Oregon Lawyer

2005



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Bear on an evening walk along Alaska's Brooks River, taken by UO law professors John Bonine and Svitlana Kravchenko this summer after visiting UO law alumni in Anchorage and Homer.



On the Cover

Quilt of a starry night in the western Oregon landscape - mountains, foothills, forest, creek and clearcut. Designed, pieced and handquilted by Colleen McKillip, who organizes alumni and special events for the law school. The cotton wall hanging with flannel backing measures 96" x 108" and is now in a private collection.

DEAN'S MESSAGE It's About Access

CAMPAIGN OREGON Transforming Lives

NEWS Commencement 2005

> Alice Plymell '63 receives Meritorious Service Award Payback time! First loan repayment assistance award Water rights expert takes helm of Environmental Law Program New conflict resolution master's degree Business lawyering in the Pacific Rim economy Cherokee leader Wilma Mankiller visits Inside the Beltway: DC alumni Chapin Clark and whitewater safety ...and more

DOCKET Fall, Winter and Spring 2005-6.

LARE ASCHENBRENNER '57 A Zeal for Justice

CAMPAIGN OREGON: TRANSFORMING LIVES

Preparing the Next Generation of Oregon Lawyers

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LAWYER

Writer and Editor Assistant Director, Eliza Schmidkunz

Class Notes Honor Roll

Colleen McKillip

Mike Lee www.MikeLeeAndMe.com

Photography **David Loveall** Jack Liu



UNIVERSITY **OF OREGON SCHOOL OF LAW**

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Jane Gordon

Associate Dean for Student/Program Affairs and Communications

Alumni and Development **Matt Roberts** Assistant Dean

Jonathan Manton Assistant Director

Colleen McKillip **Development Events**

Coordinator

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William W. Knight

Law Center 1515 Agate Street 1221 University of Oregon Eugene, Oregon 97403 U.S.A.



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COMMENCEMENT 2005

CLASS CONTRIBUTES 12,000 HOURS OF PRO BONO SERVICE

The University of Oregon School of Law 2005 class has "paid it forward," contributing over 12,000 hours of free legal help — pro bono service — before they have even passed the bar.

Class speaker **Martha Pellegrino** said, "We raised the standards for leadership, service, and achievement and set the bar very high for future classes."

One hundred and sixty-eight members of the class received their degrees at commencement ceremonies on Sunday, May 15 in the Silva Concert Hall at the Hult Center for the Performing Arts in downtown Eugene. A reception followed at the Knight Law Center.

The guest speaker was **Jeff Adachi**, San Francisco's elected public defender. Adachi's parents and grandparents spent part of WWII in the Japanese internment camps. His family's experience was the impetus for his career as one of the Bay Area's most high-profile defenders. For 25 years, the Sacramento native and fourth-generation Japanese American has fought to seize equal justice for the young, the immigrants, the poor and the minorities of California.

Eugene attorney **Alice Plymell** was selected for the 2005 Meritorious Service Award, given each year to recipients who have made extraordinary contributions to legal education and the law. She is a 1963 graduate of the law school and one of the first three women to practice in Eugene. She was born on a farm in Ontario, Oregon and made up her mind in eighth grade to become a lawyer since physical disabilities would not prevent her from succeeding in the field. She practices estate

planning and probate law from a wheelchair and performs extensive pro bono work for Legal Aid and Senior Law Service. Plymell has been a longtime champion of the American with Disabilities Act and access to justice efforts.

The law school faculty honored Associate Professor **Carl Bjerre** with the 2005 Orlando John Hollis Faculty Teaching Award. The annual award for inspired teaching is based on nominations from students, faculty, staff and alumni. It is named after the legendary taskmaster and "grand teacher" who spent 35 years as professor, dean and interim university president.

Bjerre teaches commercial law and contracts. He is a member of the National Conference of Commissioners on Uniform State Laws, which is responsible for formulating most of the nation's commercial law. He also plays tenor sax and clarinet with the law school jazz band.

The graduating class selected Assistant Professor **Joe Metcalfe** to lead the procession as their commencement marshal. Metcalfe has taught criminal law and procedure at the UO since 2002. Before that, he worked for the U.S. Justice Department in the computer crime and intellectual property section.

The Class of 2005 selected **Martha Pellegrino** as their speaker. In school, Pellegrino was a Wayne Morse Fellow who interned with Oregon Senate Majority Leader Kate Brown. She intends to "stay connected with the Oregon legislative process" and may become a government or public affairs attorney.

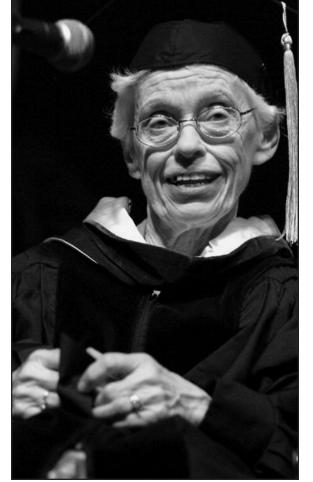
Commencement speaker Jeff Adachi







Top student **Kate Fisher** gets ready for commencement with baby Kit, who was born in September of her mother's third year of law school. Fisher is also the mother of a four-year old son, Van, and an 11-year-old daughter, Zoe. "I enjoyed law school," Fisher said. "It's actually a good time to have a baby." She is now an associate with Hershner Hunter in Eugene.



Meritorious Service Award recipient **Alice Plymell '63**





COMING ATTRACTIONS

THE LAW CLASS OF 2008 INAUGURAL MASTER'S DEGREE CLASS

On August 17, 179 first year students finished a week of orientation activities and joined 340 2Ls and 3Ls for the 2005-6 academic year.

In a year of declining law school applications nationally, the UO application count was the highest in 10 years. Admissions dean Lawrence Seno credited the high number of applications to the successful push to publicize the law school's faculty and programs, strengthening outreach to women and minorities, and \$266,000 in scholarships for the first year class.

The magazine rankings haven't hurt either, he said, "students definitely look at the high quality of life score and national recognition for the UO's environmental law and dispute resolution programs."

Seno said the new class is "a pretty global group"

— most have lived, worked or studied abroad, and many are proficient in a second language.

This year, the law school also welcomed 19 students in its inaugural master's degree class for conflict and dispute resolution. They will participate

in only the second such program to be based at a law school. The students are from Oregon, Washington and Northern California. The group began work on an interdisciplinary degree that will be taught by some of the best mediators, law professors, philosophy, sociology and counseling faculty on campus.

The new program was spearheaded by Associate Dean Jane Gordon, who heads the growing Appropriate Dispute Resolution Center.

Class of 2008

Median LSAT: 159 Median GPA: 3.45 Women: 43%

Students of color: 19%

HELP WITH STUDENT LOANS

COOS BAY PUBLIC DEFENDER RECEIVES FIRST LOAN REPAYMENT ASSISTANCE AWARD

Four years ago, a group of students decided to do something about law student debt, which falls particularly hard on graduates working in low-paying public service jobs.

With generous help from the Jacquelyn Romm family and other donors, the Loan Repayment Assistance Program endowment grew to the point that the first grant was made this summer.

Coos Bay public defender **Stacy Kay Lowe '03** received the first LRAP award.

JACQUIE ROMM '81

Schoolteacher Turned Lawyer Makes LRAP Gift

Jacquelyn Romm donated her retirement fund to help struggling public service lawyers shortly before her death last November. The former English teacher and partner in the Eugene firm Walters, Romm & Chanti, "was an extraordinary person," said law professor Caroline Forell, who taught Romm in her legal research and writing class more than 25 years ago. "It was my first year of teaching, and she taught this raw beginner a lot."

Romm, her husband Rich and their family decided to set up an endowment of nearly \$200,000 for the law school's Loan Repayment Assistance Program, which enabled the fledgling project to give its first award this summer.

Matt Roberts, assistant dean for external relations, said "She chose to leave a legacy which will truly make a difference to many, many law students over the years. We are profoundly grateful to be a part of her vision."

In her application, Lowe wrote, "Just last week I helped a family with two young children... my heart truly went out to [the parents] because they are struggling to over-

are struggling to overcome their pasts and their poverty. I want to continue advocating for those whose voices are not often heard."

Beginning this fall, grants will be given once each year in Apply by
OCTOBER 31
Fall 2005

Loan Repayment Assistance Awards INFO: (541) 346-3896 www.law.uoregon.edu/lrap

December. The application deadline for the next round of awards is October 31. Graduates of the UO School of Law are eligible if they have outstanding student loans, earned a J.D. within the past four years, and earn less than \$45,000 in salary as a public defender, prosecutor, legal aid attorney or in another qualifying public interest job. LRAP loan recipients are eligible for up to three years of support; their loans will be forgiven over time as they continue to work in public service.

Jamie Moffitt, associate dean of finance, said "The last application cycle included a tremendous group of applicants with many deserving people – it would be terrific if donors could continue to contribute to build the endowment, so we can help more of these graduates who are doing such important work."

PORTLAND CONFERENCE

BUSINESS LAWYERING IN THE PACIFIC RIM ECONOMY

The law school's **Portland Program** presents the third Business Innovation and Law Conference on Friday, November 18. Speakers will examine how

the business and legal culture of China and other Pacific Rim countries affect partnerships with Oregon business.

Portland Programs director **Steve Bender** says "This conference connects business leaders with lawyers in the pursuit of economic growth in Oregon. The Pacific Rim economy clearly

holds great potential for the state, provided that our lawyers have the skills needed in the ever-changing landscape of Pacific Rim business deals."

The luncheon keynoters are **Lillian Tsai** and **David Kohl** of TsaiComms, a Portland strategic marketing

and communications firm that helps businesses reach Asian audiences.

Other speakers will discuss the Pacific Rim activities of Nike and Tektronix. UO law faculty members **Keith Aoki** and **Steve Bender** will moderate panels in which Portland business attorneys will analyze

markets, legal systems and trade regulation, immigration issues, intellectual property concerns and



taxation issues for companies doing business in Asia.

Confirmed speakers as of press time:

- Bob Agnes, vice president, Asia Pacific sales and operations, Tektronix
- Neal A. Bieker, regional counsel, Asia Pacific, Nike
- M. David Coffman, Coffman Legal PLLC (Seattle)
- Ron Davies, UO economist
- David Elkanich, Hinshaw & Culbertson, LLP
- Carol Emory, Emory Law Group PC
- William "Skip" Fisher, Schwabe, Williamson & Wyatt PC (Seattle)
- Dave Frohnmayer, president, University of Oregon
- Chris Helmer, Miller Nash LLP
- Peter Jarvis, Hinshaw & Culbertson, LLP
- Paul Kelly, of counsel, Garvey, Schubert, Barer

- Laird Kirkpatrick, dean, UO School of Law
- Akana K.J. Ma, Ater Wynne LLP
- John McCormack, Kolisch Hartwell PC
- Hari M. Osofsky, visiting professor, UO School of Law
- Brent Renison, Tonkon Torp LLP
- Al Au Yeung, Schwabe, Williamson & Wyatt

The conference runs from 8:30 A.M. to 5:30 P.M. in the Portland World Trade Center, 121 SW Salmon. 8 CLE hours, including 2 ethics and 1 multicultural hour, have been requested. Cost is \$155. For information and to register, call (541) 346-3042 or email jsprauer@law.uoregon.edu.



