

The magazine of the first law school in the Pacific Northwest | SPRING 2012

WILLAMETTE LAWYER



The New Normal

WILLAMETTE LAWYER

SPRING 2012



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COVER STORY:

The new normal

Even in a bad economy, Willamette law graduates are managing to find jobs. Patience, persistence and flexibility are key (and, of course, an optimistic attitude).

Keith Cunningham-Parmeter tackles workplace discrimination

Men – the victims of employment injustice? Professor Cunningham-Parmeter talks about the emerging issue of family responsibilities discrimination.

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A musical life

The story behind the violinist at commencement.



Editor's Note



Like you, I get discouraged reading the reports about the dire state of the legal industry: Big firms are scaling back on hiring of first-year associates. Students are concerned about job prospects. Practicing lawyers are facing pressure to bring in more money.

Some are even questioning whether lawyering is worth it.

This non-lawyer says: You bet.

Law is the foundation upon which democratic societies are built. Absent a functioning legal system, entrepreneurs can't start businesses. Government can't fix holes in the safety net. Small injustices fester and implode, rending communities. "Law is the witness and external deposit of our moral life," said Oliver Wendell Holmes. "Its history is the history of the moral development of the race."

Thankfully, there are those who are plunging into legal careers even as the economics of practicing law are changing. Raquel

Barajas and Rena Jimenez-Blount, two recent success stories, got their jobs through persistence. Barajas sent out multiple applications and Jimenez-Blount did volunteer legal work; both ended up with nonprofit legal positions they love. Others eschew working for others and strike out on their own, like Eric McClendon, Michael Owens, Aidan Melia and Richard McBreen, from the class of 2010.

Then there are current students like 1L Matthew Leady, whose trip to Rwanda — and the horrifying reminders of the genocide he saw there — convinced him that reconciliation is the best way to confront evil and move past it. That's why he applied to Willamette.

"It may take greater creativity, but there are still good jobs for good lawyers," says Dean Peter Letsou. "And for those who are brave and willing to take the risk, there are tremendous rewards."

Warmly,

A handwritten signature in black ink that reads "Lisa Grace Lednicer".

Lisa Grace Lednicer

Dean

Peter V. Letsou

Editor

Lisa Grace Lednicer

Graphic Design

Chris Noud

Class Action Editor

Cathy McCann Gaskin JD'02

Contributors

Cliff Collins

Melody Finnemore

Paige Parker

Photographers

Ted Albracht

Frank Miller

Jaymie Paxton Quigley

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Send correspondence to:

Willamette Lawyer

Willamette University College of Law

245 Winter St. S.E.

Salem, OR 97301

Contact Editor Lisa Grace Lednicer

at llednice@willamette.edu or

call 503-370-6760

willamette.edu/wucl

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Dear Alumni and Friends,



Dean Peter Letsou

In January, we faced a daunting challenge: sustained rains and snow melt caused the Mill Race to crest just above flood stage, threatening our lobby and library with a repeat of the destructive 1996 flooding. Fortunately, preparation and fast action by university staff and students left the College of Law dry and undisturbed.

Regrettably, the continuing challenges facing legal education, now drawing so much attention in the media, cannot be disposed of so quickly. These challenges, however, provide new opportunities for law schools, as accreditors confront intensified calls to permit greater innovation in legal education.

The College of Law has been innovating for many years. Over the last decade, we have created certificate and degree programs that underscore our faculty's strengths and the College of Law's competitive advantages; we have grown our unique public-private partnership with the State of Oregon through our support for the Oregon Law Commission (now housed in the Oregon Civic Justice Center); we have expanded our experiential learning opportunities through our clinical and externship programs; and we have added exceptional scholars and teachers to our faculty. As we move forward, we will continue to innovate to even better fulfill our mission: engaging in superior teaching, scholarship and public service.

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In the current academic year, we already have taken several steps to respond to the challenges we face. The faculty has approved a new part-time option that allows students to complete their degree in four years rather than three, giving added flexibility to students who need to continue to work to finance their education. We have established a new "3+3" program with Oregon State University, supplementing our existing 3+3 program with Willamette's own College of Liberal Arts. (Three-plus-three programs permit students to receive both a BA and a JD in six years rather than seven, reducing the total cost of higher education and permitting students to enter the job market one year earlier.) And the faculty has approved a new LLM in

Dispute Resolution that will allow both U.S. and foreign students to specialize in this fast-growing area of the law.

And more innovation is on the way. As part of the university's strategic planning process, President Steve Thorsett has asked all the colleges at Willamette to develop five-year plans to better accomplish their respective missions. As we embark on this process, we will be looking to you, our alumni and friends, for guidance — both because of the extent of your accomplishments and because of your long-standing commitment to our school.

I invite you to share your wisdom and experience with us as we move forward.

Cordially,

Peter V. Letsou

Dean and Roderick & Carol Wendt Professor of Business Law

The 3+3 Program

Willamette and Oregon State Team Up

Students eager to shave a year off their schooling for bachelor's and law degrees will get a new opportunity this fall with the start of a joint program between Willamette University College of Law and Oregon State University (OSU).

In addition to the existing 3+3 program with Willamette's College of Liberal Arts, the OSU/WUCL "3+3" program allows qualified OSU students to earn a bachelor's of arts or science and a juris doctor in six years instead of the traditional seven. Students can apply for the program when they apply to OSU, or any time during their first two years.

Among the requirements are a minimum combined SAT score of 1950 or composite ACT score of 29; a GPA of 3.4 in their college classes; and an LSAT score equal to or higher than the median LSAT for the prior year's entering class at Willamette Law. The "3+3" students must complete the same application as all law school candidates, but may do so during their junior year.

"For the student who really knows what they want to do, it's a way of getting the degree they want at a reasonable cost," said Dean Peter Letsou. "It's also a way of getting into the legal world one year earlier."



OSU President Ed Ray said the program will further sharpen his school's mission of providing access and educational opportunity to help students succeed.

"The challenges of our current economic recovery and the changing dynamics of today's workplace demand that higher education do more to provide our students with efficient access to career paths and employment opportunities," Ray said. "This collaboration between private and public institutions represents new possibilities for students and the universities that serve them."

The partnership has been in the works for about two years, Letsou said. Oregon State expects the program to eventually draw 25 participants each year.

Current law school students from OSU say they chose Willamette for its sense of intimacy — at 420 students, it's much smaller than Oregon State — its proximity to the Oregon Legislature, the Department of Justice and other government agencies; and its long history of educating the state's leading figures in law and politics.

OSU already is one of the top feeder schools to Willamette, said Admissions Director Carolyn Dennis. "We have a strong relationship with OSU," she said. "We're always pleased when their students come to us. They love Oregon, they're hard-working and they have a solid sense of community."



What's New@THE COLLEGE OF LAW

Willamette Named "Best Value" Law School

For the third straight year, Willamette University College of Law has been ranked a "Best Value law school" by *preLaw* magazine. Of the 60 names on the list, Willamette was one of two in the Pacific Northwest and California, and the only one in Oregon.

The rankings take into account in-state tuition, debt load, bar passage and the percent of graduates employed nine months after graduation.

Willamette was one of only three private schools in the country to make the list. Jack Crittenden, editor of *PreLaw* and *National Jurist* magazines, explained that "Private tuition has increased by too much to consider the [vast majority of private] schools a good value."

The magazine tinkered with its methodology this year to enhance fairness. In the past, a law school needed a better bar pass rate than its state average to be included on the list. This year, the magazine used a two-year average for both bar pass rate and percentage of students employed.

"We are very pleased to have once again earned a 'Best Value' designation," said Dean Peter Letsou. "These challenging economic times make it especially important that we pay close attention, not only to the quality of our program, but also to the cost. This honor demonstrates that we are achieving success in both areas."



Welcome Part-Timers!

Not everyone who wants a law degree can afford to spend three years doing nothing but reading cases, attending class and stumbling, bleary-eyed, out of the law library at 3 a.m. So, Willamette has created a part-time day program.

Starting this fall, students can pursue a law degree on a part-time basis. Candidates must meet the same admission requirements as full-time students. They'll also need to submit an essay outlining why a part-time program makes sense for them.

Part-timers may take between eight and 12 credits per semester (about three-quarters of the normal course load) and pay approximately 75 percent of full-time tuition. They must take no longer than six years to complete their degrees.

"This lets working professionals and people who have families go back to school," said Admissions Director Carolyn Dennis. "The school is very flexible about working with students because we want them to be successful."

More details: Part-timers may be working long hours, but they still need to adhere to the law school's mandatory attendance policy and other academic regulations. If they eventually want to go full-time, that's OK. (In fact, the law school encourages it.) Part-timers can't choose the time their classes meet, but the folks who do the scheduling in the law school will try to group courses so the students don't have to duck in and out all day. Part-timers also are eligible for merit-based scholarships.

And perhaps the best news: School-sponsored TGIF gatherings (read: free food) typically occur late in the day, so part-timers won't feel left out of the law school's social whirl.





Law Librarian Announces Retirement

After 36 years directing the law library, Professor Richard Breen

has decided to retire in August.

The completion of several major building projects are among the reasons that make it the right time to leave, he says.

"It seemed like a moment in time I could leave and we could have a seamless transition to someone else," he says. "I'll miss the students; they were a good group."

Breen, notable for his angular frame, gravelly voice and New England accent, was hired as library director in 1976. Over the years he served as a sort of shadow dean, overseeing the extensive expansion of the Truman Wesley Collins building in the early 1990s, the renovation of the Carnegie Building in 2007 and 2008 and the creation of Rick's Cafe in 2010. For 10 months during the 1980s he served as the school's chief administrator, responsible for the majority of the school's administrative services while continuing to direct the library. He also chaired three law school dean search committees.



Additionally, Breen served on the Oregon Supreme Court Library Advisory Committee and as draftsman for the formation of the Hatfield Library Consortium. He introduced new technologies and expanded the law library's print and online collections.

"Dick is truly a model faculty member and library director," said Dean Peter Letsou.

"This is a tremendous loss for the College of Law, which will forever remain in Dick's debt for his many years of outstanding service."

Once Again, Willamette Students Head to National Dispute Resolution Competition

This is the second year in a row that Coach Sukhsimranjit Singh has taken a Willamette team to nationals. In 2011, students Lauren Askeland and Anthony Estrada took second place at nationals and won an award at internationals for working cooperatively with other teams during the competition in Denmark.

At regionals, 3Ls Lindsay Freedman and Christopher Hamilton had to negotiate in three rounds. The scenario involved the sale of a house, and the duo represented the buyer whose 22-year-old son was scheduled to move in. The second round involved complaints from a neighborhood association about late-night parties at the house; the third round involved the parents of a girl who was injured while diving into the house's pool.

The judges complimented Freedman and Hamilton on their teamwork, Singh said. He called them "phenomenal."

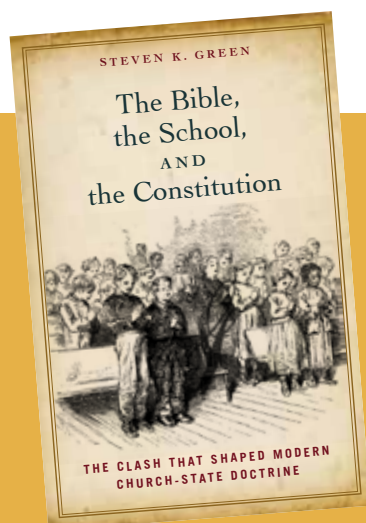
At nationals, Freedman and Hamilton made it through the first round but were eliminated before the semifinals.

"They did really well; they had so much patience," Singh said.

Singh already is looking forward to the next regionals: He predicts the Willamette teams that placed fifth and sixth last year will end up in the top two spots. *For more on Singh, see p. 10*



Third-year College of Law students Lindsay Freedman and Christopher Hamilton took third place in a regional student negotiation competition sponsored by the American Bar Association, which earned them a berth at the national competition in New Orleans.



Steve Green Publishes Book on Religion and Schools

Steven K. Green, Willamette's Fred H. Paulus Professor of Law and director of the Center for Religion, Law & Democracy, has published a book about the continuing controversy regarding religion and education. "The Bible, the School, and the Constitution" (Oxford University

Press, 2012) debunks a popular myth: that the legal controversies about religious expression in public schools and the public financing of religious schools are relatively new. In fact, Green said, those conflicts extend back to just after the Civil War.

"This is the Ground Zero of church and state, and so criticism of this jurisprudence has often been tied to misconceptions of how the jurisprudence arose," Green said. "This was a very evolving process for the entire history of public education. There was never consensus."

The book researches the origins of the so-called "School Question" and shows its impact on modern Supreme Court

doctrine. Critics of the court's decisions on church-state issues say the justices have ignored the nation's religious heritage. Some of that criticism has come from the justices themselves — in 2001 the court held, based on free speech grounds, that religious groups must be allowed to access school facilities.

In its review of Green's book, Publishers Weekly said: "Deftly guiding the reader through this cacophony, Green reveals how a fractious American public engaged with constitutional principles that still resonate in today's controversies over school prayer and creationism."

Green already is at work on his next book, tentatively titled, "What's God Got to Do With It: Understanding the Myth of America's Religious Founding." In it, he states that contrary to some claims, the U.S. wasn't founded as a Christian nation. He acknowledges the debate surrounding that idea is unwinnable. "Each side can pull out its quotes from some historic figure to prove a point," he said. "It goes back to our concept of origin myth. Our myth is that we're a Christian nation. It's about American exceptionalism, why we're special."

Norman Williams Leads Oregon Legal Aid Foundation



Norman R. Williams is channelling his long-standing passion for helping poor people obtain legal services into his volunteer service this year as president of the Oregon Law Foundation.

"I've for many years been interested and concerned about access to justice issues, particularly providing for those not able to afford a private attorney," said Williams, Willamette's Ken and Claudia Peterson Professor of Law and director of the Center for Constitutional Government.

to clients with family law cases. Housing is the second-largest need, Williams said.

The Oregon Law Foundation's principal source of funding is through Interest on Lawyer Trust Accounts, or IOLTA. Lawyer trust accounts consist of money lawyers hold in trust for their clients' future use. The interest allows the foundation to make grants to legal aid and civil legal services providers in the state. Since 1989, the foundation has awarded more than \$28 million for charitable, law-related purposes.

Williams has set several goals: raising lawyers' awareness of where they place their IOLTA accounts, encouraging banks to pledge 0.7 percent to 1 percent in interest on IOLTA accounts and seeking additional ways to increase revenue.

"The calamity we have right now is the indigent crisis," Williams said. "We really want Oregon lawyers to be cognizant that where they bank can help improve this dire situation."

— *Cliff Collins*

"We really want Oregon lawyers to be cognizant that where they bank can help improve this dire situation."

The foundation — the legal services charitable entity created by the Oregon

State Bar — raises money for organizations that help indigent citizens obtain access to civil legal services. Much of legal aid goes

Law Grad, History Lover Chosen to Run Oregon Historical Society



Kerry Tymchuk BA'81, JD'84, a history major at Willamette with an extensive resume in Oregon politics, is the new executive director of Oregon's premier repository for state history and ephemera.

Tymchuk has lived history as well as studied it. He was a former aide to U.S. Senators Gordon Smith and Bob Dole and co-authored books with Dole

and his wife, Elizabeth. He also co-wrote "One Tough Mother," the autobiography of Columbia Sportswear CEO Gert Boyle.



"His masterful facilitation has renewed public support for the Oregon Historical Society," said board President Jerry Hudson, president of Willamette University from 1980 to 1997, "and his ability to nurture relationships and spread enthusiasm for history is truly remarkable."



That will be critical going forward, since the OHS only recently emerged from a decade of financial problems. Tymchuk's political acumen helped secure \$2.5 million from state lawmakers to help pay off a mortgage on its warehouse. Also, Multnomah County voters in 2010 passed a five-year levy that provides just under half the society's budget.

The society archives key artifacts in Oregon history, such as Meriwether Lewis's branding iron and a pair of Gov. John Kitzhaber's iconic blue jeans. To raise awareness of the society's importance, Tymchuk has traveled to every county in Oregon. He also brought artifacts to the Legislature to convince legislators to help finance the nonprofit.

"The best definition of history is it's who we are and the way we are," he said. "You have to make the case every day that the state would be very much the poorer if there wasn't an Oregon Historical Society."

Although he doesn't have a doctorate in history or experience running a nonprofit, Tymchuk was on the OHS board for three years and is a Willamette trustee. He also has a lifelong love of history. His goal for the society, he said, is to show Oregonians that "we're not your grandfather's OHS; we're not just covered wagons and Lewis and Clark." His first tangible change: snazzy new blue and gold awnings, brightening up the building in Portland's South Park Blocks.



Amanda Marshall Confirmed as U.S. Attorney

After a year's wait, Amanda Marshall JD/C'95, was confirmed in September as the new U.S. Attorney for Oregon. She described her promotion as "somewhat surreal — I feel like the wait and the time and energy was all worth it and I'm just very happy."

Marshall replaces current U.S. Attorney Dwight C. Holton, who has since announced he's running for state attorney general. She formerly headed the child advocacy section of the Department of Justice.

As for how the job will change her life outside the office, Marshall has three sons under the age of 11 and expects to stay busy ferrying them to soccer games and Cub Scout meetings. She lives in McMinnville with her kids and husband, a Yamhill County deputy district attorney, and looks back on her time at Willamette with fondness.

"Being in the state capital is such a unique experience in terms of the opportunities it affords to participate in government," she said. "I really became much more politically aware during the time I was in law school."

International Human Rights Clinic Files Second Guantanamo Lawsuit



Professor Gwynne Skinner

Willamette's International Human Rights clinic filed its second lawsuit in October 2011 against the U.S. government on behalf of a detainee at Guantanamo Bay. The lawsuit, filed in U.S. federal court in the Western District of Washington, alleges government officials subjected Mammur Ameer to torture and prolonged unlawful detention for more than six years before releasing him in 2008.

Ameer, 54, a native of Algeria, was a humanitarian aid worker who was living with his wife and children in Pakistan when he was unlawfully taken from his home in July 2002 during a raid by Pakistani officials, the lawsuit says. He was put in a Pakistani prison and eventually transferred to Guantanamo Bay, where he was beaten, sprayed with Mace and isolated for long periods of time, the lawsuit says. Ameer was cleared to return to Algeria in November 2005, but neither he nor his lawyer were notified and U.S. officials continued to hold him for another three years.

Ameer never was charged with being an enemy combatant or a member of al-Qaida, the lawsuit says. Only when a federal district court in Washington, D.C. ordered the officials to explain their actions was Ameer allowed to return to Algeria.

