changing lives

An inside look at how the Legal Clinics impact the community
Dear Alumni and Friends,

As you peruse this issue of Saint Louis Brief, you will see that your law school is blessed with a very productive faculty — a faculty that takes seriously its professional responsibility to contribute significantly to the understanding and the development of the law.

Professor Nicolas P. Terry, Senior Associate Dean for Faculty, presents an impressive array of recent faculty scholarship, beginning on page 24 of the Brief. A remarkably wide range of expertise is displayed. This listing exemplifies how our faculty’s scholarship continues to contribute to the advancement of the law.

To help encourage and further the academic pursuits of our faculty, the School of Law provides a supportive scholarly environment with an array of faculty workshops and programs. A good example of the rich and diverse academic community at SLU LAW is the Faculty Workshop Program, run by Professor Anders Walker.

During the past academic year, 22 workshops were presented to the faculty, involving papers by nine of our own faculty and 13 faculty members from law schools around the nation. Those schools included: Cornell University, Emory University, George Washington University, Nova Southeastern University, Arizona State University, University of Chicago, University of Florida, University of Illinois, University of Kansas, University of Minnesota, University of Missouri, University of Notre Dame and University of Wisconsin.

And this summer our formative Summer Workshop Series continues. The series, run by Professor Matthew T. Bodie and Emerita Professor Sandra H. Johnson, provides opportunities for our faculty to present “ideas, article fragments, grand schemes and other scholarship that is still in mutable form” with “guest” law faculty chefs providing lunch.

Our supportive academic environment and dedication to excellent teaching are complementary, a fact easily illustrated by the work of so many of our faculty. For instance, Professor Anders Walker, who recently published a book, a book chapter and five law journal articles, was also chosen as “Teacher of the Year” by the graduating class this year.

The School of Law’s commitment to exceptional teaching — with a student-centric focus — is evidenced by our plans to achieve a student-teacher ratio of 14:1 within the next two years. This is central to our commitment to excellence. We also continue to attract outstanding teachers and scholars to your alma mater, as we increase the size of our faculty. This summer we will welcome four sterling, new colleagues to the law school campus:

• Professor Marcia McCormick will join us from the Cumberland Law School at Samford University. Professor McCormick has an impressive scholarly record in the areas of Employment Law and Federal Courts, both areas in which she will teach. She is a graduate of the University of Iowa College of Law.

• Leah Chan Grinvald joins us from the position of global corporate counsel at Taylor Made Golf Company. She will teach Contracts and Copyright & Trademark. She is a graduate of New York University School of Law and will strengthen our Intellectual Property curriculum.

• Chad Flanders, who has a Ph.D. in philosophy from the University of Chicago and a law degree from Yale Law School, joins us after serving as a law clerk for the Honorable Michael W. McConnell of the United States Court of Appeals for the Tenth Circuit. He will teach Criminal Law and Jurisprudence.

• Efthimios Parasidis joins us after serving as a visiting assistant professor at Hofstra Law School; he is a graduate of the University of Pennsylvania Law School. Next year, he will teach Torts and Biotechnology and the Law; over the long term he will also teach Patents, adding more strength to our Intellectual Property faculty.

The strength and breadth of our faculty continue to provide our students with a first-rate legal education. And SLU LAW is blessed to have so many accomplished alumni providing sustained and substantial support for the School of Law’s educational programs. After 10 years as your dean, I can say from experience that you truly make a difference in the quality of legal education at Saint Louis University. Thank you.

Yours sincerely,

Jeffrey E. Lewis
Dean and Professor of Law
10 Changing Lives

The professors and students at the Legal Clinics work together to make a profound difference in the lives of hundreds of clients.

2009 Hooding

Caps, gowns, memories ... congratulations to the 2009 SLU LAW graduates.

Stimulus: Through a Legal Lens

School of Law experts offer insight into the legal implications of rebuilding the American economy.

Alumni Profile

The Honorable Nannette Baker, ’94, recaps her one-year appointment as Chief Judge of the Missouri Court of Appeals Eastern District.

Alumni Profile

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ABA President Leads Expert Panel on Missouri Plan

As the Missouri General Assembly debated legislation that could potentially change the nationally recognized Missouri Plan — the process by which judges are chosen and appointed — the School of Law was at the forefront of the debate by hosting a roundtable discussion on April 27 with esteemed members of the legal community in the William H. Kniep Courtroom.

American Bar Association President H. Thomas Wells spoke on the issue of independence of the judiciary. The panel of experts included: The Honorable Richard Teitelman, Missouri Supreme Court Justice; Attorney Doreen Dodson, ‘74, Chair of the ABA’s Standing Committee on Judicial Independence; Attorney Tom Burke, ‘81, President of the Missouri Bar; Martin Kerckhoff, ‘89, General Counsel of Missouri American Water Company; and Nannette Baker, ‘94, Chief Judge for the Missouri Court of Appeals Eastern District.

All panelists were unanimous in their support of the Missouri Plan and agreed that it is the most impartial method of selecting judges. While Wells conceded that it is impossible to completely remove partisan politics from the judiciary, he claimed that the ultimate goal is to keep it at a tolerable level.

SLU LAW Named Top 10 Most Innovative Law Schools

The School of Law was featured in the magazine, The National Jurist, for its innovative VARK learning program, which helps students discover their preferred learning style: visual, audio, reader/writer, kinesthetic or a combination of those styles. The program then allows professors to adjust lesson plans to incorporate the various learning styles to help ensure that all students learn to the best of their abilities. SLU LAW was one of only 10 law schools in America the publication featured its January 2009 edition.

SLU LAW Women Receive Justice Awards

A dozen School of Law faculty, alumni and students received 2009 Women’s Justice Awards, which are sponsored annually by the St. Louis Daily Record, on April 16 at the Four Seasons.

Alisse Camazine, ’79, and Deirdre Gallagher, ’86, received the Trial Practitioner Award. The Business Practitioner Award recognized Jane Dueker, ’92, and Tessa Trelz, ’87. The Honorable Nannette Baker, ’94, and the Honorable Carolyn Whittington, ’79, received the Public Official Award. Nicole Colbert Botchway, ’96, and Marie Kenyon, ’86, were recognized as Public Service Practitioners. Amy Gunn, ’96, won the Rising Star Award and Professor Carol Needham (center) was honored as a Legal Scholar. And law students Annie Harkins, ’09 (right), and Manasi Venkatesh, ’09 (left), were named Leaders of Tomorrow.

Public Law Review Presents Property and Economic Stability Symposium

Leading scholars from prestigious law schools across the country joined real estate and urban planning experts — including keynote speaker Richard D. Baron (center), Chairman and CEO of McCormack Baron Salazar — to discuss an array of pressing property ownership issues at the annual Saint Louis University Public Law Review symposium on Feb. 27. The day-long event, “Property Ownership and Economic Stability: A Necessary Relationship?” featured lectures and panel discussions on barriers to creating affordable housing, property rights in the international context and the changing definition of property ownership in the United States. Professor Peter W. Salsich (right) and law student Laura Schwarz, ’09 (left), organized the symposium, which addressed the recent instability in America’s housing markets and the complex relationship between property ownership and economic stability for lower-income families.
Health Law Symposium Covers Genetic Technology Issues

Leading experts and scholars from the fields of law, medicine and anthropology gathered at the School of Law on March 20 for the annual Health Law Symposium, “Living in the Genetic Age: New Issues, New Challenges.” The symposium — now in its 21st year — is sponsored by the Center for Health Law Studies and the Saint Louis University Journal of Health Law & Policy. The program featured a series of lectures and panel discussions on pressing legal, ethical and social concerns that surround advances in genetic technology. Topics included the Genetic Information Nondiscrimination Act of 2008, which limits the use of genetic information by employers and health insurance providers; the meaning and uses of genetic knowledge in the face of uncertain choices; the significance of genetic information for ideas of self, family and community; and the challenges of genetic enhancement and personalized genomic medicine.

Food for Thought Speakers Engage Students

The “Food for Thought Speaker Series,” hosted by the Alumni Relations Office, provided two opportunities this spring for law school alumni to share their insights and practical experience with a small group of law students over lunch.

Attorney Jason D. Fauss, ’05, of Fauss Law, offered students insights into bankruptcy, criminal, family and traffic law on March 4.

Annette Heller, ’76 (center), who now heads up the Law Offices of Annette Heller, shared her experiences practicing trademark, copyright and unfair competition law with students on April 15.

Center for Health Law Studies Honored as Nation’s Premier Health Law Program

Once again, the Center for Health Law Studies has been named the best in the nation by health law scholars, according to U.S. News & World Report “Best Graduate Schools 2010” issue. This year marks the sixth consecutive year the program has held the No. 1 slot.

Professor Thomas J. Greaney, director of the Center for Health Law Studies, attributes the premier placement to the nationally known law faculty and to the outstanding students the program continually attracts. “As the nation weighs major health care reform, it’s especially notable how many of our faculty, alumni and students are actively engaged in these important discussions,” Professor Greaney says.

International and Comparative Law Speaker Series Showcases European Lecturers

The Center for International and Comparative Law hosted Javier Martinez-Torrón (center), Professor of Law at Complutense University of Madrid, Spain, on Jan. 26. Prof. Martinez-Torrón presented “Religion and the Secular State in Spain: Between the Ghosts of the Past and Challenges of the Present.” Professor Jeff A. Redding (right) moderated the discussion.

Professor Joël Monéger, professor of law at the Université Paris-Dauphine and director of the Institut Droit Dauphine, spoke on “Towards an E.U. Uniform Contract Code” on March 19. Professor Monéger holds a Jean Monnet Chair from the European Commission for his involvement in European community law in France and the United States. He was a visiting professor at the Center for International and Comparative Law and taught European Union Comparative Contract Law this spring.
Missouri Court of Appeals Hears Cases at the William H. Kniep Courtroom

The Missouri Court of Appeals held court in the William H. Kniep Courtroom on March 26. Chief Judge Nannette A. Baker, '94; along with Judge Lawrence E. Mooney, '74; and Judge Kurt S. Odenwald, '79, presided over the following cases:

- Jane Doe, Respondent vs. Jerry Lee, St. Louis County Chief of Police, Defendant and Colonel James F. Keathley, Superintendent Missouri Highway Patrol, Appellant
- Michael D. Crossman and Kimberly D.H. Crossman, Appellants vs. Lawyers Title Insurance Corporation, Respondent and Peter Yacubovich, Sharon Yacubovich, Investors Title Company and Topos Surveying and Engineering Corporation, Defendants
- Donald L. Bryant, Jr., Appellant vs. Smith Interior Design Group, Inc. and William Kopp, Respondent

Journalist Scott Simon Speaks at Millstone Lecture

Noted journalist and author Scott Simon was the guest speaker at the 2009 Millstone Lecture on April 6. Simon's lecture was titled “The Illinois Paradox: The Politics of Greed and Hope.” Simon, who hosts National Public Radio's “Weekend Edition,” joined NPR in 1977 as the Chicago bureau chief. Since then, he has reported from all 50 states, covered presidential campaigns and eight wars, and reported from Central America, Africa, India, the Middle East and the Caribbean. The annual lecture was also co-sponsored by the Saint Louis Beacon and KWMU 90.7 FM. Professor Roger L. Goldman helped organized the lecture and introduced Simon to the crowd of more than 100 people at the St. Francis Xavier Church Ballroom.

Criminal Justice Speaker Series Concludes

The School of Law introduced “The Criminal Justice Speaker Series” last fall to provide law students with the opportunity to learn and discuss current issues in criminal justice from leading attorneys and law professors. Professor Michael Pinard, an experienced criminal defense attorney and director of the Reentry of Ex-Offenders Clinic at the University of Maryland Law School, engaged law students in an interactive discussion about the collateral consequences of drug convictions and how race and economic status affect criminal law in urban communities on Jan. 22.

Renowned criminologist Richard Wright, Curators’ Professor and Chair of the Department of Criminology and Criminal Justice at the University of Missouri-St. Louis, offered a candid account of his precarious experiences studying active urban street criminals — including armed robbers, carjackers and drug dealers — in some of the nation’s dicest neighborhoods over the past 20 years on Feb. 10.

