



## RECENT FACULTY ACTIVITY

**Paula Abrams** was invited to present a paper in February 2009 at a symposium celebrating 150 years of the Oregon Constitution. The symposium was sponsored by the Oregon Law Review. The paper, "The Majority Will: A Case Study of Misinformation, Manipulation, and the Oregon Initiative Process," was published this summer in the Oregon Law Review. The article recently was listed by the Social Science Research Network (SSRN) on its Top Ten download list for Education Law. This June, Abrams participated in an advanced seminar on European law at the University of Parma, Italy. Participants in the seminar included scholars, judges, and attorneys from the United States and Europe. Abrams presented a lecture to law faculty and students at the University of Parma on *Bush v. Gore*.

**Toni Berres-Paul** co-chaired the Northwest Regional Legal Writing Conference with Rebekah Hanley of the University of Oregon. The conference began on Friday evening, August 28, with a reception at the University of Oregon's new downtown campus in Portland. All conference sessions were held at Lewis & Clark Law School on Saturday, August 29. The conference was a big success and was attended by 41 legal writing professionals. Although it was billed as a Northwest Regional Conference, attendees and presenters traveled to the conference from as far away as New York, Minnesota, Texas, Florida, Michigan, and other decidedly non-Northwest locales.

**Michael Blumm** completed a comprehensive revision of his 800+ footnote chapter on federal reserved water rights for the *Waters and Water Rights* treatise (vol. 4), published by Lexis-Nexis. His article on treaty fishing rights and environmental protection in the wake of the so-called Culverts case, co-authored with Jane Steadman '09, "Indian Treaty Fishing Rights and Habitat Protection: The Martinez Decision Supplies a Resounding Judicial Reaffirmation," is available from SSRN (<http://ssrn.com/abstract=1356223>) and will appear in vol. 49 of the *Natural Resources Journal*. Blumm also completed a short introductory piece on the public trust doctrine, introducing three of his students' papers that are being published from his seminar last fall: "The Public Trust Doctrine: A Twenty-First Century Concept," in vol. 14 of the *Hastings West-Northwest Journal of Environmental Law and Policy*. His book review "Debunking the 'Divine Conception' Myth: Environmental Law Before NEPA" examines a recent book by Karl Brooks on the significant events in environmental law in the post-war period of 1945-70, and is being published in the *Oregon Historical Quarterly*. Finally, Blumm spoke on the public trust in wildlife at the Ecological Society of America's annual conference in Albuquerque.

**Jack Bogdanski** produced another cumulative supplement to his treatise *Federal Tax Valuation* this past summer. He has been turning these updates out twice a year since the treatise was first published in 1996. This summer's work included detailed coverage of new IRS

actuarial tables used to set values for time-divided interests in property, such as life estates and remainders. The material in the hard-copy supplement is also added to the Internet version of the book as part of a semiannual “refreshment” process. This term, Bogdanski is working on an article about a controversial new Tax Court decision limiting applicability of the IRS’s “check the box” regulations on tax classification of business entities. The Oregon Bar Exam included a tax question this summer, and Bogdanski, who teaches the tax portion of the most popular bar review course, was one of several Lewis & Clark professors who assisted the Bar examiners with their grading by critiquing their proposed model answer.

**Amy Bushaw** taught her Lawyers in Society course last Spring, in which students draw on history, philosophy, sociology, psychology and other disciplines to examine the role of lawyers in society. A number of alumni participated in the course, including J.B. Kim, Connie Kong, Stella Manabe, Xiomara Mattson, Michael Schmidt and Khalib Wahab. Meg Garvin, the Executive Director of the National Victim Law Institute, also participated, as did a number of other guests. In May, Amy accompanied fifteen Lewis & Clark law students on a study abroad program in Beijing, China. This is the second year that Lewis & Clark has participated in the program, which is offered in partnership with the University of Missouri-Kansas City. Students study Chinese law directly from professors at Peking University, and have the opportunity to visit the Supreme People’s Court of China, to observe a criminal prosecution in a local court, to meet with Western and Chinese lawyers practicing in China, and to tour significant historical and cultural sites. Some students remained in China after the conclusion of the program to complete externships with Chinese law firms.

