

Judge LaDoris H. Cordell

By Howard Peters*

Judge LaDoris H. Cordell, a native of Ardmore, PA, graduated from Antioch College in Yellow Springs, OH in 1971. A 1974 graduate of the Stanford University Law School, and member of the California State Bar, she was the first lawyer to open a private law practice in East Palo Alto, CA - a predominately African-American and Mexican-American community. In 1978 she was appointed Assistant Dean for Student Affairs at Stanford Law School - a position she held in addition to her private law practice. She was responsible for implementing a highly successful minority admission program which resulted in Stanford Law becoming a leader in the nation for enrollment of law students of color.



became the Vice Provost and Special Counselor to President John Hennessy for Campus Relations at Stanford University, Palo Alto, CA.

Judge Cordell was interviewed for this Newsletter last fall by CHAL Councilor Howard Peters. Readers

interested in learning more of Judge Cordell's many accomplishments (and adventures) are encouraged to use the GOOGLE™ search engine for in quotes "LaDoris Cordell". (For 350+ hits)

Many professionals in California have moved here from other states. How did you decide on Stanford Law 30 years ago and then decide to remain?

I am an east-coaster. I was born and raised in Ardmore, a suburb of Philadelphia. No one in my family had ever been, let alone lived, on the west coast. Stanford was the only law school to which I applied which was located on the west coast. I applied to several law schools on the east coast and in the mid-west, none of which admitted me. Yes, Stanford was the only law school that was willing to take me. In my defense, I do believe that a major factor for my multitude of rejections was that I had no grades on my transcript. I attended Antioch

In 1982 Governor Jerry Brown appointed her to the Municipal Court of Santa Clara County, CA as the first African-American woman judge in all Northern California. She was the first judge to order convicted drunk drivers to install breath devices in the vehicle, making it impossible for these individuals to drink and drive. She implemented many innovative programs during her 19 years as a judge in Superior Court.

In 2002 she retired as judge and

The Division of Chemistry and the Law gratefully acknowledges the generous support of **Snell & Wilmer LLP** of One Arizona Center, 400 East Van Buren, Phoenix Arizona, for funding the periodic Board teleconferences.

CHAL EVENTS AT NEW ORLEANS

Social Hour

All welcome. 5:00 p.m.
Sunday, March 23, 2003
Hotel Inter-continental
Acadian Room

Executive Board Meeting

All welcome.
6:00 p.m. - 8:00 p.m.
Sunday, March 23, 2003
(after the social hour, same place.)

Reception

6:00 p.m. - 8:00 p.m.
Monday, March 24, 2003
Hotel Inter-continental
Pelican Room II

Presentation of Papers

Sunday to Thursday
March 23-27, 2003
Ernest N. Morial Convention Center
Room 299

Notice of Open Meeting

Monday, March 24, 2003
(after the morning session)

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College in Yellow Springs, OH, a progressive school which, at the time, did not believe in nor give out grades. The college courses were all
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pass/fail. So, Stanford was willing to take a chance on me and for that, I am forever grateful. I remained on the west coast, initially, because of the fantastic weather, having, by the time I graduated, become an avid tennis player. More importantly, though, I stayed here because of the encouragement and support that I received from several of the law faculty, among them Barbara Babcock, Michael Wald, Jack Friedenthal, and Paul Brest.

Most lawyers and judges have a story how they found their careers? What is your story?

I have had three careers thus far — litigator, administrator, and adjudicator. Let me start with career No. 1. I found my way into private practice by default because I received no job offers upon graduation from Stanford. At the time, 1974, I sported a rather large Afro, a style that corporate law firms were just not ready to accept. I, of course, was unwilling to cut my hair. Left with really no options, I opened my own law practice in East Palo Alto, California after receiving an Earl Warren Fellowship from the NAACP Legal Defense and Education Fund, Inc. This Fellowship provided to me a 4-year stipend which enabled me to survive as I began my law practice.

My second career, assistant dean of the law school, was a godsend. I had been practicing on my own for a few years and was close to burnout. The work was plentiful, although not particularly lucrative. Too, I had given birth to the first of my two daughters just before opening my law office. The combination of motherhood and lawyering kept me too busy for my own good. So, when Stanford offered me the assistant dean position, a job with a steady salary and benefits, I was ready. The offer came at a time when the law school was making a concerted effort to increase the number of students of color. My work as assistant dean was, in the main, devoted to minority recruitment. I am pleased to

note that with the wonderful support of the faculty, alumni, and law school administration, during my 4-year tenure, Stanford emerged as the leader in the country in its enrollment of students of color — 20% in each entering class.

My third career in judging was my most rewarding. I turned to judging out of boredom. After I had achieved the goal that I had set for myself at the law school, I began looking for other opportunities. After a judge, quite out of the blue, invited me to sit as a pro tem judge to preside over small claims cases, I was hooked. Shortly thereafter, I applied for a judgeship and, well, the rest is history.

Did you plan to be a judge during undergraduate school? Law School?

No. The notion of my being a judge never crossed my mind while a student at Antioch and never in law school. I was not one of those individuals who knew when she was 5 years old that she wanted to be a judge. All that I knew in college and in law school was that whatever I did, I wanted to do something to make the world a better place.

In the 1980's as a judge for repeat drunk drivers, you pioneered the use of special driving devices as restraints. What was the reaction of the local legal community? Has the practice been expanded?

In 1984, I was hit by a drunk driver when I was driving home from the courthouse. He injured me and totaled my car. His punishment was a couple of weekends in jail and a fine. When I returned to work, some 8 weeks later, I felt no safer on the roadways. So, I began to research what else could be done to deal with the drunk driver problem. In 1987, I was the first judge in California (and, possibly in the country) to require convicted drunk drivers to install breath devices in their vehicles. The device, an ignition interlock, is connected to the ignition and requires the driver to blow into it before the car will start. If the person

has any alcohol in his/her body, the car will not start.

The imposition of this sentence was not without controversy. Since the device had to be leased by the defendant for, at the time \$30-\$40 per month, I exercised my discretion to lower the standard drunk driving fines, thus making the leasing of the devices affordable. While the defendants in my court were pleased, the office of our district attorney was not. I was subsequently sued by the district attorney who believed that my reduction of the fines was an improper exercise of my judicial authority. After a hearing before a Superior Court judge (I was then on the Municipal Court) in which I was represented by counsel, I lost. Imposition of the full fines was ordered reinstated. But things did not end there. A state legislator, Byron Sher (formerly my contracts professor at Stanford), proposed legislation which would permit the fine reductions when interlock devices were ordered. The bill passed both the State Assembly and the State Senate, only to be vetoed by then Governor Dukmejian who had been urged by my own court to use his veto. But, in 1992, five years later, with another governor, Pete Wilson, a similar statute was signed into law. The interlock ignition devices are now in use in a majority of the states in this country. Indeed, the federal government has provided an incentive to those states who do not have legislation permitting use of the devices — the withholding of federal transportation funds.

As a judge, in what other instances did you use the advances in technology in your courtroom?

In the early 1990's, I began using a laptop computer at the bench for taking notes during trials. Not only did it provide for quicker note-taking, but using the computer kept me awake during those occasional boring trials. (Files in the courts are maintained on paper. As a result, thousands upon thousands of files have to be stored at

a huge cost to the system. Hopefully, there will soon come a time when there will be paperless courts, such that everything will be stored electronically.)

What is your view as a former judge of the acceptance of DNA evidence in legal proceedings?

The legitimizing of the use of DNA is, perhaps, the most important advance in recent history in our criminal justice system. Its use has dramatically changed how judges, defense attorneys, and prosecutors view not only evidence, but how they view the individuals charged with crimes. There is simply no way that moratoriums on the death penalty, for example, would have been considered, let alone initiated, but for the introduction of DNA as competent evidence in the courts.

How do you see the role of scientific evidence expanding in legal proceedings in the near future?

I really don't have an answer to this one, Howard. I haven't given much, if any, thought to this issue.

The ACS has a major initiative to encourage more under-represented minorities into the chemical sciences. Have similar initiatives been started and successful in the local legal or national community?

It is the case that Black, Latino, and Native Americans are not well-represented in the chemical sciences in colleges and universities around the country. Stanford University is no exception. In the short time that I have been back at Stanford, I do know that there are concerted efforts being made here and at other major academic institutions to recruit minorities to enter this field. At Stanford, for example, the medical school has a program which brings minority high school students to the campus each summer to study with a focus on math and science. And historically black colleges and universities, such as Jackson State University in Mississippi, are actively encouraging Ivy League institutions to

admit their students to the Ivy's Masters and Ph.D. programs.

How have you and the Stanford Law School responded to increasing diversity in the legal profession?

First, while more people of color are practicing law, are partners at major law firms, and are presiding as judges, than a decade ago, the numbers are still small. Much more needs to be done before we can proclaim that we have achieved our goal of diversifying the profession. Stanford Law School has a demonstrated history, since the early 1970's, of reaching out to recruit people of color. Indeed, the Honorable Thelton Henderson of the Federal District Court, Northern District, began the movement to bring diversity to the student body when he was the Assistant Dean. (It was Thelton who recruited me to attend Stanford.) Stanford has continued to make diversity a priority in its admission process, as evidenced by its wonderfully talented and illustrious alumni of color.

Your current position is Vice Provost and Special Counselor to the President for Campus Relations at Stanford. What exactly are your areas of responsibility? What are your goals in the next five years in this position? How do you utilize your particular legal experiences to accomplish your goals?

I have yet to find out what a Vice Provost is. What I can tell you is that I am an administrator and that I go to lots of meetings. Actually, I wear two hats. In my role as Vice Provost I supervise the Office for Campus Relations. This office has within it five offices, each of which has five directors who report to me --- Omuds, WorkLife (deals with childcare and elder care concerns of faculty and staff), Help Center (provides psychological assistance to faculty, staff, and graduate students), Sexual Harassment Policy Office (*res ipsa loquitur*), and the Diversity & Access Office (deals

with ADA compliance). Additionally, I am the Title IX Compliance Office for the university and I am responsible for submitting to the President, the annual affirmative action plan required by the federal government.

In my role as Special Counselor to the President, I am a kind of trouble-shooter/visionary for my boss, John Hennessy. For example, when there surfaced a couple of episodes of racist graffiti on the campus last year, I drafted a protocol for staff, faculty, and students to follow when acts of intolerance occur on the campus. In an effort to better connect Stanford with our surrounding communities, I have organized a university-wide presence at this year's Walk to Cure Diabetes (Oct. 27, 2002). Stanford students, staff, and faculty, residents of East Palo Alto, and individuals from neighboring business and community colleges joined together and, in just 4 weeks' time, raised almost \$30,000 for that cause.

I don't have a five-year plan. My goal is to remain here at Stanford as long as they will have me.

I have on more than one occasion used my legal acumen, specifically, my settlement skills to assist individual staff and faculty members when problems have arisen in the workplace. While I no longer wear the robe and wield the gavel, I find that my reputation as a pretty decent jurist has proven helpful in mediating the occasional workplace dispute.

Do you think that recent events, e.g. the contested presidential election in 2000, the legal community involvement with the recent corporate corruption scandals, etc., have damaged the public confidence in the legal process, lawyers, law schools?

