

# NCVLI Alumni Newsletter

NATIONAL CRIME VICTIM LAW INSTITUTE

Volume 1, Issue 1

MAY 2008

## Welcome to our First Issue!

### Our Alumni Coordinators

Wyatt Rolfe, J.D.  
2006: Mr. Rolfe practices civil litigation in the areas of water law, real property, and construction law.

Donna Maddux, J.D.  
2002: Ms. Maddux is Attorney-in-charge of the Oregon Dept of Justice's Organized Crime Section.

Welcome to the 1<sup>st</sup> edition of the *NCVLI Alumni Newsletter*, an email newsletter sent out triennially by NCVLI for Alumni of Lewis & Clark Law School.

This Alumni group consists of those who took Professor Doug Beloof's *Victims in Criminal Procedure* course, NCVLI's Victim Litigation Clinic, or interned with NCVLI during law school.

Alumni now number nearly 300 and are located in 18 states plus the

District of Columbia.

During law school you had an interest in the state of rights in our criminal justice system. This e-newsletter will keep you in touch with your classmates, update you on NCVLI's rights work, and give you a chance to re-connect with colleagues across the country.

Two alumni are coordinating these efforts: [Wyatt Rolfe](#) (2006) and [Donna Maddux](#) (2002).

NCVLI is grateful for their leadership!

### Inside this issue:

STUDENT SPOTLIGHT: MEGAN MCGILL 3L	2
WORKING WITH STUDENTS	2
ALUMNI SPOTLIGHT: JAIME TAFT	3
PRO BONO RIGHTS WORK	3
7TH ANNUAL CRIME VICTIM LAW & LITIGATION CONFERENCE	4
NCVLI'S LITIGATION WORK	4

## May 31<sup>st</sup> Marks Doug's Last Day as Executive Director



Doug Beloof

At the end of May, Professor Doug Beloof will be stepping down as NCVLI's part-time Executive Director to focus on teaching, and on his role as an active member of NCVLI's Board of

Directors. "In the ten years since I founded it, NCVLI has made great strides in advancing the cause of crime victims' rights. But as states across the nation have adopted laws making victims' rights enforceable, and as the victims' rights movement has gained momentum, NCVLI needs a full-time Executive Director," Professor Beloof said. NCVLI's [Meg Garvin](#) has been hired as the new full-time Executive Director.

## Mission

*The National Crime Victim Law Institute actively promotes balance and fairness in the justice system through crime victim centered legal advocacy, education, and resource sharing.*

### WHERE IN THE WORLD?

Are you still in touch with any of your Victims' Rights classmates? If so, we'd love to know where they are and what they're doing.

Please drop a line to [angela@lclark.edu](mailto:angela@lclark.edu), and we'll make sure they're added to the list of alumni who receive this newsletter.

## Student Spotlight: Megan McGill, 3L



Megan McGill, 3L

“I HAD NEVER HEARD OF VICTIMS’ RIGHTS WHEN MY FRIEND SUGGESTED I APPLY FOR AN INTERNSHIP AT THE NATIONAL CRIME VICTIM LAW INSTITUTE.”

“BEING INVOLVED IN THE VICTIMS’ LAW PROGRAM HAS CHANGED AND HELPED ME TO DETERMINE THE DIRECTION I WOULD LIKE TO GO IN THE FUTURE.”

As I count down my last few days in law school, I have become reflective of how much has changed since I entered three years ago. The anxious 1Ls I sat next to in legal writing now confidently relate stories about their latest trials like pros. Writing a memo is no longer a semester long process. Many are even getting ready to move across the country to begin life in their new firms. We have all finally learned to “think like a lawyer.”

I, too, have been changed by my experience in law school. One of the biggest changes was caused by my introduction to victims’ law at the beginning of my second year. I had never heard of victims’ rights when my friend suggested I apply for an internship at the **National Crime Victim Law Institute**. I was surprised that there was an organization dedicated to them, because I had assumed that the sympathetic nature of victims assured them priority in the criminal justice system—even the word “victim” evokes sympathy. When I began the internship, I quickly learned that my preconceived notion was far from reality, and at the same time I found what would become my field of interest.

My exposure to the area of victims’ law changed me in other ways. After the intense breaking-in process that is the first year of law

school, I had become less optimistic, less faithful in the ability of the legal system to prevent injustice. The conservative field of law often seems to favor old, often outdated tradition over reason or what (in my point of view) is right. But my experience at NCVLI gave me a new perspective as well. The modern field of victims’ rights is new, exciting, and *is* changing for the better. Crime victims frequently experience injustice in our criminal justice system, but it is encouraging to perceive an increasing number of victories as states codify and then begin to enforce victim rights.

For instance, there was recently a victory in one of the most memorable projects I worked on while at NCVLI. In *Baby v. Maryland*, 916 A.2d 410, 425 (Md. Ct. Spec. App. 2007), a Maryland intermediary court held that there could not be a rape where the victim initially consented to intercourse but was forced to continue after withdrawing consent. I was fortunate to assist in researching and writing an article on the decision, and NCVLI subsequently filed an amicus brief on the appeal. I was thrilled to find out three days ago that Maryland’s highest court reversed the decision, (*Baby v. Maryland*, 2008 WL 1734610 (Md. 2008)) which had been based on patriarchal, traditional

notions of rape being a crime insofar as it “deflowers” a woman, or insults her father or husband.

Although I never could have predicted it when I entered law school, being involved in the victims’ law program has changed and helped me to determine the direction I would like to go in the future. It has been exciting and empowering to help work on issues which I both feel strongly about and which I fully believe, if we work hard enough, will have a positive outcome. Equally inspiring have been the fantastic mentors I have had at NCVLI. I am grateful to have been involved in this field which has captivated me during my time in law school, and I hope to ultimately pursue a career in victims’ rights promotion and/or enforcement.

