

Fall 2006

# The ADVOCATE

Lewis & Clark Law School

**Inside:**

**Rising Costs of Legal Education  
A Commitment to Public Service  
A Legacy of Scholarship**



# Contents

## Board of Visitors

### 2006-07

Professor Thomas Ambrose '75  
Larry Amburgey '75  
Professor Stephen Dow Beckham  
Bowen Blair Jr. '80  
Brian Booth  
Monte Bricker  
Thomas Brown '80  
Hon. Alex Bryner  
David Case  
Keith Coe '85  
Jonathan Cole '76  
Bruce Crocker '76  
Jeff Curtis '86  
John DesCamp Jr. '74  
Stephen Doherty '84  
Barnes Ellis  
David Ernst '85  
M. Carr Ferguson  
Paul Fortino  
Hon. Julie Frantz '75  
Edwin Harnden  
Steven Hopp '75  
James Hubler '72  
Judith Johansen '83  
Elizabeth Johnson '77  
Jack Kennedy '51  
Jeffrey Lewis '89  
Interim Dean Lydia Loren  
Henry Lorenzen '76  
Doreen Margolin '81  
Charles Markley '75  
Alan Merkle '82  
Matthew Murray '75  
Pamela Rossano Myers '74  
Hon. Diarmuid O'Scannlain  
Hon. Owen Panner  
Philip Pillsbury Jr. '76  
Hon. Robert Redding  
James Richardson '76  
Thomas Sand '77  
Jordan Schnitzer '76  
Thomas Sherwin '74  
J. Mack Shively '79  
Hank Skade '77  
Jeffrey Teitel '73  
Michelle Travis

Mark Tratos '79

Isao Tom Tsuruta '89  
Adele Waller '85  
Dennis Whittlesey  
Steven Wildish '85  
Michael Williams  
Lawrence Wilson '75  
Russell Winner

## Alumni Board of Directors

### 2006-07

Shareefah Adbullah '96  
Janet Noelle Billups '79  
Thomas Bittner '89  
William Brunner '53  
Adam Cornell '01  
Raymond Crutchley '99  
Gilion Dumas '92  
Adina Flynn '96  
Hon. Dennis Hubel '76  
Craig Jacobson '95  
Hon. Edward Jones '75  
John Kodachi '92, Vice President  
Krista Koehl '99  
Donna Maddux '02  
Richard Maizels '66  
Doreen Margolin '81, President  
Connie McKelvey '83  
Kathryn Root '84  
Heather Self '01  
Steven Shropshire '94  
Michelle Slater '95  
Robin Springer '99  
Tracy Sullivan '00  
Nancy Tauman '78  
Dana Taylor '77  
Trinh Tran '03

## Features

- Meeting the Rising Costs of Legal Education . . . . . 3  
A Legacy of Scholarship . . . . . 7  
Bryan Scott '91: A Commitment to Public Service . . . . . 15  
Why Jessup Moot Court Matters . . . . . 17  
The Commerce Clause in *Gonzales V. Raich* . . . . . 18  
Tom Miller '01: Riding at the Law . . . . . 22  
Contributions Report . . . . . insert  
Lawyers With Families Maintain a Delicate Balance . . . . . 25

## Departments

- Law School News . . . . . 26  
Faculty and Staff News . . . . . 40  
Class Notes . . . . . 45  
In Memoriam . . . . . 48

Volume 26, Number 1, Fall 2006  
*The Advocate*



Lewis & Clark Law School  
10015 S.W. Terwilliger Blvd.  
Portland, Oregon 97219-7799  
Phone 503-768-6600

*The Advocate* is published for alumni, faculty, staff, and friends of Lewis & Clark Law School. Letters and articles are welcomed; submissions are subject to editing.  
President: *Thomas J. Hochstettler*  
Interim Dean: *Lydia Loren*  
Writing: *Elizabeth A. Davis '93*  
Editing: *Joseph Becker, Janna Clark*  
Design: *Reynolds Wulf Inc., Robert Reynolds, Letha Wulf*

On the cover: Bryan Scott '91

# Letter From the Interim Dean

**A**s you begin to read this issue, a new class of law students has arrived here at Lewis & Clark. They have been through orientation and have heard about what lies ahead for the next three or four years. They have picked up their books and their first assignments, and they have embarked upon the law school experience. They have completed their first few weeks of classes and learned the fundamentals: how to read and brief a case, how to find time to complete all of the required reading, and how not to panic when the professor calls on them!

But we hope they have started to learn something else. They are learning about commitment to a life in the law. Most of these new students have caught only their first glimpses of what this life in the law is like, but they certainly will have experienced a high level of engagement by their professors and their fellow students. They have had their first taste of that commitment.

We manifest commitment in different ways. Our alumni embark on various careers with their degrees. Many remained committed to that life in the law that began in earnest with the first day of law school. Others have sought different pursuits, but they are informed by a principle of commitment deepened by law school experiences. When I agreed to serve as interim dean for this academic year, I contemplated my own commitment: what it means to have committed to a life in the law and the path I have chosen to pursue in educating others about the law. As I contemplated a shift to administration, I considered the nature of the commitment that every law school should make to every new student who enters. That commitment must include, at its core, providing a top quality legal education. Easy enough to espouse, but what does that really mean? It means that each of those employed by and assisting the Law School understand the components of a top quality educational experience and the integral role that they each play in fulfilling our obligation to each and every student. The commitment includes never being satisfied with the status quo and always striving for quality, efficiency, and integration.

To fulfill this commitment inevitably means finding the financial resources to provide the learning experiences that make our graduates some the most effective lawyers in the nation. This year, the annual price tag on that experience is \$27,670 for our day students and \$20,752 for our evening students. Consider what you paid for your legal education. Our current annual tuition is many times over what many of our earlier graduates paid for their entire law school education. Yet, while we have strived to keep the costs of



providing a top quality legal education in check, we have faced the competitive reality of modern legal education shaped, unfortunately, by *U.S. News & World Report* and other rankings. In this issue you will find an exploration of some of the contributing factors in the rising cost of legal education and the various ways in which Lewis & Clark has sought to make law school affordable for its students and graduates.

The high cost of legal education is not only a concern to those of us entrenched in providing that education, but also to alumni and friends, many of whom have chosen to manifest a commitment to Lewis & Clark by providing funding for scholarships. In this issue we highlight some of the scholarship programs available at the Law School. Some are targeted at those interested in particular areas of law, some aimed at a particular type of legal practice, and others tailored to those whose circumstances make the high cost of pursuing legal education difficult. Not only is each recipient of these scholarships thankful for the financial assistance, but we at the Law School deeply appreciate the donors who make law school more affordable for our aspiring attorneys.

Despite the many scholarships offered through Lewis & Clark, we need to be able to provide even more assistance. Our students graduate with an average law school debt of \$79,769. If you might be interested in setting up a scholarship fund or in contributing to an already established one, I urge you to contact our development staff.

It is an honor to serve as the interim dean of an institution that manifests a deep commitment to its students. I hope you find this issue eye-opening and informative. I believe we have remained true to our roots by providing a top quality educational experience while confronting the reality of modern legal education. That reality has significantly increased the cost of legal education. In my 10-year affiliation with this institution I have seen us seek to adapt in a responsible and effective way. The financial commitment of many alumni and friends of the school has helped to make that possible. On behalf of all of us affiliated with Lewis & Clark, I offer my heartfelt thanks to our donors. I encourage all alumni to keep their law school experiences fresh in mind when considering a commitment to help new students begin theirs.

A handwritten signature in black ink, appearing to read "Lydia Loren".

Lydia Loren  
Interim Dean and Professor of Law



# Meeting the Rising Costs of Legal Education

by Shannon Davis, Assistant Dean of Admissions  
and Martha Spence, Associate Dean of Academic Affairs

Shannon Flowers '07 is in the middle of her summer clerkship working on juvenile dependency cases for the Family Law Division of the Oregon Department of Justice. It is the kind of job that will provide her with the experience needed to practice family and juvenile law. The only obstacle to attaining her goal, besides graduating and passing the bar exam, is the large amount of debt she will face upon graduation. "Due to law school debt, I don't feel as though going into public interest is an option until later down the road," says Flowers. "The sooner the debt is paid down, the sooner I can devote my career to what I love and what brought me to law school in the first place." While she says she tries not to think about it too much, she expects to be roughly \$90,000 in debt when she graduates in the spring.

While Flowers is faced with a debt load greater than the average, her predicament is not uncommon. Some students end up taking out loans that look more like mortgages. According to a study citing U.S. Census Bureau figures, the increase in lifetime earnings of someone with a professional degree is very likely to be anywhere from \$400,000 to more than a \$1,000,000. Even though such an increase will more than make up for the cost of the education, reconciling immediate debt payments with immediate income levels is the issue for new graduates.

The American Bar Association reports that the average law school debt for students graduating from private law schools in 2005 was \$78,563. The average debt for Lewis & Clark 2005 graduates was \$79,769. Students graduating from public law schools in 2005 had an average debt \$51,056. These figures do not include additional debt that many students bear from undergraduate studies, credit cards, and other loans.

According to an article in the January 2005 edition of the *National Jurist*, "Every year, law students find themselves deeper and deeper in debt, in

## Average Law School Tuition

Law School Type	1994-95	2004-05	% increase
Public (in-state resident)	\$5,530	\$13,145	104%
Public (out-of-state resident)	\$11,683	\$22,987	97%
Private	\$16,798	\$28,900	72%
Lewis & Clark Law School	\$15,675*	\$26,348*	68%

\*full-time division

large part because of skyrocketing tuition rates at schools around the country." It is no secret that the cost of legal education has increased drastically over the years, and it is true that law schools are charging on average 5 to 10 percent more in tuition each year. Statistics gathered by the ABA show that tuition for law schools has more than doubled over the past 10 years for in-state residents at public law schools, and other institution types are not far behind.

Two questions seem obvious. What has caused the increase in tuition? And, have starting salaries for attorneys kept pace with the cost of going to law school? When one looks at new grads working in the private sector, the average starting salaries for new attorneys do seem to be keeping up relative to tuition. The National Association for Law Placement reports that the average starting salary for 1996 Lewis & Clark Law School graduates working in the private sector was \$38,172. In 2005, the same group was starting out at an average of \$70,615, an increase of 85 percent. In the public interest area, however, salaries have not increased at the same rate. In 1996, the average salary for Lewis & Clark Law School graduates in public interest jobs was \$33,866. In 2005, that figure was \$40,862, a mere 21-percent increase. The figure for attorneys starting out in public interest jobs has not kept up with the rate of inflation over the past 10 years, let alone with the increase in law student debt load.

## Why is tuition rising?

What factors have contributed to the increase in tuition over the last several years? While there is little in the way of statistical data to explain why tuition has climbed so much, several reasons are given in various articles on the subject. For both public and private schools, some of the major reasons cited include adding programs and services, keeping up with advances in technology, expansion and maintenance of facilities, and inflation.

At public schools, tuition has increased more dramatically than at private schools because many state governments have cut back spending on education. This has forced several public schools to pass the costs previously subsidized by the state on to the students. As a result, state school tuition figures are now closer to those of private schools. The 10 schools with the greatest percentage increases in tuition over the past decade are all public institutions (*National Jurist*, January 2005). Five of these schools are in the University of California system, which, after a few years of a tuition freeze, was forced to increase tuition because of state budget cuts. At many public schools, students attending from out-of-state are paying tuition that is equal to, or within \$1,000 to \$2,000 a year of, many private law schools.

At public and private law schools there has been an increase in the number of services and programs available

to students that were not part of the law school experience even 10 years ago. Past Lewis & Clark Law School Dean James Huffman states that “law school today is an entirely different experience than it was in the 1970s and ‘80s. Today, law schools offer so much more for students.” This includes legal clinics, smaller classes, a larger number of expert faculty teaching in specialized areas, extensive legal writing programs, law reviews and journals, moot courts, improved career services, greater outreach efforts to prospective students and alumni, and bigger and better facilities than students had back then. “All of that costs money,” says Huffman, “but it provides students with a richer overall academic experience.”

The addition of various curricular, cocurricular, and practical experiences for students can certainly be seen at law schools across the nation. Nowadays students have multiple options for gaining legal skills, and they are able to explore specialized areas of the law in greater depth. The interest among law students in gaining a specialty in a certain area of the law has also grown over the years, and with it comes the need for schools to hire faculty who have certain expertise, to create clinics or law reviews focusing on these interest areas, and to expand career services efforts catering to the various branches of the legal field.

In essence, if one were to compare law schools to businesses, the situation would be explained like this: we are improving our product in a manner that means it costs more to produce, but our customer base is not growing (i.e., law schools are not increasing the number of students to any considerable degree), and thus the price of the product has gone up. At Lewis & Clark there were 749 registered students on the first day of school in 1981. On the first day of school in 2006, there were 751 registered students. During the mid-1980s the Law School saw a dip in total enrollment, but the overall

enrollment went back to its previous level in the 1990s. During that same time, the school increased its facilities by more than 40,000 square feet and with that its costs for heating, cooling, and maintenance; the total number of full-time faculty increased from 27 to 47; the number of law reviews went from one to three; and the school created computer labs for students and hired a computing staff to assist students, staff, and faculty with technology needs. There are many more examples of expenses that have directly improved the education of our students. However, keeping overall enrollment steady while expanding programs inevitably leads to tuition increases that outpace inflation.

On that note, inflation is certainly a factor not to be dismissed. Using the Consumer Price Index, we find that tuition needed to increase by 25.5 percent in the last 10 years just to keep pace with inflation. Nevertheless, inflation accounts for only about one-third of the increase seen at private schools.

Finally, tuition “discounting” in the form of granting scholarships that are paid for out of operating revenue is a factor for most schools. Done in order to recruit students, schools that discount tuition too heavily may actually be fueling significant tuition increases. While Lewis & Clark does apply tuition discounting, we have kept the impact to a minimum and have an exceptionally low tuition-discount “rate” compared with other schools. The benefit of offering scholarships in this form is that it allows the school to recruit quality students based on statistical indicators and diversity of many kinds.

Driven by student desire for more program options and a higher level of related services, coupled with a desire by most schools to keep enrollments steady, the price of law school has gone up. It is quite clear, however, that the law school educational experience today is a very different “product” from that of the 1980s.

## What is Lewis & Clark doing to combat student debt?

While law schools work hard to satisfy student educational and professional development needs, they are also working to develop ways to alleviate the financial burden placed on students. Such efforts come in the form of keeping tuition increases as low as possible, offering scholarships, seeking funding for additional scholarships, granting public interest stipends, offering loan repayment assistance programs (LRAPs) for students who go into public interest work, and offering a flexible curriculum that allows students to work while they’re in school.

### Tuition

Lewis & Clark Law School’s tuition has increased, but not to the same degree as the 16 law schools we compete with most for students. Of the schools with whom Lewis & Clark has the most overlap in applications, the average tuition increase over the past five years (2001-06) was 41.6%. (Nonresident tuition figures were used for public schools.) During this time period, Lewis & Clark’s tuition increased 23.8%. This is the lowest of the 16 schools, the highest of which had a 73.3% increase.

### Scholarships

Lewis & Clark Law School also awards numerous scholarships each year. The majority of scholarship funds are awarded at the time of admission to incoming students. In the fall 2005 entering class, 103 students received Lewis & Clark scholarships, with an average award of approximately \$10,000. First-year-student scholarships are awarded primarily on the basis of merit and are renewable as long as the student maintains a grade point average that keeps her in the top half of the class. Many of these scholarships are partially funded by endowment income generated by donor gifts.

Scholarships for upper-division students are typically available by application. Jason Davis, a third-year evening student, was tenacious in his pursuit of scholarship opportunities. After receiving an e-mail notice sent to the student body, Davis applied for and received a \$10,000 Paul H. Casey Scholarship given to students interested in business law. "Reduced debt will allow me to focus less on the amount of money a job will pay after graduation and to focus more on the right job for me in the best environment," says Davis. A number of other scholarships are available to upper-division students on the basis of various criteria. Descriptions are provided in the scholarship article beginning on page 7.

### PILP Stipends

Every year the student organization Public Interest Law Project raises funds to distribute as stipends. These stipends, up to \$4,000 each, are awarded to students who wish to work in the public interest sector over the summer. A student who receives a PILP stipend is able to gain valuable work experience for which she or he might not otherwise have been paid, and the nonprofit and nongovernmental organizations are provided with assistance that they might not otherwise be able to afford. Rather than work for free, or turn down the opportunity in favor of working in the higher-paying private sector, students don't have to sacrifice the opportunity to work in the public interest area.

This year PILP raised approximately \$90,000, the most money ever. Their largest fund-raiser, the PILP auction, is held in February and is one of the biggest law school auctions in the nation.

Shannon Flowers is one of 18 students who received a PILP stipend last summer, and it enabled her to work for Legal Aid Services of Oregon in downtown Portland. In addition to her stipend, Flowers applied for and received a Gantenbein Scholarship and the Andrea Swanner Redding Scholarship, and pursued other opportunities to help with finances. "Money

was at least a contributing factor in my decision to be a legal writing teaching assistant, to run for managing editor of *Environmental Law*, and to be a research assistant. Every little bit helps!"

### Loan Repayment Assistance

The Law School, at the instigation of students involved in PILP, now has the Loan Repayment Assistance Program. Funded by contributions from alumni and friends, an annual contribution from PILP, and by a faculty commitment to earmark the earnings from \$500,000 in a "quasi-endowment" fund for LRAP loans, the program helps students who take public interest jobs during the first three years out of law school.

Corinna Spencer-Scheurich '04 was teaching low-income Spanish-speaking children in a public school in Austin, Texas, before entering law school. She attended law school so that she could be an even better advocate for the disadvantaged. "I have always believed that a law degree can be used to tackle the injustices people face because of race, disability, gender, or socioeconomic class," says Spencer-Scheurich. "I had a sense from the beginning that these were the issues I wanted to work on, and that the best way to do that was through a nonprofit job and a legal education."

Coming to law school without much savings, and undergraduate loans still left to pay, Spencer-Scheurich was concerned about her debt load but did not want it to determine the type of law she would practice. Deciding on which law school to attend boiled down to public interest offerings and the potential for financial assistance. "I chose Lewis & Clark because I believed that with the Public Interest Law Project and Loan Repayment Assistance Program, it would have a strong public interest focus," she says. "I was not disappointed."

Beth Zilbert '03 worked for Greenpeace and then as a local community organizer in southwest Louisiana before eventually deciding that having a law degree would benefit her work with the communities she wanted to serve. Like

Spencer-Scheurich, Zilbert did a great deal of research on schools with active public interest student organizations and with loan repayment assistance programs. "Lewis & Clark was the perfect place for me," says Zilbert. "The choice of classes in areas that were intensely of interest and of great value to me in my work were really a plus." She adds, "Having the option of an LRAP absolutely was a deciding factor in my attending Lewis & Clark."

Once graduated, Zilbert and Spencer-Scheurich applied for and were selected as recipients of Lewis & Clark Law School's LRAP awards. Zilbert worked for a nonprofit in Louisiana before becoming a research assistant for Louisiana State Third Circuit Court of Appeals Chief Judge U. Gene Thibodeaux. Her view about taking out loans is pragmatic: "They are there to help people like me get the extra education they need."

"My monthly loan payment is almost completely paid by LRAP," says Spencer-Scheurich, who is currently an attorney for the South Texas Civil Rights Project. "I have been awarded loan forgiveness for two years, and I have one more year that I can receive assistance. . . . Without LRAP it would be very difficult to live off my current salary and pay my monthly loan. When I am no longer eligible for LRAP, I will look for assistance from the Texas State Bar or other sources. I am determined to make sure the debt will not be a barrier to my pursuit of a career that I enjoy."

Equal Justice Works is an organization that is aggressively encouraging more law schools to develop LRAPs. On their website, they state, "Loan repayment assistance programs are perhaps the most important means to address educational debt burdens faced by law graduates wanting to do public interest work." Equal Justice Works believes that employer-based LRAPs will have an even greater effect on the ability of lawyers to pursue non-profit work.

## Public Interest Loan Repayment Assistance Program

"I believe that the legal profession in general understands more and more the pressures that educational debt can have on a nonprofit attorney, and I hope to see more and more opportunities for students to be able to take advantage of LRAP and other programs," says Spencer-Scheurich. For her, those opportunities included working for Legal Aid Services of Oregon on a work-study grant, obtaining a PILP stipend to work for her current employer, the Texas Civil Rights Project, and receiving the Andrea Swanner Redding Scholarship. Zilbert also received a PILP stipend, the Steven Manas Scholarship, and the Andrea Swanner Redding Scholarship while in school.

### Flexible Curriculum

Lewis & Clark Law School's evening program, one of only two in the Pacific Northwest, continues to be a helpful option for students who wish to earn money while attending law school. The opportunity to pay for living expenses out of current income and take out smaller federal or private loans draws many to Lewis & Clark.

Jason Davis applied to Lewis & Clark specifically because he could go to law school in the evening and keep his job in the compliance department at Oregon Health & Science University. "I wanted and needed to continue to work in Portland during law school. Lewis & Clark was the only school that provided this option. Lewis & Clark's evening division provided the unique opportunity to pursue law school and limit the financial impact," he says.

### The right choice

Finances are still of some concern for students Davis and Flowers and alumni Zilbert and Spencer-Scheurich, but all say they are pleased with their decision to go to law school and their choice to attend Lewis & Clark.

"I'm really glad that I didn't let cost factor too heavily into my decision of where to attend," Flowers states. "You get what you pay for, and I love where I am. Lewis & Clark has been a great experience for me and, despite the looming debt, I have always been happy with my decision to come here." She is also optimistic about the future. "I feel I've done well, or at least the absolute best I can, in law school, and hopefully this will pay off for me financially once I finish."

Davis feels that the flexibility offered by the evening program was the key to his going to law school. "I truly appreciate that Lewis & Clark offers an evening program which has allowed me to work, and therefore limit my debt burden, while obtaining a great legal education."

They also are not without their advice to prospective lawyers. "I would maintain a good credit rating," warns Flowers. "I came into law school with less than stellar credit—it's better now!—which just makes the loans that much more expensive in the long run."

Spencer-Scheurich says, "I hear often from opposing counsel that they wish they could afford to do the work that I am doing. I think some people sacrifice doing a job they will love because they don't think that they will be able to pay their loans. But, I would challenge people interested in doing a nonprofit job to really investigate the potential of getting LRAP or other loan support. Sacrificing job satisfaction is sometimes not worth the money." Zilbert agrees, "Don't let paying off your loans make you choose to work in a path that belies your values and goals. Things tend to work out just fine, even on public interest salaries. I'm off to Honduras next week to go scuba diving and snorkeling. I live in a nice house with a big yard. . . . I have a very, very nice quality of life, in no small part due to the fact that I love what I do."

The Loan Repayment Assistance Program eases the debt burden on graduates who choose to work in public interest jobs despite low starting salaries. Lewis & Clark Law School recognizes that such a choice of professional activity is often impossible for those who must service a large educational debt. By lessening the debt burden for these graduates in the years immediately following graduation, the LRAP program makes public interest law work a viable option for more young lawyers.

At the same time, the Law School sees the need to encourage public interest work on the part of the legal profession. The LRAP supports public interest legal services in a number of ways: graduates working in public interest jobs will be able to make ends meet; public interest employers will be able to hire more attorneys within their current budgets and will enjoy higher employee retention rates; graduates will have greater flexibility in establishing public interest law projects; graduates from disadvantaged communities will be able to give something back to those communities; and more public-spirited students and citizens will be encouraged to become lawyers.

The creation of Lewis & Clark's LRAP was a collaborative effort between students, faculty, deans, and the development staff. The first LRAP awards were granted in 2000, and since that time 31 graduates have been awarded a total of \$132,909. To be eligible for LRAP funds, graduates must work for a qualified public interest organization and must have an adjusted income that does not exceed \$32,000 a year. They can receive funds for up to three years after graduation.

This past spring the faculty of Lewis & Clark Law School voted to create a \$500,000 quasi-endowment fund for the LRAP. This bold and generous move has greatly enhanced the viability of the LRAP. A public interest law coordinator, who will take part in the fund-raising and administering of the LRAP, has also recently been hired. The dedicated funds and staff put the LRAP in a strong position to grow over the coming years. The long-term goal of the Law School is to increase the salary cap and period of eligibility for the LRAP.

For more information on the LRAP, visit [law.lclark.edu/dept/lawalum/lrap.html](http://law.lclark.edu/dept/lawalum/lrap.html) or contact Maya Crawford at [crawford@lclark.edu](mailto:crawford@lclark.edu) or 503-768-6890.

# A Legacy of Scholarship

Scholarship awards are made possible by the generous giving of law school alumni, faculty, and friends. Every scholarship tells a story and evokes a memory that emphasizes the special role the law school experience had in the lives of our donors.

None of us can predict what or who will impact our lives: the stories behind each of the scholarships profiled here are personal, dramatic, and heartfelt.

