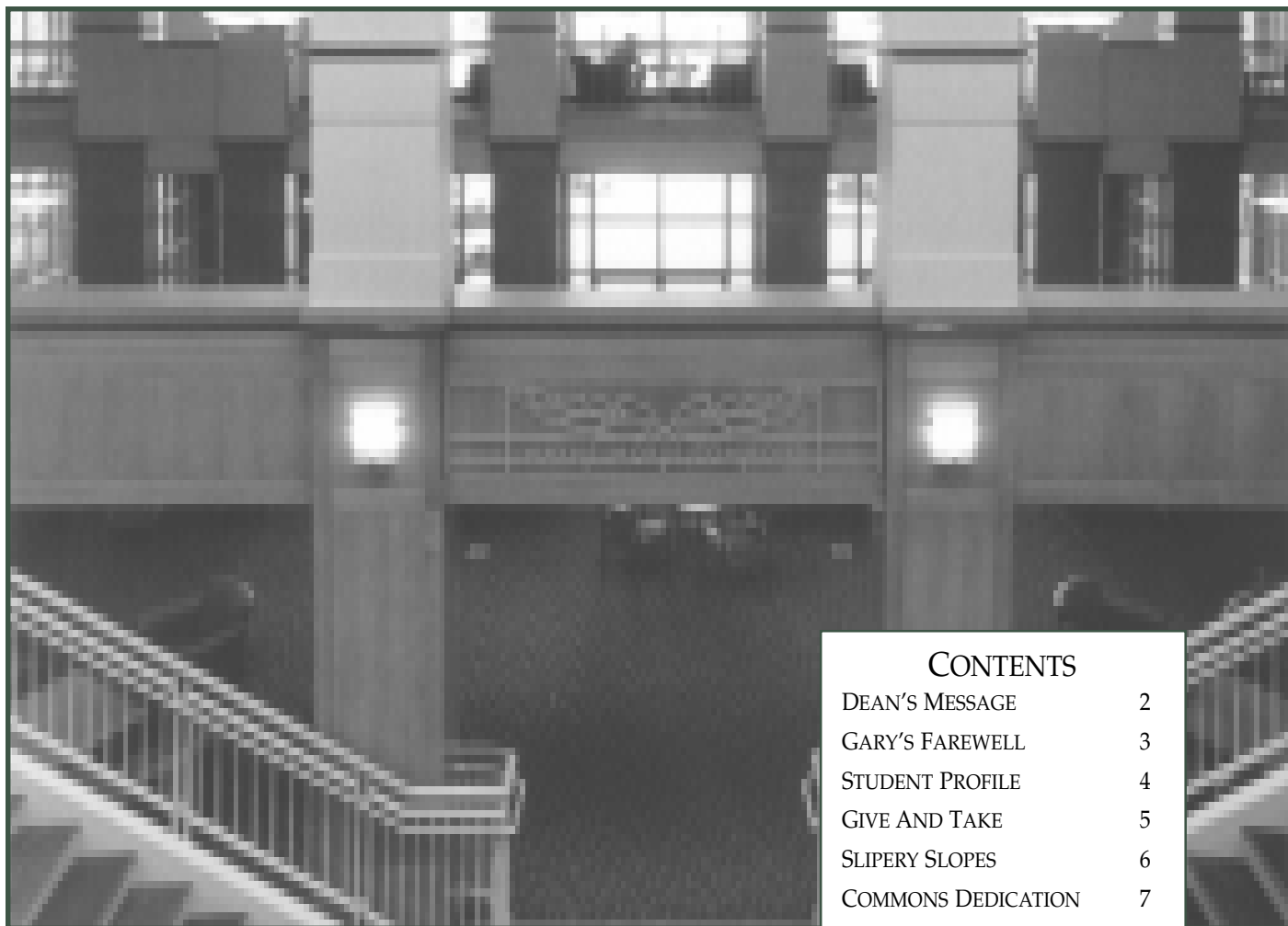


# OREGON LAWYER

SPRING 2000

UNIVERSITY OF OREGON SCHOOL OF LAW

ALUMNI NEWSLETTER



*Morse Commons:  
Building on Principles*

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## Dean's Message

# Rip Van Winkle and Law School Future

When Rip Van Winkle awoke from his twenty-five year sleep, his world had changed mightily. Most of us are so busy working away that the world changes before our eyes, often without our minds recording the changes. The world of law practice and legal education has certainly changed over the last twenty-five years, not to mention forty or fifty or even five or ten years.

When I realized that my law school class was holding our thirty-fifth reunion this spring, the magnitude of the passage of years and of those changes shocked me. Legal education in the year 2000 is very different than it was back when I was a first year student in 1962. It is very different than in the 1950's or even the 1980's and '90s. And, for those of us who have become law professors and have been away from our practice days for ten or twenty or more years, the changes in law offices and courtrooms are every bit as dramatic as the changes in legal education. Each of us—practicing, judging and teaching lawyers—needs to be aware of what has happened during our Rip Van Winkle years.

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*During the '90s there has been a recognition of the rapidity of change and an increasing interest in the future of the legal profession and legal education.*

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For example, my guess is that many of our alumni have no idea how much more expensive law school is for our current students than it was in their law school days. Tuition in 1950-51 was \$10 a term or \$30 for an entire year. With the addition of fees, the entire cost for one year of three quarters came to \$132. By 1970-71, that figure had jumped to \$445 for the three-term academic year. Twenty years later, residents in 1990-91 were paying \$3,426 and non-residents \$5,328. Next year, tuition and fees for our resident students will be \$11,111 and non-residents \$15,261. Quite a jump from the \$132 of fifty years ago!

Let me give a personal example of how a dean and professor can become isolated. At the February ABA midwinter meeting in Dallas, I had breakfast with an old friend and former debate colleague who, over the years, has become one of the most famous and successful trial lawyers in the Midwest. You can imagine my shock when this modern day Clarence Darrow reported that

five of his six most recent major cases had been resolved by one form or other of alternative dispute resolution. In my day, ADR was never mentioned in a law school classroom. And, of course, my field of American Indian Law was not even offered in the curriculum of a single American law school.

During the '90s there has been a recognition of the rapidity of change and an increasing interest in the future of the legal profession and legal education. Here at Oregon this coincides with our move into the new building. We are faced with the challenge of

how best to prepare our law students for their roles as lawyers, judges and teachers in the 21<sup>st</sup> century. It is shocking to me to realize that many of our students who entered the law school this fall will be practicing in the year 2050. I cannot imagine what the world of law and the legal profession will be like for them as they celebrate their thirty-fifth class reunion.

Today, we at the University of Oregon are well positioned to explore the question of how best to educate for the changing world. Earlier this spring, the American Bar Association conducted its regular sabbatical inspection of our law school. In connection with this visit, the faculty completed a self-study of our programs and goals. The ABA report itself will give us an outside view of what we are doing. We have just moved into a beautiful and efficient state-of-the-art structure for which we did substantial analysis and planning. This seems an appropriate time for a complete review of programs and plans for the law school.

Three decades ago, Allan Hart with a group of other leaders of the Oregon Bar, reviewed the prospects for the Law School, and the *Oregon Law Review* published the results as "The University of Oregon School of Law Plans for the Future." Once again, it is time to undertake an analysis of the Oregon law school. We have a great new facility; our goal and our challenge is to create educational programs of equal stature, to create at Oregon a model for legal education in the twenty-first century.



Dean Rennard Strickland

In keeping with these opportunities and challenges, I have appointed a group, called "The Twenty-First Century Law School Task Force," to undertake a study similar to the Hart Report. Nicholas Rockefeller, vice-chair of our Board of Visitors, and Eugene Scoles, Distinguished Professor and Dean Emeritus, are co-chairs of the Task Force. In addition to the chairs, the steering committee is composed of persons interested in the future of the law school, including the president of the Alumni Association, the president of the Student Bar Association, members of the judiciary, the faculty and the public, with the dean and university president as *ex officio* members.

A major Task Force mission is to encourage communication between the law school, the profession and the broader public. At the heart of the project is a series of "law school future forums" to be held in a number of communities throughout Oregon and along the west coast where there are a substantial number of Oregon Law School graduates. At these forums, the Task Force will ask those in attendance what they believe are the needs of the profession, the strengths and weaknesses of current legal education, and ways in which the law school can strengthen the profession and society. I hope

that you will be willing to help us either by attending one of these forums or responding to a questionnaire.

The Task Force will draw upon these exchanges to review the goals of the profession and legal education, and the approaches for accomplishment of these goals. The Report of the Task Force will focus on the possible and suggested development of future programs at the University of Oregon School of Law. The Task Force will consult with the president and dean to enlist other volunteers to serve on Task Force work groups. This review is to be made in light of a changing world and a changing profession. The final report will recommend long-term educational objectives, as well as programs to achieve these goals. Thus, we will explore creative and challenging opportunities for building bridges between the law school and our constituent communities to help establish a set of visions and goals which can be regularly and systematically implemented and tested. Your views on the matters to be considered by the Task Force are crucial to the future of the University of Oregon School of Law.



## *Jane Gary: 'Thanks for Help and Friendship'*

Four and one-half years ago I was hired by the law school to manage the campaign for a new building and to oversee the development office. This has been exciting, challenging, stimulating, heartwarming, and especially rewarding.

By any standards these have been years of remarkable achievement climaxed with the dedication of the William Knight Law Center in September. These years of success for the office and for the building campaign have come about, in large part, because of the selfless generosity of the school's alumni, friends and volunteers. The thoughtful, hardworking members of our boards, the time commitment and creativity of our class agents and campaign directors, and the caring presentations of our speakers and participants have all played a part in the law school's achievements. I owe all of you a debt of gratitude.

