Global Legal Impact: Law Across Borders
By Kent Syverud, Dean of the Law School, Ethan A.H. Shepley University Professor, and Associate Vice Chancellor of Washington, D.C., Programs

This issue of Washington University Law Magazine celebrates our extraordinary array of international assets and programs, including talented faculty, an increasingly global alumni base, and students from the United States and around the world interested in transnational legal issues. Our growing international reach is reflected in faculty scholarship and exchanges, our international LLM and dual degree programs, student externship and summer abroad programs, and the work of the Whitney R. Harris World Law Institute.

Having recently celebrated its first decade, the Harris Institute continues to be at the forefront of cutting-edge conferences and scholarship, while spearheading one of the most ambitious projects ever undertaken by a law school in the field of international law, the Crimes Against Humanity Initiative. The Harris Institute’s work dovetails with other exciting initiatives, such as our Transnational Law Program, offered in association with Utrecht University, University of Trento, Catholic University of Portugal, and Queen’s University Belfast.

Other innovative programs include our Summer Institute for Global Justice in the Netherlands, Africa Public Interest Law & Conflict Resolution Initiative, and new alliance with the University of Queensland’s TC Beirne School of Law. Our many international programs are further strengthened by our association with Washington University’s premier international outreach efforts, in particular the McDonnell International Scholars Academy, a global scholarship program devoted to developing future leaders.

So many of our scholarly and pedagogical enterprises now transcend national boundaries. It is our hope that these initiatives will help mold a generation of lawyers who will contribute at the highest level to the modern, international, and ever-changing practice of law. In this vein, this magazine’s Notes from the Field section provides inspirational, firsthand accounts from four of our recent alumni working in the Netherlands, Tanzania, Afghanistan, and France.

Other areas of interest at our school, which are highlighted in this issue, include articles on our new faculty and our New York City Regulatory & Business Externship. Among our other staples are the Why I Teach column by Professor Leila Nadya Sadat, two faculty scholarship pieces by Professors Adrienne Davis and Pauline Kim, and our End Paper opinion piece on the rights of domestic workers by Professor Peggie Smith. Our alumni features span articles on Sterling Miller who tackles legal issues in multiple time zones through his work at Sabre Holdings, on Jennifer Schwesig who oversees the international law needs of Armstrong Teasdale’s corporate clients in St. Louis and Shanghai, and on Ken Hoffman who seeks just compensation for clients who have suffered serious injuries.

I hope you will enjoy reading about our students, alumni, and faculty highlighted in this issue while joining us in our tribute to our international law endeavors.
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From South Africa to Australia, France to China, and the Netherlands to Japan, Washington University law faculty are putting the law school and the university on the world map. They’re building university partnerships, contributing to international debates on key issues, recruiting top foreign-trained students, and broadening their own scholarship and teaching. Additionally, an expanding array of innovative programs for students is forging the next generation of lawyers equipped to practice in a transnational legal world.
he conducted research on the immigration laws and policies of European Union member states and consulted with scholars and governments in Europe and the Middle East, contributing to the law school’s growing international presence.

“The collective efforts of faculty members doing work at overseas universities enhance the visibility of Washington University, which has long prided itself on its global outlook,” says Legomsky, the John S. Lehmann University Professor and the founding director of the law school’s Whitney R. Harris World Law Institute. “But until a few years ago, I’m not sure that our international name recognition was what it should be. As a result of all these efforts—including those of the McDonnell International Scholars Academy and more—it now is.”

Asked for an example of how his own work has heightened international awareness of Washington University, Legomsky says: “I had written a recent article on illegal immigration in the United States. Last summer, academics at universities in Portugal and the Netherlands decided to arrange conferences devoted specifically to that article. As a result of this kind of exposure, more and more people are hearing of Washington University.”

The more people who learn of Washington University School of Law, its important research, and its distinguished faculty, the more opportunities arise for expanding collaboration, research, and educational opportunities for students and faculty.

“For me personally, working abroad has been incredibly broadening. I have a much less provincial outlook on legal issues.
It’s been very intellectually stimulating, and it has definitely enhanced both my research and my teaching,” Legomsky says. “The international work we have all been doing has brought Washington University prominence,” he adds. “Ten or 15 years ago if you asked overseas faculty members, let alone students, which U.S. universities they had heard of, they would all mention Harvard, Yale, and Stanford. Now more and more of them also have Washington University in their sights. These collective efforts have helped put us on the world map.”

THAT RECOGNITION REBOUNDS particularly to law students, says Legomsky: “Teachers bring this global outlook into the classroom. In addition it’s opened up lots of opportunities for our students to go overseas and immerse themselves in foreign legal cultures.” However, the globalization of the law school benefits more than just the university and its students, according to Legomsky. “In addition to education and research, part of our mission is service to the community, including the broader international community,” he says. “I have done pro bono work to assist foreign governments as they devise immigration laws, including acting as a consultant for a few of the former Soviet republics. I think that’s important because without outside expertise, countries with very little experience in immigration are prone to adopt harsh policies. Hopefully, this kind of work can help temper some of those policies.”

One such event was an address in the Knesset, Israel’s unicameral legislature. “Israel is in the process of formulating a comprehensive immigration law for the first time in its history,” says Legomsky. “It’s always had the law of Aliyah, the law of return for Jews. Until recently, however, there hadn’t been much demand for immigration into Israel from non-Jews. Now there is.”

“So they convened an international conference in the Knesset,” he continues. “After my keynote address, the government and the opposition unveiled their respective proposals, and we had a vigorous and productive debate.”

Among her international work, KIMBERLY JADE NORWOOD, professor of law and professor of African and African-American studies, has helped establish law externships in Ghana and

Professor Kim Norwood’s teaching experience in China also broadened her research in products liability and tort law.

Faculty International Appointments

IN ADDITION TO the work of Professors Dorsey D. Ellis, Jr., David Law, Stephen Legomsky, Jo Ellen Lewis, Charles McManis, Kimberly Norwood, Leila N. Sadat, and Melissa Waters, (featured on pages 3–10), numerous other faculty have taught and conducted scholarly work overseas. Recent appointments include:

Susan Appleton
Lemma Barkeloo & Phoebe Cousins Professor of Law
Faculty, Summer Institute for Global Justice, Utrecht, Adoption & Assisted Reproduction, 2011

Kathleen Clark
Professor of Law
Faculty, Summer Institute for Global Justice, Utrecht, The Law of Whistleblowing in Comparative Perspective, 2009

John Drobak
George Alexander Madill Professor of Real Property & Equity Jurisprudence and Professor of Economics
Visiting professor, Católica Global School of Law, Lisbon, U.S. Antitrust Law from a Global Perspective, 2010

Leigh Hunt Greenhaw
Senior Lecturer in Law
Visiting professor, Aoyama Gakuin University, Tokyo, U.S. Contracts, 2010 and 2011

Peter Joy
Vice Dean and Henry Hitchcock Professor of Law
Visiting Professor of Research, Northumbria University, Newcastle upon Tyne, consulting with Curriculum Development and the Clinical Program, 2009

Pauline Kim
Charles Nægeli Professor of Constitutional Law & Political Science
Faculty, Summer Institute for Global Justice, Utrecht, Comparative Employment Law & Policy, 2008

Tove Klosing
Foreign, Comparative, & International Law Librarian and Lecturer in Law
Guest lecturer, Católica Global School of Law, Lisbon, Legal Research Seminar, 2008

Michael Koby
Professor of Practice and Director, Trial & Advocacy Program
Guest lecturer, Católica Global School of Law, Lisbon, Advocacy Skills Advocacy, 2008

Bruce La Pierre
Professor of Law
Visiting professor, Fudan University, Shanghai, U.S. Constitutional Law, fall 2011
Visiting professor, Católica Global School of Law, Lisbon, 2006–11, including course in Introduction to Anglo-American Law
Visiting professor, Aoyama Gakuin University, Tokyo, U.S. Constitutional Law, 2009

C.J. Larkin
Senior Lecturer in Law and Administrative Director, Negotiation & Dispute Resolution Program
Fulbright Senior Specialist, Utrecht University, Dispute Resolution, 2009

Gregory Magarian
Professor of Law
Visiting professor, Fudan University in Shanghai, U.S. Constitutional Law, 2009

Michael Peil
Associate Dean for International Programs; Executive Director, Transnational Law Program; and Lecturer in Law
Visiting scholar, Utrecht University, researching European Law and International Organizations, spring 2012
 onboard. At Tokyo’s Aoyama Gakuin University, she taught her students American products liability law and at Tokyo’s Waseda University, she lectured to law professors on the benefits of clinical teaching. Norwood says she came away from Asia convinced that her presence not only helped her audiences learn more about law and culture in the United States, but it also broadened her own understanding of the world.

This was true, she notes, of her teaching in the Netherlands as well. At Utrecht University, she co-taught a comparative products liability course to students from different parts of the United States and from the Netherlands, Israel, Romania, China, and Italy.

“My co-teacher was a Utrecht faculty member who specializes in EU products law,” she says. “I learned a tremendous amount about the larger EC Directives in products liability law, as well as how individual member states (countries) approach products liability law. This global and multicultural environment not only made my teaching in Utrecht that much more rich, but it also clearly will inform my teaching back in the United States.”

At Washington University, Norwood typically has more than 100 students in her first-year Torts class, including many from Europe, Africa, and Asia. Norwood believes that her work abroad aids her in understanding and connecting with all of those students.

“My work in Africa, Asia, and Europe has helped me become more aware of cultural nuances. I am not only learning about laws, but also about different people, lives, and cultures. This exposure makes me more sensitive, perceptive, and inclusive,” says Norwood, “which simply enriches my own teaching. I am becoming a better and more effective teacher because of this work.”

Neil Richards
Professor of Law
Visiting professor, Utrecht University, Transnational Legal Perspectives—Freedom of Expression, January 2012

Kent Syverud
Dean of the Law School, Ethan A.H. Shepley University Professor, and Associate Vice Chancellor of Washington, D.C. Programs
Summer Distinguished Jurist in Residence, Peking University School of Transnational Law, 2010

Karen Tokarz
Charles Nagel Professor of Public Interest Law & Public Service and Director, Negotiation & Dispute Resolution Program
Fulbright Senior Specialist, University of KwaZulu-Natal, Durban, helping develop a master’s program in Conflict Resolution & Mediation, 2008

Melissa Waters
Professor of Law
Visiting professor, Utrecht University, Death Penalty Under International Law, 2010

Additionally, visiting professors from international universities share their expertise here, including recent Intersession courses:

Gordon Anthony, professor, Queen’s University Belfast, International Human Rights and Privacy Law, 2012
Brenda Cossman, professor, University of Toronto Faculty of Law, Feminist Legal Perspectives, 2009
Adriaan Dorresteijn, professor of transnational corporate law, Utrecht University, International & Comparative Corporate Law, 2010
Stephen Givens, corporate lawyer teaching at Keio Law School, Aoyama Gakuin University, and Sophia University, Law & Politics & M&A in Japan, 2010
Yoichiro Hamabe, corporate and business lawyer teaching at Aoyama Gakuin Law School, Changing Law & Legal Consciousness in Japan, 2011

Hugo Hurtado, tax attorney teaching at Pontificia Universidad Católica de Chile, Comparative Property & Tax Law: Select Topics, Chile & United States, 2009
Chen Li, professor, Fudan University, International Commercial Arbitration, 2012
Asher Maoz, professor, Tel Aviv University, Israeli Constitutional Law, 2011

Gonçalo Matias, assistant professor of law, Católica Global School of Law, Transnational Migration & Citizenship Law, 2009 and 2012
Nohyoung Park, professor, Korea University, WTO & East Asia, 2008

Utrecht University Professor Adriaan Dorresteijn, second from left, is among an increasing group of international faculty teaching at Washington University School of Law.
Selected International Scholarship

NUMEROUS FACULTY MEMBERS have recently published on international topics, including:

Comparative Constitutional Law
David Law, Professor of Law and Professor of Political Science

Comparative Trust Law
Frances Foster, Edward T. Foote II Professor of Law

European Union Law and International Organizations
Michael Pell, Associate Dean for International Programs; Executive Director, Transnational Law Program; and Lecturer in Law

International Administrative Law
Ronald Levin, William R. Orthwein Distinguished Professor of Law

International Alternative Dispute Resolution
C.J. Larkin, Senior Lecturer in Law and Administrative Director, Negotiation & Dispute Resolution Program
Karen Tokarz, Charles Nagel Professor of Public Interest Law & Public Service and Director, Negotiation & Dispute Resolution Program

International Clinical Legal Education
Peter Jay, Vice Dean and Henry Hitchcock Professor of Law

International Criminal Law, International Human Rights Law, and International Public Law
Leila N. Sadat, Henry H. Oberschelp Professor of Law and Director, Whitney R. Harris World Law Institute
Melissa Waters, Professor of Law

International Employment Law
Peggie R. Smith, Professor of Law

International Immigration and Refugee Law
Stephen Legomsky, John S. Lehmann University Professor

International Intellectual Property and Trade Law
Charles McManis, Thomas & Karole Green Professor of Law

International Law and Economics
Scott Baker, Professor of Law
Gerrit De Geest, Professor of Law and Director, Center on Law, Innovation & Economic Growth
John Drobak, George Alexander Madill Professor of Real Property & Equity Jurisprudence and Professor of Economics

International Law and Society
Brian Z. Tamanaha, William Gardiner Hammond Professor of Law

International Legal Research and Writing
Tove Klovning, Foreign, Comparative & International Law Librarian and Lecturer in Law
Jo Ellen Lewis, Professor of Practice and Director, Legal Practice Program
Wei Luo, Director of Technical Services and Lecturer in Law

International Privacy Law
Neil Richards, Professor of Law

International Taxation
Adam Rosenzweig, Associate Professor of Law

Fulbright Awards

Among numerous law school faculty who have been doing research, teaching, and consulting abroad, four recently received Fulbright awards to conduct work overseas.

The only Washington University faculty member to receive the prestigious Alexis de Tocqueville Distinguished Fulbright Chair, LEILA NADYA SADAT taught courses to law students at the University of Cergy-Pontoise in France during the spring 2011 semester. Sadat, the Henry H. Oberschelp Professor of Law and director of the Whitney R. Harris World Law Institute, also lectured in France, Ireland, Sweden, and the United Kingdom on her renowned work related to the International Criminal Court (ICC) and prosecution for atrocities. Additionally, a research colloquium was organized around her work on comparative U.S. and European perspectives on the ICC and public international law.

Her work in France has already led to offers of partnerships with French universities. “The law school has no Francophone partners at this point, making these new opportunities particularly important given the strong interest among our students in studying in French and in France,” Sadat says.

She also was the first woman to be named to the Tocqueville Chair, established in 2005 and awarded by the Franco-American Commission. While in France, via her blog “An American in Paris,” Sadat wrote about the war in Libya and the ICC’s role, the use of drones and targeted killing in war and peace, and developments in international criminal law. Additionally, she appeared as an expert on French national television to discuss the situation in Libya.
DORSEY D. ELLIS, JR., dean emeritus and the William R. Orthwein Distinguished Professor of Law Emeritus, visited Lisbon to teach at Católica Global School of Law, one of four partner universities in the Transnational Law Program.

Ellis taught graduate classes in Antitrust Law and International & Comparative Competition Law. He also worked to recruit Portuguese students to the Transnational Law Program, to cement ties with Washington University, and to broaden his own perspective to aid his teaching.

“It increased my understanding of competition law as it is enforced in other parts of the world, especially in Europe,” says Ellis, who teaches antitrust comparative law at Washington University. “That enhanced my ability to teach about competition law systems outside the United States, which is becoming increasingly important for American lawyers to understand.”

Ellis previously taught in Belgium, Japan, the Netherlands, New Zealand, Taiwan, and the United Kingdom.

DAVID LAW, professor of law and of political science, conducted research at National Taiwan University’s College of Law in Taipei, investigating the globalization of constitutional law and the behind-the-scenes mechanisms of Taiwan's Constitutional Court. He worked with a leading Taiwanese public law scholar whose scholarship augmented his own in comparative public law, judicial politics, and constitutional politics and theory.

Law says that Taiwan will struggle to retain capital and human resources given the competition from its neighboring giant, China, but that its constitution could help it compete.

“One competitive advantage Taiwan might have is its respect for basic rights,” says Law, “or, at least, its ability to lead people to believe it respects basic rights.”

His work in Taiwan is informing his new book on constitutional law’s globalization.

At Shanghai’s Fudan University, JO ELLEN LEWIS, professor of practice and director of the Legal Practice Program, taught a graduate seminar in Legal English and an undergraduate course, Introduction to Torts, to international law students. Her Fulbright Senior Specialist Grant helped her further solidify Washington University’s relationship with Fudan, a member university of the McDonnell International Scholars Academy, and her own understanding of Chinese law and culture.

“It’s one thing to read about a culture,” says Lewis. “It’s another to live in it.”

Likewise, the educational exchange enhances mutual understanding. “China is a civil law country; we are a common law country. The law,” says Lewis, “is very different there, but our concerns and our interests are similar in areas like legal issues, legal education, and representation of clients.”

Lewis says that this and her previous trips to Japan and South Korea have helped her build a broadened perspective that she shares with both her international students and those interested in international legal and educational issues.
Part of Something Greater: Law School Plays an Integral Role in Washington University’s World Presence

By Judy H. Watts

HE PRACTICE OF LAW IS NO LONGER BECOMING GLOBALIZED—IT IS GLOBAL,” says Michael Peil, associate dean for international programs, underscoring the imperative for international interconnection in legal study, programs, and research. Peil says the scope and import of the law school’s international involvement have surged along with the university’s international reputation.

Priscilla Stone, Washington University’s assistant provost for international education, agrees noting that the programs often span school boundaries. “Under Chancellor Mark S. Wrighton’s leadership, the law school, like the rest of the university, has embraced global engagement as a high priority with innovative, stellar programs,” she says.

Like the rapidly transforming world in which it serves justice, the law school is now fully transnational in its programs, course offerings, faculty scholarship, conferences, and events.

Ahead of Its Time: The Whitney R. Harris World Law Institute

At the millennium’s turn, the law school was at the vanguard of universities creating centers on international law. The Whitney R. Harris World Law Institute, named for the late Nuremberg prosecutor, is now one of the nation’s foremost centers for research and teaching in international and comparative law.

Established in 2000 by founding director Stephen Legomsky, the John S. Lehmann University Professor, and now directed by Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law, its record is remarkable. The Harris Institute has sponsored more than 75 speakers; held or co-sponsored more than 20 international conferences; sponsored debates on pressing issues in international law and policy; hosted ambassadors-in-residence; held public international law and theory roundtables for international law scholars; and developed programs for student study and work abroad. Additionally, under Sadat’s leadership, the Harris Institute has developed partnerships with the Pulitzer Foundation, Dag Hammarskjöld Foundation, Africa Legal Aid, and other NGOs. It also has received grants from Humanity United and the United States Institute of Peace, as well as generous support from individual benefactors, including alumnus Steven Cash Nickerson, JD ’85, MBA ’93.

Recent events encompass a spirited debate on whether the U.S. drone attacks in the “War on Terror” are lawful; an international and interdisciplinary symposium on climate change related to bringing the United States and China into Post-Kyoto agreement; and the International Humanitarian Law Dialogs, co-sponsored by the Robert H. Jackson Center at the Chautauqua Institution in New York. The dialogs are an annual gathering of international prosecutors from Nuremberg through present day and leading professionals in the international humanitarian law field.

“During the past 10 years, we have broadened and deepened the scope of our activities while staying true to our overall focus of developing innovative global solutions to real-life problems,” Sadat says. “We also have been building a community of scholars across disciplines, institutions, and national boards who share the common goal of increasing the understanding of international legal problems, foreign law systems, and the advancement of the international legal order.

“The international law and legal theory roundtables have been particularly successful in bringing together senior and junior scholars from across the United States, Europe, and Canada to discuss emerging works of scholarship,” she adds.

In recognition of individuals who have achieved distinction in the field of international law and international relations, the Harris Institute bestows an annual World Peace Through Law Award. This fall’s honoree was Fatou Bensouda, deputy prosecutor of...
the International Criminal Court (ICC). Previous recipients are M. Cherif Bassiouni, Distinguished Research Professor of Law, DePaul University College of Law, and founder and president emeritus, International Human Rights Law Institute; Justice Richard Goldstone, former chief prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda; and Judge Philippe Kirsch, former president of the ICC.

The Harris Institute’s most significant and ambitious project to date is the Crimes Against Humanity Initiative. In 2008 Sadat launched what has become a landmark effort concerning the international rule of law. She has led the development of the International Convention on the Prevention and Punishment of Crimes Against Humanity, which addresses the problem that although crimes against humanity appeared in the Nuremberg Charter, unlike genocide and war crimes, they were never elaborated in a comprehensive international treaty. Sadat convened a steering committee of leading international judges and practitioners who wrote, circulated, and debated numerous finely wrought drafts before sending the proposed treaty to the United Nations. She also edited and contributed to the resulting book, *Forging a Convention for Crimes Against Humanity* (Cambridge, 2011). The volume details process, commentary, and content, including mechanisms to facilitate states’ cooperation in investigating and prosecuting such crimes.

In June 2011 Sadat and high-level international representatives gathered in Paris, where she was serving as the Alexis de Tocqueville Distinguished Fulbright Chair at the University of Cergy-Pontoise. Agenda items were promoting the initiative and discussing its central role in prevention as well as punishment of crimes against humanity. “The Crimes Against Humanity Initiative is front and center in the effort to prevent genocide in situations like the Libyan and Syrian uprisings, where credible allegations have been made that such crimes are occurring,” Sadat says.

Sadat, along with Karen Tokarz, the Charles Nagel Professor of Public Interest Law & Public Service, is also part of a campus coalition on human trafficking, which includes the George Warren Brown School of Social Work. In fall 2011, the two will work with campus faculty to contribute a legal-regulation perspective because Sadat notes “human trafficking can involve sexual slavery, a crime against humanity. Many governments are allowing trafficking to take place, which may be illegal under international law.”

### Cutting-Edge International Scholarship

**RENOWED SCHOLARS** in international law and foreign relations law recently gathered to present their works-in-progress at the International Law and Theory Roundtable, hosted by the Whitney R. Harris World Law Institute. Professors Leila Nadya Sadat and Melissa Waters chaired the conference. Presenters were:

- Curtis Bradley and Mitu Gulati, Duke University, opt-out rights under customary international law;
- Anupam Chander, University of California, Davis, political freedom in cyberspace;
- Laurence Helfer, Duke University, human rights derogations during national emergencies;
- Frédéric Mégret, McGill University, human rights scrutiny and the International Criminal Court;
- Hari Osofsky, University of Minnesota, federalism and climate change;
- David Sloss, Santa Clara University, implications of Foster v. Neilson;
- Carsten Stahn, Leiden University, analysis of jus post bellum;
- Larissa van den Herik, Leiden University, the ombudsperson’s role; and

For more information, visit: law.wustl.edu/harris.