The Honorable Stephen J. Murphy Delivers Jurist-in-Residence Lecture

Amidst a crowd of recently admitted SLU LAW students, alumni and even his parents, the Honorable Stephen J. Murphy III, ’87 (right), delivered the Adler-Rosecan Jurist-in-Residence Lecture titled “The Judicial Nomination Process” on March 27. Murphy served as a United States Attorney from March of 2005 until his appointment as a district judge in 2008. Drawing from his own experience as a judicial appointee, Murphy discussed how he was selected to serve on the United States District Court for the Eastern District of Michigan after presidential appointment and confirmation by the United States Senate in 2008.

100 Years of Women Speaker Series Ends

The School of Law inaugurated its celebration of the “The First 100 Years: Women at Saint Louis University” in the spring of 2008 with a series of centennial lectures and events. The final lectures of the series included: “Stress, Professional Obligations and Caregiving: Maintaining a Healthy Law Practice” by Susan C. Tebb, Saint Louis University School of Social Work, on Jan. 28; “The Intersection of Race and Gender” by Wendy Brown Scott, professor at North Carolina Central University School of Law, on Feb. 26; and “Building a Business: Client Development” by Ellen F. Harshman, ’92 (below, right), Dean of Saint Louis University John Cook School of Business, on March 25.
The Center for Health Law Studies welcomed two eminent lecturers for its Distinguished Speaker Series this spring. The Feb. 17 lecture, “A Fresh and Needed Look at the Content of Health Benefits and Coverage: Implications for Health Reform” was given by Professor Eleanor Kinney (center) from Indiana University School of Law – Indianapolis. Kinney is the Hall Render Professor of Law and the co-director of the William S. and Christine S. Hall Center for Law and Health. Michele Bratcher Goodwin, the Everett Fraser Professor of Law at the University of Minnesota, presented “Relational Markets in Intimate Goods” on March 30. Goodwin holds joint appointments in the Medical School and School of Public Health at the University of Minnesota.

SLU LAW Co-sponsors Mini Law School

In a collaborative effort, the Missouri Bar and the School of Law recently created the Mini Law School to provide the public with a greater understanding of the role that law plays in their lives and in society, while offering an introductory look at the inner workings of a law school classroom. The seven-week course covered topics ranging from an introduction to the court system; to bankruptcy, wills and trusts; to criminal defense and torts; to landlord/tenant issues and employment law. Distinguished practicing attorneys, judges and law professors, including Professor Peter W. Salsich, Professor Emerita Sandra H. Johnson and Distinguished Visiting Professor the Honorable Michael A. Wolff taught the classes, which ran from March 30 to May 11.

Moot Court Competition Features Distinguished Judges

To download music legally or not to download music legally? That was the question posed at the 2009 Moot Court Competition on March 27. The trio of judges who presided over the competition consisted of father and son alumni, Stephen J. Murphy Jr., ’74, and the Honorable Stephen J. Murphy III, ’87, along with the Honorable Joseph J. Simeone. Emeritus Professor of Law, Law students Kristin Dougherty, ’10, and David Buishas, ’10, argued on behalf of the plaintiff, RIAA and Big Recording Studio and Distributing Corp. Inc.; while Sheena Hamilton, ’10, and Meredith Webster, ’10, represented the defendant, Elinora Harper.

And the verdict? After what was described as “excellent briefings” by both parties, the panel of judges sided with the defense.
Employment Law Conference Covers Competition in the Global Workplace

The Wefel Center for Employment Law and the Saint Louis University Law Journal presented “Competition in the Global Workplace: The Role of Law in Economic Markets” on April 3. The conference brought together a group of leading legal scholars to address current, critical questions, including: What is the practical role of worker representation and collective action by workers in the global workplace? Professor Samuel Estreicher, the Dwight D. Opperman Professor of Law and director of the Center for Labor and Employment Law at the New York University School of Law, presented the keynote address, “Employee Representation That Makes Sense in Today’s World.” Lessons were drawn from diverse labor and employment experiences in Canada, Chile and the European Union.

Susan Stefan (center), staff attorney and director of the Emergency Department Project at the Center for Public Representation in Newton, Mass., served as the Center for Health Law Studies Practitioner-in-Residence this spring. Stefan gave a keynote lecture on April 7 titled “Beyond Institutions: The Application of Olmstead’s Integration Mandate to Sheltered Workshops,” and she spoke on “Advocating for the Psychiatric Patient with Medical Needs” at the Health Law Association meeting on April 6.

Stefan represents people with psychiatric disabilities in system reform litigation and has written three books and numerous articles about legal and policy issues regarding people with psychiatric disabilities. She also has served as an expert consultant for the President’s New Freedom Commission on Mental Health in 2003 and for the Institute of Mental Health.

Prof. Walker is Faculty Member of the Year

Graduating law students selected Professor Anders Walker as “Teacher of the Year.” Professor Walker has been a member of the faculty since 2006, and his areas of expertise include constitutional and criminal law. Professor Walker also recently published a book, The Ghost of Jim Crow: How Southern Moderates Used Brown v. Board of Education to Stall Civil Rights, a book chapter and five law journals (see page 27).

Law Students Present Papers at Writing Symposium

The Student Legal Writers’ Association at the School of Law hosted the second Annual Law Student Symposium on April 17. The seminar competition, which is blind reviewed, is open to second- and third-year students from law schools in Missouri, Illinois, Iowa, Arkansas and Kansas. Law students Ephraim Samuel Geisler, ’10 (left); Jennifer Valentino, ’10; Matt Orso, ’09 (right); Colleen Weir, ’10; and Jennifer Beasley, ’10, presented papers at the conference. Geisler received the Writing Excellence Award and a $500 prize. Orso also received an honorable mention for his paper.

Stefan Serves as Health Law Practitioner-in-Residence

Susan Stefan, staff attorney and director of the Emergency Department Project at the Center for Public Representation in Newton, Mass., served as the Center for Health Law Studies Practitioner-in-Residence this spring. Stefan gave a keynote lecture on April 7 titled “Beyond Institutions: The Application of Olmstead’s Integration Mandate to Sheltered Workshops,” and she spoke on “Advocating for the Psychiatric Patient with Medical Needs” at the Health Law Association meeting on April 6.

PILG Auction Raises Money for Public Interest Fellowships

More than $21,000 was raised for the Public Interest Fellowships at the March 27 PILG auction at St. Raymond’s The Cedars. The fellowship stipends are annually awarded to students who obtain volunteer positions serving the underrepresented with public interest organizations over the summer.
SLU LAW Students Lend Support at Open Doors

Hundreds of the city's homeless and unemployed filled the Simon Recreation Center for the University’s “Open Doors” event. The annual program provides the public with hot meals, free health screenings, housing assistance and legal aid. Many members of the community immediately sought free legal advice from School of Law students. The pro-bono clients came armed with questions regarding outstanding warrants, traffic violations and trespassing infringements.

Professor John J. Ammann supervised the Legal Aid table and noted that the legal challenges some of these individuals face will continue longer than the March 25 face-to-face meetings, some requiring months of assistance from the Legal Clinics.

School of Law Students Advocate for People with Disabilities

It might just be a curb to you and me. But to a person in a wheelchair or with a mobility disability a curb can look like a “No Crossing” sign. If a curb is not properly cut, it can prevent a person with a disability from gaining access to numerous public places — including a restaurant, post office, school, workplace, or in this case, the School of Law’s Legal Clinics.

I was a student in Professor Elizabeth Pendo’s Disability Discrimination Law class in the fall of 2008 when we discovered the Legal Clinics were not accessible to people with disabilities because there were no curb ramps at any of the intersections between Spring Avenue and Westminster Place. This public-right-of-way is heavily traveled by SLU LAW students, faculty and visitors who walk daily from the main campus to the Legal Clinics.

After studying the requirements of public-rights-of-way under the Americans with Disabilities Act (ADA), our class surveyed the city streets and discovered they did not meet ADA Accessibility Guidelines. We then contacted David Newburger, the St. Louis City Commissioner on the Disabled, who discussed the issue with the class. In a follow-up letter to the city, our class requested the curbs be adjusted. I was thrilled when only weeks into the spring semester, the city adjusted the curbs, ensuring that the streets and the Legal Clinics are now accessible to people with disabilities.

This project taught me more than just the law. It transformed me from a student in the classroom to an advocate in the community for people with disabilities.

— by Kara Kezios, '09
The Class of 2009
changing lives

The professors and students at the Legal Clinics work together to make a profound difference in the lives of hundreds of clients.

“The Legal Clinics changed our lives forever,” says Anika Porter as she proudly watches her 16-year-old son Dannell play with his baby brother. “The lawyers and students at the Legal Clinics turned my son’s life around — and gave me my life back.”

A year ago, Dannell was an entirely different person — failing his classes, starting fights at school, using drugs and repeatedly running away from home. All of Anika’s time and energy was spent trying to help Dannell stay out of trouble and off the streets. Military school and leadership camps didn’t work. Anika’s fitness training business was suffering. She could barely stay above water.

“We were headed down a dark path,” Anika admits. “I was ready to give up, but I was terrified Dannell was going to end up on the streets, in jail or worse. I didn’t know what to do or where to turn.”

When Dannell was arrested for stealing an 89-cent doughnut at the grocery store (when he had the money to pay for it) Anika knew something was off. Convinced a medical condition was behind her son’s unpredictable and disruptive behavior, she took Dannell to see doctors at Grace Hill’s Children’s Developmental Center. The physicians there prescribed medication for attention-deficit hyperactivity disorder and paranoid schizophrenia.

Dannell’s behavior drastically improved, but medical treatment alone could not cure Dannell’s legal and academic problems. Then she met Patricia Harrison, whom Anika calls her “saving grace.”

Professor Harrison, director of the Child Advocacy Clinic, was consulting on cases at Grace Hill for a pilot program called the Children’s Health Advocacy Project (CHAP). The medical-legal partnership, recently funded by a $573,000 grant from the Missouri Foundation for Health, improves access to existing medical and legal services for disadvantaged St. Louis children. The medical-legal partnership was originally developed in 2005 by Professor Jesse A. Goldner, the John D. Valentine Professor, who aided in securing the grant. CHAP is a joint partnership with the Legal Clinics, Legal Services of Eastern Missouri, Cardinal Glennon Children’s Medical Center, St. Louis Children’s Hospital and Grace Hill Neighborhood Health Centers.

“CHAP is such an important program because the legal issues surrounding a medical situation can cause so much stress that it can affect the client’s ability to heal and recover,” explains Professor Harrison. “It’s a testament to what can happen when doctors and lawyers join forces.”

Professor Harrison explains that students at the Legal Clinics learn quickly that their work profoundly impacts people’s lives. “They realize this is a real person who needs them, and if they don’t represent them the best they possibly can, the client may not get to go home or live with their family anymore. A powerful emotional connection forms when you’re guiding clients through what is often the most difficult time of their lives.”

In Dannell’s case, Professor Harrison negotiated community service for the shoplifting charges. Law student Latasha Barnes began working with Professor Harrison on an Individualized Education Plan, which is mandated by law for certain students with disabilities at public schools. Anika admits she was lost when it came to navigating through the complex bureaucracy. She wasn’t aware of the special education resources that Dannell was legally entitled to by law, and she could not afford extensive legal representation to guide her through the complex legal process.

“Trish went above and beyond what I ever imagined an attorney would do for a client — she still attends school meetings after-hours with us to ensure Dannell’s program is in place, and she constantly follows up with us and the school,” Anika says. “It’s difficult to put into words how grateful I am for the Legal Clinics. I truly believe it’s been a blessing from God.”

The specialized education plan allowed Dannell to return and succeed in school. His grades rose from failing to a B- average, and he recently received the Golden Lion Award for excellent behavior and an athletic excellence award at University City High School. He also has a steady job at Ruth Park Golf Course.

