

The magazine of the first law school in the Pacific Northwest | Fall 2007

WILLAMETTE LAWYER



THE HONORABLE OTTO R. SKOPIL JR.
An Exemplar of Outstanding Judicial Service

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Rise of the New Paradigm: Alternative Dispute Resolution
Jonathan Mayes Serves Up Ingredients for Life



On the Cover

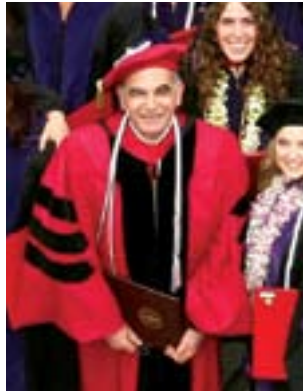
Senior 9th Circuit Judge Otto R. Skopil Jr. has been an exemplar of outstanding judicial service throughout his long career. In addition to helping create the federal magistrate system, he was an architect for the future of federal court administration.

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College of Law



Dean Symeon C. Symeonides

Dear Alumni and Friends,

As those of you who are recent graduates know well, the cost of legal education has been increasing at rates far exceeding those of the consumer price index. The reasons are many and varied. Rather than attempt to explain them, I would like to report on what we have done to make this cost more bearable for our students. In short, there are two ways to make legal education more affordable: (a) keep tuition low or (b) increase scholarship aid. At Willamette, we have done *both* and more, *at the same time*.

1. We have reduced the rate of tuition increases. Since 1998–99, the average tuition per student at ABA-accredited law schools has risen by 79.5 percent at public schools (for non-residents) and by 55 percent at private schools. In 2006–07, the average was \$25,227 and \$30,520, respectively. During the same period, Willamette's tuition rose by 38 percent, to \$25,400. Our tuition is not only the lowest among private law schools in the Northwest, but it is also barely above the national average for public schools. Willamette delivers excellent, private law school education at the same price as public law schools.

2. We have dramatically increased scholarship grants to students. Although our per student tuition has grown by 38 percent, our scholarship aid per student has grown by 126 percent during the same period, thus further alleviating our students' burden. We know that, despite this help, our students continue to incur heavy debts to finance their legal education. Nevertheless, the average debt load of a Willamette law graduate is now 23 percent below the national average (\$64,315 versus \$83,181).

3. We have kept our costs down. A private law school that keeps tuition low and, at the same time, increases its scholarship aid can suffer debilitating budgetary consequences that only a generous endowment can offset. Because we do not have such an endowment, our only choice is to reduce our costs — but do so without endangering the school's core mission. At Willamette, we have reduced the growth of our costs, while also protecting our core mission. Despite having increased scholarship aid by 126 percent, we have kept our costs increases to 43 percent since 1998.

4. We have done more. We now grant new or increased scholarships to returning students in the top one-third of the class, and we have instituted a Loan Repayment Assistance Program to provide partial debt relief to WUCL graduates who pursue careers in public interest law. For the first five years, this program is funded by a generous donation from W. Parker Lee JD'01. We hope to turn this into an endowed program.

5. What you can do. If you believe that your school is on the right path — and if you are not burdened by high student loans — you can help us to continue providing excellent *and* affordable legal education. Your contribution will be put to the best use possible — assisting future students in pursuing their dream of becoming lawyers.

With my best regards,

Symeon C. Symeonides
Dean and Professor of Law

WUCL Leads the State in Bar Passage

Willamette's College of Law graduates continue to surpass their peers in Oregon State Bar examination passage. Eighty-six percent of WUCL's May 2007 graduates who took the summer exam passed. The state-wide passage rate among first-time takers was 80 percent. This marks the fifth consecutive year that Willamette students have exceeded the state average.

The True Value of Endowed Scholarships

Recently, someone shared with me a story about a U.S. Navy pilot who flew 75 missions in Vietnam. On his last mission, his plane was hit by a surface-to-air missile, but the pilot parachuted safely to the ground. Decades later, the pilot was dining with his wife when a man at the next table introduced himself as the sailor responsible for packing his parachute. Until this moment, the pilot had not thought about the reason for his safe landing after ejecting from the plane. He then realized that we all have special people in our lives, many unknown to us, who provide the “parachutes” needed to deal with life’s great challenges.

Endowed scholarships function as a financial parachute for our law students, providing students with valuable financial aid in paying their tuition expenses so they can focus on their legal studies. Over time, endowed scholarship funds grow in value, and the resulting financial aid grows as well. With an endowed scholarship, the gift corpus is never spent. Gifted funds are invested for long-term growth and appreciation, so only a small portion of the funds (approximately 5 percent) is awarded each year.

In the First Endowment Campaign for the College of Law, establishing new endowed scholarships has been a significant campaign priority. With this in mind, several alumni donors recently have established endowed scholarships that will provide a financial parachute for future generations of Willamette law students.

The College of Law Class of 1966 Scholarship Fund is the first class-sponsored endowed scholarship established at WUCL. It has been initiated by gifts, pledges and commitments from 1966 law classmates Eric B. Lindauer, M. Dean Buffington, Jon B. Lund and Robert L. Engle, who will be joined by more 1966 graduates in the coming months. This endowed fund will be directed toward incoming first-year law students. Lindauer said he helped establish the fund in order to model the kind of support that the law school has been missing in the past.



Dale M. Hermann BA’65, JD’69 and his wife, Allen (Hull) Hermann BA’65, have established **The Robert and Marian Hermann Scholarship Fund**, to honor Dale’s parents. His mother, Marian (Wakefield) Hermann, is a 1937 graduate of the University. She was the first of three generations of Hermann family members to attend Willamette, including Dale’s younger brother, Robert W. Hermann BA’71, JD’74, and Dale and Allen’s son, Andrew

B. Hermann BA’93. The Hermann’s \$50,000 gift will provide valuable financial support to law students with good academic credentials and special qualities of character and leadership.

As announced in the spring ’07 issue, Portland attorneys Linda C. Love JD’81 and Eva M. Kripalani JD’86 have each committed to endow separate **Women of Willamette Scholarship Funds** to support female law students. In addition, scholarships have been provided by Richard Vial JD’81 and his wife, Paula, who created **The Vial Family Scholarship Fund**, and James A. Fitzhenry JD/MBA’81, who established **The Fitzhenry Joint Degree Scholarship**. Information on the Vial and Fitzhenry scholarships can be found on page 4.

Would you like to help pack someone’s parachute? Endowed scholarships can be established with a gift or pledge of appreciated stocks, bonds or real estate; estate gifts; or gifts of cash. These gifts serve as valuable investments in future Willamette law professionals, people the donors may possibly never know, but people whose lives will be improved by the investment of generous donors.

— Mike Bennett

Mike Bennett BA’70 is director of Development and Alumni Relations for the College of Law.

Couple Helps Law Students Through Scholarship



Rich and Paula Vial have long made giving a part of their lives, so it made sense when they decided to create an endowed scholarship for the College of Law.

"Because of my education at Willamette, we've been blessed with abundance," said Richard Vial JD'81. "When Willamette asked, we were happy to give."

The couple donated \$50,000 to create **The Vial Family Scholarship Fund** for law students, preferably those with an undergraduate

degree from Brigham Young University. The Vials, members of the Church of Jesus Christ of Latter-day Saints, both hold bachelor's degrees from BYU.

Rich has recruited numerous BYU students to the law school throughout the years. Currently 20 students from BYU and its satellite schools study at the college. Rich also has hired a number of Willamette law graduates to work at his firm, Vial Fotheringham LLP. The firm, which specializes in homeowner association law, employs 15 lawyers and has offices in Portland and Utah.

The most obvious way Rich and Paula have given during their 32 years of marriage has been through their large family. The couple has 13 children — six birth children and seven adopted Vietnamese refugees. In the 1970s, war drove many Vietnamese families out of their homes, separating children from their parents.

In 1984, the Vials adopted Hoa, a 13-year-old refugee they met through their church basketball team. They adopted other Vietnamese youths related to Hoa or friends of their children, and they helped each reconnect with at least one parent in Vietnam. "It's been a great experience and a great blessing," Rich said. "It has kept us humble for a long time."

— Sarah Evans

Joint Degree Grad Makes Dual Commitment



James A. Fitzhenry JD/MBA'81 stands out as a man of commitment and action. A member of the Willamette University Board of Trustees and a Joint Degree Program graduate, Fitzhenry recently established the first scholarship in Willamette history to provide financial support to students enrolled in the University's Joint Degree Program.

The Fitzhenry Joint Degree Scholarship will be awarded to students in their final year of the four-year program in law and business management. The Joint Degree Program compresses the usual five years required to earn both a law degree and a graduate degree in business into four.

Thanks to the flexibility the Joint Degree Program afforded him in his career choices, Fitzhenry has distinguished himself

through work in private practice, state and federal government, and private industry. His credentials include practicing law in Portland, being appointed deputy state treasurer of Oregon, serving as legislative director and legal counsel to Sen. Mark O. Hatfield BA'43, H'58, and working on the White House staff of President George H.W. Bush.

For the past 15 years, Fitzhenry has been senior vice president for corporate operations and law at FLIR Systems Inc. He is now president of Capital Strategies Group, a company he formed that specializes in federal government and congressional relations and business development, and strategic mergers and acquisitions.

No doubt, the recipients of the **Fitzhenry Joint Degree Scholarship** will graduate from Willamette well prepared to model the commitment and action of their generous benefactor.

— Mari Sue Johnson

Class of 2010 Most Diverse in School History

On Aug. 15, 2007, the College of Law hosted a three-day orientation for the Class of 2010 — the most diverse group of first-year students in school history.

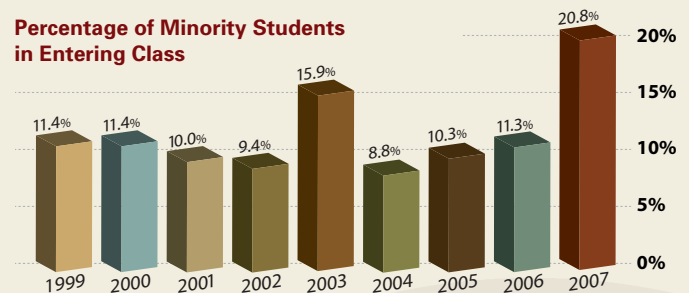
According to Carolyn Dennis, director of Admission, among the 160 students who compose the first-year class, 20 percent identified themselves as persons of color. This marks the highest percentage of minority students in the school's history. Further, women make up 44 percent of students, and the average age of the class is 26.

The new 1Ls represent 91 undergraduate institutions and 34 different undergraduate majors, from the more traditional law backgrounds of political science and criminal justice to the less common ones of biology, agronomy, foreign language studies, and art and design. While they call 22 different states home, more than one-third of the students are Oregon residents. More than 50 members of the class have traveled or lived abroad, and they speak 17 different languages.

An impressive 29 percent of the first-year class reported a legacy connection to Willamette.

"This is by far the most diverse class in our school's history," said Dean Symeon C. Symeonides. "It is gratifying to see that our intense and sustained efforts to increase the diversity of the student body are beginning to pay off. My congratulations and thanks to our Admission staff."

Percentage of Minority Students in Entering Class



WUCL Launches Certificate Program in Sustainability Law

The College of Law has offered students focused study in environmental and natural resources law since 1989. This summer, the school secured its position as an educational leader in environmental law and sustainability by formalizing its numerous course offerings into a specialized certificate program.

It also trains students to think about environmental issues in concrete ways and to translate broad legal theory into targeted public policy and litigation.

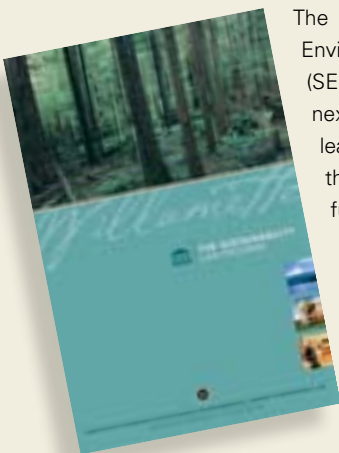
The professors who developed the program are widely recognized as pioneers in environmental justice and sustainability law. Professor Susan L. Smith created one of the first international natural resources curricula emphasizing sustainability, and Professor Robin Morris Collin taught the first sustainability law course in the United States.

"At other law schools, students take classes in environmental law," explained Smith, one of the four full-time law faculty dedicated to the SEER program. "At Willamette, our students help *make* environmental law by working directly with the legislature, state agencies, local government and key public interest groups."

For more information on the program, contact Student Services.

The Certificate Program in Sustainable Environmental, Energy & Resources Law (SEER) was designed to prepare the next generation of lawyer-advocates to lead their communities, the nation and the world toward a more sustainable future.

The program places special emphasis on the role of the lawyer in formulating environmental and natural resources law and policy to sustain and protect our global resources.



Reception Honors **Outstanding Mentors**

The College of Law held a reception to honor those dedicated attorneys and judges who volunteer their time as mentors to Willamette's law students. The popular Mentor Program is administered by the college's office of Career Services, which hosted the annual awards reception at the Hallie Ford Museum of Art on the Willamette campus in early April.

College of Law alumna Concetta Schwesinger JD'88 received the 2006–07 Judge Edward H. Howell Mentor of the Year Award, which is named in honor of the late judge, an enthusiastic mentor to Willamette law students for many years. Schwesinger, who works as a child support program liaison on behalf of the Oregon Department of Justice, was nominated by her mentee Rachel J. Wixson. A member of the Class of 2008, Wixson praised Schwesinger for her tremendous support.

