



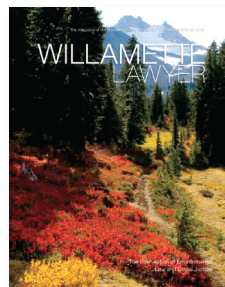
The magazine of the first law school in the Pacific Northwest | SPRING 2010

WILLAMETTE LAWYER

The Intersection of Environmental
Law and Social Justice

Willamette Lawyer

SPRING 2010



On the Cover

A view of the Cascade Mountain Range from Jefferson Park, located on the north side of Mount Jefferson. Photo by Richard Yates of Salem, Ore.



6 The Intersection of Environmental Law and Social Justice

Leaders in sustainability law explain the many dimensions of the sustainability movement

7 What's Fairness Got to Do With It?

Robin Morris Collin discusses the link between sustainability and equity

22 Profiles in Leadership

The College of Law celebrates its outstanding students and alumni

In This Issue ...

Departments

A Message From the Dean	2
WUCL Rankings High Despite Small Size	3
News Briefs	4
Oregon Law Commission Focuses on Sustainability	16
Class Action	26
Willamette's 2009 Super Lawyers	31
Alumni Events	
Seattle Reception and Class of '94 Reunion	34
Portland Reception	35
In the Stacks	36

The Intersection of Environmental Law and Social Justice

What's Fairness Got to Do With It?	7
Realizing the Human Right to Water	10
A Poisoned Field: Pesticide Exposure Among Farmworkers	13

Profiles in Leadership

Alycia Edgeworth Kennedy Builds a Sustainable Future	17
Tapiwa Kapurura Embraces Hope	18
Kathleen Evans Emphasizes Giving Back	20
Rodgers, Deutsch & Turner — An Eminently Willamette Firm	22
Carlos Moncayo Named Asia's Best Young Entrepreneur	25

WILLAMETTE
LAWYER

Spring 2010 Vol. X, No. 1

Dean

Symeon C. Symeonides

Editor

Anne Marie Becka

Graphic Designer

Chris Noud, NowDesign

Class Action Editor

Cathy McCann Gaskin JD'02

Contributors

Linda Alderin
Manuel Baigorri
Mike Bennett BA'70
Richard Breen
Cliff Collins
Keith Cunningham-Parmeter
Jeffrey C. Dobbins
Tapiwa Kapurura
Cathy McCann Gaskin JD'02
Robin Morris Collin
Susan L. Smith

Photographer

Frank Miller

Willamette Lawyer is published by Willamette University College of Law for constituents of the College of Law, the first law school in the Pacific Northwest.

Send correspondence to:

Willamette Lawyer

Willamette University College of Law
245 Winter Street SE
Salem, OR 97301

This publication is partially supported by contributions to the Law Annual Fund.

Copyright © 2010 Willamette University College of Law

Dear Alumni and Friends



Dean Symeon C. Symeonides

Great teaching has always been one of the distinguishing characteristics of Willamette University College of Law. But, although teaching is our main job, scholarship and service are also part of our obligation and mission.

One recent example of the faculty’s scholarly production is Professor Steven K. Green’s book *The Second Disestablishment: Church and State in Nineteenth-Century America*, published by Oxford University Press, one of the most prestigious publishers in the world (see page 4). Green’s is the first of five books currently under contract between Oxford and members of our faculty. This is an amazing achievement for such a small faculty and a gratifying recognition of its high caliber. It follows the publication of several other books by other prestigious international publishers, such as Columbia University Press, Martinus Nijhoff, Kluwer and Sage, as well as of articles in top journals, such as the *Stanford Law Review*, the *New York University Law Review*, the *University of Chicago Law Review* and the *University of Michigan Law Review*. Thus, it should come as no surprise that, in terms of per capita productivity, our faculty ranks ahead of 117 other American law schools (see page 3).


In addition to teaching and publishing, our faculty walks their talk — as you will see in the section of this issue focusing on the intersection of sustainability and social justice (see pages 6–15). There you can read about the good work of some of our professors outside the classroom. Professor Robin Morris Collin, the first law professor to teach sustainability at an American law school — long before

Great teaching has always been one of the distinguishing characteristics of Willamette University College of Law. But, although teaching is our main job, scholarship and service are also part of our obligation and mission.

this concept was in vogue — is now one of the undisputed national leaders in the whole movement. Her colleague Susan Smith, through her work with the Zabriko Project, has helped bring international awareness of the human right to water. Keith Cunningham-Parmeter also has worked unselfishly to raise awareness of the dangers faced daily by farmworkers, who toil thanklessly to put food on all our tables.

These professors, as well as the students and alumni profiled in this issue, are part of what makes this such a great law school, one that I am proud to be associated with.

With my best regards,



Symeon C. Symeonides
Dean and Alex L. Parks Distinguished Professor of Law

Willamette Rankings High Despite Small Size

Willamette University College of Law has long distinguished itself from other law schools by maintaining a selective, intimate learning environment. And while our small size provides students with countless benefits that come from close student-teacher interaction, it also means we sometimes fly under the radar of national law school rankings.

A number of new independent law school rankings, however, have been produced that show what we always have known — Willamette may be small, but we outrank many of our neighboring law schools on key indicators of academic excellence. For example, in one of these rankings, which was mentioned in the last issue of *Willamette Lawyer* magazine, the College of Law ranked 58th among the nation’s “Best Value Law Schools,” ahead of the other three private law schools in the Northwest.

Another example is a recent study by researchers at Roger Williams University School of Law, which focused on per capita faculty productivity at law schools other than those ranked in the top 50 by the ubiquitous *U.S. News & World Report*. The study divided the number of articles published in the “top 50 journals” from 1993 to 2009 by the number of full-time, tenure-track faculty at each school. In this study, Willamette’s law faculty was ranked No. 33 — up four slots from the year before and ahead of the University of Oregon, Lewis & Clark and Gonzaga.

“Although our faculty’s primary mission is teaching, which we certainly do well, our professors also excel in scholarly productivity,” noted College of Law Dean Symeon C. Symeonides. “Willamette’s law faculty has proven itself to be a vital component of the greater scholarly community.”

Last November, in a similar effort to examine the efficacy of law schools across the country, *Super Lawyers* released its inaugural ranking of U.S. law schools. According to the editors, most law school rankings examine LSAT scores and student-faculty ratios, but ignore the overall quality of the lawyers produced. The 2010

Super Lawyers U.S. Law School Rankings sought to remedy this oversight by examining the overall quality of each law school’s graduates.

In the *Super Lawyers* rankings, schools were positioned according to the total number of graduates named to state and regional *Super Lawyers* lists across the country in 2009. In the event of a tie between schools, the cumulative peer evaluation and research scores of graduates were used as tie-breakers. In 2009, 139 WUCL graduates were named “Super Lawyers” by *Law & Politics* magazine, and the college was ranked 118 out of the 193 law schools reviewed — above most other law school in the area.

If you also compare the number of graduates each school has produced and divide that by the number who have appeared in *Super Lawyers*, Willamette fares even better. Among Willamette’s more than 5,300 law alumni, 2.6 percent have been named “Super Lawyers” — a per capita rank of 89 out of the 193 law schools reviewed.

For a detailed listing of Willamette’s “Super Lawyers,” see pages 31–33 of this issue of *Willamette Lawyer* magazine.

What's New @ THE COLLEGE OF LAW

Green Publishes Comprehensive Church-State Text

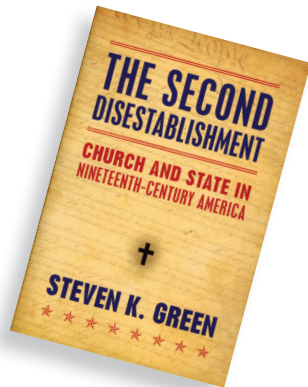


College of Law Professor Steven K. Green recently published a comprehensive examination of church-state issues in the 19th century. *The Second Disestablishment: Church and State in Nineteenth-Century America* (Oxford University Press, 2010) examines the competing ideologies of evangelical Protestants who argued that the founders sought to create a “Christian nation” and of those who advocated broader notions of separation of church and state.

“With this book, I’ve attempted to explain how we got from ‘square 1’ to ‘square 3,’” said Green, who proposes that a “second disestablishment” occurred during the 19th century between the ratification of the Constitution and the 1947 Supreme Court ruling in *Everson v. Board of Education*, which mandated that the Establishment Clause applied to state and local governments.

“Throughout the 19th century, there was limited application of the Bill of Rights,” Green explained. “People were fined and imprisoned for working on Sunday and were prosecuted for making blasphemous statements. It has only been since the 1940s that the U.S. Supreme Court has adopted a more separationist view.”

In the book, Green argues that a gradual secularization — the second disestablishment — occurred during the 19th century as a result of a growing religious pluralism and attempts by judges and attorneys to adopt a more scientific approach to law. “It was reaffirming to see the degree to which judges, lawyers and scholars put forth what we would consider very modern decisions and the way they articulated values of religious tolerance and equality,” said Green, who examined more than 400 court cases in which states struggled with church-state issues during the time period.



“Throughout the 19th century, there was limited application of the Bill of Rights...People were fined and imprisoned for working on Sunday and were prosecuted for making blasphemous statements.”

Green, who earned a Ph.D. in history after attending law school, joined the Willamette law faculty in 2001 after serving for 10 years as legal director and special counsel for Americans United for Separation of Church and State. In addition to teaching a variety of Constitutional Law and First Amendment Law courses, he serves as director of the Center for Religion, Law and Democracy.

Letsou Teaches at the Sorbonne



Professor Peter V. Letsou was selected to teach in a special masters program at the Université Paris 1 Panthéon-Sorbonne throughout November 2009. Letsou presented a series of lectures on North American business law, including an introductory lecture on the evolving roles of state and federal government in corporate governance and four intensive lectures focused on federal securities regulation in the United States.

Letsou served as one of 12 visiting international professors teaching in the LL.M. program, including others from Germany, Russia, China,

Palestine and Nigeria. “I hoped to shed some light on the murky image Europeans and others may have of securities regulation in the United States,” said Letsou, the Roderick and Carol Wendt Chair in Business Law and director of the Law and Business Program at Willamette.

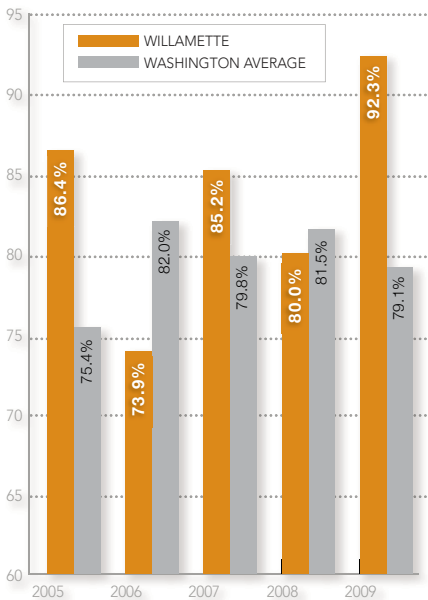
“I hope Peter’s visiting professorship will be the first in an ongoing exchange with the Université,” said College of Law Dean Symeon C. Symeonides, who has taught law in the doctoral program at the Sorbonne for the last five years. “Moving forward, I’d like to explore development of a robust exchange program for faculty and students between the Sorbonne and the College of Law.”

Willamette Dominates Bar Exam

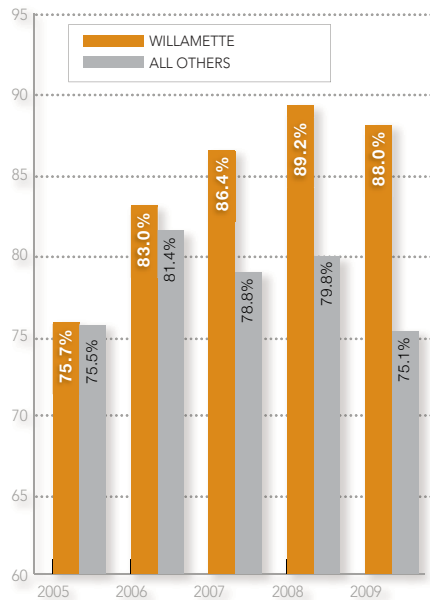
In addition to topping the Oregon State Bar exam in 2009, Willamette law graduates surpassed the graduates of all other law schools on the Washington State Bar exam as well. Among first-time takers of the summer exam, 92.3 percent of Willamette graduates passed. The overall passage rate for first-time takers was 79.1 percent — a difference of 13.2 percentage points.

“Once again, Willamette graduates have surpassed their peers on the bar exam,” said College of Law Dean Symeon C. Symeonides. “In both Oregon and Washington, our graduates have proven that their legal knowledge and skills are second to none. We are extremely proud of their great achievements.”

Washington Bar Exams, 2005–09



Oregon Bar Exams, 2005–09



Standen Testifies Before the House

Professor Jeffrey Standen recently lent his legal expertise to the U.S. House Committee on Energy and Commerce by providing testimony on the National Football League’s StarCaps case. Named for a banned weight-loss supplement, the case involved two Minnesota Vikings players who were suspended for violating the NFL’s anti-doping policy after testing positive for the supplement. The players sued the league, claiming that as employees in Minnesota, state labor laws protect them from drug testing by the football league. The U.S. Court of Appeals for the Eighth Circuit agreed, blocking the players’ suspensions.



“The issue at hand is whether federal labor laws trump state workplace protections,” said Standen. “Federal labor laws either need to be amended to preempt state laws in these matters or the Congress needs to convince player unions to waive the relevant state rights.”

A member of the Willamette law faculty since 1990, Standen has gained a national reputation as a sports law expert through his robust legal blog, thesportslawprofessor.blogspot.com. He currently is wrapping up two texts for Oxford University Press: *Sports Law in the United States* (2010); and *The Beauty of Bets: Prediction Markets, Sports Firms and the Compensation of Professional Athletes* (2010).

