

WILLAMETTE LAWYER

The magazine of the first law school in the Pacific Northwest

Spring 2005



Special Issue:
World Wide Willamette Lawyers

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Two Decades in China

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This issue is dedicated to James A.R. Nafziger

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Knock it Off

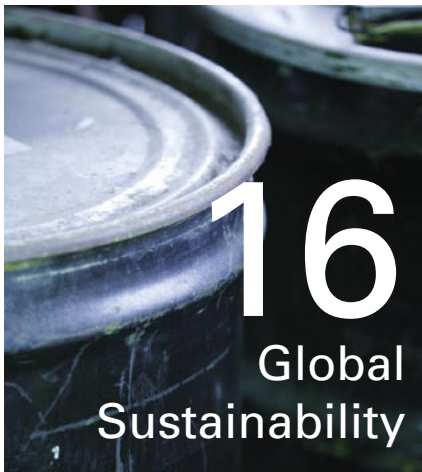


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Dear Alumni and Friends,

The 2004-05 academic year is not over, but so far it has been a year of highs and lows.

First, some of the highs:

- We began the year with the most selective entering class in the school's history - the highest number of applications, lowest acceptance rate, and strongest academic profile. The next class will be even stronger because our applications are up by another 27

percent, although the national pool is down by 6 percent;

- Then came the best Bar Exam results in 25 years – 85 percent of our graduates passed the Oregon exam on the first try, surpassing all others by 11 percentile points; and
- Once again, we have been blessed with the generosity of our friends, exemplified this time by a \$500,000 gift from Maribeth Collins, a great benefactor of Willamette University. (See p.5).

Then, shortly before Thanksgiving, came the bad news. Professor **Carlton J. Snow**, a beloved great teacher who, for the last 33 years, has taught so many of you so much and so well, died unexpectedly. (See p.6.) This was a devastating loss from which it will be extremely difficult to recover.

But, like individuals, institutions must move on, and, together, so must we.

This issue of the *Lawyer* honors all of Willamette's World Wide lawyers by featuring a few of them. Yes, they are everywhere: from China to Japan, Singapore, and New Zealand, from Italy to Germany and Scotland, from Zimbabwe to the Seychelles, and from Ecuador, to Mexico, Guatemala, and Canada. They put to good use the knowledge and skills they earned here in Salem, Oregon.

In the meantime, here in Salem, world-savvy, world-renown professors teach our students about the complexities and challenges of a shrinking world. Indeed, Willamette's law school is more international than many schools in large cosmopolitan cities. Here are some examples of the school's international visibility. Members of the current law faculty have:

- Taught or lectured in more than 50 countries on six continents and at the world's most prestigious Hague Academy of International Law;
- Drafted laws or provided legislative advice to seven governments, the European Parliament and the United Nations; and
- Been elected by their peers to three of the four offices (President, Vice President, and Treasurer) of the American Society of Comparative Law; two of the twelve U.S. slots for life-members of the International Academy of Comparative Law; and the Presidency of the American Branch of the International Law Association.

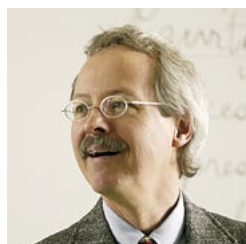
Who would have suspected this of a little law school like Willamette, in a small town like Salem? Twenty-five years ago, nobody would. That is when a new professor named **James A.R. Nafziger** came to Willamette; and things began to change. Jim gradually built our international programs, while earning an impeccable international reputation, exemplified by his 200-plus publications. Today, he is clearly one of the top names in his field, nationally and internationally.

If I could have my way, Jim's picture would be on the cover and he would be the feature story in this issue of the *Lawyer*. In his characteristic modesty, Jim vetoed the idea; and Jim is persistent. That same persistence and hard work built our international programs. By featuring these programs and their graduates, this issue honors Jim and his work. It is my pleasure to dedicate this issue to him and this time he has no chance for a veto.

With my best regards,

Symeon C. Symeonides
Dean and Professor of Law

Professor Clark Honored



Professor David Clark has been elected as a titular, or life, member of the International Academy of Comparative Law, one of the world's most prestigious international legal organizations. The Academy, based

in Paris, has a limited membership of 80 titular members worldwide. Of the 80 titular members, only 12 are from the United States, and two are from Willamette: Clark and Law School Dean Symeon Symeonides.

2005. Dennis can be reached at 503-370-6282 or via email cdennis@willamette.edu.



Siri Quigley JD'04, a recent Willamette law graduate, is the new assistant director of admissions. Quigley earned a bachelor's degree in history and psychology from Pacific Lutheran University in Tacoma, Wash. Quigley

believes her recent experience at Willamette College of Law will be an asset to the admission office.

She can be reached at 503-370-6282 or via email squigley@willamette.edu.

People On the Move



Phylis Myles is the law school's new career services director. Myles, who holds a bachelor's degree in journalism from the University of Illinois and a law degree from Lewis and Clark, brings to the career

center a varied background in the corporate world and in private practice. She is one of the founding members of the Oregon Women Lawyers. She will offer alumni and students help in developing lifelong career skills such as interviewing and networking. Myles can be reached at 503-370-6057 or via email pmyles@willamette.edu.

New Gift for Clinical Law Program



Mrs. Maribeth Collins H'93, long time Willamette friend, benefactor and trustee, has honored the College of Law with a gift of \$500,000 to endow the Clinical Law Program. This gift, which will provide

valuable endowed support for the operation of the Law School's Legal Clinic, will be doubled by a matching fund from a generous anonymous donor. Mrs. Collins, the widow of the late Truman Wesley Collins AB'22, for whom the Law School's building is named, was attracted by the fact that her gift will not only improve the practical education of Willamette's law students, but will also strengthen the Clinic's legal services for under-represented populations of Salem.

Last year, an anonymous donor gave \$1 million to the Law School for initial endowment of the Clinical Law Program. This donor further pledged an additional \$1 million to match any other endowment gifts for the program made or pledged by Dec. 31, 2005. For more information about gift opportunities, contact the Law School Development Office at 503-370-6761.



Carolyn Dennis, formerly associate director of admissions at the law school, replaced long-time director Larry Seno. Dennis, who holds a bachelor's degree in sociology from the University of California,

Davis, has a background in corporate, nonprofit and law school admission settings. She plans to bring in a highly qualified and diverse first year class for fall

Carlton Snow: Master Teacher, Mentor, Friend

The passing of long time Willamette University College of Law Professor Carlton J. Snow in November has left the Willamette community grieving a great loss. “Carlton Snow was a great teacher, mentor, colleague and friend,” said Law Dean Symeon Symeonides. “Willamette will never be the same without Carlton. We miss him greatly.”

The most senior law professor at Willamette, Professor Snow taught at the school for 33 years. Many alumni remember Snow from the courses he taught – contract law, labor arbitration, commercial arbitration and negotiation. Alumni may also fondly recall that Professor Snow memorized every one of his students’ names and remembered them many years later. In 2002, he was voted Professor of the Year by the Willamette University College of Law student body. In 1992, he received the Burlington Northern Award for Teaching Excellence. In 1983, he received a Certificate of Merit from the Association of Third World Students.

He’s also remembered by students and former students for his Socratic teaching style, always asking just the right questions. “Other professors use the Socratic Method, but Snow was the master of it,” said Professor James Nafziger.

Alumni also recall Snow’s sense of fun. Although his persona was one of reserved humility and dedication, he often used outlandish methods to reach his students. He’d often portray me and others as colorful characters in hypothetical factual situations to illustrate specific points of law. He and I shared many a laugh over these outrageous hypotheticals.

One time, students decided it would be a good idea to get Professor Snow and me to skydive with them. Not really wanting to do it, I told the students I’d do it if Professor Snow agreed. I thought this would put an end to it. The next week, the students came in

saying, “It’s a done deal. Professor Snow is going to skydive with us.” Little did I know that Professor Snow had skydived on many occasions and found it exhilarating.

In his long tenure at the University, Snow served as dean, associate dean and assistant dean of the law school and executive director of the Center for Dispute Resolution. Prior to teaching at Willamette, he taught at Loyola University School of Law.

Snow was a renowned arbitrator and lecturer. More like a judge than an advocate, he brought a careful, highly principled approach to the rough-and-tumble area of arbitration. It put him in high demand by union leaders and management to settle disputes. He had recently completed arbitration between the Portland Police Bureau and police officers to determine wages and working conditions. In his lifetime, he issued more than 3,000 decisions.

To honor Professor Snow, the College of Law has established the Carlton J. Snow Memorial Scholarship Fund, which will be used to fund scholarships for needy Willamette law students. If you’d like to contribute, the address is: The Carlton Snow Memorial Fund, Dean’s Office, Willamette University College of Law, 245 Winter Street, Salem OR 97301.

– Professor Leroy Tornquist



Venerable Law Alums Honored



(From left to right) Hon. Otto Skopil, Symeon Symeonides and Bruce Williams

Two Willamette University College of Law alumni, The Honorable Otto R. Skopil, Jr. BA'41, LLB'46, LLD'83 and Bruce Williams, BA'40, LLB'48, were honored at the

law school before a crowd of nearly 300 attorneys, faculty and first-year students. Skopil and Williams, who are lifelong friends and colleagues, received plaques from Oregon Supreme Court Chief Justice Wallace P. Carson "for extraordinary service to family, the country, the community and to the legal profession." This isn't the first time Willamette University has honored Judge Skopil. In 1983, the University awarded him an honorary doctor of laws degree (LLD) and in 1988, he was honored as a Distinguished Alumnus.

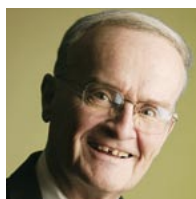
This most recent honor took place on the first day of classes "precisely because we wanted to present incoming law students with two exemplary models of what they should aspire to become," said Law Dean Symeon Symeonides. "Indeed, I can think of no better role models than these two men of high accomplishment and humanity."

Judge Skopil, a senior judge with the Ninth Circuit Court of Appeals, and Bruce Williams, one of Oregon's great trial lawyers, were law partners for 21 years, from 1951 until 1972, when Skopil was appointed to the Federal District Court of Oregon. The men had uncanny parallels in their personal and professional lives. Both were born in Salem in 1919 and attended Englewood Elementary School, Parrish Junior High and Salem High School, where they were both standout athletes. Both men chose to attend Willamette University at the same time. In the fall of 1940, they

entered Willamette University College of Law. Due to World War II, they graduated in different years: Skopil in 1946; Williams in 1948. During the war, Williams distinguished himself as a fighter pilot, winning the Navy Cross and four Distinguished Flying Medals.

During their years as legal partners, Skopil and Williams tried cases in every state court and federal court in Oregon. They jointly tried a number of substantial criminal cases. They worked tirelessly for the Oregon State Bar, with Skopil serving a term on the Board of Governors. Both served the American Judicature Society. Williams also served the Federation of Insurance Counsel, including a term as president and chairman of the board. Both men served the Defense Research Institute, with Bruce serving on its board and executive board.

Nafziger Honored



The International Association of Sports Law (IASL) recently honored Professor James Nafziger with its first-ever AISIMNITIS Award for contributions to the development of

international sports law at the association's annual meeting held in Athens, Greece.

"Professor Nafziger is a giant in international sports law," said Law Dean Symeon Symeonides. "So we are pleased, but not surprised, that he would receive such an international honor."

The IASL, which is comprised of individuals in sports federations and the Olympics, sports law attorneys, law faculty and scholars interested in international and comparative sports law, also announced that Nafziger has been elected as its new president for a three-year term.

Globetrotter

Kelly Atherton, a third year student at the law school and editor-in-chief of the *Willamette Journal of International Law and Dispute Resolution*, hopes to turn her keen interest in international law and international travel into an exciting career.

Atherton comes by her interest in international law from years of study and travel. She attended the University of Puget Sound in Tacoma, Wash., and she spent her junior year studying in Milan, Italy. While in Italy, she experienced life in Europe and learned to speak Italian. She also spent a year in Florence, Italy, working for an internet company and living with an Italian family. The experience allowed her to further perfect her Italian language skills.

On her return, Atherton decided to go to law school. Although she is from the Midwest, she knew she wanted to come back to the Northwest to attend law school. "I chose Willamette because I liked the idea of studying at a smaller school," she said. "I'd also heard a lot of good things about Willamette."

