

WILLAMETTE LAWYER

The magazine of the first law school in the Pacific Northwest

Fall 2003

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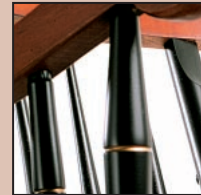


Celebrating a new faculty chair!

*Rod JD'80 and Carol Wendt's recent gift of \$2.5 million recently established the
Wendt Chair in Business Law at the Willamette University College of Law.*

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*For more information on endowed chairs or other endowed gift opportunities at the College of Law,
contact Mike Bennett at 503-370-6761, or email mbennett@willamette.edu.*

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WILLAMETTE LAWYER

The magazine of the first law school in the Pacific Northwest

Fall 2003

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ROBIN MORRIS COLLIN: COMING FULL CIRCLE

Teacher, scholar, civil rights activist, environmentalist Robin Morris Collin finds her destiny by joining the faculty as Willamette's newest law professor.



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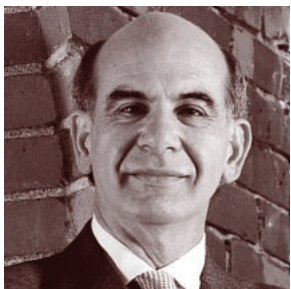
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COVER PHOTO: Professor Robin Morris Collin visits
Willamette's star trees. Photography by Frank Miller.

DEAN'S MESSAGE

DEAR ALUMNI AND FRIENDS,



As the Northwest's rain begins signaling the return of a new fall, we celebrate the beginning of the College of Law's 120th year. We're off to a great start.

We welcome our new incoming class – stronger, larger and more diverse than ever before. We received a record number of applicants – a 28 percent increase – with higher LSAT scores, resulting in increased competition for a seat in the Class of 2006. While we had to turn many away, 176 made the cut, including 28 students of color, the highest number ever in the history of the law school. Our new class is a well-traveled group, with 60 percent of them reporting that they have lived or traveled abroad. In addition, we welcome three graduate students in our LL.M. program in transnational law, a new program that capitalizes on the unique strengths of the Willamette law faculty in international and comparative law (see p. 15).

Even as the economy continues to struggle, our school is making gains in the employment market. In a year in which the employment rate of new law graduates has declined, the employment rate of our graduates has risen and has exceeded the national average, despite high unemployment rates in the Northwest. Director of Career Services, Ellen Jones, reports that 90.8 percent of our 2002 graduates were employed one year after graduation (see p.13).

Last but not least, our 2003 graduates outperformed their peers in the Oregon State Bar Exams (see p. 5). This success is due to their diligence and the quality education they received here.

These successes are due to the hard work of our faculty, whose strength increases every year with the addition of new talent and experience. This year, professors Robin Morris Collin and Terrance O'Reilly have joined the faculty. Morris Collin, who is featured on this issue's cover, is an outstanding teacher whom I had the privilege to have as a colleague at another school more than 15 years ago. She will be teaching criminal law, remedies and criminal procedure. O'Reilly is our new tax expert, having just completed a two-year teaching appointment at New York University's famous LL.M. program in tax (see p. 20). I am delighted to welcome them both to Willamette.

Finally, a law school cannot succeed without financial stability. Thanks to the generosity of our alumni, we are beginning to slowly reduce our reliance on student tuition. Less than a year after receiving the largest alumnus gift in its history (a \$2 million gift by Kenneth D. Peterson JD'80, and his wife Claudia), the College of Law has received an even larger gift – a \$2.5 million gift from Roderick C. Wendt JD'80, and his wife Carol, of Klamath Falls, Ore. (see p. 5). With characteristic modesty, the Wendts have asked that we minimize the publicity for this gift. Nonetheless, our gratitude to them remains undiminished and profound.

While we're off to a great start, we're not complacent. We're committed to working hard every day to make Willamette University College of Law the best it can be. With your help and input, we shall continue on the road of continuous progress.

With my best regards,

A handwritten signature in dark ink, appearing to read "Symeon C. Symeonides".

Symeon C. Symeonides

Dean and Professor of Law

NEWS AND NOTES

LAW SCHOOL RAISES BAR

Willamette law graduates displayed their excellence in the July Oregon Bar exam results by exceeding the state average. In the first-time takers category, Willamette graduates exceeded the state average by 1.6 percent (the Oregon state average includes all three Oregon law schools and the out-of-state schools). This is a gain of 12.8 percentage points from last year and is the best performance for WUCL graduates since 1995.

ALUMNUS FREDERICK GANNETT JD'86
IN SPOTLIGHT

Judge Frederick
Gannett JD'86

Judge Frederick Gannett JD'86 has faced a barrage of cameras and media attention as the judge presiding over the preliminary hearing of the sexual assault case against Laker basketball star Kobe Bryant in Eagle, Colo. Gannett has taken it all in characteristic

stride. Known as a fair and compassionate judge, Gannett issued orders that put severe restrictions on what the media can and can't do in the case. He ordered that no television cameras be allowed during the hearing, seats for reporters in the 68-seat courtroom be limited to 20, reporters not interview anyone connected to the case and photographers may not take pictures of the alleged victim, her family, witnesses, jurors and prospective jurors. The judge has earned high marks from the legal community for maintaining the decorum of the courtroom and not allowing the case to become a media circus. As expected, attorneys representing several media outlets vowed to appeal Gannett's rulings. Gannett will handle the case through the preliminary hearing. If the case proceeds to the state district court for trial, a new judge will be appointed.

Prior to his appointment as a judge in Eagle County in September 2002, Gannett served as a Pitkin County sheriff's deputy. Gannett worked in private practice and served as a municipal judge for the town of Basalt and as an assistant municipal judge for the town of Vail.

LAW SCHOOL RECEIVES RECORD GIFT

Less than a year after receiving the largest individual donation in its history, the Willamette University College of Law has surpassed that record again. The \$2.5 million dollar gift was given by Rod Wendt JD'80, a law alumnus who is president of JELD-WEN, one of the world's leading manufacturers of windows and doors, and his wife Carol, of Klamath Falls, Ore.

The Wendts have designated their gift to support the College of Law's new Business Law Program, an innovative academic opportunity for students focusing on business law. The Wendt gift will endow a permanent chair to support the continuing development of the Business Law Program.



Peter Letsou

Second-year Willamette law Professor Peter Letsou is the first recipient of the Roderick and Carol Wendt Chair in Business Law. Letsou, who has authored an established casebook on Business Associations, has a book coming out on corporate mergers and acquisitions and has written several law review articles on business law and is a leading expert in business organizations, mergers and acquisitions and corporate finances. Prior to teaching at Willamette, Letsou was a business lawyer in New York. He also spent seven years at George Mason University teaching corporate law and five years as director of the prestigious Center for Corporate Law at the University of Cincinnati College of Law.

BRIEFS

"We are very excited to have Peter as the first incumbent of the Roderick and Carol Wendt Chair in Business Law," says College of Law Dean Symeon Symeonides. "He brings an incredible wealth of knowledge, experience and leadership to his position as director of Willamette's Business Law Program."

The Wendt's gift, coupled with a recent \$2 million gift from Ken JD'80 and Claudia Peterson, has helped double the book value of the College of Law's endowment. This "frees up tuition dollars that we can use for other purposes," according to Symeonides. "A healthy endowment is critical to helping the College of Law maintain its quality and high standards while decreasing its dependence on tuition as a source of revenue," he says.

Symeonides notes that the Wendt's gift indicates an even more important and meaningful trend. "What we are seeing," he says, "is that our graduates believe in our vision and are willing to invest in it. That's why this gift is so encouraging and gratifying."

WU SWEEPS OSB AWARDS

Joseph D. Robertson CLA'71, JD'74, Eric Lindauer JD'66, and the Honorable Edwin J. Peterson, were honored at the Oregon State Bar Annual Meeting held Sept. 19 at the Seaside Civic and Convention Center in Seaside, Ore.

OSB President Charles Williamson presented the Award of Merit, the OSB's highest honor to Robertson. The award is given in recognition of "outstanding contributions to the bench, bar and community by attorneys who exhibit the highest standards of professionalism."

"The Award of Merit," said OSB communications director Kay Pulju, "is our equivalent to a lifetime achievement award."

Lindauer and his wife, Hollie, were the recipients of the President's Special Award of Appreciation. For the past 14 years, Lindauer has been working with the Campaign for Equal Justice to provide legal representation for the poor. He and his wife have been hosting a series of dinners at their home to secure additional funding for Legal Aid. Of the OSB award, the modest

Lindauer says, "It's the Legal Aid lawyers who really deserve the recognition. They're doing all the work."

The Joint Bench/Bar Commission on Professionalism selected Peterson, WU law faculty member, as the recipient of the Professionalism Award. Peterson is the first recipient of this award, given for "demonstrating the highest standards of conduct to the bench, bar and public."

A retired Chief Justice of the Oregon Supreme Court, Peterson is the College of Law's Distinguished Jurist in Residence. He was recently featured on the cover of the Oregon Bar Association's *Bulletin*.

"Being recognized by ones peers is the highest honor one can receive," said Peterson. "Professional conduct is so important in our profession that I'm especially pleased to win this particular award."

NATIONAL MAGAZINE LAUDS KELLY COLE ZERZAN



Kelly Cole Zerzan JD'96

Kelly Cole Zerzan JD'96 was recently singled out by the *National Journal*, a highly-regarded weekly magazine covering politics and government, as "one of the most influential staffers on Capitol Hill." Cole Zerzan is majority counsel for the House of Representatives Committee on Energy and Commerce. She handles telecommunications and internet issues for the influential committee and recently wrote the legislation that authorized the Federal Trade Commission's "do-not-call" list for consumers. In addition to writing legislation, Cole Zerzan manages hearings and advises the committee chair, Congressman W.J. "Billy" Tauzin. Cole Zerzan has been working to roll out new broadband technologies, make digital television a reality in American homes and revive the high technology sector.

