



Faculty News

In January, **Paula Abrams** gave the keynote address at the 35th Anniversary of Roe event jointly sponsored by the ACLU, NARAL Pro-Choice Oregon, and Planned Parenthood. In April, she served as moderator for the opening debate, “Of States and Selves: Regime Stability Versus Individual Security in the 21st Century” at the Lewis & Clark International Affairs Symposium.

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. On January 15, 2008, PEAC issued a 60-day notice of intent to sue letter on behalf of these groups to Portland General Electric Co. for violations of the Clean Air Act at the Boardman coal-fired power plant in Eastern Oregon. On February 4 and 5, Aubrey and Allison hosted a nationally-recognized expert in combustion engineering and air pollution who served as the “people’s expert” at an expert summit organized by the Oregon DEQ regarding the technology to be used to clean up Boardman. The two-day meeting involved a visit to the plant in Eastern Oregon. PEAC legal interns Naeem Nulwala, Lauren Goldberg, Tucker Henson, Bethany Cotton, and Austin Saylor have provided assistance in this work. In addition, in February Aubrey settled a Clean Water Act citizen suit against Kosta Scrap Metal alleging violations of permit provisions for industrial stormwater dischargers on behalf of the Northwest Environmental Defense Center. The PEAC class took a field trip on March 21 to view the causes and impacts of industrial stormwater discharges into the Columbia Slough at Kosta and other sites subject to citizen enforcement by PEAC on behalf of NEDC. Aubrey, **Melissa Powers**, and IELP Staff Attorney **Erica Thorson**, with the assistance of **Lin Harmon**, **Linda D’Agostino**, and **Janice Weis**, organized the law school’s “Focus the Nation” activities on January 31. The event featured local and sustainable refreshments, speakers from the law school and beyond, and a showing of “Who Killed the Electric Car?” Aubrey also presented “Fighting New Coal Plants” at Cascade Power Shift 2008: Mobilizing Youth for Climate Justice, a youth climate summit at the University of Oregon on February 9.

Michael Blumm’s article on Measures 37 and 49 was published as “Enacting Libertarian Property: Oregon’s Measure 37 and Its Implications,” 85 *Denver L.J.* 279 (2007), available at <http://ssrn.com/abstract=1005255>. He spoke on the public trust doctrine at the Public Environmental Interest Law Conference in Eugene in March, and is at work on an article on the Western District of Washington’s recent endorsement of a habitat protection right in 19th-century Indian treaties. Michael also had several of his articles reprinted in books: 1) his 2003 article in *Environmental Law*, “Roads Not Taken: EPA vs. Clean Water,” co-authored with William Warnock ‘03, was one of eight articles selected by Indian law professor Areti Krishna Kumari for inclusion in her book *Water Pollution: Policies and Perspectives*, published in India in 2007; 2) his 1994 *Environmental Law* article, “The Rhetoric of Water Reform Resistance: A Response to Hobbs’ Critique of Long’s Peak,” was graciously included in Colorado Supreme Court Justice Greg Hobbs’ book, *The Public’s Water Resource: Articles on Water Law, History, and Culture*, published in 2007 by the Colorado Bar Association; and 3) another 1994 *Environmental Law* article, “Pinchot, Property Rights, and Western Water (A Reply to Greg Hobbs),”

also appeared in Hobbs' book. The latter two articles were part of an extended colloquy between Justice Hobbs and Michael on proposed reforms to Western water law.

As ever, springtime was tax time for Lewis & Clark's volunteer income tax assistance program, chaired by **Jack Bogdanski**. For the 14th straight year, a small army of law student volunteers helped several dozen international students and teachers at Lewis & Clark College cope with their sometimes complex tax filing obligations to the federal government and the State of Oregon. Jack completed a new supplement to his treatise, *Federal Tax Valuation*, over the winter months, and is currently working on a new article for the journal *Estate Planning*. Along with **John Parry**, he taught a mock law school class at the recent Law School Preview for admitted and prospective students and their families.

