



Faculty News

Jeffrey Bain Faculty Scholar and Professor of Law **Paula Abrams** gave the Commencement Key Address at St. Mary's Academy. In July, Abrams taught International Human Rights at Trinity College, Dublin. Her recent article, "The Reasonable Believer: Faith Formalism, and Endorsement of Religion," presented for the Law School's April symposium, "Who is the Reasonable Person?," will be published this fall in the *Lewis & Clark Law Review*.

Having created PowerPoint presentations for all of his tax courses, **Jack Bogdanski**, Douglas K. Newell Faculty Scholar and Professor of Law, is thinking about cutting back on the use of that presentation software. "It has been a blast creating a visual slide for every point made in every class," he notes, "but now I'm going to turn the thing off some. Maybe about half of each class will have a black screen -- just people in the room talking, and even thinking." As this issue went to press, Bogdanski was chairing the Law School's fall forum on Taxation and the Environment, which is bringing scholars from around the country to campus for a full day of presentations and discussion, with papers to be published in the *Lewis & Clark Law Review*. He continues to produce semi-annual supplements to his treatise, *Federal Tax Valuation*, and semi-annual columns for the national journal *Estate Planning*. The journal he founded and edits, *Valuation Strategies*, heads into its 14th year this fall.

Ed Brunet, Henry J. Casey Professor of Law, wrote several articles recently. His article on the Supreme Court's new "plausible" pleading standard, "The Substantive Origins of Plausible Pleadings," is the lead article in Lewis and Clark's symposium on the seeming revolution in federal pleading doctrine. See, *14 Lewis & Clark L. Rev. 1 (2010)*. Brunet also wrote for the Akron symposium on the future of summary judgment where his article, "Six Summary Judgment Safeguards," can be found in volume 43 of the *Akron Law Review*.

Legal Writing Professor **Bill Chin** spoke on diversity and cultural issues as a panelist on a Diversity Training Panel as part of Ethnic Celebration at the Salvation Army White Shield Center. Also, Chin's recent law review article on accent bias will be included in the revised edition of *English with an Accent: Language, Ideology and Discrimination in the United States*.

Associate Professor **George Foster** authored an article, "Striking a Balance Between Investor Protections and National Sovereignty: The Relevance of Local Remedies in Investment Treaty Arbitration." In July, Foster presented the article at the Southeastern Association of Law Schools Annual Meeting in Palm Beach, Florida.

Assistant Dean and Center for Animal Law Studies (CALs) Executive Director **Pamela Frasch** spoke in Washington D.C., in June, at the National Press Club for a conference on animal testing entitled "The Future of Chemical Toxicity Testing in the United States: Creating a Roadmap to Implement the NRC's Vision and Strategy". This conference was co-sponsored by CALs, the Johns Hopkins Bloomberg School of Public Health, The Environmental Law Institute and the Animal Legal Defense Fund. Dean Frasch recently completed the Teacher's Manual to the 4th Edition of *Animal Law - Cases and Materials* (Carolina Academic Press) co-written with Bruce Wagman and Sonia Waisman. She continues to work on "Animal Law in a Nutshell" (Thompson West) with Clinical Professor **Kathy Hessler**. This book is slated for publication later this year. On October 15-17th, CALs will host the 18th annual national Animal Law Conference. The 2010 conference theme is "Animals in Crisis: Using the Laws We Have, Getting the Laws We Need". Keynote speakers include Dr. Sheri Speede of In Defense of Animals-Africa and the founder of the Sanaga-Yong Chimpanzee Rescue Center in Cameroon, and Katrina Sharman of Voiceless, the Animal Protection Institute in Australia.

In June, Judge Robert E. Jones Professor of Law **Bill Funk** participated in two conferences at the Aix-Marseilles III Faculty of Law in Aix-en-Provence, France. In the first, he presented a paper, "Electronic Surveillance of Terrorism in the United States," and in the second he presented a paper, "Manning the Gates: Standing Doctrine as a Barrier to Judicial Policing of Agency Action," a comparative analysis of standing in the United States, Germany, and the E.U. In July, Funk attended the Southeastern Association of Law Schools Annual Meeting in Palm Beach, Florida, where he appeared on a panel discussing regulatory law cases from the past Supreme Court's term.

In July, Professor **John P. Grant's** *International Law Essentials* was published by Dundee University Press. This "Nutshell"-style introductory account of public international law runs to 140 pages and is intended for the student market. Also in July, *Scots Law Tales*, co-edited by Grant and Professor **Elaine E. Sutherland**, was published by Dundee University Press. This collection of extended essays on some of the leading Scottish criminal and civil cases, written by experts, tells the full story of these cases, setting them in their peculiar facts and circumstances and explaining their contemporary and enduring significance. Grant contributed a chapter on "Not Our Finest Hour: The Lockerbie Trial."

