TRANSSCRIPT
News for Alumni and Friends of the University of Missouri School of Law

QUICK REFERENCE LIST

Admissions and Scholarships
Lindsay Hickman
573-882-0944
hickmanl@missouri.edu

Alumni Events
Robin Stoermer
573-882-4374
stoerrmerr@missouri.edu

Career Development
Lisa Key
573-884-2949
keye@missouri.edu

Center for Intellectual Property & Entrepreneurship
Sam Halabi
halabis@missouri.edu
573-882-0394

Center for the Study of Dispute Resolution
Rafael Gely
573-882-8084
gelyr@missouri.edu

Change of Address
Robin Stoermer
573-882-4374
mulawalumni@missouri.edu
law.missouri.edu/alumni/update-form

Dean’s Office
Judy Tayloe
573-882-3247
tayloej@missouri.edu

Giving to the School of Law
Joe Swanegan
swaneganj@missouri.edu
573-882-3052

Emily Moses
573-882-4657
mosese@missouri.edu
573-882-4657
donatetomu.missouri.edu

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573-882-2020
mulawalumni@missouri.edu
law.missouri.edu

CHANGE OF ADDRESS
Transcript
University of Missouri School of Law
237 Hulston Hall
Columbia, MO 65211
573-882-2020
mulawalumni@missouri.edu
law.missouri.edu/alumni/update-form

ABOUT “TRANSSCRIPT”

Transcript is published annually by the University of Missouri School of Law. Its main purpose is to inform alumni and friends about activities and events at the School of Law. Opinions expressed and positions advocated herein are those of the authors and do not represent the policies of the school. All rights to reproduction of any material printed in Transcript are reserved for the magazine. Permission for the adaptation of the concept for any other publication must be granted in writing by the editor.

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Consumers Need a “New Handshake”
Excerpt from New Book by Professor Amy Schmitz

Addressing the Whole Person
Improving the Legal Community by Preparing Students to Enter Practice – in Every Way

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Where is Alumni Notes?
Dear Alumni and Friends,

Great things are going on at Hulston Hall, and we want you to be a part of them. This year National Jurist ranked us as the seventh best value law school in the United States. Let me share some of the reasons your law school was ranked so highly, and why we expect even higher rankings to come.

First, we recruited and enrolled a highly-credentialed class of 1Ls, as you can see on page 38. Continuing to recruit great students is one of our highest priorities, because we want our graduates to be not just excellent lawyers but leaders in every endeavor they pursue.

To help achieve this goal, we continue to provide rich opportunities for students to develop their skills beyond the classroom. For example, our Board of Advocates continues to support a variety of competition teams, including this year’s Missouri Attorney General’s Cup winners. In the coming year, we will host symposia focusing on principles and procedure for effective regulation, building on the path-breaking work of Professor Thom Lambert (February); on the direct and collateral consequences of felon disenfranchisement (April); on regulation of social media companies (also in April); and on comparative law and international dispute resolution processes (October). This spring, several students will take advantage of our
new Semester in Practice Program, allowing them to complete their final semester while working in the legal field.

In addition to these opportunities, our experiential offerings continue to prepare students to thrive in today’s legal market. For example, the expansion of our Veterans Clinic will have students helping veterans in 73 mostly rural Missouri counties over the next two years. Our distance learning partnership with UMKC Law allows our Innocence Clinic to aid the wrongfully convicted, and the interdisciplinary work of our Family Violence Clinic has led to legislation, publications and direct representation of clients in 43 Missouri counties. And this is just a small sample of what we offer.

Not only do we excel in trial practice, but also in dispute resolution, with a program that is currently ranked fifth in the nation. In addition, we are building the strength and reputation of our collection of intellectual property experts who comprise the Center for Intellectual Property & Entrepreneurship. Our teacher-scholars are exploring cutting-edge topics in their research and in their classrooms. The expertise we are building in the legal community has implications for blockchain, artificial intelligence, online dispute resolution and other emerging technologies.

All of these experiences help students find fulfilling jobs when their studies at Hulston Hall draw to a close.

I am proud that we were named a Highest Performer in preLaw Magazine’s Employment Honor Roll for graduates employed in full-time legal jobs or pursuing graduate degrees. I’m even more proud that our student debt burden upon graduation keeps dropping. For the Class of 2018, it was an astonishing 50 percent lower than the average public law school and 65 percent lower than the average private law school. High placement success, which depends on the overall strength of our academic program, and low debt burden are ultimately what led National Jurist to rank us in the top ten best value law schools in the country.

We are doing our utmost to make sure every law school applicant in Missouri and the United States knows what a great law school we are, and we hope you will help spread the message. Please follow me on Twitter @LidskyLidsky. And please follow us on social media to keep up with the latest developments.

Your support helps us carry on your legacy of leadership in the state of Missouri and beyond. Whenever you are in Columbia, please stop by to say hello. 🌻

Lyrissa Barnett Lidsky
Dean and Judge C.A. Leedy Professor of Law

Tel. 573-882-3246
Email lidskyl@missouri.edu
FEATURE STORY

Mizzou Law's Centers of Excellence
INNOVATIONS IN TEACHING, RESEARCH AND ENGAGEMENT

The School of Law’s two centers of excellence engage law students to prepare them for the ever-changing legal market.

The faculty in the Center for the Study of Dispute Resolution (CSDR) continue to be thought-leaders in the field as the dispute resolution challenges have evolved to the online, digital and global arena. The faculty in the Center for Intellectual Property & Entrepreneurship (CIPE) are building upon the strength and expertise of our intellectual property and transactional scholars to expand the curriculum and provide outreach to the community.

Several members of the law school faculty are fellows of both centers because their scholarship and teaching lie in both areas, allowing them to collaborate in a way that informs their research and teaching. In the end, students benefit from a responsive curriculum and hands-on experience to develop their lawyering skills for future careers.

The Center for the Study of Dispute Resolution

When the School of Law established the Center for the Study of Dispute Resolution (CSDR) in 1984, one of the goals was to shape the development of research and teaching about the resolution of disputes outside of the litigation context. The early years saw pioneering work on the integration of alternative dispute resolution into legal education and the establishment of the first law journal in the field, the Journal of Dispute Resolution.

Today, CSDR faculty have a broader focus that encompasses all forms of dispute resolution. Faculty are also experts in a range of other areas, including intellectual property, consumer protection, insurance law, international commercial arbitration and international commercial mediation. CSDR faculty explore the challenges of dispute resolution beyond the traditional legal marketplace — ultimately sharing that expertise in the classroom.

Teaching

Faculty teach dispute resolution theory and practice not just in courses like Mediation, Negotiation and Arbitration, but also Client Counseling and Trial Practice. The first-year course Lawyering was restructured to meet
the ABA experiential course requirement and includes an integrative experience in which students use facts in a mediation exercise based upon their work in Legal Research and Writing. Upper-level students in the Mediation course then lead the 1Ls in a mediation simulation. Students also learn problem-solving skills through hands-on learning in the Mediation Clinic and by participating in competition settings.

CSDR faculty teach JD and LLM students, and they also work with visiting scholars — this year from Belgium, China and Lithuania. A new facet of dispute resolution teaching will be the online LLM in Dispute Resolution starting in Fall 2019. Adding an online component will allow the law school to reach more lawyers and dispute resolution professionals across the U.S. and the world, using a $240,000 grant from Mizzou Online to assist faculty with development of an online version of the LLM curriculum. LLM program director Paul Ladehoff is leading this effort.

“For close to two decades we have been fortunate to have over 185 students from all over the U.S. and around the world come to Columbia to advance our study of dispute resolution,” Ladehoff says. “We look forward to providing a new method of access to those who are interested in learning more about dispute resolution, but who find it difficult to come to campus.”

Collaboration

CSDR faculty collaborate across the campus, with colleagues at other institutions and with statewide dispute resolution organizations. Professor Carli Conklin coordinates and teaches in the MU Kinder Institute’s Constitutionalism and Democracy Honors College Course Series, as well as the Kinder Institute’s undergraduate Society of Fellows program. These programs are interdisciplinary and inter-ideological, and encourage students to engage in civil discourse across academic disciplines and political affiliations.

In a tutorial exploring consumer arbitration and liberty of contract, undergraduates read 10 to 12 United States Supreme Court decisions on arbitration, starting with the Steelworkers trilogy from the 1960s. The tutorial is regularly oversubscribed, and is one of the most popular tutorials in this collaboration, enrolling a full cohort every semester for the past several years.

Mizzou Law’s Centers of
Faculty teach MU Honors College tutorials that not only introduce undergraduates to dispute resolution concepts, but also plant the seed for students to consider law school as the next step in their education.

Faculty collaboration beyond the law school includes participation in symposia hosted on campus and at other schools featuring experts from across the field. In light of rising costs and higher education budget cuts, this year’s CSDR symposium used a new model. Professor Amy J. Schmitz, the Journal of Dispute Resolution and Professor Peter Reilly of Texas A&M University collaborated to hold a symposium as one of the panels at the Association of American Law Schools’ annual meeting.

By doing so, the law school was able to limit travel expenses and faculty panelists had the opportunity to share their work with a broader audience. Two student editors for the journal, 3L Rob Temple, editor in chief, and 3L Catherine Picht, lead article editor, also attended the meeting.

