

The magazine of the first law school in the Pacific Northwest | Fall 2006

WILLAMETTE LAWYER



IN A CLASS BY THEMSELVES:
New Law Faculty at Willamette

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The Future of Sports Law



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Paul A. Diller and W. Warren H. Binford (center), who joined the law faculty in 2005, help welcome WUCL's four new professors (from left): Laura I Appleman, Judith A. Wise, Keith Cunningham-Parmeter and Jeffrey C. Dobbins.

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College of Law



Dean Symeon C. Symeonides

Dear Alumni and Friends,

We have begun the 123rd year in our school's history by matriculating the strongest first-year class in decades (see page 3), welcoming four outstanding new professors (see page 12) and celebrating yet another high passage rate (the fourth in a row) on the Oregon State Bar examinations.

We also have begun preparing for the seven-year routine of another American Bar Association accreditation visit, which is scheduled for March 2007. As part of this process, we have drafted a voluminous and comprehensive Self Study that assesses the school's progress since the previous Self Study (prepared in 2000) and sets new goals for the future.

The assessment is encouraging and gratifying. The College of Law has accomplished all but two of the 22 goals established in the 2000 Self Study and has raised more funds for endowment in this period (\$8.5 million) than in all the previous 116 years (\$5.4 million). Moreover, during this seven-year period, your school has had:

- Three record years in admission applications — the most in the school's history and more than twice as many as seven years ago;
- Three record years for our acceptance rate — the best in our history and about half of what it was in 2000;
- The highest LSAT scores in decades;
- The highest Oregon State Bar passage rate in the last 25 years — 11 points above the state average;
- The highest Washington State Bar passage rate in the school's history — 11 points above the state average;
- The highest academic standards for students;
- The highest performance standards for faculty and the most productive faculty, with 71 percent more publications in whole and 37 percent more per professor than in the previous seven-year period;
- The best student-faculty ratio;
- The highest level of scholarship aid for students — 67 percent higher than at the beginning of the period;
- The lowest tuition among private schools in the Northwest; and
- The best ratio between expenditures (up 26 percent) and net revenues (up 165 percent) per student.

In short, your school has come a long way during this short period. This progress would not have been possible without the hard work of our faculty, staff and students, as well as the generous support of our alumni and friends. To all of them I express my heartfelt and deepest appreciation.

Cordially,

Symeon C. Symeonides
Dean and Professor of Law

College of Law Exceeds Goals Ahead of Schedule



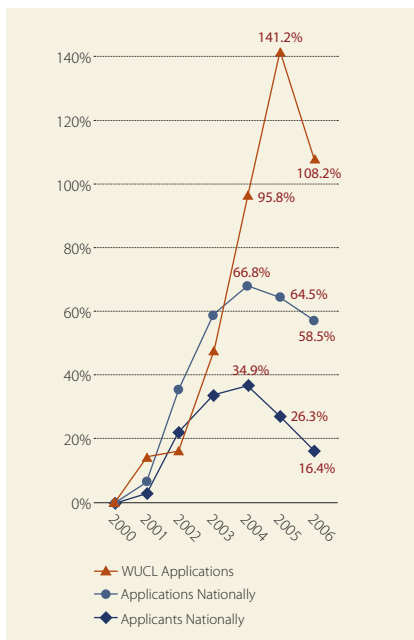
In 2000, the College of Law adopted a Long-Range Plan with quantified goals and benchmarks for the ensuing seven years. With regard to admissions, the plan called for:

- Expanding the size of the applicant pool;
- Improving the acceptance rate by an average of five points per year, from 74 percent (in 2000) to 39 percent by 2007; and
- Raising the entering class LSAT median from the 59th national percentile (in 2000) to the 65th percentile by 2003 and the 70th by 2007.

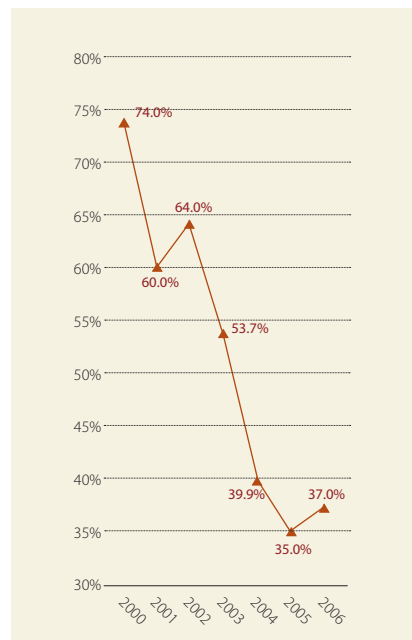
To date, the College of Law has exceeded these goals:

- Applications to Willamette increased from 645 in 2000 to 1,556 in 2005, the highest number in the school's history. The number declined to 1,343 in 2006; however, it is still 108.2 percent higher than in 2000 and remains the second highest in the school's history. This increase exceeds by 50 percent the national increase (see chart 1).
- The acceptance rate dropped to the lowest and best point in the school's history in 2005; in 2006 it was two points lower than the goal set for 2007 (see chart 2).
- The LSAT median rose from 59.1 percent to 72.2 percent in 2006, with similar improvements at the 75th and 25th percentile points (see chart 3).

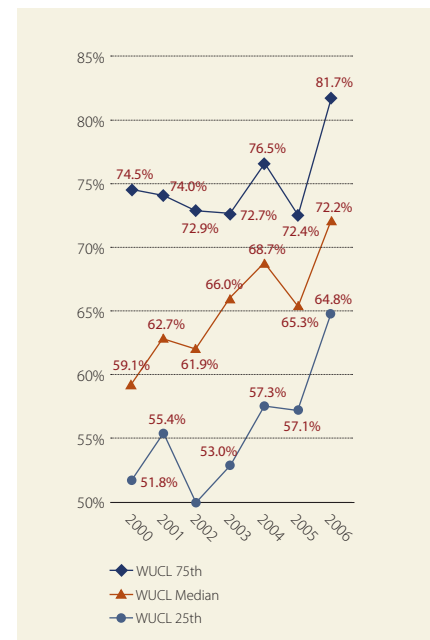
Applications for Admission



WUCL Acceptance Rate



WUCL LSAT Scores in National Percentiles



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-three percent of WUCL's May graduates who took the July 2006 exam passed. The state-wide passage rate among first-time takers was 81.6 percent. Willamette students have exceeded the state average in three of the last four years — once by 11 points.

WUCL Graduates Class of 2006

Willamette University College of Law graduated 139 students in the school's 120th commencement and hooding ceremony on May 14, 2006. Willamette University President M. Lee Pelton led the conferring of degrees, while College of Law Dean Symeon C. Symeonides presented two Master of Laws degrees and 137 Doctor of Jurisprudence degrees.

Norma Paulus LLB'62 introduced the commencement speaker, her former law classmate Justice Wallace P. Carson Jr. of the Oregon Supreme Court. Carson joined the Court in 1982 and served as chief justice for 14 years — longer than any previous chief justice in Oregon history. He stepped down as head of the Court last December, but will remain on the bench until the end of 2006.

During this speech, Carson reflected on his long legal career, adding humorous anecdotes about his family's history in the profession, his own practice, and his many years of service to the state. Carson has served more than 40 years in all three branches of Oregon government.

Leading the Class of 2006 were Matthew T. Racine, who graduated *summa cum laude*, and Shane M. Biornstad and Haley B. Bjerk, who graduated *magna cum laude*.



Clinical Law Program Celebrates Move



Willamette University College of Law hosted an open house last April to celebrate the Clinical Law Program's move to the Legal Arts Building on Church Street in Salem and to welcome the new program director, Professor W. Warren H. Binford.

More than 100 members of Oregon's legal community stopped by to tour the newly renovated Legal Arts Building, which has a rich history of housing prominent Salem law firms and attorneys. The program's new location provides students with a professional law firm environment, where they meet with clinic clients and prepare cases under the direction of supervising attorneys.

Willamette has launched an ambitious 10-year strategic plan for the Clinical Law Program that promises expanded course offerings, a more challenging curriculum and new hands-on law practice opportunities for students. In addition, the previous general civil practice clinic has been expanded to include specialized clinics in business law, estate planning, tribal law and family law.

"Willamette is fortunate to have a great talent like Warren Binford heading our Clinical Law Program," said College of Law Dean Symeon C. Symeonides. "She brings tremendous energy, spirit and creativity to her role as director. Her hard work and dedication to our students will ensure Willamette's Clinical Law Program becomes one of the best in the nation."

WUCL Receives Three Foundation Gifts for Carnegie



THE CARNEGIE BUILDING

Located on the west corner of Winter and State streets, the Carnegie Building was built in 1912 by generous Salem citizens with matching funds provided by Andrew Carnegie. It housed the Salem Public Library for more than 60 years before taking on new life as the Salem YWCA. Willamette University purchased the property from the YWCA two years ago and is now seeking foundation grants to help cover the cost of extensive repairs and renovations to restore this historic building to its original glory.

This summer, the College of Law received three major foundation gifts for the Carnegie Building renovation project. Thanks to these contributions, gifts to the college raised through the First Endowment Campaign have exceeded the \$10 million mark. The ongoing campaign seeks to raise \$15 million to strengthen the Law School's endowment, as well as a number of academic programs.

The Wollenberg Foundation of San Francisco recently awarded the law school \$500,000 toward the Carnegie Building renovation. In addition, the James F. and Marion L. Miller Foundation of Portland generously committed \$250,000 for the project, and the Ben B. Cheney Foundation of Tacoma, Wash., donated an additional \$50,000. Foundation leaders who presented the gifts said they were impressed with the quality of the school's Law and Government Program and Clinical Law Program, both of which will be housed in the Carnegie Building along with the Oregon Law Commission once renovations are completed.

Over the past 20 years, the Cheney Foundation has donated almost \$100,000 to the College of Law in a series of four grants. Four years ago, the Miller Foundation made a \$2 million grant to Willamette University for the renovation of the Art Building, located just across Winter Street from the Carnegie Building. The Wollenberg Foundation gift is the first for the University.

These latest Carnegie Building gifts join two foundation contributions received for the same project — a \$600,000 matching grant from the Meyer Memorial Trust and a \$700,000 gift from The Collins Foundation.

Phase I renovation costs for the Carnegie Building are estimated to be \$2 million; full renovation costs are estimated to be \$3.2 million. With a timely completion of fund raising, the Carnegie Building could be fully functional by the fall of 2008. If you are interested in contributing to this important project or would like additional information, please contact Mike Bennett at 503-370-6761 or mbennett@willamette.edu.

— Mike Bennett

Mike Bennett BA'70 serves as director of Development and Alumni Relations for the College of Law.

Reception Honors **Outstanding Mentors**

Last April, the College of Law held a reception to honor the many hardworking 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.

A highlight of the event was the announcement of the Mentor of the Year Award, which is named in honor of the late Justice Edward H. Howell, an enthusiastic mentor to Willamette law students for many years. The 2005-2006 Mentor of the Year Award was presented to Michael Dundy, who provided unsurpassed guidance and support to his students.

Also receiving special recognition was Dennis McCaffrey, who was honored for his long-standing and steadfast dedication to the program. McCaffrey has actively participated in the Mentor Program for more than 10 years and has long been recognized as an outstanding mentor.



Mentor of the Year Michael Dundy with second-year law students Sara Denniston and John Young

The College of Law'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, contact Debi Mosman in Career Services at dmosman@willamette.edu.



A Look Back... at the Mentor Program

When I began law school in 1990, the school's mentoring program was already in place. However, it was exclusive to female students, who were mentored only by women attorneys. A number of my male counterparts in the school complained about being excluded from the program, so I approached administrators at the College of Law and members of the Marion County Bar Association and Oregon Women Lawyers to determine their willingness to support a mentoring program for all law students.

My suggestion was met with much enthusiasm. Within a few months, the Mentor Program was expanded to include all interested law students and both male and female volunteer mentors.

In my own request for a mentor, I indicated that I would like "judicial perspective." I was blessed with being assigned to Justice Edward H. Howell who, among his many positions on the bench, had served on the Oregon Supreme Court for 10 years. Justice Howell was very enthusiastic about mentoring and requested additional students to mentor. During the time he worked with me, Justice Howell also mentored four other Willamette law students, including my husband, Paul. Throughout the years, Justice Howell provided one-on-one guidance to countless other law students on how best to begin their legal careers.

To honor Justice Howell's great commitment to the Mentor Program and his students, the law school created the Justice Edward H. Howell Award for Mentoring Excellence in 1992. Justice Howell was the first recipient of the award. To my knowledge, no other law mentor at Willamette has matched his efforts in mentoring five students at one time. Sadly, Justice Howell died of liver cancer in the spring of 1994. He is remembered fondly by countless members of Oregon's legal community.

— Patricia Heatherman

Patricia Heatherman JD'93 is a partner in Merrill O'Sullivan LLP in Bend, Ore.



Elizabeth Harchenko Makes Her Mark

Most Oregonians probably couldn't pick Elizabeth S. Harchenko BS'72, JD'76 out of a crowd — but everyone in the state wants her autograph. As director of the Oregon Department of Revenue, her signature graces every tax refund check sent by the department.

