



Faculty News

Aubrey Baldwin and **Allison LaPlante** continue to represent the Sierra Club, Northwest Environmental Defense Center, the Friends of the Columbia Gorge, Columbia Riverkeeper, and the Hells Canyon Preservation Council in their work to improve air quality in the Pacific Northwest. One major aspect of that advocacy included managing and presenting expert testimony, funded by the Bullitt Foundation, before the Oregon Department of Environmental Quality (DEQ) urging the adoption of industry standard pollution control equipment and aggressive timelines. On August 14, DEQ released a pre-proposal for controls that was significantly more stringent than those proposed earlier by the company. In addition, Aubrey continues to manage settlement negotiations to resolve Clean Air Act violations at the plant. Aubrey presented, along with Geoff Tichenor of Stoel Rives and Paul Logan of the Oregon DOJ, a panel discussion on current topics in environmental litigation at the American Air and Waste Management Association national meeting in Portland on June 25. Aubrey also participated in a coal-fired power plant litigators meeting in Washington, D.C. on July 14–15, sponsored by the Energy Foundation and the Wallace Global Fund.

Douglas E. Beloof has been appointed as an inaugural member of the five-member Crime Victims Advisory Group to the Federal Sentencing Commission. He recently gave a presentation at the Parents of Murdered Children's national conference where he discussed cutting edge developments in victims' rights law. Doug also delivered the keynote speech at the national conference of the Association of Government Attorneys in Capital Litigation. Next January, Lewis & Clark Law School will host a spring symposium focusing on *Giles v. California*, the most recent Confrontation Clause case decided by the United States Supreme Court. The case involved the historic forfeiture by wrongdoing exception to the Confrontation Clause, and the 4-2-3 split among the Justices indicates that *Giles* is not the last word on the forfeiture by wrongdoing exception. At the Lewis & Clark spring symposium, Doug will host a discussion that will feature many of the top minds in the contemporary Confrontation Clause debate, including presentations by Thomas Davies (Tennessee), Jeffrey Fisher (Stanford), Richard Friedman (Michigan), Robert Kry (Baker Botts law firm), Tom Lininger (Oregon), Robert Mosteller (Duke), and Deborah Tuerkheimer (Maine).

Toni Berres-Paul attended the Thirteenth Biennial Conference of the Legal Writing Institute, entitled "Racing Toward Excellence," in Indianapolis from July 14–17. Over 600 legal writing professionals from across the country and from numerous foreign countries attended the conference. During each biennial conference, nearly 100 new legal writing professors attend a critiquing workshop to learn how to more effectively and efficiently comment on student writing. Toni led one of the small group sessions where the new professors practiced critiquing a student work and then discussed the critique. In addition, in June, Toni created and led a half-day writing workshop for employees of the City of Portland's Bureau of Human Resources. The workshop focused on developing clear, accurate, and succinct writing skills. On April 4, at Lewis & Clark College's main campus, the entire legal analysis and writing faculty put on a legal writing CLE for practicing attorneys. Toni, along with fellow legal writing professor **Sandy Patrick**, led a small group workshop entitled "The ABCs of Letters: Corresponding Carefully." Toni's section focused on careful email correspondence.

Jack Bogdanski spoke to two different groups at the Annual Meeting & Conference of the American Association of Law Libraries, which was held in Portland this year. He gave talks on life as a blogger and on tips for effective teaching. Jack's article "The 'Quid' and the 'Quo': Valuing Firm Goodwill and Executive Perks" appeared in the June edition of the journal *Estate Planning*. He completed the latest semi-annual supplement to his treatise *Federal Tax Valuation* over the summer, and it is now in production at Thomson Reuters Tax & Accounting in New York. His annual continuing education talk on recent developments in federal tax valuation, sponsored by the Law School's Oregon Law Institute, is scheduled to swing through downtown Portland this coming December 16. Jack continues to serve as editor-in-chief of the national journal *Valuation Strategies*, now entering its 12th year. He recently delivered the tax lecture for the summer Oregon bar review course, also for the 12th consecutive year. In recent months, Jack has been appearing from time to time as a "token progressive" political commentator on the Kremer and Abrams radio program on Sunday mornings on KXL (750 AM).

