Curators file response to firefighter death lawsuit

Lt. Bruce Britt died on Feb. 22.

By Ashley Jost

Lawyers for the University of Missouri Board of Curators have sought to dismiss several claims against the curators in a wrongful death lawsuit filed by Leigh Britt, the widow of a Columbia firefighter killed in a walkway collapse on MU's campus earlier this year.

The curators' response, filed May 12, uses as parts of its defense the "firefighter's rule" and the immunity given to public entities such as the university.

Lt. Bruce Britt died Feb. 22 after firefighters and police responded to University Village for reports of a partial building collapse. A concrete walkway on Building 707 collapsed while Britt was on it trying to get residents out of the building. The walkway flipped as it fell, and Britt was crushed by the concrete deck.

The firefighter's rule prohibits injured firefighters or police officers from obtaining damages from individuals whose "ordinary negligence" created a situation that required the presence of a firefighter or officer, according to an MU Law Review article published in 1994.

Rick Barry, Britt's St. Louis-based attorney, anticipated this defense but said in April that he thinks his client meets one of the exceptions for the firefighter's rule.

"We allege that the conduct was wanton and reckless, which is an exception to the fireman's rule," he said during an April interview. "Our understanding and belief is the university knew that this building is dangerous, and when you know a building is dangerous, really dangerous, and you have students, you have young children living there, I'd call that wanton and reckless."
In the initial petition, Leigh Britt said the curators are responsible for her husband's death because the university failed to "properly maintain and/or construct the University Village Apartments." The lack of attention caused a "dangerous condition, of which Defendant Curators was aware," which ultimately led to her husband's death.

The curators dismiss every section of the petition that alleges any recklessness, wantonness or failure to properly maintain the apartments.

The response from the curators also cites sovereign immunity, which protects state-run operations from lawsuits.

The curators also contend that punitive damages awarded to Britt in this case would be unconstitutional and add that "there is no basis in law, contract, or fact" that entitles Britt to receive attorneys' fees.

An additional defense from the curators cites comparative fault or negligence, alleging that "damages, if any, were caused in whole or in part by the negligence, comparative fault or intentional acts of others in particulars presently unknown to this defendant, but which reasonably may be disclosed during discovery."

Barry, Britt's lawyer, and John Roark, the curators' Columbia-based lawyer, could not be reached for further comment.

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**Nixon Warns Of Huge Cuts In Local Services Because Of Legislature's Last-Minute Tax Cuts**

**BY JO MANNIES**

Missouri Gov. Jay Nixon says that local governments stand to lose almost as much money as the state because of a final tax-cutting spree by the General Assembly before it adjourned earlier this month.

All told, Nixon said here Wednesday, local jurisdictions around Missouri – from city halls to fire districts, libraries and ambulance services – could lose $351 million in annual sales tax revenue because of “a grab bag of giveaways” approved by legislators.

"It's easy to pretend that these tradeoffs don't exist, that we can shower our friends with generous breaks without taking away money from our schools, our students, and other services," the governor said. "And sure enough, instead of owning up and taking responsibility for fiscal consequences of their actions, the legislature just skipped town and left this fiscal mess behind.”
State House Speaker Tim Jones, R-Eureka, accused the governor of misrepresenting legislators' aims. “As a legislative body we came together to stand in defense of the taxpayers and to provide a shield against the glaring overreaches made by the executive branch. The governor fails to understand that these dollars do not belong to him, they were earned by Missouri businesses of all sizes that are the lifeblood of our economy and the providers of jobs.”

Nixon announced that he plans to veto many of those tax cuts during the coming weeks, but he fears that the General Assembly may seek to overturn his actions in September, when legislators gather to attempt their veto overrides.

That level of uncertainty could hurt bond ratings for state and local governments, Nixon said.

If the tax breaks go into effect, he said, cuts in services on the local and state level could be severe. “On the local level, we’re talking about firefighters and cops, libraries, ambulance services, snow plows and health inspectors,” he said.

The St. Louis area would suffer some of the biggest income losses, he said. St. Louis would lose $20.8 million a year in sales tax revenue, while St. Charles County would lose $10.8 million. St. Louis County and its municipalities would lose $57.8 million in sales taxes.

Local governments appear to be caught off-guard

Nixon said that most local officials were unaware of what legislators were up to when they approved sales-tax breaks for stadium luxury boxes, dry cleaners, restaurants, farmers markets, data-storage facilities and other businesses.