Giving back seems inherent to Harchenko's nature. In addition to serving on the College of Law's Board of Visitors, she has been active in the school's Mentor Program since its inception more than 15 years ago. In fact, Harchenko was instrumental in first getting the program off the ground. "Oregon Women Lawyers (OWLS) was formed in 1989," said Harchenko, a founding board member. "At the time, there were only a few women practicing law. As a group, OWLS knew that the female students needed more mentors and role models."

According to Harchenko, a number of women attorneys wanted to offer women students the opportunity to meet with them; they wanted to help prepare the students for the world outside law school. The attorneys organized an informal get together and invited Willamette's women law students to attend. During the event, a number of students expressed interest in shadowing practicing attorneys while they met with clients and attended court. "Out of that first meeting grew an informal version of the mentoring program we have now — matching individual students with working attorneys in their interest area," Harchenko said.

"Elizabeth had served as a mentor long before we established a formal program," said Kathryn Ricciardelli JD'86, cofounder of Willamette's Mentor Program. "Mentoring is in her blood." Like Harchenko, she believes the mentor relationship gives students a valuable "bird's eye view" into the practice of law. "The Mentor Program gives them important real-world experience and networking opportunities," explained Ricciardelli, in-house counsel for Safeco Insurance Co. "It enables students to be introduced to the judiciary and be exposed to the courts early in their legal careers."

After her initial success pairing female students and attorneys, the College of Law's Career Services director approached OWLS about formalizing the mentoring program. At the same time, a member of the Student Bar Association asked to have the program expanded to include more lawyers and to provide mentoring to male students. The Marion County Bar Association agreed to cosponsor the program with OWLS and the law school.

Willamette took over administration of the program, but Harchenko and Ricciardelli continued to serve as its ambassadors. They carried the idea of the program and the mechanics of how it should work to other law schools in the state and helped raise awareness of the program among members of bar. "Elizabeth pulled people out of the woodwork to participate in the program," Ricciardelli said. "We've had attorneys all up and down the Willamette Valley serving in the program."

“Mentoring gives lawyers a chance to reinvest in the profession. It is critical to think of ourselves as members of a larger community. Everyone needs someone to help them along.”

— Elizabeth S. Harchenko BS’72, JD’76

“The program has just mushroomed,” Harchenko noted. “We now have about 120 volunteer lawyers and judges serving as mentors to Willamette students every year.”

Harchenko believes mentors offer new law students a level of support unmatched by professors or peers. “When first-year students come to law school, it is such a different environment for them,” she said. “Having someone who can serve as a resource for them and let them know that they can get through it is extremely helpful.”

“For many students, their mentor is their first connection to people who are lawyers, practicing attorneys,” Harchenko said. “Most law students don’t know any lawyers when they apply to law school. They don’t really understand what it means to practice law.”

In many ways, Harchenko could be describing her own experiences as a law student. She confesses to knowing very little about what lawyers did when she enrolled in law school. “All I knew of the law came from watching Perry Mason,” she said of the popular ‘60s television show. It didn’t take her long, however, to realize that being a lawyer wasn’t just about winning cases in court.

Harchenko, who earned an undergraduate degree in science and math at Willamette University, said she applied to the College of Law primarily because she wanted to be in Salem. “When I left college, I didn’t know what I wanted to do or where I wanted to go,” she explained. “I returned to my home in San Jose, Calif., but I just kept asking myself, ‘How can I get back to Salem?’”

“I knew that the culture of the law school would be the same as when I was an undergraduate,” Harchenko said. “I also knew I would get a solid education and have teachers who were interested in their students.”

Harchenko thrived in the close-knit law school community. An active member of the Student Bar Association, she helped create the first women’s bar association in the state. She also clerked at the Legislative Counsel’s Office and worked as an intern at both the Employment Relations Board and Marion County Legal Aid. When she graduated from the College of Law in 1976, she left the school with a keen interest in public practice. “I prefer to work with people rather than argue over a case,” said Harchenko. “I’m more interested in how a law applies to an issue, in breaking down a problem into its various elements and finding solutions.”

Harchenko has held a succession of important state public service positions throughout the past 30 years. Following graduation, she

clerked for Judge Carlisle Roberts of the Oregon Tax Court for a year and then spent two years working as a deputy legislative counsel for the Oregon Legislative Assembly, where she worked on land use and energy legislation. In 1979, she moved to the Tax Section of the Oregon Department of Justice (DOJ); six years later, she was appointed attorney in charge. In 1993, Harchenko was named special counsel to the Attorney General and worked with lawyers from all areas of the DOJ on special projects ranging from complex litigation to administrative issues. She also worked on several multidisciplinary initiatives, including the Supreme Court Task Force on Gender Fairness.

“During my time at the DOJ, I got interested in how organizations work,” Harchenko said. “Rather than dealing with one piece of an organization’s mission on the front line, I became interested in the bigger picture. When the Revenue director retired, I threw my hat into the ring for the job.”

Gov. John Kitzhaber appointed Harchenko director of the Oregon Department of Revenue in May 1997; she was reappointed four years later. “I am no longer practicing law, but I use my legal knowledge and training to some extent almost every day,” said Harchenko, who directs the activities of the 900-person agency that is responsible for all personal and corporate income taxes, the property tax, the cigarette taxes, and a variety of other programs. “It was a difficult transition at first. I had worked for the department for years as its attorney — now I am the client.”

As head of Revenue, Harchenko represents Oregon on the Multistate Tax Commission, a special body created to oversee the uniform administration of taxes. The commission collectively pools resources and jointly audits large corporations conducting business in multiple states. It also develops model statutes and regulations and works with the federal government to develop federal laws governing tax administration. “The commission ensures the states administer the acts fairly,” she said.

Despite her many responsibilities, Harchenko still finds time to mentor up to three Willamette law students at a time. “I’m a grand-mentor now,” said Harchenko, who still stays in touch with many of the students she first mentored more than 15 years ago. She believes that mentors get as much from the program as their students. “Mentoring gives lawyers a chance to reinvest in the profession. It is critical to think of ourselves as members of a larger community. Everyone needs someone to help them along.”

And, of course, a little money back on their taxes....

Matt Fitzgerald Dispenses Justice in Iraq

"September 11 occurred at the start of my third year of law school," said Matthew S. Fitzgerald JD'02. "An earlier decision to consider the Army JAG Corps became a certainty that day."

A criminal defense attorney for the military, Fitzgerald has been stationed at Camp Taji in Iraq since November 2005. "Military defense work is unique in that the U.S. Constitution and the Uniform Code of Military Justice (UCMJ) go where the soldiers go — even to foreign countries," he said.

Fitzgerald's duties vary greatly. He defends soldiers at courts-martial, but also advises those suspected or accused of crimes with lesser forms of punishment. "Soldiers commit crimes no different than their civilian counterparts," Fitzgerald explained. "I recently defended soldiers accused of sexual assault, burglary, larceny, drug use and possession, selling enemy property, and even the distinctly military offense of adultery."

Because trials are often held in combat zones, justice is swift. Under Article 15 of the UCMJ, a soldier's commander may dispose of a minor criminal misconduct. "When a soldier elects to be 'tried' under Article 15," Fitzgerald explained, "the commander determines both guilt and punishment, which may include a reduction in rank, monetary forfeitures, restrictions and extra duty."

According to Fitzgerald, this system permits the commander to take quick action and return the soldier to duty without detracting from the unit's mission. "Soldiers can decline the proceeding if they feel the commander will unfairly find them guilty or impose unfair punishment," he said. "This is typically rare, however, as a finding of guilt is a federal conviction."

In addition to representing soldiers in criminal matters, Fitzgerald also advises them on administrative actions. "While not criminal in nature, these actions involve fundamental due-process rights given to the individual soldier facing adverse administrative action," Fitzgerald explained. "This is one of the primary reasons defense attorneys must deploy with the units — so an attorney is always available to advise soldiers in these procedures."

Because his clients are soldiers, Fitzgerald often goes to great lengths to reach them, including traveling in military convoys or by military helicopters. "Attorneys are no different than any other soldier," he said. "We are expected to have all our combat gear on and our M-16 rifle at the ready. It gives us an appreciation for what many of our clients do every single day."

Fitzgerald developed an admiration for military life early on. A self-described "Air Force brat," he joined the military immediately following high school. He went on to earn a bachelor's degree in education from Southern Illinois University and then taught high school for a number of years — all while serving in the reserves. He enrolled in Willamette University College of Law in 1999.

Fitzgerald said he chose Willamette because it met all his criteria for a law school. "I wanted to attend a small school for the collegial environment," he explained. "I liked its location in a mid-size city with plenty of resources, professional and recreational."



Although initially averse to litigation, Fitzgerald found himself gravitating toward it after his first year. He credits Professor Leroy Tornquist with sparking his interest in trial work. "Professor Jeffrey Standen's Evidence class also guided my desire to focus on litigation," he said. "It was very compelling to see how the rules of evidence applied to cases."

Since graduating, Fitzgerald has worked as a military prosecutor, command advisor and criminal defense attorney. Last November, he deployed to Taji, just north of Baghdad, with the 4th Infantry Division out of Fort Hood, Texas. He expects to return home this fall — to his wife, Sharna, and their two sons — but plans to remain in the JAG Corps for at least three more years.

"My interests are in military justice, so I am hoping either to return to prosecution or to try appellate work," he said. "The military has been a great experience, and with the diverse work experiences and opportunities available, I can see lacing up my boots long enough to make the military my career until retirement."



Stan Renecker Forges His Own Trail

"I always wanted to go to law school, but not necessarily to become a traditional lawyer," said Stanley G. Renecker JD'81. "I just wanted to be successful, and I thought law school would help get me there."

Renecker himself is a perfect example of lawyers making great leaders. As managing director of acquisitions for The Campbell Group, he helps run one of the largest timberland investment management firms in the world. The company markets timber as an asset class for investment and buys timberland on behalf of investors. Last year, the Portland-based company managed more than \$1.3 billion in Northwest timberland assets and \$60 million worth in the Southeast. Renecker's primary responsibility is sourcing properties for investments and negotiating transactions.

"The company manages timber investments for various institutional clients, including multibillion dollar pension funds, university endowments and foundations," explained Renecker. "Many of our clients are large public-employee pension funds and well-established university endowments. When one of these entities decides to allocate money to timber, our organization manages the investment and the timberland."

For Renecker, the jump from studying law to managing timberland investments was actually a short one. Raised on a mink farm in the Yakima Valley in Washington, Renecker learned early in life that natural resources can be valuable commodities. "Farm life gives you a certain reality that other people never have," he said. "A rural, agricultural life is hard in many respects. You have to get up every day and work to ensure your livelihood."

Following high school, Renecker attended Central Washington University, where he studied political science and philosophy. He graduated with a bachelor's degree in 1978 and subsequently enrolled in Willamette University College of Law. "For me, law school put a modern-day spin on the philosophy and political science I studied in college," he explained. "There's a certain academic rigor that goes into studying law. Law school explained the 'whys' of society to me — why our rules are what they are and why our system works as it does."

Toward the end of his second year of law school, Renecker became interested in business and tax law. His sister-in-law, an attorney and certified public accountant (CPA), suggested he consider a career in tax work or accounting. He took her advice to heart. At the end

“The College of Law gave me lots of liberty to do what I thought was best for my future. The school put a real emphasis on me getting the education I went there to get and provided plenty of resources to help me succeed.”

— Stanley G. Renecker JD’81

of the semester, Renecker accepted a summer position with Price Waterhouse LLP, one of the largest professional accounting firms in the world. He interned in the company’s Portland office full time during the summer and for several days a week throughout his final year of law school.

“The College of Law gave me lots of liberty to do what I thought was best for my future,” he said, acknowledging that more of his third year was spent at Price Waterhouse than in the law school. “The school put a real emphasis on me getting the education I went there to get and provided plenty of resources to help me succeed, but they also held me accountable for my decisions. I think that if I had gone to a larger school, I wouldn’t have had the flexibility and opportunities I had at Willamette.”

After graduating from the College of Law and passing the Oregon State Bar exam, Renecker was offered a permanent position in Price Waterhouse’s Portland office. Soon afterward, he passed the CPA exam and became a licensed CPA, having earned almost all the accounting practice hours needed for licensure while working at Price Waterhouse during law school.

As a practicing CPA and consultant with Price Waterhouse, Renecker provided business and tax planning services for corporate, nonprofit and individual clients in a range of industry areas, including wholesale and retail distribution, forest products, manufacturing, high technology, and the service industries. For Renecker, working at Price Waterhouse provided the same educational benefits as attending business school, so he made a personal commitment to work for the company at least four years. He stayed nine. “The job just kept getting better and better,” he said. “I was a moderate fast-tracker at the company, so my responsibilities continued to grow.”

In 1989, Renecker was up for partner in Price Waterhouse — if he would move to the East Coast. Faced with the choice of “up or out,” he chose out. “My wife and I had put a lot on hold for many years,” he explained. “We were ready to put down roots and wanted to do that in the Northwest.”

