

University of Oregon School of Law PRO BONO NEWS

Volume 5

Spring 2008

A Short Stay in the Hindu Kush

By Kevin Parks

Before coming to Afghanistan, I necessarily attempted to rid my mind of any and all expectations. It is impossible to accurately predict what any given experience will ultimately be like, or how you will react, even less so when that experience is to occur in an active and ongoing war zone. Once immersed, however, you've no choice but to make the best of the situation you're in, and continually motivate toward your ultimate goals, whatever they may be. When first told I had gotten a legal position in Kabul, I was ecstatic. That feeling subsided, though, and was soon replaced by an altogether different, somewhat more grave feeling: sheer terror. Before I departed, I told myself that I must regain positivity, and or I'd be in for a long summer. I tried to tell myself. I came to Afghanistan to work with the Wildlife Conservation

Society (WCS) on environmental legislation for the new Afghan government – a perfect summer job, I thought, the quintessential international legal experience. It's not often that the opportunity to work on the ground level in a newly forming and developing democracy presents itself, and I was quick to jump at it. Just as soon as I arrived, however, I became quick to jump at many things. On my first afternoon in Kabul, three loud explosions erupted and echoed against the mountains which surround and bisect the city. I tried to act like I didn't hear them; I casually continued a conversation with my boss regarding travel logistics, or housing, or job specifics – I can't recall, honestly, as all I can remember are the successive 'Boom!' 'Boom!' 'Booms!' which rang in my ears, a sound

which will forever be lodged in my mind. After some minutes passed, my face apparently stuck with a blank expression of wonderment (and fear), my boss explained that those were most likely the controlled explosions of ISAF, the international security force, ridding the surrounding areas of land mines and other unexploded ordinance. Most likely But once I got past those first few days, a regular routine emerged, which slowly began to provide me a sense of comfort and complacency. The dire security situation would not distract me from my work. I began to diligently spend the passing hours learning the structure and framework of the Afghan government and drafting and analyzing laws

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The Portia Project: Women of Coffee Creek

By Ellie Price

The Portia Project is a Eugene-based organization that was formed in 2002 to provide legal assistance to incarcerated women. Specifically, the Project provides assistance to women housed in the Coffee Creek correctional facility, located in Wilsonville. Professor Barbara Aldave of

the University of Oregon School of Law is the President and Chair of the board for the Portia Project. Several other professors and members of the Law School are also board members for the Portia Project, including Dean Paris, Professor Harris, and Professor Forell. The executive director

and general counsel for the Project is Katina Saint-Marie, a 2007 UO Law graduate who was officially hired in November 2007, thanks to a grant from the Spirit Mountain Community

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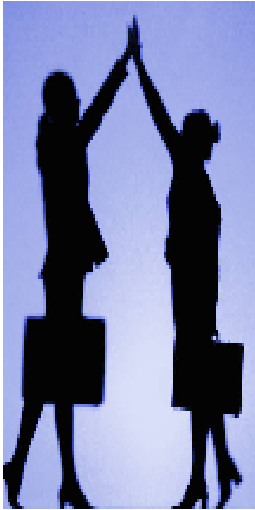
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“When an opportunity that appealed to me popped up, I got involved.”



Pro Bono Success Stories: U of O law school graduates share their experiences

By Ed Bushnell

How did you get involved in pro bono work at the University of Oregon?

Anil: Mainly, I listened to what my peers were doing and kept my eye on the law student listserv. When an opportunity that appealed to me popped up, I got involved. For example, I participated in the annual public service day and volunteered with the local No on Measure 36 committee (which worked diligently but unsuccessfully to defeat the anti-gay marriage amendment).

Sarah: I took a civil rights litigation class from Professor Robert Tsai during my second year in law school. I really enjoyed the class and wanted to explore a legal career in civil rights litigation. I began volunteering at the ACLU office in Eugene. Polly Nelson was in charge of the Eugene office at the time and she coordinated student volunteers to research legal issues, review complaints of civil rights violations, and provide assistance in the ACLU office. I quickly became interested in inmates' rights. I became court certified after my second year in law school and had the opportunity to act as certified counsel on an inmates' rights case filed on behalf of the ACLU. My father, who was a former attorney for the ACLU, assisted me in filing the complaint and handling the case.