In the city of St. Louis, for example, "I don't think they sent their legislators up there to take $20.8 million out of this year's budget," Nixon said.

Spokeswomen in St. Louis and St. Louis County declined comment while their budget offices looked into the tax cuts that the governor outlined.

The local tax breaks come on top of the $425 million in state income tax cuts that the governor had blasted earlier. Nixon asserted that legislators celebrated after approving a balanced state budget for the fiscal year that begins July 1, then “(blew) their own budget up” with the tax cuts during the final hours of the legislative session, which ended May 16.

“While this Friday free-for-all will benefit a select few special interests, its far-reaching fiscal impact has thrown the budget dangerously out of balance,” Nixon said during a news conference at the Wainwright state office building downtown.

“From special breaks for fast food restaurants to power companies, the only thing these giveaways have in common is that they were not accounted for in either the state budget or in the budgets of the cities, counties and fire districts they would affect. By going on a $776 million special-interest spending spree, members of the legislature have broken their own budget, and I’m prepared to fix it.”
Nixon's planned vetoes also call attention to a ballot measure that the General Assembly has placed before voters in an attempt to curb the governor's constitutional powers when it comes to overseeing state spending. The governor now has line-item power to veto some spending items, and can also "withhold" budgeted money in order to guarantee that the state budget is balanced by the end of the fiscal year, as mandated by the state constitution.

Nixon said he has yet to look at how the ballot issue -- which will go before voters in November -- would affect budget vetoes like the ones he now is considering.

A more diverse medical profession means better care
June M. McKoy

If there was any doubt left that the Obama era didn't usher in a postracial society, it was erased in the last few weeks by the spectacle that was the Donald Sterling affair. It probably doesn't surprise anyone at this point that we have not yet reached the promised land of equality and racial blindness of which the Rev. Martin Luther King Jr. spoke 50 years ago. **And we have regular reminders of just how far we fall short in this country in many arenas and disciplines — particularly in higher education and at medical schools.**

While the overall number of black and Latino physicians is steadily rising, the numbers in leadership remain anemic. Blacks represent only 5.7 percent of deans at American medical schools as of 2013.

As a physician of African-American and Latina ethnicity, I have seen a tepid, though somewhat steady, increase in the number of African-American medical students, but no corollary in the numbers of black medical-school faculty members.

African-Americans account for 13 percent of the population but only 6 percent of those matriculating at medical schools. In 2011 fewer than 3 percent of all medical-school faculty members were black.

There's a higher attrition rate for minority faculty, partly due to insufficient mentoring in the profession and little room for such faculty's advancement to leadership.

Even though medical schools are moving increasingly toward medical simulation as an educational technique, due to concerns for patient safety, the profession still clings to the old apprenticeship paradigm of "see one, teach one, do one." The traditional method of teaching is one where trainees learn by following the leader, but the dearth of black leaders in medical schools makes this practice less beneficial to black medical students.
Although having mentors of different backgrounds and races is not an anathema, having mentors who look like you, who have walked your path, and on whom you can pattern yourself professionally is undoubtedly significant.

The shortage of black leadership at high levels in medical institutions sends a negative message to both majority and minority students — potentially narrowcasting minority doctors as followers, not leaders.

And we need more black medical-school leadership because of the undeniable effect on patients. Fewer black doctors in positions of authority sends a dangerous message to patients, perpetuating the belief that physicians of color are inferior to white physicians. By contrast, institutional equity — and better outcomes — occur when institutional leadership is diverse. Prejudice is thwarted when different voices commit to exorcising both hibernating and active racism.

We also need more black physicians to meet the health care needs of African-Americans, who have more often than not felt marginalized. That more than 8 million Americans signed up for the Affordable Care Act (ACA) underscores the fact that Americans desire access to health care. However, while the insurance battle appears to have ended and a truce is in effect, the larger war of true access rages on. Black physicians often serve in communities where insurance might now be present, but boots — or, perhaps, scrubs — on the ground are still absent.

A 2004 Commonwealth Fund study recommended revision of health policy to encourage workforce diversity and called for programmatic funding to support the recruitment of minority medical students and faculty, with the goal that patient-provider concordance, as it relates to race and ethnicity, improves patient-physician communication, enhances health information gathering and improves overall patient-health outcome. This study provides potent support for diversifying medical-school leadership.

