

SEATTLEU

LAWYER

A MAGAZINE OF SEATTLE UNIVERSITY SCHOOL OF LAW / SPRING 2021

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new president

Alumni keep courtrooms
safe from COVID

A woman with a blonde braid, wearing a wide-brimmed straw hat, a floral patterned blouse, a blue and white patterned scarf, a brown leather chaps with fringe, and blue jeans with a large buckle belt, stands on a rocky, grassy hillside. She is smiling and has her hands on her hips. The background shows a vast landscape under a dramatic, cloudy sky at sunset or sunrise.

SMALL TOWNS, BIG REWARDS

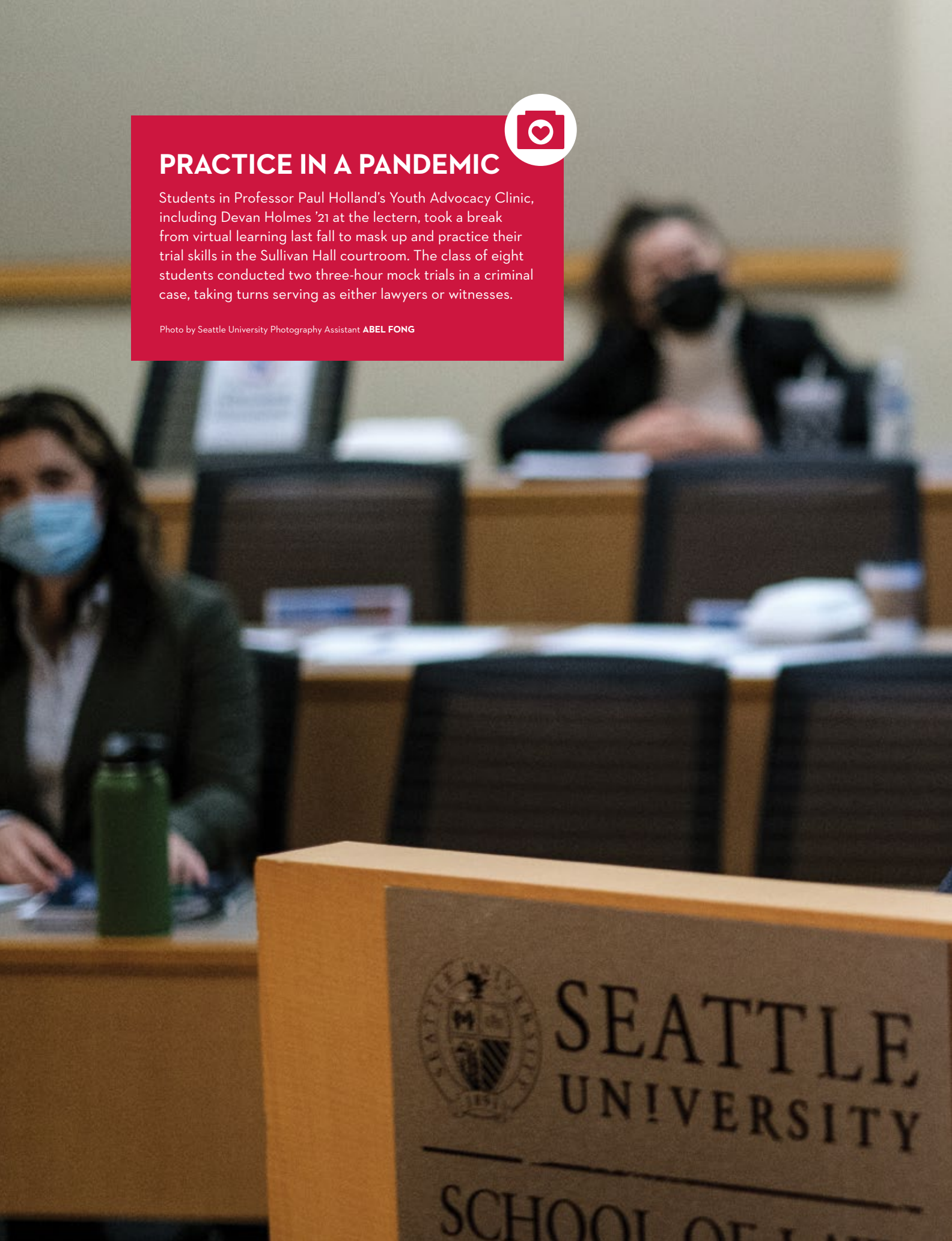
ALUMNI SHARE THE JOYS AND CHALLENGES OF RURAL LEGAL PRACTICE



PRACTICE IN A PANDEMIC

Students in Professor Paul Holland's Youth Advocacy Clinic, including Devan Holmes '21 at the lectern, took a break from virtual learning last fall to mask up and practice their trial skills in the Sullivan Hall courtroom. The class of eight students conducted two three-hour mock trials in a criminal case, taking turns serving as either lawyers or witnesses.

Photo by Seattle University Photography Assistant **ABEL FONG**







DEAN'S PERSPECTIVE

One year ago, as we put the final touches on our Spring 2020 issue of Lawyer magazine, our law school had just transitioned to virtual learning in what we hoped would be a brief and effective strategy to stop the spread of the novel coronavirus. Despite the diligent efforts of our campus community and so many others around the state, the virus continued to spread. A year later, our classes are still online, our staff and faculty continue to work from home, and we are missing our favorite in-person celebrations, including graduation and hosting alumni on a regular basis.

We are all persevering through the many challenges this pandemic has wrought – the loss of loved ones, the inability to gather with colleagues and friends, the competing demands of engaging in work and homeschooling children – in our ongoing commitment to health and safety.

On this anniversary, I want to share with you how inspired I've been as our students, alumni, faculty, and staff have kept the law school going during these unusual times – not just the everyday business of classes, meetings, and administration, but also the larger mission of advocating for justice and caring for the whole person. Our community has rallied to support each other financially and emotionally; we have brought in outstanding virtual

speakers such as Justice G. Helen Whitener '98, U.S. District Court Judge Carlton Reeves, and our own Professor Jeff Minneti to speak on matters of great import to lawyers-in-training; and we have prioritized serving vulnerable communities at increased risk during the pandemic.

Happily, there is light on the horizon. Infection rates are going down and vaccination rates are going up. Although our summer classes will still be online, we're planning for a return to Sullivan Hall this fall, with all necessary health and safety measures in place. Face coverings may still be required, but you should know that I will be smiling under my mask as we open up our doors and invite students and alumni back into our building.

I also want to thank the many of you who expressed your appreciation for our previous issue of Lawyer magazine, which focused on amplifying the voices of our Black students and alumni with the cover story, "Black Lawyers Matter." The law school has put considerable effort over the course of this academic year into more closely examining what we can do better to support our students and alumni who are Black, indigenous, and people of color.

Our Diversity, Equity, & Inclusion Committee, led by Professors Margaret Chon and Robert Chang, has met regularly to focus on issues such as student well-being, developing an antiracist curriculum, hiring and retention of diverse faculty and staff, and examining our scholarship policies through a race equity lens. We've also worked to better gauge the law school climate with listening sessions and surveys, and we completed a self-evaluation of our law school as measured against the Washington Race Equity & Justice Initiative, to which we are now a signatory.

These measures strengthen our resolve to be truly antiracist in our words and deeds. As always, we welcome your feedback and collaboration as we move forward in these efforts that are so vitally important and meaningful to our students.

Best,

Annette E. Clark '89
Dean and Professor of Law

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Alumni have found professional fulfillment and tight-knit communities by building practices in small towns and rural areas.



Cover Kari Moneyhun '05 is decked out in western riding gear during an event sponsored by the Wyoming chapter of "40 Something Cowgirls," an international horsewomen club of which she is an active member. Practicing law in Rock Springs, Wyoming, allows her to pursue passions more at home in a rural setting, like horseback riding. (Photo courtesy of Kari Moneyhun '05)

MEET EDUARDO PEÑALVER

When Seattle University announced that Eduardo Peñalver would be its 22nd president, starting July 1, the law school community reacted with great enthusiasm. As former dean of Cornell Law School, Peñalver is a familiar face, a respected legal scholar, and a friend to many at Seattle U Law.

Dean Annette E. Clark '89, who served on the presidential search committee, met recently with President-elect Peñalver over Zoom to welcome him to the community and introduce him to our Lawyer readers and law school alumni. Here is a portion of their conversation. *(This transcript has been edited for length and clarity.)*



AC: During your interview for the position, you said that you would not have considered a presidency at a university without a law school. Can you explain your reasoning?

EP: When law schools are well-integrated into the university, they become hotbeds of interdisciplinary research and engagement. They can become homes for people from disparate disciplinary backgrounds to focus in on questions like health care law or criminal justice or racial equality.

I value that; it's one of the things I love about being at a law school, and I think it's where legal academics add value to the university. As a university president, it was very important for me to be embedded in the academic enterprise and to have that kind of intellectual home.

AC: You have this wonderful connection with our law school because you and Andy Siegel, associate dean for academic affairs and professor of law, clerked together for Justice John Paul Stevens. Do you have a favorite memory of the time you spent at the U.S. Supreme Court?

EP: That was the year of *Bush v. Gore*, and it really forged the whole experience for us. Obviously, the case itself was unusual, but it was also unusual in the way we had to work on it. Normally in chambers we would divide up cases, one clerk per case, but because that case was so important and because it was on such a compressed time frame, we all worked on it together.