Another collaborative project in the CSDR is the Stone Soup Dispute Resolution Knowledge Project. Now in its second year, this initiative allows faculty to use course assignments to help students learn the real world of practice. The concept grew out of a 2016 CSDR symposium about negotiation theory in which several panelists were critical of the dearth of empirical research about actual negotiations to help advance negotiation theory.

Professors Rafael Gely and John Lande are the co-directors of the Stone Soup project. Thus far, its work has engaged about 1,000 students in 40 classes covering 12 subjects,

Excellence
taught by 32 faculty from 25 schools in three countries. In the courses, students interviewed lawyers, neutrals and parties about actual cases and practitioners’ philosophies of dispute resolution. In some courses, students observed mediations or court hearings.

Though faculty generally used Stone Soup in traditional dispute resolution courses, some used it in first-year and upper-level courses such as Evidence and Estates and Trusts.

Service

Members of the CSDR faculty serve in leadership positions in local, national and international dispute resolution organizations.

Conklin serves a three-year term on the Missouri Supreme Court’s Committee on Civic Education. This year, she worked with the committee to establish an externship for a second- or third-year Mizzou Law student. Shajiah Jaffri, 2L, was the inaugural extern in Fall 2018. Conklin and the Hon. Ted House, the committee’s chair, have now created a semester-long Spring 2019 Community Executive Seminar on the Judicial Process. Each month, the seminar brings together up to 25 members of the community and area judges to discuss the judicial process.

At the international level, in early 2015, Professor S.I. Strong attended a meeting of the U.S. Department of State’s Advisory Committee on Private International Law (ACPIL) and suggested a new convention in the area of international commercial mediation, based on research she had recently conducted. The Department of State accepted her proposal, suggesting a new treaty to the United Nations Commission on International Trade Law (UNCITRAL) later that year. That treaty will be signed in Singapore in August 2019 and will be known as the United Nations Convention on International Settlement Agreements Resulting From Mediation (the Singapore Convention on Mediation).

Throughout the deliberation process, Strong conferred with the U.S. Department of State and attended numerous UNCITRAL Working Group meetings as a representative of a non-governmental organization and in her individual capacity as an academic. Her work on the convention and with ACPIL also led to her being named as the U.S. National Representative to the UN’s Case Law on UNCITRAL Texts (CLOUT) project, which seeks to increase transparency and consensus on the interpretation of UNCITRAL treaties and model laws through the circulation of abstracts on national court decisions regarding those texts.

Community Outreach

The CSDR continues to maintain a website dedicated to providing information to journalists and the public about arbitration — ArbitrationInfo.com. A grant from the Research Educational Foundation of the National Academy of Arbitrators (NAA) supports this initiative. Law students from the Journal of Dispute Resolution provide editorial and research assistance, working together with members of the NAA in updating the information on the website.

CSDR faculty continue to provide mediation training for the legal community in the state of Missouri. Three times a year, faculty lead a three-day civil mediation training that provides

Mizzou Law’s Centers of
Excellence
23.0 MCLE hours, including two hours of ethics, and qualifies participants for the Missouri Court’s Rule 17 roster of mediators. New this year are two additional training options to assist mediators with developing their mediation business — a free introductory webinar and a one-day session focused on marketing for mediators.

The Center for Intellectual Property & Entrepreneurship

The School of Law created the Center for Intellectual Property & Entrepreneurship (CIPE) in 2015 to prepare students for the changing legal marketplace and to support campus interdisciplinary efforts in related fields.

In 2018, Dean Lyrissa Lidsky tapped Professor Sam Halabi to become the new director of CIPE.

Halabi served as the 2017-2018 Fulbright Canada Research Chair in Health Law, Policy, and Ethics and a Scholar at the O’Neill Institute for National and Global Health Law. He is the author of Intellectual Property and the New International Economic Order, which was published by Cambridge University Press in 2018, as well as “The Drug Repurposing Ecosystem” (Yale Journal of Law and Technology 2018), and “International Intellectual Property Shelters” (Tulane Law Review 2016).

Halabi’s appointment reflects the University of Missouri System’s goal of expanding centers for research and teaching at the intersection of technological innovation and health sciences.

Mizzou Law’s Centers of
As the CIPE director, Halabi has established three priorities for the center:

• Increase experiential curricular offerings for law students. Along with Entrepreneurship Legal Clinic Director Jim Niemann, ’93, Halabi is currently working with colleagues across the UM System’s four campuses to develop a hands-on class that would review relevant business, feasibility and legal aspects of the System’s substantial intellectual property portfolio.

   Students from law, business, engineering and other disciplines would learn and work together. A hybrid between in-person and online learning, the course is structured to allow students from all four campuses to participate seamlessly, and will debut in Fall 2019.

   Halabi is also expanding the relationship between the law school and the university’s significant offerings in related areas, such as the Graduate Certificate in Life Sciences Innovation and Entrepreneurship offered by the School of Medicine.

• Expand outreach to the community to assist small business owners. The market for legal services remains poorly adapted to help those with small- to medium-sized businesses. While the School of Law is able, through its Entrepreneurship Legal Clinic, to represent a limited number of clients, many of these businesses struggle to find answers to relatively straightforward legal questions without seeking expensive legal advice from specialists.

   Halabi, together with other CIPE faculty, technology transfer personnel and faculty from business, engineering and medicine, is developing materials that may serve as a bridging resource to help small business owners and entrepreneurs find the IP and related legal information they need.

• Create a scholarly home for intellectual property legal researchers. CIPE faculty are at the forefront of major issues in intellectual property law and policy. They not only focus on IP law, but also public health, FDA law, corporate and contract law, transactional law, patent law, e-discovery, smart contracts and blockchain, antitrust, corporate and regulatory matters, trademarks, entertainment and media law, and free speech law.

   Together with the CIPE faculty featured below, Halabi is developing a specialized workshop series and symposia to share faculty expertise with IP scholars, communicate that expertise to decision-makers and make the law school even more of a resource to the public.

• Professor Dennis Crouch is the co-editor of one of the most important sources of information and analysis for patent scholars and practitioners, patent law blog Patently-O. He was the winner of the 2017 Jefferson Medal for outstanding contributions to the field of intellectual property law. He was recently listed as one of the “20 Most-
Cited Intellectual Property & Cyberlaw Scholars in the U.S., the youngest person named to the list. Managing Intellectual Property chose him as one of the 50 most influential people in IP.

- **Professor Ilhyung Lee** is an arbitrator for the World Intellectual Property Organization and author of “Expert Determinations” relating to domain name disputes for the International Corporation for Assigned Names and Numbers (ICANN).

- **Professor Erika Lietzan** researches, writes and teaches primarily in the areas of food and drug regulation, intellectual property and administrative law. Some of her recent scholarship has focused on the historical circumstances surrounding enactment of the Hatch-Waxman (generic drug) statute, on incentives to continue studying already-approved drugs, on the competitive landscape for innovative biological medicines and their biosimilar copies, and on the relationship between the length of the new drug research and development process and incentives to innovate. She is one of the authors of the blog Objective Intent, writing about the U.S. Food and Drug Administration.


- **Professor Randy Diamond** and **Dean Lyrissa Lidsky** are developing a survey course on Innovation and Technology in the Practice of Law. The course would cover artificial intelligence, blockchain, cybersecurity, data analytics, smart contracts and lawyer technology competencies. Diamond also teaches the Electronic Discovery course that includes access to discovery review platforms like Logikcull.

- **Professor Amy J. Schmitz** teaches Dispute Resolution and the Digital Age, which tackles how technology is revolutionizing dispute resolution through the growing field of online dispute resolution. She created an Affordable & Open Educational Resource for her class that saves students the cost of books, including her own book, *The New Handshake: Online Dispute Resolution and the Future of Consumer Protection.*

  “We are in an exciting phase of legal innovation, and being connected with both centers allows me to break down silos in my research and teaching at the crossroads of technology and dispute resolution,” Schmitz says. “Moreover, capturing these synergies among our strengths as a law school helps us all work as a team in providing forward-thinking education that prepares our students for the future of legal practice.” Schmitz is one of several Mizzou Law faculty who are fellows in both CIPE and CSDR.
Schmitz also collaborated with the MU Robert J. Trulaske, Sr. College of Business to host a blockchain coffee last fall, providing an opportunity to explain blockchain and to network with various blockchain-related research and projects on campus and in the community.

“Blockchain relates to the distributed ledger technology that underlies Bitcoin, but also is the digital backbone for ‘smart contracts’ that are agreements converted to computer code, stored and supervised by the network of computers that run the blockchain,” Schmitz explains. “Smart contracts have shown promise, for increasing transparency, efficiency and security in areas such as shipping, healthcare and banking.”

- **Professor Royce Barondes**, **Professor Thom Lambert**, and **Professor Carol Newman** lead the entrepreneurship focus of the center’s scholarship and curriculum.

Barondes teaches Business Organizations and Contracts. His research focuses on corporate law and contract law governing corporate transactions, with some emphasis on initial public offerings and the use of empirical techniques.


