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FROM MUD TO THE STARS

This issue of Washington University Law Magazine looks both respectfully and irreverently at the “Mudd Hall years”—the period 1971–97 when the law school inhabited Seeley G. Mudd Hall, a few dozen yards east of our present location.

One of the unique experiences of becoming law dean at Washington University is that you hear a lot about Mudd Hall, most of it less than enthusiastic. In my first year here in 2006, one alumnus nearly pinned me to a hotel lobby wall at a reception and became quite eloquent describing Mudd as “the architecture of alienation.” The angular concrete building had long narrow classrooms, multiple roofs, and, according to an uncountable number of alumni, “lots of leaks and lots of ashtrays unintentionally drilled into the concrete walls.”

After hearing this more than a few times, I asked to see pictures of Mudd Hall so that I could understand our history. They turned out to be difficult to find. The building rarely figured in promotional materials, and what pictures I found seemed to be taken either from several hundred yards away or from very unlikely angles. I was ultimately told to visit Eliot Hall, which is a fraternal twin to Mudd and still stands next to the Olin Business School’s Knight Center (Eliot is slated for demolition soon, so those reading this issue who want a physical appreciation of the stories here should visit us before summer).

Amid all the lamenting about Mudd Hall, though, I have gradually come to appreciate one quite common thread in the narrative from many alumni, faculty, and staff. Mudd Hall may have been far from perfect. But the Mudd Hall era was far from uniformly brutal, sterile, or a wasteland, and there is a genuine fondness for particular people, experiences, and yes, even spaces that uniquely come from the era.

This issue tries to capture, in words and reminiscences and pictures, both the warts and the blessings of Mudd Hall and its era, with humor and fondness, and, finally, with respect for what that time and place meant to this institution. Whatever else can be said about our facilities from 1971 to 1997, the era was a key part of the foundation for the building of a great school, and much of the teaching, writing, and service that occurred in Mudd Hall is hard for any school to surpass.

There is a funny scene in Harper Lee’s To Kill a Mockingbird in which the pompous town playwright and historian introduces a pageant of local history by shouting out “Maycomb County: Per Aspera Ad Astra,” which she loosely translates in the book as “from the mud to the stars” (although it literally means “through adversities/difficulties to the stars.”) I would never want our school’s narrative to pretend that all that came before Anheuser-Busch Hall was mud. Instead, I hope we continue to celebrate the school today as a legacy of many people—accomplished students, beloved faculty members, and dedicated staff—and several buildings, including January Hall, and, yes, “The Pit” and Mudd Hall. So here’s to Mudd Hall, gone but never forgotten, and to the students, faculty, and staff who lived and worked in it—and who brought this school to a future even greater than its proud past.
The Best of Times, the Leakiest of Times:

Memories of the late, un lamented Seeley G. Mudd Hall endure for the Washington University School of Law faculty and students who occupied it.
Remembering the Mudd Hall Years

By Betsy Rogers

PLASTIC SHEETING suspended overhead to catch leaking brown water ... “neo-Brutalist” raw concrete walls throughout, pockmarked with rebar holes where “gremlins” left cigarette butts and gum wrappers ... classrooms where students and faculty couldn’t hear one another.

Today, ensconced in the supremely functional Anheuser-Busch Hall, faculty look back with bemusement on the Mudd years. Alumni enjoy recalling Mudd’s horrors. No one, it seems, regrets its demise in summer 1998; some alumni actually took champagne there on demolition day to toast the wrecking ball.

Mudd didn’t start out this way. When the law school moved into Mudd from January Hall in 1971, the faculty were enthusiastic. No less a personage than retired Chief Justice Earl Warren spoke at the dedication.

January Hall, part of the university’s historic Cope and Stewardson campus core, had cramped the law school. “We were all excited about having this new, larger space, and air conditioning,” recalls Michael Greenfield, the George Alexander Madill Professor of Contracts & Commercial Law. “It didn’t take us long to realize that all our excitement was misplaced.”

Even as the school was relocating, the awful truth began to dawn. “When we moved to Mudd,” recalls Gary Feder, AB ’70, JD ’74, LLM ’80, “we thought the space was fine because we believed it was the garage for the new building. Unfortunately we then learned that this was the new building.”

Mark G. Arnold, JD ’77, notes his late law partner, Fred Eppenberger, was chair of the fundraising committee. “At the dedication, he inquired, ‘When will it be done?’ Advised that it was finished, he reportedly responded, ‘My God, what have we done?’”

Mudd quickly revealed itself to be ill-designed. Dorsey D. Ellis, Jr. knew when he arrived as the school’s new dean in 1987 that replacing it would be a major part of his work. “The building was designed to satisfy the aesthetics of the architect, not to serve the functions of a law school,” says Ellis, now dean emeritus and the William R. Orthwein Distinguished Professor of Law Emeritus.

Take the classrooms. “The three large classrooms the architects designed were awful,” Greenfield says. “They were built more like operating room amphitheaters, with a very severe rise, not well designed for students to communicate with each other.”

Ellis agrees: “The students in the back rows were so far away from the professor that it was hard to interact with them. When you had a discussion with the students down front, the ones in back couldn’t hear. There’s a lot of discussion in legal education, and people have to be able to hear each other.” The raw concrete walls produced very poor acoustics, compounding the problem.

Built on nine levels, each separated by a few steps, the building had only one elevator—and it served only five of the levels. Alan Frost, JD ’73, broke his ankle playing hockey with his classmates. “Navigating on crutches was a serious challenge,” he recalls. “Every classroom required me to descend and ascend lots of steps.”

Claire Halpern, JD ’75, recalls that there was only one bathroom—with two stalls—for women, creating a dilemma for students who had two or three back-to-back classes.

The building leaked almost from the beginning. “There were leaks everywhere,” Greenfield says.
“There were leaks in the library; we had plastic sheets draped over the shelving to keep water off the books. So if you wanted a book in that area you had to climb under the plastic sheeting. Buckets were placed strategically to collect the leaks, and students studied to the annoying sound of the drips hitting the buckets.”

A new classroom added in a 1975 expansion also leaked; plastic sheeting was the remedy there too, Greenfield recalls, “so awful-looking brown water accumulated in this sheet sagging over the students.” The faculty offices leaked as well, and Professor Neil Bernstein wore galoshes to work because his office carpet was so drenched.

The heating and air conditioning system never worked properly. John E. Petite, JD ’93, remembers his “feet sweating in lecture halls when the concrete floor would for some reason heat up to 85 or 90 degrees.” And during winter, Paul DeMuro, JD ’79, wore a down parka in the library—he remembers the difficulty of turning the pages of his hornbook while wearing gloves.

“We had either heat or air conditioning; we couldn’t switch back and forth,” Greenfield says.

In fairness to the architects, Greenfield notes that a construction decision, apparently driven by budget constraints, might have caused that limitation.

The design ignored between-class traffic. All the students entering and leaving the classrooms had to pass through a narrow archway, Ellis says, producing “enormous congestion.”

The architects designed a courtyard between Mudd and its sister structure Eliot Hall, intending to echo the courtyards of the Cope and Stewardson plan for the rest of campus and to provide an outdoor classroom in pleasant weather. But like the structures themselves, this treeless space and its built-in seating were concrete and absorbed so much heat that it was hot and unpleasant in much of the spring and fall, to say nothing of St. Louis’ stifling summers.

Faculty offices and the library reading room had natural light, but all other spaces in the bunker-like

MUDD HALL’S ‘Winning’ Design

MUDD HALL’S DESIGN was the unanimously selected winning entry in a 1965–66 architectural competition that drew more than 150 submissions. It garnered several awards and national recognition in professional journals.

In the courtyard and the peaked roofline, the architects sought to echo elements of the campus’s historic buildings while using a new idiom for a new age. They also hoped to create a homelike atmosphere, with no corridors and “The Pit” student commons resembling a living room.

George Anselevicius, School of Architecture dean and one of Mudd’s designers, said the building returned “to the human scale of the campus through height, shape, and arrangement of building elements.” He told Student Life that Mudd Hall was “a contemporary solution ... within the spirit of the university campus.”

And, Anselevicius added, perhaps more presciently than he knew, “All important pieces of work draw controversy.”

Much less prophetically, the Student Life writer opined: “The building is obviously here to stay.”

Mudd Hall’s design featured both a concrete exterior and concrete courtyard.
structure never saw the light of day. “The rest of the place was completely dependent on artificial light,” Greenfield notes.

As if embarrassed, Mudd Hall hid its door from view. “The entrance to the building was difficult to find,” Ellis observes. This obscure doorway exemplified an overall failure: it just wasn’t an inviting building. One staff member thought it looked like a prison.

A national guide to law schools described it as “Kafka-esque,” according to Steve Schneider, JD ’94. Alumna Halpern adds, “It’s not without reason that the student lounge was called ‘The Pit.’”

Understandably, Mudd was an obstacle to recruitment of both students and faculty. Very few of the top graduates from the undergraduate program chose to apply. As to faculty prospects, “We didn’t go out of our way to show them the classrooms,” Greenfield says with a chuckle. While no prospective hires ever said that they declined an offer because of the building, Ellis observes that faculty look at many factors in deciding on positions.

In spite of the building, the school prospered during Mudd’s 25-plus years. “The faculty more than doubled,” Greenfield observes, from about 18 in 1971 to more than 40 in 1997. In speaking with prospective hires, Greenfield says, “we emphasized the support for research and writing, the collegiality, the helpfulness of faculty here to junior colleagues.”

The student body grew, though slowly at first in those Vietnam War years. The same national publication that described the building as Kafka-esque nevertheless praised the school. Alumnus Schneider concluded that “if the school could have a good reputation notwithstanding the leaky, ugly structure, it must really be an awesome school.”

An exceptional faculty propelled the law school upward. “We had a terrific faculty, which predated my coming,” Ellis says. “They were really committed to teaching.

“The building is just the carapace,” Ellis continues. “The law school is what’s inside.” And the law school has long enjoyed wide respect. In addition to its dedication to teaching, Ellis notes a commitment to scholarship, “to advancing knowledge about the law and improving the law.”

The school was also willing to experiment and innovate. The school boasted, for example, two internationally known Chinese law experts, Gray Dorsey and Bill Jones, the latter “probably the No. 1 scholar in Chinese law in the United States in the 1970s and early ’80s,” Ellis observes.

He adds: “That was unique, to have that kind of international perspective at that time.” The law school also took an unusual approach to clinical education, using tenured faculty rather than visiting lawyers to teach and creating one of the nation’s top-ranked clinical programs.

No matter their grim recollections of the building, many alumni are grateful for the quality of their education. Says Robert Newman, JD ’75: “The faculty,
the administration, and the students all worked very hard to make the best of it, and we earned a very good education.”

The people, alumnus Petite agrees, transformed the building. “I walked out of that building after three years with a sharper mind than the one I walked in with, courtesy of some of my favorite teachers and some great classmates and friends. It was the people that made Mudd great and turned a gray and dreary place into a warm and wonderful one.”

Fiona Joseph, JD ’97, agrees: “Washington University School of Law was a wonderful experience. Everybody says so. During the years I spent at the university I met friends of the highest caliber. We created bonds that lasted for years after graduation.”

Joseph also is grateful for the education she received: “Knowledge, credibility, and mission are the gifts I received at Mudd Hall. . . . I will always be thankful for my years with the faculty and staff.”

Some alumni even suggest that Mudd’s very failures as a building made them better students and better lawyers. “I wonder,” alumnus DeMuro muses, “if I had spent more time in the Saint Louis University library where it was warm and toasty, whether I would have just nodded off after turning a few pages and thus not performed as well as I did.”

There also seems to have been a solidarity born out of shared misery that produced what DeMuro calls “unifying forces.” Schneider says his class wore the Mudd Hall mantle like “a badge of honor.”

And there’s one final achievement Mudd Hall can claim: “It certainly made it easier,” Greenfield observes with wry humor, “to make a case for a new building.”

The outdoor courtyard was the site of numerous formal and informal student gatherings.

Chris “L.C.” Lozano, JD ’89

“My favorite story was one involving Professor Levin, in the days of chalkboards and chalk. Professor Levin had a habit of pacing back and forth across the stage resting his shoulders against the walls on either side of the lectern. After months of watching this, we arrived early for class one day and put chalk dust all over the concrete walls. The color blended perfectly with the concrete walls. Professor Levin began his pacing and leaning and did not notice that his suit was now covered in white chalk dust until giggles turned to laughter, and finally he noticed. Being the good sport he was, he laughed along with us and continued his lecture.”
IN 1998, Director of Multimedia Technology Darryl Barker had been employed at the law school for just over a year when he got an unusual request from then-Dean Dorsey D. Ellis, Jr.—videotape the demolition of Mudd Hall.

Barker was well aware of challenging conditions in Mudd Hall—his office had been “in a closet” on the third floor. “I remember the water running down the walls and some of the other problems that came with working or taking classes in Mudd Hall,” Barker recalls.

The resulting video—titled Muddzilla after the building’s name and the large, dinosaur-like equipment used to demolish it—quickly became popular within the law school community. So popular, in fact, that Barker made a “sequel,” Son of Muddzilla.

“People still remember how much they disliked Mudd Hall,” he says. “They enjoyed watching it come down.”

The two videotapes consist of about 15 minutes of footage showing “Muddzilla” chewing through massive concrete walls; gulping desks, chairs, and lighting fixtures; and gnashing through huge sheets of plate-glass.

The videos are largely unnarrated, but even today, narration is unnecessary. For many, watching them is cathartic. After several minutes, the images in Muddzilla become hypnotic and strangely beautiful. Working shirtless in the summer heat, the equipment operator conducts a ballet of destruction as “Muddzilla” wields to his bidding. Son of Muddzilla offers additional oddly fascinating footage of the building’s demolition.

“Mudd Hall did win an architectural award,” Barker recalls, and he admits to having liked some of the architecture of the 1960s and ‘70s. Still, he adds, students, faculty, and staff were happy to move into the law school’s current home, Anheuser-Busch Hall.

Muddzilla and its sequel documented the demise of Mudd Hall.

