**Why I Teach**

**DESPITE BEING DEAN, I TEACH ALMOST A FULL LOAD.**

This year, that means I am teaching civil procedure to a large section of first-year students, an upper-level class in higher education law to 45 second- and third-year students, and an intersession course in negotiation, and that I occasionally substitute teach in the insurance law class. I gather that is why the editors have asked me to contribute to this regular “Why I Teach” feature of *Washington University Law Magazine*.

By historic standards, this is not a lot for a dean to teach. Most of our alumni remember deans who taught large classes, week in and week out, while also somehow stewarding the law school. But by recent standards, as the size and complexity of law school administration has increased, it has become increasingly uncommon for a dean to teach more than one course each year—one course that lasts only 13 weeks, with just two or three hours of class meetings each week. Even that one-course load has caused at least one dean to write an article worrying about the costs to the law school of deflecting the dean’s energy and attention from higher and better uses. Indeed, there is an awful lot at a law school that only the dean can do—including paying due deference to major supporters and guests—and teaching well does not fall in this category.

So why do I keep teaching so much when it takes time and intellectual energy away from my other responsibilities? There are two main reasons, and also several reasons that do not apply. Let me start with the latter. I don’t teach so that I can flee other responsibilities that are less enjoyable. I like deaning. I have been doing it, at several schools, for 14 years now, and I enjoy the complexity, strategy, and stewardship that go into helping a school produce spectacular lawyers, scholarship, and service. For me, deaning is sometimes like being a litigator with a practice that specializes in temporary restraining orders: you never know walking into the office each day what you will have to deal with, but you know the work will call upon your whole nature and teach you something new.

Similarly, I don’t teach in order to get the ego boost of being the center of attention in a classroom, or because I relish putting students on the spot in front of their peers. In fact, I do get that ego boost (but that feeling fades a bit after a couple of decades of doing this), and I do still call on students at random and often. However, there are easier ways for a dean to salve an ego or feel powerful than by standing up regularly in front of incredibly bright and well-prepared students who will cheerfully poke holes in every word you say if you are not on top of your game.

So why do I teach? Because I like my students, and because I think it makes me a better dean.

The greatest risk for a teacher who becomes an administrator, in my view, is that he or she will gradually forget what matters most in a school. Without daily exposure to student learning—and to how hard good teaching is—a dean can gradually come to take the ingredients of a great education for granted. There are so many ways to compromise good teaching in an academic institution. Some of those compromises have to occur because of the importance of other institutional goals, including vital goals of great research and public service, and the perhaps less vital goal of institutional fame. But a dean who daily is exposed to the quality of the student body, and to the real challenge of living up to student expectations, is, in my view, somewhat less susceptible to those compromises. It is surely also the case that a dean who teaches is much more aware of what is going on in the school, and more likely to have a professional relationship with students who can help improve the school. I am grateful every day that, for many of our students, I am “Professor Syverud,” rather than the impersonal “Administration.”

But in the end, I teach so much because it is such a privilege to teach great students like we have at this school. They are bright, and rigorous, and civil, and demanding, and they give me great hope for the future every day, even in challenging times. It may be selfish, but I can’t bear not sharing with my colleagues in the many benefits of teaching.
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(front cover) Nearly 400 viewers packed the Crowder Courtyard and overflow rooms for a large-screen simulcast of the 2008 Vice Presidential Debate, held at Washington University. The renovated courtyard has become a central gathering place for members of the law school community.

COVER PHOTO: KEVIN LOWDER

SPRING 2009 Washington University Law Magazine
Diverse and Exceptional

A Variety of Student Backgrounds Heightens the Learning Experience for All

By Betsy Rogers

A FULBRIGHT SCHOLAR from Turkey, twins with similar career paths, a volleyball player with interests in transnational law, a pastry chef, a journal editor-in-chief, and an Air Force veteran—these and many others add up to one of the most diverse and exceptional student communities in Washington University Law’s history.

“We’re always trying to attract the best and brightest—individuals whom we can help become great lawyers and great citizens,” says Mary Ann Clifford, assistant dean of admissions. “It’s an extremely diverse school in terms of where students come from and underrepresented minority groups. We’re very pleased this year to again have students from a wide variety of backgrounds.”

The 2008–09 first-year class, for example, is drawn from the largest applicant pool (3,700) in recent years, has the highest median LSAT score (167), a high median GPA (3.6), and a strong level of racial and gender diversity: 29 percent are minorities, and 45 percent are women. They come from top-ranked undergraduate schools and join their second- and third-year classmates who also have exceptional credentials.

Compelling principles drive the school’s commitment to diversity, says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “It is valuable to learn from people with a variety of backgrounds. It enriches education on many levels when everyone brings something different to the law school community.”

The school’s rich mix helped Michael Spivey decide in 2008 to become assistant dean for career services, strategy, and marketing. “There’s something special about Washington University Law,” says Spivey, who previously directed admissions at Vanderbilt University. “Employers want diverse students because they have diverse clients. What’s more, they want students who interact in a diverse environment, which we have here. It’s one of our foundational strengths.”

The breadth of backgrounds, Spivey adds, creates an open and tolerant environment. “I meet with students every day,” he notes. “They have different backgrounds, mindsets, and ideologies. Because of their diversity, they also are willing to listen to others.”
Dilara Heravi, a student in the Intellectual Property Master’s Degree (LLM) Program, marvels at the geographical breadth of her fellow students. “We have colleagues from many countries—China, Taiwan, Portugal, Poland, Kuwait, Romania, Kazakhstan, and Pakistan,” says Heravi, an international student from Turkey and a law graduate of Koc University, Istanbul. “So when we study together, we have an opportunity to compare the systems in different countries.”

The Fulbright grant recipient brings her own varied background to the mix. Born in Smyrna, Turkey, she grew up in Istanbul, and, according to the Turkish educational system, went to a four-year law school immediately after high school. During her summers she worked at three Istanbul law firms that put her and her fluent English to work helping lawyers, translating documents, and writing memoranda.

She earned her law degree in 2008 and won a scholarship to the summer federalism program at Switzerland’s University of Fribourg. Steeped in Turkey’s unitary system of government, Heravi found the federalism approach interesting and potentially useful for her native land. “We have minorities. We have Kurdish people. We have non-Muslims. There has been debate about whether some sort of federalism might work,” she says.

Heravi is fascinated by the intersection of intellectual property law and the Internet. “We live in a knowledge century,” she observes. “I’m interested in infringements of intellectual property on the Internet, easily done with just a click.” Though Heravi hopes to practice intellectual property law, she says that Turkish attorneys typically do not specialize. And eventually she hopes to teach law. “I love teaching,” she says. “I love to share with people. I want to practice law—to see the practical view and also the daily life of a lawyer—and then teach.”
Intellectual property law is the chosen specialty as well for third-year law students Christian and Christopher Hines, twin brothers from St. Louis and 2005 Washington University School of Engineering & Applied Science graduates in computer science. For them, intellectual property is the perfect combination of engineering and law.

“I like engineering and computer science,” says Christopher Hines. “I like the way it makes you think and analyze things.” After graduating and working for Citigroup in St. Louis as a programmer and implementation manager, he soon realized that he was looking for more than a computer science career. Once in law school, Hines gravitated naturally to intellectual property law. The IP and Business Formation Legal Clinic, in particular, interested him. He worked with clients on starting companies, developing a business presence on the Internet, and seeking to patent inventions. He also gained intellectual property law experience during two internships at Polsinelli Shalton Flanigan Suelthaus PC. “It gave me a chance to see what working in a big law firm is like,” he says. Evidently, he—and the firm—liked what they saw: he’ll return there after graduation this spring.

Hines will take with him a wealth of skills. “Law school,” he muses, “has given me the confidence to think about problems and use what I know to solve them, even if I haven’t dealt with that kind of problem before.” He also participated in the Trial Team, which he says “forces us to get out there and stand on our feet.” Team competitions took him to Los Angeles; Kansas City, Missouri; and Austin, Texas.

Another experience was more personal. For two years, he has served as a “Big Brother” to a St. Louis youngster, now a high school sophomore. “He’s interested in technology, so we build computers,” Hines says. “We hang out and play video games, but we also talk a lot about what he wants to do after high school and what college means to him.”

Hines clearly has a heart for service. “I want to make sure,” he says of his unfolding career, “that I take advantage of everything I’ve learned so that when my opportunity comes, I can use these skills to help others.”

Like Christopher, Christian Hines also worked for Citigroup as a programmer and project manager after graduating, and like Christopher he began to look beyond computer science. But Christian Hines also began to “dabble” in politics, illuminating the usefulness of a law degree. When introduced to intellectual property law, however, he made his decision.

“Growing up with computers, I enjoy technology,” he explains. “I don’t want to let that go. Patent law gives me the opportunity to do both.” Taking the same IP clinic as his twin last fall confirmed his enthusiasm. “It was a great experience,” he says, regarding his hands-on work in copyright, trademark, and patent law.

He also values being part of the law school community. “Outside of academics,” he says, “the most important thing for me has been learning how to network effectively with my peers. Getting involved in extracurricular...
activities and finding things I’m passionate about have changed me for the better.”
Those activities include the Black Law Students Association, for which he served as treasurer, and the Christian Law Students Association, for which he was the Trial Team, an experience that has left him intrigued with the possibility of being a trial lawyer.

“I feel very fortunate to be attending Washington University Law. Being a part of this community, including serving as SBA president and as Notes Editor for the Law Review, has given me the opportunity to learn both in and out of class from and with some amazing minds. My professors and fellow students also happen to be great people. That’s a real asset to the law school—intelligence is important, but the world runs on human interaction, so personality matters, too.”

“For now, though, his future lies in patent law. He spent his first summer at Bryan Cave LLP, and then went to Chicago for his second summer, interning at the IP firm of Brinks Hofer Gilson & Lione. He has accepted an offer to join that firm after graduation in May.”

“Washington University Law’s holistic legal training provides many ways for students to develop their individual legal strengths. To begin, the school offers a strong curricular base of research and writing. Putting those skills to use through student activities and practice-oriented course work has been a rewarding affirmation of why I came to law school. After my experiences advocating against human rights abuses in Sri Lanka with the South Asian Law Student Association and combating public health issues with the Interdisciplinary Environmental Clinic, I am certain that Washington University can help each student tailor his or her law school education to his or her needs and interests.”

By Ann Nicholson

Focus on Student Leadership

DANIA S. BECKER
Class Year: 2009
Organization: Washington University Global Studies Law Review Editor-in-Chief
Employment: After law school, working as an associate at Winston & Strawn LLP in Chicago

“Aaron K. Block
Class Year: 2009
Organizations: SBA President and Washington University Law Review Notes Editor
Employment: After law school, clerking for Chief Judge Jon P. McCalla, U.S. District Court for the Western District of Tennessee; then heading to Alston + Bird LLP in Atlanta

“The best leaders have a keen ability to stay focused on their goals above all else. In my experience, projects go much more smoothly when people stop thinking in terms of taking credit and placing blame, but rather concentrate on doing what’s necessary to get the job done right. Washington University Law is a great place to develop these skills because our students and administration are so supportive. Our Global staff members, for example, constantly impress me with their eagerness to put in the hard—and sometimes tedious—work to make sure our final publication is perfect.”

“I am extremely pleased I made. As co-president of OUTLaw, in particular, I have been given a tremendous opportunity to work with different segments of the law school community, including other student organizations (through the SBA Diversity Committee), faculty, staff, alumni, and community members. I am consistently impressed by the open-mindedness of my classmates, and their willingness to create coalitions and use those relationships to work for continued improvements at the law school.”

SAKENA THEVARAJAH
Class Year: 2010
Organizations: South Asian Law Student Association Co-President; SBA Diversity Committee Member; Regional Negotiation Team and ABA Regional Representation in Mediation Team Member

“Washington University Law’s holistic legal training provides many ways for students to develop their individual legal strengths. To begin, the school offers a strong curricular base of research and writing. Putting those skills to use through student activities and practice-oriented course work has been a rewarding affirmation of why I came to law school. After my experiences advocating against human rights abuses in Sri Lanka with the South Asian Law Student Association and combating public health issues with the Interdisciplinary Environmental Clinic, I am certain that Washington University can help each student tailor his or her law school education to his or her needs and interests.”

