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## NDLS Update 04/1994

Notre Dame Law School

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# NDLS Update

News from the Notre Dame Law School

Vol. III, No. 9  
April, 1994

TEX DUTILE  
EDITOR

## ED MURPHY RETIRES

On April 21, Ed Murphy announced his retirement from the NDLS Faculty. In a memo addressed to his "Friends in the Law School," Ed, who has been treated for cancer since August of 1992, stated that the retirement would "enable me to take advantage of therapy options which are now under consideration."

Ed, who holds the John N. Matthews Professorship, received both his B.S. and his LL.B. from the University of Illinois. Admitted to the Illinois Bar in 1951, Ed spent three years in private practice in Springfield, Illinois. From 1954 through 1957, he clerked for Justice H.B. Hershey of the Illinois Supreme Court. He came to Notre Dame in 1957. During his years at Notre Dame, he has taught more students than any other professor in NDLS history. He served as Acting Dean in 1971 and directed the Notre Dame Summer Program in Japan in 1974. Clearly among the most popular teachers at Notre Dame, Ed has taught Contracts, Jurisprudence, Negotiable Instruments and Remedies. He is the co-author of STUDIES IN CONTRACT LAW, now in its fourth edition, and of SALES AND CREDIT TRANSACTIONS HANDBOOK, published in 1985.

All of us at NDLS express our deep thanks to Ed and his wife Mary Ann for all they have meant to the Law School over the past thirty-seven years. As Ed becomes Emeritus, we look forward to their continued association with the Law School and extend to them our love and best wishes.



## NDLS THIRD IN NATIONAL STUDENT-SATISFACTION SURVEY

The April/May 1994 issue of the *National Jurist* published a survey of "the best law schools" on the basis of student satisfaction. The rankings rested on data collected by the *Princeton Review* in a survey of 18,000 students at 165 ABA-accredited law schools. The rankings for overall student satisfaction reflected student responses to eleven survey questions in three categories -- faculty, school facilities and quality of life.

The faculty category, accounting for thirty-six percent of the overall score, polled student opinion on quality of teaching, the level of faculty-student relations, the diversity of faculty, and the level of intellectual challenge. The facilities category, accounting for thirty percent of the overall score, measured student assessments of research resources, library staff, and facilities generally. The "quality of life" category, accounting for thirty-four percent of the score, reflected student assessments of the competitiveness among students, the sense of community in the law school, and the equality of treatment of students by both faculty and other students.

## SECKINGER RESIGNS AS NITA DIRECTOR

Jim Seckinger, who has served as Director of the National Institute for Trial Advocacy for fifteen years, has announced his resignation, effective June 30, 1994. When Jim became Director in 1979, NITA annually conducted six or seven programs involving just a few hundred students. In

1994, NITA will conduct 107 programs with approximately 4000 students and 3000 faculty members. The Spring 1994 issue of *The Docket* featured Jim both on its cover and in its pages.

Jim now returns to the NDLS faculty on a full-time basis. He will, of course, continue to teach for NITA. Congratulations, Jim, and best wishes!

## FORMER NDLS PROF BACK IN POLITICS

Jack Gilligan, former Director of the White Center and member of the NDLS faculty, is returning to politics. Jack, who sat on Cincinnati's City Council six times, served a term in the United States House of Representatives and then was elected Governor of Ohio, had left politics in 1974.

Now, at age 72, he will be the only candidate for a position of Precinct Executive. Precinct Executives (about 900 in Hamilton County) serve two-year terms and vote on how the county party is organized. Gilligan, who directs a civic-issues forum at the University of Cincinnati School of Law, said he has no plans to return to full-time politics.

