

Chair's Message

Thank you for giving me the opportunity to be your Chair during the year 2002. Due to the continuing hard work of the founders of CHAL we have become a strong Division. Chuck Hauff has done a tremendous job as Chair during the past year. I hope I can keep the Division running as smoothly as he did. I will heavily rely on Chuck and his predecessor Alan Ehrlich and the new chair-elect, Ken Colton, in guiding our Division's work. I also will heavily rely on the many others who volunteer their time, especially the program co-chairs, Mitch Katz, and his colleague Bill Johnson; the Division treasurer Barbara Lences, the Division councilors, and all the other members of the executive board. Special thanks belong to the new editor of our newsletter, Michael Grossman, who has found a way for beating our publication deadlines.

If you have any question about the management of the Division, please contact any us, including our

councilors Howard Peters, Alan Ehrlich, and their alternates, Alice Robertson and James Carver. Our addresses are listed in the back of this Newsletter. The best way to reach me is via e-mail or fax.

The viability of our Division depends on the personal initiative of all members, not just those who are currently serving in formal functions.

We have now over 1,200 members. Most of us work at the interdisciplinary interface between chemistry, law, regulation and litigation. We all share the desire to bring the two fields together. However, our Division differs from most other ACS Divisions in that CHAL includes members with different professional training and experience. Some of us are primarily chemists; some are primarily attorneys.

One of my goals for the coming year is to assist those who want to improve the quality of communication between those of us who are chemists, and those of us who are lawyers. CHAL members share a

CHAL EVENTS AT ORLANDO

Social Hour

All welcome.

5:00 p.m.

Sunday, April 7, 2002

Peabody Hotel, Bayhill 4/5 Room
(directly across the street
from the Convention Center)

Executive Board Meeting

All welcome.

6:00 p.m. - 9:00 p.m.

Sunday, April 7, 2002

(after the social hour, same place.)

Presentation of Papers

Sunday to Tuesday

April 8-9, 2002

Convention Center

Room 209B, Level Two

Notice of Open Meeting

Monday, April 8, 2002

(after the morning session)

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mutual interest between the two fields, and it should be easier for us to narrow the gap than for others.

This gap is probably smallest in the patent area. This is also the oldest and strongest part of our Division. The Division has held several world-class patent-related symposia with world class speakers, and plans are well in place to continue on the same level. A field of rapidly increasing interest and importance is forensics. The Chicago symposium by chemists from the FBI demonstrated that modern forensics is

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rapidly integrating the latest in high quality chemical research, and, thus, a field in which there are increasing employment opportunities for skilled chemists, including the Ph.D. level, and not only in the area of DNA. Cathryn Campbell, the leader of the Biotechnology Secretariat plans to launch another session in this field in Boston.

In the regulatory field, lead by Diane Robertson, the relation between chemistry and law is well established, as it is in other areas of administrative law, because chemists and other scientists are almost always involved, if not in charge, of formulating and implementing rules.

The gap between lawyers and chemists is probably biggest in the area of civil and criminal litigation, lead to James Carver and myself, where chemists and lawyer still tend to face each other with a healthy dose of distrust, except for the fact that a large part of both professions share a strong distrust towards expert witnesses, i.e. those who are supposed to bridge the gap in professional communications.

Bridging the communication gap is now more important than ever:

First, the outcome of the current world-wide war to track down terrorists depends on effective application of both, chemistry and law. And on a reasonable balance between the interests of the two.

Second, we chemists and lawyers need to join ranks to educate, communicate and share our knowledge with the rest of the nation who is not always familiar with the rationale underlying either of our two professions.

In fact, the gap between science, law and the public is the main reason for the slow "diffusion" of the benefits of scientific progress into

daily life. As the CEO of a large scientific instrument company has repeatedly warned that history shows that the larger our technological progress is, the slower will be its adaption by society: It took over 100 years for the invention of the printing press and the parallel progress to be fully implemented in daily life; and help society emerge from the middle ages.

While chemical industry, and the chemical profession are now de facto global, and the Board of Directors of ACS strives to become global, the political and legal systems have largely remained national and regional, a situation which does not necessarily help preserving diversity.

While ACS has become increasingly active in science policy, I believe that CHAL can be more effective if we concentrate our activities on fostering basic scientific and legal literacy. As a chemistry PhD with two decades of practical experience I am, frankly, appalled at the low level of scientific literacy that most lawyers, some of our highest ranking judges and justices, and, even, some of the lawyers who work for, or in the chemical industry. As a civil litigator, with more than a decade of experience in civil litigation, I am equally appalled at the intolerably low level of legal literacy of the majority of chemists, including Nobel laureates, and those who concern themselves with scientific policy questions.

This lack of mutual understanding is so deep that scientists and lawyers do not even know when they would profit from better communications, or how to communicate with each other.

CHAL is well positioned to accelerate the translation of results from the recent golden age of science into

a much needed boost for the all aspects of the well being of the world's population. I believe that we CHAL members should take a somewhat more activist role in this regard, and I would be interested to hear from you and your experiences.

As we work together this coming year, I would like sponsor three practical activities:

First, I would like to invite each of you to attend a National Meeting, and, if ever possible, present a paper describing your recent work.

CHAL offers an important, and unique forum for professionals with different educational backgrounds to come together, and focus on a subject matter of practical or public interest and narrow the gap between practitioners who have different backgrounds but work in the same or overlapping fields. A typical example, might be the field of forensics, say, the tracking of terrorists.

Second, I would like to invite you to attend meetings of your local ACS sections to spread the word about chemistry and law.

And, third, I would like to invite you to join our Divisional social hours, and participate in the management of CHAL. CHAL like most other ACS Divisions, currently relies heavily on older members for leadership. Don't let that discourage you. We offer all members, including new and younger members an opportunity to become actively involved the management of CHAL.

The deadline for Orlando papers is now past; the deadline for Boston papers will come up in March. Please consider yourself invited. I am looking forward to seeing your name among the presenters in the next general session. If you have any questions or suggestions, please contact me by fax (510) 834-0692 or by e-mail (cbmeyer@msn.com).

Program Chair's Report for Chemistry and The Law

– ORLANDO • SPRING 2002 –

The Chicago program in August 2001 was extremely successful. Following up on that success, CHAL is putting on four programs for the Orlando meeting. First, on Monday,

April 8, 2002, a symposium will be presented entitled, "What you Need to Know: Hot Topics in Intellectual Property," William R. Johnson, Esq., organizing and presiding. In this sym-

posium, a discussion of many of the recent changes in patent law, particularly with respect to the American Inventors Protection Act and the Federal Circuit Festo case will be discussed. This will be an all day symposium.

On Tuesday, April 9, 2002, a morning symposium will be held entitled, "Stem Cells and Cloning – What's All The Hype?," David G. Perryman, Esq., organizing and presiding. Stem cells and cloning have been a recent hot topic in the general media, and this symposium will seek to address and clarify these issues. Speakers from industry, academia, the U.S. Government, and the legal community will present.

An open paper session will be held on Tuesday, April 9, 2002, in the afternoon, Carl B. Meyer, Esq., organizing and presiding. Finally, a Sci-Mix Poster Session will be held on Monday, April 8, 2002, at 8:00 pm by CHAL.

Treasurer's Report

January 1 – December 12, 2001

Starting Balance	\$ 6,191.78
Income	
ACS Division Dues (July-December, 2000)	\$ 6,830.00
ACS Division Dues (January-June, 2001)	5,319.00
ACS 2001 Division Allocation	3,051.47
Royalty, CRC Press Inc. (July-December, 2000)	303.72
Royalty, CRC Press Inc. (January-June, 2001)	214.29
FoxKiser Donation to Education Fund	2,500.00
New Member Dues	55.00
ACS Reimbursement for Councilors' Expenses	3,068.00
ACS Stopgap Funding	4,700.00
Total	\$32,233.26
Expenses	
Spring Newsletter (includes Bulk Mail Fee and Deposit)	\$ 5,723.24
Fall Newsletter (Excludes Bulk Mail Fee)	5,042.30
Incorporation	195.00
Reimbursement for 2000 Office Expenses (AOR)	31.94
Speaker Registration Fees for Fall Meeting 2000	1,025.00
LCD Projector Fees for Fall Meeting	4,450.88
Guest Registration Fees for Spring Meeting 2001	650.00
Audiovisual Charges for Spring Meeting 2001	44.40
Awards	300.00
Councilor Reimbursement for Spring Meeting 2001	2,672.43
Councilor Reimbursement for Fall Meeting 2001	2,689.61
Division Officer Caucus 2001 Dues	60.00
Biotechnology Secretariat 2001	100.00
Ballot Mailing	53.57
Bank Charges (December 2000 to November, 2001)	40.00
Total	\$23,078.37
Ending Balance	\$ 9,154.89

CHAL Division Election Report

Here are the CHAL election results as reported to ACS for last December:

Chair-Elect: Ken Colton

Ken is a patent attorney with the law firm of Fitch, Even, Tabin & Flannery, serving the intellectual property needs of his clients in established and emerging technologies. His primary focus is on chemistry, where his experience in a variety of chemical and biochemical technologies ranges from agrochemicals to zeolites. Ken is very active in ACS and CHAL.

Treasurer: Barbara Lences

Barbara is a Senior Patent Agent for American Home Products Corporation, Wyeth-Ayerst Research, Princeton, NJ. Barbara is very active in Division activities and has served as Treasurer

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of Chemistry and the Law Division since 1997. Barbara is also Princeton Local Section's Councilor and Past Chair. Additionally, Barbara was honored with the Roger Middlekauff Award at the 2001 Fall National Meeting of the American Chemical Society in Chicago.

Secretary: David Jaffer

David is a patent attorney for Pillsbury Winthrop. David has extensive experience in intellectual property counseling, technology licensing, patent and trademark prosecution, electronic commerce and internet issues, trade dress, copyrights, software protection, and related litigation. David is a member of the American Chemical Society's Committee on Patents and Related Matters, which he chaired from 1997 to 1999. He also served as Chairman of the ACS' Division of Chemistry and the Law in 1996. He was President of the Silicon Valley Intellectual Property Law Association for 2000-2001.

