Opening Doors to the Future: The Vital Role of Financial Aid
By Kent Syverud, Dean of the Law School, Ethan A.H. Shepley University Professor, and Associate Vice Chancellor of Washington, D.C., Programs

This issue of Washington University Law Magazine focuses on a topic that has taken on increasing significance in the current economy—financial assistance for our students. Contrary to some reports in the media and elsewhere, I continue to believe that a great legal education is a valuable investment for students. But to keep it a great investment at Washington University School of Law, we must make scholarship support a funding priority. In the current climate, more than 80 percent of law students require financial assistance, and the average debt load those students now bear at graduation exceeds $100,000. That is a huge burden requiring dedication and sacrifice. In light of changes in the legal profession and employment market, we must continue to do everything we can to reduce debt and enhance scholarship opportunities.

To that end, Washington University has launched a five-year effort to raise $150 million for student scholarships through Opening Doors to the Future: The Scholarship Initiative for Washington University. The law school has joined this effort and is seeking to raise $7.5 million by 2014. We are grateful for the assistance of our Scholarship Initiative Committee and for the generosity of our alumni and friends who provide vital resources for scholarship support. Thanks to that leadership, we have already raised $2 million toward our $7.5 million goal.

As this issue of the law magazine demonstrates, we are attracting some of the most talented and diverse students. Our ability to bring in exceptional students is based, to a large extent, on the funds available for financial assistance. Once enrolled, our students soon learn that the top-tier education they receive is worth their investment in us and our investment in them.

This issue of the magazine also highlights several of our faculty. It includes excerpts from the recent scholarly work of Emily Hughes and Carl Minzner, as well as a personal account from Susan Appleton in the now regular “Why I Teach” column. Our programs that support experiential learning and cutting-edge research are also vital to our mission, and this issue focuses on two of these. It spotlights exciting developments in both our Clinical Education Program, headed by Annette Appell, and our Center for the Interdisciplinary Study of Work and Social Capital, headed by Marion Crain.

Additionally, this issue includes a special feature on seven of our alumni who are involved in sports and law. The diversity of our alumni’s professional endeavors is also evident in the features on EEOC Judge Tatjana Schwendinger, hospitality and development expert Michael Shindler, and novelist Julie Compton.

As you read about our financial assistance initiative, as well as some of our outstanding students, faculty, and alumni, I hope you will learn more about why we continue working so hard to make Washington University School of Law an affordable, worthwhile investment for our students. We are proud that such a gifted, diverse group will soon be joining the ranks of our talented alumni.
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Issues of work, social capital will be explored in the newly renamed center.
Washington University School of Law has joined the University’s fundraising initiative designed to increase support for student financial aid. Last November, the Board of Trustees authorized a goal of $150 million for Opening Doors to the Future: The Scholarship Initiative for Washington University. In conjunction with this five-year effort, the law school is seeking to raise $7.5 million. Thanks to the leadership support of its Scholarship Initiative Committee, the law school already has raised $2 million toward this goal.

The following highlights four of the many outstanding scholarship recipients who attend Washington University School of Law and the crucial importance of financial assistance to the school’s mission.
T WAS JUST AFTER SEPTEMBER 11, 2001, on the University of Virginia campus. Student Samar Katnani, the daughter of a Lebanese-born mother and Palestinian-born father, felt keenly the fear and mistrust that had been unleashed across America. So when the International Institute for Sustained Dialogue (IISD) brought its conflict resolution methodology to campus to improve student race relations, Katnani quickly joined up. She served two years as a moderator and also began a Jewish–Arab dialogue. Additionally, Katnani developed an IISD moderator training curriculum and continues to serve on the advisory board for the organization’s campus work.

It has been a formative experience. The student dialogue reminded her that in any conflict there is truth on both sides. “Both sides are telling you something, and the answer is somewhere in between,” she says. “The key is to make sure people are exposed to different viewpoints.”

Now, in her third year at Washington University School of Law, Katnani’s appreciation for diversity has only deepened. She notes that students from throughout the United States, Asia, Europe, the Middle East, and elsewhere bring varying backgrounds, ages, and life experiences both to classroom discussions and student organizations, enriching the law school community.

SHE IS NOT ALONE in recognizing and valuing this rich mix. “Sometimes,” says second-year student Von Bryant, “I feel like I’m at the United Nations.”

Achieving this kind of diversity does not occur by accident. It happens in large measure through scholarships. It is financial aid that places law school and a legal career within reach of gifted students across the cultural spectrum. And ultimately it is financial aid that permits the legal profession to diversify its ranks and better serve its clients.

“Diversity is of paramount concern,” says Howard Cayne, JD ’79, co-chair of the law school’s current drive to fund new scholarships. “The University has a fundamental obligation to make its outstanding educational opportunities available to the most qualified students, whether or not they come from backgrounds of significant financial means. “My firm devotes considerable energy and resources in an effort to increase the diversity of its associate and partnership ranks,” he continues. “Not only is this the right thing to do, it is essential to success in today’s ever more diverse business world. Every year, more and more of our clients demand that their matters be staffed by a diverse population of attorneys. The Scholarship Initiative is one very concrete way we can assist the law school in expanding the diversity of its top-tier student body.”

MAURY POSCOVER, JD ’69, co-chairs the Scholarship Initiative with Cayne and their wives, Lorrie Poscover, JD ’68, and Caroline Cayne. “The school has tried for a long time to make law school accessible to all qualified students,” Poscover observes. “But costs have accelerated.”

Poscover notes that clinical and experiential programs, in which the law school is a national leader, are more costly. “You have a lower student–faculty ratio. You have space needs. It’s more expensive than simply having a lecture room full of students. But if anything, there’s an increased need for experiential courses to prepare those coming out of law school.”

The rising costs of attracting talented and diverse faculty and students, while offering an outstanding environment for legal education, spell an ever-growing need for financial aid.

“OUR ABILITY TO ATTRACT EXCEPTIONAL STUDENTS is based, to a large extent, on the funds available for financial assistance. This places extraordinary demands on the law school’s resources,” notes Kent Syverud, dean and the Ethan A.H.
Shepley University Professor. “We are grateful for the generosity of alumni and friends in helping provide vital resources for scholarship support.”

The school’s efforts to make a legal education accessible are visible in its statistics—82 percent of law students receive some financial aid. This, in turn, is reflected in the student community, whose members, like Katnani and Bryant, infuse the school with a wealth of backgrounds and life experiences.

IN ADDITION TO HER WORK WITH IISD, Katnani brings immersion in Teach For America to her law studies. For three years, she taught at a school in the South Bronx, where she also led an effort to obtain home computers and software for her students.

While overall the experience was “extremely positive,” her first year was also deeply challenging. “It was by far the hardest thing I’ve ever done in my life,” she admits. “It took every emotional, physical, and mental piece I had.” But by the second year, she had mastered important lessons. “I learned how to actually teach—to break things apart, going step by step, communicating clearly, setting expectations in the proper way. It’s a skill I’ve carried with me.”

That skill has served her well in law school—in her academic work, her position as senior staff editor of the Washington University Law Review, and her community service projects through the Women’s Law Caucus, Ready Readers program, and Race, Education & the Law seminar’s mentorship program.

Teach For America also helped provide her with a stipend to use for her education at Washington University School of Law, where she was named an Ellen Condie Scholar in Law as well.

With the assistance of these scholarships, Katnani has thrived at the law school. “The professors are phenomenal,” she says. “I like reading cases and thinking about the legal elements, and just learning so much about how the world works.”

KATNANI IS CURRENTLY ENROLLED in the school’s Congressional & Administrative Law Program, where she is working for the general counsel of the District of Columbia Public Schools. After graduation, she will join the New York City firm of Cleary, Gottlieb, Steen & Hamilton LLP. Eventually, though, she hopes to return to community development. “My ultimate dream,” she says, “would be to use both my legal and education backgrounds to open a school or non-profit community organization.”

FAST FACTS

- In recent years, tuition dollars have covered about 64 percent of law school operating costs.
- The average debt load of law students with loans exceeds $100,000.
- Approximately 82 percent of law students receive some form of financial aid, and about 60 percent receive direct scholarship support.
- Through the years, alumni, parents, faculty, staff, and friends have contributed a total of 89 Endowed Scholarships to the law school. During the 2009–10 academic year, these endowed scholarships are benefiting 133 law students.
JOSEPH KEILLOR BRINGS A DIFFERENT BACKGROUND to law school, but shares Katnani’s interest in education. Indeed, he has begun putting his newly acquired legal skills to work on behalf of a St. Louis charter school.

Keillor came to the law school from the United States Air Force. A Reserve Officers Training Corps graduate of Baylor University, Keillor was commissioned a lieutenant and stationed at Travis Air Force Base in California. In 2005, he deployed to Afghanistan, where he served as assistant operations officer in a logistics squad. Most of his work was “inside the wire,” on base, with young American service people. “It was amazing how hard they worked for their country,” he marvels. “They put in 80-hour weeks. I feel honored to have had such great troops.”

Keillor had always been interested in the law, but like Katnani his future was shaped by 9/11. “I definitely felt called to serve,” he says. Still, he applied to law schools as his obligatory four years came to an end, and when Washington University named him a Webster Scholar he made his choice. “It was a very generous offer,” he notes, “so I came off active duty.” He continues to serve in the Air Force Reserve and plans to apply for the Reserve’s Judge Advocate General (JAG) program.

At law school, he has prized challenging classes taught by renowned professors. “I had the famous combination of Professors Dorsey Ellis and Michael Greenfield in my 1L year for Torts and Contracts,” he recalls. “They’re a pretty legendary duo.”

He also has valued opportunities for community involvement. Working with the St. Louis Tax Assistance Program, each spring he helps low-income people file their returns. “The first year I helped people get back about $55,000 in refunds,” he recalls.

Perhaps more gratifying, though, has been his work with the new charter school. Preclarus Mastery Academy expects to open its doors in fall 2011, offering disadvantaged students a rigorous academic program. It began, Keillor explained, with an after-school and weekend enrichment program. The vision expanded, and Preclarus will ultimately offer fifth through 12th grades, says Keillor who serves on the Board of Directors.

Balancing the demands of course work, community service, and family life has challenged Keillor, particularly since his wife, Jennifer, gave birth to their first child, Nathan, in November 2008. But despite the challenges, he appreciates his law school experience—and the Webster scholarship. “Law school would not have been possible without it,” says Keillor, who has accepted an offer to join Bryan Cave LLP in January 2012. “I’m very grateful for that.”

The Scholars In Law Program was established in 1974 with gifts of $1,000 a year. In 1984 the gift amount was increased to $2,500. Today, new annual Scholars in Law gifts start at $5,000, providing support for one student for one academic year.

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<tr>
<th>Annual Costs at Washington University School of Law</th>
<th>1982–83</th>
<th>2009–10</th>
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<tbody>
<tr>
<td>Tuition &amp; Fees</td>
<td>$7,700</td>
<td>$41,670</td>
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<tr>
<td>Average Living Expenses</td>
<td>$4,250</td>
<td>$12,500</td>
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<tr>
<td>Average Scholarship</td>
<td>$2,500</td>
<td>$20,000</td>
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LIZABETH HUDZIK SHARES Keillor’s gratitude. For her, too, a scholarship was essential. “I was working at a nonprofit, and the Washington University tuition was higher than my salary,” she notes candidly.

Hudzik grew up in St. Louis’s Illinois suburbs—Granite City and Columbia. She majored in psychology at Loyola University Chicago and minored in music, a lifelong passion. A singer herself, she was thrilled when an internship with Opera Theatre of Saint Louis expanded into a full-time job the summer after her Loyola graduation. “It was exactly what I wanted to do, work behind the scenes in an arts organization,” she explains. She worked in development, taking care of databases and tracking contributions.

FAST FACTS


- The following factors have contributed to the rising cost of legal education: the move to a more hands-on, resource-intensive approach; competition among law schools; increased diversity in course offerings; and greater need for student support services.

- Various professional schools, including medical and veterinary schools, have experienced similar annual increases in tuition as law schools.

- The percentage of law schools whose tuition can be fully funded through lower-interest Stafford Loans has decreased over time.
But law school had always drawn her. “Sometimes,” she says with a laugh, “if you like to argue and you get good grades, your parents tell you you’re going to be a lawyer—and it sticks.” So after four years with Opera Theatre, she realized that she still aspired to the law, and when Washington University offered her substantial aid, she enrolled.

A strong public interest bent has led her into formative experiences with Legal Services of Eastern Missouri, working primarily with women and children caught in cycles of domestic violence, and clerking with the American Civil Liberties Union of Eastern Missouri, where she was given substantive responsibility for cases, meeting with clients, researching the issues, and appearing at federal court hearings. “Social justice issues are important to me,” she says. “My goal after law school is to do public interest or government work. I’ve really enjoyed

The Scholars in Law Program offers the opportunity to sponsor a named scholarship at the law school on an annual basis.

Annual Scholarships

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<tr>
<th>Scholarship Type</th>
<th>Minimum Annual Gift</th>
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<tr>
<td>Eliot Society Benefactor</td>
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<tr>
<td>Provides support for one law student for one academic year</td>
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<tr>
<td>Eliot Society Patron</td>
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<tr>
<td>Provides support for one or more law students for one academic year</td>
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<tr>
<td>Danforth Circle</td>
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<tr>
<td>Dean’s Level</td>
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<tr>
<td>Chancellor’s Level</td>
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<tr>
<td>Provides support for one or more law students for one academic year</td>
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<tr>
<td>Young Alumni Scholarship</td>
<td>$2,500</td>
</tr>
<tr>
<td>Gift–Eliot Society Fellow</td>
<td></td>
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<tr>
<td>Sponsorship available to graduate and professional alumni under age 35 who have graduated in the past five years</td>
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Von Bryant, Too, Places High Value on the Law School’s Heterogeneity. “The school is diverse on so many levels. There are people who want to do international law, who want to pursue public sector law, who want to work at law firms—who want to be senators,” he observes. “Culturally, the school is just phenomenal, people from everywhere, every color, every religion.”

