

Michael A. Wolff

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BIOGRAPHICAL SUMMARY

MICHAEL A. WOLFF is an attorney, former Missouri Supreme Court judge and chief justice, and professor and dean emeritus of Saint Louis University Law School. He currently serves part-time as senior policy advisor to St. Louis County Prosecuting Attorney Wesley Bell and teaches Civil Procedure at St. Louis University School of Law.

Wolff served for 13 years on the Supreme Court of Missouri, 1998 to 2011, including two years as chief justice 2005 to 2007. He returned to the faculty of Saint Louis University in 2011 and became dean of the law school in 2013, serving until 2017.

His honors include Lawyer of the Year (Missouri Lawyers Weekly), the Missouri Bar's Theodore McMillian Judicial Excellence Award; the William J. Brennan Jr. Memorial Lecture on State Courts and Social Justice, New York University; Benjamin N. Cardozo Award for Judicial Courage and Excellence (Missouri Association of Criminal Defense Lawyers), the Donald P. Lay Champion for Justice Award from the National Employment Lawyers Association, Eighth Circuit, and the Saint Louis University School of Law *Fleur de Lis* Hall of Fame.

Wolff's legal career has included a wide variety of practice, litigation, academic, governmental and judicial experience. A graduate of Dartmouth College, Wolff worked during law school as a reporter and copy editor for THE MINNEAPOLIS STAR TRIBUNE and began his legal career after being graduated with honors from the University of Minnesota Law School in 1970. He served as a law clerk in the United States District Court, as a legal services lawyer in Saint Paul, Denver and Rapid City SD (where he served as director) before joining the Saint Louis University law faculty in 1975.

While on the law faculty the courses he taught included Civil Procedure, Constitutional Law, Administrative Law, Criminal Sentencing, Legislation, State Constitutional Law, Trial Advocacy, Health Law, Legal Profession (Ethics) and the Lawyering Process.

He was principal author of in the 1980s of FEDERAL JURY PRACTICE AND INSTRUCTIONS (Devitt, Blackmar, Wolff & O'Malley) used throughout the country by judges and lawyers in the federal courts, as well as numerous other publications.

Wolff engaged in full time law practice with a litigation firm in 1981-82 while on leave from the university and thereafter had a limited trial practice primarily in cases on health care, constitutional issues and employment.

Wolff ran unsuccessfully for attorney general, and in 1992, joined the campaign of Mel Carnahan as research director. Following Governor Carnahan's election, Wolff served as transition director and as chief counsel until 1994 when he returned to the law faculty. He was the first chair of the Missouri Consolidated Health Care Plan from 1994 to 1998. He also served as special counsel to the governor from 1994 to 1998, working with the governor, legislators, education officials, and civic leaders from St. Louis and Kansas City to craft legislative solutions to help set the stage for the state to resolve the long-running desegregation cases involving the metropolitan school districts. The bill passed in 1998, and the desegregation settlements followed in 1999.

Wolff was one of three nominees for the Supreme Court under Missouri's Nonpartisan Court Plan in July 1998 and he was appointed to the Court in August 1998. His fellow judges elected him chief justice for a two-year term in 2005.

While on the Supreme Court, he served as chair of the Sentencing Advisory Commission under three governors, drafted changes in Article X, sec. 13 relating to judicial compensation that were approved by the legislature and by a vote of the people in 2006 to facilitate judicial pay raises.

He wrote opinions in cases that established the right of jury trial in employment discrimination cases, clarified the standard for expert witness testimony, disapproved execution of criminals who were juveniles when their offenses were committed, disapproved caps on damage awards as deprivations of the right to trial by jury, and upheld the right to collective bargaining for public employees.

During his time as dean of Saint Louis University Law School, the law school stabilized and increased its enrollment, increased alumni participation, increased its national rankings including gains in bar passage and employment, and maintained its pre-eminence in Health Law.