Atherton has enjoyed her time at Willamette, particularly working on both Willamette law journals. As editor-in-chief of the international journal, she has published two issues and is working hard to ensure the publication stays on schedule. She has written an article, "Compensating Victims Under the Terrorism Exception of the Foreign Sovereign Immunities Act: a State Sponsored Victims Compensation Fund," published in the *Journal*, Volume 12:1.

During her time at Willamette, Atherton attended Hamline Law School's summer school program in Rome, Italy, where she studied comparative labor and employment law. All of this international exposure has convinced Kelly that she'd like to work in Europe some day. "I love Italy, but I'd like to work in London or Brussels."



Although Kelly would enjoy beginning her career in Europe, she knows landing an international job, especially for a new lawyer, can be a challenge. She plans to gain experience first with U.S. law firms, perhaps in Seattle or a large city on the East Coast.

Over the 2004 winter break, she continued exploring internationally with a two-week stint in New Zealand with a friend she met while she studied in Italy. "I loved seeing a new part of the world I hadn't experienced."

Atherton is hard at work writing an article for the *Willamette Law Review's* upcoming Ninth Circuit special issue and is editing three international law articles in preparation for the next issue of the *Journal*.

— Kathy Graham



Kathy T. Graham is a law professor and associate dean for academic affairs.

No Looking Back

After nearly being impeached, Ecuador's president, Lucio Gutierrez, consolidated power by sacking his opponents in the courts and replacing them with loyal supporters.

Ecuadorian exchange student, Robert Lovato LL.M.'06, reads the news item with dismay. He has difficulty coping with the direction his home country is taking. "It makes me sad to see my country going through this right now."

The current political situation in Ecuador weighs heavily on the LL.M. student because he has a personal stake in the country's constitutional development. For three years, he was the youngest secretary for the Constitutional Court, Ecuador's highest court. Lovato's position held the prestige of a U.S. Supreme Court clerk with the responsibilities of a U.S. Supreme Court justice. Ostensibly, he was there to record the decisions of the magistrates [judges]. In reality, Lovato researched and compiled legal opinions for the court that often passed, nearly unedited, into law. "Not many people get an opportunity like that at the age of 25," he notes, smiling shyly.

Since Ecuador's legal decisions are based on statutes derived from the country's constitution, Lovato's work has impacted every aspect of Ecuadorian life. "The cases we dealt with involved just about every legal issue you can imagine – civil, criminal, human rights, you name it. It was also great because I got to know a wide variety of people, everyone from the president to the country's poorest people."

While the work was fulfilling, Lovato says clerking for the Constitutional Court wasn't getting him any closer to fulfilling his dream of working in an international or diplomatic capacity. That goal was solidified for him in high school after he participated in a Model United Nations event in The Hague. "Even today, I can still feel the nerves from that night. I had to stand up and speak in English to 120 students from all over the world. That's when I first knew what I wanted to do with my life."

Lovato, who is a law graduate and teacher at Ecuador's prestigious La Pontificia Universidad Católica del Ecuador, came to Willamette after learning the law school had an LL.M. program in Transnational Law and having two friends recommend the program. In practical terms, Lovato's newfound understanding of America's legal system will certainly make him more marketable internationally. This constitutional law aficionado has also relished the opportunity to compare U.S. common law to Ecuador's civil law system. "That's been a very rich lesson for me. It has really helped me understand where the American system is incompatible with the rest of the world and where opportunities exist for common ground."

While many people might enthusiastically serve again on Ecuador's Constitutional Court, Lovato is driven by something deeper than the present political crisis. "I'm a guy who likes to move on. Going back would feel like reliving my history. Besides, at my age, I want to acquire fresh skills and knowledge and do something more."

– Brad Millay '97



Willamette's German Exchange Program

In 2002, Willamette University College of Law and Bucerius Law School in Hamburg, Germany, began a semester exchange program. Each year, Willamette sends between three and five students to Hamburg and Bucerius sends two to three students to Salem. In addition to courses at the German law school, Willamette exchange students may take a semester of German language instruction. There is also a five-day excursion to Berlin and its environs to visit legal and cultural institutions.

“**T**his program is especially good for students interested in careers involving foreign and international law or those interested in transnational practice as part of a general law practice,” says David S. Clark, director of Willamette’s German Semester Abroad Program. “The students learn that each legal system is different and, in some ways, the German system may be better than the American one. At Bucerius, all courses are taught with an eye toward the comparative and international dimensions. Willamette students are also taught practical courses by lawyers from some of Europe’s leading law firms. They get to mingle with students from several other United States law schools and from as many as 10 other countries.”

Here’s what this year’s students from Germany had to say about their experience at Willamette University College of Law:

Stefan Frick JD’05, Hometown: Remmingsheim, Germany. Area of interest: corporate criminal law.

Jan Krauss JD’05, Hometown: Pfullingen, Germany. Area of Interest: business law.

Christoph J. Heuer, JD’05, Hometown: Porta Westfalica, Germany. Area of interest: administrative and media law.

Why did you come to Willamette University College of Law?

Frick: I came to Willamette because of the opportunity to intern at different judicial courts and because of the scholarship Willamette offered. Last year’s exchange students highly recommended Willamette.

Krauss: The students who came to our school on exchange last year recommended Willamette as an excellent small school with a personal atmosphere. Our German exchange students who went to Willamette confirmed this. The offer of an internship with the Marion County Circuit Court facilitated by presiding Judge Paul Lipscomb and Administrative Analyst Sue Lamb was also a reason to come. Willamette also offers the opportunity to be near the ocean.

Heuer: Marc Neinhaus, a Bucerius law student, came to Willamette and recommended it to me. Also the opportunity to intern at the Marion County Circuit Court, the Oregon Court of Appeals and the Oregon Supreme Court was of interest to me.

What are you learning?

Frick: First, I’m learning from the cultural experience and the exchange with people from different countries. I find it interesting to compare how different legal systems deal with the same issues.

Krauss: During my time at Willamette and at the Marion County Circuit Court, I've gotten quite a good understanding of the American legal system. I've also improved my English language skills and gotten impressions of America, its culture and its people.

Heuer: It's a great opportunity to learn more about American law. Learning the differences between the legal systems has helped me to understand some of the political and cultural differences too.

What's been the most challenging aspect of your exchange experience?

Frick: In the German civil law tradition we learn general, abstract norms and then make arguments about whether a norm can be applied to a specific situation. Here, we read the case, try to get a rule and then discuss whether the rule fits the case. It's been hard getting used to moving from the specific to the general and then back to the specific.

Krauss: It's been challenging getting to know how to handle case law. It's strange to read a whole case just to get one legal rule. Also, I come from Hamburg where they have a brilliant transportation system so living in Salem without a car has been difficult.

Heuer: It's been a challenge getting used to American case law. It's often necessary to read many cases to find an applicable rule of law.

Which Willamette University College of Law professors have been most helpful for you?

Frick: Professor Clark, who is in charge of our exchange program, always has time for us. He organized everything, including our housing and our

internships. He taught a class that let us compare topics under German and American systems that was very helpful. Professor Michael Wise has also been very friendly, has taken us out to lunch and to a high school football game.

Krauss: Professor Clark was very helpful in coordinating the exchange and his American law and legal writing class gave me a good idea of the American legal system. Professor William Long's supervision on my paper about Hans Kelsen has been helpful and his jurisprudence class is inspiring. Professor Robin Morris Collins' class was a good experience too.

Heuer: Professor Clark has been helpful throughout the term and I appreciate the effort he puts into the international program. Professor Vincent Chiappetta is also a fantastic teacher with a great approach to intellectual property. Since taking his course, I want to take an intellectual property class in Germany.

Would you recommend Willamette's Study in Germany program?

Frick: Yes! I've told students in Hamburg that the university and its campus are really nice and I'm having a good time. With so many people living on campus, there's always something going on. Salem is a good place to meet new people and enjoy new experiences.

Krauss: I already have recommended the program. Willamette is small and has great spirit, a very personal atmosphere and nice students, staff and faculty. It also has a beautiful campus. Additionally, the internship that goes along with the exchange program is a great experience.

Heuer: I would definitely recommend this program to other students. Willamette's campus is a big plus. It's easy to get to know people and make new friends here. Additionally, the professors and staff are helpful and if you have any problems, there is always someone to talk to. I also highly recommend the court internship, which has given me a better understanding of the American court system.



Jan Krauss



Stefan Frick



Chris Heuer





International Intellectual “Pirates”

Walk into a marketplace in many parts of the world and you’ll see stacks of fake Rolex watches, pirated music CDs and movie DVDs, knock off Barbies, “designer” clothing and hundreds of other items that look like the real thing, but aren’t. Intellectual property (IP) piracy has reached crisis levels in the recording, movie, software, fashion and many other industries. In the U.S., intellectual property infringement receives substantial attention. More significant are the myriad developing countries pursuing economic growth as low-cost “copycat” suppliers at home and abroad.

The legal reason for the relatively unfettered growth in international piracy is straight-forward. Intellectual property law has historically granted primarily only domestic rights. So, although United States law provides substantial protection against local IP counterfeiting, it offers little recourse against activities occurring outside our borders. Effectively attacking international infringers relies on local IP laws, which in many developing countries, simply don’t offer much protection.

by Vincent Chiappetta and Jonathan Stuart JD’05

THIS situation was addressed through the 1994 Trade Related Intellectual Property Rights (TRIPs) Treaty, a part of the World Trade Organization (WTO). TRIPs requires its 140-plus adherents, including many developing countries, to provide specific levels of IP protection. Many have embraced the requirements and enacted new domestic IP laws with alacrity. Why, then, have these efforts to quell international IP piracy proven such a disappointment in practice? Why is the global market still being flooded with copycat goods?

The white-hot Chinese economy provides an excellent example of what's wrong with global IP protection. China, a member of the WTO, has substantially updated its intellectual property laws and made important changes in its related oversight and enforcement institutions. Nonetheless, China was recently identified as the leading producer and exporter of counterfeit goods into the United States.

The Chinese situation reveals three fundamental gaps between theory and reality. The first is mechanical. The industrialized world took several centuries to refine the IP system now embodied in TRIPs. Countries new to that regime will require time to develop the understanding and expertise necessary to internalize and operate the processes and institutions essential to effective IP protection. Therefore, part of the answer is patience – allowing the necessary breathing room for theory to become practice in these new settings.

The second gap is more problematic. For many countries, the transition to true IP protection involves significant

philosophical and cultural shifts. For example, intellectual property laws emphasize individual ownership and returns. This is antithetical to two foundational concepts of Chinese culture: the Confucian philosophy of interpersonal relations and the nation's centralized, communist economy. Both

these viewpoints rest on collective ownership and joint enterprise that support open sharing and dissemination of ideas and information rather than individual control and benefit. Consequently, the change to the TRIPs IP system will remain largely cosmetic without significant adjustments in the underlying belief systems.

The third gap lies at the heart of the matter – real cultural adjustment requires the desire for change. Arguments for adopting the TRIPs intellectual property system simply do not offer the necessary motivating rationale for developing countries. Intellectual property theory suggests that the social costs of individual control (higher prices and deadweight loss), as well as the related significant transfers of wealth, are justified by the increases in aggregate wealth generated by the incentive these private returns give to inventive activity. In other words, the fact that goods may temporarily cost more and some specific people will become very rich under the TRIPs IP system is the price of stimulating creative endeavor necessary to overall economic growth.



The difficulty for China and for most developing economies is in how those costs and benefits are distributed. China's current economic prosperity is primarily driven by low-cost, highly-efficient manufacturing and distribution of intellectual products developed by others, not by internal innovation. Rigorous domestic IP protection would, therefore, merely leave the Chinese bearing higher domestic prices while chilling their global competitive edge with an "IP-royalty" tax on domestic manufacturing.

The international piracy issue, therefore, will not be resolved until the underlying economic cost-benefit dynamics change. Of course, trade sanctions could increase the cost of non-protection. However, that's not an attractive option because we need many of these countries as political allies and the U.S. and other developed nations

economic growth, China will need to shift to more complex products and services, requiring a move from appropriation to home-grown innovation and cooperative in-bound transfer of more sophisticated foreign technologies. The result will be a self-interested desire for better IP protection. That, in turn, will provide the impetus for cultural and ideological change. It will also drive development of the mechanical expertise necessary for effective IP protection.