By providing financial assistance to those in need, scholarships allow Lewis & Clark Law School to actively compete for the best and brightest students. This past year, over 300 students received scholarship support. The average debt for graduating students is \$79,769. Every scholarship donation makes a difference and every donation is profoundly appreciated.

—Barbara Zappas, Assistant Dean for Development and External Relations

## Jane Wiener Scholarship Fund

Why is the Jane Wiener Scholarship Fund significant? The answer comes easily to me. Jane, my daughter, then age 18 and a freshman at the University of Oregon, was injured in an automobile accident. It left her a quadriplegic for life. Her mother and I despaired for her future. After a year's convalescence, she began a new life as a student at Portland State University. With no other future available, we persuaded her to attend the day division at Lewis & Clark Law School. She found a niche and graduated in 1974. She became an assistant district attorney for Multnomah County. She married. She had a child. She became a role model for others with disabilities, proving that you can accomplish much with what life deals you. When she died in 1994, her mother and I decided her role model status should not be forgotten, so that is why today there is a Jane Wiener Scholarship Fund dedicated to helping students with a disability become lawyers and, ultimately, good citizens.

—Norm Wiener

The Jane Wiener Scholarship Fund was established in 1985 to recognize Jane Wiener '74. The scholarship is intended to provide support to law students with physical disabilities. The



award for this endowed scholarship is approximately \$6,500 each year. The lastest recipient of this award was Olivia Willis '05.

## Tonkon Torp Scholarship Fund

The Tonkon Torp scholarship was established in 1987 by Portland's Tonkon Torp law firm in memory of Moe Tonkon, a founder of the firm. Moe was born in Russia in 1905 and moved with his family to Portland in 1906. He was educated in Portland Public Schools, attended Reed College, and graduated from Northwestern School of Law in 1928. Moe became a prominent citizen in Portland and received numerous awards for his civic and professional activities, including Northwestern School of Law's Distinguished Graduate Award and the Aubrey R. Watzek Award from Lewis & Clark College. He remained active in the Portland community until his death in 1984.

We at Tonkon Torp established this scholarship in an effort to follow Moe Tonkon's example of service to the community and our profession. We expect each of our 66 lawyers (8 of whom are Law School graduates) to carry on the tradition of providing superior legal services and supporting community and bar activities. We want to maintain our ties with the school and students who will be the lawyers of the future.

—Ken Stephens

Bob Hirshon, Tonkon Torp chief executive officer; Blerina Kotori '08, scholarship recipient; Lydia Loren, interim dean; and Michael Morgan, Tonkon Torp chair of the managing board.

The Tonkon Torp Scholarship provides financial support of approximately \$7,000 to a deserving student. This endowed scholarship is awarded to any student in any class at the sole discretion of the dean of the Law School. The 2006-07 scholarship recipient is Blerina Kotori '07.

## Steven Manas Memorial Scholarship

When we lost our beloved son Steven in a tragic kayaking accident in Alaska more than 20 years ago, we couldn't even begin to cope with our grief. What a loss: his boundless energy, his idealism, and the bright promise of his potential, all gone. When it was suggested we begin a memorial at the Law School in his name, we were very enthusiastic. What we didn't anticipate, however, were the warm and wonderful feelings we would get when reading the letters of application each year. In every student's self-description we found a little characteristic of our son, a memory, a reminder. It's been most gratifying to be able to assist young people much like Steven, hoping to preserve our precious environment and willing to work so hard in order to realize that goal. We thank you for that opportunity.

—Roy and Ginger Manas

*"Law school has opened many doors for me, and it will allow me to make a greater impact on the world. The major obstacle...is financial. Your scholarship will help me remain faithful to the work I came to law school to do."*

The Steven Manas Scholarship was established in 1986 in memory of Steven Manas, who died during his third year of law school. The award for this endowed scholarship is approximately \$3,000 each year. The scholarship is intended for students who have demonstrated a commitment to environmental protection and the prudent management of natural resources. Recipients also need to demonstrate a true, selfless concern for the welfare and success of fellow students.

The 2006 Manas Award recipients are Jamie Saul '07 and Ellen Trescott '07.

### Louis Schnitzer Scholarship

Louis Schnitzer owned a bathrobe that was entirely faded on one side. Frances Bricker, my mother and Lou's sister, told me that my uncle was a serious student, that he spent countless hours studying law at his desk in his bedroom, and that the sunlight streaming through his window had bleached his robe. That robe became a symbol to me of Lou's consummate research and meticulous preparation for every legal project he handled.

Lou was my hero as I was growing up, and I always wanted to be a lawyer—even before I knew what a lawyer did. Shortly after I passed the bar, one of the senior partners in my firm sent me to federal court with an order to be signed by Federal District Court Judge Gus J. Solomon. The judge took one look at the document and exclaimed, "Go back to your office and read the rules, young man." Embarrassed, I raced back to my desk, discovered the error, and corrected the order. By the time I returned to the courthouse, Judge Solomon was in his chambers. He called me in and said, with a twinkle in his eye, "I know that you didn't prepare that order, but I wanted to teach you a lesson. If you come to court as prepared as your Uncle Lou always has been, then you will do a good job in your profession."

Lou was a night student at Northwestern, as were most (if not all) of his classmates who passed the bar in 1930. When he died in 1992, my family and I wanted to perpetuate his memory in conjunction with this law school, thus the Louis Schnitzer Endowed Scholarship Fund for Evening Students.

—Monte Bricker

The Louis Schnitzer Scholarship was established in 1993 to provide support for students in the evening program of the Law School. The award for this endowed scholarship is approximately \$7,000 each year. The 2005-06 Louis Schnitzer Scholarship recipient is Virginia Trent '06.

### Manche Langley Scholarship

The Langley Scholarship was conceived as a memorial to Manche Langley in 1963 by Queen's Bench, the association of women attorneys she had helped to found in 1948. At age 79, Langley was still practicing law and was an active member of the association. Queen's Bench members revered and loved Manche as a matriarch. Not only was she bright, accomplished, and a leader of great professional integrity, but also she was charismatic, fun-loving, and very caring, especially about younger attorneys. Although Queen's Bench collected some seed money at the time of her death, it did not have enough to create a memorial scholarship until over 30 years later when two members, Helen Althaus '45 and Jean King '53, pledged significant contributions.

I joined Queen's Bench in time to get to know Helen and Jean, to hear them tell of their deep respect for Manche, and to learn of their long-held dream to honor her. The strong foundation

of fellowship and mutual support that Manche, Helen, Jean, and the other early members had instilled was—and is still—alive in the culture of the organization, and I have benefited from that in countless ways in my career. We in Queen's Bench and in Oregon Women Lawyers (which grew out of Queen's Bench and other such groups in Oregon) owe a great debt of gratitude to our founders. In helping to repay that debt by contributing to this scholarship, we have an opportunity, also, to connect to both our predecessor and future generations in the law by keeping Manche's memory alive and by helping new students to achieve their dreams of becoming lawyers. We hope that the recipients of this scholarship will follow Manche's example of professionalism and, at the same time, will find Queen's Bench to be their "family"—as it was for Manche and still is for so many of us.

—Trudy Allen '82

The Manche Langley Endowed Scholarship Fund was established in 1994 in recognition of Manche Langley, a 1909 graduate of the Law School. The scholarship award is approximately \$8,500 each year. It is intended to recognize individuals with superior integrity and intelligence who have chosen to pursue legal education and a career in the law. Kristen Baptiste '06 is the 2005-06 recipient of the Langley Scholarship.

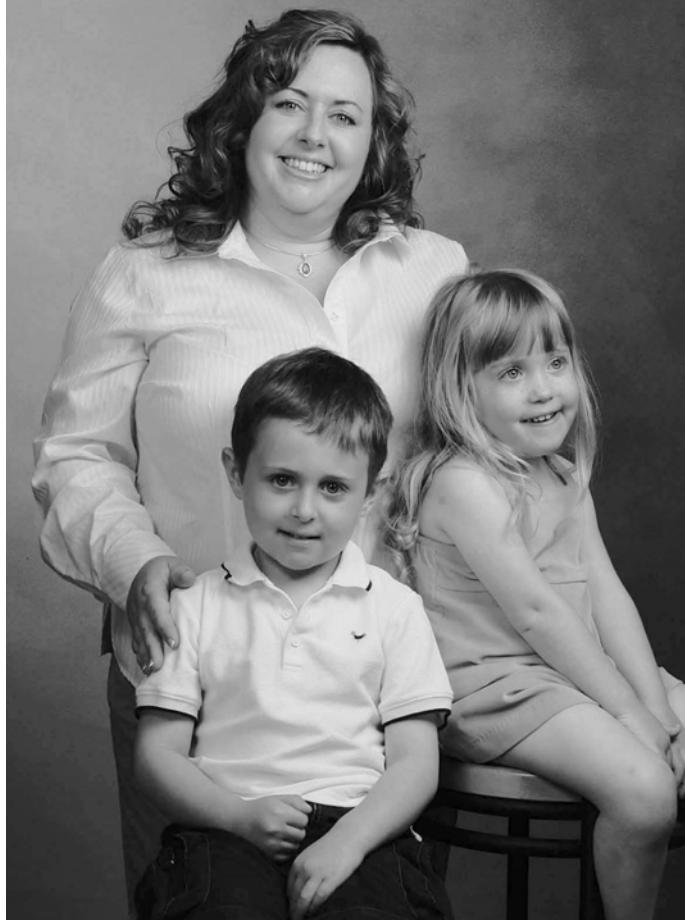
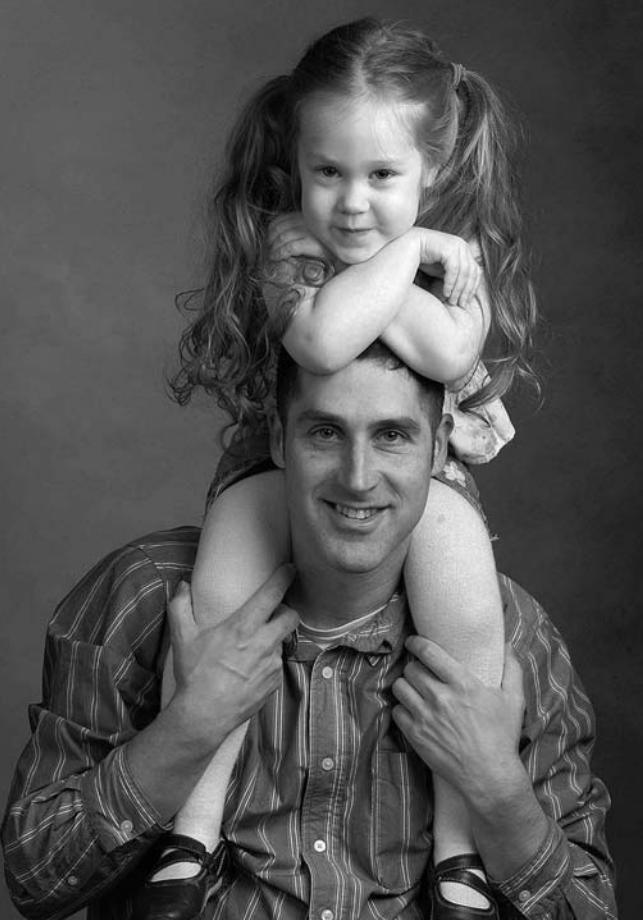
### Gantenbein Fellows Scholarship

For over 60 years (1903 to 1965) the Ganterbein family left its imprint upon this law school as students, teachers, registrar, dean, trustee, and proprietors. They propelled the school in burgeoning years and rescued it in waning years.

Until 1915, the Law School was the University of Oregon School of Law. In that year, the university decided to move the school to its Eugene campus. The faculty and students elected to stay in Portland, independent of the university, trusting in Calvin Ganterbein to lead the school through its loss of university sponsorship. James Ganterbein, the elder son, got the school back on its feet after the death of his father and the call of World War I had depleted enrollment. John Flint Ganterbein, the younger son, kept the school alive



Monte Bricker and Virginia Trent '06



when World War II closed the books and emptied the classrooms. The Gantenbeins were there for the school when pressure for change was launched at various times from the bench or the bar through the roar of the 1920s and the panic of the 1930s. In times of crisis, they nurtured and revived the hopes of those who sought legal careers and enriched their students with the value of their devotion. Their gifts, standards, and guidance were critical foundations for the law and lawyers in Oregon and for our law school's development.

The study of law is a demanding intellectual pursuit. By their example, the Gantenbeins showed us that to live the life of the law fully, lawyers must join their hearts with their mind. Dean John Gantenbein was passionate not only about the law but also about enabling his students to become great lawyers. Dean Gantenbein frequently made informal loans to students, asking only that they "pay me when you can," and he made numerous personal sacrifices to keep the Law School alive in its early years. Gantenbein's faith was amply repaid. For example, over the years, a majority of the Oregon judicial bench has been graduated from his law school. In honor of the Gantenbeins' commitment, the Gantenbein Society was formed. Dean Gantenbein's life of service inspired the Gantenbein Scholarships, which seek to foster dedication to compassion, kindness, and fulfillment of dreams.

—M. Carr Ferguson

The Gantenbein Fellows Scholarships are funded through the generosity of the Gantenbein Society, a group of individuals who annually contribute \$5,000 or more to the Law School. The scholarship is intended for students who have completed their first year of law school and have a record of outstanding performance. Each recipient receives an award of \$5,000 toward the cost of their law school tuition. Recipients also have a demonstrated record of good citizenship both within the law and in the greater community. For academic year 2005-06, scholarships were awarded to Shannon Flowers '07, James Saul '07, and Anna Stasch '07.

### Nana Pao Minority Scholarship Fund

At least once a year, I figuratively "go home" to Lewis & Clark. Just as my biological and by-marriage families provided priceless support and whatever dollars they could during my law school days, I send a very modest contribution to Lewis & Clark's minority scholarship fund. When I write the check, I think of law students like Delores Leone '94. The Law School's Minority Law Students Association connected us in a mentoring relationship in my last and her first year of school. She was like a younger sister then, and she has developed into a successful attorney with a happy family in Chicago. In the midst of law school life, Delores provided some of the many feelings of "belonging" that helped me find a place at

Above: Helping Hand scholarship recipients, Jesse Cowell '08 and Laura Forrester '07. Jesse is pictured with his daughter, Sarah. Laura is accompanied by her two children, Phoenix and Myra.

Lewis & Clark. I send my few dollars during the annual fund-raising drive and think that perhaps, in some form, it will buy a tax casebook for another Delores.

—Stella Manabe '92

The Nana Pao Minority Scholarship Fund was established in 2002 in recognition of Nana Pao who passed away in 2002, in her last year of law school. The fund is combined with the school's existing scholarship fund and is intended for historically disadvantaged students.

### Philip A. Levin Memorial Scholarship

Philip A. Levin was a Portland Lawyer who died on July 25, 1967, at the age of 39. Levin's family, friends, and colleagues felt that his death deprived Oregon of a citizen whose leadership would have been recognized widely.

Levin attended Yale College and Yale Law School and was a partner in the firm Pozzi, Levin & Wilson. His specialty was appellate work, researching fine points of the law and arguing them before the Oregon Supreme Court and other high courts.

Within the legal profession, Levin was highly respected, and he was considered by the Oregon Supreme Court

*"I am thrilled to be associated with a name so highly respected in the Portland business community."*

to be the foremost appellate lawyer in the Oregon bar. Whenever the Supreme Court had difficulty improving court rules, it was likely to turn to Levin for advice. His fellow lawyers had elected him a member of the board of governors of the state bar, and Levin also taught at Lewis & Clark Law School.

Seventy-five donors initially contributed to the Philip A. Levin Memorial Scholarship. Later, a friend of Levin's made an anonymous personal commitment to double the size of the scholarship. Each year a \$3,000 award is given to an evening student in Levin's memory. The 2005-06 recipient is Christopher Clark '06.

### **Helping Hand Scholarship**

The Helping Hand Scholarship was established by an anonymous alum who graduated from law school with a profound respect for fellow students who juggled their studies while raising small children. This benefactor plays a tremendous role in providing parents with much-needed assistance during law school. The donor's generosity has been cited many times as a factor in helping students with children to continue their studies.

The Helping Hand Scholarship is available to single custodial parents with children under the age of 18. Special consideration is given to students with children under the age of 6 (or who are not attending full-day school programs), and the ages and number of children of the applicant are heavily considered. Recipients must be in good academic standing and are invited to reapply for continued funding.

This scholarship is available to students who will be either a second-, third-, or fourth-year student in the year following the receipt of the award. Each year the committee selects several students to share \$10,000 in tuition support from this endowed scholarship.

The Helping Hands scholarship was given to five students for 2006-07: Christian Babich '07, Carolyn Bys '07, Anne Marie Clark '07, Jesse Cowell '08, and Laura Forester '07.



Roosevelt Robinson Minority Scholarship recipient Sujata Patel '07.

### **Roosevelt Robinson Minority Scholarship Fund**

To honor Roosevelt, his friends and colleagues have come together and established the Roosevelt Robinson Minority Scholarship Fund. "Roosevelt's Fund" is an endowment that provides scholarship funds in perpetuity. Roosevelt shared that he would be pleased if a scholarship could be created to assist students experiencing circumstances similar to his own as a student: "academically sound but somewhat economically depressed." He also expressed a desire that the recipient commit to living and practicing in Oregon. The amount of the award is approximately \$3,500. It is our hope that this scholarship fund will encourage more minority men and women to pursue a legal career.

The 2006-07 Roosevelt Robinson Minority Scholarship recipient is Sujata Patel '07.

### **Neva Elliott Scholarship**

Neva was a world traveler who was not afraid to take risks. She flew a plane, traveled the rivers of China, and was a lover of world culture. She cared deeply for her friends and celebrated with them frequently. She was a remarkable woman who lived a full life.

Born to a pioneer Oregon family, Neva Elliott graduated from Jefferson

High School in Portland in 1925. She spent two years at Reed College and then began work as a secretary for Charles Spackman, who ran Northwestern School of Law. Elliott was the only administrative employee and worked her way through law school, graduating in 1935.

After graduation, Elliott clerked for a bankruptcy court judge and then practiced criminal law. During World War II, she shifted her practice emphasis to domestic relations, estate planning, and general litigation. In 1967, Elliott was appointed a pro tem judge in Multnomah County, and she continued to serve in that capacity until the late 1980s. In the 1960s, she was appointed general counsel for the Advertising Association of the West. She served in this capacity in addition to her regular practice.

Those who knew Neva Elliott well have shared that Neva cared deeply for her friends and colleagues. She helped young lawyers get started in their careers, giving special support to those who chose to pursue a career as a solo practitioner. Friends have shared that Elliott worked very hard in law school and that her work ethic combined with her caring manner made her a very good practitioner of the law.

Neva Elliott was grateful to Northwestern School of Law for taking her in as one of a few female law students. She expressed her appreciation to the school by establishing an endowed scholarship to support evening students. The award for this endowed scholarship is approximately \$10,000 a year. Angela Schultz '07 and Christian Babich '07 are the 2006-07 recipients.

### **Paul H. Casey Scholarship for Business Law**

### **Paul H. Casey Scholarship for Public Interest Law**

The Casey family has a legacy of generously supporting the Law School. In 1985, Henry Casey and his sister Marguerite established a chair at the Law School dedicated to business law integrity and ethics. The Henry J. Casey Chair is held by Professor Ed Brunet.

*"This scholarship will help me to continue my education with less of a financial burden on myself, my wife, and my young son."*

In 2004, Paul Casey, Henry Casey's son, created the Paul H. Casey Scholarships for Business Law and for Public Service in honor of his late father. The scholarships reflect Henry Casey's vision of education, which involved not only intellectual enrichment but also attention to values, integrity, and character and a commitment to public service. Scholarship recipients are expected to reflect Henry Casey's values and to follow his tradition of integrity and citizenship.

In the first year, eight Paul H. Casey scholarships were awarded in the amount of \$10,000 to cover tuition expenses. Of these eight students, five graduated in the spring of 2006 and three others continue their studies. Jerry Carleton '07, Christian Babich '07, and Jason Davis '08 received an additional \$10,000 in support for their upcoming academic year. Two additional students were selected for the Paul H. Casey scholarship award, Ethan Samson '07, for business law and Gary Vrooman '07, for public interest law.

At a dinner introducing the scholarship recipients to Paul Casey, Paul expressed his trust in the students and described himself as their "co-investor." He also shared that his father, Henry, and his Uncle Jim, "were correct in teaching me that 'determined people working together can accomplish anything.'"

### **Andrea Swanner Redding Scholarship**

Andrea Swanner Redding received her B.A. with honors from North Carolina State University. After four years as a legal assistant, she attended Northwestern School of Law and graduated first in her class in 1986. She was an associate with Stoel Rives in Portland before she was appointed director of career services at the Law School in 1990. At the time of her death in April 1996, she was assistant dean of career services. Andrea was also very active in



*Right: Peggy West, a friend of Neva Elliott, and the 2006-07 recipients of the Neva Elliott Scholarships, fourth-year law students Christian Babich '07 and Angela Schultz '07.*

*"This scholarship allows me to more easily continue my nonprofit work as planned. I cannot overstate the stress associated with financial debt."*

Oregon State and Multnomah County Bar activities, National Association for Law Placement, and Oregon Women Lawyers.

Andrea will always be remembered for her ready wit and her wonderful ability to take life one day at a time and to take special care to really make a difference in the lives of the Law School's students. It is with this in mind that family and friends established the Andrea Swanner Redding Scholarship in her honor. The award for this endowed scholarship is approximately \$3,700 each year.

The 2006-07 recipient of The Andrea Swanner Redding scholarship is Shannon Flowers '07.

### **Thomas H. Tongue III Scholarship**

Thomas Tongue, a well-respected attorney and Oregon Supreme Court judge, had a remarkable impact on Lewis & Clark Law School's development for over 45 years. Judge Tongue taught evidence at the Law School from 1946 to 1967. He also served on the Board of Trustees and was on the Law School's standing committee. Judge Tongue played a critical leadership role during the merger with Lewis & Clark College and served the Law School for many years after the merger. The faculty and alumni will always owe him a debt of gratitude for his tremendous stewardship.

In his will, Judge Tongue bequeathed a generous gift to Lewis & Clark Law School to help working evening students meet the financial obligations of attending law school. He and his family also requested that remembrances be designated to the Law School for this purpose. Lewis & Clark Law School received an outpouring of support for the Thomas H. Tongue III Fund for Working Evening Students.

The Thomas H. Tongue III Scholarship is an endowed scholarship awarded by the associate dean for academic affairs to a student who is employed full-time and attends the evening program. The award for this endowed scholarship is approximately \$2,000 each year. The 2005-06 recipient is Matthew Kirkpatrick '08.

### **Nelson D. Terry Scholarship**

The Quinault Allottees Association Scholarship Program of Lewis & Clark College is made possible by an endowment from Indians who own lands on the Quinault Reservation on the central coast of Washington. This unique program encourages descendants of any of the 2,340 original allottees of the reservation, any American Indian student, and others to apply; the committee administering the program considers candidates qualifying for admission in this descending order. Academic performance is taken into account.

The scholarship is named after Nelson D. Terry, the dedicated forester who assisted the Quinault Allottees in their long and successful litigation over misuse of their lands on the reservation. This unique program is part of the stewardship of the Quinault allottees, who won a judgment of \$26 million in the case of *Mitchell v. United States* (1990). Created by the Treaty of Olympia (1855) and enlarged by executive order (1876) to nearly 190,000 acres, the reservation was allotted between 1911 and 1934 to 2,340 Indians of the Chinook, Cowlitz, Shoalwater, Chehalis, Quinault, Queets, Hoh, Quilheute, and Mahah tribes of western Washington. The reservation is part of the great rain forest of the Olympic Peninsula. The award for this endowed scholarship is approximately \$9,500 each year.

An award was given to Bristol Dawn Vaudrin Haggstrom '06 during the 2005-06 academic year.

### **Rose E. Tucker Scholarship**

The Rose E. Tucker Charitable Trust provides a two-year grant to Lewis & Clark College for undergraduate and graduate school scholarships. The trust's generous support made it possible for the Law School to award financial support to four deserving students during 2005-06.

### **Harpole Memorial Legacy Scholarship**

Joyce Ann Harpole '79 exemplified professionalism with her delight for life and her ability to balance career, family, and community responsibilities. She passed

away in 1994 at the age of 42. Each year, her life is celebrated with the Joyce Ann Harpole Lecture and Awards. The event features a guest speaker and the presentations of the Harpole Attorney Award and the Harpole Memorial Legacy Scholarship.

The Harpole Scholarship is awarded to a current student who is dedicated to the pursuit of justice while maintaining a sense of balance among career, family, and community. The student also demonstrates a dedication to his or her legal studies. Recipients are nominated by their peers. The award for this endowed scholarship is approximately \$4,000.

The eighth annual Harpole Memorial Legacy Scholarship was awarded to Margot Lutzenhiser '07.