During my third year in law school, I worked for civil rights attorneys who were also doing pro bono work for the ACLU. While I was getting paid for that work, I had the opportunity to work with attorneys who regularly did pro bono work and assist them on several of those cases.

What have your pro bono highlights been?

Sarah: After I graduated from law school, I continued to do pro bono work for the ACLU during my first year or two of practice. I worked mainly on issues involving inmates' rights and attended the ACLU's intake screening committee meetings. I recall that I got a ban on newspapers lifted from one Oregon county jail and researched the constitutionality of certain strip searches. Through the Civil Liberties Defense Center in Eugene, I represented several timber protesters in Southern Oregon on a pro bono basis. In all of these cases, I was working with other volunteer attorneys, ACLU staff, and law students. I think the highlight has been working with individuals who care deeply about the rights of others and who are willing to work without pay or recognition because they believe in the work they do.

Anil: I work for Tonkon Torp LLP in Portland, a big firm that has a strong commitment to pro bono, including ACLU and Legal Aid work. When I started at the firm, I joined the ACLU Intake Screening Committee as a way to pick up some small cases of my own. These matters gave me a chance to learn about litigating civil rights cases. One of my first victories was getting an Oregon correctional facility to change its unconstitutional prisoner mail policies. I am currently working on a high-profile protester case with a number of other Tonkon attorneys on behalf of the ACLU. The case involves allegations of viewpoint discrimination by federal, state, and local authorities, and is now pending before the Ninth Circuit on an interlocutory appeal.

My first jury trial was a pro bono case through Legal Aid. The claim was for conversion of my client's personal property by his former employer. I tried the case to a twelve-person jury in Multnomah County and won. I am lucky to have had the chance to try a case so early in my career. More importantly, I was able to help an indigent person get something back after a long slew of bad fortunes.

(continued on next page)

Street Law Update: Search and Seizure

By Elizabeth Gilkey

Street Law is the group of law students who give presentations in the Eugene area on Juvenile Law, LGBT, Landlord/Tenant, Domestic Violence, Search and Seizure. Spanish Street Law translates those presentations into Spanish. Search and Seizure Street Law teaches middle school, high school and college students about their rights and responsibilities under the Fourth Amendment of the US Constitution and Article I, § 9 of the Oregon Constitution.

This fall Street Law gave the Search and Seizure presenta-

tion at Sheldon and Churchill High Schools and twice at LEAD Teen Center (Nuestro Lugar). We returned to Sheldon High this spring to give another presentation and we gave another presentation at James Monroe Middle School.

It is very rewarding to be involved with Street Law because you get the opportunity to leave campus and interact with students who really enjoy the presentations. The high school students enjoy asking questions about the materials and also about law school and college. It is also a good op-

portunity to hone your knowledge about specific areas of law like Search and Seizure. There are many ways to be involved in Street Law, we need volunteers to give presentations, to develop curriculum, to schedule presentations, train volunteers, etc. If you would like to be involved with Search and Seizure Street Law, contact Jonah, jmorning@uoregon.edu, or to get involved with Street Law in general, contact Dre at athomps6@uoregon.edu.



Pro Bono Success Stories (continued from page 2)

Why is pro bono important, in your opinion?

Anil: I believe lawyers have a social responsibility to give back to the community. We have a special skill set and, in a world where the little guy is usually underrepresented, it's up to us to use our skills to even out the playing field. If we don't take these cases, if we don't stand up for the little guy, who will?

Sarah: Pro bono work reminds me why I became a lawyer in the first place. You don't have to work for the ACLU or Legal Aid in order to find a case that tells a human story. In all areas of law there are cases where someone has been wronged and needs the help of an attorney, but simply cannot afford to pay the legal fees. I think we take these cases pro bono because we feel a moral and professional obligation to correct that wrong.

What pro bono projects you are working on currently and/or recently?

