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NDLS Update 04/2002

Notre Dame Law School

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NDLS Update

News from the Notre Dame Law School

Vol. XI, No. 9
April, 2002

CATHY PIERONEK, EDITOR
KELLEY COLLINS, DESIGNER

Jimmy Gurulé Enlightens Students on Anti-Terrorist Efforts

On the tail end of his visit to South Bend over Easter weekend, NDLS Professor and current Undersecretary for Enforcement in the Treasury Department Jimmy Gurulé stopped by the Law School to address the students on the anti-terrorism efforts of the Treasury Department since September 11th. He recounted the events of the day, beginning with how he first learned of the attacks on the World Trade Center, to how his office windows shook from the attack on the Pentagon, to how the Treasury team and other executive-branch offices formulated a plan of actions.

He then focused his talk on the efforts in which he has been most directly involved – stopping the flow of money to the terrorists through U.S. and foreign banks, as well as through other businesses and charities. His talk provided a deeper understanding of the factors that influence particular actions and of the expertise needed to track the networks that provide funds to Al Qaeda and the Taliban. He also touched briefly on the work he has been doing with his counterparts in various European nations to ensure their cooperation with the U.S.-led effort.

Although much of his work has focused on the conflict emanating from Afghanistan, he has had the opportunity to engage in some more enjoyable work in the U.S. as well. He reviewed the security plans for the Winter Olympics in Salt Lake City, his home town, and had the opportunity to be in the stadium for the opening ceremonies.

All-in-all, it has been an exciting time for him in our nation's capital.

Faculty Experts Busy in March & April

Two faculty experts have been particularly busy in March and April, on entirely different hot topics in the news.

Bob Blakey has been interviewed for and quoted in a number of articles related to the late-March filing of a lawsuit in a Missouri state court charging that the Catholic Church violated various racketeering laws by helping to conceal incidents of abuse. Most recently, he has commented on what he terms a "frivolous" lawsuit – at least insofar as RICO is involved – in, among other sources, THE NATIONAL LAW JOURNAL and THE FLORIDA CATHOLIC,

which is the newspaper that reports on events in the Palm Beach diocese, where the alleged abuser, Reverend Anthony O’Connell, last served as a bishop. Bob’s comments have also appeared in a number of south Florida newspapers including the BROWARD DAILY BUSINESS REVIEW, PALM BEACH DAILY BUSINESS REVIEW and MIAMI DAILY BUSINESS REVIEW, and he was interviewed on “All Things Considered” on National Public Radio, April 3, 2002.

Matt Barrett has been quoted around the world on the Andersen/Enron situation. In articles distributed by the Bloomberg News service, and in papers ranging from the NEW YORK TIMES to THE STRAITS, in Singapore, he has provided insight into the issues surrounding Andersen’s liability in the recently filed lawsuits.

More information on both of these stories, with commentary from both faculty members, will be available in the spring 2002 or summer 2002 editions of NOTRE DAME LAWYER magazine.

BLSND Alumni Weekend Features Alumni Judges

For its 29th annual alumni weekend, April 5-6, 2002, the Black Law Students of Notre Dame focused on the theme “Uniting Leaders Today to Plan a Successful Tomorrow.” Friday afternoon featured a panel discussion on the theme topic moderated by Head Research Librarian Dwight King, with panelists Marcus Ellison ’01J.D., deputy prosecuting attorney at the St. Joseph County (Indiana) Prosecutor’s Office, Angela Mae Kupenda, visiting professor of law at NDLS, and Cleo Washington, former Indiana state senator and sole practitioner in the South Bend area. The panel was followed by an opening reception. Saturday’s activities included the annual alumni-student basketball game and awards dinner.

Honorable Charles Wilson ’76, ’79J.D. gave the keynote address at the dinner, and received the Alvin McKenna Alumnus of the Year Award. BLSND students presented appreciation awards to Director of Student Services Julia Meister, Senior Staff Assistant Rebecca Ward, Associate Dean Vincent D. Rougeau, Director of Admissions Chuck Roboski and Assistant Director of Admissions Heather Moriconi. They also presented named awards as follows: The Thurgood Marshall Award for Academic Achievement went to 3Ls Tamona Bright, Myra McKenzie and Dan Sattizahn; the Dwight King Excellence in Service Award went to 3L Chris Zorich; the Charles F. Crutchfield Professorial Excellence Award went to Angela Kupenda; and the Commitment Award went to Research Librarian Lucy Payne.

More information on the weekend will be included in the summer 2002 edition of *Notre Dame Lawyer* magazine.