WUCL Students Win Asylum Case



Last November, two Willamette law students won asylum for a young high school girl from the Republic of The Gambia in Western Africa, where she was at serious risk for persecution and possibly death.

Second-year student Ashley Flukinger and third-year student Jonathan Strauhel, who were enrolled in Professor Gwynne L.

Skinner’s Refugee Law course, assisted the woman in claiming asylum and withholding of removal during a deportation trial in immigration court. According to Skinner, the students conducted an enormous amount of important “country condition” and other factual research before writing the legal brief. They also defended their client at trial, examined her on the stand, introduced evidence and made the closing argument.

“The students agreed to represent the case on a strictly pro bono basis, and they literally prepared the case in about two weeks,” said Skinner, who supervised the students’ work. “Their efforts were heroic. They made a huge difference in the life of someone facing horrible circumstances and oppression. We should all feel good about what they have accomplished.”

For more recent College of Law news, visit the law school’s home page at willamette.edu/wucl.

The Intersection of Environmental Law and Social Justice

The term sustainability pops up almost everywhere today — but how many of us really understand the full scope of its meaning beyond environmental conservation and the ubiquitous “greening” of consumer products? Sustainability law encompasses far more than protecting Mother Earth; it requires that attention be paid to and equity ensured for all living things.

The professors leading the Sustainability Law Program at Willamette University College of Law have been at the forefront of the sustainability movement for decades. Long before the term had been incorporated into the popular lexicon, these legal pioneers had created one of the first international natural resources curricula emphasizing sustainability (1992), taught the first sustainability law course in the United States (1993), and produced the first law review symposium focused on sustainability law and policy (1995).

In this issue of *Willamette Lawyer* magazine, these leaders in sustainability law explain the full breadth and depth of the sustainability movement, which demands civil rights, economic equity and social justice for all beings.

What’s Fairness Got to Do With It? *How Equity Fits into Sustainability*

We are of the Earth, but we do not own her; we belong to her. What she experiences, we experience. — Robin Morris Collin

The issue of sustainability dominates discourse about environmental theories and public policy. Sustainability is harkened by some as a new emerging ecological paradigm, or way of thinking about “environment.” One value of this new paradigm is justice or fairness. As attempts to implement concepts of sustainability develop, important and unavoidable questions about fairness emerge. These concerns from politically and economically disenfranchised communities raise serious public health and environmental concerns for everyone. Proponents of an equity-based sustainable vision maintain that the path to a just and sustainable environmental decision can come through the community. They maintain that the key to implementing sustainability with fairness is community involvement in decisions where they live, work, play and worship.



Robin Morris Collin

Varying Parameters of Sustainability

Sustainability is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Therefore, many believe that to achieve sustainability, current generations must learn to live within the limits of remaining natural resources. This raises political, social and economic questions related to the equitable distribution of these resources. If these natural resources, such as clean air and water, are used faster than the environment can renew, then the ability of future generations to meet their own needs will be compromised. Fairness to future generations will be difficult to secure without fairness to our contemporaries, and the problems of poverty and inequitable distribution of wealth and resources must engage unresolved issues of historical injustice, as well as environmental degradation.

One version of sustainability mainly considers economic growth. This variant of sustainability calls for maximum economic growth, and the environment as a necessary precondition to this goal. This version of sustainability has dominated thinking in the United States more than other regions of the globe. According to this version, indicators of success are found in measures like gross national product or gross domestic income. These are measurements of the dollar value of

certain products and transactions. These types of financial indicators are not qualified by the costs and externalities they may impose. They do not distinguish between products and services that are related to harms that should be avoided, such as cleaning up oil spills and brownfields, and those that are related to increasing the quality of life such as educational spending and preventive health care. These distinctions are important to some societies as indicators of whether progress toward sustainability is actually being attained. This has led to the creation of different measures of success such as gross national happiness, which considers the financial gains in the context of other indicators of human happiness and well-being.

This version of sustainability may seem at odds with the stated agenda of many modern-day environmentalists. It is at odds with most principles of equity because maximum economic growth for the present growing population will consume irreplaceable natural resources. Equity also asks the question of economic growth for whom.

A second version of sustainability is again placed in the context of economic growth, although in this context it does not seek to maximize economic growth. Economic actions that are clearly detrimental to the environment are avoided. Instead, a set of goals including security and peace, economic development, social progress, and good government are advocated. This model of development has influenced global thinking about development more than thinking within the United States. The significant contribution of sustainable development to this model is that it clearly defines all goals in terms of the limitations of our ecosystem health.

This definition often founders on implementation. A key question for implementation is whether people are part of the protected environment for business decisions. Is it necessary for science to prove causality

before economic actions that are detrimental are determined? How are actions handled that may alone degrade the environment, but cumulatively become detrimental to it? Many questions about ecosystem degradation and public health remain unanswered, and the question becomes whether economic development should continue until definite answers are found. The precautionary principle could be applied here to say that if there is a risk to systems of life on which future generations will depend, then the answer to continuing development should be “no.”

A third version of sustainability is rooted in the impacts on the environment, generally including humans. In this perspective, ecosystem impacts subordinate all other considerations including human equity and economic survival. It is tied to human impacts on the land, air and water. It requires an understanding of all our environmental impacts, including the cumulative impacts of everyday activities. This version of sustainability explicitly and implicitly challenges the existing value foundations of existing social, economic and political institutions.

Many environmentalists feel that this is the one true version of sustainability. They would argue that because all life is dependent on the conditions of the ecosystems that support life, economic and social concerns are justifiably secondary to ecosystem health. This relationship to sustainability is captured in the image of nested baskets. The environment is the largest, most comprehensive basket. Within it, all human activity is located, including human economic enterprises and human communities. Economic enterprise is represented by a basket nested within our environment and its webs of life. Human individuals and their communities rest within both these two baskets, relying on each for their livelihood and support.

Equity Within the Context of Sustainability

Equity refers to fairness, a value perspective that can differ greatly in application between cultures and between generations. Implicit values become explicit when in conflict, which is more and more the case with environmental controversies. Groups that have privilege that is not known to them often have implicit values. Among the values in sustainability is intergenerational equity. The incorporation of equity in decision making is not new, but its incorporation in environmental decision making is recent.

There are several theoretical approaches to the question of fairness and to what equity can mean. Although these distinctions are theoretical, they matter because they become reflected in law and policy.

The first is distributive justice. Generally, this involves distributed outcomes rather than a process for arriving at such outcomes. Equity issues in sustainability involve addressing the disproportionate public health and environmental risks borne by people of color and lower incomes by lowering risks, not shifting or equalizing current risks.

The second is procedural justice, which is a function of the manner in which a decision is made, that is, the fairness of the decision-making process, rather than its outcome. In terms of equity issues in sustainability, it matters because a community’s judgment about whether a decision is just is significantly determined by the perceived fairness of procedures leading to that outcome. Americans hold tightly to the idea that people should have a say about what personally affects them. And participation is part of a fair procedure. This includes equal access to information, advance notice of meetings and decisions, and measurement of all environmental impacts.

A third perspective on fairness or equity is corrective justice, which is fairness in the way punishments for lawbreaking are assigned and damages are inflicted on individuals and communities. It requires the just administration of punishment and a duty to repair losses for which one is responsible. Some aspects of the compensatory aspect require fault or wrongdoing, but others impose liability regardless of fault. The equity implications for sustainability of this approach would require those that harm the environment must repair it. Currently, this is a requirement of law or policy only in exceptional cases.

The fourth theory of justice is social justice. In this theory, society uses best efforts to bring about a more just ordering of society. It strives to have members of every class have enough resources and power to live as humans. Privileged classes are accountable to the wider society for the way in which they use their advantages. The equity implications for sustainability of this approach would require those who have benefited from natural resource use to assist those who have not.

Equity influences on these approaches to sustainability include a procedural component. Sustainability includes a set of discourse and policies about the benefits and burdens of environmental decision making across race, class, culture and gender lines. No environmental decision making can be sustainable when the health concerns of communities are ignored. This is especially true of politically and economically weak communities. Nations that treat their cities as toxic waste sites threaten all systems on which life depends, and this contradicts all three versions of sustainability.

— Professor Robin Morris Collin directs the Certificate in Sustainability Law Program at the College of Law.

Excerpted from Frameworks for the Future — Encyclopedia of Sustainability by Robin Morris Collin and Robert W. Collin, 3 vols., (Greenwood Press 2009).



Leading the Charge on Sustainability

Last fall *The Oregonian* profiled Willamette Law Professor Robin Morris Collin, calling her “a national leader in law that respects the planet and its people.”

Morris Collin, the first professor to teach a class on sustainability at an American law school (1993), directs the Certificate Program in Sustainability Law at the College of Law and co-chairs the Willamette University Sustainability Council.

In *The Oregonian* profile, Morris Collin discussed how equity factors into issues of sustainability — equity in environmental decision making, in leadership and in education, as well as equity for people affected by unchecked pollution or climate change.

“We have this class of super powerful, but hard-to-picture, players in our country: huge companies that have money and control us without our vote,” she said. “They are not accountable — the insurance companies, the banks, the armament industry. They are only about profits.

“Sustainability is about meeting our own needs without diminishing the ability of future generations to meet theirs. How do you do that? By implementing the three Es of sustainability — environment, economics and equity.”

You can read the full profile of Morris Collin, “Liberty, Equality, Sustainability,” in the Oct. 16, 2009, issue of *The Oregonian*.

Realizing the Human Right to Water: *The Zabriko Project*

In the summer of 2009, Professor Susan L. Smith traveled to Zabriko, Haiti, to help bring fresh drinking water to the more than 5,000 people living in the remote mountain region. Haiti is ranked worst in the world for availability to clean drinking water. More children in Haiti die from diseases caused by dirty water than from war, AIDS and malnutrition combined. By providing clean water and sanitation systems to the region, the Zabriko Project could save the lives of more than 100 children each year.

Over the life of the project, more than 4,000 deaths of children under the age of five should be prevented. Here, Smith recounts her efforts to initiate phase one, capturing water from a pure spring high in the mountains and piping it to three community water taps — taps that provide clean drinking water to 5,000 people and cost less than \$10,000.



Susan L. Smith

While the early morning mist still hung low over the hills, we reached the end of the road, or rather, the end of our ability to negotiate the deeply rutted mudslide that was called a road. We jumped off the truck and set out on foot, wading up the road. At the point where the truck was supposed to have reached, we met Faustin, who helped lead us up the steep rocky footpath. We made our way slowly, winding ever higher into the mountains. As the mist began to lift, the Central Plateau of Haiti appeared below us.

I was worn out before we had hiked half way to our destination. Faustin, a man considerably leaner and stronger than me, insisted on carrying me across the swift mountain stream that we forded several times. I reluctantly accepted his help. Perhaps he was just as reluctant to have accepted mine on this mission to bring clean drinking water to Zabriko.

During our first meeting, the elders of Zabriko spoke of their community's needs — clean water to ensure good health, an irrigation system to double the community's agricultural production, and a school for the more than 50 percent of children who can't fit into the public school and can't afford to attend the private Catholic school. The most senior elder was the original organizer of farmer collectives in the area and a well-respected leader within the incredibly effective peasant organization of the Central Plateau, the Mouvmman Peyizan Papay (MPP), translated into English as the Peasant Movement of Papay.

We headed toward the fresh spring that was to be captured and piped down to the schools, the spring that would bring the whole community fresh, clean drinking water. On our way we stopped at a somewhat rickety hut, where three small children stood outside. All three were naked, with bloated bellies



and skin stretched tight over their ribs. Their mother lay inside the hut, stricken with a life-threatening infection caused by dirty drinking water. The community had raised enough money to take her to the doctor in Hinche and had carried her down the many kilometers to reach the clinic. The villagers did not have the money to pay for proper laboratory tests or the medication to cure her, so they carried her back to the hut, where it appeared she would soon die.

Every fiber within me screamed that I should pay for her care. And yet, since the dirty water is the source of her illness, any cure I could provide would only be short-sighted and temporary until the entire community had access to clean drinking water.

This is not an isolated phenomenon in Haiti. More than 100 children out of every 1,000 in Haiti die before reaching the age of 14, most of them from dirty water, which is the highest child mortality rate in the Western hemisphere. More children in Haiti and in other developing nations die from diseases caused by dirty water than from war, AIDS and malnutrition combined. In fact, Haiti is the worst country of all the nations in the world in terms of availability of clean drinking water, ranking 147th out of 147 developing countries.

Not surprisingly, given the ripple effect that lack of clean drinking water has on the health, education and productivity of a country, Haiti ranks 149th out of 182 countries on the Human Development Index, which examines such factors as life expectancy, literacy rate and standard of living. Haiti also is regarded as a "critical failed state" on the Failed State Index. And on the World Bank's World Governance Indicators, a set of 39 indices from 35 sources, Haiti is ranked below the 10th percentile of all countries for political stability, rule of law and corruption and below the 25th percentile for regulatory quality and government effectiveness.

Despite all of these developmental wounds, which might cause a battlefield medic conducting triage to tag Haiti as hopeless and doomed to die, Haiti is not a lost cause. Although its government lacks the capacity to govern effectively, Haiti is remarkably socially resilient. Perhaps in part because the government is so inept and unreliable, Haiti has developed incredible social capital in the form of traditional peasant

Haiti's challenges cannot be viewed as problems that exist beyond our personal control.



To learn more about water management efforts in Haiti, visit the Zabriko Project Web site at drinkwaterforlife.org.

organizations that are steadfast in the face of national political chaos. These Haitian peasant organizations are blessed by the incredible gift of world-class leaders.