Cole Zerzan loves working in the politically-charged environment of Capitol Hill and said she's "incredibly honored" to be included in the *National Journal's* list. "I love my job," she said in a recent interview. "I continue to get swept up in the excitement of shaping national policy, which makes it easy to go to work every day."

ROAD LAWYER

by Brad Millay CLA'97



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What do Wrestlemania, outlaw biker gangs and the game of baseball have to do with Seattle attorney and business executive Clyde MacIver '59, JD'61? Plenty.

MacIver, executive vice president and general counsel for the Seattle Mariners, was the first-ever motorcyclist riding a Harley Davidson to complete the Iron Butt Endurance Run, a 10-day, 12,500-mile posterior-busting circumnavigation of the United States. The bike he chose, a 1983 Harley Davidson FXRS, is a "raw-boned motorcycle" with no luxuries or comforts. It's that kind of grit and stamina that makes MacIver a legend among

motorcyclists and a top-flight attorney in one of major league baseball's most recognized sports franchises.

Ten years ago, during the Iron Butt competition, MacIver fought through muscle aches, fatigue and extreme weather changes, logging 1,000 miles a day riding his motorcycle an average of 22 hours a day. The race is not for the feint of heart. Participants are told nothing in advance about the route. Instead,

ALUMNI PROFILES

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each rider is given an envelope containing only the name of the next destination and the time they need to be there.

MacIver's journey took him from Reno, Nev., to Jacksonville, Fla. and back. Even he calls his Iron Butt marathon "sheer lunacy." Among bikers, it's the red badge of courage. Shortly after the race, the leader of a notorious biker gang invited MacIver to join the group. MacIver, who works in an executive suite and dresses five days a week in a suit and tie, says he found the moment both flattering and surreal. He politely declined.

These days MacIver has little time to channel his inner Jack Kerouac. As the Seattle Mariners' top attorney, he's responsible for overseeing the organization's legal, governmental, public and community relations. It's a huge, pressure-filled job. The organization brings more than 3.5 million people into downtown Seattle each year, creating visibility and impact that requires a lot of decision making that's open to public scrutiny.

"We operate in a fish bowl," says MacIver. "Everyone thinks they know how to run a sports team. You read about yourself everyday in the papers. You have to be very measured and thoughtful about what you say publicly."

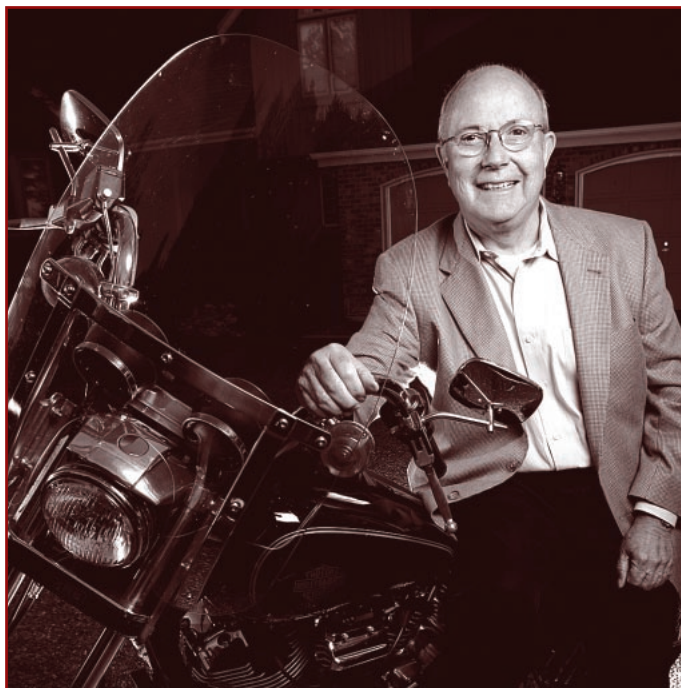
MacIver, who worked in private practice for nearly 40 years before joining the Mariners, relishes his role. A

typical workday might find him dealing with irate ticket scalpers, entertaining a major political figure or even puzzling out the legal and logistical issues of hosting 60,000 screaming Wrestlemania fans.

"It's a fascinating job," he says.

Sometimes MacIver needs to get away from it all. He trades in his suit and tie for jeans and a worn leather

jacket and heads for the open road. It's the same need to get away and feel the wind in his face that he's had since he was a high school student in Yakama, Wash., driving a suped-up '37 Chevy and organizing drag races for his friends. It's the same impulse that drove him, at 16, to get up at 4 a.m. and sweep grocery store lots to earn money for flying lessons. He became a licensed pilot at 18.



"What can I say," MacIver says, grinning. "I love speed and machines that go fast."

MacIver credits his parents' patience and understanding with enabling him to strike his own path. They not only tolerated his fast cars and flying lessons, they encouraged him to explore career options that would make him happy.

His father, Ian JD'30, who was a district court judge in Washington state, never expected MacIver or his younger brother to study or practice law. In fact, the

elder MacIver tried to discourage his two sons from becoming lawyers.

"He thought law was a very tough way to earn a living and it is," recalls MacIver.

Despite his father's protestations, MacIver developed a genuine interest in law as an undergraduate at Willamette. He decided to study at Willamette University College of Law because of the caliber of the school's faculty. "You

can learn the law anywhere, but these professors are exceedingly high quality people. You admire them not just as teachers of the law, but also as human beings."

The knowledge and values imparted by Willamette's professors profoundly influenced MacIver. After graduating, he quickly rose to managing partner for a Seattle law firm that would eventually bear his name, Sax and MacIver, and earned a reputation as one of the Northwest's premiere experts in regulatory administrative law and commercial litigation. In the 1970s, he served as special assistant attorney general for the state of Washington, defending the state's citizens in disputes over rate hikes by telecommunication companies. From 1985-2000, he helped grow the Seattle office of the Portland, Ore., law firm of Miller Nash from one attorney to a thriving office of more than 40.

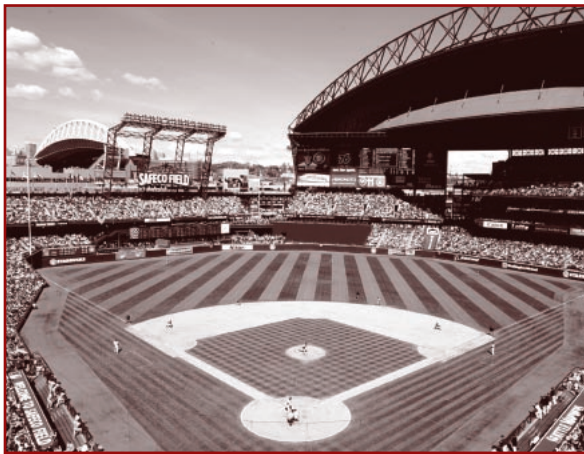
"We operate in a fish bowl. Everyone thinks they know how to run a sports team. You read about yourself everyday in the papers. You have to be very measured and thoughtful about what you say publicly."

Three years ago, he joined the Mariners and has been in the spotlight ever since. When the public and corporate pressures heat up, MacIver hops on his Harley to gain some much-needed perspective and solitude. He often rides alone, sometimes motoring down to

Nevada or southern California. Motorcycling, he says, lets him look at the world from a different perspective and meet different kinds of people. It's the perfect antidote to his fishbowl existence in Seattle.

"I like to get away from the suits of the world," he jokes.

Back at his home in Seattle, MacIver's Harley is dirty and smudged with dead bugs, evidence of a recent trip to central Oregon. "I haven't had the time to clean it since I got back," he says looking apologetic.



SAFECO FIELD, photo courtesy Seattle Mariners

The apology is unnecessary. MacIver's bike is maintained with the kind of careful attention exhibited only by a true motorcyclist. If MacIver had the time, the bike would be spotless. Actually, if MacIver had the time, he would on his bike riding 1,000 miles a day. But today there are contracts to oversee, regulations to check, city officials to meet, a Congressman to escort and Wrestlemania fans to contend with. It's a good thing Clyde MacIver has iron stamina. 🏠

ALUMNI PROFILES

THE COURTROOM QUARTERBACK

By Bobbie Hasselbring

It's third and goal. The crowd is hushed; the air crackles with tension. Quarterback Mike Shinn '69, JD'73 scrambles, avoids his opponents and delivers the perfect pass.

"We, the jury, find the defendant negligent."

The plaintiff's award is in excess of \$5 million. Score another victory for master trial lawyer and former WU quarterback.

For Shinn, there's little difference between leading his team to victory on the football field and leading a jury to a favorable verdict in the courtroom. At Willamette, the Hall of Fame quarterback led his team to championships three years running. In the courtroom, he's won millions of dollars for clients in personal liability, product liability and civil litigation cases, including an \$81.7 million award in a wrongful death murder case that later became both a popular book and a movie.

"To succeed as a quarterback or as a trial lawyer," says the man who led the Bearcat football team to an unprecedented number three national ranking, "you have to be a strong leader, a good motivator and be able to respond well under pressure. If I do everything right, I can't lose."

In the courtroom, Shinn considers the jury *his* team and uses integrity to win them over. "For them to become my jurors, they have to trust me," he says. "Everything I do has to earn and sustain their trust. I have to provide them with reliable guidance. Early on,

I have to convince them that if they follow my guidance, they'll reach a verdict they can live with and be proud of."

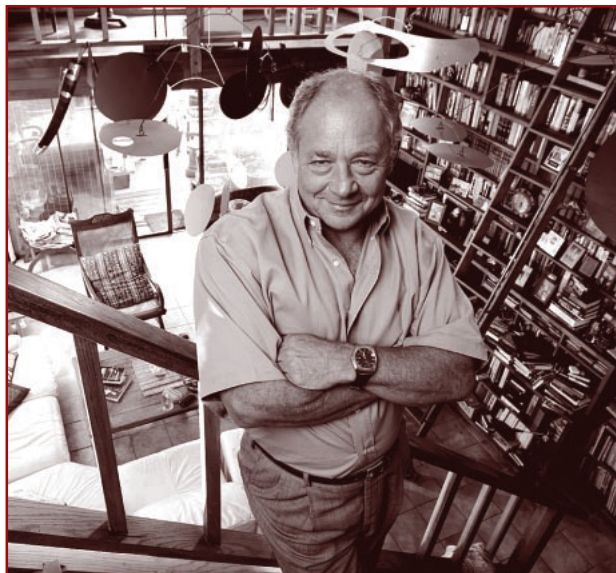
While he's won sizable awards for clients and had some financial success, he's not in it for the money. For him, it's all about justice for people who have been wronged. "The law is really about helping people," he says.