Councilor: Alan Ehrlich

Alan is Patent Counsel in EPA's Office of General Counsel, working in the areas of patents, intellectual property, and the Federal Technology Transfer Act. Alan has been an active member of CHAL since 1991; he became Regulatory Affairs Subcommittee Chair in 1997, Chair-Elect in 1999, and Chair in 2000. Alan also has been a member of ACS' Committee on Patents and Related Matters since 1993, and has been Chairman since January, 2000

Alternate Councilor: Alice Robertson

Alice was Chair of CHAL in 1997. Alice has also served as chair of Public Relations/Publicity, Program Chair and many other positions both within the Division and ACS. Alice was honored with the Roger Middlekauff Award at the 1997 Fall National Meeting of the American Chemical Society in Las Vegas.

Books in Brief

Normally, a brief book review here would have some science/law connection. **The Security of Freedom: Essays on Canada's Anti-Terrorism Bill**¹ does not have an explicit such connection, but I am reviewing it here anyhow because it may have such a general impact on Canadian law as to affect science/law in its wake.

The Security of Freedom, published in late November of last year, contains papers presented at a two day conference earlier that month, sponsored by the University of Toronto Faculty of Law. The speed of its publication reflects its importance to the rule of law in Canada. The conference was a response to the introduction of proposed anti-terrorism legislation into the Canadian House of Commons, on 15 October, by Justice Minister Anne McLellan. That Bill (C-36,^{2,3,4} along with two others: C-42⁵ and C-44⁶) was the legislative response of Prime Minister Jean Chrétien and his governing Liberal Party to the tragedies of September 11th.

By the time you read this newsletter, Bill C-36 will have transformed Canadian law to include new features for preventative detention, compelled testimony to any police force in investigative hearings, increased government secrecy, and diminished citizen rights to privacy; all under a somewhat broad definition of terrorism. In their analyses, various of the essayists in The Security of Freedom express some support for the Bill's contents, but also some serious concerns about its justification and efficacy. And as well, concerns are expressed about how flimsy the Canadian Charter of Rights and Freedoms^{7,8} might actually

be ("flimsy" here is my usage; reflecting my bias; I did not see any of the essayists use this word).

Notes:

1. Ronald J. Daniels, Patrick Macklem & Kent Roach, editors; The Security of Freedom: Essays on Canada's Anti-Terrorism Bill, "Papers presented at a conference entitled: The security of freedom: a conference on Canada's anti-terrorism bill, held Nov. 9-10, 2001, and sponsored by the University of Toronto Faculty of Law." University of Toronto Press, Toronto, Buffalo, London; 2001; ISBN 0-8020-8519-9. [-\$16]
2. First Session, Thirty-seventh Parliament, 49-50 Elizabeth II, 2001; HOUSE OF COMMONS OF CANADA; BILL C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities, in order to combat terrorism .
3. Now: Anti-terrorism Act, 49-50 Elizabeth II, Chapter 41, Royal Assent 18 December 2001.
4. www.laws.justice.gc.ca/en/, www.parl.gc.ca/
5. An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, Bill C-42, First Session, Thirty-seventh Parliament, 49-50 Elizabeth II, 2001, HOUSE OF COMMONS OF CANADA, First reading, 22 November 2001.
6. Now: An Act to amend the Aeronautics Act, First Session, Thirty-seventh Parliament, 49-50 Elizabeth II, 2001, Statutes of Canada 2001, Chapter 38, Royal Assent 18 December 2001.
7. Canadian Charter of Rights and Freedoms; Constitution Act, 1982; Schedule B, Part I. www.solon.org/Constitutions/Canada/English/ca_1982.html
8. The Constitution Act, 1867 (originally called the British North America Act, 1867; [United Kingdom] 30 & 31 Victoria, c. 3.). www.solon.org/Constitutions/Canada/English/, www.solon.org/Constitutions/Canada/English/ca_1867.html

Program for Orlando Meeting

Division of Chemistry and The Law

April 7-11, 2001

M. A. Katz, Program Chair

MONDAY MORNING (April 8)

Convention Center, Room 209 B, Level Two

Adding Value To Your IP: Hot Topics In Intellectual Property

W.R. Johnson, Organizer, Presiding

- 9:00 Introductory Remarks.
- 9:10 Patent strategies that you need to know. *D. E. Huizenga*
 - 9:50 How useful must an invention be? *R. A. Hodges*
 - 10:30 Getting to know Festo: Practical advice for inventors. *M. G. Weatherly*
 - 11:10 What you need to know about licensing your intellectual property. *W. H. Needle*

MONDAY AFTERNOON (April 8)

Convention Center, Room 209 B, Level Two

Adding Value To Your IP: Hot Topics In Intellectual Property

W.R. Johnson, Organizer, Presiding

- 1:30 The importance of intellectual property in drug development. *M. S. Perry, B. T. Dorsey*
- 2:10 Mechanism-based methods of treatment: A new alternative in claim strategy. *L. A. Nixon*
- 2:50 Bytes from stone: Use of electronic records as evidence. *T. R. Walters*
- 3:30 Predicting the future without a crystal ball: What you need to know about duties, obligations and ethics before the USPTO
W. R. Johnson

MONDAY EVENING (April 8)

Convention Center, Room 209 B, Level Two

Sci-Mix Poster Session

H. M. Peters, Organizer, Presiding

- 8:00 1999 and 2002 Inductees into the National Inventors Hall of Fame (www.invent.org)
H. M. Peters
- Death by Chocolate: A Brief History of Chocolate.
H. M. Peters

- Inventors Make a Difference Day Event. *H. M. Peters*
- Inventure Place at www.invent.org
H. M. Peters
- Milton S. Hershey - One of a Kind, Founder of the Hershey Chocolate Company
H. M. Peters
- Monopoly: The Board Game
U.S. Patent 2,026,082
H. M. Peters
- National Inventors Hall of Fame (www.invent.org)
H. M. Peters
- National Medal of Technology and National Medal of Science (www.ta.doc.gov/medal)
H. M. Peters
- Norbert Rillieux - Sugar Chemist. *H. M. Peters*
- Women and Minorities in the National Inventors Hall of Fame - Dr. George Washington Carver, Peanut Products, U.S. Patents 1,522,176, 5,541,478 and 1,632,365 *H. M. Peters*
- Women and Minorities in the National Inventors Hall of Fame - Dr. Gertrude B. Elion, Leukemia-Fighting Drug 6-Mercaptopurine, U.S. Patent 2,884,667 *S. Peters*
- Women and Minorities in the National Inventors Hall of Fame - Dr. Percy L. Julian - Preparation of Cortisone, U.S. Patent 2,752,339 *S. Peters*
- Women and Minorities in the National Inventors Hall of Fame - Elizabeth L. Hazen and Rachel Brown, Nystatin, U.S. 2,797,183 *S. Peters*
- Women and Minorities in the National Inventors Hall of Fame - Stephanie Kwolek, Kevlar, U.S. Patents 3,819,587 and RE 30,352
S. B. Radding

TUESDAY MORNING (April 9)

Convention Center, Room 209 B, Level Two

Stem Cells and Cloning - What's all the Hype?

D. G. Perryman, Organizer, Presiding

- 9:00 Introductory Remarks.
- 9:10 Embryonic stem cells and cloning. *S. Stice*
 - 9:50 Government funding of embryonic stem cells.
T. McKeon
 - 10:30 Patenting of embryonic stem cells and cloning.
D. E. Huizenga
 - 11:10 The commercialization of embryonic stem cells and cloning.
D. G. Parryman

Living With AIPA: Impact of the American Inventors Protection Act After a Year

I. Cosponsored with ACS Committee on Patents and Related Matters, Patent Information Users Group (PIUG), and Division of Chemical Information

TUESDAY AFTERNOON (April 9)

Convention Center, Room 209 B, Level Two

Open Paper Session

C. B. Meyer, Organizer, Presiding

- 1:30 Limitation of Liability Clauses in Consulting Engineer Contracts. *E. J. Berns*

Living With AIPA: Impact of the American Inventors Protection Act After a Year

II. Cosponsored with ACS Committee on Patents and Related Matters, Patent Information Users Group (PIUG), and Division of Chemical Information

Abstracts for Chemistry and The Law Papers

223rd ACS National Meeting

Orlando, Florida April 7-11, 2002

1. Patent strategies that you need to know

David E. Huizenga, Needle & Rosenberg, PC
1200 Candler Building, 127 Peachtree St., Atlanta, GA 30303
Fax: 404-688-9880, huizenga@needlepatent.com

Obtaining patent protection is not simply the filing of a patent application. There are significant strategy issues that can be addressed, both before the patent application is drafted as well as after a patent has issued. This talk will address some of these strategy issues that scientists and patent portfolio managers should think about as work which may be patented is performed, matures into a patent application, and eventually into becomes a patent. Issues related to what type of information can be disclosed and when information, can be disclosed, what type of materials to provide to your patent attorney, the factors driving the cost of a patent application, and issues that can arise if patent protection outside of the United States will be pursued will be addressed among others.

2. How useful must an invention be?

Robert A. Hodges, Needle & Rosenberg, P.C
1200 Candler Building, 127 Peachtree St. N.E, Atlanta, GA 30022
Fax: 404-688-9880, hodges@needlepatent.com

The recent patent office guidelines for assessing the utility of inventions will be discussed and analyzed. Practical considerations of higher standards of utility will be explored.

3. Getting to know Festo: Practical advice for inventors

Mitchell G. Weatherly, Needle & Rosenberg, P.C
1200 Candler Building, 127 Peachtree St. N.E, Atlanta, GA 30303
Fax: 404-688-9880, weatherly@needlepatent.com

The Federal Circuit's recent controversial decision in *Festo v. Shoketsu* has dramatically altered the strategies for obtaining patents and can lead to undesirable gaps in the scope of protection afforded by a patent. This presentation explains, from an inventor's perspective, the practical effect of *Festo*. The presentation also provides practical advice for dealing with your patent attorney to maximize the protection provided by the patent that issues.

4. What you need to know about licensing your intellectual property

William H. Needle, Needle & Rosenberg, P.C
1200 Candler Building, 127 Peachtree St. N.E, Atlanta, GA 30303
Fax: 404-688-9880, bneedle@needlepatent.com

The ability to obtain intellectual property is but one aspect of protecting and providing value to your intellectual property. Another key aspect involves the licensing of intellectual property rights. This talk addresses some of the licensing issues that scientists and patent portfolio managers should think about before and after you obtain intellectual property rights.