View videos at: law.wustl.edu/MuddHall

Mark G. Arnold, JD ’77

“During my third year, I asked the law school to paint the office I would occupy on the editorial board of the Law Quarterly. Answer, ‘No.’ I then asked if I could paint the walls. Answer, ‘No.’ The architect had a clause in the contract retaining control over interior decoration, I was told, so as to prevent anyone from destroying the aesthetic integrity of the building. I freely concede that such was my objective.”
Remembering **Mudd Hall** in Photos...
Excitement, awe, fear. 
A first-year embarked to his call. 
A campus with a storied history of years. 
The adventure began at Mudd, a hall?

Brookings, January, Busch and Graham; 
buildings all fine. 
Limestone and copper structures; not 
shacks or clunkers. 
They stood the test of time. 
Mudd, of concrete and steel of green, 
more like a bunker.

Psychedelic wall portrait greeted 
me each morn. 
Stalactites hanging above me in lines. 
Hours passed poring over books, some 
of horn. 
Ooze from above dripping on my tax 
outline.

Despite building, all crumbling and 
cracked. 
Professors within laid countless 
foundations and nurtured. 
Taught, lectured, molded, full of facts. 
Mudd; a students’ home to build their 
futures.

*Ode to Mudd Hall*
*By Jason D. Altman, JD ’94*

Jason D. Altman, JD ’94, is a partner at Kluever & Platt LLC in Chicago. His practice focuses on commercial litigation.

View additional alumni memories and photos online at law.wustl.edu/MuddHall.
JULIE COMPTON, AB ’85, JD ’88, recently finished her third, not-yet-published novel, *Keep No Secrets*, which is a sequel to her first, *Tell No Lies*. Both *Keep No Secrets* and *Tell No Lies* are legal thrillers. The following is a short passage from *Keep No Secrets* in which the protagonist, Jack, shortly after receiving some devastating news, arrives at Washington University’s new law school to see his wife, Claire, a law professor there. Before Jack goes into Anheuser-Busch Hall, he reminisces about the old Mudd Hall where they attended law school together.

It might have taken him 45 minutes to get to the law school; it might have taken three hours. He has no idea. He doesn’t remember the drive. He doesn’t even remember making a conscious decision to go there. But he must have, because here he now sits, in his car in the parking lot just across from the school. It’s rare to find an open space so close, especially on such a wet day. It’s as if someone saved it for him, as if this moment was inevitable.

He looks at the new building through the cascade of rain. It’s beautiful, and majestic, in a way. Gothic, resplendent in Missouri Red Granite. The law school finally has a home befitting its noble purpose, and one that matches in style and, in some opinions, surpasses in beauty, the other buildings on campus. It’s nothing like the old Mudd Hall, the boxy building in which he and Claire first met, with its exposed concrete walls inside and out, the rust marks that dripped from the rebar, and the unnatural green hue that trimmed the exterior of the structure. Inside, the carpet was thin, threadbare, and stained in many spots. Even the library and professors’ offices on the upper levels felt as if they were in the basement because of the concrete walls and the stained carpet. Both the old law school and the matching Eliot Hall next door looked to be someone’s 1970s contemporary architecture project gone horribly wrong.

And yet, he longs for that ugly building. In the same way his throat closed watching the first wrecking ball attack the old Busch Stadium, he felt an acute sense of loss when the university chancellor announced plans to tear down the old law school and build a new one on the opposite side of the campus.

The new school is beautiful. Claire’s office is beautiful, too. But he can’t help but think that something more than walls and carpet was permanently lost the day they brought down the old school.

Julia Mariani, JD ’99

“I have many, many memories of Mudd Hall, but my favorite one (and it’s a leaking story) is this: My first encounter with Mudd Hall was not as a law student, but as a sign language interpreter. One morning I was interpreting in Professor Greenfield’s *Contracts* class, sitting in the front of the class, next to his desk, facing the students. From my vantage point, I could see a thin stream of water leaking from the ceiling into a student’s backpack. While interpreting, I tried valiantly to get the attention of the student so I could let him know of the violation to his backpack! I was already flailing around in the front of the class, signing, and could not—hard as I tried—get the student’s attention!”
Here’s **Mudd** in Your Eyes and Nose!

FOR THOSE OF YOU not so fortunate as to have Mudd in the eye of your memory and who don’t want to rely on B&W photos, there are a few places on the planet that will transport you back to the neo-Brutalist architectural style of Mudd Hall, immortal for its modesty and majestic for its proletariat flair.

**FIRST STOP:** St. Petersburg. Concrete, communal apartments still ingloriously stand in preeminence to the Romanov’s glittering spires and Fabergé eggs. Like the chilly grey skies above, Leningrad’s urban acres of Mudd Hall-look-alikes define with their bleakness the glamour of the Winter Palace like Mudd Hall did the collegiate Gothic architecture of the Hilltop Campus.

**SECOND STOP:** Renmin University [a/k/a] The People’s University, Beijing. This “home to Mao’s crazies” during the Cultural Revolution sports not just a single building that looks like Mudd; they all do. Indeed, while so much has changed in China, the role of concrete hasn’t. Throughout China, it flows like water below its national bird—the construction crane.

**THIRD STOP:** Wurster Hall, home of UC Berkeley’s College of Environmental Design, on which Cal’s famed Campanile casts its shadow in the mid afternoon. Wurster still stands. It’s just as ugly [some would say edgy] as Mudd was. It sticks out just as badly—the sore thumb of an otherwise gorgeous, gargoyle-festooned campus.

**FOURTH STOP:** Chicago’s Daley Center Plaza. For those of you who can’t remember the riveted, rusting-steel-abstract-winged sculpture in the concrete courtyard outside Mudd, Picasso’s “bird” sculpture may prove evocative.

Visual memories of Mudd may calcify like a cataract, but one sensation can’t be erased—Mudd’s DNA-staining smell of fresh concrete. Like few other odors in this world, it gets hardwired into your olfaction. Mudd’s moist and musty nail-in-the-nose musk never leaves your cranial smell box. As for Mudd also smelling like a decaying, urine-scented Manhattan subway in the ’70s at rush hour, I disagree. A BART station, built around the same time, would yield the contemporary equivalent.

If you’ve ever built a house with a basement, you know what Mudd was like. When the plywood framing into which wet concrete is poured is removed, you’ve got Mudd. The big difference from your house and Mudd was that not only the floors and walls were concrete, so were the ceilings. So if you’ve lived in an unfinished basement, sorry, you’ve only experienced a fraction of Mudd’s solitude.

Mudd Hall walls had feelings, too. Unlike a driveway or showroom floor, which is smooth, Mudd’s walls, inside and out, were dimpled where the wrought iron was clipped, and full of ridges where the framing boards met and concrete oozed out and permanently dried. No concrete sanders were put to work on Mudd Hall. It stood naked to the world, hairy warts and all.

Despite all the Mudd memories to be forgotten, as a former editor-in-chief of Student Life, I feel compelled to note that Mudd had paved the way for lasting concrete configurations on campus. Most notably, still standing is SUPAC—the Student Union and Performing Arts Center. When it was opened in September 1973, it was described as “Mudd Hall done right.” So it wasn’t a foregone conclusion that Mudd would be made a memory so soon after it was built. Had Mudd only been graced with some concrete curves, some inlaid brick, wide corridors, more windows, some softness instead of steel supplements, and functioning toilets, it could still be the apple of my eye.

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Paul C. Gerber received his Master of Juridical Studies (MJS) from Washington University School of Law in 1980 and AB from WU in 1974. Following an editorial career with health care magazines, he is now president of Patient Communication Advisors, publisher of the book Patients Love to See You Smile, and a senior advisor to Stanford University’s Rural Education Action Project’s eye care initiative in China.
The True Value of Mudd Hall Beyond Entertainment

LIKE MANY WASHINGTON UNIVERSITY law students of the time, Bradley Winters, JD ’81, was influenced by environmental factors within Mudd Hall. He worried about “little things” like the stalactites that would form around the myriad cracks in the concrete ceiling from water leaking through the roof.

He also feared that these leaks were coming from huge lakes of rainwater pooling in the ceiling. And he wondered about the law school building’s structural integrity, particularly during an earthquake while he was a second-year law student. “As I was running from the back of the library one Saturday morning during an earthquake, I kept thinking ‘Boy, I’d sure like to get out of here before this ceiling gives way.’”

Winters wrapped some of his concerns into a comedy newscast he performed to rave reviews at the student talent show for two years with fellow law students Ken Vuylsteke, JD ’80, and Steve Hamilton, JD ’80. The three presented the “Martindale-Hubbell Report,” poking fun at their professors, deans, university policies, and, of course, Mudd Hall itself.

But “as comical as the building was,” Winters says, “my memories of the place are all fond ones.” At the end of the day, he observes, he had great classmates and great professors who changed his life and the way he approached life.

“I owe the law school everything,” says Winters, who enrolled at Washington University straight out of college. “My professors taught me how to think clearly and critically, how to reason with people and what it meant to be a counselor and an attorney.

“They also taught me how sickening it was to be unprepared, and how rewarding school and my profession would be if I invested the time to not only do the work, but to really think about what I was preparing to write and say,” he adds. “And, we really did manage to have a lot of fun.”

Winters, who parlayed his education into a 30-year legal career, is currently a partner at SNR Denton in St. Louis. “I do a little of everything: patent, trademark, commercial, and real estate litigation with some personal injury and product liability cases drizzled in,” he says. “The best part of my work is that I have a variety of clients with a variety of issues. It’s never boring.”

Frustrations do occur, but he loves legal work. “Some days a court will rule against you,” he says. “Some days an opposing lawyer will take what I think is an unreasonable position. So every day isn’t a bowl of cherries, but they all add up to one. In 30 years, I’ve never had a single second thought about my career choice. I’ve loved every minute of it.”
PAULA LORANT, JD ´75, who attended law school following the social upheavals of the 1960s, reflected the spirit of the time by seeking to use the law to improve society. After completing her legal education in the recently built Mudd Hall, she spent a career in Milwaukee helping indigent people of all ages.

During her 36 years of lawyering, Lorant’s employers were always in financial trouble, so the support services most lawyers take for granted were not available. Inadequate office space, inconsistent secretarial help, and nonfunctioning office equipment were daily challenges. In addition, her clients were often uneducated or unfocused—and these clients found it difficult to provide the cooperation Lorant needed to help them.

Lorant’s career, one of dedication to helping others less fortunate, began by spending approximately four years as a public defender in the Children’s Court, representing indigent juveniles charged with delinquency. She then moved to another Legal Aid Society employer, working several years in the Legal Aid’s Civil Division representing poor clients in civil matters.

She next became co-director of the Marquette University Law School’s legal clinic for the elderly. There she supervised law students representing elderly clients in civil matters. She returned to Legal Aid for her last 20 years of employment, developing a specialty in public benefit law that won her the respect of lawyers in that field.

Lorant, who recently retired, achieved life-changing results for many, treating her nonpaying clients with no less respect than if they had paid her $500 an hour. She also found time to consistently mentor young lawyers and law students throughout the years. In 2007 the Wisconsin Bar Association recognized her as the state’s Pro Bono Lawyer of the Year. And while achieving recognition for her work is not Lorant’s style, her career remains an example of how the law can be used to serve the greater good by helping those most in need.

David A. Robinson, JD ’77

“In fall 1975, I was taking Trade Regulations with Professor Neil Bernstein. I was walking alongside Professor Bernstein as we headed to his class. A man who appeared to be in his early 50s and who did not appear to be a student or faculty member asked us, in a Southern accent, if we could direct him to the Moot Courtroom. We pointed him to the Moot Courtroom, where there were about five people. This man was a scheduled speaker there. As we continued to walk to class, Professor Bernstein said to me, ‘Can you believe it, that guy is running for President?’ I asked, ‘Who is he?’ I don’t recall Professor Bernstein’s exact words but they were to this effect: the man is a former governor of Georgia. One of us said to the other, ‘Sad. Only a handful of people came to hear him.’ The man was Jimmy Carter. One year later, he was elected President.”
National Trial Team Champion Inspires Current Team Members

DAVID C. MASON, JD ’83, recalls his first view of Mudd Hall as a new law student. “My impression was that the building wasn’t finished,” says Mason, now a judge in the 22nd Judicial Circuit of Missouri. “I was surprised to find out that it was.

“I was really serious,” says Mason. “I started asking why it was this way, and I learned that there was a popular movement in the architectural world in the 1970s called the ‘fortress look.’ But it actually looked like a building that was designed so that as little money as possible would be spent on it.”

Despite the building, Mason says that Washington University “turned out to be probably the best place in the country for me to go to school. The faculty was not only informative but nurturing.”

Mason and his teammate, Cathy Gilbert Kelly, JD ’83, also absorbed enough trial and advocacy skills along the way to gain national recognition as students. The two garnered the 1983 championship title from the American College of Trial Lawyers National Trial Competition.

“For me that was a game changer. There was a great deal of local and statewide publicity,” Mason says. “When I first started practicing, I was trusted with civil cases that had to be tried right away. In my first court appearances, the judge would treat me as an experienced lawyer.”

Upon graduation, Mason became an assistant attorney general. In 1985, he was appointed general counsel of the Missouri Department of Corrections. Charged with reducing the upward spiral of inmate lawsuits, he developed a highly effective inmate grievance system. He then worked for several St. Louis firms before being appointed the youngest circuit judge in Missouri at age 35.

Mason says that as a judge he appreciates “presiding over jury trials where there are really good lawyers on both sides, because the justice system in those cases is working well.” But the most rewarding aspect has been the occasions when he meets “former criminal defendants on the street who tell me how their lives have turned around.”

Despite his busy caseload on the bench, Mason continues to serve as the longtime head coach of the law school’s Trial Team. He spends about 240 hours advising students each semester, working with assistant coaches and attorneys Mark Rudder, JD ’91, Kenneth R. Heineman, JD ’66, David Fahrenkamp, Jennifer Hofman, and Rebecca Nickelson. In his 30 years as assistant coach and then head coach, the team has won two national championships and advanced 16 times to the national quarterfinals and beyond.

Mason says he relishes that moment when he sees “the light bulb go on in my students’ minds, and I know that they can become trial lawyers.”