### One of a Kind: The McDonnell International Scholars Academy

Imagine a program that annually brings to Washington University’s schools some of the best recent graduates from 27 partner universities in Europe, Asia, the Middle East, South America, and Australia. Every McDonnell scholar receives full tuition plus living expenses during postgraduate study and is assigned a faculty mentor from the appropriate university. Among this group is a growing number of international law students pursuing advanced degrees.

[top] Professor Leila Sadat, standing, is leading the landmark effort for the International Convention on the Prevention and Punishment of Crimes Against Humanity. (below) Members of the Crimes Against Humanity Initiative Steering Committee.
Academy professors also serve as “ambassadors” to schools overseas and connect with Washington University alumni, friends, and leaders in that country. In turn, the scholars contribute significantly to campus research and discuss their country’s culture, history, and politics. Additionally, the McDonnell International Scholars Academy is sponsoring collaborative research with partner institutions, such as the international energy future initiative, which included a symposium at Washington University last fall.

In addition to the direct benefit to the scholars, the program “helps enhance U.S. law students’ cultural sensitivity, and that will be useful in their careers,” says STEPHEN LEGOMSKY, the John S. Lehmann University Professor and ambassador to the University of Hong Kong. “Law students today have to learn about international law and foreign legal systems because every area of the law increasingly involves global interaction.”

Legomsky’s own research centers on U.S., comparative, and international immigration; citizenship law; and international refugee law, including European migration issues. He emphasizes the importance of the university’s prominence among other top U.S. institutions in the international arena.

A second ambassador from the law school is intellectual property expert CHARLES McMANIS, the Thomas & Karole Green Professor of Law. McManis recruits potential scholars from one of South Korea’s top three schools, Korea University, in Seoul.

He first visited Korea University as a McDonnell ambassador in 2009—“an extremely important and fortuitous time.” Korean legal education had just undergone a sea change, prompted by a government directive that 20 universities immediately establish the nation’s first American-style postgraduate professional law schools. The purpose: to produce Korean lawyers who could compete with sophisticated foreign-trained lawyers in the world market. “My contribution as an ambassador was to help them get started, and I taught a full-week course for their first entering class,” McManis says.

McManis investigates the interplay between international intellectual property and environmental protection, focusing on how IP tools can protect traditional medicinal and agricultural knowledge in indigenous local communities abroad. Through the interdisciplinary Intellectual Property & Nonprofit Organizations Clinic, part of a larger program he founded, McManis initiated a collaboration with the Missouri Botanical Garden that included joint efforts in South Africa and Madagascar.

Among his efforts, McManis helped the flourishing nonprofit Blessing Basket Project connect with basket weavers from villages surrounding a forest preserve that is a subject of the Garden’s research on Madagascar. Blessing Basket, which began through the Olin Business School, distributes baskets from these villages through numerous Whole Foods outlets. The project provides an alternative economic backup for these cyclone-prone villages whose crops are periodically destroyed.

MELISSA WATERS, professor of law and ambassador to Utrecht University in the Netherlands, studies international law’s incorporation in domestic legal regimes. She also investigates how transnational judicial dialogue helps develop international legal norms and examines the phenomenon in which U.S. and other domestic courts become mediators between the domestic and international legal arenas. Through her ambassadorship, she learned of sources at other European universities who proved vital to her book-in-progress, which explores the European Union’s influence on debate about the death penalty.

Waters adds that international partners “quite frequently send emails about funding for faculty fellowships and research proposals, as well as about faculty exchanges, which are currently of great interest to the European Union.”

At the invitation of sociocultural anthropologist John Bowen, the Dunbar-Van Cleve Professor in Arts & Sciences, Waters also recently joined the campus’s new Trans-Atlantic Forum on Social Diversities. Housed in the Center for the Humanities, it will build a network of scholars and institutions in Europe and North America to collaborate on research and on training postgraduate students.
HEN THE International Criminal Tribunal for Rwanda (ICTR) rendered its verdict in late May in the “Military II” genocide case involving Army Chief of Staff Augustin Bizimungu and three other senior military officials, the judgment reflected in part the work of now third-year law student Jack Wilkinson.

Wilkinson interned for the tribunal last spring through the school’s new International Justice & Conflict Resolution Practicum and continued his internship at the tribunal through the summer. He reviewed evidence and testimony from the trial record, prepared summaries of legal arguments from both sides, and helped edit and draft significant portions of the draft judgment. Joining him this past summer was now third-year law student Junko Nozawa, who also interned at the ICTR, while her classmate, Ethan Ruff, also now a third-year, interned for the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Wilkinson’s, Nozawa’s, and Ruff’s internships are among the many opportunities available for Washington University law students to learn international and comparative law and to work and study abroad during law school. These experiences, says Karen Tokarz, the Charles Nagel Professor of Public Interest Law & Public Service, “help our students situate what they are learning about law in the U.S. within the global universe of law; introduce our students to the emerging role of international tribunals and international conflict resolution agencies; and open intellectual and professional doors for our students.”

The law school’s student international experiences run the gamut from the international semester-in-practice to the Summer Institute for Global Justice, the Africa Public Interest Law & Conflict Resolution Initiative, and the Dagen-Legomsky and Cash Nickerson Fellowships offered by the Whitney R. Harris World Law Institute. Other opportunities include student exchanges, the Philip C. Jessup International Law Moot Court Competition and other international moot courts, the Washington University Global Studies Law Review, and additional avenues for international research and teaching experiences.
Africa Program Marks 10 Years

ACROSS SUB-SAHARAN AFRICA, Washington University law students are making a difference for people in need. Fifteen students spent the past summer in South Africa, Ghana, Tanzania, and the Democratic Republic of the Congo (DRC), providing legal services and dispute resolution assistance through local organizations, the Supreme Court of Ghana, and the International Criminal Tribunal for Rwanda. It was the 10th year for the summer internship program, which also has taken students to Rwanda. It was the 10th year for the summer internship program, which also has taken students to Rwanda.

The internships are one component of the multifaceted Africa Public Interest Law & Conflict Resolution Initiative, coordinated by KAREN TOKARZ, the Charles Nagel Professor of Public Interest Law & Public Service and director of the Negotiation & Dispute Resolution Program. The initiative also facilitates semester-long internships through the International Justice & Conflict Resolution Practicum, an interdisciplinary course on sustainable development in Madagascar, and on-campus lectures and seminars on Africa by leading scholars and diplomats.

“This generation of law students is enormously interested in international law and in understanding global North–global South relationships. They’re also very interested in working in emerging democracies and economies,” Tokarz says.

In the summer internships, students work at agencies ranging from Lawyers for Human Rights in South Africa, to the Supreme Court of Ghana ADR Programme, to the International Labor Organization in Tanzania, to Search for Common Ground in the DRC. In these settings, students sit in on client interviews, conduct investigations, take witness statements, visit jails and prisons, assist in conflict resolution efforts and community education, and do legal research and writing.

At the Legal Aid Board in Durban, South Africa, for example, where Washington University students have interned for almost a decade, they often prepare documents for the court for sentencing hearings, arguing for mitigation of sentences. Tokarz says an effective sentencing report, explaining a client’s personal circumstances and the justification for leniency, can make the difference between probation and a multiyear jail sentence. “There’s a far better chance of getting probation in South Africa than in the U.S.,” she notes, “because there are fewer jails, fewer prisons, and a greater commitment to restorative justice rather than punitive justice.” Washington University students can thus make a profound difference in the lives of their impoverished clients, she adds.

The internships require students to perform community service projects while in Africa and to submit weekly journals. “In my view, it is essential that the students get to know the context and the community from which their clients come through projects that involve education and training, such as ‘street law’ projects, and reflect on their experiences while in a new country,” Tokarz says.

Several summer Africa interns have developed professional connections in Africa after graduation. Tom Burgess, JD ‘10, interned at Black Sash in Cape Town, South Africa, in summer 2008. He returned after graduation to volunteer at Legal Aid South Africa and to teach English and peace-building skills at Sophumelela School in Samora Machel Township outside Cape Town. Debora Rogo, JD ’09, interned at the Legal Resources Centre in Nairobi, Kenya, in summer 2007. She is currently an associate attorney with the International Law Institute–African Centre of Legal Excellence, based in Kampala, Uganda. In addition, Webster Scholar Alex Hendler, JD ’03, recently set up an online documentation center for Tanzania High Court decisions.

Similarly, Ibadat Dhillon, JD ’06, interned at the Children’s Rights Centre in Durban, South Africa, in summer 2004. After graduation, he pursued a master’s degree in international global health law at Georgetown. Since then, he has been collaborating with Mary Robinson and the Aspen Institute on access to health care issues, based in Dar es Salaam, Tanzania.

So far, the law school has placed one or two students per semester in the highly selective course. “The students really have to demonstrate exceptional ability and interest,” Sadat notes. “We present only our top candidates for these very coveted positions.”

Wilkinson, who served as a Peace Corps worker in Burkina Faso before law school and returned there to intern after his first year of law school, next sought out the opportunity to extern for a semester with the ICTR to broaden his international exposure.

“I really value my experience working with the ICTR. It was outstanding in every respect,” he says. “I worked with talented jurists, lawyers, and law students from all over the globe. I learned about international criminal law from the ground up and I experienced it at the highest level.”

Whether a semester-long placement or a summer internship, students prize these experiences. “I’m extremely grateful for the internship placements in Ghana.”

From left: Sena Dei-Tutu, JSD ’06; social worker Rose Walls; and Professor Karen Tokarz collaborated to create summer student internship placements in Ghana.
opportunity I had at The Hague,” says Ruff of his summer 2011 placement. “I was able to sit in on meetings with all the judges and attorneys on multiple occasions and participate directly in the drafting process, which was fascinating. It was incredible to be given an active voice in those deliberations.”

Like Wilkinson, Ruff felt another key benefit was the opportunity to interact with judges, attorneys, and other law students from around the world. “I worked with people from the Netherlands, Australia, Germany, France, Belgium, South Africa, China, and many other countries,” Ruff notes.

Adding to the intensity of the experience for Ruff was the arrest of longtime ICTY fugitive Ratko Mladic in May and the commencement of his prosecution at The Hague during summer 2011. “Following the arrest of General Mladic, a lot of excitement surrounded the tribunal. Staff who had been working there for many years seemed to take a special, personal satisfaction in knowing that this important chapter of the Yugoslav conflict will see some kind of resolution,” adds Ruff.

Global Justice Institute

Each year, the Summer Institute for Global Justice enrolls 50 students from the United States and abroad to study issues of international law. Now in its seventh year, the institute brings in prominent experts to teach courses in such areas as atrocity law and policy, international criminal law, international human rights, comparative antitrust and constitutional law, international tax law, international institutions, and international intellectual property law. Justices and prosecutors

Salaam, Tanzania. “My internship at the Children’s Rights Centre and my HIV/AIDS work in the Civil Rights, Community Justice & Mediation Clinic with Professor Tokarz cemented my commitment to do international public health law work,” he says. “Her mentorship inspired me to pursue a career overseas in international public health.”

Tokarz has been working in Africa since she served as a visiting clinical faculty member at the University of KwaZulu-Natal (UKZN) law school in Durban, South Africa, in fall 2001. She has continued to collaborate with UKZN and other law faculties in South Africa, and with various NGOs and courts in southern Africa over the past decade.

She served as a Fulbright Senior Scholar at UKZN in 2008. She also has coordinated summer and semester internship placements for more than 100 Washington University law students, facilitated law student exchange programs with UKZN and the University of Pretoria, and mentored LLM and JSD students from Africa.

One of the more imaginative international law initiatives takes students to Madagascar to work on sustainable community development programs during the spring semester. The trip is part of an interdisciplinary course offered in conjunction with the Missouri Botanical Garden.

Taught by faculty in law, business, and design, the course stresses finding sustainable answers to intractable problems in this impoverished country. A simple water purification system, a new strain of rice, and sustainable housing are among the projects students have undertaken as part of the Madagascar course.

“This course enhances the legal representation currently provided by the Intellectual Property & Nonprofit Organizations Clinic to the Missouri Botanical Garden’s project and provides a great opportunity for law students to learn about intellectual property issues in a unique setting,” says David Deal, lecturer in law and co-director of the IP/NO Clinic, who co-teaches the Madagascar course.

Each year, the Africa Initiative also brings experts to the law school for presentations and workshops on Africa. In fall 2010, for example, the initiative co-sponsored with the School of Medicine a presentation on “World Cup 2010: Human Trafficking and Forced Prostitution,” featuring John Barr, ESPN commentator for Outside the Lines.

(top) Interns Evelyn Chuang, left, and Vanessa Hill provided legal assistance to indigent women and children at the Legal Resources Centre and Ghana Legal Aid Services in Accra, Ghana, in summer 2011. (bottom) Joseph Whitfield, JD ’10, LLM ’11, counseled clients at Lawyers for Human Rights in Durban, South Africa. (right) Law student Ilunga Kalala, far right, assisted with peace-keeping education efforts with Search for Common Ground in the Democratic Republic of the Congo.
from international tribunals, top academics, and ambassadors have been among the visiting lecturers. Professors Susan Appleton, Kathleen Clark, Dorsey D. Ellis, Jr., Pauline Kim, Charles McManis, and Kim Norwood are among those who have taught in the summer program.

In recent years, Distinguished Visiting Lecturers have included Justice Richard Goldstone, former chief prosecutor, International Criminal Tribunals for the Former Yugoslavia and Rwanda; Ambassador David Scheffer, former U.S. Ambassador-at-Large for War Crimes Issues; and Syracuse University Professor David Crane, former chief prosecutor for the Special Court for Sierra Leone. Guest speakers have included Judge Philippe Kirsch, former president of the International Criminal Court; Judges Thomas Buergenthal and Sir Christopher Greenwood of the International Court of Justice; and Fatou Bensouda, deputy prosecutor of the International Criminal Court. The institute is directed by Professor Leila Sadat and coordinated by Michael Peil, associate dean for international programs and executive director of the Transnational Law Program.

As part of their experience, students travel to The Hague to observe trials and to visit the International Court of Justice. They also visit Brussels to learn firsthand about the European Union’s legislative processes and institutions.

George Lyle IV, JD ’11, says his experience at the Summer Institute was invaluable. “The setting is fantastic for anyone who is interested in international law because most of the important international legal organizations are within a three-hour drive,” he notes. “The leaders of the Summer Institute are also well-connected in the international law world, and they were able to introduce us to people and places we would not have seen otherwise. For example, I landed an internship at the ICTY through connections my professors and I made during the program.”

Prestigious Fellowships

For more than a decade, the Dagen-Legomsky Fellowship Program has provided yet another experience in international law, supporting students working and studying abroad. The fellowships are endowed by a gift from Margaret Dagen and named in honor of the Whitney R. Harris World Law Institute’s founding director, Stephen Legomsky, now the John S. Lehmann University Professor.

Recent fellows have worked on human trafficking in Thailand and immigrant and refugee rights in Northern India, assisted counsel in trials before the Extraordinary Chambers of the Courts of Cambodia, and interned with the European Council on Refugees and Exiles. Dagen-Legomsky Hague Fellows also receive prestigious placements at The Hague Academy for International Law, a rare opportunity for U.S. law students. Sponsored by the International Court of Justice, the intensive three-week summer course is taught by leading international law scholars.

M. Imad Khan, JD ’11, says that attending The Hague Academy of International Law as a Dagen-Legomsky Hague Fellow Margaret Wichmann, JD ’10, worked on immigrant and refugee rights issues in Thailand.
Fellow in 2010 was “indubitably one of the highlights in my law school career.

“After exploring international law for a few years by working with Professor Leila Nadya Sadat, taking international law courses, and participating in the Jessup International Moot Court Program, The Hague Academy was the logical next step for me to expand my knowledge of international law and further grapple with the complexities underlying the international legal regime,” he recalls.

Khan says he benefited from both the general course in public international law and the specialized courses that covered a broad spectrum of pertinent international law “with renowned professors and diplomats whose books and articles I had studied over the previous years.”

Thanks to the generosity of alumnus Steven Cash Nickerson, JD ’85, MBA ’93, several students also have had the opportunity to work as Cash Nickerson Fellows on the Harris Institute’s Crimes Against Humanity Initiative. The more than three-year project involved studying the international law regarding crimes against humanity and forging the draft of a multilateral treaty condemning and prohibiting such crimes. The Cash Nickerson Fellows performed valuable research on the commission of atrocities over the past century and worked on both the proposed convention and a related book during the documentation process.

Among a number of fellowship opportunities, students worked on the Crimes Against Humanity Initiative, which resulted in both a proposed treaty and a comprehensive book.

Student Exchanges

Traditional student exchanges are also available, and the law school has exchange agreements with 12 foreign law schools in Asia, Africa, and Europe—both sending students abroad and bringing students to Washington University. The most recent agreement is with the TC Beirne Law School at the University of Queensland in Brisbane, Australia (see page 23).

For his exchange experience, Ajay Sharma, JD ’11, spent spring 2011 at the National University of Singapore. He studied foreign direct investment law as an exchange student at the National University of Singapore.

“Studying abroad is truly an incredible experience,” says Sharma, who went to the United Kingdom as an undergraduate and to India in 2009. “The law plays an integral role in global affairs, and although each jurisdiction has its own peculiar legal system and structures, the fundamental notions of law and order run through them all. Studying abroad as a law student helped me appreciate the complexity of the legal profession at the global level and its particular expressions within each jurisdiction, as well as value the differences and similarities in practice.”

Sharma also appreciated the chance to work with students from many other countries. “The law exchange program had students from Canada, the U.K., the Netherlands, Denmark, Portugal, Italy, Germany, India, and Australia, among many others,” he notes.

Another recent graduate, Amrit Kapai, JD ’11, spent the spring semester at China’s Fudan University, taking courses in Chinese securities law, Chinese banking law, Chinese contract law, and international investment law, along with an elementary language course. “This experience opened up my eyes to the rest of the world,” Kapai says. “China and other countries in Asia are developing at an astounding rate.

“Along with development come job opportunities,” he adds. “While the U.S. job market is struggling to keep afloat, the job markets in some of the other countries I visited—Hong Kong, Singapore, the Philippines, and Malaysia—are just now taking off.”

Kapai also learned about the changing legal systems, particularly in China. “Through my courses, I was able to learn about the Chinese legal system which, albeit still progressing, has come a long way in maintaining justice and order.”
Jessup International Moot Court Competition

Mutual understanding and personal growth are among the byproducts of working and studying abroad, and the oldest and most prestigious international law moot court competition recognizes just that.

“The Jessup International Moot Court Competition has a motto: ‘In the future, world leaders will look at each other differently because they first met here as friends,’” notes Professor Leila Sadat. “That is a very powerful concept.”

The law school has enjoyed enormous success in the Jessup competition over the past decade. “We’re known as one of the top Jessup schools in the United States,” says Sadat, who directs the team along with two-time International Rounds oralist Gilbert Sison, JD ’00, now the Jessup team’s coach and an adjunct professor.

“Professor Sison brings to the Jessup program an indispensable and irreplaceable level of practicality and professionalism,” Sadat notes. “More than a coach, more than a professor, he is our institutional memory.”

In the competition, five-person teams prepare oral and written arguments on both sides of a hypothetical dispute between two fictional nations. Teams compete in two stages, qualifying tournaments in which the winners then represent their nations, and the international rounds, where the national champions compete for the Jessup Cup. Sadat has authored or co-authored three of the problems (including the 2011 problem), which are designed to reflect current issues in international law. This past year, she also acted as a judge for the finals of the French National Round.

In the past decade, the Washington University team has won the qualifying tournament in six out of 10 tries. Only Harvard, with seven wins, has done as well. And in the international rounds, Washington University teams have won 15 out of 24 matches, a record exceeded only by Harvard and Columbia. The law school is also the only one in the world to have won each of the Jessup’s three distinct memorial awards for written arguments in a three-year period; no other team has won more than one.

Sadat is justifiably proud of the law school’s competitors. “The Washington University style is not aggressive, and it’s not a beauty contest for us,” she says. “We know more, we work harder, and we have fun. Our teams are known for being really solid on the law. We’re all about substance, about good advocacy skills, and about being good sports.”

Washington University law students also have competed in the D.M. Harish International Law Moot Court Competition in Mumbai, India, the first U.S. law students to do so; and they participate in the Niagara Moot Court, an international competition focusing on U.S.–Canadian disputes.

Jessup alumnus Greg Crovo, JD ’04, who along with his teammates received second place for their memorial in the Regional Competition in 2002–03, says the overall experience helped provide a strong foundation for his career in international law. Crovo is now a partner in the Singapore office of Kelvin Chia Partnership, a commercial law firm with nine offices in Asia.

“While public international law and cross-border transactions, from a purely practical perspective, are a bit like apples and oranges, the real value of participating in Jessup comes from the confidence one builds from the experience,” he says. “This is a direct result of working within a team, successfully dealing with complex and wholly unfamiliar legal issues, creating and defending arguments, meeting tight deadlines, learning how to remain calm under pressure, and developing public speaking skills.”

Crovo adds that he is also grateful for the network of connections he has received through the competition. “My participation in Jessup continues to pay dividends in the friendships and connections I made during that time and that I continue to make within the international Jessup community in the course of my work and business travels.”

Global Studies Law Review

The Washington University Global Studies Law Review provides students with the opportunity to immerse themselves in international and comparative law scholarship. Begun a decade ago, the journal goes beyond comparative law to address global issues. Law review board members have the opportunity to investigate complex international legal questions while engaging with groundbreaking legal scholars.

“We take great pride in publishing works that serve as a catalyst for future scholarship,” says third-year law student and editor-in-chief Charlena Aumiller. “Global presents outstanding articles, book reviews, essays, and notes from prestigious
academics, practitioners, and prominent students to expand
the legal community’s understanding of real-world interna-
tional issues.

“Our upcoming volume 11 promises to be exceptional with
topics as diverse as transboundary air pollution, implied con-
stitutional rights, the protection of nationals abroad, and land
restitution,” she adds. “Our authors have both theoretical and
practical experience. Volume 11, for example, includes articles
by professors from Colombia, Korea, and South Africa, as well
as practitioners at the U.S. State Department’s Office of the
Legal Adviser and the Canadian Armed Forces.”

Other Opportunities

An innovative agreement with the International Criminal Court
(ICC) is presenting law students with the opportunity to put
their research skills into practice. Through the work of the Harris
Institute, Washington University School of Law was the first
school in the United States to become a partner in the ICC’s
Legal Tools Project. Through the arrangement, law students are
assisting the ICC with building the most comprehensive and
complete database within the field of international criminal law.

The ICC’s Legal Tools Project involves the comprehensive
collection of resources relevant to the theory and practice of
international criminal law. It also brings modern technologies
into the investigation, prosecution, and defense of genocide,
crimes against humanity, and war crimes. Under the direction
of Professor Leila Sadat, Associate Dean Michael Peil, and a
Harris Institute Fellow (most recently Yordanka Nedyalkova),
the students conduct research on national jurisdictions and
national cases. These cases involve core international crimes
from a group of African states.