HSLA Honors Professor Montoya



On April 5, 2002, the NDLS Hispanic Law Students Association honored Professor Margaret Montoya, of the University of New Mexico School of Law with the 2002 Graciela Olivarez Award. Named in honor of the first woman graduate of NDLS, the Olivarez Award honors an outstanding Latino attorney or judge.

Professor Montoya was the first Latina graduate of Harvard Law School and the first woman to receive the Harvard University Frederick Sheldon Traveling Fellowship, which provides a stipend for a year of travel and study. She focuses her research on race, ethnicity, language and cross-cultural discourse, and on what these topics mean for students and faculty of color, as well as for women in the law. She is forever giving back to her community and exploring new areas of interest. Last year, she introduced a new course at UNMSL titled “Lawyering for Social Change.”

Faculty Notes

Matt Barrett commented on issues facing the Arthur Andersen accounting firm as a result of the Enron situation in a number of recent articles including: *Andersen Overseas Units Shouldn't Escape Liability, Lawyers Say*, distributed by the Bloomberg News service on March 18, 2002; *Andersen and KPMG Discussing Merger of Operations Outside U.S.* in the March 19, 2002, edition of the NEW YORK TIMES; *Andersen Split Faces Legal Pitfalls* in the March 19, 2002, edition of THE DAILY DEAL; *Andersen Singapore Cool as U.S. Class Action Looms* in the March 19, 2002, edition of THE STRAITS TIMES (Singapore); *Arthur Andersen Partners May Eliminate Non-Compete Agreements*, distributed by the Bloomberg News service on March 23, 2002; *Accounting Rivals Scramble for Andersen Businesses* and *Andersen Plans Job Cuts, Asset Sales in Bid to Save Firm*, both distributed by the Bloomberg News Service on March 28, 2002; and *Arthur Andersen is Dropped as Auditor for Equifax*, distributed by the Bloomberg News Service on March 29, 2002.

Roger Jacobs served on an ABA site evaluation team in the sabbatical inspection of Inter American University Law School in San Juan, Puerto Rico, in March.

Charlie Rice joined U.S. Representative Steve Buyer, attorney Ronald Rychlak, and Indiana Civil Liberties Union Director John Krull in a debate titled "Terror on the Homefront: Civil Liberties after 9/11" at Wabash College in Crawfordsville, Indiana, on March 15, 2002. In early April, he spoke at a luncheon sponsored by the Population Research Institute at its "Global Family Life Conference" in Santa Clara, California.

Tom Shaffer published *On Tending to the Ethics in Legal Ethics: Two Pedagogical Experiments* in LEGAL EDUCATION REVIEW (2001).

Eric Smithburn presented a paper titled "Constitutional Issues in Juvenile Probation" to probation officers from throughout northern Indiana in South Bend on January 25. In March, he presented a lecture and paper titled "Foundations for Exhibits" as a member of the teaching faculty for the National Institute for Trial Advocacy's Mid-Central Regional Trial Advocacy Program held at the Indiana University School of Law in Bloomington. He also presented a lecture and paper titled "International Child Abduction and the Hague Convention: What You Need to Know" at the National Conference on Juvenile Justice in Houston, Texas, March 25.

His latest book, *INSTRUCTOR'S MANUAL TO CASES AND MATERIALS IN JUVENILE LAW*, has been published by Anderson Publishing. It is in use in several U.S. law schools, along with his primary textbook, in courses in juvenile or child law.

Administrator & Staff Notes

Congratulations to Vicky Moore of the Irish Café, who recently passed a national food safety certification exam.

Cathy Pieronek, Director of Law School Relations, published *Discrimination Against Students in Higher Education: 2000 in Review* in volume 28, number 2 of the JOURNAL OF COLLEGE & UNIVERSITY LAW. The article is part of the journal's annual review of cases relevant to higher-education attorneys.

Alumni Notes



New Additions



John A. Culver '88J.D. and his wife Terry announce the birth of Elias Meek, November 8, 2001, in Chicago, Illinois. Elias joins his sister, Nicole Rosaria, now 3 years old, and brother Marcus Hamilton, now 20 months old.

Steve Kelso '97J.D. and his wife Erin announce the birth of Sarah Olivia, February 22, 2002, at Travis AFB, CA. Sarah joins her brother Alexander who turned two in October. Steve is a Circuit Trial Counsel for the Air Force.

Sean Litton '97J.D. and his wife Shannon announce the birth of Jasper Byrne, January 13, 2002, in Manila, Philippines.

Kristopher Tefft '99J.D. and his wife Marriann announce the birth of Sophia Elisabeth, January 22, 2002, in Olympia, Washington. Sophia joins her brother John Paul, who turned two in February.