Portland Programs director Steve Bender

DEAN'S MESSAGE

It's About Access



In a recent interview with Oregon Lawyer's editor, one of the law school's most active and successful alumni.

Jim Harrang '51, says, "When I was in school no one had any debt - it was an unknown concept.'

How times have changed. Today, when the average UO law school graduate leaves owing \$61,000, it is time to consider the question of access to education. Today a new lawyer often has to secure a supremely high-paid job, forego working in the public sector or for public interest organizations, or be willing to indefinitely postpone what we consider normal adult life — a house, a family, an adequate lifestyle - in order to pay off that debt.

When I first accepted the dean's position, I said we had an outstanding faculty, highly talented students and one of the most beautiful and technologically advanced law centers in the country. It's still true!

I also said that I was committed to even greater outreach in our student

recruitment efforts to make sure that we are attracting the most qualified and diverse student body. That's true as well.

I made additional scholarship money for entering students part of the bargain when University

President Frohnmayer and I were negotiating my contract. It has made a significant difference.

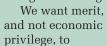
For the past two years, for example, academic scores for entering students have

continued to strengthen and the proportion of entering students who are minorities has increased to nearly 20 percent of the class. This year, when applications to law schools have fallen nationally, our school has had more applications than ever. Yet some of these outstanding applicants who would contribute to the profession in so many ways are simply unable to come without financial assistance, which we are

often unable to provide.

As I prepare to return to the faculty, I urge you to consider your role, as alumni and friends of the law school, in making access to education possible for the next generation of young lawyers. Three years ago I said

the key to the law school's future will be measured by how you respond to the changed financial circumstances facing us and all public institutions of higher learning.



we teach - and the kinds of young lawyers who will have the opportunity to be welcomed by you into the profession.

It's up to you.



Laird Kirkpatrick, Philip H. Knight Dean

5

FULL OF LIFE

WATER RIGHTS EXPERT NAMED FIRST PERMANENT **DIRECTOR OF LAW SCHOOL'S ENVIRONMENTAL LAW PROGRAM**

A water law and natural resources law expert who most recently served as an attorney in the Solicitor's office with the Department of the Interior will direct the environmental and natural resources law program at the University of Oregon School of Law.

Adell Amos took office in August as the first permanent head of the highly ranked program, now located in the Bowerman Center for Environmental

Law at the Knight Law Center.

Engaging the sustainability on earth

Amos graduated from the law school in law to support 1998. "I'm delighted to be back and even more thrilled to see how the program has taken shape," she said. "When I was a student, the environmental law faculty, the

> classes and the student organizations were strong, but we lacked a central location and the administrative support I see now."

She said the program donors understand the value of having a dedicated space. "I want to see the Bowerman Center full of life and activity — a resource for students, alumni and the community."

In her new position, Amos will head a program that is one of the oldest in the country. The law school offered its first classes in the subject in 1964. In the late 1970s, it established the first public interest environmental law clinic in the United States. For 23 years, UO law students have organized the oldest and largest public interest environmental law conference in the world. A law review, the Journal

of Environmental Law and Litigation, was first published in 1985.

Amos will take over a number of new efforts put into place by law professors Mary Wood and Richard Hildreth, previous directors appointed for one-year terms from the tenured faculty. They spearheaded a new organization around five interdisciplinary themes: sustainable land use, global environmental democracy, conserva-

tion trusts, Native envi-

Environmental Law at the UO

Five interdisciplinary themes shape the ENR program:

- Sustainable Land Use
- Global Environmental Democracy
- Conservation Trusts
- Native Environmental Sovereignty
- Ocean and Coastal Law

Bowerman Center for Environmental Law

Suite 225 Knight Law Center (541) 346-1395

http://www.law.uoregon.edu/org/enr/



Adell Amos in Marble Canyon, Arizona

ronmental sovereignty and ocean and coastal law.

Amos, who will hold the rank of assistant professor, says a new fellows program for second and third year law students will carry the flagship projects forward through research, event planning and public outreach.

An innovative short course on conservation transactions — according to Amos the first of its kind at any law school — has already inspired program faculty and staff to consider others like it.

The daylong non-credit seminar was held last April. It attracted a mix of law students, practicing lawyers and others. "The seminar created a rich opportunity for interaction," Amos said, "our goal is to reach a varied audience and this format allowed us to do just that."

"My highest priority is continuing to reach out to new students who choose us because of this program, and to support them while they are here," Amos said. "I can offer them insight on the practice of environmental law. My work as a water lawyer for the Fish and Wildlife Service and the National Parks was possible because of the strength of the education I received at this law school."

2005-6 MORSE PROFESSOR WILMA MANKILLER

FIRST WOMAN CHIEF OF THE CHEROKEE NATION

Wilma Mankiller, the 2005-6 Morse Professor, is an author and activist who served eight years as the first female principal chief of the Cherokee Nation. She will be in residence at the university from September 24 through December 1.

With her visit, the Morse Center begins its 2005-7 theme of inquiry, "Indigenous Peoples: National Policy and International Human Rights.'

Mankiller will teach a class with law professor Rennard Strickland during the UO fall term on "Native American Life, Law, and Leadership in the Modern Era." She will deliver a public lecture on the evening of November 9 in the EMU ballroom. On November 10 she will host a symposium at the Many Nations Longhouse on "Women and Tribal Leadership." The Longhouse is directly behind the Knight Law Center.

Her roots are planted deep in the rural community of Mankiller Flats in Adair County, Oklahoma, where she has spent most of her life.

Mankiller was the founding director of the Cherokee Nation Community Development Department, which received several national awards for innovative use of self-help in housing and water projects in low-income Cherokee communities. In

1987, she was elected to serve as the first female principal chief of the Cherokee Nation and was overwhelmingly reelected in 1991.

During Mankiller's tenure, she met with Presidents Reagan, Bush, and Clinton to present critical tribal issues. Her time in office was also marked by a great deal of new development, including several new free-standing health clinics, an \$11 million Jobs Corps Center, and greatly expanded services for children and youth.

She and the Navajo Nation president Peterson Zah co-chaired a national conference between tribal leaders and cabinet members, which helped facilitate the establishment of an Office of Tribal Justice

within the U.S. Department of Justice.



Morse Professor Wilma Mankiller

She has been honored with many awards, including the Presidential Medal of Freedom. Mankiller lives on her family allotment in the Cherokee Nation with her husband, Charlie Soap. For information about her visit, call the Wayne Morse Center for Law and Politics, (541) 346-3700.

WHITEWATER SAFETY

A LEGACY OF FORMER DEAN CHAPIN CLARK

In 1962, Chapin Clark became the first University of Oregon law school faculty member hired to offer expertise on public policy matters - natural resources, water law — rather than simply prepare students for private practice. His family is making sure that good public policy is still being made in his name, three years after his death.

In 2002, the former dean died in a whitewater tragedy on the Rogue River that could easily have been prevented, but his commercial guide did not have lifesaving equipment on board nor did he have the necessary training. Even worse, there were no laws or regulations that would have required such preparation.

The Clark family's attorney, Don Corson '85, discovered that most states do not have training, equipment, or rescue standards in place for whitewater guides or outfitters. "This was one case that needed to go beyond the courtroom," Corson said.

Corson drafted initial legislation and then worked with the Clark family to get Senate Bill 579 passed in 2005. It was sponsored by Oregon State Senator Floyd Prozanski and Representative Phil Barnhart '71, both of Eugene. Oregon law now requires lifesaving equipment and expertise for outfitters that operate on Class III or higher rivers.

Daughter Julia Clark Kay is the president of the new Chapin Clark White Water Safety Foundation, established to encourage outfitters across the country to voluntarily upgrade their lifesaving standards.

Rescue 3 International, leaders in water rescue training, agreed to write the standards and training protocol for the Chapin Clark Whitewater Safety Accreditation, which the family hopes will be an important symbol to consumers. Accredited outfitters will be able to display the Chapin Clark Seal. In addition, the family and foundation are working with a large insurance carrier to provide discounts for accredited outfitters.

The foundation website, http://www.whitewater safety.org, features Oregon whitewater facts, links and safety information as well as an open forum. Eventually, it will include the names of accredited outfitters as well.

JONATHAN MANTON

THE 2003 LAW GRADUATE KNOWS WHAT IT TAKES TO BRING ALUMNI TOGETHER

Jonathan Manton can't stay away. He graduated from the law school in 2003. He returned within days to manage the Environmental and Natural Resources Law program as it expanded into new offices, built infrastructure and organized new projects. A year later, he left to work for state senatorial candidate Floyd Prozanski during his successful campaign and the legislative session that ended in August.

Now he's back — this time for keeps as the law school's assistant director of development.

"Since graduation, I've worked for three incredible people: UO law professors **Mary Wood** and **Dick Hildreth**, and Senator Floyd

Prozanski. Professors Wood and Hildreth provided daily inspiration and boundless energy, and their work as directors of the ENR program is why, I think, the program is back among the top

ten. I then got to spend a year working for and learning from Senator Prozanski. It's been a privilege each step of the way."

Manton's new job involves alumni — he will entertain them, bring them back as volunteers, organize projects, fundraise, and do everything he can to bring them closer to their alma mater.

"This school has several thousand talented alumni," Manton said. "Some are intellectually astounding, some are dedicated public servants, some have overcome tremendous adversity, and some just seem

to be natural leaders of people. I am excited about connecting with all of them to find out what we can do to make our law school community stronger."

And, being a new alumnus himself, Manton knows what they want — "free beer," he said.

"Seriously, I hope to show new alumni that the school cares about them. Most of our recent grads are working off hundreds of dollars of student loan debt every month. They need to know that we are working hard to fully fund our Loan Repayment Assistance Program and that we are doing what we can to stabilize tuition costs for the next genera-

ion.

Among his first projects will be renewing the class agent program. He will work to involved a few members of each class — including current students — in an annual alumni fundraising

strategy. The entire external relations department is already discussing ways to assist class agents so that their burden will be light and their experience rewarding.

"We need to make sure communication lines are open," Manton said. "I want alumni to know that we both welcome and value their suggestions and constructive criticisms. Of course, we'll provide lots of opportunities to get together and have fun, too."

Reach Jonathan Manton at (541) 346-1665 or jmanton@uoregon.edu.

LEGISLATURE SUPPORTS COMMUNITY MEDIATION PROGRAMS

"I hope to show new

alumni that the school

cares about them."

For the past year, the law school's Appropriate Dispute Resolution (ADR) Center has been work-

ing with Portland State University's Oregon Consensus Program and state mediation advocates to support passage of Senate Bill 247 by the 2005 Legislature. Governor Kulongoski signed the bill on August 29.

A sunset on state funding for community and public policy dispute resolution programs was scheduled to take effect next January. Senate Bill 247 removes this sunset, provides an increase in funding for community programs for the coming biennium, and restores significant funding for public policy



programs.

The Oregon Center for Community Dispute

Resolution administers state funds to 20 community programs in 28 Oregon counties. One million dollars goes to the community programs each biennium to support the 1,000 volunteer mediators who respond to over 5,000 conflicts each year. It is located at the law school and is part of the ADR Center.