Shinn, who clerked early in his career for U.S. Circuit Court Judge Otto R. Skopil Jr. '41, JD'46, credits the legendary jurist for teaching him how to read people,

an essential skill for a successful trial lawyer. "Working with Otto was an incredible study in human dynamics," he says. "I'm interested in human motivations; why people do the things they do."

A number of other legal heavyweights helped shape Shinn's career, including Melvin Belli and Gerry Spence, who rose to fame with the Karen Silkwood case. A

copy of Spence's latest book, *The Smoking Gun*, sits on the carved Indonesian weaver's table that serves as a coffee table in the living room of the Sauvie Island houseboat that Shinn designed. Classes he took in writing and film editing at the Northwest Film Institute came in handy when he worked with Spence on a series of educational videotapes for trial lawyers. He recently received a heartfelt letter from a young lawyer thanking him for his work. "She watched our tape over and over, did what we said and won," he says proudly. "It was the second trial in her career."



Other influences are evident in the two-story bookcase crammed with books on art, law, history and biography. Beckett, Caesar and Kissinger share shelf space with Henry Moore and Tom Clancy. In the compact kitchen, dozens of cookbooks – *Culinaria France, Julia and Jacques, Coyote Café, Beard on Food* – attest to Shinn's love of cooking and entertaining. Next to a large tiled dining table there's a wall-sized map of the world with push pins marking the places he's visited – China, Japan, Alaska, Italy, England, Ireland, Mexico, Canada, the

Virgin Islands. Just steps from the sliding glass door that leads to a small deck, a fast yellow speedboat waits. Sometimes he drives his boat to work, mooring it at Riverplace and walking the few blocks to the historic office building on Morrison where he operates his solo practice with the help of one secretary.

In Shinn's houseboat, there's a photo of people bathing at the edge of a

waterfall with a caption that sums up this courtroom quarterback's philosophy and modus operandi: "Life on the edge can be pretty relaxing." 🏠

"Everything I do has to earn and sustain their trust. I have to provide them with reliable guidance. Early on, I have to convince them that if they follow my guidance, they'll reach a verdict they can live with and be proud of."



SHINN ON JURY SELECTION

According to Mike Shinn '69, JD'73, selecting a jury is often the most difficult part of a trial for lawyers. "Jury selection is more art than science," he says. "It's an aspect of the game you've got to be good at."

Here are some of his keys to jury selection success:

Identify the issues.

Write down the biggest concerns you have about the case. In a case involving suicide, for example, Shinn says one of his concerns was that many jurors might feel that suicide was morally wrong and rule against the client because of their beliefs.

Raise the issues.

Shinn brings up the issues and tries to create a dialog about them with prospective jurors.

Watch for reactions.

Jurors often give themselves away with body language and facial expressions. When he's screening a jury, he has someone in the courtroom taking note of the reactions of jurors, especially the ones who are less talkative.

Show them yours.

Give jurors permission to express unpopular opinions. To identify, for instance, jurors who feel biased about a plaintiff of another race, you may have to tell them you have similar biases. "Help them relax and make them feel that whatever they say is okay," he advises.

Ask about feelings.

Ask people what they feel rather than what they think. "It's amazing how much more response you'll get just by changing that one word," says Shinn.

LAW SCHOOL BRIEFS

LARGER, MORE DIVERSE INCOMING CLASS

A 28 percent increase in applications, a record enrollment of students of color and a stronger academic profile, all caused much celebration as Willamette University College of Law welcomed the 176 members of the incoming Class of 2006. Joining the first-year students are two transfer students, three German exchange students, one Ecuadorian exchange student and three graduate students in Willamette's inaugural LL.M. program in transnational law.

"We knew we had the potential to build a strong first-year class," said Lawrence Seno Jr., assistant dean. "That's what a large applicant pool enables you to do."

The law school received 955 applications, the highest number of applications since 1996. The 28 percent increase in applications also bested the 18 percent national increase in applications. Applicants to Willamette had a one in six chance of being admitted this year, compared to one in four last year.

"The larger applicant pool did result in increased competition for a seat in the class," said Seno. "We denied 10 percent more applicants this year (54 percent v. 64 percent). We surprised and disappointed many folks, which was difficult."

As a result of the increased competition, some important gains were made. The Class of 2006 boasts a stronger academic profile and a greater breadth in experience and background. While the median undergraduate G.P.A. remained the same (3.20), the median Law School Admission Test (L.S.A.T.) score improved to 155 (66th percentile). An astonishing 60 percent of the first-year students (106) have lived or traveled

abroad. Twenty-eight students of color enrolled this year, the highest number ever in the history of the College of Law.

Twenty-three students report an alumna/alumnus tie to Willamette. While 79 undergraduate colleges and universities are represented in the Class of 2006, "Ducks" dominate. The University of Oregon contributed 16 graduates to this class, making the school Willamette's largest feeder institution. Other schools in the top five include Portland State University (12), University of Washington and Brigham Young University (9), University of Utah (8) and Oregon State University and Whitman College (7).

"The Class of 2006 boasts a stronger academic profile and a greater breadth in experience and background."

Even with 176 students in the first-year class, Seno points out that Willamette's small size remains a distinguishing mark. Of the 25 other A.B.A. law schools on the West Coast, only newly-


accredited Chapman University School of Law in southern California is smaller. "The intellectual intimacy found at Willamette continues to make us first choice for many," says Seno.

Work, career and volunteer experience among the Class of 2006 is quite broad. It includes a Peace Corps volunteer, three AmeriCorps volunteers, engineers, coaches, teachers, congressional and state interns, a flight attendant and even a Seattle Space Needle elevator operator. Eight of the students served in the U.S. Armed Forces. The average age of the entering class is 26; the age range is 21 to 54.

There are slightly more Oregonians this year, but non-Oregonians still hold the edge at 51%. However, with generous scholarship support, Seno says talented applicants with ties to Oregon often discover that it is

less expensive to attend Willamette for law school than the state university. "We feel a special responsibility as Oregon's oldest law school to financially support deserving Oregon applicants," said Seno.

Seno, a 15-year veteran at the College of Law, says that this year's recruitment success is due, in part, to a new "momentum" at the school. "Everywhere you look," he says, "there are new things to be proud of. We have talented new faculty, some who hold prestigious chairs. Four are faculty of color. We now have a

multicultural affairs coordinator for the law school. There are four certificate programs, three international programs and a new LL.M. program. This year, the environmental moot court team won the national championship. We have more alumni actively engaged in our mentor program, in our professionalism program and with career services. We've recently received several generous gifts from alumni. There's a lot to be enthusiastic about at Willamette and prospective students sense that excitement." 

CLASS OF 2002 EMPLOYMENT TOPS 90%

by Ellen Jones

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Despite a continuing stagnant economy, particularly here in the Pacific Northwest, Willamette University College of Law's

Class of 2002 has fared well in the job market. Indicators both nationally and from previous graduating classes illustrate that this class is doing well under some very difficult market conditions.

At one year out, the Class of 2002 has an overall employment rate of 90.8 percent, com-


pared to 82.8 percent for the Class of 2001, 88.5 percent for the Class of 2000 and 89.7 percent for the Class of 1999. The majority of new graduates are beginning their legal careers in private practice (49.2%), with two-thirds of those graduates working for smaller firms of two to 10 attorneys.

Although most members of the class are employed in some capacity, several have jobs that are temporary or part-time in nature. This year saw a rise in graduates

working as contract attorneys or in graduate law clerk positions. More graduates reported jobs in the business sector – 16.1 percent this year compared with 10.4 percent last year.

The spread between high and low salaries grew, with reported salaries ranging from \$22,000 to \$115,000. This com-

pared to a range of \$26,000 to \$114,000 per year for the Class of 2001.

Geographically, 86 percent of the class stayed in the Pacific Northwest region, with 63.8 percent (83) remaining in Oregon and 15.3 percent (20) going to Washington state. 

Total number in Class:	136	
Males	71	
Females	65	
Total Number Reporting	130	
Employed	118	90.8%
Graduate Degree Program	5	3.8%
Unemployed/Seeking Employment	6	4.6%
Unemployed/Not Seeking	1	0.8%

LAW SCHOOL BRIEFS

MAPPING HER JOURNEY

by Ellen Jones

Heather Vogelsong JD'05 is an eternal optimist. Whether serving in the Peace Corps or participating in a triathlon, she strives to see the best in every situation and in every person. It's a characteristic that helps her meet challenges head-on.

Born in Colorado, Vogelsong spent part of her childhood in Pennsylvania, a time she fondly remembers because of close family ties. After moving back to Colorado and graduating from Highlands Ranch High School, Vogelsong attended the University of Colorado at Boulder, earning a dual bachelor's degree in economics and communication. As a college student, Vogelsong participated in a "Semester at Sea" program, which allowed her to travel the world and visit 10 different countries.

"It was essentially a floating university, with internationally-themed coursework," recalls Vogelsong. "When we weren't in port somewhere, we were in class."

Traveling the world piqued Vogelsong's interest in international issues and ignited her desire to make a difference. Soon after graduation, she joined the Peace Corps and spent two years living in a thatched hut and working in Niger, Africa.

"It was a lot like camping out for two years. The simplest thing, like getting water to wash clothes, was a challenge."

Vogelsong was included in almost all of her host family's activities: nightly dinners, shelling peanuts for planting and even attending a daughter's wedding ceremony. She enjoyed living in and learning about a new culture, but she quickly realized how "American" she is.

"Niger is a very segregated country with distinct roles for both men and women. I was living in a culture I didn't always agree with. It wasn't my job or my desire to try to change their culture."