The support of Oregon's many loyal friends makes it difficult for me to return to volunteering in the community, and pursuing other interests including painting and parenting. The decision to leave has not been an easy one. On April 1st when I step down, the University of Oregon Development Program will be in excellent shape with the new building opened, the annual campaign moving forward and plans underway for the development of new and exciting scholarship and academic programs.

The school's greatest strength has been the willingness of people to combine their efforts with others. One third of the school's graduates joined forces during the building campaign to help make our new facility a reality. Our impressive faculty, loyal staff, bright students and focused administration have worked cooperatively and creatively to improve the experience and the education the school can offer. It has been a pleasure to be a member of this team.

I thank all of you for your help and friendship. It is impossible to mention by name all of the individuals to whom I owe so much and whose company I have so enjoyed, but I would be remiss in not mentioning three in particular. I am indebted to my colleague Connie Tapp, whose support, friendship, and hard work made my job so much easier; to Dean Strickland, my mentor and friend, as well as the best boss I ever had; and, to John Jaqua for his wise counsel and patient good humor throughout the building campaign.

The school is truly in good hands. Our alums are the best. I look forward to following the school's continued success.

My heartfelt thanks to all of you.

Sincerely,  
Jane Gary

## Galton Scholarship Offers Freedom, Opens Career Opportunities

For Katelyn Randall, scholarship is another word for freedom—the freedom to attend an excellent law school, the freedom to focus on her studies, and ultimately, the freedom to choose the area of law in which she wishes to make her career.

The scholarship that offers this freedom to Randall, a first-year law student at the University of Oregon School of Law, is the Herbert B. Galton Labor Relations Scholarship. It was established in 1986, by Galton, '38, who died shortly afterwards. Galton's son, Gary, supplemented the scholarship in 1995. The criteria for selection of the recipient includes a demonstrated interest in labor relations, employment law, and alternative dispute resolution (ADR) and a potential for pursuit of law.

It is a criteria that Randall fit to perfection. With a B.A. in Spanish and Journalism and an M.A. in counseling, Randall has worked in publishing, counseling and as a newspaper reporter. She saw law as an opportunity to do more.

"If you have the desire to help others," she says, "the more empowered you are, the greater ability you have to help them. I wanted more behind me to affect change."

It was the Galton scholarship, however, that empowered Randall to attend the UO School of Law.

"After I was accepted," she explains, "I called the admissions office and talked with Katherine Jernberg, who asked me if I'd applied for any scholarships. She told me she thought I'd be perfect for the Galton Scholarship."

She was, enabling her and her daughter to come to Eugene from out of state and begin the challenging and time-consuming study of the law, knowing that the scholarship would bring her tuition costs



*Katelynn Randall: Scholarship makes a difference.*

down to Oregon resident levels.

"The scholarship makes a difference," she says. "It frees you to put your best foot forward and attend to studies."

And, Randall explains, it also allows her to decide more freely just what course of studies to follow.

"Law school is an economically frightening endeavor," she says, "with three years of taking out massive loans. As a single mother with a strong interest in public interest law, I'm not going to make \$80,000 a year, so I'm concerned about keeping my debt load as reasonable as possible. This scholarship opens those possibilities for me."

Happy that the scholarship was there for her, Randall also is happy with her choice to come to Oregon.

"All my background reading said this was an unusually supportive school," she says. "I find that it is rigorous, but the competition is not as overt. It's a nicer place to study law."

And a place of freedom—the freedom to choose.

"Scholarships can really give people the freedom to pursue less financially rewarding areas of law," she says, "areas that are really valid."

## Program Explores Civil Rights Role of UO Graduates

Oregon lawyers who represented civil rights workers in racially volatile Mississippi during the 1960s were the focus of a program sponsored by the University of Oregon School of Law on January 25.

"Lawyers & Civil Rights—Mississippi in the 1960s" explored the work of lawyers, including 25 from Oregon, who served in Mississippi with the Lawyers Committee for Civil Rights Under Law, an organization chartered in 1963 by President John F. Kennedy. The program, which took place in the William W. Knight Law Center, included a short film followed by a panel discussion and reception.

"As volunteers, these Oregon lawyers, a third of whom were UO law school graduates, represented civil rights workers in court—a job most Mississippi lawyers were unwilling to do," says Merv Loya, law school assistant dean and a member of the UO Minority Student Program Committee, which sponsored the event. "Their work is a reminder of the importance of lawyers in our society and of the positive role they can play. These lawyers helped to make history."

The panel included former Oregon Supreme Court Justice Jacob Tanzer, '59, now a partner with the Ball Janik firm in Portland; former State Board of Higher Education Chair Les Swanson, '66, a solo practitioner in Portland; and Don Marmaduke, a Harvard Law School graduate, now a partner at the Tonkon Torp firm in Portland. Marmaduke was a co-founder of the first public-interest law firm in Oregon in the early 1970s.

The program was one of several sponsored by the UO in commemoration of the Martin Luther King, Jr. holiday.

# Volunteer Program—Give and Take

Volunteers with the Lane County District Attorney's Office Crime Victim and Survivor Services Program (CVSS) take as much as they give. They learn firsthand how a vital part of the legal system works. They receive free training on how to be a successful victims advocate. They make contacts that can serve them beyond their volunteer work. And they give.

They give time—up to 60 hours for the necessary training. They give vital information and support to victims and survivors of crimes. They give a commitment of themselves to help those most in need in the criminal justice system.

Several current University of Oregon law students participate in this program of giving and learning.

It's a lot of give and take. But it's something Deborah Thiessen, volunteer coordinator for the program, believes more UO Law School students should consider adding to their already busy schedules.

"It's an opportunity to make a difference," she says,

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*'The staff at CVSS are very caring and wonderful. I would recommend anyone interested in the law to volunteer there. CVSS has enabled me to understand the impact that crime can have on individuals.'*

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"and to learn much that is involved in the criminal justice system on this level."

Those who do volunteer are screened and interviewed, then must participate in a 60-hour training curriculum and another 15 hours of specialized training. This training is designed to provide the volunteer with a substantial knowledge of crime victims, the criminal justice system, crisis intervention and other relevant topics.

The program has three distinct units that provides services to victims: The Court Advocacy Unit, the Family Violence Unit and the 24-Hour Response Team.

"Each is an important part of assisting crime victims at a time when their needs are the greatest," Thiessen says.

Volunteers with the Court Advocacy Unit help provide comprehensive services to adult crime victims.

Services include keeping victims advised of the status of their cases, accompanying victims to court hearings and providing emotional support.

Those who volunteer with the Family Violence Unit will work with women, men and children who have had violence perpetrated against them by their intimate partners or parents. Services offered include: crisis intervention, emotional support, assistance in filing for a protective order, community resource referral, attending court hearings and acting as a liaison between the victim and the prosecuting attorney.

Members of the 24-Hour Response Team focus their services on victims of serious persons crimes, such as major assaults, robberies, kidnappings, homicides, vehicular crashes and all sexual assaults. Volunteers on this team provide immediate on-scene crisis intervention and emotional support for victims and their families.

"It gives you insight into the client's perspective," says third-year student Steve Morgan. "It enables me to see it from the victim's perspective, in a raw moment, especially the 24-Hour program.

"It gives me my adrenaline fix," he adds, "something that is neglected in law school."

For the adrenaline and more, second year student Steve Tamayo agrees with the value of the program.

"The staff at CVSS are very caring and wonderful," he says. "I would recommend anyone interested in the law to volunteer there. CVSS has enabled me to understand the impact that crime can have on individuals."

As Thiessen points out, the volunteers in the program also have an incredible impact on the individuals with whom they work—and can experience the impact in their own lives and law careers.

Those interested in finding out more about working with Lane County Crime Victim and Survivor Services should call Thiessen at (541) 682-4523.

## Bar Passage Rate Is Up

University of Oregon first-time takers had a passage rate of 88 percent on the July, 1999 Oregon State Bar exam. This pass rate compared to 72 percent for all first-time takers. For all takers (first time and repeaters) 81 percent of UO graduates passed, compared to an overall rate of 67 percent.

"Our results reflect the effort that we have made in recent years to insure that our students receive sound counseling regarding bar preparation, and to familiarize them with the new performance component of the exam," said UO Law Professor and Associate Dean James O'Fallon.

# Law Grads on the Slippery Cyber Slopes

A quick click on <www.snowtraders.com> opens a cyber-world of D23 snowboards, Square One T-Bone Tech jackets and a wide array of boots, bindings, pants, packs, bags, gloves and accessories. There's everything you'll ever need in this cyber-world to take you to the real world of powdery slopes, quick reflexes and wintertime thrills. From cyber to real, it's the world of Snowtraders.

It's a world created by four University of Oregon Law School graduates, Cristina Gabrielidis '99, Carnet Williams '98, Robert Chandler '98, and Matt Patton '95; one current student, Alan Graves, and a sixth partner, Patrick Freeman.

