# U.S. District Court— Eastern District of Missouri

#### Be Sure to Mark the Date!

May 16	2019 Criminal Justice Act Seminar, Thomas F. Eagleton U.S. Courthouse, St. Louis
Jun 21	2019 Northern Division Bench &Bar Seminar Hannibal Federal Building, Hannibal
Spring	Next Generation CM/ECF Goes Live! - see page 12

#### U.S. District Judge Perry takes Senior Status



The Honorable Catherine D. Perry took senior status at the end of 2018. Judge Perry will maintain a sizeable caseload for the foreseeable future. She began her service on the Bench as a Magistrate Judge, becoming a District Judge in 1994. Judge Perry served as Chief Judge from 2009 To 2015; during which time she emphasized the historic role of the court as the protector of fair and impartial justice under the law and promoted civic education through the court's judicial learning center.

#### Chief Judge addresses New Members of Congress

Chief Judge Rodney W. Sippel (EDMO), Circuit Judge Amy St. Eve (7th Circuit), and Jim Duff (Director of the Administrative Office of the U.S. Courts) spoke at the U.S. House of Representatives' New Member Orientation. This was the first time the Judiciary was asked to participate in the orientation.



Our Mission: To serve the public, bench, and bar in an effective, fair, and impartial manner.

Serving the Citizenry of the United States by

- > Providing justice
- > Educating attorneys
- > Informing the public
- > Supervising & rehabilitating offenders
- > Using resources wisely

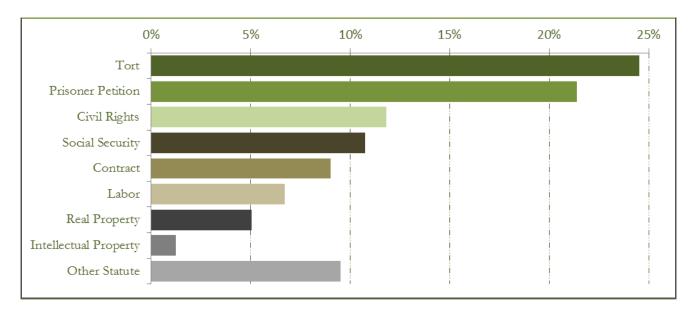
The Eastern District collected & payed out over \$13 million in restitution, civil garnishments & refunds in 2018.

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# CIVIL CASELOAD: 2018

#### Eastern District Judges Oversee Diverse Civil Docket



Approximately 2,500 civil actions were filed in the Eastern District of Missouri during 2018. Approximately one-quarter of the cases were removals from state courts. The most common filings were tort, prisoner petitions, nonprisoner civil rights, and social security appeals.

Petitioners from all over the country filed over 250 product liability cases against Monsanto—alleging negligent and wrongful conduct in Monsanto's use of glyphosate, causing the plaintiffs personal injury.

Pfizer, Inc. petitioned for the removal of 100 cases filed against it in the 22nd Judicial Circuit of Missouri alleging malignant melanoma caused by the use of it's product—Viagra.

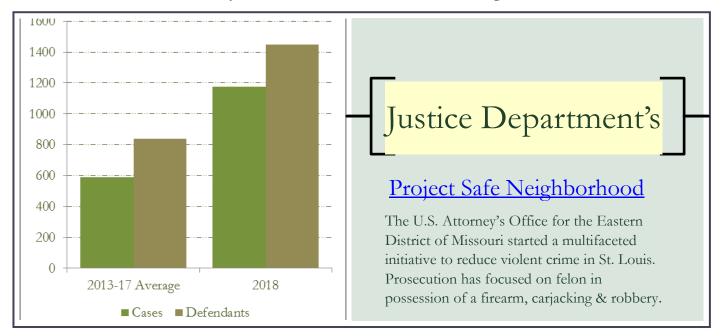
The Court consolidated almost 50 eminent domain filings by Spire STL Pipeline LLC in the course of building a natural gas pipeline in St. Louis & St. Charles counties.

