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## Report of the Dean 1978–1979

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## Report of the Dean



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# Notre Dame Law School



**Report of the Dean  
1978 - 1979**

Notre Dame Law School

Notre Dame, Indiana 46556

Office of the Dean

August 1979

To the Chairman of the Board of Trustees, the President,  
the Provost and the Associate Provost of the University of  
Notre Dame

Gentlemen:

I submit herewith the Annual Report for the Law  
School, the Civil Rights Center, and the Thomas and  
Alberta White Center. This was by all measures, a very  
good year.

This was a year of responding not only to the  
admonitions of the American Bar Association visitation  
report but to our own self study. We have found out much  
about ourselves including the fact that our goal of  
leadership is attainable and that the obstacles can be  
overcome. Most importantly, we have already experienced  
substantial progress.

The reports are optimistic and less guarded than those  
in the past. The future for the Law School looks very  
bright. For the faculty and the students, and for the legal  
profession as a whole, I thank the University Administration  
for its support.

Respectfully yours in Notre Dame,



David T. Link  
Dean

(N.B. The Civil Rights and White Center separate reports, referred to above, are not  
included in this document. A brief abstract is included.)

## *Introduction*

In June 1975, shortly after I had assumed the Deanship, Father Hesburgh asked me whether it was possible to move Notre Dame from its then status as one of the very good law schools to a position of leadership among law institutions. Over the next six months, a Five Year Plan was developed to accomplish that overall objective. After a careful study of the needs in legal education, the role being played by other leadership law schools, and after review by the Chairman of the University Board of Trustees and the President, the plan emerged with specific details for reassessing the schools goals, and making necessary refinements and additions in the areas of faculty, students, administration, curriculum, physical facilities (including library resources), alumni support and resources. After approximately one and a half years of the plan it was decided to break out of the curriculum plan an additional area designated as national law programs.

I am happy to report that after three and one half years of implementation, we feel that the objectives of the Five Year Plan have been accomplished so substantially that a new plan must be developed. The attached report will not only review the past year but give a final report to the early finish of the Five Year Plan.

## *Goals*

Notre Dame Law School has long been recognized as an institution that is highly successful in preparing lawyers for practice in the profession. It is imperative that this tradition continue. Hence, the first goal is to continue that role of the preparation of attorneys for the profession who have both competence and compassion and whose decisions are guided by the values and morality which Notre Dame represents. Father Hesburgh caught the essence of this goal in his remarks at the dedication of the renovated Law School building:

"May there be here a hunger for justice. May our students seek competence in the law since compassion without competence would be a cruel hoax upon those they serve. May they also realize that competence in the law without compassion leads the lawyer to use the law for other purposes than the works of justice, blinds him to the sad plight of persons who suffer injustice for want of a lawyer champion."

A second major goal was added as part of the five year plan. It is to take up the challenge of leadership in legal education and in the legal profession by making institutional contributions to the development of both. Achievement of this second objective has been approached in a number of ways such as through the publication of scholarly works by the faculty, faculty involvement in legal matters and organizations on the national level, and emphasis on research centers as part of the Law School program. As a specific example, Notre Dame Law School in May 1979 hosted the National Conference on Legal Education under the sponsorship of the American Bar Association.

We believe that these dual goals, parallel yet interdependent, properly set the direction for Notre Dame Law School.

## *Students*

A continuing strength of this school is the type of people we are able to attract as students. While most law schools are now faced with some problems of declining applications, Notre Dame continues to have many qualified candidates

for each open position in the first year class. We continue to have to deny many applicants who will not only be good lawyers but whom we would like to educate at Notre Dame. Such a candidate pool provides us with an opportunity to select people who fit into a special team approach to the study of law.

Since selection of the students to accept from the many qualified applicants is recognized as a key to the success of the Law School, a great amount of effort is given to this task. The American Bar Association Visiting Team underscored that ours is one of the most personalized admissions processes of all the law schools. An Admissions Committee consisting of three members of the faculty analyzes each of the application files and records independent recommendations. The Dean makes the final decision. The Committee does not dwell on statistical information such as grade point average and law school aptitude tests. Instead it spends its time trying to spot those candidates who will have leadership potential. If we expect to be a leadership law school, our students must be leadership types. The selection process must be highly subjective with the Committee doing an analysis both of transcript and writing samples and weighing in considerations such as work experience, undertakings reflecting concern for social justice, extracurricular activities and letters of recommendation. The Law School Aptitude Test is used as a checking device.

Law schools are often cursorily judged by the mean or median undergraduate grade point average and law school aptitude test (LSAT) of the entering students. We do not agree with this grading standard and willingly accept a lower median GPA and LSAT for the entering class in order to find the leadership types and commitment to social justice which we feel is appropriate to Notre Dame. Even so, entering credentials for our students remain high — the median GPA of the entering class in 1978-79 was about 3.54 and median LSAT was about 630.

In order for Notre Dame to achieve its educational goals, it is necessary to attract a diverse and representative student body. Minority representation in the Law School student body is just under ten percent (equal to the national average for law schools). Since we select minority students on the same basis as any other student, i.e., their potential for success and leadership in the law, court decisions such as that in *Regents of the University of California v. Bakke* have had no effect on the Affirmative Action program of our admission process. While in law school, minority students compete on an equal basis with all other students, this being assured by the anonymous grading process.

The Law School student body continues at an average level of about 475 students. This is approximately 15 students more than optimum size. There are approximately 150 full-time degree seeking students in each of the three years. Additionally, twelve students from other schools spent their second year in the Notre Dame London Law Program during academic year 1978-1979. The remaining number of the total consists of special part-time students.

Loss of students during the first year amounts to something less than 10 percent for all reasons. Eight members of the 1978-1979 entering class were dismissed academically. A very few others discontinued for personal reasons such as financial pressures. Transfer students are accepted to bring the first year class back to the approximate 150 level. Almost no students discontinue after successfully completing the first year. With our high admissions standards I regard the academic attrition rate to be somewhat high. There is special concern over the rate of attrition of minority students.