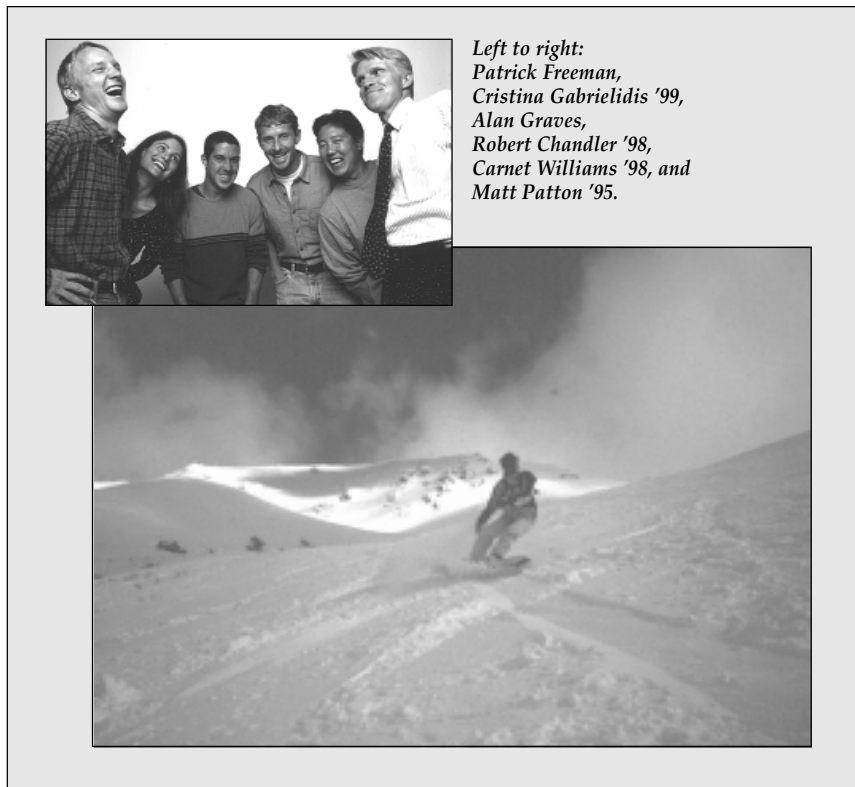
A lot of things brought them together. Environmental law classes. Soccer. Skiing. Snowboarding. And a weekend trip to Sunriver spent brainstorming, kicking ideas around and deciding what to do with their unique combination of interests and abilities, passions and educations.

"An online snowboarding company seemed to be a way to get back to what we all liked doing," Williams says. "And it was something we could start with less capital than a retail outlet."

It also was an enterprise connected with two growth movements, e-commerce and snowboarding. The amazing growth of amazon.com, e-bay and other on-line business ventures spoke for the move toward e-commerce. Connected with the increasing popularity of snowboarding, as well as numerous other outdoor activities, the formation of Snowtraders seemed to be a case of the right people doing the right thing at the right time.

But many other things came together in just the right way to get Snowtraders online.

"We had great help from programmers at the UO and from



Left to right:  
Patrick Freeman,  
Cristina Gabrielidis '99,  
Alan Graves,  
Robert Chandler '98,  
Carnet Williams '98, and  
Matt Patton '95.

Willamette Net, a local internet server," Chandler says. "We also were able to get a good price on a warehouse."

"Even the banks were a big help," Patton adds.

As with any business, just opening the doors—even if they are on-line doors—is only the beginning. Challenges ahead include drawing visitors to their site, establishing and maintaining a good service reputation, and, naturally, increasing sales.

To accomplish these goals, each partner has a role, something he or she specializes in that keeps Snowtraders on track. Chandler handles finances, while Freeman oversees the day-to-day operations. Carnet deals with inventory, while Patton and Gabrielidis make up the legal team for the company. Graves, though still in school, does a little of everything.

In addition to the challenge of

meeting customers needs for equipment at the right prices, also lies the challenge of dealing with a relatively new and constantly changing medium.

"We're watching this all the time," says Chandler, "finding ways to create search engine enhancements, connect via buttons with other sites, and basically stay one step ahead of our competition."

While Snowtraders is a for-profit business, its partners also believe in supporting the world that makes their venture possible. To do this, they have made a commitment to what they call the "earth tax," which amounts to giving 2 percent of their profits to environmental groups.

"You've got to do it," Carnet says. We're promoting consumerism, so we have to give something back."

"It's all a challenge, but a fun one," he adds.

## Law School's Morse Commons

# Dedication Made to 'Last Angry Man'

Dedication of the Wayne Morse Commons at the University of Oregon's new William W. Knight Law Center on November 16, 1999, featured the world premiere of "The Last Angry Man," a documentary chronicling the life and work of Oregon's late senator and former UO law school dean.

The one-hour documentary's producers, independent filmmakers Christopher C. Houser and Robert W. Millis, introduced the work and answered questions after the screening.

"We are delighted to dedicate the commons in honor of one of Oregon's and the nation's most dynamic political figures," said UO law school dean Rennard Strickland at the dedication. "It is an area designed to promote and foster the open and honest exchange of principled ideas and fellowship, in the tradition of a man who put principles above politics. We're excited to include the premiere of the documentary in our celebration."

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*'It is an area designed to promote and foster the open and honest exchange of principled ideas and fellowship . . .'*

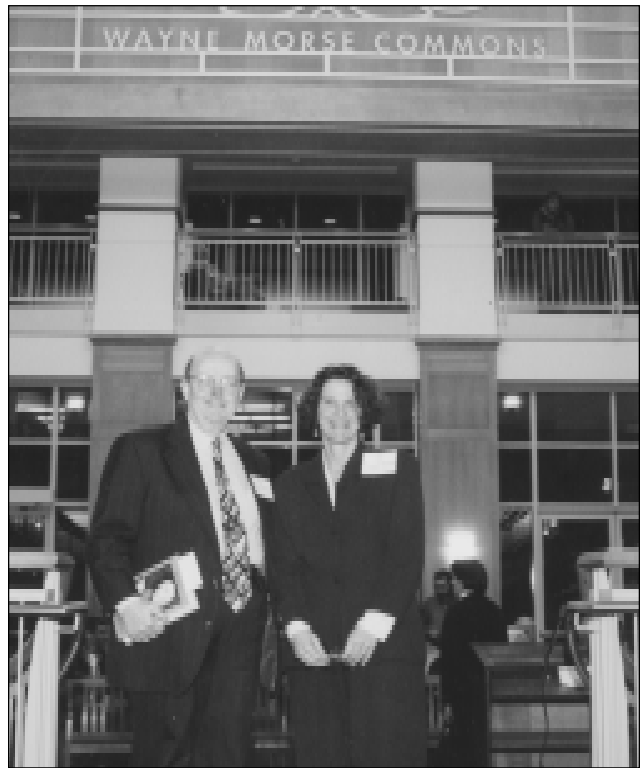
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The Wayne Morse Commons was funded by a donation from the late Elmer Conklin, a retired court reporter who met Morse in 1938 when he was arbitrating a labor grievance. The two developed a close friendship that lasted until Morse's death in 1974.

"Conklin and Morse had a deep respect for each other's intellect," says Margaret Hallock, director of the UO Labor Education and Research Center and co-chair of the faculty advisory committee that oversees the Morse Chair of Law and Politics. "Conklin was one of Morse's closest friends. They agreed politically, which was important with Morse. They trusted each other's skills and were loyal to each other."

Conklin donated more than \$2 million to the law school, the bulk of it in support of the endowed chair established in 1978 in Morse's memory. The most recent gift from Conklin's estate, \$1.8 million, funded the commons area, the Morse Chair office at the law school and an expansion of Morse Chair activities.

The written mission of the Morse Chair is to bring



UO School of Law Dean Strickland and Margaret Hallock, director of the UO Labor Education and Research Center and co-chair of the faculty advisory committee that oversees the Morse Chair of Law and Politics.

to campus appointees who "exemplify the traditions and qualities associated with Wayne Morse-statesmanship, integrity, foresight, independence and fearless championing of the public interest." Since 1980, the endowment has been used each year to bring a noted scholar, author or activist from the areas of law or politics to the university and community.

"The Conklin funds will make it possible for us to bring in distinguished educators and public servants from a wider range of subject areas and for longer periods of time," says Dean Strickland. "It also will fund peripheral activities such as new classes and publications based on the theme of each year's chair presentations."

The 1999 Morse chairholder is noted sociologist and author, Frances Fox Piven, who spoke in February 2000 to the theme of "The Rich, the Poor, and American Politics."

Past Morse chairholders include civil rights advocate Richard Delgado (1998), former United Auto Workers president Douglas Fraser (1992), former U.S. senator and presidential candidate George McGovern (1990), and Pulitzer Prize-winning journalist and author Anthony Lewis (1983).

# Judicial Order Cause For Alarm

*(Editor's note: The following article appeared in November in The Oregonian. Oregon Lawyer is reprinting it in the interest of encouraging consideration of law-based public policy issues. Oregon Lawyer welcomes articles for this forum, as well as responses to the articles published here.)*

BY GARRETT EPPS

Katherine Ann Power is out of prison. Under certain circumstances she can talk to reporters, but what she can't do is tell her story in her own words.

Others will have to give us their version of the truth, even though Power is the best source. Hers is a story of driving the getaway car in the deadly holdup of a Boston bank nearly 30 years ago, followed by a life of hiding, then guilt until she surrendered in 1993. Those of us who want to know what motivated her transformation from honor student to radical bank robber to fugitive living in the Willamette Valley will have to wait until 2013 to hear it.

The reason is simple: the Commonwealth of Massachusetts has decided that Power's own story is something we shouldn't know. If she writes it, or tells it in ways a state judge doesn't like, she'll go to prison for life.

The hidden story behind Power's release from prison last month (October, 1999) is of a new way government has found to silence unpopular criminal defendants. And regardless of whether Americans are interested in Katherine Power, they should be worried about this kind of judicial gag order.

On October 6, 1993, Boston Superior Court Judge Robert Banks sentenced Power to eight to 12 years in prison; with time off for good behavior, she served the minimum six years. But Banks imposed a condition of her 14-year probation: If her dealings with the media convinced him that she was "directly or indirectly" profiting from her crime, he would return her to prison for life.

Power's probation document forbade "you, your assignees and your representatives acting on your authority" from profiting from the case, including "the expression of your thoughts, feelings, opinions or emotions regarding such crime."

Power's lawyers were concerned that if a friend or relative spoke to a reporter, the judge might interpret this as indirect profit by someone acting on her authority. Power requested clarification of the condition; none was given.

She didn't contest her guilt or the need for punishment. But she did appeal Banks' probation condition on

First Amendment grounds. Massachusetts' Supreme Judicial Court rejected her appeal, saying that a "special condition of probation is not subject to the same rigorous First Amendment scrutiny" that's used for a law that applies to all criminal defendants. The U.S. Supreme Court refused to review that decision.

