Dear Alumni and Friends,

I hope and trust that this message finds each of you well and prospering. You are always on our minds, and we try to keep you as connected as possible to all the things going on at your law school. You will see this in the coming months when you access the law school’s Web site (http://law.slu.edu) on your computer. We have always strived to use technology to communicate with students, alumni and friends about all the exciting opportunities available at the School. Now, we’re building on that by what we believe will be an even better, more advanced Web site. In addition to the creation of our Faculty Guide, an on-line resource that provides information on faculty members’ areas of expertise, legal background and thoughts on the legal profession, we’re working on redesigning our Web site in order to provide easier access to content and keep you updated on all the activities going on at the School. Of course, our site already provides valuable and efficient information, but we believe that improvements can always be made, and we’re working hard to make them.

Speaking of improvements, next year will be an exciting one as we welcome three new faculty members to the law school. Professor Mark Bernstein joins us as Director of the Law Library, after serving as the Deputy Director of the Law Library at Duke University for the last ten years. He will also teach Advanced Legal Research. Professor Frederic Bloom, a graduate of Stanford Law School, joins the faculty after clerking on the U.S. Court of Appeals for the Ninth Circuit and on the U.S. District Court for the Northern District of California. He will teach Civil Procedure. Professor Nicole Porter will also join us. She graduated from the University of Michigan Law School, clerked on the U.S. Court of Appeals for the Sixth Circuit and practiced law for five years. She will teach Contracts and Employment Discrimination. We have had a banner year in recruiting new law faculty to the School of Law!

We’ve also had a great year as far as our Annual Fund is concerned. I want to thank the hundreds of you, who, along with the many friends of this School, have made a gift to the law school this year. The Annual Fund (wonderfully nurtured by Dan Raniere and the members of the Alumni Council) has reached $400,000 for the first time in our history, and overall giving has reached a record of $3,000,000 this year. Your giving makes it possible for us to provide that critical increment of excellence in support of our students and their teachers. And you help us in so many other ways – serving as adjunct teachers and speakers, recruiting students and hiring graduates. Thank you so much!

Obviously, this year has been a very busy and rewarding one, and despite the reprieve that summer often brings for students, it doesn’t slow down for us at the School. Now, we can begin preparing for fall classes. In fact, I am about to send an e-mail to the members of the Fall 2004 entering class in order to tell them about the unique small section program that characterizes the 1L experience (each student will have, in addition to the small research and writing classes, another small class each semester). I will also tell our incoming students of our plan to have the U.S. Court of Appeals for the Eighth Circuit and the Missouri Eastern District Court of Appeals hear cases in the law school courtroom during the next academic year. And they will learn that our annual Childress Lecture (featuring Yale law professor and former Solicitor General of the United States, Drew Days) will constitute the plenary session for the Annual Meeting of the Missouri Bar in St. Louis on October 1. And finally, I will tell them that they will be the first entering class to be welcomed into a wireless Internet environment in the law school.

As you can see, we have many plans to continue making improvements that we know will help Saint Louis University School of Law remain competitive with other top law schools in the country. I can’t stress enough how most of this would not be possible without your assistance. We think of you, our alumni, in all that we do. And we promise to always do our best to promote the quality of your law school so that your law degree at Saint Louis University remains an excellent investment.

Sincerely Yours,

Jeffrey E. Lewis
Dean and Professor of Law

P.S. Don’t forget — now you can read our magazine on the Web (http://law.slu.edu).
FEATURES

06 The Making of a Mediator by Stefanie Ellis
Different styles and different experiences allow three sought-after St. Louis mediators to bring more than skill to the table

10 Relieving the Pain by Professor Sandra H. Johnson
Making Marked Changes to the Way Pain is Treated Through Research, Education and Policy Changes

14 When Words Matter Most by Justice Philip J. Rarick, ’66
Effective Advocacy in Courts of Review

18 The Decent Diplomat by Stefanie Ellis
Interview with Janusz Stanczyk, ’91

FACULTY

20 The Starting Point Faculty Profile of Camille A. Nelson by Stefanie Ellis

27 State Courts Should Enforce Treaties by Professor David Sloss

28 Renovated Coronado Helps Revitalize Law School Neighborhood by Professor Emeritus Eileen Searls

ALUMNI PROFILES

32 The Big Planner Jack E. Pohrer, ’65 by Stefanie Ellis

34 Answering the Call Carla M. Stern, ’89 by Stefanie Ellis

DEPARTMENTS

02 law briefs
09 student spotlight
21 faculty notes
31 class notes
Learning from a Legend: The Law School Celebrates The Influence of Professor Vince Immel

Legendary law professor Vincent C. Immel was this year’s John C. Shepherd Graduation Speaker at the Hooding Ceremony held at Powell Symphony Hall on Thursday, May 13. Faculty, students and alumni all listened, as if still in lecture with the professor, who spoke of the law as a “unique tapestry” rather than a “seamless web,” as it is often described.

“Everything fits together beautifully once you really take the time to understand each component, really study the effect the law has on the world we live in,” he said.

Time for a Minor Pause…Despite retiring in 1990 after 42 years of teaching at Saint Louis University School of Law, Professor Immel never closed his office door — and it seems that even now, a total of 56 years later, he still doesn’t plan on doing so. He will, however, be taking a break from teaching. The 2004-2005 academic year marks the beginning of Immel’s pause from his teaching responsibilities, and his over five decades of dedication to his profession was recognized and celebrated at a law school faculty and staff luncheon held in his honor in the Vincent C. Immel Atrium on Wednesday, May 12. Alumni were asked to submit written remembrances and stories about Immel, which were then compiled into a large bound book that Dean Jeffrey E. Lewis presented to him after reading just a few of the several hundred letters contained in the book.

“You have all made my time here more than memorable,” said a modest Immel, who admitted to being embarrassed by the attention. “I am lucky to have made so many friends — friends who I have for life, friends whose paths I am grateful crossed mine.”

Immel was then given a standing ovation, and just as might be expected from the humble man, he motioned for everyone to sit down. But no one did. The applause lingered on. Just like the memory of this living legend.

Congratulations to the School of Law and Center for Health Law Studies

In the U.S. News & World Report’s “Best Graduate Schools 2005” issue, Saint Louis University School of Law’s Center for Health Law Studies is recognized as the top health care law program in the country.

“This is a fitting tribute to the Center’s 20 years of excellence in research, service and teaching,” said professor and Center co-director Nicolas Terry. “It is also a further reason to applaud the international reputations of our nine full-time faculty and acclaim the depth of our health law curriculum.”

Established in 1982, The Center for Health Law Studies features an internationally recognized faculty who, in addition to teaching the health law curriculum, author leading treatises and casebooks, publish award-winning law review articles and are often quoted on health law issues by the nation’s leading news outlets. The Center also publishes the Journal of Health Law in cooperation with the American Health Lawyers Association. Each year, 30 to 40 law school graduates complete a certificate in health law.

Missouri Court of Appeals-Eastern District Heard Cases at School of Law

Missouri Court of Appeals-Eastern District Judge Mary K. Hoff, ’78, Judge Kathianne K. Crane, ’71, Chief Judge Sherri B. Sullivan, ’81 and Judge George W. Draper, III heard oral arguments in five cases on February 4 in the William H. Kniep Courtroom and took questions from students at the end of those cases.

This year’s Public Interest Fellowship Auction was held at the Randall Gallery on March 19 from 7 p.m. to 11 p.m. Auction-goers enjoyed an open bar and light refreshments. The evening’s proceeds benefited the Irvin & Maggie Dagen Fellowship Fund, which provides funding for students at the School of Law wishing to work in public interest positions during the summer.
Professor Roger Goldman Receives Endowed Professorship

Professor Roger L. Goldman was named the Callis Family Professor of Law at a law school ceremony on Wednesday, May 5.

He was joined by colleagues, friends and the alumnus who established the professorship, Lance Callis, ’59. Callis created the endowment so that the research and teaching of a faculty member could be supported and the law school’s needs, as outlined by the School of Law Campaign, could be recognized. The selection of Professor Goldman for the Professorship was made by Dean Jeffrey E. Lewis and finalized by University Provost Joseph Weixlmann.

Goldman was touched by the nomination and selection for the Professorship and, in his speech, noted that he was “deeply honored to be the first recipient of the Callis Family Professorship.”

“More importantly,” said Goldman, “I am grateful for having been given the privilege to be of service to this law school for so many years. This professorship will spur me on to redouble my efforts, and will hopefully do the same for future colleagues who will succeed me, and will inspire other donors to consider taking the opportunity to establish additional professorships.”

SBA and BLSA Sponsored Talk on Race and 2004 Elections

On March 22 in the William H. Kniep Courtroom, the Student Bar Association and the Black Law Students Association hosted an interactive discussion with former Mayor of St. Louis and Saint Louis University School of Law alumnus, Freeman Bosley Jr. Joining Bosley Jr. was award-winning Professor of Race in American Politics and Presidential Political Consultant Jeff Smith, Missouri State Representative Sherman Parker and Former General Counsel for the National Labor Relations Board, Jerry Hunter. Saint Louis University School of Law Professor Camille A. Nelson served as moderator.

Entertainment and Sports Law Association Hosted Mary Tucker

The Entertainment and Sports Law Association was proud to host Mary Tucker of Greensfelder, Hemker & Gale PC, who spoke on March 2 in the William H. Kniep Courtroom.

Ms. Tucker delivered a presentation, including a short video, that provided an overview of the process of staging the Olympic Games. As the Associate General Counsel for the 2002 Winter Games in Salt Lake City, Utah, Tucker worked for three years in preparation for the Games. She spoke about the legal practice experiences that were particularly challenging to these games and the numerous sports and entertainment law issues surrounding the Games. Joining her was first-year law student Tommy O’Hare, who participated in the Olympics as a speed skater.

Panel Discussion on the Death Penalty

VOICES, the Black Law Students Association and the National Lawyers Guild presented “Conversations In Justice — a Panel Discussion on the Death Penalty.” Held in observance of National Law Students Against the Death Penalty Day on March 1, the discussion was conducted in the School of Law’s William H. Kniep Courtroom.

Forum on Lawyers in Public Service

On February 20, the School of Law hosted a program sponsored by the Missouri Bar on “Lawyers in Public Service.” The program was designed to encourage lawyers to think about entering public service. There was a panel discussion featuring lawyers who serve in the public sector. Distinguished guests included:

Missouri Bar President Bill Corrigan Jr., Chief Justice Ronnie White of the Missouri Supreme Court, Chuck Caisley, Chief of Staff to Catherine Hannaway, Speaker of the Missouri House of Representatives, Representative Rick Johnson, Minority Floor Leader and Representative Connie L. Johnson, ‘96.
School of Law Students Excel in National Negotiation Competition

Congratulations to School of Law students Todd Sivia, Chris Avery, Ryan McAlvey and Christal Edwards, who participated in the National Negotiation Competition in Des Moines, Iowa. Their hard work and dedication earned them a third-place ranking and marked the second time students from the School of Law have competed in the national competition.

Christine Lewis and Zainab Smith Named Volunteers of the Year

The Law School’s Public and Community Service Committee have named third year students Christine Lewis and Zainab Smith as this year’s “Volunteers of the Year.” Recognized for the community efforts they’ve been involved in while in law school, both women were honored during an April 14 ceremony at the School.

Law School Client Counseling Team Invited to National Competition

One of the School of Law’s client counseling teams recently won the regional competition and were invited to the national competition in St. Petersburg, Florida. Stacey Meinen and Joe Hudzik attended the competition on March 13.

The School’s other team, consisting of Michele Weber and Jeff Roseman, also performed very well at the regional competition.

Moot Court Competition Winners Advance to New York City for National Competition

Congratulations to Lauren Rexroat and Nicole Chiravollatti — their brief was chosen as the Best Appellee Brief of the 2004 Moot Court Competition. Additionally, the two were awarded the Judge Robert G. Dowd, Sr. Award for Appellate Advocacy.

Great job to Amanda Uffmann and Kenneth Rumelt, who placed second in the Moot Court Competition.

Lauren, Nicole, Amanda and Kenneth will represent Saint Louis University School of Law in the National Moot Court Competition next year, sponsored by the Bar Association of New York City.

Missouri Supreme Court Judge Michael Wolff Honored With Darrow Award

The Saint Louis University Public Interest Law Group was proud to present the 2004 Darrow Award to the Honorable Michael A. Wolff of the Missouri Supreme Court.

Judge Wolff served on the faculty of Saint Louis University School of Law for 23 years before being appointed to the Supreme Court of Missouri in 1998. In his early legal career he was a federal court clerk and served in legal services programs in St. Paul, Minnesota, and Denver, Colorado, and was director of Black Hills Legal Services in Rapid City, South Dakota. He joined the Saint Louis University School of Law faculty in 1975.

In 1992, while on leave from the University, he was transition director for Governor-elect Mel Carnahan and subsequently served as chief counsel and special counsel to the Governor. As special counsel, he was active in seeking solutions, including legislation that passed in 1998 for dealing with the problems of urban schools after the end of court ordered desegregation.

Judge Wolff’s continued commitment to bettering society through public service fits well with the Award’s purpose, which was decided upon more than a decade ago by the Public Interest Law Group and the late Professor Herb Eastman. Eastman and the Group wanted to create an award that recognized individuals who helped improve their communities through their work in the field of public interest law and served as positive role models for law students who wished to become active and effective public interest lawyers.

Past recipients of this award have included Jack Greenberg of the NAACP Legal Defense Fund, Morris Dees of the Southern Poverty Law Center, Marie Kenyon of Catholic Legal Assistance Ministry and Saint Louis University School of Law professor, John Ammann.

Missouri’s African-American State Court Judges Showcased at Supreme Court of Missouri

An exhibit titled, “Missouri’s African-American State Court Judges,” was featured at the Supreme Court of Missouri in Jefferson City, Missouri. Some of the judges featured included School of Law alumni Judges Theodore McMillian, ’49, Clyde S. Cahill Jr., ’51, and Evelyn M. Baker, ’73.

“This exhibit is a first of its kind,” said Supreme Court Judicial Archivist Joseph Fred Benson, ’85. According to Benson, all the African-American State Court Judges were listed in the exhibit.
The Center for International and Comparative Law

F.W. de Klerk, Political Science Professor Emmanuel Uwalaka and Law Professor Alan Howard

The Politics of Constitution Making in South Africa

The former president of the Republic of South Africa, F.W. de Klerk, spoke in the Anheuser-Busch Auditorium on April 2. His talk, “The Politics of Constitution Making,” was accompanied by a panel discussion and a Q&A session with the audience. This event, in conjunction with the University’s Atlas Week, was sponsored by the School of Law.

In February 1989, de Klerk was elected leader of the National Party and in September 1989 he was elected State President. Early in his presidency, de Klerk lifted the ban that had previously excluded South Africa from the African National Congress (ANC) and released Nelson Mandela from a 27-year prison term. He brought apartheid to an end and opened the way for the drafting of a new constitution for the country based on the principle of one person, one vote. For his efforts in helping to bring an end to apartheid in South Africa, de Klerk received the Nobel Peace Prize alongside Nelson Mandela.