The presidential election in 2000 was, in a word, a travesty. I believe that any harm that was done to the legal profession occurred with the politicization of the United States Supreme Court's decision in *Bush v.*

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Gore. Any notion that we had that our Supreme Court was the last bastion of integrity and independence was destroyed when the Court so blatantly split along political lines.

I think that the business scandals have done far more harm to corpo-

rate America than to the legal community. Public confidence in our courts has and continues to be low, very low. Until such time as those who wear the black robes look more like those who come before them, and until such time as the partners in our law firms look more like America,

I fear that the lack of public confidence in our legal system will remain unchanged. That being said, I maintain an abiding hope that progress will continue to be made.

Note: Dr. Peters is a founding and charter member of CHAL. He is a patent attorney in Palo Alto, California.

Chair's Message

We had an informative and productive National ACS Fall Meeting in Boston. Members of CHAL offered outstanding programming in a wide range of topics, including "Ethics – Professional Ethics and Business Ethics," and "Environmental Forensics Chemistry." Our division presented an intellectual property series in seven sessions covering many topics of interest to the chemist and manager from "Remedies for Patent Infringement from Around the World," "Recent Changes in Intellectual Property Law, Including Changes in PCT Practice," to "Trademark Law," among the seven programs offered. CHAL's "The Attorney is in: What are your questions?" drew an enthusiastic audience as did the symposium on "Judge Appointed Expert Witnesses." Dr. Howard Peters produced his popular evening SciMix Exhibits, which attracted an unusually large crowd. Each of the sessions was well presented and offered content that is immediately useful for every ACS member.

National meetings offer CHAL members an unique opportunity for meeting colleagues as well as chemists in other technical divisions. This is especially helpful to CHAL members, because of many of us share interests with members of other divisions. Furthermore, CHAL does not maintain its own ACS technical journal.

Come to the New Orleans National Meeting; it will offer immediately useful content and information for chemists. The CHAL executive board invites you to check out the many programs and speakers, including the many world

leaders, who have volunteered their time providing content for the programs offered at the 225th ACS National Meeting. One of the easiest ways to pre-prepare for a National Meeting is to devote time to explore the website www.acs.org and our own site, <http://membership.acs.org/c/chal/>. The New Orleans program will also be available on the CHAL Division Internet page.

The New Orleans programs are for every chemist, not only lawyers, or other specialists, or CHAL members. The CHAL New Orleans program includes many symposia and presentations for which abstracts will be published elsewhere in this newsletter. The CHAL program kicks off with the introduction to an expanded version of "The Lawyer's Are In: Meet Members of CHAL" on Sunday Morning, March 23, 2003. Our Intellectual Property Law Series continues with such new topics a "Your lawyer and You;" "The Spectrum of Intellectual Property;" "The Wide World of Intellectual Property;" and "An Interactive Look at Obtaining U.S. Patents." CHAL programming includes a two-part presentation about "The Chemistry and Law of Driving While Intoxicated Prosecution," which may be must for those personally acquainted with Mardi Gras! Perhaps your employer is concerned with brownfields?

Then, the two-part program 'Brownfields, a Paradigm Shift for Environmentally Impacted Asset Management' on Tuesday, March 25 will be a must. Careers in Chemistry and the Law on Wednesday, March 26th will offer the real-life perspectives of CHAL members

on alternative careers beyond the bench.

For those attending the Exposition, CHAL has a three-part presentation in the pavilion on Monday, March 24th. CHAL offers an introduction to CHAL followed by "Intellectual Property Issue for the Industrial Work Place", "Surviving Corporate Investigations;" and concluding with "Reclamation of Contaminated Industrial Property."

Don't forget CHAL's ever popular SciMix presentation on Monday evening. Want to know about the Priestly Medal, which is the highest ACS award? Or, what about awards from Corporation Associates? National Inventor's Hall of Fame, National Medal of Technology and National Medal of Science, and the Nobel Prize are among the other poster presentations. Of course, for those who love chocolate, Dr. Peters will present a brief history of chocolate, and may even have samples!



Dr. Peters with the raffle winner of the 10 lb bar of solid chocolate, Dr. Adrienne W. Kozlowski of New Britain, CT.

CHAL is always seeking input from its ACS constituency, including other divisions, on topics and participants, or even co-sponsored programming. If you have ideas for a new program topic or want to participate in CHAL, please let us know

(kcolton@fitcheven.com). Please tell us what we need to do to make it attractive for you to present a paper, and/or attend further meetings.

We hope that you will join us in New Orleans to check out CHAL, and sample some of our sessions as well as attend the Division's social hour. If you

cannot attend this time, make sure you will attend the Fall 2003 meeting in New York City.

Kendrew H. Colton

Highlights from the Boston Meeting

Dr. Carl Meyer, CHAL Past Chair

Here is my personal perspective of highlights from two CHAL Symposia at the Fall 2002 Boston National Meeting that you may have missed.

The Boston National Meeting offered so many parallel presentations that it was impossible for anyone to attend everything one wanted. As usual, the patent-oriented presentations were outstanding, well attended and most useful. Here are my clearly personal and select impressions from two symposia that are of special interest to all CHAL members.

1. The Symposium on "Judge Appointed Expert Witnesses," organized by Alan Ehrlich and Michael Kaminiski was excellent and showed not only that communication channels between science and law are still poor, but that there is strong disagreement on how communications might be improved. Presenters Federal judge Barbara Rothstein and Dr. James Carver, along with many litigators, believe that experts selected by judges can be helpful when the expert serves as a teacher helping a judge to fill in basic gaps in the judge's scientific background or helping a judge to understand the scientific issues. In this approach, experts should be teachers, but not deciders in place of the judge. This group holds this opinion whether the experts are chosen from a list compiled by AAAS (a current experiment) or directly by judges. Speakers Mike Kaminski and I, as well as many other civil litigators, are concerned that judges and juries will look to the judge-appointed experts as deciders of the case rather than educators about the issues. This group is concerned that these judge appointed experts will communicate with their own biases, albeit not biases toward the specific parties. These opponents of judge appointed experts feel that it is better to hear both sides of scientific issues presented by experts with known biases, over hearing only one view by an expert with an unrecognized bias. Furthermore, this group of litigators does not like experts to "whisper into the judges ear." An interesting analysis of the use of Scientific Experts in the civil law system of Europe is contained in the article "Expert Testimony in the German Thalidomide Trial," by Arthur Daemrich in *Chemical Heritage*, Volume 20, pages 12 (2002).

2. A two day symposium on personal, professional and business ethics each of the 17 papers dealt with a different aspect of the problem of individual, personal survival in the presently changing adversarial daily life. The symposium and the panel discussion brought extensive exchanges between the interdisciplinary speakers from science, philoso-

phy psychology, and business, concerning questions of individual survival in the present turbulent transition time. To highlight only a few of the papers, all of which were outstanding, MIT Professor Ashford stressed that what is legal is not always ethical, and that the government and scientists must use caution when they deal with unknown effects. Sociology professor Greer provided examples from medicine that show that carefully researched and documented standardization protocols are often infested with unrecognized preferences that remain unrecognized, because they biases are shared by standardization committee members. Psychology professor Scheibe reminded us that scientist tend to overlook that perceptions are affecting us as strongly as scientific facts. He argued that corporations have a real identity and a real life, while Dr. Rosenthal, a member of the US Chemical Safety and Hazard Prevention Board argued that responsibility and ethics are rooted in individuals, rather than in corporations. Professor Leischinger of the Novartis foundation explained how a large pharmaceutical corporation can individualize assistance to people and problems in third world countries. Business professor Duska, citing from annual corporate reports, Internet sites and other public information, explained that ethical problems in companies such as Enron have long been visible. Ms. Griffin explained that the non-managerial employee, who makes up the majority of corporate employees, is increasingly excluded from a large part of the American dream, such as access to college education for their children, adequate health care. Dr. Rosenthal pointed out, and most agreed, that during the next decade industrial chemist will have to rely on their own personal motivation and ethics for survival, rather than on their employer — very much like many leading academics have become accustomed to do. The conflict between our roles as private citizen, parent, wage earner and scientists will continue to lead to high stress that needs to be recognized and carefully managed to avoid the fate of Charles Darwin who was gradually brought down by the conflict between his traditional, personal life as country squire in Downe and his parallel, separate life as scientist in London. (See e.g. biography of Charles Darwin by Janet Browne, reviewed in *Science Magazine*, Vol. 297, page 1812, Sept. 13, 2002).

In conclusion I strongly urge all of the CHAL members to join us in New Orleans and New York, and participate personally in the extensive networking that takes place within CHAL interest groups. If you need a letter for your employer, let me know.

Program for New Orleans Meeting

Division of Chemistry and The Law

March 23-27, 2003

W. R. Johnson, Program Chair

SUNDAY MORNING

Ernest N. Morial Convention Center, Room 299

The Lawyers Are In: Meet Members of CHAL

Supported by Corporation Associates

K. Colton, Organizer

- 10:00 Introductory Remarks by CHAL Chair.
- 10:10 Preview of CHAL Technical Program.
1. 10:30 Question and Answer Period.
W. R. Johnson, K. Colton, A. M. Ebrlich, E. J. Berns

SUNDAY AFTERNOON

Ernest N. Morial Convention Center, Room 299

Intellectual Property Law Series Part I - Your Lawyer and You

H. D. Hart III, Organizer

2. 1:30 Our patent lawyer called and wants me to help with a due diligence investigation.
S. F. Sherry
3. 2:05 Our patent lawyer called and wants me to help collect records of prior work for a patent interference.
M. B. Harlin
4. 2:40 Our patent lawyer called and wants me to help decide where to file foreign patents.
R. W. Fieseler
5. 3:15 Our patent lawyer called and wants me to help evaluate a competitor's product to determine whether it infringes our patent.
H. D. Hart III
- 3:50 Question and Answer Session.

MONDAY MORNING

Ernest N. Morial Convention Center, Room 299

The Chemistry and Law of Driving-While-Intoxicated Prosecution, Part I

Cosponsored with Division of Analytical Chemistry

J. C. Carver and E. B. Overton, Organizers

6. 9:00 Analytical Considerations for Analysis of Gaseous Samples for Trace Organic Compounds Including Breath Volatiles Such as Ethanol. *E. B. Overton, N. Roques, K. R. Carney*
7. 9:45 Overview of concerns.
C. M. Childers
- 10:30 Intermission.
8. 10:45 Physiology of Breath Test for Alcohol. *J. McGarity*
9. 11:30 Testing Protocols for Alcohol Analysis Used by Law Enforcement Agencies.
S. T. Chustz

MONDAY MORNING

Ernest N. Morial Convention Center

Biotechnology in the Service of Health

Cosponsored with Division of Small Chemical Businesses

MONDAY AFTERNOON

Ernest N. Morial Convention Center, Room 299

The Chemistry and Law of Driving-While-Intoxicated Prosecution, Part II

Cosponsored with Division of Analytical Chemistry

E. B. Overton, Presiding

J. C. Carver, Organizer

10. 1:30 Dosing of Volunteers.
S. T. Chustz, J. C. Carver
11. 1:45 The Role of the Prosecutor in Alcohol Related Criminal Trials. *B. J. Brock*
12. 2:00 Defending DWI Cases.
J. P. Calmes Jr.
- 2:20 Intermission.
13. 2:40 Introduction to Mock Trial.
J. C. Carver, B. J. Brock, J. P. Calmes Jr.
- 2:50 Mock Trial.