“It is so rewarding to see someone who has everything stacked against him, truly turn his life around,” says Latasha Barnes, who received the 2009 David Grant Clinic Student Award, which recognizes a third-year law student who has served as an advocate for social justice. “It’s also very inspiring to see the criminal justice system work and make such a difference in a young person’s life. The cases at the Legal Clinics put a face on your academic education, and you realize that practicing law is about people.”
The Clinic Experience

Whether prosecuting or defending criminal cases, clerking for judges, handling transactional matters for major corporations or assisting the homeless and the elderly, the Legal Clinics offer students invaluable practical experience while providing valuable legal services to the community.

“The community is our classroom,” explains Professor John J. Ammann, director of the Legal Clinics. “Through public service comes experience, and through experience comes a deeper understanding of the law, and most importantly, of people.”

Professors and students annually provide approximately more than 31,000 hours of free legal service — totaling an estimated $3.3 million — to the community through the School of Law’s Legal Clinics and public service programs.

The Legal Clinics offer numerous opportunities for students to become involved with public service. Students can work at public service agencies, such as Legal Services of Eastern Missouri, the U.S. Attorney in Missouri and Illinois and state and local government offices.

As part of the In-house Legal Clinics, students at the Child Advocacy Clinic assist with juvenile delinquency matters as the child’s attorney, serve as guardians ad litem for abused and neglected children and represent children in special education cases. They argue legal motions, cross-examine witnesses and deliver closing arguments. In 2008, the Child Advocacy Clinic handled more than 100 cases.

“I never thought I could use my law degree to help so many people,” explains Latasha Barnes, who’s handled dozens of juvenile cases over the past year. “It’s so important to give 100 percent to your cases because the outcome has a significant impact on your client’s life. It’s not like getting the wrong answer on an exam and my class ranking falls. If I make a mistake in court, it could result in a mother losing custody of her child.”

“The Clinic not only educated me about the depth of the problems hindering our society but also influenced my approach when addressing these issues.”

The Honorable Thom C. Clark, ’98; Associate Circuit Court Judge, Twenty-Second Judicial Circuit

The School of Law also provides a variety of volunteer public service programs that allow students to serve the community, such as Stand Down for Vets, an annual event in which law students work with local attorneys to assist more than 100 homeless veterans with their legal needs. And every January through March, law students work in partnership with local attorneys to provide free assistance in preparing tax returns for low-income families, who are able to collect nearly $1 million in credits and refunds annually.

“We handle cases that impact society and the community,” says Professor Ammann. “There are thousands of people whose lives are forever changed by the work and dedication of our students.”

Under the guidance of the Clinic professors, students partnered with the Catholic Legal Assistance Ministry and other non-profit organizations to champion the cause of 80 Bosnian war refugees whose citizenship applications were unlawfully delayed and persuaded the federal government to naturalize the immigrants.

As part of a reciprocal relationship with the Legal Clinics, the Catholic Legal Assistance Ministry, which shares office space with the Legal Clinics, supervises students who handle immigration cases, represent abused women and serve as guardians ad litem for abused and neglected children.

“Representing your own clients creates a strong personal connection to the case,” says law student Katie Jones, who has worked on several immigration and domestic violence cases.

“The Legal Clinics taught me to always give 100 percent to my clients and how important the cases are to the people involved. The Legal Clinics truly define public service.”

Annette E. Slack, ’98; Associate, Rabbitt, Pitzer & Snodgrass, P.C.
cases at the Legal Clinics. “Whether it’s helping war refugees stay in the United States or removing someone from a domestic violence situation, you quickly realize you’re handling cases that influence people’s lives and your clients are extremely grateful for your help, which is so rewarding.”

Several recent cases exemplify how the Legal Clinics profoundly impact hundreds of people’s lives and affect positive change in the community. Last January, the Missouri Court of Appeals ruled in favor of a lawsuit filed by the Legal Clinics challenging the way the state’s Blind Pension Benefit is calculated. The decision could result in millions of dollars in retroactive benefits for 3,000 blind Missourians.

Under Professor Ammann’s guidance, students at the Legal Clinics also worked with other attorneys to convince a federal judge in Kansas City to restore funding for medical equipment for more than 300,000 Missourians, allowing many low-income people to stay in their homes instead of nursing homes.

“The hands-on experience in the Clinic allows students to build the skills they need to practice law and the confidence that they can make a difference.”

Anne R. Scholl, ’07; Associate, Lewis, Rice & Fingersh, L.C.

Most recently, the Legal Clinics partnered with the University’s John Cook School of Business to assist Habitat for Neighborhood Business, a program that helps establish small businesses in economically distressed neighborhoods. Law students draft leases and construction contracts and oversee real estate closings for the emerging business districts on Martin Luther King Drive and North Taylor Avenue.

“Law is not an isolated profession,” explains law student Virginia Williams. “I’ve interacted with everyone from construction workers to city officials and learned how legal and non-legal issues affect a case. The contracts and transactions we negotiate affect clients on multiple levels.”

Expanding Education

The Legal Clinics offer more than 100 students every semester an array of opportunities to participate in a broad range of legal work for individuals, non-profit organizations, major corporations and small businesses. Full-time faculty members with years of experience supervise clinic students, who are allowed to handle cases in federal and state court under the Missouri Student Practice Rule.

In January, the Legal Clinics moved into its expanded offices. The 1,500-square-foot addition includes new student workspace, a state-of-the-art conference room and five faculty offices. But most important, the expansion allows for a significant increase in the number of students who can enroll in the In-house Clinic.

Overwhelming student interest has spurred the expansion of the Clinic, doubling its caseloads and more than tripling student opportunities over the past decade.

Now, hundreds of students every year can choose from more than a dozen in-house and public service programs, including public interest law, litigation, family law, criminal law, immigration law, elder law, juvenile law and housing legal matters.

Students who complete the required courses can apply for an in-house clinic or externship program. “The Clinic allows students who have strong interviewing, public speaking skills or problem-solving skills a chance to really shine,” says Professor Barbara Gilchrist, who directs the Elder Law Clinic. “The Clinic gives students the chance to thrive in a practical skills setting.”

The Clinic students handle a range of transitional work for non-profit organizations. Through the School of Law’s partnership with the Saint Louis Zoo, students are introduced to the inside workings of a major non-profit organization and gain experience working in employment, taxation and non-profit law. Students also handle legal work for Habitat for Humanity, including drafting leases, contracts and deeds as well as handling real estate closings.

Students argue cases in the Missouri Court of Appeals under a new project, in which students represent claimants in unemployment compensations cases. The Judicial Process Clinic, supervised by Professor Amany Ragab Hacking, also allows students to clerk for federal or state judges, drafting orders and opinions, performing legal research and observing trials. And externships in corporate, government and non-profit agencies provide a variety of litigation and in-house counsel practical experiences.

“No matter if I’m taking a deposition for a corporate client or interviewing an indigent person in criminal court, my experiences in the Clinic have taught me that strong interviewing skills are invaluable,” says law student Robert Parker. “If you know how to talk — and listen to a client — you’ll get the answers you need to present a good case.”

A Supportive Environment

As law student Virginia Williams works on a preliminary injunction motion for a Section 8 housing case, she walks in and out

“My experience in the Elder Law Clinic solidified that there was a way to practice law and advocate for the elderly in a holistic manner that addresses the client’s legal needs along with their health, family and care issues.”

Deborah K. Schuster, ’91, private practice attorney who still consults on cases for the Legal Clinics.

Professor Barbara Gilchrist is the longest-serving faculty member at the Legal Clinics and is a member of the Center for Health Law Studies.
“My experience in the Child Advocacy Clinic taught me to really listen and be there for my clients. There is a strong bond that forms when you advocate for these kids, many of whom have very rough lives.”

Natasha Lipovac, ’07; Attorney, Husch Blackwell Sanders, LLC

Natasha recently added a pro-bono opportunity for a juvenile defense program with Husch and the Clinic.

in the criminal clinic this past semester. “The hands-on experience really prepares you to be a confident and competent attorney. Our professors trust us and repeatedly tell us ‘you can do this.’ And we start to believe them because we see our success with each case.”

Students often compare the Clinic professors to coaches and cheerleaders, offering expert guidance and tough-but-fair encouragement while motivating and applauding them as they apply the law.

“Our clinic professors are great mentors and encourage us while they push us to achieve our best,” Latasha Barnes says. “I know that even after I graduate, I will have a lifelong support system.”

**Beyond the Classroom**

The Clinic helps bring the classroom to life for many students by allowing them the chance to apply the legal and ethical skills they learn in class to actual cases.

And the practical training in the Legal Clinics provides students with a realistic perspective and competitive advantage when entering the legal world.

“The practical experience in the Legal Clinics provides students with a competitive edge when securing employment because employers know these students can hit the ground running with a case,” says Mary Pat McInnis, Director of Career Services. “This year, several firms hired the Clinic students because they were impressed that our students had argued and briefed cases in front of the Missouri Court of Appeals. It gives our students a competitive edge because employers value the real-world experience — it’s an invaluable asset on their resumés.”

Professor Ammann explains there’s a psychological transition when students leave the School of Law classroom and walk the 150 feet to the Legal Clinics office on the corner of Spring Street and Westminster Place.

“It’s like they transform from student to lawyer,” he says. For many students, their experiences in the Legal Clinics also enhance their understanding of the legal theories they study in class. “The legal principles and theoretical arguments we discuss in the classroom are the building blocks of the law, but in the Clinic, the law comes to light,” law student Robert Plunkett explains. “The classroom and the courtroom come full circle. And we see the impact the law has on so many people.”

Working in the Legal Clinics has taught Latasha Barnes that the law is not black and white; rather it’s layered with many shades of gray. “In class, we learn about rules and procedures, but even the simplest cases have many issues that affect the outcome of a case,” she says. “But in the end, the practice of law is really all about helping people.”

And for clients like Dannell and his mother, the Legal Clinics are often their last lifeline before they fall through the cracks.

“The Legal Clinics are often the final resort for people who have been turned down by other non-profit services,” says Professor Ammann. “We represent the underdog, the forgotten and the hopeless. Without our help, many people would end up on the streets or in jail or without medical benefits. We are the last line of defense for many people.”
When I first came to law school, I was just like every other first-year student — excited, scared and ready to learn how to be a lawyer. As I sat through Contracts, Legal Research and Writing and other first-year classes, I knew I was learning about the law. In my second year, I took Moot Court, Trial Advocacy and Client Counseling, which introduced me to different aspects of litigation, but none of those courses put it all together for me. Then I heard about the Legal Clinics.

Just like any successful law firm, the clinic has “partners” (the professors) and “associates” (the students). The partners give the young associates cases and clients, and the eager associates jump on every assignment. My first case involved the alleged discrimination against mentally ill and developmentally disabled people. I advocated for the housing rights of our clients, which not only taught me the law but was also very rewarding.

The most important skill I learned from this case was interviewing. It is one thing to interview clients without disabilities; it is an entirely different task to get information from people with disabilities. I needed to use language that clients could understand, which was tough in this case. I explained the court process, housing rights and discrimination, and what it meant to be part of the lawsuit to people who did not understand any of those issues. I also learned about discrimination suits: the necessary proof and allegations required for the complaint as well as some of the politics behind governmental actions.

During my semesters in the Clinic, I experienced a lot of hands-on learning. I participated in trials and hearings, held conferences with judges and handled negotiations with other attorneys. I drafted pleadings, motions, letters and a settlement agreement. And I interviewed clients and prepared them to speak at trials.

I also conducted a deposition of an agent of the opposing party. Preparing for a deposition is much like preparing for a trial: You have to know what you are going to ask, what you are trying to get the person to say and how to follow-up to get the answers you need. I also elicited evidence from the opposing party that would be helpful to our cause.

When I began law school, I knew I wanted to litigate. My Clinic experience has reinforced that decision as well as the decision to pursue a career in the civil arena. I am also more confident speaking to other lawyers, judges and clients. And this confidence is built upon my successful experiences at the Clinic.

I believe that my clinical experience enriched the lives of my clients. I assisted people with disabilities to get good homes and support. I helped a battered woman utilize a new statute to remedy her situation. I acted as a guardian ad litem for a little boy in family court.

And most importantly, I believe the Legal Clinics have prepared me to begin the practice of law.