By Ann Nicholson

DAVIN M. ROSBOROUGH
Class Year: 2010
Organizations: OUTLaw Co-President, Washington University Law Review Staff Editor, Barely Legal Theater Company Co-Producer
Employment Experience: Interned with NAACP Legal Defense and Education Fund (summer 2008); will be a summer associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York (2009)

“The decision to come to Washington University Law after never having lived in the Midwest was not an easy one, but it is one that...”
Global issues are a consuming interest for second-year law student MOLLY KELLEY, who majored in political science at Notre Dame University with minors in European studies and in the Philosophy, Politics, and Economics Program. She spent her sophomore year living and studying in Angers, France: “It was a life-changing experience,” she says. Before law school, she served as an honors paralegal at the U.S. Department of Justice (DOJ), working on cross-border mergers cases and using her French translation skills.

A member of the inaugural class of the Transnational Law Program, Kelley will first complete two and a half years at Washington University, taking core international law classes. She’ll then spend three semesters at the Netherlands’ Utrecht University, ultimately earning both a JD and an LLM. “It’s uniquely tailored for people interested in a global practice,” she says.

“The world is smaller than ever before,” Kelley observes. “I saw at the Department of Justice how important cooperation and coordination are. Transnational law is a way to prepare to meet those kinds of needs.” Kelley will pursue these interests further this summer, when she returns to the DOJ to work in antitrust criminal enforcement. The Government Lawyering Clinic this spring and an internship in the U.S. Attorney’s Office in the Southern District of Illinois are helping her prepare.

Kelley’s other passion in the law is public service. She is a member of the Pro Bono Alliance of the Public Service Advisory Board, which seeks to identify opportunities for pro bono law work in the community. She has worked this year at a city legal aid clinic.

Though spare time might seem in short supply, she also finds time to play on the University’s club volleyball team. “It’s been fun,” she says. “I love volleyball!”

Meet second-year law student Erick “E.D.” Harris and third-year law student Scott Talkov. Harris is a dyed-in-the-wool Republican from Cape Girardeau, Missouri, while Talkov is a lifelong Democrat from Los Angeles.

Both have worked on political campaigns for their respective parties—among others, Harris worked for former Senator Jim Talent, while Talkov participated in city campaigns in Los Angeles.

One might not expect them to have much in common, but they share a love of politics and at least one other thing—an address. The two decided to become housemates long before they began receiving media attention during the 2008 presidential race; Harris and
There’s as much diversity to be found in law students’ passions as in their backgrounds, and for first-year student **David Eng**, it’s cooking. The son of immigrants from Canton, China, Eng grew up in New York City and majored in political science at Amherst College. But what really interested him was cooking, so he talked his way into a job at Blue Hill at Stone Barns, Tarrytown, New York, a respected restaurant, farm, and food education center.

From there, he went to New York City’s top-ranked Gramercy Tavern as a pastry cook. “I wanted to work for the best,” he says simply. “That’s how you become a good cook.” Regrettably, the long hours standing caused a painful foot condition, and he realized he had to pursue a different career. After considering various options, he decided on law school.

In addition to his restaurant experience, he had also worked for the National Audubon Society in Washington, D.C., and environmental law intrigued him. The law school’s Interdisciplinary Environmental Clinic was one of the reasons he chose Washington University.

Though part of his heart is still in cooking—he laughs about being in demand at school social functions—Eng is thriving as a law student. He’s grateful for the mentors he’s found both among faculty and students. “There’s just an amazing amount of experience and knowledge here,” he says. “The professors go out of their way to make themselves available.”

He appreciates also the Career Services Office and has taken advantage of the panels and programs it presents.

Eng is a member of the Environmental Law Society and has begun a law school wine society. A runner, he competed in the 2004 Chicago Marathon. “I really enjoy running,” he says. “It’s a great way to meet other students.”

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**Scott Talkov, left, and “E.D.” Harris**

Talkov had met months earlier at law school.

“He thought I was a Republican!” laughs Talkov, remembering their first meeting. “E.D., much more than I do, likes to hang out on the Republican side of the aisle—or rather, E.D. likes to hang out on his own side of the aisle; he enjoys his bubble.”

At that, Harris laughs. “You would disagree?” probes Talkov. Harris responds: “I would not be your roommate if I only associated with members of my own party.”

*continued on page 8*
That kind of quick, back-and-forth exchange caught the attention of a political campaign manager and lawyer friend of Talkov’s who “pitched” the unlikely pair to Los Angeles Times columnist Steve Lopez.

Collins hails from Jackson, Mississippi, where famed author Eudora Welty was a neighbor. She majored in literature at Vanderbilt University, with a focus on southern authors and Welty, in particular.

Graduating in 2005 from Vanderbilt, she interned with the Jackson Public Defender’s Office. “It was an exciting and eye-opening experience,” she notes, and it confirmed her interest in law school. It also shaped a commitment to social justice. She has especially valued law classes “that tackle difficult social issues and force students to articulate complex views.”

These interests found focus in her work on the Washington University Journal of Law & Policy, where this year she is editor-in-chief. “Each volume concentrates on a pertinent area of law,” she explains. “We bring together legal and policy scholars in our symposia.”

Published three times a year, the Journal is demanding and time-consuming, but Collins is enthusiastic. “I love getting to work with authors and with my peers in this setting,” she says. She has developed a keen interest in policy development and particularly in gender issues; she has written a note for the Journal proposing changes to address discrimination women still face in the workplace. She also joined the Women’s Law Caucus and, last year, served as president. This spring she taught an undergraduate course, Women & the Law.

Fittingly, Collins has accepted an offer to join the Nashville firm of Baker, Donelson, Bearman, Caldwell & Berkowitz PC—it awards billable hours for pro bono work. She sees the same concern for helping others throughout the law student community. “They’re bright and selfless people,” she observes, “very active in social issues and community service.”

One point of view the two definitely have in common: public involvement is key to a successful democracy.

“The real enemy is not the Republicans or the Democrats,” Talkov says. “It’s the people who just don’t care—who don’t vote or pay attention to what’s going on. That’s the enemy—not any one political party.”

continued from page 7

That kind of quick, back-and-forth exchange caught the attention of a political campaign manager and lawyer friend of Talkov’s who “pitched” the unlikely pair to Los Angeles Times columnist Steve Lopez.

Lopez wrote about the two, and his column—plus the perceived “novelty” of an African-American supporting McCain over Obama—caught CNN’s attention. The pair, who also reflected the mood of a swing-vote state, offered their perspectives on national television both before and after the election.
Following graduation in May, Talkov is planning to work for the law firm of Reid & Hellyer in Riverside, California. Harris, who has another year left of law school, will be working in the Kansas City office of Spencer Fane Britt & Brown LLP during summer 2009. Neither Talkov nor Harris sees anything strange about their friendship, which they are sure will endure.

“I think if more people were willing to reach out to others, or maybe even live with others, they would find out that they really aren’t that different. Understanding the differences can help them work toward compromise,” Talkov says. “I’m sure E.D. and I will continue to act as a sounding board for each other for many years to come.”

“Our relationship is like a fan of the Jayhawks having a best friend who is a fan of the Tigers,” says Harris. “That doesn’t change the fact that you both love football.”

By Tim Fox
Classroom Named in Honor of Greenfield

WASHINGTON UNIVERSITY LAW recently dedicated a classroom in Harry & Susan Seigle Hall in honor of Professor Michael Greenfield’s nearly four decades of teaching and scholarship and his more than two decades of service to building construction projects at the law school.

The new classroom is the first in the school named for a member of the law faculty. The Greenfield Classroom is a tribute to Greenfield’s tireless work with other faculty, students, administrators, alumni, architects, and contractors to ensure that the law school’s physical facilities are among the very best in the country.

“Mike Greenfield has given 40 years of priceless sweat equity to this law school as a teacher and scholar, as well as a member of at least three building committees,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “The classroom in Seigle Hall is a particularly fitting recognition of his selfless service to our school. He loyally, dependably, and at times brilliantly, did so much to make Seigle Hall a reality.”

The George Alexander Madill Professor of Contracts and Commercial Law, Greenfield joined the law faculty in 1969. In addition to his tenure as assistant dean and chair of several building and renovation committees, he has served on virtually every other law school committee. A prolific author, he is a renowned expert in commercial and consumer law, and an outstanding teacher. Greenfield was first appointed to a building committee under then Dean F. Hodge O’Neal. Next, during the deanship of Dorsey D. Ellis, Jr., Greenfield headed the faculty committee for the construction of Anheuser-Busch Hall. Eight years later, he was asked first by then Dean Joel Seligman and next by Dean Syverud to play a similar role for the construction of the law school’s portion of Seigle Hall and for the renovation of Anheuser-Busch Hall.

“The naming of this classroom in Seigle Hall is a most appropriate tribute to Mike’s enormous contributions to the law school’s physical facilities and to his unwavering commitment to demanding and effective teaching,” notes Ellis, dean emeritus and the William R. Orthwein Distinguished Professor of Law Emeritus. Ellis and Syverud also acknowledged Greenfield’s wife and alumna, Claire Halpern, JD ’75, who has steadfastly supported his long hours of dedication to the school.

Greenfield says he was particularly humbled by having a classroom named in his honor: “I came to Washington University because many years ago my mentors praised the quality of the teaching that occurred here and the collegiality and supportiveness of the faculty who taught here. They were absolutely correct, and I found my passion here in teaching.

“In my opinion, the primary mission of a law school is teaching the students to engage in the rigorous analysis demanded by the law,” he continues. “In helping with the design of our physical facilities, in both Anheuser-Busch Hall and Seigle Hall, my greatest attention has been focused on the classrooms, hoping that they would function better than the classrooms at any other school in the country. Because of the importance I place on our function as teachers, I am especially pleased to have a classroom bear my name. You have honored me in the most meaningful way I can imagine.”

(above left) Professor Michael Greenfield addresses those gathered at the classroom dedication. (left) A dedicated teacher, Greenfield was particularly honored that a classroom now bears his name.
Dramatic improvements to Anheuser-Busch Hall and the construction of Harry and Susan Seigle Hall have created one of the top law school campuses nationally. Seigle Hall was officially dedicated on September 25, 2008, including a celebration of Washington University Law’s portion of the building, which it shares with Arts & Sciences.
Seigle Hall now is home to the law school’s Whitney R. Harris World Law Institute, named in honor of Harris, a Nuremberg prosecutor and philanthropist; the Center for Interdisciplinary Studies; the Center for Empirical Research in the Law; international and LLM programs; and various classrooms and offices. Named spaces include the new David and Sandi Becker Student Center; Greenfield Classroom; Rettner Classroom; Detjen Seminar Room; Green Seminar Room; Wolff Student Organizations Room; Cayne Global Studies Law Review Suite; Francis M. Gaffney Law Review Suite; Joe Family Director’s Office for International Programs; Ainsworth Journal Office; Thomas E. Proost Faculty Office; and Daniel J. Proost Faculty Office.

(above) Law students relax on a bench near Seigle Hall, left, and Anheuser-Busch Hall, behind.

(right) A law student enjoys the natural lighting of the Crowder Courtyard. (below) The law school’s space in Seigle Hall includes state-of-the-art new classrooms, such as the Greenfield Classroom.

(above) The new Law Café in the Griffin Student Commons offers a wide variety of food and beverage selections.
Major renovations to Anheuser-Busch Hall also were completed in time for fall classes, transforming the 10-year-old building into a fully functioning, vibrant facility suitable to the growth in programs and increase in students, faculty, and staff. Highlights include the now-enclosed Floyd and Judith Crowder Courtyard and renovated W.L. Hadley Griffin Student Commons. As part of the new interior design concept, the third floor now showcases both artwork (including pieces from the law school’s collection and those on loan from art students and Island Press) and dynamic displays for the Annual Fund, Distinguished Alumni Awards, Endowed Scholarships, and Building Campaigns. An additional renovation project for the first-floor clinic space is slated for summer 2009.
Harnessing the Costs of International Tax Arbitrage

The current international tax regime of the United States has become rife with planning opportunities for clever and aggressive taxpayers. In this regard, much attention has been paid to noneconomic “tax shelters” and other, similar tax-avoidance transactions. However, one planning strategy unique to the cross-border setting (commonly referred to as “international tax arbitrage” or “cross-border tax arbitrage”) is different.

