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## NDLS Update 04/1995

Notre Dame Law School

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# NDLS Update

News from the Notre Dame Law School

*Vol. IV, No. 7*  
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*TEX DUTILE*  
*EDITOR*

## **NDLS WINS AWARD FOR TRIAL ADVOCACY**

At its recent Spring meeting, the Board of Regents of the American College of Trial Lawyers voted to confer the Emil Gumpert Award upon the Notre Dame Law School. The award, honoring the late Honorable Emil Gumbert, Chancellor-Founder of the American College of Trial Lawyers, carries a monetary award of \$25,000. A plaque outlining the nature of the award and the high distinction earned by the Trial Advocacy Programs at Notre Dame will commemorate the Award. The President of the American College of Trial Lawyers will present the Award at a Convocation or similar ceremony, still to be scheduled, at the Law School. Congratulations to all involved in the Trial Advocacy Programs at NDLS for this wonderful honor.

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## **STUDENT FUNDED FELLOWSHIPS AWARDED**

The following students have been awarded Student Funded Fellowship grants for the summer of 1995: John W. Blakeley--Capital Jury Project (\$600); Sheila Buckman--Office of the District Attorney, Austin, Texas (\$2,000); Matthew P. Doring--Albany County Public Defender's Office, Albany, N.Y. (\$930); Alfred Lee--Cook County (Illinois) State's Attorney Office (\$500); Kathleen M. Ley--Suffolk County (Massachusetts) District Attorney's Office (\$1,295); Sean Litton--U.S. Attorney's Office for the Western District of Michigan (\$740); Diana Madgrigal--National Center for Law and Deafness (\$2,115); Andre Mattis--Lesbian and Gay Youth Project of the Legal Action Center for the Homeless (\$1,550); Eric McFadden--Office of the State Public Defender of the State of Colorado (\$2,000); Christopher Peterson--Legal Aid Society of New York City, Juvenile Rights Division (\$2,090); John Plaine--J. Henry Kempe Center for the Prevention of Child Abuse and Neglect (\$500); Eileen Smith--Commonwealth's Attorney Office, Arlington,



Virginia (\$1,780); Joy Smith--Advocates for Basic Legal Equality, Toledo, Ohio (\$2,400); Tom Tuttle--Legal Services Program of Northern Indiana (\$1,500); and Bill Weber--United States Attorney for the Northern District of Illinois (\$2,000).

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### **DUAL DEGREE IN LAW & ENGINEERING APPROVED**

Notre Dame will offer a new dual-degree graduate program in law and engineering beginning in the 1995-96 academic year. The program, administered jointly by NDLS and the College of Engineering, targets students interested in environmental, patent, telecommunications and similar law specialties. Dean Pratt, who shepherded the proposal for the Law School, stressed that it will be "sufficiently flexible to adapt to almost any need in the engineering field."

Acceptance into the program will require separate admissions by the Law School and the Graduate School's Engineering division. Students in the program will work toward both a Juris Doctor degree and a Master's degree with a concentration in one of the engineering disciplines. The new program resembles the Law School's dual-degree programs in business and peace studies.

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### **CCHR CO-SPONSORS SYMPOSIUM AT NDLS**

On April 28 the Law School's Center for Civil and Human Rights co-sponsored, with Notre Dame's Kellogg Institute for International Studies, a symposium entitled "Political Justice and the Transition to Democracy." The symposium featured a panel of five scholars who debated whether the success of new democratic governments depends on bringing to justice deposed dictators and members of their regimes. The panel focused on the role of courts during transitions to democracy in Germany, Chile, Brazil, Argentina and South Africa.

A. James McAdams, associate professor of government at Notre Dame, organized the symposium. Joining him on the panel were: Carlos Acuna, a research associate at the Center for State & Society Studies in Buenos Aires, Argentina, and a visiting fellow at the Kellogg Institute; Jorge Correa, professor of law at the Universidad Diego Portales School of Law in Santiago, Chile, and a visiting professor in 1992 at the Notre Dame Law School; Etienne Mureinek, professor of law at the University of Witwaterstrand in South Africa and a visiting professor at NDLS; and Paulo Sergio Pinheiro, an associate professor of political science and director of the Center for the Study of nonviolence at the University of Sao Paulo in Brazil and a visiting professor this semester at the Kellogg Institute.