THE LEGAL CLINICS DEDICATION & OPEN HOUSE
Friday, September 25, 2009
4:30 to 6 p.m. — Ceremony begins at 5 p.m.
321 North Spring Street, St. Louis, MO 63109
As federal programs and laws attempt to spur economic investment, School of Law experts offer insight into the legal implications of rebuilding the American economy.

The $789 billion American Recovery and Reinvestment Act — the Stimulus Plan — passed in February represents the most expensive effort to stimulate the economy in American history.

The 1,000-plus page Stimulus Plan is a complex document based on a simple premise: “What is good for working families is good for the economy, and what is good for the economy is good for working families,” according to the White House Press Office.

The Congressional Budget Office reports the short-term goal of the recovery measure is to create and save nearly 4 million jobs over the next two years. The Obama Administration insists the only way to build a strong and lasting economy is to address what it believes are the underlying problems of American society —

unaffordable health care, overdependence on foreign oil and underperforming schools.

The massive recovery measure is a mix of new spending, tax relief for individuals and tax incentives for businesses that combine “shovel ready” projects with long-term investment in health care, energy, technology and education.

Through a legal lens, School of Law experts examine the implications that may arise as these new and amended federal programs attempt to revitalize the American economy. Professors Matthew T. Bodie, Michael Korybut, Kerry A. Ryan and Nicolas P. Terry discuss how the Stimulus Plan and other federal recovery programs will collectively affect the landscape of employment, bankruptcy, tax and health law.
UNEMPLOYMENT
Since the Stimulus Plan became law, there's been a quiet but steady movement in some states to assert their rights under the 10th Amendment, which states "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Governors and lawmakers from more than 25 states have recently introduced resolutions declaring state sovereignty, claiming the federal recovery act impermissibly dictates to the states how to spend money and enact policy.

“When you see talk of states’ rights and even secession, what you’re seeing is frustration by state officials in dealing with the popularity and complexity of these federal programs,” says Professor Matthew T. Bodie. “While the Stimulus Plan creates another interesting chapter in American history regarding the relationship between the states and the federal government, the programs do not violate the 10th Amendment.”

At the crux of the latest federal vs. state debate are provisions of the Stimulus Plan’s nearly $36 billion expansion and extension of state unemployment benefits — the largest in U.S. history. The plan is intended to work on several levels. One part of the plan increases and extends unemployment insurance in a fairly straightforward manner. However, other parts of the plan seek to expand unemployment compensation coverage to groups many states currently do not cover: part-time workers, people who quit for compelling family reasons and the long-time unemployed who are in job training programs.

As incentive for these changes, the Stimulus Plan offers funds to replenish state unemployment insurance trust funds that are rapidly running dry. The U.S. Department of Labor reports that nearly 5 million Americans are now receiving state unemployment benefits. Experts report as many as 30 state unemployment insurance trust funds may be depleted within three years.

“Unemployment benefits are even more important in a severe recession, since the chances of finding another job are diminished,” Professor Bodie says. “Moreover, these benefits mirror the overall macroeconomic purpose of the Stimulus Package because they fuel the purchase of goods and services, which ultimately bolsters the economy. Workers who benefit from these programs generally need to spend their benefits on basic necessities.”

The stimulus package also includes a $2.7 billion expansion of the federal Temporary Assistance for Needy Families (TANF) program, which temporarily increases state funding of welfare programs with federal money.

Although it may seem difficult to fight efforts to aid the distressed, many state lawmakers, including ones from Missouri, oppose accepting federal funding for state programs with so many federal strings attached. Opponents insist the measures only provide a short-term fix, requiring billions of dollars annually for states to maintain in the long run.

“A lot of what the Stimulus Plan does is allow states to receive more money from the federal government, which creates a complex web of federal and state interaction,” Professor Bodie offers. “It’s like the federal government is hanging a series of carrots in front of the states, but in order to get the carrots you have to jump through hoops. State lawmakers like the carrots, but they don’t always like the hoops.”

Q&A
What do the unemployment expansion benefits entail?
First, the Stimulus Plan increases the $300 average weekly payment by $25. The program provides jobless workers an additional seven weeks of compensation, on top of the 13 weeks they regularly receive. Workers in states with high unemployment rates receive an additional 13-week extension for a total of 33 weeks.

In addition, the Stimulus Package includes a series of reforms entitled the Unemployment Insurance Modernization Act (UIMA). Essentially, UIMA offers states a proportional slice of a $7 billion funding allocation, but only if the state reforms its unemployment laws in very specific ways. Most states will need to adjust current laws to meet the following provisions outlined in the recovery measure. UIMA funding is broken out into two sections: In order to receive one-third of its total UIMA money, a state needs to recalculate base-pay provisions to allow workers to receive benefits sooner. To receive the remaining two-thirds of the federal stimulus money, the states must enact two of the following four provisions:

• Provide benefits to those seeking only part-time jobs
• Extend unemployment benefits for an additional 26 weeks, after regular benefits expire, to people in job training programs
• Cover people who leave jobs for ‘compelling family reasons,’ such as illness, disability, domestic violence or to follow a spouse to a new job
• Add $15 per week to the benefits of unemployed people with dependents

What is at the core of the federal vs. state debate over unemployment expansion?
To put it simply, some states are upset with the federal government telling them what to do and how to do it. Each state administers its own unemployment insurance programs and sets its own rules. UIMA provides fiscal incentives to encourage states to broaden their eligibility rules to improve unemployment coverage among low-wage, part-time and other workers who now have trouble accessing benefits. Many states will be forced to
change the definition of unemployment under state law in order to receive federal stimulus funds.

The key argument against making the federally mandated changes is that the states and business owners will be saddled with additional taxes because the states will be responsible for covering the costs after the stimulus funds run dry. States want to keep taxes low to attract businesses to their state and retain the businesses they have.

For many states, the bottom line is: Will the federal money cover the cost of expanding and extending unemployment benefits over the long-term? And that answer varies greatly depending on the state. The National Employment Law Project (NELP) conducted a study to investigate how many years of reform the federal stimulus money would cover for each of the 50 states and the District of Columbia. In other words, they were looking at how long the state’s allocation of the $7 billion pot would cover the reforms that UIMA required. Missouri placed 50th with stimulus funds only covering the programs for 2.8 years. Only Alaska (2.3 years) was lower.

So from an actuarial perspective, it may not make financial sense for Missouri to adopt the changes necessary to receive the UIMA funding. But for some states, it’s a good deal. NELP predicts that the UIMA funds will cover reforms in North Carolina, for example, for 66 years. In the long-run, Missouri employers will end up paying for the unemployment programs, which could increase taxes on business and lead to further job losses in the state. That’s the risk lawmakers may fear.

### Do other changes in the unemployment provisions concern you?

Critics are concerned expanding TANF may undermine welfare reforms. In 1996, Congress enacted TANF, the sweeping welfare reform that eliminated open-ended welfare entitlement. The legislation replaced the Aid to Families with Dependent Children (AFDC) program, which many criticized as creating a culture of welfare dependency. TANF is a finite, block grant approach that limits welfare recipients to five years of federal benefits over a lifetime and requires recipients to work after two years of government support. The reform also introduced a mandatory ‘workfare’ component that holds states accountable for helping citizens transition to self-sufficiency.

While TANF generally provides states with a fixed amount of money annually, the stimulus emergency funds offer additional money to help states respond to the rising need for government assistance during the economic crisis. However, a state can only receive funding if it has increased welfare caseloads and expenditures, which creates incentives for states to increase the number of their welfare recipients. This cuts against the prior TANF philosophy of encouraging states to decrease the number of recipients.

### According to the Department of Health and Human Services, welfare cases dropped from 12.6 million in 1997 to fewer than 5 million in 2007. Could changes to TANF really unravel welfare reform?

I don’t think so. The Stimulus Plan allows states to temporarily access emergency contingency funds based on increased expenditures for 2009 and 2010. The argument for temporarily expanding TANF assistance is that we are in a crisis period — we want to make sure kids aren’t going without food and people aren’t sleeping on the streets. With unemployment spiking, we should not be in rush to push people of welfare. Instead, states should have the leeway to allow people access to different types of welfare and unemployment programs because now needy people, often single mothers, are much more likely to be in desperate straits.

### Does the Stimulus Plan provide for any other major changes in labor and employment law?

No, not in the big picture. Nothing in the Stimulus Bill affects major federal employment discrimination laws, such as Title VII of the Civil Rights Act, the Americans with Disabilities Act or the Family and Medical Leave Act. We may see very significant changes in labor law if the Employee Free Choice Act is passed. That legislation would enable working people to bargain for better benefits, wages and working conditions by restoring workers’ freedom to choose whether or not to join a union. However, that legislation is stalled.

### How effective will the unemployment programs be at stimulating the economy?

Unemployment benefits can help stimulate the economy, as struggling families will spend money on housing, groceries and other basic necessities. If we expand unemployment compensation so that it lasts longer and pays more, it will help more people avoid foreclosure and stay in their homes, which gets at one of the core problems behind this recession. The question then becomes: When and how do we ease back the financial support? However, I don’t think we need to be asking those questions just yet.
What are the pros of the pending law?

On the positive side, the cram-down feature is an extremely powerful tool because now the debtor is in the driver's seat. Homeowners in a negative equity situation can choose to file for Chapter 13 bankruptcy, stop foreclosure on their primary residence, which is the single largest asset most people own, and devise a plan on how to pay off creditors, in many cases for much less than what they originally owed. The new cram-down feature enhances the power of a Chapter 13 case for consumers because it will allow bankruptcy judges to modify primary home mortgage contracts, previously unassailable, against the lender's will — and that's huge.

One hoped-for effect of the pending law would be that rather than abandon their homes with negative equity, home owners will be able to force lenders to work with them to make mortgages affordable, and thus these home owners will 'stay and pay, not walk away.' In turn it is thought that by allowing people to stay in their homes and avoid foreclosure, the homeowners' communities will be assisted by putting a floor on the falling housing market, which in turn would help stabilize the economy.

And the cons?

A main argument against this legislation is that it will raise the cost of mortgage lending across the board. The cram-down process forces lenders to take a loss by reducing the principal. So how do lenders compensate for that hit? By raising interest rates and fees for everybody and lending to fewer people.

Thus, instead of helping the ailing housing market, permitting the modification of home mortgages instead could exacerbate the current economic crisis by raising the cost of borrowing, destabilizing the credit market and freezing lending.

Opponents add the pending law will only postpone foreclosures for a few years because many people, especially if they're unemployed or if their income has been dramatically reduced, will still not be able to pay their mortgages, even after modification in bankruptcy.

How accessible is the new bankruptcy law to the millions of Americans facing foreclosure?

Many low-income people may not be able to afford to file for bankruptcy and take advantage of the new law. A Chapter 13 bankruptcy case can be an arduous and time-consuming process, and this legislation makes the law more complicated, which results in the process becoming much more expensive.

Does the Helping Families Save Their Homes Act fundamentally change bankruptcy law?

No, not in the statutory big scheme of things. The U.S. Bankruptcy Code is a rich and detailed body of law, and there have been far more dramatic changes to it over the decades. However, for the millions of Americans who fall in the negative equity category and are able to use this law to keep their homes, this is a really big deal.

How will this affect the legal community?

There may be a large increase in bankruptcy filings, which could potentially overwhelm judges and the courts. There probably will be significant infrastructure changes like new forms and procedures, and even special dockets, especially in states that have been hit the hardest such as California and Florida, which could experience the most dramatic increase in bankruptcy filings.

If the new law is passed, it will have serious implications and both lenders' and debtors' counsel will need to get up to speed on the law quickly. Both sides will have to start thinking on behalf of their clients how strategically and procedurally to apply the new law.

Does the legislation create an over-reaching expansion of judicial power?

That's a hard question to answer. On the one hand, no, it doesn't since currently judges have the power to modify many types of contracts in bankruptcy (other than primary residence mortgages). And given other requirements of a Chapter 13 bankruptcy, bankruptcy judges have been charged with making some intimate decisions about a consumer debtor's life, such as what are reasonable expenses a consumer should be able to spend during the Chapter 13 case's duration.