Indeed, of all the elements of his law school experience, he’s enjoyed the people he’s met the most. “My colleagues and professors, everyone at the school, all the support staff—it’s just a really warm and collegial environment,” he says. Though law school has a fiercely competitive reputation, Bryant says the community at Washington University is different. “This is not the type of place where people hide books in the library,” he says. “We work together in study groups. We share ideas.

“And then,” he adds, “there’s that competitive edge. We all want to be the best. While we want to help each other, we still want to strive. That’s a healthy balance that makes everybody better.”

Bryant knows and understands competitiveness. A native of Philadelphia and New Jersey, Bryant’s passion for football eclipsed, for a time, his long-standing interest in the law. He played football first at Duke University and then at the University of Pennsylvania, where he transferred to study business at the Wharton School (and to return to offense on the gridiron). When a professional football career did not materialize, he applied to law schools and came to Washington University, with the help of financial aid.

But sports are “in his bones,” he says. He plays intramural sports and coaches a YMCA youth flag football team. “It’s fun and exciting to get out there with the kids, and try to be a positive influence in their lives,” he says.

Vice president of the Black Law Students Association, Bryant also mentors a middle-schooler through the Big Brothers Big Sisters program. Additionally, he has volunteered with the Missouri Voter Protection Program. In fall 2008, he helped register voters and then served as an election challenger, making sure that no legitimate voters were turned away. “It was a historic day,” he says. “It was exciting to be part of it and contribute what I could.”

Though Bryant hopes for a career in corporate litigation, his commitment to justice issues shapes him and will, he says, "inform his ethics" as an attorney. A course in white-collar crime this year has piqued his interest, as has securities law.

Students like Katnani, Keillor, Hudzik, and Bryant illustrate both the diversity of the law school’s student body and the incalculable value of scholarships in bringing these varied backgrounds into the community.

In November Hudzik met Ken and Mary Heinemann, who contributed funds for the Scholars in Law award that enabled her to attend Washington University. She was thrilled. “Washington University has such an enthusiastic and involved alumni community,” she observes. “How can you express enough gratitude?”
Increased scholarship aid is essential, they argue, if the school is to attract the brightest applicants, regardless of their ability to pay. It is crucial to continue diversifying the student body and ultimately the legal profession’s ranks. And it is essential to ensure that rising young lawyers are free to choose public interest law careers, unburdened by debt they would be unable to pay without top-level starting salaries.

Poscover and Cayne, both members of the school’s National Council, note that the school’s ranking has risen dramatically in recent decades. “The law school has made extraordinary strides in improving its nationwide standing,” Cayne observes. “I’m confident that with the continued support of my fellow alumni, our progress will continue.”

Poscover and Cayne are both serving on the law school’s 24-member Scholarship Initiative Committee. Poscover’s wife, Lorrie, JD ’68, and Cayne’s wife, Caroline, are helping co-chair the effort, which is part of the University’s five-year initiative.

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“I feel quite strongly that because I was helped, I ought to spend a little time and effort helping others. Is there another Maury Poscover out there applying now who might not be able to go to school without a scholarship?” —MAURY B. POSCOVER

“I personally don’t view my annual financial contributions to the University as something I should do only if I have had a particularly good year,” he says. “I am eternally indebted to the school, and I consider myself morally obligated to provide financially challenged students with the same opportunities afforded me by earlier generations of law school graduates.

“Without the significant financial support graciously provided me during a time of family crisis,” continues Cayne, a partner at Arnold & Porter in Washington, D.C., “my legal career would have abruptly terminated after my first semester. Whatever professional accomplishments I’ve achieved, I owe directly to the superb education I received at the law school.”

—HOWARD N. CAYNE
On the Bench

Scholarship Recipient Has Distinguished Career as Judge

The Hon. Tatjana Schwendinger, JD ’72, has made her career on the bench, rising to chief administrative judge of the Equal Employment Opportunity Commission in St. Louis. There she deftly adjudicates federal workplace discrimination complaints.

“We are passionate about scholarships and want to ensure students have support now and long after we are gone.”
—TATJANA AND ROBERT SCHWENDINGER
When the Hon. Tatjana Schwendinger graduated from Washington University School of Law in 1972, the opportunities for women as lawyers in private practice were limited so she found her niche in government. As chief judge of the Equal Employment Opportunity Commission (EEOC) in St. Louis, she now works to assure that the federal workplace is as fair as possible.

Schwendinger normally supervises four other administrative judges, and together they hear and decide complaints of workplace discrimination from federal employees in Missouri, Kansas, Nebraska, Oklahoma, and southern Illinois.

“There weren’t very many jobs for women when my class came out of law school. There were almost no federal clerkships. My colleagues ended up becoming the first female partners in St. Louis law firms,” Schwendinger recalls. “It’s a lot different now. It’s not even comparable.”

Her career path turned out to be a perfect match. “I ended up doing exactly what I should be doing,” she says. “I like being a judge. Not everyone likes it, making decisions. For me, it was a good fit.”

The EEOC’s mission to enforce national anti-discrimination laws also suits her. “If you work, you’re affected by these laws, and I have an opportunity to make a difference for some people,” she says. “That’s hard to beat.”

Her First Job out of law school was at another federal agency, the National Labor Relations Board (NLRB), as a staff attorney in St. Louis. She investigated alleged violations of labor laws and took cases to trial if they were deemed to be well founded. She also oversaw workplace elections to determine whether a union would represent employees. “The work I did at the NLRB was as an advocate whereas at the EEOC, I’m not,” she notes.

Schwendinger worked for the NLRB from 1972 to 1976. Then marriage and motherhood put her full-time career on hold for six years. “There was no family and medical leave then,” she says.

She married Robert Schwendinger, JD ’71, who specializes in health care and corporate law at Armstrong Teasdale LLP in St. Louis. His clients include several major hospitals, provider systems, and medical groups. He shares his wife’s commitment to public service, including holding leadership roles with the boards of the American Diabetes Association and the American Parkinson’s Disease Association.

While they overlapped at law school, the two met not on campus, but at a popular restaurant in the Central West End. They have two children—Kristen, a third-year student at the law school, and Derek, a brand manager at Henkel in Scottsdale, Arizona.

Tatjana Schwendinger understands the challenges of overcoming adversity not only in the workplace, but also as part of her family history. She was born in Holland, the eldest of four children, and grew up in Olean, New York, south of Buffalo. Her mother, Chaya Eichenbaum Teichholz, a Polish Jew, survived the Holocaust with a false Ukrainian identity and menial jobs as a non-Jewish slave laborer in Germany. She ultimately used nine aliases during the war. In 1942, all but one member of her family died as victims of the Nazi regime.

As World War II ended, her mother was working for English forces as a translator in a displaced persons camp when she met her husband-to-be Johannes Martinus Arnold van der Horst. After emigrating, the couple became active supporters of organizations that promote public education, civil rights, religious freedom, and Jewish culture.

Schwendinger’s mother, who had changed her name to Sonja van der Horst, also received Holocaust reparations, which she “carefully invested, but refused to spend,” Schwendinger recalls. Before her death in 2006—her husband had died in 1978—her mother decided to use the money to create an endowed professorship of Jewish Studies at the University of North Carolina at Chapel Hill. Tatjana Schwendinger, who benefited from the generosity of others in funding her own education, is committed to advancing her parents’ belief in the value of education. She and her husband are both members of the law school’s Scholarship Initiative Committee and actively solicit classmates and colleagues for scholarship support. They also support a Scholars in Law scholarship for a law student each year and have established a bequest commitment, which will fund an endowed scholarship upon their death. “We are passionate about scholarships and want to ensure students have support now and long after we are gone,” she says.

In a different way, Schwendinger also has been striving “to make sure people have opportunities” at the EEOC. During her 27-year tenure, the number of complaints about age discrimination has increased, and so too have claims based on disability, particularly since the passage of the Americans with Disabilities Act of 1990.

“The vast majority of cases all involve multiple bases for charging discrimination,” she says, with race and gender being a common combination. Allegations of reprisals or harassment, she adds, are often incorporated into employee complaints.

Unlike most trials, those before EEOC administrative judges are closed due to a congressional decision. The confidential proceedings, she says, benefit plaintiffs and judges.

“It’s very, very stressful to go to trial. It’s easier to get to the heart of the matter if people aren’t as nervous,” Schwendinger explains. “You get the story, and you need the story.”

The resolution of complaints before EEOC judges in St. Louis is swift, compared with the long years it can take for a federal district court to decide a discrimination case. Schwendinger says it typically takes a year or so from complaint to trial. Once they get on her docket, she hears and decides most cases the same week. Still, she has a “huge backlog” of cases awaiting her attention.

Schwendinger has landed in a role where she envisions remaining the rest of her legal career. “It’s an area of the law where a lot is going on,” she says, noting the U.S. Supreme Court decides a major employment-related case nearly every term. “There is plenty I can do staying right here.”
Neil Kraetsch  
• assistant general counsel  
• Oakland As, MLB  
• San Jose Earthquakes, MLS

Steve Johnston  
• general counsel  
• Oakland As, MLB  
• San Jose Earthquakes, MLS

Fred Hanser  
• co-owner and former vice chairman  
• St. Louis Cardinals, MLB

Jill Bodensteiner  
• associate athletics director in charge of NCAA compliance and legal affairs  
• University of Notre Dame

Neil Kraetsch  
• assistant general counsel  
• Oakland As, MLB  
• San Jose Earthquakes, MLS
In the Field: Working in the high-profile world of sports is a dream job for many sports fans. Among lawyers, the rarefied opportunity to work behind the scenes—contracts, negotiations, general counsel, and management—in an industry that entertains millions is a coveted position. The following section looks at several Washington University School of Law alumni who put their legal backgrounds to use tackling challenging issues in the sports industry.

Michael Principe  
JD 95
• managing director
• Blue Entertainment Sports Television

Irwin Raij  
JD 95
• partner
• Foley & Lardner LLP

Steve Weinreich  
JD 96
• vice president and general counsel
• Phoenix Coyotes, NHL
As associate athletics director in charge of NCAA compliance and legal affairs, Jill Bodensteiner, JD ’94, is a key player in the storied University of Notre Dame athletics program.

**THE JOB** is part fun, part work for the former basketball player who sandwiched Notre Dame undergraduate and MBA degrees around her law degree.

“I try to go to every home game of my eight to 10 favorite sports,” she says. “It may be a favorite because I have a special relationship with the coach or because I enjoy watching that sport. I would say I go to a minimum of three events a week.”

Although not directly involved in the recent hiring of football coach Brian Kelly, Bodensteiner often has a major role in coach employment contracts.

“Our athletics director primarily handles the interview and selection of the candidate,” Bodensteiner says. “But there are human relations and legal implications.

“We have a contract starting point, but of course they come back with 20 questions,” she continues. “I’m involved in answering those questions, negotiating the sticky points.”

Bodensteiner notes that coaches’ contracts are “a specialized form of employment contracts, particularly with respect to liquidated damages provisions addressing a coach’s departure and the effect of NCAA violations or other misconduct on the coach’s employment. Basically we would want to state that if the coach violates NCAA rules, it would allow us to get out of the contract without paying.”

In the legal affairs part of her job, Bodensteiner is immersed in contracts. In addition to employment agreements for head coaches and assistant coaches, she also negotiates game contracts with football opponents, and agreements covering television, radio, and merchandising rights.

Ironically Bodensteiner did little contract work with Bryan Cave LLP in St. Louis and Phoenix; Seyfarth Shaw in Chicago; or in 12 years as senior counsel at Notre Dame. She moved from senior counsel to the athletic department’s compliance officer last July.

“I’ve learned to enjoy contract work,” Bodensteiner says, “in large part because I get to use my MBA and engage in

When you know your client through and through, it’s a lot easier to negotiate.

—JILL BODENSTEINER
strategic thinking. Plus I get to use my legal background.

“What helps me first and foremost is a thorough understanding of the university and our mission and goals,” she continues. “When you know your client through and through, it’s a lot easier to negotiate. Number two is attention to detail. I’m really thorough. And number three is negotiation skills.”

In the other part of her job, ensuring that the department complies with NCAA rules, Bodensteiner says, “I have to be on top of the recruiting process and every aspect of the student-athlete experience. That includes admissions, academic eligibility, and financial aid—and what student athletes eat, where they live, and how we use them in promotions.” She also checks the background of sports agents who want to represent Notre Dame athletes.

Last fall, she and her staff advised Notre Dame’s star quarterback Jimmy Clausen and wide receiver Golden Tate, both juniors, as they considered jumping to the National Football League.

“If they do anything that crosses the NCAA’s line,” Bodensteiner says, “if they hire an agent, if they don’t pay for any benefits they get while testing the water, any of these things could make them ineligible to come back to Notre Dame as seniors the next year.”

Clausen and Tate eventually left Notre Dame for the NFL.

Bodensteiner also serves as administrator of the women’s basketball team. She takes on administrative duties of the program so that the coaches focus on coaching. Bodensteiner travels with the team and tries to attend two to three practices a week.

“I loved playing basketball most because of the camaraderie among the players,” she says. “I really missed that when I wasn’t part of the team. So now I have that back, and I’m getting paid to be part of it.”

Fred Hanser, center with World Series trophy, and family members

Baseball Legacy

by Gary Libman

The St. Louis Cardinals are in Fred Hanser’s blood. His great-grandfather, Adolph Diez, was a part owner of the team from 1917 to 1947. As a boy, Hanser, JD ’66, would play baseball on Sunday mornings and then walk four blocks to see the Cardinals play at Sportsman’s Park.

HANSEK RECALLS watching about 25 games a year from the family’s seats next to the Cardinals dugout where he had a prime view. “The players would come over next to our seats and pick
out their bats from a rack along the wall in front of us, so you’d see them right up close,” he says.