The lawsuit includes an affidavit from Col. Lawrence B. Wilkerson (Ret.), a former senior State Department official, who alleges that many of the detainees had been taken into custody "without regard to whether they were truly enemy combatants, or in fact whether many of them were enemies at all." He also alleges the U.S. refused to release them because it was politically impossible to do so.

The clinic filed a similar lawsuit in 2010 on behalf of Adel Hamad of Sudan, alleging he was unlawfully seized from his apartment and illegally detained for more than five years at Guantanamo Bay. Coincidentally, Hamad and Ameer lived in the same apartment building in Peshawar.

"The question I think everyone is interested in answering is, 'Don't these men — who were taken out of their homes, who never had a right to due process, whose families became destitute — have a right to a remedy?'" said Professor Gwynne Skinner, who heads the clinic. "Mr. Ameer and others like him deserve an apology, compensation and justice."

Of the handful of lawsuits filed on behalf of detainees, Willamette's is the only one from a law clinic, Skinner said. The suit explores uncharted legal territory, such as what constitutional rights apply to

detained non-U.S. citizens and whether U.S. officials who allegedly torture detainees are acting within the scope of their jobs.

Students have been fully involved in the cases from the beginning, Skinner said. Erin Gonzalez-Powell, a second-year student, and Alma Jean, a third-year student, said they've been shocked by what they've discovered.

"Both of our clients were humanitarian workers. They weren't caught on the battlefield. They weren't even prisoners of war," Gonzalez-Powell said.

Added Jean: "You cannot help but feel sympathy and compassion for what they've gone through. You want to do everything you can to help them."



Guantanamo Bay Lawsuit Timeline:

- '02 **January 2002** – First group of detainees arrive at Guantanamo Bay
- '03 **July 2002** – Pakistani officials seize Adel Hamad and Mammur Ameer from their apartments in Peshawar, Pakistan
- '03 **March 2003** – Hamad and Ameer transferred to Guantanamo Bay
- '05 **November 2005** – U.S. officials approve Hamad and Ameer for release back to Sudan and Algeria
- '07 **February 2007** – Lawyers for Hamad and Ameer are informed that both men had been approved to leave Guantanamo in November 2005
- '07 **December 2007** – Hamad is released to Sudan
- '08 **October 2008** – Ameer is released to Algeria

Workplace Discrimination Against ... Men?

Professor Keith Cunningham-Parmeter, who teaches employment law, talks about the paper he's presenting at a conference in June on the emerging phenomenon of "family responsibilities discrimination" and how it affects men.

Q: What's your paper about?

A: The Great Recession has hit everyone hard but has hit men especially hard. The industries expected to experience the most job growth over the next couple of decades are dominated by women. So, a lot of men will be unemployed or underemployed. Women's contributions outside the home can't grow indefinitely if men's contributions inside the home continue to go nowhere. I believe these pressures will converge in the coming decades and we'll see many men take on greater roles as caregivers. I'm studying how the law can assist those men who choose to make these transitions.

Q: How would that play out legally?

A: We have this new doctrine of law called "family responsibilities discrimination." What I'm looking at is how the same doctrine would apply to the male experience, assuming men take up the call and do more at home. It's illegal to discriminate against men and women because of gender stereotypes, yet we as a society still have very ossified notions of childcare — that women are superior caregivers and men have no business taking time off from work to be with their newborns or to care for their sick children. When employers punish men for doing these things, while granting women more leeway as caregivers, they are engaging in a form of gender stereotyping that is destructive to both sexes.

Q: Why does this subject interest you?

A: I wrote an article 10 years ago about men taking leave at law firms. I was a law student and the idea of having kids and making it all work was a fine theoretical discussion. Now I have a 6-year-old and a 4-year-old and we're not talking theory anymore.

Q: Did both your parents have careers?

A: Dad worked outside the home and Mom stayed home with us. Currently, my wife is a stay-at-home mom with our two kids. So maybe I'm Exhibit A of the problem (laughs). The truth is, in many ways my job is the ideal way to be involved with my kids and get my work done.

Q: Do you think men are getting a wakeup call?

A: I think some men in some demographics are, but it's very slow-moving and it may not follow the predictions that a lot of people would make. A study followed male firefighters and male doctors. At first glance you'd think the physicians might have carved out their schedules to take care of their children, but the opposite was true. The firefighters were more likely to take time off when their children were sick. People who make less or who have a spouse who earns more have to do these negotiations as a matter of economic reality. Whereas doctors and other highly paid professionals can maintain the luxury of the old musty masculine norm that classifies child care as "women's work."



THE WINNINGEST COACH

You represent a 100-year-old private university in a charming city. The school is gearing up to expand yet again and has begun a major campaign to raise the needed funds. But nearby homeowners, tired of dealing with parking and traffic issues, are outraged at the university's plan to build a religious chapel and performing arts center. The project is too large, they insist, and it will ruin the area's historic character.

You decide to hash out your differences. The meeting takes place in a glass-walled room with comfortable chairs, a long conference table and a blank whiteboard. Each side takes a seat. Laptops snap open and the session begins.

This is a practice run for members of Willamette's student negotiating team, one week before they head to a national competition in New Orleans. Representing the homeowners is Sukhsimranjit Singh, associate director of The Center for Dispute Resolution, playing the role of a planning commissioner.

"The concern the community has is inclusiveness," he says in a gentle but firm voice. It's the voice of a homeowner who loves the historic neighborhood and doesn't want to see even one old house torn down to make room for a sleek university complex.

"The community feels excluded not only from the process, but from the future."

Singh has role-played similar scenarios for years as a coach for students heading to national and international dispute resolution competitions. He has amassed an impressive record: At Willamette, Singh has taken three teams to the nationals and one team to internationals; at Hamline University, his previous school, he took two teams to nationals.

"I look for people who are good orators, people who can present well," he says. "You also tell them that it's not only about the outcome, but how you open your arguments, how you close, how you respond, how to listen well."

Singh got interested in dispute resolution as a law school student in Hyderabad, India. Courtroom theatrics never grabbed him; he preferred to tamp down conflict rather than immerse himself in it. He attributes that to his Sikh faith, which he describes as building peace within himself to spread peace outside himself. Indian society also affects how he interacts with the world, he says: "The society teaches you how to keep your ego low. It's a collectivist society. The negotiation we teach in the U.S. is practiced in India every day." As a 6-year-old, Singh bargained for cookies at a local bakery; as a law student, he observed village mediation tribunals while writing his thesis.

"I fell in love with the idea that poor people had access to justice right away through mediation"

"I fell in love with the idea that poor people had access to justice right away through mediation," he says. As an arbitrator at the Supreme Court of India, he observed international arbitration. "It was fascinating and a more dignified way of resolving conflict."

Third-year law students Lindsay Freedman and Christopher Hamilton play the role of the university's lawyers. They hasten to reassure the planning commissioner, saying they understand the neighborhood's distress. They're prepared to make concessions. There's still room to maneuver.

But Singh isn't mollified. He presses harder. "How many acres is it?" he asks. "How much land will this take? How loud is construction going to be? People go crazy sometimes, so what are you doing to spread the word in the community?"

He might well have asked: How are we supposed to resolve this dispute?

Singh earned an LL.M in dispute resolution from the University of Missouri-Columbia and taught cross-cultural dispute resolution at Hamline University in Minnesota. He has lectured throughout the U.S., in France and in Spain and last year judged the third annual China University English language negotiating competition. He also has been invited to judge this year's International Student Negotiation Competition finals in Belfast.

Outside the classroom, Singh spends most of his time with his young family. Coaching, he says, helps him be patient with his toddler, Apar. Conversely, he believes she has made him a better instructor.

"When she smiles, she makes me be more present," Singh says. "Negotiation is all about being in the present."

With his experience fielding teams for competition, Singh has a pretty good idea of what the judges want. Absent an obvious bad move — yelling at the other team, storming out of the negotiation, acting in general like jerks — judges tend to look for the subtlest signs of tension or nervousness: adjusting eyeglasses, fiddling with hair. Singh drills students in how to use body language to communicate confidence, and he emphasizes the importance of showing respect for the opposing team. In practice, that takes the form of formal greetings and explanations — calling to mind the elaborate, ritualized battles of 18th century Europe.

“It’s a lot like theater,” says Lindsay Freedman, one of two students Singh took to nationals this year (see p. 5). “The level of self-control is huge. People are competitive, they’re aggressive; they’ll say mean things to you when you walk in the room. You may be having a really crappy day but it doesn’t matter — it’s showtime.”

Freedman says Singh’s strength as a coach is his ability to embrace students’ quirks rather than expect them to negotiate a particular way.

“He’s just so respectful. That makes it easy to take criticism from him because you know it’s not cruel or self-serving,” she says.

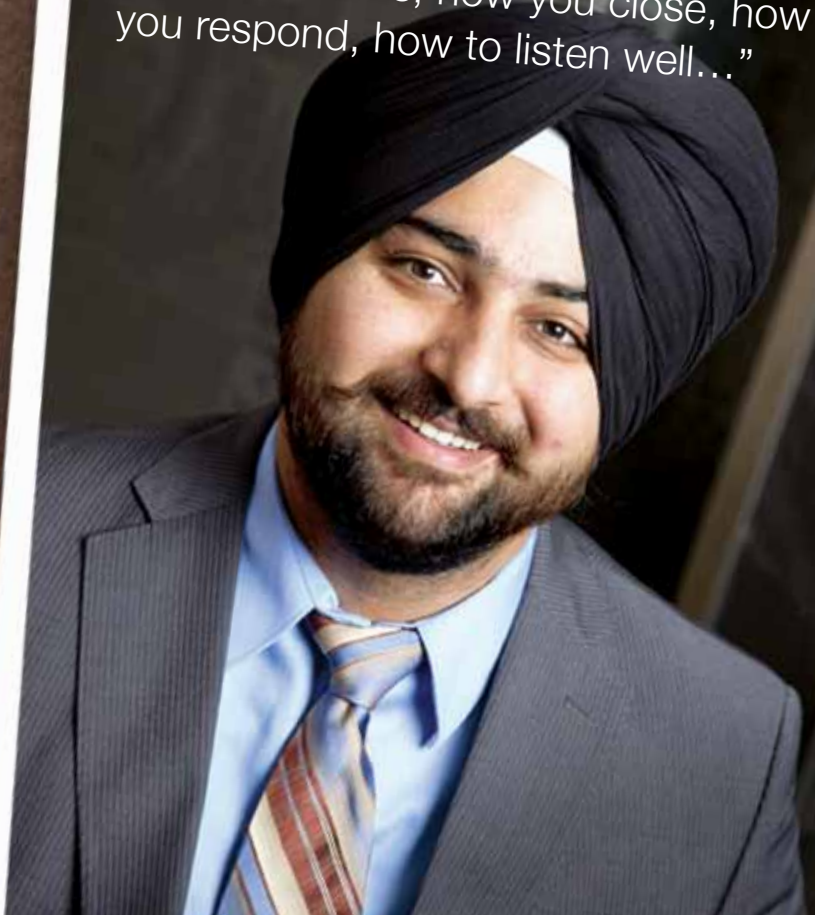
“Other coaches want to dismantle you and put you back together, and that’s painful. Everything he does is to build you.”

Adds Professor Richard Birke, director of Willamette’s Center for Dispute Resolution:

“He’s patient and

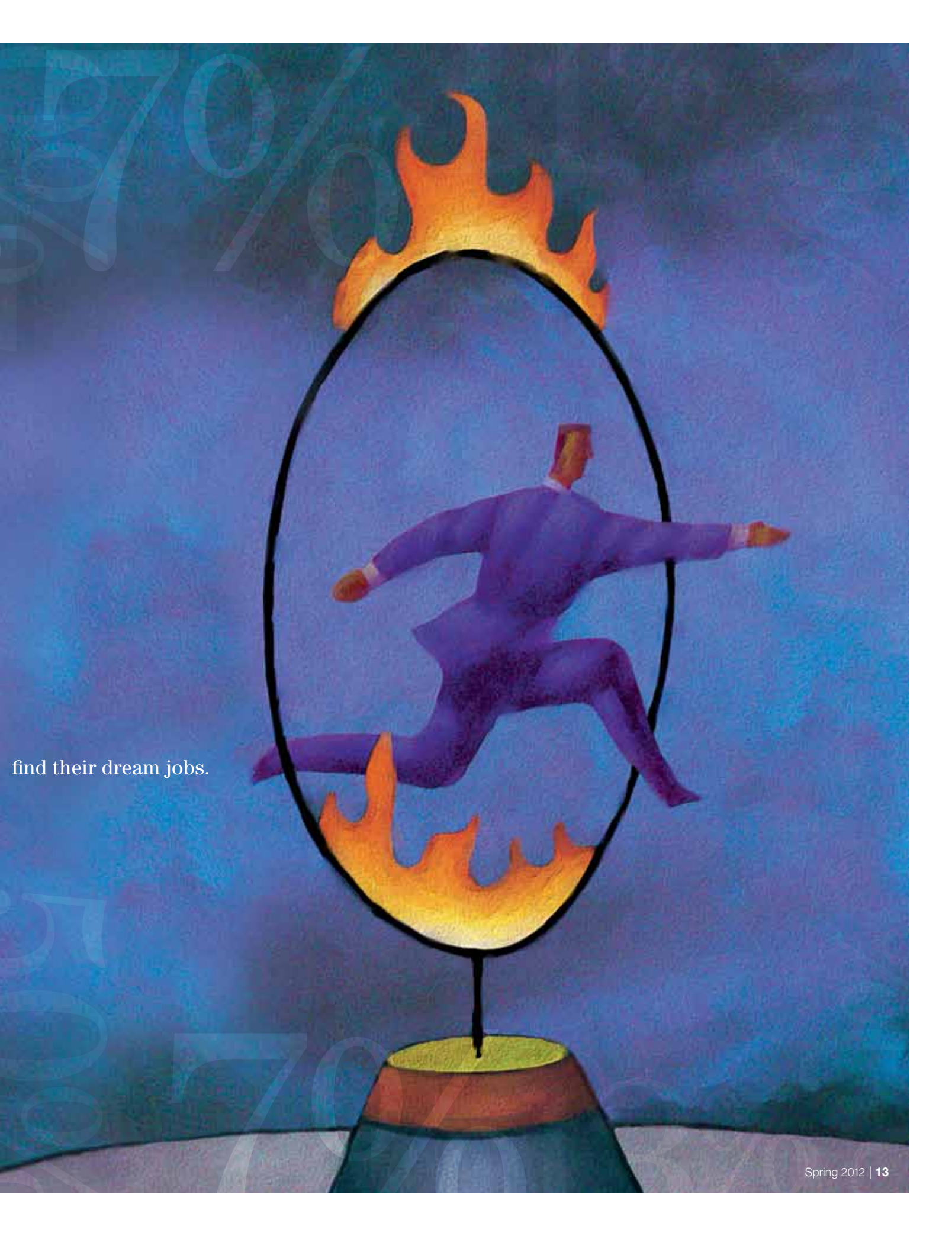
optimistic and has a lot of energy, and those are great attributes in a coach. He’s also a very astute person on an interpersonal level. He can see what it is that somebody brings to the table and where they have the opportunity for growth.”

“You also tell them that it’s not only about the outcome, but how you open your arguments, how you close, how you respond, how to listen well...”



the *new* normal

In this economy, finding a job after law school presents new challenges. Graduates are networking aggressively, grabbing unexpected opportunities and thinking harder about their post-law school lives. Patience and perseverance are paying off as they



find their dream jobs.



Even in a tough economy Rena Jimenez-Blount JD'11 landed her position before she graduated last year. She works at Central City Concern, a Portland nonprofit, where she volunteered as a legal assistant. "I've always been kind of an idealist and optimist," she said. "Even though I'm a background player, I still feel I have some kind of role helping this organization do what it does."

Employment rates for law school graduates were low when Rena Jimenez-Blount was preparing to graduate last May.

Law firms had cut back on associates; the students were worried about finding jobs; and legal experts warned that work in some areas would shrink — permanently.

But Jimenez-Blount didn't let the bad news deter her. As a first-year law student she was assigned a mentor, Marion County Circuit Court Judge Susan Tripp, and persuaded Tripp to hire her as an extern that summer. The following year, Jimenez-Blount applied for a public interest law fellowship from the Oregon State Bar and landed a position as a volunteer legal assistant with Central City Concern (CCC), a Portland-based nonprofit that provides affordable housing and social services for single adults and families in the Portland metro area. In her final year at Willamette, CCC hired her.

"I don't think I would have gotten a job if I hadn't spent a full year volunteering at the organization," Jimenez-Blount said. "Everything I care about, they have their hands in. They do amazing things, and I'm definitely proud to be working for them."

So much for the gloom and doom: Despite the dismal economy, Willamette law graduates are finding jobs — in government, in business, at nonprofits and, yes, at law firms. Some grads aren't waiting for an employer to determine their destiny; they're forging their own paths (see p. 17). Finding a job may take longer than it used to, but graduates who are willing to be flexible may find a surprising array of options. Even in a down economy, people still need legal expertise.

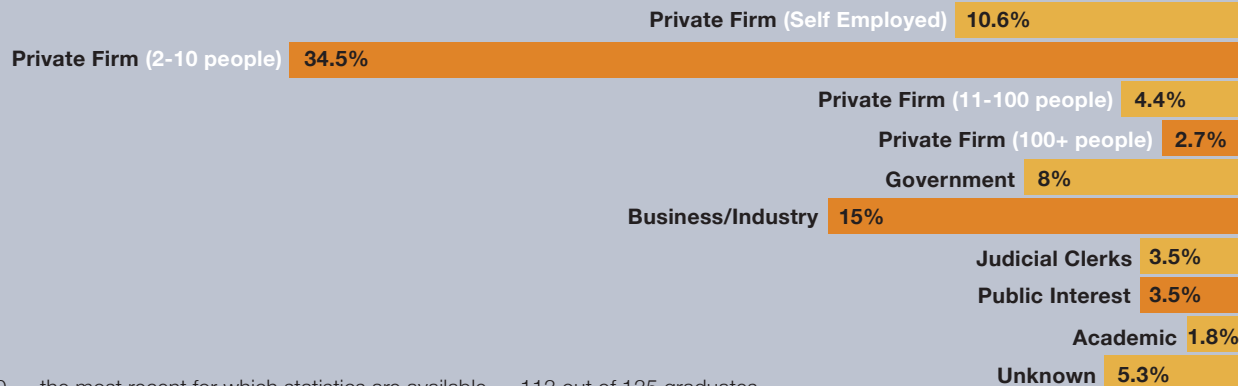
"You still need lawyers to negotiate transactions; you still need lawyers to write wills, and you still need lawyers to represent parties in court," said Dean Peter Letsou. "The profession is certainly evolving but it's not disappearing."