Under international tax arbitrage, taxpayers can structure a transaction so as to technically comply with the laws of two or more jurisdictions, while at the same time reducing their total worldwide tax liability as compared to what the taxpayers would have paid if only one jurisdiction had exercised its taxing authority. In effect, taxpayers can raid the fisc (which fisc is a different question), while fully complying with the law. Predictably, the jurisdictions involved tend to view these transactions as undesirable and seek to curtail them.

A more difficult question is how a jurisdiction, such as the United States, should respond to its taxpayers engaging in these types of transactions. This question is difficult precisely because international tax arbitrage arises as a result of the conflict between the tax laws of one jurisdiction with those of another jurisdiction. Each country designs its own internal tax regime to promote specific policy goals, balancing the impact on the domestic economy, the distributive impact on its citizens and residents, and the impact on the worldwide economy in different ways. When the rules of two jurisdictions conflict, it is precisely because one or more of these policy decisions differ. As a result, any response to international tax arbitrage will necessarily implicate one or more of these policy choices.

In light of the conflicting policy choices implicit in international tax arbitrage, countries have an incentive not to cooperate to resolve the issue under the current international tax regime. This incentive structure leads to a long-term equilibrium of mutual noncooperation and, as a result, a suboptimal worldwide tax regime. An optimal solution might be the establishment of a worldwide taxing authority with the ability to impose harmonized laws on the two jurisdictions. The problem with this approach is that no one country has any incentive to surrender its power over tax matters to such a body. Respect for the sovereignty of countries to adopt and implement their own tax rules also complicates the creation of a body to impose harmonized tax rules on unwilling countries. Therefore, in the absence of a worldwide taxing authority, unilateral responses by individual countries must be considered.

Any unilateral response to international tax arbitrage necessarily requires consideration of not only the international tax arbitrage itself, but also the policy choices underlying the law that led to the conflict in the first place. The policies embodied in the U.S. tax regime are not, however, monolithic. The domestic tax rules and the international tax rules of the United States represent different, and at times incompatible, policy choices. Accepting that the U.S. domestic and international tax regimes adopt differing equity and efficiency policies, it follows that it may not be possible to maximize the efficiency of both regimes while also minimizing international tax arbitrage transactions.

In such circumstances, a decision must be made whether to sacrifice either domestic or international equity or efficiency (or both) to combat international tax arbitrage. Traditional responses to international tax arbitrage have attempted to balance these disparate costs and benefits, a task that has proven difficult, if not impossible.

This article addresses the problem by proposing that there may be a different way to conceptualize the response to international tax arbitrage. In particular, analysis of international tax arbitrage must be taken out of isolation and placed within the proper context; international tax arbitrage is not an independent
phenomenon, but rather one manifestation of the broader issue of international tax relations. Assuming that some cost is inherent in the system (either the arbitrage itself or some policy compromise in response to the arbitrage), the question is whether any particular response could provide some additional benefit to the international tax regime in exchange for bearing these costs.

In other words, can the inherent costs of international tax arbitrage be harnessed to further other policy goals? This article proposes that such costs can be so utilized. More specifically, this article contends that the costs of international tax arbitrage can be harnessed to benefit those countries that have not historically benefited from the policies of the worldwide tax regime—i.e., developing countries. Not only would such an approach benefit developing countries at little or no marginal cost to the United States, but, more fundamentally, it could also serve to change the debate: placing the issue of international tax arbitrage on the world stage, realigning worldwide incentives, and leading to increased worldwide cooperation and a more harmonized worldwide tax regime.

PART II OF THIS ARTICLE summarizes the development of international tax arbitrage and discusses the underlying policy choices of the domestic and international tax regimes of the United States that have led to the current system. Part III then discusses responses to international tax arbitrage and analyzes the criticisms of each in light of the policy choices discussed in Part II. Part IV proposes a new methodology for harnessing and directing the costs of international tax arbitrage to promote worldwide development and analyzes how such an approach could ultimately transform the current worldwide equilibrium into a more cooperative regime while aiding developing countries in the short term. Part V then applies this framework to a case study of a particular international tax arbitrage transaction, demonstrating the distributional and cooperative benefits of the approach proposed by this article.

"International tax arbitrage arises as a result of the conflict between the tax laws of one jurisdiction with those of another jurisdiction."

affirmatively bearing some of the costs of the international tax arbitrage, both as a means to further exogenous policy choices and to transform the current incentive structure that led to the worldwide equilibrium permitting the rise of international tax arbitrage in the first place, by unilaterally and explicitly permitting the benefits of such transactions to the extent they are undertaken in developing countries.

Harnessing the cost of international tax arbitrage will not always be the appropriate response to every particular international tax arbitrage transaction, but it should be considered when other, more traditional responses prove inadequate.

AT A MINIMUM, in adopting such an approach, the United States would provide some level of subsidy for investment in developing countries at little to no cost to the current international tax regime.

At best, harnessing the costs of international tax arbitrage could place the issue back on the international scene, restart stalled international tax discussions, and move the worldwide tax regime towards greater consensus, not only on the role of international tax arbitrage, but also on the larger issue of international vertical equity in the global tax regime. In a second-best world, unilateral action by the United States to harness the costs of international tax arbitrage may be the first step towards a first-best solution.

Adam H. Rosenzweig, associate professor of law, specializes in tax law and policy.

Excerpted with permission from Virginia Tax Review (Volume 26, Number 3) entrepreneur.com/tradejournals/article/164997859.html
Alberto Mora served as General Counsel of the Department of the Navy from 2001 to 2005. Mora was concerned about the government’s treatment of prisoners at Guantanamo Bay. He had led an internal Defense Department effort to ensure that the government would begin to treat those prisoners humanely. But he had met powerful opposition—including Secretary of Defense Donald Rumsfeld and Defense Department General Counsel William Haynes—who wanted the government to have a free hand to treat the Guantanamo Bay prisoners more harshly during interrogations. Mora fought an internal, bureaucratic battle on this issue, marshalling allies from within the uniformed services, but he never revealed to anyone outside the government this internal struggle over prisoner treatment. Eventually, after the Abu Ghraib scandal, he wrote a lengthy memorandum to the Navy Inspector General describing how he and Judge Advocate General lawyers argued for humane treatment, and how Haynes and other Defense Department officials responded.

Mora left the Defense Department in December of 2005 and was approached by a journalist, Jane Mayer of The New Yorker, who had obtained a copy of his memorandum. Mayer wanted to speak with Mora to better understand the policy battle that had taken place within the Defense Department. Mora agreed to speak with her, and Mayer wrote about the internal Defense Department battle and profiled Mora in The New Yorker.

When asked why he agreed to speak with a journalist about this issue after remaining publicly silent for so long, Mora noted that his memorandum to the Inspector General was unclassified, and thus the government had deemed that release of the information could not cause damage to national security. Someone had provided Mayer with a copy of the memorandum, and so Mora thought that he could legitimately amplify and give her additional background on the memorandum. When asked whether his duty of confidentiality as a lawyer prevented him from revealing further information, Mora responded that, because Mayer already had some information, it seemed that the duty of confidentiality had been waived.

**Lawyer’s Duty** of confidentiality is not subject to the kind of waiver that Alberto Mora posited. A client’s revelation of some information about a topic does not give her lawyer the option of revealing additional information about that same topic. In most states, a lawyer’s duty of confidentiality is defined very broadly and applies to all information relating to the representation of the client. The lawyer is required to be discreet with such information whether or not it could harm or embarrass a client, and whether or not the client has revealed the information to others. In most states, the professional confidentiality rule does not distinguish between government and private-sector lawyers. Thus, government lawyers appear to be bound by the same broad confidentiality obligation as lawyers for private-sector clients.

This broad confidentiality obligation would seem to prohibit a former government lawyer like Mora from giving any information about his work. Although there are exceptions to this duty of confidentiality (the professional confidentiality rule identifies eight in particular), it is not clear that any of these exceptions would permit Mora’s disclosure.

Was Mora permitted to discuss these internal Defense Department debates about prisoner treatment? This article is an attempt to answer that question for Mora and for the more than 100,000 federal, state, and local government lawyers who need to determine which information they can ethically reveal.
Surprisingly little has been written on the question of government lawyer confidentiality. A spate of law review articles and student notes about the government’s attorney–client privilege were published after the high-profile legal battle on this issue between Independent Counsel Kenneth Starr and President Bill Clinton. But outside the context of Freedom of Information requests, the issue of attorney–client privilege arises relatively rarely for government lawyers. On the other hand, government lawyers face the confidentiality issue every day when they decide which information they can share with friends and colleagues both inside and outside of government.

This article makes several significant contributions to the literature on government lawyers. First, it provides a theoretical basis for identifying the client of a government lawyer. There is no single answer to the question of client identity for government lawyers. Instead, one must examine the structure of authority within government to identify which of several possible entities is actually the client.

SECOND, THE ARTICLE EXPLAINS how government and private sector lawyers’ confidentiality duties differ even though the ethics rules do not differentiate between them. Government lawyers’ confidentiality duties are not based solely on the broad mandate of confidentiality found in the legal ethics rules, but also on the complex regime for control of government information. While lawyers are normally bound by a broad duty of confidentiality (applying to all “information relating to representation”) under the legal ethics rules, a client can consent to disclosure of otherwise confidential information. One of the insights of this article is that government clients have consented to large amounts of disclosure by their lawyers through enactment of open government laws.

In other words, to determine whether the client of a government lawyer has consented to a specific disclosure, the lawyer need not rely solely on a particular government official’s ad hoc decision about whether to consent. Instead, that official is bound to respect the legal regime controlling government information. If that legal regime requires that information be disclosed, then the institutional client has consented to its disclosure. If that legal regime prohibits the information from being disclosed, then the institutional client has withheld consent to disclosure.

The third significant contribution of this article is that it identifies for the first time the need to revise the confidentiality rule to clarify that government lawyers have the discretion to disclose government wrongdoing. Examination of case law and statutes suggests a norm that governments—unlike private-sector clients—do not have a legitimate interest in keeping secret information about their own wrongdoing. Other scholars have not previously recognized that the implication of this norm is that government lawyers may be able to disclose government wrongdoing.

* * *

IT IS NOT UNCOMMON for current and former government lawyers to disclose information that appears to be covered by their professional obligation of confidentiality. In their memoirs, these lawyers generally do not acknowledge their professional confidentiality obligation. The actual practice of current and former government lawyers and the degree to which they acknowledge and comply with their professional duty of confidentiality are issues that deserve further attention.

This article…began with the story of Alberto Mora, who told a reporter about the internal Defense Department legal debates over the treatment of prisoners at Guantanamo. This information about the content of a lawyer’s advice to his client would be subject to the attorney–client privilege, and thus is not subject to mandatory disclosure under the Freedom of Information Act. But Mora was describing what he saw as misconduct on the part of other government officials. Under the analysis in this article, as a substantive matter, Mora would be able to disclose government misconduct. As a procedural matter, Mora attempted to address the problem within the government, going all the way up to the Defense Department’s General Counsel.

As a substantive matter, government lawyers may disclose government wrongdoing and may reveal information that is subject to disclosure under freedom of information laws. But as a procedural matter, state supreme courts and governments need to establish procedures for government lawyers to follow when disclosing wrongdoing or other information that would be subject to disclosure under freedom of information laws.

Kathleen Clark, professor of law, concentrates her research and teaching in the areas of ethics and national security law.

Excerpted with permission from Washington University Law Review (Volume 85)
lawreview.wustl.edu/in-print/government-lawyers-and-confidentiality-norms
Elaine N. Lammert, JD ’85, serves the FBI as both a lawyer and an agent, involved in investigating or providing legal advice on criminal cases ranging from organized crime to terrorism. She is now a deputy general counsel in Washington, D.C.
AW ALUMNA ELAINE N. LAMMERT is the rare FBI agent who is also an attorney. Most of her time with the bureau has been spent as a staff lawyer engaged with a broad swath of criminal law, including investigations of the 9/11 attacks and the major terrorism cases that came afterwards.

Now a senior FBI lawyer with a sensitive security clearance, Lammert serves as a deputy general counsel in charge of providing legal advice about investigative matters. On top of that responsibility, as chief-of-staff, she administers the Office of the General Counsel, which is located in the J. Edgar Hoover Building on Pennsylvania Avenue.

The dual roles, she says, bring together “the two things that I love—being an agent and being an attorney.” Fewer than 13 percent of the FBI’s 13,000 agents can do both.