Faustin is just one example of the hundreds of profoundly dedicated, but unheralded, community leaders. A few have achieved international recognition, such as agronomist Chavannes Jean-Baptiste, who founded the MPP in 1973 to teach the people of Haiti principles of sustainable agriculture. An internationally recognized advocate for Haitian, Jean-Baptiste has worked on behalf of the peasants of the Central Plateau for almost 40 years. His efforts were internationally recognized in 2005, when he received the Goldman Environmental Prize, the environmental equivalent of the Nobel Prize.

Community leaders like Faustin and Jean-Baptiste who create and manage water resources in rural communities, generally in accordance with traditional or customary law, represent the best chance for improving environmental and other governance in developing countries with severe governance problems. But their work cannot be conducted in a vacuum, and Haiti's challenges cannot be viewed as problems that exist beyond our personal control. By substantially reducing water-borne illnesses, Haiti as a country will avoid the incredible loss of economic and educational productivity by those suffering illness or death, as well as hopefully begin its journey toward sustained economic development.

Sound water management also can help decrease deforestation of the region. Haiti is the most deforested country in the world, having shifted from 60 percent forest cover to less than 2 percent forest cover. Deforestation combined with primitive farming techniques has led to a dramatic loss of top soil, damaging crop productivity, seriously impairing water quality in both streams and the ocean, and leading to devastating floods and mudslides.

To combat this, about 60 million trees have been planted in Haiti during the last four decades. Many were planted as part of international aid projects and were designed to produce fuelwood. However, reforestation needs to be conducted with an eye toward sustainable hardwoods and fruit trees. With a population approaching 8 million nestled in an area the size of Maryland that is largely dependent on subsistence farming, using land for sustainable forests seems like a difficult proposition to sell. But the idea can be realized with a well-designed effort that incorporates selectively harvested hardwoods (available within a generation to pay for annual school tuition, medical expenses or retirement), immediately productive fruit trees for domestic consumption and export revenue, and some limited conservation reserves — all financed by carbon offset payments that can be used to improve agricultural practices, provide irrigation and increase crop productivity.

As this article was completed in mid-January, Port au Prince, the capital of Haiti, suffered a devastating earthquake. But people gathered in public squares to sing hymns and hold hands. And pure spring water flowed through the fountains of Zabriko. Hope springs eternal in Haiti.

— Professor Susan L. Smith teaches a wealth of environmental and natural resources law courses at Willamette.

A Poisoned Field: *Pesticide Exposure Among Farmworkers*

In the old days, miners would carry birds with them to warn against poison gas. Hopefully, the birds would die before the miners. Farmworkers are society's canaries. — Cesar Chavez

Living in a nation with ever-increasing agricultural harvests, Americans have come to expect an abundance of food at low prices. Although consumers are increasingly concerned about the effects pesticides have on their health, the public has yet to show a comparable interest in the pesticide-related dangers farmworkers face in the fields every day.

A disturbing trend of societal neglect continues to ensure that the plight of the nation's migrant and seasonal agricultural workers remains out-of-sight, out-of-mind. Yet agricultural workers are undoubtedly among the poorest, most exploited members of the American workforce

Farmworkers engage in labor-intensive work ranging from field preparation, to planting, pruning, irrigating, harvesting and packaging produce. Six- and seven-day workweeks are common, as are workdays extending beyond 12 hours a day. At least 800,000 farmworkers across the country do not have adequate shelter; many live in cars, garages, caves, tool sheds and motel rooms.

As they endure substandard living accommodations and perform difficult work in exchange for low wages, farmworkers also must cope with regular exposure to field poisons.

The Case of José Antonio Casillas

The death of José Antonio Casillas is a disquieting example of the workplace hazards pesticides pose to farmworkers. The 15-year-old migrant worker was in prime health. At the end of each workday, while other farmworkers sat exhausted, Casillas had the energy to bicycle, lift weights and play soccer. In 1999, Casillas left his hometown of Guanajuato, Mexico, for the orchards of central Utah, intending to make enough money to support his mother and younger siblings back home. But two months after arriving in Utah, Casillas's journey ended abruptly. On June 26, 1999, an applicator-tractor doused Casillas with Guthion Solupak, a pesticide similar in formulation to Sarin, the nerve gas used in chemical warfare. This was the second time in a week Casillas had been sprayed with pesticides while working in the fields.

Unaware that a highly toxic pesticide covered his body, Casillas thought he had been sprayed only with water. After his first exposure, Casillas experienced intense head pain. After his second exposure, the teenager was vomiting, sweating and suffering from diarrhea. That night, Casillas slept in the same clothes he had worn during the exposure. While riding his bicycle to work the next morning, Casillas lost consciousness and collapsed. By the time paramedics arrived, Casillas was dead, with white foam streaming from his nose.



Keith Cunningham-Parmeter

A legal framework exists to protect farmworkers from tragedies like that of Casillas. Pesticides are not supposed to be sprayed while workers are in the fields. Farmworkers are supposed to be informed of the dangers of field chemicals and the steps to take in the event of a poisoning. But for Casillas, none of those regulatory “guarantees” took place. A Utah Department of Agriculture investigation found that his employer had violated federal and state laws by failing to: train employees on pesticide use; supply workers with protective gear; and properly monitor pesticide applicators. Further, the grower allowed workers to enter recently sprayed fields during prohibited reentry intervals and had not posted mandatory safety information.



The grower was fined \$10,000 for these violations, the maximum allowed by state law. However, no tort suit was ever filed against the applicator or chemical manufacturer on behalf of Casillas, probably because of the difficulty of establishing a causal link between the pesticide exposure and his death.

Pesticide Exposure and Protective Regulations

Studies of the effects of pesticides confirm that at least one-third of agricultural pesticides are known or probable carcinogens. Pesticide exposure has been linked to birth defects, leukemia, non-Hodgkin’s lymphoma and brain tumors, among other problems. The people on the frontline of exposure — the men, women and children who labor in the fields — interact with these pesticides in the chemicals’ freshest, most potent state.

With farmworkers experiencing the highest rate of chemical-related occupational illnesses in the country, it is little wonder that farm work is considered among the three most dangerous jobs in the United States. The occupational death rate for farmworkers is five times greater than the national average for all industries. The American farmworker is almost 25 times more likely to develop a pesticide-related illness than the general population.

A regulatory system exists that theoretically could reduce many of the health risks farmworkers encounter from pesticides. Nevertheless, the administrative state governing farmworker safety and pesticides is marked by delay and

inefficiency. The Federal Insecticide, Fungicide and Rodenticide Act of 1947 (FIFRA) is the primary law governing pesticide registration and use. Pursuant to its authority under FIFRA, the Environmental Protection Agency (EPA) has established pesticide-related workplace safety rules known as the “Worker Protection Standard” (WPS). The goal of the WPS is to “reduce the risks of illness or injury resulting from workers’ and handlers’ occupational exposures to pesticides....”

The WPS requires growers to inform farmworkers of the location where pesticides are applied, as well as any restrictions on entering those areas, and requires pesticide safety training for workers and posted warnings if a field has been treated recently. In addition, the WPS requires growers to provide workers with information on pesticide-related illnesses. In the event of a poisoning, workers are to receive prompt transportation to an appropriate emergency medical facility. The employer also should inform the treating medical personnel as to the type of pesticide involved and the circumstances of the exposure.

Unfortunately, the EPA has woven a rich tapestry of exceptions into the WPS that preclude its model of safety from being realized. For example, the WPS allows farmworkers to enter a field before the expiration of a restricted entry period if they are performing short-term tasks not involving direct hand labor. Further, any grower may obtain an exception to the rules from the EPA if, according to federal regulations, the “benefits of the exception outweigh the costs, including the value of the health risks attributable to the exception.”

Given the heavy hand agribusiness holds over state and federal regulators, farmworkers are usually at the losing end of the cost-benefit calculus. The result has been an administrative state that overlooks, rather than prevents, farmworker poisonings. State agricultural officials, who exercise delegated authority to enforce the WPS, often privilege agricultural production over farmworker safety. Even when officials investigate poisoning incidents, fines are rarely issued and violations are repeated.

Tort Recovery in an Era of Regulatory Failure

Because the administrative state has failed to protect farmworkers from pesticide-related injuries, I argue that mounting tort liability holds the most potential for encouraging growers and chemical manufacturers to adopt meaningful protections for workers in the fields. I assert that products liability based on design defects can be an effective theory of recovery for some victims of pesticide exposure.

In essence, the risk-utility test allows factfinders to compare the injurious pesticide with its less-toxic alternatives. The Third Restatement of Torts defines alternative products as “other products already available on the market [that] may serve the same or very similar function at lower risk and at a comparable cost. Such products may serve as reasonable alternatives to the product in question.” Certain alternative pesticides have proven to be far less harmful to humans than conventional poisons, yet equally effective. Despite this evidence, pesticide manufacturers have stifled the production and use of safer pesticides. As such, manufacturers’ current production of decades-old formulations of carcinogenic and teratogenic pesticides exposes them to liability for failure to formulate and distribute pesticides that are technologically feasible, equally cost-effective and far less harmful to farmworkers.

Despite the potential of products liability and other theories to compensate those injured by pesticides, several limitations of the tort system will invariably exclude a large number of claims brought by field workers. Exposure incidents often go unreported and causation is notoriously difficult to prove. Far from arguing that the tort system is the farmworker’s panacea, the thesis is that tort actions may provide *some* relief to a *limited* number of plaintiffs whose injuries occur near in time to an exposure event.

Even if farmworkers were to achieve only limited tort victories for acute poisonings, however, I argue that *any* form of liability would provide a greater incentive for workplace safety than is provided by current regulations. The grower involved in the poisoning of José Antonio Casillas did not have such an incentive.

Toxic tort litigation cannot remedy the structural deficiencies of the administrative state or abate the influence agribusiness has over pesticide regulation. Agribusiness influence is too prominent, regulatory failure is too pandemic, and tort recovery is too limited for pesticide poisonings to cease altogether. But tort actions can raise the price of maintaining the status quo for growers and manufacturers. By providing agribusiness with an incentive to reform its ways, litigation brought by farmworkers may compensate only a few, but catalyze changes that benefit many. In that way, tort recovery stands as an imperfect method for improving occupational safety, thereby offering some measure of workplace protection to farmworkers who have labored for generations in a poisoned field.

— Professor Keith Cunningham-Parmeter is an expert in employment and immigration law at Willamette University College of Law.

Excerpted from: A Poisoned Field: Farmworkers, Pesticide Exposure, and Tort Recovery in an Era of Regulatory Failure. New York University Review of Law & Social Change, Vol. 28, p. 431, 2004.

Even when officials investigate poisoning incidents, fines are rarely issued and violations are repeated.

Oregon Law Commission Focuses on Sustainability

For the last decade, Willamette University College of Law has hosted the Oregon Law Commission, the state's official law reform entity, by providing staff and other resources to support the work of the Commission. That support continues in 2010–11 through a number of projects, including one focused on sustainability.

In many parts of the country, environmentally contaminated properties create a void in a neighborhood's visual and economic landscape. Ideally, public and private officials could improve the sustainability of local communities by working together to bring these properties — also known as “brownfields” — into productive use, as long as that development does not risk the further spread of contamination.

To help improve the likelihood of this brownfield redevelopment, the National Conference of Commissioners on Uniform State Laws has developed the Uniform Environmental Covenants Act (UECA). Under the Act, parties could enter into “environmental covenants” to restrict the use of contaminated real estate. Because they would be governed by clear rules for their enforcement and modification by future regulators and property owners, these covenants would improve the likelihood of successful redevelopment of these properties.

While 22 states already have adopted UECA, Oregon has yet to do so. In 2010–11, the Oregon Law Commission will review current practices in Oregon and make proposals to the Legislature regarding the adoption or modification of the Uniform Law. Toward this end, the College of Law and its staff will host and organize meetings and provide research support to the project. Professor Jeffrey C. Dobbins, executive director of the Oregon Law Commission, will serve as reporter for the project, and Professor Paul A. Diller will assist the Commission work group examining the issue.

“Sustainability is a fairly new area of law for the Oregon Law Commission,” said Dobbins, who has years of experience in environmental law and policy. “Most of what the Commission does is reform older laws or take new proposed law and integrate them into an existing standard. New policy ideas like sustainability are not as richly developed.



“The Commission will take a look at the Uniform Law and propose how it might be integrated into Oregon law, which is a familiar project for the Commission,” he noted.

Last October, the Law Commission staff at Willamette tackled a different environmental issue — one more readily within their immediate control. Under the leadership of Dobbins and the Commission's deputy director and general counsel, Wendy Johnson, the Commission applied for and received one of six Willamette University grants given in support of innovative sustainability projects. The Commission's award-winning project, aimed at reducing paper waste, will help ensure the College of Law faculty, staff, students and library patrons use less paper by increasing the use of electronic documents and double-sided printing.

“Both legal education and the practice of law still depend too much on the unnecessary consumption of paper,” Dobbins said. “In this electronic age, and given the technological expertise of law students and instructors, simple steps can help us avoid much of that waste, and the University's grant will help the College of Law take those steps.”

A Sustainable Future

Third-year student Alycia Edgeworth Kennedy has little interest in donning a power suit and high heels before heading to a courtroom. She would much rather grab hiking boots and a clipboard on her way to a community center to meet with disenfranchised residents and educate them about their civil rights.

Kennedy's interest in protecting the rights of others should come as no surprise to her hometown friends in Bloomington, Ind., which she described as “a Liberal bubble in the middle of a Red sea.” A certified lifeguard and wilderness emergency medical technician, Kennedy spent much of her youth enjoying the great outdoors — and ensuring the safety of others.

In December 2002, she moved to Truckee, Calif., a small town north of Lake Tahoe. She spent the next few years juggling part-time jobs as a vet technician and a dog nanny and spending her free time on the ski slopes. “Law school was always in the back of my mind,” she said of her decision in 2006 to refocus her career. “I've always wanted to work in jobs that would allow me to help people. I thought law would be a good way to do that.”