## RECIPIENTS OF STUDENT FUNDED FELLOWSHIPS ANNOUNCED

Kitty Hoyer, Director of Career Services, has announced the recipients of the Student Funded Fellowships for the Summer of 1994: Nolan Koon (U.S. Attorney's Office in Chicago); Teresa Kilbelstis (District Attorney's Office in Philadelphia); Rachel Chmiel (Louisiana Crisis Assistance



Center in New Orleans); Mark Molloy (District Attorney's Office in New York City); Joe McCarron (Public Defender's Office in Piatt County, Illinois); and Wendy Hernandez (Graciela Olivarez Legal Aid Clinic of Phoenix). Congratulations and best wishes!

### TWO NDLS STUDENTS PUBLISH

Two NDLS students have had their written work published by outside journals. Salvatore LaMendola, a third-year student at NDLS, has published a piece in the *CPA Journal* for April, 1994. Entitled "Tax Court Provides Guidance in Applying the Export Source Rule," the Article explores the United States Tax Court's decision in *Intel Corp. v. Commissioner*, 100 T.C. 39 (1993).

The *Bond Buyer*, in its April 25, 1994 issue, reprinted about ten pages of Mark Laughman's Note, entitled "The Leaning Tower: Do the Proposed Amendments to SEC Rule 15c2-12 Violate the Securities Acts Amendments of 1975?" The *Bond Buyer* is the daily newspaper for the municipal securities industry. (Mark's Note will appear in issue 5 of the *Notre Dame Law Review*). Professor Barrett served as Mark's Faculty Advisor.

### JOHN P. RILEY, NDLS '82, IS ORDAINED

On April 3, in Sacred Heart Basilica, John P. Riley, NDLS '82, was ordained to the priesthood in the Congregation of Holy Cross. The Most Reverend James H. MacDonald, Archbishop of St. John's, Newfoundland, officiated. Following the

ordination, John and the other nine Deacons ordained that day were honored at a reception in the Administration Building. John made his first vows at Holy Cross Novitiate in Cascade, Colorado. He made his perpetual vows and was ordained a Deacon at Notre Dame last August. John said his first Mass on April 10 at Christ the King in South Bend. He is a native of Buffalo, New York, and a graduate of Canisius College. Following his graduation from NDLS, he served five years as an Army Officer in the Judge Advocate General's Corps. He entered the seminary in 1987.

### SOUTH BEND NDLS ALUM HONORED

Kathleen K. Brickley, NDLS '82, was honored by the YWCA of St. Joseph County in its Fifteenth Annual Tribute to Women. Selections were based on achievement and contributions to the community.

Kathleen, a partner at Barnes & Thornburg, concentrates on labor and employment law. She received national recognition for her work in connection with a case before the National Labor Relations Board in 1993. She has served as a trustee of Michiana Community Hospital and as Chair of its Board of Trustees. She is also active in the Healthy Communities Initiative, organized by the St. Joseph County Chamber of Commerce.

### JAMES HUNTER LECTURES AT NDLS

On April 12, James Hunter, Professor of Sociology and Religious Studies at the University of Virginia, delivered a



lecture entitled "Before the Shooting Begins: The Role of Law in America's Culture War." In that lecture, delivered in the NDLS Courtroom, Professor Hunter applied to questions of law and public policy some themes he developed in *CULTURE WARS: THE STRUGGLE TO DEFINE AMERICA*. In *CULTURE WARS*, Professor Hunter describes a struggle for control of American culture, one that pits Christian Fundamentalists, some Orthodox Jews, and Conservative Catholics against secular liberal forces and that gives rise to profound differences whenever family policy, educational policy, or censorship of the arts is controverted. In the book, Hunter also suggests ways in which such conflicts might be resolved amicably.

#### **PROFESSOR NUSSBAUM ADDRESSES APPLICABILITY OF CIVIL RIGHTS TO HOMOSEXUALITY**

On April 18, Martha Nussbaum, University Professor and Professor of Philosophy, Classics and Comparative Literature at Brown University, delivered a public lecture in the NDLS Courtroom. Her topic: "Platonic Love and Colorado Law." In the talk, she addressed the relevance of classical Greek and Roman attitudes about homosexual practices to current debates about the wisdom of extending civil-rights protection to homosexuals -- an issue recently and heatedly controverted in Colorado. Professor Nussbaum has written three major books in the past ten years: *THE THERAPY OF DESIRE* (1994), *LOVE'S KNOWLEDGE* (1990), and *THE FRAGILITY OF GOODNESS* (1986).