It was just a great experience of collective endeavor, working with Andy and Anne (Voights) and Joe (Thai), my other co-clerks. All the memorable parts of that opinion are really Justice Stevens's work, but the clerks acted as sounding boards, and it required us to

collaborate effectively. Justice Stevens always talked about how well we functioned as a group. It was like in "Lord of the Flies," how the two characters become one, Samneric. The four of us were this collectivity in his mind, and it was reflected in how we all engaged with each other during that year.

AC: Over the years, I have been grateful for your participation in a workshop we host that promotes diversity in law school leadership. As the first Latinx individual to lead an Ivy League law school, can you talk about the importance of this goal?

EP: First, I want to thank you for organizing that conference. I'm so impressed with your commitment to diversity in academic leadership and what it reflects about the underlying values of Seattle University and the law school. Many of those who participated have gone on to become law school deans all around the country.

Given the key role of the legal profession in social change, the profession needs to reflect the diversity of society. We need to do better as a profession in attracting people from all walks of life and backgrounds.

Academic leadership is a broader interest of mine. As an undergraduate, I was very active with Latino students at Cornell and pushed for more faculty diversity. We didn't even dream of administrator diversity! The frustration that we felt then was part of what drew me into becoming a legal academic and then an administrator — to be for students what I felt like I didn't have as a student.

AC: Law deans are often sought after as university presidents. What is it about the nature of being a law dean, and your experience in

particular, that you bring to the university presidency?

EP: The skills that you hone as a law student and as a lawyer are really broadly valuable skills relating to the ability to take complex problems and distill them down to their essence, and to develop workable solutions to problems. These are quintessential lawyer skills, whether you're a litigator or transactional lawyer or a legal academic.

I became dean at a really tough time in the history of law schools. After that last recession, we all faced enrollment challenges and questions about the value of a law school education. These are challenges that higher education is now grappling with more broadly. There's pressure on universities to both constrain costs and to justify value.

As a dean, I didn't want to just be cutting and constraining, I wanted to be growing. So we had to look for new revenue sources, and that's something universities will have to do. That feeds into this value proposition question, which is, what is our relationship with our students? Universities are sources of knowledge and truth but also partners with our students throughout their lives. This lifelong learning relationship is an important part of what makes the investment valuable to our prospective students.

AC: What else would you like our community to know about you?

EP: I'm really looking forward to getting to know the alumni and the students and doing whatever I can as a university president to help the law school thrive. I'm really proud to be part of the community.

Read more about President-elect Peñalver at seattleu.edu/presidential-transition/.



TWO NEW PROFESSORS JOIN LAW SCHOOL FACULTY

The selection of Cornell Law School Dean Eduardo Peñalver as Seattle University's next president has the happy consequence of two new professors joining Seattle U Law's faculty. Peñalver will hold an appointment as a tenured professor of law. Sital Kalantry, a clinical professor of law at Cornell and Peñalver's spouse, will join the law school as a tenured associate professor, teaching contract law and comparative constitutional law.

Peñalver's scholarship focuses on property and land use, as well as law and religion. Kalantry is an expert in the fields of feminist legal theory, international human rights, and empirical studies of courts.



Moulay Ismail University in Meknes, Morocco, has partnered with Seattle University School of Law to create a collaborative course on transitional justice.

NEW COURSE CONNECTS STUDENTS IN SEATTLE AND MOROCCO TO EXPLORE RESTORATIVE JUSTICE

A pioneering partnership between Seattle University School of Law and Moulay Ismail University in Morocco will teach law students about transitional justice, in which countries confront their own histories of human rights violations and move toward national healing.

Not only will students learn to communicate and collaborate across languages and cultures, they'll also apply what they learn to the persistent problem of racial inequity and injustice in the United States. The course includes a community legal

service project with a local Black Lives Matter organization.

"Both American and Moroccan law students will have a unique view of how each group can learn from the other, and from both country's histories, in order to solve modern legal problems," said Gillian Dutton, director of Seattle U Law's Externship Program and facilitator of the new course. "They will also learn effective skills in community lawyering, with the emphasis on the priorities of Black and brown communities."

Courtney Erwin, a 2005 graduate of Seattle U Law who specializes in international law and religion, has been based in the Middle East and North Africa for more than a decade and serves as an independent facilitator for the project. She said the visionary program is the first to establish a legal education exchange between the U.S. and this region of the world (other than Israel) and she's thrilled for students to make that international connection.

"The program is designed to foster empathy for different perspectives and help students understand how to use their legal skills in a globalized world," she said.

Professor Ronald Slye, who specializes in international human rights and will co-teach the course, said the concept of transitional justice has direct and urgent applicability to the U.S. racial justice movement. "Countries like South Africa, Kenya, and Morocco have all grappled with the question of how to face the horrors of the past with transparency and open communication," he said.

The three-credit Transitional Justice Legal Exchange will be offered in both fall and spring semesters this coming academic year. Supported by a \$50,000 grant from the Stevens Initiative, the course is part of an international effort to build global competence and career readiness skills for students in the United States and the Middle East and North Africa by growing and enhancing the field of virtual exchange.

The course will incorporate both real-time class elements via Zoom and asynchronous lessons on the Canvas platform. Up to 50 students – 25 in Seattle and 25 in Meknes, Morocco – can participate each semester. French and English interpreters will be provided.

Outside the scope of the Stevens Initiative grant and after the COVID-19 pandemic subsides, the program facilitators plan to include a summer study abroad element. The Moroccan university would host a two-week legal study program, in English, with Seattle University law students

LAW STUDENTS MARK PRO BONO WEEK BY HELPING CLIENTS WITH HOUSING CHALLENGES

and faculty. This would include an eight-week externship.

Further expansion, also outside the scope of the grant, could include collaborative clinical and legal writing programs with Moulay Ismail University, as well as conferences, symposia, trainings, and other educational projects for students and faculty.

Professor Nadir Ismaili, who will co-teach the class with Slye, teaches comparative constitutional law at Moulay Ismail University. He served as Rapporteur to the Commission on Hearing and Reparations of the Consultative Council of Human Rights during that country's transitional process from 1998 to 2002. Professor Laila Fathi, an international law professor at University Hassan II of Casablanca, will also co-teach the class.

Morocco won its independence in 1956, but the following decades were marked by a brutal regime known for secret prisons and forced disappearances of dissidents. A subsequent government, responding to demands from victims and human rights groups, established the Equity and Reconciliation Commission in 2004 to hear the truth about past violations, provide reparations to victims and families, and recommend measures to prevent future violations.

"Morocco's relatively recent history offers an example of a restorative justice process that might be designed to address the United States' current challenges in dealing with racism and its impacts on vulnerable communities," Erwin said.

Transitional Justice Legal Exchange is supported in part by the Stevens Initiative, which is sponsored by the U.S. Department of State, with funding provided by the U.S. Government, and is administered by the Aspen Institute. The Stevens Initiative is also supported by the Bezos Family Foundation and the governments of Morocco and the United Arab Emirates.

During the COVID-19 pandemic, housing insecurity quickly emerged as a primary area where legal services could provide crucial support for vulnerable communities. That need inspired Seattle University School of Law students and staff to hold a Housing Justice Clinic in October as part of Pro Bono Week.

Twenty law students teamed with 13 volunteer attorneys during the one-day event to serve 22 clients on a range of housing issues, most of which were related to the pandemic. Client issues included termination of rental agreements, violations of the state's eviction moratorium, and review of rent repayment plans.

The law school's Student Bar Association helped coordinate the event, along with the Access to Justice Institute and the King County Bar Association Housing Justice Project. To maintain safety for clients, students, and volunteers, all meetings and consultations were conducted by phone.

Attorney Peter Talevich '09 has volunteered for the Housing Justice Project since

2012 and worked with students during this clinic. He said the project relies on non-attorney volunteers, including students, to help assess clients' needs.

"The students I worked with were empathetic, professional, and engaged," he said. "They also brainstormed with me on the advice and services we ultimately provided to the client, because these issues often require both legal and practical advice."

In some cases, the attorney-student teams explained clients' legal rights and provided resources to better advocate for themselves. In other cases, they contacted landlords directly to protect the clients' ability to stay in their homes.

Student volunteer Timea Soos '23 said lawyers are uniquely positioned to assist the people that Washington state's temporary eviction moratorium was meant to protect.

"I strongly believe that lawyers have a social responsibility to give back to their communities, whether professionally or in a personal capacity," she said.

Students who volunteered for the Housing Justice Pop-up Clinic met by Zoom for training.





SARAH LEYRER '06 "SHOWED UP TO FIGHT FOR WHAT IS JUST"

Washington's legal community was stunned and saddened in August 2020 when a tragic accident took the life of Sarah Leyrer '06. She died suddenly when a King County Sheriff's deputy suffered a stroke, lost control of his SUV, and hit the parked car in which Leyrer sat holding her beloved cat, Yeller, in the Georgetown neighborhood of Seattle.

Leyrer, 41, was a senior investigator with the Seattle Office of Labor Standards at the time of her death and was widely admired for her deep dedication to immigrants, farmworkers, and other marginalized people in need of legal advocacy.

She discovered her passion for fighting injustice as a foreign exchange student in Uruguay, and her ambitions led her to

IN MEMORIAM



Carmichael



McAfee



Kurth

Seattle University School of Law in 2003. The law school's Latinx Law Student Association honored her with the Spirit of Service Award in 2013.