In 2007, she moved to Oregon and enrolled at Willamette University College of Law. “I knew I wanted to study environmental law, so I was attracted to the school's Certificate Program in Sustainability Law,” said Kennedy, a member of the Class of 2010. “I liked that it is less focused on the science of sustainability and more focused on people — on social justice and equity. It's a total paradigm shift.”

Kennedy said that she experienced “culture shock” as a first-year law student. “I felt like I had to turn my brain back on after not having been in a classroom for six years,” she explained. “Fortunately, I met a lot of 2Ls and 3Ls who took me under their wing and gave me advice.”

Once settled into law school, Kennedy immersed herself in legal aid and clinic work. During the summer of 2008, she worked as a legal intern for the Family Resource Center of Truckee, helping mediate disputes for the Nevada County Small Claims Court. When she returned to school in the fall, she tackled a number of environmental justice projects through the Sustainability Law Clinic, including helping to empower low-income and minority communities adversely affected by plans to replace the Columbia River Bridge that connects Oregon to Washington.

“My role has involved educating people about the health effects of the construction project and ensuring everyone impacted is at the table of decision makers,” said Kennedy, who received a special sustainability grant from the University last fall to continue her work on the project. “It also has been about showing institutions and organizations how they can be more equitable in their decision making.”

Following graduation in May, Kennedy plans to forgo a position with a big-name firm and focus instead on a career in public interest law and environmental justice. “I want to help the people in my community — with an eye toward sustainability,” she explained. “Lawyers shouldn't be on top, they should be on tap. We're here to empower people to seek solutions for themselves before seeking justice in the courtroom.”



Alycia Edgeworth Kennedy and her dog, Doctor

As an undergraduate at Indiana University, she volunteered as a court-appointed special advocate in the local guardian ad litem program. “I was a mentor for a 5-year-old boy in the foster system,” she explained. “I conducted home visits and served as his voice in the courtroom.”

Despite this early foray into law, Kennedy's interest in languages led her to triple major in English, linguistics and Swahili. Following her graduation in 2001, Kennedy joined Goodwill Industries International, where she helped people with special needs secure jobs and become self-sufficient.

Embracing Hope

“Wanting to earn a post-graduate degree is a cultural thing,” said Tapiwa Gladmore Kapurura, an LL.M. candidate at the College of Law. “It is common among my African friends to push one another to continue our educations. Self enrichment is very important to us.”



“The program has given me new hope for myself and my career,” said Kapurura, who grew up in Zimbabwe, Africa (formerly Rhodesia), during the war for independence from Britain. Despite living in a poverty-stricken area under colonial rule, Kapurura said he experienced “freedom in its real sense” as a child, playing all day with toys he and his friends made from wires and containers.

The son of a school teacher, Kapurura earned top grades in high school and was encouraged to pursue a professional career. “I grew up asking lots of questions, so a friend of my uncle suggested I

television,” he explained. “I assumed that with only a few minor adjustments, I would be prosperous. It was the American Dream. Once here, I realized it was a fantasy.”

Kapurura faced countless difficulties transitioning to life in America. Most frustrating was the fact that potential employers could not verify his African credentials. “I couldn’t prove my experience, so it was easier to say I was a high school drop out — that way, no credentials were needed,” said Kapurura, who worked menial jobs to support his family. “People would hear my accent and immediately think I was an ignorant immigrant. The experience was humiliating.”

Kapurura hauled boxes in warehouses for three years before working his way up to an office job with Citigroup Inc. Realizing he would need credentials from an American school to reenter the legal profession, Kapurura enrolled in a paralegal studies program. When he graduated in 2005, he was hired as a compliance coordinator with Countrywide Home Loans. “For the first time since coming to the United States, I relied on my true credentials to get a job,” he said. “It was what I had dreamed working in America would be like.”

Two years later, at the dawn of the financial crisis, Kapurura moved his family to Salem, Ore., in search of greater career opportunities. He worked for Wachovia Corp. for a year before enrolling in the LL.M. Program in Transnational Law at Willamette University in 2009. His

“People would hear my accent and immediately think I was an ignorant immigrant. The experience was humiliating.”

consider law,” he said. Kapurura earned a Bachelor of Laws with honors from the University of Zimbabwe in 1996. Following college, he worked for three years as an associate in a general practice firm in Zimbabwe, where he focused on criminal and probate work.

“I made a very decent living, but I was not living a prosperous life,” said Kapurura, who had limited access to even basic goods in the war-torn country. “We were living under a dictator. Laws were tightening. The foreign press was banned. Lawyers were being persecuted. No one was guaranteed a fair trial; the rule of law was gone. It was a scary time.”

When Kapurura, who had represented a member of the opposition party, began receiving threatening phone calls, he and his wife, Victoria, decided to leave their homeland. In November 2000, they moved to Dallas. “I was greatly influenced by American movies and

graduate studies have focused on energy law and sustainability. “Corporations should not only answer to shareholders but to members of their communities as well,” he said. “Their philanthropic work should extend beyond being a tax break. In other words, corporations should not only cater to shareholders, they should consider stakeholders in the environment as well.”

Following graduation in May, Kapurura hopes to land a corporate counsel job, advising companies on conservation and consumer relations. His future plans also include possibly earning a doctoral degree in environmental law. Although he does not relish another big move, he is willing to do what it takes to meet his goals. “I’ve learned that if you work hard, America has all the resources you need to succeed,” he said. “You just need to be inventive, flexible and hardworking.”

Touching the American Rainbow

Tapiwa Kapurura, an LL.M. candidate at the College of Law, has written and self-published a fascinating memoir that documents his experiences growing up in war-torn Zimbabwe, Africa, and immigrating to the United States. In the following excerpt, Kapurura explains why he felt compelled to share his story with others:

I wrote *Touching the American Rainbow* to create a public platform for sharing my unique experiences with as many people as possible. The road to immigration is not as smooth or enticing as it may be assumed. There is far more involved in the causes and effects of immigration than most people are aware of. Poverty, war, breakdown of rule of law, or any life-disturbing aspects can catalyze anyone to join the pilgrimage to a “God-only-knows-where” destination.

I also wanted to encourage people not to stereotype immigrants as unscrupulous border jumpers, vagrants, criminals or liabilities to a given system. Immigration is mainly instigated by need, not greed. Most immigrants prefer to lead peaceful, honorable lives. Some, like me, were highly respected professionals in their native lands, driven out by the burning effects in a place-of-birth situation, leading them to drop from “heroes” to “zeroes.”

It is never a luxurious option to leave one’s land of birth, especially when you have to stop midstream on an established career path and part with family and friends. There are often many untold horror stories lurking in the minds’ of immigrants. Some never get to see their family members for life; some have escaped artificial lions’ dens administered by iron-fisted despots. Some have escaped death by a whisker, while some have run away from poverty, famine, disasters and other pestilences.

Immigration is a hassle to anyone, especially a professional who leaves his calling to begin a new life. It can start with the simplest challenges: food, clothing styles, customs and manners. It then moves on to other more serious issues, such as language, finding a place to live, weather conditions, the work culture, job-skills testing and employer expectations. While this myriad of events unfold concurrently, the immigrant strives to survive in the new environment, groping in darkness, taking chances, experimenting with the new conditions and trying to solve the quiz of the new

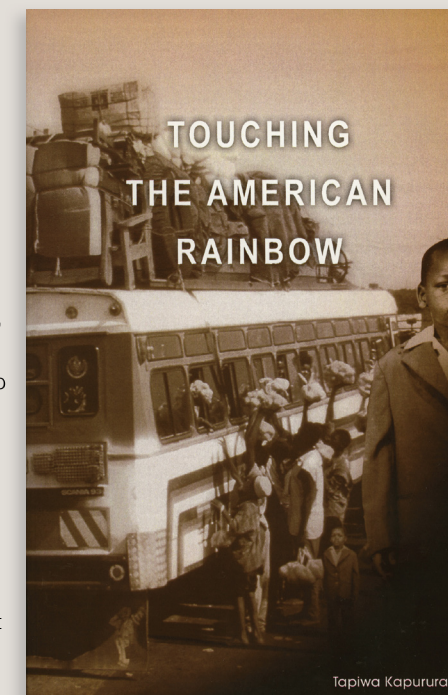
place. One must compromise his or her ego and pride, be flexible, and be ready and willing to adapt to the new environment as the new terms of life are handed down. There must be readiness to absorb various kinds of ridicule, be patient with strangers, and be forgiving and bearing in the process.

The conditions and lifestyles in America are so comfortable for so many people that they may take this comfort for granted, never imagining themselves without it. Americans should be grateful for a considerate and accountable government, steady and ever-promising economy, peace in their homes, food, clean water, good schools, and many other facilities and institutions that the Third World is — literally — dying to have.

“It is never a luxurious option to leave one’s land of birth, especially when you have to stop midstream on an established career path and part with family and friends.”

My memoir is an epitome of the common trials experienced in the life of an ordinary immigrant: psychological drawbacks, financial draw backs, and loneliness in a strange land. There is also the resultant

determination to make life worth living and the urge to work hard and survive. I wrote the memoir hoping that I could, by the grace of God, help people appreciate what it’s like to be an immigrant in America, and, therefore, realize more practical empathy. I also wrote it so that people planning to come to America, or who have just come to America, can learn some basic survival skills, so that they, too, can pursue the American dream.



Giving Back

The setup of the law office of 2010 Oregon State Bar (OSB) President Kathleen A. Evans JD'82 reveals a lot about her. It is situated inside a white, 1911-vintage house with a blue roof and trim, on 13th Street in Salem, Ore., with a staircase leading up to a door on the right. On one side is her practice, Evans Batlan Attorneys at Law. On the other side is her husband's business. Michael B. Batlan BS'75, MBA'81 is a self-employed bankruptcy trustee.

Seated at a desk in Evans' office is associate attorney Cecelia L. Batlan BA'05, JD'08, the couple's oldest daughter. Besides Cecelia, they have a younger daughter, Libby Batlan. Somewhere in the middle of all this is their 14-year-old Australian Shepherd, Murray. "It's a very family-oriented place," Evans said. "That's been one of the joys of my life."

Such a scenario is everything that Evans' mother feared would never occur after Evans made the decision to go to law school in the late 1970s. "She was horrified," Evans said. "She thought there was no way I could have a family. But she quickly came around."



Chapter 11 was in its infancy. During those first years in practice, Evans also began volunteering for bar activities, chairing the executive committee of the OSB Debtor-Creditor Section and serving on that committee for nine years, as well as being a

"I believe I've been really fortunate in life, and have an obligation to give back. If one of the ways I can do that is volunteering, I think that makes sense."

The oldest of four children, Evans had a "very traditional upbringing" in Tacoma, Wash. She was the first in her family to attend college, earning a Bachelor of Arts in political science at Washington State University before enrolling at Willamette University College of Law. She entered law school knowing only that she wanted to obtain a graduate degree. "Once I got a taste of law school, it fit," she said.

Following her first year of law school, William C. Crothers Jr. BA'66, JD'69 hired Evans as a law clerk. She went on to work with him for nine years, first as an associate and then as a partner. In that office she handled hundreds of creditors' rights cases at a time when

contributing author of the Oregon Commercial Practice Manual.

In 1990, she started her own practice, which she now limits to estate planning and administration and business planning. Although Evans has served as a mediator and continues to act as an arbitrator, most of her time is spent working with small businesses and clients whose estates range from modest to substantial. She finds the relationships and friendships she builds through advising clients satisfying and intellectually stimulating. "What I like most is looking at a set of circumstances for a family and finding solutions that help them transition," Evans said.

Evans was thrilled that her daughter Cecelia decided to go into law and then join her mother as an associate after graduating from Willamette in 2008. Batlan said she never felt any pressure to join the legal profession or to practice with her mother. "Like a sponge, I try to soak up everything she does," Batlan said. "She's been there; I really respect her. I don't think I would want to deviate from anything she does."

Although family always has been her priority, Evans has participated in bar and community activities as much as possible throughout her career. She was a co-founder and 1994–95 president of the Willamette Valley American Inns of Court, and she served as president of the Marion County Bar Association in 1992. Her community service includes serving on the board of directors and board of trustees of the Salem YWCA, as well as on the board of trustees of the Boys & Girls Club of Salem.

"I believe I've been really fortunate in life, and have an obligation to give back," Evans said. "If one of the ways I can do that is volunteering, I think that makes sense."

Former Oregon Supreme Court Justice Susan M. Leeson BA'68, JD'71, a classmate of Evans during law school, said she admires

Evans' "remarkable" sense of balance in being a public-service-oriented lawyer who, at the same time, is so devoted to family. "Kathy has one of the most stellar characters I have ever encountered," Leeson said. "She's incredibly dedicated and very smart."

Before throwing her name into the hat for OSB president, however, Evans said she had to fully consider the time commitment involved in holding such a post. She recalled a piece of advice offered to her at the time: Past-OSB President Albert A. Menashe JD'76 told Evans that "this will be the best year of your professional life."

Evans said a great personal benefit of her choosing to become active in bar service is the interaction it gives her with other attorneys. "I think lawyers are some of the most interesting people," said Evans, who added that being able to associate with attorneys all across the state is "one of the things I'm going to really enjoy" as president.

— Cliff Collins is a Portland-based freelance legal writer.

Excerpted from the January 2010 issue of the OSB Bulletin with permission from the author.

The Mother of All Role Models

"Willamette was a good place for me; it was good to me," Kathleen A. Evans JD'82 said of her law alma mater. "Willamette gave me a full-ride scholarship, which not only enables a student financially, but also makes them feel wanted."

As a political science major at Washington State, Evans knew she wanted to attend graduate school but wasn't initially sure of a focus area. She chose Willamette University College of Law because it was a small, intimate school with a joint degree program. "I liked the social aspect of the school," she said. "We were all very supportive of each other, but also very competitive."