Grant is presently working on a major project, *The Final Solution to the Oregon Question: A Documentary History*, a legal analysis of the fall-out from the 1846 Oregon Treaty. This project, intended for publication in 2011-12, covers the indemnity arrangements for the assets of the Hudson's Bay Company in the area south of the 1846 U.S./Canada boundary, the joint military occupation of San Juan Island and the eventual final settlement of the maritime boundary by arbitration.

Clinical Professor **Kathy Hessler** made a presentation entitled "Concern for the Animals in the Future of Toxicity Testing" at the Federal University of Bahia in Salvador, Brazil and at the Second World Congress on Bioethics and Animal Rights: Perspectives for Life on a

Changing Planet in Salvador, Brazil in August. She also spoke on “The Future of Toxicity Testing: A Legal Perspective” as part of a panel discussion at The Future of Chemical Toxicity Testing in the United States: Creating a Roadmap to Implement the NRC’s Vision and Strategy Symposium held at the National Press Club in Washington DC in June. In addition, Hessler served on a panel entitled, “Animal Testing: Philosophical Foundations and Legal Frameworks” at the Law & Society Annual Meeting in Chicago in May.

Professor **Craig Johnston** completed (with Professors **Bill Funk** and Victor Flatt) a third edition of their casebook, *Legal Protection of the Environment*. He and **Melissa Powers** also completed their *Concise Hornbook of Environmental Law*. Johnston wrote a Supreme Court brief for the Natural Resources Defense Council in *Monsanto Co. v. Geertson Seed Farms*. In addition, Johnston coached our environmental moot court team to its seventh national championship in 17 years, triumphing over teams from 83 other law schools. He also began the planning and fundraising necessary for the expansion of our Pacific Environmental Advocacy Center. And, on the running front, he and four friends did a one-day circumnavigation of Mt. Hood (41 miles and 10,000 feet of elevation gain and loss) and he led his fourth Run America Relay effort (this time involving a 9-day jaunt around Lake Michigan).

Associate Professor **Jeff Jones** made a presentation in June at the AALS Mid-Year Property Law Section meeting in New York City.

Professor and former Dean **Steve Kanter** is working on an article entitled: “When a Car was not a Car: A Yale Theory of Interpretation,” which will be completed this year. Kanter’s children’s book, “The Bear and the Blackberry” is now in its second printing, and recently won a Moonbeam Children’s Book Award Gold Medal. Kanter appeared on the Thom Hartman National Show to discuss the Supreme Court, served as moderator for “The Reasonable Person and Civil Rights” at the Lewis & Clark spring 2010 symposium, and made a presentation at the joint ACLU/Federalist Society event in October on “Three Models of Constitutional Interpretation.” Kanter provided some pro bono advice to the attorneys for Mr. Rommell Broom after Ohio tried unsuccessfully for several hours to execute him by lethal injection. Broom is still on death row in Ohio and waiting for a decision from the appellate courts as to whether Ohio can try again to execute him. Kanter provided consulting advice on the meaning and history of Kazakhstan’s constitution and its relationship to customary international law norms. (Professor Kanter was previously part of the three person international team that advised Kazakhstan on its draft constitution in 1992, see Stephen Kanter, “Constitution Making in Kazakhstan”, 5 *International Legal Perspectives* 65.) Kanter gave a lecture presentation to PDC on the religion clauses of the federal and state constitutions. Kanter was in southern France in January, and will be making another trip to China this year. Finally, and most importantly, he is still playing adult hard ball baseball, and is building a remote control model airplane in his office, and he says he is looking for help.

In May 2010, Dean **Bob Klonoff** was a guest lecturer at the Seoul National University Law School in Seoul, South Korea. He spoke about U.S. class actions. In April 2010, he was

the keynote speaker at the Alaska Bar Association Annual Meeting. He spoke about the Supreme Court confirmation process. Also in April, he spoke at Harvard Law School about the emergence of animal law programs at schools such as Lewis & Clark. Dean Klonoff's project for the American Law Institute -- *Principles of the Law of Aggregate Litigation* -- was published in May 2010. It has already been cited by numerous federal courts. Dean Klonoff is currently revising both his casebook and nutshell on class actions.