### **Candise DuBoff Jones Memorial Scholarship**

This scholarship seeks to perpetuate the values embraced by Candise DuBoff Jones '77. DuBoff Jones' life prematurely ended in the Domestic Relations Courtroom at the Multnomah County Courthouse on February 15, 1979. Jones, a 25-year-old attorney, was murdered by the estranged husband of the client she was representing. She had been known, both around the courthouse and in her St. John's office, as an attorney who was alert, intelligent, and always well prepared. She had a deep and abiding commitment to serving her clients and the law.

The award for this endowed scholarship is approximately \$8,400 and the number of scholarships awarded is at the discretion of the selection committee. The committee is comprised of a representative of the DuBoff family, a representative of the Law School, and a member of the practicing bar. Students may apply in their second or third year of law school. The committee is looking for students with financial need, a passion for the law, scholarly achievement, and a demonstrated commitment to school, profession, and community.

The 2006-07 recipients of the Candise DuBoff Jones Memorial Scholarship are Renee Haslett '07, Aaron Hessel '07, Corey Tolliver '07, and Blerina Kotori '07.

*"Your charity provides an even more long-lasting and substantial gift to all of us who have benefited from it, and I will one day emulate your generosity."*



Above: Alumni Board President Doreen Margolin '81, scholarship recipient Elizabeth Brodeen '08, and board members Krista Koehl '99 and Steve Shropshire '94.

### **Alumni Board of Directors Scholarship**

The Alumni Board of Directors is comprised of dedicated alumni who continue to contribute to the Law School through personal and financial support. These individuals also donate time to various organizations in the community. When choosing a scholarship recipient, the Alumni Board of Directors expects the recipient will follow the tradition of unselfish citizenship and continued involvement with the Law School both personally and financially.

The award for this endowed scholarship is approximately \$8,000 per year and the number of scholarships awarded is at the discretion of the selection committee. The board takes into consideration the student's financial need, community involvement, scholarly achievement, and his or her plan for staying involved with the Law School after graduation.

The Alumni Board of Directors selected Elizabeth Brodeen '08 as the recipient for 2005-06.

### **Lloyd and Patti Babler Scholarship for Business Law**

Lloyd Babler graduated from Lewis & Clark College in 1957 and is a life trustee. Lloyd and his wife, Patti, have been longtime supporters of the Law School. In 1997 they established the Lloyd and Patti Babler Scholarship to provide financial assistance to a student in her or his final year of law school. The 2006-07 scholarship award is \$7,500.

The selection committee is comprised of the Bablers, a business law faculty member, and the associate dean for academic affairs. The committee looks for a student who has relevant life experience, including work and volunteer experiences that demonstrate the determination and quest to practice business or tax law upon graduation. They also take into consideration a student's financial need and business and tax law courses taken.

The 2006-07 Lloyd and Patti Babler Scholarship recipient is Aaron Hessel '07. Aaron is a dean's scholarship recipient, as well as a recipient of the Candice DuBoff Jones Memorial Scholarship.

### **John E. and Susan S. Bates Scholarship for Business Law**

John E. Bates is chair of the Board of Trustees of Lewis & Clark College and a longtime supporter of the Law School. John and his wife, Susan, established a \$10,000 scholarship in 2005. They wanted to encourage and support law students who are planning to pursue a career in business law. Applicants who plan to practice securities, particularly securities litigation, are given special consideration.

The John E. and Susan S. Bates Scholarship is given out each spring. The selection committee is comprised of the Bateses and three members of the business law faculty. The 2006-07 recipient is Corey Tolliver '07.

### **Milt Smith and James Richardson Business Law Scholarship**

Milt Smith and James Richardson established the Smith-Richardson Business Law Scholarship in the amount of \$10,000 to support a student in his or her final year of law school. Milt Smith graduated from Lewis & Clark Law School in 1970 and has been a continuing supporter of the Law School. Jim Richardson graduated from Lewis & Clark College in 1970 and obtained his J.D. from the Law School in 1976. He is a member of the Lewis & Clark College Board of Trustees and also serves in the Board of Visitors for the Law School.

The selection committee for the scholarship is comprised of Milt, Jim, a business faculty member, and the associate dean for academic affairs. Students must demonstrate that they have studied business or tax law in their coursework and have an interest for practicing business law upon graduation.

The 2006-07 recipient of the Milt Smith and James Richardson Business Law Scholarship is Margorie A. Berger '07.



# Bryan Scott '91

## A Commitment to Public Service

by Ellen Jones '91

My fondest law school memories revolve around one person: my friend and classmate Bryan Scott. Whether it was going dancing at the now-defunct Main Place, pre-functioning at one of his famous Halloween theme parties, or cracking up in the library (when we should have been cracking the books), Bryan was always leading the way, and the rest of us were happy to follow. If you needed something done, done well, and done on time, Bryan was the go-to person. As an attorney, he has demonstrated this same commitment to excellence, drive to succeed, and leadership. Bryan has built a successful career as a land use attorney in Las Vegas and holds multiple leadership positions in community and professional organizations. I am proud to know Bryan and proud to call him my friend. His commitment to public and community service is an example we should all be inspired to follow.

Scott is one of the few attorneys in Las Vegas who was actually raised there. After graduating from Rancho High School, he enrolled in the University of Nevada, Las Vegas, intending to become an electrical engineer. "Those plans quickly changed when I discovered the amount of math I would need to take to make that dream a reality," says Scott. Before graduating, Scott took the LSAT. He began considering law schools around the West—there was no law school in Nevada at the time—and happened to receive a brochure from Lewis & Clark. At the time, Lewis & Clark offered a joint J.D./M.B.A. degree. "I chose Lewis & Clark because of its good reputation and because I was interested in getting both degrees at the same time. I thought I wanted to concentrate my practice in corporate law. My undergraduate degree is in business management, so I thought a joint degree would give me a competitive edge while job hunting. I found that law school was challenging enough on its own, and I wanted to have a life, too, so the joint-degree idea was short-lived.

"I was a poor college student so I couldn't afford to visit Portland before I accepted the offer of admission. Everything I knew about the school came from what I read in the brochure and other research I conducted. When I arrived and was toured around the Law School, I immediately liked it. I don't know if it was being surrounded by all the trees, but it had a very comfortable atmosphere, the people were friendly, and it was a small campus."

Scott thrived on the challenges of law school. In addition to taking a full class load, he was involved in school activities and served as the secretary/treasurer of the Minority Law Students Association for two years. During his first summer

he clerked with the general counsel of Reynolds Electrical and Engineering Company in Las Vegas—RESCO was a general contractor for the Nevada Test Site—and during his second year at the U.S. Attorney's Office for the District of Oregon. When asked about his favorite memories of law school, Scott says, "My fondest memories are first and foremost the friends that I made while going through the law school experience. I'm sure everyone says this, but we had the best class. It was a group of smart, funny, caring, good people. A great group of characters that I look forward to seeing at our next reunion. I enjoyed playing softball with my team 'The Beasts,' having microbrews at the Buffalo Gap and Dandelion Pub after games, the school's annual Halloween party, and renting a house in Lincoln City for spring break during our first year."

Scott's favorite classes were those that involved state issues. "I especially enjoyed taking Water Law from Adjunct Professor Ann Squier. Water is a huge issue in Nevada, and I found it really interesting. As a student, I wrote a paper on the importation of water from the northern counties of Nevada to Las Vegas; the issues I wrote about 15 years ago are just now happening. With the rapid growth of the city, water will be one of the major keys to our success or failure." He also enjoyed being led down the "primrose path" by Professor Doug Newell in Contracts and enjoyed taking Constitutional Law from Professor Jim Huffman.

Scott always planned to return home to Las Vegas. After passing the Nevada Bar Exam, Scott began his career as an associate attorney at Donald J. Campbell & Associates, a small civil litigation firm. (One of his first clients was Donald Trump.) Scott became active in local professional associations, such as the Las Vegas chapter of the National Bar Association (LVNBA) and the Clark County Bar Association. "I thought getting involved would be a good way to get to know local lawyers. I've always been involved in charitable activities and this seemed like a good avenue for that, too." Scott first joined the Clark County Bar Association's Community Service Committee, which perfectly suited his interests and strengths. "The public often has this perception that attorneys are always 'taking.' I wanted to be involved in activities which directly benefited the community and stressed to the public that attorneys really do give back and help others."

Scott was quickly tapped for leadership roles in the LVNBA and the Clark County Bar. A year after graduating from law school, Scott was elected treasurer of the LVNBA, and in 1996 he was elected president. He received special recognition

**“None of this was planned. My mother instilled in my brother, sisters, and me that the more you give, the more you will receive in return. Not tangible things, but the intangible—a sense of accomplishment, community pride, friendships, and all those things that come with helping others. Anyone who volunteers knows that feeling.”**

awards for five consecutive years (2000-05) for his contributions on the Clark County Bar Association’s Community Service Committee. He was elected to the Clark County Bar Association’s board of directors in 2000 and, in 2005, was elected its board president. He is the first African American board president in the organization’s history. In 2005, Scott was awarded the association’s Volunteer of the Year Award.

In addition to his many law-related public service activities, Scott has involved himself in a number of other community efforts. In 2001, Scott became one of the cofounders of the Rancho High School Alumni Association, the first alumni association for a public high school in Southern Nevada. Rancho High School is an inner-city school with a significant drop-out rate. Initially, Scott was contacted by one of the high school’s alumni who had seen his picture in the newspaper in conjunction with other community events. The alum wanted to know if Scott would be willing to help build an alumni association that would raise funds to meet unmet needs at the school and help set a positive example for its current students. “The purpose was to demonstrate to students that just because you come from a poor background or attend a poor school doesn’t mean you can’t succeed,” says Scott. As usual, Scott jumped in with both feet, helping to start several programs for the students at Rancho. For example, each year, the alumni association heads up a holiday program for the school’s homeless students by raising money to give each student his or her own backpack containing gift certificates to local stores, sweatshirts, clothing, and other essential items. Scott also helped raise funds to start a tutorial program, the Prep Club, to help students pass Nevada’s high school proficiency exam. The program pays for teachers and honor students to tutor other students after school. Most important to Scott, he and his family started a scholarship at the school, the Gwendolyn J. Scott-Paulk Memorial Scholarship, to honor his oldest sister, a Rancho High graduate who died of pancreatic cancer in 2001. Each year, two scholarships are awarded to graduating students who are going on to a college or trade school. “Not just the students with the 4.0 GPAs,” says Scott, “but students who are well rounded and who have the potential to succeed if they just get a little bit of help.”

Scott has also raised thousands of dollars for the American Cancer Society. This year, Scott was a member of Team Justice, the Clark County Bar/Nevada Paralegal Association

relay team that walked to raise money during the society’s 24-hour Relay for Life event in May. Scott raised over \$3,200 in pledges, and his team raised more than \$9,200. Following his sister’s death from cancer, Scott’s mother, Minnie, had a modified radical mastectomy in 2002 and, in 2005, was diagnosed with cancer for the second time. “This is a cause I really believe in. Cancer has touched so many people’s lives. Approximately 1.3 million people will be diagnosed with cancer this year. It’s good to be involved and really feel like you’re doing something to help,” says Scott. Last year, Scott participated in the Clark County Bar Association’s team for the March of Dimes Walk America and raised \$3,200 in donations—the fourth-highest amount raised by any individual in Nevada.

Never one to slow down, Scott is currently serving as president of the Clark County Law Foundation, sits on the Nevada State Bar Board of Governors, and is a member of the Supreme Court’s Bench-Bar Committee and Study Committee on Lawyer Advertising. Despite his many extracurricular activities, he has found time to build a successful career at Las Vegas’ Office of the City Attorney. He joined the office as a deputy city attorney in the Civil Division in 1996 and was recently promoted to assistant city attorney. In addition to a litigation practice primarily involving land use, zoning, and planning issues, Scott is also legal counsel to the Las Vegas City Council and Planning Commission and has additional internal personnel duties with his new role in the office. He is starting the office’s first legal externship program in partnership with the William S. Boyd School of Law at the University of Nevada, Las Vegas. In December he argued his first case before the Nevada Supreme Court. In February, the order from the court agreed with his arguments and affirmed the district court’s decision, which found in the city’s favor.

Although as a law student Scott didn’t see himself working in the public sector, he says he now can’t imagine working anywhere else. “I enjoy the people that I work with and the atmosphere in which we work. It’s a great office of smart, hard-working individuals. When I worked in private practice, I never had the sense of satisfaction that I have had with this job. I’ve been asked to join private firms, for nearly double my salary, but money isn’t everything. As a land use attorney, I have the opportunity to play a role in the revitalization of downtown Las Vegas and the building of the community—hopefully for the better. As I drive around town, I can see projects that I have had a hand in bringing to fruition. I can’t imagine anything more fulfilling than that.”

When reflecting on his many accomplishments and activities, Scott says, “None of this was planned. My mother instilled in my brother, sisters, and me that the more you give, the more you will receive in return. Not tangible things, but the intangible—a sense of accomplishment, community pride, friendships, and all those things that come with helping others. Anyone who volunteers knows that feeling.”

# Why Jessup Moot Court Matters

by Dagmar Butte '91

If you've attended the Law School in the last 30-odd years, you've likely heard of the Jessup International Law Moot Court Competition. Maybe you even participated, but it is less likely that you have kept up with our Jessup program unless you've been one of the countless victims of my arm-twisting to come judge practice rounds, briefs, etc. This year, the Lewis & Clark team had its best showing ever, and we thought this would be a great opportunity to tell those of you who were involved in the past what is happening with Jessup today and to tell those of you who have never been involved what a unique and life-changing experience it can be.

The Jessup Competition was founded in 1959 and named after Philip C. Jessup, a former member of the International Court of Justice in The Hague. It has become an immense undertaking, involving more than 10,000 law students at almost 500 schools in over 100 nations. The competition is managed by a staff of two who are headquartered in Chicago. Everyone else involved, from administrators and host schools around the world to courtroom bailiffs and judges, is a volunteer. The competition is held annually, with regional and national competitions taking place from December through March. The international rounds and world championship round are usually held in Washington, D.C., each spring in conjunction with the Congress of the International Law Students Association, which administers the competition, and the Annual Meeting of the American Society of International Law.

The competition involves a hypothetical case written by leading international law scholars. Past cases have involved human trafficking, maritime law, human rights, international antitrust law and GATT, environmental law, terrorism, and protection of privacy, among other pressing issues. The problem also typically addresses practical and procedural issues such as standing, jurisdiction, and damages. Teams are composed of two to five members from a single law school or international law-related faculty. Each team argues prepared memorials (briefs) and presents oral arguments on both sides of the question. The competition is judged by a series of three-judge panels comprised of judges, scholars, and practitioners. Competition winners are selected on the basis of the cumulative scores for their oral arguments and written memorials.

This year, the Lewis & Clark team comprised of third-year students Eric McQuilkin and Dan Budihardjo and second-year students Troy Payne, Corey Tolleriver, and Ryan Gibson advanced to the international rounds, where they finished as U.S. Runner-Up. This is particularly impressive when you consider that over 140 U.S. schools participated. Their only losses came at the hands of Columbia University Law School, which eventually won the entire competition. The Lewis & Clark team also finished in the top eight internationally and had the third-place memorials. In addition, Troy Payne was the seventh-place speaker overall in the international rounds. Further, each team member received strong praise and encouragement from their judges—who came from all over the world—for their advocacy skills and their impressive understanding of international law.

To understand the Jessup and put Lewis & Clark's performance in context, one has to keep in mind that Jessup is much more than a moot court. International law is at a stage where much work needs to be done at the philosophical and conceptual levels in order to develop it and ensure that it is followed. The Jessup competitions have stimulated this effort. The interchange between creative and thoughtful students from around the world and experts in the field who are there to judge them has yielded actual solutions and potential strategies for real international law cases.

The students are treated not as well-trained mouthpieces with great future potential but as real partners in the progressive development of international law. I believe that the extent to which this occurs makes the Jessup unique among moot court competitions. I also believe that this is why students usually compete more than once, put in incredible numbers of hours of preparation, and generally take the competition as seriously as they would a real case. In exchange they get to join a community of lawyers and law students from places as diverse as Ireland, Iceland, Israel, and Iraq. Within this community, everyone's voice is given expression and everyone's contribution is equally valued irrespective of resources and other outward trappings of success. This may seem quite utopian, and in a sense it is, but it is what makes the competition special.

There is no question that the students are quite competitive with one another, but once the round is over camaraderie and mutual respect take over. This is even true among students who come from countries that have traditionally had difficulties with one another

or have had very little prior cultural or social contact. It is not unusual to find an Israeli student deeply engaged in conversation with a student from Egypt on matters of international policy without any hostility. In fact they often discover much common ground. It is also not unusual to find a group of Iraqis decked in Mardi Gras beads at the National Dress Ball dancing with students from Tulane and communicating friendship effectively even without a shared language. The reason is simple: they actually do have a shared language, which is the Jessup and its goals of furthering international law, international cooperation, and international exchange of ideas to better humanity. Some folks even call this the "Jessup Effect." Indeed this can carry over for many years and sometimes a lifetime.

Many competitors return as bailiffs and judges. Many judges also coach and have done either or both for decades. Many prominent real judges and many law firms—both large and small—become so enamored of the Jessup that they commit time and money to help it grow and prosper. Some judges even spend their vacations judging Jessup competitions or coaching teams. Even more amazing, some cases in the real world have even settled or been resolved more amicably than they otherwise might have been because the lawyers for the parties had the common experience of the Jessup. All of the Lewis & Clark Jessup alumni—whether they realize it or not—are a part of this worldwide community and this experience.

As I finish this little tale of the Jessup, I want to take an opportunity to do just one more bit of gentle arm-twisting. Lewis & Clark will cohost the Pacific Northwest Regionals of Jessup during the second or third week of February 2007. Please consider becoming one of those many volunteer judges. We will also need practice-round judges in January and February to prepare our own team, which will include all three of the second-year students from this year's team—so judging and preparing them should be a real treat. Check out the competition at [www.ilsa.org](http://www.ilsa.org) and contact me at [db@pbl.net](mailto:db@pbl.net) if you would like to get involved. I also want to let you know that we are working on a Jessup alumni listserv, so if you would like to be included, please send me your e-mail address. Jessup is truly special and rewards involvement with a genuine sense of community that is rare in the legal field.

# “SOCIETY MUST BE [REGULATED]”: BIOPOLITICS AND THE COMMERCE CLAUSE IN GONZALES V. RAICH

EXCERPT FROM 9 LEWIS & CLARK LAW REVIEW 853 (2005)

by Associate Professor John T. Parry

This article on the Supreme Court’s recent decision in *Gonzales v. Raich*<sup>1</sup> seeks to do three things. First, I will provide my assessment of what *Raich* might mean as a matter of doctrine—an assessment that will not be dramatically different from those provided by other participants in this symposium. Second, I will argue that *Raich* articulates an idea of government power that assumes the rationality and desirability of regulation and that this assumption dovetails with Michel Foucault’s theory of biopower or biopolitics. I will also consider what it means for constitutional law to accept the biopolitical nature of contemporary governmental power, and here I will broaden my analysis to include end-of-life decisions as well as pain management. Along the way, I will argue that federalism and rights-based responses to the biopolitical regulatory state fail to provide a meaningful alternative to its presumed flaws. Third, I will suggest in a brief concluding section that the biopolitical perspective may not be as bleak as it first appears to be.\*

## I. RAICH AS DOCTRINE

*Raich* is the Supreme Court’s third major effort in recent years to define a Commerce Clause power that is not logically limitless.

The first case was *United States v. Lopez*, which struck down a federal statute regulating gun possession in a “school zone” on the ground that it exceeded Congress’ powers under the Commerce Clause—the first such holding in nearly 60 years.<sup>2</sup> Standing alone, *Lopez* could have been merely a shot across the bow: a warning to Congress that there must be some limits to the commerce power and that it should keep that idea in mind when legislating. Or, Chief Justice Rehnquist’s majority opinion could be seen as an effort to give coherent content to Commerce Clause doctrine by organizing and explaining the disparate cases—as in his statement that “we have identified three broad categories of activity that Congress may regulate under its commerce power”: (1) “use of the channels of interstate commerce,” (2) “instrumentalities of interstate commerce, or persons or things in interstate commerce,” and (3) “activities having a substantial relation to interstate commerce, i.e., those activities that substantially affect interstate commerce.” And, of course, one might suspect that this organization and explanation also planted the seeds for redefining the commerce power—such as by requiring that the subject of regulation be an “economic activity” in some sense.

Justice Kennedy’s concurrence raised the same ambiguities. On the one hand, his call for stability and restraint, and his insistence that decisions in this area would turn not on “content-based boundaries” but rather on matters of “degree,” blunted some of the potentially far-reaching aspects of the majority opinion. On the other hand, Justice Kennedy’s reliance on the

concept of “an area of traditional state concern” (if that is not a “content-based boundary,” then what is?) to decide the case indicated a desire for a doctrine that would limit congressional activity across the board and not just in the case at hand.

By contrast, Justice Thomas’ concurring opinion, which called for reconsidering “[i]n an appropriate case” and in light of original understandings the rule that the Commerce Clause permits Congress to regulate activities that have a substantial effect on interstate commerce, was far less ambiguous. So too were the dissents, which expressed alarm at the decision and made no serious effort to describe judicially enforceable limits on Congress’ commerce power, primarily because they insisted that the touchstone of Commerce Clause doctrine should be deference to Congress.

In brief, the immediate impact of *Lopez* was uncertain. Large changes might be afoot, but their exact doctrinal form remained unclear. The phrase “economic activity” might become central, but the Chief Justice’s mention of “a distinction between what is truly national and what is truly local”—echoed in Justice Kennedy’s concurrence—could also be the key. Or the changes might be more modest: along the lines of requiring a jurisdictional element to ensure that the statute was properly applied in individual cases, or insisting on appropriate congressional findings of an impact on commerce (a kind of “due process of law-making” concern).<sup>3</sup> More than with most cases, it was clear that we would not know the holding of *Lopez* until the next case explained it to us.<sup>4</sup>

The next important case, *United States v. Morrison*, which struck down a provision of the Violence Against Women Act that created a civil cause of action allowing victims to sue the perpetrators of “crime[s] of violence motivated by gender,” indicated that the doctrinal shift would be significant.<sup>5</sup> Chief Justice Rehnquist’s majority opinion repeated the three “categories” of permissible Commerce Clause regulation established in *Lopez*.

\* In this excerpt, there is room for only part one of my argument. Read the full text in 9 Lewis & Clark Law Review 853 (2005).

1 125 S. Ct. 2195 (2005).

2 514 U.S. 549 (1995).

3 See Hans Linde, *Due Process of Lawmaking*, 55 NEB. L. REV. 195 (1976); compare Philip Frickey & Steven S. Smith, *Judicial Review, the Congressional Process, and the Federalism Cases: An Interdisciplinary Critique*, 111 YALE L.J. 1707 (2002) (suggesting the Court’s commerce and Section Five cases misconceive and impose unrealistic expectations on the legislative process).

4 See Glenn H. Reynolds & Brannon P. Denning, *Lower Court Interpretations of Lopez, or What If the Supreme Court Held a Constitutional Revolution and Nobody Came?*, 2000 WIS. L. REV. 369 (suggesting lower courts generally took the same wait-and-see attitude); cf. EDWARD H. LEVI, *AN INTRODUCTION TO LEGAL REASONING* 2-3 (Univ. of Chicago Press 1949) (discussing the ways in which the holding of a case emerges through subsequent interpretation).

5 529 U.S. 598 (2000).

And as in *Lopez*, the third category—activities that substantially affect interstate commerce—was the only one into which the statute might fit. In response to the plaintiff's claim that violence against women has a demonstrable effect on interstate commerce, as shown by numerous congressional findings, the Chief Justice applied *Lopez*: “a fair reading of *Lopez* shows that the noneconomic criminal nature of the conduct at issue was central to our decision in that case. . . . [I]n those cases where we have sustained federal regulation of intrastate activity based upon the activity's substantial effects on interstate commerce, the activity in question has been some sort of economic endeavor.”

Under this approach, Congress' findings were simply irrelevant because they did not show that any of the activity actually being regulated—gender-motivated crimes of violence—not only had an economic impact but was in itself economic. In addition, according to the Court, federal regulation of violent crime “that is not directed at the instrumentalities, channels, or goods involved in interstate commerce” would upset the “distinction between what is truly national and what is truly local.” Significantly, neither Justice O'Connor nor Justice Kennedy filed a separate concurrence, while Justice Thomas' concurrence echoed his *Lopez* opinion and thus provided no comfort for anyone seeking to mitigate the impact of the majority opinion. On the other hand, the dissents were clear in their insistence that the court was veering badly off course.

One might still have asked, as the dissenters did, whether the distinctions drawn by the majority were conceptually coherent or workable. Arguably too, as Justice Thomas suggested, the Court had not gone far enough. Once Congress is allowed to regulate activities with a substantial impact on interstate commerce, drawing a precise line within that category will be extremely difficult. The resulting back and forth with a Congress determined to regulate would likely push the Court back to deference. More generally, whether one thinks the Court went too far or not far enough, determining whether an activity is economic or noneconomic, or whether a particular topic of government concern or regulation is truly national or truly local, is not a process that leads to cut-and-dried conclusions—not even when there is agreement on the baseline from which to reason.<sup>6</sup>

Finally, the stability of the *Lopez/Morrison* interpretation of the Commerce Clause was suspect. Could a five-justice majority that included Justices Kennedy and O'Connor maintain a strong line between economic and noneconomic in cases in which federal action was “really” needed or in which Congress did not seem to be unduly trespassing into an area of “traditional state concern”?<sup>7</sup> Once again, lower courts initially adopted a wait-and-see attitude.

