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Notre Dame Lawyer - Spring 2001

Notre Dame Law School

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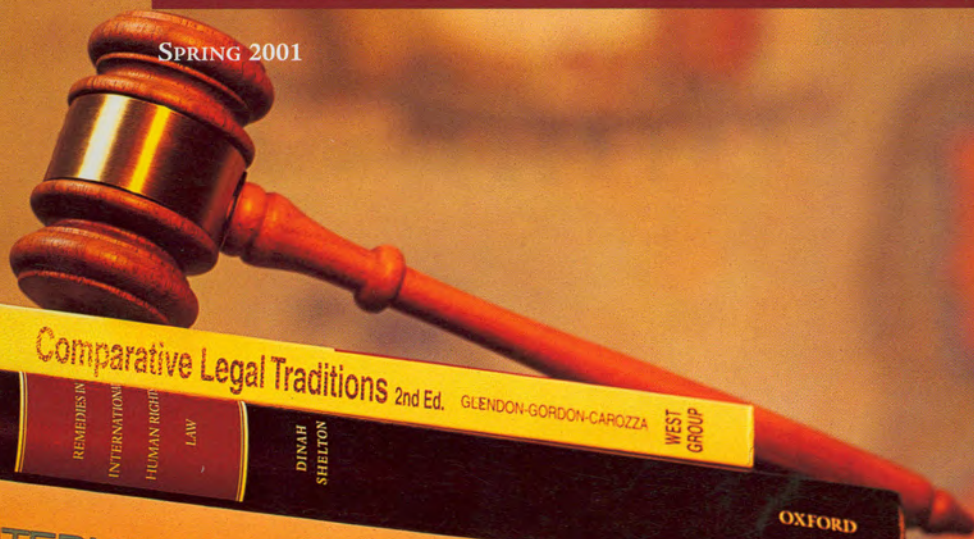
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NOTRE
DAME

LAWYER

SPRING 2001



Comparative Legal Traditions 2nd Ed. GLENDON GORDON-CAROZZA WEST GROUP

REMEDIES IN
INTERNATIONAL
HUMAN RIGHTS
LAW

DINAH
SHELTON

OXFORD

INTERNATIONAL ENVIRONMENTAL LAW
Second Edition
Alexandre Kiss & Dinah Shelton



SHELTON | COMMITMENT AND COMPLIANCE

OXFORD

PAUST
BASSOINI
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ZAGARIS
WILLIAMS

INTERNATIONAL CRIMINAL LAW
DOCUMENTS SUPPLEMENT

CAROLINA
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INTERNATIONAL
CRIMINAL LAW

CAROLINA
ACADEMIC
PRESS

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Dear Notre Dame Lawyer,

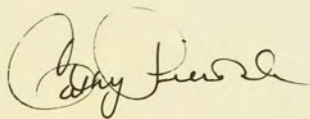
IN THIS ISSUE, we're taking a look at some of the ways in which international law issues have had an increasing impact on our faculty scholarship and, in turn, on our curriculum and on our students. In 1994-95, my final year as a student in this law school, our curriculum — outside of the international human rights offerings of our Center for Civil and Human Rights and the international law courses taught through the London program — included two courses in international law, and the subject rarely came up in other courses except for brief references to various treaties that might have an impact on subjects such as intellectual property and admiralty law.

In just a few short years, however, things have changed dramatically. Today, not only has the Law School expanded its curriculum offerings in the international law area through courses like International and Comparative Labor Law, International Business Transactions and International Environmental Law, but courses in more traditional disciplines such as criminal law now incorporate international law components to reflect the reality that much of what occurs abroad has implications at home, and vice versa. Other new courses, such as Cyberspace and the Law, expose students to a field in which the law is developing daily to deal with the complexities of the global Internet.

For some students, the Immigration Clinic at the Notre Dame Legal Aid Clinic gives them the opportunity to learn about legal issues abroad that affect the ability of citizens of other nations to legally emigrate to the United States. For others, internship and service opportunities abroad provide a way to experience firsthand the international law principles learned through course work.

After you read the articles in this issue, I'm sure you will agree that the increased emphasis on international law within faculty scholarship and teaching, as well as within faculty and student service, is more than either an interesting academic exercise or a response to globalization of business, crime and other legal issues. Rather, I hope you will see that international legal issues have become an integral part of our mission of teaching, scholarship and service, strengthening the reputation of NDLS both at home and abroad.

Yours in Notre Dame,



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2001 CALENDAR OF EVENTS

May 20, 2001
Commencement

June 7-10, 2001
University Reunion 2001

June 14, 2001
Notre Dame Law Association Reception
State Bar of Arizona Annual Meeting
The Phoenixian, Scottsdale, Arizona
5 to 6:30 p.m.

June 15, 2001
Submission deadline for *Notre Dame Lawyer*,
summer issue

June 29, 2001
"European Union Charter of Fundamental
Rights," a conference sponsored by the
Human Rights Centre at the University of
Essex, the Notre Dame London Law Centre
and the NDLS Center for Civil and Human
Rights
Notre Dame London Law Centre, Marian
Kennedy Fischer Hall, London

August 6, 2001
Notre Dame Law Association Reception
American Bar Association Annual Meeting
Chicago, Illinois
(Location and time TBA)

August 27, 2001
Fall 2001 Semester Begins

September 15, 2001
NDLA Board - Elections 2002
Deadline for Nominations

September 20-21, 2001
27th Annual Estate and Tax Planning Institute
Century Center, South Bend, Indiana

Law School Advisory Council Fall Meeting

September 22, 2001
Home Football: ND v. Michigan State
CLE Program
Post-Game Reception, Student Lounge

October 6, 2001
Home Football: ND v. Pittsburgh
Post-Game Reception, Student Lounge

October 13, 2001
Home Football: ND v. West Virginia
CLE Program
Post-Game Reception, Student Lounge

October 19, 2001
Notre Dame Law Association
Board of Directors Fall Meeting

October 20, 2001
Home Football: ND v. Southern Cal
Post-Game Reception, Student Lounge

October 20-28, 2001
Fall Midsemester Break

November 3, 2001
Home Football: ND v. Tennessee
CLE Program
Post-Game Reception, Student Lounge

November 17, 2001
Home Football: ND v. Navy
Post-Game Reception, Student Lounge

November 22-25, 2001
Thanksgiving Break

December 15, 2001
Fall Semester Ends
Christmas Break Begins
(University and Law School offices closed
December 22, 2001, through January 1,
2002)

For more information on Law School or
University events, please contact Cathy
Pieronek at the Law School Relations
Office.



Spring 2001



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International Impact 4

*From Comity to Complexity:
American Law Adapts to the Global Community*

Student Service

Student Scholarship

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On the cover: A sample of the international law scholarship of the NDLS faculty in front of the map of the North Atlantic from the entrance area of Hurley Hall, which once housed the University's commerce program.



NOTRE
DAME



F R O M T H E D E A N

R

ecently, I received a letter from the son of Dean Thomas Konop, who served as dean of Notre Dame Law School from 1923 to 1941, an 18-year period that saw the original construction of our current building, the establishment of the LAW REVIEW and the formation of the Student Bar Association. Dean Konop's son is now 91 years old himself and wrote to share a few reflections about his father, including the recollection that his father, an immigrant from Czechoslovakia who served three terms in Congress prior to his tenure as dean, was frequently reprimanded in his Wisconsin grade school for speaking in his native tongue.

Dean Konop might take particular pleasure in this issue of the NOTRE DAME LAWYER, which highlights the growing international focus of the Law School. Our commitment to internationalizing the study of law precedes that of many American law schools — dating at least from the establishment of our year-long program in London in 1968.

In the decades that have followed, we have strengthened our international programs, adding a summer program in London, the Center for Civil and Human Rights, as well as graduate programs offering both the LL.M. and the J.S.D. degrees in international human rights and the LL.M. degree in international and comparative law. This growth can also be seen in the work of our faculty. Fully a quarter of our faculty now teach and write in the field of international law.

Some faculty, such as Professors Paolo Carozza, Juan Méndez, and Dinah Shelton, have devoted their careers to the study of international law. Professor Carozza's teaching and writing focuses on the European Union; and he serves as a fellow of the Nanovic Institute, which seeks to enhance European studies at Notre Dame by providing a forum for the interdisciplinary discussion and research of key issues in Europe. Drawing on his background as former general counsel of Human Rights Watch and executive director of the Inter-American Institute of Human Rights, Professor Méndez now directs the Notre Dame Center for Civil and Human Rights, while also serving on the Inter-American Commission on Human Rights of the Organization of American States. Under his leadership, the center recently obtained a \$750,000 grant from the Ford Foundation for research and advocacy on issues relating to accountability for gross human-rights abuses. Professor Shelton is involved with international organizations in the fields of both human-rights and international environmental law. Her scholarship is respected throughout the world, and her work with J.S.D. students recently led to the successful placement of a dissertation with Oxford University Press.

Other faculty have also begun to explore international dimensions of their substantive areas of expertise. For example, Professor Tricia Bellia draws on her previous work in the Department of Justice to study the legal constraints on countries' efforts to investigate and prosecute computer crimes cutting across international borders. Professor Barbara Fick has developed an expertise in the emerging labor movement in central European nations. Professor Eric Smithburn is in the midst of co-authoring a casebook on comparative family law and is a frequent speaker on topics related to international aspects of child custody and other issues concerning the family. Professor Jimmy Gurulé writes and speaks on topics related to international criminal law in Europe and the Americas. He will begin a two year leave-of-absence in the fall to serve as undersecretary for enforcement at the U.S. Treasury Department with responsibility for the Secret Service, U.S. Customs, the Bureau of Alcohol, Tobacco and Firearms, the Financial Crimes Enforcement Network, and the Federal Law Enforcement Training Center.

The Law School also hosted a rich mix of programs this past year on international law topics. To name but a sample of the programs: Professor Ronald Mann of the University of Michigan Law School gave a faculty colloquium on the use of credit cards in Japan. His colleague, Professor Brian Simpson, spoke to the faculty on the evolution of England's participation in the European Convention on Human Rights. In another faculty colloquium, Professor Inga Markovits of the University of Texas Law School shared her research on East German courts before the collapse of the Berlin Wall. The Center for Civil and Human Rights sponsored a seminar in Santiago, Chile, in connection with the 10th anniversary of the Chilean Commission on Truth and Reconciliation, as well as a conference on our home campus that focused on accountability in the treatment of prisoners. In student-sponsored initiatives, the Law School hosted a discussion of violence in Northern Ireland and published symposia in the NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY on immigration law and on international security.

Finally, international students enrich our lives at the Law School, ranging from a long-standing program with the Japanese judiciary to individual students from locations as geographically diverse as Germany and Australia. This past year also saw a team of our students in London finish a close second in the U.K. rounds of the Jessup Moot Court competition, earning accolades for both their written and oral submissions.

Taken together, these activities represent a significant investment of resources by the Law School in the area of international law, one on which we will continue to build in the future. Suffice it to say, Dean Konop's Slavic tongue would be most welcome in our corridors today.

Patricia A. O'Hara

Patricia A. O'Hara
Joseph A. Matson Dean and Professor of Law

The field of international law has seen tremendous changes recently in legal scholarship and education. As recently as 10 years ago, the law school curriculum and legal scholarship treated international law as a distinct subject to be studied, in the same way that law schools and legal scholars treated contracts or torts or criminal law as distinct subjects. People wrote books titled INTERNATIONAL LAW — indeed, a brief survey of the on-line catalog of the Kresge Law Library indicates 17 different books with that title, published between 1901 and 1999 —

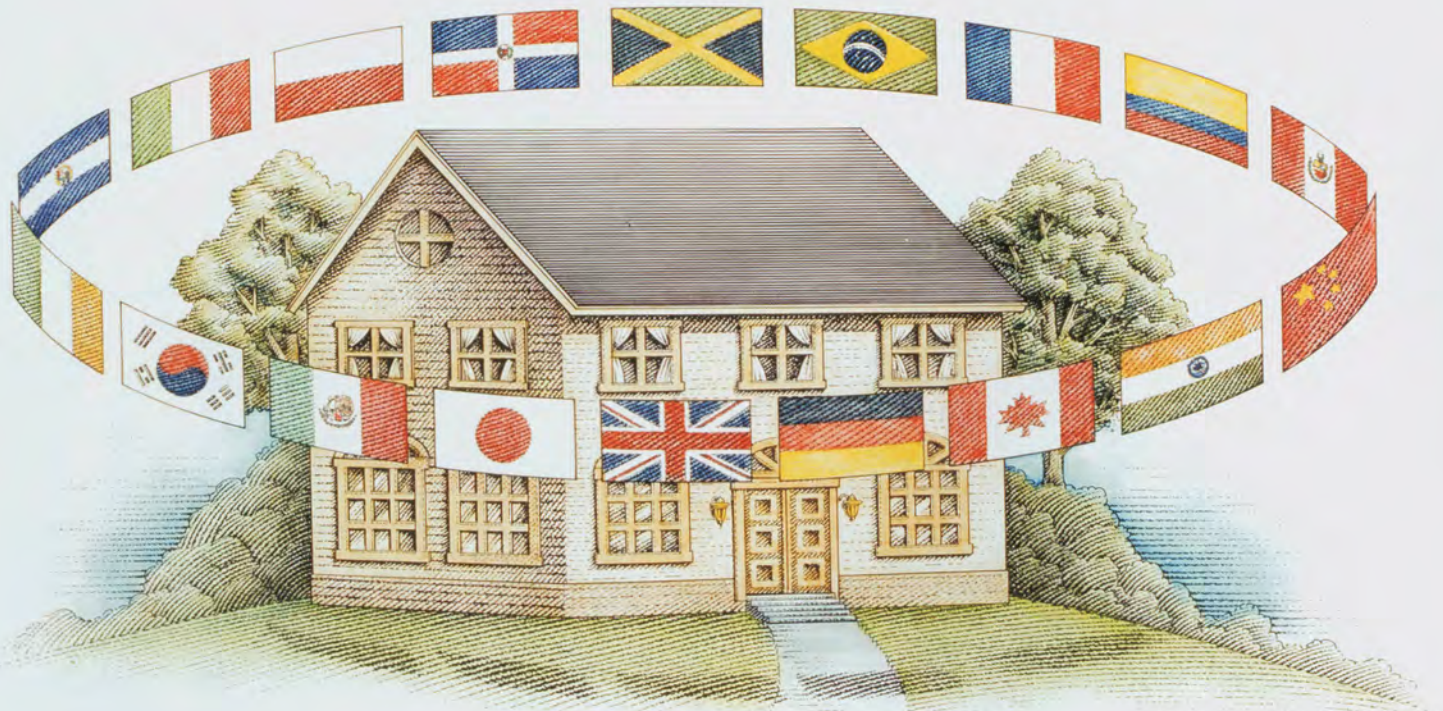
evidence, perhaps, of an understanding that international law could (or should) be studied in isolation, using a “comprehensive” treatise.

At NDLS too, in study and scholarship apart from the operations of the Notre Dame London Law Programme since 1968 and the University’s Center for Civil and Human Rights since 1973, international law often was treated as a distinct idea, confined to one or two courses that addressed specific applications of international law that might be of interest to

American lawyers who intended to work to represent multinational concerns. As recently as five years ago, the general international law offerings at NDLS included one course in how to conduct business transactions across national boundaries and another course in understanding international-law instruments such as treaties. From time to time, different professors taught comparative law courses that explored, largely as an academic exercise, the differences between things like the constitutions of the United States and Russia.

LAW SCHOOL
FOCUS

BY CATHY PIERONEK '84, '95 J.D.,
DIRECTOR OF LAW SCHOOL RELATIONS



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INTERNATIONAL IMPACT

This isolated treatment of international law in many ways reflected the general understanding of the place of international law in American jurisprudence (*please see sidebar article, "From Comity to Complexity," on page 9*).

But today, law professors have found interesting ways to bring international law principles into the classroom in courses traditionally focused on American law. Much of this has resulted from an increase in faculty scholarship in the area of international law, fueled by the growing realization that international law is no longer just a thing or a subject. Rather, international law principles now inform, and even impact, the operation of American law in so very many ways.

At NDLS, international law scholarship — and, consequently, international law teaching — has taken on two forms: understanding how foreign laws and international treaties might affect the operation of the American legal system, from simple matters of contract to more complex matters of international crime; and working to help developing democracies incorporate key principles of our American democracy into their justice systems and at the same time helping America's legal system understand what it can learn from other legal traditions. What these two threads of scholarship share, however, is an understanding that America — and America's laws — can no longer function in isolation in the global community.

Five years ago, in an article in this magazine celebrating the University's heightened commitment to international education in the form of a new building to house the undergraduate, graduate-business and law programs in London, Professor Geoffrey Bennett, director of Notre Dame's London Law Programme, remarked, "Any practitioner now may need to be conscious of how easily a problem in domestic relations, intellectual property or even crime can involve an international dimension. A failure to be conscious of this element may in the future prove to be not just undesirable, but a flaw in a legal professional's training." Professor Bennett was speaking, of course, of how the offerings of the London Law Programme could help NDLS students become better

practitioners, even if they didn't represent multinational corporations or work in multinational law firms. But today, those words have proven prescient, even for scholarship and teaching on the home campus, for professors and students who might never see the inside of a courtroom or boardroom or classroom beyond American borders.

Professor Jimmy Gurulé, a renowned expert in criminal law who will soon join the Bush Administration as undersecretary for enforcement activities in the Treasury Department, explains how important international law has become to legal scholarship and legal education, even in the more traditional legal disciplines such as criminal law. "Modern crime, for example, is entirely international in nature. It does not respect national boundaries." As an illustration, he points to drug trafficking. "All of the cocaine consumed in the United States is manufactured abroad and brought into this country. All of the money resulting from the sale of cocaine in this country is transported elsewhere to avoid U.S. forfeiture laws." The United States has enacted law after law to try to stem the drug-trafficking tidal wave. The solution to the problem of drug trafficking, however, actually requires

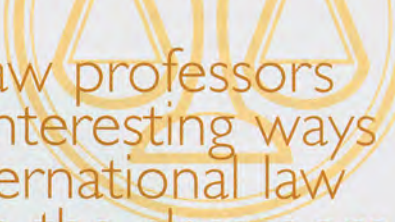
increased international cooperation. This, of course, implicates foreign laws, such as banking regulations that allow drug traffickers to secret funds away from the reach of the U.S. government, as well as multinational treaties, such as those that govern the extradition of drug traffickers.

In his writing — including books he has co-authored on INTERNATIONAL CRIMINAL LAW and THE LAW OF ASSET FORFEITURE — and in his courses,

Professor Gurulé works to educate federal criminal law practitioners on how international law principles affect their ability to control criminal conduct within U.S. borders. But his scholarship has also had some impact abroad. His 1998 article in the *FORDHAM INTERNATIONAL LAW JOURNAL* titled *The 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* —

A Ten-Year Perspective: Is International Cooperation Merely Illusory? was quoted extensively by Lord McNally into the record of recent discussions in Britain's House of Lords on strategy for combating drug trafficking.

Technological advances such as the Internet, which respects no national boundaries, have also complicated traditional legal disciplines, such as intellectual



Today, law professors have found interesting ways to bring international law principles into the classroom in courses traditionally focused on American law.



Gurulé

INTERNATIONAL IMPACT

property, constitutional rights and criminal law. Assistant Professor Patricia L. Bellia teaches a course in cyberspace and the law, in which she explores fundamental questions about how, if at all, existing legal rules should apply to new technologies including the Internet. Among the issues she covers are sovereignty and jurisdiction in cyberspace; legal and technological regulation of on-line speech; privacy, anonymity and accountability in cyberspace; and ownership and protection of digital intellectual property.

In her forthcoming article, *Chasing Bits Across Borders*, Professor Bellia

explores "how the widespread use of the Internet presents new challenges for law enforcement officials, who will increasingly find that evidence of criminal activity is stored on computers located across international borders." Far removed from any type of search-and-seizure ever contemplated by America's Founding Fathers, such technological capabilities could permit one nation to conduct a "remote cross-border search" into computers resident in another nation. And, indeed, some countries have already argued for the right to use computers within their borders to examine data stored in computers in other countries as a necessary aspect of combating computer-based crime. Professor Bellia comments that her article will "evaluate whether such unilateral



Bellia

cross-border searches violate international law, and whether cooperative arrangements that set forth the circumstances under which such searches are permissible raise constitutional difficulties."

Multinational treaties present another area for scholarship, as many treaties, particularly in the human-rights area, affect numerous issues on which colleagues may disagree. For example, the United States recently ratified the 1998 Statute of Rome to Create an International Criminal Court (ICC). Professor Gurulé points out that the treaty presents issues that should concern the

American justice system, such as whether defendants will be afforded all of the protections currently enjoyed under the fourth, fifth and sixth amendments to the U.S. Constitution. On the other hand, Professor Juan Méndez, director of the University's Center for Civil and Human Rights, has urged U.S. ratification of the treaty as a "demonstrable commitment to making international human rights a domestic reality." As Professor Robert E. Rodes Jr. explains, support for the ICC really depends on the perspective from which a scholar studies the issue. Whereas an American criminal-law scholar might be

rightly concerned about particular protections afforded defendants in such a tribunal, a scholar examining the treaty from an international perspective might see those concerns as something to be worked out after the United States comes to the table in support of the court.

The debate over the ICC also provides a tangible example of the increasing importance of comparative law scholarship in an increasingly global legal environment. Professor Rodes points out that most of the countries that ratified the 1998 Rome Treaty operate civil-law justice systems, while only a few nations, such as the United States, the United Kingdom and other former members of the British Empire, operate common-law justice systems. Scholars like Professor Gurulé and

Professor Méndez, working from their diverse perspectives, will help formulate the parameters for debate regarding the actual operation of the ICC and, in so doing, will help build a bridge of understanding between the nations involved.

In other areas, comparative-law studies can help solve

actual, practical problems faced by citizens of different countries who enter into transactions with one another. Professor J. Eric Smithburn, for example, has long studied family-law issues from a comparative perspective, and is co-authoring a book with law professors from England, Scotland and Australia titled *FAMILY LAW: A COMPARATIVE APPROACH*. Professor Smithburn notes that "more and more issues involving comparative law and conflict of laws are ending up in our courts. This is the reality that calls for a practical application of substantive comparative law (in areas such as family law and criminal law), which, of course, has always been an exciting and rigorous academic exercise." Such scholarship now goes beyond mere academics and may help to settle international family-law controversies like the recent Internet adoption of Missouri-born



Méndez

Technological advances such as the Internet, which respects no national boundaries, have also complicated traditional legal disciplines, such as intellectual property, constitutional rights and criminal law.



INTERNATIONAL IMPACT

of more than 20 similar commissions that have been established in other troubled nations including Argentina, El Salvador, Guatemala and South Africa. They also examined the specific effects of such commissions on human rights and democracy in their respective countries, new developments in international human-rights law, and proposals for new strategies to educate



Shelton

people on human rights in light of the commission's findings. Participants included Professor Méndez, Ronald Ochaeta '94 LL.M., now the Guatemalan ambassador to the Organization of American States, and former

Chilean presidents Patricio Aylwin, Felipe González and Raúl Alfonsín.

Even the students in the center have produced scholarship that has had an impact on the struggle for democracy and individual rights. Professor Rodes has had the opportunity to work with some of the center's students, and has served as dissertation advisor for four doctoral (J.S.D.) candidates. The students with whom he works, by and large, focus their writing on ways to achieve human-rights protections back in their home countries and address problems that concern the students in very personal ways. Several students have addressed issues of women's rights in Bangladesh and in South Africa, while another has tackled the complex issue of international debt. Each teaches Professor Rodes about the value of this type of scholarship: "It's amazing how much I learn from these students, in working with them on their research and writing." To some extent, it has informed his own scholarship, which is rooted in English legal history, ecclesiastical law and jurisprudence.

The very first doctoral dissertation in which Professor Rodes was involved, by Vinodh Jaichand '87 LL.M., '96 J.S.D., illustrates just how important this type of scholarship is. Now a law professor at the

University of Durban-Westville in South Africa, Professor Jaichand decided to study the restitution of land rights in South Africa. Although the topic itself has great importance to the interpretation of the new constitution in his native land, which is in the midst of its struggle out of the long-entrenched system of apartheid, the idea for the research grew out of a very personal experience. In 1968, when he was a young child, Professor Jaichand's family was evicted from their home in the Natal district of South Africa. Their house had been expropriated as a result of South Africa's Group Areas Act of 1966. As Professor Rodes describes it, Professor Jaichand's RESTITUTION OF LAND RIGHTS workbook is the "thesis of his house." It gave him an opportunity to

work through his family's personal tragedy, while at the same time developing principles for constitutional reforms that would restore property rights in his homeland.



Carozza

In reflecting on this scholarship, Professor Rodes summarizes what is perhaps the most important facet of international scholarship at NDLS — that is, its impact. "To think that I, while sitting on this beautiful campus with my feet up on my desk, can help dismantle the tragic effects of apartheid — well, it's a real upper!" More than just giving

professors a personal "high," however, international law scholarship at NDLS has made an impact — on the curriculum through which we train our lawyers, on our understanding of American legal principles, and on passionate efforts around the world to ensure justice and dignity for all people.



