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the
LAWYER

GONZAGA UNIVERSITY SCHOOL OF LAW
since 1912



**Moving Forward
While Looking Back**

- Clinical Law Program
30 years of Public Service
- Thomas More
Celebrates Silver

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MESSAGE from the DEAN

As you will discover in the pages that follow, we have had a busy and productive 2005-06 academic year at the law school. Our students have worked hard, our faculty have continued to create connections to the bar and the academic community, and our alums are increasingly energized about, and invested in, the future of this wonderful school.

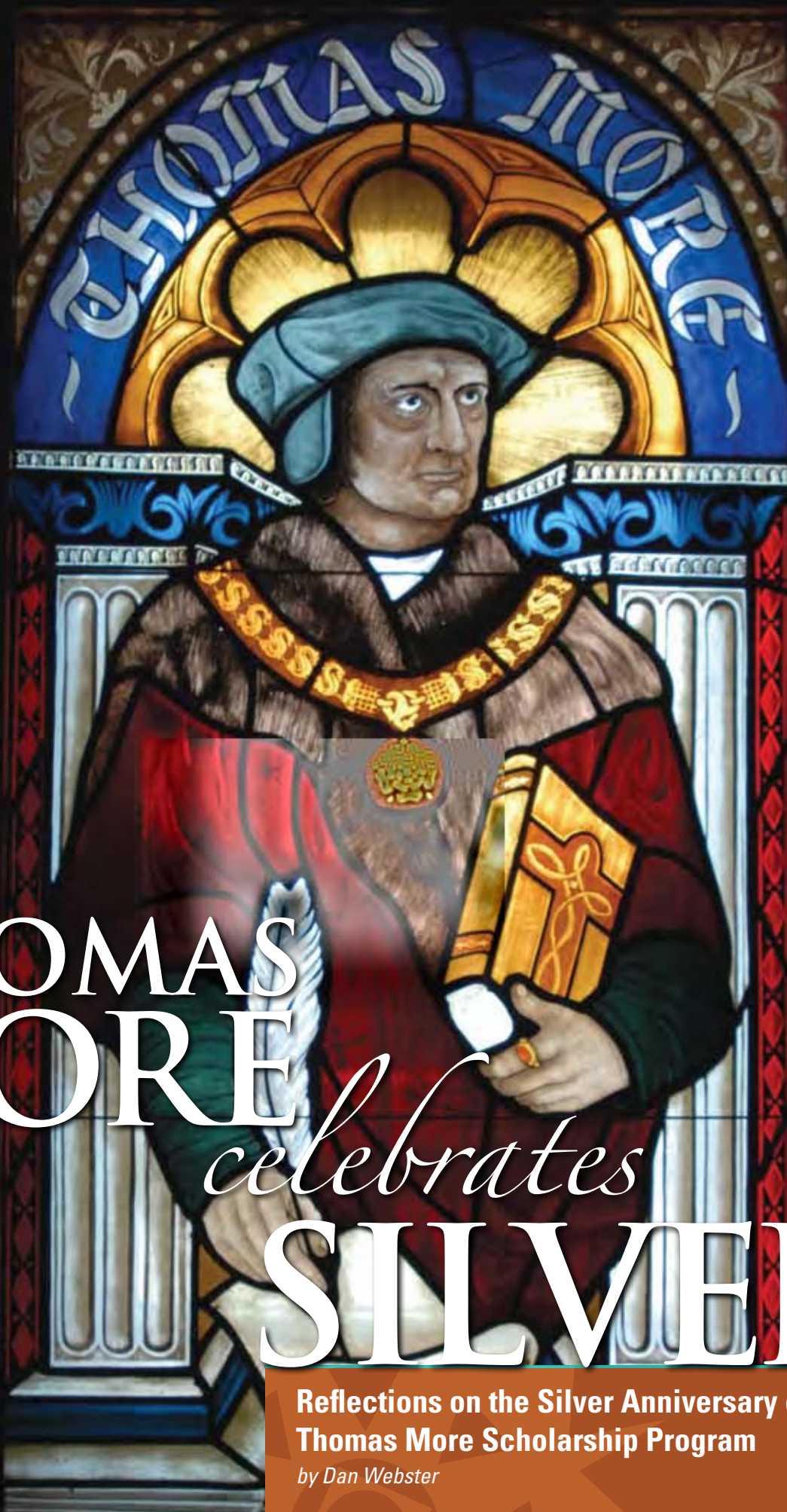
The last ten months have seen a long list of accomplishments by our student body. The Student Bar Association and other student organizations have sponsored numerous speakers, forums, and panel discussions. The Gonzaga Law Review and the Gonzaga Journal of International Law have produced high quality volumes, with the latter continuing to create a unique place for itself on the World Wide Web. The Moot Court Council fielded highly competitive traveling teams and staged an exceptional Linden Cup competition that culminated with two outstanding student teams arguing in front of a packed house and a panel of sitting justices from the Washington, Idaho, and Montana Supreme Courts.