The Oregon Consensus Program at PSU provides mediation and other dispute resolution services to public bodies, particularly in the area of land use planning, natural resources, human services, healthcare and transportation.

"Mediation leaders around the state forged a strong alliance to get this bill passed. These relationships will help ensure a robust future for mediation in Oregon," said Associate Dean **Jane Gordon**, who directs the ADR Center.



JAQUA LAW LIBRARY

THE QUIET REVOLUTION

Law library director **Mary Ann Hyatt** and the UO law librarians work in serene offices on the second floor of the Knight Law Center. But the deceptively calm and elegant realm of the Jaqua Law library is undergoing a quiet revolution.

Library collections will look very different fifteen years from now, Hyatt says. "Students, faculty and lawyers will have access to all of the law resources — but

Library collections will look very different fifteen years from now

most of them will be electronic. Students will work in communal spaces with

appropriate technology where they will learn to do research and produce print and audiovisual presentations."

She anticipates the day when "all sources will be available from one metasearch engine, and librarians will provide 24/7 reference service via instant messaging and cell phone."

What about the beloved book?

"We have to stay in the black, so there's a tradeoff. As we add expensive electronic sources, we have to cut print subscriptions," Hyatt says. However, she reassures,

"there will still be microform and print collections they'll just be more limited."

Hyatt, who has been a librarian for 25 years, knows that librarians won't become obsolete. Librarians will be the ones who will shift collections to the web and help patrons use the new resources — they'll be teaching just as much about

Mary Ann
Hyatt

linking in metasearch engines, and adding metadata to faculty and student publications to bring them to the top of the web. They'll be negotiating for fair pricing, usage and access with publishers.

It's a quiet revolution.

And there are things to look forward to. Technological innovation is bringing digital resources to law schools such as the UO that were only available in print at the world's most hallowed



Law librarians in front of the Jaqua Law Library's arched window. (L to R) Stephanie Midkiff, Angus Nesbit, Andrea Coffman and Mary Clayton (not pictured: Joni Herbst).

libraries. One example might be *The Making of Modern Law*, a digital archive of over 22,000 historical legal treatises. (http://www.galeuk.com/trials/moml/).

"That's a deep resource that would benefit everyone — law students, faculty, and the Oregon legal community," Hyatt said. "We'd deeply appreciate financial support from an alumn and law library user to buy it — and you can quote me on that!"

Lawyers!

Do your new associates measure up? How are their research skills? Their presentation skills? How could we train them better?

Tell the law library director (541) 346-3097 or mahyatt@uoregon.edu

NEWS



Les Jin '78, executive director of the National Asian Pacific American Bar Association, with Assistant Dean Merv Loya, Career Services director.



Dean's Advisory Council member **Richard Mollison '69** (Shook Hardy & Bacon).



UO law graduates at the State Department: Richard Massey '75, Ajay Bhatt '01 (Bureau of Democracy, Human Rights), Bruce Neuling '86 (foreign service officer, Zimbabwe Desk) and Sarah Field '03 (presidential management fellow).

Beltway LAW SCHOOL CHECKS IN

WITH WASHINGTON DC ALUMNI

Assistant Deans **Merv Loya** and **Larry Seno** hosted a reception for Washington DC alumni at the Nike Townhouse in July. "You walk into the room and feel it," Loya said, "even beyond the talent and interesting jobs, you can tell that our law school graduates are good people."

Alex Roth '02
(Federal Railroad
Administration),
Brian Davis '99
(Sutherland Asbill &
Brennan), Kristine
Schlegelmilch '01
(Intellectual Property
Rights, International
Trade Administration)
and Ryan Wilson '97
(Department of
Legislative Services,
Maryland Legislature).





David Briggs '06, a summer associate with Wilson Elser (WEMED), **Todd George '00**, U.S. Army JAG Program and Morse Fellow **Melissa Seifer '06**, who spent the summer in the office of **Senator Ron Wyden '74**.



Tasheaya (Warren) Ellison '97 (Office of the IRS Chief Counsel), **Richard Massey '75** (a director with the Office of Foreign Missions) and **Scott Ellison**.



Angela Kordyak '02 (Office of the General Counsel, US Department of Energy),
Noelle Mize '04, who is working at Arnold & Porter, and Assistant Dean of Admissions Larry Seno.

GivingTips

FROM THE OFFICE OF GIFT PLANNING

If you support the law school through an IRA or other retirement benefit, it may be worth much more than another estate asset.

Why? If anyone other than your husband or wife inherits funds from your IRAs and other retirement benefits, the gift will be subject to income taxes. And if your estate is worth more than \$1.5 million, it could be subject to estate taxes as well. In some cases, the tax liability owed from both of these taxes has exceeded 75% of the value of the IRA.

A charity, such as the University of Oregon School of Law, can inherit this asset without either tax being imposed. Therefore, an IRA may be worth twenty-five cents to your heirs, yet be worth a full dollar to your favorite cause

- scholarships, programs, or faculty support
- at your alma mater.

(If you tell us that you have included the law school in your estate plan, you are entitled to become a member of the Arnold Bennett Hall Society.)

Want to know more about this tip or others that may save you taxes and provide you with lifetime income? Contact the law school's external relations office at (541) 346-3865 or the UO Office of Gift Planning (800) 289-2354.

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SCHOOL OF LAW

University of Oregon



All events take place at the William W. Knight Law Center and are free and open to the public, unless otherwise noted.

Friday and Saturday, September 16-17

CLASS REUNIONS

Classes of **1955**, **1980** and **1985** celebrate. INFO: (541) 346-3865.

Friday and Saturday, September 23–24

CLASS REUNIONS

Classes of **1965** and **1975** celebrate. INFO: (541) 346-3865.



Saturday, September 24 DUCKS FOOTBALL: LAW TAILGATER

2:00 P.M. Tailgater at Mallard Park Estates, Autzen Stadium. Sponsored by the UO Law Alumni Association and the Student Bar Association. UO vs. USC, 4:00 P.M. Kickoff. EVENTS HOTLINE: (541) 346-3970.

Friday, September 30

SYMPOSIUM: AGAINST THE GRAIN: WORKING FOR THE PUBLIC INTEREST

Noon-5:00 P.M., Wayne Morse Commons, Rooms 110 and 175. As a law clerk, keynoter John Affeldt assisted in the trial of Panamanian strongman Manuel Noriega, recently served as lead counsel in a 2004 class action that won new educational guarantees for thousands of California's poorest school children and now heads Public Advocates (http: //www.publicadvocates.org/ aboutus2.html), a thirtyfive-year-old San Francisco law firm that advocates for the poor and dispossessed. California Lawyer magazine named him 2004 Attorney of the Year. He will be joined by others who have chosen to work in the public interest at this symposium organized by PIPS, the law school's public interest/public service program. INFO: speters@law.uoregon.edu.

Friday, October 14
LEGAL THEORY
WORKSHOP: KATHERINE
FRANKE

Noon-1:00 P.M. Legal Theory Workshop with Katherine Franke, Columbia Law School professor and codirector of the Center for the Study of Law and Culture. INFO: rtsai@law.uoregon.edu.

October 6, 2005

(behind the law school).

MORSE CENTER: WELCOME RECEPTION 5:00 P.M.-7:00 P.M., UO Many Nations Longhouse

The reception honoring Morse Professor Wilma Mankiller will follow a welcome ceremony led by Esther Stutzman, Kalapuya elder.

Friday, October 7

SYMPOSIUM: SUSTAINABLE LAND USE

Room 175.

Measure 37 and sustainable land use is the topic of this year's Journal of Environmental Law & Litigation symposium. INFO: lsommers@law.uoregon.edu

Friday, November 4

BOARD MEETINGS

Dean's Advisory Council and UO Law Alumni Association board meetings. INFO: (541) 346-3970

Saturday, November 5

HOMECOMING: DUCK DASH

8:00 A.M.

Run and walk from Hayward Field through campus to the Knight Law Center at the seventh annual Duck Dash. INFO: (541) 346-3970.

Saturday, November 5 **HOMECOMING: LAW**

TAILGATER

10:30 A.M. Tailgater at Mallard Park Estates, Autzen Stadium. RSVP (541) 346-3970. UO v. California, 12:30 P.M. kickoff. (time may change.) Sponsored by the UO Law Alumni Association and the Student Bar Association. Wednesday, November 9

PUBLIC LECTURE: CONTEXT IS EVERYTHING

7:00 P.M., EMU Ballroom, 1222 E. 13th Avenue.

Morse Professor Wilma Mankiller will speak on "Context is Everything: History and Culture in Contemporary Tribal Life." Free and open to the public. A reception and book signing will follow the lecture. INFO: (541) 346-3700.

Thursday, November 10

SYMPOSIUM: WOMEN IN TRIBAL LEADERSHIP

9:00 A.M.-4:00 P.M. UO Many Nations Longhouse, (behind the law school).

Symposium on women's leadership and indigenous feminism with keynoter Rebecca Tsosie, director of the Indian Legal Program at Arizona State University. Honoring Morse Professor Wilma Mankiller and Sue Shaffer, Cow Creek Band of Umpqua Indians. INFO: (541) 346-3700.

Friday, November 18

CONFERENCE: BUSINESS INNOVATION & LAW 2005

8:30 A.M. – 5:30 P.M., Portland World Trade Center, 121 SW Salmon.

The law school's Portland Program presents Business Innovation and Law 2005: Business Lawyering in the Pacific Rim Economy. Speakers will examine how the business and legal culture of China and other Pacific Rim countries affect partnerships with Oregon business. CLE credits pending. INFO: (541) 346-3042 or PortlandPrograms@law.uoregon. edu.

Monday, November 28
LAST DAY OF FALL
SEMESTER CLASSES.

December 20-January 8
WINTER BREAK

Monday, January 9

SPRING CLASSES BEGIN.

Thursday, January 19

KICKOFF: PORTLAND INTERVIEW PROGRAM

Noon, Room 141.

Career Services. INFO: (541) 346-3847

Friday, January 27

SOCIAL: PORTLAND ALUMNI MENTORING PROGRAM

4:30-7:00 P.M. Informal networking with UO law students and Portland alumni. Location TBA. INFO: (541) 346-3847

Friday, February 3 and Saturday, February 4

NORTHWEST PUBLIC SERVICE CAREER

Students, alumni, government agencies, public interest and public service employers get together. Hosted by Northwest Consortium Law Schools. All day Friday in Seattle, all day Saturday in Portland. INFO: (541) 346-3847

Thursday, March 2-Sunday, March 5 24TH ANNUAL PUBLIC INTEREST ENVIRONMENTAL LAW CONFERENCE.

INFO: L-A-W@law.uoregon.edu

March 27-31

SPRING BREAK

Friday, March 10

CAREERS: PORTLAND INTERVIEW PROGRAM

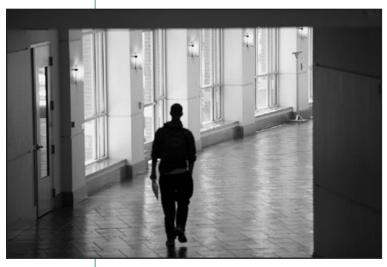
All Day. UO Portland Center, 2nd and Yamhill downtown.

