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### A Tribute to Maureen Laflin

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## VI. A TRIBUTE TO MAUREEN LAFLIN

by Liz Brandt

Maureen Laflin never planned to be a law professor. She stumbled into a two-year, grant-funded position with the Legal Aid Clinic at the University of Idaho while looking for a professional law practice position, having recently relocated to Moscow for family reasons. It's doubtful she realized at first that she had not only discovered her life's work, but that she would make an outsized and enduring contribution to the University of Idaho College of Law and the State of Idaho.

Professor Laflin has been one of the most dynamic and creative forces on the faculty at the College of Law since 1991. She has built a nationally recognized clinical legal education program and an innovative appropriate dispute resolution program.<sup>21</sup> As the director of clinical programs, she has taught, nurtured and supported hundreds of future lawyers and also has fostered the clinic's core mission of representing low income clients in civil matters in the courts of Idaho. In addition, Laflin has supported and developed a diverse set of clinics, including an appellate clinic, a mediation clinic, a victims' rights clinic, a low-income taxpayers clinic, a land use and economic development clinic, a small business and entrepreneurship clinic, and an immigration clinic. Laflin also has played a pivotal role in expanding the college's externship program and working to ensure that externship placements are rigorous and educationally sound.

#### Students First

Professor Laflin's legal education career has been most informed by her profound commitment to providing law students with an educationally sound, rigorous, and rewarding educational experience. Her goal has been that students' clinical experiences provide the strongest foundation possible for their future practice of law. One of Laflin's first initiatives as director of clinical programs, foreshadowing her priorities, was to work with clinic faculty and staff to improve the clinic's approach to student evaluation and grading so that it was more rational, consistent, and rigorous, and so that students received better and more consistent feedback on their work. To ensure that this effort continued to inform pedagogical practice in the clinic, she instituted a series of annual retreats and meetings to

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<sup>21</sup> In ??? *National Jurist* magazine gave UI an A- for practical skills training, placing UI in the top 37 law schools nationwide for practical skills. In 2011, *National Jurist* magazine ranked the UI Clinical Program thirteenth of "top law schools for clinical opportunities," Michelle Weyenberg, *Top Law Schools for Clinical Opportunities*, NAT'L JURIST, Sept. 2011, at 24. In 2006, *Pre-Law Magazine* 2006 ranked the UI College of Law 31<sup>st</sup> of 200 law schools for best availability of clinical offerings. [To be finalized.]

enable clinical faculty and staff to share information, discuss approaches, and understand each other's needs and goals.

Professor Laflin took over a strong clinical program when she became the director in the mid-1990s. She worked to not only sustain the quality of programs in the clinic but also to enhance and add to those programs. One of the signature educational experiences of the clinical program has always been Trial Advocacy Week, fondly known at the college as Trial Ad. Trial Ad brings leading litigators to campus every year to work with law students on an intensive, one-week trial training program based on the model of the National Institute for Trial Advocacy (NITA). The program was the vision of the first director of clinic at the college, Professor Emeritus Craig Lewis. Laflin diversified the program by including both civil and criminal law trial training. She expanded the program which had been limited to students enrolled in the clinic, so that it was available to all students at the College of Law. She also worked to develop a more diverse group of distinguished trainers—some of the top lawyers and judges in the state and region—who were committed to training law students for the program.

Laflin's efforts invigorating Trial Ad led her to see the importance of student-practitioner collaboration in skills education. With that in mind, she developed the Northwest Institute for Dispute Resolution, discussed in detail later. She structured the program to ensure that students would participate in a collaborative environment with lawyers and judges.

Laflin also worked to develop innovative externship programs. She led efforts to improve the college's summer externship program by instituting a classroom teaching component to the program and ensuring that placements were rigorous and educationally appropriate. She also was pivotal in the formation of the College's semester-in-practice program.