MONDAY AFTERNOON

Ernest N. Morial Convention Center

Industrial Pavilion

Intellectual Property Issues for the Industrial Workplace

Cosponsored with Division of Analytical Chemistry

K. Colton, Presiding

14. 2:00 Intellectual Property Issues for the Industrial Workplace.
K. Colton

MONDAY AFTERNOON

Ernest N. Morial Convention Center, Industrial Pavilion

Surviving Corporate Investigations and Reclaiming Industrial Property

Cosponsored with Division of Analytical Chemistry

E. J. Berns, Organizer

15. 3:30 Surviving Corporate Investigations. *E. J. Berns*
16. 4:30 Reclamation of Contaminated Industrial Property.
T. Hackenberg

MONDAY AFTERNOON

Ernest N. Morial Convention Center

Biotechnology in the Service of Health

Cosponsored with Division of Small Chemical Businesses

MONDAY EVENING

Ernest N. Morial Convention Center, Hall G

SciMix Poster Session

H. M. Peters and J. C. Carver, Organizers

8:00 - 10:00 pm

10. See previous listings.
17. ACS's Highest Award - The Priestley Medal. *H. M. Peters*
18. Corporation Associates Award for Creative Invention.
S. B. Radding
19. Corporation Associates Award for Team Innovation.
C. Meyer
20. Alfred Nobel and the Nobel Prize in Chemistry.
J. F. Riley
21. Norbert Rillieux - Sugar Chemist. *H. M. Peters*
22. Death by chocolate: A brief history of chocolate.
H. M. Peters
23. Dr. George Washington Carver: Peanut products, US Patents 1,522,176; 1,541,478 and 1,632,365. *H. M. Peters*

Program for New Orleans Meeting (continued)

24. Inventure place. *A. M. Ebrlich*
 25. National Inventors Hall of Fame (www.invent.org).
H. M. Peters
 26. National Medal of Technology and National Medal of Science.
B. L. Lences

TUESDAY MORNING

Ernest N. Morial Convention Center, Room 299

Brownfields, a Paradigm Shift for Environmentally Impacted Asset Management

Cosponsored with Division of Environmental Chemistry, and Division of Small Chemical Businesses

T. Hackenberg, Presiding

J. C. Carver, Organize

27. 9:00 Brownfields Primer.
T. Hackenberg
 28. 9:30 Brownfields Redevelopment, a Regulatory Perspective.
R. Gingles
 10:00 Intermission.
 29. 10:15 The Liability Transfer Mechanism as a Catalyst for Brownfields Redevelopment.
J. M. Redwine
 30. 10:45 Insurance Archeology Tools for Brownfields Redevelopment.
N. Champagne
 31. 11:15 Use of Environmental Insurance Policies in Brownfields Redevelopment.
P. McCoy

TUESDAY AFTERNOON

Ernest N. Morial Convention Center, Room 299

Brownfields, a Paradigm Shift for Environmentally Impacted Asset Management

Cosponsored with Division of Environmental Chemistry, and Division of Small Chemical Businesses

T. Hackenberg, Presiding

J. C. Carver, Organizer

- 12:30 Introductory Remarks.
 32. 12:35 Digital Millenium Copyright Act: disseminating research in the digital age. *M. Esman*
 33. 1:25 Trade Secrets: A Legal Primer and Practical Pointers.
M. Breaux
 2:15 Intermission.

34. 2:25 The ABC's of Patent Prosecution. *R. L. Waddell*
 35. 3:15 The Second Patent Examination - Patent Infringement Litigation - Perspectives on Enforcement and Defense. *J. Lizarraga*
 4:05 Intermission.
 36. 4:15 Think Globally, Advise Locally: Avoid loss of client IP rights.
M. E. Andrews

TUESDAY AFTERNOON

Ernest N. Morial Convention Center

Michael O'Hara Memorial symposium

Cosponsored with PIUG, ACS Committee on Patents and Related Matters, and Division of Chemical Information

WEDNESDAY MORNING

Ernest N. Morial Convention Center, Room 299

Intellectual Property Law Series Part II- The Wide World of Intellectual Property Getting Worldwide Value for Your Innovation

W. R. Johnson, Organizer

- 9:30 Introductory Remarks.
 37. 9:40 Innovation is nothing without protection- How to gain the European protection that you need. *D. Brown*
 38. 10:10 A German Perspective on protecting your invention in Europe. *G. Leissler-Gerstl*
 39. 10:40 A Canadian perspective on protecting your intellectual property. *G. N. Manning*
 40. 11:10 Protecting your invention - a perspective from the U.S.
J. G. Ackerman

WEDNESDAY AFTERNOON

Ernest N. Morial Convention Center, Room 299

Careers in Chemistry and the Law

Cosponsored with Younger Chemists Committee

B. L. Lences, Presiding

41. 1:30 From Chemist to Lawyer, or How I Decided What I Wanted To Do When I Finally Grew Up. *A. M. Ebrlich*
 42. 2:00 Chemist Become Litigator: Toxic Tort and Other Trials.
J. C. Carver

43. 2:30 Patent Agent Man: From Chemistry to Law What Could be Stranger? *D. W. Ladner*
 44. 3:00 A Career in Food and Drug Law. *D. Robertson*
 45. 3:30 Chemistry and the Law in Academia: A Technology Transfer Perspective.
V. L. McDevitt
 46. 4:00 An Exquisite Integration: Science and the Law. *K. Colton*

THURSDAY MORNING

Ernest N. Morial Convention Center, Room 299

Intellectual Property Law Series Part III- An Interactive Look at Obtaining U.S. Patents

Preparing the Patent Application

Cosponsored with Division of Chemical Information

B. C. Meadows, Organize

47. 9:30 Introduction to an interactive role-playing panel discussion including an inventor and an attorney. *B. C. Meadows*
 9:35 Panel Discussion regarding Preparing an Invention Disclosure.
 10:05 Panel Discussion regarding Pre-examination Search.
 10:35 Panel Discussion Regarding Application Preparation.
 11:05 Question and Answer.

THURSDAY AFTERNOON

Ernest N. Morial Convention Center, Room 299

Intellectual Property Law Series Part IV- An Interactive Look at Obtaining U.S. Patents

From Application To Patent- The Examination Process

Cosponsored with Division of Chemical Information

B. C. Meadows, Organizer

48. 1:00 Introduction to an interactive role-playing panel discussion including an "Examiner" and a "Patent Attorney".
B. C. Meadows
 1:05 Panel Discussion regarding the Examination Process.
 1:35 Panel Discussion regarding Interviewing Examiners.
 2:05 Question and Answer Period.

Abstracts for Chemistry and The Law Papers

225th ACS National Meeting

New Orleans • March 23-27, 2003

1. Question and Answer Period

William R. Johnson, Needle & Rosenberg, P.C., 1200 Candler Building, 127 Peachtree Street, N.E., Atlanta, GA 30303, Fax: 404-688-9880, wjohnson@needlerosenberg.com,
Kendrew Colton, Fitch Even Tabin & Flannery, 1801 K Street, NW, Suite 401L, Washington, DC 20006-1201, Fax: 202-419-7015, kcolton@fitcheven.com,
Alan M. Ebrlich, Office of General Counsel, U.S. Environmental Protection Agency, and Elizabeth J. Berns, Skellenger Bender

This will be a 2 hour informal drop-in session where questions can be asked of lawyers who practice in various state, federal and foreign jurisdictions, and of patent agents. These lawyers and patent agents will be members of CHAL, available here without fee. Questions may be about legal career possibilities, and about the law itself: patent, trademark, copyright, trade secret, employer-employee contract, collective agreement, toxic litigation, toxic real estate, workplace health and safety, workers compensation, environment, forensics, trade regulation, pharmaceutical regulatory, etc. Questions may be of practical or theoretical interest. The discussions should be interesting, notwithstanding that correct answers are not guaranteed. This session will be of an informational and educational nature only; the considerations of questions asked will not be in the context of any lawyer-client relationship; answers (if known) will not be formal legal advice.

2. Our Patent Lawyer Called and Wants Me to Help with a Due Diligence Investigation

Stephen F. Sherry, McAndrews, Held & Malloy, Ltd., 500 W Madison Street, Suite 3400, Chicago, IL 60661, ssherry@mbmlaw.com

Abstract text not available.

3. Our Patent Lawyer Called and Wants Me to Help Collect Records of Prior Work for a Patent Interference

Michael B. Harlin, McAndrews, Held & Malloy, Ltd., 500 W Madison Street, Suite 3400, Chicago, IL 60661, mharlin@mbmlaw.com

Abstract text not available.

4. Our Patent Lawyer Called and Wants Me to Help Decide Where to File Foreign Patents

Robert W. Fieseler, McAndrews, Held & Malloy, Ltd., 500 W Madison Street, Suite 3400, Chicago, IL 60661, Fax: 312-775-8100, rfieseler@mbmlaw.com

Abstract text not available.

5. Our Patent Lawyer Called and Wants Me to Help Evaluate a Competitor's Product to Determine Whether It Infringes Our Patent

Herbert D. Hart III, McAndrews, Held & Malloy, Ltd., 500 W Madison Street, Suite 3400, Chicago, IL 60661, Fax: 312-775-8100, bhart@mbmlaw.com

Abstract text not available.

6. Analytical Considerations for Analysis of Gaseous Samples for Trace Organic Compounds Including Breath Volatiles Such as Ethanol

Edward B. Overton, Ned Roques, and Kenneth R. Carney, Department of Environmental Studies, Louisiana State University, Rm 42, Atkinson Hall, Baton Rouge, LA 70803, Fax: 225-388-4286, ebovert@lsu.edu

Highly accurate and reproducible gaseous samples present significant analytical challenges. This is particularly true for analyses done outside the confines of traditional laboratories. In our modern society, on-site or fieldable chemical analyses are increasingly being used to detect disease and terrorist threats, as well as support law enforcement efforts. This talk will outline the fundamentals for detection of volatile organic compounds in gaseous samples such as breath, and review the analytical technologies currently used in these types of applications. Additionally, a new emerging analytical capability, based around portable GC instrumentation, will be described.

7. Overview of Concerns

Catherine M. Childers, State Executive Director, Mothers Against Drunk Driving, 5700 Florida Boulevard, Suite 604, Baton Rouge, LA 70806

Last year 47% of all traffic fatalities in Louisiana were alcohol-related, a rate far exceeding the national average of 41%. Although 23,386 people were charged with DWI by law enforcement, only 45% were convicted of a DWI offense. The state's BAC test refusal rate of 40% is one of the highest in the nation. This presentation addresses the causes of these problems and identifies possible remedies.

