By Timothy J. Fox

Alumnus Discovers Long-Lost Family Link to School

When Philip Cantwell, JD ’12, decided to pursue a career in law, he was inspired by his great-great grandfather, an 1888 alumnus of the law school who argued a case before the Supreme Court of the United States.

“I knew there were a few lawyers in the family tree, but I had no clue that a family member—a Washington University grad at that—had argued before the Supreme Court,” Cantwell says. “It’s a pretty neat discovery.”

Philip Cantwell’s uncle, Jim Cantwell, BA ’73, serves as the Cantwell family historian. In his research, he discovered that Philip Cantwell’s great-great grandfather, Harry James Cantwell, Sr., graduated from the St. Louis Law Department (the predecessor to Washington University School of Law) in 1888.

Harry Cantwell lived in Mississippi County, Missouri. In addition to his legal training, he was active in lead mining activities in southeast Missouri. He apparently drew on both aspects of his life—the law and the lead mine—when he found himself arguing before the Supreme Court in 1905.

“This was after Missouri passed the 40-hour work week,” Philip Cantwell explains. “He was convicted and fined $25 because he worked the miners longer than eight hours per day. He challenged the law, charging that it interfered with his mine’s right to contract. He took the case to the Supreme Court of Missouri, which stated that the ‘right to contract’ was subject to public safety considerations.”

Unfortunately for Harry Cantwell, the U.S. Supreme Court agreed with the Missouri court’s ruling. He then returned to Missouri to resume his mining work and help run the family’s orchard in Washington County.

While Philip Cantwell can’t say for sure that he will follow his great-great grandfather’s footsteps to the nation’s highest court, he is well on his way. He is currently clerking for Judge Deborah Cook of the U.S. Court of Appeals for the Sixth Circuit in Akron, Ohio. Following his clerkship, he will work for Cleary Gottlieb Steen & Hamilton LLP in New York City.

In the meantime, Harry Cantwell would be proud of his great-great grandson’s accomplishments. Philip Cantwell—who served as the Voice of the Class for the law school’s 2012 Commencement—was recognized earlier with a Carmody MacDonald Legal Practice Excellence Award. He also served as an editor of the Washington University Law Review and was a research assistant for Hillary Sale, the Walter D. Coles Professor of Law and professor of management.

In spring 2012, the Harvard Law & Policy Review published his article, “Relevant ‘Material’: Importing the Principles of Informed Consent and Unconscionability to Analyze Consensual Medical Repatriations.” The article began as a paper for a seminar taught by Stephen Legomsky, the John S. Lehmann University Professor.

“I had been refining the article to use as a writing sample for my clerkship applications,” Philip Cantwell explains. “Then I found a journal that accepted student submissions,” he adds, noting that his was the only student “comment” in that issue.

The article proposes a “two-step test” for judges faced with deciding challenges to medical repatriations. Hospitals must provide care when an uninsured immigrant patient arrives with an emergency medical condition, but they cannot receive federal funding for necessary continued care after the immigrant is stabilized. Federal regulations bar the hospital from “patient dumping,” so it faces the question of whether to incur the cost of continuing to treat a patient who is often unable to pay, or to use third-party companies to send the patient back to his or her home country for further care. Cantwell’s two-step test involves use of “informed consent” and “unconscionability”—“familiar tools for judges,” Cantwell wrote—to make that difficult decision.

Among the other highlights of his law school career, Cantwell cited his volunteer work with the Big Brothers, Big Sisters program. As a first-year law student, he was matched with a middle school student for whom he served as a mentor throughout law school.

“I enjoyed being able to give back to the community,” he says. “It gave me perspective, and as my great-great grandfather shows, you never know when you might be influencing future generations.”

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