Newman teaches Deal Skills, a course that introduces students to business and legal issues common to commercial transactions. Students learn not only the thought processes involved, but also the analytical, drafting and communication skills relevant to the practice of law, explaining her appointment as fellow of both centers of excellence. Newman was the inaugural winner of the Emory University School of Law Tina L. Stark Award for Excellence in the Teaching of Transactional Law and Skills in 2018.

- **Professor Jim Niemann**, ’93, director of the Entrepreneurship Legal Clinic, says the ELC has grown into a unique learning opportunity for law students in which they collaborate with other campus units, including the Robert J. Trulaske, Sr. College of Business, the Reynolds Journalism Institute and the Coulter Translational Partnership Program within the School of Medicine.

Niemann continues to look for new opportunities for students, using the ELC as a vehicle. A workshop on Minority, Women’s and Disadvantaged Business Enterprises will become a design lab on the topic to bring stakeholders together to improve the processes with technology and collaborative expertise.

Our two centers provide a research home for faculty experts, but it’s their dedication to the development of our law students and the experiential curriculum they teach that allows Mizzou Law to be responsive to the evolving legal marketplace.
The American Bar Association recently published *The New Handshake: Online Dispute Resolution and the Future of Consumer Protection*, which Professor Amy J. Schmitz wrote with Colin Rule, a San Jose, Calif.-based non-lawyer leader in legal tech who serves as vice president for online dispute resolution at Tyler Technologies. This book critically analyzes consumers’ access to justice in small dollar claims, and offers an ambitious proposal for using technology to expand access and opportunities for obtaining consumer redress. It essentially offers a blueprint for a system of online dispute resolution (ODR) as a complement to the civil courts.

The book has received very positive reviews and helped lead to Schmitz’s receipt of the law school’s Shook, Hardy & Bacon Excellence in Research Award in 2018. As F. Peter Phillips, director of the Alternative Dispute Resolution Skills Program at New York Law School, states in his review of the book:

“Now come Professor Amy J. Schmitz of the University of Missouri and Colin Rule of Tyler Technologies with an extra-legal, market-driven, empirically-based approach whose values, they convincingly argue, reflect ‘old-time America’ and yet whose execution relies upon cutting-edge technology. Illustrating old-time America, Professor Schmitz remembers...”
when she would buy ears of corn from a local farm stand, hand the farmer a buck, and shake his hand. The dollar signified the market value of the corn, while the handshake signified the farmer’s willingness, in the event that an ear was wormy, to replace it with a good one.

President Harry Truman expressed his frustration with economic advisors who equivocated ‘On the one hand… but on the other hand…’ by declaring that what this country needs is a one-armed economist. Schmitz and Rule suggest that what this country needs is a ‘New Handshake.’

These are timely, innovative, creative ideas. And it is a refreshing reminder that the law follows, and seldom incites, human endeavors. New developments in trade relationships come from the felt needs of the market, and when the market undergoes fundamental reshaping such as the multijurisdictional, multilegal, cross-cultural, clickable world of contemporary online retailing – we lawyers are fortunate to have people like Amy Schmitz and Colin Rule to point us to the leaders and encourage us to follow.”
Technological Disruption

Over the years, I watched technology disrupt many industries, including law. I started to see how technology revolutionized consumer contracting and dispute resolution. Individuals no longer met in person to negotiate, assess the trustworthiness of their contracting partners and conclude the deal with a handshake. The handshake of yore was more than a kind gesture. It helped to reassure both parties that the other side was committed to the deal and would ensure correction of any problems that might arise. That handshake was one’s bond — it was a personal trustmark.

At the same time, my empirical research regarding consumer contracts, as well as my experience creating and teaching consumer law courses, highlighted how consumers are losing trust in their contracts. Consumers feel like the trust of the handshake is gone. Furthermore, these consumers generally have no easy and effective means for getting a resolution when purchase problems arise. Even going to small claims court is often intimidating and time-consuming. It is simply not worth the costs in terms of time and money to pursue in-person processes for most smaller-dollar claims. This is especially true with the expanded use of arbitration clauses in consumer contracts, which cut off consumers’ access to class actions in many contexts.

Meanwhile, my students, like their future clients, have come to expect use of technology in nearly every aspect of their lives. Already by 2015, the Pew Research Center reported that Americans were spending nearly $350 billion annually online, and 79 percent of Americans indicated that they made purchases online.¹ These percentages have presumably grown since that time, as individuals date, socialize and “see” therapists — all online.

Indeed, legal futurists warn that “robo-lawyers” will replace law school graduates and clients will increasingly turn to services like RocketLawyer and LegalZoom for their contracting needs. In fact, both of these online legal services companies have announced partnerships with smart-contract pioneers to bring blockchain-based products to the consumer space. These partnerships are significant in that they allow regular consumers to enter into atomized smart contracts on the blockchain regardless of whether consumers hold cryptocurrencies. In other words, consumers are now able to set up smart contracts, complete with automatic execution, using cryptocurrency or regular U.S. dollars. This represents a massive step forward in the mainstreaming of blockchain and smart contracts, and indicates further disruption in the legal market.

Emergence of Online Dispute Resolution (ODR)

In the midst of this technological revolution, it is no surprise that e-commerce sites such as Amazon and eBay gathered loyal customers for many years by providing online means

¹ Aaron Smith & Monica Anderson, Online Shopping and E-commerce, Pew Research Center, 1 – 14 (December 19, 2016), http://www.pewinternet.org/2016/12/19/online-shopping-and-e-commerce/
for quickly resolving purchase disputes. They learned early on that consumers who make purchases online prefer to resolve disputes online. This gave birth to the field of online dispute resolution or “ODR.” ODR includes automated decision-making, as well as online negotiation, mediation, arbitration, community courts and variations thereof. Its efficiency, accessibility and ease expand access to justice that moves at the pace of technology, thus allowing for innovation. ODR also allows individuals to resolve disputes quickly and cheaply, without the costs or hassles of travel or taking time away from work.

These ODR attributes have sparked initiatives for furthering its use throughout the world. For example, the European Union (EU) has promulgated the ADR Directive and ODR Regulation, which work in tandem to require Member States to implement ODR systems for consumer claims. Furthermore, the United Nations Commission on International Trade Law (UNCITRAL) worked for many years in advancing guidelines on ODR for cross-border e-commerce through its Working Group III on Online Dispute Resolution. I was an appointed expert for this Working Group, which opened doors to research that has informed my teaching and led to collaboration with legal technology experts like Colin Rule — my co-author for The New Handshake. In fact, when Colin and I saw political disagreements derailing the Working Group’s ability to reach consensus on a global ODR system, we went to work on the book.

Teaching Contracts, Consumer Law and Arbitration, I needed to learn everything I could about ODR and how our students can provide value and play pivotal roles in the “new normal” of legal practice disrupted by technology. I flew out to Silicon Valley to the offices of Modria, Colin’s ODR start-up (subsequently purchased by Tyler Technologies). I talked to the computer coders and developers of ODR systems to understand their work and the value they provide for consumers. ODR is not simply use of email to communicate about disputes. ODR includes secure online “wizards” that help individuals solve problems online — almost like Turbo Tax for disputes. Furthermore, robust online platforms allow for nuanced negotiations within a secure space, often assisted with artificial intelligence-powered predictive analysis. Moreover, integrated online mediation platforms allow for caucusing, as well as group meetings, online and in parties’ own time — without the costs and hassles of travel or time off work.

**Getting to the Heart of Consumers’ Needs**

Despite my visits to Silicon Valley, I have retained healthy skepticism of legal technology. It cannot solve all problems and automation cannot replace lawyers and jurists who have emotional intelligence and intelligence quotient. Nonetheless, my own research, as well as that of the Consumer Financial Protection Bureau and others, has indicated the need for better consumer protection and access to remedies. It became imperative that we study what consumers want and need, and design an ODR system aimed to address these needs.
1. **Consumers Want Fast and Easy Resolutions**

   In the July-August 2010 issue of the Harvard Business Review, Matthew Dixon, Karen Freeman and Nicholas Toman shared the results of their study interviewing more than 75,000 consumers about their redress preferences and the conclusion was clear: “Corporate leaders must focus their service organizations on mitigating disloyalty by reducing customer effort.” In other words, consumers demand fast and easy resolutions. Time is money and delays lead to frustration. If a resolution process is overly time consuming, it will frustrate consumers and drive them away, even if it is fair. For low dollar value transactions, it is simply not worth the headache to endure two weeks of trying to get an issue resolved. Even if consumers are eventually victorious and get a replacement item or a full refund, they still may denounce that company. As a Consumer Contact Council study concluded, “When it comes to service, companies create loyal customers primarily by helping them solve their problems quickly and easily.”

2. **Consumers Hate the Telephone**

   Telephone-based customer support does not drive loyalty. Who has not felt annoyed by long hold times on customer-service telephone lines? Although some telephone-based support is probably required, consumers increasingly prefer online means for seeking resolution. They want to have the ability to seek remedies in their own time, early morning before they go to work or late at night after they put the kids to bed.

