

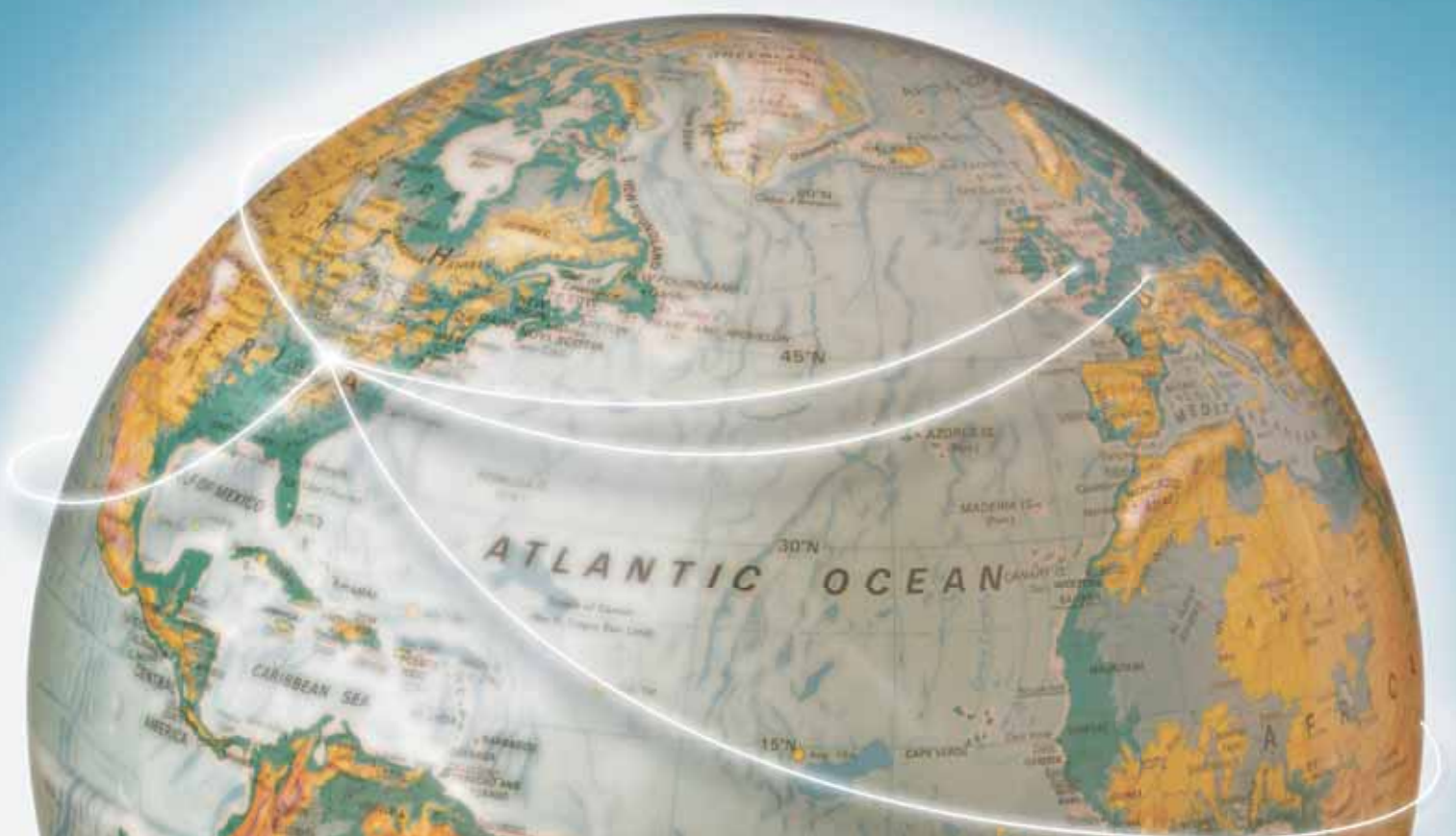
# CHASE

*Salmon P. Chase College of Law Magazine*

NORTHERN KENTUCKY UNIVERSITY | SPRING 2004 | VOLUME 2, NO.1

## BEYOND OUR BORDERS

*Practicing law beyond the borders of the USA*





The Chase College of Law in a Multinational Era for Law and Business

The Chase College of Law has a long, proud, and successful tradition of producing the finest lawyers and leaders in our region. Chase graduates have served our region with distinction in private practice in large and small law firms, in the corporate legal offices of our region's major corporations, in public service as judges, public defenders, prosecuting attorneys, city and county attorneys, and legislators, in bar leadership positions, and in key leadership positions in our region's businesses and government agencies.

The success of our graduates throughout our region is a function of the talented students we attract to attend Chase and the strength of our legal education program. Our educational program develops strong analytical and communication skills, a thorough and solid grounding in a wide range of legal disciplines, and superb training in the full breadth of legal skills. Although an effort is made in many areas of our curriculum to incorporate some exposure to the state laws within our region in the context of a broader examination of the law, our program provides the education and training that prepares our graduates to succeed throughout the legal profession well beyond the borders of our region.

The success of our graduates in law and business in 45 states, the District of Columbia, and at least three foreign countries is a testament to the quality legal education and training we provide and the enormous breadth of interest and talent among our graduates. In an effort to help us all gain a greater appreciation for the broad scope of our graduates' engagement, our lead article in this issue of *Chase* focuses on a few of our graduates who have had the opportunity to practice "Beyond Our Borders."

During my career as a lawyer in the military before joining Chase as Dean in 1999, I had the opportunity to spend five years practicing law outside the United States. That experience required not only dealing with what would traditionally be regarded as public international law, but also dealing with a wide range of other countries' domestic laws in both civil law and common law countries. Success in that environment depends on having a strong foundation in legal analysis, communication, substantive law in a wide range

of legal disciplines, and the full array of legal skills, including trial skills, interviewing, counseling, and negotiation. Chase provides that foundation.

During my time practicing law in the military, I was fortunate to serve with a number of Chase graduates. These Chase attorneys and military officers distinguished themselves with a very high degree of professional competence and integrity, but also demonstrated the breadth of legal talent that was able to be applied in a wide range of contexts beyond the borders of our region. In a world that is increasingly multinational even at the local level, preparing our law students to succeed in that environment is essential.

Our educational focus that enables our graduates to succeed in law and business outside our borders is also the focus that best prepares all our graduates to succeed in law and business throughout our region and our country at a time when law and business by their very nature have become multinational even on the local level.

I want to thank our graduates who have shared their international law practice experiences for this issue of *Chase*. Their stories help demonstrate in concrete terms the value of a Chase legal education for success in a broad range of circumstances around the world. ⚖️

A handwritten signature in black ink that reads "Sherry St. Amant". The signature is fluid and cursive.

DEAN

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Salmon P. Chase College of Law Magazine

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VOLUME 2, NO.1

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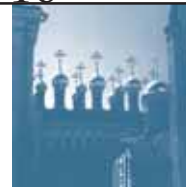
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# BEYOND OUR



# BORDERS





TOMOYUKI OTSUKI '96

## CHASE'S INFLUENCE FELT FAR AND WIDE

Surviving in law school can be tough even if English is your native tongue. Now imagine tackling law school when English is your second language and the challenge of learning what amounts to a whole new language – legal terminology – is thrown in as well.

While Tomoyuki Otsuki '96 had studied law in undergraduate school, it was in his home country of Japan (Kyoto Sangyo University), where the legal system is quite different from America's. The Japanese legal system is based on codes and modeled on the German and French legal systems whereas our legal system is part of the Anglo-American common law tradition, making the two systems "different in many ways," according to Chase Professor Mark Stavsky. In addition, Stavsky also notes that the method of teaching law in the two countries is vastly different as well. In the United States, the Socratic method is primarily employed but in Japan a lecture format is used. The former method involves extensive student participation, allowing for substantial interaction between professor and students.

"In order for someone trained in the civil law system to succeed in an American law school, that person must alter radically his approach to learning the law. I think it is an enormous challenge, and Otsuki should be deservedly proud of his substantial accomplishment," Stavsky explains.

Otsuki describes his own success in achieving his Juris Doctor in somewhat spiritual terms when he refers to it as a

quadruple miracle. "The first miracle was getting into Chase," he recalls, "the second was surviving, the third was passing the bar, and the fourth was finding employment."

Before he returned to Japan in 2001, he practiced law for four years with Greenebaum, Doll & McDonald PLLC in Kentucky. Today, he serves as legal counsel for Dell Japan Inc., a local entity of Dell Inc. in Japan, where he handles all legal matters there and in Korea. Otsuki is licensed to practice law in the U.S. in three states – Kentucky, New York, and Washington State.

His background is useful for American and other foreign-owned companies in Japan because he has Japanese law knowledge and U.S. law experience. In Japan, he explains that being a "lawyer" primarily means being a trial lawyer, and the number of corporate and business lawyers is still limited. By contrast, he points out that in the United States there are a lot of lawyers who practice law as in-house counsel and business lawyers in law firms.

Otsuki now has the distinction of being able to count himself among the few Japanese nationals who have studied law in Japan and earned a J.D. in the U.S. As a result, he has an interest in teaching law school someday.

His experience at Chase was so positive that he has recommended the school to others.

His advice to law students is this: "The world is larger than you might think

and continues beyond the geographical boundaries. There are many opportunities everywhere. There are lots of American lawyers in Japan.

"You have to look broadly," he says. "It is important for students to open their eyes to these opportunities."

Otsuki is married to Kaori and they have a two-year-old son, Kazushige.



OTSUKI AND DEAN ST. AMANT

BY TERRI SCHIERBERG



BETH LEWIS MAZE '88

## ON A MISSION CHASE ALUMNA TRAVELS TO MIDDLE EAST, MEETS KING OF JORDAN

Discussing foreign policy with King Abdullah was one item on the itinerary of Judge Beth Lewis Maze '88 of the Twenty-First Judicial Circuit, when she was part of a delegation that traveled to the Middle East last year and spent 16 “incredible” days together on a political mission.

The trip was sponsored by the American Council of Young Political Leaders, an organization that is funded by the U.S. Department of State, along with private donations. It counts John Ashcroft, Elizabeth Dole, Hal Rogers, and Ben Chandler among its alumni. The purpose of the trip was to foster relations with Egypt and Jordan, to allow citizens and politicians of these countries to meet Americans, and for the delegation to meet with Egyptians and Jordanians, so both could gain a better understanding of each other and each other's cultures for the benefit of future relations.

### Fear of flying

The delegation first met on Thursday, September 11, 2003, after flying in to Washington, D.C. that day, according to Maze.

“Aside from the fear of flying to D.C. on September 11, there was the looming fear that some of the delegates had of traveling to the Middle East the following day,” she notes.

After leaving for Frankfurt, Germany, late on the evening of Friday, September 12, the group ultimately arrived in Cairo,

Egypt at 6:50 p.m. on September 13.

What followed was a short briefing with the Cultural Affairs Officers from the U.S. Embassy. The next day, the delegation proceeded to the Ministry of Foreign Affairs in Maspero and later met with Dr. Osama El Baz, political advisor to President Hosni Mubarak.

After stopping for lunch at Giza, it was on to a tour of the pyramids, inside and out, which was led by an archaeologist. Maze describes the Sphinx and the pyramids as “unbelievable.”

The first evening's activities concluded with a dinner hosted by James L. Bullock, public affairs officer for the U.S. Embassy, held at his residence and attended by local college students, as well as other Embassy officials.

