

CHASE

Salmon P. Chase College of Law Magazine

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SERVING THE CAUSE OF FREEDOM

Personal accounts from two alumni and a student



This issue of *Chase* provides an opportunity to focus our attention on two professions most responsible for the establishment, preservation and enormously successful growth of our American Democratic Republic - SOLDIERS and LAWYERS. Many members of the Chase community have served in both professions, and this issue highlights but a few examples.

Focusing our attention on these two professions at this time is particularly important as our nation experiences some of the same challenges we encountered at the time of the formation of our country. Among these challenges include confronting major threats to our security and balancing our response to this threat in a way that helps preserve and protect our treasured interest in individual liberty.

As a starting point it is worth reflecting on the important role that the military played in the establishment and evolution of our democracy. Of course our soldiers fought and died on the battlefields of colonial America against the British to win the opportunity for independence. The military victory was essential to the success of our revolution and was a force without which there would have been no opportunity to establish the United States as we know it today.

Beyond the military victory on the battlefield, however, many of our American soldiers and military leaders distinguished themselves further by playing major roles in shaping our Constitution and the form of the democracy that was to serve us for the next 200-plus years. Among the strongest supporters of the proposed Constitution were two soldiers from Virginia who had distinguished themselves in combat and who had shared that powerful bonding and impressionable experience called "Valley Forge", George Washington and John Marshall. The influence of these two military leaders, shaped by their war experience, was a dominant force in the successful adoption of our new Constitution.

Our military has continued to the present day to play an essential role in maintaining our security, freedoms and democracy at home and helping establish conditions throughout the world to give democracy a chance for others. Members of the Chase community have served and continue to serve in all branches of the military, active and reserve, and have contributed and continue to contribute to the important role the military plays in preserving our security and protecting our freedoms and our democracy.

Another great strength of the United States, however, is that it was founded primarily by lawyers – people like James Madison, John Adams, Thomas Jefferson, Alexander Hamilton and John Marshall. These leaders in early America had an essential affinity for the law and an understanding of the need for order and for a system designed to make law operable. They argued as they sought to achieve a balance between the authority of government and the people; they argued over the allocation of government authority between a central government and state governments; and they argued as they sought to balance government power among the executive, legislative and judicial branches of government. However, they never disputed the need to resolve matters through a system of laws. Lawyers in early America were most responsible for taking the opportunity won by soldiers on the battlefield and creating a successful system of government that effectively balanced the governmental power and authority necessary to maintain our security with the equally strong interest in protecting individual liberty from government. Today's lawyers, including Chase graduates, have a similar challenge in the wake of today's new threats to our security. Lawyers must take an active and leading role in helping our nation once again strike the delicate balance between providing government the power and authority needed to protect our nation against these new threats while continuing to maximize the individual liberty we all cherish.

Please join me in honoring the members of the Chase community who have served and continue to serve in our armed forces in defense of our nation. Please join me also in re-committing ourselves as lawyers to being active participants in our legal profession's efforts to strengthen our American democratic republic. Our nation once again depends on our military and our legal profession to guarantee our future. ⚖️

Gerry St. Amour

DEAN

CHASE

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FOLLOWING IN FAMILY FOOTSTEPS

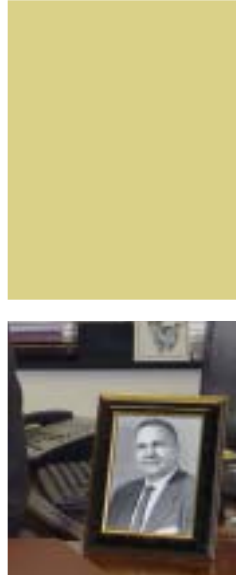
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WITH FAMILY AND FRIENDS

The number of Chase graduates who can cite relatives who have attended Chase before or since they themselves did, and in some cases *both* before and after, is a real testament to the reputation that the law school has earned and sustained over its 110 years. The fact that so many families have multiple members who are alumni of Chase is all the more remarkable precisely because a public institution such as Chase cannot grant special consideration to legacies as part of its admission criteria. And still they keep coming... promoting Chase to their offspring, siblings, nieces and nephews, friends, neighbors, and so on.

Common threads run through many of their individual experiences. One of the most cited is the practical aspect of the legal education Chase provides.

DAVID L. HARGROVE '87 says he believes his education at Chase "is the cornerstone of my practice."

"Chase challenged you to perform academically, while at the same time, focused on the practical part of the law practice," he notes.

His uncle, **ROBERT W. PEELER '82** of Peeler, McGary & Zopff Co., L.P.A., recommended that he attend Chase.

"I encouraged my nephew David to go to law school, specifically Chase," he says, adding, "Chase has a good blend of academic and practical training. If you plan to practice in the greater Cincinnati area, the contacts are also very helpful."

Peeler says he left Chase "prepared to practice law, with a good feeling about my professors and the staff."

Hargrove also points out that smaller class size at Chase enables students to "get a lot more one-on-one contact with professors."

"The placement office is very helpful in getting you contacts for clerkships and attorney positions" "I always felt that Chase was unique in its camaraderie among its students."

JIM POSTON, JR. '81 of Poston, Seifried & Schloemer echos similar sentiments in

relating his experience at Chase.

"My education at Chase has served me well and on many levels," says the former NKU Regent. "It has allowed me to have the continued networking with Chase graduates in the community in which I practice. In addition, I felt when I graduated, and still today, that Chase College of Law prepared me well to be a legal practitioner."

When asked what he would tell a prospective student about Chase, he responds: "It (Chase) offers an education from an institution with over a 100-year pedigree of training, educating and producing lawyers ready to accept and excel no matter what the challenge."

His father, **JAMES POSTON, SR. '51** says his success as an attorney influenced not only his son, James, Jr., but also two sons-in-law, **DANIEL LEE JONES, JR. '95**, Dinsmore & Shohl LLP, and **GREGORY N. SCHABELL '81** of Busald Funk Zevely, and a grandson, **GREGORY N. SCHABELL**, a current student. Jim Poston, Jr., also has a brother-in-law, **BROCK DENTON '00**, with Keating, Muething & Klekamp, PLL, who attended Chase.

James Poston, Sr. reiterates a couple of points his son made about Chase. "Chase gave me an excellent education and therefore a strong foundation to begin practicing law. I also met many people at Chase who helped me later in my career."

"Although I attended Chase more than 50 years ago, Chase still provides an excellent program. The legal system is the foundation of our society. Chase taught me the law and how to use it."

WILLIAM J. DEUPREE III '76 hails from a long line of lawyers and has a grandfather who was a Chase alumnus. His son, Carter Newlin Deupree, entered as a full-time law student this fall. He reports that Carter has the distinction of being a fifth-generation lawyer and a fourth-generation northern Kentucky lawyer. He is also the third Deupree to attend Chase.

Carter's paternal great-grandfather was **WILLIAM J. DEUPREE, SR.**, a 1910

graduate of Chase. He practiced in Covington until the close of his life in 1953. From 1921 to 1935 he was the Referee in Bankruptcy for the Eastern District of Kentucky.

According to William Deupree III, as a young man the elder Deupree lived in Latonia, and he and his brother walked to Cincinnati every evening where William attended Chase (then known as the YMCA Night Law School). William's brother was Richard Redwood Deupree, who eventually rose to become the president and chairman of the board of Procter & Gamble.

"We are proud of our legal heritage and equally proud that Chase has been a part of that heritage for nearly a century," says William Deupree III, who is a partner in the Crescent Springs firm of Ziegler & Schneider where he specializes in real estate matters.

The late **JUDGE JUDY WEST '77** attended Chase as a non-traditional student, and according to her son, **JIM WEST '92** of Ware, Bryson, West & Kummer PLLC, "The professors at Chase College of Law still talk about how she came into the school as a non-traditional student and excelled at both school and maintaining family balance."

"My mom was an incredible woman," he recounts. "During my mother's life, she had a remarkable impact on many people including family, friends and colleagues. But perhaps her most important professional contribution was pioneering the way for women in the practice of law and the judiciary in the state of Kentucky."

"I decided to attend Chase College of Law for a number of reasons. First and foremost, my mother was confident in its faculty's ability to deliver a high-quality legal education. My mother's confidence in the school was not only developed during her experience at Chase, but maybe even more importantly, the support she received after graduating from Chase. She treasured her relationship with the school and its faculty and enjoyed advocating for the school when given the opportunity."

LEGACY

“The educational foundation provided at Chase was tremendous,” he adds. “The faculty was always available, both before and after graduation. But even more importantly, I believe that one of the hidden strengths of Chase is its relationship with local attorneys. Chase has a ‘deep bench’ of extremely successful local attorneys who actively share their knowledge and expertise with the Chase students. This provides an unmatched experience. Moreover, the students are provided many excellent opportunities to network with these attorneys, which could lead to employment or at least a solid rapport, which is critical to being successful in this profession.”

“I am extremely proud to be a graduate of Chase and the father of a fellow graduate,” comments **RICHARD LAWRENCE** ’71 of The Lawrence Firm, LPA.

“Some of the best advice I ever received was from the late **DAVID P. MOORE** ’63, who told me to go to law school in the geographic region where I sought to practice. He highly recommended his law school, Salmon P. Chase, and I have never regretted it from the day I enrolled.

“I am privileged to represent people who are profoundly injured and usually through no fault of their own. I am further privileged to be joined in the endeavor by my daughter, **JENNIFER LAWRENCE** ’96, and my son-in-law, Rob Lewis, along with lawyers who have become close friends.”

Jennifer readily admits that her dad was a big influence on her decision to attend Chase.

“My dad always talked about how much he had learned while a student there and how many people he still keeps in touch with from Chase,” she says.

“My education from Chase has given me an advantage because there are always so many alumni within the community that I could call for help. I also have made many friends. In fact, going to Chase is how I met my husband, Rob Lewis. Our mutual friend, Jill (Meyer) Vollman ’96, who worked with Rob at the time and was a friend from Chase, introduced us.

It also has been enjoyable working with both my dad and my husband, Rob.”

GREGORY KARAM ’82 grew up in a household where knowledge of the law was important thanks to his father, **ERNEST KARAM** ’47, who had his education at Chase interrupted by naval service during World War II.

Now in his 90s and Chase’s oldest known living alumnus, the elder Karam retired from Scripps Howard as circulation director of *The Cincinnati Post* at the age of 65, having started his career there in 1933, and is currently chief magistrate in the Hamilton County Court of Domestic Relations. He cites the convenience, prestige and fine education as reasons he chose Chase for his legal education, along with his ability to keep his full-time day job while attending school at night.

Says his son, Greg, “My actual practice of law has been limited because my primary career activity was air traffic control. My education at Chase taught me to think as a lawyer and has given me the confidence to approach and resolve legal issues. I truly feel that a legal education is one of the most practical academic experiences a person can have.”

He praises the Chase faculty by saying “some of my best college professors are at Chase.” He also mentions the “good student intern opportunities” that contributed to his “solid, competent legal education.”

Chase faculty members and their relatives also are part of its legacies. **JACK GROSSE** ’62, former dean of the law school, has a daughter, **LISA** ’77, who followed her father’s lead when it came to choosing a law school. She works for the Industrial Commission of Ohio.

Attending Chase proved to be a life-altering decision for Jack Grosse.

“My education at Chase changed my intended career direction,” he recounts. “I had been pursuing a doctorate in economics at the University of Cincinnati. I had acquired an MBA at Xavier University and was teaching economics at Chase and at Xavier University and had intended to make that my career. After

attending Chase, I changed my career perspective. My training at Chase provided me with a sound legal education and provided me with the necessary tools to succeed in the practice of law or, in my case after a short time, in the teaching of law.