Jurist-in-Residence Speaks on Human Rights

Dr. Lech Garlicki, a Justice of the European Court of Human Rights, was a Jurist-in-Residence at the School of Law from February 20 through March 7. He was a guest lecturer in a variety of classes, spoke with the International Law Students Association, presented to the faculty and delivered the talk, “European Court of Human Rights: Current Challenges,” on March 3, for the Center for International and Comparative Law’s speaker series.

The Center for Health Law Studies

16th Annual Health Law Symposium


Health law emerged as a defined area of study and specialty practice in the late 1970s. Its robust growth coincided with both dissatisfaction with existing common law structures that were deferential to the profession and a massive change in the role of federal administrative agencies as these agencies began to assert more aggressive regulatory authority, supported by the courts. It may not be surprising, then, that substantive health law today is so intertwined with the administrative system. But is it more than mere coincidence, or is there something about the health care enterprise that particularly suits a regulatory approach? This conference examined the nature of contemporary health care and health law and asked whether health policymakers and health lawyers are using the optimal tools to enhance the health care system or whether they are simply relying on a close-in-age and arguably domineering sibling.

Distinguished Speakers Visit

Jack Schwartz, assistant attorney general and director of health policy development in the Maryland Attorney General’s Office, visited the School of Law on February 24 as part of the Health Law Distinguished Speaker Series. He gave a presentation titled, “State Regulation of Human Subject Research: Exploring the Forgotten Realm,” that focused on the state legal issues that underlie decision-making when a potential research subject lacks capacity to give informed consent.

Judy Daar, a leading authority in bioethics and professor of law at Whittier Law School, visited the School of Law on February 9 as part of the Health Law Distinguished Speaker Series. Her presentation was titled, “In Search of Perfectionism: Contemporary Challenges in the Reproductive Medicine.”

The Wefel Center for Employment Law

Washington, D.C. Attorney Speaks about Collective Bargaining

Jay Krupin, founding partner of the management-side labor and employment law firm Krupin O’Brien in Washington, D.C., spoke on April 21 on the topic, “Getting to a Deal in Collective Bargaining.” Mr. Krupin has negotiated over 250 labor contracts throughout the United States in a variety of industries and with virtually every major union in the nation. In his talk he discussed how to prepare for negotiations, strategies for developing leverage, packaging proposals and ensuring good faith bargaining.

EEOC Regional Attorney Visits School

Different styles and different experiences allow three sought-after St. Louis mediators to bring more than skill to the table.
Rebecca Magruder’s office is quiet now. All the chairs are placed neatly under the tables and the magazines in her waiting room are perfectly stacked. Just an hour before, however, things didn’t seem nearly as peaceful. Not sixty minutes before a dull hush began to fall across the room there were amplified vocalizations of sadness and hurt bouncing off the walls, making everything seem hopelessly cluttered. Chairs were pushed out from the tables with more than usual force and the walls suddenly felt suffocating. There was a couple in the room – man and wife – and they were working overtime to ensure that their marriage would dissolve into thin air – almost as quickly as the angry words that escaped from their lips.

Diekemper doesn’t handle family law cases. Instead, he deals largely with employment-related cases, including those dealing with non-compete clauses, employment discrimination and business disputes. He has also mediated cases dealing with personal injury issues, ERISA rights, and medical and legal malpractice.

Such is also the case for Gene Buckley, ’52, a retired partner from Evans & Dixon LLC, who serves as a part-time mediator with United States Arbitration & Mediation Midwest, Inc. As a mediator, Buckley generally spends the better part of a day handling cases ranging from business disputes and medical malpractice to aviation law and automobile and premises liability. Similarly to Diekemper, he has rarely had to deal with what one might call lingering cases. The relative expediency of mediation is something Buckley tends to enjoy, particularly after spending the majority of his career practicing law.

“When you try a lawsuit, you have a lot of responsibility to your client,” he says. “Sometimes, you wake in the middle of the night to think about it. Mediation is not like that. It can be stressful while it’s going on, but you have everyone there in one day – clients, lawyers and a mediator – and each of those individuals is devoted to getting the case settled. That makes a big difference.”

Diekemper is also aware of that difference, and although he sees mediations that typically run about three to four hours or, sometimes, ten to twelve hours over the course of a single day, he too is appreciative of the fact that most are completed in a short amount of time. He employs a caucus-style mediation in which all parties gather together to present their view of the dispute. Then the parties break into groups, where he speaks privately with each side. This approach allows him to acquire more details, but often results in a back-and-forth battle, depending...
upon the willingness of each side to reach an agreement.

"I do my Colin Powell impression all the time," Diekemper smiles, "and do the shuttle diplomacy routine in almost every case."

And while he admits an unwillingness to give up until the last gavel falls, Diekemper will call the mediation off if nothing more productive can come of the meeting. When this happens, he follows up with the parties in order to determine whether or not a future meeting would be beneficial.

Likewise, Gene Buckley, who has been mediating for eight years, has seen his share of relentless parties, where, as a result of their inability to reach a decision, he found that a great deal of "shuttling" was something of a necessity. An average amount of back-and-forth party parlaying for Buckley is six times, though he recalls cases where there were at least twenty different moves. Still, Buckley finds the temporary vacillation much easier to handle since he knows that he can rest easy at the day's end.

Diekemper, however, finds little time to rest since he has a legal practice to return to, following his frequent forays into mediation — his "other job." Juggling successful careers in both mediation and litigation, devoting about 60% of his time to the former and 40% to the latter, isn't the easiest of tasks, but somehow, Jerry Diekemper makes it look easy. It's probably because he's had some practice.

He conducted his first mediation in 1993 when McDonnell Douglas (now Boeing) recruited him for his experience in dealing with union issues and age discrimination cases. After an impressive start mediating for McDonnell Douglas, he was asked to mediate more cases for other companies. The following year, the U.S. District Court for the Eastern District of Missouri offered a mediation training course and he became certified for that District. From that point forward, some of the country’s largest and most notable companies have been requesting his services.

Rebecca Magruder’s phone also rings quite a bit. After having established herself as one of the area’s most trusted mediators, she gets referrals from the court system, family therapists, other attorneys and previous clients. The services she provides are balanced and fair, and are peppered with a great deal of compassion. For her, emotion is the foundation of any mediation since, she believes, it's the foundation of being human.

“What drives mediation is not the complexity of the issues, but the personality of the people who are dealing with them,” says Magruder. “Emotional issues are just as important as every other detail and if you don’t deal with them, you can’t get anything else done. You’re also much less likely to have durable agreements at the outset if you don’t address the emotional issues that are raised.”

With that in mind, Magruder takes a non-confrontational approach with her clients and tries to organize the process enough to help parties manage their own conflict. “I give an overlay of the structure in order to guide the conversation so that the parties know what the tasks are,” she says, “but I don’t direct them. I let them take the lead, though I try to keep them focused. Most importantly, however, I want them to feel safe. In order to accomplish this, I let them talk about the things that are important to them.”

In addition to lending itself to a great deal of the cases she handles, Magruder’s therapeutic style also falls in perfect alignment with her post-graduate training — something far from her initial career path. A former medical technologist who “hated every minute” of what she was doing, she traded in her Bachelor of Science degree for a Master of Arts degree. It wasn’t until a friend suggested she consider mediation, however, that things began to make sense. She went back to school to earn a Master’s degree in Social Work with an emphasis on family therapy and, three weeks later, started classes at Saint Louis University School of Law. She began practicing mediation in 1995, a year before she graduated with her J.D. from the School of Law.

Unlike Magruder and Diekemper, Gene Buckley was introduced to mediation toward the end of his career. In 1996, two years before he retired, someone from United States Arbitration and Mediation Midwest, Inc. contacted him and offered to provide him with mediation training. He agreed, and began conducting mediations on a part-time basis following his retirement in 1998. Almost effortlessly, Buckley shifted from being a partner at a law firm to a well-respected and sought-after mediator. Since 1999, Buckley estimates that he’s mediated more than 500 cases, which is impressive, considering he’s supposed to be enjoying his retirement. But, after speaking with him for just a short while, it’s apparent that he is doing just that — enjoying his retirement by doing work he believes in.

And that’s something each of St. Louis' best-known mediators share in common — they are doing work they believe in doing. Whether in an office across the river where the fate of families is decided or on the 5th floor of the Eagleton Federal Courthouse where major corporations are called upon to settle a dispute, any client is in good hands with these three. Along with a sense of compassion and a willingness to see things through, each of these mediators has impressive levels of experience and a strong reputation in the community. And, what’s more, they all made changes in their lives in order to find room for mediation.

One took five years of advanced schooling to get where she is. Another has learned to juggle a demanding partnership at a law firm with his mediation practice. And another has amended his definition of retirement to include two to three mediations a week.

“I wouldn’t want to do any more than that,” Gene Buckley says with a grin. “Or any less.”
Student Spotlight:

Yuri Walker Wins Award for Paper and Honor of Publication in American College of Legal Medicine’s Journal of Legal Medicine
By Christine Duden-Street

When third-year student Yuri Walker began the School of Law’s part-time evening program in the fall of 2001, she knew that the average part-time student balances substantial academic, professional and personal responsibilities. But Yuri is more than an average law student. She was a Lieutenant Colonel in the U.S. Air Force Reserves. It was in that capacity that she had to take a leave of absence from the School of Law in the spring of 2003 when she was mobilized for Operation Iraqi Freedom. She was stationed in Germany for approximately four months.

After 25 years of service, Yuri recently retired from the U.S. Air Force Reserves, Nurse Corps, as a Lieutenant Colonel, where she served as chief nurse of the 932nd Medical Squadron at Scott Air Force Base. Yuri received several significant military awards and decorations during her career, including the Air Force Commendation Medal, the Southwest Asia Service Medal, the Kuwait Liberation Medal from the governments of Saudi Arabia and Kuwait, the Air Force Meritorious Service Medal and the Global War on Terrorism Medal.

When not actively serving in the military, Yuri balances law school with her substantial professional responsibilities. As part of her J.D. studies, she is earning her Health Law Certificate and has worked on the Journal of Health Law for two years. In her professional capacity, Yuri has an extensive background in health care. She received her B.S. in nursing from California State University-Los Angeles and her Master of Public Health in Public Health Nursing. She attended graduate school on a National Health Service Corps Scholarship from the U.S. Public Health Service. Before moving to St. Louis, Yuri worked as a staff nurse at the Los Angeles County-University of Southern California Medical Center and as a public health nurse for the Los Angeles County Health Department. She has worked for a variety of organizations since arriving in St. Louis, including the St. Louis City Health Division and the Veteran’s Affairs Medical Center and Department of Veterans Affairs. She now works as the Director of Facility Quality Management for the Veterans Affairs Medical Center. She oversees the quality improvement program, utilization review, risk management, HIPAA compliance, infection control and patient and hospital safety.

Yuri chose to attend the School of Law because of its emphasis on health law. She feels that she has had the opportunity to develop her writing skills through Health Law seminars and as a lead articles editor on the Journal of Health Law. She recently completed a seminar paper for Professor Sandra Johnson’s Medical Licensure course, titled “Protecting the Public: The Impact of the ADA on Licensure Considerations Involving Mentally Impaired Health Professionals.” The paper won first place in the Letourneau Student Award Contest sponsored by the American College of Legal Medicine and was accepted for publication in the ACLM’s Journal of Legal Medicine.

Experiencing the United Nations Commission on Human Rights’ Annual Session:
A Third-Year Student’s International Adventure
By Tracey L. Reynolds, ’04

As most of my fellow colleagues and professors know, Geneva, Switzerland, is the seat of the United Nations, home of such entities as the United Nations Commission on Human Rights. The Commission’s annual session brings together country representatives, non-governmental organizations and human rights activists from around the world. The South Asia Human Rights Documentation Centre (SAHRDC), based in New Delhi, India, is one such non-governmental organization. Throughout the six-week duration of the session, SAHRDC monitors the session and produces the news weekly, Human Rights Features. I was fortunate enough to be able to attend one week of the session and contribute to Human Rights Features. My work with the SAHRDC started the first summer after law school when I was hired as a legal aide to do human rights documentation in the Philippines. Throughout the following year, I did small research projects for the Centre and kept in touch with Ravi Nair, the director. That led to an invitation to attend the Commission on Human Rights’ annual session.

Traveling to Geneva was a wonderful opportunity. I was able to attend drafting sessions for a resolution on the right to health, hear Kofi Annan address the assembly on the anniversary of the Rwandan genocide and listen to debate on current human rights issues. I wrote articles on the Philippine Commission on Human Rights and a resolution sponsored by the United States highlighting human rights abuses in China. I met ambassadors and went to the Canadian mission to meet government officials and other human rights activists. It was an invaluable opportunity to watch international politics in action.

While the invitation to work at the 60th Session of the United Nations Commission on Human Rights came from SAHRDC, the support that helped make the trip a reality came from Saint Louis University School of Law. Thanks to Dean Lewis, the administration and my professors, I was able to take time out from the last semester of my third year so that I could embark upon an amazing experience that solidified my interest in international human rights.
For nearly the past decade, students at Saint Louis University School of Law have been working to make a difference for persons, like those whose stories are told above, who are suffering pain that can be treated and relieved. They have been a critical part of a national effort to analyze, and change, legal barriers to effective pain relief. This national effort is housed at the American Society of Law, Medicine & Ethics (ASLME) in Boston and funded by the Mayday Fund, a private family foundation in New York.

Research done by Saint Louis University School of Law students, as part of this project, has resulted in legislation in several states and in the adoption of model guidelines for state medical disciplinary boards by the Federation of State Medical Boards. School of Law faculty have also contributed by providing peer review for over a dozen individual research projects by scholars across the nation focused on legal, regulatory and financial obstacles to effective pain relief.
Why Law Students?

Certainly, the reasons for our wholesale neglect of patients in pain are complex and divergent. For example, we sometimes view pain as a positive (“no pain, no gain”) or as redemptive, and we are sometimes suspicious of those who complain of pain. Individual patients, especially older patients, resist taking pain medication out of fear of dependence, weakness or addiction. Our doctors and nurses have not received adequate training in assessing and treating pain.

One source of the problem, however, is the legal system itself. Doctors consistently reported that they undertreat pain, in part, because of fear of legal penalties. In a California survey, for example, 69 percent of physician respondents said that the potential for disciplinary action made doctors more conservative in their use of effective pain medications to the extent that those medications were controlled substances subject to regulatory oversight.

When we began our research in 1995 at Saint Louis University School of Law, in collaboration with Dr. Bob Levine at Yale Medical School and Professor Nancy Dubler at Albert Einstein Medical College, we thought that we would find that physicians held exaggerated fears of inappropriate disciplinary action for the prescription of controlled substances for the treatment of patients in pain. To the contrary, we found that the standards used by the medical boards were inconsistent with research on the effectiveness and safety of those medications and resulted in significant legal risk for doctors providing good care.