As law students, Judge David C. Mason, JD ’83, left, and Cathy Gilbert Kelly, JD ’83, second from right, won the championship in a major national trial team competition.
WHILE MUDD HALL has taken more than its share of barbs and insults nearly 15 years after its demise, there remains an unconfirmed story that the building once won an award for the “innovative use of concrete.”

But the real innovative use of concrete was the action of former Dean Dorsey D. “Dan” Ellis, Jr., professor emeritus, who saw in the building’s razing in 1998, a phoenix rising. Ellis collected pieces of concrete from the demolition and his then-executive assistant Sharon Strathman, now senior human resources and payroll administrator for the law school, helped Ellis turn the rubble into memorabilia.

They placed hundreds of mainly fist-sized pieces in a big box they kept in the Dean’s Suite. Ellis signed many of them with a magic marker. The ones with flatter surfaces, if lined with felt, made excellent paperweights.

“Dan gave them away to alumni, colleagues, students, other deans,” says Strathman, whose autographed Mudd Hall piece is in her home. “Alumni had received attractive, professionally made paperweights composed of Missouri red granite some months earlier for the opening of Anheuser-Busch Hall, and they were followed by the inglorious Mudd Hall pieces. The contrast was kind of fitting!”

Overall, the chunks of concrete were highly popular among members of the extended law school community who eagerly joined in the humor of preserving their little piece of Mudd.
IF RICK GROSSMAN were grading Mudd Hall as a building, it would probably get an F. “It was cold and parts of it were damp,” says Grossman, JD ’86. “The library had a lot of leakage. It wasn’t a great building to be a student in.”

But the building was terrific in one way, he says. “The best thing about it was that I met my wife there.”

Grossman met his wife, Susan, at a party at the end of his first year of law school. He talked to her again during his second year when Susan, a graduate of Washington University’s Brown School, helped judge the law school’s Client Counseling Competition. They went out to dinner a week later.

Cupid also penetrated Mudd Hall’s concrete walls in the 1970s. Mark S. Davis, JD ’74, remembers the dedication ceremony as particularly memorable for a personal reason.

“The dedication of Mudd Hall featured Earl Warren, who had recently retired as Chief Justice of the Supreme Court,” he recalls. “I seized the opportunity to impress a Washington University undergrad coed, Janie Cassell, for our first date to attend the dedication. “We got married a week after I graduated in 1974 and headed to Hawaii where we have lived and raised our family,” he adds. “I am happy to report that our marriage lasted longer than that seemingly invincible concrete edifice.”

Davis also recalls clandestinely ordering from a vending machine company a “pong” machine for the Mudd Hall lobby. It was the precursor of stand-alone video games in which law students could drop their quarters for some electronic recreation.

“Almost 40 years later, I am happy to confess to being one of the first-years responsible for this artistic addition to the new law school,” he says. “My co-conspirator was Joel Winnik (JD ’74) whose imagination and sense of humor kept us both laughing and sane for our three years at the law school.”

Shelly Shapiro, JD ’78, and Glenn Amster, JD ’78, also met as they started law school in 1975. After graduating, they married the following September in the Whittemore House on the Danforth Campus. The large, ornate 1912 home is still used for conferences, weddings,
banquets, and other functions.

These couples, bound together through the law school building, built significant careers.

Amster and Shapiro practice in Seattle. Amster, a real estate and land use lawyer, is a shareholder with Kantor Taylor Nelson Boyd & Evatt PC. “I can look out the window of my office and see physical evidence of what I’ve helped to accomplish,” he says. “I’ve had the opportunity to work with leaders in the real estate industry whose efforts have reshaped the face of Seattle over the past 30 years.”

Meanwhile, Shapiro started a successful career at Davis Wright Tremaine LLP. She quickly began representing one of the firm’s clients, the Seattle Times. In 1983 she was the senior associate on the legal team that completed a Joint Operating Agreement (JOA) between the Times and the city’s other major newspaper, the Seattle Post-Intelligencer. The JOA is now defunct and the Post-Intelligencer ended its print edition in 2009.

Shapiro calls the JOA “probably the most fascinating experience you can have as a lawyer. It had tremendous coverage in Seattle and was front-page news and on the TV news daily. I don’t think I did much of anything else for three years.”

Shapiro became a partner in 1984 but left her firm in 1994. Today she’s a labor arbitrator.

Mark Davis is now a founding partner of Davis Levin and Livingston in Honolulu, Hawaii. A nationally recognized trial lawyer, he has focused his practice on representing plaintiffs in personal injury and commercial disputes. Throughout his career, he has received record verdicts and settlements in numerous cases.

A champion of civil rights causes, Davis has served as lead counsel in numerous first amendment, discrimination, and equal rights cases. “My practice frequently has included representation of the ‘little guy,’ the victim, the disenfranchised, and the prisoner,” he says.

Rick Grossman specializes in workers’ compensation and personal injury cases in private practice in St. Louis. “My clients are very hard working individuals whose injuries often put them in a difficult situation,” he says. “I help them navigate through the system, and doing that has allowed me to litigate at every level, from administrative hearings to the Supreme Court.”

Grossman also loves his work. “It’s always good when you can help someone,” he says. “But we don’t just help people. Our country functions on a system of laws, and I’m proud of that system and proud to be part of it.”

For better or worse, Mudd Hall will always be remembered by its past occupants, and especially by these happy couples. If the building could be said to have a legacy, it may very well be the lasting relationships forged within its walls.
Inside Mudd Hall: Faculty Recollections

The following are excerpts from memories from a sampling of faculty who taught during the Mudd Hall years. View full faculty submissions, along with alumni memories and photos, online at law.wustl.edu/MuddHall.

SUSAN FRELICH APPLETON
Lemma Barkeloo & Phoebe Couzins Professor of Law
True, life in Mudd posed challenges, especially classrooms that were not at all teaching- or learning-friendly and a west-facing office that became oppressively hot in the summer. Still, I associate Mudd with the warm and generous support of senior colleagues, exemplified by Frank Miller’s regular lunch invitations and his endless patience with questions about teaching and final exams, and also with the enthusiastic welcome from students, beginning with the recruiting efforts of the Women’s Law Caucus when I visited the law school as a faculty candidate and attended one of the weekly Friday afternoon parties in “The Pit.” These students convinced me to accept the offer to become an assistant professor because I couldn’t wait to have them in my classes!

I also remember the first time that senior colleagues were visiting my class to observe my teaching as part of the evaluation for a subsequent tenure decision. Family Law met in room 303, a cavernous, tiered classroom that held the 120 students enrolled in the course. Nervous about performing for my colleagues, I had not slept the night before. To my initial dismay, as I entered the room, I saw a large pile of notes at the podium—notes that usually indicated the failure to prepare for class—and I knew that unprepared students would not only make the class difficult to teach, but would also signal to my colleagues that I was not the demanding professor they hoped to see. Imagine how surprised and buoyed I felt when I opened the notes, and each one said in effect, “I am super-well prepared today so please call on me.” Although I had not told the class about the visit, somehow the students found out and used the information in a thoughtful and caring way.

DAVID M. BECKER
Associate Dean for External Relations and Joseph H. Zumbalen Professor Emeritus of the Law of Property
The dedication of Mudd Hall was a terrific event on an exquisite day, and retired Chief Justice Earl Warren more than met our hopes and expectations.

Professor Susan Appleton, left, with son, Jesse, and Assistant Dean Steven Korenblat, JD ’82, with his wife, Debbie, JD ’79, and their son, Josh, at a Women’s Law Caucus vs. the Faculty basketball game.

(top) Retired Chief Justice Earl Warren was the featured speaker at Mudd Hall’s dedication. (above) Professor David Becker
One of the blessings of the move from January to Mudd was air conditioning. January had no A/C in the classrooms, library, or halls, and offices had window units that often functioned ineffectively.

Mudd was selected on the basis of an architectural competition and subsequently won several awards. But Warren Lehman, a faculty member and assistant dean (who soon left for Wisconsin), became disgusted with how the architects never listened in the lengthy discussions with faculty and deans about how law school classes are conducted, etc. Subsequently, Warren wrote a good article, published in the *Journal of Legal Education*, titled “Talking to Architects.”

NEIL N. BERNSTEIN
Professor of Law Emeritus

While Mudd Hall was being built, there were no safety barriers of any kind (it was a different world), and my family and I would come to the building site regularly so the kids could climb around on the open areas. As the building was nearing completion, my wife said to me, “This will be a very lovely building when they put on the wood panels.” I had to tell her that there would be no wood panels, and we would get it as it stood, concrete walls and all. That was our first indication that it would be a different kind of building!

When we moved in, I had an office on the ground floor. It was a nice office, except that the rug on the floor was wet. I was assured by the builders that this was a temporary glitch and it would be cleared up quickly. Days and weeks went by, and the builders tried various cures, but nothing worked. After a couple of months, I brought in a pair of galoshes and wore them whenever I was in the office. It looked odd to others, but it worked. Finally, after about a year, I gave up and moved to a different place.

JOHN N. DROBAK
George Alexander Madill Professor of Real Property & Equity Jurisprudence and Professor of Economics

There are too many memories from my 20 years in Mudd Hall to share, but here are a few that jump to mind:

- The gatherings in The Pit, including a few dogs here and there, remnants of the ’60s.
- SBA parties, including the wonderful year-end barbecue in the spring and the parties with live bands. One time I wandered down to The Pit before one of the parties began and heard that great organ riff from “96 Tears.” It turned out that the keyboard player had played with the Mysterians at one time.
- The time the SBA president was the hit of the Talent Show when she recited an ordinary poem in a sultry voice, followed by the SBA banquet at which David Becker attempted to recite the rule in Shelley’s case in a similar manner.
- The amazing collection of university speakers who came by The Pit for discussions with the students, including Ralph Nader when he was in his prime as a consumer advocate.

DANIEL L. KEATING
Tyrrell Williams Professor of Law

Mudd Hall had a rough-around-the-edges quality to it that sometimes could be a strength. When my kids were younger, for example, I never gave it a second thought to bring them over on a Saturday morning to jump from the ledges of The Pit onto the ragged cushioned seats that served as furniture there. The pillow diving would often be followed by rousing games of hide-and-seek. Even though my kids were at an age where their energy levels bordered on reckless, I never needed to fear that they would cause damage to a building where the interior walls were all concrete and
the carpets were already damaged beyond recognition by perpetual ceiling leakage.

One of my favorite Mudd Hall memories is from the very early 1990s. A fun-loving editor of the Law Review would periodically transform one of the library book carts into a human-propelled go-cart for the young daughter of Teri Dent, a staff member who continues to provide administrative support to the law journals to this day. I remember hearing the delighted squeals of this young girl as she zipped past my faculty office. It was a very unpretentious time in a building whose lack of pretension was one of its most charming, if limited, features.

STEPHEN H. LEGOMSKY
John S. Lehmann University Professor
My most nostalgic memories were those of the people. Frank Miller, the gruff and demanding teacher with a heart of gold that he occasionally couldn’t hide. He made sure all of us who had young children would bring them to his office for candy. (He never did find out that I often helped myself to his chocolates too.) Frank would devote hours to mentoring young faculty on teaching and poring over drafts of their articles to offer insightful advice. David Becker and Dale Swihart were master teachers as well. I remember Dale’s red trousers, which he wore every opening day of the baseball season. I also remember that every afternoon, I think at 4:00, Dale, Frank, Jules Gerard, and Gary Boren—four old friends—would gather in Dale’s office for their ritual tea. My understanding is that they would tell the same stories to each other every day, but they had reached an age where no one noticed.

At the time I started (1981), ours was an almost all-male faculty. The only women on our faculty were Kathy Brickey, Susan Appleton, and Karen Tokarz. (Kelly Weisberg was preparing to leave.) During Dan Ellis’s deanship, the number of women grew from 3 to 13, out of, I think, about 35. For a while, those of us who were not yet tenured formed a “non-tenure committee.” It included John Drobak, Ron Levin, Bob Thompson, Karen Tokarz, and myself. We would go to a sleazy pizza and beer place on Millbrook and vote on which tenured colleagues we should take tenure away from.

DANIEL R. MANDELKER
Howard A. Stamper Professor of Law
Mudd Hall was an unfortunate example of concrete campus architecture, now discredited, that was popular in the 1960s. I remember I came back to my office from
class one day and found standing there a classmate from my first-grade class, a famous architect who had come to lecture on campus, and who told me the building was brutal, ugly, and impossible to change.

But the interior design was different. It was the work of my good friend the late Roger Montgomery, then a professor at the School of Architecture, who was one of the architects for the building. To get ideas for his design he spent hours in my office in January Hall, where the law school was located before Mudd, and where faculty offices were at the edge of the library. Roger saw how important this location was in providing access to students who wanted to meet with faculty, and carried this concept into his design for Mudd. I remember that students would be at my door 10 minutes after I came to my Mudd office, though I never found out how they knew I was there.

KAREN L. TOKARZ
Charles Nagel Professor of Public Interest Law &
Public Service and Director, Negotiation & Dispute Resolution Program

On the whole, Mudd Hall was an architectural nightmare—but, the foyer, fondly referred to as “The Pit,” was an architectural home run! Lined by floor-to-ceiling windows along the entire east wall, The Pit was always light and airy. It was the crossroads of the school. One could not go through a day without crossing The Pit at least once. One had to pass through The Pit on the way in and out of the building, and to and from the classrooms, the library, and the faculty and staff offices.

Students, faculty, and staff all shared this common space. Town hall gatherings were frequent in The Pit—

for community conversations with speakers such as Justice William Brennan, Jr., for gatherings with presenters in the Public Interest Law & Policy Speakers Series, for awards ceremonies, and for annual events such as the senior skit and the Women’s Law Caucus Auction. When the law school moved from Mudd Hall to Anheuser-Busch Hall, the new student commons was designed to replicate the warmth and energy of The Pit.

PETER J. WIEDENBECK
Joseph H. Zumbalen Professor of Law

As a faculty member in the 1990s, I became familiar with the distinct charms of Mudd Hall. The faculty offices were fine; students and staff were the ones who suffered. In a notable architectural achievement, the building was (in my view) as nonfunctional inside as it was stark and forbidding from without. The narrow, steep lecture halls were a particular abomination. Students in the back rows could barely hear as they sat under buzzing fluorescent lights, wondering when the makeshift plastic rain canopies just above their heads would fail.

