



# CASE NOTES

## Faculty and staff news and newsmakers

### Faculty Profile

#### An Interview with Professor David M. Skover

By Erin Shea



Professor Skover has been with the law school since 1982 teaching Constitutional Law; Federal Courts; Mass Communications Theory; and First Amendment & the Internet.

Professor Skover co-wrote *The Trials of Lenny Bruce: The Fall and Rise of an American Icon* (2002) which chronicles the obscenity law struggles of

the 1960s stand-up comedian who spoke frankly about sex, race, religion, and government. Skover and co-author Ronald K.L. Collins, along with their pro-bono attorney Robert Corn-Revere, led the charge in petitioning for the posthumous pardon of Lenny Bruce for his 1964 New York conviction, which Governor George Pataki granted in December of 2003.

#### What initially drew you to First Amendment law?

The First Amendment is, in my perspective, the most important. Without First Amendment protections for discourse and dissent, we could not hope effectively to sustain a democracy. With the explosion of modern electronic communication technologies, the study of the First Amendment remains an ever vibrant and fresh enterprise.

#### What do you think will be the biggest challenge to the First Amendment over the next decade?

One of the biggest challenges for the First Amendment is the integration of Internet technology. Government is struggling over issues of Internet regulation, not only in the First Amendment arena but in many others. Within the First Amendment regime, traditional doctrines are being questioned and reconfigured as courts and commentators struggle over the competing visions of a unitary First Amendment and one that treats this medium in a special manner.

### Faculty in the News

**Annette Clark** gave a presentation entitled "The Legal Framework for End-of-Life Decision making in Washington" at the Washington State Society of Health Care Attorneys Hospital & Health Law Seminar in Vancouver, B.C. on November 11. Dean Clark participated in a panel discussion on "Women, Health, and the Law: Opportunities to Make a Difference in Women's Health through a Career in Health Law" on November 16. The discussion was co-sponsored by the Health Law Society and King County Washington Women Lawyers.

The Washington State Bar Association Board of Governors has appointed **Joan Tierney**, Associate Director of Career Services, to two positions on the Bar Examiners Committee and on the Committee for Diversity.

**Lisa Brodoff** has been appointed to the Washington State Access to Justice Board's Impediments Committee. She will be working on a statewide Court Access Guide for people with disabilities and a Forum on Court Access with the Human Rights Commission planned for the coming legislative session.

**Gwynne Skinner** presented a paper on November 19 entitled "War Crimes and Litigation: The Caterpillar Case," at the 2005 Palestine Center Annual Conference, "Palestine and the Middle East in a Global Context" held in Washington D.C. The Palestine Center is the educational arm of the Jerusalem Fund for Education and Community Development, designed to promote discussion of issues within a human rights and international law context.

Dean **Kellye Testy** presented as a guest speaker at the Seattle Journal for Social Justice Pedagogy and Social Justice Forum held on November 4. The forum explored the nexus of Pedagogy and Social Justice.

**Dana Gold**, Director, Center on Corporations, Law & Society, and Professor John Dienhart of the Albers School of Business met with approximately twenty-five visitors participating in the International Visitor Leadership Program sponsored by the U.S. Department of State to discuss ethics, transparency and accountability in business in the United States.

continued on back page

# Hot tip: enroll early!

Seattle University School of Law has always provided the opportunity for students to begin their studies in the summer, three months earlier than the traditional fall start time. This popular option has so many advantages that more than half of our entering students now arrive for classes in June. For those who want to consider it, here are the most commonly asked questions about our summer program:

## What are the advantages of taking Criminal Law this summer?

By taking Criminal Law in the summer, students adjust to the legal learning environment more easily. They reduce their fall term class load from 6 classes to 5—which also means one less final exam come December. Students often use the summer class to develop study and exam-taking skills that will serve them throughout their first year. In addition, they enjoy a “leg up” on the housing and/or job markets and still have time to enjoy the pleasures of summer in the Northwest.

## Do I get credit for the course?

Of course! You will receive 4 credits for Criminal Law whether you take it during the summer or fall. But if you choose summer, your fall course load will be 12 credits instead of 16.

## When is Criminal Law offered?

The Law School offers three sections of summer Criminal Law, all of which meet Monday through Thursday, beginning June 19. The final exam is Tuesday, August 1. The afternoon sections meet from 3–5 p.m. or 4–6 p.m. and the evening section is from 6–8 p.m.

