
Our internationally recognized legal scholars provided expert commentary on varied topics, such as the role of the federal government, the appeals process, trial procedure, immigration, police misconduct, dispute resolution, public defense systems, surrogacy, firearms, political ethics, smoking bans, legal aspects of development projects, DWI convictions, and matters before the U.S. Senate and U.S. Supreme Court. Major news issues that featured the remarks of law faculty also included the International Criminal Court, Afghanistan, federal land issues, saggy pants laws, H1N1 vaccinations, financial industry reforms, and legal guidelines for fertility treatments.

Below is a sampling of news clips that appeared since Washington University School of Law held its last National Council meeting in fall 2009.

**Cheryl Block**

**March 10, 2010**

**Summary:** Professor Cheryl Block comments on issues before the U.S. Senate.

*Senate Reconciliation*

*WMPH*

Cheryl Block discusses Senate Reconciliation on the J.P. Godsey show on WMPH radio.

**Rebecca Dresser**

**October 11, 2009**

**Summary:** Professor Rebecca Dresser joins the debate about guidelines for fertility treatments.

*The Trouble with Twin Births: Room for Debate*
The New York Times online

"Many people think that a better consent process would do little to prevent the multiple-gestation problem, because infertility patients are too intent on having a child to pay much attention to the harms that might later occur.

"A more effective approach would be for state health departments to set mandatory limits based on professional standards set by the American Society for Reproductive Medicine. Such an approach would undoubtedly attract opposition from some physicians and patient groups. But government intervention would be justified because self-regulation has proved to be inadequate."

December 7, 2009

Summary: Professor Rebecca Dresser comments on religious exemptions and state vaccination laws.

Prayer or Inoculation? H1N1 Is Newest Dilemma

St. Louis Post-Dispatch

Rebecca Dresser, a professor of law and medical ethics at Washington University, said the fact that most states allow religious exemptions for mandatory vaccinations showed that "the public health benefits of the vaccine are outweighed by the desire to show respect for religious beliefs."

Dresser said it would be "offensive" to impose the H1N1 vaccine on particular communities based on religious belief. "There's always a desire to keep this voluntary," she said.

January 18, 2010

Summary: Professor Rebecca Dresser discusses issues LGBT couples face when considering surrogacy.

Court Cases Cast Light on Gay Parenting Issue

EDGE (Boston MA)

Rebecca Dresser, Professor of Ethics in Medicine at Washington University Law School, warns LGBT couples to take every necessary precaution when pursuing surrogacy.

"Dealing with a good quality agency that conducts rigorous psychological and health screening and is diligent about securing informed consent provides protections," said Dresser. "The problems for gay couples would arise when state officials or state law, or both, have a narrow-minded view of parental qualifications that would regard same-sex couples as less suitable parents."
Katherine Goldwasser

February 14, 2010

Summary: Professor Katherine Goldwasser comments on the possibility of a new trial based on recanted testimony.

Ferguson Still Faces Tough Road Ahead

The Columbia Missourian

While Amrine's case is a dramatic exception to the rule, it's emblematic of the low credence courts put in recanted testimonies.

"They're very disfavored," said Katherine Goldwasser, a professor at Washington University in St. Louis specializing in criminal law. "The law is really inhospitable to the claim that recanted testimony should result in a new trial."

Admitting recanted testimony into evidence is "putting the rabbit in the hat," Goldwasser said. Most appeals courts believe that the original trial process is for rooting out factual errors like false testimony; appellate courts are focused more on ensuring proper trial procedure.

Michael Greenfield

October 15, 2009

Summary: Professor Michael Greenfield comments on Midwest BankCentre's reported non-compliance in lending practices.

Housing Alliance Calls Out Midwest BankCentre for Not Loaning to Blacks

The St. Louis American

When it's hard to get credit, it's equally difficult for people to buy into that area, said Michael Greenfield, a Washington University law professor of contracts and commercial law. That's when houses deteriorate and people start selling their houses at any price. "It's a downward spiral of the health of a community," he said.

Peter Joy

October 11, 2009

Summary: Professor Peter Joy comments on plea deals that allow repeat offenders to avoid DWI convictions on their records.