Evans, who was first in her class throughout law school, sometimes felt the heat of competition more than others. "Students would come up to me and say, 'You're going down,'" she explained. "But every time I thought of complaining about how hard I was working, I thought of the students with spouses and children."

Following graduation, Evans learned firsthand the challenges — and rewards — of balancing legal practice and parenthood. When her own daughters became active in after-school activities, she reprioritized her time, stepping back from community and bar activities to be with her family.

"It's a difficult path, trying to mesh legal work with being a mother," the 2010 Oregon State Bar president said. "But I hope young women becoming lawyers today understand that they can move forward in their careers and be mothers. It may not be easy to do both, but they certainly can, if they wish to."

"I hope I have modeled that well for my own daughters, as well as other women lawyers."

An Eminently Willamette Firm

On the surface, a condemnation case might not seem very exciting, lacking the drama of a criminal trial or custody battle. But lawyers who specialize in this area of real estate law tackle a highly emotional issue — the government’s right to appropriate a private individual’s land for public use.

“In condemnation law, no one is going to end up in jail or lose their kids,” acknowledged John Paul Turner JD/C’91, a partner at Rodgers Deutsch & Turner PLLC in Bellevue, Wash. “We deal with business decisions; it’s all about money. Our clients have a piece of property and, at the end of the day, we help determine its worth.”

Rodgers Deutsch & Turner is a standout among the select group of lawyers in the region who specialize in condemnation law, having represented thousands of land owners in cases involving almost every branch of government and private utility. Their clients range from publicly traded national companies losing multimillion dollar buildings to homeowners losing a portion of their front yard for road realignment.



“Once I got to Willamette, I realized how privileged I was to be there and that I had to do my best to stay.” — Mike Rodgers

“The cases we take on typically involve commercial owners whose businesses are being displaced,” explained S. Michael Rodgers JD’68, who founded the firm in 1973. According to Rodgers, in most cases the government can effectively claim eminent domain, so the firm focuses on getting clients the greatest reparations. “We concentrate almost exclusively on compensation issues, ensuring our clients get fair market value for land that is taken or receive damage recovery as a result of an intrusive project.”

A Seattle native, Rodgers grew interested in condemnation law after his uncle, a condemnation attorney, explained the specialty to him. In addition to providing a good career, Rodgers knew the work would give him “satisfaction and the opportunity to be of service to others.”

After graduating from Washington State University with a business degree, Rodgers made plans to enroll in law school at Willamette University. He applied to Willamette and was accepted, but a month later he received a letter from then-Dean Seward P. Reese rescinding the offer due to overenrollment of the class. Rodgers wrote to the dean, pleaded his case and was granted a spot in the class.

“Once I got to Willamette, I realized how privileged I was to be there and that I had to do my best to stay,” Rodgers said. “I worked hard to prove to the dean that he had not made a mistake in letting me in. The rigorous, Socratic environment was a challenge for me, but an enjoyable one.”

Rodgers’ hard work paid off his third year of school when he was named director of the student-run research and writing program, which provided legal services to local firms. “Firms would submit legal questions to be researched, and our students would do the work,” he explained.

Following his graduation from the College of Law, Rodgers immediately focused his attention on gaining experience on condemnation cases. He returned to Washington and began representing the state in real estate condemnation jury trials on behalf of the Department of Transportation. “Within three weeks of joining the attorney general’s office, I was in court, handling trials,” said Rodgers, who worked as an assistant attorney general for two years before being named lead trial attorney for condemnations in Western Washington.

From 1968 to 1973, Rodgers tried approximately 80 Superior Court jury condemnation cases and was involved in more than 250 additional settlements. “It was great training to meet all the attorneys and judges working in right-of-way acquisitions,” he said. “I knew the experience would help me to represent property owners when I went into private practice, which was always my plan.”

After five years at the attorney general’s office, Rodgers switched sides and become an advocate for property owners in condemnation matters, founding his own firm focused on condemnation and trial litigation of real estate-related valuation and damage issues. Since that time, he has been one of the most active condemnation attorneys in Washington.



Soon after entering private practice, Rodgers took on a case that would change the shape — and name — of his firm.

“In the early ’70s, my father had a real estate office in Redmond, Wash., and the state decided to condemn the property for a highway development under the right of eminent domain,” said Daryl A. Deutsch JD’80, whose father hired Rodgers to work on the case. The two older men became lifelong friends, and Rodgers became a great advocate of the legal profession to his friend’s son.

“Mike advised me to attend Willamette University for law school,” said Deutsch. “He always said it’s ‘the little Harvard of the West.’”

Scholarly and analytical by nature, Deutsch enrolled at Willamette after earning a degree in forest management from the University of Washington and found that he enjoyed the rigors of law school. “I knew law school would be a lot of work, and it was,” he said. “But I remember having a good time in class. It was fun for me.”

During summer breaks from school, Deutsch clerked for Rodgers’ firm, where he began to learn the many intricacies of condemnation law. “I was always interested in real estate law because of my father’s business, so condemnation law was a good fit for me,” said Deutsch, who joined the firm as an associate following law school. He made partner in 1986.

Deutsch’s legal work primarily focuses on the representation of property owners in eminent domain matters, including cases involving the state of Washington, transit authorities, school districts, and utility and fire districts. At the invitation of several members of

the Legislature’s condemnation task force, he has reviewed proposed condemnation-related issues and legislation.

“In condemnation law, it’s not a matter of winning or losing; it’s all about how much money you will get for your client,” he explained. “But occasionally a case comes up where you question whether the



“Mike advised me to attend Willamette University for law school. He always said it’s ‘the little Harvard of the West.’”

— Daryl Deutsch

government has the right to take a piece of land for public use. It is interesting to study those questions — where the answer isn’t about money but the government’s right to proceed.”

According to his partners, Deutsch excels at this kind of legal problem-solving. “Daryl’s very scholarly,” said John Paul Turner JD/C’91. “He enjoys the minutia of examining the effects of legislation on legal precedence and how particular cases fit into a larger legal context.”

Turner, the third partner in the three-man firm, is cut from a much different cloth. “John is a new generation attorney,” Rodgers said of

Asia’s Best Young Entrepreneur

by Manuel Baigorri of *BusinessWeek* magazine



In September, *BusinessWeek* gave readers the chance to vote in our annual poll to identify the best young entrepreneur in Asia. Our reader’s choice is a good example of the global scope of some Asian startups: Carlos Moncayo, 28, grew up in Ecuador, went to law school in the U.S. and studied Mandarin in China before starting his company. Moncayo is co-founder and CEO of ASIAM, a

Shanghai-based offshore-manufacturing management company that specializes in the garment industry. ASIAM provides a competitive edge to private clothing brands in Latin America, which compete with big corporations in their respective local markets.

Moncayo studied law at Pontifical University in Quito. After finishing his fourth year of law school, he enrolled at Willamette University College of Law in the U.S. as an exchange student [and earned a Certificate in Dispute Resolution in 2004]. While he was there, he became interested in Chinese law, and Professor James A.R. Nafziger offered him a full scholarship to participate in a two-month Chinese law program in Shanghai. “I did not know anyone in China, nor did I know a single word of Mandarin,” recalled Moncayo of his arrival in the country. “I had \$400 in my pocket and tons of energy and big dreams.”

While enrolled in the Chinese law program, he applied for internships with several foreign law firms. Lehman, Lee & Xu, a Chinese-American law firm, hired him as one of its foreign interns. There he practiced in the international-law division and handled South American clients who conducted business in China. Most of his cases dealt with midsize companies involved in manufacturing or trading disputes relating to defective goods. Those organizations did not have sufficient volume or investment to justify a Chinese office to supervise their orders with Chinese manufacturers, and Moncayo saw good business opportunities on that front. “I wanted to find a better way than judicial processes to resolve and prevent these situations,” said Moncayo.

He discussed with his two brothers, Fernando and Luis, the idea of starting an offshore-manufacturing company in China to serve importers. In August 2004 they officially started ASIAM, aiming to facilitate the interaction between buyers and suppliers, reduce problems associated with distance and cultural barriers, and allow international transactions to become as easy and secure as local ones.

The enterprise would select suitable suppliers, coordinate pre-production details, supervise the manufacturing process and perform pre-shipment inspections. ASIAM’s business model provided the same services that big corporations’ sourcing offices provide, but “we targeted small and midsize companies [to provide] Latin American companies an effective, easy and secure method to source from China, and correspondingly, to become more competitive in the global market,” said Moncayo.

Although ASIAM initially served clients from various industries, Moncayo realized that “we generated more value for our clients in the garment industry.” That’s why, since 2007, he decided to focus on more specialized services for leading fashion retailers “that want quality products with quicker delivery.” The business has continued to grow, and last year, Moncayo and his brothers also started a new business unit, ASIAM INSPECTOR, which provides merchandise inspection and factory audit services to importers from China.

In 2008, ASIAM handled \$29 million on orders from different importers, and during these last five years, the company averaged yearly growth of 112 percent and helped more than 70 clients import products from more than 300 Chinese factories. ASIAM’s main clients are located in Mexico, Spain, Guatemala, Panama, Colombia, Peru, Ecuador and Argentina. Nowadays, Moncayo splits his time between China and South America. Despite his busy schedule, he still finds time to get some additional training: A year ago he was admitted to Shanghai’s China Europe International Business School, where this December [2009] he will graduate with a diploma in management.

— Manuel Baigorri is a reporter for *BusinessWeek* magazine.

Reprinted from the Oct. 26, 2009, issue of BusinessWeek by special permission; copyright © 2009 by The McGraw-Hill Companies Inc.

the youngest member of the firm. “He’s a highly articulate and persuasive attorney — good on his feet.”

Unlike Deutsch, who always planned to attend law school, Turner initially was interested in a medical career. “I started college thinking I wanted to go into medicine,” he said. “But after taking several classes, I discovered I didn’t enjoy the sciences. I explored other fields and, over time, realized I was best suited to political science and law.”

Following his junior year at Santa Clara University, Turner interned with a lobbying firm representing municipalities on transportation issues in Washington, D.C. “I monitored Senate hearings and reported back to the firm’s clients on legislative activities,” he explained. “The experience gave me a great exposure to a wide range of lawyers and solidified my desire to go to law school.”

Turner chose Willamette University College of Law because of its small, intimate setting. “Having attended Santa Clara, I was

the early days, I did a lot more trial work,” he said. “My first 20 years of practice was primarily ‘trial by ambush,’ meaning there was very little discovery done prior to trial. During the last 15 years, mediation has become an important part of the process. Today, about 90 percent of my cases are resolved through mediation.”

“In condemnation law now, we are required to go through that exercise as a matter of course,” Turner added. “With most cases, we’re able to get to resolution a year earlier than if we went to trial.”

Turner, who was hired by Rodgers and Deutsch after law school, said he was immediately “put into the thick of it” early in his career. “I remember assisting Mike in trials straight out of law school,” he said. “Over time, Mike made a point of involving me in all aspects of the work. In my late 30s I was handling \$10 million cases.”

Even though he has taken on a number of high-dollar cases, Turner credits his two partners with never viewing him as a profit center. “I was treated like a future leader of the firm very early on,” explained

Turner, who has successfully concluded more than 500 condemnation cases in the 18 years he has worked with the firm. He was named a partner in 1998.

Today, despite their many responsibilities, the partners of Rodgers Deutsch & Turner still make time to reunite with their law school classmates. And just as Rodgers counseled his partners on the benefits of a career in law when they were young, the men often advise prospective law students on the value of a Willamette education. “You don’t have to twist my arm to tell that story,” Turner said. “I’m happy to support Willamette’s law school. It gave me an opportunity to enter a profession and the skills I needed to succeed.”

“I feel a personal connection to the school because of the opportunities it gave me,” Rodgers added. “I’d like to see young lawyers have the same opportunities I have enjoyed.”

comfortable in that kind of learning environment,” he said. “I also felt attending law school in the Pacific Northwest would give me better opportunities in the area after graduation.

“Once I fell into the groove of law school, I did well,” Turner added. “I liked public speaking and was good at arguing a point. I had those kinds of intangibles, which I thought would make me a good lawyer. But Willamette gave me the precise tools I needed.”

Following his first year of law school, Turner worked for a large antitrust law firm in Seattle. The next summer, he interned with Rodgers’ firm, where he worked on several condemnation projects. He walked away from the experience convinced condemnation law was the best fit for him. “I felt it was an area of law that would keep me motivated and interested because every case is so different,” he said.

When Turner graduated from Willamette in 1991, he left the school armed with both a J.D. and a Certificate in Dispute Resolution. “Even as a law student I noticed that larger companies were hiring mediators to settle disputes to reduce costs and save time,” he said.

Rodgers concurred, noting that in the 35 years he has been in private practice, he has seen a significant shift in how cases are handled. “In



“I liked public speaking and was good at arguing a point. I had those kinds of intangibles ... But Willamette gave me the precise tools I needed.” — John Paul Turner

Class Action

the 1970s



Thomas E. Angelo BA'68, JD'71 of Mill Valley, Calif., has been

appointed by President Obama to the Federal Service Impasses Panel of the Federal Labor Relations Authority. The panel resolves impasses between federal agencies and unions representing federal employees. Angelo became a full-time arbitrator in 1983 and is a member of the National Academy of Arbitrators. He serves as a panel arbitrator for the private and public sectors.

Graham M. Hicks BA'70, JD'73 of Beaverton, Ore., co-authored the second edition of *The Educator's Guide: Student Discipline in Oregon* along with Elaine Eberharther-Maki and Michael Porter. The updated guide is a resource publication for administrators, teachers and those responsible for student discipline — both general and special education. Hicks' practice focuses on education law. He advises school districts throughout Oregon and Washington on general education and special education matters.