Persistence Wins

It took persistence, but **Raquel Barajas JD'11** landed her dream job as an immigration attorney for Catholic Charities in San Antonio, Texas. Even with volunteer work and externships — as a consumer fraud investigator for the Oregon Department of Justice, a temporary staffer for the office of Oregon Gov. Ted Kulongoski and in a small law firm in Naperville, Ill. — she sent out almost 200 application letters. She networked aggressively and landed her current position through a friend she met during her first year at Willamette. She works with women who have been victims of crimes, such as domestic violence and human trafficking.

"I applied all over the U.S. and I tried to keep it to fields I was interested in," Barajas said. Her parents are immigrants from Mexico, and Barajas has long been interested in immigration issues. "I always wanted to help people who deserve representation."

Rates of employment by industry for WUCL's Class of 2010



In the class of 2010 — the most recent for which statistics are available — 113 out of 135 graduates found jobs within nine months after graduation, for an employment rate of 83.7 percent. Of those, 34.5% were employed in firms of two to 10 people. Another 15% had jobs in business and 8% in government. Nearly 11% were in solo practice.

"I was really proud of our graduates," said Phylis Myles, director of the law school's Career and Professional Development Center. "They hustled and got out there."

Scaling Down

On average, during the last five years, 52 percent of Willamette graduates have found work in small firms and 19 percent opened solo practices. Another 14 percent found work with medium-sized firms of 11 to 100 attorneys, Myles said.

Willamette's statistics reflect trends as reported by the National Association for Legal Career Professionals (NALP). Nationally, most of the class of 2010 took jobs at firms of two to 10 people. Of the 87.6 percent of graduates who had jobs, 68.4 percent were in legal jobs requiring a JD.

That employment rate represents a serious drop from the 20-year high of 91.9 percent in 2007. (Back then, the economy was going gangbusters). And the reason isn't entirely related to the Great Recession, said Jim Leipold, NALP's executive director. Think outsourcing: Like manufacturing and customer service, legal work can now be done overseas.

"The delivery of legal services has become a globalized, commodified market," Leipold said. "Going forward, we're going to see fewer hires at large law firms. We've put too many lawyers into large firms that work for large corporate clients."

But that doesn't mean there's a glut of lawyers. Quite the opposite, Leipold said: "Huge sections of America don't have access to legal services at all — rural counties, low-income communities, inner cities. And within the law firm world, there are practices that are thriving — energy law, patent law, health care law. Students with science and engineering backgrounds who sit for the patent bar are very sought after."

Myles said students are acknowledging the legal world has changed and, in response, some are willing to consider non-traditional career paths in, say, construction management, political campaigns and policy work for state government.

Jordan D. Hanslovan, who graduated last May, snagged one of those non-traditional jobs as a junior project coordinator for an industrial construction company. He worked construction jobs through college and toyed with business school before coming to Willamette with the idea that law school "would open up interesting options. You can work in business with a law degree, but you can't practice law with an MBA."

Raquel Barajas JD'11, applied for legal and non-legal jobs before Catholic Charities hired her as an immigration attorney in Texas last November. The job hunt was tough, she said, but her willingness to move opened up more possibilities.



In the spring of his third year, he sent a resume to Casey Industrial, a construction company based in Albany, Ore., that specializes in the forest products industry. His mom had worked there years before, but it was Hanslovan's law degree and externships that caught the higher-ups' attention. That and his construction experience got him the job. It's a steep learning curve, but he loves the variety.

"There's respect for that degree," he said. "They say, 'That's interesting. OK, let's look for a place to use you.' I've talked to the folks on the contract team, and they know they can call on me." His goal, Hanslovan said, is to become a division vice president.

Current Outlook

Some say the legal market already is looking up. Robert Half Legal, a Menlo Park, Calif.-based agency that finds jobs for lawyers, paralegals, law clerks and legal support professionals, said law firms and corporate legal departments that cut deeply during the downturn are discovering they need to rebuild. Hiring is strongest at small and midsize law firms, which need experts in litigation, health care law, bankruptcy and foreclosure law, intellectual property law, contracts and license law and corporate transactional law.



Ellis Cunningham JD'11, right, with Boise Inc. President and Chief Executive Officer Alexander Toeldte. Cunningham, did an externship at Boise Inc. and was offered a job after graduation. He said he loves the variety and is getting to do the kind of legal work that not many graduates his age get to do.

First-year associates' salaries in 2011 were up slightly from 2010, according to the agency's report on salary guides. They ranged from \$73,500 to \$102,000 at midsized firms, an increase of 1.9 percent from 2010, to \$56,500 to \$83,000 at small to midsized firms, an increase of 1.5 percent.

"The good news is that an American legal education is really sound," said Leipold of NALP. "Graduates of American law schools are still disproportionately leaders in their communities and governments."

Ellis Cunningham JD'11 is somewhat unusual in that he landed a job as in-house counsel at Boise Inc., a spinoff of the paper company Boise Cascade. Usually, new graduates work solo or at big firms before going the in-house route.

But Cunningham had an on-campus interview and scored an externship at Boise Inc. during the summer of his second year. At the end of the externship, the firm offered him a job. He's involved in negotiating real estate sales, easements, equipment purchases and labor agreements.

"To be right out of law school and have a big chunk of that work yourself is unbelievable," Cunningham said. "Every day is different. You have to learn the business side as much as the legal side."

It helped that Boise Inc. happens to prefer hiring students straight out of law school with ties to the Pacific Northwest. They rotate through different areas of the company so they get a sense of its risk tolerance, said Karen Gowland, Boise Inc.'s general counsel. Seven of the company's nine lawyers have spent their entire careers there.

Gowland, who started at the company in 1983 as a summer associate, said law school graduates in the next few years will have an edge in the job market because of the huge number of Baby Boomer lawyers who will begin retiring. She encourages students to think of the changing legal market as an opportunity to consider a different path from the one they originally set out on. Think how a law school degree would be useful in any industry, she advised.

"This isn't the 1980s, where you could pull down the \$150,000 salary right out of the box," Gowland said. "But that doesn't mean you can't have a good life and enjoy the practice of law."

the *new* normal: *Taking Control*

Four graduates from the class of 2010 didn't wait for someone to hand them jobs. Instead, they created their own.

The 108-year-old house on a busy stretch of Powell Boulevard in Portland, Ore., is a laboratory of entrepreneurship: the lawyers who work here answer their own phones, take out their own trash, supply their own furniture and fix their own computers.

That's when they're not interviewing clients, filing lawsuits or working their mentors for referrals and advice.

Eric E. McClendon, Michael V. Owens Jr., Aidan C. Melia and Richard L. McBreen met each other at Willamette and immediately clicked. Melia attended McBreen's wedding; McClendon and McBreen studied for the bar exam together. In 2009, a year before graduation, they started talking about opening their own practice. Some classmates who had graduated in the throes of the nation's financial crisis were still hunting for jobs, and they didn't want to be in that position.

So McClendon, Owens, Melia and McBreen met with bankers, judges and attorneys. They took a class Willamette offers to third-year students on the nuts and bolts of opening a practice. And they ignored the naysayers who told them that solo practice would be a bad idea.

"Once I realized that this could be a plan A and not a backup plan, I had to decide whether I wanted to take the plunge," said Owens, who had interviewed with a large firm. "All the lawyers we talked to said, 'this could be your destiny.' It was a conscious decision."

McClendon, Owens, Melia and McBreen take cases involving a little of everything: misdemeanors such as traffic tickets and theft; landlord-tenant disputes and issues surrounding wills and estates; unemployment appeals; family law; and some felonies. (Last year McClendon assisted in the defense of faith healers Dale and Shannon Hickman, who were tried on manslaughter charges in the death of their son). "You get more experience faster because you have the opportunity to do everything," Melia said.

Their partnership works, they said, because they're all even-tempered and talk things out instead of letting issues build into crises. They've never had to take a vote on anything; every decision they've made is by consensus, Owens said. And they said members of the legal community in Oregon have been uncommonly generous with their time and expertise. That may be because the four go to numerous networking events.

Their firm has become so successful that they've been invited to lecture in the very class they took on how to build a law practice. The firm recently accepted its first pro bono case. And last October, they threw themselves a little party to celebrate the firm's one-year anniversary. "Four or five months earlier, I'd have said, 'we can't afford to throw an event,' but by the time the one-year mark came, things were going really well," Owens said. "It felt very nice to say, 'Wow! We've made it a full year.'"





Willamette Law Grads Strive to Improve Diversity Within the Profession

It's well known that the legal profession is not known for its diversity. A new survey by the National Association for Legal Career Professionals found that just 12.7 percent of attorneys in its Directory of Legal Employers are minorities. Fewer than a third are women, and minority women account for just 6.2 percent.

Clockwise from top:
Wallace Carson, Alec Esquivel,
Virginia Linder, Shenoa Payne, David Giles

Oregon law firms reflect the national picture. As recognized recently during the second Convocation on Equality, sponsored by Oregon State Bar's Diversity Section, there is plenty of room for improvement. There also are many gains to celebrate.

Willamette law school alumni have played a key role in promoting diversity and equality within the profession. Several, recognized as champions during the convocation, shared why increased diversity is important.

Wallace P. Carson Jr. JD'62

The Honorable Wallace Carson, retired Oregon Supreme Court chief justice, comes from a long line of attorneys. His grandfather established a practice in Salem in 1889. Carson's father and two uncles became lawyers. So did two aunts, one of whom was among the first female graduates of the College of Law.

"Because of my family situation, I was very aware of the gender factor in the practice of law," Carson says. "There were two women in my law school class of 50, and I knew about the difficulty women faced in getting into the practice."

Carson recognized the racial imbalance as well. He worked with his predecessor, former Chief Justice Edwin Peterson, to develop Oregon's first study on racial and ethnic bias in the judicial system. Published in 1994, the report continues to guide the state's legal community.

Virginia Linder JD'80

There were few women attorneys to serve as role models when Oregon Supreme Court Justice Virginia Linder was growing up. Linder's interest in the law stemmed from a high school civics teacher who conveyed a passion for the nation's justice system.

The civil rights and women's rights movements inspired Linder to pursue a career that led her to the state's highest court. She was the first woman elected to the court, and the first open lesbian to serve as a supreme court justice nationwide.

"It's always beneficial to the system when people walk into a courtroom and see faces of different genders or colors," she said. Even if those different faces aren't exactly like yours, you're going to feel more comfortable. You may not win your case, but if you feel you were heard you are more likely to feel that you at least got a fair shake."

David Giles JD'99

As the only African-American student in his Woodburn high school, David Giles is accustomed to a lack of diversity. He also is resigned to the fact that change is slow.

"Several years ago the Bar started requiring diversity credits, and the amount of blowback I saw was amazing because I think everyone can benefit themselves and their practice by understanding how diversity can be improved," Giles said. "I don't think the efforts over the last 10 years have gone as far as they probably should."

Giles, a partner at Portland's Engle & Giles, says the myriad benefits of diversity include boosting the bottom line.

"I've noticed that many clients want an attorney who looks like them. My partner is white, and a lot of clients ask for me because I'm black," he said. "For people who don't see the value of diversity, one of the benefits is economic."

Shenoa Payne JD'08

Though Shenoa Payne's law school class was equally divided between women and men, she quickly recognized a gender gap in law firm employment.

"I felt I would have to work twice as hard to be successful in this field. It was discouraging from the outset, especially as a first-year student," said Payne, who works as an associate at Portland's Haglund Kelley Jones & Wilder. While women mentors helped ease the transition into practice, there were rocky points. During one interview, a partner at another firm told Payne the firm struggled to retain women because they eventually had children and left.

"The underlying message was clear: the firm was hesitant to hire another woman," she said. "I was so shocked by the statement that I just nodded and changed the subject. It's interesting that this firm saw women attorneys as the problem, and not its own inflexible policies."

Payne, a convocation organizer, said women and minority attorneys will have difficulty advancing in their legal careers until firms value them more than "old-school policies" that don't encourage inclusion. She added that it's essential to provide a safe forum for firms to discuss diversity-related issues.

Alec Esquivel JD'09

Alec Esquivel became a lawyer because he wanted to advocate on behalf of people who couldn't do it for themselves. Besides his work as a Portland family law attorney, he is waging a personal battle to get health care benefits for transgender people.

Esquivel was born female, diagnosed with gender identity disorder and in 2001 began transitioning to a male. While Esquivel was clerking for the Oregon Court of Appeals, his doctor recommended he have a hysterectomy. The state denied coverage for the procedure because its health plan excludes "transition-related health care."

Lambda Legal, a national advocacy organization, filed suit last June against the state of Oregon and the Public Employees' Benefit Board, claiming the denial discriminated against Esquivel because he is transgender. The case is pending.

Esquivel said his advocacy is a means of paying it forward. "I believe we're all in this together, and helping others will come back to each of us," he said.

— Melody Finnemore

A Trip to Africa that Changed His Life

First-year student Matthew Leady came to Willamette because of a trip he took to Rwanda. It was a profoundly moving visit, one that bore no resemblance to the two years he lived in Zaire when he was a boy. That time in his life was idyllic — floating the headwaters of the Nile, listening to lions roar as he fell asleep in the wild. The trip to Rwanda, which he took between bartending gigs, changed the course of his life. Parts of it were harrowing. Here, in his own words, is how Leady describes it:



We visited a genocide memorial. They had exhumed a mass grave. The government told the ethnic minority to gather on a hill to be safe. Then 8,000 to 10,000 Tutsis were massacred. There were three survivors; one gives you a tour through the remains.

It's as graphic as you can get. They had a baby room. You could see the boot marks on the babies; they'd been stomped to death. You break down, you weep, you ask God, "Why?" You ask whether this whole human existence is worth messing around with. With any kind of holocaust like that, you wonder why you come out (of the tour) and little kids are laughing and playing.

When men were killed in the genocide, life went back to these villages. Women that had lost their husbands, sons and kids were friends and next-door neighbors with women whose husbands were soldiers who had fled across the border. By necessity, they'd stumbled on this form of justice called restoration. They've become family. If that had happened here, I would have sued you. I would have moved 2,000 miles away to never see you again, because that's the way our culture works.

I met a guy who watched his father get killed; they buried his mother and sister alive in a latrine. He's at a university in Rwanda where former boys who perpetrated crimes as soldiers work with victims from community groups and work for reconciliation.

It struck me that reconciliation is a worthy form of justice. I'm here because I want to get the tools in my hands to present the choice of reconciliation. What I see in Rwanda, where people have chosen to reconcile, it's an incredible challenge to me. I saw a joy, I saw a peace that was so genuine. It's about humanity. It's about saving the relationship while righting the wrong. They taught me something, and maybe that's something I can use here. In the legal world, how are we going to compensate you for the wrong done to you? I was challenged by Rwanda to explore that.

I don't know that coming out of Willamette is going to mean I have the solution to other people's problems. It just means that I have tools.

— Matthew Leady

She Conquered Politics. Next Up: Law

Maybe it was the Willamette sweatshirt her coach wore when he ran her middle school team through basketball drills. Or the afternoons she spent at the back of his courtroom, watching the Linn County Circuit Court judge dispense justice.

Either way, it was probably inevitable that first-year student Amanda Dalton would end up in law school, specifically at Willamette. After you've coordinated volunteers for a congressional campaign at 18 and run the Linn County Republican Party at 19, what else is there to conquer?

"It was always fun to watch her because she was always biting off a lot more than you'd think a kid like that could chew," said Jim Egan BS'79. He coached Dalton's basketball team, invited her to his courtroom to watch trials and became a friend of her family. She was 16 when he brought her to her first meeting of the Linn County Republican Central Committee. She ended up running the organization.

"She came in and showed absolutely no compunctions about her age and inexperience," Egan said. "She simply is not afraid to grow and to change."

Dalton and her sister, now a Eugene police officer, were raised in Albany by a single mother who went back to school to study nursing when Dalton was 16. She and her sister powered through hardscrabble childhoods to become homeowners by the time they each turned 21. "Both my sister and I are glad we had it rough," Dalton said. "I live in a privileged community and I look around at all these young people, and I want to say, 'you don't even know you have these amazing opportunities!'"

Dalton's interest in politics led her to become a legislative aide to Sen. Marylin Shannon, R-Brooks, after Shannon lost her bid for Congress. Dalton moved on to jobs as a finance director and director of member services for other Republican legislators. In 2001 she formed her own consulting firm, Dalton Public Relations and Government Affairs. She lobbied for realtors and grocers.

Then, last summer, Dalton turned 31 and realized she needed a career change.

"Eventually, it wasn't satisfying anymore," she said. "Do I really want to be taking calls from candidates at 10 p.m., complaining that



"The insight that law students can provide to legislators with no legal background is incredible."

their lawn signs were stolen? I feel I was always fighting to prove myself. It's just exhausting work."

So she enrolled in Willamette while working as a senior policy advisor for Rep. Vic Gilliam, R-Molalla. The opportunity to attend law school across the street from the State Capitol was too good to pass up, she said.

"I don't know how you make laws and don't have a law education. It's eye-opening," Dalton said. "The insight that law students can provide to legislators with no legal background is incredible."

Gilliam said Dalton's law school training makes her an even more effective political player.

"She doesn't have to ask as much advice before moving ahead on a bill concept," he said. "It's taken her up a couple of notches."

A Musical Life

The dark-haired figure coaxing the sweet notes out of her violin has become as much a part of law school commencement as the pageant of colorful robes, the clicking of pocket cameras and the dean's speech.

But Maria Zlateva JD/C'10, who has provided the music for the last three graduations, isn't just any professional musician. She's also an immigration lawyer who represents clients facing deportation — usually for misdemeanors such as driving drunk or driving without a license. An immigrant herself, she said it's heartbreaking when her clients' families are left to fend for themselves after an arrest.

"Many times (my clients) are the main providers for the home and there are children waiting to be fed," she said. "They grow up in a country where if you don't talk to the police, it gets worse for you. It's very difficult for them to understand they have rights in this country."

Zlateva was born in Bulgaria. Her uncle, who built violins, gave Zlateva one when she was 5 and told her she could play it only if she took lessons. She got hooked and pursued a bachelor's degree in violin performance from a music academy in Bulgaria. She played in an orchestra headquartered in Bulgaria's second-largest city.



But the world outside Communist Bulgaria beckoned. Zlateva, a Seventh-day Adventist, said her family felt pressure to ignore the teachings of their faith. They couldn't observe the Sabbath on Saturdays because school was open. Police officers routinely came to their house and searched it for religious literature. Zlateva said the principal at one of her schools urged her to renounce her belief in God, but she refused.

"It's cheesy, but I always wanted to live in the United States," Zlateva said. She sent an audition tape to La Sierra University in California, which is affiliated with the Seventh-day Adventist Church. She was offered a scholarship and a job cleaning the university library, where she read magazines and books to teach herself English. Zlateva got a master's in violin performance at the University of Nevada, Las Vegas and a doctorate in the same subject from the University of Texas at Austin. She began teaching.