Ed Brunet was invited by the Iowa Law Review to debate the constitutionality of summary judgment. Ed, ever the voice of the establishment, took the pro-constitutionality side. His thoughts will be published in the June issue of the Iowa Law Review.

Amy Bushaw has been elected to the Board of the Section on Balance in Legal Education of the American Association of Law Schools. The Section is new to the AALS, and devotes itself to studying, discussing, and implementing strategies to make the law school experience more humane, satisfying, and enriching for law students. Lewis & Clark justifiably prides itself on being a student-centered institution, and Amy welcomes the opportunity to share ideas about law student well-being with professors and staff at other schools. In addition, in March 2008, Aspen Publishers released the second edition of *Contracts: Cases, Discussion and Problems*, a first-year contracts text authored by Amy and **Brian Blum**.

Henry Drummonds was the luncheon speaker on April 3 at the Public Employee Relations Conference in Salem; the PERC is an annual conference sponsored by the Oregon Employment Relations Board and the University of Oregon Labor Education Research Center and is attended by labor lawyers and human resources professionals. The topic of Henry's talk was "Reflections on the PECBA and NLRA: Where Is Labor Law Headed?" In June, Henry will speak on choice of law issues facing attorneys drafting employment law contracts for executive and professional employees of global corporations; this presentation will be at the 61st Annual New York University Labor Conference June 5-6; a written version will be published by NYU later this fall. Henry's comments on labor law preemption and the USSC case *Chamber of Commerce v. Brown* were published February 27 in the CCH Labor Law Reports Insights periodical and were also featured on March 6 in the "Workplace Prof's Blog." Henry continues to serve on the Executive Committees for the OSB Labor and Employment Law Section and the OSB Products Liability Section; this summer the Products Liability Section will publish his update on federal preemption of state tort claims by the Food and Drug Act and the Medical Device Act. Finally, Henry won the poker dummy award at the Public Interest Law Project fundraiser by being the first professor eliminated in the Texas Hold 'em tournament.

Tigran Eldred was recently appointed to the Oregon State Bar's Client Security Fund, which investigates and recommends acceptance or rejection of claims for reimbursement of money stolen or misappropriated by Oregon lawyers.

The Small Business Legal Clinic received a \$224,000 grant from the M. J. Murdock Charitable Trust to fund a new executive director position. **Maggie Finnerty**, who has served as the sole Clinical Law

Professor since the SBLC's launch in October 2006, was promoted to the executive director position. The SBLC is in the process of hiring a new Clinical Law Professor who will begin teaching in Fall 2008. In addition to serving 31 clients on over 50 separate matters through the intern and pro bono projects this semester, Maggie has also participated in several speaking engagements. In February, Maggie was a speaker at the Oregon Law Institute's CLE, "Representing Family and Closely Held Businesses." In March, Maggie was a guest speaker at University of Portland's "Small Business Class," a semester-long course taught by directors at Mercy Corps. NW. She also participated in a panel discussion for the Oregon Contract Lawyers group regarding how to write a business plan for lawyers. Maggie is currently gearing up for several national conferences, at which she will be participating on several panel discussions.

Bill Funk's article, "Electronic Surveillance of Terrorism: The Intelligence/Law Enforcement Dilemma—A History," appeared in the Winter 2007 issue of the *Lewis & Clark Law Review*. Bill has been named to the OMB Watch Task Force on Transparency and Public Participation, which is studying possible improvements for proposals for a new administration. In January 2008, Bill appeared on the panel of the Administrative Law Section at the annual meeting of the Association of American Law Schools in New York City, where he spoke on agency preemption of state tort law. While in New York, he also attended the semi-annual meeting of the Center for Progressive Reform, where he is a Member Scholar. Last year his chapter on the Endangered Species Act appeared in *CPR for the Environment: Breathing New Life into the Nation's Major Environmental Statutes*, which was distributed by the Chair of the House Committee on Oversight and Government Reform to all members of Congress. He was also a co-author of CPR's "The Truth about Torts: Using Agency Preemption to Undercut Consumer Health and Safety." Also in January, with **Janice Weis**, he attended UCLA's second Conference for Environmental Program Directors, at which directors of environmental programs around the nation get together to discuss environmental programs. In January, Bill also submitted his manuscript to Thomson/West for his new constitutional law casebook, entitled *Introduction to American Constitutional Structure*, which should appear this summer. In February, the fourth edition of the *Federal Administrative Procedure Sourcebook*, which Bill co-authored with Jeffrey Lubbers and Charles Pou, was published by the ABA Press. Also in February, Bill attended the Midyear Meeting of the American Bar Association in Los Angeles.