As a field agent in Vermont and New Jersey, Lammert conducted criminal investigations before being recruited into legal counsel positions first in Newark, New Jersey, and then Washington, D.C. “I hadn’t thought of working in headquarters; I liked working in the field,” she explains. “But the prospect intrigued me.”

IN THE BEGINNING, Lammert saw the FBI as a means to reach another career goal. But the agency quickly presented an absorbing career of its own.

“I went to law school because I wanted to be a prosecutor, especially in the federal system,” she recalls. The FBI and “another intelligence agency” approached her in law school because of her extensive language skills—fluency in Italian and French, competency in Spanish and Mandarin Chinese. She chose the FBI.

“I thought it would lend itself to a background conducive to being a federal prosecutor,” she explains. “I obviously liked it enough to stay.”

First stop: the Marine base in Quantico, Virginia, undergoing four months of training at the FBI Academy there in 1986. The multifaceted instruction covered interrogation techniques, “defensive tactics” and physical fitness, and firearms. For Lammert, the physical training was the toughest. “That was a little daunting. I was in no way an athlete in college or law school,” she recalls.

Lammert was assigned to a five-agent bureau in Burlington, Vermont, a satellite of the field office in Albany, New York. “We were right near the border with Canada. That created quite a bit of work for us,” she recalls. Her first investigations involved fugitives, organized crime, and foreign counterintelligence—the last a classified subject she cannot discuss.

After two years in Vermont, Lammert was transferred to the Newark field office and assigned to the Joint Terrorism Task Force for most of New Jersey. Established in 1985, the task force was one of the first such combinations of federal, state, and local investigators.

Because of her fluency in Italian, she was moved a few months later to Newark’s drug squad to work on what the bureau calls “Italian organized crime” cases. One involving undercover work and overseas travel led to arrests and asset forfeitures on charges of distributing illegal drugs.

In 1991, five years into her FBI career, the law beckoned. Asked to serve as the legal counsel to the special-agent-in-charge in Newark, Lammert accepted because, she jokes, “You can’t get the lawyer out of someone.”

That position led to the fulfillment of her ambition—by then abandoned for the love of the FBI—to be a federal prosecutor. With the agreement of the FBI and Department of Justice, and the sponsorship of the U.S. attorney in Newark, she served as a special assistant U.S. attorney from 1994 to 1997, offering advice about handling fugitives and legal requests for FBI information.

After being encouraged to apply for an opening in the FBI’s Office of the General Counsel, Lammert arrived in Washington in 1997. She was made chief of the Investigative Law Unit, providing counsel about criminal, domestic-terrorism, and weapons-of-mass-destruction cases to make sure investigators complied with applicable laws and regulations. She was in that role when New York and Washington, D.C. were attacked on September 11, 2001.

“I SPENT A TREMENDOUS number of waking hours in our command office after that happened,” Lammert recalls. Her involvement included providing support and facilitating coordination among many of the FBI’s 56 field offices on different legal issues.

Two years later, Lammert was tapped to take charge of a Counterterrorism Law Unit, which the general counsel’s office expanded after 9/11 to provide counsel on international terrorism investigations. Some became well-known cases. Lammert declines to name any, but says it is safe to assume she worked on the major ones during her two years in that position. The investigation of U.S. citizen José Padilla, for instance, occurred during that period.

In 2005, Lammert was promoted to her current positions. At the Investigative Law Branch, she handles issues related to investigations, science and technology, and asset forfeiture law. She meets with her internal clients, including occasionally briefing FBI Director Robert S. Mueller.

Other work takes her into the public. In 2006, she assured a House subcommittee that the FBI had not systematically used cell phone information from private data miners who obtained it illegally. A year later, she accompanied another FBI official to a hearing on the agency’s use of confidential informants.

As chief-of-staff, Lammert has broad administrative responsibilities. “It’s like running any law firm,” she says. Except it is a firm whose clients and lawyers have a public mission, which is what to her makes working for the FBI special.

“I firmly believe in what we do,” Lammert says. “We accomplish things that help our nation.”
San Francisco-based corporate attorney Jack Helfand, JD ’94, has worked dozens of marquee deals—including brokering the sale of MySpace to Rupert Murdoch’s News Corporation, acting as IPO counsel to cyber-security giant McAfee, and restructuring Converse Corporation from bankruptcy. But with today’s tight money and uncertainty, he’s advising his clients to “hunker down.”
Growing up with a father who worked as an executive at an investment bank, alumnus Jack Helfand says he acquired “a keen interest in the markets” at an early age. But it wasn’t until Helfand enrolled in Washington University Law that he got his first glimpse of the career path that has led him to specialize in capital-markets legal work and mergers and acquisitions for some of America’s fastest growing, high-profile companies.

“At Washington University, I learned all the things that lawyers can do—and that all lawyers are not like F. Lee Bailey,” Helfand says.

After law school, he returned to his native Chicago to work with the international mega-firm of Mayer Brown LLP. Three years later, he was recruited to join one of America’s premier technology law firms, Wilson Sonsini Goodrich & Rosati PC, of Palo Alto, California.

“I left Chicago for Silicon Valley because of the enormous opportunities there for health science and technology companies,” Helfand says. “Remember when all you heard was how these new-age companies were transforming the way we live, work, and communicate? Well, I am still a believer. While I have worked for countless companies that failed, I am heartened by my work for the many businesses that have gone on to be successful; some have products that are now a regular part of daily life.”

For six years, Helfand handled securities and capital-markets deals for investment banks such as Morgan Stanley and J.P. Morgan and tech companies such as InfoSpace, Network Associates, and McAfee. “I worked on pretty much all of McAfee’s mergers and acquisitions from 1998 to 2004,” he recalls.

But he also played pivotal roles in significant matters outside high-tech—like the Crocs initial public offering and the sale of Converse Corporation to Nike, Inc. His know-how in venture-capital transactions, mergers and acquisitions, and IPOs led to “a pretty exciting opportunity” with the San Francisco investment bank of Thomas Weisel Partners, as general counsel with responsibility for investment banking and private equity. There he advised the firm’s investment professionals, structured and represented several private-equity fund families, and was a member of the bank’s capital commitment committee.

But in 2008, with capital tightening and IPOs shrinking (there was only one NASDAQ initial public offering during a four-month period that year), he realized that a lawyer might soon be a luxury at an investment bank. So he joined former colleagues from Wilson Sonsini and became one of four partners at the boutique transaction firm of Hayden Bergman Rooney PC in San Francisco. The firm has an active transactional practice representing premier technology firms in Silicon Valley.

“The investment bank gave me a great perspective on the coming events and was a big contributor to my return to private M&A practice this past summer,” Helfand notes. In contrast to other recent economic downturns, he observes, the current economic crisis “hit the monied sector first.”

“Wall Street will be working without bonuses for the foreseeable future, but I’m convinced that Main Street doesn’t fully get it yet,” Helfand says. “There’s a real premium now on survivability.”

So he’s telling his clients to tighten their belts and conserve cash—to stay creative and innovative, but to “hunker down” for the time being.

Despite market and economic vagaries, Helfand revels in his intellectually challenging work. “Unlike litigation—which can be a zero-sum game, where one side succeeds at the other’s expense—a well-done corporate deal can result in both sides considering themselves winners,” Helfand observes.

“Big or small, it is thrilling to help entrepreneurs accomplish their dreams,” he continues. “I enjoy working with business risk-takers. Usually, a company going public or engaging in M&A has beaten the odds. Being a small part of their success is very rewarding.”

Helfand credits Washington University Law for helping to prepare him as a corporate lawyer. In particular, he recalls David M. Becker, now the Joseph H. Zumbalen Professor Emeritus of the Law of Property and associate dean for external relations, telling Helfand and his classmates not to underestimate the impact they could have on the law. “At the time, it sounded like ‘professor-babble.’ But as I get more perspective, I have to agree. For example, I participated in drafting the first registration statement for an e-mail marketing company nearly 10 years ago. Since then, I’ve seen our work recycled in numerous deals.”

A solid education plus passion is the formula for achievement, Helfand says: “While certainly not limited to corporate law, it is obvious that commitment and education are the secrets of success. Most jobs are attainable, if you are the person who wants it the most.”
While most law schools’ career services focus on individual professional development and employment counseling, Washington University Law has introduced a new and innovative approach to job placement—one that relies heavily on proactive employer outreach and the assistance of alumni.

**ALTHOUGH STILL ASSISTING STUDENTS** with fine-tuning résumés, cover letters, and interviewing skills, Washington University Law is shifting its main focus to better suit the current job market and needs of legal employers.

“I am told weekly by hiring managers just how much our students excel in professional acuity and acumen,” says Michael Spivey, assistant dean for career services, strategy, and marketing. “We are now complementing our programs for building these professional traits and self-promotional skills with actively lining up specific employers with specific students.

“This, I believe, is not only rare for law school career service offices nationwide, but also absolutely necessary—the sine qua non, if you will—for a law school with students of our caliber.”

Kent Syverud, dean and the Ethan A.H. Shepley University Professor, notes: “Our emphasis on career placement is essential to ensuring that our students have access to career options that are in line with other top-tier law schools. We recruited Dean Spivey to assist us with this effort, and I am confident that he is the right person to take on this challenge.”

**THE LAW SCHOOL’S CAREER SERVICES OFFICE** (CSO) is establishing broad networks of alumni and employers, creating specific marketing materials to help establish worldwide brand recognition of the school and its students, and developing software for a national job bank.

“We have personally contacted close to 1,200 small- to mid-sized firms in 10 cities of strategic and geographic relevance and invited them to participate in our year-round, on-campus and off-campus recruiting events,” Spivey explains. “We also have developed a comprehensive marketing brochure and sophisticated, individualized marketing materials for 38 separate U.S. cities, along with Europe- and Asia-centric marketing literature.”

Janet Bolin, associate dean of admissions and student services, concurs: “We are letting the world know about our amazingly talented and diverse students. For example, our law school is among the most selective in terms of entering LSAT metrics and has risen the most rapidly of any other top law school. Most important, we have students from all over the nation and world who want to practice in nearly every conceivable practice area and region, and these students have a collective work ethic and loyalty that is second to none.”
At the same time, the law school is cultivating deep relationships with hiring partners throughout the nation. In the first five months alone, either Dean Syverud, Associate Director Kati Scannell, Spivey, or other CSO personnel visited partners at more than 100 major firms in key cities. These include Atlanta, Boston, Chicago, Dallas, Denver, Indianapolis, Los Angeles, Nashville, New York City, San Diego, San Francisco, St. Louis, and Washington, D.C., as well as Charlotte, North Carolina; Jefferson City, Missouri; Kansas City, Kansas; Kansas City, Missouri; and Palo Alto, California. Additionally, they made personal calls in Hong Kong, Singapore, and Shanghai.

The CSO also has been successful in bringing to campus 10 new firms for the Intersession Practice Showcase for first-year students and 14 additional law firms for on-campus student interviews.

Jeffrey Chapman, a partner at Vinson & Elkins LLP in Dallas, says he is impressed by the CSO’s new focus. “Employer-matching is a truly great component of the overarching career services program, and Washington University Law is clearly climbing up the ranks—both of which are very relevant to us and to where we decide to interview. We are pleased with the students and career services professionals we have met. We will be back.”

The CSO is also developing other innovative ways to reach out to employers. Ron Gorgen, a principal at Edward Jones in St. Louis, says his firm met with law school officials last August to discuss developing a pipeline of candidates for summer internships, part-time employment, and full-time employment for Edward Jones’ Legal and Compliance Division.

“The timing to get this program off the ground couldn’t have been better,” Gorgen says. “From the start, Mike Spivey and Kati Scannell have been enthusiastic, cooperative, and persistent in making this happen. We are excited to both meet and work with Washington University Law students.”

Spivey adds that another important component is the CSO partnering with current law faculty, staff, and alumni to reach out to employers and law school graduates: “The assistance of our deans; alumni and development staff; professors, such as David Becker; and alumni leaders, including Alicia McDonnell, Maury Poscover, and Steven Rappaport, has been invaluable.”

ABBY SCHNEIDER, JD/MBA candidate ’10, says the CSO’s new approach has made a huge difference in her job search: “In previous years, I would walk into the office with a list of employers I had found online to see whether any of the advisors knew any of them. I then spent my advising meetings polishing up my résumé to cold-send, but rarely heard back from employers.