Sarah: I currently work for Michael Tedesco, a labor law attorney and adjunct professor at UO Law. Through my practice with Mike, I have taken on a handful of cases pro bono. We currently have a pro bono case that is pending before the Oregon Court of Appeals. Sometimes these cases don't always start out as pro bono cases. I recall very early on in my practice with Mike, we took a case on a contingency fee basis. By the end of the case, I had convinced Mike that we should give the client our fees and take the case pro bono. (I'm lucky I still have a job). There are certain cases where you just want to see things turn out as they should; you don't care what you get paid. Those are the pro bono cases.

Anil: I've recently taken on a new ACLU case against the Portland Police. I'm representing animal rights protesters who were targeted by the police when the circus last came to town. I enjoy protester cases because we need to remind law enforcement officials about citizens' constitutional rights, especially when law enforcement becomes reckless with its authority.

*“Lawyers have
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In Defense of Our Civil Liberties: The CLDC

By John Lee



“Our failure to act will result in grave consequences that will be felt for many generations to come.”

With an upcoming decision whether to reauthorize the controversial USA PATRIOT Act, a proliferation of taser use by law enforcement agencies, rallies supporting rights for illegal immigrants, and proposed gay marriage bans, the Civil Liberties Defense Center’s (CLDC) phones have been ringing off the hook. Lauren Regan, Executive Director of the CLDC, founded the Eugene public interest firm in 2003 after six years of working in the trenches to protect civil rights. At the CLDC, Lauren’s work includes: defending environmental and peace activists in state and federal court, coordinating and serving as a legal observer at highly publicized rallies and demonstrations, leading impact litigation, and conducting *Know Your Rights* workshops to teach the public of their fundamental rights and current threats to those rights. All of the CLDC’s efforts revolve around one mission: to empower the progressive social change movement by educating people about their rights.

The CLDC’s important work has become especially pressing for Regan. Much like President John F. Kennedy’s urging for Americans to serve their country, Regan explained that this is the time and place she felt compelled to serve her community. She explained, “As lawyers, we are uniquely qualified to protect the public and safeguard civil liberties.” Regan continued, “The current Administration’s Fourth Amendment rollbacks are dangerous and have threatened Americans’ civil rights.” The CLDC has responded by a series of actions including litigation, activism, and public education campaigns.

One of the CLDC’s most ambitious endeavors is a pending constitutional challenge against the federal Animal Enterprise Terrorism Act (AETA). The law targets activists who hinder the profits of any business entity involved with animal exploitation. According to Regan, the AETA classifies any person who allegedly violates this law as a federal “terrorist,” potentially resulting in lengthy prison sentences and loss of many rights and liberties. The CLDC is concerned that the AETA’s broadened definition of the term “terrorist” creates inconsistency, vagueness, and can potentially jeopardize Constitutional protections. This would set a precedent for classifying property crimes as acts of terrorism even if the crimes do not result in any injuries (such as acts of economic sabotage). The CLDC is working on behalf of clients to invalidate this law because it is vague, overbroad, and is a politically driven law by special interest groups. The CLDC is also challenging several state and

local issues. One of these projects involves a recently passed Oregon law that targets protestors seeking to protect forests. The law states that if you hinder, obstruct, or impair an agricultural operation you have broken the law — unless you are a labor protestor, and then the prohibition does not apply to you. Regan explained there are serious equal protection issues that need to be resolved with this law that was pushed through by the forestry industry. Collaboration with the University of Oregon Law School has proven to be invaluable for this project. In addition, the CLDC is handling several police misconduct/excessive force and inappropriate taser use cases. Several law students and volunteer attorneys assist the organization in assembling strong legal claims and arguments and perform field work or investigations to protect the civil rights of disempowered communities.

When asked what compelled Regan to establish the CLDC, she pondered, took a deep breath, and smiled. She explained, “The current war against dissent is my generation’s biggest challenge and is a direct threat to our democracy; it is the duty of all progressive lawyers to do whatever they can to defend Americans against the government’s war of terrorism against its own citizens,” she continued, “our failure to act will result in grave consequences that will be felt for many generations to come.” “I felt an obligation to use my legal skills to serve those who stand at the radical edge in order to protect us all.” Regan further added, “Knowledge is power, and spreading information about the law and how it can be abused by big government is one of the reasons I formed the CLDC.” She challenges law students to use their talents and legal skills to get involved with CLDC’s high-impact work.