Mudd had one feature that I miss, however. I have trouble standing still in class. Eventually, I discovered that there was an unusual acoustic “sweet spot” in the large classrooms that responded to the frequency of my voice. If in my wandering I found myself about one-third of the way up the stairs on the side aisle, and I saw student attention flagging, I had only to say something in a strong voice and the whole lecture hall would resonate as if I had shouted. It would startle the bejeezus out of the somnolent denizens of the back benches.

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Finding What Works

Andy Puzder Seeks New Solutions in Law, Business, and the Economy

Andrew Puzder’s (JD ’78) direct, no-nonsense Midwestern practicality mixed with unconventionalism has served him well in careers spanning music, the law, business, and, recently, authorship and cable TV news show appearances.
“I wanted everyone to give me rational explanations of why we did everything, and not the same old sorry excuses.”

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ESCUE AND REBELLION have been recurrent themes in Andrew Puzder’s life. His law skills aided high-profile figures and saved businesses from bankruptcy. But as a young rock’n’roll from Cleveland, he says he flaunted authority and protested the establishment.

As a high schooler, Puzder began playing guitar and singing in rock’n’roll bands in Cleveland and its surrounds. He was kicked out of school three times for having long hair; he went to Woodstock; marched on Washington in the 1969 Vietnam protest; and was a student at Kent State during the tragic 1970 shootings. He even dropped out of school for a while to pursue music before finishing his undergraduate degree at Cleveland State University and then deciding to become a lawyer.

After graduating from law school in 1978, Puzder launched his legal career and went on to become chief executive officer of one of the largest fast food chains in America, as well as a successful author. While his recent book, Job Creation, How It Really Works and Why Government Doesn’t Understand It, candidly seeks to rescue the American economy, his rhetoric has always cut to the chase.

When he became CEO of Hardee’s, Puzder quickly sought to change the restaurant’s image. Among his first edicts was that “the next person explaining Hardee’s procedures as ‘That’s the way we’ve always done it’ would be fired.”

“From the beginning, I wanted everyone to give me rational explanations of why we did everything, and not the same old sorry excuses,” says Puzder, who is based in Santa Barbara, California.

Puzder took over Hardee’s in 2000 when stock in CKE Restaurants, Inc. (owner of West Coast chain Carl’s Jr. as well as Hardee’s) had plummeted from $42 a share to just $2, and the company was in deep debt. Outside of his own kitchen, Puzder had never before been involved in flipping burgers.

“I went in strictly from the consumer perspective,” he says.

Today, Puzder is CEO of CKE Restaurants. His ascendency is dizzying, but behind Puzder’s West Coast success is an unerring intuition about his native Midwest that ultimately launched him to CEO status, and a love of rationality that he credits as a legacy of his law school education.

PUZDER PRACTICED TRIAL LAW in St. Louis from 1978 to 1990, first in the law offices of the legendary Morris A. Shenker, who had his own share of financial difficulties, and then with The Stolar Partnership. Along the way, he picked up corporate clients, prominent among them Carl Karcher, a West Coast entrepreneurial legend who started and grew the Carl’s Jr. restaurant chain and headed CKE.

Puzder went out to California in 1991 and joined Stradling, Yocca, Carlson & Rauth, where he remained until 1995. Then he became executive vice president and general counsel for Fidelity National Financial, Inc. In 1997, he joined CKE as executive vice president and general counsel, where his job included franchising Carl’s Jr. Puzder crafted the deal whereby Carl’s Jr. bought Hardee’s. His insights into the Hardee’s brand and its Midwestern roots led to his being named president and CEO. Today, he oversees $1.4 billion in revenue and more than 3,200 Carl’s Jr. and Hardee’s restaurants.

He counts work he did for Shenker and saving Karcher from bankruptcy among his greatest challenges and achievements. He draws on his experiences in business and his legal analytical skills for his book, Job Creation.

IN 2010, PUZDER, with David Newton, professor of entrepreneurial finance at Westmont College, moved by the economic collapse of 2008, sought to salvage the American economy. They published Job Creation, now in its third printing, with a foreword by Arthur Laffer, a famous economist in the Reagan administration.

Puzder sees governmental interference with the private sector as a major roadblock to economic growth. “What the government is good at is what the Founding Fathers wanted it to do: facilitate free commerce and regulate attempts to make it less free,” he says.

Puzder’s prescription: low taxes, reduced regulations, and smaller government. This creates what the authors call “The Certainty Factor,” releasing America’s dynamic entrepreneurial spirit and freeing business owners to take risks, create jobs, and generate growth.

“There is a staggering $2 trillion that American business owners are sitting on because they are uncertain about tax rates, health care, labor, and energy costs,” Puzder says. “You only invest if you think you’re going to make a profit, and everything this administration does seems designed to discourage profit.”

The book came about indirectly from Puzder’s lecturing on the economy from a CEO’s perspective, where he met Newton, and from TV appearances with such cable mainstays as Lou Dobbs and Neil Cavuto.

“As the government became more involved in the economy, things grew worse and worse, especially the jobs outlook,” Puzder says. “The book makes the case that the two are very much correlated.”
Cooking for a Cause
Eades Writes Cookbook to Benefit Cancer Patients

High-powered mutual fund and investment regulation advisor by day, self-described “pretty good amateur cook” by night, Deborah Bielicke Eades, JD ’90, has put spoon to saucepan and pen to paper to author a new cookbook, the proceeds of which will benefit a nonprofit organization that supports cancer patients.
“What I enjoy most about my practice is creating innovative new products and handling complex transactions.”

S

PURRED ON by a friend’s illness, Deborah Bielicke Eades turned her dream of writing a cookbook into a project to build awareness and raise funds for a nationwide cancer support organization.

Writing a cookbook was something “I’ve been wanting to do for a long time. I just never seemed to find the time for it,” says Eades, a shareholder with the international firm of Vedder Price in Chicago and a member of the firm’s Investment Services Group.

About a year ago, a young friend of Eades was diagnosed with breast cancer. “I was trying to find something I could do that would be meaningful to her,” Eades recalls. “She likes to cook as well, and so I landed on the idea of finally doing a cookbook.”

Eades wanted the proceeds to benefit a nonprofit organization that was important to her friend. They settled on Imerman Angels (imermanangels.org). The group matches patients with a survivor, or fighter, of the same type of cancer and organizes one-on-one support to patients and caregivers. Though they are based out of Chicago, they provide matches and support for individuals nationwide.

Titled What’s Cookin’—Healthy Recipes for Every Season, the cookbook focuses on recipes using local, organic, whole foods. The seasonal arrangement means fresh, available ingredients drive the recipes rather than the other way around. As a result, “very few of the recipes use prepackaged or processed foods,” Eades says.

THE BOOK, which includes recipe contributions from 15 or so friends, is dedicated to her friend with cancer. Her mother, Jeanette Bielicke, was the editor for the compilation of 265 total recipes. The cookbook is being published by Morris Press Cookbooks, a nationally recognized cookbook publisher with a focus on fundraising cookbooks.

The recipes run the gamut. “On the healthy side, there’s one called Halibut in Tomato-Rosemary Broth that’s one of my favorites; it’s a wonderful seafood dish,” Eades says. “On the indulgent side is a fabulous chocolate cake recipe.” For more information on the cookbook, visit www.cookbooks4sale.com.

Eades herself is an interesting mix of ingredients. The daughter of an A.G. Edwards executive and a legal secretary, she seemed destined to pursue a career in complex financial services. “I think my interest in the finance area probably came from my dad,” she says.

Eades’ summer internships at A.G. Edwards, including time spent in the bond department, sparked an interest in the stock market and the asset management business. Her mother’s position as a legal secretary for The Stolar Partnership in St. Louis also gave Eades “a lot of exposure to attorneys and law firms.”

After pursuing a bachelor’s degree in economics at the University of Missouri, she decided to enroll at Washington University School of Law to hone her growing interests in the regulation of financial services. After graduation, she served as in-house counsel at Janus Funds, a research-driven investment strategies firm based in Denver, before joining Vedder Price.

While a more traditional career path might be to start at a firm and then become an in-house counsel, Eades says the route she took provided the right background for her career goals. “I always knew I wanted to practice corporate and securities law,” she says, adding that her family also was ready to move back to the Midwest. Eades enjoys the diversity that working at a law firm brings. Her clients range from “a tiny firm with six people to some of the largest asset management organizations in the country,” she observes. Eades handles all aspects of mutual fund and investment advisor regulation and compliance, develops new products, and is a frequent presenter at National Regulatory Services seminars. In addition to the diversity, Eades says what she enjoys most about her practice is “creating innovative new products and handling complex transactions.”

In her free time, Eades says she plans to continue her work with Imerman Angels as a volunteer. She also is engaged with the law school in a variety of ways, including as a member of the Eliot Society, regularly advising law students on careers, and recently volunteering on her 20th class reunion committee, which involved creating a video using pictures provided by classmates to view at their class dinner. Additionally, she and her husband, Garry, enjoy spending time with their two dogs—a yellow Lab named Rascal and a black one named Koko. And, no doubt, she’ll be trying out some new recipes soon.

**LEMONY ASPARAGUS AND NEW POTATOES**

12 oz. fresh asparagus spears
8 whole tiny new potatoes (about 10 oz.), unpeeled
3 T. extra-virgin olive oil
1 tsp. lemon peel, finely shredded
1/4 tsp. salt
1 1/2 T. thyme, finely chopped

Snap off and discard woody bases from fresh asparagus. Cut into 2- or 3-inch pieces. Set aside. Scrub potatoes and cut into halves or quarters, depending on size (you want bite-size pieces). Cook potatoes, covered, in a small amount of boiling water in a 2-quart saucepan for 10 minutes. Add asparagus. Cook, covered, about 8 minutes more or until asparagus is crisp-tender and potatoes are tender. (Do not overcook, otherwise asparagus will be limp.) Drain. Transfer vegetables to a serving bowl. For dressing, combine the olive oil, lemon peel, salt, and thyme—use more or less of olive oil and seasonings, to taste. Add dressing to the warm vegetables and toss gently to coat. Serve warm. Makes 4 side-dish servings or 2 main-dish servings.
High-Stakes Lawyering
Representing the Richest Man in the World

Steven Selsberg, JD ’86, has made a name for himself litigating high-stakes cases for clients such as billionaire Carlos Slim Helú and tobacco giant Philip Morris. Serendipity also has played a role, as a business connection between the man whom *Forbes* lists as the “richest man in the world” and the tobacco company led to Selsberg’s expanded client list.
“My job is to try to find a way to win, if there is one, or just to learn all the strengths and weaknesses of the case so that we can get the best result.”

“Honesty and strong personal relations work wonders toward client retention, whether your client’s the richest man in the world or a large tobacco company facing major litigation. “Trust is a big part of it and gains you a lot of referrals,” says Steven Selsberg, now a partner in the Houston office of mega-firm Sidley Austin LLP.

Getting good results and being at the right place at the right time also help—both of which Selsberg has capitalized upon. “After I graduated from Washington University, I moved to Houston to clerk for a federal judge,” says Selsberg. He ended up staying in Houston working for a local firm that was handling tobacco litigation for Philip Morris.

“Carlos Slim Helú was on the board of Philip Morris because he was an owner of the Marlboro franchise in Mexico,” Selsberg recalls. “Separately, he had just purchased the CompUSA superstores, and a group of Dallas businessmen sued him, claiming he had defrauded them out of their rights to open CompUSA stores in Mexico. The jury returned a verdict against him for $450 million.”

Helú then called the Philip Morris general counsel asking to recommend a lawyer to handle the appeal. Selsberg was one of two he suggested.

“At the time—in 2001—even though I was more of a trial court guy, I was doing a lot of appellate work for Philip Morris,” he says. “I flew to Dallas to meet Carlos Slim Helú and his son-in-law, and they hired me to handle the appeal.

“Then, just a couple weeks later, Carlos Slim Helú and four of his companies got sued in Houston over an Internet deal that had gone south,” he continues. “So I represented them there as well. We did really well in that case, and we zeroed-out the CompUSA appeal, the plaintiff getting nothing.”

And that, says Selsberg, was the beginning of a fantastic relationship. Over the ensuing years he has solidified that relationship, sharing with Helú a passion for baseball and for winning in court. The latter includes Selsberg recently turning back a $950 million lawsuit by an Ecuadorian telecommunications company against Helú and his America Movil SAB, Latin America’s largest wireless carrier.

Selsberg’s client list is now almost exclusively Latin American. He has represented Grupo Carso, Telefonos de Mexico, Condumex, Grupo Sanborns, Banco Inbursa, Grupo Pegaso, Grupo Mexico, ICA, and others in numerous litigation matters throughout the United States. He also has represented Cardinal Norberto Rivera in clergy litigation in Los Angeles.

Selsberg attributes his success in large part to his law school training and his determination never to be “out-lawyered.” “When the lawsuit lands on your desk, the facts are already made,” he says. “The dispute presents itself to you with certain witnesses, certain documents, and the applicable law.

“My job is to try to find a way to win, if there is one, or just to learn all the strengths and weaknesses of the case so that we can get the best result,” adds Selsberg. “At the end of the day, you’re not going to win every single case, but if I hold myself to the standard of not being out-lawyered by the other side, I feel like I’ve done my job.”

That requires hard work, determination, and preparation, he says, which is where his Washington University training has paid off.

“Whether or not you’re going to be successful in your law practice is dependent on your skill set and your effort,” he says. “When I came to Houston, I felt very prepared because I had a superior education at Washington University.”

Selsberg says that the demanding professors, bright students, and balance between “the nuts and bolts of what you need to practice and the academic side of the law” worked in concert to give him “a great education.” He says he maintains a strong sense of loyalty to the university and notes that his sister, Julie Selsberg, graduated from the law school in 1995 and his son, Jared, is a current undergraduate at the university.