The law school's faculty members have been exceptionally productive in using their talents to improve the practice of law and explore its theoretical underpinnings. Faculty members have written law review articles, case books, and treatises. They have spoken at academic conferences, continuing education programs, and community forums. They have served on task forces, bar committees, and community boards. These accomplishments, a list of which appears later in these pages, are the product of a faculty that has enthusiastically embraced its responsibility to fully participate in the evolving conversation on the law.

I have had many opportunities in the first ten months as your dean to meet and connect with our alums. These opportunities have occurred, among other venues, at alumni gatherings in firms and restaurants, on special occasions like the Luvera Lecture Series, and at the many law school events that bring our graduates back into the building. On every occasion, I have encountered alums that fondly recall their time as students, that are proud of our facility, and that are personally invested in future of this school.

The accomplishments and talents of our students and faculty, and the commitment of our alums create a powerful force upon which to build the future of this school. We have a past to be proud of, a present that is upholding our tradition of excellence, and a future that presents a lot of promise. I look forward to working with all of you as we take this law school to new heights.

Dean Earl Martin
Gonzaga University School of Law



THOMAS MORE *celebrates* SILVER

**Reflections on the Silver Anniversary of the
Thomas More Scholarship Program**

by Dan Webster

Sometimes the best ideas are those most easily shared. That's what Gonzaga Law Professor John Morey Maurice had in mind twenty-six years ago when he proposed that the law school institute a scholarship program built around the concept of public service.

"I readily admit that my proposal was unabashedly modeled on the Elihu T. Root-Samuel J. Tilden Scholarship Program at the New York University School of Law," Maurice wrote five years ago in his summary of the program on its twentieth anniversary. Maurice attended the NYU School of Law on a Root-Tilden Scholarship from 1961 to 1964.

The Gonzaga program was initially known as the Presidential Scholarship, and renamed the Thomas More Scholarship Program (TMs) a few years later. Known to most people today through the 1960 film "A Man for All Seasons," Thomas More was a sixteenth-century lawyer and judge, scholar and writer. He was also a public servant, having held a number of posts during the reigns of both Henry VII and his son, the infamous Henry VIII – who eventually had More executed for living up to the dictates of his own conscience.

In 1935, More was canonized by the Catholic Church, which led to his becoming known as the patron saint of statesmen, lawyers, and politicians. Four and a half decades later he became a symbol for Gonzaga University School of Law students.

The law school was a much different place in 1980 when the program commenced. Still in the process of evolving from its genesis as a night school, Gonzaga School of Law had far less of a sense of community than it does now. As a means of encouraging students to become involved with the Gonzaga Law Review, to participate in such competitions as Linden Cup and the ABA sponsored moot court competitions and, most importantly, to reflect the Gonzaga Mission of service to others, the scholarship program seemed like a good idea.

Of the 187 students who have been Thomas More scholars, nearly half (ninety-two) are engaged full time in public-sector, public-service, or community work. And that percentage has held up. Of the forty-six scholars who graduated between 2000 and 2005, twenty-seven are working full time somewhere in the public sector.

The scholarships – which cover eighty percent of each recipient's tuition – are awarded for one academic year without regard to financial need. They are renewable, based on each scholar's ability to meet both the program's academic (a minimum grade point average) and public-service requirements.

The contributions that TMs have made to the law school over the years "have been numerous and varied," said Professor Jim Vache, former dean and codirector of the scholarship program since

2005. "In my mind, the most important aspect of the program is the willingness of the scholars to quietly provide leadership and support for a variety of public service activities for the larger community."

The TMs have been responsible for initiating programs at the law school such as the student first-year tutorials now under the auspices of the SBA. They started a student group focused on public interest activities that subsequently became Gonzaga Public Interest Law Project (GPILP), and most recently, the alternative spring break service program known as "Mission Possible."