“On Monday, we had a briefing with the U.S. Embassy in Garden City, Egypt, conducted by U.S., Ambassador C. David Welch and other Embassy officials,” Maze recounts. “The topic of this briefing was U.S. mission activities and objectives and the bilateral relationship. An initial briefing was conducted at the U.S. Embassy in Cairo, and another briefing was conducted at the Ambassador's residence, which was beautifully decorated.

“The Ambassador and his wife were both present and both were a pleasure to meet,” adds Maze.

In subsequent meetings with Dr. Alie El Din Helal, Minister of Youth, Dr. Hossam Awad, chairman of the Youth Committee, People's Assembly and other members of

his steering committee, the members of the delegation were asked all types of questions regarding U.S. foreign policy.

The most pointed of these questions and a question Maze recalls was asked continually throughout the trip was “What do the American people think about the U.S. government putting Ahmed Chalabi, a convicted felon, into power in Iraq?” Maze recalls. “We were all taken aback by this question. Our response was that most of the American people don't even know who Ahmed Chalabi is.”

According to Maze, the delegation was informed by individuals from the U.S. embassy in Jordan, as well as the director of the Institute of Diplomacy in Jordan, that Ahmed Chalabi was tried and convicted of embezzling a large amount of money from the Jordanian government, and was sentenced to 22 years in prison. They also were told by the director of the Institute of Diplomacy that Chalabi is wanted for crimes in two other countries, but that he fled to Iraq where the United States is trying to put him into power.

This question persisted throughout their trip, and is what Maze considers “a large source of resentment toward the U.S.”

### If this is Tuesday, it must be Cairo

The day was spent at Cairo University. After meeting with Professor Mohamed Kamal and having lunch with Dr. Ali Shams El Din, vice dean of the faculty

**BETH LEWIS MAZE** *is a Circuit Judge for the Twenty-First Judicial Circuit, which includes Bath, Menifee, Montgomery, and Rowan counties in Kentucky. She is a 1981 graduate of Marshall County High School, a 1985 graduate of the University of Kentucky, and earned her Juris Doctor from Salmon P. Chase College of Law in 1988.*

of agriculture, Zagazig University, and chairman of the National Environmental Protection Society, they also were given the opportunity to meet with two doctors at the Al-Azhar Medical School and its president.

“I now have a greater appreciation of our medical facilities and universities in this country,” says Maze. “We are so fortunate to have the money to have modern technology in our schools. Despite our budget shortfall, we are far ahead in terms of up-to-date technology in our schools.”

Later that afternoon the delegation had a meeting with officials of Al Wafd (opposition) Party, consisting of a question-and-answer session.

Maze says the group had a “grand opportunity” that evening when Mohamed Sid Ahmed, Egyptian intellectual, political analyst, and a senior columnist spoke to the delegates in his home on the topic of “Non-Establishment Briefing on the Current Situation in Egypt and the Middle East.”

The next day saw the delegation depart for Fayoum, Egypt, where they took part in a round table discussion with many local political leaders as well as parliament members and the Governor of Fayoum, Dr. Saad Nassar.

“That meeting began with some tense questioning,” recalls Maze, “but it was quickly neutralized when the delegates indicated we understood the fears and concerns of the people there and that the United States was not trying to colonize Middle Eastern countries.

“That was followed by a moving experience when we visited two separate USAID projects. The first project consisted of a treatment facility plant, which is currently being built with a sign outside that stated it was being built with money from USAID. Because there is very little fresh water, this water treatment facility should decrease the rate of illness and death, especially in children. USAID is building several schools in Fayoum, and

the delegation was fortunate to visit one which was opening the following Sunday. [They recognize Saturday as the Sabbath, and Sunday is the first day of their work week.] The school had just been built for girls, as most classrooms typically have an 80-to-one student-teacher ratio with those students being male. There is not enough space for females.

“We received no ill feelings and I felt very safe,” Maze explains, adding that she found the people of Fayoum to be very friendly and very thankful for what the United States has done for them.

On September 18, the delegation made its way to Alexandria, Egypt in the company of U.S. Embassy official Hugh Geoghegan. Upon their arrival there, they met with General Abdel Salam Abdel Mahgoub, Governor of Alexandria, who is “a very hospitable, warm man,” according to Maze.

A tour of the library was followed by a luncheon hosted by Ahmed Al Kholy, businessman and Secretary General of the Young Businessman Association, in his home.

A horse and buggy ride through the city rounded out the evening’s activities, and Maze says they “were greeted by crowds of people with smiles and waves.”

Returning to Cairo after shopping a brief time in the Khan, the group attended a farewell dinner hosted by Deputy Prime Minister Youssef Waly and other guests.

#### **In the company of royalty**

When the delegation arrived in Amman, Jordan on Saturday, September 20, they met with officials from the U.S. Embassy for a short briefing and did so again on Sunday where they were briefed on the topic of U.S./Jordan relations and the Middle East Partnership Initiative.

Attending a session of the Jordanian Parliament was the next item on the agenda, followed by a meeting with Taleb Rifai, Minister of Tourism. The delegation

also met with Mohammed Halaiqa, Deputy Prime Minister of Development. That evening they attended a dinner hosted by the U.S. Embassy to which judges from the area, as well as local college students and other intellectuals interested in U.S. policy were invited. Maze says it proved to be “a wonderful event for discussion.”

Maze notes that divorce just became legal in Egypt and Jordan and that the mother is always awarded custody of children under the age of 13 and also gets the house. After the children reach 13, they are sent to live with their father.

Another culturally significant difference Maze became aware of in talking to college students there was the fact that these countries do not have a drug problem. She attributes that to several factors, such as deeply held religious beliefs, fear of bringing shame upon one’s family, of the severity of punishment for such offenses, and the fact that families stayed largely intact prior to the recent legalization of divorce.

After meetings with officials from the Institute of Diplomacy and later that day with Mahammed Shahin, Director General of the Central Bank of Jordan, it was on to a jazz concert at the residence of the U.S. Ambassador.

“It was a festive event with Embassy personnel as well as several Marines who are stationed there, and I had the opportunity to meet a CNN correspondent,” Maze recalls.

The following morning a breakfast meeting was held with the Young Presidents Organization, which Maze says was a very informative meeting, “and a meeting that allowed us to interact and discuss ways that businessmen from the United States as well as businessmen from Jordan might better serve one another in trade.” A “candid” discussion with two top Jordanian journalists about issues of censorship was also part of the day’s activities.

The highlight of the day and perhaps the trip was a scheduled meeting with His

## MAZE WITH KING OF JORDAN



Majesty, King Abdullah of Jordan. As the group meet with officials at the U.S. Embassy prior to that and waited for Ambassador Edward W. Gem, Jr. to drive out of the Embassy, Maze says a bulletproof white Suburban full of security men came out of the gate fast, followed by the Ambassador's black Cadillac limousine. The chase car sped ahead with the security inside holding out red stop signs to halt traffic as the delegates sped through Amman, in order to be on time for the meeting with His Majesty King Abdullah.

"As the delegation entered the compound of the King of Jordan, we saw white buildings shaded by olive trees, and the palace of the late King Hussein," Maze says. "Then we arrived at Raghadan Palace. It was a beautiful building with marble steps and two Jordanian flags at the entrance.

"He [King Abdullah] was an amazingly down to earth compassionate man. There was nothing pretentious about him. He sat and discussed with us openly issues of foreign policy, as well as topics of discussion, which he had just had with President Bush.

"With respect to Israel, he commented that Arafat had no leadership skills and that peace will not come until both Sharon and Arafat are gone," she recalls. "With respect to Iraq, he commented that while he supports President Bush, his people do not understand President Bush's long-term purpose, and that he is committed to ending U.S. occupation when the time is right. With respect to Iran, he commented that Jordan might become a go-between if Iran wants to open dialogue with the U.S.

for the rebuilding of Iraq. He stated 'My father used to say we must have peace for his children and his children's children. I am his child and the time for peace is now.'"

"Jordan is fortunate to have King Abdullah," says Maze.

A cultural meeting with Rotoractors [Rotary in the U.S.] was followed by a "fantastic traditional dinner and our hosts performed dances in native costumes from the various regions of Jordan."

#### From the Holy Land to Dead Sea dying and *Indiana Jones and the Last Crusade*

A tour of Amman included a visit to a mosque, the Cathedral, Roman Amphitheater, and downtown area. They visited Mount Nebo, where it is said that Moses saw the Promised Land but could not enter, and the Jordan River, where Maze says she "could not resist getting in" at the location where it is said Jesus was baptized.

The visited the Dead Sea and Maze says they "were both amazed and saddened by the lack of tourists at all of these sites. Unfortunately, the Dead Sea is drying up due to the shortage of water. In Jordan, people are capturing the water from rainfall before it gets to the Dead Sea to replenish it."

"These people are truly suffering from the loss in tourist dollars," Maze adds. "This was the Holy Land, a place where I would have expected many tourists, but the tourists aren't coming. We saw the same lack of tourism at the Great Pyramids in Egypt."

On Thursday, September 25, the delegates departed for Aquaba, where they met with Akel Biltajri, former president of the Royal Jordanian Airlines. While enjoying a traditional Jordanian lunch at his home, Maze says they "could look across the bay and in one glance see Egypt, Saudi Arabia, and Israel."

They then visited a science center where they learned of Jordan's efforts to save the

last remaining coral reef in the Middle East. They were taken to the coral reef, which is in the Red Sea, in a glass bottom boat.

On their final day, they saw the location where *Indiana Jones and the Last Crusade* was filmed and what Maze describes as "an incredible site. We visited Petra, an ancient Roman city in the desert of Jordan. The buildings are carved out of rock mountains that exist there. They were very ornate and the Roman architecture was obvious."

"On September 11, 2003, we all were a very diverse group," Maze notes. "The Democrats had very different ideas than the Republicans. However, after concluding this amazing visit, we all experienced the graciousness and warmth of the people of both countries, and had a very different perception of these people than we had had 16 days earlier.

"Prior to coming, there was the fear of traveling to the Middle East and fear of anti-American sentiment. However, after having been there, I can say that I did not feel in fear of my safety. I believe that this was, at least in part, because the people of both countries are desperate for tourist dollars. The loss of tourism has had a devastating effect on their economy. They were thrilled to have us eating in their restaurants and buying their handmade goods. There was never an indication to us that they disliked Americans. We met both the high ranking and the very poor citizens of these countries and they were wonderful people who have been painted with a broad brush after the events of September 11. They did not appear to hate Americans, and appear to be able to distinguish between the American people and what they dislike about the policies of the American government. It is so unfortunate that many people in the United States have now classified all people from this area of the world as terrorists. The terrorists acts of 9/11 have had a devastating effect on the citizens of both of these countries."

BY TERRI SCHIERBERG





JACOBUS RASSER '84

## CHASE GRAD FINDS NICHE AS INTERNATIONAL PATENT ATTORNEY

Like many new law school students, Jacobus “Koos” Rasser had initial doubts about his ability to earn a J.D. degree.

“Actually, I was overwhelmed with the thought that I might fail miserably,” recalls Rasser, chuckling at the nearly 25-year-old memory.

His first week was a “total disaster,” says Rasser, now a managing partner of an international patent attorney firm. “I couldn’t understand a word spoken in class. I concluded that law school was a mistake and that I should head back home.”