Wolff is active in the American Law Institute, serving as an advisor on the Model Penal Code Sentencing Project. He serves as a board member of the National Courts and Science Institute (NCSI), which is devoted to providing science education to judges (NCSI is successor to ASTAR, in which he was an ASTAR fellow and national board member. He is a member of The Constitution Project and serves on its Committee on Policing Reforms and Death Penalty Committee. In St. Louis Wolff is on the board of trustees of the Missouri Historical Society (Missouri History Museum in Forest Park), and the board of trustees of the Saint Louis Public Library Foundation.

Curriculum Vitae

PREVIOUS EMPLOYMENT HISTORY

Professor of Law, Saint Louis University School of Law, August 2011 – January 2017, and Dean, March 2013 – January 2017.

Judge, Supreme Court of Missouri, appointed under Missouri nonpartisan court plan, August 1998. Retained by voters, November 2000. Retired from active service, 2011.

Served two-year term as Chief Justice, July 1, 2005 to June 30, 2007.

Chairman, Coordinating Commission for Judicial Education Department, 2000-2004.

Chair, Missouri Sentencing Advisory Commission 2004 – 2011.

Professor of Law, Saint Louis University School of Law. Assistant Professor, 1975; Associate Professor (with tenure) 1977; Professor, 1980-1998.

Recipient, Teaching Excellence Award, 1981.

Courses: Civil Procedure, State Constitutional Law, Trial Advocacy, Judicial Process, Sentencing Policy, Health Law, Legislation, Administrative Law, Legal Profession, Constitutional Law, Law and Medicine, Law and Public Education (seminar), Legal Regulation of Health Care Delivery (seminar), Nonadversarial Lawyering (seminar) and the Lawyering Process.

Faculty Advisor to *Law Journal*, 1977-80.

Directed a clinical legal education program in Health Law, under a grant from the U.S. Department of Health, Education and Welfare, 1979-80.

Secondary academic appointments: Assistant Professor in the Department of Community Medicine, Saint Louis University School of Medicine, 1978-1998. Lectured on legal problems in medical practice, law and medical ethics. Also on faculty of School of Public Health, St. Louis University.

Visiting Professor, Sichuan University, Peoples Republic of China, May-June, 1989.

Practice: From June 1, 1981 to August 15, 1982, engaged in full time law practice, while on leave from the University, with a firm that specializes in litigation. Maintained limited trial practice during teaching career, primarily in cases on health care law, constitutional issues, and employment.

Director, Black Hills Legal Services, Rapid City, South Dakota. September 1973 to August 1975. Duties included representing low-income clients, management of eight-person staff, planning, fiscal responsibility, supervision and training of lawyers.

Attorney, Legal Aid Society of Metropolitan Denver, Denver, Colorado. Director of research and litigation, January 1973 to June 1973; from September through December 1972, was a VISTA lawyer in the research and litigation division. As division director, was responsible for coordinating major litigation in the 35-lawyer program.

Attorney, Legal Assistance of Ramsey County, Saint Paul, Minnesota. August 1971 to September 1972. Specialized in major litigation and law reform activities.

Law clerk, U.S. District Judge Miles W. Lord, Minneapolis, Minnesota, August 1970 to August 1971.

Reporter, copy editor, *The Minneapolis Star*, (now *The Star Tribune*) Minneapolis, Minnesota. 1967-1970. General assignment reporter and copy editor while attending law school.

EDUCATION

University of Minnesota Law School, Minneapolis, Minnesota. *Juris Doctor* degree, *cum laude*, 1970. Received award for highest grade point average in class in senior year, and *American Jurisprudence* awards for highest performance in Corporations, Social Legislation, and Business Planning course. Worked through law school as general assignment reporter and copy editor on *The Minneapolis Star*.

Dartmouth College, Hanover, New Hampshire. Bachelor of Arts degree, 1967, government major. Editor-in-chief and Chairman of the Board of THE DARTMOUTH, the student daily newspaper. Member of junior and senior honorary societies. Full scholarship.