To Professor Mary Pat Treuhart, who assumed the program's codirectorship in 2002, the value of the program to TM scholars is that it's kept that commitment to service "at the forefront of their consciousness."

"And," she adds, "the fact that most students choose to pursue public-service careers, at least initially, is notable because the level of their academic success would allow them to pursue more highly compensated job opportunities." She believes that financial and other support by the law school is important because it represents "a tangible commitment to the importance of public service."

To that end, Treuhart, Vache, and Program Coordinator Pam Pschirrer are working to help make several things happen:

- They hope to return the scholarship to the 100-percent-tuition level that it was prior to 2002, and to develop an endowment.
- They would like to increase student opportunities, both for TMs and all interested GU law students, "for post-graduation public-service jobs and fellowships."
- They desire to strengthen relations with TM alumni.
- Finally, they want to spread the word regarding the program's contributions, not just for the program itself, but for the school of law overall.

"Along with enhancing job prospects, I would like to increase the visibility of the program regionally and nationally, so that we can attract highly qualified applicants and bring in outside speakers for the betterment of the whole law school community," Treuhart said.

Law schools at Seattle University and the University of Washington have recently announced newly-created public interest student scholarship programs. Rather than being concerned about competition, TM students and alumni are excited about the potential for the three schools to collaborate regionally on public interest law-related projects. "After all," Treuhart concludes, "fostering a broader commitment to public service benefits everyone." 



John Morey Maurice

Founder of the Thomas More Scholarship Program, Maurice will be honored on Saturday, August 19, 2006 at the Jundt Art Museum from 6:00 to 7:30 p.m. during the Thomas More 25th Anniversary Weekend.

Professor Maurice provided the vision and leadership in developing a program that provides significant merit scholarship aid to highly motivated students committed to public service through the practice of law.

We hope you can join us on August 19 in honoring John Morey Maurice. Please contact the Gonzaga University School of Law Alumni Office if you are interested in attending.

nfike@lawschool.gonzaga.edu or 509-323-3605.

THIRTY *years*

of Public Service

By Larry Weiser

For the past thirty years, thousands of Spokane area residents have passed through the doors of the clinical program now housed in the School of Law's Center for Law and Justice. They arrive sharing a common story; one of need with a legal tangle, often with nowhere else to turn for help. They come by referral from a community agency looking for legal guidance, and enter to find talented, aspiring attorneys ready to render assistance.

The School of Law's Center for Law and Justice is home of University Legal Assistance (ULA), a non-profit (501 C3) clinical law program dedicated to offering legal support to low income and elderly clients. Commonly referred to as "the Clinic," Gonzaga's clinical law program was one of the first of its kind established in the United States.

Since it began in 1975, over 600 law students have worked in the clinical program, representing or supporting the legal needs of over 9,000 clients. Many Clinic alumni have continued their careers in public interest law and most have developed successful practices. All have been imbued with a sense of what it means to be sensitive, ethical lawyers with an obligation to serve their communities and provide pro bono legal services to the economically disadvantaged.

In 2006, the clinical program celebrates thirty years of service to the Spokane Community. The Clinic's anniversary weekend celebration is targeted for September 2006, bringing together Clinic alumni, faculty, friends and the legal community to honor the contribution and dedication to public service provided by Gonzaga Law's clinical program.

"When we started, Gonzaga's Clinic was a vanguard program for law schools providing low or no cost legal services to the community," says clinic director Larry Weiser. "The Clinic started with two objectives: to teach legal doctrine and skills experientially by placing students in professional roles, and to provide pro bono legal services to needy clients who would otherwise not have access to justice. Our public service mandate distinguishes Gonzaga's clinical program from other law school programs. We are the only law school in Washington

State that receives grant funding to provide significant legal services to the community."

"In founding the Clinic, our idea was to provide many of the same services that National Legal Services furnished around the country," says Mark Wilson, founder of the clinical program and the first Clinic director. "One of the difficulties with the National Legal Services program was the number of restrictions; things they were not permitted to do. They couldn't represent people in criminal cases. If someone earned ten dollars a year over the poverty guideline, they weren't eligible for assistance. Since Gonzaga was a private university relying on funds it raised itself, we weren't saddled with those restrictions."