Joseph Kociubes, a Boston lawyer who represented Power during her appeal of the probation condition, confirmed that the judge's order remains in effect and was never clarified. The order will continue to apply now that Power is in Oregon, said Steven Black, one of the attorneys who arranged her release. Even though Oregon has not accepted jurisdiction over Power, who is in the state on a travel pass and has applied to live in Linn County, state officials have begun monitoring her public statements, Black said. When Power asked pointed questions of an antiwar speaker at Willamette University earlier this month, Black said she was warned by an Oregon probation officer not to be "high profile," even though there was no question of profit involved.

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Black said he wonders whether he could write his own autobiography, which would include a section on arranging Power's surrender. "I've been afraid to do anything about it because I didn't want to get her in trouble," he said. "I feel like my First Amendment rights have been chilled as a result of that order."

Why should we care about Banks' gagging of Katherine Ann Power? Her actions contributed to the death of an innocent man, police officer Walter Schroeder, and sealed a life of grief for his family. She eluded the law for decades, prolonging the family's pain and outrage. Convicted criminals lose many rights; why should free speech be an exception?

And Banks didn't really forbid Power to speak or write about her experiences; he simply told her not to profit from them. Why should we consider this an abridgment of whatever freedoms she retains?



There are several answers. First, because it was so broadly drawn, the condition of probation has made it very difficult for Power or those around her to speak about the case even in ways that wouldn't lead to profit. Although she has given several interviews to journalists (to a writer for *The New Yorker* and to Barbara Walters, among others), Power has been careful to seek the court's advance approval. (I did not approach her for this article.)

Getting permission to talk to others is not the same as telling your own story. Power is a vivid writer—her poem, "Sestina for Jaime," appeared in the "Best American Poetry 1996," edited by Adrienne Rich. For those who want to know why she did what she did, her own account would be the best source.

Second, Banks' order may have harmed even her victims. Because she has a teenage son, Power asked to serve her concurrent state and federal sentences on the West Coast, where he could visit more often. U.S. District Judge Nathaniel Gortner said he would consider her request, if she made restitution to Schroeder's family. The only practical way to do this, the judge noted, would be for her to sell her story.

But when Power asked Banks, the state judge, if this was possible, he refused to say one way or the other. She remained silent and the Schroeders received nothing. Too bad, because any money defendants might earn in telling their tales could be funneled to their victims.

Even if Banks had written his probation condition less broadly, we should be ready to object to such a criminal penalty. Banks' order was a gag order, directed at speech. It was not about restitution or even punishment; it was designed to silence a defendant this judge didn't like. (During sentencing, Banks said the thought of Power telling her story was "repugnant to me.")

Beyond that, the Massachusetts appellate court got the case backward. A probation order aimed at a specific defendant is far more subject to judicial abuse than a generally applied law. A law that targets all stories about high profile crimes will attract public debate and challenge from the media; an order that singles out one unpopular person is far more likely to pass without notice—particularly when its target is barred from speaking up by the prospect of life imprisonment.

That's exactly what happened in this case. Power had killed a genuine home town hero. Six years ago, the Boston media attacked her mercilessly without objecting to the judge's order. Neither of Boston's daily newspapers protested the judicial censorship on its editorial page; the conservative Boston Herald even attacked her for "incredible chutzpah" when she appealed the probation condition.

Perhaps symbolically, the media point man was former columnist Mike Barnicle, who published four

columns denouncing Power. In three, he contrasted her situation with that of a convict he considered more deserving, Joe Yandle, a self described Vietnam War hero.

Yandle also drove the getaway car in a robbery and murder. After he was freed, reporters discovered his tales of Vietnam heroism were invented. Barnicle was forced to resign by the Boston Globe, which said he was plagiarizing his column and fabricating stories.

Banks' probation condition has become a template for government gag orders on controversial defendants. On Oct. 21, the Middlesex County district attorney's office struck a bargain with Cheryl Amirault LeFave, who had been convicted in 1987 of sexually abusing children at her family's day care center in Malden, Mass. The Fells Acres case, as it was known, became a national cause celebre because of questions about the reliability of testimony by children who were coached by psychologists.

LeFave has maintained her innocence. Massachusetts courts rejected her motion for a new trial. On the

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day she was to return to prison, she signed an agreement with prosecutors that commuted her sentence to time served—as long as she would promise not to make appearances on television or sell her story.

LeFave was not required to admit guilt—but she had to promise never again to say she was innocent. The state insists the condition is necessary to protect the now-grown victims; but it also protects the authorities from criticism by a woman whose case drew national attention as a possible miscarriage of justice.

Nobody is required to like Katherine Ann Power or any other convicted criminal. Often, in the nature of things, free-speech claimants are unattractive, even evil people—Communists, Nazis, anti-Semites and artists who depict the Virgin Mary smeared with elephant dung. Free speech is worth defending not for their sake, but for our ours; it protects us from the tyranny of officials—not only judges, but also, say, big-city

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*Continued on Page 10*

mayors—who want to limit public debate according to their likes and dislikes.

With more than one million people in prison, we have created in effect an inmate nation within our borders. If we can't hear from people who have lived within it, how can we know what this radical change is doing to our society? If people who break the law can be silenced at will, how can we decide how future crime can be deterred?

The logic of free speech would require unmuzzling Power even if she were likely to spew venom and hatred at society and her victims. But her published words have been contrite, not defiant. In March 1998, Power withdrew her application for parole, saying she hadn't yet atoned for her crime. "In preparing for this hearing, I have had a glimpse at the life of the Brighton community where Walter Schroeder grew up, lived, and worked," she told the board.

"I have learned that he was able to plan his patrol so that he could drive past his mother's house, where she watched for him from the front porch, and waved. I now know that she was watching from the porch as

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*But my curiosity also stems from good old American cussedness. I don't like any government official telling me what I'm allowed to know.*

---

his partner drove him, mortally wounded, from the bank to the hospital.

"I have seen how my act tore a hole in the lives of a whole group of people, of family, friends, neighbors, and fellow officers. I know it is late, and far too little, but today I offer again my sincere and humble apologies to those people."

I confess to a horrified fascination with Power. As a student journalist in Boston in 1970, I helped cover the botched bank robbery in which Schroeder died. In 1993, as a professor at the University of Oregon Law School, I awoke one morning to find that Power, as Alice Metzinger, had been part-owner of our family's favorite Italian restaurant in Eugene.

Her story—a serious-minded honor student from Colorado drawn into crime, madness, and murder—is a powerful example of the underside of 1960s style protest. (Power and her accomplices said they robbed the Boston bank to pay for anti-war activities.) Why did

so many promising young people go off the rails, many forever? Why did the high aspirations of the anti-war movement blend so quickly with the criminal doubletalk of street hustlers and ex-convicts? Many 60s survivors feel a chilling sense that, but for fortune, they might have ended up like her.

But my curiosity also stems from good old American cussedness. I don't like any government official telling me what I'm allowed to know.

People who would find a full airing of Power's story repugnant, or do not want to hear a convicted child molester protest her innocence, have a very American remedy. They need not buy, read, or watch such accounts. But it's undemocratic for judges or prosecutors to elevate their judgment about speech over that of the public.

It's a clear model for future censorship against other unpopular figures. And what's most frightening is that, so far, it's worked like a charm.

*Garrett Epps, who teaches constitutional law at the University of Oregon School of Law, is a visiting professor this year at the Boston College Law School. He can be reached at Boston College Law School, 885 Centre St., Newton, MA. 01269*

## **Mock Trial Team Singled Out For 'Outstanding Advocate'**

The UO Mock Trial team successfully completed the regional competition held Feb 3-5, in Albuquerque, New Mexico. The UO team of Xin Xu, Mike Arnold, Howard Grooters, Andy Lee and Jason Pistacchio tried the case six different times over the first two days. Although the UO team was eliminated at the quarter-final stage, both teams performed effectively and professionally, according to faculty advisor Wayne Westling.

Xu and Arnold were singled out for "Outstanding Advocate" awards by the trial judges. Pistacchio (an alternate) was pressed into service as a witness in two trials and was described by one of the other faculty advisors as the "witness from central casting" because he knew his role so well. Grooters and Lee deserve special mention for participation as first-years, Westling said, noting they very quickly got "up to speed" on evidence law and trial procedures and both did excellent jobs.

"It was a pleasure," Westling added, "for me to work with such conscientious and talented student advocates."

The winner of the regional competition was the University of Colorado.

## Former Supreme Court Judge Unis Honored With Harley Award

UO Law School graduate and former Oregon Supreme Court Justice Richard Unis, '53, was honored in October with the Herbert Harley award, presented periodically to individuals who make outstanding efforts and contributions that substantially change and improve the administration of justice in their states.

Held in the ceremonial

courtroom of the Hatfield U.S. District Court Building in Portland, the ceremony included former governors Vic Atiyeh and Neil Goldschmidt among those who spoke about Justice Unis and his contributions to the court system.

According to the presenters, this is the first time that the national award has gone to a member of the bench or bar from Oregon.

*Co-authored by Caroline Forell*

## Book Draws Controversy, Praise

A jealous husband or boyfriend kills a woman when she leaves, or tries to. Is it murder, or something less serious because his jealous rage constitutes "heat of passion"? An acquaintance follows and threatens a woman, believing that she will return his love if only he persists. A man has sexual intercourse with his date even though she says "no," tries to leave, cries, struggles.

By what standard are these perpetrators' behaviors measured?

In deciding cases, juries must apply a standard of reasonableness to the perpetrator's behavior. According to the authors of a provocative new book, "A Law of Her Own: The Reasonable Woman as a Measure of Man," in cases involving sex, sexism and aggression, in which women are predominantly the victims, a "reasonable woman" standard should apply. Further, this same standard should be used regardless of the gender of the perpetrator or the victim.