The year was 1980 and for Rasser, his wife, Marleen, and their two young boys, Martijn and Guido, home was Holland. Working as a patent agent for Procter & Gamble in Cincinnati, he had been encouraged by his employers to get his law degree.

Rasser, in the U.S. on a temporary visa with the goal of returning to Europe to work for P&G after graduation, decided to “stick it out” after talking with his some of his Chase classmates.

“To my delight, they didn’t understand a word either,” he says with a gentle laugh. “I decided not to give up just yet.”

In May 1984, Rasser graduated from Chase and took the Ohio bar two months later. Two days later, the family returned to Brussels, where Rasser began life with a new job title at P&G — patent attorney.

Unlike most law school students, Rasser already had a flourishing professional career before he entered Chase. In 1977, with a doctorate in chemical engineering, Rasser was hired by P&G to work in its European products lab.

“I was quite happy as a chemical engineer,” admits Rasser, who tested

various processes and products for their commercial applications. “But there was a certain attraction, or inquisitiveness, I felt whenever I met with our patent attorneys to discuss a project.”

That attraction, he soon realized, was the difference in pace. As a chemist, Rasser could work on a single project for up to two years only to see it cancelled. The company’s patent attorneys, on the other hand, were engaged in multiple projects, many of which were at their peak of completion.

“From my perspective as a chemist, the patent attorneys were hot and humming with activity,” recalls Rasser, who goes by the first name Koos (pronounced Coast without the “t”). “They were on the front line, so to speak, making big things happen.”

From the time he graduated from Chase, Rasser’s career skyrocketed. In 1986 he was promoted to manager of patents for P&G’s patent organization for Europe. Four years later he returned to Cincinnati, after being promoted to associate general counsel for patents in the company’s paper products division.

In 1992 Rasser was promoted to chief counsel, the highest ranking attorney in a patent organization. Two years later, he was promoted to vice president of the division.

In the latter two roles, he was responsible for all of the company’s patent work, including major litigation in the U.S., Canada, Japan and Europe. Rasser was supervisor over more than 90 patent professionals worldwide. While at P&G he more than tripled the company’s patent filings over six years.

“Early on as a chemist I was told by

our patent attorneys that I seemed to have a natural understanding of patents and law,” Rasser recalls without a hint of boastfulness. “I’ve simply loved the work. And it’s been fun.”

In 2000 a patent attorney firm, which was handling litigation work for P&G, offered the Chase grad a high-profile position with the company. Today, he is the managing partner in the Amsterdam office of Howrey Simon Arnold & White. The company focuses on all aspects of intellectual property law, both litigation and procurement, competition law, and international commercial arbitration and litigation.

“I am forever indebted to Chase. If it were not for law school, I wouldn’t be sitting where I’m sitting today,” he says fondly. For Rasser, as a foreigner, Chase was more than an unending stream of case studies and long nights in Nunn Hall. It was his first insight into a new society.

“I was a new immigrant, essentially, when I started law school,” he says. “I knew very little about American culture beyond the sitcoms I saw on TV. My classmates and professors gave me insight into the U.S. that has been invaluable to my career and, as important, to the enrichment of my personal life.”

Just recently, Rasser and his wife have relocated to Amsterdam with his firm. His two sons, now young adults, live in the U.S. All four became U.S. citizens in the past few years.

“I have great respect for America,” he says. “Yes, we have our problems. But there is no other country like it in the world when you talk about tolerance for others. You welcomed me and helped me to make a great life for myself and my family.”

BY JIM PICKERING



MARIA LONGI '93

## CHANGING THE WORLD CHASE ALUMNA PROVIDES LEGAL EXPERTISE IN FORMER SOVIET UNION

*Having earned a B.S. in chemical engineering,*

**MARIA  
LONGI '93**

*found herself not really enjoying what she was doing. A decision to attend law school, and particularly Chase, proved to be “the ideal option” for her.*

Chase allowed her to go to law school at night and “not go into a lot of debt while doing so,” she explains.

While she initially entertained thoughts of working in either environmental or patent law, she never anticipated that she would eventually be working for the State Department as she is today, helping to coordinate assistance in the former Soviet Union.

She is the Country Affairs Officer for the Caucasus [Armenia, Georgia and Azerbaijan] in the Office of the Coordinator for U. S. Assistance for Europe and Eurasia. She has held her current position since August 2002.

Prior to that, she was the Country Director in Armenia for the American Bar Association, Central European and Eurasian Law Initiative Project.

“In that position, I managed a rule of law portfolio, working with Armenian lawyers, judges, and law students on various reform projects such as Moot Court, CLE, and Legal Aid.

In her present job, she is the “point person” in the U.S. Government for all economic assistance that is provided to the Caucasus countries. This includes humanitarian assistance, security and law enforcement, democracy [including rule of law, media, civil society], and economic development.

“I work with different U.S. Government agencies such as the U.S. Agency for International Development, U.S. Treasury, USDA, and U.S. Trade and Development

Agency to coordinate their activities and make sure they are consistent with U.S. policy in the region,” she says.

“Coordination with other donors—World Bank, IMF, and bilateral donors—is also part of the job. I travel to the region several times each year, sometimes for formal bilateral economic meetings, sometimes to see how projects are operating, and sometimes to assess our programs.”

Longi credits her experience at Chase with providing her the legal education she needed to do every job since then, including working in a law firm, Peace Corps, ABA/CEELI, and now the State Department, and also teaching her how to manage her time well and accomplish a lot of things in a 24-hour day.

BY TERRI SCHIERBERG

## 'ONE FOOT IN EUROPE AND THE OTHER IN THE U.S.' PROFESSOR BRINGS INTERNATIONAL REALITIES TO CHASE CLASSROOM



BY ROGER D. BILLINGS, JR.  
PROFESSOR OF LAW

Over the years I have traveled abroad for extended visits to England, Germany, the Ukraine, and Russia. In 1984 I took a five-month sabbatical as a guest researcher with a stipend at the Max Planck Institute in Munich. The result of that trip was a couple of articles in German publications, one in German language. My wife and daughters, ages 5, 8 and 11 went with me and we had a fine rented apartment in a suburb, Ramersdorf. While attending a German kindergarten, the youngest became fluent in German and didn't even realize it.

In 1990 I took another sabbatical, this time in London, Brussels, the Black Forest of Germany (near Strasbourg) and Munich, gathering information for a new book. The result of that sabbatical was the treatise "Handling Business Transactions in the European Community" published in 1993 by Clark Boardman.

During the 1990s I made about six trips to Kharkiv, Ukraine and Moscow. In 1999 on another sabbatical my wife and I went to Moscow where I taught at the Russian Peoples Friendship University (RPFU) law school and did research for my article, "Why Business Fails in Russia" (published in *International Business Lawyer*). While in Moscow I taught international trade law and the U.S. legal system. My wife, Debbie, visited university classes regularly as an English instructor. She said the thing students wanted to know about most was the latest on the escapades of President Clinton and Monica Lewinsky. I have stayed in touch with the RPFU law school because by now I have a lot of friends there,

especially the international affairs Dean, Evgey Martinenko, and the law school Dean, Anatoly Kapustin. I expect that my contacts with them will lead to both of them visiting the Chase College of Law again soon.

Every other year, since 1994, I go to Munich for a week in June as a member of the Munich-Cincinnati Sister Cities lawyer exchange. This has resulted in a lot of new friends and contacts. My family has often been busy hosting Germans and Russians when they come to Cincinnati.

Currently I am visiting the University of Salzburg on a Fulbright. I am the Fulbright-University of Salzburg Distinguished Chair in International Trade Law (beginning March 2004). While there I am anxious to get together with many of the people I have met in Europe over the years, and of course, I hope to come home from Salzburg after five months with more new friends.

The overall benefit of all this travel to me, and I hope to my students, is to understand the civil law and European Union law. Laws are differently adopted and administered in their courts than in the U. S., and I share those differences with my students. Chief among them is the different way courts operate, with judges doing the questioning and making the record of what they hear. Lawyers keep their mouths shut unless called upon by the judge. Students sometimes do not realize that the isolation of U.S. lawyers is likely to come to an end as the U.S. business community more and more needs lawyers with one foot in Europe and the other in the U.S.

## LEARNING THE LANGUAGE OF LAW ... AGAIN

BY CHRIS GULINELLO,  
ASSISTANT PROFESSOR OF LAW



I chuckled out loud. While reviewing a stack of contracts during due diligence on a securities company, I actually let out what could best be described as a giggle of delight. (As a rule, I try to keep my giggles to a minimum, opting instead for guffaws when the circumstances allow.)

It was a strange reaction, I know. After all, due diligence is more likely to cause a young lawyer to cry. But I had just experienced an epiphany. Each of the documents in front of me was written in Chinese and it had suddenly dawned on me that I was performing due diligence in Chinese. My laugh stemmed

from a great sense of accomplishment. I was also filled with a great sense of irony. Two years earlier, while I performed my first due diligence in the U.S. and my mind struggled to understand the complexities of a particularly lengthy revolving credit agreement (written in English), I said to myself: “I can’t even do this in English; I could never imagine doing this in Chinese.” Well, here I was.

Although my practice in Taiwan was filled with good memories like the story above, it actually started out on a more frustrating note. Within a few short weeks of moving to Taiwan to work as a foreign attorney, I realized that I could only make limited contributions at my law firm, even though my Chinese speaking and reading abilities were at competent levels. Most of my work was drafting English correspondences or reviewing English language contracts, all under the watchful eye and in accordance with the careful instructions of a local attorney. After all, I was not familiar with the law of Taiwan, so I was not qualified to opine on it. I did not even know where to look or what questions to ask when the issue was one of Taiwanese law. But I felt a need to play a bigger role, to be more independent, and to gain the respect of my colleagues. I wanted to be more than a foreigner working at a law firm. I wanted to be an “attorney.”

I began to investigate my options for learning Taiwanese law. I explored the possibility of auditing undergraduate law classes or enrolling in a graduate level master’s degree program, but this would have required me to tackle the higher education bureaucracy in Taiwan – applications, recommendations, competency tests, etc. I then became aware of the various bar review courses in Taiwan. These courses are offered in what are commonly referred to as “cram schools.” In Taiwan, the emphasis on formal qualification examinations has resulted in the development of private cram schools for every subject – English, Japanese, preparation for junior high entrance exams, high school entrance exams, college entrance exams, preparation for civil service exams, preparation for professional license exams, etc. Needless to say, there were several cram schools designed to prepare students for the extremely difficult Taiwanese bar exam.

My first day of class at the cram school was an experience. As the only foreigner, I stood out like a sore thumb. I chose to sit in the back of the classroom, where I thought I would be inconspicuous, but this choice had an unintended side effect. When several students arrived late and entered through the back door, I was the first person they saw. Apparently the sight of a foreigner caused them to assume they had walked into the wrong room, and they quickly exited. Each time it happened, the student would eventually return to the classroom to find a seat, apparently after conferring with the receptionist. I smiled at the thought that my presence had such a confusing effect.

I was quite apprehensive that my language abilities would not be sufficient for me to study law. Although my Chinese was competent, I knew that the law has a language of its own. I was pleasantly surprised, however, to find that learning the language of law in Chinese was easier than I expected. Actually, Chinese is an extremely logical language once you have built up a solid knowledge of Chinese characters. Chinese words are generally made up of two Chinese characters. Because each character has its own meaning, you can often understand the meaning of a two-character combination the first time you are exposed to it as long as you understand the meaning of each of the characters. For example, when the character for “lose” is combined with the character for “sleep,” the result is the Chinese word for insomnia. When the character for “example” is used with the character for “outside,” you have the word for exception.

