

# Something Old, Something New

**Accomplished lawyer and legal scholar Bob Klonoff  
returns home to lead Lewis & Clark Law School**

*by Dan Sadowsky*

Bob Klonoff's three-decade legal career has whisked him to New Orleans; San Diego; Washington, D.C.; and Kansas City. But his roots—and his foreseeable future, as Lewis & Clark Law School's new dean—are right here in Portland.

Klonoff grew up in Beaumont, a quiet Eastside neighborhood where his father owned and operated a pharmacy. As a boy, he sold refreshments at Portland Beavers games, packed china sets for Import Plaza, and washed pots and pans at Providence Hospital. He liked to wrestle, play tennis, tinker with cars, strum the guitar, and hang out downtown.

"I was down here quite a lot," Klonoff said earlier this year over a plate of sashimi served near the South Park Blocks. He'd just come from visiting a prospective school for his 12-year-old son, Josh, who lives full-time with Klonoff, a single father. "My friends and I used to ride the bus downtown, grab a burger, browse Cameron's Bookstore. A lot has changed, of course, but many of the landmarks are still the same."

When Klonoff last lived in Portland he wore his hair stylishly long. That was in 1973, the year he graduated from Grant High School and drove south to attend the University of California at Berkeley. By then his parents, who retired to Palm Springs soon after, had given up nudging their only son toward a career in medicine. "I'm not exactly sure why—maybe it was watching *Perry Mason*—but I always saw myself as a litigator," says Klonoff, whose lone sibling, an older sister, is a psychologist in academia. "I enjoy the battle in the

courtroom, the give and take, the idea of an opponent."

Klonoff is far from combative in conversation; rather, he is comfortable and deferential. His amiable nature falls short of gregariousness—he is not, friends say, a fan of idle banter—but it's not hard to imagine him engaging an audience, whether it be a small seminar of third-year law students, a panel of jurists, a roomful of alumni, or the nine members of the Supreme Court.



Robert H. Klonoff, whose tenure as dean began July 1, has distinguished himself at every stop of an accomplished career. (See sidebar for highlights.) He is widely admired by former students, classmates, and colleagues, who describe him as smart and selfless: a brilliant thinker with a generous spirit and a noted lack of pretense. His inventive legal strategies have left associates slack-jawed, as have his rapid e-mail replies, which often come from his BlackBerry well past normal business hours.