During the time he was deciding whether to move to the East Coast with Price Waterhouse or leave the company, Renecker was offered an executive position with The Campbell Group. Throughout his 17-year tenure with the company, Renecker has served in a number of top positions, including president. As managing director of acquisitions, he directs all aspects of the firm’s outreach and timberland acquisition activities, including negotiating with buyers and sellers, supervising due diligence, and coordinating

and overseeing transactions. He also serves on the firm’s board of directors and executive committee.

Traditionally, the majority of forestland in America has been owned by forest-product companies, such as pulp and paper saw mills, private families and large railroad companies. “The government gave a lot of the forestland to the railroads as part of the western expansion,” Renecker explained. “Approximately 20 years ago, the railroads and traditional forest-product companies started to divest their timberlands. Today, much of the timberland in the United States is owned by investors and managed by timber management companies like The Campbell Group.”

Renecker believes timberland is a strong investment because timber provides a solid return and is negatively correlated to the stock market. “When stocks go down, timber goes up,” he said. “It is also an inflation hedge over the long term and a great asset for capital preservation.” As evidence of the investment strength of timberland, he noted that The Campbell Group’s timberland operations have generated more than \$200 million in annual log sales and produced significant returns for investors since the company was founded in 1981.

According to Renecker, the company works hard to balance the investment goals of clients with effective forest management. “Timber is a sustainable, renewable resource. When you cut a tree, you plant a new one.” The Campbell Group maintains strong relationships with the federal and state agencies that regulate timberland and forest management operations. The firm also employs professional forest managers to oversee their timberland. As a result of this dedication to conservation and preservation, The Campbell Group has been publicly recognized numerous times for its forest management practices and stewardship.

Although Renecker has never practiced law, he remains an active member of the Oregon State Bar. He is proud of his legal education and credits Willamette with giving him the strong foundation needed for a successful career. “I’ve never had any regrets about my decision to attend law school or how I chose to use my law degree,” he said. “Among the members of my first-year law class, I don’t think many of us really knew what we wanted to do. A lot of us were there because we were trying to meet people’s expectations of us. Eventually you learn what you’re suited for. I’ve been fortunate to be able to pursue a different kind of work, one that I find challenging and rewarding. For me, it works.”



In a Class by Themselves: NEW LAW FACULTY AT WILLAMETTE

The College of Law was pleased to welcome four outstanding new faculty members in 2006. The addition of such a large number of professors in a single year provides a particularly appropriate moment to reflect on the process that brought these outstanding new scholars to Willamette.

Each recruiting season begins with a faculty conversation about the College of Law's curricular needs — which helps define our objectives and narrow the pool of potential new professors. However, in selecting from among the many talented candidates who seek positions at the college, we are guided not by curricular fit, but by the candidates' ability and commitment to advance legal education. Accordingly, in interviewing and evaluating candidates, we constantly ask ourselves a series of questions: Will the candidates inspire students to think deeply about legal issues? Will they add new dimensions to the school through the range of experiences they bring to Willamette? Will they become active and leading players in the community of legal scholars?

This year, we were extremely pleased to have found four new faculty members for whom we could enthusiastically answer "yes" to each of these questions. Not only will these new professors enable us to supplement and expand our curriculum, they also promise to inspire and motivate our students, enhance the College of Law community, enlighten legal academia, and serve as exemplary professional models for our students.

Professor Laura Appleman joins the faculty following one year as a visiting assistant professor at Hofstra University School of Law. A graduate of Yale Law School, Appleman already has established herself as a talented teacher and productive scholar. She also brings five years of experience as a criminal appellate public defender in New York City. Appleman's knowledge, experience and public service are certain to inspire Willamette students, and her expertise will allow the College of Law to expand its substantive offerings and scholarly profile in her areas of expertise, including Criminal Law and Procedure and Sentencing.

Professor Keith Cunningham-Parmeter joins the faculty following two years as a Skadden Fellow with the Oregon Law Center Farmworker Program, where his work focused on the employment rights of migrant agricultural workers. A graduate of Stanford University Law School, Cunningham-Parmeter clearly possesses the characteristics that will lead to success both in the classroom and in the academic community: outstanding academic performance, a passion for writing, and a

commitment to teaching and public service. An expert in employment and immigration law, Cunningham-Parmeter will teach Contracts, Labor Law, and Employment and Discrimination Law.

Professor Jeffrey Dobbins joins the law faculty following four years of practice with Perkins Coie LLP in Portland, six years as an attorney at the U.S. Department of Justice, and two years clerking for federal judges, including Justice John Paul Stevens of the U.S. Supreme Court. A graduate of Duke University Law School, Dobbins combines outstanding academic and professional credentials with extensive litigation experience in both the public and private sectors. His knowledge and experience will find a ready home in the classroom, in courses such as Administrative Law and Federal Courts, and he undoubtedly will emerge as a leading scholar in these areas.

Professor Judith Wise joins the faculty following one year as a visiting assistant professor at Florida State University College of Law. Wise already has established herself as a talented teacher. She also has shown herself to be an exceptionally productive scholar, with several works already in print. A graduate of the University of Chicago Law School, Wise brings six years of experience as a corporate lawyer in the New York office of Skadden, Arps, Slate, Meagher & Flom LLP. With scholarly interests that include international business, development finance and transactional law, Wise will provide added strength to Willamette's highly regarded international and business law programs.

I hope you will join me both in welcoming these fine professors to the College of Law and in wishing them the greatest success in their academic careers.

— Peter Letsou

Peter Letsou holds the Roderick and Carol Wendt Chair in Business Law. He also serves as director of the Law and Business Program and associate dean. Letsou was chair of the Faculty Appointments Committee that hired the law school's four new professors.



LAURA I APPLEMAN

A Passion for Justice— and the Lighter Side of Criminal Law

Enroll in a criminal law class with Laura I Appleman and you might just learn a thing or two about American cinema. “*My Cousin Vinny* is one of the best criminal law movies ever made,” Appleman said of the 1992 slapstick comedy starring Joe Pesci. Marisa Tomei may have won an Oscar for her role in the film, but Appleman isn’t all that interested in the actors’ performances. She gives the movie a “thumbs up” for what it can teach her students about criminal law and procedure.

A professor of criminal law and legal ethics who joined the College of Law faculty this summer, Appleman likes to hold an occasional movie night for her students — complete with popcorn and soda. “Throughout the year, I show a mix of old and new movies where criminal law is central to the theme,” she explained. “After the movie, we discuss its criminal law elements.”

Movie night is just one of the ways Appleman stays involved with her students. “Part of my job is to guide students, so I like to do things that are not just classroom-based,” she said. “I was mentored by my professors in law school, and my job is to continue that tradition.”

The daughter of two second-career lawyers, Appleman grew up on the East Coast. She attended the University of Pennsylvania, earning both an undergraduate degree and a master’s degree in English. “In graduate school, I studied feminist theory, Victorian novels and race theory,” she said. “I originally wanted to be an English professor, but I soon decided that writing about the disenfranchised and the poor via literature was too attenuated for the real world.”

Following graduate school, Appleman wanted to see how legal practice would suit her, so she spent a year working as a legal assistant at a law firm in Philadelphia. During her time at the firm, she also volunteered for a battered women’s association, helping counsel women scheduled for court appearances. She found great fulfillment in helping others. Appleman’s experiences confirmed for her that she should study law.

Appleman attended Yale Law School, where she focused her studies on civil rights, intellectual history and professional responsibility. She also successfully combined her desire to help others with her literary interests. During her last two years of law school, she

worked as book review editor of the *Yale Journal of Law & the Humanities*. “Law school cemented for me that I should work in the world of ideas, in academia,” she said. “I wanted to bring the tools of narratology to the reading and interpretation of the law.”

Following law school, Appleman was offered a clerkship with Judge A. Wallace Tashima of the U.S. Court of Appeals for the Ninth Circuit. “Being a law clerk is the closest most of us will ever get to being a judge,” she said. “I worked on all types of federal cases. The clerkship really confirmed for me what I wanted to do in life — research and writing.”

When her clerkship ended, Appleman accepted a position with a private law firm in New York City, but within a year she turned her attention back to appeals work. In 2000, she accepted an appellate counsel position with the Center for Appellate Litigation in New York. The job tied directly into her interest in the rights of the disenfranchised and the poor. “My clients were convicted offenders in New York and the Bronx,” said

Appleman, who worked to overturn their convictions. “Many of my clients were guilty, but many also did not get a fair trial. Justice should be the same for everyone, but it’s not.

“Maybe my clients had committed crimes, but they also didn’t get a fair shake in life,” Appleman continued. “That made me want to change things. If they had a different upbringing, they might have had a different life. Even when we didn’t win, my clients were grateful someone was finally listening to them.”

During the five years that Appleman worked as an appellate public defender, she argued approximately 50 cases before the New York courts, including the New York Court of Appeals. “The judges were loath to overturn convictions, but I continued to argue my cases,” said Appleman, who orally argued almost every case that came across her desk. In five years, she had three convictions overturned. “That’s an excellent record for appeals,” she said. “When you’re a public defense attorney, you have to get rid of your ego.”

Appleman believes that you must have a desire to help others to work as a defense attorney. She admits to being upfront with her students about her personal biases. “I try to integrate policies of justice and ethics into my coursework,” she said. “In criminal law,

“I try to integrate policies of justice and ethics into my coursework. In criminal law, these issues come up over and over again.”



these issues come up over and over again. You certainly can't teach criminal law and procedure without having practiced."

Appleman made the jump to academia in August 2005, when she took a visiting professor position with Hofstra University School of Law in Long Island, N.Y. She joined Willamette's law faculty this summer. Appleman is scheduled to teach Criminal Law, Criminal Procedure and Sentencing Reform. She plans to integrate discussions of broader-reaching issues into her core course materials, such as theories of punishment. "In the classroom, we talk of broader issues — not just the law," she said. "Black letter law you can always look up. I want to teach how our system of justice came about, how it works, if it works.

"I am excited to teach the future generation of lawyers — to imbue them with my passion for justice and teach them the normative values we have in society," she said.

Appleman said that teaching criminal justice feeds her own research and scholarship. "My main interests are currently the substantive values underlying criminal procedure and sentencing, as well as the intersection of legal ethics and criminal law," said Appleman, adding that she welcomes dissent on these issues in

the classroom. "I always assume that my students and I will have spirited discussions on these topics. I love it when people argue with me."

Academia also serves as a good meeting point of her two great interests, research and writing. In addition to her more scholarly pursuits, Appleman occasionally contributes to the quarterly law journal, *The Green Bag*, a collection of short articles and light commentaries on the law. "It's a place for scholars to toss out creative thoughts," she explained. "It's for people willing to take up the fight for good legal writing."

In addition to submitting work to *The Green Bag*, Appleman serves on the board of advisers for *The Green Bag Almanac & Reader*, an annual collection of the best legal writing for the year. "It's a good reminder that law doesn't always have to be so formal all the time," she said. No doubt, Joe Pesci will help underscore that point for her students as well.

KEITH CUNNINGHAM-PARMETER

Lawyering for the Greater Good

“Public interest law is an area more students should consider,” said Keith Cunningham-Parmeter, who joined the College of Law this summer. “At our very best, all lawyers are public interest lawyers. From pro bono work to poverty law practice to innumerable methods of service in between, lawyers are called upon to enhance access to justice by serving the most marginalized among us.”

According to Cunningham-Parmeter, his own interest in public interest law stems from his experiences growing up among migrant workers in Gilroy, Calif., a small town in the Bay Area and the self-proclaimed Garlic Capitol of the World. The son of a lawyer, Cunningham-Parmeter grew up in a standard, middle-class household. However, he saw a different side of life through his classmates, about half of whom were Hispanic. Many were immigrant farm workers themselves or the children of farm workers. Cunningham-Parmeter soon realized their lives were drastically different from his own.

“We would drive around town and see migrant labor camps where the workers lived,” he said. “When you see people living in small shack-like dwellings and working all day under the hot sun, it makes you appreciate how much tougher their lives are than yours. That really influenced the work I do now. Part of my commitment as a professional is to serve those with greater needs.”

Although he always planned to attend law school, Cunningham-Parmeter did not apply to any law programs after college. Instead, after earning a bachelor’s degree in English from the University of Oregon, he enrolled in Teach for America, a program that hires outstanding college graduates to serve as public school teachers in disadvantaged communities. “I knew I wanted to do something service oriented,” he said. “I thought about the Peace Corps, but decided there’s lots of need here in the United States.”

Cunningham-Parmeter joined Teach for America in the summer of 1997. He spent the next two years teaching English and math in the Mississippi Delta — in one of the 10 poorest counties in America. “Prior to moving to the Delta, I had a lot of romantic notions about life in the South,” he said. “Those were the two toughest years of my life. As an outsider, I had to earn credibility and respect from my students, many of whom were justifiably skeptical of me.”

Because the needs of his students were so great, small efforts on his part had a huge impact on his students. “The Delta is very insular, so it was important to talk to my students about the outside world and life beyond the region,” he explained. Although he believes his work with Teach for America has been the most important of his career, Cunningham-Parmeter was jaded by the experience, as life in the region continued to worsen for his students. “In the end, you just have to realize that change is incremental — it comes one student at a time.”