Common Natures of Suit *				
Case	Nature	% w/in		
Category	of Suit	Category		
Tort	Product Liability	59%		
Prisoner Petition	Civil Rights	54%		
Prisoner Petition	Habeas corpus	26%		
Civil Rights	Employment	35%		
Contract	Insurance	46%		
Labor	E.R.I.S.A.	69%		
Real Property	Condemnation	35%		
Other Statute	Consumer Credit	44%		

<sup>\* %</sup> w/in Category' is the proportion of filings in the case category composed by the listed nature of suit—i.e., product liability cases are 59% of all tort filings

# CRIMINAL CASELOAD: 2018

U.S. Attorney's Violent Crime Initiative Impacts Court



#### Criminal Filings Increase

Almost 1,200 criminal cases involving about 1,450 defendants were filed in the Eastern District during 2018. Compared to average filings for 2013-17, criminal case and defendant filings in 2018 increased an estimated 99% and 73%, respectively. The increased criminal caseload was largely due to the Violent Crime Initiative started in October 2017 by the U.S. Attorney's Office.

In 2018, filings with a firearms/weapons charge as the most serious offense were 60% of all criminal cases. These cases have increased by an estimated 352% from 2013.

The next most common charged criminal offense categories were for substance abuse, fraud, and sex offenses.

2018 Cases by Offense Category	
Firearm / Weapons Offense	59%
Controlled Substance/Marijuana	13%
Fraud & Embezzlement	8%
Sex Offense	6%
Larceny & (Auto) Theft	4%
Federal Statutes	3%
Immigration Laws	3%
Other Miscellaneous Offense	1%
Forgery, Counterfeiting	1%
Assault	1%

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#### Chief Judge Rodney W. Sippel served on the Executive Committee of the Federal Judges Association and continues to serve on BAMSL's Executive Committee. Judge Sippel chairs the United States Judicial Conference on the Judicial Branch.

#### U.S. District Judge Audrey G.

Fleissig assumed the Chair of the U.S. Judicial Conference's Committee on Court Administration and Case Management, which she will hold until 2021. Judge Fleissig also serves as the Eighth Circuit's delegate to the Federal Judges Association.

#### U.S. Senior District Judge E. Richard Webber received The Missourian Award—founded in 1994 to acknowledge and honor the most accomplished citizens of Missouri. Judge Webber was also profiled in the Faculty-Alumni Awards

highlights of Mizzou Magazine.









U.S. District Court— Eastern District of Missouri



Hon. RW Sippel

Hon, SA Padmore Mensah

Hon. AG Fleissig

Hon. JM Bodenhausen

Hon. ER Webber

U.S. Magistrate Judge Shirley A. Padmore Mensah was profiled in Washington University's the SOURCE. The article briefly recounts Judge Mensah's childhood in Liberia, her family's immigration to the U.S., and her experiences in law school & private practice concluding with Judge Mensah expressing the satisfaction she finds serving on the Bench.

U.S. Magistrate Judge John M. Bodenhausen moderated a discussion of the recent U.S. Supreme Court decision in Carpenter v. United States at a CLE offering of the Federal Bar Association. Panelists were N. Richards—Washington University School of Law and G. Carrol—Assistant U.S. Attorney, Eastern District of Missouri.

Eastern District Judges Continue Service on Federal Committees			
Chief Judge Rodney W. Sippel	Judicial Conference, <u>Committee on the Judicial Branch</u> —chair: To study and report to the Judicial Conference on past, present, and future relationships with Congress, the Executive Branch, media, Bar, and the general public.		
U.S. District Judge Catherine D. Perry	United States Judicial Panel on Multidistrict Litigation—member: (T)o determine whether civil actions pending in different federal districts involve one or more common questions of fact such that the actions should be transferred to one federal district for coordinated or consolidated pretrial proceedings		
U.S. District Judge Audrey G. Fleissig	Judicial Conference, <u>Committee on Court Administration and Case Management</u> —chair: To study and make recommendations on matters affecting case management; the operation of appellate, district and bankruptcy clerks' offices; jury administration; and other court operational matters.		
U.S. Magistrate Judge Shirley A. Padmore Mensah	Judicial Conference, <u>Committee on Defender Services</u> —member: To oversee the provision of legal representation to defendants in criminal cases who cannot afford an adequate defense.		