"She believed in me and helped me believe in myself," Wixson wrote in the letter nominating Schwesinger for the award. "She opened her heart to me and shared wisdom she had gleaned from many experiences. She also introduced me to women attorneys and judges working in various fields so I could talk to them about their jobs."



Rachel Wixson, Mentor of the Year Concetta Schwesinger JD'88 and Director of Career Services Phylis Myles

The law school's Mentor Program enables students, early in their legal careers, to forge an individual relationship with experienced legal practitioners who provide valuable insight and advice on the practice of law. For more information about becoming an attorney mentor, please contact Career Services at law-career@willamette.edu.

Pro Bono Award Winners Announced



Preston Greene with Dean Symeon C. Symeonides

Last spring, the College of Law hosted the fifth annual Pro Bono Honors Program awards reception to recognize those law students who volunteered their time and services to pro bono activities and community service projects during the previous 12-month period.

A highlight of the reception was the presentation of the Pro Bono Student of the Year Award, which is given to the third-year student who made the greatest pro bono contribution during his or her three years of law school. The award is named for Col. "Rudy" Park Jr. LLB'47. A former JAG Corps officer, Park established an active legal practice in Oregon and contributed a significant amount of time to pro bono activities throughout the state.

The 2007 Col. Rupert E. Park Jr. Pro Bono Student of the Year Award was presented to Preston Greene, who volunteered 222 hours to pro bono activities. Greene amassed all his pro bono hours during his third year of school, serving as a judicial assistant to Judge Jack L. Landau of the Oregon Court of Appeals.

Also recognized during the awards reception were those 1L and 2L students who volunteered the most pro bono hours throughout the academic year. Todd Huegli was named top volunteer from the Class of 2008. Huegli, who recently won the Oregon State Bar's Student Pro Bono Challenge, volunteered 500 hours of service. Three members of the Class of 2009 contributed the most volunteer hours; Tracy Demers, Nicole Lundberg and Emily Pringle each volunteered 20 hours of service.

Carson Recognized for Judicial Excellence



The Oregon State Bar recently honored former Supreme Court Justice Wallace P. Carson Jr. JD'62 at a celebratory luncheon held in recognition of his numerous contributions to Oregon's judiciary.

During the luncheon, Carson received the inaugural OSB Judicial Excellence Award, which has been named in his honor. The award recognizes outstanding integrity, professionalism, commitment to the bar and judicial independence.

Carson joined the Oregon Supreme Court in 1982 and served as chief justice for 14 years — longer than any chief justice in state history. He stepped down as chief in 2005, but he continued to serve as a justice of the Court through 2006. Carson has been a member of the Willamette University Board of Trustees since 1970.

"Wally Carson personifies integrity, professionalism and judicial excellence," said College of Law Dean Symeon C. Symeonides. "He is not only the most worthy recipient of this award but also the best exemplar for inspiring its future recipients and the whole legal profession. Willamette is proud to call him one of our own."

The Judicial Excellence Award luncheon was held May 31, 2007, at The Governor Hotel in Portland.

OHBA Honors Chief Justice De Muniz



(left to right): OHBA President Kevin Diaz, Chief Justice De Muniz and National Hispanic Bar Association President Jimmie Reyna

Oregon Supreme Court Chief Justice Paul J. De Muniz JD'75 was honored by the Oregon Hispanic Bar Association (OHBA) during the association's first annual awards dinner last spring. De Muniz received the inaugural OHBA Professionalism Award, which was named in his honor.

According to OHBA President Kevin Diaz, the association named the award for De Muniz, Oregon's first Latino chief justice, because he exemplifies the true spirit of professionalism and has made significant contributions to Oregon's Hispanic community.

"De Muniz has had a long and distinguished career as an advocate in complex criminal and civil trials, helped ensure access to justice for all Oregonians, and worked for international judicial reform," Diaz said. "The chief justice is widely respected within the legal community."

The OHBA awards dinner was held Feb. 2, 2007, at the Embassy Suites Hotel in downtown Portland.



WUCL Graduates Class of 2007

Willamette University College of Law graduated 149 students in its 121st commencement and hooding ceremony, held May 13, 2007. Willamette University President M. Lee Pelton led the conferring of degrees, while College of Law Dean Symeon C. Symeonides presented 148 Doctor of Jurisprudence degrees and one Master of Laws degree.

The event proved to be family affair, as a number of graduates were cheered on by family members who also had attended WUCL. Those new graduates boasting a legacy connection to the college included

Peter John Hess (son of Daniel L. Hess JD'81), Naomi L. Levelle (daughter of Michael D. Levelle JD/C'90), Lucas Whipple Reese (son of Dennis S. Reese BS'72, JD'79 and Joan K. Whipple Reese BS'72, JD'79), Randall W. Snow (son of Jeanyse R. Snow JD'70), and Mary E. Tollefson (daughter of Rudolph J. Tollefson Jr. JD'72).

Graduates were hooded by Associate Dean and Professor Kathy T. Graham and Professor Leroy J. Tornquist and introduced by Professor Vincent Chiappetta and Professor Robin Morris Collin, all of whom were selected by students to participate in the ceremony.



Photo: John Dutton Photography

The Class of 2007 was led by valedictorian Joshua L. Lute and Michael S. Elliott, who graduated *summa cum laude*. Jayme L. Bomben, Michelle D. DaRosa, Steven M. Hitchcock, Michael A. Kakuk, Patricia M. Migliuri, Andrew R. Naylor, Laura A. Nelson, Annie L. Robertson, Maria C. Schmidtkofer and Nicole C. Trammel graduated *magna cum laude*.

Susan M. Hammer JD'76 introduced the commencement speaker, Steven T. Wax. The federal public defender for the District of Oregon since 1983, Wax primarily focuses on federal criminal, appellate and

habeas corpus practice. He has been the attorney in a number of high profile cases, including several involving Guantanamo Bay detainees.

Justice Cao Jianming, vice president of the Supreme Court of China, received an honorary Doctor of Laws at commencement. Also receiving special recognition was David R. Kenagy, who retired as associate dean of the College of Law and executive director of the Oregon Law Commission at the end of June. Kenagy was granted the title of dean emeritus.

Homegrown Ambitions

Lee Ann Donaldson, a member of the Class of 2009, didn't have a specific career goal in mind when she applied to law school. She was drawn to law by a keen interest in politics and a desire to help others. "I really enjoy problem solving and helping people," she said, "so I know law school was the right choice for me."

A native of Salem, Ore., Donaldson moved to New York after high school and immersed herself in American studies at Barnard College. During her junior year, she participated in a seven-month study abroad program at the University of Edinburgh in Scotland. Donaldson enjoyed the university's multidisciplinary approach to coursework so much that she enrolled in the school's master's program in nationalism studies.

Following graduate school, Donaldson returned to her parents' home in Oregon, where she dove headfirst into local politics. "I wanted to make a difference in the 2004 election," said Donaldson, who volunteered with the Oregon Bus Project's voter mobilization campaign in Portland to help increase voter registration. "I made a real effort to be nonpartisan during the campaign. It was more important for me to motivate people to vote than to push a particular candidate. I believe in the populist notion that if enough people vote, the right person will be elected."

After the election, Donaldson became legislative assistant and project coordinator for Sen. Rick Metsger of Welches, Ore. "I spent a lot of time helping constituents jump through hoops to get benefits," she said. "I referred a lot of people to the state bar for assistance. It broke my heart that I couldn't help them. That's when I first realized I really wanted to be a lawyer."

In February 2006, Donaldson was hired as campaign manager for Rep. Suzanne Bonamici, a first-time candidate from Washington County. The scope of the job was immense. Donaldson developed campaign, media and voter-contact plans and even helped with fundraising. "I worked multiple 12-hour days, running mostly on adrenaline," she said. "I stepped down from the position a few weeks before starting law school; Bonamici won the election with 61 percent of the vote."

Donaldson enrolled in law school at Willamette just a few months after her cousin, Amy (Donaldson) Hill JD'06, graduated from the



"I see law school as a tool that will allow me to do anything I set my mind to."

college. Her father, Robert W. Donaldson JD'74, managing partner at Black Helterline LLP in Portland, also earned his law degree from WUCL. "The fact that

I have a family connection to the school made me apprehensive about enrolling in the program," Donaldson said. "I want to succeed on my own merits. I want to succeed because I'm me."

Although she has no plans to practice alongside her father after graduation, Donaldson considers him a tremendous role model. "His goal is to help people succeed and create their American dream," she said of his immigration and business law practice. "He helps people set up family businesses and live in a free society. If I could become the kind of lawyer my dad is, it would be such an accomplishment."

As a first-year student, Donaldson made a name for herself in her own right. In addition to serving as an American Bar Association student representative, she was elected 1L class president of the Student Bar Association. She also held a summer clerkship with the Oregon Department of Justice, where she worked in the business activities division of the general counsel's office.

With two years of law school ahead of her, Donaldson still has time to decide on a specific career path. "I see law school as a tool that will allow me to do anything I set my mind to," she said. "In the future, I can see myself working to promote policy or being a lobbyist. I want the issues that brought me to law school to be the issues that keep me interested in politics, despite what I choose for a career."

Pro Bono Hero

"I am grateful for the opportunities I've had, so when I get the opportunity to help someone else, I take it," said Todd J. Huegli, a member of the Class of 2008. "It is rewarding for me to do volunteer work, but it is also a bit selfish. There's no better feeling than the one I get from helping people and changing their lives in a positive way."

Winner of the Oregon State Bar's 2006 Student Pro Bono Challenge, Huegli amassed more than 500 volunteer hours between May and December 2006 to take top honors. During that time, he worked as a "freelance legal assistant" to attorneys at Metropolitan Public Defenders (MPD) Inc., a private nonprofit law firm in Portland, Ore., that provides criminal defense for indigent clients. Huegli helped the firm's attorneys prepare for jury trials and hearings by researching cases and filing motions and summary judgments.

"Pro bono work is something that I am extremely passionate about," Huegli said. "I hope all attorneys will devote a portion of their time to give back to the community."

A Portland native, Huegli has been committed to community service since high school, when he volunteered at a local soup kitchen. Since that time, his volunteer

activities have ranged from rebuilding homes and delivering food to the elderly to helping with voter registration campaigns. As a computer science major at the University of Oregon, he worked as a tutor in the school's computer lab and volunteered to help disabled students with their computer science courses.

Huegli graduated from college in 2001 with the goal of landing a job with a high-tech company in the Pacific Northwest after spending the summer sailing around New Zealand with his father. After a few weeks in New Zealand, though, Huegli abandoned his plan. He spent the next two years working as a software engineer for SnapHire in Auckland. "I was good at my job, but I knew I would never be one of the best," he said. "In the computer industry, you cannot advance much unless you spend all your free time studying new technology. And that's not how I wanted to spend my time. I need to connect with people.

"I had always wanted to go to law school, so I decided to give up computers and focus on my true passion — law," said Huegli, who moved back to Portland in July 2003 and immediately began applying to law programs. "I didn't tell my father I had applied to law school until I had been accepted to Willamette," said Huegli, whose father, James D. Huegli, graduated from WUCL in 1972. "At first he didn't believe me. Then he was really excited."



"Pro bono work is something that I am extremely passionate about. I hope all attorneys will devote a portion of their time to give back to the community."

In 2004, Huegli enrolled in Willamette's Joint Degree Program, through which he will earn a J.D. and an M.B.A. "My ultimate career goal is

to specialize in products liability and civil plaintiff's work, helping the underdog," he said. "I really see plaintiff's work as social justice. When people are injured from defects in products and don't have the resources to advocate for themselves, they need someone who can take on those big companies."

Huegli's interest in criminal law and helping others led him back to MPD for a second summer internship in 2007. "This time, as a certified law student, I was able to handle my own cases," he said. "I managed cases from client assignment through the entire life of the case, including trying misdemeanor cases before a judge and jury.

"I love being in the courtroom," he said. "It's just me and the other attorney arguing to a jury, trying to convince them that we're right. If I can get the jury to trust me and believe in my position, well, that's the best. I really love that human connection."

THE GROWTH OF ALTERNATIVE DISPUTE RESOLUTION IN LEGAL EDUCATION

THIRTY-ONE YEARS AGO, HARVARD LAW PROFESSOR FRANK SANDER AND CHIEF JUSTICE OF THE U.S. SUPREME COURT WARREN E. BURGER GAVE SPEECHES AT THE NOW-FAMOUS POUND CONFERENCE IN WHICH BOTH LEGAL GIANTS ARGUED PASSIONATELY FOR THE EXPANSION OF ALTERNATIVE DISPUTE RESOLUTION (ADR) IN LEGAL EDUCATION AND LEGAL PRACTICE. TO PUT IT BLUNTLY, THEY GOT THEIR WAY.

In 1976, only a handful of law schools saw fit to teach courses on negotiation. These and other so-called “skills” courses were demeaned by more tradition-minded professors. Clinics were rare and considered crass. Practical training was supposed to occur in the field. In addition, there existed much skepticism about whether negotiation could be taught.

In 2007, the landscape is very different. Virtually every law school has at least one negotiation course, and most also have courses in mediation and arbitration. There are at least 20 schools with concentrations or centers related to ADR, and some of these have as many as seven full-time faculty members teaching in ADR and related subjects.

