opportunity for brand extensions—the expansion of production or service into a previously untapped but related customer base and market already created for the brand. Second, brands allow a firm to separate itself and its reputation from the people who make the products or provide the services, thus rendering workers fungible and facilitating outsourcing of production to lower-cost labor. Small wonder, then, that businesses spend billions constructing brands and marketing them to consumers.

But promoting the corporate brand to consumers through advertising is only half the story for service businesses, where front-line workers are the primary point of contact with consumers and labor cannot be so easily separated from its output in the consumer’s mind. In a service business, the front-line employee literally embodies the brand. In order to deliver on the brand promise made through advertising, service firms must ensure that workers internalize brand values and represent the brand effectively. Accordingly, management theorists and business consultants recommend that firms invest at least as much in internal marketing to employees—that is, selling the corporate brand inside the firm—as they do in external advertising campaigns directed at consumers. By managing employees’ identities and aligning them with the firm’s brand, employers can nurture an emotional attachment to the firm that yields a significant payoff in employee loyalty and productivity, and, ultimately, in customer satisfaction and loyalty.

Internal branding programs utilize a coordinated hiring, training, disciplinary, and reward structure to imprint brand values upon workers’ identities and create an emotional connection with the firm so that the boundaries between employees’ own interests and those of the firm begin to blur. The most effective branding programs secure a competitive advantage for the branded business by generating a sense of community and belonging that induces extraordinary effort and productivity on the job, furthers cohesion even among an increasingly diverse workforce, minimizes the need for surveillance and close supervision, and reduces employee turnover.

Once branded “from the inside out,” workers will essentially manage themselves, instinctively making decisions as if they were owners rather than workers.

UNLIKE CONSUMER ADVERTISING or information communicated to shareholders, the content of internal branding programs aimed at workers is not directly regulated by law. Even where the employer makes blatantly fraudulent misrepresentations intended to induce greater effort or attachment to the firm, the law affords no remedy to workers who rely upon the firm’s statements. The rationale for this seeming inconsistency at law is twofold: first, workers make only a transient investment of labor in the firm (rather than a more permanent investment of capital in the firm’s products or the firm itself); and second, any investment made is the product of a freely chosen market exchange—workers are “free to quit” and can easily extricate themselves from the firm when the bargain is no longer advantageous. The law thus distinguishes between marketing efforts aimed at consumers and investors, who receive protection against fraud, and workers, who do not.

This dichotomous legal structure rests upon false premises. Workers are, in fact, investors in the firm. Workers invest psychologically in the firm; for most, work is simultaneously constitutive and economically necessary. Moreover, workers do not make this psychological investment unilaterally, free from employer influence. … Internal marketing … plays a significant role in promoting workers’ psychological bond with the firm.

Furthermore, many workers invest more than their hearts and bodies in the firm—they invest their savings. A surprisingly
high percentage of employees hold disproportionate amounts of company stock in undiversified 401(k) retirement accounts, despite media coverage attendant to the implosion of firms like Enron and WorldCom, where workers lost their jobs and their life savings simultaneously. In fact, workers have responded to the current recession by investing more, not less, in the companies that employ them, despite warnings that lack of diversification is particularly risky for those who have both human and financial capital invested in a single company. Here, too, the law has followed a hands-off course: although the Employee Retirement Income Security Act of 1974 (“ERISA”) regulates the structure of employer-established retirement accounts, it imposes very few constraints on the offering of company stock to workers as an investment vehicle in individual accounts such as 401(k)s. Reasoning that employees freely choose how to invest their retirement accounts, the law refuses to protect employees from themselves.

**THIS ARTICLE ARGUES** that the law’s assumptions about the voluntariness of workers’ investment choices are questionable and its laissez-faire regulatory approach misguided, particularly where employers manipulate workers’ psychological frameworks in ways that alter their perceptions of their own self-interest. Part II tells the story of the corporate embrace of new market norms of flexibility, efficiency, and mobility in lieu of the old norms of stability and paternalism vis-à-vis workers. Part III explains how employers are addressing the challenges the new model poses for employee loyalty and retention with internal branding programs and examines how these strategies intersect with the perennial struggle for control in the workplace. Employers simultaneously enhance employee attachment to the firm and obtain a powerful means of control over the labor force in two ways: by substituting a requirement of commitment to the firm’s brand for the loyalty that traditionally arose from social norms of long-term job tenure and by adopting sophisticated new psychological branding techniques aimed at influencing employees’ identity, rather than simply controlling their behavior.

Part III also discusses how internal branding programs operate, looking to programs at Southwest Airlines, Disney, and Robin Leidner’s study of “Combined Insurance” for concrete illustrations; catalogues the advantages that employees reap from such programs; and discusses the reasons why employees do not resist them. Part IV analyzes the impact that identity-based brand management has on workers’ psychological investments in the firm, particularly the formation of psychological contracts and the realignment of employees’ identities with that of the firm.

Part IV discusses management practices at People Express Airlines to illustrate the interplay between identity-based brand-management programs and psychological and financial investment. Part V addresses the effect of internal branding programs on employees’ predisposition to invest financially in the firm, both psychologically and financially. Part VI argues that firms that utilize identity-based brand-management programs to induce workers to make investments that transcend the wage bargain owe something in exchange, at least where the employees lack protection against discharge and thus resist the branding program only at their peril. Where at-will plaintiff-workers allege and prove that employers deliberately induced psychological or financial investment that transcends physical and mental labor, the law should give effect to the psychological contracts that workers form, either through enforcing implied contracts at common law or by strengthening employers’ fiduciary-based liability under ERISA.

An expert in labor and employment law, Marion Crain is the Wiley B. Rutledge Professor of Law and director of the law school’s Center for the Interdisciplinary Study of Work and Social Capital.

THE PRINTED MATTER DOCTRINE is a branch of the section 101 doctrine of patent eligibility that prevents the patenting of technical texts and diagrams. Roughly stated, it dictates that “information recorded in [a] substrate or medium” is not eligible for patent protection—regardless of how nonobvious and useful it is—if the advance over the prior art resides in the “content of the information.”

For example, the printed matter doctrine prevents an inventor from claiming a diagram or text explaining how to perform a technological procedure. A technical diagram is an artifact of human ingenuity that satisfies the major statutory requirements for patent protection. Among its attributes, it can be both useful—it helps a technologist to perform the procedure more quickly, reliably, and precisely—and nonobvious—a person having ordinary skill in the art may not have been motivated to make the diagram before the inventor’s discovery. However, the printed matter doctrine prevents a patent claiming this type of diagram from issuing.

As a doctrinal matter, the contemporary formulation of the printed matter doctrine is highly problematic. The Court of Appeals for the Federal Circuit has repeatedly stated that “[a] ‘printed matter rejection’ … stands on questionable legal and logical footing.” The printed matter doctrine borders on incoherence in many of its applications, and it lacks any recognized grounding in the Patent Act. Furthermore, it plays a marginal role, at best, in the common explanations of how the patent regime works (likely in large part because nobody can explain how the printed matter doctrine actually does work). For example, it receives only passing mention in most patent law casebooks used to teach the next generation of patent lawyers.

Yet, despite its numerous infirmities, courts have not abandoned the printed matter doctrine. The reason is likely that the core applications of the doctrine place limits on the reach of the patent regime that are widely viewed as both intuitively correct and normatively desirable. Instead of abandoning the doctrine, courts have marginalized it. They have retained the substantive effects of the printed matter doctrine, but avoided analyzing it whenever possible. The implicit consensus best practice with respect to the printed matter doctrine appears to be not to eliminate the doctrine outright, but simply to tidy up appearances by sweeping the doctrine under the rug whenever possible and hiding its conceptual poverty. For this reason, cases applying the printed matter doctrine are often labeled as unpublished or nonprecedential to avoid scrutiny.