#### 8th Circuit Judicial Conference

The Eighth Circuit Judicial Conference was held in Des Moines, Ia in August. Chief Circuit Judge Lavenski R. Smith opened the conference. **The Honorable Neil M. Gorsuch**—Associate (Supreme Court) Justice and **then-Attorney General Jefferson B. Sessions** III addressed the conference., and the chairs of the Senate

(Chuck Grassley, Ia) and House (Robert W. Goodlatte, Va) Judiciary Committees discussed legislation relating to the Judicial Branch.

The agenda included presentations on prosecuting international war crimes, competing approaches of constitutional interpretation, neuroscience & the law, and sports gambling.



U.S. Magistrate Judge David D. Noce fields a question during a discussion session

#### Transferee Judges' Conference

Three of the Eastern District of Missouri's judges were panelists at the 2018 Multidistrict Litigation (MDL) Transferee Judges' Conference.

- ⇒ U.S. District Judge Catherine D. Perry moderated a discussion on attorneys' fees. Panelists were W.B. Rubenstein—Harvard Law School; P. Prieto—Podhurst Orseck; and EK Reisman—Reisman Karron Green.
- ⇒ Chief Judge Rodney W. Sippel, along with The Honorable A.J. Trenga—Eastern Distrct of Virginia, led a discussion on consumer protection class action MDLs.
- ⇒ U.S. District Judge John A. Ross, along with The Honorable T.W. Thrash, Jr.—
  Northern District of California, led a discussion of data breach MDLs.

Other conference topics included MDL rules, class action law, patent & anti-trust MDLs, and the NFL players' concussion injury litigation.

#### Federal Practice Fundamentals

The annual Federal Practice Fundamentals seminar was held at the Thomas F. Eagleton U.S. Courthouse in St. Louis. More than 40 attorneys attended this tutorial for practitioners new to federal court, a slight increase from previous years. The continuing legal education offering covered:

- Federal civil procedure
- Ethical advocacy
- Alternative Dispute Resolution
- Temporary Restraining Orders
- Courtroom logistics
- Electronic case management/filing

All attendees who completed the post-seminar assessment rated the overall program as professionally useful- citing the takehome informational packets as very beneficial. Attendees expressed interest in learning more about many areas of legal practice, including the 8th Circuit Court of Appeals, the Eastern District's local court rules. pro bono opportunities, and removal & remand "how-tos".



"great overview of issues facing new attorneys", "...extremely informative and engaging" - participant comments



# Minting Citizens in 2018

More than 2,000 immigrants were naturalized, some in off-site ceremonies at iconic locations in St. Louis—the Old Courthouse, U.S. Grant Historic Site, Magic House, International Institute, Missouri History Museum, University of Missouri–StL, and Saint Louis, Washington & Harris Stowe State universities.

#### National Outreach Initiatives

The United States District Court for the Eastern District of Missouri is active in civic education activities beyond the geographic boundaries of the District. Chief Judge Rodney W. Sippel is Chair of the United States Judicial Conference Committee on the Judicial Branch.

In December of 2018, Chief Judge Sippel and the Branch Committee traveled to Detroit, Michigan for a special gathering. Long-time member of the committee, Honorable Damon J. Keith, Senior U.S. Circuit Judge for the Sixth Circuit, hosted the group in his home town for what would be his last meeting. Following a tour of the Charles H. Wright Museum of African American History and a reception at the Damon J. Keith Center for Civil Rights at Wayne State University School of Law, Judge Keith told the committee that he was stepping down after serving on the committee since 1996. Judge Keith was first confirmed as a United States District Judge in 1967. He was elevated to the Sixth Cir-



Chief Judge Sippel with Judge Keith in his chambers in the Theodore Levin U.S.
Courthouse in Detroit, Michigan. Judge Sippel is reading a proclamation recognizing Judge Keith's contributions to the judiciary.

cuit in 1977. Chief Justice Rehnquist appointed Judge Keith as Chair of the Bicentennial Commission for the Constitution in 1987. Chief Judge Sippel, AO Director Jim Duff and members of the Branch Committee honored Judge Keith for his extraordinary service the United States Judiciary.