PRIOR PUBLIC SERVICE

Chief Counsel, Governor Mel Carnahan, State Capitol, Jefferson City, Missouri 65102, January 1993 – August 1994, during leave from Saint Louis University. In addition to counsel duties, served as liaison from the Governor to the Departments of Higher Education, Insurance, and Labor and Industrial Relations. Developed policies and programs affecting urban education, including educational reform and the integration of human services with metropolitan schools.

Special Counsel to the Governor. After returning to the university in 1994, continued working on problems of urban schools until appointment to the Court in August 1998. Worked with leaders of business communities in Kansas City and St. Louis, educators and legislators on a legislative package for urban schools that was enacted in 1998 and led to settlement of the St. Louis desegregation case. Leader of Missouri's team in the Policy Academy on Managing Systemic Change in Education sponsored by the National Governors' Association and Council of Governors' Policy Advisors.

Transition Director, Governor-Elect Mel Carnahan. Supervised a staff of 20 employees and more than 100 volunteers in recruiting and screening personnel, and helped establish priorities, programs and budgets for the incoming Carnahan administration. (November 1992 - January 11, 1993)

Chairman, Board of Trustees, Missouri Consolidated Health Care Plan, May 1993 to August 1998. The plan provides health insurance for state employees and markets health care coverage to other governmental entities

Political: During the 1992 general election campaign, served as Director of Research for the Carnahan for Governor campaign. Was candidate for Missouri Attorney General in the August 4, 1992, primary election and Democratic nominee for Attorney General in the 1988 general election.

AWARDS AND HONORS

SAINT LOUIS UNIVERSITY SCHOOL OF LAW *FLEUR DE LIS* HALL OF FAME INDUCTEE
2019

MISSOURI LAWYERS MEDIA ICON AWARD 2018

GATEWAY JOURNALISM REVIEW “FREEDOM FIGHTER” AWARD 2017

ST. LOUIS MAGAZINE Power List 2016.

“Irish Legal 100” 2015, which recognizes American lawyers of Irish heritage.

“Influential Lawyer Award,” MISSOURI LAWYER’S WEEKLY, 2014.

Sturgeon Smithson Award, The Missouri Bar Foundation, 2013, an award for “outstanding service toward the increase and diffusion of justice.”

“Shining Star Award of Distinction,” Interfaith Legal Services for Immigrants, 2014.

“Donald P. Lay Champion for Justice in the Workplace Award,” National Employment Lawyers Association, Eighth Circuit, 2012.

“Benjamin N. Cardozo Award for Judicial Courage and Excellence”, Missouri Association of Criminal Defense Lawyers, 2011.

Lecturer, 14th Annual Justice William J. Brennan, Jr. Memorial Lecture on State Courts & Social Justice, “Evidence-Based Judicial Discretion: Promoting Public Safety Through State Sentencing Reform,” New York University School of Law, February 2008.

“Lawyer of the Year,” MISSOURI LAWYER’S WEEKLY, 2007.

The Missouri Bar’s Theodore McMillan Judicial Excellence Award, 2007.

Distinguished Non-Alumnus Award, University of Missouri Law School, 2007.

James C. Kirkpatrick Award, Northwest Missouri Press Association, 2007.

“Joseph E. Stevens Aspire to Excellence” Award, Kansas City Metropolitan Bar Association, 2006.

“President’s Award,” Missouri Association of Probate and Associate Circuit Judges, 2006.

Restorative Justice Award, Center for Women In Transition, St. Louis, 2005.

“Clarence Darrow Award,” Saint Louis University School of Law Public Interest Group, 2004.

BAR ADMISSIONS

Missouri Supreme Court, U.S. Supreme Court, U.S. Court of Appeals for the Eighth Circuit, and U.S. District Court in St. Louis.

ACTIVITIES AND ORGANIZATIONS

The American Law Institute. Member, Advisors Group, Model Penal Code: Sentencing.

National Courts and Science Institute (NCSI), board member. NCSI provides science education to judges, and is successor to ASTAR, where he was an ASTAR fellow and national board member.

The Constitution Project, serving on its Committee on Policing Reforms and Death Penalty Committee

Chair, ABA Death Penalty Due Process Project

Missouri Historical Society (Missouri History Museum in Forest Park), member, board of trustees.

