

## DAVE FROHNMAYER

President Emeritus and Professor of Law  
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### PERSONAL DATA

Born Medford, Oregon; July 9, 1940

Married to Lynn Diane Frohnmayr, B.A. Stanford, 1964; MSW, Smith College, 1969; Peace Corps Volunteer, Ivory Coast (1964-66); Consultant on Child Abuse and Permanent Planning for Foster Care; Advisor, Fanconi Anemia Research Fund, Inc.

#### Children:

Daughter, Kirsten, born 2-10-73 (deceased)  
Son, Mark, born 7-19-74  
Daughter, Katie, born 11-18-78 (deceased)  
Son, Jonathan, born 12-7-84  
Daughter, Amy, born 2-25-87

### EDUCATION

Public Schools; Medford, Oregon

- A.B. Harvard College, 1962, Magna Cum Laude in Government
- Thesis: "The Concept of the Elite and Liberal Democratic Thought"
  - Phi Beta Kappa and the Detur Prize
  - Publication: "The Concept of Totalitarianism and Present Day Soviet Russia," *Adams House Journal of the Social Sciences*
- B.A., M.A. Oxford University, 1964, B.A.; 1971 M.A.; in Philosophy, Politics and Economics
- Rhodes Scholar
  - President of Wadham College Debating Society
  - Writer for *The Oxford Tory*
- J.D. University of California, School of Law (Boalt Hall)  
Berkeley, California, 1967
- Member, Board of Editors, *California Law Review* (Research and Chief Note and Comment Editor)
  - Order of the Coif
  - Elected Graduation Class Speaker

**EDUCATION (continued)**

Honorary     Doctorate of Laws, Willamette University, 1988

Honorary     Doctorate of Public Service, University of Portland, 1989

**PRIOR PROFESSIONAL POSITIONS**

1994-2009    President, University of Oregon  
1992-94      Dean and Professor of Law, School of Law, University of Oregon  
1981-91      Attorney General, State of Oregon  
1971-81      Professor of Law and Special Assistant to the President of the University  
              of Oregon  
1975-81      State Representative, Oregon Legislative Assembly (three terms)  
1973-74      Consultant, Civil Rights Division, U.S. Department of Justice,  
              Washington, D.C.  
1969-70      Assistant to the U.S. Secretary of Health, Education and Welfare,  
              Washington, D.C.  
1967-69      Associate, Pillsbury, Madison and Sutro; San Francisco, California

**POLITICAL**

Elected Attorney General, 1980; Reelected, 1984; Reelected, 1988 (nominated by both major political parties)

Elected to Oregon House of Representatives, District 40, south Eugene and Goshen, 1975, 1977, 1979

**AWARDS AND PROFESSIONAL RECOGNITION**

- Outstanding Senior Man at Medford High School, Medford, Oregon 1958
- Detur Prize, Harvard
- Phi Beta Kappa, Harvard
- Rhodes Scholar, Oxford
- Order of the Coif, University of California at Berkeley
- Winner (twice) of the Samuel Pool Weaver Constitutional Law Essay Competition, American Bar Foundation: 1972 (Subject: Concept of Separation of Powers) and 1974 (Subject: Executive Privilege)
- Winner, Ross Essay Competition, *American Bar Association Journal*, July 1980 (Subject: Regulatory Reform)
- Eugene Junior First Citizen for Distinguished Community Service, 1974
- Selected one of Five Outstanding Young Men of Oregon, 1975
- Roger W. Williams Freedom of Information Award, Oregon Newspaper Publishers Association, 1981
- Pioneer Award, University of Oregon, 1985
- President, National Association of Attorneys General, 1987-88
- Wyman Award for Outstanding Attorney General, National Association of Attorneys General, 1987