Another installment of the Justice and Journalism program, hosted by the Judicial Branch Committee and the Newseum's Freedom Forum Institute, was held in November in Boston, Massachusetts. Participants included judges from Massachusetts, Rhode Island, New Hampshire, Maine, and Puerto Rico, as well as print and broadcast journalists from the entire region. Chief Judge Sippel was in attendance, in his role as chair of the U.S. Judicial Conference Committee on the Judicial Branch. Outreach Coordinator Rachel Marshall helps coordinate these national events. Planning for two J&J programs in 2019 are underway.

Outreach Coordinator Rachel Marshall traveled to Chicago, Illinois this fall to join National Outreach Manager Rebecca Fanning at the annual NCSS conference. NCSS, the National Council for the Social Studies, is the nation's largest professional association for social studies teachers. Over 4,000 teachers attended the conference. The U.S. Courts displayed a booth in the exhibition hall, at which interested teachers could learn more about the educational programs offered by and through uscourts.gov.

- contribution by Judge R.W. Sippel

#### Constitution Day—Tinker v. Des Moines

This Constitution Day, the districts of Southern Iowa and Eastern Missouri came together for a unique student program. High school students from St. Louis and Des Moines visited their local federal courthouses for an event modeled after the U.S. Courts' newly launched programming on civil discourse.



Facilitated by U.S. Magistrate Judge Celeste F. Bremer in Des Moines and Education Specialist Rachel Marshall in St. Louis, the day began with a discussion activity on civility; followed by an interactive webinar—led by the Newseum in Washington, D.C.—focusing on student First Amendment rights and Tinker v. Des Moines, 1969.

At each location, students then met with two volunteer attorneys. Using what they learned in the webinar, they planned arguments for a fictional student speech scenario. The volunteer attorneys and the students argued the case via video-conference. The group in Des Moines argued for the students in the scenario, while the group in St. Louis argued for the school district.



The student groups asked clarifying questions of each other, and the other side answered, all while practicing civil discourse skills. The activity wrapped up with interactive jury deliberations and Q & A with the judge. U.S. Magistrate Judge Shirley Padmore Mensah met with the group in St. Louis.

- contribution by Rachel E. Marshall

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#### Littering in the 1st Degree



Students from two local schools had their days in court this fall. Fourth graders from New City School and fifth & sixth graders from Sigel Elementary visited as part of annual mock trial events at the courthouse. Sigel participated through an ongoing collaboration with the local chapter of the Federal Bar Association. Attorneys coached the students assigned to the defense and prosecution teams. In the courtrooms federal judges presided over non-scripted trials, during which student lawyers questioned student witnesses and defendants. After the student-led closing arguments, the judges instructed the juries, which were also made up of students. The student juries deliberated to come up with verdicts, practicing civil discussion skills with their fellow jurors. Participating judges were Hon. John A. Ross, Hon. Shirley Padmore Mensah, and Hon. John M. Bodenhausen.

#### 2018 Summer Outreach Programs

Educator Programs. The theme of a 2-day institute in St. Louis and a single day program in Cape Girardeau was separation of power. A program for homeschool educators and families was held in St. Louis. The events consisted of courtroom observations, instructional sessions with legal experts, and classroom activity demonstrations. In addition, 25 teachers of AP U.S. Government and Politics attended a new workshop, learning how to incorporate landmark cases into their instruction.

Scouts Programs. Boy Scouts earned the Citizenship in the Nation merit badge at workshops held in St. Louis and Cape Girardeau, and Girl Scouts earned the Inside Gov-



ernment Badge. Girl Scouts also participated in a mediation activity, a part the Finding Common Ground badge organized by the National Park Service.