Ed Brunet is working on several projects. Ed, the main author of the leading book on summary judgment, has been writing his annual supplement to his book. Ed is also completing a new article solicited by the Southern Methodist University Law Review on the use of procedural shortcuts in antitrust litigation. Ed's latest article, "Summary Judgment is Constitutional," responds to critics of summary judgment and will be published in September by the Iowa Law Review. Finally, Ed has been invited to testify before the Rules Committee of the Federal Judicial Conference in November. He will testify about proposed changes in Rule 56 dealing with summary judgment practice.

This summer **Tom Buchele** and PEAC agreed to represent a number of groups regarding the public commenting process for a proposal to build a new, much larger highway bridge to replace the current I-5 bridge over the Columbia River. In early May the Federal Highway Administration released its Draft Environmental Impact Statement ("DEIS") for this bridge proposal. PEAC agreed to help NEDC, Columbia Riverkeeper, and Coalition for a Livable Future prepare comments on that DEIS and to submit comments or testimony to a number of local and regional entities that also have a role in planning or approving the bridge proposal. Tom and PEAC summer intern Tarah Heinzen worked with NEDC summer intern Lizzy Zultoski to draft over 120 pages of detailed comments regarding the seriously flawed analysis in the DEIS. Tom also testified before the Metro Council and the Portland City Council regarding the bridge proposal.

Bill Chin gave a presentation titled "Race and the Legal Writing Classroom" at the Legal Writing Institute's Thirteenth Biennial Conference, a four-day gathering of legal writing professors and directors from across the country meeting this year at Indiana University School of Law. At the conference, Bill also co-hosted the first "Legal Writing Professors of Color" roundtable discussion.

Henry Drummonds spoke to a class of Oregon Health Sciences University students in May on the topic of cause in fact in toxic tort cases. Henry also presented his paper entitled "Cross-Border Employment Contracts, Choice of Law, Choice of Forum, and Enforcement of Cross-Border Contract Judgments in the European Union" at the 61st Annual NYU Labor Law Conference in New York on June 5. This paper will be published with the proceedings of the conference later this fall. Henry also published a paper, "New Thinking On The Preemption of Products Liability Common Law Tort Claims By Federal Regulatory Statutes," in the Oregon State Bar (OSB) Products Liability newsletter in July (17 OSB Products Liability Newsletter 1). Henry is working on an expanded version of this paper to follow the Supreme Court's decision in the pending FDA preemption case of *Levine v. Wyeth*. Henry serves as a

member of the OSB Executive Committee for the Products Liability Section. He is working on his law review article on reforming labor law preemption doctrine to allow a much larger role for the states in labor relations policy. He has been a consultant to Congressional staff in connection with the proposed NLRA Law Preemption Clarification Act, which is scheduled to be introduced in the U.S. House of Representatives by Congressman John Conyers of Michigan in September. This bill is a reaction, in part, to the U.S. Supreme Court's June ruling in *Chamber of Commerce v. Brown* striking down a California law restricting the use of state monies in union organizing campaigns. He will be a speaker at the Oregon State Bar's Labor and Employment Law Section's Annual Meeting and CLE in Portland in October on the topic "The Role of Labor and Employment Law Lawyers In The Global Labor Markets." Henry also serves on the Executive Committee of the OSB Labor and Employment Law Section.

In July, **Tigran Eldred** led a workshop on administrative procedures in unemployment compensation cases for representatives of UFCW 555, the union that represents 20,000 food workers in Oregon and Southwestern Washington.

Maggie Finnerty was a panelist at the Small Business Clinical Conference in Detroit, Michigan in April, at which she discussed different procedural techniques for running law school clinical programs. In May, Maggie was a co-facilitator for the Community Development Working Group at the AALS Conference on Clinical Legal Education, in Tucson, Arizona. She was also a panelist at a conference at Emory Law School, where she led discussions on pedagogical techniques for incorporating transactional skills training in a variety of classroom settings. Maggie also presented an overview of Oregon employment law to members of the Black United Fund. Finally, she trained attorneys at Schwabe Williamson & Wyatt on how to give effective feedback to summer associates and new attorneys. As a thank-you for the training, Schwabe made a \$1,000 donation to the Small Business Legal Clinic.