Hanser’s love of the game continued through law school and his 30 years at the St. Louis firms of Fordyce and Mayne and then Armstrong Teasdale LLP. Then in 1996, Hanser had the opportunity to continue the family legacy: he initiated the formation of an investor group, which purchased the Cardinals.

“When we concluded the purchase, the feeling was pretty much like having your children be born,” he recalls. “It was a very big high. Then we won the World Series in 2006, which was also one of the greatest thrills you could feel.”

Ownership has provided Hanser with a direct way to be involved in professional baseball and to be a major figure in the Cardinals management. For the past 14 years, he has served on the Cardinals three-member board of managers—the first seven as the Cardinals chairman and the last seven as vice chairman. On January 1, 2010 he stepped down from day-to-day involvement with the club, but continues with oversight responsibility of the team as one of three managers, headed by Bill DeWitt, Jr., chairman, and including Drew Baur.

In all these roles, Hanser has used his legal background extensively. When his group bought the team, he oversaw the legal work for the purchase. When the Cardinals and the former Montreal Expos built a joint spring training complex, he worked on land-use and lease contracts with the city of Jupiter and Palm Beach County, Florida. He also tackled issues related to the construction contracts, parking and other land-use considerations, and the property’s development.

When the Cardinals bought two minor league teams, he did the primary work on one purchase contract and reviewed the drafting of the second. He also oversaw a myriad of contracts, including construction, labor, financing, and city and county agreements when the Cardinals built a new ballpark in downtown St. Louis.

The group initially spent a lot of time trying to secure state-supported financing for the stadium, but this effort ultimately failed. Instead, Hanser says, “We issued bonds for $200.5 million. Adding other loans and property contributions, we invested $375 million. We ended up having the largest private investment in a baseball stadium of any team.”

Over the years, Hanser also has made sure that the Cardinals understood and followed legal provisions developed by Major League Baseball (MLB). These have involved sponsorships, labor issues, trademark licensing enforcement, and lawsuit support, he says. The provisions also covered a new revenue sharing plan and luxury tax involving all 30 MLB teams.

Although Hanser felt passion for his work, and knows past and present Cardinals greats such as Stan Musial and Albert Pujols, being a team owner also has had its challenges.

“It’s like operating a business under a glass,” he says. “Everybody who’s watching or paying attention has a better idea how to do it than you do. Especially the baseball side of it: who you sign and who you trade.

“This was especially true when we were trying to get public financing for the ballpark. You have to become a little thick-skinned,” he continues. “It’s interesting because that’s really also what you want. You want people to be interested in your team, to have feelings and opinions. That’s what being a fan is about.”
JOHNSTON AND KRAETSCHE have turned their love of baseball and their knowledge of contract law into a winning combination. As the Oakland A’s general counsel and assistant general counsel, respectively, the two work out of the Oracle Arena offices, about 50 feet from the Oakland-Alameda County Coliseum where the A’s play.

Kraetsch easily identifies the most enjoyable part of his job: “Day games,” he says. “My favorite thing is going over to the ballpark, grabbing a hot dog for lunch, and watching a few innings before heading back to my office.”

The Coliseum offers all kinds of perks. Johnston, Kraetsch, and their co-workers annually play a softball game in the Oakland A’s home stadium. Johnston also has been known to throw ground balls in the empty stadium to his three sons, Ty, 7, Brady, 5, and Will, 3. During spring training last year, Johnston, a former Grinnell College baseball captain, even took swings during the A’s batting practice.

When not enjoying these unique benefits of the job, Johnston and Kraetsch focus on contracts. Since joining the A’s in 2006, Johnston has been responsible for every contract the A’s sign. These include agreements with media partners, sponsors, and concessionaires, and others that cover spring training in Phoenix.

“Negotiation skills are key,” Johnston says. “Our goal is to prevent any possible problem that would inhibit our fans from enjoying the game. We always keep a watchful eye toward enhancing the fans’ experience while also protecting our organization from unreasonable legal and business risks.”

Kraetsch joined the A’s in 2007. He focuses in large part on agreements with team sponsors, such as radio and billboard advertisers, and day-to-day management of legal issues.

The two also draft player contracts for A’s General Manager Billy Beane. “The deals that we handle are with veteran players we’ve signed as free agents, or players in our system who we are re-signing to long-term deals,” Kraetsch says.
Kraetsch and Johnston also address issues such as performance incentives, no-trade clauses, and liability issues. For example, they negotiate language relating to the player who injures himself doing something dangerous, such as bungee jumping, and is unable to play. In those cases, the athlete may forfeit his contract.

The pair provides similar legal services for another of A’s owner Lewis Wolff’s, MBA ’61, teams—the San Jose Earthquakes. The Major League Soccer (MLS) team joined the league as an expansion club in 2008. But Johnston and Kraetsch don’t handle soccer players’ contracts, which are coordinated through MLS rather than the individual teams.

“I really enjoy our involvement with the Earthquakes, and we are working hard to make them a competitive and fun team to watch,” states Johnston. “Our fans are great, and now it’s up to us to give them a great team.”

“One of the most appealing parts of my job,” Kraetsch says, “is the broad range of issues I face. Every day when I come in, I don’t know what’s going to be on my desk. We get exposure to a whole variety of issues and departments with varying needs and personalities. It’s nice to feel like I’m a part of helping this organization be successful.”

Kraetsch says his legal education helps as he labors among the comparatively few attorneys representing professional sports teams. “What you take out of law school is how to declutter your thought process and critically analyze issues,” he says. “You learn how to step in and manage a messy situation and create a cost-efficient, workable solution, hopefully very quickly. There isn’t any area of life where that wouldn’t come in handy.”

Both men reached the A’s after love affairs with baseball since childhood.

“I don’t remember ever not being a baseball fan,” says Kraetsch, who grew up in St. Louis and played baseball in high school. He also attended a lot of St. Louis Cardinals games as a kid, and continued as an avid fan through college at the University of Illinois at Urbana-Champaign and during law school.

After law school, Kraetsch worked in Chicago and lived about a block from Wrigley Field, where he also frequently attended games. “Being from St. Louis, I couldn’t root for the Cubs. I just liked going to the games,” he recalls.

On the other hand, Johnston, who grew up in Davenport, Iowa, and played baseball in college, loved the Cubs. As a boy he was an avid collector of baseball cards and ingested statistics about Davenport’s minor league Cubs affiliate. Although not originally an A’s fan, Johnston and his uncle attended a 1982 A’s game in Seattle where Johnston scored autographs from several A’s players, including legendary manager Billy Martin and Hall of Famer Rickey Henderson.

“I still have the paper that all the players signed,” he says, as he pulls the sheet, protected by a plastic cover, from a shelf behind his office desk.

Johnston and Kraetsch met in law school, where Johnston was editor-in-chief of the *Washington University Law Quarterly*. But a strong friendship developed between the baseball aficionados when they began careers at separate Chicago law firms.

By 2003, Johnston had moved to Beam Global Spirits & Wine Inc. in Chicago, which makes Jim Beam bourbon. As senior counsel, he managed domestic and international compliance and regulatory matters, as well as negotiated contracts.
by Gary Libman

“love of the deal” spurred Michael Principe, JD ’95, into a leading role in sports and entertainment management.

PRINCIPE, BASED IN New York City, is the managing director of Blue Entertainment Sports Television (BEST). The firm represents athletes, broadcasters, and entertainers, as well as produces and sells sports- and entertainment-themed television programs and events.

BEST’s roster of more than 225 clients includes basketball’s Magic Johnson, Shawn Marion, and Jason Terry; 2009 Super
Bowl MVP Santonio Holmes of the Pittsburgh Steelers; and this year’s 2,000-yard rusher Chris Johnson of the Tennessee Titans. Also heading the client list are Mike and Bob Bryan, the world’s No. 1 ranked doubles team; Caroline Wozniacki and Victoria Azarenka, the youngest women ranked in the Women’s Tennis Association’s (WTA’s) top 10; boxer Floyd Mayweather; and ESPN anchor John Saunders.

Media and event packages include those for the U.S. Open Tennis Championship, the French Open Tennis Championship, and the U.S. Open Series Legg Mason Tennis Classic, as well as numerous U.S.-based ATP tournaments, the Boston Marathon, the Superstars Competition, and participatory, grassroots sports tours: Hoop It Up, Kick It, and Let It Fly.

“We operate as a full-service sports and entertainment marketing, management, and production company,” Principe says. “The sweet spot, however, comes when we can produce content involving our clients.”

Last December, for example, BEST created an exhibition featuring clients Melanie Oudin and John Isner, both of whom were coming off great runs in the U.S. Open. As Oudin is a Georgia native and Isner is a University of Georgia alumnus, BEST held the event at the University of Georgia to a packed house.

“Creating an event with two hometown heroes made a lot of sense,” Principe says. “It raises our clients’ profile, increases their fan base, and allows them to not only keep in shape, but also earn additional income during the tennis off-season.”

Principe says creating events for clients goes beyond a former multimedia byword, “synergy,” to “interconnectivity.”

“If you have a collection of companies under one roof,” he says, “they must add value to their sister companies. In a roll-up, you’re just acquiring companies, putting them in a box, and whatever happens, happens. But with BEST, we are aggregating companies, ensuring that the pieces are ‘interconnected,’ which means that they mutually support and drive revenue to each other, with the end result of enhancing value to both our clients and ourselves.”

Principe previously worked for then mega-sports agency, SFX Sports Group. During his seven years there, he served in a number of roles, including general counsel and executive vice president. He specialized in mergers and acquisitions for the sports properties, but also handled all aspects of the day-to-day legal work and acquired a detailed, behind-the-scenes view of how the company operated.

In 2006, after Principe was recruited by Louisville-based and highly successful entrepreneur Jonathan Blue, he went straight to work building a new sports agency. In whirlwind fashion, the company acquired 10 sports and entertainment businesses in 30 months. The acquisitions included the businesses of pro basketball, football, and tennis agencies, as well as college agents and entertainment managers, participatory sports tours, and multifaceted television and events groups.

The deals Principe participated in at SFX and BEST, he says, were “valued in excess of $500 million.”

While he has learned a great deal about the sports and entertainment business at both companies, he says he carries with him valuable lessons from law school, where he was a Robert and Mary Welborn Scholar. “Sports business is all based on contracts,” he says, “whether it’s to put a player on a team or a negotiation between an entertainment property and a sponsor.”

“The reasoning and negotiation skills I learned in law school are critical,” he says. “And the risk assessment skills help me determine the best course of action to keep us out of any hot water.”
Irwin P. Raij, JD ’95, has spent most of the last six years developing public-private partnerships—but not the kind most identified with the nation’s capital.

He has worked on the sale of Major League Baseball (MLB) franchises, negotiated deals to build two MLB stadiums, with a third in the works, and tackled a variety of issues related to the operation and construction of sports facilities.

Raij estimates that about three-quarters of his time is spent on pro sports and on his work as vice chairman of the firm’s Sports Industry Team. The rest is on legal matters that come his way as a member of the Government & Public Policy and Real Estate Practice teams. Raij previously served as...
sistant counsel to the Gore/Lieberman presidential campaign, as an attorney in the White House Offices of Counsel to the President and to the Vice President, and as an attorney for the U.S. Department of Housing and Urban Development.

His work in sports taps into a lifelong interest. “I grew up loving and playing baseball, but I also played football and basketball,” Raij says. “In the last six years that I’ve been working on baseball, I think I love it more every year—the nuances of the game, the characters.”

Bringing baseball back to Washington, D.C., three decades after the Senators relocated and became the Texas Rangers, was Raij’s first extensive involvement as a sports attorney. Raij represented Major League Baseball’s relocation committee in its efforts related to the Montreal Expos, which were moved and renamed the Washington Nationals. During the process, Raij assisted with the evaluation of proposals from multiple cities and eventual negotiations with the finalists. This work included negotiating and drafting the baseball stadium agreement, the new stadium lease, interim stadium lease, and the new stadium construction administration agreement.

After the team moved to Washington, D.C., he was asked by MLB to do most of the team’s legal work for day-to-day operations, including sponsorships and concessions agreements. After the sale of the team to the Lerner family, Raij continued to represent the team on matters related to the construction of the new facility and its opening.

From the middle of 2004 through the end of 2008, Raij was involved every working day on issues involving the Nationals. Though the team has since hired in-house counsel, Raij still does special projects.

But there was more for him to do on baseball stadiums. At a lunch in New York to celebrate the results in Washington, D.C., the president and COO of MLB, Bob DuPuy, tapped Raij to facilitate the negotiation and approval of a new stadium for the Florida Marlins. Considering the history of previous negotiations, Raij viewed the stadium project in Miami Dade County as a major challenge. However, as a Miami Beach native son, the assignment held a particular hometown appeal.

“I was working on the Nationals Park and the Marlins ballpark at the same time. That was fun,” he says. “I was stretched at times. Blackberrys and cell phones are amazing things.”

Raij was able to celebrate twice when Nationals Park opened for play in 2008 and a year later, as ground was broken for the new Marlins stadium, which is scheduled for completion in 2012.

A third baseball stadium project is now commanding Raij’s attention. In spring 2009, Commissioner Bud Selig named him to a three-person committee charged with investigating the feasibility of constructing a new park for the Oakland A’s in northern California.

Steve Weinreich, JD ’96, works where Coyotes play. He’s vice president and general counsel of the Phoenix Coyotes of the National Hockey League and the Jobing.com Arena.

WEINREICH BEGAN trying to crack the specialized world of sports attorneys a decade ago. He quit an unsatisfying job writing leveraged leasing of aircraft contracts and conducted a meticulous, eight-month search for a sports law job.

After the search, he joined a start-up sports representation and marketing company. A year later, in 2003, he landed a position with the Coyotes.