"When we started, the idea was to represent people who would not otherwise have access to the courts," Wilson continues. "But the underlying purpose in establishing the Clinic was to train students to be good lawyers. In the Clinic a student is a practicing lawyer, handling cases with personal responsibility to a client. When a student receives training in a private firm, the connection is between the lawyer and the client - the student is an assistant. But in the Clinic, that connection is between the student and the client, and the supervisor is in the background. Clinic faculty carry the student's briefcase, rather than the other way around."

The Clinic enrolls forty to fifty students in the fall and spring semesters with a variety of credit offerings to accommodate both second and third year law students. Students in the clinical program start with a classroom component emphasizing the nuts and bolts of litigation, negotiation, and trial skills. Clinical courses are rigorous and demanding, offering real-world substantive, procedural, and ethical challenges. Six paid Clinic faculty are assisted by five support staff and three retired, volunteer practitioners giving students a broad range of learning experiences in several areas of specialization.

Under the guidance of experienced faculty mentors, students take on cases as lead lawyers putting their academic skills into practice. Students meet with clients, interview witnesses, draft and file pleadings, draft and respond to

discovery, take depositions, negotiate settlements, and learn first hand the relationship between the law, facts, and evidence. When a case goes to court, rules require that students be accompanied by a licensed, supervising attorney, but in many cases students have an opportunity to present arguments and plead cases in the courtroom.

The clinical program represents approximately 400-600 clients per year and many more individuals are assisted through information and referral, or brief service contacts. The Clinic strives to adapt legal services to community need, handling civil rights, consumer law, or other issues falling under general practice. A prime example of this is a high profile voting rights case that student lawyers are currently working on, challenging a Washington State statute. Gonzaga law students prepared and presented summary judgment arguments in coordination with co-counsel and the NAACP Legal Defense Fund.

Although most cases fall into the General Practice Clinic, specialized clinics are available based on community need, and in part on available funding. Specialized clinics allow students to practice in a particular area of law.

The Elder Law Clinic is one of the most vital of the specialized clinics, providing services to Spokane County's elderly community. Cases range from housing, landlord tenant issues, to public entitlements, consumer, family law, estate planning, and cases involving abuse or exploitation of the elderly. This clinic receives a grant from Aging and Long Term Care of Eastern Washington, under the Older Americans Act. Partial funding comes from the Long Term Ombudsmen Program in support of individuals in nursing homes and adult family homes.

The Domestic Violence/Family Law Clinic is supported in part by The Legal Foundation Grant. This grant focuses on providing legal services in the area of domestic violence and family law. City of Spokane Human Services also provides grant funding for legal support of victims of domestic violence, and

abused or exploited elderly.


Other specialized clinics include the Business Transactional Clinic representing non-profit and for-profit start-up business and organizations in need of legal services. A grant from the IRS helps support the Low Income Taxpayer Clinic, providing legal services to low income residents dealing with tax problems. The Lands Council of Washington grants funds to help support the Environmental Law Clinic, covering environmental legal issues.

George Critchlow, the Clinic director from 1997 to 2004, found working in the Clinic has had long reaching effects on many students. "There is evidence that students who come into the program - even if they did not go into the program thinking that they might want to do public interest work or legal

services work - start looking for this type of work because they've been sensitized to its importance. They see that the type of work we do is interesting, exciting, and diverse."

The clinical experience is one of active learning. It provides law students the environment and the law firm structure to learn

how to practice law. The Clinic's physical space in Gonzaga Law School was built in 2000, and offers student lawyers the chance to practice in a professional setting similar to that of lawyers in the community. Graduates entering the work force step into their new careers with the advantage of having real world experience; a running start in terms of how to practice law.

Over the years, the collaboration between Clinic students and supervisors has produced impressive results, including the first student lawyer to present arguments to the Washington State Supreme Court. Gonzaga law students have argued or appeared in all courts during their time at the Clinic, including state trial courts, courts of appeals, Federal District Court, and the 9th Circuit Court of Appeals. The Clinic is a fixture in the region's legal services community. This September, join Gonzaga University School of Law in celebrating thirty years of dedication to public service in the Spokane community. 