As far as the practice side goes, ADR has taken over. Only 1.8 percent of filed matters proceed to verdict. The rest are disposed of some other way — primarily through settlement. And on the transactional side of the legal fence, all work is based in deal making and bargaining. The practice of law is the practice of ADR.

Lawyers who were not trained in ADR during their days in law school (and every year there are fewer and fewer such lawyers) have a rich array of training options available to them. Some return to their law schools and take courses, while many spend

time in continuing education programs. Lawyers understand that skill in the courtroom does not equal skill in settlement, so they are retooling to meet the challenges faced in modern practice.

Willamette University College of Law is no newcomer to the field. Founded in 1983, the Center for Dispute Resolution was the first of its kind in the western United States and is the only academic dispute resolution center in the Pacific Northwest. In fact, it is the oldest institution of its kind west of the Mississippi. Today, the center continues to take a leadership role in the development of ADR and is recognized as one of the nation’s finest training grounds in dispute resolution.

The Center for Dispute Resolution serves a variety of purposes to a variety of constituencies. To students enrolled in the center’s Certificate Program in Dispute Resolution, it is a teaching enterprise — a place to learn the theory and practice of negotiation, mediation, arbitration, and other methods of resolving disputes. To the larger academic community, it is a vehicle for the production and dissemination of research on conflict theory and problem solving. To the community, the state and the nation, it is a forum for dialogue about real-world conflicts and a provider of dispute resolution services. These three purposes — teaching, outreach and research — define the mission and goals of the Center for Dispute Resolution.

Our teaching includes three different negotiation courses, a mediation course, an arbitration course, a dispute resolution survey, an advanced seminar and a mediation externship. In addition, we offer courses in international law and dispute resolution, and our students participate regularly in regional and national events sponsored by the American Bar Association. Our students have reached the national competition three times in the last 10 years — solid evidence that our training works.

ADR is not just about education; it is also about practice. Toward this end, the Center for Dispute Resolution does a great deal of work with the public and the practicing bar. Recently, we sponsored appellate mediation training for the Oregon Court of Appeals through a program the Center for Dispute Resolution staff helped to create and that leads the nation in settlement



Professor Richard Birke (center) flanked by Professor Keith Cunningham-Parmeter and law student Kattarina H. Simons at the spring CDR symposium.

rates among similar programs. We also organized and presented a symposium on the tension between partisanship and centrism, which attracted both students and members of the bar. In addition, we have conducted pro-bono mediation and training for programs as diverse as Portland City Repair, the Oregon Funeral Director's Association and the State Manager's Association. Throughout the years, we have trained thousands of professionals and provided services to businesses and organizations all over the United States — from helping to create wilderness areas to aiding poor families in finalizing their divorces.

We don't just teach and reach out; we create new ideas. Our research and knowledge creation is part and parcel of everything we do. The ADR faculty writes about decision making, deal making, dispute resolution and legal practice and has been published in leading law reviews and journals. In addition, our professors have won awards for their work in both psychology and negotiation. The Center for Dispute Resolution publishes weekly case updates and maintains a Web-based Simulation Bank of teaching materials, mostly consisting of simulated disputes and transactions that form the basis of other teachers' courses. Students in the certificate program regularly publish articles in specialized journals across the country. They also help produce the *Willamette Journal of International Law and Dispute Resolution*, which the law school has published since 1992.

So that brings us from the bicentennial to the present.... But what lies ahead? Now that ADR is commonplace, is it done? Is ADR just like every other field of law — necessary, well understood, with small incremental gain expected? Hardly.

In practice, arbitration and mediation continue to evolve. Arbitration has spread to virtually every consumer contract and now seems to be the future for class actions as well. The U.S. Supreme Court has written several pro-arbitration decisions in the last few years, and arbitration is poised to dominate the adjudication of legal claims. Mediation is now mandatory in just

about every court system in the country, and growth continues, with more and more lawyers studying the specialized role of the advocate in mediation. And as the number of practicing lawyers continues to grow, so does incivility in legal practice and the need for a new generation of negotiation training.

Teaching evolves. The Web and distance learning have had an impact on the way negotiation courses are handled. Globalization has resulted in new courses about international disputing and led to an increase in the number of transnational course offerings, which are especially attractive for summer school. You can now study ADR in just about every country in Europe for the summer, as well as in Asia and Africa. The Center for Dispute Resolution's own Simulation Bank has subscribers from around the world. Curricular interest has broadened as well, and you can now find courses on the history and nature of conflict, on decision making, and on intuition and creativity.

"THE PRACTICE OF LAW IS THE PRACTICE OF ADR."

Finally, the intellectual depth of the field continues to increase. Today, some of the most exciting work in ADR relates to advances in medical understanding of brain function. The use of functional magnetic resonance imaging, or fMRI, allows scientists to study how the brain reacts to information and situations. Such information helps lawyers understand why a client might react badly in a settlement conference in which the other side presents an opposing side of a lawsuit. The understandings that new scientific breakthroughs will provide may offer critical insights into how to better structure the systems by which lawyers make deals and resolve problems.

However the future unfolds, one thing is certain: The Willamette Center for Dispute Resolution will be leading the way — divining new trends, turning them into teaching modules and bringing the information to the public in training and outreach.

— Richard Birke

Professor Richard Birke directs the Center for Dispute Resolution and the Certificate Program in Dispute Resolution.

RESOL



RISE OF THE NEW PARADIGM:

Alternative Dispute Resolution



UTION

Anyone who has spent time sitting in a jury room waiting to be assigned to a case knows the cold, hard truth: For better or for worse, the glory days of the American jury trial are over. At a time when the American Bar Association (ABA) boasts more than 400,000 members, fewer and fewer cases are making their way to the courtroom.

According to the 2004 ABA report “The Vanishing Trial,” the federal district courts conducted fewer civil trials in 2002 than in 1962, plunging from 11 percent to 1.8 percent, despite a five-fold increase in civil filings. During that same 40-year period, the number of federal criminal trials fell from 15 percent to 4.7 percent.

And state courts fared no better. Data from the National Center for State Courts indicate that state civil trial dispositions dropped from 27,567 to 19,264 between 1993 and 2002. For some states, like California, dispositions dropped more than 50 percent during this time.

While some litigators bemoan the drop in jury trials as evidence of our failing court system, most advocates welcome the opportunity to replace an archaic system of justice with more advantageous methods of resolving conflicts. Consequently, alternative dispute resolution (ADR) has become the new bedrock of the American legal system.

“The key is to find a pathway to resolution but not engage in psychotherapy, which I’m not qualified to do, nor do I think it is my role as mediator.”

— Eric B. Lindauer



THE EARLY DAYS OF ADR

A number of prominent Willamette University College of Law graduates have distinguished themselves within the ADR arena. Most embarked on traditional career paths but went on to specialize in mediation and/or arbitration, the two most common forms of ADR.

Jeffrey M. Batchelor JD’72, shareholder in Markowitz, Herbold, Glade & Mehlhaf PC in Portland, Ore., made the move to ADR in the late 1980s when the chief judge of the Oregon Court of Appeals recruited him to train and work as a mediator for the court. “I really didn’t know that much about mediation,” Batchelor said, “but I figured if the chief judge was asking, I had better do it.

“Even then, I could see fewer cases were being tried, so I could see down the road that even fewer would be appealed,” said Batchelor, who began practice as an appellate specialist. “I could see a change in my own law practice and in the field as a whole. More and more cases were being settled and arbitrated.”

When Batchelor first began mediating cases for the court, he spent 70 percent of his time on appellate work and 30 percent on ADR. “Those numbers are now flipped,” he said. “At least 70 percent of my work today is focused on ADR.”

Charles S. Burdell Jr. JD’70, owner and partner in Judicial Dispute Resolution LLC in Seattle, Wash., also came to ADR by way of a traditional practice. While working as a trial lawyer, he began mediating cases on a volunteer basis for the Federal Bar Association. “In the early 1980s, there was a backlog of federal district court cases in Seattle,” Burdell explained. “There were

literally no judges to hear the cases; most had retired or passed away. A group of lawyers in Seattle formed [a division of] the Federal Bar Association to try alternative dispute resolution to help reduce the backlog. We mediated civil cases pending in the federal court."

Although Washington was one of the first Western states to start using mediation as an alternative to litigation, few formal training programs existed in the early days of ADR. Like many practitioners, Burdell received no formal training in arbitration or mediation. "I just talked to people who had done it before, mostly federal judges," he said. "I learned by doing."

Batchelor was more fortunate. He was trained by one of the top ADR practitioners in Oregon, Richard Birke, who directs the Center for Dispute Resolution at Willamette University. "Birke trained all the new mediators at the court," Batchelor said. "He taught us how to talk through issues with parties and how to help people keep their minds open for resolution."

THE MEDIATION BOON

There are few ADR naysayers within the legal profession, even among resolute litigators. The benefits are too obvious and irrefutable. Mediation, in particular, provides significant cost, time and risk reductions compared with more traditional means of resolving disputes. "It's simply a better way to solve the problem than ordering parties to do something they don't want to do," Burdell said. "I can't image a case that wouldn't benefit from mediation."

For Batchelor, a significant benefit of mediation is that it provides people with a quick way out of a bad situation. "Most people don't want to get to litigation," he said. "They are looking for the first door out. They want the case to end quickly so they can get on with their lives."

Perhaps most important, the mediation process enables the parties to resolve their dispute themselves and to agree on a final outcome. "The true benefit of mediation lies in the parties' ability to control their own destiny," Batchelor said. "The parties may not like the settlement because they had to give up too much, but they always have the power to say 'yes' or 'no' to an agreement."

Eric B. Lindauer JD'66, who is of counsel to and former partner of Clark, Lindauer, Fetherston, Edmonds, Lippold & Collier LLP in Salem, Ore., said the mediation process allows parties to share confidential information with the mediator that they would not otherwise disclose. Lindauer believes such disclosures



"When I first started in ADR, arbitration was cheaper than going to court. I don't believe that is true now. Lawyers still do all the discovery and depositions they would if they went to court, so the economics are not as good."

— Jeffrey M. Batchelor

ultimately lead to more constructive resolutions. "Discovering the key underlying issues and what evidence the parties have is critical to reaching a successful resolution," said Lindauer, who was a successful litigator before moving to mediation and arbitration full time in 1985.

"In order to get finality, each side has to give something up," Lindauer added. "Each side has to compromise to get a resolution. In exchange for that discomfort, the parties have direct involvement in the resolution of the dispute and are able to achieve closure."

The value of providing closure to parties has become a point of debate among ADR practitioners throughout the last decade, as some now foster a "holistic approach" to mediation. Their goal is to help repair combatants' relationship while helping to resolve the dispute.

"By and large, if the parties have an ongoing relationship, like a business partnership, they need to restore it to move forward," Lindauer said. "But you have to resolve the needs and issues stemming directly from the dispute itself. In family practice mediation, for example, you deal with hurt feelings and personal conflict. An approach focused on those aspects is critical to the two parties reaching a resolution. But that takes time and a lot of mediation sessions."

According to Lindauer, a patient and observant mediator will discern any emotional aspects of a dispute and then seek to resolve those specific issues. "The key is to find a pathway to resolution but not engage in psychotherapy, which I'm not qualified to do, nor do I think it is my role as mediator," he added.

Batchelor and Burdell both concede that in divorce mediation, when children and shared parenting is involved, the mediator should work to repair the fractured relationship. But they both draw the line at involving themselves in personal issues. "My job is to focus on resolving the dispute, not repairing problems," Batchelor said. "I don't have the time, energy or will to try to make nice."

ARBITRATION AS ALTERNATIVE TO LITIGATION

While arbitration provides many of the same benefits as mediation, most practitioners agree the process provides fewer safety valves for the parties involved. “There are obvious cost and time savings over going to trial,” Burdell said. “The arbitrator will be there on time and make quick, efficient decisions. Moreover, when you hire an arbitrator, you generally know who you’ll be talking to. In a trial, you never know who you will have as a judge.

“But people need to understand that with arbitration, they’re giving up their right of appeal,” added Burdell, a former King County Superior Court Judge and full-time mediator and arbitrator since 1990. “Arbitrators have more power over the people before them than any judge. There are very limited grounds upon which an arbitrator’s award can be overturned.”

Thomas E. Angelo BA’68, JD’71, a self-employed labor arbitrator and mediator in Mill Valley, Calif., believes that despite the risks, the benefits of arbitration far outweigh those of litigation. “Arbitration is certainly cheaper than a trial, and it lets you get to a good decision quickly so people can get on with their lives,” he said. “It also diminishes the opportunity for lawyers to focus on fee-generating, which can happen in litigation.”

A labor law specialist, Angelo said one of the biggest obstacles to a successful arbitration is bad lawyering. He believes too many advocates try to turn arbitration into a scaled-down civil trial. “They are usually blind to the other side’s view and make no real effort to solve the problem at hand,” he explained. “In ADR, you can still be an advocate, but some lawyers translate that into litigiousness. They miss the whole point of the process.”

Lindauer also has seen the arbitration process polluted by litigious advocates. “The underlying basis for arbitration is to avoid the inefficiencies of litigation and to provide an expedient and cost-effective forum for resolving disputes,” he explained. “To some degree, we now see the arbitration process expanded by extensive discovery and pre-hearing submissions, which is eroding the basis of arbitration and what it was designed to overcome. If arbitrators fail to monitor this type of practice, the process will become just another layer of litigation.”