This is close to what actually happened in the United States. It's not mere coincidence that the development of robust U.S. IP laws and enforcement coincided with the country's shift from net IP consumer to net producer.

The truth is this: players in the global economy respond with greater enthusiasm, in both theory and practice, to



are keenly interested in opening, not isolating, emerging markets. Consequently, even the United States has all but given up on any action against IP-violating countries other than ineffectual chastisements.

If increasing the cost of non-protection isn't an option, perhaps increasing the local benefits of protection is. Adjustments to WTO/TRIPs could provide positive trade incentives to cooperating countries to offset the costs of undertaking IP rights enforcement which benefit others.

More likely, however, the solution will come from the passage of time. As China becomes increasingly prosperous, their domestic industry will face increasing competition from others with lower-cost production. To maintain

self-interest than to others' self-serving claims of right. The industrialized world's solution to reducing international trade in pirated goods, therefore, is simple. If we want them to play the IP game, we need to make IP protection in the developing countries' best interests. ©

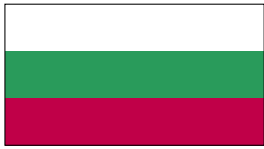


Vincent Chiappetta is a Willamette professor of law and CALI copyright fellow.



Jonathan Stuart JD'05 is a third year law student at Willamette.

Bulgaria's Democracy Coach



Former Communist countries like Bulgaria often struggle with the practicalities of democracy. That's where Willamette University College of Law Professor M.H. "Sam" Jacobson comes in. She's developed a reputation as an Eastern European democracy coach.



Jacobson became intrigued by the emerging democracy of Bulgaria when Professor Maria Slavova from the University of Sofia came to Willamette more than 10 years ago and asked

Jacobson to visit her in Bulgaria. The following year, while returning from teaching in Shanghai for the law school's China program, Jacobson detoured to Bulgaria.

That detour led to an on-going cultural exchange and legal education for many Bulgarian law students. Jacobson travels to Bulgaria every couple of years to lecture at several universities, conferences and even at the Bulgarian Parliament. "The 1989 Bulgaria revolution brought democracy, but they have no real concept of what that means. That's where American teachers come in. We can challenge their way of thinking."

Jacobson, who teaches legal research and writing and administrative law, provides practical examples of how democracy works. "I translate the theory of democracy into the practice of democracy. One year, I was talking about how important it is in a democracy to have the government be public to ensure a system of checks and balances. A student said the Bulgarian constitution guarantees a public government. I gave example after example of how their government isn't public – how they can't obtain certain documents, make comments or weigh in on decision-making."

The differences between Bulgaria's civil legal system and America's common law system also provide teaching opportunities. "Students from civil law

countries like Bulgaria think there's one definite answer. The statute says one thing and it's very clear. However, facts in a case can make things ambiguous. It's fun to help students explore the ambiguities and learn to see how you might interpret something differently under different circumstances."

In addition to influencing the country's future lawyers, Jacobson is helping Bulgaria's elected officials reform the government. In 2003, she spoke before the Bulgarian Parliament on the use of administrative process to fight corruption. She's become a featured speaker at the Ministry of Justice and at the Commission on Fighting Corruption. She and Professor Slavova are co-authoring a book, *The Seven Principles of Fighting Corruption in Bulgaria*.

"Students from civil law countries like Bulgaria think there's one definite answer. The statute says one thing and it's very clear. However, facts in a case can make things ambiguous."

– M.H. "Sam" Jacobson

"It's unusual to see a country where people are so intolerant of corruption," she says. "Even though corruption is still high in Bulgaria, it's not acceptable. We have this window of opportunity where Bulgarians don't want corruption as part of their governing system and we can help do something about it. That's really exciting."

– Bobbie Hasselbring

Professor Jacobson was recently awarded a Fulbright to teach administrative law in Bulgaria.



GLOBAL SUSTAINABILITY:
WHAT'S FAIRNESS
GOT TO DO WITH IT?

The best predictor of toxic waste in a neighborhood isn't geology, hydrology or property values, it's race. The darker the skin or the poorer the people, the more toxic their neighborhood is likely to be. The same pattern holds between nations. Look across the Mexican border – or the border of almost any poor country – and you'll see it: illegal dumping of toxic waste, exploitation of environmental and human resources, violation of environmental laws. Poorer, less developed nations are far more likely to be the recipients of a new trade in global toxic and hazardous waste. It's environmental racism, the disproportionate exploitation and violation of the environment occurring in places where people have neither the money nor the political clout to fight back.

by Robin Morris Collin and Robert W. Collin



Next time you're online, look at www.scorecard.org and type in your zip code. You'll learn what's polluting your neighborhood's air, water and land. Do the same for a zip code where the majority are people of color or poor people, guess what else you'll learn? Their neighborhoods get more pollution and toxicity than white, wealthy neighborhoods. This pattern was empirically proven in a landmark study by the United Church of Christ 18 years ago. But, the planet earth is small and what we do to poor people and to Third World nations is impacting the environment for all of us.

The environmental challenges we are experiencing are global in scope. We're becoming more aware of them partly because of websites like scorecard.org and other technologies. Regardless of our politics or our personal feelings about poverty and race, the earth's natural systems are interconnected without regard to national borders, race or wealth. Ask your local watershed keepers whether dioxin – the same chemical responsible for the lesions on Ukrainian politician Viktor Yushchenko's face – leached from beneath a prison will stay out of the city's ground water. It won't. No more than toxic clouds generated in Beijing from coal fired energy plants will stay out of the jet stream that brings them to our Western coast. No more than the wind kept Chernobyl's radioactive plume out of the milk of Western Europe's cows.

As the poet James Donne wrote, "No man is an island." We'd add that no human's acts today are insignificant. We are so deeply intertwined with each other by multiple systems that "sacrifice zones" – areas we deem acceptable to pollute – are no longer sustainable. What one individual does – whether it's negligently or consciously – can create an environmental disaster for many. One country's choice of development may lead to environmental disaster for other countries. We can no longer behave independently if we want to protect the natural systems we all depend upon like clean air or fresh, clean surface, ground and rain water. We all must move toward behaving in sustainable ways.

The World Commission on Environment and Development's Brundtland Commission defines sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." We acknowledge that development is essential to satisfy human needs and improve the quality of human life. At the same time, development must be based on the efficient and environmentally responsible use – the sustainable use – of all of society's scarce natural, human and economic resources.

Globally, the concept of sustainability raises questions of fairness between developed and developing nations. How can the developed world continue to consume far more of its share of natural resources and create far more waste than poor nations? Why should only poorer, developing nations forego the opportunities for a better quality of life to prevent further environmental degradation? Who should sacrifice the needs of the present to enable future generations to meet their needs?

Globally and locally we all must move toward sustainable policies and sustainable development and two practices can help us get there. First, we need to include in the decision making process those who must live with the consequences of environmental decisions. Second, we need to employ the precautionary principle.





The best environmental and economic decisions are made when all those who have to live with the consequences are included in creating those decisions. Absurd and even dangerous decisions are made when we fail to include those who live with them. Think about the napalming of the New Carissa, the ship that wrecked off the Oregon coast in 1999, as a solution to removing the leaky oil tanker. The community was kept out of that decision. Had they been included, it's unlikely such a choice would have been made.

Inclusion means a voice for all, not just for the politically powerful – they already have the voices of plenty of lobbyists. Carol Browner, former administrator of the Environmental Protection Agency, pioneered administrative initiatives built around the practice of inclusion. She was the

If you think this new environmental paradigm of justice and sustainability is just the wishful rantings of two environmental scholars, think again. Our communities, especially our young people, are eager to embrace it. And Willamette University is stepping into the void to prepare them for leadership in this new future. Recently, the University established the Sustainability Council to help the Willamette community better reflect the values of sustainability. As Willamette University President Lee Pelton wrote in a recent memo, "There is much support on our campus for sustainability ... sustainability is at the center of what we do as an institution seeking to live by its profound motto, 'Not unto ourselves alone are we born.' Whether we are encouraging our students to use their talents to improve the well-being of the communities in which they

"The Next Generation of Environmental Decision Making: Beyond Land, Air and Water," Robin Morris Collin and Robert W. Collin, *The Oregon Lawyer* (1999).

"The Role of Communities in Environmental Decisions: Speaking for Themselves," Robin Morris Collin and Robert W. Collin, *Journal of Environmental Law and Litigation* (Fall 1998).

"Where Did All the Blue Skies Go: Sustainability and Equity: The New Paradigm," Robin Morris Collin and Robert W. Collin, *9 Journal of Environmental Law and Litigation* 399-460 (1994).

"Equity as the Basis of Implementing Sustainability: An Exploratory Essay," Robert W. Collin and Robin Morris Collin, *96 West Virginia Law Review* 1173-1190 (1994).

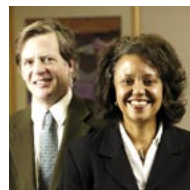
WANT TO KNOW MORE?

first federal administrator to mandate including poor communities and communities of color in environmental regulations.

The second strategy, employing the precautionary principle, simply means that we make our decisions in ways that favor and protect human beings and living systems. When an activity raises threats of harm to human health or to the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. That means we don't wait until scientists have undeniable proof that something is toxic to life before we do something about it. In this context, the proponent of an activity – the mining company leaching the toxins into the water, the corporation fouling the air with its toxic smokestack, the utility company killing fish with its dam – bears the burden of proof, not the public. The precautionary principle would ensure that those who want to introduce new development, new chemicals or new processes must first prove that they are safe. The vulnerable wouldn't have to prove harm first.

live, or whether we are working to secure the financial soundness of this institution itself, we understand that the choices we make now affect the lives of present and future generations. This is the heart of a liberal education."

It's also the heart of sustainability and of ending environmental racism. We can provide the leadership for an innovative future that is both just and sustainable if we open our eyes and minds to the possibilities. 🌱



Robin Morris Collin is a Willamette law professor. Robert W. Collin is a senior research scholar at Willamette's Public Policy Research Center and an adjunct professor of law at Willamette University College of Law. Together they helped to found the Conference Against Environmental Racism (CAER), the Oregon Governor's Environmental Justice Advisory Board and a network of regional activists in the area of environmental justice in the Pacific Northwest.



Viva Italia!

Andrea Bartoloni JD'82 is full of enough obscure facts to create a trivia game. Need to know the optimal temperature for preserving French mannequins or

what it costs to fly 20 former NBA stars to Thailand? Bartoloni's your man. "My work is really interesting because I'm often dealing with atypical issues."

Bartoloni is an international business attorney. He's a partner in Bartoloni Law Group, a small, Portland-based law firm with some big clients. Most of his work involves helping individuals and businesses move people, materials and ideas from one country to another. Smoothing the skids of international commerce takes knowledge, versatility and good connections.

"Not only do I need to know business, but I've also got to negotiate transactions with people from different cultures, backgrounds and beliefs. The network of people that you develop internationally is probably one of the biggest assets of an international lawyer."

Those connections have landed Bartoloni some interesting clients. He once worked with a Thai businessman to bring a "Legends of the NBA" game

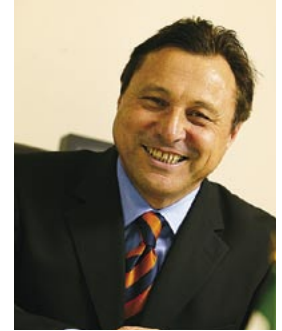
"The network of people that you develop internationally is probably one of the biggest assets of an international lawyer."

– Andrea Bartoloni JD'82

to Bangkok. This meant negotiating with basketball stars like Kareem Abdul-Jabbar and Moses Malone and recruiting the Seattle Supersonics' cheerleading squad. In another case, he negotiated for Washington's

Maryhill Museum of Art to bring several of its 1940s-era French mannequins back to France to be restored and taken on tour.

Born in Florence, Italy, Bartoloni originally designed furniture before deciding to become a



lawyer. He later moved to his wife's home city of Bellingham, Wash., and completed a bachelor's degree at Western Washington University before coming to Willamette University College of Law. Bartoloni chose Willamette for its "nurturing environment and small class size where I could get to know the professors. Willamette provided a stimulating and enriching experience."