In Memoriam

We have received belated notice of the death of James F. Brisky '51, '54J.D., on November 23, 2001, in Mequon, Wisconsin. He is survived by his widow, Mrs. Elaine Brisky, to whom condolences may be sent at 13641 North Green Bay Road, Mequon, WI 53097.

Robert Derengosky '38, '40J.D. died on March 12, 2002, in East Lansing, Michigan. He is survived by his widow, Mrs. Dorothy Derengosky, to whom condolences may be sent at 1134 Old Hickory Lane, East Lansing, MI 48823.

James F. McVay '42, '44J.D. died on March 1, 2002, in Bradford, Pennsylvania. He is survived by his widow, Mrs. Helen McVay, to whom condolences may be sent at 49 Parkway Lane, Bradford, PA 16701.

1960s



Jim Gillece '69J.D., a partner at McGuire Woods in Baltimore, Maryland, and a past president of the Notre Dame Law Association, is involved in a case recently heard by the U.S. Supreme Court, which let stand a lower court ruling that allowed the Potomac Electric Power Company to use RICO to sue an electric motor company for faulty repairs. Jim represents the power company, and commented on the case in the March 22, 2002, edition of the MARYLAND DAILY RECORD.

1970s

Joanne M. Frasca '77J.D., formerly with Frasca & Associates in Irvine, California, has formed Ducote & Frasca, P.C., in Costa Mesa, California.

Michael J. Holland '72J.D., a partner at Condon & Forsyth in New York, New York, published *Footing the Bill: Paying the Legal Costs of Criminal Proceedings* in the January 1, 2002, edition of DEFENSE COUNSEL JOURNAL, a publication of the International Association of Defense Counsels.

Michael J. O'Connell '74J.D., a member of Parker & O'Connell, P.L.L.C., in Louisville, Kentucky, has been elected to the Kentucky Bar Association Board of Governors from the 4th district, for a term beginning July 1, 2002.

Dale S. Recinella '77J.D., lay Catholic chaplain for Florida's Death Row and Long Term Solitary Confinement, presented "A Critical Analysis of the American Death Penalty Based Upon the Jurisprudence of the Ancient Hebrews Under Torah and Talmud" in Rome, Verona and Turin, Italy. The lectures, sponsored by Amnesty International, Sant'Egidio and other groups, included presentations at the North American College and St. John's University in Vatican City, and culminated with a live radio broadcast on Vatican Radio's worldwide English-language program. His book, AMERICA'S SEARCH FOR A BIBLICAL DEATH PENALTY, will be published later this year.

1980s

Robert N. Allen Jr. '81J.D., a partner in Allen & Galego in Miami, Florida, has been appointed by Florida Governor Jeb Bush to the Board of Trustees of The New College of Florida, an independent public honors college located in Sarasota.

Michael L. Coticchia '88J.D., previously vice president for human resources at Applied Industrial Technologies in Cleveland, Ohio, has been promoted to vice president for human resources and administration at the company. His responsibilities have expanded to include not only human resources, but also real estate, fleet, purchasing for supplies and central services.

Suzette Nanovic Berrios '87J.D., formerly with Gallagher, Briody & Butler in Princeton, New Jersey, has joined Stratus Services Group, Inc., in Manalapan, New Jersey, as general counsel. Stratus is a national provider of business productivity consulting and staffing services through a network of offices in eight states. Ms. Berrios has focused her practice for the last 15 years on corporate and securities law.

Walter F. Brown Jr. '85J.D., formerly with the San Francisco, California, office of Thelen, Reid & Priest, has joined the San Francisco office of Gray Cary Ware & Freidenrich, L.L.P.

John A. Culver '88J.D., formerly a partner at French Kezelis & Kominiarek, P.C., in Chicago, Illinois, has become a partner at McKenna, Storer, Rowe, White & Farrug, also in Chicago. His practice focuses on medical malpractice, products liability, legal malpractice, employment law and personal injury law.

Christopher Kuner '84J.D. has joined the Brussels, Belgium, office of Hunton & Williams as a partner. His practice focuses on information technology, electronic commerce and legal aspects of the Internet.



Kevin Luby '84J.D., managing partner with Adams, Helzer, Uffelman & Luby in Beaverton, Oregon, is a candidate for a judgeship on the Washington County (Oregon) Circuit Court. The election will be held in late May.

Ann E. Merchlewitz '83J.D., vice president and general counsel at St. Mary's University of Minnesota, has been elected to the board of directors of Merchants Bank, based in Winona, Minnesota. She is the first woman elected to the board in the 126-year history of the bank.