Learning the language of law was no different. I found myself immediately understanding Chinese words I had never heard or seen before simply because I understood the context and was familiar with the meanings of the two characters that made up the word. I immediately recognized the combination of the characters “invade” and “right” to mean tort. The combination of “proof” and “person” meant witness. “Violate” and “agreement” meant breach, and the combination of “law” and “government official” meant judge. My knowledge of characters and my knowledge of legal concepts made it relatively easy for me to understand. But then again, Taiwan has a civil law system, which means there are many concepts that are foreign to those of us educated in the common law tradition. When I ran across these words, I was often without a clue. Even an English language translation was of no use in most circumstances. For example, when I ran across the word “land” “top” “right,” I was forced to use a Chinese-English legal dictionary. The English translation: “Superficies.” What was that?

Of course, I soon realized that there was no need to turn to an English translation of the unfamiliar civil law concepts. I just learned what the word meant. It is the same approach we all used in law school when we were introduced to “foreign” terms like “consideration” or “springing executory interest.” All law students go through the process of learning the language of law. I was just going through that process again.

# MOOT COURT BOARD CELEBRATES SUCCESSFUL COMPETITIONS

BY JASON BURGETT

During this academic year, the Chase Moot Court Board has thus far enjoyed several successes. The W. Jack Grosse competition in September enjoyed widespread support from the greater Cincinnati/northern Kentucky legal community. That intramural competition considered cutting-edge issues in the field of biotechnology and agricultural nuisance law.

The team of Poul LeMasters and Laura Frieko advanced to the quarter-final round at the National Moot Court Competition in October 2003.

The team of Emily Janoski and Laura Ward advanced to the quarter-final round of the Gabrielli Family Law competition at Albany Law school in February 2004.

Moot Court Board member Matt Irby competed with *Law Review* member Debra Zimmerman at the National Tax Moot Court Competition, and advanced to the semi-final round, being edged by the eventual champion by only one point.

In addition, their brief placed third overall in the competition. Special thanks to Professor Ljubomir Nacev for his guidance and leadership in the competition.

Chase's Moot Court Board team of Dori Thompson and Carrie Fischesser, Brian Riddell and Chrissy Dunn competed in the Robert F. Wagner Labor and Employment Law Moot Court competition. This team had a special place in the collective "heart" of the Board, as Fischesser and Thompson

shifted competitions in order to replace the team of Gentry Aubrey and Chrissy Dunn. Aubrey was killed in an auto accident in January 2004, just as the original brief was nearing completion.

The team's brief finished in sixth place out of 38 teams including New York University, University of California – Hastings, University of Cincinnati and University of Louisville to name a few. Overall Chase's team was a national quarter-finalist and finished seventh out of 38 teams.

The Wagner Competition is one of the largest single-location national moot court competitions in the country and the team's performance was excellent.

# INTERNATIONAL LAW MOOT COURT TEAM WINS AWARD

Chase College of Law provides its students with opportunities to explore international law beyond the classroom. The school has an active chapter of the International Law Student Association, and sends a Moot Court team to the annual Philip C. Jessup International Law Moot Court Competition. This is the premier competition for law schools from around the United States and the world.

This year the Jessup Team competed in the East Regionals, held February 28-29, 2004, at Vanderbilt's Law School. The team was composed of Maria Biron (2L), Michael Lubes (4L-PT), Julie Noland (2L), Karen Thomas (4L-PT) and Michelle Cook (2L). The team was assisted by Professors Lowell Schechter, Adam Todd, and Michael Whiteman.

The Eastern Regional was composed of 10 teams, all participating in four preliminary rounds, with four teams going on to the semi-finals. By the luck of the draw, Chase's team faced off in three of the four rounds against the University of Virginia, Duke, and Tulane, which all advanced to the semi-final round and which contained four of the top five oralists in the competition. While Chase's team did not advance, it was competitive. Two of the judges from the last round, where Lubes and Biron were competing against the team from Tulane, described the contest as one of the best, if not the best, Jessup round they had ever seen.

The Chase team did receive an award for its fifth place finish in the Best Memorial competition (Memorial is the term used by

Jessup for Brief). This was a significant accomplishment given that all of the team members were just completing the basic international law class at the time they were researching and writing the brief, and were in competition with many third-year students from schools, such as UVA, Duke, and Tulane, with much more extensive international law programs.

Chase College of Law remains committed to providing its students opportunities to explore the field of international law and looks forward to reporting continuing successes in future issues of the magazine.

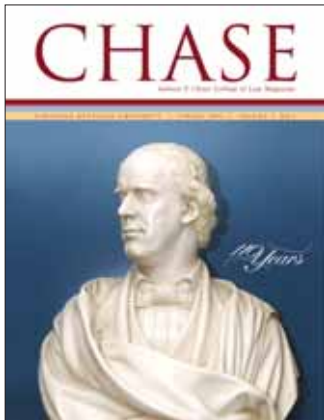
# STUDENT GALLERY



Left to right: 1. NATIONAL TRIAL TEAM 2. JESSUP MOCK TRIAL 3. DEAN ST. AMAND GIVING OUT LAPEL PINS 4. BLSA MOOT COURT 5. BLSA MOCK TRIAL 6. BLSA ADVOCACY TEAM MEMBERS 7. FIRST YEAR STUDENTS DURING ORIENTATION 8. DEAN ST. AMAND MEETING WITH FIRST-YEAR STUDENTS DURING ORIENTATION 9. STUDENTS AT BLSA GALA 10. FIRST YEAR STUDENTS ENJOYING THE PICNIC SPONSORED BY THE LIBRARY 11. DEAN'S LIST RECEPTION

## BLSA MOCK TRIAL SUCCESS

At this year's 2<sup>nd</sup> Annual BLSA Thurgood Marshall Mock Trial Competition, February 5-7, 2004, in Florida, Chase's National Trial Team, Sharif Adbrabbo, Angela Burns, Colleen Kirkpatrick, and Dana Luther, competed against seven teams in the regional competition. The team ranked as "Best Attorneys" after the preliminary rounds. They advanced, along with the other top team from the region, to the national competition in March. This was Chase's first appearance at this national competition.



## BRAVO

Chase magazine received an Award of Excellence in the CASE-KY annual awards competition based on the design and content of its inaugural issue. Winners were announced at the annual CASE-KY conference held in Lexington in December. CASE-KY is part of the Council for the Advancement and Support of Education.

## TRIAL PROGRAM GETS MAJOR SUPPORT FROM THE LEGAL COMMUNITY

Sponsored by the law firm of Reminger & Reminger, the National Trial Advocacy Team has made great strides in the past couple of years. This is due in part to alumnus Richard D. Lawrence '71 when he surprised Dean St. Amand and Professor Hughes, faculty advisor to the National Trial Team, with an early Christmas present at The Lawrence Firm's Christmas party – a \$15,000 contribution to the National Trial Advocacy Team's Outstanding Litigator Scholarship Fund, marking the largest gift given to the National Trial Team to date. The Lawrence Firm will sponsor two \$2500 annual scholarships to the top student litigators on the National Trial Advocacy Team.

Team members, selected through an intra-school competition, compete in regional and national mock trial competitions throughout the country. These scholarships recognize the time and effort trial team students dedicate toward becoming successful litigators. Students receive intense one-on-one training from faculty members and experienced litigators as they prepare for trial.

Having been a part of the National Trial Team Program for a few years, Lawrence reflected that "education is an important part of our training to become lawyers. Training gives us the skills to allow us to be prepared and facilitates professionalism with the legal community. We all benefit by having lawyers who are educated and well-trained. The monies were donated so that we would have more attorneys who are educated, skilled, and prepared for the legal profession as a whole."

Lawrence's generosity will help the National Trial Team Program recruit and maintain top student litigators. The American Board of Trial Attorneys and the National Trial Team Alumni support two additional \$2500 annual scholarships.

The Trial Program was able to achieve its success also due in part to the generosity

of several alumni who participated in the program as students. Tad Thomas '00 of Louisville, Kentucky, and Rene Heinrich '00 have created a National Trial Team Alumni Scholarship

They are strong advocates and have encouraged several trial attorneys to support the program which affords students the opportunity to get an education outside the normal classroom setting and begin developing legal skills that are not found in most core curriculum classes but are necessary for success in private practice.

According to Thomas, who is in private practice in Louisville, the program was invaluable in teaching him the fundamentals necessary to become a successful litigator and in helping him gain confidence in the courtroom. Even after only a few years past the bar exam, he said most opposing counsel get the impression that he has been doing this much longer than he has which is helpful in achieving positive results. Thomas said he was able to receive instant feedback on trial technique from seasoned trial lawyers who were familiar with what works in the courtroom both in the civil and criminal contests. He and Heinrich were on the first team to compete regionally under the leadership of Professor Kathleen Hughes.

In soliciting for the program, Thomas said, "most attorneys are happy to donate to those programs that have a proven track record in developing future lawyers. This is certainly the case with the Chase National Trial Advocacy Team. In asking for donations we have primarily targeted attorneys who earn their living in the courtroom because the members of this group most understand the value of the trial advocacy program."

Other donors include the American Board of Trial Attorneys.

# FACULTY PUBLICATIONS



BALES BILLINGS BREDEMEYER ELDER GULINELLO ROSENTHAL STAVSKY STEPHENS WHITEMAN YZENBAARD

**Rick Bales**

*The Laissez-Faire Arbitration Market and the Need for a Uniform Federal Standard Governing Employment and Consumer Arbitration*, 52 KANSAS L. REV. \_\_\_\_ (forthcoming 2004).

*Employer-Sponsored Arbitration of Statutory Claims in the Nonunionized Employment Context*, in ELKOURI & ELKOURI, HOW ARBITRATION WORKS 25-36 (6th ed. 2003).

*Pro Se Litigants and Summary Judgment*, 214 F.R.D. 231 (2003) (co-authored with Hailey L. Scoville).

*Why a Written Request for Plan Documents by an Attorney Representing a Plan Participant or Beneficiary Should Trigger a Plan Administrator's Duty of Disclosure Under ERISA*, 29 U.S.C. § 1024(b)(4), \_\_ CAPITAL L. REV. \_\_\_\_ (forthcoming 2004) (co-authored with Shane S. Crase).

*The Immunity of Foreign Subsidiaries Under the Foreign Sovereign Immunities Act*, \_\_ MINN. J. GLOBAL TRADE \_\_\_\_ (forthcoming 2004) (co-authored with Melissa Lang).

*The Inherent Power of the Federal Courts to Compel Participation in Nonbinding Forms of Alternative Dispute Resolution*, 42 DUQUESNE L. REV. (2003) (co-authored with Amy M. Pugh).

*Interest Accrual on Attorney Fee Awards*, 23 REV. LITIG. 115 (2004) (co-authored with Nick J. Kemphaus).

**Roger Billings**

*Plagiarism in the Academy and Beyond*, \_\_ U. S. F. L. REV. \_\_\_\_ (forthcoming April 2004).

**Carol Bredemeyer**

*What Do Directors Do?*, 96 LAW LIBR. J. \_\_\_\_ (forthcoming Spring 2004).

**David Elder**

DEFAMATION: A LAWYER'S GUIDE (West 2003).

PRIVACY TORTS cumulative supplement (West 2003).

