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# uwlaw

UNIVERSITY OF WASHINGTON SCHOOL OF LAW



For the prosecution



SCHOOL OF LAW  
UNIVERSITY of WASHINGTON



Jenny Durkan '85 is the U.S. Attorney for the Western District of Washington. Photo by Carl Murray.

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## 2010 CALENDAR

### APRIL 30–MAY 1

CLE Program  
17th Annual Northwest Dispute  
Resolution Conference  
William H. Gates Hall

### MAY 3

Gates Public Service Law Program  
A Conversation with Linda Greenhouse,  
Award-Winning Journalist, Author,  
and Justice Commentator  
William H. Gates Hall

### MAY 13

Annual Alumni Recognition Banquet  
Grand Hyatt Hotel, Seattle

### MAY 24

Asian Law Center Reception  
at the Asian Law Institute Conference  
International Islamic University, Kuala  
Lumpur, Malaysia

### JULY 15–30

CLE Program  
2010 CASRIP Summer Institute  
William H. Gates Hall

### JULY 23–24

CLE Program  
2010 CASRIP High Technology  
Protection Summit  
William H. Gates Hall

### SEPTEMBER 4–21

Transnational Law and Practice Institute  
William H. Gates Hall

### NOVEMBER 6

Reunion Day  
Classes of 1960, 1965, 1970, 1975, 1980,  
1985, 1990, 1995, 2000, and 2005  
William H. Gates Hall



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## MESSAGE FROM THE DEAN

It's hard to believe that my first year as your dean is quickly coming to a close. What a year it has been. The energy, enthusiasm, and support that greeted my arrival translated into a year of significant progress, and we have gained momentum in our upward trajectory as one of the world's top law schools. I have enjoyed getting to know so many of you and deeply appreciate your warm welcome and vibrant support.

First, we have had great success in hiring three outstanding professors who will join our faculty for the fall quarter. Mary DeMing Fan, an assistant professor at American University Washington College of Law and a former associate legal officer at the International Criminal Tribunal for the former Yugoslavia, has expertise in criminal law, criminal procedure, and international criminal law. Anita Krug, research fellow at the U.C. Berkeley Center for Law, Business and the Economy and partner at Howard Rice in San Francisco, will teach corporate and securities law. Rafael L. Pardo, one of the nation's leading bankruptcy experts, will teach bankruptcy and business/commercial law. In addition, Professor William Covington, who has supervised our externship program on a part-time basis for several years, has agreed to step up to a full-time directorship as we strengthen our ties to the bench and bar and enhance student learning outside of the classroom.

Second, we launched the Barer Institute for Law and Global Human Services with the hiring of Manisha Singh as executive director in February. Singh has extensive experience in trade policy, development, human rights, and health and humanitarian issues, having served in the U.S. Department of State and in several positions with congressional committees before coming to the law school. The Barer Institute, created by a generous gift from Stan Barer '63 and his wife Alta, emphasizes the vital role of law in furthering the delivery of basic health care, education, and economic opportunity in poverty-stricken areas around the world.

Third, we are in the process of conducting a self-study and developing a 5-year plan in preparation for a regularly scheduled ABA site visit that will take place next year at this time. Chaired by Henry M. Jackson Professor of Law Paul Steven Miller, this process, which is required for accreditation, will serve us well as we review our efforts and strategically plan for the future. We will appreciate your insights and ideas as part of this process.

Lastly, throughout my many opportunities to meet with faculty, alumni and friends, and staff, I have witnessed a dedication not just to developing the next generation of lawyers but to furthering the rule of law, the ethical practice of law, and justice in its broadest sense. This shared sense of professional responsibility, leadership, and service is a reflection of our foundational values and stands as a testimony to our importance as an international center of outstanding legal education.

We focus this issue on the role of prosecutors, the individuals who have the heavy responsibility of determining how to proceed when a crime has been committed. From the county level to the federal level, our alumni prosecutors have earned the respect and admiration of the bench and bar, law enforcement personnel, and the people in their communities. They are role models for our students as well as stellar examples of the commitment to public service that is a pillar of our school.

You will also see included in this issue of UW Law our annual Report to Donors. Through the strong support of alumni and friends, whose generosity has increased despite a troubled economy, we can accelerate our efforts to provide scholarships for students, support for faculty, and general funding to maintain our outstanding programs.

As many of you have already heard me say, our law school enjoys a proud history of innovative leadership that has transformed law, business, and public policy domestically and internationally. In these times of rapid change amid economic challenge, we must maintain our competitive edge by stepping up to support students with scholarships and job opportunities while recruiting and retaining an outstanding faculty and staff to guide the long-term welfare of the law school.

I value your partnership and thank you again for all of our support this year. The UW School of Law is not just back on track, it will lead the way!



A handwritten signature in black ink, appearing to read 'K. Y. Testy'.

Kellye Y. Testy  
Dean, UW School of Law  
James W. Mifflin University Professor



## ENDOWED PROFESSORSHIP HONORS DEAN EMERITUS RON HJORTH



Generous gifts from alumni and friends of the School of Law have established an endowed professorship to honor Dean Emeritus Roland L. Hjorth and his 45 years of leadership and service to the school. The Dean Emeritus Roland L. Hjorth Endowed Professorship was announced at Hjorth's retirement celebration on October 2, 2009.

"Dean Hjorth's leadership during his tenure as dean of this law school was the guiding force behind so many positive changes and momentous accomplishments," said Dean Kellye Y. Testy. "He's been a tremendous source of support during my first few weeks here, and I know the faculty, students, and staff have greatly benefited from his commitment to the School of Law."

As the 12th dean of the School of Law (1995-2001), Hjorth guided faculty, students, and alumni to reaffirm the

law school's historic commitment to a diverse faculty and student body. He raised public and private funds for the construction of William H. Gates Hall and was responsible for establishing an endowed chair and endowed professorships to support the academic achievements of faculty. He also established the Graduate Program in Taxation, the Center for Law, Commerce and Technology, and the Native American Law Center. A specialist in the field of federal taxation, he was named Garvey Schubert Barer Professor of Law at the end of his tenure as dean.

"We are thrilled to honor Dean Hjorth for his leadership, optimism, and perseverance, as well as his distinguished academic career," said Testy.

If you would like to honor Dean Hjorth with a contribution to the Hjorth Professorship, please contact the Advancement Office at 206-685-9115 or [stephcox@uw.edu](mailto:stephcox@uw.edu).



## BEN GOLDEN NAMED STUDENT REGENT

Student advocate, university advocate—Ben Golden took his passions straight to the state legislature as a UW undergraduate. Then director of government relations for Associated Students of

the University of Washington, the student government on campus, he brought legislators to campus for conversations with students and University leaders before the legislative session. He lived in Olympia for one quarter and advocated for state investment in higher education, greater financial aid to keep pace with tuition increases, and gay civil rights. Today, as a second-year law student and student regent, he continues his advocacy for strong financial aid and tuition predictability to ensure access to higher education.

"State investment in higher education is essential not just for the financial well-being of students but for the state's competitive advantage," Golden said in a recent interview. "We need sustainability to provide the best education, opportunity, and experiences over the long term."

Golden conducted economic research in Ghana and helped facilitate a symposium on a "Green Revolution" in Sub-Saharan Africa, chaired by former U.N. Secretary General Kofi Annan, before returning to the UW for law school.

Among the projects he is contributing to as a regent is an internal review process looking at activity-based budgeting, headed by Provost Phyllis Wise.

## CLIMATE CHANGE MEETS HUMAN RIGHTS IN NEW SEMINAR

Climate change and human rights have merged into a new and exciting multidisciplinary course at the law school. With the same commitment and enthusiasm that led to a successful and internationally renowned conference last spring, third-year law students Jen Marlow and Jeni Krencicki Barcelos worked with faculty and the administration to create the Climate Justice Seminar, offered for the first time this year.

The two-quarter seminar includes weekly lectures by law professors and faculty from other UW departments, including Atmospheric Sciences, Geography and Philosophy. Class discussions are led by faculty and teams of students who work in small multidisciplinary teams under the close supervision of faculty and teaching fellows. At the end of the spring quarter, students will write a white paper addressing climate adaptation challenges and then travel to that region for an in-country presentation of their findings. This year, the focus is on learning about the justice aspects of glacier retreat in the Ecuadorian Andes.

"Not many law schools are doing anything like this," said Barcelos, speaking of the diverse make-up of the seminar, with 25 students representing 15 different departments on campus. "We have designed a climate justice framework to examine the human rights impacts



Atmospheric Sciences Professor David Battisti lectured on the science behind climate change to law students in the new multidisciplinary Climate Justice Seminar.

of climate change in five issue areas—health, food and water, security, equality, and justice."

Marlow and Barcelos have been recognized internationally for their work with climate justice. Last summer, they presented at the First International Undergraduate Conference on Climate, Water, Weather and Society held at East China Normal University in Shanghai. Later in the year, they presented at Stanford Law School and then traveled to Geneva, Switzerland, to meet with the government representatives for the Maldives, NGOs, and U.N. agencies. In addition, they were invited by the Norwegian city of Bergen to present recommendations gained from the law school's Three Degrees Conference last spring (see UW Law, Spring 2009).

## CALANDRILLO INSTALLED AS STONE PROFESSOR OF LAW

Thanks to a generous bequest from the estate of Evelyn Egtvedt, Associate Dean Steven Calandrillo was awarded the fourth professorship in honor of Charles I. Stone. Charles I. Stone had been the Egtvedt family's attorney. At his installation ceremony on October 22, Calandrillo spoke on "Penalizing Punitive Damages: Why the Supreme Court Needs a Lesson in Law and Economics." Below are excerpts from this presentation.

"Many of you will be surprised to know that the congressional mandates passed and given to most of our agencies do not contain requirements that the agencies do cost-benefit analysis. As a result there are many regulations out there that cost hundreds of millions or even more to

provide safety. If you channel those dollars where they can do the most good—to vaccines, preventative care, early childhood education—we can save far more lives at far less cost.... From the economist's perspective, the law and economic analysis looks at whether or not your defendant has a chance of escaping liability from the full harm that he or she is causing to society."



A video and transcript of this lecture in its entirety are available on the law school website ([www.law.washington.edu/News/Multimedia](http://www.law.washington.edu/News/Multimedia)).



## GATES SCHOLARS HEAD TO PERU FOR INTERNATIONAL CONFERENCE ON REPRODUCTIVE RIGHTS

The first conference on reproductive rights in Latin America, held in Arequipa, Peru, last November, featured judges, lawyers, professors, and medical experts from around the world. Unthinkable only a few years ago, the conference represented political and cultural breakthroughs in a part of the world where women's rights and health issues have been largely ignored. Gates Scholars Lillian Hewko, a second-year student, and Hilary Hammell, a first-year student, were just two of three American law students attending the conference. There they met students from all over Latin America, including Chile where abortion is illegal in all cases and where students are among the few fighting outwardly for access to abortion.

"Their energy and creativity under such restrictive conditions made me realize how integrated all of us are in the fight for access to reproductive justice," said Hewko.

Hewko came to the issue of reproductive rights in Latin America during her Peace Corps experience in Paraguay before entering law school. Working with a local hospital in implementing a project on sexual education and prevention of HIV/AIDS and sexually transmitted diseases, she realized that the lack of information and resources around women's reproductive health not only affects a woman's reproductive choices, but also her right to education, right to work, and her struggle for equality and equal opportunity. Once in law school, she joined Law Students for Reproductive Justice, her first exposure to the concept that reproductive rights are human rights as defined by international law. She interned at Equality Now, an international women's rights organization based in New York City, during the summer of 2009.