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## JOURNAL OF LEGISLATION SPONSORS SYMPOSIUM

On April 22, the JOURNAL OF LEGISLATION sponsored a symposium on Federal Asset-Forfeiture Law. Participants included Professor Bob Blakey, who addressed the increased use of forfeiture through statutes over the last thirty years, as well as the supreme court's recent curtailment of the government's power in this area; Rick Troberman and Beau Edwards (co-chairs of the forfeiture section of the national association of criminal defense lawyers), who addressed double-jeopardy concerns in forfeiture law and potential prosecutorial abuses, respectively; Stefan Cassella, Director of Forfeiture for the Justice Department and drafter of its recent reform bill, who spoke on that bill and its relationship to the innocent-owner defense; and Miriam Krinsky, United States Attorney in Los Angeles, who described her involvement in *United States v. \$405,089.23*, a Ninth Circuit double-jeopardy case probably headed to the Supreme Court. Professor Jimmy Gurulé moderated the event.

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## HELEN SUZMAN VISITS NDLS

On April 6, in the Civil Rights Reading Room, Helen Suzman met with faculty and students for coffee. Ms. Suzman, one of the international community's most outstanding citizens, came to Notre Dame to receive the Notre Dame Award in recognition of her long and consistent opposition to apartheid in South Africa. During her tenure in Parliament, Ms. Suzman regularly and publicly clashed with pro-apartheid prime

ministers. In addition to her work in parliament, she became internationally known as an advocate for South Africa's numerous political prisoners. Nelson Mandela wrote a glowing introduction to her memoirs, entitled *IN NO UNCERTAIN TERMS*. Her visit to the Law School was sponsored by the Center for Civil and Human Rights.

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## BLSA HOSTS ALUMNI WEEKEND

On March 24-26, the Black Law Students Association at NDLS hosted its Twenty-Second Annual Alumni Weekend. A "Welcome Reception" in the Civil Rights Reading Room kicked off the event.

The annual basketball game between alumni and current students took place on Saturday morning at the Joyce Center. During the afternoon, a panel discussion on "Race, Media and the Law" occurred in the Courtroom.

Saturday evening brought a cocktail reception and dinner at Greenfield's Cafe. Willie G. Lipscomb, Jr., Judge of the Michigan District Court and NDLS '75, spoke at the dinner.

Later that evening, Raphael M. Prevot, Jr., an attorney for the National Football League, delivered the keynote address in the Hesburgh Auditorium of the Center for International Studies. A "Social Outing" at the home of Judge Roland Chamblee, NDLS '77, capped the evening. The weekend's activities ended with a brunch Sunday morning at Tippecanoe Place Restaurant. The annual presentation of gifts and awards took place at the brunch.



Karen Woods, a third-year student at NDLS, chaired the weekend. Terrance Henderson is President of BLSA; Dwight King is faculty advisor.

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### **HISPANIC LAW STUDENTS ASSOCIATION NAMES OFFICERS**

New officers for the Hispanic Law Students Association emerged from elections held April 21. Elected President was Anthony Hartman; Vice-President, William B. Anaya; and Secretary, Clara M. Oliveros. President-Elect Hartman will succeed Victor J. Nieto, President during the current academic year. Alfonso G. Castillo will continue to serve as Treasurer through the fall semester of 1995.

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### **ALUM NAMED "WOMAN OF THE YEAR"**

Kathy Brickley, NDLS '82 and a partner at Barnes & Thornburg, was named "Woman of the Year" for 1995 by the MICHIANA EXECUTIVE JOURNAL. The Award lauded her professional accomplishments, her commitment to excellence, and her devotion to the community. Kathy, no stranger to such honors, was designated "Business & Professional Woman of the Year" for 1994 by the St. Joseph County YWCA. Kathy did her undergraduate work at Miami University in Oxford, Ohio. At Barnes & Thornburg, she specializes in labor & employment law. Congratulations, Kathy!

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### **NDLS ALUM NAMED U.S. MAGISTRATE JUDGE**

Theresa Lazar Springmann, NDLS '80, is the newest U.S. Magistrate Judge for the Northern District of Indiana. She began her official duties on April 3. In her position, Theresa rotates among three courtrooms.

Theresa did her undergraduate work at Indiana University. She was the first woman to achieve partnership at Spangler Jennings & Dougherty in Merrillville, Indiana, Lake County's largest law firm.

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### **NDLS ALUM ESTABLISHES FOUNDATION FOR CHILDREN'S SAFETY**

Richard W. Slawson, NDLS '70, has formed the Richard W. Slawson Foundation for Children, the latest step in his ongoing effort toward child safety, most notably in the area of the prevention of drowning. Said Richard concerning his decision to create the Foundation: "It represents the culmination of my personal as well as professional efforts. I have long believed in fighting for those not able to do so for themselves. It is difficult for me to imagine anyone more worthy of our protection than small children."