Vogelsong worked as a community development agent in the regional Peace Corps clinic. Her duties included providing prenatal education, weighing babies and dispensing nutritional information to families. She is most proud of a project she helped implement that encouraged young girls to continue their education.

"In Niger, girls are not encouraged to go to school.

The key to our program was to involve the families,

especially the fathers, and help them see what an honor it was for the family to have their daughters continue their studies."

She has maintained contact with current Niger Peace Corps volunteers and knows that at least one of the 12 girls she worked with has continued onto middle school.

Vogelsong's Peace Corps service convinced her that law school would be a good choice. She applied to a number of schools, eventually choosing Willamette.

"I wanted a smaller, more personalized program. When I visited Willamette's campus, I felt very at home."

At Willamette, Vogelsong serves as secretary to the Multicultural Law Student Association and co-chair of WUPILP. She writes for *Willamette On Line* and works part-time for the Oregon Law Commission.

"I'm an idealist trying to fit into the practical world," she says. "My legal education at Willamette is helping me find a way to do that." ■



PREPARING WORLD SAVVY LAWYERS

by Lawrence Seno Jr.

What do an Argentinean lawyer with specialties in commercial law, civil law and immigration law, a Portland attorney who specializes in public utility and energy law and a former emergency room nurse with a J.D. interested in international dispute resolution have in common? They're the inaugural class of Willamette's new LL.M. program in transnational law.

"We're delighted with our first class of graduate students," said Professor James A.R. Nafziger, director of International and Graduate Programs. "We decided to begin with a small, selective group to maximize the opportunity to work closely with faculty members." In addition to Nafziger, faculty mentors this year include Yvonne Tamayo and Richard Birke, director of the Center for Dispute Resolution.

"We received inquiries about the program from Greece, Istanbul, Japan, India, Peru and Sweden," said Carolyn Dennis, assistant director of admission. "Given it is our first year that surprised us. Our location in the Northwest helps distinguish us from other similar programs. Once students examine the credentials of our faculty and the breadth of our international and comparative law curriculum, it becomes clear that our resources are abundant."

The growing role of international organizations, the complexities inherent in internationally shared resources, the vitality of international business and the urgency of international cooperation to combat terrorism and fight the spread of S.A.R.S. and other threats have underscored the importance of transnational law and the need for specialized legal training.


The graduate program is designed to better equip lawyers to practice in what is now recognized as a "worldwide workplace."

The new program combines the strengths of Willamette's comprehensive curriculum in domestic law, such as commercial transactions and dispute resolution, with its well-established international programs and transnational course offerings. The courses are taught by internationally recognized scholars and teachers. The LL.M.

faculty includes law professors Nafziger, Vincent Chiappetta, David Clark, Susan Smith, Michael Wise, Dean Symeonides and J. Frederick Truitt, from the Atkinson Graduate School of Management. All have significant experience in international law.

The new program requires one year of full time study and 25 hours of credit. Ten hours must be from Willamette's many transnational courses. Two elective options complement the required coursework. International students may opt to take four hours at the

Atkinson Graduate School of Management. The second option, open to all students, requires all additional coursework be taken in the College of Law. Each student, working closely with a faculty mentor, must also write a paper focusing on international/comparative law or the transnational aspects of a specific topic of domestic law. Additionally, students meet together regularly in an informal seminar setting.

The rigorous LL.M. experience will advance Willamette's commitment to expanding the view of its students and prepare them to practice in a global environment. For more information about the LL.M. program, click on www.willamette.edu/wucl/llm or contact James A.R. Nafziger, jnafzige@willamette.edu or 503-370-6408. 





R

Robin Morris
Collin: Coming
Full Circle

Robin Morris Collin, the newest addition to the Law School's faculty, is a warrior. Her teaching, writing and public service all reflect her lifelong dedication to civil rights and her desire to protect the downtrodden. She's written and lectured extensively on environmental issues and her work is not just about protecting the earth, but also about protecting the most vulnerable people living on it, those who are too young or too ignorant or too poor and powerless to effect change on their own. For her, it's all connected, part of a great circle.

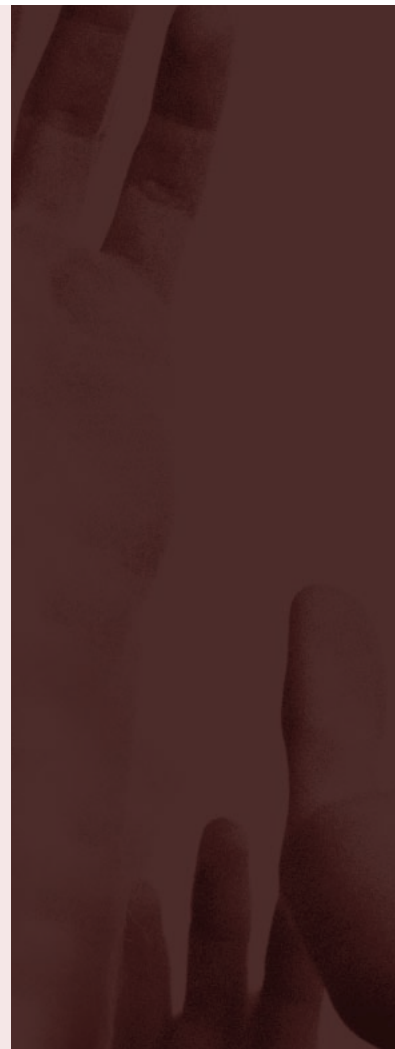
by Susan G. Hauser

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“We can’t talk about poverty and fixing the problems of poverty without talking about the environment,” she says. “Nor can we talk about healing the environment without dealing with poverty.”

Her desire is to help bring community, environment and economics into a working, beneficial relationship. To that end, she and her husband, Robert Collin, founded the annual Conference Against Environmental Racism at the University of Oregon and helped establish the Environmental Justice Action Group in Portland. Both groups bring together people from various fields who are willing to work together to improve conditions in their own urban communities.

She strongly believes that this multi-disciplined approach to problems facing today's world should be adopted by universities. It's an approach she brings to the law school.



"In 1993, I was the first person to teach sustainability in a law school," she says. "There were no law courses on sustainability and how the law can embrace concepts of sustainability. Courses like sustainability and environmental justice are opportunities to build bridges across disciplines. It's something that's very dynamic and very powerful that creates students who are prepared to operate today in a real world that's very different from the world we professors inhabited 20 years ago."

We have to do more of this multidisciplinary work. When I teach that seminar again I hope to attract Atkinson School of Management graduates so they can bring their clientele and their professional notions of what is called 'green economics.' Can we make money in a way that doesn't require us to debilitate either our environment or our people? The answer is passionately, absolutely yes, Not only can we do it, we *have* to do it."



Red River Shipping Company. Headquartered in Rockville, Md., it is the first and only African American-owned and operated shipping line in the country. The company owns three ocean-going vessels, whose photos Morris Collin proudly displays in her Willamette office. Her brother, an Atkinson graduate, manages the business.

Morris Collin notes that Red River Shipping is quite literally an affirmative action business. She says her father astutely noticed that no maritime companies were asking for contracts designated for minority businesses. He found a joint venture equity partner, bought a container ship and he was in business. Last year, the family paid off the partner, making them full owners.

Also displayed in her office is the badge and the picture I.D. Morris Collin carried as a Maricopa County assistant county attorney in Phoenix, the job she held before beginning her teaching career 20 years ago.

"Can we make money in a way that doesn't require us to debilitate either our environment or our people? The answer is passionately, absolutely yes, Not only can we do it, we have to do it."

Morris Collin says her impassioned mix of scholarship and activism is a product of her upbringing. In her family, both education and civility were highly prized. She, her brother and sister were raised with a love of learning and a deep sense of dignity. They were encouraged to freely express ideas, as long as they showed respect for others. Name-calling was expressly forbidden.

Her strong stand for equality and civil rights harks back to her father's father, a Methodist minister who wanted to be a lawyer. He poured his energy into the struggle to unite the church. Since the time of slavery, the church had had a white branch and a black branch, the African Methodist Episcopal church. Morris Collin's grandfather, among others, was instrumental in ending race discrimination by the church.

Morris Collin's beloved father died 10 years ago, but the rest of her family is still united in the family shipping business, the



"Now I just look at how young I used to look," she says with a laugh.

She says she is at Willamette University College of Law to stay. She and her husband just bought a home in Salem with plenty of room for her three dogs, Max, Jackson and Amber. To know Morris Collin is to know her canine companions. In class, she uses their names to "people" her examples.

"Serendipity is really operating," she says. "Once we decided to come here to Willamette, everything fell into place. Things have happened that are good for us and good for our family. It's really made me feel that coming to Willamette was the right decision."

Morris Collin believes Willamette University College of Law has always been her destiny. She says she just didn't realize it until recently.

She says the Willamette University connections just kept coming. First, there was her criminal law professor at Arizona State,

Robert Misner, a friend and colleague of her father. Misner went on to become dean of Willamette University College of Law.

“When I first went into teaching law 20 years ago, Robert Misner offered me a job at Willamette,” she recalls. “I started teaching somewhere else, but my journey has actually been a great big circle.”

Her first teaching job was at Tulane University in New Orleans. There she met Symeon Symeonides, Willamette’s current law school dean.

Then her brother, John Payton Morris MBA’88, graduated from the Atkinson Graduate School of Management.

“It’s like I was meant to make it here to Willamette,” she says. “And I’m glad I did.”

Morris Collin teaches criminal law, remedies and criminal procedure.

“Robin was born to be a teacher,” says Symeonides, who has known her for 20 years. “She’s enthusiastic and students really love her. She’s also a good scholar.”

On leave from the University of Oregon, where she was a tenured law professor, Morris Collin was a visiting professor at Willamette last year. She and her husband both had teaching positions at U of O, but rather than return to Eugene, they opted to make the move to Willamette.

“Having visited Willamette for a year, I saw the changes that Dean Symeonides was making and some of the things that he had already achieved,” she says. “I think Willamette is the place to be. I feel at home in the culture, with the whole atmosphere, from the students to the faculty to the administration and the staff. Willamette has a strong commitment to achievement that really resonates with me.”