In a statement following her death, Columbia Legal Services (CLS) remembered her not just as a talented lawyer, but also as a gifted artist, a skill that allowed her to connect across cultures with the people she served. Leyrer, who worked for CLS from 2008 to 2015, helped lead efforts to open a branch office in Moses Lake, Washington.

"In her short life, Sarah showed up for workers. She showed up for indigenous people. She showed up for immigrants. She showed up for her friends. She showed up on social media to patiently and tirelessly explain, even to those that opposed her, what she believed in and why. She showed up to fight for what is just and good," CLS wrote.

Dean Annette Clark '89, in an interview with KOMO News, said Leyrer intentionally built her life and career around her social justice values.

"The warmth, the care, the commitment, the desire to do good just shone through her," she said. "Sarah could have done so many things with her law degree, and what she sought out were the underserved, those who don't regularly have a voice."

Leyrer paired the gravity of her legal work with a sense of fun and adventure, taking up bike polo and roller derby in addition to her love of hiking, camping, and travel. Her friend, author Kristen Millares Young, wrote an essay in Seattle Met magazine calling her a "joyful advocate for justice."

"As an advocate for the rights of migrant workers, as a lawyer who labored to restore wages to those who've been deprived of their due, Sarah dedicated her life to justice as a way of being in relation with the earth and other people," Young wrote.

DON CARMICHAEL, PROFESSOR AND ACTING DEAN

Professor Don Carmichael, a beloved member of the law faculty who served as acting dean during the law school's move from University of Puget Sound to Seattle University, passed away in August 2020. Carmichael, who specialized in environmental law, moved to coastal Maine and carved artisanal wooden canes in his retirement. *(Before he passed, Professor Carmichael requested a simple mention rather than a full obituary. Lawyer magazine honors his request and that of his wife, Suzanne.)*

JUDY MCAFEE, PROJECTS MANAGER

Judy McAfee, who managed the law school's bookstore when it was part of the University of Puget Sound and its copy center and other special projects when the school moved to Seattle University, passed away

in February 2021. She retired in November 2007 after serving the law school in both Tacoma and Seattle for 35 years.

"Judy was a wonderful colleague," said Richard Bird, associate dean for finance and administration. "She always had a smile and a can-do, positive attitude toward everyone. If there was a way something could be done to help a student or colleague, Judy made sure it was done with a smile."

RUSSELL KURTH, MENTAL HEALTH COURT CLINIC FOUNDER

Russell Kurth, a former distinguished practitioner in residence who helped found the law school's Mental Health Court Clinic in 2010, passed away in October 2020. He was a criminal defense attorney and passionate advocate for mentally ill clients. His work in the field of mental health law was influential in King County and nationally.

NEW SCHOLARSHIP TO HONOR DEAN JAMES BOND

To remember and honor the late Dean and Professor Emeritus James E. Bond, Seattle U Law has established an endowed scholarship fund in his name. Bond, who passed away in 2019, was the law school's longest serving dean and was known for his high standards, love of lively debate, sense of humor, and joie de vivre.

Georgana Bond, Dean Bond's beloved wife of more than 50 years, provided the initial \$50,000 gift to endow the Bond Endowed Scholarship, which was matched in full by an anonymous Seattle University donor. The annual scholarship will begin in the fall of 2021 and will award \$5,000 to a student who meets the following criteria:

- » Enrolled as a full- or part-time student at Seattle University School of Law
- » A first-generation college student
- » Demonstrated financial need as well as academic merit
- » Exhibits humility, civility, and a sense of humor
- » Exemplifies the school's mission of educating powerful advocates for justice

Additional gifts to the endowed scholarship will allow the law school to increase the number and amounts for future law students. To contribute to the Bond Endowed Scholarship Fund, visit connect.seattleu.edu/giving/bondscholarship online or email our advancement office at lawalumni@seattleu.edu.



KRISTIN DIBIASE JOINS LAW SCHOOL AS NEW ASSOCIATE DEAN FOR STUDENT AFFAIRS

Kristin DiBiase, a passionate advocate for students and 15-year veteran of higher education, joined the law school in January as the new associate dean for student affairs.

“I am thrilled to join the law school’s leadership team,” DiBiase said. “Seattle U Law’s reputation for social justice advocacy; innovative legal writing, academic support, and bar preparation programs; and talented faculty and staff made the decision nearly effortless.”

DiBiase joins the law school after completing a two-year appointment as associate director of academic and bar success at Indiana University’s Robert H. McKinney School of Law. She received her bachelor’s degree in journalism and criminal justice from Indiana University, Bloomington, and her JD from Valparaiso University, where she was president of the Student Bar Association.

She also spent 12 years at the NCAA, where she developed and managed educational and compliance policies and programs, including working with Americans with Disabilities Act accommodations.

“Kristin brings great enthusiasm, experience, and a student-centered approach to this position,” said Dean Annette E. Clark ’89.

STAFF RETIREMENTS



Donna Claxton Deming, former associate dean for student affairs who served the law school for 29 years, retired in January. Deming joined the law school’s leadership team in 1991, when the school was affiliated with University of Puget Sound, after nine years in an assistant dean position at Temple University in Philadelphia.

Faculty, colleagues, alumni, and students praised Deming for her thoughtful contributions to the law school administration throughout her tenure.

Over the years, Deming supported thousands of students, worked with several administrations, and organized nearly 60 graduations. Colleagues said she was known as “the nice dean,” with an open-door policy and a willingness to listen to any concern, no matter how small.

Deming described her job as supporting students outside of the classroom so that they could be successful in the classroom – almost like “a social worker for law students.”

Jason Amala ’05, who served as Student Bar Association president for two years in a row, said Deming was patient and caring, like a good parent.

“When we came to her with ideas, she wouldn’t just say yes or no. She would help you think of the pros and cons that you might not be seeing, and then let you go out and give it a shot, even if you were destined to fail,” he said. “That’s how a good parent helps you learn.”

Dean Annette Clark ’89 thanked Deming for her steady and steadfast presence as a leader of the law school. “Donna was at the core of the law school in her work with our students,” she said. “Her legacy will last forever.”

At her final graduation in December 2020, Deming was granted a Dean’s Medal (shown above) for her service, as well as honored retiree status with Seattle University.

“I hope that the students always knew that I was rooting for them,” Deming said. “And that their success was my greatest satisfaction.”

Laurie Wells, legal administrative assistant, also retired in January. She joined the law school in 1998 when it was located in Tacoma, eventually transitioning to the Seattle campus. She provided outstanding and reliable support to faculty and students over the years.

NEW ATTORNEYS JOIN INCUBATOR PROGRAM

Seattle U Law’s innovative Incubator Program, which supports recent alumni as they build solo or small law practices, entered its eighth year with a new group of entrepreneurial attorneys.

The 2021 cohort includes Kerry Clayman ’11, Brett Harris ’18, Talwinder Singh ’19, Igor Shapiro ’19, and Frederick Vranizan ’20. Their practices cover a wide range of legal needs, including criminal defense, family law, and business law.

Program Director Stan Perkins ’85 said he was pleased that the program has existed long

enough that some of the earliest participants are now mentoring other incubator attorneys. “This year’s cohort is thriving, despite the challenges of the pandemic,” he said.

Program participants receive mentorship for one year from Perkins and other experienced solo practitioners, and agree to serve moderate-income clients by offering reduced-fee, high-quality legal services. The program also includes business coaching, a subscription to practice management software, and regular continuing legal education sessions.

NIKKITA OLIVER TEACHES COURSE ON POLICE, PRISON ABOLITION

Attorney and community leader Nikkita Oliver joined the law school's adjunct faculty this spring to teach a three-credit course on police and prison abolition.

The concept of abolition is rooted in the early 19th century movement to abolish chattel slavery in the United States. In a modern context, it has come to include abolition of what many civil rights leaders see as the current, evolved version of slavery – the criminal punishment system, including mass incarceration and the death penalty. The course covers abolition history, theory, and practice.

Racial justice is a prominent theme of the course, since prison incarceration disproportionately affects Black, brown, and indigenous communities, as well as queer and transgender communities of color.

Abolition is an unusual concept to teach in law school. Oliver said that's because a successful abolition movement could substantially alter the role of lawyers in society.

"What if we could find the whole truth and be in accountable relationships



Photo by ALEX GARLAND

without being adversaries and punishers?" Oliver said. "What if there was another way to address harm that restored people to the community and transformed harmful environments into healthy ones?"

Oliver is a Seattle-based attorney, artist, and community organizer who also serves as co-executive director of Creative Justice,

an arts-based program that provides an alternative to incarceration. Oliver co-founded Seattle Peoples Party and ran for mayor in 2017.

To encourage community discussion and learning, Oliver shared the syllabus for the course online publicly at tinyurl.com/letstalkaboutabolition/.

ALUM EARNS FELLOWSHIP TO HELP VICTIMS OF ELDER ABUSE

Archie Roundtree, Jr. '18 earned a spot in a national program, launched in 2020 by Equal Justice Works, to help victims of elder abuse and exploitation.

The Seattle University School of Law alumnus is one of 22 lawyers selected for the Elder Justice Program, a two-year fellowship that aims to address the gap in civil legal services for victims of elder abuse and exploitation, with a special emphasis on serving rural communities.

The fellows are hosted at legal services organizations across the country; Roundtree is based at Bet Tzedek Legal Services in Los Angeles, where he works with seniors who are at risk of losing their homes or their home equity.