There are many pro bono opportunities available, including researching legal issues, performing public education workshops, and carrying out legal observations during peaceful protests. The work is rewarding and the practical experience is invaluable. For more information, visit www.cldc.org and e-mail Lauren Regan at lregan@cldc.org with your cover letter, resume, and schedule availability. The CLDC is also soliciting donations to continue its mission to protect civil rights.

Portia Project (continued from page 1)

Fund. While the Project works closely with the University, it is a separate and independent legal entity. The Portia Project does not receive University funding, and is dependant upon the contributions of individual supporters and volunteers.

Current activities: One of the activities the Portia Project sponsors is the self-help marriage dissolution class, which takes place at Coffee Creek. The dissolution class is a series of five workshops, designed to help women obtain a divorce on their own, acting as their own lawyers. This can be complicated and difficult; often the women do not know where their husbands or children are. So, while the goal is to help women stand on their own two feet, there is frequently a need for divergence away from the self-help strategy and back to it. This is where the volunteer time of certified 3Ls is imperative.

Certified 3Ls can help the Project in two ways. In complicated situations, 3Ls can help incarcerated women perform some of the more complex legal tasks, with the goal of returning them to a self-help standpoint. The other way 3Ls can help is by taking cases. The case load for the Portia Project is so large right now that Executive Director Saint-Marie is asking women to wait two weeks just for a phone consultation. Without more 3L volunteers, she is soon going to be turning down women who are in desperate need of legal assistance.

2Ls and 1Ls can also be of great assistance. Attending the self-help dissolution classes and walking the women through filling out forms is something any year student can do. It is a huge help to the Project to have 2Ls and 1Ls assisting in making packets and other preparation for the classes. Becoming a volunteer member of the Portia Project early on provides valuable experience and insight for those who want to continue on through their 3L year or even later.

Goals: This fall, the Portia Project is hoping to put on a seminar for women in prison. Putting together such a seminar is a lot of work, and the Project needs volunteer students from any year who would be willing to help organize it.

Additionally, the Project would like to be able to start scheduling monthly outreach days at Coffee Creek, where a group of volunteers could go up and meet with a group of clients at one time. Many of the Project's clients right now have never met face to face with their attorney. Saint-Marie wants to make sure every woman feels important and cared about.

Get more info: The Portia Project needs volunteers who are willing and able to provide much-needed assistance to women incarcerated at Coffee Creek correctional facility. Any student or graduate can volunteer. For more information on the Portia Project and to learn how to become a volunteer, contact Katina Saint-Marie at katina@uoregon.edu or Professor Aldave at BaLaw98@aol.com.



NOMINEES FOR THE SECOND ANNUAL NICOLE RICHARDSON AWARD

Paul Tassin: Student Hurricane Network, New Orleans, Louisiana — Lane County Circuit Court (Mediation), Eugene, Oregon.

Jennifer Meisberger: Juvenile Rights Project, Inc., Eugene, Oregon — Criminal Defense Clinic, Eugene, Oregon — Public Defender's Office, Washington.

Jodi Neel: Search and Seizure Street Law, Eugene, Oregon — The Portia Project, Eugene, Oregon — Black Law Students Association, Eugene, Oregon.

Hillary Renick: California Indian Legal Services, Eureka, California — Native American Law Students Association — National Historic Preservation Advisory Council, Washington, D.C.

Christina Stephenson: Non-Profit Center for Constitutional Rights, New York, New York — Western Environmental Law Center, Eugene, Oregon — Navdanya Research Foundation, New Delhi, India.

Aric Newlon: Volunteer Income Tax Program, Eugene Oregon—Lane County Public Defender's Office, Eugene, Oregon — Washington Attorney General's Office, Olympia.

Seven for Seven: University of Oregon Law School Wins the State Bar Pro Bono Challenge

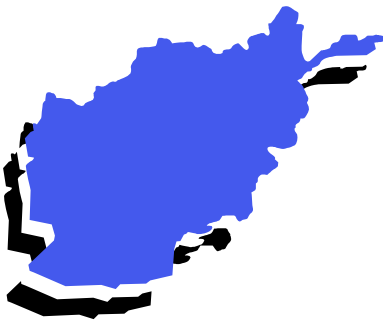
For the seventh straight year, the winner of the Oregon State Bar Pro Bono Challenge is the University of Oregon School of Law. The total hours reported by Oregon law students for the 2007 calendar year was 10,487!