**Henry H. Drummonds** returned in August from Ireland, where he spent much of the summer teaching International Human Rights in the San Diego Law School summer program at Trinity College in Dublin. He is on sabbatical during the fall, and is working on his proposed book on Labor and Employment Law in the Global Labor Markets. In June, Drummonds presented a paper, “Reforming Labor Law by Reforming Labor Law Preemption Doctrine to Allow the States to Make More Labor Relations Policy,” at New York University’s 62nd Annual Conference on Labor Law. This paper will be published in the Proceedings of the Conference by Kluwer in 2010-2011. The paper will first be published by the Louisiana Law Review in a forthcoming edition that also features other proposals for labor law reform by leading scholars including the former Chair of the National Labor Relations Board, Professor William Gould of Stanford University. Another paper by Drummonds, “Beyond the Employee Free Choice Act Debate: Unleashing the States in Labor-Management Relations Policy by Reforming Labor Law Preemption Doctrines Crafted by Judges a Half-Century Ago,” will be published by the Cornell Journal of Law and Public Policy. Finally, Drummonds is writing a comment on recent U.S. Supreme Court preemption decisions in the field of products liability, which will be published in the Oregon State Bar (OSB) Products Liability Section newsletter. Drummonds continues to serve on the Executive Boards of the OSB’s Labor and Employment Law Section as well as its Products Liability Section. He also serves on the Editorial Board of the Labor Law Journal.

In May, **Bill Funk** became Robert E. Jones Professor of Advocacy and Ethics, in an event that honored both Funk and Judge Jones. Since the last report, Funk has published the third edition of his book *Administrative Law - Examples and Explanations* (with Professor Richard Seamon) and two articles: “Public Participation and Transparency in Administrative Law-Three Examples as an Object Lesson,” 61 *Administrative Law Review* 171 (2009), and “Constitutional Implications of Regional Cap-and-Trade Programs,” 27 *UCLA Journal of Environmental Law & Policy* 353 (2009). In addition, he has co-authored five white papers for the Center for Progressive Reform: “The Truth about Torts: Regulatory Preemption at the Consumer Product Safety Commission” (Nov. 2008); “Limiting Federal Agency Preemption: Recommendations for a New Federalism Executive Order” (Dec. 2008); “Authority to Correct the Courts’ Preemption Decisions” (2009); “The Truth about Torts: Rethinking Regulatory Preemption and Its Impact on Public Health” (2009); and “50 FDAs: An Argument for Federal Preemption of State Tort Law That is Less Than Meets the Eye” (2009). Funk has also been active as a speaker. In February he spoke on the Constitutional Implications of Regional Greenhouse Gas Initiatives at the ABA’s Mid-Year Meeting in Boston. Also in February, Funk spoke on recent developments in federal administrative law at an Oregon Law Institute (OLI) program in Portland on administrative law. In April, Funk moderated a panel on Smart Grids at the Lewis & Clark Environmental Law Symposium on Greening the Grid. In May, he spoke in Washington, D.C. on a panel on Centralized Regulatory Review at a symposium on Reforming OIRA: The Future of Regulatory Review. In June, he flew to Germany to represent Lewis & Clark at Freie Universitaet in Berlin and at the University of Heidelberg, where he gave speeches on Supreme Court Jurisdiction and the Obama Administration’s Approach to Climate Change. In August, he appeared on a panel at the South Eastern Association of Law Schools’ annual meeting, where he spoke on Teaching Constitutional Law Doctrine in a Post-Realist World. In May, Funk attended the American Law Institute’s (ALI) Annual Meeting in Washington, D.C., the Center for Progressive Reform’s semi-annual meeting in Washington, D.C., and the Rocky Mountain Mineral Law Foundation’s Bi-annual Law Teachers Conference in Chico Hot Springs, Montana. In February, the President of the ABA appointed Funk to an ABA Task Force considering Federal Preemption of State Tort Law, and in August the American Bar Foundation voted to induct him as a fellow. Finally, Bill continues to be active on the board of the Portland lawyers’ chapter of the American Constitution Society.

In September, Oxford University Press published the third edition of the *Encyclopedic Dictionary of International Law* by Professor **John P. Grant** and his co-editor, Professor J. Craig Barker of Sussex Law School, Brighton, England. With 2,600 entries, the third edition is 20% larger than the second edition of 2004, and it has been completely updated and expanded to include coverage of developing areas of international law. Also published in September, by W. Green, a division of the Thomson group, was the third edition of Cleland and Sutherland’s *Children’s Rights in Scotland*, to which Grant contributed a chapter on “Monitoring and Enforcing Children’s International Human Rights” and, with **Elaine E. Sutherland**, a joint chapter on “International Standards and Scots Law.” He was extensively consulted by the media in the run-up to and aftermath of the release from prison in Scotland and return to Libya of Abdelbaset al Megrahi, “the Lockerbie bomber.” Grant is presently working on a book on the *Final Settlement of the Oregon Question*,

involving a legal analysis of the joint occupation of the San Juan Islands from 1859 to 1872, the indemnity award to the Hudson's Bay Company for its assets in what is now Washington State, and the arbitral award determining the maritime boundary between Canada and the United States in the area around the San Juan Islands.