The single most difficult problem facing the Notre Dame Law School student is financing the cost of legal education. Tuition in 1978-79 was \$3600, increasing

to \$4050 for 1979-80. Factoring in minimal living expenses places the cost of a Notre Dame Juris Doctor Degree at about \$20,000. At least one-half of the students rely on the Federally Insured Guaranteed Student Loan, which provides a maximum of \$5,000 per year, \$15,000 total, interest free until nine months after graduation. The Law School augments financial aid through partial grants and scholarships. It remains true that many very desirable candidates are denied a Notre Dame Law School education because of costs.

While we have some very fine endowed scholarships resulting from generous gifts to the Law School, the principal source of scholarship assistance remains the Law Scholarship Fund. This fund results from annual contributions by many friends and alumni of Notre Dame Law School. We are indeed fortunate that these contributions continue each year and continue to increase. The difficulty encountered is that the costs of legal education increase even more rapidly. Since our annual alumni fund is approximately half of that of comparable schools, we have ambitions of doubling that fund and thereby alleviating some of the financial aid difficulties.

The Law School maintains a Placement Office that is an integral part of its program. Its new director is Miss Amy Holobyn. Under her able and energetic direction, increasing numbers of prospective employers look to Notre Dame for their lawyer needs. The result is we continue to have good employment opportunities for the new Notre Dame Lawyer. This is notable because nationally, lawyer placement remains a problem. A voluntary national network of law school alumni is an integral part of this placement process and contributes significantly to the success it enjoys.

Once again there was a broad array of student activities pursued in conjunction with the Law School academic program:

The Notre Dame Lawyer, Anthony F. Earley, Jr., Editor-In-Chief, again published five issues in academic year 1978-79. A notable achievement of the Lawyer staff was a drive for increased subscription through the Notre Dame alumni, which proved highly successful and solved many of the financial problems of the Review.

The Journal of Legislation, with Dean A. Calland as Editor-In-Chief, published two volumes this past academic year. The second volume was subsidized by the Law School's White Center in recognition of the common areas of interest (public law) of the Center and the Journal.

The Moot Court Appellate Division participated in the regional competition held in Chicago. Final arguments at Notre Dame were judged by Justice Stevens of the United States Supreme Court, Chief Justice England of the Supreme Court of Florida, and Judge Kennedy of the Eastern Michigan Federal District Court. Competition winners were Paula J. Fulks and Mary Ellen Carpenter. The Moot Court Trial Division had representation in the Midwest Regional Competition. Award winners were James Mayotte, Karen Regan, David Evinger, and Rainell Rains. The Moot Court International Law Division participated in the Jessup International Moot Court Competition, taking the second place award. The team members were Monica Brown, Kenneth Kolstad, Rainell Rains and Mary St. Ville.

The Legal Aid and Defender Association, with Donald Brittnacher directing some fifty student participants, extended legal services to many deserving individuals and groups in the Southern Michigan and Northern Indiana areas.

The Student Bar Association, with Margaret Foran as President, provided effective student government in the Law School. An innovation inaugurated this past year was the Placement Interviewer/Student luncheon program which was very well received and will be continued.

Notre Dame participated with other national law schools in the Client Counseling Competition sponsored by the Law Student Division of the American Bar Association. Winning the school competition and representing Notre Dame beyond the school were Thomas Fitzgerald and John Vincent.

The Law School has established a fruitful relationship with the Christian Legal Society, "a fellowship of Christian lawyers, judges and law students committed to the integration of their professional lives with their Christian faith." Lynn R. Buzzard, Executive Director of the Society, spent the academic year 1978-79 as a first year law student. Professors Shaffer, Gaffney and Rodes addressed meetings of the Society. Dr. Buzzard and Professor Shaffer established a Christian Lawyers Forum, which has presented a series of lectures to the Law School community.

## *Faculty*

If one were to pick out any particular area, this would properly be called the year of the faculty. It became clear at the outset that if Notre Dame was to achieve its goal of leadership in the field of legal education, the faculty must point the way through its scholarly contributions. With regard to this objective of scholarship, Notre Dame faced a serious dilemma. First of all, our reputation has been built on teaching and we could not afford to sacrifice any quality in that area to provide the time necessary for writing or other forms of scholarship. Secondly, the faculty maintains an open door policy which means that it is constantly available to consult individually with students about the law. The entire atmosphere of the institution would be affected by converting consultation time to scholarship time.

We have made considerable progress toward relieving this time bind. Teaching loads have been reduced slightly so that teaching quality could be maintained but some time would be available for scholarship. More importantly we have eliminated the summer school and instituted a program to support faculty research in the summer. In the summers of 1978 and 1979 seven and eleven faculty members respectively were supported for research and writing in a broad range of subject areas. The results of these changes have been most satisfactory. During 1978-79, with a still relatively small faculty, 35 law review articles and 16 book length manuscripts were prepared. Nine of the articles have been accepted for publication in what are generally considered top legal journals. Eight of the books have either been published or accepted for publication by major publishers. This is a scholarly output of which any law faculty, whatever its size, would be justifiably proud. In addition there were two books and six articles prepared by the various Centers attached to the law school and numerous amicus briefs, opinions, congressional testimony and lectures produced by the faculty.

As usual members of the faculty served on numerous professional committees and gave a wide variety of invited lectures. Of particular note: Associate Professor Charles Crutchfield served as chairman of the University Committee on Research and Sponsored Programs, Associate Professor Bernard Dobranski was one of fifteen chosen nationally as a participant in the American Bar Association Arbitration Development Program. Professor Fernand N. Dutilleul served as vice president and director of the Legal Services Program of Indiana, Inc. Associate Professor Tang Thi Thanh Trai Le participated in both the Congress De L'Association Henri Capitant-Journees Louisianaises and the Franco-U.S.A. Conference on Comparative Law. Professor Charles Rice was a member of the American Friendship Delegation to Taiwan and served of counsel in a law suit by Senator Goldwater concerning the President's attempted invalidation of the mutual defense treaty of 1954. Professor Thomas Shaffer was the 'Or' Emet Lecturer at New York University, the Edward Rightor Lecturer at Loyola University and Chaired the Standards Review Committee of the Section on Legal Educa-



tion and Admissions to the Bar of the American Bar Association. During the last year I was privileged to chair both the American Bar Association President's Task Force on New Methods of Providing Quality Legal Services to Clients and the National Conference on Legal Education.