The doctors were right: the wrong standards were being used. The legal research done by Saint Louis University law students documented the problem. No longer could doctors’ concerns, which resulted in needless suffering, be dismissed out of hand. With that documentation and analysis, we could begin to improve the situation.

Effecting Change

The first School of Law team to work on the project in 1995-1996, including students Jonathan Fleece, ’97, and Jackie Barrow, ’98, did the research for and helped draft a Model Pain Relief Act that differed in several significant respects from legislation and regulations that existed at the time. Several national organizations supported the Model Act, and it became quite influential.

When the project began, only ten states had “intractable pain statutes,” and only six of those addressed the issue of disciplinary actions. As of 2003, at least twenty-three states had statutes providing legislative standards or a legislative mandate that the state medical board develop written guidelines for its monitoring of physician prescribing practices so that it would be clear that inappropriate disciplinary actions would not be taken. Almost all of these new statutes provide the physician with immunity from disciplinary action that does not meet the statutory boundaries for medical board action. The statute drafted at Saint Louis University was enacted in whole or in part in New Mexico, West Virginia, Nebraska and Texas. Sometimes, legislative support for the statute, short of enactment, produced results. For example, its introduction in one particular state reportedly stimulated the medical board to adopt guidelines consistent with the Act.

The work at the School of Law also contributed to the development and recommendation of Model Guidelines for the Use of Controlled Substances for the Treatment of Pain by the Federation of State Medical Boards. These model guidelines addressed the major concerns that had been identified in our project and have been adopted by more than twenty state medical boards. They require that doctors exercise practice management techniques (including physically examining each patient, keeping good medical records, developing and updating a treatment plan and monitoring its effectiveness) that contribute both to good medical care for the patient in pain and to the reduction of risks of diversion. The Guidelines also make it very clear that physicians will not be disciplined for prescribing controlled substances for their patients when these standards are met.

The Mayday Project at ASLME and Saint Louis University School of Law has evolved over time and from 1997 through 2002, the Project focused on the Mayday Scholars Program. Over that time, the Program funded more than a dozen projects focused on legal, regulatory and financing issues in the treatment of pain. Each of the Scholars presented drafts of their papers and their research results at the Mayday Scholars Workshop held biennially at Saint Louis University. School of Law health law faculty, including Eric Claeys, Jesse Goldner, Tim Greaney, Nic Terry and Sidney Watson, and scholars from other fields and other schools, provided the researchers with important evaluation of their work. The Journal of Law, Medicine & Ethics published special issues for each of the three rounds of the Scholars Program and these publications were launched with a press conference resulting in national coverage of the results in publications like USA Today and the BNA Health Law Reporter.

What Now?

School of Law students continue to work on important legal research in this area. The Mayday Fund is currently supporting a project at ASLME and Saint Louis University to investigate the legal, institutional and social framework that explains the neglect of pain in the emergency department. As part of a seminar on Medical Licensure this fall, Dr. Poonam Jain, a third-year law student and physician, took on the challenge of analyzing the reasons for the neglect of pain in emergency medicine and identifying whether emergency medicine is affected by the same public policies that have an impact on office-based care. Third-year law student Kelly Dineen and second-year law student Fernanda Lima both worked on a project to investigate whether the federal Emergency Medical Treatment and Labor Act required that hospitals provide emergency patients treatment for pain as a part of their obligation to stabilize patients with emergency conditions.

The Federation of State Medical Boards is also revisiting its Model Guidelines. This time, the Federation wants to make clear that serious neglect of pain may result in disciplinary action against physicians.

What Next?

The effort to change public policy toward improving the treatment of patients in pain cannot declare victory. The challenges for
public policy in health care generally, and in pain management in particular, are cyclical. New research and emerging practices in the use of opioids for the treatment of chronic non-cancer pain changed the fundamental assumptions on which the disciplinary activity of the medical boards had been based. New learning in regard to pain treatment is bound to create serious gaps again.

Sentinel events on the national scene can significantly shift the center of emphasis in policymaking as well. The hope of the Mayday Project was that public policy could be shifted to take as a priority the well-being of patients in pain who suffer needlessly and who were neglected, in part, because of the single-minded public policy focus on the “drug war” and its impact on physician practices. The Model Pain Relief Act and the Model Guidelines were adopted against the backdrop of a movement to legalize assisted suicide that provided a sense of public urgency for improving the treatment of pain. More recently, however, the experience with OxyContin, with the DEA’s actions against physicians prescribing controlled substances, and maybe with Rush Limbaugh, threaten to shift the balance away from pain relief and toward severe restrictions on the use of particular medications that are effective in the treatment of pain.

We are in a different position today than we were nearly ten years ago. Because of the work done by those at Saint Louis University School of Law and Mayday Scholars around the country, there is a strong body of research on the effect of legal standards on the treatment of patients in pain against which public policy now has to be measured. Scholarship has intrinsic value, of course, but when good scholarship can stimulate change for the better in an area as fundamental to human dignity as health care and the relief of suffering, there is a special satisfaction.

When Jonathan Fleece, ’97, decided to come to the School of Law because of its nationally recognized Health Law Program, he had no idea he would one day conduct research that resulted in legislation in several states and in the adoption of model guidelines for state medical disciplinary boards by the Federation of State Medical Boards.

He did know one thing, though — he wanted to find a way to help patients who suffered from intractable pain and couldn’t get relief because doctors feared over-prescribing medication. So, with the guidance of Professor Sandy Johnson, who conducted a national effort to analyze and change legal barriers to pain relief housed at the American Society of Law, Medicine & Ethics and funded by the Mayday Fund, that’s just what he helped to do.

“I had the good fortune of working on a project that focused on the undertreatment of pain, which was, and still is, a fact for many patients,” said Fleece. “We’ve all lost family and friends to horrible illnesses like cancer and we all know people who suffer from intractable pain such as arthritis and other orthopedic conditions. So to know that, as a result of these statutes, physicians now have more freedom to treat patients with problems that necessitate pain medication is extremely rewarding. Seeing how many states now offer intractable pain statutes is a wonderful demonstration to me that just a few people can make significant contributions to a societal problem such as this.”

The project Fleece speaks of is the Model Pain Relief Act he helped create, alongside fellow classmate Jackie Barrow, ’98. The Act differed from legislation and regulations that existed at the time and it soon became quite influential. Even now, Fleece is amazed and incredibly pleased to see that less than a decade after he helped draft the Act, nearly four times as many states now have statutes providing legislative standards or a legislative mandate that the state medical board develop written guidelines for its monitoring of physician prescribing practices so that it would be clearly understood that inappropriate pain medication is extremely rewarding. Seeing how many states now offer intractable pain statutes is a wonderful demonstration to me that just a few people can make significant contributions to a societal problem such as this.”

The import of his research was apparent to him as a student, and it was outlined in the article, “A New Prescription for Pain,” he authored for the Journal of Health and Hospital Law in 1997. And it’s even more apparent to him now, as an attorney who has specialized primarily in health care law for the past seven years. He currently heads up a boutique health care law practice in the Tampa Bay area, where he almost exclusively represents physician practices, medical groups and ancillary health care providers.

“In my representation of physicians, we do come across situations where physicians ask about patients who have concerns about substance abuse as a result of pain medication,” said Fleece. “Florida has a form of the intractable pain statutes and the background knowledge I learned from the Model Pain Relief Act helped me with my clients regarding these issues.”

Today he represents several pain management practices and appreciates the opportunity he has to “get into the trenches and see how these issues play out with physicians.” What these intractable pain statutes have allowed physicians to do, he says, is to act in good faith and if they follow the protocol, they have some protection.
Two Law Students Hope to Use Education to Make a Difference

Zainab Smith is walking down the brightly lit corridor of Morrissey Hall, the main entrance of Saint Louis University School of Law, headed to class. On her back is a load of books roughly the weight of a three-year-old, and in her hands are two more textbooks, a file folder and a 21-page paper she plans to deliver to her professor after she makes it to her third-floor classroom.

This is nothing new for Smith, a third-year law student at the School. She has carried loads much heavier and written papers much longer. But then, so have thousands of other students before her, and so will countless others who follow. For this reason, Zainab Smith’s story isn’t a revolutionary one. But it is an important one – especially if you consider the reasons that brought her to Saint Louis University School of Law in the first place.

“I have always dreamed of opening a non-profit organization designed to assist Muslim women and girls,” said Smith. It was that very dream that prompted her to cross over from teaching – she was a writing instructor at St. Louis Community College-Meramec – to learning, as a full-time law student. And while she has been working to develop the tools necessary for achieving her dream, she will soon test her skills in the Missouri Attorney General’s office where a job awaits her following graduation. “The law helps you think linearly and know what resources are available to help you solve many different kinds of problems,” Smith said. “It’s helpful to have that knowledge, no matter which career choice you ultimately decide to make.”

And it becomes obvious, when speaking with other School of Law students, that career choices definitely change throughout one’s life. Just ask Will Dailey, a second-year law student who came to the School after several years in corporate banking.

“The more work experience I began to have, the more I began to become a student of life,” said Dailey. “I started looking at how society operated and saw how much the law was interwoven with everything around me. I knew then that if I was to truly impact society, a career in the law would help me accomplish my goals.”

Dailey’s goals are peppered with the advice and wisdom of those he met on his path to Saint Louis University School of Law. “Someone once told me that professional development was a personal responsibility, and I never forgot that,” he said. For Dailey, professional development meant there had to be a big degree of pro-action versus reaction to the things going on around him. “We need to be catalysts for change instead of reacting to the consequences of change,” he said.

Along similar lines, Smith has learned from the many role models in her life – her family, women in the Muslim community and her professors – that change in both the law and in everyday life is possible. And even more, she’s learned that many of her predecessors from the School of Law are often the ones who have proven this to be true.

“Wherever I’ve interviewed, wherever I’ve worked, wherever I’ve attended any law-related function in St. Louis, I’ve come across many Saint Louis University School of Law graduates,” Smith said. “It’s exciting to think that I may be part of such a distinguished, progressive, and influential group of people.”

While Dailey is equally pleased to meet and learn about the alumni from his law school, he’s also enthused by the contributions of his classmates. It impresses him to know he’s surrounded by peers with diverse interests, and he is confident that the contributions they make, though different, will have a far-reaching impact on society.

“Coming to this experience I didn’t anticipate that the areas of law students were planning to enter into would be as diverse as they are,” admitted Dailey. “I see my peers looking to areas like corporate, criminal and international law and that goes to show that there’s a calling in the law for just about any type of person. It reminds me that it’s possible to contribute in a variety of ways and that those who seek out the opportunities will have more of a rewarding experience.”

Smith knows all about the kinds of rewards that a law school education can yield, particularly now that she is getting ready to employ her skills in real world practice. She admits, however, that when she started law school, she had a very different perspective of what success in the law really meant.

“When I started law school, I thought success was in memorizing the rules and being able to apply them to any set of facts,” she said. “I thought that the lawyer who was better at arguing her position would always be on the winning side. But since I’ve had a chance to work with clients, I’m much more aware of the people behind the legal positions. I have learned the importance of considering the emotional needs and interests of the individuals I work with.”

The same is true for Dailey, who admits to never having believed in doing things half hearted.

“I believe in taking a position and being able to stand up for that which matters, not just to me, but to those around me,” he said. “My goal is to win in a courtroom, but on another level, to be the type of legal professional able to ensure that justice is done.”

And since the law is about people, seeking justice and working to learn about a particular area of study, it seems evident that Zainab Smith and Will Dailey are on the right track. She, a linguistics major who moved into teaching and he, a former corporate banker, are now working towards finding ways of making their dreams come true – dreams that include making a difference in people’s lives.

Looking back, Smith is amazed by how much she’s learned.

“Law school was incredibly challenging at first, but in these three years I’ve come a long way,” she admitted. “It’s funny how you never realize how much you’re really growing while you’re in the midst of something. Sometimes, I wish I could start over and use the lessons I’ve learned to extend my time here. But that can be said about anything in life, really. It’s all about learning. And I know I’ve only just begun where that’s concerned.”
Dean Lewis, members of the faculty, colleagues, students. Thank you for inviting me to participate in today’s program. More than forty years have passed since I walked through the halls of this law school as a student. When I first began my studies here, John F. Kennedy was President. A wall divided Berlin. The soon-to-be demolished Busch Stadium had yet to be built. Omer Poos was still a sitting federal district judge, not a name on a library. Earl Warren was Chief Justice of the United States Supreme Court. I was a steelworker from Southwestern Illinois.

Being a union steelworker in those days was an outstanding job. It was difficult, dangerous work, but it provided steady, well-paid employment. When I told my father I wanted to leave to attend law school, he thought I’d lost my mind. Honestly, he couldn’t understand why I’d walk away from something with such a future to become a lawyer. Things didn’t get any better after I first graduated. I was fortunate to be hired by one of the most prominent law firms in the Metro East at a good salary. At the time, I was actually the highest paid starting associate on that side of the river. One problem. As well compensated as I was, I still made less than I had at the steel mill. That was not an easy bit of information to share with my dad. To his credit, he never said, “I told you so,” but I’m sure that’s exactly what he was thinking.

Changes in the global economy have taken their toll on the domestic steel industry. Layoffs have crippled the workforce of many of the old steel centers. Benefits are imperiled. Job security is a thing of the past. It isn’t what it used to be. I’d like to think that if my dad were alive today to see how things turned out, he’d take a more charitable view of my career choice. I know, for my part, it is a choice I have never regretted.

When I was in school here, we had a saying: “The students who receive A’s become law professors, the students who make B’s become judges and the students who get C’s make all the money.” We meant it as a joke, but as we have gotten older and looked at ourselves and our classmates we’ve discovered that we weren’t far off. It’s something that the students in this room, particularly the students who are struggling, may want to keep in mind. Here, as in so many other things, life has a way of evening things out. So, now that I’ve disclosed my age and given you a pretty good hint about my GPA, I suppose I should get to the real business at hand. Our topic this afternoon is how to be a more effective advocate when you are called upon to make your case in a court of review. I realize this is not an original topic for an appellate or Supreme Court judge to address. If we tend to fixate on the subject, however, there is a reason. It is because the basic principles of good appellate advocacy seem so basic, yet are so often ignored.

The reason for that is easy to understand. It has nothing to do with the training lawyers receive in school or their professional
competence. In most instances, it’s simply a question of experience. Of all the cases filed at the trial level, few are tried to verdict. Fewer still reach the appellate courts. As a result, the average lawyer will have limited opportunities to write an appellate brief or make an oral argument. That’s true even of lawyers with an active litigation practice. Government agencies and some large law firms may have some attorneys who do nothing but prepare or argue cases on appeal. For everyone else, the need to appear before an appellate court may arise only a handful of times in a career, if that often. It is something that most lawyers simply do not do on a regular basis.

Being an effective advocate at the appellate level requires a much different focus than being a good litigator at the trial court level. Trial litigators must be adept at motion practice and the strategic use of discovery tools. They need to be experts at unearthing facts, at finding and presenting relevant documents and witness testimony. They must know how to convey difficult technical concepts to lay jurors who may have no prior experience with the judicial system. Although the time they have to do all this is not unlimited, it tends to be open-ended and lengthy. Even where dockets are managed aggressively, a trial attorney may have years to develop and prepare his or her case. When trial finally does commence, the time a trial lawyer has to present the case is measured in days, weeks or even months.