Then, in 2006, Zlateva became a U.S. citizen and decided she wanted to try law. "Part of the American dream, I guess," she said. "I wanted to do the things I couldn't do before."



She got some courtroom experience at the Marion County District Attorney's office and worked in criminal and family law for a time, but discovered she was drawn to immigration. She recently opened a solo practice in downtown Salem — while still teaching violin and playing in the Salem Chamber Orchestra. Zlateva said she cannot imagine giving up either life, but admits that she's getting tired of juggling both. Maybe she'll cut back on teaching, but she'll never give up her instrument.

"It's definitely a part of her life; it's just assumed, like brushing her teeth," said Karen Vincent, a friend and chamber orchestra colleague. "It's part of her blood. That's the way music is."

From Transactional Law To Enforcing the Law

Steven Kuhn JD'98 is not at liberty to say exactly what he does for the Federal Bureau of Investigation. In fact, if a stranger at a cocktail party inquires about his career, Kuhn says he's an attorney.

It's a viable alias. Before joining the FBI in January 2007, Kuhn worked for eight years at what is now Portland's Wyse Kadish LLP. He specialized in transactional business law and enjoyed the big-picture perspective of what clients needed and how to achieve their goals.



"I liked working with clients who were predominately small and family-owned businesses and non-profits," he said. "I appreciated being able to develop long-term relationships with clients and having a better grasp of how to solve their problems as opposed to taking a cookie-cutter approach."

While that work was rewarding, Kuhn eventually wanted something new. He aspired to a career that was intellectually challenging and offered a practical means of helping people, which was what made him want to become a lawyer. At 36 — slightly older than the average FBI applicant — Kuhn, an ultra runner and road cyclist, took on the rigorous physical and mental tests required to become a special agent.

"I wanted something that would be more fulfilling at the end of the day and at the end of my career," said Kuhn, who now lives in New Mexico with his wife, Cindy. "I like the unpredictability and variety of my work. You never know what's going to happen when you walk in the door each day, which is kind of cool."

Kuhn is one of many attorneys who joined the FBI as a second career. It wasn't a childhood dream and he didn't have any preconceived notions when he applied. Rather, it was a kind of kismet that drew him to the "Jobs" section of the FBI's website.

"It just clicked and I knew that would satisfy what I was looking for," he said, noting that law school classes such as criminal procedure prepared him for what he does now.

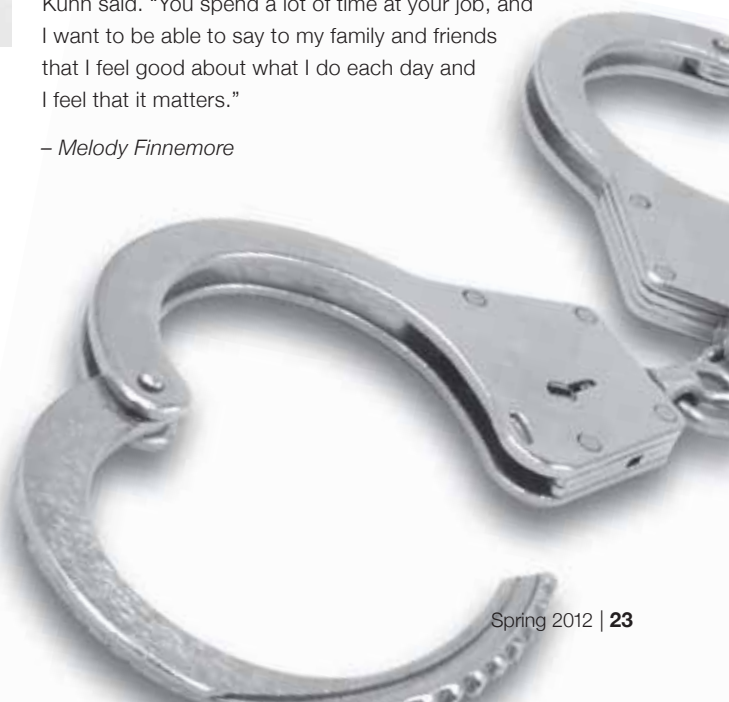
Life as an FBI agent shares certain similarities with being a transactional lawyer — namely, paperwork and a 50-hour-plus workweek. While he misses his former clients, Kuhn said he appreciates the family-like atmosphere the FBI provides.

"It's a different level of trust when you're kicking down a door and the person behind you is pointing a gun over your shoulder," he said.

Kuhn's journey from a traditional legal career to his role as a special agent has more than provided him with the intellectual challenge he sought. It also has rewarded him with the knowledge that his career is more than just a job.

"I wanted to be able to look back and say, 'The investigations I worked on really made a difference,'" Kuhn said. "You spend a lot of time at your job, and I want to be able to say to my family and friends that I feel good about what I do each day and I feel that it matters."

— Melody Finnemore



Class Action

the 1960s



William B. Crow JD'61 of West Linn, Ore., received the Champions

Award at the Oregon State Bar's 2011 Convocation on Equality held in November 2011. Recipients of the award demonstrate a commitment to advancing diversity and making the community an even better place to work and practice law. Crow is a partner at Schwabe Williamson & Wyatt, where he focuses his practice on antitrust, health care and environmental litigation.

Stuart E. Foster JD'67 of Medford, Ore., was named "First Citizen" by the Medford/Jackson County Chamber of Commerce at the chamber's annual awards dinner in September 2011. Foster was chairman of the Oregon Transportation Commission, serving on the commission for 12 years. He is a former chair of the Oregon State Professional Liability Fund, chaired a task force that wrote Oregon's Revised Corporation Act, led the Affirmative Action Program Task Force in 1991 and was chair of the legislative task force on indigent defense cost and caseloads. He also was editor of the 1987 Oregon Business Corporation Act.

Outside work, Foster served on the Medford school board from 1984–87 and was a member of the Governor's Commission on School Funding Reform from 1987–88. He also led the chamber board in 1978 and 1979.



Robert E. Maloney Jr. JD'67 of Portland, Ore., has been named

Portland's "Lawyer of the Year" in the area of eminent domain and condemnation law in *The Best Lawyers in America®* for 2012. *Best Lawyers®* compiles its list of attorneys by conducting peer review surveys in which thousands of leading lawyers confidentially evaluate their professional peers. Maloney is a shareholder at Lane Powell PC.



Daniel H. Skerritt BA'65, JD'68 of Portland, Ore., has

been reappointed to chair the Oregon chapter of the American College of Trial Lawyers for a second year. Skerritt, a member of the Tonkon Torp LLP litigation department, has 35 years of experience representing plaintiffs and defendants in complex commercial litigation. He was recently named to a select list of "Bet the Company" lawyers by *The Best Lawyers in America®* 2012.

the 1970s

J. Philip Parks BA'66, JD'70 of Salem, Ore., received the Professionalism Award from the Marion County Bar Association at the organization's awards dinner in January. Parks is a partner with Parks, Bauer, Sime, Winkler and Fernety LLP. He is a member of the Oregon Association of Defense Counsel, the Defense Research Institute, the Federation of Insurance and Corporate Counsel and the American Board of Trial Advocates.

Don A. Dickey JD'72 of Salem, Ore., retired from the Marion County Circuit Court in April 2011 after more than 15 years on the bench. Dickey

began his legal career as an associate at the firm of Rhoten, Rhoten & Speerstra, and then spent many years as a partner in the civil litigation firm of Douglas, Dickey & Conroyd. He was a junior high school teacher and coach before attending the College of Law.

Dennis J. Graves BA'70, JD'73 of Salem, Ore., received the Carson Award for Service to the Community from the Marion County Bar Association at the organization's awards dinner in January. Graves has been a judge on the Marion County Circuit Court for more than 12 years.



James D. Huegli JD'72 of Boise, Idaho, recently was honored as the Pro Bono Lawyer of the Year by the Idaho State Bar. Huegli spent more than 700 hours in 2010 volunteering on cases in such areas as prisoner rights, domestic relations and juvenile law. Among his other active pro bono cases, he continues to work on a federal prisoner rights case that has taken more than 800 hours to date. He has joined a legal team that includes American Civil Liberties Union lead attorney Steven L. Pevar to work on the class action matter filed against the Corrections Corporation of America, a private company that operates the Idaho Correctional Center just south of Boise. Huegli's son, **Todd J. Huegli JD/MBA'08**, a public defender in Hillsboro, Ore., received the Oregon State Bar's Pro Bono Challenge award in 2006 for his public service while still in law school.

Robert J. Saalfeld JD'74; **James C. Griggs BA'71, JD'75;** **Douglas C. Alexander JD'83** and **Randall W. Cook JD'88** of Saalfeld Griggs PC in Salem, Ore., have been selected by their peers for inclusion in *The Best Lawyers in America*® for 2012. Additionally, the firm was ranked in the first tier for Salem law firms in *U.S. News Best Lawyers* "Best Law Firms" for 2011–12. The firm was noted for its corporate and employee benefits practice groups.

Eric B. Watness JD'77 of Seattle, is now with JAMS ADR, handling all manner of mediations and arbitrations. He brings to his new role 16 years of experience as a commissioner with the King County Superior Court, where he worked in the court's ex parte, probate, and juvenile departments. Watness was in private practice for 13 years prior to his work on the court, where he focused on family law, probate, adult guardianships and adoptions.

written and lectured on many family law topics for a variety of organizations, such as the Oregon State Bar and Willamette University College of Law.

the 1980s

Pamela L. Abernethy JD'80 of Salem, Ore., has joined Harrang Long Gary Rudnick as a mediator and arbitrator. She also will provide services as a reference judge. Abernethy previously served as a circuit court judge in Marion County for 18 years, retiring in June 2011. During her time on the bench, Abernethy was a tireless advocate for children. She presided over the county's juvenile court from 2001–09, spearheading the start of three specialty courts for juveniles: Fostering Attachment for families with child-welfare cases; Ten on Tuesday, for pregnant moms struggling with drug addictions; and STAR Court, which served juveniles overcoming substance abuse.



Jeffrey C. Grant JD'80 of Seattle, has been named a shareholder

in the 15-attorney firm of Skellenger Bender. Grant joined the firm in 2010, focusing his practice on the areas of general litigation and criminal defense. An instructor for the National Institute of Trial Advocacy, he also serves on Seattle University's board of regents and is a member of the board of directors of the Downtown Emergency Service Center and the ACLU of Washington Legal Committee.

Douglas E. Goe JD'81 of Portland, Ore., has been named partner-in-charge of Herrington & Sutcliffe LLP's Pacific Northwest office, which encompasses sites in Seattle and Portland. Goe is vice chair of the firm's public finance practice in the Pacific Northwest, where he focuses on public finance and municipal bond law, including federal state and tribal tax, and securities law issues. He is bond counsel to many Oregon and Washington state departments, commissions and bonds and numerous Oregon cities and counties. He also is bond counsel for the city of Spokane, Wash. Goe is known nationally for his work with Indian tribal governments on tax-exempt financing, loans guaranteed by the Bureau of Indian Affairs and gaming and economic development projects.



Ronald J. Knox JD'81 of Bellevue, Wash., and other members of

the law firm of Garvey Schubert Barer have contributed more than 200 hours to Washington Appleseed, helping in matters such as assessing and reporting on the impact of payday loans and advocating for the homeless. Firm volunteers also have been active in helping devise and implement the organization's legal strategy. This dedication led to the law firm receiving the 2011 Appleseed Award for Pro Bono Service. Founded in 2005, Washington Appleseed is a member of the Appleseed Network, an organization of 17 nonpartisan, nonprofit public

Joseph C. Guimond JD'75 of Salem, Ore., has retired after 16 years on the Marion County Circuit Court. During his time on the bench, Guimond oversaw all manner of civil and criminal cases. Guimond began his legal career in solo practice, and later practiced with the civil litigation firm of Enfield, Guimond, Brown & Collins. In 1996, he became a district court judge in Marion County and in 1998 became a circuit court judge. His retirement was effective January 2012.

Fred E. Avera JD'76 of Dallas, Ore., has retired from the Polk County Circuit Court after 13 years, effective December 2011. Before his time on the bench, Avera was the Polk County district attorney from 1987–99 and a deputy district attorney from 1985–87. He had been in private practice prior to his work as a judge.

Richard W. Miller JD'76 of Bend, Ore., now will be working full time in the Bend branch office of Cosgrave Vergeer Kester LLP. He joined the firm's Portland office in 2003, and is chair of the firm's business practice group. His practice focuses on business, and real estate and trust planning and administration.

John B. Wilson BA'73, JD'77 of Salem, Ore., retired from the Marion County Circuit Court after 25 years on the bench in December 2011. Although he handled all types of cases over the years, his caseload later concentrated on criminal and post-conviction relief cases. Prior to becoming a judge, Wilson was a deputy district attorney in Marion County.

Paul E. Saucy BA'75, JD'79 of Salem, Ore., received the Carson Award for Service to the Bar from the Marion County Bar Association at the organization's awards dinner in January. Saucy practices family law in Salem. He consistently is named a Super Lawyer by *Law and Politics* magazine, and has

interest centers across the U.S. and Mexico dedicated to identifying and correcting injustices in the community. Knox serves on the board of directors for Washington Appleseed.



Michael W. Shackelford BS'78, JD'81 of Portland, Ore., has

been reelected managing partner of Ater Wynne LLP. He has served as the firm's managing partner since 2001. His practice focuses on corporate counseling and business transactions, including mergers, acquisitions, divestitures and venture capital financings.



Edward S. McGlone III JD'82 of Portland, Ore., has been

appointed to the Oregon State Bar's Federal Practice and Procedure Committee and the Local Professional Responsibility Committee for Region 4. He also was selected as a member of the Oregon State Bar Fee Arbitration Panel. In his practice, McGlone represents government and private entities and individuals in state and federal trial and appellate courts and before regulatory boards throughout Oregon and Washington. He hosts the government litigation blog at emcglonelaw.com.

Mitzi M. Naucler JD'82 of Albany, Ore., has been named president of the Oregon State Bar for 2012. Naucler is

regional director of the Albany office of Legal Aid Services of Oregon. She brings to her new role as bar president nearly 25 years of legal experience in both private practice and legal aid, service on more than seven nonprofit and government advisory boards, participation on the Oregon State Bar Client Security Fund and previous Oregon State Bar Board of Governors experience — as well as three awards for her pro bono work. Naucler was an instructor and supervising attorney for Willamette's clinical law program from 1992–2000.

Gail B. Geiger JD'83 of Eugene, Ore., has been awarded the U.S. Attorney General's Award for Distinguished Service for Exceptional Work to Address Misconduct and Abusive Practices in the U.S. Bankruptcy System. Geiger is an assistant U.S. Trustee for Region 18, which covers Alaska, Idaho, Montana, Oregon and Washington. The U.S. Trustee Program is the component of the U.S. Department of Justice that supervises the administration of bankruptcy cases.



Martha O. Pagel JD'83 of Salem, Ore., has joined the

American College of Environmental Lawyers, a professional association of distinguished lawyers who practice in the field of environmental law. Membership is by invitation and members are recognized by their peers as preeminent in the field. Pagel is a shareholder in the Portland office of Schwabe, Williamson & Wyatt. She

focuses her practice on water law, natural resources law and government relations. She is the former director of both the Oregon Water Resources Department and the Department of State Lands.

William B. Kirby JD'84 of Portland, Ore., has been appointed city attorney for the city of Beaverton. He has served as an attorney for Beaverton in various capacities since 1984, most recently as senior assistant city attorney. In his new position, he will serve

Court. Mitchell was appointed to the court in 2004 by then-Gov. Gary Locke, becoming the court's first minority judge. He was named presiding judge for the court last year.

Nancy L. Porter JD'87 of Elko, Nev., was named to the Fourth Judicial District Court in Nevada by Gov. Brian Sandoval in December 2011. Porter previously was in private practice, working in the areas of criminal law, family law, civil litigation, wills and probate. She also has experience as a mediator.



Donald L. Krahmer BS'81, JD/MBA'87 of Tigard, Ore., was identified by *Portland Monthly* magazine as one of the "50 Most Influential Portlanders" in the magazine's January 2012 edition.

A shareholder in the firm Schwabe Williamson & Wyatt, Krahmer was included for his work "nurturing the next generation of leaders." He serves as the Portland Business Alliance board liaison to Leadership Portland, a program designed to educate the region's next generation of leaders, and to both EMERGE and A Gathering of Friends, initiatives created to build deeper and stronger relationships between diverse emerging and established leaders in the greater Portland area. The only lawyer named to the list, he is one of Schwabe's senior corporate and business transactions attorneys.

as the city's chief legal adviser and will oversee the office's civil and criminal divisions.

Cameron Mitchell JD'86 of Richland, Wash., received the 2012 Martin Luther King Jr. Spirit Award during the 21st annual Martin Luther King Jr. bell-ringing ceremony at Columbia Basin College in Pasco, Wash. on Jan. 16, 2012. He was honored for his work on the Benton-Franklin Superior



Russell D. Garrett JD'88 of Lake Oswego, Ore., has

joined Jordan Ramis PC as a shareholder. He brings to the firm more than 23 years of experience handling bankruptcy and creditors' rights, commercial litigation, real estate and general litigation. He

previously was shareholder-in-charge of the Vancouver office of Bullivant Houser Bailey PC. Garrett also was selected as one of three new lawyer representatives to the 9th Circuit for the United States District Court for the Western District of Washington. Lawyer representatives are chosen to serve three-year terms representing attorneys practicing in each of the 9th Circuit's 15 districts in nine western states and two Pacific Island jurisdictions.

Troy D. Greenfield JD/C'89 of Bainbridge Island, Wash., has joined Schwabe Williamson & Wyatt as a shareholder in the firm's Seattle office. Greenfield has a national commercial trial practice, emphasizing intellectual property, securities and bankruptcy-creditors' rights. He is a fellow of the Litigation Counsel of America. Greenfield previously was with Bullivant Houser Bailey PC.

Lindsey R. Partridge BS'86, JD'89 of Salem, Ore., was appointed to the Marion County Circuit Court by Gov. John Kitzhaber on Jan. 30, 2012. Partridge previously was in private practice, where he focused on juvenile law, handling delinquency and dependency matters, termination of parental rights cases, guardianships and adoptions. He also has a background in indigent criminal defense. He has served as a pro tem judge in Marion County and as a municipal judge for the City of Salem.

the 1990s

Vance D. Day JD'91 of Salem, Ore., was appointed to the Marion County Circuit Court by Gov. John Kitzhaber in August 2011. Day spent the majority of his legal career representing injured workers and plaintiffs in trial courts throughout the state and in front of the Workers Compensation Board. He has served on the board of the Oregon Trial Lawyers Association and on numerous community organizations. He has been a pro-tem judge in Marion County and for the City of Salem. From 2005–09, Day served as chair of the Oregon Republican Party.