In commemoration of Child Abuse Prevention Month in April, the Foundation sponsored a billboard aimed at preventing child abuse. Concurrent with drowning-prevention week, occurring in late April, the Foundation will co-sponsor "Child Safety Day."

Personally and through his firm's child-safety program, "Committed to



Keeping Our Children Safe," Slawson has sponsored several drowning-prevention programs. Late last year, he was honored by the Crime Prevention Officers Association for his sponsorship of the McGruff Safety Dog Program.

In his capacity as President-Elect of the Academy of Florida Trial Lawyers, Richard has been instrumental in the group's guardian-ad-litem program, in which Academy members provide their services to needy children on a volunteer basis. Slawson has held leadership positions for eight years in the Tallahassee-based organization, which represents over 3,500 trial attorneys statewide.

In the last five years, he has been listed in "Best Lawyers in America," a publication based on a polling of lawyers and judges nationwide. A partner in the law firm Slawson & Glick, Richard frequently lectures on insurance bad faith, personal injury, and wrongful-death litigation. The law firm practices exclusively in the areas of personal injuries, wrongful death, medical malpractice and insurance. It has offices in Palm Beach Gardens and Boca Raton.

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## **ROSSWURM NAMED TO PLANNED GIVING OFFICE AT ND**

Glenn J. Rosswurm II, NDLS '91, has been appointed Assistant Director of Planned Giving at Notre Dame. Michelle Shakour, Director of that Office, stated that Glenn "will add a new dimension to the Planned Giving Office in the areas of additional programming, educational materials and personal visits with University supporters."

A native of West Virginia, Glenn studied history at Indiana University. After Law School, he clerked for Magistrate Judge Robin D. Pierce. In 1992 he began as an associate of May, Oberfell & Lorber. In 1993 he started his own law practice.

Glenn and his wife, Katherine, reside in the South Bend area. She is a 1992 graduate of St. Mary's College, where she currently works as an Admissions Counselor.

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## **NEWS FROM THE LEGAL AID CLINIC**

The Legal Aid Clinic approaches the end of the semester with 307 open cases. A record number of interns work in the Clinic this semester--64, with five clinical seminars in this academic year, two in ethics and one each in immigration, elderlaw, and children's rights.

In the calendar year 1994, the Clinic opened 569 cases and closed 480. The Clinic--in its academic-year and summer-internship programs and in its clinical seminars--now forms a part of the legal education of about half of each Law School class.

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## **NEWS FROM THE FACULTY**

Congratulations to Bob Blakey for the unanimous decision he secured for his client before a panel of the United States Court of Appeals for the Ninth Circuit (*Merchants Home Delivery Service v. Reliance Group Holdings*, March 28, 1995; No. 94-55035). The Court of Appeals disagreed with the district court's



determination that section 2(b) of the McCarran Ferguson Act precluded the application of RICO to the alleged wrongdoing of a defendant.

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On March 29, in the Auditorium of the Hesburgh Center for International Studies, Gerry Bradley served as "Respondent" to a talk entitled "Ex Corde Ecclesiae Americana: The American Context of Catholic Higher Education." The talk was delivered by Professor David J. O'Brien of the College of Holy Cross, Worcester, Massachusetts. A discussion period followed.

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The German Marshall Fund Research Fellowship Program has recommended that Don Kommers be awarded a fellowship to support the development of a major analytical treatise in Comparative Constitutional Law. Don was one of fourteen winners out of the three hundred who submitted applications.

On March 29, at Princeton University, Don delivered a paper entitled "The Constitutional Politics of German Unification."

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Doug Kmiec published "Free Speech or Established Religion--The Private Display of Religious Symbols in a Public Forum," in PREVIEW OF UNITED STATES SUPREME COURT CASES.

\* \* \*

Patty O'Hara will be the keynote speaker at Father Malloy's eighth annual corporate luncheon for the local business community on October 5. The luncheon will be held in the Concourse of the Joyce Center.

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Terry Phelps has been appointed to the Communication Skills Committee of the American Bar Association.

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On April 25, Bob Rodes delivered an address entitled "The Law of War: A Critique of a Critique." The lecture, sponsored by the Joan B. Kroc Institute for International Peace Studies, took place in the Auditorium of the Hesburgh Center.

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Jay Tidmarsh published "A Process Theory of Torts," in the WASHINGTON & LEE LAW REVIEW.