Morris Collin believes that both Willamette University President M. Lee Pelton and Dean Symeonides have demonstrated a strong commitment to diversity and to excellence. She feels U of O has lost sight of that kind of commitment. She notes that out of a faculty of more than 1,200 people at the Eugene campus, she was the only African American woman.

“What I like so much about Willamette,” she says, “is that the vision is here. Diversity does mean excellence. What we can do in the name of diversity and excellence is build a remarkable place for the future.” ❤️

Robin Morris Collin: *Just the Facts*

Age: She’s as old as the Brown vs. Board of Education decision, which ended the legality of school segregation in America. Both turn 50 in 2004. Morris Collin, who attended an all-black grade school on the south side of Chicago, says she’s thinking about writing an article called, “Brown and Me.”

Family: She’s married to her favorite collaborator, Robert Collin, a senior research scholar with Willamette’s Public Policy Research Center. After meeting at Tulane University (“New Orleans is a romantic town”), they put their like minds together on numerous books and articles that explore the issues of environment, justice, sustainability and privacy as they apply to people of color and the poor.

Life Before Law: She studied history at Colorado College and African languages & literature at the University of Wisconsin at Madison. Studying abroad for one term at University of London, she says, made her feel “more American. I very much prize some of these things which are so uniquely and, may I add, expensively American. It is expensive to believe in procedural justice.”

Law School: She attended the law school at Arizona State University where her father was a founding faculty member. Her father got his law degree from Northwestern University in Evanston, Ill., and with a partner, launched the first integrated law firm in Chicago.

What She’s Really Serious About: Teaching criminal procedure and struggling with ideas around reconciling the promises of the Bill of Rights with our system of distributive justice.

What She Does For Fun: Plays one-on-one basketball with her husband and romps with her three dogs: Max (a portly yellow lab), Jackson (an Airedale terrier) and Amber (a border collie). She loves to paint but only with water-based acrylics. (“Oil paint is seriously toxic!”)

FACULTY PERSPECTIVES

A NUMBERS AND LETTERS GUY

by Michelle Maynard

Professor Terrance O'Reilly joined the Willamette University College of Law faculty this fall from New York University School of Law. For five years, O'Reilly practiced law with the New York law firm of Sullivan & Cromwell. He clerked for Judge Richard D. Cudahy of the U.S. 7th Circuit Court of Appeals and Judge Louis F. Oberdofner of the U.S. District Court for the District of Columbia.



He teaches federal income tax, corporate finance and other related courses and has published articles on taxation and economics in the *Virginia Law Review*, *Journal of Public Economics* and *American Economic Review*. He received his J.D. from Yale Law School, where he served as symposium editor of the *Yale Law Journal*. He also holds a Ph.D. in economics from Stanford University. He is a magna cum laude graduate of Williams College, where he majored in economics and mathematics. In a recent interview, O'Reilly spoke about his interest in the law and his transition to Willamette.

What did you find so compelling about the law that you chose to pursue a career in law rather than economics?

Fortunately, you can pursue the economic analysis of law without having to choose between law and economics. Along with entertainers, lawyers and economists seem to be particularly influential in society. Although I have no agenda to attain power and influence, I suppose the status of the disciplines made the subjects more intriguing. Combining subjects provides variety. As my students will confirm, I am by temperament more suited to law and to economics than to entertainment.

Why did you decide to go into teaching rather than continuing to practice law?

I went into practice intending to teach law at some point. I was impressed with the professionalism of practicing lawyers, but I prefer looking at legal issues from my own perspective rather than a client's.

What made you decide to join the faculty at Willamette University College of Law?

The professors here are very sharp and the dean has a blend of seriousness, charisma and authority that seems well suited to leading the law school.

What one lesson (law or otherwise) do you want to impart on each of your students?

It's very important for students to understand that just because a tax professor maybe doesn't tell jokes per se – you know with a punch line – that doesn't mean he isn't a fun guy. Beyond that, it would be, do lots of practice questions in preparing for the bar exam and not wait until the week before.

What do you hope to contribute to the law faculty at Willamette?

Right now, economic analysis is being applied in many fields of law. Although you don't need to have gone to graduate school in economics to understand or to participate in the application of economic analysis to legal subjects, certain applications of economics do rely on, or might benefit from drawing upon, specialized economic research. So it may be useful to have someone around who is familiar with the more technical literature.

What was the biggest surprise in moving to Oregon after living in New York?

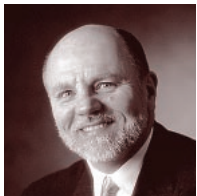
For some reason I associated Oregon with rain and clouds, but since I've been here it's usually been sunny with hardly any rain. ☀

PLAYING BALL AT THE SPORTS LAW CONFERENCE

On October 10, Willamette College of Law sponsored the region's first Willamette Sports Law Conference. Held at the Multnomah Athletic Club, the conference drew 70+ attorneys and law students from around the region. They came to hear perspectives on different aspects of sports law presented by Willamette law faculty and a plethora of sports executives, including Steve Patterson, president of the Portland Trailblazers, Alvin Attles, vice president and assistant general manager of the Golden State Warriors and Goeff Petrie, two-time NBA Executive of the Year award winner and the force behind the resurrection of the Sacramento Kings. In case you were unable to attend this exciting conference, here's what some of WUCL's law professors had to say.

DEAN M. RICHARDSON, "SPORTS VIOLENCE AND THE LAW"

1. Has there been an escalation of violence in sports?



Dean M. Richardson

I haven't seen any studies that confirm there's been an escalation in sports violence. I agree with several authors that there's a perception of greater violence in sports today, but it's due to the explosion in media

coverage of sports.

Sports always have included violent play. The intense emotions and the fine line between lawful and unlawful violent acts on the playing field inevitably lead to violent occurrences. As H. Rap Brown, the 60s activist, said, "Violence is as American as cherry pie." That's especially true in sports.

2. How is violence in sports impacting collegiate sports?

Major NCAA Division I colleges are quasi-professional. They make tens of millions of dollars from their football and basketball programs. Like professional sports, these programs let the market dictate what

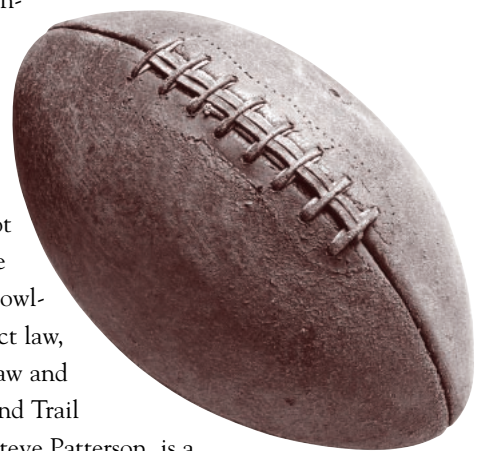
level of violence is acceptable. Other sports [those that don't make great sums of money] are guided by a greater concern for good sportsmanship and are less tolerant of belligerent play.

3. How can the legal profession address the problem of violence in sports? What are "workable legal standards" for violence?

Most states apply a "recklessness standard" to contact sports. Ordinary negligence that causes injury, even if the player breaks a rule when injuring his opponent, does not result in liability. The idea is that negligent conduct is unavoidable and one of the inherent risks of participating in a sport. Since determining what is reasonable and what is not on the field of play is too difficult for most jurors, the recklessness standard is considered a more workable and practical standard.

4. What opportunities do you see for attorneys in the area of sports law?

The dispute resolution mechanisms for professional sports are arbitration and negotiation. Attorneys, and especially Willamette graduates who have the opportunity for specialized training in those techniques, are valued by the industry. In the last 30 years, the law has become a central force in the business of sports. You cannot become a manager in the field without a strong knowledge of labor law, contract law, tort law, constitutional law and antitrust law. The Portland Trail Blazers' new president, Steve Patterson, is a lawyer as are many other sports executives. Sports law is an exciting and expanding area. WUCL graduates can represent players, work in executive positions for teams and leagues or make sports law one of their areas of private practice.



FACULTY PERSPECTIVES

**JAMES A.R. NAFZIGER, AUTHOR
INTERNATIONAL SPORTS LAW,
“DEVELOPMENTS IN INTERNATIONAL
SPORTS LAW”**

1. What are some of the important recent developments in international sports law?



James Nafziger

Doping of athletes has been a very big problem in international sports competition. Now there's a world anti-doping agency and a more uniform set of rules for combating doping. Previously, each national version of a sport

has its own rules.

Favoritism in judging is becoming a focus. The so-called "Skategate" that occurred in the Salt Lake City Olympic Games involved apparent collaboration by judges. The response to that has been impressive. The International Skating Union is considering three or four different reforms involving changes in rules and technology. Cameras and computers are beginning to play more of a role in international competition like they do in domestic competition. These new technologies will help capture quick judging decisions and help persuade the public and participants that the judging is fairer.

Another major development involves the need to streamline and provide a fair system of dispute resolution. One question is whether we need to use video replay to objectify decisions. The whole area of dispute resolution system is complex, involving a variety of

intergovernmental and nongovernmental, national and other institutions and rules. For sports attorneys, it represents a rich, extremely interesting area.

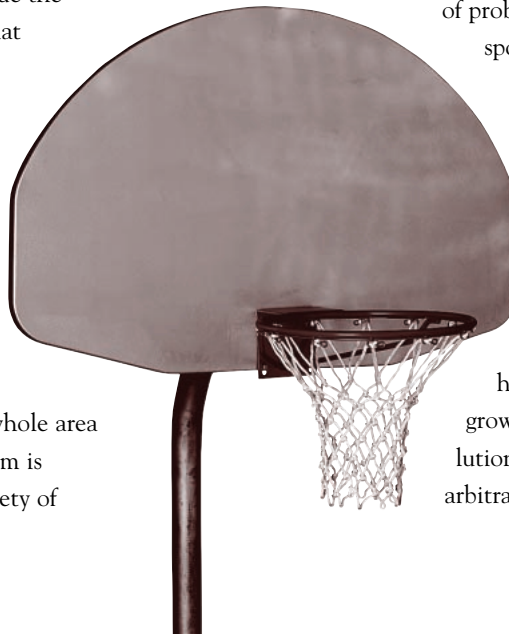
2. How do cultural differences impact international sports?