**AWARDS AND PROFESSIONAL RECOGNITION (continued)**

- Silver Good Citizenship Medal, The National Society of the Sons of the American Revolution, Oregon Society, 1991
- Fellow of the American Bar Foundation, 1994
- Tom McCall Award, Oregon Association of Broadcasters, 1996
- Aubrey R. Watzek Award, Trustees of Lewis & Clark College, 1998
- Tom McCall Leadership Award, Bank of America/SOLV, 1998
- Citation Award (Alumnus of the Year), Boalt Hall Alumni Association, University of California at Berkeley School of Law, 1999 (presented in 2001)
- Commendation from Oregon District Attorneys Association in recognition of extraordinary service to law enforcement and the people of the State of Oregon, January, 2000
- Council for Advancement and Support of Education (CASE) District VIII Leadership Award, 2000
- Full Life Award, Medtronic, Inc., 2000
- First Annual Award for Public Service, University of Oregon School of Law, 2002 (thereafter annual Frohnmayer Award)
- Fellow, American Academy of Arts and Sciences, 2002
- Judge Learned Hand Lifetime Achievement Award, American Jewish Committee, 2004
- The Jonathan U. Newman Legal Citizen of the Year, Classroom Law Project, 2005
- Statesman Award, Oregon Business Association, 2006
- Governors' Gold Award, 2009
- Architecture Foundation of Oregon "Honored Citizen" Award, 2009
- Oregon State Bar Award of Merit, 2009

**AWARDS AND PROFESSIONAL RECOGNITION WITH SPOUSE**

- Parents of the Year Award, Oregon Division of the American Association for Marriage and Family Therapy, 1988
- Service to Mankind Award, Oregon Chapter of Leukemia Society of America, 1990
- Heart of Gold Award, Providence Child Center, 1997
- First Citizens of Eugene, 1999
- Research!America: "Advocacy Award for Medical or Other Health-Related Research," 1999
- Americans for Medical Progress Educational Foundation: "Albert B. Sabin Heroes of Science Award," 2000
- Oregon Department of Human Services, "Champion of Children" award, May, 2009
- Medical Research Foundation, "Mentor Award," 2009

**PROFESSIONAL ASSOCIATIONS**

- BCS Presidential Oversight Committee (Chair) until July 1, 2009
- Pac-10 CEO Council (member; Chair 2003-05)
- NCAA Division 1 Board of Directors (Pac-10 Representative)
- NCAA Executive Committee
- Association of American Universities (member 1994-2009) (Executive committee, 2003-2009)
- Association of Pacific Rim Universities (founding member)
- American Council on Education, Commission on Governmental Relations (Chairman, 1996-1999)
- Governing Board, APRU World Institute (AWI) (member, 2006-2009)
- Internet 2 Board of Trustees (member, 2005-present)

## **PUBLIC SERVICE POSITIONS**

- Oregon Progress Board (gubernatorial appointment; member 1991-2006)
- Willamette Valley Livability Forum (gubernatorial appointment, Advisory Board member 1997)
- Southern Willamette Research Corridor (Chairman, 1996-1998)
- Governor's Commission on Organized Crime (Chairman, 1981-91)
- Governor's Special Commission Against Violent Crime (Chairman, 1982-86)
- Public Commission on the Oregon Legislature created by Senate Bill 1004 (2005)
- Citizen Advocates for Public Safety (co-chair; Lane County, Oregon, 2009)

## **CIVIC AND PHILANTHROPIC BOARDS AND MEMBERSHIPS**

- Board of Directors, The Ford Family Foundation, 2004-present
- Board of Directors and co-founder, National Marrow Donor Program, 1986-2000; Director Emeritus, 2001-present
- Board of Directors, and co-founder, Fanconi Anemia Research Fund, Inc., 1989-present
- Board of Trustees, Fred Hutchinson Cancer Research Center, 1992-2000; Senior Council 2000-present
- Charter Member, NIH Director's Council of Public Representatives-National Institutes of Health, 1999-2001
- Committee Member, Dinner of Champions, National Multiple Sclerosis Society, 1994-96
- Honorary Chairman, Children's Miracle Network Telethon for Sacred Heart Hospital (Eugene) and Doernbecher Children's Hospital (Portland), 1989-2000
- Member, Eugene Downtown Rotary Club, 1974-present
- Member, Board of Directors, Oregon Historical Society, 1997-1999
- Member, Public Affairs Advisory Panel, Oregon Public Broadcasting, 1997-1999
- Member, Round Table of Eugene, 1974-present