After finishing school in 1982, Bartoloni joined Stoel Rives LLP, and helped develop their international law practice. In 1988, he set up a private practice with former Stoel Rives partner and Willamette law graduate, Jeff Abbot JD'84. Bartoloni represents some of Italy's largest corporations such as Impregilo, one of the world's leading excavation companies. The company is currently working on Portland's \$293 million west side pipeline project. "Because of my cultural background, I have good connections with Italian companies."

Appointed as Italy's vice counsel to Oregon, Bartoloni is also an ambassador in building cultural and business ties between Oregon and Italy. One of his greatest successes so far is the Portland-Bologna Sister City Association, a team of American and Italian business and public leaders who have forged a close alliance. "Portland and Bologna have a lot to offer each other both commercially and culturally, and I am excited about how this relationship is developing."

– Brad Millay '97

Green Global Justice

Ralph Bloemers JD'98 is a leader in the Pacific Northwest's conservation community. Three years ago, he gave up a comfortable job at a prestigious Portland law firm to co-found the Cascade Resources Advocacy Group (CRAG), a non-profit organization that's at the forefront of strategic environmental litigation and educational outreach. "We don't have our own agenda," explains Bloemers. "We help people who want to preserve public land and the environment. It's great to represent people who have issues they care about."

Raised on a 600-acre farm in Virginia, Bloemers has a deep connection to the outdoors. However, his decision to enter law school and make environmental protection the focus of his work was shaped by a series of important experiences that began outside of the United States.

After graduating from the University of Colorado, Bloemers hiked for several months in southern Asia. The crushing poverty he saw in countries like Nepal and Thailand made a deep impression on him. "I became a lot more serious about going to law school and using my skills to help people," he says.

He also spent a year in Germany working in a reinsurance firm – a company that insures insurance policies. It opened his eyes to the environment's potentially staggering impact on global health and economics. "The reinsurance business is very conscious about the impact of global warming and climate change because of the catastrophic losses it means for them."

During his third year at Willamette University College of Law, Bloemers' future came into focus. A dual Dutch/American citizen, he spent a semester at Leiden University in Holland, the birthplace of international law. He studied with international law luminaries like Marcel Brus and Laurens Jan Brinkhorst.

After graduating and working for three years at Stoel Rives LLP in Portland, Bloemers struck out on his own. He was eager to help disadvantaged communities and organizations take on governmental and commercial interests that are often at the root of environmental degradation. "While a lot of environmental conservation efforts are well funded, less attention is given to prosecuting environmental justice because the stakeholders are often minorities and low income."

After its first year of operation, CRAG was winning cases and bringing in enough public support to break even. While it won't make him wealthy, CRAG's unique combination of legal expertise and facilitating educational outreach provides Bloemers with something far more lasting. "The rewards we get come from working with individuals and communities to help protect and maintain their quality of life."

– Brad Millay '97



Flight to Freedom

In the middle of the night, government police dragged his father away to prison. Michael Yimesgen JD'04, who was only 11 years old at the time, wouldn't see his father again for four long years. The experience would shape Yimesgen's career choice for a lifetime.

“It was a scare tactic by the government, an ‘enemy within’ type of thing,” says Yimesgen, his words flavored with the soft lilt of his native Ethiopia. “My father was from Atria, a region in the north at war with the government. They put my father in prison because of his descent. It was a propaganda move the government employed when the civil war wasn’t going well and they wanted people to be afraid; to make them believe they had enemies in their neighborhoods.”

It also enabled the government to confiscate homes, businesses and other properties to finance the war. Yimesgen’s father had done fairly well in the import/export business, making him a prime target. The government assumed that Yimesgen’s mother, a woman with little formal education, would be an easy target. They figured wrong.

“They wanted to ease us out of our property, but my mother didn’t let that happen,” he says. “She’s a very strong woman. She got a lawyer who was a friend of the family and beat the government to the punch at every turn. When the government insisted the family hadn’t paid certain taxes or fines to justify seizing our property, she’d have a copy of the documents saying otherwise.”

Despite having to sell off cars, jewelry and other personal possessions to make ends meet, his mother didn’t allow her husband’s absence to harm Yimesgen and his four siblings. “She appeared in court, made food to take to my dad in prison, made sure we had clothing for school and that we went to school – she did everything. She didn’t want anything to change for us.”



Four years later, in another propaganda move, the government suddenly released Yimesgen’s father. The charges were never fully litigated and he was never convicted. Without apology or redress, he was released, along with hundreds of other political prisoners.

Unfortunately, there wasn’t time for young Yimesgen to become reacquainted with his father. “There was an unofficial draft and people were being targeted for the military,” he recalls. “My mom wanted me to get out so I had to leave.”

He traveled to the United States and stayed with a family in Santa Barbara who had previously hosted his older brother. After a few months, Yimesgen moved into an apartment with his brother and sister. “I loved

living with them. I'd seen the movies "Grease" and "16 Candles" and had always wanted to go to school in the United States."

Although he missed his parents, Yimesgen thrived, earning top grades in his American high school. It wasn't until he moved to Davis, to attend the University of California that the culture shock kicked in. "Suddenly I was by myself, away from my family and my support network. I was missing home and I just lost it. I was getting terrible grades and was thinking about dropping out."

It was Yimesgen's mother, on a rare visit to California, who again came to the rescue. "I told her what was going on. She said, 'I support you 100 percent. If you need to go to community college and start over, fine. If you want to go back to Davis and take the classes you loved back home, do it.' I was totally taken aback."



His mother's counsel did the trick. Yimesgen returned to school with renewed vigor and purpose. He slowly raised his grades and graduated in 1998 with a degree in international relations.

Regardless, the stress of his father's imprisonment, coming to the United States and having to be completely on his own for so long, had taken its toll. "By the time I got my BA, I was totally burned out. I felt lost. I didn't know what I wanted to do."

For the next couple of years, Yimesgen drifted, tended bar and hung out with international friends he'd made at school. It was a call from his mother that jump started his stalled progress. "She said she was very disappointed that I'd finished school and wasn't doing anything, wasn't making any money, wasn't planning what I was going to do with my life. I started thinking about what my mom had gone through in court and decided that being an advocate was something I wanted to do."

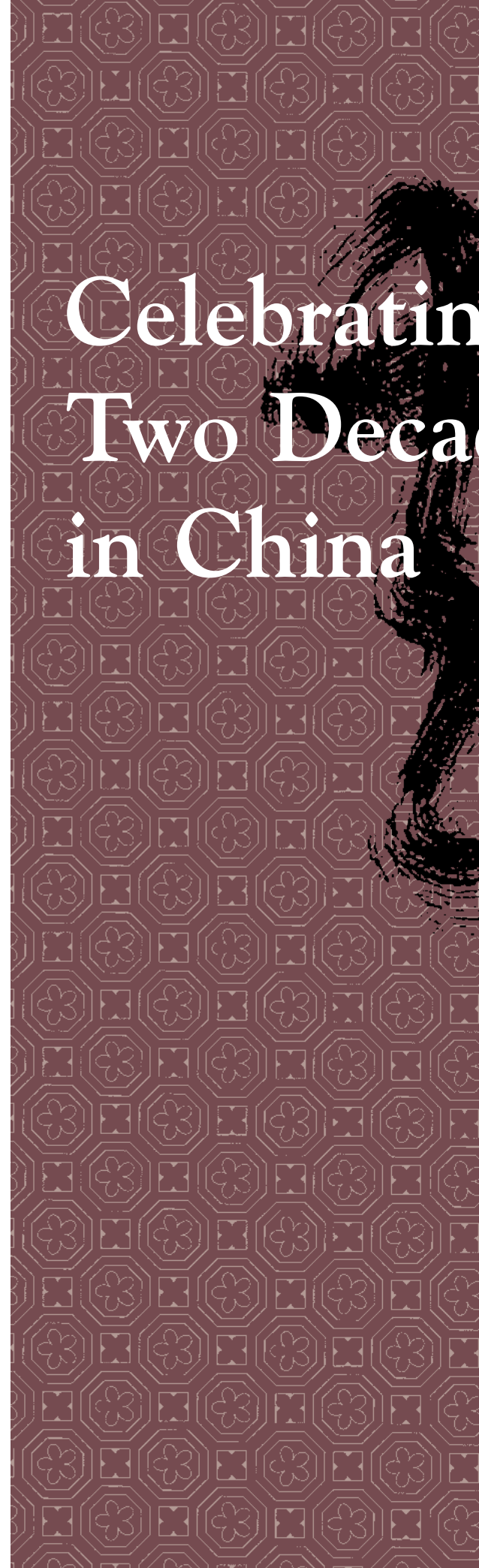
He'd taken the LSAT before leaving Davis and applied to law school at San Diego and at Willamette. He was accepted at both. "On the same day, I got two letters: one from San Diego and one from Willamette. The San Diego letter was a form letter saying my deposit was late. The Willamette letter, which was personally signed by Dean Symeonides, offered me a scholarship. It was easy to choose Willamette."

It's a decision that's continued to please him and make his mother proud. In his first semester, he co-authored a paper with Willamette Professor Jim Nafziger that was published in the *Michigan Law Review*. In his second year, he interned with Bullivant Houser Bailey PC in the firm's Portland office. Last spring, after a successful clerkship with the firm, they offered him a job when he graduated. At graduation, he honored his mother, who was unable to attend, by wearing a traditional Ethiopian robe she had tailored for him.

– Bobbie Hasselbring



Celebrating
Two Decades
in China



g des

In 1981, China was largely unknown to the West. That's when then Willamette University College of Law Dean Leroy Tornquist and Law Professor James Nafziger made the visionary decision to develop an international program with East China University of Politics and Law (ECUPL). Three years later, Willamette's China Summer Program was born.

Over the past 21 years, Willamette's China Summer Program, the oldest such program in existence, has introduced some 700 students from Willamette and more than 120 other universities and colleges throughout the United States, Canada, Australia and Europe to China's rapidly evolving legal system. The four-week program, which is open to both law students and law school graduates, has also provided an inside look at the blend of ancient and ultra-modern that is China.

"ECUPL is in Shanghai, China's biggest city and center for international trade and investment, so we thought it would be an exciting opportunity," explains Nafziger, who is the College of Law's Director of International Programs.

"The exchange program allows American law students to learn about the Chinese legal and judicial systems and Chinese society and culture," says Xian Min Chen, a law professor at ECUPL and deputy director of the University's International Exchange Center.

The China Summer Program, which is taught in English, teaches students about American and Chinese law. "As a comparative law program, the China Summer Program offers a unique opportunity to gain insights not only into foreign law, but by contrast, into features of the American legal system," says Nafziger.

The China Summer Program has also evolved into an exchange program. A sizeable number of Chinese students have come to Salem to study. Willamette has also hosted three visiting scholars from China and published several articles on China-related legal issues and the *Willamette Journal of International Law and Dispute Resolution*, now in its thirteenth volume.

Perhaps most importantly, Willamette's China Summer Program has launched the legal careers of a number of alumni who are now major players on both the Chinese and American legal scenes.



Q and A with Professor Xian Min Chen



Chinese marine law expert and law professor Xian Min Chen has been teaching at the East China University of Politics and Law (ECUPL) in Shanghai, China, for the past 20 years. As deputy director of international programs at ECUPL, he helps coordinate Willamette's China Summer Program. He studied for two years at Willamette University College of Law. He was asked to describe his experience and the opportunities for American lawyers in China.

When you attended WUCL, which professors were most influential and what was the most important thing you learned?

I remember many of the Willamette professors, especially Jim Nafziger, Sam Jacobson, Leroy Tornquist and Bob Art. The most important thing I learned about was the American legal system and the American teaching system.

How has your experience at WUCL influenced your teaching?

I learned different teaching methods from Willamette professors. Here in China, when professors give a lecture, only the professor talks, not the students. But in America, professors expect class discussions. They state the question to students and wait for students to answer. This is a very good way for law students to learn. Over the past 10 years, some of our professors here have been using this teaching method and our students like it. We put them into small groups, give them a topic or question and they work on the answer.

How is working in China as an attorney different from working in America as an attorney?

American law firms focus on a specialty, a narrow topic. If there's a maritime case, it's given to a maritime law firm. In China, we deal with many kinds of cases because we don't have specialty law firms. Familiarity with a specialty is very good for clients and we have some

lawyers who deal with specialty cases in law firms. However, up until now, we don't have specialty law firms in China.

Are there opportunities for American attorneys in China?