Another unique student opportunity, the International
Humanitarian Law Teaching Project is a cooperative program
with the St. Louis Chapter of the American Red Cross. Through
the project, Red Cross officials train law students to teach about
topics in international humanitarian law to area high school stu-
dents. Law students facilitate classroom discussions about topics
such as the Geneva Conventions, current conflict zones, the lives
of refugees, and the extreme challenges posed by landmines. Each
year, more than 50 law students participate and more than eight
local high schools take advantage of the program.

Immeasurable Benefits

In all of these opportunities, students reap immeasurable benefits,
Professor Karen Tokarz believes. “Students begin to locate what
they’re learning about public and private law in the U.S. within
the global networks of economic regulation and ordering of
public systems; they gain a better comprehension of multilateral
relations among states; and they come to understand different
cultures and systems.

“At a practical level,” she continues, “the students who go over-
seas distinguish themselves from other colleagues as they enter the
job market. They’ve developed a richer, broader, more contextu-
alized understanding of law, legal systems, and legal practice that is
quite attractive to employers.”

Sadat agrees. The Jessup competition, for instance, “is one of
the most intensive legal writing, oral advocacy training programs
we run at the law school,” she says. “It’s a credential around the
world, because everyone knows that someone who has worked
on one of these problems has superb lawyering skills.”

Just as important, the students make valuable contributions to
the international settings in which they work. “They contribute
skills and their youthful energy and enthusiasm,” Sadat observes.
Using the tribunal setting as an example, she continues: “For
exhausted prosecutors, just having these young people there is
energizing. They’re also doing very hard work. We’ve had students
who were given a difficult file and asked to wade through witness
testimony or evaluate forensic evidence and help the prosecutor
formulate an argument or write a memo. They have really made
some very significant contributions to international justice.”
WO GROUNDBREAKING international programs are giving law students both here and abroad cross-border legal training to help them compete and practice effectively in an increasingly global marketplace. At the same time, the programs are working to increase the school’s international footprint.

The Transnational Law Program (TLP), initiated in 2008 by Washington University and four partner European institutions, enables select U.S. and European students to earn a domestic law degree and a subsequent foreign LLM (master of laws) via an integrated and coordinated curriculum.

“The program allowed me to explore my passion in international law,” says McCall Carter, who graduated with the TLP’s inaugural U.S. class in spring 2011, earning a JD from Washington University and an LLM from Utrecht University in the Netherlands.

“I was in a perfect location to get an internship in The Hague. I interned for two different defense teams at the International Criminal Tribunal for the Former Yugoslavia,” she says. “The experience has been valuable for me. It’s allowed me not only to study international law, but also to observe it in practice—which is important because international law in theory and international law in practice are often quite different.”

Carter, who plans a career in international organizational or nonprofit law, represents a growing cadre of law students, both in the United States and abroad, who recognize the need for transnational legal skills in an increasingly interconnected world, according to Michael Peil, TLP executive director and associate dean for international programs. The TLP, he says, provides an innovative solution.

“If there are other programs out there that do this, I’m not aware of them,” he says, “and I’ve looked.”

A Unique International Legal Education

Peil says other dual-degree law offerings lack the TLP’s integration and support. “What we’ve added is a high degree of coordination among the administrations of the schools, so that students at Washington University, for example, are getting counseling from the faculty both here and abroad as to what courses they should be taking and what opportunities they should be pursuing. So when they get to their second country to study, they hit the ground running,” he says.

Dorsey D. Ellis, Jr., dean emeritus, the William R. Orthwein Distinguished Professor of Law Emeritus, and TLP academic director, also stresses the TLP’s unique approach. “The Transnational Law Program is the first and only program of its kind in the world. With our partner schools, we have created a fully integrated educational experience that offers more than just a JD program in St. Louis followed by an LLM in Europe. Students are acquiring a multilegal ability to think in the legal systems of both Europe and the United States.”

Indeed, the TLP addresses major trends—both economic and legal—in a changing world, says Peil. “The world has globalized. At American law schools, including the top international schools, it’s just not possible to offer students, who want to...
perform at the highest level in that new global legal practice, everything they need at a single campus.

“So we initially looked at this and said if we pick three or four top law schools here and abroad, us included, we each have some piece of the puzzle,” says Peil. “If we pool our faculty resources and our student program resources, we can create a program that will prepare those students for the global practice of law.”

Henk Kummeling, dean of the Faculty of Law, Economics and Governance and professor of constitutional law at Utrecht University School of Law, says his school was eager to further its partnership with Washington University to address what he views as a growing need for both students and legal employers.

“We believe that the major international law firms, as well as international governmental and nongovernmental organizations do need lawyers with a ‘multijurisdictional’ approach to legal questions—lawyers capable of working within different legal environments, as well as across their borders,” he says. “We are proud to be part of this international network of innovative law schools offering the TLP.”

THANKS TO LONG-STANDING relationships of Washington University law faculty at top European law schools, the school was able, after years of discussions and negotiations, to secure the collaboration of four strategically placed partners: Católica Global School of Law in Lisbon, Portugal; Queen’s University in Belfast, Northern Ireland, U.K.; University of Trento in Trento, Italy; and Utrecht University.

“We feel that by having four very different European states represented in the Transnational Law Program, we’re giving the students some sense of how diverse the European marketplace and European cultures are,” says Ellis. “Strategically, each of these partner schools brings something very, very different to the table.”

Peil stresses that all four European partners are, like Washington University School of Law, ambitious institutions seeking new challenges on the international stage.

“These are not typical law schools,” he says. “Católica Global School of Law, for example, has one of the best English-language master’s programs in global and European business in the world right now.

“Utrecht University is one of the highest ranked law schools in Europe. They do excellent work across the board, particularly in areas like public international law, trade law, and law of the sea.

“Queen’s University, because of Belfast’s tumultuous history over the last 30 years, has developed a very solid expertise in human rights and post-conflict law, and also gives our students access to the United Kingdom legal system,” Peil continues.

“While Italian law schools tend to be very traditional, Trento is an innovator and has developed fine expertise in both administrative law and criminal law.”

Peil says the TLP makes sense for both American and European students seeking international legal careers. “While China is now the world’s biggest consumer market, the U.S. will remain for the foreseeable future one of Europe’s most
For a European student who is thinking internationally, the U.S. is one of the most accessible markets for that young lawyer and likely one of the most immediately important in that student’s practice.

But that goes across the Atlantic both ways, says Peil. “Likewise for Americans. At this stage of the game, Europe remains one of the more achievable markets for American law students. And as far as the clients they are going to be representing one day, it’s still one of the most important trade and business partners.”

The TLP’s pioneering efforts to address Euro-American legal educational needs have been recognized by both the European Commission and the U.S. Department of Education. The TLP was the first legal education program to receive a grant from the jointly administered European Union–United States Atlantis Program.

International Graduate Programs

The master of laws (LLM) in U.S. law for foreign-trained lawyers at Washington University helps overseas law graduates like Chia-Ling Lee, LLM ’11, bolster their knowledge of U.S. and international law while furthering their career paths in today’s global legal environment.

Lee, who received her first law degree in Taiwan, enrolled in the LLM program to advance her goal of working in a law firm on her way to becoming a professor in Taiwan. Lee says she benefited from all of her courses, but found the mandatory LLM course, Introduction to U.S. Law, particularly useful.

“It gave a complete introduction to American jurisprudence in the first semester,” she recalls. “During the second semester, we were asked to write a persuasive memo, and in the last class we had to present a plaintiff or a defendant making a strong argument to the judge. These practices are very useful. I believe this gave me a head start and helped me better understand the discipline I will need for practicing law.”

She also appreciated the opportunity to take classes along-side American JD students and the immersion into American culture. Additionally, Lee participated in a JD/LLM mentoring program in which American students helped her better understand lectures and reading assignments.

Among the program’s other assets, Lee says she found the comparative aspect of the courses interesting. “Every class inspired my thinking and comparison of laws and principles between the United States and Taiwan,” she says. “When I learned something new in American law, I always compared it to the same or similar principles in Taiwanese law. The LLM program improved my practical skills, stimulated my creative thinking, and helped to prepare me for my future career.”

In addition to the master’s degree in U.S. law, Washington University also offers LLM degrees in taxation and in intellectual property and technology law (IP/TL). The IP/TL LLM, which is open to both foreign and U.S. law graduates, is particularly appealing to students like Xiao Chen, LLM ’11, who graduated from Shanghai Jiao Tong University in 2010.

“I felt it would be helpful if I could gain some international education and at the same time focus on a specific area of law. Washington University turned out to be the ideal choice for me,” says Chen. “My classmates were either foreign-trained lawyers who already had years of practice in IP or students
who had already received their JD degree but chose to spend one more year learning about IP.”

Lee and Chen epitomize scores of young international attorneys and law school graduates—from China, India, Georgia, Thailand, Saudi Arabia, Korea, Europe, Latin America, and elsewhere—who are taking advantage of Washington University’s distinctive LLM curriculum for foreign-trained lawyers, says Peter Cramer, assistant dean for graduate programs, who oversees the program.

“Many come from jurisdictions with different legal systems and are trying to get insight into common law and to see how the American legal system works,” says Cramer, “since common law is used in the international arena and American law is pervasive.”

Their Washington University education helps them better represent clients who have business dealings with U.S. companies and firms, as well as with American clients conducting business abroad. The program also improves their English skills.

Cramer was recruited in 2010 to assist the law school in expanding opportunities for international students and in creating synergies with other Washington University international efforts. Established in the 1990s, the LLM in U.S. Law program has attracted hundreds of students over the years, and the law school is

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(clockwise, from left) Students in the JSD program conduct in-depth legal research; Xiao Chen, LLM ’11, focused her course of study on intellectual property and technology law; and Assistant Dean Peter Cramer, standing, works closely with foreign-trained LLM students to polish both their language and legal skills.

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International Background Bolsters Cramer’s LLM Leadership

IT SHOULD BE NO SURPRISE that Peter Cramer, assistant dean for graduate programs, can relate to the stories he hears from LLM students. After all, Cramer is a non-native speaker of English, himself, and like most of the LLM students, he studied law in a civil law country and received an LLM from an American university.

Cramer first studied law in Germany, then pursued his advanced degrees at Indiana University, Bloomington, where he received his MA in TESOL (Teaching English to Speakers of Other Languages) in 1992, PhD in language education in 1997, and LLM in 2006.

“The combination of legal and language education has been very beneficial in my field of work,” says Cramer, who has become an expert on Legal English education over the last 20 years. He first taught as an instructor at the Intensive English Program (IEP) at Indiana University, then at the Maurer School of Law. “Once I received my LLM degree, I realized that LLM students need more academic and linguistic support, and I set out to create programs that would do just that.”

Subsequently, Cramer accepted a position as associate director of the Center for Global Legal English at Georgetown University Law Center in Washington, D.C., where he created a two-year LLM program that focused on study skills and linguistic preparation within a legal context in the first year, so the students could fully and efficiently focus on their substantive law studies in the second year.

“When I started my position at Washington University, I proposed to take parts of this model and integrate them into the LLM program,” he says. In the first year of his work, Cramer created workshops on note-taking, outlining, and exam-taking strategies, as well as workshops on the effective use of English in legal writing, to name a few.

The coming year, according to Cramer, is going to be even more exciting: “We added one more week to our LLM Orientation in August and can now work much more on those skills that are needed to survive and succeed in law school.”

Cramer and a team of professors also created a new class for the fall semester that introduces LLM students to three major areas of law—civil procedure, contracts, and corporations. Additionally, students receive guidance in how to interact with their professors and peers, how to participate actively, and how to learn most efficiently from their assignments.

“I couldn’t be happier about this move,” Cramer says. “That’s what legal education can and should do for international LLM students, and Washington University School of Law is at the forefront of this development.”
continually working to add diversity to the countries and judicial systems represented. The IP/TL LLM was added in 2001.

The LLM degrees allow graduates to sit for several state bar exams, including the New York State Bar Exam, the most popular among foreign-trained lawyers. Additionally, a six-week observation program under the tutelage of state and federal judges gives students insights into the inner workings of the U.S. court system. The majority of the LLM students intend to work as legal counsel for international corporations, and a few hope to join law firms or become judges or law school faculty.

“My main role is to help our graduate-level students have a smooth transition into their studies, as well as gain a rich academic and cultural experience on their way to becoming professionals with advanced legal training,” Cramer says.

While the graduate program is designed to give its students a leg up in the international legal community, it does the same for Washington University and the law school.

“It’s of great benefit to Washington University,” says Cramer, noting that the LLM programs now attract some 60 foreign-trained students annually. “Through these programs we send out new ambassadors each year across the globe who promote Washington University and its values. Quite a few of our graduates are political and business leaders.”

**Globalization Fast Facts**

**DURING THE PAST DECADE,** top law firms have nearly tripled their number of overseas offices. The 112 largest firms have 670 foreign offices among them.

**AMONG U.S. LAW FIRMS IN 2010,** the United Kingdom was the first most popular foreign office location and China was the second most popular.

**OF THE 250 LARGEST FIRMS IN AMERICA,** nearly half have foreign offices. At these firms, 1 in 7 lawyers works abroad, and 1 in 4 offices is located in a foreign country.

**AS THE U.S. ECONOMY FALTERED,** the number of lawyers sent abroad from the top 250 U.S. law firms in 2008 increased with destinations such as Abu Dhabi up 144 percent; Dubai, 81 percent; Istanbul, 52 percent; Baku Azerbaijan, 50 percent; Hong Kong, 48 percent; and Beijing, 39 percent.

**AMONG THE LARGEST 250 U.S. LAW FIRMS,** 78 have offices in London, 70 in China, 33 in Paris, 21 in Russia, and 19 in Latin America.

Source: Various news media reports.
Law School Forms Alliance with University of Queensland

WASHINGTON UNIVERSITY School of Law recently launched a formal alliance with the University of Queensland (UQ), one of Australia’s premier learning and research institutions. Beginning this fall, the law school and UQ’s TC Beirne School of Law are offering a four-year combined degree program.

The program allows U.S. students to study at both Washington University’s and UQ’s law schools. Upon completing the degree program, the U.S. graduates will earn a JD from Washington University and an LLM from UQ. Australian participants will enter the LLM program at Washington University after completing the UQ LLB program.

“Our alliance with the University of Queensland helps prepare students from both universities for successful careers in an ever globalized world,” says Kent Syverud, law dean and the Ethan A.H. Shepley University Professor. “The TC Beirne School of Law is one of the elite law schools in Australia, with a global reputation for attracting the top students from Queensland and from across Australia. In addition, the ambitious global vision of the law school and its faculty complements that of Washington University.”

Exchange opportunities also will be available for Washington University law faculty and students, and the schools are exploring future joint research collaborations.

UQ, known as a leader in discovery and translational research across a broad spectrum of disciplines, is the oldest university in Queensland and has produced almost 197,000 graduates since opening in 1911.

Earlier this year, UQ and the University of Melbourne became new Australian partners in the McDonnell International Scholars Academy, which brings together exceptional international graduate and professional students from its 27 partner institutions worldwide to pursue a world-class education and research while forging a strong network with one another.

The academy is designed to prepare the professional students as future leaders knowledgeable about the United States, other countries, and critical international issues. The academy also encourages other initiatives, such as faculty collaboration across institutions on global issues, including energy, the environment, cultural understanding, human health, and economic and social development.
HEN I FIRST arrived in The Hague, I could not have imagined that a year later I would be sitting in the courtroom among the legal officers as the historic judgment in the Popović et al. case was handed down. This was the largest trial to date at the International Criminal Tribunal for the Former Yugoslavia (ICTY). Seven former high-ranking Bosnian Serb military and police officials were convicted of a range of crimes including war crimes, crimes against humanity, and genocide related to the attacks on Srebrenica and Žepa.

I began my internship in Trial Chamber II of the ICTY in June 2009. My responsibility was to assist the judges and legal officers of the Chamber. Initially, my duties included performing research, assisting in drafting legal documents such as decisions on motions, preparing witness summaries, and attending court proceedings.

Time away from work was spent with other interns who have become fast friends. I visited Rotterdam, Delft, Amsterdam, and even Paris. We enjoyed the beach at Scheveningen, visited the Peace Palace and museums, participated in the Dutch nightlife, and often simply spent afternoons talking and laughing over coffee. The beautiful setting of canals and flowers contrasted sharply with the serious nature of my work at the ICTY.

As the trial proceedings concluded, my role on the team shifted. A shortage of legal officers led to my having a remarkable opportunity to participate in the drafting of the judgment. During the next few months, I found myself completely immersed in the horrific events that occurred in Eastern Bosnia in July 1995, and particularly, the acts of one of the accused during these events as I studied exhibits, trial transcripts, and the final briefs of the parties. I soon found myself becoming more and more comfortable in discussing, analyzing, and evaluating evidence, the arguments of the parties, and complex legal issues with the legal officers and judges.

My days were filled with legal research; studying maps, intercepts, and combat reports; and reading the accounts of witnesses, including individuals who managed to survive mass executions. Their testimonies, in particular, were at once horrifying and heartbreaking. It was not unusual to work late into the night and on weekends.

When my internship was scheduled to end in December 2009, I was asked...
to extend my stay at the tribunal to continue my work on the judgment drafting. Subsequently, a short-term contract enabled me to stay on until the completion of the judgment and changed my status from intern to temporary staff member.

One of my most significant experiences was attending the judges’ deliberations on the judgment. These rare glimpses into what occurs behind closed doors after the trial proceedings have ended reveal an aspect of the international criminal justice system that few people have the opportunity to experience and witness firsthand. I had read and studied ICTY cases in law school, and it seemed almost unbelievable that within only two years after graduation, I was now participating in such a case. It was a profound experience to sit at a table with the judges as they debated and discussed issues and on occasion asked for my opinion.

Through my course work at Washington University School of Law and as a research assistant for Professor Leila Sadat, I had gained a strong foundation in international criminal law. But now I was no longer working on hypothetical situations and legal issues—I was actually applying law to real events and people. I was no longer only studying or analyzing jurisprudence, but contributing to it and to the historical record on the Srebrenica genocide.

As someone who is passionate about international justice and human rights, I am grateful to have had this remarkable opportunity. Living in The Hague and working at the ICTY on the Popović et al. case was truly a once-in-a-lifetime experience. I was very fortunate to be in the unique position to see the case to its conclusion and even more fortunate to have been able to work with the extraordinary individuals of the Chambers staff and the judges on the case. Their dedication and hard work to bring this painful chapter in world history to a just close are truly inspiring.
Out of Africa

FOR THE LAST three years, I have served as the associate director of health workforce for the Aspen Institute’s Realizing Rights program—living and working for much of that time in Dar es Salaam, Tanzania, with my wife and son. It has been an amazing experience and one that I suspect I will treasure even more as time passes.

I have been particularly privileged over these last few years to work alongside and to play a role in advancing the vision of Mary Robinson, the former president of Ireland and U.N. High Commissioner for Human Rights. Realizing Rights, a time-bound initiative, was founded and led by Mary Robinson in order to place human rights—particularly economic and social—at the heart of global governance. Our work, which focused in Africa, encompassed a range of activities to further the realization of human rights. These included support for national health systems, promotion of the decent work agenda, mainstreaming human rights principles and standards into business environments, and addressing the effects of climate change.

I am perhaps most proud of my contribution to bringing to light the challenges, as well as incoherencies, posed by the international recruitment and migration of health workers. A shortage of health workers, projected to last into the foreseeable future, is impeding access to basic health services globally. The African continent is particularly hard hit by the lack of human resources for health. Sub-Saharan Africa, with a quarter of the world’s disease burden, has but three percent of the world’s health workers. The disparity in access to health workers defies comprehension. In Malawi approximately two physicians serve a population of 100,000, while in the United States approximately 256 physicians serve a similar-sized population.

The reliance on foreign health workers in developed countries is further exacerbating existing inequities. Our health system, here in the United States, is itself deeply reliant on foreign health workers. Indeed, we are the world’s largest global employer of health workers. Despite concerns from developing countries on the challenge of brain drain for over half a century, little action had taken place at the global level. It was this gap in international governance architecture that we at Realizing Rights, along with our partners at the World Health Organization (WHO), aimed to fill.

Encouragingly, after a three-year development process, including a final three days of intensive intergovernmental negotiation, the WHO Global Code of Practice on the International Recruitment of Health Personnel was adopted in May 2010 by all 193 member states at the 63rd World Health Assembly. Due in large part to the procedural hurdles involved, the WHO Global Code is only the second such instrument promulgated in WHO’s history, the first in almost three decades.
The adoption of the WHO Global Code of Practice is important as it is the widest possible expression of the challenges associated with health worker migration. Additionally, the WHO Global Code articulates globally agreed upon ethical norms, “principles and practices,” necessary to mitigate these challenges. Moreover, while a voluntary instrument, the WHO Global Code includes an innovative reporting system that is more robust than that found in many legally binding international agreements.

It has been very satisfying, personally and professionally, to have been a part of the international law-making process that led to the adoption of the WHO Global Code. There is also a tremendous amount that I have learned from Realizing Rights’ broader work to advance and give substance to human rights. I recognize that there is much I could have contributed to my organization’s efforts without legal training, relying rather on my graduate degree in public health. However, I also know without doubt that my work simply would not have been of the same standard. Moreover, I would likely have failed to see many of the critical connections residing outside the health sector.

Relatively early in my career, I recognized in myself a commitment to furthering global health equity. However, it was only while working for the U.S. Centers for Disease Control and Prevention in Tanzania, witnessing the inability of traditional public health interventions to provide the most basic of health services to rural women and children, that my desire to study law was sparked.

Washington University provided wonderful training that unquestionably has made me a more effective advocate and practitioner in international public health. I had superb courses in international law and intellectual property law, and wonderful internships. My course work and internships along with the mentoring I received from faculty at Washington University helped provide me with the preparation I desired.

After my first year of law school, Professor Karen Tokarz arranged a summer internship for me with the Children’s Rights Centre in Durban, South Africa, a leader in the fight for access to ARV treatment for HIV-positive children and HIV-positive pregnant women in South Africa. I worked with outstanding children’s rights advocates and assisted in monitoring treatment protocols. When I returned to law school the next year, I enrolled in Professor Tokarz’s Civil Rights & Community Justice Clinic and continued my work in the area of HIV/AIDS in conjunction with the AIDS Project at Legal Services of Eastern Missouri. I worked with outstanding children’s rights advocates and assisted in monitoring treatment protocols.

I contributed to the commission’s important report on making drugs more accessible to poor individuals in developing countries. I am a strong believer that lawyers, including law students, have a tremendous amount to contribute to international development. Indeed, one can make the plausible argument that the explosion of interest in global health—after decades of neglect—was directly related to the utilization of a legal strategy by civil society in South Africa (Treatment Action Campaign cases). It is unfortunate then how few of us there are working in the area of international development at the country level.