*Raich* complicates any effort to chart a clear doctrinal path. Writing for the majority, Justice Stevens provided at least two general descriptions of the Court's holding. First, Congress has the power under the Commerce Clause to “prohibit the local cultivation and use of marijuana [for medicinal purposes] in compliance with California law.” Second, “Congress's power to regulate interstate markets for medicinal substances encompasses the portions of those markets that are supplied with drugs produced and consumed locally.” Both statements are arguably in tension with the doctrinal direction that *Lopez* and *Morrison* suggested.

Reaching this holding (or perhaps holdings) involved two key issues: (1) whether Congress was really regulating an economic transaction when it prohibited cultivation or use of marijuana for medicinal purposes, and, more critically, (2) whether it would be better to uphold the statute even if that meant

stretching the idea of economic activity or whether instead it would be better to strike down the statute and thereby limit the power of Congress to enact comprehensive regulatory programs. The justices—and particularly the majority—presented the issues in doctrinal terms as a problem of interpreting precedent, most critically the interaction of *Lopez* and *Morrison* with *Wickard v. Filburn*—which is arguably the most far-reaching Commerce Clause case.<sup>8</sup>

To begin, Justice Stevens pointed out that the prohibition on cultivation or use of marijuana for medicinal purposes was part of a much larger program of regulation that encompassed not just all uses of marijuana, but also a wide variety of “controlled substances.” Neither the parties nor any of the justices doubted that Congress could regulate controlled substances in the aggregate; they are articles that move in interstate commerce, albeit largely through illegal transactions. The issue, then, was whether marijuana grown, possessed, and consumed locally for medicinal purposes should be exempted.

As Chief Justice Rehnquist had in *Lopez* and *Morrison*, Justice Stevens sought to present a coherent picture of Commerce Clause doctrine, and in so doing he accepted the trappings of *Lopez* and *Morrison*. First, he endorsed the same three categories of acceptable Commerce Clause legislation articulated in *Lopez*, and he then described the power to regulate activities that substantially affect interstate commerce as extending to “purely local activities that are part of an economic ‘class of activities.’”

Thus, Justice Stevens insisted that “[w]ell-settled law controls our answer,” *Raich*, 125 S. Ct. at 2201, and concluded that, “[u]nder the present state of the law . . . the judgment of the Court of Appeals must be vacated.” *Id.* at 2215. When a Supreme Court majority uses such phrases, one should probably assume that change is afoot. As an aside, the word “better” in my discussion of the issues before the Court should be read loosely, for example, in terms of the Constitution's “best” or most “precise” meaning, whether as a matter of text, intent, precedent, or policy, or with reference to the most desirable meaning from whatever perspective one brings to bear on the issue (i.e., drug policy, federal power, individual rights, constitutional theory, and so on).

But the emphasis was different from the two previous cases. Justice Stevens sought to make *Wickard* the central doctrinal case. According to him, *Wickard* “establishes that Congress can regulate purely intrastate activity that is not itself ‘commercial,’ in that it is not produced for sale, if it concludes that failure to regulate that class of activity would undercut the regulation of the interstate market in that commodity.” From there, upholding the medical marijuana ban flowed naturally.

By contrast, Justice Stevens chided the plaintiffs for reading *Lopez* and *Morrison* “far too broadly.” Neither case, he said,

6 For discussion of some of these problems, see generally Catherine A. MacKinnon, *Disputing Male Sovereignty: On United States v. Morrison*, 114 HARV. L. REV. 135 (2000); Judith Resnik, *Categorical Federalism: Jurisdiction, Gender and the Globe*, 111 YALE L.J. 619 (2001).

7 The quotation marks simply indicate that *Morrison* can be seen as a case in which a majority of the Court decided that the general problem of violence against women or the specific availability of tort claims by victims was not a significant enough federal concern, or was actually not an area in which states had failed—which then leaves open the possibility of using the Commerce Clause to uphold statutes that meet these criteria. I do not mean to suggest that the issues in *Morrison*, or for that matter in *Lopez*, were necessarily or objectively less significant than in other Commerce Clause cases.

8 317 U.S. 111 (1942).

involved a challenge to a small aspect of an otherwise constitutional and comprehensive regulatory scheme; instead, the statutes in those cases were stand-alone regulations that either were, or were not constitutional. Nor did either case involve regulation of “economic activity,” whereas the regulation of locally grown and consumed marijuana is “quintessentially economic”—a term he defined to include at least “the production, distribution, and consumption of commodities for which there is an established, and lucrative, interstate market.” Further, once an economic activity exists, “[p]rohibiting the intrastate possession or manufacture of an article of commerce is a rational [and commonly utilized] means of regulating commerce in that product.”

In short, I would read the majority as stating that *Wickard* is the heart of Commerce Clause doctrine, while *Lopez* and *Morrison* are, if not outliers, at least cases that merely police the outer boundaries of the doctrine to ensure that Congress is regulating economic activity in the broad sense defined by *Raich*, which includes production, distribution, possession, or consumption of a commodity that moves in interstate commerce or that either effects interstate commerce or effects the regulation of interstate commerce.

Justice Scalia’s interesting concurrence insisted that “Congress’ regulatory authority over intrastate activities that are not themselves part of interstate commerce (including activities that have a substantial effect on interstate commerce) derives from the Necessary and Proper Clause.” His basic point was that the Necessary and Proper Clause allows Congress to regulate “even those intrastate activities that do not themselves substantially affect interstate commerce” if such regulation is “necessary to make a regulation of interstate commerce effective” (and that it cannot regulate intrastate commerce in the absence of such a necessity, as in *Lopez* and *Morrison*).<sup>9</sup> As a prime example of this kind of situation, he observed that “[t]he regulation of an intrastate activity may be essential to a comprehensive regulation of interstate commerce even though the intrastate activity does not itself ‘substantially affect’ interstate commerce.” Application of this principle to the Controlled Substances Act’s regulation of locally grown and consumed marijuana was “straightforward” and resulted in his vote to uphold the statute as applied.

In dissent, Justice O’Connor took particular issue with the majority’s “breathtaking” definition of economic activity, which she claimed would “skirt the real problem of drawing a meaningful line between ‘what is national and what is local.’” Under her interpretation of *Lopez* and *Morrison*, local cultivation and use of marijuana for medicinal purposes is not an economic activity because it is not commercial, and nothing in *Wickard* would allow Congress to reach so far. She also stressed

that the majority’s emphasis on the scope of Congress’s regulatory ambitions as a reason for upholding application of the Controlled Substances Act to medical marijuana “gives Congress a perverse incentive to legislate broadly pursuant to the Commerce Clause—nestling questionable assertions of its authority into comprehensive regulatory schemes—rather than with precision.”

For his part, Justice Thomas reiterated his call for interpreting the Commerce Clause according to original understandings that would limit Congress’ power to regulation of “the buying and selling of goods and services trafficked across state lines,” except where the Necessary and Proper Clause allowed broader regulation. While he admitted that on its face the general prohibition on intrastate growing, possessing, or distributing of marijuana might be necessary to regulating interstate commerce in marijuana, Justice Thomas insisted that federal regulation of the intrastate cultivation and use of marijuana for medical purposes was neither necessary nor proper. As had Justice O’Connor, he also complained that the majority placed too much weight on the existence of a comprehensive scheme of regulation.

What does all this mean for Commerce Clause doctrine? A snapshot suggests that the momentum of *Lopez* and *Morrison* has been stalled. A majority of the Court has made Commerce Clause doctrine important again and to some extent has forced a change in the vocabulary by which that doctrine is articulated. But that majority has not yet managed to reformulate the substance of the doctrine very much, primarily because Justices Kennedy and O’Connor have not been willing to push for a significant amount of change.

Redefining doctrinal vocabulary can be a significant accomplishment if it influences legislative activity or promotes substantive doctrinal change. Yet *Lopez* and *Morrison* received at best mixed reviews in the lower courts, and over the short term *Raich* will surely reinforce the inclination of lower courts not to do much with Commerce Clause doctrine, whatever the vocabulary of that doctrine might be. Similarly, I am not aware of evidence that Congress has shied away from regulation because of *Lopez* and *Morrison* (as opposed to because of turnover that may have produced more members with greater sympathy for state sovereignty). Put differently, and as I already suggested, the safe bet is to conclude that the heart of Commerce Clause doctrine remains largely unchanged to date, so that *Wickard* is still a core case while *Lopez* and *Morrison* represent subordinate efforts to

<sup>9</sup> *Id.* at 2216, 2218. By invoking the Necessary and Proper Clause to uphold the statute, Justice Scalia laid himself open to the charge that he had “resort[ed] to the last, best hope of those who defend ultra vires congressional action.” *Printz v. United States*, 521 U.S. 898, 923 (1997) (Scalia, J.); see *Raich*, 125 S. Ct. at 2226 (O’Connor, J., dissenting) (making such a suggestion).

define the periphery of permissible regulation.<sup>10</sup>

Also worth highlighting, particularly for purposes of this article, is the fact that six justices have signed on to the idea that the existence of a comprehensive regulatory scheme allows Congress greater latitude, through the Commerce Clause and/or the Necessary and Proper Clause, to regulate activities that have substantial effects on interstate commerce, even if those activities are not themselves commercial or economic within the meaning of *Lopez* and *Morrison* (whatever that meaning may be). That is, Congress may lack constitutional authority to regulate a given activity standing alone, but if Congress regulates an entire area that is related to that activity, it may gain the power to regulate that activity as well. Still another way of putting this nascent rule—if that is not too strong a word—is that the more Congress regulates, the more it can regulate.

I'll end this section with two caveats. First, remember the idea of distinguishing between what is truly national and what is truly local (or, alternatively, the need to respect areas of traditional state concern). *Raich* can be distinguished from *Lopez* and *Morrison* not only because the regulation at issue is part of a comprehensive regulatory scheme, but also because regulation of drugs and controlled substances has been an area of national concern for roughly a century (depending on when one begins counting) and is a topic that has national and even international importance. Thus, perhaps *Raich* is the outlier because it addresses the exceptional case, and *Lopez* and *Morrison*, interpreted as Justice O'Connor suggested, are the core, normal cases—or so the Court reasonably might hold in the next case.

That observation leads to the second caveat. Coming up with a correct doctrinal description of *Raich*—let alone a doctrinal assessment of *Lopez*, *Morrison*, and *Raich*, or of Commerce Clause doctrine in its entirety—may be a fool's errand. Consider Mark Tushnet's assessment of *Raich* soon after it was decided:

[F]or a while I thought we might regard the Supreme Court's federalism decisions as reflecting, not so much a coherent doctrine, but an attitude toward federalism—a general lack of sympathy for claims of expansive national power, which lack could be overcome by something enough justices found sufficiently important. . . . The alternative, which I suppose is getting increasingly plausible, is that the Court doesn't even have an attitude about federalism. What it has are, well, results. . . . I suppose that someone truly dedicated to making doctrinal sense of the cases—or someone who had to do so as a matter of professional obligation—could come up with something that worked. But a more parsimonious

account, I suspect, would be that there are some statutes five or more justices . . . think are more or less good ideas, and others that five or more justices think are more or less bad ideas; and that those justices will go to any (purportedly doctrinal) port in a storm to reach the results they think sensible.<sup>11</sup>

Although I am sympathetic to Tushnet's analysis, I am not ready to go all the way with his application of Occam's razor. Doctrine is plainly a moving target, and it often seems to move much more according to attitudes than according to an apolitical internal logic. Yet I suspect that each of the justices tries most of the time to be reasonably consistent in his or her attitude toward federalism, as well as in his or her efforts to craft doctrine to reflect those attitudes. So, too, the justices almost always insert their doctrinal reasoning into an ongoing stream of precedent. Certainly they interpret earlier cases (readers should feel free to substitute "twist" or "misread" for "interpret"), but the felt need to take account of those cases tends to provide a real degree of constraint, particularly on the shape and tone of majority opinions. From there, one can usually chart out an aggregate doctrinal landscape, even if the details remain generally fuzzy. In short, I would argue that the justices make a good-faith effort to at least run their sense of what is or is not a good idea through the maze of doctrine, and that this process constrains—but does not itself determine—votes, results, and reasoning in individual cases and over time. The result, with Commerce Clause doctrine as in other areas, is something more than results, even if also something less than coherence or consistency.

<sup>10</sup> One could draw the same conclusions about Section Five doctrine and the impact of *Tennessee v. Lane*, 541 U.S. 509 (2004), except that Justice Kennedy has been more firmly in favor of limiting the Section Five power.

<sup>11</sup> Posting of Mark Tushnet to SCOTUSblog, "Understanding" *Gonzalez v. Raich*, [www.scotusblog.com/movabletype/archives/2005/06/understanding\\_g.html](http://www.scotusblog.com/movabletype/archives/2005/06/understanding_g.html) (Jun. 6, 2005, 14:05 EST).

# Tom Miller '01

## Riding at the Law

Although he was born in the Detroit area and raised in Phoenix, Tom Miller may have begun his career path while skateboarding and attending summer camp on Catalina Island, California. "Catalina is a beautiful desert island, of which 86 percent is permanently protected in its natural state. Upon reflection, my time on Catalina is probably the genesis of my interest in environmental issues," Miller says. But his path to law school was circuitous. "My father is a lawyer and he worked a lot when I was growing up. To my eyes, it looked like a grindstone-to-gravestone lifestyle, and it nearly was—he had triple-bypass heart surgery late in his career. So it didn't seem like something I wanted to emulate."

Further complicating matters was his interest in skateboarding. Miller says, "As a skateboarder in the 1980s, you distrusted the law because it was always chasing you. There were no skateparks. Without safe, legal facilities you had no choice but to skate wherever possible. That experience colored my thoughts on law and policy." In college he took immediate interest in environmental issues. "Supporting conservation instead of unplanned development was contrarian. As a kid I felt like most adults didn't understand skateboarding. Worse, they didn't even try. Similarly, it seemed people in positions of influence weren't willing to recognize the need to rethink a mindless development paradigm. Bear in mind that the rate of growth in Phoenix during my youth was an acre an hour. It's accelerated since. One can watch the demise of southern Arizona's unique Sonoran desert in real-time."

The more involved in environmental advocacy Miller became, the more he realized lawyers were playing key roles in decision-making. "Since I grew up feeling dissed by society because I rode a skateboard, I always wanted to be

empowered to help make better decisions, recognizing that change doesn't occur without advocacy. Public skateparks or ecosystem protection—the need for both seemed obvious to me." His father encouraged him to go to law school, but Tom equated law school with his father's lifestyle, which was a no-go. Eventually his father offered magical words of wisdom: "A legal education is a tool; how you choose to employ it is your choice." Miller says he suddenly got it: "I could go to law school, choose my own lifestyle, and use the legal skills to advance an agenda of my choosing. It was one of those big 'Aha!' moments."

Miller earned undergraduate degrees in international affairs, environmental studies, and geography, which, he says, reflect a desire to see issues from multiple vantage points. After college he decided he wanted to "put it all together" and traveled in Central America and later joined the Peace Corps in the Dominican Republic. "I entered the Peace Corps to determine whether conservation work in Latin America would be my career path. The experience answered that question: no. The pace of change in Latin America was too slow for me. Plus, I would always be viewed with some degree of skepticism, a proverbial stranger in a strange land. So I returned to the States with a mission: attend the law school with the best environmental program and become the advocate I wanted to be. By that time I had spent more than two years traveling in Latin America so wanderlust had taken a backseat to my desire to get an effective career established."

During law school, Miller was active in the Northwest Environmental Defense Center and Public Interest Law Project, receiving a PILP stipend to intern with the Land and Water Fund of the Rockies (now the Boise-based, independent litigation firm Advocates for the West) between his first and second





“As a skateboarder in the 1980s, you distrusted the law because it was always chasing you. There were no skateparks. Without safe, legal facilities you had no choice but to skate wherever possible. That experience colored my thoughts on law and policy.”

years. During his second year in law school, Miller was one of PILP’s co-leaders, and he interned with the solicitor’s office, gaining exposure to the federal government’s legal mechanics on natural resource issues. Between his second and third year, he worked for the National Wildlife Federation in Anchorage, where the focus is policy. In his last year, Miller interned with Metro, Portland’s regional government, focusing on Goal 5, the state’s land use policy for fish and wildlife.

“My bottom line was gaining the real-world experience necessary to obtain public interest employment in Portland. Finding paid, do-gooder employment in Portland requires some hustle; it’s a market that suffers from no shortage of highly qualified, well-intentioned people willing to work for next to nothing. I fell in love with Portland as soon as I arrived, and I knew a good job wouldn’t be found without preparation.”

Through PILP, Miller was exposed to Equal Justice Works fellowships, paid two-year opportunities to build your own public interest legal job—aka the dream job. “It was apparent to me that I had to figure out how to apply for a fellowship. The challenge for me was that my interest was natural resource

“My bottom line was gaining the real-world experience necessary to obtain public interest employment in Portland. Finding paid, do-gooder employment in Portland requires some hustle; it’s a market that suffers from no shortage of highly qualified, well-intentioned people willing to work for next to nothing.

conservation and the only environmental work EJW funded was environmental justice. Environmental justice work is invariably focused on pollution prevention or control or mitigation, so I scratched my head on that for a year.” His experience at NWF helped him to connect the dots. NWF was promoting wilderness designation of the Copper River Delta—home to world-renowned fish runs. One of their partners was the Eyak Tribe, whose cultural survival depends on salmon. “The fellowship application came into focus: advocate salmon recovery for Indian tribes in the Portland area as a matter of environmental justice.”

Miller sought out Professor Mike Blumm for counsel, who recommended Miller contact the Portland-based Columbia River Inter-Tribal Fish Commission, which provides legal and technical assistance to the region’s four tribes with treaty rights to salmon. They agreed to sponsor Miller’s application to Equal Justice Works. “To get smart on the relevant law and demonstrate to EJW my commitment, I also signed up for Professor Bob Miller’s federal Indian law class and Blumm’s salmon seminar.”

After a rigorous application process, Miller was selected for a fellowship. He was Lewis & Clark’s first-ever recipient. “I can say without hesitation that Lewis & Clark’s extensive environmental curriculum, the quality and assistance of its professors, and the summer clerk opportunities I gained through the school helped me land the fellowship. In fact, I specifically recall looking at the course catalog as a prospective student wondering about the merits of a class called “Salmon Law.” Little did I know then how beneficial that class would be for launching my career. I should also note that the seven attorneys who worked for the tribes during my tenure there were all Lewis & Clark law grads. The system could not have worked better for me.”

Following Miller’s time with the tribes, he reflected on how much he had come to enjoy Portland. “It’s a special place with a critical mass of enlightened citizens. I’m both proud and fortunate to call it home. I believe Portland will lead America—and the world—into a sustainable future. It’s easy to be optimistic here. I want to be a part of that so I got involved locally.”

Today Miller serves as chief of staff for Portland City Commissioner, Sam Adams. He manages a staff of 14 and serves as Adams’ lead policy advisor. “I’m sort of the ‘get things done’ guy. In this capacity I work with everybody whose interests intersect with the city commissioner. Additionally, Sam is the city’s transportation commissioner, and I am his liaison on matters of transportation policy, which remains an underappreciated environmental issue today.” The work itself involves the many dimensions of politics and policy development, including intersection with the law. “As any manager knows, getting 14 staff people who are assigned to different tasks to row their oars at the same pace toward the same direction is a chore. Also, Sam literally never stops thinking

about improving the city, so corralling and managing his ideas takes effort. I work a lot.”

Fortunately Miller can’t imagine a better job. “I work for an elected official who is smart, savvy, honest, and 100-percent committed to public service. And, importantly, he values having a lawyer on staff. It’s fun to be the designated devil’s advocate. And despite the long hours, I aim to fend off triple-bypass surgery by commuting by bicycle and staying on my skateboard at the city’s new public skatepark in St. Johns.”

Outside of the office, Miller is happily married and his first child was born in May. He says he still chases adrenaline for good times. “I’m usually riding something: a skateboard, a bike, a snowboard, something. As a family we’re outdoors as much as possible and enjoy Portland’s urban culture too. I love to see live music at local clubs. My wife and I have both spent considerable amounts of time abroad, and we travel whenever possible.”

Last fall, Miller and his wife visited the Netherlands. “It was a fascinating, highly rewarding trip. Among other things—and sorry to geek out here—30 percent of all transportation trips in the country are made on bicycle. By comparison, residents of Portland—repeatedly cited as the nation’s most bike-friendly city—make 2.8 percent of all trips on bicycle. Most important, many of the investments Holland has made to encourage bike use are replicable here. The positive environmental, transportation, land use, and community impacts are staggering.”

When his classmates and colleagues comment on his success at finding a career that makes him happy and represents a good balance between his professional goals and personal interests, he recalls for them his father’s words of wisdom: “A legal education is a tool; use it in a way that makes you happy.”

# Lawyers With Families Maintain a Delicate Balance

by Anne Sinters '08

When Judge Cirillo wrote that “the law is not the guarantor of an emotionally peaceful life,”<sup>1</sup> he may well have been describing Heather Decker’s situation. A contract attorney and mother of three (including 2-year-old twins), Decker is one of five attorneys who participated in a panel at Lewis & Clark Law School last spring dedicated to the topic of “Balancing Family and the Law.” Her good-natured approach to her almost frenetic, but highly managed, lifestyle was largely shared by the other panelists: Colleen Clarke, Elizabeth Newell ’06, Nancie Potter ’78, and Dan Thenell. The panel was sponsored by Lewis & Clark’s Women’s Law Caucus.

The panelists agreed that coordinating life as an attorney with the demands of a family takes planning and compromise. Elizabeth Newell took this to heart when she and her husband decided to have a second child during her last year of law school. Having started law school with a preschooler, Newell was well aware of the challenges of mixing child-rearing with an intense study schedule. Her meticulous planning paid off: she delivered her daughter during winter break of her third year. Newell is spending time with her family before starting as an associate with Tonkon Torp this fall, when her husband will leave his job to care full-time for their daughters.

## Joyce Ann Harpole Award and Scholarship

With the presentation of the Joyce Ann Harpole Award and Scholarship, the Law School each year recognizes an attorney and a current student who successfully balance career, family, and community activities. In doing so, the school honors the late Joyce Ann Harpole ’79, who exemplified professionalism with her delight for life and her ability to balance her career, family, and community responsibilities. She passed away in 1994 at the age of 42. Both the award and scholarship recipients are nominated by their peers.



Dan Thenell, Heather Decker, Nancie Potter ’78, and Elizabeth Newell ’06.

The panelists agreed that the ability to designate a “go-to” parent can relieve pressure on the other parent and mitigate scheduling conflicts that arise with family and legal practice. Dan Thenell shakes his head as he remembers life as a Washington County prosecutor before his children were born: fielding phone calls in the middle of the night and waiting into the early morning hours for juries to return with verdicts. As the go-to parent for his two children, Thenell realized a job change was a necessity. Now in private practice, Thenell says his schedule has much more give for accommodating the needs of his small children and for his wife’s career in law enforcement.

This kind of flexibility seems to be the key to making life with children work, especially in the legal field, where long hours are traditionally the norm. Nancie Potter, partner and civil litigator with Foster Pepper Tooze, points out that litigation can be a thorn in the side of the working parent/attorney. Court-driven schedules rarely leave room for doctor’s appointments or school events. These scheduling issues are particularly problematic for new attorneys who are often in the position of trying to plan families or who have young children at home. Potter recalls wondering which end was up a few months after the birth of her first child, when she and her

husband both had trials in the same week. The experience led her to carefully consider her priorities, and ultimately she took an 11-year break from practice.

Choosing part-time work, practicing in a field less susceptible to arbitrary court schedules, or postponing practice for a few months or years are all options most parent/attorneys find themselves considering at some point. Heather Decker works part-time from home and still finds very little “extra” time in the day. She begins her day at 6:30 a.m.—earlier if she wants to make time to exercise—and does not stop moving until her head hits the pillow again at night. With all she has on her plate, Decker wryly notes her life is “complicated.” But she clearly echoes the other panelists when she says she wouldn’t have it any other way.

For more information about practicing part-time or managing a flexible schedule, contact the Oregon State Bar’s Quality of Life Committee ([www.osbar.org](http://www.osbar.org)) or the Oregon Attorney Assistance Program ([www.oaap.org](http://www.oaap.org)). Additionally, Oregon Women Lawyers ([www.oregon-women-lawyers.com](http://www.oregon-women-lawyers.com)) has a contract attorney service for making and maintaining contacts.

<sup>1</sup> *Armstrong v. Paoli Memorial Hospital*, 633 A.2d 605, 615 (1993).

