

NOTRE  
DAME

Rethinking  
the Billable Hour Culture

# LAWYER

SPRING 2002



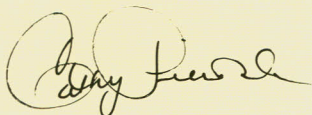
# Dear Notre Dame Lawyer,

THIS EDITION OF THE MAGAZINE features a number of articles about the work of our faculty, which, I hope, will help to give you a good snapshot of the interesting things going on at Notre Dame Law School. In this issue, we have featured a prominent piece of faculty scholarship, with an article focusing on Professor Cathy Kaveny's thoughts on a new way to view time. For those concerned with the quality of professional life that lawyers enjoy — or endure — this article should provide some insights into how the billable-hour culture alters our perception of time. It's just one example of how our faculty are engaging in scholarship that's relevant to the (secular) practice of law, but also informed by Judeo-Christian teachings.

We have also included news about the work of some of our faculty who are currently on leave, as well as timely commentaries by faculty experts on topics that have been given a lot of attention by the media.

And as always, if you have ideas for topics you'd like to see covered in future issues, or if you'd like to give us some feedback on these new features, please do not hesitate to contact us — by phone, fax, e-mail or regular mail.

Yours in Notre Dame,



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## 2002 CALENDAR OF EVENTS

### August 26, 2002

Fall semester classes begin

### September 6, 2002

Fall on-campus interviewing begins

### September 6-8, 2002

NDLS Class of 1967 — 35th Reunion  
Weekend

### September 7, 2002

ND vs. Purdue

### September 13-15, 2002

NDLS Class of 1972 — 30th Reunion  
Weekend

### September 14, 2002

ND vs. Michigan  
NDLS Class of 1992 — 10th Reunion  
Celebration

### October 5, 2002

Continuing Legal Education Program  
ND vs. Stanford

### October 11, 2002

Notre Dame Law Association Fall Meeting

### October 12, 2002

ND vs. Pittsburgh

### October 15, 2002

Fall on-campus interviewing concludes

### November 2, 2002

Continuing Legal Education Program  
ND vs. Boston College

### November 21-22, 2002

Law School Advisory Council Meeting

### November 23, 2002

Continuing Legal Education Program  
ND vs. Rutgers

For more information on Law School or University events, please contact Cathy Pieronek at the Law School Relations Office.



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Spring 2002



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# FROM THE DEAN

**S**hortly after this issue of the NOTRE DAME LAWYER reaches you, I will complete the third year of my service as dean. The past three years have been incredibly rich — in large measure due to the efforts of faculty, students, alumni and friends working to advance the Law School's distinctive voice as a faith-based member of the legal academy.

This issue profiles a number of recent contributions by members of the faculty in this regard. Cathy Kaveny's article comparing the use of billable hours to measure productivity with a more Christian concept of time epitomizes the Law School's mission of bringing the integration of faith and reason to bear on issues facing those in the practice of law — indeed, on issues facing all of us. Her essay has already gained widespread attention, and it seems sure to provoke a continuing dialogue about how people of faith should measure their contributions in the public and private spheres. Two of our other distinguished chairs, Bob Blakey and Bob Rodes, also contribute to this issue of the magazine with their analyses of critical issues facing the Catholic Church today. Taken together, these three scholars illustrate the pivotal role that all our chairs play in advancing our mission and underscore the importance of the benefactions that make their work possible.

Carmela Kinslow's memorial to Kathy Farmann reminds us of a different kind of contribution. Kathy and Stan Farmann's service as director and associate librarian from 1966 to 1985 laid the foundation for the dramatic growth in the law library that we have experienced in recent years. Carmela reminds us of Kathy's path-breaking practice as a female antitrust lawyer in the years immediately following the Second World War, as well as her outreach to students negotiating their own paths during her tenure as director of the Law Library. It is especially fitting that Carmela is joined by four distinguished women graduates who recall Kathy's remarkable influence on their lives — Judge Ann Williams '75 J.D. of the United States Court of Appeals for the Seventh Circuit; Professor Carol Mooney '77 J.D. of our faculty, who is currently serving as vice president and associate provost for the University; Mary Persyn '82 J.D., who is law librarian and associate professor of law at Valparaiso University Law School; and Judge Susan Zwick '80 J.D. of the Circuit Court of Cook County.