I was recently excited, however, to learn that others from Washington University are also working in Tanzania, including Alex Hendler, JD ’03, who set up an online documentation center for Tanzania High Court decisions, and Jenny Wren, JD ’13, who interned here in Dar es Salaam for the International Labour Organization this past summer. Together we are making small, but perhaps not insubstantial, steps to improving human well-being. And in the meantime, through exchange with interesting new people and ideas, we undoubtedly are also improving our own.
Many people ask me to describe a typical day in Afghanistan. My response? There are no typical days, especially in the Southeast Region where there is an active insurgency. I am the Head of Office for the United Nations Assistance Mission in Afghanistan and the Area Security Coordinator for all U.N. Agencies working in the region.

As an example of unpredictability, I was in Khost Province last week and my return to the region was delayed by one day due to weather conditions. In this area we can travel to very few places by vehicle due to explosive devices on the main routes so we are dependent on helicopters. Then the day I managed to leave was the day a suicide bomber penetrated a military base in Khost killing seven CIA personnel and a Jordanian—the same base that I have been to visit military colleagues working in development and reconstruction in the province, as well as those fighting the insurgency.

For three days in a row there have been serious attacks in the center of town both in Khost province where I oversee a provincial office and just yesterday in Gardez City where the regional office is based. Interesting, as well as sobering, to note is that I was on my way back from a meeting with the provincial police commander and another station commander when a suicide attacker detonated literally minutes from where our meeting had taken place. These same commanders were the target of a complex attack just last month in Gardez City, again within close range of our regional compound. For the past few weeks we have been on lockdown or White City as we call it—unable to leave our heavily fortified compound—due to suicide attack threats in the city. Indeed, today as I write this I am confined to my compound where I live and work with my other U.N. colleagues. Thus, when asked about my typical day you can now understand that for me and my staff it does not exist.

Planning Programs and Strategies

Last month I gathered together the senior program staff, both national as well as international, for a strategy session to plan our program activities. In the post-election environment and the military surge, it is unclear what we will be able to do in terms of programs. So we set out to come up with a plan, first identifying our strengths as an organization, done via a SWOT Analysis (Strengths, Weaknesses, Opportunities, and Threats). As our mandate is largely one of coordination, all units participated—Political, Governance, Human Rights, Development and Humanitarian Affairs, and Rule of Law. We gathered the first day to work out the main issues of the SWOT Analysis, determining that we offer a primary means of communication between the population and the government, as well as between the population and the military. We determined that the second day would be spent coming
Preparing for a War Zone

FOR ME, graduation from Washington University was in May 2007, and I was sworn into the Missouri Bar in September 2007 before leaving for Afghanistan in October. One might ask why become a lawyer only to head off to a war zone? That is precisely why I became a lawyer, because it offers the flexibility to follow any number of career paths with the skills one can only acquire with a law degree, especially one from a top 20 school that offers the range of courses found at Washington University.

As I oversee five different sectors, including Political, Human Rights, Rule of Law, Governance, and Development and Humanitarian Affairs, the in-depth understanding I acquired in law school of the legal system and how it functions allows me to better understand and guide my staff. The courses offered by specialists in their field—international law, international human rights law, international criminal law, and immigration law—enabled me to develop an approach to my work that I would not otherwise have had. I also took advantage of the summer program offered jointly by Washington University and Case Western at Utrecht University where I took fascinating courses such as *Religion & Terrorism*, *International Constitutional Law*, and *International Courts & Tribunals*. Looking at all sides of an issue is a skill best acquired through a legal education.

The Human Rights unit I now oversee focuses on civilian casualties, illegal detentions, and violence against women. The Governance unit aims to increase the capacity of the local government, while the Political unit concentrates on religious and tribal dynamics having an impact on the population and the security situation. The Rule of Law unit specializes in the formal and informal justice sector. Finally, the Development and Humanitarian Affairs unit coordinates development activities within the region and distributes humanitarian assistance to those in need, including refugees fleeing the conflict in Pakistan.

I firmly believe the knowledge acquired through the variety of courses and my experiences both at Washington University and Utrecht University have enabled me to approach my work with an effectiveness that otherwise I would not have had. Despite the daily challenges, I feel armed with the confidence and legal tools that I need to persist. 

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Scenes from Marguerite Roy’s work in Afghanistan, including with a delegation of U.N. and other international organization representatives, a group of community organizers, and officers of the International Security Assistance Force.
I can vividly recall my somewhat daunting, yet very cut-and-dry introduction to life in Paris: “If you lose these keys or close this door behind you without them, and it’s on the weekend or after-hours, you’re stuck. You will have to stay with friends for the night or for the weekend,” the leasing manager said while showing me how to operate the complex, automatic lock mechanism that stood between me and what would be my apartment in Paris for the next three months.

“But I don’t know anyone,” I said.

“Then I guess you would have to stay in a hotel,” she responded.

“But what if I get locked out without my wallet or phone or anything?” I said.

“Well I guess it’s important not to get locked out then, isn’t it?” she replied.

I was standing at the door of my fourth-floor walk-up in the northeast corner of the Eighth Arrondissement of Paris, speaking with a British woman from a French company that leases corporate apartments to Americans working temporarily in Paris. It was September 16, 2008, and I was a third-year associate in the New York office of Cleary Gottlieb Steen & Hamilton LLP. The firm had asked me to spend the fall in the Paris office to join a team working on arbitrations in which our firm represented the Russian Federation against a group of claimants owning parts of Yukos, the massive Russian oil conglomerate. The claimants sought to recover up to $100 billion from Russia under rights they purported to have under the Energy Charter Treaty of 1994, a multilateral treaty intended to facilitate Western investment in former Soviet Bloc countries.

The tribunal had scheduled a two-week hearing on whether it had jurisdiction to hear the claims for November 2008, and our firm was in full swing preparing for it, with lawyers from six (of our 12) offices involved—Paris, New York, London, Washington, D.C., Rome, and Moscow. Two junior associates from New York, including me, would work with partners in New York, Washington, D.C., and London, and with the team in Paris in preparing primarily for the witness-testimony portion of the hearings, in which law professor experts on the Energy Charter Treaty and the Russian legal system would testify, as well as several QCs from England on the law governing Channel Islands trusts (relevant for reasons too complicated to explain here!).

Although I had spent much of my previous time at Cleary working on securities litigation in federal court in New York, the Yukos assignment was, in certain ways, a return to familiar territory—one that I had covered while at
Washington University. As a second-year law student, under the supervision of Professor Leila Sadat (also a Cleary alumna, I should add), I was a member of the Jessup International Law Moot Court Team. We participated in a worldwide moot court competition, briefing and arguing a case involving a treaty dispute on behalf of a fictitious sovereign government before the International Court of Justice. Our team had success, winning the competition’s Hardy C. Dillard Award for the best memorials submitted worldwide. Now, of course, our client was not the fictitious Kingdom of Raglan nor the Republic of Appollonia, but the very real government of Russia.

While the work was fascinating, the cultural adjustment was even more so. I never lost my keys or closed the unsettlingly automatic-locking door to my flat behind me without them, but my utter lack of French language proficiency (I spent a few weeks working with the first-level Rosetta Stone program before heading over) left me in a few precarious situations. Surrounded by French speakers at all times, I learned just enough to be a danger to myself—I could pronounce words with a passable accent, but did not have much of an idea what they meant. I could order a steak, but looked dumbfounded when asked what I presume was whether it should be medium-rare or medium. Dry-cleaning was also impossible to figure out, so I wore wrinkled shirts for three months.

Language barriers aside, there were other interesting contrasts in office conventions. At the office, it was not unusual for lunches to include wine—and extend for several hours. A change from the 15 minutes or fewer devoted to the exercise in Manhattan. French lawyers dress better, usually in well-tailed suits (but without ties)—a rejection of the business casual attire that predominates here. Espresso is available at all times, but the copying service (a 24-hour staple at firms in New York) closes at 5 p.m.

As events unfolded, it was also a remarkable time to observe America from abroad. Lehman Brothers filed for bankruptcy the morning I flew to Paris, setting off the well-known chain of events leading to the global financial crisis of that fall. And French media followed the American presidential campaign with possibly more fervor than it did their own. When Barack Obama was elected president, I watched the campaign coverage from midnight to six in the morning, first at a party hosted by an American expatriate group (an event also covered heavily by French television), and then, eventually, fighting sleep on the couch in my friend’s 18th-century Latin Quarter flat, as Obama gave his now-famous victory address before a quarter-of-a-million people in Grant Park in Chicago.

Shortly after the election, it was time for the Yukos hearing, which was to be held at the Peace Palace in The Hague, the Netherlands, a city devoted nearly entirely to international diplomacy and law. With the majestic, tapestried Japanese Room as the setting, the cross-examinations we had prepared for our portion of the hearing unfolded dramatically and as we had hoped. With my assignment complete and the hearing over, I returned to New York, grateful to have broadened my horizons and grateful, also, to be home. A year later, the tribunal sided with the claimants, deciding that it had jurisdiction to hear the merits of the claims, but at that point I was thankfully back to the intricacies of securities litigation.
Why I Teach

Every August, there is a sense of excitement at the law school. Another academic year is poised to begin. During the first and second weeks of the month, the quiet and nearly empty hallways of Anheuser-Busch Hall begin to fill with second- and third-year law students returning early to check on their apartments and work on their job searches, journal assignments, and moot court applications. They reconnect with friends and the larger law school community; many come by to say “hello.” It is wonderful to have them back.

Their arrival means that it is time to put aside whatever research projects I am working on and get out my course materials, anticipating eagerly the start of the new term. I look at my course notes and try to remember what did and did not work, and what new cases and developments need to be added to my syllabus. Orientation begins, and the 1Ls arrive; the sense of excitement is palpable. Laughter is heard in the commons and the hallways, and students finalize their class schedules, thinking about what this experience will mean for them, their families, and their futures.

Suddenly, it is the first day of classes. Course materials ready, roster studied, seating chart prepared, lecture notes in hand, I enter the classroom. I survey the students sitting down, the ones filtering in and looking for seats or for their friends, and the ones discreetly sizing me up. I recognize a few faces, but many are unfamiliar. At eight minutes past the hour, I take a deep breath, look up, smile, and begin class. Another academic year has commenced, and I am reminded why I teach—because it is the most challenging and rewarding job I can imagine.

Although I was the first member of my family to study law, both of my parents received their doctorates as I was growing up and became university professors. My mother taught history and was an expert in Middle Eastern and European civilizations. My father taught engineering and computer science. Books were everywhere; conversations at home were analytical and intense. Grammatical errors were corrected with vigor, and education was seen as critically important.

In 1962 my father emigrated from Syria to the United States, fleeing the oppressive political climate of the regime. My mother is American, and it was received wisdom in our home that the United States was the best country in the world, and I was lucky to have been born here. I heard many different languages spoken at home—primarily English, Arabic, and French—and loved sitting at the dinner table while my parents and their friends discussed (in many languages) politics and world affairs.

Raised in a multilingual and inter-faith family, I learned to respect different ways of doing things and to be wary of claims of religious, national, or cultural superiority. So perhaps it was only natural that I would develop a passion for international affairs.

I hadn’t really thought about teaching when I entered law school, as I was determined to become (as I told everyone, to their amusement) an “international lawyer.” After my first year, however, inspired by the superb teachers I had at Tulane Law School where I earned my JD, I set upon teaching as a career. I spent several years after graduation honing my skills, including five years of practice in Paris, France, two additional law degrees (from Columbia Law School and the Sorbonne), and three judicial clerkships. By the time I arrived at Washington University in 1992, I was a bilingual international lawyer with extensive experience in international commercial transactions, finance, arbitration, and litigation. I was eager to share my passion and knowledge of international and comparative law with colleagues and students, and excited about the possibility of doing research and scholarship that could contribute to the solution of global problems.

What I could not have known as I prepared for my future teaching career is how fortuitous a choice Washington University School of Law would be as my academic home. I moved to St. Louis from Paris in 1992 and had never lived in the Midwest. Over the years, I have grown to love this area of the country. Although the law school’s location in the heartland means that it is less “connected” to the international law and politics communities on the coasts, its location also gives the school a quintessentially American ethos, including friendliness, an openness to
“In addition to helping my students understand the substantive law, I strive to show them that American lawyers have important and useful skills to bring to the table in addressing the effects of globalization.”

By Leila Nadya Sadat

The opportunity to build these programs from the ground up and to work with my colleagues, our alumni, and our students in doing so has been deeply rewarding. Many students in our summer institute at Utrecht University tell me that seeing first-hand the international courts and institutions we visit there have changed their views and perceptions. I hear the same thing from our foreign students and colleagues who have come to study and teach here come away deeply satisfied with their experiences. When I arrived in 1992, then Dean Dorsey D. Ellis, Jr., recognized the challenges that globalization would bring to the legal profession and desired to further develop and expand the school’s offerings in international and comparative law. Indeed, the university and the law school recognized early on that becoming a great law school meant becoming a global law school.

We worked hard over the ensuing years to build programs that would serve our students—adding courses to the curriculum, revitalizing the Jessup moot court competition, launching a summer school abroad that is now in its eighth year, creating a new international student law review, and offering clinical externships and practical opportunities for students to work and study abroad. In 2000 during Joel Seligman’s tenure as dean, the Whitney R. Harris World Law Institute was founded by Professor Stephen Legomsky, transforming both the image and the reality of the law school’s international programs. Given the focus of my scholarship on international criminal law and human rights, the opportunity to have Whitney Harris, the last surviving member of Justice Jackson’s team at Nuremberg, as a friend and mentor was as wonderful as it was unexpected.

The opportunity to build these programs from the ground up and to work with my colleagues, our alumni, and our students in doing so has been deeply rewarding. Many students in our summer institute at Utrecht University tell me that seeing first-hand the international courts and institutions we visit there have changed their views and perceptions. I hear the same thing from students who have done internships at the war crimes tribunals or participated in the Jessup competition. Current Dean Kent Syverud has reinforced the law school’s commitment to international legal education, and our reputation has continued to improve in this field.

ANOHER WONDERFUL DIMENSION OF TEACHING IS HOW IT ENHANCES MY SCHOLARSHIP. I love to write and typically have several research projects going at once. Every time I have to explain a difficult case or theory, I learn it better. Each time I am challenged by my students to express myself more clearly or repeat something, I become a better communicator. One of the many gifts of teaching is that students keep you young, and they keep you on your toes! They are sophisticated users of technology and help me to adapt to changing research techniques and communication media. I have been fortunate over the years to have many talented students participate either in research projects or work as Harris Institute Fellows on international research projects. They have checked citations, pulled law review articles, tabulated statistics, edited essays, created PowerPoint presentations, generated indexes, proofread documents, and even co-authored articles. I am indebted to them.

AS I WRITE THIS, SUMMER IS DRAWING TO A CLOSE AND THE STUDENTS ARE TRICKLING BACK. At the same time, much is happening in the world at large. The Chinese government has complained about the stability of the U.S. financial system, as Congress and the President quarrel about the debt ceiling; the dollar has continued to weaken vis-à-vis the Euro; and the United States continues to debate the utility of military action in Afghanistan, Iraq, and Libya. The U.S. economy and political system are experiencing significant transitional shocks as the world changes from an international system premised upon U.S. dominance to a multi-polar system with many important players. In this difficult environment, international legal education is more important than ever. In addition to helping my students understand the substantive law, I strive to show them that American lawyers have important and useful skills to bring to the table in addressing the effects of globalization, and help them to develop those skills. Critical thinking and legal reasoning, good judgment, negotiation, oral advocacy, effective writing—these are the tools of the lawyers’ trade, and they are as useful in international negotiations and dispute settlement as they are in domestic cases and transactions. I look forward to this year with great anticipation, remembering not only why I teach, but how fortunate I am to be able to do so.

Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and director of the Whitney R. Harris World Law Institute, is an internationally recognized authority on international criminal law and human rights.

"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, Michael Greenfield, and Daniel Keating. To view these columns, visit: law.wustl.edu/WhyITeach.
New Faculty

Washington University School of Law welcomes two new faculty members, two visiting associate professors, and a clinical faculty fellow this academic year: Associate Professors Deborah Dinner and John D. Inazu, Visiting Associate Professors Andrew Chongseh Kim and Bryan D. Lammon, JD ’08, and Clinical Faculty Fellow Cortney E. Lollar. Their areas of expertise encompass legal history and antidiscrimination/employment law; constitutional law; legal and political theory; criminal law; empirical legal studies; judicial decision-making; law and psychology; law and economics; and law and mental health.

DEBORAH DINNER is a legal historian whose research focuses on the history of gender, work, and family. She previously served as Harvard University’s Raoul Berger–Mark DeWolfe Howe Legal History Fellow and New York University’s Samuel I. Golieb Fellow. Her scholarship focuses on the history of feminism and employment opportunity; sex equality and reproductive liberty; and child care and social policy. She has published in the Harvard Civil Rights and Civil Liberties Law Review, the Yale Journal of Law & Feminism, and the Law & History Review. Dinner is a member of the American Society for Legal History, Law and Society Association, and American Historical Association.

She received her JD from Yale University and clerked for Judge Karen Nelson Moore of the U.S. Court of Appeals for the Sixth Circuit. As a graduate student at Yale, she served as articles editor of the Yale Journal of Law & the Humanities. She is currently a PhD candidate at Yale, working on her dissertation topic, “The Law of Work and Family: Feminism and the Transformation of the American Workplace at Century’s End.” She will be teaching Individual Rights & the Constitution and Property.

JOHN D. INAZU’S scholarship focuses on the First Amendment freedoms of speech, assembly, and religion, and related questions of legal and political theory. His first book, Liberty’s Refuge: The Forgotten Freedom of Assembly (Yale University Press, 2011), seeks to recover the role of assembly in American political and constitutional thought. Inazu has also published widely in a number of law reviews and other journals, and he is serving as the special editor for an upcoming volume of Law and Contemporary Problems that explores the role of theological argument in law through the work of Stanley Hauerwas.

Prior to joining the law faculty, Inazu was a visiting assistant professor at Duke University School of Law and a Royster Fellow at the University of North Carolina at Chapel Hill. He clerked for Judge Roger L. Wollman of the U.S. Court of Appeals for the Eighth Circuit and served for four years as an associate general counsel with the Department of the Air Force at the Pentagon. During his tenure there, he focused on issues ranging from sexual assault at the Air Force Academy to the legal review of policies and practices of

Andrew Chongseh Kim specializes in the criminal justice system, economic analysis of law, and empirical legal studies. He joined the law school after clerking for Justice Richard N. Palmer of the Supreme Court of Connecticut. Kim has worked for the ACLU of Louisiana researching legal issues in civil rights cases as well as at the Chicago law firm of Reed Smith. Prior to entering law school, he served as a volunteer at the Cabrini Green Legal Aid Clinic conducting client intake interviews for criminal and family law cases. Kim received his JD cum laude from Harvard Law School, where he served as an editor of the Harvard Civil Rights—Civil Liberties Law Review. He will teach Criminal Law and a seminar in Selected Topics in Criminal Justice.

Bryan D. Lammon specializes in judicial decision-making, law and psychology, constitutional theory, and property. His scholarship has been published in St. John’s Law Review, Washington University Law Review, and The Encyclopedia of the Supreme Court of the United States. Before joining the law faculty, he served as an associate in the Issues and Appeals Group at Jones Day in Chicago. Lammon previously clerked for Judge Edward C.
the Civil Air Patrol. He also counseled military witnesses providing testimony to the 9/11 Commission and handled various legal matters related to military procurements and bid protests.

Inazu earned his JD cum laude from Duke University and PhD in political science from the University of North Carolina at Chapel Hill. At Washington University, he holds a courtesy appointment in the Department of Political Science in Arts & Sciences. He will be teaching Criminal Law, Religion & the Constitution, and a seminar in Law, Religion, & Politics.

Cortney E. Lollar is an experienced public defender who has argued before the U.S. Court of Appeals for the Fifth Circuit in San Antonio. He received his JD from Washington University School of Law, where he served as staff editor and articles editor of the Washington University Law Review and graduated Order of the Coif. He will teach Property and a seminar in Judicial Decision-Making & Free Speech.

Prado of the U.S. Court of Appeals for the Fifth Circuit in San Antonio. He received his JD from the University of North Carolina School of Law, where he served as staff editor and articles editor of the Washington University Law Review and graduated Order of the Coif. He will teach Property and a seminar in Judicial Decision-Making & Free Speech.

Law School Launches New York Regulatory & Business Externship

LAW STUDENTS enrolled in the New York City Regulatory & Business Externship will have the opportunity to learn firsthand about the practice of business associations and regulation in the nation’s largest city.

Offered for the first time this fall, the semester-long clinical experience in New York includes a variety of legal externship opportunities, such as those with the Financial Industry Regulatory Authority, New York City Department of Finance, Standard & Poor’s/McGraw Hill, Securities and Exchange Commission, New York Attorney General’s Office, Anheuser-Busch’s New York headquarters, and the New York City Law Department.

“The overarching goal of the New York City Regulatory & Business Externship is to provide opportunities for our students to engage in critical reflection about the legal profession, business regulation, and entrepreneurship while further developing lawyering skills and professional values,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “The program also allows us to expand our national reach in yet another city of strategic importance to our students, faculty, and alumni.”

The new externship is among the Clinical Education Program’s 15 distinct local, national, and international clinical opportunities. It will follow a model similar to the long-standing and highly successful Congressional & Administrative Law Program in Washington, D.C., which places law students in semester-long externships on Capitol Hill, in federal agencies, and at the Brookings Institution. The New York program also is being offered in conjunction with Washington University’s Olin Business School, including a companion course in ethics with students from both schools. The externship program is being directed by adjunct professors and New York attorneys Sasha Polonsky, JD ’06, and Zack Shankman.

The New York City program is a logical enhancement to the law school’s current curriculum in business associations and other entity regulation and law. It is designed to provide advanced opportunities for eligible second- and third-year law students to be immersed in hands-on learning about business associations, investment banking, and corporate entities. The program also fosters interdisciplinary experiences between business and law that prepare students for careers in business law.

“The immersion in the various environments allows our students to further develop legal skills and judgment, both of which are invaluable to becoming effective attorneys,” says Janet Bolin, associate dean of admissions and student services. “Our students will benefit from the mentoring of their attorney supervisors as they gain a level of experiential training and learning designed to allow a more rapid transition to practice in their postgraduate careers.”

“The New York City Regulatory & Business Externship is ideal for me because of my strong interest in financial regulation and capital markets,” says third-year law student David Myrie, who is pursuing a joint JD/MBA degree. “I spent the summer working at J.P. Morgan Private Bank focusing on asset allocation, trust, and estate planning. The New York externship will allow me to further explore issues related to the Volcker Rule’s impact on investment fund structuring.”

By Ann Nicholson
Regulating Polygamy: Intimacy, Default Rules, and Bargaining for Equality

Why will the polygamy debate ever be the same? This is the question the Salt Lake Tribune posed shortly after the debut of Big Love, the hit HBO series about a Utah polygamous family gone suburban. … The highly acclaimed hit series self-consciously invites viewers to consider analogies between same-sex and polygamous families. In the show’s much-anticipated second season, the invitation became more pointed and persistent, with intermittent references to “coming out,” “closeted families,” and “the state” as repressively surveilling nonconforming “big love.”