In recent years, China has sped up and widened cultural and economic contacts with overseas countries. China is a very big country and there are many opportunities here because we do not have many lawyers. In Shanghai, we have fewer than 5,000 registered lawyers, which is not enough for such a big city. Also, the law system here is changing a lot. Ten years ago, the country's law department belonged to the government. Now most law firms are private partner law firms, which create more opportunities.

What advice do you have for law students or alumni interested in practicing in China?

Now that China has become an open economic market, American law students should take more time to study the Chinese market and Chinese law. If you're interested in working in China, it's good to speak Chinese. We have a summer program here at East China University where we teach Chinese language to American students. However, even if you don't speak Chinese, many people in Shanghai speak English so it's still possible to communicate.

– Bobbie Hasselbring

Min Kang Gu JD'96, a law professor at City University of Hong Kong, isn't a typical Chinese teacher. He tempts, he cajoles, he encourages his students into working independently and asking questions, even when he can't supply all the answers. He learned his unique teaching style from professors at Willamette University College of Law.

lem. My second challenge was financial. I had a tuition waiver, but also had to support my wife and daughter. It was difficult. During that first year, I almost left Willamette."

By the second year, Gu had found his stride and he ranked in the top 30 students. He published two journal articles with the late Professor Robert Art. For his efforts, he was

of encouragement. They often invited me and my family to their homes on weekends and took us to restaurants and to beautiful places in Oregon. In the classroom, they were my teachers; after class, they were my friends."

Gu says Willamette changed how he thinks about legal issues. "I am able to look at legal issues from

A Different Kind of Teacher

Min Kang Gu JD'96



"In China, our teaching style is to stuff students like a duck," he says, smiling broadly. "We give them information, but we don't ask them questions. Maybe we're afraid that we are not prepared and don't have the answers. At Willamette, I saw professors prepare very well and answer questions. That influenced me a lot."

Gu had earned a master's of law degree and had been teaching at East China University of Politics and Law (ECUPL) for five years when he decided to come to Willamette. "I thought it would be good to learn more about U.S. law."

It wasn't easy. "My first year at Willamette was very tough. I needed to take the same class load as other American students, but I had to work very hard just to survive. It was no problem for me to think about law issues, but the language was a prob-



awarded a scholarship, which helped ease some of the financial stress.

What really made the difference, he says, was the kindness of Professors James Nafziger and Robert Art. "They took the initiative to help me take care of my life. They treated me like a brother and gave me a lot

many different angles or aspects. I can ask myself, 'What would we do in the common law tradition; or what would we do in the civil law tradition? What would the compromise solution be?' This way of thinking is one of the big advantages of studying abroad."

Even more profound for Gu is how Willamette influenced his teaching. "Now I'm a different kind of teacher. Willamette taught me that professors don't have to be perfect. I ask my students questions. I invite them to ask me questions. If I can't answer a question right then, I'll prepare and answer it next time. It's a good teaching method that benefits my students."

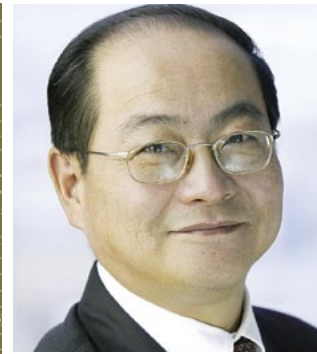
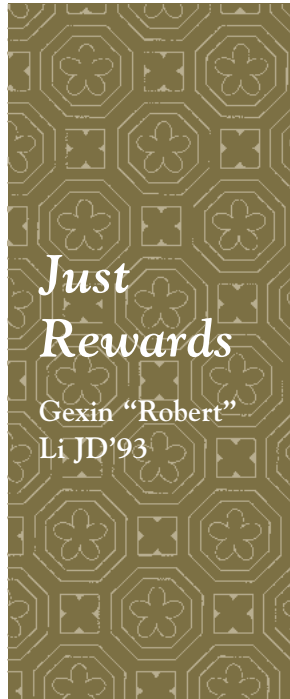
— *Bobbie Hasselbring*

Gexin “Robert” Li JD’93 was a teenager when the Cultural Revolution began in China in 1966. At 16, he was sent to Heilongjiang Province in northeast China to work in the labor camps. He worked there for five years, enduring long hours and inhumane conditions. Now he eats at a restaurant near his office that serves Heilongjiang-style food. It’s a way to remind himself of those difficult times and be grateful for how much his life has changed.

Today, life is sweet for Li. He is the founding partner of one of the most successful private law firms in Shanghai. He has a strong family life, a house in the city and a beautiful villa in the Shanghai suburbs. He wears impeccable suits, owns and works in an office with an incomparable view of the city skyline and drives a new BMW sedan.

In 1989, Li was teaching international economic law at East China University of Politics and Law in Shanghai when the country was thrown into turmoil by the pro-democracy demonstrations at Tiananmen Square in Beijing. Li decided it was a good time to come to Willamette University to study American law. The decision would change his life.

“I arrived four weeks late to Willamette, so my first semester almost killed me. Law students have lots to read. You can imagine how much I had to read to make up the four weeks. I worked like a slave.”



Richard Hagedorn and Carlton Snow, had a strong influence on him. “Willamette taught me how to think about the law and analyze issues.”

After earning his J.D., he returned to work as an attorney in China. When the Chinese government passed regulations allowing the creation of private law firms, Li jumped at the opportunity. In 1995, Li applied for and received one of the first licenses to own and operate a private firm.

His law firm now

He dove into classes, especially commercial law courses. He took almost all of the U.C.C. courses as well as legal research and writing. At first, the cultural differences were hard to bridge. “In China, rights are granted from heaven and the interest of the State is the most important. In the U.S., rights come from the people and the people’s rights are the most important. The systems are totally different, which made it difficult for me.”

By his third year, Li was in the top 10 percent of students in commercial law classes. Several Willamette professors, including Robert Art,

has 14 attorneys. Today, he spends much of his time helping international firms set up companies in China. Not long ago, he and his firm completed the Pudong Water Company Project, which involved transferring 50 percent ownership of the area’s water rights to a foreign country. “Historically, the state monopolized the water industry and foreigners were not allowed to invest. Three international water giants competed in this project. This successful project has become a model for utility companies in China.”

– *Bobbie Hasselbring*

“Being in America in law school gives you a different perspective,” says Yuanxing Chen JD’90, senior legal council at DuPont China Holding Company, Ltd. in Shanghai. He’s standing in front of a display case filled with seemingly unrelated products – Teflon® cooking pans, military flak jackets, Corian® cutting boards, flameproof hoods and cans of auto refinisher. They illustrate applications of the more than 200 products that DuPont manufactures and sells in China. They also represent the breadth of Chen’s busy job.

“DuPont is growing very fast in China,” says Chen, who has been

difficult to keep up because it’s evolving very fast. As an attorney, I have to stay current with the published regulations. China doesn’t have an official legal reporting system, which is something I’d like to see. The internet has helped and now there are some publishing companies that help keep us up-to-date, but it’s still difficult.”

Chen insists that there are plenty of opportunities for American attorneys in China, but the right preparation is key. “Business is booming in China. More and more, China is becoming the manufacturing base for many multinational companies and these companies

“Willamette taught me what the law means and how to analyze legal issues. It gave me a different perspective. It has made me able to compare different systems, which is helpful in my work here at DuPont.”

Although he advises his company on Chinese law, Chen says that learning American law has made all the difference in getting favorable results for his employer. “Now when I look at documents, write an opinion or talk with a judge, I look at it not only from the Chinese perspective, but also from the Western perspective. For

“Business is booming in China. More and more, China is becoming the manufacturing basis for many multinational companies and these companies need attorneys.”

– Yuanxing Chen JD’90

with the international corporation for eight years. He and two other staff members are responsible for all the legal work for DuPont China and in Dupont’s Shanghai office, one of three branches the company has in China. “I get involved with whatever legal issues DuPont has in China. It may be intellectual property, investment issues, land use concerns. I am involved in the beginning, from negotiating with our partners or dealing with government authorities to preparing the necessary legal documents.”

One of the challenges for Chen and other attorneys working in China is staying abreast of all the changes in the country’s legal system. “It’s dif-



need attorneys. Many of them want American attorneys, but if you don’t speak Chinese, you’ll run into problems. Your success will depend on your determination and on your language skills.”

He credits much of his own success to what he learned at Willamette University College of Law.



instance, when the government tries to impose fines on the company for doing something, I write memos that incorporate legal theories, due process concepts and many other things I learned in the U.S.”

– Bobbie Hasselbring

“It changed my life!” That’s how Ecuadorian exchange student Carlos Moncayo describes his experience at Willamette University College of Law. His action-packed year included working at a Portland law firm, assisting with an international sports law book, completing the dispute resolution certificate program and traveling halfway around the world with the China program. Willamette not only changed his outlook on the law, but his entire career direction.

“I was studying law in Quito and clerking for the biggest law firm in

Moncayo to become an exchange student in the fall of 2004 in Willamette’s Ecuador Program.

“At first, I figured I’d become a partner as quickly as possible and earn money. That was my target.”

Taking a full load, he threw himself into his studies. He learned about Willamette’s two-year dispute resolution certificate program. “Professors Richard Birke, David Clark and James Nafziger said I could apply to do the program in one year. It was crazy because I needed 200 practicum hours plus all the classroom credits. I was accepted and

I started doing mediation at the courthouse in Salem

“The Willamette professors made me understand how wonderful it can be to study law.”

– Carlos Moncayo

study and learn more, not just get the degree.”

When he heard about Willamette’s China Summer Program, Moncayo was intrigued. “I was interested, but had no money. To pay for my trip, I worked as Professor Nafziger’s research assistant and helped him with the second edition of his book, *International Sports Law*.”

Not one to waste time, Moncayo sent his resume to international law firms in Shanghai. “I sent all these emails, got replies from four of them and got phone interviews with two.”

When Moncayo finished the four-week China Summer Program, two firms offered him an internship. He chose

Lehman, Lee and Xu, a renowned Chinese law firm. “They put me in charge of Spanish-speaking companies investing in China. I met with chambers of commerce, commercial offices and consulates from Spanish-speaking countries.”

Within three months, Moncayo proved his value and the partners offered him a year’s contract. “It was a hard decision,” he says, about accepting the job. “I still want to go back to Ecuador and finish my law degree. Then get my master’s degree in law in the U.S.”

For now, Moncayo is working at the law firm during the day and studying Chinese at night. What’s his ultimate goal? “I’d like to be president of Ecuador,” he says, without hesitation.

No one who knows Moncayo doubts his chances to succeed.

– Bobbie Hasselbring



On His Way

Carlos Moncayo



Ecuador,” Moncayo says. His black frame glasses, gray suit and white shirt make him look older than his 23 years. “I had security. Everybody was telling me I was on the right track, but something was missing.”

A meeting with the director of the Ecuadorian program in Quito who’d studied at Willamette prompted

and mediation for Spanish-speaking families at another agency.”

Along the way, something magical happened. “All the Willamette professors, but especially Professor Nafziger, made me understand how wonderful it can be to study law,” he says. “Suddenly, I wanted to

Linda Gao JD'03 wants to know more. That intellectual curiosity has taken her half-way around the world and back and pushed her to earn three law degrees.

"I got my LL.B., a four-year undergraduate degree, at East China

the middle of school. The other students had gotten some background in contracts and common law, but I had to just pick it up."

Although she'd studied English in China for several years, taking law classes in English proved a challenge

"They challenged my personality and my cultural background. In China, students don't speak a lot. My personality is also very quiet. We had to participate in class, communicate with clients and speak before professors and students all the time."

A Thirst for Knowledge

Linda Gao JD'03



The experience has paid off, giving her the confidence to land a job with Albright Law Offices, one of the largest, most successful private firms in Shanghai. "Professor Vollmar's class in trust and estates has been really helpful to me in what I do," she said. Her firm has captured 90 percent of the trust and financial securitization work in China. "The negotiation skills I learned at Willamette help me negotiate, especially with American attorneys."

Not wanting to lose her hard-won knowledge of common law, Gao also teaches at Fudan University, one of the top law schools in China.

University of Politics and Law," she explained. "I worked for nine years at East China, teaching and working for the International Exchange Center and with Willamette's Summer China Program."