Selsberg continues to learn about law and life, including lessons from Helú. “I’ve been inspired by the fact that as wealthy and as famous as he is, that he has such a close relationship with his family and his children—and that they are humble and grounded,” Selsberg says. “So I’ve tried to emulate that. I make spending time with my wife and children a priority, and try to stay very humble and low key. I learned that from Carlos Slim Helú.”
The Costs of Reproduction: History and the Legal Construction of Sex Equality

Biological reproduction and caring for young children incur economic costs. For female employees, the costs of reproduction may include the medical expenses of pregnancy and childbirth; lost income during periods of pregnancy- and childbirth-related disability; and costs associated with reentry to the workforce, if childbearing women lose their jobs. Employers may incur the costs of including pregnancy and childbirth within medical and temporary disability insurance benefits; the administrative costs of providing leave when a pregnant employee is disabled; and the cost of accommodating some women’s changed capacity to perform their job duties during pregnancy. Childrearing may cost parents lost investment in human capital, when they forego education or career advancement to perform caregiving in the home. Childrearing is also expensive, as employees replace parental caregiving with care by a third party.

From the mid-1960s through the 1980s, legal and political debates raged over how to allocate the costs of reproduction. Participants disputed whether individual women, the private family, employers, or the state should shoulder responsibility for the costs of reproduction. Diverse and often opposing groups weighed in on these debates, including employers and union leaders, judges and politicians, feminists and social conservatives. In this article, I draw upon novel historical research to shed new light on the normative content of contemporary doctrinal and policy debates about how to allocate the costs of reproduction.

Today, legal and political actors sever the issue of cost sharing from that of sex equality. This pattern emerges both in courts’ interpretation of Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978 (“PDA”), and in political arguments about work–family policy. Courts often interpret the PDA to prohibit only discriminatory animus against pregnant women. They hold that the PDA does not remedy sex-neutral policies, such as harsh absenteeism or meager sick-leave policies, even when these policies disproportionately exclude childbearing women from the workplace. In the political arena, pundits argue that sex equality does not require society as a whole to subsidize individuals’ private reproductive decisions.

By contrast, this article argues that cost sharing is a critical component of sex equality. I seek to deconstruct the dichotomy between cost sharing and sex equality via contributions to both historical and normative legal literatures. First, I contribute to a nascent historical literature that revises the conventional understanding of legal feminism in the sixties and seventies. The conventional narrative is that legal feminists—advocates using the law to realize equal citizenship for women—pursued only the right to formal equal treatment. Powerful critiques argue that the sex-equality jurisprudence that emerged out of 1970s feminism has failed to meet the unique needs of poor women and women of color, to realize substantive reproductive justice, or to achieve legal recognition for the social and moral value of caregiving. Social historians, however, are beginning to uncover the diversity of grassroots feminist coalitions, the breadth of activists’ goals, and the working-class origins of feminists’ struggle for economic justice. In this vein, I recover a broader feminist vision for legal sex equality and offer a richer historical explanation of why it never came to fruition. This article joins recent historical scholarship demonstrating that mid- and late-20th-century legal and social movements commonly described as identity based also embraced redistributive agendas.

Legal feminists sought legal recognition for women’s right to equal treatment as individuals as well as a set of redistributive aims. In the 1960s and 1970s, legal feminists developed a critique of the family-wage system. The cultural ideal that the nuclear family should consist of an independent male breadwinner, a dependent female caregiver, and children, shaped law as well as social policy and employer practices. Although the family-wage ideal did not comport with demographic reality for many American families, it nevertheless contributed to both gender and racial inequities.

Legal feminists articulated a new vision of sex equality premised upon women’s right to social and economic independence. Upending the family-wage system would require more than the right to formal, equal treatment. Feminists also fought for the redistribution of childrearing labor between women and men in the home, as well as the redistribution of the costs of pregnancy, childbirth, and childrearing between the family and society.

Second, in revising the legal history of feminism, my article uses historical evidence to deconstruct the boundaries between antidiscrimination and accommodation mandates. Some legal scholars argue that individuals have the right to freedom from market-irrational discriminatory animus on the basis of protected characteristics, including sex. But, they argue, groups do not share the same right to accommodation, defined as the prohibition on market-rational discrimination. Other scholars contend that there
“Cost sharing is a critical component of sex equality.”

is no clear categorical distinction between antidiscrimination and accommodation mandates. Rather these categories overlap in their normative purposes and cost effects.

The historical development of work-family law and policy illustrates the shared normative impetus and economic consequences of antidiscrimination and cost-sharing mandates. Legal feminists attempted to transform childrearing and workplace structures within the family-wage system by ending overt, market-irrational employer discrimination. They endeavored to transform, as well, market-rational employer norms that excluded women from equal employment opportunity. In addition, they organized for legislative social-welfare entitlements related to childrearing. Moreover, in the case of pregnancy discrimination, even the prohibition of simple discrimination based on sex-role stereotypes had a redistributive effect. Thus, classic prohibitions on disparate treatment, disparate-impact liability, and accommodation mandates, all imposed unique costs on employers associated with hiring childbearing women.

The redistributive aims imagined by legal feminists in the sixties, seventies, and eighties are only partially realized today. Over the last half century, both statutory and constitutional law have evolved to affirm the idea that sex equality entails cost sharing. This evolution has brought some of legal feminists’ redistributive objectives to fruition. In particular, the PDA and the Family and Medical Leave Act of 1993 (“FMLA”) shift some of the costs of pregnancy, childbirth, and familial caregiving from individuals to the larger society. But opposition foreclosed feminists’ most ambitious reforms. Of particular significance, President Nixon vetoed legislation that approximated the feminist vision for universal childcare. The explanation for why feminists succeeded in advocating for some reforms, and met with defeat in advocating for others, lies in the public/private divides constructed between the family, the market, and the state. Reforms that shifted reproductive costs from individual women and families to employers met with greater success than proposals to shift these costs to the state. And reforms that facilitated parental caregiving within the private family came to fruition, whereas those that attempted to transform familial childrearing structures met with deeper political opposition. Today, women continue to shoulder disproportionate responsibility for the costs of reproduction, which inhibits their ability to realize equal employment opportunity.

This article’s historical narrative has powerful implications for both doctrinal controversies and policy debates. The history can illuminate alternative interpretations of the PDA, by complicating the distinctions that courts draw between antidiscrimination and accommodation mandates. Courts often foreclose claims under the PDA that, if successful, would impose redistributive requirements on employers. Such a narrow interpretation of the PDA is evident in the adjudication of claims respecting sex-unique characteristics other than pregnancy, of disparate-treatment claims respecting the denial of light-duty accommodations for pregnant employees, and of pregnancy-related disparate-impact claims. Constrained interpretations of the PDA limit the potential for the statute to advance women’s equal employment opportunity. The history presented in this article points toward more capacious interpretations of the PDA, consistent with the richer vision of sex equality embraced by advocates of the PDA.

In addition to making a legal argument about the interpretation of the PDA, this article makes a recommendation for the future of social-welfare policy. Contemporary equal-protection doctrine has come to recognize that affirmative social-welfare entitlements form an important component of sex discrimination law. If Congress desired to advance sex equality further, then it should build upon this insight. Among a range of other interventions, Congress should augment the entitlements provided by the FMLA.

The article’s argument proceeds in four parts. Part I argues that the anti-stereotyping mandates at the heart of the PDA and the FMLA have partially shifted the costs of reproduction from individual women to the larger society. Narrow judicial interpretations of the PDA and limits built into the FMLAs design, however, constrain the extent to which these statutes have dismantled the family-wage system. Part II discusses legal feminists’ efforts to transform workplace and childrearing structures during the 1960s and 1970s. Feminists challenged the sex-based division between productive labor and reproductive labor, while also seeking accommodations for pregnancy in the workplace and social-welfare entitlements related to caregiving. Part III examines the evolution of sex discrimination law with respect to pregnancy during the 1970s and 1980s. In the crucible of administrative battles, litigation contests, and legislative debates, the law came partially to affirm that accommodating pregnancy, childbirth, and childrearing represents a critical component of sex discrimination law. Part IV discusses the significance that the history of feminist mobilization, of anti-feminist counter-mobilization, and of the evolution in legal norms holds for contemporary doctrinal and political debates. I conclude that advancing sex equality requires judicial interpretations of the PDA that recognize the statute’s redistributive purpose, as well as congressional action to augment the FMLAs entitlements.


Associate Professor Deborah Dinner is a legal historian whose research focuses on the history of gender, work, and family. Her scholarship considers the history of feminism and employment opportunity; sex equality and reproductive liberty; and child care and social policy.
HEN TWO OF THE THREE largest American automakers recently emerged from streamlined Chapter 11 reorganization proceedings, the popular press had many reasons to cover these cases much more than they typically cover the garden-variety corporate bankruptcy case. First, there was the widely held perception that these two companies, Chrysler and GM, were simply too big to fail without bringing down with them an already staggering national economy. Second, both the U.S. and Canadian governments played a financing role in these two cases that was unprecedented in a Chapter 11 reorganization. Finally, the speed with which these two companies emerged from the reorganization process was itself newsworthy in an era when large Chapter 11 cases often languish for years in bankruptcy court without resolution.

As is often the case, however, the most significant aspects of these two corporate reorganizations did not receive nearly the attention that they deserved. In particular, these cases highlighted two emerging megatrends in the areas of Chapter 11 bankruptcy and retiree medical benefits: increased use of both Voluntary Employees’ Beneficiary Association (“VEBA”) trusts and asset sales under section 363 of the Bankruptcy Code. Although these independent, tax-favored VEBA trusts are fraught with uncertainty for the retirees, retirees and their representatives nevertheless view them as a type of bankruptcy insurance, a least-worst outcome in a period of increasingly bleak prospects for retirees with unfunded employer-sponsored medical benefits.

The second megatrend, largely unnoticed by the popular press, is the use of asset sales under section 363 of the Bankruptcy Code as a way to avoid the more cumbersome Chapter 11 plan process. The strategic use of section 363 asset sales in corporate-reorganization cases is becoming so common that some courts and commentators predict that this asset-sale route to Chapter 11 plan confirmation may soon supplant the traditional plan process. While others have decried these “sub rosa” (“secret”) plans via section 363 as contrary to the voting system and other procedural safeguards inherent in a standard Chapter 11 confirmation, this essay argues that the section 363 asset-sale development is a natural consequence of the Bankruptcy Code being weighed down by the significant springing-priority status of retiree medical benefits.

THE PROBLEM with springing priorities—priorities that arise for the first time in bankruptcy—is that they are at odds with the fundamental purpose of Chapter 11 reorganization, which is to maximize the value of the business enterprise for the entire creditor group, which includes claimants from all levels of priority. Not only are springing priorities counterproductive to the reorganization process, but they are also not even particularly effective for the favored group in the end. Section 1114 of the Bankruptcy Code is a classic example of an ill-advised springing priority that is not particularly effective. The intended beneficiaries, or favored group members, in the case of section 1114 are retirees with respect to their medical benefits.

Medical benefits were a very big issue in the Chrysler and GM bankruptcy cases, but section 1114 did not end up helping retirees very much. Instead, in those two Chapter 11 cases, it
By Daniel L. Keating

“The problem with springing priorities—priorities that arise for the first time in bankruptcy—is that they are at odds with the fundamental purpose of Chapter 11 reorganization.”

was the nonbankruptcy leverage of the retirees rather than the bankruptcy-specific priority of section 1114 that ended up giving the retirees medical benefits. And what medical benefits the retirees did receive were still much less than what the two auto companies originally promised them.

The best evidence that nonbankruptcy leverage mattered most for retirees in the Chrysler and GM bankruptcies is the difference in treatment accorded to the medical benefits of the United Auto Worker (“UAW”) union’s retirees compared to the treatment accorded to the medical benefits of retirees whose unions no longer provided active workers for those two auto companies. UAW retirees ended up as the beneficiaries of a VEBA trust that, in the case of Chrysler, owned more than half of the stock of the new company. Nonunion retirees, by contrast, received no special treatment for their benefits and instead had to make their claims for future benefits from a pot of cash that was largely consumed by secured creditors’ claims.

The balance of this paper proceeds in four parts. Part II discusses the emergence of VEBA as a means for employers and unions to manage the increasingly uncertain, open-ended, and massive liability represented by retiree medical benefits. Part III describes the growing use of section 363 asset sales in Chapter 11 cases as a way for companies to short-circuit some of the springing priorities, such as retiree medical benefits, that the typical Chapter 11 plan would otherwise present to them. Part IV explores the Chrysler and GM bankruptcy reorganizations as case studies of two megatrends: the use of VEBA to handle retiree medical benefits, and section 363 asset sales in bankruptcy to circumvent the special protections retiree benefits receive in section 1114. Finally, Part V discusses in greater depth how the retiree-medical-benefit priority in bankruptcy first developed, why such priority was doomed to failure from its outset, and why it proved to be the “perfect storm” among bankruptcy springing priorities: massive in cost to companies, restricted only to Chapter 11 cases, and failing to reflect any nonbankruptcy leverage enjoyed by the favored class of retirees.

CHEAP FIXES are cheap for a reason. When Congress responded more than 20 years ago to the retiree-medical-benefit crisis in the LTV Steel bankruptcy case, it enacted an amendment to the Bankruptcy Code, section 1114, that did not cost the U.S. Treasury a dime. While the bill-signing photo opportunities gave a short-term boost to the political fortunes of the bill’s sponsors, the long-term benefits to the bill’s intended beneficiaries, the retirees, were destined to be far less glamorous.

Chapter 11 of the Bankruptcy Code should neither be the place to fix nonbankruptcy problems, nor the place to reorder relative priorities that exist under nonbankruptcy law. Most priorities that appear in the Bankruptcy Code merely reflect leverage that the favored claimants already enjoy outside of bankruptcy. Creating a priority in Chapter 11 for a claim that ends up being very large will drive the debtor and other creditors to look for ways to avoid the effects of the springing priority. That is precisely what happened in the two major automobile bankruptcies of 2009 with the springing priority of retiree medical benefits. It was no accident that both companies, under pressure from the U.S. and Canadian governments, chose the section 363 fast-track sale of substantially all the debtors’ assets—conveniently also avoiding any application of section 1114.