Representatives of small and medium-sized Portland area law firms and government employers meet with promising candidates for summer or fall positions. INFO: (541) 346-3847.

Thursday April 6

PRO BONO AWARDS CEREMONY

5:00 p.m-7:00 p.m. A celebration of pro bono champs from the law school and the community. Wayne Morse Commons. INFO: Jane Steckbeck



Friday, April 21

LAST DAY OF SPRING SEMESTER CLASSES

Monday, April 24-May 8
SPRING SEMESTER
EXAMINATIONS

Sunday, May 14
COMMENCEMENT:
CLASS OF 2006

Lare Aschenbrenner became the fourth recipient of the law school's Alumni Association award for public service at the Frohnmayer Award banquet in Portland last April. Oregon Lawyer asked Aschenbrenner to talk about his life and times in public service, the law school during the 1950s and his most memorable cases. The full story is on the law school website, www.law.uoregon.edu. Click on "news."

1950s The Oregon Law School

... There were only four full time professors at

the law school when we enrolled in 1954: Dean Orlando John Hollis, and

Oregon's first public defender

Partner in the state's first public interest law firm

Mississippi civil rights lawyer

Former director of the Alaska office of the Native American Rights Fund

The 2005 Frohnmayer Award winner has stayed in the center of the action

A Zeal for LUSTICE

LAWRENCE A. ASCHENBRENNER '57

professors **Charlie Howard**, **K. J. O'Connell** (later Oregon Chief Justice O'Connell), and **Frank "Bob" Lacy**. These four professors introduced us to public interest issues indirectly, in part through their constant questions as to whether the hundreds of cases we were obliged to brief had reached a fair and equitable result.

Our class produced three members of Oregon's Judiciary: Chief Justice **Ed Peterson**, Associate Justice **Ed Fadeley** and Circuit Judge **Tom Edison**. It also produced **John Kottkamp**, who became a federal district court nominee and **Ted Barbera**, the chief appellate tax attorney for the Department of Justice, and three Mississippi volunteers during the civil rights movement.

...Perhaps, most tellingly it produced a group of lawyers who quietly, and without fanfare, day after day, year in and year out, devoted countless probono hours of legal assistance to those in need. All in all quite a remarkable record of public service, for which our law school can surely take some credit.

1960s Oregon's First Public Defender

The social/political climate, of course, played a role in my involvement in public interest law. In the late 1950s and early 1960s, the U.S. Supreme Court handed down landmark decisions expanding

the rights of defendants in criminal cases. These cases prompted the establishment of Public Defender Offices across the nation, including Oregon. This, in turn, led to my appointment as Public Defender in 1964.

During my time in office (1964–1967), the Teddy Jordan Case stands out. In 1932, Jordan, a black employee of the Southern Pacific Railroad, was convicted of murdering a white train steward in Klamath Falls and sentenced to hang.

The day before his scheduled execution, Governor Julius Meier commuted his sentence to life imprisonment on the grounds that there was "grave doubt" as to his guilt and that "race prejudice" may have played a role in his conviction. A cursory review of the trial transcript demonstrated that it did.

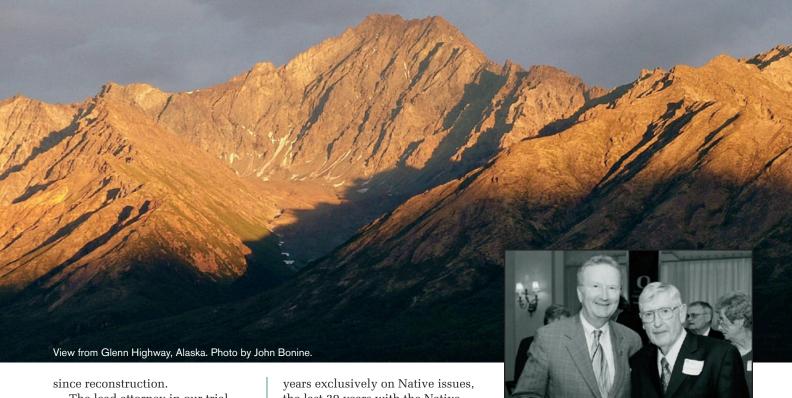
In 1965, while he was still serving this sentence, we successfully sought post-conviction relief. He was granted a new trial, his murder charge was dismissed and he was released.

1968 Mississippi and the White Knights of the Ku Klux Klan

The civil rights movement was going strong in the mid-1960s when my law school classmate, **Herb Lombard**, went to Mississippi as a volunteer with the Lawyers Committee for Civil Rights Under Law. He returned with tragic stories of discrimination and violence, which inspired me and others, including our classmate **Don Wilson**, to volunteer as well. In fact, Oregon sent more volunteer lawyers per capita to Mississippi then any other state, more than half of them from the University of Oregon.

My volunteer stint in Mississippi eventually resulted in my appointment as Chief Counsel of the Mississippi Office.

In 1968 we won a million dollar verdict from a biracial federal jury in Vicksburg, Mississippi against the White Knights of the Ku Klux Klan for the murder of Ben Chester White. This was the first verdict against the Klan in the history of the South,



The lead attorney in our trial against the Klan was a brilliant young Oregon trial attorney, Pat Hurley (first in his UO law class of 1956)...

Although we were never able to collect the million-dollar judgment, this verdict was widely publicized and sent an unmistakable message that the Klan's days of immunity from the law were over. This in turn contributed to the ultimate demise of the White Knights, the biggest and most violent Klan organization in the south.

1970s The Native American movement

During the same era, again, thanks to favorable decisions of the Warren court, the Native American rights movement was taking off.

In 1971, Charley Merten '63, Noreen (Saltveit) McGraw '55, Don Marmaduke and I formed a public interest law firm in Portland to pursue legal action on these and other public interest fronts, including the environment.

Our firm quickly got involved with Native American issues, seeking to protect the fishing rights of the Yakimas and the hunting and fishing rights of the then "terminated" Klamath Tribe. This experience led me to spend the next 31

the last 20 years with the Native American Rights Fund in Alaska.

In the Native rights area, the decision that had the greatest social/ legal impact was, without question, the government's 1993 decision to recognize 226 Alaska Native

Villages as "federally recognized tribes." After being treated for decades as little better than ethnically based social clubs, this decision officially recognized that these Eskimo, Aleut and Indian Villages have the same status and authority as Indian tribes in the lower 48 states.

On Public Interest Lawyering

...It used to be said that a really good lawyer could persuasively argue either side of any issue. But, in my mind, there is no comparison between the satisfaction of winning a decision based on a position that is consistent with vour own conscience and the conflicting feelings arising from a "win" based on a position contrary to your personal beliefs.

The first and fourth Frohnmayer Award recipients, whose public service "brings honor to the school": University President Dave

Frohnmayer and Lare Aschenbrenner.



Don Wharton and Don Miller, both representing the Native American Rights Fund, recognize Aschenbrenner for his longtime work with NARF. In a traditional honoring ceremony, they present him with a Star Quilt blanket made by an Oglala Lakota Sioux woman.



Reunion of Oregon's first public interest law firm (L to R): Secretary Sharon Paz, partners Charley Merten '63, Aschenbrenner, Noreen (Saltveit) McGraw '55 and Don Marmaduke.



Meeting the needs of 21st Century legal education

Preparing the Next Generation of Oregon Lawyers

ACADEMIC EXCELLENCE AND OPPORTUNITIES FOR STUDENTS

ARE THE TOP GOALS OF THE
UO LAW FUNDRAISING CAMPAIGN

With reverence to those

who've come before, the UO School of Law is preparing for those on the way. The school is three years into a \$15 million fundraising campaign to prepare students for tomorrow and strengthen the prestige of the institution today.

Transforming Lives

CAMPAIGN OREGON

Opportunity

Student scholarships and fellowships

Inspiration

Endowed chairs and professorships, academic programs

Discovery

Research and inquiry

Connection

Service and outreach

The university is racing through a successful third year of its six-year \$600-million fundraising campaign. The law school has raised \$4.4 million, almost a third of the way to our \$15 million share of that goal.

Our alumni are heeding the call — the Class of 1985, for example, hopes to present \$100,000 in checks and pledges at their twentieth reunion this fall. The gift will establish a scholarship endowment in memory of three classmates — Sam Adams, James Britton and Yeshiyah Gilrod.

UNIVERSITY OF OREGON SCHOOL OF LAW

CAMPAIGN OREGON

In this final year of his deanship, Laird Kirkpatrick muses, "When I was a student here 37 vears ago, students of merit, but without wealth, could easily pay for school. We want to keep it that way. Our core faculty and curriculum have always been excellent, and they remain so. But private support is necessary for us to continue to build upon the new programs, externships and skills opportunities. Students graduating with these experiences give real meaning to the University of Oregon law degree."

Opening Doors for Students

The first goal of Campaign Oregon is to ensure a bright future for Oregon lawyers. With declining state support, the annual cost of law school has doubled since 1990 and increased by over \$30,000 since 1990. Many promising students are choosing not to pursue a law degree, and those that do are often saddled with staggering amounts of student loans. The average UO law student now graduates with \$61,000 debt.

In an interview earlier this year, leading business attorney **Jim Harrang '54** said, "When I was in school, no one had any debt — it was an unknown concept."

Private contributions ensure scholarship money is available to capable students who could not otherwise afford a legal education. They also provide loan repayment assistance to new lawyers who choose to pursue low paying, but vitally important, careers in the public interest.

"When I was in school, no one had any debt
— it was an unknown concept."

Jim Harrang '54

Making a Di



Canceling I

ot only has law student debt doubled in the past ten years, but the salary gap between new lawyers working in private firms and those working for public agencies or for nonprofits like Legal Aid has been steadily increasing as well.

In the July 2005 Oregon
State Bar Bulletin, **Tiffany Harris '02** talked about rising student debt.

"Our group's debt total was pretty staggering," said the cofounder of the law school's Loan Repayment Assistance Program.

In 1995, none of Oregon's law schools had an LRAP

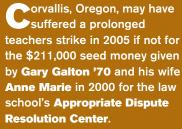
— now two do, thanks to the work of people like Harris.

Harris said her first job with the large Portland firm of Schwabe, Williamson and Wyatt turned out to be "my own loan assistance program."

"A friend who graduated with us recently left Metro Public Defenders (in Portland). She was passionate about it, but she couldn't keep up with her monthly loan payments."

The UO LRAP was kickstarted by \$50,000 in matching funds from the dean's unrestricted annual gift account (your annual gift at work). The donors who made it possible to award LRAP grants this year, however, were Jacquelyn Romm '81, her husband Rich and their family. They decided to create a \$200,000 endowment shortly before her untimely death last November. The program aims for an endowment of \$1 million, which would provide ten annual awards of \$5,000.

fference



It's because of that program that Harvard mediator **Michael Moffitt** left Massachusetts and joined the UO law faculty in 2001. In addition to winning three teaching awards since then, Associate Professor Moffitt works frequently in the community to settle thorny disputes.

In a recent Eugene Register-Guard story, Moffitt said, "Every person in a dispute conceives of that fight as utterly unique from every other fight. What this field can do is provide context for what to do... Once you've diagnosed why the fight isn't settling, you've just made it remarkably easier to understand."