The growing inner mixing of nationalities is a welcome development that calls for cultural adjustments. Recently, the first-ever Afghan woman competed in major international competition. That's a breakthrough that at least symbolically represents a major cultural change. Here is an example of sport at its best, encouraging gender equality that might otherwise not occur and marshalling public support for a woman athlete in a way that may open more doors. It's an example of where international competition has made a difference in larger issues and where issues are being resolved in the interest of human rights.

3. What are the opportunities you see for lawyers in international sport?

Many law students aspire to become a player's agent because you're in close touch with star athletes, it's potentially lucrative and professionally interesting. However, there are only a limited number of agent positions available. Other lawyers work on a variety

of problems ranging from construction of new sports stadiums to counsel for sports organizations. Many are involved in international property rights or issues like ambush marketing in which ambitious businesses seek to associate themselves with the trademarked symbols or the goodwill generated by a body like the Olympics. Other attorneys work locally on issues of high school athletics and rules. There's a growing interest in alternative dispute resolution that relies on expert mediators and arbitrators as much as it does on trial counsel.



WILLIAM B. GOULD IV, "LABOR ISSUES IN SPORTS"

1. What are the biggest labor issues impacting sports today?



Bill Gould

The biggest issues are free agency, the circumstances under which a club can recruit new players, and the constraints that may be placed on players' ability to do so. For the first time in 30 years in baseball, the union and the owners have resolved their differences peaceably and established new revenue sharing and new luxury tax mechanisms to regulate this subject. In football and basketball, salary cap systems have been in existence for a number of years. In hockey, they are about to negotiate a new agreement and we may see a lock-out of players there. In all these sports, the basic issue is how to reconcile the tension between player mobility and player salary increases with the owner's ability to generate revenue.

The players are making a lot of money if they make the major league structure. The revenue share for baseball players has gone up considerably. From 1969, players' revenue share has increased 100-fold. Football and basketball also provide the players with a revenue share of more than 50 percent. The players' position in all the sports has improved, but so has the owners' ability to generate revenues with new stadiums, luxury box seats, television and cable deals where sometimes the team is an owner or part owner of the cable television station. The players' salaries have shot up astronomically, but so have the revenues generated.

Most very good players do not make the majors. In the minor leagues, they make relatively little and the conditions are very poor. In the other major sports, the colleges are the minor leagues. Most of the good

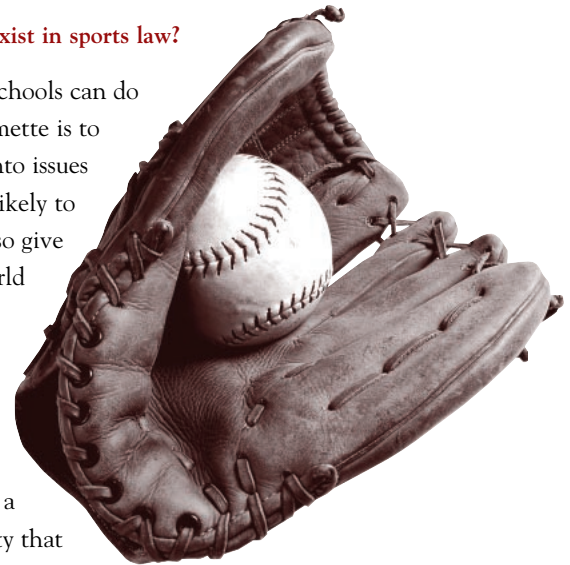
college players are not going to have the chance to advance to the professional level so the competition is severe. If they make the majors, the salary and benefits are good. However, their professional life for most of them is extremely short.

2. Is money driving sports?

Money has always been the driving force of professional sports. The idea is to gather a crowd, charge them money and perhaps sell them something else like beer in the process. As the colleges have become more of a minor league for the pros, many colleges have seen the opportunity to derive revenue from it. College sports has become much more of a business, which is troubling. In most colleges that have first-rate competitive teams, academics are not very important. Many first-rate athletes aren't receiving an education and aren't graduating. This is an ominous development.

3. What opportunities exist in sports law?

One of the things law schools can do and what I do at Willamette is to give students insights into issues that sports lawyers are likely to confront. We should also give them a sense of real world employment opportunities in sports. It's very hard to find a spot with a club or a players union or league. I often tell students to develop a discipline and a specialty that exists on its own. For those interested in the labor aspect, I recommend developing a career with the National Labor Relations Board. They'll develop expertise that sports clubs, unions and leagues need and an opportunity in sports law might develop down the road.



FACULTY PERSPECTIVES

GILBERT P. CARRASCO, “THE TRIALS AND TRIBULATIONS OF TITLE IX”**1. How has Title IX impacted sports?***Gilbert Carrasco*

Title IX has spawned a virtual revolution for girls and women in sports. It has had a dramatic impact on athletic programs at elementary, secondary and higher educational institutions throughout the country. Indicative of the increase in opportunity, for example, 71 of the 321 institutions in Division I of the National Collegiate Athletic Association (NCAA) have a difference of five percentage points or less between their proportions of female students and female athletes, and 116 of such institutions have a differential of seven percentage points or less.

2. Why does Title IX attract fervent supporters and detractors?

People are absolutely passionate about their sports teams. Witness the final buzzer of a game between basketball teams in the Final Four of the NCAA championship or the aftermath of a Rose Bowl football game and you get a sense of the passion. Title IX has opened doors of opportunity, which some view as a godsend. Others see it as a threat. The challenge for educational institutions is to implement the law in a way that allows all who wish to participate in athletic programs the opportunity to do so.

3. Some people feel the Bush Administration is undermining Title IX. How will the recent report by the Secretary of Education’s Commission on Opportunity in Athletics impact Title IX?

Unfortunately, the Bush Commission on Opportunity in Athletics was somewhat of a stacked deck. Ten of

the 15 Commissioners were from Division IA institutions, the largest schools in the NCAA. Such schools have the most extensive football and men’s basketball programs and are most likely to favor minimal regulation. Despite the fact that all educational institutions are subject to the mandate of Title IX, the Commission had no representatives from Division II or Division III colleges, junior colleges or high schools.

The Commission made several recommendations that, if adopted, would undermine the efficacy of the law. Its emphasis on interest surveys and its diminution of the importance of the “substantial proportionality” requirement of the Policy Interpretation of Title IX, the heart and soul of the law, indicates a weakening of the enforcement agenda. The Commission also recommended that private funding of athletic programs may be a viable option to dropping particular sports from programs, an approach that has been rejected judicially.

4. Many people feel that Title IX is impossible to implement. How can Title IX be improved?

There is opposition to equal opportunity on the premise that less of the pie will be available to those who have enjoyed unfair privilege. The law was and still is necessary because of persistent, outmoded notions of the “proper” role of women. Although progress has been made, equality is yet to be achieved.

Improvements need to be made in the law to realize equality. The 1979 Policy Interpretation (as clarified in 1996), which provides the “safe harbor” of substantial proportionality and recognizes the importance of accommodating the interests and abilities of the underrepresented sex, should be put into the form of a regulation to give it clear and binding force. A regulation is also needed that specifically confers a private right of action to enforce all Title IX regulations. ■

1950s

Ross B. Fortner JD'58 of Portland, Ore., has been appointed to the Veteran's Committee of NAMI and is a member of the Consumer Advocacy Council of the Department of Veterans Affairs.

1960s

J. Hartley Newsum JD'63 of Bellevue, Wash., was honored by the King County Bar Association as the Pro Bono Attorney of the Year in June 2003. For years, he has volunteered substantial services to Volunteer Legal Services, Volunteer Attorneys for People with AIDS and the Housing Justice Project.

Paul L. Stritmatter JD'69 of Hoquiam, Wash., turned over leadership of the Trial Lawyers for Public Justice Foundation (TLPJ). This national organization brings together thousands of trial attorneys to work toward a more just society. During Stritmatter's tenure, TLPJ prevailed in eight out of 10 cases before the U.S. Supreme Court. Earlier this year, he was honored by the American Bar Association with the Pursuit of Justice Award for his long legal career of fighting for public justice.

1970s

Terrence F. McCarthy JD'72 of Tacoma, Wash., was the recipient of the Pro Bono Award presented by

the Tacoma-Pierce County Bar Association Volunteer Legal Services program. The award was presented at the Access to Justice Conference in June 2003.

Norman J. Smith JD'72 of Roseburg, Ore., was named president of the Roseburg Area Chamber of Commerce. He is the CFO of the Ford Family Foundation.

David D. Cullen JD'73 of Olympia, Wash., recently completed a term as chair of the Washington State Bar Association Disciplinary Board. He continues to practice law in Olympia, Wash.

Nixon J. Handy JD'75 of Olympia, Wash., announced he would retire as executive director of the Port of Olympia at the end of December 2003. He has held this position since 1996.

Steven W. Seymour JD'75 of Portland, Ore., won an important decision before the U.S. Supreme Court. The case, *Clackamas Gastroenterology Associates v. Wells*, involved an interpretation of the term "employee" under the Americans with Disabilities Act. The U.S. Court of Appeals for the Ninth Circuit had rejected Seymour's argument that his clients, physician-shareholders in a medical professional corporation, should not be included within the definition of employees for the purposes of triggering the act. The Supreme Court, in a 7-2 decision, reversed the Ninth Circuit, agreeing with Seymour that courts should not look solely at the corporate organization of a business but instead examine multiple factors to

determine whether shareholders can be considered employees. This important holding may affect interpretations in many of the nation's antidiscrimination laws.

Vickie Kay Norris JD'78 of Everett, Wash., has become a Fellow of the American College of Trial Lawyers. She was recognized before 850 people attending a ceremony in Boca Raton, Fla.