3. **Consumers Do Not Want to “Fight” to Get What They Deserve**

   Consumers do not want to fight for what they are entitled to receive in the first instance. If everything is negotiable, it creates a sense that only the complainers get the best deals. This perpetuates a “squeaky wheel system.” This means that those with the most education and power get the remedies. Instead, consumers prefer to work with businesses that strive to give their customers the sense that they are partners in seeking solutions. Companies and consumers should align in trying to get problems resolved quickly and fairly. Pushing consumers into negotiations where they have to fight for the best outcome emphasizes the consumer-versus-merchant dynamic, and widens the gap between the consumer haves and have-nots.

4. **Consumers Want To Be Treated Fairly**

   Consumers want to know that the solutions they achieve are consistent and reasonable. Outcomes need to be predictable, fair and consistent in their application. It is also important for businesses to realize that “fairness” often requires a full refund. It is shortsighted to assume that only the squeakiest wheels get full refunds. That is not to say that everyone deserves a refund. However, if you paid $100 for an item that has not arrived after two weeks, you should simply get a full refund immediately. That is fair. Fairness is lost if you must waste two weeks seeking to get your $100 back.

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5. Consumers Want Their Privacy Protected

Consumers also want businesses to protect their privacy. Privacy has become a revenue issue. Indeed, businesses that suffer data breaches lose customers. Accordingly, any ODR system must protect consumers’ privacy and garner consumer trust that it will be secure.

Building a New Handshake

Fundamentally, consumer protection is about providing fast and easy means for consumers to get remedies if a purchased item does not arrive or is not as promised. Consumers feel empowered when they are able to resolve complaints to their satisfaction quickly and fairly. The new ideal protection experience for a consumer is to visit an easily discoverable website or mobile app, click a few options to describe the situation, and then have the case automatically resolved through a secure portal. Speed, efficiency, ease of resolution, safety and consistent fairness are the top priorities for consumers.

At the same time, merchants have a strong incentive to be proactive about resolving buyer problems in order to build and retain a customer base. If a business does not address difficulties encountered by their customers, word spreads quickly online. This puts buyers and sellers on the same side when it comes to quickly and effectively solving problems. ODR enables buyers and sellers to communicate and collaborate on an unprecedented scale. Whenever an issue arises, the buyer can immediately reach out to the seller and begin an online communication focused on getting the problem addressed. When parties reach a solution, they can immediately close the dispute and move on to the next transaction. This kind of instant collaboration, unconstrained by time and geography, would not be possible without the internet.

This is not to say that all ODR systems are inherently fair or that shifting from in-person processes and judicial resolution to ODR systems will be easy. There are many continuing challenges to keep in mind: addressing the digital divide, ensuring effective enforcement, supporting consolidated and mass resolutions, dealing with pre-dispute binding arbitration systems, and preserving judicial fora for certain policy-related claims. However, The New Handshake aims to provide a blueprint for a global ODR system for resolving online disputes that seeks to provide the types of redress consumers desire. The latter part of the book sets forth in detail how policymakers and businesses could collaborate to build this system to create a win-win for companies and consumers. It is with this sort of collaboration that ODR may move us toward a future where universal access to fast and fair redress for online consumers is finally possible. This is vital to fill a void in consumer protection.

Dispute Resolution in the Digital Age

Of course, this is not to say that ODR should or could replace all in-person processes. Again, this book simply provides ideas for ODR to advance online consumer protection. Indeed, I am currently researching e-courts and diving into empirical analysis of ODR systems throughout the world. Furthermore, ideas behind this book and my learning along the way have informed my creation of Dispute Resolution in the Digital Age, a course I teach at Mizzou Law. My research also helped me create an Affordable & Open Educational Resource for this course, which saves students the costs of buying my and other books.
My hope is to open students’ minds to the type of innovation that is disrupting legal practice, and to envision their role in the new normal of legal practice. ODR is creeping into every type of conflict resolution, and courts are increasingly using ODR for everything from parking tickets to parenting plans. Accordingly, students in the class learn about ODR and have the opportunity to experience first-hand ODR systems in various areas — from consumer to family law. Furthermore, students create capstone projects in the course, exploring a chosen type of dispute and how technology could be used to improve resolutions in that area. For example, I have had students develop wonderful ideas for using technology to resolve dorm, bullying, tax and even “puppy-mill” disputes! Indeed, lawyers are not irrelevant in the new world of legal practice. Instead, they are essential in designing ODR systems and protecting due process.

The New Handshake may seem overly ambitious amidst trade wars and mass data breaches. Nonetheless, our hope is that it sparks conversations about consumer protection and means for using technology to advance access to remedies, and justice.

I also hope that it invites students to think big, as they invent the future of the law in a digital world.

Professor Amy J. Schmitz joined the School of Law in 2016 as the Elwood L. Thomas Missouri Endowed Professor of Law.

For additional reviews and interviews, see:

- Sue Reisinger, Online Dispute Resolution is Powerful Tool for GCs, Say Experts, Corporate Counsel, at www.corpcounsel.com/id=1202795026376/Online-Dispute-Resolution-Is-Powerful-Tool-for-GCs-Say-Experts?slreturn=20170808144926
Aaron Duke joined the law school in February 2018 as web designer and administrator. In this role, he maintains the law school website and is currently working on a redesign of the site, to be launched this summer. Previously he worked for the MU College of Agriculture, Food and Natural Resources for five years in a similar role.

Duke is from Blue Springs, Mo. He worked in banking before attending Missouri State University. He holds a bachelor’s degree in graphic design, with minors in photography and advertising. During college he was a storm chaser, started a freelance design business and became the lead designer for a biomedical imaging software start-up in Kansas City.

In his spare time, Duke enjoys working outside, building things, photography, painting, cooking, gaming, and studying meteorology and astronomy. He lives with his wife and two young children in Columbia, where they operate a licensed daycare.

Brent Filbert joined the law school in June 2018 as an instructor and supervising attorney in the Veterans Clinic. He spent the last 30 years serving as an attorney in the military and in private practice. He served as appellate defense counsel and judge for the Navy-Marine Corps Court of Criminal Appeals. He served as a prosecutor and defense counsel in military criminal trials and as a special assistant U.S. attorney. He also practiced as litigation counsel for Hughes, Hubbard & Reed, and was a partner at Shook, Hardy & Bacon as a litigation attorney on product liability and toxic tort cases.

Filbert is an alumnus of Mizzou, with honors, and received his JD, with distinction, from the University of Missouri-Kansas City School of Law. He is also a distinguished graduate of the Naval War College - College of Naval Command and Staff, and has an LLM in Trial Advocacy from Temple University School of Law.

Filbert joined the Veterans Clinic because of his desire to train law students on how to successfully represent clients by assisting veterans on their important legal issues.

Dawn Klempke joined the School of Law in December 2018 as the administrative assistant in the Veterans Clinic. She previously worked for two civil firms as a paralegal, and prior to that was a legal assistant in the Boone County Prosecuting Attorney’s Office. She is a proud mom to her 16-year-old son, who is a sophomore at Rock Bridge High School in Columbia.

Klempke’s hobbies include biking, hiking and other outdoor activities; reading; listening to music; and craft brewing. She recently began serving as the marketing specialist and social media director for the store Worts & All, a locally-owned homebrew and wine supply store.

Jacob Shipley joined the law school in January 2018 as video producer. In this role, he plans and produces digital content to enhance student recruitment and alumni outreach efforts. He has a joint appointment with the School of Law, the College of Agriculture, Food and Natural Resources and the university’s Agricultural Experiment Stations.

Shipley is a native of Liberty, Mo., and attended Liberty High School prior to enrolling at the Missouri School of Journalism. He graduated magna cum laude with a degree in strategic communications. Shipley married his wife, Hannah, in May and they are parents to Myla, a black Labrador puppy.
Addressing the Whole Person

IMPROVING THE LEGAL COMMUNITY BY PREPARING STUDENTS TO ENTER PRACTICE – IN EVERY WAY

by Casey Baker
A Robust Student Experience

When Dean Lyrissa Lidsky joined the School of Law in 2017, she walked in as a student-centered dean. Her priorities for the law school were clearly student-focused, both big picture — remain affordable, allowing students to graduate in a position to pursue the career of their choice, and implement a program allowing 3Ls to get into the workforce faster — and local — renovate the student lounge area of Hulston Hall.

She also wanted the law school to use its relatively small size as an asset by being more nimble, innovating within the curriculum and in the area of student success. With law school faculty and staff on board, she began to affect change in support of these goals.

Increased Academic Support
A Holistic View

Last semester, the School of Law posted an opening for a coordinator of the law school’s academic success program, with the financial support of the MU Division of Inclusion, Diversity & Equity. This is a new position, with key responsibilities of teaching foundational academic skills to first-year students in both classroom and workshop settings, counseling students regarding academic performance, providing writing support, teaching upper-level classes in legal analysis and administering a bar success program. The dream for this position is that the person who fills it will be a support specialist, rounding out the existing resources offered by faculty, staff and departments within Hulston Hall.

“We intend for this person to assist our students from matriculation through mastery of the material to bar preparation,” S. David Mitchell, associate dean for academic affairs, says. “When we admit students, we commit to their success. This is an important part of that commitment.”

The law school’s dedication to academic support begins before students attend orientation. Law school faculty review incoming student credentials to identify those who might benefit from early intervention to better ensure success in law school.