St. Louis' Repeat Drunken Drivers often Avoid DWI Convictions

St. Louis Post-Dispatch
Peter Joy, a Washington University law professor, said he believes that when courts give someone a second SIS, it's usually by accident: One court doesn't know another court already gave a defendant an SIS for an earlier DWI.

But Joy suspects that, sometimes, prosecutors knowingly ignore the law to speed up plea deals. To Joy, that's "much more problematic from a public safety perspective."

October 28, 2009

Summary: Professor Peter Joy comments on issues faced by the Missouri Public Defenders Office.

Missouri Public Defenders Office

St. Louis Public Radio

Maria Altman interviews Peter Joy.

November 13, 2009

Summary: Professor Peter Joy discusses the appeals process for convicts who had unknowingly hired someone posing as an attorney.

Fake Lawyer Admits Swindling Former Fellow Prisoners

St. Louis Post-Dispatch

In court, Tedrick admitted taking the $15,000 [fee] and also acknowledged pretending to represent a convicted murderer in appeals never pursued. Indeed, Washington University law professor Peter Joy said the state appeals deadline is inflexible, so, "I'd have to say the person would be stuck with what happened."

January 11, 2010

Summary: Professor Peter Joy comments on the review of hundreds of cases that involve police officers whose work is being questioned.

Missouri: Police Wrongdoing Jeopardizes St. Louis Cases

The Joplin Globe (MO)

Joyce's office has dismissed dozens of pending cases, and federal prosecutors have dropped a few. When Garrett and Carr were indicted, Joyce and then-U.S. Attorney Catherine Hanaway said the allegations put more than 1,000 cases in doubt. Joyce's office is undergoing the review even though it is not legally bound to do so.

"I applaud her," said Washington University law professor Peter Joy. "If that's what she's going to do, then that's really a commitment to making sure that no one's been wrongfully convicted."
January 29, 2010

Summary: Professor Peter Joy discusses James Harris’ interaction with members of the Missouri judiciary.

James Harris’ Memo Sparks Skirmish over Supreme Court

St. Louis Business Journal

"I thought it was common knowledge that you don't try to talk to judges about pending legal matters," said Robertson, a Republican. "I don't remember anyone in my 13 years on the court doing this."

However, Peter Joy, vice dean and professor of law at Washington University School of Law, said what Harris wrote is not a violation. "Given the general nature of his memo, I don't believe it would amount to attempted tampering with a judicial official."

February 26, 2010

Summary: Professor Peter Joy discusses the overburdened public defender system.

Gathering Focuses on Defenders

Columbia Daily Tribune (MO)

The crisis is a disconnect between the promise of constitutional rights and the reality of what public defenders can deliver, said Peter Joy, vice dean and law professor at the Washington University School of Law in St. Louis.

The Sixth Amendment guarantees the right to legal representation, but if public defenders cannot fulfill ethical obligations to their clients because they're dealing with too many cases, "you might as well tear up the Constitution," Joy said.

C.J. Larkin

January 21, 2010

Summary: Senior Lecturer C.J. Larkin discusses the law school's Dispute Resolution Program's work with Kirkwood residents and officials.

Kirkwood Expects to OK Agreement Aimed at Improving Community Relations

St. Louis Post-Dispatch

An agreement intended to improve community relations in the wake of the 2008 City Hall shootings in Kirkwood is expected to be signed tonight by the City Council and members of
team that has looked at the issue for more than a year.

The document is termed a mediation agreement, and was developed by the team with help from moderators William Whitcomb of the U.S. Department of Justice and C.J. Larkin with the dispute resolution program at the Washington University School of Law.

"I really appreciate the leadership shown by Reverend Bennett and Mike Brown during this process, and of course all the help Bill Whitcomb and C.J. Larkin have provided. It hasn't always been easy, but when people meet and talk in good faith it's possible to move past our differences and find common ground."

Similar coverage also appeared in the Webster Kirkwood Times (MO) and in the Suburban Journals online.

February 15, 2010

**Summary:** Senior Lecturer C.J. Larkin speaks about the Kirkwood mediation agreement.

*Kirkwood Mediation Agreement: A Step Toward Bettering Race Relations*  

**Webster-Kirkwood Times (MO)**

A crowd of more than 100 people jammed the Kirkwood council chambers to hear the mediation agreement explained by those who wrote it. After a preliminary round of statements describing the drafting process, the committee heard and answered written questions for about 90 minutes.