“I was always passionate about sports and intrigued by the business,” he says. “The things that drew me to it were the passion, the people, and the energy you find in sports. You rarely find people in this industry who are unhappy with their jobs or unhappy in general. You can make a lot more money in private practice, but people in this business love what they do.”

It also didn’t hurt that he had the opportunity to work with the National Hockey League’s all-time leading scorer, Wayne Gretzky, before he resigned as the team’s coach in 2009.

Weinreich’s work with the Coyotes focuses on contracts. The team signs legal agreements with sponsors, concessionaires, and merchandisers. The organization also requires agreements with fans who rent suites to view games and promoters who put on shows.

“Britney Spears comes in to play our building, I do the contract,” says Weinreich.
a case of a guest being struck by a puck or if someone trips and falls in the concourse and files a lawsuit.”

Weinreich also assisted when the team filed for bankruptcy in 2009. Eventually, the court approved the National Hockey League’s purchase of the franchise. Weinreich furnished documents and other information requested by the owner and bidders for the team, but otherwise tried to remain neutral. “We weren’t trying to steer the process one way or the other,” he says.

The types of contracts Weinreich negotiated before entering sports law differ from those he oversees today. When he wrote the earlier leveraged leasing of aircraft contracts at two Chicago firms, the contracts often required 200–250 pages of finely tuned details.

“With the Coyotes, most of the contracts I draft and review are probably 25 pages or less,” he says. “That has a lot do with the fact that lots of entities you’re dealing with are being run by business or financial people, not attorneys.”

Although he focuses on contracts, Weinreich says he’s never bored. “You never have two days that are the same,” he says, “and you’re always one call away from your day doing a complete 180-degree turn.”

Another attraction of the job is that Weinreich and his co-workers can skate or play hockey in the team arena on nights when it’s not in use.

Weinreich also got to spend time with Gretzky on team road trips.

“He’s an unbelievably nice man,” Weinreich says. “When I met him, I was a little in awe. But he makes you feel very welcome.

“On a road trip, you try not to make waves or stand out. But he came up and introduced himself. Here’s a guy who’s met millions of people and probably appreciates his privacy. He didn’t have to take the time to get to know me.”

Other contractual issues involve the city-owned arena. “There are periodic questions about interpretations of the lease,” he says. “There are also questions regarding intellectual property as it relates to use of our trademarks. And we are responsible for monitoring litigation, which may include
SPRING 2010 provides an unusual vantage point for writing about “why I teach.” Thanks to the John S. Lehmann Research Professorship, which afforded me a leave last fall to focus on scholarship, I am just now returning to the classroom after an eight-month hiatus. I feel exhilarated by the prospect of resuming an active partnership in learning with a new semester’s complement of students.

I teach for many reasons; on reflection, the list seems embarrassingly self-indulgent. I teach because I love to explore ideas with students who share this passion. I love to join students in classroom efforts to look behind unarticulated assumptions, to discern connections in apparently unrelated legal developments, and to think hard about possible law reforms—both realistic improvements and implausible reinventions.

I also love witnessing moments of discovery in which students, sometimes with a nudge, see something for the first time, as when they experience a shift of perspective, finding a new way to look at what they thought they thoroughly understood. I love the give-and-take when genuine differences of opinions produce thoughtful disagreements that allow a deeper appreciation of an unfamiliar side in a familiar debate (even though on more than one occasion such difficult discussions have left me wishing for a “do over” opportunity). And, of course, I love all the ways in which my teaching and my scholarship are mutually reinforcing.

THOUGH STARKLY DIFFERENT in many ways, two of the courses that I have regularly taught over the years afford ample opportunity to experience the classroom encounters that excite me. Conflict of Laws might well be dry, abstract, and passionless on one level. Yet, this course always entails an intellectual journey, especially as students find their territorial intuitions challenged by the contributions of “modern” choice of law theorists who shifted the focus from geography to the policies and purposes
underlying the legal rules supposedly at odds. Students in Conflict of Laws, who understand up front that the course will emphasize theory and new terminology, really do come to think differently about law as the semester progresses.

Family Law and related courses invite a different sort of transformation. Students arrive feeling like experts in the field based on their own lives, stories in the media, the familiar vocabulary, and sometimes their work in one of our live-client clinics. Here, the thrill often lies in unsettling what seems “natural”—by helping students discover and appreciate how their understandings are shaped by law, gender scripts, and other cultural forces, including race, class, and social norms.

Not surprisingly, my style and goals in the classroom have evolved over the past 35 years. Early on, especially when teaching a first-year course, I saw my principal objective as facilitating students’ analysis of legal doctrines—examining their current applications, their historical roots, and their likely evolution. “Thinking like a lawyer” seemed to demand that one leave behind a good deal of other thinking.

Today, analysis remains the centerpiece of my efforts in the classroom, but with a more expansive focus. I have become increasingly certain that a deep understanding of law requires more, not less, reference to personal experience, appreciation of life’s messy realities, and willingness to challenge both law’s purported objectivity and its reliance on categorization. Now, to move beyond the abbreviated stories and cardboard characters found in cases concerning, say, a child custody dispute or statutes governing intercountry adoption, I have begun to incorporate a carefully selected novel or film that provides a richer context and brings the legal issues to life. Thus, instead of accepting the tendency of law school to distance students from other experiences and sources of knowledge, I now go out of my way to highlight their relevance, not only in the classroom, but also in my own scholarship. Indeed, these insights have inspired me to experiment this semester with an explicitly interdisciplinary seminar, Regulating Sex, which includes both law students and students from other parts of the University and which I’m co-teaching with a colleague in the program in Women, Gender, and Sexuality Studies (WGSS). The evolution of “how I teach” has enhanced my understanding of “why I teach.”

The partnership in learning that occurs in the most fulfilling classes blurs the line between teacher and student. The value of such experiences has prompted me to look for other ways to challenge this would-be divide. I have found two. First, a couple years ago, I decided to become a student myself, strengthening my background knowledge for Family Law by taking a course in Contemporary Female Sexualities offered in the WGSS program. Along with my undergraduate classmates, I completed all the readings, submitted all the required papers, and participated in the full range of group projects and exercises. I’m convinced that I became a better teacher not just because of the substance that I absorbed, but also because of the reminder of what it means to be a student.

Second, for more than 10 years, I have served as one of a small group of law faculty who rotate the responsibility of supervising a team of three or four law students teaching an undergraduate course in Women & the Law. Among the many rewards of this arrangement, I especially enjoy the law students’ discovery of what it means to prepare for and teach a class during the course of a semester. Many have found their teaching experience transformative, affording new reasons to appreciate their own education at this law school.

Each time I step into the classroom, my preoccupation with the narrow objective for the particular assignment of the day seems to crowd out thoughts about loftier goals. So, imagine how enormously lucky I feel when former students recognize that something more took place in the classroom—and they report precisely what I would have included on my “wish list” had I reflected on such matters myself. For example, last year, this magazine quoted Laura Dooley, JD ’86, an outstanding member of the faculty at Valparaiso University School of Law, who said that I taught her the importance of being a role model, that I made her feel her ideas mattered, and that I challenged her to reach as high as she could. Wow! I would find a more worthwhile agenda difficult to imagine, and I can think of no more compelling reasons for “why I teach.”

Susan Frelich Appleton is the John S. Lehmann Research Professor for 2009–2010 and Lemma Barkeloo & Phoebe Couzini Professor of Law.
Clinical Education
Meeting the Needs of a Changing Legal Market

Since Professor Annette Appell was recruited to the law faculty as the inaugural associate dean of clinical affairs in 2008, she has been spearheading a dynamic plan to integrate and further distinguish clinical offerings at the school.

The quality of clinical education at Washington University School of Law was no secret. The school had burnished its stellar reputation in clinical teaching, service, and scholarship since 1973 when its Civil Justice Clinic was founded to serve disadvantaged individuals and families in the St. Louis area. Under the tenure of Karen Tokarz, now the Charles Nagel Professor of Public Interest & Public Service and director of the Dispute Resolution Program, the Clinical Program achieved consistent recognition among the nation’s top six programs.

Under Appell’s leadership, the program has been further coordinated, professionalized, and expanded. Already in less than two years, she has led efforts to recruit outstanding faculty in key areas of environmental law and youth advocacy; modify and expand curricula to meet market demand for practice-ready graduates; leverage new partnerships to expand programs; and renovate facilities to foster collaboration and professionalism.

Appell, an experienced leader in building clinical education programs and an accomplished teacher and author, explains the importance of the program’s expansion: “Clinics provide some of the most profound and self-revelatory experiences students will encounter in law school.”

A wealth of national leaders

The recent hiring of noted scholars Robert Kuehn and Mae Quinn has enhanced the program’s full-time faculty, which includes some of the most widely respected educators in clinical legal education today.

“There are only a few other schools with such a concentrated wealth of national leaders,” says Appell of the more than 20

(above) Washington University School of Law’s Clinical Education Program has a vibrant array of local, national, and international clinical courses and in-house clinics.

(below) Dean Kent Syverud, left; Missouri Supreme Court Judge Richard Teitelman, JD ’73; and Associate Dean Annette Appell cut the ribbon at a celebration of the newly renovated clinic space in Anheuser-Busch Hall. Teitelman was a guest speaker for the November 13, 2009 event.
full-time faculty members who rotate in and out of the Clinical Program from semester to semester. A distinguished group of adjuncts also lends expertise to the program.

“Besides increasing the number of students we can teach and clients we can represent, Professors Kuehn and Quinn bring their excellent reputations and track records as community builders to Washington University,” Appell continues. “They will expand our horizons and have already added new components to the clinics in which they teach.”

A nationally recognized leader in environmental law, Kuehn serves as co-director of the Interdisciplinary Environmental Clinic, alongside founding director Maxine Lipeles. Under their supervision, law students team with engineering, environmental studies, medical, and social work students on a variety of cases. Kuehn’s expertise is enhancing an already robust clinic whose victories include a lower ambient-air standard for lead and measures to reduce air pollution and greenhouse gases. President of the Clinical Legal Education Association, Kuehn’s research interests lie in environmental law and professional responsibility.

Quinn brings to the law school vast experience in criminal defense, a passion for juvenile justice representation, specialized expertise in problem-solving courts, and award-winning clinical teaching. She and Appell co-direct the Civil Justice Clinic and have transformed it into a youth and family advocacy practice serving the most vulnerable children and families in Missouri.

Junior faculty members Sarah Jane Forman, named the law school’s inaugural Clinical Faculty Fellow last fall, and Kathryn Pierce, lecturer in law and supervising attorney for the Civil Justice Clinic, are making additional contributions to the Clinical Program. Forman, who works with the Criminal Justice Clinic, researches the role of punitive police presence in urban public schools. Pierce is bringing to the Civil Justice Clinic her expertise in children’s law and youth advocacy in juvenile-justice and child-welfare settings.

**Brookings Institution partnership**

**AN EXCITING NEW ACADEMIC PARTNERSHIP** between the Brookings Institution and Washington University is enabling the law school to step up its programs in the nation’s capital, including expansion of its venerable Congressional & Administrative Law Program from a one-semester to a year-round offering.

The Brookings Institution is internationally recognized as one of the leading think tanks in Washington, D.C. The partnership complements the Clinical Program’s policy orientation, says Appell, and has led to placements in the Brookings Institution, as well as other D.C.-based policy organizations.

Additional collaborative efforts underway include increasing the number of student externships, forming a new speakers series, creating a scholar-in-residence exchange program, and promoting research collaboration. Kent Syverud, dean of the law school, the Ethan A.H. Shepley University Professor, and associate vice chancellor of Washington, D.C., programs, has taken a leading role in developing this partnership, as well as supporting overall enhancements to the Clinical Program. Tomea Mayer Mersmann, JD ’91, associate dean for strategic initiatives, is also working to expand opportunities with the Brookings Institution and has been heading the team developing a University-wide academic program in Washington, D.C.

**New facilities**

**STUDENTS, FACULTY, STAFF, AND CLINIC CLIENTS** are finding the newly renovated clinical facilities invaluable to the program’s collaborative and interdisciplinary focus. Previously scattered in-house clinic spaces have been drawn into a central location on the first floor of Anheuser-Busch Hall. The space is designed to model and perform as a law firm, replete with reception areas, public and private work areas, faculty offices, conference and
Recruit a social worker to expand interdisciplinary teaching, client service, and research in all in-house clinics and to forge and fortify connections to the George Warren Brown School of Social Work and its public health initiatives;

• Grow the Intellectual Property & Nonprofit Organizations Clinic, whose groundbreaking work ranges from the protection of indigenous knowledge to the incorporation of charter schools;

• Step up international programs and further leverage the University’s partnership with the Brookings Institution; and

• Complete hiring to further strengthen the youth and family advocacy project of the Civil Justice Clinic;

The enhancements speak to the value and rigor law schools are assigning to clinical education.

“The importance of clinical programs has increased nationwide as the legal academy recognizes how these capstone courses inform and complete a legal education,” Appell says. “Particularly as the economy continues to struggle, employers and clients will expect law schools to produce students who have more of the competencies they will need to perform as lawyers.”

Which is why Appell and her colleagues have no intention of resting on their laurels. Among the ambitious goals they’ve set forth are:

Clinics Show Law in Action

"Quality capstone courses in clinics are essential to legal education," says Annette Appell, associate dean of clinical affairs and professor of law. “They require students to synthesize the skills they have learned in the classroom—the legal analysis, research, and writing—and apply them to real people and real problems. Students see the law raw and in action. They witness justice firsthand.”

Abigail Browning, JD ’10, recalls how she grew professionally during the semester. “When I first looked at the facts of my case, I was not sure how to proceed,” she says. “But after I met with my client, I realized there was a lot more to the case and to him than the charges he was facing.”

Her Civil Justice Clinic professors soon taught her to identify how the law might help her client. By semester’s end, she won the confidence of her client, clearly communicated his story to
the prosecution, crafted strong legal arguments in his defense, and got the case dismissed.