Early intervention comes in the form of two sections of Writers’ Workshop and Legal Reasoning, which are held during orientation, allowing the law school to conduct a quantitative assessment on the need for additional assistance. It also takes the form of summer homework, including the Core Grammar Test that requires a score of 80 percent or higher before the student can proceed with his legal education without specific, law school-directed intervention.

During orientation, all students take sessions of a first-year class — this year, Torts — so that they can get used to law school conventions like Socratic Method and case briefing.

“We focus on some of the traditional aspects of law school, while making changes to our academic support program to better serve students in the modern environment,” Mitchell says.

After classes begin, students benefit not only from faculty and staff support, but also from that of their peers, including focused study groups led by upper-level students for all first-year classes in the spring, and teaching assistants in Lawyering, in addition to Legal Research & Writing.

Mitchell’s vision for the future of academic success at the law school includes a dedicated academic support space that allows students to seek help in a judgment-free environment. Currently, due to the decentralized nature of academic support at the law school, students may not always know where to go to seek support. This is particularly true of second- and third-year students, who do not currently benefit widely from the structure in place offered to 1Ls.

As students prepare to face life after law school, most of them study for a bar examination. To see students through from
matriculation to employment, bar preparation is a key component of academic support.

The law school is judged by its bar passage rate in Missouri, which frequently bests the state average. In July 2018, the law school’s pass rate for first-time takers was a full nine points above the state pass rate of 82.4 percent. For Dean Lidsky, this isn’t enough. She won’t be satisfied until every student passes the bar exam.

“We make a promise to every student we admit to our law school that we will provide them the with the rigorous training and supportive mentoring necessary to pass the bar,” Lidsky says. “We owe it to students to honor that promise. Our bar passage rate correlates almost exactly with our job placement rate, and students who don’t pass the bar are often devastated emotionally as well.”

Law Library

Alumni may recall the Law Library as a place to check out books or perhaps study into the wee hours of the morning, and that has not changed. The books — and the students hunched over study carrels — are still there. What has changed is the library’s more holistic approach to student support.

“The focus of a traditional academic law library would be building collections,” says Randy Diamond, director of the law library and technology resources and professor of legal research. “That still remains a focal part, but academic law library best practices now focus more on the student experience.”

Three of the law librarians — Cindy Bassett (herself a part-time law student), Resa Kerns and Cindy Shearrer — teach Legal Research in the first year, in a partnership with the law school’s Legal Research & Writing Program. Not only does the course impart to 1Ls fundamental skills to use as students and as attorneys, but it also is the infancy of the support network they will create as law students. The interaction that takes place during Legal Research allows the students to get to know the librarians informally in a setting that is encouraging and supportive of student learning.

Librarians also provide student support in the area of new legal education and law practice technology. Diamond cites LearnLeo as one example of a section of the legal marketplace available to law students that did not exist a decade ago, created by talented young lawyers who innovate to enhance student learning. Often, law librarians learn about the resources as the students do, collaborating to understand what might be useful in organizing legal research. At the same time, students begin to understand how to evaluate technology, a skill they will use as they leave the bounds of Hulston Hall and enter the workforce.

Librarians Bassett and Kerns also offer a series of seminars called “Cool Tools,” designed to expose students to developments in legal research, including the effects of technologies such as artificial intelligence. In the series, students learn about new products that may be market leaders within the next five years, shortly after the students graduate and enter legal practice.
As part of the law school’s overall focus on making legal education affordable, and of offering a robust collection of tools for student success, the Law Library now offers study aids at no cost to the student. In the past, students purchased the aids in hard copy, but the library now provides unlimited online access, while encouraging responsible usage by noting that not all resources are of the same quality and suggesting that students discuss which aids might be most reliable with faculty members.

As director of the Law Library, Diamond sets the tone for student support by teaching Advanced Legal Research. In this course, students design their own experiences, for which he develops real-life practice problems. The students meet with him individually for feedback and guidance and give presentations based on the material relevant to their own course experience. The idea is to provide an experiential component, better preparing these students for the world of legal practice.

Curricular Innovation
The practice of law changes as technology and society change. The skills needed immediately for a graduate of the Class of 1969 differ from those needed for a graduate of the Class of 2019. In addition, changes in technology and society may alter the possibilities for applications of a law degree in business and industry.

Lidsky, a staunch advocate for student support, but also one who dreams constantly of innovation, joined Diamond to propose a new course, Innovation & Technology in the Practice of Law, to the law school’s Curriculum Committee. Start-up companies creating legal technology cause changes to the ways law firms work — think artificial intelligence and blockchain — and preparing students for such innovation allows them to be better prepared for the modern practice of law.

Diamond also actively looks for ways to adapt the school’s curriculum for changes in law practice. He created the law school’s Electronic Discovery course, which covers email, social media and forensics as forms of evidence. The course has become more mainstream, but when it was created, it was one of the first courses of its kind. Ultimately, the goal of the course is to allow students to experience evolving fields before entering the workforce.

Courses like Innovation & Technology in Law Practice could branch out in different ways, Diamond says, allowing the law school to continue to evolve and offer specialized electives to meet the changing needs of the legal community.

Competition Credit
Another recent change is the approval of academic credit for select competitive mock trial and arbitration teams. Second- and third-year students who participate in the Missouri Attorney General’s Cup, Labor and Employment, Arbitration, Thurgood Marshall Mock Trial and National Trial Competition are eligible to receive one credit per semester, with a total of three credits possible. Students can continue to participate in a variety of other competitions through the student-run Board of Advocates without academic credit.

A Focus on Wellness
One of the most significant student-centered changes that has taken place in recent years is the increased focus on the student as a whole person. In 2017, the law school became the first in Missouri to name a student liaison to the Missouri Lawyers’ Assistance Program (MOLAP), a program of The Missouri Bar that provides free professional counseling for Missouri attorneys and their family members, as well as law students.*
The goal of the law student liaison position is to raise awareness about the prevalence of mental health and substance abuse issues in the legal profession. This year’s liaison, 3L Kelsey Forqueran, shares information about MOLAP’s resources to help students struggling with mental health and substance abuse issues.

“Research has consistently reported a higher rate of alcohol/drug abuse, depression, anxiety and suicide among lawyers when compared to other professions, and those issues affect law students as well,” Forqueran says. “Even though decades of research report these findings, there are often little, if any, efforts to have an open and honest conversation about these issues. I’ve dealt with anxiety and other mental health concerns during my time as a student and it is important to me to serve in this role so that we can do a better job at having conversations about these difficult topics. It is incredibly important that we connect students with resources to help them throughout their education and into their careers, which include the free services provided by MOLAP.”

The director of MOLAP, Ann Chambers, visits the MU campus monthly to provide free counseling by appointment to law students. The demand for her services is great enough that she has increased her time on campus from two to three hours per month, and plans to go up to four hours during the spring semester.

“Mizzou Law started the trend for on campus office hours to benefit law students. Reaching out for help is a sign of courage and strength,” Chambers says. “This partnership reinforces that important message, helping improve the wellness of our next generation of lawyers.”

The School of Law’s Student-Faculty Relations Committee, under the leadership of Professor Michelle Cecil, has been charged with providing general support for students, in addition to fostering student-faculty relations.

“The committee’s role is to come up with initiatives to help students deal with mental health issues, substance abuse issues and wellness issues,” Cecil says. “Our goal is to come up with a program that would not just be a series of lectures, but also of hands-on activities.”

During the current academic year, the committee has sponsored events for National Mental Health Day, which included a resource table hosted by the Missouri Psychiatric Center and a barbecue designed to encourage professional relationships between students and faculty.

The committee has already started generating ideas for programming in the next academic year. The suggestion list is long and varied, including a group hike at Columbia’s Rock Bridge State Park, mindfulness meditation, peer-to-peer mentorship training, a resource list of health-related professionals and what insurance is accepted, and seminars on a variety of wellness topics, from self-defense to suicide prevention to first aid.

In recent years, attention to the whole person has not ended with the hooding ceremony. At the Missouri bar exam, the law school partners with the most recent graduating class to provide lunch for bar exam attendees, giving them a chance to take a break from the stress of the exam and see some of the Mizzou Law faculty and staff who are cheering them on.

Career Preparation

The Office of Career Development & Student Services is charged with assisting students with a wide array of job search needs — resume review, networking skills and mock interviews, to name a few.

One of the ways the law school ensures career preparedness is through the Career and Professional Development Requirement. During all three years, students must attend programming that focuses on job search
skills, career exploration and professional development. Students must attend 11 programs in order to graduate.

In the first year, students complete a self-assessment in their Lawyering classes. The survey, produced by the Institute for the Advancement of the American Legal System, was created using feedback from 24,000 attorneys on the skills most important for entry-level attorneys. Only one section is law-specific; most of the survey focuses on life skills like communication, commitment to professional development and responses to stress and crisis management. First-year students are required to meet with one of the law school’s career development professionals to review the results of the survey, giving them an opportunity to seek resources in their weakest areas.

“Our goal is to help give students the tools they need to be successful while they’re here, but also when they leave here, possibly working in a fairly stressful job,” says Lisa Key, assistant dean of career development and student services. “A lot of the skills we focus on are skills that are not directly related to doctrinal knowledge — things like time management and empathy.”