Laflin's priorities are clear in her writing and speaking, where she has focused on clinical pedagogy, student skills development, and ethics education.<sup>22</sup> Alumni of the clinical program attest that she was successful at putting her ideas about teaching into action. They report that their experiences in Laflin's clinic classes were the most important and influential of their law school experience. And that her influence continues long after graduation. Former students describe Laflin using the superlative. One former student, part of a group early in Laflin's career who worked to add Appropriate Dispute Resolution to the college's curriculum, wrote, "Maureen had the vision and the enthusiasm to carry the idea forward and pursue getting ADR incorporated into the law school curriculum and clinic practice.

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<sup>22</sup> Maureen E. Laflin, *Preserving the Integrity of Mediation Through the Adoption of Ethical Rules for Lawyer-Mediators*, 14 NOTRE DAME J.L. ETHICS & PUB. POL'Y 479 (2000); Maureen E. Laflin, *Toward the Making of Good Lawyers: How an Appellate Clinic Satisfies the Professional Objectives of the MacCrate Report*, 33 GONZ. L. REV. 1 (1997); see also Maureen E. Laflin, *University of Idaho College of Law Clinical Programs*, ADVOCATE, May 2000, at 18; Maureen E. Laflin & Nancy Luebbert, *Ninth Circuit Praises Work of Appellate Clinic Interns*, ADVOCATE, Feb. 1999, at 13; Maureen E. Laflin, *Clinical Legal Education Gets High Marks*, ADVOCATE, Sept. 1997, at 9; Maureen E. Laflin, *Real Life Moot Court: The University of Idaho Legal Aid Clinic's Appellate Component Benefits Students, Clients, and Court*, ADVOCATE, Nov. 1993, at 24.

The Northwest Institute for Dispute Resolution—now celebrating its 24th year—stands as a testament not only to the audacity of the 1Ls that spearheaded the initial conference but to Maureen’s professionalism and leadership in securing the legacy of their vision.” Another former student, now a longtime practitioner, reports that Laflin’s influence has “proved invaluable” in his career, while another former student states that having the opportunity to work with Laflin was an “amazing experience.” A current student comments that “she has mastered the delicate line of supervising while not micromanaging her students.” Laflin’s students also emphasize that her mentoring went beyond the classroom and courtroom. One states that she “authentically cared” for her students and clients. Another comments that “she [was] a true mentor both inside and outside the classroom.” Another adds that “without her guidance and support I would not have been able to manage my career, family, and other obligations.”

### Service and Outreach

While Laflin’s commitment to the education of students has always been her first concern, her commitment the legal profession and service to the people of Idaho cannot be understated. She has zealously ensured that residents of Idaho have access to the highest quality legal representation possible within the limits of the clinic’s reach and mission. She has tirelessly worked to support the legal profession in Idaho by developing educational resources for Idaho judges and lawyers and by participating in judicial and legal continuing education. She has contributed regularly regarding state and national policy issues in the area of dispute resolution.

#### 1. High Quality Legal Representation

The past thirty years are replete with examples of Laflin’s efforts, through her students, to provide high quality legal representation to the people of Idaho. Two cases, bookend her career and provide insight into her efforts. The first case, *Mathews v. State*,<sup>23</sup> arose early in Laflin’s career at Idaho while she was director of the College’s appellate clinic. Over a period of 12 years, under Laflin’s supervision, students worked on three different appeals to the Idaho Supreme Court as well as appeals to the Federal District Court for the District of Idaho and the Ninth Circuit Court of Appeals in the case. While they were ultimately unsuccessful in obtaining a reversal of the client’s conviction, the students uncovered significant issues in the procedures employed by the state during the client’s arrest. They were able to brief and argue complex, novel issues of law regarding jurisdiction on Indian reservations and search and seizure. One court reviewing the case explicitly recognized Laflin and her students for their diligent work stating that “[t]he Court expresses its appreciation to Maureen Laflin and the University of Idaho Law School student interns for their outstanding work in this matter.”

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<sup>23</sup> *State v. Mathews*, 986 P.2d 323, 133 Idaho 300 (1999); see also *State v. Mathews (Mathews I)*, No. 20154, 1994 WL 376131 (Idaho July 18, 1994); *State v. Mathews (Mathews II)*, 934 P.2d 931, 129 Idaho 865 (1997). [To be finalized.]