Courtland Geyer JD/C'93 of Salem, Ore., was appointed to the Marion County Circuit Court by Gov. John Kitzhaber in August 2011. Geyer previously served as a deputy district attorney in Marion County for 18 years, during which time he acted as trial team leader for the crimes against kids and sexual assault unit. He has been involved in a number of community efforts aimed at protecting children, including serving as co-chair for the Marion County Child Abuse Response Team.



Jennifer (Simpson) Robertson JD/C'93 of Bellevue, Wash., was

unanimously elected deputy mayor for the city of Bellevue by her fellow council members in January 2012. Robertson was first elected to the city

council in 2009 to complete the two remaining years of an unexpired term. She was re-elected last November for a four-year term and was the only council member to run unopposed. Bellevue is the fifth largest city in Washington and has the second largest economy in the state.

Gregory W. Mallory JD/MBA'94 of Portland, Ore., has been named a shareholder at Schwabe Williamson & Wyatt. Mallory focuses his practice in the areas of business and corporate law, as well as securities and corporate finance.

Shouka D. Rezvani JD/C'94 of Portland, Ore., has been elected to the board of Le Monde Immersion, a new French language nonprofit seeking charter school status in the Portland Public School District. Rezvani is a member of the nonprofit and tax-exempt entities practice group at Tonkon Torp LLP. She also is a member of the firm's wealth planning practice group.

Audrey B. Hirsch JD/C'95 of Keizer, Ore., received the Tom Elden Government Lawyer of the Year Award from the Marion County Bar Association at the organization's awards dinner in January. Hirsch is a child advocacy attorney in the Oregon Department of Justice Civil Enforcement Division. Prior to her work with the state, she was an attorney with Marion Polk Legal Aid.

Valeri L. Love MBA'92, JD/C'95 of Eugene, Ore., was appointed to the Lane County Circuit Court by Gov. John Kitzhaber in August 2011. Love

began her legal career as a law clerk with the Lane County Circuit Court, then served as a deputy district attorney in Lane County. Most recently, she was a civil litigator with Gleaves Swearingen Potter & Scott LLP. Love is a member of the Oregon Asian Pacific American Bar Association and Oregon Women Lawyers.

Nikole M. Nelson JD/C'97 of Anchorage, Alaska, has been named the new executive director of the Alaska Legal Services Corporation by its board of directors. Nelson has worked for the ALSC since 1998 and has served as the supervising attorney in its Anchorage office for the past six years. Prior to moving to Alaska, she served as a legal aid attorney in Oregon. Alaska Legal Services Corporation is a nonprofit organization established in 1966. It is the largest provider of free legal services in the state.

Charles A. Sinsel JD'97 of Clarksburg, W.Va., has been named a member of Steptoe & Johnson. Sinsel concentrates his practice in the areas of health care, corporate law, business transactions and contracts. He joined the firm in 2007, practicing in its Bridgeport office. Sinsel was named one of *The Best Lawyers in America*® for 2012.



Justin R. Boose
JD'98 of New York, N.Y., has joined

Troutman Sanders LLP in the firm's New York office as of counsel. His practice focuses on renewable energy project finance and development matters on behalf of financial institutions, regulated utilities and project developers. Boose formerly practiced with Stoel Rives LLP in Portland, King & Spaulding LLP and Axiom Legal in New York.

A. Edward Millis JD'98 of Salem, Ore., received the Pro Bono Emeritus Lawyer of the Year Award from the Marion County Bar Association at the organization's awards dinner in January. Millis is an attorney with Marion Polk Legal Aid in Salem.

Laura Caldera Taylor JD'99 of Lake Oswego, Ore., has been elected to a two-year term on the board of directors for the National Conference of Women's Bar Associations, an organization of women's bar associations representing approximately 35,000 women lawyers. She served as president of Oregon Women Lawyers, a NCWBA member organization, in 2008-09. Taylor is a shareholder with Bullivant Houser Bailey in Portland.



Karrie A. Zeits JD'99 of Traverse City, Mich., has joined the firm of

Smith Haughey Rice & Roegge

as a shareholder. She will focus her practice on representing municipal clients in zoning, real estate, employment and general public corporation law matters. Prior to joining the firm, Zeits was the chief legal advisor to the city of Traverse City.

the 2000s

Colin S. Ray JD/C/MBA'00 of Riyadh, Saudi Arabia, recently accepted a position as head of legal for Sanabil Investments, a Saudi sovereign fund. Ray, wife Emi and children Marina, 7, and Tom, 5, are enjoying settling into their new hometown of Riyadh. He asks that if you expect to be in Riyadh or elsewhere in the region, please drop him an email at c.ray@sanabil.sa.



James "Jamie" D. Howsley
JD'01 of Portland, Ore., has

joined Jordan Ramis PC as a shareholder in the firm's Dirt Law® practice group. Howsley has extensive experience in land use approval and permitting, annexations, code amendments, development agreements, legislation, ballots and lobbying. His primary areas of practice include land use and real estate development, environmental and natural resources and government and regulatory affairs. Howsley previously was with Miller Nash LLP.

Robert A. Marchant JD'01 of Elyria, Ohio, has been named partner in the Benesch firm.

Marchant focuses his practice on mergers and acquisitions, as well as private debt and equity financing. He has experience in cross border joint ventures and strategic alliances. He represents companies at various stages of growth, helping to position them for financing. Marchant has assisted various private equity funds with acquisitions and divestitures, and has represented portfolio companies of such funds.

Crystal L. Miller-O'Brien JD/C'01 of Los Angeles, has been appointed to the California Law Revision Commission, an independent state agency created to assist the legislature and governor by examining and recommending reforms to California state laws. Miller-O'Brien has served as corporate counsel for Medical Management Consultants Inc. since 2006.



Liani J. Reeves BA'98, JD'01 of Portland, Ore., has been named the "Up & Coming Lawyer of the Year" for 2011 by the *Daily Journal of Commerce*. Reeves currently serves as general counsel to Gov. John Kitzhaber. Prior to holding

this position, Reeves was deputy chief trial counsel for the Oregon Department of Justice. She also has past experience as a staff attorney for the National Crime Victim Law Institute. She has been active on the board of directors for the Oregon Minority Lawyers Association, is a member of the Oregon Asian Pacific American Bar Association and is an advisory committee member of the Oregon State Bar Affirmative Action program.

Kevin A. Vaillancourt JD'01 of Falls Church, Va., has completed a tour as a U.S. delegate to the United Nations in Vienna and will arrive at his

next post as a vice-consul at the U.S. Embassy in Islamabad, Pakistan, in November 2012. He may be reached at vaillancourtka@state.gov.

Christopher B. Matheny JD'02 of Keizer, Ore., has become of counsel at Fetherston Edmonds LLP. Matheny previously was an associate with **David A. Hilgemann JD'72** in Salem.



Severin A. Carlson
JD'04 of Reno, Nev., was elected to the board

of directors of Kaempfer Crowell. His partnership was effective Jan. 1, 2012. Carlson focuses his practice on administrative law, governmental regulatory matters and commercial litigation. He provides legal counsel to a wide variety of businesses

concerning natural resources, water rights, energy and utility, permitting and licensing issues.

Marriages



Patrick D. Blessinger JD'07 and **Bryana L. Sack JD'08** were married

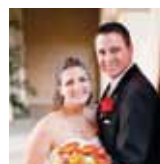
Nov. 11, 2011, in Cabo San Lucas, Mexico. The couple resides in Beaverton, Ore. Sack is an associate with Bodyfelt Mount. Blessinger works for Hoffman Construction.

Jamie E. Carmichael JD/C'09 and **Luke A. Stanton JD'09** were married Sept. 9, 2011 in Eugene, Ore. The couple resides in Roseburg, Ore. They are both deputy district attorneys for Douglas County.



S. Denny Maison JD/C'09 and **Daemie M. Kim (JD expected)**

May 2012) were married Aug. 5, 2011, at Willamette Valley Vineyards in Salem, Ore. The couple reside in Salem, where Maison is an associate with Jeffrey M. Jones PC.



Rebecca L. (Madden) Van Loon JD'10 married Paul C. Van Loon

July 2, 2011. The couple reside in San Diego, where Madden is an associate with Seltzer Caplan McMahon Vitek.

Sean C. Gay JD'04 of Canby, Ore., has been named partner at Stael Rives LLP, effective Jan. 1, 2012. He practices in the firm's real estate and construction group. Prior to joining Stael Rives, Gay worked in the construction industry in Alaska, Hawaii and Washington.

Jeffrey D. Hern JD/C'04 of Portland, Ore., recently joined the Playworks Portland board of directors. Playworks' mission is to improve the health and well-being of children by increasing opportunities for physical activity and safe, meaningful play. Hern is an associate at Schwabe Williamson & Wyatt, where he focuses his practice on representing businesses involved in complex litigation, with an emphasis on product liability litigation and commercial disputes.



Tanya C. O'Neil JD'04 of Portland, Ore., has been

selected as board chair for the 2011-12 term of the Oregon State Board of Bar Examiners. O'Neil is a litigator at Gordon & Rees LLP.

Kyle T. Abraham JD/C/MBA'05 of Portland, Ore., has joined Hart Wagner LLP as an associate. His practice emphasis is employment defense. Abraham served in the U.S. Air Force judge advocate general corps for six years prior to joining the firm.

Patrick D. Bryson JD'05 of Portland, Ore., is now with the firm Scarborough, McNeese, O'Brien & Kilkenny PC, after

his previous firm merged with Scarborough McNeese in January 2012. For directions to his new office, visit smoklaw.com. Bryson focuses his practice on business and estate law.

Nicholas A. Kampars JD'06 of Portland, Ore., is serving as president of the Multnomah Bar Association Young Lawyers Section. His term started in July 2011. Kampars is an associate with Davis Wright Tremaine LLP.

Justin J. Barbot-Wheaton JD/C'10 of Keizer, Ore., received the Arno Denecke Lawyer of the Year Award for his pro bono work from the Marion County Bar Association at the organization's awards dinner in January. Barbot-Wheaton is in private practice in Salem.

Rebecca L. (Madden) Van Loon JD'10 of San Diego, has joined Seltzer Caplan McMahon Vitek as an associate. Her practice focuses on estate planning, trust and probate administration and taxation. Van Loon previously was an associate at the estate and tax planning law firm of Ann C. Harris APLC in Carlsbad.



Curtis C. Caldwell BA'08, JD'11 of Keizer, Ore., has opened

his own estate planning, elder law and probate firm. His focus is on educating young adults on the need for estate planning. His offices are located at 960 Broadway Ave. in Salem.

Amy E. Geerhart JD'11 of Salem, Ore., has joined Saalfeld Griggs PC as an associate in the firm's corporate practice group. During her time at the College of Law, Geerhart was executive editor of the law review.



Jared E. Hoffer JD/C'11 of Tigard, Ore., an officer candidate in

the Oregon National Guard, was named Distinguished Honor Graduate for his battery of nearly 200 soldiers during basic training in 2011. This honor is awarded to the soldier who demonstrates superior physical fitness, marksmanship, leadership, tactical and technical knowledge. After attending officer candidate school at Fort McClellan, Ala., Hoffer plans to apply for a position with the judge advocate general corps.

Joseph W. Lucas JD'11 of Hines, Ore., has joined the Harney County District Attorney's Office as a deputy district attorney. Lucas served as a law clerk in the Marion County District Attorney's Office during his third year at the College of Law.

Family Additions



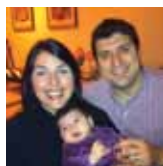
Tricia M. (Palmer) Olson JD/MBA'03 of Salem, Ore., and

husband Troy welcomed daughter Madelyn Yihong May 9, 2010. She was born Feb. 16, 2009, in the Fujian Province of China.



Severin A. Carlson JD'04 of Reno, Nev., and wife Lisa

welcomed twins Wesley Alexander and Abigail Victoria July 17, 2011. They join big sister Savannah.



Charles I. Sherer JD'07 of Bellevue, Wash., and wife Molly

welcomed daughter Hannah Leigh Aug. 19, 2011.

In Memoriam

Roger B. Todd JD'50 of North Bend, Ore., passed away May 19, 2011, at the age of 85. Todd served in the U.S. Army in the European theater during World War II. His squad was captured by the German army in 1944 and imprisoned. The camp was overrun by the Russian army, and the soldiers were liberated in 1945. After his discharge from the service, Todd attended the College of Law and then moved to North Bend and practiced law with **Benton Flaxel JD'58** for 35 years until retiring in 1986. In his free time, Todd enjoyed hunting, fishing and trapshooting with his sons. He is survived by wife Joan and a son.

Dale S. Carroll JD'59 of Ocala, Fla., passed away March 23, 2011, at the age of 75. Carroll attended Stanford University and the University of Oregon before attending the College of Law. After graduation, Carroll worked as an agent for the Internal Revenue Service. He later owned an investment services company in Los Altos, Calif., and then moved to Europe, where he co-established an insurance firm. The firm was subsequently moved to Ocala.

Donald P. Reiling JD'62 of Albany, Ore., passed away Oct. 5, 2011, at the age of 74. Reiling was a sole practitioner in Albany for 49 years, and served as the municipal court judge for Albany for 20 years. He was a member of the Albany Elks, Eagles, Jaycees, Kiwanis and the Oregon State University alumni club. He served as president of the

Timber Carnival and Spring Hill Country Club, and as chairman of the Oregon State Bar client security fund. A green thumb, Reiling loved gardening, and his yard and garden were sights to behold. He rarely missed a Saturday market, and he loved sports. He is survived

by wife Linda, a daughter, two sons, a step-daughter and several grandchildren.

William L. Harper JD'64 of Reno, Nev., passed away Dec. 4, 2011, at the age of 73. A lifelong resident of Reno, Harper and his brother, **Charles L.**



Phillip D. Chadsey Sr. JD'66 of Portland, Ore., passed away Oct. 11, 2011, at the age of 75. Chadsey served in the U.S. Air Force after attending the University of Oregon. After his service was completed, Chadsey returned to Salem and attended the College of Law. He joined Stoel Rives LLP in 1966, and practiced with the firm for 38 years until his retirement, spending several of those years as head of the firm's litigation department. He was elected a fellow of the American College of Trial Lawyers in 1985, and served as its state chairperson. He served as chair of both the Oregon State Board of Bar Examiners and the Oregon Judicial Fitness Commission, and he was a member of the Oregon State Bar Board of Governors and the Willamette University College of Law Board of Visitors. His major civic interest was in the area of mental health. He served as president of the Morrison Center and of both the Multnomah and Oregon affiliates of the National Alliance on Mental Illness (NAMI). What he considered his greatest civic achievement was leading NAMI's efforts during five legislative sessions to get a law passed that would require health insurers to provide the same coverage benefits for mental illness as for physical disorders. The effort was successful in 2007, when Oregon enacted the most comprehensive parity law in the nation. Chadsey and his wife loved to travel, visiting more than 50 countries over the years. He also loved to read, cook, take photos and hike in the Cascades. More than anything else, however, Chadsey loved spending time with his family. He is survived by wife Helen, daughter Dana and her family, son Jeff, and son Duke and his daughters.

Harper JD'63, opened a law practice together, where they practiced until their retirement in 2000. Harper's passions were scuba diving, golfing and fishing. He is survived by his brother and many nieces and nephews.

Myer Avedovech II JD'65 of New Meadows, Idaho, passed away Jan. 3, 2011, at the age of 70. He is survived by wife Barbara.

William S. Lovell JD'70 of Lincoln City, Ore., passed away Aug. 3, 2011, at the age of 78. He served in the U.S. Air Force and the U.S. Navy Reserve, and he was honorably discharged as a lieutenant commander. He attended Portland State University, and then went on to receive a Ph.D. from

Princeton University before attending the College of Law. He worked as a scientist, attorney and inventor, living and working throughout the state of Oregon before ultimately settling in Lincoln City. He is survived by wife Margaret; children Theodore, David, Jennifer and James; and several grandchildren.



Ronald W. Messerly JD'90 of Peoria, Ariz., passed away Dec.

29, 2011, at the age of 46. A connoisseur of great literature, sports, music and outdoor adventures, Ron's greatest love was spending time with his two children. He considered Benjamin and Alexis his

greatest accomplishments. A decorated attorney with numerous honors and awards, his law career began as a law clerk to Oregon Supreme Court Justice George A. Van Hoomissen. Over the years, he served as vice-president and general counsel of Holt & Haugh Land Development and president of Holt & Haugh Construction Company. He later joined the firm Snell & Wilmer, earning a partnership through his successful practice in the areas of construction and design law, insurance law, government contracting and complex real estate development transactions. In 2005, he earned the State Bar of Arizona's "Member of the Year" award. He was named to the local business journal's "Best of

Arizona Attorneys" in 2009. Best Lawyers in America® recognized Ron for his work in construction law and construction litigation for 2010–11, and in 2011, he was named a Southwest Super Lawyer by *Law and Politics* magazine and one of "Arizona's Finest Lawyers." Ron is survived by wife Marcie and children, Benjamin and Alexis.

Class Action Contact

Information for Class Action should be submitted to: Cathy McCann Gaskin, Associate Director of Alumni Relations
Phone: 503-370-6492 E-mail: wu-lawyer@willamette.edu

Willamette Lawyer
Willamette University College of Law
245 Winter St. S.E.
Salem, OR 97301

Please print or type all submissions, in the interest of accuracy. If something has been written about you in a newspaper or another publication that you would like mentioned in Class Action, please submit a brief summary of the original piece.

Submission dates are Jan. 15 for the spring issue and July 15 for the fall issue.

It is the practice of Class Action not to print pregnancy or engagement announcements, nor candidacies for political offices, due to the lag time between receiving such information and the publication dates. *Willamette Lawyer* reserves the right to edit or omit any information submitted.

We welcome photographs for possible use, depending on space and photo quality. Please send a self-addressed, stamped envelope if you would like your photo returned.

Editorial Contact

Direct comments, suggestions and reprint requests related to *Willamette Lawyer* to: Lisa Grace Lednicer, communications director
Phone: 503-370-6760

Job Listings

If you have a position opening, we invite you to post a job for alumni or current students using our online job posting system. Just follow the link to the WUCL Office of Career and Professional Development "For Employers" page at willamette.edu/wucl/careers/employers/. Under the title "Recruiting," click on "Post a Job Opportunity." You will be directed to a registration page where you then can choose "Register and Post a Free Local Job."