Gao taught Chinese law, but she was intrigued with Western common law. "Singapore is also a common law country, so I went to the National University of Singapore and got a master's of law degree. While I learned about common law, I hadn't learned the real essence of common law. I wanted to know the 'why' of common law."

Her quest to know more brought her to Willamette in 2000. She left behind her five-year-old daughter and her husband, John. "I really missed my daughter and my husband. They made sacrifices and supported me a lot."

Difficulties obtaining a visa delayed her start at Willamette. She was forced to play catch up. "It was very difficult for me because I started in



too. "I could do well in reading and writing, but listening was difficult. Many of the professors spoke so fast."

She worked hard and, in her first year, earned honors in her legal research and writing class. Later, she was selected to serve as an associate editor for the *Willamette Law Review*.

Practical courses like the civil practice clinic and trial practice pushed her out of her comfort zone too.

"Teaching allows me to use my knowledge of civil and common law and do comparative research." She'd eventually like to teach full time. "In a civil law country like China, we don't have judges to interpret the laws. Practitioners and judges come to university scholars for solutions. I'd like my scholarly work to help the practical work."

– Bobbie Hasselbring



The People's Lawyer

Li Wei JD'97

English isn't their native tongue. They don't understand the American legal system or legal terminology. Big law firms overcharge them. Li Wei JD'97 hears these complaints all the time from his Asian clients. As the community's lawyer, he makes it his business to help.

"My clients treat me like a family counselor and their business attorney," says Wei, who operates a solo general law practice in Portland, Ore., that specializes in serving the area's Chinese and greater Asian communities. "They call me for everything."

Wei began his legal career on a much different track. In China, he'd taught international law at Shanghai University and was working on a Ph.D. in law at New York University when his colleague James Mei JD'89 told him about the J.D. program at Willamette University College of Law. "My experience at Willamette was totally different than my experience at NYU. At Willamette, you're part of the community. You're in close relationship with the professors. They spend time with you and it's easy to ask them questions. I felt comfortable right away."

English proved his greatest hurdle at Willamette. "In property the first year, we talked a lot about Chihuahuas, but I had no idea what

a Chihuahua was," he says, laughing good-naturedly at the memory.

His Willamette professors came to his rescue. When he wrote an article about Chinese judicial interpretation for *The Willamette Journal of International Law and Dispute Resolution*, Professor Nafziger corrected his grammar word-by-word. Legal writing instructor Sam Jacobson met with him often and coached him. "She totally changed my writing from Ph.D. style to legal style. She really made a difference."

His own difficulty with conversational English gave him compassion for the Asian community's difficulty with the American legal system and made him want to do something about it. "At the VanderMay Law Firm in Salem, where I worked for two years, Asian clients came all the way from Portland to see me. They wanted someone who understood their culture, someone who spoke their language. They wanted someone they could trust."

Wei could have used his international background and his fluency with Chinese language to work for a major law firm and earn a handsome salary. Instead, he chose to be the people's attorney. To save his clients money, Wei offers free phone consultation and charges modest, fixed fees for many of his services. He counsels those seeking divorce to work out



amicable settlements because "if they fight, only the attorney wins big."

On any given day, Wei's office hums with activity, with Chinese, Thai, Cambodian, Vietnamese and other Asian people coming and going. The office phones ring constantly. Wei smiles at all the activity. "My office is literally like a shop with people coming by to ask questions all the time. I never tell them to come back tomorrow. I cannot do that. I just tell them to sit down and we'll talk."

—Bobbie Hasselbring



“Before they left, Professor Nafziger said, ‘If there’s anything I can do to help you, don’t hesitate to contact me.’ I thought he was just being polite.”

That December, Mei, who was studying for the entrance exam for a master’s in law at Beijing University, sent Nafziger a Christmas card saying he’d like to study at Willamette. Nafziger, who was on sabbatical, didn’t respond until the following April. The next thing Mei knew, he was enrolled at Willamette.

used the opportunity to travel to Shanghai and bring his wife back to Salem. He’s been returning every year since to help with the China Summer Program, often arranging for class presentations by businessmen and practicing attorneys. “These students are future lawyers, so they need to get the whole story about Chinese law. People from Europe and elsewhere tell a different story than Chinese professors.”

After earning his J.D. at Willamette, Mei worked for a couple of local



Fateful Summer

James Mei JD'89

Twenty years ago in China, James Mei JD'89 met Willamette University College of Law Professor James Nafziger and Mei's life changed forever.

In 1984, after earning his bachelor's degree at Shanghai University and studying law at Beijing University for a year, the Chinese government sent Mei to teach at East China University of Politics and Law. “The dean of the law school asked if I'd help out with this new summer program from the United States. I said sure.”

During that summer, Mei acted as program administrator, legal advisor and personal tour guide for Nafziger and his law students in the first ever Willamette China Summer Program.

Like many international students, English proved challenging for Mei. “The professor’s mouth would be moving, but I wouldn’t understand.” He used half of the \$100 he’d brought with him to buy a tape recorder. “I spent twice as much time as other law students – listening in class and then listening again in the dorm. My classmates teased me that I was learning two foreign languages at once – English and legal terminology.”

There were other challenges as well. Mei married nine days before leaving for the United States and left his new bride behind. Visa problems caused him to start the term too late to receive grades or credit for his fall classes.

When Willamette’s China Summer Program began again in July, Mei

law firms in Portland. Today, he is a partner with Davis Wright Tremaine LLP (DWT), one of the largest and most respected law firms in the Pacific Northwest. In 1993, he helped DWT open the first American law office in Shanghai and split his time over the next three years between Shanghai and Portland. Now he works full time in Portland helping American firms set up business ventures in China and Chinese firms do business in the U.S. He also works in business immigration, smoothing the way for foreign companies like Freightliner and DaimlerChrysler to bring executives to the United States. “There are always new challenges and new things going on. I love what I’m doing.”

– *Bobbie Hasselbring*



research and I thought China was the place things were going to happen,” he said recently over lunch at M on the Bund, an upscale restaurant that looks out on Shanghai’s futuristic cityscape. “So I took a gamble and started studying Chinese.”

After earning his bachelor’s degree, he was offered a job at Boeing making \$20,000 a year and a second job teaching English in China for \$200 a month. Against

Scott returned to Washington and met a Canadian immigration attorney who wanted to open an office in Beijing. Two years later, he had enough experience to land a job with a large law firm. At first, Scott and his wife lived in a cramped room with no insulation. “The place had a single gas burner for cooking. The heat and hot water ran only twice a day and it was freezing outside. We’d boil kettles of hot water and take really hot baths, then jump into bed under a down comforter with just our noses sticking out to stay warm. It was rough. I kept telling Daryl, don’t worry, it’s going to work out.”

Going for the Gold

Brinton Scott JD’95

Today, he’s a senior associate at Herbert Smith, one of the largest law firms in China, where he specializes in corporate mergers and acquisitions and foreign investments and represents a broad array of foreign national corporations engaged in business activities in China. He’s also a founder and past president of Rotary Club of Shanghai and he regularly speaks at industry and chamber events. He and his wife, Daryl, live in a new, high-rise apartment – with heat and water – overlooking the Huangpu River.

As a child growing up in the small town of Yuba City, Calif., Brinton M. Scott JD’95 was fascinated by the antique, ornately carved Chinese chests his great aunt and uncle brought back from China. He also loved the crowds and the exotic sights and smells of San Francisco’s Chinatown. Little did he know these early influences would lead him to a life in China.

Even as a freshman at Western Washington University in Bellingham, Wash., Scott was focused on China. “I did some

his father’s advice, he chose China. When he returned to the Pacific Northwest to attend law school, Willamette University College of Law’s China Summer Program drew him to Salem.

He earned his law degree, passed both the California and Washington state bar exams and then set out to find a job in China. “I set up 50 interviews in 30 days. I traveled from Seattle to Taipei to Hong Kong to Shanghai interviewing everywhere. I didn’t have experience so I didn’t get any offers.”

Scott, who has survived both SARS and riots in Beijing after the bombing of the Chinese Embassy in Yugoslavia, says he loves his life and plans on staying in China long term. “If you want to come to China, you have to be prepared to make sacrifices. But it’s exciting here. You never know what’s next.”

– *Bobbie Hasselbring*

A Letter from China



Living as an ex-pat in a country like China is challenging. In a letter to friends at home, Daryl Scott illustrates some of the cultural divides she and husband, Brinton Scott JD'95, must face.

Dear Friends,

We're getting settled after the moving experience from hell (or from China). We're in our new apartment, but not the apartment we originally signed a lease for.

The real estate company promised they would move the owner's belongings out and get our keys by mid-month. We chased after them for two weeks trying to find out what was going on and get the keys.

Three days before we were supposed to move in, the landlord decided he would not remove his belongings or hand over the keys unless we agreed, in writing, to store his stuff in one of the bedrooms. We could accept this arrangement or sue him.

We opted to find another place to live. I frantically hired a different real estate agent and we found

another apartment in the same building. We finished lease negotiations with the new landlord, the movers came on Saturday and we spent our first four days without heat, telephones or email.

This is why you haven't heard from me for a while. This experience reminds me what our lives were like when we first came to China in 1990. Back then, we lived in a small dormitory room on campus with no heat. We had return airline tickets, promising to take us back to our "normal lives" when our contract was up. Today, we carry foreign resident permits, we have our own apartment and consider any travel from Shanghai, a trip "away from home."

At first, we had no idea how long we'd stay in China. The concept of calling China home felt strange.

But to move forward with our lives we needed to commit ourselves to this place. It took a lot of courage to make the leap, but once we did we focused on our long-term goals with more confidence.

We didn't make this decision lightly. The cultural differences in China are profound. Many foreigners have difficulties breaching this cultural divide and it can stress even the most seasoned expatriate. Even in a cosmopolitan city like Shanghai, what appear to be straightforward social or professional transactions can become exercises in patience and determination. Without a big network of family and friends readily available for support, it can strain even the strongest relationships.

Although it's difficult to absorb the traditions of Chinese culture, it's important to understand our differences, embrace what we can learn from them and figure out how to navigate our way through those differences. Brinton and I have found comfort in this foreign land by supporting each other and by staying involved through work and expatriate and Chinese friends and associates. Over the years, we've developed a fondness for Shanghai and its people. For us, it's home.

I must close as I have a golf date. I will write soon.

Love,

Daryl

P.S. The picture is of Brinton and me on the Bund in Shanghai.

Daryl and Brinton Scott JD'95 are enjoying their new apartment in Shanghai.

An Alumnus Reflects on a Decade in China

Like most kids growing up in Middle America, I thought China was some mysterious place on the other side of the world. At seven, I believed if I dug deep enough in our backyard, I'd end up in China. Little did I know, I'd spend 10 years living and working in Greater China.

After completing my first year at WUCL, I arrived in Shanghai in June 1991 with 30 other law students to attend Willamette's China Summer Program at East China University of Politics and Law. At this time, Shanghai was raw. During "mei yu jie" (summer rainy season), the streets filled with sewage and thousands of bicyclists wearing multi-colored ponchos. There were few cars, buses or taxis. You could buy a bottle of warm beer for a nickel. There was no air-conditioning in private homes or in our dorms. On hot evenings, people slept in their underwear or pajamas on cots laid out on the sidewalks. Besides tiny, individual shops, there was no private sector. The economy rested on inefficient, state-run companies and sparse foreign investment, which had all but evaporated since the Tiananmen Square incident two years earlier.

During this time, Western influences were hard to find. As American students, we weren't allowed to socialize with Chinese students. When we snuck out in the evenings in search of nightlife, there was none to be found. At the Portman Ritz Carlton, the first five-star hotel in Shanghai, rooms cost \$30 a night, but they operated at only five percent occupancy. On the Fourth of July, only 50 Americans showed up at the U.S. Consulate to celebrate.



After the summer program in China, I became extremely dismayed in my second semester with law school. I'd been greatly impacted by China and felt restless. I approached the late Professor Carlton Snow with the idea of taking a year off to live in China and learn the language and then return for my third year in law school. Snow, an amazing listener and supporter, listened intently and asked several questions. Then he leaned forward and said, "Fantastic idea, Mr. Grossman, but if you go to that strange and wonderful land, you will never return to finish law school. Finish what you start. That includes graduating from law school and passing a bar. Then chase your dreams."

I did. He was right.