When his contract with Teach for America ended, Cunningham-Parmeter enrolled in law school at Stanford University. As a student focused on public interest law, he was able to work at the school’s law clinic, the East Palo Alto Community Law Project. “It was my first opportunity to see how lawyering is about creativity and doing what you need to do for your client,” he said. “At the clinic, each problem would start with a person in need, and I would learn about new areas of the law through that person’s case.”

Between his second and third years of law school, Cunningham-Parmeter worked for the U.S. Equal Employment Opportunity Commission (EEOC), where he took on a case representing female lettuce packers who had been passed over for promotions. Although his clients had the greatest seniority in the union, their male counterparts with less experience frequently were promoted to better-paying jobs. The women filed a discrimination case with the EEOC, and Cunningham-Parmeter spent part of the summer investigating their claim and drafting the charging documents against the employer. He said the experience cemented his desire to practice public interest law and serve low-income clients.

That same summer, Cunningham-Parmeter also worked for a small employment law firm in San Francisco that specialized in plaintiffs’ employment class action suits. He worked on a case representing claims adjusters in a large insurance company who had not been paid overtime. “That case really brought home for me the power of class-wide litigation and how it can make a huge difference for working-class people,” he said.

Following graduation from law school, Cunningham-Parmeter spent two years clerking for Chief Judge Ancer Haggerty of the U.S. District Court for the District of Oregon. The position allowed

“When we do what we love, we are enriched, which makes us better community members, family members and advocates for our clients.”



him to develop a broader understanding of different areas of the law. “In some ways, it was like another few years of law school — but applied to active cases,” he explained. “I would work on a motion to suppress one day and then work on a Clean Water Act case the next. I became a mini expert in each case.”

When his clerkship ended, Cunningham-Parmeter received a two-year fellowship to provide legal services to immigrant and low-income farm workers in Oregon. The fellowship was funded by Skadden, Arps, Slate, Meagher & Flom LLP, one of the largest law firms in the country. Each year the firm grants approximately 28 fellowships nationwide to attorneys dedicated to public interest law.

As a Skadden Fellow, Cunningham-Parmeter worked with the Oregon Law Center Farmworker Program, representing migrant farm workers in cases involving occupational health issues and workplace discrimination. During this tenure, he served as lead counsel in a wage and hour class action lawsuit brought on behalf of food processing workers in Oregon. “The case resulted in the largest class action settlement for agricultural workers ever in the state,” he said.

With his fellowship ending, Cunningham-Parmeter decided to enter the world of academia. He joined the law faculty in August and is scheduled to teach Labor Law and Contracts this fall. “I really enjoy the process of teaching and scholarship,” he said. “There’s something satisfying about coming up with a specific legal problem to investigate — one that no one else has researched yet. In my case, this interest area involves the unique problems facing low-wage and contingent workers.”

It is also an area he wants more students to consider — for the good of their careers, their communities and the legal profession. “Students need to look at their futures soberly and remember that they will have truly rewarding careers when they focus on work that nourishes them,” Cunningham-Parmeter said. “When we do what we love, we are enriched, which makes us better community members, family members and advocates for our clients.”

JEFFREY C. DOBBINS

A Supreme Legal Educator

"I've circled around Willamette my whole life," said Assistant Professor of Law Jeffrey C. Dobbins, a native Portlander. "I've always had a consistent level of respect for the College of Law. It is the most well-rounded law school in the state. Its relationship with state government and its location near the Capitol and state appellate courts afford students an important experience that is easily missed in other law schools."

Dobbins, who clerked for Justice John Paul Stevens of the U.S. Supreme Court, knows firsthand how working with lawmakers can strengthen a young attorney's lawyering skills. "I hope to be able to draw on cases I've worked on and those at issue when I was a clerk to illustrate what relevant rules of law are and to illustrate what will be most relevant to my students' careers once they graduate," he said.

Dobbins, who joined the College of Law in June, will teach Federal Courts during his first semester at Willamette. "The class is about tactics," he explained. "As a litigator, you need to understand how to get clients into a court that is both appropriate and desirable, and you never want to lose sight of why you should or shouldn't be in that particular court. My background will allow me to insert practical experience into the more theoretical course material."

No doubt, Dobbins' students will find his experience invaluable — and his background enviable. Dobbins attended Harvard University, where he studied the integration of science and history. "I thought very hard about pursuing an astrophysics degree," he said, "but along the way, I discovered I liked a humanities approach to science."

Dobbins' interest in the human side of science led him to enroll in dual programs at Duke University in Durham, N.C. While pursuing his J.D. at the law school, Dobbins also was enrolled in a master's degree program in environmental management at Duke's School of the Environment. He served as articles editor for the *Duke Law Journal*, as well as editor in chief of the *Duke Environmental Law & Policy Forum*. "I was interested in gathering information through scientific research then applying that information to legal and policy decisions," he explained. Dobbins graduated from Duke in 1994, earning both a J.D. and an M.E.M. in resource economics and policy. He was first in his law school class.

Following graduation, Dobbins accepted a clerkship with Judge David S. Tatel of the U.S. Court of Appeals for the D.C. Circuit in Washington. He joined the judge's staff just as Tatel was appointed to the bench. "It was a great experience," Dobbins said. "It was



Tatel's first year as a judge, so I was able to see him develop a process for making judicial decisions."

Dobbins was tasked with writing bench memos, drafting opinions and assisting in the disposition of general court business, such as emergency stays and petitions for rehearing. Dobbins said serving as a clerk to a new judge was a great deal of responsibility. "I had to make particularly sure that I was always right — that all my research was always correct," he explained.

After completing his clerkship on the Court of Appeals, Dobbins was offered the rare opportunity to clerk on the U.S. Supreme Court. In June 1995, he joined the staff of Justice John Paul Stevens. "It was a very different experience," Dobbins noted. "By

the time I started the clerkship, Stevens had already been on the court 20 years. He could have done the work with one hand tied behind his back.”

Dobbins worked closely with Stevens, reviewing and recommending action on petitions for certiorari, addressing emergency applications, and considering cases scheduled for argument. Dobbins also reviewed and edited opinions. “I would help to fill in the structure of an opinion initially drafted by the Justice — make sure that the facts were accurate, that the legal analysis and reasoning were complete, and that the language was precise,” Dobbins explained.

Of the more than 8,000 petitions for certiorari that were considered by the Supreme Court in the year he clerked for Stevens, the majority involved criminal matters. “That was a big change from the D.C. Circuit,” he noted. He also saw a large number of death penalty cases. Dobbins said these cases were the most difficult for him. “There are such high stakes and

such a compressed, rushed process due to the nature of these last minute appeals. It is hard to have faith in the process when you see the limited amount of resources available to some criminal defendants.”

Despite the stressful nature of the work, Dobbins found the Court to be relatively harmonious and collegial. Dobbins said the clerks often were “a safely valve” for the justices. What little skirmishing that existed on the Court outside of written opinions was almost always left to the clerks. “The clerks can get into scraps and have emotional blow outs,” he explained, “because they are there for a year, and then they are gone. The justices remain, so they must maintain a certain level of civility.”

Dobbins also found the Court to be relatively immune to the party politics found in Washington. “In the majority of cases, results are driven by judicial philosophy,” he said. “The justices are trying to make decisions using the process of legal analysis they believe is most appropriate.”

Differences did arise, however, over philosophies of how federal and state courts should interact. “One philosophy is that if an interpretation of the law is not obvious, right there in the text of a statute, then we’re done,” Dobbins said. “Other justices allow more

room to maneuver. If they can interpret a statute in a way that they believe is consistent with what the legislature intended, they will adopt that approach.”

When his clerkship ended, Dobbins accepted an appellate attorney position in the Environmental and Natural Resources Division of the U.S. Department of Justice. He primarily managed cases from the Environmental Protection Agency and the Department of the Interior on issues ranging from state water rights to Indian law, from coal mining permits to environmental crimes. “There was not a lot of substantive consistency across topics,” he noted, “but there was consistent attention to the appellate and legal questions that came up case after case.”

“I enjoy the appellate process, because I like the ability to sift out what doesn’t matter in a case to get to the heart of an argument.”

In 2002, Perkins Coie LLP offered Dobbins an attorney position in the commercial litigation group of their Portland office. Dobbins, who had clerked for the firm during law school, jumped at the opportunity. At Perkins Coie, Dobbins managed cases in environmental law and general commercial litigation. He

also helped the firm create an appellate practice group. “I enjoy the appellate process, because I like the ability to sift out what doesn’t matter in a case to get to the heart of an argument,” he explained.

After four years with Perkins Coie, Dobbins made the move to academia, joining the Willamette College of Law faculty this summer. “I have always been interested in teaching,” he said. “When I think of what I’ve enjoyed most in my work, much of it was academic theory. Appellate work can be very similar to academics. In both, you stand in front of people asking you questions about how they should think about complicated legal issues. You have to answer those questions and explain those issues as clearly as possible.

“My primary goal in teaching is to share my practical knowledge with students so they have greater success in their first real jobs as attorneys,” Dobbins said. “Walking into their careers, I want them to have had the practical experience they need to effectively represent their clients.” Although most law students will never have the opportunity to clerk for the country’s highest court, thanks to Dobbins, Willamette’s law students will still learn from the experience.

JUDITH A. WISE

A Wise Move to Willamette

When Judith A. Wise was 16 years old, she learned firsthand what it means to be powerless in a courtroom. Wise had been riding down the street on her bike when the driver of a parked car opened her car door directly into Wise. In court, the driver accepted responsibility for the accident, but was not fined. Frustrated by the outcome of the case, Wise questioned the judge's decision. "I asked the judge why the driver wasn't required to protect my safety, according to the law," Wise said. "The judge trivialized my concern and let the verdict stand." Wise left the courtroom that day determined to become a lawyer.

"I had tried to participate in society by going to court to argue my position, but as a witness I wasn't in the right role to effect change," said Wise, who joined the College of Law as an assistant professor of law this summer. "I came away from the experience wanting to be in a position to affect the structures and rules that govern society. I decided that I needed to learn law to get standing."

Wise developed an early interest in social justice while growing up in Evanston, Ill., which was working through the process of desegregating. "I developed strong social equality instincts and an interest in the rules, laws and social norms that conspire to fix social arrangements as the status quo," she explained.

Following high school, Wise moved to the West Coast to attend the University of California–Berkeley. "I knew you had to do a degree before law school, so I chose sociology," she said. "I knew that it would give me a strong social base for law."

"At the time, I considered sociology to be the examination of things in our broader culture that had been denied," Wise explained. "Sociology was a world in which people didn't deny there was an elephant in the room. You didn't have to pretend there wasn't stratification in society. You didn't have to pretend that the elements of inequality were natural."

Wise wrote her honors thesis on school desegregation and enjoyed her research and academic work so much that she decided to continue her studies in sociology. Following graduation, she moved back to Illinois and enrolled in the University of Chicago's graduate program in sociology. By the time she completed the master's

program, however, she had decided her sociology research placed her too firmly in the role of observer. "I wanted to be in law, which felt more engaged," she said. The following year, Wise enrolled in the University of Chicago Law School.

Wise received a public interest grant during law school that enabled her to work at the West Town Community Law Office for a solo practitioner who primarily served Chicago's Puerto Rican community. During the externship, Wise assisted with felony and misdemeanor criminal trial preparation and pretrial proceedings, marital disputes arising from domestic abuse, and civil rights

matters. She also had the opportunity to serve as second chair in a large multi-defendant criminal trial.

Wise said that case taught her a lot about law — and even more about herself. "I knew from that experience that I shouldn't be a litigator," Wise said. "I have a hard time with the fact that the

judge has the final say. I wouldn't want to have to conduct myself in front of a judge every day. I couldn't do it. I want to help structure the law; I don't want to wield it."

Wise threw herself into the study of international law, taking every course offered in school. In addition to leading the Immigration and Refugee Law Society, she participated in the International Law Society and a comparative legal studies abroad program in Central Europe. When Wise completed her law degree in 1997, she served as a federal law clerk to Judge Jane A. Restani of the U.S. Court of International Trade in New York (USCIT). Wise spent the next two years learning many of the intricacies of international trade law and drafting bench memoranda and opinions for cases before the USCIT and for designation sittings on panels of the Second, Third, Ninth and Eleventh Circuit Courts of Appeals.

When her clerkship ended, Wise joined Skadden, Arps, Slate, Meagher & Flom LLP in New York as a corporate associate in mergers and acquisitions. During her first two years at Skadden, Wise worked on cross-border transactions in emerging markets, many of which involved venture capital investments in new technologies. "Skadden proved to be a great crash course in transactions," she said. "I learned a lot through immersion." When the high-tech market crashed, Wise focused on transactions involving companies in distress.

"For many law students, my class may be their first exposure to transactions, so there's a great need to translate the many complex and interesting aspects of the subject to them. That's very rewarding for me."



Near the end of her six-year tenure at Skadden, Wise helped develop new securitization products for the reinsurance industry. “Reinsurance is the insurance that insurance companies buy to protect themselves in the event they have to pay on a large number of policies at once,” she explained. “After Hurricane Hugo, reinsurance became so expensive that insurance companies began looking for alternatives. They turned insurance risk into a security offered in the capital markets, allowing them to hedge their risk and sell more insurance.