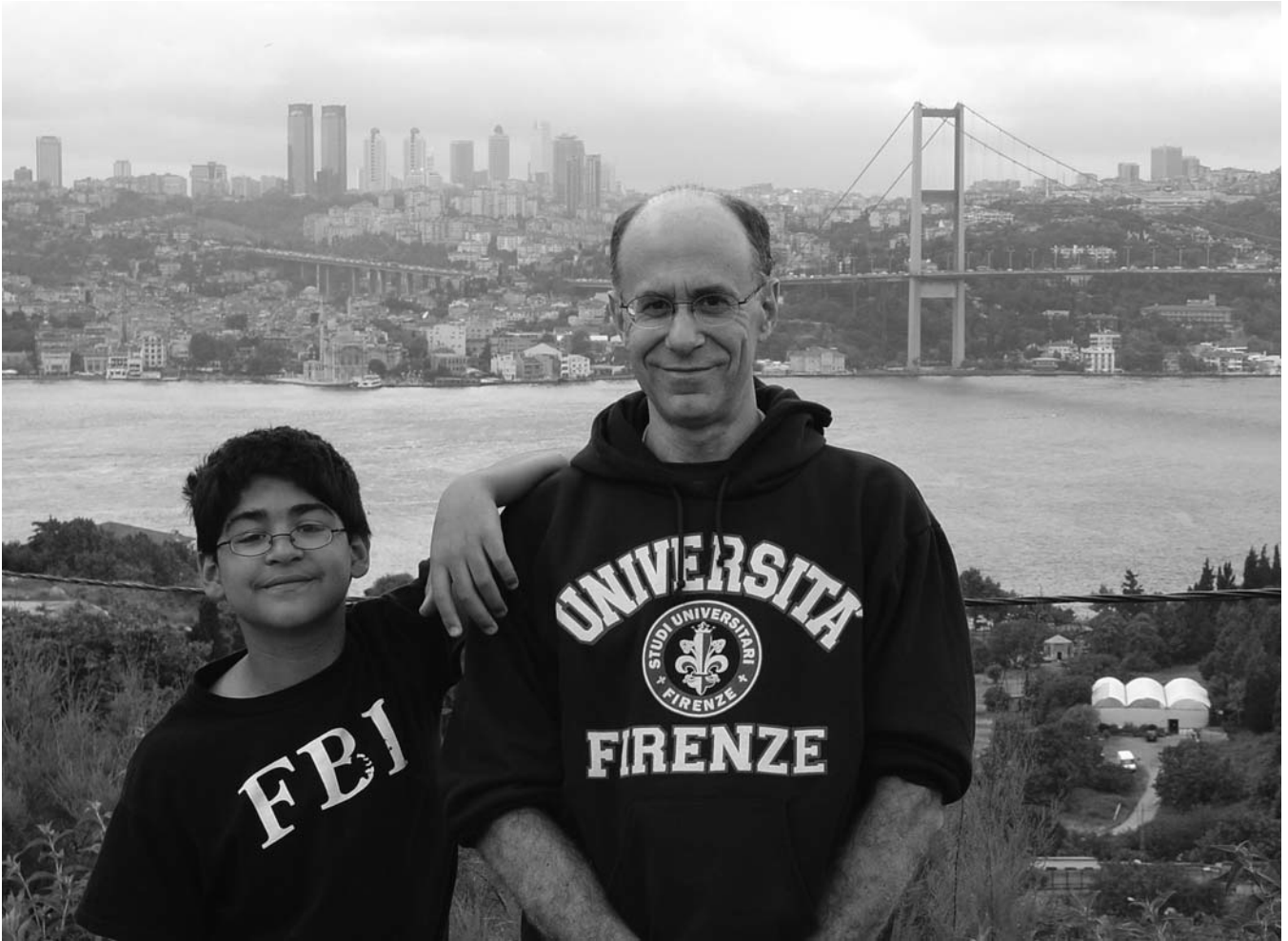
Early omens of Klonoff's success are not hard to find. His high-school classmates voted him most likely to succeed, and he blazed through Berkeley in only three years, bookending the experience with two prestigious awards: the Edward Kraft Award for Outstanding Work as a Freshman Student and the Most Outstanding Political Science Student commendation, which he won as a senior. Outside the lecture halls, he soaked up the lingering rays of Berkeley's 1960s heyday by enjoying impromptu campus

performances by folk singer Country Joe McDonald, funk band Tower of Power, and other musical icons of the era. (Music remains one of Klonoff's abiding passions: today he owns three iPods and eight guitars.)

Fellow audiophile Roger Hunter befriended Klonoff in their first days at Yale Law School. Hunter remembers weekends tooling around in Klonoff's neon-green Fiat X1/9 convertible and scoping out New Haven's live-music scene. "My first impression was that this was just a really nice, down-to-earth guy," says Hunter, who today is a senior partner with a large law firm in Charleston, West Virginia. "It took me a while to realize he was one of the brightest people in the class. He didn't wear it on his coat sleeve."

At Yale, Klonoff debuted in roles—scholar, writer, public servant, and teacher—that he later reprised on bigger stages. He cowrote a prescient *Villanova Law Review* article on the nascent field of law practice by nonlawyers, a piece that's still cited in bibliographies on the topic. He stuck up for tenants in disputes against landlords as a volunteer at New Haven's Legal Aid clinic. He taught a political theory course at a small Connecticut liberal-arts college in his spare time. And he capped his law-school career with the prize for Best Moot Court Brief.

Less obvious, but just as important, during law school Klonoff decided he wanted a career in academia. "It just took me a while to get there," he says.