The second endowed Chair was established in the Law School during Academic Year 1978-79 and was designated the John N. Matthews Chair in Law. Professor Edward J. Murphy was named the Matthews Professor of Law. The Matthews Professorship was established by Notre Dame Trustee Donald J. Matthews, President of Johnson and Higgins of Texas, Incorporated, Dallas, in memory of his father, Captain John N. Matthews who died in 1970. Captain Matthews was a shipmaster who in 1929 founded his own marine cargo firm in New York City, the Universal Terminal and Stevedoring Corporation, from which he retired in 1957. A leading competitor in yacht racing, he captained the Vim in the America's Cup selection trials in 1958 while his son, a 1955 Notre Dame graduate, sailed on the Weatherly when it successfully defended the America's Cup in 1962. The younger Matthews was elected to the Notre Dame Board of Trustees in 1971. Professor Murphy had held the Thomas J. White Chair in Law since 1975. His appointment to the Matthews Chair reflects the relocation of the White Chair into the Thomas and Alberta White Center for Law, Government and Human Rights.

Governor John J. Gilligan has been designated the Thomas J. White Professor. The Thomas and Alberta White Center was established by Mr. and Mrs. Thomas J. White; Mr. White is President of a St. Louis, Missouri commercial and industrial real estate firm. The Center was set up to focus scholarly activity on the ethical implications of federal policy and to train lawyers for government service who possess a Christian commitment. Governor Gilligan brings extensive experience in both elected and appointed positions in government to the Thomas J. White Professorship. He is a 1942 graduate of Notre Dame. He received a masters degree from the University of Cincinnati and taught literature at Xavier University. He served six terms on the Cincinnati City Council, was elected to the U.S. House of Representatives, and was elected Governor of Ohio in 1970. His most recent position was Administrator of the Agency for International Development in Washington, D.C.

Professor James Seckinger has completed his year as a visitor at Cornell Law School and is returning to Notre Dame for Academic Year 1979-80. Professor Seckinger brings added stature to our Trial Advocacy Program, which is already widely recognized for its excellence, by having been appointed Director of the National Institute for Trial Advocacy.

Professor Thomas Shaffer will be on sabbatical for Academic Year 1979-80. He has been designated the Frances Lewis Scholar in Residence at Washington and Lee University Law School for fall semester 1979 and was awarded a Lilly Foundation Fellowship for spring semester 1980. This year off from teaching will allow scholarly research and writing in the field of legal counseling.

Associate Professor Rodolpho Sandoval was awarded the National Chicano Council on Higher Education Post-Doctoral Fellowship for fall semester 1979. This nationally recognized fellowship was the first to a law professor and will allow Professor Sandoval to do concentrated research and writing in the field of law and economics.

New faculty added for Academic Year 1978-79 were:

Reverend Michael D. McCafferty, C.S.C., graduated from the University of Notre Dame and the Notre Dame Law School. He was a trial attorney for the U.S. Equal Employment Opportunity Commission, Washington, D.C., and an associate in a leading Chicago law firm. In 1978 he received an LL.M. degree from the Harvard Law School. He assumed responsibility for the Law School's legal research and writing program and

in his first year made significant progress in revitalizing that most important element of the Law School curriculum. During the 1979-80 Academic Year he will teach first-year Torts.

Associate Professor J. Eric Smithburn, graduated from Indiana University School of Law. A practicing Indiana attorney, he served as County Court Judge for three years and taught part-time at Notre Dame before joining the faculty full time in 1978. He is a member of the faculties of the Indiana Judicial Center, National Judicial College and National College of Juvenile Justice located at the University of Nevada-Reno. He came as a visiting faculty member to substitute for Professor Seckinger who visited at Cornell Law School in Academic Year 1978-79. He has now been appointed to the regular teaching faculty to teach in the trial practice/advocacy and criminal law areas.

Other new faculty for Academic Year 1979-80 (in addition to Governor Gilligan) will be:

Professor William A. West was the first dean of the University of Reading, England Law School and served in that position for six years. A British barrister and graduate of the Inns of Court Law School, Professor West has taught at the University of London where he was Dean of the Department of Law of the College of Estate Management and he taught for the Notre Dame Program in London for several years. He is a leading expert on property law and the author of several books in that field.

Visiting Associate Professor Patricia Ann O'Hara graduated from Notre Dame Law School summa cum laude in 1974. Since that time she has been an associate with the firm of Brobeck, Phleger and Harrison in San Francisco. Her experience is in the area of general corporate practice, and in the Law School she will teach in the business and tax fields.

Visiting Assistant Professor Nancy Creagh graduated from Loyola Law School and received her masters in taxation at New York University Law School. She assisted with the teaching of Federal and Entity Tax in spring semester 1979 and will serve in this same capacity in the forthcoming fall semester.

## *Administration*

Notre Dame Law School functions with an administrative organization consisting of the Dean, two Assistant Deans, the two Center Directors, and the Law Librarian. The two additional professional positions are the Placement Director and Executive Secretary of the Notre Dame Law Association and the Coordinator of Admissions, Registration and Records. A staff of sixteen provides secretarial, administrative and library support. This is an unusually small administrative organization as compared with other law schools, but as noted by the American Bar Association visiting team, it is efficient, cohesive and well coordinated.

During the last year Professor Fernand Dutile resigned the assistant deanship in order to provide more time for his personal scholarship. We will miss Professor Dutile ("Tex") as part of the administrative team. He helped this administration at a time when help was greatly needed and served the law school well in many different ways. On the plus side, his return to full time faculty work can do nothing but enhance our faculty reputation.

Father Michael McCafferty, C.S.C., has been appointed assistant dean to replace Professor Dutile and has jurisdiction in the academic affairs area and will assume responsibility over alumni activities.

Administration of the Law School is made easier by the fact that coordination with and support from the University Administration is very high. The continuing progress toward our goals depends on such support.

Administrative areas which merit further development include liaison with alumni, integration of the Center activities and the Law School programs, and further continuing legal education programs.

## *Curriculum*

One of the early undertakings in my Deanship was a thorough review of the Law School curriculum. It had grown too diverse and unfocused through the proliferation of peripheral courses which permitted the student to graduate with less than a solid grounding in the fundamentals of law. There was the additional problem that the third year courses did not adequately challenge the student in the final year. An extensive review and analysis by the faculty resulted in the adoption of several major changes:

The semester hours required to graduate were increased from 84 to 90. Coupled with this was an abandonment of the option to graduate in two and a half years through attendance at summer school. The new requirement was 6 full semesters in residence.