W. Eugene Hallman JD'74 of Pendleton, Ore., was named

Distinguished Trial Lawyer for 2009 by the Oregon Trial Lawyers Association. Throughout his career, Hallman has handled more than 500 cases, assisting plaintiffs in lawsuits against a broad variety of

defendants, including Wal-Mart, Ford Motor Co., the Oregon Correctional Institute and the U.S. government. He is a partner in the firm Hallman & Dretke.



James C. Casterline JD'76 of Gearheart, Ore., has started his

own law practice. He shares office space with **Robert C. Moberg BA'69, JD'73** in the town of Seaside. Casterline's practice focuses on real estate, business, elder law and occasional pet trusts. He continues to facilitate 1031 Exchanges through his Casterline Henriksbo Exchange Service Co. and to act as conservator for complex estates.



Connie J. Steinheimer JD'79 of Reno, Nev., was

re-elected chief judge for a second two-year term by her colleagues on the Second Judicial District Court in Washoe County, Nev. Steinheimer has served on the bench since 1992.

the 1980s

Robert W. Burns JD'80 of De Pere, Wis., was selected for the *2010 Best Lawyers*, the most respected peer-review publication in the legal profession. Burns is a shareholder in the law firm of Davis & Kuelthau, where he practices labor and employment law.

Charles A. Harwood JD'83 of Seattle, Wash., has been appointed deputy director in the Bureau of Consumer Protection of the Federal Trade Commission. Harwood previously was director of the FTC's Northwest Regional Office in Seattle, where he led law enforcement and consumer education efforts, often in cooperation with state authorities, involving a wide range of antitrust and consumer protection issues.

Peter C. McKittrick JD'85 of Portland, Ore., has become an adjunct professor at Lewis & Clark Law School, where he teaches a course on bankruptcy and debtor-creditor law. McKittrick is of counsel with Farleigh Wada Witt.



P. Gregory Frey JD'86 of Honolulu, Hawaii, is managing attorney at

Coates & Frey, Hawaii's largest divorce and family law firm. He also continues his work on several influential boards and associations, including the Hawaii State Bar Association and Sacred Hearts Academy, and serves as president of the Saint Louis Alumni Association (his alma mater). Frey and his wife of 23 years, Mia, have two daughters.

David J. Harris JD/MBA'86 of Battle Creek, Mich., has been named president of Robert B. Miller College. He has been in education full time since 1992, serving most recently as dean of the School of Business at Southern Oregon University. Prior to his move to academia, Harris spent many years in the corporate world.

Kirk L. Spangler JD'86 of Turner, Ore., has written a crime thriller novel that is set in Salem and references the College of Law. *Capitol Crimes* explores the murder of a young law school graduate, whose body was discovered in the Oregon Capitol. The novel follows Salem homicide detective Jack Davis throughout the investigation. The book is available at the Willamette University bookstore and Amazon.com. Spangler is an administrative law judge for the Oregon Workers' Compensation Division.

the 1990s

Robert E. Bluth JD'90 of Medford, Ore., has authored *Muni Court: A View From the Other Side of the Bench*, a 190-page hardback published in November 2009. The book offers a humorous yet poignant perspective on small-town courtrooms. Bluth is municipal court judge in Shady Cove and previously served in the same capacity in Eagle Point for 16 years.



Renee E. Rothauge JD'90 of Portland, Ore., has been elected chair

of the Oregon State Bar Business Litigation Section. Rothauge is a shareholder and chair of the Intellectual Property Group at Bullivant Houser Bailey PC.

Lisa A. Amato JD'91 of Portland, Ore., has joined Meyer & Wyse as of counsel. She continues her practice of counseling employers

on employment-related matters, assisting federal contractors with affirmative action programs and compliance, and representing employers and management in employment litigation.

Michael J. Ross JD/C'91 of Portland, Ore., and his law partner, **Christopher A. Slater JD'97** of Portland, arranged for a contribution to the Oregon Law Center, which provides legal help to low-income Oregonians in housing matters. The contribution of quasi-cy pres funds comes from the settlement of a class action lawsuit that Ross and Slater litigated in Multnomah County. They represented a class of 30,000 tenants who were overcharged by landlords and a company that helps landlords bill for utilities. The Oregon Law Center will use the money to fund a three-year fair housing staff attorney position.

Seth M. Fleetwood JD'92 of Bellingham, Wash., was elected to the Bellingham City Council on Nov. 4, 2009. He previously served on the Whatcom County Council. Fleetwood has his own law firm in the Fairhaven area of Bellingham.

Karen A. Feil JD'94 of The Dalles, Ore., has joined the law office of Bradley V. Timmons PC. Feil previously worked for Portland General Electric Co. Feil's practice focuses on business, real estate, estate planning and family law matters.

Samuel C. Kauffman JD'94 of Portland, Ore., has become an owner in the firm of Garvey Schubert Barer. Kauffman's practice focuses on white collar criminal defense and internal corporate investigations. He was named to *The Best Lawyers in America* for 2010 in the area of criminal defense.

Katherine E. Weber JD/C'94 of Portland, Ore., has been appointed to the Clackamas County Circuit

Court bench by Gov. Ted Kulongoski. She fills a vacancy left by the retirement of Judge Robert Selander. Weber has practiced law in Clackamas County since 2001 as a solo practitioner and member of the Clackamas Indigent Defense Corp. She previously worked for Gevurtz, Menashe, Larson & Howe in Portland.



Jet Harris JD'96 of Eugene, Ore., recently was appointed by the Oregon

Supreme Court to the Oregon State Bar's Disciplinary Board. Her three-year term began on Jan. 1, 2010, and will end on Dec. 31, 2012. Harris is a partner at Skinner Lopata Harris LLC.



Kirk A. Soderquist JD/MBA'98 of Bellevue, Wash., has been named

one of *Puget Sound Business Journal's* "40 Under 40" for 2009. This award spotlights the top business leaders under the age of 40 who excel in their industry and show dynamic leadership. Soderquist is a partner in Perkins Coie's national licensing and technology practice in Seattle.

Brenda K. Baumgart BA'95, JD'99 of Portland, Ore., has been named a 2009 Oregon "Rising Star" in *Super Lawyers*, a publication produced annually by *Law & Politics* magazine. To be named to the publication's "Rising Star" list for a particular state, the attorney must be 40 years old or younger or have been practicing 10 years or less. Only 5 percent of those who meet the criteria make it onto the list. Baumgart is a partner at Barran Liebman LLP.

the 2000s

Deanna L. Franco JD'00 of Gresham, Ore., has joined Buckley LeChevallier in the Lake Oswego-based firm's business, real estate and estate planning practice groups. Her practice focuses on providing counsel to individuals and business owners in the areas of estate planning, probate and trust administration, guardianship and conservatorship matters, entity formation, and general business planning, as well as commercial and residential real estate transactions.

David P. Claiborne JD'02 of Meridian, Idaho, has been named partner at the Boise firm of Ringert Law. Claiborne has been with the firm since 2002. His practice focuses on civil litigation, business formation, contracts, real estate and alcohol beverage licensing. He also serves as a court-appointed special advocate for abused and neglected children.



Marisol (Ricoy) McAllister JD/MBA'02 of Portland, Ore., has joined

Farleigh Wada Witt as a transaction attorney. Her practice emphasizes real estate,

Reeves Honored Among Forty Under 40

In mid-February, **Liani J. Reeves BA'98, JD'01** was among the high-caliber executives under 40 who were honored by the *Portland Business Journal* during its annual Forty Under 40 awards reception. Reeves was recognized for outstanding character and achievement in her career, engagement in civic activities, volunteerism in the community and genuine passion for what she does.

Reeves is assistant to the chief trial counsel in the Employment Litigation Section of the Oregon attorney general's office. She also chairs the Oregon Commission on Asian Affairs and serves on the board of the Oregon Minority Lawyers Association.

Reeves majored in religious studies and English at Willamette University before earning her J.D. at the College of Law. She previously worked as a clinical instructor and staff attorney for the National Crime Victim Law Institute, where she focused on violence against women and human trafficking issues.

Rene G. Gonzalez BA'97, JD'00 of Portland, Ore., has been promoted to assistant general counsel for corporate affairs at Knowledge Learning Corp. Gonzalez has been with KLC since 2005, serving in several roles. In addition to his new responsibilities, he also is assistant corporate secretary.

banking and business law. McAllister previously practiced at Barg Tom PC.

Tanya C. O'Neil JD'04 of Portland, Ore., has joined Gordon & Rees as an associate in the firm's Portland office. Her practice will focus on employment law, professional liability defense and products liability.

Roberto Lovato Gutierrez LLM'05 of Port of Spain, Trinidad, was promoted by his company, Repsol YPF SA, in 2008 to legal manager of the Trinidad and Tobago business unit. He previously worked for the company in a different capacity in Quito, Ecuador.

Spencer C. Rockwell JD'05 of Salem, Ore., has been named a 2009 Oregon "Rising Star" in *Super Lawyers*, a publication produced annually by *Law & Politics* magazine. Rockwell is an associate at Garrett Hemann Robertson PC, where he provides civil litigation services for real estate transactions and development issues, as well as workers' compensation and workplace torts.



Lori A. Beight JD'06 of West Linn, Ore., was elected to the West Linn-

Wilsonville School Board. She began her four-year term on July 1, 2009.

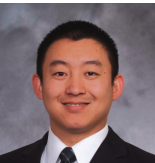
Robert E. Sinnott JD'06 of Portland, Ore., has joined Smith, Freed & Eberhard as an associate. His practice focuses on torts, construction and design litigation, and professional liability.

Lucas W. Reese JD'07 of Salem, Ore., has been named a 2009 Oregon "Rising Star" in *Super Lawyers*, a publication produced annually by *Law & Politics* magazine. Reese is an associate at Garrett Hemann Robertson PC, where he practices employment and human resources law, providing litigation services and consultation to private and public entities.

Jennifer R. Shmikler JD'07 of Portland, Ore., has been named regulatory affairs specialist for the Oregon Farm Bureau. She works with national and state

agencies to track rules, regulations and litigation affecting Oregon agriculture producers. Shmikler previously worked for the lobbying firm Dave Barrows and Associates, the Clackamas County District Attorney's Office, and the offices of Rep. Darlene Hooley and Sen. Richard Devlin.

Tara M. (Donahue) Costanzo JD'08 of Salem, Ore., has joined Stahancyk, Kent, Johnson & Hook as an associate in their Bend office. Prior to joining the firm, she worked as a sole practitioner in Salem.



Nye Wang JD'08 of Salem, Ore., has been formally registered and

admitted to practice as a patent attorney before the U.S. Patent and Trademark Office. Wang is one of two patent attorneys at the Salem firm of Crowell Ing LLP.

James B. Culliton JD/C'09 of Houston, Texas, has joined the North American Energy Standards Board as a staff attorney. The NAESB serves as an industry forum for the development and promotion of standards that will lead to a seamless marketplace for wholesale and retail natural gas and electricity, as recognized by its customers, business community, participants and regulatory entities.

Jenny S. Lillge JD/MBA'09 of Woodland, Calif., passed the California State Bar exam and is now working for Legislative Intent Service Inc., a research company that provides analysis and documents relating to state and federal legislation.

Dorothy R. Ryan JD'09 of Salem, Ore., has joined Saalfeld Griggs PC as an associate in the firm's real estate and land use practice group.

Marriages



Mandy D. Hexom JD/C'00 of San Diego, Calif., married Justin K.

Tamillo on June 6, 2009. The couple reside in San Diego, where Hexom works as a litigation attorney at Parks & Oberhansley PLC.



Grant D. Stockton BS'96, JD'02 of Portland, Ore., married Melissa Taylor

on Sept. 4, 2009, before a small gathering of friends and family at the Helvetia Community Church. A larger reception followed at the Pumpkin Ridge Golf Club. The couple honeymooned in the San Juan Islands. Stockton is a partner in the law firm of Brisbee & Stockton LLC.



Somer V. Heinle JD'05 of Alexandria, Va., married Peter Jefferiss on Oct. 3,

2009. The couple reside in Alexandria, where (Heinle) Jefferiss practices law and consults on employment and human resources issues for Datamatics Management Services.

Family Additions



Justin C. Oliver JD'04 of Idaho Falls, Idaho, and wife Julia welcomed

daughter Eden Faith on July 23, 2009. She joined brother Asa and sister Avigail.

Mary L. Sterling BA'00, JD'05 of Salem, Ore., and husband Chad welcomed daughter Ivy Rosalyn on July 31, 2009.



Jennifer D. (Soto) Potter JD'06 of Monmouth, Ore., and husband Sam

welcomed son Lucas Rick on May 5, 2009.

In Memoriam

Allan Lame LLB'48 of Anacortes, Wash., passed away on Nov. 9, 2008, at the age of 91.

Walter J. Apley LLB'49 of Government Camp, Ore., passed away on Nov. 9, 2009, at the age of 90. He practiced law in Milwaukie as a partner in the firm Charack and Apley before becoming a deputy district attorney in Oregon City. In 1956 he became deputy attorney general with the Oregon State Tax Commission, where he worked until his retirement. Apley and wife Ava then moved to Ajijic, Mexico, where they lived for many years. He is survived by daughter Betsy, stepdaughter Pat and many grandchildren.

Murley M. Larimer LLB'51 of Scio, Ore., passed away on Nov. 30, 2009, at the age of 83. After graduating from the College of Law, he practiced law in Molalla and later in Stayton, worked as a logger, farmed more than 640 acres, worked as an insurance adjuster, and was an assistant attorney general for the state of Oregon. He helped start and build Canyon Baptist Church in Lyons. He enjoyed golf, woodworking and gardening in his retirement. He is survived by wife Shirley, five children, 10 grandchildren and six great-grandchildren.