8. Physiology of Breath Test for Alcohol

Joseph McGarity, 10831 Classique Avenue, Baton Rouge, LA 70015

This presentation will consist of a discussion of respiratory ventilation, perfusion and diffusion and their relationships to the partition ratio used to convert breath-alcohol concentrations to corresponding alcohol concentrations in blood, basic assumptions required and factors affecting the partition ratio.

9. Testing Protocols for Alcohol Analysis Used by Law Enforcement Agencies

Sgt. Terry Chustz, Supervisor of Breath Testing, Louisiana State Policy Applied Technology, Baton Rouge, LA 70806

In Louisiana and in many other states, one of the enforcement tools used to determine if a person is driving under the influence of alcohol is a breath test. Although often the statute designates an upper allowable limit for alcohol in blood, in practice, a breath test is used. For such measurements to be usable in court, it is critical that the operator collect a representative deep lung sample. One of the devices widely used for breath analysis is the Intoxilyzer 5000. The use, controls and maintenance of this device, and other breath analysis devices, will be discussed. During the symposium volunteers from the audience will be "dosed", and then tested on the Intoxilyzer 5000.

10. Dosing of Volunteers

Sgt. Terry Chustz, Supervisor of Breath Testing, Louisiana State Policy Applied Technology, Baton Rouge, LA 70806, and James C. Carver, Taylor, Porter, Brooks & Phillips

Volunteers from the audience will be given measured quantities of an alcoholic beverage, under the supervision of Sgt. Chustz, and then monitored through the afternoon with a breath analyzer.

11. The Role of the Prosecutor in Alcohol Related Criminal Trials

Beau James Brock, Regional Criminal Enforcement Counsel, United States Environmental Protection Agency, Baton Rouge, LA 70806

The prosecution of alcohol related offenses around the country is a serious matter. Jurisdictions confront these crimes generally without compromise due to the growing influence of local and national victims' rights advocates. This after decades of treating these offenses traditionally as something less than criminal due to the lack of intent. Every DWI case, whether involving injury or fatality or not, has different stages and those will be discussed. The key parts for the prosecutor center around the elements of the crime charged. The points for discussion will include (1) the stop; (2) operation of the vehicle; (3) behavioral manifestations; (4) field sobriety tests; (5) chemical tests; and (6) admissions/the interview.

12. Defending DWI Cases

John P. Calmes Jr., 2335 Government Street, Baton Rouge, LA 70806

The role of the criminal defense lawyer is to guarantee that his client receives a fair trial. This is accomplished by: (1) preventing the use of evidence that is misleading, irrelevant, or unsound; (2) testing the credibility of evidence that is admitted; and (3) presenting evidence that is favorable to his client's case.

13. Introduction to Mock Trial

James C. Carver, Taylor, Porter, Brooks & Phillips, P. O. Box 2471, Baton Rouge, LA 70821, Fax: 225-346-8049, james@tpbp.com, Beau James Brock, Regional Criminal Enforcement Counsel, United States Environmental Protection Agency, and John P. Calmes Jr.

A mock trial for person accused of driving while intoxicated will be presented. This trial will focus on the technical component of such a trial.

14. Intellectual Property Issues for the Industrial Workplace

Kendrew Colton, Fitch Even Tabin & Flannery, 1801 K Street, NW, Suite 401L, Washington, DC 20006-1201, Fax: 202-419-7015, kcolton@fitcheven.com

Knowing and understanding your company's intellectual property assets supports successful business dealings. Intellectual property strategy considerations and an update on current developments and laws as they effect businesses and the workplace will be discussed.

15. Surviving Corporate Investigations

Elizabeth J. Berns, Skellenger Bender, P.S., 1301 Fifth Avenue, No. 3401, Seattle, WA 98101-2605, Fax: 206-447-1973, eberns@skellengerbender.com

Corporations, corporate officers, and corporate employees have increasingly been targeted for enforcement actions in high profile industries. Companies that contract with the government or receive funding are subject to government regulation and are prone to heightened scrutiny. Many companies, particularly in highly regulated industries are increasingly utilizing regulatory compliance programs to maintain corporate integrity. Whether triggered by notice of a government investigation, an alert from the internal compliance plan, or the shock of a catastrophic event, such as an industrial accident, an internal corporate investigation of the facts and legal opinions is increasingly the appropriate corporate response to a potentially damaging situation.

16. Reclamation of Contaminated Industrial Property

Tyson Hackenberg, Shaw Environmental, Inc, 4171 Essen Lane, Baton Rouge, LA 70809, Fax: 225-987-7300, james@tpbp.com

There are hundreds, if not thousands of acres of prime industrial land that is out of commerce because of contamination. The government has recognized this problem and has instituted programs to reclaim for use much of this contaminated property. The Brownfields' programs will be a boost for those companies holding vacant contaminated property, as well as for those companies looking for locations to expand or develop new markets.

17. ACS's Highest Award - The Priestley Medal

Howard M. Peters, Peters, Verry, Jones & Biksa, LLP, 385 Sherman Avenue, Suite 6, Palo Alto, CA 94306, Fax: 650-324-1678

The Priestley Medal is the highest award presented by the American Chemical Society through its Board of Directors to recognize distinguished services to chemistry. The first award was to Dr. Ira Remsen of Johns Hopkins University in 1923. Originally awarded sporadically, it has been awarded each year since 1944. The only non-chemist to receive the Medal was Francis Garvan, a lawyer, who created and for whom the ACS Garvan Award for women chemists is named. This poster will focus on specific awardees and the history of the Medal. The award is named for Joseph Priestley (1733-1804) an English educator/scientist and clergyman who discovered oxygen in 1774. Priestley's unorthodox views on religion, the war with the colonies and the French Revolution were so unpopular that his English home and laboratory were destroyed by a mob. He emigrated to Pennsylvania where his home in Northumberland was declared the First National Historic Chemical Landmark. See <http://www.chemistry.org/portal/Chemistry?PID=acsdisplay.html&DOC=awards%5Cpriestley.html>

18. Corporation Associates Award for Creative Invention

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

The ACS Award for Creative Invention was first made in 1968 and is sponsored by ACS Corporation Associates. The award was originally made every year to an individual or team who innovation(s) are the successful application of research in chemistry and/or chemical engineering which contributes to the material prosperity and happiness of people to. A cash award of \$3,000 for each team member and a certificate are provided. See <http://www.chemistry.org/portal/Chemistry?PID=acsdisplay.html&DOC=industry\innovation.html> This poster will focus on the requirements and past awards.

19. Corporation Associates Award for Team Innovation

Carl Meyer, Law Offices of Carl Meyer, 704 Rand Street, Oakland, CA 94610, Fax: 510-834-0692, cbmeyer@msn.com

The ACS Award for Creative Invention was first made in 1996 and is sponsored by ACS Corporation Associates. The award is made every year to highlight the value and importance of technical teams and teamwork to the chemical and allied industries by recognizing a multi-disciplinary team for successfully moving and innovative idea to a product now in use. A cash award of \$3,000 for each team member and a certificate are provided. A cash award of \$5,000 and a certificate are provided. See <http://www.chemistry.org/portal/Chemistry?PID=acsdisplay.html&DOC=industry\invention.html> This poster will focus on the requirements for the award and specific past awardees.

20. Alfred Nobel and the Nobel Prize in Chemistry

John F. Riley, 1842 Edgewood Drive, Palo Alto, CA 94303, jfriley@atdial.net

Born in Stockholm, Sweden, Alfred Nobel moved with his family as a

continued on next page

youngster to St. Petersburg where he was tutored privately by leading university professors. After the Crimean War, the family returned to Sweden. Nobel developed many improvements in explosives, and he held 355 patents in different countries in electrochemistry, optics, biology, and physiology. U. S. Patent 78,317 to dynamite was used for his induction into the U.S. National Inventors Hall of Fame in 1999. (See www.invent.org.) Upon his death, his will provided that the bulk of his fortune go to a fund that would award prizes annually for advancements in Physics, Chemistry, Physiology or Medicine, Literature, and Peace. This poster will focus on selected winners of the Nobel Prize in chemistry. See www.nobel.se/nobel/alfred-nobel/

21. Norbert Rillieux - Sugar Chemist

Howard M. Peters, Peters Verry Jones & Biksa, LLP, 385 Sherman Avenue, Palo Alto, CA 94036, 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.

22. Death by Chocolate: A brief History of Chocolate

Howard M. Peters, Peters Verry Jones & Biksa, LLP, 385 Sherman Avenue, 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 1800s 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.

23. Dr. George Washington Carver: Peanut Products, U.S. Patents 1,522,176; 1,541,478 and 1,632,365

Howard M. Peters, Peters Verry Jones & Biksa, LLP, 385 Sherman Avenue, Palo Alto, CA 94036, 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 Agriculture College (now Iowa State University) 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).

24. Inventure Place

Alan M. Ehrlich, Chair, Committee on Patents and Related Matters, 7425 Democracy Boulevard, Apt. 205, Bethesda, MD 20817-1205, Fax: 202-564-5431, polinehrlich@erols.com

Inventure Place celebrates the creative and entrepreneurial spirit of invention innovation and inventors. The creative genius of invention is show-

cased 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.

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

Howard M. Peters, Peters Verry Jones & Biksa, LLP, 385 Sherman Avenue, Palo Alto, CA 94036, Fax: 650-324-1678, peters4pa@aol.com

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 Street, Akron, OH 44308-1505.

26. National Medal of Technology and National Medal of Science

Barbara L. Lences, Agricultural Research Center, American Cyanamid, P.O. Box 400, Princeton, NJ 08540, Fax: 609-275-3535, lencesb@uyeth.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.

27. Brownfields Primer

Tyson Hackenberg, Shaw Environmental, Inc, 4171 Essen Lane, Baton Rouge, LA 70809, Fax: 225-987-7300

Brownfields is a term that means many things to many different people, but at the root of the concept is finding new uses for environmentally affected property. Brownfields has, since its conception, created many new solutions for owners of impacted property and creative tools for otherwise innocent parties to find value opportunity in environmentally affected property.

28. Brownfields Redevelopment, a Regulatory Perspective

Roger Gingles, Louisiana Department of Environmental Quality, P.O. Box 82178, Baton Rouge, LA 70884-2178

The Brownfields movement has resulted in many changes in way agencies regulate environmental affected property. State legislation has led the way in regulatory revisions creating rules that provide for protection of innocent parties and building new agency infrastructure to better manage assessment and remediation that are linked to real plans for use of the affected properties. Federal legislation has followed with new programs that provide funding and legislation that attempts to decentralize and empower local communities to manage the problems at a state and local level.

29. The Liability Transfer Mechanism as a Catalyst for Brownfields Redevelopment

James M. Redwine, SELS, Inc, 2790 Mosside Boulevard, Monroeville, PA 15146-2792

With recent changes in legislation, an important new tool for Brownfields divestiture and redevelopment is an immediate Liability Transfer. Liability Transfers can take many forms, but most successful mechanisms allow for an instant transfer of assessment and remediation responsibilities of an owner to a third party willing to manage the problem from start to finish.