*Small Town Police Forces, Other Governmental Entities and the Misapplication of the First Amendment to the Small Group Defamation Theory – A Plea for Fundamental Fairness for Mayberry*, 6 U. Pa. J. Const'l L. \_\_\_\_ (forthcoming 2004).

**Christopher Gulinello**

*The Revision of Taiwan's Company Law: The Struggle Towards*

*A Shareholder Model in One Corner of East Asia*, 28 DEL. J. CORP. L. 75 (2003).

**Lawrence Rosenthal**

*Requiring Individuals To Use Mitigating Measures in Reasonable Accommodation Cases After the Sutton Trilogy: Putting the Brakes on a Potential Runaway Train*, 54 S.C. L. REV. 421 (2002).

*Can't Stomach the Americans with Disabilities Act? How the Federal Courts Have Gutted Disability Discrimination Legislation in Cases Involving Individuals with Gastrointestinal Disorders and Other 'Hidden' Illnesses*, \_\_ CATH. U. L. REV. \_\_\_\_ (forthcoming 2004).

**Mark Stavsky**

*Manufacturers' Criminal Liability*, book chapter in FRUMER & FRIEDMAN, PRODUCTS LIABILITY (2004).

*No Guns or Butter for Thomas Bean: Firearms Disabilities and Their Occupational Consequences*, \_\_ FORDHAM U. URBAN L.J. \_\_\_\_ (2004).

**Steve Stephens**

*Evidentiary Uses for Environmental Agency Inspection Reports in Kentucky: The Dangers Posed by KRE 803(8)*, 19 J. NAT. RES. & ENVTL. L. \_\_\_\_ (2004).

**Michael Whiteman**

Supreme Court Editor, *Education Law*, 32 J. L. & EDUC. (2002).

*State-By-State Report on Permanent Public Access to Electronic Government Information*, Government Relations Committee and Washington Affairs Office, American Association of Law Libraries (June 2003) (Kentucky State Author).

**Caryl Yzenbaard**

KENTUCKY INTESTACY, WILLS AND PROBATE (Thompson West 2004).

RESIDENTIAL REAL ESTATE TRANSACTIONS (Thompson West 2004 Supp.).

THOMPSON ON REAL PROPERTY (Thomas ed.) 2004 Supplement, chapter 56 *Territories & Possessions* and chapter 58 *Antarctica*.



## WHERE ARE THEY NOW?

### *Catching up with former faculty*

Elton Lasseigne, who taught at Chase in the 1970s and then again in the 1980s, recently wrote that he is busier in his retirement than he ever expected to be.

When his wife passed away in 1983 while he was on leave from the business school of the University of Alabama at Huntsville, he returned to Chase that fall. In 1986, he decided to retire and relocate closer to one of his children. That move took him to McAllen, Texas.

“A new law school had just been formed in the area by some individuals, and I joined their faculty,” he related. “I taught a variety of courses – federal income taxation,

agency and partnerships, corporations, and some Uniform Commercial Code courses (sales, commercial paper and secured transactions). After experiencing many difficulties, the school moved to the Dallas-Ft. Worth area in 1990 and ultimately joined Wesleyan University. I refused offers for consulting and opted for full retirement.”

During the intervening years, he completed a portfolio on “Oil and Transactions” for the tax management series of the Bureau of National Affairs in Washington (No. 110). It contains a detailed analysis and working papers



ELTON LASSEIGNE WITH BOB BRATTON

consisting of 17 forms. The tax management series is in the Chase library.

Lasseigne reported that retired Chase faculty member Bob Bratton and his wife, Judy, dropped by for a visit last year. Now 81, Lasseigne says he is enjoying a quiet retirement with his family.

“I read extensively but primarily outside of the technical material I studied when I was practicing and teaching,” he noted. “I have no desire to travel, except for short driving trips, particularly in this environment. I enjoyed my tenure at Chase.”

## CHASE CELEBRATES 50<sup>TH</sup> ANNIVERSARY OF

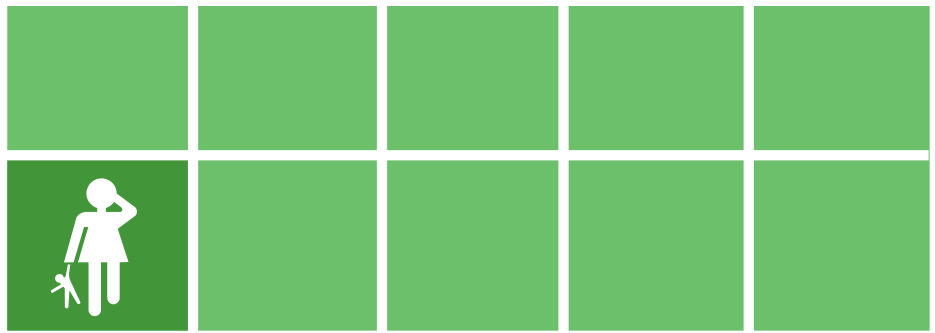
### *Brown v. Board of Education*

Over 80 alumni and friends of Chase celebrated the 50<sup>th</sup> anniversary of *Brown v. Board of Education* on Saturday, February 28 at a CLE program presented by the College of Law. Judge Cheryl Grant of the Hamilton County Municipal Court was the keynote speaker, recalling her experience as a student during the first days of public school integration. Justice Donald C. Wintersheimer of the Kentucky Supreme Court provided his insights as to the role of today’s courts in achieving quality and equality in public education. Chase alumni Gwendolyn Nalls, Eliot Bastian and Nathan Blaske presented profiles in the courage of the *Brown* plaintiffs, of the

*Brown* Supreme Court, and of the future Justice Thurgood Marshall in the struggle for equal rights. Professor Donald Kazee and Dean Sharlene Lassiter discussed Thurgood Marshall’s brief and oral argument in *Brown*. Professor John Valauri examined the *Brown* opinion as a model of constitutional adjudication. Finally, Professor Annette Burkeen focused on the future with her analysis of the continuing viability of *Brown* as a means of achieving equality.

The College of Law thanks the Chase Student Bar Association, the Chase Black Law Students Association, the Chase Advancement Office, and Professor Eric

Young and Heath Davis of the Chase Library for coordinating publicity and registration. Chase is indebted to John Dunn, a 2003 alumnus, who volunteered to assist guests during the program, as did Chase students Sharif Abdrabbo, James Brown, Leah Coates, Carter Deupree, Kristian Higgs, Joshua Hudson, Colleen Kirkpatrick, and Jason Morgan. Special thanks to WKRC Channel 12’s Dennison Keller for sharing Chase’s celebration with the tri-state. The College of Law hopes that this celebration will not be a one-day event, but will spur continuing reflection and action in the year-to-year struggle for equality.



BY SUSANNE BOOKSER

## ENSURING DUE PROCESS *for* INDIGENT YOUTH

*Making Gault Meaningful: Access to Counsel and Quality of Representation in Delinquency Proceedings for Indigent Youth*

— WHITTIER J. CHILD & FAMILY ADVOC. — (forthcoming 2004)

The 1967 Supreme Court decision of *In re Gault*<sup>1</sup> initiated an avalanche of efforts to change the juvenile justice system in our country. For example, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 which, among other things, established the Office of Juvenile Justice and Delinquency Prevention to coordinate national efforts in juvenile justice. In 1981, the American Bar Association adopted standards for juvenile justice systems, which adopted a due process model grounded in equity and fairness rather than the then-popular medical model based on treatment.<sup>2</sup>

In 1993, the American Bar Association Juvenile Justice Center, in conjunction with the Youth Law Center and Juvenile Law Center, received funding from the federal Office of Juvenile Justice and Delinquency Prevention to initiate the Due Process Advocacy Project. This Project assessed the current state nationally of the representation for youth in delinquency proceedings. It also evaluated the training, support, and other needs of attorneys representing indigent youth. The Project employed a broad spectrum of procedures

including surveys of juvenile defenders, site visits to jurisdictions, interviews with front line staff, and interviews with clients. The results were published in December 1995 in *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings (A Call for Justice)*.<sup>3</sup>

Several states have since replicated the protocol used in *A Call for Justice*, conducting intensive assessments of the status of representation of juveniles within their own states. The assessment team typically consists of regional and national experts; including private practitioners, advocates for juveniles, university professors, and regional defender centers; although the team composition varies depending on the needs of the particular state. Advance planning lays out the parameters of the assessment so that the results will be representative of the diversity of situations within the state. The team then implements a comprehensive review consisting of interviews of clients and front line staff, observation of court proceedings, visits to juvenile facilities, and compilation of the results of statewide

surveys.

The results have been published by six states,<sup>4</sup> and two states have issued updates from their original reports.<sup>5</sup> These reports, as well as others currently underway, represent one aspect of systemic efforts to create state juvenile justice systems reflecting the due process mandate of *Gault*.

The national and state assessment results each were published separately. This article is the first academic article to examine and analyze both the national assessment and the various state assessments together. Such a “bird’s-eye” view makes it possible to identify trends and problems that transcend state boundaries and affect juvenile defendants, despite the fact that responsibility for juvenile justice is vested primarily at the state level. It also permits this article to identify ways that state teams can use the process to effect systemic change in juvenile justice systems.

(Footnotes)

<sup>1</sup> *In re Gault*, 387 U.S. 1 (1967).

<sup>2</sup> IJA/ABA JUVENILE JUSTICE STANDARDS ANNOTATED: A BALANCED APPROACH at xviii (Robert E. Shepherd, Jr., ed., 1996).

<sup>3</sup> *Id.*

<sup>4</sup> See, e.g., Kim Brooks et al., *Beyond In re Gault: The Status of Defense in Kentucky*, 5 KENTUCKY CHILDREN’S RIGHTS JOURNAL 1, 1 (1997).

<sup>5</sup> See, e.g., NATIONAL JUVENILE DEFENDER CENTER, AMERICAN BAR ASSOCIATION JUVENILE JUSTICE CENTER & CENTRAL JUVENILE DEFENDER CENTER, CHILDREN’S LAW CENTER, INC., *ADVANCING JUSTICE: AN ASSESSMENT OF ACCESS TO COUNSEL AND QUALITY OF REPRESENTATION IN DELINQUENCY PROCEEDINGS* (2002).



BY DAVID BROSS

# PROVING EMPLOYMENT DISCRIMINATION

*The Use of Pattern and Practice by Individuals in Non-Class Claims*

28 NOVA L. REV. \_\_\_\_ (2004)

This article considers the issue of whether an individual plaintiff may shift the burden of proof to the employer by demonstrating that the employer participated in a pattern-and-practice of discrimination. This issue often arises when an employment discrimination plaintiff, litigating an individual case of disparate treatment, uncovers statistical evidence that the employer had a pattern-and-practice of intentional discrimination. Unfortunately for the individual plaintiff, the majority of circuits hold that statistical evidence of a pattern-and-practice of discrimination can only be used to shift the burden in class actions. The practical effect of the majority rule is that an individual plaintiff with strong statistical evidence of a pattern of discrimination, but weak circumstantial evidence of individual discrimination, will find her case dismissed if she is forced to proceed under a disparate treatment theory, but will be permitted

to proceed (and indeed will have the legal presumption in her favor) under a pattern-or-practice theory. By allowing an individual plaintiff to shift the burden through evidence of a pattern-and-practice, several advantages will be afforded to the plaintiff.