The next time Congress wants to use Chapter 11 of the Bankruptcy Code as a quick-fix for a larger economic problem, it should consider the Chrysler and GM Chapter 11 bankruptcies. These bankruptcies are case studies of what happens when Congress insists on weighing down the Bankruptcy Code with special-interest amendments that ignore the value preservation core of the Chapter 11 process. As even Congress should know by now, those who fail to study history are doomed to repeat it.

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Daniel L. Keating, the Tyrrell Williams Professor of Law, is a nationally known expert in bankruptcy, commercial law, and UCC Article 2. The author of two casebooks on commercial law, as well as a treatise on the employment law implications of bankruptcy, he has written extensively on such issues as bankruptcy reform, the implication of bankruptcy on collective bargaining agreements, pension insurance, and the Pension Benefit Guaranty Corporation.
NEW YORK became the latest addition to the law school’s expansive list of Clinical Education Program locations when five students enrolled in the inaugural New York City Regulatory & Business Externship during the fall semester. The New York externship program, offered in conjunction with the Olin Business School, incorporates a companion course in ethics attended by students from both schools. Ten students are enrolled in the externships this spring.

New York attorneys Sasha Polonsky, JD ’06, and Zack Shankman teach in the New York program, which is coordinated by Janet Bolin, associate dean of admissions and student services, along with assistance from Hilary Sale, the Walter D. Coles Professor of Law and professor of management. In addition to providing students with firsthand experience, enhanced professional skills, and contacts in the financial markets, the externships serve to strengthen ties to a key city among the law school’s alumni, students, and faculty.

Extern David Myrie entered law school in 2008 amid the country’s burgeoning financial crisis. He already had an interest in finance, but the economic climate expanded his curiosity to include an understanding of the interplay between finance and regulation. When the opportunity arose to extern at Standard & Poor’s, he jumped on it. Myrie spent last fall as an extern at the Global Licensing & Contracts Department at Standard & Poor’s, supporting the sales teams’ efforts to secure licenses for the company’s various ratings and market intelligence products.

THE LEGAL TEAM on which he worked steered deals through the negotiation process and drafted contracts to protect the company from liability and to preserve its intellectual property rights. “Participating in the deal-making process has allowed me to experience firsthand what it is like to draw upon theory and prior practice to make sound, ethical decisions that adhere to laws and regulations,” Myrie says.

His sentiments are mirrored by law student Matthew Venezia, who also serves as senior editor of the Washington University Law Review and spent his externship at the Financial Industry Regulatory Authority (FINRA). “I have gained knowledge of the financial industry that would have been impossible to obtain inside of the law school,” Venezia says. His wide range of externship responsibilities varied from researching discrete legal issues and writing memoranda of law, to attending record interviews and discussing the issues with the FINRA investigative team.”

Venezia adds that externing at FINRA “has given me a very real look at the practice of law. This has included not only a view of the substantive work, but training in dealing with all of the interpersonal relationships that exist in any office where law is being practiced.”

ANOTHER PARTICIPANT, Andrew Meyer, also saw the day-to-day operations of FINRA up close. He comments, “From the first day, I was fully engaged in cases involving every type of securities-related misconduct you can imagine—from misappropriation of annuity funds, to selling unregistered stock, to collusion to sell municipal bonds at unfair prices.” Within the scope of his externship, he drafted legal documents, worked on three of his own cases, and sat in on depositions and other meetings with large, international broker-dealer firms.

Similarly, fellow law students Christopher Closter and David Chen benefited from their externships at Anheuser-Busch/InBev’s New York headquarters and at the New York Department of Finance, respectively. At least one of these five fall externs, Myrie, will return to New York upon graduation. He plans to join JPMorgan Chase & Co.’s Management Associate Program. While he feels the externship experience will serve him well, he adds “more importantly, takeaways from our course Ethics within Organizations will prove invaluable as a manager within our nation’s largest bank.” Summarizing his semester overall, he adds, “This real-world experience has provided the perfect complement to the theoretical training I received in law school.”
 Universities in Israel, Germany Among Law School’s Growing Exchange Program Agreements

THE LAW SCHOOL has finalized agreements with two more exchange programs—one in Israel and another in Germany—bringing the total number of student and faculty exchange program agreements to 12. The most recent partnership is with Bucerius Law School, Germany’s first and leading private law school.

Last fall, the law school signed an agreement with the Interdisciplinary Center in Herzliya, Israel. IDC-Herzliya is one of Washington University’s McDonnell Academy partners and a leading law school in Israel. Both agreements will enable Washington University students to study at the new partner school and respective partner school students to come to Washington University. Faculty exchanges also will occur.

Uriel Reichman, president of IDC-Herzliya, visited the law school during the fall semester to formalize the agreement. He noted that “it is a great honor for IDC to join Washington University as a partner,” and that he looks forward to collaborating with the university at a time when he believes that the legal profession will benefit from increasing interdisciplinary and globalized approaches to legal education.

Dean Kent Syverud noted that the student and faculty exchanges are part of the law school’s “extraordinary array of international assets and programs, including our international LLM program and Transnational Law Program, faculty teaching and scholarly exchanges, student externship and summer abroad programs, and the work of the Whitney R. Harris World Law Institute.”

In addition to Bucerius Law School and IDC-Herzliya, the law school has developed international exchange programs with the University of Trento in Italy, Utrecht University in the Netherlands, National University of Singapore, Hong Kong University, Catholic University of Portugal, Fudan University in China, Queen’s University Belfast in the United Kingdom, National Taiwan University, Korea University, and the University of Queensland in Australia.

ALUMNUS CLERKS FOR SUPREME COURT OF ISRAEL

IMAGINE living in a country at the crossroads of the world’s three major religions—Christianity, Islam, and Judaism. Now imagine that country is roughly the size of New Jersey. That is Israel’s precarious position—and it’s exactly what inspired Seth Heller, JD ’08, and current associate at Arnold & Porter LLP, to seek a clerkship in Israel’s Supreme Court.

“I was specifically drawn to the Supreme Court of Israel because of the unique conditions there,” says Heller of his recently completed clerkship. “Israel deals with an almost incomprehensible combination of political, legal, and national security issues simply because it is such a small country in such a volatile part of the world.

“Professionally and personally, I thought that gaining an international perspective would be a positive experience for me,” he adds. “I had the opportunity to develop both perspectives through the lens of a clerk on Israel’s Supreme Court.”

Having previously clerked at the federal trial and appellate levels, Heller is no stranger to powerful courts. His first clerkship was with Judge Christine O.C. Miller at the United States Court of Federal Claims. He then worked at a large intellectual property firm in Washington, before clerking for Chief Judge Randall R. Rader on the United States Court of Appeals for the Federal Circuit. At the Supreme Court of Israel, his clerkship was with Justice Asher D. Grunis, the new president (chief justice) of the court. Heller says he was particularly surprised by the sheer volume of cases that come before the Supreme Court of Israel. “The court hears thousands of cases a year, and it is the court of first and last resort for some of the most difficult human rights issues in the world,” he says.

For example, one case concerned families of terror attack victims who were attempting to prevent a deal for the release of a captured Israeli soldier in exchange for hundreds of prisoners. Another addressed a law that denies Palestinian spouses of Israelis an automatic right to live together in Israel.
BRIAN Z. TAMANAH, the newly appointed William Gardiner Hammond Professor of Law, discussed “Belief in Law” during his installation address on September 12, 2011. A renowned jurisprudence scholar, Tamanaha stressed that working to fix flaws in the legal system—especially in regard to judicial decision-making—requires careful adherence to judicial virtues.

Dean Kent Syverud observed that it was fitting that Tamanaha should hold the chair endowed in Hammond’s name. A former law dean at Washington University (1881–94), Hammond was a groundbreaking, respected authority on common law history, jurisprudence, and legal professional development—areas of expertise also shared by Tamanaha.

Syverud noted that in his prolific writings, Tamanaha often tackles theories and assumptions underlying contemporary legal debates. “Brian is one of the most distinguished and productive scholars that Washington University has ever hired,” Syverud said. “His work is grounded in the understanding that legal theory, or jurisprudence, has real, serious implications for the actual lives of human beings.”

Syverud noted that Tamanaha cares deeply about his students and their professional development, a quality that shows in his work both inside and outside the classroom. “He’s demanding and inspiring,” Syverud said. “He treats students like professionals who matter a lot and who will matter a lot to their clients and to the world.”

A scholar of Hammond’s writings, Tamanaha featured the distinguished dean in his book, Beyond the Formalist–Realist Divide: The Role of Politics in Judging. He noted this was a happy coincidence, since the book was published prior to his joining Washington University.

Hammond spoke openly about the limitations and political imperfections of law and judicial decision-making, Tamanaha said, but he was not considered a skeptic for one important reason—he believed in law. Skeptics see deep flaws in the legal system and declare that “law is a fraud … that it must be exposed, not supported, for supporting it is to support a lie,” Tamanaha said.

On the other hand, those who believe in law—such as Hammond and himself—Tamanaha said, “highlight its flaws in the hope that by acknowledging these, we can work to fix the things that can be fixed.

“Law is an apparatus of coercive state power that too often takes the side of the powerful against the powerless,” Tamanaha noted. “But in my view, the only course is not to undermine the law, but to try to make it better; to engage, as every generation must, in the never completed and never won battle to make law a force for good.”

The missing element for skeptics, Tamanaha said, is the importance of judicial virtues, which include, among others, incorruptibility, judicial sobriety, civic courage, impartiality, judicial intelligence, and practical wisdom.

Tamanaha also briefly discussed his forthcoming book, Failing Law Schools, which focuses on what he describes as a severely flawed economic model for law schools. His research suggests that law schools must fundamentally change in order to deliver a legal education at an affordable cost to students of all income levels and backgrounds—an “uncomfortable” but imperative message, he said.

Tamanaha is the author of six other books and numerous scholarly articles published in leading journals. His publications have been translated into seven languages. An expert in law and society, Tamanaha has delivered lectures throughout the world, including Brazil, Indonesia, Japan, France, the Netherlands, and the United Kingdom.

Previously, he served as a trustee for the Law and Society Association; was a member of the Institute for Advanced Study in Princeton, New Jersey; and served on the faculty of several other law schools. Tamanaha practiced law in Hawaii and Micronesia, where he was legal counsel for the Micronesian Constitutional Convention, assistant attorney general for the Yap State, and assistant federal public defender for the District of Hawaii.

Chancellor Mark S. Wrighton, right, recognizes Brian Tamanaha as the Hammond Professor of Law.
Celebrating David Becker’s 50 Years of Teaching

A BECKER 50 TRIBUTE website now offers the latest event details and celebratory information to mark the 2012 milestone of Professor David M. Becker’s 50th year of teaching. Visit law.wustl.edu/becker50 to register, add or view memories, view photo galleries and submit your own photos, contribute to the scholarship initiative, learn more about scheduled events, and see who’s involved and who’s attending.

The Steering Committee and an At Large Committee, fondly calling itself “The Becker Brigade,” now total more than 200 members. To become involved in the celebratory effort, please email Becker50Years2012@wulaw.wustl.edu.

Celebratory activities will coincide with Law Alumni Weekend and Reunion, October 26–27, 2012. Festivities will kick off with a symposium at the law school on Friday, October 26, 2012 focusing on The Law School in the New Legal Environment, featuring top legal scholars discussing recent dramatic shifts in legal education. The day will round out with a reception and gala dinner at the Ritz-Carlton honoring Professor Becker, who currently serves as associate dean for external relations and the Joseph H. Zumbalen Professor Emeritus of the Law of Property.

On Saturday, October 27, 2012, alumni will have the opportunity to visit with Professor Becker during “Office Hours.” Festivities will continue with Reunion class parties for class years ending in 2 and 7 at various restaurants in St. Louis.

Scholarship Initiative Draws Closer to Goal

WASHINGTON UNIVERSITY School of Law has raised more than $6.6 million toward its $7.5 million goal to raise funds for student scholarships. The five-year effort, which runs from 2009 until 2014, is part of the university’s OPENING DOORS TO THE FUTURE: THE SCHOLARSHIP INITIATIVE FOR WASHINGTON UNIVERSITY.

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

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

- **Eliot Society Benefactor** ($5,000) Provides support for one law student for one academic year
- **Eliot Society Patron** ($10,000) Provides support for one or more law student(s) for one academic year
- **Danforth Circle**
  - Dean’s Level ($25,000)
  - Chancellor’s Level ($50,000) Provides support for one or more law student(s) for one academic year

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

For more information or to donate to the initiative, please contact Gina Sholtis at gina_sholtis@wustl.edu or (314) 935-5246.
Alumnus Enjoys Successful Practice in Civil Litigation

FIRM: WATSON & RENNER, Washington, D.C.

ATTORNEYS: Tom Watson, JD ’72, with Curtis Renner

PRIMARY AREAS OF PRACTICE: Civil Litigation and Trials

YEAR FOUNDED: 1995

BRIEF BACKGROUND:
Tom Watson: The types of cases we have handled have varied widely, including toxic tort defense, contracts, real property, and professional liability of lawyers and scientists. Our clients have been in a variety of industries and mostly have been large companies. Most of our work is on the defense side. We have had a number of jury trials in state and federal courts around the country. We have also handled many Daubert and Frye hearings on the admissibility of scientific or technical expert testimony. Additionally, we are proud of the significant resources we have devoted to pro bono work.

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

A: For 22 years, I practiced in two large firms, Crowell & Moring and Morgan Lewis. They are great firms with excellent lawyers, and I enjoyed those years immensely. We started our small firm for several reasons, including just to do something different; firm economics that would allow us to do more case work and less supervision of others; fewer conflicts that would prevent us from taking interesting cases; the ability to more quickly adopt the latest and best technology into our practice; and, perhaps, most of all, just to see if we could do it.

Q: How has your area of law changed since you began practicing?

A: Discovery has become more intense. Effective use of electronic technology has become almost essential in litigation and trials. When we started our firm, we adopted the policy that whenever possible and economically feasible, we would use computers instead of paper and more employees. That has provided a significant strategic and economic advantage to a small firm like ours.