30. Insurance Archeology Tools for Brownfields Redevelopment

Nathan Champagne, Brownfields Coordinator, City of New Orleans Mayor's Office of Environmental Affairs, 1300 Perdido Street, New Orleans, LA 70112

Many owners and prospective purchasers of affected property have found that one often overlooked resource for management of environmental problems and Brownfields redevelopment is historic Commercial General Liability policies. Success stories and procedures for tapping this resource are described in this presentation.

31. Use of Environmental Insurance Policies in Brownfields Redevelopment

Pricilla McCoy, Insurance Specialist, LandBank, Inc, 141 Union Boulevard, Suite 330, Lakewood, CO 80228

With the growth in Brownfields and environmental assessment and remediation technology, major Insurance underwriters have created many useful insurance mechanisms to offset some of the fear and uncertainty often present in Brownfields transactions. Insurance mechanisms including cost overrun protection, future regulatory protection, third party liability, and blended finite risk policies are discussed.

32. Digital Millennium Copyright Act: Disseminating Research in the Digital Age

Marjorie Esman, Milling Benson Woodward LLP, 909 Poydras Street, Suite 2300, New Orleans, LA 70112-1010, Fax: 504- 569-7001, mesman@millinglaw.com

Abstract text not available.

33. Trade Secrets: A Legal Primer and Practical Pointers

Marie Breau, Liskow & Lewis, LLP, One Shell Square 50th Floor, 701 Poydras St, New Orleans, LA 70139, Fax: 504- 556-4108, mbreaux@liskow.com

Abstract text not available.

34. The ABC's of Patent Prosecution

Robert L. Waddell, Domingue & Waddell, Ste 515 600 Jefferson Street, Lafayette, LA 70501, Fax: 337-266-2305, Waddellrdw@aol.com

Abstract text not available.

35. The Second Patent Examination - Patent Infringement Litigation - Perspectives on Enforcement and Defense

Juan Lizarraga, Milling Benson Woodward LLP, 909 Poydras Street, Suite 2300, New Orleans, LA 70112, jlizarra@millinglaw.com

Abstract text not available.

36. Think Globally, Advise Locally: Avoid Loss of Client IP Rights

Mark E. Andrews, GenVis Biogroup LLC, New Orleans, LA

Abstract text not available.

37. Innovation Is Nothing Without Protection- How to Gain the European Protection That You Need

David Brown, Haseltine Lake, Redcliff Quay, 120 Redcliff Street, Bristol BS1 6HU, United Kingdom, Fax: +44 (0) 117-910-3201, DBrown@haseltinelake.com

Abstract text not available.

38. A German Perspective on Protecting Your Invention in Europe

Gabriele Leissler-Gerstl, Eisenführ, Speiser & Partner, Arnulfstraße 25, D-80335 Munich, Germany, Fax: 49-89-55027555, GLeisslerG@eisenfuhr.com

Getting a patent – no problem at all, getting a strong patent is the challenge.

It's easy to get a patent but it is not as easy to get reasonable scope of protection. A patent certificate may be nice but if the claim is limited it may not help to prevent others from copying the invention. Moreover, only strong patents can be the basis for good license contracts which are a major source of income for many research institutes and startup companies. Therefore, it will be discussed which rules have to be observed to get valuable patents with utmost scope of protection in Europe. Moreover, recent case law having influence on the patent policy is presented.

39. A Canadian Perspective on Protecting Your Intellectual Property

Gavin N. Manning, Oyen Wiggs Green & Mutala, 480- The Station, 601 West Cordova Street, Vancouver, BC V6B 1G1, Canada, Fax: 604-681-4081, manning@patentable.com

The Canadian and U.S. patent systems have both significant similarities and differences.

We shall discuss what is patentable in Canada, the filing requirements for Canadian patent applications, and shall provide tips for the smooth prosecution of Canadian patent cases. We shall also discuss the enforcement of Canadian patent rights. Canadian litigation can be much less costly than corresponding U.S. litigation.

40. Protecting Your Invention - A Perspective from the U.S.

Joel G. Ackerman, Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111, Fax: 415-576-0300, jgackerman@townsend.com

United States inventors and patent owners must consider both U.S. patent laws and rules, as well as the laws and rules of significant countries outside the U.S., in planning their patent strategy and drafting their patent applications for best protection. Some of the common and varying laws and practices will be discussed including disclosure of the invention to others without adversely affecting patent rights, considerations in drafting patent applications and strategies for international protection.

41. From Chemist to Lawyer, or How I Decided What I Wanted To Do When I Finally Grew Up

Alan M. Ehrlich, Office of General Counsel, US Environmental Protection Agency, Mail Code 2377A, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Fax: 202-564-5431, ehrlich.alan@epamail.epa.gov

continued on next page

The personal progression from chemist to attorney, followed by a discussion of the differences between a scientist and an attorney will be presented. The presentation will also outline the kinds of careers available to a chemist in each of the branches of government, in addition to that of a patent attorney.

42. Chemist Become Litigator: Toxic Tort and Other Trials

James C. Carver, Taylor, Porter, Brooks & Phillips, P. O. Box 2471, Baton Rouge, LA 70821, Fax: 225-346-8049, james@tpbp.com

The logical training one receives as a chemist is a good basis for becoming a litigator. For example, toxic tort litigation involves exposure to chemicals and products liability litigation often involves material failure, corrosion or explosions. Since these types of trials often become a battle of experts, a lawyer, on either side, who is also a chemist, has a significant advantage. Movement from the lab to the courtroom presents challenges, but can provide a rewarding outcome.

43. Patent Agent Man: From Chemistry to Law What Could be Stranger?

David W. Ladner, Bayer Pharmaceuticals Corporation, West Haven, CT 06516, david.ladner.b@bayer.com

In the field of Chemistry Patent Law, Some are born to their career as a Practitioner, Some acquire the skills to become a Practitioner; Others have a career as a Practitioner thrust upon them. The author, having become a member of the last group, will describe his specific career transition from a Research Chemist/Manager to a Chemistry Patent Manager, outlining the skill set and qualities which he finds common to both. More specifically, patent law careers in a research-based company offer significant differences from those in a private law firm, academia, or government. A variety of job types and the traditional qualifications for each will be described.

44. A Career in Food and Drug Law

Diane Robertson, Fox Kiser, 750 Seventeenth Street, N.W., Suite 1100, Washington, DC 20006, Fax: 202-778-2330, drobertson@foxkiser.com

A number of careers are available to scientists interested in regulatory law. Agencies that need talented scientists to work within a regulatory framework include the Food and Drug Administration, the Environmental Protection Agency, the Centers for Disease Control, and the United States Department of Agriculture. The focus of this presentation will be on food and drug law with a discussion of the field and its intersection with law, science, policy, medicine and politics. The speaker's career in food and drug law, including jobs with the Food and Drug Administration, in Congress working on related laws and in private practice will be discussed.

45. Chemistry and the Law in Academia: A Technology Transfer Perspective

Valerie L. McDevitt, University of South Florida, Division of Patents and Licensing, Tampa, FL, vmcdevitt@research.usf.edu

The tension between academic research and commercialization/licensing from the tech transfer office perspective will be discussed, as well as how tech transfer offices function in the present academic environment.

46. An Exquisite Integration: Science and the Law

Kendrew Colton, Fitch Even Tabin & Flannery, 1801 K St. NW, Suite 401L, Washington, DC 20006-1201, Fax: 202-419-7015, kcolton@fitcheven.com

What can the ACS do for the scientist turned attorney? A personal odyssey from chemistry as a hobby after school to majoring in chemistry and, ultimately, to a rewarding career in intellectual property law will be

presented. The topics will cover the initial sparks leading to chemistry and thence to the day-to-day activities of an intellectual property attorney in private practice, as well as how the scientist turned patent attorney can contribute to the ACS.

47. Introduction to an Interactive Role-playing Panel Discussion Including an Inventor and an Attorney

Brian C. Meadows, Needle & Rosenberg, PC, 127 Peachtree Street N.E, 12th Floor, Atlanta, GA 30303, Fax: 404-688-9880, meadows@needlepatent.com

The patent application process includes numerous interactions between the inventor and the patent attorney. This session will provide an interactive role-playing panel discussion including an "inventor" and a "patent attorney" to illustrate the issues surrounding the drafting of a patent application.

48. Introduction to an Interactive Role-playing Panel Discussion Including an "Examiner" and a "Patent Attorney"

Brian C. Meadows, Needle & Rosenberg, P.C., 127 Peachtree Street, N.E, 12th Floor, Atlanta, GA 30303, Fax: 404-688-9880, meadows@needlepatent.com

The examination process can involve a "give and take" process between the attorney and the examiner. This session will include an interactive role-playing panel discussion involving an "Examiner" and "Patent Attorney" to highlight the issues involved in the patent examination process.

From the Editor

With this, my fifth issue as editor of this newsletter, I hope I am starting to get it right. But it is not quite right yet. Although it did successfully appear on the CHAL webpages, there were production problems with the previous print version issue that caused late mailing to some members. And those problems were related to some errors that did appear. I am trying to improve the process for future issues, and hopefully this issue shows some of that improvement. In this issue, in addition to the program schedule and abstracts, there are several items by CHAL members. Thanks to everyone involved.

Again, I encourage CHAL members to contribute news and analysis articles for the next issue.

Michael Grossman

Follow-up from the Spring issue, 2002, pages 15 and 16: Tamara Kale, who wrote "A Ph.D. Chemist Goes Law School Shopping," conveys her thanks and appreciation for the helpful feedback she received from various newsletter readers — patent attorneys, agents, and chemists in law schools — who wrote with their experiences, questions and advice. She is currently a law student at the University of Washington in Seattle.

Her new email address: kalex004@hotmail.com

Minutes of the Executive Committee Meeting

August 18, 2002 • Boston

The Executive Committee meeting began at 5:00 P.M. with the following persons in attendance: Elizabeth Berns, Jim Carver, Ken Colton, Hugh Dubb, Lauralee Duncan, Alan Ehrlich, Chuck Hauff, David Jaffer, Judith Jankowski (ACS Staff), Bill Johnson, Barbara Lences, Carl Meyer and Jack Riley.

Chuck Hauff was presented with the Roger Middlekauf Award in recognition of his outstanding service to the Division of Chemistry and the Law.

The minutes of the April 2002 meeting in Orlando were approved.

Chair's Report

Carl Meyer reported that Elizabeth Berns will chair the Litigation Topic Group, Bill Johnson will continue as Program Chair, and Lauralee Duncan will continue as Webmaster. The Nominating Committee reported that it would meet soon to prepare nominations for CHAL officers for 2003. Chuck Hauff volunteered to do the election mailings along with an amendment to the By-laws through his firm, Snell & Wilmer in Phoenix. Carl discussed availability of funding through Corporation Associates for programming of interest to businesses. Barbara Lences noted that requests to Corporation Associates for the New Orleans meeting were due by December 1, 2002, and were to be submitted by symposia chairs.

Chair Elect's Report

Ken Colton reported on a Divisional Activity Committee meeting, in particular the availability of possible stop gap funding for divisions.

Secretary's Report

David Jaffer reported that the Annual Report filing for 2001 was timely and the ACS review of the Annual Report was favorable.