“Last fall, I had a totally different experience. I spent my time talking with Associate Director Kati Scannell about which companies not only have the job opportunities I was looking for, but also have alumni or other contacts who would be interested in talking with me.

“The outreach that she and the other CSO officers are doing is tremendous,” Schneider continues. “When I called one such firm, they not only were expecting my call, but they knew about Washington University and my academic background. The firm was eager to set up an interview and quick to extend an offer for summer employment. The entire job-search process was much more direct, and I truly felt like the CSO staff were backing me through each step.”

The CSO’s efforts with employer-matching are paying dividends in a variety of employment opportunities for students ranging from private practice to government agencies to judicial clerkships.

The current ebb of the global economy has not been a discouraging factor, either, Spivey asserts: “If anything, this new strategic emphasis could not have come at a better time—we are pushing forward as many others are pulling back. By adding unique outreach programs, mutually beneficial partnerships, and tangible value to firms, we are in the process of creating a more substantial portfolio to offer employers.”
A testament to the breadth of Professor Adrienne Davis’s intellectual and personal range, the speakers at her installation as the William M. Van Cleve Professor of Law commented on three facets: scholar, writer, and educator.

“Adrienne Davis contributes to building a great academic institution through the intellectual engagement that she creates with students and other scholars. She is a leader who glues the intellectual community together,” said Kent Syverud, dean and the Ethan A.H. Shepley University Professor at the November 11, 2008, ceremony held at Washington University Law.

Syverud observed that Davis’ *Stanford Law Review* article, “The Private Law of Race and Sex: An Antebellum Perspective,” is among the top 10 works of legal scholarship. Overall, Davis’ scholarly work centers on three areas: the private law of slavery and gender, such as contracts and torts; feminist legal theory; and the legal philosophy of African-American reparations.

Commenting on Davis as writer, her longtime friend and noted legal scholar, Robert S. Chang, now at Seattle University School of Law, noted that in addition to the “brilliantly analytic” Davis, there is the author who is unafraid to take the risk of revealing herself in her work, “forcing readers to look within to see how we limit ourselves.”

Throughout the years, Davis and Chang have been co-authoring “epistolary exchanges”—letters on legal topics that Davis terms “explicitly personal.” With race as their central topic, they aim to reduce the distance between the personal and the academic, and have moved readers to an extent that has been “almost frightening,” Davis says.

Peter Van Cleve, JD ’86, finds it especially fitting that Davis, a renowned educator, would be selected for the chair named for his father, “a teacher and counselor in every aspect of his life.” Davis is the second holder of the chair; the inaugural recipient was former Washington University Law professor Jane Aiken, whose work and reputation helped draw Davis to Washington University.

The professorship was established in honor of the late William M. Van Cleve, JD ’53. An alumni leader and devoted friend of Washington University Law, Van Cleve was chairman of the St. Louis firm of Bryan Cave, chair and life member of the Washington University Board of Trustees, and founding member and chair of the law school’s National Council. The professorship was made possible by gifts in memory of Van Cleve, including support from the Emerson Charitable Trust. Van Cleve served with distinction as a longtime director of Emerson.

Davis said she feels a close connection to her benefactor in part because he was “a private lawyer, dedicated to making the law reflect justice in people’s lives.” Davis also acknowledged her appreciation for having found the “academic good life” as defined by her college mentor, bell hooks: “people you love, work you love, a place you love, and the resources to live fully in all three.”

In her address, she discussed her research on several cases from the era of U.S. slavery when the concepts of humanity and property were commingled, and demonstrated a technique she employs with her students.

“The unsettling process of examining these cases helps them confront a system that could only be incoherent given its corrupt underpinnings,” Davis said. “This inquiry encourages students to develop and articulate their own perspectives on the rule of law and fairness, and its relationship to morality and their own sense of ethics and justice.”

Davis’s installation address can be viewed at the law school’s video collection (law.wustl.edu/News/index.asp?id=1199).
Third-Year Law Students Laura Crane and Daniel Tierney will begin their legal careers with a unique foreign policy perspective thanks to an internship with Thomas Schweich, the law school’s Ambassador-in-Residence for 2008–10.

In addition to serving as a visiting professor of law, Schweich is working as special representative for Central America, Mexico, and the Caribbean for the United Nations Office on Drugs and Crime (UNODC). Crane and Tierney were selected to aid Schweich in preparing for meetings with senior diplomats, politicians, and law enforcement officers in the region.

Both students are preparing for careers in corporate law after graduation in May. Tierney will be working at Cadwalader, Wickersham & Taft LLP, a New York-based law firm, and Crane has accepted a position at Cravath, Swaine & Moore LLP in New York City. They find that the internship with Schweich has influenced how they will practice law.

“There is no question that we are all members of a global community and that our actions affect one another,” Tierney says. “This position has heightened my international awareness and given me skills that I will employ throughout my career.”

Crane agrees: “Having the chance to experience the ‘policy’ side of international diplomatic work has opened my eyes to career possibilities that I would never have been exposed to outside of this internship.”

The students first conducted research on opportunities for possible UNODC programs in Central America, Mexico, and the Caribbean involving international policy and justice issues, as well as working to develop potential areas for UNODC involvement with the Merida Initiative. The Merida Initiative is a partnership of the United States, Mexico, and Central America to help stop illegal drug trafficking.

“Laura and Dan are very bright, capable people,” Schweich says. “They are true triple threats. Both are excellent oral presenters and skilled writers, and they show real potential as diplomats, as well. The two produced high-quality papers that were extremely well-received.”

In summer 2008, Crane accompanied Schweich on a trip to the UNODC headquarters in Vienna to discuss concerns facing Mexico and opportunities for the UNODC to build its presence in Central America and the Caribbean.

“I worked closely with Ambassador Schweich in advance of our trip to Vienna to become versed in the challenges that the region faces,” Crane says. “This knowledge was quickly put to use in our visit to Vienna, where I was able to see firsthand the way in which high-level diplomatic meetings are conducted.”

Crane also planned to accompany Schweich for a ministerial meeting on Central American security in Costa Rica in spring 2009.

Tierney traveled with Schweich to the First Inter-American Meeting of Ministers Responsible for Public Security, which was hosted by the Organization of American States (OAS) and held in Mexico City in October 2008.

“During the OAS conference, I sat in on very high-level meetings with foreign officials and worked actively with the UNODC,” Tierney says. “I witnessed domestic, regional, and international policy being created; it was incredibly exciting.”

Other highlights of Tierney’s trip to Mexico included meeting President Felipe Calderón of Mexico and U.S. Attorney General Michael Mukasey.

In February, Tierney attended meetings with Schweich at the U.S. State Department, the Justice Department, and the Department of Homeland Security in Washington, D.C. Before heading to Washington, he also put his advocacy skills to work at the National Environmental Moot Court Competition in New York, where he was named “Best Oralist” in the last preliminary round and where he and his teammate ranked third out of 70 teams going into the quarterfinal round.

The Ambassador-in-Residence Program, administered by the Whitney R. Harris World Law Institute, brings foreign service professionals to the law school to share their experiences and knowledge with the law school and University community.

Schweich served the Bush administration as the ambassador for counternarcotics and justice reform in Afghanistan, as the government’s deputy assistant secretary of state and acting assistant secretary of state for the Bureau of International Narcotics and Law Enforcement Affairs, and chief of staff to the U.S. Mission to the United Nations.
Alumnus Helps Level Playing Field

FIRM: Donald L. Schlapprizzi PC, St. Louis
www.schlapprizzipc.com

ATTORNEYS: Donald L. Schlapprizzi, JD ’59, along with Linda C. Powers, Erin M. Cobb, and Harold L. Whitfield, JD ’66

AREAS OF PRACTICE: Personal Injury Trial Practice—vehicle-truck crashes, products liability, medical malpractice, business litigation, workers’ compensation

BRIEF BACKGROUND: Donald Schlapprizzi founded his present firm in 1981. He practices as a jury trial lawyer representing individuals in personal injury litigation. Schlapprizzi is the recipient of the Award of Honor from the Lawyers Association of St. Louis and of the Missouri Bar Foundation Trial Lawyers Award. He is a Fellow of the American College of Trial Lawyers, of the International Academy of Trial Lawyers, and of the International Society of Barristers. Past president of both the Missouri Trial Lawyers Association and the Lawyers Association of St. Louis, he served on the Missouri Supreme Court Jury Instructions Committee and the Civil Procedure Committee of the American College of Trial Lawyers.

Q. Why did you choose your particular area of practice?

Coming from a competitive, athletic background and modest economic means, in some ways, had predetermined my law practice interest. Growing up, I had always despised bullies and those who lauded power over those who had no voice. Then, I had the opportunity to join the small law firm dedicated to representation of the types of individuals in whom I had an interest. It has been very rewarding, and I have never been sorry, except in those scattered matters where, ultimately, I had to share in the bitter disappointment with a client for whom we had not been successful.

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

I would encourage all of those in the midst of law school to consider being a trial lawyer. It is a bit of a diminish-

Q. Do you feel that your firm size is a plus, a minus, or a nonfactor in your practice?

In the area of representing injured and damaged individuals, I believe there is an advantage to a small firm because of the individualized attention that each client can receive. This does not mean that a large firm is foreclosed from this because there are certainly wonderfully talented lawyers in larger firms. I believe, however, that the smaller firm creates a more comfortable atmosphere for the client. We also follow up with our clients at the conclusion of each case through a questionnaire. The responses have been overwhelmingly gracious and positive, but occasionally there is a criticism, which we take to heart and implement ways to improve in that area. This is a plus in a small firm.

Donald Schlapprizzi argues before the Supreme Court of Missouri.

Q. What has been the most rewarding aspect of your practice?

I really like the people I represent, who come from all walks of life, and I enjoy seeing our juries, made up of ordinary people, leveling the playing field in response to an individual’s rights. In my personal experience, a heroic quadriplegic woman would not have been able to sustain her existence; dispirited parents of a woefully challenged baby would not have the security of seeing that their child would be afforded the necessary care; and a 9½-month jury trial would not have resulted in helping some 1,200 people. In a nutshell, the reward is in seeing our juries, made up of ordinary people, leveling the playing field in response to an individual’s rights.
Lost and Found: Class Ring Weathers Hurricane

JUDGE RICHARD D. MILLS, BA '54, JD '59, got a surprise with some real class when he learned that his small jewelry box had survived the destruction of Hurricane Katrina. A couple who were rebuilding not far from Mills’ demolished home in Diamond Head, Mississippi, had discovered the box containing his Washington University class ring.

The couple then called Washington University in an effort to return the ring, which, in addition to his class year, also had the initials “R.D.M.”

“Out of the blue, I got a call from the Alumni and Development Office asking me if I had lived in the area devastated by Hurricane Katrina,” Mills recalls. “They told me my class ring had been found. I thought it was just wonderful that the couple had gone to such an effort to find me and return it. After the storm came through, we found almost nothing. I was so amazed and so pleased to get my ring back.”

Mills and his wife Irene’s home was among 244 houses obliterated in the Diamond Head area. The couple had evacuated with only some photos and a couple of suitcases of clothes. When they went back, they discovered very few items—their mailbox half a mile up the road, some plates, and an outdoor rocking chair.

In the aftermath of the storm, Mills had all but forgotten about the ring, which apparently had floated inside his partially destroyed nightstand to a marshy area behind the subdivision. On senior status as an administrative law judge for the U.S. Department of Labor, he had worked with others to get the judicial offices up and running and had purchased another home on higher ground. The ring brought back happy memories of Washington University, where he is making plans to attend his 50th reunion.

As difficult as it was to face the storm’s devastation, Mills says it gave him pause for reflection. “It makes you appreciate the important things—friends, family, and all the volunteers who came down to help us. That was just amazing.”

By Ann Nicholson

Fellowship Recognizes Roodman’s Legacy

THE SHELDON ROODMAN Summer Fellowship has been established by the Legal Assistance Foundation (LAF) of Metropolitan Chicago to honor Roodman, JD ’66, for his nearly 40 years of service to the nonprofit organization, including 30 years as executive director. Third-year law student Iliana Konidaris was the fellowship’s inaugural recipient. Konidaris, who worked closely with five attorneys at LAF’s South Suburban Office during summer 2008, says the mentoring she received was invaluable: “The LAF attorneys devoted a significant part of each day striving to teach me everything they knew. They exhibited an admirable sense of humor when faced with challenging problems and incredible compassion when their best efforts did not always result in the necessary relief for their clients.”