BREAKING FROM THE IMPLICIT CONSENSUS, this article argues that courts should take the printed matter doctrine seriously. Courts should take a cue from the doctrine’s staying power. They should openly acknowledge that the printed matter doctrine is foundational to the patent regime and that it does important work in restricting the set of artifacts of human ingenuity that can be patented. The difficulty with this approach, of course, is the open recognition of an unruly doctrine that “stands on questionable legal and logical footing.” This article confronts and resolves this difficulty. It reveals the hidden conceptual coherence and statutory grounding of the printed matter doctrine, providing it with a sound legal and logical footing and demonstrating how to take it seriously. In turn, a firmly grounded printed matter doctrine provides a solid foundation on which to structure exclusions from patent eligibility more broadly.

The key move in this reconceptualization is to recognize that the printed matter doctrine is not really about “information” and its “content” at all. Rather, the printed matter doctrine is based on semiotic principles. Semiotic analysis is most commonly associated with expression and culture, and it may therefore seem at first glance to be more relevant to other forms of intellectual property such as trademarks and copyrights. However, this article takes the original approach of viewing
technological inventions through a semiotic lens and demonstrates that patent scholars and practitioners, too, have much to learn from semiotics. Semiotics is the study of the sign, and a sign exists whenever something stands for something else to somebody. Texts and diagrams are archetypal examples of signs, but signs are not limited to such conventional writings.

One of the most fundamental insights of semiotic analysis is that semiotic meanings are not intrinsic in worldly things. They are not literally “content” in the sense of being contained within the molecules that comprise a printed diagram. Rather, semiotic meanings result from active processes of interpretation that occur in people’s minds. Printed diagrams, wind vanes, and medical symptoms are all meaningful in a semiotic sense because they are components of signs: they are objects or events that mean something other than their intrinsic structure to interpreting minds. The semiotic meanings of scribbles on paper and spots on human skin are all meaningful in a semiotic sense because they are objects or events that mean something other than their intrinsic structure to interpreting minds. The semiotic meanings of scribbles on paper and spots on human skin are not predetermined by their formal or functional properties. They are meaningful to us because our interpreting minds have the capacity to understand that worldly things represent other things (worldly or not) and because we have learned social conventions that fix what they represent.

This article argues that the printed matter doctrine turns this descriptive observation about the mind-centric nature of semiotic meaning into an instrumental rule for limiting the reach of patent-eligible inventions. Couched in a semiotic framework, the printed matter doctrine dictates that an invention is ineligible for patent protection if the invention is a newly invented sign and the advance over the prior art resides only in the mind of an interpreter. Such a semiotic framework enables courts to both explain what they are doing when they employ the printed matter doctrine and justify why they are doing it. The semiotic framework dispels the conceptual incoherence of the printed matter doctrine by shifting the doctrine’s conceptual focus from information and its content to signs and the mental representations that they entail.

This article proceeds in four principal parts. Part I reviews the contemporary printed matter doctrine, highlighting its internal conceptual incoherence, its awkward fit with other patent law doctrines, and its lack of a statutory grounding. Parts II and III make the arguments that allow the printed matter doctrine to be taken seriously. Part II offers a course in “Semiotics 101”: a semiotics primer strategically targeted on the principles that prove to be relevant to the section 101 doctrine of patent eligibility. Part III illustrates the virtues of reconceptualizing the printed matter doctrine as the sign doctrine in the core printed matter cases. The semiotic framework offers a conceptually coherent explanation for the rough contours of the outcomes that the PTO and the courts are already reaching in these cases. It also points the way to a textual grounding for the printed matter doctrine in the Patent Act.

Part IV examines an unexpected consequence of taking the printed matter doctrine seriously. It turns from the core printed matter cases to technologies that function as signs but are not intuitively understood to be information recorded on a substrate. More specifically, Part IV employs semiotic analysis to suggest that the patentability of certain types of programmed computers under section 101 may need to be reconsidered. In particular, it argues that the routine patentability of computer models under the contemporary doctrine of patent eligibility and the categorical unpatentability of old mechanical devices with new labels under the printed matter doctrine cannot be reconciled as a matter of semiotic logic.

Kevin Emerson Collins, professor of law, is a well-known patent scholar who frequently uses an interdisciplinary lens to shed new light on patent law.

Combining Law with Business:
A Fashionable Career Move

In wide-ranging work at Perry Ellis International, Senior Vice President and General Counsel Cory Shade displays the ardor for business, law, and learning that inspired her to earn JD and MBA degrees (’89, ’91). Shade’s story so far is laced with useful motifs: marketability, diverse expertise, pragmatism, luck—and balance.
“I don’t sit back. The world is always changing, and I embrace that.”

SOMETHING OF A RENAISSANCE ALUMNA, Cory Shade mapped a career path that constantly enhanced her high-value degree combination. During law school and her MBA program, she worked at Carp & Sexauer and then held seven professional positions between 1989 and her post at Perry Ellis. They spanned good economic times and bad and gave her formidable experience. “My excellent base preparation at Washington University was key to being able to take advantage of opportunities as they appeared,” she says.

Citibank recruited Shade on campus for an in-house position in its Puerto Rican operation. “Because I had the combination JD/MBA, I was in the management training program as well as in the legal department,” says Shade, who speaks Spanish fluently. “I learned the full range of business and business-legal aspects in every division.”

In 1996 she became a corporate attorney at Steel Hector & Davis LLP; now Squire Saunders & Dempsey LLP. “I needed the stronger, broader, in-depth base that a large law firm can provide. I wanted to be sure I had the best training possible.”

THAT ACCOMPLISHED, Shade returned to in-house law in 1998 as general counsel with First Com Corporation, a telecommunications firm with operations throughout South America. “I enjoyed working with business people to cut to the chase,” Shade says, “and being responsive and more responsible for my advice.” She traveled extensively, relishing being part of a startup technology company amid the telecommunications frenzy.

After AT&T Latin America bought First Com, Shade joined the large law firm Kilpatrick Stockton LLP to help form its Miami branch. “I had several offers on the table but wanted to be part of that growth”—something she had enjoyed as a girl working at her father’s business in Joplin, Missouri. As financial times turned, however, Kilpatrick Stockton closed; in 2002 Shade moved to a client organization, BG Investments. There, she could use her telecommunications experience as the investment company initiated grass-roots technologies and acquisitions primarily in the Balkans. By the time the Perry Ellis opportunity arose in 2006, Shade’s daughter, Sloan, now 6, had just been born, and Shade wanted to be stateside again.

At Perry Ellis International, Shade is in her element. The publicly traded firm has offices around the world, product lines of men’s apparel and accessories, acquisitions on the women’s side (mainly since Shade went on board), a licensed fragrance, a wholesale business, and a retail presence and licensing arm for brands such as Original Penguin by Munsingwear, Jantzen, Callaway, Nike, and others. Her “days, months, and years” are quite varied, and she spends only 10 percent of her time traveling. She is responsible for all SEC filings and requirements and any and all corporate matters, including licensing and intellectual property. Shade also is part of contract negotiations from beginning to closing, as well as store rollouts on a macro level. Additionally, she oversees all litigation and other legal issues that inevitably arise.

“Each situation is a puzzle, and I enjoy putting all the pieces together and balancing the time and the economics to get the best result for my business people,” she says. She also enjoys knowing the product: “I can’t just sit back and look at this business theoretically. I have to touch it, see it, know the fabrics, understand the commodity prices. I have to strategically position myself, and know how everything relates to sales, customer contracts, and much more.