"The opportunity allows me to fulfill my passion for social justice and to provide comprehensive legal services to senior homeowners who are victims of fraud and elder abuse," Roundtree said. Common examples of abuse are deed theft, home improvement scams, solar energy and home alarm system scams, and creditors that use unsecured debts to force the sale of a home.

"My goals for the program are to expand Bet Tzedek's capacity to provide victim-centered direct legal services in historically underserved areas of Los Angeles County, including in rural areas."

He also gives presentations on elder abuse and fraud impacting homeowners, home equity protections, crime victims' rights, civil legal options, and social service resources.

Equal Justice Works, the nation's largest facilitator of opportunities in public interest law, reported that each year, millions of older Americans experience some form of abuse, neglect, and/or financial exploitation. Studies show that elder abuse – psychological, physical, and sexual abuse, as well as caregiver neglect, financial fraud, and exploitation – affects about 1 out of every 10 people age 60 and older.

Judge David Keenan '07 presides over a socially distanced makeshift courtroom at the Meydenbauer Center in Bellevue, which provided extra space for trials during the pandemic. (Photo courtesy of Judge David Keenan '07)



THE JURY'S OUT (OF THE COURTHOUSE)

Alumni help keep courts safe and operational during COVID-19 crisis

Before the COVID-19 pandemic hit, King County Superior Court Judge David Keenan '07 had only vaguely heard of Zoom. But shortly after the pandemic brought in-person trials to a standstill, he was preparing local lawyers to take their trials online by leading an educational seminar about — and on — the now-ubiquitous video communications platform.

His lesson included tips for screen sharing when presenting evidence, using breakout rooms to confer privately with clients, and other procedures. (Pro tip: never send the judge a private message in the chat box.)

Teaching the intricacies of Zoom, especially in the context of something as critical and regulated

as a criminal or civil trial, was just one of many ways Seattle University School of Law alumni stepped up to keep the legal system safe and operational during the coronavirus pandemic.

“We continue to be guided by the principle that courts serve vulnerable populations, and that in a public health crisis, our communities need courts even more,” Keenan said. “We’ve been focused on doing the essential work of the court in promoting justice, while working to ensure that we adapt our rules and practices to preserve the health of the public we serve.”

In early March, King County Superior Court halted all jury trials to prevent the spread of COVID-19, and judges and court staff promptly set about reimagining how courts could safely function during a pandemic.

One major change was jury selection. Sean O’Donnell ’01, a King County Superior Court judge, helped lead the county’s efforts to implement a video voir dire system to keep prospective jurors safely at home.

The new screening process uses a comprehensive questionnaire emailed to everyone summoned for jury duty. After their answers are compiled, follow-up questions are then conducted via video calls. This replaces a process that normally requires dozens of people to show up in person.

“King County is truly a national leader in this effort to show folks we can do this. There’s hope,” O’Donnell said.

From July through November, jurors were screened and selected virtually and then reported for duty in person at one of the county’s courthouses, including a new “pop-up” courthouse at the Meydenbauer Center in Bellevue. This additional facility freed up enough space to allow jury trials to resume under a comprehensive safety protocol that included enhanced air filtration, cleaning and sanitization, required masks, and social distancing.

But by late November, COVID-19 infection rates had surged and even socially distant in-person trials were suspended. “We had already been using Zoom for jury selection and bench trials, so we were able to transition to remote civil jury trials pretty quickly,” Keenan said.

In an all-virtual trial, jurors use a Zoom breakout room to discuss the case and reach a verdict. The same rules apply there as they would in person: no one else can be present, and all deliberations must occur only among jurors in the breakout room.

O’Donnell said he was initially hesitant about having jurors deliberate virtually, because it’s

impossible to know whether they’re influenced by something outside the webcam’s range. To his great relief, he said, it’s been going well.

“Our trials are different, but they’re fair,” he said. “Jurors are totally stepping up. I’ve been so impressed with their diligence, their care, and their attention to detail.”

Court staff have worked to ensure jurors have access to required technology and to provide specific instructions about participating in virtual proceedings, including asking questions, viewing exhibits electronically, and using breakout rooms.

Even though these new procedures were created during the pandemic with jurors’ health and safety in mind, some changes could become permanent.

“I think video voir dire is here to stay because of the immense convenience for potential jurors,” O’Donnell said. Anecdotally, other judges who have conducted jury selection by video have reported higher response rates and more diverse jury pools, he said.

Hearings that don’t require juries – scheduling, family law issues, summary judgment and discovery motions, and others – are all currently being handled with phone or video conference calls between judges and lawyers.

Judge Patrick Oishi ’96, chief criminal judge for King County Superior Court, agreed that the new system has unexpected benefits. For example, defendants not in county custody are usually required to appear in person for their hearings, but often can’t make it due to other conflicts.

“But if they can appear remotely, they can still keep their work schedule, their childcare, and their treatment appointments intact,” he said. “All of those things are very positive.”

Judge Tanya Thorp ’02, who serves on the bench at the Maleng Regional Justice Center in Kent, chairs the court’s technology committee at a time when technology has never been more critical. In addition to assisting Keenan in developing Zoom trial procedures, she helped to expedite installation of high-quality touchscreen speaker phones in courtrooms to facilitate certain types of hearings.

“There’s been a rush to videoconferencing, but it’s a lot to learn,” Thorp said. “Sometimes, the least fancy option is the best option – your tried and true technology.”

Alumni on the bench said they’re not sure when things will get back to normal, or what normal will look like in the future. In the meantime, Oishi said he misses the personal touch of the past.

“The law, historically, is a people-to-people business,” he said. “That’s what we do.”

“Our trials are different, but they’re fair. Jurors are totally stepping up. I’ve been so impressed with their diligence, their care, and their attention to detail.”

**KING COUNTY SUPERIOR COURT
JUDGE SEAN O’DONNELL ’01**

Judge Sean O’Donnell ’01 still works from the courtroom, where his mask is an essential accessory. (Photo courtesy of Judge Sean O’Donnell ’01)



THE
LAW OFFICE
OF
JONATHAN QUITTNER



FINDING BIG FULFILLMENT IN SMALL-TOWN LAWYERING

ALUMNI DESCRIBE THE
REWARDS AND CHALLENGES
OF PRACTICING LAW
IN RURAL AREAS

BY DAVID SANDLER

Immediately after graduating from Seattle U Law, Jon Quittner '14 moved to the small town of Ilwaco in southwestern Washington and opened his own law firm. Because the area is served by few lawyers, his legal services were immediately in demand. (Photo courtesy of Jon Quittner '14)

Not every lawyer defines professional success as practicing at a big firm, in a big city, on big cases, or for big money. Some alumni of Seattle University School of Law have forged less conventional paths in small towns and rural areas across the Northwest and beyond.

Their practices are often smaller, but they align well with their professional goals and personal priorities. In the process, these alumni provide legal services to communities that often desperately need them.

When Jon Quittner '14 decided to launch his own firm in the town of Ilwaco (population: 1,034) in southwestern Washington, only three practicing attorneys served the southern part of Pacific County. An attorney friend in the area pleaded with him to help.

"He said to me, 'Dude, please move here. We need lawyers. I have far more work than I can deal with.' People here are poor, mostly elderly, have very little in the way of resources. It's hard to find a medical provider, let alone a lawyer," Quittner said. "No sooner had I shown up than people were beating my door down needing legal help. They were coming from every direction in the county."

It's a fact that few law school graduates are drawn to small-town lawyering. According to a study by the South Dakota Law Review, only 2 percent of attorneys practice in small towns or rural areas, which comprise one-fifth of the United States population.

With a lower population base from which to draw clients, lawyers like Quittner often practice in a variety of legal specialties to best serve their communities while generating enough revenue. Over the last six years (with a year of assistance from the law school's Incubator Program), Quittner has built a thriving



Aaron Olin '20 pauses for a photo during a walk around the town of Utqiagvik in minus-25-degree temperatures. He is currently completing a clerkship with Alaska Superior Court in the 4,300-resident town, known for its long, harsh winters, on Alaska's north coast. (Photo courtesy of Aaron Olin '20)

practice, part of which entails serving as the public defender on a contract basis for the towns of Ilwaco, Long Beach, and South Bend. As is typical of small-town lawyering, he also handles family law, landlord-tenant law, and elder law, which he became passionate about as a law student. "I love older people. I relate to the special circumstances and fears that affect them," he said.

This broad approach to lawyering is rewarding, but it also presents challenges. As Quittner gained experience, he learned to limit his practice's scope, based on his own strengths and weaknesses. "Sometimes I had to learn the hard way about taking certain cases. I gave up trusts pretty quickly because I don't do them often enough," he said.

Although the solo practitioner is the predominant archetype for small-town lawyers, a diversity of opportunity exists for attorneys in rural communities across the country. Aaron Olin '20, for example, clerks for the Alaska Superior Court in the state's

“Rural lawyering is special. You develop relationships that really carry you, whether with your clients, court personnel, or opposing counsel. When I was working in Seattle, we would rarely meet with clients. Here, I have been interacting with clients from day one. It’s nice to see them out in the community and have those relationships.” KARI MONEYHUN ’05

northernmost town of Utqiagvik (population: 4,383, formerly known as Barrow). Here, a limited pool of attorneys – only one private lawyer serves the town – along with other factors has led to more self-represented litigants.

In addition to clerking, Olin also serves as a deputy magistrate judge due to the shortage of judicial officials across the state, an opportunity unheard of for recent law graduates. “It gives me the experience of being in chambers, sitting on the bench, and presiding over some hearings, like felony first appearances,” he said.