The Career and Professional Development Office is happy to accept job postings or accommodate on-campus interviews at any time. For specific questions about posting a job or setting a date to interview on campus, contact Bev Ecklund at becklund@willamette.edu.
Phone: 503-370-6057

Key

JD = Doctor of Jurisprudence
L = Non-degreed
LLB = Bachelor of Law (equivalent of JD)
LLM = Master of Law
MM = Master of Management, Master of Administration
MBA = Master of Business Administration
H = Honorary degree
C = Certificate in Dispute Resolution, International and Comparative Law, Law and Government, Law and Business, or Sustainability Law
BA = Bachelor of Arts
BS = Bachelor of Science

SUBMISSION

Farewell to Law Alum, A Member of Willamette Pearl Harbor Football Team



Every summer, Alaska Judge James M. Fitzgerald LLB'51 left Anchorage with his wife and four children, driving 500 miles a day until they reached the Oregon coast.

While his family shivered in the surf, the judge fixed up their beach house. Work came naturally to the Irish immigrant's son: He busted stumps on his father's farm near Portland, served four years as a World War II Marine radio gunner, prosecuted corrupt law enforcement officials in territorial Alaska and ruled, error-free, on an eight-month-long corruption trial as a U.S. district judge.

Fitzgerald, a former freshman linebacker and guard at Willamette, played on the Bearcat team that lost, 20-6, to the University of Hawaii in Honolulu — one day before the Japanese bombed Pearl Harbor. Fitzgerald and his teammates did guard duty at Punahou School after their coach volunteered them. This past fall, Willamette University honored them for their service.

Judge Fitzgerald's full life ended last April in Santa Rosa, Calif. at age 90. "His was a great, big life, full of adventure," said his daughter, Debra Fitzgerald.

After the war, Fitzgerald returned to Willamette and earned his bachelor's in 1950 and LLB in 1951. Immediately, he headed north with his wife Karin and ended up in Ketchikan, Alaska, where he worked for the summer on a fish trap tender. He began a graduate program at the University of Washington, but Alaska tugged at him. In 1952 he returned to Ketchikan.

In those days, Alaska was truly wild. Attorneys sometimes settled their differences with a fistfight. In his first job as an assistant U.S. attorney, Fitzgerald successfully prosecuted the chief of police and a U.S. marshal for corruption. He was transferred to Anchorage, where he became city attorney. In 1959, Alaska's first governor appointed Fitzgerald special legal counsel.



As an attorney and, beginning in 1959, a judge, Fitzgerald shaped the new state's rule of law. From 1972 to 1975 he served on the Alaska Supreme Court. President Gerald Ford appointed him a U.S. district judge for the District of Alaska in 1975. He served as chief judge from 1984 to 1989, earning senior judge status in 1989 and hearing cases as far away as Guam.

Fitzgerald thrived as a trial judge. His former clerk said attorneys frequently told him he was the fairest they'd faced.

"He was very smart, and could see through the foolishness that lawyers sometimes throw at judges," said H. Russel Holland, senior judge for the U.S. District Court for the District of Alaska.

Fitzgerald also was a devoted family man. He helped design and build an ice rink at his children's elementary school and refereed adult hockey. Fitzgerald is survived by his wife, Karin, of Santa Rosa; sons, Dennis and Kevin; daughters, Debra Fitzgerald and Denise Trefry; nine grandchildren; and one great-grandchild.

In March, the U.S. House of Representatives passed a bill naming the federal courthouse in Anchorage after Fitzgerald. At press time, the bill was awaiting President Obama's signature.

A spellbinding storyteller, Fitzgerald punctuated his tales with a frequent laugh. When he traveled to Australia late in his career, he fell hard for its western region, a place as wild and wide-open as the Alaska of his youth.

"If I was a young man," he told his clerk, "I'd go to Perth."

— Paige Parker

Phil Schuster Finds That Writing Novels Enhances His Legal Work

Phil Schuster JD'72 was long fascinated by his great-uncle Christian's adventures. The owner of a Massachusetts paper box company, Christian Schuster frequently traveled west to learn about Native American cultures.

His mother taught him to respect the Native Americans living nearby along the Connecticut River, and he carried that appreciation into adulthood.

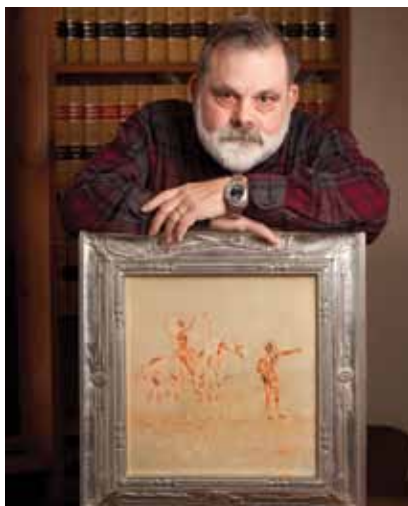
Christian Schuster spent so much time living with the Blackfeet people near Glacier National Park that the tribe adopted him in 1923. He wrote frequently about his interactions with the Blackfeet, captured their oral stories and legends on paper, took photos and compiled ethnicity studies.

"I absolutely love to write, and as a lawyer, that's what I do for a living."

This collection inspired Phil Schuster to write a novel called "Sun-Painted Man," based on the true story of Red-Boy, a Blackfeet member and World War I veteran who was falsely accused of rape. Christian Schuster, enlisting the help of his friend, President Calvin Coolidge, fought to prove Red-Boy innocent.

Phil Schuster, a Portland attorney with an appellate, personal injury and workers' compensation practice, said it took a decade to write the book. Proceeds benefit the Sun-Painted Man Foundation (sunpaintedman.com), which supports elder and youth programs for the Blackfeet Nation.

Schuster's legal training helped immensely with research as he tracked down Red-Boy's criminal trial files and pardon documents. In turn, writing novels complements his legal writing by helping him better organize facts and express them in briefs.



"I absolutely love to write, and as a lawyer, that's what I do for a living," he said. "Part of the nobility of the profession is not only to provide a valuable service and earn a decent living, but to be able to give back to the community that we take from. I think writing is a way to do that."

Schuster's research led him to Montana, Washington, D.C. and New England. In the process, he discovered family on his father's side and got to visit his oldest son, who was attending MIT at the time. Schuster emphasized that he couldn't have done the book without the support of his wife, Barbara, who helps manage

"Sun-Painted Man" was published by Clear Light Publishers, and the 356-page novel is listed at \$24.95. Orders made through the following link will benefit the Sun-Painted Man Foundation: libertynatural.com/books/b86.htm. The book also can be ordered through clearlightbooks.com and amazon.com.



his law practice, and Blackfeet Nation tribal elders.

"An Anglo who thinks he's going to write a story about native people might ruffle some feathers," Schuster said. "But my Blackfeet friends were very encouraging, they were very honest with me in their critique — very blunt sometimes — and I worked very closely with them."

Schuster knew early on that a particular piece of artwork should grace the book's cover. In gratitude for Christian Schuster's crusade on his behalf, Red-Boy gave him a painting in a frame crafted by Blackfeet elders. Phil Schuster grew up with the painting in his Seattle home, and it reminds him of his family's connection to the Blackfeet Nation.

"The chance to do the research for this story was an incredible opportunity to be able to explore my family roots," he said.

—Melody Finnemore

WUCL's Super Lawyers

More than 140 Willamette University College of Law graduates throughout the U.S. were named 2011 *Super Lawyers* by *Law & Politics* magazine. *Super Lawyers* is an annual publication that identifies the top 5 percent of attorneys, as chosen by their peers and through the independent research of the magazine. The College of Law congratulates the following alumni, listed by practice area, who made the 2011 *Super Lawyers* list:

ALTERNATIVE DISPUTE



Jeffrey M. Batchelor JD'72
Oregon Top 50 Super Lawyers
Batchelor Mediation + Arbitration
Portland, Ore.
Alternative Dispute Resolution,
Appellate



Susan M. Hammer JD'76
Oregon Top 25 Women Super Lawyers
Attorney and Mediator
Portland, Ore.
Alternative Dispute Resolution

William F. Schulte Jr. JD'66

Schulte Anderson Downes
Aronson & Bittner PC
Portland, Ore.
Alternative Dispute Resolution,
Family Law

Sharon A. Williams JD'85

Attorney at Law and Mediator
Portland, Ore.
Alternative Dispute Resolution

APPELLATE

Linda B. Clapham JD'86

Gordon & Rees LLP
Seattle
Appellate, Insurance Coverage,
Professional Liability: Defense

Lindsey H. Hughes JD'81

Keating Jones Hughes PC
Portland, Ore.
Appellate, Personal Injury
Defense: Medical Malpractice,
Professional Liability: Defense

BANKRUPTCY & CREDITOR/ DEBTOR RIGHTS

Mark B. Comstock JD'81

Garrett Hemann Robertson PC
Salem, Ore.
Bankruptcy & Creditor/Debtor
Rights, Business Litigation,
Schools & Education

James D. Greene JD'86

Greene Infuso LLP
Las Vegas
Bankruptcy & Creditor/Debtor
Rights, Business Litigation, Real
Estate



Peter C. McKittrick JD'85

Oregon Top 50 Super Lawyers
Farleigh Wada Witt
Portland, Ore.
Bankruptcy & Creditor/Debtor
Rights

Joseph M. Meier JD'84

Cosho Humphrey LLP
Boise, Idaho
Bankruptcy & Creditor/Debtor
Rights

Douglas R. Pahl JD'91

Perkins Coie LLP
Portland, Ore.
Bankruptcy & Debtor/Creditor
Rights, Business Litigation

Tara J. Schleicher JD/ MBA'95

Farleigh Wada Witt
Portland, Ore.
Bankruptcy & Creditor/Debtor
Rights, Business Litigation,
Estate Planning & Probate

BUSINESS/CORPORATE

Henry H. Hewitt JD'69

Stoel Rives LLP
Portland, Ore.
Business/Corporate, Corporate
Governance & Compliance,
Mergers & Acquisitions

Anthony J. Motschenbacher JD'90

Motschenbacher & Blattner LLP
Portland, Ore.
Business/Corporate, Closely
Held Business, Real Estate

BUSINESS LITIGATION

Jason W. Alexander JD'96

Sussman Shank LLP
Portland, Ore.
Business Litigation, Construction
Litigation, Alternative Dispute
Resolution

Christopher T. Carson JD'84

Kilmer Voorhees Laurick PC
Portland, Ore.
Business Litigation, Insurance
Coverage, Construction
Litigation

Nena Cook JD'91

Sussman Shank LLP
Portland, Ore.
Business Litigation, Appellate,
Civil Litigation Defense

William B. Crow JD'61

Schwabe Williamson & Wyatt
Portland, Ore.
Business Litigation, Personal
Injury Defense: Products,
Alternative Dispute Resolution

William G. Dryden JD'78

Elam & Burke PA
Boise, Idaho
Business Litigation, Professional
Liability: Defense, Personal Injury
Defense: Products

Troy D. Greenfield JD/C'89

Schwabe, Williamson & Wyatt
Seattle
Business Litigation, Bankruptcy
& Creditor/Debtor Rights,
Intellectual Property

Loren D. Podwill JD'84

Bullivant Houser Bailey PC
Portland, Ore.
Business Litigation,
Construction/Surety, Insurance
Coverage

Michael R. Seidl JD'83

Seidl Law Offices PC
Portland, Ore.
Business Litigation,
Construction/Surety, General
Litigation

Kerry J. Shepherd JD'89

Markowitz Herbold Glade &
Mehlhaf PC
Portland, Ore.
Business Litigation, Banking,
Securities Litigation

**Daniel H. Skeritt BA'65, JD'68**

Oregon Top 50 Super Lawyers
Tonkon Torp LLP
Portland, Ore.
Business Litigation, Alternative
Dispute Resolution

Spencer C. Sneed JD'78

Dorsey & Whitney LLP
Anchorage, Alaska
Business Litigation, Energy &
Natural Resources, Bankruptcy
& Creditor/Debtor Rights

Mark A. Stayer JD'85

Schwabe Williamson & Wyatt
Portland, Ore.
Real Estate

Julie R. Vacura JD'84

Larkins Vacura LLP
Portland, Ore.
Business Litigation, General
Litigation, Construction Litigation

Timothy R. Volpert JD'81

Davis Wright Tremaine LLP
Portland, Ore.
Business Litigation, Appellate

CIVIL LITIGATION DEFENSE**Michelle A. Corsi JD/C'94**

Lee Smart PS Inc.
Seattle
Civil Litigation Defense,
Professional Liability: Defense,
Employment Litigation: Defense

William L. Crowley JD'79

Boone Karlberg PC
Missoula, Mont.
Civil Litigation Defense, Civil
Rights/First Amendment,
Insurance Coverage

Jeffrey D. Eberhard JD'87

Smith Freed & Eberhard PC
Portland, Ore.
Civil Litigation Defense, Personal
Injury Defense: General

E. Pennock Gheen III JD'75

Karr Tuttle Campbell
Seattle
Civil Litigation Defense,
Professional Liability: Defense,
Personal Injury Defense:
Products

Timothy J. Parker JD'78

Carney Badley Spellman PS
Seattle
Civil Litigation Defense,
Administrative Law

CIVIL RIGHTS/FIRST AMENDMENT**Edwin S. Budge JD'94**

Budge & Heipt PLLC
Seattle
Civil Rights/First Amendment,
Personal Injury Plaintiff: General

CLASS ACTION/MASS TORTS**Jeffrey A. Bowersox JD'81**

Bowersox Law Firm PC
Lake Oswego, Ore.
Class Action/Mass Torts,
Personal Injury Plaintiff:
Products, Personal Injury
Plaintiff: General

CONSTRUCTION LITIGATION**Karin L. Holma JD'89**

Bays Deaver Lung Rose &
Holma
Honolulu
Construction Litigation, Business
Litigation

Michael E. Kreger JD'82

Perkins Coie LLP
Anchorage, Alaska
Construction Litigation, Projects

Peter C. Sheridan JD'88

Glaser Weil Fink Jacobs Howard
& Shapiro LLP
Los Angeles
Construction Litigation, Business
Litigation, Insurance Coverage

John Spencer Stewart JD'71

Stewart Sokol & Gray LLC
Portland, Ore.
Construction Litigation, Business
Litigation, Construction/Surety

CONSTRUCTION/SURETY**Douglas R. Hookland JD'87**

Scott Hookland LLP
Tigard, Ore.
Construction/Surety, Bankruptcy
& Creditor/Debtor Rights

CRIMINAL DEFENSE**Whitney P. Boise JD'85**

Hoebet Boise & Olson PC
Portland, Ore.
Criminal Defense, Criminal
Defense: DUI/DWI, Criminal
Defense: White Collar

Donald D. Diment Jr. JD'68

Diment & Walker
Eugene, Ore.
Criminal Defense, Family Law

Steven L. Krasik JD'79

Attorney at Law
Salem, Ore.
Criminal Defense

Lisa J. Ludwig JD'95

Attorney at Law
Portland, Ore.
Criminal Defense

Marc Sussman JD'77

Marc Sussman PC
Portland, Ore.
Criminal Defense

Walter J. Todd JD'81

Walter J. Todd PC
Salem, Ore.
Criminal Defense

EMPLOYMENT & LABOR**Dan Grinfas JD/C'94**

Buchanan Angeli Altschul &
Sullivan LLP
Portland, Ore.
Employment & Labor, Civil
Rights/First Amendment,
Employment Litigation: Defense

Paul Hays JD'75

Carney Buckley Hays & Marsh
Portland, Ore.
Employment & Labor

James H. Juliussen JD'92

Davis Wright Tremaine LLP
Anchorage, Alaska
Employment & Labor

Ronald J. Knox JD'81

Garvey Schubert Barer
Seattle
Employment & Labor, Alternative
Dispute Resolution

Keith M. Lyons Jr. JD/C'92

Lyons Law Firm
Las Vegas
Employment & Labor, Family
Law

Douglas S. Parker JD'81

Littler Mendelson, PC
Portland, Ore.
Employment & Labor

Kathy A. Peck JD'77

Williams Zografos & Peck
Lake Oswego, Ore.
Employment & Labor,
Employment Litigation: Defense

Dennis W. Percell JD'75

Arnold Gallagher Percell Roberts
& Potter PC
Eugene, Ore.
Employment & Labor, Civil
Litigation Defense, Personal
Injury Defense: Medical
Malpractice

Elizabeth Schleuning JD'85

Schwabe Williamson & Wyatt
Portland, Ore.
Employment & Labor

Steven W. Seymour JD'75

Samuels Yoelin Kantor LLP
Portland, Ore.
Employment & Labor, Business
Litigation, Estate & Trust
Litigation

David W. Silke JD'91

Gordon & Rees LLP
Seattle
Employment & Labor,
Employment Litigation: Defense,
Business Litigation

Lisa M. Umscheid JD'92

Ball Janik LLP
Portland, Ore.
Employment & Labor,
Employment Litigation: Defense,
Business Litigation

Richard N. VanCleave JD'80

VanCleave & Cobrain LLC
Sherwood, Ore.
Employment & Labor

**EMPLOYMENT LITIGATION:
DEFENSE****Robert L. Carey JD'87**

Tonkon Torp LLP
Portland, Ore.
Employment Litigation: Defense,
Employment & Labor, Business
Litigation

Steven Goldstein JD'80

Betts Patterson & Mines PS
Seattle
Employment Litigation: Defense,
General Litigation

**EMPLOYMENT LITIGATION:
PLAINTIFF****Craig A. Crispin JD'81**

Crispin Employment Lawyers
Portland, Ore.
Employment Litigation: Plaintiff,
Employment & Labor

**ENERGY & NATURAL
RESOURCES****Ann L. Fisher JD'83**

AF Legal & Consulting Services
Beaverton, Ore.
Energy & Natural Resources,
Business/Corporate, Utilities

**ENVIRONMENTAL
LITIGATION****Roger D. Ling JD'64**

Ling Law Office
Rupert, Idaho
Environmental Litigation, Estate
Planning & Probate

**ESTATE PLANNING &
PROBATE****Baird B. Brown JD'75**

Brown & Brown PC
Grand Junction, Colo.
Estate Planning & Probate,
Estate & Trust Litigation, Elder
Law

Robert D. Dayton JD'68

Schwabe, Williamson & Wyatt
Portland, Ore.
Estate Planning & Probate

John H. Draneas JD'77

Draneas & Huglin PC
Lake Oswego, Ore.
Estate Planning & Probate, Tax,
Business/Corporate

Kathleen A. Evans JD'82

Evans Batlan
Salem, Ore.
Estate Planning & Probate,
Closely Held Business

Janet D. Gray JD'80

Jeppesen Gray Sakai PS
Bellevue, Wash.
Estate Planning & Probate

T. Randall Grove JD'81

Landerholm PS
Vancouver, Wash.
Estate Planning & Probate,
Closely Held Business, Tax

Dan W. Holbrook JD'77

Holbrook Peterson & Smith PLLC
Knoxville, Tenn.
Estate Planning & Probate, Non-
Profit, Estate & Trust Litigation

Daniel O. Kellogg JD'73

Attorney at Law
Renton, Wash.
Estate Planning & Probate, Real
Estate, Elder Law

Stephen O. Lane JD'75

Gleaves Swearingen Potter &
Scott LLP
Eugene, Ore.
Estate Planning & Probate

**Carolyn W. Miller JD'78**

Oregon Top 25 Women Super
Lawyers
Carolyn W. Miller PC
Portland, Ore.
Estate Planning & Probate

Alan L. Montgomery JD'76

Montgomery Purdue Blankinship
& Austin PLLC
Seattle
Estate Planning & Probate, Tax,
Business/Corporate

Donald K. Querna JD'75

Randall Danskin PS
Spokane, Wash.
Estate Planning & Probate,
Business/Corporate, Tax

Robert J. Saalfeld JD'74

Saalfeld Griggs PC
Salem, Ore.
Estate Planning & Probate

Russell J. Speidel JD'74

Speidel Law Firm
Wenatchee, Wash.
Estate Planning & Probate, Real Estate, Closely Held Business

Timothy J. Wachter JD'87

Duffy Kekel LLP
Portland, Ore.
Estate Planning & Probate, Tax

FAMILY LAW**Paul J. DeBast JD'72**

DeBast McFarland & Richardson
Portland, Ore.
Family Law

Tammy M. Dentinger BA'91, JD'94

Garrett Hemann Robertson PC
Salem, Ore.