“I love learning,” she says. “The processes, the manufacturing of everything that goes into the products.” At Steel Hector, for example, Shade went on site to understand the wind and solar renewable-energy projects. “It makes a difference how you translate something into the contract—and how you interact with the business people.”

BECAUSE OF HER INTENSIVE preparation, Shade can work effectively with designers if questions arise. When she talks with a business person, she can empathize and understand what they need to accomplish. “I know what gets moved through the warehouses, for example, and what goes on; that way, I can minimize risk and relate to the manager as a partner,” she says.

Based on what she knows firsthand about success today, Shade hopes the many students planning advanced degrees focus not only on academics but also on picking up as many practical skills as possible along the way to differentiate themselves as they move forward. “Have an open attitude and personality,” she says. “Learn to connect with people to see opportunities. Have patience with people: listen and learn from their experiences.”

Of herself, Shade says simply: “I always want to be the best. There are things I don’t know, and I want to learn them. I don’t sit back. The world is always changing, and I embrace that.”

But a career is not nearly enough, she says. One’s own life, companies, and society are far better served when “family and friends are balanced in the equation,” along with charitable efforts. “Washington University helped prepare me and opened the doors to where I am now. I try to give back to the university—and my community—as much as I can.”
While senators argued over pork barrel spending in a late night budget debate, overworked and underfed U.S. Senate staffer Brett Thompson, JD ’00, longed for barbecue. That night he and a colleague conceived Pork Barrel BBQ, which in a scant few years has grown into a thriving nationwide business.
"Going in front of [Shark Tank’s] financial sharks, we used all the skills we had learned in law school."

LAW SCHOOL ALUMNUS BRETT THOMPSON
developed a taste for politics—and barbecue—early on. While in law school, he worked for then-Congressman Jim Talent on his run for Missouri governor, a race Talent narrowly lost. After graduating in 2000, Thompson joined the St. Louis firm of Lewis, Rice and Fingersh, doing mergers, acquisitions, and IPOs. But he was soon “persuaded” by Talent to re-enter the political arena.

Talent asked Thompson to be his policy director for his 2002 Senate race, but Thompson declined. “I was done with politics,” he recalls, “and had scheduled my wedding for the week before the 2002 election.”

But that wasn’t the end of it. “He came back a couple weeks later,” Thompson says, “after he had approached my managing partner, and said, ‘You’re going to be my policy director in the race for Senate.’ So of course I said, ‘Yes.’”

After the successful election, Thompson went to Washington to set up Talent’s Senate office. Talent then offered him the position of legislative director. Again Thompson demurred: “I said, ‘Boss, I’ve never worked in the Senate. I don’t know how this place works.’ And he said, ‘That’s all right. I’ve never worked in it either. We’ll figure it out together.’”

THAT LED TO the fateful night, some four years later, when Thompson and fellow staffer Heath Hall were longing for some Missouri barbecue. “We were watching senators talk about earmarks and pork barrel spending, and we had had pizza four nights in a row,” he recalls.

“So we started talking about our favorite subject, which was dinner, and wanting to get some good barbecue, with him being from Kansas City and me being from St. Louis. That’s how we came up with the name for Pork Barrel BBQ.”

But things did not begin cooking for Thompson and Pork Barrel BBQ until two years later. By 2008 Talent had lost his re-election bid and Thompson had moved on to the D.C. lobbying and public affairs firm of Mercury LLC. However, Thompson and Hall decided to undertake some kitchen experimentation and, after some weeks, convened the inaugural meeting of the Pork Barrel BBQ Kitchen Cabinet.

The cabinet members—made up of family and friends—were asked to rate six variations of a barbecue rub. Their feedback soon resulted in the fledgling company’s first product: Pork Barrel BBQ’s All American Spice Rub. The question on the floor then was: How to market it?

“We had no money, so we went to social media and just started doing a lot initially with Twitter,” says Thompson. “Quickly—and I don’t know how; perhaps because we had too much free time—we became the world’s largest barbecue on Twitter.” The company’s 27,000 Twitter followers then “drew the attention of producers for Mark Burnett, who was starting an ABC-TV show called Shark Tank.”

With the help of Talent and former Texas Congressman Max Sandlin—now Thompson’s colleagues at Mercury LLC—he and Hall put together an audition video and sent it to Shark Tank.

“Six weeks later we were staring down 20 cameras and going in front of the show’s financial sharks,” says Thompson, where he and Hall got grilled. “We used all the skills we had learned in law school about preparing for trial,” convincing Shark Tank moderator Barbara Corcoran to invest in Pork Barrel BBQ.

“It really launched our company,” says Thompson. “When we went on the show, we were only in three grocery stores. Now we’re in a thousand stores in 40 states and have a restaurant deal, with a Pork Barrel Restaurant opening in Alexandria, Virginia. We’re on pace to exceed a million dollars in revenues in early 2011.”

BUT THE TREK FROM MAKING LAW to making barbecue sauce was not all that far, according to Thompson. “Washington University gives you the tools to be successful in business or any venture—the critical-thinking process and the planning skills, along with the confidence that you gain from being a Washington University law student and having a great faculty that really pushes you to excel.”

Thompson serves—evenings and weekends—as Pork Barrel BBQ CEO, and Hall, as president. “We’re still doing it all on our own,” says Thompson. “We like to use the phrase—it’s our company motto—Reward lives in the house of risk.”

However, Thompson has yet to risk quitting his day job as managing director at Mercury. “My job is to help companies who want to get things done in Washington, D.C.,” says Thompson, “usually in a very high-stakes setting.

“Every day I use a different skill that I learned or honed at Washington University. My law school training gives me the confidence, in any forum, to be passionate about what I know and believe in. It’s a great opportunity, and I get to meet a lot of great people and learn new things every day.”

Opportunity abounds as well for Pork Barrel BBQ, which was recently named America’s best barbecue sauce by Men’s Health magazine. That honor led Thompson’s 4-year-old son, Sawyer, to attempt to sell a bottle of it at a food show for $87,000.

“I think,” says Thompson, “we have another Washington University law student in the making.”
Kim Discusses Constitutional Rights for Workers in Installation Address

During her installation as the Charles Nagel Professor of Constitutional Law & Political Science, Pauline Kim discussed the changing role of constitutional rights for private and public sector workers.

Kim opened her address with a reference to a 1991 article by Joseph Grodin who believed that much of contemporary employment law could be understood in terms of bringing constitutional values into the private sector workplace. At the time, public sector workers, in fact, had rights analogous to citizens in a political community, and their employers were subject to constitutional standards and laws. However, matters were more tenuous in the private sector, Kim explained. Grodin argued that both statutory and common law were bringing constitutional values into private workplaces, and he believed this trend would continue into the future.

Nearly 20 years later, we now know Grodin’s prediction was wrong. The trend he identified has slowed and even halted, with far less legislative activity aimed at protecting workers and with common law courts cutting back on pro-employee doctrines, Kim said. Instead, a strange reversal has occurred. Rather than constitutional protections being extended to private sector workers, the earlier analogy between public and private workplaces is now being used to justify cutting back constitutional rights of public employees. In several recent cases, Kim explained, there has been an implicit assumption that public sector employees should have no more constitutional protections than private sector employees.

However, Kim contended that rules in the private sector are not an appropriate guide for interpreting constitutional standards in the public sector. Since public employees are in a sense “our” employees, Kim argued that we should take a greater interest in their work conditions and be concerned with whether those conditions comport with our society’s basic values. While our interest in seeing that government work is performed competently and efficiently demands some deference to managerial judgment, it would be a mistake to assume that public interest always coincides with the interest of the public manager, she said.