Animal Law Clinic Director **Kathy Hessler** gave a number of presentations, including "What to Do About Non-Native Animal Species?" with Professor **Dan Rohlf**, Clinical Professor, Lewis & Clark Law School and Nathan Baker, Staff Attorney, Friends of the Columbia Gorge, sponsored by the Lewis & Clark Student Animal Legal Defense Fund (ALDF) in March; and "Animal Law and Standing," as a guest speaker in Professor Patricia Matthews' class at Florida State University in March. She also moderated panels entitled "Legal Practice Perspective: Family Law, Therapeutic Jurisprudence, and Full Disclosure," with Professors Solangel Maldonado, Seton Hall University Law School and Susan Daicoff, Florida Coastal School of Law, and Doug Wojcieszak, Founder, The Sorry Works! Coalition at the Forgiveness, Reconciliation and the Law Symposium, sponsored by the Center for the Interdisciplinary Study of Conflict and Dispute Resolution and the Case Western Reserve University School of Law in April, and "Androgogy," with Professor Mano Singham, Director of the University Center for Innovation in Teaching and Education at the New Clinicians Conference, Case Western Reserve University School of Law, in May.

Additionally, Hessler was a Small Group Facilitator at the New Clinicians Conference for groups on "Impact Litigation or Impact Education? Striking the Right Balance in Law School Clinics," with Professors Juliet M. Brodie, Stanford Law School, Yuri R. Linetsky, Case Western Reserve University Law School, and Andrew S. Pollis, Case Western Reserve University Law School at the Annual AALS Clinical Conference in May; "Developing Problems, Concurrent Group leader, Workshop on Innovative Teaching Methods & Materials: A Conference for Authors in the Context and Practice Series," sponsored by Washburn University Law School and Carolina Academic Press in May; "Animals in Testing: Legal Concerns and Consequences," with Professors David Cassuto, Pace University School of Law and Dara Lovitz, Temple University School of Law, at "The Animal, Within the Sphere of Humans Needs" conference, sponsored by Groupe de recherche international en droit animal (GRIDA), at the University of Quebec in Montreal in May; and "Animals in Testing: Legal Concerns and Consequences," at the Law & Society Annual Meeting in Denver, also in May.

Hessler also worked on, and was a signatory to, an amicus curiae brief filed with the U.S. Supreme Court in the case of *United States v. Stevens*. The amicus brief ([available at http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/08-769\\_NeutralAmCuAmeLawProfs.pdf](http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/08-769_NeutralAmCuAmeLawProfs.pdf)) was filed in support of neither party, but rather on behalf of a group of American animal law professors to offer expert opinion on the question of whether preventing animal cruelty is a compelling governmental interest. Hessler was also accepted to the Georgetown University Law Center's Summer Institute for Advanced Clinical Teaching. She was interviewed for the ABA's GP Solo magazine in March 2009 and is publishing two articles, both co-authored with Tanith Balaban, in the magazine: "Legal Issues Related to Agricultural Animals," and "Exotic Animals as Pets."

Hessler, along with Assistant Dean and Center for Animal Law Studies (CALs) Executive Director **Pamela Frasch**, has been working in conjunction with the Johns Hopkins Bloomberg School of Public Health, the Environmental Law Institute, and the ALDF to plan and host a series of symposia focusing on a recent National Academy of Sciences report calling for significant reduction of mammalian toxicity testing. The first symposium was held at the University of Ottawa on June 29th and 30th. Lewis & Clark hosted its symposium focusing on the regulatory aspects of the animal testing question on September 11th and 12th.

**Jim Huffman**'s recent publications include "The Federal Role in Water Resource Management," 17 New York University Environmental Law Journal 669 (2008), and "Beware of Greens in Praise of the Common Law," 58 Case Western Reserve Law Review 813 (2008). His forthcoming works include "A Mad Scramble for Infrastructure Dollars," in *Reacting to the Spending Spree: Policy Changes We Can Afford* (Terry Anderson & Richard Sousa, eds., 2009), "Protection of Species through the Protection of Water Rights," in *Rebuilding the Ark: New Perspectives on ESA Reform* (Jonathan Adler, ed., forthcoming 2009), "The Evolving Public Trust Doctrine: An Obstacle to Water Marketing," in *Water Marketing* (Randy Simmons & Delworth Gardner, eds., forthcoming 2010), and "Comprehensive River Basin Management: The Limits of Collaborative, Stakeholder-Based, Water Governance," *Natural Resources Journal* (forthcoming 2009).