## **CORPORATE BOARD MEMBERSHIPS**

- Board of Trustees, The Qualivest Funds, Portland OR, 1994-97
- Board of Directors, Umpqua Holdings Corp. (banking and financial services), Portland OR, 1996-present
- Board of Trustees, Tax-Free Trust of Oregon, January 1997-2003
- Board of Trustees, Aquila Cascadia Equity Fund, January 1997-2003

## **LEGAL MEMBERSHIPS/ADMISSIONS**

- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- Oregon Supreme Court
- Oregon Court of Appeals
- Member, American Bar Association
- Member, Oregon State Bar
- Member, Lane County Bar Association
- Member, California State Bar (inactive)

**LEGAL MEMBERSHIPS/ADMISSIONS (continued)**

- National Association of Attorneys General, 1981-1991 (President, 1987-88)
- Conference of Western Attorneys General, 1981-1991 (Chairman, 1985)
- Oregon District Attorneys Association (honorary lifetime member)
- Society of Attorneys General Emeritus Network (1992-present)

**SUPREME COURT ADVOCACY**

*Personally argued and won six of seven cases before the United States Supreme Court - the most cases and best record of any contemporary state Attorney General.*

1. *Oregon v Kennedy*, 456 US 667 (1982) (double jeopardy does not bar retrial of accused after prosecutor's prejudicial comment) (state prevailed)
2. *Oregon v Bradshaw*, 462 US 1039 (1983) (*Miranda* rule not expanded to exclude accused defendant's voluntary admissions initiated after proper police warnings) (state prevailed)
3. *Tower v Glover*, 467 US 914 (1984) (public defender not entitled to absolute immunity in case alleging massive and improbable conspiracy with prosecutors and judges) (state did not prevail)
4. *Oregon v Elstad*, 470 US 298 (1985) (*Miranda* rule not extended to exclude statements of defendant who was readvised of right to counsel after initial law enforcement error) (state prevailed)
5. *Oregon Department of Fish & Wildlife v Klamath Indian Tribe*, 473 US 753 (1985) (scope of treaty interpretation concerning state regulation of hunting and fishing rights on former reservation land) (state prevailed)
6. *Whitley v Albers*, 475 US 312 (1986) (inmates injured in suppression of prison riot not entitled to recover damages under §1983 for alleged violation of Eighth Amendment "cruel and unusual punishments" clause) (state prevailed)
7. *Employment Div., Department of Human Resources of Oregon v Smith*, 485 US 660 (1990) (state can deny unemployment compensation for work-related misconduct based on use of drug, notwithstanding free exercise of religion claim for peyote use) (state prevailed)

## SIGNIFICANT PROFESSIONAL RESPONSIBILITIES

A. Exercised national leadership in litigation of historic significance:

1. *Oil Overcharge Litigation*

(a) *United States v Exxon*. Co-chaired state Attorneys General task force and negotiating team from 1982-90. Selected by peers to present oral argument on appeal for 54 states, territories and possessions. Prevailed on oral argument, resulting in distribution of \$2.1 billion in indirect restitution to consumers through states. *This was the then-largest final civil judgment in the history of American law. See United States v. Exxon, 773 F.2d 1240 (Temporary Emergency Court of Appeals, 1985) cert.denied 474 US 1105 (1986).*

(b) *In re Stripper Well Litigation*. Co-chair with two colleagues of states' negotiating team. This extended proceeding culminated in the *then-largest civil settlement in the history of American law* (between \$4-6 billion). (administrative litigation continues)

I led and helped conclude lengthy negotiations with states, the federal government, private parties, representatives of the petroleum industry and the general public. I presented the single oral argument on behalf of all states, territories and possessions in favor of the formal settlement agreement. (*See 653 F.Supp. 108 (D. Kan., 1986)*). This judgment benefited consumers of all American jurisdictions.

B. Tobacco Litigation (1998-99)

Selected as one of 3 national arbitrators by the National Association of Attorneys General to distribute \$8.6 billion of bonus awards to states for strategic contributions in litigating and settling cases against the tobacco industry and allied interests.

C. Supervised one of the largest law offices in Pacific Northwest for 11 years -- practice involved defense against all criminal appeals, conduct of state civil litigation, consumer protection, organized crime interdiction, child support enforcement, and continuing legal advice and services to all Oregon state agencies and departments.