Hammell became aware of the strong connection between women's rights and poverty during her teaching experiences in Honduras in 2006-07. Upon her return to the United States, she joined the International Legal Program at the Center for Reproductive Rights in New York City where she learned how to use international human rights law and comparative law to fight for women's rights around the world. As the Legal



(l to r) Lillian Hewko and Hilary Hammell

Assistant for Latin America and Asia, she worked on cases involving maternal mortality in Brazil, abortion in Peru, and access to contraceptives in the Philippines. Seeing how public health approaches could combine with human rights law to create real changes, she decided to continue her work on gender equality at the UW School of Law.

At the conference, Hewko and Hammell learned about achievements and victories for reproductive rights in Latin America over the past decade. During one presentation, they heard directly from Colombian Constitutional Court judges who wrote the opinion that decriminalized abortion in 2006.

"After two days of hearing about rights frameworks around abortion—frameworks that have to do with the right to health and the right to be free from discrimination—we became aware that in the United States, the abortion right is built around something entirely different—the right to privacy," Hammell said. "It's a very different legal construct."

Laws in the United States do not acknowledge a right to health or a right to nondiscrimination; in Latin America, these rights have recently been recognized through international treaties and domestic reforms.

"This conference went beyond increasing our students' awareness of the legal elements in human rights, women's rights, and reproductive rights work," said Michele Storms, director of the Gates Public Service Law Program. "It fortified their commitment to promoting social justice."

By Lillian Hewko and Hilary Hammell



# Jenny Durkan

U.S. ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON

**"SEPTEMBER 11 DRAMATICALLY CHANGED THE PRIORITIES OF FEDERAL PROSECUTION AND LAW ENFORCEMENT," SAID JENNY DURKAN '85, U.S. ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON. "LAW ENFORCEMENT WAS SHOCKED TO ITS CORE. FIGHTING TERRORISM IS NOW AND WILL REMAIN THE NUMBER ONE PRIORITY FOR EVERY U.S. ATTORNEY IN THE COUNTRY."**

Sworn in on October 1, 2009, by Chief Judge Robert Lasnik '78 of the U.S. District Court for the Western District of Washington. Durkan oversees 134 lawyers, paralegals, and administrative staff and a \$15.6 million budget. As the region's chief law enforcement officer, she is responsible for the prosecution of cases involving an alphabet soup of investigative federal agencies, including the FBI (Federal Bureau of Investigation), DEA (Drug Enforcement Administration), ATF (Bureau of Alcohol, Tobacco, Firearms & Explosives), ICE (U.S. Immigration and Customs Enforcement), USMS (U.S. Marshals Service), and IRS-CI (Internal Revenue Service-Criminal Investigation). She attends meetings every five weeks

in Washington, DC, as a member of Attorney General Eric Holder's Advisory Committee. She also chairs the Department of Justice Subcommittee on Cybercrime and Intellectual Property and is looking forward to the opening of a new FBI cybercrime center in King County.

"We're uniquely positioned in the Pacific Northwest to lead in the area of cybercrime and intellectual property law enforcement," she said. "Cybercrime is the area where we've got to get it right because all types of crime—from terrorism to identity theft, to smart fraudsters, to drug conspiracies—are all going to be using high technology."

Appointed by President Barack Obama and confirmed unanimously by the U.S. Senate, Durkan is no stranger to law enforcement, the courtroom, or politics. As the daughter of lawyer and former Washington State Senator Martin Durkan, she would accompany her father to trials. Dinner conversation often turned to politics and the law.

"Both my parents shared a rock core belief in fairness and justice," she said, "and as a child, I saw all sides—the making of the laws and the enforcing of the laws, as well as how the court system worked."

"It was never a question that their daughters could be lawyers," she recalled, adding, "You couldn't be a kid in

“

Fighting terrorism is now and will remain the number one priority for every U.S. Attorney in the country.”



Jenny Durkan being sworn in by Chief Judge Robert Lasnik.

our house and not know about Betty Fletcher [class of 1956] or Carolyn Dimmick [class of 1953]."

Following in the footsteps of her sister, T. Ryan Durkan '81, a partner in Hillis Clark Martin and & Peterson, Durkan graduated from the School of Law and entered private practice. Although as children they joked about forming Durkan and Durkan Sisters in Law, Ryan went on to practice land use, real estate, and municipal law, and Jenny chose a career as a criminal litigator, largely because of her experiences in the law school's first criminal defense clinic.

"By the time I graduated, I had participated in probably 10 trials," she recalled. "Those clinic experiences did as much for my practice as anything else in law school."

After graduation, she joined the Seattle firm of Foster Pepper, where she did complex litigation. It was her interest in white collar crime that eventually led her to the prestigious Washington, DC, firm of Williams Connelly in 1987.

At that time, the firm represented Oliver North and The Washington Post, and Durkan entered a world of complex legal issues and high profile cases. She made lasting friends among the group of highly motivated, skillful lawyers, including Elena Kagan, now U.S. Solicitor General, and Cynthia Hogan, currently the legal advisor to Vice President Joe Biden.

Although associates were greeted with lots of responsibility from day one, the partners were very hands-on. Durkan recalled working over a long holiday weekend and receiving a call from Edward Bennett Williams, who was also in the office.

"It was a very hot DC weekend," she said, "and he invited me up to his office. I was wearing shorts, but I went. We talked about his theory of law—quite an incredible experience for a young associate."

Durkan had no trouble in the male-dominated arena of litigation ("I grew up with four brothers and knew how to hold my own"), and when the time came to return to the Northwest, she contacted Jeffery Robinson, a former public defender and law clinic advisor. Durkan soon joined Robinson at Schroeter Goldmark & Bender.

In addition to maintaining a robust civil and criminal practice, Durkan became actively involved in Democratic political circles. She served as counsel to Governor Mike Lowry and advised President Bill Clinton on federal judgeships. She represented Christine Gregoire in a courtroom battle for the governorship in 2005. She somehow found time to teach trial advocacy at the School of Law, and when Seattle Mayor Norm Rice

asked her to serve as the first civilian on the Police Firearms Review Board in 1997, she agreed.

"The Police Department was skeptical given my history as a criminal defense attorney," she remembered. Because of her respect for law enforcement and her presence at all meetings, presentations of witnesses, and discussions, she soon forged a good relationship with the management union, the Police Guild, and the officers.

"The whole process was not only important to the community but to the department," she said. "Having a citizen report back to the City Council that things were done fairly gave transparency to the process. I also made recommendations to help the officers do a better job, and the department appreciated that."

Durkan had shown that she could keep community interests in mind while honoring the police and their duty. She was the obvious choice to serve on the first oversight board attached to the Police Department's Internal Affairs Office, which investigates police misconduct.

With these experiences behind her, Durkan had no trouble switching from criminal defense to government prosecutor.

"On the criminal defense side, you are the zealous advocate for your client, and that is your number one job," she said. "For a prosecutor, you have to be a zealous advocate, but your first client is justice. Doing the right thing is paramount, not winning and not the government."

When Durkan took on her new role last October, the office had been through a series of unprecedented events—a major terrorist trial, the murder of Assistant U.S. Attorney Tom Wales, and intense national attention with the highly publicized firing of her predecessor, John McKay. She credits Interim U.S. Attorney Jeff Sullivan, who has agreed to stay on in the department, for providing a steady hand during the transition.

"I am really fortunate to come to this office. This district has a very strong history of having very high caliber lawyers who uphold the highest ideals of the profession, which is to seek justice," she said recently. She is quickly moving forward on her top priorities.

Durkan is working closely with the region's vast network of law enforcement agencies to ensure the coordination of information involving terrorist activities. Through better collaboration and more efficient operations across jurisdictions, she expects to free up additional resources to address white collar crimes that, she believes, can undermine national security.

"The economy a year ago was as much a threat to our national livelihood as some terrorist acts would be," she emphasized. "We were in a free fall. People lost savings, houses, homes. Those kinds of things are a real threat to our national economy, and the laws against fraud and abuse have to be enforced."

Continued work with local law enforcement, strong enforcement of environmental regulations, and greater attention to cybercrime round out Durkan's top priorities.

Photos: p. 7, Carl Murray; p. 8, Shari Ireton



A portrait of Douglas Whalley, a middle-aged man with glasses, wearing a dark suit, light blue shirt, and red tie. He is standing in front of a large window that looks out onto a city with several high-rise buildings. The window has a dark grid pattern. The lighting is bright, coming from the window.

# douglas Whalley

“

From an ethical standpoint, we must protect civil liberties, be fair, and promote justice every step of the way, especially because we have control over charges and sentencing.”

**HE SUCCESSFULLY PROSECUTED A “MOLESTING A SALMON” CASE AS A RULE 9 INTERN AND BROUGHT TO JUSTICE A MAJOR DRUG CARTEL ON THE WEST COAST AS AN ASSISTANT U.S. ATTORNEY. FOR MORE THAN 30 YEARS, DOUGLAS WHALLEY ’72 HAS FAITHFULLY SERVED THE COMMUNITY AS A COUNTY, CITY, AND FEDERAL PROSECUTOR, TRYING MURDERERS, RAPISTS, DRUG DEALERS, AND MEMBERS OF ORGANIZED CRIME ALONG THE WAY.**

In his first job with the King County Prosecutor’s Office, Whalley recalled preparing for four murder trials: “These were difficult cases. The evidence was gruesome and hard to stomach. As hard as it was for me, it was doubly hard for the judge and jury who were hearing it for the first time.”

After five years as a prosecutor, he reversed roles and joined the Eastside Public Defender Association where he handled the death penalty portion of a case involving the murder of three adults and two children. (The defendant received life in prison.) Two years later, he returned to the King County Prosecutor’s Office and supervised new attorneys. He is very proud to include federal judges Ricardo Martinez ’80 and Marsha Pechman, former U.S. Attorney John McKay, and Superior Court Judge Monica Benton among his protégés.

Lured to the Seattle City Attorney’s Office by Doug Jewett in 1982, Whalley supervised 15 prosecutors in the criminal division. Many of his cases involved domestic violence, and obtaining a conviction was not easy.

“You could not present hearsay evidence, because the defendant couldn’t question the witness,” he said, “and many victims refused to testify.”

Looking back on those early years, Whalley is pleased with improvements in the justice system, including domestic violence advocates assigned to every case and the creation of drug courts, tools, he said, that help prosecutors serve justice better.

Moving from the local level to the federal level in 1990, Whalley found himself handling cases that crossed state lines and country borders, involved international treaties, and demanded close coordination among many federal agencies. Today, as the supervisor of the Criminal Enterprises Unit in the U.S. Attorney’s Office in Seattle, Whalley oversees the prosecution of drug crimes and the seizure of assets obtained through criminal activity. His unit is in the top 10 percent of all federal districts in the number of defendants prosecuted in major drug investigations.

Many cases begin with a tip and take years to bring to trial, and Whalley is involved all along the way. Working with a vast network of federal agencies, he builds the case, obtaining authorization for wiretaps if necessary, gathering evidence carefully

without jeopardizing undercover operations, and overseeing federal agents monitoring the activities of suspects, and then prosecutes the criminals.

During the past three years, the office has seized more than \$5 million in money and property including a mall in Federal Way, WA, and a golf driving range whose owners were growing marijuana in a nearby alfalfa field. In three related investigations, more than 80 people in Skagit County were arrested for felony drug crimes, and more than 200,000 marijuana plants were seized in Yakima County. Perhaps the most bizarre case in Whalley’s career involved a three-year investigation and the construction of a tunnel under the Canada-Washington border.

“Marijuana and ecstasy coming from British Columbia makes its way south to California and Arizona,” he said. “ICE [Immigration and Customs Enforcement] agents working with the DEA [Drug Enforcement Agency] got a tip that a tunnel was being dug under the border. The Canadians were suspicious, and we were suspicious.”