“I gained a whole new set of skills, and my eyes were opened,” she says. “I had heard about police misconduct and overreaching law enforcement involving young people, but this case made me realize that it really does exist. My client’s rights had been infringed upon, and I had the incredible opportunity to make a difference in his life.”

Students have counted their clinical experiences among the highlights of their law school career. They have argued before the U.S. Court of Appeals for the Eighth Circuit, assisted co-prosecutors at the Extraordinary Chambers in the Courts of Cambodia, and successfully petitioned the outgoing Missouri governor for executive clemency for a survivor of domestic violence. The woman was released from prison after serving eight years of a 30-year sentence for killing her abusive husband.

- Develop a corporate governance field placement program in New York.

While the demands of exceptional clinical teaching place it among the most labor-intensive activities in the legal academy, Appell says the benefits of such deep engagement are undisputed.

“Lawyers are leaders in society and have great impact on the development of the law,” she says. “Clinical teaching provides important public service and can help reform the law and legal systems by bringing to bear the resources of the University and its students on strained agencies and court systems.”
IN THE PAST EIGHT YEARS, the United States Supreme Court has been vocal about the importance of capital mitigation specialists in death penalty defense. Beginning with Williams v. Taylor in 2000, and continuing with Wiggins v. Smith in 2003 and Rompilla v. Beard in 2005, the Court launched a series of decisions underscoring the importance of thorough capital mitigation investigation. Through these decisions, the Court examined trial counsel’s failure to conduct extensive mitigation investigation and found that failure to thoroughly investigate capital mitigation constituted ineffective assistance of counsel in violation of the Sixth Amendment to the United States Constitution.

In addition to emphasizing that thorough mitigation investigation is critical to achieving effective assistance of counsel at the sentencing phase of a capital trial, these decisions also highlight the Court’s recognition that a capital defense team must do an enormous amount of work prior to trial in order to be ready to present an effective mitigation defense. The clarity of the Court’s decisions has also coincided, whether directly or indirectly, with a surge in hiring mitigation specialists in capital public defender offices, as well as with increased training opportunities for mitigation specialists nationwide.

AT THE SAME TIME, the Court’s decisions say nothing about how to conduct a mitigation investigation or how capital defense attorneys should manage ethical issues and conflicting worldviews that may arise when the capital defense team is comprised of people from interdisciplinary professional backgrounds, which is often the case when mitigation specialists are professionally trained in a field other than law. Indeed, mitigation specialists come from a variety of backgrounds, such as social work, psychology, anthropology, history, law, and journalism. Although mitigation specialists utilize their prior professional training when they work on capital trial teams, mitigation is its own profession and is not a subspecialty of any one discipline.

One could view the increasing number of appointments and training of mitigation specialists on capital defense teams as evidence of an improvement in safeguarding the integrity of a capital defendant’s constitutional right to a fair trial by ensuring effective assistance of counsel. At the same time, the rise of capital mitigation specialists has not occurred without the potential to introduce social costs into the capital trial system. These costs include the tension an interdisciplinary capital team experiences when its legal obligations and directives conflict with the non-legal professional training of some of its team members.

SUCH INTERNAL TENSIONS can in turn impact the effectiveness of the capital defense, especially if conflicting norms result in a mitigation specialist disagreeing with the attorney’s directives or compromising client confidentiality during the mitigation investigation. Moreover, competing ethical norms and worldviews may also impact the defendant’s family or society at large, such as when a social-worker-trained mitigation specialist struggles against what she believes to be mandatory reporting requirements for child abuse—especially when mandatory reporting would detrimentally affect the defense at the sentencing phase of the capital trial.

In the same way that the Supreme Court’s jurisprudence has not addressed these and other tensions that mitigation specialists bring to the death penalty arena, so have legal scholars failed to analyze these tensions. Much of the scholarship relating to capital mitigation specialists either gears itself toward practitioners or focuses on the use of mitigation information or mitigation specialists during the capital trial itself. …

By examining critical issues that arise during the pre-trial investigation that social-worker-trained mitigation specialists conduct as members of capital defense teams, this article explores the inherent complexity that the Court’s mitigation jurisprudence has brought to the death penalty arena. When the legal
ethics and worldviews of capital defense attorneys conflict with the professional ethics and worldviews of mitigation specialists working on the capital defense team, such unresolved tensions have the potential to negatively impact the constitutional rights of the capital defendant by compromising the effective assistance of counsel the defendant receives.

**TO BEGIN THIS ANALYSIS**, Part I explains the historical development of capital mitigation specialists and the extent to which the Supreme Court’s capital jurisprudence and legal ethics have shaped the role of mitigation specialists. It analyzes pivotal moments in the Court’s early capital mitigation jurisprudence, and then discusses the role of the American Bar Association’s (ABA) *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases* (ABA Guidelines) in establishing the core duties of mitigation specialists. Part I concludes by discussing three of the Court’s recent mitigation cases, *Williams*, *Wiggins*, and *Rompilla*, and how these cases rely, in part, on the ABA Guidelines to explain how capital mitigation investigation is a critical component of a capital defendant’s constitutional right to effective representation of counsel.

Part II discusses the different worldviews and practice methods that social workers bring to capital defense teams when they work as mitigation specialists. It contrasts a social worker’s multidimensional, systems-based approach to a capital defense attorney’s linear, diagnostic approach, concluding that a systems-based approach brings important depth, perspective, and expertise to the mitigation investigation.

Part III examines some ethical conflicts that capital attorneys and social-worker-trained mitigation specialists may experience when they work together on capital defense teams. Beginning with the ABA’s *Model Rules of Professional Conduct*, it first examines relevant legal ethics rules. It then examines relevant social work ethics rules by exploring provisions from the National Association of Social Workers’ *Code of Ethics*. Part III concludes by exploring the importance of recognizing the ethical tensions social workers experience when they work as mitigation specialists on capital defense teams.

**THE ABA’S SUPPLEMENTARY GUIDELINES** clarified that from the capital defense attorney’s perspective, mitigation specialists are agents of defense counsel who are bound by the same rules of professional responsibility that govern defense counsel. Perhaps the NASW could issue a *Supplemental Code of Ethics for Social Workers Serving as Mitigation Specialists* to explain that social workers who are employed to develop mitigation evidence for capital defense teams are agents of the team’s capital defense attorneys, so they are therefore bound by the same rules of professional responsibility that govern the capital defense attorneys with whom they work (even if those rules conflict with the NASW’s *Code of Ethics*).

This *Supplemental Code* could also highlight the distinction between social workers who are members of defense teams and social workers who are hired as independent experts by defense counsel: social workers who are members of capital defense teams abide by the same ethical rules that the attorneys on their teams follow, whereas social workers who are hired as independent experts abide by the NASW’s *Code of Ethics*.

By understanding how ethical norms and worldviews from law and social work interact, the article strives to ensure that interdisciplinary capital defense teams anticipate and resolve ethical conflicts in order to safeguard the capital defendant’s constitutional right to effective assistance of counsel. In this way, capital mitigation specialists can continue to help attorneys effectively safeguard the sacred constitutional rights of the capital defendant.

Emily Hughes, associate professor of law, focuses her teaching and research on criminal law, including mitigation in capital cases.

Heir Tactics Were Brutal and Rapacious.

In May 2007, local officials in the southwestern Chinese province of Guangxi descended on Bobai county in a campaign aimed at enforcing China’s population laws and meeting target goals for allowable numbers of births in their jurisdiction. They forced pregnant women to have abortions. They demolished homes to make residents cough up fines demanded for excess children. Citizen anger boiled over into rioting. Thousands of angry rural residents took to the streets, sacking government offices in protest.

The vicious nature of the local Guangxi enforcement campaign was all the more striking because it directly conflicted with the explicit orders of China’s top leaders. Just months before, in January 2007, Central Communist Party (“Party”) and government officials had issued a joint directive ordering stronger enforcement of China’s population planning laws—precisely the aim of Guangxi authorities. However, the national directive clearly limited the measures to be used. It banned forced abortions, emphasized financial aid to reward compliance with birth control policies, and downplayed the use of coercive measures to punish noncompliance. Indeed, the director of China’s national family planning council even suggested that national authorities would waive fines entirely for poor Chinese citizens.

What explains such a striking disconnect between the central aims and the local realities? Conflicting norms governing official behavior are a key factor. Local cadre responsibility systems employed to evaluate the performance of Party and government officials do not necessarily correspond with central laws and policies. In April 2007, Bobai county Party and government officials issued an implementation plan for the national population planning efforts. The plan designated hard enforcement targets. For example, it required each Party, government, or state-owned enterprise employee to successfully raise 500 yuan in “social compensation” fees from residents who had borne children in excess of population planning laws, and to get one local resident to undergo a tubal ligation or “other remedial measure” by the end of August. Failure of individual state employees to make target resulted in loss of their annual salary bonus and forfeiture of any possibility for career promotion or honors that year. Failure of township governments to reach their collective targets resulted in all township employees receiving similar penalties for up to two years. …

Conflict Between National Law or central directives and local cadre evaluation systems occurs in numerous areas of Chinese law and governance. China has enacted extensive environmental laws and regulations, but Party personnel evaluations of local officials used to determine their career advancement and promotion have traditionally placed heavy emphasis on economic growth statistics. This incentivizes some local officials to violate relevant laws, falsify GDP statistics to superiors, and blindly engage in development projects in an effort to reach their annual targets.

National regulations bar local authorities from retaliating against citizen petitioners who seek to bring complaints before higher authorities. However, Party cadre evaluation systems heavily stress social order statistics. These sanction local Party secretaries based on the number of citizen petitioners who leave the jurisdiction to present grievances to higher-level officials. This leads local officials to resort to repressive tactics (including illegal detentions) to prevent petitioners from reaching higher officials and thereby negatively affecting the career prospects of local officials.
These examples reflect an alternative incentive structure created by the target responsibility systems (zeren zhuijiu zhi, mubiao guanli zeren zhi) that are the core of the Chinese Party and government cadre evaluation process. These personnel systems set concrete target goals linked to officials’ salaries and career advancement. They apply sanctions and rewards based on strict, collective, and vicarious liability for the failure (or success) of officials and their units in attaining designated targets. …

Given the critical nature of cadre responsibility systems—officially promulgated instructions to local Party and government authorities as to what their responsibilities are, and what punishments or rewards will result from failure or compliance—it is surprising how sparsely they are analyzed in the existing literature. … Furthermore, prior literature has not fully examined core questions regarding the reasons underlying the use of responsibility systems. What institutional role do these systems fill, particularly their reliance on strict, vicarious, and collective liability principles? Why do Chinese authorities rely on these systems when they create problematic behavioral incentives for local officials that compete, conflict, and sometimes completely violate norms that central authorities have promulgated? …

**PART 4** SUGGESTS how our understanding of the Chinese legal system may need to change in light of this article’s analysis. It calls for the study of Chinese law to expand beyond formal law and recognize the functional role that internal Party regulations play within the bureaucratic system. Explicitly examining them may be essential to understanding (or altering) the actual incentive structures that affect the behavior of Chinese officials. Finally, this part raises important questions regarding the future evolution of the Chinese legal and political system. The governance strategy embodied in responsibility systems exists in uneasy tension with formal legal norms promulgated by the Chinese state in the post-1978 reform period.

It conflicts with an alternative conception of “law” supported by Chinese legal reformers, a view that sees law as outside of, and perhaps an alternative to, the top-down bureaucratic personnel control mechanisms on which Chinese authorities have traditionally relied to govern. Recent developments, however, suggest that central Chinese authorities may be backing away from their decades-long effort to govern China and their local agents, through law and legal institutions. At least some leaders appear to favor an alternative strategy—strengthening the role of responsibility systems as a tool for monitoring their local agents. This is a fundamental conflict over the core issue of how to govern the world’s largest nation. How it is resolved will have lasting implications for China’s domestic evolution and stability.

Carl Minzner, associate professor of law, focuses his teaching and research on Chinese law and politics.

Interdisciplinary Center Tackling Issues of Work, Social Capital

HEN MARION CRAIN, the Wiley B. Rutledge Professor of Law, became director of the law school’s Center for Interdisciplinary Studies on January 1, 2010, she took over a program that for 10 years had successfully created opportunities for faculty to expand their work across disciplines both within and outside of Washington University.

The center presented conferences on cutting-edge topics featuring professors from other areas in addition to law—professors who ordinarily might not have had the chance to work together.

“John Drobak, the previous director, did a great job of putting this unique program on the map,” says Crain, who joined the law faculty in 2008 from the University of North Carolina, where she was the Paul Eaton Professor of Law and director of the Center on Poverty, Work, and Opportunity.

“For the center’s next phase of development, Dean Syverud encouraged me to pursue directions that overlap with my own research interests,” she adds.

Under Crain’s leadership, the center will pursue research themes relating to work and social capital. The center’s new focus on work includes special attention to issues of social class, race, and gender—interests that originated with Crain’s undergraduate training in social work.

Crain’s passion for work law dates to her second year of law school. “I had been hired as a summer associate for a Los Angeles firm specializing in litigation,” recalls Crain. But the recession of 1982 hit. Crain was laid off when she reported for her first day of work.

“After I got over the shock, I found a job with the only firm that was hiring—a small, union-side plaintiff’s labor and employment practice,” she says.

Crain found that she loved the work and continued on a part-time basis until completing law school at the University of California–Los Angeles. She then took a job with Latham & Watkins, joining its management-side labor and employment group.

Crain’s interest in labor issues deepened as she began her teaching career at West Virginia University, located in an area rich in the culture of class struggle and labor unionism in the coal mines. Influenced by colleagues who focused on the construction of power and powerlessness, she also developed an interest in critical theory, particularly feminist legal theory and critical race theory. She obtained grants to study the under-representation of women in the labor movement, including one from the National Science Foundation.