Brian P. Bisbee JD'79 of Carthage, Mo., assumed the position of director of the Carthage Crisis Center. It is an interdenominational ministry to the poor and the homeless with bed space for 15 homeless people. The demand for space has been growing substantially and they are currently attempting to buy an additional facility to house another 15 homeless people. The center is committed to giving the homeless hope and a new reason, meaning and purpose for living.

Kent A. Hansen JD'79 of Corona, Calif., is the managing attorney of Clayson, Mann, Yaeger & Hansen. He practices higher education and healthcare law and serves as general counsel for Loma Linda University and Medical Center and several other private and public colleges. He leads retreats, speaks and writes on spiritual renewal. His book *Grace at 30,000 Feet and Other Unexpected Places* was published in 2002.

D. Curtis Webster JD'79 of Seal Beach, Calif., graduated May 2003 from San Francisco Theological Seminary – Southern California in Claremont, Calif., with a Master of

CLASS ACTION

Divinity degree. He is currently searching for a call to a congregation within the Presbyterian Church.

1980s

Theresa L. Wright JD'81 of Portland, Ore., is a clinical professor at Lewis & Clark law school in Portland, Ore. She spent nine weeks in Croatia in the spring of 2002 evaluating law school clinical programs with the American Bar Association and eastern European law initiatives.

Michael D. Macomber JD'82 of Sonoma, Calif., left the firm scene behind to go solo in February 2003. He has been a member of Rotary for the past 10 years and sits on the board of directors of two non profit corporations: The Weimar Institute and The Moore Foundation.

William J. MacKay JD'84 of Grants Pass, Ore., retired from the Josephine County circuit court bench. His final day of service was May 31.

James E. Niemer JD'84 of Seattle, Wash., has become a partner in the Lane Powell Spears Lubersky, LLP, firm in their Seattle office. He specializes in construction services.

Frederick W. Gannett JD'86 of Basalt, Colo., has been presiding over the Kobe Bryant case through the preliminary hearing (see p.5)

Merle R. Krouse JD'86 of Centralia, Wash., was appointed to the Lewis County district court bench.

Iris K. (Ikeda) Catalani JD'87 of Honolulu, Hawaii, has joined Finance Factors, Ltd., as vice president and compliance officer. She will be responsible for insuring that the company complies with all applicable federal and state laws and regulations.

Thomas M. Morningstar JD'87 of Aliso Viejo, Calif., sent the following message to the alumni office: "In 1987, 26 Willamette Law graduates came to California, 26 passed the bar on the first try, where is everybody?" Email him at tmstar@cox.net.

Marci J. (Warner) Adkisson JD'88 of Klamath Falls, Ore., has been appointed by Governor Kulongoski as Justice of the Peace for the Wood River Justice District.

Carol L. (McGary) Johnson JD'88 of Redmond, Wash., formed the firm Diesen & Johnson, PLLC, April 1, 2003.

Blake H. Call JD'89 of Anchorage, Alaska, was recently elected to the management committee of his firm Hughes, Thorsness, Powell, Huddleston & Bauman. He was also recently elected president of Defense Counsel of Alaska and attended a meeting of the presidents of all western state defense counsels in Phoenix, Ariz. He and his four children reside in Anchorage.

Leonardo M. Rapadas JD'89 of Agana, Guam, was sworn in May 2003 as the U.S. Attorney for Guam and the Commonwealth of the Northern Mariana Islands. He will head the U.S. Attorney's Office.

1990s

Brian K. Clark JD'91 of Anchorage, Alaska, has been appointed by the governor of Alaska to the Anchorage District Court.

John J. Tiemessen JD'91, C'91 of Fairbanks, Alaska, was elected to the Alaska Bar Association Board of Governors. He and his wife, **Michelle McComb JD'89, C'89**, live and practice in Fairbanks. They have two daughters, Kathryn, 9, and Lynna, 3 months.

Sydney E. Brewster JD'92, C'92 and Kevin E. Mayne JD'93 of Salem, opened their firm, Brewster & Mayne, P.C., in April 2003. The firm will continue to focus on land use, construction, government, and trusts and estates within their general practice. Sydney was recently elected to a second non-consecutive term as chair of the Oregon Construction Contractors Board and to the board of directors of the Oregon Coalition for Housing and Homelessness. She is also a member of the board of directors of the National Association of State Contractor Licensing Agencies.

Jay L. Skiles JD'92, C'92 of Washington, D.C., has accepted a position as a Contracts Specialist with the U.S. General Services Administration, Public Buildings Service, at the White House. He received a Master of Public Administration degree from Portland State University in 1993 and then worked for the Oregon

Division of Finance and Corporate Securities as a Compliance Officer, as a management consultant for his own firm and, most recently, as a contracts administrator for the Oregon Department of Transportation.

Steven G. Bryan CLA'93, MBA/JD'93 of Tualatin, Ore., together with his wife, Jennifer, began a joint venture, Wild River Natural Foods, to produce pure organic fruit juice. Called Skootz, the juice comes in a disposable plastic bottle that is spill-resistant and fits in the palm of a child's hand.

Brian J. Grossman JD'93, C'93 has moved back to the U.S. after 10 years of living and working in the Greater China region. He is now located in Breckenridge, Colo., and is enjoying some quality time off.

Scott D. Greenwood-Meinert JD'94 of Fresno, Calif., moved from the Fresno County Counsel's Office to an associate position with the law offices of Gary W. Sawyers (an AV-rated law firm), which specializes in water law and agricultural business law.

Charles J. Gunther JD'94 of Anchorage, Alaska, is employed as an associate attorney with the firm of Davis Black, LLC, in Anchorage. He specializes in family law and works with two other Willamette law graduates, **Ronald F. Black JD'92** and **Dennis J. Efta JD'96**.

John B. Kern MM/JD'94 of Charleston, S.C., merged his law practice with Ten State Street, LLP, a multinational law firm with offices

in London, England and Charleston, S.C. Kern will act as the partner responsible for the firm's litigation and arbitration section. Ten State Street provides advice on international business, tax and finance to clients worldwide.

Marilyn K. (Frederick) Reynolds JD'95 of Vancouver, Wash., has joined the Pabst & Holland, PLLC, law firm. Her practice emphasizes estate planning and taxation, including wills, trusts, probate, planned giving, nonprofit organizations and trust planning for pets.

Kelly Cole Zerzan JD'96 of Arlington, Va., the majority counsel for the U.S. House of Representatives Committee on Energy/Commerce, has been acknowledged by the *National Journal* in Washington, D.C., as one of the important people on the Hill. She said the driving force behind her work on the committee's commerce and consumer-protection issues is to "try to find an area where everybody can agree ... and you tend to find a solution much faster." That strategy has proved successful on some potentially explosive subjects, such as the 2002 law that reserved space on the Internet for child-friendly content, and a law earlier this year that authorized money to create a "do-not-call" registry for telemarketing. People both on and off Capitol Hill who know Cole Zerzan see her as a talented facilitator (see p. 6).

Robert G. Koury II MBA/JD'97 of Portland, Ore., has become a partner with the Lane Powell Spears

Lubersky, LLP, firm, in their Portland office. He specializes in real estate.

Peter J. Ozolin MM/JD'97 of Los Angeles, Calif., who with **Graham Weeks MM'97, C'97** started Legal Anywhere, an extranet application for law/firms/corporate legal departments, is now working for one of his first large law firm clients, Paul Hastings Janofsky & Walker (800 attorneys, 2000 users). He noted that it is great to see the PACE program continue its progress and thanked Professor Fred Thompson for engaging them in the process as they were developing the application.

Micheline N. (Nadeau) Fairbank JD'99 of Reno, Nev., passed the February 2003 California Bar Exam.

Heather A. Hess-Lindquist JD'99 of Ogden, Utah, was appointed vice president of the Egyptian Theatre Foundation board of directors and is also the chairperson for the Finance and Development Committee. The Egyptian Theatre is one of the theatres featured during the Sundance Film Festival. In October 2001, she was hired as an adjunct professor at the John B. Goddard School of Business and Economics at Weber State University and is currently teaching Personal Finance. In April 2003 Hess-Lindquist joined the Utah Musical Theatre board of directors. The Utah Musical Theatre Association is under the auspices of Weber State University and strives to serve the community by entertaining, enlightening and celebrating the best of the human spirit.

CLASS ACTION

Kristina L. Thalacker JD'99 of Auburn, Wash., joined the law office of Nicole D. Blake as an associate attorney in February 2003.

Theresa M. Wade JD'99 of Salem, was named Volunteer of the Month by the Marion County Bar Association in March of 2003.

2000s

Colin S. Ray MBA/JD'00, C'00 of Tokyo, Japan, emailed the alumni office requesting we post a message that he would enjoy meeting anyone from Willamette who is coming through Tokyo. Please contact him via the alumni office.

John T. Petersen JD'01 has relocated to Redmond, Ore., where his practice is predominantly family law.

Suzanne H. (Scott) McDonald JD'02 is working as a volunteer deputy district attorney at the Santa Clara County District Attorney's office.

David K. Yee JD'02 of Salem, assisted in a writing project that led to the publication of the ABA "International Guide to Combating Cybercrime." During his final semester of law school he contributed five pages on the jurisdictional challenges faced by law enforcement officials when investigating computer crimes. The participants in the project included individuals from Microsoft, the FBI, Secret Service and Department of Defense. The following is an excerpt from the preface written by the project chair: "I would like to extend a special note of appreciation

to Dave Yee for his tireless efforts in editing the final document when he could have been enjoying delicious freedom after finishing law school and passing the bar."

MARRIAGES

Mark E. Birge JD'78 married Tenley Noelle Webb Aug. 10, 2002, at Oswego Lake Country Club in Lake Oswego, Ore.

Rhonda Fehlen JD'84 married Scott W. Westover in a small private ceremony in Reno, Nev., March 2, 2003. Scott works for Alyeska Pipeline Service Company and Rhonda is an assistant municipal attorney at the Department of Law, Municipality of Anchorage.