Pamela Frasch joined Lewis & Clark Law School in August as the Executive Director of the newly launched Center for Animal Law Studies. Previously, she served as General Counsel for the Animal Legal Defense Fund and as an adjunct professor teaching Animal Law at L&C since 1998. Pamela, along with **Kathy Hessler**, recently entered into a contract to write *Animal Law in a Nutshell* (Thomson West, forthcoming). Pamela is also the co-editor, along with Sonia Waisman and Bruce Wagman, of the nation's first casebook on animal law, *Animal Law: Cases and Materials* (3d ed., Carolina Academic Press, 2006). She and her co-editors are starting work on the fourth edition. A law review article she co-wrote in 1999, "State Animal Anti-Cruelty Statutes: An Overview," available at 5 *Animal Law* 69 (1999), was cited along with other works in a First Amendment case (*United States v. Stevens*, No. 05-2489 (3d Cir. July 18, 2008)) to counter the majority's declaration that the government can have no compelling interest in protecting animals from intentional and wanton acts of physical harm. Pamela is on the Executive Board of the Oregon State Bar Animal Law Section and will be a speaker at this year's national AALS conference in San Diego, presenting on an Animal Law panel. With Kathy Hessler, Pamela is planning a series of five symposia with the John's Hopkins University Center for Alternatives to Animal Testing in order to assess and explore the implications of a recent National Academy of Science's report challenging the efficacy of mammalian animal testing. Pamela is a faculty adviser for the *Animal Law Journal* and is working with the L&C Student Animal Legal Defense Fund to plan the 16th Annual Animal Law Conference at Lewis & Clark Law School, which is scheduled for October 17-19, 2008.

Bill Funk's new constitutional law casebook, *Introduction to American Constitutional Structure*, has been published by Thomson/West. In July, Bill attended the annual meeting of the Southeastern

Association of Law Schools (SEALS). There he appeared on a panel concerning the teaching of constitutional law, mentored a new scholar from the University of Baltimore, and hosted a reception for Lewis & Clark (together with Hofstra Law School) to inform attendees of the meeting about these two new member schools. Also in July Bill participated in a workshop in Washington, DC organized by the Center for Progressive Reform (CPR), of which he is a Member Scholar, regarding preemption of state tort law. Other participants included representatives of Public Citizen, American Association for Justice, and the National Association of Attorneys General as well as staff persons from several congressional committees. The most recent CPR white paper, "The Truth About Torts: Regulatory Preemption at the National Highway Traffic Safety Administration," of which Bill is a co-author, was made public at the workshop. In May, he participated in a conference on American and European Administrative Law at the University of Montpellier, France. The paper he presented there, "Public Participation and Transparency in Administrative Law—Three Examples as an Object Lesson," will be published next year in the *Administrative Law Review*. Also in May Bill attended the annual meeting of the American Law Institute in Washington, D.C. From April to July Bill participated on the Transparency and Public Participation Task Force of the Regulatory Reform Project created by OMB Watch, which submitted its final report in July. In August Bill submitted the manuscript for his third edition of *Administrative Law: Examples & Explanations* (Aspen Law & Business, forthcoming). In July he was named to the board of the Oregon Lawyers Chapter of the American Constitution Society.

Lew Goldfarb spent most of his summer studying to take the Oregon Bar Exam on July 29–30 and the Multistate Professional Responsibility Exam on August 8. Lew moved to Portland in May and has now begun his job as Clinical Law Professor at the Small Business Legal Clinic.

Tomás Gómez-Arostegui attended two conferences this summer. The first was the 2008 Privacy Law Scholars Conference at George Washington University Law School, where Tomás participated as a discussion leader on one of the panels. The second conference, held at Stanford Law School, was the Eighth Annual Intellectual Property Scholars Conference. Tomás has also spent much of the summer working on a new article tentatively entitled "Monetary Compensation in Lieu of a Final Injunction in Patent and Copyright Cases." In this piece, Tomás explores whether federal courts have or should have the power, either at law or equity, to award future damages or continuing royalties to a successful plaintiff in lieu of a permanent injunction.

John P. Grant's two books on the Harvard Research on International Law, *Contemporary Analysis and Appraisal* (one volume) and *Original Material* (three volumes), published by W.S Hein at the turn of the year, have been posted in their entirety on Heinonline and available to those who have subscribed to that additional service. John did an extended interview with the BBC for a television documentary in their "Conspiracies" series, explaining some of the conspiracies surrounding the Lockerbie trial. He was invited by an old friend of the law school, Don Balmer, to talk at a breakfast meeting of residents at Terwilliger Plaza on the Lockerbie trial. John and his usual writing partner, Professor Craig Barker of Sussex Law School in England, are on course to submit the manuscript of the third edition of their *Encyclopedic Dictionary of International Law* to Oxford University Press by the end of the year; this edition is being regarded by the authors and publishers as the definitive edition of the work.