"It was a hybrid process," **C.J. Larkin** of the Washington University Law School told the crowd. The idea was "to begin it like a dialog and then end as a mediated agreement."

Larkin, who lectures on dispute resolution, brought her students with her to act as resource personnel for the mediation committee and for the Department of Justice Community Relations Service.

The students "found it some of the most engaging work they've ever done," Larkin told the crowd. "They probably won't do anything so interesting again after they become ordinary lawyers."

**David Law**

February 21, 2010

**Summary:** Professor David Law discusses a firearms bill in Utah.

*Guv in a box: Herbert Faces Test on States' Rights*  

**The Salt Lake Tribune (UT)**

Legislative attorneys said there is a high likelihood the bill, modeled after legislation passed in Montana and Tennessee, is unconstitutional. The Utah-made firearms bill passed anyway, by
comfortable margins. A bill that would block the state from implementing federal health insurance reform sailed through the House and is pending in the Senate. And a proposal to seize federal land using eminent domain power is scheduled for a hearing next week.

"They would raise some fairly serious constitutional red flags,” said David Law, a law professor at Washington University in St. Louis. The Supreme Court has opened the door to states’ rights arguments in recent decisions, but the proposals Utah lawmakers are putting forward go well beyond the current jurisprudence.

February 23, 2010

**Summary:** Professor David Law comments on a Utah state proposal to seize federal land.

*Utah lawmakers Seeking to Seize Federal Land*

*The Salt Lake Tribune (UT)*

The Legislature's lawyers said there is a high probability that the bill would be deemed unconstitutional, based on case law and constitutional provisions that permit Congress to make laws regarding federal land.

"It would be inconceivable that Congress lacks the power to protect its own land," said David Law, a law professor at Washington University in St. Louis.

**Stephen Legomsky**

October 12, 2009

**Summary:** Professor Stephen Legomsky comments on a local immigration case.

*Pleas Lead to Peril*

*Missouri Lawyers Weekly*

Stephen Legomsky discusses a Missouri immigration case.

**Gregory Magarian**

January 28, 2010

**Summary:** Professor Greg Magarian comments on the Supreme Court’s campaign spending decision.

*Central Missouri NPR affiliate*

A reporter from the Central MO NPR affiliate interviewed Greg Magarian for a segment on the Supreme Court campaign spending decision.
November 11, 2009

**Summary:** Professor Greg Magarian comments on local smoking bans.

*Legal Challenge to Smoking Ban Would Be Tough Sell, Say Law Experts*

**Riverfront Times**

Any constitutional challenge to the smoking ban would almost certainly deal with the Fourteenth Amendment and particularly its "equal protection clause" that all citizens be treated equally under the law. But as Washington University law professor [Greg Magarian](#) notes, the courts have by-and-large ruled that equal protection only applies to individuals and not businesses.

"The only way equal protection really works is if you can demonstrate that you are member of a suspect class, such as race or gender discrimination," says Magarian. "The notion that one kind of company can say I'm being regulated differently from another company and that's unfair has been strongly repudiated for decades without contradiction. There's just nothing there."

December 13, 2009

**Summary:** Professor Greg Magarian comments on a politician criticized for sending money to residents.

*Politician Accused of Buying Votes with $2 Bills Says 'That's Just Crazy'*

**Belleville News-Democrat (IL)**

As for potential prosecution, Washington University in St. Louis law professor [Gregory Magarian](#) said: "You don't want to use too heavy a hand because it very quickly crosses over into the zone of protected campaign activity and free speech." …

But Magarian, the law professor, said McGaughy's use of his own money probably places the Christmas letter within the law.

"There's nothing wrong with giving people money at Christmas," he said. "And so that gets into the fine grain of the law. … I don't instinctively have a big problem with it."