Moffitt — who at age 36 already has 15 years experience in the field — spent four months last year working with the Corvallis school district 45 miles north of Eugene. He was asked to step in when negotiations had stalled and a teachers' strike loomed. He helped them develop an informal version of traditional fact finding. They also asked him to broker communications between the two sides ... and it worked.

His skills would not have been available to the community without the solid structure of our Appropriate Dispute Resolution Center, paid for with private funds. That's a lot of "bang for the buck."

ebt



Founding committee of the UO School of Law Loan Repayment Assistance Program: (L to R) Matt Donohue '02 (Oregon Supreme Court clerk), Aoife Cox Rinaldi '02 (Martin Lucas & Chioffi-Connecticut), Lisa Hartrich '02 (labor relations adjudicator, Olympia, Washington), Katelyn Randall '02 (Oregon Tax Court clerk), Tiffany Harris '02 (Schwabe, Williamson & Wyatt-Portland), Margie Schroeder '02 (Black Helterline-Portland) and Kurt Unger '02 (Desert Research Institute-Nevada).

How to Give



\$1 or \$1 million

- Make a gift of cash, securities, real estate, or other valuable property for current use, either unrestricted or for a specific purpose.
- Create an **endowment**, which distributes a percentage of earnings each year for a scholarship, professorship or other gift purpose, and reinvests the rest.
- Make a gift that pays you income during your life such as a charitable remainder trust or gift annuity and benefits the law school after your death.
- Give an asset for a period of time that later reverts to family members a charitable lead trust.
- Make a **bequest** in your will.
- Donate a valuable service or usable goods a gift-in-kind.

Call (541) 346-3865 or donate online at www.law.uoregon.edu/alumni/giving.php

Establish an endowed scholarship with as little as

\$25,000

by making a five-year annual pledge of \$5,000.

UNIVERSITY OF OREGON SCHOOL OF LAW CAMPAIGN OREGON

UO JD = Excellence

Thanks to the gracious generosity of alumni and supporters, Oregon's law students are in no danger of losing the benefits of sound foundational courses and skilled professors. Gifts to Campaign Oregon will ensure that a law degree from the UO also carries highly desired additional advantages.

Moot court competitions, student journal participation, summer stipends for public interest work, and additional externship opportunities will allow students to gain practical legal experience while in school. Events and panel presentations featuring leading practitioners and judges connect our students and university to the leading legal minds. When students graduate with this exposure and preparation, the legal community takes note. Private funds are necessary to cover the costs of these extracurricular offerings.

The prestige of our institution is also on the rise due to our innovative Centers of Excellence. As readers can see from the sidebar stories, the Environmental Law Program, Appropriate Dispute Resolution Center, and Center for Law and Entrepreneurship are each bringing national attention to the School of Law. Private giving makes a difference.

Matt Roberts, the law school's chief fundraiser and dean of external relations says, "Donors want to make a difference — tracing the effect of their gifts tells the world's best story, really — how we pass the torch from generation to generation."

—Jonathan Manton

Private giving makes a difference.

Building Ca



"With the Bowerman family gift, we're seeing a brand-new stage of ENR program growth."

Professor Mary Wood, Environmental Law Program director 2003-05

The Real Th



t the law school's Small Business Clinic, third-year law students help local clients with entity formation, drafting employment contracts, negotiating leases and more.

Last year, law students helped Karen and Mike Neely, owners of a growing construction business. "It was just awesome," said Karen Neely. "They were very professional. We got everything accomplished that we needed and, on top of that, it didn't cost us anything except the filing fees!"

The clinic, as well as the technology entrepreneurship program that allows students to launch new high-tech startup businesses, are part of the law school's **Center for Law and Entrepreneurship**. Eugene Businesswoman Carolyn

"The Chambers gift is funding the real thing — an in-house, live-client clinic."

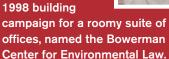
Professor Barbara Aldave, Center for Law and Entrepreneurship director

pacity



The UO environmental law program had the academic credentials — one of the first of its kind in the country. It had the popular reputation — the program was ranked 7th in

the nation in the recent U.S. News and World Report graduate school rankings. It even had the space — the Bowerman family donated funds during the



What it lacked was the staff and funding capacity to pull all of these elements together into a cohesive whole.

Tom Bowerman — who calls himself a "venture

philanthropist" — invested \$25,000. Jay Bowerman and his family added an additional \$25,000. The Bowerman family gift enabled the law school to hire 1996 law graduate

Heather Brinton as program manager. Without that new position, the day-to-day organizing of conferences and events, outreach to government and public interest groups, and student

service and recruitment, simply wouldn't be possible.

ACCEPT THE CHALLENGE!

Tom Bowerman will match
contributions to the ENR
Center, dollar for dollar, up
to \$100,000 through the end
of our three-year fundraising
campaign.

ing

Chambers made these programs possible with a \$1 million dollar endowment in 1994.

Center director Barbara Aldave said, "The small business clinic is the real thing — the only in-house

live-client clinic at the law school. Students take ownership of their work, and tell us it's the best experience they've ever had at law school. Carolyn's gift is still making a difference."



Opportunities

Scholarship endowment

Loan Repayment Assistance Fund

Center for Law and Entrepreneurship

Small Business Clinic

Environmental Law Program (ENR)

Mentoring Program

Appropriate Dispute Resolution Center (ADR)

Portland Program

Law reviews

Moot Court

Endowed professorships and research fellowships

Women's Law Forum

Academic Choice for Excellence scholars

Jaqua Law Library

Basic mediation training

Eugene F. Scoles Fund for Teaching Excellence

Family Law in Practice

Art and Law

Public Interest/
Public Service Program

Volunteers!
Give the gift of time

"When you're in law school, you haven't got time to think about money."

Scholarship endowment donor **Nelson Grubbe '47, L.L.B. '48**

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CLASSES OF 2000, 2001, 2002, 2003, 2004 AND 2005

Special thanks to the following new lawyers who are supporting the law school at the beginning of their careers:



Katherine Baker '03

Caroline Chamberlin '00 and Steven

> Chamberlin '00 Christy Cox '03

and Ilya Ratner Elizabeth Dahl '00

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Spirit Lake/Mt. St. Helens, photograph by Edward Vliek, on display in the law school near the Vernon D. Gleaves Classroom. Funded by Oregon Percent for Art Program

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Richman

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Contribution to law school funds by class year (in order of total amount given)

Class 04-05 Giving

Ciass	04-03 Giving
Friends	\$820,157.00
1973	\$255,588.00
1981	\$63,997.32
1963	\$57,107.00
1985	\$51,315.00
1977	\$33,825.00
1969	\$26,255.00
1955	\$15,400.00
1974	\$13,522.00
1970	\$10,833.00
2005	\$10,000.00
1975	\$9,090.00
Faculty	\$6,650.00
1980	\$6,457.35
1984	\$6,371.00
1950	\$5,368.48
1979	\$4,750.00
1978	\$4,665.02
1976	\$3,980.00
1972	\$3,970.00
1982	\$3,440.00
1967	\$2,775.00
1983	\$2,675.65
1986	\$2,485.00
1993	\$2,320.00
1949	\$1,972.20
1987	\$1,800.00

John Dick Friend Michael Dieni '84 John Dobson '76 Michael Dotten '77 and Cheryl Dotten Susan Driver '81 and Craig Dorsay '78 John Durkheimer '78 Anne Durning '84 Debra Ehrman '80 David Ellis '83 and Jeanne Ellis Douglas Fair '85 and Ellen Fair Peter Fels '78 and Nancy Helget Michael Fennell '83 and Marlena Fennell David Fine '84 Stephen Fonda '66 and Aleta Fonda Douglas Fong '84 The Hon. Gregory Foote '72 James Forsberg '72 and Linda Forsberg Lori Fox '86 Mark Gabrielson '03 Brian Gallik '89 and Teresa Gallik John Gartland '77 and Katherine Gartland Jill Gelineau '85 Meredith Conant George '82 John Gilbertson '50 Jimmy Go '81 Jeffrey Goltz '74 and Mary Welsh John Goodman '97 and Tiffany Epstein Goodman Craig Gordon '74 and Barbara Smith Jack Graham '71 Robert Grant '56 and Joy Grant James Hamilton '73 and Joan Safran Hamilton Leslie Harris Faculty Gregory Hartman '74 and Tanya Hartman Timothy Helfrich '76 and Pamela Helfrich Philip Henderson '88 and Sharon Philip Stephen Hendricks '79 Alan Hennebold '77 Patricia Henry-Schneider and George Henry-Schneider Friends The Hon. Henry Hess Jr. '49 and Betty Stone Hess James Hibbard '71 and Jan Hibbard Judith Hicks and Richard Hicks Friends Marcy Hikida '80 Brien Hildebrand '83 John Holmes '64 and Molly Allen Holmes

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The Hon. George Woodrich

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Shaun McCrea '83

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Todd Ainsworth '79 Steven Balagna '80

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Bernie Beaver '69 and Patricia Reaver

Melvin Beck '75 and Janice Beck

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Gay Vogt '86 and Richard Vogt Sharon Haines von Haesler '69 and Keith von Haesler

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Whelan Mark Wilk '81 and Alma Wilk Jennifer Schemm Williams '96 and Ronald Williams '96 Timothy Wilson'97

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Class 04-05 Giving 1999 \$1,780.00

2000 \$1,770.00

1964 \$1,750.00 1952 \$1,700.00

1962 \$1,600.00

1961 \$1,585.00

1988 \$1,405.00

1954 \$1,318.00

1968 \$1,300.00 1992 \$1,075.00

1947 \$1,000.00

1966 \$1,000.00 1958 \$875.00

1971 \$800.00 2001 \$800.00

1990 \$790.00

1996 \$780.00 1956 \$765.00

2003 \$720.00 1997 \$635.00

1989 \$505.00

1994 \$440.00

1965 \$350.00 1991 \$350.00

1995 \$350.00 1957 \$250.00

1960 \$230.00

1951 \$200.00 2002 \$195.00

1959 \$150.00

1998 \$100.00

CLASS NOTES

THE FIFTIES

Although he is many years into retirement, **Edwin Peterson '57** has never stopped working. Peterson teaches a law class at Willamette University in Salem, mentors aspiring law students and continues to work as a mediator. Peterson served as an Oregon Supreme Court justice from 1979 until 1993.

THE SIXTIES

Kenneth Bauman '69, of Portland, has been elected to the board of directors of the National Association of Assistant U.S. Attorneys. Bauman also serves on the Oregon Halfway House board of directors.

THE SEVENTIES

Ater Wynne LLP in Portland, Oregon, has named **Frank Langfitt** '73 chair of its litigation department. Langfitt is a partner with the firm, and served as administrative partner from 1993 to 1996.

Harry Beckwith '75, author of Selling the Invisible: A Field Guide to Modern Marketing, married Christine Clifford, a well-known motivational speaker, in Minnesota on July 9.



Kathleen and **James "Jim" Coleman '76** retired to Orange
Park, Florida, and wanted to make
sure the folks in North Florida

know that Ducks have arrived. Said Jim, "I couldn't believe that no one had taken this plate yet, there can be only one Florida plate with this message: Go Ducks!"