First, the plaintiff can avoid the rigid and sometimes unfair *McDonnell Douglas*<sup>1</sup> approach: the pattern-and-practice approach allows the plaintiff-employee, who has evidence that the employer discriminated but no evidence that the employer discriminated against that particular plaintiff-employee, to shift the burden of proof; whereas under the *McDonnell Douglas* approach, the plaintiff's claim would be dismissed. Second, the two-phase pattern-and-practice trial shifts the burden of persuasion to the employer, which is entirely appropriate since the plaintiff already has proven that the employer engaged in systematic

intentional discrimination. Third, in cases where absolute proof of discrimination is not available, proof of a pattern-and-practice of discrimination can provide the plaintiff with a presumption of discrimination.

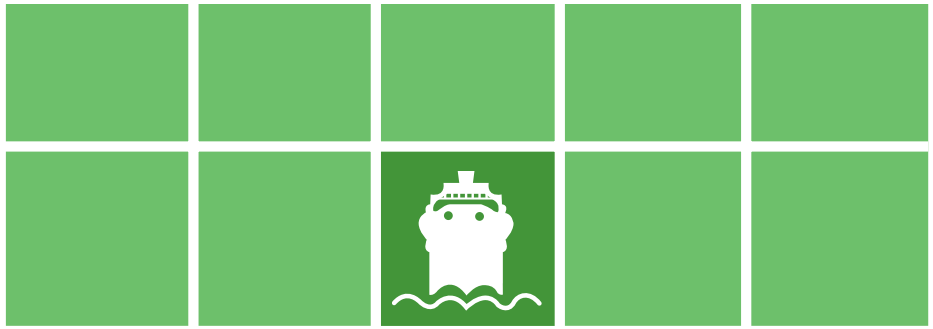
The circuits are split on the issue of whether individuals can bring pattern-and-practice cases.<sup>2</sup> The article agrees with the minority of circuits that have held that individuals can bring pattern-and-practice cases. Where the plaintiff already has proven a broad pattern of intentional discrimination, the burden of persuasion should be on the employer to show that that pattern did not adversely affect the plaintiff. By allowing the plaintiff to shift the burden through evidence of a pattern-and-practice of discrimination, the employer will be forced to prove it did not discriminate.

## (Footnotes)

<sup>1</sup> *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

<sup>2</sup> *Compare, e.g., Lowery v. Circuit City Stores, Inc.*, 158 F.3d 742 (4th Cir. 1998) (holding that pattern-and-practice cannot be used to shift the burden of proof in individual claims) *with Cox v. Am. Cast Iron Pipe Co.*, 784 F.2d 1546 (11th Cir. 1986) (holding that pattern-and-practice can be used to prove a prima facie case and to shift the burden to the defendant in non-class suits).

BY SHANE S. CRASE  
AND RICHARD A. BALES



## REQUESTING ERISA DOCUMENTS

*Why a Written Request for Plan Documents by an Attorney Representing a Plan Participant or Beneficiary Should Trigger a Plan Administrator's Duty of Disclosure Under ERISA, 29 U.S.C. § 1024(b)(4)*

\_\_\_ CAPITAL L. REV. \_\_\_ (forthcoming 2004)

Congress enacted the Employee Retirement Income Security Act<sup>1</sup> (ERISA) to provide a comprehensive regulatory scheme for private pension plans. Among the chief concerns was a need to ensure full access to relevant plan information for plan participants and beneficiaries, as a means of assuring adequate private enforcement of the statute's requirements. ERISA section 1024(b)(4) imposes a duty to disclose plan information "upon written request of any plan participant or beneficiary." The statute is silent, however, as to whether this disclosure duty is triggered by an attorney's request on behalf of a client.

The federal circuit courts are split on the issue. Two circuits (the Third<sup>2</sup> and the Tenth<sup>3</sup>) impose a duty of disclosure

on plan administrators upon receipt of an attorney's written request made on behalf of participant or beneficiary, reasoning that an attorney's presumed authority to act on behalf of a client makes the attorney's request legally indistinguishable from a request of the client him- or her-self. The Sixth Circuit, however, has held that an attorney's request does not trigger the disclosure duty.<sup>4</sup> The Sixth Circuit relies on a Department of Labor Advisory Opinion Letter<sup>5</sup> which, contrary to the Sixth Circuit's finding, neither addresses nor resolves the issue of whether attorneys may trigger a duty of disclosure on behalf of their clients.

This article concludes that an attorney's written request for plan documents,

made on behalf of a plan participant or beneficiary, should trigger a plan administrator's disclosure duty under 29 U.S.C. § 1024(b)(4). This approach is consistent with (though not necessarily compelled by) the statutory language of ERISA and the DOL's Advisory Letter, neither of which conclusively resolve the issue. This approach is consistent with Congressional intent insofar as it furthers Congress's stated goal in ERISA of promoting private enforcement through broad disclosure. Finally, this approach is consistent with the presumption, long endorsed by the Supreme Court, that an attorney is authorized to act on behalf of her or his client.

(Footnotes)

<sup>1</sup> 29 U.S.C. §§ 1001-1461 (2003).

<sup>2</sup> *Daniels v. Thomas & Betts Corp.*, 29 F.3d 66, 77 (3d Cir. 2001) (holding that a representation by an attorney that he is making a request on behalf of a plan participant or beneficiary triggers a duty to disclose under § 1024(b)(4)).

<sup>3</sup> *Moothart v. Bell*, 21 F.3d 1499, 1503 (10th Cir. 1994) (holding that an attorney is entitled to request plan documents on behalf of his client, so long as the request is clear and puts the plan administrator on notice of the information sought).

<sup>4</sup> *Bartling v. Fruehauf Corp.*, 29 F.3d 1062, 1072 (6th Cir. 1994) (holding that a plan administrator was not obliged to disclose documents to an attorney representing a plan participant without written authorization from the plan participant or beneficiary).

<sup>5</sup> Department of Labor Advisory Opinion Letter 82-012A.



BY MELISSA LANG &  
RICHARD BALES



# IMMUNIZING SUBSIDIARIES *of* FOREIGN STATES

*The Immunity of Foreign Subsidiaries Under the Foreign Sovereign Immunities Act*  
\_\_ MINN. J. GLOBAL TRADE \_\_ (forthcoming 2004)

The Foreign Sovereign Immunities Act (FSIA) immunizes from civil suit in United States courts a “foreign state” or “an agency or instrumentality of a foreign state.”<sup>1</sup> Until April 2003, the federal circuits were split on the issue of whether this immunity extends to the lower tiers of a multi-tiered subsidiary which is majority-owned by a foreign state or its political subdivision (the Seventh Circuit approach), or whether this immunity should be limited to first-tier subsidiaries (the Ninth Circuit approach). In April 2003, the Supreme Court, in *Patrickson v. Dole Foods*, adopted the Ninth Circuit approach.<sup>2</sup>

In doing so, however, the Court did not consider a third approach, the “beneficial interest” test, which earlier had been proposed in dicta by Judge Kaplan of the

Southern District of New York.<sup>3</sup> This test multiplies together the ownership interest of the foreign state in each level of the tiered subsidiary, and grants immunity if the foreign state’s interest exceeds 50%. For example, if Peru owned 51% of Company A, which in turn owned 51% of Company B, Peru’s beneficial interest in Company B would be  $0.51 \times 0.51$ , or 26.01%, and the court would deny immunity. However, if Bolivia owned 75% of Company C, which in turn owned 80% of Company D, Bolivia’s beneficial interest in Company D would be  $0.75 \times 0.80$ , or 60%, and the court would grant immunity. The *Patrickson* decision, however, would not extend immunity to company D, because *Patrickson* does not permit immunity to be extended beyond the first tier in a multi-

tiered company.

This article argues that Congress should legislatively overrule *Patrickson* and adopt the beneficial interest test. The beneficial interest test is more consistent than the *Patrickson* approach with the statutory language and legislative history of the FSIA. The beneficial interest test promotes United States foreign policy by ensuring that immunity is extended to – but only to – a company in which a foreign nation owns a majority interest in the company. Finally, the test provides a bright-line, quantifiable rule which courts can use to determine whether a foreign company should be granted immunity from suit in United States courts.

(Footnotes)

<sup>1</sup> 28 U.S.C.A. §1441(d) (1994).

<sup>2</sup> Nos. 01-593, 01-594, 2003 WL 1906158 (2003).

<sup>3</sup> *Musopole v. South African Airways (Pty.) Ltd.*, No. 01-CIV 3384 LAK, 2001 WL 1329196 (S.D.N.Y. 2001).



BY NIKOLAS D. JOHNSON



## ALLOCATING FEES *in* EMPLOYMENT ARBITRATION

*Enforceability of Fee Allocation Clauses in Employment-Related Disputes*  
Rutgers Conflict Resolution Law Journal (Fall 2003)  
available at [www.pegasus.rutgers.edu/~rcrlj/](http://www.pegasus.rutgers.edu/~rcrlj/)

Employers are turning with increasing frequency to arbitration as a method of containing costs associated with employment disputes. Although one of the many benefits to arbitration is that it is less expensive than litigation, arbitration is far from free. Many employers, in an effort to shift part of the costs of arbitration to employees (and perhaps to discourage employees from pursuing marginal claims), have drafted arbitration agreements that expressly require each party to bear a designated percentage of arbitration costs.

Federal courts have taken four different approaches to the issue of whether such a fee allocation clause in an employment arbitration agreement renders the agreement unenforceable. The first is a case-by-case assessment of the employee's

ability to pay the fee. The second is an analysis determining *per se* invalidity. The third is an analysis to determine that the employer should pay all the fees related to arbitration. The fourth is an analysis to determine whether the arbitration agreement provides for fee-splitting between the parties.<sup>1</sup>

This article focuses on two of the primary methods used by the courts in determining clause enforceability: the case-by-case method in which courts look to several factors including an employee's ability to pay arbitration costs to determine clause enforceability, and the *per se* method in which courts draw a bright-line test for determining clause enforceability. The article next reviews the primary methods used by the courts in determining clause enforceability with an analysis of the court

decisions. The analysis reveals that despite the fact that the majority of Federal Courts use the case-by-case method, they have failed to address hidden litigation costs associated with this method.

The article proposes that both employers and employees contribute some level of financial support for arbitration of employment disputes. The employer costs of arbitration should be shared among employers through employer contributions to a national arbitration fund. In addition, the article proposes means-testing for employees, making employee contributions

for arbitration costs dependent on an income-based sliding scale.

**(Footnotes)**

<sup>1</sup> Melissa G. Lamm, *Who Pays Arbitration Fees?: The Unanswered Question in Circuit City Stores, Inc. v. Adams*, 24 CAMPBELL L. REV. 93, 104 (2001).



BY AMY M. PUGH  
AND RICHARD BALES

## COMPELLING MEDIATION

### *The Inherent Power of the Federal Courts to Compel Participation in Nonbinding Forms of Alternative Dispute Resolution*

42 DUQUESNE L. REV. 1 (2003)

Courts frequently order parties in litigation to participate in nonbinding forms of ADR, such as mediation. Usually, the parties assent to the mediation order voluntarily, if for no other reason than to avoid displeasing the judge. Sometimes, however, one or more parties object to the mediation order or refuse to participate in mediation. This raises the issue of whether the judge had the authority to enter (and now has the authority to enforce) the mediation order.