Transparency is an equally important goal, and protecting employee rights will often serve the goal of transparency. Pegging public employees’ rights to the rules of the private sector leaves them far too vulnerable, Kim stated, as the private sector is subject to market forces, union action, and frequently shifting legislation. Constitutional rights were meant to be more durable.

“How workers are treated in the private workplace also implicates fundamental societal values and interests,” Kim said. Restricting their rights threatens the freedom and dignity of individual workers, she argued. Just as restraints are essential to protecting our democracy, respecting constitutional values in the workplace not only protects workers, but often serves the public interest as well.

Kim is a nationally recognized expert on employment law and judicial decision-making. She has written widely on issues such as job security, employee privacy, the federal judiciary, and the influences on judicial decision-making and is the co-author of one of the leading textbooks on work law. Kim served as the law school’s associate dean for research and faculty development from 2008 to 2010 and was the recipient of the law school’s first John S. Lehmann Research Professorship in 2007–08. She is a member of the American Law Institute (ALI) and an adviser to the ALI’s Restatement of Employment Law.

Nancy Staudt, the Class of 1940 Research Professor of Law at Northwestern University, introduced Kim during the October 28, 2010 installation ceremony. Chancellor Mark S. Wrighton and Kent Syverud, dean and the Ethan A.H. Shepley University Professor, also gave remarks.

“In addition to her teaching and service, the Nagel professorship recognizes Pauline’s demonstrated commitment to groundbreaking empirical research that is contributing greatly to the field of employment law,” Syverud said.

The Nagel professorship was made possible through the estate of Daniel Noyes Kirby, who received his bachelor’s degree in 1886 and his law degree in 1888, both from Washington University. The professorship is named for Kirby’s law partner, Charles Nagel, LLB 1875. Nagel served as secretary of commerce and labor in President Taft’s cabinet and was a member of both the Republican National Committee and the Missouri House of Representatives. He first became prominent in the legal field through his work as regular counsel to the Augustus Busch family. A part-time lecturer in the areas of constitutional law and medical jurisprudence, Nagel also served on the Washington University Board of Directors.
ETER JOY addressed “Rationing Justice” at his installation as the Henry Hitchcock Professor of Law on March 22, 2011. Joy, who also serves as the law school’s vice dean, stressed that our system of justice “rations lawyers,” where quality access to justice is often only available to those who can afford it. Joy discussed the general problem of too few lawyers for the poor, but focused his address on the crisis in public defense due to the problem of excessive caseloads for state public defenders.

“We can’t have any confidence in what courts do in terms of guilt or innocence unless we have confidence in the quality of legal representation that individuals are receiving,” he said. “I dream of the day when a public defender, who is held to the same ethics rules as every other lawyer, can do what every other lawyer can do, which is to say to the court ‘Your honor, I just can’t handle this case right now because I am overworked and I need more time.’ … And the judges and courts will actually listen.”

Joy cited low spending and extremely high caseloads in Missouri and other state public defender offices, creating a “depressingly bad situation” where public defenders have caseloads far in excess of the number recommended for the accused to receive effective, ethical representation. He also explained how the issue of quality of representation relates to the 6th Amendment, the Ineffective Assistance of Counsel Standard, and ethical obligations of public defenders. Joy advocated for assigning to the prosecutor the burden of proof that the public defender can provide effective assistance of counsel in a given case when the public defender’s caseload has exceeded recommended limits. After citing egregious instances of inadequate representation, he also stressed the need for a higher standard for what is considered effective assistance of counsel.

Joy is well known for his work in clinical legal education, legal ethics, and trial practice. Co-director of the Criminal Justice Clinic, he has written extensively and presented nationally and internationally on clinical legal education, legal ethics, lawyer and judicial professionalism, and access to justice issues. Past director of the law school’s Trial & Advocacy Program, he is a recipient of the Association of American Law Schools’ (AALS) Pincus Award for outstanding contributions to clinical legal education. He currently is a member of the ABA Section of Legal Education and Admissions to the Bar’s Accreditation Committee; chair of the AALS Professional Responsibility Section; former chair of the AALS Section on Clinical Legal Education; a board member of the Society of American Law Teachers; and former president of the Clinical Legal Education Association. Joy also serves on the Board of Editors of the Clinical Law Review and is a contributing editor to ABA Criminal Justice where he co-authors an ethics column.

Rodney J. Uphoff, the Elwood Thomas Missouri Endowed Professor of Law, University of Missouri, and Charles D. Weisselberg, the Shannon C. Turner Professor of Law, University of California, Berkeley, introduced Joy during the installation ceremony. Kent Syverud, dean and the Ethan A.H. Shepley University Professor, and Edward Macias, Washington University provost, also gave remarks.

“Peter is a great teacher and scholar who is a leader in American legal education,” Syverud said. “I am grateful for his selfless work to improve virtually every aspect of our school, from our curriculum to our clinics to our trial advocacy program to our ethics instruction.”

The Hitchcock professorship is named for Henry Hitchcock, a founder of the law school and the school’s first and third dean. Great-grandson of American revolutionary Ethan Allen, Hitchcock was a leading lawyer in St. Louis who acquired a national reputation as a jurist. He was one of 15 founders of the American Bar Association, the first president of the Missouri Bar, president of the St. Louis Bar, and president of the Missouri Civil Service Reform Association.

Levin Installed as Orthwein Professor

VICE DEAN PETER JOY SUCCEEDS RONALD LEVIN as the Henry Hitchcock Professor of Law. Levin, who joined the law faculty in 1979, was installed as the William R. Orthwein Distinguished Professor of Law on April 1, 2011. He will be featured in the fall edition of the Washington University Law Magazine.
Alumni Offer Incoming Students Food for Thought

REMEMBERING THE WARM welcome his parents gave his own law school friends, Brad Winters, JD ’81, enjoys carrying the tradition forward by inviting incoming law students to his home for dinner.

Winters, a local litigator and partner with SNR Denton, and his wife, Jill Winters, JD ’80, chief field executive officer for United Healthcare Medicare and Retirement, are among dozens of alumni who participate in the student dinners program. Since 2006, the Orientation week gatherings have offered first-year students the chance to chat in casual settings with their hosts and other first-year students about law school, the legal profession, and the St. Louis area.

“Most of the students are uprooting their lives and showing up fresh in a place where they know so few people,” Brad Winters says. “From day one, they’re in a stressful environment, but at least they’ll start law school knowing some classmates and alumni. It’s a great program, and we love being part of it.”

Caliber of Students Impressive

Every year, Joe Pereles, JD/MBA ’78, now vice president of development and general counsel for Drury Hotels Company, treats a half dozen or so student guests and their spouses to dinner at Clayton’s Café Napoli.

Pereles and his wife, Brenda, wrap up the evening with a homemade touch—Brenda’s “world famous” chocolate chip cookies. It’s a comforting conclusion to an always lively gathering during which the students never fail to impress Pereles with their life experiences, maturity, and achievements.

“I don’t know if I would have been admitted in my day with this current crop of students,” Pereles says. “They are just outstanding, a very bright group of young adults. Many of them have worked before graduate school; three of the five we had dinner with last time had majored in Chinese studies, and they’d all been to China.”

Jill Winters shares Pereles’ assessment. “This group is bright, articulate, and excited, and they understand the challenges that are ahead of them—they’re much better prepared than I was,” Winters says. “They also are all committed to making a difference.”

But even this outstanding collection of students can always benefit from a little advice from their predecessors, according to Kathryn Koch, JD ’84, of counsel, and commercial/real estate/bankruptcy attorney with Goldstein & Pressman PC. She and her husband, Mark Arnold, JD ’77, partner at Husch Blackwell LLP, offer guidance to the students.

“We don’t mince words,” Koch says. “We tell them, ‘You’ve got to work really hard, you’ve got to treat it like a job, and you’ve got to get involved with your professors—don’t be intimidated; they want to be involved with you, too.’”