The second case involved the Syringa Mobile Home Court in Moscow.<sup>24</sup> Laflin, Clinic Professor Jessica Long, and 24 of their students served as counsel on a class action lawsuit filed against the owner of the Syringa Mobile Home Park after residents endured 93 days without potable water, raw sewerage in the park, and up to two weeks with no water. The students secured a rare class action monetary settlement for residents of the park. The case presented complex real estate, remedies, and procedural issues. At Laflin's encouragement clinic interns consulted with many faculty at the college and experts across the university. The case brought national attention to a much wider issue—the plight of mobile home park residents when a park owner fails to maintain the property. It was the focal point of story on National Public Broadcasting.<sup>25</sup>

These two cases illustrate Laflin's courageous and dedicated work providing legal services and access to the courts. The cases demonstrate Laflin's commitment to the education of law students. In both, she pushed the students to the forefront and enabled them to work on complex and novel legal issues. Both cases forced students to grapple with ethical concerns and presented opportunities for broad collaboration. In between these two emblematic cases were hundreds more in which Laflin empowered students, modeled passionate and excellent lawyering, helped students grapple with a variety of legal issues, and encouraged them to identify resources and work in collaboration with others. The quality of her students' work on behalf of underserved clients is evidenced by the fact that local elected officials and community members asked the clinic to become involved in cases such as the Syringa case. During the years in which her appellate clinic was offered, Laflin and her students were recognized for their high-quality representation in the text of eight different opinions of the United States Court of Appeals for the Ninth Circuit over the course of a decade.<sup>26</sup>

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<sup>24</sup> Page v. Magar, No. CV-2014-227 (Idaho Dist. Ct., 2d Jud. Dist., Latah County Feb. 12, 2018). [To be finalized.]

<sup>25</sup> Daniel Zwerdling, *Mobile Home Park Owners Can Spoil an Affordable American Dream*, NAT'L PUB. RADIO (Dec. 16, 2016, 1:32 PM), <https://www.npr.org/2016/12/26/502590161/mobile-home-park-owners-can-spoil-an-affordable-american-dream>.

<sup>26</sup> Valdez v. Rosenbaum, 302 F.3d 1039, 1039 n.\* (9th Cir. 2002) (“Valdez was well represented in this appeal by Daniel R. Anderson and Ms. Katherine C. Ball, law students from the University of Idaho College of Law. The court thanks them for their excellent work.”); Frost v. Agnos, 152 F.3d 1124, 1127 n.\* (9th Cir. 1998) (“We commend *pro bono* counsel for their outstanding performance at oral argument and for their fine legal work on this case.”); Vignolo v. Miller, 120 F.3d 1075, 1077 (9th Cir. 1997) (Reversing the district court's dismissal of a prisoner civil rights claim, the Court noted that Vignolo was well represented on appeal by the University of Idaho College of Law Legal Aid Clinic.); Curnow v. WSP Med. Staff, No. 95–35321, 1997 WL 154054, at \*1 n.1 (9th Cir. Mar. 31, 1997) (“This case was very ably argued by University of Idaho law student Stephen Noel, under the supervision of Professor Maureen Laflin.”); Whitfield v. Fresno Cty. Det. Facility, No. 95–17072, 1997 WL 135818, at \*1 n.1 (9th Cir. Mar. 24, 1997) (“Whitfield was well represented on appeal by legal interns John W. Kluksdal and Courtnie R. Tucker

## 2. Educational Resources for Idaho Judges and Lawyers

Laflin has dedicated significant time to developing and participating in continuing education for Idaho judges and lawyers and to organizing and writing continuing legal education materials. One of her most significant and sustained efforts in this regard is the Northwest Institute for Appropriate Dispute Resolution (NWI), which she developed to deliver rigorous training to practicing attorneys, judges, and students in all facets of dispute resolution. NWI offers several courses every year during an intensive one-week training session in May. The offerings have covered a wide range of topics including basic civil and family mediation, leading to certification under Idaho Court Rules. In addition, courses in mediation of complex cases, arbitration, criminal mediation, environmental mediation, employment mediation, and others have been offered. The Institute courses are taught by nationally known experts and are focused on collaborative learning between the participating lawyers and judges and law students. As the Institute has grown, Laflin has worked to provide better access to its offerings. NWI has begun offering courses throughout the year and in diverse locations throughout the state.