The Washington University community did not have to wait long to see how Crain’s hard-won expertise in work, class, gender, and race will guide the law school’s newly renamed Center for the Interdisciplinary Study of Work and Social Capital.

“I wanted to start with a bang,” Crain says, listing February and March talks and receptions that featured Wilma Liebman, chair of the National Labor Relations Board lecturing on the revival of American labor law; Devon Carbado of the University of California–Los Angeles discussing the challenges of anti-discrimination policy in the Obama era; and Regina Austin of the University of Pennsylvania examining the portrayal in nonfiction film of incarcerated and formerly incarcerated women. The lectures were also part of the law school’s Public Interest Law & Policy Speakers Series. The center then convened a panel on “Labor and Migration Effects of Human Trafficking” in conjunction with a University-wide anti-trafficking initiative, featuring national experts on the topic.

In March, the center hosted its first scholarly roundtable related to its new focus. For Love or Money? focused on the con-
sequences of how relationships are categorized in law—in particular, the distinction between those that arise through love, and those that arise from what Crain calls “economic expediency or profit-seeking.”

“The roundtable explored questions about why this distinction has been important in law and culture,” Crain says. Papers from the roundtable will be published in the Washington University Journal of Law & Policy.

The center’s day-to-day focus will be projects directed by affiliated faculty members. Each project will run for two to three years, facilitate collaboration across disciplines, and typically result in a new course, scholarly roundtable, conference, or publication.

Current project faculty leaders and topics include:
• Marion Crain and Robert Pollak, Time and the Work/Family Life Cycle;
• Adrienne Davis, Black Sexual Economies; and
• Laura Rosenbury, Sex, Gender, and Society.

“The center’s long-term goal is to enrich the research and learning of affiliated faculty and their students by connecting them with research on similar problems in other disciplines,” Crain says. “Ultimately, we hope that this will produce deeper insight into social problems and more creative solutions.”

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While many law students are pressed for time, three third-year students especially would love to figure out how to double the 168 hours found in a week. Jason Batts, Jocelyn Chong, and Joel Christensen are serving as editors-in-chief respectively of the Washington University Law Review, Washington University Global Studies Law Review, and Washington University Journal of Law & Policy. All three are committed to daunting schedules, filled with study and classroom time on the one hand, and seemingly nonstop editing, planning, and journal staff meetings on the other. The three estimate that their journal duties add on average 40 to 60 hours a week atop a like amount of course work and studying.

“I was urged last spring to apply for editor-in-chief by my immediate supervisor on the journal,” says Chong. “I figured that my colleagues would choose the best one to guide the journal, so I applied. To my surprise, I was elected. I thought: ‘Well, good, but I guess I’ll have to work really hard now.’”

“For me, it’s all about time management,” Batts says. “I live and die by to-do lists on a daily basis. I have to figure out what my law review responsibilities are in comparison to my class responsibilities. There are no extracurricular activities. That’s for next year!”

Christensen adds: “I’m probably reading the same amount of law as my classmates because so much is submitted to the journal, but I definitely don’t have time for legal blogs or newspapers. I also don’t have time to read a secondary source to be better prepared for class.”

Each editor-in-chief works with faculty advisers and a staff of approximately 90 editors, production personnel, and board members. Current faculty advisers are Professors Annette Appell, Kathleen Clark, John Haley, Charles McManis, Neil Richards, and Karen Tokarz.

Although making for many extra hours in the journals’ new Seigle Hall suites, Christensen stresses that the added duties are worth it: “While it’s not always pleasant to log those extra hours, I never resent it because it’s such a fantastic experience.”

All three combine a thorough grasp of the history of their respective publications with visions for putting their own “stamps” on their journals during their tenures.

Global Studies Law Review

Chong’s journal is the newest of the three, begun nine years ago to address global studies, specifically in relation to the advancement of legal specialization around the world. While not a formal part of the journal’s structure, the school’s Whitney R. Harris World Law Institute often collaborates with the journal.

“Normally, we focus on notes and articles, but in the spring issue, we recognized the work of one of the University’s great professors, John Haley, a foremost academic in Japanese law,” she says. “Prior to that issue, the Harris Institute hosted a symposium on that topic.”

The Global Studies Law Review has established a reputation as a significant international law review, focusing on topics beyond comparative law. “As a journal, we want to give a broad perspective, but find the commonalities,” Chong says. “We present the opportunity to see so many new ideas about the law worldwide.”

An upcoming article, for example, demonstrates how Jewish law is sometimes employed by the Israeli secular court. Because of the journal staff’s linguistic limitations, Chong and her editors went the extra mile working with not only the authors, but also a Modern Hebrew lecturer at Washington University, an alumnus, and several JD and LLM students—one from Israel—in perfecting the manuscript.

“We met with a couple of rabbis, for instance, to clarify some points. I figured that’s what we should be doing, engaging the community,” she says.
Law Review

PRIOR TO ATTENDING LAW SCHOOL, Batts worked nearly three years at the White House and on Capitol Hill, including a position as communications director for a congressman.

“I was interested in the editor-in-chief position because a lot of the responsibilities mirrored those of a communications director,” he says. “Those long hours in D.C. tempered me for the hours required with the Law Review.”

Formerly the Law Quarterly, the Law Review is now in its 87th year, making it the oldest of the three and the most competitive. Batts noted that it receives about 2,000 submissions yearly for just 18 spots in the annual six volumes. To address changing issues in the law, Batts has emphasized a relatively new feature, a “current commentaries” section, which allows law practitioners and scholars to write about legal topics that are more fluid.

“We take submissions as they come in, and they run the spectrum with no real theme per issue,” he explains. “While I want to honor the Law Review’s history, I always look to improve. One of our main goals is to provide an avenue to drive the law forward and help it evolve; the commentaries section does that.”

A recent issue, for example, included scholarly articles on shaken baby syndrome, the phenomenon of hidden taxes, and fiduciary-based disclosure; a student “note” on the Veterans Educational Assistance Act; and a “commentary” on sustainable practices and government entities.

Journal of Law & Policy

CHRISTENSEN’S JOURNAL BEGAN in 1968 as the Urban Law Annual, with an emphasis on land-use law. Midway in its existence, it changed to the Journal of Urban & Contemporary Law, then became the Journal of Law & Policy in 1998. The current journal reflects an interdisciplinary approach with each volume based on a symposium.

“We’re on a different end of the spectrum from the other two journals,” Christensen explains. “Each spring, we meet to generate ideas for the volumes that will be published over the next 24 months and then look for symposium sponsorship of the topic.

“For instance, last spring, we decided to do a volume on labor and employment law,” he continues. “Professor Marion Crain is well known in that field, and she agreed to oversee getting a roster of authors for a symposium. So, instead of winnowing from thousands of article submissions to dozens, we start with dozens of authors and hope to end with dozens of articles.”

The publication’s model relies heavily upon Washington University law professors’ knowledge of related scholarship. “With their help, we know we’re getting authors of a high level,” he says. “Every volume is its own treatise.”

The Editorial Trio has become good friends in a system where journals are the main vehicle for the dissemination of legal scholarship.

“I think it’s a safe assumption that the three of us were overwhelmed, honored, and humbled to be chosen for our positions,” Christensen says. “We have the sense that we’re temporary placeholders—that we’ve inherited a legacy to which we have to give our all.”
ANIEL L. KEATING, the Tyrrell Williams Professor of Law, was honored for his more than 16 years of service to the law school as dean, associate dean, and vice dean during a celebration on October 15, 2009. Amid the rousing presentations and heartfelt memories, the themes of Keating’s tremendous loyalty, collegiality, generosity, and good humor arose repeatedly. An avid sports fan, he was referred to as the No. 1 draft pick, the franchise player around whom the team was built, the most valuable player, and everybody’s favorite coach.

While serving as dean and/or assisting three other deans, Keating has made valuable enhancements to the International Law Program, Clinical Education Program, scholarship and stipend initiatives, and alumni relations. In addition to helping recruit two deans, he also has taken time to mentor new faculty, while stewarding the school with grace and strategic insight.

Along with his skills as a nimble administrator, Keating was lauded for his productivity as a scholar and for his outstanding teaching. Throughout his administrative roles, he has continued to teach each year while authoring or co-authoring leading casebooks and articles in commercial transactions, sales, and bankruptcy.

“Dan is a terrific leader for Washington University. It has been a privilege to have had the opportunity to work with him, and I certainly look forward to his continuing commitment as a great faculty member,” noted Chancellor Mark S. Wrighton in a video tribute. “He is a person who has exhibited enormous loyalty to Washington University, for which I am very grateful. Throughout his leadership roles at the law school, he has continued to build respect among his faculty colleagues, among other leaders at the University, and among our students. He also has continued to be a truly outstanding scholar and a great teacher.”

Also toasting Keating’s many accomplishments were Dean Kent Syverud; Assistant Vice Chancellor Mark Smith, JD ’86; Associate Dean David Becker; National Council Chair Steven N. Rappaport, JD ’74; and Professors Katherine Goldwasser and Karen Tokarz. Videotaped tributes were given by former Dean Joel Seligman and Dean Emeritus Dorsey D. Ellis, Jr.

Keating’s crowd-pleasing “rebuttal” was delivered in the form of a PowerPoint, “10 Hard Lessons I Learned in the Dean’s Office (With Help from Dilbert)”:

1) Everybody wants to see the dean.
2) No matter how busy you are, the dean is even busier.
3) The reward for doing good work is more work.
4) The location of the vice dean’s office (next to the dean’s office) is not an architectural coincidence.
5) When solving problems, the devil is in the details.
6) You’re only as good as the staff who support you.
7) Avoid the Strategic Planning Committee, if at all possible.
8) Faculty members do not enjoy being constrained by rules.
9) Faculty members do not enjoy being constrained by budgets.
10) Step down before you burn out.

Keating, who was succeeded as vice dean by Professor Peter Joy on January 1, 2010, has returned to full-time teaching. He will be on sabbatical in 2011–12. In recognition of his extraordinary contributions, law alumni, faculty, administrators, and friends have created the Keating Family Endowed Scholarship.
PROFESSOR A. PETER MUTHARIKA, who is serving as Malawi’s Minister of Justice and Constitutional Affairs, offered a personal account of the inner workings of his native country during his chair installation address.

Mutharika was formally installed as the Nagel Professor of International & Comparative Law on September 14, 2009. The installation was unusual in that Mutharika is currently on leave as a sitting member of Malawi’s parliament, as well as a cabinet member for the African country. At the ceremony, Chancellor Mark Wrighton, Emeritus Chancellor William Danforth, and Dean Kent Syverud all made formal remarks in recognition of Mutharika’s achievements in international law teaching and scholarship. They also noted his current commitment to making life better for Malawians while helping his country play a meaningful role in the international community.

Fittingly, the professorship is named for Charles Nagel, LLB 1875, who also was committed to public service. He was U.S. Secretary of Commerce and Labor under President Taft, a member of Washington University’s Board of Directors, and a part-time law lecturer. The estate of Nagel’s law partner, Daniel Noyes Kirby, LLB 1888, made the professorship possible.

Mutharika, who joined the law faculty in 1972, delivered an installation address on “The Role of the Minister of Justice in a Transitional Society: The Malawi Experience.” He discussed how he is currently putting a lifetime of legal teaching and scholarship into practice, as he helps lead constitutional reform and international law developments in Malawi.

Since his brother, Bingu wa Mutharika, was elected president in 2004 and re-elected in 2009, the country has made major strides, including achieving food sufficiency and being among the fastest growing economies in the world. Mutharika remarked on the tremendous responsibilities he has undertaken in his transition to legislator and policy administrator—with powers he must “exercise very wisely.”

“My responsibilities are to advise the president with respect to government policies, defend the government in parliament, present bills before parliament, defend the independence of the judiciary, and make sure that all ministries, departments, and agencies act within the Malawi Constitution and the rule of law,” he noted.

Recently introduced six major bills in Malawi’s parliament, has been striving to address issues related to constitutional reform, education, economics, and health care. Head of numerous legal divisions and agencies, he also has been working on legislation fighting corruption, regulating adoption and other family law issues, and addressing gender inequities. In his installation address, he spoke frankly about various challenges including balancing the desire to fight corruption with maintaining the presumption of innocence and addressing death penalty reform with historic notions of punishment and more recent human rights interventions.

“The law in Malawi needs to be modernized, and the rule of law must be at its center,” he observed. “History has shown that societies that adhere to the rule of law are societies that have prospered. We also have seen that democracy can advance economic conditions. As long as I am minister of justice, I will make sure that Malawi adheres to the rule of law within constitutional and international norms.”
ULIE COMPTON, AB ’85, JD ’88, has successfully mixed her legal background with her love of writing to become a published author of two psychological thrillers—with a third one on the way.

Compton’s second novel, *Rescuing Olivia*, was released in February to enthusiastic reviews. Set in her current state of residence, Florida, the book centers on Anders Erickson, a man who is told that the love of his life, Olivia, has died in a motorcycle accident. He then discovers that he was deceived and that she had been stolen away from him. The story encompasses his quest to find her by sifting through the life she left behind. What Anders finds is a tapestry of lies, conspiracies, and hidden violence as he strives to save her life, and, consequently, his own.

Compton’s first book, a psychological/legal thriller titled *Tell No Lies*, was published in 2008. The novel takes place in St. Louis, where Compton was born and raised and where she spent the early part of her legal career practicing with private law firms. She wrote her first novel during the six years that she left the law practice to spend with her children. Later, she returned to the legal field as a trial attorney with the U.S. Trustee’s Office in Wilmington, Delaware, until 2003. She and her family now live in central Florida, and she has returned to writing full time.

Compton says the idea for her second novel was born from various sources. The character of Anders was developed from a prompt given by the leader of her writer’s workshop. “She asked us to write something about a character being in possession of a box that he or she wasn’t supposed to have,” Compton says. “I wrote a scene that later became a small, but important part of the larger story, though at the time, I didn’t know it. I didn’t even know the character’s name, but he eventually became Anders.”