Law enforcement on both sides stepped up their surveillance and noticed an increase in construction activity at a small house in Blaine, WA, directly across from a single family home on the Canadian side. Whalley received a 30-day authorization to put wiretaps in place, the first time an entire house was bugged. When agents followed two truckloads of marijuana out of the Blaine house, they made their arrests. The four defendants pled guilty and went to prison for ten years.

In addition to drug-related crimes, Whalley oversees the prosecution of marriage fraud (individuals who obtain fiancé visas with no intention of marrying U.S. citizens), prostitution across state lines, and organized crime.

Whalley values greatly the risks taken every day by local police and agents at home and abroad. He enjoys working as part of a team—cases are usually tried with a colleague—and the excitement of trial. He appreciates the technological resources he can use as well as the vast network of enforcement agencies working collaboratively. He welcomes the responsibilities that come with the job.

Compared to his colleagues at the city or county level, Whalley has much greater control over sentencing, and, particularly in the area of drug crimes, he uses that leverage to encourage cooperation from those arrested.

“When defendants cooperate, we can often move up the illegal food chain and get the people really responsible,” he said. “From an ethical standpoint, we must protect civil liberties, be fair, and promote justice every step of the way, especially because we have control over charges and sentencing. What can we hold a defendant to? How much of the conspiracy is the person responsible for? What’s the best way justice is served? These are questions prosecutors face every day, and I wouldn’t do anything else.”



# County PROSECUTORS

## Serving justice in their communities

“

Being a deputy prosecutor is the best thing you can do with a law degree because it challenges every skill you have as a person,” Satterberg said. “You have to be a good lawyer, handle a huge caseload, and be intellectually rigorous but also mindful that the mission is to serve justice, not just to win cases.”

BRINGING CRIMINALS TO JUSTICE HAS BEEN A STAPLE OF TELEVISION SINCE THE DAYS OF DRAGNET AND PERRY MASON IN THE 1950s. OUR NIGHTLY NEWS IS PERMEATED WITH STORIES DIRECTLY FROM POLICE BLOTTERS. WE ARE MESMERIZED BY THE DETAILS, WATCHING AS POLICE OFFICERS MAKE THE ARRESTS AND PROSECUTORS BRING CRIMINALS TO JUSTICE. FOR ELECTED PROSECUTORS DAN SATTERBERG '85, KING COUNTY PROSECUTOR; DENIS TRACY '90, WHITMAN COUNTY PROSECUTOR; GREG BANKS '93, ISLAND COUNTY PROSECUTOR; AND D. ANGUS LEE '04, GRANT COUNTY PROSECUTOR, THE HARSH REALITY OF CRIME IN OUR COMMUNITIES IS A FACT OF DAILY LIFE.

Within seven months of being chosen to replace King County Prosecutor Norm Maleng '66, who died unexpectedly in May 2007, Dan Satterberg charged two people in the brutal Christmas Day murders of a family of six in the city of Carnation (pop. 1905), charged seven people in one of the worst cases of voter-registration fraud in the state's history, and ran a successful campaign for King County Prosecutor.

A career prosecutor in the state's largest county with 1.8 million people, Satterberg heads an office with 225 attorneys, 250 staff, and a \$56 million budget. In any given day, he may hold a press conference, consult with his deputies on an appropriate sentence recommendation for a violent offender, and comfort a mother of a murder victim. Within a four-week period last fall, his office filed charges against Christopher Monfort, arrested for the murder of a Seattle police officer; charged Kevin Swalwell, a serial arsonist who plagued Seattle's northend neighborhoods, with 11 counts of arson and 1 count of burglary; and oversaw the retrial and conviction of Naveed Haq on murder and attempted murder charges for the 2006 shooting rampage at the offices of the Jewish Federation of Seattle.



## Dan Satterberg

“Being a deputy prosecutor is the best thing you can do with a law degree because it challenges every skill you have as a person,” Satterberg said. “You have to be a good lawyer, handle a huge caseload, and be intellectually rigorous but also mindful that the mission is to serve justice, not just to win cases.”

“We also need to be there for the victims and their families, none of whom ever wanted to be a part of the justice system,” he added. “It is stressful work and can exact an emotional toll. It's not a job for everyone, but most of us who have done it for a while are hooked.”

Satterberg has been in the King County Prosecutor's Office for 25 years, rising to the position of Chief of Staff in 1990 before his interim appointment as King County Prosecutor in May 2007. He was elected to the position in November 2007 with 54% of the vote.

Beyond seeking justice in the courtroom, he works in the community on crime prevention. He is

particularly concerned about the number of junior and senior high school students who are truant.

"About 75% of our prison population does not have a high school diploma," he noted. "Students who stay in school do better in many ways, not only by staying out of the criminal justice system but by earning more and having better lives."

Approximately 2000 truancy petitions are filed each year in juvenile court in King County. In an effort to keep students in school and out of the criminal justice system, the King County Prosecuting Attorney's Office, in partnership with the Center for Children and Youth Justice, established a program designed to divert students away from juvenile court and into community-based truancy workshops where students, parents, and school representatives address the issues that prevent the student from attending school.

"We have the full support of our school and community partners," Satterberg said, "and we have a lot to offer. The students soon realize it's better to be involved in this program than have to appear before a juvenile court judge."

Preliminary numbers are promising. On average, the workshops have a 90% attendance rate since the program began in September of last year.

Satterberg's colleague to the east also has concerns about students, college students. Most cases for Prosecutor Denis Tracy of Whitman County (pop. 42,700) come from Pullman, the county's largest city and home to Washington State University (WSU) and its 17,700 students. Immediately across the county line in Moscow, ID, is the University of Idaho and its 12,000 students.

"Although many students do something stupid, they don't usually have a criminal habit," Tracy said from his office in Colfax. "Yet, the consequences can be extremely serious."

Drinking is often a factor in student arrests, and one of his most famous cases involved WSU student Frederick Russell. Russell fled the country to avoid being charged for vehicular homicide in the deaths of three fellow students. After he was arrested in Ireland in 2005, Tracy successfully worked with Irish authorities to extradite Russell back to Whitman County in 2006. Russell was found guilty and sentenced to 14 years in prison.

Tracy did not plan on being a prosecutor. After graduating from the US. Merchant Marine Academy, he came to the School of Law interested in a career in maritime law. He interned at the U.S. Attorney's Office in Seattle, and after taking the criminal defense clinic with Professor Jacqueline McMurtrie in 1989 and trial advocacy with Professor Jack Sullivan, he changed direction. Following graduation, he began working in the office of the Whitman County Prosecutor.

Tracy went into private practice three years later. The county contracts with private attorneys to represent indigent defendants, and Tracy soon became the primary public defender in district court.

"I enjoyed being a defense attorney," he said. "It probably helped that most of my cases involved clients who were not themselves bad people—just



## Denis Tracy

people who made mistakes. They do stand out in small town, rural America."

Tracy was appointed municipal court judge in Colfax before being elected Whitman County Prosecutor in 2003. He was re-elected unopposed in 2006. He considers his on-the-job training as a public defender critical to his success.

"There's always a danger that you can get so caught up in a particular case or what awful thing happened to a victim of a crime that you lose your perspective on the evidence in the case, your legal analysis, your ability to analyze the case to decide whether or not you can actually prove that what happened was a crime," he said. "Having worked as a defense attorney helps in that respect."

"Some of the most significant decisions I make are when I say no," he continued. "I'm not going to accuse individuals of crimes where the evidence isn't there to back it up even though someone was dreadfully injured or even though the suspect probably did it. Prosecutors have a lot of power in that regard, and it's critical that they don't go down that road."

Tracy handles the whole range of misdemeanors and felonies but in fewer numbers than his colleague in King County. He rarely sees a robbery and had just one murder case in seven years. With a small staff of four deputy prosecutors and a budget of \$520,000, Tracy also handles all civil cases for the county, which fall primarily in the area of land use.

"Preserving the Palouse is a big issue here, and two years ago, the County Commission asked for an ordinance to restrict building on hilltops, one that would withstand a constitutional challenge," he said. "It was a controversial move then and still is, but it hasn't been challenged and there have been no violations yet."

Greg Banks too finds much of his time spent on land use issues. Island County (pop. 78,400) has seen a spike



## Greg Banks

in development in recent years, and regulations regarding growth management, wetlands, shorelines, geologically sensitive areas, infill, and steep embankments are often challenged by those seeking higher density limits.

"As population grows, the pressures from developers grow," Banks said recently. "It's a struggle, and there's a lot of interest. Despite the fact that the Growth Management Act has been in place for many years, conflicts arise as cities try to expand their urban growth boundary into suburban and rural areas."

Banks did not plan on being a lawyer although he comes from a family where his father and three brothers are lawyers. After working at Boeing as an engineer for three years, he realized that law was a better fit. He interned at the King County Prosecutor's Office in the fraud division, an experience that changed his life.

"What was best about working in that office in particular was the real emphasis on making sure that you were doing justice," he said. "It wasn't a 'win at all costs' mentality. You didn't have a personal client that was pushing you. You knew that you were representing the well-being of all the people and that made it an attractive career."

He joined the Island County Prosecutor's Office right after law school, took a short leave to go into private practice, and then ran unopposed for the top spot in 1998. He recently finished serving a term as president of the Washington Association of Prosecuting Attorneys.

Most of the 300 felony criminal cases in Island County involve drugs. Although the number of meth labs has decreased, largely because of state restrictions placed on the sale of materials used in its manufacture, the number of drug users in the county has not. Banks has seen a resurgence in drug trade from Mexico and Canada, a complaint shared by prosecutors throughout the state, and drug abuse is a contributing factor in



## D. Angus Lee

most felonies. Drug crimes, property crimes, high in this area of vacation homes, and cases of sexual abuse and assault make up most of the criminal cases.

Banks handles some of the most heinous crimes in the county. They take a high emotional toll not just on him but also on the judges and juries.

"You see the looks on the faces of the jurors, and you realize that they are hearing the evidence for the first time," he said. "They are really stunned by what people do to each other."

In addition to trying cases, Banks handles appellate work for the office and administers a \$1.3 million budget and a staff of 15, including 8 deputy prosecutors. He admits that maintaining a caseload while running the office was difficult at first, and he turned to technology to increase efficiency.

"We have a better case management system now," he said. "We can keep track of the flow of the cases, generate documents, and handle our discovery digitally. We find that we can often reuse our legal research many times over."

D. Angus Lee also focused on office management when he was appointed interim Grant County Prosecutor in 2009. He added case management software, which helped when faced with a 5% budget cut, the first budget cut in the prosecutor's office in 18 years, and reorganized the office. By eliminating some support positions, he was able to expand the number of deputies from 10 to 12 and address backlog. Like Satterberg, he too seeks to reduce overall caseloads by focusing on strategies for juveniles.

"I'm working with law enforcement and the community on preventive measures," he said from his office in Ephrata. "We are taking advantage of diversionary approaches for juveniles at the district court level, and we aggressively prosecute entry-level crimes."



Because Lee believes strongly that prosecuting juvenile misdemeanors, like marijuana possession, minor assault, and possession of alcohol, establishes negative consequences for criminal activity, he has increased the number of prosecutors in district court and doubled the number of juvenile prosecutors. Every case is charged or declined based on the merits, as opposed to before when all non-felony cases were declined for budget reasons.

"Nothing is being ignored," he emphasized. "These kids will learn that they can't get away with crime. It means less felons and less crime in the future, and our prosecutors can go harder on the people still committing crimes."

By offering alcohol evaluation and community services, successful programs that have worked in other counties, Lee expects to see positive results in a few years.

These changes did not come easily to an office where entry-level crimes had been largely ignored. Appointed to the top position in January 2009, Lee ran for office this past November. He narrowly prevailed with 50.2% of the vote.