Early Days in China

On Thanksgiving Day 1994, I arrived in Shanghai. I had completed a year in Taipei, Taiwan, studying Mandarin Chinese and working for an American law firm. At Shanghai Hongqiao Airport, the sky was gray. I wondered, "What the heck am I doing here?"

My job was to get a Shanghai law office up and running for my employer. I barely had utilitarian Chinese language ability. I had limited knowledge of Chinese law and not a single client. It became a classic case of "chit su" or eat vinegar, the Chinese equivalent of eating humble pie. Over time, we put together a team and secured clients one at a time.

Shanghai had changed dramatically since I'd been there three years earlier. The city was undergoing a massive transformation. Highways and skyscrapers were being built at an

astounding pace. Twenty percent of the world's building cranes dominated the Shanghai skyline.

I quickly discovered that working as an attorney in China is a challenge. Foreign lawyers are not permitted to formally practice law in China. They are allowed to provide "legal

it can be applied. In China, litigation for foreign parties remains an unpredictable means of resolving breaches of contract. It's paramount to have solid contracts in China, but it's equally important to maintain leverage and control in the form of capital and technology that will

"On Thanksgiving Day 1994, I arrived in Shanghai. I wondered, "What the heck am I doing here?"

— Brian Grossman JD'93

consulting services." Practicing law in China means providing formal legal written opinions and litigation. Thus, all work we provide to Western clients contains the disclaimer: "This work product is not to be considered a legal opinion, but rather general consulting advice based upon our knowledge of doing business in China. In the event you need formal legal advice, you must retain a PRC-licensed attorney."

During my first year in Shanghai, I spoke to a delegation of American business executives on a trade mission. After my presentation, a gentleman asked, "If there's no rule of law in China, why are you here?" I told him that many multinational companies were investing in China and that the rule of law and, more importantly, the advent of contracts controlling commercial relationships in China were increasingly gaining force and validity. Unlike in the U.S. where the contract is king, in China contracts serve as checks and balances for a continuing relationship and ongoing negotiations. In the U.S., litigation or the threat of

be brought in by the foreign party. China may, in fact, need lawyers more than the U.S.

While I lived in China, my parents visited me twice. After a week of travel in China, my father commented that coming to China wasn't a vacation, but rather an education all Americans should receive! Together we took a cruise down the Yangtze River, which has since been dammed for hydroelectric power. We got off the boat and explored several small villages. The villagers we met were part of the one million peasants that the big dam has since displaced. We truly got a glimpse of "old China," with all of its Third World conditions. My parents ended their trip in Shanghai, the new, glitzy city of soaring skyscrapers that has been called the Pearl of the Orient, the Paris of the East and the New York of China. The trip had become a journey into China's past and into its future.

(Continued on page 41)

Finding an International Legal Job

Working abroad sounds exciting. The question is how to do it? Whether you want to work in an international private firm, a corporation or government entity, the keys to success are planning, flexibility and tenacity.

Kristen Harris JD'94 and her husband, Jeffrey Watkins JD'95, demonstrated all three in their quest for international careers. They zeroed in on opportunities in the Pacific Rim, but had no contacts or language skills. So, the first step involved sending Harris to Beijing for six months to study Mandarin Chinese. After securing her language certificate, she mailed out hundreds of resumes and made two trips back to Asia before finding a job in Taipei, Taiwan. Once in Taipei, Watkins taught English and studied Chinese before being hired at Baker & McKenzie, the largest international firm in the world.

"It took 18 months and cost us in lost income, money for language study and deferred student loans," says Watkins. "In exchange, we get adventure and job opportunities we couldn't get in Oregon."

What kind of background do I need?

It depends on what type of practice you want. Generally, a background in corporate/commercial is the most flexible for international work. Experience in banking, securities, capital markets, mergers and acquisitions and trademarks and trade issues is helpful. For public interest law, experience in human rights, criminal, environmental or civil law reform is good.

What do employers look for?

“Employers do not want to spend a lot of money training you just to have you go back home because you don’t like the new location, food, culture or the environment,” says Eric Bozman JD’02, who is practicing law in Saipan.

Demonstrate that you are flexible and comfortable with different cultures. Explore summer/semester study abroad programs, clerkships with international tribunals and law firms and LL.M. programs from foreign law schools. After graduating from WUCL, Nancy Sharp Nti Asare JD’87, who has worked in a number of countries and is now teaching at the University of Wyoming, studied in Shanghai, China, and obtained an LL.M. in Sweden in international comparative taxation.

While studying at WUCL, Harris and Bozman took advantage of Willamette’s China Summer Program; Watkins studied abroad in Austria. Bozman has certificates in both Chinese and Japanese law. “My study abroad demonstrated to employers my commitment to Asia,” he says.

Harris agrees, “The fact that I attended the WUCL program impressed my first boss enough to get me the job.” Harris also recommends

clerking for an overseas law firm even if you have to do it for free.

Do I need to speak another language?

While English is still the international language, more companies and firms want their associates to speak the language of their clients, especially in the Pacific Rim. “Being fluent is ideal, but being conversational still opens doors,” says Watkins.

Language mastery also demonstrates interest in international affairs and other cultures, makes it easier to adapt to another culture and helps establish relationships with clients and new friends. Language proficiency may make the difference between equally qualified candidates.

Bozman, who speaks fluent Mandarin, and Nti Asare, who speaks fluent Swedish and is functional in French, Spanish and Azerbaijani, say the need for a second language depends on your particular job and the country you are in. Most overseas lawyers review documents with local counsel. “Even if you have someone to check your documents, it is really useful to be able to take clients to lunch without a translator,” says Bozman.

Work Abroad Strategies

- Participate in study abroad or graduate fellowship programs.
- Learn another language.
- Focus on a particular geographic area.
- Live where you want to work.
- Network, network, network. Talk to everyone, including classmates and alumni who live and work in parts of the world you’re interested in.

Online Resources

- **www.icclaw.com**
The International Center for Commercial Law's website is a great place to start your international job search. They provide an overview of countries all over the world and profile and recommend law firms.
- **www.asianlegalonline.com/asia/header.cfm**
This website for the magazine, *Asian Legal Business*, offers job listings in Asia, Australia and other international locales.
- **www.mhaglobal.com**
The website for Major, Hagen and Africa legal search firm offers excellent articles on job search.
- **www.taylorroot.com**
Taylor Root is an international legal placement firm. Their website also offers tips on CVs and job search.
- **www.icnl.org**
The International Center for Non-Profit Law website is a great source of research tools for not-for-profit law.

Do I have to live abroad to find a job?

Ideally, yes, but it's not required. Living where you want to work makes it easier to network to find jobs. Harris and Watkins both found second international jobs in Singapore through their networking contacts in Taipei. Bozman, who sent out 500 letters to find his first job in Asia, has only been in his new job for a year, but has already had several job offers.

Where are most international law jobs these days?

Asia is hot. "Hong Kong is probably the leading city for lawyers, although Shanghai is catching up as the regional hub for North Asia," says Watkins.

Brussels is becoming the Washington, D.C. of Europe with private law firms and public interest organizations. Eastern Europe is looking for lawyers to help reform old law systems. London and Madrid both attract U.S. corporations.

Where should I look?

Recruiter websites are good sources of information and they are often open to email correspondence. They

can also be brutally honest. "They make their money by placing candidates, so they tell people straight up if they are qualified or not," Harris says.

Ads in the *Chronicle of Higher Education* got Nti Asare teaching jobs in the Arab Emirates and Mexico. Networking got Nti Asare a job in Estonia and her husband a job in the Arab Emirates.

Don't expect your first overseas job to pay a great deal. It will get your foot in the door and the perks can be well worth it. As Watkins says, "Living and practicing law abroad has given me the opportunity to travel to nine countries, meet countless fascinating people, see incredible sights and eat delicious foods."

– Phylis Myles



Phylis Myles is WUCL's
Director of Career Services.

(Continued from page 37)

During my parents' second visit to Shanghai in 1999, NATO forces bombed the Chinese Embassy in Belgrade. The U.S. government claimed it was an accident; the Chinese claimed it was intentional. Rumors flew. The U.S. Consulate in Chengdu was burned to the ground. The U.S. Embassy in Beijing was attacked with Molotov cocktails. There were massive demonstrations at the U.S. Consulate in Shanghai. It was not a good time to be an American in China. It was certainly not a good time to have parents visiting. Needless to say, we were all relieved when my parents' plane landed at the Hong Kong Airport.

China Today

Much international media attention focuses on human rights abuses in China. People often ask me, is it true? In a word, yes. However, ask most Chinese about human rights and you'll find they're more concerned with improving their quality of life than with issues like universal suffrage or free speech.

China's political climate is also interesting. Although the Communist Party is China's only political party, it would be difficult today to find many Chinese nationals who believe in ideological Communism. The media calls China a "socialist market economy," which better reflects reality. Over the past 10 years, the Chinese government has consolidated or shut down state-run companies and passed laws to encourage the development of a private sector. Some even dare to call it capital-



ism. Only a few years ago, typical Chinese were saving up for an air conditioner, TV and refrigerator. Now they are buying homes, cars, surfing the Internet and saving up for a vacation to Disney World in Orlando.

On a lighter note, I am constantly asked about the food in China. In the early days, there was limited Western food. The rule of thumb was if it was thoroughly cooked I'd try it! I've enjoyed sparrow, snake, scorpion and pig's brain. Once, while trying to close an important deal in a backwater town in Zhejiang Province, I was treated to "drunken shrimp." Fortunately, I'd had a few glasses of the local "bai jiu" (Chinese white lightening) beforehand. A dish with small, live shrimp drunkenly flipping back and forth in bai jiu was placed on the table. They were to be plucked out and eaten with chopsticks. Another time, while dining with colleagues in south China, a mystery meat appeared on the table. After being assured it wasn't dog, I gave it the

old college try. It wasn't bad. On the way out the door, the colleague who ordered the dish pointed to the tanks of live frogs, fish, turtles, etc. Apparently, we'd sampled "Iacoste," Chinese crocodile.

After 10 years in China, I've come home, leaving behind a fascinating country that's changing at an incredibly rapid pace. For the first time in a hundred years, there is stability in China. They're developing a middle class with sustainable wealth like in Europe and North America. The one-child policy has been abolished. China is now playing a major role in global diplomacy. The advancements they'll make in the next decade are unfathomable. In 2008, China will host the Olympics. It's apt recognition for a country and its people that have come so far, so fast.

— Brian Grossman JD'93



Brian Grossman is the CEO and president of Talking Knowledge, Inc. in San Francisco.



Ross B. Fortner LLB'58, of Portland, Ore., has been awarded a consumer scholarship to attend the 2004 Alternatives Conference in Denver, Colo. This conference is the premier meeting of mental health consumers and survivors coming from every state in the country.



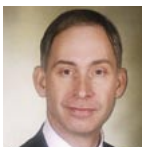
Allen B. deSchweinitz JD'67, of Klamath Falls, Ore. has been certified as a member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is recognized as the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have won million and multi-million dollar verdicts, awards and settlements.

Daniel H. Skerritt BA'65, JD'68, of Portland, Ore., has been included in the *Chambers USA America's Leading Lawyers for Business – 2004 Edition*. The guide ranks individual attorneys and firms according to

market reputation. Daniel is an attorney with the Tonkon Torp law firm.



Daniel J. Hill JD'86, of Hermiston, Ore., was elected to the Circuit Court for Umatilla and Morrow



Counties (6th Judicial District) in the 2004 primary election. Hill is also a U.S. Army Judge

Advocate, with active duty experience from 1987 to 1990, and continues to serve as a judge advocate in the Oregon Army National Guard as a Lieutenant Colonel. Judge Hill was sworn in Jan. 3 to occupy position 3 of the Circuit Court in Pendleton.

Kathleen M. Cegla JD'89 of Salem received the Appellate Advocacy Award from the Association of Government Attorneys for her work on capital punishment cases. Cegla received the award during the organization's annual conference in August. She has worked for the Department of Justice since her graduation from Willamette's College of Law in 1989 and is currently a

senior assistant attorney general and the lead attorney in death penalty appeals cases.



John J. Tiemessen JD/C'91, of Fairbanks, Alaska, has been elected treasurer of the Alaska State Bar Association Board of Governors. John and his wife, **Michelle L. McComb JD/C'89**, live and practice in Fairbanks with their two children, golden retrievers, cats, chickens and ducks.