Another source of inspiration Compton cites is the time she spends volunteering as a guardian ad litem for abused and neglected children. The effects of domestic violence became a prominent thread in *Rescuing Olivia*. “It’s an issue I’ve wanted to write about for a while, and this novel only skims the surface,” Compton says. “I think it will reappear in future work, though in much different ways.”

Much like her first book, *Rescuing Olivia* is a tale filled with drama, suspense, and many twists and turns as Anders journeys to find his lover, but there are also differences. “*Rescuing Olivia* is a very different type of novel than *Tell No Lies*,” Compton says. “It’s still suspense, but it doesn’t necessarily have the same kind of ‘cautionary tale’ that reviewers liked about *Tell No Lies*. It’s more of a love story inside a thriller, I guess you could say.”

However, for those loyal readers who are looking for her next legal thriller, they will be pleased to know that Compton already has one in the works. Her third novel will be the sequel to *Tell No Lies*, with several scenes taking place at Washington University. An excerpt from the unfinished work will be published in an upcoming anthology this May.

“I hadn’t originally planned to write a sequel; in fact, I thought I wouldn’t,” Compton recalls. “But those who’ve read my first book know it ends a bit ambiguously, and because so many readers have asked about a sequel, I finally decided I would consider it if I could come up with an idea. Ironically, the first line came to me before the actual idea did, but that was all I needed. It got me started and I’ve been writing it ever since.”

For more information, visit Compton’s Web site: www.julie-compton.com.
A Career in Hospitality

CONSULTING FIRM: Four Corners Advisors Inc., Chicago

PRINCIPAL: Michael C. Shindler, JD ’76

AREAS OF CONCENTRATION: Hospitality/Transactions/Consulting

BRIEF BACKGROUND: Michael Shindler founded Four Corners Advisors Inc. in June 2007 after more than 30 years of legal and transactional experience, mostly in the hospitality industry. Four Corners Advisors provides services to owners, investors, developers, and lenders in planning, development, acquisition, and lending on new hotel projects, hotel redevelopments, and repositionings. It also assists borrowers or lenders in qualitative evaluations, workouts, and restructurings of distressed hotel assets.

Q: Why did you choose consulting as your primary field?

A: I came to consulting in a roundabout way. For years after leaving the practice of law, my legal experience was mainly in the background. However, with age and maturity, I came to realize that my legal education, along with the discipline, approach, and understanding that come with it, informs my approach to analyzing issues, addressing business problems, and forging solutions. My highest value is in being a devil’s advocate and suggesting a different way of doing things. Consulting seemed to offer the ability to do this over and over again, and not just for one employer or one client. I also don’t have to draft documents; I can read them and provide general commentary instead of arguing over such things as semicolons.

Q: Why did you decide to establish your own small specialty firm?

A: My extensive international and domestic experience in acquisitions and development, brokerage and consulting, and management contract work with hotel companies, along with my legal and commercial real estate background, led me to believe I had a unique perspective in offering my services as a consultant within the hospitality industry.

Q: What effects have the current economic conditions had on projects in the hospitality industry?

A: The hotel industry is in the midst of the worst downturn in my professional life. Yet, now is the time for developers to start thinking about the next wave of resorts and mixed-use developments. As the economy begins to recover and credit markets gain some transparency, we should see terrific work for project consultants (project managers, architects, interior designers, purchasing agents, construction firms) and the few people like me who occupy the niche that I do. Even if a developer starts thinking about a new property today, by the time he or she locates the right site, finds a willing operator, gets zoning and planning approvals, designs the project, and locates that hard-to-locate debt and equity, we would not be looking at an opening of the project for four to seven years. Surely, whatever cycle we’re in will be over by then.

Q: What advice do you have for someone interested in pursuing this field?

A: I consider myself a hotel transactions person, more than a “consultant,” so the field, in my view, is the hotel transactions arena. As we hotel folks speak our own language and have our own accounting rules, it is incumbent on a professional to know both the language and the charts of accounts. I advise young people to learn those tools and understand how they fit with jobs across the hotel spectrum from operations to ownership/asset management to financing. As there are, of course, legal implications in every area of the hotel business, a legal background is also an asset.

Q: What has been the most rewarding aspect of establishing Four Corners Advisors?

A: When I started the firm, I thought I’d be helping sophisticated real estate developers who simply needed hotel development and transactions expertise, particularly those entering upon mixed-use developments and deals that had or were planned to have a hotel component. My timing wasn’t so great for that. Fortunately, and this is the rewarding part, through referrals, recommendations, and some sweat, I was able to take on assignments that had an earlier, more strategic planning aspect to them than I had anticipated. I had the flexibility, capability, and willingness to expand my practice and myself. That has been the best part. It also helps that I can come and go as I please. In addition, I have been able to take what I knew about commercial real estate law and hotel transactions and blend it into something that takes advantage of my other experience and training—and supports my life.

As Washington University Law Magazine was going to press, Michael Shindler accepted an offer from Hard Rock International to be its executive vice president of hotels and casinos, heading Hard Rock’s non-café hospitality division. Shindler says he looks forward to applying his “legal education, expertise, and experience to this new and challenging opportunity.”

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Enlow Named Dean of Handong International Law School

Eric Enlow, JD ‘99, has been named the third dean of Handong International Law School in Pohang, Korea. Enlow, who joined Handong in 2004, is charged with furthering the school’s integrated Christian legal education, while equipping a diverse student body, drawn from 30 countries, with the legal skills to be global leaders. The law school is part of Handong Global University, which was founded in 1994 with a distinctive international focus and a special goal of assisting students from developing countries.

Enlow says he was inspired by his Washington University law professors to pursue a career in international legal education. “I remain very grateful for the excellent education that I received from my professors at Washington University,” Enlow notes. “Although globalization was far from my mind during law school, their excellent instruction prepared me for opportunities and challenges that I never anticipated.”

After graduating from the law school, Enlow clerked for Judge Richard S. Arnold, U.S. Court of Appeals for the Eighth Circuit. He then joined Blackwell Sanders Peper Martin LLP (now Husch Blackwell Sanders), practicing intellectual property, international, and appellate law.

At Handong, he teaches Christianity and Law and International Intellectual Property Law.
include reversal of a multimillion-dollar, treble-damage RICO verdict, while serving as appellate counsel for senior officers of Viacom Outdoor Inc. in Craig Outdoor Advertising Inc. v. Viacom Outdoor Inc. (8th Circuit, 2008).

1983

David L. Going has been selected by the American College of Bankruptcy (ACB) for induction as a Fellow. Going is one of 35 honorees chosen from a pool of international candidates and the only nominee from the Eighth Federal Judicial Circuit. Membership in ACB is by invitation only and selection is based on a nominee’s proven record of achievement, professionalism, and service to the insolvency profession. Going is a partner at Armstrong Teasdale LLP in St. Louis. His practice includes all aspects of commercial and corporate financial restructuring, bankruptcy, and creditors/debtors rights.

Susan Rowe has been elected to the new Leadership Committee at the Stolar Partnership LLP in St. Louis. Rowe, who joined the firm in 1987, is a trial attorney with expertise in employment and labor law.

1984

Kevin J. Luther and Bruce L. Bonds (JD ‘82) are co-authors of the book, Illinois Workers’ Compensation Law, 2009–2010 Edition. (See previous Class Note for Bruce Bonds.) Luther is a partner in the Rockford, Illinois, office of Heyl, Royster, Voelker & Allen PC. He chairs the firm’s Workers’ Compensation Practice Group and concentrates his practice in the areas of workers’ compensation, employment law, and employer liability. He is a member of the Board of Directors of the Illinois Association of Defense Trial Counsel and a contributing editor of the “Workers’ Compensation Report” for that organization’s Illinois Defense Counsel Quarterly.

Hal J. Pos, who was recently elected to the TerraLex Board of Trustees, was inducted into the board at the international organization’s annual meeting in Hong Kong. TerraLex’s membership is composed of 15,000 attorneys in more than 155 independent law firms in 100 countries. Pos is vice president, treasurer, and director of Parsons Behle & Latimer PLC in Salt Lake City. He is a member of the firm’s Environmental, Energy, and Natural Resources Department, where he concentrates on environmental and mining matters.

1986

James Dimos was nominated to the American Bar Association Board of Governors, which oversees association administration and policy implementation. Nominees will be presented for election by the House of Delegates in August. Dimos is a partner in the Indianapolis office of Frost Brown Todd LLC. He focuses on the litigation needs of the business community in the areas of intellectual property, antitrust, contract, copyright, licensing, patent, product disparagement, trademark, trade secret, and unfair competition.

Linda Hermann has joined Spencer Fane Britt & Brown LLP as of counsel in the firm’s Financial Services Practice Group in St. Louis. She concentrates her practice in the area of commercial lending and financial services. Hermann previously was assistant general counsel for a publicly traded bank.

1987

Michael Tamburini has joined the Kansas City office of Polsinelli Shughart PC as of counsel. A member of the Financial Services Department, he focuses his practice on loan enforcement, creditors’ rights, and creditor bankruptcy representation in state, federal, and bankruptcy courts across the nation. Tamburini previously served as general counsel and in other senior-level management positions within the health care industry.

1988

Kimberly A. Lynch was appointed general counsel at ShoreBank Corporation in Chicago. She previously was senior vice president and associate general counsel for LaSalle Bank Corporation, where she also headed regulatory and corporate affairs for the North American legal department.

Catherine Werner has been named the city of St. Louis’ first sustainability director. Working in the Mayor’s Office, she concentrates on energy and sustainability projects for the city. Werner previously practiced environmental law in Washington, D.C., and served as an environmental and sustainability consultant for a number of cities and organizations. She has been a Leadership in
Energy and Environmental Design accredited professional since 2007.

1990

Barry Blankfield was recently promoted to the rank of captain in the U.S. Navy Judge Advocate General’s Corps.

Donald L. Erftmier, Jr. announced the opening of Erftmier Law LLC in Omaha, Nebraska. The firm’s practice focuses on business counseling and wealth succession planning, including traditional estate planning, business succession planning, and fiduciary representation in connection with trust and estate administration.

Jack H. Su is the head of Energy, Asia for Mayer Brown JSM. Having spent 18 years based in Hong Kong and Singapore, he has represented companies engaged in investment and finance on energy, oil and gas, power, and water projects. Su also has taken a lead role in numerous mergers and acquisitions, as well as private equity, manufacturing, and infrastructure transactions involving multijurisdictions across Asia.

Nick H. Varsam joined Thermadyne Holdings Corporation (Nasdaq: TMD) as vice president, general counsel, and corporate secretary.

1991

Beth A. Dickhaus has been appointed chair of the ABA Tort Trial and Insurance Practice Section’s Insurance Regulation Committee. Dickhaus is special counsel at Hall & Evans LLC in Denver, Colorado. She is a member of the firm’s Administrative, Regulatory, and Legislative Practice Group.

Donna Frazier Schmitt was elected chair of the Board of Directors for the 2010 term for the International Anti-Counterfeiting Coalition (IACC). The coalition is a Washington, D.C.-based nonprofit organization devoted to combating product counterfeiting and piracy. The IACC develops and conducts training for domestic and foreign law enforcement officials, submits comments on intellectual property enforcement laws and regulations in the United States and abroad, and participates in regional and international programs aimed at improving intellectual property enforcement standards.

1992

Stephanie Dawkins Davis was appointed by the U.S. Attorney for the Eastern District of Michigan to serve as the office’s Executive Assistant U.S. Attorney. She previously served as deputy chief of the office’s Controlled Substances Unit.

1993

Andrew Last is finishing his fourth year of medical school at the University of California, Davis. This past March, he and his wife were looking forward to both (a) the birth of their second child, who will join their 3-year-old daughter, Flora, and (b) “Match Day,” when they were to be told where Last will serve his residency in obstetrics and gynecology and live for the next four years.

Geri L. Dreiling has been named to the Board of Directors for the Center for Survivors of Torture and War Trauma. The St. Louis-based nonprofit organization provides mental health and youth program services to immigrants and refugees. Dreiling is an attorney and president of Legal Media Matters, a St. Louis-based public relations and Web content writing firm for attorneys.

Jonathan Rolbin received a special commendation from U.S. Attorney General Eric Holder and Assistant U.S. Attorney General Tony West for his work representing the Department of State. Rolbin, who had been serving as a trial attorney with the U.S. Department of Justice, recently joined the U.S. Department of State. He now is director of legal affairs and law enforcement liaison in the Bureau of Consular Affairs/Office of Passport Services.

ACADEMIC EXCELLENCE

Each spring, the law school honors students from the top 15 percent of the class at a special academic excellence reception. Here members of the class of 2009 are saluted along with Honorary Order of the Coif initiate Peter Ruger, JD ’69, back row, right. Members of the class of 2010 will be recognized on May 20, 2010.
**JUDGE FLEISSIG RECEIVES U.S. DISTRICT COURT NOMINATION**

Audrey Fleissig, JD ’80, has been nominated to serve on the U.S. District Court, Eastern District of Missouri. The nomination will now be sent to the U.S. Senate for confirmation.

Fleissig was nominated by President Obama to fill the vacancy created by Judge Catherine D. Perry, JD ’80, who took senior status. She currently serves on the U.S. District Court for the Eastern District, where she also served as the U.S. Attorney for more than a year. She previously was in private practice at Peper Martin Jensen Maichel and Hetlage (now Husch Blackwell Sanders) in St. Louis.

Fleissig has served as an adjunct professor at Washington University School of Law since 1991, where she has taught Pretrial Practice & Procedure, Trial Advocacy, and Evidence. She also has supervised externs through the law school’s Clinical Education Program. In 2001, she received the school’s Distinguished Young Alumni Award.