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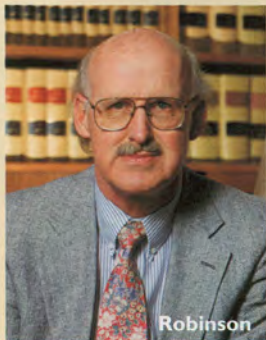
FROM COMITY TO COMPLEXITY: AMERICAN LAW ADAPTS TO THE GLOBAL COMMUNITY

For most of western history, the extraterritorial effect of national law was a matter of slight concern to all but a few specialists. The courts operated, internationally as well as nationally across state lines, under the principle of comity. Likewise, businesses operated under the principle that their conduct was governed by the law of the place in which that conduct occurred. For hundreds of years, these simple principles governed the operation of the law. Thus, a contract entered into in France, relevant to business operations in France, would be governed by French law, regardless of whether both parties to the contract were French citizens or not.

The world, however, has seen major advances in communications, travel and commerce that have, in many ways, changed the view of courts and businesses regarding the extraterritorial application of the law. This has added a level of complexity to even the most fundamental areas of legal scholarship and education, including in the areas of contracts, criminal law, commercial law and civil procedure.

What happened to cause this shift from the simple principle of comity to the more complex operation of laws and legal systems today? Why does it seem that extraterritoriality has become important almost overnight?

In a recent article in the *JOURNAL OF COLLEGE AND UNIVERSITY LAW* addressing the extraterritorial application of American law, NDLS Associate Professor of Law John H. Robinson '72 M.A., '75 Ph.D., reflects on how the courts have



Robinson

shifted their understanding over the course of the last two centuries regarding whether and how the laws of one nation — or, in the case of the United States, one state — might reach into dealings in another nation, or another state. He begins his article with a discussion of that staple of first-year civil procedure courses, *Pennoyer v. Neff*.¹

At the risk of uncovering long-repressed memories of the first semester of law school, the facts of the case bear repeating to provide a framework for the changes in American legal theory — as well as legal scholarship and education — that have occurred in

recent decades. The case began in 1865 with a lawsuit over unpaid legal fees, and later developed into a dispute over property in Oregon claimed by two competing individuals. Marcus Neff, a California resident, contended that he had not received proper notice of the lawsuit, which ultimately resulted in the sale of his Oregon property to satisfy the Oregon court's default judgment against him. In 1874, Mr. Neff sued the purchaser, Sylvester Pennoyer, in the U.S. District Court for the District of Oregon, which found for Mr. Neff on technical grounds. Mr. Pennoyer petitioned the U.S. Supreme Court for review of that judgment. The Supreme Court affirmed the district court's decision, but on different grounds.

The Supreme Court declared void the judgment of the Oregon state court. Writing for the Court, Justice Stephen Field stated that the state of Oregon had had no authority over Mr. Neff in the suit over the unpaid legal fee. As Professor Robinson writes, "For Justice Field it followed . . . that 'the laws of one State' (and here he meant Belgium as much as he meant Oregon) 'have no operation outside of its territory, except so far as it is allowed by comity.' It followed also that no court could 'extend its process beyond [its] territory so as to subject either persons or property to its decisions.'"² Professor Robinson continues, "While Justice Field felt compelled to qualify those grand assertions, he felt no compulsion to justify them. They were to him self-evident, and he thought they would be self-evident to anyone who

understood what it means to be one among the many nations on earth."³

This case reflects a certain simple understanding of the world at the end of the 19th century, building on legal principles, such as comity, that had not been questioned since the birth of the Republic and that would remain significant into the early 20th century. With some significant exceptions, America's laws applied to people in America, just as Oregon's laws applied to people in Oregon. America's laws could apply to people (even Americans) in Belgium only if Belgium agreed; Oregon's laws could apply to people (even Oregonians) in California only if California agreed.

But in the early- to mid-20th century, according to Professor Robinson, two forces worked to erode this simple principle. First, "[m]assive advances in communications and in transportation were revolutionizing political and commercial life in ways that had a substantial impact on how extraterritoriality would be understood."⁴ Second, "[t]he highly conceptualistic way of thinking embodied in . . . *Pennoyer* gave way to a vastly more functional way of thinking among those judges influenced by legal realism and other 20th-century trends."⁵ Thus, courts began to acknowledge that some laws could have extraterritorial application in some circumstances. In particular, as Professor Robinson writes, "the effects of extraterritorial conduct began to rival the place where the conduct occurred"⁶ when determining the extraterritorial application of a law.

Thus, by the end of World War II, extraterritorial application of the law became more common. "As isolated nation-states [gave] way to an interdependent world, the territorial principle [became] just one of many principles by which the legislative and judicial jurisdiction of any nation's laws were determined."⁷ In America, in particular, courts determined whether U.S. laws applied outside America's borders by attempting to ascertain whether Congress intended for those laws to have that effect and by applying a general standard of reasonableness, as described by the 1986 RESTATEMENT OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES.

The current movement toward treaty-based multinational solutions to extraterritoriality problems reflects a new and relatively recent understanding that conduct in America might have implications abroad, and conduct abroad might have implications in America. The trend also reflects an understanding that lawyers, as professionals, must understand and appreciate the place of the globalization of commerce in American life. As Professor Robinson comments, "the current generation of [21st-century] lawyers will have to function as a bridge between a past that we can barely understand and a future that we can scarcely imagine."⁸ Current legal scholarship, however, helps to ensure that Notre Dame lawyers will be well prepared to adapt to that future.

— Cathy Pieronek '84, '95 J.D.
Director of Law School Relations

- 1 95 U.S. 714 (1878).
- 2 John H. Robinson, *The Extraterritorial Application of American Law: Preliminary Reflections*, 27 J.C. & U.L. 187, 188-89 (2000) (quoting *Pennoyer*, 95 U.S. at 722).
- 3 *Id.* at 189 (citing *Pennoyer*, 95 U.S. at 734-36).
- 4 *Id.* at 193.
- 5 *Id.*
- 6 *Id.* at 194 (emphasis added).
- 7 *Id.* at 195.
- 8 *Id.* at 200.



International Impact — Student Service

The international impact of NDLS extends beyond scholarship, into practical experiences for students and faculty alike. With the support of the Center for Civil and Human Rights, third-year law student Sean B. O'Brien '95, of Arlington Heights, Illinois, had an unusual and meaningful "summer associate" experience as he traveled to Ireland during the summer of 2000 to work on the Bloody Sunday Inquiry.

This past summer, I spent two incredible months as a summer associate at the Belfast firm of Madden & Finucane Solicitors, working on the Bloody Sunday Inquiry.

In January of 1998, Prime Minister Tony Blair declared in front of the House of Commons:

... that a Tribunal be established for inquiring into a definite matter of urgent public importance, namely the events on Sunday, 30 January 1972, which led to loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day.

With these rather cold and euphemistic words, the Prime Minister established what international human-rights organizations, the United Nations, the Irish government, the European Parliament, the United

States president and Congress, and, more importantly, what the people of Derry, Northern Ireland, had been demanding for over a quarter of a century: an inquiry into the massacre of 13 Catholic civil-rights marchers in Derry on that crisp and clear January afternoon that will always be known as Bloody Sunday.

For nearly 30 years now, the people of Derry and the families of the dead and wounded from Bloody Sunday have been asking, "Why?" Why did this happen? Why were the fiercest fighting units of the entire British Army — the "Paras" — called into Derry that afternoon? Why did a peaceful anti-internment march end in the killing of 13 unarmed Catholic civilians? If the Paras were there simply to arrest marchers, why did a running gun battle erupt in which British soldiers chased and killed 13 unarmed Catholic civilians? Why?

The current Bloody Sunday Inquiry, set up through the peace process — perhaps as a gesture toward Catholics in the North — is not the first investigation into the events of that day. But it is the first reputable investigation. Two days after the massacre in 1972, then-Prime Minister Edward Heath summoned Lord Widgery to Downing Street, asking Widgery to chair a tribunal of inquiry into the events of Bloody Sunday. A letter describing their meeting has recently been released by the Public Record Office in London, after being kept secret for 30 years, in which the Prime Minister reminded Lord Widgery that "it had to be remembered that we were in Northern Ireland fighting not only a military war but a propaganda war." These menacing words confirm what most who have read the report of the Widgery Tribunal have known for years: that the tribunal was severely flawed in its conception, in its procedure that ignored the statements of 700 witnesses to the massacre, and in its result — finding that the British Army was not responsible for the shootings.

At this point, I could go into the history of Bloody Sunday — the theories of what happened and why — but I am more qualified to share directly from my own experiences. In my two months at Madden & Finucane, I was assigned to the Bloody

Sunday team, representing the majority of the families of the dead and wounded before the new inquiry.

I worked on a discrete area of the case: the issue of venue, or from where the soldiers will testify. The present inquiry — called the Saville Inquiry, after Lord Saville, who serves as the chair — sits in Derry, where the events in question occurred. The soldiers, however, do not wish to give their testimony in Derry but, rather, in London, possibly even through a video hook-up. They claim that they are afraid for their safety if they have to return to Derry. Most of my work on this issue involved reading transcripts of their depositions and their various public statements over the years to determine if the soldiers previously had expressed any kind of fear. As you may guess, the overwhelming majority of them had not.

I was also able to visit the Saville Inquiry and witness several days of the opening statement made by Christopher Clarke, Q.C. I also served as an observer in a delegation of international human-rights monitors at the Drumcree Orange marches in Portadown in July.

But of all the things I did, the most lasting experience for me was the chance to actually meet the families of the dead and wounded. It happened at a client meeting in Derry one day after the Inquiry let out. Peter Madden introduced me to the clients, but then surprised me by asking me to share my thoughts with them. I shared with them that I hoped that, on a good day, they were able to feel the support of people around the world who are following the case and who, for nearly 30 years, have been wishing them well. The next week, as I entered the Inquiry with the legal team, a few of the family members gave me little waves and a "thumbs-up" as I assumed my seat. Even in doing this kind of work — legal work — what one receives so outweighs what one is able to give.

That little sign of support made a big difference in my life in Belfast. Belfast is still a very intense place to live. We worked under rather tight security in downtown Belfast, at the base of the Falls Road in a majority Catholic area. However, I lived at Queens University on the other side of Belfast, in an integrated part of town that

tended toward a Protestant majority. I couldn't talk to any of the other students in the dorm about the work I was doing, and I certainly didn't share my work with my cab drivers or anyone I met on the street. Many areas of Belfast were "off limits" to me; even today, a person named "Sean O'Brien" cannot expect to have safe access to all of Belfast. Only the British Army helicopters that hover above the city day and night have full access to all of Belfast with their surveillance cameras and listening devices.

The client contact, their witness over the past 30 years and their courage in attending each day of the inquiry made the experience extremely positive for me. But I think it also speaks volumes about the future. The Saville Inquiry, as any truth commission, is about reconciliation. And, as Garth Meintjes '91 LL.M., associate director of the CCHR, has said, reconciliation is really an agreement to institutionalize the conflict. I witnessed several examples of this reconciliation. The Bloody Sunday office at Madden & Finucane is staffed nearly entirely by young people, many of whom are pursuing their law degrees. Many grew up in West Belfast, where their lives and the lives of their families were severely affected by the violence of "The Troubles" that marked their neighborhoods over the past three decades. But instead of taking their pain and anger to the streets, they channel their energy into working for accountability. Furthermore, a couple of the young lawyers at the firm actually began their legal studies "on the inside," while serving sentences as political prisoners. Knowing firsthand what it is to live without basic legal protections, they now work to create a culture that respects human rights.

Witnessing the involvement of the young and of former participants in "The Troubles," I feel a tremendous hope for the possibility of reconciliation in the North. The success of the Bloody Sunday Inquiry depends on their involvement. And, perhaps more importantly, the possibility of further investigations into the human-rights abuses of the past 30 years depends upon the success of the current inquiry.

— Sean O'Brien, 3L



International Impact — Student Scholarship

As a second-year student in the Notre Dame London Law Programme, James Arrowood had an unusual opportunity to make an impact on British law as a researcher and assistant to a member of the British House of Lords. He has helped with a number of pieces of legislation including, most particularly, Britain's attempts to curb drug trafficking.

The cliché in law school is that, during the first year, they scare you to death and, during the second year, they work you to death. Well, so far that's been right on point, except that my second year abroad in the NDLS London Law Programme has added an unexpected but welcome twist to my workload. A few months into my year in London, I was introduced to Lord McNally, a member of the British House of Lords, through the Mawer family. This introduction led to a position as Lord McNally's parliamentary researcher and assistant, which is just the kind of opportunity that intrigued me about coming to NDLS and participating in the London program.

In order to explain the work I have done this year, it might be useful if I explain a little about the House of Lords. In the United Kingdom, the House of Lords is a sometimes-criticized but immensely valuable part of Parliament. Criticisms traditionally stem from an outdated view that the House of Lords is an exclusive club of wealthy elitists who use their positions to exercise control within the government. In 1999, however, calls for reform led to the ouster of many hereditary peers — those whose received their place-vote in the House of Lords by birthright — and the addition of more life peers, which honor individuals who have made outstanding contributions to society.

The lords do not receive payment for their services, aside from reimbursement of expenses, and most take time away from their otherwise lucrative jobs to commit their various areas of expertise to the betterment of society. They serve on committees and meet with foreign dignitaries. Although most are affiliated with the various political parties, their motivation does not arise from political aspirations, because the lords are appointed for life. Rather, their motivation stems, in general, from a sense of genuine concern for the people of the United Kingdom and for the good of the country.

Lord McNally represents his party as Home Affairs Spokesman in the House of Lords. This is on top of his "day job" as vice chair of one of the world's largest public-relations firms. After an early morning at work, Lord McNally comes into his office in the Palace of Westminster and spends his afternoon preparing for various meetings and debates in the house. His office is also where I spend my time after classes working on research for speeches, meetings and legislation.

My work, which consists largely of researching various aspects of proposed legislation, has provided me with the opportunity to explore a wide variety of different topics, ranging from the legality of embryo research to criminal-law issues. In the United Kingdom, almost all new legislation must pass through the House of Lords before it can become law, somewhat analogous to the procedures of the U.S. Senate. New legislation can cover a range of subjects, including typical societal issues like crime and more immediate issues like "foot and mouth" disease. This means that each day has different priorities and topics. On some days, the media may call to ask for facts and legislative perspectives on the hot topic of the day. Lord McNally has graciously included me in meetings and other events that have helped me to understand how law is made and amended.

Although Lord McNally represents home affairs, the lords are often involved in committees that include broader international legal issues, including compliance with international human-rights interests. This has increased my understanding of the complexities involved in actually implementing international law in light of a variety of cultural considerations.

In addition, I have been able to bring some of my U.S. legal education experience to the United Kingdom, to provide a different perspective on solving problems common to both sides of the Atlantic Ocean. In particular, the United Kingdom and Europe are still developing laws in areas where the United States has already worked out some of the kinks, especially in areas of organized crime and money laundering. While working with Lord McNally, it became apparent that a RICO-type criminal law, along with more effective implementation of national and international laws, would be useful in tackling the problem. Coincidentally, two of the world's experts in these areas are NDLS Professors G. Robert Blakey and Jimmy Gurulé. Recently, while researching facts for a drug-legislation speech, I thought of these two professors and mentioned them in my research report to Lord McNally. A quote from an article by Professor Gurulé proved to be right on point, and Lord McNally used it in his speech on U.K. drug laws to the House of Lords. His speech, which was recorded in the written record of the house, the "Hansard," also mentioned NDLS.

This experience has led me to another idea. I hope to be able to bring together NDLS professors with relevant European leaders to increase exposure to U.S. legal solutions like RICO while also broadening NDLS's reputation by bringing our professors to the United Kingdom. My hope is that we can bring some NDLS professors to an international conference on these criminal-law issues, which will be of tremendous benefit to the Notre Dame London Law Programme and the reputation of NDLS abroad. Additionally, several members of the U.K. Parliament have expressed interest in having NDLS students as interns, specifically because they want graduate-level students who are available for the whole academic year. Regardless of whether I am able to achieve these goals, however, I must say that the experience of working in lords has been amazing and invaluable educational.

— James Arrowood, 2L

FACULTY

notes

Contact information for individual faculty members is available on the Law School's web site at www.nd.edu/~ndlaw/faculty/faculty.html. The site provides hot links with each faculty member's e-mail address, as well as regular mail and telephone information.

■ **JOSEPH P. BAUER** discussed Election 2000 on the South Bend airwaves in a number of appearances in December on the local CBS television and radio affiliates.

He has published the 2001 annual supplements to the 11-volume series, Kintner & Bauer, *FEDERAL ANTITRUST LAW* (Anderson Publishing Co.).

■ **PATRICIA L. BELLIA** presented an article titled *Chasing Bits Across Borders* at a symposium on "Frontiers of Jurisdiction" held at the University of Chicago Law School on November 11, 2001. Later that month, along with Professor Laszlo Barabasi of the University's Department of Physics, she spoke on "Winners and Losers on the Web" at a faculty tea for Notre Dame professors and scholars.

Also in November, she appeared on South Bend's WSBT-TV in connection with a two-part news special on "The Dark Side of the Internet," which addressed employer monitoring of e-mail and on-line profiling by web advertisers. In February, she was interviewed on WJR-AM radio in Detroit, Michigan, on *Kyllo v. United States*, a case pending before the U.S. Supreme Court concerning the constitutionality of thermal-imaging devices.

■ **G. ROBERT BLAKEY '57, '60 J.D.**, in an article titled *RICO Viewed as Cop Suit Sidelight*, in the September 25, 2000, edition of *THE NATIONAL LAW JOURNAL*, commented on the propriety of using RICO in *Guerrero v. Gates*, a case in which the plaintiffs alleged mistreatment at the hands of Los Angeles Police Department officers. Professor Blakey noted that the RICO

charge alleges that the officers used the LAPD as an instrument in their criminal enterprise. He carefully distinguished this charge from the idea that the LAPD itself actually was the criminal enterprise.

Professor Blakey also commented on the use of the RICO statutes against recently pardoned fugitive Marc Rich in a front-page story in the February 12, 2001, edition of the *SOUTH BEND TRIBUNE*. He believes that the charges were appropriate, and that the proper place to dispute the applicability of RICO to Mr. Rich's conduct would have been in court, rather than through the pardon process.

■ **GERARD V. BRADLEY** was quoted about the application of *Ex Corde Ecclesiae* to Catholic colleges and universities in an article in the January 7, 2001, edition of the *OMAHA WORLD-HERALD* that focused on the Archdiocese of Omaha and issues relevant to theology at Creighton University. He also commented on the "Unborn Victims of Violence" bill currently before the House Judiciary Subcommittee, which would establish criminal penalties for anyone who injures or kills a fetus while committing certain federal offenses. The bill has been attacked by various abortion-rights groups, who fear the measure because it would recognize unborn life as a person who independently could be a victim of a crime. In an article by Judy Holland titled *Crime-Bill Battle Looming*, distributed nationally by the Hearst Newspapers Syndicate, Professor Bradley commented that the proposed law would not be unconstitutional because the Supreme Court has never ruled that the unborn are not persons.

■ **SISTER DEBORAH M. CERULLO, S.S.N.D.**, published *The Virtues of the Vows* in the October 7, 2000, edition of *AMERICA*.

Sister Deborah, who has been an associate professional specialist and supervising attorney at the Notre Dame Legal

Aid Clinic since 1997, announced that she will be leaving NDLS at the end of the academic year to join the law faculty at Boston College.

■ **FERNAND N. "TEX" DUTILE '65 J.D.** spoke on "Thinking About Law (and Law Schools)" to pre-law students at Saint Mary's College in November. Later that month, he addressed faculty and students in the University's Mendoza College of Business at a "brown bag" luncheon talk on "The Faculty Board on Athletics and the NCAA Faculty Rep."

■ **BARBARA J. FICK** wrote four chapters — "Hiring Employees," "Laws Affecting Employees," "Terminating Employees," and "Maintaining a Safe Place of Business" — for the 2000 edition of the ABA's *Legal Guide to Small Business*.

She commented on the case of *National Labor Relations Board v. Kentucky River Community Care* in an article titled *Hard Bargaining: High Court Takes on Highly Charged Issues of Nursing Duties vs. Union Eligibility* in the February 26, 2001, edition of *MODERN HEALTHCARE*; and in *With All Due Deference: What Constitutes the Exercise of "Independent Judgment" in the Workplace? An Analysis of NLRB v. Kentucky River Community Care*, published in *PREVIEW OF UNITED STATES SUPREME COURT CASES*. The case concerns whether certain nurses, who have supervisory duties, are prohibited from joining a collective bargaining unit. The Sixth Circuit has ruled that certain nurses, as supervisors, are not protected by the National Labor Relations Act and, as such, are not eligible to join unions.

■ **NICOLE STELLE GARNETT** published *The Road from Welfare to Work: Informal Transportation and the Urban Poor*, in the winter 2001 edition of *Harvard's JOURNAL ON LEGISLATION*.

With Richard W. Garnett, she presented "School Choice and the First

Amendment" at a program sponsored by the Program on the Social Organization of Schools in the University's Institute for Educational Initiatives, of which she is a faculty fellow.

She spoke on "The Dual Vocation to the Workplace and Motherhood" at an April 5, 2001, program on "The Catholic Woman: What Is My Vocation?" sponsored by the St. Thomas More Society and the Schubmehl-Prein Endowment at the University.

■ **RICHARD W. GARNETT** contributed his comments on the postelection legal battles, regarding the power and force of Supreme Court decisions, to an article titled *Though Technically Unenforceable, Supreme Court's Rulings Rarely Defied*, distributed on December 1, 2000, by the Newhouse News Service. He addressed the interplay between states' rights and federalism in an editorial by David Reinhard titled *Civics 101: Presidency is a Federal Office* in the December 3, 2000, edition of the *PORTLAND OREGONIAN*. He was quoted in an article titled *Justices, In Effect, Determined Winner*, in the December 17, 2000, edition of *THE PHILADELPHIA INQUIRER*. The article addressed whether the judicial decisions by the Florida Supreme Court and the U.S. Supreme Court could be viewed as political or ideological actions rather than as interpretations of the law. He also participated in election discussions on the South Bend airwaves in a number of appearances in December on the local CBS television and radio affiliates.

He co-authored an *amicus* brief in *The Good News Club v. Milford Central School*, a case before the Supreme Court on appeal from the Second Circuit that involves issues of whether a school district can prohibit a religious group from using school facilities normally open to the public after school hours. Professor Garnett received some good news in a death-penalty case in which he was involved before the Arizona Supreme Court, which ruled that his client, who was on death row, had received ineffective assistance of counsel at trial. Specifically, the court noted that the trial attorney had failed to present mitigating evidence at sentencing, that the admitted killer (the client's brother) had such evidence presented and received a life

JIMMY GURULÉ NOMINATED TO BUSH ADMINISTRATION

President George W. Bush has nominated Professor Jimmy Gurulé to be the undersecretary for enforcement in the Treasury Department. In this position, which is one of three undersecretary positions in the department, Professor Gurulé will report directly to the deputy secretary for the Treasury Department and be responsible for the Secret Service, Customs, the Bureau of Alcohol, Tobacco and Firearms, the Financial Crimes Enforcement Network, and the Federal Law Enforcement Training Center.

Professor Gurulé had served as an advisor to the Bush-Cheney transition team to assist in presidential appointments to the U.S. Department of Justice. In that capacity, he drafted brief position papers on various criminal-justice issues that could arise during confirmation proceedings for presidential appointees to the DOJ. The 50-member committee was chaired by former New York Congressman Bill Paxson and included four former attorneys general — Edwin Meese, William Barr, Richard Thornburgh and Griffin Bell — as well as former FBI Director William Webster, former DEA head Jack Long, and Ted Olson, one of the attorneys who represented George W. Bush during the election proceedings in Florida.

An internationally known expert in the field of complex criminal litigation, Professor Gurulé joined the Notre Dame Law School faculty in 1989, became a full professor in 1996, and served as associate dean for academic affairs in 1998-99. He earned his B.A. from the University of Utah in 1974, and his J.D. from the University of Utah College of Law in 1980. A member of the Utah Bar since 1980, Professor Gurulé has worked in a variety of high-profile public law enforcement positions including as a trial attorney with the Department of Justice in Washington, D.C. (1980-82), deputy county attorney in the Salt Lake City Attorney's Office (1983-85), assistant U.S. attorney and deputy chief of the Major Narcotics Section of the Los Angeles branch of the U.S. Attorney's Office, and as assistant attorney general with the Department of Justice's Office of Justice Programs in Washington, D.C. (1990-92). Among his many successes in prosecuting complex criminal cases around the country, he engineered the conviction of those responsible for torturing and brutally murdering a Drug Enforcement Administration special agent in Mexico.

Professor Gurulé has concentrated his teaching and scholarship in the area of criminal law, teaching courses in complex criminal litigation, criminal law, criminal and scientific evidence, and international criminal law. He has frequently participated in conferences and on committees designed to study the problem of organized crime. He has traveled extensively throughout eastern Europe discussing the problems of organized crime in the former Soviet Socialist Republics. He is a member of the advisory board of the National Criminal Justice Trial Advocacy Competition (since 1990) and a member of the LEXIS-NEXIS Advisory Board for Criminal Justice Publications (since 1998).

He has received many honors for his work including the Attorney General's Distinguished Service Award and the Drug Enforcement Administration's highest award, the Administrator's Award. The U.S. attorney general honored him in 1991 with the prestigious Edmund J. Randolph Award, and in 1992 with the Award for Excellence in Management.