<u>Seminar Series.</u> This is a popular Friday morning offering for adults, through OASIS St. Louis. Jury Service and Meet the Judges programs were held in the Fall.

#### Partnering with St. Louis Schools

As part of an ongoing collaboration with St. Louis Public Schools, 7th graders visited for a career exploration program. Students from Lyon Academy spent the morning in a federal courtroom. Following a career introduction from the District Court Clerk's Office, a variety of legal professionals volunteered o be interviewed by small groups of students. Hon. Henry E. Autrey was the participating judge with other careers represented including Courtroom Deputy/Case Manager, U.S. Probation Officer, Courtroom Technologist, Assistant Federal Public Defender, and Assistant U.S. Attorney. After students had the opportunity to get to know the professional assigned to their respective group, they took turns introducing the professional and the career to the entire class. Fall 2018 marks the fourth occurrence of this program.



#### Tours - by the Numbers

The Eagleton Courthouse and Judicial Learning Center continue to be a popular destinations for visitors, with thousands coming every year—getting to see and learn how the courts work. Tours often include courtroom observation in a district court,



judge & attorney chats, and visits to the court of appeals and the Judicial Learning Center. Groups included K-12 classes; summer camps; scout troops; teachers; homeschoolers; walking groups; seniors; undergraduate, graduate & law students; and visiting judges, dignitaries & scholars from other countries.

The Court hosted 155 tours & programs encompassing more than 5,000 participants—with one high school group traveling over 300 miles from McDonald County.

## PRETRIAL SERVICES

Exemplifying the Highest Ideals & Standards in Community Corrections

#### Annual Update

The Eastern District of Missouri's U.S. Pretrial Services Office has expanded to 26 staff, which includes:

- Chief U.S. Pretrial Services Officer Mark M. Reichert,
- supervising U.S. Pretrial Services Officers Susan E. Hendrickson and William L. Irby,
- eight senior U.S. pretrial services officers,
- eight U.S. pretrial services officers,
- two U.S. pretrial services officer assistants, and
- an administrative staff of four and a half.

A recent report from the Administrative Office of the U.S. Courts for fiscal year 2018 indicated the Eastern District of Missouri's Pretrial Services Office experienced a total increase of 282 case activa-

tions, the highest increase in case activations nationwide. The office also had the largest number of high risk case activations and the fifth highest number of violent case activations in the United States. The Eastern District of Missouri also experienced the third highest increase in supervision cases, by an increase of 102 cases. The increase in the supervision cases in the Eastern District of Missouri was in the highest Pretrial Risk Assessment categories. However, the failure to appear rate in pretrial cases in the Eastern District of Missouri remained relatively low at 1.8 percent while the re-arrest rate remained stable at 1.3 percent. Inversely, the bond revocation rate for technical violations in the Eastern District of Missouri decreased by three percent.

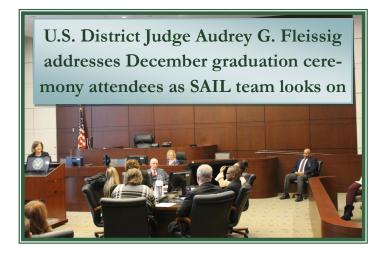
- contribution by Katie Stephens

The Pretrial Services and Probation offices co-host Family Orientation sessions Table Talk and meetings, both which assist defendants & their families with transition from pretrial release to postsentence and prepare them for potential incarceration.

#### Sentencing Alternatives Improving Lives benefits participants!

The Eastern District of Missouri's Sentencing Alternatives Improving Lives (SAIL) program—a post-plea, pre-sentence diversion program—began in March 2015 and continues to experience great success with a cost of incarceration savings of 1.45 million dollars. To date, there have been 31 participants in the SAIL program, including current participants and 12 total graduates—two of whom graduated this year.