There are several potential sources of authority for entering mediation orders. Federal Rule of Civil Procedure 16(c)(9), for example, authorizes such orders, but only “when authorized by statute or local rule.” Similarly, the Civil Justice Reform Act and the Alternative Dispute Resolution Act of 1998 permit federal courts to enact local rules or follow state statutes regarding mediation and other forms of ADR, but not all jurisdictions have such local rules or state statutes in place. In these jurisdictions, the only available authority

for ordering the parties to mediation is the inherent authority of the court.

The Supreme Court has, on several occasions, held that federal courts have certain inherent powers not specifically granted by the Constitution or by statute.<sup>1</sup> [The Kentucky Court of Appeals has held that Kentucky courts have similar powers.<sup>2</sup>] These inherent powers traditionally have encompassed the courts’ power to manage their dockets by, for example, consolidating cases, sanctioning parties or counsel for failing to follow court orders, and the like. It is unclear, however, whether these inherent powers permit courts to order parties in a given case to participate in nonbinding forms of ADR, such as mediation, when one or more of the parties refuses to do so and there is no local rule or state statute on point.

The federal circuits are split on the issue. One group of courts has held that courts have the inherent power to order parties to mediation.<sup>3</sup> These courts reason that the power to compel nonconsenting parties to

mediation is part of the courts’ inherent power to control their dockets. Another group of courts, including the Sixth Circuit, however, has held that courts do not have the power to compel mediation.<sup>4</sup> They construe inherent powers narrowly, and reason that courts lack the power to refer to ADR cases that courts constitutionally are required to adjudicate.

This article argues that federal courts have the inherent power to order nonconsenting parties to mediation. This conclusion is supported by the Supreme Court’s precedent broadly construing inherent powers generally. It also is supported by policy rationales favoring settlement, ADR, and judicial docket control.

#### (Footnotes)

<sup>1</sup> See, e.g., *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (holding that federal courts have the inherent authority to assess attorney fees as a sanction for bad-faith conduct).

<sup>2</sup> *Lake Village Water Ass’n v. Sorrell*, 815 S.W.2d 418 (Ky. App. 1981) (Courts of the Commonwealth may invoke inherent power to impose attorney fees and related expenses on party as sanction for bad-faith conduct, regardless of existence of statutory authority or remedial rules.)

<sup>3</sup> See, e.g., *In Re Atlantic Pipe Corp.*, 304 F.3d 135, 145 (1<sup>st</sup> Cir. 2002).

<sup>4</sup> See, e.g., *In Re NLO, Inc.*, 5 F.3d 154, 158 (6<sup>th</sup> Cir. 1993).

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1

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3

1 2003-2004 CHASE ALUMNI ASSOCIATION BOARD OF GOVERNORS

2 BOARD OF VISITORS MEETING

3 LAJUANA WILCHER '80 AND DAVID HAUSRATH WITH DEAN ST. AMAND AT BOARD OF VISITORS MEETING

*Many thanks to all of the volunteers represented on the service honor roll. Their time and talent given so willingly continues to help make Chase a truly outstanding law school.*

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4



5



6

- 4 MAC RILEY '86 AND DICK LAWRENCE '71 AT BOARD OF VISITORS MEETING
- 5 PAUL ALLEN '92 BOG PRESIDENT AT ALUMNI PHONATHON
- 6 PHONATHON VOLUNTEERS JIM FROOMAN '92, PRESIDENT ELECT, AND ELIOT BASTIAN '99.

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 Beth Zahneis  
 Will Zevely

### PHONATHON VOLUNTEERS

This year's Chase alumni phonathon raised nearly \$95,000 in eight nights of calling. Those dollars could not have been raised had it not been for the time given to Chase by these volunteers.

Margie Ackerman  
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 The Honorable Patricia Summe  
 Arnold Taylor  
 Kelly Wiley

# CHASE ALUMNI

## *named* SUPER LAWYERS



*Cincinnati Magazine* published this year's list of the Ohio Super Lawyers 2004 in its January edition. The selection was determined by point totals received for each lawyer based on votes from over 33,000 ballots sent to attorneys across Ohio in April of 2003. Chase alumni were named in the Super Lawyers List, Top 100 Ohio Super Lawyers, Top 50 Female Super Lawyers, and the Top 50 Cincinnati Super Lawyers. Congratulations to our alumni who, along with other Chase alumni, carry on the excellence of Chase in the legal field.

### SUPER LAWYERS

Dennis J. Adkins '86, Altick & Corwin  
 Perry L. Ancona '72, Perry L. Ancona, Co.  
 Peggy Murphy Barker '93, Kohnen & Patton  
 Joseph R. Dreitler '79, Joseph R. Dreitler Co., LPA  
 Harvey Dunn '66, Schottenstein Zox & Dunn  
 Ellen Essig '86, Katz, Greenberger & Norton  
 William Roger Fry '66, Rendigs Fry Kiely & Dennis  
 Ann W. Gerwin '79, Strauss & Troy  
 Edward R. Goldman '73, Rendigs Fry Kiely & Dennis  
 Gloria S. Haffer '77, Buchner, Haffer & O'Connell  
 Mary J. Healy '78, Dinsmore & Shohl LLP  
 William H. Kaufman '71, Kaufman & Florence  
 Harold G. Korbee '65, Wood & Lamping  
 Bea V. Larsen '69, Center for Resolution Disputes  
 Robert F. Laufman '61, Laufman & Gerhardstein  
 Michael F. Lyon '75, Lindhorst & Dreidame  
 Henry E. Menninger, Jr. '77, Wood & Lamping  
 David Wade Peck '70, Bennie & Katz  
 David Winchester Peck '66, Rendigs Fry Kiely & Dennis  
 Howard L. Richshafer '75, Statman, Harris, Stiegle & Eyrich  
 James H. Sheper '68, Shea & Associates  
 David E. Schmit '75, Frost Brown Todd  
 Joseph W. Shea, III '74, Shea & Associates  
 Dee C. Sheriff '84, Freund, Freeze & Arnold  
 Alton L. Stephens '75, Gallagher, Sharp, Fulton & Norman  
 Joseph P. Thomas '49, Ulmer & Berne LLP

Felix C. Wade '77, Schottenstein Zox & Dunn  
 Leonard A. Weakley, Jr. '77, Rendigs Fry Kiely & Dennis  
 Katharine C. Weber '89, Cors & Bassett  
 Douglas S. Weigle '76, Bartlett & Weigle  
 Beatrice E. Wolper '78, Chester, Willcox & Saxbe

### TOP 100 OHIO SUPER LAWYERS

John W. Eilers '67, Wood & Lamping

### TOP 50 FEMALE SUPER LAWYERS

Phyllis Gay Bossin '77, Phyllis G. Bossin Co.  
 Gloria Schottenstein Haffer '77,  
 Buechner Haffer O'Connell et al.

### TOP 50 CINCINNATI SUPER LAWYERS

Phyllis G. Bossin '77, Phyllis G. Bossin Co.  
 John W. Eilers '67, Wood & Lamping  
 Joseph William Shea, III '74, Shea & Associates

# ALUMNI GATHERINGS



1. NICHOLAS '95 AND RHONDA FERRIGNO ENJOYING A CHASE EVENT 2. RECEPTION FOR NEW MEMBERS OF THE BAR 3. INCOMING STUDENT RECEPTION 4. BERNIE MCKAY '94, DEAN ST. AMAND AND BILL HESCH '80 SPEAKING WITH A NEW STUDENT 5. SARA SIDEBOTTOM '78 AND JIM POSTON, JR. '81 AT DEAN'S CIRCLE LUNCHEON 6. ALICE SPARKS, FORMER NKU REGENT AND CHASE BENEFACOR WITH ESTHER REIS, WIFE OF ELMER REIS, '51 7. ELIOT BASTIAN '99 TALKING WITH FIRST YEAR STUDENTS 8. GILBERT LAYCOCK '47 VISITS WITH DEAN ST. AMAND



# CLASS NOTES

*Pictured left to right*

JOHN E. BROWN, ESQ  
J. DAVID BRITTINGHAM  
TODD V. McMURTRY  
AMY HALE MILLIKEN  
LISA M. WENZEL

## 1961

**Robert F. Laufman '61** recently received the 2003 Courageous Advocate Award presented by the Potter Stewart Inn of Court at its banquet on May 20.

## 1968

**Martin S. Pinales '68** was recently installed as second vice president of the National Association of Criminal Defense Lawyers. A local defense attorney, his practice is devoted to state and federal criminal defense at the Cincinnati law firm Sirkin, Pinales, Mezibov & Schwartz LLP. He is also co-founder of the Greater Cincinnati Criminal Defense Association, practitioner-adviser to the U.S. Sentencing Commission, member of the National Criminal Defense College faculty, and an adjunct instructor at Chase where he teaches advanced trial advocacy.

**Andrew Singer '68** of the Middletown law firm Pratt, & Singer Co. L. P. A., was recently appointed to the Ohio Supreme Court Commission on Certification of Attorneys as Specialists.

## 1975

**April K. Caudill '75**, managing editor of *Tax Facts* at the National Underwriter Company, was elected to the national board of directors

of the Society of Financial Service Professionals, headquartered in Bryn Mawr, PA.

## 1977

**Phyllis G. Bossin '77** was elected chair of the family law section of the American Bar Association. She will preside over the 10,000-member section for the next year.

## 1978

**James J. Carroll '78** was appointed by Cincinnati Mayor, Charlie Luken, to the Lunken Airport Oversight Advisory Board. He practices with Cors & Bassett, LLC in the areas of real estate, general business, and government affairs.

**Mary J. Healy '78** was certified by the Ohio State Bar Association as a specialist in estate planning, trust and probate law. She is a partner in the firm Dismore & Shohl LLP.

## 1980

**LaJuana Wilcher '80** was appointed head of Kentucky's Cabinet for Natural Resources and Environmental Protection by Governor Ernie Fletcher. She is an environmental lawyer in Bowling Green and has held various positions for the U.S. Environmental Protection Agency.

## 1981

**John E. Brown '81** was recently appointed to serve as legal counsel for the Gulf Coast Builder's Exchange. This trade group serves the commercial contractors on the west coast of Florida. He also was re-elected to the board of the Greater Sarasota Chamber of Commerce, the 2003 Florida Chamber of the Year.

**Alan C. Stout '81** of Marion, KY, has completed his term as president of the National Association of Bankruptcy Trustees (NABT). He currently serves as immediate past president of NABT. Last November, he participated in a forum with the National Leadership of the French Judicial Administrators and Trustees, Conseil national des administrateurs de justice et a mandataires de justice (CNAJMJ), along with representatives of the French Ministry of Justice. Stout's presentation, entitled "The American Bankruptcy System from a Chapter 7 Trustee's Perspective," was made at the French Embassy in Washington, D.C. The presentation was part of a round table discussion, covering a comparative analysis of the bankruptcy laws of the United States and France. Other U.S. presenters included members of the Bankruptcy Bar, Turnaround Management Specialists,

judges, and representatives of the Department of Justice.

## 1983

**Timothy M. Madden '83** is the general manager of the Gulf Agency Business of Progressive Insurance Company in Tampa, FL.

## 1985

**Deborah Crooks '85** has been elected as District Judge for the 52<sup>nd</sup> Judicial District located in Graves County, KY where she resides with her husband Kenneth, and their two children, Allison, 15, and Madison, 12.

## 1987

**Todd V. McMurtry '87** joined the firm Deters, Benzinger & LaVelle as a partner in December 2003. He previously practiced with Kohnen & Patton. He practices in the areas of business dispute litigation, land use, real estate and construction.

