

Washington University Law



Howard and Caroline Cayne with recipients of their annual endowed scholarships at the law school

DAN DONOVAN

Provost Names Marion Crain Faculty Fellow

MARION G. CRAIN, the Wiley B. Rutledge Professor of Law, has been named a Faculty Fellow in the University's Office of the Provost.

She is one of three faculty members named to this newly created position by Edward S. Macias, provost and executive vice chancellor for academic affairs. The



other two are Arts & Sciences Professors Mark Rollins, chair of the Department of Philosophy, and Elzbieta Sklodowska, the Randolph Family Professor and chair

of the Department of Romance Languages and Literatures.

The fellows will work to increase faculty leadership opportunities, particularly among women and underrepresented faculty; strengthen diversity on both the Danforth and Medical campuses, including making diversity an important criterion in searches; encourage more interdisciplinary cooperation between University centers, programs, departments, and schools to enhance teaching, scholarship, and service; and develop undergraduate and graduate curricula with an emphasis on internationalization.

Crain is a nationally renowned expert on labor and employment law issues, an accomplished scholar, and an award-winning teacher. In January, she will assume the directorship of the law school's Center for Interdisciplinary Studies.

—Ann Nicholson

Law School Joins Student Financial Aid Initiative

WASHINGTON UNIVERSITY'S Board of Trustees has authorized a fundraising initiative designed to increase support for student financial aid. **Opening Doors to the Future: The Scholarship Initiative for Washington University** has a goal of raising \$150 million to support scholarships and fellowships. A formal kickoff for the initiative took place on November 7, and the effort will continue through June 30, 2014.

At the law school, Maury, JD '69, and Lorrie, JD '68, Poscover of St. Louis and Howard, JD '79, and Caroline Cayne of Washington, D.C., are leading the school's efforts to raise \$7.5 million in conjunction with the University-wide initiative. Dean Kent Syverud thanked them for assuming this leadership role: "I am grateful to Maury, Lori, Howard, and Caroline for heading up this most important effort. Financial aid is a critical component of our efforts to attract diverse and talented students."

In establishing the Scholarship Initiative, the Board of Trustees noted that the University must continue to recruit a diverse student body with the highest abilities, demonstrated accomplishments, and exemplary character, while making every effort to meet each student's financial need.

The Initiative encourages contributions of both endowed and expendable scholarship funds. In addition, it promotes support for stipends and financial aid for students pursuing internships, summer research opportunities, and study-abroad programs. Today, 82 percent of law students receive some financial assistance with funding coming from the endowment, expendable gifts, and other resources.



MARY BUTTUS

INSIGHTS FROM DILBERT

Vice Dean Daniel Keating presents "10 Hard Lessons I Learned in the Dean's Office (with Help from Dilbert)" during a law school event in his honor. After more than 16 years as dean, vice dean, and associate dean, Keating, the Tyrrell Williams Professor of Law, will return to full-time teaching in January 2010.

CONTINUED ON PAGE 6

Students to Help Build ICC Database

WASHINGTON UNIVERSITY LAW has become the first law school in the United States to enter into a cooperation agreement with the International Criminal Court (ICC) as a partner in the ICC's *Legal Tools Project*.

Through the partnership, law students will assist the ICC with building the most comprehensive and complete database

within the field of international criminal law. Under the direction of Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and director of the Whitney R. Harris World Law Institute, and B. Don Taylor III, Harris Institute executive director and Cash Nickerson Fellow, students will conduct research on national jurisdictions and national cases. These

cases involve core international crimes from a group of African states.

The ICC's *Legal Tools Project* has created a comprehensive collection of resources relevant to the theory and practice of international criminal law and brings modern technologies into the investigation, prosecution, and defense of genocide, crimes against humanity, and war crimes.

Teaching Award Honors Konig

THE ST. LOUIS Public School District has named an award in honor of Professor David T. Konig, recognizing his exemplary achievements in the areas of teaching American history and Constitutional law issues.



The David Thomas Konig 2009 Social Studies Teacher of the Year Award recently was presented to Melanie W. Vierling, who was selected for her outstanding commitment as a teacher at L'Ouverture Middle School. The award notes that Konig, himself, is "a brilliant scholar, an outstanding teacher, and a nurturing colleague."