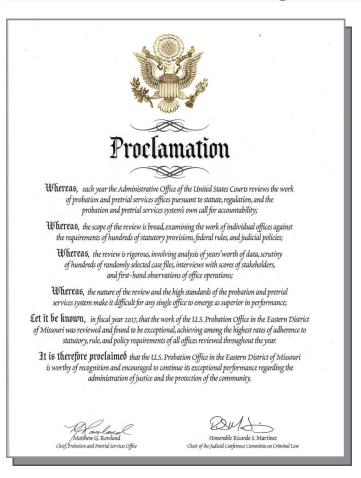
- contribution by Katie Stephens



## PROBATION OFFICE

Committed to Positive Change, Affording Every Individual an Opportunity to Succeed

#### Probation Office Recognized for Exceptional Performance



Matt Rowland, Chief of the AO's Probation & Pretrial Services Office, presented a Proclamation recognizing the Eastern District's Probation Office to Chief Probation Officer Scott Anders at the Chiefs and Deputy Chiefs Administrative Meeting in Cleveland in July 2018. The Proclamation was the first of its kind awarded to a U.S. Probation Office for achieving the highest rate of compliance with national standards evaluated during District reviews conducted in 2017.



#### Project GRIP receives the Frederic Milton Thrasher Award



Jennifer Siwiecki (U.S. Probation Officer) and Anthony Franks (Assistant U.S. Attorney) accepted the Frederic Milton Thrasher Award given by the Journal of Gang Research at the 21st International Gang Specialist Training Conference in Chicago. The award honors and recognizes superior scholarship, leadership, accomplishments, and service in dealing with public safety issues—such as those posed by gangs. The Eastern District's Project Gang Re-Entry Initiative Program (GRIP), headed by **U.S. District Judge Henry E. Autrey**, received the award for 'Superior Accomplishments in Gang Intervention'. A successful graduate of Project GRIP was profiled in a June 2018 article in the St. Louis Post-Dispatch.

# PROBATION OFFICE

#### Enhanced Sex Offender Compliance in the Eastern District

The Probation Office's Sex Offender Unit recently shared the success of it's sex offender supervision policy through the Administrative Office's (of the U.S. Courts) Probation & Pretrial Services webpage.

The Sex Offender Unit created a sanctions group to address noncompliance and provide short-term sanctions for chronic minor infractions. A 10-week cognitive behavioral therapy program focuses on noncompliant offenders, and has successfully graduated over 50 offenders, many of whom were in danger of revocation. The program teaches problem-solving &

interpersonal skills; enhances the ability to consider the consequences of one's actions; and encourages examination of attitudes, beliefs, & thinking patterns.

The sanctions group has been a successful strategy in effecting behavioral change and reducing recidivism, with many success stories since its founding in 2015. The Sex Offender Unit regularly evaluates this program, using both a pre-test/post-test and participant (process) evaluations. To date, every graduate has provided positive feedback about their participation in this program.

- contribution by Kenneth R. Fitzgerald

#### **Expanding Offenders' Vision**

The Probation Office initiated "7 Habits on the Outside"—a voluntary, incentive-based cognitive program promoting behavioral change. The program has weekly discussion meetings, homework & reading assign-

ments. Graduates are eligible for recommended early termination of supervised release. A second offering will begin in early 2019. - contribution by Allison Lupo

#### Helping Offenders Work

The Probation Office launched an employment newsletter for offenders on supervision—with information on job training & certification, tips on searching for jobs, and job opportunities & fairs. The newsletter is available on the agency's Facebook page.



- contribution by Matthew Shekell

#### Improving Re-Entry Courts

Project GRIP and the Janis C. Good Mental Health Court were accepted into the year-long Quality Improvement in Federal Problem Solving Courts, sponsored by the Federal Judicial Center. The goal of the program is to improve outcomes for offenders by improving re-entry courts through the implementation of evidence-based practices. Eastern District staff attended an opening seminar in Dallas, sharing experiences with other federal re-entry courts and observing reentry practices in the Northern District of Texas.

#### Earning Early Release



The Janis C. Good Mental Health Court celebrated its 5-year anniversary in December 2018—the same day it also celebrated it's latest graduation! The graduate paid restitution, remained drug & alcohol free, attended counseling, and obtained stable housing—earning the graduate early termination of supervised release.