The constraints faced by appellate advocates are markedly different. Compared to trial practice, preparing a case for appeal is a highly regimented, fast-track enterprise. Most of the procedural maneuvering is over. It’s on to the merits. Notices must be filed, records prepared and briefs filed within very specific, very limited time periods. In Illinois, for example, the notice of appeal must be filed within 30 days of the judgment being appealed, the record is due in the reviewing court within 63 days after that, appellant’s brief is due within 35 days from the filing of the record, and appellee’s brief is due within 35 days from the due date of the appellant’s brief. Requests for extensions are viewed with disfavor. In some courts, failure to adhere strictly to procedural rules will result in immediate dismissal, no excuses, no exceptions. Those unfamiliar with appellate practice are often shocked at how unforgiving it can sometimes be.

That isn’t the biggest difference, however. What separates appellate advocacy from trial practice most is that the attorneys assume a vastly more important position in the proceedings. The witnesses and the evidence they have presented are gone, represented now by only a cold record. That record is available for review by the appellate court, of course, but in reality it is likely to be seen only by the judge who will actually author the opinion. Even that judge isn’t likely to review it in advance of oral arguments. On my court, the records are not distributed to the judges until arguments are concluded and the case is taken under advisement. As a result, what the appellate court knows of the underlying facts when it first comes to a case is neither more nor less than what appellate counsel has told it. The lawyers become the lens through which the appellate court views what happened below. They are the filter through which the facts of the case are sifted. To the extent that the witnesses have a voice, it is the lawyers’ voice now. To the extent that the parties have a presence, it is the lawyers’ presence. The lawyers become the embodiment of their clients and all that their clients represent.

Fulfilling that role is a formidable challenge. That is especially true considering that counsel have two and only two opportunities for presenting their client’s case to the appellate court. The first is through their written briefs. The second is through a short oral argument.

In my view, the briefs are the most important aspect of appellate counsel’s presentation. The briefs are what introduce the case to the court. They are what gets the court’s attention. They are what persuades the court that the case is important and deserves further study. More than that, they serve as a reference manual for the litigation. They define the parties. They explain the nature and origins of the controversy. Above all, however, they provide the court with a road map for deciding how the controversy should be resolved. They tell us what to look for,
The briefs tell us how to put those parts together. Although oral argument is helpful too, it comes and goes. Often, the most vexing questions do not occur to members of the court until long after the arguments have concluded. At that point, there’s no calling the lawyers back. All we have are the briefs. When we finally sit down to work out our analysis and prepare our opinions, it is the briefs we will look to for guidance.

The pivotal role of the briefs brings with it special challenges. The biggest challenge is getting and keeping the court’s attention. Why is that so difficult? One very simple reason is that we have so much else to read. When people think of our workload, they often imagine that all we have to do is read briefs, research case law, listen to oral arguments now and then and draft opinions. We do all those things, of course, but there is more — considerably more. I’ll tell you about my court. I am sure other courts of review are similar. First, there are motions. These range from simple time extensions to requests that we exercise our original jurisdiction or invoke our supervisory authority to sort out some problem that has developed in a lower court. There are motions to stay executions and to grant parties leave to file mandamus petitions. The motions often require immediate attention and frequently raise issues as complex and important as any presented in a normal appeal. Last year we considered over 2,300 of them.

Next, there are petitions for leave to appeal. Most of my court’s jurisdiction is discretionary, meaning that we have to evaluate the majority of the cases submitted to us before deciding whether to hear them on the merits. It is the same system followed by the United States Supreme Court. I haven’t checked recently to see how many petitions for certiorari the nine U.S. Supreme Court Justices consider, but last year the seven judges on my court disposed of more than 2,100 petitions for leave to appeal. That wasn’t divided up into 300 per judge, by the way. Every judge had to review and vote on all 2,100 plus petitions personally.

So we have the motions and we have the PLAs. We are also responsible for regulating the legal profession, so we have attorney disciplinary matters. We are responsible for operation of the state’s court system, so there are ongoing issues regarding personnel, capital improvements, contracts, budgets and scheduling. Proposals to improve our rules of court are ongoing and invariably involve lengthy memos. The downstate justices are responsible for organizing the admission ceremonies for new lawyers held twice a year. In addition, there are judicial conferences, educational conferences, speeches to give and various official functions that the members of the court are expected to attend.

It makes for a full day. The practical consequence, from counsel’s point of view, is that briefs need to be as short and to the point as possible. Compliance with the court’s format rules is your first priority. Without that, your brief will never make it past the docket clerk’s desk. Once you’ve dealt with the technical requirements, however, nothing is as important as brevity. The page limits in Illinois are generous: 75 typewritten pages for the main briefs, 27 pages for the reply brief. Stay within those limits.

We routinely receive motions from lawyers who claim their cases are so complex, so unique, so extraordinary, that they cannot possibly state their positions unless they are given over 100 pages to do so. Although we occasionally allow such motions, they are nearly all misguided. Nothing is less welcomed by an appellate judge than a brief whose page numbers have hit the triple digits. When such a brief comes across our desks, we know that it will be a struggle to find the time to read it all. We know it will be even more of a struggle to remember it all. And we know, from experience, that even if we read it and even if we remember it, the bulk of the points raised in such a brief are apt to have no impact on the outcome of the case. You may believe you have 14 good points to make, but stop and think for a moment. When was the last time you read an opinion whose result was based on 14 different issues? Probably never. Most appellate decisions turn on no more than a handful of core conclusions.

There is a reason for that. It isn’t that we are lazy. It isn’t that we are not interested. It isn’t that we are anti-intellectual. It has to do with the function of the courts. We are judges, not law professors. The point of our work is not to educate people on the law. It is to decide specific controversies between particular parties. We develop the law in an opinion only to the extent necessary to decide the case before us. We must be mindful of the implications of our decisions on future cases, but it is the case before us today, not the cases that might arise tomorrow, that concern us most. We need the principles that will help us resolve today’s case for the parties before us now in accordance with the law established by the legislature and prior court decisions. The goal of your brief is to provide us with those principles. Nothing more. Nothing less.

If you feel a compulsion to explore every nuance of a legal problem, there is a place for that. It is a law review article. The editors at the law reviews will be interested in hearing your reflections on the law and the legal process. An appellate brief, by contrast, should be limited to the points necessary to sustain your client’s position. Make those points and move on. The same is true with oral argument. Nothing will impress the court like brevity. It has always impressed me. The lawyers who can say the most in the fewest words are the ones I have always admired. What they do is an art. U.S. District Judge Pat Murphy is a good example. I had the privilege of hearing him argue cases before he took the bench, and he was a master at economy of language. Seek lawyers like that out. Watch what they do and then do it yourself.

While we’re on the subject, let me also suggest that oral argument is something that should seldom, if ever, be waived. Even in cases that appear straightforward, there may be issues that you did not regard as important but which are of great concern to members of the court. Oral argument is valuable if for no other reason than it gives you the chance to answer questions from the court and address those concerns. Clarifying problems when the court is first hearing a case is much easier than trying to sort them out in a petition for rehearing after an opinion has been issued. We want to get things right the first time. Having you present for oral argument will help us do that.

Returning to the matter of brevity, I realize that being concise does not come easily.
Writing itself does not come easily, especially if you do not do it on a regular basis. It can be a laborious process. Someone once remarked that there is no good writing, only good rewriting. I’ve heard that quote attributed to people as diverse as Winston Churchill, Ernest Hemingway and Louis Brandeis. Since Brandeis was a lawyer and a judge on a court of review, we’ll give him credit today. Having both drafted and read innumerable legal briefs, he appreciated the point I’m trying to make as well as anyone.

The benefit of brevity, in addition to keeping the court’s interest and attention, is that it forces you to think your case through thoroughly, to identify its essential elements, to cull out everything that is not essential. Brevity brings focus and clarity. I can’t tell you how often we receive voluminous briefs that attempt to cram in every factual detail in the record and every legal principle the author thinks might possibly be relevant. Sometimes you get through one of those briefs and are left with the feeling that you have no idea what it’s really about. A brief like that is a dead giveaway that the attorneys don’t really understand their case either. They know it came out in a way they don’t like and they can identify various mistakes and problems. It is clear, however, that they have no coherent theory of whether, why and how those issues should affect the ultimate outcome in the case. They put the matter in the appellate court’s hands and hope that somehow, in our wisdom, we will be able to sort it all out. Sometimes we can figure it out on our own. Trust me though, you do not want to leave something so important up to us. Judges on courts of review come from many different backgrounds and have many different ideas about the law and the legal system. If you leave it to us to sort through a pile of legal concepts you have just dropped in our laps, you may find your case transformed into something you had not imagined and did not want.

I will repeat a point I made earlier. Your brief should be an instruction manual. Its purpose is to troubleshoot what’s wrong with the case, explain why it’s wrong and tell us how to fix it. As you give us those instructions, no step is more important than identifying the appropriate standard of review. In Illinois, the rules of court now expressly require the appellant to include a concise statement of the applicable standard of review for each issue raised. Even if the jurisdiction where you practice has no comparable requirement, you should do it anyway. Do not assume the reviewing court will know. Sometimes judges do not know or have forgotten. In addition, the issue is not always clear-cut. There may be disagreement about it.

The importance of correctly identifying the applicable standard of review becomes apparent when you consider how much the standard can vary from issue to issue. At one extreme are pure questions of law, such as interpretation of a statute, which the appellate court reviews de novo. On such questions, the appellate court is not bound by anything done or said by the lower court. It is free to exercise independent judgment.

At the opposite extreme are matters that fall within the trial court’s discretion, such as whether a party should have been given time to amend pleadings. Matters of that nature will be overturned by the appellate court only where the trial court’s actions are devoid of reason. Questions of fact are judged by a manifest weight standard, under which the trial court’s judgment will not be overturned unless, “upon review of all the evidence in the light most favorable to the prevailing party, an opposite conclusion is clearly apparent, clear and convincing errors or wholly unwarranted, are clearly the result of passion or prejudice or appear to be arbitrary and unsubstantiated by the evidence.” Then there are mixed questions of law and fact that, in Illinois, are reviewed under a “clearly erroneous” standard that falls between the manifest weight standard and de novo review.

A brief should begin with the standard of review because the standard of review tells us how far we should go in evaluating the propriety of what occurred below. It is the yardstick by which we measure how much deference we should give to a lower court’s decision. It delineates the boundaries between the lower court’s decision-making power and our own. Where that line is drawn can be and frequently is the single most important factor in determining whether the lower court’s judgment should be affirmed.

There are other suggestions I wanted to share. Taking care to understand and explain who has the burden of proof and the burden of persuasion is one. Making sure you provide the court with specific page numbers when you cite to the record is another. I don’t have time to discuss them all this afternoon. I’ve already gone on at length, and I want to leave time at the end for questions. For now I’ll leave you with just one more piece of advice: be honest. Present the record accurately. Describe the controlling legal principles fairly. Do not embellish the facts. Tell the truth. That may not be enough to win the case you have today — you sometimes can do only so much with what you have — but it will earn you the respect of the court. In the end, that is what differentiates the great lawyers from the lawyers who are merely successful.

Thank you.

(A question and answer period followed. Justice Rarick then added the following observations:)

Although my formal remarks have concluded, I would ask your indulgence to make a few additional comments of a personal nature. When you graduate from law school and begin the practice of law, it will be the most exciting time of your life. It is also likely to be the most time consuming. Be committed to your clients, work hard for your employer, but above all else, make and take time to share with your family, your friends and your community. Help at home and at school. Volunteer. Become active in civic affairs. Give back a bit of the gifts you have been given. Share your good fortune by helping those in need. Finally, take care of yourself. Your health is your greatest asset. You are the only person who can control it, and every great thing that lies ahead of you depends on it.)
The Decent Diplomat

Janusz Stanczyk was once described as being “too decent.” And while, for most people, this is quite a compliment, for Stanczyk, Ambassador and Permanent Representative of the Republic of Poland to the United Nations in New York, it ranks among the highest accolades he’s ever received. Bestowed upon him by a fellow ambassador, he remembers those words with even greater pride, mostly because he has always felt it his duty to be the embodiment of decency – in his professional career as well as his daily life – and someone obviously noticed.

“I believe that honesty is of the utmost importance,” says Stanczyk, “and we need much more of it on the international plane. When you are decent and honest over the long run, it adds to your personal status and the status of your country.”

And upholding the status of his country is a responsibility Stanczyk has never taken lightly. Since February of 2000, he has served as a link between Poland and the United Nations, representing his country in a variety of different capacities. He attends meetings and conferences held at the U.N. Headquarters, organizes stays of delegations coming from his country and even organized the New York visits of both the Polish president and prime minister.

Each day he is responsible for following all that is happening, both at the United Nations and in Poland, while at the same time receiving instructions from his government and influencing the instructions he’s given by presenting opinions, sending reports and suggesting meetings with specific individuals and commissions.

“Basically I’m representing Poland with the United Nations, but also the United Nations with my authorities as well as with the Polish general public,” says Stanczyk.

Such a high-ranking position is obviously not easy, and the type of work this position demands could not be easily accomplished in a typical eight-hour workday. Which is why it’s not surprising that for Stanczyk there is no such thing as a “typical” day, and while most of us are sleeping, he’s already en route to work. And when most of us are getting ready for bed at night, he’s just getting ready to head home. And that’s not even taking into account his two-hour roundtrip commute.

“I start very early in the morning because I have to take into account the time difference between New York and Poland,” says Stanczyk. “My director of the U.N. department in the Foreign Ministry is available until 11 a.m. New York time, so I have to be available and active in the morning. And then that’s the end of my period to connect with Warsaw, and I’m free to connect to the United States.”

Information technology makes it easier for him to receive daily reports from his capital, but it doesn’t change the fact that he’s faced with a minimum of 1-2 hours of reading each day pertaining to his country. Additionally, he receives feedback from various outlets in his home country and is provided with information regarding specific Polish foreign policy as well as pertinent issues being discussed throughout the world.

It would seem obvious, then, that with so much going on and so much he must be responsible for, Stanczyk’s position is a challenging one.

“There are many challenges I must face,” he admits, “the biggest of which is to properly represent my country and give other officials a good perception of Poland. I’m trying to be a serious, honest, competent diplomat so that I may successfully convey the same view of my country. In order to do this, I must always remember I’m not Janusz Stanczyk, private person, but Janusz Stanczyk, representative to Poland. That is often very difficult because it prevents me from engaging with others on an informal basis, as much as I would like to, but this is my duty and I take it quite seriously.”

But would he have ever taken it seriously, as a young law student in Poland, had he been told he’d one day be working for the United Nations?

Most likely, the answer would have been no. This is because Stanczyk has vivid memories of a time, in the late 1970s, when
he and his classmates were among one of the first student groups in his country to take a trip to the United States. He never once thought he’d get the chance to return in such a different capacity.