To be sure, health access does not equal health equity. The admission of highly qualified black students to medical schools is dwarfed by the lack of parallel professional growth and advancement opportunities and, as such, does not augur well for a truly equitable national health system.

The law has changed health policy in the area of access, but it has failed to consider the depth and breadth of that access. And the lack of emphasis in the ACA aimed at addressing workforce diversity and disparities in medical-school training and leadership could tarnish one of health care reform's greatest legacies.

As Attorney General Eric Holder recently remarked, it is often not the highly publicized and outrageous cases (i.e., the Sterling episode) that keep us from closing the racial divide in terms of education, wealth and health outcomes. Frequently, rather, it's the more subtle and insidious disparities of our time that keep us from the fair, equal and just future we were promised.
Because of the importance of health care in our lives and in our communities, medicine and the medical profession must do more to provide effective care for an increasingly diverse America. That means, among many other reforms, a more diverse profession.

June M. McKoy is an associate professor of medicine and preventive medicine at Northwestern University's Feinberg School of Medicine and a licensed Illinois attorney. She is a Public Voices Thought Leadership fellow at Northwestern through the OpEd Project.

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Betting on a Brand When Politics Is the Family Business

MAY 29, 2014

Three business school professors recently set out to discover what accounts for regional differences in product choices by consumers.

Although about 60 percent of it had to do with regional sales and marketing, a startling 40 percent stemmed from what they described in The American Economic Review as “persistent brand preferences.” Past experiences with the product or memories of family and friends using it shaped their buying decisions.

Democrats’ hopes of holding the Senate this fall rest significantly on the political equivalent of that “brand capital.” In four states that usually lean Republican, Democrats will be running candidates from families with multigenerational records of political success — the Pryors of Arkansas, the Landrieus of Louisiana, the Begiches of Alaska and the Nunns of Georgia. If at least two of the four legacy candidates can eke out victories, the Democrats’ chances of holding the Senate will be better than even.

Already, both parties are applying the lessons of brand loyalty from the corporate world. The Democratic candidates are going to great lengths to remind voters of the candidates’ political legacies. In Alaska, for instance, an ad for Senator Mark Begich shows him traveling the state in a small plane — the same kind his father, Nick Begich, used when he was killed in a crash as a congressman in 1972.
And some Republicans are trying to counter those brands. By reminding voters of the candidates’ political views, they’ll try to persuade voters that their brand loyalty could prove ideologically costly.

But in an era when voters so often grow disenchanted with those they send to Washington, the easy familiarity of a political dynasty could tip a close race.

“It’s not trivial,” the Democratic pollster Mark Mellman said. “When you go to McDonald’s, you know what kind of hamburger you’re going to get. With a Landrieu or Pryor or Begich, you have some real idea of what you’re getting. And it’s something you like.”

National polls show the Democratic Party itself holds a brand advantage, with higher positive and lower negative ratings than Republicans. But political geography makes that broad measure mostly irrelevant to the fight for the Senate.

Democratic legacy candidates have not been shy about trying to offset their disadvantages by capitalizing on family reputations. In the Alaska ad, Mark Begich’s wife says: “We share him with every Alaskan, like his father before him. Mark is clearly his father’s son.”

An ad for Michelle Nunn in Georgia notes the schoolboy basketball prowess of her father, Sam, now retired after four Senate terms marked by overwhelming popularity. “I tried to follow in his footsteps,” she says. Stepping before the camera holding a basketball, Sam Nunn says, “And I think you’ve got a pretty good shot.”

In Louisiana, an ad for Mary Landrieu shows her sitting alongside her father, Moon Landrieu, who served as mayor of New Orleans and as a cabinet secretary for President Jimmy Carter in the 1970s. “When you have nine children, you’re bound to have one who’s hardheaded,” Moon Landrieu says, hailing his daughter’s toughness.

“Dad, you’re one to talk,” she responds, shaking her head.

So far, strategists at the National Republican Senatorial Committee say, her brand hasn’t proven as robust as that of Mark Pryor in Arkansas. He holds the support of around 10 percent of Republicans because of the state’s longstanding regard for the family name. His father, David Pryor, began winning statewide elections for governor and the Senate in 1974. The strategists’ research shows Ms. Landrieu losing some supporters of her brother Mitch Landrieu, now mayor of New Orleans and before that Louisiana’s lieutenant governor.