“Developing new products in this sector is tricky due to the complexity of insurance regulations,” Wise noted. “The transactions have to be structured so that the purchasers of the securities are buying risk but not acting as insurers. It was very challenging work.”

In the spring of 2004, Wise took a semester-long leave of absence from Skadden to teach international law and property at Chapman University in Orange, Calif. She jumped at the opportunity to teach

law. “I had wanted to get into legal academia for a long time,” Wise explained. “Law professors are more engaged in policy making, both through scholarship and consulting, than most corporate lawyers.”

Not long after returning to her firm in New York, Wise received a call from Florida State University College of Law in Tallahassee, offering her a year-long teaching position. After some deliberation, Wise quit her corporate job and headed to the sunshine state, where she taught a variety of business law courses and a class in women and the law.

When her contract with Florida State ended, Wise joined the Willamette law faculty. As a business law and private international law specialist, she will teach a combination of corporate law and international and comparative law courses. “I knew immediately that I wanted to work at Willamette, alongside Dean Symeonides, as well as Jim Nafziger and David Clark,” Wise said. “I like that there’s such a strong international and comparative aspect to the law school. It is important to me to work where other professors are doing such outstanding research in the areas that also interest me.”

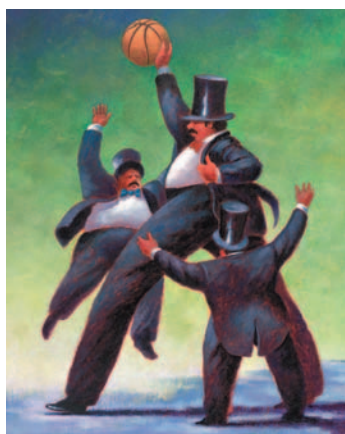
She’s also excited about the important role she will play in her students’ future success. “For many law students, my class may be their first exposure to transactions, so there’s a great need to translate the many complex and interesting aspects of the subject to them,” she said. “That’s very rewarding for me. I want to help them succeed in their own careers.”

Wise said she appreciates the controversial aspects of the subjects she teaches, but believes divergent views can be addressed constructively in the classroom. She engages her students in structured analysis of the law, in addition to open-ended discussions. “I want students to learn how to walk through the steps of an argument, so they will be able to navigate complex legal issues independently in the future. I want my students to think carefully and critically, not just repeat what I say. That’s really my ultimate goal.”

Sports Law SYMPOSIUM

Last March, the *Willamette Law Review* sponsored a symposium examining the future of sports law. Professor Jeffrey Standen conceived the theme for the symposium, recognizing the many diverse and exciting issues related to sports law. However, rather than describing the field in its current state, Standen invited academicians from across the country to imagine how this dynamic area of law may change in the years to come. Participants accepted the challenge and did not disappoint.

The first panel of the day addressed player compensation and explored a number of the factors that affect how athletes perform and how they are paid for their performance. Michael McCann, professor of law at Mississippi College, began by talking about the potential effect of catastrophic events on sports. He discussed how large-scale natural disasters, such as Hurricane Katrina, might influence franchise relocation decisions and athlete contracting choices. Standen followed with the controversial, but thought-provoking, proposition that athletes should be permitted to bet on their own games as a form of player compensation. Standen argued that such an arrangement would connect player incentives to team incentives, help sustain fan interest, and reduce the likelihood of athletes “throwing a game” or trying to beat the point spread.



The second panel of the morning focused on international issues in sports law. Maureen Weston, professor of law at Pepperdine University, spoke about the high number of foreign athletes playing for colleges in the United States and the complex legal issues surrounding the recruitment and eligibility of these athletes. James Nafziger, the Thomas B. Stoel professor of law and director of International Law Programs at Willamette University, closed the panel with a discussion of the future of international sports law. Nafziger described the increasing globalization of sports and speculated about future legal challenges arising from this change.

Attendees of the lunch symposium were treated to a special presentation by Professor Chad Ford of Brigham Young University–Hawaii. Not only is Ford a recognized scholar in the field of

intercultural conflict resolution, he covers the NBA and the NBA draft for ESPN. Ford discussed his involvement with the international basketball league, Playing for Peace, an organization dedicated to promoting “sustainable peace building” in divided communities, such as Israel, Palestine, the Balkans and Northern Ireland.

After lunch, Professor Gordon Hylton of Marquette University and Professor Jack Williams of Georgia State University led a panel on the changing economic realities of sports as a business. Williams discussed the coming “revenue revolution in sports” and the earning potential of new revenue streams, such as the Internet, satellite TV and mobile phone subscriptions to sports events. Professor Williams argued that along with these alternative revenue sources comes a host of business and legal issues related to property law, privacy, publicity and value. Hylton suggested that the business of sports should be more highly regulated. He cited the failure of Congress to regulate franchise relocations in the 1990s as an example of its inability or unwillingness to regulate the sports industry as a whole.

The last panel of the day dealt with the regulation of sports agent misconduct. Timothy Davis, professor of law at Wake Forest University, discussed the problems of professional malpractice and recruiting improprieties that often arise among athletes and sports agents. Davis advocated for stricter regulatory legislation

and more stringent certification standards for sports agents to solve this problem. Professor Richard Karcher of Florida Coastal School of Law agreed a problem exists, but argued that players’ unions should replace sports agents as athlete representatives.

All of symposium participants contributed articles to the summer 2006 issue of *Willamette Law Review*, which is available on the College of Law Web site at www.willamette.edu/wucl/lawreview/.

— Greg Rios

Greg Rios JD’06 was the Willamette Law Review symposium editor for the sports law symposium.

The Beauty of BETS

Every American professional sports league prohibits its athletes from wagering on their games. Some extend that prohibition to wagering on games within their leagues; others ban sports wagers entirely. Even associating with legal gambling operations can draw sanctions from league commissioners exercising their discretionary authority to protect the integrity of the game. League officials fear that bets would sully contests by replacing athletes' desire to win with a desire to score points, to enhance individual performance, to restrain winning margins to betting lines, and even, in the worst case, to lose intentionally.

The sports leagues' reasons for banning betting do not justify the widespread prohibition. Players who bet on themselves do not necessarily perform in a manner inimical to winning. In fact, wagers may increase incentives to win. Players whose salaries depend on team victory will happily sublimate individual achievement to meet team goals. Betting players are unlikely to throw games or try to achieve victory within the parameter set by a point spread; players who adversely affect the team's bet on victory risk forfeiture of their future betting wins, which could be substantial given the large financial interest fans take in athletic contests.



Choices are comparative, and any problems that might inhere in a regime that permitted athletes to gamble must be compared with those generated by extant practices. In this contest, betting comes out ahead.

Salary based on performance is commonly thought desirable to induce worker effort. Yet in professional sports leagues, the majority of athletes are compensated pursuant to multiyear contracts that guarantee payment regardless of performance. Others are paid at the outset of the contract in a lump-sum bonus. These salary practices would diminish the incentives a salary provides. Familiar to many sports fans is the athlete who goes from a hustling young talent to a sullen, injury-prone veteran soon after the long-term deal is signed. Owners, having committed themselves to the multiyear deal, are left to plead with the rich veteran to please take the Band-Aid off his little toe and get back in the game. The performance incentive is mitigated.

The payment structure of professional sports also tends to put a premium on selfish play, regardless of its effect on wins. Salaries correlate highly with individual performance statistics, such as scoring totals in basketball, even though other attributes of performance, such as rebounding, defense or scoring efficiency, are more significant to producing team wins. Yet scorers get paid, so young players looking to earn large salaries have clear financial incentives to decline to do "the little things" that help the team win in favor of shooting the ball at every plausible opportunity. In short, it's the salary structure — not drugs or societal forces — that generates the selfish play that has ruined team sports.

The solution is to reward players for team wins, not individual statistics. Strangely, most leagues prohibit salaries or bonuses beyond comparatively modest amounts for team success, thus eliminating the most direct means of aligning player incentives with team goals. The leagues also deny themselves the next best solution, which is to allow players to wager on their games and thus draw part of their salary from their winning bets. Tournament sports, such as professional golf, pay participants for winning; players in the minor leagues of golf, for example, essentially pool their entry fees and play for the sum. In other words, they bet. These players have no nuanced decisions to make or mixed incentives to contemplate: The lowest score wins. Betting would clarify the incentives of team players, too.

Sports law always has been misunderstood and, consequently, underestimated. Until recently, sports law was thought to be the application of other bodies of law, such as labor or antitrust law, to sports. This conception was a mistake. Sports law should be understood as not as the application of law to sports, but as the rules of sport conceived as law. Why do the sports companies and sports contracts feature the rules that they do? Are these rules the most efficient means of producing this particular product? In short, the rules of sport, like those of other industries, should be treated seriously. The new legal scholarship of sports law, in which Willamette will play a leading role, will provide that treatment.

— Jeffrey Standen

*Professor Jeffrey Standen
organized the Future of Sports Law
symposium held in March.*



TORTS AND SPORTS: *Strained Bedfellows*

Nearly 30 years ago, a Colorado Federal District Court judge rendered an opinion that continues to influence sports injury tort actions — and support a culture of sports that embraces unreasonable injurious conduct.

Hackbart v. Cincinnati Bengals Inc. is perhaps the most frequently discussed player-against-player tort claim, despite having been overruled by the Tenth Circuit Court of Appeals. The case involved a game between the Cincinnati Bengals and the Denver Broncos. Booby Clark was a rookie playing in his first regular season game for the Bengals. He was en route to a corner of the end zone when a pass thrown to another Bengal receiver was intercepted near the goal line. Dale Hackbart, a seasoned Bronco veteran, attempted to block Clark and then fell to one knee while his teammate ran up-field with the interception. In a fit of anger and frustration, Clark delivered a forearm blow to the back of Hackbart's helmeted head. Weeks later, after seeking medical assistance for the pain and soreness in his neck, Hackbart sued both Clark and the Bengals for damages due to his career-ending injury.

Judge Richard Matsch dismissed Hackbart's claim. He found it incongruous to recognize a football player's duty of care for the safety of opposing players when he has been trained to play with reckless abandon and motivated to be heedless of injury to himself. Judge Matsch found that violent injury was an inherent risk of professional football and that the judiciary could not be expected to employ tort principles to control the violence. The sports culture needed to police itself. As a policy matter, self-regulation by the football industry was seen as superior to the fault-based tort system.

The Tenth Circuit Court of Appeals partially agreed with Judge Matsch. Negligence could not form the basis for Hackbart's tort claim. To expect players to refrain from unreasonable on-field behavior was unrealistic and unenforceable. But the abandonment of all reason with no safety boundaries established by law was more than the Tenth Circuit Court could bear. The court held that either recklessness or intentional wrongdoing could form the basis of a legally recognizable claim.

Courts are reluctant to extend tort law to athletic injuries. The culture of sports governs, and that culture embraces unreasonable injurious conduct.

No state has adopted Judge Matsch's position that a sporting field is a tort-free zone. Most states have agreed with the Tenth Circuit Court and hold players to a duty to refrain from intentionally or recklessly injuring an opponent. But in applying this less rigorous standard, Judge Matsch's deference to the frequently violent, injury-prone culture of sports seems to be very much in play. The moral authority of tort law is not allowed to chill the vigor and competitive juices of the athlete. Behavior that clearly is unreasonable and tortious in almost any other context is forgiven in sports.

Knight v. Jewett further illustrates the practical reach of Judge Matsch's reasoning, adopting what California Supreme Court Justice Joyce Kennard has described as the "no duty for sports rule." Decided in 1992, the case extended the reach of the protective cloak of football's violent culture to a touch-football game played by both men and women during halftime at a Super Bowl party. Although the players in the informal game had agreed in advance on a touch game with no violent collisions, Michael Jewett ran into Kendra Knight from behind, knocked her down and stepped on her hand. The resulting damage to her little finger required three surgeries and, finally, amputation. Knight's negligence claim for damages against Jewett was dismissed.

The California Supreme Court reasoned that Knight chose to expose herself to the risks of play, that the risk of injury is inherent in the game of football no matter who is playing the game or how it is played, and that Jewett would breach a legal duty to Knight only if his conduct was so reckless that it was outside the range of ordinary activity involved in the sport. Justice Kennard, in a highly critical dissent, did not agree that rough play and injury were inherent risks in a touch-football game. A plurality of justices disagreed.

More recently, the license to carelessly injure a sports participant has been extended to the coaching ranks. In *Kahn v. East Side Union High School District*, decided in 2003, the California Supreme Court applied the "no duty for sports rule" to a high school swimming coach who failed to instruct a 14-year-old novice member of her school's junior varsity swim team on how to safely dive into a shallow racing pool. Olivia Kahn was compelled by her coach to either execute the dive or be dismissed from the team. She had an intense fear of diving, never had been trained to perform a racing dive and never

had performed one. While practicing the dive without supervision, she broke her neck. Her negligence claim against the coach and the school was dismissed.