“Since I was married with two children, I needed a part-time law program. Chase was the only possibility within 100 miles. Also, Chase had an outstanding reputation as a law school that specialized in training lawyers to practice law rather than to advise corporations or public entities. My research indicated that most Chase graduates practiced law and/or became judges. In 1959, when I entered Chase, most of the municipal judges and about one-half of the common pleas judges in the area were Chase graduates.”

“Certainly, my father’s experience at Chase influenced my desire to attend Chase,” comments Lisa. “He was so intricately involved with the school throughout my childhood. Often when we were out, we’d encounter students or past students who seemed genuinely glad to see my dad. He had as much respect for them as they did for him.

“I saw how important a law career was through his dedication and hard work at Chase. It was obvious to me that Chase was a desirable place to study law.”

She sums up her experience at Chase as “rewarding hard work” – words that would undoubtedly make her father or any other Chase professor proud.

SARA SIDEBOTTOM ’78, vice-president for legal affairs and general counsel at NKU, always knew from the time she was a little girl that she wanted to attend her father’s (**WILLIAM SIDEBOTTOM** ’44) law school.

“When I graduated from college I began teaching in the Cincinnati Public Schools in order to earn money to pay for law school,” she recalls. “Chase was the only school to which I applied. The availability of an evening law program ensured my ability to continue to work full-time while seeking my degree. An added bonus in attending my father’s alma mater was the quality and experience of my

Family Tradition...
How the right decision led to a
CHASE LEGACY

professors, many of whom were highly respected full-time practitioners.”

Her nephew, **SHANE SIDEBOTTOM**, graduated from Chase two years ago (2000). He now works for Bartlett & Weigle Co., LPA.

“Needless to say it pleases me to no end that the tradition my father began is now being carried forward to the third generation. Chase is very important to my family,” she says.

“Chase offers high quality education, caring faculty, opportunity for public engagement and nationally recognized Moot Court and Trial Advocacy programs. Additionally, the friends you make at Chase become your friends and colleagues for life. It is also one of the few law schools in the country that offers day and evening programs.”

ALAN J. HARTMAN ’78 says that even after 25 years in practice, he still recalls things he learned at Chase or things a professor said that help him in his practice at Deters, Benzinger & LaVelle.

“Sometimes it is one of these recollections that get me headed in the right direction to solve a legal problem for a client,” he acknowledges.

His positive experience and feelings about Chase led his son, **PATRICK HARTMAN**, to pursue his legal education at Chase.

“My dad’s experience reinforced my opinion that Chase is a good school,” the younger Hartman, who attends Chase on a full scholarship, explains. “He enjoyed his experience at Chase, and I have seen how his education has made him successful in his legal career.”

He credits Chase for having programs in place that ease the transition into law school, professors who are available to help students individually, a library that offers a helpful staff and extensive resources while also providing a good study environment, and a career development center that is very helpful when searching for a job.

“I found it interesting that I had one of the same professors (Professor Schneider) that my dad had when he attended Chase.”



BY: **CHRIS COLE** '99 (NKU)
 DIRECTOR OF
 MEDIA RELATIONS, NKU

When Alyson Schlinger ’85 made the decision to attend Chase College of Law in 1982, she hoped that earning a law degree would open doors for her. She couldn’t have imagined just how many doors.

Now vice president, secretary and general counsel for Esco Technologies, Inc. in St. Louis, Missouri, she credits much of what she has accomplished to the time she spent at Chase.

“A lot of good people worked really hard to help me,” Alyson recalls. “The faculty really cared. The goal was to produce lawyers who really got out in the world and contributed and knew how to practice law.”

“I’m kind of at a point in my career when I feel really lucky at my age to be a general counsel,” she says. “I was fortunate to go to Chase. I guess I’m feeling very happy with my life choices and where I am. Chase is a very good, practical law school,” Alyson says. “It’s really down-to-earth. I work real closely with so many lawyers from the best Ivy League schools, and I can honestly say that Chase produces lawyers that are every bit as talented.”

Not only did Alyson find a good, practical legal education at Chase, but she also found Chris Barclay ’86. Both had attended the University of Kentucky and both had majored in business, but they had never met.

“Chris likes to joke that he met me in a bar,” Alyson says. Like a lot of Chase and Northern Kentucky University students, she spent some time between study sessions at Skyline Tavern. While there one day, Chris asked a mutual friend about Alyson...and they’ve now been married for 17 years. “Chris and I met at Skyline and fell in love at Chase,” she says. “The school had so much to do with where we are.”

Alyson and Chris became the ultimate “legal couple.” Their first date was at a Bar Association Halloween party. Chris proposed at Barrister’s Ball.

As for her time at Chase, Alyson remembers “a lot of studying – hours and hours of studying.” She and Chris never studied together, however. “I’d grab an empty room, he’d grab an empty room, and we’d meet up for coffee afterwards.”

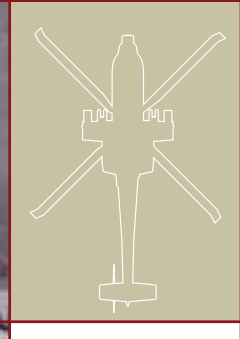
“Going to Chase was a tremendous amount of work,” Alyson says. “It wasn’t easy for me, but I was lucky to be in a really close-knit environment. I had a lot of friends.”

For Chris, things weren’t quite as difficult. After all, he began dating Alyson his first semester at Chase, and she was a second-year student. “He used to say he dated me for my outlines,” Alyson says. “He was the outline king. After we started dating,” she adds, “I was really worried he’d flunk out. He didn’t study nearly as much as I did. I guess it just came easier for him.” Undoubtedly the outlines helped. “Since we started dating soon after he got to Chase,” Alyson says, “his parents give me credit for his whole legal career.”

For Alyson, Chase has become a family tradition. Having paved the way, Alyson saw her younger sister, Polly, receive her law degree. And like Alyson, Polly met her future husband while at Chase. “When Polly got engaged, it was really strange to my parents,” Alyson says. “A lot of law students date other law students...but I guess it is kind of weird the way things worked out for us.” Now her younger brother, Eric, is at Chase.

“Most people are surprised when they hear about all of us,” Alyson says. “They make some comment on what our arguments or family discussions must be like.” Alyson and Chris have two kids – Chase (11) and Polly (8). Polly wants to be a veterinarian/lawyer, and Chase wants to be an attorney as well. “He talks about wanting to be a lawyer,” Alyson says. “Not that he has a choice. Everyone around him is a lawyer.”

SERVING THE CAUSE OF FREEDOM



ELMER REIS

JOHN DUNN

TRAVIS ROGERS

“There never was a good war or a bad peace,” Benjamin Franklin wrote in a letter to Josiah Quincy, a leader of the American Revolution.

We dedicate the following pages not to debate the merits or maladies of battle but to thank those countless American men and women for whom war was their destiny.

For this issue, we sent e-mails to Chase alumni and students asking for their war stories. Three — two alumni and a student — responded to our query:

JOHN DUNN, a captain in the U.S. Army Reserves, had begun what was to be his final semester at Chase this past spring when duty called. Dunn, who kept his mind sharp in the scorching Iraqi desert by reading John Grisham thrillers, was a logistics officer for the Fort Thomas-based 478th Engineer Battalion.

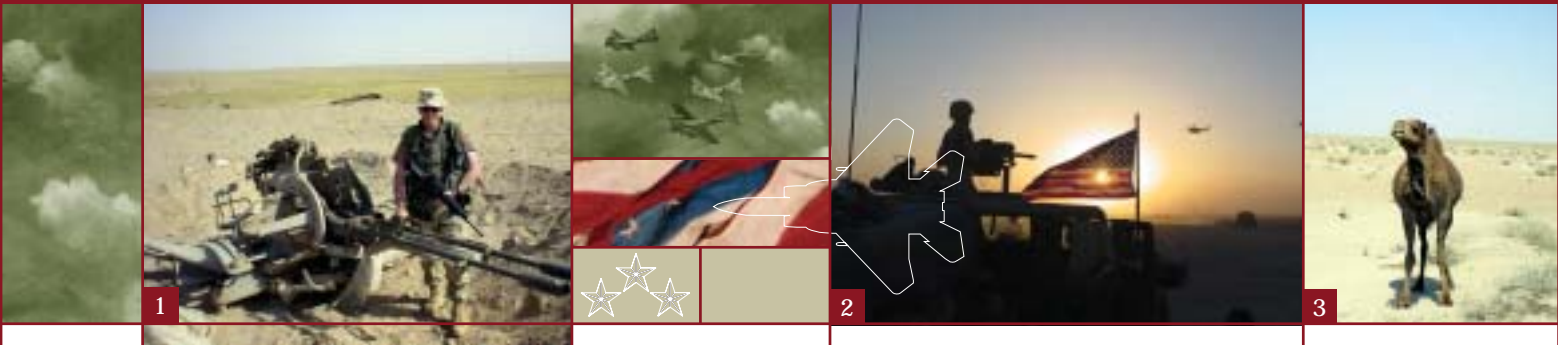
TRAVIS ROGERS, a 1996 Chase graduate and captain in the Army JAG Corps, also served in Operation Iraqi Freedom. He served as a criminal defense attorney for American soldiers and volunteered for a legal team to help restore law and order to the Iraqi town of Mosul. Rogers is attached to the 101st Airborne Division in Fort Campbell, Kentucky.

ELMER REIS, a World War II Army veteran whose unit helped to liberate the Nazi death camps, graduated from Chase in 1951 with an L.L.B. that was converted to a J.D. degree. Reis and his wife, Esther, have spent many hours sharing war stories with local youth.

As we observe Veteran’s Day, we give thanks and praise to our veterans for their patriotism, their love of country and their loyalty to serve and sacrifice for the rest of us Americans.

BY JIM PICKERING, DIRECTOR OF COMMUNICATIONS AND SPECIAL PROJECTS, NKU

Personal accounts from two alumni and a student



JOHN DUNN | *Student*

For those who know John Dunn, nothing short of death could have kept him from graduating from Chase College of Law.

With the exception of war.

Dunn, a captain in the Army Reserves, was a month into what was to be his final semester of law school when duty called in February. On May 18 he was to receive his J.D. degree.

“I received a call on a Tuesday afternoon and began preparing for deployment on Wednesday morning,” recalls Dunn, past president of the Chase Student Bar Association and a member of the school’s trial advocacy team.

Within an hour of the call, he had told the news to his family, including his fiancée, third-year Chase law student Elizabeth Selby, his employers at Reminger & Reminger law firm and Chase administrators.

By the end of the week, he had relocated to Fort Campbell to help prepare his unit for war with Iraq. By the second week in March, Dunn’s Fort Thomas-based 478th Engineer Battalion — assigned to support for Marine and Navy engineer posts — had landed in the Kuwaiti desert.

As the battalion’s logistics officer, the 29-year-old Dunn supervised and coordinated support between his unit and American troops throughout the war. That support included overseeing transportation, fuel, food and living quarters.

His unit was based out of northern Kuwait alongside the Marines, eventually pushing forward together into southern Iraq. There, they conducted operations from and around several towns in that region.

At the start of the war, Dunn’s unit worked under constant threat of missile attacks. For the better part of two weeks they lived in their chemical protective suits, holing up for hours at a time each day inside bunkers.

“A number of missiles came rather close to our soldiers, some being shot down by Patriot missile systems less than a kilometer from our base,” recalls the Alexandria, Kentucky, resident. “Fortunately we were never exposed to much direct fire. We had no combat injuries and limited non-battle injuries.”

An evenmore pervasive “enemy” — the weather — became the military’s greatest obstacle, Dunn says.

“Typically the heat reached 120 degrees each day and only got warmer as the day wore on,” he recalls. “By 10 a.m. it brought most activities to a literal standstill. It made for early mornings and late evenings as we attempted to accomplish our duties each day.”