The first year curriculum had traditionally been required. The remaining curriculum was elective although a number of courses were designated as "core" with the strong recommendation of the faculty that they be taken. The change adopted was to require these core courses with the overall effect of making two-thirds of the Law School curriculum required courses. The objective here was to insure that every Notre Dame lawyer was well schooled in the fundamentals by requiring courses in Evidence, Federal Taxation, Constitutional Law, Commerical Transactions, Business Associations, Property Settlement and Jurisprudence in addition to the traditional first year courses.

Comprehensive courses and programs were added and several peripheral courses were discontinued. The rationale for the comprehensive course is to prepare the student for the problem situation as it might be faced by the lawyer in practice. For example, materials which would have traditionally been offered in separate courses of Business Planning, Securities Regulation, and Tax Planning were combined into a single Business Comprehensive course. We believe this approach offers a more realistic education and a more challenging one to the budding lawyer. Four of these comprehensive courses are now offered — Business Law, Trial Advocacy, General Practice and Criminal Law. We find they require additional teaching resources but conclude that they provide a substantial improvement in the curriculum. We anticipate additional comprehensive course additions in the future.

This modified curriculum is now fully implemented. The class graduating in 1979 was the last to be exempt from some elements of the modified curriculum.

One element of the curriculum which requires still further development is the area of legal research and writing. The most frequently heard complaints in the legal fraternity are the inadequacies of new lawyers in legal communications. The ability to communicate effectively, both orally and in writing, is fundamental to the lawyer. The deficiency in this area is in no way exclusive to Notre Dame Law School. The law student, like all students in this era, is the victim of deficiencies in our educational system going back to the elementary school. Our problem is what to do about it at this level. There was marked improvement in our 1978-79 Research and Writing course under the direction of Father McCafferty with assistance of an adjunct teacher, a law librarian, and several third year law students. Commencing in academic year 1979-80 we intend to further augment this program by adding a basic writing element. The plan is to continue a writing tutorial for those students who cannot meet a basic standard of acceptance. We expect to continue to struggle with this particularly difficult problem.

## *Foreign Law Programs*

Notre Dame remains the only law school in the United States which offers study abroad for credit on both a summer school and year around basis.

The year abroad London program has been in continuous operation since 1968. Each year approximately 40 second-year students, who have successfully

completed all their first year courses, elect to study in England in course and seminar work under American and English teachers. Instruction is given in Notre Dame's own law center in Chelsea.

The director of the program is a regular member of the Notre Dame Law School faculty in residence in London. The director in academic year 1978-79 was Associate Professor Philip Postlewaite. Professor Postlewaite will again direct the program in academic year 1979-80. He is assisted in teaching by twelve English law professors from the schools in and about London and by one American lawyer living in London. All courses and instruction are in strict conformity to the standards of the American Bar Association.

In 1978-79, twelve of the students were from law schools other than Notre Dame. The remainder were Notre Dame Law School second-year students. Thirty-eight students have subscribed to the London Program for academic year 1979-80.

There are multiple advantages to the student in participating in the London Program. For the standard American courses, a comparative law element from one or more foreign systems is frequently added to the base of the American law. A significant portion of the curriculum consists of international and comparative law electives, such as public international law, common market law, and international regulation of trade and business. Students have the opportunity to observe and visit the Old Bailey, the Queen's Bench, the Court of Appeals, and the Judicial Committee of the House of Lords.

The London Centre has for the past several years operated on a former college campus in a building that is well suited for the purpose. However, this property is up for sale and relocation is under consideration. We are on the look out for property, but for academic year 1979-80 it is expected that the Centre will again operate in the Chelsea location.

The law school operated a summer program on international law in London under the direction of Associate Professor Bernard Dobranski. In cooperation with the Santa Clara Law School, we also offered a program at Tokyo University in Japan under the direction of Associate Professor Postlewaite.

All of our foreign programs continue to be highly successful and greatly complement our mission for the teaching of international law. We therefore intend to continue them in the foreseeable future and have tentative plans for expansion into other countries.

## *Physical Facilities & Library*

The Law School building is in excellent condition. It was completely renovated and modernized six years ago. The University annual survey system has worked well to achieve a high state of maintenance.

Teaching facilities are excellent. There is an audio-visual center located in the Law School with the capabilities for recording and projection in each classroom. The current AV equipment, although only a few years old, has become obsolete. We are most fortunate that a donor is planning a gift of AV equipment which will help update the facility.

The Law School was constructed to handle a maximum of approximately 400 students. Not only is our student population slightly in excess of that figure but, the several Centers discussed under the "National Law Programs" section of this report have resulted in a severe overcrowding of the existing facility. This cramped condition was underlined by the ABA Visiting Team:

. . . it does not have a sufficient number of offices to house the faculty and supporting staff. Indeed, some secretaries are situated temporarily (but on a more or less permanent basis) in passages and corridors. The library work areas are windowless and so cramped that they are completely unsuitable for the functions they are supposed to serve. Many stack areas in the library are so tightly packed that they do not permit convenient ingress or egress. The total stack space is also too small . . .

The only answer is increased space just as soon as possible. Since the Centers are a vital part of the Law School program and essential to the objective of impacting nationally on legal education and the legal profession, we must add to the current law building. A new wing has been designed and we are currently seeking a donor. I judge this to be the Law School's most severe problem and challenge of the moment.

A second most pressing problem is the infusion of new resources into the Law School library. The American Bar Association Visiting Team found that the law library met the standards for reaccreditation but required a substantial infusion of resources to augment the library holdings and the services provided. We have made marked progress in this area the past year. A major addition to the Academic Year 1978-79 budget assured the maintenance of the current holdings and a substantial increase in vital new additions. Also added was one library faculty position — a research librarian whose efforts are directed toward providing services to both the faculty and students. Additionally, the Academic Year 1979-80 library budget was increased by more than 20% after the normal inflationary increase. This will allow addition of important faculty resource material that simply could not be afforded on past budgets. Our objective is a continued orderly increase in library resources as we build toward a facility which will support the basic law school educational program, faculty research materials, and eventually an advanced degree program.