Saint Louis Public Library Foundation, member, board of trustees.

The Missouri Bar, American Bar Association, and Lawyers Association of St. Louis, Bar Association of Metropolitan St. Louis.

SIGNIFICANT SPEECHES AND LECTURES

Keynote Lecture, Southern Minnesota Regional Legal Services Conference Commemorating 100 Years of Legal Services for Indigents in St. Paul, “Civil

Rights and Wrongs: The Persistence of Inequality and Unequal Opportunity, 1970-2010," William Mitchell College of Law, St. Paul, Minn., June 2010.

Law Day speech, Springfield Metropolitan Bar Association, "From Lincoln the Lawyer to Lincoln the President: Dred Scott and the Lincoln-Douglas Elections," May 2009.

"Evidence-Based Sentencing," West Virginia Symposium on the Effective Administration of Justice, sponsored by the National Governors Association Center for Best Practices and the Pew Charitable Trusts, November 2008.

Dr. Edwin I. Megaree Honorary Lecture, International Community Corrections Association Research Conference, October 2008.

Keynote Speaker, Missouri Re-Entry Process: Celebrating Success and Planning for Future Training, June 2008.

14th Annual Justice William J. Brennan, Jr. Memorial Lecture on State Courts & Social Justice, "Evidence-Based Judicial Discretion: Promoting Public Safety Through State Sentencing Reform," New York University School of Law, February 2008.

Thomas D. Fulbright Lecture in American History, which was the keynote speech at the Dred Scott Conference at Washington University, "Race, Law and the Struggle for Equality: Missouri Law, Politics and the Dred Scott Case," St. Louis, March 2007.

2007 State of the Judiciary Address to the Missouri General Assembly, January 2007, 63 J. Mo. Bar 64 (2007).

Address to The Missouri Bar, Judicial Conference in St. Louis, September 2006, 62 J. Mo. Bar 362 (2006).

Address to the Missouri Bar, Annual Meeting in Jefferson City, May 2006, 20 M.L.W. 505 (2006).

2006 State of the Judiciary Address to the Missouri General Assembly, January 2006, 62 J. Mo. Bar 56 (2006).

Address to The Missouri Bar, Judicial Conference in Kansas City, September 2005, 61 J. Mo. Bar 308 (2005).

TRIBUTES

A Tribute to the Honorable Michael A. Wolff, Vol. 50, No. 2, Saint Louis University Law Journal (pages 285-303): Introduction, by Dean Jeffrey Lewis.

Tribute to Chief Justice Michael Wolff, by the Hon. Richard B. Teitelman.

Michael Wolff: Chief of Collegiality, by the Hon. Duane Benton.

Chief Justice Michael A. Wolff: A Reflection, by Peter W. Salsich Jr.

A Tribute to the Honorable Michael A. Wolff, Chief Justice of the Supreme Court of Missouri, by Susan A. Fitzgibbon.

Tribute to Chief Justice Michael Wolff: Reminiscences of a Faculty Colleague, by Roger L. Goldman.

Tribute to Chief Justice Michael A. Wolff, by the Hon. Stephen N. Limbaugh Sr.

Michael A. Wolff, Chief Justice, Professor and Scholar, by Hon. Joseph J. Simeone.

PUBLICATIONS

(Partial List)

Making Judge-Speak Clear Amidst the Babel of Law Speakers, 79 MO. L.Rev. 1039 (2014),

Is There Life After Concepcion? State Courts, State Law, and the Mandate of Arbitration, 56 St. Louis U. Law J. 1269 (Summer 2012)

Missouri Provides Costs of Sentences and Recidivism Data: What Does Cost Have to Do With Justice? 24 Federal Sentencing Reporter 161 (Feb. 2012)

Stories of Civil Rights Progress and the Persistence of Inequality and Unequal Opportunity, 1970-2010, 37 William Mitchell Law Review 857 (2011).

What is Changing? The Future Is Not What It Used to Be, 23 Federal Sentencing Reporter, 150 (2010).