Written by Caroline Forell, a University of Oregon law professor, and Donna Matthews, a Eugene attorney and 1997 UO law graduate, the book advocates that a woman-based standard be applied to the conduct of the perpetrator (primarily male) in certain legal settings in which men's and women's life experiences and views on sex and aggression differ and women are overwhelmingly the injured parties. The authors argue that "Explicitly holding men to a 'reasonable woman' standard in areas where male prerogatives have traditionally defined what is right and lawful will challenge the systematic subordination of women and the largely unexamined biases in the law."

The book, which the authors describe as controversial in legal circles, is attracting the attention of noted feminists and legal scholars.

"The biases that underpin our legal system are far more difficult to change than individual laws," says Gloria Steinem, author and social commentator. "Forell and Matthews cut to the heart of the matter by replacing the reasonable man standard with reasonable woman, a step toward a future in which laws are made by and for reasonable human beings."

"A Law of Her Own" provides the reader with a good sense of the personal dramas behind the cases and the all-to-frequent insensitive responses of courts, juries and police," says Martha Chamallas, a professor at the University of Pittsburgh School of Law.

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Publisher, *Willamette Week*

## FACULTY PROFILES

Associate Professor **Keith Aoki** published an article, "Language is a Virus" in 53 *University of Miami Law Review* 961 (1999) and gave a



talk on "Genetically Modified Organisms, Biopiracy and the TRIPs Accord," at Chicago-Kent Law School in February, 2000.

In October, 1999, Aoki presented a paper on "Transnational Critical Legalism" at a Villanova University School of Law Conference on the topic Critical Race Theory and International Law: Convergence and Divergence."

Professor **Carl Bjerre** delivered a talk at the University of Utah College of Law, as part of its Edward W. Clyde Distinguished



Visiting Scholars Program, entitled "The Redistributionist Streak in American Commercial Law." Professor Bjerre is on

leave from the UO this year, acting as a visiting professor at the University of Illinois College of Law.

Professor **John Bonine** presented a paper on the role of citizen organizations in protecting rivers, at the International Conference on Protection of the Dniester River in Chisenau, Moldova, under sponsorship of the U.S. State Department's Bureau of Education and Cultural Affairs. The paper was co-authored



with third-year law student Mark Manning.

In October and December, Professor Bonine also traveled again to the city of Lviv, Ukraine,

to work with the Oregon-Lviv University Partnership, to team teach courses in International Environmental Law at Lviv National University, and to consult with the supervisor and students of the new Business Law Clinic established at the Lviv Academy of Commerce.

"A Law of Her Own: The Reasonable Woman as a Measure of Man," written by Professor **Caroline Forell**, with Donna Matthews, (NYU Press 2000) was released for publication at the end of February. (See related story, Page 11.)

Forell also presented a summary on Feb. 26, of a paper titled "A Comparison of the Effects of Statutes on Tort Actions in the



United States, England, Canada and Australia" that will be published in *Willamette Law Review* at the Public Sanctions, Private

Liability Conference at Willamette Law School.

She participated as an issue session leader addressing how women affect law and the law affects women at Oregon State University's Annual Women's Leadership Conference in Corvallis on February 4, 2000.

Forell also updated Torts CLE Chapter 32: Negligence Per Se, Statutory Torts and Statutory Duties, and was elected President of

the Board of Directors of Sexual Assault Support Services (SASS) in January.

Forell also received from Eugene Soroptimists the 'Women of Distinction' award in the area of education. The award was presented on March 9th at the Valley River Inn.

Assistant Professor **Susan Gary** has two articles coming out this spring: The first, "Regulating the Management of Charities: Trust Law, Corporate Law and Tax Law," will be published in the *University of Hawaii Law Review*. The article will be published as part of a symposium issue focusing on the Bishop Estate Trust, a trust established in the late 19th century by Princess Pauahi to provide schools for Hawaiian children of native Hawaiian descent. The trust and its trustees have come under considerable scrutiny in recent years, with allegations of mismanagement by the trustees.

"The Bishop Estate Trust provides an interesting case study for my analysis of the legal constraints on trustee behavior," Gary says. "My article considers the regulatory mechanisms in place in trust law, nonprofit corporation law and tax law and suggests ways to tighten the supervision of charitable directors and trustees.

Gary also has written "Adapting Intestacy Laws to Changing Families." *Law & Inequality J.* (University of Minnesota). It too is scheduled for publication this spring.

"Intestacy laws dictate how an estate will be distributed when someone dies without a will," Gary explains. "The laws attempt to reflect what a "typical" decedent would want, but many have failed to change as family structures change. For stepfamilies and gay and lesbian

families, the intestacy laws will likely not provide the distribution a family member would want."

Gary's article focuses on distributions for the children in these families and recommends a way to modify intestacy statutes to create an intestate share for children who function as family members but are not biologically related to or legally adopted by a parent who died without a will.

At the January meeting of the AALS, she organized a panel focusing on the use of mediation to resolve probate disputes. During the session, participants presented a role play of a mediation of a will contest. Recent UO graduate Brenda Brown, '99 and Gary created the role play last year for use in Gary's Trusts and Estates class, as a way to introduce mediation to more students. Gary provided copies of the role play materials and instructions to professors attending the panel for use in their own classes, and has already heard from several professors who will use the role play technique this semester.

Gary reports that John Gartland, '77 recently assisted in her Trusts and Estates class. He played the mediator in the role play and then answered questions and participated in a discussion about when the use of mediation is appropriate. Law students Russa Kittredge and Kathleen Mercer played the participants in the role play.

Gary is currently serving as Chair of the Donative Transfers Section of the AALS.



Professor **Leslie Harris** reports that the main thing she's done since last fall is talk a lot. Following, she says, are some of the talks that she's given:

- "Minimally Adequate Parenting" at the Oregon statewide conference of Citizen Review Boards and Court Appointed Special Advocates, Oct. 15, 1999.

- "Child Welfare Law and Practice: Parents with Children or Parents vs. Children?" at the 1999 Western Regional Symposium on Child Abuse & Sexual Assault (SCAR Symposium), Nov. 3, 1999.

- "The Law and Politics of Welfare to Work in Oregon," at the Work, Welfare and Politics Conference, University of Oregon, 2000.



**Dick Hildreth's** article "Western Water Law at the Crossroads" will be published in the next issue of the law school's Journal of Environmental Law and Litigation.



This spring he assisted JELL with its March 3, 2000, ocean law symposium in honor of Jon Jacobson and Peter Swan, and together with Mary Wood

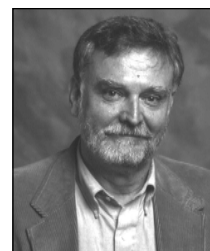
served on the Stanford Environmental Law Society's advisory council for its March 2000 ocean law conference.

This summer he will be teaching Coastal Law in Honolulu for the University of Mississippi's summer law program held at the University of Hawaii, where he will also be collaborating on ocean policy research with University of Hawaii faculty.

Hildreth also has received a University Summer Research Award for research on possible changes to state, federal and international law, due to the New Carissa grounding and oil spill on the Oregon coast in February, 1999.

Professor **Maury Holland** is continuing as Executive Director of the Council on Court Procedures. The Council's current biennial agenda is shaping up as the busiest in several years, he reports, with efforts focusing on trying to rationalize and simplify procedures for subpoenaing medical and hospital records, possibly amending the ORCP to authorize some new procedures relating to civil juries, and dealing with some problems being encountered by process servers.

Holland also is a member of a group called the Conflict of Law Study Group, which is functioning under the auspices of the Oregon Law Commission. Dom Vetri is chair, and Gene Scoles is also a member. The purpose of the Study



Group is to consider for possible recommendation to the Commission and the Legislature Assembly codification of choice-of-law rules in certain areas where that might be useful.

He also is one of many law professors contributing to the work of the "Evaluation Committee of the Ninth Circuit Court of Appeals." The purpose of this effort is to identify for the Court possible conflicts between unpublished opinions or between unpublished and published opinions.

Holland is chair of the School of Law Curriculum Committee,

and a member of both the University Student Conduct Hearings Board and of the University Appeals Board.

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Professor **James O'Fallon** is putting the finishing touches on "Nature's Justice: Writings of William O. Douglas," which will be published in the fall by OSU Press.

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Professor **Eugene Scoles** continues his work with the ABA Senior Lawyers Division where he is a member of the Council and Board of Editors of the magazine, *EXPERIENCE*, as well the division liaison to the ABA Coordinating Group on Bioethics and the Law and to CEELI.

He reports that his third edition of the Conflict of Laws Hornbook is finally in press, and the sixth edition of the course book in Trusts and Estates is moving toward final draft for submission this spring.

Scoles also did a non-law piece in the last issue of *EXPERIENCE* on his family's involvement with German Shorthair dogs which, he says, some critics said was a lot more understandable than what he wrote on the law.

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**Peter Swan**, retired UO counsel and professor emeritus, will be giving a CLE presentation on ownership of intellectual property for the National Association of College and University Attorneys (NACUA) on March 4, at its mid-winter meeting in Portland.

In addition to his weekly driving for the Red Cross Meals-on-Wheels program, his wife, Joyce, and he are on the Lane County Red Cross' Disaster Assistance Team.

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**Wayne Westling** kept busy during his 1999 sabbatical. He attended an Evidence teachers conference in Sydney, Australia, in February, and gave guest lectures

and faculty seminars at law schools in Adelaide and Sydney while he was in Australia. In the summer he was the director of the University of San Diego's summer institute in Oxford, England, and taught a course in Comparative Criminal Justice.

In the fall he was invited to the Criminal Justice Centre at the University of Limerick in Ireland to deliver a series of lectures to students, faculty and the legal community.