When Kari Moneyhun ’05 moved to her husband’s hometown of Rock Springs, Wyoming (population: 23,000), she didn’t feel comfortable practicing on her own. So, she created an opportunity for herself by proactively reaching out to a local firm about a possible position. “I wanted to get back into estate planning when I came out here. With my background, I was attractive to them, and I joined right away,” she said.

Whereas Quittner takes a broader range of cases, Moneyhun has been able to carve out a relatively narrow niche. Her practice is split evenly between estate planning – serving many family businesses, including the large ranches for which Wyoming is famous – and special education law. A lawyer in a larger city might be able to build an entire practice around just one of those areas, but Moneyhun relies on the unusual combination to provide sufficient work.

“I’m getting to the point in my practice where I have a name in the community, and enough clients come in through referrals so I’m able to turn away some clients. But I’m still not at the volume where I’m going to specialize,” she said.

Douglas Kelly ’75 started his law firm in the south Whidbey Island town of Clinton (population: 928) in the late ’70s, when

only a handful of attorneys were serving the area, which allowed him to see the impact he had on the town. “I wanted to live in a place where I could plant a tree and live long enough to harvest the fruit, and to be in a community that valued what I did,” he said.

“At the outset, I had to learn how to do anything that came in the door,” Kelly said. But over the years, he, too, was able to narrow his practice after developing a reputation in land use and real property law.

BUILDING COMMUNITY

A common thread to working in less populated areas is the opportunity to build close and fulfilling relationships.

“Rural lawyering is special. You develop relationships that really carry you, whether with your clients, court personnel, or opposing counsel,” Moneyhun said. “When I was working in Seattle, we would rarely meet with clients. Here, I have been interacting with clients from day one. It’s nice to see them out in the community and have those relationships. One client even knitted me a stocking cap.”

Cassandra Peña ’17, who practices in Central Washington, agrees. “We have a really tight-knit legal community that’s relatively small. Everyone knows each other,” she said.

Last year, Peña served as secretary of the local bar association in Yakima, Washington (population: 88,619). Although the bar has historically been overwhelmingly white and male, she has been warmly welcomed as a young woman of color.

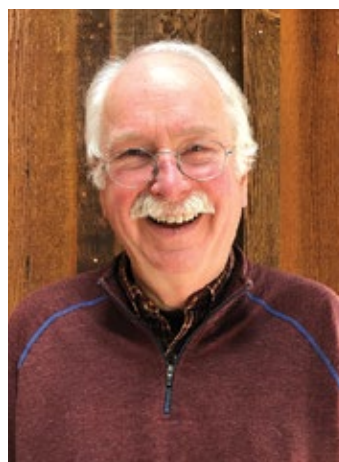
Practicing in small towns can often mean fewer opportunities to learn from other attorneys. But Quittner compensates by being as outgoing as possible. “I am a natural networker, with the benefit



Aaron Olin ’20



Kari Moneyhun ’05



Douglas Kelly ’75



Cassandra Peña ’17



of an engaging personality. I'm friends with many of the judges, clerks, and paralegals, who have all been invaluable in teaching me to be a lawyer," he said. He also serves on the Ilwaco City Council.

On Whidbey Island, Kelly believes enmeshing himself in his community helped him build a successful practice. "You have to be committed to serving people and not just making money," he said. "By that, I mean extending yourself into the community where you are connecting with people unrelated to your practice, by coaching or volunteering."

CULTURE SHOCK

The northwestern New Mexico town of Farmington (population: 44,372) could not be more different from Seattle, which Alexis DeLaCruz '13 discovered in her first and only job out of law school, as staff attorney for the Native American Disability

Law Center. "As I was driving my U-Haul across the desert, I was thinking, 'What did I do?' Was it a shock? Absolutely."

She recalled with amusement something her boss warned her about during the job interview: "Because she was concerned I was coming from Seattle, she said, 'Just so you know, we don't have a club scene here.'"

Moneyhun said life in Rock Springs was also an adjustment at first. "In Seattle, after graduation, I lived downtown by Pike Place Market, where I walked five blocks to my office," she said. "I would regularly get takeout food, go to happy hours with friends. There was always something to do."

In Wyoming, she had to adjust by driving most everywhere and learning to plan and cook meals. And happy hours? They are not a thing where she lives.

Harder to solve is the isolation that often comes with living in less-populated areas.



Alexis DeLaCruz '13 visited picturesque Havasu Falls, located on the Havasupai Indian Reservation near Grand Canyon National Park, after meeting with clients and their families in a landmark education civil rights lawsuit. She routinely visits native lands across New Mexico, Arizona, and Colorado as part of her work with the Native American Disability Law Center. (Photos courtesy of Alexis DeLaCruz '13)

It has been challenging for DeLaCruz, living in a deeply conservative county, to connect with progressive, like-minded people. She's found friendship by attending the community's frequent potlucks and cultural events, many of which have a deep connection to the Native American communities she serves.

A WAY OF LIFE

For some attorneys, small-town living provides substantial lifestyle benefits that can be harder to find in a metropolitan setting.

When Moneyhun practiced tax law in Seattle, she would sometimes work 20-hour days during tax season. Her professional pace is much slower now, which gives her time to care for her toddler daughter. "The best thing about my job here is that I have created a practice that I want, with the hours that I want."

For others, working in an off-the-beaten-path locale aligns with their personal interests. Olin's passion for the outdoors drew him to Utqiagvik, 320 miles above the Arctic Circle and accessible only by plane or boat. He revels in the unique aspects of living in an extreme environment – the 24-hour darkness in winter, threats of polar bear attack and frostbite, and a daily commute by foot in bone-chilling cold.

"I've really enjoyed my time here so far. It's a simple and beautiful life. I've learned to take joy in things like how beautiful the sky is up here," he said. Although Olin doesn't see himself staying in

Utqiagvik after his clerkship ends, he plans to settle somewhere in rural Alaska.

Peña, an associate in the Yakima office of Stokes Lawrence (known locally as Stokes Lawrence Velikanje Moore & Shore), enjoys her quality of life without the downsides of urban living, such as traffic and steep home prices.

"It took a couple of years for Yakima to grow on me, but I would not want to be anywhere else," said Peña, who has lived and practiced real estate law in the area for four years. "There are so many outdoor activities. We can go on hikes, float on the river. During the summer, there are lots of festivals and outdoor music. My Seattle colleagues love coming to Yakima."

DeLaCruz is similarly drawn to the landscapes of New Mexico, with soaring mountains, picturesque deserts, and wide-open spaces in which to recreate. Before the pandemic, she would visit clients across a vast swath of native land. "One day, I could be doing a community presentation in southern Colorado, then drive into Arizona to meet with a client. There's lots of variety and diversity," she said.

REDEFINING SUCCESS

Alumni practicing in small towns said they've been able to reframe what success looks like in the legal profession by thinking deeply about what's most important to them.

"In law school, there is this ideal of what it means to be a lawyer," Moneyhun said. "You're on the law review, you get a job at a big firm. When I left Seattle [and came to Wyoming] and things slowed down, I was able to look inward and see what success looks like for me and what I need to be happy. I'm able to balance my life at home with work, spend evenings and weekends with my family, build relationships with my clients, and be an integral part of my community. That's what success is for me."

"I realize that many lawyers want to be in big cities, but there's something to be said for being a big fish in a small town. Not for your ego, but to be able to show up in a community and be an influential person who can make an impact immediately," said Quittner.

DeLaCruz moved to New Mexico because she was drawn to disability rights advocacy, in part because her father was a quadriplegic. Following that dream was worth giving up the big-city life.

"My barometer of success is, can I do work that brings me joy and that I want to dedicate my life to, can I go to sleep happy with what I'm doing and wake up ready to do it again?" she said. "The answer for me here is yes."

ANCIENT PROMISES, MODERN ADVOCATE

Bree Black Horse '13 honors her heritage by fighting for tribal sovereignty

BY CLAUDINE BENMAR



Bree Black Horse grew up powwow dancing. Every year, she would don her mother's exquisitely handcrafted regalia and travel with her family to traditional Native American ceremonies throughout Washington, rejoicing in the warmth of community and upholding sacred traditions with honor.

As a rising star in the field of Indian law, the 2013 graduate now finds even greater meaning in the dances she loved as a child.

"When I'm dancing at a powwow, it reminds me why I do what I do," she said. "It's to maintain and protect those cultural practices and values and, more importantly, help tribes continue to exercise and grow their sovereignty and abilities for tribal self-governance."

An enrolled member of the Seminole Nation of Oklahoma, Black Horse came to Seattle University School of Law as the

recipient of the Douglas R. Nash Native American Law Scholarship, and was keenly focused on indigenous advocacy throughout her studies. She secured an internship working in the Office of Tribal Justice at the U.S. Department of Justice in Washington, D.C., co-founded and served as editor-in-chief of the American Indian Law Journal, and was president of the Native American Law Student Association. She also clerked for U.S. District Court Judge Brian M. Morris in the District of Montana following graduation.

Rob Roy Smith, who taught Federal Indian Law as an adjunct professor when Black Horse was a student, remembers her thoughtful conversations after class. "I knew right away that Bree had a bright future in front of her," he said. As co-chair of the Native American Affairs team at

Kilpatrick Townsend & Stockton LLP, Smith recruited Black Horse to the firm last summer.