As a prominent member of the Hispanic legal community, Professor Gurulé was honored in 1997 as one of 12 Hispanics nationwide named "Pillars of a Just Society," a program that recognizes professors, attorneys and judges who have served the cause of justice in the Hispanic community. He has also served as faculty advisor to the Hispanic Law Students Association, as a member of the advisory board to the University's Latino Studies Program (since 1997) and as a member of the editorial advisory board of the *HARVARD JOURNAL OF HISPANIC POLICY* (since 1996).

Professor Gurulé may be reached at (219) 631-5917, or by e-mail at gurule.1@nd.edu.

sentence, and that the mitigating evidence would have been substantially the same in his client's case. While the court did not vacate the sentence outright, the ruling gives some hope that the client's sentence might be changed to life in prison.

He published *Taking Pierce Seriously: The Family, Religious Education, and Harm to Children*, in volume 76 of the *NOTRE DAME LAW REVIEW*, and a commentary titled *Misguided Voucher Verdict* in the December 14, 2000, edition of *THE WASHINGTON*

TIMES. The essay discussed the Sixth Circuit's recent holding that the school-voucher program recently implemented in Cleveland, Ohio, violates the Establishment Clause. He also published *What Are the Limits on Warrantless Drug Testing of Pregnant Women*, commenting on the case of *Ferguson et al. v. City of Charleston*, in PREVIEW OF UNITED STATES SUPREME COURT CASES. He commented on that case in an article titled *Court Hears Drug-Test Arguments* in the October 5, 2000, edition of THE WASHINGTON POST as well.

Professor Garnett published *Lieberman Talks the Talk; Bush Lives It*, a commentary on Senator Lieberman's pre-election speech at Notre Dame, on National Review Online. The commentary was also excerpted in the October 29, 2000, edition of the LOS ANGELES TIMES. He published a guest comment on National Review Online, April 2, 2001, regarding the issues in *McCarver v. North Carolina*, a case before the Supreme Court on the issue of whether executing a mentally retarded person violates the Eighth Amendment as cruel and unusual punishment.

He spoke at a conference on "A Culture of Death," sponsored by the Notre Dame Center for Ethics and Culture on campus in October. He presented: "A Few Thoughts on the Meaning of the Universe and the Mystery of Human Life" to a meeting of the student pro-life group *Jus Vitae* on January 31; and "Law or Prepossessions? Fifty Years Later: John Courtney Murry, the Constitution, and the Common Good" at a conference on "Religion and the Public Good" at St. John's University Law School in November. In early February, he participated in a symposium sponsored by the MINNESOTA LAW REVIEW on "The Freedom of Expressive Association," serving on a panel discussing "Religious Freedom and Institutional Autonomy: Free Exercise, Establishment and Expressive Association." The essays from the symposium will be published in volume 85, issue 6, of the law review.

With Nicole Garnett, he presented "School Choice and the First Amendment" at a program sponsored by the Program on

the Social Organization of Schools in the University's Institute for Educational Initiatives, of which he is a faculty fellow.

■ **JIMMY GURULÉ** published the second edition of his treatise, COMPLEX CRIMINAL LITIGATION: PROSECUTING DRUG ENTERPRISES AND ORGANIZED CRIME (Lexis Law Publishing) in January. The 1996 edition of that book was cited in a RICO case, *United States v. Cooper*, 91 F. Supp. 2d 60 (D.D.C. 2000). He also published *The 1998 Rome Statute Creating an International Criminal Court: Is the Jurisdiction of the Court Truly Complementary to National Criminal Jurisdictions?* in AMICUS CURIAE, the journal of the Society for Advanced Legal Studies at the University of London. Also in January, James Publishing released the January edition of THE FEDERAL FORFEITURE GUIDE, a publication authored by Professor Gurulé that summarizes recent federal appellate and district court civil and criminal forfeiture decisions.

He spoke on "The Civil Asset Forfeiture Reform Act of 2000: Ducking the Tough Issues Towards Real Reform" at the National Economic Crime Summit in Austin, Texas, in May 2000.

FACULTY RESOURCE — SCHOOL VOUCHERS

Assistant Professor of Law Rick Garnett is a faculty resource for the University on the topic of school vouchers. He believes that choice-based reforms are needed to meet the social justice goals of the Supreme Court's landmark decision in *Brown v. Board of Education*. In that ruling, the Court "promised equal education opportunity to all children, regardless of race."



Professor Garnett commented, "As a nation, we have failed to make good on that promise. Many people of good will now believe, and the evidence tends to suggest, that school choice and educational pluralism — not special-interest politics and bureaucracy — are our best hope for achieving *Brown's* goals."

Professor Garnett can be reached at (219) 631-6981 or garnett.4@nd.edu.

Professor Gurulé provided commentary to various national media outlets on current events in the law including in the following: *Back Doors and False Fronts — Forfeiture Package Offers Minimal Reform*, *Some Say in the May 22, 2000*, edition of THE KANSAS CITY STAR; *Court's Apprendi Hate Crime Decision May Have Broad Impact on Sentencing* in the June 28, 2000, edition of THE LEGAL INTELLIGENCER; *Ruling Could Spur Sea Change in Sentencing* in the June 28, 2000, edition of AMERICAN LAWYER MEDIA; *In Striking N.J. Hate-Crimes Law, Court May Trigger Sentencing Review* in the July 3, 2000, edition of the NEW JERSEY LAW JOURNAL; and *Ramseys Hope Questioning Ends Suspicion* in the August, 25, 2000, edition of USA TODAY.

His 1998 article in the FORDHAM INTERNATIONAL LAW JOURNAL titled *The 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances — A Ten-Year Perspective: Is International Cooperation Merely Illusory?* was quoted extensively by Lord McNally in recent proceedings in Britain's House of Lords discussing strategy for combating drug trafficking.

■ **WILLIAM P. HOYE** served as author and judge for a mock trial of the case of *Sunnybrook v. Immaculate Heart*, held in St. Louis, Missouri, at the National Conference of the University Risk Management and Insurance Association. With Dr. Gary M. Rhodes of the University of Southern California, he published *An Ounce of Prevention Is Worth . . . The Life of a Student: Reducing Risk in International Programs* in volume 27, issue 1 of the JOURNAL OF COLLEGE AND UNIVERSITY LAW. He also wrote *What a Difference a Millennium Makes: Tort Litigation in Higher Education, Circa Y2K* for WEST'S EDUCATION LAW REPORTER, vol. 147, no. 3 (December 7, 2000).

As chair of the University's Task Force on Anti-Sweatshop Initiatives, he helped to organize the formational meeting of the Living Wage Association, held February 2-4, 2001, on campus. The association is a consortium of universities formed to address living-wage issues including: developing a working definition and formulae for the living wage; sharing costs associated with living-wage studies;

providing opportunities for collaboration in implementing the living wage in specific instances; and researching the effects of the various modes of implementing a living wage.

He presented "Professional Responsibility and Contemporary Law Practice" to the American Council of Life Insurance in Chicago, Illinois, on February 5, 2001.

■ **M. CATHLEEN KAVENY** gave the Baker-McKenzie Lecture on Law and Ethics at a "Conference on Law and Religion" sponsored by the LOYOLA UNIVERSITY CHICAGO LAW JOURNAL in early February. She spoke on "Billable Hours and Ordinary Time: A Theological Critique of the Instrumentalization of Time in Professional Life."

She also published *Law, Morality and Common Ground* in the December 9, 2000, edition of AMERICA.

■ **WILLIAM K. KELLEY** participated in a panel discussion on the First Amendment at the 2000 convention of the Federalist Society in Washington, D.C., in November. Co-panelists included Walter Dellinger, former solicitor general, Kenneth Starr, former independent counsel, and Nadine Strossen of the American Civil Liberties Union.

■ **DONALD P. KOMMERS** published: *The Basic Law: A Fifty-Year Assessment* in volume 53 of the SOUTHERN METHODIST UNIVERSITY LAW REVIEW; *A Comparative Constitutional Law Canon*, co-authored with John E. Finn, in volume 17 of CONSTITUTIONAL COMMENTARY; *Artist in Exile* in the autumn 2000 issue of NOTRE DAME magazine; *Teaching Comparative Constitutional Law: Why and How?* in DEFINING COMPARATIVE CONSTITUTIONAL LAW, Mark Tushnet and Vicki Jackson, eds. (Greenwood Press 2000); *Fifty Years of the Federal Republic of Germany*, a 15-page pamphlet, for Inter-Nationes, a unit of Germany's Foreign Ministry; a review of ONLY THE NAILS REMAIN: SCENES FROM THE BALKAN WARS in the April 22, 2000, edition of AMERICA; and a review of DELIVER US FROM EVIL by William Shawcross (Simon and Schuster 2001), in the February 12, 2001, edition of AMERICA.

Professor Kommers delivered the keynote address, "Freedom of Speech in Germany and the United States," and moderated an exchange of views between Justice Antonin Scalia of the U.S. Supreme Court and Justice Dieter Grimm of Germany's Federal Constitutional Court at the Comparative Law Colloquium on "The Value of Free Speech and Its Reasoned Limits," sponsored by the Catholic University of America School of Law in June. He served as moderator and commentator on a panel discussing "Immigration and Integration: Its Effect on the Culture and on the Life of the Church" at the Sixth Germany-America Colloquium, sponsored by the Archdiocese of Chicago at the Mundelein Conference Center in September. He also delivered a public lecture on "German Unification: The Constitutional Dimension" at the University of Kansas School of Law in October.

■ **GARTH MEINTJES '91 LL.M.** participated in a panel discussion titled "Towards Achieving Justice: Truth Commissions, Trials and Amnesties" at a conference on "International Law in the 21st Century: The United Nations and Other International Entities" sponsored by the American branch of the International Law Association in New York, New York, in October.

With Juan Méndez, Mr. Meintjes wrote a short reply to a critique of their article, *Reconciling Amnesty with Universal Jurisdiction*, which was published in the INTERNATIONAL LAW FORUM of the International Law Association.

On February 6, Mr. Meintjes testified before the Indiana Senate Committee on Corrections regarding the role and importance of an effective ombudsman for corrections. A similar bill was introduced before the House of Representatives committee. This legislative initiative is the result of five years of discussions between a coalition of religious groups, including the center, and the Commissioner of Corrections. In early March, the Indiana Senate passed the bill by a vote of 31 to 16.

He taught a three-hour seminar on the use of human-rights standards to monitor detention facilities to a group of 30 lawyers from the Chicago Bar

PROFESSOR RICE ANNOUNCES RETIREMENT

Professor Charles E. Rice has announced his retirement as of the end of the 2000-01 academic year, after more than 30 years on the NDLS faculty. Professor Rice earned his A.B. from the College of the Holy Cross in 1953, his J.D. from Boston College in 1956, and his LL.M. and J.S.D. from New York University in 1959 and 1962, respectively. A member of the New York Bar since 1957, he engaged in private practice in New York City (1958-61) and, before joining the Notre Dame faculty, taught law as a lecturer at C.W. Post College (1959-61) and New York University (1959-61) and as a professor at Fordham University (1960-69).

His areas of academic interest have included constitutional law, jurisprudence, legislation, real property, restitution and torts. As director of Notre Dame's Natural Law Institute, he served as co-editor of the AMERICAN JOURNAL OF JURISPRUDENCE from 1970 to 1997. He has been a consultant to the U.S. Commission on Civil Rights and a member of the Education Appeal Board at the U.S. Department of Education (1981-93). In 1996, he was named to the board of trustees of Franciscan University in Steubenville, Ohio.

A staunch pro-life advocate, he has co-authored numerous briefs involving right-to-life and right-to-die issues, and has served as co-chair of Free Speech Advocates of Catholics United for Life. His recent publications include THE WINNING SIDE: QUESTIONS ON LIVING THE CULTURE OF LIFE (St. Brendan's Institute 1999) and FIFTY QUESTIONS ON THE NATURAL LAW: WHAT IT IS AND WHY WE NEED IT (Ignatius Press 1993).

A more extensive tribute to Professor Rice will appear in the summer 2000 issue of this magazine. If you would like to contribute your thoughts, memories and photos of your time with Professor Rice, please send them in care of this magazine (102 Law School, Notre Dame, IN 46556, or by e-mail to lawalum@nd.edu) before June 30, 2001.

Professor Rice may be reached at (219) 631-5667, or by e-mail at rice.1@nd.edu.

Association who volunteered to conduct a study of conditions in INS detention facilities on behalf of the Midwest Immigrant and Human Rights Center. The final report will be submitted to the president of the ABA in August of 2001.

■ **JUAN E. MÉNDEZ** participated in a panel discussion titled "The Convergence and Overlap of International Humanitarian Law, International Criminal Law and International Human Rights Law" at a conference on "International Law in the 21st Century: The United Nations and Other International Entities" sponsored by the American branch of the International Law Association in New York, New York, in October.

He attended the November 9, 2000, board meeting of the John Merck Fund, a foundation to which he provides advisory services on strategies to promote human rights and democracy in Latin America. He participated in a conference on "The Legacy of Abuse — Justice and Reconciliation in a New Landscape" organized by the Aspen Institute at its conference center in Wye, Maryland, November 10-12. Participants from several countries and institutions discussed prosecutions, truth commissions and efforts at reconciliation in countries overcoming a recent past of massive human-rights violations.

On November 13, he participated in a panel discussion on "Human Rights and Human Wrongs: How Far Have We Really Come?" organized by the Carr Center for Human Rights Policy at the Kennedy School of Government, Harvard University. Co-panelists included Canadian historian and analyst Michael Ignatieff. The event served as the occasion to launch the book, *REALIZING HUMAN RIGHTS* (St. Martin's Press 2000), edited by Samantha Power and Graham Allison, which includes an article Professor Méndez wrote on Latin American contributions to the human-rights movement.

In Washington, D.C., on December 6, he presented the amendments to the regulations of the Inter-American Commission on Human Rights at a conference at the Organization of American States on the reform of the system of human-rights protection. Both the Inter-American Court

FACULTY RESOURCE — FAITH-BASED SERVICE INITIATIVES

Steven D. Smith, Robert and Marion Short Professor of Law, believes that the Bush administration's faith-based service initiatives are constitutional. "Modern establishment clause jurisprudence reflects a tension between a 'separation/no aid' position and what's often described as a 'neutrality' position," Professor Smith says. "The first holds that any nontrivial governmental advancement of religion is a constitutional evil in itself, even if the advancement is incident to a legitimate public purpose. The second position maintains that government should be neutral toward religion, but this obligation of neutrality is consistent with government including religion on a nonpreferential basis in benefit or service programs designed to serve secular purposes. Indeed, neutrality proponents often argue that it is unconstitutional — a violation of neutrality — to exclude religious organizations or individuals from programs for which they would otherwise be eligible. The neutrality position seems a much more plausible account of our constitutional history, and it also seems more attractive on theoretical grounds. By contrast, the separation/no aid position basically insists that government must discriminate in many contexts against individuals or organizations just because they are religious."

Professor Smith can be reached at (219) 631-3090 or smith.379@nd.edu.



and the commission have recently amended their court rules and regulations as part of a larger package of reforms. As one of the commissioners, Professor Méndez was asked to present the highlights of the Inter-American Commission changes to the audience of diplomats and practitioners.

Professor Méndez traveled to Spain later in December to participate in a tribunal to hear the defense of a dissertation at

the Universidad de Navarra, a Catholic university in Pamplona, on "The Rights of Migrant Workers to Family Life Under European Community law." The tribunal was presided over by Professor Jose A. Pastor Ridruejo, the Spanish judge in the European Tribunal on Human Rights. During that same trip, Professor Méndez lectured at the Universidad de La Coruña on "The Inter-American System of Human Rights Protection."

On January 8-13, 2001, he visited Quito and Guayaquil, Ecuador, under the auspices of the U.S. Department of State and the office of the U.S. Cultural Attache in that country in response to an invitation by the Program on Human Rights at the Pontifical Catholic University of Ecuador, in Quito. He delivered two lectures on "Human Rights and Democracy in Latin America: Balance and Perspectives" and one on "The Future of the Inter-

American System of Protection," as well as three four-hour-long workshops. In addition to lecturing at the Pontifical Catholic University of Ecuador, he lectured at the Universidad Central (the state-run university) in Quito and at the Universidad Espíritu Santo in Guayaquil.

On January 23, he addressed the Human Rights Program of Columbia Law School on the ongoing reforms to the Inter-American System of Protection from the perspective of the Inter-American Commission on Human Rights.

Professor Méndez visited Lima, Peru, February 1-3, to attend a conference on "Truth, Justice and Reconciliation" organized by several local nongovernmental organizations to assist the efforts of a task force recently formed by the new government to set up a Truth Commission to deal with the legacy of human-rights abuses by the Fujimori and previous governments. The Ministry of Justice of the caretaker Paniagua administration has asked him to serve as one of five international consultants to this Task Force.

He contributed: *Comments on "From Minors to Citizens"* to *THE CHILD IN LATIN AMERICA: HEALTH, DEVELOPMENT AND RIGHTS*, Father Ernest Bartell and Dr. Alejandro O'Donnell, eds. (Notre Dame

Press); *International Human Rights Law, International Humanitarian Law and International Criminal Law and Procedure: New Relationships to INTERNATIONAL CRIMES, PEACE AND HUMAN RIGHTS: THE ROLE OF THE INTERNATIONAL CRIMINAL COURT*, Dinah Shelton, ed. (Transnational Publishers); and, with Helena M. Olea '00 LL.M., *Derechos y Deberes Civiles y Políticos* to the second edition of the *DICCIONARIO ELECTORAL* published by the Inter-American Institute on Human Rights in San Jose, Costa Rica.

■ **CAROL ANN MOONEY '77 J.D.** has co-authored the fourth edition of *THE PLANNING AND DRAFTING OF WILLS AND TRUSTS* (Foundation Press) with Professor Emeritus Thomas L. Shaffer '61 J.D. and recent graduate Amy Jo Boettcher '00 J.D.

■ **JOHN COPELAND NAGLE** published a book review of Elizabeth Drew's *CORRUPTION, POLLUTION, AND POLITICS: WHAT WENT WRONG & WHY* in volume 110, no. 2 of *THE YALE LAW JOURNAL*. He also commented on the partisanship displayed in postelection maneuverings in an article titled *Partisan Wrangling Grows Over Manual Ballot Count* in the November 14, 2000, edition of *THE ARIZONA REPUBLIC*.

He participated in a symposium sponsored by the *MINNESOTA LAW REVIEW* on "The Freedom of Expressive Association," serving on a panel discussing "Collective Political Speech: The First Amendment and Campaign Finance Reform 25 Years After *Buckley v. Valeo*." The essays from the symposium will be published in volume 85, issue 6, of the law review.

Professor Nagle also commented on a case pending before the U.S. Supreme Court this term, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, in an article titled *Playing Variations on Legal Themes* in the October 2, 2000, edition of *THE NATIONAL LAW JOURNAL*. The case involves issues of federalism, specifically whether Congress had the authority to give the Army Corps of Engineers control over intrastate waterways and whether the corps exceeded its authority under the "migratory bird rule" in the Clean Water Act in regard to the use of the waterways.

■ **HONORABLE JOHN T. NOONAN JR.** of the U.S. Court of Appeals for the Ninth Circuit, who served as the Judge James J. Clynes Jr. Visiting Professor of Law for the fall semester, was the subject of an article in the November 17, 2000, edition of *COMMONWEAL*. Titled *A Case of Doctrinal Development*, the article explores Judge Noonan's scholarship as it relates to Catholic doctrine. It is an insightful look into the work of someone that Honorable Richard Posner of the U.S. Court of Appeals for the Seventh Circuit calls one of the "great scholars of modern law."

Judge Noonan also spoke at a conference on "A Culture of Death," sponsored by the Notre Dame Center for Ethics and Culture on campus in October.

■ **TERESA GODWIN PHELPS '73, '75 M.A., '80 PH.D.** presented a program on "Advanced Legal Writing" for the staff attorneys at the U.S. Court of Appeals for the Seventh Circuit in Chicago on October 6, and returned to that court's Conference for District Court Staff Attorneys on October 23 to conduct a day-long writing workshop. On October 10, she presented a lecture on "Shattered Voices: Language, Violence and Retribution" at the University of Illinois Law School, Champagne-Urbana.

■ **WALTER F. "JACK" PRATT JR.** contributed *A New Vocabulary for a New Constitutional Law: United States v. Carolene Products* (1938), in *LEADING CASES OF THE TWENTIETH CENTURY* (Round Hall 2000).

■ **CHARLES E. RICE** spoke on "The Renewal of the Family: Pope John Paul II's Vision for the Family" at a lecture sponsored by the Law School's Thomas More Society in late November. The talk focused on the pope's recent "Letter to Families." In March, Professor Rice gave the Hesburgh Lecture to the Notre Dame Club of Washington, D.C., where he spoke on legal issues relevant to the right-to-life cause and the natural-law basis of a right-to-life ethic.

His book, *THE WINNING SIDE: QUESTIONS ON LIVING THE CULTURE OF LIFE*, was reviewed in the March 1, 2001, issue of *FIRST THINGS: A MONTHLY JOURNAL OF RELIGION AND PUBLIC LIFE*.

The review notes that the book, published by St. Brendan's Institute, summarizes arguments that champion the culture of life, which Professor Rice has been making "with apparently inexhaustible energy" throughout the course of his professional life.

■ **HONORABLE KENNETH F. RIPPLE** served as an invited faculty member at the Pepperdine Judicial Clerkship Institute at Pepperdine University School of Law in Malibu, California, January 4-6, 2001.

■ **JOHN ROBINSON '72 M.A., '75 PH.D.** spoke on the constitutional rights of religiously affiliated colleges and universities under the Establishment and Free Exercise Clauses of the First Amendment to the Constitution at the Stetson University School of Law "Conference on Higher Education" in Clearwater Beach, Florida, in February of 2000. In March of 2000, he spoke at Xavier University in Cincinnati, Ohio, on the moral and legal implications of recent developments in genetic research. And in June of 2000, he spoke on *Ex Corde Ecclesiae* and its application to American Catholic colleges and universities at the annual convention of the National Association of College and University Attorneys in Washington, D.C.

His article on the extraterritorial application of American law appeared in the summer 2000 issue of the *JOURNAL OF COLLEGE AND UNIVERSITY LAW*.

■ **ASSOCIATE DEAN VINCENT D. ROUGEAU** was the 2001 Distinguished Speaker at the Loyola University New Orleans Gillis Long Poverty Law Center on March 26, 2001. He gave a talk titled "More Precious for What We Are Than for What We Have: Is Real Solidarity with the Poor Possible in a World Dominated by American Consumer Culture?"

■ **JAMES SECKINGER** presented a number of lectures on trial advocacy techniques including: "Trial Skills and Techniques for Persuading a Fact Finder" for the New Zealand Law Society in Heretaunga, New Zealand, for McCarthy Tetrault in Toronto, Ontario, Canada (in English and French), and at both Fish &

FACULTY RESOURCE — TECHNOLOGY AND PRIVACY

Kyllo v. United States, a case before the U.S. Supreme Court involving the use by police of new surveillance technology to find marijuana growing on the property of an Oregon man, forces the court to “confront pressing questions about the relationship between technology and privacy that go well beyond the use of thermal imaging devices,” says Patricia Bellia, assistant professor of law. “At the time the Fourth Amendment was adopted, privacy was protected not only by law, but also by the limits of technology — by the fact that law enforcement officials lacked the means to see or hear what went on inside the walls of one’s home. Over time, however, technological advances have facilitated far greater government surveillance. As it did in the wiretapping cases of the late 1960s, the Supreme Court must determine how to apply the Fourth Amendment’s protection of privacy to a technology that the framers of our Constitution undoubtedly never envisioned. The issue for the court in the thermal-imaging case is how the development of new surveillance technologies affects society’s expectations about what is private. The court’s answer to this question will no doubt have a dramatic impact on how courts analyze other privacy-infringing technologies — such as devices for the detection of concealed weapons and ‘worms’ and filters designed to search computer data — that will be more widely used in the near future.”

Professor Bellia can be reached at (219) 631-3866 or bellia.2@nd.edu.

Neave and Skadden Arps in New York, New York; “Case Analysis and Witness Examination” at a number of Canadian institutions including Dalhousie University of Laws in Halifax, Nova Scotia, the University of Ottawa Faculty of Laws in Ottawa, Ontario, the University of Victoria Faculty of Laws in Victoria, Vancouver Island, British Columbia, and the University of British Columbia in Vancouver; “Faculty Critique in Teaching

and Learning Lawyering Skills” for the New Zealand Law Society and the Advocates’ Society of Toronto, Canada, as well as for the National Institute for Trial Advocacy’s Teacher Training Program at the Harvard Law School and at Loyola University of Chicago School of Law; “Deposition Skills and Techniques for Taking and Defending a Deposition” for NITA’s Mid-Central Deposition Workshop in Indianapolis, Indiana, and for Fish & Neave in New York, Hahn Loeser & Parks in Cleveland, McDermott Will & Emery in Chicago and Washington, D.C., Pennie and Edmonds in New York, and Skadden Arps in Chicago, Los Angeles and San Francisco; “Examination of Expert Witnesses at a Deposition and at Trial” for Hahn Loeser & Parks in Cleveland, Skadden Arps in Los Angeles and Torys in Toronto, Ontario; and “Helping — Not Annoying — the Judge” for the Advocates’ Society’s Courthouse Series in Toronto.