First-year students are also required to attend a “boot camp” hosted by the Office of Career Development & Student Services, during which they get an overview of the legal job market; learn how and when to conduct a job search; prepare a legal resume and cover letter; develop networking and interviewing skills; and explore different career paths, practice areas and types of legal employers. They are also required to submit their resumes and sample cover letters to a career development director by January 1 to receive feedback that will set them up well for career success.

This year, for the first time, three of the boot camp programs were offered in online format, allowing students to participate at their own pace and as best fit their own schedules. Key and the other career development personnel plan to evaluate whether there is noticeable improvement to student resumes because students could view the sessions more than one time, or attend both in-person and online sessions.

In the second and third years, the services provided vary depending on the students’ situations and career goals. Available programs include organized trips to Chicago to the Midwest Public Interest Law Career Conference and Washington, D.C., for individual job interviews, and an annual career expo held on campus that allows students to network with representatives from a variety of employment areas, including government, small firms, corporations and accounting firms.

Students can take advantage of additional professional development resources by visiting the office’s library, which features books on subjects like becoming a rural lawyer, job searching with disabilities, business etiquette and public speaking. For those who may be interested in a book’s concepts but don’t have time to read it, the office offers “The Gist of It,” wherein the law school’s career development professionals summarize a book’s highlights, allowing students to benefit...
from the most important points without the time commitment of a full-length book.

Skills Training

Clinical Programs

The School of Law has increased its skills training offerings significantly in the last decade. Before 2007, the law school had three clinical programs: the Criminal Prosecution Clinic, directed by Professor Kandice Johnson, ’78; the Family Violence Clinic, directed by Professor Mary Beck, ’88; and the Mediation Clinic, directed by Professor Jim Levin.

In 2007, the law school joined the University of Missouri-Kansas City School of Law and the Midwest Innocence Project to create the Innocence Clinic. In 2014, the law school added the Veterans Clinic, directed by Professor Angela Drake, then in 2015, the Entrepreneurship Legal Clinic, directed by Professor Jim Niemann, ’93.

In addition, the law school has two practicums. The first, the Legislative Practicum, allows students to take advantage of the law school’s proximity to the state capitol and traditional role as a resource for the Missouri General Assembly. The second, the Landlord/Tenant Practicum, is directed by a staff attorney from Mid-Missouri Legal Services, and allows students to represent indigent tenants in a variety of disputes.

The law school now has enough spaces for every interested student to participate in a clinical program. While the actual work may vary — from prosecuting cases with the Boone County Prosecuting Attorney’s Office to helping small businesses get started to assisting veterans succeed in the appellate process — the result is the same: experience. Students leave the law school with experience handling a variety of legal transactions, but also understanding the human impact of the law, by working with clients.

Externship Program

Students also have an opportunity to receive course credit for skills training outside of the walls of Hulston Hall through the externship program — in Missouri and beyond. This program allows students to apply the concepts learned in law school to the actual practice of law by working under the supervision of a lawyer or judge in a public interest group, government agency, prosecutor or public defender office or a nonprofit organization, or for an attorney in private practice handling pro bono work.

The goal for the student externship experience is to allow students to learn what it is like to work as an attorney by honing legal research and writing skills, appearing before courts and administrative agencies, understanding the rules of professional responsibility, and gaining exposure to the difficult problems that lawyers face.

In recent years, externship students have had the opportunity to borrow funds to pay for living expenses through the law school’s Shortridge Loan Program. A new program, Mizzou Law Pay It Forward, will also provide financial support, but without the burden of repayment. Students in unpaid externships in public service or public interest legal organizations in Missouri can apply for a grant through the program to help with personal expenses during the duration of a summer externship.

The program formally launched on February 6 in Jefferson City with an ethics CLE given by Lidsky, and donations are being accepted. More information is available at law.missouri.edu/careers/pay-it-forward.

The law school actively works to expand externship offerings for students. Most recently, an externship component was added to the South Africa Study Abroad Program, held at the University of the Western Cape in Cape Town. Participating students have the opportunity to work with a local nonprofit,
governmental agency or other entity as part of this program.

Semester in Practice Program

One of Lidsky’s priorities upon her arrival at Mizzou was the creation of a Semester in Practice Program. Beginning in the Spring 2019 semester, third-year students are able to spend their final semester working for a private firm, corporation, nonprofit organization, legal services organization or government agency, while supervised by a licensed attorney.

Key, whose office oversees the new program, expects three to four students to be the first to take advantage of this new opportunity, including one who plans to offer estate planning services to indigent nursing home patients in rural Missouri. Students who work outside of Mid-Missouri are able to check in with career development personnel using technology, effectively opening the borders of Columbia to student employment.

“The semester in practice is designed to let students gain valuable practical experiences while showing potential employers what they can do and learning the legal market in the place they seek to practice,” Dean Lidsky says.

Impact Through Student Success

Innovation in Hulston Hall happens because the law school seeks to be a leader in legal education and to provide well-trained, ethical attorneys to lead the legal profession, business and industry, in Missouri and throughout the country. To do this, the school starts with impacting the lives of students — from matriculation through mastery of the material to bar preparation.

* Editor’s Note: The services of the Missouri Lawyers’ Assistance Program are free and confidential to members of The Missouri Bar, immediate family members who reside with them, and law students. For more information or to speak with a licensed clinical social worker, please call 800-688-7859.
In May, the School of Law’s Hooding Ceremony sent another class of new lawyers out into the world — or, in most cases, into the world of bar prep. This year’s featured speaker was The Honorable Paul Wilson, ’92, of the Supreme Court of Missouri. Judge Wilson discussed with these new alumni the importance of “strategic patience” over the course of their careers, the weighty responsibility of being a member of the legal profession and the happiness that may be found through a life of service.

photo credit: GradImages
On February 22, 2018, alumni and friends gathered at Country Club of Missouri in Columbia for the 32nd Annual Celebration of The Law Society. Sixteen new and elevating members were recognized at the 2018 event.

Since its inception in 1984, The Law Society has welcomed almost 300 new members. This year’s honorees supported 11 different funds with their recent gifts, including: the Innocence Project, the Class of 1992 Scholarship Fund, the Class of 1981 Scholarship Fund, the Veterans Clinic, the Law School Fund for Excellence, the Board of Advocates, the Donald L. Wolff Scholarship Fund, the Entrepreneurship Legal Clinic, the Scott O. Wright Scholarship, the law school’s general scholarship fund and the law school’s unrestricted fund.

We continue to look at new ways to say thank you to our incredible supporters and donors. Stay tuned for updates in 2019.
New Members of The Law Society
Recognizes gifts or pledges of $25,000 or more over five years or less

Jennifer Koboldt Bukowsky, '06
Gregory B. Canuteson, '92
Frank D. Colaw, '81
Rachel G. Eidelman, '72
Charles W. Hatfield, '93
Howard Lidsky
John P. Rahoy, '93
Kirk C. Stange, '00

New Dean's Council Members
Recognizes lifetime gifts of $50,000 or more

Mark I. Bronson, '73
Nelson G. Wolff, '92

New Dean’s Circle Members
Recognizes lifetime gifts of $100,000 or more

Donald L. Cupps, ‘81
Paul L. Vogel, ‘93
Professor Dale A. Whitman
Scott O. Wright, ’50

New Diplomat Members
Recognizing lifetime gifts of $500,000 or more

John L. Hulston
Nancy E. Kenner, ’83

We extend our gratitude to the evening’s sponsors:

Presenting
Rodney E. Loomer, ’74

Gold
Clark H. Cole, ’80
Sam F. Hamra, ’59
Brian C. Underwood, ’78

Silver
Glen A. Glass, ’71

Bronze
Larry L. McMullen, ’59

Student Sponsors
Jack L. Campbell, ’70
Frank D. Colaw, ’81
Donald L. Cupps, ’81
Deborah Daniels, ’77
Professor Martha Dragich
Professor William B. Fisch
Professor Wilson Freyermuth
Robert G. Russell, ’63
Benjamin C. Thomas, ’73
Craig A. Van Matre, ’70
Professor Dale A. Whitman
Nelson G. Wolff, ’92
The Law Day awards were presented to distinguished alumni and friends during the 2018 Law Day festivities on April 20 and 21.
Distinguished Non-Alumnus
The Distinguished Non-Alumnus Award was presented to Professor Emeritus Peter N. Davis, who joined the law faculty in 1970. He retired from the School of Law in 2003 and teaches courses such as Mining, Oil & Gas Law, Environmental Law, Transportation Law, Copyright Law and Land Use Controls part-time. He was introduced by Professor Emeritus William B. Fisch.

Entrepreneurship Award
Herbert E. Hardwick, ’89, is the founder and principal of the Hardwick Law Firm, LLC, which is headquartered in Kansas City, Mo., with offices throughout the country. His practice spans the areas of municipal finance, securities regulations, municipal disclosures, real estate finance and development, transportation, public incentive financings, and corporate finance. He was introduced by the Honorable Lisa White Hardwick.