“Arbitrators have more power over the people before them than any judge. There are very limited grounds upon which an arbitrator’s award can be overturned.”
— Charles S. Burdell Jr.



According to Batchelor, this fundamental change to the arbitration process during the past decade has drastically reduced the cost savings formerly gained by avoiding trial. “When I first started in ADR, arbitration was cheaper than going to court,” he said. “I don’t believe that is true now. Lawyers still do all the discovery and depositions they would if they went to court, so the economics are not as good.”

SHOULD SO FEW CASES GO TO TRIAL?

With so many lawyers determined to transform arbitration into litigation, one wonders: Should such a large percentage of cases be resolved through ADR? Probably so. Most practitioners agree that mediation and arbitration still provide better outcomes than those gained by going to court.

“The litigation process is hard on everybody — lawyers and clients alike,” said Lindauer, who believes the trial system is far too adversarial. “Trials focus on the advocacy of one position over the other. In mediation, the focus is on the parties working toward a resolution they can agree on. I am much more comfortable focusing on resolution than advocacy. It provides a more satisfactory outcome.”

Despite his preference for ADR, Lindauer is a firm believer in the value of the jury system. “ADR provides another alternative for parties in resolving their disputes,” he said. “Certainly, the option for jury trial should always be available.”

Tom Angelo disagrees. He believes the American court system is antiquated and overvalued. “There is no collective wisdom in a jury,” he said. “It provides no secret method for discovering the truth. To be sure, it is a group of amateurs. Some catch the facts and analysis, and others don’t. Most don’t know how to listen to a case. An arbitrator, on the other hand, is a professional listener.”

Burdell believes that juries are sufficiently sophisticated to decide a case. “The disadvantage of the jury system is that you cannot predict what a jury will do,” he said. “It is a risky proposition. This is not a criticism of the jury; most come to fair and just results. During all the time I served on the bench, I never saw a jury result I thought was wrong.”

What Burdell considers the downfall of the jury system, Batchelor believes is its advantage, because its unpredictability can motivate parties to resolve a mediated dispute. “Anyone who is sophisticated in the area will say mediation is better than a trial, where a third party is making the decision,” Batchelor said. “The risk of a big jury trial verdict, having a jury in the wings, is really the ‘the hammer’ — the key to resolution — because the parties have no control in arbitration or jury trial.

"There's a perception by many that juries are unpredictable and untrustworthy," Batchelor added. "I don't share that view. I like the jury system. I trust juries, but at the same time, I recognize that the jury system is doomed on the civil side because litigation is so expensive and because it is so hard to get a case tried."

"Many people are concerned about the demise of the jury system," he said. "But the same people also truly appreciate the new system. Put simply, they have to use ADR because it's the game being played. Alternative dispute resolution is really the new paradigm."

EMBRACING THE NEW PARADIGM

In 2005, the National Center for State Courts published the results of a survey that asked 1,000 lawyers what alternative career they would choose over their current position. More than half of all respondents cited "mediator or ADR counselor" as their preferred profession. This statistic worries Angelo, who believes the marketplace is being flooded with — and diluted by — unskilled practitioners.

"Being a mediator and arbitrator is more difficult than it appears on the surface," he cautioned. "Most people think you go in,



"There is no collective wisdom in a jury. It provides no secret method for discovering the truth. To be sure, it is a group of amateurs. Most don't know how to listen to a case. An arbitrator, on the other hand, is a professional listener."

— Thomas E. Angelo

listen for awhile, have a nice meal, write a decision and fly home. But the best arbitrators don't do anything but arbitration. They are dedicated to the study of it."

Burdell thinks lawyers' interest in moving to ADR stems from a deeper need — their base desire to live a more rewarding life. "Lawyers get tired of the fight," he said. "Even as a litigator, I was never comfortable with 'going for the jugular.' I always wanted a fair resolution for both sides. At my core, I want to help people."

Like most practitioners who transitioned to ADR from traditional practice, Lindauer claims he receives far more personal satisfaction as a mediator and helping people resolve their disputes than from being an advocate in a litigated case. "I find it a much more satisfactory way to conduct my professional life," he concluded. "In the end, isn't that what we all want?"

A PASSION FOR MEDIATION

Michael Kakuk JD'07 doesn't look like a lawyer, but he thinks like one. With long hair, often pulled back in a pony tail, and wire-rimmed glasses, Kakuk looks more like a peace activist or an environment crusader. "I sort of grew up in a liberal atmosphere in Madison, Wis.," Kakuk said. "My dad subscribed to *The Nation*, and later, I went with him to volunteer for the Montana Human Rights Network." It was that background that drew Kakuk to Willamette University College of Law.

"No matter what you do as an attorney, you're going to be called on to represent opinions that you don't have," Kakuk said. "When it comes to expressing opinions that you don't agree with, well, that's just part of being an attorney." And that hard truth is something Kakuk knows he will face even while he pursues his passion.

Kakuk decided to attend Willamette University because the school offers a Certificate Program in Dispute Resolution, one of the core skills of a mediator. But mediation is not something a recent law school graduate walks right into. "You have to build up trust," Kakuk said.

Most mediators have had long and distinguished careers as lawyers before they use the trust they have built with other lawyers and enter the mediation field. Kakuk, who has started a two-year honors program as an attorney with the Oregon Department of Justice, knows that experience in the law is what makes for a good mediator.



Photo: The Statesman Journal

Looking for a little experience, Kakuk spent a lot of time in law school helping parties resolve their differences in small claims court. "The more experience I get with legal, the more I get that mediation is important," Kakuk said. "There is still a burning need for trials, but the more experience I get, the stronger the conviction."

And Kakuk knows he'll get a chance to help shape a system that he says is due for change. "Even now, you file a case, spend a ton of money on discovery, shipping documents back and forth, then before the trial you'll settle the case," Kakuk said. "Why not have the system designed to help the settlement process a little more, then if all else fails, go to trial?"

*Written by Timothy A. Akimoff; published May 14, 2007.
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WUCL Alumni Working in Dispute Resolution and Mediation

WILLAMETTE UNIVERSITY COLLEGE OF LAW ALUMNI ARE ACTIVELY INVOLVED IN ALTERNATIVE DISPUTE RESOLUTION AND MEDIATION THROUGHOUT THE UNITED STATES. A SELECT FEW ARE LISTED BELOW.

Thomas E. Angelo BA'68, JD'71

Arbitrator, Solo Practice
Mill Valley, Calif.

Jeffrey M. Batchelor JD'72

Attorney; Markowitz, Herbold, Glade & Mehlhaf PC
Portland, Ore.

Charles S. Burdell Jr. JD'70

Owner/Partner, Judicial Dispute Resolution LLC
Seattle, Wash.

Larry T. Coady JD'75

Attorney/Arbitrator, Solo Practice
Lake Oswego, Ore.

Paul J. Dugaw JD'80

Attorney/Partner, Enbody & Dugaw
Centralia, Wash.

Barbara J. Gazeley JD'78

Staff Attorney, Appellate Settlement Conference Program
Portland, Ore.

Karen H. Green JD'77

Consultant/Attorney, Green & Associates
Bend, Ore.

Susan M. Hammer JD'76

Attorney, Solo Practice
Portland, Ore.

Megan E. Hassen JD'94

Attorney/Mediator, State of Oregon, Marion County
Courthouse
Salem, Ore.

Alison S. Kelley BA'95, JD/C'98

Attorney, Conflict Management Strategies LLC
Salem, Ore.

Michael E. Kreger JD'82

Attorney/Partner, Perkins Coie LLP
Anchorage, Alaska

Anthony L. Larson JD'00

Professional Mediator
Azalea, Ore.

Susan M. Leeson BA'68, JD'81

Mediation Consultant, Mediation Plus
Salem, Ore.

David A. Le Master BA'90, JD/C'93

Shareholder, Porter Kohli & Le Master PS
Seattle, Wash.

Eric B. Lindauer JD'66

Arbitrator/Mediator; Clark, Lindauer, Fetherston, Edmonds,
Lippold & Collier LLP
Salem, Ore.

Gary E. Lockwood PC BA'57, JD'60

Arbitration, Mediation, Administration Judge
Salem, Ore.

Travis R. Marker JD/C'03

Attorney/Mediator
Ogden, Utah

Elizabeth Pike Martin JD'82

Attorney; Gordon, Thomas, Honeywell, Malanca, Peterson
& Daheim LLP
Tacoma, Wash.

William M. McAllister JD'62

Attorney, Stoel Rives LLP
Portland, Ore.

Kevin W. Midlam BS'61, JD'63

Mediator/Arbitrator, Judicial Arbitration & Mediation
Service
San Diego, Calif.

Thomas Morningstar JD'87

Attorney; Parks, Bauer, Sime, Winkler & Fernety LLP
Salem, Ore.

Rebecca M. Picard JD'82

Mediator, Mediated Solutions
Bloomington, MN

George E. Price JD'85

Attorney, Price & Price
Salem, Ore.

David J. Reese JD'68

Attorney/Partner; Cooke, Roberts & Reese Ltd.
Reno, NV

Larry K. Reynolds JD'69

Attorney/Partner; Reynolds, Jensen & Swan LLP
Riverside, Calif.

Erin J. Ruff JD/C'97

ADR Analyst, State of Oregon
West Linn, Ore.

C = Certificate in Dispute Resolution from Willamette University College of Law

The Satisfaction of Service

“Although litigation is always an option, it is not always the most satisfactory way to resolve disputes,” said Eric B. Lindauer JD’66, of counsel to and former partner of Clark, Lindauer, Fetherston, Edmonds, Lippold & Collier LLP in Salem, Ore.



“I have found mediation to be a more constructive process for resolving disputes, both for me and the parties,” added Lindauer, who worked as a general litigator for 16 years before moving to alternative dispute resolution (ADR). “I enjoy helping people come to resolution.”

Lindauer’s interest in ADR shouldn’t surprise anyone who knows his history. His life has been an example of hard work and good service. He was born in Red Bluff, Calif., and raised on a farm that he still owns today with his brother. “It’s a difficult life,” he said of farming. “It established in me an appreciation for hard work and a value system that hopefully put me in good stead.”

Following high school, Lindauer joined the U.S. Navy submarine service to fulfill his military commitment under the draft. From 1956–59, he lived and worked on the cramped diesel-powered USS Redfin, traveling throughout the North Atlantic and the Mediterranean Sea. When his service ended, he enrolled in Oregon State University, where he majored in business administration. “There was no GI Bill at the time, so I put myself through school working at a local restaurant,” he said.

Waiting tables proved to be a good career move for Lindauer, who regularly waited on two Willamette law graduates at the restaurant. Otto R. Skopil Jr. BA’41, LLB’46, H’83 and Bruce W. Williams AB’40, LLB’48 urged Lindauer to consider a career in law and employed him as a clerk when he attended WUCL.

In addition to holding down three jobs in law school, Lindauer volunteered for Gov. Mark O. Hatfield BA’43, H’58, who made a bid for the U.S. Senate the same year Lindauer completed his law degree. Lindauer joined the Hatfield campaign full time after graduation. When the newly elected senator moved to

Washington, D.C., in January 1967, Lindauer went along as the senator’s executive assistant. “Hatfield represented the best of what it means to be in political life,” said Lindauer, who worked for the senator for more than two years.

In 1969, Lindauer returned to Salem and joined the law firm of Clark & Marsh. His association with the firm has lasted 38 years. Lindauer began his legal career as a general litigator but refocused his practice on ADR full time in 1985. He has mediated more than 1,000 cases in a variety of areas and arbitrated more than 3,000 cases involving labor, construction, commercial and employment issues. In 2007, he was named a top ADR practitioner in *Best Lawyers in America*.

“BECAUSE OF THE TRAINING WE RECEIVE AND OUR PLACE IN SOCIETY, LAWYERS HAVE A UNIQUE RESPONSIBILITY TO BE INVOLVED IN THE LIFE OF THEIR COMMUNITIES.”

Lindauer credits his former partners with setting him on the right path. “Ned Clark and Malcolm Marsh were great role models for me, in terms of my professional life and community involvement,” he explained. “Through them, I became involved in the life of our community.”

A life member of the Willamette University Board of Trustees, Lindauer has been active in numerous service organizations throughout Oregon, including the Lawyer’s Campaign for Equal Justice Advisory Board and the Oregon Community Foundation Board of Directors. In recognition of his service to community, he has received the First Citizen Award from the city of Salem, the Oregon State Bar President’s Award for Distinguished Service and a Distinguished Alumnus Award from Willamette University.

“Because of the training we receive and our place in society, lawyers have a unique responsibility to be involved in the life of their communities,” he said. “When you reflect on your life, you think about your family, your work and where you derive meaning in your life. I get meaning from being in a position to help others. Those experiences are as rewarding to me as the actual practice of law.”

Ingredients for Life ... Well Lived

"I went to law school with the goal of helping to represent poor people," said Jonathan O. Mayes JD'87, vice president of state and local government relations for Safeway Inc. "I initially wanted to be a public defender."

Mayes' interest in criminal defense work ended abruptly, however, when he clerked for a small Salem firm following his first year of law school at Willamette. "I told the partners I was interested in criminal defense, so they gave me a file to review," he explained. "It was for a man accused of molesting a child. After reading the police report about what he had allegedly done, I just couldn't take the case."

Mayes went back to the partners and asked for a different case. "The second file they gave me was for a man accused of beating up his live-in girlfriend," he said. "I went back to the partners and asked if they had any contracts I could review. They laughed — but they understood. They gave me a stack of contracts, and I never looked back."