5. The importance of intellectual property in drug development

Michael S. Perry, and Brian T. Dorsey, Sr. VP. Global Head of BioPharmaceuticals, Baxter Healthcare Corporation
550 North Brand Boulevard, Glendale, CA 91203
Fax: 818-991-1419, brian_dorsey@baxter.com

This session will present an overview of the drug development process from discovery to launch with a focus on the involvement and importance of intellectual property. Intellectual Property is a critical component to the success of any drug development candidate. We will illustrate how intellectual property issues can effect the drug development process and how with proper strategic planning they can be avoided.

6. Mechanism-based methods of treatment: A new alternative in claim strategy

Lisa A. Dixon, Fish & Neave
1251 Avenue of the Americas, New York, NY 10020
Fax: 212-596-9090, ldixon@fishneave.com

The presentation will examine patent claims to mechanism-based methods of treatment. Traditionally, method of treatment claims have been formulated in terms of specific compounds. These claims generally recite the compounds by name or chemical structure. Recently, however, applicants have sought, and the Patent Office has issued, method of treatment claims that are not limited to specific compounds. These claims are mechanism-based. They purport to include within their scope any compound that has the recited mechanism of action. Such mechanism may be inhibition of an enzyme, binding to a receptor, regulation of gene expression. The advantages and disadvantages of these claims will be discussed.

7. Bytes from stone: Use of electronic records as evidence

Todd R. Walters, Burns, Doane, Swecker & Mathis, LLP
Suite 500, 1737 King Street, Alexandria, VA 22314
Fax: 703-836-2021, toddw@burnsdoane.com

Keeping a written record in laboratory notebooks is as antiquated as etching words in stone or dying pictures on the walls of a cave. Yet, often at the behest of counsel, scientists document their daily research by handwriting in bound laboratory notebooks. Bound handwritten notebooks have been used throughout the years because they are known to be admissible and believed to be credible evidence of priority of invention. However, this does not mean that scientists cannot create and maintain research notes electronically. Electronic notebook records are admissible evidence of priority of invention when properly kept. When transitioning from bound notebooks to electronic records, scientists must ensure the integrity of such records so that the decision maker views them with the same credibility as bound written notebooks.

8. Predicting the future without a crystal ball: What you need to know about duties, obligations and ethics before the USPTO

*William R. Johnson, Needle & Rosenberg, P.C.
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Fax: 404-688-9880, johnson@needlepatent.com*

Applicants for patents and their representatives owe a variety of duties and obligations to the Patent Office. Unfortunately, the sufficiency of your actions are only judged in hindsight, often years, maybe even decades, later. This consideration, combined with the fact that Congress and the courts have significantly changed the face of patent law over the last few years, have had an impact to those on the "front lines" of the patent field. This discussion will take a look at some of these issues and try and update the "status" of where we are, and what that means to those filing patent applications.

9. 1999 and 2002 Inductees into the National Inventors Hall of Fame (www.invent.org)

*Howard M. Peters, Peters, Verny, Jones and Biksa, LLP
385 Sherman Avenue, Suite 6, Palo Alto, CA 94036
Fax: 650-324-1678, peters4pa@aol.com*

In September 1999, The National Inventors Hall of Fame (NIHF) inducted ten new inventors into the Hall. These include George de Mestral for U.S. Patent 2,717,437 (to VELCRO), Donald L. Campbell, Homer Z. Martin, Eger V. Murphree and Charles W. Tyson for U.S. Patent 2,451,804 (fluid catalytic cracking at EXXON), Bryan B. Malloy and Klaus K. Schmiegel for U.S. Patent 4,314,081 (for PROZAC at Eli Lilly), Percy L. Spencer for U.S. Patent 2,408,235 (for microwave ovens at Raytheon), and Gerhard M. Sessler and James E. West for U.S. Patent 3,118,022 (forelectret microphone) at Bell Labs now Lucent tech.) Descriptive information and the U.S. patents are presented.

10. Death by Chocolate: A Brief History of Chocolate

*Howard M. Peters, Peters, Verny, Jones and Biksa, LLP
385 Sherman Avenue, Suite 6, Palo Alto, CA 94036
Fax: 650-324-1678, peters4pa@aol.com*

Chocolate was eaten and drunk by the natives of Central and South America long before Columbus. Chocolate taken to Europe was touted as having a variety of medicinal uses. In the 1800's chocolate production increased greatly because of the mixing of chocolate with milk products. A brief history of chocolate as food and drink is presented. Several chocolate references will be provided. Guittard Chocolate, the See's Candies supplier, will be available.

11. Inventors Make a Difference Day Event

*Howard M. Peters, Peters, Verny, Jones and Biksa, LLP
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The Santa Clara (Silicon) Valley Section joined forces with the Intel Museum to host a first-of-its-kind event on October 23 as part of the national Make a Difference Day sponsored by the Points of Light Foundation. The high tech museum, which was open for the first time on a Saturday, hosted self-guided tours of semi-conduc-

tor history, manufacture and applications. The ACS local section presented posters of women and minority inventors, local highly successful commercial inventions in the Silicon Valley, patents of toys and common objects to demonstrate that you don't need to be a rocket scientist to be an inventor, patents of famous people, and historical African-American inventions. (<http://intel.com> and <http://www.intel.com/go/museum>)

12. Inventure Place at www.invent.org

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Inventure Place celebrates the creative and entrepreneurial spirit of invention innovation and inventors. The creative genius of invention is showcased through exhibits and presentations which allow visitors to experience the excitement of discovery, creativity and imagination. Inventure Place furthers the inventive spirit to address specific aspects of encouraging technological leadership and creativity in America. Inventure Place was created in 1991 and moved into new facilities at 221 S. Broadway St, Akron, OH 44308-1505 in 1995. The programs of invention and innovation are presented.

13. Milton S. Hershey - One of a Kind, Founder of the Hershey Chocolate Company

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Milton S. Hershey founded and incorporated the Hershey Chocolate Company in 1901. It has become the giant international Hershey Foods Company of Hershey, PA. Mr. Hershey believed more in trade secrets than in patents, hence the company had only three US Patents before his death at 88 in 1945. Hershey's sole U.S. Patent 1,740,693 was to a process of purifying sugar. Copies of these U. S. patents will be presented, as well as some representative U.S. trademarks. A portion of this presentation will be devoted to the life and the \$5,000,000,000 philanthropic foundation of Mr. Hershey.

14. Monopoly: The Board Game - U.S. Patent 2,026,082

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Monopoly, the board game of chance, was invented in the middle of the Great Depression and patented by Charles Darrow as U.S. Patent 2,026,082 on December 31, 1935. The game proved to be very popular and is still a major source of revenue for Parker Brothers. The U.S. Patent expired in 1952, but the innovation is now protected by trademark and copyright. Trademarked articles and copyrighted articles are presented.

15. National Inventors Hall of Fame (www.invent.org)

*Howard M. Peters, Peters, Verny, Jones and Biksa, LLP
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continued on next page

The National Inventors Hall of Fame (NIHF) celebrates the creative and entrepreneurial spirit of great inventors. The creative genius of invention is showcased through exhibits and presentations which allow visitors to experience the excitement of discovery, creativity and imagination. The NIHF furthers the inventive spirit to address specific problems of declining technological leadership and creativity in America. The NIHF was established in 1973 by the National Council of Patent Law Associations, now the National Council of Intellectual Property Law Associations, and the Patent and Trademark Office of the U. S. Department of Commerce. The National Inventors Hall of Fame Foundation was created to administer it. National Inventors Hall of Fame, 221 S. Broadway St, Akron, OH 44308-1505.

16. National Medal of Technology and National Medal of Science (www.ta.doc.gov/medal)

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385 Sherman Avenue, Suite 6, Palo Alto, CA 94036
Fax: 650-324-1678, peters4pa@aol.com*

The National Medal of Technology and the National Medal of Science within the U.S. Department of Commerce are the Nation's highest honors for technological achievement presented annually by the President of the United States. The companies, men and women awarded these Medals are those whose extraordinary works in research, development and design have made significant contributions to U.S. prosperity and competitiveness, and our overall quality of life and our understanding of the world around us. The American Chemical Society Patent Committee solicits your recommendations for companies and individuals for future nominations. National Medal of Technology: e-mail NMT@ta.doc.gov.

17. Norbert Rillieux - Sugar Chemist

*Howard M. Peters, Peters, Verny, Jones and Biksa, LLP
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Fax: 650-324-1678, peters4pa@aol.com*

Norbert Rillieux was a 19th Century inventor who greatly improved the process to convert sugar cane to sugar. The old process using fire at atmospheric pressure was slow, inefficient and labor intensive. The old process was often called "the Jamaica Train." Rillieux's U.S. Patent 4,897 described a reduced atmosphere evaporation that was cost effective and very efficient. It revolutionized the sugar industry in Louisiana and elsewhere. Rillieux was an African-American cousin of Impressionist French Painter, Edgar Degas. Rillieux eventually became so dissatisfied with race relations in New Orleans in the 1850's that he moved back to Paris and never returned to the U.S.

18. Women and Minorities in the National Inventors Hall of Fame - Dr. George Washington Carver, Peanut Products, U.S. Patents 1,522,176, 5,541,478 and 1,632,365

*Howard M. Peters, Peters, Verny, Jones and Biksa, LLP
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Fax: 650-324-1678, peters4pa@aol.com*

George Washington Carver was born of slave parents in Diamond Grove, MO. In 1887 he was accepted at Simpson College in

Indianola, Iowa. He attended Iowa Ag. Coll. (now Iowa State U.) and earned a B.S. in 1894 and an M.S. in agriculture in 1897. Booker T. Washington, founder of the Tuskegee Normal and Industrial Institute for Negroes, convinced Carver to serve as the school's director of agriculture. Carver developed 325 uses for peanuts—from cooking oil to printer's ink—and helped to create new markets. When he discovered that the sweet potato and the pecan also enriched depleted soils, Carver found almost 200 uses for those crops, including synthetic rubber and material for paving highways. He synthesized organic dyes, which proved to be superior to the imported ones. Upon his death on January 5, 1943, Carver contributed his life savings to establish a research institute at Tuskegee. His birth place was declared a national monument in 1953. (Inducted into NIHF in 1990).