She has handled a wide range of cases since graduation, from criminal law to employment disputes to policy advocacy. The variety is part of what she loves about Indian law, and she's proud to have represented Native Americans, a historically marginalized people, in federal, state, and tribal courts across the country.

But the case that sticks with her most happened close to home – a wrongful death lawsuit she helped file against the King County Sheriff's Office for the tragic 2016 shooting of a 23-year-old pregnant mother on the Muckleshoot Reservation. She has become a powerful voice in bringing awareness to the problem of violence against indigenous women, including leading a group of marchers at the 2018 Women's March in Seattle and testifying before the Seattle City Council.

Now she's diving into treaty litigation, working to protect hunting and fishing rights promised to Washington's tribes in the mid-1800s and upheld by the Supreme Court case *U.S. v. Washington*. Smith said Black Horse brings an impressive clarity of thought to her work and writing.

"A powerful Native woman advocating for Indian Country is the future of Indian law," he said.

For Black Horse, it's a matter of honoring her heritage, just as she does when she dances at powwows, an activity that has been sadly curtailed during the pandemic.

"It's rewarding to help tribes exercise rights that were promised to their ancestors," she said.

The position with Kilpatrick Townsend is also fully remote, which allows her to live near the Yakama Reservation in Eastern Washington, where her husband, Derek Red Arrow Frank '18, is a staff attorney with the Yakama Nation Office of Legal Counsel.

Living near the reservation also keeps her connected to the reason she became a lawyer in the first place, especially when the work is difficult.

"I'm descended from people who survived much harder things, and I need to honor that sacrifice," she said. "The best way to do that is through service."

A PIPELINE TO POWER

Fé LopezGaetke '06 endeavors to make legal education more diverse and inclusive

BY CLAUDINE BENMAR

As a little girl, Fé LopezGaetke, the daughter of Mexican American farmworkers in rural Eastern Washington, wanted to be president. Despite the long odds, there was no way her mother was going to discourage her ambitious young dreamer.

"I asked her, 'How do you become president,' and she said, 'Well, *mija*, most presidents were lawyers.' So I thought, that's it. I'm going to be a lawyer," LopezGaetke said.

Over time, that childhood dream has grown into something more nuanced, but powerful nonetheless. The 2006 graduate of Seattle University School of Law doesn't intend to run for office, but rather aims to build greater diversity among society's leaders by starting with the legal profession.

After more than five years as the first director of Seattle's Community Police Commission, LopezGaetke now serves as director of diversity, equity, and inclusion at the Law School Admission Council (LSAC). Her experience advocating for marginalized communities on issues of police reform illuminated for her the pressing need for more diversity in civic and societal leadership.

"In politics, look at who holds power – they're largely white, and there are so many men. I'd often be the only woman of color in a space, or there were just a few of us, and that's a very lonely place," she said. "There's a need for folks with more perspectives in those places where critical decisions are being made that affect people's lives."

Because so many individuals in positions of influence are lawyers, she said, a JD can be a crucial pathway to power.

The LSAC has long promoted diversity in legal education. LopezGaetke, as a relative newcomer to the organization, has brought a systematic and evidence-based approach to that work. She has tasked her

team with evaluating educational studies to identify the most effective strategies and policies for helping diverse students gain admission to law school – such as the LSAC Prelaw Undergraduate Scholars (PLUS) programs – and helping them succeed and flourish once they're there.

LopezGaetke calls it "pipeline 2.0" – creating a path to law school that both welcomes innovation and challenges long-held ideas and traditions, whether it be teaching methods, admission criteria, or how scholarship dollars are distributed.

For a concrete example of effective programming, she need look no further than her own experience as a student in Seattle U Law's Access Admission Program, which creates an annual cohort of incoming students from underrepresented groups who show great promise but need additional coaching and resources.

"Access Admission created a sense of belonging," she said. "And there's research that shows that when students feel like they belong, it actually impacts their learning."

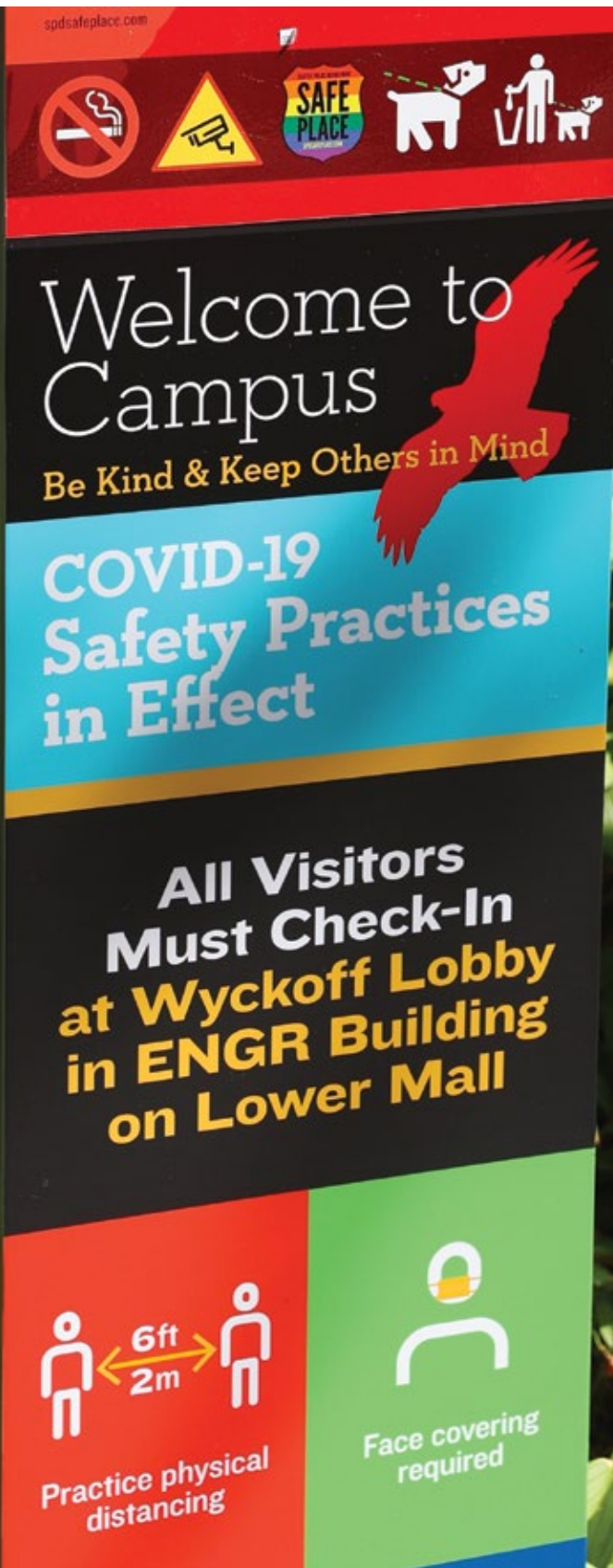
Washington Supreme Court Justice Mary Yu, who mentored LopezGaetke as a law student and last year recruited her to serve on a racial justice initiative for the state's judiciary, noted that LopezGaetke's respect for the legal profession, along with her determination to change it for the better, is an effective combination.

"Fé understands the power of the law and the role lawyers play in maintaining a civil society," Yu said. "Her work at LSAC will open doors for people of color across the nation because Fé has the insight to know what meaningful outreach looks like. She knows what it takes to transform old practices."

Following nationwide racial justice protests last summer, colleges and universities are more receptive than ever to making changes that foster diversity, equity, and inclusion, LopezGaetke said. "This moment in time has created a lot of momentum," she said. "But everybody wants to solve racism tomorrow. You have to build the muscle. You have to build a foundation."

With her current projects at LSAC, LopezGaetke is doing just that.





Like countless other college campuses, Seattle University has enforced public health measures since the spring of 2020 to prevent the spread of COVID-19.

CORONAVIRUS AND KOREMATSU

How meaningful judicial review can clarify the scope of national emergency measures

BY MARGARET CHON

Since early 2020, when Washington state first reported cases and deaths from COVID-19, the pandemic has upended the entire country. Seattle University shifted to virtual instruction, and our campus, usually full of energy, became eerily empty.

Governor Jay Inslee then issued stay-at-home orders. These, and subsequent emergency orders, rest on states' inherent police powers to protect public health and safety. Similar measures promulgated across the country have greatly reduced the number of COVID cases and deaths, but they also have run into political opposition here and elsewhere.

Before becoming a lawyer, I was trained in public health. This instilled in me a robust appreciation of the important government interests embedded in the current pandemic emergency measures. The emptiness of the campus a year ago effectively prevented needless sickness and even potential deaths. Washingtonians' consistent private voluntary actions and observance of public mandates have contributed to our state's current ranking of 49th lowest out of 56 U.S. states and territories for total reported cases of COVID per 100,000. Our shared sacrifices have made our state safer for all.

At the same time, challenges have come in the form of allegations that these measures infringe on individual liberties.

The most prominent legal battles reaching the courts cite the First Amendment's protection of freedom of religion and expression. In May 2020, the U.S. Supreme Court denied injunctive relief in a challenge brought by the South Bay United Pentecostal Church to the California governor's order restricting public gatherings to 25 percent of building capacity or 100 attendees.