For a short time, Dunn and other officers were housed in air-conditioned tents. “It was wonderful. The temperature in our work and sleeping areas dropped to about 90 degrees. It made for some beautiful nights,” he jokes.

The heat also wreaked havoc on equipment, increasing “exponentially” the amount of maintenance his unit had to perform, he adds.

The monotonous downtime, often a result of the intense heat, sandstorms or the wait for pending orders, was another familiar hardship.

“Life in the desert was not very exciting on a day-to-day basis,” Dunn says. “We were thankful for all of the little things we were able to obtain. For instance, a cold bottle of water is a luxury that I believe many of the soldiers would pay dearly for.”

Reading became a refuge from the tedium for many soldiers. And it kept Dunn’s mind sharp. He consumed quite a few John Grisham legal thrillers, including *The Pelican Brief* and *The King of Torts*, along with legal texts and history books sent along by Elizabeth and one of Dunn’s Chase professors, Robert Bratton.

“Even though I was on the other side of the world and in the middle of a war, reading kept me in touch with law, with my profession,” says Dunn, who has served in the Army since 1993 and who became a commissioned officer seven years ago after graduating from Xavier University.

Still, an even tougher torment — homesickness — was as ever-present for soldiers as the sand and sun of the Iraqi desert.

“We all dealt with the pain of separation from our friends and our families,” acknowledges Dunn, adding that the toughest part of the mission was not knowing when he and his comrades would again see their loved ones. “Of course, as with many military operations, we at the unit level didn’t know until it was right in front of us.”

If there was a pivotal point for Dunn when it became clear that his life had been drastically interrupted, it gave rise on Saturday, May 17, when his Chase classmates received their law degrees.

1 CAPTAIN JOHN DUNN STANDS NEXT TO AN IRAQI ANTI-AIRCRAFT GUN DESTROYED BY U.S. FORCES

2 A U.S. SOLDIER STANDS GUARD FOR A CONVOY HEADED INTO CENTRAL IRAQ.

3 A TYPICAL SIGHT IN IRAQ — CAMELS ROAMING THE DESERT.

“War is not desirable for anyone, but serving our nation and striving to make our nation and world a safer place is desirable for everyone.” JOHN DUNN



TRAVIS ROGERS '96

“That’s when the whole aspect of leaving school, work and my family hit home to me,” says Dunn, who, that day, was preparing for a daylong trip to secure an ammunition supply point and deliver humanitarian aid to the residents of An Nasariah.

But the moment that he was thinking he should have been in some other part of the world — where caps and gowns were being worn and photos snapped with proud parents — dissolved quickly to the tasks at hand.

“I had mixed feelings but recalled the Army cadet’s creed is ‘Mission First, People Always,’” says Dunn, who, individually, was nominated for a Bronze Star and a Meritorious Service medal, among other citations, for his service in Operation Iraqi Freedom. “I accepted my mission and put aside other personal goals.”

Life has returned to normal for Dunn, as normal as possible for a man who has been through his first war, since returning home on July 26. After he graduates in December, he’ll go to work full time for Reminger & Reminger as a civil litigation lawyer, take the bar exam in February and a week later get married.

And for the soon-to-be lawyer, he says time lost by the Iraqi War is abated by the lessons that can only be taught by combat.

“War is not glorious as it is often portrayed,” he says solemnly. “My experience was a common one, lengthy durations of normalcy surrounded by moments of adrenalin, excitement and fear caused by the rigors of combat. War is not desirable for anyone, but serving our nation and striving to make our nation and world a safer place is desirable for everyone.”

As an attorney, Travis Rogers is well versed in the art of negotiation. As a father of three boys, he knows the olive branch that is candy. Both attributes came to his aid during the Iraqi War.

Attached to the U.S. Army’s 101ST Airborne Division as a judge advocate, Captain Rogers was deployed to the Kuwaiti desert in early March. A month later his unit pushed into Iraq, after the ground war had begun.

As a criminal defense attorney, Rogers advised and represented soldiers in the field who were facing adverse action due to an allegation of misconduct.

“Because of the stressors inherent in any combat environment, most allegations revolved around disrespect to a superior or failure to obey orders,” says the native of Somerset, Kentucky.

More than mouthpieces in fatigues, Rogers says Army attorneys are bona fide soldiers.

“I carried a laptop and a rifle with me everywhere I went,” says the captain, who has rappelled from Blackhawk helicopters and parachuted from C-130 airplanes. “If we don’t know how to be soldiers, we will be a liability to those we accompany in war.”

Most accusations were settled through non-judicial punishment known as Article 15, says Rogers, 35, an officer in the Army JAG Corps who is stationed at Fort Campbell, Kentucky. But not all were settled so swiftly.

“While on the southern edge of Baghdad in mid-April, I was involved in a pre-trial confinement hearing for a

soldier with several allegations, the most severe being of battery of another soldier,” Rogers recalls. “While combat was being conducted elsewhere in the city, I negotiated an end to the court-martial proceedings and arranged to have him sent back home, pending discharge.”

Nowhere is the expertise of JAG attorneys more critical than in time of war, acknowledges Rogers, who has defended soldiers for infractions carrying sentences ranging from a reprimand to life imprisonment.

“Everywhere soldiers go, attorneys go,” he says. Attorneys strive to make sure that the Army complies with local, state and federal law and that American commanders and soldiers always “wear the white cowboy hat” in every course of action.

“If we run over a camel,” Rogers says, as an example, “there will be (an Army) torts attorney dispatched to settle the claim. If a soldier has a legal issue back home, involving, say, a landlord/tenant problem or a family law need, a legal assistance attorney will be provided to help him resolve the issue from the theater of operations. If a soldier commits a misconduct during war — or peace — a defense attorney will be detailed to advise and represent him or her.”

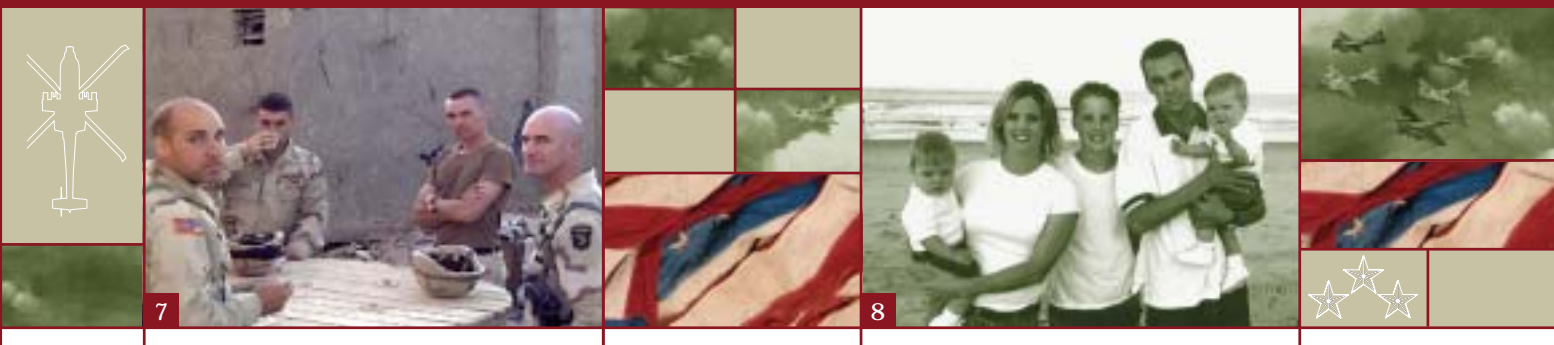
JAG attorneys in Iraq are also making sure that U.S. troops comply with the rules of war and peace as outlined in the Geneva and Hague conventions, Rogers says.

Once in Iraq, Rogers’ unit pushed north through An Najaf, Al Iskandariyah,

4 CAMP FOX SCUD BUNKER

5 CAPTAIN TRAVIS ROGERS (LEFT) AND FELLOW COMRADES FLYING OUT ON A BLACKHAWK HELICOPTER IN IRAQ.

6 IRAQI CHILDREN EXPRESS THEIR GRATITUDE ON THE ARRIVAL OF U.S. TROOPS IN NINEVAH.



Baghdad and Tikrit before settling in Mosul on April 21. As his ground assault convoy crossed into Iraq, Rogers says he was anticipating the worst.

“Would there be a horde of Iraqi soldiers waiting for us? Would the local populace shout and throw stones as we slowly drove through their towns?” recalls Rogers, who says his Chase courses in trial advocacy and negotiation helped pave a successful career as a JAG attorney.

Less than a minute into the country, however, Rogers’ unit was met by two smiling and waving Iraqi children, a girl and boy between the ages of six and eight. He eventually came across thousands of Iraqis, many seeking food and water, who greeted the Americans with gratitude and gifts.

“I met people who shouted ‘I love ya!’ in English, those who kissed my Kevlar helmet as I walked through town, a little boy who found a flower on the ground and chased me in order to present it to me, and those who pushed their way through crowds in order to touch my uniform, ask my name and shake my hand,” recalls Rogers, adding these gestures of goodwill convinced him that the war against Iraq was justified on humanitarian lines alone.

For a dad missing his own children, Rogers says the highlight of his tour was handing out sweets and performing simple magic tricks for Iraqi youth.

“I’m no Houdini by any stretch, but they loved sleight of hand,” Rogers recalls. “And I always kept a pocket full

of candy for them. I wanted them to know that we weren’t there to harm them but to get the bad guys.”

After major combat ended on May 1, Rogers offered to be part of an American JAG team formed to help rebuild the Mosul justice system, a task that would push his negotiating and oral skills to new levels. Local crime was rampant, mostly looting, and there was no way to process offenders because the town’s courthouse had been set afire. On top of that, most of the court’s criminal records had been destroyed.

A publicized meeting, which drew about 100 local attorneys and judges along with translators, proved too unwieldy for fruitful discussion.

“Between the interpreters, vast cultural differences and everyone trying to get a word in, we decided that it would be much more productive to deal with a small group of attorney representatives,” Rogers says. But mistrust among the various groups prevented electing a group.

So, after “much begging, pleading and explaining” by Rogers, he finally ended the standoff by handpicking seven attorneys from different parts of the room.

“How’s that for democracy in action?” he poses rhetorically. “Embracing the democratic process will take some time, but I’m confident that they’ll come to cherish it as much as we do in this country.”

In later meetings, the groups inched toward agreement on how to rebuild law

and order in the city, and together they eventually rebuilt the courthouse itself.

On Memorial Day, Rogers returned to Fort Campbell, to his wife, Audra, to their sons Nic, 13, and one-year-old twins, Will and Jack. Since then, he has learned that Mosul has begun processing alleged offenders.

“I know there’s a lot of work to be done in Iraq,” concedes Rogers, who earned a Bronze Star for his war efforts. “It won’t be easy. Nothing worthwhile ever is easy. But I have great respect for the Iraqi people.”

He adds, “It is the Iraqi friends I made and the many Iraqi children I gave candy to and did magic tricks for that I will remember most about my war experience. “I wish their country the best...”

TRAVIS ROGERS

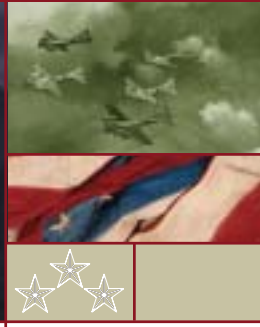
7

CHASE GRAD TRAVIS ROGERS (Second from right) AND FELLOW JAG ATTORNEYS TALK OVER DAY’S EVENTS IN ISKANDARIYAH, IRAQ.