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

A: Most rewarding has been the opportunity to work with (or oppose) some excellent lawyers and appear before some great judges. We are also proud of our successful defense of AT&T against a claim that use of a cell phone caused a physician’s ultimately fatal brain cancer (we are now representing AT&T in similar cases); of a recipient of the Nobel Prize in Medicine against a claim of scientific fraud; and of a pioneering AIDS researcher against a claim of scientific fraud. We are especially proud of our representation of a young man who was mentally disabled as a result of an unprovoked assault by security guards and of the substantial jury verdict we obtained for him against a large organization.
ELVIN F. BROWN, AB ’57, JD ’61, received the Dean’s Medal from Dean Kent Syverud at the law school’s Scholars in Law Celebration on November 9, 2011. The annual event brings together scholarship recipients and donors.

The Dean’s Medal is the highest honor a dean can bestow. Selected entirely by the dean, the award recipient is recognized for his or her extraordinary contributions to the law school, including inspiring others and enhancing the school’s progress. Since its creation, only a select few recipients have been awarded the Dean’s Medal.

A founding member of the National Council, Brown is a longtime supporter of the law school. He initiated and personally funded the Mel Brown Family Loan Repayment Assistance Program to address the debt burden for those pursuing a legal career of public service. Additionally, he has long supported law students through the Mel and Pamela Brown Scholar in Law scholarship. Brown also funded a named scholarship at the Olin Business School in memory of his late wife, Jacqueline Hirsch Brown, AB ’63.

Brown served on Washington University’s Board of Trustees from 1999–2002; was executive vice chair and chair of the Alumni Board of Governors; and has been president of the William Greenleaf Eliot Society, as well as the Eliot Society Executive Committee, serving three years as national patrons chair. He received the law school’s Distinguished Alumni Award in 1996, the Arts & Sciences Distinguished Alumni Award in 2007, and the Founders Day Distinguished Alumni Award in 2008.

Chairman of Triad Bancshares, Brown is the retired chairman of Founders Bancshares and a former president and CEO of Deutsche Financial Services, a unit of Germany’s largest bank, with world headquarters in St. Louis. He also was president and chief executive of ITT Commercial Finance, and under his leadership the company grew to become the largest in its industry.

Brown is well known in St. Louis for his community service efforts. Although Washington University has always been one of his most cherished endeavors, he has served on countless other boards such as the Missouri Historical Society, Saint Louis Symphony Orchestra, Forest Park Forever, Missouri Foundation for Health, and the Whitaker Charitable Foundation.

Members of the St. Louis Children’s Choir perform

GREEN HONORED IN SPRING 2012

Thomas R. Green, JD ’58, received the Dean’s Medal at the Distinguished Alumni Awards Dinner on April 20, 2012. He will be featured in the fall issue of Washington University Law Magazine.
1964
Phillip F. Fishman served as co-class counsel to victims of police misconduct connected to the Metro Gang Strike Force in Minnesota. The plaintiffs in the case, which was instituted in U.S. District Court, received a $3-million settlement.

1968
Harvey M. Tettlebaum has been named to the American Health Lawyers Association’s 2010–11 Inaugural Class of Pro Bono Champions. Tettlebaum is managing partner of Husch Blackwell LLP’s Jefferson City, Missouri, office. He was recognized for working more than 450 pro bono hours providing counsel and advice to Legal Services of Missouri and its clients.

1973
Alan K. Frost has been named president of Carr Lane Manufacturing Co. in St. Louis. Frost has 37 years of experience at Carr Lane, having managed virtually all areas of the company.

1974
William P. Grant received the St. Louis County Bar Association’s Dudley C. Dunlop Distinguished Service Award. He has served as a St. Louis County court-appointed guardian ad litem since 1978 and received the St. Louis Family Court Guardian Ad Litem of the Year Award in 2001. Grant is a member of the Board of Directors for One World Family, a nonprofit organization that provides financial assistance and services for children and families in South Africa with or affected by AIDS.

1975
James Robertson, who has written more than 80 scholarly articles, essays, and reviews, recently published “The ‘Turning-out’ of Boys in a Man’s Prison: Why and How We Need to Amend the Prison Litigation Reform Act” in the Indiana Law Review. He serves on the editorial boards of three journals and is an authority on prisoners’ rights, the study of which is the focus of his postgraduate law diploma from Oxford University.

1977
Stephen Grossmark, a LEED Accredited Professional (AP), acted as a moderator for the Green Codes Landscape in a World of Standards and Rating Systems program. The program was sponsored by the United States Green Building Council-Illinois Chapter, the International Code Council, and American Society of Heating, Refrigerating and Air-Conditioning Engineers-Illinois. It addressed how a combination of green construction codes, standards, and rating systems can drive sustainable outcomes.

1979
Steven A. Miller, a partner at Reed Smith PC in Chicago, practices in the Global Regulatory Enforcement Group. He has compiled a string of successes in white collar criminal law defense.

1980
Robert Baumol is currently teaching Introduction to Political Science & American Government at Fairleigh Dickinson University in Teaneck, New Jersey.

1981
Vuong Vu-Duc directs a study abroad program for high school students in San Francisco. The students spend a year in Ha Noi, Vietnam, studying Vietnamese language, history, and culture. Each student lives with a Vietnamese family, has opportunities to travel the country, and does community service in Ha Noi.

1982
Susan F. Grammer was admitted to the Supreme Court of the United States in a ceremony held in Washington, D.C.

1983
Stacy West Clark, a law firm marketing consultant, was one of the featured speakers at the Chester County Bar Association’s Spring Bench Bar Conference in Devon, Pennsylvania. Her topic was “How Lawyers Can Deliver Outstanding Service to Clients and Referral Services.” President of Stacy Clark Marketing LLC, Clark has been assisting small to mid-sized law firms in the Delaware Valley with growing their practices for more than 25 years. In addition to being a Fellow of the College of Law Practice Management, she is on the Steering Committee of the Delaware Valley Law Firm Marketing Group and is a member of the ABA’s Law Practice Management Section and past vice chair of its Marketing Administrators Committee. She is also a member of the national Legal Marketing Association and the Chester County Bar Association.

1985
Cary J. Mogerman is now the treasurer for the Executive Committee of the American Academy of Matrimonial Lawyers.

1986
Robert Bassett, a partner with Williams Venker & Sanders LLC in St. Louis, was recently elected to the firm’s Management Committee. Bassett is a trial lawyer, focusing his practice on defense litigation of claims involving transportation, products liability, professional liability, premises liability, insurance coverage, and class action litigation throughout eastern Missouri and southern Illinois. Bassett is also president of the St. Clair County Bar Association.

1983
Melinda Pendergraph was selected by the Missouri State Public Defender to be the new director of training for the Public Defender System.

1992
Jeffrey H. Wolf has been elected to serve a three-year term on the Board of Directors for the American Liver Foundation’s Desert Southwest Division.

Chicago, December 6, 1992

Washington University Law Magazine SPRING 2012
1988
Mitch Katten continues to work at his own small boutique litigation firm, Katten & Temple LLP, which he started in 2008. He works and lives in Chicago.

1989
Scott Malin has been named a partner at Lathrop & Gage LLP in Clayton, Missouri. Malin practices in the areas of estate planning, business succession planning, probate, taxation, charitable planning, and general business law.

Sharis Pozen was appointed Acting Assistant Attorney General for the Antitrust Division of the United States Department of Justice.

Douglas B. Swill, chair of the Health Care Group at Drinker Biddle & Reath LLP in Chicago, has been elected to the firm’s management committee. He concentrates his corporate and regulatory practice on the representation of health systems, hospitals, and physician groups throughout the United States.

1990
Lisa Preddy won the 2011 Defender of Distinction award. Preddy is a 21-year veteran of the Missouri Public Defender System. For the past 16 years, she has served as the district public defender in Union, Missouri, overseeing a six-lawyer office providing defense representation to the indigent accused of Franklin and Gasconade Counties.

1991
Lisa L. Livingston-Martin’s first book, Civil War Ghosts of Southwest Missouri, was published by The History Press. It is available in local bookstores and online at all major book dealer websites.

1992
Heidi L. Talmage married Christopher Nagorka on October 15, 2011.

1994
Calvin Butler was named Chicago United’s Business Leader of Color for 2011. Chicago United is an advocacy organization made up of racially diverse CEOs and executive-level management who strive to “increase economic opportunity for all races by promoting multiracial leadership development in corporate governance, the leadership pipeline, and business partnerships.”

Christopher L. Perry has been named executive director of the National Jazz Museum in Harlem, New York. He is an accomplished nonprofit executive with broad experience in legal services and all aspects of management for mission-driven nonprofit organizations.

1997
Nimrod Chapel, Jr. (LLM) was recently recognized at the 50th Anniversary Celebration of Boy Scout Troop 479 in Edmond, Oklahoma, as having previously obtained the rank of Eagle while a member of the troop. Since then, he has been an assistant scoutmaster and a scoutmaster, worked at the district level with Urban Scouting, and served as keynote speaker at the Boy Scouts of America’s Patron Breakfast in Jefferson City, Missouri.

1998
Michael P. Downey has joined the St. Louis office of Armstrong Teasdale LLP as a partner in the Litigation Practice Group.

Jeffrey P. Dunning has been named of counsel in the Intellectual Property & Technology Department of Greenberg Traurig LLP

ALUMNUS, NEVADA SUPREME COURT JUSTICE RECEIVES CHAMPION OF INDIGENT DEFENSE AWARD

Nevada Supreme Court Justice Michael Cherry, JD ’69, has received the 2011 Champion of Indigent Defense Award from the Washington, D.C.-based National Association of Criminal Defense Lawyers. This is the first time a judge has received the award since it was established in 2002. Justice Cherry chairs the Nevada Supreme Court’s Indigent Defense Commission, which has been examining how Nevada’s justice system treats criminal defendants who cannot afford to hire their own attorney. He has practiced law in Nevada since 1970, beginning as a deputy public defender before going into private practice. In 1997, he was appointed to lead the newly created Special Public Defender Office in Clark County, which primarily handled death penalty cases. In 1998, he was elected a district court judge and then elected to the Supreme Court in 2006.

As part of its work, the Indigent Defense Commission recommended performance standards for criminal defense attorneys. Those standards, approved by the Supreme Court in 2009, specify that attorneys take certain steps in handling cases of indigent defendants, including having regular contact with their clients and conducting comprehensive investigations of the allegations. The Indigent Defense Commission also studied whether caseload limits should be set for public defenders in Nevada. Additionally, the commission’s Rural Sub-Committee issued a report making several recommendations to improve the delivery of defense services across the state.
in Chicago. He focuses his practice on the prosecution and litigation of patent, trademark, unfair competition, domain name, and copyright matters.

Raylene DeWitte Grischow, a partner in the Springfield, Illinois, office of Hinshaw & Culbertson LLP, is serving on the Supreme Court Committee on Professional Responsibility. Her term runs through December 31, 2014. She also was elected to serve a one-year term as president of the Sangamon County Bar Association. Grischow maintains an active trial practice that includes commercial litigation, employment litigation, municipal law, and the defense of matters involving general liability, personal injury, automobile liability, premises liability, and property damage claims. Additionally, she is the attorney for the city of Auburn, Illinois.

2000

Michael Blaes, JD ’00, and Jon Harris, JD ’00, organized a ski trip benefit in memory of their classmate Shana Greatman Swers, JD ’00, who passed away on October 31, 2010, following complications related to childbirth. The group has created a college fund for her son, Isaac. Participants from the class of 2000 also included: Troy Burk, Andrew Hansell, Chris Hite, Thomas Kim, Dan Robillard, Eric Schultenover, and Francois Steichen. For more information, visit the In Memoriam listing at law.wustl.edu/alumni/pages.aspx?id=9096.

Jovita M. Foster has been elected an equity partner at Armstrong Teasdale LLP in St. Louis. Licensed to practice in Missouri and Illinois, Foster is an accomplished litigator and trial lawyer working with small- to medium-sized businesses, public utilities, and Fortune 100 and 500 companies in all facets of employment and labor law.

2001

Christopher Melton has joined Wyatt, Tarrant & Combs LLP in Louisville, Kentucky. He focuses on Medicaid and Medicare claims litigation, governmental investigations, long-term care investigations and defense, and white collar criminal defense. Previously, Melton served as an Assistant Attorney General for Kentucky in the Medicaid Fraud Abuse and Control Division.

2002

Nick Garzia was selected a member of the inaugural class of the Latino Leadership Institute. The institute is a skills-based leadership program to train young Hispanic professionals on for-profit and nonprofit management skills and network development within the St. Louis business community. Garzia is a lawyer at Armstrong Teasdale LLP.

David Orwick has been elected partner at Thompson Coburn LLP in St. Louis. He represents clients in a variety of real estate transactions, including financing, workouts; commercial and residential development; purchase and sale; and condominium formation and leasing. He also has experience in federal and state new markets and historic tax credits.

Troy M. Sphar has joined the Chicago office of Swanson, Martin & Bell LLP. Sphar concentrates his practice on commercial litigation, business disputes, and employment litigation and counseling.

2003

Marc Alifanz has joined the legal team at the Knowledge® Universe at the United States National Support Center in Portland, Oregon. Alifanz manages employment litigation and provides legal advice to other departments and managers on a variety of employment law issues.

Heather Counts has been elected partner at Thompson Coburn LLP in St. Louis. She practices in the firm’s Consumer Products Litigation Group and has worked on the defense trial teams for cases such as United States v. Philip Morris USA Inc., a civil RICO case brought by the United States Department of Justice against the tobacco industry, and City of St. Louis v. American Tobacco Co.

Stephanie Grise, a member of Armstrong Teasdale LLP’s Public Finance Practice Group in St. Louis, received the Outstanding Achievement Award from the Washington University Black Law Student Association. She previously served on the boards of the Epilepsy Foundation of Missouri and Kansas and of Kids in the Middle, the development committee of Mathews-Dickey Boys’ and Girls’ Club, and the strategic planning committee for Marian Middle School.

Christopher C. Javillonar has been elected partner at the Kansas City office of Bryan Cave LLP. Javillonar practices with the Commercial Litigation and White Collar Defense Client Service Groups.