Lin Harmon taught her fourth Summer Institute for International Lawyers this year. This institute is designed to bring international LL.M. students and visiting professors up to speed on the U.S. legal system, the peculiarities of U.S. common law and federalism, the constitutional underpinnings of environmental law, and an introduction to legal research and writing. The students took a practice law

school exam and wrote a short research paper. Lin has also been appointed to the American Bar Association (ABA)/Law Student Division Competitions Committee, where she will serve on the subcommittee overseeing the ABA Negotiation Competition. The three-year appointment culminates in chairing the subcommittee in 2010.

Kathy Hessler has, with **Pamela Frasch**, entered into a contract to write the *Animal Law in a Nutshell* (Thomson West, forthcoming). Her article, "Mediating Animal Law Matters," available at 2 Journal of Animal Law and Ethics 21 (2007) was recently cited in *Augillard v. Madura*, 257 S.W.3d 494 (Tex. App. 2008). Kathy is currently serving as the Co-Chair of the American Association of Law Schools' (AALS) Section on Clinical Legal Education. She is the Chair-Elect of the newly formed AALS Section on Animal Law and is a board member of the AALS Section on Balance in Legal Education. Kathy was also appointed to the national Task Force on the Status of Clinicians and anticipates that this group will make its report to the academic community in the summer of 2009. Kathy and Pamela are also planning a series of five symposia with the John's Hopkins University Center for Alternatives to Animal Testing in order to assess and explore the implications of a recent National Academy of Science's report challenging the efficacy of mammalian animal testing. With her move to Oregon, Kathy completed her work as Associate Director for the Center for the Interdisciplinary Study of Conflict and Dispute Resolution and as Co-Chair of the Animal Law Section of the Cleveland Metropolitan Bar Association. Additionally, Kathy received an award for her service in helping found and host the Summer Legal Academy, a two week long annual program designed to encourage minority high school students' interest in legal careers. Kathy remains a board member of the Summer Legal Academy and the Center for Teaching Peace and is also the faculty advisor for the Animal Law Journal.

Jim Huffman was recently appointed to the Hoover Institution's Property Rights Task Force. He also has written a number of recent published and forthcoming articles. His article "Speaking of Inconvenient Truths—a History of the Public Trust Doctrine" was published at 18 Duke Environmental Law & Policy Forum 1 (2008) and his article "Background Principles and the Rule of Law: Fifteen Years after Lucas" was published at 35 Ecology Law Quarterly 101 (2008). Jim also has three forthcoming articles. His article "The Federal Role in Water Resources Management" will be published in New York University's Environmental Law Journal and another article, "Comprehensive River Basin Management: The Limits of Collaborative Stakeholder-Based Water Governance," is forthcoming from Natural Resources Journal. Finally, his article "Beware of Greens in Praise of the Common Law" is forthcoming from Case Western Reserve Law Review.

Steve Kanter published "Bong Hits 4 Jesus as a Cautionary Tale of Two Cities" at 12 Lewis & Clark Law Review 61 (2008). The article criticizes the Supreme Court for unduly restricting the free speech rights of high school students, and compares the tortured five and one-half year history of the "Bong Hits" incident with the very different handling of a similar incident that occurred in Oregon twenty years ago at Tigard High School. For those interested, the article can be easily downloaded at <http://ssrn.com/author=48058>. Steve also appeared on OPB's Think Out Loud program to discuss Oregon's unusual non-unanimous jury verdict system for most state criminal felony trials. He campaigned during the presidential primary season for Senator Barack Obama in Ohio, Pennsylvania and Oregon. Steve participated in the American Bar Foundation's February meeting in Los Angeles, California, and rode in Cycle Oregon's weekend ride on the Oregon and Washington coasts in August.

On May 19, **Bob Klonoff** presented a draft of his class action project before the entire membership of the American Law Institute at the Institute's 85th Annual Meeting. Substantial portions of the draft were tentatively approved by the membership. In addition, Bob spoke about his class action project at several

venues. He spoke at the Conference on Class Actions in Europe and North America on June 13, which was co-sponsored by New York University School of Law, the American Law Institute, and the European University Institute of Florence, Italy. On July 10, he spoke in New York at the Practising Law Institute's conference on class actions. Also in July, Bob gave a presentation on his project at the National Foundation for Judicial Excellence's Fourth Annual Judicial Symposium, a meeting of 150 state appellate court judges in Chicago, Illinois. Finally, on August 1, he spoke at the 61st Annual Meeting of the Southeastern Association of Law Schools as part of a panel on cutting edge issues in civil procedure.