Tomas Gomez-Arostegui recently had his article, "What History Teaches Us About Copyright Injunctions and the Inadequate-Remedy-At-Law Requirement," selected for publication. It will appear in Volume 81 of the *Southern California Law Review* (forthcoming September 2008). Tomas argues that federal courts today need not require a showing of the inadequacy of money damages before issuing an injunction in a copyright case because the English Court of Chancery, from which we derive our equitable jurisdiction, never affirmatively did so. In preparing this piece, Tomas spent over a month at the National Archives in Kew, England, reviewing pleadings and decisions from the Court of Chancery from 1660 to 1800. He also reviewed early copyright-infringement suits (circa 1557–1660) in tribunals other than the Court of Chancery, such as the Court of Assistants. From March 19–20, Tomas also attended a conference in London on the history of copyright.

The final part of **John P. Grant's** project on the Harvard Research in International Law appeared in print in February when the three-volume *Original Materials*, compiled by John and Professor Craig Barker of Sussex Law School in England (and with an analytical introduction written by them), was published by W.S. Hein. This reprint set of the thirteen draft conventions and commentaries prepared by the Harvard Research in International Law between 1927 and 1939 supplements *The Harvard Research in International Law: Contemporary Analysis and Appraisal*, co-edited by John and Barker, published in December 2007, also by W.S. Hein.

Lin Harmon coached Lewis & Clark's Merhige National Environmental Negotiation Competition team for the annual competition in Richmond, Virginia, with the help of many others in the law school and community. The team did very well, winning each of their preliminary, semifinal, and final rounds, finishing second overall. This is Lin's fifth and last year of coaching the team—she's looking forward to passing the coaching mantle on to alums Jared Kahn and Katherine Lin, last year's national finalists, who did an excellent job of assistant coaching this year.

Bob Klonoff's book on federal appellate practice and procedure (Thomson West Nutshell series) was just released at the end of March. Co-authored with Greg Castanias (adjunct professor at Indiana University/Bloomington and Jones Day partner), the book covers all aspects of federal appellate practice, including jurisdiction, preservation of error, notice of appeal, standards of review, briefs, oral argument, rehearing and rehearing en banc, and US Supreme Court practice. An article Bob co-authored with two Jones Day lawyers on class actions and the Internet has been accepted for publication by the University of Pittsburgh Law Review. In May, Bob and his co-reporters will present the latest draft of their work on aggregate litigation before the full body of the American Law Institute. In June, Bob is scheduled to speak at an international conference on class actions in Florence, Italy. In July, he will be speaking on complex litigation at a gathering of more than 150 judges from around the country. Also in July, he will be speaking on class action settlements at a conference put on by the Practising Law Institute in New York.

Art LaFrance has been on the planning committee for a conference on Health Reform and Medical Error, and was the keynote luncheon speaker on April 2 on the subject "Medical Malpractice and State Medical Centers." He has delivered a lecture on the subject here at the Law School, available as a podcast on the Law School website, prompted by the Oregon Supreme Court decision in *Clarke v. OHSU*, and is intending to develop the subject over the summer for publication. His article, "Health Reform: The Role of the States," has just been published by the Seattle Law Journal, and 300 copies were distributed to conference attendees. Art has delivered a number of lectures this year at the Law School, including most recently, "The Problem of Conscience," and previously, "Abortion: A Different Look," both available as podcasts on the Law School website. Art is also at work on an article over the summer on "Community Consent, Informed Consent, and Medical Experimentation on Trauma Victims." He continues his work through the State Bar Pro Bono program, on the first and third Fridays each month, seeing Legal Aid clients in Tillamook and Nehalem.