The court saw the coach's role as requiring the student athlete to be pushed beyond her skill level and to undertake more difficult tasks. The court applied the *Knight* player-violence standard, because fulfillment of the coach's role could be improperly chilled by too stringent a standard of legal liability. The coach would be liable only if he were found to be reckless, a difficult determination when injuries occur during the heat of athletic competition. Justice Kennard, in another critical dissent, could see no logical basis for extending playing field protections to high school coaches of novice teenagers. She observed that high school shop teachers who instruct students how to operate a power saw and chemistry teachers in their laboratories are held to a standard of ordinary negligence. Nevertheless, the majority relieved a coach from the duty to act reasonably when instructing and supervising student athletes.

The most recent California case, decided in April 2006, involved an age-old baseball incident. Jose Avila, a Rio Hondo Community College batter, was hit in the head and injured by an intentional "beanball" thrown by a Citrus Community College pitcher in retaliation for a Citrus batter being hit by a Rio Hondo pitcher. With numerous references to similar incidents in professional baseball, the California Supreme Court, in *Avila v. Citrus Community College District*, found the *Knight* rule applicable. It did so, however, despite the fact that the pitcher's act was intentional. Again dissenting, Justice Kennard viewed the expansion of the "no duty for sports rule" to intentional

torts to be ill-conceived. But the majority viewed this particular intentional tort as an inherent risk of the sport regardless of the level of play. Although the rules of the game prohibit and sanction throwing at a batter's head, the court opined that imposition of legal liability would alter fundamentally the nature of the sport by deterring vigorous conduct that strategically benefits the sport.

The moral of this story is clear: Courts are reluctant to extend tort law to athletic injuries. The culture of sports governs, and that culture

embraces unreasonable injurious conduct. The Zinedine Zidane head-butt of Marco Materazzi, the Frenchman's Italian opponent in the World Cup Final, offers interesting insight. Fortunately, Materazzi was not injured. Had he been injured, his chances of a successful tort claim would have been unlikely. While some professed outrage at Zidane's unsportsmanlike conduct, French President Jacques Chirac's defense of his countryman's use of "the Glasgow handshake" illustrates why sports are not a likely venue for torts: "I would like to express all the respect that I have for a man who represents, at the same time, all the most beautiful values of sport, the greatest human qualities one can imagine, and who has honored French sport and, simply, France." His battering of his opponent and ejection from the game did not

prevent Zidane from being selected as the most valuable player of the tournament.

— Dean Richardson

Professor Dean M. Richardson teaches both Torts and Sports Law at Willamette University College of Law.



What's New at the College of Law



Professor Henry "Bill" Bailey Passes

Willamette Professor of Law Emeritus Henry J. "Bill" Bailey III, an eminent commercial law scholar, passed away on April 28, 2006, at the age of 90. Bailey joined the College of Law faculty in 1965 and taught banking and

commercial law courses until his retirement in 1981. Following retirement, he remained an active presence at the law school, where he maintained an office and continued to update his many books. His death is a great loss to his family and many friends at the College of Law.

"We are extremely fortunate to have had Bill Bailey for so long, and we treasure our association with the Bailey name," said College of Law Dean Symeon C. Symeonides. "Bill was a most prolific author and one of the nation's top authorities on the law of bank checks. He dealt with banking and commercial law at every level, including teaching, practice, law reform and public service."

Dean Symeonides Elected to High Offices

Dean Symeon C. Symeonides was elected to two new international law association positions this past summer.

At a meeting held in Utrecht, the Netherlands, Symeonides was elected vice president of the International Association of Legal Science (IALS).

Seated in Paris, the IALS was founded in 1950 under the auspices of the United Nations Educational, Scientific and Cultural Organization to promote the knowledge of foreign laws and the development of legal science around the world. Fifty-one countries and 11 international organizations are active members of the IALS.

Symeonides also was elected president of the American Society of Comparative Law (ASCL), the premier international comparative law organization. The ASCL comprises more than 100 American and foreign law schools. It was founded in 1951 in Washington, D.C., to promote the comparative study of law and the understanding of foreign legal systems and private international law.



Law Professors Receive Awards of Excellence

Willamette University President M. Lee Pelton recognized two outstanding College of Law professors with Awards of Excellence at the annual faculty awards ceremony in April.



Professor Yvonne Tamayo received the Jerry E. Hudson Award for Excellence in Teaching. Tamayo teaches Civil Procedure, Federal Courts and Professional Responsibility and serves as an advisor to LL.M. Transnational Law Program candidates, the Multicultural Law Students Association, Willamette Law Online and the Women's Law Caucus.



Professor Steven Green received the Robert L. Misner Award for Excellence in Scholarship. A First Amendment

specialist, Green teaches Constitutional Law, First Amendment Law, Legal History, the Lawmaking Process, Administrative Law and Criminal Law. He also directs the Certificate Program in Law & Government.

Professor Jacobson Addresses Council of Ministers

Professor M.H. "Sam" Jacobson, who was awarded a Fulbright Grant to teach in the Law Department of Sofia University in Bulgaria for spring semester 2006, was asked to address the Bulgarian Council of Ministers in Velingrad, Bulgaria, on how democratizing administrative processes could reduce government corruption.

Jacobson, who teaches Legal Research and Writing and Administrative Law, has traveled to Bulgaria regularly since 1993, lecturing and writing on a number of topics, including democratic principals, constitutional and administrative processes, ethics, and methods of combating government corruption. She will co-author a book on corruption in Bulgaria with Maria Slavova, professor of law at Sofia University and senior expert to the Commission on Civil Society and Media.



Top Securities Officials to Speak at Business Law Conference

Leaders of the College of Law's Law and Business Program have assembled an unparalleled group of speakers for the Willamette Securities Regulation Conference, which was designed to give practicing attorneys new perspectives on current developments in securities regulation.

The conference will include seven current and former top U.S. Securities and Exchange Commission (SEC) officials, as well as a top securities regulator for the state of Oregon. Leading securities attorneys from Portland and business law scholars from Willamette University also will serve as panelists. The Honorable Roel Campos, commissioner of the SEC, will present the keynote address.

The one-day conference will be held Oct. 19, 2006, at the Multnomah Athletic Club in Portland. For registration information, please contact Kathleen Fitzgerald at 503-370-6402 or kfitzger@willamette.edu.

This conference is made possible by a generous contribution from Willamette law graduate W. Parker Lee JD'01 and is sponsored by the Law and Business Program at the College of Law.



"Few people have had a greater impact on the development of public law than Hans Linde," said Steven Green, professor of law and director of the Center for Law and Government. "In addition to serving on the Oregon Supreme Court for 13 years, Hans worked on Oregon's Commission on Constitutional Revision and has served as a commissioner of the Oregon Law Commission since its inception in 1997."

The one-day symposium, "Unparalleled Justice: The Legacy of Hans Linde," will be held Oct. 27, 2006, at the Truman Wesley Collins Legal Center on the Willamette campus. For registration information, please contact the *Willamette Law Review* office at 503-370-6186 or send an e-mail to Naomi Levelle at nlevelle@willamette.edu.

Cultural Heritage Conference Attracts International Experts

Experts from around the world will converge on the Willamette campus in October for a conference on Cultural Heritage Issues: The Legacy of Conquest, Colonization and Commerce. "The conference will focus on protection of cultural material and issues arising from illegal trafficking in them," said Professor of Law James A.R. Nafziger, who first proposed and helped plan the event.



The conference will bring together more than 25 speakers, including legal scholars, art historians, museum curators, and experts from Australia, Canada, Germany, Italy, Nigeria and the United States. Participants are expected to debate the legal and ethical dimensions of critical cultural heritage issues, including how best to protect archaeological sites and museums against looters, curb illegal trade in stolen art and artifacts, and resolve disputes over the repatriation of human remains and artifacts displaced as the result of war, genocide, colonization or commerce.

The conference will be held Oct. 12-14, 2006, at the College of Law, with various events held elsewhere on the Willamette campus. The event is open to the public and members of the Willamette community. Registration is due Sept. 15, 2006. For more information, go to www.willamette.edu/events/chc/.

Symposium to Honor Justice Hans Linde

The Willamette Center for Law and Government and the *Willamette Law Review* are pleased to sponsor a conference in honor of former Oregon Supreme Court Justice Hans A. Linde, distinguished scholar in residence at the College of Law.



Conference participants, who include current and former justices of the supreme courts of California, Oregon, Utah and Wisconsin and current judges of the Oregon Court of Appeals, will address Linde's immense contribution to national and state law, as well as future trends in public law. Leading legal scholars in constitutional, administrative and legislative law will round out the panels.

Class Action



American Inns of Court Honors Justice Wallace P. Carson Jr.

Oregon Supreme Court Justice **Wallace P. Carson Jr. JD'62** has been selected to receive the 2006 Lewis F. Powell Jr. Award for Professionalism and Ethics by the American Inns of Court. Carson will receive the award, which recognizes exemplary service in legal excellence, professionalism and ethics, at the National American Inns Celebration of Excellence, to be held Oct. 21, 2006, in Washington, D.C. Justice Ruth Bader Ginsburg of the U.S. Supreme Court will present the award and deliver the keynote address.

Carson has served more than 40 years in all three branches of Oregon state government. He joined the Oregon Supreme Court in 1982 and served as chief justice for 14 years. He stepped down as chief in 2005, but will continue to serve on the Court until the end of 2006. Carson has been a member of the Willamette University Board of Trustees since 1970.

"Wally Carson is an inspiring leader, an exemplary public servant, and a perfect role model for aspiring or accomplished lawyers," said College of Law Dean Symeon C. Symeonides. "As this well-deserved national award illustrates, his star shines far beyond the state of Oregon, which he has served so long and so well."

The Willamette Valley has the rare distinction of being home to two American Inns of Court Powell Award winners. Oregon Supreme Court Justice Edwin J. Peterson, distinguished jurist in residence at Willamette University College of Law, received the Powell award in 1998.



Robert E. Maloney, Jr. JD'67 shareholder with Lane Powell Spears Lubersky LLP in Portland,

Ore., recently chaired the dinner program for the inaugural Oregon Independent College Foundation Ethics Bowl. The organization comprises 10 member colleges and universities, which sent representative teams of students to the competition.

Daniel H. Skerritt BA'65, JD'68 of Portland, Ore., was appointed to the Willamette University Board of Visitors. Skerritt practices law with Tonkon Torp LLP, where he focuses on complex commercial litigation and dispute resolution. He was listed in the top tier of the litigation category in the 2006 edition of *Chambers USA America's Leading Lawyers for Business* and recently was named chair of Tonkon Torp's litigation department. His term will expire Dec. 31, 2007.



Daniel H. Koenig JD'73 of Eugene, Ore., was appointed by Gov. Ted Kulongoski to a four-year term

on the Oregon Medical Examiners Review Board. Koenig practices criminal law, emphasizing death penalty litigation. He worked previously with the Medical Examiners Office both as an assistant district attorney and as defense counsel.

Sheena Aebig JD'76 of Seattle, Wash., was named a Super Lawyer® by *Washington Law & Politics* magazine. Super Lawyers are Washington's top lawyers, as chosen by their peers, and represent the top 5 percent of attorneys in the state. Aebig practices law with the firm of Williams, Kastner & Gibbs PLLC in Seattle. Her practice focuses on insolvency issues and commercial litigation.

Kathryn A. Logan JD'78 of Salem, Ore., has been appointed a senior assistant attorney general in the Labor and Employment Section of the General Counsel Division of the Oregon Department of Justice.

E. Walter Van Valkenburg JD'78 of Portland, Ore., has been named managing partner of the Portland office of Stoel Rives LLP. Van Valkenburg has chaired the firm's technology and intellectual property group for the past five years.



Mark L. Cushing JD'81 of Portland, Ore., has rejoined Tonkon Torp LLP and will head the firm's new government relations and public

policy practice. Cushing worked for the firm from 1983 to 1993 before leaving to pursue legal and business opportunities in Washington, D.C.

Doug K. Fermoile JD'81 of Reno, Nev., has been appointed to the Nevada District Court and will preside over civil cases, as the court requires.



Steven R. Stocker JD'81 of Spokane, Wash., a principal with Stamper, Rubens, Stocker & Smith PS was voted

president of the Washington Defense Trial Lawyers at their annual meeting in July. Stocker's practice focuses primarily on medical malpractice, products liability defense, insurance defense and commercial litigation. He also serves as general counsel for the Whitworth Water District in Spokane.

Leslie N. Kay JD'82 of Portland, Ore., was elected a director of the Multnomah County Bar Association. Kay is regional director for the Multnomah County Office of Legal Aid Services of Oregon. She practices poverty law, including public benefits, landlord-tenant, family law, elder law and civil rights law. Her four-year term as director began July 1, 2006.

Gregory E. Struxness, JD/MBA'82 of Portland, Ore., recently was named one of the nation's top commercial litigators in the 2006 edition of *Chambers USA America's Leading Lawyers for Business*. Struxness practices law with Ater Wynne LLP, with a focus on corporate law and mergers and acquisitions.



Eva M. Kripalani JD'86 of Portland, Ore., was honored by the March of Dimes at its annual White Rose

Luncheon held in Portland on May 11, 2006, for her outstanding record of volunteerism, professional excellence, commitment to improving the status of women in the region, and contribution to the community as a whole. Kripalani is senior vice president and general counsel for Knowledge Learning Corp.