Judge L.F. Cottey Advocacy Award
Sarah Rowan, a third-year student from Belleville, Ill., received the Judge L.F. Cottey Advocacy Award. She holds a bachelor’s degree in biology from West Virginia University. She currently serves as associate editor-in-chief of the Missouri Law Review.
Husch Blackwell Distinguished Faculty Award
Professor Erika Lietzan received the Husch Blackwell Distinguished Faculty Award, which was created to recognize a faculty member who has established a record of distinguished achievement in teaching. She researches, teaches and writes primarily in the areas of food and drug regulation, intellectual property and administrative law.

Shook, Hardy & Bacon LLP Excellence in Research Award
Professor Thomas A. Lambert was selected for the Shook, Hardy & Bacon LLP Excellence in Research Award for his book, How to Regulate: A Guide for Policymakers, which was published by Cambridge University Press in 2017.


The Shook, Hardy & Bacon LLP Excellence in Research Award is presented annually to one or more faculty members who demonstrate excellence in research based on published articles from the previous year.
Loyd E. Roberts Memorial Prize in the Administration of Justice

The 2018 recipient of the Loyd E. Roberts Memorial Prize in the Administration of Justice was Professor David M. English, who is best known for his work for the Uniform Law Commission. He currently serves as the chair of the 25,000-member American Bar Association Section of Real Property, Trust and Estate Law.

This prize honors the MU law professor or student who has made the most significant contribution to improving the administration of justice, either within Missouri, nationally or internationally, during the preceding year.

Order of the Coif Honorary Initiate

Melodie A. Powell, ’81, the 2018 Order of the Coif Honorary Initiate, was introduced by her classmate, Jean Paul Bradshaw II, ’81. She serves as an administrative law judge for the Missouri Division of Workers’ Compensation. Previously she was of counsel in the Kansas City office of Evans & Dixon for 16 years.

Order of Barristers Honorary Initiate

The Order of Barristers Honorary Initiate presented at Law Day was Robert T. Adams, ’87. Adams, who was introduced by William S. Ohlemeyer, ’84, is co-chair of the General Liability Litigation Practice Group of Shook, Hardy & Bacon, and is a fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers.

Order of the Coif Student Initiates 2017 recognized at Law Day 2018

Bradley Thomas Craigmyle
Matthew Rhoades Davis
Ethan Charles Duckworth
Cailynn D. Hayter
Ellen M. Hennion
Britteny Dee Pfieger
Ryan Matthew Prsha
Brian Christopher Thompson
Brooke M. Wheelwright
Elizabeth Barnes Wiles
2018 Entering Class

as of October 5, 2018

Applied ........................................ 602
Admitted ......................................... 290
Enrolled .......................................... 90

Median LSAT ................................. 157
  25th & 75th percentile: 155 & 160

Median GPA ................................. 3.49
  25th & 75th percentile: 3.03 & 3.70

Women ........................................... .38%
Minorities ...................................... .18%
Missouri residents ....................... 80%
Undergraduate institutions represented ........................................ 38
Scholarships
Students receiving scholarships, fellowships and/or grants . . . . . . . . . . 69.93%
Median grant amount . . . . . . . . $17,020
Total scholarship aid awarded . . . . . . . . $2,769,173.90
Average law school debt at 2018 graduation . . . . . . . . $44,338
Drop in average debt load since 2013 . . . . . . . . . $23,743

Bar Passage Rate
1ST TIME TEST TAKERS OF THE MISSOURI BAR EXAM, JULY 2018
Mizzou Law 91.4%
Score for all first-time takers 82.4%

Student/Faculty Ratio
8.4 : 1

Tuition PER CREDIT HOUR
Missouri resident . . . . . . . . $661.80
Non-resident . . . . . . . . . . $1,258.90

Class of 2017 Employment Survey
AS OF APRIL 6, 2018

- Employed (101 known, 102 total): 91%
- Seeking higher education: 2%
- Not seeking employment: 0%
- Seeking employment: 6%

- Employed in Missouri: 75%
- Employed outside of Missouri: 25%

Employment by Sector:
- Law firms: 48%
- Business/industry: 13%
- Government: 18%
- Judicial clerkships: 13%
- Public interest: 5%
- Education: 2%
Degrees Offered

Juris Doctor (JD)
Master of Laws in Dispute Resolution (LLM) — Residential and Online
Master of Laws in American Law (LLM)

JOINT DEGREES

JD/MBA Business Administration
JD/MPA Public Affairs
JD/MHA Health Administration
JD/MA/MS Human Development & Family Science
JD/MA Economics
JD/MA Journalism
JD/PhD Journalism
JD/MA Educational Leadership & Policy Analysis
JD/MA Library & Information Science

CERTIFICATE PROGRAMS

Law School Certificates
  Dispute Resolution

University Certificates
  Community Processes
  Digital Globe
  Education Policy
  Economics & Sociology of Institutions & Organizations
  Health Ethics
  Life Science Innovation & Entrepreneurship
  Nonprofit Management
  Personal Financial Planning

SKILLS TRAINING

Criminal Prosecution Clinic
Entrepreneurship Legal Clinic
Family Violence Clinic
Innocence Clinic (as part of the Midwest Innocence Project)
Mediation Clinic*
Veterans Clinic
Landlord-Tenant Practicum
Legislative Practicum
Externship Program
Semester in Practice
Moot Court and Other Competitions

*Sponsored by the '18-'19 academic year

SCHOLARLY JOURNALS

Missouri Law Review
Journal of Dispute Resolution
Business, Entrepreneurship & Tax Law Review

STUDY ABROAD

University of the Western Cape
Cape Town, South Africa
#7 2018 Best Value Ranking by preLaw Magazine

  Brian Leiter’s Law School Reports, September 3, 2018

#54 2018 Scholarly Impact of Law School Faculties Ranking
  “Scholarly Impact of Law School Faculties in 2018: Updating the Leiter Score Ranking for the Top Third,”
  U of St. Thomas (Minnesota) Legal Studies Research Paper No. 18-15

A— 2018 Best Schools for Practical Training Ranking by preLaw Magazine

★ Highest Performer — 2018 Employment Honor Roll Ranking by preLaw Magazine
Student Accomplishments for 2018

* One law school team advanced to the championship round of the regional competition and placed second overall in the American Bar Association Section of Labor & Employment Law’s 15th Annual Law Student Trial Advocacy Competition. The team, coached by Professor Chuck Henson, Emily Allison and Ryan Redmond, included 3Ls Khris Johnson-DeLoatch, David Rogers and Curtis Wilson; 2Ls Aryn Williams-Vann, Jacqueline Ledezma and Kevin Bross; and 1Ls Landon Miller and Luke Hawley.

* The law school’s Mock Trial Team won the 2018 Missouri Attorney General’s Cup for the fourth time in five years. The winning team included 3L Julius King; 2Ls Rhett Buchmiller, Don Quinn, Margarete Crawford, Koki Sabates and Eric Kinnaw; and 1Ls Delaney Catlettstout and Eli Dodge.

* The winners of the Sixth Annual Transactional Law Competition, hosted by the MU Tax and Transactional Law Society, were 1Ls Samantha Sweet, Samuel Hoskins and Kelli Reichert. This year’s competition problem required students to research state and local tax issues relating to one company’s potential acquisition of another company.

* The 2018 Client Counseling Competition winners were 1Ls Brionna Pratt and Trevor Woodland. The second place team was composed of 2Ls Marissa Price and Sergio Tarin. The competition simulated an initial legal consultation between two attorneys and a prospective client.

* The Board of Advocates’ annual negotiation competition winners were 1L Emily Love and 3L Aaron Wynhausen, who moved on to represent the law school at a
regional competition. In the competition, teams are given general information about a dispute and confidential facts about their client’s interests.

* The law school sent two teams to the American Bar Association Client Counseling Competition in Fayetteville, Ark. Emma Masse, ’18, and John Brooks, ’18, took first place for the second year in a row and advanced to the national competition in North Carolina. 3L Aaron Wynhausen and 1L Michael Glass advanced to the semi-finals in the regional event.

* Two law school teams competed in the Midwest Regional Thurgood Marshall Mock Trial Competition, making it to the semi-final round, which was held in the St. Louis Civil Courts Building. The law school’s representatives were: 3Ls Curtis Wilson, Julius King, Khristopher Johnson-DeLoatch and Larissa Tiller and Class of 2018 graduates John Moore, Habib Hassan, Travis Pringle and Andrew Clarke. The team of Johnson-DeLoatch, Clark, King and Tiller placed third and advanced to the national competition in Brooklyn, NY.

* The law school’s Arbitration Team competed in Chicago at the American Bar Association National Arbitration Competition, qualifying after taking first place at the ABA Regional Arbitration Competition in Pittsburgh, Pa. The team, coached by Brad Desnoyer, ’09, consisted of captain Mary Grace Bruntrager, ’18; Travis Pringle, ’18; 2L Rhett Buchmiller and 1L Anna Wilmesher.

* 3L Annie Ebert was named liaison from the American Bar Association Law Student Division to the Trust and Estate Division of the ABA Section of Real Property, Trust & Estate Law. She holds this position until the 2019 ABA Annual Meeting.

* George Khoukaz, ’18, had a paper, “Corporate Shareholders’ Limited Liability: Useful or Abusive?,” published in the Bocconi Legal Papers, the official academic journal of Bocconi University in Milan, Italy. The paper was written as part of an independent research paper under the supervision of Professor Thom Lambert.