19. Women and Minorities in the National Inventors Hall of Fame - Dr. Gertrude B. Elion, Leukemia-Fighting Drug 6-Mercaptopurine, U.S. Patent 2,884,667

Sally Peters, Xerox-Parc, 3333 Coyote Hill Road, Palo Alto, CA 94304, Fax: 650-812-4028, speters@parc.xerox.com

Dr. Gertrude Elion attended Hunter College at the age of 15 and graduated summa cum laude in 1937. She received her MS in Chemistry from New York University, and has ten honorary Doctoral degrees. Dr. Elion has 45 patents and over 280 scientific publications. "Imuran," a derivative of 6-mercaptopurine was found to block the body's rejection of foreign tissues and was quickly used for successful kidney transplants from unrelated donors. Her breakthroughs were the result of a rational approach to drug development, which replaces the reliance upon a hit-or-miss process. Dr. Elion officially retired in 1983 and is now Scientist Emeritus with Burroughs-Wellcome. In 1988 Dr. Elion shared the Nobel Prize in Medicine with her colleague George Hitchings and Sir James Black. She was inducted into the Inventors Hall of Fame in 1991.

20. Women and Minorities in the National Inventors Hall of Fame - Dr. Percy L. Julian - Preparation of Cortisone, U.S. Patent 2,752,339

Sally Peters, Xerox-Parc, 3333 Coyote Hill Road, Palo Alto, CA 94304, Fax: 650-812-4028, speters@parc.xerox.com

Percy Lavon Julian, the grandson of former slaves, was born in Montgomery, AL on April 11, 1889. Julian graduated in 1920 from DePauw University as class valedictorian with Phi Beta Kappa honors. With no scholarship aid he went to Fisk University to teach chemistry. In 1923, with an Austin Fellowship in Chemistry, he earned a Master's degree from Harvard. After teaching at West Virginia State College and Howard University, Julian received his Ph.D. in Organic Chemistry from the University of Vienna in 1931 under the direction of Ernst Spath. Julian was noted for his synthesis of cortisone, used in the treatment of rheumatoid arthritis and other inflammatory conditions. Julian's method of synthesis reduced the price of cortisone extracted from oxen bile at high cost. He died in 1975. (NIHF inductee 1990).

21. Women and Minorities in the National Inventors Hall of Fame - Elizabeth L. Hazen and Rachel Brown, Nystatin U.S. 2,797,183

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3333 Coyote Hill Road, Palo Alto, CA 94304
Fax: 650-812-4028, speters@parc.xerox.com

The world's first useful antifungal antibiotic, NYSTATIN, was developed through a long-distance scientific collaboration. Researchers for the New York State Department of Health, Elizabeth Hazen in NYC and Rachel Brown in Albany shared tests and samples through the U.S. Mail. The antibiotic they developed, named "NYSTATIN" for the New York State Dept. of Health, was first introduced in 1954. It cured many disfiguring and disabling fungal infections of the skin, mouth, throat, and intestinal tract and could be combined with antibacterial drugs to balance their effects. They donated all NYSTATIN royalties-\$13 million- to academic science through the nonprofit Research Corp. Hazen earned a B.S. at the Mississippi State Coll. for Women and an M.S. degree in bacteriology from Columbia U., becoming one of its first women doctoral candidates. Brown received her B.A. from Mount Holyoke Coll. and an MA and Ph.D. in chemistry from the U. of Chicago. (NIHF-1994)

22. Women and Minorities in the National Inventors Hall of Fame -Stephanie Kwolek, Kevlar, U.S. Patents 3,819,587 and RE 30,352

Shirley B. Radding, Tetrac
2994 Cottonwood Court, Santa Clara, CA 95051
Fax: 408-296-8625, sradding@att.net

Stephanie Kwolek was born in New Kensington, PA, and received her B.S. in chemistry from the Carnegie Institute of Technology in 1946. As a chemist at Du Pont, Kwolek's earliest work pioneered low-temperature processes for the preparation of condensation polymers, and resulted in hundreds of new polymers, including KAPTON polyimide film and NOMEX aramid polymer and fiber. The most famous product is KEVLAR, a polymer fiber five times stronger than the same weight of steel. It is material for bullet-resistant vests and many other worldwide. Kwolek moved to the Pioneering Research Lab. at Du Pont's Experimental Station in Wilmington, DE in 1950. She retired in 1986 as a research associate but continues to consult for Du Pont and serves on the committees of the National Research Council and the National Academy of Sciences. She holds 17 patents. (NIHF-1995)

23. Embryonic stem cells and cloning

Steve Stice, Animal Science Complex, University of Georgia,
Athens, GA 30602, Fax: 706-542-7925, sstice@arches.uga.edu

Embryonic stem cells and cloning are two of the most exciting and controversial issues of our time. These related fields hold tremendous potential and challenge for mankind. This session will introduce and explore the scientific and social issues of these fields.

24. Government funding of embryonic stem cells

Tina McKeon, Needle & Rosenberg, P.C
1200 Candler Building, 127 Peachtree St. N.E, Atlanta, GA 30022
Fax: 404-688-9880, mckeon@needlepatent.com

Government funding of embryonic stem cell research has been hotly debated. This session will address the policies behind gov-

ernment funding of embryonic stems cells, the current status of such funding and a look to the future.

25. Patenting of embryonic stem cells and cloning

David E. Huizenga, Needle & Rosenberg, PC
1200 Candler Building, 127 Peachtree St. N.E, Atlanta, GA 30022
Fax: 404-688-9880, huizenga@needlepatent.com

Of keen public interest is whether embryonic stem cells and cloning are too close to life to be patented. The patentability of embryonic stem cells, cloned animals and cloning techniques will be discussed. The patent landscape of these two fields will be addressed.

26. The commercialization of embryonic stem cells and cloning

David G. Perryman, Needle & Rosenberg, P.C
1200 Candler Building, 127 Peachtree St. N.E, Atlanta, GA 30022
Fax: 404-688-9880

The embryonic stem cell and cloning controversy culminates with companies trying to capitalize on these fields. This session will address how science, funding and patents surrounding embryonic stem cells and cloning have come together in a proliferating mass of companies.

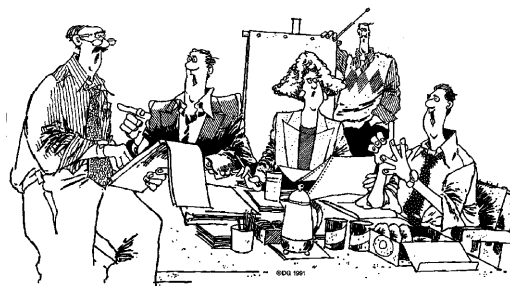
27. Limitation of Liability Clauses in Consulting Engineer Contracts

Elizabeth J. Berns, Skellenger Bender
1301 Fifth Avenue, Suite 3401, Seattle, WA 98101
Fax: 206-447-1973, eberns@skellengerbender.com

Limitation of liability clauses began appearing in consulting engineer contracts in the mid-1970's. The clauses were used as a form of risk management in the face of increased litigation and inadequate liability insurance. Today, limitation of liability clauses continue to serve an economic necessity in contemporary engineer contracting.

Because limitation of liability clauses allow consulting engineers and owners to contractually quantify and allocate risk, they allow consulting engineers to provide services at reasonable cost.

Courts around the country have reviewed contractual clauses that purport to limit the liability of consulting engineers. Under appropriate circumstances, courts have found limitation of liability clauses to be enforceable. The specific language of a limitation of liability clause is dependent upon the risk(s) on a particular project and no clause is appropriate for all projects. It is important that the consultant seek counsel to maximize enforceability.



Chemistry and The Law Membership Report

Welcome to all the new members of Chemistry and The Law. Here are the names and cities of the 223 new members who joined our Division in 2001. Of the 223, there are 112 who were already ACS members and there were 111 new ACS members who chose our division as their one "free" division. To all 223 new members, we hope that you are pleased with us and will continue your membership on 2002. To all CHAL members, we want to satisfy your interest in Chemistry and The Law.



12 BENEFITS OF ACS DIVISION MEMBERSHIP

Whether you join CHAL or several ACS Divisions, you will find your professional life enhanced – by new knowledge, new contacts, and new accomplishments. Division membership affords unique benefits – at modest cost. Among the benefits most valued by division members are:

1. Access to national meeting abstracts, preprints, and/or reprints of papers
2. Enhanced opportunities to present papers at national and divisional meetings
3. Substantial savings on publications
4. Career advancement through professional development and networking opportunities
5. Advance notice of upcoming events
6. Membership directories
7. Scientific and technical exchange with colleagues that sparks new directions in your work
8. Timely information on the latest trends in areas of special interest
9. Enthusiasm and renewed commitment to your professional goals
10. Recognition of your discipline's vital contribution to chemistry's advancement
11. Opportunity to suggest symposia topics and participate in technical programming
12. Continuing education and professional development opportunities

Mission/Goals of CHAL

The mission of the Division of Chemistry and The Law is to provide a forum within ACS for members who work in careers involving the interaction of Chemistry and The Law. Some typical examples would include chemists and chemical engineers working in the fields of patents, copyright, trademarks, intellectual property, occupational health and safety, regulatory compliance, forensic science, product liability, toxic tort and environmental law.

Our goals are to provide an interactive forum for chemists who work in these positions, to provide Division members and the ACS membership at large with high quality, inter-disciplinary programs, symposia, and publications in these areas, and to promote and increase the public understanding of chemistry and its interactions with the law.

We also desire to expose ACS members (chemists, chemical engineers, and students) to alternative career opportunities which provide an interdisciplinary challenge, between chemistry and its application to areas of law, and in law and its applications to chemistry.