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## NEWS FROM THE ALUMNI

Ralph Allen, who attended Notre Dame Law School on a part-time basis while working as an anchor at WSBT-TV in South Bend, died recently of cancer at the age of 51. At the time of his death, he was a political specialist for Channel 4, in Denver, Colorado. In March, the Colorado chapter



of the National Academy of Television Arts and Sciences awarded Ralph its 1995 Board of Governors Award, the most prestigious award in the Academy. The award honored "one of our most influential political journalists." He leaves a wife, Mindy, and a daughter, Lori, age 14.

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Thomas J. Brunner, Jr., NDLS '66 and a partner at the South Bend Office of Baker & Daniels, will serve as a member of the faculty of a conference entitled "The Injunctions 'Kit'" on May 12. Sponsored by the Indiana Continuing Legal Education Forum, the conference will take place in Indianapolis at the ICLEF Conference Facility.

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Ivan E. Bodensteiner, NDLS '68 and Professor of Law at Valparaiso University, will serve on the faculty of a conference entitled "Sexual Harassment Claims in the Workplace." Sponsored by the Indiana Continuing Legal Education Forum, the conference will be held at the ICLEF Conference Facility in Indianapolis on May 19.

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Ellen Carpenter, a shareholder at Kern, Hagerty, Roach & Carpenter, was recently selected for a one-year term on the board of directors of Rockland Federal Credit Union. Ellen, who did her undergraduate work at the University of Vermont, represents lenders and secured

creditors in bankruptcy and commercial litigation and counsels financial institutions.

\*\*\*

Congressman Harold Ford of Memphis has asked President Clinton to nominate Memphis lawyer Charles Carpenter, NDLS '77, to a United States District Court Judgeship.

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Melissa Byrne Hall and Patrick A. Hall, both NDLS '92, announced the birth of their first child, Madeline Byrne Hall, on April 9 in Waukesha, Wisconsin. Madeline, who will soon call Marlou Hall "Grandma", showed up carrying just over seven pounds on a twenty-inch frame.

\*\*\*

Thomas E. Harvey, NDLS '66, is Chief Counsel for the U.S. Senate's Committee on Veterans' Affairs. Tom, who began his career with Milbank, Tweed, Hadley & McCloy, had previously served as general counsel and congressional liaison for the U.S. Information Agency and as senior Vice President and General Counsel for the Corporation for Public Broadcasting. His current position focuses on oversight hearings on the Department of Veterans Affairs, especially in regard to hospitals and health-care reform.

\*\*\*

Townsend Lange, NDLS '93, has joined the staff of United States Senator Dan Coats. Townsend will oversee education for



Coats on the Senate Labor and Human Resources Committee, where Coats serves as chair of the Children and Families Subcommittee.

\*\*\*

Donald H. Passenger, NDLS '86, has been named to the trial court in Michigan. Currently a partner with Twohey, Maggini in Grand Rapids, Don is President of the Grand Rapids Community College Alumni Association and serves on the Executive Board of the West Michigan Shores Boy Scout Council. His appointment, which will expire in December of 1996, fills the vacancy created by the election of Judge Jane Markey to the Michigan Court of Appeals.

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On April 11, Charles P. Rice, NDLS '89 and a sole practitioner in South Bend, spoke at the Law School. His topic: "Starting a Solo Practice."

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Jane M. Samson, NDLS '85, has become a partner in the Orange County, California, Office of Morrison & Foerster.

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Gene Smary, NDLS '75 and a partner at Warner, Norcross & Judd in Grand Rapids, addressed the NDLS Environmental Law Society on April 25. His topic: "Environmental Barriers to Urban Redevelopment: the 'Brownfield' versus 'Greenfield' debate."

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Theodore F. Smith, Jr., NDLS '76 and a partner at Smith & Farrell in Anderson, Indiana, will serve on the faculty of a seminar entitled, "Secrets of Premises Liability Cases." The seminar, sponsored by the Indiana Continuing Legal Education Forum, will take place at the ICLEF Conference Facility in Indianapolis on June 2.

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Patricia Zelmer, NDLS '86 and a partner in the Indianapolis law firm of Ice, Miller, Donadio, and Ryan, will return to the South Bend area to open her firm's first regional office. Although she will be the sole attorney in the office, additional staff will likely be added later. Ice, Miller, one of the largest law firms in the state, specializes in legal matters involving bonds.

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## MISCELLANY

Second-year student Maureen Fitzgerald has been elected Student Editor of the JOURNAL OF COLLEGE AND UNIVERSITY LAW for 1995-1996.

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On May 18, the Dean and the Career Services Office will sponsor a reception in Chicago for students and alumni. On that day, students will interview at Chicago firms that have not yet filled all their positions.