On the other hand, providing a cram-down feature for home mortgages could potentially affect so many lenders and borrowers, we should think very carefully about whether an unintended consequence might be the erosion of the sanctity of contracts. People who make contracts expect them to be fulfilled or enforced as agreed — many types of beneficial behavior and decisions are predicated on this idea.

TAX RELIEF

Tax cuts, credits and incentives top the Stimulus Plan’s rescue efforts. The Congressional Budget Office reports that the Making Work Pay tax credit is the recovery measure’s most ambitious and expensive provision — with $116.2 billion slated for the program. The credit provides a refundable tax credit of up to $400 for working individuals and $800 to working families implemented through reduced income tax withholding.

The credit attempts to fulfill President Obama’s campaign promise to cut taxes for 95 percent of workers, affecting 129 million households. The Stimulus Plan’s combination of the $800 tax credit and the $1,200 expanded
child tax credit will also lift an estimated 2 million
people above the poverty line, according to
congressional reports.

But will the new tax laws be enough to
stimulate the economy? And will the provisions
provide effective aid to millions of struggling
Americans, including the nation’s most
vulnerable families? Professor Kerry A. Ryan
offers expert insight on the potential impact and
effectiveness of the Stimulus Plan’s extensive
and complex tax incentives and programs.

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Q&A

**Will the new tax provisions be effective?**
The new tax provisions add an additional layer
of complexity to an already excessively complicated
tax system. There are efficiency and equity costs
associated with increased complexity. In general, the
effectiveness of the new tax measures will depend
on how these costs measure up against the achieved
social, economic and environmental benefits.

**What impact will the Making Work Pay Tax Credit have on reviving the economy?**
If the goal is to spur demand through increasing
families’ take-home pay, the subsidy amount per
family (about $13 per paycheck) is not sufficient to
achieve that goal.

**Which of these new tax laws will benefit those people hit hardest by the recession?**
Many of the tax provisions are aimed at low- to
moderate-income families, including the Making
Work Pay credit, increased earned income credit
and the additional child tax credit. Putting
additional money in the hands of these families
makes economic sense because it will spur
consumer spending rather than increase savings.

Increasing the exemption amounts for the
Alternative Minimum Tax (AMT) offers relief
for middle-income families. The AMT was
designed 40 years ago to ensure that the wealthy
pay some tax, but was never indexed for inflation
so it began ensnaring middle-income families.
The $69.8 billion program — the third largest
in the Stimulus Package — spares millions of
middle-income Americans from paying the
AMT in 2009.

**How are the new laws affecting tax policy?**
From a tax policy perspective, there are positives
and negatives. On the positive side, many of the
tax benefits are in the form
of refundable tax credits
rather than exemptions,
deductions or nonrefundable
credits. This assures that all
families, regardless of the
level of their tax liability, can
fully participate in the tax
subsidy programs.

On the negative side, the sheer number and
temporary nature of the tax provisions result in increased
complexity in our tax system. Furthermore, many of the
new tax benefits interact with existing tax and spending
programs in complicated ways. It is not clear that
interaction was considered or accounted for by Congress
in its haste to enact the Stimulus Package.

**Do any of the new tax laws concern you?**
The new tax credit for first-
time homebuyers gives me
pause because overinvestment
in housing, spurred in part
by the generous tax benefits
available to homeowners, is
partly what got us into this
mess in the first place.

**What are the key issues we need to be aware of as these new laws unfold?**
We need to monitor the administrative costs
associated with such a massive package of
short-term changes to the tax code. The Internal
Revenue Service must mobilize fairly quickly to
implement these provisions before they expire.
This will draw scarce administrative resources
away from the more systemic issues that the
IRS should be addressing.

**Will these programs be effective over the long term?**
No. Many of the tax provisions are temporary
band-aids that will not be effective in the
long term — they may not even be effective
in the short term.

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**HEALTHCARE**
The Stimulus Plan directs
roughly $150 billion to health
care programs. “Yet, most
of those funds are directed
far more at stimulating
the economy than at the
fundamental health care
reform that President Obama identifies as a key to
economic recovery,” Professor Nicolas P. Terry says.

Intersecting those two goals is the $20 billion
slated for health information technology. While
relatively modest in terms of the overall Stimulus
Plan, this sum is the largest government infusion of
funds into health care information technologies.

“While likely to stimulate investment in such
technologies and create employment for many health
care informatics professionals, both the Obama and
Bush Administrations have taken the position that
widespread use and exchange of health information
technology can be transformative; that electronic
medical records and related technologies will improve
quality of care, reduce duplication of services and
limit medical errors,” Professor Terry explains.
Q&A

What are the forward-looking provisions of the Stimulus Plan?
The plan sketches out a health care vision that will have important ramifications for health care and the lawyers who work in and around the country’s most regulated industry.

First, and perhaps of least surprise, the recovery act dramatically increases the funds available for disposal by the National Institutes of Health. Second, the recovery plan provides $1.1 billion for comparative-effectiveness studies, which will allow researchers to compare drugs, medical devices, surgery and other ways of treating specific conditions. For the first time, the plan will provide substantial amounts of money for the federal government to compare the effectiveness of different treatments for the same illness. Third, the plan radically revisits the model for creating a universal electronic health records system for the United States.

Do the research provisions create any legal issues?
No, not in themselves. However, the past decade has seen our research institutions under increased pressure to improve their processes surrounding human subjects research, while the federal government has become ever more vigilant in tracking the dispersal of its funds.

As to the comparative-effectiveness research, while it has its own intrinsic value, the program is a likely indicator of some of the approaches we will see in the new administration’s forthcoming health care proposals.

What exactly is the plan regarding electronic health records?
The recovery measure is a classic example of ‘shovel-ready’ stimulus funding. President Bush’s administration in 2004 originally set the goal for a nationwide interoperable health records system within 10 years and laid some of the administrative and technical infrastructure. That system was designed to reduce direct and indirect health care costs associated with medical errors. The Stimulus Plan supplements the Bush plan by creating new records products, services and systems as well as training or re-training the operators necessary.

The recovery act includes $20 billion for health information technologies, including funds for regional health information exchanges and, involving by far the largest expenditures, incentive payments to Medicaid and Medicare providers who adopt approved health records systems. Along with such “carrots” come some “sticks” — penalties that will be imposed on doctors who do not adopt approved technologies.

You’ve written extensively regarding the privacy and confidentiality implications of health information technology in general and electronic health records in particular. Does the recovery measure reduce any of your concerns?
Yes. The Stimulus Plan (specifically Subtitle D of the act’s ‘Health Information Technology for Economic and Clinical Health Act’) makes a number of changes in the regulation of health information generally, and electronic health records in particular. Indeed, the recovery act may well be seen as ‘HIPAA 2.0.’

The recovery measure closes off what many have regarded as regulatory gaps in the original HIPAA regulations. For example, ‘business associates’ will no longer be indirectly regulated through terms in their contracts but directly subject to the HIPAA code, including its penalties. In addition, there will be new regulations tightening up the idea of ‘minimum necessary’ disclosure standard and new restrictions on the use of protected health information for marketing purposes, including fundraising.

Renewed attention is also being paid to what many have viewed as HIPAA’s major operational deficiency — enforcement. There are tighter definitions of breaches of the HIPAA code and there will be more enforcement, including the involvement of state attorneys general.

Are there any novel legal approaches to the protection of personal health information?
Yes, regulations under the new statute generally will prohibit any unconsented-to sale of personal data contained in electronic records systems. Further, although previously seen in the war against financial identity theft, the recovery measure imposes a duty on health care data stewards to notify patients when their data is at risk. Oddly, the newest type of health information data steward, providers of personal health records, are not subject to either the old or the ‘improved’ HIPAA but only to the new ‘breach notification’ provision.

How will this affect the legal community?
Many viewed millennium year HIPAA 1.0 as an employment stimulus plan for lawyers. And lawyers involved with Institutional Review Boards and academic risk management and compliance will be working overtime. There will be no shortage of legal work when it comes to dealing with the new statutory and regulatory provisions in the health care sections of the recovery act. But, this time let us hope that is not the only part of the economy that is stimulated.

Nicolas P. Terry
Chester A. Myers Professor of Law & Senior Associate Dean for Faculty
Expertise: Health Law, E-Health & Products Liability

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Ann M. Scarlett

“Justice Clarence Thomas taught me the importance of standing up for your beliefs, being confident in your ideas and holding true to yourself at all times.”
A Unique Perspective

Professor Ann M. Scarlett brings a unique perspective to both the classroom and her scholarship. She’s served as a judicial law clerk, practiced corporate law and later practiced as a business litigator and appellate attorney.

Clerking for Justice Clarence Thomas gave Professor Scarlett a rare glimpse into how law is made by the Supreme Court. She saw firsthand the radically different approaches of the Justices reviewing statutes and interpreting the Constitution in deciding cases. Especially interesting to Professor Scarlett was the difference in the roles of the Supreme Court and the Court of Appeals for the Eighth Circuit, where she clerked for Judge Pasco M. Bowman. Through clerking, she developed a keen awareness of how to make strong appellate arguments and also how to successfully brief an appellate case.

And Professor Scarlett always shares this knowledge and experience with students preparing for various moot court competitions.

As a corporate attorney, Professor Scarlett worked on mergers, acquisitions, formation of business entities, securities offerings and regulatory and securities filings. This corporate experience allowed her to observe how corporate contracts and transactions, such as mergers and acquisitions, are negotiated and then executed. When she shifted to a business litigation and appellate practice, Professor Scarlett experienced the flip side of the coin — when business deals go awry and produce litigation. As a litigator, she handled cases in state and federal courts on a wide variety of legal issues, including business torts, contract, antitrust, fiduciary duties, shareholder rights and insurance.

Professor Scarlett’s varied legal experience enriches her teaching of Business Associations because she teaches students to consider not only the business concerns but also the potential litigation inherent in all business activities. Professor Scarlett’s rich litigation and appellate experience enhances her Civil Procedure course as she supplements the casebook material with real-life litigation scenarios and stories from her judicial clerkships. Professor Scarlett also combines her experiences into her scholarship as she examines corporate law from litigation and judicial perspectives.

Personal Reflections

Like many law students, I always wanted to be an attorney, but I was unaware of the many opportunities available for attorneys. I never saw myself arguing in a courtroom, so I quickly focused on becoming a transactional attorney, which seemed like a logical choice because I had studied economics and business during college. During law school, I took primarily business and tax classes while avoiding litigation courses.

During law school, however, my professors urged me to apply for federal judicial clerkships even though it is not typical for a transactional lawyer. I am thankful that my professors encouraged me to pursue a judicial clerkship because clerking was a great learning experience. The job of an appellate law clerk involves reading many briefs, which quickly teaches you the characteristics of a well written brief. It also involves writing bench memos and drafting opinions. I also observed different styles and methods of advocacy used by attorneys during oral arguments.

I practiced corporate law for a year before beginning my clerkship with Justice Thomas. Clerking at the Supreme Court further honed my writing skills and taught me to make arguments from all ideological perspectives for the debates within chambers. As a law clerk, I also learned to express my opinions with clarity and logic, to defy simple stereotypes, to respect others’ opinions and to disagree without being disagreeable. Justice Thomas also taught me the importance of standing up for your beliefs, being confident in your ideas and holding true to yourself at all times. By his example, Justice Thomas taught me to act with integrity, to live a moral life and to be thoughtful and deliberate with your words.

After these two judicial clerkships, I switched to practicing business litigation and appellate law. This switch gave me plenty of opportunities to write motions and briefs, and I conducted depositions, argued briefs and counseled clients. While practicing, I also lectured at the University of Kansas School of Law and ultimately realized that I enjoyed teaching even more than litigating.

In the classroom, I strive to teach not only the doctrinal and theoretical concepts, but also the practical applications of the law. By using examples from my practice experience, I can help students understand how the law applies in real-life situations and the ethical issues they will confront. As a professor, I also am able to write on topics of my choosing, such as whether any right to jury trial should exist in shareholder derivative litigation.