A few months later, by contrast, the high court preliminarily enjoined the enforcement of the New York governor's order, which had imposed numerical limits on religious gatherings. Notable because it included then-newly confirmed Justice Amy Coney Barrett, the 5-4 judgment resulted in a *per curiam* majority opinion in favor of the Roman Catholic Diocese of Brooklyn, accompanied by two concurrences, and three dissents. And when South Bay reappeared recently on the court's so-called 'shadow docket,' the justices partially upheld injunctive relief — again through multiple, albeit non-precedential, opinions. These religious freedom decisions are consistent with what my colleague, Professor Charlotte Garden, has termed the deregulatory First Amendment.

That analogous motions were decided so differently within a relatively short time span demonstrates the dynamic nature of the legal issues now confronting courts. In Washington state, challenges to emergency restrictions range from closed water parks to eviction moratoriums. How can and should the judiciary respond?

Surprisingly, it is not at all clear what standard of review generally applies to public health emergency

measures. Justice Neil Gorsuch has noted that the precedent most closely on point is over a hundred years old: *Jacobson v. Massachusetts* (involving a smallpox vaccine mandate). This case pre-dates our modern constitutional frameworks of tiered levels of review, in which the applicable standard of judicial review depends both on the type of right at issue and the type of group affected.

At its broadest, *Jacobson* enunciates an extremely deferential standard of review. The Supreme Court's premise was that there are "manifold restraints to which every person is necessarily subject for the common good. On any other basis, organized society could not exist with safety to its members." However, in a recent challenge to some of the Pennsylvania governor's emergency orders, the federal district court in *County of Butler v. Wolf* observed *Jacobson*'s "caveat [that] 'the police power of a state ... may be exerted in such circumstances, or by regulations so arbitrary and oppressive in particular cases, as to justify the interference of the courts to prevent wrong and oppression.'"

If the Japanese American experience of incarceration during WWII has taught us anything, it is that uncritical judicial endorsement of executive and legislative claims of emergency or national security necessity can provide a "loaded weapon," as Justice Robert H. Jackson's *Korematsu* dissent warned. And unsubstantiated governmental rationales can be particularly loaded for racial and other minorities.

Although the incarceration and the pandemic may not seem related at first glance, I am not alone in seeing these connections. Recently, legal scholars Lindsay Wiley and Stephen Vladeck advocated in the Harvard Law Review

Forum for a vigorous judicial review of health measures or "we risk ending up with decisions like *Korematsu v. United States* — in which courts sustain gross violations of civil rights because they are either unwilling or unable to meaningfully look behind the government's purported claims of exigency."

What would more searching judicial review look like here? Clearly, most lawyers and judges are not trained as infectious disease control experts. Critical evaluation of public health evidence necessarily includes judicial deference to experts, even when the public health community itself may not be in complete agreement because scientific understanding about the virus is necessarily a moving target.

Simultaneously, courts must demonstrate sensitivity to the differential impacts of public health measures on different populations. For example, while most Americans support mask mandates, these may disproportionately burden Black Americans (due to racially biased rule enforcement) or people with disabilities such as asthma.

If courts steer carefully between overly strict and overly deferential review, community protection can be balanced meaningfully with civil liberties. Discerning the legitimate deployment of emergency government power, while recognizing constitutional limitations on that power, is never an easy line-drawing exercise. This is especially true when complex and sometimes incomplete scientific information is involved. But courts can and must appropriately defer to public health experts. This will allow us to safeguard the public while not encroaching unduly on individual rights during these trying times.



Margaret Chon is the Donald and Lynda Horowitz Professor for the Pursuit of Justice. She specializes in civil procedure, intellectual property, and race and law. She co-authored "Race, Rights, and National Security: Law and the Japanese American Incarceration, Third Edition (2020)." Research assistant Laurel Brown contributed to this essay.

CLASS NOTES



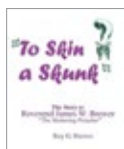
▲ ALEC STEPHENS '80

was re-elected to serve a second three-year term on the Board of Governors of the Washington State Bar Association (WSBA). He is the board's parliamentarian and chairs the WSBA Equity and Disparity Workgroup. In 2019, he and his wife, Helena, were recipients of the WSBA Presidential Award of Merit. He is also active in the state Democratic Party, and represents the 37th Legislative District in the State Central Committee.

1977

John W. Wolfe was named lead senior partner at Orrick Herrington and relocated to Lakewood, Washington, in 2020.

1981



Roy Brewer published his third book, "To Skin a Skunk," which is about

his grandfather, Rev. J. W. Brewer, known throughout Texas and the mid-South as the "Stuttering Preacher." The book chronicles Rev. Brewer's journey as a child from Civil War-torn Tennessee as he overcame the loss of most of his siblings, a speech impediment, and short stature to become a prominent figure in the political, social, and religious debates of the early 1900s.

1983

Patrice Clark Cole became an ordained deacon in the Episcopal Church in the diocese of Arizona after retiring from law in 2011. She serves at St. Peter's in Litchfield Park.

1986

Laurin S. Schweet founded Schweet Linde Coulson, PLLC, a creditor's rights law firm, almost 20 years ago. In 2020 she published her first book, "Daily,"



about developing an exercise habit that she credits with keeping her fit and balanced throughout a gratifying, but sometimes stressful, career.

1987



Aleen Marie Smith is now happily settled in Albuquerque, New Mexico, at

Trinity House Catholic Worker after living in Costa Rica and Oregon. She is deeply grateful to be a member of communities that focus on the corporal and spiritual works of mercy.

1989

David Wallace retired from the U.S. Army at the rank of brigadier general after 37 years of distinguished military service. His concluding assignment was as professor and head of the department of law at West Point, and he is now designated professor emeritus.

1990

Laurie Jinkins was re-elected Speaker of the House by the House of Representatives of the Washington State Legislature in January. Jinkins is the first woman and first lesbian to serve as speaker in Washington state history. She was also named 2021 Woman of the Year by the Seattle University Womxn's Law Caucus.

1993

Tracy (Fisher) Staab was elected to the Washington State Court of Appeals, Division III, in November of 2020. She currently resides in Spokane with her husband, **Scott Staab '93**.

1994

Cameron Roberts's article, "Intellectual Property Rights and International Trade: An Overview of U.S. Customs and Border Protection's Enforcement of Intellectual Property Rights," was featured in the Summer 2020 issue of the California International Law Journal.

1995

Shari Leid published her first book, "The 50/50 Friendship Flow - Life Lessons From and For My Girlfriends," and promoted it on TV programs, radio shows, and national podcasts. She also contributes to blogs and magazines and works as a life coach for women. She and her husband, **Rory Leid '95**, reside in Woodinville, Washington, and are proud parents of two college students.

1996

Catherine Romero received the Justice Charles Z. Smith Award for Excellence in Diversity from the WSBA in December of 2020 for her efforts to increase the



number of Latinx attorneys in the fields of intellectual property and technology law.

2001

Jeff Coats retired after almost 33 years with Farmers Insurance and started a solo practice, where he will help clients with personal injury and cybersecurity matters.

Joan Tierney was profiled in “Legal Heroes in the Trump Era,” a book by Tahmina Watson. She was also a guest on the Tahmina Talks Immigration podcast, presented at two immigration CLEs, and lectured in a pre-law class on serving as an administrative law judge.

2004

Elizabeth Baldwin accepted a permanent position as senior attorney and Microsoft coordinator at Kids in Need of Defense in October of 2020. In this role, she mentors pro bono teams from Microsoft and represents unaccompanied children in their immigration removal cases.

Erin O. Sweeney has joined Lane Powell as a shareholder on the labor, employment, and benefits team. She is a proactive and client-centered counselor with significant experience providing strategic and pragmatic day-to-day advice on employment and labor issues.

2005

Dan Gerl’s Tacoma-based firm, Puget Law Group (PLG), was listed on the Inc. 5000 and Puget Sound Business Journal’s “Fastest Growing Private Companies” for 2020, ranking 769 and 4 respectively, and was ranked 8 on the “Law Firm 500 Fastest Growing Law Firms.” PLG is led by Gerl and partners **Jared Ausserer ’02**, **Gina Buskirk ’00**, and **Nick Andrews ’08**. Buskirk was named partner in January. Founded in 2013, PLG’s focus is on criminal and DUI defense, as well as personal injury.

Julie H. Seidenstein was elected a shareholder of Lane Powell PC. She is an experienced attorney in the real estate and finance industry, skilled in representing institutional lenders, finance companies, joint ventures, and borrowers.

2006

Brit Suttell received the National Creditors’ Bar Association’s Donald Kramer Award, given annually to an individual “whose efforts have made a substantial and lasting impact for the benefit of the credit and legal collection community.”

2008

Hillary Madsen was elected to the King County Superior Court and began her term in January.

She succeeded Judge **Theresa Doyle ’82**, who retired after 15 years on the court.

2010

Drew Miller joined Morgan Lewis after many years spent in legal services, consulting, and working as in-house counsel. Miller is leading the charge to add contracts analytics to the firm’s services. He is based in Chicago with husband, Kyle, and dog, Niles.

Amanda (Kale) Sadlier moved with her husband and three children to Auckland, New Zealand. She is an associate principal with Mobile

ANDREW HUGHES ’09

will return to Nepal in 2021 to attempt to climb and summit both Mt. Everest and Lhotse, the first and fourth highest mountains in the world. You can follow Hughes’s expedition on Instagram at [@andrew_i_hughes](https://www.instagram.com/andrew_i_hughes).



Relocation, which settles newcomers and returning Kiwis across New Zealand.