In addition to continuing her air and water quality work with PEAC, **Allison LaPlante** has had a busy semester coaching two of the law school's moot court teams. Allison and **Craig Johnston** co-coached the national Environmental Law and National Animal Law moot court teams. They are proud to report resounding victories in both competitions. Craig and Allison, with the help of many other faculty members, held 4–5 practice sessions per week with each of the teams. On February 15–17, Allison accompanied the students to the National Animal Advocacy Moot Court Competition at Harvard Law School. Third-year students Lauren Goldberg and Erin Smith captured the title at the competition, and Erin Smith was also honored as the best oralist for the entire competition. On the following weekend, Craig accompanied the Environmental Moot Court team to Pace Law School. There third-year students Bethany Cotton, Liz Crosson, and Diana Fedoroff captured the national championship, triumphing over 69 other teams, and defeating Boston College and Thomas Cooley in the quarterfinals, U.C. Hastings and Washington University of St. Louis in the semifinals, and Georgetown and the University of Hawaii in the finals.

Lisa LeSage will speak at the annual ABA Business Law Section Conference in Dallas, Texas on April 10, on using pro bono in the training of business lawyers. She also will moderate a panel on clinical office procedures at the April 25 meeting of the AALS Business Law Clinics' annual meeting in Detroit. In February, she was invited by the Kauffman Foundation to travel to Kansas City and participate in a national initiative on law and entrepreneurship. She also coached the Law School's Mock Trial team to the regional finals, coming in first-runner-up, against schools from throughout the Pacific Northwest and Midwest. Lisa, **Maggie Finnerty**, and the Small Business Legal Clinic were featured in the Portland Business Journal in January and in the Portland Business Alliance's "Business Images" magazine in March. In financial news, in late November, Lisa announced the receipt of a three-year grant from the M. J. Murdock Trust, for \$224,000, to the Small Business Legal Clinic, to fund a new Executive Director position for the SBLC, as noted above. Lisa chaired a search committee for a new clinician and Director. After a national search, in March, Maggie Finnerty was named as the new SBLC Executive Director, and the SBLC is in the process of hiring a new clinician. The Business Law Program also submitted a grant to the Collins Foundation for the Community Development Law Center project. The Foundation accepted the initial proposal, and conducted a site visit on April 4. The final decision will be made by the Foundation board in late April.

In January, **Lydia Loren** visited DePaul University School of Law as a Hosier Distinguished Visiting IP Scholar. While at DePaul, she presented her work, "The Pope's Copyright? Aligning Incentives with Reality in Copyright Law." In March, Lydia participated in a conference at Cardozo School of Law on Harmonizing Exceptions and Limitations to Copyright. She served as the moderator of a panel of international experts addressing the questions "Where we are Now, Where we have Been, Has the Time Come to Harmonize Exceptions, How Do We Do It, and What Will be the Constraints?"

Susan Mandiberg participated on a panel at the Public Interest Environmental Law Conference on March 7 in Eugene. The panel was entitled "Environmental Crimes in the New Millennium." It was convened by David Uhlmann, former Chief of the U.S. Department of Justice Environmental Crimes Section and now a Professor from Practice at Michigan Law School (inaugural director of their Environmental Law & Policy Program). Other panelists were Eileen Sobeck, Environment and Natural Resources Division, U.S. Department of Justice; Dwight Holton, U.S. Attorney's Office, District of Oregon; and David Z. Nevin, Nevin, Benjamin, McKay & Bartlett (Boise, Idaho). Susan also wrote an opinion piece on the current state of federal environmental crime prosecution, "responding" to a piece by David Uhlmann (although neither has seen the other's piece yet) that will appear on the cover of The Environmental Law Reporter's "Environmental Forum" membership publication in May.