In a somewhat different vein, the success of our Center for Civil and Human Rights in obtaining a substantial grant from the Ford Foundation to study the transition of nations from dictatorial governments to democracies is remarkable in its own right. The work of the center will be further advanced, and the Law School is honored by the selection of Professor Juan Méndez, the center's director, to head the Inter-American Commission on Human Rights. Here again, one of our faculty members exemplifies the ethic of service that we strive to instill in our students.

Finally, a number of articles point to the success of our newly inaugurated sabbatical program, which allows faculty members to spend a semester or more away from teaching responsibilities in order to devote their energies to research or professional development. John Nagle and Jimmy Gurulé, for example, are spending their leaves in very different places and on strikingly different projects — John is teaching in China as a Fulbright distinguished lecturer, while examining environmental law issues in that country; Jimmy is in Washington, D.C., heading the Treasury Department's Division of Enforcement. John, Jimmy and a number of other faculty members who have enjoyed leaves during the past two years return to the classroom enriched by these experiences with respect to both their teaching and their scholarship.

In these and so many other areas, it is the partnership that exists between the Law School and our alumni friends that makes our progress possible. On behalf of the faculty and students who benefit so directly from the many different ways in which you assist us, I thank you for your loyalty and support.



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



# Rethinking Billable Hours and Time

**B**illable hours. To those outside the legal profession, the term simply describes the way lawyers keep track of time so they know how much to bill individual clients. To a law student, the term represents an objective standard for comparing the quality of life among law firms. To those who make their living practicing law, however, the term carries with it much more meaning. It's the way in which an attorney is evaluated for a raise or promotion. It's a source of endless tedium for the attorney trying to reconstruct a day or a week to fill out the ubiquitous time sheet. And it's a source of endless anxiety for the attorney whose success

depends on how many hours can be accounted for and billed each year.

In recent articles examining the state of lawyers and the legal profession, commentators have addressed the manner in which billable-hour requirements have affected lawyer satisfaction. Some believe that if law firms reduced billable-hour requirements, attorneys would be happier because they could spend more time doing *pro bono* work, enjoying their families and pursuing hobbies or other activities that make life richer and more rewarding.

The root of the problem, however, might not be the amount of time that a lawyer works. Rather, it might be the way in which we, as lawyers, understand the time we spend working — an understanding related directly to the way in which lawyers account for their time. In other words, I don't think that the problem lies in the number of hours an attorney is required to bill. I think that the problem lies in the billable-hour culture itself.

Solving the problem requires, first, that we understand its root causes — the factors that influence our prevailing view of time. The pressures of the billable-hour culture come from both external and internal sources. External pressures arise

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BY M. CATHLEEN KAVENY  
JOHN P. MURPHY FOUNDATION PROFESSOR OF LAW  
AND PROFESSOR OF THEOLOGY



because time provides an objective way for lawyers to measure the value they and their colleagues bring to the practice. Internal pressures derive from our innate desire to succeed — something ingrained in modern American life through centuries of cultural devotion to the Puritan work ethic. Thus, we have strong motivation to meet the demands, however unreasonable, of the billable-hour culture. The billable hour thus may well be an immutable and permanent fixture in the law office for the foreseeable future.

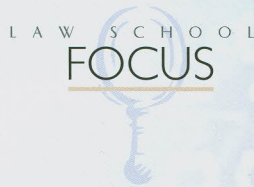
Nevertheless, the billable-hour culture does not have to control every aspect of our lives. We all have roles in our lives apart from our roles as attorneys. We have families; we volunteer; we pursue hobbies and other avocations. The pervasive billable-hour culture, however, has an insidious way of causing us to see these other activities as somehow less valuable than the time we spend working. Consequently, we may choose to spend less time at non-work activities — both to increase the number of hours we bill and to answer to an apparently higher call than our personal needs. In the process, however, we may become more and more dissatisfied with our professional and personal lives.

I believe that the billable-hour culture causes this dissatisfaction because of five specific characteristics that distort our view of time. First, the billable-hour culture suggests that my time as a lawyer has value only insofar as I use that time to achieve my client's purposes and to make money for my firm. Second, it teaches that the value of my time lies in how much I am paid for a typical hour's worth of work. Third, it presumes that all of my time is fungible — that no hour has more value to me than another, and all the hours of all the days are interchangeable. Fourth, it suggests that we live in an endless, colorless present where the clocks just tick from one hour to the next and where our lives just move along to the rhythm of the ticks. Finally, by separating us from the people and things that add fullness to our lives, the billable-hour culture may make us feel alienated and isolated.