When I entered law school, I had no idea where my legal education would take me. Gone are the days when a lawyer stayed with one firm for his or her entire career. A legal education provides so many fulfilling career options when one is prepared and willing to seize opportunities that come along.

Resumé

- Assistant Professor of Law; Saint Louis University School of Law; July 2005-present
- Lecturer/Adjunct Professor; University of Kansas School of Law; Spring 2000 & August 2001-May 2005
- Associate Attorney; Business Litigation and Appellate Practice; Stinson Morrison Hecker LLP; October 2001-June 2005
- Law Clerk to Justice Clarence Thomas; Supreme Court of the United States; July 2000-July 2001
- Associate Attorney; Corporate Practice; Stinson, Mag & Fizzell, P.C.; September 1999-July 2000
- Law Clerk to Judge Pasco M. Bowman; United States Court of Appeals for the Eighth Circuit; September 1998-August 1999
- Kansas State University, B.A., 1995
- University of Kansas School of Law, J.D., 1998
Faculty Scholarship:

The achievements of the faculty at the Saint Louis University School of Law continue to extend outside of the classroom. In this installment of Faculty Scholarship it is my privilege to share with the SLU LAW community the latest scholarly accomplishments of our talented faculty members.

— Nicolas P. Terry, Senior Associate Dean for Faculty

Matthew T. Bodie

**Articles**

- ___ & Grant Hayden, One Share, One Vote and the False Promise of Shareholder Homogeneity, 30 Cardozo L. Rev. 445 (2008)

**Essays**

- ___ & Grant Hayden, Arrow’s Theorem and the Exclusive Shareholder Franchise, 62 Vand. L. Rev. ___ (forthcoming 2009)

Kelly K. Dineen

**Articles**

- Richard J. Bonnie & Stephanie Wright & ___, Legal Authority to Preserve Organs in Cases of Uncontrolled Cardiac Death: Preserving Family Choice, 36 J. L. Med. & Ethics 741 (Winter 2008)

**Essay**

- Responsibility and Collaboration in Health Team Care, Virtual Mentor, 2009; 11(3): 247-252, American Medical Association

Teri J. Dobbins

**Article**


**Essay**

- Secured Party’s Liability for Collection or Enforcement of Account Debtor’s Obligation when Secured Party has no Right of Recourse Against the Debtor, 62 Consumer Fin. L.Q. Rep. ___ (forthcoming 2009)

Robert Gatter

**Chapter in Books**


Roger L. Goldman

**Chapter in Books**


**Book Review**


Jesse A. Goldner

**Chapter in Books**

Joel K. Goldstein

Book
• Norman Redlich, John Attanasio & ___, Constitutional Law (5th ed. 2008)

Chapters in Books
• Presidential Immunity, in Encyclopedia of the Supreme Court of the United States (David S. Tannehaus ed., 2008)
• Presidential Response to Judicial Decisions, in Encyclopedia of the Supreme Court of the United States (David S. Tannehaus ed., 2008)
• Unitary Executive, in Encyclopedia of the Supreme Court of the United States (David S. Tannehaus ed., 2008)
• Admiralty Jurisdiction, in Encyclopedia of the Supreme Court of the United States (David S. Tannehaus ed., 2008)

Articles
• Not Hearing History: A Critique of Chief Justice Roberts’ Reinterpretation of Brown, 69 Ohio St. L.J. 791 (2009)

Book Reviews

Thomas L. Greaney

Books

Chapters in Books
• Competition in the Unhealthy Health Sector, in Antitrust in the Next

Eric J. Miller

Articles
• Judicial Preferences, 44 Hous. L. Rev. 1276 (2008)
• Intersectional Criminal Procedure, 6 Ohio State J. Crim. L. ___ (forthcoming 2009)

Carol A. Needham

Book
• Roy Simon, ___ & Burnele Powell, Lawyers and the Legal Profession (Lexis Pub. 4th ed. 2009)
Elizabeth Pendo

Article

Karen Petroski

Article

Jeffrey A. Redding

Articles
- Dignity, Legal Pluralism, and Same-Sex Marriage, ___ 75 Brook. L. Rev. ___ (forthcoming 2010).

Kerry A. Ryan

Articles
- Human Capital & Transfer Taxation, ___ Okla. L. Rev. ___ (forthcoming 2009)

Peter W. Salsich Jr.

Chapter in Books

Stephen C. Thaman

Book

Chapters in Books
- Jury Trial and Adversary Procedure in Russia: Reform of Soviet Inquisitorial Procedure or Democratic Window-Dressing?, in Russia And Its Constitution 141 (Gordon B. Smith & Robert Sharlet, eds., 2008)
- The Two Faces of Justice in the Post-Soviet Legal Sphere: Adversarial Procedure, Jury Trial, Plea-Bargaining and the Inquisitorial Legacy, in Crime, Procedure...
and Evidence in Comparative and International Context. Essays in Honour of Professor Mirjan Damaska (2008)

• Adversarial, Accusatorial and Inquisitorial Aspects of Criminal Procedure in the US, in Lorena Bachmaier Winter et al., Proceso Penal Y Sistemas Acusatorios (Marcial Pons, 2008)
• The Role of Plea and Confession Bargaining in International Criminal Courts, in ICTY: Towards a Fair Trial? 341 (Thomas Kruessmann, ed., 2008)
• Trends of Criminal Justice Reform in Europe, in Comparisons and Lessons: Viewing the Reform of China’s Criminal Procedure Law From the Perspective of Other Countries’ Experiences (2008)

Articles

Anders Walker

Book

Chapter in Books

Articles
• American Oresteia: Herbert Wechsler, the Model Penal Code, and the Uses of Revenge, ___ Wis. L. Rev. ___ (forthcoming 2009)
• The Violent Bear It Away: Emmett Till and the Modernization of Law Enforcement in Mississippi, 46 San Diego L. Rev. ___ (forthcoming 2009)

Essay
• Things Cannot Go On As They Are: Contextualizing Herbert Wechsler’s Critique of the School Segregation Cases, 52 St. Louis U. L.J. 1211 (2008)

Sidney D. Watson

Article
• Health Care in the Heartland: 2007 Health Insurance Survey of Missouri Farm and Ranch Operators (2008)

Book Review

Alan M. Weinberger

Essays
• Cases in Brief, Appraisal J., Summer 2008 at 195
• Cases in Brief, Appraisal J., Fall 2008 at 296
• Cases in Brief, Appraisal J., Winter 2009 at 1

Molly J. Walker Wilson

Articles
• & Megan Fuchs, Publicity, Pressure, and Environmental Legislation: The Untold Story of Availability Campaigns, 30 Cardozo L. Rev. ___ (forthcoming 2009)
• Behavioral Decision Theory and Implications for the Supreme Court’s Campaign Finance Jurisprudence, ___ Cardozo L. Rev ___ (forthcoming 2010)

Essay
• The New Role of the Small Donor in Political Campaigns and the Demise of Public Funding, ___ J. L. & Pol. ___ (forthcoming 2010)
What is health law? If you don't practice in the field, this is a question, in all likelihood, you have never considered. For health lawyers, however, it is a common question. And I suspect lawyers practicing in other uniquely regulated industries have been asked a similar question.

As a new lawyer, I had a standard answer: “Health law is not really a kind of law,” I would explain, “as much as it is law applied to a particular kind of client: a health care professional or institution working in a highly regulated and yet primarily commercial environment.”

As I gained more experience, I recognized this was not a complete answer. Health law is more than the practice of applying traditional forms of law (tort, contract, corporate law, administrative law, etc.) to players in a large industry. It also involves reinterpreting traditional law to account for the unique attributes of health care delivery.

For example, we are accustomed to the tort doctrines that regulate the doctor-patient relationship: medical malpractice, abandonment, breach of confidentiality and breach of the duty to obtain informed consent to treatment. In fact, we may be so accustomed to them as to forget that they reflect more than generic negligence principles designed to enforce reasonable professional conduct and to compensate the injured.

They also suggest physicians have fiduciary responsibilities to their patients and the public generally. Abandonment, for example, limits the ability of a physician to exercise his or her contractual right to terminate a treatment relationship to prevent undue disruption of medical care to a patient in need. Meanwhile, informed consent laws obligate physicians to respect the personal integrity of patients by not only seeking consent prior to treatment but also by providing relevant information to enable more informed choices. Likewise, exceptions to the duty to keep a patient’s medical information confidential, including the obligation to report communicable disease infections, arise from the view that even private physicians are officers of the public’s health.

Concern for the ever-increasing cost of medical care has led to a commercialization of health care delivery in the name of promoting economic efficiency. In response, we have witnessed political and social pushback, which reflects a view that basic health care is fundamental to human existence, thus access to it should not be subject to the uncertainty of a free market.

This sense that health care delivery should not be commercialized (at least not completely) is imbedded in the law as well. For example, state laws prohibiting corporations from employing physicians or otherwise practicing medicine (the “Corporate Practice of Medicine” doctrine) neared extinction in the late 1980s and early 1990s as evermore exceptions to the doctrine were recognized in pursuit of lower health care costs.

Yet, the doctrine refused to die, and it continues to be enforced today, suggesting that we are not ready to lay down legal tools that could rein in market forces if we don't like their effects on medicine. Federal antitrust laws provide another example. Their application to promote competition in the health care sector required special guidance from the Department of Justice (DOJ) and the Federal Trade Commission (FTC) in the 1990s to account for distinctive characteristics of the health care market. Even still, the DOJ, the FTC and

What is Health Law?

by Robert Gatter
Professor of Law

Professor Gatter has written on a variety of health law topics, including informed consent, end-of-life treatment disputes, medical mediation, conflicts of interest in drug development and the role of trust in health regulation. His work has been published in the Boston University Law Review, Emory Law Journal, Notre Dame Law Review, Wake Forest Law Review, among other journals. Professor Gatter is the former chair and current executive committee member of the AALS section for Law, Medicine & Health Care and a current member of the Links with Academia Advisory Group for the American Health Lawyers Association. Before joining the SLU LAW faculty in 2008, Professor Gatter taught at Penn State University, Dickinson School of Law. He earned his bachelor’s degree from Johns Hopkins University and went on to earn a master’s degree from the Medical College of Wisconsin and a law degree from the University of Pennsylvania Law School. In 2010, Professor Gatter will join Professor Thomas L. Greaney, Chester A. Myers Professor of Law, as joint Co-Director of the Center for Health Law Studies in 2010.
federal courts are criticized regularly for prohibiting conduct that could improve the quality of health care or better account for the complexity of medical information.

Academics have also recognized that health law involves not only the application of traditional fields of law in the health care setting but also the reinterpretation of traditional law to account for special characteristics of health care. Emerita Professor Sandra H. Johnson, for example, has written that health law is unique because of its commitment to incorporating the cultural and normative context of medicine into the law.

Several recent works attempting to develop comprehensive theories of health law have picked up on Professor Johnson’s theme and identified norms in health care delivery that define health law. For example, Mark Hall, the Fred. D. and Elizabeth Turnage Professor of Law at Wake Forest School of Law, argues that health law should be designed to promote the trustworthiness of physicians, hospitals and insurers, then we must be careful to choose legal tools that are consistent with promoting trustworthiness.

Given that health law involves the interpretation of law to account for the special attributes of health care delivery, the role for legal professionals is to seize those moments when a health care case turns on an interpretation of law. The lawyer prepared, in such a case, to hold the law accountable to the unique attributes of health care delivery is likely to prevail and, along the way, to turn law into health law.

Recommended Reading:

For more information about alumni events, contact Elizabeth Stookey at ebolen1@slu.edu, or check the back cover for the calendar of events. Visit law.slu.edu for the latest news and events.
2009 Law Reunion
Class Years Ending in 4s & 9s

Friday, September 25
School of Law Legal Clinics Dedication
Happy Hour & Trivia Night (open to all alumni)
Test your knowledge with 10 rounds of trivia questions, ranging from movie titles to world flags to famous quotes.