Treasurer's Report

Barbara Lences presented the

Treasurer's report dated June 10, 2002, updated through August 15, 2002. Barbara discussed inclusion of the cost of the CHAL reception in the budget. Support from sponsors for receptions (both for locations and refreshments) dramatically reduces

the cost for the Division, but we can not always count on having a sponsor. Barbara also discussed requests to law firms for funding to help CHAL maintain its services to members.

continued on next page

Treasurer's Report

January 1 -December 20, 2002

Starting Balance	\$ 9,283.20
Income	
ACS Division Dues (July-Dec. '01)	\$ 7,030.00
ACS Division Dues (Jan.-June '02)	5,533.04
Royalty, CRC Press Inc. (July-Dec. '01)	240.93
Royalty, CRC Press Inc. (Jan.-June '02)	186.83
CCA Grant for Boston Ethics Symposium	2,000.00
CCA Grant for Innovative Project (NYC)	3,000.00
New Member Recruitment	125.00
ACS 2002 Division Allocation	2,737.80
ACS Reimbursement for Councilor Expenses	3,172.50
ACS Stop-Gap Funding	4,000.00
BPLA Contribution for CHAL/BPLA Reception	1,400.00
Total	\$38,709.30
Expenses	
Spring Newsletter (Includes Bulk Mail Fee and Deposit)	\$ 5,525.34
Fall Newsletter	5,635.32
Incorporation	204.00
Councilor Reimbursement for National Meetings	5,501.87
Division Officers' Caucus 2002 Dues	60.00
Biotechnology Secretariat	100.00
CHAL Reception Orlando	1,111.66
BPLA/CHAL Reception Boston	2,799.23
Poster for Boston Ethics Symposium	342.46
Guest Speaker Expenses for National Meetings	4,043.08
Program Chair Training (P2C2) Registration Fee	730.00
Bank Charges (Jan.'01-Nov.'01)	60.00
Biotechnology Secretariat 2001	27.00
Total	\$26,079.96
Ending Balance	\$12,629.34

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Councilors' Report

The Councilors reported that the most important issues before the Council are a petition for approval of non-U.S. applicants to be Society Affiliates (expected to pass) and ACS financial support of Local Sections and Divisions (a controversial issue and quite expensive). A task force is expected to be appointed to handle the latter matter. Newsletter Report: Barbara Lences reported for Michael Grossman. The deadline for the newsletter was set as January 1, 2003. Discussions followed of (a) e-mailing the newsletter to save mailing costs, and (b) a Division directory and a requirement for opting in before an address is included in the directory.

ACS Staff

Judith Jankowski reported on the P2C2 programming conference in November. Ken Colton and Bill Johnson expected to attend this conference. The Division Leadership Conference will be held in February 2003 in Washington, D.C.

Program Chair

Bill Johnson reported on the New Orleans meeting program. Jim Carver and Carl Meyer expect to present programs on science issues in litigation. A program on intellectual property issues is expected.

Past Chair Pins

Past Chair award pins were presented to Chuck Hauff and David Jaffer.

New Business

Allen Erlich suggested moving the Executive Committee Division Open meeting to coincide with a possible change of the CHAL reception to Monday. After some discussion, Barbara Lences was appointed the ad hoc CHAL social chair to coordinate the reception and meetings.

Adjournment

The meeting was adjourned at 6:45 P.M.

David Jaffer

Festo Corp. v. Shoketsu Kinzoku Kogyo

Comment by Kendrew H. Colton*

On May 28, 2002, the U.S. Supreme Court released the long-awaited decision in *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* ("Festo") concerning patent infringement under the common law doctrine of equivalents as reined in by patent prosecution history. The Supreme Court's ruling has major business-related repercussions, and will impact both the creation of patent assets and their enforcement. It will be of immediate interest to all involved with protecting R&D investments with patents.

The Supreme Court reversed the lower court's rule that inventors who narrow their patents in the Patent Office automatically lose their protection against competitors that make, use, sell or offer to sell "equivalents" to the invention claimed in a United States patent. The common law doctrine of equivalents applies to protect a patentee against infringers who do not exactly copy the invention claimed in a patent. The doctrine of patent prosecution history estoppel prevents a patentee from recapturing what was surrendered in order to obtain the patent. According to the Supreme Court, an inventor now must prove that she did not give up coverage to "equivalents" in order to obtain her patent from the Patent Office ("patent prosecution history estoppel" in patent lawyer parlance), and that the accused infringer made only insubstantial changes to the claimed invention (doctrine of equivalents). This evidentiary burden may, in fact, present an obstacle to effectively using the doctrine of equivalents to enforce a patent against a copycat.

In reversing the lower court, the Supreme Court tried to strike a balance between the rights of inventors and the public by eliminating the "bright line" or absolute bar erected by the lower court. In writing for the

Supreme Court, Justice Kennedy said the bright line test was inflexible. A chorus of friend of the court briefs to the Supreme Court also stressed the "bright line" test fundamentally wiped out the value of many patents by unduly limiting their legitimate scope. The Court agreed that "fundamental alterations in these rules risk destroying the legitimate expectations of inventors in their property." The Supreme Court pointedly counselled that patents are not pieces of paper, nor are they prisoner's of the English language, and therefore patents are not automatically confined only to the exact, literal wording of how an invention is formally claimed. As a practical matter, the decision will affect any patent clearance opinions for new products that a company may have commissioned within the last two years, and may also affect how technology-reliant companies, both large and small, obtain US patents. Recent new product launches should be carefully reviewed, and perhaps re-reviewed as appropriate, to take into account the Supreme Court's decision. Companies may want to double-check their non-infringement opinions from counsel, especially if their current due diligence opinions rested only on a truncated bottomed on the now reversed lower court's Festo decision. Does the company still have a bona fide reasonable basis for concluding the new products do not abridge a competitor's patent? Companies will want to manage their risk to avoid being tagged as a willful infringer and the possible liability for treble damages?

Just as importantly, the decision also instructs the astute reader that cutting costs on writing the application for patent or in securing the patent grant - your intangible property right - from the U.S. Patent Office is poor judgement. The decision places

a premium on quality patents, which will be especially true if the patent is intended to protect a nascent company's core technology. Too often the small or fledgling company seeks to make minimal investment in drafting patent applications to protect its new technology. The Festo decision clearly is another warning that minimal

investment may garner minimal returns. So the message is invest wisely, and devote appropriate resources in crafting and obtaining your patents.

It remains to be seen whether the "Festo" decision will help restore confidence in the value of U.S. patents and the patent system, consistent with long-standing court precedent dating

back to the 19th century and the Constitutional mandate to promote the arts and sciences. One thing is clear, however, it may not decrease the cost and risk associated with enforcing and defending patent law suits.

Note: Kendrew H. Colton is CHAL Chair. He practises patent law at Fitch Even Tabin & Flannery, Washington, DC.

Patent Truths — Kid Stuff

I have found some great web sites for the kid in all of us. Some of the information below is summarized from these sites.

See <http://inventors.about.com/library/inventors/bltoy.btm> and <http://www.discovery.com/stories/history/toys/toys.html>.

1. MONOPOLY® the classic board game was copyrighted in 1934 and patented as U.S. No. 2,026,082, on December 31, 1935 by Charles B. Darrow of Germantown, Pennsylvania. He had already been turned down by Parker Brothers. The street names and other places are taken from sites in Atlanta City, New Jersey — the familiar popular family beach resort. So in the middle of the Great Depression, he had 5,000 games assembled — by hand. They sold out quickly at Wanamaker's Department Store in Philadelphia. Darrow couldn't keep up with the demand so he went back to Parker Brothers — and the rest is history. Over 200 million games have been sold worldwide.

See <http://www.monopoly.com/pl/page.history/dn/default.cfm>.

2. LINCOLN LOGS® were invented by John Lloyd Wright in 1916. Wright was the son of the famous architect, Frank Lloyd Wright, and claimed he was inspired by the interlocking foundation of the Imperial Hotel (the earthquake proof building) in Tokyo, Japan. (The day the Imperial Hotel opened in 1923, the massive Tokyo earthquake and fire destroyed all buildings for miles. But the hotel survived intact and operating.) By 1975, more than a million sets of LINCOLN LOGS were being sold annually.

See <http://www.ideafinder.com/history/inventions/lincolnlogs.htm>

3. The modern plastic Frisbie® was invented by Walter Morrison (U.S. No. 3,350,67. The Frisbie Baking Company of Bridgeport, CT sold pies to local New England colleges — including Yale University. The metal pie tins were sailed by Yale students. Students

would yell "Frisbie" when someone was about to be hit by the sailing metal tin (like "fore" in golf). The plastic Frisbie® was popularized by Wham-O of Southern California. Morrison received more than \$1,000,000 in royalties from two USC graduates, Rich Knerr and Spud Malin, the founders of Wham-O.

See <http://www.airfairways.com/history.btm>.

4. The modern Hula Hoop® was really not protected by patent and sales were subject to cut-throat competition. Research chemists Paul Hogan and Robert Banks of Phillips Petroleum in Oklahoma invented MARLEX® plastic, a blend of crystallized polypropylene and high density polyethylene (HDPE), U.S. Patent 2,825,721 (see National Inventors Hall of Fame at www.invent.org). Twenty million hula hoops were sold (by Wham-O) in 6 months in 1958 for \$1.98. It was a great use for this new polymer.

See <http://inventors.about.com/library/inventors/blbulahoop.btm>.

5. SILLY PUTTY® was invented by James Wright at GE's New Haven, CT labs. Boric acid and dimethyl siloxane produced a novel goo that bounced further than rubber. But no one could find a practical use for this unusual product. In 1949 unemployed advertising man Peter Hodgson saw "nutty putty" at a party. He borrowed \$147, bought the production rights from

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ATTORNEYS AT LAW
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ATTORNEY AT LAW

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continued from previous page

GE and produced the elastomer. It was packaged in plastic eggs and sold just before Easter. It was an instant hit first with adults and later with kids. When Hodgson died in 1976, he left an estate of over \$140 million.

See <http://web.mit.edu/invent/www/inventorsA-H/sillyputty.html> and http://sillyputty.com/history_101/timeline/timeline.htm.

6. PLAY-DOH® was invented by Joseph and Noah W. McKVicker in 1956 and they received U.S. Patent 3,167,440 issued in 1968. It really is based on a well know wallpaper cleaner formulations used in the East to remove residual winter coal and fuel dust. The similarity to modelling clay without toxicity made for a great toy. Joe McKVicker became a millionaire before his 27th birthday.

See <http://inventors.about.com/library/inventors/blplaydob.htm>.

7. Barbie® was created by Ruth Handler in 1957. She and her husband Elliott, a Stanford MBA, had founded Mattel Toy Co. in El Segundo, CA. In the first year of sale in 1959, almost 400,000 Barbie® dolls were sold for \$3 each. Mattel almost went bankrupt in 1974. Ruth and Elliott Handler were fired when she was indicted for securities fraud (deja vu – all over again). But Barbie® has prospered. The Barbie® Doll Hall of Fame in Palo Alto is now closed. Mattel purchased the collection three years ago and moved it to southern California where it is still in a warehouse. It is slated to reopen – sometime.

See <http://www.barbie.com>.