“I traveled with the group to Washington, D.C. and New York and visited the United Nations,” remembers Stanczyk. “I have a very vivid recollection of the trip and our adventure within the U.N. compound. It never dawned on me that I’d be coming back as an ambassador. I never even thought it would be possible since Poland was still communist. I wouldn’t have this career with the old system. I was lucky it came to an end while I was still in my prime, so to speak.”

Stanczyk’s role as ambassador to Poland was prefaced by other impressive appointments – most of which he never planned for. As a young man, Stanczyk was an aspiring journalist with a particular fascination with United States political figures. He would frequently read the biographies of U.S. politicians and when he discovered that most of the individuals he was reading about were lawyers, he decided to forego his journalistic aspirations and pursue legal studies. He thought this would lead him to a career as a judge, but following his studies, found that he had a strong interest in international public law.

He began his career as a scholar at the Historical and Legal Institute of Jagiellonian University and Institute of Legal Sciences of the Polish Academy of Sciences. He graduated from the department of Law and Administration of Jagiellonian University and earned his Ph.D. in 1985 in legal sciences at the Institute of Legal Sciences of the Polish Academy of Sciences. Everything indicated that he would become a law professor and scholar until, as he put it, “the end of my days.” And the next several years would prove that indication true, with a few unexpected twists thrown in at the end.

Like many of his fellow law students, Stanczyk had dreams of one day pursuing studies at an American legal institution. But at the time during which he applied to law schools in the United States, communist Poland made it impossible for a student to afford the expenses out of his or her own pocket. Stanczyk recalls that students had to rely 100% on money offered them, should their application have even been a consideration at a particular institution.

“You had to have a very strong recommendation from someone from the faculty or administration, and thanks to the support of Professor Stan Frankowski, I was able to be presented as a credible and strong candidate at Saint Louis University School of Law,” says Stanczyk.

And the fact that he was considered such a strong candidate and was accepted to the School of Law is something he will always remember. In many ways, he says, his experience allowed the lawyer in him to be born.

“I think everyone in Poland or Europe who thinks seriously about legal practice should have exposure to the American way of studying law,” says Stanczyk. “It’s really wonderful that strong LL.M. programs exist at U.S. universities and at Saint Louis University in particular. In addition to being a very disciplined, solid law school, the School has always offered and continues to offer direct access to faculty. The faculty here gets to know students by name and are available for any questions or problems you might have. In that sense, this is the preferred law school to attend and I will recommend it to my son when he becomes a lawyer.”

Looking back, Stanczyk is better able to recognize the value of his educational opportunities, but he would never have been able to imagine what would be available to him after his studies were complete. During his time as a student at Saint Louis University School of Law, he was contacted by the chief of staff of the Polish Foreign Ministry who told him that Minister Krzysztof Skubiszewski, a man he had worked alongside while studying in Poland, was going to make a proposal to him for a high-ranking position within the Ministry. Stanczyk was always honored to see a fellow academician rise to acclaim, and when Skubiszewski became the first Minister of democratic Poland in 1989, Stanczyk never imagined that, in 1991, after completing his LL.M. degree, Skubiszewski would offer him the position of Director of Poland’s Legal Treaties Department. And, of course, he never imagined what would follow.

As is frequently the case in stories of surprise and good fortune, Stanczyk’s career took off from there and kept going. He held his position as Director of the Legal Treaties Department until 1995, when he assumed the role of Poland’s Director General for Legal Affairs. From 1997 until 1999, he was the Under-Secretary of State in the Foreign Ministry responsible for Poland’s legal and economic affairs and relations with international organizations and participated in negotiations of many multilateral and bilateral treaties. He was also responsible for maintaining contacts of the Foreign Ministry with both houses of the Polish parliament, the Sejm and Senate.

Stanczyk still finds it hard to believe, at times, that he sits in a room where decisions that affect the entire world are made. And when he thinks back to that young student from the 1970s, wide-eyed and enamored by the reality that he was visiting the United Nations, any amount of convincing would never have led to the realization that this would one day be a place he visited every day. And, sometimes, the gravity of what he’s doing amazes him, but he just tries to keep it all in perspective.

“Somehow I have been very lucky in terms of my career,” says Stanczyk. “People saw that I am a reliable and competent person and gave me an opportunity to prove myself. It’s truly amazing.”
“While admittedly a social construct, the notion of race as carrying societal currency has operated to shape the lives of all Americans irrespective of color and its ramifications impact Americans’ lives in both trivial and profound ways,” writes Professor Camille Nelson in her most recent article, “Breaking the Camel’s Back: A Consideration of Mitigatory Criminal Defenses and Racism-Related Mental Illness.” In this piece, published in the *Michigan Journal of Race and the Law*, Nelson continues to do what she does best — she explores. And in her role as a professor at the School of Law she is able to explore a variety of topics, particularly those dealing with critical race theory, criminal law and her major area of study, mental disability and racism, with a deftness and complexity that far exceeds the work being done by many of her contemporaries.

In “Breaking the Camel’s Back,” for example, Nelson focuses on the connection between what she calls critical psychology and mitigatory criminal law defenses by questioning whether or not racism takes a toll on the psyche and if so, what?

She cites the findings of social scientists, psychiatrists and psychologists that indicate that anything stressful takes a toll on an individual, and agrees that racism is no different in its most basic explanation. “Anything that causes you to be anxious, depressed or humiliated may also cause increased heart rate and blood pressure, among other physiological responses,” says Nelson.

So it would come as no surprise then, she argues, that for an individual on the receiving end of a provocative act, such as being called a racial epithet or subjected to racial imagery, such as a cross-burning, those natural, psychological responses might take effect and result in a compromised ability to control one’s temper. If the ultimate response to the racial abuse is violence, the criminal law should allow for consideration of the inflammatory potential of such epithets or imagery. And when this kind of response to racial abuse occurs, she says, execution isn’t the solution.

“We should really be looking at mitigated sentences,” Nelson says, “just as the criminal law has looked at mitigating or even exculpatory circumstances for other doctrine, such as the Battered Woman’s Syndrome, disparate psychological circumstances might be relevant in the case of racial abuse. The determining test is the reasonable person standard. I think it’s defying common sense to expect that in America the use of a racial epithet will have the same effect on the reasonable white person as on the reasonable black person or the reasonable Latino person – there will likely be different psychological reactions which might lead to differing physiological responses. Of course, it may well be that the reasonable black person feels that the responsive violence was disproportionate etc. – but the framework for analysis should be subjective to allow for a just result in which all community members can be confident.”

Nelson takes the same careful and attentive approach with her students as she does her research. She works hard to expose her classes to all aspects of the law. “I want students to feel confident that they can dissect the law in all its richness — in case law, in statutes, regulations and constitutions…that’s the starting point,” she says. “More importantly, however, I want to be sure they can understand what’s on the page before them. If I didn’t teach that and hope for that, I’d be negligent.”

Perhaps the antithesis of negligent, Nelson works to help her students appreciate and understand the role they may one day have in generating precedent. She wants them to be aware of the power they have in crafting the laws under which others will be living. Whether future attorneys, legislators or judges, she hopes that her students will have a firm grasp of the law, be appreciative of how it’s created and have an understanding of the ways in which they can enter into those processes.

Part of the way she helps her students recognize this is through example. Seeing that she has engaged in extensive research and has presented her work at conferences throughout the world proves to her students that she is dedicated to helping them understand more about the real-life applications of the things she’s teaching in class. She recently presented her paper, “A Dangerous Intersection: Assessing the Interplay of Race and Mental Disability,” at the 28th International Congress on Law and Mental Health in Australia, and has spoken at national conferences on the issues of racism in the legal profession and the impact of racism-related mental illness on black women.

Camille Nelson, a prolific writer, speaker and devoted legal professor, has proven that to remain idle is to not only miss out on life’s many opportunities, but to miss out on the chance to make a difference. Whether through her tireless research and study into the impact racism has on an individual, or by sharing her deep insights and detailed research with her students, Nelson has made countless differences in the lives of others.

“I’m one of those people who looks to the law as a mechanism for equality and social justice,” admits Nelson. “I still believe in law as a noble profession that gives you power. And when you’re given such power it behooves you to be as thoughtful and considerate as you can in the ways in which you choose to exercise that power. That’s what I’m trying to do, what I’ve always tried to do, and I hope that I can impart the gravity of that message to my students.”
**John J. Ammann**

**PROFESSIONAL SERVICE**
- Conference on Domestic Violence and Housing: Policy and Practice, Missouri Coalition Against Domestic Violence, October 17, 2003
- “Business Ventures as Income Sources for Nonprofits,” Saint Louis University School of Law, September 12, 2003
- Moderator for Alphonso Jackson, Deputy HUD Secretary (now HUD Secretary) Saint Louis University School of Law, April 2003

**PUBLICATIONS**
- “Supreme Court Decisions and PHA’s As a Model Delivery System,” 13 ABA Journal of Affordable Housing and Community Development Law (2003)
- “Lucas Park Should be Open to Everyone,” St. Louis Post-Dispatch, Aug. 26, 2003, at B7

**Eric R. Claeys**

**PROFESSIONAL SERVICE**
- “Justice Sutherland and the Case for Constitutional Freedom,” American Enterprise Institute, Symposium on Federalism, May 28, 2004
- “Private Property and Takings on the Rehnquist Court,” Northwestern University Law School, Symposium on the Rehnquist Court, April 23-24, 2004
- “The Progressive Paths of Modern Judicial Federalism,” Boston College/Federalism Project Workshop Series, American Enterprise Institute, April 8, 2004
- “The Food and Drug Administration and the Command-and-Control Regulatory Paradigm,” Saint Louis University School of Law, Health Law Symposium, March 26, 2004
- “Administrative Agencies, Political Opinion, and the Non-Delegation Doctrine,” University of Dallas Department of Politics, February 20, 2004
- “The Living Constitution and Separation of Powers on the Burger and Rehnquist Courts,” University of Illinois, Urbana-Champaign School of Law, February 16, 2004
- “The Living Constitution and Separation of Powers on the Burger and Rehnquist Courts,” University of Kentucky School of Law, February 12, 2004

**Teri J. Dobbins**

**PROFESSIONAL SERVICE**
- “Protecting the Unpopular From the Unreasonable: Warrantless Monitoring of Attorney Client Communications in Federal Prisons,” Northeastern People of Color Scholarship Conference, April 2003
faculty notes

Isaak I. Dore
PROFESSIONAL SERVICE
> “Recent Developments in the GATT/WTO System,” University of Orléans, April 2003

Susan A. FitzGibbon
PROFESSIONAL SERVICE

Bradley E.S. Fogel
PUBLICATIONS
> “Estate Planning Malpractice: Special Issues in Need of Special Care,” Probate and Property, July/Aug. 2003, at 20
> “Obstacle to Peace,” St. Louis Post-Dispatch, Aug. 7, 2003

Stanislaw Frankowski
PROFESSIONAL SERVICE
> “Same-Sex Marriages in the United States,” Warsaw University School of Law, May 2003
> “Division of Property Upon Divorce Under American Law,” Warsaw University School of Law, May 2003

Barbara Gilchrist
PUBLICATIONS
> “Legal and Ethical Issues” in Agitation in Patients with Dementia: A Practical Guide to the Diagnosis and Management (2003)

Roger L. Goldman
PUBLICATIONS

Jesse Goldner
PROFESSIONAL SERVICE
> “The Need to Use the Administrative Procedure Act in the Federal Regulation of Research on Human Subjects,” Health Law Symposium on Administrative Law Meets Health Law, Saint Louis University School of Law, March 26, 2004
> “(Not Quite) Everything You Always Wanted To Know About ‘What Is Health Law?’” California Western School of Law/UCSD School of Medicine, February 19, 2004
> “IRB Issues,” Committee on Conflicts of Commitment, Saint Louis University, October 29, 2003
> Panel Moderator and Discussant, Plenary Session in Institutional Review Boards, American Society of Law, Medicine & Ethics, Health Law Teachers Conference, Widener University School of Law, June 6, 2003

Joel K. Goldstein
PUBLICATIONS

Thomas L. Greaney
PROFESSIONAL SERVICE
> “Antitrust and Nonprofit Fiduciary Law,” ASLME Health Law Teachers Conference, June 2003
> “Duties of Directors of Nonprofit Healthcare Enterprises in a Post-Enron World,” Loyola University School of Law, March 2003

PUBLICATIONS
> “The Real Score,” St. Louis Post-Dispatch, Mar. 24, 2003

Alan J. Howard
PUBLICATIONS

Daniel J. Hulsebosch
PROFESSIONAL SERVICE
> “Imperial Remix: From the Ancient Constitution to Constitutional Law,” American Society for Legal History, November 2003
> “The Imperial Federalist: Rereading the Ratification Debates as Postcolonial Literature,” Society for the History of the Early Republic, Ohio State University, July 2003

PUBLICATIONS

Sandra H. Johnson
PROFESSIONAL SERVICE
> Presentation on A National View of Legal Issues in Pain Management, Oregon Pain Society, April 2, 2004
> Grand Rounds, Department of Internal Medicine, Saint Louis University, Legal and Ethical Conflicts of Interest in Research, January 23, 2004
> Missouri Association of Pain Management Nurses, Tan-Tar-A, October 18, 2003
> Panelist, Missouri Bar Annual Meeting, Plenary Session on Life Sciences and the Law, October 3, 2003
> Research Coordinators, Conflicts of Interest in Research, Saint Louis University, September 4, 2003
> Health Law Teachers Meeting, American Society of Law, Medicine & Ethics, Plenary Session Panel on Teaching Health Law and Bioethics and Workshop Session on Double Effect as a Legal Principle, June 6-7, 2003
> “Conflicts of Interest in Research,” HEAL Institute Annual Health Care Ethics Conference, Samford University, April 2003

> Co-Convenor, Project on the Criminalization of Physician Practices in the Prescription of Controlled Substances

Michael A. Korybut
PUBLICATIONS
> “Are You Transitioning Smoothly from Former to Revised Article 9?” The Secured Lender, Nov./Dec. 2003, at 32

Mark P. McKenna
PROFESSIONAL SERVICE
> “P2P Filesharing,” Tulane Works In Progress Intellectual Property Colloquium, October 18, 2003

Carol A. Needham
PUBLICATIONS

Camille A. Nelson
PROFESSIONAL SERVICE
> “University of Michigan, Affirmative Action and the Supreme Court,” St. Louis Industry Liaison Group, University of Missouri, July 2004

spring 2004 23
Panelist, Health Law Teachers Conference, Seton Hall University School of Law, June 2004
Presenter, Ninth Annual LatCrit Conference,” Countering Kulturkampf Politics Through Critique and Justice Pedagogy,” April 2004
Faculty Workshop Presentation, “Walking on Eggshells,” Rutgers-Camden School of Law, April 2004
“Citizenship & the Constitution,” African American Heritage Program Series of the National Park Service at the Old Courthouse, January 2004
Moderator, Saint Louis University School of Law Childress Lecture, October 2003
“University of Michigan, Affirmative Action and the Supreme Court,” St. Louis Industry Liaison Group, July 2003
“Mentoring and Retention for Persons of Color in the Academy, ”Seventh Annual Northeast People of Color Legal Scholarship/St. John’s Ronald H. Brown Center for Civil Rights and Economic Development Conference, St. John’s University, April 2003