# Law School News

## Department Updates 2005-06

### Admissions Office

The quality of incoming students at Lewis & Clark Law School over the past few years has been exceptional and we are pleased to share that the class entering in the fall of 2005 was similarly outstanding. We are very fortunate that the strength of our student body, as measured by test scores, grade point averages, and wealth of experiences, has remained high despite the fact that the number of people applying to law school has decreased.

There has been a noticeable decline in application rates over the past three years at law schools across the nation. In the early part of the decade, application rates rapidly increased as people sought graduate degrees in response to economic downturns and greater competition in the job market. With the economy slowly improving and tuitions steadily increasing, prospective students are finding that graduate school is no longer the only, or sometimes even the best, option. While it is never easy to make predictions, we expect this pattern of declining application rates to persist for the foreseeable future.

That said, things continue to go smoothly in the Admissions Office. We routinely search for new ways to reach out to prospective students and to expand our range of programs. Our student and alumni volunteers remain strong in number and enthusiasm—and we are always happy to have more involvement! Over the past six years we have grown and improved our Outreach Campaign, our effort to ensure that each admitted student receives a phone call or e-mail from a faculty member, current student, or member of the Board of Visitors. Students also receive personal letters from alumni in their specific regions. In addition, we work closely with the Office of Alumni Relations to connect our prospects and admitted students with alumni throughout the country using the Law School's Alumni Network. This service is invaluable and we hope that more and more alumni will choose to participate.

We are also thrilled with the success of our third annual mock trial competition, organized by Assistant Director of Admissions **Rigo Núñez**. This program, funded by a grant from the Law School Admissions Council, focuses on socio-economically disadvantaged high school

and junior high students in the Portland area and is one part of our efforts to increase diversity in the educational pipeline. The students are brought to the Law School to participate in mock trials and get positive exposure to the legal field. Lewis & Clark Law School partners with local chapters of the federal TRIO program to organize the competition. This year's program had the largest attendance so far. We even received some media attention, including a feature article in the *Oregonian*. Several of our alumni and students were involved as judges and instructors for the mock trial events. We look forward to offering this event every year and are happy to include anyone who wants to get involved in admissions and diversity efforts.

Another admissions feature worthy of note is our website for admitted students. We were one of the first law schools to provide an exclusive website for admitted students and from what we can tell, our website is one of the most robust and interactive. It includes information on housing, transportation, orientation, upcoming events, what to expect as a first-year student, profiles of current students, and more. Through the website, students can schedule a campus visit, ask questions of the dean and other administrators, e-mail current students, join a listserv so they can interact with one another, view housing listings, find roommates, respond to event invitations, and complete forms necessary for attendance. The website has developed greatly over the years and we are delighted to be able to provide such a helpful and easy-to-use service to new students.

We sincerely thank those of you who helped us in our admissions efforts this past year. Whether you attended an admissions reception or law school fair, became a member of the Alumni Network, wrote letters to admitted students, or offered your perspective on your experience at Lewis & Clark Law School, we are most grateful!

Any alumni who are interested in participating in our outreach efforts should contact the Admissions Office at [lawadmiss@lclark.edu](mailto:lawadmiss@lclark.edu) or 800-303-4860.  
—Shannon (Burns) Davis, Assistant Dean of Admissions

### Alumni Relations

Your Office of Alumni Relations has completed its first year as a part of the Career

Services Office. This change has assisted us in providing networking opportunities, hosting alumni receptions locally and across the United States, and strengthening other options that allow alumni and supporters of Lewis & Clark Law School to stay engaged.

Delivering information more efficiently is a key part of increased outreach. The Office of Alumni Relations has used electronic communications and direct mailings to inform alumni of events and receptions. We look forward to increasing our e-communications and decreasing the number of direct mailings (printed pieces) for a more environmentally sound approach to communication.

As one result of our efforts to bring you information more efficiently, the *Advocate*, beginning with the summer 2006 edition of the *Advocate Abridged*, is now available on the Alumni Web page at [law.lclark.edu/dept/lawalum](http://law.lclark.edu/dept/lawalum). The Alumni Web page also hosts a link to the new Alumni E-Store ([www.cudaapparel.com/lcls.php](http://www.cudaapparel.com/lcls.php)), which features Lewis & Clark apparel. Alumni can find the latest Law School news on the Alumni News Blog, located at [lawlib.lclark.edu/blog/alumni](http://lawlib.lclark.edu/blog/alumni).

The Office of Alumni Relations hosted an array of events this past year: the Bar Exam Hospitality Room in July and February, several class reunions during Alumni Weekend, the Distinguished Honors dinner in November, 18 alumni receptions from Honolulu to D.C., and receptions in Boise and Pendleton for graduates of the Law School, the Graduate School of Education and Counseling, and the College of Arts and Sciences. We also hosted an alumni reception with the Minority Law Students Association and an alumni reception prior to the PILP Auction. We held the Holiday Appreciation Reception at the Hotel Vintage Plaza to thank our volunteers for their efforts.

The Alumni Board of Directors met three times this academic year. The committee structure was updated to clarify roles, goals, and objectives. Among the board's key accomplishments, the Distinguished Honors Committee researched the alumni nominations and chose a Distinguished Graduate, the **Honorable Henry Kantor '79**, and a Distinguished Honorary Graduate, **Paul Bragdon**; the Scholarship Committee combed through the 13 submissions and selected **Elizabeth Brodeen '08** as the recipient of the Alumni Board of Directors Scholarship;

and the Reunion Weekend Committee assisted in the development and implementation of activities on Alumni Weekend.

The Joyce Ann Harpole Awards Reception was held April 4 at the newly renovated Pioneer Courthouse. **Carol Bernick** received the Attorney award and **Margot Litzenhisier '07** received the Harpole Scholarship. Judge **Ellen Rosenblum** was the guest speaker.

Albany Quadrangle was filled with recent graduates, family members, and their children on May 27. Dean **James Huffman**, Professor **Ron Lansing**, and **Robin Jerke** presented certificates to 47 children of the 2006 graduates.

Alumni involvement and participation continues to grow. The upcoming year will provide additional outreach, alumni events, and special events for the numerous alumni and friends of Lewis & Clark Law School. We look forward to another exciting year of interaction with our alumni from Oregon and around the world.

—*Robin Jerke, Director of Alumni Relations*

### **Boley Law Library**

Greater access to information and expansion of services were the hallmarks of the 2005-06 academic year in the Law Library. From searchable U.S. Supreme Court Briefs to podcasts of Law School events, the Law Library had it covered.

Did you miss a Law School lecture, symposium, or speaker? Just visit the Law School's new podcast home, maintained by the Law Library, and listen on your computer or your portable media player at your leisure. Podcasts are simply online audio files that are easily downloaded to a computer or a portable device such as an iPod. You can even subscribe to the podcast feed and be alerted automatically to new Law School podcasts. To hear recent podcasts and get more details about downloading or subscribing to the podcast feeds, visit [lawlib.lclark.edu/podcast/index.php](http://lawlib.lclark.edu/podcast/index.php).

The Law Library added a wide assortment of legal research databases this past year. The two most notable are the Readex U.S. Congressional Serial Set (1817-1877) and American State Papers (1789-1838), containing the journals, documents, and reports of the U.S. Congress since 1789, and the U.S. Supreme Court Records and Briefs 1832-1978 from Gale Thompson. Both databases are completely searchable and provide much better access to historical materials than previously available through our microfilm collection.

As always, check our Law Library website at [lawlib.lclark.edu](http://lawlib.lclark.edu) for library news, current legal news, our virtual

bookshelf (recent acquisitions), research links, and guides. Be sure to visit the Law Library's Alumni Services page at [lawlib.lclark.edu/libraryinfo/alumni.php](http://lawlib.lclark.edu/libraryinfo/alumni.php) to find out about library services available to alumni.

—*Tami Gierloff, Assistant Dean for Library Services*

### **Business Law Program**

The 2005-06 academic year ushered in exciting new developments in the Business Law Program. On September 30, our very successful 11th annual Business Law Forum, Behavioral Analysis of Corporate Law: Instruction or Distraction? kicked off the school year. Professor **Jennifer Johnson** and Assistant Professor **Geoffrey Manne** planned the program and invited nationally recognized authorities in corporate law to participate. The speakers presented papers and engaged in lively discussion that continued the following day on a glorious wine tour in the Yamhill Valley.

We also inaugurated two new events that will become annual programs. Our first-ever Family Business Institute was held October 15-16 and was cosponsored by the law firm Holland & Knight. This two-day event brought several members of family businesses to the Law School to participate in discussions with a nationally known expert on issues of succession and family dynamics. Professor **Jack Bogdanski**, an economist, and law firm speakers discussed recent tax law developments, and Professors **Ed Brunet** and **Jennifer Johnson** were our wine-tasting experts at a reception for attendees.

The new Corporate Directors Institute was launched November 11 and was cosponsored by Perkins Coie. This engaging daylong education program for corporate directors and officers drew over 60 attendees from some of Oregon's largest corporations. Professor Jennifer Johnson and Enron prosecutor **Leslie Caldwell** were featured speakers. Several other prominent local corporate leaders and national experts spoke on corporate governance issues.

In March, our Intellectual Property Distinguished Visitor, Boston University School of Law dean ad interim **Maureen O'Rourke**, gave a public lecture on software contracting. She spent a week visiting classes and meeting with students and faculty. The annual Business Law Roundtable featured a series of discussions on sustainable business, engaging leading policymakers, business leaders, and environmentalists around Oregon. Our student groups, the Business Law Society and Students Advocating for Business and Environmental Responsibility (SABER),

were both very active this year, sponsoring numerous events such as law firm receptions, panels, speakers bureaus, barbecues, and nights at Trailblazer games, as well as a "Sustainability Week." Our annual Spring Business Law Luncheon welcomed alumna **Senator Betsy Johnson '77** (D-Scappoose) as our distinguished Business Law Graduate and **Jack McGowan**, executive director of SOLV, as the keynote speaker.

The business law faculty moved forward with the creation of the Small Business Legal Clinic, which opened in September 2006 and is the capstone to the Business Law Program's comprehensive curriculum of transactional skills courses. The Center for Technology, Entrepreneurship, and Law (CTEL) brings together Portland State University's Graduate School of Management M.B.A. students and the Law School's J.D. students to work with high-technology startups. The Community Development Law Center (CDLC) practicum engages students in transactions involving nonprofit corporations doing community development work. Our Intellectual Property and Corporate Counsel Clinical Internship seminar course places students in local corporate counsel offices. The Small Business Clinic will allow students to represent small businesses in a wide range of transactional matters.

—*Lisa LeSage '85, Assistant Dean for Business Law Programs*

### **Career Services**

The biggest news in Career Services concerns the addition of a staff member—our new public interest law coordinator, **Maya Crawford '03**. Crawford brings a wealth of talent to our office and will be invaluable to our efforts to enhance some of the Law School's already strong public interest-focused programs, including our Pro Bono and Community Service Honors programs and the Loan Repayment Assistance Program. She will also be advising students and alumni interested in pursuing public interest careers.

Throughout the year, the Career Services Office offered our usual programs and services, including the ever-popular Mentor Programs, specialized first-year programs, over 80 career colloquia and events, and our Breakfast With Judges. We also served again as the primary planner of the Northwest Public Service Career Fair, which is a combined effort of the region's law schools. This year, the career fair was held in both Seattle and Portland, giving students an opportunity to meet with public interest and public service employers from our region and those who come from across the country to meet with Northwest law students.

Other parts of the United States have seen improvement over the past few years, but Portland continues to be a challenging entry-level market. Understandably, many of our graduates want to stay in the area. We view it as our challenge to encourage students to consider seeking opportunities in other regions. In 2005, we had a total of 223 graduates. Of those, 214 reported they were actively seeking post-graduate work. Nine months after graduation, 198 (92.5 percent) of these reported they had secured employment and 2 were enrolled in full-time degree programs.

This year, I had the opportunity to travel quite a lot to visit our alumni and employers around the country and, especially, in Oregon. As a result of those visits, I have received many job announcements and offers to assist our students and graduates. For that, I am very grateful. Not surprisingly, making connections is still the best way for our students and graduates to find great opportunities. We hope you will continue to be supportive by sending us job announcements and mentoring or meeting with our students and new graduates. Many thanks and best wishes for the coming year.

—Libby Davis '93, Assistant Dean for Career Services and Alumni Relations

### **Environmental and Natural Resources Law Program**

The Environmental and Natural Resources Law Program had another busy and exciting year, highlighted by our retention of the first-place ranking in *U.S. News & World Report*.

In September, we welcomed our 18th annual Natural Resources Law Institute Distinguished Visitor, **Eric Freyfogle**, the Max L. Rowe Professor at the University of Illinois College of Law. Freyfogle's three-day visit coincided with the Law School's celebration of the 35th anniversary of its Environmental and Natural Resources Law Program and culminated in his thought-provoking public lecture, "A Goodbye to the Public-Private Divide," which questioned societal assumptions about the ownership of private and public lands. Freyfogle's complete lecture appeared in 36 Envrtl. L. 7 (2006).

Immediately preceding Freyfogle's lecture, the Law School honored three environmental law alumni as Distinguished Environmental Law Graduates. The Distinguished Environmental Law Graduate program was started in 1995 to mark the 25th anniversary of the Environmental and Natural Resources Law Program and honors experienced alumni who have made significant contributions to the environmental/natural resources law or policy fields. **Steve Doherty** '84, a partner

in Smith, Doherty & Belcourt in Great Falls, Montana, is the governor-appointed chair of the Montana Fish, Wildlife, and Parks Commission and has spent over a decade in the Montana senate working on environmental quality issues. **Jerry Fish** '82 is a partner at Stoel Rives in Portland. A former geology and oceanography teacher, he concentrates his practice in natural resources law, with an emphasis on matters relating to oil and gas exploration and storage, hydroelectric project relicensing and compliance, and mining for gold, silver, copper, coal, and industrial minerals. He has authored numerous articles and is a frequent speaker on natural resources law issues. A member of the Missouri, Oregon, and Washington state bars, he has been listed in *The Best Lawyers in America* for the past 10 years. **Arlene Kwasniak LL.M.** '92 is a law professor at the University of Calgary, focusing on natural resources, municipal, environmental, sustainability, and conservation law and policy. She joined the faculty after a decade of work with the Environmental Law Centre in Edmonton, Alberta. She has authored a number of authoritative scholarly works on conservation easements, wetlands, rangeland, wildlife, and land-use planning.

Also honored during the evening was **Kristin Ruether** '05, who received the annual Williamson Award sponsored and funded by the Environmental Alumni Association. Named for Professor Bill Williamson, the award honors a recent Law School graduate who has demonstrated a commitment to the public interest environmental field. Ruether is an attorney for the Oregon Natural Desert Association. Among other honors, in 2004 Ruether represented the Law School on its championship national environmental moot court team.

The environmental program was also host this past year to two visiting scholars from Korea: Professor **Hong Kyun Kim**, a leading environmental scholar from Hanyang University College of Law in Seoul, and Judge **Hyun Suk Kim**, who was on sabbatical from his post as a judge in Korea. Both came to study U.S. environmental law and to visit some of our environmental classes.

To help meet the growing demand for international environmental law education, the International Environmental Law Project (IELP) hired **Erica Thorson** '05 in the fall to serve as a project coordinator. Thorson works with Associate Professor **Chris Wold** '90, IELP director, on marine and ocean-related issues, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) issues, and other environmental matters of international importance. She

also serves as an instructor and mentor for IELP's student law clerks. In her first year with IELP, Thorson has achieved international press recognition by petitioning the World Heritage Committee on behalf of 12 conservation groups from Canada and the United States to list Waterton-Glacier International Peace Park as a world heritage site in danger due to the effects of climate change.

In April, Professor **Janet Neuman** and Assistant Director **Lin Harmon-Walker** '91, along with **Anne Squier** '83 and **John DeVoe** of WaterWatch, organized a topical and fitting finale to the three-part series of Lewis and Clark Bicentennial Environmental Law conferences. Western Instream Flows: 50 Years of Progress and Setbacks focused on Oregon's 1909 Water Code and 1955 Minimum Perennial Streamflow Act, which pioneered the concept of reserving instream flows in watercourses for beneficial public uses such as fish, wildlife, recreation, and even waterfalls. Although Western state water laws now generally incorporate the concept of preserving water for instream flows, our success in actually preserving those flows has been mixed at best. Key-note speaker **Charles Wilkinson**, renowned natural resources scholar and law professor at the University of Colorado, and other water law, science, and policy experts from around the country, including our own Professors **Mike Blumm** and **Janet Neuman**, convened for a rousing two-day discussion of the ebbs and flows of instream flow protection in a dynamically changing environment. **Audrey Simmons** was honored as the cofounder of WaterWatch, the first organization in the West to focus solely on the protection and restoration of river flows. Scholarly papers from the conference will appear in an upcoming symposium edition of *Environmental Law*.

In January, Lewis & Clark welcomed **Howard Latin**, professor of law and Justice John J. Francis Scholar at Rutgers School of Law at Newark, as the Law School's 2006 Distinguished Environmental Law Scholar. During the spring semester, Latin gave talks and worked on completing a book, tentatively titled *Saving Nature Despite Fools, Felons, and Experts*, for Cambridge University Press that assesses international conservation efforts. Latin has spent many years traveling to more than 30 countries to conduct research on nature conservation issues. As a Fulbright Scholar, he visited Australia in 1992 and South Africa in 1997.

Once again, the Law School's team made an outstanding showing at the Pace National Environmental Moot Court Competition. **Dawn Dickman** '06,

# Law School News

Dan Mensher '07, and Tami Santelli '06, coached by Professor Craig Johnston '85 and PEAC Clinical Professor Melissa Powers '01, bested teams such as the University of California at Berkeley School of Law (Boalt Hall), the University of Virginia School of Law, Boston College Law School, and the University of Minnesota Law School in the early rounds, falling only to the eventual champions, Louisiana State University's Paul M. Hebert Law Center, in the semifinals. Two teams of students represented the Law School at the National Animal Law Moot Court competition at Harvard University this year. The team of Robert Dell '07, Celina Patterson '06, and Jessica Walz '07 did extremely well in the early rounds, and Patterson received a number of "best oralist" scores. Katherine Lin '07, Kim McCoy '07, and Jamie Saul '07 went on to place in the semifinal round and won Best Brief for the Appellants. Saul earned the honor of Best Oralist of the entire competition.

At the National Environmental Negotiation Competition held at the University of Richmond School of Law, two teams—Katherine Lin '07 and Bryan Rousseau '07, and Jared Kahn '07 and Stacey Lamont '06—did a great job representing the Law School, according to coach Lin Harmon-Walker '91, assistant director of the Environmental and Natural Resources Law Program. Kahn and Lamont went to the final round and placed third overall in the national competition. Congratulations are due to all these outstanding students.

The faculty approved a new animal law clinic, to be housed at the Law School and available to law students starting this fall. The Law School received outside funding to start and support this clinic, which will be directed by Laura Ireland Moore '01, who also directs the National Center for Animal Law housed at the Law School. The new clinic will enhance the animal law offerings at the Law School as well as provide excellent practical skills training for our students interested in this growing area of law.

The environmental program also continues to sponsor three seminars per year for U.S. Forest Service and other agency employees on the Endangered Species Act. Professor Dan Rohlf serves as the lead instructor on these programs.  
—Janice Weis, Assistant Dean for the Environmental and Natural Resources Law Program

## Indian Law Summer Program

The Indian Law Summer Program has just completed its sixth successful year. Over 100 students have taken Indian law courses offered through the Law School's comprehensive program, which is the only one of its kind in the country. We host nationally recognized Indian law scholars and feature some of the best professors in the field, providing a unique opportunity for law students to study the complexities of a wide range of Indian law topics. Faculty have included the Law School's Associate Professor Robert Miller and Professor Michael Blumm, Alexander Tallchief Skibine from the University of Utah Law School, Frank Pommersheim from the University of South Dakota Law School, Gerald Torres from the University of Texas Law School, and Patrice Kunesh from the University of South Dakota Law School.

Students are encouraged to expand their understanding outside the classroom. The Clinical Internship Seminar, coordinated through Adjunct Professor Lea Ann Easton '87, allows students to work in different practice areas of Indian law. Students are placed in a number of private and public sector positions with organizations such as the Native American Program of Oregon Legal Service (NAPOLS) and the Columbia River Inter-Tribal Fish Commission.

Students can also participate in a field study program with Stephen Dow Beckham, Lewis & Clark College's Dr. Robert B. Pamplin Jr. Professor of History, and Dennis Whittlesey, prominent Indian law attorney of Jackson & Kelly. Beckham and Whittlesey were instrumental in helping several Oregon tribes navigate the complicated federal recognition process. This year's field seminar took place in Neskowin and included a visit to the Grand Ronde Tribal Headquarters.

This year, the program hosted a panel of local Indian law attorneys to provide insight into the daily issues of practicing in Indian country. Assistant U.S. Attorney Tim Simmons '91, Stephen Osborne '03 of Hobb Straus Dean & Walker, Nathan Dexter (formerly of NAPOLS), Stephanie Striffler of the DOJ Attorney General's Office, Karen Quigley of the Commission of Indian Services, and Shayleen Idrogo of the Klamath Tribes spent a lively lunch hour sharing personal anecdotes about the practice of Indian law and answering students' questions. The panelists agreed that Indian law

encompasses a vast array of practice areas and requires a significant level of cultural competency.

—Jeremy Aliason '01, Indian Law Summer Program Coordinator

## National Center for Animal Law

The National Center for Animal Law continues to establish a number of unique and groundbreaking programs and resources for students pursuing careers in animal law. Our success is due to the passion and dedication of animal law students, the encouragement of Law School faculty and staff, the involvement of attorneys and organizations, and the contributions of dozens of individuals and foundations who recognize the importance of legal protections for animals. This year, our family of donors grew to include Mimi and Kerul Kassel, who have established a strong foundation for the expansion and future success of the center. Due to their generous contributions, we have established the nation's first animal law scholarship program and Animal Law Clinic at Lewis & Clark Law School.

Sarah Baekler '08 and Katherine Lin '07 are the first Law School recipients of the Jack Rogers Animal Law scholarships. Each student received \$5,000. Students and NCAL staff were inspired to raise additional funds for scholarships by hosting events such as a pet photo contest and raising pledges for a half-marathon through Team Animal Law.

The establishment of the Animal Law Clinic raises the profile of the Law School's already successful animal law program. Lewis & Clark students are learning real-world skills through the Animal Law Clinic. They draft model legislation, assist in Oregon animal protection litigation, and participate in regulatory efforts. The clinic also provides legal drafting and research assistance to animal law attorneys and organizations, both locally and nationally. In May, a Grants Pass jury awarded nearly \$15,000 for the intentional killing of a dog in the clinic's first case brought to trial.

With the further expansion and growth of its pioneering animal law program, the Law School will continue to draw the most talented animal law students and ensure they become effective voices for animals in the legal system.  
—Laura Ireland Moore '01, Executive Director of the National Center for Animal Law



**Small Business Legal Clinic**

Lewis & Clark Law School

## New Clinic Aids Small and Emerging Businesses

The Law School is proud to announce the fall 2006 opening of the Small Business Legal Clinic, which offers students an opportunity to do hands-on legal work by representing small businesses in a wide range of transactional matters. The Small Business Legal Clinic is the capstone to one of the most comprehensive business law transactions programs in any law school in the country. Students can choose to work with non-profit corporations at the Community Development Law Center; represent start-up high technology ventures working with Portland State University M.B.A. students in the Center for Technology, Entrepreneurship, and Law (CTEL) course; work in corporate counsel offices throughout the Portland metropolitan area in the Corporate Counsel/IP Clinical Internship seminars, or represent small businesses at the Small Business Legal Clinic.

Under the supervision of Maggie Finnerty, our new clinical professor, students will represent small and emerging low-income, minority, and women-owned businesses in the Portland metropolitan area in a wide variety of transactional matters. Small businesses are the backbone of Oregon's economy, but despite their enormous contribution, there are no coordinated legal services focused on serving the needs of small, low-income, and minority entrepreneurs. In addition to its critical role in teaching transactional business law skills to new lawyers, the Small Business Legal Clinic, in cooperation with the bar and several



*Top: Lisa LeSage, assistant dean and director of business law programs and executive director of the SBLC; Maggie Finnerty, clinical professor; and Steve Goebel, chair of the SBLC board of directors. Above: Home of the SBLC in downtown Portland.*

law firms, will offer a coordinated pro bono program for small businesses. In addition, the clinic will be actively involved in the business community, working with the small business development centers and many chambers of commerce, as well as local law firms, to provide speakers for workshops and other technical assistance.

This clinic is unique in that it is the only law school-sponsored business law clinic in the country that is the result of a public-private partnership between a law school and public agencies as well as private firms. The City of Portland; Portland Development Commission; Portland Business Alliance; Bank of the West; and the law firms of Miller Nash; Schwabe, Williamson & Wyatt; Stoel Rives; and Tonkon Torp have committed substantial funds to sustain the clinic

over the next three years. This amazing commitment of public and private partners has enabled the Small Business Legal Clinic to open its doors.

