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NOTRE
DAME

LAWYER

Spring 2004

Fall 2004 NDLS Continuing Legal Education Programs



This fall, the Notre Dame Law School will host Continuing Legal Education programs on five home football weekends.

Continuing Legal Education Program Information:

- All programs feature two hours of CLE credit: one hour of ethics and one hour of general CLE credit.
- Credit will be secured in whatever states participants require.
- All programs run from 8:00 a.m. to 10:00 a.m. in the Law School.
- The registration fee of \$50 includes a continental breakfast beginning at 7:30 a.m.

September 25, 2004

Notre Dame vs. Washington

October 2, 2004

Notre Dame vs. Purdue

October 9, 2004

Notre Dame vs. Stanford

October 23, 2004

Notre Dame vs. Boston College

November 13, 2004

Notre Dame vs. Pittsburgh

Who May Attend:

- Anyone, whether or not a graduate of the Notre Dame Law School.

For More Information:

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NOTRE DAME LAWYER

Spring 2004



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Bangladesh Journal

Page 4



- 3 **FROM THE DEAN**
- 4 Bangladesh Journal
- 10 Catholic and American: Using Catholic Social Teaching for a Critical Look at American Law and Culture
- 12 The History of "Pollution"
- 14 Hope on Howard Street
- 16 Is Marriage the Government's Business?
- 20 Lord Goff—This Year's Clynes Visiting Chair
- 21 **FACULTY NOTES**
 - Thomas Invited to the Frye Leadership Institute
 - Carol Mooney Named President at St. Mary's
 - Law &...: An Interdisciplinary Colloquium Series
 - Méndez Sworn in as U.S. Citizen
 - Irish Consul General Speaks at Notre Dame Law School
- 26 Tribute to Barbara Link
- 28 **ADMINISTRATOR AND STAFF NOTES**
 - New Director of External Relations Joins Staff
 - Career Services Office Welcomes New Assistant Director
- 29 **STUDENT NOTES**
 - Federalist Society Members Attend Symposium
 - BLSA Sponsors Blood Drive
 - Law School Moot Court Team Reaches Final Four
 - 54th Annual Showcase Argument
 - *Notre Dame Law Review* Hosts Symposium on Laws of War
 - 1L Orientation and Service Projects
 - IrishLaw Sports Report
- 32 **News from the Kresge Law Library**
 - Library's 600,000th Volume Is Small Stuff
 - Law Library Conference Held in October
- 34 **Center for Civil and Human Rights**
 - Projects Supporting International Justice
 - A Center for Universal Rights
- 35 **News from Development**
 - Rita Bahr Cari Scholarship Fund Established
 - Matt McKinney Joins Development Staff
- 36 **News from the Notre Dame Law Association**
 - Letter from the NDLA President
 - Alumni-Funded Fellowships
- 38 **ALUMNI NOTES**
 - Beauchamp Named As President
 - McCartan Re-elected As Chairman
 - Marriages
 - New Additions
 - In Memoriam
- 42 **News from the Admissions Office**
- 45 **News from the Career Services Office**
 - Alumni Key to Career Services Success



FROM THE DEAN

Yet again, this issue of the magazine illustrates the sweep of the activities at the Law School—a sweep with a swath that has both a literal dimension and an intellectual one. The centerpiece of this issue is Professor Terry Phelps’ diary of her trip to Bangladesh. With its striking photographs, the diary reveals the complex interrelationships between the academic work we do on campus and the impact we have across the globe. In Terry’s case, her long-standing interest in women’s rights has literally reached around the globe, through the work of her former J.S.D. student, Faustina Pereira. With this trip, Terry has closed the circle by traveling to Bangladesh to speak about her own work on truth commissions, to be published in Terry’s forthcoming book, *Shattered Voices*.

Two shorter pieces provide additional illustrations of the richness of the interdisciplinary interrelationships that are being explored by our faculty. Just as Terry’s work has received a significant mark of respect by being accepted for publication by a university press, so too has Professor John Nagle’s insightful work on the concept of pollution. John’s preview of his forthcoming book, *The Many Faces of Pollution*, shows how a full understanding of the concept “pollution” can help bring the power of law to bear on improving the world in which we live, a world that has both human-created and naturally existing environments. The second of the shorter pieces, this one by Professor Vince Rougeau, reveals an intellectual pursuit in an earlier stage on the path toward publication. Yet, just as Terry and John have profited from thinking outside traditional academic boundaries, so Vince has sought to bring a new analytical tool to bear on familiar legal issues. In Vince’s case, the tool is actually a very old one, Catholic social thought. But the application is new in its effort to provide an alternative vision of the common good. And Vince, like Terry, reflects on the manner in which concepts transcend national boundaries, emphasizing again that the work we do in our small part of Indiana can (and should) reach across the world.



On the staff side, we are excited about the arrival of Carol Jambor-Smith. Carol began work as Director for External Relations in mid-February. She brings extensive experience in communications, including a Ph.D. in English from

Iowa, to her responsibilities for the Law School’s publications and for coordinating relations with alumni. Over the coming months, I expect that Carol will enable us to make significant enhancements in our relationships with alumni and other friends, expanding yet further the impact of the work we do at the Law School.

In the midst of the excitement, there is sadness. All of us at the Law School will miss Barbara Link, a loss shared by anyone who has been associated with the Law School for any part of the past 40 years. From their earliest days at Notre Dame, Barbara and Dave were at the center of the community that defines our life together. Barbara never ceased in her efforts to embrace everyone as part of that community. Even in unofficial emerita status, she remained the first lady of Notre Dame Law School. We shall all miss her greatly.

A handwritten signature in cursive script that reads "Patricia A. O'Hara".

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

BANGLADESH JOURNAL

by Teresa Godwin Phelps, Professor of Law



*Note: In early February 2004, I traveled to Bangladesh to give two lectures and to visit my former doctoral student, Faustina Pereira. Her dissertation, which I directed, has become a prize-winning book, *The Fractured Scales*. Faustina now works for Ain o Salish Kendra (ASK), a human rights NGO in Dhaka, and I was eager to see her work.*

And so, on Saturday evening, February 7, after an afternoon at the Lyric Opera in Chicago, I boarded a British Airlines plane to begin the journey. Two days later I arrived. The following article consists of excerpts from the journal I kept during my visit.

Monday, February 9

6 a.m.

Worst fears realized! After two back-to-back overnight flights and 30 hours of traveling, I arrive half an hour early at the Dhaka airport and there's no one to meet me. I know from long experience that a woman traveling alone should try to look as if she always knows what she's doing, so I paste a confident look on my face and push my luggage cart up and down, hoping someone will recognize me. I'm certainly obvious enough, with my fair hair, blue eyes, and bright blue Ralph Lauren jacket. Men in skirts (a *lungi*, I learn) and headscarves approach me: "You take my cab?" "You go to Sheraton? Good hotel." I keep shaking my head, trying to remember if a head shake means no in Bangladesh.

After about five minutes (that feels like five hours), an anxious young man (not in a skirt) rushes up to me. "I'm so sorry! Your flight was early and there's so much construction!" Faustina's cousin has come to fetch me and take me to my hosts' house.

I am staying with friends of David Burrell: Kamal and Hameeda Hossain. David has told me only that Kamal went to Notre Dame in the '50s, read law at Oxford, is a distinguished lawyer and statesman, and was one of the architects of the Bangladeshi constitution. Hameeda, also Oxford-educated, has been a women's rights activist in Bangladesh for years and is one of the founders of ASK. And, they've agreed to put me up for the week.

Monday, February 9

3 p.m.

Hameeda could not have been more gracious welcoming a complete stranger into her home. I took a much-needed shower, joined her and Kamal for a little breakfast, and fell into bed for a nap. Ronny, a young colleague of Faustina's from ASK, picks me up to visit the Liberation War Museum. I will be speaking here on Saturday; apparently there is a great deal of interest in the possibility of a truth report for Bangladesh, so I'll be discussing part of my new book, *Shattered Voices*.

On the way to the museum, I experience the infamous Dhaka traffic for the first time as the serenity of the Hossains' house quickly gives way to the cacophonous Dhaka streets. Pedestrians, bicycle-driven rickshaws, CNGs, cars, trucks, and buses all vie for space, with no traffic rules in evidence. Ronny explains that the traffic is actually light as it is the end of Eid, a religious holiday.

The museum, privately funded, chronicles the 1971 War of Independence, in which Bengali East Pakistan seceded from its union with Pakistan, declaring itself a new country—Bangladesh. The dispute was largely over language: Pakistan had chosen Urdu as its official language, leaving the Bangla-speaking Bengalis that make up today's Bangladesh feeling unrepresented. Bangladesh (literally "Bangla place") is the creation of a bloody liberation war, during which many war crimes were committed, including ethnic cleansing and genocide. Much of this brutality was perpetrated by the invading Pakistani army on an unarmed population.

Arrows on the museum floor guide me through the displays of newspaper reports and graphic photographs that depict the atrocities of the invaders and the bravery of the resisting citizens, many of them villagers who took up rudimentary arms. The museum is small but powerful and I walk through slowly and silently. Although the international press did report on this war to some extent, very few, including me, know much about the creation of Bangladesh, certainly not about the level of brutality that was endured. Ronny tells me that some efforts have been made to reckon with the past, but there is great concern that the story will go untold; additionally, former collaborators have never been brought to justice or even exposed and some are even in government office. Hence the interest in some sort of truth commission.

Tuesday, February 10

9 a.m.

Faustina does not intend that I see this trip as a vacation. My schedule for today is jammed, with visits to government officials and ASK programs, and ends with the official dinner at Notre Dame College for the celebration of 150 years of the presence of the Holy Cross Order's ministry here. The day begins with a visit to Mahmuda Islam at the Ministry of Women's and Children's Affairs. The elevator is not working, and we climb eight floors to the office. Faustina apologizes and I joke that I see the climb as replacing a visit to the gym. As I talk with Dr. Islam and receive an armful of brochures, any misconceptions I might have had about people in countries such as Bangladesh lagging behind the West in attention to women's issues quickly disappear. Dr. Islam's project, PLAGE (Policy Leadership and Advocacy for Gender Equality), leaves few stones of sexism unturned. The relationship between a country's overall well-being and the status of its women is clear and drives many of the project's initiatives: mainstreaming women into the country's economic sector; supporting women's entrepreneurship; developing policies that dismantle the obstacles to women setting up businesses; focusing attention on problems that women face, such as violence, that prevent them from becoming economically independent; and many, many more. The level of knowledge and sophistication about the multiple factors that keep women oppressed surpasses that of many Americans who tend to think that applying formal equality is all that women need. I am impressed—and humbled.

Next, I visit with Sultana Kamal, the executive director of ASK; I will see a good deal of this lovely woman before the week is out. Sultana's office is a former closet and she explains that the philosophy of ASK includes giving over most of the space to the clients' needs, rather than to the staff's. She introduces me to a group sitting on the floor waiting to give me an overview of ASK's many projects. ASK's goal is to facilitate access to justice, particularly for the poor and excluded, primarily women. It works on multiple levels—research, education, advocacy, mediation, and support—and spreads its work from the capital to the villages by partnerships with local NGOs. Its staff, many of whom I meet in this room and throughout the building, are young, committed, and enthusiastic.

...any misconceptions I might have had about people in countries such as Bangladesh lagging behind the West in attention to women's issues quickly disappear.

After lunch with Faustina, Sultana, and Hameeda, I risk the Dhaka traffic once more to visit a drop-in school for working children and a halfway home for victims of domestic violence. We stop at the end of a main street and I'm directed to climb into a nearby rickshaw—my first rickshaw ride thus occurs without warning or fanfare. The rickshaw is required because the drop-in school is in a poor neighborhood with narrow rutted streets that a car can't negotiate, near where the children live and work so they can attend whenever they have time. "Working children"—the very phrase dismays me, but my two ASK guides try to explain to me that my Western view is simply wrong. These children have to work; their families are so poor they would starve without the money that the children bring in. Besides, if these children don't work, their lives will not automatically become good and sheltered (my own grandchildren's faces dance before me). The situation of the poor in Bangladesh is so dire that if these children cannot work legally, they will be driven into underground jobs, such as prostitution. I will hear this argument again and again during my stay and every fiber of me tries to resist it. Every Bangladeshi I meet—the most liberal, bleeding-heart do-gooders—shares my guides' opinion, some even going so far as to demonstrate against the Harkin Bill (see www.banglarights.net).

At the school, my heart breaks and bleeds. These beautiful, friendly children line up eagerly to tell me their names and what they do. "This one is a garbage collector; this one an assistant in a tea shop." I watch a class in which the children are as engaged as any American school children I've ever seen. The purpose of the school is to provide a place where the children can receive an education even if they work. They can drop in when they're not working; they don't get in trouble if they're tardy or absent. The teachers work around the children's sched-

ules, doing what they can in the time they have. The walls are decorated, as in any school, with colorful children's artwork. My worldview shifts forever.

Wednesday, February 11

11 a.m.

I am delivering the first of my two official lectures, this one called "Improving Women's Lives: How Much Can (and Should) the Law Do?" My talk was moved up a day and away from the university because of a *hartal*, a general strike, tomorrow. Earlier, as I donned my usual suit jacket for the talk, I realized that I haven't seen a single woman in Western dress. Older women wear saris and younger women—including Faustina, Sara (the Hossains' 30-something Oxford-educated barrister daughter) and all the female staff at ASK—wear a *salwar kameez*, a long tunic worn over baggy pants topped with a long scarf.

I begin my talk by saying that a few years ago I would have thought that a woman like me, a Western feminist, has no business discussing women's rights with women in Bangladesh, that such a discussion was a feminist version of Western imperialism. But I had changed my mind and my two short days in Bangladesh had further convinced me that oppression against women knows no borders. Women in America, just like women in Bangladesh, suffer from "traditions" that perpetuate violence against women and continue women's economic marginalization. We should come together and insist on justice for all the world's women, not remain fragmented by fears of "imperialism."

My audience is sizable and composed of both women and men. The formal question-and-discussion period is lively and informative. A Dhaka university student approaches me during the reception that follows my talk with a story about sexual harassment at the university. The university failed to support the complaining student, and a group of women students are at a loss as to how to get redress. This could so easily be a conversation with one of my own students, who often experience all the same obstacles.

Women in America, just like women in Bangladesh, suffer from "traditions" that perpetuate violence against women and continue women's economic marginalization.



Wednesday, February 11

2 p.m.

My taskmistress Faustina allowed me a quick lunch after my talk and herded me into a car for a two-day trip to Kushtia, a village in the Khulna Division of the country. It will take us five hours to get there, including a ferry ride across the Patna (called the Ganges in India), and we must arrive before dark. Tomorrow there is the *hartal*, and no cars are supposed to be on the road. We are joined by Mothar Akand from ASK's Popular Theatre Unit. I am particularly interested in seeing ASK's version of popular theater, as I've been researching popular theater as part of my next book project.

On the way to Kushtia, we stop at a BRAC (Bangladesh Rural Advancement Committee—the largest NGO in the world) office, mainly to use the restrooms. But we cannot leave without a brief tour and tea, a seemingly requisite ceremony for the hospitable Bangladeshis wherever I go. At BRAC, village women are engaged in making textiles and clothing for sale at Aarong, a large store in Dhaka. Along with this skill-development work, BRAC's activities include a variety of development work, including micro-credit and health care. It's best known for its nonformal primary education system that has over 30,000 schools operating in the poorest sectors of the country, enabling destitute rural children to become educated.

Wednesday, February 11

8 p.m.

I have crossed the Patna by ferry and been taken with Faustina and Mothar to our lodgings in a school dormitory, which is more than adequate but slightly rudimentary, with no hot water and with mosquito nets draping the narrow beds. Two ASK fieldworkers have joined us, Nazly and Zahirul. During a quick dinner at a Kushtia restaurant, I told Zahirul that he reminds me of Johnny Depp (a little in looks but more in a certain likable quirkiness)—so “Jonny Dep” he becomes for the rest of my trip.

Now after dinner, Zahirul takes us to a gathering of disciples of Lalon Shah, a revered guru, singer, and composer who was born in Kushtia in the 18th century. We sit on the floor of this center dedicated to Lalon, a humanist who rejected all distinctions of caste and creed, listening to a group of young men play instruments and sing incredibly lovely and haunting songs. It is only three days into this trip and I am already close to overwhelmed by new experiences, new people, new outlooks. But I have little time for reverie; tomorrow is the *hartal*, and because no cars may be on the road, we must travel to our many visits in this area by rickshaw and walking. I need a good night's sleep.

Thursday, February 12

9:30 a.m.

“Jonny Dep” has scurried around the village to find us (me, primarily) coffee, a task he has claimed as his own (on the ferry ride on the way back to Dhaka, he will show up with coffee service for us all). Less than an hour later, I am watching school children (ages 8 to 12) perform a play that they have written as part of the School Theatre Team project. The school is closed because of the *hartal*, but the children have come to school anyway because they want us to see their play. As soon as we walked in the room, the children rushed up to Mothar, hugged him, and demanded to know why he hadn't answered their letters. It's clear they love him and that for him this project is not just his job. I see this attitude over and over again in ASK workers: their hearts are in what they do and they reach out with love to the people with whom they work.

The play has two parts. The first part depicts a sick, coughing mother lying on the floor with a concerned child hovering nearby. The child goes to get a doctor, but the doctor says he won't come without being paid. “But I have no money and my mother is dying,” the child says. The “doctor” shakes his head and folds his arms. The child returns to the dying mother and promises, “on her head,” that when she grows up she will see to it that no one is denied medical care because of lack of money.

The second part depicts a child marriage. A broker comes to arrange a marriage for a young girl, but other family members and neighbors object and harass the broker. “How would you like it if she was your daughter, or your sister?” The broker is driven away and everyone celebrates.





ASK's Popular Theatre Unit is designed to educate people in the rural areas about their rights and about the law, and is particularly directed at

changing people's perceptions

about women's rights. After the play, Mothar, Nazly, and Zahirul engage the children in a discussion about the issues raised by the play. The children, boys and girls, earnestly discuss how important it is that girls stay in school and get an education. They talk about how boys shouldn't harass girls on the streets, how girls should have more freedom and shouldn't be forced into marriage ever, let alone at 14.

They are very curious about me, asking me where I'm from in surprisingly good English. I say "Chicago" and hold up my hands to form the coasts of United States and point to the middle. They want to know how I like Bangladesh ("very much") and if I will come back ("sometime, I promise").

Thursday, February 12

2 p.m.

We have crossed the Gorai River on a small boat on which we had to stand and climbed on flatbed bicycle-driven rickshaws that take us to a small village outside the town. We are meeting with union groups (brought together by Mukti, the partner NGO in Kushtia) in a tin assembly hall where people have gathered to plan activism about gender and social justice. Of particular concern are *fatwas*, which are illegal but nonetheless issued against women who break rigid social mores, who somehow step outside their "proper" roles. And the custom of *salish*, village mediation of disputes over which a local *iman* presides, is a good idea in theory but in practice often brutal and patriarchal. The room is very, very hot and people speak heatedly and too fast for Faustina to translate fully for me, but the zeal in this stifling room needs no translation. "He is talking about how his friends have ostracized him for his stands," Faustina whispers to me, "but he says that he has found new friends in this room." What surprises me is that there are as many men as women; gender justice is not just a women's issue in Bangladesh (perhaps they'll come to give a talk on campus).