Henry M. Ordower
PUBLICATIONS

Christine M. Rollins
PUBLICATIONS
> “Statutory Assistance for Attorneys Providing Pro Bono Services,” Journal of the Missouri Bar, May/June 2004

Peter W. Salsich
PUBLICATIONS
> Land Use Regulation: A Legal Analysis and Practical Application of Land Use Law (2d ed. 2003)

David Sloss
PROFESSIONAL SERVICE
> “Is the President Bound by the Geneva Conventions?” New York University School of Law, March 31, 2004
> “Is the President Bound by the Geneva Conventions?” Columbia University School of Law, March 30, 2004
> “The United States, the Death Penalty, and International Law,” University of Virginia School of Law, March 20, 2004
> “The United States, the Death Penalty, and International Law,” Amnesty International, February 25, 2004

Francis M. Nevins
PUBLICATIONS

John C. O’Brien
PUBLICATIONS
> Missouri Law of Evidence (Supplement 2004)
> Missouri Evidentiary Foundations (Supplement 2003)
“Is the President Bound by the Geneva Conventions?” University of Cincinnati College of Law, February 4, 2004
“Is the President Bound by the Geneva Conventions?” University of Maryland School of Law, Meeting of American Society of International Law Interest Group on International Law in Domestic Courts, December 8, 2003
“Is the President Bound by the Geneva Conventions?” Workshop for International Law Faculty from Missouri Law Schools, Saint Louis University School of Law, September 6, 2003


Nicolas P. Terry

PROFESSIONAL SERVICE
“Is Privacy the New Barrier to Quality Care?” World Psychiatric Association, International Congress, November 10-14, 2004
Speaker, Medical Error Symposium, Widener Law School, Delaware, October 14-15, 2004

“Comparative Medical Error and Malpractice,” Graduate Law Course, Melbourne Law School, April 28-May 4, 2004
“Electronic Health Records and the Future of Health Care; International and Structural Perspectives,” Shared Electronic Health Records—Ethical Legal Recordkeeping Perspectives, Deakin University, April 23, 2004
“Perps and Vics: Contrasts and Contradictions in How the Torts System Treats Mentally Impaired Plaintiffs and Defendants,” IALMH Sydney Congress, October 2, 2003
“Comparative Products Liability,” Saint Louis University Course, Madrid Campus, May-June, 2003

PUBLICATIONS
“Prescriptions sans Frontières (or How I stopped Worrying about Viagra on the Web but grew concerned about the Future of Healthcare Delivery),” 4 Yale Journal of Health Policy, Law, and Ethics (2004)


Stephen C. Thaman

PROFESSIONAL SERVICE
“La procédure pénale américaine” (American Criminal Procedure) (in French), Faculty of Economics, Law and Administration, University of Orléans, March 17, 2004
“L’oral et l’écrit dans la procédure pénale” (The Oral and the Written in Criminal Procedure) (in French), Faculty of Economics, Law and Administration, University of Orléans, March 15, 2004
“La procédure pénale comparée” (Comparative Criminal Procedure) (in French), Faculty of Economics, Law and Administration, University of Orléans, March 8-19, 2004
“Alternative Criminal Procedures: Avoiding the Full-Blown Trial,” Loyola of Chicago School of Law, February 10, 2004
“The Right to Counsel During the Preliminary Investigation and Interrogation,” “The Right to Counsel and to Confront Prosecution Witnesses” and “Questions of Law and Fact in Jury Trials,” International Conference — Criminal Justice Reform: Problems, Priorities and Perspectives for the Kyrgyz Republic, January 22-24, 2004
“Reforming the Role of the Prosecutor in Criminal Proceedings: Developments in the NIS and Other Countries,” International Conference, Procedural Control in Criminal Proceedings in Kazakhstan, December 5, 2003
“The Exclusionary Rule in Comparative Perspective,” University of California Davis School of Law, November 3, 2003
Sidney D. Watson

PROFESSIONAL SERVICE

> Moderator and Discussant, Government Health Program, ABA Conference on HIV/AIDS and the Law: From Nuts and Bolts to Cutting Edge, Loyola Law School, January 2004

> Participant, Missouri Health Advocates Retreat, Missouri Foundation for Health, December 2003

> “Legal Responses to Disparities in Access, Mending the Health Care Divide: Eliminating Disparities in Access for Minority and Low Income Communities,” University of North Carolina Center for Civil Rights and the University of North Carolina School of Public Health, November 2003

> “Racial and Ethnic Disparities in Health Care,” The 2003 Catriona Gibson Lectureship, Queen’s University School of Law, October 2003


> “Medicaid Law and Reality,” State Conference People First and Missouri Association for the Advancement of Those with Mental Retardation, March 2003

> “Gender and Health Care: Access to Care for Women,” Women Law Students’ Association and Health Law Association, Annual Panel, Saint Louis University School of Law, March 2003

PUBLICATIONS


Reasonable people can disagree about whether and when the United States should violate its international legal obligations, but international law advocates and skeptics should be able to agree on one point: a political decision to breach U.S. treaty obligations should be made by the federal political branches, not by state judges. Despite this seemingly uncontroversial point, state courts have recently made several decisions that appear to violate U.S. obligations under the Vienna Convention on Consular Relations (VCCR).

The problem is not new. After the Revolutionary War, the United States signed a peace treaty with England. Under the treaty, the United States promised that debts owed by U.S. citizens to British creditors would be paid in full. However, several states enacted legislation extinguishing debts to British creditors. That legislation was plainly inconsistent with U.S. treaty obligations. Even so, prior to adoption of the U.S. Constitution, state courts typically enforced the state legislation, and disregarded the treaty, when British creditors sued to recover debts. The Framers of the Constitution adopted the Supremacy Clause partly to remedy this problem. The Clause obligates state courts to apply treaties, rather than state law, in the event of a conflict between state law and U.S. treaty obligations.

State courts generally respected the Supremacy Clause for two hundred years. However, in recent cases involving the VCCR, state courts have applied state law that seemingly conflicts with U.S. treaty obligations, despite the mandate of the Supremacy Clause. Under Article 36 of the VCCR, whenever the United States arrests a foreign national, the United States is required to notify the detainee that he has a right to communicate with his consulate. Additionally, the consulate has the right to assist the individual in preparing his criminal defense. The United States routinely violates these provisions, largely because state and local law enforcement authorities are unaware of the treaty.

Treaty violations by state executive officials trigger a further treaty obligation: to provide an individual remedy for foreign nationals who are harmed by violation of their treaty rights. Under the Supremacy Clause, the treaty obligation to provide an individual remedy is directly binding on state courts. Regardless, state judges have consistently invoked state court procedural rules as a rationale for denying remedies to individuals whose treaty rights have been violated. In some cases, the judges' reliance on state procedural rules, notwithstanding the treaty obligation to provide an individual remedy, appears to violate their constitutional duty under the Supremacy Clause to enforce treaties that conflict with state law.

In March 2004, the International Court of Justice (ICJ) held that the United States breached its treaty obligations under the VCCR with respect to 51 Mexican nationals who are currently on death row in the United States. In many of these cases, the Mexican consulate learned of the arrest soon enough to assist the individual with preparation of his criminal defense. In those cases, state courts can reasonably contend that there was no duty to provide an individual remedy because the individuals were not harmed by the treaty violations.

However, in 34 of the individual cases presented to the ICJ, Mexican authorities did not learn about the arrest until it was too late to assist the individual with his defense. Consular assistance in capital cases is critical because many foreign nationals cannot afford to hire private attorneys. Mexico has made clear that it will pay for private attorneys for any Mexican national who faces capital charges in the United States. Capital defendants who are represented by private attorneys are 44% less likely to be sentenced to death than other capital defendants. Thus, the 34 Mexican nationals who were sentenced to death before they could obtain consular assistance can make a persuasive argument that they were harmed by U.S. treaty violations. For those who were harmed, the United States has a treaty obligation to provide an individual remedy. Under the Supremacy Clause, that treaty obligation is directly binding on state judges. Judges who invoke state procedural rules to justify their decision to deny an individual remedy are not just violating international law—they are violating the Constitution.
Renovated Coronado Helps Revitalize Law School Neighborhood

By Professor Emeritus Eileen Searls

Eileen Searls, a 50-year veteran the School of Law, is once again sharing her remembrances of days gone by. As one who has witnessed the transformation of the campus from its earliest days in the 1950s to the present time, the many changes that have taken place haven’t just included the law school. In Searls’ most recent documented memory she remembers the Coronado Hotel, which was established in 1925 and served the law school community in a variety of ways. Searls remembers the magnificence of the place, the distinctive charm and old-fashioned decadence often lacking in today’s architecture. Thankfully, Searls tell us, when the Coronado was restored just a few years ago and renamed Coronado Place, it was done such that it maintained its former glory. Today, Coronado Place is still a familiar name to law students, only this time Frank Sinatra’s voice — not the man himself — is the only remaining clue that once upon a time, things were different across the street.

During the time period of about 1964 up until the mid 1980s when the Coronado Hotel served the University as Lewis Hall, it had special links to the law school. With its convenient location, law students vied to live in both its dormitory rooms and tower apartments in spite of the creeping seediness. In Lewis cafeteria, plopped down inappropriately in what had once been the most gorgeous ballroom in St. Louis, law students staked out several tables for themselves, helping to maintain the great law school camaraderie. Lewis’ elegant Crystal Room became an actual law school lecture hall. Across the second floor front was an office suite for six lawyers and their law student clinical assistants for the National Juvenile Law Center, which was sponsored by the law school.

Before its Lewis Hall days, law students amused themselves at the hotel by spotting visiting ball players. Both Cardinals and Browns played in nearby Sportsman’s Park on North Grand and the Coronado was the out-of-town players’ favorite hotel. Many stars of stage and screen, appearing in theaters lining Grand and neighboring streets, preferred the Coronado, too.

The University sold the Coronado not long before historic tax credits were phased out. Without them, renovation seemed impossibly expensive. For 17 years it sat across from the law school, baftfully moldering away.

It remained unaffected by the improvements taking place in the Grand Center arts district, founded in 1987 and headed by Father Paul Reinert. Powell Symphony Hall, the Fabulous Fox Theatre, the Sheldon Concert Hall and the University were its core constituents. Then Grandel Theater opened. In 1998, Channel 9 built its new quarters on Olive and the Sheldon Art Galleries opened. Between 2001 and 2003 the Pulitzer Foundation of the Arts, the Saint Louis University Art Museum and the Contemporary Art Museum opened nearby. After the restoration of historic tax credits and a $1.5 million loan from the University, 107 new apartments in the gut-rehabbed art deco 22-story Continental Life Building were added to the mix in 2002.

Through the use of these historic tax credits, Amrit and Amy Gill, a husband and wife team of experienced developers, bought the Coronado in 2001 and renamed it Coronado Place. Aiming primarily at the student market, they gut-rehabbed both the 15-story tower apartment building and the original hotel block, installing state-of-the-art HVAC, electrical, plumbing and fire sprinkler systems as well as new baths and kitchens for its 165 efficiency, one to three bedroom loft and penthouse apartments. In the basement space where, in its heyday as a hotel, there had been a luxurious lounge/bar with leather sofas and chairs, a quarry tile floor and an outdoor patio, Joe Boccardi’s Italian restaurant was opened in 2003. The glorious 10,000 sq. ft. Coronado Ballroom, with its 32 ft. barrel-vaulted ceiling, terrazzo floor complete with 45 up-lights and Italian marble columns, was beautifully restored and reopened in 2004. The Crystal Room has become the Bradshaw Room, and it still shines brilliantly with crystal mirrors (both rooms are available for weddings, receptions and banquets). The magnificent painted plaster ceilings in the Grand Lobby have been restored and the pleasant Nadoz café and wine bar installed. The project cost over $36 million. Designed, and for a long time owned, by Preston Bradshaw, Coronado Place is on the National Register of Historic Places. Currently, the Gills are restoring the Lindell Towers, west of Coronado Place.

Law students moved into these apartments with enthusiasm. After all, they are wonderfully convenient but not remotely seedy. Even though Joe Boccardi’s restaurant may never develop “law student” tables, the law school no longer needs additional classrooms or clinical space (the law school Legal Clinics is located in its own brick building around the corner on Spring Street), and legendary stars like Joe DiMaggio or Frank Sinatra will never again be seen in the lobby, the Coronado is once again a positive force in neighborhood and law school life.
Law School...
A Time Most People *Never* Forget

While it’s true that law school frequently leaves an indelible mark on students, it’s not just a side effect of endless studying. The friendships formed during this character-building time are just as intensive, and can make a difference in a student’s entire law school experience.

The School of Law wants to help you awaken those long gone law school days! We think it’s time to for you to rekindle old friendships, share memories and talk about all that’s been going on in your life since you stepped away from the Saint Louis University campus. Reunion Weekend allows our Alumni to catch up with each other and reconnect with the people who were there through such an important part of their lives.

If you graduated from the School of Law in a year that ends in a four or a nine, this is YOUR year to celebrate.

2004 Reunion Weekend
October 8-10

Reunion-goers will celebrate in the newly renovated Busch Student Center!
*This is a significant event, so you won’t want to miss out!*

Get out your calendars, Palm Pilots or post-its, and make plans for a great weekend! We’ll see you at reunion!
1968
Charles J. Kolker Jr. has taken "Of Counsel" status with the Belleville, Illinois, law firm, Kolker Law Offices, P.C., and is still living in Shenzhen, People's Republic of China, where he is teaching English at Shenzhen University.

1971
James W. McManus was recently named "Best of the Bar" in personal injury, trials and appeals by the Kansas City Business Journal. He was also recognized by the Missouri House of Representatives in a resolution to honor attorneys who demonstrate exemplary professionalism and civility in the daily practice of law. He has also been selected to receive the 2003 Kansas City Metropolitan Bar Association's "Congenial Counselor Award."

Michael E. Shay is serving his fourth year as a Connecticut Superior Court Judge and presides in the Family Court in Danbury. He has published a book, A Grateful Heart: The History of a World War I Field Hospital, and is currently working on a related non-fiction work.

James E. Wollrab recently published his fifth novel, Murder at the Palais-Royal, which deals with pre-revolutionary France and the gunpowder secrets of the renowned chemist, Lavoisier. He is working on completing four more novels and is currently planning a science fiction novel, Perturbation Theory.

1972
David J. Curtin has been elected a Fellow of the American College of Trial Lawyers. Lawyers must have a minimum of fifteen years of trial experience before they can be considered for Fellowship.

1973
Kevin F. O'Malley merged his firm with Greensfelder, Hemker & Gale, P.C., and continues to practice in the areas of medical malpractice defense, personal injury defense and federal, white collar criminal defense. He has also continued as the senior author of the nine volume Federal Jury Practice and Instructions.