Clinical Professor Maggie Finnerty brings us a wide range of business and legal experience. Finnerty previously practiced corporate law at Stoel Rives in Portland for several years, and then worked in-house at a small technology start-up. She was an honors graduate of the University of Oregon Law School. She will teach the clinical classroom component, as well as supervise law students, assist with the pro bono program, screen cases, and work with small business development centers. We give Maggie a hearty welcome to what will most certainly be an exciting and busy new career!

# Pro Bono and Community Service Work Honored



The Eighth Annual Pro Bono and Community Service Honors Awards ceremony was held on April 18. Sue Gerhardt of the Washington County Circuit Court Family Law Assistance Program was the featured speaker. This year 67 pro bono awards and 28 community service awards were presented to students who contributed a combined total of more than 8,500 hours of volunteer service.

The Pro Bono Honors Program at Lewis & Clark was founded in 1998 to provide recognition for law students who perform at least 30 hours of pro bono service to the community. Since its inception, the program has continued to grow each year, recognizing more students and expanding the reach of the program to include new nonprofit and community organizations. During the past year, students volunteered time locally and across the country with organizations that include Cascade Resources Advocacy Group, Center for Environmental Law and Policy, Clackamas Women's Services, Community Alliance of Tenants, Legal Aid Services of Oregon, National Center for Animal Law, Oregon Law Center, and St. Andrew Legal Clinic.

The Community Service Honors Program was initiated in 2001 to recognize students for nonlegal volunteer service to the community. This year, students volunteered with several organizations, including the Children's Cancer Association, Franklin High School "We the People" program, Loaves and Fishes, Muscular Dystrophy Association, and Oregon Youth Rugby.



*Top: Recipients of the 2006 Pro Bono and Community Service Honors Awards.  
Above: Three-time recipients Roberta Philip '06, Emma Miller '06, Frank Lupo '06, and Maja Haium '06 with awards presenter Sue Gerhardt.*

## **2005-06 Pro Bono Honors Award Recipients**

Amy Arnett  
Whitney Bindreiff  
Jay Bodzin  
Sherry Bosse  
Erin Brady  
Brook Brisson  
Lizzie Brodeen  
Briana Buban  
Amanda Buck  
Andrea Carrillo  
Brett Cattani  
Chris Clark  
Alicia Cobb  
David Copeland  
Elizabeth Crosson  
Dawn Dickman  
Phil Duong  
Jeff Ellsworth  
Julie Falender  
Misty Fedoroff  
Jay Flint  
Lauren Goldberg

Sam Gomberg  
John Grant III  
Maja Haium  
Sara Hart  
Anna Hertzman  
Erika Holsman  
Jared Kahn  
Kevin Kerr  
Erin Kollar  
Miles Kowalski  
Kenneth Kreuscher  
Jessica Kuchan  
April Kusters  
Kerry Lear  
Katherine Lin  
Mukunda Loprinzi  
Margot Lotzenhisser  
Jamie Magdovitz  
Jacob Martinez  
Megan McGill  
Emma Miller  
Alaina Mowery  
Lisa Murphy  
Orion Nessly  
Naeem Nulwala  
Monica Patel

Andra Popa  
Annie Rooney  
Sarah Rowe  
Kasia Rutledge  
Jamie Saul  
Eric Shoemaker  
Chris Shull  
Anna Stasch  
Jaime Taft  
Duke Tufty  
Loren Tung  
Amanda Villa  
Joanna Wagner  
Jessica Walz  
Matt Washchuk  
Courtney Watts  
Mary Wiencke  
Morgan Wyenn  
Ashley Yorra

## **2005-06 Community Service Award Recipients**

Joel Acuario  
Molly Allison

Sara Bagheri  
Linda Barrera  
Lizzie Brodeen  
Joel Bueno  
Brett Cattani  
Peir Chu  
Alfredo Foster Jr.  
Elizabeth Gillingham  
Sarah Harlos  
Erica Herb  
Renee Haslett  
Stacey Jon  
Joo Young Lee  
Sophia Lee  
Frank Lupo  
Jose Masso IV  
Jessica Minifie  
Charles Neal  
Sujata Patel  
Sarah Petersen  
Roberta Phillip  
Andra Popa  
Kasia Rutledge  
Theresa Tran  
Rakeem Washington

# Commencement 2006

While the sun stayed hidden, more than 230 graduates received their J.D. and LL.M. degrees on May 27. Latvian judge Anita Ušacka, one of 18 judges to serve on the International Criminal Court in The Hague, was the commencement speaker.

"Judge Ušacka's career has spanned from the Soviet era through Latvian independence and service on the Constitutional Court to the International Criminal Court with an unwavering commitment to the rule of law and to social justice," said James L. Huffman, Dean and Erskine Wood Sr. Professor of Law. "We are honored to welcome her as our commencement speaker."

In her remarks to the graduates, friends, and family, Judge Ušacka urged graduates to "create a legal career in which you can find satisfaction today and to which you can look back on with pride in the future." She went on to offer several points of advice, one of which was to find a sound work-life balance. "There will be periods when you have to sacrifice most of your time and your energy to accomplish your professional goals. However, you should never forget the other things that life has to offer. I am primarily referring to your families and your friends who have been with you all your life and who will want to continue sharing your lives with you in the future."

The International Criminal Court is the first permanent, treaty-based international criminal court established to promote the rule of law and "ensure that the gravest international crimes do not go unpunished." Ušacka was elected in 2003 to a three-year term from the Eastern European group of states and is assigned to the trial division. The following year she was named the judge in charge of the international court's judicial capacity strengthening program. She has recently been elected to a second term on the court.

Prior to her service on the court, Ušacka was elected as judge to the Latvian Constitutional Court when that body was created in 1996. From 1994 to 1996, she served as executive director of the Latvian branch of the United Nations Children's Fund. She began an affiliation with Latvia University's constitutional law department in 1975 and in 2002 was appointed to a full professorship by that institution. She has directed and contributed to a number of crucial projects integral to the transition to democracy in central and eastern Europe. She has written reports and papers promoting the establishment in Latvia of the rule of law, protection of human rights, administrative law reform, constitutional law reform, fair-trial guarantees, and judicial training and reform, among others. She is an expert in international humanitarian and public law, with a particular focus on the rights of women and children, and she lectures on the fundamentals of law, constitutional law, comparative law, public law, and human rights law.

Ušacka earned her law degree from Latvia University and her doctorate from the Faculty of Law in Moscow State University. Since 1990, she has studied, researched, and taught at the University of Notre Dame and at Lewis & Clark Law School, and held a Max Planck fellowship and a fellowship at the International Institute for Human Rights in France.



Clockwise from top right:  
Anita Ušacka ■ Emma Miller  
and Megan Bredeweg ■  
Geoffrey Evans, Tami Santelli,  
Melissa Fung, and David  
Roghair ■ Becky Larson, Erin  
Hauck, and Jessica Kuchan  
■ J.R. Ujifusa and Andrew  
Irvine ■ Elizabeth Loebach,  
Lynne Lloyd, Bristol Vaudrin  
Haggstrom, and Oubonh  
Phomvisay White



## 2006 Graduates

### Juris Doctorate

Nader Safwat Absood<sup>1</sup>  
 Gregory Marshall Adams  
 Christine Michelle Angeletti  
 Amy Kathryn Arnett  
 Amanda J. Austin  
 Anthony Reza Azadeh  
 Peter Ragnar Azzi  
 Katherine Teresa Badenoch  
 Aubrey Elizabeth Baldwin<sup>1</sup>  
 Laura Lee Baldwin  
 David G. Banks  
 Kristen Michelle Baptiste  
 Jill Elisabeth Barrett  
 Jennifer Anne Becker Eames  
 Thaddeus August Betz  
 Corey Dennis Beyer  
 Randi Lee Black  
 Shane F.T. Black  
 Ian Patrick Boisvert  
 Sharon Bolesky  
 Brent Edward Boness<sup>2</sup>  
 Anthony Joseph Bonucci  
 Leila Borazjani  
 Tara Ann Bosch  
 Jared Charles Bowman  
 Brenda Michelle Bradley<sup>1</sup>  
 Erin Leigh Brady  
 Jacob David Braunstein  
 Megan Ann Bredeweg  
 Adam Johnston Brittle  
 Michael Scott Broadwell  
 John H. Brolin  
 Jim Brunberg  
 Briana G. Buban  
 Daniel Budihardjo  
 Joel Johan Bueno  
 Gillian Lea Bunker  
 Benjamin J. Byer<sup>2</sup>  
 Robert Scott Byrd  
 Justin James Cabrera<sup>1</sup>  
 Courtney Guynes Carter  
 Matthew Arthur Casper  
 Milan Elias Castillo  
 Bernard Alistair Martin  
 Chamberlain  
 Linna Rong Chen<sup>2</sup>  
 Yan Chen

Chelsea Caroline Chilcoat<sup>2</sup>  
 Robin Marie Chisamore  
 Marcus Herbert Chong Tim  
 Christopher John Clark  
 Emily Frances Collins  
 Chad Michael Colton  
 Jennifer Lee Coughlin  
 Sunrise Adele Cox  
 Elizabeth D. Cranston<sup>2</sup>  
 Courtney Ann Crowe  
 Heath Curtiss  
 Cory R. Dalmata<sup>2</sup>  
 Nicole Terece Dalton  
 David Dames  
 Amrit Pash Dhillon  
 Rachel Elizabeth Diamond<sup>1</sup>  
 Dawn Marie Dickman  
 Bart Cheney Dickson<sup>1</sup>  
 Kristen Wesenberg Doak<sup>2</sup>  
 Natasha Leigh Dolezal  
 Elisa Janine Dozono  
 Sean Paul DuBois<sup>1</sup>  
 Philip Phong Hung Duy Duong  
 Heather Ann Ebert  
 Jacob Thomas Eckmann  
 Paul Robert Edison-Lahm  
 Holly Lynn Edwards  
 Elizabeth Kristiana Engberg  
 Eric Scott Evans<sup>2</sup>  
 Geoffrey Crawford Evans  
 Graham Fisher  
 Mark Donahue Fitz  
 Bryan B. Francesconi  
 Greta Freudenberg  
 Adam M. Friedman  
 Melissa Joy Fung  
 Peter Galambos  
 Jeneé Louise Gifford<sup>1</sup>  
 Elizabeth Gillingham  
 Olivia Godinez  
 Mary Elizabeth Godwin  
 Antonio J. Gonzalez  
 Kimberly Martin Graves  
 Adam Greenman<sup>2</sup>  
 Megan L. Grill  
 Jason Louis Grosz  
 Phillip Justin Haberthur  
 Maja Kirsten Haium  
 Kelly S. Hansen  
 Kelly Lynn Harpster  
 Casey Blake Harris  
 Julia Rose Harvey  
 Erin Michelle Hauck  
 Samuel Thomas Hayden  
 Alexander Hays V  
 Ronald Ray Heard  
 Erica L. Herb  
 Heather A. Hickman  
 Lauren Esther Holtzman  
 Abigail Marie Howard  
 Gordon Hugh Howard  
 James Marshall Howard  
 Jennifer L. Howard  
 LoraLee Wirth Howland<sup>2</sup>  
 Philip Reinhold Markwart Hunt<sup>1</sup>  
 Shiori Iinuma  
 Andrew Abbott Irvine<sup>2</sup>  
 Jamie Peter Jeffers  
 Jinnifer Sarah Jeresek  
 Katie Jo Johnson  
 Leif Paul Johnson  
 Gregory Lee Jones  
 Andria Michelle Moon Joseph  
 Sherms Baker Jud  
 Jessica Owen Kampfe  
 Jayme Richards Kimberly  
 Monica Clarise Kinney<sup>2</sup>  
 Leyla Rachel Amani Knight  
 Joanne Ko<sup>2</sup>  
 Shawn Jason Kolitch  
 Erin Riley Kollar  
 Winter Rosemary Kortum  
 Kenneth Ari Kreuscher  
 Jessica Camille Kuchan  
 Matthew Curtis Lackey  
 Stacey L. Lamont  
 Becky Lynn Larson<sup>1</sup>  
 James Alan Larson  
 Arthur Patrick Crocker Leahy  
 Chad Jonathan Lee<sup>2</sup>  
 Donna L. Lee  
 Sarah Young Lee  
 Ye Jee Lee  
 Daniel Kevin Le Roux<sup>2</sup>  
 Noah Lazarus Levin  
 Joshua M. Levy  
 Ben Thana Lila  
 Sabrina Lynne Lloyd  
 Elizabeth Kain Loebach  
 Mukunda B. Loprinzi

Rebekah Eleanor Lu  
 Connie C. Lukes<sup>1</sup>  
 Frank Robert Lupo  
 Christopher Mark Luttkus  
 Kelly Anne Luzania  
 Alison L. Maddeford  
 Martha Davey Mathews  
 Kristin Elizabeth May  
 Cory Conditt McClure  
 Scott Conner McCracken  
 Cheryl Lynn Murphy McGrew<sup>1</sup>  
 Robin Rojas McIntyre  
 Evander Roderick McIver IV  
 Andrew McLain  
 Eric Wallace McQuilkin  
 Layne Judson McWilliams  
 Kathleen Anne Mendoza  
 Kelly Joanne Menjivar  
 Matthew Lake Merrill  
 Lucas Quinn Meyer  
 Marietta Alexis Meyers<sup>2</sup>  
 Amy Saeger Miller  
 Emma Elizabeth McAlister Miller  
 Jessica Lea Minifie  
 Kenneth Stephen Mitchell-  
     Phillips Sr.  
 Christopher Willson Mixson  
 James Colin Moering  
 Brian Harold Montgomery  
 Kenneth Scott Montoya  
 Alaina Joan Mowery  
 James Bernard Murphy  
 Stephanie S. Nelson  
 Elizabeth Anne Nevis  
 Elizabeth Rachel Newell  
 Jason Powell Nixon  
 William Alexander Noland<sup>2</sup>  
 Holly Beth Nostrant  
 Holly Christine O'Dell  
 Bonnie Helen O'Hara  
 Stacey Anne Olson  
 Siwon Park  
 Monica Patel  
 Celina Renee Patterson  
 Nicolas Frank Patterson  
 Cara Leigh Patton  
 Phaedra Elizabeth Paul<sup>1</sup>  
 Jessica L. Pendergrass<sup>1</sup>  
 Kathryn Andine Petersen<sup>2</sup>  
 John Eric Peterson  
 Michael B. Peterson  
 Roberta Maria Phillip  
 Oubonh Phomvisay White  
 Robert David Pilz  
 Andrew James Pratt  
 Sunil Kosuri Raju  
 James Warren Reidy  
 Suzanne Marie Revelle<sup>1</sup>  
 Kathryn Paige Roberts  
 Andrew Douglas Robinson  
 Amy Jean Rogers<sup>1</sup>  
 David Lev Roghair  
 Wyatt E. Rolfe  
 Sindy Mariam Sadri

Tamara Stewart Santelli  
 Anna Oluffa Sappington<sup>2</sup>  
 Nathan David Scherer  
 Scott D. Schnuck  
 Jennifer Rose Schwartz<sup>2</sup>  
 Christopher Tylon Scott  
 Irene A. Scruggs  
 Christopher Keefe Sedgewick  
 Barbara J. Seipp<sup>1</sup>  
 John David Semones  
 Ryan Shaffer<sup>1</sup>  
 Ghassan Hosni Shawli  
 D. Kevin Shipp  
 Marcus M. Shirzad  
 Paul William Shoan  
 Jaclyn Christine Sias  
 Joshua Douglas Smith  
 John A. Somoza  
 Bennett Preston Starnes  
 Thomas T. Steinhoff  
 Robert Leonard Stepanas  
 Fay Stetz-Waters<sup>1</sup>  
 Deborah J. Stojak  
 Ryan Jack Straus<sup>2</sup>  
 Rachel Sue Sussman  
 Daniel John Swendsen  
 Erica Jayne Thorson<sup>1</sup>  
 Matthew David Ticaric<sup>1</sup>  
 Sommer Elizabeth Tolleson<sup>1</sup>  
 Jedediah Richard Tomkins  
 Virginia E. Trent  
 Jonathan Henry Tucker  
 Glen H. Ujifusa Jr.  
 Maite Uranga  
 Bristol Dawn Vaudrin Haggstrom  
 Amanda Rae Villa  
 Kristen Claire Jorgensen West<sup>1</sup>  
 Esther Lané Westbrook  
 Julia Anna Williams  
 Jessica Ann Wilson  
 Kristin An Winges  
 Lily J. Wong  
 Jeffrey W. Woodcox  
 Rebecca J. Yasnoff  
 Natalia Yegorova  
 Jeffrey Yen  
 Guojun Zhou<sup>1</sup>

### Master of Laws Environmental and Natural Resources Law

David Harrison Becker<sup>2</sup>  
 Jennifer Lisa Fordyce<sup>2</sup>  
 Keith Samuel Gibel  
 Thomas Emil Grenville Jr.  
 Jason Alan Hill  
 Julie Ann Root<sup>1</sup>  
 Norio Sugasawa

<sup>1</sup> December 2005 graduate  
<sup>2</sup> Student had not completed requirements for graduation by commencement date.

# Law School News



## Doug Newell Honored With Leo Levenson Award

Doug Newell, the Edmund O. Belsheim Professor of Law, was selected for the Leo Levenson Award by members of the 2006 graduating class. He also received the honor last year, and this Levenson award is his fifth.

The award honors excellence in teaching and is named for Leo Levenson (1903-81), a distinguished attorney and Oregon State Bar member for 56 years. Levenson was a highly respected Law School instructor for many years.

## Commencement Ceremony Recognizes Children

Gordon H. Smith Hall was filled with recent graduates, family members, and their children on May 27, 2006. Dean James Huffman, Professor Ron Lansing, and Robin Jerke, director of alumni relations, presented certificates to 47 children in appreciation for their special contributions to the achievements of the Lewis & Clark Law School graduates in their lives.



Dean James Huffman presents certificates to the children of John Somoza '06.

## Cornelius Honor Society Reception

New members of the Cornelius Honor Society, along with their families and faculty members, gathered on the evening before graduation to celebrate their induction. The Cornelius Honor Society is the honorary organization of the Law School. Members of each graduating class are selected for the society on the basis of superior scholarship, leadership, and contributions to the Law School community.

### 2006 Members

Amanda J. Austin  
Aubrey Elizabeth Baldwin  
David Harrison Becker  
Sunrise Adele Cox  
Heath Curtiss  
Dawn Marie Dickman  
Geoffrey Crawford Evans  
Elizabeth Gillingham  
Antonio J. Gonzalez  
Alexander Hays V  
Jinnifer Sarah Jeresek  
Gregory Lee Jones  
Shawn Jason Kolitch  
Stacey L. Lamont  
Sabrina Lynne Lloyd  
Frank Robert Lupo  
Kelly Anne Luzania  
Emma E.M. Miller  
Kenneth Stephen Mitchell-Phillips Sr.  
Christopher Wilson Mixson  
Elizabeth Rachel Newell  
Celina Renee Patterson  
Roberta Marie Phillip  
Tamara Stewart Santelli  
Erica Jayne Thorson  
Jessica Ann Wilson

## **Procrastination Poetry**

Around finals time, procrastinating becomes a popular activity among law students. This spring, several Law School staff members decided to create a particularly appropriate distraction from studying—a procrastination poetry contest. Students could enter haikus in two categories: law school in general and law school subjects. Jim Huffman, the outgoing dean, announced the contest winners on April 28.

### **Grand Prize Winner**

Dean Huffman steps down—  
He leaves us all now deeply  
Feeling for-Loren.

*Casey Harris '06*

### **Law School in General**

#### **First Place**

Spring has awakened  
Birds chirp melodiously;  
Request venue change

*Hadas Aguilar '08*

#### **Second Place**

hopefulness fading  
circling insanity  
Third year parking lot.

*Alaina Birkland '06*

#### **Third Place**

Vegans, Libs, and Dems!  
Is something in the water?  
Please God, save my soul.

*Spencer Hunter '08*

### **Law School Subjects**

#### **First Place**

**Self-Incrimination**  
Professor Kroger,  
I wish the 5th Amendment  
Applied to exams.

*Sarah Petersen '08*

#### **Second Place**

Law school confuses:  
Thought I knew Constitution;  
Received Funk-ing grade.

*Casey Harris '06*

#### **Third Place**

**Criminal Procedure**  
Coercive oral  
Dissipation of the taint;  
Con law subtlety.

*Erica Naito-Campbell '08*

# **Oregon Law Institute**

## Lewis & Clark Law School

620 S.W. Main Street, Suite 706  
Portland, Oregon 97205-3037  
503-768-6580; 800-222-8213  
oli@lclark.edu

## Upcoming Schedule

Topics and details are subject to change. Please check our website for up-to-date program information and a list of tapes and books available from past programs.

Friday, October 20

### **Oregon Government Law 2006**

Oregon Convention Center, Portland

Friday, October 27

### **Deposition Techniques With David B. Markowitz**

Oregon Convention Center, Portland

Friday, November 3

### **19th Annual Ethics CLE**

Oregon Convention Center, Portland

Friday, November 17

### **Litigation Strategies and Tips**

Oregon Convention Center, Portland

Friday, December 1

### **Estate Planning for People with Disabilities**

Oregon Convention Center, Portland

Friday, December 8

### **Legislative Advocacy**

Oregon Convention Center, Portland

[www.lclark.edu/org/oli](http://www.lclark.edu/org/oli)

# Law School News

## Distinguished Honors Nominations Sought

Feeling inspired by a colleague's contributions to the legal profession, the community, and Lewis & Clark Law School? Don't keep it to yourself! Nominate a deserving achiever for the Law School's Distinguished Graduate Award or Distinguished Honorary Graduate Award. It's quick, easy, and a profound way to recognize the heroes among us. And, remember, someone may be nominating you!

The Distinguished Graduate Award is given to a graduate who has used his or her degree from the Law School to make a positive mark on his or her profession and whose contributions to the legal profession and the community have brought honor and distinction to the Law School.

The Distinguished Honorary Graduate Award is given to an individual who, though not a graduate of the Law School, exemplifies support for and commitment to Lewis & Clark and whose generosity and leadership profoundly help strengthen the Law School both today and beyond.

To nominate someone, please contact Robin Jerke, director of alumni relations, at 503-768-6607 or [jerke@lclark.edu](mailto:jerke@lclark.edu).

## Harpole Attorney Award Nominations Sought

In celebration of the life of Joyce Harpole, the Harpole Attorney Award recognizes lawyers who work quietly in pursuit of justice while maintaining a sense of balance between their legal careers and their personal lives that distinguishes them within the legal community.

You are invited to nominate a colleague who reflects those traits by meeting the following criteria:

- Delight for life, with a clearly lived balance between career, family, and community.
- Well-prepared, vigorous advocacy with a commitment to fairness and just results.
- Positive community involvement.
- Diligence in all aspects of life.
- Overall personal and professional integrity.
- Membership in the Oregon State Bar.

To nominate a deserving individual, please provide the following information:

1. Colleague's name.
2. Detailed description of how the individual fits the criteria listed above.
3. At least two additional references whom the selection committee may contact for further information on the nominee. Please include a phone number for each reference.

Remember, this is about how well the nominee's balance's career and personal life, as well as other achievements. Please write your nomination thoughtfully and thoroughly; it is critical to the selection process. Poorly written nominations will not pass the first screening.

Please contact Robin Jerke, director of alumni relations, at 503-768-6607 or [lawalum@lclark.edu](mailto:lawalum@lclark.edu) if you would like to submit a nomination.

## Save the Date!

## Law, Science, and Environment Conference Set for Spring 2007

On April 19 and 20, Lewis & Clark Law School will host a multidisciplinary conference exploring the intersection of science, public policy, and environmental law. Organized by Professor Dan Rohlf, the conference will convene environmental scientists, lawyers, and policymakers to seek a better understanding of how law and policy interact with science. Using some of the thorniest environmental problems of our era as a launching point, this interactive session will investigate the integration of the natural and social sciences as a key strategy for environmental problem-solving. For more information, contact Professor Rohlf at 503-768-6707 or [rohlf@lclark.edu](mailto:rohlf@lclark.edu).

## Save the Date!

## PILP Auction 2007, The Wild West

Calling all cowboys, cowgirls, cowpokes, and wranglers! The members of the Public Interest Law Project and the entire Law School community invite you to attend the 17th Annual PILP Auction on **Saturday, February 24, 2007**. This year's theme is Wild West and, as always, there will be amazing items up for auction, great food and beverages, and sizzling entertainment. Best of all, proceeds from the auction go directly to PILP's summer stipend program, which provides funding to enable regional and national nonprofit organizations to hire summer law clerks from the Law School.

# Alumni Receptions

## Boise



On June 6, Jim Huffman attended his final alumni reception as dean. He was joined by Libby Davis '93, assistant dean for career services and alumni relations. *Pictured above: Stephanie Ebright '03, Alex Ebright, Rachel Winer '98, Tim Breuer, and Dean Jim Huffman.*

Jim Vogt '07 and Greg Adams '06.