Bob Miller published an editorial in the Los Angeles Times on August 6 about Russia claiming the Arctic seabed through the Doctrine of Discovery. The piece was reprinted in Canada, Qatar, India, and American newspapers such as the Minneapolis Star Tribune and The Oregonian, and it led to interviews by the Ottawa Citizen, the Toronto Star, and Portuguese and Columbian newspapers. He was a keynote speaker at the Native American Finance Conference in Connecticut, gave a CLE to the Oregon State Bar Legal Heritage group, gave a training on Federal Indian Law to over 100 U.S. Fish & Wildlife officials, and spoke at Portland's book fair, Wordstock, and at the Worldpeace Institution conference at PSU. He also published a book chapter in *Shoot the Indian: Media, Misperception and Native Truth*, published by the Buffalo State College in New York. In February, Bob signed a contract with University of Oklahoma Press to write a book entitled *Reservation Capitalism: Economic Development in Indian Country*. He also helped organize and presented a paper at the Lewis & Clark Law Review Symposium conference in April. The conference was entitled "Indigenous Economic Development: Sustainability, Culture, and

Business.” In April, he will also speak at the Second Annual Native American Studies Conference at University of Georgia, at Denver University Law School, and at a Seattle CLE.

Joe Miller helped host the 13th Annual Business Law Forum here at the Law School in October 2007. At the two-day forum, entitled “Nonobviousness—The Shape of Things to Come,” Miller gave a paper that will appear in an upcoming issue of the Lewis & Clark Law Review. His paper is entitled “Level of Skill & Long-felt Need: Notes on a Forgotten Future.” In December 2007, Joe was the featured speaker for the Oregon Patent Law Association’s annual meeting. He gave a talk entitled “Patent Power With Distributors and End-Users.” In March 2008, Joe gave two talks about that focused on the Supreme Court’s nonobviousness decision in *KSR* and the case’s aftermath this past year: the first on March 7, in Seattle, at the Washington State Bar’s 13th Annual IP Institute; and the second on March 14, in Salt Lake City, for the Utah IP Section.

Earlier this semester, **Janet Neuman** appeared on a panel of deans and associate deans speaking on “Balance in Legal Education” at the American Association of Law Schools Annual Meeting in New York City. She also spoke about the impacts of climate change on northwest water supplies as part of the nationwide teach-in “Focus the Nation.” Janet attended the ABA’s annual water law conference in San Diego in February, where she and Career Services Dean **Libby Davis** co-hosted a gathering of Lewis & Clark alumni, some who practice in the San Diego area and some who were attending the conference. In March, she spoke about water law at the Public Interest Environmental Law Conference at the University of Oregon, on a panel entitled “Prior Appropriation as if People Mattered.” In June, Janet will speak at the University of Colorado’s conference Shifting Baselines and New Meridians: Water, Resources, Landscapes, and the Transformation of the American West, on a panel entitled “Rethinking Western Water Law.” Recently, she published “Thinking Inside the Box: Looking for Ecosystem Services within a Forested Watershed,” in Florida State University’s Journal of Land Use and Environmental Law. Another piece, “Chop Wood, Carry Water: Cutting to the Heart of the World’s Water Woes,” will be forthcoming shortly in the same journal.

John Parry participated in a debate in the University of Pennsylvania Law Review’s on-line companion journal PENNumbra, under the title “Light at the End of the Pipeline?: Choosing a Forum for Suspected Terrorists” (<http://www.pennumbra.com/debates/terrorcourts.pdf>) (debating Amos N. Guiora of the University of Utah). He also attended and helped organize the Second Global Conference on Evil, Law & the State in Salzburg, Austria on March 7–9 2008, where he presented his paper “Change and Continuity in Criminal Procedure’s ‘War on Terror.’” John recently had an article accepted for publication by the Georgetown Law Journal.

On January 31, as noted above, **Melissa Powers, Erica Thorson** and **Aubrey Baldwin** hosted the law school’s “Focus the Nation” event. Focus the Nation was a national teach-in day on climate change. At the event, Melissa spoke regarding national efforts to reduce greenhouse gas emissions from motor vehicles. She also spoke on two panels, entitled “Redefining the Definition of Solid Waste,” and “Clean Water Act Year in Review,” at the Public Interest Environmental Law Conference in Eugene, Oregon, on March 7 and 8.