SERVICE *Learning*

Connecting Social Justice and Legal Education

Mary Pat Treuthart¹

More than a decade ago, I added a service-learning component to the Women and the Law course I teach. My service-learning goals for the class were: 1) to provide students with an alternative, hands-on approach to learning course concepts; 2) familiarize students with the day-to-day problems of women and girls, particularly those who are low-income or in transition; 3) assist non-profit service providers in the community through the use of student volunteers; 4) promote a longer term commitment to public interest work by students, and 5) integrate the social justice mission of Gonzaga University into the substantive course work at the School of Law.

Providing a brief definition of service-learning is difficult. One prominent researcher found nearly 150 different terms used in the literature to describe something akin to service-learning.² One succinct description states that “service-learning is a form of experiential learning where students and faculty collaborate with communities to address problems and issues, simultaneously gaining knowledge and skills and advancing personal development. There is an equal emphasis placed on helping communities and providing valid learning experience to students.”³

There are characteristics common to the concept of service-learning; namely, the emphasis that service-learning places on the reciprocal nature of the endeavor: giving to individuals, organizations, and the community while reaping the benefits of enhanced knowledge by the student participants.⁴ An important aspect of the experience that differentiates it from other volunteer activities is making certain that there is a means for students to “reflect critically upon their experiences.”⁵

According to its proponents, service-learning is beneficial to students because, among other things, it “increases retention; provides quality education; increases the relevancy of education to students ‘living in a real world.’ It enhances personalized education for students; teaches positive values, leadership, citizenship, and personal responsibility; empowers students as learners, teachers, achievers, and leaders; invites students to become members of their own community; [and] teaches job skills.”⁶

At the outset, I was uncertain whether these benefits would actually result, but I was convinced that the possibility of enhancing student learning warranted experimentation with a group of willing participants.

Many of the suggested placements were non-legal. In addition to ensuring demarcation from the externship program, there were several justifications for encouraging the selection of a

non-legal placement. I hoped students would recognize that social justice is broader than legal justice. I wanted to foster a sense of volunteerism in students apart from their identity as lawyers. I anticipated that a broader linkage might be created with the community in which students live.

Students are often temporary residents in the areas where their schools are located. Many have been active volunteers in their home communities. Even interested students are deterred from making a new community connection due to barriers that should be readily surmountable, such as uncertainty about service providers or lack of transportation. I hoped service-learning would prompt those already inclined to participate in community work because an organized program would remove a few of the logistical hurdles.

Lawyers and law students sometimes develop a sense of elitism about the importance of the work that they do. Legal and analytical skills are essential in certain circumstances; indeed, a license to practice law is

required by statute in almost every jurisdiction to do specific tasks such as representing another individual in court or dispensing legal advice.⁷

Limitations are placed on the “practice” of law by those who are still in law school.⁸ Supervision by an on-site licensed attorney is essential. While students are permitted to perform a myriad of law-related tasks under supervision, they generally must complete a designated number of credits before they are permitted to do so, even under the auspices of an externship or clinical program. Non-legal service-learning placements avoid these particular restrictions and allow students to take part beginning in their first year of law study. At the same time, it is helpful for students to gain an appreciation for the knowledge

and capability exhibited by professional and support staff in other fields. Increased awareness of community resources and the development of ties to reliable contact persons can benefit students who may have an ethical duty as lawyers to advise clients, not only about the law, but also to refer to “other considerations such as moral, economic, social, and political factors that may be relevant to the client’s situation”⁹


The 26 original class members (21 women and 5 men) were placed with 15 different agencies that ran the gamut from more traditional legal work to activities completely unrelated to the law. The two legal placements involved assisting women litigants in domestic relations cases (under the auspices of the local bar association’s Volunteer Lawyer Project) and advising unmarried new mothers of their legal rights (part of the Childbirth and Parenting Alone program sponsored by Catholic Charities and headed by Ann Marie Leibhaber, a law school alumna).

Non-legal placements included such organizations as the Spokane Sexual Assault Center (assistance and support to rape survivors), the Alternatives to Domestic Violence Program sponsored by the YWCA (services to battered women and their children), the YWCA Multi-Cultural Center (information and other resources for non-English-speaking and immigrant women), the Children’s Ark (residential program for teen moms), the Women and Children’s Free Restaurant (preparation and service of meals to families recovering from domestic abuse), and the Women’s Drop-In Center (information, referral, and activities for women including the homeless and those with disabilities). I did not select community partners with an adult male client base; however, three of the placements provided services to both girls and boys: Odyssey (support group for gay and lesbian teens), Crosswalk (temporary housing and other necessities for street kids), and Campfire Boys and Girls (service projects, educational and leisure activities for older elementary and at-risk schoolchildren). While students at these placements were not forbidden from interacting with males, their primary focus was on working with girls. A few students developed their own placements, with my approval, at agencies such as the Indian Community Center and Big Brothers/Big Sisters.