Professor **Bob Miller** '91 published a book chapter entitled "Christianity, American Indians, and the Doctrine of Discovery" in the book *Missiology of Jamestown*. An article he published in 2008 in *The Lewis & Clark Law Review* on American Indian economic development was republished in a book printed in India. He spoke at the 8th Annual Trading at the River American Indian economic development conference in Tulalip, Washington, delivered a six hour training on Indian law issues to U.S. Fish & Wildlife personnel in Bismarck, North Dakota, spoke at Seattle's Museum of History and Industry on American Indian treaties, and spoke and moderated a panel at the PERC conference in Bozeman, Montana. He also taught a summer school class on American Indians and International Law and participated in a five day planning session in Missoula Montana on how to expand the teaching of American Indian history and law in elementary and high school curricula. Miller was hosted by the Organization of American States at a conference in Washington D.C. on Indigenous Peoples and international law.

In May, Associate Professor **Juliet Stumpf** presented her work-in-progress entitled "Trusting Immigration Law" at the Immigration Law Teachers Conference in Chicago. She also served as a discussant for a paper by Karla McKanders analyzing the Fugitive Slave Act and the modern deportation system, and then served on a teaching panel entitled "Raising Issues of Difference." Later that week, she presented "Trusting Immigration Law" at the Law & Society conference and served as the discussant for a paper by Yukiko Koga on recent legal battles seeking reparations for Chinese slave laborers during the Sino-Japanese War. In June, Stumpf traveled to Norway where she presented her work on crimmigration and graduated immigration law sanctions as a keynote speaker at a seminar at the University of Oslo.

Scots Law Tales, co-edited by Professor **Elaine E. Sutherland** and Professor **John P. Grant**, was published by Dundee University Press in July 2010. The volume analyzes a number of notable Scottish cases, essentially "telling the story" of each by means of personal narratives, coupled with a brief analysis of the case itself and its contemporary and lasting importance. The goal is to present both the human and legal faces of a number of important Scottish cases in an accessible and readable format. Sutherland's chapter in the book, "A Knock at the Door: *B v Sloan*: The Orkney Case", examines events surrounding the removal of nine children from their homes in a remote Scottish island community amid allegations of ritual sexual abuse; their return to their families five weeks later; the attendant legal proceedings; the, sometimes sensational, publicity that surrounded the case; and its lasting impact on Scots child protection law.

The manuscript of *Law Making and The Scottish Parliament: The Early Years*, which Sutherland co-edited with three colleagues from Stirling University Law School, was delivered to the publisher, Edinburgh University Press, in May 2010, two weeks ahead of schedule. The volume comprises 18 chapters (including one by Sutherland, “Child and Family Law”) analyzing the work of the Scottish Parliament (established 1999) on specific areas of devolved legislative competence, each written by an acknowledged expert in his or her field. It is the first work to subject the Scottish Parliament’s efforts to comprehensive evaluation and will be published early in 2011.

In May, Cambridge University Press approved Sutherland’s proposal for a book, *The Future of Child and Family Law: International Predictions*. This volume will comprise fifteen chapters, thirteen of which will be contributed by experts from around the world (Australia, Canada, China, England and Wales, India, Israel, Malaysia, Netherlands, New Zealand, Norway, Russia, South Africa and the USA) who will be guided by a chapter structure template and a specimen chapter on Scotland, both written by Sutherland. She will also write the introductory chapter which will set the comparative scene, analyzing the factors and imperatives identified in the jurisdiction- or country-specific chapters as likely to drive child and family law forward. It will set these developments in the context of the leading child and family law literature and their socio-economic and demographic contexts, identify common ground and points of divergence and seek to explain why they have occurred. The volume will be published early in 2012.

Sutherland is currently working on two exciting projects. The first is her chapter on recent developments in Scots law on informal (non-marital/non-civil partnership) cohabitation for the *International Survey of Family Law: 2011 Edition* (Bill Atkin (ed), Family Law/Jordans), the annual flagship publication of the International Society on Family Law. The second is a conference paper and book chapter for an on-going Scottish-South African comparative law project, examining the impact of European Convention on Human Rights and the Constitution of the Republic of South Africa, respectively, on various areas of the law. Sutherland’s contribution will concentrate on developments in child law.

Clinical Professor **Theresa (Terry) Wright** finished her terms on the Oregon State Bar Board of Governors at the end of 2009, but has been appointed to several volunteer positions with the Bar. First, she is chairing a special task force to do a full review of the Bar’s Unlawful Practice of Law system. She also is serving on a special task force that is developing a required first year lawyer mentorship program to be implemented by the Bar in the next year or two. Additionally, Wright serves on the Bar’s Discipline Board and on the Client Security Fund Committee.

Professor **Tung Yin** participated in the National Security Leadership Summit at William Mitchell School of Law in St. Paul, Minnesota, in September. During the summer, he was interviewed by a number of Portland media regarding legal issues surrounding the Al Gore sexual assault allegations.