Jami Pannell of the Animal Law Clinic successfully defended one of the law-abiding activists in the Schumacher Furs lawsuit in federal court. The Clinic’s anti-SLAPP motion was granted and Judge Michael Mosman awarded attorney fees accordingly. Jami recently appeared on the Oregon State Bar’s

Legallinks television show to film a 30-minute episode on animal law along with incoming Animal Law Program Director **Pamela Frasch**. In addition, Jami served as a judge for the closing argument portion of the 2008 National Animal Advocacy Competitions (NAAC) at Harvard Law School. Jami is currently coaching two student competitors for the NAAC's upcoming Legislative Lobbying and Drafting Competition at George Washington University School of Law. Recently, Jami began service as the section treasurer of the newly-formed Oregon State Bar Section of Animal Law. Finally, Jami is serving on the conference planning committee for the 2008 Animal Law Conference.

Dan Rohlf successfully represented (along with Lewis & Clark Law School alum Justin Augustine) two organizations in their efforts to overturn a ruling by the U.S. Fish and Wildlife Service that bald eagles adapted to harsh desert conditions in Arizona are not eligible for protection under the Endangered Species Act. The federal district court also ordered FWS to keep ESA protections for this separate population in place until the agency performs a full review of the birds' biological status (Arizona birds had been removed from the list of threatened species along with other eagles in the contiguous United States). In March, Dan accepted an invitation to join the Center for Progressive Reform, a group of scholars dedicated to developing scholarship with application to pressing real-world policy issues. In early April, Dan was one of two featured participants at a session of Northern Arizona University's Bruce Babbitt Visiting Scholar Series in Landscape Conservation devoted to issues of forest management. With co-author John Kosyack of the National Wildlife Federation, Dan published an article on the Endangered Species Act and climate change in the April edition of Environmental Law Reporter.

On January 26, a team of Lewis & Clark students succeeded in making it to the semifinals in the First Annual Asylum and Refugee Law National Moot Court Competition at UC Davis in California. **Juliet Stumpf** initiated and organized the students' participation and arranged for practice moots for the Competition. On March 22, Juliet submitted to the North Carolina Law Review her article entitled "States of Confusion: the Domestication of Immigration Law." The piece argues that the evolution of immigration law towards interior enforcement has opened the door to concurrent regulation of noncitizens by states and local governments, and points up troubling implications of that trend. On March 24, she submitted a draft of her work-in-progress, "Fitting Punishment," to organizers of the Immigration Law Teachers Workshop taking place in early May. The article advocates for the introduction of proportionality norms in immigration law to bring immigration sanctions into line with all other American sanctions schemes. On March 28 and 29, Juliet attended the Conference for the Association of the Study of Law, Culture and the Humanities at Boalt Hall in Berkeley, California. There, she was the Chair and Discussant for a panel entitled "Imagining Rights in an Era of Globalization" that focused on individual protections in areas as diverse as international travel, cultural refugees, international double jeopardy, and governmental power over Native Americans and enemy combatants. Finally, Juliet recently accepted an invitation to speak about the criminalization of immigration law, as a result of her most recent publication, "The Crimmigration Crisis," at the Annual Meeting of the Association of American Law Schools next January in San Diego, California.

In addition to her appointment at Lewis & Clark Law School, **Elaine E. Sutherland** is also Professor of Child and Family Law at the Law School, University of Stirling, Scotland, spending half of the year at each. In February 2008, she delivered her Professorial Inaugural Lecture, "A Veiled Threat to Children's Rights?" at the University of Stirling. In it, she addressed the controversy surrounding the issue of children and young people attending state-funded schools who choose a particular mode of dress for religious or cultural reasons and comparative legal responses in Canada, Europe, and the United States. An article, expanding on the lecture, will be published in due course. Elaine returned the corrected proofs of the second edition of her treatise, *Child and Family Law*, running to some 1,400 pages, in March, and

began work on the new edition of *Family Law* for the LawBasic Series (the Scottish equivalent of the Nutshell series), published by W. Green (a subsidiary of the Thompson publishing group).