I don't think that the problem lies in the number of hours an attorney is required to bill. I think that the problem lies in the billable-hour culture itself.

For many lawyers, life in the billable-hour culture may have become something of a habit — something done without particularly thinking whether it is good or bad, without noticing whether life is better or worse because of it. Certainly, it is difficult to break habits. But as with so many habits, the best way to change a bad one is to replace it with a better one. So what is that better habit?

An option that appeals to me is to view time through the lens provided by Catholic doctrine and tradition. As a Catholic and as a student and teacher of Catholic theology, it is the religious tradition in which I am most comfortable. As embodied in the Mass, in particular, the Catholic view of time offers a meaningful alternative to each of the five characteristics of time embodied in the billable-hour culture. I certainly think that other religious traditions or world views could provide a similarly





meaningful framework, but speaking in the specific terms of the Catholic tradition allows me to explore an alternate view of time using concrete examples rather than general abstractions.

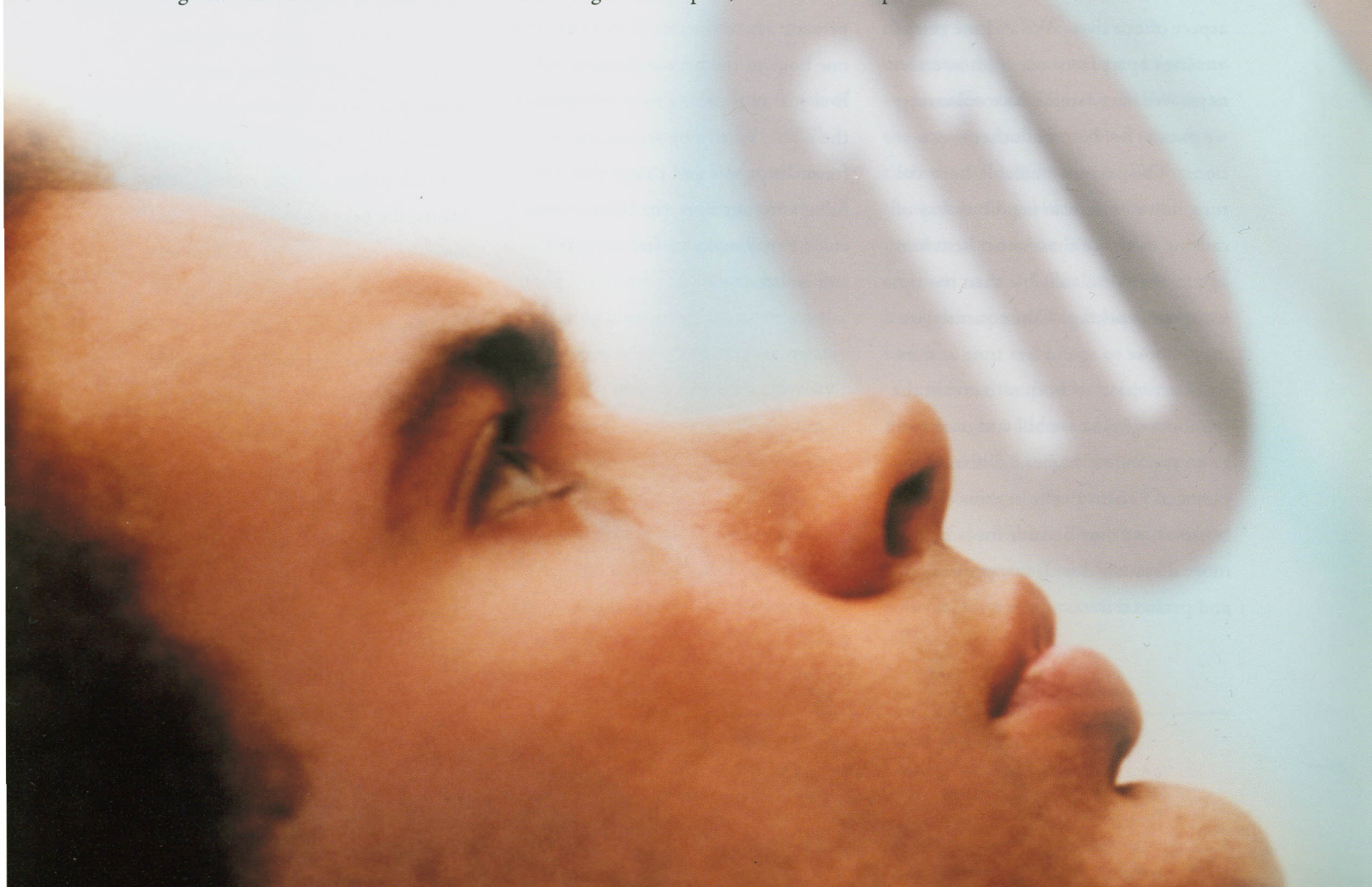
The billable-hour culture treats our time as valuable only if we do something with our own time that is of value to others. In the Catholic view, however, time has intrinsic value as the medium through which God develops his relationship with us. By patiently waiting for God's call to us, we break the pattern of human sin that results when we try to orient and organize our lives for our own