  Khoukaz also received the Joseph T. McLaughlin Original Student Article Award from the International Institute for Conflict Prevention and Management. His winning essay, “ADR That is Out of This World: A Regime for the Resolution of Outer-Space Disputes,” addresses various issues regarding space arbitration and was published in 2018 Journal of Dispute Resolution 265. Khoukaz is the second Mizzou Law student to receive this award in recent years.

* The law school’s chapter of the American Constitution Society received the national organization’s 2017-2018 Programming Award at the annual conference in June 2018. The award specifically acknowledges
the many important issues the chapter brought to public discourse in the law school this year, including net neutrality, criminal justice, immigration, the rule of law, income inequality, labor and free speech.

* Over spring break, the law school’s Alternative Dispute Resolution Organization executive Jon Ence, 2L, participated in the inaugural Online Dispute Resolution Competition. Ence placed second in the tournament, competing in online negotiations against teams in the U.S. and abroad including Truman State University, Pepperdine University, Drake University and Glasgow University in Scotland.

* Jessica Peterman, ’18, won first place in the American College of Coverage and Extracontractual Counsel’s Law School Practical Skills Writing Competition on Insurance Law Problem. The assignment was a memorandum of points and authorities in support of or in opposition to a motion for summary judgment. Submissions were evaluated on the quality of the legal arguments, the persuasiveness of the writing and the writing quality.

* Abigail Williams, ’18, received a Leaders of Tomorrow award at the 20th Annual Women’s Justice Awards event, hosted by Missouri Lawyers Media. Williams was recognized as a third-year student for leadership, professionalism and passion for making a difference in the justice system or legal profession.

* A paper written by 3L Abby Coursen, “Allowing for Specific Consents to Adoption – A Proposed Amendment to Missouri’s Section 211.444,” was accepted for publication in Western Michigan Cooley Law School’s Journal of Practical & Clinical Law. The paper was written for the Advocacy, Family Violence and Public Policy seminar class taught by Professor Mary Beck, ’88.

* Max Mauldin, ’18, and Jessica Peterman, ’18, won the Mizzou Law Board of Advocates’ intra-school mediation competition. The runners-up were 2Ls Anna Wilmesher and Rhett Buchmiller. Mauldin and Peterman joined Melissa Knerr, ’18, and John McCaskill, ’18, in competing at the 19th Annual Representation in Mediation Regional Competition, sponsored by the American Bar Association Section of Dispute Resolution.

* Students in the Family Violence Clinic and Professor Mary Beck, ’88, prepared an amicus curiae brief for the Academy of Adoption and Assisted Reproduction Attorneys (AAAA) for the Supreme Court of the United States. The students filed the brief on February 2, 2018, in the case of R.K.B. and K.A.B. v. E.T. on Petition for Writ of Certiorari to the Utah Supreme Court. Third-year students Lauren Vincent, Taylor Banholzer, David O’Connell, Shawna Quast and Emily Crane researched and wrote the brief with Beck and Mark D. Fiddler, both of whom are AAAA fellows.

**Faculty and Staff Accomplishments for 2018**

* Librarian Cindy Bassett was named the recipient of the 2018 Jo Ann Humphreys Law Library Employee Performance Award, which is presented to a Law Library or IT staff member or librarian who honors the memory of Jo Ann Humphreys. The awardee is determined based on outstanding contributions to the law school community that enhance the quality of law school life and purpose through support of its core teaching.
research and service activities. Bassett is the electronic services librarian working in collection management/instruction. (See photo on page 47; Bassett is pictured on the right.)

✱ Professor Carli N. Conklin was appointed to a three-year term on the Committee on Civic Education by the Supreme Court of Missouri. The committee was created to “engage Missourians in a dialogue about their courts.”

✱ Professor Dennis Crouch was chosen as one of the 50 most influential people in intellectual property by Managing Intellectual Property, a source of news and analysis on IP developments worldwide. He was also listed as one of the “20 Most Cited Intellectual Property & Cyberlaw Scholars in the U.S.” for the period of 2013-2017 on Brian Leiter’s Law School Reports. He is ranked at number 17, with 425 citations during the counting period, and is the youngest person named to the list.

In addition, the Court of Appeals for the Federal Circuit cited two essays written by Crouch on the patent law doctrine of subject matter eligibility. The articles, “Patent Eligibility: Eligibility Analysis and Its Underlying Facts: A Roadmap for Surviving Dismissal on the Pleadings” and “Patent Eligibility: Underlying Questions of Fact,” were published on Crouch’s blog, Patently-O.

✱ Professor Larry Dessem was selected for the 2018 Gold Chalk Award by the MU Graduate Professional Council. The award recognizes university faculty members “who have made significant contributions to the education and training of graduate and professional students,” according to the award’s website.

✱ Professor David English was appointed by the Uniform Law Commission as a member of the committee to draft a uniform act on the Economic Rights of Unmarried Cohabitants. The committee deals with the many property rights issues that can arise between unmarried couples of different or same sex.

He was also elected chair of the 25,000-member American Bar Association Section of Real Property, Trust & Estate Law. He will hold the position until the 2019 ABA Annual Meeting in August. English has been active in the section since 1987.

English co-chaired a task force that proposed a revision of Missouri’s adult guardianship laws, which was passed by the Missouri legislature and signed by the governor. Senate Bill 806 is the first comprehensive revision of Missouri’s adult guardianship laws since 1983.

✱ Professor Rafael Gely received a Faculty-Alumni Award from the Mizzou Alumni Association during the 51st annual awards ceremony in November. The awards celebrate outstanding faculty and alumni who work to advance the arts, sciences and humanities.

Professor Chuck Henson’s article, “Title VII Works – That’s Why We Don’t Like It,” was cited by Judge Gerard E. Lynch in support of his review of the legislative history of Title VII in a dissenting 2nd Circuit Court opinion.

Professor Emeritus John Lande received a Section’s Chair Award from the American Bar Association Section of Dispute Resolution during the 20th anniversary celebration of the section’s spring conference. He was also named to the American Bar Association Section of Dispute Resolution’s Publications Board.

Associate Dean S. David Mitchell was reappointed to the Missouri State Advisory Committee to the U.S. Commission on Civil Rights, which is composed of citizen volunteers familiar with local and state civil rights issues.

Professor Carol D. Newman was named the inaugural winner of Emory University School of Law’s Tina L. Stark Award for Excellence in the Teaching of Transactional Law and Skills. The award honors an individual who has made significant contributions to the field of transactional law and skills education.

Professor Rigel C. Oliveri was appointed by Columbia Mayor Brian Treece to serve as a commissioner for the Columbia Housing Authority Board. Oliveri is a nationally-recognized expert on fair housing law.
Staff member Nicole Rudkin was named the recipient of the 2018 Patty H. Epps Award, which is presented to a staff member who honors the memory of Patty H. Epps with exceptional public service, cheerfulness and indomitable spirit and dedication to the School of Law. Rudkin works in the law school’s fiscal office. (Rudkin is pictured on the left.)

Professor Amy J. Schmitz was appointed to serve as the liaison of the American Bar Association Section of International Law to the United Nations Commission on International Trade Law (UNCITRAL) for the term running from August 10, 2018, to August 10, 2019. Schmitz is the section’s ambassador to UNCITRAL, which includes working groups on various issues of trade and commercial law.

Schmitz was also reappointed as the co-chair for the American Bar Association Technology in ADR Committee and was invited to become a fellow of The National Center for Technology and Dispute Resolution. In addition, she was selected to serve as chair of the MU Campus Mediation Service Committee, starting September 1, 2018.


Professor Ben Trachtenberg was cited in a May 2018 brief to the U.S. Supreme Court, regarding his work on the coconspirator statements exception to the hearsay rule. Trachtenberg also received the 2018 MU Provost Award for University Citizenship in Leadership. The Provost’s Faculty Leadership Award recognizes faculty who have provided exemplary leadership for the university.

Professor Emeritus Rodney J. Uphoff was appointed as an extraordinary professor for a three-year term by the Department of Criminal Justice and Procedure at the University of the Western Cape in Cape Town, South Africa.
The School of Law recognizes the following individuals who provided financial support during the fiscal year beginning July 1, 2017, and ending June 30, 2018. Thank you!
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In the Winter 2018 issue of Transcript, we announced that the magazine would reduce its publication frequency from bi-annually to annually. The change saves the law school an estimated $20,000 per year and allows the communications staff to better juggle print and digital communications.

As a result of the decrease in publication frequency, we had to rethink how we presented alumni news items, including Alumni Notes and Alumni Memoriam. With the new distribution schedule, we might receive news from an alumnus in January and not print that news until the following December, by which time it is likely stale.

To fill this new need, we moved Alumni Notes and Alumni Memoriam online. Both sections are sortable by class year, last name and date posted. News items can be easily shared on social media or other digital channels. The space constraints we faced with the magazine no longer exist, allowing us to provide more detailed news items.

We welcome you to continue to submit news items for either Alumni Notes or Alumni Memoriam as shown above. And, as always, we welcome your thoughts about how we’re doing with our communications efforts in an ever-changing environment.

Casey Baker
Editor
University of Missouri School of Law
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