8

THE ROGERS FAMILY (Left to right): WILL, AUDRA, NIC, TRAVIS AND JACK

Inside the camp, the first to be liberated by American troops, lay dozens of circles of corpses lying in piles of 10. Reis says he also entered a concrete-block building where “bodies were stacked to the ceiling like cordwood.” ELMER REIS



ELMER REIS | '51

Don't refer to Elmer Reis as a "true American hero."

He'll gently scoff that you are wrong.

"There were many men who were heroes," says the World War II veteran, his voice mourning the American GIs who never returned home. "I wasn't one of them. I was just doing my job."

True, if heroism were measured only by mortality in battle, then Reis (Chase, '51, '68) is right. After all, he's 86 years young and nearly six decades from the Nazi death camps that he helped to liberate.

Drafted at 24 in 1942, Reis served four-and-a-half years in the U.S. Army with the Fourth Armored Division as a member of the military police platoon. During that time he rose from private to major — the provost marshal, or top cop, of the division.

Though Reis eschews the "war hero" label with the same alacrity that a cat avoids bathwater, he proudly accepts the title of "teacher of the young."

Reis, past president of the Chase Alumni Association (1974-75) and winner of the school's Annual Service Award (1986), regularly visits classrooms to share memories and memorabilia of his war years. He is often accompanied by his wife, Esther, who, as a young English woman during the war, has memories of her own to share.

"We love talking to young people and letting them know why it was such a monumental time in world history," says Esther, who met Elmer on a blind date when he was stationed at an Army base near her home town of Trowbridge in western England (see companion story on next page).

"There were a lot of valuable lessons to

be learned from the war. If we forget the past we risk repeating it," she adds solemnly.

Elmer nods at Esther's words, adding: "We like to impart to young people the importance of a democratic society, and that it behooves us to be careful of whom we elect into power. What happened in Nazi Germany could happen anywhere."

The two most frequent questions posed by students to Elmer: What was war like? and was Elmer Reis ever afraid?

He tells students that "it would take every nasty adjective in the dictionary to adequately describe what it's like being in a war. War was described by (Union General William Tecumseh) Sherman as "hell." I can't improve on that answer. It's nothing you can imagine, nothing I can explain."

As to the second question, Reis says there were indeed times when he feared for his life.

One of the more harrowing moments came on sunny afternoon, when he was hit by fragment from a German artillery shell. He was hurled into a muddy tank rut. His left leg damaged, Reis crawled to what he thought was an American-secured area.

"As I crawled to a safer location, I really was not frightened until I realized that I was just outside the stone wall of a German cemetery," recalls Reis, who eventually limped back to his unit. "I kept thinking, 'God, let me get back home where I can choose my own graveyard.'"

Reis shares another precarious incident: He and 10 other MPs found themselves in a rural village in France when the 4th Armored Division turned over about 100 German prisoners to Reis' group behind

enemy lines.

"We took the prisoners into a barnyard and made them lie down in rows behind a low stone wall, then settled down to await relief," recalls Reis, whose division was part of Gen. George S. Patton, Jr.'s famed Third Army.

Night had fallen when the American soldiers, still waiting for help, heard a German infantry bicycle patrol walking their bikes along a cobblestone street, only several feet from the MPs and their German prisoners.

"We swiftly cautioned the prisoners against making an outcry to warn the bike patrol," recalls Reis, who retired as a full colonel from the Army Reserves in 1973. "We held our breath — guns ready — as the patrol passed. The next morning American troops arrived with trucks that enabled us to transport our prisoners to a POW camp."

Yet none of his life-threatening skirmishes would prepare Reis for the atrocities that haunt him today — the "graphic, stomach-turning" images of the Nazi death camps.

It was a chilly day in April 1945 when his military police platoon entered North Stalag III, a concentration camp near the small town of Ohrdruf. About 4,000 people had been killed at the camp in that year alone.

Inside the camp, the first to be liberated by American troops, lay dozens of circles of corpses lying in piles of 10. Reis says he also entered a concrete-block building where "bodies were stacked to the ceiling like cordwood."

"I see the horrors as clear as I'm sitting

9 ARMY MAJOR ELMER REIS HELPED TO LIBERATE THE NAZI DEATH CAMPS.

10 ELMER AND ESTHER REIS TODAY SHARE THEIR WAR STORIES WITH LOCAL STUDENTS.

11 ELMER REIS HAS COLLECTED A LARGE ALBUM OF WORLD WAR II MEMORABILIA, WHICH INCLUDES THE PHOTO ABOVE.

"He was the nicest man I had ever met," Esther says.

But he was a Yank. And I didn't want to marry a Yank." ESTHER REIS

here today as I saw them then," says Reis, who served in campaigns in France, Belgium, Luxembourg, Czechoslovakia and Germany.

"It shocked us all. These people were totally defenseless. They weren't prisoners of war. They were men and women and children that the Nazis wanted to eradicate."

After the war, Reis returned home to his career in law enforcement. In 1951 he earned his law degree (LLB) at Chase, located at that time in the downtown Cincinnati YMCA. He passed the Ohio State Bar the same year. In 1968 Reis's L.L.B. was converted to a J.D. degree by Chase.

Recently, he and other local WWII veterans have shared their memories on video for the Center for Holocaust and Humanity Education at Hebrew Union College. They've also provided memorabilia for an exhibit titled "Mapping Our Tears" for the college.

Among his memorabilia, Reis has many citations, including a letter of commendation from Gen. Patton, and many medals, including the Purple Heart, Bronze Star, Presidential Citation and the rarely awarded French Croix de Guerre, bestowed to the entire 4th Armored Division.

But Reis remains steadfast to proffering the lessons — and not the medals — of war.

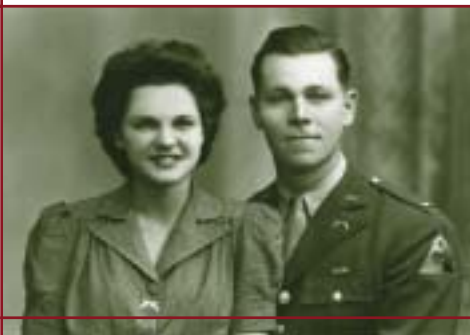
"You don't fight for medals," says Reis, a retired assistant police chief with the Cincinnati Police Department. "You fight for your country. You fight for freedom. You fight against evil."

Reis pauses, looks away as though he were recalling the faces of those young American soldiers who have remained forever young in the minds and hearts of the comrades who made it back.

"Some of us came home from the war to enjoy the freedoms that this wonderful country holds near and dear," says Reis, clearing his voice. "And others stayed behind in graveyards in a foreign land.

"To them, we — all of us here in the United States of America — owe them our eternal gratitude. They were the true heroes."

Spoken like a true American hero...



ESTHER AND ELMER REIS

She was a young English railroad guard, he a lanky American Army lieutenant.

The year was 1944 and the world was at war.

Esther Whatley and Elmer Reis, who celebrated their 58th wedding anniversary on May 31, met on a blind date. He and a fellow soldier took Esther and her girlfriend to a movie.

"When we stepped from the theater he kissed me," recalls Esther, who was 18 then. "And that was all she wrote!"

Elmer, stationed at a nearby Army base, was smitten with the girl from Trowbridge, England. But after a month of dating, Esther stopped seeing him.

"He was the nicest man I had ever met," Esther says. "But he was a Yank. And I didn't want to marry a Yank."

"The Yank" had other plans. He went straight to Esther's mother, announcing his love for her daughter and his intent to marry her.

When he showed up, Esther ran out the back door.

"I had fallen in love with Elmer but was overwhelmed with feelings," she remembers.

But reason took a back seat to romance, and Esther and Elmer became an item again. He proposed; she accepted, and two days later, he left for the Allied invasion of Normandy in June 1944.

After the war ended in Europe on May 9, 1945, the couple married three weeks later in Trowbridge. Elmer signed on for six more months of duty in Europe, as

'YANK' AND ENGLISH GIRL FIND LOVE AMID WAR

BY JIM PICKERING,
DIRECTOR OF COMMUNICATIONS
AND SPECIAL PROJECTS, NKU

the couple made plans to move to the U.S.

But in February 1946, Esther became gravely ill with pneumonia, then with tuberculosis of the spine. She would spend nearly a year in the hospital and two years in a full body cast.

During this time, Elmer had returned to civilian life, working as a Cincinnati police officer.

"I begged Elmer for a divorce," Esther says. "I didn't feel like I could live up to my end of the bargain."

But the young groom refused her plea, writing in a letter that he had promised to love her in "sickness and in health," Esther recalls.

On the advice of her mother, Esther bought a ticket on an ocean liner and headed to the U.S. Elmer met her at Union Terminal, she still in a body cast and laid out on a stretcher.

"Boy, I was a sight!" says Esther with a hearty laugh. "He just smiled, kissed me and said 'I love you.'"

Several months later, Esther had successful spinal surgery to counter the damage from the tuberculosis.

Nearly six decades later, the couple share time with their daughter, Carol, attending various veteran conventions and imparting their personal war memories to local students.

Esther beams and adds, "He's still the nicest man I've ever met..."

CHASE WELCOMES NEW FACULTY MEMBERS

Left to right
ANNETTE BURKEEN
DAVIDA ISAACS
CHRISTOPHER GULINELLO
LAWRENCE ROSENTHAL



ANNETTE BURKEEN

Professor Burkeen graduated magna cum laude from Howard University School of Law, where she was general manager of the *Howard Law Journal*. She earned her Bachelor of Arts degree in classical civilization from the University of Southern California.

After law school, Professor Burkeen worked at the law firm of Latham & Watkins in Los Angeles, California, and in the in-house legal department of The Procter & Gamble Company in Cincinnati, Ohio. She served as a law clerk to the Honorable Consuelo B. Marshall, chief judge of the U.S. District Court for the Central District of California. She taught contracts and sales as a visiting professor at the University of Cincinnati College of Law before joining the Chase faculty.

DAVIDA ISAACS

Professor Isaacs teaches civil procedure and intellectual property, including patents, copyrights and trademarks. In 1995, she graduated from New York University School of Law, where she was associate editor of the *NYU Review of Law and Social Change*. She received her undergraduate degree magna cum laude from Brandeis University in 1992.

Before coming to Chase, Professor Isaacs was an intellectual property litigator for seven years in major New York and Washington, D.C., law firms. During that time, she specialized in electronic and pharmaceutical patent cases as well as e-commerce trademark and copyright disputes. Her scholarly focus is the balance between the rights of intellectual property owners and the

public interest. More specifically, her academic interests range from e-commerce civil procedure issues to the Digital Millennium Copyright Act to national and international regulation of the innovator and generic pharmaceutical industries.

CHRISTOPHER GULINELLO

Professor Gulinello received his J.D. from the University of Iowa in 1997, where he was a note and comment editor for the *Iowa Law Review*. After graduating from law school, he briefly worked in New York City before moving to Taiwan to work as a foreign attorney for Huang & Partners and Baker & McKenzie (Taipei office). In Taiwan, he practiced general corporate law and mergers and acquisitions. He played a major role in advising a local Taiwanese financial conglomerate in one of the largest corporate deals in Taiwanese history.

After his very satisfying and educational experience in Taiwan, he decided to move back to New York City to accept a contract teaching position (associate in law) at the Columbia University School of Law. He also has done several guest lectures at Soochow University in Taiwan over the past few years. The move to an academic career was a welcome development in his professional life. Prior to being reincarnated as a lawyer, he had taught English as a second language in the U.S. and overseas. He has always felt that teaching was his calling.

Professor Gulinello's research interests include corporate governance, international business, comparative law and the law of Taiwan and the People's Republic of China. His article, "The Revision of Taiwan's Company Law: The

Struggle Toward a Shareholder-oriented Model in One Corner of East Asia," will be published in volume 28 of the *Delaware Journal of Corporate Law* this fall. He is currently working on an article on venture capital in Taiwan. He is admitted to practice law in New York State and is a member of the American Bar Association and the Order of the Coif.