### Working with Students

NCVLI works with law students by funding internships, providing lunchtime trainings, and teaching the **Victim Litigation Clinic** to second and third year students. In this spring’s clinic students worked on 3 live amicus cases, giving them the opportunity to research and draft appellate briefs in critical cases going on across the country.

## Alumni Spotlight: Jaime Taft, Deputy Assistant Prosecutor, King County, Washington State

As I sit to write this essay, I am reminded of an earlier essay that I drafted. I applied for a public interest stipend to fund my second summer internship at NCVLI. I had to explain how my internship fit into my future plans as a lawyer; I stated that after law school I would be a prosecutor, so having a background in crime victims' rights would be an asset. At that point in law school, I wasn't sure yet exactly what kind of lawyer I would be, but I knew I was passionate about crime victims' law. Now, a year after graduating law school, I am proud to say I am a prosecutor. How do I integrate what I learned while at NCVLI into my practice?

Not in the way I expected.

I remember telling Meg Garvin—at the end of the crime victim litigation clinic one spring semester—that my suggestion for “improving” the clinic would be for the

students to interact with crime victims in some capacity. In order to get that experience, I volunteered as a Domestic Violence Victim Advocate. “Finally,” I thought, “I’ll get the chance to interact and help out victims face to face.” Guess what? I found out that victims don’t always want to come to court; some did not trust that we really wanted to help them because we were affiliated with the very office that was prosecuting someone they loved.

Now that I am a misdemeanor prosecutor, I often do not have an identifiable victim in the cases I handle. And when I do, they do not always cooperate. The other day, a victim in a reckless driving case told me that she would rather have the defendant “get off” than have to spend a day in court testifying. She said, “It isn’t fair to make me come down there, I didn’t do anything wrong.” This really should not have surprised me since, at NCVLI, we talked a lot about the victims



Jaime Taft

experience.

At times like these, I reach back to what I learned then. Victims want to be heard, they want to feel that you are listening to them and that the “system” has room for them too. I explained to the reckless driving victim that we could put her “on call” and that she could leave as soon as she was done testifying, which made her more willing to cooperate. Here I thought that good advocacy meant having an individual client that you spent a lot of time with. Now I understand that it also means listening and intruding as little as possible, when that is what the victim wants.

### Pro Bono Rights Work

In addition to its amicus curiae work, NCVLI supports **eight legal clinics** that provide pro bono legal representation to crime victims in state, federal, and tribal criminal courts. The Clinics are located in Arizona, Colorado, Idaho, Maryland, New Jersey, New Mexico, South Carolina, and

Utah. Over the past five years, this network, with technical assistance from NCVLI, has fielded over 3,800 requests for legal help, and provided free legal representation to more than 600 crime victims as they asserted their rights in criminal trial and appellate courts. In addition to the

direct pro bono representation provided by the eight clinics, NCVLI coordinates other pro bono services to crime victims through [NAVRA](#), by providing expert legal technical assistance to attorneys and advocates nationwide on cutting edge victims' rights issues.

“VICTIMS WANT TO BE HEARD, THEY WANT TO FEEL THAT YOU ARE LISTENING TO THEM AND THAT THE ‘SYSTEM’ HAS ROOM FOR THEM TOO.”

NCVLI SUPPORTS 8 LEGAL CLINICS THAT PROVIDE PRO BONO LEGAL REPRESENTATION TO CRIME VICTIMS IN STATE, FEDERAL, AND TRIBAL CRIMINAL COURTS.



**Opening the Doors:  
Victim Access to Justice**  
**May 30-31, 2008**



## 7th Annual Law & Litigation Conference!

Each year NCVLI hosts a victims' rights national conference for attorneys, advocates, prosecutors, and other law enforcement and criminal justice professionals. This year marks the 7<sup>th</sup> Conference. The theme: "Opening the Doors: Victim Access to Justice." The conference's keynote speakers and presenters include Oregon Attorney General Hardy Myers, the Hon. Paul Cassell, Former Federal Judge and now Professor of Law at S.J. Quinney College of Law, and many others. For more information on the conference [click here](#).

## NCVLI's Litigation

NCVLI litigates in state and federal trial and appellate courts nationwide. Two recent cases of interest.

*In re: Alisa and Ralph Dean, et. al. v. United States District Court*, No. 08-20125, NCVLI filed an amicus curiae brief with the Fifth Circuit Court of Appeals, arguing that mandamus review of violations of crime victims' rights under the new federal Crime Victims' Rights Act, 18 U.S.C. § 3771, must be subject to traditional appellate review standards, rather than extraordinary review because if review of claims is left to traditional mandamus review, Congress' intent will be thwarted. Additionally, NCVLI argued that the government's ex parte proceedings, which provided no due process to crime victims, cannot properly result in the loss of the victims' rights.

*Giles v. State*, No. 07-6053, NCVLI filed an amicus curiae brief with the United States Supreme Court, arguing that the forfeiture by wrongdoing doctrine, which is an exception to the Confrontation Clause, does not require the specific intent to cause a witness' unavailability, but instead requires only an act with a voluntary mental state. Applying this standard, a defendant who murders cannot invoke the confrontation clause rights to prevent the deceased victim's statements about prior violent incidents from being admitted against him regardless of the underlying intent of the murder.



**NCVLI**  
10015 S.W. Terwilliger Boulevard  
Portland, Oregon 97219  
503-768-6600