He was much in demand as an expert commentator for the media regarding major trials in the community, especially the Kip Kinkel plea and sentencing. In December he spoke to the Learning in Retirement group on the topic "Discretion in Oregon's Criminal Justice System." He has also published the 1999 supplement to his Oregon Criminal Practice treatise.

## *Prof. Axline helps win Supreme Court Case*

University of Oregon Law School Professor Mike Axline helped win a case in the U.S. Supreme Court on standing-to-sue and mootness, the Laidlaw case. Axline was a co-author of the main environmental amicus brief in the case.

The ruling indicates that the court sees a distinction between the issue of whether the plaintiff had standing, and whether the case later became moot.

So long as defendant was in violation at the time the suit was brought, and so long as that violation injured the plaintiff, there is standing; the standing is not defeated by the defendant's

A new 4th edition of "Evidence Under the Rules", by UO Law



Professor **Laird Kirkpatrick** and Christopher Mueller of the University of Colorado has recently been published by Aspen Legal Publishers

(formerly Little Brown). The course book is used to teach evidence in more than 90 law schools.

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**Bruce Ching**, instructor of legal research and writing, wrote a short pedagogy article that was recently printed, *Nonlegal Analogies in the LRW Classroom, 8 Perspectives: Teaching Legal Research and Writing 26* (1999).

The Legal Writing Institute Conference (July 2000) also accepted his presentation proposal for using analogies to non-legal situations to illustrate methods of legal analysis and argument.

later compliance. Nor does the defendant's later compliance make the suit moot; the plaintiff is still entitled to seek civil penalties for the violations that were occurring as of and after the time the suit was brought. The only exception would be a situation in which the defendant could show that "subsequent events make it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur." The court remanded so that the defendant could try to make this showing. In other words, it is more difficult to show mootness than it is to show a lack of standing.



Svitlana Kravchenko



Ira Zaverukha



Taras Levitsky

## Letters from Lviv Profs

*Note: The following are letters from visiting associate professors Svitlana Kravchenko and Ira Zaverukha from Lviv National University, Ukraine.*

I am Svitlana Kravchenko, visiting professor from L'viv National University.

According to our Partnership program between the UO and LNU we have a few tasks and directions of activity. First, is exchange of professors and teaching methods and techniques. Second, is preparation of textbooks for Ukrainian students with comparative analysis of two legal systems (this part will be translated into English), new creative and interactive methods of teaching and learning. Third, is using the Internet, e-mail communication and discussion list for building real partnership. Fourth, is clinical programs on environmental and business law.

I have been here about one month so far. I have been teaching my class on International Law, Environment and Democracy Reforms. I have been participating in team teaching of Comparative Environmental Law class with Professor John Bonine. I have started to write a textbook on International Environmental Law and have visited classes of professors John Bonine, Ibrahim Gassama, Gil Carasko, and picked

up some ideas and teaching methods. I have participated in the panel discussion, organized by Professor Dom Vetri on discussion of the book "Civil Action," with participation of President of the University David Frohnmayer, Professors Michael Axline, Robin Collins and John Bonine. I have been trained on West Law and Lexis Nexis already.

I am enjoying my stay here and am using amazing university facilities: the library, the gym and swimming pool. I have been at the game of women's basketball and have been skiing on some weekends. I love the beauty of Oregon nature. People are very friendly here. We have had a few invitations for lunch and dinner.

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I'm Ira Zaverukha, a visiting Associate Professor from the Law Faculty of Lviv National University. In our system my title is docent (not associate professor).

I teach Financial Law and Banking Law in Lviv and am observing classes here for teaching techniques. I am working with Professor McAniff, because I plan to teach the first course in Ukraine on Banking Law when I return to Lviv.

While I am here, I am also doing research on legal regulation

of the State Debt for future publication.

I like the spirit of this law school and I'm happy to be here.

Rennard Strickland  
DEAN

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## CLASS NOTES

### 1940-49

**Norman Wiener, '47**, is the author of the article "Simple Lessons from a Complex Case" in the 1999 edition of The Litigation Manual, published by the ABA Litigation Section.

**James Nelson, '48**, was elected president of the KBPS Public Radio Foundation.

**Carl Brophy, '49**, received the Award of Merit from the Oregon State Bar for his outstanding accomplishments and devoted service to the Bar and legal community after completing 50 years of practice with honor and distinction. He is a partner with the Medford law firm of Brophy, Mills, Schmor, Gerking & Brophy, LLP.

### 1950-59

**Robert E. Jones, '51**, received the first Judge Robert E. Jones Oregon Justice Award from the American Judicature Society (AJS) in recognition of his career-long contributions to the bench, bar and citizenry of Oregon. The AJS is a national organization working to improve courts.

**Richard Unis, '53**, was honored with the Herbert Harley Award by the American Judicature Society (AJS). The award is named for the founder of AJS and is presented to recognize achievements in promoting the effective administration of justice. Justice Unis received this honor because of his life-long commitment to judicial excellence.

### 1970-79

**Philip Hansen, '70**, retired at the end of 1998 after 30 years of tax practice as an attorney and a Certified Public Accountant in San Francisco. Phil practiced Multi-State and Local corporate tax law and specialized in state auditors, hearings and trials. During his career he served as the president of the San Francisco Chapter of Tax Executives Institute and on the Executive Board of Committee on State Taxation. He was also appointed to serve on the Advisory Board to the Executive Director of the California Franchise Tax Board.

**Craig Murphy, '73**, was elected to the board of directors of the Oregon chapter of the American Judicature Society.

**W.D. Cegavske, '74**, has become Of Counsel to the Roseburg law firm of Watkinson, Laird, Rubenstein, Lashway & Baldwin. He will continue to practice law full time, emphasizing estate planning and administration, real property, corporate and partnership law.

**Jonathan Fussner, '75**, has been appointed attorney-in-charge of the criminal unit of the appellate division. He previously served as a deputy district attorney of Lane County, where he handled a wide variety of criminal matters, and then became Springfield city prosecutor. He joined the Appellate Division in 1985 and has since specialized in criminal appeals.

**David Hytowitz, '75**, was elected to the board of directors of the Oregon chapter of the American Judicature Society.

**Stuart Brown, '76**, has joined Preston Gates Ellis in their Portland office where he will serve as Of Counsel for Litigation. He represents clients in complex litigation

matters including intellectual property disputes, software piracy protection and various transactional matters.

**Linda Eyerman, '76**, was named president of the Oregon Trial Lawyers Association for 1999-2000. She is with the Portland law firm of Gaylor and Eyerman and specializes in personal injury and projects liability.

**William Van Atta, '76**, was profiled in the December 1999 issue of the Oregon State Bar Bulletin. The article described his approach to law practice, particularly his passion for pro bono work.

**Milt Jones, '77**, has joined Perkins Coie in its environment and natural resources practice group. He is the former manager of environment, safety and land at PG&E Gas Transmission Northwest and the former director of government and regulatory affairs at Nerco, Inc.

**Jim Noteboom, '77**, returned from Dakar, Senegal, where he led an instructional team from the Defense Institute of International Legal Studies. The team conducted a week long course on international peacekeeping operations, human rights and the role of the gendarmerie in a democracy. Military officers and gendarmerie from eight west African nations participated. The regional seminar, the first such seminar to focus on human rights, received international attention. Jim, an Army colonel, previously conducted similar courses in Ethiopia, Zimbabwe and Krygyzstan.

**Susan Svetkey, '77**, was appointed to the Multnomah County Circuit Court bench by Oregon Governor John Kitzhaber. She will run for election in 2000. Susan has been in private practice in Portland for 18 years. Previously,



she spent a year working in the Metropolitan Public Defender's Office and two years in the Multnomah County Legal Aid Office. She was co-founder of the Juvenile Rights Project.

**John Cowden, '78**, has been re-elected managing director of Garvey, Schubert & Barer, a regional law firm with offices in Portland, Seattle, and Washington, D.C. Cowden specializes in admiralty and maritime litigation and currently represents the M/V NEW CARISSA. He works in the Portland office of Garvey, Schubert & Barer.



**Joseph McNaught, '78**, was appointed assistant division administrator of the general counsel division of the Oregon Department of Justice.

## 1980-89

**Craig Cowley, '80**, has joined the Portland firm of Gevurtz, Menashe, Larson & Howe as an associate.

**Christopher Larsen, '80**, has become an associate in the Portland law firm of Swanson, Thomas & Coon. He was previously with Rieke & Savage where his practice emphasized felony trial work.

**Bert Fukumoto, '81**, has left Lane Powell Spears Lubersky to begin an individual legal practice in the Portland area.

**Jeffrey Matthews, '81**, has started his own firm in Portland, Yates, Matthews & Associates. He was formerly with the Portland law firm of Gevurtz, Menashe, Larson & Howe, P.C.

**Michael Doughton, '82**, has written, performed, produced and is marketing his first solo CD of original instrumental music, "TRANSLINGO", released in November 1999 in Sacramento, California. Michael reports that he is not yet ready to quit his day job as Senior Staff Counsel for the California Department of Corrections.

**Doug Mitchell, '83**, was appointed Lane County Circuit Court Judge by Oregon Governor John Kitzhaber. He will run for election next summer in hopes of winning a full six-year term. Doug has worked nine years in the family law division of the Lane County district attorney's office, and served three years on the Domestic Violence Council.

**Tad Everhart, '84**, has become an associate in the Portland law firm of Douglas M. Bomarito. His practice will concentrate on construction, real estate, business and family law.

**Sam Adams, '85**, was appointed by Alaska Governor Tony Knowles to the District Court bench in Anchorage. For the past 11 years Sam was employed as a prosecutor for the State of Alaska Department of Law's Criminal Division. During the past 2 1/2 years he was the State's Fish and Game Prosecutor with responsibility to prosecute commercial fishing and hunting cases statewide. Sam reports that he and his wife, Catherine Call, are happily raising their three daughters, Helen, Cami, and Margaret, in the "Great Land."