Konidaris notes that her cases made a lasting impression: “While I remember the satisfaction of helping clients through enormous and desperate problems, I more profoundly remember the losses, which taught me that our system is far from perfect.

“I saw one of my clients become homeless in her last stages of life while waiting on an appeal—despite incredible work by the attorneys on her case,” Konidaris continues. “There is still so much work to be done, and it was an honor to serve, to see the intensity of the problems that we face as a society, and to learn from such excellent attorneys.”

Roodman began working for LAF in 1969, serving as acting executive director and then executive director from 1976 until his retirement in 2006. He previously taught as a Bigelow Fellow at the University of Chicago Law School and practiced law at Mayer Brown & Platt. Upon his retirement, he received a lifetime achievement award for his tireless efforts to provide civil legal services to hundreds of low-income and disadvantaged people and communities throughout metropolitan Chicago.

Now enjoying retirement, he remembers fondly his years at Washington University Law, including classes with Professors David Becker, Frank Miller, and Daniel Mandelker.

By Ann Nicholson
1970


1971

J. Stuart Showalter is chief compliance officer of FMOL Health System in Baton Rouge, Louisiana. During the previous 10 years, he was director of compliance for Orlando Regional Healthcare System in Orlando, Florida. Among other positions in his career, he taught health law in the Health Administration Program at Washington University School of Medicine. He is the author of *The Law of Healthcare Administration*, now in its sixth edition.

1973

Robert L. Browne is serving as chair and past president of the Prince William County Greater Manassas Chamber of Commerce. Browne is principal of Robert L. Browne PC in Manassas, Virginia, specializing in three main areas: business law, wills, estates, and probate; and civil litigation.

1976

Stephen Ludwinski is a wealth management and personal finance consultant with Cornerstone Select Advisors LLC and Saxony Capital Management LLC in St. Louis.

1977

Jerry Hunter received the Mound City Bar Association’s Legal Service Award for his more than 30-year commitment to community, public service, and improving the quality of justice. A partner at Bryan Cave LLP in St. Louis, Hunter was presented with the award at the Scovel Richardson Scholarship Dinner, named in honor of Judge Richardson’s efforts to create a judiciary that is more responsive and accountable to African-Americans and other minorities. He was selected for the Legal Services Award by the Scholarship Dinner Planning Committee and Mound City Bar Association officers.

1978

Caleb Melamed is a legislative liaison and legal counsel for the Illinois Gaming Board. He has spent his entire legal career working for state government, including positions with the Illinois House Speaker (for more than 20 years), the Illinois Educational Labor Relations Board, and the Illinois Attorney General’s Office. He and his wife, Selma, have been married for more than 16 years and have a 12-year-old daughter, Genie.

1979

Mark B. Clevenger is semiretired from the practice of law, and now resides in Longmont, Colorado. He has started Marklight Photography LLC, specializing in nature, landscape, and event photography. He continues to do a limited practice in Social Security disability appeals.

1980

Carl T. Bauer has joined the St. Louis office of Armstrong Teasdale LLP as a partner specializing in international trade matters. He previously was vice president, associate general counsel, and assistant secretary of the diversified global-manufacturing and technology company, Emerson. Bauer will continue to work with St. Louis-based Emerson on projects in international trade, antitrust, and other areas. During his tenure there, he was lead counsel for more than 50 successful domestic and international acquisitions and responsible for all international legal affairs in Europe, the Middle East, Latin America, Canada, and Africa. Bauer’s legal experience also includes working in the law departments at Energizer and Ralston, serving as counsel to the St. Louis Blues Hockey Club during Ralston’s ownership of the team.

1981

Stuart Katz is serving as an associate judge of the circuit court of Cook County, Illinois, where he is assigned to the traffic and misdemeanor division. Judge Katz previously was an attorney in the Cook County Public Defender’s Office for 23 years, where he specialized in capital murder litigation.

1982

Paula M. Young was granted tenure at the Appalachian School of Law in Grundy, Virginia. She is an associate professor of law and a director of the Lawyer as Problem-Solver Certificate Program. Young teaches negotiation, mediation, arbitration, and dispute-resolution system design.

1983

Stacy Clark, president of Stacy Clark Marketing LLC, recently addressed members of the Pennsylvania Bar Association (PBA) on “How to Develop Business in a
Down Economy.” Her talk was part of the PBA’s Commission on Women in the Profession retreat, which was attended by more than 100 lawyers from around the state. For more than 20 years, Clark has been advising law firms and lawyers on how to grow their businesses. A Fellow of the College of Law Practice Management, she is a founder of the Delaware Valley Law Firm Marketing Group, a 300-plus-member group of local law firm marketers that meets for educational programs monthly.

Mary G. Eaves has been elected chair of the board of directors of Family & Children’s Place, the newly named social service agency resulting from the merger of The Family Place: A Child Abuse Treatment Agency Inc. with Family & Children First Inc. She has served on the agency’s board since 2004. Eaves is a member of the Louisville office of Greenbaum Doll & McDonald PLLC, where she is chair of the firm’s Employee Benefits Team and a member of both the ERISA Controversy Team and the Privacy Team. She also is a member and past president of the Louisville Employee Benefits Council, and a member of the International Pension and Employee Benefit Lawyers Association and of the Southern Employee Benefits Conference, for which she serves on the Legal and Legislative Committee.

Robert J. Hille has been named general counsel and chief compliance officer at Laird Norton Tyee, a Seattle-based wealth management firm.

Cathy Kelly is deputy director for the Missouri State Public Defender System, where she is in charge of training, media relations, and legislative affairs for the agency, as well as participating in supervision and policymaking for the organization. Missouri’s public defender system employs 360 lawyers who handle close to 88,000 cases per year. In her spare time, she serves as a trial practice adjunct at Washington University Law and on the faculty of the National Criminal Defense College at Mercer Law School in Macon, Georgia. She is divorced and the mother of two daughters, one a sophomore in college and the other a high school senior.

Perry B. Newman is the founder and director of Atlantica Group, an international business development consultancy and a division of Pierce Atwood LLP. He serves as Canada’s first honorary consul to the state of Maine and was the state’s first director of international trade. Newman consults with clients in the private and public sectors in North America, Israel, and Europe to develop international growth opportunities.

George C. Thomas III (LLM ’84 and JSD ‘86) is a professor of law at Rutgers School of Law–Newark (New Jersey). He recently published a book that proposes significant changes to the criminal justice process in the United States. In The Supreme Court on Trial: How the American Justice System Sacrifices Innocent Defendants (University of Michigan Press), Thomas argues that while due process of law is most importantly about protecting innocent suspects and defendants, it often fails to do so. Drawing on history and comparative law, particularly the French system, he shows that the U.S. system is not nearly as good as it could be and offers a blueprint for reform.

Sandra Hochstetter recently left her position as chair of the Arkansas Public Service Commission to join the Arkansas Electric Cooperative Corporation as vice president of strategic affairs.

Cary J. Mogerman received the 2008 Roger P. Krumm Family Law Practitioner Award from the Missouri Bar and its Family Law Section. The award recognizes “exceptional competence, skill, integrity, commitment, and dedication toward the improvement and advancement of the practice of family law.”

Steve Gorin is a Fellow of the American College of Trust & Estate Counsel. He also serves on the governing council and co-chairs the membership committee of the American Bar Association’s Real Property, Trust & Estate Law Section.
James A. Borchers (LLM) was appointed chair of the Governmental Affairs Committee of the St. Charles Chamber of Commerce by the chamber’s board of directors. He will serve as liaison between the chamber and government officials on local, state, and federal levels. A principal at Danna McKitrick PC, he writes bimonthly legal articles for the Saint Charles Business Magazine and is an adult education instructor in the St. Charles District Adult Education Program, teaching estate planning, new business creation, and business growth strategies.

Michael Rickman is serving a term as president of the Valparaiso University Alumni Association, in addition to serving as the representative to the Lutheran University Association (d/b/a Valparaiso University Board of Directors). His term coincides with Valparaiso’s 150th anniversary. Rickman also recently co-edited, with Dan Warncke, The Valentine Act: A Monograph on Ohio’s Antitrust Law, which includes a chapter co-authored by Rickman and Jack Donson on “Ohio Civil Investigative Demands” (2008). Rickman leads the law team for the Goodyear Tire & Rubber Company’s North American Tire Business Unit. He and his wife, Dawn (who was assistant registrar at Washington University Law during 1986–87), live in Akron, Ohio. They have two children, Martin, a senior at Wake Forest University, and Rebekah, a sophomore at Bowling Green State University.

Russell A. Willis III (LLM) has moved his consulting practice to Portland, Oregon. He is an editor for CharitablePlanning.com, a Web site that provides daily coverage and in-depth analysis of developments in tax law affecting gift planning. A transportation bicyclist and part-time bike mechanic, Willis was a founding board member of the St. Louis Regional Bicycle Federation and chaired its policy and advocacy committee until moving to Portland. He is certified by the League of American Bicyclists as an “effective cycling instructor.”

Mark A. Kern was recently re-elected board chairman for St. Clair County. Kern resides in Belleville, Illinois, along with his wife, Erin, and children, Fred, Laura, and Matt.

Yingxi Fu-Tomlinson is serving as chief representative of Kaye Scholer LLP’s Shanghai Office. Lin Zhang (LLM ’04) also works for Kaye Scholer.

Paul G. Henry was elected to a two-year term on the Missouri Bar Association’s Board of Governors. He is a member of the Clayton eminent domain law firm of Denlow & Henry, where he has practiced since graduation. In recent years, Henry has served as chair of four committees of the Missouri Bar, including the Solo & Small Firm Committee. In 2007, he received the Distinguished Service Award of the Solo & Small Firm Conference. His election to the Board of Governors is his first.

Andrew Wheeler has joined B&D Consulting in Washington, D.C., as a senior vice president with the Energy and Climate Change Practice Group. The group focuses on climate change, energy security, and renewable energy issues. B&D Consulting is a division of Baker & Daniels LLP. In addition to energy matters, Wheeler will advise clients in surface transportation and infrastructure. He previously served as staff director and chief counsel to the Senate Committee on the Environment & Public Works, where he worked on key legislative and environmental policy initiatives. He also was staff director and counsel to the U.S. Senate Subcommittee for Clean Air, Wetlands & Nuclear Safety; general counsel to U.S. Senator James Inhofe; and special assistant in the Environmental Protection Agency, Office of Pollution Prevention and Toxics.

Ronald M. Daignault has joined Stroock & Stroock & Lavan LLP’s Intellectual Property Practice Group in New York City. He previously worked at Jenner & Block LLP, Jones Day, and the former IP boutique of Perrie & Edmonds LLP. Daingault has represented companies across a broad range of industries in a variety of patent, trademark, unfair competition, false advertising, trade secret, and copyright cases.

Tom Niemann announces the opening of his new law firm, Niemann Rourke LLC in west St. Louis County. Along with his partner, John Rourke, Niemann will continue to emphasize business and commercial law, fidelity and surety law, construction and real estate law, and civil litigation.

Jonathan M. Rolbin recently returned to the United States after spending almost three years overseas doing humanitarian work, including two years serving as a U.S. Peace Corps volunteer in Romania. He and his wife, Roxana, now reside in Washington, D.C., where Rolbin works as a trial attorney for the U.S. Department of Justice.
Jonathan A. Wasserman has become vice president and senior counsel for litigation and government investigations for the pharmaceutical company of Bristol-Myers Squibb. He was formerly senior legal director for Schering-Plough Corporation. Wasserman lives in New Jersey with his wife, Sue Greenebaum Wasserman, JD ’93, and their two sons.

1993

Sherry (Gotnick) Wolk is vice president and assistant general counsel in Wachovia Securities’ Law Department in St. Louis. Wolk and her husband, Danny, welcomed their daughter, Natalie, in July 2007. Natalie joined siblings, Joshua, 5, and twins, Jonah and Noah, 2. Wolk would love to hear from classmates through her e-mail: sherrywolk@charter.net.