Lee was no stranger to hard-fought campaigns, but they were mainly military campaigns. Although he always knew he wanted to be a lawyer, he enlisted in the Marine Corps Reserves while a UW undergraduate. As a member of a special operations unit, he was activated twice and saw action in Iraq, first soon after the United States invaded Iraq in 2002 and then again in June 2005 when he flew to Iraq on the day after he was sworn into the Washington bar. Shot twice in action, Lee returned to his unit in under 3 weeks and continued combat operations. After coming home to

his wife Jennifer Louis Lee (class of 2005) and their six-month-old daughter, the family relocated to eastern Washington where Lee accepted a position in the Office of the Grant County Prosecutor.

The bucolic life of small town America has its share of big city problems. Lee recently brought charges in a triple homicide in the town of Mattawa. Despite gains in reducing the number of meth labs in Grant County (pop. 82,550), Grant County, like many others throughout the state, has seen an uptick in violence related to gang-controlled, Mexican drug trade along the West Coast. Victims and witnesses, particularly those who are undocumented, often leave town or refuse to talk to law enforcement. They rarely testify in court.

Working with the community, particularly tenants and housing authority managers, Lee uses trespass authority to break up the operations of drug dealers.

"Trespass authority effectively decentralizes and destabilizes their operations," he said. "It's an important tool for our office."

Despite the rigors of campaigning and the stresses of the job, Lee, like his colleagues, puts a high value on the public service performed by prosecutors.

"When I was at the UW, I heard about seeking justice and pursuit of justice and people's rights," he recalled. "There are many professors and students who feel it is their job to serve the public to the benefit of the community. If your interest is to make sure someone's civil liberties are protected, the best position to do that is to be a deputy prosecutor. Our job is not to seek a conviction but to seek justice."

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# The international PERSPECTIVE

Kwang Min Lee, Senior Prosecutor, Seoul Prosecutor's Office

WHILE THE USE OF DNA EVIDENCE IN PROSECUTING CRIMINALS IN THE UNITED STATES HAS BECOME COMMONPLACE, SOUTH KOREA HAS WITNESSED YEARS OF CITIZEN PROTESTS AND HESITANCY BY KOREAN COURTS TO ACKNOWLEDGE WHEN SUCH EVIDENCE MAY BE INTRODUCED. KWANG MIN LEE, SENIOR PROSECUTOR OF THE SEOUL CENTRAL DISTRICT PROSECUTOR'S OFFICE, CAME TO THE UW SCHOOL OF LAW AS A VISITING SCHOLAR TO STUDY HOW THE UNITED STATES ADOPTED DNA EVIDENCE AS A STANDARD IN CRIMINAL PROSECUTION.

Concerns in Korea regarding DNA collection and storage stem from apprehension that it would lead to abuses and invasions of privacy. Generations of Koreans vividly remember the military regime of Park Chung-hee, who, in 1979, was assassinated during a coup d'état that led to eight years of protests and violence. Many still mistrust the police and government to keep citizen information private. Even when DNA evidence is introduced during trial, said Lee, the integrity of the evidence itself will lead to objection, and frequently the evidence is inadmissible.

As the senior prosecutor in the prosecutor's office in Seoul, Lee expects his research to provide insight into how the Korean system could overcome objections to using DNA evidence and develop regulations in Korea for collecting, processing, and storing DNA evidence from crime scenes.

"There are no formal laws regulating the process of collection of DNA evidence or how it can be entered into a case," said Lee. "The courts don't see the use of DNA as primary evidence in a trial. It's usually admitted in addition to other evidence."

In a recent case, Lee needed evidence to prosecute a suspect accused of a violent rape and murder case that had been unsolved for fourteen years and nine months, to be exact, just three months shy of Korea's statute of limitations law. Lee and criminal investigators worked carefully to properly obtain, store, and document DNA samples from the suspect and compare them to evidence left at the crime scene. He successfully introduced the DNA evidence into trial before the statute of limitations.

Lee grew up in Korea during those turbulent years following the end of World War II and the Japanese occupation. Keenly aware of the inequality so preva-



lent in Korean society with differences between the wealthy and the poor and the entitlements received by those in power, Lee chose a career in law as a way to address that inequality. He graduated from Korea University and joined the elite group of only 300 Koreans admitted to the bar each year, about .001 percent of the total population.

While Lee was working in what is equivalent to the clerkship system of U.S. law graduates, he became interested in becoming a prosecutor.

"Prosecutors in Korea have the greatest scope of authority and the greatest scope of responsibility," said Lee. "They conduct their own investigations and control investigations to a much greater degree than in the U.S."

Lee has been a public prosecutor for over 15 years. In 1999, he received The Most Excellent Prosecutor Prime Minister's Award in recognition of his service.

Korea has changed significantly since the mid-1990s. The society is more open. Police and prosecutors are working more effectively. A criminal jury system was introduced in 2007.

"The distribution of legal knowledge is much larger than it ever has been," Lee said. "With the transparency of today's Korean government, education, and technology, we have a much larger population that has access to and understanding of their rights as citizens and the law."

The Visiting Scholar Program at the UW School of Law, administered by the Asian Law Center, is designed for senior legal career professionals from legal institutions and eminent academics. The program attracts researchers and legal policy makers from around the world who wish to participate in the law school's research and teaching programs and conduct comparative research using the law library.



# The Academic PERSPECTIVE

## The Prosecutorial Ethic: With Great Power Comes Great Responsibility

by Professor Maureen Howard '86

ALTHOUGH THE AMERICAN TRIAL SYSTEM HAS BEEN LIKENED TO AN ARENA IN WHICH MENTAL COMBATANTS FIGHT "TO THE DEATH" (THE VERDICT), EACH WARRIOR SIMILARLY SKILLED AND EQUALLY COMMITTED TO VANQUISHING THE OTHER IN A FORUM WITH FORMAL RULES OF ENGAGEMENT ENFORCED BY A LEARNED AND IMPARTIAL JUDGE, THE ROLE OF THE CRIMINAL PROSECUTOR IS QUALITATIVELY DIFFERENT FROM THAT OF OTHER ADVOCATES. THIS IS BECAUSE, UNLIKE ANY OTHER LAWYER, A CRIMINAL PROSECUTOR HAS AN AFFIRMATIVE DUTY TO THE OPPOSING PARTY.

A lawyer who represents an individual client is duty-bound to advance that client's interests vigorously within the bounds of the law. A prosecutor, however, does not represent a single individual, but the collective good. As such, a prosecutor's loyalties—unlike other lawyers—are not undivided. A prosecutor's duties include insurance of procedural and substantive fairness to persons accused of crime because, as one element of a just society, it is in the interests of the collective good. Further, because the defendant is a member of the "represented" collective, a prosecutor must take the defendant's interests into account in assessing the validity of the prosecution.

Under most ethical rules and guidelines, including the Model Rules of Professional Conduct, the Model Code of Professional Responsibility, and the ABA Standards for Criminal Justice, prosecuting attorneys are generally held to a different, and some have said higher, standard from that of attorneys representing clients. This differing standard takes into account the fact that the roles of prosecutor and defense counsel are not symmetrical. The defense attorney is charged only with her client's well-being; she has no corresponding "duty" to the government during the course of the case. Not so for the prosecutor. The ethical duty of a prosecuting attorney goes beyond advocacy; unlike other trial lawyers, a prosecutor is duty-bound to "seek justice." This

responsibility to seek justice includes a duty to the defendant.

As such, ethical guidelines recognize that a prosecutor is a "minister of justice" whose duty is to seek justice, not merely convict. Jurists and scholars have long opined on the meaning of the prosecutor's role as a "minister of justice." Former U.S. Supreme Court Justice William O. Douglas asserted that the prosecutor's role is "to vindicate the rights of people as expressed in the laws and give those accused of crime a fair trial." In *Berger v. United States*, the Supreme Court noted that the prosecutor stands in the place of the sovereign "whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done." The Court emphasized that the prosecutor's interest in a criminal case is not to win but to see that justice is done: "He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

Not only is the ethical duty of the prosecutor distinct from that of other lawyers, but some scholars have called for a "moral standard" as well, given the immense, unregulated discretionary power of the prosecutor's office. As law professor and former prosecutor Bennett L. Gershman wrote: "Why a standard of moral certainty? Such a standard fits the reality that the prosecutor is the gatekeeper of justice. It requires the prosecutor to engage in a rigorous moral dialogue in the context of factual, political, experiential, and ethical considerations. It also requires the prosecutor to make and give effect to the kinds of bedrock value judgments that underlie our system of justice—that the objective of convicting guilty persons is outweighed by the objective of ensuring that innocent persons are not punished."

The prosecution has the full weight and power of the government behind it (including the assistance of police investigative and enforcement resources) as it enters a criminal trial. The constitutional protections afforded criminal defendants—such as the privilege against self-incrimination, the presumption of



innocence, the stringent beyond a reasonable doubt standard, the requirement of a unanimous jury verdict to convict—exist to counter the innate power imbalance that favors the government.

The prosecution carries a disproportionate burden as a matter of public policy in other areas of criminal law practice as well. One example is the duty to produce exculpatory evidence to the defense—voluntarily and without request. The prosecutor may also have a duty to search for evidence that may potentially damage her case, whereas the defense clearly has no corresponding duty.

Likewise, prosecutors have a different duty from that of defense counsel with respect to witness examination. A prosecutor cannot cross-examine a defense witness to attack his credibility for truthfulness when she knows the witness is truthful. A defense attorney, however, is not likewise so clearly prohibited. Nor can a prosecutor call a witness to the stand whom she knows is likely to perjure himself. In some jurisdictions, however, a defense lawyer may allow the defendant to testify in the narrative, even when aware the testimony will be false.

Some jurisdictions also recognize there need not be an equal number peremptory challenges afforded the prosecution and the defense. With respect to non-capital felonies, the prosecution is allotted fewer peremptory challenges than the defense in many states as well as in the federal system. This policy has existed for decades. It was recognized in the English system

as well, which eliminated peremptory challenges for prosecutors in criminal actions in 1825.

The responsibilities of a prosecutor do not, however, extend exclusively to those cases assigned to her. National ethical guidelines charge prosecutors with the duty to “seek to reform and improve the administration of criminal justice.” This requires a prosecutor to look beyond her caseload, or even the practices of her unit, or her office, and be a champion for accountability and change if needed.

A recent study by The Center for Public Integrity of local prosecution practices across 2,341 jurisdictions reported an unsettling account of prosecutorial misconduct—cases where prosecutors broke or bent the rules to win convictions. In the study, *Harmful Error: Investigating America’s Local Prosecutors*, the authors report that, since 1970, individual judges and appellate court panels cited prosecutorial misconduct as a factor when dismissing charges, reversing convictions or reducing sentences in over 2,000 cases. In another 500 cases, appellate judges offered opinions—either dissents or concurrences—in which they found the misconduct warranted a reversal. In thousands more, judges labeled prosecutorial behavior inappropriate, but upheld convictions reasoning the behavior constituted “harmless error.”

The abuse of prosecutorial discretion and power by any prosecutor is, on some level, a failure of prosecutors everywhere. The goal of each prosecutor should not just be ethical practice and personal accountability in his or her assigned cases, but systemic accountability and defensibility of practice nationwide.

In May 2008, the School of Law hosted a symposium on the prosecutorial ethic in honor of alumna King County Prosecutor Norm Maleng. National scholars, judges, prosecutors and defense counsel came together to exchange ideas and challenge preconceptions about the role and responsibilities of the prosecutor. The exercise was invigorating and generated several innovative ideas, including a proposal to create a prosecutorial clinic at the School of Law where student instruction would be jointly undertaken by law professors, judges, prosecutors and defense lawyers.