Art LaFrance is working on two research projects, supported by a law school grant, one on immunity from liability for Oregon Health Sciences University (OHSU), pursuant to the recent Oregon Supreme Court *Clark v. OHSU* decision, a subject on which he has spoken at two conferences, and the other on human experimentation without informed consent in trauma settings. He has submitted both articles for publication. Art has been asked to moderate a panel at the AALS meeting in January in San Diego, and selected three panelists, all on healthcare and poverty. Art has again been asked to serve on the editorial board of the *Oregon Health Manual*, of which he was one of the original editors and contributors.

In August **Lydia Loren** published *The 2008 Case and Statutory Supplement to Copyright in a Global Information Economy* (2d ed. Aspen). In June she finalized her chapter on Copyright Law for the *ECommerce Deskbook* being published by the Oregon State Bar's Computer and Internet Law Section. In April and again in August she continued her participation in an expert group focused on Principals in Copyright Law. This group was organized by former IP Distinguished Visitor at L&C, Berkley Professor Pamela Samuelson. The April meeting was held at Berkley while the July meeting was held in St. Helena, California. In May Lydia began her service on the "Oregon ECourts Task Force" providing assistance to the Oregon State Courts and Oregon State Bar in the implementation of the courts' ECourt initiative for electronic filing. In August Lydia presented on "Trade Secret Law in the Context of Computer Software" for forensic software analysts at Johnson-Laird, Inc., in Portland.

Dan Mensher has inherited Melissa Powers's docket, and is continuing her work on water quality and hazardous waste. In May, on behalf of the Northwest Environmental Advocacy Center and Friends of the Tualatin River National Wildlife Refuge, he filed a complaint in federal court against a landfill on the banks of the Tualatin River for violations of the Clean Water Act. Working closely with PEAC's summer clerk, Drew Kerr, he has developed several claims against this 50-year old unlined landfill has been discharging toxic pollutants into the river just upstream of a fragile National Wildlife Refuge. He has also just finished briefing a motion challenging federal agencies' use of the "deliberative process privilege" to withhold documents from the administrative record. Finally, teaming up with fellow PEAC staff attorney, **Aubrey Baldwin**, Dan has prepared a case that would present an issue of first impression under the Clean Water Act.

Bob Miller '91 was a keynote speaker at the "New Worlds, New Sovereignties" conference at the University of Melbourne, Australia. He presented a paper entitled "American Indian Entrepreneurs: Unique Challenges, Unlimited Potential" at a conference put on by the Searle Center at Northwestern University School of Law. The paper has been accepted for publication by the Arizona State Law Journal. His article entitled "Inter-Tribal and International Treaties for American Indian Economic Development" will be published in the forthcoming Lewis & Clark Law Review symposium issue. A comparative law article he co-authored with a New Zealand professor about the Doctrine of Discovery in the United States and New Zealand will be published in the West Virginia Law Review. His book *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny* came out in paperback from the University of Nebraska Press in April and is being used in about a dozen colleges

across the country this year. He won the 2006–2007 Wordcraft Circle of Native Writers and Storytellers Non-Fiction Writer of the Year award. He has been speaking about the Doctrine of Discovery at events such as the Oregon Indian Education Association conference, the Popular and American Culture Association conference in Albuquerque, the 3rd Vine Deloria Jr. Indigenous Studies Symposium at the Northwest Indian College on the Lummi Tribe's reservation, and U.S. Fish and Wildlife Service trainings in Portland, Boise, and Lacey, Washington. He also spoke on two panels at the Oregon Native American Business & Entrepreneurial Network conference in Portland. Bob helped organize an Alaska State Bar CLE and spoke on two panels and delivered the luncheon talk on the Doctrine of Discovery in Alaska. He also organized the 3rd Lewis & Clark Indian Law Scholars Working Papers Roundtable that was held in July 2008. This fall he will speak about his book at Dartmouth College, Carleton University in Ottawa Canada, at a Lewis & Clark conference in Lancaster, Pennsylvania, at the Haskell Indian Nations University, at the Nebraska Indian Community College, and at the Ethnohistory conference at the University of Oregon. He also will speak about Indian religious issues at a conference at Albany Law School, about Indian gaming issues at the International Municipal Lawyers Association conference in Las Vegas, and about Indian sovereignty at conferences in Lawrence, Kansas, and at the Nebraska Law School. Bob is now the Secretary of the Board for the Oregon Native American Business Entrepreneurial Network and the President of the Board for the Tribal Leaders Forum.