A Nice Break

For the arriving students, the dinners offer a rare resting place during a week of rapid-fire on-campus interactions.

“It seemed like the majority of the time, I was talking with someone for maybe a minute or two and then introducing myself to another new person,” says first-year student Dave Collier. “That was great, but the alumni dinner actually gave me a chance to sit down and really learn about a few other 1Ls in detail—where they were from, what experiences they’ve had, how they got to law school, and what they want to do.”

“It was a nice break from the grind of the first week when we had a lot to absorb,” agrees first-year student David Helfenbein. “And it was great to hear from others who’ve been through it—and survived.”

Some students choose to perpetuate the relationships with their hosts, most...
of whom offer a business card with the promise of continued help. Jill Winters hopes that future contact will ultimately include receiving something special in the mail from students she’s hosted: a wedding invitation.

“Brad and I met in law school, and I always wonder as I look at these students if, just maybe, I’m playing matchmaker and some other very lucky couple at my house is starting a relationship,” Winters says.

Another kind of long-term commitment, season tickets for the St. Louis Rams, prompted a student to get back in touch with Pereles.

“I had mentioned at the dinner that I have Rams football tickets, and the student asked me, ‘The Rams are playing my favorite team, the Chargers. Could I purchase your tickets for that game?’ and I said, ‘No, but I’ll be more than happy to give them to you,’” Pereles recalls. “His team lost, but it was fun for him to go to the game.”

Salvatore Gianino, JD ’07, enjoys keeping in touch with the students he’s taken to P.F. Chang’s in Brentwood, Missouri, every August since 2008—after all, they’re only a few years behind him in law school. Gianino’s near-peers often have new concerns following their first semester.

“By January or February, they start thinking about job applications, extracurricular activities available at school, and how to apply to be on journals,” says Gianino, an associate in the intellectual property services practice at Armstrong Teasdale LLP.

Some of his 2008 group showed their appreciation for his help six months later by repaying his original favor. “They ended up treating me to pizza,” Gianino says.

While the law school incoming classes typically consist of about 260 students each year, there are only enough hosts for about half. Dinners fill up according to who RSVPs first. The Law Alumni Office is always looking for more local alumni dinner hosts and other volunteers.

“For those alumni who don’t do it, you should,” Pereles says. “It’s a good way to meet the young students who will be following in our footsteps, and it’s a nice way to give back to the university.”

For more information on hosting a dinner, contact Julie Pole (julie_pole@wustl.edu) or visit the website: law.wustl.edu/alumni and view the link for volunteer activities.
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AREAS OF PRACTICE: Commercial Transaction and Litigation Practice

YEAR FOUNDED: 1995

BRIEF BACKGROUND: Stuart Kurtz chairs the firm’s Transactional Department, which specializes in sophisticated commercial real estate and corporate transactions involving deals throughout the United States and internationally. The firm has extensive experience in securing and closing financings, including new market tax credit financings and debt and equity raises.

Q: Why did you decide to practice in a small firm?
A: I chose to practice in a small firm primarily because of the tremendous flexibility it offers me to pursue my legal and other interests. As a small firm, we are able to choose the types of matters and clients with whom we work and are able to develop long-standing relationships with them. In addition, we are able to offer nonstandard fee arrangements with clients that enable us to attract and retain their work. On a personal note, I am better able to control my schedule and pursue my interests in running, biking, tennis, traveling, and charitable causes—and most importantly, spend time with my family and watch my children participate in their various school and sports activities.

Q: Why did you choose your particular area of practice?
A: I chose to become a business and real estate lawyer because it combines the disciplines of law and business. With my undergraduate accounting degree, my law degree, and my master of laws in taxation, I am able to work with a client on a transaction and advise the client on all economic and legal aspects of the deal.

Q: What has been the most rewarding aspect of your practice?
A: I have been involved in several different corporate separations involving family members and long-standing business partners. In each, I was able to help them sort through a myriad of issues and conclude an amicable separation. One situation that was particularly rewarding involved a father and son whose relationship was in trouble and is now flourishing. Also, our firm has quarterbacked several different commercial developments in lower income communities in or surrounding the Philadelphia area utilizing new market tax credits and other subsidized financing. It is wonderful to see the revitalization of struggling neighborhoods, as the residents of these areas are given job opportunities and avail themselves of businesses that were not previously accessible.

Q: What advice would you have for someone interested in pursuing this area of law?
A: I would advise those interested in pursuing business and real estate law to acquire as much accounting and finance knowledge as they can during their education process. In addition, it was extremely helpful for me to work in multiple types of business environments to gain an understanding of the way businesses operate.

Q: What about your education at Washington University School of Law best prepared you for your chosen profession?
A: Washington University afforded me the opportunity to enroll in many different types of corporate, real estate, and tax classes. Several of the advanced classes in these areas involved drafting documents and counseling clients. In addition, I was able to secure a diverse range of internships during school that afforded me additional practical experience.

Q: What have you done to stay connected with the law school over the years?
A: I have stayed in contact with various professors at the law school and meet with them whenever I travel to St. Louis. It is exciting to hear how well the school is doing and to see the beautiful new facilities. I have also tried to connect with one graduating law student each year who would like to relocate to the Philadelphia area to try to assist him or her in the job search process. I recently attended my 25th law school reunion and saw several of my classmates. With other classmates located throughout the country, I have been able to develop a business referral network with some and maintain a social relationship with others.
Save the Date: Celebrating David Becker’s 50 Years of Service

DAVID BECKER, associate dean for external relations and the Joseph H. Zumbalen Professor Emeritus of the Law of Property, will celebrate 50 years of teaching in 2012. Plans are under way to mark this memorable milestone on October 26–27, 2012.

If you would like to get involved with this effort, please e-mail Becker50Years2012@wulaw.wustl.edu. We are currently looking for personal stories about David, as well as pictures of him (particularly those of David involved in events outside the classroom). If you have any pictures of David and you, please e-mail them as attachments to the e-mail address above or send them to:

Celebrating David M. Becker
Campus Box 1202
7425 Forsyth Blvd., Suite 2300
St. Louis, MO 63105

All hard copy pictures will be returned. Please mark them with a return address, phone number, and e-mail address. Whether e-mailed or mailed, please also include some background information about the photos.
Thank you!

School Surpasses Halfway Point in Scholarship Fundraising

WASHINGTON UNIVERSITY School of Law has raised more than $4.7 million toward its $7.5 million goal to raise funds for student scholarships. The five-year effort, which runs from 2009 until 2014, is part of the university’s OPENING DOORS TO THE FUTURE: THE SCHOLARSHIP INITIATIVE FOR WASHINGTON UNIVERSITY.

Approximately 82 percent of Washington University law students receive some form of financial aid, and the current debt load students bear at graduation exceeds $100,000. The law school’s ability to continue to bring in exceptional students is based, to a large extent, on the funds available for financial assistance.

The Scholarship Initiative offers opportunities to sponsor a named scholarship at the law school. Minimum annual gifts may be made in various categories:

• Eliot Society Benefactor ($5,000)
  Provides support for one law student for one academic year

• Eliot Society Patron ($10,000)
  Provides support for one or more law students for one academic year

• Danforth Circle
  Dean’s Level ($25,000)
  Chancellor’s Level ($50,000)
  Provides support for one or more law students for one academic year

• Young Alumni Scholarship Gift—Eliot Society Fellow ($2,500)
  Sponsorship available to graduate and professional alumni under age 35 who have graduated in the past five years.