Klonoff graduated from Yale with a coveted clerkship with John Robert Brown, chief judge of the U.S. Fifth Circuit Court of Appeals in New Orleans. Brown rose to prominence in the 1950s and 1960s as one of the legendary “Fifth Circuit Four” who handed down a series of critical civil rights decisions, and he and Klonoff remained extremely close until his death in 1993. “He had a profound impact on the law, ran the largest circuit in the country, and had a brilliant legal mind,” Klonoff says, “but he was still one of the nicest people you could ever meet. He became an early role model for me.”

From Brown’s courtroom, Klonoff jumped to Arnold & Porter, the high-powered D.C. law firm founded by a trio of New Deal veterans. He spent three years there before finding his niche as an assistant U.S. attorney for the District of Columbia. He relished the work, which mostly involved prosecuting drug

felonies and other street-level crimes. He rode along with police on drug busts and reconnaissance missions, and earned a reputation as an extraordinary courtroom litigator with a sharp legal mind.

“It can’t be overstated: he had a genius for trial law that was almost unique,” says Paul Colby, Klonoff’s colleague in the U.S. Attorney’s office who is now with the Justice Department’s in-house ethics unit. “And he was very hard-working. But what I also remember keenly [about him was that], while he was a very aggressive trial counsel, unlike a lot of other prosecutors in our office he was—maybe punctilious isn’t quite the right word, but—very careful about the ethical rules. Bob was the first one to hand over anything that was questionable to the defense.” Highlighting this sounds a bit out-of-place today, Colby admits, but he points out that back then “it was a little ahead of his time.”

One of Klonoff’s courtroom victories—a high-profile Washington murder

case in which Klonoff argued a novel appeal strategy—caught the attention of U.S. Solicitor General Charles Fried. The 20 to 25 lawyers in the solicitor general’s office represent federal agencies before the Supreme Court and hold one of the most prestigious public-law postings in the country. Alumni include current Supreme Court Chief Justice John Roberts and Associate Justice Samuel Alito. When Alito left an assistant’s job in 1985, Fried hired Klonoff to fill it.

During the next three years, Klonoff argued five cases before the U.S. Supreme Court and participated in dozens of others. (He later argued three more Supreme Court cases as a Jones Day attorney, including *Gentile v. Nevada Bar*, which clarified limits on lawyers’ extrajudicial press statements and is required reading in most law school ethics courses.) His most notable success was defending the government’s decision to strip American citizenship from a Lithuanian immigrant—an

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Roger Hunter, Spilman Thomas & Battle

accused Nazi war criminal who lied on his U.S. entrance application 40 years earlier. “The government’s case didn’t look terribly good until Bob got involved,” recalls Don Ayer, then a deputy solicitor general (and later Klonoff’s colleague at Jones Day). “Everybody’s sense was that Klonoff had turned it around.”



In 1988, Klonoff left the solicitor general’s office to take a visiting professorship at the University of San Diego School of Law. The job brought him closer to his parents—his mother was battling lymphoma at the time, but is today cancer-free—and to what he still considered his ultimate destination: academia. In San Diego, Klonoff taught criminal procedure and contracts. He also began writing, with his former colleague Paul Colby, an article that the two later expanded into the widely known textbook *Winning Jury Trials: Trial Tactics and Sponsorship Strategies*. (The third edition will be published this year.)

But just a year later, he was lured back to Washington by Ayer and another colleague from the solicitor general’s office, Glen Nager. They had moved to Jones Day and invited Klonoff to join their brand-new appeals practice, which had a special focus on Supreme Court litigation. “It was a chance to really build a practice from the ground up,” Klonoff explains. “And these guys were very close colleagues whom I respected enormously.”

Jones Day is one of the world’s largest law firms, with more than 2,200 lawyers and a client list that includes more than half of the Fortune 500 companies. Klonoff began his tenure as one of the firm’s sharpest attorneys in high-level appeals, and left as its foremost expert in class actions.