**James Egan, '85**, was elected to the board of directors of the Oregon Trial Lawyers Association for 1999-2000.

**Maryann Yelnosky, '86**, joined the Portland law firm of Barran



Liebman LLP as a partner. She will represent Oregon and Washington employers in employment litigation, emphasizing services to

health care providers. Previously, she was a partner with the Portland law firm of Keating Jones Bildstein & Hughes P.C.

**Cheryl Pellegrini, '87**, has been appointed as attorney-in-charge of the financial fraud/consumer protection section of the civil enforcement division of the Oregon Department of Justice. Most recently, Cheryl was the attorney-in-charge of the business activities section. She previously worked with Lane County Legal Aid and then as deputy district attorney and chief deputy district attorney of Klamath County.

**Paul Bohn, '88**, reports that he has formed his own law firm "in the bucolic community of Northville, Michigan." The law firm currently has eight attorneys and a diverse practice including environmental, real estate, labor, corporate and civil litigation. His own practice focuses primarily on wetlands and natural resources, and more recently, Brownfield redevelopment.

**H. Andrew Clark, '88**, has joined the Eugene law firm of Gleaves Swearingen Larsen Potter Scott & Smith LLP. His practice will focus on land use and government law. He previously worked for five years in Portland in private practice, followed by six years as an assistant county counsel with Linn and Clackamas counties.

*Continued on Page 18*

**Douglas MacCourt, '88**, has joined the Portland law firm of Ater Wynne as an associate. He will concentrate primarily on land use and natural resources. Doug was previously with the City of Portland.

**Katie Tank, '88**, and **Myles Conway, '88**, are proud to announce the birth of their third child, born fall, 1999. Katie is a partner at Perkins Coie and Myles is an Assistant Attorney General for the State of Alaska.

**Cynthia Easterday, '89**, was elected vice president of the Yamhill County Bar Association.

**Kelly Zusman, '89**, a career law clerk for Judge Malcolm Marsh, has received the Federal Bar Association's 1999 Younger Federal Lawyer Award for her work with the court, her assistance to the U.S. Probation Office and her service to the legal community through her publication of "The Courthouse News." She was one of four lawyers in the nation selected for the award by a panel of federal judges and the chair of the association's Younger Lawyers Division.

## 1990-99

**Carolyn Ladd, '90**, has left the Seattle firm of Jackson, Lewis, Schnitzler & Krupman to join the labor and employment department in the office of the general counsel at the Boeing Company where she will provide advice and manage litigation involving employment discrimination and family leave issues.

**Mary Beth Allen, '91**, was elected to the board of directors of the Oregon chapter of the American Judicature Society.

**Daniel Barnhart, '91**, has become a shareholder in the Portland law firm of Bullard, Smith, Jernstedt, Harnish.

**Steven Briggs, '92**, has been appointed assistant attorney general in the district attorney assistance section of the criminal justice division of the Oregon Department of Justice. Immediately following law school graduation, he clerked for the Supreme Court of Oregon and served two years in the honors program of the U.S. Department of Justice. He then became a deputy district attorney of Washington County.

**Shawn Gordon, '92**, joined the Judge Advocate General's Corps and attended the 12-week Judge Advocate Officer Basic Course. He finished first in that class and was designated the Distinguished Graduate. His first assignment as a judge advocate is in the legal office at Fort Lewis, Washington.

**Darien Loiselle, '92**, has become a shareholder with Schwabe Williamson & Wyatt. His practice emphasizes construction litigation and admiralty and maritime law.

**Alex Poust, '92**, recently became a shareholder with Schwabe Williamson & Wyatt. His practice focuses on general business, commercial litigation, and creditor's rights in bankruptcy.

**Pam Quinlan, '92**, a songwriter and one of four vocalists with the band Fez Fatale, has just released a five-song CD on Wild Hair Records. The CD is available at Music Millennium and on the Internet at [www.localsoline.com](http://www.localsoline.com). Fez Fatale played a showcase at the NXNW Music Festival, held in Portland in late September.

**Ty Wyman, '92**, is now practicing at the Portland law firm of Steel Rives as an associate in its Land Use Law Group. His practice will focus on obtaining development permits, such as comprehensive plan amendments and design review approval. He has particular experi-

ence in mitigating exactions such as impact fees. Previously he was associated with Perkins Coie and with Bogle & Gates.

**James Britt, '93**, and **Will Childs, '98**, have joined together to form the new law firm, Britt & Childs, P.C. The Eugene law firm will concentrate in business law and litigation, family law, estate planning, labor and employment law, tort prosecution and defense, criminal defense, and elder law.

**Vivian Lee, '93**, recently joined the Portland law firm of Schwabe Williamson & Wyatt as an associate, working in the firm's tax practice group. She received her LL.M. in Taxation from the University of Washington School of Law. Previously she practiced as a complex litigation associate in the Portland firm of Markowitz, Herbold, Glade & Mehlhaf.

**Laura Montgomery, '93**, has been named a partner in the Eugene law firm of Gleaves Swearingen Larsen Potter Scott & Smith. Laura has been with the firm since graduation, and practices in the area of civil litigation.

**Debra Pilcher, '93**, was elected president-elect of the Oregon Women Lawyers for 1999-2000. She is associate counsel for Hyundai Semiconductor America.

**Brian Thompson, '93**, has joined the Eugene law firm of Hutchinson, Anderson, Cox, Coons & DuPriest. He has been in private practice in the Eugene area for six years and will continue his practice of business and estate planning, charitable and non-profit organization and federal taxation. Brian will join the faculty at the UO School of Law in the fall of 2000 as an adjunct instructor.

**Philip Wasley, '93**, and **Aron Yarmo, '93**, recently formed the law

firm of Yarmo & Wasley, located in Bend, Oregon. The firm is a full-service law practice emphasizing land use, real estate, property, water, natural resources, construction, administrative and criminal defense law.

**Laura Hammond, '94**, has joined the Portland law firm of Grenley, Rotenberg, Evans, Bragg & Bodie, focusing on estate planning, corporate law, and business transactions.

**David Rocker, '94**, joined Bullivant, Houser, Bailey in their insurance coverage and general litigation group. He will focus his practice on litigation involving insurance issues, products liability and general business, as well as insurance coverage matters.

**Gregory Hendershott '95**, reports that he has taken a position with the Seattle office of Dorsey & Whitney, LLP. His practice focuses on representing established and emerging growth companies in Labor and Employment matters.

**Steven Palestine, '95**, is practicing with the Beverly Hills law firm of Hochman Salkin Rettig Toscher & Perez. Steven received his LL.M. in Taxation from New York University School of Law in 1997 where he received the Harry J. Rudnick Memorial Award which is awarded to the student with the highest academic achievement in NYU's graduate tax program. He clerked for Judge Herbert Choy of the United States Court of Appeals for the Ninth Circuit and was previously with the New York tax boutique, Roberts & Holland.

**Allyson Krueger, '96**, joined the Portland firm of Barran Liebman. She represents employers in litigation, employment discrimination and general employment disputes. She was previously with Schwabe Williamson & Wyatt.

**Anne Munsey, '96**, joined the State Public Defender's Office. She was previously a law clerk for Court of Appeals Judges Paul DeMuniz and Virginia Linder.

**Dan Thenell, '96**, joined the Washington County District Attorney's Office. He previously clerked for Judge Dennis Hubel at the U.S. District Court in Portland.

**Richard George, '97**, has joined the Portland law firm of Black Helterline as an associate where his practice will focus on litigation, land use and real estate, and business law. He previously served as an Honors Attorney with the Oregon Department of Justice in their Appellate Division, and Consumer Protection/Financial Fraud Section of the Civil Enforcement Division.

**Paul Alig, '97**, reports that he and **Laura Chartoff, '97**, are now engaged and live together in the Portland area. Paul is practicing law in the Legal Aid Services of Oregon in Hillsboro. Laura finished her LL.M. at New York University Law School last year and now practices in the area of tax with the Portland law firm of Hanna, Kerns & Strader.

**Meredith Allen, '97**, previously with the Bend law firm of Crabtree and Rahmsdorff, has joined the State Public Defender's Office.

**Richard George, '97**, recently joined Black Helterline where he will focus on litigation, land use, real



estate, and business law. He previously served as an honors attorney with the Oregon Department of Justice, appellate division and consumer protection/financial fraud section of the civil enforcement division.

**Patrick Stevens, '97**, has joined the Eugene law firm of Armstrong & Associates as an associate. He formerly served as a judicial clerk to Lane County Circuit Court Judge Kip Leonard, and was in private practice for the past year.

**Will Childs, '98**, and **James Britt, '93**, have joined together to form the new law firm, Britt & Childs, P.C. The Eugene firm will concentrate in business law and litigation, family law, estate planning, labor and employment law, tort prosecution and defense, criminal defense, and elder law.

**Jill Fetherstonhaugh, '98**, has opened the Business Law Centre in Eugene where she will focus on business and employment law. She previously practiced law in Portland.

**Will Forsyth, '99**, has joined the Eugene law firm of Hershner, Hunter, Andrews, Neill & Smith, LLP as an associate. He will initially focus on commercial and business litigation.

**Cristina Gabrielidis, '99**, is an associate at the Eugene law firm of Harrang Long Gary Rudnick. Her practice emphasizes business and international law.

**Tristyne Huffman, '99**, joined the Eugene law firm of Peggy A. Bond, P.C. as an associate. Her practice will emphasize family law and adoption.

**Todd Johnston, '99**, is with the Eugene law firm of Gleaves Swearingen Larsen Potter Scott & Smith LLP as an associate. His practice will focus on business and litigation.

**Kristin Kernutt, '99**, has joined the Eugene law firm of Gleaves Swearingen Larsen Potter Scott & Smith LLP as an associate. She will

*Continued on Page 20*

initially focus her practice on business and land use.