We walk about a mile on dusty roads to an even smaller village where I can meet with village women who have received microloans from Mukti, a project modeled on but separate from the renowned Grameen Bank loan program. Faustina translates my questions and I learn how much money they borrow (up to 5,000 takas—about \$90), what the conditions are (they must have some small savings, they must repay on a schedule and with interest, and they are part of a group of women who work out the loans together), and what they use the money for (to buy some chickens to raise, to buy a rickshaw, to start a small textile business). "I'm not sure how you should say this," I say to Faustina, "but I'd like to know how having this money, this economic independence, makes them feel." Faustina speaks in Bangla and the women's faces light up and they all want to talk at once. This question has hit a nerve and their replies make it clear that having money and a business of their own has changed their lives, drastically altered the way they see themselves. "But there are problems," one woman says, laughing. "My mother did everything my father told her to do, and they never argued. But I have opinions of my own, and my husband and I argue all the time." All the women laugh and nod their heads, joining in the general merriment that signals this radical transformation of women's lives in a single generation.

Thursday, February 12

6 p.m.

We have traveled for an hour on another rickshaw to still another village to see a performance of the Popular Theatre. This group of adult amateur actors performs in a crowded village square. We sit on chairs opposite the improvised stage, children sit in front of me, the village women stand on the left, the men on the right. The place is mobbed. This play is about a dowry killing; the girl's father mortgages all he owns to finally make the dowry payment, but, alas, too late—his daughter has already been killed by her husband because he has failed to pay on time. It's a bit comical, and people laugh at the wrong times; yet the discussion afterwards is rowdy and serious. "Jonny Dep" steps into the center of the gathering, spreads his arms dramatically, and asks for silence. He then focuses the discussion on the issue. The villagers are not shy, and opinions abound. He then calls on a surprised Faustina, "the lawyer," to say something. Faustina takes his place in the middle, talks in Bangla for a brief period, and has the villagers repeat a phrase several times. Later she tells me that she had them state the law, that the "giving of or asking for dowry is against the law."



Saturday, February 14

6 p.m.

Another *hartal* today has forced the cancellation of some of my visits—to Mother Teresa’s home and to Holy Cross School and College. (Thursday’s *hartal* resulted in some violence in Dhaka and the opposition’s action to topple the government is getting serious.) My talk on truth commissions at the Liberation War Museum has been moved from 4:30 to 6, when the *hartal* ends, so that people can get there. Hameeda and Sara Hossein have been on the phone all day, calling people about the new time, and are worried that there won’t be much of an audience because of the last-minute change and the anxiety about being on the streets that the *hartal* produces.

They ask me to wait until 6:15 before starting; by 6:10 the room is filled to overflowing. There are journalists, academics, activists, all sorts brought together in the hope of hearing something that can lead to Bangladesh’s accounting for the past. I summarize my findings about the value of truth commissions and the drawbacks, and I talk a little about the four reports I analyzed for *Shattered Voices*. My talk is fine, but the discussion that follows is mesmerizing and contentious. It’s obvious that something must be done, but very little agreement as to what. I am exhilarated because this discussion moves my work in a new and fascinating direction. Cameras flash and reporters stay afterwards (on Saturday my face is everywhere in the Bangla press).

My presence in the villages and here tonight has been a subject of curiosity but also something more. It signals a moment of recognition that someone like me—light-skinned and so obviously Western—acknowledges the people of Bangladesh and sees, if not understands, their struggle.

Sunday, February 15

10 a.m.

It’s my last day and I put my foot down—I am going shopping for a couple of hours! Leena from ASK picks me up and we go to a gallery where I buy a woodcut by a well-known

Bangladeshi artist (turns out he’s a friend of the Hossains—everyone knows and admires them) and to Aarong where I buy a *salwar kameez* that I will wear at dinner tonight.



Sunday, February 15

8 p.m.

It’s been another long day. I met with more reporters at ASK who are writing pieces about truth commissions and want to publish my talk. I visited a government-run shelter for girls, a visit that took hours, with an official reception, tea, a tour, and a show (I think they mistook me for a potential donor). I watched a film at ASK that depicted women telling their stories about the war, one of the many disconnected pieces of an untold, fuller story about the past.

Hameeda has invited a few people for a farewell dinner. Zahirul stops in to say goodbye. I am a bit sad and quiet as I look at this gathering of people I have come to like and respect so much: Hameeda and Sara Hossain, David (Sara’s British husband who arrived from London on Saturday), Sultana, Faustina, and others.

Tomorrow is another *hartal* so I must arrive at the airport before 6 a.m.—or go in a rickshaw. The trip has been exhausting, yet I am reluctant to leave. I am leaving a piece of my heart in Bangladesh, with these people who work tirelessly to improve the lives of others, with these beautiful, smart, friendly children, who deserve a better shot at a life filled with real choices. Will I return? Sometime. I promise.

Note: These excerpts skip so much that I must say something about the omissions. My first evening, I had a lovely meal at Faustina’s home with her parents. I had numerous meals with Kamal and Hameeda Hossain, discussing everything from their roles in the emerging Bangladesh to the care and feeding of grandchildren. After the military coup in 1975, they lived in Oxford for many years, but Kamal was always determined to return to his home, Bangladesh. Whenever he has been at home during my stay, I have seen a stream of visitors coming to seek his counsel. Kamal is more than respected here; he is revered. I had the privilege of getting to know their daughter, Sara, a committed legal aid lawyer, who is one of those beautiful, larger-than-life women who electrify every room they enter; and Sara’s British husband, David, who is smart, funny, and easily her match. Sara and David have lived in London for the past 10 years, but now they have a daughter of their own and have come back to live in Dhaka. Sara wants her daughter to know where she comes from.

CATHOLIC + AND ★ AMERICAN

USING CATHOLIC SOCIAL TEACHING
FOR A CRITICAL LOOK AT AMERICAN LAW AND CULTURE



by Vincent D. Rougeau, Associate Professor of Law

For the last few years, I have been exploring the ways in which Catholic social teaching might be used in American law to offer a vision of the common good that emphasizes the dignity of the human person and the essential role of community in human flourishing. Although the American legal system demonstrates a deep respect for the human person on many levels, it diverges from Catholic social teaching in how it tends to view the individual in relation to others. During the latter half of the 20th century, American law has made dramatic shifts toward a general acceptance of a view of individuals within society as free agents, whose connections and commitments to others are organized around the principle of personal choice.

Although the political process involved in the creation of laws and the development of public policy is complex, in much of American lawmaking the stated justifications (legislative histories, statutory language, journalistic reporting) for altering many longstanding legal regimes specifically exalt the individual at the expense of community, and view the common good as being best served by maximizing personal choice or limiting the “burdens” imposed by marriage, child rearing, or other social obligations. These changes have been documented by many observers and, by itself, a study demonstrating that they have taken hold throughout American law would offer little that is new to the academic literature. As this trend has deepened, however, what has been lacking is a coherent response to these changes that might be useful in public debate. I think Catholic social teaching may provide a compelling theory for such a response and that its usefulness can be demonstrated when one looks at specific cases. Although explicitly Christian and Catholic, I think many of the themes of Catholic social

teaching would find broad acceptance among religious believers, as well as among others, who might define themselves as secular but who recognize the real risks to the social order when too much deference is given to, in Mary Ann Glendon’s terms, the “lone rights-bearer.” Indeed, for religious believers, Catholic social teaching can provide the intellectual foundation for more cohesive political engagement across denominational lines on a variety of issues.

During my year at the Erasmus Institute, I began to prepare chapters for a book that will reconsider the role that Catholics should play in American social, political, and economic life, based on a vigorous engagement with the principles of Catholic social teaching. The dawning of the 21st century has revealed a new era in the relationship between the United States and the rest of the world. Now that the United States is clearly the globe’s preeminent power, a wide range of scholars see the emergence of a new kind of imperial nation. The American Empire is not arising in the traditional sense of active military

control of peoples and territory, but through a more passive cultural and economic dominance, occasionally set into motion by military action, but more often a product of an inequality of bargaining power in the global marketplace.¹ What does this development mean for American Catholics, who are members of a worldwide church and, as the recent war in Iraq demonstrated, may often find that the economic and political objectives of the American government are in strong tension with their core religious beliefs?

In the decades ahead, Americans will need to abandon the idea of their nation as a reluctant superpower, and may even have to accept the reality of citizenship in a new kind of imperial state. I believe that this change will call for a different understanding of Catholic engagement with American institutions and values. The assimilationist apologetics of 20th-century American Catholicism must change if American Catholics are to have a meaningful encounter with their faith in this kind of future, one that does not compromise core values and beliefs in order to gain social acceptance. Furthermore, because it tends to ignore the existence of important structures of injustice in American life, the neo-conservative attempt to reform American culture through the imposition of moral order from the top down is also a losing proposition. I think a better approach for American Catholics is to embrace what I call “Catholic cosmopolitanism.” The Catholic cosmopolitan remains rooted in the richness of the culture of which he or she is a part but also acknowledges the ephemeral nature of all political arrangements. Pope John Paul II made reference to a similar idea in *Centisimus Annus* when he noted that “the Christian faith does not presume to imprison changing sociopolitical realities in a rigid schema, and it recognizes that human life is realized in history in conditions that are diverse and imperfect.” Empires rise and fall, but the God-given dignity of the human person never changes. Catholics must live out a radical commitment to love others, particularly the poor, in whatever circumstances they find themselves.

The Catholic relationship with the American experiment has long been rocky. As historian John McGreevy has demonstrated recently in *Catholicism and American Freedom* (Norton 2003), the Catholic Church was viewed with wariness or outright hostility by most Americans from the nation’s beginnings. The surge of Catholic immigration in the mid 19th century only increased the tension, as “foreign” priests followed their countrymen to these shores and began challenging American individualism and the Protestant underpinnings of America’s civil religion. Over the last 50 years, however, beginning most notably with John Courtney Murray, some prominent Catholic intellectuals have become more aggressive in their attempts to square American political ideals and cultural values with Catholic belief and tradition.

...this change will call for a different understanding of Catholic engagement with American institutions and values.

Ironically, it was in the 1960s, at the point when Murray was most influential and when the United States elected its first Catholic president, that the nation’s culture began to make a particularly dramatic break with Catholic understandings of social and economic life. Core concepts of Catholic social teaching, like the notion of the common good and the idea of solidarity, have become increasingly incompatible with American notions of individual and economic freedom. Today, American Catholics have been left to confront a cultural, political, and economic environment that rejects the idea of transcendent truth and sees the free market as the most reliable indicator of value in most aspects of human life. Rather than putting the poor first, we have become a nation that believes everyone who works hard enough can be rich.

If American Catholics are ever to make the kind of radical engagement with a “lived faith” called for by John Paul II in *Centisimus Annus*, they must recognize that both the conservative and liberal positions of American politics are fundamentally flawed. For some, accepting the idea that the United States will never conform itself to a truly Catholic understanding of a society ordered toward God, human dignity, and the common good might suggest a wholesale retreat from American culture. However, that type of withdrawal is inconsistent with Catholicism’s universalist vision and history. The acceptance of the limitations of the American experiment should be a call to a new kind of societal engagement for American Catholics—the engagement of the cosmopolitan who, while a loyal citizen, is rooted in a faith tradition that knows no political boundaries and is committed to the dignity of all human beings. The Catholic cosmopolitan should approach American society from a position of critical distance, and this means assessing American social, economic, and political life as a Christian first. The Catholic cosmopolitan should embrace a Catholic vision of global solidarity by rejecting blind allegiance to the all-powerful nation–state and its distorted values, and by recognizing the moral imperative of a commitment to the good of all persons, particularly the weakest and the poorest, at home and abroad.

¹See generally, Andrew Bacevich, *American Empire* (Harvard, 2003); Niall Ferguson, *Empire: The Rise and Demise of the British World Order and Lessons for Global Power* (Basic Books, 2003); Eric Hobsbawm, “United States: Wider Still and Wider,” *Le Monde Diplomatique*, June 2003.



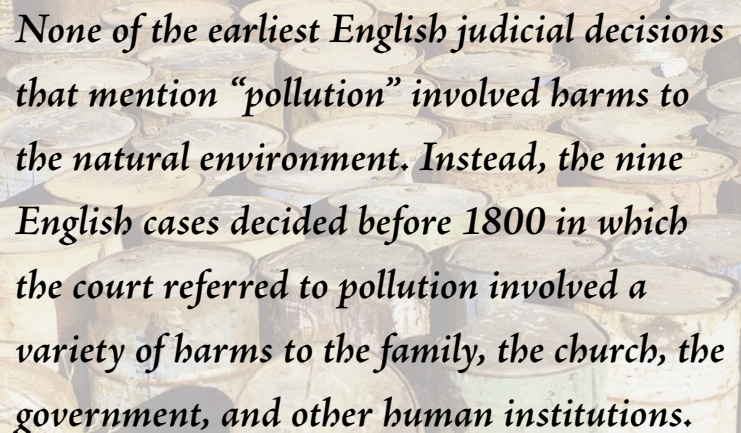
by John Copeland Nagle,
Professor of Law

The History

We have become accustomed to thinking of pollution exclusively in terms of environmental degradation. So accustomed, in fact, that references to cultural pollution, light pollution, spiritual pollution, and other kind of pollution besides environmental pollution are dismissed as merely rhetorical devices. The history of the word shows otherwise.

None of the earliest English judicial decisions that mention “pollution” involved harms to the natural environment. Instead, the nine English cases decided before 1800 in which the court referred to pollution involved a variety of harms to the family, the church, the government, and other human institutions. In 1688, Justice Croke warned an accused murderer that “Blood it is a crying sin, the which doth pollute the land.” In 1757, Lord Wilmot wrote of a contested gift that “[l]et the hand receiving it be ever so chaste, yet if it comes through a corrupt polluted channel, the obligation of restitution will follow it.” He added in another case that a bond could not be given for illegal consideration because “[a]ll writers upon our law agree in this, no polluted hand shall touch the pure fountains of justice.” A 1775 estate dispute found that a fraudulent transaction had “tainted and polluted the whole of the preceding transaction.” The complaints against a minister included the charge that “he took the cups and other vessels of the church, consecrated to holy use, and employed them in his own house, and put barm in the cups, that they were so polluted, that the communicants of the parish were loath to drink out of them.” A 1792 adultery suit in which the husband was alleged to have encouraged his wife’s extramarital sexual activity rejected the notion that the husband “would consent to her pollution with a view of getting rid of her.” Another adultery case opined that a husband could not complain of his wife’s behavior when he had done the same: “It is not unfit if he, who is the guardian of the purity of his own house, has converted it into a brothel, that he should not be allowed to complain of the pollution which he himself has introduced.”

Nineteenth-century American judicial decisions referred to numerous types of pollution. There were, of course, a number of references to environmental pollution. As a federal court advised in 1886, “The right to pure air is incident to the land,—as much so as the right to the uninterrupted flow of a stream of pure water which runs through it,—and no one can be permitted to pollute either, to the injury and disadvantage of the owner.” But the first reference to water pollution in a reported American case did not occur until 1832, and the first reference to air pollution was in 1849. Meanwhile, the courts invoked the image of pollution to describe numerous other harms throughout the 19th century and before. In 1793, the Virginia Supreme Court noted that no West Indian citizens “can wish to see the tribunals of their own country polluted” by judges biased against Americans. The Indiana Supreme Court admonished in 1893 that “[f]ew greater crimes against society can be conceived than that of the moral pollution of our youth.” The courts were especially concerned about the moral pollution of women by adulterous husbands, rapists, and consignment to prostitution. The 19th-century courts also saw pollution in such disparate sources as wrongful business practices and inmates. At the beginning of the 20th century, the United States Supreme Court confirmed the congressional power to ensure that interstate commerce “shall not be polluted by the carrying of lottery tickets from one state to another.”



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of "Pollution"

The confluence of literary, political, religious, and legal references to pollution is best seen in the many 19th-century descriptions of slavery and its effects. Senator Charles Sumner's description of slavery as a mistress "polluted in the sight of the world" in the speech that precipitated his caning is just the most dramatic example of that imagery. Frederick Douglass described slavery as "glaring frightfully upon us, with the blood of millions in his polluted skirts," and a system "marked with blood and stained with pollution." He also wrote of "the scenes of pollution which the slaveholders continually provide for most of the poor, sinking, wretched young women, whom they call their property." John Greenleaf Whittier characterized supporters of slavery as "bowed to an Idol polluted with blood." A Cincinnati minister asked, "What Christian father could endure, that his daughters, whom he had educated in virtue, should be subdued for pollution by the whip, or by the customs of the system?" William Seward defended the Ordinance of 1787 as having "dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth and forever." John Quincy Adams objected that "so polluted are all streams of legislation in regions of slavery" that Congress approved the extension of slavery in the Missouri Compromise. The Pennsylvania Legislature resolved in 1820 that "the people of Pennsylvania . . . may boast that they were foremost in removing the pollution of slavery from amongst them." Harriet Beecher Stowe complained of "the pollution of the electoral franchise" in Kansas. A delegate to the 1857 Iowa constitutional convention praised the Kansans who "have saved the territory probably from being polluted with the curse of slavery." Justice Joseph Story told a grand jury that he wished he "could say that New England, and New England men, were free from this deep pollution" of the slave trade. Several English ministers approved a resolution upon the assassination of President Lincoln that characterized the Civil War "as a temporal judgment for the commencement, continuance, and defence of the polluted system of slavery." By 1878, even the Louisiana Supreme Court described the money earned by the sale of slaves in 1853 as "polluted gold."

Today's courts are much more likely to describe the air or water, instead of any human environments, as polluted. Yet there are still instances in which judges worry that the environments of our own creation have been polluted. The most frequent such reference occurs in over 100 civil rights cases in which courts describe hostile work environments as polluted by racism, sexism, or other kinds of discrimination. Courts also acknowledge worries about polluted business practices. The remedies for violations of trademark law must "provide a sufficient deterrent to ensure that the guilty party will not return to its former ways and once again pollute the marketplace." New York and other states charged Microsoft with "polluting" software industry standards. Campaign contributions are accused of polluting political campaigns and the legislative process. Judicial references to the pollution of the legal process include a court's caution that an accomplice's testimony "should be looked upon with disfavor because it comes from a corrupt and polluted source," and another court's conclusion that an unfounded suggestion of sexual abuse of a minor "had the potential of polluting the minds of the jury." The 21st-century counterpart to the 19th-century decisions voicing concerns about the moral pollution of youth appears in a New York court's reversal of a child custody order because the order failed to consider that a teenage girl "has lived in the polluted environment of domestic violence all of her life."

"Pollution," in short, means much more than the smoky air and oily water that environmental law regulates. We desire political institutions, workplaces, and cultural environments that are free from unwanted—*polluting*—influences. How an understanding of all sorts of pollution can achieve that desire for clean natural and human environments is what I begin to explore in my book.

Professor Nagle teaches courses in environmental law, property, and legislation. His book *The Many Faces of Pollution* will be published by the University of Chicago Press in the fall of 2004.