“There are a lot of really smart people at Jones Day,” says Laura Ellsworth, partner-in-charge of the firm’s Pittsburgh office and one of dozens of lawyers from across the firm whom Klonoff befriended. “Although it’s really easy for smart peo-

## Klonoff Profile

**Age:** 52, born in Portland

**Education:** J.D. 1979 Yale University, A.B. (highest honors, political science/economics) 1976 University of California at Berkeley

**Recent courtroom career:** Jones Day, Washington, D.C. (Partner, 1991-2003; Of Counsel, 1989-91, 2003-07); Assistant to the Solicitor General of the United States (1986-88); Assistant U.S. Attorney (Criminal Division, District of Columbia) (1983-86)

**Recent classroom career:** Douglas Stripp/Missouri Endowed Professor of Law, University of Missouri-Kansas City School of Law (2003-07); Adjunct Professor of Law, Georgetown University Law Center (1999-2003); Visiting Professor of Law, University of San Diego School of Law (1988-89)

### Noteworthy honors:

Associate Reporter, American Law Institute’s Principles of the Law of Aggregate Litigation

Recipient, 2007 Award for Outstanding UMKC Law Professor

Recipient, UMKC Law School Foundation’s 2005 President’s Award for Outstanding Service

Corecipient, District of Columbia Bar’s Frederick B. Abramson Award for Superior Service to the Community, 1998

Four-time recipient of the Attorney General’s Special Achievement Award for Outstanding Work, 1984-87

Member, U.S. Supreme Court Bar, various Federal Circuit and District Courts, District of Columbia Bar, and Missouri Bar

Author, *Class Actions and Other Multi-Party Litigation in a Nutshell*

Coauthor, *Winning Jury Trials: Trial Tactics and Sponsorship Strategies*

**Recreational interests:** Playing guitar; listening to all types of music, from classical to classic rock; driving sports cars; traveling abroad with his 12-year-old son, Josh

**“Although it’s really easy for smart people to tackle complex problems, it took an extraordinary person to make them clear and simple. That was Bob.”**

Laura Ellsworth, Jones Day

ple to tackle complex problems, it took an extraordinary person to make them clear and simple. That was Bob.”

Ellsworth and others say that despite Klonoff’s outsized intellect, his ego fit through the smallest of doors. Charles Morse, who joined the firm as an associate in 2001 and worked closely with Klonoff, calls him a consensus-builder: “He was always interested in everyone’s point of view. It didn’t matter whether it was a summer associate or junior partner, he wanted to know what everyone thought.”

Three years after joining Jones Day, Klonoff’s expertise expanded from appellate briefs and arguments to class actions. In 1999, he and a colleague, Ted Billich, began teaching a course on the subject as adjuncts at Georgetown Law Center; a year later they wrote the first class-action textbook and teacher’s manual, *Class Actions and Other Multi-Party Litigation: Cases and Materials*. Klonoff has since published several other books and articles and presented widely on the subject. “Class actions are so incredibly intricate that intellectually they’re very interesting,” he explains.

Of all his legal accomplishments at Jones Day, however, Klonoff is most proud of his pro bono work—and his success at cajoling colleagues to do more of it. In 1998 he led an effort to open a free walk-in legal clinic in Washington’s inner-city Shaw neighborhood, for which he received the District of Columbia Bar’s Frederick B. Abramson Award for Superior Service to the Community. Following that, he served a six-year term as head of the firm’s nationwide pro bono program. His campaigning resulted in a more than fivefold jump in hours logged by Jones Day attorneys on fee-free assignments.

“I really believe everybody deserves top-flight representation, and that we have a ways to go to get there,” Klonoff says. “My pro bono efforts are directed at filling that gap.”



After 14 years at Jones Day, academia called again in late 2002. David Achtenberg, a University of Missouri-Kansas City professor leading the search to fill the school’s Douglas Stripp Endowed Professorship, was looking for someone with “a long, well-established reputation that would significantly enhance the school.”

Klonoff listened to Achtenberg’s cold-call pitch and decided he was interested—especially since he could continue as independent counsel at Jones Day, an arrangement that Achtenberg considered an advantage to students. Klonoff joined the UMKC faculty in August 2003 and quickly developed a following among students.

