Transnational Law Program Receives $1.1 Million Grant

THE EUROPEAN COMMISSION and U.S. Department of Education’s Atlantis Program has awarded Washington University Law and its European partners a $1.1 million grant for the Transnational Law Program (TLP). The grant supports international faculty and student exchanges, and the development of curricular offerings.

An innovative program for law students in both the United States and Europe, the TLP welcomed its first class of students this fall. The new four-year, integrated JD/LLM degree program is being offered in association with Utrecht University, Queen’s University Belfast, University of Trento (Italy), and Catholic University of Portugal. The Atlantis grant is helping fund the first stage of the TLP, involving close cooperation among the law school, Utrecht, and Trento.

Founded in 1997, the Atlantis Program is administered by the Department of Education’s Fund for the Improvement of Postsecondary Education (FIPSE). Its purpose is to add a transatlantic dimension to international curriculum development. This grant is the first time in its 12-year history that Atlantis has funded a law school program.

The external reviewers for the Atlantis grant gave the TLP enthusiastic endorsements: “This program is a highly innovative strategy for transnational legal education, which would be an important contribution to the field and have great potential for building collaborative relationships between Europe and the United States.”

Kent Syverud, dean and the Ethan A.H. Shepley University Professor, says, “This funding will allow the TLP partners to expand their program, attracting students from both the United States and Europe.”

In 2008–09, Carfield is teaching Property and Law & Social Work, and Carter-Johnson is teaching Property and Biotechnology & the Law. Carfield is focusing her scholarship on how the law can be utilized to enhance the capabilities of people living in poverty. Carter-Johnson, who has both a PhD in microbiology and a JD, combines her scientific and legal training to investigate issues at the intersection of biological research and the law.
This is a study of negotiated and litigated injunctive remedies in employment discrimination class actions since 1996. The investigators will look at the past 10 years of large-scale employment discrimination injunctions. The plaintiffs in the cases are the Equal Employment Opportunity Commission, private classes, and the Department of Justice Civil Rights Division; the defendants are private and governmental employers.

This project is synergistic with the law school’s Civil Rights Litigation Clearinghouse and CERL’s Equal Employment Litigation Project, the latter of which is also funded by an NSF grant.

Researchers at the law school’s Center for Empirical Research in the Law (CERL) recently received grants from the National Science Foundation (NSF) and ABA to support projects studying judicial independence and employment discrimination.

The NSF’s Law and Social Science program awarded CERL a $76,635 grant for a project titled “A Cross-National Study of Judicial Institutionalization and Independence.” CERL Director Andrew Martin, professor of law and of political science, and Matthew Gabel, associate professor of political science in Arts & Sciences, are the principal investigators, along with scholars at Emory University and the University of Rochester.

The project aims to understand why some courts exert influence over policy outcomes while others do not, and the extent to which institutional design affects judicial influence. During the two-year pilot study, the investigators will collect and code decisions made by constitutional courts in 60 countries for a single calendar year.

Martin, along with Professors Margo Schlanger and Pauline Kim, have received a $12,000 grant from the Litigation Research Fund of the ABA Section of Litigation to support their project “Employment Discrimination Class Action Injunctions: Terms and Trends.”

This is a study of negotiated and litigated injunctive remedies in employment discrimination class actions since 1996. The investigators will look at the past 10 years of large-scale employment discrimination injunctions. The plaintiffs in the cases are the Equal Employment Opportunity Commission, private classes, and the Department of Justice Civil Rights Division; the defendants are private and governmental employers. This project is synergistic with the law school’s Civil Rights Litigation Clearinghouse and CERL’s Equal Employment Litigation Project, the latter of which is also funded by an NSF grant.

Unlike traditional international dual-degree programs, the TLP is the first to offer:

- A targeted, integrated curriculum developed with partner institutions;
- Internships with U.S. and European corporations, law firms, courts, enforcement and administrative agencies, and nongovernmental organizations;
- Ongoing faculty exchanges among the participating schools; and
- Related courses co-taught by partner and University faculty.

“The recognition from both European and American authorities and the actual funding by Atlantis will certainly push the TLP forward.”