The concept of a multi-disciplined faculty endorses Harvard Law School Professor Alan Dershowitz’s view that “[d]espite the theoretically adversarial nature of our system, the prosecutor is among the most important arbiters of justice” due to her discretion in investigating and resolving criminal matters, thus elevating her to a “quasi-judicial” role. Early education regarding the prosecutorial ethic at the law school level can better prepare students who embark on careers in prosecution to understand and embrace the challenge that ethical prosecution across all cases, in all jurisdictions, is a societal benefit that every prosecutor is duty-bound to pursue.

Director of the Trial Advocacy Program, Professor Maureen Howard also directs the National Institute of Trial Advocacy’s Northwest Regional Trial Skills Program.

# The Student PERSPECTIVE

## Jake Faleschini, in the first person

**JAKE FALESCHINI, INTERN, RACKETS BUREAU, OFFICE OF THE DISTRICT ATTORNEY FOR NEW YORK COUNTY**

### WEEK 3

The first two weeks of my summer internship at the Office of the District Attorney for New York County (DANY) has been as challenging as I had expected. I have been assigned to the Rackets Bureau, which is a homecoming of sorts. Before attending law school I worked as a paralegal in the Criminal Prosecutions Bureau at the Office of the New York State Attorney General. It turns out that the prosecutors I am working for in the Rackets Bureau know many of my former colleagues. It is beginning to sink in just how few people do this kind of work. Reputation and integrity are everything to this small group of specialized public servants.

I have been assigned to help with an open homicide investigation, two open mafia wiretaps, and a labor corruption case. I am also on call for random research assignments. In addition, DANY has all the interns in investigative units get courtroom experience by working with a trial bureau. We are also required to attend weekly training sessions, meet and greets, and brown-bag lunches. During my first week in the Rackets Bureau, I helped edit a wiretap affidavit. The ensuing investigation will last well through the rest of my time at the office.

### WEEK 6

The research assignments and courtroom work I have been doing make me realize just how much I have learned from law school. Three years ago I never could have written a memorandum about the common law origins of the different types of larceny in the New York Penal Code. I never could have explained whether a Manhattan court had territorial jurisdiction over a crime with subtle connections to the county. And I never would have felt as comfortable drafting criminal complaints or motions. What I have learned in law school has made me a better lawyer and investigator.

Yet, it is the experiential side of law school, this internship, that has filled in where classroom learning left off. Law school cannot teach you how to deal with the intimate details about a brutal rape, torture, or murder. It cannot instruct you when to trust your witnesses. And it does not train you how to make difficult ethical decisions like turning over potentially exculpatory material or deciding whether to prosecute someone. These are all things you learn as an intern, and they are every bit as much a part of being



(l to r) Interns Gavin Kovite and Jake Faleschini '09 with Manhattan District Attorney Robert Morgenthau and Rackets Bureau Assistant District Attorneys

a prosecutor as is knowing the Fourth Amendment.

### WEEK 9

Last week, the interns met Manhattan District Attorney Robert M. Morgenthau, a venerable institution in this city. He just announced his retirement after serving as the Manhattan District Attorney for the last 38 years. Originally appointed U.S. Attorney for the Southern District of New York by President John Kennedy, he resigned from that post in 1970 following the election of President Richard Nixon. He returned to private practice for four years until winning the first of nine elections for District Attorney of New York County. Morgenthau was known for his tenacious prosecution of white-collar criminals, organized crime, and corrupt government officials. It is the end of an era, and he will be dearly missed.

During these past nine weeks, I've had the benefit of working with prosecutors who are highly ethical and deeply committed to the very difficult work of this office. They seem to struggle with the dark side of human nature that they see every day, and yet they seem to genuinely enjoy their work. My work has been incredibly compelling and engaging. I struggled with issues like freedom, rights, and justice on a daily basis. I spoke for the voiceless. And I saw the best and worst of humanity. As a good friend of mine once said, I got a front row seat to the craziest show on earth.

Before receiving his law degree in December 2009, Jake Faleschini interned in the Office of the District Attorney for New York County. He is currently serving his second term as the president of the Graduate and Professional Student Senate at the University of Washington while completing his studies for an advanced degree in International Affairs.

## BEYOND THE BOOKSHELF RESOURCES FOR PROSECUTORS: MORE THAN THE USUAL SUSPECTS

By Lori Fossum, Reference Librarian

The Gallagher Law Library owns many resources prosecutors find useful: West's Criminal Practice Series, Mauet's Trial Techniques, and Wharton's Criminal Evidence. The library also owns Washington-specific resources such as Tegland's Courtroom Handbook on Washington Evidence, Portnoy's Washington Criminal Practice in Courts of Limited Jurisdiction, and several volumes of Washington Practice dedicated to trial practice and procedure. Although these are available in the reference area for in-library use, other materials available for check out. Two of our more recent acquisitions are the newly-published *Winning at Trial* and a reprint of a classic, *The Art of Cross-Examination*.

**WINNING AT TRIAL:** Published by the National Institute for Trial Advocacy and written by D. Shane Read, an experienced prosecutor, trial lawyer, and law professor, *Winning at Trial* is a comprehensive guide to trying a case. Read's goal is to "teach trial skills in a more understandable way," and he includes two DVDs containing nearly four hours of footage from the O.J. Simpson trial as well as recordings of a focus group and jury selection. This specially selected footage and trial transcripts provide the reader with memorable examples to follow—or avoid—during all aspects of a trial. Throughout the book, Read analyzes not only the O.J. Simpson trials, but also the Timothy McVeigh trial. As Read says, "There is no getting around the fact that there is an art to winning at trial" (p. 359). Location: Classified Stacks at KF8925.T7 .R43 (2007).

**THE ART OF CROSS-EXAMINATION:** First published in 1903 and reprinted in 2009, Francis L. Wellman's *The Art of Cross-Examination* also provides examples drawn from real cases and illustrations to instruct other trial lawyers. Like Shane Read, Wellman was a prosecutor and

trial lawyer who decided to offer his "suggestions upon the art of cross-examination" after spending 25 years in the courtroom. Wellman, considered one of the great 19th-century trial lawyers, had examined and cross-examined about 15,000 witnesses before writing this classic work. Quoting extensively from many noteworthy cases, Wellman offers his analysis and advice on how to handle different types of witnesses and in what sequence. Underscoring Wellman's work is his theory of cross-examination as art and his belief that his book would appeal to other trial lawyers, but not to his colleagues who merely viewed the practice of law as a business. Location: Classified Stacks at KF8920 .W4 (2009).

### OTHER RESOURCES

Search the Library's catalog for other resources by entering author, title, keyword, or subject information at <http://marian.law.washington.edu>. For example, a subject search for "Prosecution -- United States -- Decision making" yields 12 results. Sorting the list by reverse year brought up three recent acquisitions, all available for check out:

**PROSECUTING DOMESTIC VIOLENCE: A PHILOSOPHICAL ANALYSIS** by Michelle Madden Dempsey (Oxford; New York: Oxford University Press, 2009). Location: Classified Stacks at JQ1536 .T35 2009.

**PROSECUTORIAL MISCONDUCT: LAW, PROCEDURE, FORMS** by Joseph F. Lawless (Newark, N.J.: Lexis-Nexis, 2008). Location: Classified Stacks at KF9640 .L38 2008.

**THE CHANGING ROLE OF THE AMERICAN PROSECUTOR**, edited by John L. Worrall and M. Elaine Nugent-Borakove (Albany, N.Y.: State University of New York Press, 2008). Location: Classified Stacks at KF9640 .C454 2008.

### WE'RE HERE TO HELP

In addition to providing assistance with these materials, Gallagher Law Library's reference staff is available to help you find other resources. Visit us, call us at (206) 543-6794, or email us with your questions: <http://lib.law.washington.edu/questions.html>. We are always happy to assist you.



## DEAN KELLYE Y. TESTY'S FIRST 100 DAYS



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2



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7



3



8

1 Dean Testy greets a delegate from a Vietnam law school (8/1/2009) 2 & 3 Dean Testy's welcome reception (9/10/2009)  
4 & 5 Greeting and meeting the Class of 2012 at orientation (9/14/2009) 6 Presenting completion certificates to Transnational Institute students (9/18/2009) 7 At the Faculty Convocation (9/25/2009) 8 Reunion Day 2009 (9/26/2009) 9 With Professor Emeritus William Stoebe '59 on Reunion Day 2009 (9/26/2009)



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1 With General Counsel of the Department of Homeland Security Ivan Fong and Professor Tom Cobb (9/29/2009) 2 Welcoming Harvard Professor Michael Sandel with Associate Dean Steve Calandrillo (10/2/2009) 3 The retirement celebration for Dean Emeritus Ron Hjorth (10/6/2009) 4 UW School of Law staff and faculty social (10/7/2009) 5 Mentor/Mentee Reception at the Seattle Art Museum (10/12/2009) 6 With Mark Bennett, Chief Judge, U.S. District Court for the Northern District of Iowa, and Michele Storms, Director of the Gates PSL Program (10/5/2009) 7 With Judge Betty Binns Fletcher '56 (10/22/2009) 8 At the law school's hosted tailgate reception with Marta and Frem Nielsen '63 (10/10/2009) 9 Dedication of the Marian Gould Gallagher Society donor wall (10/27/2009) 10 With Professor Anita Ramasastry at Senator Maria Cantwell's office in Washington, DC (11/5/2009)



# REUNION DAY 2009

CELEBRATING THE CLASSES OF 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, AND 2004



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9

1 Dean Testy greets reunion guests 2 Larry Kleinberg '59 with Pierre '59 and Mary Lou Van Rysselbergh 3 Class of 1989 4 Class of 1974 5 Justice Gerry Alexander '64 with Marilyn and Bob Beale '64 6 Professor Scott Schumacher presents "Tax Havens: Their Impact on the Global Economy and What to do About Them" 7 Class of 1999 8 Class of 1964 9 Class of 1974 10 Class of 1959



10



# PHOTO GALLERY



1



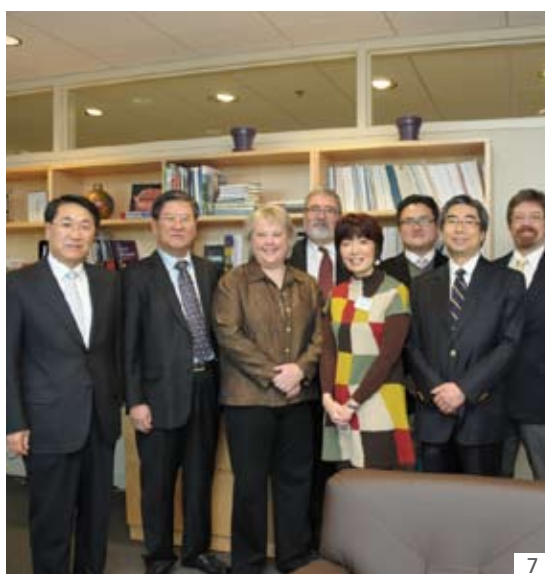
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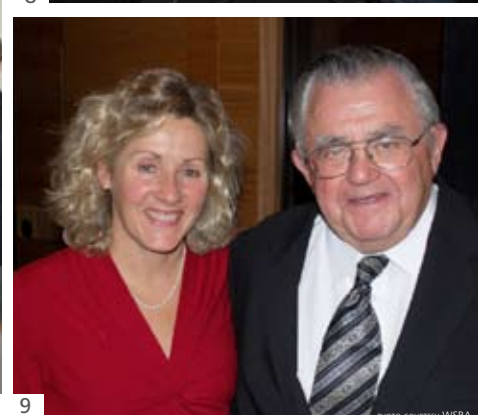
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1 2009 Transnational Institute participants 2 Professor Dongsheng Zang at a China law forum 3 Andrew Ackley '09, Jonathan Moore '09, Corey Rogers '09, and Megan Larrondo '09 at the Washington State Bar Association swearing-in November 2009 4 William H. Gates Sr. '50 discussing his new book, *Showing Up for Life: Thoughts on the Gifts of a Lifetime*, with Dean Testy 5 Alumni/Faculty Breakfast "The Sotomayor Factor on the Supreme Court" 6 Washington State Supreme Court Justice Barbara Madsen and Dean Testy 7 Faculty with a delegation from the Yonsei University (Korea) law school 8 Speed Networking event 9 Chelan County Superior Court Judge Lesley A. Allan '83, who was awarded the WSBA 2009 Outstanding Judge Award, with Clark County Superior Court Judge Robert L. Harris '58, who was awarded the WSBA 2009 Lifetime Service Award 10 Student Bar Association Cabinet

## CONSTANTINE ELECTED KING COUNTY EXECUTIVE

He looked in his rearview mirror, parked his car, and introduced himself to the driver in the car behind, State Senator Phil Talmadge '76. Little did he realize that with that bold move, Dow Constantine '89 would embark on a career in law and public policy that would culminate in his election as King County Executive last November.