Curiously, this gay analogy is popular among both supporters and detractors of expanded recognition for alternative family structures. Polygamy’s proponents liken it to same-sex marriage, urging both as equally legitimate “alternative” lifestyles that should be tolerated and given legal recognition—plural marriage is “the next civil rights battle,” proclaims Pro-Polygamy.com. Meanwhile, opponents of gay marriage liken it to polygamy, invoking fears of a fast slide down a classically slippery slope. This article argues that, while the gay analogy may make for splashy punditry and good television, it distracts us from what is truly distinctive, and legally meaningful, about polygamy—namely, its challenges to the regulatory assumptions inherent in the two-person marital model. …

This article also considers. Hence, this article approaches polygamy as a problem of bargaining, cooperation, strategic behavior, and the issues they engender. …

But, is the law up to regulating marital multiplicity? This article contends that, in contemplating the design of a plural marriage regime, we are not starting from scratch. While conventional family law, with its assumptions of the marital dyad, may not be up to the task, other legal regimes have addressed polygamy’s central conundrum: ensuring fairness and establishing baseline behavior in contexts characterized by multiple partners, ongoing entrances and exits, and life-defining economic and personal stakes.

In particular, commercial partnership law has addressed precisely these concerns through a robust set of off-the-rack rules. This article contrasts polygamy with aspects of partnership law to derive a set of default rules that might accommodate polygamy’s marital multiplicity, while addressing some of the costs and power disparities that polygamy has engendered. The point is not to use partnership law as a “map,” but rather to make the point that there are already conceptual models for what might be thought of as plural marital associations. …

Legalization incorporates decriminalization, but also entails some sort of official recognition, i.e., licensing and positive legal regulation. … While this article does not advocate for polygamy, explicitly declining to endorse it as the “next civil rights battle,” it does attempt to move beyond the polygamy question framed as good versus bad, disputes between liberalism and pluralism, and decriminalization versus prohibition, to a pragmatic assessment of whether and how polygamy might be recognized and regulated, consistent with contemporary norms of equality and fairness in family life.

This article starts with a brief primer in Part I, summarizing some of the anthropological, economic, and sociological insights on polygamy. It then describes contemporary criticisms of polygamy, as well as the dominant discourses urging it as a lifestyle in the United States, distinguishing religious fundamentalism from various strains of identitarian pragmatism and idealism, including two odd bedfellows, feminism and black nationalism. Contrary to popular imagination, there are diverse stakeholders in the polygamy debate.

Part II of this article focuses on a curious alliance between proponents of polygamy and opponents of same-sex marriage. It shows how polygamy’s advocates are increasingly “coming out of the closet” to piggyback on the lobbying, legal, and cultural work done to achieve civil rights for “conventional” sexual minorities, i.e., gays and lesbians. On the other hand, those who oppose gay marriage frequently urge that it will open the door to more intimacy horrors, chief among them, polygamy. Thus the gay analogy features prominently in what I will characterize as the alternative lifestyles defense and the slippery slope invocation.

While the gay analogy is a compelling one, this part ends by disputing it as a miscue from what is legally distinctive about polygamy: its multiplicity. Marital multiplicity both increases the costs of intimate negotiation and complicates it in several ways, including raising questions about how power is bargained for and distributed in marriage, and, as long as marriage is limited to heterosexuals, inevitably then between men and women.
Part III turns to partnership law to propose some tentative default rules that might accommodate marital multiplicity, while insuring against some of its historic and ongoing abuses. This part starts with a brief recount of how the scholarship on default rules has sought to address bargaining dilemmas in arms-length contexts, giving particular weight to the Ayres/Gertner penalty default norm and the notion of sticky versus slippery default rules. It then rehearses some proposed defaults for plural marital associations. It argues that because both the stakes (intimacy) and the context (intimacy) make arms-length, self-regarding bargaining difficult, the rules might incorporate penalty defaults (as information-forcing devices or to discourage opportunistic behavior) and also be particularly sticky, to avoid easy contrary negotiations.

Finally, this part confronts polygamy’s effects on third parties, or its “externalities”: concerns that it injures children and encourages fraud against the state. This part contends that sunlight is the best disinfectant against fraud and that, with regard to children, family law already accommodates intimate multiplicity, or what might be thought of as “de facto” and “serial” polygamy.

As described in Part IV, this article is inextricably tied to the broader debate about whether the state should remain in the marriage “business.” A dominant trend within debates over state recognition of intimate relations is to analogize marriage and intimacy commitments to business associational models, or to turn to private ordering more generally. The article concludes in this part by contemplating the significance of incorporating polygamy into the marriage pantheon for the broader debate over state regulation of intimacy. It parses the debate over recognition, abolition, and privatization into what it calls intimacy exceptionalism, urging instead a functional approach. …

**IS IT BETTER** to channel legal energy into continuing to root out, repress, and punish polygamy, or into admitting polygamy into the marriage pantheon? This article concludes that the answer may hinge on whether polygamy could be effectively regulated. It has confronted polygamy not as an abstract question of religious or intimacy liberty, but rather as a set of actual relationships that, if licensed as a state-recognized regime, would require regulation. …

Anticipating concerns, the article contends that at least some of the harms and costs of polygamy, particularly its effects on children, are not limited to formal plural marriages, but rather are seen in what the article has called serial and de facto polygamy as well. Moreover, these proposed defaults may very well resolve what the article described as the polygamy paradox. At bottom, one of the biggest concerns about polygamy is its effects on women’s well-being. Economics and bargaining scholars such as Becker and Posner have endorsed polygamy as “good for women,” while many whose first principles are sex equality remain skeptical. Indeed, when viewed ex ante, from a “courtship” perspective, women may well be advantaged as a group as men compete for multiple wives.

On the other hand, the bargaining dynamics ex-post, during the long life of the marriage itself, may very well disadvantage plural spouses, particularly wives. Neither those who advocate nor those who oppose polygamy on gender grounds have grappled with how regulatory norms might shape bargaining power in marital multiplicity. If we vest plural intimates with rights, it then will be a (very tough) open question as to whether they will exercise them in favor of their own self-interest, or, rather, whether cultural and social norms will prevail. If the latter, is plural intimacy markedly different from dyadic?

Undoubtedly, some readers will remain skeptical that partnership principles, designed to govern arms-length commercial formations, can have anything meaningful to say about the bargaining uncertainties and vulnerabilities generated in plural marriage. Although the literature on household bargaining is robust, many legal scholars still resist the notion that private law could have much to say about distributive justice within the household. … This article has challenged this segregation of market and intimate norms, suggesting that the bargaining dynamics and justice concerns are similar. …

My intention here is not to advocate for polygamy, but to show it as a serious topic of legal and policy debates. As one practitioner of plural marriage stressed to me, polygamy is not for everyone, and probably not for most. But then, marriage is not for some at all. The question is not whether any of us would enter plural marriage, but whether we should prohibit others from doing so. And, I argue, this boils down to a question of whether we can effectively regulate it consistent with social goals of egalitarianism and fairness in intimate relationships. Can we even consider it? The answers lie in our response to the question, how big is our love? ___

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Adrienne D. Davis, vice provost and the William M. Van Cleve Professor of Law, focuses her scholarship and teaching on gender and race relations; theories of justice and reparations; feminist legal theory; and law and popular culture.
IT IS NOW COMMONPLACE for judicial politics scholars to describe the federal judicial hierarchy in terms of a principal–agent relationship. The basic outlines of this model are familiar: the United States Supreme Court is conceptualized as the “principal” and the lower federal courts as the “agents.” Given resource constraints, the Supreme Court necessarily delegates some of the work of deciding cases to other courts, but as the principal, it sets the policy that the lower courts should implement. Lower court judges, however, have their own goals and preferences, which raises the risk that they will pursue their own ends, thus creating the classic dilemma of principal–agent relationships: how to ensure that agents act on the principal's behalf and not in their own self-interest.

Like traditional attitudinal models, which hold that judges’ preferences determine their voting behavior, principal–agent models assume that judges have policy goals that they seek to effectuate through their decision-making. … Although principal–agent theories recognize that institutional context affects judges’ decision-making, many of these theories simply ignore the role of law. To the extent that they do account for law, they tend to understand it in instrumental terms … as merely a means for upper courts to communicate their policy preferences, or as an instrument for exercising control over lower courts. … Because the federal judiciary is organized as a hierarchy, with some resemblance to other organizational forms that utilize monitoring and incentives to achieve the principal’s goals, the principal–agent model is assumed to be an apt one.

Upon closer examination, however, the principal–agent model does not map so neatly onto the structure of the judicial hierarchy. For example, the Supreme Court, to a far greater degree than most principals, is highly constrained in its ability to shape the incentives of district and circuit court judges. Moreover, there is no direct contractual relationship between Supreme Court Justices and lower federal court judges, making uncertain the basis for any duty on the part of lower courts to act in the interests of the Supreme Court. The lack of an exact fit should not be a surprise given that the concept of agency was developed by the common law to regulate representative relationships and later applied by economists and political scientists to describe institutions such as the private firm or the government agency—all contexts quite different from the judicial hierarchy. The lack of an exact fit alone does not mean the model cannot be useful, as existing theoretical constructs may offer useful insights when applied in new contexts. Models necessarily simplify a complex reality, however, and in doing so, highlight certain features of the phenomenon under study while eliding others.

The purpose of this essay is to critically examine the use of principal–agent models to describe the federal judicial hierarchy. It explores how reliance on principal–agent theories shapes our understanding of how federal judges make decisions and interact with other actors in the judicial system. As I argue below, agency models are useful in highlighting certain aspects of the interaction between upper and lower courts—specifically, the existence of value conflicts and informational asymmetries. In other ways, however, traditional principal–agent models are a poor fit for the relationship between the lower federal courts and the Supreme Court. As a consequence, reliance on these models may limit our understanding of inter-court interactions. More specifically, these models tend to obscure important normative questions about the relationship between lower and upper courts, as well as to distort the role that law plays in judicial decision-making. …

MUCH OF THE SCHOLARSHIP on the judicial hierarchy is imbued with an implicit normative cast. Scholars write about lower court judges “shirking,” “sabotag[ing],” “running amok,” or, on the other hand, acting as “faithful agents” pursuing the policies of their superiors. These studies of lower court behavior purport to be asking positive questions about how circuit and district court judges decide cases. Nevertheless, the language used to frame them reveals the normative assumption that often underlies them—namely that lower court judges should pursue the Supreme Court’s interests rather than their own or some other interests. …
The common assumption that the lower federal courts are agents with a duty to act on behalf of the Supreme Court masks a normative question: why should lower federal court judges pursue the interests of the Supreme Court and not their own goals or some other interest? Perhaps federal judges are better understood as agents (in the normative sense) of Congress, particularly when they are interpreting statutes, or of the President who nominated them. Or perhaps the principal, whose interest they should seek to advance, is the public, or more provocatively, the law. For each of these hypothetical principals, serious questions exist regarding the extent to which it could or does control the actions of federal district and circuit court judges. However, the normative possibilities that lower court judges should pursue these interests deserve consideration. …

Discarding the language of principal–agent theory expands the possibilities for describing the interactions between upper and lower courts. Agency theories tend to caricature the strategies of both the Supreme Court and the lower federal courts. In these accounts, the Supreme Court is singularly focused on controlling the decisional output of the lower courts to ensure that lower court decisions comport with its preferences, while the lower courts are principally concerned with evasion in order to achieve their own policy goals. Law and doctrine are merely tools in this struggle—ways of signaling or commanding obedience on the one hand, and of feigning compliance and avoiding detection on the other. What is entirely missing from this account is any sense that courts at the various levels of the hierarchy might be engaged in a common venture—one in which cooperation offers the possibility of a joint payoff.

Taking into account this possibility requires a shift in the basic assumption that animates much of the judicial politics literature—namely, that judges are primarily motivated by their policy preferences. Instead, one might view judges as engaged in an interaction that involves both elements of cooperation and conflict in a type of mixed-motive coordination game. From this perspective, judges share a common goal—the production of a (relatively) coherent body of rules that can govern primary behavior in the real world and is viewed as authoritative. At the same time, their efforts at cooperation are plagued by conflicts over what substantive rules or policies should be instantiated in the law. They struggle over what legal policies to pursue, but if taken too far, this conflict will undermine coordination to the point that the coherence of the system unravels, leaving all worse off. …

Elevating the role of law in this way does not entail formalist conceptions of law as a determinate body of rules or a “brooding omnipresence” waiting to be discovered through legal reason. Nor does it endorse the more recent claim that judges merely act as umpires calling balls and strikes. To the contrary, this view of the judicial hierarchy argues that judges are very much engaged in the project of making law. But it argues that in doing so they are engaged in a cooperative venture. No single court has the capacity or the expertise to develop a useful body of rules alone. All have an interest in cooperating in order to enhance the quality of their output and their collective legitimacy. At the same time, articulating legal rules entails choices, and those choices often implicate policy concerns. The existence of varying policy preferences within the judiciary means that value conflicts are unavoidable, and the law is also a ground of contestation over policy. Though inevitable, these policy conflicts are cabined to some extent by the need for cooperation. …

THE EFFORT OF DEVELOPING new theoretical frameworks is important to advance understanding of relationships across the judicial hierarchy. Crucial to this effort is the recognition that the Supreme Court and lower court judges are engaged in an ongoing interaction involving elements of both cooperation and conflict. And rather than seeing the law as a mere tool in their struggle, it might be more productive to view the production of law as the joint goal of upper and lower courts, as well as the grounds on which their value conflicts play out. …


Pauline T. Kim, the Charles Nagel Professor of Constitutional Law and Political Science, is a nationally recognized expert on employment law and judicial decision-making.
After defending four fellow students threatened with expulsion at his undergraduate university, Sterling L. Miller, JD ‘88, decided to attend law school. It was a good fit. Now he’s executive vice president, general counsel, and corporate secretary for Sabre Holdings, a major transportation technology firm that, among other things, owns Travelocity.com.
As a sophomore at a small university in Nebraska, Sterling Miller got his first taste of the power of the law. He successfully defended four students facing expulsion for holding a keg party in their dormitory.

During a disciplinary hearing, a residential adviser said he had seen the students at a distance of 15 feet drinking beer out of red cups. Like Perry Mason, Miller grabbed an identical red cup and walked 15 feet away from the residential adviser, who could not tell him what was in the cup.

Next, the nerdy Miller pointed out that teachers and administrators judging the students hadn't followed the required hearing process set out in the school handbook. In particular, the students received no summary of charges against them.

“You could see faces of administrators turn white when they realized they screwed up,” Miller recalled recently. After two to three hours of private deliberation, the administrators exonerated the students.

The hearing affected Miller profoundly. “Closely reading the handbook, figuring out how to approach the problem, helping other people solve their problems—everything about it, I just naturally gravitated towards and just loved,” he says. “That was probably when I made the decision I was going to law school.”

Today Miller is executive vice president, general counsel, and corporate secretary for Sabre Holdings. The Dallas-Ft. Worth firm owns numerous companies, including Travelocity.com, which employ approximately 10,000 people in 59 countries. The companies provide technology enabling airlines, travel agents, and corporations to process nearly 45,000 travel-related transactions a second.

“We’re the world’s largest processor of travel reservations. That is the heart and soul of our company,” says Sterling. “When you make a travel reservation, there’s a tremendous amount of stuff that goes on behind the scenes. And we’re that stuff.”

The company’s technology extends deeply into three areas. The Sabre computer network allows airlines, travel agents, corporations, and other travel suppliers to make travel reservations. Meanwhile company software and hosting systems enable airlines to, among other things, schedule crews, manage their gates, and improve efficiency generally. A third line of business focuses on major litigation and contracts.

The lawyers’ work is varied. “We have a traditional legal function, involving contracts, litigation, employment issues, etc.,” Miller says. “I also have the corporate secretarial function, which involves the board of directors and maintaining the company’s licenses and corporate structure.”

Other work includes enforcing the company’s business ethics policy and compliance programs. The government affairs office and the people responsible for data privacy matters also report to Miller.

“I try to instill in my team a lot of autonomy,” Miller says. “I like to think I’ve hired smart, capable people. If they need my help, they can always get it, which makes for a lot of interesting phone calls at odd times. Singapore, for example, is 13 hours ahead of us.”

In addition to overseeing his staff, Miller spends extensive time counseling Sabre’s CEO and other executives. He also focuses on major litigation and contracts.

He can juggle responsibilities in part because law school taught him to prioritize. “You get hundreds of pages to read a night from different classes,” he says. “If you try to do everything, you just get overwhelmed. So you have to develop a skill of figuring out ‘what’s really important, what do I really need to know, and what am I going to be tested on?’”

Mastering the skills of prioritizing and getting to the heart of the issue, Miller was named to what was then the Washington University Journal of Urban and Contemporary Law and graduated Order of the Coif. His law school record led to a job with the St. Louis firm of Gallop, Johnson & Neuman. In 1994 he moved to Dallas-Ft. Worth to join the legal department of American Airlines. His responsibilities included work for a technology subsidiary called Sabre.

In 2000 Sabre became an independent company, and Miller joined its legal team. Then in 2004, he became senior vice president and general counsel for Travelocity.com, a Sabre company, and in 2008 returned to Sabre to assume his current position.

The hardest part of his present job, Miller says, is the time demands. “When you’re the general counsel, you are the focus of the legal department for the executives of the company,” he says. “When they are working, you are working. When they need something, it doesn’t matter where they are in the world or what time it is. It’s up to you to figure out how to solve the problem.”

However, Miller says the best part is that every day is different. “There’s always something really interesting or new for the legal department to deal with,” he says. “If you are like me and like that type of challenge, there isn’t a better place to be.”
Jennifer Schwesig, JD ’98, decided against offers in the international law meccas of New York and Washington, D.C., instead opting to return to St. Louis where she has found a host of corporate clients with abundant international law needs. Schwesig, who now directs Armstrong Teasdale’s International Law Group in St. Louis and Shanghai, China, is nationally recognized as a rising star in her chosen field.
Jennifer Schwesig traces her interest in international law back to high school when she became fascinated with history and philosophy, as well as current events in South Africa. Apartheid was a major issue, she recalls, and Nelson Mandela was a personal hero. “I realized that the law created apartheid, and that lawyers could overturn those laws,” she says. “There’s a lot of power and influence in that.”

These interests, plus positive experiences abroad and a curiosity about people and cultures, contributed to her drive to practice law as it applies in other countries. Along the way, she earned her undergraduate degree in history from Kenyon College and then headed to law school at Washington University, where she “took every international class offered.”

Professors Peter Mutharika and Leila Nadya Sadat stand out as inspirations. “They were great teachers,” she says. “Peter is now a member of the parliament and cabinet in Malawi. Leila was simply fabulous, and her work on the International Criminal Court and crimes against humanity is fascinating.”

Although the road to Schwesig’s current position as head of Armstrong Teasdale’s International Law Group has not been entirely linear, she says the varying experiences she gained helped lay the groundwork for success in her current area of practice.

Schwesig’s first job out of law school was with the small St. Louis firm of Copeland, Thompson and Farris, where she practiced bankruptcy and restructuring, as well as associated commercial litigation. Her three years there gave her a thorough knowledge of U.S. domestic law and provided her with a valuable professional network.

She then decided to refocus on international law, and in August 2001, she enrolled in the LLM Program in International and Comparative Law at Georgetown University. However, her relocation to the nation’s capital was anything but smooth. During her first two weeks in the D.C. area, she was held up at gunpoint. That was followed by the horror of 9/11. Then, after she moved to a “safer” area, her neighborhood post office was one of those found to harbor anthrax.

“I wasn’t going to be deterred,” she recalls. “I’m proud of the fact that I stuck with it in a frightening environment. I took a risk, but it paid off extraordinarily. I think that you don’t have to follow just one well-worn path to success as long as you don’t lose sight of your goal.”

When it came time to practice international law, she decided to forgo offers in New York and Washington, D.C., instead returning to her hometown of St. Louis where opportunities in international business transactions were beginning to take off. (She and her husband, Kevin Mellick, also an attorney, enjoy the added ease of living in nearby University City.)

The notion of a “global economy” was really picking up steam, she recalls. “I saw a tremendous opportunity in St. Louis for business people who wanted to walk in and meet face to face with someone on international policy and issues.”

Through networking and drawing on her reputation as a bankruptcy lawyer in St. Louis, Schwesig convinced Armstrong Teasdale to give her some contract work. Four months later, in January 2003, they hired her to join the firm’s small, but growing international practice group.

Today, Schwesig is practice group leader of an expanding group of 10 international lawyers, having been named a partner in 2007. She is the firm’s youngest practice group leader and the only woman practice group leader of six groups. Additionally, she directs the firm’s Shanghai, China, office, which is part of the China Alliance. The alliance is a partnership among Armstrong Teasdale and several other international law firms, seeking a China presence in a country with bountiful, economical labor and anexploding middle class. Her current goal is to expand the firm’s international practice in both St. Louis and China.

Schwesig was recognized by the St. Louis Business Journal as one of St. Louis’s 40 Under 40, Class of 2008. She chaired the International Committee of the Missouri Bar for three years and is a member of the ABA International Section and American Society of International Law. In 2009 she was named a Law360 Rising Legal Star in recognition of achievements that catapulted her to the top of the legal profession at a young age.

Her experience in international corporate law combines corporate formation, entity selection, structure, mergers, acquisitions and divestitures, cross-border investments, joint ventures, regulations and compliance, strategic business alliances, and international franchising. Schwesig also works to ensure that each arrangement follows procedure and local laws, complies with export controls, minimizes her client’s tax implications and risk, and fulfills the organization’s goals.

Recent clients have included a commercial and military aircraft parts manufacturer, a leading developer of animal health and nutrition programs, the largest franchisor of global real estate brokerage offices, and a global manufacturing and technology company—all wishing to expand overseas.

“Most of my practice is noncontroversial, nondispute-oriented, which I really like, because I’m building, not fighting,” Schwesig says, adding that she relishes the challenges of assisting clients in expanding into new markets. “I like working with all my clients, but a real pleasure is helping a company go overseas for the first time.”

Above all, Schwesig views international law as “your law juxtaposed against another law.” She explains: “I often say that you can’t be a good international lawyer unless you’re a good domestic lawyer. International law lays an international blanket over everything you do domestically. At the core of the practice is the ability to spot issues in this unique area.”
Ronald M. Levin discussed "Pragmatic Administrative Law" at his recent installation as the William R. Orthwein Distinguished Professor of Law.

Levin, a nationally known scholar who specializes in administrative law and related public law issues, provided both an explanation and a defense of administrative law pragmatism. He defined legal pragmatism as the evaluation of policies based on the way they actually work in practice.

As an example of the need for pragmatism in administrative law, Levin referred to his Duke Law Journal article, "'Vacation' at Sea: Judicial Remedies and Equitable Discretion in Administrative Law," which discusses the courts' practice of vacating rules and regulations that they believe are illegal. The article focused on the debate over whether the courts should be allowed to leave a current rule in place while an agency is in the process of revising it. While some judges and legal experts argue that the law does not provide for this option, Levin stressed that it is necessary.