He also recently attended the conferences "Workshop on Water Marketing, Why Not More?," at the Property and Environment Research Center, Bozeman, Montana, August 31–September 4 (2009), and "Rebuilding the Ark: New Perspectives on ESA Reform," at the American Enterprise Institute, Washington, D.C., on September 15, 2009. His other recent activities have included working under the auspices of the Hoover Institution's John and Jean De Nault Task Force on Property Rights, Freedom, and Prosperity, Stanford University (a group of eleven lawyers, economists and political scientists working on various projects relating to property and economic prosperity) on a book on water law and policy. Huffman is also the Board Chairman of the Classroom Law Project, a Board Member of the Western Resources Legal Center, and a columnist for *The Oregonian*.

**Jennifer J. Johnson**, Jeffrey Bain Scholar and Professor of Law, will publish her most recent article, "Private Placements: A Regulatory Black Hole," in Volume I of the 2010 Delaware Journal of Corporate Law. In this article, Johnson critiques congressional preemption of state regulatory authority over private securities sales. In September, she will travel to Amsterdam to review a student externship program at the Nike Europe General Counsel's office. From Amsterdam, she continues to The Hague to meet with Alum Doug Stringer, who is prosecuting war crimes at the International Criminal Tribunal for the former Yugoslavia. Before returning home, Johnson will meet with the director and professors at the graduate program in European Business Law at the College of Europe in Belgium.

**Steve Kanter** appeared in July as a featured guest on OPB's "Think Out Loud" program, analyzing the Worthington faith healing case involving the death of a young child, and discussing the proper limits of criminal law in that context. Steve continues to serve on the

Board of Oregon 150, which helped to sponsor the performance of “Oregon, Oregon” by Pink Martini and the National Guard Band, at the State Fair and around the State, to commemorate Oregon’s 150th birthday, and the children’s visioning project for Oregon’s next 50 years. He also worked on and signed an amicus brief in *State v. Bowen*, Petition for Certiorari Filed, 77 USLW 3531 (Mar 04, 2009) (No. 08-1117), with sixteen colleagues from around the country, urging the U.S. Supreme Court to grant certiorari and declare unconstitutional Oregon’s and Louisiana’s non-unanimous jury provisions in criminal cases. The amicus brief is available at <http://www.ajs.org/jc/pdfs/uscourtjury.pdf>. In a relatively unusual move, the Court has asked the State to file a reply brief, increasing the odds that the Court will grant cert. Kanter will serve as presenter and moderator at the Clark County League of Women Voters Constitution Day Program on September 17 in Washington. He is completing work on an article entitled “When a Car was not a Car: A Yale Theory of Legal Interpretation.”

In May 2009, **Dean Klonoff**, along with his co-reporters, presented the latest draft of his class action project to the full body of the American Law Institute. The ALI unanimously approved the project. From beginning to approval, the project took 5 years—one of the most efficient projects in ALI history (some take 15 or more years to complete). In July 2009, Dean Klonoff was a featured speaker in Beijing at an international conference on tort and class action law, co-sponsored by Renmin University and the ALI. In August, he delivered lectures on class action law and the US legal system at national law schools throughout India (Delhi, Jodhpur, Calcutta, Bangalore, and Hyderabad). Dean Klonoff’s article “Making Class Actions Work: The Untapped Potential of the Internet,” originally published in Summer 2008 by the University of Pittsburgh Law Review, is being re-published by the Journal of Internet Law. (The Journal found the article to be of wide importance and asked for permission to re-publish it in their specialized journal.) Dean Klonoff is currently working on a book review for our Journal, Environmental Law, on new versions of his class action casebook and nutshell, and on a symposium article for the Fordham Law Review. Dean Klonoff’s nutshell on federal appellate practice and procedure was recently identified by Professor Tom Baker in the Journal of Appellate Practice and Procedure as one of the five “especially important sources for studying and understanding appellate jurisdiction.” Dean Klonoff’s book on trial advocacy, *Winning Jury Trials: Trial Tactics and Sponsorship Strategies* (3rd Ed., NITA 2007), was described in a recent book (Rick Friedman, *On Becoming a Trial Lawyer*) as “one of the best trial strategy and tactics books written in the last twenty years . . . . They explain better than anyone how to think about presenting a case.” In August, Dean Klonoff was inducted as a member of the American Bar Foundation.