Charese A. Rohny JD'95 married Jonah Edelman Dec. 31, 2002, at the Portland Art Museum in Portland, Ore.

Daniel G. Wilmot JD'02 married Lisa Lorenzo Aug. 4, 2002, at Emerald Gardens in Las Vegas, Nev.

FAMILY ADDITIONS

To **William C. Houser CLA'80, JD'83** and wife Brenda of Poulsbo, Wash., twins, born Oct. 16, 2002. A son, Curtis Alexander, and a daughter, Sarah Eva.

To **Darryl D. Walker CLA'88, JD'92** and wife **Tracy L. (Thom) Walker CLA'88**, of Portland, Ore., twins, born Feb. 19, 2003. A son, Pierce, and a daughter, Quinn.

Maternal Grandparents are **Phillip L. Thom CLA'62** and **Marian (Hauke) Thom CLA'62**.

To **Delos R. Clark JD'93** and wife **Krisanna Hon (Gregory) Clark CLA'91**, of Sherwood, Ore., a son, Declan Edward, born June 4, 2003. He joins big sister Aliana.

To **Peter S. Hicks JD'93, C'93** and wife **Stephanie E. (Marshall) Hicks JD'94** of Renton, Wash., twins, born Feb. 25, 2003. A son, Samuel Pearson, and a daughter, Lauren Elizabeth. The twins join big brothers Matthew, 5, and Joseph, 3.

To **Frances R. (Stern) Dudley JD'94** and husband Orie of Eagle, Idaho, a daughter, Gina Beth, born Dec. 30, 2002. She joins big brother Benjamin, 2.

To **Jennifer D. (Steckel) McNally JD'96** and husband Bill of Mendota Heights, Minn., a daughter, Tessa Abigail May, born Jan. 20, 2003. She joins big brother Aidan, 3.

To **Brady H. Mertz JD'96** and wife Kara of Salem, a daughter, Toba Leigh Quello, born July 24, 2003. She joins big sister Kayden, 3.

To **Michelle D. Adams JD'97** and husband Brian of Vancouver, Wash., a son, Ethan Joseph, born Aug. 5, 2002.

To **Andrew D. Glascock JD'99, C'99** and wife **Sara L. (Allen) Glascock JD'99, C'99** of Gaston, Ore., a daughter, Emily Drew, born April 1, 2003.

To **Amy L. (Anderson) Becerra JD'00** and husband Xavier of

Sausalito, Calif., a son, Anders
“Andy” Xavier, born Jan. 30, 2003.



To **Matthew
S. Fitzgerald
JD'02, C'02**

and wife
Sharna of

Germany, a

son, Isaac Turner, born Oct. 28, 2002,
in Salem. Isaac's middle name is in
memory of Professor Don Turner.

OBITUARIES

James E. Burdett CLA'36, JD'36
died Jan. 10, 2003, in Portland,
Ore., at age 89. He is survived by
his wife, **Martha (Warren) Burdett
CLA'37**, two daughters, six grand-
children and 10 great-grandchildren.

**Thorne H. “Scotty” Hammond
JD'36** died March 16, 2003, in
Lake Oswego, Ore., at age 91. He
was preceded in death by his wife,
**Helen (Boardman) Hammond
CLA'33**, and a daughter. Survivors
include one daughter and three
grandchildren.

Herman C. Estes JD'38 died July
15, 1994, in Bellingham, Wash., at
age 78.

Brice L. Smith JD'49 died Dec. 10,
2002, in Portland, Ore., at age 82.
He is survived by his wife, Doris,
and two daughters.

Roger N. Rook JD'54 died March
31, 2003, in Portland, Ore., at age
75. He is survived by his wife,
Audrey, four sons, a daughter, 12
grandchildren, two great-grandchild-
ren, a bother and a sister.

John W. Ester Sr. JD'59 died May
11, 2003, in Baltimore, Md., at age
67. He is survived by his wife, Janet,
a son, two daughters, a brother, a
sister and a granddaughter.

Clifford A. Allison JD'61 died
May 13, 2002, in Salem, at age 79.
He was preceded in death by his
wife, Esther. Survivors include a
sister, several nieces, nephews and
cousins.

Sam R. Nageley JD'62 died Feb.
27, 2003, in Sacramento, Calif., at
age 65. He is survived by his wife,
Rhoda, two daughters, one grand-
son, two granddaughters, a brother
and a sister.

Donald D. Yokom JD'62 died Oct.
4, 2002, in Pendleton, Ore., at age 64.

Gregory L. Hawkes JD'68 died
March 11, 2003, in Portland, Ore.,
at age 59. He is survived by his wife,
Barbara, a son, a daughter, two
grandchildren and a brother.

Doris Loennig JD'70 died March
15, 2003, in Punxsutawney, Pa., at
age 82. She is survived by her son,
daughter-in-law and grandson.

**Richard D. “Rusty” Albright
JD'73** died Jan. 19, 2003, in Salem,
at age 58. He is survived by his wife,
Gloria, a son, a daughter, four
brothers, a sister and his parents
**Warren H. Albright CLA'50,
JD'52** and Maxine Albright.

Eric S. Gould JD'75 died May 27,
2003, in Springfield, Va., at age 58.
He is survived by his wife, Lily, a
son and his father, **Leland B. Gould
CLA'33**.

Michael A. Billotti JD'87 died Jan.
3, 2003, in Freehold Township,
N.J., at age 50. He is survived by his
parents, five brothers, a sister, a
goddaughter, a niece and three
nephews.

E. William Stein JD'89 died June
22, 2003, in Beaverton, Ore., at age
44. He is survived by his wife,
Barbara, two daughters, his parents,
four sisters and two brothers.

GUIDELINES

If you have information you would like to
submit for Class Action, please send it to:

Willamette University College of Law
Office of Alumni Relations
245 Winter Street SE, Salem, OR 97301
or email wu-lawyer@willamette.edu

Please print or type all submissions in the
interest of accuracy. If something has been
written about you in a newspaper or other
publication and you would like it to be
included in the *Lawyer* Class Action as
well, please submit a copy with a note giv-
ing your permission.

It is the practice of Class Action not to
print pregnancy or engagement announce-
ments, nor candidacies for political offices
due to the lag time between receiving such
information and the publication dates. The
Lawyer reserves the right to edit or omit any
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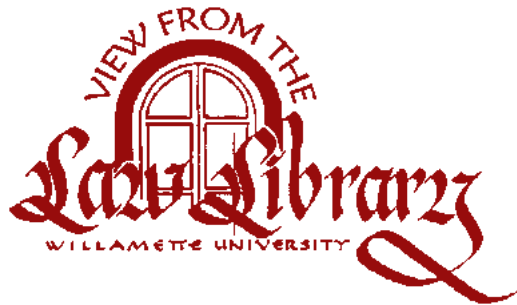
We welcome photographs for possible use,
depending on space and photograph quality.
Black and white photos are preferred. Please
send a self-addressed, stamped envelope if
you would like your photo returned.

It is the practice of the *Lawyer* to list a sur-
viving spouse in all obituaries when the
name is available. Other survivors who are
alumni or otherwise connected with
Willamette will also be listed when we
receive that information.

KEY

JD = Doctor of Jurisprudence or LLB
MM = Master of Management, Master of
Administration
MBA = Master of Business Administration
M/L = Joint Degree, law and management
H = Honorary Degree
C = Certificate in Dispute Resolution
CLA = College of Liberal Arts

IN THE STACKS




“Rule, Britannia! Britannia, rule the waves.” And so it was in the late 16th and early 17th centuries, all to the great detriment of Dutch fishermen who sailed the open seas off the English coast. In 1604, using an argument based on natural law, Hugo Grotius, Dutch international law theorist, maintained that freedom of the seas was necessary for the common good of all peoples and nations. His thesis was published in 1609 in *Mare Liberum* (Freedom of the Seas) and was read with much displeasure by King James VI (Scotland) and I (England) who wished to extract license fees from all foreign fishing vessels in British waters.

Maritime matters notwithstanding, King James VI and I and his successor in 1625, Charles I, had other pressing matters with which to contend; not the least of which was a Parliamentary effort to put some limits on the King’s prerogative. John Selden, lawyer, legal historian and member of Parliament was the chief exponent of a “mixed monarchy” form of government and for his efforts found himself imprisoned in the Tower in 1629. This afforded Selden some spare time to revise, expand and publish in 1635 his 1619 draft of *Mare Clausum* (Dominion of the Seas), which was a response to Grotius and the natural law case for freedom of the seas. Charles I, continuing his father’s efforts to license the Dutch herring fleets, found Selden’s treatise defending English maritime dominion supportive of royal sovereignty and eventually released Selden from the Tower.

Mare Clausum was also, to some extent, an historical response to the natural law arguments put forward by Hugo Grotius in *De Jure Belli Ac Pacis* (Law of War and Peace) published in 1625. In the translated words of Grotius:

“Throughout the Christian world I observed a lack of restraint in relation to war, such as even barbarous nations should be shamed; I observed that men rush to arms for slight causes, or no cause at all, and that when arms have once been take up there is no longer any respect for law, divine or human; ...” Hugo Grotius, “Prolegomena” of *De Jure Belli Ac Pacis*, in J.B. Scott, ed., *Classics of International Law*, vol 2 (1925), English translation, page 20. This seminal treatise on the law of war and peace earned Hugo Grotius the designation “Father of International Law.”

These early works, read in their historical context, reward the reader with a vivid sense of the political drama and personal risks associated with the early development of international law. The original texts connect you to the 17th century and we are fortunate to be one of only a handful of libraries in this country that has 1633 edition of *Mare Liberum*, a 1635 1st edition of *Mare Clausum*, and a 1631 3rd edition of *De Jure Belli Ac Pacis*.

English translations of these three epic works are also available in our collection. For more research information, visit our web page at www.willamette.edu/law/longlib and click on “International Law.” 

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Larry Seno, assistant dean of admission, helps students interested in attending Willamette College of Law.



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Lawrence Seno Jr., Assistant Dean, lseno@willamette.edu
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