Additional space will eventually be needed for the library. This needed expansion is designed into the contemplated new construction described above.

## *Resources*

The Law School had a workable budget for Academic Year 1978-79 and the same can be said for the 1979-80 budget. I am pleased with the relationship established with the University administration in arriving at these budgets.

The American Bar Association Visiting Team stressed the need for increased resources, particularly in the Law Library and in faculty salaries and support, for the Law School to attain its goals. Additional funds have been committed to each of these areas for next year. Law School faculty salaries are not yet competitive with our peer schools. A rough estimate is that we are running about one year behind in the level of faculty salaries. The infusion of new funds into the Law Library is only a beginning in reaching the level of library resources necessary for the Law School to reach its objectives. It clearly will be necessary to increase the Law School budgets in succeeding years over and above the normal inflationary increase. We anticipate working with the university administration to this end.

The major capital resource need is the funding for the addition of a new wing to the law building. The requirement for increased space is discussed in more detail under the Physical Facility section of this report.

## *Alumni Activities*

Notre Dame Law School is indeed blessed with a strong, loyal and supportive alumni, numbering approximately 4,500. They are a mobile group and computerization of the alumni records has proved particularly helpful in ongoing communications.

The alumni are organized into the Notre Dame Law Association (NDLA). The NDLA is governed by a board of directors which meets annually at the Law School with Hugh McGuire, of Birmingham, Michigan as president. High on the agenda of this Board is a planned reorganization pointed toward increasing the effectiveness of alumni activities.

The primary strengths of the alumni support have been in the areas of financial contributions to the Annual Fund and the Law Scholarship Fund, assistance in placement of the Law School graduates, and the recruiting of prospective Law School students. The placement assistance has been effective through the aggressive efforts of a national network of alumni volunteers. The executive secretary of the NDLA, located at the Law School, working with alumnus Robert LeMense, has identified many new volunteers around the country to assist in this effort. It is particularly timely and helpful as lawyer placement is a problem for most law schools when viewed on a national scale. This placement effort is the most successful aspect of Alumni activities.

We can identify individual cases of some very effective student recruiting. Examples are Robert Greene of Buffalo and James Gillece, Jr. of Baltimore, each of whom has been personally instrumental in some very high quality students attending Notre Dame Law School in recent years. We believe there are additional alumni who would be pleased to and could be particularly helpful in this area. This will be discussed at the next NDLA meeting.

A major responsibility of the law association over the next few years will have to be in the area of fund raising. The alumni have been responsive and generous in their contributions but our annual fund is only about one half of that of comparable schools. In the face of ever rising costs we believe more can be done looking to the alumni for financial support. Since the law school is part of the Campaign for Notre Dame and alumni commitments to the annual fund will be counted as part of that Campaign, we believe a goal of doubling the annual fund is quite realistic.

The law school recognizes its responsibility to the alumni and intends increased communications through a Newsletter and an update of the Notre Dame Legal Directory in the forthcoming year.

## *National Law Programs*

A developing part of research and education at Notre Dame Law School are three Centers:

The Center for Civil Rights (to be renamed The Center for the Study of Human Rights)

The Thomas and Alberta White Center for Law, Government, and Human Rights

The Center for Constitutional Studies

The Center for Civil Rights was established in 1973. The other two commenced operation in Academic Year 1977-78. As noted by the American Bar Association Visiting Team, all three are "playing a significant role in expanding the research contribution of the Law School to national life, and are enriching the educational life of the school."

The Center for Civil Rights, under the directorship of Professor Donald Kommers, has evolved into a scholarly research institute of national importance. During Academic Year 1978-79 the Center embarked upon a major new civil rights study, completed two major projects carried over from 1977-78, sponsored several lectures, including the annual civil rights lectures for 1978 and 1979, co-sponsored three conferences, one of them in Chile, and published one book and

several articles. These programs and activities are discussed in some detail in the separate annual report for the Center for Civil Rights.

The White Center, under the direction of Associate Professor Kenneth Ripple, completed its first full year of operation in 1978-79. The Center was established to focus scholarly activities on the ethical implications of federal policy and to train lawyers for government service who possess a Christian commitment. The Center reached its first milestone in graduating eight White Scholars in May 1979. The multiple activities of the Center are reviewed in the separate annual report. Establishment of the White Center included the movement of the White Professorship into that Center, and search was begun for a distinguished person of national renown to be appointed to the Chair. Another major milestone for the Center was reached with the appointment of John J. Gilligan, former Governor of Ohio, as the White Professor in Law. Governor Gilligan will be a full-time faculty member with the White Center, commencing Academic Year 1979-80.

The Center for Constitutional Studies was operated within the Provost's Office during 1978-79. We are most pleased that the President and Provost have decided to put this Center within the jurisdiction of the Law School beginning this fall. This Center, which studies the impact of the law on higher education, will do much to enhance the reputation and intellectual life of the Law School.

A fourth national program will move into the Law School in academic year 1979-80. Professor James Seckinger has been appointed Director of the National Institute for Trial Advocacy and will center that program's activities at Notre Dame Law School, commencing fall 1979. The appointment of Professor Seckinger is a significant personal achievement attesting to his national leadership role in the field of trial advocacy and also brings added stature to Notre Dame Law School. The question of competence of lawyers in the trial field has become a national issue in recent years. The National Institute for Trial Advocacy is the single most influential organization attempting to deal with this problem on a national scale.

The rapid evolution of the Center concept has created the challenges of effective coordination and administration of the Centers, the integration of their activities into the educational program of the School, and adequate housing without physical separation from the Law School.

The continuing legal education program again hosted a capacity crowd for the Third Annual Estate Planning Institute. This program, directed by Professor Regis Campfield of the Southern Methodist law faculty, continues to attract some of the best speakers in the field and both the Institute and resulting publications bring fine compliments. Professor Campfield, although he has moved to Southern Methodist, has agreed to continue to direct these programs for Notre Dame.

## *Conclusion*

The Law School is now operating at a very favorable level and its reputation grows daily. We have already begun to take advantage of some of the strengths emphasized by the American Bar Association Visiting Team and have made major strides in clearing up some of the deficiencies. The Five Year Plan seems to have been a success in stabilizing and setting an overall direction for the law program. We are now able to consider that plan as having accomplished its purpose and during 1979 will develop a strategic plan for the Law School which will take us to new and exciting heights.