#### **AUGUSTINE DI NOIA DISCUSSES MORAL LIFE**

On April 5, in the NDLS Courtroom, Augustine Di Noia, O.P., delivered a talk entitled "Veritatis Splendor: Moral Life as Transfigured Life." Father Di Noia, ordained in 1970, received his Doctorate in Theology from Yale University in 1980. He has taught at Providence College and currently teaches at the Dominican House of Studies and the John Paul II Institute for Marriage and Family Studies in Washington. He serves as Executive Director of the Secretariat for Doctoral and Pastoral Practices at the National Conference of Catholic Bishops.

#### **NEWS FROM THE LIBRARY**

Jeri K. DeCola, ND Senior, has been selected the recipient of the 1994 Kenneth V. Kreps Library Service Award. The Award was presented at the Annual Student Appreciation Breakfast held on April 28 in the Faculty Dining Room of the South Dining Hall. The Award honors the late Kenneth V. Kreps, a Notre Dame grad and long-time Law Library volunteer.

#### **NEWS FROM LEGAL AID**

Franklin A. Morse II, NDLS '64 and a partner at Barnes & Thornburg, has entered into a working agreement with the Law School. Pursuant to that agreement, he spends one day a week supervising law students at the Legal Aid Clinic. Moreover, on an *ad hoc* basis, he participates in classroom discussions of legal ethics and what he refers to as "civility in the courtroom."



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The Legal Aid Clinic, like all law offices, settles most of its cases. Settlement gives interns experience in research, planning, counseling, negotiation -- and the occasional bluff. Michelle Mancias and Eric Dunning recently wound up successful settlements in two complex real-estate cases that have been in process for years. Kara Murphy, Julie Douglas, Teresa Kozik, and April Sochan helped clients resolve family issues in cases that otherwise would have involved nasty courtroom battles. April, Joe Senna, Pat Cooke, and Michael Paese are working toward favorable settlements in several consumer-debt cases. Beginning with the Clinic's summer program this year, Bill Hoye will be training interns in mediation skills.

#### NEWS FROM THE FACULTY

Joe Bauer served as a member of the Joint American Bar Association/Association of American Law Schools Sabbatical Site Reinspection Team at the Hofstra Law School in Hempstead, Long Island, March 6 through 9. The AALS designated Joe the summarian for the team.

Joe's wife, Marzy, Associate Director of Madison Center, has been elected President of the non-profit Housing Development Corporation. Eileen Doran was elected Vice-President.

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Bob Blakey appeared on the cover of the March, 1994 issue of the *American Bar Association Journal*, and was featured in its article on organized crime.

On April 3, Frank Booker made a presentation entitled "Expert Witnesses Under the New Rules of Evidence." Frank's talk was part of a full-day seminar addressing "Accident Reconstruction: Dealing with Causation and Damages," in Indianapolis.

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Jack "Chief" Broderick, NDLS Professor of Law Emeritus, has been elected to a three-year term on the Faculty Senate as the representative of the emeritus faculty. Congratulations, Jack!

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Barbara Fick published "Professional Employee or Supervisory Employee: Are Nurses Protected by the NLRA?" in *Preview of United States Supreme Court Cases*.

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On April 4, Amelia Link, mother of Dean Link, passed away, after an extended illness, at the age of 97. Surviving are six children, twenty-six grandchildren and fifty great-grandchildren.