Karey A. Schoenfeld JD'86 of Vancouver, Wash., has been elected vice chair of the Oregon Society of Certified Public Accountants. She is a partner with Ferguson & Schoenfeld in Vancouver.



Susan Hammer Honored for Leadership and Professionalism

Susan M. Hammer JD'76 of Portland recently was recognized for improving the practice of law before the U.S. District Court of Oregon by the Oregon Chapter of the Federal Bar Association (FBA), which presented her with

the 2006 Judge James M. Burns Federal Practice Award. Hammer received the award during the FBA's Annual Judges Appreciation Dinner, held April 25, 2006, at the Portland Hilton Pavilion Ballroom.

In addition, Hammer received the Multnomah Bar Association Professionalism Award, which is given each year to a member who embodies the highest ethical standards and exemplary conduct in the practice of law. Hammer, who was selected for her high level of professionalism and integrity, was honored at the organization's annual awards luncheon on Sept. 20, 2006, at The Governor Hotel in Portland.

Hammer has a rich history of service to Oregon's legal community. She was an attorney and a partner in Stoel Rives LLP for more than 20 years. She served as president of the Multnomah Bar Association in 1987 and formed the association's first committee to focus on alternatives to litigation. In 1998, she embarked on a busy solo practice with an emphasis on dispute resolution. Since that time, she has worked tirelessly to promote the value of negotiation and mediation to members of the bar.

Donald L. Krahmer BS'81, MBA/JD'87 of Portland, Ore., has joined the board of trustees of Jesuit High School, a nonprofit coeducational college preparatory school.

Concetta F. Schwesinger JD/MBA'88 of Salem, Ore., recently was appointed to the board of Oregon Women Lawyers (OWLS). Schwesinger works for the Oregon Department of Justice.

Charles J. Cheek, JD'89 of Salem, Ore., has been promoted to senior deputy legislative counsel within the Office of the Legislative Counsel for the state of Oregon. Cheek, who joined the office in 1998, drafts legislation in the areas of workers' compensation, economic development, health occupations and lottery.

Paige L. Sully JD'89 of Enterprise, Ore., has opened her own law practice. The Sully Law Office is a general practice law firm, focusing on business transactions, administrative practice, real estate and land use issues, estate preparation and administration, and appellate advocacy. Sully will continue her criminal prosecution practice on a contractual basis with various jurisdictions.



Lisa A. Adams JD'90 of Chadron, Neb., recently was hired as a trial judge on the Pine Ridge Indian Reservation by the Oglala Sioux Tribal Council.

Renee E. Rothauge, JD'90 of Portland, Ore., was named one of the nation's top commercial litigators in the 2006 edition of *Chambers USA America's Leading Lawyers for Business*. Rothauge practices law with Bullivant Houser Bailey PC, with a focus on intellectual property.

Barry C. Bartel JD'91 of Denver, Colo., has been named president of Bethel College in North Newton, Kan. Bartel graduated *summa cum laude* from Bethel in 1984. Following graduation from the College of Law, Bartel clerked for Oregon Supreme Court Justice Richard L. Unis. He then moved to Denver to begin his law practice.

Charles D. Taylor JD/C'91 of Salem, Ore., has been promoted to senior deputy legislative counsel within the Office of the Legislative Counsel for the state of Oregon. Taylor, who joined the office in 1996, drafts legislation related to agriculture and food, contractors and engineers, housing, landlord-tenant, manufactured dwellings, pesticides

and fertilizers, and self-service gasoline.

Victory D. Walker JD'91 of Grants Pass, Ore., recently was appointed pro tem judge for Josephine County Circuit Court. Prior to her appointment, Walker worked in the Josephine County Public Defender's Office.

Michael D. McNichols JD/C'92 of Canby, Ore., has merged his practice with Steven M. Cyr. The firm is now known as Cyr and McNichols. The firm focuses on business, estate planning, tax and civil litigation.

Brian E. Smith JD/MBA'92 of Eugene, Ore., has accepted the position of assistant vice president for administration for the University of Oregon. Smith has been with the University of Oregon's Technology Transfer Office for more than four years and previously worked for the Oregon state legislature and the federal government.

Darryl D. Walker BA'88, JD'92 of Portland, Ore., has been hired as senior attorney in charge of labor and employment law for Alaska Airlines. Walker is a former law clerk of Judge Edwin E. Allen of the Lane County Circuit Court and most recently worked for the law firm of Bullard Smith Jernstedt Wilson in Portland.

Peter E. Meyers JD/C'93 of Seattle, Wash., has opened a law firm with Ann J. Durham. His practice areas include personal injury, premises liability, products liability, toxic torts, employment law, insurance coverage, real estate, timber trespass, family law, probate, appeals and criminal defense.

Lois M. Cole JD'94 of Salem, Ore., has been named executive director of the Historic Deepwood Estate. Prior to this appointment, Cole practiced law in Salem for 11 years.

Class Action (continued)

Katherine E. Weber JD/C'94 of Oregon City, Ore., recently was appointed to the board of Oregon Women Lawyers (OWLS). Weber practices law in Oregon City.

Tracy A. Prall JD'95 of Salem, Ore., has been appointed to the position of pro tem judge and referee for the Marion County Circuit Court. Prior to this appointment, Prall was in private practice with the firm of Garrett, Hemann, Robertson, Jennings, Comstock & Trethewy in Salem.

Kassim M. Ferris JD/C'96 of Portland, Ore., has been named principal in the law firm of Stoel Rives LLP. Ferris' practice focuses on domestic and international patent prosecution, trademark registration matters, technology licensing, and intellectual property dispute resolution.

Elizabeth J.M. Large JD/C'96 of Portland, Ore., has been named assistant general counsel for litigation for Knowledge Learning Corp. Large worked previously for Stoel Rives LLP and the Oregon Department of Justice before starting her own private practice, where she focused on litigating commercial and constitutional disputes.

J. David Zehntbauer JD/MBA'96 of Portland, Ore., has been named a partner in the firm of Dunn Carney Allen Higgins & Tongue LLP. He leads the hospitality industry team, and his practice focuses on real estate and corporate law.



Gregory P. Zerzan BA'93, JD'96 of Washington, D.C., has joined the International Swaps and

Derivatives Association (ISDA) as head of public policy. The scope of his work includes developing and coordinating the association's

position and activities related to regulatory and legislative issues in all key jurisdictions. Zerzan also chairs ISDA's U.S. Regulatory Committee. Most recently, he served as acting assistant secretary and deputy assistant secretary at the U.S. Treasury.

Daniel J. Drazan JD'98 of Portland, Ore., has been named a partner in the firm Dunn Carney Allen Higgins & Tongue LLP. Drazan advises clients on a wide range of real estate transactions and general business matters.

Arthur K. Saito JD'98 of Salem, Ore., has joined Stahancyk, Kent, Johnson & Hook as an associate. Saito previously worked as an attorney for the St. Andrew Legal Clinic and as an associate with Ridehalgh & Associates in Hillsboro. He will continue practicing family law and estate planning.



Keely E. Duke JD'99 of Boise, Idaho, has become a shareholder in the firm of Hall, Farley, Oberrecht

& Blanton, PA. Duke, who joined the firm in 1999, focuses on insurance defense and commercial litigation, with special emphasis on medical malpractice defense, products liability and construction law.

Laura Caldera Taylor JD'99 of Portland, Ore., recently was named secretary of the Oregon Women Lawyers (OWLS) executive committee for 2006-2007. Taylor is an associate with Garvey Schubert Barer.



Deanna L. Franco JD'00 of Gresham, Ore., has joined the firm of Harris & Bowker LLP as an associate. She was previously an associate with

the Portland firm of Smith & Davis. Franco's practice focuses on business transactions, entity choice and formation, estate planning, probate administration, and real estate transactions.

Rene G. Gonzalez BA'97, JD'00 of Portland, Ore., has joined Knowledge Learning Corp. as associate general counsel for real estate. He worked previously for Stoel Rives LLP in the firm's real estate group.

David J. Ward JD'00 of Phoenix, Ariz., has joined Greenberg Traurig as an associate. His practice focuses on the representation of commercial developers, home builders, real estate investors and business owners in a variety of real estate transactions.

Liani J. Reeves BA'98, JD'01 of Portland, Ore., has been appointed assistant attorney general in the Torts Section of the Trial Division of the Oregon Department of Justice in Salem. Prior to this appointment, Reeves served as staff attorney for the National Crime Victim Law Institute.

Juan J. Aguiar JD/MBA'02 of Quito, Ecuador, recently accepted a position as contracts manager for Schlumberger, a leading oil field services company. Although based in Ecuador, he will travel frequently to Houston, Texas, and locations in South America.

Michael J. Licurse JD'03 of Portland, Ore., has moved to Powers, McCulloch & Bennett LLP. He started with the firm on Feb. 1, 2006.

Christopher L. Magana JD/MBA'04 of Portland, Ore., joined West Coast Trust, a subsidiary of West Coast Bank, in the third quarter of 2005. He is a portfolio manager.

Renee E. Starr JD'04 of Portland, Ore., has joined the firm of Perkins Coie LLP as an associate in the

employment law group. Starr worked previously as an associate with the firm Stoel Rives LLP.

Patrick D. Bryson JD'05 of Portland, Ore., has opened his own firm and practices in the areas of estate and business law.

Spencer C. Rockwell JD'05 of Salem, Ore., has been named an associate with the law firm of Garrett, Hemann, Robertson, Jennings, Comstock & Trethewy in Salem. His practice focuses on employment law, workers' compensation defense and general civil litigation with an emphasis on business.

Daniel J. Wren BS'93, JD'05 of Salem, Ore., recently announced the opening of his new law office in Salem. Wren is accepting new clients in the areas of criminal defense, domestic relations, personal injury and general civil matters.

Marriages

Shala J. (McKenzie) Kudlac JD'05 married Grant Kudlac on Sept. 10, 2005. The couple resides in Port Orford, Ore.

Family Additions



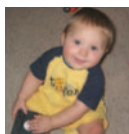
To **Todd M. Inslee JD'90** and wife Davina Inslee of Seattle, Wash., a son, Ivan Christopher, born Dec. 11, 2004.

To **Tina M. (Chartraw) Leiss JD'92** and husband **Gregg S. Leiss BS'91, M'92** of Minden, Nev., a daughter, Samantha Lee, born Sept. 22, 2005. She joins big sister Shannon.



To **Erik W. Gellatly JD'98** and wife **Molly Gellatly M'00** of Bull

Mountain, Ore., a daughter, Katherine Grace, born Dec. 28, 2005.

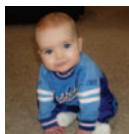


To **Kymberlee C. (Barrow) Stapleton JD'00** and husband Evan Stapleton of

Woodland, Calif., a son, Austin Cole, born Aug. 3, 2005. He joins brother Andrew Jeffrey, 2.

To **Alison (Gschwendtner) Hohengarten JD/MBA'01** and husband Erich Hohengarten of Bend, Ore., a son, Garrett, born March 23, 2006. He joins brother Carson.

To **Matthew S. Fitzgerald JD'02** and wife Sharna Fitzgerald of Fort Hood, Texas, a son, Solomon Michael, born Oct. 4, 2004. He joins brother Isaac Turner, age 3.



To **Deborah R. (Otto) Lush JD'02** and husband Jonathan Lush of Keizer, Ore., a son,

Atticus Joel, born July 31, 2006.

To **Travis Marker JD/C'03** and wife Ronna Marker of Ogden, Utah, a daughter, Adelaide Marie, born Jan. 19, 2005. She was welcomed by a brother and a sister.



To **Justin C. Oliver JD'04** and wife Julia Oliver of Yigo, Guam, a

son, Asa James, born June 7, 2006.



To **Jacob G. Garlock JD'05** and wife Jenny Garlock of Salt Lake City, Utah,

a daughter, Sophia Ruth, born March 14, 2006. She joins older sister Grace.

In Memoriam

Charles R. Cater AB/LLB'39 of La Grande, Ore., passed away June 12, 2005, at the age of 91.

Peter M. Gunnar JD'50 of Lake Oswego, Ore., passed away on March 24, 2006. In addition to practicing law for many years, Gunnar served as legal advisor to Gov. Mark O. Hatfield in 1965 and was the first judge of the

Oregon Tax Court from 1961 to 1965. He also created three Oregon hotels, the Inn at Otter Crest, the Inn of the Seventh Mountain and the Inn at Spanish Head. Gunnar was a former member of the Willamette University Board of Trustees.

Dale W. Pierson JD'51 of Salem, Ore., passed away June 2, 2006. He is survived by wife Elenor Pierson, his sister and his brother.



Courtney Arthur, former associate dean and professor of law emeritus of Willamette University College of Law, passed away on March 20, 2006, in Farmington, Conn.