For more information or to donate to the campaign, please contact Gina Sholtis at gina_sholtis@wustl.edu or (314) 935-5246.
1952
Donald B. Kramer is president emeritus and founder of Kramer & Frank PC, a collection law firm with a staff of 140 in St. Louis and 35 in Kansas City, Missouri. The firm represents Fortune 500 companies, banks, hospitals, and major credit card operations. Kramer has served as chairman of the Midwest District of the Commercial Law League of America. His current video on the Fair Debt Collection Practices Act is used as a training guide by more than 800 collection agencies and law firms nationwide. He also is chairman emeritus and founder of the National Association of Retail Collection Attorneys. Additionally, he is the author of Mastering Commercial Collections, a training manual used by business executives and the American Institute of Professional Bookkeepers of Rockville, Maryland.

1955
Alan C. Kohn received the St. Louis 2011 Trial Lawyer of the Year Award in the Bet-the-Company category of Best Lawyers in America. He is the only St. Louis lawyer to receive this recognition.

1959
Jack J. Schramm was invited to Iraq to teach legislative governance to their elected Provincial Councils during the last three months of 2010. The U.S. Agency for International Development, an arm of the State Department, is the project sponsor. Schramm was tasked with training the 15 elected Provincial Councils of Iraq in legislative procedures, including drafting legislation, committee and floor debate and amendment, rules of order, legislative strategies, and the relationship of the councils to the national parliament. He also was responsible for formulating legislation, consistent with the Iraqi Constitution and laws, to devolve certain national responsibilities to these provincial bodies in an effort to reconcile the roles of the national and provincial governments.

1965
Kathryn (Kate) W. Jones reports that she is a great-grandmother of two “adorable” girls, one who is 3 years old, the other who is 5. She also is the proud new owner of a Eurasier female puppy named Demeter, called Demi, who is “also adorable.”

1979
John L. Sullivan has been elected chairman of the Missouri Bankers Association Bank Counsel Advisory Board for the 2010–11 term. A partner at Armstrong Teasdale LLP, he leads the firm’s Financial Institutions Practice Group and has extensive experience in all areas of financial, consumer credit, banking, real estate, and uniform commercial code law. He also is a member of the firm’s Real Estate and Future Energy Practice Groups.

1980
Christopher G. Lehmann recently completed his assignment as a Department of Justice (DOJ) resident legal adviser at the U.S. embassy in Islamabad, Pakistan. He is now working in the DOJ Criminal Division as senior regional director for Counter-Terrorism Programs, Office of Overseas Prosecutorial Development Assistance and Training.

1981
The Hon. Rod Sippel, U.S. District Court for the Eastern District of Missouri, is serving on the Judicial Conference of the United States. Members are elected to the conference by the circuit and district judges of the Eighth Circuit. The conference sets policy for all U.S. courts. He also sits on the Conference Executive Committee by appointment of the chief justice.

ALUMNUS PEPER TURNS 100, RECEIVES PHILANTHROPIC AWARD

Christian Peper, JD ’35, celebrated his 100th birthday on December 5, 2010. Peper is a founding member of the St. Louis firm of Martin Peper & Martin, now Husch Blackwell LLP. For many years, he practiced in the corporate and estate planning areas. Peper also recently was honored with the 2011 Excellence in Philanthropy Award by the Arts and Education Council. For more than four decades, he has devoted time and energy to the Saint Louis Art Museum, including serving as museum counsel for more than 25 years. Additionally, Peper has been an active supporter of the Abbey of Saint Mary and Saint Louis, as well as the Abbey’s affiliated Priory School, which he helped establish 50 years ago.
Paula M. Young won the Distinguished Mediator Award from the Virginia Mediation Network (VMN), Virginia’s leading organization of professional mediators. The award recognizes a prominent member of the mediation community in Virginia who demonstrates personal and professional commitment to advancing peaceful conflict resolution. Young is an associate professor, with tenure, at the Appalachian School of Law and director of its Lawyer as Problem-Solver certificate program.

Laurence “Larry” Frazen, a partner in the Kansas City office of Bryan Cave LLP, has been appointed to the firm’s Executive Committee. He heads the Bankruptcy, Restructuring & Creditors’ Rights Group for the Kansas City office. Frazen’s practice involves representation of debtors, creditors, creditors committees, and other interested parties in bankruptcy proceedings locally and across the country. His practice also includes commercial workouts and out-of-court restructurings.

Cathy R. Kelly is the new director of the Missouri State Public Defender System. Previously deputy director for the public defender system, she assumed the helm of the statewide department on March 1. Kelly joined the Missouri Public Defender System in 1984 as an assistant public defender in the St. Louis City office, later serving as both the head of the St. Louis City office and as regional supervisor over a number of defender offices in the greater St. Louis area. In 1994 she was named director of training for Missouri’s Public Defender System and was appointed deputy director in 2006.

Branko J. Marusic has joined Stone Carlie & Company LLC in St. Louis as director of State and Local Tax Services.

James Dimos, an attorney at Frost Brown Todd LLC in Indianapolis, has been named the 2011 Indiana Mass Tort Litigator Lawyer of the Year by Best Lawyers 2011. He is the only attorney in Indianapolis selected for this award. Dimos has served as lead or co-lead counsel in numerous mass tort claims, including those related to the 2003 power outage, the Beta Steel Mill explosion, and the Ft. Benjamin Harrison explosion. His practice also includes the areas of antitrust, contract, copyright, first amendment and media, licensing, patent, product disparagement, trademark, trade secret, and unfair competition.

Richard Hunsaker, a partner with Heyl Royster Voelker & Allen PC in Edwardsville, Illinois, is serving as a contributing author for the Illinois Institute of Continuing Legal Education’s 2010 edition of Medical Malpractice. He offers commentary from his perspective as a lawyer who defends physicians and hospitals in medical legal disputes.

Karen Winn was appointed to the Administrative Hearing Commission by Missouri Governor Jay Nixon for a term to end in 2016. General counsel for the Missouri Department of Economic Development, she previously served on the commission from 2000 to 2006 and was general counsel for the Office of Administration from 1993 to 2000.

Daniel J. Sherman was appointed to Morgan Stanley Smith Barney’s New York Metropolitan Area Executive Business Council.

Dori J. Drummond was recently “roasted” by her fellow Toastmasters at the District B Fall Conference held in Maryland Heights, Missouri. The roast was in recognition of her past three years of District B leadership. Drummond served as district governor during the 2009–10 Toastmasters year. Upon completion of her term, District B ranked No. 11 out of 81 districts around the world. This was the third-highest ranking in the district’s history. The district also received the Excellence in Leadership Award for being in the Distinguished category for three consecutive years.

Mark Rudder announces the opening of his law firm, Law Office of Mark Rudder, with offices in St. Louis and Washington, Missouri. He focuses his practice on workers’ compensation, personal injury, premises liability, automobile liability, products liability, wrongful death, estate matters, and criminal and traffic matters. His trial experience includes successful results in the U.S. District Court for the Eastern District of Missouri, St. Louis City Circuit Court, St. Louis County Circuit Court, and the Division of Workers’ Compensation.

Nemura “Mu” Pencyla has been named the First Assistant State’s Attorney in Kendall County, Illinois. Pencyla has been with the Kane County State’s Attorney’s Office since October 2001. Most recently, he was assigned to the Priority Prosecution Unit, which prosecutes violent and high-profile crimes. Pencyla also has headed the office’s Narcotics Unit and was assigned to the Child Advocacy Center in both Kane and DuPage Counties.

Allison Lurton left her position with the U.S. Commodity Futures Trading Commission (CFTC) to become a counsel in Covington & Burling LLP’s Washington, D.C., office. She brings expertise in the CFTC, including its rule-making procedures and knowledge of the recent financial regulatory reform bill.