A Short Stay in the Hindu Kush (continued from page 1)

that reflect the many environmental challenges which the country faces. My safety concerns all but faded into the background, and I eventually came upon a revelation that I never could have expected: Afghans just may genuinely be the nicest, most hospitable people in the entire world.

WCS's work in Afghanistan is primarily scientific, conducting surveys of the wildlife that still exists in the more remote parts of the country. However, it also includes developing the capacity of national civil society organizations to create a sustained conservation ethic throughout the country, and reflecting those conservation values in the legislative initiatives of the government.



Progress, however, does not come easily in Afghanistan. Often times it does not seem like very much is being accomplished at all, as work gets done very slowly relative to the amped-up hyper-speed of America. A slow, methodical pace is simply the way life

is, and the lack of adequate infrastructure does not help things. But as the popular maxim suggests, all good things do indeed take time.

However, the security situation continues to dwindle. In the international press, Afghanistan has taken a backseat to the ongoing, and escalating, debacle in Iraq. While it may be somewhat improper to compare the two, in Afghanistan there is at least a light at the end of the tunnel. That light may distant and hazy, but the Afghans are optimistic and motivated, and are ready and willing to accept all the help they can get.

Nearly two generations of Afghans have known nothing but political instability and the constant presence of war. Many have limited knowledge of the outside world, and even fewer resources with which to form the building blocks of a functioning, secure society. And while Afghans want to do things for themselves, and ultimately will, in one way or another, they are eager to form partnerships and work together with anyone willing to lend a helping hand.

It is up to all of us, then, to take that first step and extend that helping hand. Even for the most seemingly marginal concerns (try telling a loved one you're off to Kabul to save endangered snow leopards) amongst Afghans there is a need for help, a desire for improvement, and a willingness to work together. All that's lacking is our own capacity, our desire and motivation to extend that hand.

“There is a need for help, a desire for improvement, and a willingness to work together.”

Student Hurricane Network: Winter “Break” in New Orleans

By Annette Smith

In December of 2007, six University of Oregon law students volunteered at New Orleans Legal Assistance Corporation as part of the Student Hurricane Network (SHN). SHN was created in 2005 in response to the vast legal problems arising out of Hurricanes Katrina and Rita. Over 3,000 students from 110 law schools around the United States have donated their time and skills to areas affected by the storms. Volunteers work in various capacities, from legal work to manual labor. Whether it's gutting houses, or drafting pleadings, the efforts of volunteers are beneficial and appreciated by the community.

University of Oregon students spent time working in areas of law ranging from housing to family law. Each student was assigned to a different attorney. For some of the students, it was their first opportunity to do actual legal work. Tasks included writing memos, legal research, calling clients, filing documents with the court, drafting pleadings and motions, and various other responsibilities. Several other schools from around the United States volunteered at New Orleans Legal Assistance Corporation (NOLAC) that week as well, including Tulane University and Cooley School of Law in Michigan.

One interesting challenge facing students was adapting to the different type of law practiced in Louisiana. Louisiana law is based on Spanish and French common law, and differs slightly from every other state. Most of the country's laws derive from English common law. In Louisiana, however, private law is based on the Louisiana Civil Code, similar to Napoleonic Code, which required students to do a little extra research in certain circumstances.

From the first day in the office, volunteers became aware of the emotional roller-coaster that lawyers practicing in New Orleans face every day. Most of the cases students worked on involved someone losing their house, a family in crisis, or other emotionally jarring situations. The lawyers at NOLAC are extremely dedicated to helping restore the city in the wake of the storm, despite working in such emotionally draining circumstances. The lawyers at NOLAC have an attitude that says, “Something needs to be done, and if I don't help, who will?” For these reasons, they appreciate volunteers.