Students were required to keep weekly journals and to respond to specific questions I posed, which included memorializing their emotional responses to their experiences. Most of the submissions I received were thoughtful and reflective. Some were quite amusing. Many were extremely

heartfelt and touching.

Service-learning allows deeper understanding of client needs and fosters commitment to change social conditions that may affect clients. It is ideally suited for preparing law students to be members of a profession that purports to value service in the public interest. Service-learning is an effective means to reconnect substantive course work to human experience in a way that is meaningful for all students and for women law students in particular who lament the lack of connectedness in the traditional law school curriculum.

For me, it has been the answer to the conundrum that previously perplexed me in my teaching, that is, to make the lived out reality of people’s lives more concrete. For my students, I hope it continues to be a pivotal learning opportunity that encourages them to make service an integral part of their future lives. 

At first it seemed as though

this would be a pretty easy

volunteer job, but in actuality,

I learned that providing service

is much more difficult than

trying to solve someone’s legal

problems. This experience has

taught me the best thing that

one can offer someone else is

a willingness to listen.”

—3rd year female student

Public service seems like

such a vital part of education.

I’m always complaining

that law students don’t have

enough time to do everything,

but some things are too

important to put off until later.”

—3rd year female student

1 Professor Mary Pat Treuthart joined the Gonzaga faculty in 1989. This excerpt, with some revision, was taken from an article titled Weaving A Tapestry: Providing Context Through Service-Learning, 38 Gonz. L. Rev. 215 (2002-2003).

2 Jane Kendall and Associates, COMBINING SERVICE AND LEARNING 22 (1990). These descriptions include: action research, altruism, citizen involvement, citizenship, civic awareness, civic literacy, collaborative learning, community-based education, community education, community service, cooperative education, cross-cultural learning, education for social responsibility, experiential education, field experiences, field studies, global awareness, intergenerational-development, international experiences, internships, leadership, national service, public service, reciprocal learning, service-learning, servant leadership, social action, study-service, voluntary action, volunteerism, youth involvement, youth participation, youth service. Id. at 22-23.

3 NEW DIRECTIONS: TEACHING AND RESEARCH 5 (Ruth Marcous Bounous ed., 1997) [hereinafter NEW DIRECTIONS].

4 The National Commission of Service Learning identifies service-learning as being characterized by [l]inks to academic content and standards[,] [i]nvolves young people in helping to determine and meet real, defined community needs[,] [i]s reciprocal in nature, benefiting both the community and the service providers by combining a service experience from a learning experience[,] [c]an be used in any subject provided it is appropriate to learning goals[,] and] works at all ages, even among young children. National Service-Learning Clearinghouse, Service-Learning Is... at http://www.servicelearning.org/welcome/SL_is/index.html. The Commission emphasizes that service-learning is not an episodic volunteer program, an add-on to an existing school or college curriculum, logging a set number of community service hours in order to graduate, compensatory service assigned as a form of punishment by the courts or by school administrators, only for high school and college students, [or] one-sided: benefitting only students or only the community. Id.

5 NEW DIRECTIONS, supra note 3, at 5.

6 Communications for a Sustainable Future, Benefits of Service-Learning, at <http://csf.colorado.edu/sl/benefits.html>.

7 Some critical commentary suggests that the regulations governing the unauthorized practice of law are too strict. See, inter alia, Russell Engler, And Justice for All – Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks, 67 Fordham L. Rev. 1987 (1999); Alex J. Hurder,

Nonlawyer Legal Assistance and Access to Justice, 67 Fordham L. Rev. 2241 (1999); Deborah Rhode, Too Much Law, Too Little Justice: Too Much Rhetoric, Too Little Reform, 11 Geo. J. Legal Ethics 989 (1998).

8 For a comprehensive survey of student practice rules see David F. Chavkin, Am I My Client’s Lawyer?: Role Definition and the Clinical Supervisor, 51 SMU L. Rev. 1507, 1546-54 (1998).

9 American Bar Association, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 267-272 (1992) [hereinafter The MacCrate Report].