Konig, who holds a PhD in history from Harvard, joined the Washington University faculty in 1973. He is the first nonlawyer to teach American legal history at the law school; he currently holds a joint appointment in the law school and in the Department of History in

Arts & Sciences.

Konig's focus in teaching is directed towards Early American legal history, including Constitutional topics, such as rights under the Second Amendment, states' rights, and slavery and freedom. One of his current projects involves the study of Thomas

Jefferson and his historical contributions to early American law.

Though Konig has accomplished a great deal within the University, the award is meant to shine light on his achievements in the community. Among these, he serves as director of the "With Liberty and Justice for All" Teaching American History Project for the St. Louis Public Schools' middle and high schools. The program is a collaborative effort among numerous educational institutions around St. Louis, including Washington University, providing intensive professional development seminars to American history teachers.

—Brent Mueller

sideBAR

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Washington University in St. Louis
 SCHOOL OF LAW



20-PLUS YEARS OF SERVICE

Deans Kent Syverud, back row, right; Daniel Keating, back row, second from right; and Mary Perry, back row, left, celebrate the accomplishments of adjunct law professors with 20 or more years of service. The law school recently held a reception honoring adjunct faculty and their more than 1,200 years of combined dedication to the school. In particular, 40 adjuncts with 10 or more years and 16 adjuncts with 20 or more years of service were specifically recognized. One adjunct, Larry Brody, back row, second from left, received special recognition for his more than 40 years of teaching at the law school. For more information, visit: law.wustl.edu/news/index.asp?id=7572.

MARY BUTLUS

CERL Receives NSF Grant for Supreme Court Database

RESEARCHERS AT THE LAW SCHOOL'S Center for Empirical Research in the Law (CERL) will receive \$191,000 to update the Supreme Court Database project, as part of a \$900,000 grant from the National Science Foundation.

The database was originally created by Michigan State Professor Harold Spaeth and currently contains information about all Supreme Court cases from 1953 to the present. As part of a four-year collaborative project, the database is being expanded to include cases dating back to the first case heard by the Supreme Court in 1793. Once complete, it will be the most comprehensive repository of statistical

records available, spanning every justice vote and case throughout the court's history.

"The Supreme Court Database project is important to the academic community and the public," says Andrew D. Martin, professor of law and professor and chair of the Department of Political Science in Arts & Sciences. "Hundreds of academic studies are based on these data, and having a more comprehensive collection will broaden the scholarly impact. The project also provides a Web tool that lawyers, journalists, and interested citizens can use to research cases and perform statistical summaries of the Supreme Court. The project will

greatly contribute to our understanding of the court."

The project is a collaborative effort among scholars at Northwestern University, Michigan State University, the University of Pennsylvania, Princeton University, Stony Brook University, and Washington University. CERL serves as the technological home for the project, including being responsible for maintaining and updating the project's Web-based infrastructure. The grant is the fourth in a series of significant National Science Foundation grants for CERL projects. —*Brent Mueller*

First International TLP Student Studying at Law School

WASHINGTON UNIVERSITY LAW began hosting its first international Transnational Law Program (TLP) student this fall. An Iranian national, Zahra Biniiaz is a senior at University College Utrecht. After spending a semester as an exchange student here, she will obtain her undergraduate degree in law and economics in December from Utrecht. Biniiaz will then be eligible to study at Washington University Law for an additional year and pursue an LLM in U.S. Law.

Biniiaz, who also spent a summer interning for the United Nations Office on Drugs and Crime, said the comparative and international law aspects of TLP were a major selling point for her.

"My primary interest has been corporate law, which, by its very nature, is not confined to one jurisdiction," Biniiaz says. "Many corporations are incorporated in America and hence an understanding of the American legal system appears to be essential.

"On the other hand, the activities of corporations certainly extend to other parts of the world, including Europe and countries that follow the European tradition of civil law," she continues. "For this reason, during my studies at University College Utrecht, I decided to attend an exchange program with an American university in order to deepen my understanding of corporations and corporate law."

Founded in 2008, TLP is an international and inter-university effort to cultivate a growing class of lawyers and professionals who are trained to practice across international borders.