## Is financial aid available for the summer?

Yes. Taking Criminal Law in the summer will not change the total amount of the financial aid you receive, but we can revise your package so that some of the aid will be available to you for the summer term. You will need to budget accordingly for the remainder of the year.

## Will it cost extra money to start law school in the summer?

No. Tuition for the year is based on 30 credits. You will pay for Criminal Law (4 credits) in June. Your fall tuition will be

reduced accordingly. *Tuition and fees for the 2006–2007 academic year will be set in March.*

## What if I need to work this summer?

That should be no problem. First year students choose which section they would prefer when they log on to complete their registration. Those who plan to work full-time usually enroll in the evening section.

## Is there a limit to enrollment in either of the sections?

No. Those who have been admitted into the full-time program generally divide themselves fairly evenly between the three sections. Most, if not all, of those admitted to our part-time program choose the evening section. We can generally accommodate your choice as long as you register before the summer registration deadline.

## When do I need to tell you if I want to enroll this summer?

It's best if you let us know as soon as possible. You can clearly mark *full-time summer entry* or *part-time summer entry* on your application to let us know at the time you apply. If you have already submitted your application you want to notify us of your plans no later than June 1 to assure your space in the class, make needed changes in your financial aid and ensure your receipt of the summer registration packet.

## Will there be an orientation prior to the class?

Yes. Orientation will be held June 13–15. While it is optional, most students find the orientation extremely helpful in preparing them for a successful first year.

## SAVE THE DATE!

### January 1

(or as soon thereafter as possible)  
Financial aid application due

### June 13-15

Summer Orientation  
for Criminal Law

### June 19

Summer Criminal Law Start Date

### August 17

Orientation and start of the fall term  
for the Class of 2009!

## Questions? Give us a call!

If you are interested in learning more about the Seattle University School of Law and its programs and services, visit [www.law.seattleu.edu](http://www.law.seattleu.edu). Application materials are also available at this site. We invite you to call or email us with your questions and concerns. All Area Codes are 206.

- **Admission** 398-4200 or 1-800-471-1767  
[lawadmis@seattleu.edu](mailto:lawadmis@seattleu.edu)
- **Alumni/ae Affairs** 398-4210  
[lawalum@seattleu.edu](mailto:lawalum@seattleu.edu)
- **Career Services** 398-4100  
[lawcareers@seattleu.edu](mailto:lawcareers@seattleu.edu)
- **Dean's Office** 398-4300  
[dcdeming@seattleu.edu](mailto:dcdeming@seattleu.edu)
- **Financial Aid** 398-4250  
[lawfa@seattleu.edu](mailto:lawfa@seattleu.edu)
- **Library** 398-4220  
[lawlib@seattleu.edu](mailto:lawlib@seattleu.edu)
- **Student Activities** 398-4328  
[lawadmis@seattleu.edu](mailto:lawadmis@seattleu.edu)
- **Technology** 398-4178  
[lawhelp@seattleu.edu](mailto:lawhelp@seattleu.edu)

## Washington becomes second state to add Indian law to bar

# Washington State Bar Board of Governors approve inclusion of federal Indian jurisdiction on bar exam; Idaho and Oregon to follow?

The Washington State Bar Association (WSBA) Board of Governors voted unanimously, after 2 1/2 hours of vigorous debate, to make Washington the second state to test new lawyers' understanding of federal Indian jurisdiction on the bar exam. At the urging of the WSBA Indian Law Section and Northwest Indian Bar Association (NIBA), Washington followed the precedent set by New Mexico, which became the first state to test Indian law in 2002 (Christian Science Monitor). The Idaho, Oregon, Oklahoma and Arizona bar associations are vetting the issue and might soon follow suit (Indian Country Today).

"We with the Northwest tribal bar applaud the WSBA and its Governors for making this brave decision—a decision that will not only enhance the competence of our profession, but will strengthen state-tribal relations in Washington and elsewhere," said Gabe Galanda, a Seattle Indian lawyer and immediate past Chair of the WSBA Indian Law Section. "With dialogue on this issue rapidly spreading throughout the national bar and Indian Country, it is only a matter of time before Indian law becomes an integral part of many state bar exams."

The Governors' decision comes on the heels of the WSBA general membership's overwhelming endorsement of the issue at the bar's annual business meeting and demonstrated support from the Association of Washington Tribes—a consortium of Washington's 29 federally recognized tribes—and the 42-tribe-member Affiliated Tribes of Northwest Indians (ATNI).