"As a practical matter, courts need the power to remand rules without vacating them, because sometimes it would be very disruptive to suddenly eliminate a regulation that's already gone into effect if people are depending on it," he said.

Levin said that he used the term "administrative law pragmatism" to mean "a belief in trying to achieve social ends effectively through the use of the administrative process." As an example, he discussed the case of Food and Drug Administration v. Brown and Williamson Tobacco Corporation, in which the Supreme Court struck down FDA rules that restricted the sale of tobacco products to minors. The court said in part that these rules did not fit the statutory scheme because tobacco was, essentially, too dangerous to regulate. The dissent in that case called the majority's interpretation "perverse," and Levin agreed.

Levin noted that administrative solutions have the built-in advantages of an expert agency, a system of rule-making that emphasizes broad participation, the agency's duty to respond to all points, and judicial review of the agency's conclusions.

"From my point of view," he said, "regulatory systems, including both generously defined powers for agencies and checks on the exercise of those powers, have a lot to offer. This balanced model ought to be something that everybody can get behind." But, he added, much of society does not agree, so continued debate is inevitable.

Michael Asimow, visiting professor of law at Stanford Law School and professor of law emeritus at the University of California, Los Angeles School of Law, introduced Levin. Levin and Asimow are co-authors of the widely-used casebook, State and Federal Administrative Law (now in its third edition). Edward S. Macias, Washington University provost, and Kent Syverud, dean and the Ethan A.H. Shepley University Professor, also gave remarks.

"The Orthwein Chair, one of our few distinguished chairs, recognizes Ron as a great professor who excels in scholarship, in the classroom, and in national law reform efforts," Syverud said. "One of the leading authorities on administrative law, he writes genuinely authoritative scholarship that is pragmatic and useful to the best lawyers and judges. A decorated teacher and former associate dean, he also has had a tremendous influence on generations of our students."

Previously the Henry Hitchcock Professor of Law, Levin has served on the law faculty for more than 30 years, including as an associate dean. In addition to his casebook and numerous law review articles, he is the co-author of a student text, Administrative Law and Process in a Nutshell (now in its fifth edition) and Administrative Law of the European Union: Judicial Review. Among his professional affiliations, Levin is active in the ABA Section of Administrative Law and Regulatory Practice, as well as the Administrative Conference of the United States.

The Orthwein professorship was established by William R. Orthwein, Jr. in honor of his father, alumnus William R. Orthwein, who received his law degree from Washington University (then St. Louis Law School) in 1905. Orthwein, Sr. served as president of the Law School Alumni Association, was a founder of the Legal Aid Society of St. Louis, and was St. Louis’s collector of revenue. After working in private practice, he was vice president and counsel of the Kinloch Telephone Company of St. Louis.
Annette Appell
Professor of Law and Co-Director, Civil Justice Clinic

Susan Appleton
Lemna Barkeloo & Phoebe Couzins Professor of Law
Susan Appleton, the university’s first faculty ombuds, launched the Ombuds Office for the Danforth Campus in October 2010. During the past year, she participated in several conferences and meetings, including those of the American Law Institute (ALI), the ALI Council, the U.S. Department of State’s Advisory Committee on Private International Law, the Law and Society Association, the International Society of Family Law, the Midwest Family Law Consortium, and the American Bar Foundation’s Board of Directors. She and Bob Pollak published a short essay on assisted reproduction in the Minnesota Law Review Headnotes. Additionally, “Sex Therapy in the Age of Viagra,” an article co-authored with Susan Stritz, is forthcoming in the Washington University Journal of Law & Policy. The Yale Journal of Law & Feminism will publish Appleton’s article, “Reproduction and Regret,” in the fall. In summer 2011, Appleton taught Adoption & Assisted Reproduction in the Summer Institute for Global Justice in Utrecht.

Adam Badawi
Associate Professor of Law

Scott Baker
Professor of Law and Professor of Economics
Scott Baker published two articles this past year, “Intellectual Property Disclosure as ‘Threat’” in the International Journal of Economic Theory and “Can the Courts Rescue Us from the Patent Crisis?” in the Texas Law Review. He currently has five working papers: “A Theory of Rational Jurisprudence,” “The Economics of Cause Lawyering,” “Does domestic legal regimes. She has written extensively on the role of transnational judicial dialogue in shaping international legal norms, and on the debate in Congress and in the media over the use of foreign and international law in interpreting the U.S. Constitution. Her work has been cited by Supreme Court Justice Antonin Scalia and has been published in numerous law journals and academic presses. She is currently researching a book on the influence of European institutions in the evolution of international legal norms prohibiting the death penalty.
DEAN SYVERUD ELECTED CHAIR-ELECT OF ABA SECTION ON LEGAL EDUCATION

Dean Kent Syverud has been elected chair-elect of the Council of the American Bar Association’s (ABA’s) Section on Legal Education and Admissions to the Bar. He served as vice chair last year and will become chair in 2012. Under the guidance of the ABA’s Department of Education, this council oversees national law school standards and policies. It also conducts the accreditation process for new law schools and the reaccreditation process for the 202 ABA-approved law schools in the United States.

“I am pleased to be assuming this responsibility at a time of great challenges and opportunities for law schools, law students, and recent graduates,” Syverud says. “There are many dedicated people who contribute to the work of the section. There are also many great people who deeply care about American legal education in law schools, in the practicing bar, and in legal education organizations—including the Association of American Law Schools, the Clinical Legal Education Association, and the Law School Admissions Council. I look forward to working with everyone dedicated to improving legal education in America and thus to helping improve the quality of justice obtained by all.”

Chief Justice Christine Durham of the Utah Supreme Court and 2011 council chair notes: “The Section of Legal Education and Admissions to the Bar, its council, and the legal education community at large will be extremely well-served by the selection of Kent Syverud as chair-elect. Dean Syverud is knowledgeable, experienced, wise, and highly respected by all who work with him.”

Syverud has previously served the ABA section in an array of capacities, including as a member of both the Standards Review Committee and the Budget and Finance Committee. He led the effort in 2010 that produced a comprehensive study of law school rankings for the ABA president. He also has been a frequent teacher and mentor to new law school deans as part of the ABA’s New Law Deans training programs.

Cheryl Block
Professor of Law
Cheryl Block published the fourth edition of Corporate Taxation Examples & Explanations. The new edition includes a substantial new section on subchapter S corporations, as well as significantly expanded discussions of corporate formation and mergers and adaptations. She also published an article, “Measuring the True Cost of Government Bailouts,” in the Washington University Law Review. Block’s works in progress include Overt and Covert Bailouts: Developing an Effective Public Policy (forthcoming with Cambridge University Press) and a symposium paper on alternative risk allocation mechanisms. Block was a panelist at a conference on bankruptcy and systemic risk in February and presented the tax-related aspects of her bailout work at a New York University Law School tax policy colloquium in April. She was quoted multiple times in the media on health care reform and the compromise over the extension of the 2001 Bush tax cuts.

Kathleen Brickey
James Carr Professor of Criminal Jurisprudence
Kathleen Brickey’s scholarship continues to focus on white collar crime and corporate criminal liability. Her recent publications include the fifth edition of her casebook, Corporate and White Collar Crime, and the accompanying supplement, Selected Statutes, Guidelines, and Documents—Fifth Edition 2011–2012. Other recent publications include “From Boardroom to Courtroom to Newsroom: The Media and the Corporate Governance Scandals,” a chapter that was published in Perspectives on Corporate Governance (Cambridge University Press).
and the 2010–11 cumulative supplement to her three-volume treatise on corporate criminal liability. Her current works in progress include an essay, “Perspectives on Corporate Liability,” to be published in the Encyclopedia of Criminology and Criminal Justice; a corresponding article that responds to current criticisms of the legal and philosophical underpinnings of corporate criminal liability; the 2011–12 supplement to her treatise on corporate criminal liability; and her database tracking major corporate fraud prosecutions from 2002 through the present.

Kathleen Clark
Professor of Law

Kevin Collins
Professor of Law

Marion Crain
Wiley B. Rutledge Professor of Law and Director, Center for the Interdisciplinary Study of Work & Social Capital
Marion Crain was elected chair of the Labor Law Group, an international collective of labor and employment law professors who collaborate on pedagogical and scholarly projects. Crain published (with co-authors) the 12th edition of Labor Law: Cases and Materials, along with a teachers' manual and statutory supplement (Lexis Law Publishing). Crain presented concluding remarks at the Conference on the 75th Anniversary of the National Labor Relations Act, co-sponsored by the National Labor Relations Board and George Washington University. Her paper, “An Imminent Hanging,” will be published in the ABA Journal of Labor & Employment Law. Crain also published “Arm’s Length Intimacy: Employment as Relationship” in a volume of the Washington University Journal of Law & Policy dedicated to the For Love or Money? colloquium. The colloquium was sponsored in 2010 by the Center for the Interdisciplinary Study of Work & Social Capital, which Crain directs.

Adrienne Davis
Vice Provost and William M. Van Cleve Professor of Law
Adrienne Davis was appointed vice provost at Washington University in February 2011. In this capacity, Davis is working with the provost and the seven schools on faculty development and diversity. In addition, Davis has remained active in her scholarship and other academic activities. She published “Regulating Polygamy: Intimacy, Default Rules, and Bargaining for Equality” in the Columbia Law Review and a co-authored paper, “Historic and Modern Social Movements for Reparations: The National Coalition of Blacks for Reparations in America (N’COBRA) and Its Antecedents” in the Texas Wesleyan Law Review. Davis convened an interdisciplinary symposium on identity politics in the last election that was published in the Washington University Journal of Law & Policy. She also continued her work directing the Black Sexual Economies Project and the Law & Culture Initiative, which sponsored several workshops, public lectures, and faculty colloquia, as well as sponsored a student-led reading group.

Gerrit De Geest
Professor of Law and Director, Center for Law, Innovation & Economic Growth
Gerrit De Geest served as the editor for the book Contract Law and Economics. This book, which appears as volume six in the series, Encyclopedia of Law and Economics, summarizes the extensive economic literature on contract law. De Geest also published an article on differences between carrots and sticks in the Journal of Law, Economics, and Organization and an article on the economics of labor law in Jurisprudencia Argentina (in Spanish). He recently presented a paper on tort law immunity at the Annual Conference of the American Law and Economics Association, Columbia Law School.

Rebecca S. Dresser
Daniel Noyes Kirby Professor of Law and Professor of Ethics in Medicine
Rebecca Dresser completed her work as the editor and one of seven contributors to a book titled Malignant: Medical Ethicists Confront Cancer, which will be published by Oxford University Press late this year. She wrote two articles, “Brain Imaging and Courtroom Deception” and “Suicide Attempts and Treatment Refusals,” for the Hastings Center Report. Another article, “Stem Cell Research as Innovation: Expanding the Ethical and Policy Conversation,” appeared in the Journal of Law, Medicine & Ethics. Dresser continued her participation in a project on research ethics in nanomedicine, funded by the National Institutes of Health. She gave presentations at the annual conferences of the American Society for Bioethics and Humanities and Public Responsibility in Medicine and Research. She also spoke at conferences at the University of Texas Law School and the University of Missouri School of Medicine, as well as the Tarrytown Meeting on New Human Biotechnologies in Tarrytown, New York.
John Drobak was one of 10 American and European professors invited to lecture last summer at a special program held by the European School for New Institutional Economics in Corsica, France. His lecture was titled “The Limits of Rational Choice Theory for Both Law and Economics.” Drobak also chaired a panel on Law and Legal Systems at the 14th Annual Conference of the International Society for New Institutional Economics (ISNIE), which was held in Sterling, Scotland. This past spring, Drobak served on the conference committee for the 15th Annual ISNIE Conference. In that role, he helped select the approximately 100 papers that will be presented at the conference at Stanford. During the year, Drobak also acted as a referee for the publication decision of some books and articles. He advised the Stanford University Press and Wolters Kluwer/Aspen about the book proposals and the Journal for New Institutional Economics and the International Journal of the Commons about the article submissions.

Bodore D. Ellis, Jr. 
Dean Emeritus and William R. Orthwein Distinguished Professor of Law Emeritus
Dan Ellis spent the spring semester at Católica Global School of Law in Lisbon, Portugal, as a Fulbright Fellow. He taught graduate classes in Antitrust Law and International & Comparative Competition Law. Católica is one of four partner universities in the law school’s Transnational Law Program (TLP) of which Ellis continues to serve as the academic director. In addition to his tenure in Portugal, he attended several international TLP planning meetings. He also continues to serve as chairman of the board of Maryville College in Tennessee and as a member of the board of the St. Louis Chapter Chorus.

Barbara Flagg 
Professor of Law
Barbara Flagg has been working on an article titled “And Grace Will Lead Me Home: The Case for Judicial Race Activism.” She has also begun work on a reader/course book on critical jurisprudence, including but not limited to critical legal studies, feminist jurisprudence, and critical race theory. In the fall, she gave an incubator workshop at Washington University discussing various issues regarding the structure and content of the Critical Jurisprudence Reader.

Frances H. Foster
Edward T. Foote II Professor of Law
In 2010–11, Frances Foster continued to focus her scholarship and teaching on comparative law, inheritance, and trust law issues. Her article, “Should Pets Inherit?,” was published in the July 2011 issue of the Florida Law Review. Foster currently is working on an article on environmental trusts.

Katherine Goldwasser 
Professor of Law
Katherine Goldwasser continued her three-year-old supervised practicum program through which law students teach and mentor inner-city high school students at Northwest Academy of Law. In recognition of her work with the school, Northwest honored her in the fall as one of their “heroes” of law-related education. At the law school, Goldwasser was named the 2011 David M. Becker Professor of the Year by the student body. Her article, “The Perils of Empowerment,” co-authored with Jane Aiken, appeared in the Cornell Journal of Law and Public Policy.

Michael Greenfield
George Alexander Madill Professor of Contracts & Commercial Law
The sixth edition of Michael Greenfield’s Cases and Materials on Sales (with M. Benfield) was published in January. He also has completed his revisions of the Uniform Debt-Management Services Act, which will be presented for adoption by the National Conference of Commissioners on State Laws.

Rebecca Hollander-Blumoff
Associate Professor of Law

Peter Joy
Vice Dean and Henry Hitchcock Professor of Law
Peter Joy’s recent articles include “Kneecapping” Academic Freedom: Attacks on Law School Clinics” (with Robert Kuehn), Academe; “Ensuring the Ethical Representation of Clients in the Face of Excessive Caseloads,” Missouri Law Review; “Constructing Systemic Safeguards Against Informant Perjury,” Ohio State Journal of Criminal Law; and “Deceit in Defense Investigations;” “Confidentiality and Ineffective Assistance of Counsel Claims;” and “Corporate Miranda Warnings,” ABA Criminal Justice. He also published the chapters, “Japan’s New Clinical Programs: A Study in Light and Shadow,” Global Clinical Movements, and “Ethics in Criminal Advocacy,” The State of Criminal Justice 2010. Joy was elected chair of the Association of American Law Schools (AALS) Professional Responsibility Section, re-elected to the Board of Governors of the Society of American Law Teachers (SALT), and reappointed to the ABA Accreditation Committee. He continues to serve on the Clinical Law Review Board of Editors and as contributing editor to the ABA quarterly publication Criminal Justice. He completed his terms on both the Washington University and AALS committees on academic freedom and tenure.
Daniel Keating
Tyrrell Williams Professor of Law

Dan Keating published two articles last year: “Examining UCC Title Battles Through a Torts Lens,” Utah Law Review, and “Transforming a Non-Claim Into a Claim: § 1114 and the Curious Case of In re Visteon,” American Bankruptcy Law Journal. The latter piece was published in the only peer-reviewed bankruptcy law journal in the country. In January, Keating led a roundtable at the Association of American Law Schools Annual Meeting for the Section on Creditors’ and Debtors’ Rights in San Francisco on the subject of credit-bidding in Chapter 11 bankruptcies. In February he was a panelist at the University of California–Los Angeles School of Law’s conference, Setting the Big-Bankruptcy Empirical Research Agenda. The purpose of the UCLA Conference was to promote research regarding large, public company bankruptcies. Keating has also served this past year as bankruptcy adviser to the Trustees of the Deepwater Horizon Oil Spill Trust.

Pauline Kim
Charles Nagel Professor of Constitutional Law & Political Science

Pauline Kim was installed as the Charles Nagel Professor of Constitutional Law & Political Science last fall. She was a co-organizer of the Fifth Annual Labor and Employment Law Colloquium, jointly sponsored by Washington University and Saint Louis University law schools in September 2010. At the colloquium, she presented a paper on “The Equal Employment Opportunity Commission and Structural Reform of the American Workplace.” In April 2011, Kim gave the Kenneth M. Piper Lecture at Chicago-Kent Law School on Employee Privacy and Speech. In June she presented a paper, “Employee Privacy and Speech: Pushing the Boundaries of the Modern Employment Relationship” at the Privacy Law Scholars Conference in Berkeley, California. The paper will appear in the Chicago-Kent Law Review next year. Her article, “Beyond Principal–Agent Theories: Law and the Judicial Hierarchy,” appeared in the Northwestern University Law Review.

David Konig
Professor of History and Professor of Law

David Konig made a workshop presentation at the University of Chicago Law School on Thomas Jefferson and civil liberties and conducted two seminars on Jefferson’s legal thought at Princeton University. He also gave papers on “Law and Power in the Atlantic World” at the annual meeting of the Organization of American Historians and on John Adams’ constitutionalism at Oxford University’s Centre for Law, Justice, and Society.

Robert R. Kuehn
Associate Dean for Clinical Education; Professor of Law; and Co-Director, Interdisciplinary Environmental Clinic

Robert Kuehn published “‘Kneecapping’ Academic Freedom” (with Peter Joy) in Academe and “Lessons from Forty Years of Interference in Law School Clinics” (with Bridget McCormack) in the Georgetown Journal of Legal Ethics. Among his presentations, he lectured on “The ABA’s Regulation of Legal Education” at the Association of American Law Schools (AALS) Section on Clinical Legal Education Annual Conference and on “Environmental Justice” to the Air & Waste Management Association. He also served as president of the Clinical Legal Education Association and was a member of the AALS Standing Committee on Clinical Legal Education. He became associate dean for clinical education on July 1.

Bruce La Pierre
Professor of Law

Bruce La Pierre is on leave in fall 2011 and will be teaching at Fudan University in Shanghai and at Católica Global School of Law in Lisbon, Portugal.

David Law
Professor of Law and Professor of Political Science

David Law spent the fall semester as a visiting professor and Fulbright Scholar at National Taiwan University and the spring semester as a visiting scholar at New York University Law School. His presentations over the last year include “Empirical Methodology and Comparative Constitutional Law” at the 8th World Congress of the International Association of Constitutional Law in Mexico City. “The Declining Influence of the United States Constitution and the Clash of

NACUA GRANTS RUGER LIFE MEMBERSHIP

Senior Lecturer in Law Peter Ruger has been awarded a life membership by the National Association of College & University Attorneys (NACUA). The award recognizes “outstanding service and substantial contributions to the Association.” Founded in 1960, the association works to educate university attorneys and administrators about campus legal issues. Ruger previously received the NACUA’s Distinguished Service Award.

Co-director of the law school’s Intellectual Property & Nonprofit Organizations Clinic, Ruger served as general counsel for Washington University for 18 years. He was also formerly general counsel at Southern Illinois University. Additionally, while in private practice, Ruger represented many educational institutions.

He has written extensively on such legal issues as the responsibilities of nonprofit organization directors, the practice of higher education law, and accommodating university faculty and staff with psychological disabilities. In addition to his teaching and clinic duties supervising law students, Ruger is a frequent speaker at numerous higher education and nonprofit organization programs.

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Stephen Legomsky
John S. Lehmann University Professor
Steve Legomsky spent 2010 as the Católica Global School of Law Visiting Professor at Catholic University of Portugal. In the past year, he and his co-author published the 2011 supplement to their immigration and refugee law casebook, now adopted at 176 U.S. law schools. He published a book chapter in an NYU Press volume on stateless children and has completed an article on EU family reunification immigration policy. At an international conference convened in the Israeli Knesset to discuss Israel’s contemplated enactment of its first comprehensive immigration law, Legomsky delivered the keynote address, after which Israel’s interior minister and opposition leader unveiled their respective proposals. He also spoke in Nijmegen, Holland; Lisbon, Portugal; London; Brussels; Stockholm; Lund, Sweden; Tel Aviv; and Hong Kong. He was consulted by a National Academy of Sciences/Department of Justice committee and by the Administrative Conference of the United States on various immigration projects.

Ronald Levin
William R. Orthwein Distinguished Professor of Law
Ronald Levin was appointed a public member of the Administrative Conference of the United States. He and Michael Asimow of Stanford Law School published a 2010 supplement to their administrative law casebook, Levin, the ABA’s advisor to the drafting committee to revise the Model State Administrative Procedure Act (MSAPA), spoke at programs about the act in Washington, D.C., and at Widener University School of Law. He was the Reporter for an ABA Task Force on Federal Lobbying Laws, which completed its final report in January. Levin spoke at Cardozo School of Law about time limits on judicial review of rules and at the Federalist Society about the constitutionality of the Dodd–Frank financial reform law. He moderated a panel on review of administrative cases at a program sponsored by the National Conference on the Administrative Law Judiciary. At a ceremony marking his installation as the Orthwein Professor, Levin spoke about “Pragmatic Administrative Law.”

Jo Ellen Lewis
Professor of Practice and Director, Legal Practice Program
Jo Ellen Lewis presented a program titled “From the Classroom to the Conference Room—Teaching Law Students the Essential Skill of Oral Communication” at the Association of American Law Schools (AALS) annual meeting in January 2011. In May 2011, she made a presentation on “Teaching the Teachers: Lessons from Across the Globe” at the Global Legal Skills VI Conference hosted by The John Marshall Law School in Chicago. This past year, she also served as a panelist at a workshop for newer legal writing professors hosted by American University and sponsored by the Legal Writing Institute. Lewis published an article, “Legal Writing Programs in Korean Law Schools: Possible Structures and Resources,” in the Journal of Korean Law. She is currently a member of the Executive Committee of the AALS Section on Legal Writing, Reasoning, and Research.

Gregory Magarian
Professor of Law
Greg Magarian recently published his article, “Religious Argument, Free Speech Theory, and Democratic Dynamism,” in the Notre Dame Law Review. In 2010 Magarian led a law school team that assisted the American Bar Association in evaluating Elena Kagan’s nomination to the Supreme Court. During the summer, he co-taught a course on the law of expressive freedom in the United States and the European Union as part of the law school’s Institute for Global Justice at Utrecht University. Magarian is a frequent commentator in the national media on constitutional law and the Supreme Court.