8. LEGO® was created by Ole Kirk Christiansen and his son Godtfred (age 12) in 1932 in Bellund, Denmark. The original LEGO's were wooden. The LEGO® company in 1947 was the first company in Denmark to use a plastic injection – molding machine. LEGOLAND® in Bellund, Denmark opened in 1968. Billions have been produced over the past 70 years. This family has become one of the wealthiest in Denmark.

See <http://www.lego.com/eng/info/history/1932.asp>.

9. The ERECTOR SET® was created by A. E. Gilbert in 1913. Gilbert was born in Salem, Oregon in 1884. He had a gift for magic and was a brilliant student, eventually graduating from the Yale Medical School. He never practiced medicine. He also had a talent for athletics, competed in the 1908 Olympics in London and won a gold medal in the pole vault. Inspired by the construction next to the railroad going into New York City, he created the ERECTOR SET. By the time of his death in 1963, he had issued over 150 U.S. patents. Gilbert was also the creator of the classic Gilbert Chemistry Set.

See <http://web.mit.edu/invent/www/gilbert.html>.

10. KOOSH® BALL was patented (U.S. No. 4,756,529) by Scott Stillinger of Campbell, California in 1971. It is a series of elastic strings connected at the center by elastic. In the Silicon Valley, the KOOSH® BALL was a favorite toy to be thrown from one office into the adjacent cubical in the open office environment of most startup companies.

See <http://www.yesterdayland.com/popopedia/shows/toys/ty1198.php>.

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Note: Dr. Peters is a founding & charter member of CHAL. He is a patent attorney in Palo Alto, California. This column, inspired by Dr. Peters' Trivial Pursuit® confrontations with his family, is also to appear (with the same or similar content) in the Silicon Valley Chemist. For this issue he quotes his wife, Sally, after she read the draft: "You can really tell a guy wrote this column."

Member Statistics

We are a "new" ACS division but this is our 20th year as a full scale division. By 10/31/2002, our membership reached 1164, an increase of 20 from 1144. Our growth rate was only 1.8% after nearly 8% in 2001.

We do have 288 new and growth in 2003 is dependent on how well we provide services.

The 114 veteran ACS who joined in 2002 are 10% of the total membership (1164).

We have 169 members who completed their 2nd year; 136 completed their 3rd year. This means that 51% of the members have less than 4 years in CHAL. We are a "young" division in terms of length of CHAL membership.

Dr. George Washington Carver Science Fair Cancelled

For the past three years, the Division of Chemistry and The Law and Santa Clara Valley local section have cooperated in the Dr. George Washington Carver Recognition Day held around January 5 at the Santa Clara Convention Center. ACS has provided funds, science fair judges, and the new Carver Kidvention activity. We regret to inform you that the Carver Science Fair, Carver Kidvention and Awards Dinner has been cancelled for January 4, 2003.

After a number of factors are considered, the overriding problem was a lack of adequate funding this year — no doubt due to the decline in the economy, particularly in the Silicon Valley. We want to thank those ACS members that have served as volunteers in the past and volunteered for this January 4 event. We understand that plans are underway for Carver Day on January 3, 2004, and we will keep you informed.

Howard Peters

Chair, CHAL - Minority Affairs Committee

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

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.

Welcome New Members

In the year 2002, Chemistry and the Law was pleased to welcome 288 New Members. They represent 25% of the total membership (1164) as of 10/31/2002.

The New Members include 114 who are new ACS members who chose CHAL as their one “free” division for a year. If we meet their needs and hold their interest, they will renew at the end of their year. The other 174 New Members are ACS “veteran” members who elected to join the Division.

Please join in welcoming all our New Members as we continue to grow. Here are the names and cities of the 288 New Members.

Abdelrahim, Zaid A	Vega Alta, PR	Delaney, James P	Racine, WI
Adesola, Morenikeji A	San Ramon, CA	Demichele, Janye	Kearny, NJ
Al Lazeez, Saad S	Saudi Arabia	Desaulniers, Jean P	CANADA
Alaquie, Ali M	Raleigh, NC	Diaz, Dimitri	Salt Lake City, UT
Anderson, C William	Hampden Sydney, VA	Domino, Laurence E	Okemos, MI
Aukema, Kristine L	Rockville, MD	Drohmann, Christian	GERMANY
Bacon, Bonnie L	Groton, CT	Eckman, Richard	Mountain View, CA
Badger, Jennifer	Athens, OH	Eiseman, Danielle	Maineville, OH
Baird, Phil	Richland, WA	Elam, Chanda L	Indianapolis, IN
Baker, Joseph O	Federal Way, WA	Esekhaigbe, Peter	NIGERIA
Bakke, Brian A	Fayetteville, AR	Fallowfield, Zack S	Castleton, IN
Barkley, Sam	Salt Lake City, UT	Feliciano, Ruiz I	Anasco, PR
Barnett, Derek W	Columbus, OH	Fischer, Ryan J	Chicago, IL
Becker, Dorothy I	Alexandria, VA	Fitzsimmons, Patricia	Saint Louis, MO
Bell, Jim	Santa Fe, NM	Flores, Aquino Q	MEXICO
Bell-ajy, Kimberly	Norcross, GA	Focazio, Michael J	Reston, VA
Bennison, Shelley	Newton, MA	Fortin, Michelle R	Oxnard, CA
Berkin, Ali I	Staten Island, NY	Foster, Charles R	Largo, FL
Bernard, Eugene J	Westminister, CO	Foster, Jeffery J Sr	Naperville, IL
Berns, Elizabeth J	Seattle, WA	Fournier, Marcia A	Ann Arbor, MI
Besson, Charles J	McLean, VA	Fung, Fu Ning	Groton, CT
Bishop, Jeremiah J	Albany, OR	Gadiraju, Priya D	Chicago, IL
Blinka, Thomas A	Columbia, MD	Gallardo, Jose L	Minneapolis, MN
Blittman, Sam	Antioch, CA	Gallis, David E	Downingtown, PA
Bloomer, Scott D	Saint Paul, MN	Gara, Denise M	Chicago, IL
Bohlken, Craig M	Medford, MA	Garner, Solomon T Jr	Bogart, GA
Bolick, Michael S	Simpsonville, SC	Geoff, John	Alexandria, VA
Bonner, Debra H	Federal Way, WA	Gomochak, Deanna L	Akron, OH
Bradley, Nicols B	Los Angeles, CA	Gratale, Dominik	Secaucus, NJ
Brent, Lacey D	Colorado Springs, CO	Greci, Marcia T	Mentor, OH
Brown, Shana El	Greensboro, NC	Greeley, Michael R	Woburn, MA
Brown, Wayne A	New Orleans, LA	Greene, Robert I	Raleigh, NC
Brydson, Russell W	Richmond, VA	Greifer, Bernard	Alexandria, VA
Calimlim, Aileen	San Diego, CA	Grumbling, Matthew	Carlsbad, CA
Carluccio, Steven J	Buffalo, NY	Haack, Abby K	Kenosha, WI
Carroll, Charles E	Fishers, IN	Hall, Tom Jeremy	Oshkosh, WI
Cetto, Kara L	Huntersville, NC	Hall, William D	Oklahoma City, OK
Chason, Jennifer M	Waxhaw, NC	Hallenbeck, Robert	Somerville, MA
Chee, Natasha	Concord, CA	Hancey, Shier C	Fairfax, VA
Cherry, John Paul	Sugar Land, TX	Hanks, Betty J	Richmond, VA
Cirks, Starr	Chicago, IL	Harfoot, Gwion J	AUSTRALIA
Clark, Amy Lynn	Mc Lean, VA	Harris, Andrea	Brighton, MI
Cole, Susan J	Coral Gables, FL	Harris, Heather L	Jenkintown, PA
Cornmesser, Ron	Conroe, TX	Haukaas, Michael	Minneapolis, MN
Cox, Adam F	Fort Wayne, IN	Hauser, Robert III	Potomac, MD
Crisostomo, Michael	Quartz Hill, CA	Hernandez, Yolanda	Canovanas, PR
Curfman, Christopher	Marietta, GA	Hietpas, Jack	Brooklyn, NY
Dailey, Vashonda Y	Union City, GA	Hlatky, Gregory G	Cincinnati, OH
De Francisco, Laura	Aurora, IL	Ho, Trang	Hayward, CA
Dean, Michael	San Jose, CA		