He has published a number of these lectures, other articles and trial-advocacy instructional materials including: *Helping — Not Annoying — the Judge, Motion Sickness and How Counsel Can Improve Motion Practice* (with M. Cormier), and *Opening Statements that Persuade the Judge or Jury* (all published in the Advocates’ Society Courthouse Series, Toronto 2000); *Case Analysis and Witness Examination; Trial Advocacy Coursebook, Problems and Instructional Material on Trial Advocacy Techniques and Deposition Techniques Course Packet, Problems and Instructional Materials* (Notre Dame Law School 2000); *Materials on Advocacy Skills and Techniques* (McCarthy Tetrault, Toronto 2000); *Materials on Litigation Skills* (New Zealand Law Society 2000); *Trial Advocacy Skills — Trial Concepts and Techniques, Demonstration Vignettes, Drills, and Problems* (Skadden Arps, Fish & Neave 2000); *An Analysis of Faculty Critique* (New Zealand Law Society 2000); *Instructional Materials for the Advocates’ Society Teacher Training Program and Faculty Critique, Teaching and Learning Lawyering Skills* (Advocates Society, Toronto 2000); *NITA Teacher Training Program — Paper on Faculty Critique and Program Schedule, Self Analysis of the NITA Method and Program Schedule for Teacher Training and Deposition Skills — Taking and Defending a Deposition*

— *Concepts and Techniques, Demonstration Vignettes, Drills and Problems* (NITA, Pennie & Edmonds 2000); *INSTRUCTIONAL MATERIALS FOR EXPERT WITNESS PROGRAM* (NITA, Torys, Hahn Loeser & Parks, Skadden Arps, 2000); *Deposition Skills with Concepts and Techniques for Taking and Defending a Deposition, Demonstration Vignettes, Drills, and Problems* (Fish & Neave 2000); *Program Schedule, Instructional Materials, and Appendices for Deposition Skills* (Hahn Loeser & Parks 2000); *Program Schedule with Instructional Materials for Deposition Skills* (McDermott Will & Emery, Pennie & Edmonds, Skadden Arps, Ministerio de Justicia in El Salvador 2000); and *Seminaria Tecnicas Orales de Litigo en Procedimientos Judiciales* (Ministerio de Justicia, Centro de Informacion, Documentacion, Divulgacion y Culturizacion Juridica, San Salvador, El Salvador 1999).

■ **THOMAS L. SHAFFER ’61 J.D.** has co-authored the fourth edition of *THE PLANNING AND DRAFTING OF WILLS AND TRUSTS* (Foundation Press) with NDLS Professor Carol Ann Mooney ’77 J.D. and recent graduate Amy Jo Boettcher ’00 J.D.

■ **DINAH SHELTON** delivered a paper titled “Compliance with Environmental Soft Law” at a symposium on November 17, 2000, sponsored by the International Center for Environmental Compliance Assessment, Kagawa University, Japan. She spoke on the Inter-American human rights system at the Lisbon Forum 2000, “Regional and Universal Systems of Human Rights Protection: Their Contribution to the Universality and Indivisibility of Human Rights,” November 23-24, 2000. She organized and chaired the Notre Dame Workshop on Consent and Compliance: The Role of Non-Binding Norms in the International Legal System, sponsored by the American Society of International Law, November 3-4, 2000. She also served as a workshop professor at the Workshop on Implementation of International Environmental Law, a training program for government officials and professors from Laos, Cambodia and Vietnam sponsored by the United Nations Training and Research Institute, Bangkok, Thailand, January 9-13, 2001. And from

January 31 to February 4, 2001, she participated in the Americas' Conference on Secession in International Law, delivering a paper on "The Jurisprudence of International Human Rights Tribunals on Secession and Self-Determination" and participating in the drafting of the conclusions of the conference.

Professor Shelton edited and contributed to *INTERNATIONAL CRIMES, PEACE AND HUMAN RIGHTS: THE ROLE OF THE INTERNATIONAL CRIMINAL COURT* (Transnational Press 2000), and contributed *Droits et justice pour chaque citoyen de la planète?* to *MONDIALISATION ET SOCIÉTÉS MULTICULTURELLES: L'INCERTAIN DU FUTUR* (M. Ricciardelli, S. Urban and K. Nanopoulos, eds., PUF, 2000).

■ **STEVEN D. SMITH** published reviews of *BRENNAN AND DEMOCRACY* by Frank I. Michelman, and *THE WARREN COURT AND AMERICAN POLITICS* by Lucks A. Powe, in the November 1, 2000, edition of *FIRST THINGS: A MONTHLY JOURNAL OF RELIGION AND PUBLIC LIFE*.

EILEEN DORAN '86 J.D. HONORED

Eileen Doran '86 J.D., co-director of the Notre Dame Legal Aid Clinic and associate professional specialist in law at NDLS, was honored by the Indiana Supreme Court in February for her long-standing service to the court's Indiana Pro Bono Commission. Ms. Doran was appointed to the commission in 1998 by the court and the Indiana Bar Foundation.

The commission seeks to encourage *pro bono* civil legal work for the poor by Indiana attorneys, and uses grants to local communities to encourage residents to develop *pro bono* plans.

Ms. Doran can be reached at (219) 631-4863 or doran.1@nd.edu.



FACULTY RESOURCE — PAN AM FLIGHT 103 TRIAL

The trial of two Libyans for the bombing of Pan Am Flight 103 over Lockerbie, Scotland, in 1988, has helped create new guidelines for international law, but the specific circumstances of the case — in which a Scottish court assembled on a Dutch air base to try a case involving victims, prosecutors and defendants from various nations — are not likely to be repeated, according to Associate Professor Paolo Carozza and Professor Dinah Shelton, both of whom specialize in international law.

"I don't think the way in which this case was tried will be a model for others," says Professor Carozza. "It was a very specific and idiosyncratic resolution. But I do think that we will increasingly see other ways in which, like here, international institutions — like the United Nations — and national jurisdictions and legal institutions — such as the Scottish court, U.S. interests and Libyan defendants in this case — will overlap and cooperate to fill the current gaps in the existing institutional structures for achieving transnational justice."

Professor Shelton adds, "I doubt there will be similar cases in the future. The fact that the United States and Britain, the two countries most concerned, are on the U.N. Security Council was important to the ultimate resolution. They were able to obtain a decision imposing sanctions against Libya until it agreed to surrender the defendants for trial. Efforts by Libya to challenge this decision at the World Court were unavailing, despite some controversy over the legality of the Security Council action. Perhaps the most significant part of the dispute was the issue of whether the World Court can review the lawfulness of decisions of the Security Council. The judges were very split on this issue, with the majority seeming to suggest that the powers of the Security Council are not subject to judicial review. For the future, the most serious international criminal acts are likely to fall within the jurisdiction of the proposed International Criminal Court, and this will avoid the need to move a national tribunal to a foreign country, as was done in the Lockerbie case."

Professor Carozza can be reached at (219) 631-4128 or carozza.2@nd.edu.

Professor Shelton can be reached at (219) 631-7233 or shelton.6@nd.edu.

■ **J. ERIC SMITHBURN** has been named to the board of advisors of the Indiana Juvenile Task Force, Indiana's largest advocacy group for improving the juvenile justice system for children and families in Indiana.

■ **JAY TIDMARSH '79** published a review of *SEDUCED BY SCIENCE: HOW AMERICAN RELIGION LOST ITS WAY* by Stephen Goldberg in volume 80 of *THE JOURNAL OF RELIGION*.

He was appointed to serve on the Advisory Committee on Circuit Rules for the United States Court of Appeals for the

Seventh Circuit, and was elected chair of the Section on Civil Procedure at the annual meeting of the Association of American Law Schools in San Francisco in January.

■ **ADA VERLOREN '90 LL.M.**, assistant to the director in the Center for Civil and Human Rights, as a volunteer attorney with the Chicago Midwest Immigrant and Human Rights Center's *pro bono* program, is representing a Sudanese refugee seeking political asylum in the United States, and is also participating in the center's study of conditions in INS detention facilities.

FACULTY

NOTES

NEW FACULTY

Dean Patricia A. O'Hara '74 J.D. and the Faculty Appointments Committee have announced that three new faculty members will join the Law School in the 2001-02 academic year:

■ **LISA CASEY** will teach corporate and securities law, as well as commercial law. She is currently a visiting professor of law at the University of Denver College of Law. She earned her B.A., with distinction, in economics and communication from Stanford University, where she was elected to membership in Phi Beta Kappa. She earned her J.D., with distinction, from the Stanford Law School, where she served as managing editor of the *STANFORD JOURNAL OF INTERNATIONAL LAW*.

Following law school, Professor Casey clerked for Honorable Sherman G. Finesilver, chief judge of the U.S. District Court for the District of Colorado, in Denver. For 11 years, she practiced law in Denver, focusing on corporate, securities and commercial litigation. She chaired the Securities Law Section of the Colorado Bar Association, and served as co-editor of *SECURITIES NEWS*, a quarterly magazine published by the ABA Security Litigation Section.

■ **MICHAEL KIRSCH**, currently associate international tax counsel in the U.S. Treasury Department, will teach in the tax area. Professor Kirsch received his undergraduate degree *summa cum laude* from Cornell in 1985 in the Economics Department Honors Program, and was elected to membership in Phi Beta Kappa. He earned his J.D. *cum laude* from Harvard Law School in 1988, where he served on the editorial board of the *HARVARD JOURNAL OF LEGISLATION*.

Following graduation, he joined the tax department of Sheppard, Mullin, Richter & Hampton, in Los Angeles, California. Through the firm, he had the opportunity to earn his LL.M. in taxation from New York University in 1989, after which he returned to practice tax law at Sheppard, Mullin. Three years later, in 1992, he accepted a two-year clerkship with the chief judge of the United States Tax Court in Washington, D.C. Following this clerkship, he moved into government service, working two years in the Office of the Associate Chief Counsel of the Internal Revenue Service and four years in the Office of Tax Policy in the Treasury Department, most recently in the position of associate international tax counsel.

■ **JULIAN VELASCO** will teach corporate and securities law. He is currently an associate professor of law at the Hofstra University School of Law. He earned his undergraduate degree, *magna cum laude*, in finance, with minors in theology and philosophy, from Georgetown University. He earned his J.D. from Columbia University School of Law, where he served as an editor of the *COLUMBIA LAW REVIEW*.

Following law school, Professor Velasco clerked for Honorable Van Graafeiland on the U.S. Court of Appeals for the Second Circuit. For four years, he practiced law with Sullivan and Cromwell in New York, where he focused on transactional work as a member of the firm's Corporate and Finance Group and Banking Group.

ADMINISTRATOR & STAFF

NOTES

■ **Julia Meister '95 J.D.** joined the NDLS administration in March as director of student services. The focus of the new position will be assisting Dean Rougeau in his responsibilities as associate dean for student services, and coordinating activities such as orientation and graduation.

Since graduating from NDLS, Ms. Meister worked as a litigation associate at Taft, Stettinius & Hollister in Cincinnati. She represented a wide variety of clients in trial, appellate and

alternate dispute resolution settings. While a student at NDLS, she was a White Scholar and articles editor of the *NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY*. She earned the A. Harold Weber Award for Excellence in Legal Essay Writing, and served as a teaching assistant in the Legal Writing and Moot Court programs. A native of Kentucky, Ms. Meister earned her B.A. degree from Xavier University in Cincinnati, where she majored in English.

■ **Ken Kinslow**, who joined the Kresge Law Library staff in January of 1985 as the evening and weekend supervisor in Access Services, joined the staff of the Hesburgh Library at the end of March as the supervisor of Interlibrary Loan and Document Delivery. In his new job, he supervises all of the employees of the University library's interlibrary loan and document delivery units, and works with department heads in assessing current user services and in investigating and implementing new user services.

A L U M N I N O T E S

LISTSERV ADDRESSES

Law School all-alumni:
ndlaw-alumni@listserv.nd.edu
 Center for Civil and Human Rights alumni:
ndlaw-cchr@listserv.nd.edu
 London LL.M. alumni:
ndlaw-london-llm@listserv.nd.edu

To join any NDLS listserv, please send an e-mail to *lawalum@nd.edu*.

WEB ADDRESS

Law School alumni web site:
<http://www.nd.edu/~ndlaw/alumni/alumni.html>

CLASS OF 1953

Secretary: Robert L. Berry

CLASS OF 1954

Secretary: Carl F. Eiberger

■ **Carl F. Eiberger**, a sole practitioner in Golden, Colorado, and a member of the Notre Dame Law Association board of directors, was recently honored for 25 years of service to the Prospect (Colorado) Recreation & Park District and as founder of Applewood Park in Colorado.

CLASS OF 1955

Secretary: John P. Coyne

CLASS OF 1956

Secretary: Timothy D. O'Hara

CLASS OF 1957

Secretary: Thomas S. Calder

CLASS OF 1958

Listserv: *NDLAW-1958@listserv.nd.edu*
 Secretary: John F. Murray

CLASS OF 1959

Secretary: William J. Harte

CLASS OF 1960

Secretary: John A. DiNardo

CLASS OF 1961

Secretary: John N. Moreland

CLASS OF 1962

Secretary: Paul K. Rooney

CLASS OF 1963

Secretary: James L. Lekin

CLASS OF 1964

Secretary: Charles A. Sweeney

■ **Charles A. Sweeney**, formerly of counsel with Sweeney, Pfeiffer, Morgan & Stesiak in South Bend, has opened his own law office, Sweeney Law Firm, also in South Bend. His practice focuses on personal injury and wrongful death.

CLASS OF 1965

Secretary: Honorable John D. O'Shea

CLASS OF 1966

Secretary: Thomas J. McNally

■ **J. Scott Maxwell**, a partner in Hamburg, Rubin, Mullin, Maxwell & Lupin in Lansdale, Pennsylvania, was featured in an article in the January 10, 2001, edition of *THE LEGAL INTELLIGENCER*. The article focused on Mr. Maxwell's efforts, as the new president of the Montgomery (Pennsylvania) Bar Association, to create more programs to enable lawyers to assist at-risk youth in a number of ways, whether coaching youth sports teams or mentoring children or representing young people who have been victims of crimes. The article also recounts Mr. Maxwell's own experiences as a coach for his son's hockey team years ago, as well as his time on Notre Dame's football team during his undergraduate years and his efforts coaching Notre Dame's freshman football team during his law-school years.

■ **Stephen A. Seall**, managing partner of the South Bend office of Barnes & Thornburg, has been re-elected vice chair of the firm and its management committee. He focuses his practice in the firm's Business, Tax and Real Estate Department.

CLASS OF 1967

Secretary: James J. Olson

■ **Robert J. Konopa**, a member of Konopa Reagan & Kenyon, P.C., in South Bend, has been named a diplomat by the Defense Trial Counsel of Indiana.

■ **William J. Schmuhl Jr.**, president and chief executive officer of Heywood Williams, Inc., in Elkhart, Indiana, has been elected to the board of directors of Vitro Diagnostics, Inc., of Littleton, Colorado.

CLASS OF 1968

Secretary: Timothy W. Woods

■ **Thomas R. Curtin**, a partner in Graham, Curtin & Sheridan in Morristown, New Jersey, and current president of the Notre Dame Law Association, was elected the New Jersey state delegate to the American Bar Association House of Delegates. Prior to his election to the 50-member house, he represented the New Jersey State Bar Association to the house. His goal in his new role will be to give New Jersey a broader voice in developing ABA policy, while working to steer the ABA away from taking positions on social issues that have no impact on the daily practice of law for most lawyers.

■ **Owen Lopez**, executive director of the McCune Charitable Foundation, was featured in an article titled *Persona: Owen Lopez* in the March 23, 2001, edition of the *SANTA FE NEW MEXICAN*, which explored the decisions that led him to the position of leader of the second largest nonprofit foundation in the state of New Mexico.

■ **Robert J. Wilczek**, a partner in the Corporate and International Practice Groups in the Chicago, Illinois, office of Gardner, Carton & Douglas and a member of the Law School Advisory Council since 1998, has been elected chair of the firm. Mr. Wilczek, whose practice focuses on mergers and acquisitions as well as on providing strategic advice to public

companies, has served several terms on the firm's management committee including a previous term as chair.

CLASS OF 1969

Listserv: NDLaw-1969@listserv.nd.edu
Secretary: Scott J. Atwell

- **H. David Prior**, a member in the Philadelphia, Pennsylvania, office of Ballard Spahr Andrews & Ingersoll, L.L.P., has been selected by President George W. Bush to be general counsel in the Department of Housing and Urban Development.
- **Michael C. Runde**, formerly with Davis & Kuelthau in Milwaukee, Wisconsin, has joined Hochstatter, McCarthy & Rivas, S.C., also in Milwaukee.

CLASS OF 1970

Secretary: John K. Plumb

CLASS OF 1971

Secretary: E. Bryan Dunigan III

- **Nelson J. Vogel**, a partner in the Business, Tax and Real Estate Department of Barnes & Thornburg's South Bend office, was re-elected to the firm's management committee for the 2000-01 year.

CLASS OF 1972

Secretary: Richard L. Hill

- **James F. Groves**, a partner at Hardig, Lee & Groves in South Bend, has become a fellow of the American College of Trial Lawyers.
- **Donald A. Wich Jr.**, with the Fort Lauderdale, Florida, law firm of Wich, Wich & Wich, P.A., has been appointed chair of the Florida Bar Unlicensed Practice of Law Standing Committee, which has jurisdiction throughout the state of Florida.

CLASS OF 1973

Secretary: Tony Palumbo

- **Terry Madden**, formerly chief of staff to the U.S. Olympic Committee president, became the chief executive officer of the new U.S. Anti-Doping Agency in April 2000. The agency works to strengthen the position of the United States as the leader in the fight against prohibited substances in international sport.
- **James L. McCrystal Jr.**, a partner in Brzytwa Quick & McCrystal, L.L.C., in Cleveland, Ohio, has been elected secretary of the Ohio Association of Civil Trial Attorneys.
- **John W. Nelley Jr.**, managing director of Duke Weeks in Nashville, Tennessee, was the feature of an executive profile published in the October 13, 2000, edition of the NASHVILLE BUSINESS JOURNAL.

CLASS OF 1974

Secretary: Christopher Kule

- **David A. DeMuro** is a managing director and head of Global Compliance and Regulation for Lehman Brothers, Inc., in New York. He was recently named to the board of governors of the National Association of

Securities Dealers, which owns and regulates the NASDAQ market.

- **Lawrence C. DiNardo**, formerly with Seyfarth Shaw in Chicago, Illinois, has joined the Chicago office of Jones, Day, Reavis & Pogue.

CLASS OF 1975

Listserv: NDLaw-1975@listserv.nd.edu
Secretary: Dennis Owens

- **Mary Joan Hoene** has been elected a partner in the New York office of Carter Ledyard & Milburn. Of counsel at the firm since 1999, Ms. Hoene's practice focuses on investment management and securities law. She has extensive regulatory, corporate, registration and litigation experience with investment companies, investment advisors and their affiliates. Last year, she coordinated the firm's team for the launch by Barclays Global Advisors of the iShares exchange-traded funds, worked on exchange-traded fund product development for the American Stock Exchange, developed a new code of ethics for the PaineWebber Unit Investment Trusts, managed a series of investment-company status questions for firm clients and, with Ernst & Young, sponsored a "fund directions" panel for mutual fund independent directors.

I N M E M O R I A M

Please remember the following deceased alumni and their families in your prayers:

- Arthur L. Roule Sr.** '30 J.D., February 24, 2001, LaPorte, Indiana.
- Garry Freeman** '31 J.D., March 13, 2001, Encino, California.
- Frederick K. Baer** '33, '36 J.D., March 27, 2001, South Bend, Indiana.
- Robert P. Lewis Sr.** '33, '36 J.D., February 16, 2001, Boca Raton, Florida.
- Hugh E. Wall Jr.** '36 J.D., January 24, 2001, Naples, Florida.
- Anthony T. Soclaro** '36, '37 J.D., October 28, 2000, Park Ridge, Illinois.
- Elwood J. Lavery** '40, '42 J.D., January 23, 2001, Quincy, Illinois.
- John C. Halleck** '42, '48 J.D., February 22, 2001, Bowling Green, Ohio.
- George Bariscillo** '44, '49 J.D., January 4, 2001, Ocean Township, New Jersey.
- Honorable Joseph E. Mahoney** '48, '49 J.D., March 6, 2001, Ashtabula, Ohio.
- Michael E. Derbin** '41, '50 J.D., March 5, 2001, Mishawaka, Indiana.
- James L. Lamb** '45, '50 J.D., October 14, 2000, Grand Forks, North Dakota.
- Sebastian R. Betasso** '54 J.D., December 24, 2000, Pittsburgh, Pennsylvania.
- Richard A. Cotter** '51, '54 J.D., February 15, 2001, Austin, Minnesota.
- Joseph P. Clancy** '53, '59 J.D., October 6, 2000, Bethesda, Maryland.
- Charles J. Griffin Jr.** '63 J.D., January 25, 2001, Hinsdale, Illinois.

**ANN CLAIRE WILLIAMS
'75 J.D. — CHICAGO
LAWYER PERSON OF
THE YEAR 2000**

Honorable Ann Claire Williams '75 J.D., '97 LL.D. (Hon.) of the U.S. Court of Appeals for the Seventh Circuit was named Person of the Year for 2000 by CHICAGO LAWYER. The article in the December 2000 issue of the periodical shows tremendous insight into the many facets of Judge Williams' personality. In particular, the article deals with her family background, her education including her time at NDLS, her work as an attorney prior to being appointed by President Reagan to the U.S. District Court for the Northern District of Illinois in 1985, her work on the appellate bench since her swearing-in earlier this year, her involvement at Notre Dame as secretary of the University's Board of Trustees, her deep devotion to her family and her genuine concern for and love of friends, co-workers and others. The article includes significant commentary from those who know her well including NDLS alumni Honorable Roland Chamblee '74, '77 J.D., and Jack Sandner '68 J.D.

■ **Honorable Willie G. Lipscomb Jr.**, chief judge *pro tem* on the 36th District Court in Detroit, Michigan, was featured in a full-page photo essay and story titled *Bodies lie in morgue, waiting to teach a lesson to gun carriers*, which appeared in the January 29, 2001, edition of the DETROIT FREE PRESS. The article notes the success of Judge Lipscomb's eight-year-old Handgun Intervention Program, which includes activities such as visits to the county morgue to "shock some sense and compassion into the minds of people who thought they needed to carry an illegal gun." People arrested in the city of Detroit for illegally carrying firearms are required, as a condition of bond, to attend the three-hour Saturday morning program. Judge Lipscomb and his innovative program were featured in the spring 1997 edition of NOTRE DAME LAWYER magazine.

■ **Honorable Andrew P. Napolitano** provided Election 2000 commentary on a number of Fox News Channel shows in December including "Hannity & Colmes," "The O'Reilly Factor" and "The Edge."

■ **Honorable Ann C. Williams** of the Seventh Circuit Court of Appeals presented an address on "Piracy in the Internet Age" at the annual meeting of the Seventh Circuit Bar Association in Chicago in May 2000.

CLASS OF 1976

Secretary: Gerald N. Fritz

■ **Robert M. Edwards Jr.**, a partner in Jones Obenchain, L.L.P., in South Bend, has been re-elected as a director of Defense Trial Counsel of Indiana.

■ **Martin J. Hagan**, a partner in the Trusts and Estates Department of Schnader Harrison Segal & Lewis, L.L.P., resident in the firm's Pittsburgh office, has been elected as a fellow of the American College of Trust and Estate Counsel. In addition to his practice in the areas of estate and trust planning, administration and litigation, Mr. Hagan is a frequent speaker and lecturer on estate-planning issues, has authored numerous articles and is an active member of a number of professional associations.

■ **Tim Hogan** was featured in an article titled *60 Seconds with . . .* in the September 25, 2000, edition of THE ARIZONA REPUBLIC. The article discussed some of Mr. Hogan's accomplishments as head of the Arizona Center for Law in the Public Interest including: challenging the state's electric competition rules; suing the Arizona Corporation Commission over its rapid approval of power plants; and helping to draft a growth-management initiative that appeared on the November 2000 ballot.

■ **Thomas D. Yannucci**, a member in the Washington, D.C., office of Kirkland & Ellis, was featured in an article titled *Demolition Man* in the November 27, 2000, edition of EDITOR AND PUBLISHER MAGAZINE. The article recounted his involvement in a 1998 case that resulted in the highest jury award or known settlement against the media, and discussed other high-profile cases involving the media, as well as his strategies for dealing with the media in other corporate cases.

CLASS OF 1977

Secretary: Jane F. Bennett

■ **Tony S. Colletti** has joined Winston & Strawn in Chicago, Illinois.

■ **Christopher D. Coppin** has been appointed by New Mexico's attorney general as special counsel to the attorney general to assist the office with complex litigation. Mr. Coppin has served in the attorney general's office for 16 years as an assistant attorney general. His current duties include heading the state's litigation with Indian tribes concerning gambling casinos, initiating litigation to define the scope of the attorney general's powers, prosecuting professionals before various state licensing boards, and assisting less-experienced attorneys in the office.

■ **Honorable Patricia O'Brien Cotter** of Cotter & Cotter, P.C., in Great Falls, Montana, was elected as an associate justice on the Montana Supreme Court.