Adriaan Dorresteijn, former dean of the department of law, economics, and governance at Utrecht University, notes, “The recognition from both European and American authorities and the actual funding by Atlantis will certainly push the TLP forward. We are proud to be part of this endeavor.”
Gift from Alumnus Paves Way for Treaty Initiative

STEVEN CASH NICKERSON, JD ’85, MBA ’93, EVP, CFO, and general counsel of PDS Technical Services, Inc. of Dallas, Texas, has provided a seed gift setting in motion a two-year project to study crimes against humanity and to draft a multilateral treaty.

“This project presents the opportunity to have a pervasive impact on a fundamental issue: what universal principles we can agree upon and enforce with respect to how humans treat what they perceive to be the least deserving of their citizens,” says Nickerson, an entrepreneur who financed the inaugural colloquium of the Whitney R. Harris World Law Institute in 2000 and a parent of two Washington University graduates (2006 and 2008).

“Where are the lines, what should be the consequences of crossing them, and can we enforce them meaningfully?” he continues. “As we approach a population of seven billion, can we agree on where those lines are? How will we gain acceptance of those lines—and determine the consequences of crossing them—in a world of fundamental systemic belief and cultural differences? Is this even possible when those differences are perceived as absolutes?”

The law school’s Harris Institute has convened a steering committee of international dignitaries for the Crimes Against Humanity Project. Members are: Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and director of the Harris Institute (chair); M. Cherif Bassiouni, president emeritus, International Human Rights Law Institute, DePaul University College of Law; Hans Corell, former United Nations Under-Secretary-General for Legal Affairs; Richard Goldstone, former justice, South African Constitutional Court and former chief prosecutor, International Criminal Tribunals for the Former Yugoslavia and Rwanda; Juan Méndez, president, International Center for Transitional Justice and former president, Inter-American Commission for Human Rights; William Schabas, director, Irish Centre for Human Rights of the National University of Ireland, Galway; and Christine Van Den Wyngaert, judge, International Criminal Tribunal for the Former Yugoslavia.

“I am confident that this international assembly of scholars led by Leila Sadat can achieve a breakthrough in the international response to crimes against humanity,” Nickerson says.

The committee has received commitments from more than 30 world renowned experts in international criminal law to write and discuss papers relating to the empirical foundation of the project, the work of the ad hoc tribunals, and the substantive law of crimes against humanity. Planning is also under way for a second meeting to be held in the Hague in June 2009, co-sponsored by the Netherlands Institute for Advanced Study. The project will culminate with a global conference on crimes against humanity, at which the multilateral treaty will be discussed.

“Washington University Law and the Harris Institute have long been at the forefront of international scholarship and programs,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor.

“This important project is the latest in the law school’s contributions toward the progressive development of international legal norms and standards.”

“Crimes against humanity” was one of the three crimes set out in the Charter of the International Military Tribunal at Nuremberg, which tried Nazi war criminals in the wake of World War II. The Harris Institute project began as the global community prepares to celebrate the 60th anniversary of the Universal Declaration on Human Rights and will build upon the important work already accomplished with the establishment of the International Criminal Court.

Brickey Authors First Environmental Crime Textbook

PROFESSOR KATHLEEN BRICKEY’S new book, Environmental Crime: Law, Policy, Prosecution, was recently released by Aspen Publishers as the first law school text devoted exclusively to the study of environmental crime.

The James Carr Professor of Criminal Jurisprudence, Brickey is a leading criminal law and white collar crime expert. She is the author of four books and more than two dozen scholarly articles and book chapters.

In her Environmental Crime textbook, Brickey uses an interdisciplinary approach to bridge the historical divide between the environmental and criminal law fields. The book’s overview of the federal regulatory framework introduces key points at the core of the criminal enforcement debate: Did Congress overlook dangers inherent in elevating violations of existing environmental standards—originally set at levels designed for civil enforcement—into serious crimes? Are the goals of environmental law and criminal law compatible under the current regulatory regime? These are among several recurring themes that run throughout the book.