CHAL New Members

Adams, Stephen	Reading, UK	Deemie, Robert	Reston, VA
Akinsanya, Akinwale	Lagos, Nigeria	Delong, John	Akron, OH
Allinson, Abiola	Ogun, Nigeria	Dollinger, Robert	Boulder, CO
Ambrogio, Dawn	Hudson, FL	Donnell, Alexander	Colonie, NY
Anderson, Philip	Mobile, AL	Dowd, Matthew	Washington, DC
Anthony, Kimberly	Richmond, VA	Duelstgen, Dr Ronald R	Eagan, MN
Arora, Kartar	Sturtevant, WI	Dugan, Anthony Dugan	Canton, OH
Barnett, Philip	Chicago, IL	Eberhard, Ellen	Urbana, IL
Barr, Linda	Irvine, CA	Endres, Stephen	Groton, CT
Belfield, Jing	Wilmington, DE	Erler, Steffen	Oxford, UK
Berger, Thomas	Washington, DC	Evers, David	Ann Arbor, MI
Bergin, Denise	San Francisco, CA	Farquharson, Serena	Durham, NC
Berkowitz, Tracy	Sudbury, MA	Fogel, Louis	Evanston, IL
Bethards, Matthew	Los Angeles, CA	Foiles, Peter	Ramsey, NJ
Bhatia, Gurpreet	London, UK	Forrestal, Kevin	San Diego, CA
Bishop, Terrence	Denver, CO	Fthenakis, V M	Dix Hills, NY
Blizzard, Stephen	Elkview, WV	Galatashillary	Omaha, NE
Bortoli, Assunta	Lonigo, Italy	Gallagher, Carrie	Oak Park, IL
Bramble, Linda	Saranac, MI	Gandhi, Jitu	Cleveland, OH
Britt, George	Philadelphia, PA	Goldman, Daniel	Edison, NJ
Brown, Shannon	Pottersville, MI	Golightly, Eric	Houston, TX
Brustein, Mitchell	Philadelphia, PA	Gomez, Nestor	Bogota, Colombia
Buck, Heather	Vernon Hills, IL	Gore, Steven	Nashville, TN
Buck, Jason	Nashville, TN	Granfield, Arthur	Orlando, FL
Burch, Marcus	Mount Vernon, IA	Graves, Ann	Winston Salem, NC
Bursh, Talmage	Baton Rouge, LA	Green, Kristy	Baton Rouge, LA
Byrnes, Timothy	Bethel Park, PA	Grune, Guerry	Virginia Beach, VA
Cabello, Joey	Dobbs Ferry, NY	Hackett, Emily	Nashua, NH
Carbine, Colleen	Miami, FL	Hart, Herbert	Chicago, IL
Carlson, Jeffrey	Minneapolis, MN	Hart, Lauren	Montgomery Vlg, MD
Castellano, Lois	New Brunswick, NJ	Harvey, Courtenay	Mission Viejo, CA
Cate, David	Romeo, MI	Heibel, George	Highland Park, NJ
Chakroborty, Ram	Chicago, IL	Hellmuth, Kelly	Middleburg, FL
Charan, Romila	Germantown, MD	Heppeil, Victoria	Toronto, Canada
Charity, Anthony	Rockville, MD	Hill, Jennifer	Springtown, PA
Chavez, Ulises	Mobile, AL	Ho, David	Walkersville, MD
Chevalier, Charles	Rahway, NJ	Horne, Lloyd	Greenville, NC
Cho, Inho	Williamstown, NJ	Horsman, Katie	Charlottesville, VA
Claassen, Ann	Washington, DC	Howard, Lenora	Des Moines, IA
Clark, Anne Marie	Ann Arbor, MI	Hunt, Sonia Yvette	Seattle, WA
Colombanmayra	Ensenada, PR	Janes, Lana	Toronto, Canada
Compher, Kevin	Philadelphia, PA	Javitch, Ronald	Montreal, Canada
Conger, William	Southfield, MI	Jeleniewski, John	West Covina, CA
Conyers, Leer Ruth	Philadelphia, PA	Johnson, David	Houston, TX
Corcoran, Kelly	Astoria, NY	Johnson, Kimberly	Cincinnati, OH
Correa, Manuel	Los Angeles, CA	Johnson, Timothy	San Jose, CA
Cradlebaugh, Joseph A	Gainesville, FL	Joslyn, Kristin	New York, NY
Daggett, Thomas	Chicago, IL	Kaback, Stuart	Cranford, NJ
Damico, Michelle	Pittsburgh, PA	Kahler, Pamela	Rockville, MD
De Cheke, Michael	Easthampton, MA	Kato Toma, Yoko	Yokohama, Japan
Dean, Rodney	Charlotte, NC	Kavanaugh, Theresa	Lexington, MA

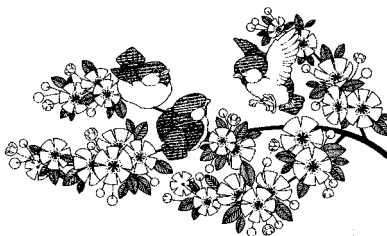
Membership

Application blanks are part of this Newsletter. Ask a colleague to join you in the Best Division in the ACS. Personal invitations support our growth.

Keating, Lorraine	Bloomington, MN
Kennedy, William	Columbia, MO
Kletzly, Paul	Baltimore, MD
Koroma, Mohamed	Hollywood, CA
Koschmieder, Stefan	Arlington, VA
Kotora, Gordon	Clifton, NJ
Kurple, Karl	Casco, MI
Kvantas, Renata	Northbrook, IL
Kvaternick, Valerie	N Brunswick, NJ
Lane, Philip	McLean, VA
Latimer, Peter	New York, NY
Leavitt, Steven	Rowlett, TX
Lebovitz, Michael	Spring Grove, IL
Likes, Brandy	Clayton, MO
Lippenberger, Carl	Corte Madera, CA
Lodding, Erik	Salt Lake City, UT
Malek, Kevin	Los Angeles, CA
Marin, Norman	East Elmhurst, NY
Martin, William	Littleton, CO
Marusyk, Randy	Ottawa, Canada
Maxwell, Leah	New York, NY
Mayhugh, James	Culloden, WV
Mcnemar, Robin	Huntingdon Vly, PA
Meade, Eric	Princeton, NJ
Meadows, Brian	Atlanta, GA
Miller, Alayna	Dallas, TX
Mingo, Pamela	Gurnee, IL
Miskiel, Frank	San Diego, CA
Morales, Guillermo	Patterson, CA
Moring, Wendy	Chandler, AZ
Morris, Ophelia	Rosedale, NY
Nackovic, Vera	Burns Harbor, IN
Neil, Andrea	Lithonia, GA
Ng, Mabel	Stanford, CA
Nguyen, Lauren	Arlington, VA
Nguyen, Richard	Princeton, NJ
Novak, Judith	Los Angeles, CA
O Hara, Michael	Washington, DC
Parent, Sandra	Ypsilanti, MI

Perez, Wilma Brooklyn, NY
 Pinkins, Taress Atlanta, GA
 Pitsch, Rhonda Springfield, OH
 Podorski, Jerome Accokeek, MD
 Pring, Brian Sodertalje, Sweden
 Pritchard, Deborah Durham, NC
 Pundak, Shlomo Beerheba, Israel
 Pungwa, Stetson Wesley Chapel, FL
 Quill, Terry Washington, DC
 Ramillano, Lore Los Angeles, CA
 Raphael, Colleen Waukesha, WI
 Reeves, William Appleton, WI
 Rehborn, Diana Raritan, NJ
 Reil, Frederick North East, MD
 Riblett, Susan Rochester, NY
 Rienhardt, Scott San Jose, CA
 Robertson, Teresa Bakersfield, CA
 Robidoux, Andrea Cambridge, MA
 Rossi, Sun Bok Piscataway, NJ
 Sanghani, Rohit India
 Santarcangelo, Chris Milford, CT
 Schaal, Ernest Gifu City, Japan
 Schaefer, Frank New York, NY
 Schmidt, Diana Cincinnati, OH
 Schneider, Dawn Universal City, TX
 Scott, Francis Woodbridge, VA
 Sethe, Curtis Maple Valley, WA
 Sexton, Ralph Arlington, MA
 Sganga, Jeanmarie San Francisco, CA
 Shahriari, Dean Evanston, IL
 Shaner, Sandra New Haven, CT
 Siddoway, Peter Dugway, UT
 Simunic, Joan Crestwood, KY
 Singleton, Chainey Concord, NH
 Singleton, Melissa Wenonah, NJ
 Sirmons, Cedric Naylor, GA
 Sit, Yeu Tong Rockville, MD
 Smith, Jennifer Chapel Hill, NC
 Spencer, Roxanne Plainsboro, NJ
 Spuches, Anne Marie Boston, MA
 Stephens, Barbara Deepwater, NJ
 Suggs, James Corning, NY
 Suh, Nancy Saint Charles, IL
 Tang, Lam Sunnyvale, CA
 Thomas, David Phillipsburg, NJ
 Timberlake, T R Fords, NJ
 Todd, Geoffrey New Zealand
 Tong, Connie Newport Beach, CA
 Tremblay, Andre Knowlton, Canada
 Trudeau, Martin Tewksbury, MA
 Turner, Christine Bossier City, LA
 Uitto, Olivia Salt Lake City, UT
 Umback, Noelle New York, NY

Umile, Robert Claymont, DE
 Van Gastel, Françoise Canada
 Vanderpers, Wolter Netherlands
 Vaneepoel, Jeanne Tampa, FL
 Vermilya, Randy Ashtabula, OH
 Vomhof, Daniel La Mesa, CA
 Vu, Darlene Santa Ana, CA
 Wade, Janice S San Francisco, CA
 Walker, Andrew Chicago, IL
 Wanebo, Hannah Washington, DC
 Ware, Julianne Pittsburgh, PA
 Watkins, Steven Columbus, OH
 Webster, Melissa Lenexa, KS
 Whitfield, Ruby Germantown, MD
 Williams, Carolyn Mahwah, NJ
 Willis, Richard North Waterboro, ME
 Wilson, Chandler Sebastian, FL
 Wilson, Jennifer Chattanooga, TN
 Winesett, Nathan Omaha, NE
 Winter, Mark Indianapolis, IN
 Wood, Matthew Toms River, NJ
 Woods, Cynthia Highland Park, IL
 Wyerman, James Washington, DC
 Yee, David Hicksville, NY
 Yilmaz, Melike San Jose, CA
 Young, Tom Tucson, AZ
 Zaremba, Mary Batesville, MS
 Zarn, Jean Des Moines, IA
 Zhang, Ziliang Bensalem, PA



Your advertisement or business card can go here

Circulation is to CHAL newsletter mailing list (over 1,200) and distribution is at CHAL presentations at ACS National Meeting. To place an ad or card and for price information contact editor.

Member Statistics

We are a "new" division with 223 new members, or 19.4% of our 1144 total. Another 245 members (21.4%) have completed 2 years and 112 members (9.8%) have completed 3 years. This means that 50.6% have three or less years in the Division.

Our growth as an ACS division continues. Our growth in 2001 (from 1054 to 1144) is better than 8%. Our gender is divided 37% female, 63% male. About 11% of our members have ACS student-dues category.

4.5% of our members were Founders of the division and now have 19 years experience. 10.5% have 15 years or more; 18.8% have 10 years or more.

The following 12 members are celebrating their 15th anniversary with Chemistry and The Law. Congratulations and thank you for your support and loyalty.