Missouri Law, Politics and the Dred Scott Case, in THE DRED SCOTT CASE: HISTORICAL AND CONTEMPORARY PERSPECTIVE ON RACE AND LAW, 212-226 (David Thomas Konig et al. eds. 2010).

Mainstream sentencing – The urgent need for dramatic reform (Devil's Advocate Column, co-author: Paul J. DeMuniz, chief justice of Oregon Supreme Court) *JUDICATURE* Volume 92, Number 4, January-February 2009).

Evidence-Based Judicial Discretion: Promoting Public Safety Through State Sentencing Reform (Annual William J. Brennan Jr. Memorial Lecture), 83 N.Y.U. Law Review 1389 (2008).

Cutting Recidivism by Analyzing Sentencing Outcomes, 20 Fed. Sentencing Rptr. 320 (June 2008).

Charles B. Blackmar: Professor, Judge, Chief Justice and Charlie, 72 Missouri Law Review 220 (Winter 2007).

Building Support for Strong, Fair and Impartial Courts, 82 Indiana Law Journal 1257 (2007).

Missouri's Information-Based Discretionary Sentencing System, 4 Ohio State Journal of Criminal Law 95 (Fall 2006).

Tinkering with the Machinery of Death in Mental Capacity, Ability and Eligibility for the Death Penalty, Saint Louis University Public Law Review 279 (Fall 2006).

Missouri Judges are Accountable ... To the Law, The Court Manager, 13 Volume 21, No. 1 (Spring 2006)

The Most Important Course in Law School? Introduction to symposium issue on teaching Civil Procedure, 47 Saint Louis University Law Journal 1 (2003).

From the Mouth of a Fish: An Appellate Judge Reflects on Oral Argument, 45 Saint Louis University Law Journal 1097 (2001).

Exploring Judicial Behaviors in the Laboratories of Democracy, 83 Judicature 267 (March-April 2000).

Ted McMillian: The Happy Coincidence of Timing, Talent, and Persistence, 43 St. Louis University Law Journal 1297 (1999).

FEDERAL JURY PRACTICE AND INSTRUCTIONS, (with Devitt, Blackmar and O'Malley) (West Pub. 4th ed.) 1987 (Volume 3) and 1992 (Volume 1); also, *Supplement*, and *Cumulative Supplement*, for 1985, 1986, 1987, 1988, 1989, 1990 and 1991.

Health Reform in Missouri (co-author), St. Louis Bar Journal, Fall 1993, at 32.

NURSING HOMES AND THE LAW: STATE REGULATION AND PRIVATE LITIGATION, with Johnson and Terry, (Harrison Pub. Co. 1985).

Personal Property Damages and Remittur and Additur, in DAMAGES, Missouri Bar Continuing Legal Education, editorial committee (1988).

Court Upholds Expanded Practice Role for Nurses, 12 Law, Medicine & Health Care 26 (1984).

Discoverability of Hospitals' "Incident Reports," St. Louis Bar Journal, Winter 1983, at 34.

Charity Means Business: Medicare Reimbursement for Hospitals' "Free Care" Obligations, 15 St. Louis University Law Journal 389 (1981), reprinted in Specialty Law Digest – Health Care (Bureau of National Affairs, Inc.).

PROBLEMS OF PROOF, Missouri Bar Continuing Legal Education, 1982, 1983, 1984, 1985, Chapter supplements: *Wrongful Death and Derivative Actions*.

Parting Shots, Saint Louis University Symposium, Fall 1981.

Attitudes and Health Promoting Behavior of Medical and Law Students, (Coe, Miller, Wolff, Prendergast and Pepper). 72 Amer. Journal of Public Health 725 (July 1982).

Protecting the Disabled Minority: Rights and Remedies Under Sections 503 and 504 of the Rehabilitation Act, 22 St. Louis University Law Journal 25 (1978).

LAW AND TACTICS IN JUVENILE CASES, (ALI-ABA 3d ed. 1977). Piersma, et al. Chapter: *Federal Court Litigation*.