In June, **Janet Neuman** spoke on "Rethinking Western Water Law" at the annual conference of the University of Colorado's Natural Resources Law Center in Boulder. Her article "Chop Wood, Carry Water: Cutting to the Heart of the World's Water Woes" was recently published in the Florida State University College of Law's Journal of Land Use and Environmental Law. Jan has completed her term as the law school's Associate Dean of Faculty and embarked on a sabbatical, during which time she will be working on several writing projects and doing some consulting work. She is also planning to attend the World Water Forum in Istanbul, Turkey in the spring of 2009.

Jami Pannell, through the Animal Law Clinic, recently settled a veterinarian malpractice case and achieved one of the largest vet mal settlements on record in Oregon. Jami spoke at a recent animal activist conference on three panels: "Schumacher Furs: A Case Study;" "Advanced Legal Topics;" and "Mentoring: Legal Issues." Through the Clinic Jami recently took on another case that has received substantial media attention. Jami represents a disabled woman whose dog was shot by a neighbor simply for setting foot on his property. Jami is on the planning committee for L&C's 16th annual Animal Law Conference entitled One Earth: Globalism and Animal Law. Jami is also a panelist in the conference's animal law student workshop. Under Jami's guidance and direction, L&C animal law students formed their own advocacy group, Coalition to Protect Ocean Diversity, to lobby Oregon lawmakers for a ban on shark fin products.

John Parry's essay, "Rights and Discretion in Criminal Procedure's War on Terror" will appear in the Fall 2008 issue of the Ohio State Journal of Criminal Law. His article, "Torture Nation, Torture Law," will appear in the May 2009 issue of the Georgetown Law Journal. He will also contribute a short essay on "Section 1983 and Treaties after *Medellin*" to the Lewis & Clark Law Review's symposium on *Medellin v. Texas*. Over the summer John attended a seminar in current developments in European law at the University of Parma, where he also took part in a panel on developments in U.S. law for Italian lawyers and law students.

Sandy Patrick's book, *A Lawyer Writes*, was published this summer by Carolina Academic Press. Co-authored by Professor Christine Coughlin of Wake Forest School of Law and Professor Joan Malmud of

University of Oregon School of Law. *A Lawyer Writes* is a first-year legal analysis and writing text that communicates essential skills and theories of analysis and writing in a straightforward manner.

In May, **Melissa Powers** taught climate change as a visiting professor for two weeks at the University of Trento, Italy. In July, Melissa traveled to Anchorage and spoke on a panel discussing environmental permitting issues for Alaska native corporations at an Alaska Bar Association CLE program. Also in July, the Ninth Circuit Court of Appeals issued a decision holding that the U.S. Environmental Protection Agency (EPA) violated the Clean Water Act (CWA) by exempting vessels from the CWA's permitting program. Melissa had argued the case in August 2007 on behalf of the environmental plaintiffs while an attorney at PEAC. The decision could lead to restrictions on discharges of ballast water from ships, which are the major source of invasive species introductions and which cause \$5 billion worth of economic damage in the United States each year.

In August, **Juliet Stumpf's** most recent publication, "States of Confusion: The Rise of State and Local Power Over Immigration," went to press at the North Carolina Law Review. The article traces the evolution of federal immigration law into areas traditionally governed by states, argues that this trend has opened the door to concurrent regulation of non-citizens, and advocates placing limits on sub-national government attempts to single out non-citizens. Recently, Juliet accepted an invitation to give a Crossroads Lecture in Orcas Island, Washington in November on the current state of immigration. She also accepted an invitation to speak on a panel at the Annual Meeting of the Association of American Law Schools next January in San Diego, California on the intersection between immigration and employment law.

In May, the second edition of **Elaine E. Sutherland's** treatise, *Child and Family Law* was published by W. Green, a subsidiary of the Thompson publishing group. She moved on to writing the second edition of her *Family Law* student text for the LawBasic Series (the Scottish equivalent of the Nutshell series), also published by W. Green. Elaine submitted corrected proofs in July and expects to see the published volume in September. She has now completed an article entitled "A Veiled Threat to Children's Rights?" which is based on her February Professorial Inaugural Lecture delivered at Stirling University, Scotland; the article has been submitted to a leading (refereed) United Kingdom law journal.