D. Supervised state civil litigation and participated in joint federal and state investigation and prosecution of criminal acts perpetrated by leadership of Rajneesh commune in central Oregon. (1983-86) (Largest criminal conspiracy in history of Oregon)

E. Co-authored and supervised publication of significant manuals on administrative proceedings and open government legislation. Organized and keynoted major conferences on public law topics for citizens, government officials and attorneys. (1981-91).

**SIGNIFICANT PROFESSIONAL RESPONSIBILITIES (continued)**

- F. Editorial committee member and contributing author, *The Office of Attorney General: Powers and Duties*, (National Association of Attorneys General 1988, Lynne Ross, ed.). Author and co-author of chapters entitled "Structure of State Legal Services" and "State Administrative Law".
- G. Criminal Law
- Executive Committee, Oregon District Attorneys Association (1981-1991)
- Chair, Governor's Special Commission Against Violent Crime (1982-86)
- Chair, Governor's Commission Against Organized Crime (1981-1991)  
(functioned also as U.S. Attorney's Law Enforcement Coordinating Committee)
- Author of Oregon RICO Act (*see* Frohnmayer, Arnold & Hamilton, "RICO: Oregon's Message to Organized Crime," 18 *Willamette Law Review* 1 (1982))
- Endorsed for Governor by all 36 District Attorneys and all 36 Sheriffs in Oregon (1990)

**SCHOLARSHIP AND PUBLICATIONS: SELECT BIBLIOGRAPHY**

*These publications develop the author's perspectives on the following major themes: 1) the analysis of "judicial self-restraint"; 2) the importance of effective controls over abused of administrative agency powers; 3) the role of elected officials in a separation of powers government; and 4) new mechanisms to assert the continuing importance of structural federalism in the American political system:*

- A. *Administrative Law*
1. Frohnmayer, "The Oregon Administrative Procedure Act: An Essay on State Administrative Rulemaking Procedure Reform," 58 *Oregon Law Review* 411 (1980) (explaining complex statute and comparing state and federal administrative law developments).
  2. Frohnmayer, "Regulatory Reform: A Slogan in Search of Substance," 66 *ABA Journal* 871 (1980) (Ross Essay Prize) (analyzes sources of regulatory power by federal agencies and proposes legislative and administrative reforms to curb excesses of authority).
  3. Frohnmayer, "National Trends in Court Review of Agency Action: Some Reflections on the Model State Administrative Procedure Act and the New Utah Administrative Procedure Act," 3 *BYU Journal of Public Law* 1 (1989) (comparing federal and state trends in administrative law and proposing controls on agency authority).

**SCHOLARSHIP AND PUBLICATIONS: SELECT BIBLIOGRAPHY (continued)**

B. *Legislative Processes*

1. Linde & Frohnmayer, "Prescription for the Citizen Legislature: Cutting the Gordian Knot," *56 Oregon Law Review* 3 (1977) (diagnosing the failures of the state legislative process and proposing fundamental reform to preserve the citizen legislature).
2. Frohnmayer, "The Legislative Function," *67 Oregon Law Review* 41 (1988) (discussion of modern developments in state legislative procedures and suggestions for reform.)

C. *Federalism*

1. Frohnmayer, "A New Look at Federalism: The Theory and Implications of Dual Sovereignty," *12 Environmental Law* 903 (1982) (this article examines the practical and theoretical justifications for continued vitality of theories of federalism.)
2. Frohnmayer, "The Compact Clause, The Appointments Clause and the New Cooperative Federalism: The Accommodation of Constitutional Values in the Northwest Power Act," *17 Environmental Law* 767 (1987) (this article examines creative possibilities of cooperative interstate agreements under the Compact Clause of the United States Constitution).

I participated in writing the amicus curiae brief and personally presented oral argument on behalf of the northwest states and the National Governors Association in the principal case, *Seattle Master Builders Ass'n v Pacific Northwest Elec. Power and Conservation Planning Council*, 786 F.2d 1359 (9th Cir. 1986), *cert. denied*, 479 US 1059 (1987).