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Hoffman, Thomas D	Morristown, NJ	Muensterer, Heribert F	Clarksville, MD	Sikes, Meriem J	Wilson, NC
Houston, Rocky J	Bellflower, CA	Mulholland, William F II	Phoenix, AZ	Sikes, Robyn	Sullivan, MO
Howell, Bobby A	Mount Pleasant, MI	Mullican, Michael	Needham, MA	Sipsas, Ioannis	Forest Hills, NY
Hunsberger, Lynn R	Urbana, IL	Mulukutla, Suryanarayana	INDIA	Skrla, Nancy	Angleton, TX
Hylton, Keisha Gay	Gainesville, FL	Murray, Jeffrey H	Audubon, PA	Skwartz, Ronald J	Tucson, AZ
Jackson, Robert D	Boston, MA	Musgrove, Christopher B	Houston, TX	Slachetka, Sarah	Cherry Hill, NJ
Jerga, Agoston	Columbia, MO	Musser, Hamilton	Los Fresnos, TX	Smith, Roy Edward	Forest Hills, NY
Johnson, Stephen E	Spring House, PA	Neequaye, Nathaniel D	GHANA	Srivastava, Sonali S	Madison, WI
Jones, Ann S	Cambridge, MA	Newman, Caroline A	East Hartford, CT	Stevens, Erik C	Decatur, IN
Joseff, Shelel S	Detroit, MI	Ng, Mabel	Stanford, CA	Stevens, Judy	Decatur, GA
Kang, Lee S	Commack, NY	Nicosia, Angela T	Madison, WI	Stockman, Keely	New Haven, CT
Kapolka, Diana	Toledo, OH	Nielsen, Ada C	Naperville, IL	Strathmann, Steve	Round Lake, IL
Kaur, Jasbir	Seattle, WA	Nigrey, Paul J	Albuquerque, NM	Strelow, Gabrielle	Davidson, NC
Keith, Kirk E	Columbia, MO	No, Young G	Washington, DC	Sullivan, Joyce E	Hattiesburg, MS
Keller, Caroline L	Los Angeles, CA	Obrien, Michelle	Manassas, VA	Summer, Ashley B	Columbia, SC
Kendall, John T	Nyack, NY	Ogundeko, Musibau A	NIGERIA	Tan, Michael	San Francisco, CA
Kennedy, Thomas	Chicopee, MA	Okuyama, Shoichi	JAPAN	Taylor, Alison	Skokie, IL
Kerns, Stacey S	Troy, OH	Oneal, Clifford C Jr	Needham, MA	Thalpavila, Rohana K	SRI LANKA
Kerwick, David J	White Plains, NY	Oneal, Toiriste W	Greenville, NC	Thiessen, Marcie	Leander, TX
Khong, Anthony	New Haven, CT	Onwuka, John A	Omaha, NE	Thomas, Andrea A	Columbia, SC
Kjelland, Kurt M	San Diego, CA	Oppenheime, R Mat	Stevenson, MD	Thomason, Daniel A	Akron, OH
Klunder, Janice M	Needham, MA	Orme, Thomas W	Purcellville, VA	Thornton, Lindette	Andalusia, PA
Knighton, Toure A	Detroit, MI	Ortiz, Cesar G	Bryan, TX	Thorsett, Andrew E	Half Moon Bay, CA
Kobierski, Linda	Weston, MA	Paddack, Heather	Round Lake, IL	Tidwell, Jeffrey H	Washington, DC
Koepke, Kathryn J	Glencoe, IL	Pagan, Echevarria G	Guayanilla, PR	Tokar, Richard J	Long Lake, MN
Korompai, Edward D	Austin, TX	Papoojian, Philip M	West Warwick, RI	Tran, Andrea E	Houston, TX
Kuhlmann, Nicholas	Milwaukee, WI	Passino, Sean	Washington, DC	Trojano, Frank	Milford, CT
Kwok, Chung Fung	PEOP REP CHINA	Paxson, Sarah M	Dallas, TX	Turzynski, Samantha A	Round Lake, IL
Ladner, David W	Guilford, CT	Perham, Michael F	Greensboro, NC	Tygielski, Nicole L	Kalamazoo, MI
Lancaster, Michael	Monterey, CA	Pinchard, Deborah J	Oak Creek, WI	Ucak, Mine G	Falls Church, VA
Land, Kevin M	New York, NY	Plakpudas, Sotirios	Marlboro, NJ	Vandevoort, Dena M	Woodbury, MN
Langerman, Neal R	San Diego, CA	Politis, Pamela	Wilmington, DE	Vassar, Stacy	Rouses Point, NY
Lau, Bernard	Nutley, NJ	Potrykus, Henry G	Austin, TX	Vazquez, Torres M	Canovanas, PR
Lew, Belinda M	Alexandria, VA	Provenzano, Paige	Gainesville, FL	Voges, Andrea B	East Lansing, MI
Lipson, Kathryn E	Austin, TX	Pulido, Erik Melgoza	San Jose, CA	Von Kelsch, Abigal D	Abingdon, MD
Long, Jack	Rockmart, GA	Quaerna, Jeffrey R	Janesville, WI	Wallace, Michael S	Westminster, CO
Mackenzie, Ryan	Fogelsville, PA	Raboisson, Pierre J	Exton, PA	Walton, Tina J	UNITED KINGDOM
Madhavan. Bindu	Macungie, PA	Ramirez, Cedero M	Aguadilla, PR	Waters, Joseph E	Cleveland, OH
Mantilla, Edgardo J	Milford, MA	Rankin, John G	Huntington, WV	Watkins, Wayne H	Akron, OH
Marentettem Joanne M	GERMANY	Read, Mary Anne	Columbus, OH	Wilhelm, Thomas E	Plainfield, NJ
Martin, Laurie A	Fairbanks, AK	Redmore, Derek	Tucson, AZ	Wilkinson, Tommy J	Berkeley, CA
Mathias, David S	Ankeny, IA	Replogle, Eric S	Sunol, CA	Williams, Steven A	Reading, MA
McElveen, Sonia R	Indian Trail, NC	Ringhoffer, Dorinda R	Lindenhurst, IL	Williams, Teresa P	Wilson, NC
McEwen, Alan B	Cambridge, MA	Ritchie, Caroline E	Kenai, AK	Wills, Ryan L	Cincinnati, OH
McGee, Sheldon M	Washington, DC	Robinsn, Edward A	Greensboro, NC	Winkle, Nicole	Orland Park, IL
McKellar, Robert L	Midland, MI	Rodriguez, Mariette	Mayaguez, PR	Winstanley, Tara L	Peabody, MA
McKinney, Mary K	Kansas City, MO	Rogers, Jesse W	Wichita Falls, TX	Withrow, Lisa P	Fridley, MN
Mead, Jaime A	Rising Sun, MD	Russo, Alicia A	New York, NY	Woolery, Robin J	Chicago, IL
Meakim, Kathryn C	Arlington, VA	Sand, Stephen J	Burlingame, CA		
Mehta, Subhash C	INDIA	Sandusky, Peter O	Savannah, GA		
Michaud, Stephanie	CANADA	Santacruz, John	Rahway, NJ		
Mickelson, Edward T	Pearland, TX	Sawyer, Jody R	Irvine, CA		
Mickle, Alison M	Wayne, NJ	Saxon, Peter	New York, NY		
Miller, Abayomi	Lithonia, GA	Selisker, Adam M	Warminster, PA		
Milton, Mark J	Pearl River, NY	Senecal, Pierre E	CANADA		
Miranda, Michelle D	Wallkill, NY	Seymore, Sean B	Voorhees, NJ		
Mokaya, Cara L	Golden Valley, MN	Sharma, Anita P	Farmingdale, NY		
Monske, Kimberly	Wyandotte, MI	Shingler, John	Mount Pleasant, SC		
Moody-Kosman, Peggy	Ruffs Dale, PA	Shirodkar, Shailaja	Aspen Hill, MD		
Moore, Scott James	Germantown, MD	Shortell, David B	Atlanta, GA		
Moss, Andrea Y	Cleveland, OH				

Quotable

"...Step right up step right up
step right up you got it budy the
large print giveth and the small
print taketh away step right up"

<http://faculty.washington.edu/momus/waits.htm>

15 Year Members

Congratulations and thank you to these 10 members for participation in CHAL.

Robert Orion Bost	<i>Edmond, OK</i>
Donald M Bostwick	<i>Galloway, OH</i>
Cassandra R Burcham	<i>Norristown, PA</i>
Frank O Holcombe Jr	<i>Silver Spring, MD</i>
Jerome S Marger	<i>Portland, OR</i>
Alice O Robertson	<i>Evergreen, CO</i>
John Elwyn Rose	<i>Half Moon Bay, CA</i>
David R Saliwanchik	<i>Gainesville, FL</i>
Steven John Sarussi	<i>Arlington Heights, IL</i>
Sally A Sullivan	<i>Boulder, CO</i>

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.

Who Are We?

One measure is to ask, to what ACS Divisions do we belong, in addition to Chemistry and The Law (CHAL)? The table presents the answer: the ACS Divisions are listed in alphabetic order by their acronyms, and the CHAL members who belong. The 1086 CHAL member account for 1271 members in other divisions. Of course some CHAL members belong to only one division and others belong to 3 or 5 or even 7 divisions.

ACS Division		Members
Agriculture and Food Chemistry	AGFD	26
Agrochemicals	AGRO	24
Analytical	ANYL	91
Biological Chemistry	BIOL	60
Biochemical Technology	BIOT	49
Business Development and Management	BMGT	38
Carbohydrate Chemistry	CARB	10
Cellulose, Paper and Textile	CELL	10
Chemistry and The Law	CHAL	1086
Chemical Health and Safety	CHAS	60
Chemical Education	CHED	35
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TOTAL		2257
	CHAL	1086
	Other Divisions	1271

Note: Average CHAL member belongs to 2.2 divisions.

Puzzled by the Law

Here is a legal puzzle to ponder • readers' comments are sought to be summarized in the next issue

Why was a Constitutional amendment* necessary to prohibit beverages containing ethanol, but cocaine is prohibited by mere acts of Congress and state legislatures?

In the previous *Puzzled by the Law* readers were asked to identify legal issues for Ms. Methyl, a newly trained – but not in chemistry – school teacher, who was assigned to supervise a chemistry lab class, during which a not-too-studious-student suffered an eye injury.

This discussion addresses looking for answers; but does not give guaranteed correct answers. Opinions may differ. (Also, see the information and disclaimer box – front cover page.)

Perhaps the first issue is: Did she accept legal responsibility by even going into the lab classroom, not quite qualified? Or, would she be of diminished legal responsibility because she tried the best she could, but was effectively coerced by the principal and the union shop steward, both of whom were in positions of authority, and should have known better?

Another issue may be that anyone might have a *qui tam* action in Federal Court against the school board for not fulfilling its side of an effective contract with the U.S. government, by accepting the surplus property but not having a proper safety programmer. As a practical matter, Ms. Methyl might want to do some research to make sure that the actual reward, under the Civil False Claims Act, would be large enough to cover her future forever unemployment as a teacher for any school board in the state.

Generally, under Canadian labor relations law, the union shop steward, and the committee, would have no business telling Ms. Methyl that they

would not represent her for her grievance of her dismissal under the collective agreement. Quite simply, that is one of the main reasons why the union exists – to represent its members. Even workers in the wrong have rights to defend. If the union refuses to assist Ms. Methyl in grieving her dismissal, then she might have a legal cause of action against the union. Arguably, in a policy sense, the union should also be helping her in her lawsuit defense, if not covering her expenses and potential liability.

Has the shop steward been corrupt, with Ms. Methyl as his victim? Perhaps; but difficult to prove in a specific legal sense. Does Ms. Methyl have some remedy at law as against the shop steward? Perhaps her most realistic remedy is at the next union election, if she survives as a teacher long enough.

* www.nara.gov/education/cc/prohib.html
www.nara.gov/exhall/charters/constitution/

Note: Because of production difficulties in the last issue of the newsletter, this article is being repeated.



National Association of Patent Practitioners – Annual Meeting Announcement –

When: Saturday March 1, 2003 – Tuesday, March 4, 2003

Where: Monte Carlo Resort and Casino
 3770 Las Vegas Blvd. South
 Las Vegas, Nevada
 (800) 311-8999 or (702) 730-7000

Program: Racing to the Patent Office

Short Course on Saturday:

The Nuts and Bolts of Patent Prosecution Practice

Registration and Further Information:

http://www.napp.org/annual_meeting/annual_meeting.html

Background: The National Association of Patent Practitioners (NAPP) is a non-profit organization dedicated to supporting patent practitioners and those working in the field of patent law in matters relating to patent law, its practice, and technological advances.

Further Information: Joy Bryant
 NAPP
 4680-18i Monticello Ave., PMB 101
 Williamsburg, VA 23188
 1-800-216-9588
 Email: napp@napp.org
 Website: <http://www.napp.org>

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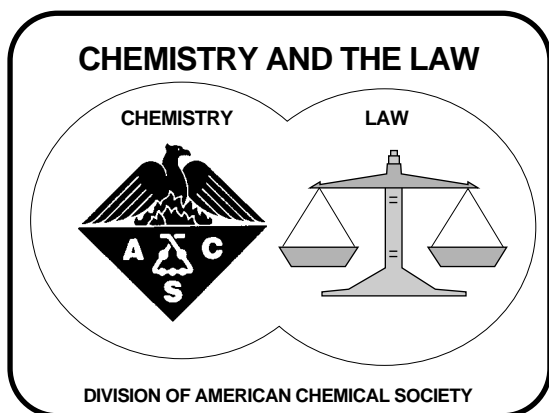
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Please note: New Officers for CHAL

By succession rule, Ken Colton became Chair, 2003
By succession rule, Carl Meyer became Past-Chair, 2003
By election, Bill Johnson became Chair-Elect, 2003
By election, Elizabeth Berns became Secretary, 2003
Congratulations to the new officers.

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