Erica Thorson recently published an article, “On Thin Ice: The Failure of the United States and the World Heritage Committee to Take Climate Change Mitigation Pursuant to the World Heritage Convention Seriously,” in 38 *Environmental Law* 139. She also continued her work on the Pacific Salmon Treaty, representing the International Environmental Law Project at an Executive Session of the Pacific Salmon Commission in Coeur d’Alene, Idaho in October to speak about reforming the public participation process. In November, she attended a Pacific Salmon Treaty workshop at the Wood Institute for the Environment at Stanford Law School as an invited participant. Erica spoke at the Animal Law Conference at Lewis & Clark in September, presenting a lecture entitled “Can the Wildlife Trade Bridge the Poverty Gap?: CITES, Livelihoods, and Sustainable Use” (available at <http://lawlib.lclark.edu/podcast/?p=392>). Last semester, she also co-taught International Environmental Law with **Melissa Powers**. In February, Erica participated in a “Notable Women in the Law” series at Oregon Episcopal School; she spoke to a group of young women about pursuing their dreams generally and about practicing international environmental law. In March, Erica attended the Public Interest Environmental Law Conference in Eugene and attended the annual environmental alumni event.

Terry Wright has been busy in the past few months. In February, she escorted two students to the Regional ABA Client Counseling Moot Court competition in Victoria, British Columbia. Despite tying for first after the preliminary rounds, the team was knocked out in the semifinals, as was the other first place team and the second place team. Terry continued with her numerous Bar activities, especially with the Board of Governors. She finished her work on a committee to review the charges and roles of the Oregon Attorney Assistance Program and the State Lawyer Assistance Committee, whose report will be issued shortly. She is beginning her service on a committee to do a “top to bottom” review of how the Oregon Bar should be treating out-of-state lawyers who may be practicing law from within the boundaries of Oregon. In early March, she taped a session on “How to Find and Assist a Lawyer” for the state Bar’s *Legallinks* program, which airs on local access cable television on a statewide basis. In March, she attended the Western States Bar Leadership Conference in Tucson, Arizona, and came home with many new ideas for bar initiatives. She recently participated in the hiring committee for the Executive Director and clinical professor for the school’s Small Business Clinic. She is participating on a committee sponsored by the Multnomah County courts looking at methods to improve access to justice for pro se family law litigants. Lastly, in her spare time, she continues her pro bono work representing survivors of domestic violence in their Restraining Order hearings, children in complicated domestic relations cases, and advising pro se family law clients on a limited means basis.

OTHER NEWS

News from PEAC

PEAC has had some important victories over the past few months. In December, the Oregon state court found unlawful a Clean Water Act permit which authorized continued violations of Oregon’s water quality standards for more than nine years. PEAC staff attorney **Melissa Powers** and alum Brett VandenHeuvel (’04) co-counseled on this case. In January, Melissa and PEAC attorney **Allison LaPlante** obtained an important ruling regarding the scope of an administrative record in a case challenging the Environmental Protection Agency’s approval of Oregon’s water quality standards. In March, PEAC

Director **Dan Rohlf** secured a victory for desert eagles when a federal district court case invalidated the Fish and Wildlife Service's decision to remove bald eagles located in the southwest from protection under the Endangered Species Act.

News from IELP

The International Environmental Law Project (IELP) has had a busy year. With Acting Director and Clinical Professor **Erica Thorson**, the students have engaged in a number of exciting international environmental projects. During the fall, IELP worked diligently with a small coalition of activists and lawyers to stop the unregulated dumping of hundreds of tons of iron ore into the ocean by a company claiming to thwart climate change by stimulating massive phytoplankton blooms to absorb carbon dioxide. This was an entirely for-profit undertaking as the company planned to sell "carbon offsets" generated from the project. IELP also continued its work with the Pacific Salmon Treaty, writing and presenting a white paper on reforming public participation to the Pacific Salmon Commission, which has sparked a serious discussion amongst U.S. and Canadian delegates. In addition, IELP continues to work on long-term projects related to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, whaling, and the World Heritage Convention.