Carlos Narváez-Hasfura (LLM ’95, JSD ’97) married Angeles López-Ortega on July 12, 2008. The couple is expecting their first child in May 2009. Narváez-Hasfura also established his own law firm, NH Lawyers Company SC, with offices in Mexico City and Saltillo, Coahuila, Mexico. The firm specializes in corporate and intellectual property law.

Christopher J. Nelson has been elected a shareholder at Butzel Long LLC. Previously a senior attorney at the firm, he practices in the Bloomfield Hills, Michigan, office. Nelson concentrates his practice in the area of business and commercial litigation, including disputes involving contracts, corporate management, real estate, fraud, insurance coverage, employment, and the Uniform Commercial Code.

Jessica Zeldin was married to Johnston “Jay” deForest Whitman, Jr. in Beaver Creek, Colorado, on March 16, 2008.

1996

Doug Passon is an assistant federal public defender in the district of Arizona. He and his wife, Rachel, live in Scottsdale, Arizona, with their sons, Nate and Dylan. For the last several years, Passon has been combining his passion for filmmaking with his practice of law by producing short documentaries for use as mitigation at sentencing. He has taught lawyers across the country how to effectively integrate videos into their sentencing practice. He recently wrote, filmed, and edited a (non-work-related) short documentary, Letter of Thanks, which is the true story of a young soldier in the first Gulf War whose desperate letter from the front lines was transformed into one of Elvis Costello’s songs. The film took top honors at the SCC Film and Video Fest, and was an official selection at both the Heartland Film Festival in Indianapolis and the St. Louis International Film Festival.

1998

Patrick Chavez has been elected a partner at Williams Venker & Sanders LLC in St. Louis. Chavez, who joined the firm as an associate in 2003, focuses his practice exclusively on the defense of complex civil litigation matters. He concentrates in the areas of medical malpractice defense, products and professional liability defense, commercial litigation, and catastrophic personal-injury claim defense. Chavez is involved in a number of community and professional organizations. He co-chairs the Bar Association of Metropolitan St. Louis’s Minorities in the Legal Profession Committee and sits on the organization’s board of governors as a member-at-large.

Raylene D. Grischow is married to Jason Grischow and is a partner at Hinshaw & Culbertson LLP in Springfield, Illinois. Her practice includes civil litigation and defending professionals in the legal and medical fields. She would love to hear from classmates at rgrischow@hinshawlaw.com.

In August 2008, Aimee Oravec and her husband, Scott, opened Oravec Law Group LLC in Fairbanks, Alaska. The firm represents business and utility clients in transactional, regulatory, and litigation matters. It also assists clients with procurement and military affairs issues.

Dominic Daher announces the publication of his new book, The Hornbook on Federal Income Taxation (co-authored with Josh Rosenberg and published by West, 2008). In addition to his full-time position as director of internal audit and tax compliance at the University of San Francisco, Daher serves as an adjunct professor in both the School of Law and School of Business at the University of San Francisco.

2000

Jovita Foster was named a partner at Armstrong Teasdall LLP in St. Louis. She practices in the area of employment and labor law litigation. Foster is a member of the Missouri Bar, Illinois State Bar Association, Bar Association of Metropolitan St. Louis (Commercial Law Committee), Missouri Organization of Defense Lawyers, and the Missouri Credit Union Commission, where she has been a commissioner since 2005.
Christopher Hite announces the birth of his daughter, Georgia Kate Hite, on October 4, 2007.

Adam S. Hochschild has been elected a partner at Husch Blackwell Sanders LLP in St. Louis. He joined the firm as an associate in 2000. Hochschild works in the firm’s Business Litigation Group and practices in numerous areas of litigation, including securities, telecommunications, class actions, and real and intellectual property.

Chenglin Liu (LLM ’00, JSD ’05) is teaching Torts and Law & Economics as an assistant professor at St. Mary’s University School of Law in San Antonio, Texas. He previously taught EU Law in the University of San Diego Law School’s summer program in London.

Laura McNeal, who earned a PhD in education, is serving as an assistant professor in urban education in the Department of Teacher Education at Michigan State University.

Thomas Kim has joined VGX Pharmaceuticals Inc. in Blue Bell, Pennsylvania, as senior director of intellectual property.

Alisha C. Smith, a New York state assistant attorney general in the Investor Protection Bureau, has been appointed a member of the Corporate Accountability Project Group of the North American Securities Administrators Association. The group is composed of five securities regulators from five different states.

Matthew J. Bresette has been elected partner at Nutter McClennen & Fish LLP. A member of the Trusts & Estates Department, Bresette works out of the firm’s Boston and Hyannis offices. He concentrates his practice on probate and trust administration, guardianship, and sophisticated estate planning for high-net-worth individuals. Bresette is a member of the Boston and Barnstable Bar Associations and the Estate Planning Council of Cape Cod and the Islands. He has served as a guardian ad litem appointed by the Barnstable Probate & Family Court; chair of the Regional Coordination Committee for legal services for indigent clients in Barnstable, Plymouth, and Bristol Counties; and member of the New Center for Legal Advocacy’s board of directors.

Melissa Marglous Merlin has been elected a partner at Husch Blackwell Sanders LLP in St. Louis. She joined the firm as an associate in 2005 in the Business Litigation and Product Liability & Toxic Tort Groups. Merlin concentrates her practice in defending clients in business litigation and product liability matters across the country. She previously served as chambers counsel for Chief Judge David R. Herndon of the U.S. District Court for the Southern District of Illinois and as a litigation associate at Arnold & Porter LLP in Washington, D.C. Merlin is active in a number of civic and charitable organizations in St. Louis, including the Saint Louis Art Museum and the United Way of Greater St. Louis.

Emily (Quandt) Kahn and Brian Kahn have moved to Indianapolis with their son, Noah. Brian has opened a retail furniture and flooring store called Mr. WiseBuys.

Emily Maki-Rusk has joined the Dispute Resolution Group of Whirlpool Corporation’s Law Department, managing product liability lawsuits.

Sophy N. Qureshi is one of 10 people comprising the Clayton Chamber of Commerce’s Leadership Clayton graduating class of 2008. She is the sixth attorney at Danna McKitrick PC to complete the nine-month program. Participants are selected based on both their leadership potential and demonstrated community involvement. Qureshi and her leadership classmates devoted their time to helping Clayton “go green,” including encouraging local businesses to promote reusable shopping bags made out of recycled materials. At Danna McKitrick, Qureshi concentrates her practice in family law matters.

Khara Coleman was named a member of the Board of Directors of Housing Opportunities for Women (how-inc.org), a nonprofit organization that provides permanent solutions to the problems of homelessness and poverty for women and children in Chicago. Coleman is also pleased to announce her engagement to Dr. Blaine Washington II, a fellow New Orleans native. They plan to marry in spring 2009. Coleman can be reached at kcoleman@kirkland.com or at kcoleman@kirkland.com.

Kazuhiro Koide (LLM) is working on both civil and criminal cases in Osaka, Japan. He recently visited St. Louis, where he observed a jury trial and visited with Professor D. Bruce La Pierre and his wife, Kathryn Adamchick.

Rebecca A. Niburgh is working for the Department of Homeland Security.
HONORABLE MENTION
Judge Raymond Gruender, JD/MBA ’87, welcomes first-year law students to the profession.

Citizenship & Immigration Services’ Administrative Adjudications Office. She previously worked for the Department of Justice, Office of Immigration Litigation for two years. Her daughter, Alyssa Natalie Niburg, was born on October 27, 2008.

Scott J. Stone and his wife, Julia Watkins, announce the birth of their son, Benjamin Watkins Stone, on September 18, 2008.

Itzu Su (LLM) wrote an article on the German Stock Corporation Amendment that was published in the *Taiwan Law Review*. He currently is working on his JSD at Washington University Law.

Kristin Trulock has joined Elarbee, Thompson, Sapp & Wilson LLP in Atlanta as an associate. She concentrates her practice in employment litigation, as well as in employer counseling, training, and litigation prevention. Trulock previously was a law clerk for U.S. Magistrate Judge Linda Walker in the Northern District of Georgia and for U.S. Magistrate Judge Barbara L. Major in the Southern District of California.

2004
Jennifer Mann Bortnick and Joshua Bortnick were married on May 25, 2008, in St. Louis. She is an associate at Greensfelder, Hemker & Gale PC in St. Louis.

Paul D. Eisner (LLM) wrote an article, “Will Someone Please Clean Up the Form Interrogatories Mess?,” which was published in *Los Angeles Lawyer* in October 2008.

Michael T. Evans has joined Trible, Orrett & Meyer PC, a Chicago-based firm specializing in civil litigation.

Jordan M. Siverd was awarded an LLM with distinction in Canon Law from Cardiff University at a ceremony in English and Welsh on July 14, 2008. Also in 2008, Siverd was promoted to a career appointment in his work as a staff attorney for the United States Court of Appeals for the Fifth Circuit in New Orleans, Louisiana.

Ajia Johnson Tenney, an approved civil and family mediator in Kansas and Missouri, has started a new company in Kansas City, Missouri, called Kansas City Mediation Group. The Web site is at www.kcmediation.com.

Hsiu-Yuan Yang (LLM ’04, JD ’06) was married to Tudor Pascu in Brest, France, on August 8, 2008. They chose their wedding date because the pronunciation of “eight” in Chinese is the same as another Chinese word that means “fortune.” Currently, Yang works in Taiwan for a computer manufacturer.

2005
Katherine M. Lieb recently returned to Sills Cummis & Gross PC in New York City after a brief leave of absence during which she served as a law clerk to Judge Joseph E. Irenas of the U.S. District Court for the District of New Jersey.

Yang Gao (LLM ’06) announces the birth of her second child, Aaron Lin, on September 24, 2008. She currently is a JD student at Washington University Law.

Kapyeon Ha (LLM ’06, JD ’08) is a partner at Lotus, a Korean law firm specializing in international transactions.

Jaeyoung Jung (LLM ’06, LLM ’07) and his wife, Hyunsui, announce the birth of their son, Ian Jung, on November 8, 2008. He currently is a JD student at Washington University Law.

2006
Melanie Daily has joined Legal Services of Eastern Missouri (LSEM) as a staff attorney with the Lasting Solutions Program. Prior to joining LSEM, she worked for the Missouri Court of Appeals for the Eastern District; Fried, Frank, Harris, Shriver and Jacobson in New York; and the city of St. Louis. Her other experience includes working with the city of St. Louis Circuit Attorney’s Office; as a program coordinator for the Hurricane Island Outward Bound School in Charleston, South Carolina; and as an executive assistant for the 34th Street Partnership/Bryant Park Restoration Corporation in New York.

Camille Gerwin and Keith McLamb announced their engagement. The wedding was scheduled for March 29, 2009, in Birmingham, Alabama.

Ahu Guneyli (LLM) has received her law license and is working for Istanbul Patent & Trademark Consultancy. She continues to focus on trademarks, designs, and Internet law issues. Guneyli works with her Turkish clients to register their trademarks/designs internationally, deals with disputes occurring in the international arena, and defends foreign clients.

Tie Hu (LLM) and his wife, Xuping Liu, welcomed their daughter, Marian Hu, on October 4, 2008. He currently is a JD student at Washington University Law.

Tina Ikpa and her husband, Nsong, welcomed their first child, a daughter, Idara Sharell, on October 6, 2008. Ikpa is an assistant corporation counsel in the Municipal Prosecutions Division of the City of Chicago Department of Law.

Marisa Maclennan has completed a six-month consultancy in the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, in Vienna, Austria. She is now working as a district attorney at the Tulare County District Attorney’s Office.

Edward Rasp recently joined the Restructuring Group of Kirkland & Ellis LLP in Chicago.

John M. Reeves recently joined the Criminal Appeals Division of the Missouri Attorney General’s Office in Jefferson City as an assistant attorney general.

Marguerite Roy was awarded an honorary Doctor of Humane Letters by her undergraduat alma mater, Misericordia University in Dallas, Pennsylvania. Roy currently is head of office for the United Nations Assistance Mission in Afghanistan. She was Misericordia’s keynote speaker at a convocation ceremony on August 22, 2008.

Xueping (Sophia) Xiong (LLM) is working in the Hong Kong office of Dorsey & Whitney LLP; next June she will be transferred to the Shanghai office. Xiong is working in the corporate group as a foreign registered lawyer.
2008

Apollo D. Carey (LLM) has joined Sandberg, Phoenix & von Gontard PC in St. Louis as an associate. He has extensive experience in litigation and real estate valuation. Carey was formerly associated with the Brown & James law firm.