Constantine, then a UW political science major, secured an internship with the senator, who chaired the Judiciary Committee. Talmadge, who later served on the Washington Supreme Court, encouraged him to go to law school.

"I was always interested in law as the foundation of society," Constantine said from his office in downtown Seattle, "especially after seeing how politics and law intersect in the legislature."

Constantine returned to the legislature in the summer after his 1L year. After law school graduation, he went into private practice and soon formed a partnership with Christopher Benis '88. Focusing on real estate and small business development, he furthered his education at the UW, earning a Master's degree in Urban Planning.

Washington has a part-time legislature, and in 1996, Constantine successfully ran for election to the House of Representatives. He was appointed to the Law and Justice Committee by another mentor, Minority Leader Marlin Appelwick '79.

The session that followed the 1998 election brought the Democrats out of the previous two-year minority and evenly divided the House: 49 Democrats and 49 Republicans. Constantine had just been assigned co-chair of the newly renamed Judiciary Committee.

"It was a tense period," Constantine recalled. "Most of the people on the committee were not lawyers, and we often found ourselves in the important role of explaining basic constitutional guarantees. We were dealing with difficult issues at the time—reproductive rights, rights of parents and children, rights of criminal defendants, and rights of victims of crime. We could have been deadlocked on any issue, and it took a lot of diplomacy to get bills passed."

Constantine served two terms in the House before moving to the Senate, where he was vice chair of the Senate Ways and Means Committee and vice chair of the Senate Judiciary Committee. In January 2002, he was chosen to fill the County Council seat of Greg Nickels. The Council would soon begin the process of implementing the state's first critical areas protections.

"The Growth Management Act was passed while I was in grad school," Constantine said. "I had Professors Stoebuck for real property, Rodgers for environmental law and Johnson



for Indian law, to name a few. That background, along with my graduate work in urban planning, was essential when I chaired the Growth Management Committee."

An advocate for shoreline protection as an attorney, legislator, and County Council member, he worked with residents of Maury Island in what became an 11-year battle to prevent a gravel mining company from building a 305-foot dock in an aquatic reserve.

"Just last August, Judge Martinez [class of 1980] put the brakes on it," he said, "an amazing vindication after we'd been told a thousand times we had to give up."

Today, as King County Executive, Constantine oversees a \$5 billion budget for a jurisdiction of more than 1.9 million people in an area of 2,134 square miles. He works with officials in the county's 39 cities as well as regional agencies like the Port of Seattle and Sound Transit. Almost \$500 million of the county's \$659 million general fund budget (75%) supports law and justice programs, including the sheriff's office, superior and district courts, prosecutor's office, defender's agencies, and jails.

"Since I started in 2002, the separately elected officials who run many of those functions have been more and more coordinated," he said. "We've been doing a better job of solving problems, like establishing drug court and mental health court, to address some of the root causes of crime. We are fast becoming a model for other regions."

As he confronts the economic reality of diminished funding for essential services, Constantine seeks to engage all County employees in a rigorous re-examination of how the County conducts its business and implement best practices to improve efficiency. He is mindful of the impact of his combined four years of study in law and urban planning:

"Every day, I refer to lessons learned from law school, the questioning of assumptions. To be innovative in this time of flat revenues and increasing costs, we have to look for ways to be most efficient while we protect our quality of life, protect the environment, protect public health, and protect public safety."



#### CLASS OF 1958

Clark County Superior Court Judge **Robert L. Harris** of Vancouver, WA, received the Washington State Bar Association (WSBA) 2009 Lifetime Service Award.

#### CLASS OF 1964

**Gerry L. Alexander** has stepped down as chief justice of the Washington State Supreme Court.

#### CLASS OF 1969

**Robert Lee Williams**, who works in the Channel Islands at American Tax Consultancy, wrote that he summited Mt. Kilimanjaro with his 22-year-old son on September 3, 2009, after a 7-day climb. He had climbed Mt. Rainier on June 28, 2008.

#### CLASS OF 1972

**John W. Read** has been named a 2010 Ohio Super Lawyer. Read, whose area of practice is civil litigation defense, is an attorney at the Cleveland office of Vorys, Sater, Seymour and Pease.

#### CLASS OF 1973

**Maxine Thomas**, who works for the Kettering Foundation, has been appointed to the Union Institute & University board of trustees.

#### CLASS OF 1976

The Washington State Supreme Court appointed Island County Superior Court Judge **Alan Hancock** to perform judicial duties in San Juan Superior Court. **Mary Boies** served as the ABA's standing committee's lead evaluator on its investigation into Judge Sonia Sotomayor's qualifications during her hearings.

#### CLASS OF 1978

Seattle lawyer **Linda Larson** was elected chair of Public Radio International's board. **Frederick C. Kiga** was elected to a two-year term as an independent director of Federal Home Loan Bank of Seattle.

#### CLASS OF 1979

**Edward C. Tonkin** was elected chairman of the National Automobile Dealers Association.

#### CLASS OF 1982

**Ellen Fair**, a Snohomish County Superior Court judge, was featured in a news article series about aptonyms (aptly named people). **Amy Merriam Steed** wrote that she's been transferred to a position in the Navy's Office of General Counsel in San Diego "after a great

three years in Naples, Italy." Her practice is primarily government procurement.

#### CLASS OF 1983

Chelan County Superior Court Judge **Lesley A. Allan** of Wenatchee, WA, received the Washington State Bar Association (WSBA) 2009 Outstanding Judge Award.

#### CLASS OF 1984

**Ben Urcia** wrote that he is a member of the firm Bacon & Thomas, PLLC, in Alexandria, VA, specializing in patent law and particularly inventions having to do with physics, electronics, and computers. He has been at the firm since 1988, is married to Husky alum Evelina Cheung, and has two children, ages 11 and 14.

#### CLASS OF 1990

**Laurent Geelhand** LL.M. is currently General Counsel Europe of the Michelin Group, based in France. He was interviewed by Business Week for an article on price fixing in Europe. **Carmela Conroy** was appointed Principal Officer of the U.S. Consulate in Lahore, Pakistan.

#### CLASS OF 1991

**Paul Battaglia** is of counsel at the Seattle firm of Williams Kastner. His practice focuses on real estate, leasing, and collections. **Jonathan Cohen** wrote that he is in solo practice in Brooklyn, New York. **Lauren Rice Burgon** (formerly Lauren Conley Rice) recently returned to practice after a long hiatus. She is working at Equinox Business Law Group PLLC in Bellevue, WA, which specializes in serving small to medium-sized businesses, guiding and supporting them through the opportunities and challenges of growing a business, including business formation, contractual relationships, trademarks, and exit planning.

#### CLASS OF 1992

**Mike McGinn** was elected mayor of Seattle.

#### CLASS OF 1993

**Kristoff Bauer** was appointed assistant city manager in Fayetteville, NC.

#### CLASS OF 1994

**Fraser Mendel**, a shareholder at the northwest regional law firm Schwabe, Williamson & Wyatt, has been named to the board of the Washington State China Relations Council (WSCRC). Established 30 years ago, the council represents more than 150 companies and provides trade



support and information to many of Washington state's leading corporations that do business in China. Mendel co-chairs Schwabe's China practice and focuses his practice in the areas of corporate law with special attention to international transactions. Based in Beijing, China, for 12 years, he has advised hundreds of companies doing business in China and throughout Asia. **Lonnie Rosenwald** is a corporate and intellectual property attorney working as senior counsel at Intellectual Ventures in Bellevue, WA.

#### CLASS OF 1998

**Silvia Saucedo** has joined Raines Law Group to head its newly formed sustainability and government advocacy practice.

**Jeffrey Shelby** wrote that he is the general counsel at Varolii Corporation, a 350-person software company in Seattle. Prior to joining Varolii in 2007, he had been in private private for nine years working as a corporate securities and technology transactions attorney with Heller Ehrman, Cooley Godward, and Bogle & Gates in Seattle.

#### CLASS OF 1999

**A.J. Taylor**, who had been a law clerk to a federal judge and practiced law in two law firms for six years, is currently the lead policy strategist for trustworthy computing at Microsoft.

#### CLASS OF 2001

**Caroline R. Suissa-Edmiston** LL.M., who has her own law practice focused on estate planning, probate and adoptions, and real estate in Tacoma and Seattle, married J. R. Edmiston and lives in Tacoma.

**Emily R. Studebaker** is of counsel at Garvey Schubert Barer in its Seattle office.

**Charles H. Suh** was promoted to partner at the Washington, DC, firm of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP. He specializes in utility and design patent litigation before U.S. district courts and the U.S. International Trade Commission.

#### CLASS OF 2002

**Roderick Bond** has joined the Spokane firm of Campbell, Bissell and Kirby, PLLC as counsel.

#### CLASS OF 2003 & CLASS OF 2007

**Amit D. Ranade**, class of 2003, married **Jennifer K. Faubion**, class of 2007, during two wedding ceremonies, one Hindu and one Christian, on the UW campus last summer. Both were UW

undergraduates and student regents. Ranade is working as a litigation associate at Hillis Clark Martin & Peterson in Seattle. Faubion recently finished a clerkship with Judge Joel Penoyar, Washington Court of Appeals, Division 2.

#### CLASS OF 2006

**Dylan Higgins** is the co-founder and CEO of SaveTogether, a nonprofit that pairs low-wage workers with people willing to help them save small amounts at a time to reach their goals of education, home ownership, or opening a small business.

#### CLASS OF 2007

**Jiehuan (Ralph) Xu** is currently working as an associate in the Shanghai office of Troutman Sanders LLP.

**Jerry Sprute** LL.M. has returned to Edmonds, WA, as an attorney and counselor-at-law for the new Edmonds office of the Puget Sound area elder law and estate planning law firm, Johnson & Nagaich.

**Adam K. Ake** has been appointed Assistant U.S. Attorney (Criminal) in the District of Maryland's Southern Division at Greenbelt.

#### CLASS OF 2008

**Shaobin Zhu** is an IP attorney in the Palo Alto, CA, office of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP. His practice includes litigation, patent prosecution, and client counseling, with an emphasis on computer software, internet technologies, telecommunications, and electronic technology.

**Tyson Robert Hill** is now a deputy prosecutor in Grant County, WA. He works in superior court trying felony cases as well as doing appellate work.

#### CLASS OF 2009

**Skylee Robinson** is now an associate at Stoel Rives LLP in the litigation group.

**Jacqueline (Linglin) Shi**, a native of Yangzhou, China, is clerking for David Chew at the Texas Court of Appeals in El Paso.