**Brett E. Engel JD'95**

Oregon Top 50 Super Lawyers
Gearing Rackner Engel & McGrath LLP
Portland, Ore.
Family Law

P. Gregory Frey JD'86

Coates & Frey AAL, LLLC
Honolulu
Family Law, Alternative Dispute Resolution

Michelle T. Grable JD'76

Grable, Hantke & Hansen LLP
Pendleton, Ore.
Family Law

William J. Howe III JD'75

Gevurtz Menashe Larson & Howe PC
Portland, Ore.
Family Law, Appellate

Jerry R. Kimball JD'78

Law Office of Jerry R. Kimball
Seattle
Family Law, Alternative Dispute Resolution, General Litigation

Rolf D. Kruger JD/C'94

Flicker Kerin Kruger & Bissada LLP
Menlo Park, Calif.
Family Law, Alternative Dispute Resolution, Collaborative Law

Donald W. McCann JD'75

Swanson Lathen Alexander
McCann & Prestwich PC
Salem, Ore.
Family Law

**Albert A. Menashe JD'76**

Oregon Top 10 Super Lawyers
Gevurtz Menashe Larson & Howe PC
Portland, Ore.
Family Law

John D. Peterson JD'73

Peterson, Peterson & Walchli LLP
Hillsboro, Ore.
Family Law, Business/Corporate, Estate Planning & Probate

Arthur K. Saito JD'98

Stahancyk, Kent & Hook PC
Portland, Ore.
Family Law, Estate Planning & Probate

Paul E. Saucy BA'75, JD'79

Saucy & Saucy PC
Salem, Ore.
Family Law

Jean R. Uranga JD'75

Uranga & Uranga
Boise, Idaho
Family Law, Administrative Law, Alternative Dispute Resolution

GENERAL LITIGATION**Windsor D. Calkins JD'70**

Calkins & Calkins
Eugene, Ore.
General Litigation, Health Care, Utilities

Thomas E. Cooney Sr. JD'56

Cooney & Crew LLP
Lake Oswego, Ore.
General Litigation, Health Care, Administrative Law

Anthony J.W. Gewald JD'77

Lasher Holzapfel Sperry & Ebberson PLLC
Seattle
General Litigation, Business Litigation, Real Estate

Patrick B. Gilmore JD'77

Atkinson Conway & Gagnon Inc.
Anchorage, Alaska
General Litigation, Banking, Professional Liability: Defense

Brewster H. Jamieson BS'81, JD'84

Lane Powell LLC
Anchorage, Alaska
General Litigation, Transportation/Maritime, Energy & Natural Resources

Michael L. Lessmeier JD'79

Lessmeier & Winters LLC
Juneau, Alaska
General Litigation, Personal Injury Defense: Medical Malpractice, Personal Injury Plaintiff: General

Gregory D. Pike JD'86

Knox Ricksen LLP
Oakland, Calif.
General Litigation, Civil Litigation Defense, Class Action/Mass Torts

Douglas R. Pope JD'73

Pope & Katcher
Anchorage, Alaska
General Litigation, Business Litigation, Criminal Defense: White Collar

HEALTH CARE**Eric A. Lindenauer JD'83**

Garvey Schubert Barer
Portland, Ore.
Health Care, Employment & Labor, Business Litigation

IMMIGRATION**Nicole H. Nelson JD'97**

Nelson | Smith LLP
Portland, Ore.
Immigration

INSURANCE COVERAGE**Scott M. Stickney JD'83**

Wilson Smith Cochran Dickerson
Seattle
Insurance Coverage, Business Litigation

**INTELLECTUAL PROPERTY
LITIGATION****Renee E. Rothauge JD'90**

Oregon Top 25 Women Super Lawyers
Markowitz Herbold Glade & Mehlhaf PC
Portland, Ore.
Intellectual Property Litigation, Business Litigation

LAND USE/ZONING**Edward J. Sullivan JD'69**

Oregon Top 50 Super Lawyers
Garvey Schubert Barer
Portland, Ore.
Land Use/Zoning, Real Estate, Government/Cities/Municipalities

MERGERS & ACQUISITIONS**Julie A. Weston JD/MBA'95**

Davis Wright Tremaine LLP
Seattle
Mergers & Acquisitions, Business/Corporate

NON-PROFIT**Jeffrey C. Thede JD'79**

Thede Culpepper Moore Munro & Silliman LLP
Portland, Ore.
Non-Profit, Estate Planning & Probate, Estate & Trust Litigation

**PERSONAL INJURY
DEFENSE: GENERAL****Blake H. Call JD'89**

Call, Hanon & Kell PC
Anchorage, Alaska
Personal Injury Defense:
General, Insurance Coverage, Transportation/Maritime

Francis S. Floyd JD'78

Floyd Pflueger & Ringer PS
Seattle
Personal Injury Defense:
General, Construction Litigation, Employment Litigation: Defense

David L. Hennings JD'81

Wilson Smith Cochran Dickerson
Seattle
Personal Injury Defense: General

Kenneth A. Miller JD'80

Miller Mertens Comfort Wagar & Kreutz PLLC
Kennewick, Wash.
Personal Injury Defense:
General, Business Litigation, Business/Corporate

Steven R. Stocker JD'81

Stocker Smith Luciani & Staub PLLC
Spokane, Wash.
Personal Injury Defense:
General, Personal Injury
Defense: Products, Professional Liability: Defense

**PERSONAL INJURY
DEFENSE: MEDICAL
MALPRACTICE****Larry A. Brisbee JD'67**

Brisbee & Stockton LLC
Hillsboro, Ore.
Personal Injury Defense: Medical Malpractice, Professional Liability: Defense, Civil Litigation
Defense

Gary T. Dance JD'73

Moffatt Thomas Barrett Rock & Fields
Pocatello, Idaho
Personal Injury Defense: Medical Malpractice, Insurance Coverage

Dennis L. Fluegge JD'71

Meyer Fluegge & Tenney PS
Yakima, Wash.
Personal Injury Defense: Medical Malpractice, Alternative Dispute Resolution

Timothy J. Lamb JD'83

Delaney Wiles Inc.
Anchorage, Alaska
Personal Injury Defense: Medical Malpractice, Civil Litigation
Defense, Professional Liability: Defense

David S. Mephram JD'91

Hodgkinson Street LLC
Portland, Ore.
Personal Injury Defense: Medical Malpractice, Personal Injury
Defense: General

Rodney K. Norton JD'77

Hart Wagner LLP
Portland, Ore.
Personal Injury Defense: Medical Malpractice, Health Care

Ronald G. Stephenson JD'67

Bullivant Houser Bailey PC
Portland, Ore.
Personal Injury Defense: Medical Malpractice, Personal Injury
Defense: Products, Personal Injury Defense: General

John J. Tiemessen JD/C'91

Clapp, Peterson, Tiemessen, Thorsness & Johnson LLC
Fairbanks, Alaska
Personal Injury Defense: Medical Malpractice, Personal Injury
Defense: Products, Political Law

**PERSONAL INJURY
DEFENSE: PRODUCTS****Nancy M. Erfle JD'90**

Schwabe Williamson & Wyatt
Portland, Ore.
Personal Injury Defense:
Products, Antitrust Litigation, Business Litigation

**PERSONAL INJURY
PLAINTIFF: GENERAL****J. Michael Alexander JD'75**

Swanson Lathen Alexander
McCann & Prestwich PC
Salem, Ore.
Personal Injury Plaintiff: General, Appellate, Insurance Coverage

**William A. Barton JD'72**

Oregon Top 50 Super Lawyers
The Barton Law Firm PC
Newport, Ore.
Personal Injury Plaintiff: General, Personal Injury Plaintiff: Medical Malpractice, Personal Injury Plaintiff: Products

Robert K. Dawson JD'78

Dawson Brown PS
Seattle
Personal Injury Plaintiff: General

W. Eugene Hallman JD'74

Hallman & Dretke
Pendleton, Ore.
Personal Injury Plaintiff: General, Appellate

Mark G. Henness JD'95

Henness & Haight Chtd.
Las Vegas
Personal Injury Plaintiff: General

Timothy J. Jones JD'88

Haglund Kelley Horngren Jones & Wilder LLP
Portland, Ore.
Personal Injury Plaintiff: General,
Personal Injury Plaintiff: Medical
Malpractice

Jan K. Kitchel JD'78

Schwabe Williamson & Wyatt
Portland, Ore.
Personal Injury Plaintiff: General,
Personal Injury Plaintiff: Medical
Malpractice, Business Litigation

Neil F. Lathen JD'74

Swanson Lathen Alexander
McCann & Prestwich PC
Salem, Ore.
Personal Injury Plaintiff: General,
Criminal Defense

Ted E. Runstein JD'66

Kell Alterman & Runstein LLP
Portland, Ore.
Personal Injury Plaintiff: General,
Business Litigation, Family Law

William C. Smart JD'77

Keller Rohrback LLP
Seattle
Personal Injury Plaintiff: General,
Insurance Coverage, Securities
Litigation

**Paul L. Stritmatter JD'69**

*Washington Top 10 Super
Lawyers*
Stritmatter Kessler Whelan
Coluccio
Hoquiam, Wash.
Personal Injury Plaintiff: General,
Personal Injury Plaintiff:
Products, Class Action/Mass
Torts

Robert C. Van Siclen JD'67

Van Siclen, Stocks & Firkins
Auburn, Wash.
Personal Injury Plaintiff: General,
Business Litigation, General
Litigation

**PERSONAL INJURY
PLAINTIFF: PRODUCTS**
**John M. Coletti JD'94**

Oregon Top 10 Super Lawyers
Paulson Coletti Trial Attorneys
PC
Portland, Ore.
Personal Injury Plaintiff:
Products, Personal Injury
Plaintiff: General, Personal Injury
Plaintiff: Medical Malpractice

**PROFESSIONAL LIABILITY:
DEFENSE**
Richard J. Kuhn JD'81

Hart Wagner LLP
Portland, Ore.
Professional Liability: Defense,
Personal Injury Defense:
General, Personal Injury
Defense: Medical Malpractice

REAL ESTATE**Randall B. Bateman BS'77,
JD'80**

Bateman Seidel Miner Blomgren
Chellis & Gram PC
Portland, Ore.
Real Estate, Business/
Corporate, Energy & Natural
Resources

J. David Bennett JD'71

Landye Bennett Blumstein LLP
Portland, Ore.
Real Estate

Christopher I. Brain JD'73

Tousley Brain Stephens PLLC
Seattle
Real Estate, Business Litigation,
Class Action/Mass Torts

Terry C. Hauck JD'71

Schwabe Williamson & Wyatt
Portland, Ore.
Real Estate, Land Use/Zoning

Stephen V. Novacek JD'74

Holland & Hart LLP
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Laura Appleman



Warren Binford



Richard Birke



Gilbert Carrasco



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David Clark

Laura Appleman

Oscar Wilde's Long Tail: Framing Sexual Identity in the Law, 70 MD. L. Rev. 985 (2011).

The Plea Jury, 85 Ind. L. J. 73 (2010).

The Lost Meaning of the Jury Trial Right, 84 Ind. L. J. 397 (2009)

Warren Binford

Saving Haiti's Children from Hell, 6 Intercultural Human Rights Law Review 11 (2011).

Reconstructing a Clinic, 15 Clinical Law Review 283 (Spring 2009).

Richard Birke

Neuroscience and Settlement: An Examination of Scientific Innovations and Practical Applications, Ohio State Journal of Dispute Resolution (2010).

Gilbert Carrasco

The Law of Discrimination: Cases and Perspectives, San Francisco: Lexis/Nexis (2011), Roy L. Brooks, Gilbert Paul Carrasco, & Michael L. Selmi.

Everyday Law for Latino/as, Boulder: Paradigm Publishers (Richard Delgado ed.) (paperback 2009), Steven W. Bender, Raquel Aldana, Gilbert Paul Carrasco, & Joaquin Ávila.

Vincent Chiappetta

Patent Exhaustion: What's It Good For?, 51 Santa Clara L. Rev. (2011).

Living with Patents: Insights from Patent Misuse, 15 Marq. Intell. Prop. L. Rev. 1 (2011).

The (Practical) Meaning of Property, 46 Willamette U. L. Rev. 297 (2009).

David Clark

Comparative Law in Colonial British America, 59 Am. J. Comp. L. 637-74 (2011).

Comparative Law: Historical Development of the Civil Law Tradition in Europe, Latin America, and East Asia (with John Merryman & John Haley, Lexis-Nexis 2010).

American Law Schools in the Age of Globalization: A Comparative Perspective, 61 Rutgers L. Rev. 1037-78 (2009).

Robin Morris Collin

Restoration and Redemption in "Moral Ground: Ethical Action for a Planet in Peril," edited by Kathleen Dean Moore and Michael P. Nelson. Trinity University Press: San Antonio, TX, 2010. (Other essayists include the Dalai Lama, Archbishop Desmond Tutu, President Barack Obama, Terry Tempest Williams, Barbara Kingsolver, and Paul Hawken.)



Robin Morris Collin



Keith Cunningham-Parmeter



Caroline Davidson



Paul Diller



Jeffrey Dobbins



David Friedman

Sustainability and Environmental Justice: Why Race and Class(Still) Matter to Sustainability, Oregon State Bar, Sustainable Futures Section Newsletter, The Long View, Spring, 2010.

The Encyclopedia of Sustainability: Volume I: Environment and Ecology, Volume II: Business and Economics, Volume III: Equity and Fairness (with Robert W. Collin). Santa Barbara, CA:Greenwood/ABC-Clio Press, 2009.

Keith Cunningham-Parmeter

Forced Federalism: States as Laboratories of Immigration Reform, 62 Hastings L.J. 1673 (2011).

Alien Language: Immigration Metaphors and the Jurisprudence of Otherness, 79 Fordham L. Rev. 1545 (2011).

Redefining the Rights of Undocumented Workers, 58 Am. U. L. Rev. 1361 (2009).

Caroline Davidson

May It Please the Crowd? Public Confidence, Public Order and Public Opinion in Bail for International Criminal Defendants, Colum. Hum. Rts. L. Rev. (forthcoming 2012).

No Shortcuts on Human Rights: Bail and the International Criminal Trial, 60 Am. U. L. Rev. 1 (2010).

Paul Diller

The City and the Private Right of Action, 64 Stan. L. (forthcoming 2012).

Regulating Food Retail for Obesity Prevention: How Far Can Cities Go? (with Samantha Graff), 39 J.L. Med. & Ethics 89-93 (2011).

Habeas and (Non-)Delegation, 77 U. Chi. L. Rev. 585-655 (2010).

Jeffrey Dobbins

New Evidence on Appeal, 94 (forthcoming 2012).

Judicial Communication, Elections, and the Oregon Supreme Court, 46, Willamette Law Review 3, Spring 2010.

Structure and Precedent, 108 Michigan Law Review 8, June 2010.

David Friedman

Bringing Order to Contracts Against Public Policy, 39 Fla. St. U.L. Rev. _ (2012).

Debiasing Advertising: Balancing Risk, Hope and Social Welfare, 19 J.L. & Pol'y 539 (2011).

RECENT SELECTED FACULTY PUBLICATIONS



Steven K. Green



Richard Hagedorn



Peter Letsou



James A.R. Nafziger



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Steven K. Green

The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine (Oxford University Press, 2012).

The 'Second Disestablishment': The Evolution of the Nineteenth Century Understandings of Separation of Church and State, in "No Establishment of Religion: America's Contribution to Religious Liberty," John Witte, Jr., ed. (Oxford University Press, 2012).

In Bad Faith: The Corruption of Charitable Choice, in "Fundamentalism and the Rule of Law," Marci Hamilton, ed. (Palgrave MacMillan Pub., 2011).

Church and State in Nineteenth-Century America, in "The Oxford Handbook of Church and State in the United States," Derek Davis, ed. (Oxford University Press, 2010).

Richard Hagedorn

2009, 2010, 2011 written/published 9 supplements to two-volume treatise Brady on Bank Checks and Funds Transfers, rev. ed., published by A.S. Pratt, Sheshunoff.

Peter Letsou

The Changing Face of Corporate Governance Regulation in the United States: The Evolving Roles of the Federal and State Governments, 49 Willamette L. Rev. 149 (2009).

James A.R. Nafziger

Handbook on International Sports Law (2011) (co-authored with Stephen F. Ross).

Cultural Law: International, Comparative And Indigenous (2010) (co-authored with Robert Kirkwood Paterson & Alison Dundes Renteln).

Basic Functions and Principles of International Environmental Law in the Context of Managing Water Resources, 39 Denv. J. Int'l L. & Pol'y 381 (2011).

The Louisiana and Oregon Codifications of Choice-of-Law Rules in Context, 58 Am. J. Comp. L., (Supp.) 165 (2010).

Terry O'Reilly

Economics & Economic Substance, 9 Florida Tax Review 755 (2010).

Gwynne Skinner

The Non-Justiciability of Palestine: Human Rights and the (Mis)Application of the Political Question Doctrine, 35:1 Hastings International and Comparative Law Review (Winter 2012).