Professor and Dean Emeritus Dorsey D. Ellis, Jr., academic director of the Transnational Law Program, discusses study abroad opportunities with TLP exchange student Zahra Biniiaz, second from right, and Washington University TLP students Kathryn Kuznitsky and Maggie Wichmann, right.

The collaborative effort pairs Washington University with four European schools: Utrecht University in the Netherlands, the University of Trento in Italy, Catholic University of Portugal, and Queen's University Belfast in Northern Ireland. TLP participants have several unique opportunities, including an extended study-abroad experience, a degree from each university attended, foreign language instruction, and the ability to participate in the law school's Summer Institute for Global Justice.

"TLP is geared toward meeting the demands of globalization through training professionals that are both good common law and civil law lawyers," Biniiaz notes. "Moreover, while lawyers have been mostly confined

to practicing law in the country where they studied law, I believe that the TLP increases the mobility of law professionals."

As Biniiaz immerses herself in legal studies here, four Washington University Law students are preparing to head to Europe next semester. Having spent their first five semesters in St. Louis, they will now attend their final three semesters at Utrecht University Faculty of Law, Economics, and Governance. Future classes of Washington University Law students will have the opportunity to study at one of several EU partner schools. Through TLP, these graduates will be prepared, in the words of Biniiaz, to "seize a variety of professional opportunities on a more global scale."

—*Brent Mueller*

Law Alumni Weekend

Alumni joined classmates, friends, professors, and students for alumni and reunion celebrations on October 23–24. (top left) Yinka Faleti, JD '07, with law students from left: Ramone Reese, Marguerite Dillworth, Segilola Latinwo, Ndidì Gbulie, and Uche Enemchukwu; (bottom left) members of the class of 1959; (top right) Jim McDaniel, JD '59,



JERRY NAUNHEIM, JR.

and Gretchen Huston, JD '59; (middle right) Julia Mariani, JD '99, and John Schobel, JD '99, with law

student Julia Walcott; and (bottom right) LLM students Kanru Gu, left, and Yuan Lin.



JERRY NAUNHEIM, JR.



JERRY NAUNHEIM, JR.



MARY BUTKUS



JERRY NAUNHEIM, JR.

Event Highlights

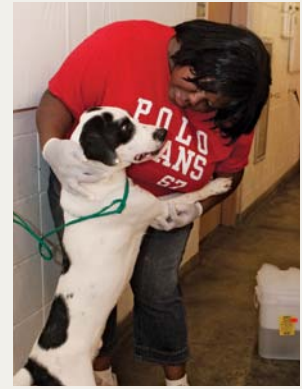
Recent events at the law school have featured a variety of panels and lecturers discussing cutting-edge legal issues. Presenters have included (clockwise from top left) Romanian Ambassador Simona Mirela Miculescu; Ambassador Charles Stith; civil rights attorney Jonathan Hafetz; and Dean Kevin Johnson, University of California-Davis School of Law.



MARY BUTKUS PHOTOS

Orientation

The law school welcomed JDs, LL.M.s, and transfer students during fall orientation, which included professional sessions, classes, and service projects. (top left) Michael Wagner, left, and Ben Abrams volunteer at KidSmart Tools for Learning. (top center and top right) Laura Bradarich and Georganna Ekpo work with animals at the APA. (bottom left and right) Alumni, professors, and other legal professionals present professionalism and ethics topics to entering law students.



MARY BUTTUS PHOTOS

Parents and Friends Day

The law school celebrated its first Parents and Friends Day, including an official welcome to the law school, mini law courses, and a reception. (top left) law student Jason Julien and his mother, Gwen Julien; (top right) Professor Charles McManis; (bottom left) law student Casey Ransom, right, with mother Ann-Marie, left, and sister Jesse; and (bottom right) law student Rachel Fink, center, with her parents Karen and Warren Fink. Dr. and Mrs. Fink chaired the event.



MARY BUTTUS PHOTOS

Three Professors Named to Research Positions

THREE LAW PROFESSORS have been granted prestigious research positions at the law school for 2009–10. Susan Frelich Appleton has been named the John S. Lehmann Research Professor, and Cheryl Block and Emily Hughes have been named Treiman Fellows.