## 1991

**Linda A. Ash '91** was recently named partner with the firm Dinsmore & Shohl, LLP in Cincinnati. She practices in the areas of immigration and litigation.

## 1993

**Kelly E. Brown '96** and her husband, Walter Hawkins, welcomed their son Henry Brown Hawkins, on August 10, 2003

**J. David Brittingham '93** was named partner in the firm Dinsmore & Shohl LLP in January 2004. He practices in general litigation and dispute resolution, mass tort, and complex litigation at the state and federal levels. He also represents clients in commercial disputes.

**John E. Christopher, Jr. '93** was recently named partner with the firm Dinsmore & Shohl, LLP in Cincinnati. He practices in corporate, international business, family wealth planning, taxation, health care, estate and gift tax, and federal income tax.

**Stephan L. Richey '93** was named partner in the firm Thompson Hine LLP in January 2004. He practices in the Labor and Employment and eBusiness and Emerging Technologies groups. He is a member of the firm's Diversity Committee and is also an adjunct faculty member for Chase where he teaches in the Academic Development Program.

**Bernice Walker '93**, director of small, minority, and female business development for Hamilton County, was re-elected chairperson of the small business development section of the National Bar Association. She was also re-elected to serve on the NBA's board of governors.

**Terese M. Wells '93** has joined the firm of Santen & Hughes as an associate. She practices in the areas of probate, real estate, and general business law. She is also fellow of the Cincinnati Academy of Leadership for Lawyers.

### 1994

**David D. Black '94** was recently named partner with the firm Dinsmore & Shohl, LLP in Cincinnati. He practices in the areas of commercial litigation,

Worker's Compensation, and employment litigation.

**Tom Frooman '94** was a recipient of the 2003 "Forty Under 40" Award of the *Cincinnati Business Courier*. He is General Counsel for Cintas Corp.

**Joan Deaton Grefer '94** and her husband Jonathan, welcomed their daughter, Meredith Layne Grefer, into their family on April 23, 2003. The Grefers reside in Richmond, where Joan practices with Davis & Neal, P.S.C., doing domestic/family and bankruptcy work.

**Bernard L. McKay '94**, partner with the firm Frost Brown Todd LLC in Cincinnati, was recently appointed by the firm's executive committee to serve as vice chair of the firm's Personal Planning and Family Business Departments. His concentration includes estate planning, trust and probate administration, family business and succession planning, charitable giving, individual income taxation, and probate and trust litigation. He currently serves as a member of the Chase Board of Governors and is chair of the first annual Chase Awards Celebration to be held in June 2004.

### 1995

**Scott Brown '95** was recently named partner with the firm Frost Brown Todd LLP in Cincinnati.

**Sterling W. Colvin '95** was recently named partner with the firm Dinsmore & Shohl, LLP in Cincinnati. She practices in the areas of corporate, real estate, and zoning & development. Her husband, **C. Richard Colvin '95**, is partner in firm of Boggs and Colvin in Florence, KY.

**Julie Reinhardt Ward '95** has been appointed by Governor Ernie Fletcher to be Campbell

County Circuit Judge. She is the first woman to serve on this court.

**Sean L. Rhiney '95** has joined University of Cincinnati College of Law's Center for Professional Development as a public service coordinator and counselor. He will work with students and alumni pursuing opportunities in the public sector as well as judicial clerkships and fellowship programs.

### 1996

**Tammy Meade '96** was offered partnership with the firm Sturgill, Turner, Barker & Moloney, PLLC in Lexington, KY. She has practiced with the firm for four years in the area of civil litigation.

**Amy Hale Milliken '96**, was appointed County Attorney for Warren County. She is the first woman to hold this position. Her appointment comes shortly after being named the Kentucky Bar Association's 2003 Outstanding Young Lawyer. She and her husband, Wesley Milliken '94, are the parents of two children, Abby, 6, and Chloe, 2, and reside in Bowling Green, KY.

**Jill Vollman '96** was recently named partner with the firm Frost Brown Todd LLP in Cincinnati, OH.

### 1997

**George Sisk '97** was recently named general counsel for the Illinois Department of Labor.

### 2000

**Curtis B. Cassner '00** is partner with the firm Kelly, Passidomo, Alba, & Cassner, LLP in Naples, FL.

### 2002

**Robert H. Herzog '02** has joined the firm of McKinney & Namei Co., LPA as a general practitioner working the area of probate, wills, and estate planning, and also commercial litigation. He also works with

Channel 64, where he hosts "Cinema 64" on Saturday afternoons. He also emceeds the Jerry Lewis Muscular Dystrophy Association Labor Day Telethon for Channel 64.

### 2003

**Laurie A. Lamb '03** has joined the firm Beckman, Weil, Shepardson & Faller as an associate. She was an editor for the *Northern Kentucky Law Review* and published an article on the Establishment Clause while a student at Chase.

**Lisa M. Wenzel '03** joined the firm Deters, Benzinger & LaVelle as an associate in November 2003. She will be practicing in the firm's Cincinnati office in the Civil Litigation Group. She resides in Highland Heights, KY.

**The Honorable John Andrew West '71, Eliot G. Bastian '99, and Barbara L. Barber '97** were honored at this year's Black Law Students Association annual awards gala by receiving the Lifetime Achievement Award, Keeper of the Dream Award, and Carrier of the Torch Award, respectively, in February 2004.

**Raymond E. Lape, Jr. '68, Clyde Middleton '74, and Kenneth W. Scott '80** were recognized as 2003 Senior Counselors at the annual Kentucky Bar Association Awards Luncheon in Louisville, KY on June 13.

Congratulations to the following Chase graduates who successfully completed the Cincinnati Bar Association's 2003 Cincinnati Academy of Leadership for Lawyers. They were inducted into the Academy on June 5.

**Laura Amriott '94  
Matthew W. Fellerhoff '94  
Sean L. Rhiney '95  
Norton Roberts '93  
Sarah Tankersley '93  
Paul Vollman '94**

TO SUBMIT YOUR CLASS NOTE, PLEASE VISIT CHASE WEBSITE AT WWW.NKU.EDU/~CHASE

*in* MEMORIAM



**Judge Joseph A. Luebbbers '52** of Cincinnati passed away September 20, 2003 at the age of 81. He served as a Hamilton County Municipal Court judge for more than 30 years after having spent many years in private practice. He also served in the U.S. Army for two years during World War II in Africa and Italy. He and his wife, Dorothy O'Kane, raised five children.

**Bernard "Bernie" Louis Raverty '81** of Dayton passed away January 6, 2003 of cancer. He was born in Newport, KY, and began working for the Cincinnati Bar Association in Lawyer Referral Service in 1982, becoming director in 1984. In 1994, he became executive director of the Dayton Bar Association, where he was recognized for his progressive development of that bar association. He also served on the American Bar Association Standing Committee of Lawyer Referral and Information Services.

**Ronald J. Fein '75** of Finneytown passed away on November 18, 2003 after a battle with throat cancer. He practiced law with Robert L. Davis '58 for 17 years before retiring in 1992 due to illness. After a short break, he returned to the legal profession through his appointment by Ronald A. Panioto '67 to magistrate in the Hamilton County Court of Domestic Relations.

**Judge William B. Stapleton '64** of Georgetown, OH, passed away October 9, 2003 at the age of 70. He was the Brown County Common Pleas Judge from 1982 until 1997 when he retired, remaining as a visiting judge throughout southern Ohio.

**Thomas A. Pottenger '62** of Cincinnati passed away on October 24, 2003. He served in the U.S. Marine Corps during World War II and participated in the battles of Bougainville, Guam, and Iwo Jima. He was also a member of the Ohio House of Representatives for 22 years, a County judge, and a member of the State Employees Relation Board.

**Adrian H. Siereveld '50** of Hamilton, OH passed away on February 19, 2003. He was active in Hamilton and was recognized for his contributions when he received a Key to the City. He was vice-president of employee relations for Hamilton Foundry until he retired in 1983.

**Nicholas J. Gehler '67** passed away January 26, 2004. His wife, Judith Gehler, and sons Nicholas, Christopher, Eryn, Andrew and Alex will miss him dearly.

**Jerald E. Condit '75** passed away unexpectedly on August 25, 2003. A United States Air Force Veteran, he was retired from the Kentucky Department of Natural Resources legal division while also in private practice.

**Clement DeMichelis '51** passed away August 13, 2003 at the age of 76.

**STUDENT DEATHS:**

This year Chase lost two student members of its family.



CHRISSEY DUNN AND GENTRY AUBREY

**Second-year student Gentry Aubrey** was killed in a car accident on February 2, 2004 at the age of 24. He was vice president of a law fraternity at Chase and also co-captain of the Moot Court Team with his close friend Chrissy Dunn, also a second-year student at Chase. He was a Commonwealth Scholar receiving a degree from the University of Kentucky School of Business Administration.

**Third-year part-time student Chad Jones** passed away December 15, 2003. He was working for Jones, Walters, Turner and Shelton, Attorneys at Law, and was also a member of the Pikeville United Methodist Church. He is survived by his wife, Heather, along with his parents, Paul '79 and Leda Jones, also of Pikeville.

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A



B



C



D



E

### A Golf Shirt

The *Chase Golf Shirt* is made from baby pique 100% cotton, with a double needle bottom hem and side vents. (Garment washed for reduced shrinkage.) \$39<sup>95</sup>

Available in:  
 Men's XS, S, M, L, XL, 2XL & 4XL  
 Women's S, M, L & XL  
 (Slimmer body cut)

- white
- yellow
- bisque
- dill (men's only)

### D Expandable Briefcase

The *Chase Expandable Briefcase* features a zippered pocket on the front for storage, a main zippered compartment which can hold a computer, a large nylon pouch with cell phone pocket, mesh zippered pockets with additional storage for pens, notebooks, etc. Padded handle and adjustable strap. \$49<sup>95</sup>

Dim. 15" w x 11" h x 6" d  
 available in black only

### B Microfiber Wind Vest

The *Chase Microfiber Wind Vest* is water and wind resistant, made with a microfiber shell and nylon lining, rib trim at the neck, armholes and waistband, and sideseam pockets. \$35<sup>95</sup>

Available in Unisex Sizes:  
 XS, S, M, L, XL, 2XL & 4XL

- khaki with black trim
- black with black trim

### C Fashion Visor

The *Chase Fashion Visor* features 3 panel construction, self-fabric sweatband, curved bill and hidden adjustable velcro closure with metal buckle. (Made from enzyme washed 100% cotton fabric for an extra soft feel.)

- white
- black
- khaki

### E Ladies' Tencel Shirt

The *Chase Ladies' Short Sleeve Tencel Shirt* is made from light and airy fabric 55/45 cotton and tencel, with a tailored fit and french front placket, a hemmed bottom and side vents. \$34<sup>95</sup>

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- stone
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### F Flexible Fitted Cap

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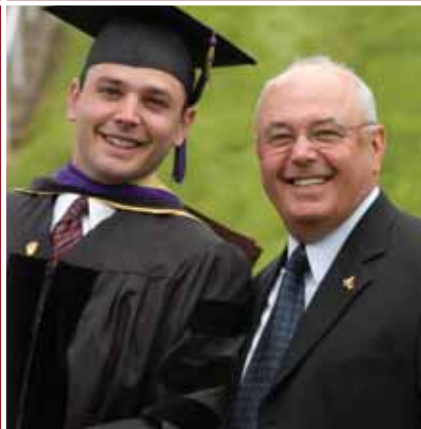
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