Rebecca Houghton has served as a fellow in the Legal Aid Clinic for the past two years. She is a graduate of the Boston College Law School and served as a judicial law clerk in the Attorney General's Honor Program for the Executive Office for Immigration Review.

HOPE ON HOWARD STREET

by Rebecca Houghton, Supervising Attorney, Legal Aid Clinic and Clinic Fellow

I had been working as the immigration fellow at the Notre Dame Legal Aid Clinic for one week when a young woman walked through the doors crying. In her hands she held a judicial opinion from the Board of Immigration Appeals that dismissed her asylum claim. I then watched as attorney **Barbara Szweda**, my new supervisor, invited the woman to sit and speak with us. The woman explained that she was from Rwanda and had survived the genocide although her parents and many of her siblings had not. Despite the horrors that this woman had faced during and after the genocide, the immigration judge denied her claim because he found that she was not credible. The opinion that she held in her hands that day affirmed the judge's denial, thus ordering her deported to Rwanda. Although this woman had not been our client previously, Barbara was well aware of the plight of Rwandan asylum-seekers in the South Bend community. She was also aware of my limited legal experience, which up until that point had been only that of a judicial law clerk. Nevertheless, after the woman left that day, Barbara turned to me with a smile and stated that I should appeal the board's decision to the Seventh Circuit Court of Appeals. I had my first client.

Over the course of the following months, I worked diligently on my client's case, keeping the *Federal Rules of*

Appellate Procedure close at hand and checking Westlaw daily for the latest asylum precedents. I was thankful for the faith Barbara had shown me in assigning me the tasks of filing the petition, writing the briefs, and arguing the case. I was not, however, confident that Barbara's faith was well placed; I was haunted by the fear that my inexperience would cause the deportation of a young woman to a country from which she had been fortunate enough to flee.

My anxiety only grew over the summer when I received the notice scheduling the oral argument. It peaked on the morning of September 3, 2003, when the docket sheet informed me that Judge Posner would be presiding over our case that day. I did, however, find comfort in Barbara's presence at counsel's table. She had promised that, in addition to being co-counsel, she would act as spotter in the event that I fainted. I also found reassurance in my belief in the truth of the atrocious persecution my client had suffered and in the erroneous findings of the immigration judge. Nevertheless, a fear lingered that within the 10 minutes allotted, I would not be able to convey the credibility of my client's fear and suffering or persuade the panel of judges not to defer to the immigration judge's unsubstantiated findings.

In addition to working on the circuit court appeal during the first year of my fellowship, I also assisted our immigration clinic students in representing other Rwandan asylum-seekers who passed through our clinic's doors. While all of these clients came with different stories

of how they had been persecuted, their fears of returning to Rwanda and their need for our students' representation were the same. Some clients had been targeted as potential or actual witnesses to the genocidal acts committed by their neighbors; others were victims of rape and other unspeakable crimes; while others were threatened for being actual or supposed dissidents of the current government's regime. Although these stories were ones that our clients preferred to forget, the students and I hoped that, through encouragement and compassionate listening, they would confide in us the stories behind their physical and emotional wounds so that they might find refuge in the United States. Our clients thereafter courageously exposed to us visible scars from beatings and bullets, as well as invisible scars from witnessing the murder of their children or from knowing that their only salvation from a machete blow was that of a parent's slain body covering them in a last effort of protection.

As painful a process as it was for our clients to remember the horrors of their past and for our students to probe the details of that past, their hard work and collaboration allowed our students to successfully represent more than 10 Rwandan asylum-seekers before the Chicago Asylum Office and Immigration Court last year. Although gaining practical legal skills through experiential learning is a wonderful reward for enrolling in a clinical education program, I feel confident in speaking on behalf of our students that we have all gained much more than technical lawyering skills. We have gained humility through listening to our clients' painful stories, inspiration from their strength in rebuilding their lives in a foreign country, and an appreciation for the meaning of the word *sanctuary*—a place where one is thankful for simply having a night of peaceful rest.

I was therefore also thankful when our judicial system protected my client from the arbitrary opinion handed to her by an immigration judge and affirmed by an administrative appellate board. On November 21, 2003, the Seventh Circuit Court of Appeals published a decision finding that the immigration judge's adverse credibility determinations in my client's case were not based on substantial evidence and that the judge had given undue weight to her alleged lack of corroborating evidence. The court thereby vacated the immigration judge's order and remanded my client's case for rehearing.¹

While the students at the immigration clinic represent various types of immigration cases and asylum clients from around the world, it seems appropriate that this article speak to the clinic's representation of Rwandan asylum-seekers. Unbeknownst to many, Rwandans comprise a large portion of South Bend's immigrant community, and these neighbors of ours will soon be faced with the 10-year anniversary of the genocide. This coming April, 10 years will have passed since members of Rwanda's ethnic Hutu majority committed

genocide by slaughtering over 800,000 Tutsis and moderate Hutus in only 100 days. With the approach of this anniversary, many in our community are faced with revisiting the persecution that they suffered in the past, while contemplating the future of their homeland and its struggle to find a balance between justice and reconciliation.

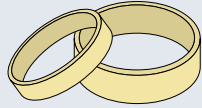
As I enter into the second year of my fellowship, the students at the immigration clinic continue to represent Rwandan asylum-seekers, whose

past persecution was so atrocious that returning them to the country of that persecution would be inhumane, whose bravery in testifying against genocidaires was met with unchecked death threats, and whose recent cries for justice have been quashed by a government that views genocide survivors as threats to national reconciliation. I also carry into the second year a new confidence in my representation, a confidence that I had not yet earned at the time I filed the petition for review. Despite the success of our petition before the circuit court, my client's case was remanded for rehearing and is currently awaiting scheduling. While I am determined to effectively represent my client before the same immigration judge who previously denied her case, I once again am apprehensive in knowing that my client's future remains insecure. Nevertheless, while the responsibility in representing asylum-seekers can seem overwhelming at times because of the perilous consequences that face those deported, I have learned that the opportunity to represent a neighbor whose most basic human rights are at stake has far outweighed any doubts I might have had in my choice of vocation.

As the end of my fellowship draws near, I realize how much I will miss the camaraderie I have shared on Howard Street with students, clients, and clinical faculty while working to protect the rights of immigrants in our South Bend community. With the experiences I have gained through my fellowship, I hope to continue working with students to serve those asylum-seekers who cross our borders with nothing more than hope.

We have gained humility through listening to our clients' painful stories, inspiration from their strength in rebuilding their lives in a foreign country, and an appreciation for the meaning of the word *sanctuary*...

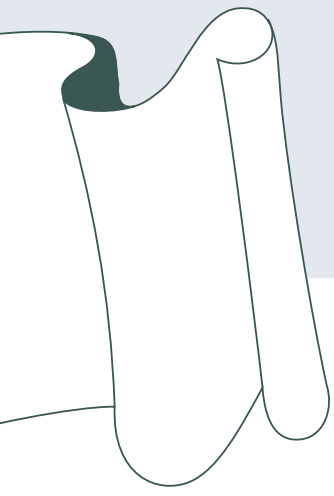
¹To view the opinion of the Seventh Circuit Court of Appeals, see 349 F.3d 1039 (7th Cir. 2003).



Is Marriage the Government's Business?

On February 25, the *Journal of Law, Ethics & Public Policy* sponsored "Symposium on Marriage," which brought together three distinguished speakers to comment on the government's regulation of traditional and same-sex marriages. Each of the speakers presented an overview of his views on governmental regulation; at the conclusion of the three presentations, there was an energetic and thought-provoking discussion. The *Journal* will publish a special issue on marriage in the coming months.

The three speakers were Alan Sears, president, CEO, and general counsel for the Alliance Defense Fund, the nation's largest religious liberty legal alliance; Andrew Koppelman, professor of law and political science at Northwestern Law School; and Paul Griffiths, the Arthur J. Schmitt Professor of Catholic Studies in the Department of Classics and Mediterranean Studies at the University of Illinois at Chicago.



Sears began by stating that he sought to apply truth to law. He asked that each side's position be tested by rationality, coherence, and correspondence to truth. After observing that debate about marriage has existed for centuries, he noted that the existing rule of law in the United States recognizes marriage as the "union for life of one man and one woman," as stated in the Supreme Court's 1885 decision, *Murphy v. Ramsey*. To depart from that rule, he argued, requires significant justification.

In Sears' view, the relevant question in the current debate is whether sexual orientation matters. His response was to reject same-sex marriage, a position that he supported with two points. First, same-sex marriage cannot be considered without deconstructing the nature of marriage itself. In his words, "One might as well try to draw a square circle." Second, he argued that homosexual conduct is positively harmful to society and that the state should properly decline to endorse it.

In support of his conclusions, Sears summarized a number of legal points and noted the results of recent surveys. From the legal precedents, he emphasized that the Supreme Court has confirmed the definition of marriage in several instances. Even the recent decision in *Lawrence v. Texas*, which Sears argued was poorly reasoned, affords support for his position. The equal protection argument in *Lawrence* applied to private adult conduct. In Sears' view, marriage is anything but private, since it relates to property, inheritance, protection for children, and other public matters. Moreover, he argued, the trend of public opinion about same-sex marriages is exactly the opposite of that described in *Lawrence*. Every time the people have been allowed to vote, he noted, they have rejected same-sex marriages by a margin of 2 to 1 or more. In addition, in every legislature that has allowed a full vote, same-sex marriages have been rejected, with the result being that 38 states now have defense of marriage statutes.

Recent surveys in both the United States and Canada show that there will be tremendous costs for same-sex marriages, as Harvard Law Professor Mary Ann Glendon recently wrote in the *Wall Street Journal* [Mary Ann Glendon, "For Better For Worse?", *Wall Street Journal* (February 25, 2004, sec. A, p. 14)]. Given those costs, Sears concluded that the people should be allowed to debate and decide whether they want to assume the costs.

Sears concluded with two points. First, he argued that the debate is not merely about adults and their happiness: it is also about children. He pointed to studies that have shown that there is better care for children where a mother and a father are together in a family: there is less drug usage, lower arrest rates, less poverty, and fewer school failures and expulsions. Second, he warned that religious freedom is at risk in the debate. Too often, he said, tolerance means silence for those who think that they face disapproval. When laws differ from religion, those who practice religion are labeled intolerant or bigots or worse, as events in Canada and some nations in Europe have shown. Finally, he reminded the audience that law is a pedagogue, a teacher. In marriage, law can point us toward the ideal.



The second speaker, Professor Andrew Koppelman, explained that his remarks represented an effort to understand the debate by taking a broad view. He noted that the debate presents a confusing mix of issues: questions about matters such as health insurance and hospital visitation intersect with deeper questions about which family forms are valued, about who is a full citizen. He observed that at the center of the debate is the word *marriage*, a word that is emotionally fraught.

He argued that one cause of the muddled debate has been that there are two debates at once. The first is a religious debate, about what relationships are sanctified. The second is a secular debate, about which relationships ought to have consequences.

In the first, the religious debate, the question is what relationships are intrinsically valuable. Koppelman commented that the importance of this debate is reflected in the fact that it is occurring in most denominations in the United States, creating divisions in some that approach schisms. He identified the key question as being about objective moral reality: Is it the case that same-sex marriages are morally equivalent to heterosexual relationships? Those on the conservative side, who oppose same-sex marriages, have powerful resources, authoritative texts in the Bible and the Koran, longstanding traditions, the considered



views of clergy, and a primitive revulsion against homosexual sex. But they face the fundamental difficulty of having to maintain that there is too much love in the world and therefore they have to devalue love of the “wrong kind.”

The secular debate that occurs at the same time is about what relations between persons ought to be given legal recognition. The issue is not about intrinsic value, but about how resources ought to be allocated. What would members of a household want in an unexpected contingency? And how should unfair destruction of people’s lives be prevented? Koppelman concluded that society ought to maximize welfare by reflecting people’s preferences, by providing a default option that people would have chosen if they had thought about it. The maximization ought to occur in a way that protects third parties, especially children.

The concept of sanctification is very far from these points in the secular debate. Nevertheless, according to Koppelman, the two positions have become conflated. During the Reformation, Protestants moved marriage from sacramental status and handed it over to the state. The idea survives that the state is in the peculiar business of administering a sacrament. America has always thought of itself in religious terms—as a “city on a hill” and “doing God’s work.”

As a result, some are willing to split the difference in favor of civil unions, creating marriage without the name. Others, however, seem to see a threat to American identity in the state recognizing these relationships. The religious dimension is shown in polls reflecting that Protestants oppose same-sex marriage in much greater numbers than do Catholics. The difference is that Catholics understand that it is not the state that administers the sacrament. Protestants are much more dependent on the state for definition of marriage.

Still, Koppelman asked, why not compromise and enact the status without the label? He responded by explaining that there are two reasons why gay rights advocates resist civil unions.

First, they, too, value the sanctification of marriage. Authors have written that marriage is society’s most fundamental relationship and that marriage is the social institution that defines the most meaningful part of one’s life. It seems to be something that depends on recognition by the state to give it more than secular meaning.

Koppelman agreed that it is good for children to grow up in a stable, loving household. But that implies nothing against gay couples who have stable, loving households and raise children. He said that there is no evidence that those children turn out worse than children raised by heterosexual couples.

The second reason for rejecting civil unions is that gays do not want second-class status, which is what civil unions amount to. Massachusetts’s highest court recognized that status, referring to the “stigma of exclusion” caused by civil unions. Koppelman concluded by acknowledging that the religious and the secular can be kept apart—if there is anything absolute in the First Amendment, it is that the state cannot tell religions what to teach. At present, conservatives’ chief weapon is religious teaching, but that cannot last. In the long run, the refusal to allow gays to marry will be recognized as merely the manifestation of prejudice; many in religious denominations will conclude that there is no religious basis for halting these relationships and for holding that the relationships are inferior.



The third speaker, Professor Paul Griffiths, acknowledged that he argued explicitly from a Catholic position in favor of two theses, which he applies only to the United States. He said that arguing from a Catholic position meant that he assumed the truth of the Church’s dogmatic teaching about sex and marriage, and about the Church’s dogmatic teaching about what relations Catholics should bear to a non-Catholic state such as the United States.

His first thesis: The Church should begin to disentangle its practice of the sacrament of marriage from the civil law governing sexual partnerships. The goal should be a complete separation of marriage from such law.

He used two points to support that thesis. First, he clarified the Church’s teaching about marriage; second, he clarified what the current practice of marriage is in the United States. The Church’s teaching is that marriage is a sacrament enacted by the two principal celebrants, a man and a woman to be married. It is a condition that, once entered upon, cannot be dissolved, not at the will of either party or even if both wish for it. To underscore those points, he offered that: (1) marriage can only be between a man and a woman; it is incoherent to suggest otherwise, because of the intrinsically sexed nature of human beings; (2) marriage is

not a contract, nothing that is sacramental is a contract: the concepts are fundamentally at odds. Since marriage is not a contract, it cannot be dissolved as if it were one. On this understanding, marriage is a high and difficult vocation.

Griffiths next sought to explain the Church's teaching on the pagan state, a state that in its public functions does not explicitly acknowledge the sovereignty of the God of Abraham, of Isaac, of Jacob over that state's communal life. The pagan state acts as though it can worship other gods, such as wealth, power, and unrestrained appetites. It is beyond dispute that the United States is a pagan state. What does the Church say about the civil law of such a state?

The common thread is that there will always be a difference between the moral law and the civil law. Catholics who are citizens of such a state should not advocate as a matter of course passage of a civil law that mirrors moral law or repeal of those laws that do not. Catholics may do so, but not as a matter of course.

Why should we expect people who do not hold Catholic positions to act as though they did? It is not a reasonable expectation that all will do so; magisterial teaching does not treat moral and civil law as identical and Catholics cannot act as though they expect them to be. So, how do Catholics decide when to advocate the imaging of moral and civil law? They do so by the exercise of prudence.

When we look at what most people in the United States think concerning the legal regulation of their sexual and procreative lives, the data is complicated. But it is clear that what is done in the United States does not follow the Church's teachings about sacramental marriage. The norm is different; marriage is a contract either to be endured or dissolved by the parties. Catholic marriage practices in the United States are no longer statistically distinguishable from those of others in the United States. It is hard to be precise, but it is true that civil divorce is common among Catholics—21 percent of the Catholics now alive have experienced at least one civil divorce; civil remarriage without annulment is now common. There has been a decline in the practice and understanding of sacramental marriage.

In this situation in the United States, what does prudence suggest? Griffiths' speculation is that the similarity between Catholics and non-Catholics has causally linked civil marriage and sacramental marriage closely in civil law. As Catholics have become mainstream Americans economically and sociologically, so they have become mainstream in their experience of marriage.

If this analysis is correct, then the first move to reclaim the Catholic understanding of marriage is to begin the separation of the sacramental from the civil, to begin to insulate sacramental

marriage from the dissolvable contract marriage by indicating what is clearly true, that they have nothing in common. If the difference is to be made clear, then sacramental marriage must have a chance of being practiced. If same-sex marriage becomes legal, then it becomes only one more instance of civil marriage.

His second thesis: The state should move progressively away from regulating sexual partnerships by law and toward disentangling its laws about inheritance, procreation, responsibility for children, and the like, from legal regulation of such partnerships.

Griffiths commented on the poverty of the public vocabulary now available for argument about the legal regulation of partnerships. On this view, the question becomes on what grounds the state should or may discriminate between sexual partnerships, giving legal recognition to some, withholding it from others. The only publicly accessible reasons are consequential ones, harm to other rights-bearers. On grounds such as these, the state can regulate relations between adults and minor children. But there are no such grounds for regulating partnerships consisting of consenting adults. It has not proved possible to find convincing public rationales for treating sex and partnership differently. It is better for the state to be seen to withdraw from legal regulation of sexual partnerships between consenting adults and confine itself to contractual inheritance, responsibility for children, etc. That is profoundly wrong, but to be expected from the pagan state. It is better to be consistent and pagan than to be incoherent. The uses of sex in a pagan state are and ought to be very different from uses of sex by Catholics. Confusion by inappropriate legal linkages only muddies the waters.

According to Griffiths, separation will help Catholics understand who they are, will allow for the recovery in the United States of the Catholic sacramental marriage, and will overturn the pagan state as it begins to crack under the weight of its own contradictions, leading to the conversion of that pagan state. Or at least so the theological virtue of hope suggests.





Lord Goff – This Year's Clynes Visiting Chair

The Right Honorable The Lord Goff of Chieveley, PC DCL FBA, visited the Law School October 13–17, 2003, as the Judge James J. Clynes, Jr., Visiting Chair in the Ethics of Litigation Within the Judicial Process.

The Clynes Visiting Chair results from the generosity of the late **Judge James L. Clynes, Jr.**, a Notre Dame alumnus from Ithaca, New York. Past holders of the Clynes Chair are The Honorable John T. Noonan (2000), Justice Antonin Scalia (2001), and Chief Justice William H. Rehnquist (2002).

Lord Goff is the former Senior Law Lord in the United Kingdom. (The closest, though imperfect, analogy in the United States would be the Chief Justice of the United States.) Before being appointed to the bench, Lord Goff had a distinguished career in commercial law as a barrister and Queen's Counsel from 1956 to 1975. He became a judge of the High Court in 1975 and served for seven years before his appointment to the Court of Appeal in 1982. In 1986 he was created a Law Lord, serving as Senior Law Lord from 1996 to 1998.