His career path may have shifted, but Mayes' desire to help others has never wavered. Mayes believes his benevolent nature comes from growing up in a household focused on community. Born in Bermuda, he spent his early childhood in San Diego, Calif., where his father was senior pastor of a local church. "Growing up in a religious household had a big impact on me," he said. "My parents taught me to always reach back and pull someone along who needs help."

Mayes' early interest in law developed during high school, working alongside his parents and six brothers at a rescue mission that his parents founded in Santa Barbara. "A number of the people coming into the mission were homeless and drug dependent," he explained. "Many of them had legal issues they needed help with. That really struck a chord with me."

Mayes earned a bachelor's degree in social science from Warner Pacific College in Portland, Ore., in 1978. Although he planned to attend law school after college, he decided to take a year off before enrolling in a program. That single year turned into six.

Following graduation, he went to work for Chrysler Credit Corp. in Portland. "I was a repo man," said Mayes, who earned his stripes in the collections department. "It was basic training boot camp. You had to understand the repercussions of saying 'yes' to a bad deal. It was one of the best experiences I ever had because it taught me the importance of always living within your means."



Mayes worked his way up to a management position at Chrysler, but felt unfulfilled in the job. Deciding he had been sidetracked long enough, he began applying to law programs. "I was accepted to eight different law schools, so I had lots of options," he said. "I chose Willamette because I thought it was the best law school in Oregon. I also was interested in politics and working at the Capitol, so Willamette was a natural choice."

Mayes enrolled in Willamette University College of Law in 1984. His initial interest in trial work led to his participation in a number of moot court activities. In addition to serving as vice chairman of the Moot Court Board, he was co-winner of the first-year Moot Court Competition. At the beginning of his second year — after that eventful summer internship spent reviewing contracts — Mayes happily shifted his focus to business law.

Following his second year of law school, Mayes took a summer clerkship with Donahue, Gallagher, Woods & Wood in Oakland, Calif., working in the business and general civil litigation group. The firm offered him an associate position following his graduation from law school in 1987.

Mayes worked for Donahue, Gallagher for four years before leaving the firm to become senior in-house counsel for his largest client, Lucky Stores. Mayes worked for the Bay Area food chain for three years. After Lucky Stores was purchased by a competing chain, Mayes accepted a senior attorney position with Safeway Inc., one of the largest grocery and pharmacy retailers in North America. Five years later, he was named vice president of state and local government relations.

"I work with trade associations, lobbyists, our company's legal team and others to inform legislators and regulators about how their proposals affect our operations, employees and customers," he explained. "A number of legislators introduce bills, but they don't always understand the unintended consequences. My job is to inform lawmakers about those unseen consequences."

Recently, Mayes was in Oregon's capital to help battle against the Bottle Bill, which will require grocery stores to take in more recyclable containers. The company currently recycles more than 450,000 tons of material each year. "The Bottle Bill increases costs and raises a number of health and safety issues," Mayes said. "We support recycling at curbside and redemption centers in our parking lots. We just don't want products returned to our stores, where contamination from dirty cans and bottles could occur."

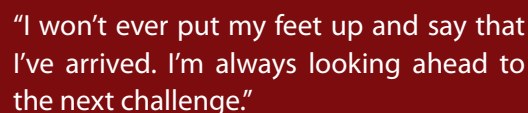
Mayes tackles similar issues affecting Safeway's 1,775 retail stores, located across 21 states. Despite the enormity of the job, he still makes community service a priority. Mayes has volunteered his time to a number of legal aid organizations in California since the early 1990s. Today, he is a board member and former chair of the Law Center for Families in Oakland, which provides low-cost legal services to the community. "I like having the ability to make a difference in people's lives," he said. "The greatest thing anyone can do is give to others in need."

"When I think of my life, I feel fortunate that I've been able to accomplish some really cool things," he said. "But I won't ever put my feet up and say that I've arrived. I'm always looking ahead to the next challenge."

For Mayes, that may mean accomplishing one of the many items on his 'life's to-do' list, which includes running a marathon every year until he turns 80.

Mayes ran his first marathon in 1987, with little training and no experience. "It was just one of those things on my to-do list," he explained. "After the marathon, I crossed it off the list and moved on to other things. About 10 years passed before I started wondering if I trained harder and used better judgment about nutrition that I could do better."

So 10 years after running the first marathon, Mayes trained for and ran a second, improving on his initial time. Since then, he has competed in 13 events, including three Boston Marathons.



"I won't ever put my feet up and say that I've arrived. I'm always looking ahead to the next challenge."

In 2001, when a hamstring injury sidelined him from running, he decided to cross train on bicycles. "Then I realized that if I could swim, too, I could do a sprint triathlon," he said. "When I started, I swam a quarter mile and almost drowned. I started to hyperventilate. But rather than give up, I decided, 'I can do better.'"

And he did. The following year, Mayes competed in a half Ironman triathlon. By 2005, he had trained well enough to compete in a full Ironman competition — swimming 2.4 miles, biking 112 miles and running 26.2 miles. "I really like the challenge of it, the discipline that it takes, so I plan to compete in more of them," he said.

"I've set some hard goals for myself and accomplished many of them, in business and athletics," he said. "For me, I have to set hard goals or they just don't count. I don't strive for perfection, I just want to look back on my life and be able to say that I did my best."

Incurable Potomac Fever

Kelly A. Cole JD'96 doesn't remember a time when she didn't want to be a lawyer. "I never really considered doing anything else," she said. "I had relatives and family friends who were attorneys, and I was always fascinated with their jobs."

Raised in a suburb of Los Angeles, Calif., Cole studied political, legal and economic analysis at Mills College in Oakland. She spent her junior year abroad, studying law at the London School of Economics. After earning her bachelor's degree, Cole took a year off from school to work "as a glorified paralegal" at Stoel Rives LLP in Portland, Ore. "I did most of the 'meat and potatoes' work of law — digging through reams of papers and interviewing witnesses," she said. "It was mundane, but I found it endlessly fascinating."

She enrolled in Willamette University College of Law in 1993. "At the time, getting a law degree was really just a means to an end," said Cole, who wanted to become a litigator. "When I got to law school, I realized the importance of learning how to think critically and logically. Every day since law school and in every job I've had, I've appreciated the value of that education."

As a third-year student, Cole was offered a highly coveted clerkship with the Marion County district attorney's office. "I got to be a real litigator, representing clients in front of a judge and jury," she said. "They were mostly misdemeanors, like drunk-driving, theft and domestic abuse cases, but the experience really whetted my appetite for being in the courtroom."

Cole also served as a summer associate in the Portland office of Preston Gates (now K&L Gates), a leading national firm. Following her graduation from Willamette, Cole accepted an associate position in the firm's commercial litigation group. She worked in the Portland office for a year before transferring to Washington, D.C.

"The firm's D.C. office had a public policy arm, so I worked on both litigation and public policy," said Cole, whose time was split between conducting antitrust litigation and lobbying Congress on transportation and tax issues. "I got a taste of what it is like to go to Capitol Hill and lobby on issues." Cole was immediately hooked.

"Lobbying involves the fun part of litigation — making an argument and trying to convince folks that your position is the right one," she

explained. "In lobbying, you're not constrained by the rules of evidence or procedure. All those rules go out the window when you're making a case to members of Congress."

In 2000, Cole moved to the government side of the fence when she became telecommunications counsel for the U.S. House of Representatives' Committee on Energy and Commerce.

In addition to advising committee members on a range of telecommunications issues, she drafted and negotiated legislation. "We got to thread the needle on where public policy should be on some major issues," she said. "There are so many different ways to write a law to get something done. The trick is to find a way to make the least number of people unhappy."

After six years with the committee, Cole returned to government relations practice. She now serves as vice president of government relations for the National Association of Broadcasters, a trade association that advocates on behalf of radio and television stations



"If you love politics, then it is very easy to eat, breathe and sleep politics in Washington. They call it 'Potomac Fever' because the politics of Washington gets inside you."

and broadcast networks. "I take the experience I gained on Capitol Hill and couple that with a specific agenda," said Cole, who has worked on the National Do Not Call Registry and broadcast indecency

legislation. "I do a lot of knocking on doors, advocating how public policy should be written.

"If you love politics, then it is very easy to eat, breathe and sleep politics in Washington," she explained. "They call it 'Potomac Fever' because the politics of Washington gets inside you. It becomes a passion to most people. It has for me. It's 10 years later, and I'm still here."

An Exemplar of Outstanding Judicial Service

In the second floor courtroom of Pioneer Courthouse, where the 9th U.S. Circuit Court of Appeals meets in Portland, hangs a portrait of a judge who helped create the federal magistrate system and who was an architect for the future of federal court administration. He is a man endowed with both grace and humor, whose legacy to the District of Oregon is not of flash and drama, but rather of someone who has worked quietly and diligently to make the federal court a friendlier place.

At age 88, Senior 9th Circuit Judge Otto R. Skopil Jr. BA'41, LLB'46, H'83 remains an active and contributing member of the court, taking cases on the court's non-oral argument calendar and continuing to draft dispositions.

Skopil came from a working-class background that offered him few material advantages but gave him role models for his life and career. He was born in Portland to German immigrant parents: Freda Martha Boetticher, who arrived here from Leipzig when she was 5 years old, and Otto Richard Skopil, who came to Oregon with his family at age 8 and grew up on a dairy farm in the Salem area. The couple eloped to Portland when his mother was 18. After their first son was born, they returned to Salem.

Skopil credits his parents' influence with his thorough nature, sensitivity to others and strong work ethic. Otto Sr. drove a laundry truck in Salem and eventually expanded his business into Eugene. Skopil described his father as "the most patient and sensitive man I've ever known," and said that both parents were extremely kind to others. Both also were perfectionists.



Bruce Williams BA'40, LLB'48, a close friend of Skopil's since second grade who later became his law partner, said of the Skopil home, "In all the years I spent over there, I never heard a harsh word spoken. The Skopils never spoke badly of anyone else or each other, even through the Depression."

Otto Sr. generally worked 12-hour days, but he still came home for lunch every day and made time to play ball with Otto and his younger brother, Robert. Although his parents worked hard, Skopil's family did not have the financial means to send him to college.

"Jim Burns and I went on the bench with the feeling that we wanted to change the attitude of the bar toward the federal bench. We felt that we were members of the same profession, whether a judge or an attorney. My constant motivating factor was to be sure that everybody was treated fairly and equally."

Fortunately, Skopil began playing basketball in junior high school and became an accomplished player. After high school, he was recruited by Willamette University and given a full scholarship. He played on the varsity basketball team his freshman year and was named all-conference. Skopil lived at home, worked part time at a local service station and majored in economics. He also served as freshman class president.

Most of Skopil's relatives were farmers or laborers. But he credits his Uncle Ralph with inspiring him to attend law school. After Ralph Skopil L'35 lost an eye in an industrial accident, a representative of his employer asked him what the employer could do to help. Ralph, who had up to that point achieved only a fifth grade education, asked the company to send him to law school. He practiced law in Salem until his retirement.

Otto Skopil was enrolled in law school at Willamette University when Japan attacked Pearl Harbor. He dropped out to enlist in the U.S. Navy; he served as a supply corps officer in Guadalcanal and in Washington, D.C., until 1945. After the war, he returned to Salem and completed his law degree in 1946.

Following graduation, Skopil set up practice and took up public criminal defense. He later joined forces with his childhood friend Bruce Williams, and the two expanded their trial practice to include insurance defense and plaintiff's civil work. As a practicing lawyer, Skopil had a case for State Farm that made it to the U.S. Supreme Court. He also tried a number of well-publicized criminal cases and

“The magistrate system as it now stands is probably one of the most progressive things that has happened in the judiciary since its origin. It has given the courts an entirely different ability to handle the tremendous volume we have.”



was active in the bar and local community groups.

Skopil and Williams ran a thriving law practice in Salem for many years. Skopil said he had no judicial aspirations until he was approached one day by then-Sen. Mark O. Hatfield. There were two openings on the federal district court bench in Oregon at the time. The names of Skopil and James

M. Burns were put forward by Hatfield and then-Sen. Bob Packwood, respectively. Skopil remembers the nomination and review process that he went through as short and pleasant — and in sharp contrast to the confirmation process today. He and Burns were confirmed on the same day.

When he attended the new judges school in Washington, D.C., Skopil found that he was one of the few among the 50 new federal district court judges not already a state court judge.

When Skopil and Burns took the bench, they joined Judge Robert Belloni, who was the only active federal judge in the district. Judge Gus J. Solomon was on senior status, so the only other help Belloni had was Judge George E. Juba BA'52, JD'56, a federal magistrate. Thus, by necessity, Juba had been trying civil cases and engaging in far more expansive activities than other federal magistrates around the nation.

Belloni and Skopil were some of the first federal judges to realize the benefits of such an expansive approach in the use of magistrate judges. Both men set about making the District of Oregon a model for the nation in this regard. Skopil also had other innovative aspirations for the court.

“Jim Burns and I went on the bench with the feeling that we wanted to change the attitude of the bar toward the federal bench,” Skopil recalled. “We felt that we were members of the same profession, whether a judge or an attorney. My constant motivating factor was to be sure that everybody was treated fairly and equally.”

Skopil's son, Otto “Rik” Skopil III JD'72, a Portland attorney, said his father's strongly held philosophy about the legal system was that how a person was treated was just as important as the judge's decision. He described his father as a role model for judicial demeanor and said

that Skopil “treated janitors the same way he treated senators — with respect and a sense of humor.”