purposes. In the Catholic view, time has intrinsic value simply as we wait for and trust in God's plan for us.


The billable-hour culture also conditions us to think that the value of time lies in the money for which our time can be traded. The Catholic view, however, treats time not as a commodity but as a mystery. When we treat time as a commodity, we gauge its value by how effective we have been in advancing the cause of our clients and in increasing revenue for our firm. But the Catholic view does not place a value on time as a result of how well we achieve particular goals. Rather, it encourages us to repent, to

reconstitute our desires and to restructure our days to accept God's plan for us.

The billable-hour culture encourages the view that time is fungible. But in the Catholic view, each moment has its own unique characteristics. In the billable-hour culture, an hour on Monday afternoon is the same as an hour on Saturday evening, and next Tuesday morning is no different from Christmas morning. The Catholic view of time couldn't be more different, as the liturgical calendar reveals. The waiting of Advent precedes the joy of Christmas; the penance of Lent precedes the celebration of Easter.







Fasting is required on Good Friday; celebration is required on Easter Sunday. Neither days nor seasons can be interchanged freely to suit personal time constraints. Within the Catholic framework, I cannot make up for having ignored the penitential time of Lent by giving up candy or foregoing television for the 40 days following Easter Sunday. Similarly, in my everyday relationships, I cannot make up for missing my mother's birthday party by giving her a bigger present the next day.

The billable-hour culture can cause us to live life in an endless, colorless present. But in the Catholic view, time is not just an endless pattern of hands ticking around a clock face. Rather, time is cyclical. Each cycle

provides opportunities for growth and renewal. Each year, we are encouraged to turn our attention to events of significance. And through these events, we encounter opportunities for personal empowerment and self-determination. While the billable-hour culture may cause some lawyers to believe that their opportunities for growth are limited, the Catholic view of time offers distinct moments of decision or turning points. These moments can sometimes even involve a total reversal of direction, as happened to Saul on the road to Damascus. Opportunities for growth and development occur again and again in the cycle of time. Thus, the Catholic view teaches that human time is not purposeless. Rather, it is teleologically

ordered toward the full realization of the kingdom of God, and the events of our lives derive their ultimate meaning from their relation to that goal.

Perhaps the most serious problem with the billable-hour culture is that it contributes to the alienation and isolation experienced by many attorneys. But the four Catholic characteristics of time I have already discussed create a view of time that encourages us to develop relationships and to integrate our lives with others, and emphasizes the importance of living fully in community. In this way, the Church view unites us and works against the tendency of the billable-hour culture to separate us.

Through this unifying view, we span the ages and break free from the



bonds of time in the present. We join in communion with believers throughout all time. Our actions today derive significance from events long past or, perhaps, still to come.

The course of our lives can take on a different meaning as well, if we take the broader view of time embodied in Catholic tradition. It is quite natural for us to consider time apart from our loved ones as time lost to us forever, because of the finite nature of our existence on earth. The Catholic view, however, teaches that we all are invited to participate in eternal life not only with God, but also with each other. Consequently, we can come to understand the meaning of time away from those we love against the framework of eternity, rather than against the more limiting framework of earthly life.