Robert S. Stone LLB'55 of Portland, Ore., passed away on Oct. 6, 2009, at the age of 85. Stone enjoyed a long and distinguished career with U.S. Bank of Oregon, retiring as vice president and trust officer in 1982. He was past president of the Portland Rose Society, was a life member of the Royal Rosarians, and served on the boards of the Portland Center for Hearing & Speech and Gales Creek Camp Foundation. He is survived by wife Carol and stepson Mark.

Robert M. Redding BA'53, JD'57 of Coronado, Calif., passed away on Dec. 21, 2009, at the age of 78. He retired from the U.S. Navy Judge Advocate General Corps in 1982. He rose to the rank of captain and served as circuit military judge for the last eight years of his service. He is survived by wife Sue, three sons and seven grandchildren.

Sidney F. Pearson LLB'60 of Portland, Ore., passed away on June 11, 2009, at the age of 75. He is survived by wife Joan and son Hobie.



John O. Linde JD'72 of Friday Harbor, Wash., passed away

on Dec. 3, 2009, while snorkeling in Hawaii. He was 62. Linde was San Juan County's first full-time Superior Court judge, appointed by Gov. Chris Gregoire on Jan 1, 2008. He was a board member of the Friday Harbor Athletic Association and the San Juan Golf and Country Club. He previously served as a board member of the Inter-Island Medical Center, San Juan Community Theatre and San Juan Little League. He is survived by wife Carol and children Brian and Kristen.

Mark Shapera JD'75 of Mansfield Center, Conn., passed away on March 27, 2008, at the age of 58. He began his legal career as a solo practitioner in Willimantic. After a sabbatical some years later in Israel, where he attended Hebrew University, studied Israeli law and became fluent in Hebrew, Shapera joined the Connecticut Public Defender's Office in Windham County. Shapera was active in the local Democratic Party and served diligently in many elected and appointed positions. He is survived by son Elyjah, mother Madeline, two brothers and a sister.



Kathryn M. Ricciardelli JD'86 of Portland, Ore., passed away on Nov.

4, 2009, at the age of 55.

Ricciardelli spent most of her legal career working as in-house counsel, focusing on litigation of workers' compensation and civil litigation cases. She was a founding member of Oregon Women Lawyers and helped create the attorney-student mentor program at the College of Law, a program that eventually expanded to the other two Oregon law schools. She is survived by partner Lisa Weaver, mother Elizabeth and brother Paul.



Kevin G. Farnworth JD/C'93 of Roseville, Calif., passed away on Oct.

27, 2009, at the age of 47. Farnworth was a respected plaintiffs' attorney, was active in the Church of Jesus Christ of

Latter-day Saints and volunteered with the local Boy Scouts of America troop. He is survived by wife Lori and children Kayli, Carson, Landon and Shelby.



Nyal C. Bodily JD'99 of Pleasant Grove, Utah, passed away on Sept. 11,

2009, at the age of 42. Bodily was an attorney in the law offices of Esplin Weight in Provo. He was active in the Church of Jesus Christ of Latter-day Saints, was an avid outdoorsman, and enjoyed being with his sons at their soccer games and on trips with the local Boys Scouts of America troop. He is survived by wife Katie and boys Noah, Jacob, Carter and Adam.

Stritmatter Receives Lifetime Achievement Award



Photo credit: Meryl Schenker

Award from the American Bar Association in 2003 and previously has been honored by a number of legal organizations as an outstanding trial attorney.

"My biggest reward is seeing the results that I bring for people whose lives have been decimated by injury and financial strife," Stritmatter explained. "I help those people who are most vulnerable when they have mounting medical bills, unanswered calls and no job because of serious injuries."

In December 2009, the Washington State Association for Justice honored attorney **Paul L. Stritmatter JD'69** with a Lifetime Achievement Award in recognition of his longstanding commitment to clients and dedication to the legal profession.

A founding partner of Stritmatter Kessler Whelan Coluccio in Hoquiam, Wash., Stritmatter served as president of the Washington State Bar from 1993-94. He was also president of the national public interest law firm Public Justice from 2001-02 and the inaugural chairman of the Northwest Justice Project from 1996-97. He received the prestigious Pursuit of Justice

Edmonds Retires From Court of Appeals



When Judge **Walter I. Edmonds JD'67** stepped down from the Oregon Court of Appeals at the end December, he carried with him the distinction of having served on the appeals court for 21 years — longer than any other appeals judge in state history.

An Oregon native, Edmonds attended Roseburg High School and Linfield College before

enrolling in law school at Willamette University as a college junior. Shortly after earning his J.D. and entering private practice in Central Oregon, Edmonds was appointed district attorney of Jefferson County.

“The district attorney had resigned, there were four lawyers in town, and I was one of the four — and just 24 years old,” Edmonds said. “The other three were making enough money that they did not want to become the district attorney, so Gov. Tom McCall called me up and

appointed me — although he said I was a little young for the job. I prosecuted everything from murders to drunken driving by myself.”

In 1970, he joined the Redmond firm of Larkin & Bryant, where he eventually became a partner. Edmonds joined the bench in 1975, when he was named a circuit court judge for the 11th Judicial District.

East of the Cascades, “there is a greater sense of being a public servant,” as judges are more likely to encounter voters, jurors and litigants in their day-to-day lives, said Edmonds, who served the counties east of the Cascades until 1989, when he was appointed to the Oregon Court of Appeals.

As the presiding judge for Department Three, Edmonds authored close to 1,900 majority opinions. He is past president of the Oregon Circuit Court Judges Association and the Oregon Appellate Judges Association. He retired from the Court of Appeals on Dec. 31, 2009.

For a full profile of Edmonds’ judicial career, see “Longest-Serving Appeals Judge Reflects on Work” from the Dec. 20, 2009, issue of the *Statesman Journal*. The quotes above were excerpted from the article with gratitude to *Statesman* reporter Peter Wong.

WUCL’s 2009 Super Lawyers

More than 130 Willamette University College of Law graduates throughout the United States were named 2009 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 who made the 2009 Super Lawyers list:

Super Lawyers Superstars



William A. Barton JD’72
Oregon Top 50 Super Lawyers
Partner, Barton & Strever PC
Newport, Ore.



Peter C. McKittrick JD’85
Oregon Top 50 Super Lawyers
Of Counsel, Farleigh Wada Witt
Portland, Ore.



Jeffrey M. Batchelor JD’72
Oregon Top 50 Super Lawyers
Shareholder, Markowitz Herbold
Glade & Mehlfaf PC
Portland, Ore.



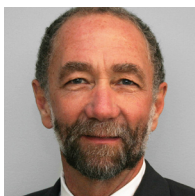
Albert A. Menashe JD’76
Oregon Top 10 Super Lawyers
Managing Shareholder, Gevurtz Menashe
Larson & Howe PC
Portland, Ore.



Randall B. Bateman BS’77, JD’80
Oregon Top 50 Super Lawyers
Firm President and Shareholder, Bateman
Seidel Miner Blomgren Chellis & Gram PC
Portland, Ore.



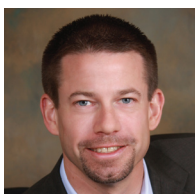
Daniel H. Skerritt BA’65, JD’68
Oregon Top 50 Super Lawyers
Partner, Tonkon Torp LLP
Portland, Ore.



Christopher I. Brain JD’73
Washington Top 100 Super Lawyers
Member, Tousley Brain Stephens PLLC
Seattle, Wash.



Paul L. Stritmatter JD’69
Washington Top 10 Super Lawyers
Senior Partner, Stritmatter Kessler Whelan
Coluccio
Hoquiam, Wash.



John M. Coletti JD’94
Oregon Top 50 Super Lawyers
Partner, Paulson Coletti Trial Attorneys PC
Portland, Ore.



Edward J. Sullivan JD’69
Oregon Top 50 Super Lawyers
Owner, Garvey Schubert Barer
Portland, Ore.



William B. Crow JD’61
Oregon Top 50 Super Lawyers
Shareholder, Schwabe Williamson & Wyatt
Portland, Ore.

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*AT*willamette.edu

Willamette Lawyer
Willamette University College of Law
245 Winter Street SE
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 January 15th for the spring issue and July 15th 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

Please direct comments, suggestions and reprint requests related to *Willamette Lawyer* to: Anne Marie Becka, 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 Services “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.”

Career Services 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 Deborah Mosman at dmosman*AT*willamette.edu.

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

Super Lawyers

J. Michael Alexander JD’75
Swanson Lathen Alexander
McCann & Prestwich PC
Salem, Ore.

J. David Bennett JD’71
Landye Bennett Blumstein LLP
Portland, Ore.

James S. Berg JD’77
Larson Berg & Perkins
Yakima, Wash.

Whitney P. Boise JD’85
Hoebet Boise & Olson PC
Portland, Ore.

Larry J. Brant JD’84
Garvey Schubert Barer
Portland, Ore.

Larry A. Brisbee JD’67
Brisbee & Stockton LLC
Hillsboro, Ore.

Baird B. Brown JD’75
Brown & Brown PC
Grand Junction, Colo.

Windsor D. Calkins JD’70
Calkins & Calkins
Eugene, Ore.

Rhonda C. Canby JD’91
Downey Brand LLP
Sacramento, Calif.

Robert L. Carey JD’87
Tonkon Torp LLP
Portland, Ore.

Christopher T. Carson JD’84
Kilmer Voorhees Laurick PC
Portland, Ore.

Linda B. Clapham JD’86
Gordon & Rees LLP
Seattle, Wash.

Nena Cook JD’91
Sussman Shank LLP
Portland, Ore.

Thomas E. Cooney Sr. LLB’56
Cooney & Crew LLP
Lake Oswego, Ore.

Craig A. Crispin JD’81
Crispin Employment Lawyers
Portland, Ore.

William C. Crothers Jr. BA’66, JD’69
Attorney at Law
Salem, Ore.

William L. Crowley JD’79
Boone Karlberg PC
Missoula, Mont.

Gary T. Dance JD’73
Moffatt Thomas Barrett Rock
& Fields
Pocatello, Idaho

Robert K. Dawson JD’78
Dawson Brown PS
Seattle, Wash.

Robert D. Dayton JD’68
Schwabe, Williamson & Wyatt
Portland, Ore.

John W. Debruyn JD’65
Debruyn Law Offices
Denver, Colo.

Paul J. DeBast JD’72
DeBast McFarland & Richardson
Portland, Ore.

Tammy M. Dentinger BA’91, JD’94
Garrett Hemann Robertson PC
Salem, Ore.

John H. Draneas JD’77
Draneas & Huglin PC
Lake Oswego, Ore.

William G. Dryden JD’78
Elam & Burke PA
Boise, Idaho

Jeffrey D. Eberhard JD’87
Smith Freed & Eberhard PC
Portland, Ore.

Brett E. Engel JD’95
Gearing Rackner Engel LLP
Portland, Ore.

Kathleen A. Evans JD’82
Evans Batlan
Salem, Ore.

Francis S. Floyd JD’78
Floyd Pflueger & Ringer PS
Seattle, Wash.

Dennis L. Fluegge JD’71
Meyer Fluegge & Tenney PS
Yakima, Wash.

Anthony J.W. Gewald JD’77
Lasher Holzapfel Sperry &
Ebberson PLLC
Seattle, Wash.

E. Pennock Gheen III JD’75
Karr Tuttle Campbell
Seattle, Wash.

Patrick B. Gilmore JD’77
Atkinson Conway & Gagnon
Anchorage, Alaska

Douglas E. Goe JD’81
Orrick Herrington & Sutcliffe LLP
Portland, Ore.

Steven Goldstein JD’80
Betts Patterson & Mines PS
Seattle, Wash.

Michelle T. Grable JD’76
Grable & Hantke LLP
Pendleton, Ore.

John C. Graffe Jr. JD’81
Johnson Graffe Keay Moniz
& Wick LLP
Seattle, Wash.

Jeffrey C. Grant JD’80
Aoki Sakamoto Grant LLP
Seattle, Wash.

James D. Greene JD’86
Rice Silbey Reuther & Sullivan
LLP
Las Vegas, Nev.

Troy D. Greenfield JD/C’89
Bullivant Houser Bailey PC
Seattle, Wash.

T. Randall Grove JD’81
Landerholm Memovich Lansverk
& Whitesides PS
Vancouver, Wash.

Russell B. Hale JD’80
Akerman Senterfitt
Orlando, Fla.

W. Eugene Hallman JD’74
Hallman & Dretke
Pendleton, Ore.

Susan M. Hammer JD’76
Attorney and Mediator
Portland, Ore.

Terry C. Hauck JD’71
Schwabe Williamson & Wyatt
Portland, Ore.

Paul Hays JD’75
Carney Buckley Hays & Marsh
Portland, Ore.

Erik J. Heipt JD’94
Budge & Heipt PLLC
Seattle, Wash.

Henry H. Hewitt JD’69
Stoel Rives LLP
Portland, Ore.

Larry L. Hines JD’69
Nordman Cormany Hair
& Compton LLP
Oxnard, Calif.

Dan W. Holbrook JD’77
Holbrook Peterson & Smith
PLLC
Knoxville, Tenn.

Douglas R. Hookland JD’87
Scott Hookland LLP
Tigard, Ore.

William J. Howe III JD’75
Gevurtz Menashe Larson &
Howe PC
Portland, Ore.

Lindsey H. Hughes JD’81
Keating Jones Hughes PC
Portland, Ore.

Brewster H. Jamieson BS’81, JD’84
Lane Powell PC
Anchorage, Alaska

Timothy J. Jones JD’88
Haglund Kelley Hornngren Jones
& Wilder LLP
Portland, Ore.

W. James Kennedy III JD’72
Thorner Kennedy & Gano PS
Yakima, Wash.

Jerry R. Kimball JD’78
Law Office of Jerry R. Kimball
Seattle, Wash.