CHAL 15 Year Members

Bost, Robert Carrollton, TX
 Duberman, Joshua Belevue, WA
 Hansen, Eugenia Dallas, TX
 Long, Patrick Ellabell, GA
 Mansfield, Kevin Tarrytown, NY
 Quigley, Stephen Washington, DC
 Ragan, Francis New Orleans, LA
 Smith, Gerald Greenwood, IN
 Solomon, Malcolm Palo Alto, CA
 Thee, Alfred Jerusalem, Israel
 Tobias, Bruce Frederick, MD
 Wagner, Amelia Yorktown Heights, NY

From the Editor

I was relieved to hear that the previous issue of this newsletter was mailed and received in time enough for the Chicago meeting last year. I hope that this, my third issue as editor, does as well in that respect for this meeting in Orlando. A problem still remains, however, with the web page version. The line: "This newsletter is now also available on <http://membership.acs.org/C/CHAL/>" was, I am sorry to say, too hopeful for me to have included in the last issue. The fault is mine, and I am trying to remedy this by using the same manuscript source for both versions, with better time co-ordination. Hopefully, this issue will appear in a consistent format on the CHAL webpage later this year.

I still have difficulties in persuading members to write analysis and review articles. Such articles are important for two reasons. First, our membership is knowledgeable on a wide range of topics along the science /law interface. This includes many important and timely public policy issues. And second, over the years a built-up archive of such articles would be a valuable reference about the science/law interface. One such article I did receive was from Dr. Tamara Kale,

on how a chemist might approach a legal education; I thank her for her insightful work.

I again want to encourage members to contribute analyses and reviews. Recent world events add to the importance of such public discussions. For example, does anyone want to write on the issue of how open to public scrutiny chemical industry disaster response plans should now be? Public scrutiny is important for community and citizen involvement, but there are real, difficult and important security concerns. Or, for example, with incoming mail for the USPTO being quarantined in early October to be irradiated — slowly — does anyone want to write about how this would/should affect issues of timeliness for patent applications? Or, for example, here in Canada, there arose a patent/generic policy matter in relation to anthrax. The Canadian government sought to purchase the generic version of Bayer's Cipro from a Canadian generic manufacturer, apparently in violation of Canada's patent legislation. Does anyone want to write about this, or other patent/generic public policy issues.

Michael Grossman

CHAL Areas of Chemistry and Related Sciences

- Intellectual Property
- Copyright
- Patents
- Trademarks
- Trade Secrets
- Contract Law
- Employment Agreement
- Professional Ethics and Liability
- Product Liability
- Tort Law
- Expert Witnesses
- Chemical Consulting
- Chemical Health and Safety
- Chemical Information
- Forensic Chemistry
- Food and Drug Law
- Regulatory Law
- Administrative Law and Rule Making
- Biotechnology
- Licensing and Technology Transfers
- Litigation



Minutes of the Executive Committee Meeting

Sunday, August 26, 2001 • Chicago • B. L. Lences

The CHAL Executive Committee meeting was held immediately following the CHAL reception, sponsored by Welsh & Katz, Ltd., at the Northwestern School of Law, Lowden Hall. The meeting commenced at 6:05pm; members in attendance were: James Carver, Ken Colton, Hugh Dubb, Alan Ehrlich, Michael Grossman, Chuck Hauff, Bill Johnson, Mitch Katz, Barbara Lences, Valerie McDevitt, Carl Meyer, Howard Peters, and Jack Riley.

Minutes: The minutes of the April 1, 2001 Executive Committee meeting held in San Diego were approved.

Chair's Report: Chuck Hauff reported that the monthly CHAL teleconferences were a success and will continue. Chuck graciously volunteered to continue to sponsor the teleconferences during the tenure of Carl Meyer, CHAL's 2002 Chair. Nominees for the CHAL 2002 ballot were announced, the nominees are: Ken Colton, 2002 Chair-Elect; David Jaffer, 2002 Secretary; Barbara Lences, 2002 Treasurer; and Alice Robertson and Alan Ehrlich, 2002 Councillor (runner-up will be Alternate Councillor). A suggestion was made to include an inquiry in the ballot mailing, regarding the use of the member's name and email address in the CHAL membership directory. It was agreed Shirley Radding would be consulted regarding this suggestion and the ballot mailing.

The deadline for the ballot mailing is September 15, 2001. In his report, Chuck congratulated Jack Riley on the new member letters and thanked Michael Grossman for the on-time Fall Newsletter. Two new CHAL Board positions were announced, these positions will be added to the CHAL bylaws and be designated as Board-Member-At-Large. Valerie McDevitt and Edlyn Simmons were named the

first CHAL Board-Members-At-Large. Chuck ended his report by presenting ACS Past Chair pins to James Carver, Hugh Dubb, Alan Ehrlich, Howard Peters and Jack Riley. The Committee joined in congratulating all CHAL Past Chairs.

Newsletter Editor's Report: Michael Grossman reported that a draft of the newsletter is e-mailed to all Board members for their review and asked the members to please reply if they have comments. The deadline for contributions to the Spring newsletter is December 15, 2001. Michael's deadline to get the final newsletter to Montigraphics is December 31, 2001. A discussion regarding the publication of the newsletter on the CHAL web page was initiated. James Carver moved the entire newsletter be posted on the webpage; the motion was seconded by Howard Peters and was carried by the Board members. It was agreed that the electronic posting of the newsletter would not supplant the mailing of hard copies to CHAL members. Chuck Hauff suggested students be solicited for articles for the newsletter. Schools mentioned were John Marshall, Franklin Pearce, Houston, George Mason, and Santa Clara University.

Jack Riley initiated a discussion on the length of the newsletter, stating that in view of the state of the treasury, perhaps the it should be shortened to about 16 pages. Michael Grossman offered that the proposed abbreviated version would potentially exclude additional articles of interest; and Michael felt the newsletter should include more articles. Alan Ehrlich felt that quality was the most important element of the newsletter, i.e., we should strive to maintain the current high quality. Chuck Hauff suggested more solicitations for advertising in

the newsletter as a means to raise funds.

Treasurer's Report: Barbara Lences presented a written report of the state of the treasury for the period January 1 - August 24, 2001. The current CHAL balance is \$5,637.38. It was reported this balance will just about cover the publication and distribution of our next newsletter. James Carver suggested fund-raising letters be sent to the organizations of each of the Board members, asking for donations of \$500.00 - \$1,000.00. Barbara volunteered to compose and send such letters by the end of 2001. Jack Riley suggested a Finance Committee consisting of the Treasurer, the Membership Chair, the newsletter Editor and the Program Chairs be formed to address the funding issues.

Councillor's Report: Howard Peters reported on the negative assessment of CHAL received by the DAC. A discussion ensued on the impact, import and possible reasons for such a negative report. Chuck Hauff was asked by Howard for a formal response by CHAL to DAC. Carl Meyer thought perhaps CHAL should have an activity more related to chemistry than it presently has. Chuck thought a discussion examining CHAL's place in the ACS was helpful to have and suggested a separate meeting of the Chair, Chair-Elect, Past Chair and Previous Past Chair be held to hold such a discussion. Howard volunteered to talk with the DAC Chair prior to the upcoming councillor's meeting.

Membership Chair's Report: Jack Riley reported that the CHAL membership continues to grow. Chuck suggested another letter be sent to members asking how CHAL can best serve them. Jack complimented the Program Chairs, Mitch Katz and Bill Johnson, on a very tough job very

well done. All board members present joined Jack in congratulating Mitch and Bill on a job well done. Jack proposed that CHAL really needs a member directory. Hugh Dubb disagreed and felt CHAL did not need a member directory. A discussion of same, and of whether the directory should be e-mail or hard copy, ensued. Jack will continue his efforts to have a directory published, which will be within the ACS guidelines.

Program Chair's Report: Mitch Katz reported the proposed program for Orlando, so far, included: A half-day session on Festo and a half-day session on intellectual property, both organized by Bill Johnson; a half-day presentation of a mock trial on intellectual property matters organized by Jeff Lindeman; a half-day session on stem cells with members of the NIH and Department of Health and

Human Resources, organized by a partner of Mitch's firm; and a potential program on regulatory issues. Alan Ehrlich will get in touch with Mitch regarding organizing this program. In addition Howard Peters will present approximately 20 posters at the Sci Mix, including presentations on the National Inventors' Hall of Fame and the National Medal of Technology. Mitch asked for suggestions for additional programming in Orlando. Suggestions put forth were a joint program with the Small Chemical Business Division regarding business development tools dealing with start-up companies and a joint program with CINF on the American Inventors' Protection Act. Jack Riley volunteered to e-mail to Mitch a list of CHAL members in Orlando and in Florida, so that Mitch may be able to identify potential sponsors for the CHAL

reception in Orlando.

Bill Johnson reported that, to date, there is no program for Boston. The board members suggested the following: A symposium on court-appointed experts, organized by Alan Ehrlich; a symposium on Women in Chemistry and Law, organized by Cathryn Campbell; a symposium on alternate careers, organized by Alice Robertson; a half-day session on awards for chemists, organized by Howard Peters; a co-sponsored session on environmental issues; and a symposium on authors' rights and copyrights, organized by Carl Meyer.

Adjournment: Just prior to a motion to adjourn, the Board members thanked Chuck for all his excellent tenure as Chair and gave him a standing ovation. The meeting was adjourned at approximately 8:00 pm.

A Ph.D. Chemist Goes Law School Shopping

Tamara A. Kale*

There are nearly 150 law schools in this country, roughly 75% of which are approved by the American Bar Association (ABA), and all offer the same final product for lawyer-wannabes: a J.D. degree. With so many "products" on the market, how does one go about not only choosing a school that's right for you, but deciding if law school itself is right for you?

Answers to these questions have been slowly pieced together for me over the past few years as I have considered entering the field of patent law. As early as my first year in graduate school at the University of Minnesota (Minneapolis), I began looking into this career, what it was about, and what qualifications were optimal to be successful. While a Ph.D. in a science-related field is not a requirement to be a patent lawyer, I decided to continue on my doctoral track in order to keep

my options open.

While I thoroughly enjoyed the reasons behind my project, I found lab work to be far too unpredictable for my personality, and the effort-to-reward ratio to be unsatisfactory.

Patent law seemed to hold aspects of chemistry which did attract me: one, learning about why scientists are doing what they're doing (e.g. possibilities exist for patent lawyers to engage in discussions with scientists regarding the work to be protected); and two, taking the scientific ideas presented and putting them in written form in a new and explanatory manner. Writing has always appealed to me — indeed, composing my thesis was one of the most enjoyable aspects of graduate school. So, now that this career path was drawing me in, where could I gather information concerning both the job and the means to get

there (law school)?