There has been little political science research on family-based brand loyalty, and the phenomenon isn’t well understood. John Petrocik of the University of Missouri noted that some voters resent the ambitions of politicians’ children. He speculated that the principal advantage across generations comes from connections to political organizers and donors.

The business professors’ study of consumer brands pointed to formative experiences that help create durable preferences. In an interview, the co-author Matthew Gentzkow of the University
of Chicago pointed to at least one factor that’s also relevant to political campaigns: the “stock of advertising exposure” that accumulates over the years for individual consumers.

Another of Mr. Gentzkow’s studies, exploring consumers’ willingness to buy brand-name products over equivalent but less expensive store-label versions, suggests how Republicans can counter legacy appeals. The more people know about ingredients in headache remedies, it found, the likelier they are to set aside costlier brand names.

Thus strategists for Tom Cotton, the Arkansas Republican congressman facing Mr. Pryor, aim to sour those straying Arkansas Republicans on the Pryor brand by connecting it with more information about the Democratic Party’s liberal-leaning agenda.

That’s how Rhode Island Democrats defeated the Republican senator Lincoln Chafee in 2006, as President George W. Bush’s popularity declined. Mr. Chafee’s father, John Chafee, who died in 1999, had been elected six times as governor or senator.

Now Rhode Island’s governor, Mr. Chafee urged Senator Pryor and other embattled Democrats to be “more aggressive in pushing back” against ideological attacks. “That was harder for me” in 2006, he explained in an interview, because he had lost confidence in his own party; today Mr. Chafee is a Democrat.

For Republicans this year, it won’t be easy to take out Senator Landrieu, Senator Pryor or both. Counting their own campaigns as well as those of her brother and his father, the Landriues and the Pryors have appeared on fall statewide ballots in 15 elections over the last 40 years.

None have lost yet.

MU hosts animal interaction event

Wednesday, May 28, 2014 at 2:00 pm

The University of Missouri Research Center for Human-Animal Interaction is hosting an event for children to learn how to safely interact with pets.

Families can learn how to approach new dogs and learn about dog body language, among other things, from 10 a.m. to 2 p.m. Saturday in the Adams Conference Center at the MU College of
Veterinary Medicine, 1600 E. Rollins Road. The event is $8 per child but free for adults. Proceeds will go toward ReCHAI students' efforts to present their research at conferences.

Children also will be able to read to a therapy dog, interact with service dogs, check out a baby farm animal exhibit and learn about caring for farm animals as pets.

Teach for America recruits to get early start in St. Louis classrooms

By Elisa Crouch ecrouch@post-dispatch.com 314-340-8119

NORMANDY • Teach For America and St. Louis Public Schools have forged a new partnership to allow new corps members to teach summer school before entering the classroom in fall.

The two are also partnering with the University of Missouri-St. Louis in an arrangement that will allow Teach For America recruits to train for six weeks on UMSL's campus.

At a kickoff event at UMSL's College of Education on Wednesday, St. Louis Superintendent Kelvin Adams said he doesn’t get psyched very often.

“I’m really psyched about this,” he said. “This a really unique opportunity. What we do this year will determine how we move forward."

On June 9, the 75 Teach for America recruits will be in 30 city schools, teaching about 9,700 children. They will live in UMSL dorms, and train on campus in the evening.

Teach for America is a nonprofit organization that recruits high-achieving college graduates and professionals to teach in low-income schools in rural and urban communities for at least two years. Corps members receive five weeks of intense training before entering the classroom. Through the partnership with UMSL, they will receive six weeks.

Studies show that students with corps members as teachers do significantly better in math than their peers with traditionally trained teachers.

In reading, however, there’s little difference.

Critics of the program say it replaces experienced teachers with younger ones with just weeks of training.

Carole Basile, dean of the college of education, said her school looks forward to learning with the recruits, and from them.
“One thing we're doing in the college of ed is we are thinking about ourselves a bit more creatively,” Basile said. “Urban education is not easy. It’s really complex. None of us has figured it out yet.”

**Two recruits are graduates of Soldan International Studies High School and the University of Missouri-Columbia.**

Jasmine Johnson and Kaylan Holloway will teach at Carr Lane Middle School and Sumner High School this summer.

Holloway says he wants to share his story of perseverance. Johnson said her mission is to show low-income children they can thrive.

“I want to show them I was in their place at one point in time,” she said.