During her research leave, Appleton will focus on a series of projects that explore contemporary challenges to traditional understandings

of gender, sexuality, reproduction, and parentage. She will be working with other scholars in Washington University's Women, Gender, & Sexuality Studies Program in order to make her work more multidisciplinary. The Lemma Barkeloo and Phoebe Couzins Professor of Law, Appleton is a nationally renowned expert on family law. She is the co-author of the new casebook, *Adoption and Assisted Reproduction: Families Under Construction*. She and her co-author, Professor D. Kelly Weisberg of the University of California Hastings College of Law, also are the authors of the casebook, *Modern Family*

Law: Cases and Materials. The author of numerous law review articles, Appleton has focused her recent scholarship on issues related to reproduction, adoption, marriage, parentage, and sexuality.



Block is an expert in federal tax and budget law and policy. She is currently working on her new book, *Overt and Covert Bailouts: Developing an Effective Public Policy*,

which will be published by Cambridge University Press in 2011. This book will draw upon work from multiple disciplines to explore the many ways, some more hidden than others, in which government bailouts can and do occur. It also will examine government intervention to assist private enterprise within the broader context of allocation of risk. Block argues for a public policy infrastructure and guidelines to deal with economic crisis in advance rather than ad hoc government response in times of crisis. Block also is serving as the editor for a book resulting from the law school's recent interdisciplinary conference, *Federal Budget and Tax Policy for a Sound Fiscal Future*. Her fourth edition of *Corporate Taxation Examples & Explanations* also is forthcoming in 2010.



Hughes concentrates her teaching and scholarship in the area of criminal law. Her current research focuses on mitigation in

capital cases, including a project examining the role of this mitigation. The second edition of her co-authored book, *Federal Habeas Corpus: Cases and Materials*, Carolina Academic Press, is forthcoming. She also is the co-author of the *Illinois Capital Defense Motions and Jury Instruction Manual* and *Illinois Death Penalty Defense Law and Practice Manual*. Among her recent articles, "Mitigating Death" was published this fall in the *Cornell Journal of Law and Public Policy*. The article examines ethical considerations in capital litigation, exploring how legal ethics that mitigation specialists experience on capital defense teams interact with ethical norms and worldviews that mitigation specialists develop in professions outside of the law, such as social work.

—Ann Nicholson

Financial Aid Initiative

CONTINUED FROM PAGE 1

"Washington University Law students are among the most talented young men and women in the world," says Chancellor Mark S. Wrighton. "They come from many different ethnic, geographic, economic, and social backgrounds, and they bring with them the diverse life experiences that contribute to making the

"A scholarship is an investment that benefits us all for years to come."

ROBERT L. VIRGIL

educational experience on this campus so rich and meaningful. Our Scholarship Initiative will help to ensure that no deserving student ever has to turn down the opportunity for a Washington University legal education because he or she doesn't have the resources to afford it."

Robert L. Virgil, trustee and executive chair of the Scholarship Initiative, notes: "Scholarships transform lives—not only for students, but for society. Washington University is a place where outstanding students prepare to become leaders in medicine, law, government, scientific research, education, public policy, business, and the arts. Many

deserving students just need the opportunity to turn their extraordinary potential into achievement. Their future is our future—and a scholarship is an investment that benefits us all for years to come."

A significant aspect of the University's Scholarship Initiative is a \$2 million challenge grant for new annual scholarships at the \$5,000 gift level. The challenge was established by John F. McDonnell, former chairman and now vice chairman of the Board of Trustees. At the law school, alumni, faculty, administrators, and National Council members are encouraging each other to create challenges specific to their constituencies.

Students Receive Legal Practice Excellence Awards

TWELVE SECOND-YEAR LAW STUDENTS recently were honored with Carmody MacDonald Legal Practice Excellence Awards for their outstanding performance in *Legal Practice* as first-year students.

The annual awards are conferred on one student in each *Legal Practice* section. Each recipient is recognized for consistently drafting high-quality memoranda and briefs in his or her section, and for otherwise significantly contributing to the class as a first-year law student.

The 2009 recipients are Genevra Alberti, Sophie Fortin, Jeffrey Johnson, Amanda Katz, Ryan Kusmin, Ryan O'Malley, David Osborne, Rupa Rajagopalan, Jarrod Reece,

Matthew Schoonover, Zachary Simpson, and Justin Young.