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Jack Pratt was a member of a seven-person ABA site-evaluation team for Texas Wesleyan Law School, in Fort Worth. The purpose of the visit was to prepare a report for the ABA Committee on Accreditation, since Texas Wesleyan University has not previously had a law school. TWU has about 1600 students, most of whom are "non-traditional" students, that is, part-time students or students who have interrupted their education for a significant time. TWU's Law School hopes to continue that focus.

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In late March, John Robinson served as Legal Consultant for the Ninth Annual



Notre Dame Medical Ethics Conference here at Notre Dame.

On April 14, John addressed the Notre Dame Club of Portland, Oregon. His topic: "Physician-Assisted Suicide and the Christian Community."

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Bob Rodes, Tom Shaffer and Eric Smithburn were recently installed as Faculty Fellows of the University's Urban Institute for Community and Educational Initiatives.

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On March 18, Tom Shaffer gave one of two keynote addresses at the Conference of Religiously Affiliated Law Schools at Marquette University in Milwaukee.

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From March 13 through 19, Eric Smithburn served as a team leader and faculty member at the 1994 Indiana Trial Advocacy Program, sponsored by NITA and the Indiana Continuing Legal Education Forum, at Indiana University School of Law--Indianapolis.

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On March 25, Jay Tidmarsh delivered an invited lecture entitled "The Civil Justice Reform Act in the Northern District of Indiana," at the Indiana Continuing Legal Education Forum in Indianapolis.

## NEWS FROM THE ALUMNI

Diego C. Asencio, NDLS '82, represented the plaintiff in *Collins v. SND Farms, Inc.* In that case, a thirteen-year-old boy was killed driving an all-terrain vehicle on dirt roads owned by Vanguard Farms and leased to two individual farms. The boy struck a steel guy wire strung across one of

the roads and was killed. The plaintiff settled with one farm for \$9000 and with the other for \$3000. A default judgment was obtained against Vanguard, and a jury awarded 7.5 million dollars. Entry of a judgment for 6.3 million dollars against Vanguard is pending.

Diego practices in West Palm Beach, Florida.

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Daniel P. Duffy, NDLS '93, passed the Wisconsin Bar Examination.

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Bernardo Garcia, NDLS '91, and Carlos Verdecia, NDLS '91, have announced the formation of a new firm, Garcia and Verdecia, in Phoenix, Arizona. The firm, specializing in trial and appellate work, will emphasize criminal defense, personal injury, medical malpractice, environmental law, toxic torts and general commercial litigation.

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Patrick F. McCartan, NDLS '59 and Managing Partner of Jones, Day, Reavis & Pogue, was listed by the *National Law Journal* as among the hundred most influential lawyers in the United States.

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William E. Miller, Jr., NDLS '89 and Assistant Public Defender for Orleans County (New York), was the speaker for the annual dinner following the wreath-laying ceremony at the Pulaski Statue, in Buffalo. The ceremony honors General (Count) Casimir Pulaski, the Revolutionary War Hero and the father of the American Cavalry.

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Lauretta K. Murphy, NDLS '88, of Miller, Johnson, Snell & Cummiskey, has



joined the National Academy of Elder Law Attorneys.

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On April 10, Jack Sandner, NDLS '68 and member of the Notre Dame Board of Trustees, was interviewed on CBS' *60 Minutes*. Jack, who chairs the Chicago Mercantile Exchange, explained the workings of "The Merc." The feature was occasioned by First Lady Hillary Clinton's remarkable success in the futures market.

### MISCELLANY

The Moot Court Team representing Marian High School recently won the state championship in Indianapolis. Five students from the NDLS Street Law program tutored that team, which moved on to the National competition in Chicago.

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Members of the NDLS National Moot Court Team for 1994-95 will be: Annette Brands; Brian Butler; William Tunell; and Jennifer Whitacre.

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Use this sheet for convenient notification of recent departmental news, publications, lectures, speeches, travels (outside the county), significant social events, family news, etc., to be included in the next issue of *NDLS UPDATE*. Send it to my office or put it in my mailbox.

Thanks.

Tex Dutile