# Notre Dame Law School Faculty

## Academic Year 1979-80



Bauer



Booker



Boynton



Broden



Chroust



Cleveland



Creagh



Crutchfield



Dobranski



Dutile

**JOSEPH P. BAUER** is a graduate of the University of Pennsylvania and the Harvard Law School. He practiced with a large New York City law firm and taught at the University of Michigan Law School before joining the Notre Dame faculty in 1973. During the year 1975-76, he was director of the year-around law program in London.

**FRANK E. BOOKER**, a Missouri and Florida lawyer and a Duke law graduate, taught at Stetson University before he joined the Notre Dame faculty in 1968. He was the founding director of Notre Dame's English summer program and was director of the London year-around program. He was in private practice in Florida from 1970 to 1972, when he rejoined the faculty.

**CHARLES M. BOYNTON** is an expert in commercial and banking law who teaches the course in real estate transactions. He practices law in South Bend and is active in local civic and religious affairs. He is former chancellor of the Northern Indiana Diocese of the Episcopal Church, a Notre Dame law graduate and a former editor of the *Notre Dame Lawyer*.

**THOMAS F. BRODEN, JR.**, is director of the University's urban studies program and a part-time teacher in the Law School. He is an Indiana lawyer who has served in important community posts ranging from chairman of the South Bend Human Relations and Fair Employment Practices Commission to director of training and technical assistance for the Office of Economic Opportunity.

**ANTON-HERMANN CHROUST** is a distinguished scholar in classics, history of ancient philosophy and jurisprudence and a German and American lawyer as well. He holds law and graduate degrees from Harvard and from the universities of Wurzburg, Erlangen and Munich. He has taught at Notre Dame and Yale.

**GRANVILLE E. CLEVELAND**, assistant law librarian, is an Ohio native who attended Central State College in Wilberforce, Ohio. He has extensive experience as a librarian for bar associations in his home state and is, among other distinctions, a professional singer. Among varied activities, he served as chairman of the University's Black Student Affairs Committee.

**NANCY C. CREAGH** received her J.D. degree from Loyola University Law School in 1977 and LL.M. (in Taxation) from New York University Law School. She also holds a Master's in Business Administration degree from De Paul University. She is admitted to practice in Illinois, District of Columbia and Northern District of Illinois, Tax Court. She teaches in the tax field in the Law School.

**CHARLES F. CRUTCHFIELD** is a member of the Indiana Bar and a graduate of the Law School at Indiana University. He is a native Hoosier and a retired Air Force intelligence officer. He came to the Notre Dame faculty after eight years in the South Bend legal services offices, six of them as director. He is former president of the local chapter of the Urban League.

**BERNARD DOBRANSKI** is a graduate of the University of Virginia Law School and joined the faculty from Creighton Law School. His professional experience includes serving as Attorney Adviser for the National Labor Relations Board, a staff member of the President's Commission on Civil Disorders, Deputy Regional Counsel of the Office of Economic Opportunity, Administrative Assistant to a member of the U.S. House of Representatives, and General Counsel to the Washington Metropolitan area transit Commission. At Notre Dame he teaches courses in the labor field and administrative law. He directed the Notre Dame London Summer Program in 1977, 1978 and 1979.

**FERNAND N. DUTILE** graduated from Assumption College and the Notre Dame Law School and was articles editor of the *Notre Dame Lawyer* in 1964-65. He was an attorney in the Civil Rights Division, U.S. Department of Justice, and taught law at the Catholic University of America before returning to teach at Notre Dame in 1971.



# Notre Dame Law School Faculty

## Academic Year 1979-80

**PHILIP J. FACCENDA** is General Counsel of the University of Notre Dame and teaches in the area of corporate law. He earlier served as Vice President for Student Affairs, and in May of 1973 he was elected to the University's Board of Trustees. A 1952 Notre Dame mechanical engineering graduate and an Air Force veteran of the Korean conflict, he studied law at Loyola University, receiving the J.D. degree in 1957. He is Chairman of the Board of Directors of three business corporations, Chairman of the South Bend Crime Commission and Immediate Past President of the South Bend-Mishawaka Area Chamber of Commerce.

**KATHLEEN G. FARMANN**, member of the District of Columbia Bar, is the Law School's librarian. She was librarian for the Hawaiian Supreme Court and director of research services at Ohio State University before she joined the Notre Dame faculty in 1966.

**STANLEY L. FARMANN**, associate law librarian, holds degrees in Swedish and in library science. He was a professional librarian with the Washington State Library, Ohio State University and the University of Hawaii before he came to Notre Dame.

**EDWARD M. GAFFNEY, JR.**, is a graduate of the Catholic University of America Law School where he earned a J.D. and a M.A. in history. He also holds the LL.M. degree from Harvard Law School and the S.T.L. degree from the Gregorian University in Rome. He taught at Boston University Law School and a course on law and religion at Boston College. He is a member of the Washington, D.C., bar and worked with a public interest law firm representing municipal utilities. Before joining the Notre Dame faculty as Associate Director of the Center for Constitutional Studies, he served as an attorney-adviser on the policy staff of Attorneys General Levi and Bell.

**JOHN J. GILLIGAN** is a 1943 graduate of Notre Dame. After serving in the Navy, he received a master's degree in literature from the University of Cincinnati and taught at Xavier University. He served six terms on the Cincinnati City Council and was elected to the U.S. House of Representatives where he served one term. He was elected Governor of Ohio in 1970. He was a fellow at the Woodrow Wilson International Center for Scholars in Washington, D.C., and at the John F. Kennedy Institute of Politics at Harvard. He came to Notre Dame from the position of Administrator of the Agency for International Development.

**JOSEPH T. HELLING** is a practicing lawyer and senior partner of a law firm in South Bend. A graduate of Notre Dame and former editor of the *Law Review*, he is an adjunct professor and guest lecturer at Notre Dame, Purdue and Indiana University Extension in Estate Planning and Property Law. He is a member of the Real Property and Probate Sections, American State Bar and Local Bar Associations. He has extensive experience in estate and probate practice, both office and trial.