**Lydia Loren** has accepted an invitation to join the editorial board of the Journal of the Copyright Society. Additionally, she has become a Contributing Editor of the Intellectual Property section of Jotwell, a new online journal which provides reviews of outstanding scholarship in different disciplines. In April, Loren spoke at the “Conference on the 100th Anniversary of the 1909 Copyright Act,” hosted jointly by the University of California, Berkeley School of Law and Santa Clara Law School. The topic of her presentation was an examination of the role of “for profit” use under the 1909 Copyright Act. The paper presented at that conference will be published as part of a symposium in the Santa Clara Technology Law

Review. In April, Loren also moderated the first annual Women in the Law program hosted by Lewis & Clark Law School. In July, she published the *2009 Case and Statutory Supplement to Copyright in a Global Information Economy* (2d ed. Aspen) (co-authored). Finally, in August, Semaphore Press released a revision of her book *Intellectual Property Law: Cases and Materials* (co-authored).

**Bob Miller**, '91, published a co-written article in the West Virginia Law Review entitled "An Indigenous Lens into Comparative Law: The Doctrine of Discovery in the United States and New Zealand." He also submitted the first draft of his new book *Reservation Capitalism: Economic Development in Indian Country* to the University of Oklahoma Press. He is currently working with professors from Australia, Canada, and New Zealand on a book for Oxford University Press. He also published an op-ed piece in *Indian Country Today*. Bob continues to speak about the Doctrine of Discovery and Manifest Destiny issues at various conferences and venues, including the Multnomah County Library Central Branch, a teachers conference in Sisters Oregon, the Tillamook County Museum, the Lincoln County Historical Society, Eastern Oregon University, Blue Mt. Community College, the Oregon History Extravaganza conference, and the Native American Indigenous Studies conference in Minneapolis. He also spoke about Indian law at a Missoula, Montana teachers conference and to the Bush Foundation board in St. Paul, Minnesota. Bob taught a summer school course on American Indians and International Law, and was one of the speakers in Alberta, Canada at the International Indigenous Economic Development conference. He also gave six-hour training sessions on Indian law and policies to U.S. Fish & Wildlife staff in San Diego, Denver, and Tacoma. He was elected to the board of the Oregon Historical Society in April. His speech entitled "The Arctic Age," delivered at Portland State University for the World Affairs Council of Oregon, has been shown numerous times on OPB television.

Professor **Joe Miller**'s new article on copyright law's creativity threshold, "Hoisting Originality," will appear in the November 2009 issue of the *Cardozo Law Review*. He will give talks on his current research project, regarding the nature and scope of the Patent and Trademark Office's regulatory authority over the patent examination process, at a conference at the University of Akron (in October) and as part of a speaker series at GW (in November).

**Janet Neuman** was on sabbatical during 2008-09. In addition to working on several writing projects, she served in an Of Counsel capacity at the Portland firm of Tonkon Torp, helping the firm start a water law practice. She is excited to bring this recent practical experience in water law and administrative law back to the classroom. Neuman was also active during the legislative session, consulting with legislators and offering testimony on several water-related bills. Her article, "Keeping Indian Claims Commission Decisions in their Place: Assessing the Preclusive Effect of ICC Decisions in Litigation over Off-Reservation Treaty Fishing Rights," (co-authored with Michelle Smith '09) is being published in the *University of Hawaii Law Review*, and "Chop Wood, Carry Water: Cutting to the Heart of the World's Water Woes," was published in 2008 by the *Florida State University Journal of Land Use and Environmental Law*.

**John Parry**'s article "Torture Nation, Torture Law" appeared in the April 2009 issue of the Georgetown Law Journal (97:4). In October, the Inter-Disciplinary Press will publish a book of conference essays titled *Rights, Citizenship and Torture: Perspectives on Evil, Law and the State*, which he co-edited with Welat Zeydanlioglu. John spent much of the summer with the copy edits of his book *Understanding Torture: Law, Violence and Political Identity* (Univ. of Michigan Press), which should appear in January 2010, as well as working with his co-authors on the second edition of their casebook *Criminal Law: Cases, Statutes, and Lawyering Strategies* (LexisNexis). John is currently working on an article with the tentative title "International Extradition, the Rule of Non-Inquiry, and the Problem of Sovereignty." He discussed this project in September in Minneapolis at the National Security Retreat sponsored by William Mitchell College of Law, and will present a more complete version in November to Georgetown Law School's Foreign Relations Law Colloquium.