# OBITUARIES

## CLASS OF 1935

Joseph Harold Gordon Sr., Oct. 21, 2009

## CLASS OF 1940

Evelyn Foster Read, Oct. 26, 2009

## CLASS OF 1945

Burton McGovern, Aug. 28, 2009

## CLASS OF 1949

A. Leroy Covey, Apr. 22, 2009

Robert Lee Harlan, July 11, 2009

## CLASS OF 1950

John Marshall Cunningham, Aug. 8, 2009

Vivian Helsell, spouse of William A. Helsell,  
Oct. 5, 2009

## CLASS OF 1950

Junior Austin Hamm, July 8, 2009

## CLASS OF 1951

Allan Robert Billett, Jan. 11, 2009

Carlton G. Conkey, June 5, 2009

Carroll D. Gray, May 25, 2009

Robert D. Morrow, Aug. 25, 2009

## CLASS OF 1952

Ted Maxwell Echols, July 26, 2009

## CLASS OF 1954

Thomas E. Smail, Sept. 5, 2009

Winifred M. Hageman, spouse of Walter H.  
Hageman, Jr., Oct. 9, 2009

## CLASS OF 1955

Lester Thomas Parker, May 21, 2009

Laurence Stanley Moore, Dec. 28, 2009

## CLASS OF 1957

Eugene C. Anderson, June 3, 2009

## CLASS OF 1958

Mary Ellen Hanley, Aug. 17, 2009

## CLASS OF 1961

John O. Burgess, Sept. 19, 2009

## CLASS OF 1962

Forrest W. Walls, Oct. 16, 2009

## CLASS OF 1963

Patrick A. Geraghty, Aug. 2, 2009

## CLASS OF 1965

James William Bortner, Sept. 28, 2009

Henry David Aitken, spouse of Patricia G.  
Aitken, June 18, 2009

Susan C. Rucker, spouse of William J. Rucker,  
July 2, 2009

## CLASS OF 1967

James H. Allendoerfer, July 30, 2009

## CLASS OF 1969

Ronald Edwin Kuenstler, Mar. 17, 2009

## CLASS OF 1971

Phillip Dale Noble, June 21, 2009

## CLASS OF 1979

Kenneth Emil Petty, June 15, 2009

## CLASS OF 1989

Kristen K. Lindberg, May 21, 2009

## CLASS OF 2002

Linda Jean Wells LL.M., Sept. 11, 2009

## CLASS OF 2007

Laura Caryne Dunlop, Oct. 5, 2009

## FRIENDS

Bjorn Eikrem, Feb. 3, 2009

Mary Elizabeth Hartzell, Feb. 21, 2009

Charlotte Spitzer, June 26, 2009

Bruce Gerdes Mehlhaff, Aug. 2, 2009

Frank S. Hanawalt, Aug. 18, 2009

Francis J. Pelly, Aug. 25, 2009

Allen S. Sanders, Sept. 6, 2009

Philip S. Padelford, Oct. 14, 2009

John D. Sundberg, Oct. 14, 2009

Lennart N. Johanson, Nov. 5, 2009

Marco Joseph Magnano, Nov. 13, 2009

Dennis E. McLean, Nov. 29, 2009



# A legacy to benefit generations.



When Jerry Curtis and his wife, Lucille, considered a bequest to the law school, they wanted to make a gift that would benefit law students as well as the legal community for years to come.

They decided to establish the Gerald N. '53 and Lucille Curtis Law Library Endowed Fund to provide discretionary support for the Marian Gould Gallagher Law Library.

This endowment guarantees the continued enrichment of the library's outstanding services and collections for future generations of legal students and legal professionals.

Thanks to their vision and commitment to the School of Law, the Curtises have left a legacy that ensures that the Gallagher Law Library will remain the foremost legal resource in the Northwest.



## WHAT WILL YOUR LEGACY BE?

Learn more about the options for giving by contacting the law school Advancement Office at **206.685.2460**.



Discover what's next.  
It's the Washington Way.

**SCHOOL OF LAW**  
UNIVERSITY *of* WASHINGTON



# REPORT to DONORS

for fiscal year 2008-09

Dear Alumni and Friends:

Last fiscal year was certainly hard for us all—the volatility of the economy put many strains and struggles in front of us. However, despite all the obstacles, we continued to provide the necessary private support for our law school. All of you who are recognized in the following pages stepped up when we really, more than ever before, needed your help.

Your support means the difference between a good law school and a great law school. Your gifts add to the quality of the law school. They provide financial support to attract and retain the best faculty, and they offer deserving students the opportunity to access a legal education. To maintain and enhance the excellence that has long been the hallmark of the UW School of Law, we will not sacrifice our traditions of access and affordability. With state funding diminishing, we are seeking new sources of revenue, and your help is vital in this effort.

We are truly grateful for the financial support we received last fiscal year. Just as important is the support we receive as gifts of time, advice, insight, and loyalty.

We look to all of you for your continued support and counsel for our future. Thank you so much for all you do for us.



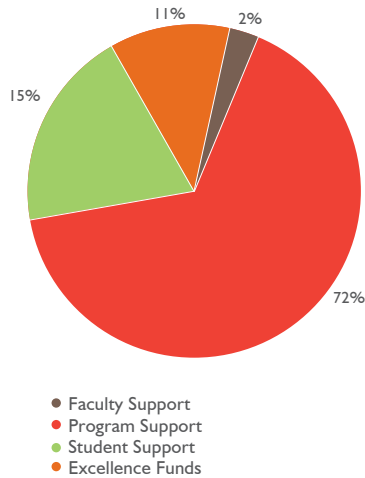
Stephanie Cox  
Assistant Dean for Advancement

Note: The University of Washington School of Law is deeply grateful to our many alumni and friends whose annual gifts, large and small, help create futures for our students, promote faculty scholarship, and support justice throughout the world. Every effort has been made to ensure the accurate listing of donors, and we sincerely apologize for misspelling or inadvertently omitting the names of any donors. We appreciate the opportunity to correct our records, so please advise of errors by using the enclosed envelope or call the Advancement Office at 206-685-9115.

## SCHOOL OF LAW ANNUAL SUMMARY OF INCOME AND EXPENDITURES

### JULY 1, 2008 – JUNE 30, 2009

FISCAL YEAR 2008-09  
GIFTS RECEIVED BY PURPOSE



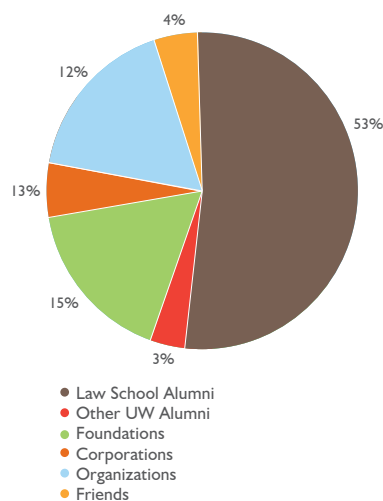
#### SUMMARY OF GIFTS RECEIVED BY PURPOSE

PURPOSE	AMOUNT
Faculty Support	\$63,700
Program Support	\$1,909,304
Student Support	\$403,042
Excellence Funds	\$289,895
<b>TOTAL</b>	<b>\$2,665,941*</b>

\*Does not include outstanding pledges and unrealized testamentary gifts.

#### CONTRIBUTORS BY GROUP

FISCAL YEAR 2008-09  
CONTRIBUTORS BY GROUP



GROUP	AMOUNT
Law School Alumni	\$1,414,053
Other UW Alumni	\$88,482
Foundations	\$388,950**
Corporations	\$355,073
Organizations	\$318,541
Friends	\$100,842***
<b>TOTAL</b>	<b>\$2,665,941*</b>

\*Does not include outstanding pledges and unrealized testamentary gifts.

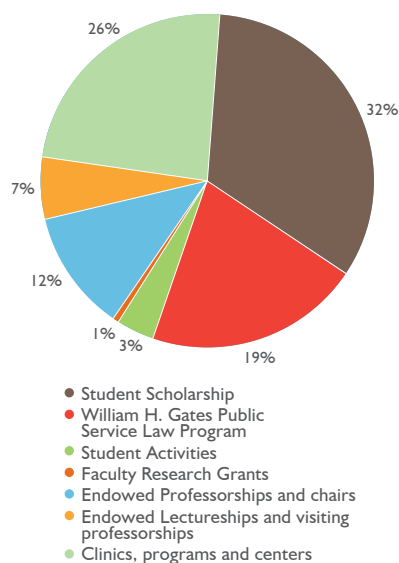
\*\*Includes family foundations, private foundations, and trusts.

\*\*\*Includes current and former faculty members, current and former staff, students and their parents, visiting scholars, et al.

#### EXPENDITURES FROM GIFTS

Expenditures include funding from endowments.

FISCAL YEAR 2008-09  
EXPENDITURES FROM GIFTS



PURPOSE	AMOUNT
Student Scholarships	\$1,236,307*
William H. Gates Public Service Law Program**	\$738,226
Scholars	\$672,187
Activities	\$66,039
Student Activities	\$110,434
Faculty Research Grants	\$18,000
Endowed Professorships and Chairs	\$478,625
Endowed Lectureships and Visiting Professorships	\$277,334
Clinics, Programs, and Centers	\$986,313
<b>TOTAL</b>	<b>\$3,845,239</b>

\*23% of J.D. students receive scholarship aid.

\*\*Gates scholars receive tuition plus room, board, and summer internship stipends. Gates Public Service Law Program activities include lectures, seminars, and Social Justice Tuesday events.

## GIVING PERCENTAGES BY CLASS YEAR

Class years that had at least one living alumnus that gave in FY 2008-09.

CLASS YEAR	% GIVING	GIVING AMOUNT	CLASS YEAR	% GIVING	GIVING AMOUNT
1931	50%	\$7,560	1975	13%	\$14,670
1932	10%	\$200	1976	16%	\$131,800
1935	13%	\$100	1977	14%	\$12,688
1939	17%	\$3,000	1978	16%	\$17,501
1940	25%	\$4,625	1979	13%	\$4,585
1941	100%	\$150	1980	18%	\$13,280
1942	13%	\$2,500	1981	10%	\$3,925
1947	5%	\$125	1982	20%	\$13,097
1948	11%	\$475	1983	13%	\$6,751
1949	21%	\$5,270	1984	15%	\$4,584
1950	11%	\$5,550	1985	13%	\$16,778
1951	8%	\$1,050	1986	8%	\$3,250
1952	21%	\$1,380	1987	12%	\$4,670
1953	20%	\$5,250	1988	12%	\$5,340
1954	25%	\$6,990	1989	8%	\$4,480
1955	26%	\$2,425	1990	7%	\$7,295
1956	22%	\$5,900	1991	8%	\$2,170
1957	21%	\$21,655	1992	3%	\$700
1958	24%	\$8,890	1993	7%	\$4,085
1959	13%	\$2,500	1994	7%	\$3,658
1960	15%	\$32,544	1995	7%	\$28,445
1961	25%	\$3,723	1996	7%	\$7,765
1962	18%	\$3,576	1997	6%	\$8,650
1963	14%	\$1,004,475	1998	3%	\$766
1964	11%	\$1,650	1999	6%	\$2,600
1965	11%	\$2,495	2000	5%	\$2,300
1966	16%	\$102,995	2001	7%	\$1,440
1967	17%	\$7,085	2002	6%	\$2,150
1968	17%	\$8,800	2003	7%	\$3,095
1969	17%	\$11,350	2004	10%	\$3,575
1970	21%	\$8,454	2005	11%	\$6,445
1971	14%	\$3,340	2006	8%	\$2,780
1972	18%	\$8,392	2007	25%	\$5,446
1973	15%	\$57,475	2008	18%	\$3,830
1974	14%	\$9,036	2009	22%	\$4,105



## JOHN T. CONDON SOCIETY

(Members have lifetime giving totals of \$25,000 or more to the School of Law.)