1990s

Mark E. Derwent '90, '94J.D. has been elected a member in the Grand Rapids, Michigan, office of Dykema Gossett, P.L.L.C. He belongs to the firm's corporate finance practice group and concentrates his practice on corporate and commercial transactions, including mergers and acquisitions, commercial contracts, debt and equity financing.

Edward Kiel '91J.D. has been named a partner at Cole, Schotz, Meisel, Forman & Leonard in Hackensack, New Jersey. His practice focuses on litigation.

Timothy P. Lewis '99J.D., formerly with Adams, Coogler, Watson, Merkel, Barry and Kellner in West Palm Beach, Florida, has joined McIntosh, Sawran, Peltz and Cartaya, P.A., also in West Palm Beach. He joined the firm to manage over 120 medical malpractice cases worth hundreds of millions of dollars in damages brought against a single hospital involving the hospital's open-heart surgery unit and post-operative infectious diseases that have affected the hospital's patients.

Tim also reports that he and his wife are expecting a baby boy, their third child, in June.

Malose Mahloko '99LL.M. has been appointed acting principal table assistant at the Gauteng Legislature in Johannesburg, South Africa.

Joseph R. Mariniello Jr. '94J.D., an attorney with Mariniello & Mariniello in Fort Lee, New Jersey, has been appointed to New Jersey's State Commission of Investigation, the state's autonomous investigative authority.

Jeffrey Matura '99J.D., formerly with Lewis & Roca in Phoenix, Arizona, has joined the Scottsdale, Arizona, office of Meagher & Geer, where his practice focuses on commercial and construction litigation.



Michael D. Rehtin Jr. '92J.D. has been named counsel in the Chicago, Illinois, office of Mayer, Brown, Rowe & Maw, where he focuses his practice on real estate matters.

Matthew Schechter '96J.D., formerly with the Queens County District Attorney's Office in New York, New York, has joined McManis, Faulkner & Morgan in San Jose, California, as an associate.

David Winstead '95J.D. has announced that he will run for commissioner of the 4th district in Anderson County, Tennessee. He had served as Anderson County assistant county attorney from 1999 to 2001, but since October 2001 has been with the Tennessee Valley Authority. He is also in the U.S. Army Reserve as a captain with the 139th Legal Services Organization based in Nashville.

Christopher A. Zampogna '89, '92J.D. has formed Eidson & Bonello, P.C., in Washington, D.C., where he is of counsel.

2000 and 2001

Felipe Merino '01J.D. has announced the opening of the Community Advocacy Center of Los Angeles County, California. Felipe established the center to train community advocates to provide assistance with housing issues, social security benefits, disability benefits, health-care benefits under state-sponsored programs, immigration issues, document translations in Spanish or Vietnamese, and use of the Internet to access resources and information. The center will focus on advocacy issues relevant to five basic advocate groups: youth advocates from local high schools, colleges and universities; community advocates who help citizens understand their rights and responsibilities;

agency advocates who provide services and information to the public; technology advocates who help families and young people learn how to access information and services via the Internet; and legal advocates including practicing attorneys, legal scholars and law students who provide legal research, analysis and representation for community members on a *pro bono* basis.

Members of the center's national advisory board include: NDLS Professor Emeritus Charlie Rice; James A. Roemer '51, '55J.D., Director of Community Relations at the University and Adjunct Professor of Law; AnnMarie DeVita '01J.D., an associate at Alschuler Grossman Stein Kahan in Los Angeles; and Alex Mendoza Jr. '87J.D., who has his own practice in Santa Ana, California. Alex served as master of ceremonies for the grand opening celebration, April 13, 2002, in Hawthorne, California. Also involved are NDLS faculty members Matt Barrett and Con Kellenberg, who provided technical assistance to the center.

Anyone interested in assisting with the center's programs should contact Felipe directly at (310) 644-3979 or by e-mail at fmerino@onebox.com.

Student Notes

Congratulations to the NDLS 2L Basketball Team, *Thelen Center for Schmoopie Studies*, which defeated a team of second-year M.B.A. students by a score of 51 to 34 to win the Grad League basketball championship for 2002. The victory avenges a loss earlier this year to an M.B.A. team in the Grad League championship football game. Captained by Michael C. Thelen, other members of the team included fellow 2Ls Tom Anderson, Michael Earley, Kevin Gringras, Nate Hall, Leo Hurley, Eric Nedell and Jeff Perconte, along with 1L Matt Nussbaum.

2L David Daftary published an op-ed piece, *U.S. Needs to Bend on Saudi Peace Plan*, in the "Viewpoint" section of the SOUTH BEND TRIBUNE, March 14, 2002.