**Sandy Patrick**'s article, "See One, Do One, Teach One: Dissecting the Use of Medical Education's Signature Pedagogy in Legal Education" (co-authored with Lisa McElroy of Drexel University and Christine Nero Coughlin of Wake Forest University), was accepted for publication by the Georgia State Law Review (forthcoming 2010). She presented the article at the Biennial Conference of the Association of Legal Writing Directors in July at the Missouri-Kansas City School of Law. Another of Patrick's articles, "Pardon Me, But Does Your Dog Bite? Turning Implicit Assumptions Into Explicit Analysis," was published in *The Second Draft*, The Journal of the Legal Writing Institute (Fall 2009).

In April 2009, **Melissa Powers** presented the introductory remarks for Lewis & Clark Law School's environmental symposium, Greening the Grid: Building a Legal Framework for Carbon Neutrality, a conference for which she also moderated two panels. Melissa, **Erica Thorson**, **Janice Weis**, and **Lin Harmon** jointly planned the renewable energy conference, which featured energy law experts from around the country. In June, 2009, LexisNexis published the first climate change textbook, *Climate Change and the Law*, authored by Chris Wold, David Hunter, and Melissa Powers.

In April 2009, **Juliet Stumpf** accepted the Washington and Lee Law Review's offer to publish "Fitting Punishment: A Proposal for a Graduated System of Immigration Law Sanctions." The article critiques the lack of proportionality in immigration law sanctions and proposes a sanctions scheme that would result in graduated penalties for immigration violations. In May 2009, Juliet accepted an invitation to serve on the Board of Advisors of NYU Law School's International Journal of Constitutional Law (I\*CON). Also in May, she presented "Obeying Immigration Law: The Compliance Conundrum" at the University of Oregon's Conference on Contested Citizenships. The paper takes up the question of what motivates compliance with immigration law and whether legal proscriptions and enforcement make a difference. She presented a more developed draft of "Obeying Immigration Law" in July 2009 at the Emerging Immigration and Citizenship Law Scholars conference at Hofstra University Law School. At the same conference, she also served on a panel entitled "Innovative Teaching Ideas" and discussed her experimentation with collaborative learning in her Immigration and Citizenship Law class.

Just before she left Scotland in June, **Elaine E. Sutherland** presented a preliminary paper, “Child Law,” at an exploratory conference at Edinburgh University, comparing the impact of the European Convention on Human Rights and the Constitution of the Republic of South Africa, in Scotland and South Africa, respectively. As a result, she has been invited to participate in a conference next year in South Africa, where full papers will be presented, and to contribute a chapter to a book on the subject. Her chapter on developments in Scotland, “What has a Decade of Devolution Done for Scots Family Law?” was published in July in the *International Survey of Family Law: 2009 Edition*, the annual flagship publication of the International Society on Family Law. The third edition of *Children’s Rights in Scotland*, which she co-edits, was published in September by W. Green, the Scottish subsidiary of the Thomson publishing group. She contributed the following four chapters to the book: “Children’s Rights in Scotland: Where Are We Now?” (with Alison Cleland), “International Standards and Scots Law” (with Professor **John P. Grant**), “Care of the Child within the Family” (sole author), and “The Child in Conflict with the Law” (sole author). The Family Law Association in Scotland celebrates its twentieth anniversary this year and is taking over an issue of the *Family Law Bulletin* to mark the occasion. Sutherland was commissioned to contribute an article, “Child Law in Scotland: 1989-2009,” which has now been submitted.

**Tung Yin** joined the Lewis & Clark law faculty this fall. His recent publications in law journals include “Great Minds Think Alike: The ‘Torture Memo,’ OLC, Law Clerks, and Sharing the Boss’s Mindset,” in the Willamette Law Review’s Symposium on Presidential Power (vol. 45); “*Boumedienne* and Lawfare” in the University of Richmond Law Review’s Allen Chair Symposium (vol. 43); “Crying Wolf: *In re Marriage Cases* and Charges of Judicial Activism” in *NeXus: A Journal of Opinion* (vol. 14); and “Distinguishing Soldiers and Non-State Actors: Clarifying the Geneva Convention’s Regulation of Interrogation of Captured Combatants Through Positive Inducements” in the Boston University International Law Journal (vol. 26). He is also co-authoring “The Alien-Citizen Distinction and the Global War on Terrorism” with David Abraham (Miami) for inclusion in an upcoming Routledge volume on *Citizenship in Time of War*. Yin’s works in progress include “Independent Appellate Review of Knowledge of Falsity in Defamation and False Statements Cases”; “*Iqbal v. Ashcroft* and Judicial Vouching for Government Officials” (forthcoming in a symposium issue of *Lewis & Clark Law Review*); and a yet-to-be-titled contribution for an upcoming symposium for the Duke Forum for Law and Social Change that will focus on discrimination against Muslims in America. Finally, he had his proposal for an essay on “Terrorism and lawyers on TV” accepted for a call for papers for a work on *Law and Justice on the Small Screen*.