LAWRENCE ROSENTHAL

Professor Rosenthal joined the Chase faculty in fall 2003 after teaching at Stetson University College of Law (St. Petersburg, Florida) from 1998 to 2003. While at Stetson, he served as the associate director of research and writing and taught research and writing, employment discrimination law and a legal drafting course.

Professor Rosenthal graduated from Union College (N.Y.) with a bachelor's degree in political science and later earned his J.D. from Vanderbilt University Law School. After practicing employment law for five years in Tampa, Florida, and Washington, D.C., he earned his LL.M. (with distinction) from the Georgetown University Law Center in 1998.

He has published two articles. "Requiring Individuals to Use Mitigating Measures in Reasonable Accommodation Cases After the Sutton Trilogy: Putting the Brakes on a Potential Runaway Train" was published in *54 S.C. L. Rev.* 421 (2002). "Motions for Summary Judgment When Employers Offer Multiple Justifications for Actions: Why the Exceptions Should Swallow the Rule," in *2002 Utah L. Rev.* 335 (2002).

When he is not working, he enjoys fishing, golfing and watching movies. He is also a big football and hockey fan.

CHASE GRAD HONORED WITH ABA JUSTICE AWARD

Chase alumna Kim Brooks '89 received the Livingston Hall Juvenile Justice Award from the American Bar Association for her work, along with that of partner Shannan Wilber, in *Doe v. Younger*. The lawsuit challenged living conditions as well as policies and practices at the Kenton County Jail for juvenile offenders. It alleged that detainees were held within sight and sound of adults and were illegally detained as status offenders.

Although fire safety violations eventually led to juvenile offenders no longer being held there, the lawsuit did

result in changes to the holding of juveniles throughout the state and in state-wide reforms in the juvenile justice system.

Brooks, who graduated from NKU in 1978 with a degree in social work, obtained her J.D. from Chase in 1989. She is the founder and executive director of Children's Law Center in Covington.

She and Shannan Wilber were presented with their award, which recognizes the contributions of individuals dedicated to protecting children in the justice system, by A. P. Carlton, president of the ABA, during the organization's annual meeting

in San Francisco on August 10.

"It is exceedingly appropriate that we are able to give this award to two outstanding lawyers working to uphold children's right to counsel during the 40th anniversary year of the Supreme Court's ruling in *Gideon v. Wainwright*," said Wallace Mlyniec, co-chair of the Juvenile Justice Committee. "Their work upholds the spirit and the intentions of that landmark ruling, and we greatly appreciate the fine work that these two dedicated professionals do each and every day."

JOINT VENTURE PROVIDES HELP FOR HOMELESS YOUTH, EDUCATES PUBLIC

Homeless children in the northern Kentucky area will be able to access educational, housing and other needed services more easily thanks to a grant from NKU's University-Community Partnerships and the collaborative efforts of Chase College of Law, the Children's Law Center and students from NKU's Department of Allied Health and Human Services, Department of Political Science and College of Education.

The grant of nearly \$63,000 will not only improve the lives of the area's homeless children but seeks also to educate the community at large about the nature and scope of the problem and to provide advocacy and direct legal representation, if necessary, for homeless youths who are not receiving services for which they are eligible.

"Homeless youths have many special needs, including finding safe housing, continuing their education and

overcoming the legal disabilities imposed on minors," said Lowell F. Schechter, professor of law at Chase College of Law. "This collaborative project between NKU and the Children's Law Center will help to provide remedies for laws, regulations and policies that do not adequately address the needs of homeless children or that are detrimental to their best interests."

In Kenton County alone, there were more than 550 homeless children last year, and this figure included youths who are part of a homeless family unit as well as those who have been thrust out on their own. In both cases, homeless youths have few resources and are particularly vulnerable to insensitive official decision making concerning their interests and outright violations of their rights, according to Schechter.

As with all NKU University-Community Partnership grant programs,

NKU students will be heavily involved in the project. Law students and students from the College of Education, Department of Allied Health and Human Services (social work) and Department of Political Science (public administration) will receive educational opportunities and professional-skills training from their participation in the project.

The University-Community Partnership grant program is administered by NKU's Scripps Howard Center for Civic Engagement. The center works to match NKU faculty with various local and regional organizations to address significant issues facing the greater Cincinnati region by researching, evaluating and resolving problems affecting the region.

Chase alumna Kim Brooks '89 is the executive director and founder of the Children's Law Center located in Covington, Kentucky.

The Northern Kentucky Law Review is pleased to announce the spring 2004 symposium, "Campaign Finance Reform After Federal Election Commission v. McConnell." The event will take place in the Cincinnati metropolitan area on Saturday, February 14, 2004. Please direct all questions to the symposium editor, Ruth Tincher, at (859) 572-5444.

IN THE SERVICE OF THE PUBLIC – CIVIC ENGAGEMENT AT CHASE

BY PROFESSOR LJUBOMIR NACEV

The traditional purpose of law schools is to teach students to think like lawyers. This generally means to teach students those skills that we associate with lawyering functions – the capacity for legal reasoning, the capacity for communication and the capacity for advocacy. Whether law schools also successfully teach students about law and its role in society is at times debated in the legal academy.

Here at Chase, two programs in the tax curriculum serve both of these purposes and speak directly to this debate. The two programs are the Chase Volunteer Income Tax Assistance (VITA) program and the Chase Tax Clinic.

In VITA, Chase law students help low-income taxpayers file their federal and state tax returns. In the Tax Clinic, Chase law students help low-income taxpayers resolve controversies with the IRS and assist ESL taxpayers in interacting with the U.S. tax system. The first program provides tax preparation assistance; the second, tax controversy assistance and outreach. Chase students participate in the VITA program as volunteers. Participation in the tax clinic is for course credit or for pay through a stipend. Today a significant number of major anti-poverty initiatives, such as the Earned Income Credit, the child tax credit and assorted education tax benefits, are provided through the tax code. The assistance Chase students provide low-income taxpayers, who otherwise confront poverty, to obtain these benefits or to retain these benefits is invaluable. While providing this assistance, Chase students also sharpen their lawyering skills as they interpret and apply statutory and regulatory tax provisions, exercise their legal judgment and communicate with their “clients.”

Moreover, in participating in these two programs, Chase students also succeed in building a community both with those in their midst who are in need of legal assistance and among themselves as they live up to the ideals of service in a public purpose. Both programs afford our students the opportunity to engage on the civic front while experiencing the application of law in addressing community and social needs. The outcome is embodied in Chase as a public institution in public service.

The VITA Program

Chase students and graduates have operated the VITA program continuously since the 1988 filing season. During the 2002 filing season, 28 students participated in the program. During the 2003 filing season, 15 students did. Generally, one-third of the student volunteers are first-year students. Volunteers come both from the part-time and full-time divisions of the law school.

During all its years in service, the Chase VITA program has operated out of the Brighton Center in Newport, Kentucky. In some years, depending on the size of the volunteer class, the VITA program also has operated sites in Covington and on the main NKU campus. The Brighton Center site generally is open on Saturdays throughout the filing season, beginning in early February.

During the 2002 filing season, Chase volunteers helped 300 taxpayers file their federal and state tax returns. During 2003, 310 taxpayers were helped. As a result of this assistance, the Chase volunteers helped taxpayers file for about \$335,000 in refunds in 2002 and \$428,000 in 2003. About a third of the refunded amounts are due to the Earned Income Credit, the federal anti-poverty program. The remainder of the refunded amounts is due to overwithholding on the taxpayers’ paychecks. To the extent some of the taxpayers helped by VITA would not have filed a tax return without this assistance, the Chase volunteers provide a valuable and indispensable service to these taxpayers and the local community.

A recent improvement at VITA has been the added ability in the last three years to e-file the returns, thereby accelerating the refunds to which taxpayers were entitled. This capability, spearheaded by Mary Lepper, 1999 Chase graduate, has made a significant difference in the delivery of the assistance to the taxpayers helped, who, since they are near or under the poverty line, are considerably in need of disposable funds for subsistence.

The Chase Tax Clinic

The tax clinic is a federally funded clinic with the goal to assist low-income taxpayers in resolving controversies with the IRS, to present outreach activities that inform low-income taxpayers as to their rights as well



Left to right: BERNICE WALKER, DAVID CARTER AND PROFESSOR LJUBOMIR NACEV

as responsibilities, and to assist ESL taxpayers in becoming part of the tax system. Mary Lepper is the director of the clinic. The clinic has been in existence since 2001 and in that time has assisted over 500 taxpayers.

To date, the majority of the clinic work has been done out of its walk-in location at the Centro de Amistad in Covington, where it serves the Hispanic community of northern Kentucky (the ESL component of its charter). The controversy work has mostly centered on collection issues (OIC, CDP, installment and other collection alternatives), Earned Income Credit and child credit disputes and filing status disagreements. The clinic has a working relationship with the VLP branch of Legal Aid in Northern Kentucky and Legal Aid in Cincinnati.

A Call for Help

The tax clinic would like to expand its controversy work by increasing its caseload and by involving more Chase alumni in its project. Those who would like to refer cases to the clinic and/or would like to join Mary Lepper and others in working on cases with the support of Chase students, please contact nacev@exchange.nku.edu.

The tax clinic is also looking to form a pro bono board to assist it in devising the best ways to do its job. Please make public engagement at Chase a reality.



BY LISA M. WENZEL

ERISA *and the* EXHAUSTION DILEMMA: WHEN MUST PLAINTIFFS EXHAUST ADMINISTRATIVE REMEDIES PRIOR TO FILING SUIT? To be published in *16 Regent University Law Review*, Volume 2 (to be published spring 2004)

The Employee Retirement Income Security Act of 1974 (ERISA), a statute designed to safeguard the pension and welfare benefits of working Americans, establishes federal standards to govern employee benefit plans administration.¹ Federal courts are divided on the issue of whether an employee must exhaust administrative remedies under an ERISA plan before turning to the courts for relief.

The Tenth and Ninth Circuits hold that exhaustion is not required.² These circuits reason that there is no internal appeal procedure either mandated or recommended by ERISA. Furthermore,

these circuits reason that the interpretation of ERISA is a task for the judiciary. In contrast, the Third, Seventh, and Eleventh Circuits require that an employee exhaust his or her administrative remedies prior to bringing a claim in court.³ These circuits argue that the language of ERISA, which includes a claims procedure section, indicates the legislature's intent that employees exhaust their administrative remedies prior to bringing a suit.

ERISA was designed to improve the quality of employee benefit programs and provide a remedy for claimants. The Tenth and Ninth Circuit's approach frustrates this

purpose by allowing suits prior to the employee exhausting his or her administrative remedies. Consistent with the goals of ERISA, the Seventh, Eleventh and Third Circuits use the review and appeal process to ensure an employee pursues his or her administrative options prior to filing suit in an already overburdened judiciary system. This theory is supported by the language of ERISA, its legislative history, and practical considerations. For these reasons, this article argues that ERISA requires employees to exhaust administrative remedies before filing suit in court.

(Footnotes)

¹ Pub. L. No. 93-406, 88 Stat. 829 (codified at 29 U.S.C. §§ 1001-1461).

² See, e.g., *Richards v. General Motors Corp.*, 991 F.2d 1227, 1235 (6th Cir. 1993).

³ See, e.g., *Lindeman v. Mobile Oil Corp.*, 79 F.3d 647, 650 (7th Cir. 1996).



HAILEY L. SCOVILLE &
RICK BALES

PRO SE LITIGANTS *and* SUMMARY JUDGMENT *214 Federal Rules and Decisions 231* (2003)

Pro se litigants face an uphill battle to navigate judicial procedures and bring a claim. Their difficulty is particularly acute when they are confronted by a motion for summary judgment. Few pro se litigants know what summary judgment entails; they often fail to respond to the motion and find their case dismissed.