Throughout my graduate career, I came in contact with patent attorneys, namely through references by graduate students and professors. Each lawyer I spoke with was happy to talk with me about his or her job, the preparation, and "what she/he did all day." They all stated that the need for educated, articulate intellectual property (IP) lawyers was high, and they believed the demand would remain. Currently, my preference is to be employed in a pharmaceutical company or firm associated with one, and the prospects of employment in such a specialty sounded promising from their perspectives. Their collective enthusiasm and encouragement helped solidify my decision to continue my pursuit of a J.D.

To start in on law school shopping,

continued on next page

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I became a member of the University of Minnesota's Pre-Law Society, a student-run group which met weekly to help disseminate information concerning lawyer life, job descriptions and prospects, and the process of choosing and applying to law schools. Various meetings found us talking with attorneys from the twin cities area, touring local law schools and government buildings, visiting with current law students, and learning from career placement specialists and law school admissions officers what the application process was like.

The Internet also offered considerable information about the profession (not surprisingly) and I randomly jumped from website to website, reading various snippets. Advice concerning the law school application procedure and the Law School Admission Test (LSAT) was found at www.lsac.org, a site run by the Law School Admission Council, and www.review.com, operated by the Princeton Review test preparation company. Intellectual property firms described what they could do for clients on their own sites; the Intellectual Property Law Web Server, provided and copyrighted by the law firm of Oppedahl & Larson LLP (www.patents.com/index.htm), was particularly helpful in addressing common questions; and other sites contained first-person accounts by current lawyers relating their thoughts about their jobs. I subscribed to two services which either frequently sent me lists of internships available in the legal field so that I could see what types of jobs were being offered (www.wetfeet.com), or focused on tips concerning job hunting and resume writing (truecareers@salliemae.com). Regarding the [wetfeet.com](http://www.wetfeet.com) source, several internship opportunities appeared over the years, advertising for interns interested in IP.

Roger Middlekauff Award to Barbara Lences

It was my distinct honor and pleasure to present the Roger Middlekauff Award to Barbara L. Lences at the 222nd. ACS National Meeting last August in Chicago. Barbara is General Patent Agent of the American Home Products Corporation, Wyeth-Ayerst Research. She has devoted tireless energy and effort to CHAL over the years. While her current "official" position is Treasurer, those who actively participate in the Division's activities know that Barbara helps out on everything and is always willing to step up and "volunteer" when things need to be attended to.

The Roger Middlekauff Award is in recognition of "outstanding leadership and continuing efforts on behalf of

the Division of Chemistry and the Law." It was established in 1990 in memory of Dr. Roger Middlekauff who, with others, was instrumental in the establishment of CHAL.

Barbara's efforts and leadership in connection with the Division of Chemistry and the Law clearly have been outstanding. Congratulations, Barbara and thanks for all that you do for CHAL.

Charles F. Hauff, Jr.



About the Award:

The Roger D. Middlekauff Award was established by CHAL in 1990. Roger was a Washington, DC attorney

continued on next page

Where the Web really came in handy, though, was for law school shopping. All knowledgeable sources told me that going to a school of good reputation was very important for one's career. While there may be some schools which have extensive intellectual property programs, much of what you learn about the job is actually learned on the job, I was told, and getting that first job would be aided by going to a school of overall high standing — not just in IP. Rankings, though, need to be taken with a grain of salt, as I also heard. Perusing US News & World Report's law school rankings, both overall and in the IP subheading, was a good start to simply begin compiling information regarding each school. Because I could not afford the time or money to visit each school that sounded interesting, I based my school choices (10 total) on a combination of location (factoring in both desirability and future job opportunities), number and

type of IP courses offered, and ranking. My choices span not only the country but also the tiers of school rankings.

It is early December as I write this, and I received my Ph.D. in Chemistry in October. Nine applications have been mailed, and the tenth is being considered. Notifications from schools could come as early as January, but most will arrive in later months. I hope to visit some schools which accept me (provided there is more than one!) to help me make a decision. In the intervening time, I will finish up work related to my thesis as a post-doc at the University of Minnesota, then return home (Washington state) in early spring to enjoy a break from academic life... hopefully for just a little while.

* Dr. Kale is presently doing post-doctoral work in synthetic organic/biological chemistry under the direction of Dr. Mark D. Distefano at the University of Minnesota. She may be contacted at kalex004@tc.umn.edu.



and ACS member specializing in FDA matters. He was instrumental in helping form and grow CHAL. He was also involved heavily in the maneuvering to incorporate the Division.

On October 17, 1989, Roger who was in his early 50s stepped off his exercise bike at home and collapsed of heart failure and never regained consciousness. It was a blow to all concerned. This author had just flown into Washington for a meeting and learned of the sad events at ACS from the ACS staff liaison for the Patent Committee. (As an aside, that is also the date of the California Loma Prieta earthquake in the San Francisco Bay area. My wife Sally does have the habit of reminding me that I managed to be out of town for that BIG ONE.)

Roger's wife Gale is also an attorney in Washington, DC and she received the first Middlekauff award, on Roger's behalf, in 1990 at the ACS annual meeting in Washington. Subsequent winners of this CHAL service Award include: Howard Peters of Palo Alto, California; Michael Burns of Frederick, Maryland; Ken Bjork of Midland, Michigan; Mike Gilroy of Atlanta, Georgia; Hubert Dubb Belmont, California; Shirley Radding of Santa Clara, California; Jack Riley of Palo Alto, California; Rich Racine of Washington, DC; Jim Carver of Baton Rouge, Louisiana; Alice Robertson of Evergreen, Colorado; Mike Kaminski of Washington, DC; and most recently Barbara Lences, of Princeton, New Jersey.

The award does not follow any set venue for presentation, although of late the plaque has been presented as a surprise to the recipient on Sunday at the social hour before the CHAL Executive Board meeting. If you have nominees to present, the chair of the Award Committee can be reached at peters4pa@aol.com.

Howard Peters

Internet Miscellany

National Archives and Records Administration
700 Pennsylvania Avenue, N.W. , Washington, D.C. 20408
1-800-234-8861

www.nara.gov/exhall/charters/declaration/

U.S. Copyright Office, Library of Congress
101 Independence Ave. S.E., Washington, D.C. 20559-6000
<http://lcweb.loc.gov/copyright/>

The Library of Congress
101 Independence Avenue, S.E., Washington, D.C. 20540
(202) 707-5000
<http://www.loc.gov/>

The Constitution Act [Canada], 1867
(originally called the British North America Act, 1867;
[United Kingdom] 30 & 31 Victoria, c. 3.).
http://www.solon.org/Constitutions/Canada/English/ca_1867.html

[Canada] Patent Act Chapter P-4
<http://laws.justice.gc.ca/en/P-4/78438.html>

BBC News SCI/TECH
<http://news.bbc.co.uk/hi/english/sci/tech/default.htm>

The Walkerton Inquiry
official website of the Ontario public inquiry into the E.Coli contamination of the water supply in Walkerton, Canada, and into the safety of Ontario's drinking water, established under the Ontario Public Inquiries Act
<http://www.walkertoninquiry.com/cmandate/index.html>

re anthrax:

Baltimore Sun
<http://sunspot.net/news/health/bal-anthraxspecial.special>

New Scientist
<http://www.newscientist.com/hottopics/bioterrorism/>

U.S. Food and Drug Administration
5600 Fishers Lane, Rockville Maryland 20857-0001
1-888-INFO-FDA (1-888-463-6332)
<http://www.fda.gov/cber/vaccine/anthrax.htm>

Centers for Disease Control and Prevention
U.S. Department of Health and Human Services
<http://www.bt.cdc.gov/Agent/Anthrax/Anthrax.asp>

Ontario Centre of Forensic Sciences¹

Scientific Requirements for Submission of Profiles to the National DNA Databank of Canada

A. Tessarolo,² K.A. Johnston³ and R.J. Prime⁴

(originally appearing in FOR THE DEFENCE,⁵ Criminal Lawyers Association Newsletter,⁶ Toronto, Canada) reprinted here with permission.⁷

Introduction. The DNA Identification Act⁸ created the National DNA Databank of Canada. The Databank is composed of two separate collections of samples: The Convicted Offenders Index is the electronic repository of DNA profiles obtained from individuals convicted of primary or secondary designated offences identified in Criminal Code s. 487.04.⁹ The Crime Scene Index is comprised of DNA profiles generated from material submitted for examination in investigations of the same list of designated offences.

The legal issues surrounding the requirements for the submission of profiles to the Databank are addressed in the Act. The scientific requirements for determining which DNA profiles are suitable for submission to the Databank have, for the most part, been left to the laboratories to establish. Scientific representatives from the three public forensic laboratory systems in Canada — the Laboratoire de sciences judiciaires et de médecine légale, the Royal Canadian Mounted Police Forensic Laboratory Service, and the Centre of Forensic Sciences — have agreed on a set of guidelines that address these concerns.

What is a Forensic DNA Profile? A forensic DNA profile is represented by one or two numerical observations (alleles) identified at each of nine to thirteen separate locations (loci) in the DNA that are found at specific positions on the twenty-three pairs of chromosomes that comprise the human genome (which is the total genetic makeup of an organism). Additionally, the Amelogenin locus (which is present on the X- and Y- chromosomes) allows for determination of the sex of the sample donor.

Through research, a number of loci have been chosen that have high discriminating power, are amenable to simultaneous evaluation (multiplexing), lack any known genetic function, and are suitable for the range of samples that are typical in forensic science investigations. The thirteen loci chosen for the Canadian DNA Databank are the same as those used in the United States, allowing for direct comparisons of Canadian and USA data. Seven of the loci are also used in the United Kingdom's DNA databank, allowing partial comparisons.

In Canada, two separate tests are required to obtain results at all thirteen loci. The results for nine loci are obtained using the AmpFISTR Profiler Plus^{TM10, 11} typing sys-

tem. The remaining four loci are obtained using AmpFISTR CoFilerTM.

The Convicted Offenders Index. Scientific requirements for submission of DNA profiles to the COI are clear, due in large part to the type of sample analyzed. Blood samples from individuals convicted of a designated offence are drawn by finger prick, collected on special paper impregnated with a preservative, and submitted to the National DNA Databank in Ottawa. For these samples, the history is known, the amount available for testing is normally not limiting, the sample quantity and DNA content is high, and the source is known to be a single individual. As a result a clear and complete DNA profile can be generated when analyzing these samples.