Laflin's colleague, Cardozo University Law School Professor Lela Love, described the institute as "remarkable" and noted that Laflin's vision has resulted in the development of a state bar and judiciary that is knowledgeable in cutting-edge ideas in the area of mediation.<sup>27</sup> Merlyn Clark, a leading Idaho attorney who collaborated often with Laflin, concluded that "without any hesitation, I can say that [Professor Laflin] is the individual who is primarily responsible for the development of appropriate dispute resolution in the State of Idaho."<sup>28</sup>

Beyond NWI, Laflin has been the presenter at more than forty legal and judicial education seminars in Idaho alone. She served as the coordinating editor and contributor to the *Idaho Appellate Handbook*,<sup>29</sup> and as one of the principal

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with guidance of supervising attorney Maureen E. Laflin of the University of Idaho College of Law Legal Aid Clinic."); *Smith v. Noonan*, 992 F.2d 987, 987 n.\* (9th Cir. 1993) ("Smith was well represented on appeal by Ms. Michelle M. Evans, a law student from the University of Idaho College of Law. Ms. Evans was guided by Ms. Maureen E. Laflin, her supervising attorney."); *Mendoza v. Blodgett*, 960 F.2d 1425, 1433 n.7 (9th Cir. 1992) ("The plaintiff-appellant/cross-appellee was well represented in this appeal by Kristin Bjorkman and Thomas G. Myrum, legal interns at the University of Idaho College of Law."); *Klein v. Borg*, No. 90-55833, 1991 WL 270734, at \*1 n.\* (9th Cir. Dec. 17, 1991) ("The appellant was well represented on this appeal by Suzanna L. Graham, legal intern of the University of Idaho College of Law.")

<sup>27</sup> Letter from Professor Lela Love, Dir. of the Kukin Program for Conflict Resolution, to Dean Barbara Petty (Jan. 12, 2017) (on file with author).

<sup>28</sup> Letter from Merlyn W. Clark, Hawley Troxell Ennis & Hawley LLP, to Dean Barbara Petty (Jan. 22, 2018) (on file with author).

<sup>29</sup> IDAHO APPELLATE PRACTICE SECTION, IDAHO STATE BAR, IDAHO APPELLATE HANDBOOK (5th ed. 2017).

drafters of the several Idaho court rules regarding the practice of mediation.<sup>30</sup> Linda Copple Trout, former Chief Justice of the Idaho Supreme Court stated that “[t]hanks to [Laflin’s] work, the Idaho Supreme Court adopted a first-ever rule regarding mediations in criminal cases, which has resulted in the successful mediation and resolutions of hundreds of criminal cases.” Justice Trout also remarked,

Professor Laflin has . . . given freely her time and expertise in training judges and attorneys in both civil and criminal mediation. I participated in the training to become certified in mediating criminal cases and found her knowledge and expertise in the area to be extraordinarily helpful. She has worked with the courts in Idaho to improve both court processes as well as skill building for judges . . . . She has accomplished a phenomenal amount of work over the past 25 years and, through those efforts, has benefited the judiciary, Idaho attorneys, students at the College of Law, the University of Idaho, and the people of Idaho.<sup>31</sup>

### 3. State and National Mediation Policy

Laflin has also made substantial contributions to state and national mediation policy. In Idaho she has served as a member of the governing counsel of the Idaho State Bar Association’s Section on Alternative Dispute Resolution, the Idaho Supreme Court’s Mediation Committee and the Advisory Committee for the Idaho Federal District’s mediation program. She has served on the Board of Directors of the Federal Defender’s service of Idaho, the Idaho Volunteer Lawyers Program Policy Council, and the Idaho Legal Services Delivery Council/Access to Justice Committee. She was one of the founding members of the Ray G. McNicols American Inns of Court.

Laflin has written on mediation in criminal cases.<sup>32</sup> She has spoken extensively to national audiences in Florida and Washington state on this topic. She has often been a presenter at the annual Northwest ADR Conference and the annual Northwest Clinicians Conference. She has been an active member of the Association of American Law Schools Section on Clinical Education and the Clinical Legal Education Association.