Anonymous (15)

Gregory '77 & Anne Adams

Helen Adams (D)

Helen Reardon Agnew (D)

Alfred P. Sloan Foundation

Takeo Akiyama LL.M. '75 (FM)

Sophie Albright (D)

Thomas Allison '72

Greg Amadon (FM)

American College of  
Trial Lawyers

Professor William &  
Katherine Andersen, Jr. (FM)

John Applegate '41 (D)

James '39 & Kathleen Arneil

Alice & Edna Athearn (D) (FM)

Lawrence & Mary Ann Bailey

Stanley '63 & Alta Barer (FM)

Benaroya Foundation

Jack Benaroya (FM)

Judy '75 & Arnold Bendich  
(FM)

Bendich, Stobaugh &  
Strong, P.C.

William Bennett '95 &  
Michele Borovac (FM)

Joel '71 & Maureen Benoliel  
(FM)

Family of Homer Bergren '35  
(D) (FM)

Steve & Kathy Berman (FM)

Frederick Betts '33 (D) (FM)

Betts, Patterson & Mines, P.S.

Jud Bigelow '86 (FM)

The Bill & Melinda Gates  
Foundation

Boehmert & Boehmert

The Boeing Company

Bogle & Gates Law Offices

Mary '75 & David Boies (FM)

F. Ross Boundy '71

Barry Bretschneider

The Hon. Bobbe '76 &  
Jonathan '76 Bridge (FM)

Alexander '63 & Cornelia (D)  
Brindle, Sr.

Joseph '82 & Maureen  
Brotherton

Jeffrey '67 & Susan Brotman  
(FM)

James '35 (D) & Jane Bryson

The Bullitt Foundation

Stimson Bullitt '49 (D)

M. John '69 & Mattie Bundy  
(FM)

John '61 & Sybil Burgess

Byron W. & Alice L.  
Lockwood Foundation

Clarence '30 & Vivian  
Campbell (D)

Robert '73 & Katherine  
Campbell

C. Kent '67 & Sandra Carlson  
(FM)

Casey Family Foundation

Michael R. Cason

ChiangChing-kuoFoundation

Children's Home Society of  
Washington

Cloud L. Cray Foundation

Charles '61 & Donna Cole  
(D) (FM)

Coleman Foundation, Inc.

Thomas '68 & Jane Collins

Comdisco, Inc.

CostcoWholesaleCorporation

Kenneth '40 & Nona '42 Cox  
(FM)

Richard Cray

Martin '65 (D) & Diane  
Crowder (FM)

Evelyn Cruz '78 & J. Parker  
Sroufe Jr. (FM)

Gordon Culp '52 (D) (FM)

Clydia Cuykendall '74

DanaCorporationFoundation

John '40 & Ruth (D) Davis

Davis Wright Tremaine, LLP

Mabry Debuys '79

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The Dorsey & Whitney  
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Dorsey & Whitney, LLP (FM)

Lloyd DuCommun '34 (D)

Robert '61 & Judith Duggan

Scott Dunham '75 & Barbara  
Eliades (FM)

Duty Free Shoppers Ltd.

The Honorable William '52  
(D) & Vasiliki Dwyer (FM)

Evelyn Egtvedt (D)

Richard '74 & Mary '75 Ekman

James Ellis '49 (FM)

Kimberly '85 & Charles  
Ellwanger (FM)

Michael '66 & Gail Emmons

Sylvia Epstein (D)

Evergreen Legal Services

Ernest Falk '28 (D)

Judson '19 & Dorothy Falknor  
(D)

FidelityInvestmentsCharitable  
Gift Fund

Finnegan,Henderson,Farabow,  
Garrett & Dunner, LLP

Leslie Fishel Jr.

Daniel '88 & Frances Fisher  
(FM)

Donald Fleming '51

The Honorable Betty '56 &  
Professor Robert Fletcher (FM)

James '71 & Marlene Fletcher

Floyd & Delores Jones  
Foundation

Floyd & Pflueger, P. S.

Foley Family Charitable  
Foundation

William Foley II '74 (FM)

The Ford Foundation

Foster Pepper, PLLC

W. A. Franke

Carl Franklin (D)

Dennis Franklin '78 &  
Melinda Yee

Yasuhiro Fujita '68

Bruce '78 & Aphrodite  
Garrison (FM)

Marion Garrison (FM)

William & Carrie Garrison (D)

Michael '64 & Lynn Garvey  
(FM)

Garvey Schubert Barer (FM)

Bill & Melinda Gates (FM)

William '50 & Mimi Gates,  
Sr. (FM)

Timothy Gavin '91 (FM)

General Service Foundation

Robert '74 & Barbara Giles  
(FM)

Wayne '57 & Anne Gittinger  
(FM)

Peter & Sally Glase

Glenhome Trust

Stanley Golub '36 (D)

Professor Robert  
Gomulkiewicz '87 &  
Andrea Lairson '88 (FM)

Gregory '85 & Valerie  
Gorder

Gordon Derr, LLP

Laura Grace

Graduate Program in  
Taxation (FM)

Greater Kansas City  
Community Foundation

Greenwall Foundation

Greenwood Shopping  
Center (FM)

Gerald & Carolyn Grinstein  
(FM)

Camden Hall '65

Edward '66 & Andrea  
Hansen (FM)

Alfred & Dorothy Harsch  
(D)

Heller Ehrman LLP

Douglas Hendel '56 (FM)

Dan Fenno Henderson (D)

The Henry M. Jackson  
Foundation (FM)

James Hilton '59 (FM)

Akimitsu LL.M. '95 &  
Kaoru Hirai

Professor Roland &  
Mary Hjorth (FM)

John '69 & Carol Hoerster  
(FM)

Charles Horowitz '27 (D)

Professor Mary Hotchkiss  
Gary '75 & Chris Huff

James Paton & Rose Ellen  
Hunter (D) (FM)

Thelma Hutchinson (D)

James Irwin

Robert '72 & Carol Jaffe

Japan Foundation

Japanese American Society

Japan/U.S. Friendship  
Commission

Eric Jarvis

The Honorable Peter '62 &  
Sally Jarvis

Jeffers, Danielson, Sonn &  
Aylward (FM)

Michael Jeffers '64

Jewish Federation of  
Greater Seattle

John D. & Catherine T.  
MacArthur Foundation

## STUDENT SCHOLARSHIP

### PAUL G. VAN WAGENEN LAW STUDENT SCHOLARSHIP

"One of the oldest existing endowed scholarships at the law school is named for William Wallace Wilshire," said Paul Van Wagenen '73, retired chairman and CEO of Pogo Producing Company in Houston, Texas. "I received one of those scholarships, and now I can assist a new generation to get a good legal education."

Van Wagenen, who thoroughly enjoyed his law school experience, particularly remembers the constitutional law class he took from Professor Charles Corker.

"He would peer at you over his reading glasses, puff on his unlit pipe, and look into your soul, and he could tell if you were prepared or just bluffing," he said. "His reverence for the U.S. Constitution as a basis for American democracy was moving."

Immediately after graduating, Van Wagenen joined the law department of Exxon where his experience in oil and gas exploration included contract and transactional work, joint ventures, litigation, and federal administrative law and governmental relations. He joined Pogo Producing Company five years later to head the legal department and rose to the position of chairman and CEO.

Now retired, Van Wagenen credits much of his success to "the good legal education I received at the law school."

"For more than 60 years, the Wilshire scholarship helped so many students," he said. "Now I can continue in that tradition."

The Paul G. Van Wagenen Law Student Scholarship will be awarded to outstanding students entering or enrolled in the School of Law.



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## RIVERSTYX GIFT EXPANDS SCOPE OF INNOCENCE PROJECT, ESTABLISHES INTEGRITY OF JUSTICE PROJECT

Thanks to a generous gift from the RiverStyx Foundation, the Innocence Project Northwest (IPNW) Clinic is expanding. The \$281,000 gift made last January is now funding a staff position and symposium for the clinic, investigative costs for cases, and more for the next two years. Former clinic student Kelly Canary '07, who has worked as a Federal Defender in Yakima and for the Northwest Defender Association, has been hired as the IPNW clinic fellow. Professor Jacqueline McMurtrie is the clinic director.

"The Innocence Project has made a tremendous contribution to justice," said Dean Kellye Y. Testy. "Because of our dedicated students and faculty, individuals who were wrongfully convicted have been exonerated. With this gift from RiverStyx, we can further advance our fight for justice."

The RiverStyx Foundation has also provided seed funding for the Integrity of Justice Project (IJP), a new statewide public policy and education effort involving the three law schools in Washington state. IJP fosters a collaborative partnership among prosecutors, law enforcement, defense lawyers, the courts, and others to identify best practices and procedures that can help ensure accurate determinations of guilt or innocence. IJP staff includes former clinic students Theresa Connor '06, executive director, and Rob Hatfield '07, policy attorney.



First IPNW Clinic Fellow Kelly Canary '07  
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## COBB RECEIVES FIRST MALENG FUND GRANT

Professor Thomas Cobb is the first member of the faculty to receive a grant from the Maleng Law School Faculty Fund. The fund, which supports faculty research, teaching, and activities that enhance the national reputation of the School of Law, was created to honor King County Prosecutor Norm Maleng '66 after his untimely death in 2007. Cobb joined the UW law school faculty in 2004 after clerking for Justice Susan M. Leeson at the Oregon Supreme Court. He teaches legal analysis, research, and writing.

Professor Cobb's current research interests include legal rhetoric, immigration law, and evidence. He used his Maleng grant to present his research on judges' rhetorical advice and the caseload crisis of the 1970s at the annual conference of the Association for the Study of Law Culture and Humanities, held in Boston last year.

Cobb recently co-authored Washington Legal Research with Julie Heintz-Cho and Associate Dean Mary Hotchkiss. Cobb is an assistant editor of the Journal of the Association of Legal Writing Directors and a member of the Rhetoric Society of America, and the American Society for the History of Rhetoric. Cobb received his J.D. from the University of Minnesota and has an M.A. in comparative literature from the University of Chicago and an M.A. in liberal studies from Reed College.



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During 2008-09 the School of Law received gifts in honor of and in memory of the following individuals.

In memory of Benjamin Athay  
In memory of The Honorable Robert Brachtenbach '54  
In honor of Joseph Brotherton '82

In memory of Professor Charles Corker  
In memory of Professor Marian Gallagher '37  
In memory of Keith Grinstein  
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In honor of Single Moms in College  
In honor of Julie Marie Slawson LL.M. '07  
In honor of The Honorable Charles Smith '55  
In memory of Joseph Trethewey '56



## LAW FIRM ANNUAL CHALLENGE

The third year of the Law Firm Annual Challenge saw increased alumni involvement in the goals for the law school with 28 firms in Washington participating.

### TOP 10 PARTICIPATING FIRMS:

FIRM	PARTICIPATION RATE
Peterson Young Putra	80%
Davis, Arneil Law Firm, LLP	60%
Cozen O'Connor	57%
Betts, Patterson & Mines, P.S.	50%
Stoel Rives LLP	47%
Karr Tuttle Campbell	46%
Perkins Coie LLP	46%
Garvey Schubert Barer	44%
Summit Law Group	44%
Riddell Williams P.S.	42%

The Law Firm Annual Challenge serves as the foundation for an organized and mutually beneficial partnership to sustain and grow the UW School of Law for the betterment of the legal community and beyond. Special thanks to all the Law Firm Annual Challenge representatives for their hard work and support:

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In addition to alumni support, the Law Firm Annual Challenge received contributions for special projects from the following firms:



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