**CONRAD L. KELLENBERG**, a New York lawyer, was a legal officer in the Air Force and a private practitioner in New York City before he became a law teacher. He has taught at the University of London and at the University of East Africa, as well as at Notre Dame. He has served as Director of the Notre Dame Summer Law Program in London.

**CHARLES C. KIRKWOOD** graduated from Indiana University South Bend and received his juris doctor degree from Indiana University Law School in 1974. He completed his Master's in Library Science at Indiana University in 1978 and joined the Notre Dame Law School Library staff. He was appointed Staff Librarian in 1979.



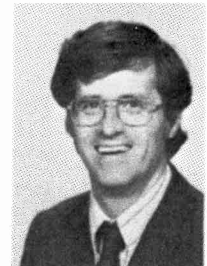
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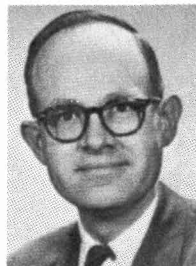
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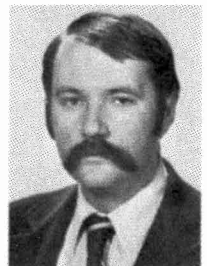
*Gilligan*



*Helling*



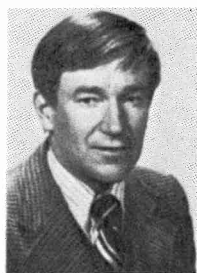
*Kellenberg*



*Kirkwood*

# Notre Dame Law School Faculty

## Academic Year 1979-80



Kommers



Kopczyński



Kopec



Le



Link



McCafferty



McLean



Moots

**DONALD P. KOMMERS** is Director of the Law School's Center for Civil Rights. The author of several books and articles on civil liberties, comparative constitutional law and German law and politics, he also teaches in the Department of Government and International Studies. More recently, he has been a scholar in residence at the West German Federal Constitutional Court, and an Alexander von Humboldt Fellow in the Law School of the University of Cologne.

**RITA M. KOPCZYŃSKI**, assistant librarian in the Center for Civil Rights, is a graduate of Saint Mary's College and holds a master's degree in Library Science from Simmons College, Boston. Former planner for the Historic Preservation Commission of South Bend and St. Joseph County, she is actively involved with the Justice and Peace Center in South Bend.

**NORMAN KOPEC**, a graduate of the University of Notre Dame and the Notre Dame Law School, was appointed judge of the St. Joseph Superior Court in 1965. He is a graduate of the National College for State Trial Judges and a teaching team member for the National Institute for Trial Advocacy. He is chief judge of a new and pioneer multiple court system for the State of Indiana which has received favorable comment from the Indiana State Bar Association, Indiana State Trial Judges Association and the Indiana Judicial Study Commission.

**TANG THI THANH TRAI LE** graduated from the University of Aix-Marseille, France (License en droit and Docteur en droit), the University of Chicago (Ph.D. in political science) and the Notre Dame Law School. She was professor of law at the Universities of Hue, Saigon and Dalat, dean of the Hue Law School, member of the Central Vietnam Bar and the Saigon Bar, and senior partner in an international law firm in Saigon. Her publications include *Doing Business in Vietnam: Legal and Commercial Considerations; Trademarks, Patents & Copyrights in Vietnam; India in the British Commonwealth*, and *American Policy and the Vietnamese Revolution*. Professor Le joined the Notre Dame faculty in the fall of 1977.

**DAVID T. LINK**, the dean, is a Notre Dame graduate and a graduate of the Notre Dame Law School. He is an Ohio and Illinois lawyer, chairman of the American Bar Association Committee on Economics of Law Practice, and a former attorney and administrator in the Internal Revenue Service. He was senior partner in a large Chicago firm before joining the faculty in 1970.

**REV. MICHAEL D. McCAFFERTY, C.S.C.**, is a graduate of the University of Notre Dame and the Notre Dame Law School. He was a trial attorney for the U.S. Equal Employment Opportunity Commission, Washington, D.C., and an associate in a leading Chicago law firm. He returned to Notre Dame in 1978 after having received an LL.M. degree from the Harvard Law School.

**WILLIAM O. McLEAN** is a retired-career Naval Officer. He holds master's degrees in school administration from Notre Dame, International Affairs from George Washington University and is a graduate of the Naval War College. He was a member of the United States Delegation in the Strategic Arms Limitations Talks (SALT) during the period 1969-72, negotiations which culminated in the nuclear arms agreements currently in effect.

**PHILIP R. MOOTS** is a graduate of Ohio State University and came to Notre Dame from his own law firm in Columbus, Ohio. His professional experience includes a partnership in a leading law firm in Columbus, and an executive assistant to Ohio Governor John Gilligan from 1972 to 1975. He joined Notre Dame as Director of the Center for Constitutional Studies in the fall of 1977.

**EDWARD J. MURPHY** came to Notre Dame from a clerkship on the Illinois Supreme Court and a law practice in Springfield, Ill. He was president of his Student Bar Association, winner of the moot court competition, and an editor of the *Illinois Law Forum* at the University of Illinois. He is co-author of *Studies in Contract Law*, a widely used casebook for first-year law students. In 1971, he served as acting dean of the Notre Dame Law School and in 1974 was director of the Summer Law Program in Japan. In

# Notre Dame Law School Faculty

## Academic Year 1979-80

1975 he was appointed to the University's first endowed chair in law, the Thomas J. White Professorship. In 1979 he became the John N. Matthews Professor of Law.

**PATRICIA O'HARA** graduated Summa Cum Laude from Notre Dame Law School in 1974. She joined the San Francisco law firm of Brobeck, Phelger and Harrison as associate, practicing in the General Corporate area. She is a member of the California State Bar, the Federal Bar for the Northern and Central Districts of California, and the United States Court of Appeals, Ninth Circuit. She returned to join the faculty in 1979, teaching in the tax and business fields.

**JOSEPH O'MEARA** was dean of the Law School for 16 years prior to his retirement in 1968. He now serves as a part-time volunteer in the St. Joseph County Legal Services Program. The University awarded Dean O'Meara an honorary doctor of laws degree in 1969.