When Customary International Law Violations Arise Under the Laws of the United States, 36 Brooklyn Journal of International Law 205 (Fall 2010).

Customary International Law, Federal Common Law, and Federal Court Jurisdiction, 44 Valparaiso Law Review 825 (Spring 2010) (symposium publication).



Gwynne Skinner



Jeffrey Standen



Symeon C. Symeonides



Norman Williams



Michael Wise

Jeffrey Standen

Peer Effects in Affirmative Action: Evidence from Law Student Performance (with J. Mark Ramseyer and John R. Lott, Jr.), 31 *International Review of Law and Economics* 1 (2011).

Why Harmdoers Pay, 78 *University of Missouri-Kansas City Law Review* 705 (2010).

The Manly Sports: The Problematic Use of Criminal Law to Regulate On-Field Player Conduct, 99 *Journal of Criminal Law and Criminology* 619 (2009).

Symeon C. Symeonides

Conflict of Laws: American, Comparative, International (with Wendy C. Perdue) (Thomson West, American Casebook Series, 3rd ed. forthcoming 2012).

Conflict of Laws (with Peter Hay & Patrick Borchers) (Thomson-West Hornbook Series, 5th ed. 2010).

Codifying Choice of Law for Tort Conflicts: The Oregon Experience in Comparative Perspective, 12 *Yearbook of Private International Law* 201-245 (2010).

Choice of Law in the American Courts in 2010: Twenty-Fourth Annual Survey, 59 *American Journal of Comparative Law* 303-393 (2011).

Oregon's New Choice-of-Law Codification for Tort Conflicts: An Exegesis, 88 *Oregon Law Review* 963-1052 (2009).

The Conflicts Book of the Louisiana Civil Code: Civilian, American, or Original? 83 *Tulane Law Review* 1041-81 (2009).

Norman Williams

Reforming the Electoral College: Federalism, Majoritarianism, and the Perils of Sub-Constitutional Change, 100 *Georgetown L.J.* 173 (2011).

Book Review, *Gibbons v. Ogden, Law, Society in the Early Republic*, 51 *American Journal of Legal History* 384 (2011).

The New Protectionism and the American Common Market, 85 *Notre Dame L. Rev.* 247 (2009) (with Brannon Denning).

Direct Democracy, The Guaranty Clause and the Politics of the Political Question Doctrine: Revisiting Pacific Telephone, 87 *Oregon L. Rev.* 979 (2009).

Michael Wise

Judicial Review and Its Politicization in Central America: Guatemala, Costa Rica and Constitutional Limits on Presidential Candidates, 7 *Santa Clara J. Int'l L.* 145 (2010).

On My Mind ...

Faculty members reflect on the link between life and the law



Assistant Professor Jeff Dobbins

Several years ago I was invited to speak to a class of fifth-grade students about appellate courts. One of the first difficulties I faced was describing for those students how these courts fit into our legal system. Like the rest of us, they were familiar with the drama of TV trials and movie courtrooms, but were far less knowledgeable about appellate courts, which we rarely see on the large or small screen.

I told the students that appellate courts, by reviewing earlier decisions, are concerned primarily with legal interpretation, not fact finding, and they must consider only the factual record from the trial court. This record-review rule, which arose from English Common Law, is justified by the need for finality in litigation and fairness to parties. It is so deeply woven into our appellate system that judges often use a tone of moral scorn in rejecting efforts to discuss evidence that was not considered by the trial court.

Despite this long-standing rule, the truth is that appellate courts can, and often do, consider evidence that wasn't presented at

trial. The most prominent examples involve cases when the constitutionality or meaning of a particular statute is in dispute. To know what lawmakers meant when they used certain terms, or to determine how the interpretation of the statute may affect the legal system, an appellate court must be able to examine what are known as "legislative facts" — facts describing or predicting the social, political, economic and technical state of the world. Often the need for this information isn't apparent until the issues in a case are narrowed on appeal, so the appeal is often the first time that parties have any reason to present this evidence to the courts.



U.S. Supreme Court Justice Louis Brandeis

One way to present this evidence is through a "Brandeis brief," named for U.S. Supreme Court Justice Louis Brandeis. Before joining the court, Brandeis was well known for writing policy-oriented briefs laden with social science evidence. The prototypical "Brandeis brief" was the one he drafted in 1907 for his client, the State of Oregon, in *Muller v. Oregon*. Curt Muller, a laundry owner in Portland, was charged with violating a state

law that limited women to 10 hours of work per day; he argued the law was unconstitutional. Brandeis gathered the economic and social science literature of the time and defended the law as an "appropriate and legitimate" effort to protect the health and safety of female workers.

Although this information hadn't been presented to the courts below, the Supreme Court considered it, reasoning that "expressions of opinions from other than judicial sources" could help its understanding, and ultimately ruling for Brandeis and his client. This precedent-setting model for appellate advocacy has been repeated many times since Brandeis' introduction of it; it was used, for instance, by the plaintiffs in *Brown v. Board of Education* to introduce psychological studies demonstrating the harmful impact of segregation on non-white children.

In current appellate practice, an even more important source of new evidence on appeal is the amicus brief. Since Roman times, interested groups have used these "friend of the court" briefs to present appellate courts with information and arguments that the

“an appellate court must be able to examine what are known as “legislative facts” — facts describing or predicting the social, political, economic and technical state of the world.”

parties may not have raised themselves. While amici cannot introduce new facts specific to the parties and events of the case, their very existence assumes that they will present new legislative facts to the appellate courts. In 2003, for instance, the decision in *Grutter v. Bollinger* defined the constitutional use of race in the University of Michigan’s diversity admissions program. In that case, the Supreme Court relied heavily on factual assertions in amicus briefs about the importance of diversity in education. Those particular assertions were new to the case, and had never been challenged through cross examination or other trial-level processes.

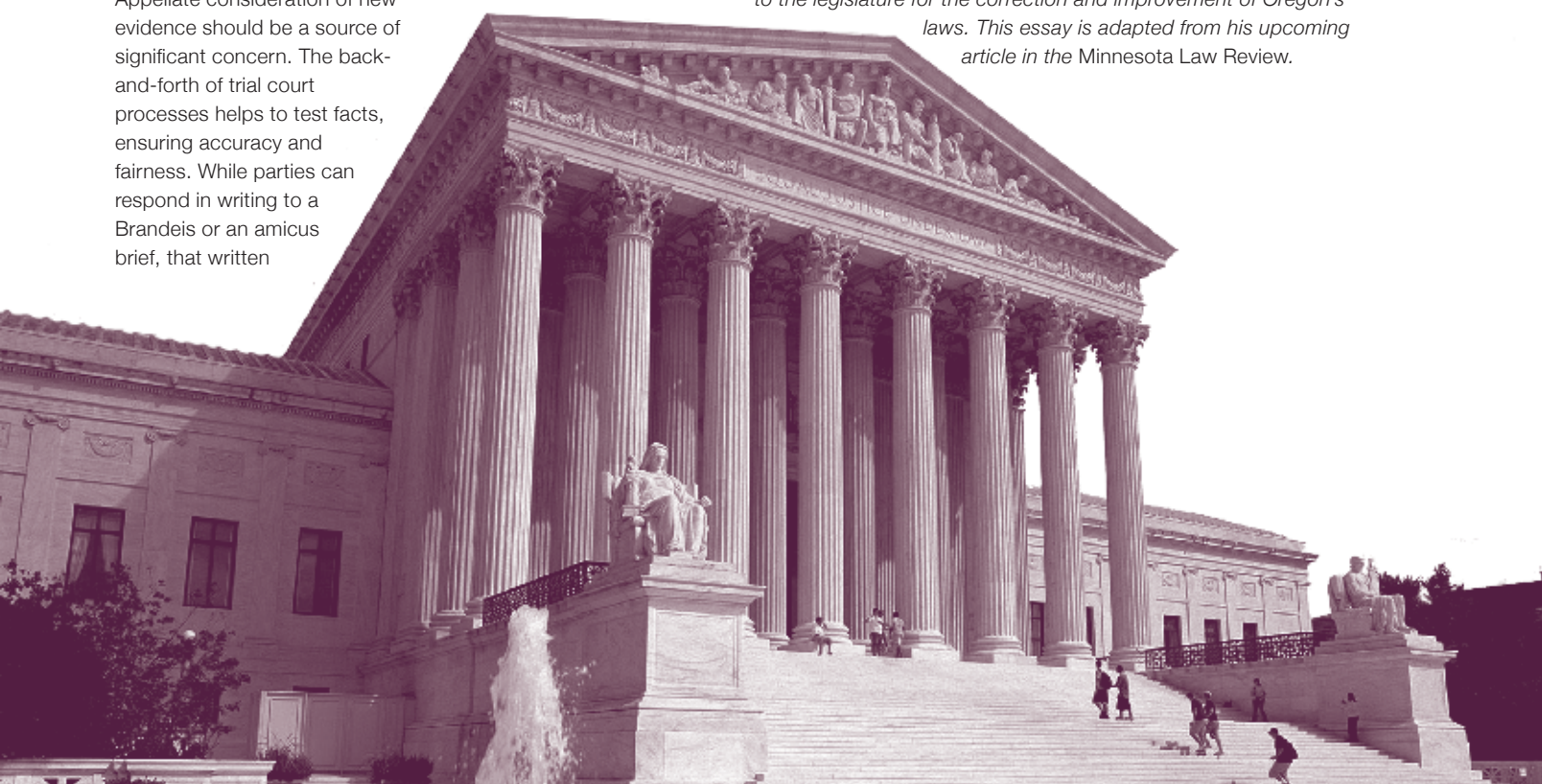
Finally, in our increasingly wired world, it should come as no surprise that courts go online to learn information about cases on their own. Even Chief Justice John Roberts cannot resist the lure of the Internet: In an argument last year on the validity of an Arizona campaign finance statute enacted by referendum, the Chief Justice noted that he had “checked the ... website” of the referendum’s primary sponsor that morning and wondered whether the site’s discussion of the purpose of the law didn’t provide “clear evidence” of its unconstitutionality.

Appellate consideration of new evidence should be a source of significant concern. The back-and-forth of trial court processes helps to test facts, ensuring accuracy and fairness. While parties can respond in writing to a Brandeis or an amicus brief, that written

response is a poor substitute for the face-to-face battle of trial advocacy. And if a court relies on its own research, there may be no opportunity to respond at all. Appellate courts must be particularly sensitive to the use of new evidence on appeal, and should consider remanding cases to trial courts if the benefit of a better factual record might outweigh the cost of delay in resolving an important legal problem.

At the same time, the work of the appellate courts necessarily calls on them to evaluate questions of law. That evaluation shouldn’t happen in a factual vacuum. Particularly when evaluating “close calls” on legal questions, courts should be able to consider facts that will allow them to determine plausible legislative intent and the likely effect of their decisions without the delay that would come with a full remand. As long as those facts are not in substantial dispute, the rewards of appellate consideration of new evidence may outweigh the risks.

—Assistant Professor Jeff Dobbins teaches *Civil Procedure, Federal Courts and Administrative Law*, and is executive director of the Oregon Law Commission, which makes recommendations to the legislature for the correction and improvement of Oregon’s laws. This essay is adapted from his upcoming article in the *Minnesota Law Review*.



Should there be limits on the type of client solicitations done through social media channels, such as LinkedIn and Facebook? If so...

...what should those limits be?"

I am pretty sure that Facebook was made for lawyers. It's an easy way to keep in touch with former classmates and professors who, after all, are a natural source for client referrals. And LinkedIn is a great way to mine facts about opposing parties or businesses. According to the ABA's 2010 Legal Technology Survey Report, more than half of all lawyers maintain a social network presence.

The dividing line between advertising, which is generally allowed, and solicitation, which is generally not allowed, is rather fuzzy, and much of the communication that takes place via social media arguably skirts that line. Consider (1) whether the communication is narrowly directed versus broadly published, (2) whether the communication is live/real-time or not, and (3) the extent to which a communication is private versus public or subjected to review by third parties. The use of a chat feature, for example, could easily result in improper solicitation, while a public posting regarding a lawyer's services in general rather than directed to a particular person or class of people would more likely fall on the advertising side of the line.

You should avoid any endorsements or testimonials unless the communication clearly states that any results achieved by the endorsed lawyer or firm do not necessarily indicate that similar results can be obtained for other clients.

Oregon lawyers also must comply with the rules of professional conduct while on Twitter. If one of your Twitter followers tweets, "I got in an awful car accident," you should resist offering your services. Merely being a Twitter follower does not necessarily establish a prior professional relationship with a lawyer!

— Judith A. Parker JD'06





a.

I see no reason to apply unique rules to LinkedIn or Facebook. At present these are electronic tools for lawyers to do what lawyers have been doing for years — create a profile and presence in the community and make people aware of the services they offer. LinkedIn and Facebook are other ways for lawyers to interface with each other and the community. While the electronic medium for interfacing is new, the interaction it facilitates remains the same — a professional contacting a person who may be in need of service to let them know the professional can provide the service. We have carefully crafted rules to govern this process, and I see no reason to change them simply because the message is delivered by computer.

If the Internet has taught us anything, however, it is that the world can change in an instant. To that end, this is an area that requires monitoring to make sure a profession known to be slow to adapt does not get left behind. If we do get left behind, we risk abuse of a new medium — a result diametrically opposed to the values of a profession that prides itself on policing its own members.

— Mark C. Hoyt JD'92,
managing partner at Sherman Sherman Johnnie & Hoyt LLP

I have no doubt that a lawyer can get into a lot of trouble by creating a Facebook entry or issuing a Twitter statement that is false or misleading, or that this could constitute impermissible solicitation in the state in which it is sent or received. What troubles me is that lawyers are held to special standards in this area in the first place. The ethical limitations on solicitation were written in an era where it was thought that clients of legal services, like consumers generally, had to be carefully protected from the over-reaching sales pitches of persuasive lawyers that might stretch the truth and needlessly stoke the dying embers of disputes. Times have changed, and today's consumers are no longer infants. People who routinely get second opinions about significant medical matters and use the internet to gather impressive information about costly product purchases are not likely to purchase the expensive services of a lawyer without significant investigation. Many non-lawyers sell services to their customers that, once upon a time, constituted the practice of law; lawyers should be able to communicate to their potential clients with equal effect. Lawyers sell a better legal product than do non-lawyers and should be free to say as much.

— Jeffrey Standen,
associate dean for faculty and Professor of Law,
Willamette University College of Law



a.

Legal Maxims

DE REGULIS JURIS

Rules of law by which to judge. Or not.

In 1845, Herbert Broom, Inner Temple, barrister-at-law and author of "Broom's Legal Maxims," wrote:

"In ruder ages ... the great majority of questions respecting the rights, remedies and liabilities of private individuals were determined by ... reference to ... Maxims, many of which obtained in the Roman law, and are so manifestly founded in reason, public convenience and necessity, as to find a place in the code of every civilized nation."

In the opinion of 17th Century Lord Chief Justice Sir Edward Coke:

"A maxime is a proposition to be of all men confessed and granted without prooffe, argument or discourse."

Quia maxima est ejus dignitas et certissima auctoritas, atque quod maxime omnibus probetur.

To which we say:

"Non ex regula jus sumatur, sed ex jure quod est regula fiat — The law should not be taken from maxims, but maxims from the law."

A case in point.

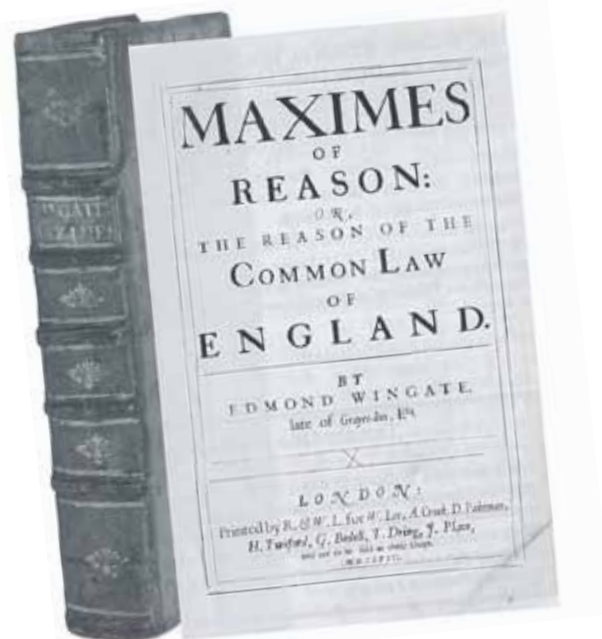
In 1887 a lorry driver in the employ of a wharfinger sued his employer for injuries resulting from an ill-tempered horse. The judge of the City of London Court determined that the driver was aware of the vicious nature of the horse, a "kicker and a jibber," but continued to drive it, and therefore "it was useless to inquire further, for that alone disentitled him to recover, upon an application of what is called the maxim of Volenti non fit injuria" — He who consents cannot receive an injury.

On appeal to the Queen's Bench Division, Lord Esher, Master of the Rolls, on ruling for a new trial, succinctly stated:

"I need hardly repeat that I detest the attempt to fetter the law by maxims. They are almost invariably misleading"

Perhaps the learned London City Court judge should have applied the maxim, bonus judex secundum aequum et bonum judicat, et aequitatem stricto juri proferat — A good judge decrees according to justice and right, and prefers equity to strict law.

And English to Latin.



In the words of New Hampshire Supreme Court Judge and Harvard Story Professor of Law Jeremia Smith, written in 1895, "no one who reflects on the subject can doubt that some useless Latin maxims, and some untrue Latin maxims have continued current, and that other Latin maxims have been misapplied, when this would not have happened if those maxims had been expressed only in the vernacular."

But, then again, one should not take lightly the reasoning of Sir Francis Bacon who, in 1630, adopted Latin as the language for his "Rules and Maxims of the Common Lawes of England," due to its authority and majesty, brevity and memory. The latter point was no doubt in reference to those students of the law, "studiously addicted to that noble profession."

For them, legal maxims, preserved in the dead language of Latin, have eternal life in the Law Library.

For the less "studiously addicted," the English translations also live on in the Law Library.

And to all those members of our noble profession who rely on legal maxims, in either Latin or English, we offer this advice — caveat actor.



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WUCL alums reunite! Sept. 10, 2011

Members of the classes of 1966, 1976, 1986, 1991 and 2001 gathered on at various locations in Salem and Portland to celebrate their reunions.



Class of 1976 — Home of Elizabeth S. Harchenko JD'76, Salem
Standing left to right: Ernest E. Estes, George B. Stevenson, David M. Davidson, Susan M. Hammer, Michael D. McNeely, Bradd A. Swank, Anthony E. Otis *Sitting left to right:* Bruce M. Botelho, Mary L. Pearson, Elizabeth S. Harchenko



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