January 28, 2010

**Summary:** Professor Greg Magarian comments on the political dispute that occurred over a memo sent by James Harris.

*James Harris' Memo Sparks Skirmish over Supreme Court*

**St. Louis Business Journal**

[Greg Magarian](#), a law professor who specializes in First Amendment free speech law at Washington University, agreed. "I'm a staunch opponent of elected judges and tort reform, but
as far as I can see, the letter doesn't fall within the terms of the statute." Even if it did, he said, the statute would be an unconstitutional speech restriction.

**Daniel Mandelker**

**January 4, 2010**

**Summary:** Professor Daniel Mandelker comments on the legal aspects of development projects proposed for Richmond Heights.

**Waterhout Construction Gets Stay on Condemnation**

**St. Louis Business Journal**

Missouri Court of Appeals Justice Kenneth Romines granted a preliminary order barring St. Louis County Circuit Court from continuing a condemnation action against Rene Bell and her Waterhout Construction Co.

Writs of prohibition, while not frequently used, go back centuries and allow an appellate court to stop a lower court or other quasi-judicial body from exercising its authority, said Daniel Mandelker, a professor of law at Washington University School of Law.

**Andrew Martin**

**November 11, 2009**

**Summary:** Professor Andrew Martin comments on techniques used to compare current judicial behaviors and actions with those from the past.

**Statistical Time Travel Helps to Answer What-Ifs**

**The Wall Street Journal**

"The famous statistician George Box once wrote that 'all models are wrong, but some are useful,'" Kevin Quinn, a professor of law at the University of California, Berkeley, who has studied changing attitudes of Supreme Court justices, said in an email. "I think that is a useful way to approach what we're doing."

Prof. Quinn and Andrew Martin of Washington University's law school used the time-machine techniques to track judges' ideological evolution and compare them to each other. The researchers were trying to identify where on the political spectrum, for each case, the judges and possible verdicts would lie. Then they would use that information to estimate the probability of how each judge would vote in each case. In that way, they used judges' past votes to construct a numerical model of probabilities that they could then apply to cases the judges never heard.

**March 10, 2010**

**Summary:** Excerpt from Professor Andrew Martin's co-authored op-ed about Senate filibusters.
Op-Ed: A One-Track Senate

The New York Times

"Getting rid of dual-tracking would require the minority to make careful choices about what to obstruct, and when to obstruct it. As Senator Bunning's unsuccessful solo stand against jobless benefits showed, even Republicans have limited tolerance when it comes to stalling legislation for reasons that lack popular support.

"After all, filibusters historically broke when public opinion went against the Senate minority. If the Democratic leadership eliminated the dual-track system, serial, single-issue filibusters would give us an opportunity to see where the country actually stands on issues like health care reform and financial regulation – and where the Senate should stand."

Neil Richards

February 9, 2010

Summary: Professor Neil Richards comments on saggy pants laws.

Support Sags for Baggy Pants Ban

FindingDulcinea

"It's an interesting question whether these laws would violate the First Amendment as currently understood," law professor Neil Richards said in an interview for Washington University in St. Louis' Newsroom. "Although lawmakers may look at saggy pants in terms of indecent exposure, they can also be a form of 'expression of identity through clothing.'"

But "given the murky government power to enact indecent exposure laws, I'd be hesitant to call all saggy pants laws categorically unconstitutional under current doctrine," Richards said.

Leila Sadat

November 13, 2009

Summary: Excerpt from Professor Leila Sadat's op-ed on the importance of the International Criminal Court.

Simple Justice: Time for the US to Support the ICC

Jurist

"The time has come for the U.S. to support and cooperate with the ICC. The legislative and diplomatic initiatives against the ICC have failed and have only served to isolate the U.S., as more and more countries join the ICC (the Czech Republic recently became the 110th member
of the ICC). There is added urgency for U.S. participation due to the ICC Review Conference to be held next year in Uganda.

"This meeting’s purpose is to take stock in the progress of the court, and evaluate mechanisms to help the Court function more efficiently. A major agenda item is settling on a workable definition of the crime of aggression, whether the ICC should exercise jurisdiction over the crime of aggression particularly what will trigger that jurisdiction over this inherently political crime."

**Hillary Sale**

January 13, 2010

**Summary:** Professor Hillary Sale comments on revolutionary reforms that might be in store due to the current financial crisis.