■ **John Van Gessel**, formerly of counsel with Gunster, Yoakley & Stewart in Fort Lauderdale, Florida, has returned to Waste Management, Inc., in Atlanta, Georgia, as vice president and southern area general counsel. Mr. Van Gessel had previously served as vice president, secretary and general counsel for the company's Florida operations.

CLASS OF 1978

Secretary: vacant; please contact the Law School Relations Office (see p. 47) to volunteer

■ **Vincent R. Johnson**, professor of law at St. Mary's University in San Antonio, Texas, served as reporter for the Standards on State Judicial Retirement, recently adopted by the ABA.

■ **Patrick A. Salvi**, principal attorney at Salvi, Schostok & Pritchard, P.C., in Waukegan, Illinois, was the featured presenter at the Illinois Trial Lawyer Association's "Point Counterpoint" seminar on January 20, 2001, in Chicago. He spoke on "Maximizing Damages in Wrongful Death Cases."

He also won the largest personal injury/wrongful death settlement in McHenry County, Illinois, history in February of 2001. The \$4 million settlement is intended to compensate the family of a man who died after doctors failed to diagnose a pulmonary embolism in a timely manner.

CLASS OF 1979

Secretary: M. Ellen Carpenter

- **M. Ellen Carpenter**, partner and founding shareholder in the Boston law firm of Roach & Carpenter, P.C., was recently appointed by the Supreme Judicial Court of Massachusetts as a member of the Board of Bar Overseers.
- **Anthony F. Earley Jr.**, chair and chief executive officer of DTE Energy Co. in Detroit, Michigan, gave a talk on "Electricity: Powering Our Economy, Protecting Our Environment, Linking Our World" on April 6, 2001, as part of the Distinguished Engineering Lecture Series sponsored by the University of Notre Dame College of Engineering.

CLASS OF 1980

Secretary: Honorable Sheila M. O'Brien

- **Thomas Costa** has been promoted to associate general counsel for Bristol-Myers Squibb Company. His responsibilities include handling all of the international work for the company, with a particular focus on Japan, South America and Europe.

CLASS OF 1981

Secretary: John Fitzpatrick has volunteered to take over the responsibility of class secretary. He may be reached by mail at LeClair Ryan, Suite 1100, 707 East Main Street, Richmond, VA 23219; by phone at (804) 343-4172; by fax at (804) 783-2294; or by e-mail at jfitzpatrick@leclairryan.com.

- **Raymond J. Carey**, formerly with Miller, Canfield, Paddock & Stone, P.L.C., in Detroit, Michigan, has joined Foley & Lardner as senior partner in the firm's Detroit office. His responsibilities include leading the firm's Labor & Employment Group and Midwest Region litigation section. He also serves on the managing committees of the Labor and Litigation Groups and of the Detroit office.
- **Peter Greco**, formerly with Consolidated Products, Inc., in Indianapolis, Indiana, has joined Sallie Mae, Inc., also in Indianapolis.
- **Maureen Hurley**, head of the legal department at Rich Products in Buffalo, New York, was featured in an article titled *Paving the Way* in the March 20, 2001, edition of the BUFFALO NEWS. The article, written by a local high school student, focused on a number of women community leaders whose achievements could inspire teenage girls.

- **Bishop Harold C. Ray**, founder and chair of the National Center for Faith Based Initiatives in West Palm Beach, Florida, and a former director of the Notre Dame Law Association, appeared on Fox News Channel's "The O'Reilly Factor" on Friday, February 2, 2001, to discuss leadership issues in the African-American community.

- **Margaret Warner**, formerly a name partner at the firm formerly called Carr Goodson Warner in Washington, D.C., has become a partner at McDermott Will & Emery in Washington, D.C. Her practice focuses on complex litigation with an emphasis on disputes in the international insurance and reinsurance markets.

CLASS OF 1982

Secretary: Frank G. Julian

- **Timothy Abeska**, a member at Barnes & Thornburg in South Bend, was recently elected to the St. Joseph County (Indiana) Judicial Nominating Commission, which interviews applicants for Superior Court judicial positions and recommends finalists to the governor of Indiana. He also serves on the executive committee of the Robert A. Grant Inn of Court, a local chapter of the American Inns of Court, an organization dedicated to the promotion of professionalism, skill and ethics in litigation practice.

- **Robert B. Clemens**, a partner in the Indianapolis, Indiana-based law firm of Bose, McKinney & Evans, L.L.P., was recently honored by the Indiana State Bar Association for his contributions and service to the association's Improvements in the Judicial System Committee, which he has chaired since 1997. The committee offers reports and resolutions on various ways to improve the judicial system in Indiana.

- **Thomas M. Crowley**, senior attorney with the Pennsylvania Department of Environmental Protection in Harrisburg, has been elected chair of the Conference of Government Mining Attorneys (COGMA) for 2000-01. COGMA is a nationwide organization of state and federal attorneys involved in the regulation of mining and, in particular, the environmental impacts of mining. In his work for the state of Pennsylvania, Mr. Crowley is involved in litigation on behalf of and counseling to the department's mining, radiation and waste programs.

CLASS OF 1983

Listserv: ndlaw-1983@listserv.nd.edu
Secretary: Ann Burford Merchlewitz

- **William J. Lawrence III** has been elected chair of Varnum Riddering Schmidt & Howlett, L.L.P., in Grand Rapids, Michigan. Mr. Lawrence is the youngest person ever to serve in the firm's top leadership position, and continues as the firm's executive partner, a position he has held since 1996. His practice in the firm's corporate practice group focuses on securities, mergers and acquisitions, antitrust, and international transactions.

- **Marianne Lafferty Vorhees**, formerly a member of Beasley & Gilkison in Muncie, Indiana, has become a commissioner in the court system in Delaware County, Indiana.

CLASS OF 1984

Secretary: Cathy Chromulak

- **John P. McCormick**, a principal in the law firm of McCormick & McCormick on Cape Cod, Massachusetts, was recently awarded the Community Service Award by the Massachusetts Bar Association for his leadership in the legal community and for his contributions to his local community. He has served as president of the Barnstable County (Massachusetts) Bar Association and as president of the Board of Directors of Legal Services for Cape Cod & the Islands. He has also served as chair of the Orleans (Massachusetts) School Committee and as trustee of Medicenter Five, a medical facility, and Access House, an organization that assists run-away teenagers.

- **W. Mark Mullineaux**, formerly a partner with Duane, Morris & Hecksher in suburban Philadelphia, Pennsylvania, has become a shareholder at Ratner & Prestia, P.C., an intellectual property boutique firm in Valley Forge, Pennsylvania, where he will focus on intellectual property litigation.

- **Cristina Portela Solomon** has been named co-managing shareholder for the Houston, Texas, office of Winstead Sechrest & Minick P.C. Ms. Solomon is a shareholder in the firm's labor and employment section, serves as chair of the firm's Diversity Committee and is the shareholder in charge of law school recruiting for the Houston office.

CLASS OF 1985

Listserv: NDLAW-1985@listserv.nd.edu
Web site: <http://alumni.nd.edu/~law85/>
Secretary: Tom Nessinger

- **Teresa M. (Davis) McCormick** is a principal in McCormick & McCormick on Cape Cod, Massachusetts.
- **Honorable Barbara Scheper**, formerly with the U.S. Attorney's Office in Los Angeles, California, has been appointed a Los Angeles County Superior Court judge by California Governor Gray Davis.

- **Steven M. Surdell**, formerly a partner in the Chicago office of Baker & McKenzie, has joined the international tax practice of Ernst & Young, L.L.P., also in Chicago, where his work will focus on cross-border mergers and acquisitions, deferral and repatriation planning, and capital-market transactions. Mr. Surdell has significant experience as a tax advisor to major public corporations on a number of large cross-border merger-and-acquisition and capital-market transactions. He has authored numerous tax articles and has given frequent talks on various tax issues. He writes the "Tax Strategies" column for DERIVATIVES: TAX/REGULATIONS/FINANCE, and the "Capital Markets" column for TAXATION OF FINANCIAL PRODUCTS. He has been named one of the top tax advisors in North America by International Tax Review, and has been named one of the world's leading tax advisors by EUROMONEY MAGAZINE.

- **Greg Youra** is a member of Epstein, Becker & Green, P.C., in Atlanta, Georgia.

CLASS OF 1986

Listserv: NDLAW-1986@listserv.nd.edu
Web site: <http://alumni.nd.edu/~law86/>
Secretary: Glenn Schmitt

- **Dr. Lisa M. Caponigri** is an assistant professor in the University's College of Arts and Letters, where she teaches in the Department of Romance Languages and Literatures. She also has a concurrent appointment as an assistant professional specialist in the University's Mendoza College of Business, where she teaches foreign languages for business purposes in courses that address culture, language and other issues relevant to international business. She joined the University faculty in 1999 after a number of years practicing international law abroad.

- **Thomas M. Hinchey**, formerly with Cabaniss Conroy & McDonald, L.L.P., in Wayne, Pennsylvania, has joined the Wayne office of Campbell Campbell Edwards & Conroy as a shareholder. A substantial part of his work involves the defense of complex civil litigation including major products liability, premises liability, toxic tort and environmental actions.

CLASS OF 1987

Listserv: NDLAW-1987@listserv.nd.edu
Secretary: Jay Brinker

- **Michael Kelly** was featured in an article titled *Kelly is a Perfect Fit with Vikings* in the October 5, 2000, edition of the Minneapolis, Minnesota, STAR TRIBUNE. The article focuses on his responsibilities as the executive vice president of the Minnesota Vikings NFL franchise.

CLASS OF 1988

Secretary: Lisa Visingardi

- **Mark J. Adey** has been elected a partner in the South Bend office of Barnes & Thornburg. He practices in the firm's creditors' rights department, handling state court litigation and representation of debtors and creditors in bankruptcy proceedings.

CLASS OF 1989

Secretary: Jennifer O'Leary Smith

- **Kevin M. Judiscak**, formerly with Steptoe & Johnson in Phoenix, Arizona, has been named a partner at Enelman Berger, P.C., also in Phoenix. The firm focuses on debtor/creditor rights, bankruptcies, loan workouts, business formations, real estate business disputes and other business matters. Mr. Judiscak brings to the firm 12 years of experience in employment litigation, as well as in other intensive and high-profile litigation cases.
- **Paul Pasin**, along with his brother, Robert Pasin '91, was featured on the February 18, 2001, edition of CNN's "Business Unusual." The brothers are the third generation of their family to be involved in the family business, Radio Flyer, Inc. They are the sons — and business colleagues — of Mario Pasin '54 J.D.

- **Christopher Shine's** student note, titled *Deception and Lawyers: Away From a Dogmatic Principle and Toward a Moral Understanding of Deception* and published in the NOTRE DAME LAW REVIEW in 1989, was quoted recently in an editorial titled *When Can a Prosecutor Lie?* in the March 9, 2001, edition of the ROCKY MOUNTAIN NEWS of Denver, Colorado. Mr. Shine currently is an attorney with the Employment Appeals Board in Salem, Oregon.

CLASS OF 1990

Secretary: Cathy Gregory

- **Gerald T. Gallagher** has been named a partner at Baker & Daniels in South Bend. He focuses his practice on intellectual property law, with an emphasis on obtaining intellectual property rights, and represents clients before the U.S. Patent and Trademark Office and in proceedings before the Trademark Trial and Appeal Board.

- **A. Alyce Werdel** has been named a national partner in the San Francisco, California, office of Baker & McKenzie. She focuses her practice on employee benefits, executive compensation and international equity compensation.

CLASS OF 1991

Secretary: Martha Boesen

- **Thomas W. Bosse** is associate general counsel at Broadwing, Inc., in Cincinnati, Ohio.
- **William Choe** has been named a partner in the Palo Alto, California, office of Gray Cary Ware & Freidenrich. He focuses his practice on securities law.
- **Denise C. Davis** has been named a partner at Yoder Ainlay Ulmer & Buckingham, L.L.P., in Goshen, Indiana.
- **Michael S. Kelly** has been named a partner at Marshack Shulman & Hodges in Irvine, California. He focuses his practice on wrongful termination, employment-related cases, business litigation, products liability and complex personal-injury matters.
- **Tracy D. Knox** has been elected a partner in the Elkhart, Indiana, office of Barnes & Thornburg. He concentrates his practice on product liability cases, white-collar criminal defense matters and general litigation.

- **James M. Lewis** has been elected a partner in the South Bend office of Barnes & Thornburg. He concentrates his practice in the area of litigation, with a special interest in federal practice and procedure.
- **Michael Shumaker** has been named a partner in the Washington, D.C., office of Jones, Day, Reavis & Pogue.
- **Leslie Sudbury-Haydel** recently joined Brooks, Stevens & Pope, P.A., in Cary, North Carolina, as an associate attorney whose practice focuses on workers compensation.
- **Jon A. Ward** has been made a name partner at the firm now called Sahn & Ward, P.L.L.C., in Garden City, New York. He had been an associate at the firm since 2000. His practice focuses on zoning, land use, planning and real estate issues.
- **Ralph Winter** has been named a partner in the Orange County, California, office of Paul, Hastings, Janofsky & Walker. His practice focuses on corporate and securities law, as well as public offerings and mergers and acquisitions.

CLASS OF 1992

Secretary: Paul Drey

- **Elena Baca** has been named a partner in the Los Angeles, California, office of Paul, Hastings, Janofsky & Walker. Her practice focuses on employment litigation.
- **John J. Bellaschi** has been elected a partner in the Tysons Corner, Virginia, office of McGuire Woods.
- **Michael Chesney** has been named a partner at Frantz Ward, L.L.P., in Cleveland, Ohio. His practice focuses on labor and employment law.
- **Kathleen C. Farley** has been named a partner in the Atlanta, Georgia, office of Alston & Bird, L.L.P. She is a member of the firm's Employee Benefits and Executive Compensation Practice Group and focuses her practice on all areas of employee benefits and executive compensation.
- **Daniel J. Glivar** has been elected a partner in the Denver, Colorado, office of Holland & Hart. He focuses his practice on high-technology business transactions, software and equipment development, and purchasing and licensing transactions.

NEW ADDITIONS

- Rob Carsello '74, '79 J.D.** and his wife Sheri announce the birth of Celeste Nicoletta on January 4, 2001, in Chicago, Illinois.
- Louis B. (Buzz) Eckelkamp III '88, '91 J.D.** and his wife Tina announce the birth of Louis Bernard IV, July 2, 2000, in Washington, Missouri.
- Kevin Flynn '90 J.D.** and **Kathleen Mone Flynn '94 J.D.** announce the birth of Ryan Edward Flynn, October 12, 2000, in Northbrook, Illinois.
- Bernard Lau '91 J.D.** and his wife Singmay announce the birth of William Charles on September 23, 2000, in New York, New York.
- Michael O'Neill '91 J.D.** and **Catherine O'Hearn '92 J.D.** announce the birth of Maya Ann, August 17, 2000, in Chicago, Illinois.
- Michael Chesney '92 J.D.** and his wife Diane announce the birth of Andrew Michael, May 21, 2000, in Cleveland, Ohio.
- Pamela Lyons McLean '92 J.D.** and her husband Jon announce the birth of Jonathan Lyons (Jay), March 1, 2001, in Princeton, New Jersey.
- Kate Smith '93 J.D.** announces the birth of Aquinnah Hollis, January 5, 2001, in Phoenix, Arizona.
- C. Robert Boldt '95 J.D.** and his wife Laura announce the birth of Clare Marie, July 11, 2000, in Los Angeles, California.
- Katrina (Noznesky) Iamarino '95 J.D.** and **Chris Iamarino '95 J.D.** announce the birth of Jesse Peter, January 14, 2001, in Lansing, Michigan.
- Scott Richburg '95 J.D.** and his wife Maria Lee announce the birth of Grace Catherine, July 31, 2000, in Jacksonville, Florida.
- Stuart Healy '91, '96 J.D.** and **Kate (Gleason) Healy '90, '97 J.D.** announce the birth of Emily Harrigan, April 2000, in Sheridan, Wyoming.
- Michael P. Leary '96 J.D.** and his wife Mary announce the birth of Flannery Maire, February 7, 2001, in Brighton, Massachusetts.
- Vincent O. Nmehielle '96 LL.M.** and his wife Nkechi C. Obisie-Nmehielle announce the birth of Shalom Chimum Obisie-Orlu, July 4, 1998, and Immanuel Chinaza Obisie-Orlu, March 15, 2000, both in Washington, D.C.
- Thomas J. Arkell '94, '97 J.D.** and his wife Tracey announce the birth of Dawson, February 5, 2001, in Bloomington, Illinois.
- John Blakeley '97 J.D., '98 LL.M.** and his wife Cindy announce the birth of Coleman Zechariah, February 16, 2001, in South Bend, Indiana.
- Jennifer Gehrlein '97 J.D.** and her husband Andy announce the birth of Alexander Louis, February 11, 2001, in Cleveland, Ohio.
- Steve McBride '97 J.D.** and his wife Jeni announce the birth of Mary Katherine, August 9, 2000, in Memphis, Tennessee.
- Melissa O'Loughlin White '97 J.D.** and her husband Richard announce the birth of Natalie Ann, August 13, 2000, in Seattle, Washington.
- Jenna MacLachlan '98 J.D.** and her husband Dave announce the birth of Sarah Marie, March 20, 2001, in Syracuse, New York.
- Brian Nettleingham '98 J.D.** and his wife Sandra announce the birth of Ainslee Claire, November 3, 2000, in Grand Rapids, Michigan.

 A L U M N I N O T E S

■ **Lieutenant Commander Scott A. Kenney** was recently assigned as the head of the Maritime Environmental Law Branch at the U.S. Navy's Office of the Judge Advocate General International and Operational Law Division in Washington, D.C., where he will concentrate his practice in maritime international environmental law matters and ocean policy affairs. He recently completed a one-year LL.M. program in international environmental law at George Washington University.

 CLASS OF 1992 —
LONDON LL.M.

■ **Bart Jonkman** has started a corporate finance and business development firm in the Netherlands, Bluemind, N.V. The focus of his firm is assisting European companies with business development plans.

 CLASS OF 1993

Listserv: NDLaw-1993@listserv.nd.edu
Secretary: Charlie Hegarty

■ **R. Kenneth Boehner**, formerly in the London office of Kilpatrick Stockton, L.L.P., has joined the London office of Morgan, Lewis & Bockius, L.L.P., as a partner. He represents clients in the telecommunications and technology markets in Europe, with a focus on corporate and transactional matters, including mergers and acquisitions, international joint ventures and international commercial arrangements. He also counsels emerging-growth companies in corporate strategy, finance and operational matters.

■ **William P. Farrell Jr.** has been elected a partner at Gardner, Carton & Douglas in Chicago, Illinois, where he focuses his practice on litigation.

■ **Lester N. Fortney** has been named a shareholder of the Webb Law Firm in Pittsburgh, Pennsylvania.

■ **Lynn E. Kalamaros**, managing partner of the South Bend office of Hunt Suedhoff Kalamaros L.L.P., has been elected a director of Defense Trial Counsel of Indiana.

■ **Townsend Lange McNitt** has been named special assistant to President George W. Bush for legislative affairs for the U.S. Senate, in the White House Office of Legislative Affairs. Ms. McNitt worked in the Senate for the past six years, most recently as administrative assistant and counsel for Senator Judd Gregg of New Hampshire.

■ **Douglas W. McNitt** is senior counsel for America Online, Inc., in Dulles, Virginia. His work involves general business-law matters as well as mergers and acquisitions, venture capital, investments and international transactions.

■ **Michael J. Messaglia** has been named a partner at Krieg DeVault Alexander & Capehart, L.L.P., in Indianapolis, Indiana. He focuses his practice on general corporate matters, financial institutions, and securities and taxation.

■ **Major Robert M. Mitchell** of the U.S. Air Force is an instructor in the Military Justice Division of the Air Force Judge Advocate General School at Maxwell Air Force Base in Alabama.

■ **Domenique Camacho Moran** has been named a partner at Littler Mendelson, P.C., in the firm's New York, New York, office. She concentrates her practice on employment issues related to age, race, national origin, defamation and breach of contract.

■ **Sheila O'Grady** has been named chief of staff to Chicago Mayor Richard Daley. She will be responsible for the day-to-day operations of the city's government and for managing more than 40 departments. Since graduation, she has held a number of positions in Chicago government, beginning as director of code enforcement in the city's Zoning Department. She has also worked for Victor Reyes, Mayor Daley's chief lobbyist, and was in charge of liaison with the City Council. In early 2000, she was named first deputy commissioner in the Department of Planning and Development.

■ **Bridget Gleason Sweeney**, an in-house attorney for Meijer Stores in Grand Rapids, Michigan, was honored with the State Bar of Michigan Regeana Myrick Outstanding Young Lawyer Award in October of 2000 for her service to the public and to the profession. Among the activities for which she was honored, Ms. Sweeney has volunteered countless hours to several local nonprofit organizations such as Heartside Ministry, Inc., an organization that serves the inner-city in Grand Rapids, and the Big Brothers/Big Sisters Program of West Michigan. She has also been an active member of the Grand Rapids Bar Association Young Lawyers Section, which sponsors many programs benefiting the community in the areas of education and general charity. Her service to the bar includes serving as public relations officer and board member of the Young Lawyers Section, and working on the

association's Diversity Committee and Minority Clerkship Program.

■ **Edward T. Yevoli** has joined the Fort Lauderdale, Florida, office of Gunster, Yoakley & Stewart, P.A., where he focuses his practice on taxation and corporate-law matters.

 CLASS OF 1993 —
LONDON LL.M.

Listserv:
NDLaw-1993-london-llm@listserv.nd.edu

 CLASS OF 1994

Secretary: Jennifer Lohman

■ **J. Russell Carr**, formerly a partner in the Chicago office of Baker & McKenzie, has joined the international tax practice of Ernst & Young, L.L.P., also in Chicago, where his work will focus on cross-border mergers and acquisitions, deferral and repatriation planning, and capital-market transactions. He has significant experience advising clients on cross-border mergers, acquisitions, restructurings and spin-offs. He frequently speaks on various tax issues and has published numerous articles relating to cross-border combinations.

■ **Ralph A. Caruso II** has been elected a partner/director of Sommer & Barnard, P.C., in Indianapolis, Indiana. He has been an associate at the firm since 1998, and is a member of the firm's business group. His practice focuses on mergers and acquisitions, joint ventures, and financing transactions.

■ **James C. Frasher**, assistant general counsel at Northwestern Mutual in Milwaukee, Wisconsin, is serving his second year as president of the board of Work for Wisconsin, an organization that initiates systemic changes by developing partnerships with business, education and other institutions within the community, and promotes self-determination and growth so that every person who wants to work has the opportunity to secure and maintain a career with a family-supporting wage.

A L U M N I N O T E S

CLASS OF 1995

Listserv: NDLaw-1995@listserv.nd.edu
Secretary: Kurt Merschman

- **Michael Cloonan**, president of Global Media, a video-production company based in South Bend, addressed the NDLS Business Law Forum on January 31, 2001, regarding "The XFL and NBC."
- **Martin Foos**, formerly with Faruki, Gilliam & Ireland in Dayton, Ohio, has become a law clerk to Honorable Christopher A. Nuechterlein, federal magistrate for the Northern District of Indiana in South Bend.
- **Christopher J. Pardi**, formerly with the Detroit, Michigan, office of Deloitte & Touche, has joined the law firm of Couzens, Lansky, Fealk, Ellis, Roeder & Lazar in Farmington Hills, Michigan, where his practice will focus on corporate and tax work.
- **Thomas M. Quirk**, formerly an associate with Chapman & Cutler in Chicago, Illinois, has joined Latham & Watkins, also in Chicago, as an associate working in the area of commercial finance and, in particular, secured lending and securitization work.
- **Michael Sirtori**, formerly with Stoel Rives in Portland, Oregon, has joined the legal department of Intel Corporation in Hillsboro, Oregon. In his new position, he is counsel to Intel Internet Media Services, which is the company's internet audio- and video-streaming services division.
- **Laura (Salava) Villa** has been appointed general counsel of bioMeriux, Inc., a diagnostic company with North American headquarters in St. Louis, Missouri, and world headquarters in Lyon, France.
- **Michael J. Willson**, formerly with Arter & Hadden in San Antonio, Texas, has joined Cotton, Bledsoe, Tighe & Dawson, P.C., in Midland, Texas, as an associate.
- **Edward J. Zabrocki**, formerly with the New York, New York, office of Jones, Day, Reavis & Pogue, has joined the New York office of Morgan Stanley Dean Witter.

CLASS OF 1996

Secretary: Joy Smith

- **Chad Cooper**, formerly with Goldfein & Joseph in Philadelphia, Pennsylvania, has joined the Dayton, Ohio, office of Thompson Hine & Flory, L.L.P., as an associate in the firm's business litigation practice group, where his work focuses on general commercial litigation and products liability.
- **Cheryl Greene**, formerly an associate at Sopko, Inabnit & Nussbaum in South Bend, has joined the Department of Law for the City of South Bend as assistant city attorney.
- **Matthew Hicks**, formerly with Hall, Farley, Oberrecht & Blanton in Boise, Idaho, has joined the business department of the Boise office of Holland & Hart, L.L.P.
- **William R. Johnson** is an attorney in the Office of the General Counsel at Ford Motor Company in Dearborn, Michigan. His corporate practice focuses on labor and employment law in the office's general litigation department.
- **Lance Lawson** is an associate with Alston & Bird, L.L.P., in Charlotte, North Carolina. He recently passed the Patent and Trademark Office Registration Examination, and focuses his practice primarily on patent, trademark and internet law.
- **Michael P. Leary**, formerly with the District Attorney's Office in Philadelphia, Pennsylvania, has joined the Special Prosecutions Unit of the Suffolk County (Massachusetts) District Attorney's Office in Boston. He specializes in white-collar crime and public corruption investigations and prosecutions.
- **Diana C. Madrigal**, formerly with John Wiley & Sons in New York, New York, is a legal editor at Aspen Publishers in New York.
- **Bruce Wells** has become director of the child support division in the St. Joseph County (Indiana) Prosecutor's Office. He had served as assistant director for the past two years, and also co-directs the PEACE Program, a neighborhood mediation program run by the prosecutor's office and the Legal Services Program of Northern Indiana.