Lt. Col. Thom Rogers moved back to Montgomery, Alabama, last summer after being reassigned from his position as chief legislative counsel for the Air Force Legislative Liaison to his new position as the staff
judge advocate for the 42nd Air Base Wing. In his new role, he leads the legal staff as they advise the wing’s leadership and administer the military justice system.

1997

Amy Tucker Ryan and her husband, Andy, are pleased to announce the birth of a son, Abraham Tucker Ryan, on January 3, 2011. Abe joins big brother Joe, born June 5, 2009. The Ryans live in Webster Groves, Missouri, where Amy Ryan practices creditors rights and bankruptcy law with Martin, Leigh, Laws, and Fritzlen PC.

1998

William S. Grant II was awarded both the annual General Counsel’s Award for Legal Excellence and the Secretary of Energy’s Appreciation Award. Grant reports that he has had a busy two years working on Recovery Act efforts at the U.S. Department of Energy. In addition, he finished his first Ironman triathlon in August 2010 in Louisville, Kentucky.

Raylene Grischow and Jason Grischow are pleased to announce the birth of their first child, daughter Ramsey Diane Grischow, born June 10, 2010, and named after the couple’s mothers.

Steve Johnston, who has spent the past five years as general counsel for the Oakland As and San Jose Earthquakes, began working as chief legal officer for the Tampa Bay Buccaneers in November 2010. Johnston reports that he and his wife, Angela, have found “a great home in an awesome neighborhood.” He says that his three sons are also very excited about being able to see Disney World.

2000

Max T. Wake, president of Jones National Bank and Trust Company of Seward, Nebraska, was elected as a Class A director on the Board of Directors of the Federal Reserve Bank of Kansas City. Wake will represent commercial banks that are members of the Federal Reserve System. He will serve a three-year term, which began in January 2011.

2002

Brooke Browning Alowa lives in the Inupiak Eskimo community of Kotzebue, Alaska, where she serves as a magistrate for the Alaska Court System. Previously, she worked as a trial lawyer focusing on indigent defense throughout Alaska. She married Joel Alowa on June 3, 2010 in Souland. The Hon. David Mason, JD ’83, officiated the ceremony. The couple has a son, Simeon Fox Tegḵega Ḵ̱ag Alowa, age 2.

Shawntell P. Trigenis was promoted to the rank of major in the Air Force Judge Advocate General Corps. After serving nearly seven years on active duty, she recently became a reservist at Aviano AB, Italy. Maj. Trigenis and her husband, Dr. Emmanuel Trigenis (Washington University Emergency Medicine Residency, class of 2003), have a son, Peter Anthony, who was born on June 23, 2008.

2003

Christopher C. Javillonar, an associate in the Kansas City office of Bryan Cave LLP, provided pro-bono help for Habitat for Humanity Kansas City, assisting with a precedent-setting Abandoned Housing Act case. Previously, Habitat for Humanity had only been allowed to rehab the property in

ALUMNI OBTAIN JUDGMENTS ON SAME DAY USING ECONOMIC APPROACH

St. Louis attorneys Michael Stern, JD ’70, and Norman Pressman, JD ’74, report that they obtained judgments on separate promissory notes on the same day in St. Louis County Circuit Court in different cases while charging their clients less than $5,000.

This is believed to be the first time that two Washington University alumni have been able to achieve this feat on the same day. “I don’t know how it happened,” says Pressman, “but neither of us needed to do any research on why the maker of a note should have a judgment entered against him if he failed to pay. I recalled a 25-page memorandum on the subject prepared by a large St. Louis firm in a similar case before the same judge, and figured since he had obviously read that memo thoroughly, he’d know the law pretty well.”

“My case was just a little easier,” adds Stern, “because the defendant didn’t answer, and I had the bank officer testify in person rather than spending time preparing affidavits.” Pressman’s firm is Goldstein & Pressman PC, and Stern’s firm is Michael B. Stern LLC.

ACADEMIC EXCELLENCE

Each spring, the law school honors students from the top 15 percent of the class at a special academic excellence reception. Here members of the class of 2010 are saluted along with Honorary Order of the Coif initiate Helmut Starr, JD ’85, second row, second from left.
question, which had been an eyesore for years, was beyond traditional rehab, and became a danger to the community when its porch roof collapsed in 2009. The Abandoned Housing Act decision made it possible to demolish the old building and construct a new, Energy Star-rated home for a low-income, working family, who moved into the home in summer 2010.

Lauren E. Tucker McCubbins has been elected a shareholder in the Kansas City office of Polsinelli Shughart PC.

Khara Coleman Washington has joined the Scott County Attorney’s Office in Davenport, Iowa, as an Assistant County Attorney. Washington focuses on the prosecution of criminal offenses, including juvenile, misdemeanor, and felony offenses. In 2009 she was selected as a member of the Board of Directors of the Scott Community College Foundation, serving students of Scott County, Iowa.

2004

J. Brad Wilmoth, an attorney at Brown & Crouppen PC in St. Louis, has been named a life member of both the Million Dollar Advocates Forum and Multi-Million Dollar Advocates Forum. Membership is limited to attorneys who have won million-dollar and multi-million-dollar verdicts, awards, and settlements. Less than 1 percent of U.S. lawyers are members. Wilmoth specializes in personal injury with emphasis on transportation, products liability, wrongful death, and serious injury cases.

2006

Daniel J. Burke has been selected for the 2010–11 class of Leadership Clayton, a development program sponsored by the Clayton Chamber of Commerce in Missouri. An attorney at Armstrong Teasdale LLP since 2006, Burke concentrates his practice in the areas of real estate development, banking and financial services, and public finance. He has also been involved in the creation and development of Armstrong Teasdale’s Future Energy Group.

Daniel T. O’Connor, along with several colleagues from Bryan Cave LLP and George Washington Law School Professor Jonathan Turley, defended U.S. District Court Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana, in his impeachment trial. The trial was held in September 2010 before the U.S. Senate Impeachment Trial Committee.

Julie G. Oelman recently joined juwi Wind LLC, the American affiliate of a German-owned renewable energy company, as general counsel. She has relocated from St. Louis, where she was assistant general counsel at Wind Capital Group, to the company headquarters in Boulder, Colorado.

2007


John M. Reeves married Natalie Therese Mixa on September 4, 2010 at the Cathedral Basilica of St. Louis in the Central West End. After honeymooning in Maine and Boston, the couple settled down in Jefferson City, where Reeves is an Assistant Missouri Attorney General.

Shawn Siegel began his career as a wealth adviser with Morgan Stanley Smith Barney after having passed the Series 7, 66, and 31 exams. His specialty is working with attorneys and corporate executives in the New York metropolitan area. Following law school, Siegel ran a successful web business. In his new career, he reports that he will be combining his interests in entrepreneurship, finance, and counseling.

Jenny Matthew Walters is a fourth-year associate at Akin Gump Strauss Hauer & Feld LLP in Dallas.

Adam Zuckerman has accepted a new position as vice president and general counsel at Jess3 LLC, a creative consulting agency that specializes in social media, data visualizations, online engagement, and brand strategy. The agency has produced award-winning and groundbreaking projects for Fortune 500 organizations, including Nike and Pepsi, a range of media companies, such as C-SPAN; and well-known digital media companies like Google and Facebook. Zuckerman will be working on business development, operations, and various legal responsibilities.

2008

Andrea Perry Block has joined the law firm of Parker, Hudson, Rainer & Dobbs LLP in Atlanta, Georgia, office as an associate with the firm’s litigation practice group. Block’s practice focuses on banking and financial services litigation matters.

2009


2010

Claire Gallerano has joined the Dallas office of Jackson Walker LLP.