D. *Judicial Process and Judicial Review*

1. Frohnmayer, "Legislatures and the Courts: Guarding the Guardians," *59 State Government* 7 (1986) (noting limitations of courts as advocates of new social policies).
2. Frohnmayer, "Of Legislative Intent, the Perils of Legislative Abdication, and the Growth of Administrative and Judicial Power," *Willamette Law Review* 219 (1986) (argument for clear legislative standards to control otherwise questionable activism by courts and administrative agencies).
3. Frohnmayer, "The Courts as Referee," in Frohnmayer & Baum, eds. *The Courts: Sharing and Separating Powers* at p. 51 (Eagleton Institute of Politics: 1989) (symposium presentation noting abdication of authority by elected officials, and urging reassertion of legislative and executive institutional power).



**SCHOLARSHIP AND PUBLICATIONS: SELECT BIBLIOGRAPHY (continued)**

4. Frohnmayer, "The Separation of Powers: An Essay on the Vitality of a Constitutional Idea," (Weaver Essay Prize, *supra*) (urges vigorous assertion of powers by legislative and executive branches without requirements of exhaustive judicial review).
  5. Frohnmayer, "Effective Written Argument," in Oregon State Bar Continuing Legal Education, *Appellate Practice*, chapter 2 (1987) (discussing effective techniques for briefing federal and state appeals).
  6. Frohnmayer, "Who's to Judge?" in *Oregon State Bar Bulletin*, Vol. 58, No. 2, November 1997, pp. 9-20.
  7. Frohnmayer, "Who's to Judge?" in *Brainstorm*, February 1998, pp. 13-20.
  8. Frohnmayer, "The Future of the Oregon Business Lawyer," in *Oregon Business Lawyer*, Volume 1, Number 3, November 1998.
- E. *Other*
1. Frohnmayer, Foreword, "Hans Linde: Architect of Democratic Institutions," *Oregon Law Review*, Vol. 70, No. 4 (1991).
  2. Frohnmayer, Dedication, "Robert H. Henry: Steward of the Public Trust," *Oklahoma City University Law Review*, Vol. 16, No. 21, (1991).
  3. Frohnmayer, "The New Tribalism: Will Special Interest Politics Tear Oregon Apart?," *Old Oregon* magazine, Autumn 1992.
- F. *Speeches and writings available at <http://frohnmayer.uoregon.edu/?p=speeches>*
1. "Uncommon Good" essay in *Oregon Quarterly* magazine Summer 2009
  2. "What Goes Around..." (or "Running for Sheriff") Round Table of Eugene, February 12, 2008
  3. "Oregon Blueprint" Oregon Community Foundation, May 10, 2006
  4. "Situational Ethics, Social Deception, and Lessons of Machiavelli" Judge Learned Hand Award Luncheon, 2004
  5. "Why Electing and Governing Seems Harder" Election Day 2004
  6. State of the University 2004
  7. "The Zebrafish Talk" Convocation, 2003

**SCHOLARSHIP AND PUBLICATIONS: SELECT BIBLIOGRAPHY (continued)**

8. "The 34<sup>th</sup> Name"  
Convocation, 2002
9. "Leadership and the Ethical Challenges of Government"  
July 28, 2002
10. "The Name of Our Age"  
Convocation, 2001
11. Candlelight Vigil Remarks – 9/11/01  
September 14, 2001
12. "A Personal Journey"  
October 4, 1996
13. "The New Tribalism"
14. "Facing the Future"  
January 7, 1998

**OTHER PUBLICATIONS**

- Co-editor (with spouse) *F. A. Family Newsletter* (semi-annual newsletter about Fanconi Anemia for affected families, caring physicians and research scientists) (since 1985)
- Co-author (with spouse) of chapter, "Fanconi Anemia: The Family's Point of View," in T.M. Schroeder-Kurth, A.D. Auerbach & G. Obe (eds.), *Fanconi Anemia: Clinical, Cytogenetic and Experimental Aspects* (Springer-Verlag: 1989)
- Co-author (with spouse) *Fanconi Anemia: A Handbook for Families and Their Physicians* (2d ed. 1995; 3<sup>rd</sup> ed. 2000)
- Co-author (with spouse and others) *Fanconi Anemia: Clinical Care Guidelines* (3<sup>rd</sup> ed. 2008)