CLASS OF 1996 — LL.M.

- **Vincent O. Nmehielle** completed his doctoral studies at the George Washington University Law School and earned an S.J.D. in international and comparative law. He successfully defended his dissertation, "The African Human Rights Mechanism and Effective Human Rights Dispute Resolution in Africa," before a committee that included Professors Louis B. Sohn, Ralph G. Steinhardt and Thomas Buerghenthal, who since has been elected to the International Court of Justice at the Hague.

CLASS OF 1997

Secretary: Erica Anaya

Third-year Scott Hapeman was awarded the Joseph A. Ciruolo Fellowship for the 2000-01 academic year. Mr. Hapeman is from Cheektowaga, New York, where Joe Ciruolo's family lives, and earned his undergraduate degree from Canisius College, Mr. Ciruolo's undergraduate alma mater.

- **Thomas J. Arkell** has been named a partner at the firm now known as Dunn, Stanczak, Willard & Arkell in Bloomington, Illinois. Mr. Arkell represents universities, businesses and professionals with employment, immigration and litigation issues.
- **Christopher Davies** has joined the Chicago, Illinois, office of Foley & Lardner.
- **Sean Elliott**, formerly with Paradigm Talent Agency in Los Angeles, California, is now a talent agent with the Endeavor Agency in Beverly Hills, California, which represents producers such as David E. Kelley ("The Practice" and "Ally McBeal") and Aaron Sorkin ("The West Wing"), as well as top motion picture writers and directors. Mr. Elliott works in a department that represents up-and-coming actors such as Scott Speedman, James Marsden, Paul Walker and Josh Hartnett, as well as more established talent such as Dustin Hoffman, Ben Affleck, Mark Wahlberg, Drew Barrymore, Frances McDormand, Edward Norton and Matt Damon.
- **Doug Himes** is working with the Tennessee General Assembly Office of Legal Services, where one of his projects involves redistricting the state of Tennessee.
- **Kevin LaFreniere**, formerly with LeBoeuf Lamb Greene MacRae, L.L.P., Hartford, Connecticut, has joined the Hartford Insurance Company.

■ **William J. Lehman**, formerly with Bingham Dana, L.L.P., in New York, New York, has joined the New York office of WorldCom, Inc.

■ **Peter J. Loughlin**, formerly on active duty with the U.S. Navy JAG Corps, has joined the Washington, D.C., office of Hunton & Williams as a litigation associate.

■ **Steven McBride**, formerly an associate at Glankler Brown in Memphis, Tennessee, has joined the Legal Department of International Paper Company, also in Memphis.

■ **Robert J. Muise** is associate counsel at the Thomas More Center for Law & Justice in Ann Arbor, Michigan. The summer 2000 edition of this magazine incorrectly reported that he had joined the faculty of Ave Maria Law School, also in Ann Arbor. We apologize for the error.

■ **Noelle P. Ries**, an associate in the professional liability practice group in the Cherry Hill, New Jersey, office of Marshall, Dennehey, Warner, Coleman & Goggin, presented a "Legal Update" to the South Jersey Claims Association at its meeting in Mt. Laurel, New Jersey, on November 28, 2000.

■ **Melanie Rubocki**, formerly with Neal, Gerber & Eisenberg in Chicago, Illinois, is an associate in the business department of the Boise, Idaho, office of Holland & Hart, L.L.P.

■ **Christopher Slick**, formerly an assistant attorney general for the state of Illinois, has been appointed as a law clerk to Honorable Robert R. Thomas '74, who was elected to the Illinois Supreme Court in November 2000.

■ **Raymond J. Tittman**, an associate in the San Francisco, California, office of Paul, Hastings, Janofsky & Walker, L.L.P., was featured in an April 18, 2001, article in the SAN FRANCISCO AND LOS ANGELES DAILY JOURNAL for his work on a summary judgment motion for Boeing, which was rated by the publication as one of the top-10 defense verdicts in California for the year 2000. Mr. Tittman also published *Stop the Presses: Honesty may be the best legal policy in talking to the media because it sets up a statute of limitations defense* in the Business Advisor Section of the March 18, 2001, edition of the DAILY JOURNAL. He has also been appointed a member of the boards of the San Francisco chapter of the Federalist Society and the California Right to Life Committee.

CLASS OF 1998

Web site: <http://alumni.nd.edu/~law98/>

Secretary: Mike Rafford

■ **Marlon Alvarado**, formerly with Ropers, Majeski, Kohn & Bentley, P.C., in San Jose, California, has joined Hitachi Data Systems in Santa Clara, California, as associate in-house counsel.

■ **Greg Butrus**, an associate with Balch & Bingham in Birmingham, Alabama, and a member of the University's Board of Trustees, spoke on "The California Energy Train Wreck: An Energy Lawyer's Opinionated Guide," on February 20, 2001, at NDLS.

■ **Joseph Brossart** recently completed his clerkship with the U.S. Court of Appeals for the Sixth Circuit in Cleveland, Ohio, and has joined the Office of the Federal Public Defender for the Southern District of West Virginia, where he will focus on appellate work.

■ **Captain Robert Fellrath**, U.S. Army, who serves with the JAG corps at Fort Huachuca, Arizona, was promoted to captain in September 2000.

■ **Jeff Heck** was featured in an article titled *Legal Life Doesn't Mean Strife for New Lawyers* in the December 20, 2000, edition of THE INDIANA LAWYER. The article explored the professional life of several recent Indiana law school graduates.

■ **John F. Kuckelman**, with Timothy A. Pratt, published *The Learned Intermediary Doctrine and Direct-to-Consumer Advertising of Prescription Drugs* in the fall 2000 edition of the FICC QUARTERLY.

■ **Bradley J. Meier** is an associate in the Washington, D.C., office of Kenyon & Kenyon, practicing in the area of patent law.

■ **James F. Ormond**, formerly an assistant attorney general in the Labor Relations Section of the Ohio Attorney General's Office, has joined the Columbus, Ohio, office of Arter & Hadden, L.L.P., as an associate in the firm's Director & Officer Liability Group.

■ **Ariel Rodriguez** has completed his two-year clerkship with U.S. Bankruptcy Judge Stephen S. Mitchell in the Eastern District of Virginia and has joined Gunster, Yoakley & Stewart, P.A., in Fort Lauderdale, Florida, as an associate. His practice will focus on general corporate law, franchise law, mergers and acquisitions, securities law and bankruptcy.

■ **Rebecca VanDrunen Vander Veen** is working with WorldCom, Inc., in Arlington, Virginia.

■ **Anthony C. Wisniewski**, formerly with Carr Goodson in Washington, D.C., has joined Tydings & Rosenberg, L.L.P., of Baltimore, Maryland, as an associate in the firm's business department. His work focuses on corporate, e-business and real estate transactions.

CLASS OF 1999

Listserv: NDLAW-1999@listserv.nd.edu

Web site:

<http://www.geocities.com/Heartland/Trail/3096/>

Secretary: Steve Boettinger

■ **Daniel Esrey**, formerly with Brock & Clay in Marietta, Georgia, has joined Alston & Bird in Atlanta, Georgia, as an associate.

■ **Lieutenant (j.g.) Bill Grady**, United States Navy, has been promoted to department head for administration at the Naval Medical Clinic in Annapolis, Maryland.

■ **Traci Griffith** is a government and legal affairs correspondent with the Associated Press in Chicago, Illinois.

■ **William A. Hahn II** has completed his clerkship with Honorable David Hamilton of the U.S. District Court for the Southern District of Indiana and has joined the Indianapolis, Indiana, office of Barnes & Thornburg.

■ **Todd Mortlock**, formerly with Charles J. Taunt & Associates in Birmingham, Michigan, has joined Bodman, Longley & Dahling, L.L.P., in Detroit, Michigan, as an associate.

■ **Chuck Topping**, formerly with Peterson & Ross in Chicago, Illinois, has joined the Chicago office of Baker & McKenzie as a litigation associate. His practice focuses on employment litigation and general commercial litigation.

CLASS OF 1999 — LL.M.

■ **Mary Margaret Penrose**, an associate professor of law at Oklahoma University School of Law, has completed her first semester teaching civil procedure. Her spring schedule included courses in civil procedure, negotiation and mediation, and human rights. She is also working on an essay on "War Crimes" for ENCYCLOPEDIA BRITANNICA. Even with her busy schedule, she still manages to practice

law, having recently completed a Title IX lawsuit in Texas in which she successfully represented a young woman who wanted to try out for a high school football team.

CLASS OF 2000

Secretary: vacant; please contact the Law School Relations Office (see p. 47) to volunteer

- **Michael D. Archer** has joined the Columbus, Ohio, office of Baker & Hostetler, L.L.P., as an associate.
- **David D. Black** has joined Cokinos, Bosien & Young in Houston, Texas, as an associate. His practice focuses on civil litigation and corporate law.
- **Amy Jo Boettcher** co-authored the fourth edition of *THE PLANNING AND DRAFTING OF WILLS AND TRUSTS* (Foundation Press) with NDLS Professors Thomas L. Shaffer '61 J.D. and Carol Ann Mooney '77 J.D.
- **Christy D. Brown** is a clerk at the Second Circuit Court of Appeals in Fort Worth, Texas.
- **Claire Campfield** is an associate with the Dallas firm of Koons, Fuller, Vanden Eykel & Robertson, where she practices family law.
- **Patrick Cawley** has joined the litigation section of Pennsylvania's Office of Attorney General in Harrisburg.
- **Akram Faizer** has joined the litigation department at Mackenzie Smith Lewis Michell and Hughes, L.L.P., in Syracuse, New York.
- **Colleen Grogan** is an associate with Constangy, Brooks & Smith, L.L.C., in the firm's Atlanta, Georgia, office.
- **Matthew J. Hagenow** has joined Newby, Lewis, Kaminski & Jones in LaPorte, Indiana, as an associate.
- **Daniel Hall** has been named associate independent counsel in the Office of Independent Counsel David Barrett, in Washington, D.C.
- **Matthew W. Hoyt** has joined the Columbus, Ohio, office of Baker & Hostetler, L.L.P., as an associate.
- **Brian Kersey** has joined the Kalamazoo, Michigan, office of Miller, Canfield, Paddock and Stone, P.L.C., as an associate in the firm's West Michigan Business Group.

■ **John Kuehn** has joined the South Bend office of Barnes & Thornburg as an associate in the firm's Labor and Employment Department.

■ **Joseph Reid** has joined Gray Cary Ware & Freidenrich in San Diego, California, as an associate.

■ **Eric J. Steiner** has joined the Cleveland, Ohio, office of Baker & Hostetler, L.L.P., as an associate.

■ **Gabe Tsui** has joined the Chicago, Illinois, office of Vedder, Price, Kaufman & Kammholz as an associate.

CLASS OF 2000 — LL.M.

■ **Xiaosheng Huang** has joined the law offices of Jon Eric Garde & Associates in Las Vegas, Nevada. The firm specializes in immigration and naturalization matters, including deportation, consular law and visa applications.

NOTRE DAME LAW ASSOCIATION MEMBERS

- **Charles R. Shedlak '85, '91 J.D.** (Cornell), formerly an associate with Jones Obenchain, L.L.P., in South Bend, has become an associate at Tuesley & Hall, L.L.P., also in South Bend. His practice focuses on civil litigation, with particular emphasis on breach of contract, business torts, real estate, construction and land use law, and employment disputes.
- **Trung D. Tu '95, '00 J.D.** (Lewis & Clark) is a staff attorney with the U.S. Court of Appeals for the Ninth Circuit in San Francisco, California. He plans on returning to Oregon to practice law after he completes his term with the Ninth Circuit.



SPRING REUNION 2001

— JUNE 7-10, 2001

The University's annual spring reunion weekend — this year for classes ending in "1" or "6" — promises to have something for everyone, from opportunities to get together with classmates and professors, to lectures by distinguished presenters from around campus, to special activities to keep small children entertained throughout the weekend. For NDLS alumni, weekend events include an all-classes Law School alumni dinner on Friday, June 8, and a Mass and breakfast on Saturday, June 9.

In addition, the following classes are working on plans for special events for their classes throughout the weekend. Please contact the alumni listed with each class, or Cathy Pieronek in the Law School Relations Office at (219) 631-6891 or by e-mail at lawalum@nd.edu, for more information.

CLASS OF 1951

Contact Mr. Thomas Murray at (941) 353-4647 or Mr. Rex P. O'Connor at (616) 527-3410.

CLASS OF 1961

Contact Mr. John Moreland at (641) 682-8329; tentative plans include a pre-reunion cocktail party on Thursday, June 7, and a separate Class of 1961 dinner at Parisi's Italian Restaurant on Saturday, June 9.

CLASS OF 1966 REUNION

October 12-14, 2001

■ Stephen A. Seall and his reunion committee are planning a memorable 35th reunion for the NDLS Class of 1966 on the weekend of the ND-West Virginia home football game in October. Plans at this point include an evening cocktail party in the Alumni Room of the Morris Inn on Friday, October 12, a morning Mass in the Law School's St. Thomas More Chapel on Saturday, October 13, and dinner following the game at the Morris Inn on Saturday evening. Among those already planning to attend are Ben Aspero, Dennis Dee, John Gottlick, Jim Hakes, Scott Maxwell, Tom McNally, Paul Niemeyer, Paul Polking, Mike Roche, Phil Ruddy, Bill Sanneman, Steve Seall, Bob Siebert and Walt Terry.

For more information, contact Mr. Seall at (219) 233-1171 or sseall@btlaw.com or contact his secretary, Ms. Barb Dudeck, at (219) 233-1176 or bdudeck@btlaw.com.

OTHER CLASSES

For other classes eligible for a reunion this year, there is still time to plan a separate reunion weekend this fall. Please contact Cathy Pieronek in the Law School Relations Office for more information.

Reunions 2001

NEWS FROM THE NOTRE
DAME LAW ASSOCIATION

**NDLA BUSINESS LAW
SECTION**

At the request of 2L **Matt Kowalsky '95** of South Bend, who served as president of the Business Law Forum (BLF) for 2000-01, the Notre Dame Law Association is considering a Business Law Section to provide networking and mentoring contacts for Notre Dame lawyers whose practices focus on business-law topics, as well as to create a resource on which NDLS students interested in business law can draw for speakers and other programming. BLF students also hope to start a newsletter that will include information about alumni engaged in business law practice and will also highlight current legal events of interest to business law practitioners. If you would like more information on this effort, please notify Cathy Pieronek in the Law School Relations Office at (219) 631-6891 or by e-mail at lawalum@nd.edu.

NDLA

Election 2001 Results

Congratulations to the following alumni, who will return to or join the NDLA board of directors for a three-year term beginning on July 1, 2001:

Region 4: Minnesota, North Dakota, South Dakota, Wisconsin

Honorable N. Patrick Crooks '63 J.D. (incumbent)

Wisconsin Supreme Court
Madison, Wisconsin

Region 5: Iowa, Missouri, Nebraska, Kansas

Paul Drey '89, '92 J.D.

The Bradshaw Law Firm
Des Moines, Iowa

Region 6: Illinois (excluding Cook County)

Scott Sullivan '76, '79 J.D. (incumbent)

Williams & McCarthy
Rockford, Illinois

Region 11: Northern Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

M. Ellen Carpenter '79 J.D.

Roach & Carpenter
Boston, Massachusetts

Region 15/17: Florida, Georgia, North Carolina, South Carolina, Puerto Rico

Doug Kenyon '76, '79 J.D. (incumbent)

Hunton & Williams
Raleigh, North Carolina

Election 2002 — Become a Candidate

For Election 2002, the following regions will be up for election:

Region 2: Colorado, Montana, New Mexico, Utah, Wyoming and Western Canada (Calgary)

Region 3: Arizona, Southern California, Southern Nevada and Mexico

Region 7: Michigan

Region 10: New Jersey, Southern Connecticut, Southern New York

Region 12: Delaware, Eastern Pennsylvania, Maryland, Virginia, Washington, D.C.

Region 13/14: Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas

Candidates need to satisfy only two requirements: They must be members of the NDLA (if you receive this magazine on a regular basis, you qualify), and they must reside in the region they will represent. If you're interested in running to represent one of these regions on the NDLA board, or if you'd like to nominate someone, please contact the Nominations Committee Chair no later than September 15, 2001:

Richard D. Catenacci '62, '65 J.D.

Connell Foley, L.L.P.
85 Livingston Avenue
Roseland, NJ 07068
phone: (973) 535-0500
fax: (973) 535-9217
e-mail: rcatenacci@connellfoley.com
with cc to: jraefski@connellfoley.com

Alumni Support Student Service

Once again, alumni from around the country are working to support NDLS students engaged in service work during the summer. Last year, alumni in eight cities raised between \$3,000 and \$4,000 each to provide students committed to service with a small stipend to help cover living expenses during the summer or to defray tuition in the fall semester. This year, alumni in nine cities — with the help of some local ND alumni clubs — will fund a total of at least 12 fellowships.

Following is a list of the fellowships planned for this summer, along with alumni to contact if you'd like to contribute in some way. Remember, too, that your contribution need not take the form of a financial contribution. It is just as important to the students undertaking these challenges to have contact with local alumni to build a support network. If you'd like to contribute — either financially or with the gift of your time at a lunch, dinner, ballgame or any other activity — please contact the alumni sponsors listed with each internship.

City	Service Location	Sponsor(s)
Albany, New York	Center for Law & Justice	Edward P. McConville Jr. '54 B.A. (518) 477-7951
Cincinnati, Ohio	Hamilton County Public Defender	Paul Mattingly '75 J.D. (513) 977-8281 mattingl@dinslaw.com
Denver, Colorado	Colorado Legal Services	Notre Dame Club of Denver Brian Bates '86 J.D. (303) 733-3500 bbates@abblaw.com
Detroit, Michigan	Legal Aid and Defender Association	Notre Dame Club of Detroit Robert S. Krause '66 J.D. (313) 223-3500 rkrause@dickinson-wright.com
Grand Rapids, Michigan	Legal Aid of Western Michigan	Gene Smary '75 J.D. (616) 752-2129 smaryee@wnj.com
Morris County, New Jersey	Morris County Legal Aid	Richard D. Catenacci '62, '65 J.D. (973) 535-0500 rcatenacci@connellfoley.com Thomas R. Curtin '68 J.D. (973) 401-7117 tcurtin@gcslaw.com
Phoenix, Arizona	Community Legal Services	Christopher D. Coury '91, '94 J.D. (602) 258-7701 ccoury@ryleycarlock.com
Portland, Oregon	Legal Aid Services	Robert C. Weaver Jr. '72, '75 J.D. (503) 228-3939 rweaver@gsblaw.com Hannah Callaghan '75 J.D. (503) 224-5086 callweav@europa.com
Washington, D.C.	Lawyers Committee for Human Rights (two students) -and- Washington Lawyers Committee for Civil Rights & Urban Affairs -and- Archdiocesan Legal Services	David Pruitt '92, '99 J.D. (202) 879-5032 david_pruitt@dc.kirkland.com Heather K. McShain '96, '99 J.D. (202) 879-3939 hkmcshain@jonesday.com

More information on this program is available through the Notre Dame Law Association's web site at <http://www.nd.edu/~ndlaw/alumni/student-service.pdf>, or from the NDLA Public Interest Committee chair, **Paul Mattingly '75 J.D.**, at 513-977-8281 or mattingl@dinslaw.com.

Journals

JOURNAL OF COLLEGE AND UNIVERSITY LAW

■ **Professor John Robinson**, faculty advisor to the JOURNAL OF COLLEGE AND UNIVERSITY LAW, notes that an upcoming issue of the journal will be devoted to questions of academic freedom and responsibility. Topics to be addressed in the issue include the expressive rights of faculty members who will never pursue tenure, the relevance of the "matter of public concern" test to faculty speech, and the responsibilities of faculty members to the university community. The journal is the primary publication of the National Association of College and University Attorneys, and has been published by NDLS for the past 13 years. It has the second-largest circulation of any legal journal in the nation (behind only the HARVARD LAW REVIEW).

If you're interested in the issue of academic freedom or if you would like to subscribe to the issue, please contact the journal staff by e-mail at jcul@nd.edu or in writing to B3 Law School, Notre Dame, IN 46556.

■ **Kristina Curkovic**, a third-year student from DeWitt, Michigan, published *Accent and the University: Accent as Pretext for National Origin Discrimination in Tenure Decisions* in the spring 2000 issue of the JOURNAL OF COLLEGE AND UNIVERSITY LAW. Her note suggests that the deference courts have traditionally shown toward academic hiring decisions is misplaced

when it deals with accent because, she argues, accent is so closely related to national origin. She urges that courts should perform a more rigid analysis of a university's hiring decision under these circumstances. Ms. Curkovic, who majored in linguistics as an undergraduate at the University of Michigan, intends to continue studying the interaction of law and language.

■ **Tim McFadden**, a third-year student from Arlington Heights, Illinois, published *The New Age of the Eleventh Amendment: A Survey of the Supreme Court's Eleventh Amendment Jurisprudence and a Review of Kimel v. Florida Board of Regents* in the fall 2000 issue of the JOURNAL OF COLLEGE AND UNIVERSITY LAW. His note surveys the history, interpretation and application of the Eleventh Amendment, focusing in particular on *Kimel v. Florida Board of Regents*, decided by the court in January 2000. He argues that the court's recent decisions to expand the application of sovereign immunity and narrow its exceptions create difficulties in effectively enforcing federal law, among other problems. Mr. McFadden studied economics at the University of Notre Dame as an undergraduate and plans to work for Lord, Bissell & Brook in Chicago after graduating in May 2001.

Student Service

WLF AUCTION RAISES MONEY FOR BATTERED WOMEN

On Friday, March 2, 2001, members of the Women's Legal Forum held the group's annual auction to raise money to help support Sex Offense Services. Among the items auctioned were two tickets to an ND home football game in the fall, typing a bar admission form and dinners with professors and their families, which helped raise over \$4,600 for the program. Kathy Brannock, a third-year student from Albany, New York, served as chair of the 2001 auction.

SJ/PILF Continues Thanksgiving Tradition

Members of the Social Justice/Public Interest Law Forum continued an annual Thanksgiving tradition by delivering food baskets to area families in the week before the holiday. Donations from students, faculty, administrators and staff were supplemented by the proceeds of the annual "Immunity Days" effort, in which professors agree not to call on students who bring in an agreed-upon number of canned goods or an agreed-upon amount of cash to support the food drive.

Marjorie McCanta, a third-year student from Yorba Linda, California, who served this year as the president of the Social Justice Forum side of SJ/PILF, reported that the "Immunity Days" effort raised close to \$1,000 and almost completely covered the cost of the 51 baskets. In addition, several professors sponsored baskets. The students also had enough canned food left over from the food drive to make a large donation to South Bend's Center for the Homeless.

JOURNALS ELECT EDITORS-IN-CHIEF FOR 2001-02

The staffs of the four legal journals at NDLS elected the following members of the Class of 2002 as editors-in-chief for the coming academic year:

- NOTRE DAME LAW REVIEW: Leon F. DeJulius of South Bend, Indiana;
- JOURNAL OF COLLEGE & UNIVERSITY LAW: Anne Peterson '93 B.A. of South Bend, Indiana;
- NOTRE DAME JOURNAL ON LAW, ETHICS & PUBLIC POLICY: Joseph J. Shimek of Brookfield, Wisconsin; and
- JOURNAL OF LEGISLATION: Matthew Bozzelli '99 B.B.A. of Rochester, New York.

NDLS 2L Places in U.K. Essay Competition

Congratulations to Adrian Delmont, a second-year student from Beemer, Nebraska, who placed third and won £1,000 in this year's TIMES Law Awards essay competition, held in conjunction with One Essex Court, the chambers of Lord Grabiner, Q.C. According to THE TIMES (London), this year's topic, "Ethical Dilemmas: Who Should Decide — Scientists, God or Lawyers?" produced a record number of entries. The lord chancellor, Lord Irvine of Lairg, headed the judging panel and praised the quality of the entries as "exceptionally high." He further noted that the consensus of the entries was that "while science and religion both had a part to play, the inevitable consequence of a civilized society seeking to resolve ethical dilemmas was to increase the burden on our judges — if legislation has not provided the solution." Mr. Delmont was the only American student to place in the competition.

Trial Teams



51st Annual Showcase Moot Court Argument

Five members of the NDLS Class of 2001 demonstrated their oral advocacy skills on Thursday, February 8, 2001, at the 51st Annual Showcase Moot Court Argument. Aaron Markowitz of Huntington, New York, and Ryan Mahoney of Dayton, Ohio, appeared for the petitioners, while Marjorie McCanta of Yorba Linda, California, Stephanie Renner of Somerset, Kentucky, and Krista Zimmerman of Goshen, Indiana, appeared for the

respondent in the case of *Lex Luthor and Lexcorp International, Inc. v. The Daily Planet*.