Courtney left his law practice during World War II to serve in the U.S. Navy. He was stationed in the South Pacific on the Destroyer Escort. After 20 years of law practice, he moved with his family to Salem, where he joined the College of Law faculty and taught for another 20 years. Arthur had a lifelong love of music, having attended Interlocken Academy in Michigan, and enjoyed performance and chamber music. He was a skilled musician and music arranger and a published author on the subject of World War II. He is survived by two daughters and four grandchildren.



SET SAIL FOR GREECE

WILLAMETTE'S COLLEGE OF LAW

ALUMNI AND FRIENDS CRUISE

JUNE 22 - JULY 2, 2007

Join Dean Symeon C. Symeonides and his wife, Haroula, for a luxurious 10-day cruise through the Greek Isles! We did our homework and have booked our trip out of Rome on the beautiful Celebrity cruise ship Galaxy. We'll sail to Sicily, Mykonos, Kusadasi, Santorini, Rhodes, Athens and Naples/Capri.

A fantastic cruise line that has received high marks from Condé Nast Traveler, Celebrity offers first-class day trips, great food and activities, and countless amenities. You'll also have the option to attend several CLEs. Cruise prices range from \$1,771 to \$3,021 per person. Airfare through the cruise line costs approximately \$1,535. Don't miss this opportunity — cabins are booking up, and space is limited!

FOR MORE INFORMATION, CONTACT CATHY MCCANN JD'02, ASSOCIATE DIRECTOR OF ALUMNI RELATIONS, AT 503-370-6492, 800-930-2586 OR CMCCANN@WILLAMETTE.EDU.



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.

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, College of Law
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

Class Action (continued)

George E. Juba BA'52, JD'56 of Rancho Mirage, Calif., passed away June 6, 2006. Judge Juba enjoyed a long and distinguished career in the judiciary, culminating in 1971 when he became Portland's first federal magistrate, a position he held until his retirement in 1993. He is survived by two children, two grandsons and a brother.

Robert R. Stevens JD'59, of Newport Beach, Calif., passed away April 30, 2006. He is survived by his wife Marilyn, two sons, a daughter and three grandchildren. Stevens was founder and chief executive officer of Joshua House/Recovery Achievement Program (RAP) Alcohol and Drug Treatment Center in Costa Mesa, Calif.

Joseph F. Fliegel JD'60 of Medford, Ore., passed away on March 30, 2006. After graduating from the College of Law, Fliegel took over his father's law practice in Medford, where he worked for the next 35 years. He is

survived by a son, a daughter and two granddaughters, all of Medford.

John A. Bryan JD'61 of Salem, Ore., passed away on March 31, 2006. Bryan practiced law in Salem for more than 30 years. He is survived by a son, daughter and granddaughter.

David Michaels, a first-year student at the College of Law, passed away on June 7, 2006. Michaels was born in Grinnell, Iowa, in December 1981. Prior to enrolling in law school, Michaels graduated with honors from the University of Iowa with a B.A. in English. When Michaels applied for admission to Willamette, he wrote that he wanted to become an attorney because law is "a profession with a lot of opportunities for pro bono work where I feel I can make a difference. I would like to come home each day thinking that I have done something useful — something that my family, my future children and I can be proud of."



John D. "Dan" Callaghan BA'54, JD'59 of Salem, Ore., passed away April 13, 2006. Callaghan opened a law firm with William G. Paulus JD'58 in 1958 and practiced for 40 years. An avid fly fisherman and gifted photographer, he devoted his life to preserving the rivers he loved so much. Callaghan was a founding member of

The Steamboaters, a fly fishing and conservation club that originated in Steamboat, Ore., on the North Umpqua River. He was also a founder of the North Umpqua Foundation. Callaghan received the Wild Trout Award from Oregon Trout and the Federation of Fly Fishers' Charles Brooks Memorial Life Membership Award for his efforts in conservation and photography.



Reunion Weekend 2006



The College of Law held its first Law Reunion Weekend in Salem, Ore., Aug. 4–5, 2006. The event kicked off Friday night with a casual reception at the law school. More than 100 people attended the Saturday evening event at the Salem Conference Center, with the Class of 1981 having the greatest turnout.

— Cathy McCann

Cathy McCann JD'02 is associate director of Alumni Relations.



a. The Class of 1966 gathered for a quick photo with Dean Symeonides.

b. Members of the Class of 1976 gathered at Salem Conference Center Saturday evening.

c. Attendees enjoyed the Friday night reception. From left: Sharon Juza, William Juza JD'56, Loren Hicks BA'42, JD'49, James Ellis BA'52, JD'56

d. Catching up with old friends.

e. From left: Eva Kripalani JD'86, Greg Smith JD'86, Susan Cournoyer JD'86

f. James Horne JD'81 with wife, Haidee, and children, Rebekah and Spencer

g. R. Tim Willis JD'76 and Timothy R. Osborn JD'76 visit with Dean Symeonides.

h. David Arthur JD'81 visits with former law faculty member Jack Mylan and his wife, Irene.



Heritage Reunion



Heritage Reunion attendees with Justice Wallace P. Carson Jr. JD'62, pictured at far left

On May 25, 2006, a group of Willamette University College of Law's most august alumni — those who have been out of school 40 years or longer — gathered for a few CLE credits and a luncheon with a keynote address by Oregon Supreme Court Justice Wallace P. Carson Jr. JD'62 at the Heritage Reunion.

Other Alumni Events



Members of the WUCL Class of 1995 gathered in Seattle for dinner at the Seattle Yacht Club on June 23, 2006. From left: James G. Fick JD'97, Dana Kapela, Tsering Short, Anne Senter, Audrey Hirsch, Molly Kosten, Lori Oliver, Cathy McCann JD'02, Stephanie Peterson



Salt Lake City alumni gathered on March 9, 2006, at the Hotel Monaco to visit with fellow graduates and prospective WUCL students. From left: James Harris JD'98, Theron Morrison JD'04, Lisa Arbogast JD/C'02, Lincoln Scofield JD'04, John Wilkinson JD'04, Daniel McCay JD'05, Kevin Clark JD'04, Matthew Hemmert JD'05

Throughout the past few months, the College of Law has held alumni gatherings in Salt Lake City, Boise, Seattle, Portland and Salem. We want to see you! Keep an eye on our Web site for information about upcoming events.

— Cathy McCann

Cathy McCann JD'02 is associate director of Alumni Relations.

COMING UP...

It has been a while since we've seen you ... so we are planning several alumni gatherings!

WUCL held an event in Reno, Nev., in September, but more trips are to come. Don't miss the chance to receive a brief update on your law school, catch up with old friends and get to know fellow WUCL alumni. Keep an eye on our Web site, www.willamettealumni.com, for details on planned alumni gatherings in the following cities:

Fall 2006

Portland and Seattle

Spring 2007

Portland, Seattle, Salt Lake City, Boise, Los Angeles, Anchorage, Las Vegas, Phoenix, and Washington, D.C.



Building Connections Among Students

"In the back of my mind, I always wanted to do criminal law because I knew it would never get boring," said Charles Sherer, a third-year student at Willamette University College of Law who recently completed his second summer working for the King County Prosecuting Attorney's Office in Seattle. "I'm really comfortable in the courtroom. I like thinking on my feet and working on the fly."

Despite his affinity for the courtroom, Sherer didn't initially consider a career in law. While studying mechanical engineering at Georgia Institute of Technology in Atlanta, he realized engineering was not the best path for him. "I knew before I was out of college that I wasn't going to be an engineer," Sherer explained. A strong stubborn streak and a place on the university's soccer team, however, prevented him from leaving the program. "I never wanted anyone to say, 'He couldn't do it.'"

Following college, Sherer took a job in sales and marketing with a small engineering company in the Seattle area, where he was born and raised. He stayed for three years, all the while considering his next move — applying to law school. Deciding where to attend law school proved easy for Sherer. "I knew I wanted to stay in the Northwest for school, because I want to end up in Seattle," he explained. "But I also knew I needed distance between myself and the distractions of friends and family in Seattle."

Willamette's College of Law proved an enticing choice, due in part to its proximity to the state Capitol and to the larger city of Portland. "Willamette is located in a nice small city, but it offers law students great connections to members of the legal community," Sherer said. "I took a class from Judge Jack Landau of the Oregon Court of Appeals last spring and got to observe arguments at the Oregon Supreme Court down the street."

Sherer also has made important connections working at the Prosecuting Attorney's Office in Seattle for the past two summers. Following his first year at Willamette, he served as an extern for the senior deputy prosecutor in King County's Drug Diversion Court. "The program was all about rehabilitation, rather than punishment," said Sherer. "The shared goal of everyone involved in the court was to help people heal and to get them off drugs. The great thing for me was seeing the collaboration between judges, attorneys and treatment providers and the significant results that come from a diverse group working toward the same outcome."



Sherer's compassion and pragmatism have served him well over the years. During his time at the College of Law, he has participated extensively in student government and other student-oriented activities. Last spring, Sherer's classmates elected him president of the Student Bar Association (SBA), where his strong interpersonal skills and goodwill should be a benefit to him.

As head of the SBA, Sherer represents the student body at monthly faculty meetings. He also has initiated a number of projects that provide additional services and activities for Willamette's law students. "I definitely don't have all the answers, but at least I know where to find them now," he said. "I like putting people together with the answers they need."

Sherer's goal for the new school year is to increase student participation in law school activities. "We will bring in speakers on several relevant topics and raise the number of class-building activities offered outside school hours," he said. "There are so many untapped opportunities for networking at Willamette."

It is this innate positive energy permeating all Sherer does that ensures his year as SBA president will be a fruitful one — and will serve him well in his trial work when his time at the College of Law comes to a close.

— Cathy McCann

Cathy McCann JD'02 serves as associate director of Alumni Relations for Willamette University College of Law.



"No freeman shall be seized, or imprisoned, or dispossessioned, or outlawed, or in any way destroyed; nor will we condemn him, nor will we

commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land."

— Magna Carta, section 29

The Great Writ. The bedrock of English liberty. The cornerstone of the rule of law — enshrined in the Constitution of the United States and the Bill of Rights.

The origin of habeas corpus is unknown, but traceable to Roman civil law and the ancient writs of 12th century England. It was forced upon King John in 1215 by the barons meeting at Runnymede, a bucolic meadow on the banks of the River Thames.

And now for the rest of the story....

Magna Carta and the writ of habeas corpus notwithstanding, for the next 464 years, English kings exercised their royal prerogative by ordering warrants of commitment with little restraint by either Parliament or the courts. During this time, the Tower of London never lacked for occupants. The guest list included such notable personages as John Selden, Sir Edward Coke and Sir John Elliot.

Four centuries of unrest led to the three-week Short Parliament, which was dissolved by Charles I in 1640; the Long Parliament, which refused to dissolve except by its own consent, from 1640 to 1653; the English civil wars, from 1642 to 1651; Cromwell and the Commonwealth, from 1649 to 1660; and, finally, the restoration of the Crown in 1660 by a chastened but politically astute Charles II (his father, Charles I, lost his head in 1649).

Throughout this time, every statute enacted to protect the liberties of English subjects was ineffective in the face of a warrant issued in the name of the king — as distinguished from the courts — until May 26, 1679. On that day, in the House of Lords, Lord Grey and Lord Norris found themselves tellers for a habeas corpus bill passed five years earlier by the House of Commons.

The Origin of Habeas Corpus

According to historian William S. Church, "Lord Norris, being a man subject to vapors, was not at all attentive to what he was doing; so a fat lord coming in, Lord Grey counted him for 10, as a jest at first; but seeing Lord Norris had not observed it, he went on with the misreckoning of 10." Those for the bill were 57; those opposed 55. According to the minute book for the House of Lords, those in attendance totaled 107. Moments later, the House of Commons was summoned to join the House of Lords, where Charles II, the Merry Monarch (with 14 illegitimate children), conceding a political bone to his parliamentary opponents while strenuously opposing the Exclusion Bill which would have prevented his Catholic brother, James II, from ascending to the throne, passed the habeas corpus bill and then dissolved Parliament. As distinguished from past statutes, it specifically applied to warrants issued by the king's ministers, thereby limiting the king's prerogative.

So now you know the rest of the story behind what Sir William Blackstone described in his Commentaries as the "most celebrated writ in English history."

History lives on in the law library.





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\$1,000,000. produces a scholarship award of.....	\$50,000. (Full tuition for two students)

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- Life-income gifts (trusts and annuities)*
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The College of Law's endowment campaign provides the foundation for all of its future endeavors, including financial aid for future generations of talented law students. The campaign's success depends on the generosity of our alumni and friends.

Since giving is a highly personal decision, the College of Law will endeavor to match the individual interests of each donor with the corresponding needs of the school. While scholarship support is important now and will be essential in future years, the College of Law welcomes gifts of all types and sizes and for any goals that are consistent with the law school's mission and the interests of its donors.

*Willamette University's gift planning attorneys are available to provide specific answers to your questions about life income gifts (trusts and annuities).

For more information, contact Mike Bennett BA'70 at 503-370-6761 or mbennett@willamette.edu.

"The soul of a journey is liberty, perfect liberty, to think, feel, do just as one pleases."

— William Hazlitt (1778-1830)



SET SAIL FOR GREECE WITH THE COLLEGE OF LAW

JUNE 22 – JULY 2, 2007

Details on page 31.



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