## Anchorage



On June 20, Professor Bill Funk visited with Anchorage alumni. He was joined by Libby Davis '93, assistant dean for career services and alumni relations, and Robin Jerke, director of alumni relations. *Left: Joan Wilson '96, Kristi Johnson '99, and Terry Horton '99. Above: Liz Piske '05.*



## Phoenix

On June 22, staff members of the Law School Career Services Office were joined for lunch by Phoenix alumni.

*From bottom left: Heidi Nunn-Gilman '05; Vicki Nelson, career services administrative specialist; Todd Westersund '98; Ellen Jones '91, director of career services; Peter Moolenaar '05; Tony Misseldine '87; Jim Varon '75; Maya Crawford '02, public interest law coordinator; Brent Bryson '97; Libby Davis '93, assistant dean for career services and alumni relations; and Mike Morgan '05.*

# Alumni Weekend, August 18 and 19



1981



1986

Alumni from around the country gathered in the warm Oregon sunshine for a weekend of festivities. The classes of 1996, 1986, 1981, and 1976 celebrated with reunion gatherings.



## **Alumni Calendar of Events for 2006-07**

All events begin at 5:30 p.m. unless otherwise noted.

On Friday evening, alumni, faculty, and staff enjoyed a reception in the Law School amphitheater. Saturday's events included a golf scramble, family picnic, and class dinners.



### **October**

Salem Tuesday, October 17  
Distinguished Honors Dinner Saturday, October 28

### **November**

D.C. Alumni Thursday, November 2  
Seattle Tuesday, November 28  
Hawaii Alumni/  
Admissions Reception Thursday, November 30

### **December**

Alumni Board Meeting Wednesday, December 6  
Holiday Reception Wednesday, December 6

### **January**

Washington, D.C.,  
Alumni Reception Wednesday, January 3  
San Francisco Alumni/  
Admissions Reception Tuesday, January 9  
Los Angeles Alumni/  
Admissions Reception Wednesday, January 10  
Portland Alumni/  
Admissions Reception Thursday, January 18  
Portland Alumni/  
Admissions Reception Wednesday, January 24

### **February**

Eugene Alumni/  
Admissions Reception Tuesday, February 6  
Denver Alumni/  
Admissions Reception Thursday, February 8  
Bar Exam Hospitality Room Tuesday and Wednesday,  
February 27 and 28  
PILP Auction Saturday, February 24

### **March**

Eugene Environmental  
Alumni Reception Friday, March 2  
RiverPlace Alumni/  
Admissions Reception Tuesday, March 22

### **April**

Harpole Awards Reception First week in April  
Alumni Board Meeting—  
Scholarship Recipient Wednesday, April 11

### **May**

Medford/Ashland  
Alumni Reception Thursday, May 10  
Cornelius Society Event Friday, May 25  
Children's Commencement Saturday, May 26

Dates are subject to change. Please check the alumni website for the latest information.

# Faculty and Staff News

Professor **Paula Abrams** will publish a book in 2007 with the University of Michigan Press on the historic case *Pierce v. Society of Sisters*.

Professor **Michael Blumm** has published "Practiced at the Art of Deception: The Failure of Columbia Basin Salmon Restoration Under the Endangered Species Act," 36 Envtl. L. no. 3 (2006), an article he coauthored with Erica Thorson '05 and Josh Smith '06. Lexis-Nexis published a revised version of his chapter on the Columbia River Basin in volume 6 of the treatise *Waters and Water Rights*. Blumm is at work revising his casebook *Native American Natural Resources Law* for Carolina Academic Press.

Henry J. Casey Professor of Law **Ed Brunet** was on a one-semester sabbatical this spring. He completed work on a third edition of his alternative dispute resolution book and a third edition of his *Summary Judgment: Federal Law and Practice*. In between writing new footnotes and note questions, Brunet traveled to New Zealand and South Africa. His visits included trips to scores of wineries and solidified his view that New World wines rock.

Legal Writing Professor **Bill Chin** '94 was appointed by Governor Kulongoski to a seat on the Oregon Commission on Asian Affairs for a three-year term. The appointment was approved by the Oregon Senate in April. In May, Chin was a workshop leader at the 14th Annual Asian American Youth Leadership Conference at Lewis & Clark College and also spoke about his article tentatively titled "Life, Liberty, and the Pursuit of Clear Writing: How Clear Writing Can Be a Life and Death Issue" at the University of Oregon School of Law. In June, Chin was the guest speaker at the scholarship award and recognition banquet hosted by the Chinese American Citizens Alliance (Portland lodge). In Atlanta, he gave a workshop, *Lessons Learned From Writing the First Law Review Article: A Scholarship Primer for New Legal Writing Professors*, at the 12th Biennial Conference of the Legal Writing Institute. A few weeks later, Chin spoke as part of the panel discussion *Invisible Victims: Hate Crimes in the Asian Pacific American Community*, which was a feature of the 2006 Oregon Hate Crimes Conference held at the Cascade campus of Portland Community College.



## **Jeremy Aliason '01 Joins Staff**

Jeremy Aliason '01 has joined the Law School staff as the Indian Law Summer Program coordinator. He will oversee the unique program, which combines substantive courses in Indian law with field study in Indian country and diverse internship opportunities. Announcing his hiring, Associate Dean for Admissions and Academic Affairs Martha Spence '84 stated, "Jeremy's enthusiasm for the program and the background he brings to it are wonderful assets."

While a law student, Aliason received the Joyce Ann Harpole Scholarship and was elected to the Cornelius Honor Society. His Native American heritage is Seminole and Creek and he is a member of the Federal Bar Association American Indian Section. He is also a member of

the Oregon State Bar and the Oregon State Bar American Indian Section.

Prior to joining the Law School, Aliason lived in the Bay Area. He and his wife, Inger, who just began a fellowship at OHSU in pediatric anesthesiology, have two daughters: Ruby and Elana.

Professor **Henry Drummonds** coordinated and moderated the Law School's 12th Annual Business Forum, *The Aging of the Baby Boomer and America's Changing Retirement System*, on September 28.

Professor **William Funk** published "Intimidation and the Internet," 110 Penn. St. L.Rev. 579 (2006), in the spring. The article was noted on the Legal Theory Blog. The third edition of Funk's casebook coauthored with professors Sidney Shapiro and Russell Weaver, *Administrative Procedure and Practice*, and the second edition of *Examples and Explanations: Administrative Law* (coauthored with Professor Richard Seamon), were also published this spring. At the Law School, Funk participated in a panel on physician-assisted suicide following the U.S. Supreme Court's decision and joined Professor John Kroger in discussing the Foreign Intelligence Surveillance Act (which Funk was instrumental in drafting) and National Security Agency surveillance of international communications. On two occasions he spoke to groups in Portland on FISA and the NSA surveillance. Funk attended the Association of American Law Schools' annual meeting in January, the ABA's Administrative and Regulatory Practice Section's midyear meeting in February, and meetings of the Center for Progressive Reform (of which Funk is a member scholar) in January and May. His

perspective on the Takings Clause was published on CPR's website. In April, Funk and Janice Weis, director of the Natural Resources and Environmental Law Program, attended an invitation-only conference on environmental law programs at UCLA School of Law. In May, he presented a paper at the invitation-only Administrative Law Forum at the University of Louisville's Louis D. Brandeis School of Law. The paper will be published in the *Administrative Law Review* next year. In July, Funk participated on a panel at the Southeastern Association of Law Schools' annual meeting, speaking on pedagogy in the classroom.

Professor **John Grant** has published *International Criminal Law Deskbook*, coauthored by Professor J. Craig Barker of Sussex Law School in England, with Cavendish Publishing. He completed an entry, "The Lockerbie Trial," for the *Max Planck Encyclopedia of Public International Law*, to be published both online and in print by Oxford University Press. Grant is an editor of as well as contributor to a volume assessing the contribution of the Harvard Research in International Law project (1927-39) to the development of international law. The assessment will be published by W.S. Hein in 2007, along with a four-volume reprint of the entire Harvard Research draft conventions and commen-

taries. Grant has a contract with Oxford University Press for a second volume of his *Lockerbie Trial: A Documentary History*, contingent on the Scottish Criminal Cases Review Commission finding a miscarriage of justice in the trial of the Libyan convicted of the Pan Am 103 bombing in 1988. He and Barker also have a contract with Oxford University Press for a third edition of their *Encyclopaedic Dictionary of International Law*, which is scheduled to be published in 2009. They are negotiating with Oxford University Press to edit a series of books providing documentary histories of landmark international legal events and incidents. The first two volumes in the series are planned to be documentary histories of the 1998 East African embassy bombings and of the U.S. torture memos.

Visiting Professor **Roger Groves** was a speaker at the National Collegiate Athletic Association (NCAA) Expert Coaching Clinic in Miami to discuss university contracts with head football coaches and related challenges for coaches in the largest conferences. Groves is teaching a course titled Emerging Issues in Sports Law.

Professor **Steve Johansen** spent part of his summer in Latvia, working with the University of Latvia's Legal Writing Program. He also had his article "This Is Not the Whole Truth: Telling Stories to Unwitting Clients" published in the *Arizona State Law Review*. In June, he presented "Creating the Professional Classroom: A Different Perspective" at the Legal Writing Institute's biennial conference.

Professor **Jennifer Johnson** recently had her article "Wall Street Meets the Wild West: Bringing Law and Order to Securities Arbitration" (84 N.C. Law Review 123, December 2005) reprinted in the *Corporate Practice Commentator*, a journal published quarterly by Thompson/West.

Professor **Stephen Kanter** is publishing "The Griswold Diagrams: The Outer Limits of the Counter-Majoritarian Dilemma, Fundamental Rights or Unnatural Law?" in 28 Cardozo L. Rev. (2006). In his extensive article, Kanter proposes a new

**Professor Ron Lansing is at work on a history of Northwestern College of Law and the "Accreditation Era" (1965-75) of Northwestern School of Law of Lewis & Clark College, and welcomes any documentation (photos, letters, or Law School ephemera) concerning that history.**



## John Parry Joins Faculty

John Parry has joined the Law School faculty as an associate professor of law. He has been a part of the Law School community for the past two years as a visiting professor, teaching Constitutional law, criminal procedure, civil procedure, and civil rights litigation. Parry will continue to teach courses in these areas—including a new class on U.S. foreign relations law—as a permanent member of the faculty.

Parry's scholarly work focuses broadly on legal structures that restrain or permit the exercise of state power on individuals, with a particular emphasis on the ability of courts to mediate state authority and state violence. Currently, he is exploring those topics in the context of international extradition and the law of torture.

Previously, Parry was a member of the University of Pittsburgh School of Law faculty and was a Bigelow Fellow at the University of Chicago Law School. He also practiced with the Washington, D.C., law firm of Williams & Connolly, where he litigated a variety of constitutional and criminal issues. He was a law clerk to U.S. Court of Appeals Judge James R. Browning of the Ninth Circuit.

Parry earned his A.B., summa cum laude, in history from Princeton University in 1986 and his J.D., magna cum laude, from Harvard Law School in 1991. He served as the Supreme Court editor for the *Harvard Law Review*.

Parry is a prolific writer, authoring articles and essays on criminal law, constitutional law, international law, and state violence that have appeared in a number of law reviews and books. He has coauthored a criminal law casebook and is writing a book on torture for the University of Michigan Press. He is also a frequent commentator on these issues for local and national media.

and comprehensive model for the U.S. Supreme Court to use in fundamental rights cases where the rights are not clearly textually specified in the Constitution. He also authored an op-ed piece for the *Oregonian*, "Oregon's Future With the Roberts Court: Assisted Suicide and the Supreme Court," in October 2005. Kanter continues to lead the Portland Baseball Group (PBG) in its efforts to bring Major League Baseball to Portland. PBG and its companion foundation sponsored another Kids' Honor Night at PGE Park on June 2, 2006, providing tickets for 5,000 honor kids and their parents or favorite teachers and giving the Beavers a crowd of 11,540 for their game.

Associate Professor **John Kroger** spoke recently at Yeshiva University's Benjamin N. Cardozo School of Law about the Enron case, on which he worked as a federal prosecutor from 2002 to 2003. Kroger is hard at work on a book about federal law enforcement, which will include chapters about the Mafia, drug cartels, terror groups, and

white-collar crime. It is scheduled to be published by Farrar, Straus, Giroux in the winter of 2007-08.

Professor **Ron Lansing** spoke about and signed his newly published book, *Nimrod: Courts, Claims, and Killing on the Oregon Frontier*, at the Wordstock Book Fair, Annie Bloom's Bookstore, Powell's Bookstore in Beaverton, and the American Board of Trial Advocates at their annual holiday dinner. He was a judge of papers submitted in a contest called "Celebrate America," sponsored by the American Immigration Law Forum. Lansing also made a presentation of his 1993 book, *Juggernaut: The Whitman Massacre Trial 1850*, at the U.S. District Court of Oregon Historical Society. He is at work on a history of Northwestern College of Law and the "Accreditation Era" (1965-75) of Northwestern School of Law of Lewis & Clark College, and welcomes any documentation (photos, letters, or Law School ephemera) concerning that history.

Interim Dean and Professor **Lydia Loren** taught a course titled International Intellectual Property in Florence, Italy, this June for a program offered by the University of San Diego. The second edition of her casebook, *Copyright in a Global Information Economy*, published by Aspen, was released in April. The casebook was coauthored with Professor Julie Cohen (Georgetown University Law Center), Professor Ruth Okediji (University of Minnesota Law School), and Dean Maureen O'Rourke (Boston University School of Law). Loren's most recent article, "Building a Reliable Semicommons of Creative Works: Enforcement of Creative Commons Licenses and Limited Abandonment of Copyright," has been accepted for publication by *George Mason Law Review*.

Professor **Joe Miller** was the sole speaker for a lunchtime presentation in January to the Washington State Patent Law Association, where he delivered a talk titled "The Federal Circuit Year in Review 2005." In April, Miller was one of three participants in the closing capstone panel at a daylong conference, At the Intersection of Antitrust and Intellectual Property Law, at Seattle University School of Law. Miller's panel was Patents and Competition: Are We Moving in the Right Direction? On May 11, he spoke on a panel at the Washington State Bar Association's Third Pacific Northwest Arts and Entertainment Symposium. This particular panel discussed copyright law's fair use doctrine in the context of documentary films and film archives, as well as Creative Commons and other open-access approaches to distributing creative works. On May 19, in connection with his service as a member of the advisory council for the U.S. Court of Appeals for the Federal Circuit, Miller spoke on a panel about the willful infringement doctrine in patent law. The panel was part of the Federal Circuit's triennial Circuit Judicial Conference. Miller was also the sole speaker for a July 13 lunchtime presentation to the Oregon Patent Law Association titled "Putting the Law (Back) in Patent Law: The October 2005 Term of the Supreme Court."

Associate Professor **Robert Miller** '91 revised his Oregon State Bar CLE chapter on pleading and practice in tribal courts for the 2006 edition of the *Civil Pleading and Practice CLE*. He cowrote an article on Indian issues with U.S. Representative Elizabeth Furse for the New York State Bar Association's *Government, Law, and Policy*



## H. Tomás Gómez-Arostegui Joins Faculty

H. Tomás Gómez-Arostegui has joined the Law School faculty as an assistant professor of law. Gómez-Arostegui will teach cyberspace law, international intellectual property, torts, and trademark law. His arrival brings the number of full-time Law School faculty teaching in the area of intellectual property to three.

Just prior to joining Lewis & Clark, Gómez-Arostegui served as a visiting researcher and lecturer at the Norwegian Research Center for Computers and Law at the University of Oslo. He holds an LL.M. degree from the same institution, where he studied European information and communication technology law.

While in Oslo, Gómez-Arostegui worked with students and colleagues from nearly every continent and legal system. He hopes to share those experiences by injecting a bit of comparative law into his IP-related classes.

"It is important, perhaps now more than ever before, for our students to have at the very least a basic understanding of the laws of major markets and regions outside the United States. This is especially true for those areas of industry most affected by technology and the Internet. In recent years, for example, we have seen U.S. tech companies suffer (rightly or wrongly) at the hands of regulatory authorities abroad. Microsoft's ongoing battle with the European Union competition authorities is but one instance. Apple Computer's dispute with countries in Scandinavia and elsewhere in Europe over its online iTunes music store is another. Students who are made aware of the principal regulatory frameworks that govern these sorts of activities outside the United States will be better prepared to serve their clients."

During his last two years in law school, Gómez-Arostegui taught legal writing to first-year law students at the University of Southern California Gould School of Law. "[That] was one of the most enjoyable and rewarding experiences of my legal career. It made a lasting impression on me, and I knew then that I would later steer my way back to academia. It should therefore come as no surprise that I am delighted to be joining the Lewis & Clark law faculty. Apart from giving me a chance to work with promising students and accomplished colleagues, it presents an opportunity to work within and contribute to an unusually supportive and comprehensive intellectual property law program. Many law schools have only one person on the full-time faculty devoted to the study of intellectual property. We now have three, each with different specialties—a fact that students will find beneficial."

Gómez-Arostegui earned a B.A. in history and a J.D. from the University of Southern California. He served as a notes editor on the *Southern California Law Review* and was a member of the Order of the Coif. Following graduation, Gómez-Arostegui clerked in Los Angeles for U.S. District Court Judge Edward Rafeedie and in Denver for U.S. Court of Appeals Judge John C. Porfilio of the Tenth Circuit.

Gómez-Arostegui practiced law at O'Melveny & Myers in Century City, California, and Hogan & Hartson in Denver. As part of his practice, he litigated matters relating to toxic torts, copyrights, trademarks, patents, trade secrets, and publicity rights. He is a member of the California and Colorado bars.

Born in Argentina, Gómez-Arostegui grew up in the United States. "The first place we settled was in Portland, where we lived for several years. Returning to this city means coming back full circle. Most of my family have moved back to the Northwest, too, and I am happy to be close to them."

*Journal*. Two chapters he coauthored with Erskine Wood Sr. Professor of Law Jim Huffman and Professor David Haddock of Northwestern University School of Law on tribal economic issues were published in *Self-Determination: The Other Path for Native Americans* by Stanford University Press. In April, Miller spoke at the Yakama Nation Theater and Whitman College on the subject of Indian treaties. In National Park Service programs in Stevenson and Toppenish, Washington, and Warm Springs and Pendleton, he spoke about Lewis and Clark and the Doctrine of Discovery. He also spoke in June at a conference on slavery and colonialism in Gloucester, England. Miller served as a reviewer of Web programs on tribal treaties, Lewis and Clark, and Chief Leschi developed by the Washington State Historical Museum.

Associate Dean of Faculty and Professor **Jan Neuman** presented a paper by invitation at the Ecosystem Services Symposium at Florida State University College of Law in April 2006. Her paper, "Thinking Inside the Box: Looking Inside a Watershed for Ecosystem Services," will be published by Florida State's law review. Neuman continues to serve on the advisory board of the Oregon Water Trust.

Clinical Law Professor **Stephanie Parent '92** and PEAC environmental legal clinic students secured a rare stay from the Ninth Circuit ordering the Bonneville Power Administration to continue to fund the Fish Passage Center until the merits of the petition for review under the Northwest Power Act can be heard. To read more about this and other PEAC cases, visit [www.peaclaw.org](http://www.peaclaw.org). PEAC celebrated its 10th anniversary on September 12 at Equinox Restaurant.

Professor **John Parry** coauthored *Criminal Law: Cases, Statutes, and Lawyering Strategies* (Lexis-Nexis 2005) with Neil Cohen (University of Tennessee College of Law), David Crump (University of Houston Law Center), Laurie Levenson (Loyola Law School Los Angeles) and Penny Pether (Villanova University School of Law). He also edited a collection of essays titled *Evil, Law, and the State: Perspectives on State Power and Violence* (Rodopi Press 2006), which includes his own essay "Pain, Interrogation, and the Body: State Violence and the Law of Torture." Parry wrote a short article for the *Lewis & Clark Law Review*'s fall 2005 symposium on *Gonzalez v. Raich*, titled "Society



## Tigran Eldred Joins Faculty

Tigran Eldred has joined the Law School faculty as a clinical professor for the Lewis & Clark Legal Clinic, where he will oversee employment law. Eldred says he looks forward to continuing the clinic's long tradition of teaching students how to represent low-income clients effectively and responsibly. "Clinical teaching combines the best of both worlds—helping students learn how to represent clients and, at the same time, providing important services to those with legal needs. It brings together my two passions: teaching and service."

He is also very excited to be joining the Law School community. "Everyone here is committed to providing top-notch legal education in a supportive and friendly environment," he observes. "That's a rare combination."

Eldred graduated from Georgetown University in 1986 and Fordham

University School of Law in 1990, where he was notes and commentary editor of the *Fordham Law Review*. He most recently served as acting assistant professor of lawyering at New York University School of Law. Previously, he clerked for U.S. Court of Appeals Chief Judge James L. Oakes of the Second Circuit. In practice, Eldred specialized in federal civil rights and criminal law, working at Sullivan & Cromwell, the Criminal Appeals Bureau of the Legal Aid Society, Federal Defenders in Brooklyn, and Appellate Advocates in New York City. From 1997 to 2000, he was national outreach director for the Lawyers Committee for Human Rights (now Human Rights First), where he coordinated a countrywide effort to promote the rights of political refugees and the International Criminal Court.

Eldred's research focuses on regulation of lawyers and clinical teaching. He is a member of the bars in New York and Oregon and the U.S. District Courts for the Southern and Eastern districts of New York. He also serves on the board of the International Legal Foundation, which funds and staffs the only functioning public defender system in Afghanistan.

While in New York City, Eldred also managed time for the stage. His work as a professional actor included regional and off-Broadway theatre productions.

Having spent his entire life on the East Coast, Eldred says he is looking forward to living in Portland and becoming familiar with all the city has to offer, including the many outdoor activities he's heard about. "I guess I'll have to get my bike out of storage," he adds.

Must Be [Regulated]': Biopolitics and the Commerce Clause in *Gonzales v. Raich*," and coauthored an article with Andrea Hibbard, "Law, Seduction, and the Sentimental Heroine: The Case of Amelia Norman," which was published in the June 2006 issue of *American Literature*. Parry gave a talk at Loyola Law School Los Angeles on November 3, 2005, titled "The Shape of Modern Torture." He has been invited to participate in conferences at Yeshiva University's Benjamin N. Cardozo School of Law and the University of Colorado School of Law.

Clinical Professor **Mark Peterson** is serving as the executive director of the Oregon Council on Court Procedures. Lewis & Clark Law School became the home of the council late last year after the body moved from the University of Oregon School of Law, where it had resided since its creation in 1979.

Clinical Professor **Melissa Powers '01** will be a visiting professor at University of Maine School of Law during the 2007 spring semester. She will teach the environmental law survey course and coastal zone law.

Professor **Elaine E. Sutherland** researches and teaches at Lewis & Clark Law School half of the year (July through December) and in Scotland the other half. In February 2006, she moved from Glasgow University to take up her appointment as professor of child and family law at the University of Stirling. Her article "Undue Deference to Experts Syndrome?" was published in the *Indiana International and Comparative Law Review* this summer. It considers the recent debacles in the United Kingdom arising from expert evidence on Munchausen syndrome by proxy and temporary brittle bone disease, exploring the procedures in place for admitting expert evidence in court in the United Kingdom. In the piece, Sutherland asks whether application of the United States' Daubert test would make a difference and concludes that not only must courts be alert to the danger of showing undue deference to expert witnesses (particularly medical ones), but also that more needs to be done to educate lawyers and judges about scientific methodology. She contributed a chapter, "Is There a Right Not to Procreate?" to *First, Do No Harm* (2006), a Festschrift in honor of Professor Emeritus J. Kenyon Mason of Edinburgh University. Sutherland's chapter explores the extent to which the legal systems in the United States and the United Kingdom respect the choice of an individual not to have a child. She concludes that there is, indeed, a right not to procreate, although the right is not absolute nor is its exercise without possible adverse consequences. In May 2006, Sutherland attended a conference in Glasgow, Right of Personality in Scots Law: A Comparative Perspective, and another in Luxembourg, European Union Developments in Family Law and Succession. She also presented a paper, "The Impact on Children of Exposure to Domestic Abuse: Now a Special Factor?" at the Child Law Update Conference of the Law Society of Scotland in Dunblane, Scotland. Using empirical and other research data, the paper explores the adverse impact on children of exposure to inter-adult domestic abuse and compares legislative approaches in the United Kingdom and the United States to taking the issue on board in the context of custody and visitation disputes.

Associate Professor and IELP Director **Chris Wold** '90 attended meetings in San Diego and Washington, D.C., of the U.S. National Advisory Committee, which provides advice to EPA on a range of strategic, legal, and regulatory issues for the



## **Maya Crawford '03 Joins Staff**

Maya Crawford '03 has joined the Law School staff as the first public interest law coordinator. As a member of the Career Services Office staff, she will counsel alumni and prospective as well as admitted students on careers in public interest and public service work; administer the Loan Repayment Assistance Program and work with the development team, Professor Susan Mandiberg, and Associate Dean for Admissions and Academic Affairs Martha Spence '84 to enhance it; and oversee the Pro Bono and Community Service Honors programs, among many other responsibilities.