1974
Daniel S. Hapke does work for San Diego Habitat for Humanity, including legal work, which he conducts on a pro bono basis. He is President of the Board of Directors and works on house construction sites. He is helping to rebuild nine homes in rural East County and more than 23 on the San Pasqual Indian Reservation. In his spare time he sits on the Boards of San Diego Citizens Against Law Suit Abuse and the San Diego Chapter of the Association of Corporate Counsel.

Michael B. Himmel, a litigation partner at Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP, has been ranked number one in the Litigation: White-Collar & Government Investigations category among the top attorneys in New Jersey in Chambers USA's America's Leading Business Lawyers 2004-2005.

1975
The Honorable Susan E. Block recently joined the law firm of Paule Camazine & Blumenthal as a principal attorney.

Scott S. Brinkmeyer became the 69th president of the State Bar of Michigan in September of 2003. During his term, he will focus on implementing the State Bar strategic plan, placing particular emphasis on continually improving services to State Bar members and strengthening relationships with State Bar sections.

1977
Walter O. Theiss is General Counsel for SBC Southwest, Dallas. His responsibilities include general legal advice within the state of Arkansas, Kansas, Missouri, Oklahoma and Texas, and litigation in North and West Texas. He is the Board President for the Citizens Development Center, a non-profit United Way affiliate that serves the needs of mentally and physically challenged citizens in the DFW area by providing work opportunities.

William Randolph Weber, managing partner of Hazelwood & Weber LLC, in St. Charles, Missouri, was recently named St. Charles "Citizen of the Year" for his civic and charitable contributions to his community.

1978
Adjoa A. Aiyetoro has accepted a position at the University of Arkansas at Little Rock, William H. Bowen Law School, as an Assistant Professor. She will be teaching Civil Procedures and Remedies. She will also be assisting in an outreach program to youth of color and getting them interested in the legal profession. She chairs the Legal Strategies Commission of the National Coalition of Blacks and Reparations in America and is co-chair of the Reparations Coordinating Committee.

Mark J. Schulte, the founder, chairman and chief executive officer of Brookdale Living Communities Inc., was inducted into the Chicago Area Entrepreneurship Hall of Fame. He and his wife Mary have four children and live in Barrington, Illinois.

William J. Sheehan, who is practicing law with older brother Pat, '77, has, in the past, served as President of the Sangamon County Bar Association. He also formed a pro-bono fundraising band, "The Casenotes," and recently joined the local rock/jazz band, "Moroccan Soul," as lead guitarist.

1979
Rick A. Shapiro owns The Wheatley Group, a full-service Merger and Acquisition Advisory Firm. The Group advises sellers and buyers of privately held companies on all aspects of business and transaction related issues pertinent to sale or acquisition. Rick has won an award for the past six years for being the top-producing intermediary in the Phoenix Metropolitan area regarding total dollar volume of sales.

1980
Douglas A. Copeland was elected Vice President of The Missouri Bar, having served on its Board of Governors since 1996. He is practicing in the Clayton, Missouri, law firm of Copeland Thompson & Farris, P.C.

Terry E. Schnuck left his position as General Counsel at Schnuck Markets to pursue a lifelong passion in musical theatre. He produced the off-Broadway rock musical, "Ministry of Progress, which opened March 4, 2004.

1981
Randy A. Bickle has been practicing medicine in a suburb of Detroit. He is President and Medical Director of Olympia Medical Services, a 600-doctor business group that deals with insurance contracts, settlements and claims payment. He and his wife of 19 years have three daughters.

1982
John F. Wagner Jr. has been appointed Assistant Counsel in the Office of Law Revision Counsel in the U.S. House of Representatives in Washington, D.C.
Jack Pohrer is standing by the window of his 24th floor office in the U.S. Bank Plaza building in downtown St. Louis, silently scanning the cityscape below. On any given day he sees businesspeople making their way to lunch, crowds heading to a ballgame and cars stuck in traffic. But the view from his window reveals more than just the daily pulse of life. It reveals potential. For in this city full of people there is a city full of cars, and Pohrer knows that, at some point, they’ll need a place to park.

As one of the owners of St. Louis Parking Company, the oldest and largest parking company in the St. Louis region, Jack, along with his brother Gary and nephew Eddie, has St. Louis and its environs covered — or uncovered, as the case may be. Pohrer is happy to be in a family business, particularly one that serves the market through more than 100 facilities capable of housing over 35,000 vehicles on a daily basis.

The road to parking was initially covered in oil, however, when Pohrer’s father, a petroleum distributor and one-time service station worker, discovered the importance of parking. While working at a station downtown, he was frequently asked by customers if they could park in the lot for 5 cents a day. After quickly realizing the import of parking to the local community, the elder Pohrer kept the notion in his head, even while helping to bring in and distribute oil throughout Missouri and Illinois. Retirement didn’t bode well for him, however, so he began purchasing property in downtown St. Louis. He maintained those properties just until his sons, Jack included, took over for him. The Pohrer brothers slowly began purchasing more property and now own, lease and manage a large portion of property throughout the greater metropolitan area. That includes five car washes, too.

Despite the large number of cars Pohrer’s company is able to hold in their lots and garages, the fact that they’re already housing so many vehicles can sometimes be overshadowed by the even larger crowd that may be downtown on a particular day. Take, for example, the day when it was the opening day for the Rams, the Cardinals were having a game and there was a Blues Festival going on in Laclede’s Landing — all at the same time. Police were stationed throughout the downtown area and Pohrer and his staff communicated through walkie talkies. There was no time to waste and while many people may have caved at the stress, Pohrer kept his cool and took care of everyone in search of parking for that day.

“It’s obviously not like an average day for someone who practices law,” Pohrer laughs, “except for the fact that in most any profession things happen, and you have to be able to deal with it in the most efficient and professional way possible.”

And perhaps it’s because he’s been in the business so long, or, perhaps it’s because his law degree prepared him well for troubleshooting potential problems — whatever it is, Pohrer seems to take professionalism and efficiency well beyond their typical definitions. If you tell him that, he’ll humbly brush it off, giving most of the credit to his father.

A St. Louis native, Pohrer attended St. Louis University High School and later went on to attend Saint Louis University School of Law. Even though he knew he would take over his father’s business, the elder Pohrer felt that law school would be beneficial to his son’s career and would be worthwhile for the family business at the same time.

He came to the family business right out of law school with the same fire in his eyes that still burns every time he talks about his lifelong career. Despite its sometimes stressful bent, Pohrer loves that he can work with his family, honoring his father’s vision. At the same time, he finds joy in being able to help out the community — a community to which he’s so strongly connected.

He does this through his affiliation with the Community Improvement District (CID), where he’s on the Board, and the Finance Council for the Archdiocese of St. Louis, where he is chairman of the Budget Committee. He is also the chairman of the Today and Tomorrow Education Foundation, an organization that gives 2,000 scholarships to low-income students and supports parochial schools throughout the city. When speaking about the Foundation Pohrer beams, explaining that it serves as an anchor for the city and has done wonders in keeping the city alive. “The Foundation educates children in a book sense, but also teaches them value and discipline, which is equally important,” says Pohrer.

And it becomes obvious, after speaking with Jack Pohrer, that when he stands at his window on the 24th floor of the U.S. Bank Plaza building, he’s doing more than just scanning the perimeter for potential parking. He’s also keeping watch over the city he’s so proud to be a part of. He’s looking down at the schools where students’ minds are being shaped, watching as those commuting to work find safe and convenient places to leave their vehicles. And he’s marveling at the fact that his life has taken the path it has.

“Mother Theresa always said that we’re just the pencils, and God has the plan,” says Pohrer. “And I really believe that. I wouldn’t have imagined I’d have done all the things I have in my life, but once I realized that life is always moving and there is no such thing as a static existence, I was able to fully embrace my place in the world. I’m a part of the big plan — we all are.”

Jack E. Pohrer, ’65
Chairman, St. Louis Parking Company
1983
Robert G. Raleigh recently joined the firm of Armstrong Teasdale LLP as part of the Litigation Department, where he concentrates in the areas of toxic tort and medical malpractice defense.

1984
Terese A. Drew was named partner in charge of the St. Louis office of Hinshaw & Culbertson, LLP.
Mary Ann Shea, an attorney/registered nurse, is currently serving as President of The American Association of Legal Nurse Consultants.

1985
Jeff A. Bashuk is leaving the firm of Hassett, Cohen, Goldstein, Port and Gottlieb and is forming his own firm, Bashuk and Glickman, a medium-size law firm with a Decatur and Roswell office. The firm will mainly concentrate on business litigation, juvenile law and domestic relations.
Susan L. Dill has a criminal defense practice in Kansas City, specializing in crime defense in both state and federal court.
Jeffrey J. Lowe has opened his own firm, Jeffrey J. Lowe, P.C., in Clayton, Missouri. He concentrates his practice in personal injury and civil litigation.

1986
Martin G. Hacala is Vice President of Genesis Professional Liability Managers, a Berkshire Hathaway company, located in Cleveland. He is the chief attorney for the group and supervises the claims department for a major directors and officers and employment practices liability insurer. He also provides counseling and legal advice to the company’s underwriters on risk selection, policy language and loss prevention issues.
Nat S. Walsh, formerly the President of US Title, has been named President of National Commercial Services for Cendant, a publicly traded company based in Parsippany, New Jersey. In his position, he will coordinate title and closing services for commercial transactions throughout the United States. He is also part of a redevelopment group that will renovate two warehouse buildings into 85 loft condominiums in St. Louis’ Washington Avenue loft district.

1987
Richard P. Dooling has gained much recognition throughout the years for his writing, but most recently he has added the new television series, “Kingdom Hospital,” to his credentials. Dooling served as a producer for all 13 episodes, wrote five of the episodes and has served as a medical consultant throughout the process. The show’s two-hour premiere aired on ABC on Wednesday, March 3 at 8/9 p.m. Central.
Gary F. Wessellmann is a Lieutenant Colonel in the U.S. Air Force, serving as the Integration and Test Lead for the Airborne Laser program.

1988
Edward J. DeMarco is a partner with Ballard Spahr Andrews & Ingersoll, LLP, in the firm’s main office in Philadelphia.
James F. McCartney has opened his own law office, The McCartney Law Firm, located in South and North St. Louis County. The firm will concentrate on the areas of workers’ compensation, traffic and personal injury.
Thomas G. Whaley is employed as the Executive Vice President of The Goldklang Group and the St. Paul Saints Professional Baseball Club of the Northern League in St. Paul, Minnesota. He lives in Lino Lakes, Minnesota, with his wife and their three children.

1989
Richard J. Behr has joined the Clayton, Missouri, law firm of Behr, McCarter & Potter, P.C. His practice is concentrated in the area of civil litigation, with an emphasis on professional negligence defense, employment law, admiralty, product liability and insurance matters.

1990
Marc L. Breit is the owner of Breit Law Office in Louisville, Kentucky. He was the top ranked “Most Prolific Attorney in Kentucky” by the Kentucky Jury Trial Court Review, and holds the highest number of defense-related “threshold” verdicts over the last five years among Kentucky attorneys. His practice consists of litigation defense and sports agent representation.
Joseph P. Whyte was elected partner at Heyl, Royster, Voelker & Allen effective January 1, 2004. He practices in the area of civil litigation, with an emphasis on class action defense. He and his wife, Cheryl have four children.

1991
Joan R. Beck relocated to the Lexington, Kentucky, area, where she serves as the Citizens’ Advocate for the Lexington-Fayette Urban County Government (ombudsman).
Jay L. Kanzler Jr. has joined Dunn & Miller P.C. as a principal specializing in commercial litigation and dispute resolution.
Debra K. Schuster has established Debra K. Schuster, P.C., an elder and long-term disability practice located in Creve Coeur, Missouri.

1992
Grant M. Chapman was recently appointed Provost of Ottawa University’s Kansas City campus. In this capacity, he oversees the University’s campuses in Overland Park, Kansas, and Lee’s Summit, Missouri.
Jeffrey L. Devine, previous owner of Devine Law Office in Evansville and Boonville Indiana, has joined Integra Bank Corporation in Evansville, Indiana, as Vice President and Legal Counsel.
Christopher E. Erker has been named partner at the international law firm of Bryan Cave LLP. He practices in the St. Louis office, where he assists corporate clients with a wide range of environmental and health and safety matters.
William J. Kelly is CEO of the music company, JPF Music. The label’s first compilation, “Fifteen Minutes – Volume 1,” has received positive reviews, and the label will soon release “Fifteen Minutes of Jazz.” William is also practicing law and chairing the Recruiting Committee for all seven offices of the law firm, Adams and Reese LLP.
Michael F. Stelzer was appointed on January 12, 2004, by Missouri Governor Bob Holden to be an associate St. Louis Circuit Judge.

1993
James A. Telthorst was elected partner at Heyl, Royster, Voelker & Allen effective January 1, 2004. He practices mainly in the area of workers’ compensation defense. He and his wife, Grata, welcomed their first child, Elizabeth Anne, into the world on St. Patrick’s Day, 2004.
Christy Thompson (Kloecker) recently assumed the position of corporate communications manager for SSM Health Care’s corporate headquarters in St. Louis. She is working on the system’s electronic records conversion project, quality initiative communications and is a contributor to the system’s bi-monthly physician and employee publication.

1994
Anthony L. DeWitt was elected as a Fellow of the American Association of Respiratory Care for his significant contributions to the field of respiratory care. He continues to serve in the appellate office of Bartimus Frickleton Robertson & Obezt in Jefferson City, Missouri, and focuses his practice on appellate work, Federal Whistleblower litigation and nursing home litigation.
Dan J. Kotz is celebrating a decade of handling real estate transactional work. His two-year-old daughter, Alexa, is looking forward to a new baby brother, who is scheduled to arrive this summer.
Daniel S. Peters was recently elected partner at Herzog, Crebs & McGhee, LLP, a firm with offices in both St. Louis and Belleville, Illinois.
It is a typical September afternoon at Saint Louis University School of Law and Carla Stern, one of the speakers sponsored by the Career Services Office, is standing before a group of students interested in learning about possible employment opportunities with the United States Department of Justice. There is silence as she takes her place in front of the room and all eyes are on her as she clears her voice to begin. She could’ve started her talk with the very common, “Thank you for having me here today,” or “My name is Carla Stern and I’m with the Department of Justice.” But instead of the tried and true approach, Stern takes a long look around the room and says with deadpan sincerity: “Even if you attended my presentation last year, please laugh at my jokes anyway.”

Laughter suddenly fills the air and it will soon become obvious that there will be no need to politely oblige Stern’s request. She is funny enough to hold a crowd’s attention and amusement without any prior inducement and this proves true throughout her entire presentation. And though Stern’s job as trial attorney in the Chicago office of the Department of Justice’s Antitrust Division, where she also serves as the upper Midwest recruitment coordinator, doesn’t require any stand-up comedy training, the unique way in which she approaches a group of people – and ultimately, her work – is what makes her such an interesting woman.