Daniel R. Mandelker
Howard A. Stamper Professor of Law
Daniel Mandelker has published new editions of his co-authored casebooks, Planning and Control of Land Development and Environmental Protection: Law and Policy. He has contributed a chapter on inclusionary zoning to a forthcoming second edition of the Encyclopedia of Housing. This fall he will speak at a conference on the 40th anniversary of the quiet revolution in land use control at John Marshall Law School in Chicago. He is also co-host of a monthly teleconference on land use law sponsored by the International Municipal Lawyers Association.

Andrew D. Martin
Professor of Law; Professor of Political Science; and Director, Center for Empirical Research in the Law
This past academic year, Andrew Martin continued his work in the field of judicial decision-making. He published an article in the American Journal of Political Science and a book chapter on empirical legal studies in the Oxford Handbook on Empirical Legal Research. Martin and other Center for Empirical Research in the Law collaborators continue to work on the Supreme Court Database (supremecourtdatabase.org) and a study of institutional legitimacy of constitutional courts across the globe. Both of these projects are funded by the National Science Foundation. In 2011 Martin was given the Graduate Student Senate’s Outstanding Faculty Mentor Award.

Charles McManis
Thomas & Karole Green Professor of Law

Kim Norwood taught personal injury law at Fudan University in Shanghai, China, in May 2010. She also taught Civil Procedure in the Counsel on Legal Education Opportunities Program at the University of Missouri–Columbia during summer 2010, as well as a comparative products liability course at Utrecht University in the Netherlands in summer 2011. She wrote an essay on the value of mentoring, published in the regional newsletter of the National Bar Association. Norwood received the Citation of Merit award from the University of Missouri–Columbia School of Law and was also honored as one of 25 inspiring St. Louisans by the St. Louis City Chapter of the NAACP. She has recently joined the boards of the Sheldon Arts Foundation, ACCESS Academies, and the Missouri Court Appointed Special Advocates Association (MO CASA). This year she will host a conference commemorating the 40th anniversary of the filing of the “Liddell” desegregation lawsuit.

Mae C. Quinn
Professor of Law and Co-Director, Civil Justice Clinic
Mae Quinn contributed a chapter to Feminist Legal History: Essays on Women and Law. She also published “The Modern Problem-Solving Court Movement: Domination of Discourse and Untold Stories of Criminal Justice Reform,” Washington University Journal of Law & Policy, and “Problem Solving Courts: A Conversation with Experts,” Maryland Journal of Race, Religion, Gender and Class. Quinn joined U.S. District Court Judge Carol Jackson and Missouri Supreme Court Justices William Price and Michael Wolff on a panel at Saint Louis University School of Law’s Offender Re-Entry Conference. Elected this year to the Board of Directors of the Clinical Legal Education Association, Quinn also delivered remarks at Suffolk Law School, Stanford Law School, New York Law School, Iowa College of Law, and the Law and Society Conference. Along with Kathryn Pierce, she was one of only two invited state representatives at this year’s National Juvenile Defender Center’s National Leadership Summit. Quinn and Pierce will launch the Civil Justice Clinic’s new Juvenile Rights and Re-Entry Project this fall.

Laura Rosenbury
Associate Dean for Research & Faculty Development and Professor of Law
Laura Rosenbury joined the fourth edition of Feminist Jurisprudence, published by West Publishing in November 2010. Her article, “Sex In and Out of Intimacy,” co-authored with Jennifer Rothman, also appeared in the Emory Law Journal. Rosenbury is now concentrating her scholarship on the connections between family law, employment discrimination doctrine, and feminist legal theory. One essay exploring such connections, “Working Relationships,” will be published by the Washington University Journal of Law & Policy later this year. Rosenbury presented drafts of another article, “Work Wives,” at several conferences and workshops. In addition to her scholarship, Rosenbury was elected to membership in the American Law Institute and continues to serve as associate dean for research and faculty development.

Neil Richards
Professor of Law
Neil Richards published two articles in 2010–11: “Brandais, Privacy, and Speech” appeared in the Vanderbilt Law Review, while “Prosser’s Privacy Law: A Mixed Legacy” (with D. Solove) appeared in the California Law Review. His paper, “The Limits of Tort Privacy,” will appear later this year in the Journal on Telecommunications and High Technology Law. Richards presented his work at law school workshops at the University of California–Berkeley, Notre Dame University, the University of California–Davis, and Washington University, and at conferences at Stanford, Colorado, and George Washington University and University of California–Berkeley law schools. Richards also gave a “tech talk” to the policy and software community at the Google Campus about his work on intellectual privacy. He taught a short course on privacy and free speech as a visiting professor at the University of Illinois.

Adam Rosenzweig
Associate Professor of Law
Adam Rosenzweig published “Why Are There Tax Havens?” in the William and Mary Law Review. The article challenges conventional wisdom that tax havens and the taxpayers who invest in them should be punished as a means to prevent abuse of the international tax system. Rosenzweig’s articles in progress include “Thinking Outside the (Tax) Treaty,” which will build on “Why Are There Tax Havens?,” and “Taxing Offshore Investment Funds.” He gave presentations at Columbia Law School, Notre Dame Law School, the University of Chicago, and the Annual Meeting of the National Tax Association.

Leila Nadya Sadat
Henry H. Oberschelp Professor of Law and Director, Whitney R. Harris World Law Institute
Leila Sadat spent the spring semester at the Université de Cergy-Pontoise in Paris, serving as the Alexis de Tocqueville Distinguished Fulbright Chair, conducting research, delivering more than two dozen lectures in French and English, and chronicling important events in her blog, law.wustl.edu/harris/travelblog. She continues to lead the three-year Crimes Against Humanity Initiative. She also edited, contributed to, and published Forging a Convention for Crimes Against Humanity, with Cambridge University Press, a collection of 15 articles, a complete text of the Proposed Convention on Crimes Against Humanity, and the Convention’s comprehensive history. Last summer she attended the ICC Review Conference in Kampala, Uganda, and published widely on the conference and its outcome, as well as on other international criminal law topics. Recently, Sadat was tapped by the Council on Foreign Relations
for advice on a project on international justice and by Harvard Law School to work on a book regarding the role of the prosecutor at the International Criminal Court.

**Hillary Sale**
Walter D. Coles Professor of Law and Professor of Management

Hillary Sale published “The ‘New’ Public Corporation” in Duke’s Law and Contemporary Problems and the 2010 edition of Securities Regulation Cases and Materials. Her article, “Judges Who Settle,” is forthcoming in the Washington University Law Review. As a member of the ABA Corporate Laws Committee, Sale drafted Model Business Corporation Act statutes and chaired the task force that drafted the 6th edition of the ABAs publication, The Corporate Directors’ Guidebook. She also attended multiple committee meetings in Santa Fe, Palm Beach, Chicago, and Boston. Sale was one of eight academics invited to the New York meeting with the CEO of FINRA on broker/dealer scholarship and initiatives. She continues to chair the DirectWomen Institute and is a member of the DirectWomen Executive Committee. She also chairs the AALS Section on Business Associations. Additionally, Sale continued her work on interdisciplinary initiatives with the Olin Business School, including through the Executive Education Program and the New York City Regulatory & Business Externship.

**Peggie R. Smith**
Professor of Law

Peggie Smith recently published “Work Like Any Other, Work Like No Other: Establishing Decent Work for Domestic Service Workers” in the Employee Rights and Employment Policy Journal and “The Pitfalls of Home: Protecting the Health and Safety of Paid Domestic” in the Canadian Journal of Women and the Law. She delivered the keynote address on “Housework and Legal Frameworks” at the 2011 International Conference on Excellence in the Home held in London this past spring. She presented papers at the Law and Society Conference in Chicago; the Third National People of Color Conference at Seton Hall Law School; and the Labor and Employment Law Colloquium, co-sponsored by the law school and Saint Louis University Law School. In addition, Smith led a discussion on the Fair Labor Standards Act (FLSA) exemption of home care workers for the National Direct Care Partnership Committee of the Direct Care Alliance.

**Kent Syverud**
Dean of the Law School, Ethan A.H. Shepley University Professor, and Associate Vice Chancellor of Washington, D.C. Programs

Kent Syverud continues to serve as one of two individual trustees of the BP Deepwater Horizon Oil Spill Trust. In addition to teaching his course each semester in Negotiation, he taught a session on Negotiation and Ethics as part of the Law Alumni Reunion Weekend. He also presented papers or gave addresses at the University of Iowa, University of Cincinnati, University of St. Thomas, and the International Law Students Association meeting in the Netherlands.

**Brian Tamanaha**
William Gardiner Hammond Professor of Law

Brian Tamanaha presented papers at conferences at Oxford, Emory, and Miami Universities and gave faculty workshops at the Universities of Minnesota and Illinois. In May he delivered a week of lectures on “Theories of Law and Society” to professors and doctoral students at the University of Externado in Bogota, Colombia. A Chinese translation was published of his book, On the Rule of Law.

**Karen Tokarz**
Charles Nagel Professor of Public Interest Law & Public Service and Director, Negotiation & Dispute Resolution Program

Karen Tokarz presented “International Cross-Cultural Collaboration: Theory & Praxis” at the 6th Worldwide Global Alliance for Justice Conference in Valencia, Spain. She also presented “Preparing Students for Practice in a Globalized World Through Transnational Partnerships” at the Association of American Law Schools Clinical Legal Education Conference. She coordinated the 13th annual Public Interest Law & Policy Speakers Series and facilitated with Annette Appell a volume on “New Directions in ADR and Clinical Education” in the Washington University Journal of Law & Policy. Tokarz co-supervised three students who interned with the U.N. International Criminal Tribunal for Rwanda and the International Criminal Court through the school’s new international semester-in-practice program. She also coordinated summer internships for 15 students with NGOs, government offices, and courts through the school’s Africa Public Interest Law & Conflict Resolution Initiative. The initiative has placed more than 100 law students for 10-week internships in South Africa, Ghana, Tanzania, Nigeria, Burkina Faso, the Democratic Republic of the Congo, and Rwanda during the past decade.

**Melissa Waters**
Professor of Law

Melissa Waters published the chapters, “International Law as an Interpretive Tool, 1945–2000” and “Judicial Dialogue in Roper: Signaling the Court’s Emergence as a Transnational Legal Actor?,” in The U.S. Supreme Court and International Law: Continuity or Change? (Cambridge Press). Her works in progress include a book project titled Death Penalty Entrepreneurs: How the Europeans Are Taking Down the Death Penalty, One Country at a Time (and Why the U.S. Should Care). The book will examine the role of transnational norm entrepreneurs—and in particular the Council of Europe and European Union institutions—in the worldwide decline of the death penalty, as well as the emergence of international legal norms prohibiting use of the death penalty. She presented her scholarship at workshops and symposia at North Carolina and Case Western law schools and at a University of Tulsa symposium in honor of Aharon Barak.

**Peter Wiedenbeck**
Joseph H. Zumbalen Professor of Law

Peter Wiedenbeck continued work on a new edition of his casebook Employee Benefits, which is scheduled to be published by West in 2012. Assisted by the Center for Empirical Research in the Law, he has embarked on an empirical study of pension plan investments with the goal of properly attributing the holdings of master trusts and other indirect investment vehicles to the pension plans that invest through such entities. He is also organizing a scholarly conference, “Employee Benefits in an Era of Retrenchment,” to be held at the law school in March 2012.
Celebrating David Becker’s 50 Years of Service

PLANS ARE under way to mark the 2012 milestone of Professor David M. Becker’s 50th year of teaching. Memories and photos are pouring in. A Steering Committee and an At Large Committee, fondly calling itself “The Becker Brigade,” now total more than 170 members. A tribute website is under construction, and celebratory activities are in the works to coincide with Law Alumni Weekend, October 26–27, 2012.

Festivities will kick off with a symposium at the law school on Friday, October 26, 2012 focusing on The Law School in the New Legal Environment, featuring top legal scholars discussing recent dramatic shifts in legal education. The day will round out with a reception and dinner honoring Professor Becker, who currently serves as associate dean for external relations and the Joseph H. Zumbalen Professor Emeritus of the Law of Property. On Saturday, October 27, 2012, alumni will have the opportunity to visit with Professor Becker during “Office Hours.” Festivities will continue with Reunion Class parties for class years ending in 2 and 7 at various restaurants in Clayton, Missouri.

If you would like to get involved with the celebratory effort, please email Becker50Years2012@wulaw.wustl.edu.

Beverly Owens Receives Gloria White Award

In recognition of her dedication to the success of faculty and students at the law school, Beverly M. Owens was recognized with the 2011 Gloria W. White Distinguished Service Award. Presented annually at Staff Day, the prestigious award is given to a nonacademic staff member for exceptional effort and contributions that have resulted in the betterment of the university.

Owens, assistant director for faculty support, has worked at Washington University for 35 years, 32 of which have been devoted to furthering the educational, research, and professional development endeavors of thousands of law faculty members and students.

“She is the cheerful, positive, professional problem-solver for many faculty and staff at the law school,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “She embodies a ‘can-do’ spirit, perhaps because she really can do almost everything.”

In providing support for law faculty, Owens balances the needs of faculty, students, journal and casebook editors, federal and state judges, political and government officials, local and visiting lawyers, and university alumni. Her aptitude for mentoring and training administrators and undergraduate work-study students has allowed her to create a network of skilled faculty-support professionals.

Among her many roles, Owens coordinates the annual judicial clerkship application process in concert with the Career Services Office. She also has remained involved in the overall university community, serving in a number of volunteer roles.
**Alumnus Seeks Just Compensation for Clients**

**FIRM: MITCHELL, HOFFMAN & WOLF LLC, Chicago**
www.mitchellhoffmanwolf.com

**ATTORNEYS:** Ken Hoffman, JD ’91, with J. Wesley Mitchell and Paul P. Wolf

**AREAS OF PRACTICE:** Personal Injury, Medical Malpractice, and Wrongful Death Litigation

**YEAR FOUNDED:** 1998

**BRIEF BACKGROUND:** Ken Hoffman’s firm is dedicated to representing individuals injured through the negligent conduct of others. The firm handles cases involving automobile and trucking negligence, workplace accidents, medical malpractice, police misconduct or use of excessive force, and wrongful death. The firm is proud to have obtained a number of multimillion-dollar settlements and jury verdicts on behalf of its clients.

**Q:** Why did you decide to practice in a small firm?

**A:** I really enjoy the autonomy that a small firm provides. Decisions can be made over a quick cup of coffee or lunch rather than trying to gather a big group together who may be in different cities.

**Q:** Why did you choose your particular area of practice?

**A:** The idea of helping out people as opposed to a large corporation really appealed to me. In the personal injury field, we are often the first and maybe only attorney who that particular client has ever had working to help him or her.

**Q:** What aspects of your education at Washington University prepared you for your career?

**A:** I attribute much of my success as a lawyer to simply asking, “Why?” While I was in law school, I remember repeatedly watching Professors Michael Greenfield and Frank Miller stump students with that powerful one-word question, which I later learned to ask myself. My time at Washington University also clearly showed me that I wanted to become a trial attorney. I honed my advocacy skills as a finalist in the Wiley Rutledge Moot Court Competition and while representing the law school at the regional competition in Omaha, Nebraska. Overall, Washington University instilled in me both a professional skill set and the confidence needed to be a successful trial lawyer.

**Q:** What advice would you have for someone interested in pursuing this area of law?

**A:** Nobody ever became a great trial lawyer sitting at a desk answering discovery requests for a senior partner. You need to find an opportunity to get into the courtroom and work on your courtroom skills. Trial work is like playing a sport or an instrument; you only can improve if you practice.

**Q:** What has been the most rewarding aspect of your practice or a case you have handled?

**A:** The most rewarding part of the practice is when you tell the client about a result whether a verdict or settlement that you realize will change the quality of his or her life for the better. Often our clients have suffered serious injuries and their lives have not been the same for a period of time. The satisfaction of knowing that you helped make a difference is really hard to describe.

  For example, several of my recent multimillion-dollar cases come to mind. In one, I obtained a $6.25 million settlement for a family whose 4-year-old son had suffered brain damage at birth. In another, I was able to obtain a $3.3 million verdict for my client who had suffered a paralyzed arm in a motorcycle accident with a police car, after I proved the officer’s conduct was reckless. The most memorable such instance, however, was probably a jury verdict I obtained of $9.9 million in a wrongful death case. The award benefited the surviving three minor children of a mother who died following childbirth, as a result of the obstetrical staff’s failure to recognize clear signs of preeclampsia during her pregnancy. While no amount of money can replace the loss of your mother, the verdict assured that the children would have all their future care needs met.

**Q:** What have you and your wife, Julie Comer Hoffman, JD ’89, done to stay in touch with your alma mater?

**A:** We have tried hard to keep in touch with many of our classmates and stay apprised of all developments at the school. We also recently took our two high school age children down to St. Louis for a visit and showed them the campus.
1952

Donald B. Kramer has completed a new DVD for those desiring to learn the basics of bankruptcy law, including new attorneys and financial executives. The website, www.IntroToBankruptcy.com, contains a directory of experienced bankruptcy lawyers and information on ordering the DVD. He is president emeritus and founder of Kramer & Frank PC in St. Louis and Kansas City, Missouri.

1959

Jack J. Schramm, an international development lawyer, has been invited to return to Iraq by the U.S. Agency for International Development, an arm of the State Department. He has been selected to lead a team to assess the success of the USAID Legislative Strengthening Program, which is designed to assist the Iraqi National Parliament to meet its objectives and goals, and to recommend how the program might be improved going forward. Schramm was in Iraq last year for a Local Governance Program to mentor the 15 elected Provincial Councils in democratic methods for formulating legislation. He was the keynote speaker at a National Legislative Conference in Basrah attended by 250 Iraqi elected officials. He urged them to follow a three-part strategy that he had formulated to properly implement the federal system outlined in their new (2005) constitution.

1962

Richard L. Turner is enjoying his retirement in Kauai, Hawaii. He lives in Princeville, where South Pacific was filmed and has an albatross nesting on his front yard. He can see whales breaching from his lanai, and he does tai chi three times a week and swims daily. Turner says that prices are down in Hawaii, so now is the time for his classmates to purchase a second home for retirement.

1967

Michael Berger was honored with the Owners’ Counsel of America’s (OCAs) Crystal Eagle Award for his devotion to defending private property in regulatory takings, inverse condemnation, and land use litigation. The OCA is a nationwide network of experienced eminent domain attorneys, and the Crystal Eagle Award is reserved for those who have made a substantial contribution toward advancing the cause of property rights. Berger, who lives in Los Angeles, is a preeminent appellate lawyer and one of the nation’s top condemnation and land use attorneys. He has argued four cases before the Supreme Court of the United States, as well as cases before appellate courts throughout California, the federal courts of appeal, and various state supreme courts.

1971

The Hon. Orion L. Douglass received the 2010 Justice Robert Benham Legacy Award from the Gate City Bar Association Judicial Section. The award was named for Robert Benham, who was appointed the first black chief justice of the Supreme Court of Georgia. Douglass is currently serving his fourth term as a judge on the State Court of Glynn County (Georgia).

1972

Michael G. Goldstein (LLM), an executive compensation expert, has joined forces with Summit Alliance Financial of Dallas to form a new division, Summit Alliance Executive Benefits LLC. Goldstein is establishing an organization that will help companies of all sizes attract and retain key personnel with carefully crafted benefit programs. He has authored several books and heavily referenced papers, assisted in congressional testimony, and consulted with political leaders across America on the subject.

1974

Gus Bauman was appointed to the Blue Ribbon Committee on Transportation by Maryland Governor Martin O’Malley. Bauman, who will represent the business community, has been designated chair. He is an attorney at Beveridge & Diamond PC.

1975

William S. Daniel provided funding to construct a water well in the southern part of Malawi in honor of A. Peter Mutharika, the Charles Nagel Professor of International & Comparative Law Emeritus. Mutharika is serving as Minister of Justice and Constitutional Affairs and an elected member of Parliament in Malawi, where his brother Bingu wa Mutharika is president. The well will provide a sustainable source of drinking water.

CLASS GIFT GENEROSITY

Members of the 2011 Class Gift Committee gather to celebrate their hard work. Overall participation in the graduation class gift was 41 percent. Members, front row, from left are: Mara Gandal-Powers, Rebecca Thibault, Afton Ball, Ashley Price, Rixey Ruffin, Amanda Katz, Garrett Fischer, Samir Mehta; back row, from left: Dean Kent Syverud, Kristen Erickson, Alexis Farris, Nora Stupp, Kevin Shih, James Zirkle, Jeryl Hayes, Bernita Washington, and Raphael Moreen (not pictured Steve Chiang, Thomas Haine, and Julie O’Neill).

has argued four cases before the Supreme Court of the United States, as well as cases before appellate courts throughout California, the federal courts of appeal, and various state supreme courts.

has substantial experience in automobile, employment discrimination, construction accidents, insurance and bad faith, products liability, railroad grade crossings, Fair Credit Reporting Act, malpractice, federal tort claims, and domestic relations cases.

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water for poor villagers in Mulanje, a rural location selected by Mutharika.

After a 35-year career effectively representing indigent clients in many kinds of cases, mainly on behalf of the Legal Aid Society of Milwaukee, Paula Lorant has retired from the active practice of law.

Shayne M. Madsen is the leader of the Legislative Services Practice Group in the Denver, Colorado, office of Jackson Kelly PLLC. She practices in public policy and government affairs with an emphasis on election and campaign finance law. She also specializes in the real estate development area, including the negotiation of economic development incentive packages with local government entities. Madsen is widely recognized as an effective, on-the-ground lobbyist focusing on issues concerning alcoholic beverages, pari-mutuel racing, consumer data regulation, mining, and water supply.

David Harris has been named to the Board of Directors of Greensfelder, Hemker & Gale PC in St. Louis. The six-member board guides the firm’s strategic planning. Harris is an officer in the Litigation and Health Care Practice Groups and previously served on the board from 1995–2003. He focuses his practice on resolving class action, antitrust, securities, consumer fraud, and franchise and distribution disputes.

John Dillane has been named to the Board of Directors of Greensfelder, Hemker & Gale PC in St. Louis. The six-member board guides the firm’s strategic planning. Dillane is an officer in the Corporate and Health Care Practice Groups and previously served on the board from 2000–05. He represents clients primarily in corporate and tax law with an emphasis on the representation of health care institutions.

Steven R. Selsberg successfully defended an Ecuadoran telecommunications company and its Mexican parents and principals in a $900 million lawsuit. Thanks to Selsberg’s work, the New York Court of Appeals barred a group of former shareholders from bringing claims of fraud and breach of contract against Latin America’s largest wireless carrier, America Movil SAB and its principals and affiliates. Selsberg is a partner in the Houston office of Mayer Brown LLP where he focuses on litigation and dispute resolution. For more information, visit law.wustl.edu/news/pages.aspx?id=8819.

Jeffrey Wolf has joined the Phoenix office of Quarles & Brady LLP as a partner. Wolf, who was previously with Greenberg Traurig LLP, focuses his national franchise litigation practice on representing franchisors, manufacturers, and marketers of products and services.

Bob B. Berlin was appointed DuPage County State’s Attorney by County Board Chairman Dan Cronin. Berlin’s appointment was unanimously approved by the County Board. He fills the vacancy left by Joe Birkett, who was appointed to the 2nd District Illinois Appellate Court.