Although its primary substantive focus is on liability for violating federal laws regulating air and water pollution, hazardous waste, and hazardous and toxic substances, the book also explores liability under conventional criminal statutes that prosecutors often use in tandem with environmental crime charges. The book concludes with a close look at the criminal enforcement program: What case selection criteria do the EPA and the Justice Department use to determine which environmental violations should be treated as crimes? Are environmental prosecutors “loose cannons,” as some critics suggest? Or does the current system of centralized decision-making and multi-level review provide an effective check on prosecutorial discretion?
Vice Presidential Debate

Law school events surrounding the 2008 U.S. Vice Presidential Debate held at Washington University included large-screen simulcasts of the debate; expert commentary from visiting professors who formerly advised Democratic and Republican presidential administrations; a presentation from the lead negotiators for the campaigns; lectures on various topics; and media interviews with law faculty.

(right) U.S. Senator Joe Biden, the Democratic candidate, and Alaska Governor Sarah Palin, the Republican candidate, debate in the University’s Athletic Complex. (below) Nearly 400 viewers pack the law school’s Crowder Courtyard and overflow rooms for large-screen debate viewings.

(left) The lead negotiators for the campaigns, Brady Williamson (Obama/Biden), left, and Greg Jenkins (McCain/Palin), address law students.

(left) Visiting Professors Charles Burson, left, former adviser to the Clinton-Gore administration, and Thomas Schweich, former adviser to the Bush-Cheney administration, offer debate commentary, moderated by Dean Kent Syverud, center.

(far left) A focus group of undecided students uses handheld devices to indicate how each candidate is performing during the debate. From the left, Bradley Harris, Jimmy Chang, and Joe Whitfield assess the debate.

(left) Kimberly Shipp reacts to the candidates’ verbal volleys.
Recent Lectures

This fall Washington University Law hosted lectures by various national and international scholars and practitioners on current legal topics. The Whitney R. Harris World Law Institute and the Public Interest Law and Policy Speakers Series are among the co-hosts for recent presentations.

Klaus Scharioth, Federal Republic of Germany ambassador to the United States
Betty Oyella Bigombe, former Ugandan minister of state
Catherine Amirfar, partner, Debevoise & Plimpton LLP
Robert Peroni, James A. Elkins Centennial Chair in Law, University of Texas
Terry Smith, associate professor, Fordham University
Juan Méndez, president, International Center for Transitional Justice
BBB Recognizes Larkin

THE BETTER BUSINESS BUREAU of Eastern Missouri and Southern Illinois presented a 2008 BBB Service Award to C.J. Larkin, senior lecturer and administrative director of the law school’s Alternative Dispute Resolution Program.

The award recognizes Larkin’s work with the BBB, including serving as a principal mediation trainer for staff and volunteers. She also supervises clinic students who volunteer as mediators with the BBB. Among her topics as host of the talk show, “Both Sides Now” (WGNU-920 AM), was a segment on “ADR for the Consumer through the Better Business Bureau.”

Larkin also recently received the Association of Missouri Mediators’ President’s Award for Service, which recognizes her work promoting community mediation.

Larkin offers an extensive array of mediation services in the St. Louis area, including civil and family mediation trainings for attorneys and mediations for numerous community and nonprofit organizations, such as the Community Conflict Services of Metropolitan St. Louis, Ethnic Mediation Council, and Equal Employment Opportunity Commission. She serves as committee member, trainer, and volunteer facilitator for the Missouri Bar’s Committee on Attorney–Client Dispute Resolution. She also conducts international mediation work, including offering ADR trainings and consultation in Nepal, and facilitating law school opportunities in the Netherlnds, India, and Thailand.

At the law school, Larkin teaches Mediation & ADR Theory & Practice and Advanced Mediation & Advocacy. She supervises adjunct professors who teach in the ADR program and serves as a mediation supervisor and trainer for students in the Civil Rights & Community Justice Clinic. She also co-coaches the ABA Representation in Mediation teams.

Flagg Receives Named Research Professorship

PROFESSOR BARBARA FLAGG has been named the John S. Lehmann Research Professor for 2008–09. The Lehmann professorship allows scholars to concentrate on in-depth research projects while relieving them of teaching and administrative duties during a semester.

During her research leave, which began in August, Flagg will be completing a book titled The Souls of White Folk, which examines the reasons white people have not done more to combat racial discrimination in the United States.