Lord Goff is the co-author of *The Law of Restitution* and is the acknowledged father of English restitution law. In addition to his academic and judicial career, he played a significant role in introducing the concept of comparative law to the United Kingdom.

Lord Goff gave two talks while at the Law School. His first discussed the operation of the House of Lords as a judicial body, reflecting on the changes brought about by the incorporation of European law into British law. Later, he discussed the Pinochet case, in which he had participated as a member of the House of Lords. In that judgment, the Lords concluded that a former head of state (General Augusto Pinochet) was not immune from extradition by virtues of his status. Lord Goff also visited two contracts classes and a jurisprudence class.



FACULTY notes

Amy Barrett published an article entitled “Stare Decisis and Due Process” in the summer 2003 volume of the *University of Colorado Law Review*. She also spoke on “Recent Developments in Evidence” at the Seventh Circuit Judicial Conference in October 2003.

Matthew J. Barrett published “New Opportunities for Obtaining and Using Litigation Reserves and Disclosures” in 84 *Ohio State Law Journal*, 1183 (2003). He has been re-elected as chair of the student welfare subcommittee of the Faculty Board on Athletics. He also presented “Trojan Horses and the Auditor Independence Provisions in Sarbanes–Oxley” during a symposium, “In the Wake of Corporate Reform: One Year in the Life of Sarbanes–Oxley—A Critical Review,” held at Michigan State University DCL College of Law in September 2003. In October, he presented “Lawyers and Accounting: The Recent Financial Frauds, the Sarbanes–Oxley Act of 2002, and Related Developments” at the Law School’s Continuing Education Program.

Joseph Bauer talked to the Law School’s American Constitution Society on “The Politicization of the Judicial Nomination Process.” He presented “The Scope of Preemption of State Law Claims by the Copyright Act of 1976 and the Federal Copyright Regime” to the Intellectual Property Law Society and to the Faculty Colloquium in the Law School. Professor Bauer also published “2004 Annual Supplement” to Volumes I–XI of Kintner’s *Federal Antitrust Law Treatise*.

Geoffrey Bennett presented “Wrongful Conviction, Lawyer Incompetence, and English Law” at the Criminal Procedure Forum at Washington and Lee University. He also published “Criminal Procedure and Sentencing” in *All England Law Reports Annual Review of 2002*, Butterworths, 2003, 142–156.

G. Robert Blakey lectured on the assassination of President John F. Kennedy at the St. Thomas Law School in St. Paul, Minnesota, on November 21, 2003.

Thomas Broden was inducted into the South Bend Community Hall of Fame on November 19, 2003.

Reverend John Coughlin, O.F.M., published the following articles: “The Clergy Sexual Abuse Crisis and the Spirit of Canon Law,” 44 *Boston College L. Rev.* 977–97 (2003); “Catholic Lawyers and Divorce Cases,” 61 *The Jurist*

290–310 (2001) (published fall 2003); and “Communio and Administrative Justice,” 78 *Apollinaris* 715–43 (2002) (published fall 2003). His other articles include: “John Paul II and the Dignity of the Human Person,” 21 *Harv. J. L. & Pub. Policy* (2003); “Canon Law and the Human Person,” 19 *J. of Law and Religion* (2003); “The Human Being, Catholic Social Thought and the Law,” 1 *Villanova J. Law & Catholic Social Thought* (2003); and “Lawyers and Material Cooperation in Evil: Divorce Cases,” *Proceedings of the Fellowship of Catholic Scholars* (2003). He also spoke at the following academic programs: Emory Law School Program on Law and Religion in conjunction with the 2004 AALS Convention; “John Paul II and Human Nature,” in Atlanta, Georgia; “The Death and the Election of the Pope,” at Morrissey Manor, Notre Dame; Respondent at the Notre Dame Colloquium on Law and Religion; Villanova Law School Symposium on Catholic Social Thought and the Law,

Thomas Invited to the Frye Leadership Institute



Joseph W. Thomas, librarian and head of technical services in the Kresge Law Library, has won a highly competitive invitation to participate in the Frye Leadership Institute. This prestigious institute, sponsored by the Council on Library and Information Resources, EDUCAUSE, and Emory University, brings together individuals who have the leadership potential to address scholarly information services in the coming decade. As information technology transforms the university scene, the institute attempts to develop a cohort of leaders who can initiate a range of academic information services in traditional organizational units such as law libraries. A major focus of the institute is developing the means by which individuals can succeed in bridging the gap between traditional and new forms of information delivery.

Joe has been identified as a man with strong leadership ability and a profound interest in contributing to higher education at a senior level. His proven record of achievement, personal qualities, and communication skills have resulted in an invitation that will give him a unique two-week intensive opportunity to explore vital questions and challenges facing legal education.

“The Human Being, Catholic Social Thought and the Law,” in Philadelphia, Pennsylvania; and The Fellowship of Catholic Scholars Convention: The Catholic Citizen, “Lawyers and Cooperation in Evil,” in Arlington, Virginia. He is scheduled to speak at the Conference of Religiously Affiliated Law Schools on the topic of “Teaching Ethics at a Religiously Affiliated Law Schools,” to be held at Notre Dame on March 26th.

Joanmarie Ilaria Davoli published “Psychiatric Evidence on Trial” in volume 56 of the *SMU Law Review*.

Barbara Fick published “El Papel del Derecho en la Consecución de la Igualdad: La Experiencia Norteamericana,” 21 *Revista de Derecho Social* 49 (2003) and “Mixed Up About Mixed Motive: What Will Trigger a ‘Mixed Motive’ Analysis in Title VII Cases? An Analysis of *Desert Palace, Inc. v. Costa*,” *Preview of United States Supreme Court Cases*, Issue No. 7, 425 (April 18, 2003).

Nicole Stelle Garnett published “The Public-Use Question as a Takings Problem,” 71 *George Washington Law Review* 934 (2003). Professor Garnett presented “Property Regulation and the Public Order” at the University of Virginia Law School, the Georgetown Environmental Affairs Workshop Series, the Arizona State Law School, and the University of San Diego Law School.

Richard Garnett is serving as a visiting scholar at Northwestern School of Law. He published “The New Federalism, the Spending Power, and Federal Criminal Law” in 89 *Cornell Law Review* and an essay about this year’s Miranda-related cases in the Supreme Court, entitled

Carol Mooney Named President at St. Mary’s



The Saint Mary’s College Board of Trustees named **Carol Ann Mooney** as the College’s 11th president. Professor Mooney, vice president and associate provost at the University of Notre Dame, will take office on June 1, 2004.

The search for a new president began in March of this year, shortly after Marilou Eldred announced her intention to retire. Eldred agreed, at the board’s request, to remain as president until a replacement was named. A presidential search committee, consisting of student, faculty, staff, alumnae, board, and community representatives, worked

with executive search firm Korn/Ferry International to bring four qualified candidates to Saint Mary’s for meetings with the campus community. The search committee presented three finalists to the board for consideration this month.

Upon conclusion of the interview process and after subsequent deliberation, the board felt that Mooney distinguished herself as the clear choice to assume the presidency. “The College’s first lay alumna takes the helm at her alma mater at a pivotal time for Saint Mary’s,” says Sister Joan Marie Steadman, C.S.C., chair of the board of trustees. “The board believes Dr. Mooney brings exceptional gifts to Saint Mary’s and is confident in her ability to provide strong leadership and creative direction for the College.”

Mooney’s professional involvement in Catholic higher education began 24 years ago, when she became a member of the University of Notre Dame Law School faculty in 1980. Since 1996, she has served as Notre Dame’s vice president and associate provost. In the provost’s office, Mooney’s primary duties involve faculty personnel issues such as supervision of the faculty promotion and tenure process. In addition, the School of Architecture, the Snite Museum, and the University Press report to Mooney.

“All of us at Notre Dame are personally and professionally pleased for Carol,” said **Rev. Edward A. Malloy, C.S.C.**, Notre Dame’s President. “She is a scholar of the first rank, a superb administrator, and a close colleague. Through her work in the Provost’s Office and the Law School, as well as her efforts to further the endeavors of female and multicultural students and faculty, her contributions have been many and have left an indelible mark on the University. We’ll miss her wise counsel, but look forward to working in collaboration with her in the years ahead.”

“It is an honor to be joining the ranks of those who have led and helped shape this exceptional institution,” says Mooney. “My thanks go out to Marilou Eldred for leaving such a legacy of success. I have watched Saint Mary’s grow and prosper over the years, and seeing the College’s continued commitment to excellence and dedication to the holistic development of young women fills me with pride.” Mooney goes on to say, “I am excited about the opportunity to work with such a close community of exceptional faculty, dedicated staff, talented students, the Sisters of the Holy Cross, and my fellow alumnae.”

Mooney acknowledges that returning to Saint Mary’s will be a shift from her experience at a much larger university, but she believes working in such a prominent institution has provided tools she can use to help Saint Mary’s continue as a leader in Catholic women’s education. “There is much to build upon here: recognized academic excellence, a vibrant campus community, a strong record of service and involvement with the broader community, athletic potential, and the promise of strides in curriculum, diversity and technology. I look forward to the privilege of serving Saint Mary’s, building on the College’s tradition of excellence and expanding her national reputation. I have great hope for my alma mater’s future, and can’t wait to come home again.”



A native of Norwich, New York, Professor Mooney graduated from Saint Mary’s College in 1972 with a B.A. degree in English and received her J.D. degree from the University of Notre Dame Law School in 1977, graduating first in her class and earning the Colonel William J. Hoynes Award. She practiced law from 1977 to 1978 as an associate attorney in the Washington, D.C., firm of Jones, Day, Reavis and Pogue.

In her 23 years as a member of the Notre Dame Law School faculty, Professor Mooney has taught courses on trusts and estates, estate planning, and the federal court system. In 1983 she received the Law School’s Teacher of the Year Award. She is the co-author of two books, along with numerous articles in law reviews and other scholarly periodicals. She is a member of Phi Beta Kappa and was elected a member of the American Law Institute in 1988. U.S. Supreme Court Chief Justice William Rehnquist recently named her a member of the U.S. Judicial Conference Advisory Committee on Federal Rules of Appellate Procedure, for which she had been reporter since 1985.

Mooney has been actively involved in many University committees, including the University Committee on Cultural Diversity, the Academic Council, the Provost’s Advisory Committee, the Academic Affirmative Action Committee, and the Laetare Medal and Notre Dame Award selection committees. She has also participated in Notre Dame’s last two strategic planning efforts.

Law & . . .

An Interdisciplinary Colloquium Series

During the 2003–2004 academic year, Professors **Vincent Rougeau** and **M. Cathleen Kaveny** have sponsored an interdisciplinary lecture series titled “Law & . . .”. Designed to reach out to new faculty across the University and at the Law School, Law & . . . has hosted professors from Theology, Philosophy, Political Science, and History for talks at the Law School. After each presentation, a member of the law faculty has delivered a response, which is followed by questions and discussion.

Law & . . . has stimulated a number of lively discussions on a wide range of issues. In particular, the series has highlighted the ways in which the study of law draws on various aspects of the humanities and social sciences, and it has spurred some new ideas about ways in which the law faculty might cooperate with faculty in other departments in order to pursue interdisciplinary writing and research projects. Two talks remain in the series. Associate Professor **Paul Franks** from the Department of Philosophy will give the lecture “Heteros Nomos: German Idealism, Judaism, and the

Foundations of Justice” on March 17, 2004. Law School Associate Professor **Paolo Carozza** will give the faculty response. On April 14, 2004, Assistant Professor **David Yamane** from the Department of Sociology will give the talk “Liberally Clothing the Naked Public Square” with Associate Professor **Julian Velasco** giving the Law School response.

(Richard Garnett con't.)

“Let Off With a Warning” in *Legal Affairs* magazine (January/February 2004). He authored two amicus curiae briefs in the Supreme Court: *Locke v. Davey* and *United States v. Sabri*, and he published two book reviews: “Not Outlaws” in *National Review* and “Brute Justice” in *America*. He was also appointed to the Board of the Northeast Neighborhood Council.

Fernand “Tex” Dutille was elected to the executive committee of the Faculty Athletics Representatives Association at the NCAA’s 2004 Convention, which took place in Nashville, Tennessee, during early January.

Jimmy Gurulé appeared on NBC News speaking to the problems facing the United States in dismantling the financial networks of Al Qaeda and other terrorist organizations and on CNN International regarding a report by the U.N. Security Council, Committee on Economic Sanctions. He also appeared on “*The O’Reilly Factor*” in November 2003 to discuss the Michael Jackson case. Professor Gurulé was a participant in the *Notre Dame Law Review* symposium in December. He was also appointed to the editorial board of the *International Journal of Criminal Law Education*, Senate Hall Academic Publishing.

Dwight King moderated the Members Open Forum at the 96th annual meeting of the American Association of Law Libraries in Seattle, Washington.

Michael Kirsch presented “International Estate Planning—The Basics” at the Law School’s Continuing Legal Education Program on November 1, 2003.

Garth Meintjes, associate director of the CCHR, served on the panel “The Global Law and Policy Initiatives” at Chicago-Kent College of Law in October 2003.

Juan Méndez, director of the CCHR, received an award from the Heartland Alliance at the Fourth Annual Midwest Light of Human Rights Awards.

John Nagle published “Voter’s Intent and Its Discontents,” 19 *Constitutional Commentary* 483 (2003). He presented a paper on pollution control techniques to the faculty of the Northwestern University School of Law in September 2003; spoke about environmental law in

China at the Rocky Mountain Mineral Law Foundation's Natural Resource Law Professor's biannual conference in Grand Junction, Colorado in June 2003; and participated in "Innovations in Species Management," a conference sponsored by the United States Forest Service, Oregon State University, and numerous organizations in Portland, Oregon, in April 2003.

Teresa Godwin Phelps was appointed to the editorial board of the *Journal of the Association of Legal Writing Directors*. Professor Phelps also presented a paper entitled "Telling Stories in a Search for Justice: The Work of Truth Commissions" on September 12, 2003 at "Peacekeeping After Peace Accords," a conference sponsored by the University's Kroc Institute. She gave the closing address, "Acting Justly," at the 2nd Annual Peace & Justice Symposium at Valparaiso University in November 2003. She also presented a workshop titled "Lessons from the Amy Biehl Story."

Thomas Shaffer lectured on "Conflicts of Interest and Christian Lawyers" to the St. Thomas More Society at NDLS in September; "The Virtuous Lawyer, Christian Legal Society," at the University of Michigan Law School in October; "A Lawyer's Allegiances are Always Contested," at a conference on contested allegiances titled "Christianity in an Era of Permanent War" at DePaul University in October; and "Durable Powers of Attorney and Health-Care Agencies," as a part of the NDLS Continuing Legal Education Program this past November.

Jay Tidmarsh was a visiting professor at Harvard Law School last fall, where he taught Civil Procedure and Remedies. Professor Tidmarsh presented the paper "A Positive Theory of Federal Common Law" at the Harvard Faculty Workshop on November 5, 2003.

Julian Velasco recently published an article, "Just Do It: An Antidote to the Poison Pill," in the *Emory Law Journal*.

Méndez Sworn in as U.S. Citizen

Juan Méndez, Director of the Center for Civil and Human Rights, participated in naturalization ceremonies last fall, completing the process to become a United States citizen. The ceremony took place September 5, 2003, in the courtroom of the Law School. With Federal District Court Judge **Kenneth Ripple** presiding, Juan, with his wife Silvia at his side, took the oath of citizenship and was joined by many members of the Law School family. In her remarks commemorating the occasion, **Dean Patty O'Hara** noted that as Juan has been such a wonderful "citizen" to so many communities throughout the world, it was a special privilege to be with him as he became a citizen of the United States.

Pictured from left to right: Juan E. Méndez, Director of the Center for Civil and Human Rights and Professor of Law at the Notre Dame Law School; Silvia Méndez; The Honorable Kenneth F. Ripple, U.S. Circuit Court of Appeals and Professor of Law at the Notre Dame Law School; and Stephen R. Ludwig, Clerk of the U.S. District Court



Irish Consul General Speaks at Notre Dame Law School

On February 5, 2004, Charles Sheehan, the Irish Consul General from Chicago, spoke to interested members of the Law School community. Sponsored by the Irish Law Society, Mr. Sheehan's talk, "Ireland: Transformations and Continuities," addressed current issues facing Ireland as well as the Good Friday agreement.

TRIBUTE TO BARBARA LINK

On November 1, 2003 (the Feast of All Saints and All Souls), the Law School family lost one of its dearest members. Barbara Ann Link, wife of **Dean Emeritus David T. Link '58, '61 J.D.**, died peacefully at her home in South Bend, surrounded by her loving family, after a courageous fight against ovarian cancer.

Barbara was born on September 8, 1937, in Sandusky, Ohio. On July 12, 1958, she married Dave Link, her high school sweetheart. Their 45-year marriage has been a lifelong testament to friendship, devotion, and faith, and an inspiration to friends and family alike. She was a loving and devoted mother to her four children—David, Mary, Maureen, and Teran.

After the birth of her fourth child, Barbara resumed her education and was one of the first female graduates of the University of Notre Dame, receiving her degree in anthropology *summa cum laude* in 1975.

Barbara lived an amazing life full of faith and service to the church community. She was very active in her parish—Little Flower, in South Bend—and served the University and Law School communities as well. She was credited with being the driving force behind her husband Dave's work, especially at the South Bend Center for the Homeless.

Here, we pay tribute to this amazing woman by sharing some thoughts and reflections from her family.



◇◇ **W**hen I was told I would have the opportunity to write something to honor my mom, I was thrilled. Finally, I'd be able to put my feelings and memories into words. That was when I stalled. How could I possibly verbalize how amazing Barbara Link was? I don't have my brother's gift for reasonable thought and I certainly don't have my dad's gift for speaking with powerful words. I realize that I may not be the one that will best describe this wonderful woman. However, lacking those above gifts is not the problem. It is impossible to fully describe my mom with words.

You could only know my mom by being in her presence. You didn't even have to speak to her. Her personality was so warm, loving, calm, and beautiful that merely being in the same room with her left you blessed. She blessed everyone she came in

The following are excerpts from the eulogy given by Barbara Link's son, David C. Link '81, '86 J.D.

When considering what to say today, three things dominated my thoughts about Mom. The first was "celebration." Celebration, because this world and each of us that she has touched is better because of her. I think it is important not to let any of the grief we feel mask the wondrous gift that God provided to us every day for 66 years. And when we think of my Mom, truly think of who she was, it is impossible for those thoughts to be anything but happy and the gift renewed.

Second, I thought of "goodness"—because Mom was simply a very good person. She exemplified goodness in friendship and in charity, and her goodness was an inspiration. Over the past few days, as people have called or visited, I have been struck by the number of extraordinary friendships my Mom made. They were extraordinary because they were built on the strongest of things: faith, trust, admiration and, above all, very sincere love. It is wonderful to see that the simple goodness of a modest woman has become greatness through the love of her friends.