"Congratulations to the Board of Governor's for the Washington State Bar Association on recognizing 150 years after our treaties were signed that it is impor-

tant for Washington lawyers to demonstrate competency in working with the first governments of Washington State," said Swinomish Tribal Chairman Brian Cladoosby, Chair of the Association of Washington Tribes. "All Washington citizens will benefit from this important change."

ATNI, at the urging of the Association of Washington Tribes, resolved that the Washington, Oregon and Idaho bars—which each enjoy reciprocity in bar admission—should test Indian law, declaring that:

If attorneys for the American public, particularly federal, state and local government, better understood the legal concepts of Tribal self-governance and Tribal jurisdiction, there would be fewer disputes and government-to-government dialogue would be greatly enhanced.

The Washington bar exam will test the following federal Indian jurisdictional principles: tribal sovereignty ("the right of reservation Indians to make their own laws and be ruled by them," *Williams v. Lee*, (U.S. 1959)); tribal civil and criminal jurisdiction; tribal sovereign immunity; and, the Indian Child Welfare Act. These topics will first be tested on the Summer 2007 Washington bar exam, which will allow current law students the opportunity to study Indian law in law school.

**(Reprinted with permission from the Northwest Indian Bar Association)**

## Environmental Law Society offers Matthew Henson Environmental Law Fellowship

The Seattle University Environmental Law Society will once again offer the Matthew Henson Environmental Law Fellowship. The fellowship provides one continuing Seattle University law student with up to \$5,000 in financial assistance to participate in an otherwise unpaid summer environmental law position.

The Fellowship is open to all continuing Seattle University law students in good standing and the successful candidate typically has a commitment to environmental stewardship and protection. Applicants for the Fellowship are required to submit a resume, two letters of reference and a two-page proposal indicating the purpose of the summer work and the legal and personal goals the student hopes to gain from the position. Applicants must also submit a letter from the potential summer employer and a five-page essay relating the student's commitment to environmental stewardship and protection.

Aside from the Henson Fellowship, the Environmental Law Society has been an active part of student and community life. Members of the Society publish the annual *Environmental Perspectives* journal, sponsor an environmental law film series during the fall and take a hands-on approach to being good stewards of the environment and active members of the community.

## Faculty News

from page 1

**Carmen Gonzalez** gave a presentation on November 7 entitled, "The Environmental Justice Implications of Hurricane Katrina: Lessons for the Future" at the 10th annual National Hispanic Sustainable Energy and Environmental Conference in Seattle. Professor Gonzalez has also been invited to present on a panel entitled "Profiles in Excellence: Four Hispanics in Environmental Positions Who Are Making a Difference."

## Study Abroad initiative first for law school

The Seattle University School of Law has joined a consortium of law schools—including Georgia State University College of Law and Florida International University College of Law—to offer a summer study abroad program at Pontifical Catholic University-Rio in Brazil. The Jesuit university shares Seattle University's commitment to social justice and has produced pioneering research in the field of human rights and environmental protection.

Law Students will have the opportunity to spend the summer in vacation hot-spot Rio de Janeiro not as tourists, but as participants in what is the law school's first study abroad program.

"In an increasingly interconnected world, it is important for law students to have a strong foundation in international and comparative law and to function effectively in a cross-cultural setting," said Carmen Gonzalez, associate professor of law and faculty member of the Brazil summer program. All law students are eligible to apply for the program, which begins in the summer of 2006.

Courses, which include international trade law, international and comparative environmental law and alternative dispute resolution, will be taught by prominent faculty from the U.S. and Brazil. The focus of the studies will be on issues facing the South American country.

"Rio de Janeiro is one of the largest and most cosmopolitan cities in the world--a place where picture-postcard beauty and spectacular wealth coexist with abject poverty," Gonzalez said.

"The summer program is designed to introduce law and policy while exposing students to the cultural, social and economic wonders of Brazil, as well as its pressing social and environmental problems."

—Reprinted with permission from the Seattle University  
Broadway & Madison Faculty and Staff Newsletter

Seattle, WA 98122-4340  
P.O. Box 222000  
901 12th Ave.  
Office of Admission  
Sullivan Hall

SCHOOL OF  
LAW



Non-Profit Org.  
U.S. Postage  
PAID  
Seattle, WA  
Permit No. 2783