Skopil proposed an alternative system that is still used today: a case-by-case status conference that takes place after both parties have made their initial appearances. The court decided that these conferences would be conducted by a magistrate.

U.S. Court of Appeals Judge Edward Leavy, who at the time was a magistrate judge picked by Skopil, began the process of meeting with the parties and discussing the issues and, through that process, working toward a resolution short of trial or litigation. Leavy now is recognized as a national leader in court-assisted mediation. He credits Skopil with setting a chain of events into action that changed the course of Leavy's career. He said Skopil made federal court a “friendlier place to practice.”

To ensure that the magistrate system in Oregon would be successful, Skopil went door to door to meet with Portland law firms to sell practitioners on the magistrate judge system, Leavy recalled. Recognizing that the system could not be forced, Skopil approached the lawyers with assurances that their cases and motions would be heard by highly qualified magistrate judges and that the system would promote efficiency to the benefit of the entire bar. Skopil's efforts paid off, and federal practitioners routinely consented to have their cases heard by Juba and Leavy.

Skopil's impact on the profession took the national stage when he was appointed by U.S. Supreme Court Chief Justice Warren E. Burger to the National Magistrates Committee in 1979. As chairman, Skopil testified before Congress and helped draft what would become the Federal Magistrates Act, 28 U.S.C. 636.

“The magistrate system as it now stands is probably one of the most progressive things that has happened in the judiciary since its origin,” Skopil explained. “It has given the courts an entirely different ability to handle the tremendous volume we have.”

By drafting legislation that allows parties to consent to a trial before a U.S. magistrate judge and ensuring that only the most qualified lawyers were appointed to the magistrate positions, Skopil made his vision of expanding the Oregon system to the entire nation a reality.

Skopil worked on the National Magistrates Committee with then-U.S. Attorney General Griffin Bell, and it was this connection that eventually led to his nomination to the Court of Appeals by President Jimmy Carter. Skopil was among the 5 percent of judicial nominees that year

to receive an “exceptionally well-qualified” rating from the American Bar Association; he also was the only Republican nominee. Skopil is convinced that he has Bell to thank for getting his name before the president.

Thus, Skopil holds the distinction of being appointed a federal judge by two different presidents and of different parties: Richard M. Nixon (U.S. District Court, District of Oregon, 1972) and Carter (9th Circuit Court of Appeals, 1979).

In 1990, U.S. Supreme Court Chief Justice William H. Rehnquist appointed Skopil chair of the federal judiciary’s Long Range Planning Committee. The committee spent five years gathering data, surveying judges and lawyers, and examining judicial vacancies, caseloads, work-force changes, the role of senior judges and a number of other issues facing federal courts throughout the country. The result of this work was the publication of the “Final Long-Range Plan for the Federal Courts,” which was approved by the Judicial Conference in 1995.

Colleagues have said Skopil is an individual who transcends politics, partisanship and rancor of any kind. As Senior District Judge Owen M. Panner observed, “For 40 years, I have watched Otto Skopil as a lawyer, as a district judge and as a 9th Circuit judge. In all that time, I don’t believe I’ve ever had anyone say anything bad about Judge Skopil. He has no enemies.”

“He loves his profession,” said Skopil’s daughter, Shannon I. (Skopil) Bronson JD’85, a Portland attorney. “He loves being able to use his common sense, intelligence and pure heart to help others. He always said that he felt that the pay cut he took to become a federal judge was offset by the honor of serving and benefiting the public.”

U.S. District Judge Robert E. Jones called Skopil “an exceptional jurist with a broad smile” and said he is “a rare bird — beloved, admired, honored and respected by lawyers, colleagues and friends. He is truly a person for all seasons.” Jones said Skopil serves as a model example “to those who seek the balance between family, career, love, laughter and the law.”

Written by Kelly A. Zusman; originally published under the title “Otto Skopil Jr. Helps Shape a Friendlier, More Efficient Judiciary” in the April 2007 issue of the Oregon State Bar Bulletin. Reprinted with permission.



Unbreakable Bond: A Lifelong Connection to Willamette

“I’ve always had strong feelings about Willamette,” said Otto R. Skopil Jr. BA’41, LLB’46, H’83. A senior 9th Circuit Court judge, Skopil has maintained a lifelong connection to the University.

Skopil earned a bachelor’s degree in economics and was two years into law school at Willamette when he and two classmates left the program to enlist in World War II. Skopil served in the U.S. Navy for four years before returning to the law school in October 1945. Because he and his classmates returned from military service in the middle of the term, Willamette created a mid-year graduating class for the three returning soldiers. “Willamette commenced a special law class just for us,” Skopil explained. “It really saved us a year out of our lives.”

Skopil believes the special consideration given to the three law students perfectly illustrates Willamette’s concern for its students. “Willamette was interested in more than just educating us,” he said. “The administrators and professors were interested in us personally, in the quality of our lives.”

Skopil graduated from Willamette’s law school more than 60 years ago, but he has maintained a close bond to the University throughout the years. He served on the Board of Trustees from 1968–74 and still visits the law school regularly. “I try to get to the law school at least once a year,” he said. “I want to repay the debt I owe the school for the special accommodation they made for me.”

During these visits, Skopil often takes the time to meet with students and encourage them to apply for judicial clerkships. “It is the only way to really learn about the decision-making process and court procedures,” said Skopil, who had the opportunity to try cases at every level of the court system, including federal court. He served on the U.S. District Court for the District of Oregon from 1972–79 and has sat on the 9th Circuit Court since 1979.

Looking back on his distinguished judicial career, Skopil said he is most proud of being of service to others. “We all need help from time to time, so it is satisfying that I have been able to help so many people,” said Skopil, who received an honorary doctor of laws from Willamette in 1983. “I’ve really been blessed.”

What's New at the College of Law

Faculty on the Move...



Professor Steven K. Green has been named director of the Center for the Study of Religion, Law and Democracy, one of the new academic centers at Willamette University. Green joined the law faculty in August 2001 after serving for nine years as general counsel and director of policy for Americans United for Separation of Church and State, a national public interest

organization in Washington, D.C. His most recent publication, a case book on church-state law, was published by Baylor University Press in 2007.



Professor Norman R. Williams has replaced Green as director of the law school's Center for Law and Government. Prior to joining the College of Law in 2001, Williams practiced in the U.S. Supreme Court and Appellate Practice Group of the New York law firm of Mayer, Brown & Platt. Williams has published six articles in leading American law journals throughout

the last three years, including the *University of Pennsylvania Law Review*, *New York University Law Review* and *Stanford University Law Review*.



Professor Jeffrey C. Dobbins has been named executive director of the Oregon Law Commission. He replaces David R. Kenagy, who retired from the position at the end of June. Dobbins joined the Willamette law faculty in 2006 after practicing law in both public and private sectors. He previously served as an attorney in the Appellate Section of the

Environment Division of the U.S. Department of Justice. Dobbins was law clerk to U.S. Supreme Court Justice John Paul Stevens from 1995–96.

...and in the News

Willamette's law faculty continues to serve as a vital resource for local and national media outlets, which have come to rely on the College of Law's unique expertise. Throughout the first seven months of 2007, faculty members were quoted in the news more than 40 times. Highlights include interviews with the Associated Press, *The Washington Post*, *The Atlanta Journal-Constitution*, *The Oregonian*, National Public Radio and Radio Free Europe.



Professor Keith Cunningham-Parmeter was quoted in several publications and TV and radio news broadcasts about the effects of globalization on low-wage workers at a Del Monte produce plant in Portland.



Professor Valerie J. Vollmar JD'75 was interviewed by the Associated Press for an article on Oregon's physician-assisted suicide law and Dr. Jack Kevorkian's release from prison. The article was picked up by newspapers and TV stations nationwide.



Symeonides Addresses a Global Forum

On Sept. 14, 2007, Dean Symeon C. Symeonides delivered the keynote address at an international congress hosted by the Chinese Academy of Private International Law in Wuhan, China. Four of Symeonides' publications have been translated into Chinese, and one of his books is used for teaching in Chinese law schools. Symeonides recently completed his 20th book, *American Private International Law*, which will be published by Kluwer Law International.

On April 20, 2007, Symeonides testified before the Puerto Rico Senate in support of a bill he drafted to enact into law a codification of Private International Law.



Kenagy Steps Down

David R. Kenagy's long tenure at Willamette University College of Law came to a close at the end of June when he retired from two key posts. Kenagy had served as associate dean of administration at the law school since 1991 and as executive director of the Oregon Law Commission for the past 7 years. He was interim dean of the college from 1994–96.

Kenagy was an early champion of the Commission and proved instrumental in giving the concept legs. He spent three years campaigning in the Oregon Legislature for funds and explaining his vision for Oregon's preeminent law reform body. Soon after the Commission was funded by the legislature, Willamette University College of Law Dean Symeon C. Symeonides appointed Kenagy executive director.

"Under Dave's leadership, the Commission has grown from an upstart to a major player in the development of Oregon law and policy," said Lane P. Shetterly, chair of the Oregon Law Commission. "His keen sense of good policy and good management, together with his tireless commitment to the success of the Commission and his passion for the law, has helped secure the Commission's future."

Symeonides, who conferred on Kenagy the title of dean emeritus at commencement, agrees wholeheartedly. "David has been an MVP for three administrations and 16 years, as well as team captain for two critical years," he noted. "As the last dean to benefit from his talents and wisdom, I can say that his retirement is a tremendous loss for the College of Law and Willamette University. The only consolation is that the results of his hard work and foresight will continue to benefit the law school for many years to come."

A full profile of Kenagy can be found in the fall '05 issue of *Willamette Lawyer*.



Clark Compiles Comprehensive Encyclopedia of Law

Professor David S. Clark recently completed work on a comprehensive encyclopedia with a worldwide look at the academic field of law and society. The three-volume, one-million-word *Encyclopedia of Law and Society:*

American and Global Perspectives is the first encyclopedia in this subject area. The book involved 500 authors and includes approximately 700 biographical, historical, comparative, topical, thematic and methodological entries, which vary in length from 500 to 5,000 words.

Clark began work on the project in 2001, compiling an advisory board of 62 members from 20 countries and six continents. Once major topics were selected, he contacted top authorities in each subject area to develop entries for the book, including experts in sociology, criminology, cultural anthropology, political science, social psychology and economics. Clark wrote two entries within his own specialty area of comparative law. He also enlisted the expertise of two additional members of the Willamette law faculty. Professor James A.R. Nafziger wrote entries on cultural heritage and sports law, and Professor Richard Birke wrote entries on mediation and settlement.

"By globalizing the encyclopedia's coverage, American law and society will be better understood within its historical and comparative context," Clark said. "Conversely, the rich diversity of European, Latin American, Asian, African and Australian developments can be presented in one place for the first time. In this way, the truly holistic, interdisciplinary virtues of law and society can be revealed."

The Encyclopedia of Law and Society: American and Global Perspectives was published in July by Sage Publications.

Class Action



John W. "Bill" Stortz BS'46, LLB'49 of Salem, Ore., recently was honored by the Salem Kiwanis Club

for 56 years of perfect attendance. At a dinner held onboard the Willamette Queen on July 25, 2007, the Salem Kiwanis Club presented Mike Bennett BA'70, director of development and alumni relations for Willamette University College of Law, with a \$1,000 community service scholarship in Stortz's name.



Thomas L. Hemingway BA'62, JD'65 of Springfield, Va., has retired from the U.S. Air Force

after 35 years of service. Brig. Gen. Hemingway retired from active duty in 1996, but his nation called him to serve again following the attacks of Sept. 11, 2001. In August 2003, Hemingway was recalled to active service as legal advisor to the Department of Defense Office of Military Commissions. Hemingway provided legal advice on all matters concerning war crime prosecutions of enemy combatants detained in Guantanamo Bay, Cuba. Hemingway organized the Office of Military Commissions, then worked with the Department of Defense, the Department of Justice and the State Department to shape legislation and promulgate procedural rules concerning war crimes trials.



James J. Buck JD'70 of Seattle, Wash., has been named King County administrative officer and head of the Department of Executive Services. Most recently, Buck served as interim director of the Records, Elections and Licensing Services Division.

Thomas Fender III JD'71 of Olympia, Wash., recently retired from his volunteer work as vice chair of the Intercity Transit Authority. He joined the Authority in 1998 and filled several different roles during his time there. Fender is also a practicing attorney and mediator.

Benjamin H. Settle JD'72 of Shelton, Wash., was confirmed by the U.S. Senate as the new U.S. District Court judge to preside in Tacoma. He will be a federal judge for the Western District of Washington.



David B. Avison JD'74 of Lake Oswego, Ore., has been appointed executive director of

Portland's Metro Family YMCA. Avison will oversee the Metro YMCA's final three years of operation, as it recently was sold. Avison is currently chair of the Oregon State Bar's Legal Heritage Interest Group.

Ronald A. Shellan JD'75 of Portland, Ore., has been named executive vice president and general counsel at Guardian Management LLC, a real estate investment and management firm specializing in multifamily housing investment opportunities and property management services. Shellan previously served as the company's corporate attorney for seven years.

Ernest E. Estes JD'76 of Portland, Ore., has been honored by the Bonneville Power Administration (BPA), an agency under the U.S. Department of Energy, as part of the agency's 2007 Administrator's Excellence Awards program. The program recognizes outstanding achievements by employees and members of the public whose innovation, initiative, superior service or courageous acts have made exceptional contributions to BPA's mission, the electric utility industry or the local community. Estes serves as in-house counsel for the BPA.