The federal circuits have responded to this situation in two different ways. The Seventh, Eleventh, and D.C. Circuits have held that federal courts must provide special instruction to help pro se litigants on summary judgment.¹ These courts have reasoned that such instruction is

necessary to provide pro se litigants with equal access to justice.

The Eighth Circuit, on the other hand, does not require special instruction.² Such instruction, the Eighth Circuit has held, imposes a considerable burden on judges. Moreover, requiring a judge to tell a litigant how to litigate his or her case forces the judge to see the case through the litigant's eyes – a role the Eighth Circuit views as inconsistent with the role of the judge as neutral adjudicator.

This article agrees with the rationale of both sides of the circuit split. It suggests that courts should provide pro se litigants

with a simply-written manual that explains the basics of court procedure including summary judgment. Because the manual would be prepared ahead of time and would not be individually tailored to each litigant, providing such a manual would maintain judicial neutrality and, after an initial investment of time preparing the packet, spare judges the burden of providing individualized instruction. At the same time, providing such a manual would help guarantee that pro se litigants with meritorious claims have their meaningful day in court.

(Footnotes)

¹ See, e.g., *Moore v. Florida*, 703 F.2d 516 (11th Cir. 1983).

² See, e.g., *Beck v. Skon*, 253 F.3d 330 (8th Cir. 2001).

BY NICK J. KEMPHAUS
& RICK BALES



INTEREST ACCRUAL *of* ATTORNEY AWARDS

To be published in *23 The Review of Litigation* (Spring 2004)

Attorney fee disputes usually include two judgments. The first, called the “merits judgment,” occurs when the court enters judgment for the prevailing party and grants this party the right to recover attorney fees. After the merits judgment, the judge conducts a hearing to determine the amount of attorney fees that will be awarded. After this hearing, the judge enters a second judgment, called the “exact quantum judgment,” awarding a specific amount of attorney fees.

The federal interest statute, 28 U.S.C. § 1961(a), requires the losing party to pay the prevailing party interest on damage awards from “the date of . . . judgment” until the debt is satisfied. The statute does not specify, however, whether the “judgment” referred to in the statute is the merits judgment or the exact quantum judgment. Consequently, the federal courts are split on whether interest begins to accrue on the date of the merits judgment or the date of the exact quantum judgment.

The Fifth, Sixth, Eighth, Ninth, Elev-

enth and Federal Circuit Courts of Appeal have held that interest accrual under § 1961(a) begins on the date of the merits judgment.¹ These circuits have reasoned that § 1961(a) functions to compensate prevailing parties for delays in payment of damage awards from the date the prevailing party becomes fully entitled to its damage award. Because the prevailing party becomes entitled to its attorney fee award on the date of the merits judgment, the prevailing party is entitled to interest under § 1961(a) from the date of the merits judgment.

The Third, Seventh, and Tenth Circuit Courts of Appeal, conversely, have held that interest accrual under § 1961(a) begins on the date of the exact quantum judgment.² These circuits have reasoned that the term “judgment” in § 1961(a) is short for “money judgment.” Furthermore, because the exact quantum judgment is the judgment for a specific amount of money (in attorney fee cases), interest accrual under § 1961(a) begins on the date of the

exact quantum judgment.

This article argues that the date of the merits judgment is the correct date to begin interest accrual on attorney fee awards under 28 U.S.C. § 1961(a), for three reasons. First, the merits judgment approach is consistent with statutory language of § 1961(a), because the merits judgment is the judgment entitling the prevailing party to its fee award in attorney fee cases. Second, the merits judgment approach is consistent with the legislative intent behind § 1961(a) by compensating prevailing parties with interest payments for the delay in payment between the merits judgment and the exact quantum judgment. Third, the merits judgment approach advances public policy by deterring the losing party from delaying the exact quantum judgment to avoid paying the fee award, to secure additional time to freely use the money owed or collect interest on it, or to hassle the losing party.

(Footnotes)

¹ See, e.g., *Associated General Contractors of Ohio, Inc. v. Drabik*, 250 F.3d 482, 494 (6th Cir. 2001).

² See, e.g., *Eaves v. County of Cape May*, 239 F.3d 527, 528 (3d Cir. 2001).

BY DEBORAH J. ZIMMERMAN



CIVIL CONTEMNORS, DUE PROCESS *and the* RIGHT TO A JURY TRIAL

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Due process considerations of the Fifth and Fourteenth Amendments to the United States Constitution guarantee that a person cannot be “deprived of life, liberty or property without due process of law.” Therefore, it would seem to follow that persons cannot be incarcerated indefinitely without being granted a trial by jury. The cases of Dr. Elizabeth Morgan and Jacqueline Bouknight prove that this is not always true. Dr. Morgan spent more than two years in jail for civil contempt for hiding her daughter Hilary from her allegedly abusive ex-husband, then refused to tell a judge where she hid the girl.¹ At no time was she eligible to have her case heard by a jury.² Bouknight spent more than seven years in jail for refusing to turn her son over to Baltimore City Department of Social Services.³ Social Services personnel suspected Bouknight of physically abusing the boy, perhaps leading to his death.

Because of these egregious cases, legal professionals wonder whether civil contemnors should be entitled to the due process protections of a jury trial. Court decisions have postulated four reasons for allowing judges to punish contempts with-

out a jury trial. First, civil contemnors “carry the keys of their prison in their own pockets.”⁴ Second, courts and judges need the power to deal summarily with contempt, because contempt may obstruct the administration of justice.⁵ Third, because courts derive their power from the people, the court may use its contempt power as a way to compel the contemnor to submit to the peoples’ authority.⁶ Fourth, requiring a court to submit a contempt question to another court or to a jury would be inefficient.⁷

However, there are five compelling reasons to entitle civil contemnors to the protections of the jury trial system. First, in cases of coercive civil contempt, current law allows persons to be held indefinitely, and these contemnors should be entitled to the due process protections of a jury trial. Second, because the consequences of contempt are seen as punishments, this is inconsistent with judicial power, which should be neutral.⁸ Punishment is a function of the executive branch of government. Third, the United States Supreme Court has held that incarceration for criminal contempt over six months’ duration

triggers the right to a jury trial, and this should also apply to civil contempt.⁹ Fourth, short-tempered or thin-skinned judges may abuse the contempt power because they are human and may make mistakes. Fifth, because the power of the court emanates from the people, a jury should decide if the contempt citation was properly issued.¹⁰

The article argues that civil contemnors are entitled to the due process protections of a jury trial if incarceration lasts longer than 12 months. It first discusses the history and background of the contempt power. Second, it focuses on the U.S. Supreme Court’s shifting interpretation of contempt law. Third, it shows how traditional notions of contempt have limited the contempt power over time. Fourth, it proposes that civil contemnors be granted a jury trial if their incarceration lasts longer than 18 months. The article concludes that recent U.S. Supreme Court decisions show the court’s preference for due process for contemnors, which should encourage state and federal courts to recognize a civil contemnor’s right to a jury trial.

(Footnotes)

¹ Jonathan Groner, *Hilary’s Trial: The Elizabeth Morgan Case: A Child’s Ordeal in America’s Legal System* 228-32 (1991).

² David J. Harmer, *Limiting Incarceration for Civil Contempt in Child Custody Cases*, 4 *BYU J. PUB. L.* 239, 263-64(1990).

³ Paul W. Valentine, *Woman, Jailed for Contempt, Freed After 7 Years; Mother Failed to Reveal Son’s Location*, *WASHINGTON POST*, November 1, 1995 at D1.

⁴ *In re Nevitt*, 117 F. 448, 461 (8th Cir. 1902).

⁵ See *Michaelson v. United States*, 266 U.S. 42, 66 (1924).

⁶ See *Watson v. Williams*, 36 Miss. 331, 341 (Miss. 1858).

⁷ See *In re Debs*, 158 U.S. 564, 595 (1895).

⁸ See *Young v. United States ex rel. Vuitton et Fils, S.A.*, 481 U.S. 787, 815, 825 (1987).

⁹ See *Bloom v. Illinois*, 391 U.S. 194, 211 (1968).

¹⁰ See *Watson v. Williams*, 36 Miss. 331, 341 (Miss. 1858).

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 Robert F. Gardner
 David A. Garnett
 John J. Garvey
 Joy Evelyn Gazaway
 Anthony J. Gertz
 Ann W. Gerwin
 Richard L. Geschwindt
 William A. Gettys
 Ora J. Gibson
 Michael D. Gilday
 Eric Gill
 James Ginocchio
 Steven C. Gittinger
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 John H. Glenn
 Marissa L. Godby
 David J. Goetz
 Kristie M. Goff
 Henrietta L. Goolsby
 James A. Grant
 Richard F. Grau
 James B. Gray
 Gayle L. Gray
 Ashley F. Gray
 Carl E. Grayson
 James R. Gregory
 Ronald G. Grimmer
 Kathy J. Groom
 Douglas J. Grothaus
 Allen K. Gruner
 George Gutermuth
 Martin A. Haas
 Patricia B. Hafele
 Michael G. Hamersly
 Michael D. Hamlin
 Mark N. Hardig
 David and Tracy Hargrove
 Ronald C. Harris
 Gary R. Harris
 Glenda Harrison
 Michelle D. Harrison
 Albert C. Hawes
 Mary G. Hayes
 Mary J. Healy
 F. R. Heath
 Lucinda Heekin
 Rene B. Heinrich
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 Dan E. Huss
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 Cathy M. Jackson
 Jon H. Jacobs
 Brian R. Jansen
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 T. Martin Jennings
 William E. Johnson
 James D. Johnson
 Winslow W. Johnson
 J. Gregory Jones
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 Jerry and Elva Jung
 Mark G. Kalpakis
 Kristie A. Karl
 Rebecca K. Kaye
 William L. Keene
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 Damian B. Kelly
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 Kimberly J. King
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 V. Ruth Klette
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 Martin Joseph McGrory
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 Bonnie P. McKee
 Dennis M. McKiernan