J.W. Ring '76, a partner with the Portland firm Preston Gates & Ellis, was recognized by Microchip Technology Inc. for his work on storm water, wetlands, waste and air quality matters related to Microchip's acquisition of Fujitsu's Fab 4 plant in Gresham.

Peter Wells '77 has been appointed by the governor to the board of directors of The Children's Trust Fund of Oregon. The foundation works on issues of child abuse and neglect. Wells is the city attorney of Pendleton, Oregon.

Steven Black '78, and Steven Black Defense Services, received the Business of the Year award from the Benton County (Oregon) Commission on Children and Families for "outstanding leadership in improving the lives of children and families in Benton County." He was also a nominee and finalist for the Jim and Ruth Lowland Special Achievement Award, sponsored by the Corvallis Chamber of Commerce.

Oregon Women Lawyers gave federal judge **Ann Aiken '79** the 2005 Justice Betty Roberts award at a March dinner in Portland. The annual award honors someone who has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the profession.

Michael Chellis '79 has joined with several other Portland attorneys to form Bateman, Seidel, Miner, Blomgren, Chellis & Gram. The firm will emphasize real estate, affordable housing, business, tax and litigation. **Kelly Hagan '79** is the new president of the Multnomah Bar Association. Hagan is a shareholder with the Portland office of Schwabe, Williamson & Wyatt.

Wendell Kusnerus '79 is now a partner in the Portland office of Davis Wright Tremaine. His practice focuses on credit recovery, bankruptcy, finance and commercial transactions.

THE EIGHTIES

Derb Carter '80 was named North Carolina's 2004 Conservationist of the Year by the state's Wildlife Federation for his longtime commitment to the region's waters, wetlands and wildlife. He is a senior attorney with Southern Environmental Law Center in Chapel Hill, North Carolina.

Paul Hribernick '80, a partner with the Portland firm of Black Helterline, is listed in the Who's Who Corporate Immigration Lawyers for the tenth year. He was the only Oregon lawyer selected.

Marc Perrin '81 is the new president of the Lane County Bar Association (Oregon). Meg Kieran '88 is on the board of directors.

David C. Gearing '83 and Laura E. Rackner '84 have formed a new law firm, Gearing, Rackner and Engle, LLP with colleagues Brett Engel, Craig Wymetalek and Michael McGrath. They will focus on family law. They are located at 811 SW Naito Parkway, Suite 600, Portland, Oregon.

Margaret Van Valkenburg '83 is now a shareholder in the Portland firm Bullivant Houser Bailey. She focuses exclusively on resolution of insurance coverage issues.

Carmen Calzacorta '84 has received the Portland Business Journal's "Orchid Award." The award is an annual recognition of women executives who have shown extraordinary business and civic leadership over the past year. Calzacorta is a shareholder with Schwabe, Williamson & Wyatt.

Andrew Carter '84 is now a senior assistant attorney general in the business transactions section of the general counsel division of the Oregon Department of Justice.

notes the ideal of people working together toward a common goal." Peterson is the managing partner of the new firm.

David Atkin '87 was profiled in a May 2005 article in the Eugene Register Guard for his work with nonprofit organizations. His practice, Nonprofit Support Services, has approximately 750 active clients from around the

Ellen Rosenblum '75 was appointed to the Oregon Court of Appeals Court in May, after having served for sixteen years as a trial judge in Multnomah County. At the national level, Rosenblum is completing a term as secretary of the American Bar Association. She received a Multnomah Bar Association Merit Award this year for her long term contributions to the bar, including chairing the 2000 Citizens Justice Conference, founding the Community Law Week's "Tell it to the Judge" and facilitating connections between the MBA with the American Bar Association, Rosenblum received the law school's Meritorious Service Award in 2003. She has always been a strong advocate for women in the legal profession and was one of the founders of Oregon Women Lawyers.



Charles "Chuck" Wolfe '84

opened a solo practice in Seattle, Washington "to continue service to his environmental, land use and redevelopment clients," and to consult, teach and write.

Michael Thurman '85 has joined the Los Angeles office of Loeb & Loeb as a partner. He will work as a litigator in their securities law practice.

Thomas "Tom" Peterson '86 joined with seven of his colleagues to form Socius Law Group, PLLC in Seattle, Washington. They focus on business law, real property, wealth management, and related litigation. Peterson writes, "Socius is a Latin word meaning partner, comrade, and ally, which con-

world. Atkins says his work has taken him to such diverse areas as Mongolia (ten visits, so far), Thailand (where he traveled to a meeting by water buffalo) and Guatemala.

Brent Baker '87 is a member of the Salt Lake City, Utah office of Woodbury & Kesler. His practice includes white collar defense, regulatory investigations, internal corporate investigations and securities and complex commercial litigation.

Cynthia Fraser '87 has joined the Portland office of Garvey Schubert Barer as of counsel with its land use and condemnation practice. Fraser worked for thirteen years with the Oregon Department

of Justice and Department of Transportation. She serves on the eminent domain legislative work group of the Oregon Law Commission and the Oregon State Bar Dispute Resolution executive board.

Cheryl Pellegrini '87 will lead the organized crime section of the Criminal Justice Division of the Oregon Department of Justice. She previously served as attorney in charge of the business activities section of the General Counsel Division and the financial fraud/consumer protection section.

Melinda Grier '88 is the new president of the National Association of College and University Attorneys. Grier is the University of Oregon general counsel. UO President Dave Frohnmayer said "This is a big honor for Melinda and for the university."

Leslie Kop '88 is a partner with the Honolulu, Hawaii firm of Fukunaga Matayoshi Hershey & Ching. Kop practices in the areas of civil litigation, commercial litigation, product liability, and construction law.

THE NINETIES

Carol Busby '90 has been elected President of the Lane Arts Council in Eugene for 2005-2006. She has practiced law in Eugene for 15 years and has been a member of the LAC Board of Directors since 2002. She is also a member of the Oregon State Bar's Intellectual Property Section Executive Committee.

Steven Briggs '92 has been appointed chief counsel – the administrative head - of the criminal justice division of the Oregon Department of Justice. Prior to his appointment as Chief Counsel, Briggs served as attorney-in-charge of the Organized Crime Section. His work with the department includes many suc-

cessful prosecutions including the high-profile 2003 murder trial of Christian Longo.

Marianne Dugan '93, previously with Facaros & Dugan, has opened a solo practice in Eugene, Oregon. She will continue to focus on federal environmental law, property disputes, civil rights, employment, professional negligence, and personal injury law.

Chin Ming '93 is now a senior assistant attorney general in the financial fraud/consumer protection section of the civil enforcement division of the Oregon Department of Justice.

Gregory Moore '94 is general counsel for the ABA Newark Express professional basketball team. In addition to his law practice, Moore is a writer whose 2001 book, Searching for Michael Jordan, examines the career trajectories of some of the great high school basketball players of the past 30 years.

Stephen Carpenter '95 has been appointed an assistant attorney general for the state of Washington. He will focus on medical malpractice for the government compliance and enforcement division.

New Lane County Bar Association board officers include Mindy Wittkop '97, president elect; Murray Petitt '96, Secretary/ Treasurer; and Matt Longtin '97, board of directors.

Justin Thorp '97 is a partner in the Portland firm of Martin, Bischoff, Templeton, Langslet & Hoffman. Justin will continue to concentrate his practice in the areas of civil litigation, product liability, insurance defense and appellate work.

Michael Andrea '99 has been appointed as an assistant attorney general in the torts section of the Trial Division of the Oregon Department of Justice.

Robert "Rob" Wilkinson '99

received one of four Pro Bono Awards for 2005 from the Multnomah Bar Association. Rob is an associate with Ball Janik in Portland, where he focuses his practice on construction and commercial litigation.

THE TWO THOUSANDS

Misti Johnson '00 joined Dunn, Carney, Allen, Higgins & Tongue in Portland as an associate. Her practice will focus on real estate and land use issues, including commercial leases, real estate sales and management.

Jonathan Mishkin '00 joined the tax litigation practice at Fulbright & Jaworski in Houston, Texas. Jonathan will battle the IRS in tax court. He sends special thanks to **Prescott Pohl '01**, a Fulbright & Jaworski associate in Dallas, for his assistance in securing the position.

Harry Scarborough '00 was named a 2005 Texas Rising Star by Texas Monthly and Texas Lawyer magazines. Rising Stars are chosen by their peers and are among the top 2.5 percent of Texas attorneys under the age of 40, or who have been in practice 10 years or fewer.

Heidi Traulsen '00 is a development manager with ART 180, a Richmond, Virginia-based group that creates and provides art-related programs to young people living in challenging circumstances. Heidi is also a board member of both ART 180 and 1708 Gallery.

Peter Watts '02 has joined Portland's Jordan Schrader PC in the firm's business and dirt law practice groups. Watts, a fifthgeneration Oregonian, is an active member of the Oregon State Bar's labor and employment, taxation and family law sections. **David Campbell '03** is an associate with Williams, Kastner & Gibbs-Portland. He will practice health care and product liability law.

Stacey Lowe '03 has joined Southwestern Oregon Public Defenders in North Bend, Oregon, as a staff attorney.

Laura Rufolo '03 is an associate with Johnson, Renshaw & lechman-Su in Portland. Her practice will emphasize family law and estate planning.

Andrew SkinnerLopata'03 has joined Kaufman & Stewart in Eugene, Oregon. He will practice real estate, landlord-tenant, estate planning, probate, family, and business law.

Stephen Yoshida '04 is an associate with Martin, Bischoff, Templeton, Langslet & Hoffman in Portland.

In law school, **Tom Boes '04** wrote a paper on sovereign immunity and the Clean Air Act, which he has turned into an article. It will be published in December in the *Environmental Law Reporter*. After graduation, Boes clerked at the Iowa Court of Appeals.

IN MEMORIAM

George Edward Birnie '37 died February 22, 2005. He had been retired from private practice and lived in Portland, Oregon. He was preceded in death by his wife, Irene.

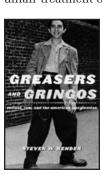
Renee Christine Wyser-Pratte '01 drowned July 31, 2005, while kayaking on the McKenzie River. Renee was an associate with Gleaves Swearingen Potter & Scott LLP in Eugene, where she specialized in creditors' rights and bankruptcy. She was also a student and board member at Eugene Glass School, and had been elected board president in January 2005.

WELL PUT

EXCERPTS AND NOTES ON FACULTY PUBLICATIONS AND PRESENTATIONS

STEVE BENDER LATINOS, LAW AND THE AMERICAN IMAGINATION

The paperback edition of Steve Bender's 2004 book, Greasers and Gringos: Latinos, Law and the American Imagination, will be released this October by New York University Press. Negative stereotypes of Latinos/as have been plentiful in American popular culture far before they became the largest minority group in the U.S. In his book, Bender examines and surveys these stereotypes and their evolution, paying close attention to the role of mass media in their perpetuation. Focusing on the intersection between stereotypes and the law, he reveals how these negative images have contributed significantly to the often unfair treatment of Latino/as under



American law by the American legal system. He looks at the way demeaning constructions of Latinos/as influence their legal treatment by police, prosecutors, juries, teachers, voters,

and vigilantes. He also shows how, by internalizing negative social images, Latinos/as and other subordinated groups view themselves and each other as inferior.