So what did students actually do? First-year student, Krista Schuchard, dealt with clients whose homes are facing demolition. “What hit me the hardest,” Schuchard explained, “wasn't the cases the volunteers were working on and it wasn't the devastation that still existed from Hurricane Katrina more than two years later. It was that people weren't fighting the remnants of a natural disaster; they were fighting a messy and even unfair system built by other people.” Her experiences included working for an attorney in the housing department, and visiting a home of a client who was denied Federal Emergency Management Agency (FEMA) aid. This was Schuchard's first experience doing behind-the-scenes legal work.

Another first-year student, Courtney Foley, worked with an attorney on a case involving a FEMA retraction claim.

Her client was fighting an effort from the federal government to retract money paid after the storm, due to a mere clerical error on his original application. A street name was misspelled on an application filled out for a mentally handicapped man; he was accused of claim fraud due to the error.

Annette Smith, a first-year student, worked with a family law attorney. She helped close cases, drafted motions to withdraw, and filed them with the court. She also wrote a memo involving the doctrine of emergency jurisdiction, and how it applied to a family displaced by the storm in the middle of a custody dispute.

First-year student, Sommer Templet, helped her attorney by drafting pleadings. One case involved a woman seeking child-support while caring for her incarcerated sibling's children. Templet also worked on several cases researching the paper trail between FEMA and clients who had been wrongfully denied federal aid.

Third-year, Paul Tassin, and first-year, Matt Doden, worked together on research for a housing case. It involved a client whose home and business were severely damaged by the storm. The bank had foreclosed on her home despite the fact that the woman had been in contact with the bank, consistently making and renewing payment arrangements.

Matt Doden also worked on research for a case about whether a judge could impose sanctions, without giving cause, on a NOLAC attorney, and by those sanctions, create a conflict of interest that would force the attorney off the case, regardless of the client's wishes.

Paul Tassin also did research on a case involving Road Home. Road Home is a program where homeowners are given money to rebuild. This particular client is trying to fight a 30% reduction in his Road Home funds. Authorities said he had not insured his home, which he thought he could not do because he was technically renting the home, in a rent-to-own arrangement.

For volunteer Paul Tassin, this trip was slightly more personal. He began his legal career at Loyola University. Originally from New Orleans, he was forced to relocate when the storm hit several weeks into his first semester of law school. Since then, he has been involved in the Student Hurricane Network, and continues to help in the effort to improve his hometown. This was just one of several trips Tassin participated in as a volunteer with SHN.

Aside from the volunteer work, students had the opportunity to explore the city. They got to sample local food, listen to live jazz, and explore the historic French Quarter. Part of helping the residents of New Orleans included supporting the local economy, and volunteers are encouraged to enjoy the local culture during their free time.

The University of Oregon's chapter of the Student Hurricane Network sends students to the Gulf Coast several times per year. For more information and ways to get involved, please visit <http://www.uoregon.edu/~blsa/SHN/index.htm>.

**PRO BONO
PROGRAM:
CELEBRATING 11
YEARS OF SERVICE**

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org/probono/](http://www.law.uoregon.edu/org/probono/)

The University of Oregon School of Law Pro Bono Program

The University of Oregon School of Law's Pro Bono Program is a dynamic, award-winning program that gets results for underserved populations. A seven time winner of the Oregon State Bar Pro Bono Challenge, (2001-2007), students represent underserved individuals and causes from housing and benefits to complicated federal civil rights matters. Though working without pay or academic credit, students gain legal skills, handle actual legal issues and work directly with clients, under attorney supervision.

Students report tremendous satisfaction from using their skills to help individuals in a tangible way, and future employers value the skills and confidence students gain from performing pro bono.

To further the law school's commitment to pro bono service, the Pro Bono Executive Board works to raise the level of student involvement, and create or support more "in-house" opportunities, such as VITA, Street Law and others.

Pro Bono Executive Board

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Definition of "Pro Bono Work"

- (a) work directly related to the delivery of legal services to indigent individuals by attorneys or organizations; or
- (b) work for an attorney or attorneys on behalf of organizations, donations to which qualify under state or federal tax law; or
- (c) law-related work for federal, state or local government, including governmental agencies, but excluding law enforcement and other positions not directly benefiting under-served populations or causes;
- (d) work directly related to the administration of the pro bono program, including service on the Pro Bono Executive Board.