Yin’s shorter works include four entries published in Salem Press’s *Great Events from History: Modern Scandals*: “U.S. National Security Agency is revealed to have been spying on the United Nations,” “New York Governor Eliot Spitzer resigns after admitting to using a call-girl service,” “Martha Stewart is convicted,” and “Radical author and professor Ward Churchill is fired from the University of Colorado at Boulder for plagiarism and falsification of research data,” as well as “Enforcing ICC Arrest Warrants,” a dialogue with US Army JAG lawyer Keith Petty in the National Security Law Report (May/June 2009 issue). He

also has two entries forthcoming in Salem Press's *The Forties in America*: "U.S. Supreme Court decisions" and "Civil rights and liberties in the United States."

During the summer, he attended the Midwest People of Color Legal Scholarship Conference in May, where he presented his paper, "Independent Appellate Review of Knowledge of Falsity in Defamation and False Statements Cases," and commented on a paper by Professor Jamelle Sharpe (Illinois). At the Phillip G. Hubbard Law School Preparation Program at the University of Iowa College of Law in June, he gave a presentation titled "Terrorism and 24." In the spring, he appeared at the Allen Chair Symposium on "Detention of Suspected Terrorists: Past, Present, and Future" at the University of Richmond School of Law. Also, he appeared in two episodes of the KCRG (ABC-Cedar Rapids, IA) discussion program "Ethical Perspectives on the News" examining international law and piracy, and proposals for bringing Guantanamo Bay detainees onto U.S. territory. During the month of September, he guest-blogged at Prawfsblawg.

## News from Boley Law Library

**Kathy Faust**, Assistant Director for Technical Services, is the new Vice Chair/Chair-Elect of the American Association of Law Libraries' (AALL) Online Bibliographic Services SIS. Kathy began her two-year term in July at the AALL Annual Meeting held in Washington D.C.

Reference Librarian **Jorge Juarez** was elected Vice Chair/Chair-Elect of the AALL's Social Responsibility Special Interest Section. He began his term in July.

In May, **Rob Truman**, Assistant Director for Electronic Information Services, was elected the Vice President/President-Elect of WestPac, the Western Pacific Chapter of the AALL. Rob will assume office in October 2009.

## News from the Low Income Taxpayer Clinic

The Low Income Taxpayer Clinic (LITC) scheduled initial interviews for 48 individuals who had controversies with the IRS during the Spring semester and accepted 37 of those individuals as clients. Virtually all of the persons rejected for representation were rejected because they exceeded the LITC's income guidelines. There were eleven students enrolled in the LITC during the Spring semester, and tax cases were given to an additional four general clinic students. During Summer semester the LITC scheduled initial interviews for 18 individuals and accepted 17 of these individuals as clients. Eight of the sixteen general clinic students enrolled in the Lewis & Clark Legal Clinic were assigned tax cases. Of the 54 cases accepted during the Spring and Summer semesters, 32 were U.S. Tax Court cases. The remainder were for the most part collection cases.

There was a U.S. Tax Court Regular Case Calendar in Portland which commenced on February 9, 2009, wherein 90 cases were set for trial. The LITC was involved in seven cases on this

Calendar. The LITC conceded one dependent upon the government's acceptance of an offer in compromise under Code § 7122; settled three more cases; gave "advice only" in the one case where the taxpayer's income exceeded LITC guidelines; one case was continued; and one was tried. The case tried involved innocent spouse relief. The case was tried by two of LITC's legal interns under Clinical Professor **Jan R. Pierce**'s supervision. The opening and reply briefs have been filed, and an opinion is expected to issue sometime this Fall.

There was a Small Case Calendar in Portland which commenced on March 9, 2009, wherein 111 cases were set for trial. The LITC was involved in eleven cases on this Calendar, settling eight of them. Of the other three cases, one Petitioner moved, and the LITC declined to represent the other two of the Petitioners that it had accepted as clients due to lack of cooperation.