**Caroline Kuerschner, '99**, is an associate in the Portland office of Miller Nash, concentrating her practice on general business matters.

**Daniel Steinberg, '99**, joined the Salem law firm of Garrett, Hemann, Robertson, Paulus, Jennings & Comstock as an associate.

**Thomas Tongue, '99**, recently joined the law firm of Schwabe Williamson & Wyatt.

**Stephanie Turner, '99**, has joined the Eugene law firm of Watkinson, Laird, Rubenstein, Lashway & Baldwin, P.C. as an associate. She will concentrate her practice on employment and family law.

**Andrew Yorra, '99**, is now an associate at the Portland law firm of Tonkon Torp, working in the firm's corporate and business practice group.

## IN MEMORIUM

DAVID ABEYTA, SR., '81, died January 1, 1999.

ROBERT BELLONI, '51, died November 3, 1999.

RICHARD BENNETT, '50, died June 19, 1999.

HOWARD BOBBITT, '35, died September 27, 1999.

RICHARD BRYSON, '41, died December 12, 1999.

ROLAND DAVIS, '30, died November 2, 1999.

THOMAS EDISON, '57, died October 26, 1999.

OTTO FROHNMAYER, '33, died January 31, 2000.

ORLANDO J. HOLLIS, '28, died March 1, 2000.

J. MARVIN KUHN, '60, died August 10, 1999.

WILLIAM MARTIN, '37, died July 19, 1999.

HOWARD MCLEAN, '79, died March 28, 1999.

THOMAS MERRIAM, '77, died June 15, 1999.

GREGORY MOORE, '89, died June 18, 1999.

JAMES NELSON, '48, died November 23, 1999.

KENNETH J. O'CONNELL, died February 18, 2000.

Dean Hollis and K.J. O'Connell died as we were going to press. We will be doing articles on their remarkable careers and their history with the law school in the next issue.

## Gleaves and Friends



*Vern Gleaves, class of '51, celebrates his retirement with family and friends at a party held in the Wayne Morse Commons of the UO School of Law. Gleaves retired from the firm he founded, Gleaves, Swearingen, Larson, Potter, Scott & Smith LLP.*

## Boy Courts Girl, Studies for Court, Donates to Court

First year student Keith Rack donated a basketball to the law school in honor of his girlfriend, Marieke Stientjes. "She is an outstanding basketball player," Rack says, "and is kind enough to share me with the law school."

The UO law school is the only law school in the country with a basketball hoop and where basketballs can be checked out by students.

The hoop itself was anonymously donated during the building campaign.

## Alumni President's Letter

# New Building, Challenges, Opportunities

The dedication of the William W. Knight Law Center was a milestone for the University of Oregon, particularly to the many Law School alumni who had toiled the hours away reading case books in the dark study carrels of the old law school while copiously taking hand written notes. The new building boasts natural light-filled rooms and study areas with computer hook ups at every desk. It is an inviting and pleasant environment that will continue to attract outstanding individuals to the student body and the faculty. It is almost (until you run into Professor Mooney waving a commercial law casebook at you in the hall) inviting enough to make you feel like returning to take a class or two.

What is equally as exciting as the new building is the progressive and enlightened outlook that Law School Dean Rennard Strickland envisions for the school's future. He has put together a task force to review the curriculum of the school as we move into the 21st century. I am honored, as the Alumni President-Elect, to be a member of this committee. This committee offers an opportunity for past law school graduates to reflect on their education and what the law school could have done to better prepare them for entry into the profession and for members of the community to evaluate how they view the future of the legal profession. The committee is evaluating the curriculum with several issues in mind including how the law school can better prepare students to enter the practice of law or use their legal education for alternative careers; how the school can maintain the accessibility of a legal education, and how does this all fit with the needs of the community as we move into the 21st century.

These are important questions for the law school. I commend Dean Strickland for his progressive view of the future of legal education and urge you to take the time to forward your idea and comments to Dean Strickland or me.

On another note, with the multitude of demands on our lives, the contribution that our education at this fine institution has made to our daily lives is sometimes forgotten. Once a year we receive a fund raising request and then we move on to our next task. There are other important ways you can contribute to the school as alumni. The most rewarding return for me has been through mentoring a student. This contact can be simply thorough the telephone or e-mail. The law school is in the third year of a mentoring program led by alumnus Heather Decker, '96. The cost is a telephone call; the time commitment is equal to a monthly call to a

family member. I ask you to consider offering your advice and ideas as a contribution to a future alumnus and to give Heather a call.

Finally, I would like to thank Richard Meeker for his years of leadership as the Alumni Board Association President. We never had a dull meeting...

Cynthia M. Fraser  
President-Elect  
UO Alumni Association Board

## Job Listings On Database

Graduates interested in checking job listings can now get immediate access to the Career Services office listings through the Career Database at the Law School web site, according to Assistant Dean Merv Loya.

Access to the database generally is limited to UO Law graduates and students. Those interested in using this resource may check with the Career Services Office, 541/346-3887 (from Portland, 220-2183) to get the password and ID.

### OFFICERS

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| RICHARD MEEKER, '74, President      | <i>Willamette Week</i>              |
| CYNTHIA FRASER, '87, Vice President | Oregon Department of Transportation |
| DOUG MITCHELL, '83, SECRETARY       | Lane County District Court Judge    |

### MEMBERS

|                               |  |
|-------------------------------|--|
| JANE AIKEN, '78               | Attorney at Law                              |
| DANETTE BLOOMER, '95          | Federal District Court Judicial Clerk        |
| THE HON. PAULA BROWNHILL, '81 | U.S. District Court Judge                    |
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| JAMES DOLE, '89               | Schultz, Salisbury, Cauble, Versteeg & Dole  |
| GORDON HANNA, '78             | Attorney at Law                              |
| KURT HANSEN, '84              | Schwabe Williamson & Wyatt                   |
| KATHERINE HECKIN, '94         | Keating, Jones, Bildstein, Hughes & Yelonsky |
| KEVIN KEILLOR, '87            | Hurley Lynch & Re P.C.                       |
| KAREN O'CONNOR, '95           | Attorney at Law                              |
| JEFF PRIDGEON, '77            | Pridgeon Stimac & Associates                 |
| LYNNE RENNICK, '97            | Federal District Court Judicial Clerk        |
| FRED RUBY, '84                | Greene & Markley                             |
| JIM TREADWELL, '69            | Karr Tuttle Campbell                         |

## Correction

In the lists of giving by class (Oregon Lawyer, Fall 1999) the class of 1973 should have been listed as second in the largest amount raised category, as well as in total participation. We regret the error.

## The Law of Beer II



*Jack Joyce (seated) and Fred Bowman discuss law with students.*

The Law & Entrepreneurship Center hosted Mr. Fred Bowman, Vice-President of Portland Brewing Company, and Mr. Jack Joyce, President and Founder of Rogue Ales on November 11, 1999 for "The Law of Beer II." The speakers discussed legal challenges particular to the beer brewing industry, specifically regulatory issues.

Joyce, a former construction law attorney, whose daughter is currently a student at the UO School of Law, spoke about professionalism and urged up-and-coming lawyers to think of themselves as people with specialized training, and to use a common sense approach when they practice law. True to his company name—Rogue Ale—he said that his preferred method of handling regula-

tory issues and warnings is by offering them a new home in his circular file.

Fred Bowman of Portland Brewing Company, suggested that the best lawyers sport a healthy sense of humor. In addition to proposing that lawyers help loosen the regulatory binds that sometimes unnecessarily

restrict his business, he said that trademarking Portland Brewing Company's product was challenging and involved significant planning in order to comply with state and federal laws.



*Valerie Sasaki considers her options at the Law of Beer 2.*

Students and faculty were treated to a light dinner and microbrew samples supplied by both Portland Brewing Company and Rogue Ales.

***Do you have an idea for a symposium?***

***Would you like to come and talk to law students about your business or the business of law?***

***Let us know!***

*For more information*  
541-346-3994  
[jsprauer@law.uoregon.edu](mailto:jsprauer@law.uoregon.edu)  
[www.law.uoregon.edu/~lec](http://www.law.uoregon.edu/~lec)

***Seize Opportunity!***

## CENTER MISSION

To prepare students to represent entrepreneurs and to be entrepreneurs.

To direct faculty research toward legal and economic problems that confront entrepreneurs.

To make a lasting contribution to the economic development of Oregon by providing a forum for interaction, exchange, and education for students and professionals in Northwest business and legal communities.

## Event Pictures



*Grif Frost of SakeOne in Forest Grove autographs a copy of his book for Prof. Gene Scoles.*



*Gwen Dayton of Oregon Health Care Association and Valerie Sasaki, Center GTF, visit following Health Law Panel discussion.*

## Recent Graduates Open New Law Firm

On February 24, the Center sponsored an event which looked at an entrepreneurial aspect of legal practice. Tom Konowalchuck, Esq. (UO '99) and David Cramer, Esq. (UO '99), who opened the doors of their new law firm in Newport on November 1, 1999, spoke with approximately 40 law students about the issues facing new lawyers going into business for themselves.

Konowalchuck, a physician who had his own medical practice before law school, said that his previous experience in managing his own medical office was an advantage when he opened up his law office. Cramer, working as a paralegal for 10 years prior to entering law school, said that his experience in law firm management helped him understand the business aspects of running a law firm. Both speakers agreed that it was critical for prospective "legal entrepreneurs" to develop a coherent vision of how a new law firm could add value to its community.

Cramer and Konowalchuck showed students how to begin establishing a budget, and listed a number of managerial and professional resources for attorneys establishing a new firm. The Professional Liability Fund administrators are a valuable resource, as are professors at, and alumni of, the University of Oregon School of Law.

We plan to invite them to speak again next year, and will put a link from our web page (<http://www.law.uoregon.edu/~lec>) to theirs in the near future.

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