ALUMNI NEWS

Martin E. McMullen
Scott D. McMurray
Perry Meadows
Barry A. Meyer
Paul W. Meyers
Malcolm A. Meyn
Roger A. Michael
Richard D. Michels
John and Janet Middleton
Charles C. Milazzo
Kevin T. Miles
Russell L. Miller
James S. Miller
Ralph F. Miller
Ken B. Miller
Ronald P. Mills
Anita Mindrup-Ivie
Daniel and Kay Mistler
Patrick E. Moeves
David W. Molhem
Thomas M. Monce
Patrick J. Monohan
Edward S. Monohan
Dain T. Monroe
Emily K. Moon
R. Matthew Moore
Jason C. Moseley
Sybil B. Mullin
Renee H. Muncy
James R. Murphy
Kevin L. Murphy
Thomas A. Muth
Ann R. Myre
Kimberley L. Naber
Susan Fausz Neace
Sarah A. Nefzger
Terri W. Neidhold
Jeffrey Kenneth Neiheisel
Kristi P. Nelson
Theodore C. Nemeth
Raymond and Patricia Neusch
Arthur M. Ney
Elizabeth M. Niehaus
Elisa M. Nielson
Nicholas M. Nighswander
Clifford J. Noggler
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David B. Pearce
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D. Bruce Petrie
Jeannette E. Picklesimer
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Gregory T. Popovich
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G. E. Ramos
Robert L. Raper
Wade L. Rasner
James T. Redwine
Beth Menke Redwine
Lisa M. Reeves
Jacqueline J. Rellahan
Dennis A. Repenning
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Lisa A. Richardson
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Howard L. Richshafer
Bonnie J. Rickert
John Brooke Rigor
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Susan W. Schiff
George L. Schilling
Eric R. Schlinger
William L. Schmaedecke
Kimberly A. Schmaltz
Michael R. Schmidt
Susan E. Schneider
Kelleene A. Schoening
William H. Schoettelkotte
James R. Schrand
Wilfred Schroder
Betty F. Schrotel
Kelly W. Schulz
Jeffrey L. Schumacher
Richard C. Schuster
Howard M. Schwartz
Kenneth W. Scott
Raymond E. Scroggins
Kenneth B. Segel
Adam F. Seibel
W. J. Sellins
Owen W. Serey
Emma L. Seta
Glenn O. Shackelford
Jan Shaw
Robert F. Sheil
Karen L. Shinkle
Robert H. Siegel
Adrian H. Siereveld
Harold F. Simms
John P. Sinnott
George M. Sisk
Linda E. Slayback
Richard R. Slukich
Neil B. Smith
Edward L. Smith
George C. Smith
Tracy A. Smith
Denise Michelle Smith
Gail Smith-Slone
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Bernard W. Southgate
Angela B. Sower
Robert R. Sparks
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Pamela and Richard Spoor
James O. Springate
William A. Stearns
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Daniel L. Steigerwald
Ray H. Stoess
Jacquelyn S. Stout
William A. Stout
Thomas J. Straus
Harry S. Sudman
Patricia J. Sweeney
Elaine Tackett
James M. Tarkington
Robert E. Taylor
Timothy N. Tepe
Clay L. Tharp
Joseph G. Theis
Sue W. Theissen
Thomas J. Thole
Joseph P. Thomas
William M. Thompson
Glen P. Thompson
Timothy L. Timmel
William W. Tinker
Daniel and Gwendolyn Tobergte
Scott D. Tranter
Donna Trenkamp
William J. Tucker
Barry J. Tuemler
Joan M. Tumblison
Carl Turner
Sherrie L. Turner
Susan K. Uebel
William H. Van Herp
Dennis W. Vanhouten
Stephanie L. Varvell
Philip J. Vaske
Thomas P. Vergamini
Justin D. Verst
Harold L. Vick
Claude J. Victor
George A. Vila
R. K. Vocke
Mark C. Vollman
Mary L. Volz
Michael J. Voris
David R. Voyles
Felix C. Wade
Frank H. Wakefield
Lawrence Walker
William H. Wambaugh
Dennis R. Ward
Julie A. Ward
Frank E. Warnock
Jane R. Wassler
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James A. Wethington
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Melvin F. Wilhelm
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Sean M. Wilson
David E. Wilson
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Joseph S. Yates
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Jack A. Zettler
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CHASE HONOR ROLL OF DONORS

ALUMNI

GOLF
OUTING

June 27, 2003



HONORARY CHAIR ERNIE KARAM '47 AND FORMER PRESIDENT JOHN W. MCNALLY '74

On June 27, the Chase Alumni Association hosted the Chase Alumni Golf Outing at Fox Run Golf Course in Kenton County, Kentucky. Honorary Chair Ernest Karam '47 spent the day with former president of the Alumni Association Board of Governors, John McNally '74, and Dean Gerry St. Amand, along with 17 foursomes comprised of Chase graduates and friends. The fun-filled afternoon would not have been possible without the coordination of BOG member Massimino Ionna '00 and other alumni volunteers. A special thank-you goes out to our sponsors (listed). Watch for information on next year's outing on the alumni website at:

Ace Reporting

- Adams, Stepler, Wolterman & Dusing PLLC
- Anderson Publishing, A Member of the LexisNexis Group
- Copyplex
- Cottingham True Value Hardware
- Digestive Health Network – Dr. Stephen Ionna
- Kelly Farrish, Attorney at Law
- Judge Sylvia Sieve Hendon & Sieve Pontiac
- Huntington Bank Private Financial Group
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- Legal Tenders
- John William McNally, Jr., Attorney at Law
- S.I. Pool Care, Inc. – Sam Ionna
- Stephen Schuh, Attorney at Law
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- Strohmaier Design
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www.nku.edu/~chase.





U.S. ATTORNEY

blazes own legal path, encourages new grads

When Assistant United States Attorney Wende Morris Cross '92 peered out over the podium at the faces of the 103 Chase graduates seated before her in Regents Hall last spring as she prepared to deliver her commencement address, she did not feel very far removed from where they sat.

"You know, it was not that long ago that I sat where you now sit, wondering to myself...What's next? Will I pass the bar exam? Will I be a good lawyer? Will I become successful?" she said to the Chase Class of 2003 as she began her address.

However, in the 11 years since her graduation from Chase College of Law, she has carved a career in the legal field that would generate envy from more seasoned attorneys. And not having any lawyers in her family to turn to for guidance along the way, it was a trail she blazed on her own. She readily gives credit to the caring Chase faculty and staff that she encountered for making her the successful attorney she is today.

"I knew since I was in the first grade, ever since I can remember, that I wanted to be a lawyer," Morris Cross says. "I never deviated from that, and I can't imagine myself doing anything else."

Since 1995, she has worked in public service, having accepted an appointment to serve as an assistant United States attorney for the eastern district of Kentucky at Covington. She served in this capacity for more than seven years, prosecuting a wide variety of cases involving white-collar crimes, complex fraud schemes, drug offenses, weapons offenses and immigration violations. She currently serves as an assistant United States attorney for the southern district of Ohio at Cincinnati. A desire to help people motivated Morris Cross to choose the law as her profession,

and she says she derives much satisfaction in knowing that she is helping the community through her work.

"I feel the streets are a little bit safer because of what I do," she explains. "While it is tough to see young people go to jail a long time, sometimes it saves their lives because they do get rehabilitated. Unfortunately, we do see repeat offenders, but I have, over my career, received letters from people I have prosecuted who appreciate the fact that I treated them as a person. I try to bring honor and dignity to this position and not get caught up in the power."

Morris Cross, a member of Chase's Board of Visitors, an advisory group that works with Dean St. Amand, said she chose Chase for her legal education because of the "warm environment" it offered. "The dean (Steve Stephens), assistant dean (Lowell Schechter), faculty and staff were personally interested in my success in law school," she adds. "I felt comfortable and at home even though I was an out-of-state student."

She attended the day program at Chase and acknowledges that she found law school "very challenging," especially not having had the added benefit of growing up around attorneys.

Besides the excellent preparation that Chase provided for the practice of law, Morris Cross lauded the attention it gave to establishing a network between Chase's students and its alumni. She finds the contacts invaluable and says it seems every other lawyer she encounters is a Chase grad, thanks to the school's excellent reputation.

"Chase gets you connected with the legal community before you even get out of law school," Morris Cross notes. "I always encourage people to go to school there. I

honestly enjoyed every minute of it." Morris Cross, who lives in Cincinnati with her husband, Marcus, says it was a "huge honor" to be asked to speak at Chase's 2003 commencement exercises last May. Following are excerpts from her address.

"As you know, Chase is my alma mater....It means Soul Mother, the mother of one's soul or nourishing mother. It seemed to me to express the affection I have never stopped feeling for this great law school even through the passage now of 11 years since I sat where you fine young men and women now sit.

"For I know from experience that this great law school – like any great institution of higher learning – nurtures not only your mind, but your very soul.

"I wish you success in making a kinder and brighter world, a place of more and more spectacular intellectual accomplishments, and of healthier, happier, freer and more loving individuals.

"What I am wishing for you is that you do for the world – for those with whom you come in contact in the practice of law – what your alma mater has done for you.

"Be true to yourselves and give of that truth to others. Impart knowledge, wisdom and your best judgment. But, most of all, remember that the people whose lives you touch are more than cases, clients and defendants. They are whole beings, and it is your responsibility to address and to respect their wholeness.

"I wish you much success as lawyers. Success in coming into the knowledge that in service to others lies your real treasure, a treasure beyond all imagining, a treasure multiplied by the number of lives you touch.

"I love this school, and because I do, I look forward to a world that will be, in ways great and small, transformed by each of you."

"All the best to you, Class of 2003. I know you'll continue to make us proud."



CHASE RULES

ALUMS

dominate bar leadership positions

ROBERT J. GEHRING '80

is one of several Chase alumni to hold the top post in area bar associations as president of the Cincinnati Bar Association (CBA) for 2003-04. He is the 11th president in the CBA's history.

A partner in the law firm of Crabbe, Brown & James LLP, Gehring enjoys an extensive state and federal civil trial and appellate practice.

He earned his undergraduate degree in 1976 from Miami University, attending on an Evans scholarship, a caddy scholarship awarded to high school students with academic ability and economic need.

After college, the Blue Ash native, who is the oldest of nine children, went

to work at Hudepohl Brewery at a warehouse.

Thoughts of pursuing a legal career motivated him to apply to Chase's night program. He was accepted and enrolled, graduating in 1980.

After receiving his J.D., he went to work for Santen Shaffer & Hughes, the firm where he had clerked while in law school. After 10 years with that firm as an associate and then partner, he spent the next 12 years in solo practice.

Gehring, who is admitted to practice in Ohio and Kentucky, is board certified in civil trial advocacy by the National Board of Trial Advocacy (NBTA). He has been a long-time active member of the

CBA, serving as a member of its Board of Trustees since 1997; former member of its Young Lawyer and Grievance Committee; past chair of Torts and Insurance Committee and Professionalism Committee; past member of Lawyer Referral Service Committee; Administration and Finance Committee; Nomination Committee; and Judicial Rating and Evaluation Committee. In addition, he is an active speaker and author of numerous publications in the area of civil litigation, trial practice and professionalism.

He resides in Madeira with his wife, Amy, and children, Katherine and James.

ABA ELECTS CHAIR OF THE SECTION OF FAMILY LAW

Phyllis G. Bossin '77 has been elected as chair of the section of Family Law of the American Bar Association (ABA) at the association's annual meeting in San Francisco. She will preside over the 10,000-member section for the next year. The ABA Family Law Section is the leading voice of family law in the United States. Bossin also is a certified family law specialist in Ohio, as well as a diplomate in the American College of Family Trial Lawyers and a Fellow of the American Academy of Matrimonial Lawyers. She is listed in *Best Lawyers in America* in the field of Family Law.

TWO CHASE ALUMS ASSUME KBA LEADERSHIP POSTS

Congratulations to R. Kent Westberry, a 1980 Chase graduate who was recently sworn in as president-elect of the Kentucky Bar Association at the KBA annual convention. He is a partner with Landrum & Shouse, LLP in Louisville, Kentucky.

Congratulations also to David B. Sloan '76 of O'Hara, Ruberg, Taylor, Sloan & Sergent in Crestview Hills, Kentucky, who was sworn in as vice president of the KBA.

Left to right:
JOHN NORWINE '71, FREDERICK SCHNEIDER, ROBERT GEHRING '80, DEAN ST. AMAND, JOHN MCNALLY '74 AT OHIO BAR ASSOCIATION RECEPTION SPONSORED BY CHASE COLLEGE OF LAW

R. KENT WESTBERRY '80, DEAN ST. AMAND AT KENTUCKY BAR ASSOCIATION RECEPTION SPONSORED BY CHASE COLLEGE OF LAW

ALLEN GRUNER '80, MARGO GRUBBS, '80 AT KENTUCKY BAR ASSOCIATION RECEPTION SPONSORED BY CHASE COLLEGE OF LAW



KENTUCKY AND OHIO BAR ASSOCIATION RECEPTIONS

CLASS NOTES



Pictured left to right

JOHN CONCANNON
 JAMES A. DIETZ
 JOHN W. EILERS
 SHERYL E. HEETER
 ANDREW SINGER

1967

John W. Eilers '67, partner with Wood & Lamping LLP, has been certified by the Ohio State Bar Association as a specialist in the area of estate planning, trust and probate law.