She had goodness in her charity. She gave of herself: not out of duty or obligation, but because that was her nature and her heart. I have never known anyone who approached issues with such sincerity or individuals with such compassion. The lesson for us in her charity is shown by the fact that so many that she cared for became her friends—and cared for her right back in her time of struggles. And she gave quietly. My Dad tells me that she contributed to over 300 charities last year. But the most remarkable works of charity were those she gave with her time, her hands, and her heart.

Perhaps the most important aspect of Mom's goodness to me personally was the inspiration she provided. When asked to describe my heroes, I have been blessed to be able to say, with all candor and sincerity, that I have never had to look farther than my mother and my father for heroes. When I look for shining examples of success, I look to my parents first, for they have helped me to define success beyond riches and position. When I look for inspiration in my marriage, I also don't have to look any farther than my parents, who were high school sweethearts whose love only grew stronger as my mother's

contact with. I know she never realized what a gift she was to all that knew her or even those that didn't. As a kid, I would serve meals at the Hope Rescue Mission with my mom. Once we finished serving, we would make our plates and sit with some of the homeless and talk, pray, and sing. She would take me with her to teach adults to read. I'd help as she spent hours selling UNICEF cards. I would ride along as she drove senior citizens to vote, buy groceries, or get haircuts. I didn't know the meaning of waste or garage sales—things either were recycled or given away to those who needed it more. She was truly selfless, considerate, and compassionate. All of this may begin to describe how she lived her life, but none of it could explain to someone what it felt like to be hugged by her or have her squeeze your hand or to be on the receiving end of her smile.

She lived to make others happy and now, even in death, she continues to make people happy. She touched us in ways that will never fade. Not a day goes by that I don't think about how I can live by her example. Not a day goes by that I don't feel her with me as I hold my sweet baby. Not a day goes by that I don't hear her voice in my head telling me she loves me. I see her in my dad, my sisters and brother, my nieces and nephews, and my son. She continues to live in all of us. She taught me to appreciate all their different gifts and to find my own, and although we all possess very different gifts, we were all given one in common—her love. For those of you who knew her, you received it too."

— Teran Link Trauernicht

***The following poem was distributed at Barbara's funeral.
Her husband, Dave, felt it captured Barbara perfectly.***

For the Love of the World

by Charlotte Tall Mountain

For the love of a tree, she went out on a limb.
 For love of the sea, she rocked the boat.
 For love of the earth, she dug deeper.
 For love of community, she mended fences.
 For love of the Spirit, she nurtured her soul.
 For love of a good time, she sowed seeds of happiness.
 For love of the Goddess, she drew down the moon.
 For the love of nature, she made compost.
 For the love of a good meal, she gave thanks.
 For love of family, she reconciled differences.
 For the love of creativity, she entertained new possibilities.
 For the love of her enemies, she suspended judgment.
 For the love of herself, she acknowledged her worth.
And the world was richer for her.

struggles became greater. As a parent, I continue to be amazed by the trust and courage Mom and Dad gave to my sisters and me while we were growing up. Without Mom, I would never have understood the courage that loves takes.

Mom's inspiration was strongest, however, in her faith. She had the rare gift of believing in the teachings of her faith so deeply that she had the strength to live by them. In the last week, our family has been given a gift few families get. We were given time together so that my mother was able to tell each of us that she was ready for Heaven and we were able to tell her that we were happy for her. And she was happy. I spoke to her about her faith and she was able to tell me of the comfort it gave her—the comfort she had from knowing, and believing more confidently than most of us will ever believe, that this week for her was not the end of a journey, but truly the beginning of a new and glorious one. Of all her inspirations, I hope this is the one I can be brave enough to take to heart.

Finally, as I thought about Mom, I thought about family and friends. As I look at my father and my sisters, sons, nieces, and nephews, I think to myself, "Mom, you did pretty well." Over the past three days, so many of my Mom's friends have said such kind things. I have been dazzled by the impact Mom had on the people around her, on her church, and on her community. When my sisters and I were trying to find readings for today that helped to share how we felt about my Mom, Teran and I talked about the story of Jesus and the loaves and fishes and I thought how Mom was able in her life to take just a little bit of love and share it with those around her. And that love multiplied and multiplied until we had all had our fill.

We loved her and will miss her. But we will always have the inspiration of her goodness and the strength of her family and friends to carry us on. And because of these gifts, although none of us wanted to gather here today, today really is a celebration. Thank you, Mom, and thanks to all of you who have been a part of her life.

ADMINISTRATOR AND STAFF notes

New Director of External Relations Joins Staff

Carol Jambor-Smith joined the Law School administration in February as director of external relations. Prior to joining the Law School, Carol served as director of alumni events and public relations at Northern Illinois University College of Law. In addition to her work at NIU, Carol has extensive experience in communications and public relations. She previously operated her own public relations office and served as executive director of AIDS Care Network. She also served as communications director for the Epilepsy Foundation of Northern Illinois.

Carol has an impressive academic background that includes B.A. and M.A. degrees from Virginia Commonwealth University and a Ph.D. from the University of Iowa. Carol's many responsibilities at the Law School will include coordinating alumni activities and producing communications and recruiting materials for various departments, including Admissions and Career Services.

The Law School extends a warm welcome to Carol!



Debbie Blasko has joined the Law School as senior staff assistant supporting professors Matt Barrett, Joseph Bauer, Ray Gallagher, Jim Seckinger, and Jay Tidmarsh. Debbie comes to us after spending 14 years in the Associate Deans' Office in the Graduate School.

Debra A. Fox, acquisitions and serials specialist, Kresge Law Library, and **Teresa A. Welty**, administrative assistant, Kresge Law Library, received the Notre Dame Award of Merit, presented at the University Awards of Excellence Luncheon. The award is presented to members of the University community who continually demonstrate their dedication and service to the University and whose work consistently exceeds department expectations.

Anne Hamilton, Law School registrar, and **Beth Klein**, research services assistant, Kresge Law Library, received the Notre Dame Spirit Award at the University's Awards of Excellence Luncheon. The award is presented to those who positively impact the lives of coworkers, students, visitors, and the campus community.

Sharon Loftus comes to NDLS from Signal Hill, California, and serves as senior staff assistant supporting professors Amy Barrett, Paolo Carozza, Nicole Garnett, Glenn Koppel, Dinah Shelton, and Eric Smithburn.

Career Services Office Welcomes New Assistant Director



Erika Harriford-McLaren has been named assistant director in the Law School's Career Services Office. Erika received a B.S. in journalism and business communications from the University of Kansas and a J.D. from the University of San Francisco School of Law in 2001. Her experience includes serving as capital campaign coordinator and interim assistant director for St. Margaret's House in South Bend; assisting attorneys at a small firm in Palo Alto, California; interning as a media assistant for a United Nations conference; and teaching conversational English and American governmental and educational practices to the Czech banking community.

STUDENT notes

Federalist Society Members Attend Symposium

Thirty-two law students attended the annual Student Symposium of the Federalist Society, held at Vanderbilt Law School in Nashville, Tennessee, on February 20 and 21. **Tom Messner '05**, who organized the trip, reported that the Notre Dame chapter received special recognition at the symposium for having the second-highest number of students attending, next only to the Harvard chapter. By making such a strong showing, Notre Dame students built on last year's success, when the chapter hosted the annual Student Symposium on campus at Notre Dame, for the first time in law school history.

Messner said that the Nashville group, which was composed of mostly first- and second-year law students, managed to have some fun at the local "honky-tonks" in between symposium panels and debates. The Notre Dame Federalist chapter, which brings several high-profile speakers to the Law School each year, is already planning to make an even more impressive showing at next year's symposium.

BLSA Sponsors Blood Drive

Over 50 students, faculty, and staff participated in a blood drive sponsored by the Black Law Students Association (BLSA) on February 11, 2004, at the Law School. "There are blood drives on other parts of campus," said BLSA Community Service Chair **Charla Blanchard '05**, "but law students usually do not have time to participate. This makes it more convenient when the drive is right in the building." This was BLSA's second year sponsoring the event.



Vince Pecora '05 and Rob Crea '05 rest easy while giving blood.



Moot Court Team and coaches from left to right: coach Edward A. Sullivan, Carah Helwig, Julissa Robles, and coach Robert J. Palmer.

Law School Moot Court Team Reaches Final Four

The Association of the Bar of the City of New York held its Fifty-Fourth Annual National Moot Court Competition in New York City February 2–5, 2004. One hundred and twenty-nine schools (sponsoring 189 teams) originally entered the competition and held regional championships in November. Coached by **Edward**

A. Sullivan '93 and Robert J. Palmer, the team of **Julissa Robles '04** and **Carah Helwig '04** advanced by winning the best brief competition in Indianapolis and by winning every round of oral argument. Twenty-eight schools advanced teams from regional competition to the national event in New York City.

At the final rounds in New York, Robles and Helwig defeated teams from the University of Seattle, Boston College, and the University of Georgia to advance to the final four. On Thursday, February 5, in the semifinals, the Notre Dame team was defeated by the eventual National Champion, South Texas Law School.

54th Annual Showcase Argument judges and student participants from left to right: Eric Tamashasky, Cynthia Phillips, Judge Mary Lisi (U.S. District Court, District of Rhode Island), Associate Justice Frank Sullivan (Indiana Supreme Court), Judge D. Brooks Smith (U.S. Appeals Court, Third Circuit), Carah Helwig and Julissa Robles.



54th Annual Showcase Argument

Four outstanding oral advocates participated in the 54th Annual Showcase Argument held February 12, 2004, in the Judge Norman C. Barry Courtroom in the Law School. Third-year students **Carah Helwig** of Peoria, Illinois; **Julissa Robles**, of Lennox, California; **Eric Tamashasky**, of Cincinnati, Ohio; and **Cynthia Phillips**, of Springfield, Missouri, presented their arguments in front of a distinguished panel of judges. Two issues were argued before the court. The first involved the constitutionality of the Public Trust Act with regard to a First Amendment challenge. The second issue related to the conditions under which a trademark may be said to have been infringed.

On the bench were D. Brooks Smith, of the U.S. Court of Appeals for the Third Circuit, Mary Lisi, who serves on the Federal District Court for the District of Rhode Island, and Frank Sullivan, who serves on the Indiana Supreme Court. With the judges and students uniformly well prepared, everyone quickly joined in the spirit of an argument before the Supreme Court of the United States. Questions and responses flowed with an exceptional depth of analysis and an ease of presentation. At the conclusion of the argument, the judges confirmed what all in the audience had thought, that the students had represented their positions in a manner befitting the name "showcase."

Notre Dame Law Review Hosts Symposium on Laws of War

Legal scholars from across the nation convened on campus December 4–5, 2003, at McKenna Hall to discuss the effects of the September 11 terror attacks on the laws of war.

The symposium, "The Changing Laws of War: Do We Need a New Legal Regime After 9/11?" was sponsored by the *Notre Dame Law Review*. Topics discussed over the two days covered a wide variety of issues, including the Bush administration's recently advanced doctrine of pre-emptive war, the Patriot Act, the legal status of enemy combatants, the transfer of captured members of Al Qaeda between nations, and the relationships between due process and the Geneva Convention. The keynote address was given by Professor Mark Tushnet of the Georgetown Law Center. Other distinguished speakers included Gregory Jacob, Department of Justice; Professor Derek Jinks, University of Chicago; Professor Michael Ramsey, University of San Diego School of Law; and our own **Professor Patricia Bellia**.

1L Orientation and Service Projects

On August 22, 2003, Notre Dame Law School welcomed the 183 members of the Class of 2006. The following day, on August 23, approximately 125 of these first-year students and 11 second-year group leaders participated in service projects with seven community service organizations throughout South Bend. Organizations on the receiving end of these acts of kindness included the Center for the Homeless, the Food Bank of Northern Indiana, Goodwill Industries, Hope Rescue Mission, the Red Cross of St. Joseph County, St. Vincent DePaul, and the Salvation Army. From their first day at NDLS, these students have exemplified why Notre Dame Law School is truly educating "a different kind of lawyer."



Caroline Walling, Lenore VanderZee, Keoini Haynes, 2L group leader Sarah Fuhrman, Jose Del Real, and Anjali Vij engage in volunteer work at Goodwill as part of the 1L Orientation service projects.

IrishLaw Sports Report

Third-Year Law Student Ken Kleppel Featured at BYU Pep Rally

For each home football game, the Athletic Department selects a student speaker for the Friday night pep rally. The student must write his or her speech and then perform it in front of a panel of administrators and students who, in turn, select one finalist to perform at an upcoming pep rally. Third-year law student **Ken Kleppel** was selected to speak on Friday, November 14, 2003, in front of 10,000 screaming Irish fans at the Joyce Center.

"To speak in front of the Notre Dame community—before my last game as a student—was the most unique experience for a variety of reasons. I have characterized my service to this University in various capacities as a 'vocation' of sorts." As an undergraduate student, Ken worked as a student assistant in the Sports Information Office and as a student manager of athletics, earning a monogram in 2000 and 2001. Today, Ken serves as editor-in-chief of the *Journal of College and University Law*, as well as the Law School's liturgical commissioner and as a representative on the Honor Council. "I tried to use this forum as a way to communicate my perspective on Notre Dame athletics—its ideals, character, and the message conveyed by the Athletic Department—to the Notre Dame family."



Ken's speech began with a series of humorous "tale of the tape" comparisons between Notre Dame and BYU. His comparison between **Chris Zorich '91, '02 J.D.** and Jim McMahon received thunderous applause from the crowd. Ken then went on to discuss the realities of the 2003 football season in the context of the changing landscape of modern college football, arguing that while we should not rely solely upon a superficial sense of "tradition" and past laurels, the University and its football program are distinguished by a drive toward achieving the proper balance between student and athlete, commitment to service, and ability to maintain an institutional identity despite a host of outside pressures. Ken concluded his speech with the following thought-provoking words: "Throw away the 3-6 record, throw away the unrealistic expectations that come with an unparalleled tradition, and most importantly, throw away bandwagon fans, for perseverance is the sign of a true champion and patience in adversity gives power to the soul."

Record Numbers Participate in Law School Bowling League

How do some students blow off steam during those gray South Bend winter days? While the University can brag that hundreds of students and staff participate in bookstore basketball, they have nothing on the Student Bar Association's bowling league. Nearly one third of Law School students participate in the league. Second-year student **Adam Russ** reports that over 200 law

students are registered for the league, which takes place on Thursday evenings at Beacon Bowl in South Bend. This year, the Business Law Forum put their savvy business sense to work and sold bowling shirts for the league. Some of the team names include Motion to Strike, the Attractive Nuisances, and Involuntary Pinslaught.



From left to right: **Ana Perez-Arrieta (2L)**, **Lisa Yu (1L)**, **Ryan Blaney (3L)**, **Anna Benjamin (3L)**, **Matthew LaFratta (1L)**, **Reilley Dunne (2L)**, **Natalie Huddleston (3L)**, **Michael Chelvam (1L)**, **Margaret Julian (1L)**

Law Students Withstand Grueling Chicago Marathon

As if the rigors of law school were not enough, nine Notre Dame law students ventured to the "Windy City" October 12, 2003, to participate in the 2003 LaSalle Bank Chicago Marathon. With over 40,000 registrants, the Chicago marathon is one of the elite events in the world of marathon racing. All nine students completed the 26.2-mile race. When asked which is more grueling, law school or the marathon, **Natalie Huddleston '04**, replied, "Law school is definitely more grueling. A person can endure anything for four hours, especially with a clearly defined path and established finish line. I'd rather do a dozen marathons than repeat my first year of law school!"



NEWS FROM THE KRESGE LAW LIBRARY

Library's 600,000th Volume Is Small Stuff

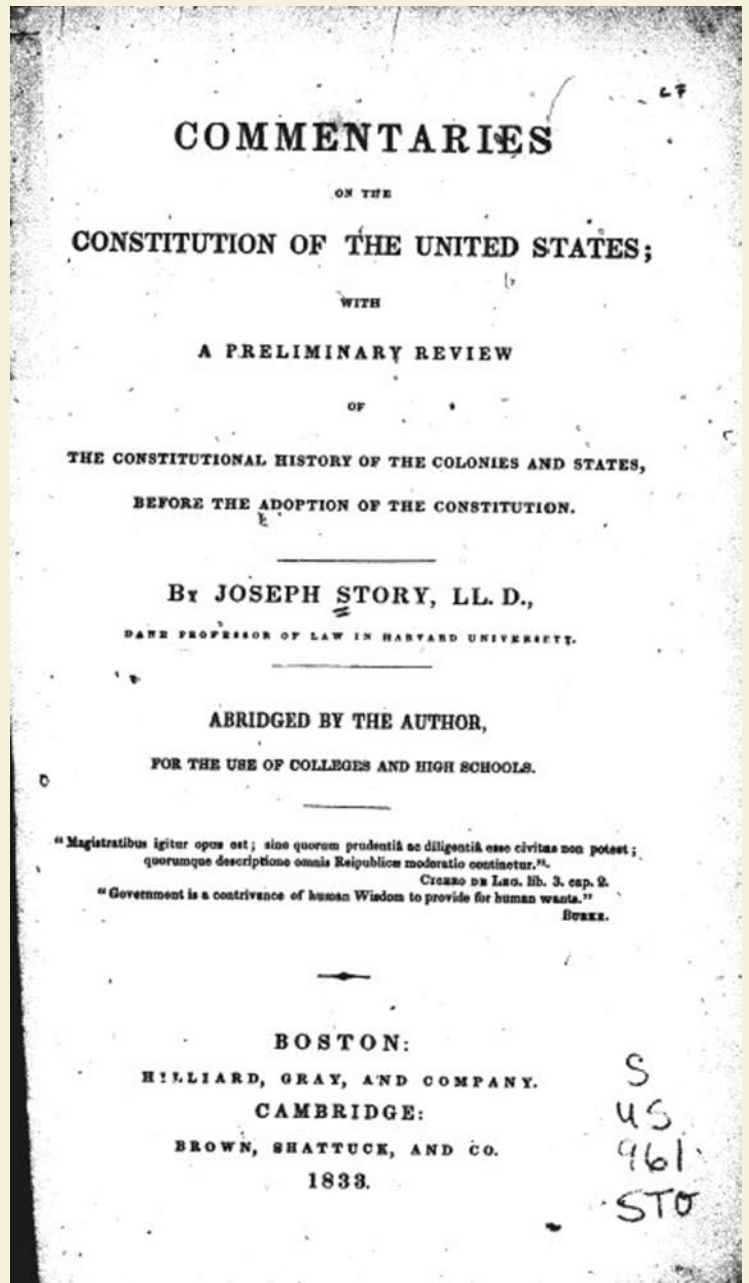
by Joseph Thomas

The Kresge Law Library has joined a group of fewer than 30 academic law libraries (out of 185) that hold at least 600,000 volumes. A collection of that size is capable of supporting the research goals of a productive faculty and of providing our students with ample resources for their curricular needs. But how did a library that 30 years ago held a mere 69,000 volumes build so much so fast? Obviously, a great deal of money was required to build the collection, but even when adequate funding for buying materials was made available, how were historical works to be obtained? How were we to match the collections of other great legal research institutions whose volumes were purchased gradually over many decades? And, even if we could find that many books to buy, where would we put them all?