“Practicing law is not just about knowing what the law is,” Stern explains. “It’s about doing research to the point that no one can ask you a question you don’t have an answer for.” And knowing the answers is something Stern has always strived for, long before she worked for the Department of Justice. Her quest to figure things out started when she was an Economics major at Marquette University. “I took a class in industrial organization, which is the economic basis for antitrust law,” she explains. “I liked what I was learning, so I knew that I wanted to continue studying antitrust in law school. I came to Saint Louis University School of Law to see if I was right, and I was — I absolutely fell in love with antitrust law. I like the logic of it and how it warps you for life. Anything good should warp you just a little bit.”

Stern took Antitrust Law with Tim Greaney during her second year of law school, and engaged in independent study. As a result of her detailed work and expressed interest in the subject matter, Greaney suggested she apply to the Department of Justice. She did just that and the rest, as she says, “is history.”

In addition to coordinating recruitment and lecturing throughout the Midwest, Stern investigates mergers in various industries and investigates and prosecutes criminal violations of the antitrust laws. In order to understand the subject matter with which she is dealing, she says she has to “do a lot of talking, interviewing and learning about industries that often I didn’t even know existed. I like that my work is, in theory, always the same, but there’s always something new at the same time.”

Of course, something that is both new and familiar is an issue to which Carla Stern can definitely relate. After all, the talk she gives to students at schools like Saint Louis University School of Law generally follows the same formula. The information doesn’t change much, though the sharp-witted way in which she delivers the material does. So for good measure and added enjoyment, Stern encourages students to pretend that her commentary and her jokes have never been uttered by anyone else — even Matlock, the fictional television lawyer played by Andy Griffith.

As Stern ends her presentation, she tells the once silent students in the room that it is her wish to see them each find a career that brings them both success and fulfillment. “And a true Matlock moment in a multimillion dollar tort suit,” she adds. To better illustrate and amuse, she begins to enact a scene from the show and points to a make-believe defendant. “Did you commit the crime?” she asks, voice firm and strong. “Yes…yes, I did,” she cries, face cupped in hands, mimicking the defendant.

The room once again fills with laughter, and Stern begins to smile. “Either you really think I’m funny, or you’re all going to be a great bunch of lawyers some day,” she says.

Carla M. Stern, ’89
Trial Attorney, U.S. Department of Justice, Antitrust Division
1995
Joy L. Holley has been named Counsel at Bryan Cave LLP. She is a member of the Commercial Litigation and Product Liability Service groups.

Kathleen C. Reardon was recently named Counsel at Bryan Cave LLP. She is a member of the Health Care Client Service Group.

Jennifer E. Spreng recently published the book, Abortion and Divorce Law in Ireland.

1996
Robert J. Jakubeck has been named partner in the St. Louis office of Sonnenschein Nath & Rosenthal LLP. He practices in the commercial real estate area.

Connie L. Johnson has joined the firm of Armstrong Teasdale LLP, where she is a member of the firm’s litigation department and concentrates in the areas of medical malpractice and tort litigation. She is also serving her second term in the Missouri House of Representatives, where she represents a district in St. Louis city. She was awarded the Outstanding Legislator of the Year Award by the St. Louis chapter of the National Association on Mental Illness for her leadership in preventing budget cuts to vital mental health services and threats to put restrictions on Medicaid benefits for persons with severe mental illness.

Kelli E. Madigan (Koopmann) became a principal in the law firm of Motis, Marifian, Richter & Grandy, Ltd., on January 1, 2004. She and her husband Patrick, ’96, live in St. Louis with their 2-year-old son, Owen.

Christine E. Rollins, Saint Louis University School of Law professor and Client Services Manager for the Legal Services of Eastern Missouri, successfully represented the birth mother in the Internet twins adoption case. She wrote the briefs and argued the cases before the Missouri Supreme Court and the opinions were handed down in a 4 to 3 decision. Additionally, she wrote the briefs and argued before the Missouri Court of Appeals in the Internet adoption case wherein the Eastern District found that the trial court lacked subject matter jurisdiction over the case that was rightfully adjudicated in the Philippines.

Petra Benavides Schwartz is licensed in the State of New Mexico and is currently the Director of Equal Opportunity Services for the Albuquerque Public Schools, the largest public school district in the state of New Mexico, comprised of 126 schools, 85,000 students and 12,000 employees. She ensures legal compliance in the area of anti-discrimination/civil rights.

1997
Jim O. Hacking is an associate at Tonkin and Mondl in downtown St. Louis, where he practices admiralty litigation. He is married to Amany Ragab Hacking, ’97.

Amany Hacking (Ragab) is a law clerk for the Honorable Booker T. Shaw of the Missouri Court of Appeals. She is married to Jim Hacking, ’97.

Dean A. Matthews is the administrator for Cancer Research for the Ozarks, a shared department of St. John’s Regional Health Center and Cox Health System in Springfield, Missouri. He recently applied for and received a federal grant of $3.5 million, which is the largest single medical research grant ever received in Southwest Missouri.

David P. Stoebri has been named partner in the St. Louis office of the law firm of Sonnenschein Nath & Rosenthal LLP. He practices in the litigation practice group, concentrating in the areas of toxic torts, products liability, bankruptcy, construction and real estate.

1999
Christianna R. Dougherty-Cunningham accepted a position with the City Attorney’s Office in Virginia Beach, Virginia, in the Litigation Section.

Sean M. McGroarty is an attorney with AG Edwards Trust Company, FSB. He and his wife Cristina recently welcomed their third son into the world.

2000
Bryan A. Drew, a partner in the law firm of Drew & Drew, P.C., has been elected Precinct Committeeman for the Democrat Party in Franklin County, Illinois. He recently married Melissa (Morgan) Drew and the couple is expecting their first baby, Olivia Morgan Drew, on June 30, 2004.

2001
Jay K. Bhatia is in Mumbai, India, where he has his own firm and practice in International & Immigration law. He advises American corporations in identifying business opportunities, handling registration and purchasing properties as well as matters of inbound immigration and all aspects of Indian law.

Carrie E. Fogliani left Foley & Lardner in Los Angeles and accepted an in-house counsel position for Tenet Health System in December of 2003.

2002
Ian C. Simmons is an associate with Federer & Federer, P.C., practicing real estate law. He’s currently working on a Respondent’s brief for his first bench trial.

2003
Jay J. Hoette recently joined the firm of Armstrong Teasdale LLP as part of the Intellectual Property Practice group where he focuses in the areas of patent, trademark and intellectual property.

Elizabeth A. (Beth) Jones has been named Community Development Block Grant Administrator for the City of O’Fallon, Missouri. She will oversee and manage the CDBG housing and public service programs, which involves environmental review, contract preparation, regulatory and contractual compliance and mediation of conflicts.

Kelly M. Plummer has joined the firm of Behr, McCarter & Potter as an associate. Her practice is concentrated in general business litigation, legal malpractice defense and medical malpractice defense.

Anna T. Selby recently joined the firm of Armstrong Teasdale LLP as part of the Litigation Department, where she focuses in the area of medical malpractice.

Abdul-Hakim Shabazz is a radio talk show host and broadcast journalist for 970 WMAY in Springfield, Illinois. He also does contractual work for State of Illinois Appellate Prosecutor’s Office, teaches at Illinois Central College and performs stand-up comedy across the state.

Benjamin F. Westhoff has recently joined Blackwell Sanders Peper Martin’s St. Louis office as an associate in Labor and Employment law.

In Memoriam

1937  David S. Casey
1942  Edward L. Dowd Sr.
1942  L. Max Gardner
1944  Robert C. Tucker
1950  James A. Lawler
1951  H. William Robert
1952  Glen C. Schomburg
1954  Vernon M. Mendel
1955  Milton R. Allen
1960  James A. Roche Jr.
1965  Robert J. Muffler Sr.
1968  Thomas D. Nuelle
1971  Anthony L. Anderson
1974  Gael T. Infande-Weiss
1975  Michael J. Halloran

spring 2004
OUR STUDENTS ARE GOING PLACES
– Alumni Can Help

Saint Louis University School of Law Alumni Offer Support and Guidance During Job Search by Mary Pat McInnis, ’87, Assistant Dean for Career Development

Most of us can remember what it took to get our first legal job. Searching for that first job out of law school can be a tough proposition for students and consumes much of their time and energy. From getting their resume in shape to strategizing, preparing for and landing the interview, it can at times be an emotional roller coaster. Emotions run from great enthusiasm to much anticipation and anxiety and ultimately jubilation when an offer is made and employment is secured. With its distinguished faculty and nationally recognized Centers of Excellence, the reputation of Saint Louis University School of Law in the legal community continues to rise. Our students are finding success in employment both locally and across the country, thereby further cementing our reputation as a law school of excellence.

The recruiting process and the Career Services Office has changed substantially through the years. Large numbers of employers annually participate in the on-campus interviewing programs in both the Fall and Spring Semesters. Computers have made the process even easier with just the click of a button. Notwithstanding the great strides the law school has made, however, the reality is that the economy has affected the hiring needs of many legal employers. Though School of Law students still have an impressively high number of opportunities available to them, they do face a more challenging legal job market and are thus, at times, dependent upon the help they receive from other School of Law alumni. Alumni have been and continue to be our greatest asset in helping our students enter the legal profession. There are many ways you can help. Some of the most significant ways are listed to the right on this page.

There are also opportunities to speak to students at Career Service programs and participate in the mock interview program that helps students prepare for the big on-campus interviewing season in the fall. Your involvement provides a great service to our students and helps them get through the job search process. If you would like to participate in our many programs or have any suggestions as to other ways you can help, please contact the Career Services Office at Saint Louis University School of Law, 3700 Lindell Blvd., St. Louis, Missouri 63108, (314) 977-7100, e-mail mcinnism@slu.edu or fax (314) 977-4089.

1. JOB POSTINGS
Please keep the Career Services Office in mind when part-time, summer or permanent positions are made available by your own employer or by someone in your community. Our Office will post these jobs on the law school Web site at: http://law.slu.edu/CareerSvcs/results.asp, which serves as a valuable source of employment for our graduates. Postings are available for both students and alumni and it is free of charge to view and post a job opening. To post an opening call (314) 977-7100, e-mail mcinnism@slu.edu or fax job postings to (314) 977-4089.

2. RESUME COLLECTIONS
We can collect resumes and cover letters from students and alumni and forward them directly to employers. We can send them in as they become available or just send them all in at once. The method with which we handle this is at the discretion of each employer. Please contact our Office if we can help you with this service.

3. ON-CAMPUS INTERVIEWS
We offer many different ways to conduct interviews right on campus in the Career Services Suite. We have interview rooms in our suite that can accommodate up to four employers on the same day. Employers of all sizes have found this to be an efficient and cost effective way of meeting with numerous candidates on one day. We will gladly work with you to facilitate your requests. Please contact me directly at (314) 977-2771 to discuss your individual needs.

Our Graduates Go Places. Help Others Get There.

In addition to helping our graduates succeed, your financial support also provides the law school with the funds to enhance our curriculum, increase our faculty and improve upon our technology. Please support the Law School Annual Fund and send in your donations by June 30th. Whether you give $10, $20, $50 or more, your support matters.

It matters to our students, it matters to alumni and it matters to the community.

Saint Louis University School of Law is your law school. Help us keep it growing! You can contribute on-line at www.slu.edu/alumni/giving or call (314) 977-3208 to have a business reply envelope mailed to you. A special token of our appreciation will be sent to you after we receive your contribution.
Student Support
Scholarship endowment to support our students is a high priority for the campaign and the future of the School of Law. More than ever, scholarships are critical to attracting a strong and diverse student body.

Endowing a scholarship will permanently associate the donor with the School of Law.

- Full Academic Scholarship: $600,000
- Full Tuition Scholarship: $500,000
- Half Tuition Scholarship: $250,000
- Quarter Tuition Scholarship: $125,000
- Partial Tuition Scholarship: $50,000 minimum

Faculty Support
Professorships represent endowments, the income from which provides needed extra support and recognition. Because fine teaching and research are crucial to our mission and our reputation, increasing the number of professorships is a top goal of the Campaign for the School of Law.

Endowing a professorship will permanently associate the donor with the School’s most outstanding members of the law faculty.

- Professorship: $500,000
- Visiting Professorship: $250,000

Program Support
Endowments in support of specific programs for our students are necessary to enhance the student experience. Endowments in support of programmatic areas listed below can be established. Naming opportunities are available for each program endowment by consultation.

- Centers of Excellence
- Law Clinic
- Library Enhancement
- Moot Courts
- Student Exchange Programs
- Student Journals
- Student Organizations
- Technology Enhancement

Unrestricted Endowment
Unrestricted endowment funds provide important funding for the law school. To recognize donors who make a gift to the School of Law General Endowment Fund, an appropriate plaque will be placed in the selected room or area to recognize the donor’s generous support. The following rooms and areas may be named:

- Connector Building: $2,500,000
- Queen’s Daughters Hall: $2,500,000
- The Dean’s Office: $1,000,000
- Clinic Building: $1,000,000
- Career Services Suite: $500,000
- Student Services Suite: $500,000
- Classrooms: $100,000
- Faculty Offices: $50,000
- Library Study Carrels/Tables: $5,000

Beyond the opportunities listed above, the School of Law, as does every institution of quality, looks for that single, strategic and transformative gift. Other opportunities are also available. For more information, please contact the Office of Development and Alumni Relations at 314-977-3300.

The Law Annual Fund
As part of the campaign, the School of Law asks graduates and friends to continue to make annual gifts to the Law Annual Fund in support of the School. The Law Annual Fund has a tremendous impact on the School’s quality. By combining gifts from hundreds of individuals, the Law Annual Fund raises more than $250,000 annually, thus enhancing the law school experience.

Gifts to the Law Annual Fund are encouraged and recognized at a variety of levels.

Partners in Excellence*
Requires a minimum gift of $2,500 per year for four years, for a total commitment of $10,000. Annual giving at this level allows the donor to sponsor a course of their choosing for the full four years of the commitment. In addition, donors are invited to present the Excellence Award to a student receiving the top grade in their sponsored course.

Dean’s Circle*
Requires a minimum gift of $1,500 per year for five years, for a total commitment of $7,500. Donors who give at this level are recognized in the DuBourg Society category of the School of Law Honor Roll.

Dean’s List*
Requires a minimum gift of $1,000 per year for five years, for a total commitment of $5,000. Donors who give at this level are recognized in the Dean’s List category of the School of Law Honor Roll.

Dean’s Associates*
Open to alumni who graduated 10 years ago or less. Requires a minimum gift of $500 per year for five years, for a total commitment of $2,500. Donors who give at this level are recognized in the Dean’s Associate category of the School of Law Honor Roll.

The University also recognizes donors in the School of Law through membership in the DuBourg Society and the Century Club. Annual giving levels are as follows:

- DuBourg Society: $1,500-$2,499
- Dean’s Fellow: $1,000-$1,499
- Ambassador: $500-$999
- Patron: $250-$499
- Member: $100-$249

* The School of Law encourages unrestricted gifts to the Annual Fund along with gifts to restricted funds. All gifts to the School of Law will be recognized at the giving levels indicated above.