The students presented two issues in the case before three presiding justices including Honorable Richard S. Arnold and Honorable Morris S. Arnold of the U.S. Court of Appeals for the Eighth Circuit, and Honorable William H. Baughman Jr. '74 J.D., U.S. magistrate judge in the U.S. District Court for the Northern District of Ohio. One issue concerned the constitutionality under the

BLSA SPONSORS DEATH-PENALTY PANEL DISCUSSION

As part of Black History Month, the NDLS Black Law Students Association, together with the Notre Dame chapter of the American Civil Liberties Union and the Notre Dame Coalition to Abolish the Death Penalty, sponsored a panel discussion on "The Disproportionate Application of the Death Penalty on African Americans" on February 27, 2001. Panelists included NDLS Assistant Professor of Law Richard W. Garnett, NDLS alumnus and current St. Joseph County (Indiana) Prosecutor Chris Toth '93 J.D., Richard Kammen, an Indiana attorney who litigates death-penalty cases, and Thomas H. "Speedy" Rice, professor of law and director of the externship and clinical programs at Gonzaga University School of Law.

First Amendment of a statute that prohibits the use or disclosure of information from an illegally intercepted communication — in this case, the respondent newspaper was being punished for publishing illegally intercepted cell phone communications that the newspaper itself did not intercept. The other issue involved an interpretation of the damages section of the statute, and whether it provided for mandatory or permissive damages for a violation.

All five students presented their arguments commendably. After the case

concluded, the judges took the opportunity to compliment the students on their skills. Judge Baughman noted that all of the students displayed superb technical skills and were able to answer the judges' questions yet still stay on point. Judge Morris Arnold, who actually had heard one of the cases that formed the basis for the arguments in this case, praised the students for their command of the law and noted that, after hearing the arguments presented, he might have ruled differently in the actual case. Judge Richard Arnold took the time to make specific comments to each

participant regarding the strengths of their individual presentations. He further commented on how much he enjoyed being part of a moot-court competition in which he did not have to decide the winner, as is the custom at NDLS.

The team was coached by NDLS Adjunct Assistant Professors of Law Robert Palmer '77, a member of May, Oberfell and Lorber in South Bend, and Edward Sullivan III '93 J.D., an associate at Baker & Daniels in South Bend and a member of NDLS's 1993 moot court national championship team.

NDLS 2Ls Earn Second Place in U.K. Jessup Moot Court Competition

The Notre Dame London Law Programme's first-ever entry in the United Kingdom's Philip C. Jessup International Moot Court Competition garnered great success. The team of Joanna Angelides of Salt Lake City, Utah, James Arrowood of Mishawaka, Indiana, Adrian Delmont of Beemer, Nebraska, and Lars Knudson of Princeton, New Jersey, led by team captain Brian Skaret of Colorado Springs, Colorado, won best memorial for the United Kingdom. Their brief now goes to Washington, D.C., to compete with briefs from around the world in the Jessup world finals sponsored by the International Law Students Association. At the U.K. event, the team placed second overall, only two points behind the winning team from Nottingham Trent. Mr. Delmont finished only two-tenths of a point behind the top English oralist, while Mr. Skaret placed a close third.

To reach the finals, the NDLS team argued four times on Saturday as well as in the semifinal round on Sunday morning. Excitement mounted, and spectators from the competition as well as a huge contingent from the Notre Dame program packed the gallery for the finals. With the words, "All Rise!" American eyes widened

to discover that the competitors were to argue before a full judicial panel. Typifying the high quality of judging throughout the weekend, the panel was presided over by Carol Kalinoski, U.S. Department of Commerce, joined by Jack Norton, solicitor from Scotland, Professor Czaplinski, professor of European and international law from Poland, Paul McKell, of the Foreign and Commonwealth Office, Professor Goodwin-Gill, professor of refugee law,

Oxford, and Matthew Happold of the law department at Nottingham University.

Besides NDLS, teams from Coventry, Essex, Sussex, London School of Economics, Leeds, Napier, Strathclyde and Nottingham Trent argued in the U.K. event. Event rules required blind affiliations, so the ND team never knew which schools they defeated as the weekend progressed. Based on accents, however, they believe they overcame Strathclyde of



Scotland in the semifinals. Due to the tournament structure, the NDLS team competed against all but two schools during the competition.

Much credit goes to Brian Skaret, who worked from October through January just to cut through the red tape to enable NDLS to participate. Mr. Skaret made contacts, cajoled and persuaded tournament officials using arguments such as the separate nature of the London full-year program and the fact that NDLS students pay taxes to the Crown. Very late in the game, the students got the "go-ahead." While their efforts began in the fall with experienced coaches, the NDLS students learned only around Christmas that they would be able to enter the U.K. competition. Upon their return from Christmas travels, these five committed students researched and wrote in earnest for two weeks, then mooted for two more. Team strategy placed Mr. Delmont and Mr. Skaret as double-pleading oralists, while Ms. Angelides, Mr. Arrowood and Mr. Knudson each analyzed and countered briefs presented by opposing teams.

The team also had the support of Zo Kevork, an LL.M. student in the London program, and NDLS London faculty members Geoffrey J. Bennett, Susan Hawker and Frank Wooldridge, who all helped to prepare the students for this competition.

To go so far in such a short period of time shows the dedication, commitment and teamwork of these five students. At the U.K. opening reception after the first five rounds, faculty advisors from other schools approached the ND students to learn more about the Notre Dame London Law Programme. So along with congratulations goes a hearty thanks to these five students for initiating NDLS's great start in the U.K. competition. They have laid a solid foundation and given a challenge to the 1Ls planning their year in London!

— *Lucy Salsbury Payne '88 J.D.,
Research Librarian
Notre Dame London Law Programme,
Spring 2001*



NDLS 3Ls Place Second in Regional U.S. Jessup Competition

A team of four third-year students placed second in the regional competition of the Jessup International Moot Court program held in Chicago in February. Lisa-Jo Baker of South Bend, Chad deVeaux of Defiance, Ohio, Aaron Markowitz of Huntington, New York, and Krista Zimmerman of Goshen, Indiana, represented NDLS well in the tournament.

Faculty advisor Professor Dinah Shelton commented on the team's performance: "The team made the finals, where it was narrowly edged out by the University of Michigan, thus coming in second among the dozen teams in the region. It took the judges — a member of the Seventh Circuit, a former clerk of the International Court of Justice, and the head of the ABA's international law section — over an hour to come to a split decision after the final round."

The team took third place for its Memorial and, among the 50 or so oralists, Mr. Markowitz received second place for his effort and Ms. Zimmerman received fourth place for hers.

NDLS 2LS PLACE THIRD IN REGIONAL CLIENT COUNSELING COMPETITION

Second-year students Tamona Bright of Killeen, Texas, and Myra McKenzie of Slidell, Louisiana, represented NDLS at the regional client counseling competition in Chicago the weekend of February 17, 2001. Finishing third in a competition in which the top two teams advance to the nationals, a mere two points separated the NDLS team from the second-place team. Faculty advisor Judy Fox '93 J.D., an associate professional specialist in the Legal Aid Clinic, commented, "Several judges made a point of approaching me to tell me what a great job our team had done. It was a disappointment to come so close, but the team has nothing to be ashamed of. They really were excellent!"

Third-year student Eric Martin of Green Bay, Wisconsin, served as the student coordinator of the competition this year. He organized the intra-school competition through which Ms. Bright and Ms. McKenzie advanced to the regional competition, and helped the NDLS team practice by playing the clients in preparation sessions.

I R I S H L A W



SPORTS REPORT

3Ls Dominate Law League Sports

In the fall semester, *Corpus Delecti* secured the Law League Flag Football championship with its team of 17 third-year students, augmented by one second-year student, including: Rich Ambrow of Warren, Michigan, Matthew Barrette of Beaver Dam, Wisconsin, Mario Bianchi of Vashon Island, Washington, Paul Dean of South Bend, Chad DeVeaux of Defiance, Ohio, Chris Dobranski of Dexter, Michigan, E.J. Johnson of South Bend, Jonell Lucca of Henderson, Nevada, Ryan Mahoyen of Dayton, Ohio, Aaron Markowitz of Melville, New York, Rafael Millares of Miami, Florida, Dave O'Guinn of Indianapolis, Indiana, Billy Ryan of Pequannock, New Jersey, Jason Scheiderer of South Bend, Chris Schultz of Rochester Hills, Michigan, Tim Wendling of Burbank, California, Todd Yeagley of Claremore, Oklahoma, and second-year Ben Jilek of Cedar Rapids, Iowa.

In the spring semester, *lexis.com Depraved Indifference*, a team of seven third-years, a second-year and a first-year, captured the Law League A championship. Team members included several members of the *Corpus Delecti*, including Matthew Barrette, Mario Bianchi and Dave O'Guinn, as well as fellow 3Ls Peter

Barrett of Exton, Pennsylvania, Matt Reiffer of Grand Rapids, Michigan, Alex Rucker of Vancouver, British Columbia, and Rich Weicher of Oak Park, Illinois, 2L Mark Roule of LaPorte, Indiana, and 1L John Michalik of Mount Prospect, Illinois.

For the Law League B championship, a team of first-year students stepped up to establish their place in NDLS sports. Team members included A.J. Abraham of Warren, Ohio, Keith Alexander of Manchester, Missouri, Conor Dugan of Grand Rapids, Michigan, Kyle Forsyth of Shoreline, Washington, Brian Mastee of Spring Lake, Michigan, Shawn Peterson of South Bend, John Vaglio of Leawood, Kansas, and Jon Worm of Riverhead, New York.



Softball Teams Head East for Tournament

On the last weekend in March, the Law School sent a team to compete in the annual law school softball tournament sponsored by the University of Virginia. JonMarc Buffa, a third-year student from Freehold, New Jersey, reported that the NDLS team was eliminated in the first round of the tournament.



Bowling Attracts a Crowd

Law students have turned out in strong numbers for this year's Law School bowling league, as an average of 135 students — nearly one-quarter of the student body — have spent their Thursday evenings at Beacon Bowl near the South Bend Airport to participate on one of 27 Law School teams that have taken over the facility for one night each week. Beacon Bowl provides unlimited bowling for three hours, plus shoes, for the amazing (law-student-negotiated) price of \$6 per person.

Ten Law Students Compete in Bengal Bouts 2001

Ten NDLS students participated in the annual Bengal Bouts boxing competition to benefit the Holy Cross Missions in Bangladesh, with a 1L defeating a 3L and capturing the crown for his weight class.

In the heavyweight class, first-year Carlos Abeyta of Lubbock, Texas, defeated third-year Dan Adam of Hales Corners, Wisconsin, by a technical knock-out midway through the second round of the championship tournament. Mr. Abeyta reached the finals by prevailing in a split decision in the quarter-finals and by winning his semifinal round, both against undergraduate students. Mr. Adam reached the finals with a bye into the semifinal round, in which he defeated yet another 3L, Steve Pratico of Archbald, Pennsylvania. Mr. Pratico had advanced to the semifinal round by a first-round knockout in the quarterfinals.

In addition, a number of students competed in other weight classes, with the results as follows:

- In the 155-pound weight class, 3L Sean Nowak of Erie, Pennsylvania, who had been a champion in this weight class in prior years, defeated fellow 3L Joseph Czerniowski of Franklin Lakes, New Jersey, in the quarterfinal round in a second-round TKO decision that THE OBSERVER reported as "disputed" and "controversial." Mr. Nowak, however, lost in the semifinal round in a split decision. Shawn Monterastelli, a 2L from Blue Springs, Missouri, also competed, but did not make it to the quarterfinals.
- In the 160-pound weight class, Andrew Baum, a 2L from Bexley, Ohio, lost in the first round.
- In the 165-pound weight class, 2L Tim McCurdy of Cumberland, Iowa, lost in the first round, while 3L Billy McMurtie of Bethesda, Maryland, lost his quarterfinal match by a unanimous decision after the third round.
- And finally, in the 185-pound weight class, Eric Goulet, a 2L from Baldwinsville, New York, defeated his opponent in the quarterfinal round, but lost in a unanimous decision in the semifinal round.

- Coquese Washington '92, '97 J.D. can claim yet another national championship this year in addition to the championship she earned last summer as a member of the WNBA's *Houston Comets*. As an assistant coach to Notre Dame's national-championship women's basketball team, she now enjoys a collegiate championship as well. One of the hallmarks of the Fighting Irish this season was their stepped-up defensive play, giving them the distinction of being the fourth-ranked defense in NCAA Division I-A in terms of points allowed per game. Newspaper articles last year and this year have credited this improved defensive play to Ms. Washington's coaching and professional basketball experience.

- Kevin Warren '90 J.D., formerly vice president for football administration with the St. Louis Rams, has joined the Detroit Lions NFL franchise in the newly created position of senior vice president of

business for the team. He will oversee team finances, non-player personnel and the team's business operations and security departments, and will also be the team's primary legal advisor.

- Karl Ulrich '86 J.D., was featured in an article in the December 20, 2000, edition of the DAYTON (OHIO) DAILY NEWS for having competed in the most recent Chicago Marathon on October 22, 2000. His time of 3:31.20 placed him in the top 10 to 15 percent of his age bracket in the marathon, which — with 29,000 participants — is one of the largest in the country. The article notes that Mr. Ulrich would like to improve his marathon time by 10 minutes to qualify for the Boston Marathon. He also hopes to run in a marathon in Berlin, Germany.

Entering his seventh year as a road race runner, Mr. Ulrich averages between 30 to 40 miles a day to help him prepare

Law School Team Wins Grad League Basketball Championship

Wenzel's Fan Club, a team composed of seven second-year law students, an M.B.A. student and Assistant Professor of Law Rick "Charity Minutes" Garnett, won the Graduate/Professional/Staff league basketball tournament for the second year in a row, defeating a team of first-year M.B.A. students in the finals on March 5, 2001.

Besides Professor Garnett, team members included second-year students T.C. "Cortizone" Couhig of Painesville, Ohio; Patrick "I called that bank shot!" Dahl of Winnetka, Illinois; Martin "Sleepy" Kappenman of Madison, South Dakota; Kevin "Kobe" Lohman of Northridge, California; Fred "Clooney" Marczyk of Absecon, New Jersey; Kevin "Stella" Stella of Carmel, Indiana; Steve "Son of Audit" Klein of Cranberry Township, Pennsylvania; and Steve's brother Scott "Audit" Klein, who is in the M.B.A. program in the University's Mendoza College of Business.

for an upcoming event, concentrating primarily on his speed work and conditioning.

- Karen Morrison '87 J.D., an administrator in the Colorado University athletic department, was featured in an article in the sports section of the March 13, 2001, DENVER POST regarding her role in putting together the 64-team field for the NCAA Division I women's basketball tournament. Ms. Morrison, formerly an assistant coach of the Colorado Buffalos women's basketball team, was one of two rookie members of the eight-member selection team that met on Sunday, March 11, to finalize the brackets for the 20th NCAA women's tournament. Her appointment to the selection committee is for four years. She also serves as a member of the Big XII academics eligibility compliance cabinet, and serves on NCAA subcommittees in that area.

Seventh Circuit Sits at NDLS

A THREE-JUDGE PANEL OF THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT — comprised of NDLS Professor Honorable Kenneth F. Ripple, Honorable Daniel A. Manion and Honorable Michael S. Kanne — sat in session at NDLS on Monday, April 2, 2001. The judges heard oral arguments in three cases:

- *Harbor Motor Co., Inc. v. Arnell Chevrolet-GEO, Inc. and Post-Tribune*

Publishing, an appeal from a jury verdict in a copyright case heard by the U.S. District Court for the Northern District of Indiana, Hammond Division. Oral arguments addressed whether the First Amendment shields a newspaper from liability for copyright infringement, and whether the prevailing party may recover attorneys' fees.

- *Pleasureland Museum, Inc. v. Beutter*, an appeal from denial of summary judgment in a case heard by the U.S. District Court for the Northern District of Indiana, South Bend Division. Oral arguments addressed a violation of due process and the right of privacy, as well as overbreadth and a corresponding violation of the First Amendment, in a case challenging a Mishawaka ordinance that regulates "sexually oriented businesses."

- *United States v. Algood*, an appeal of a conviction for mail fraud heard by the U.S. District Court for the Northern District of Indiana, Hammond Division. Oral arguments addressed the appellants' challenge to the trial court's ruling preventing the appellants from using past conduct and criminal convictions against the government's principal witness, as well as the trial court's use of sentencing guidelines.

NDLS Hosts Distinguished Speakers

Author and investigative journalist **Don Mullan** discussed the sources of the violence in Northern Ireland in a talk at NDLS on March 7, 2001. His talk, "Violence, Politics and Collusion: The Causes Behind Northern Ireland's Worst Tragedies," followed a book signing at the Hammes Notre Dame Bookstore for Mr. Mullan's latest work, *EYEWITNESS BLOODY SUNDAY*, a book published on the 25th anniversary of the January 30, 1972, event known as "Bloody Sunday," in which 13 Irish Catholics were killed by British soldiers during a civil-rights march in the city of Derry. Mr. Mullan witnessed the killings as a 15-year-old boy and included in the book his own account of the day, as well as research that has led to a new official inquiry into the killings. (Please see the related article by third-year law student Sean O'Brien '95 on p. 10.)

The NDLS Irish Law Society, together with the University's Keough Institute for Irish Studies and the Hammes Notre Dame Bookstore, sponsored the talk.

- NDLS, along with the Center for Civil and Human Rights, the Black Law Students Association, the Coalition to Abolish the Death Penalty and Right to Life presented a talk on April 4, 2001, titled "Will the Death Penalty in the United States Survive in the 21st Century?" by **Stephen B. Bright**, director of the Southern Center for Human Rights.

- The Natural Law Institute hosted **Timothy Endicott**, fellow in law at Balliol College of Oxford University, who gave an Olin Distinguished Lecture titled "How to Speak the Truth" on April 5, 2001. A Canadian by birth, Dr. Endicott practiced law in Toronto, Ontario, before completing his doctorate in legal philosophy at Oxford. Oxford University Press recently published his first book titled *VAGUENESS IN LAW*.

Natural Law Institute Receives Support from Olin Foundation

The John M. Olin Foundation has given \$225,000 to the Natural Law Institute at NDLS to support publication

of the institute's journal, the *AMERICAN JOURNAL OF JURISPRUDENCE*. In announcing the gift, University President Reverend Edward A. Malloy, C.S.C., noted that the journal "is steadfast in its advocacy of the principles of natural law and crucial to the moral vision of the University. It is gratifying to know that the Olin Foundation shares our convictions." Father Malloy further commented that the gift, which continues a long-standing relationship between the institute and the foundation, "assures that one of Notre Dame's finest publications will continue to flourish while maintaining the highest intellectual standards."

The publication is co-edited by NDLS Professors Gerard V. Bradley and John M. Finnis. It has been published continuously since 1956, under the title *NATURAL LAW FORUM* from 1956 to 1970. It is a unique periodical devoted to the scholarly investigation of all aspects of natural law including its relevance to the solution of contemporary problems.

2001-02 TUITION ANNOUNCED

Tuition for the 2001-02 academic year has increased 4.8 percent to \$24,920. The University reports that this is the lowest percentage increase in 40 years.

BARRISTERS BALL ENLIVENS END OF MARCH

The Blue Heron banquet facility at Blackthorn Golf Course was the scene for the annual Barristers Ball (formerly Law Ball) on Saturday, March 31, 2001. Students, faculty and their guests enjoyed an evening of dinner and dancing in the picturesque setting.

Indiana Court of Appeals Visits NDLS

A three-judge panel from the Indiana Court of Appeals visited NDLS on Wednesday, November 15, 2000, to hear oral arguments on an appeal in a criminal matter that involved the legality of a search under the Fourth Amendment. Honorable Sanford M. Brook, formerly an adjunct associate professor of law in the NDLS trial advocacy program, was joined by Honorable Edward W. Najam Jr. and Honorable Nancy Harris Vaidik on the three-judge panel, which heard an appeal involving a search warrant for drugs that was not served by police until a week after it was issued. The defendant maintained that the warrant was stale and that the evidence found — including several bags of cocaine and marijuana, eight handguns and \$6,400 in cash — should not be allowed into evidence at his trial.

The program is part of an attempt by the court to bring the court's work closer to the public. The following day, the panel heard an appeal on another criminal matter at John Adams High School in South Bend.

THE McCafferty FELLOWSHIP



14th Annual Fr. Mike Talent Show

The NDLS Student Bar Association hosted the 14th annual installment of the Fr. Mike Talent Show, "2001: A Comedy Odyssey," at the Alumni-Senior Club on Saturday, February 17, 2001. As usual, students and members of the faculty who attended were treated to an evening of comedy — and even some talent — and the Reverend Michael D. McCafferty, C.S.C., Fellowship benefited from the admission fees. Second-year members of the SBA who organized the event included: Nicole Borda of Mechanicsburg, Pennsylvania, Kale Ness of South Bend, Will Thompson of Lexington, Kentucky, and John Thurmond of South Bend. Mr. Thompson and Mr. Thurmond, along with 2Ls Caroline Curtiss of Plymouth, Michigan, and Sean McLaughlin of Spokane, Washington, served as masters of ceremonies. The top prize of the evening went to Ryan Carson, a first-year student from South Bend, who entertained the audience with his original piano composition.

New Course in Medical Malpractice Law for Spring 2001

Andrew Spalding joined the NDLS adjunct faculty this spring to teach a course in the Law of Medical Malpractice. Mr.

Spalding is of counsel to the South Bend firm of May, Oberfell & Lorber, where his litigation practice focuses on medical malpractice, health-care law and products liability. He earned his A.B. in 1983 from Miami University and his J.D. in 1986 from Valparaiso University School of Law. He has served as a business law instructor at Valparaiso's College of Business Administration, as well as an adjunct professor teaching a course in medical malpractice at Valparaiso's Law School.

The new course examines the elements and defenses of a medical malpractice claim, and considers issues of insurance, access, product liability and peer review, especially from the perspective of preparing for litigation.

News from the Admissions Office

New Admissions Director to Join NDLS

Dean Patricia A. O'Hara '74 J.D. has announced that Charles W. (Chuck) Roboski has been named the new director of admissions at NDLS. He and his family — including his wife and five children — will move to South Bend in June after he completes the year as assistant dean for admissions and financial aid at the Ohio State University College of Law. Mr. Roboski has significant experience in law school admissions, having worked in the field for more than 15 years. Prior to Ohio State, he was director of admissions and financial aid at Regent University School of Law, as well as at the University of Dayton School of Law. He earned his B.A. from Ohio Dominican College, his M.A. from Georgetown University, and his M.B.A. from the University of Dayton.

TO BECOME INVOLVED

To volunteer to help recruit the next generation of Notre Dame lawyers — by representing NDLS at information fairs or by speaking directly with applicants or accepted students — please contact the Admissions Office as indicated below:

by e-mail:
Heather Miller Moriconi
Assistant Director of Admissions
moriconi.l@nd.edu

by mail:
Admissions Office
P.O. 959
Notre Dame Law School
Notre Dame, IN 46556

by phone: (219) 631-6626

In addition, if you know of a top candidate that you think would make a great Notre Dame lawyer, please contact our Admissions Office at (219) 631-6626. We will send you an application booklet. Simply sign and date the top of the front page of the application form before giving it to your prospective applicant. In appreciation of your endorsement, we will waive the application fee for an individual of special interest to you.

