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WILLAMETTE LAWYER

The Intersection of Environmental
Law and Social Justice

An Eminently Willamette Firm

On the surface, a condemnation case might not seem very exciting, lacking the drama of a criminal trial or custody battle. But lawyers who specialize in this area of real estate law tackle a highly emotional issue — the government's right to appropriate a private individual's land for public use.

"In condemnation law, no one is going to end up in jail or lose their kids," acknowledged John Paul Turner JD/C'91, a partner at Rodgers Deutsch & Turner PLLC in Bellevue, Wash. "We deal with business decisions; it's all about money. Our clients have a piece of property and, at the end of the day, we help determine its worth."

Rodgers Deutsch & Turner is a standout among the select group of lawyers in the region who specialize in condemnation law, having represented thousands of land owners in cases involving almost every branch of government and private utility. Their clients range from publicly traded national companies losing multimillion dollar buildings to homeowners losing a portion of their front yard for road realignment.



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"The cases we take on typically involve commercial owners whose businesses are being displaced," explained S. Michael Rodgers JD'68, who founded the firm in 1973. According to Rodgers, in most cases the government can effectively claim eminent domain, so the firm focuses on getting clients the greatest reparations. "We concentrate almost exclusively on compensation issues, ensuring our clients get fair market value for land that is taken or receive damage recovery as a result of an intrusive project."

A Seattle native, Rodgers grew interested in condemnation law after his uncle, a condemnation attorney, explained the specialty to him. In addition to providing a good career, Rodgers knew the work would give him "satisfaction and the opportunity to be of service to others."

After graduating from Washington State University with a business degree, Rodgers made plans to enroll in law school at Willamette University. He applied to Willamette and was accepted, but a month later he received a letter from then-Dean Seward P. Reese rescinding the offer due to overenrollment of the class. Rodgers wrote to the dean, pleaded his case and was granted a spot in the class.

"Once I got to Willamette, I realized how privileged I was to be there and that I had to do my best to stay," Rodgers said. "I worked hard to prove to the dean that he had not made a mistake in letting me in. The rigorous, Socratic environment was a challenge for me, but an enjoyable one."

Rodgers' hard work paid off his third year of school when he was named director of the student-run research and writing program, which provided legal services to local firms. "Firms would submit legal questions to be researched, and our students would do the work," he explained.

Following his graduation from the College of Law, Rodgers immediately focused his attention on gaining experience on condemnation cases. He returned to Washington and began representing the state in real estate condemnation jury trials on behalf of the Department of Transportation. "Within three weeks of joining the attorney general's office, I was in court, handling trials," said Rodgers, who worked as an assistant attorney general for two years before being named lead trial attorney for condemnations in Western Washington.

From 1968 to 1973, Rodgers tried approximately 80 Superior Court jury condemnation cases and was involved in more than 250 additional settlements. "It was great training to meet all the attorneys and judges working in right-of-way acquisitions," he said. "I knew the experience would help me to represent property owners when I went into private practice, which was always my plan."

After five years at the attorney general's office, Rodgers switched sides and become an advocate for property owners in condemnation matters, founding his own firm focused on condemnation and trial litigation of real estate-related valuation and damage issues. Since that time, he has been one of the most active condemnation attorneys in Washington.



Soon after entering private practice, Rodgers took on a case that would change the shape — and name — of his firm.

"In the early '70s, my father had a real estate office in Redmond, Wash., and the state decided to condemn the property for a highway development under the right of eminent domain," said Daryl A. Deutsch JD'80, whose father hired Rodgers to work on the case. The two older men became lifelong friends, and Rodgers became a great advocate of the legal profession to his friend's son.

"Mike advised me to attend Willamette University for law school," said Deutsch. "He always said it's 'the little Harvard of the West.'"

Scholarly and analytical by nature, Deutsch enrolled at Willamette after earning a degree in forest management from the University of Washington and found that he enjoyed the rigors of law school. "I knew law school would be a lot of work, and it was," he said. "But I remember having a good time in class. It was fun for me."

During summer breaks from school, Deutsch clerked for Rodgers' firm, where he began to learn the many intricacies of condemnation law. "I was always interested in real estate law because of my father's business, so condemnation law was a good fit for me," said Deutsch, who joined the firm as an associate following law school. He made partner in 1986.