Erica Thorson attended the annual AALS Clinical Conference in Tucson, Arizona in May. In June, Erica spoke at the Annual Waterkeeper Conference in Seattle, giving a presentation on developing a "Peace Treaty for Water Security in Asia." Waterkeepers from India, Nepal, and China attended the presentation, and as a result of Erica's presentation a coalition of South Asian waterkeepers, along with Dr. Vandana Shiva, asked Erica to draft just such a treaty. IELP will be working on this project throughout the year. In July, Erica attended the Standing Committee meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in Geneva, Switzerland. At the meeting, she participated in a number of working groups to clarify a variety of implementation issues, including permit and certificate requirements for import and export of high seas species and tourist souvenirs. In addition, Erica worked with a small coalition of lawyers from Kenya, Canada, and the United States to successfully argue that the Secretariat was making recommendations to the Committee that breached procedure; Erica drafted an intervention on this issue that both Canada and the United States read on the floor, which convinced the Parties present to vote not to follow the recommendations of the Secretariat. As a result, the Fischer's lovebird (*Agapornis fischeri*) from Tanzania remained under international trade sanctions—a huge victory for this imperiled little bird, which is coveted by the pet industry. Also this summer, Erica received a scholarship to present a working paper at a clinical writer's workshop at New York University Law

School in October. Her paper concerns the treatment of statements of territorial applications as reservations.

OTHER NEWS

News from Lewis & Clark Legal Clinic

The Lewis & Clark Legal Clinic ran a five-week summer semester this June, with approximately a dozen students participating. Instead of the eight office hours a week required of fall and spring semester students, summer students were expected to be in the office for close to thirty hours a week. Student interns represented clients in tax, bankruptcy, housing, and will preparation cases. A good percentage of those students enrolled this summer are eligible to return as Advanced Clinic students during the fall and spring semesters.

Terry Wright spent much of the summer working on cases that were not completed by the end of the spring semester, including several interesting trials, primarily in the area of marriage dissolution. She also represented clients in some pro bono cases, including children in family law cases and victims of domestic violence. Additionally, through Legal Aid Services of Oregon's Multnomah County Pro Se Assistance Project, she provided discrete task representation to pro se litigants in family law cases. At the end of the summer, she participated in the Oregon State Bar's OLiO (Opportunities for Law in Oregon) orientation for incoming minority law students, held at Mt. Bachelor Village in Bend.

News from NCVLI

Meg Garvin Named as NCVLI's Executive Director

After a nationwide search, **Meg Garvin** has been selected as the NCVLI Executive Director. NCVLI's Board of Directors promoted Meg, formerly NCVLI's Director of Programs, to replace **Doug Beloof**. Doug has returned to teaching full time at Lewis & Clark Law School and has become an active member of NCVLI's Board of Directors. Meg's new position was formally announced on May 30 at NCVLI's Law & Litigation Conference. Meg has been with NCVLI since 2003, working on its national strategic litigation efforts as well as serving as a clinical professor at Lewis & Clark. Prior to joining NCVLI she was a litigation associate at the Minneapolis law firm of Maslon, Edelman, Borman and Brand, and a law clerk to the Honorable Donald P. Lay of the Eighth Circuit.

NCVLI's Seventh Annual Crime Victim Law & Litigation Conference was Success

In May, NCVLI's Crime Victim Law & Litigation Conference brought together 130 individuals from 25 states and the District of Columbia to discuss how victims can become active participants in the criminal justice process. This year's Conference theme, "Opening the Doors: Victim Access to Justice," recognized that barriers in the criminal justice system have long prevented meaningful access for victims. The conference program was packed with expert workshop presenters and intriguing speakers. The nationally recognized conference faculty included the Hardy Myers, Oregon Attorney General; Steve Twist, founder and president of Arizona Voice for Victims; the Hon. Paul Cassell, Professor of Law at the S.J. Quinney College of Law at the University of Utah; and Diane Moyer, Legal Director of the Pennsylvania Coalition Against Rape.

NCVLI Welcomes Terry Campos as Staff Attorney

NCVLI is pleased to announce that **Terry Campos** has joined NCVLI as a staff attorney. Terry brings her experience working as an assistant defender and panel attorney for the Office of the State Appellate Defender in Chicago as well as a law clerk for the Metropolitan Public Defender in Portland. Terry is a 2001 graduate of Lewis & Clark Law School where she also took Professor Doug Beloof's class, Victims in Criminal Procedure.