Dean Kent Syverud and law school alumna Traci Pupillo, JD '94, a principal at Carmody MacDonald in St. Louis, addressed the award recipients and stressed the importance of clear and persuasive writing in the practice of law. Gerry Carmody, also a principal at Carmody MacDonald, and Jo Ellen Lewis, professor of practice and director of the Legal Practice Program, presented the students with their book award, a copy of *Law in America*, at a ceremony in the Crowder Courtyard.

—Ann Nicholson



Gerry Carmody, front row, left; Traci Pupillo, front row, third from right; and Jo Ellen Lewis, second row, second from left, along with other Legal Practice Faculty, congratulate the 2009 award recipients.

Professors Offer Expertise on Supreme Court Cases

THREE LAW PROFESSORS recently shared expert commentary on high-profile cases being considered this term by the Supreme Court of the United States. As part of a Constitution Day celebration, hosted by the law students' chapter of the American Constitution Society, Professors Gregory Magarian, Mae Quinn, and Scott Baker discussed cases on topics ranging from campaign finance to juvenile rights to patents. Ronald Levin, the Henry Hitchcock Professor of Law, served as the moderator.

Magarian discussed the campaign finance case of *Federal Election Commission (FEC) v. Citizens United*. At issue is the government's ability to regulate the financial role of private corporations in campaigns. Magarian says, "the stakes are extremely high" as the

Citizens United political organization is seeking to have a recent provision of the bipartisan Campaign Reform Act struck down and to overturn an earlier Supreme Court decision.

"If the court overrules *Austin v. Michigan Chamber of Commerce* and says, in effect, the government may not regulate or restrict corporate expenditures to political campaigns, then a 60-year-old body of federal law, as well as a whole series of state laws, is basically going to be out the window," he notes. "Corporations are going to be empowered to spend essentially unlimited amounts of money in the course of influencing electoral campaigns."

Quinn, who co-directs the law school's Civil Justice Clinic, discussed the juvenile rights case, *Graham v. Florida*. The case involves a young man who received life without parole following a violation of probation for a robbery conviction. During his original conviction, he, as a minor, had pleaded guilty in adult court. His attorneys are appealing, arguing that his sentence of life without parole violates the Eighth Amendment. Quinn said the case relies on a 2005 Supreme Court decision in *Roper v. Simmons*. The defense's strategy in *Graham* is to extend the scope of the earlier death penalty case to include life without parole.

"The question is: Is this a disproportionate sentence?" Quinn says. "The majority of the court has historically been looking at a

number of factors, including: what are the penological aims, are they being met by the sentence here, what is happening in other cases with similarly situated defendants, and is the statute here being used in ways that are out of line with what other state jurisdictions have done as they relate to the standards of decency?"

Baker presented the final case, *Bilski v. Doll*. This billion-dollar patent case revolves around the question of whether business methods can be patented—and, in this case, whether the method for how to price derivatives is patentable. "The question is: Should the Supreme Court get into this at all? What the patent community wants are clear rules, and it is questionable whether the Supreme Court will give you clear rules," Baker says.

Baker noted that the majority of the en banc panel in *Bilski* held that a patent should be issued only for new devices or for a significant change or transformation of an existing product. The worry of the en banc court was business method patents—processes, which they thought, do not need a patent inducement to get produced. He adds: "At the end of the day, it is not clear that we will be any better off after the Supreme Court decides this case. It is important to note that this is not just a right or a left thing, but a patent thing."

—By Brent Mueller & Ann Nicholson



Professor Scott Baker discusses an intellectual property law case being heard by the Supreme Court of the United States, following a presentation on a juvenile case by Professor Mae Quinn, left.

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MARY BUTRUS

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**MATRICULATION
CEREMONY**

This fall's Orientation was highlighted by the annual Matriculation Ceremony featuring an inspirational address by Judge David Coar of the United States District Court for the Northern District of Illinois. The full schedule included a combination of professional meetings, short courses, panels, and ethics discussions for entering JD, LLM, and transfer students. Orientation culminated with law students participating in a wide variety of public service projects in the St. Louis community.