One way to play catch-up in the information world is to bundle the information and buy it all at once instead of piecemeal. And one way to save space is to reduce the size of the physical format the information comes in. Microforms were



Pictured above is the Kresge Law Library's 600,000th volume, *Commentaries on the Constitution of the United States* by Joseph Story, and its microfiche conversion. The image of the title page (right) was digitized from the microfiche.



the obvious solution for the Kresge Law Library as we sought to build a good collection without outgrowing our building in just a few years. As the technology for producing micrographics improved in the 1970s, more and more works became available. Great sets of congressional documents, court cases from foreign jurisdictions, human rights documents, records and briefs of the U.S. Supreme Court, bar journals, state session laws, and thousands of other works have been added to the library in microform—so much so that half of our physical collection is represented by volumes in microformats.

Our 600,000th “volume” is therefore appropriately represented by six sheets of microfiche. Rather than count how many actual volumes are represented in a large set (such as our recently acquired *Common Law Abroad* collection of historical legal documents from the British colonial era), libraries use a standard formula that counts every six microfiche as the equivalent of one print volume. Microfilm reels contain the equivalent of five print volumes on each reel. The *Common Law Abroad* set consists of 40,000 microfiche, representing more than 6,500 print volumes—the equivalent of 1,300 feet of book shelving in a cabinet taking up little more than three square feet of floor space.

In addition to large collections on microfiche, we also have thousands of individual books from the 18th, 19th, and early 20th centuries, most filmed from works in the law libraries at Harvard and Yale. For our 600,000th volume, we have chosen to highlight one of these works, *Commentaries on the Constitution of the United States* by Joseph Story, published in 1833.

Microforms are not anyone’s favorite form for information retrieval, no matter how convenient and economical they are as information storage media. Reading microtext requires special equipment, and sometimes patience and perseverance are needed to locate the one fiche you need out of 1.6 million arrayed in 80 cabinets in the library. It would not be wise for a library to purchase the most frequently used works in that format. But, for historical legislative documents that may have been housed in book form in only three or four libraries to be available to one of our patrons who needs it, access to that work in a microform is considerably better than a trip to another library to consult the volume, or an attempt to interlibrary loan a work which, if rare or in bad physical condition, may not be forthcoming.

Microforms have traditionally been deemed inconvenient for other reasons as well. It is difficult to browse in a microform collection. It is not possible to search the text of microforms as easily as online searching can be done. The information seems more hidden away. But, we are on the cusp of some changes that will help to reduce that inconvenience. The library already owns a specialized reader-printer that can digitize microform images and send them via the Internet to patrons. We are also part of a pioneering project to digitize a great deal of microform legal information that will be available to our patrons as images online, searchable by full text. This will allow us to make the information in microforms more easily available and yet still preserve the documents in a tangible form.

Many of our microform titles are listed in LINK, the library’s online catalog. We are always adding more and seeking other ways to make those titles more accessible. Last year, individual records for the titles in the massive Congressional Information Service collection of hearings and other U.S. legislative documents began to be loaded into our catalog.

We are celebrating this milestone in our collection growth by acknowledging how much we benefit from the availability of so much legal information in such a compact form.

Joseph Thomas serves as librarian and head of technical services for the Kresge Law Library.

Law Library Conference Held in October

The 54th Annual Ohio Regional Association of Law Libraries was held at Notre Dame’s Center for Continuing Education (McKenna Hall) on October 22–24, 2003. The theme of the conference was “Libraries Transformed!” Programs ranged from differences between generations (“Generations at Work”) to the role of “virtual reference” service in multiple environments. Ken Svengalis, author of *The Legal Information Buyer’s Guide and Reference Manual*, discussed changes in legal publishing. The opening reception was held at the Center. In addition to the great food, the Irish Leprechaun greeted the registrants and guests.

Mary Cowsert and Terri Welty are greeted by the Irish Leprechaun.



CENTER FOR CIVIL AND HUMAN RIGHTS

Projects Supporting International Justice

Beyond its academic programs, the Center for Civil and Human Rights (CCHR) also supports the efforts of human rights lawyers through its Transitional Justice (TJ) and Rwanda Tribunal Internship (ICTR Internship) projects. Thanks to a generous grant from the Ford Foundation, the TJ project is currently sponsoring practical training for lawyers from Canada, Mauritius, Scotland, South Africa, and the United States. These newly qualified professionals are interning at Truth Commissions (in Ghana, East Timor, and Peru), non-governmental organizations (in the United States, Haiti, and Belgium), and the International Tribunal for the Former Yugoslavia.

In addition to supporting internships, the TJ project brings to Notre Dame human rights specialists wishing to reflect on and write about their experiences in promoting international justice and accountability. This knowledge is important in preparing for the new and continuing challenges in the battle against impunity in various regions and countries. While here, these visitors engage in quality research in collaboration with the center's staff, and participate in seminars and discussion aimed at sharing their expertise with the Notre Dame community.

To date, the TJ program has brought four human rights specialists to Notre Dame for semester-long visits. The first was the former head of the human rights unit of Colombia's National Prosecutor's Office. He was followed by visits by an American professor working on the construction of collective memory and a Malaysian-German lawyer researching the judiciary's accountability for human rights violations in East Timor. This semester's visitor is an Austrian lawyer with experience working on several United Nations' missions. His research is on institutional rebuilding in post-conflict situations.

Lastly, the ICTR Internship project, supported by a grant from the Open Society Institute, supports the professional development of African human rights lawyers through practical training. With the support of this project, six young African lawyers per year are able to undertake six-month internships at the International Criminal Tribunal for Rwanda. The current group of interns is from Zimbabwe, Swaziland, and Uganda.

International human rights law is a rapidly developing area of law in which the Notre Dame Law School, through the CCHR's academic programs and projects, is proudly working to improve the legal knowledge and skills of human rights lawyers around the world.

A Center for Universal Rights

Every year, the CCHR receives more than 100 applications from lawyers around the world hoping to participate in the Notre Dame Law School's LL.M. and J.S.D. programs in international human rights law.

The applicants who select the Law School's human rights programs are attracted by its excellent facilities and by the global character of its human rights community. The small class size—just 15 participants each year—ensures a unique and individualized learning experience in a program that combines scholarly reflection with practitioner-oriented training.

This year, the CCHR is enriched by the presence of lawyers from Africa, Asia, Latin America, and Europe. Many bring with them rich experiences of having worked at truth commissions, international criminal tribunals, United Nations missions, government agencies, nongovernmental organizations, and universities. To encourage international students to share this wealth of experience with American students in the J.D. program, the law students' International Human Rights Society and the CCHR have introduced a series called "Other Perspectives: Human Rights Lawyers at Notre Dame."

This informal series is designed to highlight personal accounts by the international students of their experiences and efforts to improve human rights situations in their own countries. **Dusan Ignjatovic**, from Serbia and Montenegro, and **Ermin Sarajlija**, from the Republic of Bosnia-Herzegovina, kicked off the series with "Experiences behind the Headlines: Personal Accounts from the Balkans." This presentation was followed by an account on "Combatting Impunity in Latin America," presented by **Gisela de León**, of Panama, and **Paulina Vega Gonzalez**, of Mexico.

NEWS FROM DEVELOPMENT

Rita Bahr Cari Scholarship Fund Established



When Rita Bahr Cari, beloved wife of **Joe Cari '74, '78 J.D.**, passed away last year after a courageous battle with cancer, Joe spent a great deal of time reflecting on what would be an appropriate memorial to this remarkable woman. "Her passion for life and sensitivity

for people was deeply heartfelt," said Joe. "Rita spent a great deal of her youth in Central and South America and loved its culture and people. Her compassion for the underprivileged of this region was a passionate concern of hers."

After much reflection, Joe decided upon a living memorial to Rita that underscores her commitment and concern for this region of the world. The Rita Bahr Cari Memorial Fund for Notre Dame's Center for Civil and Human Rights will enable the center to enhance its innovative and internationally renowned contributions in teaching, research, and service on behalf of human rights. Many of its graduates (a number of whom are from Central and South America) are an integral part of an international network of lawyers who, through their teaching and practice, strive to develop a global human rights culture. The center's mission of aiding those whose human rights are violated and threatened will be advanced significantly through the Rita Bahr Cari Memorial Fund.

After just a short period of time and through the generosity of family and friends, over \$170,000 has been raised for this living memorial to Rita Bahr Cari. If you are interested in learning more, please contact **Glenn J. Rosswurm II '91**, director of Law School Advancement.

Matt McKinney Joins Development Staff

The Office of Law School Advancement in the Development Department was created in January 2000. During that time, **Glenn J. Rosswurm II '91** has served as director of Law School Advancement. Glenn has managed all Law School fund-raising programs, including the Law School Annual Fund, the Order of St. Thomas More, and leadership gifts. Because of the tremendous generosity of our benefactors, each of these important areas has experienced substantial growth. As a result, to better serve the needs of the Law School and its benefactors, a second administrator has been added in the Office of Law School Advancement. The University is pleased to announce that, following a comprehensive national search, **Matt McKinney** recently became Notre Dame's first executive director of the Order of St. Thomas More and director of the Law School Annual Fund. Matt will focus exclusively on maintaining momentum with the Order of St. Thomas More and on increasing alumni participation in the Law School Annual Fund. Matt came to Notre Dame from Lynchburg College in Virginia, where he served for the past two years as associate director of development. He is a 1995 graduate of Davidson College, and, in 2000, he received a master's degree in education from Harvard University with a focus on higher education administration. He has a keen appreciation for, and understanding of, the Notre Dame Law School's distinctive faith-based approach to legal education. You will surely get to know Matt in the weeks and months to come. In the meantime, we welcome Matt to the Notre Dame family!



NEWS FROM THE NOTRE DAME LAW ASSOCIATION

Dear Notre Dame Lawyer,

The Board of Directors has been busy. At our meeting in October, we hosted students for a box lunch in order to give them the opportunity to meet practitioners from their own corner of the world or in the specialty they are considering. It was so well received we hope to make such gatherings a regular part of our agenda. Of course, we follow up with many students to assist them with job placement.

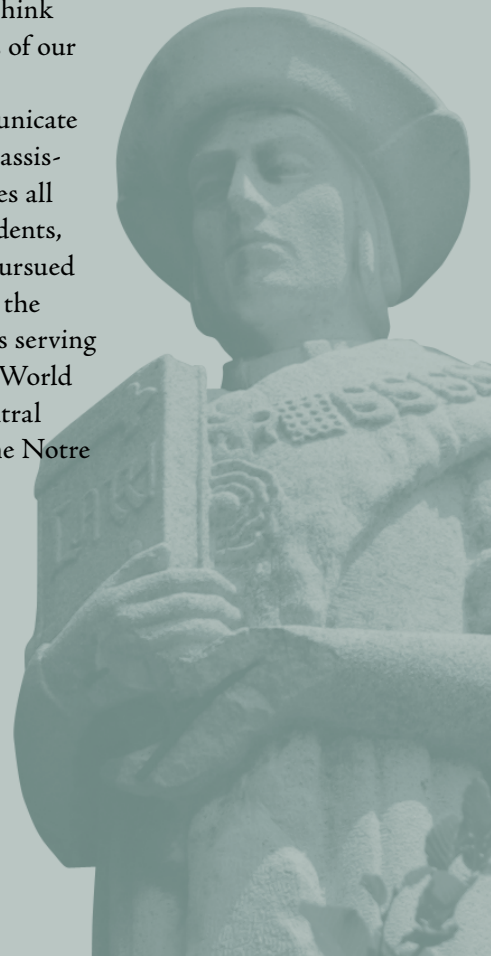
As you read this, we are in the throes of recruiting and interviewing prospective law students. The competition among top law schools for good students is matched conversely by the competition among over 3,500 applicants for the 180 spaces in Notre Dame Law School's Class of 2007. NDLA members will host over 60 luncheons, attend 90 law fairs, and interview over 2,500 applicants, just as we do year after year.

It appears we will be able to fund at least nine pro bono assignments for current law students this coming summer. They will work with public defenders and legal aid attorneys from Morris County, New Jersey, San Diego, Detroit, Cincinnati, Denver, and Indianapolis, among other cities. Their work will include client interviews, research, and writing, as well as participating in court appearances and in-service training programs. I direct you to second-year student **John McKiernan's** article, on the next page, reflecting on his work last summer with the Hamilton County (Ohio) Public Defender's Office. I think you will agree that these experiences have a lasting impact upon the lives of our future Notre Dame lawyers.

When I wrote this column last fall, I invited our members to communicate their thoughts and suggestions for the association and how we can be of assistance. You did as I asked, but I received a benefit I did not expect. Besides all your efforts to line up the pro bono summer assignments for NDLS students, you told me of the many other wonderful projects and programs being pursued by our alumni, either as vocation or avocation. I learned of efforts to use the Internet to bring pro bono legal services to the poor and to organizations serving the poor. You wrote of endeavors to bring surplus medications to Third World countries, and fund-raising for orphanages and clinics in Africa and Central America. You are generous with your time and your treasure. You live the Notre Dame spirit. I couldn't be more proud to be a Domer. Thank you.



Bob Greene '69 J.D.
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Alumni-Funded Fellowships

Reflections

John McKiernan is a member of the Notre Dame Law School Class of 2005, a 2002 graduate of Notre Dame (B.A. Philosophy), and a 1998 graduate of Elder High School in Cincinnati, Ohio. He will serve as the Assistant Rector in O'Neill Family Hall through the end of the 2005 school year.



Don't tell Dean O'Hara, but I spent my summer in jail! Through the efforts and financial generosity of the Notre Dame Law School, **Paul Mattingly '75**, and several NDLS alumni in the Cincinnati area, I was able to spend the summer of 2003 interning with Louis Strigari, the Hamilton County Public Defender, in the Hamilton County (Ohio) Public Defender's Office. My internship was funded by the Alumni-Funded Public Interest Legal Fellowships that NDLS has established with several public interest groups throughout the United States. The time I spent in the Public Defender's Office was an exciting and rewarding plunge into the world of criminal law and procedure that allowed me to experience both the successes of and challenges faced by our criminal justice system.

Some of my responsibilities consisted of interviewing incarcerated criminal defendants, researching and writing about issues ranging from aggravated murder to unlicensed escort services, and translating documents and proceedings for Spanish-speaking defendants. Of all the terrific experiences I had during the summer, three stand out in my mind as particularly memorable. First, I was able to spend a day sitting on the bench with Hamilton County Municipal Court **Judge Elizabeth Mattingly '75**. Additionally, I spent several weeks helping a public defense attorney prepare for a felonious assault trial. Finally, I was able to do substantial research on public indecency and drafted memoranda on this issue that the responsible attorney used both during trial and on appeal. These three experiences gave me invaluable "hands-on" experience with the criminal law and provided me with a close-up glimpse of the strengths of our court system.

On Thursday, June 5, I was invited by Judge Mattingly to spend the morning with her on the bench in her courtroom. While on the bench, I was able to listen in on sidebar conferences with the prosecution and defense counsel and observe Judge Mattingly as she reviewed the defendant's records and completed appropriate paperwork for each defendant. Additionally, I was able to speak with Judge Mattingly between cases regarding her judicial responsibilities and her insights into the Hamilton County criminal justice system. My experiences with the judge allowed me to observe one of the great triumphs of our criminal system, the zealous defense of the defendant's rights despite the defendant's inability to pay for his or her own counsel. There were several indigent defendants who appeared before the judge that day and all were vigorously represented by attorneys from the Hamilton County Public Defender's Office.

The project I was most involved in during my summer internship was assisting a public defense attorney as he prepared for a felonious assault trial. My pretrial responsibilities consisted of reviewing transcripts of bindover proceedings from the juvenile court, researching and preparing a memorandum for the court regarding the admissibility of particular evidence in light of Ohio's hearsay and impeachment rules, and helping the attorney draft witness examination and cross-examination questions to be used in trial. During the trial, I assisted the attorney as he impeached the State's witnesses during cross-examination by feeding him particular questions regarding the witnesses' current testimony and the inconsistent statements those witnesses had made during earlier court proceedings. I also assisted the attorney, at the instruction of the presiding judge, with computer-based displays of admitted evidence designed to visually magnify the evidence for the jury. My memorandum of law was also presented to the judge, with positive results for the defense.

This experience exposed me to the financial challenges faced by public defenders and how the limited resources available to them make their zealous defense of their clients' rights all the more impressive. The limited resources available to this attorney for investigation and legal research, not to mention the extraordinary number of cases he carried along with this matter, further emphasized to me that many public defense attorneys work vigorously on behalf of their clients primarily as a matter of social conscience.

The opportunity to research Ohio's public indecency statutes and draft various documents based upon my research was both a challenging and enlightening plunge into a particular aspect of the criminal law and into the general principles of criminal procedure. The relevant statutes and case law on public indecency were "interesting" and the opportunity to research and structure arguments that the public defense attorney relied on at the trial and appellate levels was an extraordinary practice and helped me to refine my research and writing skills.

My summer interning with the Hamilton County Public Defender's Office was enriching, rewarding, and enjoyable. Through my time there, I was able to observe and involve myself in the inner workings of our criminal justice system, with all of its strengths and weaknesses. This vocation, public defense, combines all of the exemplary qualities of the legal profession, such as zealous representation of a defendant's interests, along with a strong commitment to social services. I cannot imagine a better use of Notre Dame Law School and its alumni resources.

ALUMNI notes

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:
www.nd.edu/~ndlaw/alumni

CLASS OF 1952

Tobias G. Barry accepted a two-year position on the Third District Appellate Court in Illinois last November. He officially retired from the appeals court in 1994.

CLASS OF 1961

David H. Kelsey was featured in the June 2003 issue of the *New Mexico Business Journal* in an article titled "A Love for the Law," where he was referred to as "the dean of family law attorneys in New Mexico." Kelsey is a partner in the New Mexico law firm Atkinson & Kelsey, P.A.

CLASS OF 1965

James T. Heimbuch was named president-elect of the Detroit Metropolitan Bar Association and will assume the title of president in May 2004. He has also been reappointed to a one-year term on the board of directors of the Detroit Regional Chamber.

CLASS OF 1968

Thomas R. Curtin was named to the National Football Foundation and College Football Hall of Fame Board of Directors. He joins the likes of former ND Athletic Director Eugene Corrigan, ND Board of Trustees Chairman Emeritus Donald Keough, NFL quarterback Archie Manning, and major league baseball's George Steinbrenner.

CLASS OF 1969

Robert M. Greene was appointed to the board of directors of Global Health Ministry, a not-for-profit organization that is a member of Catholic Health East and provides healthcare to communities in the Caribbean and Latin America.

James E. Mackin was re-elected chairman of Bond, Schoeneck & King's executive committee for a second four-year term. He is a senior partner and a member of the firm's Estate and Financial Planning Department in Syracuse, New York.

CLASS OF 1972

J. Michael Keefer has joined Security Benefit Life Insurance Company as senior vice president, general counsel, and secretary.

CLASS OF 1975

Thomas Boyer presented at a Lorman seminar last summer, where he discussed "Post-Termination Issues in Michigan."

CLASS OF 1976

Virgil L. Roth has opened his own law firm in South Pasadena, California.