*Making Bankers Pay: It's Happened Before*

**SmartMoney.com**

"Some of the concerns were very similar to concerns today – that the bankers were fat cats, that they had made out like bandits, that they were paying bonuses when people were hungry," says Hillary Sale, a professor of law and business at Washington University in St. Louis.

**Thomas Schweich**

October 28, 2009

**Summary:** Coverage of Ambassador-in-Residence Thomas Schweich's training of NATO officers.

*Schweich Leaves Campaign Trail to Help with Afghanistan Effort*

**St. Louis Post-Dispatch blogzone**

Schweich has been invited to Germany to train NATO officers about to deploy to Afghanistan, where he served under President George W. Bush as coordinator for Counternarcotics and Justice Reform. In Germany, Schweich will focus on educating the soldiers on crime and corruption in Afghanistan.

Schweich, currently the ambassador in residence at the Washington University Law School, has a long diplomatic resume: He was in international law enforcement for the State Department and served as John Danforth’s chief of staff at the United Nations.

December 2, 2009

**Summary:** Ambassador-in-Residence Thomas Schweich is interviewed on the troop surge.

*St. Louis Afghan Experts Weigh in on Presidential Troop Surge Decision*
Charles Jaco talks with three local Afghanistan experts about the president's troop surge decision. Two of the experts are Washington University anthropology professor Robert Canfield and law school professor Thomas Schweich.

Karen Tokarz

March 4, 2010

Summary: Professor Karen Tokarz comments on the law school hosting the regional rounds of the ABA's Representation in Mediation Competition.

Good Counsel: Lawyers as Peacemakers

St. Louis Post-Dispatch

Karen Tokarz, who directs the Washington University Law School's dispute resolution program, sees the competition as part of "a larger movement that is fostering a new professional role for lawyers – lawyers who are zealous and passionate but also focused on solving disputes more creatively, efficiently and fairly and in ways that preserve relationships as much as possible."

Peter Wiedenbeck

January 8, 2010

Summary: Professor Peter Wiedenbeck comments on a lawsuit against ABB and Fidelity Management Trust Company.

Suspect was Suing Employer, Fidelity

St. Louis Post-Dispatch

"Once divided among the participants, it's going to be a relatively small recovery," said Peter Wiedenbeck, a professor of law at Washington University and a specialist in employee benefits law. "The big stake benefits the lawyers."

Wiedenbeck noted that the law forbids employers from retaliating against employees who file suits such as this one. ... Such suits are becoming more common. "We've seen a lot of action on this specific issue in the last couple of years," said Wiedenbeck, the law professor. "The central theme is that, given the amount of investment involved, the charges were unreasonably high."

Story also ran in: istockAnalyst.com
In other news:

- **St. Louis Business Journal**, October 2, 2009
  Mike Spivey, assistant dean for career services, discusses how the law school is helping students find jobs.

- **Missouri Lawyers Weekly**, October 12, 2009
  Professor Michael Greenfield is named Best Law Professor. Washington University is named Best Law School.

  A story on associates who are deferred before starting at their firms features Law School grad Priscilla Duncan.

- **Missouri Lawyers Weekly**, November 8, 2009
  Janet Bolin, dean of admissions at the Law School, discusses the challenges facing students paying for law school.

- **Indian Country Today**, January 8, 2010
  The law school is partnering with the Council for Native Hawaiian Advancement, a Hawaii nonprofit, to host law students in Hawaii. They will spend a semester researching and working on projects to advance Native rights and economic development.

  An article on the effect of the recession on applications to law schools mentions the 19% year to date increase at the Washington University School of Law.

  *Also ran in: Seattle Times, Ocala, Chattanooga Times Free Press, StarNewsOnline.com, and Gainesville Sun & Post-Bulletin*

- **Missouri Lawyers Weekly**, January 21, 2010
  U.S. Magistrate Judge and law school adjunct Audrey G. Fleissig is nominated to fill a vacancy on the District Court bench.

- **KSMU**, February 24, 2010
  A story on a clemency case in Missouri mentions the work of clinic students at the Law School.

- **St. Louis Post-Dispatch**, March 9, 2010
  An article about a lawsuit brought against the St. Louis Public Schools by two students mentions the Law School's Civil Justice Clinic.

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