# PROBATION OFFICE



Doug Burris, Former Chief

#### The Burris Awards for Reentry & Excellence

In honor of long-time former Chief Doug Burris, the Probation Office instituted the Burris Awards for Reentry & Excellence. Six awardees were honored for achievement in employment, educational excellence, family unity, and community service.

Potential award recipients were nominated by their probation officer, which required a written description of the offenders situation and challenges while on supervised release—and the steps he/she took to meet their challenges.

Although the nominees faced diverse challenges in different terms of supervision, some commonalities emerged among offenders successfully re-entering society. These include hard work, honesty, perseverance, willingness to make amends & help others, trying new things,

completing treatment, and staying sober.

#### Peer Recognition Program

To award staff for contributions & accomplishments; and to promote teamwork, morale, achievement, & career commitment; the Probation Office started a "Peer-to-Peer Recognition Program". The first awardees are:

- Stephen Holmes—extensive forensic laboratory work
- Ryan D. Wilke –unit leadership
- Allison Lupo- commitment to teaching/mentoring
- Jeff Johnson—evaluation & work efficiency

- contribution by Koda I. Hendrix

#### Inaugural Wellness Conference

The Eastern District co-hosted the first-ever U.S. Probation and Pretrial Services Wellness Conference. Conference topics included emotional intelligence, post-traumatic growth, burnout & stress, mindfulness, physical fitness, financial wellness—and much more!



#### Father / Daughter Dance



The Father-Daughter Dance is an opportunity for ex-offenders who have been absent from their daughter's lives to spend quality time

with them. Fathers have spent an average 5 years (minimum) in prison, missing many significant events in their daughter's lives. Fathers write letters to their daughters, which are given to the girls the night of the dance. The winner of a best letter contest gets a free limousine ride to and from the dance. Fathers get a free suit for the dance and the girls a free dress.

#### Helping Kids

As part of the Eastern District's Family Program, Probation and Pretrial Services partnered to collect school supplies

& backpacks for children of families in need on our caseload—helping 150 kids this year.



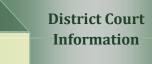
- contributions by Jo C. Cooper

# CLERK'S OFFICE

#### Clerk's Office Update

The Clerk's Office continues to administer programs that facilitate The Court's service to the community. Recent highlights are

- Financial staff from the Administrative Office of the U.S.
   Courts conducted a Knowledge Exchange site visit with the Eastern District of Missouri and Southern District of Illinois in August. Staff reviewed juror & restitution payments, court reporter & interpreter contracts, non-appropriated & unclaimed funds, and treatment court spending.
- The Eastern District will implement the judiciary-wide upgrade to NextGen CM/ECF beginning in May 2019. The upgrade will provide greater integration and data-sharing between the various federal courts. New modules include Judge Review Packets, a customizable user Workspace, and legal Citation Links. To access the upgraded system, each attorney must have his/her own, unique PACER account.



The Honorable Rodney W. Sippel, Chief Judge

Gregory J. Linhares Clerk of Court



Eastern District
Court Locations

#### Court Staff perform Community Service

The Court continues to support worthy local causes. In the last 6 months staff contributed time, talent and money to:

- Children's Personal Hygiene Kits for Great Circle in St. Louis
- Emerson's Lemonade Stand/Bake Sale benefitting an all-abilities playground in Highland, Il
- Juvenile Diabetes Research Foundation
- Motion for Kids, sponsored by BAMSL
- Jefferson Co. Foster Children's Fund

The Eastern District of
Missouri is now on
Twitter! Follow us
@USCourtsMOED
for news and updates

# EASTERN DISTRICT LAW CLERK REFLECTS ON HIS PATH TO A CAREER IN THE LEGAL PROFESSION



Shane Blank, Esquire

In a #MyPathToLaw ABA Journal article, Mr. Blank explains the impact Japanese Bushido principles of rectitude, courage, benevolence, politeness, veracity, loyalty, self-control, and honor have had on his life and career.

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