Todd M. Kaye has been elected partner at the Kansas City office of Bryan Cave LLP. Kaye practices with the Corporate
Finance, Transactions and Technology,
Entrepreneurial & Commercial Practice
Client Service Groups.

Meg McNaul has been elected partner at Thompson Coburn LLP in Washington, D.C. She represents municipal utilities before the Federal Energy Regulatory Commission and in the federal appellate courts. Her regulatory practice primarily involves electric transmission policy, rates, and compliance with national standards for electric reliability.

Jonathan Musch has been elected partner at Thompson Coburn LLP in St. Louis. He practices in the firm’s Intellectual Property Group, focusing on several aspects of intellectual property litigation, including patent, copyright, trademark, trade dress, and unfair competition law. He has both prosecuted and defended patent, trademark, trade dress, and copyright infringement actions in federal court.

Richard A. Stieglitz, Jr. has been named a partner in Cahill Gordon & Reindel LLP’s Bankruptcy and Restructuring Practice Group. Stieglitz is based in the firm’s New York office.

Stephen W. Tountas was elected to the partnership of Sucharow LLP in New York. He focuses his practice on prosecuting securities class actions on behalf of institutional investors.

2004

Patrick Cloud became a partner at Heyl, Royster, Voelker & Allen PC. Cloud was a summer associate during law school and joined the firm in its Edwardsville, Illinois, office upon graduation. He concentrates his practice on toxic tort matters, insurance coverage litigation, complex civil litigation, and governmental law.


Ryan Eppenberger married his childhood sweetheart, Heather Hartman, on December 30, 2010. The couple welcomed a daughter, Lucy Rose Eppenberger, on December 9, 2011. Lucy joins her older brother, Nicholas, 6.

Lauren M. Exnicios and Andrew Exnicios welcomed daughter, Lila Claire, on February 6, 2011. Lauren Exnicios is the director of regulatory guidance at the University of Washington School of Medicine.

Christopher T. Feldmeir (JD ’04, LLM ’05) and his wife, Elizabeth (Pernoud)

Winston Calvert, an Armstrong Teasdale LLP litigator and former professional clarinetist, has been named to the board of Prison Performing Arts. The program involves incarcerated youth and adults in the performing arts to inspire intellectual curiosity and personal development.

Jeffrey Schultz is a business and commercial litigator and chair of Armstrong Teasdale LLP’s Social Media Practice Group. Much of his practice focuses on counseling individuals and organizations through complex disputes involving the misappropriation of trade secrets, computer tampering, nondisclosure agreements, noncompete agreements, commercial contracts, and social networking law. Schultz is a member of the Missouri Bar and Illinois State Bar Associations, and he serves as vice chair of the Missouri Bar Technology and Computer Law Committee.

Michelle Gruber Torline and her husband, Steve Torline, welcomed a daughter, Danica Kathryn, on May 18, 2011. Michelle Torline is a senior associate with Husch Blackwell LLP in Kansas City, Missouri, specializing in mergers and acquisitions and general corporate transactional law.

2005
Daniel J. Burke, a member of Armstrong Teasdale LLP’s Real Estate, Public Finance, and Future Energy Practice Groups, has become a member of the Clayton Century Foundation Major Gifts Committee. The foundation is a nonprofit organization serving the city of Clayton in support of the restoration and enhancement of Clayton’s cultural, recreational, and environmental assets.

Matthew Gartner has joined Husch Blackwell LLP in St. Louis. His practice focuses on corporate bankruptcy and insolvency law.

Christina Juris Bennett has accepted a position with the University of Oklahoma College of Law as a visiting assistant professor.

Andrew M. Gluck has been promoted to senior associate at Lowndes Drosdick, Doster, Kantor & Reed PA in Orlando, Florida. He focuses his legal practice on commercial real estate transactions, development, finance, and leasing with an emphasis on the retail and hospitality and leisure industries.

John Reeves and his wife, Natalie, welcomed their first child, Peter Matthew Reeves, on June 2, 2011. The couple married in September 2010 and resides in Jefferson City, Missouri, where Reeves is an Assistant Attorney General.

Jenny Walters and her husband, Michael, recently became proud parents to Emma Kate Walters. The family resides in Dallas, where Jenny Walters is a litigation associate at Akin Gump Strauss Hauer & Feld LLP.

Tom Connors has accepted a position practicing intellectual property transactional law at the New York office of Freshfields Bruckhaus Deringer LLP.

Tiffany N. Cruz and her husband, Justin Cruz (JD ’10), welcomed their first child, Julian Nicholas Cruz, on September 5, 2011.

Jessica R. Feinberg is currently an assistant professor at Mercer Law School. Her teaching and scholarship interests include contracts, family law, sexual orientation law, and immigration law.

Mario A. Gianino has joined the St. Louis office of Armstrong Teasdale LLP as a member of the Litigation Practice Group. He is involved in all litigation matters pertaining to the defense of health care providers.

B. Ronan Johnson, an associate in the Business & Finance and Litigation Practice Groups at the Indianapolis office of Taft Stettinius & Hollister LLP, was elected to the executive board of the Indianapolis Bar Association’s Young Lawyers Division. Johnson also joined the Board of Directors for Meals on Wheels of Central Indiana for 2012 and is participating in the United Way of Central Indiana’s Leadership United-Generation Now Leadership Series for 2011–12.

Jenny Walters and her husband, Michael, recently became proud parents to Emma Kate Walters. The family resides in Dallas, where Jenny Walters is a litigation associate at Akin Gump Strauss Hauer & Feld LLP.

2006

2007

2008

2009

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 2011 are saluted along with Honorary Order of the Coif initiate Timothy Thornton, JD ’80, back row, left.
Katherine M. Schon has been selected one of 10 individuals to receive a 2012 Impact Award from the Chicago Foundation for Women. Schon, an associate at McDermott Will & Emery LLP, was selected specifically for her work to secure asylum for a young Congolese woman who had been the victim of sex trafficking, as well as her work on Human Rights Watch’s investigation regarding rape kit testing in the state of Illinois.

Brett M. Winterstein has joined Patzik, Frank & Samotny Ltd. as an associate in the Chicago firm’s Corporate Practice Group. Winterstein represents corporations, limited liability companies, partnerships, and individuals in a variety of commercial matters.

2010

See news for Justin Cruz under 2008 listing for Tiffany N. Cruz.

Dayna M. Frenkel is a member of the Intellectual Property Practice Group at Michael Best & Friedrich LLP in Milwaukee. She previously served as the supervising attorney for volunteer lawyers, law students, and undergraduates staffing self-help and legal advice clinics at the Milwaukee Justice Center.

Jeremy Rogoff has joined Teach For America’s 2011 teaching corps. After spending one year as a Coro Fellow in public affairs in New York City, he is now teaching high school algebra and Spanish at Clarendon High School in Clarendon, Arkansas.

Loren S. Wells has joined Husch Blackwell LLP’s Chicago office as of counsel. A member of the Intellectual Property Team, Wells focuses his practice on entertainment-based intellectual property law. Prior to joining the firm, he worked as a sole practitioner, advising creative professionals on legal matters, including business law, contracts, media law, and intellectual property.

Margaret L. Wichmann (JD ‘10, IP/TL LLM ‘11) is an associate with Danna McKitrick PC in St. Louis. Wichmann represents business clients in matters related to business transactions, intellectual property, employment law, and real estate.

2011

William A. Ciszewski III has been admitted to the New York State Bar. An associate in Hodgson Russ LLP’s insurance & Reinsurance Practice Group, he focuses his practice on insurance coverage issues relating to directors and officers liability, errors and omissions liability, comprehensive general liability, and other types of insurance contracts.

Erica A. Doerhoff has joined Husch Blackwell LLP’s Business Litigation Department in St. Louis.

Elizabeth Fehder married Patrick Dillon on June 4, 2011 in Boston. In attendance were law school classmates Erica Doerhoff, Tyler Tigges, Mary Durbin, and bridesmaid Kyrsten Skogstad (all JD ‘11).

Heather M. Mehta has joined Greensfelder, Hemker & Gale PC in St. Louis as an associate in the firm’s Litigation Practice Group. Mehta represents clients in general civil and commercial litigation matters.

Shih-Yu Yang (LLM) is now studying at the Judges and Prosecutors Training Institute in Taipei, Taiwan.

Thomas J. Guilfoil, JD ‘41, an accomplished attorney, former counsel to the football Cardinals, and supporter of the law school, died on February 29, 2012. He was 92. A prominent corporate lawyer, he practiced at what is now Bryan Cave LLP before forming his own firm, Guilfoil Petzall & Shoemake LLC. In addition to advising football Cardinals owner Bill Bidwill, he worked with several public agencies and the St. Louis Blues. He was also instrumental in helping engineer the deal for the new Busch Stadium. A World War II veteran, he was an active leader in the Democratic Party. In recognition of his distinguished career, friends of Guilfoil established an endowed scholarship in his name at the law school in 1985.

The Hon. Andrew Jackson Higgins, JD ‘48, a longtime friend of the law school and distinguished jurist, died on September 14, 2011. He was 90. A World War II veteran, he served as a judge on the Sixth Judicial Circuit, a commissioner on the Missouri Supreme Court, and a judge on the Supreme Court, including as chief justice. He also was in private practice and served three terms as prosecuting attorney of Platte County, Missouri, and one term as mayor of Platte City. Judge Higgins held numerous leadership roles with judicial and bar association projects focusing on children’s justice issues. He received the law school’s Distinguished Alumni Award in 2007.

Veryl Lee Riddle, JD ‘48, an ardent supporter of the law school and influential attorney, died on December 5, 2011. He was 89. A World War II veteran, he served as United States Attorney for the Eastern District of Missouri and had a distinguished career as a trial attorney and partner at Bryan Cave LLP. He also was a prosecuting attorney for Dunklin County, Missouri, and a partner at Riddle Baker & O’Herin. A recipient of the law school’s Distinguished Alumni Award in 1993, he held numerous leadership roles in civic organizations. Among his many professional accolades, he received an Award of Merit from the American College of Trial Lawyers.

Joel Scott Winnik, JD ‘74, a longtime friend of the law school and accomplished attorney, died on January 10, 2012. He was 62. A partner at Hogan Lovells LLP in Washington, D.C., he focused his practice on commercial and corporate transactions, and on related regulatory matters in the telecommunications field. He previously worked as an attorney at the Federal Communication Commission. During his distinguished career, Winnik advised some of the world’s largest telecommunications companies. He also counseled foreign governments on telecommunications sector privatizations and on the development of pro-competitive regulatory regimes.

View submitted tributes online at law.wustl.edu/alumni.
Rethinking Privacy in the Digital Age

Privacy is very much in the news these days, from Facebook’s recent privacy settlement with the FTC to the sad case of Tyler Clementi, the Rutgers college student who committed suicide after his sexual activities were secretly recorded and shared using social media. Privacy is a big part of our national conversation, and privacy bills are currently pending before Congress. Unfortunately, we aren’t always sure what privacy means. We lack the vocabulary and the tools to understand what is at stake in this fast-moving and often bewildering area of the law.

When lawyers think of invasion of privacy, they typically think of the “disclosure tort,” which prohibits the widespread publication of true but embarrassing personal facts. The tort is the legacy of Samuel Warren and Louis Brandeis’s famous 1890 law review article, “The Right to Privacy,” which helped establish the idea of privacy in American law. That article was prompted by a privacy crisis of its own time, the publication of true facts about the social engagements of the rich and famous by the Boston press. In their article, Warren and Brandeis argued that the common law should protect delicate sensibilities from unwanted media attention. Warren and Brandeis greatly influenced our understandings of what privacy is and how we should protect it, but this has led us to a dead end.

On the one hand, the disclosure tort view of privacy is largely unconstitutional. The disclosure tort is designed as a cause of action against the press for publishing true things that people want to read. Unsurprisingly, this has brought the tort into sharp conflict with the First Amendment, which protects our ability to speak the truth, including truths that other people might not like. The disclosure tort also rests on fine (and unsustainable) distinctions by courts about whether individual facts are “public” or “private.” The problems of the disclosure tort were bad enough in the age of mass media, when only large media entities could spread the news. But in our rapidly evolving age of social media, each of us is potentially a publisher with a global audience. Tort lawsuits against millions of speakers would be both constitutionally suspect and practically impossible.

So what should we do? As a first step, we should stop thinking of privacy as primarily a protection against embarrassing disclosures. We should instead look to stop the collection of certain kinds of “private” information in the first place, whether by legislation, common law rules, or the design of the computer systems we use to collect and distribute information. Embarrassing information that is not collected in the first place can’t be disclosed.

More fundamentally, we should ask what we mean by “privacy”—what values it serves, what it does for us, and when we actually want publicity (or “sharing,” to use the term that Facebook has popularized) instead. Sometimes privacy protects our civil liberties, other times it protects our economic interests, and we need to be more specific about what is at stake.

Yet we don’t need to give up on privacy altogether. The First Amendment limits on privacy aren’t absolute. While they limit tort lawsuits, they don’t place a great burden on the regulation of the vast trade in consumer information. Disclosure privacy is a poor tool for protecting against hurtful speech and disclosures of information, but other legal tools can be both more specific and more effective. Confidentiality law, anti-stalking and anti-threat laws, consumer protection law, and more nuanced use of other privacy torts can all play a role in regulating the excesses of speech and the trade in personal information in the digital environment. Preserving both free speech and privacy requires us to define both carefully, but we can have meaningful protection of our personal information without sacrificing our commitment to free speech.

The Internet has revolutionized our society in many ways, challenging us to figure out how we can take advantage of the benefits of our new digital technologies at the same time as preserving the values we cherish, including privacy and free expression. This is as true for the general public in their daily lives as it is for lawyers in their everyday practices. I believe that we can have both meaningful privacy and meaningful freedom of speech in our networked, digital world. But it will require us to place our dated conception of disclosure privacy to one side. It will also require us to use our imaginations to think up alternative ways to preserve the kind of society we cherish in this time of rapid technological change. 

Neil M. Richards, professor of law, is an expert on privacy law, First Amendment law, and constitutional law. His book, Intellectual Privacy, will be published by Oxford University Press in December 2013.