Marc D. Goldstein has joined the law firm of Gallop, Johnson & Neuman LC as an associate. He focuses his legal practice in the areas of labor and employment law and in...
government relations. Before practicing law, Goldstein worked in Washington, D.C., with a nongovernmental organization representing the commercial casino industry.

Mark R. Schwarz has joined the Chicago-based intellectual property law firm of Marshall, Gerstein & Borun LLP as an associate. He is working in the patent prosecution and IP litigation practices within the electrical and software engineering industry area. His prior experience includes developing real-time, embedded avionics software at The Boeing Company. Schwarz also has performed graduate-level signal and image processing work at the University of Michigan.

Lauren Ashley Smith was named an associate at Armstrong Teasdale LLP in St. Louis. She is a member of the firm’s Public Finance & Real Estate and Financial Services Practice Groups. Drawing on her research and scholarship in land use and state and local government law, she will focus on public/private real estate development and municipal finance. Additionally, Smith will assist lenders and other creditors seeking to maximize their recovery against debtors in litigation, liquidation, reorganization, and bankruptcy, including all aspects of post-judgment collection efforts.

Charles C. Vos has been hired as an associate to the St. Louis office of Polsinelli Shughart PC.

Note: View Washington University School of Law’s online Class Notes (law.wustl.edu/Alumni/classnotes.asp) for recent additions, including individually reported selections to Best Lawyers in America; Cardozo Society of the Jewish Federation’s Outstanding Lawyers Under 40; Dallas Association of Young Lawyers’ Leadership Class; Marquis Who’s Who in the World; Missouri Lawyers Weekly’s Top Lawyers; Rising Stars; and Super Lawyers in Indiana, Kansas, and Missouri.

[In Memoriam]

Jack R. Barsanti, JD ‘52, a distinguished corporate attorney and longtime friend of Washington University, died December 31, 2010. He was 82. Barsanti served the university in many capacities, including as a member of the Board of Trustees and as president of the Alumni Association. He also served as president of the Buder Foundation board and of the St. Louis Bar Foundation board. An early advocate of environmental issues, he was chairman of the Missouri Air Conservation Commission and an adviser to the Missouri Department of Natural Resources. Among his involvement in civic organizations, he was a key leader in the development of the St. Louis Regional Clean Air Partnership and a member of the Missouri Air Law Advisory Group. Barsanti received a Distinguished Alumni Award in 2004 from the law school.

Warren R. Maichel, JD ’52, a renowned tax attorney and a longtime supporter of the law school, died December 18, 2010. He was 81. Since 1984, Maichel had supported an annual Scholars in Law Scholarship. He also served for many years as an adjunct professor. Most recently, he was of counsel at Husch Blackwell LLP in St. Louis. During his distinguished career, he was a partner and head of the tax department at Peper Martin Jensen Maichel & Hetlage, which has a classroom in Anheuser-Busch Hall named after it. Among his professional affiliations, he was a longtime member of the American College of Trust and Estate Counsel, as well as a member of the Bar Association of Metropolitan St. Louis and the Missouri Bar.

Virginia Morsey Wheeler Talley, JD ’42, a highly accomplished alumna and attorney, died February 18, 2011, on her 92nd birthday. The only woman in her class, she was the valedictorian and elected to both Phi Beta Kappa and Order of the Coif. Talley worked for the Rural Electrification Administration, the International Bank for Reconstruction and Development (which later became the World Bank), and the International Finance Corporation. She dedicated much of her time and energy to Alaska, including attempting to centralize the state’s capitol; producing a World War II documentary on the Japanese invasion of the U.S. Aleutian Islands; and donating her property to the Kachemak Heritage Land Trust. Talley received a Distinguished Alumni Award in 2004 from the law school. Memorial contributions may be made to the Virginia M. Talley Endowed Scholarship Fund at the law school care of Washington University School of Law, Campus Box 1202, Alumni & Development, 7425 Forsyth Blvd., Suite 2300, St. Louis, MO 63105.

Lt. Col. E. Louis Werner, Jr., JD ’52, a generous supporter of the law school and an expert in insurance law, died on February 6, 2011. He was 83. He served in the U.S. Army Judge Advocate General’s Corps and was on active duty in Fort Leavenworth, Kansas, during the Korean War. After 30 years of reserve duty, he retired as a lieutenant colonel. Following active duty, he joined his father in the insurance business in St. Louis. He was president and CEO of the Insurers Service Corporation and Safety Mutual Casualty Corporation. A judge for the town of Paradise Valley, Arizona, Werner was an ardent contributor to the Phoenix Country Day School, Valley Presbyterian Church, FBI Citizens Academy, San Francisco Theological Seminary, Phoenix Symphony, Fiesta Bowl, and Scottsdale Healthcare Foundation. A gallery on the third-floor of Anheuser-Busch Hall is named in his honor.

View submitted tributes online at law.wustl.edu/alumni.
HE RESPONSE of the White House’s Office of Management and Budget (OMB) to a recent WikiLeaks document dump gives us a peek both into the sometimes surreal standards for dealing with information that the executive branch deems to be classified and at the fear-mongering in which some government officials are engaging.

According to CNN, on December 3, OMB instructed executive branch agencies to notify all government employees and contractors that they should not view any documents that are marked as classified using their work computers that access the web via nonclassified government systems.

OMB distinguished “documents that are marked classified” from “news reports … that … discuss the classified material.” Apparently, employees are permitted to use nonclassified government systems to access news reports that include classified information, but must not use those systems to access the classified documents themselves.

THIS DISTINCTION might seem silly to an outsider, but the government imposes special security measures for its computers that store classified documents, and takes pains to ensure that its computers without these security measures do not have any classified documents. This system of segregating classified documents is complicated and costly. But so far, so good.

OMB also suggested (somewhat ambiguously) that federal employees and contractors without the proper clearances and the “need to know” the information should not access WikiLeaks’ classified information.

Additionally, at least one agency went further, asserting that government employees—and prospective employees—should not access WikiLeaks classified documents even from their home computers. According to Democracy Now, the State Department instructed employees of the U.S. Agency for International Development as follows: “Accessing the WikiLeaks website from any computer may be viewed as a violation of the SF 312 agreement.”

Indeed, according to the SF 312 (a nondisclosure agreement), violation can result in termination of a security clearance and employment. The State Department memo also warned USAID employees: “Any discussions concerning the legitimacy of any documents or whether or not they are classified must be conducted within controlled access areas (overseas) or within restricted areas (USAID/Washington) … The documents should not be viewed, downloaded, or stored on … a USAID unclassified network computer or home computer; they should not be printed or retransmitted in any fashion.” In other words, just accessing the WikiLeaks website from a home computer could result in the loss of a security clearance and job.

Steven Aftergood, director of the Federation of American Scientists Project on Government Secrecy—a transparency activist who has been critical of WikiLeaks—rightly characterized the State Department memo as “insane.”

IT IS NOT AT ALL CLEAR how accessing the WikiLeaks documents on a personal home computer would constitute a violation of an agreement not to disclose classified information. On the other hand, the SF 312 asserts that “unauthorized retention … of classified information … could cause damage or irreparable injury to the United States or could be used to advantage by a foreign nation.”

This does not appear to be a one-off mistake by an overzealous State Department official as at least one government contractor similarly warned its employees against accessing WikiLeaks both on company-issued and on personal equipment. Indeed, Career Services offices at Columbia University and Boston University also reportedly warned students and alumni about the risks of posting links to the documents and/or commenting on them through social media.

Are these just over-reactions by people who are not familiar with the government’s information security standards? Or do these warnings reflect a concerted effort to prevent Americans from accessing and discussing the WikiLeaks documents that are now available on the web? I sincerely hope that someone in government will provide some clarification—and some sanity—on this issue soon.

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