Steven W. Bender is the James and Ilene Hershner Professor of Law. He directs the law school's Portland Programs.

CARL BJERRE COMMERCIAL LAW IN INDIAN COUNTRY

Many Indian tribes are without a clear body of law on secured transactions, which impairs their ability to engage in secured credit transactions. Bjerre drafted a version of UCC

Article 9 for possible adoption by tribes and nations that is designed to be less technical than Article 9 but still in harmony with its basic principles. "During the drafting process



we had input from representatives of a number of tribes and nations, and I think the prospects are good for a number of adoptions soon," Bjerre said.

—from "Cross-Border Within Your Own State: Commercial Law in Indian Country," a panel at the ABA annual meeting in Chicago on August 6, 2005. Associate Professor Bjerre is reporter for the Model Tribal Secured Transactions Act. He is also working on sections of the next edition of Black's Law Dictionary.

JOHN BONINE HOW IT ALL BEGAN

"The world's pioneering environmental lawyers generally filed their first lawsuits in the 1980s and 1990s, although some started in the 1970s. From Australia to Argentina and India to Europe, the first stirrings were heard from what would become a spreading movement of like-minded environmentalist lawyers. They did not, however, know much about one another ... In 1987, I decided to make an extended sabbatical trip through Europe, Africa, and Asia. I resolved to discover what kind of environmental law activities were taking place in other parts of the world and what might be happening in terms of electronic networking ... seeing a library

SCHOLARS

RECENT FACULTY BOOKS, BRIEFS, AND ARTICLES

KEITH AOKI

All the King's Horses and All the King's Men: Hurdles to Putting the Fragmented Metropolis Back Together Again? Statewide Land use Planning, Portland Metro, and Oregon's Measure 37, ___ J.L. & Pol. (forthcoming 2006).

Race and the California Recall: A Top Ten List of Ironies, ___ LA RAZA L.J. ___ (forthcoming 2005) (with Steven Bender and Sylvia R. Lazos-Vargos.

Mathus, Mendel and Monsanto: The Law and Politics of Intellectual Property and Plant Genetic Resources, 19 J. ENVTL. L & LITIG. 397 (2004).

CARL BJERRE

Project Finance and Consent, in PRIVATISING DEVELOPMENT: TRANSNATIONAL LAW, INFRASTRUCTURE AND HUMAN RIGHTS (Martinus Nijhoff 2005).

ARTICLE 8: INVESTMENT SECURITIES, THE ABC'S OF THE UCC (ABA 2d ed. 2004) (with Sandra M. Rocks).

JOHN BONINE

Access to Justice and Citizen Enforcement, in THE LAW OF ENERGY FOR SUSTAINABLE DEVELOPMENT (Cambridge U. Press 2005).

A Giant Departs, THE OREGON LAWYER (2005).

Hitching Ecosystems and Wildlife to Legal Words, in FAUNA, POLITICAS PUBLICAS E INSTRUMENTOS LEGAIS [WILDLIFE PROTECTION: POLICY AND LEGAL INSTRUMENTS] (Law for a Green Planet Institute 2004).

Commentary in THE OREGONIAN and THE REGISTER GUARD.

GARRETT EPPS

Translator of Ignacio Gomez-Palacio's, *El Pagaré en la Mano [With a Note in My Hand]*, 7 OR. REV. INT'L L. 304 (2005).

The Antebellum Political Background of the Fourteenth Amendment, 67 LAW & CONTEMPT. PROB. 174 (2004).

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WELL PUT



Svitlana Kravchenko and John Bonine observe bears fishing for salmon at Brooks River Falls in Alaska's Katmai National Park.

full of national environmental laws, experience with e-mail networking, and the knowledge that a public interest environmental law movement needed not only local expertise, but also the isolation-fighting features of international networking—helped shape my thoughts as my sabbatical trip proceeded...

At [the] 1989 Public Interest Environmental Law Conference, we collected environmental lawyers from eight other

countries ... We started drafting a joint proposal for a new organization to be called the "Environmental Law Alliance Worldwide," or simply "E-LAW." ... The U.S. Office of E-LAW opened its doors in January 1991 in Eugene, Oregon."

—from "Public Interest Environmental Lawyers
—Global Examples and Personal Reflections,"10
Widener L. Rev. 451 (2004). Professor John Bonine
founded the law school's environmental law clinic and
is a co-founder of E-LAW.

GARRETT EPPSTHE FIRST AMENDMENT MEETS GRANDFATHER PEYOTE

"The dispute [Employment Division v. Smith (1990)] was powered by the sheer stubbornness and grit of two remarkable men, who held diametrically opposite positions on the constitutional status of the Native American Church ... that worships peyote



as the messenger and embodiment of the Creator. Each man believed his position as right; each man believed the issues in the case were matters of life and death. One of the two antagonists was Oregon's attorney general, Dave Frohnmayer; the other was a little-known Native American named Alfred Leo Smith Jr. In the end, Smith's determination wrote his name into constitutional history. By losing his case, Al Smith emerged a winner. In Smith, the Court's majority held that religious believers facing criminal punishment for following their beliefs

could find no protection in the First Amendment's Free Exercise Clause — as long as the law that burdened their beliefs was not drawn with the purpose of penalizing religion ... More than a decade after Smith ...both the Court and Congress continue to

struggle with the problems of minority religions in a democratic, pluralistic nation."

—from "The Story of Al Smith: The First Amendment Meets Grandfather Peyote" in *Constitutional Law Stories* (Foundation Press, 2004). Epps, a former staff writer for the Washington Post, is the Orlando J. and Marian H. Hollis Professor of Law.

SUSAN GARY THE HEIRESS THAT WASN'T

"...Thus far, courts have not had to construe language in a trust to determine whether a posthumously conceived child fits within the trust's definition of "descendant." A court will construe the term within the context of the document, and the testator's intent may be different from the intestacy result. But, unless the trust specifically defines terms like 'descendant' or 'child,' the court may look to intestacy law for assistance in defining the terms ...

Developments in reproductive technology pres-

ent challenges to estate planners who must determine clients' wishes in the face of new reproductive choices and then draft documents to carry out those wishes. Eventually statutes will provide rules detailing when a posthumously conceived child will be treated as an heir. But, even if a state adopts clearer guidelines, estate planners must still draft to accommodate individual preferences. Doing so requires asking

new questions and rethinking existing language in will and trust forms."

—from "Posthumously Conceived Heirs: Where the Law Stands and What to Do About It Now" in *Probate and Property Magazine*, March-April 2005. Gary is an associate professor and associate articles editor of this publication of the ABA Section on Real Property, Probate and Trust Law.

LESLIE HARRIS MARITAL PROPERTY PUZZLES

"...Today the law applicable to property division at divorce in almost all common-law property states, including Oregon, has evolved so that it is remarkably similar to community property. This property division system, used throughout the U.S., balances the tension between individuality and unity in marriage by requiring that at divorce spouses share in the economic fruits of the work of both during the marriage, but not that they share any property that they bring into the marriage or that is given to one of them alone during the marriage.

[Many] courts have had difficulty with complex

issues about categorizing property as either separate or jointly held and subject to equitable division, and with the extent to which they should inquire into the parties' conduct during the marriage to determine the ultimate division of property. The recent Oregon Supreme Court decision in *In re Marriage of* Kunze resolves some of the most difficult issues of characterization ... The issues with which Kunze is concerned are difficult not only because of their technical complexity, but also because the tension between individuality and community in the economics of marriage and, indeed, of marriage itself, is inherent in their resolution."

—from "Tracing, Spousal Gifts and Rebuttable Presumptions: Puzzles of Oregon Property Distribution Law," 83



Oregon Law Review 1291 (2004). Harris is the Dorothy Kliks Fones Professor of Law. She is on the Juvenile Code Revision workgroup of the Oregon Law Commission.

RICHARD HILDRETH STARK NEED FOR THE PRECAUTIONARY APPROACH

"...To deal with [the] problem of scientific uncertainty, many coastal and ocean resource management programs ... increasingly utilize a precautionary approach ... when information about the impacts of proposed new marine resource uses is uncertain, unreliable, or inadequate. The recently released Pew Oceans Commission report ... demonstrates that current and past approaches to marine resource management have led to a precipitous decline in many of the ocean's living resources [providing] compelling evidence of the stark need for a change to a precautionary approach."



••• Hildreth and his coauthors offer many examples, including "Overfishing and bycatch issues are apparent on the West and East Coast ... on the West Coast bocaccio rockfish species (sold as red snapper) plummeted from the

more than 11,000 metric tons landed per year in the 1970s to a low of 214 metric tons by 2001." They "call for even greater use of precautionary approaches in U.S. marine resources management."

—from Natural Resources and Environment Magazine (summer, 2004), a publication of the ABA Section of Environment, Energy, and Resources. Professor Hildreth directs the Ocean and Coastal Law Center. His letter on the introduction of non native oysters to Chesapeake Bay was published in the journal Science on July 8, 2005.

MARY ANN HYATT UMBRELLA OF SECRECY

In an April 7 speech to the Oregon Library Association, Hyatt discussed the Freedom of Information Act (FOIA) and the Patriot Act. The FOIA, passed by Congress in 1966, established a presumption that Executive Branch records are accessible to the public and prescribes a procedure for citizens to obtain access to those records. The USA Patriot Act of 2001 broadly expands law enforcement's surveillance and investigative powers. She asked how the newer law affects our rights to government information under FOIA and concluded that the current presidential administration has narrowed FOIA to the point where its viability is questionable and has expanded its secret operations under the Patriot Act. Hyatt focused on mandatory production of records formerly considered private — library records, medical files and the like, the sneak-

CAROLINE FORELL

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WELL PUT

and-peak warrants without notification and electronic surveillance without the formal necessity of probable cause ... She presented data showing that "the Justice Department used the secret warrants 108 times from April 2003 to January 2005... That represented a sharp increase from the last reported tally from October 2001 to April 2003, when 47 warrants were issued."

Mary Ann Hyatt is a professor and director of the Jaqua Law Library. Her speech, "The Umbrella of Secrecy: When the USA Patriot Act and FOIA Collide," was sponsored by the Intellectual Freedom Committee, Government Documents Interest Group of Oregon.

CAROLINE FORELL THE HEAT OF PASSION DEFENSE

"Men who kill intimate or former intimate partners often do so out of jealousy, possessiveness and rage— 'in the heat of passion.' Women who kill intimate or former intimate partners often kill out of fear, despair and anger. Both men and women frequently



assert the partial defense of provocation for this ultimate act of domestic violence. If provocation is found, it reduces murder to manslaughter. However, if substantive gender equality were taken into account, killings out of jealousy and rage would be murder and most killings out of fear would result in acquittal.

Fortunately, substantive equality has had an important influence on a recent devel-

opment in provocation doctrine in all three countries. The trend towards allowing provocation to be used for emotions other than rage and jealousy, most notably fear, which is much more likely to be an emotion that a battered woman would base her claim on, is an example of taking into account women's experiences. However, as noted previously, self-defense is usually the most appropriate, but still too rarely successful, defense for battered women who kill. Therefore, expanding provocation to cover

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For information, call (541) 346-3088 or email lawref@uoregon.edu.
http://lawlibrary.uoregon.edu/

these women represents only partial progress towards substantive equality. But progress it is."—from "Gender Equality, Social Values and Provocation Law in Australia, Canada and the United States," a paper first presented at Global Impact of Feminist Legal Theory Conference in San Diego in February, 2005.