In January, IELP completed two important projects. First, the U.S. Fish and Wildlife Service (FWS) asked IELP to help draft the national report it must submit to the Secretariat for the Convention on Wetlands of International Importance (known as the Ramsar Convention). IELP drafted sections on U.S. invasive species policy, U.S. national wetlands policy, and compliance with relevant principles from the World Summit on Sustainable Development. Also, IELP collaborated with Earthjustice's International office to write the 2008 Environmental Rights Report, which Earthjustice will present to the Human Rights Commission later this year. The Report is a comprehensive look at the relationship between environmental justice and human rights and summarizes developments in this field from around the world.

News from the Lewis & Clark Legal Clinic (LCLC)

It's been a busy semester at LCLC. The 38 students enrolled in Clinic have represented over 100 clients in our 5 practice areas: bankruptcy, landlord-tenant, family, low-income tax, and employment.

Bankruptcy (Dick Slottee)

The bankruptcy program assists low-income clients with counseling, preparation, and filing of bankruptcy petitions. So far this semester, students have interviewed and assisted 21 clients regarding Chapter 7 bankruptcy. Students also participate in the Oregon State Bar Debtor Creditor Section Bankruptcy Clinic. This Bankruptcy Clinic is held each month in the evening at rotating locations in Beaverton, Portland, and Gresham. At each Clinic session, low-income debtors are interviewed and assisted by volunteer attorneys. This semester, nine Clinic students volunteered at three Bankruptcy Clinics.

Landlord-Tenant (Mark Peterson)

Students have conducted 20 interviews of clients facing eviction, followed by 29 court appearances. Court appearances typically occur within 5 days of the interview and involve negotiation and mediation. Cases not resolved are set for trial—usually within a week. So far this semester, students prepared three cases

for trial and prevailed on the only case that did not settle on the courthouse steps. Cases have involved personal jurisdiction, technical procedural requirements, habitability, utility interruptions, physical altercations between landlords and tenants, and controlled substance possession and use. At least four cases have involved mental illness or other issues affecting capacity. One client required appointment of a guardian ad litem. Two cases involved homeowners who faced eviction after utilizing the services of a company to “help” them prevent foreclosure. We also filed a brief in the Oregon Court of Appeals involving a disturbance in federally subsidized housing.

Family (Terry Wright)

Students in the family law program have spent the semester assisting clients in various legal matters, especially in the areas of dissolution of marriage and child support. A number of our clients are victims of domestic violence with children, so students have helped keep these clients and their children safe, and with adequate funds for the family’s on-going needs. In one case, students worked through a “real life” legal ethics issue when they discovered a potential conflict between the Clinic’s current client and a former Clinic client.

Low-Income Tax (Jan Pierce)

On June 2, 2008, students will try a case in U.S. Tax Court concerning the constitutionality of Code § 104(a) on whether damages for emotional distress are excludable from income. Though § 104 excludes from income damages for injuries and sickness, Congress amended this section in 1996 so that damages for emotional distress shall not be treated as an injury or sickness. In 1996, the D.C. Circuit found the statute unconstitutional, in an opinion that has since been withdrawn. The case will give the Ninth Circuit a chance to weigh in. We also have a case set for trial in June involving innocent spouse relief under both Code §§ 6015(b) and 6015(f). At present, at least 50% of our cases are in Tax Court. In March, we were involved in 15 of the 100 or so cases on Tax Court Calendar in Portland.

Employment (Tigran Eldred)

This semester students have conducted six unemployment compensation hearings, appealed one case to the Oregon Employment Appeals Board, provided advice on many other unemployment cases, and advised 12 clients on how to expunge records of arrests and conviction under Oregon law. Two unemployment cases stand out. In one, the Oregon Employment Department denied unemployment benefits to a former employee of a large supermarket chain who had been discharged for using inappropriate language. Working with the employee’s medical provider, we were able to prove that the employee’s conduct was caused by his schizophrenia and mental retardation. As a result, benefits were granted. In the other case, students appealed an issue of first impression to the Employment Appeals Board: whether a client who is incarcerated for conduct unrelated to work should be disqualified automatically from unemployment benefits. The decision is pending.