2011

David Biletdeaux, general counsel for the Port of Benton, married Cara Hernandez, a geriatric care social worker, during a sunrise ceremony in October 2020, on Mt. Rainier after a steep morning hike in the dark, lit only by a full moon and headlamps.

Brian Cheng is now a shareholder of Owen Bird Law Corporation in Vancouver, B.C., where he is a civil litigator in the areas of commercial and insurance law.

Ryan D. Nichols joined Lane Powell as counsel to the firm on the transportation and corporate, securities, and mergers and acquisitions

teams. Nichols represents clients in all aspects of the purchase, sale, lease, exchange, financing, and operation of business and commercial aircraft.

Michelle Pham was promoted to partner at Helsell Fetterman LLP, making history as its first Asian American partner. She leads the firm's intellectual property practice group and represents clients in every stage of litigation relating to business, intellectual property, insurance defense, and health care disputes.



Sarah Smith joined Beresford Booth as a member of the estate planning and probate group. She focuses her practice on estate planning, as well as estate and trust administration, and handles a wide range of financial and tax issues.

2012



Phillip Chu joined Helsell Fetterman as part of the firm's commercial

litigation and medical malpractice groups. Chu is a former prosecutor with a combined seven years as a deputy prosecuting attorney with King County and as an assistant city prosecutor with the City of Seattle.

Kamron L. Graham is the incoming 2021 president of Oregon Women's Law Foundation and president-elect of the Oregon State Bar Board of Governors. She celebrated eight years as Multnomah County Deputy Public Guardian and Conservator.

Omar Nur was selected by Super Lawyers Magazine as a Rising Star for the fifth year in a row. In September of 2020, Nur and his wife, Thamina, welcomed their son, Laith, into the world.

2013



Alexis DeLaCruz is the 2021 recipient of the New Mexico GaL/Youth/

Respondent Attorney Child Welfare and Juvenile Justice Award in recognition of her outstanding dedication, leadership, knowledge, and integrity. She is currently her firm's lead counsel in the landmark education civil rights case, *Stephen C., et. al., vs. Bureau of Indian Education, et. al.*, which is currently on appeal in the 9th Circuit Court of Appeals.



Rachel Groshong (Dunnington) was named a partner at Stoel Rives LLP. She is a litigator

and has tried cases in both federal and state courts in Washington, with extensive

MERCEDES M. DONCHEZ '16

joined her father, **Jeffrey J. Donchez '87**, as a partner at Donchez Law Firm. The firm's primary focus is representing plaintiffs in personal injury cases, along with pro bono work, including a recent successful clemency appeal. Both are involved with the Washington State Association for Justice.





experience handling business and contract disputes. She has handled complex commercial disputes in the areas of health care, construction and design, environment, and real estate.

2014

Jack Chang was selected to be the 2020-2022 WSBA Intellectual Property Section's Young Lawyer Liaison.



Ryan Dyer has joined Beresford Booth as a member of the litigation group.

He has experience litigating a broad range of cases, including complex personal injury claims, insurance coverage disputes, Consumer Protection Act claims, HOA disputes, regulatory compliance matters, and commercial-business disputes, along with a wide array of real property claims.

Nick Franzen was made counsel at Perkins Coie this year, where he is a real estate transactional lawyer. He and his wife welcomed their first child, Hugo, in January.

Kasha Roseta and her wife, Rose Baker, welcomed their daughter, Ashton August Roseta-Baker, in August 2020.

2015

Leandra (Ebreo) Craft was selected to fill Federal Way

City Council Position 5. She is a deputy prosecuting attorney for the King County Prosecuting Attorney's Office, specializing in incarceration alternatives and prosecuting hate crimes. She also serves on the executive board of the Filipino Lawyers of Washington.



Tim Lehr has been named partner in the firm Stiles and Lehr Inc., P.S.

Lehr's practice includes representing clients in the areas of personal injury, real estate, estate planning, probate, and worker's compensation claims. He is a member of the NW Washington Estate Planning Council, secretary/treasurer of the Skagit County Bar Association, board member for the Skagit Community Foundation, and a member of the Sedro-Woolley Rotary Club.

2019

Bethany Beal Nolan joined the District Court unit of the King County Prosecuting Attorney's Office in December 2020.

2020

Neeka Hodaie joined Schwabe, Williamson and Wyatt P.C. as an associate working on the business team and real estate and construction industry group. Hodaie advises a wide range of clients on business and real estate legal matters.

IN MEMORIAM

Gregory Leigh Bertram '77 passed away unexpectedly on Nov. 13, 2020. In 1983, he co-founded the Seattle law firm now known as Bennett, Bigelow and Leedom, PS, focusing on complex commercial litigation. Bertram became one of the most successful mediators/arbitrators in Washington, and in 2015, he founded Pacific ADR Consulting, LLC, a dispute resolution company. He was also a principal at JAMS ADR and Washington Arbitration and Mediation Services, where he earned the "Master Mediator" designation. He is survived by his fiancée Leslie, his children, sister, brother-in-law, and nieces, and was preceded in death by his parents.



Stryder J. Wegener '04, 42, passed away unexpectedly in December 2020. Wegener first practiced at the YWCA, representing primarily Spanish-speaking victims of domestic violence. From 2007 to 2013, he worked with

David Gehrke as a private criminal defense attorney. In 2014, he launched his own practice, Emerald City Law Group, and took pride in giving back to the community. He is survived by his wife, **Lauren Wegener (Gotchy) '07**, and daughter Chloe.



Hannah McDonald '13 passed away on Dec. 31, 2020, in Seattle at the age of 38. She supported and inspired many others in her life, including those she served as a lawyer, colleagues in Junior League and other nonprofit boards,

the kids at the Hands On Children's Museum, and countless others. While in law school, she served as co-president of the Women's Law Caucus. She leaves behind her husband, Brady McDonald, and many other family and friends.

Corey Bradbury '16, 34, died in a car accident on Sept. 28, 2020. At the time of his passing, Bradbury worked as a criminal defense attorney in Longview, Washington. Bradbury served in the military for nearly six years as an outstanding Black Hawk helicopter mechanic and crew chief, completing three tours of duty in South Korea, Egypt, and Iraq. His own experiences with a caring public defender as a teenager led him to law school. "How cool would it be, as a troubled kid, to see this tattooed attorney who came from the streets just like you, walk into the courtroom in your defense," he once said.

JOIN THE CONVERSATION

Find us on Facebook, Instagram, and Twitter [@seattleulaw](#)



Annette Clark
@seattleulawdean



It's rare for the nation's law deans to speak as one voice, but the 2020 election and the events in the Capitol last week required a response. I'm honored to be a signatory of this joint statement of 160 of my fellow law deans:

cutt.ly/njbQJfN



Amanda DuBois shared a video from the playlist **Criminal Justice**.
Sep 25, 2020 · 🌐



Tarra Simmons. I could not be more proud of you! ❤️❤️❤️

NowThis posted a video to playlist **Criminal Justice**.
Sep 25, 2020 · 🌐

Meet **Elect Tarra Simmons**, a lawyer and activist who could become the first formerly incarcerated state representative in Washington state



BlackLivesSeattleKC
@BLMSeattleKC



Seattle U Law School @... · 1/12/21

Proud of our student @LivioDeLaCruz, who is working with @BLMSeattleKC & Washington Black Lives Matter Alliance to promote legislation that will reform policing, improve health care...

[Show this thread](#)

poulina



Liked by su.fpsj and 10 others
poulina Looks like the end of semester for Z too. 🥰🥰



Seattle University Law Review
@SULawRev



HOT OFF THE VIRTUAL PRESS:
#SULawRev published Vol. 44 Issue 2! We will feature the amazing articles in the coming weeks ranging from the constitutionality of school safety measures, corporate law and religion, and American Single Malt Whiskey! More at: digitalcommons.law.seattleu.edu/sulr/



Cindy Yeung is with Tita Abby and Annette Clark at Seattle University School of Law.
Jan 15 · Seattle · 🌐



Thanks for four amazing years @seattleulaw. Special gratitude to Tita Abby and Annette Clark for their support and leadership. I will miss everyone dearly as I embark on a new journey!



Lisa Brodoff and 100 others · 17 Comments



Kristin DiBiase, J.D. (she/her)
@dean_dibiase



I'm already loving every minute.

Seattle U Law School @s... · 1/11/21

Welcome to Seattle U Law, @dean_dibiase! We can't wait for you to meet our students, and for them to meet you.

...



Dean Spade
5d · 🌐



If you missed tonight's conversation about #mutualaid with me and Nikkita Oliver at Seattle University School of Law, you can watch it here.

<https://www.youtube.com/watch?v=JULiqst5XAU>



YOUTUBE.COM
Mutual Aid: Building Solidarity During This Crisis (And The Next)



travthetwisted
Pike Place Market



Liked by poulina and 280 others
travthetwisted I'd like to title this chapter: #TravisinSeattle I'm so excited for this whole new adventure!!! Looking forward to my continuous self-growth. Let's get this!!! #travthetwisted

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For the past 28 years, the Public Interest Law Foundation (PILF) at Seattle University School of Law has raised funds for summer grants to support law students working in unpaid legal internships with organizations serving marginalized communities. These organizations serve immigrants, domestic violence survivors, and those who lack access to justice. Together with your support, we exceeded our goal! **PILF's 28th Annual Fundraiser "Justice in Action" raised over \$100,000 to support these efforts.**

SAVE THE DATE!

Join us next year on **March 5, 2022** for PILF's 29th Annual Fundraiser

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