Betsi Griffith is serving as associate deputy director at the Bureau of Justice Assistance, U.S. Department of Justice in Washington, D.C. Griffith has been at the Justice Department for the last 10 years, overseeing policy issues, grant funding and training, and technical assistance. She works with state, local, and tribal criminal justice systems in the areas of law enforcement, criminal courts, corrections, substance abuse and mental health, and information sharing. In her current role, Griffith is leading state-of-the-art research projects to advance knowledge about evidence-based practices, collaborating with policymakers, and encouraging innovation in the criminal justice field.

Don V. Kelly has joined the St. Louis office of Evans & Dixon LLC as a member in the firm’s Business Services Group. Kelly will practice in the areas of intellectual property prosecution, protection, licensing, and litigation.

Daniel D. Doyle has joined the Clayton, Missouri, office of Lathrop & Gage LLP as a partner in the Bankruptcy Department. Doyle, a leading bankruptcy attorney, has practiced law for more than 20 years. He is a member of the American Bankruptcy Institute and chairman of the bankruptcy and creditor rights section of the Transportation Lawyers Association. He also is on the advisory board of the University of Denver Sturm College of Law’s Transportation Law Journal.

Ronald M. Daignault has joined the New York office of Robins, Kaplan, Miller & Ciresi LLP as a partner in the Intellectual Property Litigation Practice. He has extensive first-chair and second-chair trial experience and has represented companies across a broad range of industries in a variety of patent, trademark, and other intellectual property cases in federal district courts and courts of appeals throughout the country and before the International Trade Commission. His litigation practice has focused on the pharmaceutical and life sciences areas, as well as other patented technologies. Daignault’s practice also includes domestic and international trademark counseling and licensing.

Laura Gerdes Long has been elected to the position of principal in the St. Louis law firm of Danna McKitrick PC. Long’s practice areas are tort, employment, insurance, and health care law. She works with major insurers resolving claims; advises health care professionals on licensing, disciplinary, and hospital privilege issues; and consults and trains on employment law policies, especially related to HIPAA privacy and security requirements.

Suzanne J. Massel is now a partner at SmithAmundsen LLC at the firm’s headquarters in Chicago.

Donna Peel founded and directs the West Cook Pro Bono Network. The network’s mission is to provide stress-free ways for primary caretaker/attorneys to give back to the western Chicago community through pro bono work.

Joseph A. Starr announces the opening of his law firm Starr, Butler, Alexopoulos & Stoner PLLC in Southfield, Michigan. He focuses his practice on the defense of professional liability claims with an emphasis on employment practices liability; legal malpractice; and professional liability of architects and engineers, accountants, directors and officers, and miscellaneous errors and omissions. He practices before all federal and state courts in Michigan.

Denise (Holder) Williams is now of counsel with the law firm of Eckenrode Maupin in

1987

1988

1989

1990

1991

1992
Clayton, Missouri, practicing primarily professional negligence and insurance defense.

1993

Alan L. Farkas is now a partner and co-chair of the Aerospace & Commercial Practice Group at SmithAmundsen LLC, headquartered in Chicago.

1994

Kelly Moore (JD ‘94, LLM ’98), an assistant professor of law at the University of Toledo College of Law, has been voted Outstanding Professor of the Year for the second year in a row.

Brian W. Shukan graduated in June from the Naval War College in Newport, Rhode Island, with a master’s degree in national security and strategic studies. His next assignment will be as principal officer at the U.S. Consulate General in Casablanca, Morocco.

1996

Suzanne Brown was recently awarded the University of Illinois Alumni Humanitarian Award for 2011. Brown received her master’s in legal studies at the University of Illinois in 1984.

Jennifer E. Hoekel has joined the St. Louis office of Armstrong Teasdale LLP. Hoekel handles intellectual property litigation involving such matters as utility patent infringement, trade secret misappropriation, trade dress and trademark infringement, trademark opposition and cancellation proceedings, unfair competition, and copyright infringement.

1997

Seth Albin has been appointed to the Panel of Chapter 7 Trustees for the Eastern District of Missouri by the United States Trustee for Region 13. Albin is a member of Stewart, Mittelman, Heggie & Henry LLC.

Jonathan Williams has been named the chief sustainability officer at the University of Southern Mississippi. Williams is presently a visiting professor in the College of Business. He plans to develop educational programming to prepare Southern Miss students for opportunities in emerging “green industries,” including a curriculum that mixes the biosciences with business courses so that graduates will be able to contribute to the state’s biodiesel industry, as well as to create new partnerships with business and industry.

1998

Jeffrey Atkinson has been named a principal of Gonnerman Reinert LLC, a Clayton, Missouri, law firm. Atkinson has more than 10 years of experience in the firm’s Civil and Medical Professional Defense Litigation Practice. He has represented physicians, health care providers, small businesses, and insurance companies in litigation matters. Atkinson also has appeared successfully on several occasions before the Missouri Court of Appeals and the Labor and Industrial Relations Commission on behalf of businesses, insurance companies, and individuals in workers compensation matters.

James W. Mathis has joined the St. Louis office of Husch Blackwell LLP as a partner in the area of corporate law. He has extensive experience leading complex commercial transactions and mergers and acquisitions. In addition, Mathis has advised corporate clients on entertainment and advertising law, telecommunications, securities and executive compensation, and risk management/insurance matters.

Jeffrey D. Weinstein has been elected a partner in the Structured Finance and Securitization Practice in the Chicago office of Sidley Austin LLP. Weinstein represents commercial and investment banks and companies in connection with structured finance transactions, including offerings of asset-backed securities, commercial paper conduit transactions, and lending transactions.

1999

Neil Kraetsch has been named the new lawyer for the Oakland As. Kraetsch previously had been assistant general counsel, reporting to the team’s top lawyer Steve Johnston (JD ’98). Johnston left the As during the offseason to become the lawyer for the Tampa Bay Buccaneers. In his new position, Kraetsch will be responsible for all legal and human resource matters for the baseball club. Prior to joining the As in 2007, Kraetsch was an attorney at the law firm of Leo & Weber PC in Chicago.

Scott Richman has become a founding member of the new Orlando law firm of McDonald Toole Wiggins PA. The firm’s website is www.mtwlegal.com. The boutique civil litigation firm represents businesses in litigation, with an emphasis on product liability matters, as well as all other types of personal injury and commercial litigation. Richman is

FLORIDA BAR HONORS KOZYAK WITH DIVERSITY AWARD

The Florida Bar recently awarded John W. Kozyak, JD ’75, with the Henry Latimer Diversity Award in recognition of his commitment to ensuring that members of the legal profession reflect the diversity of the communities they serve. The award is named for the late Henry Latimer, who was in line to become the first African-American president of the Florida Bar had he not died in a car accident in January 2005.

Throughout his life and career, Kozyak has proven time and again his commitment to diversity in his community. In 1982, shortly after the founding of Kozyak Tropin & Throckmorton, Kozyak and his partners committed their commercial litigation firm to becoming a national leader in recruiting and developing talented minority lawyers. The firm established a $20,000 scholarship for minority students and started seeking out female, Hispanic, and African-American lawyers. But the firm’s most influential project was reviving a mentoring program for black law students at the University of Miami.

The minority mentoring programs at the University of Miami and St. Thomas Schools of Law are now named after Kozyak. During the past 10 years, he has personally matched more than 900 black students throughout Florida with judges and lawyers who serve as mentors. He has also helped found a similar program at Washington University School of Law.

For more information, including his Top 10 Lawyers in Florida recognition and other recent awards, visit law.wustl.edu/news/pages.aspx?id=8810.
married to Gwen Tumbush Richman, PT ’99. The couple has three children.

2000

Donald D. Raymond, Jr., has joined the St. Louis office of Armstrong Teasdale LLP as an associate. He will be working in the Intellectual Property Practice Group. Raymond focuses on the preparation and prosecution of patent applications in the electrical and electromechanical fields both in the United States and abroad.

2001

Nathan S. Merrill is pleased to announce the opening of the law offices of Goodspeed & Merrill, focusing on legal services for small businesses and wealthy individuals and families. Located in Greenwood Village, Colorado, the firm specializes in general corporate, taxation, mergers/acquisitions, real estate, estate planning, and other related areas.

Jonathan L. Pompan has been elevated to of counsel at Venable LLP. Pompan, a member of Venable’s Regulatory Group in the Washington, D.C., office, focuses his practice on providing comprehensive legal advice and regulatory advocacy to a broad spectrum of clients, including for-profit and nonprofit organizations and trade associations. His experience ranges from advising on complex tax-exemption and transactional matters to day-to-day antitrust, contracts, intellectual property, privacy, corporate governance, compliance matters, and consumer protection issues.

Mikah Thompson has joined the Kansas City office of Ogletree, Deakins, Nash, Smoak & Stewart PC. Previously, Thompson was an associate professor at the University of Missouri–Kansas City School of Law, where she chaired the Inclusion and Empowerment Committee. In her practice, Thompson focuses on labor and employment-related litigation before state and federal courts and agencies. She also counsels clients on various employment matters and prepares and reviews employee handbooks and affirmative action plans.

Jeffrey Wiener has been named vice president of mCapital Management’s newly created National Security and Defense practice. mCapital Management is a government relations and business development firm with offices in Washington, D.C.; Irvine, California; and Chicago. Wiener will work in the D.C. office, helping clients interface with federal policymakers and regulators on national and homeland security issues, including energy independence and cybersecurity.

2002

R. Bradley Drake has been elected a partner in the Insurance Practice in the Chicago office of Sidley Austin LLP. Drake represents insurance companies, banks, and other financial institutions in securities offerings and structured finance transactions.

Jason A. Flower has been named to Law360’s 2011 Environmental Advisory Board. An online media resource of current legal news nationwide, Law360 recruits attorneys to its various advisory boards in an effort to improve its legal content. A partner in Husch Blackwell LLP’s St. Louis office, Flower practices in the area of environmental and natural resources law. He focuses his practice on complex environmental and general business litigation, including defending clients in judicial and administrative environmental enforcement actions under CERCLA, the Clean Air Act, and the Clean Water Act.

Rebecca R. Massiatt was recently chosen for partnership in the Dallas office of Jackson Lewis LLP.

Sophya Qureshi Raza has been elected to the position of principal in the St. Louis law firm of Danna McKitrick PC. Raza leads the firm’s Family Law Department, where she concentrates her practice in pre- and post-nuptial agreements, annulments, divorce, child support and spousal support modifications, and probate litigation.

2003

Kevin Frank has accepted a position in-house with Atmos Energy in Dallas. He focuses on Federal Energy Regulatory Commission and Commodity Futures Trading Commission compliance.

Bruce D. LeMoine has become a partner in the St. Louis office of Armstrong Teasdale LLP. He is a member of the firm’s Financial Services Practice Group and concentrates in the areas of banking, financial restructuring, bankruptcy, and debtor/creditor rights.

2004

Rachel E.A. Atterberry and Mark C. Vaughan (JD ’06) welcomed a daughter, Jane Anne (“Janie”) Vaughan, on March 11, 2011. Atterberry practices business litigation and employment law with Freeborn & Peters LLP, and Vaughan is a commercial real estate associate with Levenfeld Pearlstein LLC.

Patrick T. Conner (LLM) has joined the St. Louis office of Husch Blackwell LLP as an associate. With more than eight years of estate planning experience, he will focus his practice on trusts and estates.
Hillary Bean Schumaker married Ross Schumaker on June 19, 2010 in a beautiful ceremony at Westwood Country Club in St. Louis, Missouri. The couple resides in St. Louis, where Hillary Schumaker works as a senior associate at Armstrong Teasdale LLP, specializing in the areas of real estate development, leasing, and public finance.

J. Brad Wilmoth has joined the Association of Plaintiff Interstate Trucking Lawyers of America (APITLA), a national association of lawyers committed to eliminating unsafe and illegal interstate trucking practices. Membership is limited to ethical lawyers who pledge to help make America’s highways safer through a combined effort of learning, litigation, and legislation. Wilmoth practices in the St. Louis office of Brown & Crouppen PC.

2005

B. Scott Eidson has joined the St. Louis office of Armstrong Teasdale LLP. Much of Eidson’s work consists of representing clients in disputes involving infringements of patents, copyrights, trademarks, and trade dress.

Timothy D. Krieger has joined Armstrong Teasdale LLP’s Intellectual Property Practice Group in St. Louis. Krieger focuses on complex intellectual property matters pending in federal courts throughout the United States. He litigates patent infringement, copyright, trademark, and misappropriation of trade secrets and is experienced in the preparation, prosecution, and licensing of patent portfolios.

2006

Jacqueline L. Allen has been named the recipient of the Alex Fee Memorial Pro Bono Service Award by the Maryland State Bar Association for her efforts on behalf of Maryland’s homeless population. Since 2008, Allen has helped 27 people who are homeless or at risk of becoming homeless to obtain expungements of certain charges listed on their criminal records. This served to increase their chances of finding stable employment, while lowering the homeless recidivism rates and decreasing the homeless population in Baltimore City. Allen is an associate in the Business and Finance Department of Saul Ewing LLP.

Joshua Jennings is the owner of Metro Asset Group, a St. Louis-based senior-living developer with more than $30 million in projects in the works in communities across Southwestern Illinois. The company operates senior-living facilities under the Cedarhurst name, including Cedarhurst of Collinsville and the planned new development of Cedarhurst of Waterloo. Jennings and his partner, Aaron Ellis, also launched Groupigg LLC. Similar to Groupon, the company provides software and support to media outlets to sell half-price offers. The company has partnerships with media outlets in four cities and plans to expand to at least 11 more markets in the coming months.

Harrison A. Lord received the Charles F. Blanchard Outstanding Young Lawyer Award at the North Carolina Bar Association’s Annual Meeting. He was also recognized for his membership in the charter class of the North Carolina Bar Association’s Leadership Academy.

Eduardo Hugo Martinez was admitted to the Missouri Bar in July 2010. He works at the immigration law firm of Austin & Ferguson LLC in Kansas City, Missouri.

Yanhua “Irene” Peng (LLM ’06, JD ’08) has moved back to China after two years of practice in Singapore and various Southeast Asian countries to join the Beijing Office of K&L Gates LLP as an associate with the corporate team. She has focused on corporate finance, in particular assisting Chinese companies to raise funds from capital markets in the United States or Hong Kong or to invest overseas.

Matthew Posey recently joined Affinity Law Group LLC as an associate attorney working in the firm’s Business Services Division. Posey’s areas of legal expertise range from mergers and acquisitions and commercial contracts to real estate transactions and corporate governance matters.

See news for Mark C. Vaughan with 2004 listing for Rachel E.A. Atterberry.

2008

Jenn Ambuehl has recently joined the Department of Justice Criminal Division in the Asset Forfeiture and Money Laundering Section.

Ping-Hsun (Quincy) Chen (IP/IT, LLM ’08, JD ’10) is an adjunct assistant professor in the Department of Law at Shih Hsin University in Taipei City, Taiwan. He teaches intellectual property management.

Richard E. Finneran has left SNR Denton LLP in St. Louis to become an Assistant U.S. Attorney with the U.S. Attorney’s Office for the Eastern District of Missouri. His new practice focuses primarily on asset forfeiture in financial fraud and other white collar cases.

Jason Plowman and his partner Jeff Crouse have welcomed a son, Charles Medford Plowman-Crouse. The family lives in Wauwatosa, Wisconsin, where Plowman is an associate at the Milwaukee office of Littler Mendelson PC.

Michael Rueckheim has joined the Houston office of Fish & Richardson as an associate in the Litigation Group. He was previously an associate in the Intellectual Property Group of Ropes & Gray LLP in New York.

2009

Jordon M. Frantz is a first-year associate at Sullivan & Worcester LLP in Boston.
Robert J. Friedman’s recent article was cited in the Supreme Court of Montana’s opinion, *Stevens v. Novartis Pharmaceuticals Corp.*, concerning litigation of the controversial pharmaceutical drug, Zometa. Friedman’s article, “Take Two of These and Sue Me in the Morning: Efficacy of the Learned Intermediary Doctrine in Prescription Drug Failure to Warn Cases,” was published in the *St. Thomas Law Review*. Friedman is a new associate at the downtown St. Louis law firm of C. Marshall Friedman PC.

2010

Joel O. Christensen has joined the Financial Services Practice Group of Armstrong Teasdale LLP in St. Louis. Christensen helps lenders and other creditors increase their return through bankruptcy or informal workouts, liquidation, and litigation proceedings. He is also experienced in real estate litigation matters involving condemnation and municipal ordinances.

Gregory Flatt has joined the Edwardsville, Illinois, office of Heyl, Royster, Voelker & Allen.

Jarrold L. Rook has joined the St. Louis office of Husch Blackwell LLP.

Scott Sakiyama, a litigation associate in the Chicago office of Winston & Strawn LLP, completed the first jury trial in the new pilot program of the First Municipal District Jury Trial Pro Bono Program. The program is designed to provide representation to pro se litigants in need of trial counsel and provide opportunities for attorneys to gain trial and other litigation skills. Sakiyama was appointed to represent an individual in a civil lawsuit that had been ongoing for approximately three years. Once he was appointed, he was able to have the trial set in two months. At the conclusion of the case, and after an hour of deliberations, the jury returned a unanimous verdict in favor of Sakiyama’s client, awarding him 100 percent of the damages he sought.

Felicia R. Williams has joined Thompson Coburn LLP as an associate in the Business Litigation Practice Group. She clerked at Thompson Coburn two summers prior to accepting a full-time position in the St. Louis office.

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 2000 Outstanding Intellectuals of the 21st Century; Dallas Business Journal’s 40 Under 40; Small Business Monthly’s Top Small Business Lawyers; South Florida Business Journal’s Power Leaders in Health Care; St. Louis Magazine’s Five Star Wealth Managers; U.S. News & World Report’s Best Law Firms; Illinois, Indiana, and Texas Rising Stars; and Florida, Illinois, Kansas, and Missouri Super Lawyers.

[In Memoriam]

Christian B. Peper, LLB ’35, a generous supporter of the law school, died on July 11, 2011. He was 100. Peper taught as an adjunct professor at the law school for many years, established an endowed scholarship, and was instrumental in funding the Peper, Martin, Jensen, Maihel and Hetlage Classroom. He received the law school’s Distinguished Alumnus Award in 1984. In 1941 Peper and two other attorneys founded the St. Louis law firm of Martin Peper and Martin, now Husch Blackwell LLP. Among his civic involvement, Peper was a great supporter of the Saint Louis Art Museum, where he served as chief counsel for many years.

Edith J. Spink, LLB ’45, BA ’46, a longtime friend of the law school, died on June 21, 2011. She was 90. Spink, who graduated first in her class, served as mayor of Ladue, Missouri, from 1975 to 1995. She previously served on the Ladue City Council, where she also held the title of president for three terms. At the law school, she served on several committees, including the Law Alumni Executive Committee and received the school’s Distinguished Alumnus Award in 1988. Among her philanthropic endeavors, she was a generous supporter of the Missouri Botanical Garden, St. Louis Zoo, and Saint Louis Art Museum.

1950s

Speros Boudoures, BA ’50, JD ’52

1960s

Arthur G. Muegler, Jr., JD ’62, LLM ’68
John Torrey Berger, Jr., JD ’63
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U.S. Should Ratify, Align Labor Laws with Domestic Workers Convention

Earlier this year, the International Labour Organization (ILO) at its annual conference in Geneva agreed to a groundbreaking Convention on Decent Work for Domestic Workers. The Convention establishes international standards to improve working conditions for as many as 100 million domestic workers worldwide, the majority of whom are women and young girls.

The Convention defines domestic work as “work performed in or for a household or households.” This definition includes paid caregivers of children and the elderly, as well as workers hired to perform general household tasks such as cleaning, laundry, shopping, and cooking. Delegates to the conference also adopted an accompanying Recommendation. While the Convention is an international treaty that is binding on member states that ratify it, the nonbinding Recommendation provides detailed guidance on how to apply the Convention.

In the United States as well as in many other parts of the world, the provision of paid domestic work is essential. It serves as a vital source of employment for low-income women and provides an indispensable service for countless families. Absent the availability of domestic work, many families would be left in a crisis. While not all households employ a domestic worker, for the many who do, the availability of services represents a significant coping strategy in response to the lack of adequate public support to care for children and the elderly. In the coming years, more and more families will rely on domestic workers for the provision of critical care.

The urgency for access to paid domestic services is matched by the urgent need to provide domestic workers with access to fair and decent work. Despite its importance, domestic work remains an economically marginalized job. Throughout the world, the work is poorly paid and offers workers few if any benefits such as access to health care or maternity leave. Workers are also routinely subjected to harsh working conditions, including sexual harassment and other forms of physical abuse, exposure to health and safety hazards, inadequate accommodations for live-in work, and excessive working hours. In addition, because labor legislation in many countries denies coverage to domestic work, workers are especially vulnerable to exploitative labor conditions.

To be sure, the structure of domestic work does not fit comfortably into existing models of workplace protections. Unlike the majority of workers, domestic workers remain invisible, laboring in the private setting of the home and without the support of coworkers. For too long, the uniqueness of domestic work has been used to deny workers basic labor rights extended to the general workforce. The new ILO standards recognize that domestic work is no less valuable because of its location within the private sphere of the family, nor is it any less sheltered from the harsh realities that often accompany waged work. Indeed, working within private households behind closed doors has left domestic workers more vulnerable than most workers to abuse and labor exploitation.

The ILO standards aim to help rectify the deplorable conditions in domestic work and to recognize that domestic workers are indeed workers, not servants or members of employing households. Key elements of the Convention require governments to accord domestic workers substantive labor rights that are equivalent to those extended to other workers, including overtime compensation, minimum wage coverage, regular rest periods, social security, coverage under safety and health provisions, and respect for fundamental principles and rights at work, including freedom of association and the right to collective bargaining.

The Domestic Workers Convention will come into force after it has been ratified by two countries. Although delegates from the United States played a leading role in rallying support for the Convention and advocating strong protections on behalf of workers, it will take a Herculean effort to achieve decent work for domestic workers in the United States. First, the United States must be willing to ratify the Convention. Second, assuming ratification, a long road must be traversed in order to ensure that national labor laws meet the level of protection mandated by the Convention’s provisions. At present, none of the major pieces of federal labor legislation in the United States comply with the standards in the Convention.

Even as it remains to be seen if the United States will ratify the Convention, the ILO standards expressed therein, as well as those contained in the Recommendation, now stand as the benchmark by which to measure the treatment of domestic workers and by which to hold policymakers accountable. The ILO standards provide a useful framework for member states, including the United States, to make meaningful strides toward achieving decent work for domestic workers. Policymakers must be continually reminded of the value of domestic work and constantly pressed to regulate such work in a manner that acknowledges domestic workers as real workers who deserve respect and inclusion in the scope of general workplace protections.

Peggie R. Smith, professor of law, is the co-author of a treatise on employment law and a leading scholar in the regulation of care work that occurs both inside and outside the home.