**PHILIP F. POSTLEWAITE** graduated from University of California at Berkeley Law School in 1970 and attended New York University Graduate Tax Program receiving an LL.M. in taxation. From 1971-73 he was a member of the graduate tax faculty at New York University and taught various tax law courses. From 1973-76 he practiced law in Seattle with Bogle and Gates and had previously practiced in 1970 with Foley and Lardner in Milwaukee, Wis.

**CHARLES E. RICE** came to Notre Dame in 1969 after nearly a decade on the law faculty at Fordham. He is a New York lawyer and holds degrees from Holy Cross, Boston College and New York University. He was a leader in state government in New York and is the author of four books on constitutional law. He was acting associate dean of the Law School in 1970-71 and currently teaches constitutional law, torts and jurisprudence.

**KENNETH F. RIPPLE** came to Notre Dame from the position of Special Assistant to the Chief Justice of the United States. His earlier professional experience includes service as the Legal Officer of the U.S. Supreme Court and

as an attorney in the Office of the General Counsel of International Business Machines Corporation. He also served with special distinction as an appellate attorney and as a branch head for the Judge Advocate General of the Navy. A graduate of Fordham University, he holds a law degree from the University of Virginia and an advanced degree in administrative law-economic regulation from the National Law Center of the George Washington University. He is admitted to practice in Virginia, New York and the District of Columbia. At Notre Dame he teaches constitutional law and conflict of laws and is director of the Thomas and Alberta White Center for Law, Government and Human Rights. He is also Reporter to the Advisory Committee on Federal Appellate Rules of Procedure.

**ROBERT E. RODES, JR.**, was Notre Dame's resident faculty member at the University of London for 1970-71. He is a graduate of Brown University and of the Harvard Law School and a member of the bar in Massachusetts, New Jersey and Indiana. He has written extensively on jurisprudence, ecclesiastical history and church-state relations.

**RODOLPHO SANDOVAL** is a graduate of San Antonio College, Texas A & I, Texas Southern School of Law, M.C.L., Notre Dame graduate school and Harvard Law School. He was editor-in-chief of the T.S.U. *Law Review* and a White House Fellow National Finalist in 1974-75 and 1978-79. He served as advisor to the Republic of Vietnam and Korea. In 1973 he worked with the Attorney General of Texas and has taught at the University of San Diego Law School in California and at the Instituto Tecnológico y Estudios Superiores De Occidente in Guadalajara, Jalisco, Mexico. He is on the Executive Board of the American Association of Law Schools, Minority Section. He has compiled *Sandoval's Materials on Consumer Law* and *Sandoval's Materials on Mexico-United States Comparative Commercial Law*.



Murphy



O'Hara



O'Meara



Postlewaite



Rice



Ripple



Rodes



Sandoval

# Notre Dame Law School Faculty

## Academic Year 1979-80



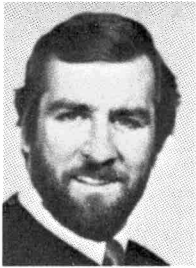
Seckinger



Shaffer



Singer



Smithburn



Soderquist



Thornton



Watkins



West

**JAMES H. SECKINGER** is a Colorado lawyer with degrees from St. John (Minn.), Vanderbilt and the Notre Dame Law School where he was articles editor of the *Notre Dame Lawyer*. He was a law clerk in the U.S. District Court in Denver, a Reginald Heber Smith Fellow in the Denver legal services program, and a chief deputy in the Denver district attorney's office before joining the faculty. He is Director and a faculty member of the National Institute for Trial Advocacy. He is co-author of *Problems and Cases in Trial Advocacy*, which is widely used in both law school and continuing legal education trial advocacy courses. He was on leave for the 1978-79 academic year as a visiting professor at the Cornell Law School.

**THOMAS L. SHAFFER**, a Colorado native and Indiana lawyer, was editor-in-chief of the *Notre Dame Lawyer* when he was a law student here. He was dean of the Law School from 1971 to 1975 and has served as visiting professor at U.C.L.A. and at the University of Virginia. He writes and teaches in the wills-trusts and law-psychology areas, and is a member of the Executive Committee of the Association of American Law Schools. He is the Frances Lewis Scholar in Residence at Washington and Lee University Law School during the fall semester of 1979. His published books include *Death, Property, and Lawyers* (1970), *The Planning and Drafting of Wills and Trusts* (1972), and *Legal Interviewing and Counseling* (1976).

**THOMAS H. SINGER** is a partner in the South Bend law firm of Lysohir and Singer. He received his law degree from the University of Michigan in 1959. He is active in many local, state and national trial lawyers' activities and serves on the faculty of the National Institute for Trial Advocacy. He has assisted Notre Dame Law School in the areas of trial practice and trial advocacy since 1975.

**J. ERIC SMITHBURN** is a graduate of Indiana University and Indiana University School of Law. A practicing Indiana attorney, he served as Marshall County Court Judge in Plymouth, Ind. for three years and taught part time at Notre Dame for one year before joining the faculty full time in 1978. He is a member of the faculties of the Indiana Judicial Center, National Judicial College and National College of Juvenile Justice located at the University of Nevada-Reno. He is a member of the Juvenile Justice Division of the Indiana Judicial Study Commission.

**LARRY D. SODERQUIST** is a graduate of Harvard Law School and a member of the New York Bar. He practiced corporation law with a leading Wall Street firm before joining the faculty in 1976.

**PETER W. THORNTON** came from New York to join the Notre Dame faculty in 1968 after teaching 22 years at his alma mater, Brooklyn Law School. He left for Florida in 1973 to become the founding dean of Nova University Law Center. He rejoined the Notre Dame faculty in 1976 and spent two years as director of the Notre Dame London Law Centre before returning to the home campus.

**SUSAN E. WATKINS**, staff librarian, received her J.D. from Dickinson School of Law and is a member of the Pennsylvania Bar. After working in the Contract Administration Office of International Business Machines-Federal Systems Division, she received a master's degree in librarianship from the State University of New York.

**WILLIAM A. WEST**, born in Scotland, graduated from King's College, London University, with LL.B. and LL.M. degrees, and is Barrister of Gray's Inn. Writer of many books and articles, he is the first professor of law and founder of law degrees at Reading University. He has taught at the Notre Dame summer program and year-round program in London since 1973. His special subjects include real property, land use planning and torts affecting land.

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