“The Lehmann professorship gives me the opportunity to do additional interdisciplinary research in the areas of history and social psychology, both of which are important to this project,” Flagg says.

Flagg is an expert on constitutional law and critical race theory. In addition to lecturing across the nation, she has written about white privilege and other topics involving race, law, culture, and policy.

Flagg’s recent scholarship focuses on issues related to racial justice, subtle discrimination in the workplace, and the resistance of majority groups to racial equality. In addition to numerous law review articles, she is the author of the 1997 book, Was Blind, But Now I See: White Race Consciousness and the Law, which examines race discrimination law and the role of “transparency,” or the propensity of white people to equate “whiteness” with “racelessness.”

3L Makes Winning Argument

A LAW STUDENT’S ORAL ARGUMENT before the U.S. Court of Appeals for the Eighth Circuit helped ensure a partial victory for the Interdisciplinary Environmental Clinic (IEC) in a public records case.

The IEC’s client, the Missouri Coalition for the Environment Foundation (MCEF), sought documents from the U.S. Army Corps of Engineers under the Freedom of Information Act. The public records were related to a study of flooding in the Upper Mississippi River System, which includes portions of the Mississippi, Missouri, and Illinois Rivers. When the corps failed to produce any of the requested documents, the IEC brought suit on behalf of MCEF.

The federal district court ruled in favor of the corps, but the IEC appealed with then third-year law student Aryeh Kaplan, JD ’08, presenting the oral argument before the Eighth Circuit.

In a September 16, 2008, decision, the Eighth Circuit held that the district court improperly failed to determine whether the withheld documents contained unprivileged material that must be provided to MCEF. The Eighth Circuit remanded the case to the district court for further proceedings.
Sadat to Chair ILSA

“Leila Sadat is an excellent role model for students who aspire to become lawyers in the field of international law,” says Amity Boye, ILSA executive director. “She is a brilliant scholar and a respected member of the international legal community. As ILSA heads into the 50th anniversary year of the Jessup Competition, I couldn’t think of a more qualified and energetic person to lead the charge.”

ILSA is an association of law students and young lawyers dedicated to the study of international law and to international exchanges. Founded in 1994, ILSA is the largest international law student organization in the world. ILSA’s flagship project is the Philip C. Jessup International Law Moot Court Competition, the largest and oldest international moot court competition in the world.

Students Honored for Research, Writing Skills

WELVE SECOND-YEAR LAW STUDENTS recently received the Carmody MacDonald Legal Practice Excellence Awards for outstanding performance in the class during the first year of law school.

The recipients were Jennifer Beach, Ryan N. Clark, Daniel Cozzi, David Cutler, Anna Dray-Siegel, Katharine Falahay, Samar Katnani, Julie Kim, Maureen Loy, Caitlin O’Connell, Stephanie Radliff, and Kate Schwartz. The students were recognized for consistently drafting high-quality memos and briefs, and for otherwise significantly contributing to the class as first-year law students.

Dean Kent Syverud and Gerard Carmody, principal at Carmody MacDonald in St. Louis and an adjunct professor of law, congratulated the recipients and stressed the importance of excellence in writing and clear communication in the legal profession.

This was the inaugural year for Carmody MacDonald’s sponsorship of the awards. In addition to Gerard Carmody, other members of the firm in attendance at the awards celebration were alumni Jeffrey Atkinson, JD ’98; Jessica Kennedy, JD ’97; Alexander Lee, JD ’00; Jeanne Mishkin, JD ’05; and Teresa Pupillo, JD ’94.

Washington University Law Alumni Enews

Washington University Law has launched a bimonthly electronic newsletter to update alumni on important news. Visit law.wustl.edu/alumni/index.asp to view previous issues of Washington University Law Alumni Enews. To update your e-mail address to receive this newsletter, send an e-mail to: alumni_enews@wlulaw.wustl.edu.
This year’s orientation featured the “Total Professional Experience” with mini law classes, ethics and professionalism discussions, a matriculation ceremony, and community service projects. Alumni, faculty, staff, and upperclass students helped welcome the school’s strongest and most diverse entering class.