Deutsch's legal work primarily focuses on the representation of property owners in eminent domain matters, including cases involving the state of Washington, transit authorities, school districts, and utility and fire districts. At the invitation of several members of

the Legislature's condemnation task force, he has reviewed proposed condemnation-related issues and legislation.

"In condemnation law, it's not a matter of winning or losing; it's all about how much money you will get for your client," he explained. "But occasionally a case comes up where you question whether the



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government has the right to take a piece of land for public use. It is interesting to study those questions — where the answer isn't about money but the government's right to proceed."

According to his partners, Deutsch excels at this kind of legal problem-solving. "Daryl's very scholarly," said John Paul Turner JD/C'91. "He enjoys the minutia of examining the effects of legislation on legal precedence and how particular cases fit into a larger legal context."

Turner, the third partner in the three-man firm, is cut from a much different cloth. "John is a new generation attorney," Rodgers said of

the youngest member of the firm. “He’s a highly articulate and persuasive attorney — good on his feet.”

Unlike Deutsch, who always planned to attend law school, Turner initially was interested in a medical career. “I started college thinking I wanted to go into medicine,” he said. “But after taking several classes, I discovered I didn’t enjoy the sciences. I explored other fields and, over time, realized I was best suited to political science and law.”

Following his junior year at Santa Clara University, Turner interned with a lobbying firm representing municipalities on transportation issues in Washington, D.C. “I monitored Senate hearings and reported back to the firm’s clients on legislative activities,” he explained. “The experience gave me a great exposure to a wide range of lawyers and solidified my desire to go to law school.”

Turner chose Willamette University College of Law because of its small, intimate setting. “Having attended Santa Clara, I was

the early days, I did a lot more trial work,” he said. “My first 20 years of practice was primarily ‘trial by ambush,’ meaning there was very little discovery done prior to trial. During the last 15 years, mediation has become an important part of the process. Today, about 90 percent of my cases are resolved through mediation.”

“In condemnation law now, we are required to go through that exercise as a matter of course,” Turner added. “With most cases, we’re able to get to resolution a year earlier than if we went to trial.”

Turner, who was hired by Rodgers and Deutsch after law school, said he was immediately “put into the thick of it” early in his career. “I remember assisting Mike in trials straight out of law school,” he said. “Over time, Mike made a point of involving me in all aspects of the work. In my late 30s I was handling \$10 million cases.”

Even though he has taken on a number of high-dollar cases, Turner credits his two partners with never viewing him as a profit center. “I was treated like a future leader of the firm very early on,” explained



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comfortable in that kind of learning environment,” he said. “I also felt attending law school in the Pacific Northwest would give me better opportunities in the area after graduation.

“Once I fell into the groove of law school, I did well,” Turner added. “I liked public speaking and was good at arguing a point. I had those kinds of intangibles, which I thought would make me a good lawyer. But Willamette gave me the precise tools I needed.”

Following his first year of law school, Turner worked for a large antitrust law firm in Seattle. The next summer, he interned with Rodgers’ firm, where he worked on several condemnation projects. He walked away from the experience convinced condemnation law was the best fit for him. “I felt it was an area of law that would keep me motivated and interested because every case is so different,” he said.

When Turner graduated from Willamette in 1991, he left the school armed with both a J.D. and a Certificate in Dispute Resolution. “Even as a law student I noticed that larger companies were hiring mediators to settle disputes to reduce costs and save time,” he said.

Rodgers concurred, noting that in the 35 years he has been in private practice, he has seen a significant shift in how cases are handled. “In

Turner, who has successfully concluded more than 500 condemnation cases in the 18 years he has worked with the firm. He was named a partner in 1998.

Today, despite their many responsibilities, the partners of Rodgers Deutsch & Turner still make time to reunite with their law school classmates. And just as Rodgers counseled his partners on the benefits of a career in law when they were young, the men often advise prospective law students on the value of a Willamette education. “You don’t have to twist my arm to tell that story,” Turner said. “I’m happy to support Willamette’s law school. It gave me an opportunity to enter a profession and the skills I needed to succeed.”

“I feel a personal connection to the school because of the opportunities it gave me,” Rodgers added. “I’d like to see young lawyers have the same opportunities I have enjoyed.”