Saturday, September 26
Homecoming Parade
P.I.L.G. 5K Run/3K Walk Ambulance Chase (open to all alumni)
Cupplies House Wine Tasting
Family Fun Area on Campus
Cocktail Party and Dinner

Sunday, September 27
Mass at St. Francis Xavier College Church
Golden Billiken Brunch — Class of 1959 and earlier
Brunch with the Billiken

LAW.SLU.EDU/ALUMNI/REUNION
Questions? Contact Elizabeth Stookey at ebolen1@slu.edu

NEW ADDRESS? If you have a new address, please send your updated information to alumni@law.slu.edu or send this form to: Saint Louis University School of Law, Attn: Alumni Relations, 3700 Lindell Blvd. St. Louis, MO 63108.

Last Name; Maiden/Former Name   First Name   Graduation Year

Spouse’s Name (if SLU LAW alum)   Graduation Year

New Address

City/State/Zip

Phone Number   E-mail Address
The ability to impact society with influential decisions is why the Honorable Nannette A. Baker, ‘94, finds her role as Chief Judge of the Missouri Court of Appeals Eastern District incredibly fulfilling. “Knowing how important the case is to the people involved makes my job very satisfying — everyone deserves your full attention and a fair shake,” she says. “Only about 10 percent of cases ever make it to the Missouri Supreme Court, so most of the time, we on the Court of Appeals have the final say. Knowing that our decisions can affect so many people is both rewarding and daunting.” Baker is the first African-American female in Missouri to preside over a state court, and the third African-American to serve as Chief Judge of the Eastern District. She also has twice been considered for the Supreme Court of Missouri.

She was appointed by the late Governor Mel Carnahan to be a circuit judge for the City of St. Louis from 1999-2004, after serving on the Board of Election Commissioners and engaging in private practice for two St. Louis law firms. Prior to her years in practice, Baker served as a law clerk for U.S. District Court Judge Odell Horton in the Western District of Tennessee. In 2004, former Governor Bob Holden elevated her to the Missouri Court of Appeals Eastern District, which covers 25 counties plus the City of St. Louis and handles about half of the state’s intermediate appellate caseload.

In the following interview, Judge Baker reflects on her one-year appointment as Chief Judge and explains what inspired her to shift careers from journalist to judge.

As you reflect on your term as Chief Judge, can you share some of the highlights?

This year has been challenging because of the economy. The state budget has been cut and that has affected the judicial branch of government. As a result, the courts are being asked to do more with less. This has meant coming up with strategies to serve the citizens adequately while keeping a tight rein on spending. I’ve also had the privilege of serving as the Chair of the 21st and 22nd Circuit Judicial Nominating Commissions. There have been five vacancies on the St. Louis and St. Louis County courts and the commissions have worked hard to select well-qualified nominees for those positions.

Your one-year term as Chief Judge ends on June 30. What’s next for you? While I have appreciated the responsibility of serving as Chief Judge, I am looking forward to handling a full caseload on the Appellate Court.

What are some of the goals you achieved as Chief Judge? I’ve accomplished more openness with both the public and the media by taking the ‘show on the road.’ We’ve been holding court at locations away from our downtown court building, such as universities and county court houses, so the public has an opportunity to learn about what we do. We often invite high school and college students to these special sessions of the court in an attempt to better educate the public about the judicial system. The Missouri Court of Appeals held court in the William H. Kniep Courtroom and heard three cases on March 25.

We have also made an effort to invite the media to the special sessions, so that those who could not attend the court sessions can learn more about our work. As a former journalist, I believe in openness with the media because the media offers a great means of educating the public about what we do as judges.

You were a seasoned reporter: what motivated you to switch careers? As a consumer reporter at KSDK-TV 5, I covered a lot of stories involving the Missouri Attorney General’s Office and attempts to combat consumer fraud. As a result, I met a lot of lawyers and government officials, and law school finally seemed like a reality.

Then I sat in on a class with Professor Vincent Immel — it was like the “Paper Chase.” And I was hooked. The only law school I applied to was Saint Louis University. But I was concerned that I was going to be 36 when I graduated. An astute, young student then said to me: “You’re going to be 36 anyway, you might as well be 36 and a lawyer.”

You were a reporter and anchor at several stations in St. Louis and Tennessee. How has your journalism background enhanced your skills as an attorney? My skills as a journalist have served me very well as an attorney. As a journalist, you develop strong researching and writing skills, which continue to help me excel in legal writing. The ability to tell concise, compelling stories even helped me do well on my exams. Seasoned reporters are skilled in interviewing and asking questions, which translates well in depositions. Broadcast reporters also develop a poise from years of appearing in front of the camera and from interviewing a wide range of people, and those skills arm you with confidence as a trial lawyer and allow you to excel at communicating with juries.

Did you know that you wanted to be a judge in law school? No. When I started law school, I thought I’d pursue media or entertainment law because of my reporting background, but I realized those fields would involve a lot of contract law. I became interested in trial work during law school because I appreciated the impact that litigation has on ordinary people.

Having had a career outside of the legal field, I realized I enjoy working with people and that shifted my focus to civil trial and employment law. I earned a certificate from the Wefel Center for Employment Law because employment law is focused on the relationship between people and their employers.
1964
*The Best Lawyers in America* named Joseph Giljum of Kohn, Shands, Elbert, Gianoulakis & Giljum LLP as a top attorney in the magazine’s 2009 edition.

1968
Gary Lucas (Cook ’66, Grad ’76) has retired from his position of Senior Vice President of Labor Relations for AT&T. Lucas’ position was the third largest in the U.S. private sector, and he was responsible for contract negotiation and administration for more than 30 agreements, covering approximately 130,000 employees. Lucas recently founded a labor relations consulting and training company, Cooperative Labor-Management Group. He and his wife of 42 years, Mary Anne, reside in St. Louis.

Robert F. Ritter, chairman of Gray, Ritter & Graham, P.C. has been named “St. Louis Plaintiff Injury Litigator of the Year” for 2009 by *The Best Lawyers in America*. Ritter was named a 2008 Super Lawyer, which recognizes the top 5 percent of lawyers in both Missouri and Kansas.

1970
This April, Michael Reap began serving as Acting United States Attorney for the Eastern District of Missouri.

1974
Daniel G. Tobben has been named the Chair of the Litigation Department of Danna McKittrick P.C. in St. Louis. A principal with the firm since 2001, Tobben maintains his seat on the firm’s Strategic Planning Committee.

1975
Scott S. Brinkmeyer of Mika Meyers Beckett & Jones PLC was recently recognized in the *Super Lawyers: Corporate Counsel Edition* for attaining a high degree of peer recognition and professional achievement in business litigation.

1976
*The Best Lawyers in America* named Charles Elbert of Kohn, Shands, Elbert, Gianoulakis & Giljum, LLP as a top attorney in the magazine’s 2009 edition.

1978
Michael E. Bub recently joined Cameron, Sanders & Blumenthal, LLC in St. Louis. He most recently served as Chief Legal Officer at Anheuser-Busch, where he spent 15 years in a number of leadership roles within the legal department.

1980
Evans & Dixon L.L.C. recently announced that Bryan Groh, an attorney specializing in litigation, will lead the Kansas City location’s Civil Litigation Practice Group. He has more than 23 years of experience in industries ranging from automotive, construction, education, transportation and public utilities to wholesale trade.

1986
Gov. Jay Nixon appointed Associate Circuit Judge Gloria Clark-Reno to the Circuit Judge position. Clark-Reno will be the first African-American woman in the position, which serves all of St. Louis County. Reno has served as an Associate Circuit Judge on the 21st Circuit since March 2002, presiding over a variety of civil, family law and criminal cases.

1988
Dennis Ruth was sworn in as a Circuit Court Judge for the Third Judicial Circuit of Illinois in December. He is assigned to a civil case docket at the courthouse in Edwardsville, Ill., where he also resides.

1989
Patricia A. Zimmer, partner in the law firm Ripplinger & Zimmer, LLC of St. Louis and Belleville, Ill., has been appointed to the Tort Law Section Council of the Illinois State Bar Association. Zimmer is the immediate past chair of the association’s Insurance Law Section Council. She concentrates her practice in the representation of claimants in injury, wrongful death and legal, medical and other professional malpractice cases in the state and federal courts of Illinois and Missouri.

1991
The Commissioner of the Internal Revenue Service recently appointed Diane Ryan the National Chief of IRS Appeals. Ryan has taught taxation as an adjunct professor at the School of Law on several occasions since her graduation. Ryan was the director of technical services for Appeals and has held numerous management positions with the office. She has also served as a special agent with the IRS’s Criminal Investigation Division.

1992
The Silicon Valley office of Sheppard, Mullin, Richter & Hampton LLP recently announced Michael A. Molano as a partner in the firm’s Intellectual Property Practice Group. Before joining...
the firm, he was a partner in the Palo Alto, Ca., office of Mayer Brown LLP.

1994

Thomas O’Connor, senior counsel of labor and employment for Georgia-Pacific LLC in Atlanta, was featured in the December issue of *The Atlanta Lawyer* magazine. O’Connor was recognized for his public service work through charities and non-law initiatives. He creates art with license plates and donates his unique pieces to charities throughout the Southeast for fundraising events.

English Lucas Priest & Owsley LLP in Bowling Green, Mich., named Michael S. Vitale as a partner. He previously served as the partner in charge of Wyatt Tarrant & Combs LLP’s office in Bowling Green.

1995

David Franklin was recently named partner in the intellectual law firm of Amin, Turocy & Calvin, LLP based in Cleveland, Ohio. Franklin works from Cincinnati as a registered patent attorney in the electrical, software and bio-device technologies. He is a lieutenant colonel in the Air Force Reserves, assigned as the staff judge advocate for the 445th Airlift Wing at Wright-Patterson AFB.

The national litigation firm Foley & Mansfield, PLLP has named attorney Margo E. Miller a partner. Miller is located in the firm’s Detroit office, and she practices in the firm’s Toxic Tort and Mass Tort Litigation Practice Group, with special emphasis on asbestos cases. She also participates on the prosecution committees of the Animal Law Section/State Bar of Michigan and serves on the board of the International Wildlife Rehabilitation Council.

Paul Petruska, a partner with Williams Venker & Sanders LLC in St. Louis, lectured at the National Association of Railroad Trial Counsel’s winter meeting in Sea Island, Ga. Petruska is an experienced speaker and has lectured across the country on an array of topics, including employment law, toxic torts and e-discovery. He also handles product liability, transportation litigation and complex commercial litigation.

1997

Husch Blackwell Sanders recently named Erin Matis as a partner. She joined the firm as an associate in 2005 in the Estate Planning, Trusts & Estates, Employee Benefits & Executive Compensation and Tax groups. She focuses her practice on tax and estate matters.

1998

Matt Devoti recently opened Newstead Tower Public House, a cozy “gastropub” in the Forest Park Southeast’s Grove neighborhood. The restaurant has been featured in an array of local publications and noted for its great burgers and beer selection.

Christopher Geldmacher (Cook ’95) and Tracy Janson Geldmacher (Doisy ’95, Grad Doisy ’97) welcomed their third child, August (Gus) Kenneth, in March. Chris is an attorney in St. Louis at Sauter Sullivan LLC and Tracy is a physical therapist at Missouri Baptist Medical Center.

Randy Jackson was recently selected as a “2009 Cincy Leading Lawyer” by *Cincy* business magazine in Cincinnati, Ohio. Jackson received the award for his work in the biotech area.

Local law firm Danna McKittrick, P.C. recently announced that attorney and CPA Patrick J. Murphy has been named principal in the areas of corporate, tax and estate planning. Murphy, who joined the firm in 2005, provides sophisticated estate planning and trust administration and counsels in corporate matters.

Mark W. Nelson has been named the newest magistrate for the 14B District Court in Ypsilanti, Mich. Nelson is the second magistrate for the court since its inception in 1984. He will serve as the court’s part-time magistrate while continuing his private practice at the firm of Murphy & Nelson PLLC.

1999

SimmonsCooper LLC recently announced Nicholas Angelides as a new partner. He brings extensive experience in asbestos litigation and has worked with mesothelioma victims since 2003.

Christopher Weiss was recently named a partner at Husch Blackwell Sanders. He joined the firm as an associate in 2006 and focuses his practice on general litigation, appeals, real estate and business transactions.