Jan K. Kitchel JD’78
Schwabe Williamson & Wyatt
Portland, Ore.

Ronald J. Knox JD’81
Garvey Schubert Barer
Seattle, Wash.

Steven L. Krasik JD’79
Attorney at Law
Salem, Ore.

Michael E. Kreger JD’82
Perkins Coie LLP
Anchorage, Alaska

Rolf D. Kruger JD/C’94
Flicker Kerin Kruger & Bissada
LLP
Menlo Park, Calif.

Timothy J. Lamb JD’83
Delaney Wiles Inc.
Anchorage, Alaska

Neil F. Lathen JD’74
Swanson Lathen Alexander
McCann & Prestwich PC
Salem, Ore.

Michael L. Lessmeier JD’79
Lessmeier & Winters LLC
Juneau, Alaska

Eric A. Lindenauer JD’83
Garvey Schubert Barer
Portland, Ore.

Roger D. Ling JD’64
Ling Law Office
Rupert, Idaho

Lisa J. Ludwig JD’95
Attorney at Law
Portland, Ore.

Keith M. Lyons Jr. JD/C’92
Lyons Law Firm
Las Vegas, Nev.

Ronald C. Mattson JD’72
Wechsler Becker LLP
Seattle, Wash.

Donald W. McCann JD’75
Swanson Lathen Alexander
McCann & Prestwich PC
Salem, Ore.

Joseph M Meier JD’84
Cosho Humphrey LLP
Boise, Idaho

Carolyn W. Miller JD’78
Carolyn W. Miller PC
Portland, Ore.

Alan L. Montgomery JD’76
Montgomery Purdue Blankinship
& Austin PLLC
Seattle, Wash.

Everett R. Moreland JD’76
Hershner Hunter LLP
Eugene, Ore.

Frank A. Moscato JD’72
Harrang Long Gary Rudnick PC
Portland, Ore.

Anthony J. Motschenbacher JD’90
Motschenbacher & Blattner LLP
Portland, Ore.

Vickie K. Norris JD’78
Anderson Hunter Law Firm PS
Everett, Wash.

Stephen V. Novacek JD’74
Holland & Hart LLP
Reno, Nev.

Timothy R. Osborn JD’76
Microsoft Corp.
Redmond, Wash.

Peter L. Osborne JD’72
Schwabe Williamson & Wyatt
Portland, Ore.

Douglas R. Pahl JD’91
Perkins Coie LLP
Portland, Ore.

Timothy J. Parker JD’78
Carney Badley Spellman PS
Seattle, Wash.

Timothy M. Parks BS’89, JD’93
Ball Janik LLP
Portland, Ore.

Kathy A. Peck JD’77
Williams Zografos & Peck
Lake Oswego, Ore.

Christopher C. Pence JD’77
Law Office of Christopher
Pence PLLC
Bainbridge Island, Wash.

Daniel P. Pepple JD’74
Pepple Johnson Cantu &
Schmidt PLLC
Seattle, Wash.

Dennis W. Percell JD’75
Arnold Gallagher Percell Roberts
& Potter PC
Eugene, Ore.

John D. Peterson JD’73
Peterson & Peterson Attorneys
LLP
Hillsboro, Ore.

Gregory D. Pike JD’86
Knox Ricksen LLP
Oakland, Calif.

George S. Pitcher JD’96
Williams Kastner
Portland, Ore.

Loren D. Podwill JD’84
Bullivent Houser Bailey PC
Portland, Ore.

Douglas R. Pope JD’73
Pope & Katcher
Anchorage, Alaska

Donald K. Querna JD’75
Randall Danskin PS
Spokane, Wash.

Renee E. Rothauge JD’90
Bullivant Houser Bailey PC
Portland, Ore.

Ted E. Runstein JD’66
Kell Alterman & Runstein LLP
Portland, Ore.

P. Stephen Russell III JD’81
Landye Bennett Blumstein LLP
Portland, Ore.

Robert J. Saalfeld JD’74
Saalfeld Griggs PC
Salem, Ore.

Paul E. Saucy BA’75, JD’79
Saucy & Saucy PC
Salem, Ore.

Tara J. Schleicher JD/M’95
Farleigh Wada Witt
Portland, Ore.

Elizabeth Schleuning JD’85
Schwabe Williamson & Wyatt
Portland, Ore.

William F. Schulte Jr. JD’66
Schulte Anderson Downes
Aronson & Bittner PC
Portland, Ore.

Michael R. Seidl JD’83
Seidl Law Offices PC
Portland, Ore.

Steven W. Seymour JD’75
Samuels Yoelin Kantor Seymour
& Spinrad LLP
Portland, Ore.

Michael W. Shackelford BS’78, JD’81
Ater Wynne LLP
Portland, Ore.

Peter C. Sheridan JD’88
Glaser Weil Fink Jacobs Howard
& Shapiro LLP
Los Angeles, Calif.

Craig H. Shrontz JD’81
Perkins Coie LLP
Bellevue, Wash.

William C. Smart JD’77
Keller Rohrback LLP
Seattle, Wash.

Spencer C. Sneed JD’78
Dorsey & Whitney LLP
Anchorage, Alaska

W. Henry Snyder JD’79
K&L Gates LLP
Pittsburg, Pa.

Russell J. Speidel JD’74
Speidel Law Firm
Wenatchee, Wash.

Mark A. Stayer JD’85
Schwabe Williamson & Wyatt
Portland, Ore.

Ronald G. Stephenson JD’67
Bullivant Houser Bailey PC
Portland, Ore.

John Spencer Stewart JD’71
Stewart Sokol & Gray LLC
Portland, Ore.

Scott M. Stickney JD’83
Wilson Smith Cochran Dickerson
Seattle, Wash.

Steven R. Stocker JD’81
Stocker Smith Luciani & Staub
PLLC
Spokane, Wash.

Gregory E. Struxness JD/M’82
Ater Wynne LLP
Portland, Ore.

Marc Sussman JD’77
Marc Sussman PC
Portland, Ore.

Jeffrey C. Thede JD’79
Thede Culppepper Moore Munro
& Silliman LLP
Portland, Ore.

John J. Tiemessen JD/C’91
Clapp Peterson Van Flein
Tiemessen & Thorsness LLC
Fairbanks, Alaska

Walter J. Todd JD’81
Walter J. Todd PC
Salem, Ore.

Jean R. Uranga JD’75
Uranga & Uranga
Boise, Idaho

Julie R. Vacura JD’84
Larkins Vacura LLP
Portland, Ore.

Richard N. VanCleave JD’80
Barran Liebman LLP
Portland, Ore.

Timothy R. Volpert JD’81
Davis Wright Tremaine LLP
Portland, Ore.

Timothy J. Wachter JD’87
Duffy Kekel LLP
Portland, Ore.

Sharon A. Williams JD’85
Attorney at Law and Mediator
Portland, Ore.

Susan H. Williams JD’83
Sorensen-Jolink Trubo Williams
Scherzer and Strom
Portland, Ore.

Class of 1994 Reunion
Oct. 22, 2009 – The Nines Hotel, Portland



Elizabeth K. Highet JD'94 and Samuel C. Kauffman JD'94



Karen A. Feil JD'94 and Benjamin B. Grandy JD'94



C. Sean Stephens JD'94 and Alison K. Adair JD'94



Tifani M. Parrilli JD'94, Kendra Colton Sprague JD/C'94 and W. Todd Cleek JD'94

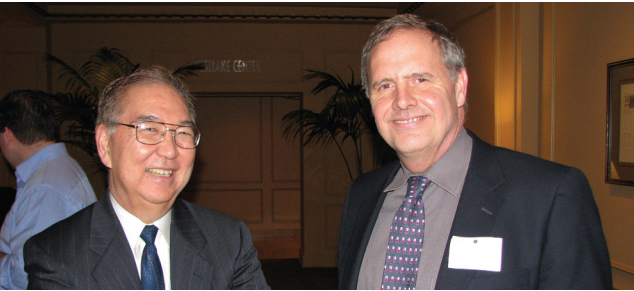
Seattle Alumni Reception
Feb. 4, 2010 – Andaluca Restaurant, Seattle



Joseph A. Grube JD'96, William O. Kessler JD'06 and P. Stephen Aita JD'96



Sarah E. Blakey JD'08, Lori A. Oliver JD/MBA'96 and Holly A. Kessler JD'05



Wayne N. Araki JD'79 and Andrew K. Miller JD'79



H. Victoria Nguyen JD'09 and Hayley J. Stevens JD'08

Portland Alumni Reception
Feb. 11, 2010 – Departure Restaurant in The Nines Hotel, Portland



Christy L. Dickson JD'06 and Myah M. Osher JD/C'07




Meredith D. VanValkenburgh LLB'53, Donald A. Buss LLB'53 and Richard J. Brownstein LLB'53




Gregory R. Silliman JD/C'07, Yvonne E. Tingleaf JD'05 and Joshua S. DeCristo JD/C'99



Meghan S. Bishop JD'08, Jennelle J. Johnson JD'04 and a prospective student




WILLAMETTE  UNIVERSITY

LAW REUNION **SAVE THE DATE**
July 17, 2010
SALEM, OREGON

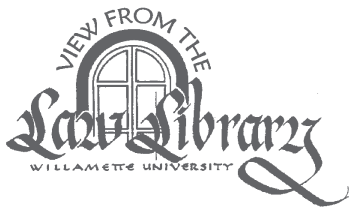
HONORING THE CLASSES OF 1970, 1980, 1985, 1990 AND 2000.

Don't miss this chance to join your fellow WUCL classmates to celebrate your reunion! Much has changed at the College of Law and in Salem since your graduation. Catch up with old friends and professors during an all-class cocktail reception at the College of Law from 4–6 p.m., followed by private class dinners at some of Salem's great newer restaurants. Invitations will be coming soon....Watch your mail!

For more information, go to willamette.edu/wucl/alumni or call 800.930.ALUM (2586).



Hear No Evil



“Rumpole, ... you know damn well she’s guilty.”

“Ah, there you’re wrong. I don’t know that at all. ...And if she ever admitted it to me, I’d have to make her surrender and plead ‘guilty.’ We’ve got a few rules, old sweetheart. We don’t deceive Courts, not on purpose....

“I don’t believe there is one of us who has ever gone on to fight a case after our client has told us, in clear ringing tones, that they actually did the deed.”
[Horace Rumpole, Old Bailey hack.]

That is, until the fateful day of June 20, 1840.

For centuries, English felony trials were based on the simple concept that the testimony of the accused would reveal the truth. And the truth was not to be distorted by counsel speaking for the prisoner.

Then came the controversial 1836 Prisoners’ Counsel Act, which allowed the accused the right to make their “full answer and defense” by counsel learned in the law.

The moral quagmire created by that right was to enter into the public consciousness following the sensational murder trial of Francois Benjamin Courvoisier, conducted under the Sword of Justice in Number One Court at the Old Bailey, June 18–20, 1840. Extra seating was required to accommodate spectators, including His Royal Highness the Duke of Essex, who gathered to witness the spectacle.

Following three days of suspense, a surprise witness and new evidence, Courvoisier, a Swiss valet, was convicted of the throat-slashing murder of his 73-year-old master, Lord William Russell, and sentenced to hang.

But public interest did not die with Courvoisier — far from it.

On June 22, 1840, a public firestorm erupted when it was reported in *The Times* that midway through the trial Courvoisier had confessed his guilt to his barrister, Charles Phillips, but declined to change his plea to guilty. Phillips was a highly regarded member of London’s criminal bar, although one of his fellow barristers commented that “Phillips was utterly guiltless of any knowledge of the very first principles of law.”

The press accused Phillips, who ironically had been a leading opponent of the Prisoners’ Counsel Act of 1836, as being an accessory to the perversion of truth. In the eyes of his critics, including Charles Dickens and the Bishop of London, the proper

course of action required that Phillips, upon learning the truth, should have relinquished his brief.

The *Legal Examiner* went so far as to describe the legal profession as the “Profession of the Lie” and lawyers as liars. In *The Times*, an anonymous barrister expressed the opinion that “He who defends the guilty, knowing him to be so, forgets alike honour and honesty, and is false to God and man.”

The eventual acceptance by the legal profession of truth based upon evidence and evidence alone in an adversarial process, came too late to save Phillips’ tarnished reputation. No doubt, he would have agreed with the sentiment expressed by Horace Rumpole, “The truth, the last thing in the world I wanted to know.”

Fascinating fiction and facts are to be found in the stacks.



Plead “Not Guilty”
Honoré Daumier
1848–1879

It’s Not a Law School Without the Students ...



Help Us Fill the Empty Chairs With Great Future Lawyers.

By funding an endowed scholarship, you can help ensure that great students will have the opportunity to gain an excellent legal education at Willamette University College of Law — today and for generations to come.

For more details, contact Mike Bennett BA’70, director of development and alumni relations, at 503-370-6761 or mbennett@willamette.edu. To be contacted directly, mail in the attached form to:
Mike Bennett, Willamette University, College of Law, 245 Winter St. SE, Salem, OR 97301

I am interested in learning more about establishing an endowed scholarship fund for Willamette University College of Law or contributing to an existing fund, such as the Women of Willamette Law Scholarship Fund or the Professor Carlton J. Snow Memorial Fund.

Name _____ Class Year _____

Address _____

Home Phone _____ Work/Mobile Phone _____

E-mail _____



WILLAMETTE
THE FIRST UNIVERSITY IN THE WEST

WILLAMETTE UNIVERSITY
COLLEGE OF LAW
245 WINTER STREET SE
SALEM, OR 97301

NONPROFIT ORG
US POSTAGE
PAID
SALEM OR
PERMIT NO. 152

CHANGE SERVICE REQUESTED

"The ultimate test of man's conscience may be his willingness to sacrifice something today for future generations whose words of thanks will not be heard." — Gaylord Nelson