On March 26, 2002, the Women's Legal Forum hosted a brown-bag discussion led by Linda Baechle, director of the YWCA in South Bend, on the role of the YWCA in the community and on the organization's needs to support its services for women.

The Women's Legal Forum, led by Terry Phelps, participated in the Winter Walk for St. Margaret's House, a support facility for women and children in need in South Bend. The NDLS group raised nearly \$600 in pledge donations.

On March 26, 2002, the Federalist Society sponsored a talk by James Lindgren, Stanford Clinton Sr. Research Professor at Northwestern University, on "Historians' Scandals: The Strange Case of Michael Bellesiles and the Missing Guns." The talk covered what has been described as the most serious historical scandal of the last 30 years, involving Michael Bellesiles's book *ARMING AMERICA*. Professor Lindgren has written scholarly articles contending that parts of the book are based on records that do not exist, including probate records from San Francisco that were destroyed in the 1906 earthquake and fire.

On April 5, the group sponsored its last lecture of the year, Professor Philip Hamburger of the University of Chicago Law School, who spoke on "Separation of Church and State and the Ku Klux Klan."

On April 2, the American Constitution Society hosted a talk by Michael Zuckert, Professor of Political Science at the University, on "The Best Laid Plans of Mice and Men (or, How the Supreme Court Got Such Big Britches)."

On April 5, the Business Law Forum hosted Sarah Buescher '94J.D., who talked about her

experiences with the Securities & Exchange Commission and with the Vanguard Group.

Congratulations to 3L Brian Skaret and his wife Valerie on the birth of their son, Wylie, on March 15, 2002. After some difficult days due to health complications for both Wylie and Valerie, the whole family is now home. Valerie and Wylie are both getting stronger and healthier.

May-June Combined Issue

Reminder: The last issue of *NDLS Update* for the 2001-02 academic year is the combined May-June issue, which will be mailed in mid-June. There will be no *NDLS Update* mailings in May.

To Submit Information to *NDLS Update*



Please contact Cathy Pieronek at the Law School Relations Office:

phone (574) 631-6891
fax (574) 631-9299
e-mail lawalum@nd.edu

And don't forget to keep up on Law School events through the NDLS web site, www.law.nd.edu.

Class e-mail Listservs

To join a class e-mail listserv or to request one for your class, please contact the Law School Relations Office at the e-mail address listed above. Currently active listservs include the NDLS Classes of 1958, 1967, 1969, 1972, 1975, 1981, 1983, 1985, 1986, 1987, 1990, 1991, 1993, 1995, 1999 and 2001, as well as alumni from the Center for Civil and Human Rights and the London Programme.

Notre Dame Law Association - Elections & Directories

Ballots for **NDLA board elections 2002** were mailed to all association members on April 12. Please be sure to vote and return your ballot, postmarked by May 15, 2002.

The 20th edition of the **NDLA Legal Directory** is currently being printed, and should be mailed to all association members by mid-May. If you do not receive your directory by mid-June, please notify the Law School Relations Office

Calendar of Events

April

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
21	22 ❖ASLA End-of-Year Dinner	23 ❖Women's Legal Forum Meeting & Elections ❖Symposium on the Just-war Theory ❖Fall On-Campus Interviewing: e Attorney - - Identifying and Selecting Employers, Getting Interviews	24 ❖Professor Timoshenko-World Summit on Sustainable Development	25	26 ❖NDLA Spring Meeting ❖NDLA Spring Dinner ❖Prayer Outside Abortion Clinic ❖NDLA Spring Meeting	27
28	29	30 ❖Last Class Day ❖Friday Classes Held				

May

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 ❖Study Day ❖Faculty Meeting	2 ❖Study Day	3 ❖Examinations	4 ❖Examinations
5 ❖Examinations	6 ❖London-No Classes ❖Examinations ❖Student Bar Association Town Hall Meeting	7 ❖Examinations	8 ❖Examinations	9 ❖Examinations	10 ❖Examinations	11 ❖Examinations
12 ❖Examinations	13 ❖Examinations	14 ❖Examinations	15	16 ❖NDLA Reception at Ohio State Bar Association	17	18 ❖Luncheon for Graduates, Family & Friends ❖Assemble at Joyce Center in Full Academic Attire ❖Commencement Mass at the Joyce Center
19 ❖Commencement ❖Law School Prayer Service at Sacred Heart Basilica ❖Class Picture with Faculty ❖Law School Diploma Ceremony South of Reflecting Pool ❖Reception in South Dining Hall	20	21	22	23	24 ❖Faculty Colloquia Series	25

<u>26</u>	<u>27</u> ❖ London-No Class	<u>28</u>	<u>29</u>	<u>30</u>	<u>31</u>	
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