“Thank You” to Admissions Volunteers

Having a student body drawn from all across the country — as well as from a number of foreign countries — helps to make the educational experience at NDLS interesting and enlightening. It also provides quite a challenge for the Admissions Office, which must staff law-school information fairs — also called “law days” — at a wide range of schools nationwide. Thankfully, our nationwide alumni respond to the call, year after year, to take time out of their own busy work and home lives to represent NDLS at these events. The Admissions Office would like to thank the following volunteers, whose efforts on behalf of NDLS at 47 of these information events helped to net nearly 2,000 applications for the NDLS Class of 2004:

Alumnus/a	Law Day
Carlos Acosta '90 J.D.	Texas A&M University, College Station
Henry Alford '93 J.D.	Centre College
Charles Ashdown '86 J.D.	Xavier University
Thomas Berra '92 J.D.	Washington University
Monty Bottom '82 J.D.	University of Oklahoma
James Canfield '79, '84 J.D.	Stanford University
Stephan Chan '90 J.D.	University of California, San Diego
Mark Cole '96 J.D.	St. Thomas University
Gregory D. Cozad '85 J.D./M.B.A.	University of Illinois
Christopher Davies '97 J.D.	Chicago State University — Minority Law Recruitment Forum
Suzanne DeVine '87, '92 J.D.	University of Michigan
Brian Dolasinski '91, '95 J.D.	University of Arizona
P. Douglas Duncan '94 J.D.	University of California, Los Angeles
Dana Eismeier '84 J.D.	University of Colorado
Peter Farb '83 J.D.	University of Wisconsin, Green Bay
James Ganther '84, '88 J.D.	University of South Florida
Richard Gibson '85 J.D.	Southern Illinois University
Teresa Ereon Giltner '86 J.D.	St. Mary's University, San Antonio
Gary Gottschlich '71 J.D.	Wright State University
Leslie Sudbury Haydel '91 J.D.	University of North Carolina, Chapel Hill
Richard Holzheimer '96 J.D.	University of Virginia
Lynne M. Hook '93 J.D.	University of Southern California
Luke Jacobs '95 J.D.	Niagara University
Thomas Kellenberg '80	George Washington University
Bernie Keller '95, '98 J.D.	Indiana University, Bloomington
Andrea Larkin '80, '83 J.D.	Michigan State University
Astrid LeBron '99 J.D.	PRLDEF at Pace University
Thomas Madruga '92 J.D.	Pepperdine University
Idolina McCullough '95 J.D.	University of Texas, Austin
Michael R. Mendola '92 J.D.	University of Rochester
Timothy Murphy '88 J.D.	Bates College
Todd Nelson '88 J.D.	Phi Alpha Delta Fraternity at University of Washington
James Ormond '98 J.D.	Ohio State University
Anthony Patti '90 J.D.	Adrian College
Vanessa Pierce '96 J.D.	Brigham Young University
Scott Richburg '95 J.D.	University of North Florida
Brendan Rielly '96 J.D.	Bowdoin College
Charles Sacher '89, '92 J.D. and Thomas Gamba '76 J.D.	University of Miami, and Florida International University
Thomas Shumate '98 J.D.	Vanderbilt University
Kathryn Smith '93 J.D.	Arizona State University
Jack Strauch '95 J.D.	Wake Forest University
Jeffrey Stromberg '93 J.D.	University of California, Davis
Jeffrey Stuckey '82 J.D.	Michigan State University — James Madison College
Jeremy Trahan '96 J.D.	Cleveland Metro Area at John Carroll University
Mark Wattley '91 J.D.	Northwestern University
Mario Zepponi '88 J.D./M.B.A.	University of California, Berkeley

New Assistant Director Joins CSO

Peter Horvath joined the CSO staff in February as assistant director for career services. Mr. Horvath earned his J.D. in



1999 from Indiana University School of Law-Indianapolis, and his B.A. in history and speech in 1992 from Wabash College in Crawfordsville, Indiana, where he was also a three-year letter winner and co-captain of the college's football team.

In law school, he served as president of the Student Bar Association and was co-founder and vice president of the St. Thomas More Society. Before joining the NDLS administration, he worked as an associate attorney at Konopa & Murphy, P.C., in South Bend.

How to Hire a Notre Dame Lawyer

The CSO is in the process of scheduling interview slots for employers for the fall on-campus interview season. To sign up and join the over 200 law firms, corporations and government employers who come to campus every year to hire a Notre Dame lawyer, please contact the CSO. If you cannot make it to fall on-campus interviewing, the CSO can also post available positions and collect resumes to send to you directly. To schedule interviews and post positions, please contact:

Trish Dunn
118 Law School
Notre Dame, IN 46556
phone: (219) 631-7542
fax: (219) 631-4789
e-mail: dunn.35@nd.edu

SPEAKERS

The CSO had the opportunity to host a number of speakers, particularly in the spring semester. If you would like to share your experiences with NDLS students in the coming academic year, please contact the CSO.

News from the Career Services Office

Speakers for Spring 2001

A number of speakers came to NDLS in the spring 2001 semester to provide students with advice on searching for jobs and developing a career path. Thank you to the following:

- Lisa Abrams, author of *THE OFFICIAL GUIDE TO LEGAL SPECIALTIES*, addressed the wide range of career options available to new lawyers.
- Angela Ostrom of the Washington, D.C., office of the Social Security Administration, discussed careers with that agency.
- James Kane '88 J.D., head of Arthur Andersen recruiting in Chicago, presented a case study of the type of work in which his firm engages (co-sponsored by the Business Law Forum).
- Captain Michelle Ryan '90, '94 J.D., U.S. Army, discussed careers in the Army Judge Advocate General Corps.
- Todd Grice '95 J.D., assistant general counsel for Nibco in Elkhart, Indiana, discussed the role of the general counsel in a corporation (co-sponsored by the Business Law Forum).
- Pam Malone and Dusti Plunkett, primary recruiting staff for McGuire Woods, presented a program on east-coast hiring practices.
- Kimm Walton, author of the best sellers *GUERRILLA TACTICS FOR GETTING THE LEGAL JOB OF YOUR DREAMS*, *AMERICA'S GREATEST PLACES TO WORK* and *WHAT LAW SCHOOL DIDN'T TEACH YOU BUT YOU REALLY NEED TO KNOW*, discussed career and job-search strategies.
- Aladean DeRose, an attorney in the South Bend City Attorney's Office and wife of NDLS Professor J. Eric Smithburn, along with John Maciejczyk '84 J.D. and Laura Curliss '84, '93 J.D. of the St. Joseph County (Indiana) Prosecutor's Office, described the work of their offices, the experiences new attorneys can gain in these positions, and the transferrable skills learned through these positions.
- Erin Bartholomew '88, '93 J.D. and Morrison Warren '91 J.D. from Chapman & Cutler's Chicago office presented strategies for successful summer clerkship experiences.
- Kari Gallagher '90, '93 J.D. and Patty McKinnon '94 J.D. provided insights on a successful first year in practice.
- Patrick Rocchio '69, '72 J.D., Thomas P. Keller '92 J.D. and James Ehrhard '00 J.D. provided advice to students considering careers as sole practitioners, focusing on the advantages and challenges involved, as well as discussing marketing and community involvement.
- Attorneys from a number of offices of Bryan Cave, L.L.P. — including alumni Beth Carver '81 J.D., and Kira Lodge '95, '00 J.D., with Kelley Farrell, Chris Manning, Steven Sunshine and Robert Thompson — presented panel discussions on "The Nuts and Bolts of Interview Skills" and "The Summer Experience."
- Wendy Osborn, an FBI agent, gave a presentation on the work of FBI agents, jobs open to lawyers, qualifications needed to join the agency and the application process.
- Lexis-Nexis offered "Prepare to Practice" classes to all students, covering a range of legal topics as well as the general cost-effectiveness of Lexis searches.
- Mark Pomfret '92 J.D. and two of his colleagues from the Boston, Massachusetts, office of Testa, Hurwitz and Thibault presented "Your First Summer — An Investment in Your Future," in which they discussed projects and assignments that are attractive to future employers — projects that summer clerks should look for and volunteer to take on.
- Cynthia Adcock, director of *pro bono* services at the AALS, discussed ways in which *pro bono* service enhances practical skills and adds to an individual's enjoyment of the practice of law.

News from the Career Services Office, continued

Speakers for Spring 2001, continued

- Michael Oddo '84 J.D. and Victor Henry of Henry Oddo Austin & Fletcher, P.C., in Dallas, Texas, returned to Professor Robert E. Rodes' third-year ethics class to discuss issues of practical importance to all attorneys, focusing this year on ethics and civility issues that might arise in practice.
- Stephen Studer, an attorney with Plews, Shadley, Racher & Braun in South Bend, and Eric Cohen, an attorney with the U.S. Environmental Protection Agency Region V office in Chicago, presented "Good Earth, Good Business, Good Law" (co-sponsored by the Environmental Law Association).

ALUMNI VOLUNTEER OPPORTUNITIES

The greatest resource NDLS students have for job-search or career-development advice is the nationwide Notre Dame Law Association alumni network. You can become involved in a number of ways — some of which are listed here. Of course, if you have additional ideas for ways you can help, please contact the CSO.

Mock Interviews

As everybody knows, the ability to shine in an interview is what helps to distinguish a successful candidate for a particular position from someone else who may share the same credentials on paper, but who may not possess superior interviewing skills. You can help our students develop these skills by serving as a mock interviewer on campus either early in September for the 2Ls and 3Ls who will soon face on-campus interviewing, or after November 1 for the 1Ls who will interview at home over Christmas or participate in the Law School's spring on-campus interviewing program. If you would like to participate, please contact Trish Dunn in the CSO.

New On-Line Networking/Mentoring Matching Program

As part of the University's new on-line database system, which will go live sometime in the summer or fall of 2001, the University Career Center — together with the Law School Career Services Office and the M.B.A. Career Development Office — is establishing an on-line module to help students and alumni locate networking or mentoring contacts. The system will allow an individual student or graduate to input various parameters that would help to make a networking or mentoring experience beneficial — such as city, practice area and undergraduate college or university — and will match that student or graduate with alumni volunteers who best fit that particular profile.

Nearly 800 alumni have already volunteered to help NDLS students and alumni as part of the "NDLS Network" and through earlier efforts to develop such a database. These alumni will form the core of NDLS participation in this new networking/mentoring database when the program goes live. If you would like to be a part of this program, please contact the Law School Relations Office (see page 47) as soon as possible, and your name will be added to the list. Please be sure to indicate whether you are interested in being a networking resource, which involves helping students and other alumni look for a job or develop a career path, or in being a mentoring resource, which involves forming longer-term relationships with students and other alumni who might benefit from your experiences. If you are interested in taking advantage of the networking and mentoring opportunities provided by this service, watch various University and Law School publications toward the end of summer to learn how you can register.

Alumni May Access Job-Search Database

At NDLS, we continually strive to find new ways to help our alumni use their legal education and experience in a meaningful manner. The CSO has long worked with individual alumni to assist in the job-search process, and has provided job-search information via the *Joblink* newsletter. And now, in the 21st century, Notre Dame lawyers may access the most up-to-date job postings on www.eAttorney.com. The site provides access to job postings and research information on 35,000 legal employers, and allows you to upload your resume and search confidentially for career opportunities any time from anywhere.

Site access requires a password, which may be obtained by calling Trish Dunn in the CSO at (219) 631-7542. Call today!

Summer Welcome

Every year, NDLS students travel across the country to engage in summer clerkships with firms they hope to join, in cities they hope will soon become home. If you would like to meet the students who are in your area for the summer — to help them feel like part of the Notre Dame and legal communities in your town — please contact the CSO.

FOR MORE INFORMATION

For other information, as well as for alumni career-counseling services, please contact:

Gail Peshel, Director of Career Services
(219) 631-7625
peshel.1@nd.edu

Peter Horvath, Assistant Director of Career Services
(219) 631-5410
horvath.50@nd.edu

Kitty Cooney Hoye, Career Counselor
(219) 631-8236
hoye.4@nd.edu

Center Receives \$750K Grant from Ford Foundation

In early February, CCHR director Professor Juan Méndez, announced that the center had received a three-year, \$750,000 grant to conduct academic, research and advocacy activities on accountability for gross human-rights abuses, a subject for which the center is well known. Professor Méndez has indicated that the general theme encompasses a number of specific issues including truth and justice in transitions to democracy, universal jurisdiction, internal criminal justice and the International Criminal Court, and the ethical and political dimensions of achieving truth, justice and reconciliation under complex circumstances.

During the course of the three-year grant, the center will work to strengthen Kresge Law Library holdings on the topic, to help turn NDLS into an important resource center on accountability for serious human-rights violations. The center will also invite practitioners with rich experiences in these matters to join the center as visiting fellows for a short time, which will enable them to reflect on lessons they can share with others. Professor Méndez also hopes to organize a conference and to publish the results of scientific research. In addition, the grant will help the center attract to its LL.M. and J.S.D. programs young lawyers from around the world who demonstrate a strong commitment to study seriously all aspects of accountability.

In explaining the significance of the grant, Professor Méndez commented: "The Ford Foundation has decided to initiate a very strong investment over the next few years on what they call 'transitional justice,' and I am proud to say that we are among the first institutions chosen by Ford to launch this new strategic area. That fact will allow us to cooperate extensively with a new International Center for Transitional Justice (ICTJ) that will form the centerpiece of Ford's initiative." In early February, Professor Méndez participated in the ICTJ's first experience in providing advisory services to governments and civil

News from the Center for Civil and Human Rights

society when he and three other international experts traveled to Lima, Peru, to advise the post-Fujimori government in its plans to establish a truth commission. Professor Méndez believes that the grant will allow the center to complement the work of the ICTJ with strong academic, research and documentation support.

Professor Méndez further notes, "It is particularly significant that the Ford Foundation, whose generous contribution got this center started in 1973 at Father Hesburgh's request, continues to show a high degree of confidence in us and in our ability to work at the new horizons of human-rights protection."

Center Receives \$200K Grant from MacArthur Foundation

The CCHR has received a \$200,000, three-year grant from the John D. and Catherine T. MacArthur Foundation, which has long supported the work of the center. The grant will help to fund a collaborative effort between the CCHR and the Center for Justice and International Law (CEJIL) to explore and expand the defense of economic, social and cultural rights (ESCR) in the inter-American human-rights system. Long-standing judicial traditions have prioritized the protection of civil and political rights over the protection of economic, social and cultural rights, but the recent adoption of regional declarations of support for ESCR in conformity with international law has provided the impetus necessary to encourage the well-developed inter-American human-rights system to begin exploring appropriate means of protecting ESCR.

The project will focus on ESCR issues in Mexico for three reasons. First, Mexico has a strong and active agenda for the protection of civil and political rights, but has not worked as intensively toward protecting ESCR. Second, Mexico has accepted all of the major instruments of the inter-American human-rights system. Third, the nation has a large and well-organized human-rights community that could begin working toward the protection of ESCR.

The CCHR and CEJIL will initiate the project with a conference, co-hosted with Mexican nongovernmental organizations, to identify appropriate precedent-setting cases. CEJIL will then work on two or three cases, seeing them through the negotiation and, if necessary, litigation process. At the conclusion of the project, the results will be discussed in a second conference. Ultimately, the CCHR and CEJIL hope that the effort will demonstrate the justiciability of ESCR cases.

GARTH MEINTJES BECOMES U.S. CITIZEN

On Tuesday, December 5, 2000, the NDLS courtroom served as the temporary home of the U.S. Court of Appeals for the Seventh Circuit when **Honorable Kenneth F. Ripple**, professor of law at NDLS, conducted a naturalization ceremony for South African-born **Garth Meintjes '91 LL.M.**, associate director of the Center for Civil and Human Rights. Prior to administering the oath, Judge Ripple gave a moving talk in which he reminded all present that we or our families all came to the United States from somewhere else. He commented that we or our ancestors came for a variety of reasons — some to escape poverty or oppression, some to make their fortunes or have an adventure, and some, unwillingly, in the cargo holds of slave ships. Nevertheless, we share our common citizenship. The moving and inspirational ceremony concluded with the faculty, administrators, staff and students reciting the "Pledge of Allegiance."



Garth Meintjes to Israel on Amnesty International Mission

In November, CCHR Associate Director Garth Meintjes '91 LL.M. served as one of three delegates on an Amnesty International Mission to Israel and the Occupied Territories. The mission concerned the trials of individuals who were arrested in September and October. The delegates assessed the situations of these individuals and held meetings with Palestinian and Israeli human-rights activists, victims and officials.

This mission was the third to that part of the world since September 2000. Amnesty International documented its findings from the first two missions in two separate reports. The organization strongly criticized the Israeli security forces for excessive use of force and punitive attacks against the Palestinians. The second of the two reports focused on the breaches in judicial procedures regarding the arrest and detention of Palestinians, including children. Consequently, the third mission, in which Mr. Meintjes was involved, focused on the judicial process.

LUC REYDAMS EARNS J.S.D. DEGREE

Luc Reydams '95 LL.M., '01 J.S.D., successfully completed the requirements for the J.S.D. degree in international human rights in January 2001, making him the sixth NDLS graduate to earn the degree. His dissertation, "Universal Jurisdiction: A Theoretical and Empirical Study," explores when a nation-state may exercise jurisdiction in a criminal matter over an offense committed outside its territory, by a foreigner, against another foreigner.

CCHR Advisory Council

The Center for Civil and Human Rights held the first meeting of its newly reconstituted advisory council in early December 2000. Members for the 2000-01 academic year include:

- Abdullahi An-Naim**, Charles Howard Candler Professor of Law, Emory University School of Law;
- Scott Appleby**, professor and director of the Joan B. Kroc Institute for International Peace Studies, University of Notre Dame;
- Tricia Bellia**, associate professor of law, Notre Dame Law School;
- Cynthia Brown** of New York, New York;
- Douglass Cassell**, professor of law, Northwestern University School of Law;
- Barbara Fick**, associate professor of law, Notre Dame Law School;
- Jimmy Gurulé**, professor of law, Notre Dame Law School;
- Paul Hoffman**, Schonbrun DeSimone Seplow Harris & Hoffman, L.L.P., Venice, California;
- Scott Mainwaring**, professor and director of the Helen Kellogg Institute for International Peace Studies, University of Notre Dame;
- Carol Mooney '77 J.D.**, vice president and associate provost, University of Notre Dame, and professor of law, Notre Dame Law School;
- Carolyn Nordstrom**, professor of anthropology, University of Notre Dame;
- Naomi Roht-Arriaza**, professor of law, University of California-Hastings College of Law;
- Reverend Timothy Scully, C.S.C.**, executive vice president, University of Notre Dame;
- Beth Stephens**, professor of law, Rutgers University School of Law-Camden; and
- Eric Stover**, director of the Human Rights Center, University of California-Berkeley.

Center Faculty and Alumni Participate in Conferences

A number of the center's faculty members and alumni participated in a conference on "International Law in the 21st Century: The United Nations and Other International Entities," sponsored by the American branch of the International Law Association in New York, New York, in October 2000.

Dr. Kelly Askin, formerly a visiting scholar at the center, served as chair of the program committee and participated in a panel discussion on "Genocide in the Past, Present and Future: Legal Developments and Moral Dilemmas." Mary Margaret Penrose '99 LL.M., J.S.D. candidate, served on the program committee and participated in a panel discussion on "Smart Sanctions and Effective Remedies: Addressing Gross Violations of Human Rights." Center director Juan Méndez participated in a panel discussion on "The Convergence and Overlap of International Humanitarian Law, International Criminal Law and International Human Rights Law," while Garth Meintjes '91 LL.M., associate director of the center, participated in a panel discussion on "Towards Achieving Justice: Truth Commissions, Trials and Amnesties."

Following the publication of a book edited by NDLS Professor Dinah L. Shelton, *COMMITMENT AND COMPLIANCE: THE ROLE OF NON-BINDING NORMS IN THE INTERNATIONAL LEGAL SYSTEM* (Oxford University Press 2000), the American Society of International Law, the National Science Foundation and the Ford Foundation sponsored the final workshop of a three-year study project at Notre Dame on November 3-4, 2000. The focus of the workshop was to review the conclusions of the study project, which addressed "soft law" and analyzed issues raised by state compliance with nonbinding norms, and to identify related topics that will require more research.

CCHR Hosts Distinguished Speakers, Conferences

■ **Professor John Darby**, a leading authority on ethnic conflict and currently a visiting fellow at the University's Joan B. Kroc Institute for International Peace Studies and the Keough Institute for Irish Studies, presented "Northern Ireland: A Contemporary Peace Process" on November 9, 2000. Professor Darby, with Roger MacGinty, recently edited *THE MANAGEMENT OF PEACE PROCESSES* (MacMillan/St. Martin's 2000).

Following Professor Darby's talk, NDLS 3L Sean O'Brien '95, of Arlington Heights, Illinois, spoke of his experiences in Belfast during the summer of 2000 working on issues related to the Bloody Sunday Tribunal. An account of Mr. O'Brien's experiences can be found on page 10.

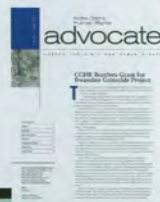
■ On March 26 and 27, 2001, the CCHR co-sponsored a conference on "Democracy, Human Rights, and Peace in Colombia" with the University's Helen Kellogg Institute for International Studies, the Joan B. Kroc Institute for International Peace Studies and the Colombian Commission of Jurists.

■ The CCHR co-organized a seminar on the 10th anniversary of the Rettig Report — the report of the Chilean Commission on Truth and Reconciliation — with the Chilean Foundation for Justice and Democracy, in Santiago, Chile, April 9-11, 2001.

Human Rights Roundtable Series

■ On November 7, 2000, the CCHR's monthly Human Rights Roundtable discussion series featured **Professor Guillermo O'Donnell**, Helen Kellogg Professor of Government and International Studies at the University and a fellow of the University's Helen Kellogg Institute for International Studies, who led a discussion of "Democracy, Law and Comparative Politics."

■ On March 27, 2001, the series featured **Michael Green**, assistant professor in the Department of Philosophy at the University of Chicago.



FOR MORE INFORMATION

More detailed information on activities sponsored by the CCHR can be found in the center's biannual newsletter, *HUMAN RIGHTS ADVOCATE*. If you're interested in receiving this publication, which is distributed two times each academic year, please contact the editor, Ada Verloren '90 LL.M. at (219) 631-7982 or by e-mail at verloren.1@nd.edu.

Additional information is available on the center's web site at www.nd.edu/~cchr.

News from the Law School Relations Office

Fall 2001 Continuing Legal Education

This fall, two-hour continuing legal education programs will be held on the mornings of three home football games:

Michigan State (September 22)
West Virginia (October 13)
Tennessee (November 3)

Remember that each person attending the program may purchase — at face value — up to two tickets to the football game for that weekend.

Topics will be listed in registration materials that will be mailed in July to those on the regular CLE mailing list. To add your name to the mailing list, please contact the Law School Relations Office.

For More Information

For more information on alumni programs and activities at NDLS, please contact:

Cathy Pieronek, Director
 Law School Relations
 102 Law School
 Notre Dame, IN 46556
 phone: (219) 631-6891
 fax: (219) 631-9299
 e-mail: pieronek.1@nd.edu
 - or - lawalum@nd.edu

Or visit the Law School Relations web site, www.nd.edu/~ndlaw/alumni/alumni.html, where you can update your address, send in personal or professional information, volunteer for the NDLS Network or keep in touch with your class secretary, all on line.

keep in touch

e-mail your Perspectives ideas
 and personal and professional news to
lawalum@nd.edu



News from Law School Advancement

GENERATIONS Campaign Has Powerful Impact Upon Law School



Notre Dame's *GENERATIONS* Campaign, which concluded on December 31, 2000, provided the Law School with significant new resources in the critical areas of student financial aid, endowed professorships, endowments for the Kresge Law Library, and other academic programs.

As a result of *GENERATIONS*, which raised \$1.061 billion and was the most successful campaign in the history of Catholic higher education, more than \$33,000,000 in gifts and pledges were designated for Law School priorities. An impressive number of 41 new endowed law fellowships were created totaling nearly \$10.8 million. These fellowships will help defray the onerous loan burdens that many students face when they graduate, thereby giving them more flexibility in choosing a career in the law. Most importantly, these fellowships will enable countless future generations of talented men and women to obtain the unique benefits of a Notre Dame education.

Six new endowed professorships were created at the Law School during *GENERATIONS*, doubling the number of endowed chairs previously available to the faculty. These endowed chairs make it possible to attract and retain distinguished legal scholars, thus greatly influencing the future of scholarship and research at the Law School. The new positions will help to address the practical need for a better teacher-student ratio and the intellectual need to expand the range and depth of legal scholarship.

The Kresge Law Library made outstanding strides through the funding of 18 new endowed collections of legal materials totaling more than \$2.5 million. Such endowments serve an increasingly important function in that they provide a steady and dependable source of revenue for Associate Dean Roger Jacobs as he endeavors to continue building a nationally renowned library where students and faculty can engage in research at the highest levels.

GENERATIONS also brought in substantial expendable funding, which was used for student financial aid. Law School benefactors specifically gifted approximately \$1.6 million for this purpose. In addition, it is important to note that Dean O'Hara and her predecessor Dean Link stipulated throughout the campaign that any unrestricted dollars the Law School received from its alumni and friends were to be allocated to expendable fellowship assistance for students. As a result, nearly \$2.5 million in unrestricted gifts were made available for such financial aid awards.

A significant gift during the campaign also made it possible for the London Law Centre to relocate to the newly renovated Marian Kennedy Fischer Hall near Trafalgar Square. Additional expendable gifts helped to address priorities such as the Center for Civil and Human Rights and summer public-interest law fellowships, which form the very heart of Notre Dame's social justice mission.

The Order of St. Thomas More, which consists of those individuals who annually contribute \$1,000 or more to the Law School, experienced tremendous growth during *GENERATIONS*. When the campaign began in 1993, the order consisted of fewer than 150 members; when it concluded, the order had nearly quadrupled in size to 533 members. The members of this important support group can take great pride in the progress that their gifts made possible — particularly in the vital areas of financial aid and the Kresge Law Library.

It is with a deep sense of gratitude that the entire Law School community — students, faculty and staff — conveys its appreciation to the many alumni and friends whose generosity during the *GENERATIONS* Campaign has enabled the Law School to advance its academic distinction, while at the same time preserving its distinctive and enduring traditions. A multitude of challenges lie ahead, but the Law School is much better positioned to move confidently into the future because all of you have so tangibly expressed your loyalty and support.

— Glenn J. Rosswurm II '91 J.D.
Director of Law School Advancement

Thank You!



Notre Dame Law School

To Our Alumni, Benefactors and Friends –

Many thanks for your support of the Notre Dame Law School, especially during the recently completed Generations campaign. Your generous gifts have enabled us to achieve new levels of excellence in the students we admit, the faculty we hire and the resources we provide to fulfill our mission of teaching, scholarship and service.

We look forward to a brighter future thanks to you!

*Yours in Notre Dame,
The Notre Dame
Law School Community*



For a complete report on the results of the GENERATIONS campaign, please visit our web site, www.nd.edu/~develop.