Miriam Bailey, a third-year UMKC student from Detroit, counts herself among the “10 to 15” students who took every Klonoff class in civil procedure, appellate procedure, and complex litigation. “I worked harder in his classes and got lower grades than in any others, but there was always a sense of accomplishment,” she says. “I wasn’t willing to take that kind of GPA hit for any other professor.”

In fact, earlier this year Klonoff pulled off the rare feat of being chosen best professor by the third-year class while teaching what are considered to be the school’s toughest courses. The year before, he collected the dean’s award for most outstanding teacher.

Klonoff’s faculty colleagues appreciated his willingness to take on important administrative duties, work that led to his acceptance of the UMKC Law School Foundation’s President’s Award for Outstanding Service in 2005. As program chair, he drew Harvard’s Arthur R. Miller and other top-drawer scholars

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Miriam Bailey, former student

to an April 2005 symposium to mark the 20th anniversary of *Phillips Petroleum Company v. Shutts*, a landmark Supreme Court decision on class actions. Other speakers he lured to campus included Federal Trade Commission Chair Deborah Majoras and Ken Feinberg, special master of the September 11th Victim Compensation Fund.

He also didn't hesitate to parlay his professional connections into top-tier jobs for students. Jessica Agnelly, a 2005 graduate, says Klonoff helped her snag a D.C. clerkship before she settled for a less prestigious Kansas City post. "He always went that extra step for students to ensure their legal careers started as well as his did," says Agnelly, now a 26-year-old Kansas City trial lawyer.



Klonoff says he first thought about pursuing a deanship last summer; by then, he says, he felt he had a lot to offer, given his wide experience. When Lewis & Clark Law School's top post opened, he threw his name into the hat. Klonoff "floated clear to the top" of the pool of eight or so candidates considered by the 10-member search committee, says Lewis & Clark law professor Jennifer Johnson, the committee's chair.

Klonoff's interest in the job solidified after two 16-hour days in Portland talking with faculty, staff, students, alumni, and other local members of the bar. "One of the things that impressed me was that Lewis & Clark Law School is a happy, well-run institution with a warm and spirited faculty," he says. "It's in great health."

Search committee members were impressed, too. "Bob seemed very, very quickly to understand what our law school was about, and he got very excited about being part of that," says Paula Abrams, professor of law. "He brought to us ideas that fit with who we were, yet were creative and interesting and exciting."

Abrams' high opinion of Klonoff was confirmed when she and Johnson visited UMKC as part of the vetting process. "We talked to staff people at all levels," Abrams says. "And the remarks were uniformly glowing—and glowing not just in the sense that this person is talented, but also how he was a good person. People were full of stories how he had helped them with their problems in some way, or made a difference in their lives."

Later, Johnson and Abrams placed calls to several plaintiff's lawyers after a few alumni raised questions about Klonoff's work on behalf of corporate clients at Jones Day. Johnson and Abrams found that, like his colleagues, those who came up against him in court were impressed not only by his intellect, but by his integrity as well. "Everybody who actually knew him had only glowing testimonials about his character," says Johnson. "And that's what was important to us: his character, not who he represented." Klonoff, the search committee found, had impressed people everywhere with his dedication and diligence, whether he was working for corporate clients, death-row inmates and other criminal defendants, discrimination

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victims, U.S. military veterans, persons living on public assistance, or plaintiffs suing corporations.

Lewis & Clark President Tom Hochstettler announced Klonoff's selection on January 2, citing his pro bono work and "sterling credentials and formidable talents" that Hochstettler feels confident will help lift the Law School into the first tier of law schools nationwide. Between the announcement and the start of his deanship, Klonoff traveled to Portland several times for meetings and events, including the Law School's commencement on May 26. By then, he had selected a house in Lake Oswego for himself and his son, and helped his parents, now in their late 80s, move

into a nearby home for seniors. "I'm excited to be back, and I'm very excited about being dean," Klonoff said recently. "I hope to help lead us to even higher levels of accomplishment—endowed chairs, enhanced facilities, additional scholarships, and a stronger international profile. It's going to be fun." ■