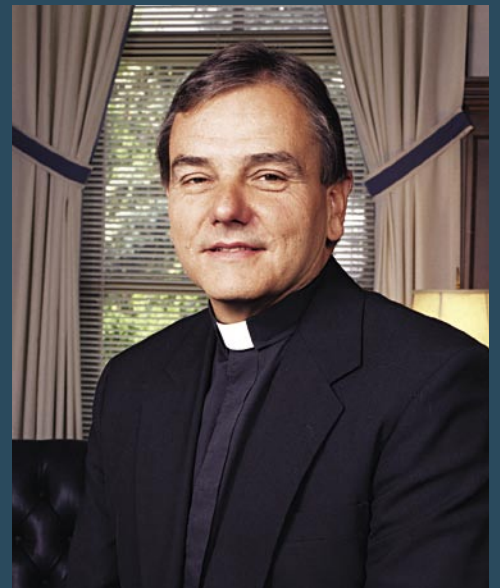
CLASS OF 1978

Philip J. Newton is director of human resources at Parateck Pharmaceuticals, Inc., in Boston, where he is responsible for contracts and patents administration.

Beauchamp Named As President

Rev. E. William Beauchamp, C.S.C., '75 J.D., '81 M.Div., former University of Notre Dame executive vice president and executive assistant to the President, was named the 19th president of the University of Portland by the Oregon school's board of regents and Congregation of Holy Cross.

Father Beauchamp served as executive vice president at Notre Dame from 1987 to 2000. He continues to serve as a fellow of the University and as a member of the Board of Trustees.



McCartan Re-elected As Chairman

Patrick McCartan, '56 B.A., '59 J.D., '99 LL.D. *honoris causa*, was unanimously re-elected as chairman of the University of Notre Dame's Board of Trustees in October 2003, extending his tenure to 2007. "I appreciate the confidence and support of the Notre Dame Board," Mr. McCartan said. "I look forward to helping Notre Dame fulfill the promise of a great university."



McCartan is senior partner of Jones Day in Cleveland, Ohio. He has been a member of Notre Dame's Board of Trustees since 1989 and was elected board chair and a fellow of the University in 2000. Cited in surveys by the *National Law Journal* as one of the country's most respected and influential lawyers, McCartan has been featured in *The Wall Street Journal*, *The American Lawyer*, and *The Best Lawyers in America*. He is a fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers, as well as an honorary overseas member of the English Commercial Bar.

the Attorney General's Office, he spent eight years as a trial attorney with the Philadelphia office of Duane, Morris and Heckscher (now Duane Morris, L.L.P.).

CLASS OF 1990

David B. Cosgrove is chief legal counsel to the governor of Missouri.

CLASS OF 1991

R. Paul Guerre has joined Barnes & Thornburg as a partner in their Grand Rapids, Michigan, office, where he will continue his corporate law practice, concentrating in the areas of mergers and acquisitions, securities law, and corporate finance.

Katheryne L. Zelenock, co-leader of the Capital Markets Lending Group at Miller, Canfield, Paddock and Stone, P.L.C., has recently moved to the firm's

CLASS OF 1980

Duane L. Tarnacki received the American Bar Association's Outstanding Nonprofit Attorney Award for his distinguished lifetime achievement in the nonprofit sector. The annual award is given by the Business Law Section of the ABA.

CLASS OF 1982

Robert B. Clemens of the Indianapolis firm of Bose McKinney & Evans, L.L.P., was named vice president for corporate relations of the Indiana Chapter of the Association of the U.S. Army, an organization of men, women, and corporate members who support the Army and Army families. He also presented at the Indiana Law Update Seminar 2003 on legal ethics in December 2003.

M. Jean Gorman has been appointed senior director of planned giving and development research at the University of Notre Dame.

CLASS OF 1984

John Patrick Galvin, Jr., moved from Portland, Oregon, to Orange County, California, where he is a senior vice president with LNR Property Corporation.

CLASS OF 1985

Kathleen L. Cervený has become a partner in the Corporate Department and Securities Practice Group of Dilworth Paxson's Washington, D.C., office.

CLASS OF 1987

Joanne Kay Blackburn was voted president of the Washington Defense Trial Lawyers at their annual meeting in July. She is an owner at Garvey Schubert Barer, where she focuses her practice on insurance coverage and defense, construction, product liability, and environmental litigation.

CLASS OF 1988

Jerry Pappert was recently confirmed Pennsylvania's attorney general. He had served as first deputy attorney general since January of 1997. Prior to joining

Marriages

Adam J. MacLeod '00 married Katharine Bradley on August 9 in Belgrade Lakes, Maine. Adam is a litigation associate at Sherin & Lodgen in Boston.

Kevin Peinkofer '00 married Mary Teresa Biondo in August. He is an attorney with Connors & Vilardo in Buffalo, New York.

Nancy A. Warnement '00 married Michael J. Alvarado on May 17, 2003. She is an attorney with Atkin Gump in Houston, Texas.

Christopher Keegan '02 married Allison McGowen at Stanford Memorial Church in Palo Alto, California. Chris is a lawyer with Kirkland and Ellis in Chicago.

Troy, Michigan, office. She will speak at the 2004 Women in Leadership Conference in Ann Arbor. She will participate in a leadership panel called "Lead the Way: Strategies in Uncertain Times." This annual event is hosted by the University of Michigan Business School and Michigan Business Women Club.

CLASS OF 1992

Scott Kenney was appointed admiralty counsel of the Navy and deputy assistant judge advocate general of the Navy.

CLASS OF 1993

Peter Prynkiewicz is an associate at Littler Mendelson in Phoenix. He represents employers in discrimination, harassment, wrongful termination, and other cases.

CLASS OF 1994

Kurt M. Kjelland was recently elected partner at Paul Hastings, San Diego, California, office.

Natasha (Thompson) Martin is in her second year as assistant professor of law at Seattle University. She teaches Torts, Employment Discrimination, and Professional Responsibility.

Aldous D. McCrory joined McKoon, Williams & Gold in Chattanooga, Tennessee. He works in the transactional department handling matters involving general corporate, corporate finance, tax, and mergers and acquisitions.

CLASS OF 1995

Idolina Garcia left the Texas Attorney General's Office and joined Hermes Sargent Bates, L.L.P., in Dallas, Texas. She is a senior associate practicing civil appeals and litigation.

CLASS OF 1996

Kristen M. Fletcher was appointed director of the Marine Affairs Institute and the Rhode Island Sea Grant Legal Program at Roger Williams University's Ralph R. Papitto School of Law. The Rhode Island Sea Grant College Program conducts scientific research, education, and extension projects designed to help people better understand and use ocean and coastal resources.

William Rufus Johnson has become the director of employee and labor relations at the Eaton Corporation in Cleveland, Ohio.

Bradley Wiskirchen has been named a partner in the law firm of Holland & Hart in Salt Lake City, Utah.

CLASS OF 1997

Michelle M. Inouye has been named a partner with Kirkland & Ellis, L.L.P., in Los Angeles, where she specializes in civil litigation.

Scott L. Sroka is currently serving as regional representative to U.S. Senator Charles Schumer in Buffalo, New York. He also serves as a member of the Board of Directors of Shakespeare in Delaware Park, the nation's second-largest free outdoor Shakespeare festival. He also helped start a program for high school English teachers in conjunction with Shakespeare's Globe Theatre in London on teaching Shakespeare through performance.

William F. Zieske, an associate with McGuireWoods, L.L.P., in Chicago, received first place in the 45th Annual Lincoln Award Writing Contest sponsored by the Illinois State Bar Association. The Lincoln Award Writing Contest is the state bar association's only writing contest for practicing attorneys in Illinois. His article, "The Electronic Courthouse in Illinois: Filing, Service, Access, and Privacy," was published in the August 2003 issue of the *Illinois Bar Journal*. He was also a panelist in the public forum "Patriotism or Paranoia? The USA Patriot Act: Balancing Domestic Security and Civil Liberties" held in Glenview.

New Additions

Please welcome the newest members of the NDLS family.

James E. Blaney '92, and his wife, Dawn, welcomed their fifth child, Bridget, in the fall of 2003. The Blaneys live in Lake Elmo, Minnesota.

Peter J. McCarthy '94 and his wife, Maureen, welcomed their second set of twins, Nora and Aidan, on May 17, 2003.

Aldous D. McCrory '94 announces the birth of his son Aldous D. McCrory, Jr., ("AJ") on October 14, 2003.

Tamara Herdener '97 announces the birth of Tyler James and Joseph Charles on May 24, 2003.

Michael A. Blackburn '98 and his wife, Michelle, report the birth of Thomas Robert on September 25, 2003.

Christopher Oliver '03 announces the arrival of his daughter Isabelle Victoria on June 10, 2003.

CLASS OF 1998

Michael A. Blackburn is still serving as a JAG officer in the Air Force. His current responsibilities include representing the Air Force against civilian employees in employment litigation cases in Federal Court.

John Cerone presented on human rights law in Washington, D.C.; Galway, Ireland; and East Timor. He also published a chapter in *Ethnic Cleansing in 20th Century Europe*. He currently works as executive director of the War Crimes Research Office at American University.

CLASS OF 1999

Myron Mlachak has been named of counsel at Lewis & Roca, where he focuses on product liability cases.

CLASS OF 2000

Emil J. Kiehne joined the Philadelphia firm Fox Rothschild as an associate in the Litigation Department where he concentrates his practice on general, commercial, and appellate litigation.

James McCament has moved to the new General Counsel's Office of the Department of Homeland Security, focusing primarily on the areas of administrative, enforcement, and international law as well as information protection issues. In September, he accepted a position on the Secretary of Homeland Security's staff as special advisor for policy on international and technology issues.

CLASS OF 2001

Timothy M. Curran has joined the firm of Boveri Murphy Rice Ryan & LaDue, L.L.P., in South Bend, as an associate.

CLASS OF 2002

Sean McLaughlin published "Some Strings Attached? Federal Private School Vouchers and the Regulation Carousel" in the *Whittier Law Review* and "A Devil in Disguise: How Paycheck Protection Legislation Violates the First Amendment" in the *Seton Hall Legislative Journal*.

CLASS OF 2003

Angela M. Berg has joined Barnes & Thornburg in the Indianapolis office, where she practices in the Business Tax and Real Estate Department.

Lisa M. Jarmicki is an associate with Riker, Danzig, Scherer, Hyland & Parretti, L.L.P., in Morristown, New Jersey. She concentrates her practice in commercial litigation.

David S. Maquera is practicing commercial litigation at the law firm of Raymond & Prokop, P.C., in Southfield, Michigan.

Carly Nasca joined the Buffalo, New York, office of Hiscock & Barclay, L.L.P., as an associate.

Greg Ripple has joined the South Bend office of Barnes & Thornburg, where he will practice with the firm's Labor and Employment Law Department.

Nelson O. Ropke has joined Baird Halm in Omaha, Nebraska, as a member of the firm's Financial Transactions Section.

In Memoriam

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

Matthew Curt Breman '93, October 29, 2003.

Lauretta Dutile, mother of Professor **Tex Dutile**, passed away January 15, 2004, at the age of 93 in Manchester, New Hampshire.

Judge Michael F. Godfrey '42, J.D. '48, November 2003.

Thomas Lunneen '49, November 16, 2003.

John Hugh MacDonald '85, July 2003.

Donald Manderfeld '89, May 6, 2003.

Victor L. McFadden '59, November 30, 2003, South Bend, Indiana.

Meaghan E. Murphy '00, October 2003.

David Peter Posatko '72, November 13, 2003, Dallas, Pennsylvania.

Judge Robert K. Rodibaugh '39, J.D. '41, August 7, 2003, Granger, Indiana.

Darrell Taylor has joined the Fort Wayne, Indiana, office of Baker & Daniels as an associate on the firm's litigation team.

Philip A. Sicuso has joined Barnes & Thornburg's Indianapolis office, where he will practice with the firm's Labor and Employment Law Department.

NEWS FROM THE ADMISSIONS OFFICE

Alumni Support Admissions Office Fall 2003 Activities

This past fall, Notre Dame Law School alumni continued the proud Notre Dame tradition of supporting the Admissions Office. The Law School was represented by 175 alumni at 106 Law Days, 2 online chat sessions, and 10 Alumni–Admissions receptions, in 35 states across the country. The personal stories our alumni share through these events have helped to make a positive impact on over 3,000 prospective applicants.

With the generous support of NDLS alumni, the Admissions Office hosted receptions in 10 metropolitan areas this fall: Boston, Chicago, Houston, Miami, Los Angeles, New York, Providence, Raleigh, San Francisco, and Washington, D.C. We offer special thanks to our alumni hosts and to those alumni who joined us at these events.

In October, the Law School hosted a dinner for members of the Midwest Association of Prelaw Advisors at the Chicago Athletic Club. Dean Patricia O'Hara '74 J.D., Joseph A. Matson Dean and Professor of Law, addressed the prelaw advisors, as did the Honorable Sheila O'Brien '77 B.A., '80 J.D. Special thanks to Tim Rooney '82 J.D., whose membership permitted us to host the dinner at the Athletic Club, as well as to our Chicago-area alumni who joined us for the evening.

The Admissions Office would like to thank the following volunteers for taking time out of their busy professional and personal lives to support the enrollment efforts of the Law School.

LAW DAYS/LAW FORUMS

Christopher Adkinson '01 J.D.
Ohio State University

Jimmy E. Allen, Jr., '97 J.D.
University of Kansas

Jessica Barfield-McCarren '99 J.D.
University of Southern California

Ryan Bennett '00 J.D.
Chicago Forum

Thomas Berra '92 J.D.
St. Louis University

Emily Bienko '00 B.A., '03 J.D.
Atlanta Forum

Ryan Blackstone-Gardner '00 J.D.
University of California, San Diego

Timothy Bliss '99 J.D.
Roger Williams University

Christopher Bopst '98 J.D.
Miami Law Fair

Nicole Borda '99 B.A., '02 J.D.
Pennsylvania State University

Matthew Bozzelli '99 B.B.A., '02 J.D.
Atlanta Forum

Sarah Brite Evans '00 J.D.
University of California, San Diego

Gregory Butrus '93 B.A., '98 J.D.
Samford University

Mindy Caterine '90 J.D.
Bowdoin College

Patrick Cawley '97 B.A., '00 J.D.
Pennsylvania State University

Christine Chabot '97 J.D.
University of Michigan

Elizabeth Cheung '01 J.D.
Pace Law School

Kevin Connolly '01 J.D.
Barnard College/Columbia University

Chad Cooper '96 J.D.
University of Miami, Oxford

James Damrell '98 J.D.
University of California, Davis

Julia Dayton '02 J.D.
University of Minnesota

Dalijit Doogal '97 J.D.
University of Detroit–Mercy

James Ehrhard '00 J.D.
Boston Forum

Dana Eismeier '84 J.D.
University of Colorado

Abbey Elinger '02 J.D.
Dayton Metro Fair

Sean Elliott '97 J.D.
Pepperdine University

Akram Faizer '00 J.D.
Cornell University, University of Buffalo,
Niagara University

Donald Fessler '84 B.B.A., '88 J.D.
Gannon University

John Fisher '88 B.A., '91 J.D.
University at Albany

T. Jeffrey Fitzgerald '97, J.D.
University of Colorado

Geoffrey Forgione '01 J.D.
George Washington University

Gregory Garber '77 M.S., '77 J.D.
University of Oklahoma

Stephanie Gidgetts '87 B.A., '92 J.D.
Chicago State University

Teresa Glitner '86 J.D.
St. Mary's University, Texas

Scott A. Gronek '95 B.A., '99 J.D., '01 M.A.
University of Nevada, Reno

Michael Grossman '78 J.D.
Centre College

John Gurganus '86 J.D.
Scranton University

James Guse '99 J.D.
Portland State University

Elizabeth Haley '02 J.D.

New York Forum

Matthew Haney '89 J.D.

Iowa State University

Christine Harding '01 J.D.

Columbia University

Thomas Henry '01 J.D.

George Washington University

Amy Iannone '99 J.D.

New York Forum

Mel Jiganti '98 J.D.

Lehigh University

Robb Kestner '00 J.D.

University of Miami, Oxford

Jean Lam MacInnes '02 J.D.

New York Forum

Andrea Larkin '80 B.A., '83 J.D.

Michigan State University

Lisa Lathrop '01 J.D.

Cleveland Metro Law Fair

William Lehman '97 J.D.

Portland State University

Thomas Madruga '92 J.D.

University of Southern California

Kevin Martinez '90 J.D.

New Mexico State

JoAnn Mason '97 J.D.

Indiana University

Alicia Matsushima '97 J.D.

Houston Forum

Marjie McCanta '01 J.D.

University of Washington

Colleen McDanald '02 J.D.

Southern Methodist University

Kevin McGinnis '99 J.D.

Davidson College

Heather McShain '96 B.S., '99 J.D.

New York Forum

Julia Meister '95 J.D.

Cincinnati Metro Fair

Michael Mendola '92 J.D.

University of Rochester

Shawn Monterastelli '02 J.D.

St. Louis University

Scott Moran '90 B.A., '97 J.D.

Atlanta Forum

Cynthia Morgan '99 J.D.

University of California, San Diego

Elizabeth Padilla '02 J.D.

UCLA, Los Angeles Forum

Laura Patterson Hoffman '98 B.A., '02 J.D.

Houston Forum

Katherine Pauls '01 J.D.

Miami Law Fair

Vanessa Pierce '96 J.D.

University of Utah

Melissa Plumlee '01 J.D.Texas A&M University,
University of Texas, Austin**Robert Pomper '94 J.D.**

Wake Forest University

Ryan Redmon '01 J.D.

Hanover College

David C. Reed '94 J.D.

Central Washington University

Maureen Reid '02 J.D.

Rutgers University

Christine Rice '98 J.D.

University of Detroit-Mercy

Steven Richard '86 B.A., '89 J.D., '00 M.B.A.

Roger Williams University

Cynthia Robinson '91 J.D.

Boston Forum

Ariel Rodriguez '98 J.D.

Miami Law Fair

Joseph Romero, Jr., '86 J.D.

University of New Mexico, Albuquerque

Charles Rose '93 J.D.

University of Virginia

Scott Rynearson '84 J.D.

Southern Methodist University

Matthew Schechter '96 J.D.

Stanford University

Frank Shaw '76 J.D.

Brigham Young University

James Shea '95 J.D.

Trinity College

Thomas Shumate '98 J.D.

Vanderbilt University

Richard Siller '96 J.D.

St. Mary's University, Texas

Kathryn Smith '93 J.D.

Arizona State University

Gregg Stephenson '00 J.D.

University of Wisconsin, Green Bay

Karen Sugden Manley '01 J.D.

Chicago Forum

Sarah Thomas '01 J.D.

Vanderbilt University

Carolyn Trenda '99 B.A., '02 J.D.

Chicago Forum

William Walsh '95 J.D.

Davidson College

Kurt Weaver '87 J.D.

University of North Carolina, Chapel Hill

R. Lindsay Wilson '97 J.D.

Boston University

Ha Kung Wong '00 J.D.

Pace Law School

Elizabeth Wons '98 B.A., '02 J.D.