Sharon K. (O'Reilly) Heth JD'93, of Portland, Ore., has been named vice president, Charitable Services, for Allen Trust Company. Her responsibilities at Allen Trust include assisting nonprofit organizations, their donors and advisors regarding the various charitable management services offered by the company.

Dan Grinfas JD/C'94 of Salem has joined Stoel Rives LLP in the firm's Labor and Employment section. He will counsel employers and conduct management and employee training in employment-related areas.



Elizabeth S. Harchenko BS'72, JD'76, Salem, director of Oregon's Department of Revenue, has received a national award for her work related to interstate tax cooperation. The award, the Wade Anderson Memorial Medal for Leadership in Interstate Tax Cooperation, is given by the Washington, D.C.-based Federation of Tax Administrators and Multistate Tax Commission.

Harchenko is the first recipient of the award, which will be given annually to someone who exemplifies a strong commitment to interstate cooperation to promote fairness, simplicity and consistency in state tax administration. Harchenko has served as department director since 1997 and is in charge of 1,000 employees and a \$135 million budget. She also serves on the Law School's Board of Visitors.

Dawn M. (Collinsworth) Germain JD'95 is an attorney for the USDA Office of the General Counsel in Juneau, Alaska representing the Forest Service.

Julia Peters BS'92, JD'96 of Santa Fe, N.M., has been named a shareholder at the law firm of Sutin Thayer & Browne PC.

David J. Zehntbauer JD/MBA'96, of Portland, Ore., has joined Dunn, Carney, Allen, Higgins & Tongue as of counsel to support its real estate and land-use practice. David will focus on real estate as well as corporate law.

Heather J. Van Meter JD/MBA'98 of Portland, Ore., has joined the firm of Williams Kastner & Gibbs, PLLC. Her practice will focus on defending products liability, drug and medical device and catastrophic injury cases. Heather will also be handling some commercial litigation.

Mark T. Heine JD'99 of Bellingham, Wash., has joined the firm of Adelstein Sharpe & Serka in Bellingham, Wash. He will focus on employment law and civil litigation and will advise clients in the areas of creditor rights and taxation. Mark is also currently working on an LLM in taxation from the University of Washington.



Jeffrey S. Garrett JD'00 of Portland, Ore., has joined the firm of Lane Powell Spears Lubersky LLP as an associate



Susan M. Hammer JD'76 has been selected by her peers to appear in the 2005 edition of *The Best Lawyers in America* in the area of alternative dispute resolution. *The Best Lawyers* lists, representing 30 specialties in all 50 states and Washington, D.C., are compiled through a confidential peer-review survey. More than 900,000 individual votes were cast in compiling the new edition. Hammer is also a long-time Willamette trustee.

Dean Symeon Symeonides said of Hammer's honor, "This is a belated recognition of Susan's outstanding talents."

in the firm's litigation department. His practice will focus on complex commercial litigation and appellate practice, with emphasis on business torts, real estate and corporate finance.

Kevin A. Vaillancourt JD'01 of Arlington, Va., has been appointed to the Foreign Service as a political officer in the U.S. Department of State. In December, he will assume his first foreign post as a vice-consul at the U.S. Embassy in Bogota, Columbia.

Ryan York BS'97, JD'01 and **Heidi M. York JD'01** recently moved to Denver, Colo. Ryan joined the firm of Davis Graham & Stubbs and Heidi joined Ballard Spahr Andrews & Ingersoll.

Catherine E. Pruett JD'02 of Seattle, Wash., has joined the firm of Gordon & Polser.

Marie P. Evans JD'03, of Anchorage, Alaska, has joined the firm of Manley & Brautigam, P.C., as an associate attorney.

Matthew M. Fisher BS'93, JD'03 of Portland, Ore., was commissioned as a first lieutenant in the JAG Corp for the U.S. Army Reserve. He will serve the 104th Division based in Vancouver, Wash. Matthew says this position is an interesting alternative to his full-time job as a workers' compensation defense litigator.

Reid S. Okimoto JD'03 of Seattle, Wash., has published his first article "The Proposed Streamlined Sales and Use Tax Act: Inadequate as Applied to Electronic Commerce." His article appeared in the September issue of the *Journal of Multistate Tax and Incentives* (WG&L).

Laurence "Erick" Walker JD'03 of Tacoma, Wash., recently joined the City of Tacoma's Prosecutor's Office.

Dennis E. Koho JD'04 of Salem has joined the firm of Wallace W. Lien P.C. as an associate attorney. His practice will focus on land use, municipal and administrative law.

Amy K. LeFore JD'04 of Salem has joined Saalfeld Griggs P.C.'s estate-planning practice. Her practice will focus on estate planning and trust administration.

Brian G. Moore JD'04 of Salem has joined Saalfeld Griggs P.C.'s real-estate and land-use practice group. His practice will focus on real-estate transactions and land-use applications and development.

Marriages

Rudolph (Rudy) Michael Murgu JD'75 married Anita Lewis on Sept. 6, 2003. The couple now resides in Pendleton, Ore.

Nicole K. (Morgado) Case JD/C'93 married Theodore John Case on Aug. 9, 2003. The couple now resides in McLean, Va.

Dawn M. (Collingsworth) Germain JD'95 married Tom Germain on July 3, 2004. The couple now resides in Juneau, Alaska.

Family Additions

To **James E. Horne JD'81** and wife Haidee Bristol-Horne of Sammamish, Wash., a son, Spencer, born Oct. 7, 2004.

To **Le Ann Shill Larson JD'95** and husband Robin Larson of Vancouver, Wash., a son, Adam Joseph, born April 1, 2004. He joins big brother Jack.

To **Troy A. Biddle JD'98** and wife **Amanda L. (Horn) Biddle JD'98** of Redondo Beach, Calif., a son, Baden, born Sept. 12, 2004.

To **Colin S. Ray JD/MBA/C'00** and wife Emiko Ima of Tokyo, Japan, a daughter, Marina Claire, born Dec. 2, 2004.

To **Casey A. Wolf JD/MBA'04** and wife Jennifer of Phoenix, Ariz., a son, Jackson Mitchell, born May 27, 2004.

Obituaries

Edmund G. Vinje JD'65 died July 27, 2004, in Fargo, N.D., at age 64. He is survived by his wife, Robyn, three daughters, one brother, four grandchildren and several nieces and nephews.

Robert J. Thorbeck JD'71 died Sept. 18, 2004, in Salem, at age 62. He is survived by his wife, Kathleen, one son, one step-son, one sister, two brothers and his father.

Joseph D. Robertson BA'71, JD'74 died Aug. 16, 2004, in Redmond, Wash., at age 59. He is survived by his wife, Susan, two sons, one daughter-in-law and two grandchildren.

Guidelines

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

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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 *Willamette Lawyer* Class Action as well, please submit a copy with a note giving your permission.

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. The *Willamette Lawyer* reserves the right to edit or omit any information submitted.

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

KEY

JD = Doctor of Jurisprudence
LLB = Bachelor of Law (equivalent of JD)
LLM = Master of Law
MM = Master of Management, Master of Administration
MBA = Master of Business Administration
H = Honorary Degree
C = Certificate in Dispute Resolution, International and Comparative Law, Law and Government or Law and Business
BA = Bachelor of Arts
BS = Bachelor of Science
BM = Bachelor of Music

AWAKEN YOUR INNER DRAGON

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Letter to the editor

Dear Editor,

Your Fall 2004 issue of the *Willamette Lawyer*, dedicated to the wonderful accomplishments of WUCL alums from the great state of Alaska, was simply fabulous! As the years pass, any opportunity to read of the good deeds of dedicated attorneys and public servants who "walked the halls" with me at WUCL from 1983-86 warms my heart and allows me to take pride in their accomplishments. Whether they remember me or not, I knew Lisa Murkowski JD'85 and Joe '85 and Nancy Shierhorn '86 were special people. Even then, long before their collective accomplishments brought them recognition and greatness, each was grounded, real, genuine and loyal – not always the traits of everyday attorneys, but certainly evident in WUCL alums! I'm proud to have known them during my years at WUCL and even prouder now. Their accomplishments allow me to point to their pictures and their stories and say with pride, "I know these people. I went to law school with them." Their fine work over the years allows me to feel good about them, feel great about WUCL and lets me fondly remember my years in the Pacific Northwest.

Bravo, *Willamette Lawyer*, for great stories about the great WUCL alums from the state of Alaska. Now, why not consider doing an issue on the wonderfully accomplished WUCL alums of my home state?

P. Gregory "Greg" Frey JD'86
Coats and Frey
Honolulu, Hawaii

Editor responds – Thanks for your kind words. The last two issues of *Willamette Lawyer* have won a Bronze Award in the Council for Advancement and Support of Education (CASE) competition in the Best Magazine 5,000-20,000-circulation category. The photo of Sen. Lisa Murkoswki JD'85, featured on the cover of the magazine's Alaska issue, won a Bronze Award for photography.

As for a Hawaii issue, we're waxing our surfboards!





Lex Roman and the Common Law

Different legal systems are part of the international law scene. Here, our law library experts give us insights into Roman civil law.

Julius Caesar landed on the south coast of the British Isles in 55 B.C. and when the Romans packed up their chariots and withdrew in 410 A.D., their lasting monument was not a discernible legal system, but Emperor Hadrian's Wall extending across northern England. The great legal codes of the Roman Emperors Theodosius and Justinian were compiled later in 438 and 533 respectively and only became known to English jurists at Oxford during the 12th century when acceptance of Roman civil law spread throughout Europe.

Henricus de Bracton's monumental work in the 13th century setting out English law provoked noted English jurist and historian Sir Henry Maine in the 19th century to comment that it is "one of the most hopeless enigmas in the history of jurisprudence that an English writer at the time of Henry III should have been able to put off on his countrymen as a compendium of pure English law, a treatise of which the entire form and a third of the contents were directly borrowed from the Corpus Juris." One wonders if Sir Henry was aware that even the oft-quoted common law maxim that "[A]n Englishman's house is his castle", arguably may be traced back to Emperor Justinian's Code wherein even a summons was not allowed to be served on a man in his own home.

Sir Edward Coke, 16th century lawyer, judge and politician wrote in the 2nd volume of his *Institutes of the Laws of England*, "our common laws are aptly and properly called the laws of England ... and [they]

have no dependency upon any forreine law whatever, no, not upon the Civil or Canon law other than in cases allowed by the Laws of England" Interestingly enough, Coke often cited Bracton in the *Institutes*.

For further enlightenment on this fascinating topic we are indebted to J. Richard Munz, Associate Librarian at Western Baptist College, for a very rare first edition of *De Usu et Autoritate Juris Civilis Romanorum*, in *Dominis Principum Christianorum*, written by Sir Arthur Duck (1580-1648).

In the words of Charles P. Sherman, author of *Roman Law in the Modern World*, "The brilliant and scholarly Arthur Duck, who was educated at Oxford where he received his law doctorate, was a product of a 16th century English revival of Roman law; and he has attained lasting memory by his comprehensive treatise on the use and authority of Roman Law in modern states ..." Very little else is known about Sir Arthur Duck. He was a royalist during the Great Rebellion (English civil wars of 1642-1651) and lamented the plight of civil lawyers whom the common lawyers criticized "for pursuing the useless learning of foreign laws, ..."

Sir Arthur's manuscript was printed in 1654 by the influential Dutch printing house of Elzevir in Leiden which, incidentally, was destroyed by a powder explosion in the early 1800s. The text is in Latin and an English translation was published in 1724 as an addendum to Claude Joseph de Ferriere's *History of the Roman or Civil Law*.



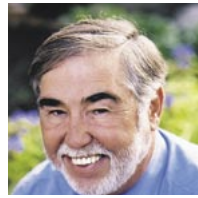
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cut along dotted line

Be Sworn in at the U.S. Supreme Court

Join your fellow Willamette University College of Law alumni on a trip to Washington, D.C. where up to 15 WU alumni attorneys can be sworn in at the U.S. Supreme Court.

Date: November 1, 2005

Trip will include side trips and a special insider's tour of the Supreme Court by the Clerk of the Court. Travel arrangements, activities, schedule and cost are being organized now. A detailed mailing to follow.

Let us know if you are interested in learning more about this trip by emailing mbennett@willamette.edu, or completing the information below and sending it to: College of Law, Willamette University, 245 Winter St. SE., Salem, OR 97301.



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