"I feel honored to have been chosen to be the first public interest law coordinator," Crawford says. "Lewis & Clark has a great reputation for supporting and fostering pub-

lic interest work. With this position, many of the public interest endeavors sponsored by various individuals within the Law School can now be consolidated under one umbrella. This will eventually lead to an increase in the breadth and depth of public interest opportunities available to Lewis & Clark students. I am mindful of the responsibility involved in being the first coordinator, and look forward to stewarding the position through its first phase. I feel very fortunate to have been granted the opportunity to be involved in such a worthwhile undertaking."

As a student, Crawford was a law clerk at the Lewis & Clark Legal Clinic, served as the student pro bono coordinator, and was a law clerk for Catholic Charities Immigration Services. She was also very active in PILP during all three of her years of study.

Following graduation, Crawford served as a staff attorney for the Pro Bono Unit of Legal Aid Services of Oregon in its Portland office. There, she recruited, coordinated, and mentored over 400 volunteer attorneys and maintained her own substantive poverty law caseload, serving the needs of low-income seniors and domestic violence survivors.

Currently, Crawford is very active in several local and statewide committees and boards charged with promoting private bar participation in pro bono work. She plans to remain involved with these groups.

implementation of the NAFTA environmental side agreement. He also traveled to Geneva to negotiate rules under the Convention on International Trade in Endangered Species for issuing permits for species taken on the high seas. The meeting included representatives from 12 governments, three nongovernmental organizations, and the United Nations' Food and Agriculture Organization. Wold participated as the representative of the Species Survival Network (SSN), an international coalition of over 80 organizations. In April, he traveled to Budapest, Hungary, to develop a strategy with SSN members on how best to control trade in endangered species. Working with students in IELP, he also submitted a petition to the World Heritage Committee to list Waterton-Glacier International Peace Park as "in

danger due to climate change." Climate change is significantly affecting the U.S. side, Glacier National Park. Once home to 150 glaciers, Glacier National Park now has only 27 and scientists predict that these, too, will be gone by 2030. Although the committee has not yet acted on the petition, it has responded to this and four other petitions by developing a strategy for mitigating the impacts of climate change on world heritage sites.

Clinical Professor **Terry Wright** began her term of service on the Oregon Board of Bar Governors (BOG) on January 1, 2006, and is serving on the Access to Justice, Appointments, and Member Services committees of the BOG, and serves as liaison to the Unlawful Practice of Law Committee and the Consumer Law and Diversity sections.

# Class Notes

(Includes news received from May 1 through June 12, 2006)



Daniel Duyck '97



Jeneé Gifford '05

## 1960s

**Richard Maizels** '66 has moved his office to Room 1025 of the American Bank Building at 621 S.W. Morrison Street. He can be reached by phone at 503-223-2126, by e-mail at rmaizels@comcast.net, and by fax at 503-274-8575. Maizels continues to offer arbitration and mediation services.

**Justice Betty Roberts** '66 received the Margaret Brent Award at the ABA's annual meeting in Honolulu.

## 1970s

**Gregory Lynch** '75 and **Stanley Austin** '91 announce the formation of Lynch Austin Wilson and Hill. The firm will advise and represent clients in a range of litigation, business, real estate, land use, and employment matters. Their Bend office is located at 354 S.W. Upper Terrace Drive, Suite 101, and can be reached by phone at 541-383-5857 and fax at 541-383-3968. Their Prineville office is located at 446 N.W. Third Street, Suite 230, and can be contacted by phone at 541-447-5777 and fax at 541-447-5755.

**Thomas Mason** '76, who is currently living in California, is married to Pat Amedeo. His daughter, Jessica Mason, starts graduate school at the San Francisco Conservatory of Music this fall. Mason's practice is in international government relations, with a focus on lobbying the United Nations on behalf of a group of NGOs.

**Betsy Johnson** '77, who is serving as an Oregon state senator, was the emcee of Portland State University's College of Urban and Public Affairs' fifth annual Urban Pioneer Awards Dinner. The Urban Pioneer Awards honor community leaders who exhibit many of the ideals taught to students and valued by College of Urban and Public Affairs faculty and community partners.

**Linda Weimar** '77 lives in Beaverton with her husband and teenage daughter. She practices in Washington County, is a President's Circle Member of the Oregon Trial Lawyers Association, is licensed to practice law in both Oregon and Washingt-



Leah Lively '96



Jonathan Norling '97



Elizabeth Welch '04 and Theresa Kohlhoff '80

ton, and is a member of the Oregon Bar Association, Washington Bar Association, Oregon Women Lawyers, American Trial Lawyers Association, and Multnomah County Bar Association. Weimar's practice includes personal injury, motor vehicle accidents, animal attacks, medical malpractice, nursing home litigation, and wrongful death.

**Arlene Platt** '78 has changed her practice from Platt & Weinstein to a sole proprietorship. She will continue her family law practice at 777 High Street, Suite 260, in Eugene. As before, Platt can be reached by phone at 541-683-0808, by fax at 541-687-0985, and by e-mail at aplattatty@aol.com. **Judith Stiegler** '78, an attorney in central Oregon, was recently appointed to the state's Government Standards and Practices Commission. She is director of the Central Oregon Court Appointed Special Advocates, which encompasses the former Deschutes, Jefferson, and Crook counties CASA programs. Stiegler also serves as chair of the Child Welfare Advisory Committee to the Department of Human Services and was recently appointed board member of the Education Foundation for the Bend-La Pine School District.

## 1980s

**Theresa Kohlhoff** '80 is excited to announce that she and **Elizabeth Welch** '04 have opened a new law practice, Kohlhoff & Welch: A Mother-Daughter Partnership. Kohlhoff has practiced law for nearly 26 years and Welch has considerable experience in plaintiff personal injury work, an area in which the practice plans to continue. The practice's offices are located at 5828 North Lombard in Portland. Kohlhoff and Welch can be reached at 503-286-7178.

**Robert Neuberger** '80 has joined the board of directors at St. Andrew Legal Clinic for a two-year term. He has been practicing law in Oregon since 1980, specializing in professional malpractice, product liability, admiralty and maritime, and personal injury law.

**Christopher Simoni** '80 is director of the law library at Drexel University College of

Law, where he is also a professor. In addition, he has been appointed visiting professor for Drexel's College of Information Science and Technology. Before joining Drexel, Simoni was the associate dean for library and information services and professor of law at Northwestern University School of Law, where he was responsible for the law library and law school computing. His professional interests include information policy and copyright, the use of information technology in libraries in developing countries, and the changing patterns of research and scholarly communication caused by developments in information technology. Simoni is very active with the American Association of Law Libraries, the Association of American Law Schools, and the American Bar Association, and has consulted at law libraries in Ethiopia, Ghana, and Uganda on the use of information technology for library collection development and research support. He can be reached by e-mail at christopher.simoni@drexel.edu.

**Sylvia Stevens** '81 has been appointed general counsel for the Oregon State Bar. Formerly, she was senior assistant general counsel.

**Pamela Knowles (Stebbeds)** '83 currently serves as chief operating officer of the Portland Business Alliance, greater Portland's Chamber of Commerce. She oversees legal services, finance, membership, administration, and communications. Prior to joining the alliance in 2004, Knowles was a partner at Davis Wright Tremaine and served as executive director of the Oregon Judicial Fitness Commission and in leadership roles with various arts and community organizations.

**Turid Owren** '83, an attorney for Tonkon Torp, has been appointed chair of a liaison committee that oversees adjudication and processing of immigration petitions by the American Immigration Lawyers Association (AILA). The committee of eight lawyers reviews petitions filed with the U.S. Citizenship and Immigration Service (CIS) Nebraska Service Center. AILA has also asked Owren to serve on its faculty at

**Class Notes may be submitted online at [law.clark.edu/dept/lawalum](http://law.clark.edu/dept/lawalum).**

If you send us a digital photo, the file should be at least 600K. Images pulled from the Web at 72 dpi are not suitable for print. If you're using a digital camera, images should be 3.2 megapixels or greater.

a 2006 fall conference in New York, where she will join chairs of other service center committees to speak on liaison initiatives. Owren has practiced immigration law since 1988 and is listed in the immigration section of the 2006 edition of *The Best Lawyers in America*.

**Paul Ellis** '84 has joined Kivel & Howard in Portland.

**Jeffrey Eden** '85 is a shareholder-in-charge at Bullivant Houser Bailey. In addition to leading the Portland office of Bullivant, he will continue his law practice as an experienced trial attorney and cochair of the firm's product liability practice group.

**David Ernst** '85 is the new firm president for Bullivant Houser Bailey. He will oversee the law firm's operations in its six West Coast offices in Washington, Oregon, California, and Nevada.

**Martha Payne** '85 has joined the firm of Benesch, Friedlander, Coplan & Aronoff as of counsel in the transportation and logistics practice group. She focuses her practice on litigation, regulatory, transactional, and contractual matters in the transportation and logistics industry. Payne has significant experience in drafting and negotiating domestic and international transportation, logistics, and supply chain management contracts. She also advises transportation providers and users of all sizes regarding cargo liability, risk management, freight charge, and collection issues.

**Nargess Shadbeh** '85, a longtime legal aid attorney who works with the Oregon Law Center in Portland, has been named a Wasserstein Fellow for 2006-07 by Harvard Law School. The Wasserstein Public Interest Fellows program brings outstanding public interest attorneys from across the country to the Harvard Law School campus for one or two days to meet with and advise law students interested in public interest careers. Shadbeh has most recently focused her energies on the Indigenous Farmworker Project, which she has helped to obtain significant foundation funding and to recruit three outreach workers who speak languages of indigenous peoples from Mexico's southern states. This population, which makes up an increasing percentage of the agricultural work force in Oregon, faces discrimination in both Mexico and the United States.

**Helen Tompkins** '87 has relocated her law office to 111 S.W. Columbia Street, Suite 300, in Portland. She will continue accepting referrals for all types of civil appeals and complex litigation in Oregon and Washington. Tompkins can be contacted

at 503-554-5020 and [htd@aol.com](mailto:htd@aol.com).

**Gary Young** '87 has opened his own law office at 1217 N.E. Burnside Road, Suite 201, in Gresham, specializing in personal injury and business law. He can be reached at 503-667-4800.

## 1990s

**Lorie Harris Hancock** '90 has joined the Bend firm of Karnopp Petersen as of counsel. Previously, she practiced law as a contract lawyer and with Tonkon Torp. Hancock will continue to focus her practice in the areas of business and corporate law. **Linda Johannsen** '90 has received the debtor-creditor section of the Oregon State Bar's Award of Merit in recognition of her distinguished service to the section and the legal community at large. Johannsen is a partner at Preston Gates Ellis.

**Stanley Austin** '91 and **Gregory Lynch** '75 announce the formation of Lynch Austin Wilson and Hill. The firm will advise and represent clients in a range of litigation, business, real estate, land use, and employment matters. Their Bend office is located at 354 S.W. Upper Terrace Drive, Suite 101, and can be reached by phone at 541-383-5857 and fax at 541-383-3968. Their Prineville office is located at 446 N.W. Third Street, Suite 230, and can be contacted by phone at 541-447-5777 and fax at 541-447-5755.

**Abby Wool Landon** '91 has joined the Portland law firm of Bateman, Seidel, Miner, Blomgren, Chellis & Gram. She will assist the firm in expanding the estate planning and probate administration practice and will continue her practice in business and family law and business succession planning. Landon, owner of her own law firm for 10 years and member of several family partnerships, is well versed in advising small family businesses.

**Philip Harris** '92 has been promoted to general counsel and chief executive officer of Shilo Inns. He joined the company in August 2005 as co-general counsel and chief operating officer. Harris has more than 20 years of experience in the hospitality industry and legal profession.

**Michele Rini** '92, formerly with Karpstein & Verhulst, has been selected to serve as Washington County Juvenile Court Referee.

**Margaret Allee** '93 is the new agency director for Exceptional Donors, the local egg donor agency affiliated with the Portland Center for Reproductive Medicine. Exceptional Donors' offices are located at 909 N.W. 19th Avenue, Suite B, in Portland. Allee can be contacted by phone at

866-296-1015, by fax at 503-243-5849, and by e-mail at [alleem@exceptionaldonors.com](mailto:alleem@exceptionaldonors.com)

**Hafez Daraee** '93 has joined Jordan Schrader, serving its "dirty law," litigation, and business clients. He has more than 13 years of legal experience representing clients in all facets of complex commercial, construction, and real estate litigation as well as real estate, construction, and commercial transactions. Since November 2005, Daraee has also served as mayor of the city of Rivergrove. He has been a Rivergrove city councilor since 1997, serving for two years as council president.

**Michael Colbach** '94 has joined **Thomas Patton** '96 in a litigation practice specializing in personal injury and other torts.

**Leah Lively** '96 has returned to the law firm of Lane Powell as a shareholder in the firm's litigation department, where she will focus her practice on employment litigation. Lively has extensive experience defending employers against claims of harassment, discrimination, and wage and hour violations. She is an experienced trial attorney, having tried more than 40 jury trials. Lively was an associate with Paul Hastings in San Diego from 2004 to 2006, an associate with Lane Powell from 2001 to 2004, an associate at Miller Nash for one year, and a deputy district attorney with the Multnomah County District Attorney's Office for five years. She is a member of the Oregon and California state bars.

**Roger Dilts** '95 has been selected to join Clean Water Services' newly formed regulatory affairs department. He joined the Washington County Wastewater and Storm Water Authority in 2000 as senior assistant counsel. Transferring to the CWS wastewater treatment department as a special projects manager in 2003, Dilts developed and administered the CWS environmental management system, managed the procurement of consultants, and led the development of a property management plan. In the regulatory affairs department, he will lead initiatives in regulatory compliance.

**Lisa Johnston-Porter** '95 has joined the Seidl Law Office. She will continue in the practice areas of surety and construction, insurance defense and coverage, commercial litigation, and tort and personal injury litigation.

**Mark McGranaghan** '95 has become a shareholder in the firm of Bittner & Hahs. He leads the firm in litigation. McGranaghan's business litigation practice includes real estate, construction law, contract claims, and employment law.

He also handles personal injury and landlord/tenant related matters, including Fair Housing Act accessibility and discrimination claims.

**Daniel Cheyette** '96 was recently appointed the state of Alaska's assistant attorney general in the Department of Law's Office of Special Prosecutions. He is responsible for the statewide prosecution of environmental crimes. Cheyette comes to this new position from the Anchorage District Attorney's Office, where he prosecuted property crimes.

**Thomas Patton** '96 has joined **Michael Colbach** '94 in a litigation practice specializing in personal injury and other torts.

**Sybil Ackerman** '97 has been hired as the Oregon League of Conservation Voters' new legislative affairs director. In that role, she will lobby on behalf of the Oregon Conservation Network. Ackerman worked for eight years in various environmental nonprofits, including the National Wildlife Federation and the Sierra Club. Most recently, she was the conservation director for the Audubon Society of Portland.

Ackerman has been involved in many projects protecting Oregon's high desert, marine resources, and forests. She can be reached at [sybil@olcv.com](mailto:sybil@olcv.com) or 503-224-4011.

**Daniel Duyck** '97 has been chosen to lead the Portland Schwabe, Williamson & Wyatt multidisciplinary construction practice group, which provides comprehensive legal services within the construction industry. He participates in various industry organizations, including the Associated General Contractors of America and Associated Builders and Contractors.

Duyck is an active member of the Oregon State Bar, including its construction law and agricultural law sections. He is also a member of the American Bar Association's Litigation Section, Torts and Insurance Practice sections, and the Construction Law Committee.

**Jonathan (Jon) Norling** '97 has joined Lane Powell as shareholder in the firm's real estate and land use practice group. He was a partner at the Portland firm of Lovinger Norling Kaufman, where he focused his practice on regulatory and transactional matters involving both electric and telecommunications utilities. Norling has broad experience in all aspects of the electric utility industry and is well versed in the technical and economic issues it faces. In addition, he has represented clients in all aspects of project finance, including asset acquisitions, divestitures, document drafting and



*Kevin Cassidy '02 with his mother, Patricia Cassidy*



*Andrea Steward '01*

## **Department of Justice Awards Steward '01 and Cassidy '02**

In September, Kevin Cassidy '02 and Andrea Steward '01 were each presented with the John Marshall Award, the Department of Justice's highest honor. The awards are presented to attorneys for their contributions to and excellence in legal performance.

Twelve awards (to individuals and teams) were presented this year. Steward and Cassidy were part of a team of 14 lawyers from DOJ and United States

Attorney's offices that was honored for its work on a nationally coordinated series of prosecutions that brought to justice one of the most egregious violators of environmental and worker safety laws. McWane Inc. was convicted after trials in two districts and pleas in three districts in five separate cases involving conspiracy and violations of the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act,

and Occupational Safety and Health Act. McWane Inc. headquartered in Birmingham, Alabama, is a major manufacturer of cast-iron pipes. To learn more about the case, go to [www.usdoj.gov/opa/pr/2005/December/05\\_enrd\\_643%20%20%20.html](http://www.usdoj.gov/opa/pr/2005/December/05_enrd_643%20%20%20.html).

After graduation, Steward clerked for two years in federal district court in Alaska for Judge James Singleton. She started her service with DOJ through the Honors Graduate Program in the Environmental Crimes Section, where she worked for three years. Recently Steward returned to Alaska, where she works in the U.S. Attorney's Office in Anchorage.

Cassidy joined the Environmental Crimes Section of the Department of Justice, through the Honors Graduate Program, immediately after law school. He continues to practice in the Washington, D.C., office of DOJ.

negotiations, and due diligence analyses. Norling has drafted numerous asset and power purchase agreements for both small- and large-scale projects, and assisted clients in permitting and environmental issues.

**Travis Hall** '98 has joined Bateman, Seidel, Miner, Blomgren, Chellis & Gram as an associate in the litigation practice group, focusing on commercial/business litigation and appellate advocacy. He is also an adjunct professor at the Law School. Previously, Hall served in the Army JAG Corps for six years. His most recent assignment was as the senior defense trial counsel for his region. Hall also served several years as an international law judge advocate and Arab linguist, which included deployment to Iraq in 2003. Prior to the JAG Corps, he was a judicial clerk for the Honorable William Keys.

**Alexandra West** '99 has joined Johnson, Renshaw & Lechman-Su as an associate. She was formerly of counsel to the Law Office of Jonah H. Paisner. Johnson, Renshaw & Lechman-Su practices primarily family law from its offices in Southeast Portland.

## **2000s**

**Debbie Pilorget** '00 has joined Kivel & Howard in Portland.

**Chad Stokes** '00 is a partner at Cable Huston. He represents clients in energy, environmental, and land use matters, assisting them with permitting, contract negotiations, rate proceedings, administrative litigation, and other regulatory issues.

**Daniel Flo** '02 has joined the environmental consulting firm Natural Resource Group

as an associate consultant/land use specialist. NRG is headquartered in Minneapolis and provides environmental permitting and public affairs support for energy projects and clients around the country. Flo and his wife, **Lynn Archer** '02, live in

Minneapolis, where Archer practices employee benefits and corporate law at Parsinen Kaplan Rosberg & Gotlieb.

**Sarah Adams Lien** '02 has joined the new law office McDowell & Associates, located at 520 S.W. Sixth Avenue, Suite 830, in Portland. The firm focuses on energy regulation, administrative law, and litigation. Previously, Lien worked at Stoel Rives. She can be reached by phone at 503-595-3927 and e-mail at sarah@mcd-law.com.

**Erin MacDonald** '02 has joined the firm of Karnopp Petersen in Bend. She will be in the estate planning division.

**Nathan Perea** '03 has joined the firm of Varner & Brandt in Riverside, California. He will be working in the business litigation department.

**Allen Chan** '04 has joined the firm of Davison Van Cleve as an associate in the firm's energy and utility law practice.

**John Barhoum** '04 has joined Dunn Carney Allen Higgins & Tongue as an associate. He will focus on business and commercial litigation as well as products liability and insurance coverage litigation. Previously, Barhoum was with Lane Powell.

**Tim Eblen** '04 has joined the firm of Smith & Greaves as an associate in the growing consumer and commercial collection practice department. He will continue to serve homeowners' associations in the state of Oregon.

**Matthew McHenry** '04 has joined Metropolitan Public Defender and is working in the Multnomah County office. Previously, he worked as an associate attorney at the Law Office of Michael Levine.

**Triptaa Surve** '04 is working for the state of Alaska in the Office of the Governor as the investigations director for the Human Rights Commission.

**Elizabeth Welch** '04 is excited to announce that she and **Theresa Kohlhoff** '80 have opened a new law practice, Kohlhoff & Welch: A Mother-Daughter Partnership. Kohlhoff has practiced law for nearly 26 years and Welch has considerable experience in plaintiff personal injury work, an area in which the practice plans to continue. The practice's offices are located at 5828 North Lombard in Portland. Welch and Kohlhoff can be reached at 503-286-7178.

**Jeneé Gifford** '05 has joined Miller Nash as an associate in the business department. Her practice will encompass the fields of general business, real estate, tax-exempt organizations, and tax law, including the formation of new businesses, purchase and sale of real property, commercial leasing, and tax-free exchanges. Gifford is licensed to practice law in the state of Oregon. She is also a member of the Oregon State Bar New Lawyers Division and the Multnomah Bar Association.

**Chris Grady** '05 has accepted an associate position at Smith Freed & Eberhard in Denny Freed's litigation team. Grady's practice emphasizes the defense of personal injury and construction defect claims. Previously, Grady spent 10 years in the banking industry.

**Rachel Philips** '05 has joined Metropolitan Public Defender and is working in the Multnomah County office.

**Robert Tunstall** '77 died May 12 at his home in Oregon. He was 64 years old. Tunstall is survived by his wife of 42 years, Rae Ann Tunstall; son Brett Tunstall; daughter Brooke Payne; father, Harold C. Tunstall; brothers Ron and James Tunstall; grandson Matthew Martinez; and granddaughter Leah Payne.

**Sidney I. Lezak**, a great friend of the Law School and a noted mentor, passed away on April 24 at the age of 81. He was born November 8, 1924, in Chicago. During World War II, Lezak served as a navigator on B-17 bombers flying out of England, for which he was awarded the Distinguished Flying Cross and the Air Medal. Following the war, he earned a J.D. from the University of Chicago before moving to Portland, where he specialized in labor law and became an active campaigner for Democratic candidates. President Kennedy appointed him U.S. attorney in early 1961; Lezak would serve as U.S. attorney for Oregon under five presidents. After leaving the office following the 1982 election of President Reagan, Lezak dedicated his career to creative dispute resolution, which he saw as an extension of his earlier work settling conflicts and facilitating policy consensus. He became the first chair of the Oregon Dispute Resolution Commission and a fellow in the International Academy of Mediators. Lezak was also active in the community, most notably as trustee for the Foundation for Public Broadcasting, commissioner on the Metropolitan Human Relations Commission, and president of the City Club of Portland (a position he resigned in 1972 over the club's refusal to admit women as members). He also served on the boards of the Nature Conservancy and Planned Parenthood. He and his wife were on a hiking trek in New Zealand just six weeks prior to his death at Portland's Hopewell House hospice. Lezak is survived by his wife, Muriel; daughters Anne and Miriam; a son, David; and eight grandchildren.

## In Memoriam

**Peter Blyth** '53 passed away on April 13. He joined the Army Air Force in 1943 and served three years in World War II, first as a flying radio operator and then as a flight school teacher. Blyth became a lawyer in 1952 and was a member of the Oregon State Bar for 50 years, practicing law and serving on the Oregon State Bar Ethics Committee. He was a founding partner in the law firm of Hershiser, McMenamin, Blyth, Jones, Joseph, and Lange, and the firm of Blyth, Porcelli, Moomaw, and Miller. He is survived by his wife, Yolanda; his sons, Peter, Robert, and Bradley; his daughters-in-law, Ellen and Francine; his grandchildren, Ryan, Danny, Kimberly, Christopher, Schuyler, Caitlin, and Tonya; his brother, John; his sister-in-law, Virginia; and his nieces and nephews, Bonnie, John, Scott, and Phillipa.

**Tom Curran** '57 passed away on May 16 at the age of 75. He was born February 3, 1931, in Chicago and moved to Portland in 1944. Curran served in the Marine Corps in the Korean War and was in the Battle of Chosin Reservoir. He was an attorney for 20 years. Survivors include his wife, the former Judy Karush; daughters, Colleen Curran and Diane Gould; son, Tim; step-daughters, Sheri Lautenbach and Teri Rogers; and five grandchildren.



Lewis & Clark Law School  
10015 S.W. Terwilliger Blvd.  
Portland, Oregon 97219

ADDRESS SERVICE REQUESTED

NONPROFIT ORG.  
U.S. POSTAGE  
**PAID**  
PORTLAND, OR  
PERMIT NO. 438



*Members of the Law School faculty.*