NCVLI's Cases

In August 2008, NCVLI submitted an amicus curiae brief in the Utah Supreme Court, arguing the importance of a victim's counseling records remaining private. In the case, *Utah v Worthen*, (2008 UT App 23, 177 P.3d 664 (2008)), a 13-year old girl attempted suicide while living with her adoptive parents. During counseling, she disclosed that her adoptive father had repeatedly sexually abused her. Her adoptive father was arrested, bound for trial, and moved the trial court to disclose the victim's counseling records, arguing that the victim's counseling records would show she made up the abuse allegation because she hated her parents. The state opposed the request, arguing privilege and that defendant had not met its burden to fit within an exception to privilege. The trial court ruled in the defendant's favor. The Court of Appeals affirmed. The state has sought further review and NCVLI, working closely with the Utah Attorney General's Office, filed its amicus.

NCVLI provided technical assistance to counsel for sex trafficking victims in *United States v. Valenzuela*, No. CR 07-11(B)-MMM (C.D. Cal.), on the rights of those victims under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. Specifically, NCVLI provided the victims' counsel with legal research to support the argument that the rights of victims "to be treated with fairness and with respect for [their] dignity and privacy" bars the disclosure of the victims' identity and personal information at trial. The victims made this argument in a brief submitted to the Central District of California, and the court relied on, *inter alia*, this brief and the CVRA, when it subsequently ruled that the victims' last names, current home addresses, and current places of employment and/or academic enrollment were protected from disclosure at trial.

News from Boley Law Library

It was a very busy summer for the Boley Law Library staff as they played a major role in the American Association of Law Libraries (AALL) Annual Meeting held in Portland this past July. The meeting was attended by some 2000 law librarians from academia, firms, courts and states. The meeting was a great success, going off without any "proverbial hitch." Of course, the main kudos for the success go to Boley's own **Tami Gierloff**, who was the Local Arrangements Chair for the event. Anyone who has been involved in planning and overseeing such a large event knows how much effort goes into it. Tami was everywhere. Several participants mentioned that it looked as if Tami had been "cloned" because no one person could be so many different places at one time. But Tami was not alone in her efforts. She was more than ably assisted by **Kathy Faust**, about whom the Conference's Registration Development Manager commented, "a large part of the registration success of AALL 2008 needs to be attributed to the registration volunteer coordinator. Kathy did a wonderful job working with the volunteers." In addition to Tami and Kathy, **Seneca Gray**, **Wendy Hitchcock**, **Rob Truman**, **Lynn Williams**, **Alana Carson**, and **Jorge Juarez** worked tirelessly in a variety of capacities. They let **Peter Nycum** get off "light" by being the organizer of the Academic Directors Breakfast Meeting as well as being a speaker on the panel, "The Fourth E: The Environment and Law Libraries." The Library also hosted two meetings and a tour of the facilities. The Law Library Microform Consortia (LLMC) held its board meeting at the School prior to the Convention, while following it, the Jones, Day law firm librarians met. In each instance, the pleasure

and success of those meetings goes to our Event Planner, **Linda Lopeman**. The Boley Law Library hosted a tour of it for a large contingent of "oohing and awing" academic law librarians.

At the end of May, Boley Law Library sent 12 boxes of food and \$780 in Fred Meyer gift cards to Raphael House as a result of the library's Food for Fines drive. **Lynn Williams** earned thanks and credit for spearheading this project.

In other news from "Lake Woswego" Kathy Faust also found time to be a "paddler" on the Miss Fit dragon boat which churned its way to the semi finals of the Rose Festival races, and Rob Truman participated on a panel at the 2008 National Association of Appellate Court Attorneys Conference, presenting on the topic of "NextGen Open Access Legal Research." Also, Rob's fine touch can be seen in the Legal Blog Watch, which quotes the Boley Blog comment on the Law's Most Creative Moments article as "delightful." Finally, three former Boley staff members, as well as one who is also an alum, have recently been named law library directors. **Roberta(Bobbie) Studwell** was named Associate Dean for Library, Information Services and Professor of Law at the Charlotte School of Law. Previously Bobbie was the Law Library Director at Cooley and Nevada. **D.R. Jones** is the new Associate Dean, Library Director and Assistant Professor at Memphis Law School. And our own Alum, **Camille Brouard**, has been appointed Assistant Dean for Information Services and Professor of Legal Research at New York Law School.