In other news, Judge Catherine D. Perry, JD ’80, is now serving as Chief Judge on the court. She has served as a judge for the Eastern District since October 1990, first as a magistrate judge, then as a district judge when she was nominated by President Clinton in 1994. Other alumni serving on the U.S. District Court for the Eastern District of Missouri are Judges Rodney W. Sippel, JD ’81, and Jean Hamilton, JD ’71.

**Luisa F. Trujillo** has joined Cassiday Schade LLP in Chicago as of counsel. Her practice concentrates in general tort litigation with extensive experience in medical and professional liability cases. Trujillo previously worked for more than 16 years at Bollinger, Ruberry & Garvey, where she was a partner.

**Richard Dreitzer** has been elected a shareholder at Bullivant Houser Bailey PC. An attorney in the Las Vegas office, Dreitzer practices employment law with an emphasis on defending corporate entities; he also maintains a construction law practice. He serves as a justice of the peace pro tempore for the Las Vegas Township Justice Court.

**Christopher D. Man** was promoted to partner at the law firm of McDermott Will & Emery. Based in the Washington, D.C., office, Man is a member of the firm’s Trial Department.

**Tim Schranck** has relocated to the Washington, D.C., metropolitan area and has joined Apatoff Peters Ebersohl LLC in Rockville, Maryland, as a partner. Schranck continues to represent management in labor and employment matters and also practices commercial litigation. In addition to working for the firm in Maryland, he maintains a law office in Miami Beach, Florida, where he has practiced since 2003.

**Ravi Sundara** has been named to the new position of firm manager at the Stolar Partnership LLP in St. Louis. He joined the firm in 2004 after practicing with Pranschke & Holderle for nine years prior to its merger with Stolar. Sundara focuses on business and tax law, and represents nonprofit organizations in matters involving taxation and regulatory compliance.

**Martha “Marty” Hereford** has been named director of Armstrong Teasdale LLP’s Professional Development of Women Program. Hereford, who joined the firm in 2001, is a partner and member of the International Practice Group. She focuses in the areas of business and family immigration.

**Mark Levine** and his wife, Amanda, announced the birth of their first child, Isabella Rose, on September 8, 2009. Levine is associate general counsel of Clinical Data Inc., a publicly traded biotechnology company headquartered in Newton, Massachusetts.

**Shuseng Wang** has joined the Troy, Michigan, office of Miller Canfield PLC as co-director of international business, including the firm’s business law practice in China. He will focus on global corporate transactions, mergers and acquisitions, dispute resolution, China business counseling, and U.S. taxation of international operations. He previously practiced at Butzel Long PC in Detroit and was a member of General Motors Corporation’s legal staff.

**Jeff Dunning** and his wife, Erika, welcomed their third child, Katherine Louise, on August 29, 2009. She joins sister, Ella, 6, and brother, Joey, 4. Dunning is an associate at Greenberg Traurig in Chicago, specializing in intellectual property law.

**Bamidele Adelayo** (LLM ’99, JD ’01) has started his own practice focusing on criminal defense, family-based immigration issues, and real-estate transactions. He previously worked at the State’s Attorney’s Office in Will County, Illinois.
Kelly Moore. JD ’94, Tax LLM ’98, former director of Washington University School of Law’s Graduate Tax Program, accepted a tenure-track position at the University of Toledo College of Law in fall 2009. Moore served as director of the law school’s tax program from 2002 to 2008 and as a lecturer in law until 2009. At Toledo, he is an assistant professor of law and is teaching courses in trusts and estates, federal income tax, business enterprise taxation, and income taxation of trusts and estates. His research interests include transfer tax and related property issues. His scholarly publications include his article, “Proposal to Create Exclusion Provisions in the Estate Tax,” which was recently published in Ohio Northern University Law Review.

Prior to entering academia, Moore was a staff attorney with the U.S. Court of Appeals for the Eighth Circuit and was in private practice, focusing on issues related to the estate tax, gift tax, and trusts and estates.

MOORE JOINS UNIVERSITY OF TOLEDO LAW FACULTY
Hui-Feng (Tim) Hsu (JSD '04) has established a new law firm with Ruey Chen (JSD '03) and Wei-Lin (David) Wang (JSD '04). The firm is named Washington Group and Associates in honor of their alma mater. In addition, Hsu was appointed an associate professor at the Chinese Culture University School of Law.

Clarence Lee and Kelly (Morrison) Lee announced the birth of their first child, Harrison Hall Lee, on November 18, 2009.

Jacob Smiles and his wife, Kate, welcomed their son, Zachary Benjamin, on October 25, 2009. Zachary joins his brother, Caleb Atticus, who was born in summer 2008. The family is living and working in Denver.

Wei-Lin Wang (JSD '04) is an assistant professor at National Chenci University in Taiwan.

Aya Yamane (LLM '04) and her husband, Hiroyuki Hagiwara, announced the birth of their son, Shogo, on July 18, 2009. Yamane plans to return to work at Daiwa SMBC in the Mergers and Acquisitions Department.

2005

Jung Whan In (LLM ’05, LLM ’06) was promoted to director of the legal affairs department at KT Corporation in South Korea.

Karen Jones has been promoted to senior associate at Evans & Dixon LLC in St. Louis. She is a member of the firm’s Civil Litigation and Medical Malpractice Groups.

Dena B. Mendelsohn announced the birth of her son, Jack Bernard Mendelsohn, on December 7, 2009.

2006

Steven Kazmierski has joined Armstrong Teasdale LLP as an associate in the Intellectual Property Practice Group in St. Louis. His primary focus is on the preparation and prosecution of U.S. and foreign patent applications, as well as the counseling of clients in the biological, chemical, and life sciences fields on a variety of intellectual property issues. Kazmierski, who holds a PhD in biological sciences, has published numerous articles in peer-reviewed scientific journals.

2007

Michael C. Delman completed a two-year staff attorney position with the U.S. Court of Appeals for the Eighth Circuit in August 2009. He now works as an attorney for the U.S. Department of Homeland Security in Washington, D.C.

Rommel Manuel (LLM ’07) recently celebrated the birth of his daughter, Divine. Manuel offers Optional Practical Training (OPT) for LLM students at his law firm in New Jersey.

Qing Nian (LLM ’07, JD ’09) has joined Goodwin Procter LLP. He previously worked for the public interest organization, Medical-Legal Partnership Boston, for one year.

2008

Andrew Nash recently completed an internship with Justice D.Y. Chandrachud of the High Court of Bombay in Mumbai, India.

Heather B. Navarro joined the Law Offices of Thomas E. Kennedy III LC, a public interest firm with offices in St. Louis, Missouri, and Alton, Illinois.

Mi Tian (LLM ’08) is a doctoral student in the Law and Economics of Money and Finance program at Goethe University in Frankfurt, Germany.

2009

Steven A. Frank has joined Paule, Camazine & Blumenthal PC in St. Louis as an associate.

Ran Zhao (LLM ’07) recently got married in China. She returned to Washington University this past fall to finish her Master of Social Work. After she completes her MSW, she plans to return to China to work in a public organization or institution.

PROFESSIONAL INSIGHTS

Lisa Braun, JD ’88, assistant vice chancellor and associate general counsel at Washington University, teaches Introduction to Health Law during Intersession.

Daniel T. O’Connor married Emily Schmelzle on October 3, 2009. The ceremony was held at Washington University’s Graham Chapel. A number of law school classmates returned to St. Louis to attend.

Ilting Ouyang (LLM ’06) passed the New York Bar and earned a Master of Information Management from the School of Engineering & Applied Science at Washington University.

Sasha E. Polonsky was honored at the Sanctuary for Families Above & Beyond Pro Bono Awards and Benefit. She was recognized for providing outstanding pro bono representation and advocacy on behalf of victims of domestic violence. Polonsky is an associate in the Litigation Department at Davis Polk & Wardwell LLP in New York.
Charles A. Seigel, JD ’59, a distinguished attorney and supporter of the law school, died Thursday, September 24, 2009. He was 77. Seigel was a member of the executive committee and chair of the litigation department at the Stolar Partnership in St. Louis. During his career, he argued several cases before the Supreme Court of the United States. He was a veteran of the U.S. Coast Guard and was involved in numerous community organizations. Seigel received the law school’s Distinguished Alumni Award in 1996. Also that year, the Illinois Distributing Company endowed a scholarship at the law school in his name.

1940s
James M. Halter, JD ’47
John P. Sullivan, JD ’47
Harold B. Bamburg, JD ’49

1950s
Hon. Earl R. Blackwell, JD ’51
David C. Jack, JD ’52
C. Richard Beard, JD ’55
Benson Cytron, JD ’58
Hon. Martin Schiff, Jr., JD ’58
Hon. L. Glen Zahnd, JD ’58

1960s
Stanley B. Pleninger, JD ’60
Andrew F. Tegethoff, Jr., JD ’62
Charles E.H. Luedde, JD ’69

1970s
Nancy Saul, JD ’75
Leslie Dee Edwards, JD ’78

1980s
Frederica Vrooman Stratmeyer, JD ’84

[In Memoriam]

Christopher L.E. Hines has joined the St. Louis office of Polsinelli Shughart PC. He concentrates his practice on a variety of intellectual property matters, including patents, copyrights, and trademarks, as well as patent applications for computer-related technologies.

Benjamin J. Siders and Elizabeth A. Siemer have joined the St. Louis office of Lewis, Rice & Fingersh LC as associates in the Litigation Department.

Scott Talkov is an attorney at Reid & Hellyer APC in Riverside, California. He recently passed the California bar exam.

Shen Wang (LLM ’09) and Zhen Li (LLM ’09) have accepted positions at the Wan Hui Da law firm in Beijing. The firm has a large trademark practice and works mainly for foreign investment companies in China.

Note: View Washington University School of Law’s online Class Notes (law.wustl.edu/Alumni/classnotes.asp) for recent additions, including individually reported selections to American Lawyer Magazine Lifetime Achiever, Best Lawyers, Best Lawyers in America, and Super Lawyers, as well as Rising Star and Star Wealth Manager in various cities and states.
Time for an Intervention: Rethinking Drug Treatment Courts

“THey WORK” is the catchy mantra of those driving the drug treatment court movement in this country—a movement that is part of a widespread effort to use criminal courts to solve difficult societal problems. Proponents claim drug courts are an effective alternative to incarceration and work to curb recidivism, reduce costs, and even save lives. However, it is not at all clear whether any of these things are true. And in their zeal to solve problems plaguing our communities, today’s court reformers often overlook important concerns of individual defendants—including their rights to due process of law and zealous representation.

When the Miami Drug Treatment Court opened its doors in 1989, it garnered tremendous attention because of its innovative approach to drug crime. Using a carrot-and-stick approach to encourage treatment compliance, the judge abandoned his traditional role of removed arbiter to become an active participant in defendant rehabilitation. Prosecutors and defense attorneys changed their roles, too, shedding their adversarial posture to become part of the defendant’s treatment “team.” Given its promise, supporters quickly lined up behind this exciting new court model.

In fact, over the last two decades, the federal government has provided hundreds of millions of dollars in support to local drug courts. Drug court judges and others have also helped spur their expansion, sharing success stories and convincingly claiming that these venues not only address addiction, but save money by diverting defendants from prison. As a result of these advocacy efforts, there are more than 2,300 drug treatment courts in the United States today, with more on their way.

Despite widespread praise, the returns still are not all in on drug courts. While the Department of Justice (DOJ) was busily funding them, the General Accounting Office (GAO) was issuing reports questioning their efficacy. Of the 117 drug court evaluations that had been completed by 2005, in part with federal dollars, the GAO found that only 27 were methodologically sound. And even within this sampling, “[e]vidence about the effectiveness of drug court programs in reducing participants’ substance abuse” was “limited and mixed.”

More recently, in April 2009, the Sentencing Project, an independent nonprofit organization interested in criminal justice initiatives, issued a similarly critical report. It, too, questioned the ambitious accounts of court reformers, noting that “[s]ome studies show little or no impact from drug court participation” on rearrest rates. It also could not discern what components of drug courts, if any, actually contributed to the arguably positive results that were seen.

Recent estimates also suggest that between one-third and one-half of all defendants actually “fail out” of drug court. For these defendants, their efforts at treatment are ultimately rewarded with lengthy prison terms—often longer periods of time than they would have served if they had opted out of drug court in the first place. Indeed, in a drug court in which I practiced, defendants who failed out usually received an indeterminate prison sentence that was twice as long—two to six years versus one to three years—as similarly situated nondrug court defendants. Thus, not only is it misleading to suggest that such courts serve as an alternative to incarceration, but also that they save money using fewer prison beds.

What is more, much of what happens in drug courts—in the name of teamwork and therapeutic outcomes—takes place without meaningful notice to defendants, an opportunity to be heard, or representation. “Staffings,” where defendants’ progress in treatment and possible jail sanctions are discussed by court staff, are often held behind closed doors. And subsequent review hearings, where jail or other sanctions might be visited upon defendants who are allegedly faltering in treatment, frequently occur without defense counsel presence or advocacy.

Yet, the Obama administration has promised to continue to support these experiments in justice. At a recent meeting of the National Association of Drug Court Professionals, our new drug czar, R. Gil Kerlikowske, delivered a letter from President Obama thanking the group for its “life-saving” work and announced a goal of $117.9 million in federal aid to drug courts in 2010 alone.

Even if it is impossible to stop the momentum of the powerful drug court movement, perhaps we can at least begin to hold reformers accountable for their claims. The Obama administration should engage in greater oversight of federally funded drug courts to make sure these ongoing experiments actually do what they say they do. Such oversight should not be limited to therapeutic and economic considerations. Rather, in determining whether drug courts really “work” in this country, time should be spent evaluating whether their teamwork approaches comply with the rule of law and respect the constitutional and other rights of those who pass through their doors. }

Mae C. Quinn, professor of law and co-director of the Civil Justice Clinic, is an expert in problem-solving courts, juvenile justice administration, and clinical legal education.