Forell is Clayton R. Hess Professor of Law. She is now working on the curious tale of Jane New, an Australian convict who was the star of an important nineteenth century legal case. New escaped twice and ran off with the son of one of the appellate judges instead of going back to prison.

LAIRD KIRKPATRICK HUMAN NATURE AND THE CONFRONTATION CLAUSE

"Crawford seems correctly decided in giving enhanced protection to defendants when the hearsay offered against them is testimonial in nature. When a statement is deliberately accusatory, or when the declarant knows that the statement is likely to be used in the prosecution of the defendant for a crime, the need for face-to-face confrontation is at its highest. Human experience affirms that not every statement made behind a person's back will be made to his or her face. When statements are directly accusatory, there is the greatest need to explore the accuser's motives. And when the statements were the product of police interrogation, there is a need to ensure that the testimony is not the product of improper coercion or intimidation. There is also important symbolic and moral value in allowing the accused to confront the persons whose testimony may deprive them of years of liberty, if not life itself. As the Court stated in an earlier opinion, "There is something deep in human nature that regards faceto-face confrontation between accused and accuser as 'essential to a fair trial in a criminal prosecution (Cov v. Iowa (1988)."

—from "Crawford: A Look Backward, A Look Forward," in *Criminal Justice Magazine*, (Summer, 2005). Kirkpatrick is the Philip H. Knight Dean and the Hollis Professor of Legal Procedure.

SVITLANA KRAVCHENKO ENVIRONMENTAL LAW IN EASTERN EUROPE

"Public interest environmental law organizations started to appear in the former communist countries soon after the fall of the Berlin Wall and the subsequent collapse of the Soviet Union. The environmental, or green, movement was one of the main and progressive waves of democracy that conditioned these dramatic changes in both the Central European countries and what were until recently called the Newly Independent States (NIS). Furthermore, this movement contributed from the start to the building of civil society.

... Since the beginning at EcoPravo-Lviv we have had a rule to listen to and consult with all clients who knocked on the door and had environmental concerns. Clients come to our office on a daily basis

with their small problems: trees were cut, garbage cans put next to their door ...Our mission is to protect the environment and we believe that we should represent the rights of vulnerable people who have no money to pay a lawyer but who care about the environment...

But we know that we can help a larger number of people and protect more of the environment with strategic cases. Such cases establish a principle, which helps to reform legal thinking and legal policy. It is commonly understood that the courts in countries with the civil law system, as contrasted to common law, do not formally rely on precedents. But the reality is that in all societies social change moves forward from one example to another."

-from "Citizen Enforcement of Environmental Law in Eastern Europe," 10 Widener Law Review 475 (2004), Environmental Citizen Suits at Thirtysomething: A Celebration & Summit Part II. Kravchenko is an adjunct professor and founder and president of Ecopravo-Lviv, the first public interest law firm in Ukraine.

TOM LININGER PROSECUTING BATTERERS **AFTER CRAWFORD**

"Professor Lininger surveyed 64 district attorneys' offices in California, Oregon and Washington to determine the effect of Crawford on domestic violence cases. The counties involved in this survey make up approximately 90 percent of the population in the three states. Nearly two-thirds of the respondents indicated that the Crawford decision significantly impeded prosecutions of domestic violence in their THE HANDBOOK OF jurisdictions. Moreover, 76 percent of respondents indicated that after Crawford. their offices are more likely RESOLUTION to drop domestic violence Edited by Michael L. Moffitt and Robert C. Bordons charges when the accusers

The article suggests legisla-

recant or refuse to cooperate.

tive reforms that would adapt the states' evidence codes to the new con-



DISPUTE

stitutional requirements of Crawford in order to facilitate effective prosecutions of domestic violence ... the author suggests miscellaneous reforms that would better protect battered women before trial, would help juries to understand the psychology of recanting accusers, and would

diversify the charges brought by prosecutors so that hearsay statements are not indispensable."

-from a review of "Prosecuting Batterers After Crawford," 91 Virginia Law Review 747 (2005). Assistant Professor Tom Lininger is chair of Oregon's Criminal Justice Commission

MICHAEL MOFFITT IN PRAISE OF THE PRE-PLEADING CONFERENCE

"Modern negotiation scholarship paints a picture of ideal problem definition that stands in stark contrast with the way pleadings define problems ... Put most simply, pleadings narrow the range of information included in a problem's definition, while the best current advice to problem solvers suggests precisely the opposite definitional boundaries. Disputants face a greater challenge finding efficient, value-maximizing solutions to pleadings-defined problems than they would with problems defined outside of the pleadings structure.

> Given the prominence of settlement in modern civil procedure, the pleadings system should change. To dampen pleadings' troublesome effects on problem definition, pleadings should cease to be the vehicle by which parties receive notice. This article suggests one

SVITLANA KRAVCHENKO

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TOM LININGER

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HARI OSOFSKY

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SUZANNE ROWE

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WELL PUT

way to accomplish notice without pleadings: the pre-pleading conference."

—from "Pleadings in the Age of Settlement," 80 Indiana Law Journal 727 (2005). Associate Professor Moffitt is associate director of the law school's Appropriate Dispute Resolution Center. His new book, *The Handbook of Dispute Resolution*, has just been released to enthusiastic reviews.

HARI OSOFSKY POWER DYNAMICS

Osofsky's research and writing focuses on the institutional power dynamics, particularly the state-corporate regulatory relationship, revealed through spatial analyses of litigation occurring at regional, national, and international levels. She is writing a series of articles on the conceptual and practical regulatory implications of the structure of litigation at international environmental intersections. The first article draws from U.S. domestic environmental justice advocacy approaches to create a model for characterizing international environmental rights problems more systematically. It then applies this model to sixteen case studies in order to assess how existing international law could address these situations more effectively, and to propose directions for

further legal development.

The second article draws from geography to create a model for mapping litigation to address energy production's externalities, and applies it to climate change litigation at sub-national, national, and supra-national levels. It concludes that the complex spatial relationships among actors and claims create a three-dimensional terrain through which nation-states must navigate in order to regulate effectively.

The third article explores the spatial dynamics of the citizen submissions process and their manifestation in specific disputes before the North American

Commission for Environmental Cooperation in order to understand underlying state-corporate power dynamics.

Hari Osofsky teaches international law this year as a visiting professor. In addition to her article series, she is working on a book that explores the enforcement of climate change law by state, national and international tribunals. She is also writing a book chapter that proposes the application of riparian approaches to ice and snow packs that are melting due to climate change. She was recently a Yale-China legal education fellow and visiting scholar at Sun Yat-sen (Zhongshan) University School of Law in Guangzhou, China.



LEGAL RESEARCH FROM ALL OVER

The Legal Research Series published by Carolina Academic Press includes an increasing number of titles from states around the country. One of the first books in the series is *Oregon Legal Research*, and

author Suzanne Rowe was selected by the publisher to be the series editor.

Intended for law students and practitioners, the Legal Research Series books explain concisely both the sources of state law research and the process for conducting legal research effectively. The books also incorporate legal analysis as part of the research process.

Each book begins with an overview of the research process, then explains how to use print and electronic sources to research cases,

statutes, legislative history, constitutions, administrative law, court rules, and secondary sources.

Washington Legal Research will be available soon. Other books are currently being written for Michigan, Pennsylvania, California, and Arkansas, with still others planned for the near future.

Associate Professor Rowe directs the law school's Legal Research and Writing Program.



"...Think of yourself as an attorney who must assist your Native client in navigating [the hopeless choice — the so-called Indian Dilemma]. Ask yourself from the Indian perspective: "What would I have done under these circumstances?"

I believe you will discover that virtually every decision Indian people ... have been called upon to make presents such a choice between impossible alterations. This is so whether it is nineteenth century California natives who signed treaties and relocated on the basis of treaty agreements signed in the field by U.S. delegates that were never ratified by the United States Senate; or the turn of the century Quapaw who refused to allow the federal government to allot their land and were denied use of their own trust funds to make the allotment themselves; or the contemporary Osage whose decision to create a new constitution to allow non-headright holder Osages by blood to participate in tribal governance and were then required to seek Congressional authorization in the name of their tribal sovereignty; or twenty-first Century Lakotas with a judgment awarding them damages for the taking of the Black Hills who, despite the desperate economic, medical



and social needs of their people, must let the billion dollars rest in hopes of the return of sacred lands. Too often there is no space to negotiate between the 'horns' of the dilemma."

—from "The Indian Dilemma: Jacksonian Options and Cherokee Choices," a speech given on April 29 in Washington D.C. for the United States Historical Society at the "Congress in the Age of Jackson" conference, the second in the *National Capital in a Nation Divided* series. Strickland is the Philip H. Knight Professor of Law and former dean of the law school.

ROBERT TSAI THE MYTH OF THE RELUCTANT LAWGIVER

"One of Marbury v. Madison's enduring legacies is a set of highly stylized performative utterances that conjure what I call the myth of the reluctant lawgiver, a deeply-embedded archetype.

This judicial visage leaps to life from the original decision's language of solemn duty, even if Marbury itself is not always explicitly mentioned. Yet when a constitutional actor exhibits reluctance to wield power, one can be reasonably sure that he will ultimately exercise that prerogative.

Emphasizing responsibility over institutional province, the lawgiver takes up his role with palpable reticence. In propounding law, he claims to feel 'compelled' or 'constrained'



to exercise authority 'imposed' upon him. There is a piquant populist flavor to this appeal: one can almost picture a jurist lobbying the American people to show com-

passion for those who are called to interpret the Constitution."

—from "Sacred Visions of Law," 90 Iowa Law Review 1095 (2005). Assistant Professor Robert Tsai is writing a book on the First Amendment, *Eloquence* and Reason: Cultivating Freedom of Expression.

DOMINICK VETRITHE GAY CODES

Vetri analyzes the constitutionality of the federal Defense of Marriage Act (DOMA) in a new article. He draws a parallel between the Black Codes adopted by the Southern states in

1865 to control the lives of newly freed slaves and the federal DOMA and the state statutes and constitutional amendments restricting marriage to opposite-sex couples, which he names "The Gay Codes." He contends that these laws are an attempt to hold gay people in a second class status much

as the Black Codes were intended to do. Vetri concludes that DOMA violates the Full Faith and Credit Clause as well as the Equal Protection Clause of the U.S. Constitution. He also asserts that DOMA breaches the fundamental right to marry protected by the Due Process Clause. Vetri writes, "It actually took the passage of the Fourteenth Amendment and more than one hundred years to recognize that there is only one class of citizenship in the United States full citizenship. Gay men and lesbians understood that principle, which grew out of the Civil Rights Movement in the 1960s and 70s, and have struggled, fought, educated, and advocated to make it true to them as well."

—"The Gay Codes: Federal and State Laws Excluding Gay and Lesbian Families," was presented at the Willamette Law Review symposium, "Laboratories of Democracy: Federalism and State Independence" in Salem, Oregon last March. Vetri is the B.A. Kliks Professor of Law and the founder of the Public Interest-Public Service (PIPS) program.

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