University of Minnesota

Andrew Wright '96 J.D.

Southern Methodist University

Mario Zepponi '88 M.B.A., '88 J.D.

San Francisco Bay Area Forum; Stanford University; University of California, Berkeley

ALUMNI—ADMISSIONS RECEPTIONS HOSTS**Elena Baca '92 J.D.**

Los Angeles, Calif.

James Cooney '66 B.A., '69 J.D.

Houston, Tex.

Douglas Gray '93 J.D.

Providence, R.I.

Douglas Kenyon '76 B.A., '79 J.D.

Raleigh, N.C.

Harold Moore '80 J.D.

New York, N.Y.

Mark Pomfret '92 J.D.

Boston, Mass.

Edward Ristaino '84 J.D.

Miami, Fla.

Timothy Rooney '82 J.D.

Chicago, Ill.

David Scheper '85 J.D.

Los Angeles, Calif.

Martin Schrier '95 J.D.

Miami, Fla.

Gregory Shumaker '87 J.D.

Washington, D.C.

ALUMNI—ADMISSIONS RECEPTIONS GUESTS**Laura Alexander '00 J.D.****Nancy Alvarado '00 J.D.****Ronald Banerji '02 J.D.****John Beamus '84 J.D.****Ryan Bennett '00 J.D.****Timothy Bliss '99 J.D.****Adam Brezine '97 J.D.****JonMarc Buffa '01 J.D.****John Byrnes '92 J.D.****Joseph Byrnes '97 J.D.****Ellen Carpenter '79 J.D.****Anne Marie Cook '88 J.D.****Joseph Czerniawski '01 J.D.****Melissa Danos '99 J.D.****Tessa Davis '01 J.D.****Leon DeJulius '02 J.D.****Joseph DiRienzo '93 J.D.****Gregory Dugard '96 J.D.****Julia Dziobak '98 B.S., '01 J.D.****Karen Edmonson Bowen '00 J.D.****Thomas Fitzgerald '76 B.B.A., '79 J.D.****Stephanie Giggetts '87 B.A., '92 J.D.****Margaret Gluntz '99 B.A., '02 J.D.****Christine Harding '01 J.D.****Mary Hartigan '91 J.D.****Michael Haworth '99 J.D.****Rachelle Hong '02 J.D.****Zachary Hughes '01 J.D.****Beth Hughes '01 J.D.****David Latchana '02 J.D.****Kathleen Lundy '01 J.D.****Susan Lyndrup '01 J.D.****Alicia Matsushima '97 J.D.****Katherine McAvoy '98 J.D.****Nancy O'Connor '76 J.D.****Gregory Pastore '92 J.D.****Katherine Pauls '01 J.D.****Steven Richard '86 B.A., '89 J.D., '00 M.B.A.****Raymond Ripple '01 J.D.****Matthew Schechter '96 J.D.****Rosario Lozada Schrier '91 B.A., '96 J.D.****Karen Sugden Manley '01 J.D.****Carolyn Trenda '99 B.A., '02 J.D.****Zhidong Wang '94 J.D.****Kurt Weaver '87 J.D.****Katherine Whalen '95 B.A., '02 J.D.****Mario Zepponi '88 M.B.A., '88 J.D.****CHICAGO PRELAW ADVISOR DINNER****Sarah Bassler Millar '97 B.A., '01 J.D.****Hon. Sheila O'Brien '77 B.A., '80 J.D.****Timothy Rooney '82 J.D.****Karen Sugden Manley '01 J.D.****Carolyn Trenda '99 B.A., '02 J.D.****Mark Wattley '91 J.D.****CHICAGO FORUM PANEL****Shahzad Naseem '00 J.D.****Carolyn Trenda '99 B.A., '02 J.D.****ONLINE CHATS****Stephanie Niehaus '02 J.D.****Christine Niles '03 J.D.****Carolyn Trenda '99 B.A., '02 J.D.****FOR MORE INFORMATION**

If you would like to participate in student recruitment efforts, please contact **Janet McGinn '84 J.D.** in the Admissions Office by e-mail: jmcginn@nd.edu, or by telephone: (574) 631-9019.

NEWS FROM THE CAREER SERVICES OFFICE

Alumni Key to Career Services Success

by Gail Peshel, Director, Career Services

A keen interest in geographic locations across the country and abroad, a desire to excel in a variety of practice areas, and a tough job market caused students to fill lecture rooms and participate in sessions when Notre Dame Law School alumni returned to campus to share their insights and experience with current students. The students were interested, and Notre Dame alumni responded.

Students come to the Law School with diverse backgrounds and interests and each year's graduating students return to over 30 states to begin their legal careers with a wide range of public- and private-sector employers. Providing information to students on a variety of career options enables students to make better career choices. However, we could not provide these services without the help of our Notre Dame alumni. Alumni, working in areas ranging from large firm to small firm practice, judicial clerkships to accounting firms, legal services to government agencies, and academic to business organizations, shoulder the expense of traveling back to campus to share their expertise with students. Their willingness to return to campus to talk with students is truly invaluable.

This year, over 20 of our programs were made possible through the enthusiastic participation of alumni. These included the fall semester luncheon, which included practitioners from every region of the country, and a reception, where over 20 public-sector employers answered questions and provided insights on job prospects, educational preparation, job descriptions, and career paths. A program similar to the public-interest reception, but including private-sector lawyers, was held in the spring semester. Professional liability law, bank lending and finance, tax, litigation, corporate law, employment law, municipal law, criminal defense, prosecution, and homeland security were among the practice areas covered this year. Other programs provided students with a clearer understanding of employer expectations in the interview process, networking techniques, fellowship programs, and application procedures, as well as opportunities with the United Nations, the Department of Justice, other government agencies, judges, and law firms.

In Career Services, we are committed to educating, training, and empowering students to be knowledgeable career managers. Informational programming is a vital element in this process, and alumni involvement is a critical component. Your continued support is key. Your involvement is inspirational. "A different kind of lawyer" is such an appropriate description of Notre Dame alumni!



Our participating alumni this year included:

Amber Achilles '99

City of Chicago Law Department, Chicago, Ill.

Elena Baca '92

Paul Hastings Janofsky & Walker, Los Angeles, Calif.

Robert Barton '72

Cosgrave Vergeer & Kester, Portland, Ore.

Brian Bates '86

Antonio Bates Bernard, Denver, Colo.

Scott Beall '89

Tate Lazarini & Beall, Memphis, Tenn.

Anne Becker '88

Indiana Office of Utility Consumer Counselor, Indianapolis, Ind.

Michael F. Bigler '83

Baker & Hostetler, L.L.P., Cincinnati, Ohio

John Blum '73

Loyola University School of Law, Chicago, Ill.

Walter Brown '85

Orrick Harrington & Sutcliffe, San Francisco, Calif.

Timothy Buckley III, B.A. '86

Finley & Buckley, Atlanta, Ga.

Ellen Carpenter '79

Roach & Carpenter, Boston, Mass.

Richard Catenacci '65

Connell Foley, Roseland, N.J.

William A. Chenoweth '77

Michigan Department of Attorney General, East Lansing, Mich.

Thomas Clare '95

Kirkland & Ellis, Washington, D.C.

Justice N. Patrick Crooks '63

Wisconsin Supreme Court, Madison, Wis.

Thomas Curtin '68

Graham, Curtin & Sheridan, Morristown, N.J.

Thomas Cushing '87

Union Pacific Corporation, Chicago, Ill.

Kathleen S. DeMetz '77

Cuyahoga County Public Defender, Cleveland, Ohio

Karen Donovan '92

Duane Morris, San Francisco, Calif.

Judge David J. Dreyer '80

Marion Superior Court, Indianapolis, Ind.

Timothy Egan '97

Peabody & Arnold, Boston, Mass.

Carl Eiberger '54

Golden, Colo.

David S. Evinger '79

Robins, Kaplan, Miller & Ciresi, Minneapolis, Minn.

Jonathan Fligg '97

Womble Carlyle Sandridge & Rice, Atlanta, Ga.

Matthew R. Gallagher B.A. '90

Coordinated Advice & Referral Program for Legal Services, Chicago, Ill.

Robert Goethals '90

Morgan & Finnegan, New York, N.Y.

Robert Goodson '76

Wilson, Elser, Moskowitz, Edelman & Dicker Washington, D.C.

Todd Greenburg '80

City of Bloomington Corporation Counsel, Bloomington, Ill.

Robert Greene '69

Phillips, Lytle, Hitchcock, Blaine & Huber, Buffalo, N.Y.

Cheryl A. Greene '96

City Attorney's Office, South Bend, Ind.

Meighan Harmon '96

Schiller, DuCanto & Fleck, Chicago, Ill.

William Harte '59

William J. Harte, Chicago, Ill.

Otto Hilbert II, B.A. '84

Robinson Waters & O'Dorisio, Denver, Colo.

Michael Hilliard '72

Winstead Sechrest & Minick, Dallas, Tex.

Pam Hoekwater '01

Western Michigan Legal Services, Grand Rapids, Mich.

Zach Hughes '01

Baker Botts, Houston, Tex.

Beth Hughes '01

Baker Botts, Houston, Tex.

Richard Jordan '70

White & Williams, Philadelphia, Pa.

Frank Julian '82

Federated Department Stores, Cincinnati, Ohio

Michael Karwoski '76

City of Detroit Law Department, Municipal Section, Detroit, Mich.

Robert Keen, Jr., '82

Miller Carson Boxberger & Murphy, Fort Wayne, Ind.

Maureen Kelly B.A. '83

Babst, Calland, Clements & Zomnir, Pittsburgh, Pa.

Kathleen Kenney '92

Department of Justice, Alexandria, Va.

Douglas Kenyon '79

Hunton & Williams, Raleigh, N.C.

Maureen Kramlich '00

U.S. Conference of Catholic Bishops, Secretariat for Pro-Life Activities, Washington, D.C.

Robert Krause '66

Dickinson Wright, Detroit, Mich.

Ellen LaBerge '83

Syracuse, N.Y.

Diane Langston '77

United Nations, New York, N.Y.

Alfred Lechner '72

Morgan Lewis & Bockius, Princeton, N.J.

James (Jay) Lewis '91

Barnes & Thornburg, South Bend, Ind.

Gregory LoCascio '95

Kirkland & Ellis, Washington, D.C.

Katherine Lozano '97

Archdiocese of Indianapolis,
Indianapolis, Ind.

Nicole Lucero '03

Cook County State's Attorney's Office,
Chicago, Ill.

John MacLeod '69

Crowell & Moring, Washington, D.C.

Corey Manley '03

McDonnell Boehnen Hulbert & Berghoff,
Chicago, Ill.

Ralonda Mason (B.S. '85, J.D. '88, Dallas)

Mid-Minnesota Legal Assistance,
St. Cloud, Minn.

Paul Mattingly '75

Dinsmore & Shohl, Cincinnati, Ohio

James McCament '00

Office of the Chief of Staff, Department of
Homeland Security, Washington, D.C.

James McCarthy '91

McDonnell Boehnen Hulbert & Berghoff,
Chicago, Ill.

Maureen McGovern '01

Midwest Immigrant & Human Rights Center,
Chicago, Ill.

Scott Moran '97

BellSouth Latin America/Atlanta Silverbacks
Professional Soccer Club, Atlanta, Ga.

Shahzad Naseem '00

Navy JAG, Great Lakes, Ill.

Matt Nelson '02

Warner Norcross & Judd,
Grand Rapids, Mich.

Justice Sheila O'Brien '80

Illinois Court of Appeals, Chicago, Ill.

Erik Olson '03

U.S. EPA, Chicago, Ill.

Kim Overdyck M.A. '02

Robinson Community Learning Center,
South Bend, Ind.

Paul Peralta '86

Baker & Daniels, South Bend, Ind.

Lee Piovarcy (B.A. '63, J.D. '66 Vanderbilt)

Martin Tate Morrow & Marston,
Memphis, Tenn.

Steven Pratico '01

McFarlane, Ferguson & McMullen,
Tampa, Fla.

Mark Satawa '92

Kirsch & Satawa, Southfield, Mich.

Judge Barbara Scheper '85

Superior Court of California,
Los Angeles, Calif.

David Scheper '85

Winston & Strawn, Los Angeles, Calif.

Donald Schmid

(B.A. '82, J.D. '85, Univ. of Michigan)
U.S. Attorney's Office, South Bend, Ind.

Rosi Schrier '96

University of Miami General Counsel's Office,
Miami, Fla.

Stephen Seall '66

Barnes & Thornburg, South Bend, Ind.

Mike Shiparski '81

United States Attorney's Office, Western District
of Michigan, Grand Rapids, Mich.

Kate Singer '97

YWCA, South Bend, Ind.

James Sledge '92

Illinois Human Rights Commission,
Chicago, Ill.

Eugene Smary '75

Warner Norcross & Judd,
Grand Rapids, Mich.

Gregory Sobkowski '82

Hodges & Davis, Merrillville, Ind.

Scott Sullivan '79

Williams & McCarthy, Rockford, Ill.

John Thurmond '02

Schiff Hardin & Waite, Chicago, Ill.

Carolyn Trenda '02

McGuireWoods, Chicago, Ill.

David Walters '98

Jenner & Block, Chicago, Ill.

Zhidong Wang '94

Wang & Associates, Chicago, Ill.

Mark Wattley '91

Walgreen Company, Deerfield, Ill.

Charles Weiss '68

Bryan Cave, St. Louis, Mo.

Michael Whitton '92

Ross, Dixon & Bell, San Diego, Calif.

Dennis Withers '68

Robins, Kaplan, Miller & Ciresi, Atlanta, Ga.

If you would like to assist the Career Services Office, please contact Gail Peshel, director of Career Services, via e-mail at Gail.G.Peshel.1@nd.edu or write:

**Career Services Office
301 Law School
Notre Dame, IN 46556
Phone: (574) 631-7542
Fax: (574) 631-4789**

law.nd.edu/career/career.html

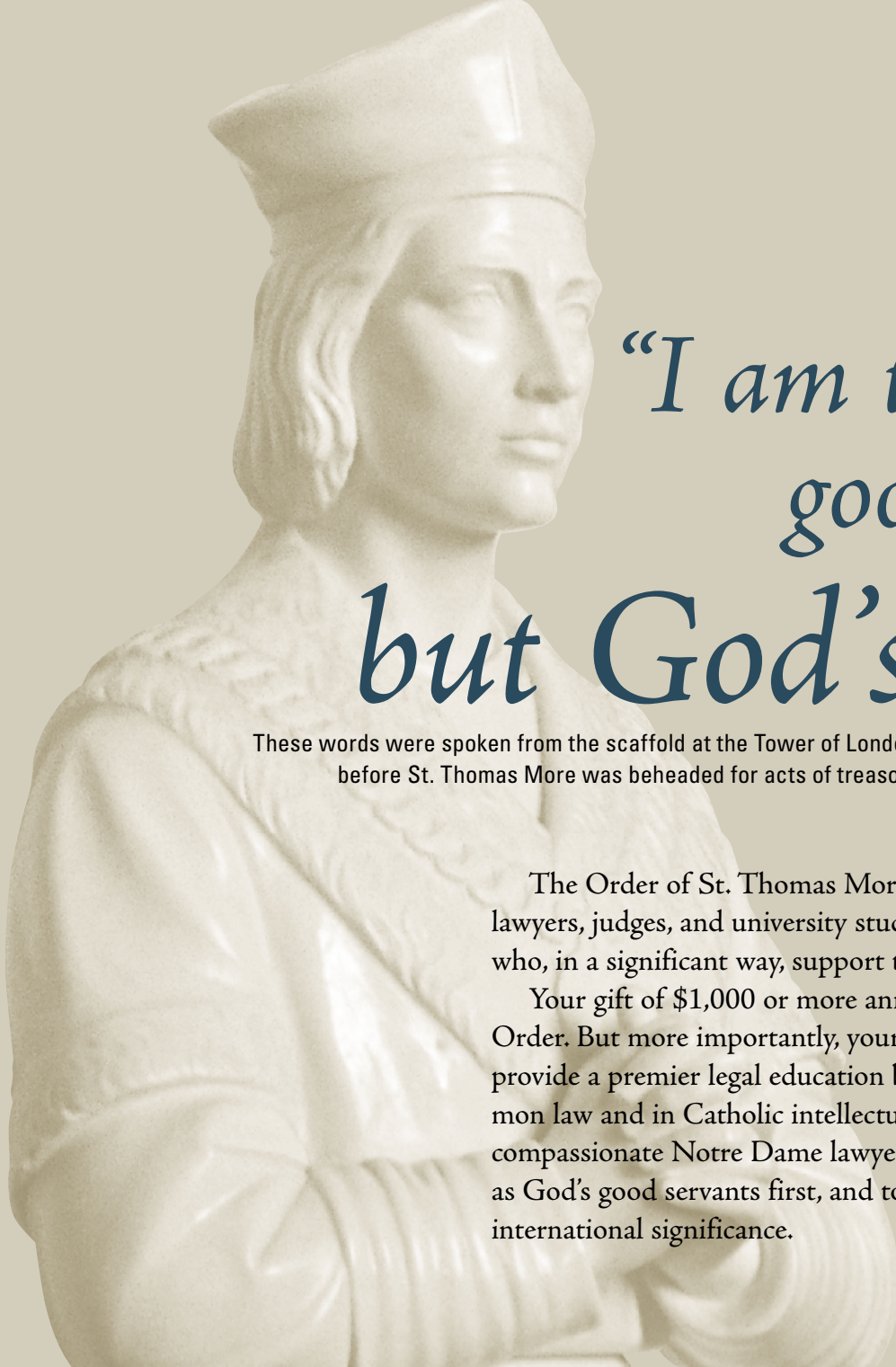
Class Reunions for 2004



If your class is eligible for a reunion in 2004—that is, if your class year ends in “4” or “9”—we are looking forward to seeing you at the University’s Reunion 2004, the weekend of June 3–6, 2004. Members of the 50th anniversary class of 1954 will be invited to special ceremonies hosted by the University to commemorate the occasion. Information on reunion weekend activities is available on the Notre Dame Alumni Association’s Web site at <http://alumni.nd.edu/reunion/index.html>. Online registration will be available in the spring, or you may call the Alumni Association’s reunion office directly at (574) 631-6000.

Don’t miss out on the chance to get together with friends and former classmates to relive special moments you once shared on the Notre Dame campus.





*“I am the king’s
good servant—
but God’s first.”*

These words were spoken from the scaffold at the Tower of London before St. Thomas More was beheaded for acts of treason.

The Order of St. Thomas More, named for the patron saint of lawyers, judges, and university students, honors Law School benefactors who, in a significant way, support the ideals of the Law School.

Your gift of \$1,000 or more annually gives you membership in the Order. But more importantly, your gift will contribute to our efforts to provide a premier legal education based in English and American common law and in Catholic intellectual traditions, to form competent and compassionate Notre Dame lawyers who engage in their practice of law as God’s good servants first, and to conduct scholarship of national and international significance.

The Order of St. Thomas More

For information on membership,
please contact:

Matt McKinney

Director, Law School Annual Fund

1100 Grace Hall

Notre Dame, IN 46556

(574) 631-2998

matt.mckinney@nd.edu

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