1968

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.

1976

John Concannon '76 joined the Cincinnati law firm of McCaslin, Imbus & McCaslin. He retired from Cincinnati Public Schools, where he served as general counsel for 17 years. He is also an adjunct professor at Xavier University, teaching school law and other courses in the Education Department.

1982

Michael Monce '82 has moved his office to 3161 Dixie Highway, Erlanger, KY 41018, phone (859) 344-8090.

1983

R. Jeffrey Schlosser '83 has been named a partner with the firm Frost Brown Todd LLC. He concentrates in commercial lending, tax exempt and taxable bond financing,

complex commercial loans, letter of credit, and commercial transactions.

1984

Brian Ashley '84 is currently vice president of investments and branch manager of the Smith Barney office in Huntington, WV.

1986

Deanna Dennison '86 welcomed her new son, Nathan Charles Dennison, on May 6, 2003. He weighed three pounds, nine ounces. Congratulations to her family!

1988

Howard Keith Hall '88 was re-elected Pike County Attorney for 2003-2006.

1993

Molly Michelle Knight '93 was promoted to assistant vice president with Fifth Third Bank. She serves as legal counsel extending throughout the bank's eight-state region of Ohio, Kentucky, Indiana, Michigan, Illinois, West Virginia, Florida and Tennessee.

Mary Lee Muehlenkamp '93 joined the Sisters of Saint Dominic of the Saint Cecilia Congregation in Nashville, TN in August 2003.

1995

Tracey A. Chriske '95 was named partner in the law firm of Taft, Stettinius & Hollister LLP. She primarily focuses on mergers and acquisitions within corporate law.

James A. Dietz '95, a partner in the firm of Deters, Benzinger & LaVelle, has been appointed as president of the Kentucky Academy of Hospital Attorneys for 2003-2004. He practices health-care and corporate law for DBL, representing health care providers throughout Kentucky and greater Cincinnati.

1996

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

2001

Cynthia Clausen '01 was welcomed as a new associate with Weltman, Weinberg & Reis Co., L. P. A. in February 2003. She will be working in the legal action recovery department in Cincinnati. She also serves on the board of directors for the Court Appointed Special Advocates and is a member of the American Inn of Courts.

2002

Catherine S. Noe '02 attained a clerkship with the Honorable

R. Jeffrey Hines, McCracken Circuit Court Judge for Division One of the 2nd Judicial Circuit in March 2003.

2003

Lisa Wenzel '03 has received a publication offer on an article she wrote while at Chase. Her article "ERISA and the Exhaustion Dilemma" will be published in the spring 2004 issue of *Regent University Law Review*. (See page 17).

Nicholas W. Ferrigno, Jr. '95 and Thomas E. Collett '75, members of the law firm of Greenebaum Doll & McDonald PLLC, were re-elected as employee-plans coordinators to the Great Lakes Area Tax Exempt/Government Exempt Council of the Internal Revenue Service.

Several Chase alumni were recognized at the Northern Kentucky Volunteer Lawyers 2003 Pro Bono Awards Luncheon in May 2003. Sheryl E. Heeter '92 received the award of Pro Bono Attorney of the Year and Patrick J. Monohan '97 received the Distinguished New Volunteer Award. Thomas Kerr '77 and Albert Hawes '68 received the 25-Year Special Service Awards.

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

LETTER FROM PRESIDENT OF THE BOARD OF GOVERNORS

As the Chase Board of Governors began another year, we looked forward to a number of important activities. Our year began with our annual welcoming reception for new students at the Herrmann Center on August 18. In addition to making the new students feel like a part of the Chase community, new officers and members of the Board of Governors were sworn in by Judge Lambert Hehl. The next major event was the annual Phon-a-thon chaired by Bill Knapp and his team of Chase alumni volunteers. In addition to our annual request for funds to help support our numerous activities, this year we also focussed on updating our alumni information so that we can get in touch and stay in touch with our most valuable resource - our alumni. In the spring, we look forward to Legal Career Options Day and the Graduating Senior Reception at the Montgomery Inn Boathouse. Summer will welcome the second year of what we hope will be a long tradition with our annual golf tournament. The fiscal year will conclude with our third annual CLE -a free program to all Alumni Association members that more than justifies the minimal cost of joining. In addition to these events, we hope to make progress on or conclude our alumni directory project with Harris Publishing. Many of you have already been contacted to provide updated information for this project and we hope at the end of the day to have a readily accessible, easy-to-use, single source of up-to-date contact information for Chase alumni. The database created by Harris, and provided to the Board of Governors at no charge, will also help us keep you informed of important events and milestones in the life of Chase College of Law and its alumni.

GATHERINGS



1



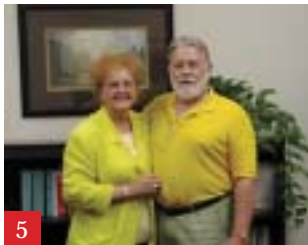
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8

1. ED MCTIGUE '78, DEAN ST. AMAND AND JOHN MCNALLY '74 AT SENIOR RECEPTION SPONSORED BY THE ALUMNI ASSOCIATION 2. CLASS OF 1962 REUNION AT THE METROPOLITAN CLUB 3. STEVE WILSON, JAY WETHINGTON, CAM CANTRILL, REED MOORE AND STEVE ELSBERND CELEBRATING CAM CANTRILL'S 50TH BIRTHDAY IN GEORGETOWN, KY 4. PAUL WHALEN '82 WITH BROTHER BILL ON REGISTER'S ANNUAL RIDE ACROSS IOWA, USAF CYCLE TEAM 5. MR. AND MRS. RICHARD MICHELS '78 FROM LAKE CHARLES, LOUISIANA VISIT CHASE 6. BILLY HOLLIN LEFT, IS PRESENTED A CERTIFICATE OF APPRECIATION FROM JOSEPH WHITE '02 AND DEAN ST. AMAND 7. TAX CLINIC (SEE PAGE 16) 8. ALUMNI AND FAMILY AT 2003 SENIOR RECEPTION AT MONTGOMERY INN SPONSORED BY THE ALUMNI ASSOCIATION

! WATCH FOR CHASE ALUMNI WEEKEND COMING IN SPRING 2004




Patrick Connelly '80 of Fairfield, OH, passed away May 12, 2003 at the age of 47. He was an attorney in the Hamilton area for many years. He served on the Children's Diagnostic Board, Rolling Hills Board, Fairfield Civil Service Commission and Badin High School Development Board.



Chase lost more than a graduate this year; we lost a friend. **Samuel A. Day '85** of Georgetown, Indiana, formerly of Erlanger, passed away July 3, 2003 in Louisville after a year-long battle with acute leukemia. More than 70 people in the New Albany, Indiana area donated blood at the City-County Building in hopes that one of them might be an eligible bone marrow donor. Sam was a man who was never seen without a smile on his face and always took time to talk. Close friend and partner Dick Mullineaux told the *Courier-Journal*, "I don't think there was anybody he was around that he didn't touch in some way." Sam was senior and managing partner of the Kightlinger and Gray law firm in New Albany and a former teacher and assistant principal at Lloyd Memorial High School. He was a member of the

Board of Advisors Executive Committee for Indiana University Southeast, the Indiana Bar Foundation Scholarship Committee, the Kentucky State Bar Association Flood Relief Effort in 1998 and the Indiana Association of Mediators. Sam was named the Business Person/Professional of the Year in 2002 by the Southern Indiana Chamber of Commerce. He will be missed by not only his family but also the community of which he was such a great part. Memorials may be made to the American Cancer Society.

David Joseph Goetz '94 of Arlington, VA, died of melanoma on August 11 at the age of 34. He was a retired Army major who was a staff attorney to Senator Arlen Spencer (R-PA) in the Senate Committee on Veterans Affairs. He began working for Spencer in May 2001 after serving six years in the Army Judge Advocate General's Corps. He temporarily left his job on the Senate committee after the September 11, 2001, terrorist attacks to serve seven months in the National Guard as part of the home front air defense activities known as Operation Noble Eagle.

Born in Cincinnati, OH, and raised in Edgewood, KY, he joined the Army ROTC while attending Xavier University in New Orleans and

completed Army Airborne Training at Fort Benning, GA. He graduated cum laude from Xavier in 1991 and deferred active military duty until after he completed his J.D. from Chase.

He began active duty in the JAG Corps in 1995 with a promotion to captain. He served as trial counsel at Redstone Arsenal in Huntsville, AL, as his first assignment. In 1997, he was transferred to the 1st Infantry Division in Vilseck, Germany, where he was the chief prosecutor to the entire base.

Returning to the United States for health reasons the following year, he was posted at Walter Reed Army Medical Center. His final military assignment was with the contract appeals division of the Army Litigation Center in Arlington.

His military decorations include the Meritorious Service Medal.

He is survived by his wife of six years, Tori, and their daughter, Kendall, of Arlington; his parents, Mary and Dave Goetz of Edgewood; a sister; and a grandfather.

Arthur Juergens '51 passed away March 24, 2003 at the age of 80. He was the father of four daughters and grandfather of five. Memorials may be made to Good Samaritan Hospital Foundation, ICU, 375 Dixmyth Avenue, Cincinnati, OH 45220.

Betty Kilgarriff '66 passed away September 1, 2003 in her home in Hyde Park. She attended Chase as an evening student after receiving her bachelor's degree in 1962. She and her husband were supporters of the St. Mary Catholic Church and the Little Sisters of the Poor.

John C. "Jack" LaVelle '70 of Villa Hills passed away at the age of 57 of esophageal cancer on June 8, 2003. He was a founding partner of the Deters, Benzinger & LaVelle law firm in Crestview Hills, where he practiced corporate and tax law, estate planning and probate law. He was a member of the National Diocesan Attorneys Association and represented a number of religious institutions, including the Diocese of Covington. He graduated from Thomas More College with an accounting degree in 1966 and worked for the Kentucky Finance Cabinet while attending Chase. He is survived by his wife, two daughters, two sons, his mother, a brother and two sisters.

Richard T. Martin '61 of Finneytown, OH, passed away August 2, 2003. Richard retired from Procter & Gamble after 36 years of employment. He attended Chase after receiving his degree from Case Western Reserve. Memorial donations may be sent to

the Children's Meeting House, 931 O'Bannonville, Loveland, OH 45140.

William J. Parchman '49 passed away at the age of 83 on June 10, 2003. Memorials may be made to the U.C. Foundation Office for the benefit of U.C. Athletes, Fernside or charity of donor's choice.



Kurt Philipps, Jr. passed away on Saturday, September 4. A member of the law firm of Deters, Benzinger & LaVelle, Philipps wrote the book on Kentucky trial and appellate practice called West's *Kentucky Practice*, a two-volume treatise on Kentucky civil procedure. He was in the process of working on a new edition of the book with fellow partners David Kramer and David Burleigh. Philipps specialized in defending child medical malpractice cases involving brain injuries. During his years of practicing law, he handled many high-profile cases for St. Elizabeth Medical Center and the Roman Catholic Diocese of Covington. He formerly taught at Chase from 1975 to 1978, leaving to enter private practice, and was an adjunct professor at Xavier University teaching health-care law. He was an

active minister in the Methodist Church, having received both his law degree and a master of religious education from Southern Methodist University. A mentor with the Cincinnati Youth Collaborative for seven years, he received the 2003 Child Advocacy Award from the Children's Law Center of Northern Kentucky for his work on behalf of children in Kentucky and Ohio.

Daniel Steigerwald '63 of Florissant, MO, formerly of Aurora, IN and Cincinnati, OH, passed away March 10, 2003. He was an attorney for Aetna/Travelers Ins. Co. and served in the United States Navy.

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