The Crime Scene Index. The DNA Identification Act s.5(3) permits submissions to the CSI of any DNA profile obtained from a bodily substance in a designated offence that was found:

- (a) at any place where a designated offence was committed;
- (b) on or within the body of the victim of a designated offence;
- (c) on anything worn or carried by the victim at the time when the designated offence was committed; or
- (d) on or within the body of a person or thing or any place associated with the commission of a designated offence.

Across Canada, the task of analyzing samples for the CSI lies with the three public laboratory systems: the Laboratoire de sciences judiciaires et de médecine légale, the RCMP-FLS, and the Centre of Forensic Sciences.

The material from which DNA profiles for the CSI are generated can present challenges for the laboratories. Typically they represent a variety of biological fluids, often of mixed origin, that may be deposited in varying quantities on different types of substrates over varying periods of time. In addition, the material may have been subject to natural processes of degradation or decay. Consequently, the scientific requirements for inclusion of samples in the CSI differ significantly from those of the COI.

The Canadian Scientific Working Group for DNA

Analysis Methods is comprised of scientific representatives from the three public forensic laboratory systems in Canada. Through this group, the following criteria, organized into two separate subgroups, have been established as minimal requirements for submission of a DNA profile into the National CSI.

Forensic Unknown. Given the nature of evidentiary material, the possibility exists that a result may be obtained at less than the full complement of loci tested due to degradation of the DNA. This circumstance is incorporated into the requirement.

Therefore, for submission into the “forensic unknown” category of CSI, there must be a DNA profile with an interpretable result obtained at a minimum of seven of the nine Profiler Plus™ loci, as demonstrated in this table:

Due to the high discrimination power of a seven- or nine-locus Profiler Plus™ profile, CAN SWGDAM has recommended that this be the minimum requirement for submission into the “forensic unknown” category of the CSI. (The most common frequency of occurrences for a DNA profile obtained at seven Profiler Plus™ loci is approximately 1 in 700,000,¹² based on data from the Centre of Forensic Sciences Caucasian database.) There is no requirement for a DNA profile at the four additional CoFiler™ loci.

In the event of a match between a crime scene sample and a sample in the databank, the forensic laboratory can determine any need for testing at the CoFiler™ loci. One factor to be considered in the decision is that further testing will consume an equivalent amount of extracted DNA from the evidentiary material, leaving less remaining DNA in the event that legal counsel may wish to seek independent testing to confirm the results.

Forensic Mixture. Often, DNA profiles obtained from evidentiary material are mixtures of DNA from two or more individuals. Depending on the amount of DNA from each contributor in the mixture, it may or may not be possible to unambiguously determine the DNA profile of one or more of the sources. If an individual’s profile could be determined unambiguously, then the profile could be entered into the “forensic unknown” category. The “forensic mixture” category of the CSI allows for the entry of those DNA profiles where, due to the masking effect inherent in samples containing two or more sources, the profile of a potential contributor may include more than one or two allelic possibilities at several loci.

For the “forensic mixture” category, a result at all nine Profiler Plus™ loci is required. At up to three of these loci, a maximum of five alleles can be entered (see the table). The requirement of an unambiguous DNA profile at six loci, combined with the tolerance of additional possibilities at up to three more loci, utilizes the discrimination power available in the profiles obtained from many mixed samples without significantly increasing the occurrence of adventitious matches in the CSI.

Conclusion. The DNA Identification Act and the implementation of the national DNA Databank has enabled the storage and comparison of profiles obtained from individuals and crime scenes to assist in the investigation of serious crimes. The maximum probative value of the repository can only be realized if the data submitted is highly discriminating and scientifically sound. Through establishment of scientific standards for submission, DNA profiles submitted to both the Crime Scene and Convicted Offender Indices of the National DNA Databank is achieving this goal.

Profiler Plus Loci™	Profile suitable for Forensic Unknown	Profile suitable for Forensic Unknown	Profile suitable for Forensic Mixture
Amelogenin	XY	XY	X(Y)
D3S1358	15, 15	15, 15	18 (15, 16)
vWA	14, 15	14, 15	16, 18 (17)
FGA	22, 25	22, 25	22, 24, 25
D8S1179	13, 15	13, 15	13, 14
D21S11	30, 30	30, 30	30, 30.2
D18S51	14, 17	No result.	14, 15, 16
D5S818	7, 7	7, 7	7, 7
D13S317	9, 12	9, 12	9, 11
DS7820	10, 11	No result.	10, 12

continued on next page

- Notes: 1. The Centre of Forensic Sciences, Ontario Ministry of the Solicitor General, George Drew Building, 25 Grosvenor Street, Toronto, Ontario, M7A 2G8
<http://www.sgcs.gov.on.ca/english/public/forensic.html>
2. Anthony Tessarolo; Assistant Manager, Centre of Forensic Sciences Northern Regional Laboratory.
3. Kimberley Johnston; Policy, Standards and Quality Assurance Coordinator, Centre of Forensic Sciences. (416) 314-3267. fax (416) 314-3196. Kim.Johnston@jus.gov.on.ca
4. Dr. R.J. Prime; Director, The Centre of Forensic Sciences.
5. Vol.22, No. 2, March / April 2001, pages 40, 41 & 42.
6. Editor: Gregory Lafontaine. greg@127john.com gll@globalserve.net
7. — slightly edited for this publication in the CHAL newsletter,

- including added footnotes; the original publication in FOR THE DEFENCE had no footnotes;
8. DNA Identification Act, Statutes of Canada 1998, c. 37, Royal assent: 10 December 1998. (S. 2, 3 and 12 came into force 08 May 2000, see SI/2000-37. S. 1, 4 to 11 and 13 to 25 into force 30 June 2000, see SI/2000-60.)
<http://laws.justice.gc.ca/en/D-3.8/42595.html>
9. Criminal Code, Revised Statutes of Canada, chapter C-46.
<http://laws.justice.gc.ca/en/C-46/35481.html> <http://laws.justice.gc.ca/en/C-46/37215.html>
10. www.csfs.ca/pplus/profilerinfo.htm
11. www.appliedbiosystems.com/
www.appliedbiosystems.com/products/
12. 1.43×10^{-6}

Puzzled by the Law

Here is a legal puzzle to ponder — readers' comments are sought — to be summarized in the next issue. Although the scenario here is fictitious, and possibly a bit humorized, it may be reality-inspired.

Ms. Methyl, a recent teachers college graduate, with a particular interest in English literature, has been hired by a large school board. Her enthusiasm for teaching diminishes rapidly when she learns that she has been assigned to be the only staff person for a chemistry lab class. Despite her protests that she knows only how to teach English, and that she passed the one chemistry course she was required to take, on her promise to never take chemistry again, and that she was a complete klutz in the lab; the principal, Ms. Ethyl, tells her that “a teacher is a teacher” for any class assigned. And, “there is no budget for a proper chemistry teacher anyhow.”

Mr. Propyl, as the teachers' union shop steward, is quite militantly outspoken on many issues, not including the “a teacher is a teacher” concept. In fact, the union went along quite happily (and quietly) with the contract language that allows it. It seems that Mr. Propyl, a musical ignoramus, earns time-and-a-half overtime pay leading the school choir. As a new employee, Ms. Methyl follows his advice: “don't make trouble.”

Her first chemistry lab class went ok, probably because she prepared for it so carefully. She even read-up on

lab safety at the local public library, when she could not find anything on that topic in her own school. When the class started, Ms. Methyl, noticing a “wear your safety goggles” sign in the lab, distributed all of the 29 safety goggles that were provided, to the 35 students. Included with the written specifications for the goggles was a statement that they were surplus property provided by the US government, in consideration of the school implementing a lab safety program.

The next lab class didn't go so ok. Young Mr. Butyl did not particularly dislike chemistry. But he was easily bored. So he spent his lab time doing what was not quite a proper chemistry experiment. Ms. Methyl was so busy with the 34 other students, most of whom were actually trying to learn some chemistry properly, that it did not consciously register in her mind that he was not wearing his safety goggles.

There was a splash. Mr. Butyl yells in distress that his eye is injured. Fortunately, by the next week, he is sufficiently recovered to get into other unrelated mischief elsewhere in the school system.

But also in the next week, Ms. Methyl is served with legal papers, returnable in the court of common

pleas. Although she had never heard of such a court before, she is to learn much about it and other courts over the next few years.

Mr. Butyl's parents had decided not to sue Ms. Methyl because they hoped that she would be a witness friendly to their cause against the principal and the school board. They also realized that Ms. Methyl had no assets to speak of, while the principal owned a house, and the school board carried heavy-duty liability insurance. But, in their counter claim, the principal and the school board named Ms. Methyl as a defendant.

And, as if to bolster their claim, that same week, Ms. Methyl was given notice of dismissal alleging her incompetence in attempting to teach a class she was not qualified for. Mr. Propyl, in a rush on his way to choir practice, tells her that the union committee has decided not to represent her should she wish to file a grievance under the collective agreement: “it would set a bad precedent, because the union is all for school safety.”

You are asked to advise Ms. Methyl. Assume that the law of your own local jurisdiction applies. List for her the legal issues that she may encounter. ♦

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of Chemistry and The Law (CHAL)

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Mailing Address _____

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Please make a check payable to "Chemistry and The Law" and mail to J.F. Riley, 1842 Edgewood Drive Palo Alto, CA 94303-3015

Signed: _____

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eMail Address _____

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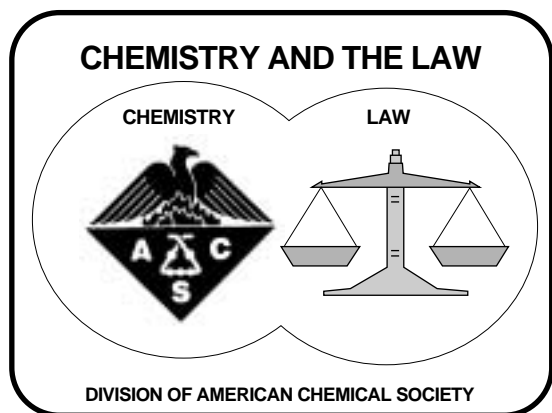
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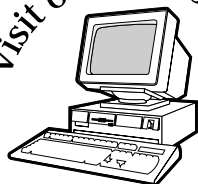
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