

ANGEL OF MERCY?

Kathryn Tucker is a leader in the aid-in-dying movement.

IN 2008 ROBERT BAXTER, A Montana man dying of leukemia, sued the state for the right to die peacefully with the help of doctor-prescribed medications. The case has, inevitably, found itself in the state supreme court. A decision is due any day. If the court rules in Baxter's favor, Montana would become only the third state (after Oregon and Washington) to allow terminally ill patients to end their lives with the aid of their physicians. All three states have one thing in common: Kathryn Tucker was a key player. She is also the architect of a similar case in Connecticut that was filed last fall.

Tucker, the legal director of national patients' rights group Compassion and Choices, has spent the past 18 years advocating for medical aid in dying. "I see this as a human rights issue," she says. "We're trying to ensure that all dying patients can have the broadest range of choice and care, without their doctors fearing prosecution."

Jennifer Anders, a Montana

assistant attorney general who argued against Tucker in Montana's lower court, says her opponent is the lawyer you want for an aid-in-dying issue. (Like other opponents of the practice, Anders uses the phrase "physician-assisted suicide.") Tucker "is extremely articulate and passionate about her cause, and she brings that passion into the courtroom," says Anders. "As an advocate for her clients, for her cause, she is the woman for the job."

Tucker's fight started after she graduated from the Georgetown University Law Center and moved to Seattle to pursue environmental law at Perkins Coie. She was deeply interested in finding public interest work, and says she randomly chose to do pro bono work for a group trying to get a "Death with Dignity Act" on the ballot in Washington State in 1990. She helped draft the initiative. "I really stumbled into the work without having much of an opinion on the subject," she says. "But I very quickly realized that I



Kathryn Tucker

wanted to dedicate all of my time to this issue."

These days, Tucker works from Sun Valley, Idaho, where she lives with her two teenage children and husband. She is also a white-water kayaking champion and devout yogi.

The Washington ballot initiative failed, so Tucker proposed that the organization file lawsuits arguing that aid in dying is a constitutional right. In 1997 the cases reached the U.S. Supreme Court. At 35, Tucker argued one before the court's nine justices; Laurence

Tribe of Harvard Law School argued the other case. The Court declined to find a constitutional right, but left the door open for action in the states.

After nearly ten years in private practice, Tucker decided to leave Perkins to pursue public interest work full-time. Since then, she's successfully defended Oregon's aid-in-dying act—which was passed through a voter initiative in 1994—from federal attacks brought in 2001 by then-attorney general John Ashcroft. She also continued working on Washington's voter initiative, speaking out for the issue across the state and tweaking the law's wording. The act finally passed in 2008.

And though she's prepared to keep at it, Tucker doesn't think she'll have to fight in every state. "Most medical care is not governed by a statute or a court decision," she says. "As aid in dying becomes more accepted, along with the improved end-of-life, it will become the regular standard of care."

—IRENE PLAGIANOS

CITATIONS

She didn't have a damn thing to do with it.

—DAVID OESTING of Davis Wright Tremaine in Anchorage, plaintiffs attorney in the ExxonValdez class action, after Sarah Palin claimed credit in her memoir, *Going Rogue*. Reuters's Front Row Washington blog, November 18.

"It's a stupid law. Now, where is the prohibition of stupid laws in the Constitution?"

—U.S. Supreme Court justice ANTONIN SCALIA, asking G. Eric Brunstad, Jr., of Dechert why a law that limits the advice a bankruptcy lawyer can give a client should be overturned. *The Washington Post*, December 2.

"Who needs bim?"

—THOMAS LAURIA of White & Case, whose client, a creditor of Donald Trump's casinos, wants to bar Donald Trump from involvement in them. *The Wall Street Journal*, December 2.

"Even after the parties settled disputes arising from the breakup with judicial assistance, their mutual mistrust and bare-knuckle tactics spawned new disputes involving more than \$17 million in legal fees and capital accounts."

—U.S. magistrate judge TIMOTHY RICE on the breakup of Cohen Milstein Hausfeld & Toll. *The Legal Intelligencer*, December 4.

"I haven't seen this much backpedaling since Gerald Wilkins got dunked on by Michael Jordan."

—SAM ADAM, JR., attorney for former Illinois governor Rod Blagojevich, on the prosecution's plan to revise its indictment to avoid charges of "honest services fraud." The crime is the subject of a looming U.S. Supreme Court decision. *Chicago Tribune*, December 8.