Diana I. Stuart JD'77 of Portland, Ore., has been appointed to the Multnomah County Circuit Court bench by Gov. Ted Kulongoski. She fills a vacancy left by the retirement of Judge Jan Wyers.

Dennis S. Reese BS'72, JD'79 and **Joan K. (Whipple) Reese BS'75, JD'79** of Salem, Ore., have accepted positions of counsel with Garrett, Hemann, Robertson, Jennings, Comstock & Trethewy PC, in Salem. Dennis will work with the firm's workers' compensation clients and Joan with civil litigation clients. Both were previously with Hoffman Hart in Portland.



Pamela L. Abernethy JD'80 of Salem, Ore., has been selected by Zero to Three: The National Center for Infants, Toddlers and Families to participate in the prestigious Leaders for the 21st Century fellowship program. She has been a trial court judge since 1993 and the full-time juvenile court judge in Marion County since November 2001. During the two-year fellowship program, Abernethy will implement Great Beginnings: Building the Foundation

for Learning, a project designed to strengthen Marion County's early childhood infrastructure in health, social-emotional development, mental health, early child care and education, and parenting information and support. The project's goal is to prepare the county's children for pre-kindergarten.

Carol Kinder Ash JD'81 of Merced, Calif., has been appointed to the Superior Court bench in Merced County by Gov. Arnold Schwarzenegger. Ash had served as senior staff attorney for the Merced County Superior Court since 1999 and as deputy district attorney in Merced, Colusa, Lassen and Tulare counties.

Linda Friedman Ramirez JD'81 of St. Petersburg, Fla., recently celebrated the publication of the second edition of the book she edited, *Cultural Issues in Criminal Defense*. Ramirez practices law in St. Petersburg and specializes in international and federal criminal defense.

Michael W. Shackelford BS'78, JD'81 of Portland, Ore., has been re-elected managing partner of Ater Wynne LLP, a West Coast law firm with offices in Portland, Ore.; Seattle, Wash.; and Menlo Park, Calif. Shackelford has served as managing partner since 2001. His practice focuses on general corporate law and corporate finance transactions, including venture capital financings, mergers and acquisitions, and estate planning and administration.

Kurt M. Mitchell JD'88 of St. Paul, Minn., has been honored by his firm, Leonard, Street and Deinard, for his pro bono legal service benefiting the greater Twin Cities community. Mitchell received the firm's Legal Service to the Community Award for his work with the Minnesota Center

WUCL Grad Publishes Book of Photography



John T. Petersen JD'01 attended Willamette University College of Law and served as a deputy district attorney and labor negotiator, but he always has held a special place in his heart for teaching.

A Salem native, Petersen earned degrees in education and history at Western Oregon

University before embarking on teaching jobs in Crane, Ore., and then in the village of Sleetmute, which sits on the banks of the Kuskokwim River in Alaska. The school served grades two through 12 and employed two teachers. A stark contrast from the city in which he grew up, the village had no plumbing, police or hospital.

He returned to Salem to attend law school at Willamette. At the same time, he also completed a master's degree in education at Western Oregon University. After passing the bar exam, Petersen returned to the rural classrooms of Alaska, journeying to Point Hope on the northwest tip of the state. A two-year grant to be the after-school programs director allowed him to follow his dream of teaching while paying off his student loans. He was sworn in to the Oregon State Bar by a notary in front of his students and fellow teachers in Point Hope.

During his adventures, the avid photographer and writer documented his travels, which heavily influenced his new book, *Cottage in the Woods*. A work of creative fiction, it is based on journal entries made while teaching in remote areas of Alaska and Oregon. In addition, Petersen's photograph of an Inupiaq sod dwelling recently was published in *Native People* magazine.

For more information on Petersen's new book and photography, visit his Web site at www.visionsofthenorth.com.

Excerpted from a Statesman Journal article by reporter Capi Lynn, published Nov. 27, 2006.

for Environmental Advocacy. He helped the center obtain a temporary restraining order and an injunction against further development of land in Anoka County with unique environmental characteristics. Mitchell focuses his practice in the areas of insurance coverage and product liability.



Peter C. Sheridan
JD'88 of Los Angeles, Calif., made the list of "Southern

California Super Lawyers," published by *Law & Politics* magazine. Sheridan practices business law with the firm of Christensen, Glaser, Fink, Jacobs, Weil & Shapiro LLP.



Michelle S. Druce
JD/C'90 of Portland, Ore., has been named an officer for the

Multnomah Bar Association board of directors for the term of July 1, 2007 to June 30, 2008. She works for Wilshire Credit Corp.-Merrill Lynch, and her practice areas are residential mortgage lending and servicing, consumer credit, and consumer financial services.

John H. Glover JD'90 of Spearfish, S.D., has been named associate dean of American Indian law programs at the University of South Dakota School of Law. Glover is also chair of the American Indian Studies Department at Black Hills State University.

J. Kevin Shuba JD'91 of Salem, Ore., has been promoted to partner in the firm of Garrett, Hemann, Robertson, Jennings, Comstock & Trethewey PC, based in Salem. Shuba represents clients in areas of construction, real estate and probate litigation.

Mark A. Fuchs JD'93 of Franklin, Tenn., has been named vice president and general counsel of Louisiana-Pacific Corp., which is headquartered in Nashville. Fuchs has been with the company since 2001.



Jeffrey J. Whitelaw
JD'94 of Carmichael, Calif., has joined

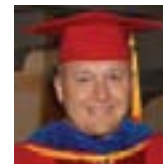
Ellis, Coleman, Poirier, LaVoie & Steinheimer as a senior associate. His practice will focus on medical, dental and other malpractice areas, as well as general civil litigation and insurance defense.

A. Duer Meehan JD'95 of Washington, D.C., has been named associate director of the Office of Market Oversight in the Office of Compliance Inspections and Examinations of the Securities and Exchange Commission. Meehan will be responsible for supervising the Commission's oversight inspections of the self-regulatory organizations' regulatory programs with respect to trading, including their surveillance, examination and disciplinary programs. Meehan also will be responsible for a number of examinations of broker-dealers' trading practices and operations, including alternative trading systems.



Tara J. (Lemmon) Schleicher
JD/MBA'95 of Portland, Ore., has successfully

completed the requirements for national certification in business bankruptcy law. The certification program is intended to recognize those attorneys in consumer or business bankruptcy that have met or exceeded rigorous certification standards. Schleicher is a shareholder at Farleigh Witt.



Jason E. Whitehead
JD'97 of San Pedro, Calif., has earned a Ph.D. in political

science from the University of Southern California. His dissertation analyzed the relationship between judicial attitudes and the rule of law and investigated the attitudes of federal and state appellate judges in three states. Whitehead also has accepted a position as assistant professor of political science at California State University-Long Beach, where he has lectured for the past two years. He will continue to teach public law courses. He also will serve as the department's pre-law advisor.

Class Action (continued)

WUCL Alumni Named Oregon Super Lawyers

Each year, Willamette University College of Law is well represented in *Super Lawyers*, an annual publication that identifies the top 5 percent of attorneys across the country, as chosen by their peers and through the independent research of *Law & Politics* magazine.

WUCL is proud of the 69 alumni who were recognized as Oregon Super Lawyers for 2006. Listed below are the WUCL graduates who made the Super Lawyers Top 50.

William A. Barton JD'72

Barton & Strever PC
Newport, Ore.

William B. Crow JD'61

Schwabe Williamson & Wyatt PC
Portland, Ore.

Albert A. Menashe JD'76

Gevurtz Menashe Larson & Howe PC
Portland, Ore.

Jeffrey M. Batchelor JD'72

Markowitz Herbold Glade & Mehlhaf PC
Portland, Ore.

Henry H. Hewitt JD'69

Stoel Rives LLP
Portland, Ore.

Edward J. Sullivan JD'69

Garvey Schubert Barer
Portland, Ore.

Super Lawyers is distributed directly to lawyers and made available to the public as a supplement in various newspapers and magazines, such as *The Oregonian*, *Washington Law & Politics* and *The New York Times*. For more information, visit www.superlawyers.com.

COMING UP...

Please Join Us!

Willamette University College of Law's Office of Alumni Relations is planning to host a number of after-work events in the spring.

Watch for us in your area! We hope you will take the opportunity to visit with old friends, network with fellow WUCL alumni, enjoy some good food and beverages, and hear about what's new at your law school.

Watch your mailbox and the law alumni Web site (www.willamettealumni.com) for information on gatherings in the following cities: Anchorage, Bend, Boise, Portland, Reno, Seattle and more!

For more information, call the WUCL Alumni Relations Office at 800-930-ALUM (2586).



William R. Long JD'99 of Salem, Ore., recently was featured in a short piece produced by CBS Evening News on the AARP National Senior Spelling Bee. As part of Steve Hartman's "Assignment America" segment, Long was featured as a contestant who has placed in the top three but never won the spelling bee. The national competition was held June 16 in Wyoming; Long came in 10th place.



Daniel G. Wilmot JD'02 of Las Vegas, Nev., has joined the Las Vegas office of Fennemore Craig as an associate in the real estate and business practice.

S. Jeffery McGowan JD'03 of Yerington, Nev., has been named the City of Fernley's city attorney. This is the first time the city has hired a full-time staff attorney.

Justin C. Oliver JD'04 of Yigo, Guam, has been named Company Grade Officer of the Year. Selection was based on the individual's exemplary duty performance, job knowledge, leadership qualities, significant self-improvement, specific achievements, notable accomplishments and community service and support. A captain in the U.S. Air Force, Oliver is chief of military justice and assigned to the 36th Wing at Andersen Air Force Base in Agana, Guam.



Kelly A. Rees JD'04 of Denver, Colo., recently was appointed to the position

of assistant attorney general in the natural resources section of the Denver office of the attorney general. She previously practiced with a private law firm.

Katherine S. Chung JD'05 of Seattle, Wash., has been named an associate in the Antipolo and Paul law firm, a boutique estate planning and general business law firm in Everett, Wash.



R. Tyler Friesen JD'05 of New York, N.Y., has joined the Salem, Ore., firm of

Saalfeld Griggs PC. After attending WUCL, Friesen obtained his LL.M. in taxation from the New York University School of Law. His practice will focus on business formations, contract negotiation and drafting, business sales and acquisitions, and disputes involving state and federal tax issues.

Matthew W. Hemmert JD'05 of Lehi, Utah, has joined SirsiDynix as associate corporate counsel, where he will oversee international contract and licensing agreement negotiations.

He will be based out of the Provo, Utah, office. SirsiDynix is the world's leading library technology corporation, serving more than 23,000 libraries in 70 countries.

Philip R. Andrews JD'06 of Vancouver, Wash., has joined the family law firm of Stahancyk, Kent, Johnson & Hook as an associate in the Vancouver office.

Jason L. Jorgenson JD/C'06 of Vancouver, Wash., has been hired by Mitchell Lang & Smith in Portland, Ore. He started his new position on May 1.

Nathan T. Kaneshiro JD'06 of Portland, Ore., was hired in June as an associate at Helzer & Cromar LLP in Beaverton.

LOOKING TO CONVERT YOUR CAPITAL GAINS TO SECURE INCOME?

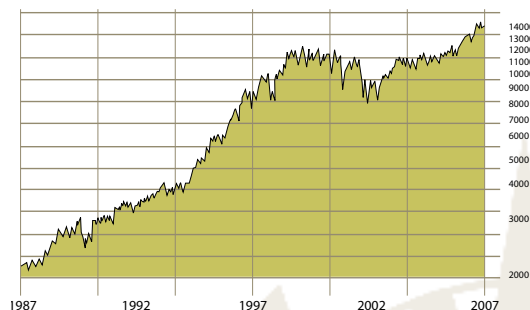
Consider a TAX FREE Exchange to a Willamette University Gift Annuity

A charitable gift annuity or other life-income gift is the *only* way to convert appreciated stocks or real estate to a secure source of lifetime income without paying capital gains tax. A Willamette University life-income gift enables you to do that and to support the first law school in the Pacific Northwest.

For more information, please contact Steve Brier, director of gift planning, at 1-866-204-8102, or Mike Bennett, director of development for the College of Law, at 503-370-6761.

245 Winter Street, Salem, Oregon 97301
www.willamette.edu/giftplanning

Dow Jones Industrial Average – 20 Year View



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- Guaranteed Income for Life
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- Reduced Taxable Estate
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Family Additions



Lisette F. Carter JD/C'93 and her husband Tim Durkin of Spokane, Wash.,

had daughter Lisette Francis on March 30, 2007. She joins big brothers Matthew and Carter.

Anthony R. Miller JD'97 and **Camelot J. Lindauer JD'98** of Mountain View, Calif., had a daughter, Taliesin, on Jan. 18, 2007. She joins brother Maxwell.

Michael J. Shannon JD'00 and wife Ampara of Las Vegas, Nev., welcomed their first child, daughter Ava Nicole, on Feb. 22, 2007.

Christian C. Stephens JD'00 and wife Jennie of Centerville, Utah, welcomed a daughter, Anne Elisabeth, on June 18, 2007. She joins big brother Daniel, 2.

Patrick C. Mulvihill JD'02 and his wife Kirstie of Edmonds, Wash., welcomed their first child, daughter Grace McBeal, on March 3, 2007.