John R. Evans has joined the St. Louis office of Sonnenschein Nath & Rosenthal LLP as an associate. His practice focuses on litigation.

Rebecca Feldmann has joined Legal Services of Eastern Missouri (LSEM) as a staff attorney with the Immigration Law Project. Feldmann’s prior experience includes her work with Human Rights First and Interfaith Legal Services for Immigrants and Refugee Services of South Bend, Indiana.

Richard E. Finneran has joined the St. Louis office of Sonnenschein Nath & Rosenthal LLP as an associate. He concentrates his practice in real estate.

Jung-Whan Kim recently joined the Chicago office of Brinks Hofer Gilson & Lione as an associate. He previously was a summer associate at the firm, which specializes in intellectual property law.

Johnny Lam has joined Patterson & Sheridan LLP, a national intellectual property law firm, as an associate. Prior to law school, Lam worked for Chevron as a software developer while undertaking postgraduate course work at Stanford University. At Patterson & Sheridan, Lam focuses on patent preparation and prosecution in the electronic arts, including software design and engineering, computer graphics, databases, artificial intelligence, networking, user-interface design, programming languages, compilers, and operating systems.

Vidhya K. Reddy has joined Nyemaster, Goode, West, Hansell & O’Brien PC in Des Moines, Iowa, as an associate in the litigation department.

Akiko Shiono (LLM) is working at a think tank in Tokyo called Japan Initiative, which deals with government issues.

Tony Verticchio recently joined Keating Muething & Klekamp in Cincinnati, Ohio. He is in the firm’s litigation group and has been admitted to practice law in Kentucky.

The Hon. Joseph F. Cunningham, JD ’52, died on July 13, 2008. He was 84. Justice Cunningham was twice appointed (in 1987 and 1991) as a justice of the Supreme Court of Illinois. He also served as director of the Administrative Office of the Illinois Courts and as a circuit judge and magistrate judge in the 20th Judicial Circuit, including as chief judge and chief magistrate. Justice Cunningham was chairman of the Conference of Chief Judges, and president of both the Illinois Judges Association and the Illinois Magistrate Association. He received the law school’s Distinguished Alumni Award in 1990.

The Hon. John “Jack” F. Nangle, JD ’48, died on August 24, 2008. He was 86. Judge Nangle was appointed to the U.S. District Court for the Eastern District of Missouri in 1973. After taking senior status in 1990, he transferred to the Southern District of Georgia. Judge Nangle served as chief judge in St. Louis for more than seven years; chairman of the Judicial Panel on Multidistrict Litigation; a trial lawyer for more than 25 years; city attorney for Brentwood, Missouri; and special legal adviser to St. Louis County. He received the law school’s Distinguished Alumni Award in 1986 and was a member of the National Council.

Philip B. Polster, JD ’48, died on February 10, 2009. He was 89. Polster was a practicing patent attorney in St. Louis for more than 60 years and founding partner of Polster, Lieder, Woodruff & Lucchesi LC. He held several leadership roles in bar and patent law associations. Polster served in the Navy Reserves during World War II; was on the University City Board of Education; and was deacon, elder, and Board of Trustees chairman at the First Presbyterian Church of St. Louis. He received the law school’s Distinguished Alumni Award in 2008.

Cary Lawrence Talbot, JD ’97, died on November 9, 2008 after a heroic struggle with a rare and extremely aggressive form of cancer. He was 38.

Talbot both worked at a big firm and was in solo practice in New York City. In a memorial tribute submitted by his classmates, he is remembered for his “encyclopedic knowledge of pop culture” and his strong desire to connect with others through “listening, learning, searching, and sharing.” The tribute is linked to the Alumni section of the law school’s Web site at: law.wustl.edu/alumni/index.asp?id=64.

[In Memoriam]

1920s
Jacob E. Sigoloff, ’27

1930s
Carl Gallop, ’35
A. Franklin Martin, ’38

1940s
Donald Abrams, ’43
Jack N. Bohm, ’48
Sterling F. Tremayne, ’40

1950s
Fred Drews, ’54
Samuel A. Goldblatt, ’51
F. Roger Hemker, ’58
James L. Zemelman, ’57

1960s
Robert H. Blanke, ’66

1970s
Andrew L. Granat, ’74
Scott David Thatcher, ’76
Hon. Wyvetter H. Younge, ’72

Note: View Washington University Law School’s online Class Notes (law.wustl.edu/AlumniClassNotes.asp) for recent additions, including individually reported selections to Best Lawyers in America, Chambers USA, Leading Lawyers Network, Research Magazine, SuperLawyers, Who’s Who Legal, and Who’s Who in American Law, as well as Up and Coming Lawyers, Top Ten Under 40, and Legal Elite in various cities and states.
Election Laws that Coax Centrism Promote Political Stability

I RESPECTFULLY TAKE ISSUE with the thesis advanced by Professor Gregory P. Magarian in the fall 2008 Washington University Law Magazine (“How Election Law Feeds Stagnant Centrism of American Politics”). He argues that “legal entrenchment of the two major parties, in turn, entrenches a centrist political order,” which he characterizes as “stagnant.” He concludes that “a better, fairer structure of political competition would give minor parties a legislative platform and a chance to supplant one of the major parties, as the Republicans supplanted the Whigs in the 19th century.”

I agree that election laws do tend to coax political debate to the center and to competition for power largely between our two major parties. I disagree that this is bad for the Republic. While Professor Magarian does not specifically indict the Electoral College as the most serious legal obstacle to the development of a multiparty system in the United States, I think most students of election laws would agree that it is. Indeed, the presidential party system organizationally pervades elections in most governmental jurisdictions nationwide.

The checks and balances in our system, including the Electoral College, help to inoculate us against the dangers of separateness in our culture—whether by national origin, religion, race, class, or other indicia of our immigrant culture. In other countries, the emphasis on differences rather than similarities (“them” and “us”) have torn apart societies over the centuries, including Bosnia, Rwanda, Israel/Palestine, Northern Ireland, and the Shia–Sunni split in the Muslim world. Not to mention the separation that many immigrant societies feel from their adopted countries in Europe.

The American experience in dealing with our differences has largely been a success story, but it might have been otherwise had our forefathers proceeded differently. The Electoral College has had a huge, positive impact upon our stability. Yet, intuitively, the college seems anti-democratic—where all electoral votes in most states are awarded to the winner, even if the winning margin is just a few votes, and sometimes, though infrequently, allows the winner of the electoral vote to be the loser of the popular vote. While the two big tent parties try to woo narrow constituencies like African-Americans, the Christian right, Catholics, Jews, Hispanics, labor, business, farmers, and many others, their dispersion makes some influential in one state and fairly inconsequential in another. America’s roots are immensely varied and growing more so each year.

Because, among lesser reasons, the parties dare not pit these groups against one another, the political dialogue is coaxed to the center, albeit sometimes slightly to the left or right of center. The system promotes stability through dialogue and incrementalism, in contrast to instant wholesale change. However, if we had no Electoral College and presidential candidates were free to go after these constituencies, after adding up the numbers as to what would be a winning coalition and then dividing up the marketplace into “winners” and “expendables,” would presidential campaign strategies change? You bet they would!

There would be no need to care about the other guy’s power in another state. Whoever is disadvantaged by a policy choice would be expendable—at risk of feeling disempowered and without a voice. Resentments are then nursed. In a national free-for-all election, the past pitches to narrow constituencies would pale in comparison to the unbridled entreaties to their most narrow and fundamental interests, and might well become extreme, I fear. All a step away from a multiparty system of bitterly quarreling narrow interests held together by fragile coalitions.

Our Founding Fathers wanted checks on power and the protection of minority views. While the original rationale of the college may have lapsed, it has evolved into a moderating force that protects us from our worst instincts, and also gives us an opportunity through reason and civil discourse to share power and resolve our most challenging differences. The college’s moderating influence would be unnecessary if Americans shared an ethnic, religious, and cultural homogeneity, the inheritance of many other countries.

Majority parties have often adopted the agendas of minority parties under current law, but an attempt to speed up the process, I believe, would fragment the polity and institute a multiparty system that would greatly damage the stability that is our system’s “genius.” That the Electoral College permits the sometime election of a “minority-party” president is a flaw that I, for one, am willing to accept in exchange for the comity and national identity its political centrism promotes.

Jack J. Schramm is an international development counsel based in Alexandria, Virginia. His earlier career in politics and governance was at the state and federal levels. Currently, he works in public sector reform and rule-of-law issues in developing countries, now numbering 24 on five continents. His submission is in response to Professor Gregory P. Magarian’s “End Paper” piece, which is available online at http://law.wustl.edu/Alumni/Magazine/Fall2008/endpaper.pdf.
When the American Dialect Society tallied votes for its 19th annual "word of the year," the clear victor for 2008 was "bailout." Not since the Great Depression have we experienced such a severe economic downturn affecting virtually all sectors of the economy. The current crisis has led even those who are ordinarily free-market purists to concede the need for government intervention.

Over the past year, the federal government has engaged in extraordinary and varied types of intervention in otherwise private markets. In March 2008, Secretary Paulson, Federal Reserve Board Chairman Ben Bernanke, and other officials participated in emergency meetings to assist in brokering Bear Stearns’ acquisition by J.P. Morgan—a deal that would not have closed without the New York Federal Reserve’s guarantee to absorb $29 billion in losses on Bear Stearns’ riskiest assets. These events were quickly followed by federal regulators taking control of several major failed banks. By September 2008, the federal government held Fannie Mae and Freddie Mac in conservatorship and had, itself, become a preferred shareholder. At about the same time, the Federal Reserve extended an $85 billion loan to stave off imminent collapse of AIG and took warrants that, if converted into common stock, could give the government an approximately 80 percent interest in the nation’s largest insurance company.

As the crisis worsened, the Treasury Department asked Congress for additional emergency authority to purchase troubled assets from struggling financial institutions. Congress responded by creating the Troubled Asset Relief Program (TARP) and establishing the Office of Financial Stability (OFS) to manage $700 billion in emergency relief funds. Congress also authorized the Treasury to purchase other financial instruments deemed necessary to promote market stability. In the end, OFS did not use the funds to acquire troubled assets. Instead, the Treasury created a new program to increase capital in the financial system by purchasing stock in healthy banks. Many banks used the funds to acquire competing financial institutions and later found themselves back at the trough seeking additional TARP funding as economic circumstances deteriorated.

Some accuse the Treasury Department of a “bait and switch.” Others defend the actions as a change in course necessitated by rapidly changing and deteriorating economic circumstances. Whichever view one takes, serious concerns about Treasury Department operation of the bailout program remain. One troubling aspect of early government interventions in the current crisis was the ad hoc nature of life-and-death decisions about individual businesses and the economy. Government powerbrokers were effectively picking winners and losers with little notice, oversight, explanation, or public participation. Many wonder, for example, why Bear Stearns received assistance while Lehman Brothers, one of the nation’s largest investment banks, came away empty-handed.

Congress did address some transparency and accountability concerns with its emergency legislation. TARP funds are now distributed after a formal application process and more public information is available. A congressional oversight committee was established to provide regular reports to Congress. Despite these improvements, serious transparency, accountability, and consistency concerns remain. Treasury Department staff still wield life-and-death power and still make ad hoc decisions at late-night emergency meetings. Moreover, standards applied to pick winners and losers are not apparent. Although the distribution of TARP funds may be within the letter of the law, many have concerns that Treasury Department actions are inconsistent with congressional intent.

OFS surely is faced with extraordinary challenges in implementing the programs authorized by Congress and should have some flexibility to deal with changing circumstances. At the same time, the public has a right to ongoing information about strategies and to a consistent application of decision-making standards on TARP fund applications. For example, the public is entitled to a full explanation of the Treasury’s decision to provide capital to healthy banks with funds originally intended to acquire troubled assets. Congress and the public are also entitled to know why the auto industry successfully received TARP funds from the Treasury Department just days after Congress rejected its pleas for direct bailout relief. In addition, OFS needs to develop reporting requirements to ensure that emergency bailout funds are being used appropriately by recipients.

As one of his first presidential acts, President Obama made a special commitment to transparency and accountability. Hopefully this commitment will translate into more available public information on emergency economic spending and greater public opportunities to participate in developing and critiquing government strategies in response to our economic woes.