2000

James Crowe joined the law firm of Dowd Bennett LLP this June. Crowe has served as an Assistant U.S. Attorney in the Southern District of Illinois for the past five years. His wife, Rachelle Crowe (’00) is an Assistant State’s Attorney in Madison County, Ill. They live in Maryville, Ill., with their 2-year-old son, Ryan.

Andrew Douglass has been named a partner in the Employee Benefits & Executive Compensation Department of Seyfarth Shaw LLP in the firm’s Chicago office. He has extensive experience with legal, financial and administrative issues affecting qualified retirement plans, health and welfare plans and other employee benefit arrangements.

Gardere Wynne Sewell LLP recently announced Marcus Hell as a partner in the firm’s Bankruptcy and Business Reorganization section. He practices in the firm’s Dallas office.

2001

Kentucky Gov. Steve Beshear recently appointed attorney Jennifer L. Elliott to the Board of Trustees of the Kentucky Retirement Systems. Elliott is a member of the Louisville, Ky., office of Stites & Harbison. She focuses her practice on regulatory and transactional health care law. Elliott is also a frequent author and lecturer on health care topics for both national and local organizations.

2002

Christopher Guinn has joined the law firm of SimmonsCooper as a partner. Prior to joining the firm, Guinn served two years as assistant prosecuting attorney for the St. Louis County Office of the Prosecuting Attorney. Guinn is dedicated...
to representing victims of mesothelioma and other asbestos-related diseases.

2004
Hall Booth Smith & Slover in Atlanta recently announced Shawn Pinkston as an associate. Pinkston’s practice will specialize in medical malpractice defense and commercial litigation.

2005
Morris Turek formed YourTrademarkAttorney.com, a law firm focusing on federal trademark registration and trademark infringement litigation for small and medium-sized businesses.

2006
Jenkins & Kling, P.C. recently announced Keli Orlando as a new associate. Prior to joining the firm, Orlando was an associate in private practice. Orlando specializes in land use and zoning, real estate creditors’ rights, bankruptcy and corporate law.

2007
Kilby Cantwell McFadden was sworn in as an assistant state’s attorney in Cook County, Ill. National litigation firm Foley & Mansfield hired Brittany A. Young as an attorney in the Toxic Tort and Mass Tort Litigation Group in its St. Louis office. Prior to joining Foley & Mansfield, she was a litigation attorney at the Illinois law firm Kurowski, Baily & Shultz, LLC.

2008
Steven G. Holdener has joined the law firm of Armstrong Teasdale LLP as an associate and member of the firm’s Intellectual Property Practice Group. He focuses primarily on the preparation and prosecution of both U.S. and foreign patent applications.

An article written by Sarah Keefe Molina in the Saint Louis University Law Journal was recently cited in a high profile case, Padilla v. Kentucky. The petitioner cited Molina’s comments in the support for his argument. The Supreme Court has granted cert on the issue addressed in Molina’s article, “Rejecting the Collateral Consequences Doctrine: Silence About Deportation May or May Not Violate Strickland’s Performance Prong.”

McAnany, Van Cleave & Phillips added Brent Neumeyer as an attorney. He represents employers and insurance carriers in defending workers’ compensation claims. He also drafts proposed awards and appellate briefs, Medicare set-aside trust proposals and workers’ compensation seminar materials.

Melanie E. Riley has joined the firm of Heyl Royster Voelker & Allen in the firm’s Edwardsville, Ill., office as an associate.

HeplerBroom LLC law firm announced Audra L. Zobrist as an associate in the Edwardsville, Ill., office. She concentrates her practice in toxic torts.

in memory of
Mary Cosgrove Cosentino, ’78

Mary Cosgrove Cosentino graduated from the School of Law in 1978, one of the first graduating classes at the School of Law— and at any law school in the nation — to have studied health law. These early SLU LAW students inspired the inception of the health law program by initiating the annual health law symposium of the Saint Louis University Law Journal.

Following their lead, the law faculty established the Center for Health Law Studies formally in 1982.

“Mary always remembered to reach back to the health law students who followed in her footsteps and gave them a hand up into the field,” says Emerita Professor Sandra H. Johnson. “And she was a resource for the faculty in those early days as well.”

Upon graduation, Cosentino joined the legal department at the Catholic Health Association of the United States. Just two years later, Gardner, Carton & Douglas, a major law firm in Chicago, recruited her to help establish a new health law department. In 1984, Cosentino went on to become general counsel at St. Joseph Hospital and Health Care Center in Chicago. She left St. Joseph’s in 1988 to join the faculty at Loyola University School of Law in Chicago.

Cosentino served as a pioneer at Loyola University School of Law’s Beazley Institute for Health Law and Policy and was instrumental in establishing the health law program there. Larry Singer, director of the institute, says Cosentino had a “significant impact” on elevating the school’s program to its current stature.

“Mary made a strong contribution to Loyola’s program in the early days,” he says. “She was a dynamic personality, eternally optimistic and devoted to her students and her colleagues.”

Professor Roger L. Goldman adds that he remembers Cosentino from the first day of Civil Procedure class, recalling she was a great student and interested in all aspects of the law, not just the academic side. “Mary was curious about my volunteer work on civil liberties and joined me at rallies and meetings,” he says. “When I think of Mary, her infectious smile, enthusiasm and empathy for all immediately come to mind.”

in memoriam

John C. Roberts Jr. 1950
Stuart T. Traynor Sr. 1950
Robert T. Ebert Sr. 1951
Robert K. Spalding 1955
Wyvetter Hoover Younge 1955
Daniel F. Sheehan Jr. 1965
Lester A. Paff 1973
Bertram Cooper 1975
Mary A. Dinkel 1982
Mark A. Bertsch 1986
A bout a week before the registration deadline for the 2009 American Association for Justice Student Trial Advocacy Competition, Rex Gradeless, ’09, a third-year student at SLU LAW and a law clerk at my office, the Simon Law Firm, asked if I would coach a team for the competition.

Naturally, my first thought was how much time will this take? But Rex assured me he would put together a devoted and talented team, which would only require a few hours of my time here and there to assist and critique.

With the help of the Christine Rollins, the Interim Associate Dean for Student Services, and the Simon Law Firm, which largely underwrote the project, the SLU LAW team of Rex Gradeless, ’09, Katie Hummel, ’09, John McAnnar, ’09, and Lisa Udofia, ’10, worked hard to prepare for the regional competition in Boston from Feb. 27 to March 1.

Recalling my third year at the School of Law, I was particularly struck that these students wanted to go the extra mile and participate in a trial advocacy competition that wasn’t required. Instead of sitting back, they wanted to participate in this competition because they wanted to learn, perhaps from me, but more so from the experience.

In turn, from them, I remembered that life often is not about merely doing what we have to do, but rather opening ourselves up to opportunities that may be uncomfortable or scary for the sake of the experience.

The team worked diligently to memorize facts, develop themes and perfect courtroom technique. I had never participated in a national competition as a student or coached a team, so I focused on how I currently try cases, with an emphasis on telling the story to the jury.

While we may not have advanced to the national competition, the team enhanced their trial skills, enjoyed a taste of Boston and learned that the experience itself is worth the effort, something I was reminded of as well.

Giving back typically encourages getting back — what goes around, comes around — and I certainly believe those sentiments apply here. After this experience, I would encourage other alumni to consider ways that they can give back.

I remain imminently impressed with my team, applaud their efforts and wish them success in the future.

There are many opportunities within the School of Law to volunteer. For example, in our trial and appellate advocacy programs, we are always in need of practitioners to discuss their experiences with students or to serve as judges during the preparation process. For more information, contact Kelly Dineen, Assistant Dean for Academic Affairs, at dineenkk@slu.edu or Christine Rollins, Interim Associate Dean for Student Services, at rollinsc@slu.edu.
Sidney Greathouse, ’95, always had an interest in the law. While growing up in California, Greathouse became active in student government and even strongly considered pursuing a career in politics. During college at the University of California – Davis, he majored in political science and worked as a volunteer on political campaigns and voter registration drives. It was through these experiences that Greathouse was inspired to attend law school.

While visiting the School of Law his senior year of college, Greathouse spent the day speaking to an admissions counselor, a faculty member and several law students. He admits that he was nervous about moving so far away from California, but his fears were immediately put at ease because “everyone I met during my short visit made me feel very welcome, which made my decision to attend SLU an easy one.”

Today, Greathouse holds the position of Vice President of Legal Services at The Cheesecake Factory, and he serves as the company’s chief litigation counsel and head of the litigation department. In the following interview, Greathouse reflects back on his days at SLU LAW and discusses the challenges and rewards of practicing law.

What do you miss most about law school? I miss seeing my friends on a daily basis. Contrary to what most people think about law school, there was a very strong sense of community at SLU. The students generally got along very well and were willing to help each other succeed. I miss being challenged by my professors, who really made me think about the issues we were discussing. I also miss the faculty and students in the Wefel Center for Employment Law, since they first got me excited about my chosen area of practice.

Tell us about your role at The Cheesecake Factory: I joined The Cheesecake Factory in May 2000 as an associate counsel, primarily responsible for labor and employment law matters. At the time I joined, we had approximately 35 restaurants with plans for significant growth. Over the next nine years, the company grew to more than 160 restaurants. My job has since expanded to take on trademark, insurance and general business matters.

What are some of the professional challenges you face on a daily basis? Most people are used to working with lawyers after a problem arises. My daily challenge is to get others to partner with the legal department early in the decision-making process. The goal is that we are not merely seen as a roadblock to getting things done, but rather as a business partner with the same interest in helping the company accomplish its goals.

What do you like most about the law? I absolutely love being an advocate for my client. In addition, I have had the good fortune to help shape policy in some areas of the law that directly impact what I do on a daily basis at The Cheesecake Factory.

How has employment and labor law changed since you graduated from law school? The practice of labor and employment law is very different in California than it is in Missouri. Over the last five to seven years, labor and employment lawyers have spent most of their time practicing wage and hour law under the California Labor Code. Because of the number of lawsuits that have been filed, the governor and state legislature have grappled with these developments. Over the years, there have been a number of proposed changes to the way the law is enforced and how penalties are assessed against employers. Currently, there are several decisions on appeal that will have a significant impact on the practice of labor in employment law in California.

In 2007, you were appointed Chairman to the California Law Revision Commission, a state agency that studies problem areas in California laws and recommends reforms to the governor and legislature. How has your legal education and work experience assisted you in reaching recommendations? I really get to put my legal education to use as a member of the commission, especially when we study topics that were part of our law school curriculum. For instance, the commission is presently reviewing whether California should create an exception to the hearsay rule for a present sense impression, similar to Federal Rules of Evidence. It is at times like these, I really appreciate my SLU LAW legal education.

Given the current economy, what career advice would you give graduating law students? Find a good mentor. Mentors can give you valuable insight by sharing information about their own experiences and the realities of practice in hard economic times. They can also serve as sounding boards, and they can provide a supportive ear and words of encouragement to a lawyer just starting out in his or her career. You can find a mentor at your job or the local Bar Association. I would also strongly encourage new graduates to check the School of Law’s Alumni Association for a SLU LAW alum in your area to identify a potential mentor.
calendar of EVENTS ’09

June 17  Washington, D.C. Alumni Reception
July 19  Dinner for alumni taking the Missouri Bar in Jefferson City
August 11–15  New Student Orientation
17  School of Law Classes Begin
September 25  School of Law Alumni Luncheon, Missouri Bar Conference, St. Louis, Mo.
The Legal Clinics Dedication & Open House
25-27  Reunion Weekend and SLU Homecoming
25  School of Law Legal Clinics Dedication
School of Law Trivia Night (open to all alumni)
Golden Billiken Dinner (class of 1959 and earlier)
26  PILG Ambulance Chase 5K Run/3K Walk
SLU LAW Cocktail Party and Dinner
27  Alumni Mass
Golden Billiken Brunch (class of 1959 and earlier)
October 2  Annual Richard J. Childress Memorial Lecture
December TBA  School of Law Alumni Reception,
Illinois Bar Conference, Chicago, Ill.