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<sup>30</sup> I.C.R. 18.1 (Mediation in Criminal Cases); I.C.A.R. 73 (Qualifications of Civil Mediators); I.R.C.P. 37.1 (Mediation of Civil Lawsuits).

<sup>31</sup> Letter from Linda Copple Trout, Justice (ret.) The State of Idaho Supreme Court, to Dean Barbara Petty (Jan. 24, 2018) (on file with author).

<sup>32</sup> Maureen E. Laflin, *The Mediator as Fugu Chef: Preserving Protections Without Poisoning the Process*, 49 S. TEX. L. REV. 943 (2008); Maureen E. Laflin, *Remarks on Case-Management Criminal Mediation*, 40 IDAHO L. REV. 571 (2004); see also Maureen E. Laflin, *Case-Management Criminal Mediation Offers Promise But Requires Caution*, ADVOCATE, Nov. 2004, at 15; Maureen E. Laflin, *Remarks on Case-Management Criminal Mediation*, 34 FLA. CRIM. L.J. 6 (2004); Maureen E. Laflin, *Can Informed Consent Preserve the Integrity of Mediation*, ADVOCATE, Nov. 2000, at 12.

### **Institutional Commitment**

Professor Laflin has given unselfishly of her time to further the mission of the College of Law and of the University of Idaho. She has served on countless committees both at the college and at the university levels. She is known on campus as someone who can be called upon for support and assistance in a wide variety of circumstances. She has served on search committees and university policy committees as well as facilitated retreats for university departments and for the university president. She has moderated panels presented by faculty, staff and students. At the College of Law, she has served as a member of countless staff and faculty search committees. At one time or another she has been a member of every College of Law standing committee except the Admissions Committee. She was instrumental in developing plans for the College's expansion to Boise. To put it simply, Professor Laflin has been there when it counted.

Finally, she has been our friend and colleague in the truest sense of the word. She is an engaged and vibrant presence on the faculty—a voice of support and encouragement for those who need it and a catalyst for conversation and communication. She has consistently set aside professional and personal priorities in order to work on projects to advance the interests of the college and university. Her retirement is well deserved but will leave a hole that will not be easily filled.

### ***Additional Comments from Faculty, Staff & Students***

#### *Nels Mitchell '78*

Maureen did an outstanding job of creating, nurturing and managing clinical education. I always looked forward to the opportunity to participate in the trial advocacy program with Maureen and her team. During my time as a partner at two different national law firms (Paul Hastings; and Manatt Phelps) I ran the training and education programs at those firms. After working with young lawyers from some of the top-rated law schools in the country, I believe that the lawyers who came out of the U of I clinical program were much better prepared for the practice of law.

#### *Carolyn Todd, Staff*

Maureen: Maureen has been an amazing friend. She let my kids babysit her kids, she loaned me a bike so we could do the Palouse Sprint Triathlon, and now she's on city council. I'm looking forward to many more years of friendship.

#### *Cathie Alonzo, Staff, 1999-2005*

Congratulations on your retirement Maureen! You were such a great teacher when I worked with you; you never micro-managed, you made the responsibilities mine and because of you I gained a lot of confidence and learned a lot. And I loved being your detail person! Before I started working with you at the clinic you said you would walk into the clinic every morning and say: "I will give anybody a dollar if they would just smile!" Well, I smiled a lot in that job and enjoyed working with you and I loved working with the students. I have many fond memories including



filling your office with purple balloons when you celebrated your 45th birthday. I had worked at the clinic a very short time when you invited me to participate in a conference at Sleeping Lady Resort in Leavenworth. That was such a great time, (great food!) learning and feeling part of the Law School community. I was so proud to be part of the important work of the Legal Aid Clinic and working with law students who still had ""stars in their eyes"" and cared so deeply for their clients. The Law School was very good to me when Rudy became ill and I had to take time off. I will never forget that kindness. You meant a lot to Rudy and me as a personal friend; I will never forget your coming to visit us when Rudy was so ill. Wishing you the best now and always Maureen.