Donna L. (Roberson) Barnett JD'05 and husband Anthony of

Seattle, Wash., had a baby girl, Julia Ruth, on Feb. 7, 2007.



Patrick D. Bryson JD'05 and wife Ronette of Portland, Ore., had a baby girl, Chloe

Marie, on Jan. 7, 2007. She joins big sister Avery.



Matthew W. Hemmert JD'05 and wife Julie of Lehi, Utah, welcomed M.

Mason on Jan. 22, 2007.

In Memoriam

Lee A. Ellmaker JD'39 of Portland, Ore., passed away on March 7, 2007. He was preceded in death by his wife Florence, a son and a daughter.

William E. Hanzen LLB'40 of Gilbert, Ariz., passed away on April 27, 2007. He is survived by his wife Rhaecilla, two daughters, a stepdaughter and a son.

Charles K. McColloch LLB'44 of Wilsonville, Ore., passed away on March 19, 2007. He is survived by his wife Beverly, three daughters and a son.

Einar I. Johnson L'50, who attended both CLA and the College of Law, passed away Feb. 6, 2007. He is survived by his companion Jean Collier, a son and a stepson.



Omar W. Halvorson JD'51 of Portland, Ore., passed away on Feb. 12, 2007. He is

survived by his wife Clara, five sons and four daughters.

Robert D. Steinmetz LLB'61 of Tucson, Ariz., passed away on April 7, 2007. He is survived by his daughter Kristin.

Donald R. Wager LLB'62 of Santa Monica, Calif., passed away on Feb. 20, 2007. He is survived by his wife Renee, a son and a daughter.

Mark K. Irick JD'79 of Rickreall, Ore., passed away on July 7, 2007. He is survived by his wife Sue.



Robert R. "Chess" Trethewy JD'82 of Salem, Ore., passed away on April 2, 2007. He is survived by his wife Linda, one son and two

daughters.

Kathryn E. Eaton JD'03 of Portland, Ore., passed away on May 26, 2007. She is survived by her mother Elizabeth, two brothers and five sisters.



Submission Guidelines

Class Action Contact

Information for Class Action should be submitted to:
Cathy McCann, Associate Director of Alumni Relations
Phone: 503-370-6492 E-mail: wu-lawyer@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 15 for the spring issue and July 15 for the fall issue.

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

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

Editorial Contact

Comments, suggestions and reprint requests related to *Willamette Lawyer* should be directed to:
Anne Marie Becka, Communications Director
Phone: 503-370-6760 E-mail: wu-lawyer@willamette.edu

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 form. Just follow the link to the WUCL Office of Career Services employer page, www.willamette.edu/wucl/career/employers. Click on the "Job Posting Form" and fill out the information.

Career Services is happy to accept job postings or accommodate on-campus interviews any time. For specific questions about posting a job or setting a date to interview on campus, contact Deborah Mosman at dmosman@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 & Comparative Law, Law & Government, or Law & Business
BA = Bachelor of Arts
BS = Bachelor of Science

Reunion Weekend a Success

Members of the classes of 1957, 1977, 1982 and 1997 gathered at the Multnomah Athletic Club on Saturday, July 28, 2007, for a multiclass reception, followed by private sit-down dinners for each class. Members enjoyed beautiful weather, great music provided by a Salem-based trio led by Bill Hughes, and a lovely setting in which to gather and catch up with one another.



Class of 1977

Seated, from left: Kaye R. Webb JD'77, Deborah S. Berg JD'77, Maureen E. Ryan L'77, Bonni C. Canary JD'77, Rebecca S. Weeks JD'77, Frank R. Gruber JD'77 and James W. McBride JD'77

Middle row, from left: Edwin E. Menteer JD'77; Gordon A. Woodley JD'77; John H. Draneas JD'77; Thomas A. Collins JD'77; Michael F. Higgins JD'77; Steven R. Reinisch BA'74, JD'77; Mary Ann Hutton BA'74, JD'77; Karen H. Green JD'77; Merri Souther Wyatt JD'77 and Professor Dean Richardson

Back row, from left: Scott B. McLauthlin JD'77; Kenneth D. Canon JD'77; Michael J. Morris JD'77; Christopher J. Fox JD'77; Lance C. Dahl JD'77; William D. McCool JD'77; Marc H. Sussman JD'77; Richard F. Alway JD'77; Ted A. Miller BA'74, JD'77 and Dennis L. Bartoldus BA'74, JD'77



Class of 1957

From left: Richard W. Courtright JD'57; Richard Q. Quigley JD'57; Thomas J. Owens JD'57 and J. Wallace Gutzler BA'55, JD'57



Class of 1982

Front row, from left: Julie E. Dickens JD'82; Elizabeth Pike Martin JD'82; Mary E. Cavanagh JD'82; Susan M. Roe JD'82; Barbara A. Jacobson JD'82; I. Terri Myzak BS'79, JD'82 and Martin M. Rall JD'82

Back row, from left: Edward S. McGlone III JD'82; Jeffrey G. Condit JD'82; Loren W. Collins BA'78, JD'82; June A. Smith JD'82; Vivian Raits Solomon JD'82; Donna M. (Parton) Garaventa JD'82; Professor Ross Runkel; John A. Holmes JD'82 and Ronald L. Bohy JD'82



Class of 1997

Front row, from left: Michelle D. Adams JD'97, Kathryn L. Yetter JD/C'97, Stephanie P. Dikeakos JD'97 and Beth D. Wicklund JD'97

Back row, from left: John M. Kreutzer JD'97, Professor Ross Runkel, Li Wei JD'97, John S.J. Marandas JD'97 and Paul L. Robson JD'97

Heritage Reunion



A group of WUCL's most august alumni gathered at the College of Law and Goudy Commons on March 23, 2007, for a morning of continuing legal education classes and a chance to visit with one another. Paul J. De Muniz JD'75, chief justice of the Oregon Supreme Court, gave the keynote address at the luncheon. Law classes represented ranged from 1943 (William R. Thomas AB'41, JD'43) to 1967 (William E. Brickey JD'67).

Portland Alumni Reception



From left: Dean Symeon C. Symeonides, Susan M. Hammer JD'76, Julie Donaldson and Robert W. Donaldson JD'74



From left: Albert A. Menashe JD'76; Melanie M. Perko; Brian M. Perko BA'75, JD'78 and Professor Dean Richardson

On March 8, 2007, WUCL alumni gathered at Rock Bottom Brewery in downtown Portland for a casual evening of catching up with old friends and meeting prospective students.



Anita H. Guidoux JD'06 and brother Nick Guidoux



Dina E. Alexander JD'96 and David J. Zehntbauer JD/MBA'96



Kimberly A. Sugawa-Fujinaga JD'05 (left) and Liani J. Reeves BA'98, JD'01



Michael B. Mendelson JD'81 (left) and James C. Reinhart BS'89, JD/C'92

WUCL Cruises to Greece



On June 22, 2007, 50 WUCL alumni, faculty and friends left Rome and embarked on a 10-day Celebrity cruise of Italy and Greece led by Dean Symeon C. Symeonides and his wife, Haroula. Highlights included trips to the Acropolis in Athens; the gorgeous Greek islands of Mykonos, Rhodes and Santorini; Kusadasi and Ephesus in Turkey; and the Amalfi Coast in southern Italy. The hearty group, which braved 120-degree weather, was up for any adventure, while enjoying a beautiful trip and earning CLE credits, too. The trip was such a success that future WUCL excursions to the Mediterranean and Black Sea are being considered.



From left: Tammy M. Dentinger BA'90, JD'94; Gayle M. (Rogers) Lockwood BA'57 and Judith E. Basker JD'81 in Athens.



From left: Dale M. Hermann BA'65, JD'69; Dean Symeon C. Symeonides; Weldon S. Wood JD'63 and Myrle M. Davis JD'72 at a formal dinner on Celebrity Cruise Line's "Galaxy."



Language of the Law

Res Ipsa Loquitur. Demurrer. Friendlessman. Writ. Jurimetrics.
Latin. Middle French. Old English. Middle English. Modern English.

Fifteen centuries in development.

Cast from the crucible of history.

Foundation of the rule of law.

Captured and recorded by legal lexicographers.

According to Roscoe Pound, Harvard Law dean from 1916 to 1936, "My first advice to the beginner in the study of law has always been to buy a good law dictionary and turn to it constantly..."

In Pound's day, that meant one of two American classics:

Bouvier's Law Dictionary. Published in 1839, it was the first American law dictionary published in this country. John Bouvier was a Philadelphia lawyer and judge whose own study of the law was often hindered by the lack of authoritative sources. He vowed to correct this deficiency for the benefit of others who desired to obtain knowledge of law. In this pursuit, "he rose every morning from 4 to 5 o'clock and worked in his library until 7 or 8 a.m., then left his home for his office ... and after the labor of the day wrought in his library from 5 o'clock until an hour before midnight."

Sound familiar? Bouvier's labors produced a law dictionary destined to become a much-used two-volume set in every lawyer's library. Citations to authority not only included American case law but, where reason would be served, comparison also was made to civil, canon and other systems of foreign law. The second edition in 1843 contained a significant expansion of content; by the 1868 12th edition, more than 100 contributors, including the most eminent judges, lawyers and teachers of the time, turned the work into a concise encyclopaedia. The 1883, 1897 and 1914 editions benefited greatly from the scholarly efforts of Francis Rawle. For those whose Medieval French is a bit rusty, *Kelham's Dictionary of Norman French* is appended to the work.

Black's Law Dictionary. Henry Campbell Black, wood carver, clarinetist, constitutional law scholar and member of the Pennsylvania Bar, produced in 1891 what has become his most famous work.

In the words of Professor David L. Franklin of DePaul University, "while most dictionaries undergo a kind of agronomic evolution from edition to edition, plowing old words under as new ones arise to the surface, Black's rarely bothers to revise or delete old entries...." Therein lies the beauty and utility of *Black's Law Dictionary* to the profession, especially in an age where constitutional "textualism" is in vogue.

Unfortunately, the dictates of space in a single-volume work at a time of exploding legal terminology has resulted in the mulching of some valuable source materials and words. The recent fifth, sixth and seventh editions are less filling, but taste great to a younger computer generation not schooled in Latin and weaned on pale ale. For them, a Latin pronunciation guide is provided and "cyberlaw" is defined. For the legal curmudgeons among us who prefer stout, the fourth edition is more filling. Only an abbreviated Latin pronunciation guide is provided, but "couthutlaugh" is defined.

The moral of this story? In which law dictionary and edition you inquire makes a difference, and we have them all in the law library.





College of Law Alumni Pop Quiz

Test yourself: Which of the following statements about Willamette University College of Law are not true?

- (1) Since 1998–99, tuition costs at Willamette have risen less than those of other public and private law schools in the United States.
- (2) Since 1998–99, WUCL has increased its scholarship aid to students by 126 percent per student.
- (3) U.S. Supreme Court Justice Ruth Bader Ginsburg will visit Willamette in 2008.
- (4) WUCL was the first law school in the West.
- (5) One in five (20 percent) of WUCL alumni provide financial support to the law school each year.

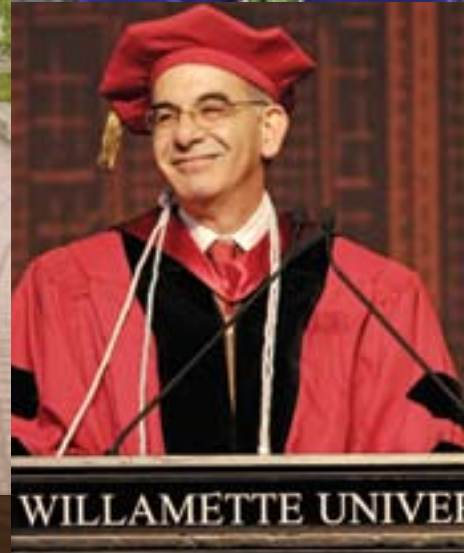
Answers:

- (1) True — The average annual cost of legal education has risen from \$14,754 to \$25,227 at public schools (79.5 percent) and from \$20,709 to \$30,520 at private schools (55 percent). The cost of legal education at Willamette rose from \$18,897 to \$25,400 (38 percent). We provide a private law school education at the same price as most public schools.
- (2) True — WUCL has dramatically increased scholarship aid to students while also reducing the rate of tuition increases.
- (3) True — Justice Ginsburg will visit WUCL in September 2008. Justice Sandra Day O'Connor visited the law school in September 1992.
- (4) False, but close — Founded in 1883, WUCL is the second oldest law school in the West (after Hastings), but we are the oldest in the Northwest. In 2008, the college will celebrate its 125th anniversary.
- (5) False — While law alumni donor participation increased during the 2006–07 year to approximately 16 percent, fewer than one in five WUCL alumni make an annual gift. We would like you to help move us closer to 25 percent participation by making a gift to the College of Law this year.

25% BY 125!

Join us in our "25% by 125" giving campaign and become an active partner in our efforts to continue to strengthen Willamette University College of Law.

For more information on contributing to the Law Annual Fund or on using appreciated stocks, bonds or real estate to fund a law school gift, contact Mike Bennett BA'70 at 503-370-6761 or mbennett@willamette.edu.



Pictured left to right: Jennifer J. Schade and Maria C. Schmidtkofer; Steven T. Wax; Joshua L. Lute and Catherine T. Kauffman leading the procession; Ryan K. Mattick; Dean Symeon C. Symeonides



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