At the present time the LITC has an open inventory of 57 cases.

## **News from the National Crime Victim Law Institute (NCVLI)**

On June 30-July 1st, NCVLI hosted its 8th Annual Victim Law & Litigation Conference, which was opened by Dean Robert Klonoff and Attorney General John Kroger. The 155 professionals in attendance from across the country participated in 25 workshops on cutting edge victims' rights issues and uniformly rated the conference as a great experience.

On July 30th, **Meg Garvin** and **Terry Campos** presented a day-long training at the Oregon District Attorneys Association's summer conference in Bend, Oregon, entitled "Crime Victims' Rights: What You Need to Know About SB 233."

**Ali Wilkinson** was recently appointed to the Oregon Attorney General's Sexual Assault Task Force. Her work with the Task Force focuses on sexual assault issues related to campuses. In addition, Ali gave a presentation on the tools available to enforce victims' rights in criminal courts at the 5th Annual National Sexual Assault Response Team Conference in Seattle.

In August, **Meg Garvin** was asked by Oregon Senator Ron Wyden to serve on the Selection Committee for the positions of Oregon United States Attorney and Marshal. In addition, Meg delivered a keynote at the annual conference of the National Organization of Victim Assistance held this past August in Scottsdale, Arizona, discussing the efficacy of the federal Crime Victims' Rights Act, 18 U.S.C. §3771, and whether a federal constitutional amendment is still necessary.

In recent litigation, NCVLI filed an amicus brief in *United States v. Doyle Paroline* in the U.S. District Court for the Eastern District of Texas. The case involves the defendant's prosecution for possession of child pornography. One of the victims of his crime, "Amy," who is represented by private counsel, asked the court to order Paroline to pay over 3 million dollars in restitution to cover future lost earnings, counseling, and other expenses. Amy has been identified as a victim in hundreds of other child pornography cases across the country, and is requesting restitution in each case. The federal district court invited amicus groups to file a brief answering restitution-related questions raised in child pornography cases like this one, where a victim has a claim

against multiple defendants and those cases may be proceeding in different jurisdictions. NCVLI's brief addressed how to determine whether an individual is a victim entitled to restitution, how to calculate the amount of restitution, and how restitution orders should be handled when there are multiple defendants across multiple jurisdictions. This case addresses an issue of growing concern for victims of child pornography—ordering and recovering of restitution in a digital age. The case is pending.

**Carol Schrader** recently joined NCVLI as a staff attorney and program manager, charged with overseeing NCVLI's network of 12 direct service pro bono legal clinics operating across the country. Prior to joining NCVLI, Carol led Oregon's victims' rights compliance efforts in her position with the Victims' Rights Section of the Oregon Department of Justice. She has a J.D. from Northeastern University Law School, an M.Div. from Harvard Divinity School, and a B.Ph. from the Western College of Miami University.

## **News from the Animal Law Clinic**

**Kathy Hessler**, Director of the Animal Law Clinic, and Assistant Dean and Executive Director of the Center for Animal Law Studies, **Pamela Frasch**, have been working in conjunction with the Johns Hopkins Bloomberg School of Public Health, the Environmental Law Institute, and the Animal Legal Defense Fund to plan and host a series of symposia focusing on a recent National Academy of Sciences report calling for significant reduction of mammalian testing to determine chemical toxicity. The first symposium was held at the University of Ottawa on June 29th and 30th. The second was held at Lewis & Clark on September 12th and 13th.

## **News from the Small Business Legal Clinic**

**Scott Stevenson** joined the Small Business Legal Clinic as a Clinical Law Professor. Professor Stevenson began his career as an associate with Alston & Bird in business transactional law, focusing on mergers and acquisitions, securities law, commercial contracts and general corporate law. He then pursued a degree in civil engineering and worked as a engineering consultant with CH2M Hill, where he counseled clients on environmental compliance and permitting issues. He returned to the legal field to join Bodker, Ramsey & Andrews as a senior associate, where he focused on commercial, corporate, real estate and financial transactions for privately-held businesses. Stevenson next served as Senior Corporate Counsel for ADP, Inc., where he provided in-house legal counsel to a division of the large public company on corporate issues including licensing, contract negotiation supervision, regulatory compliance, negotiation of outsourcing agreements with Fortune 500 clients, and execution of strategic acquisitions. Stevenson moved to Portland 18 months ago with his wife and three children, and passed the Oregon Bar last February.