Similarly, living only in the present, as defended by the billable-hour culture, might cause us to examine our community and view life in terms of the people we expect to meet and know within our finite lifetime. In the Catholic view, however, our community transcends time. Through the communion of saints, we are joined to people we know and don't know, to men and women of all races, nations, cultures and walks of life, who have been transformed by divine grace. And through this communion, we come to understand that a life of faith does not require us to conform mindlessly to a

pre-set pattern. Rather, each of us must respond to our unique and divinely given vocation as if it were an adventure. Moreover, appreciating our place in the communion of saints can help us to look past ourselves and toward the needs of others living today.

One other benefit of viewing time through a religious tradition such as that embodied in Catholic doctrine and tradition is that this alternate view of time engages our minds, bodies and imaginations. It treats us as whole persons.







Certainly, some aspects of that culture might never be cast aside as a practical matter. Nevertheless, it might be possible for those who work in the billable-hour culture to engage in other activities that interrupt the mindless and endless existence defined by its terms.



Can such a view take hold and change the billable-hour culture? Certainly, some aspects of that culture might never be cast aside as a practical matter. Nevertheless, it might be possible for those who work in that culture to engage in other activities that interrupt the mindless and endless existence defined by its terms. We can pray. We can volunteer. We can set aside time to spend with our friends

and family. While legitimate emergencies may require us occasionally to deviate from these culture-changing practices, constancy is key. Each of us must establish new rhythms to our time and develop new habits to defeat the detrimental effects of the routine of the billable-hour culture.

I have hope that change can occur. But clearly, for significant change to take place, we cannot rely on others to change the system. Rather, each of us must make our own personal commitments to view time — and life — through a new lens, which brings into focus the richness of all that faith offers.

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This article was adapted from M. Cathleen Kaveny, *Billable Hours in Ordinary Time: A Theological Critique of the Instrumentalization of Time in Professional Life*, 33 *LOYOLA UNIVERSITY CHICAGO LAW JOURNAL* 173, 176 (2001).



# Finding the Money

Last September, President George W. Bush declared that the war on terror would be fought on three fronts: with military force, through intelligence efforts and by disrupting financial networks. The military efforts, splashed across TV screens and newspapers, dominate public perception of the war on terror. The intelligence efforts, quite understandably, play out quietly and behind the scenes, with little public attention. The notice given to the financial front, however, falls somewhere in between. When the government raids or shuts down a charity or business alleged to be funding terrorist activities, the event likely makes the news. But few news stories offer in-depth explanations of how or why a particular business was identified, or of the coordination and planning that resulted in a successful operation.

On a recent visit to campus, however, NDLS Professor of Law Jimmy Gurulé, on leave to serve in the Bush Administration as undersecretary for enforcement in the U.S. Treasury Department, offered the NDLS community some insights into the intricate dealings in which his office and other federal law enforcement agencies are involved in this front of the war on terror. His comments provided an opportunity to understand both just how complex these types of operations are, and what legal and policy considerations go into deciding when and how to act to curb funding of al-Qaida and the Taliban.

Professor Gurulé began his talk by recounting how he spent September 11. He had been on the job for just about a month, never anticipating how his job would change so dramatically due to the events of a few hours that morning.

When he heard about the first plane hitting the World Trade Center, he assumed, like so many others, that it was the result of a horrible general aviation accident. When he heard about the second plane, however, he knew that the attacks were no accident, and he and the rest of the agency went into action. When the third plane crashed into the Pentagon, the windows in his office rattled violently from the force of the explosion. He could see the thick black smoke through the windows on one side of his office.

The windows on the other side of his office overlook the White House. His immediate concern turned to securing the safety of the president as well as the rest of the "protective detail," including the first lady and the vice president. He commented that not all of the events of that day went

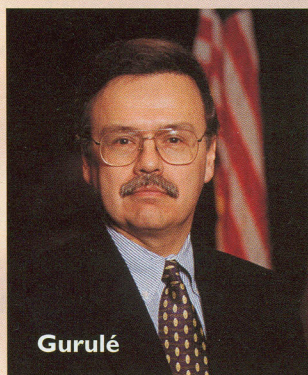
according to plan. An evacuation of the White House surprised him, and it took some time to track down the officer responsible for ordering the evacuation. The subsequent evacuation of the Treasury Building "was not a model" for proper evacuation procedures, in his opinion, due to the fact that the new team hadn't yet had an opportunity to hold any evacuation drills. Nevertheless, everyone managed to leave the building safely. By 10 a.m., he was at Secret Service headquarters to monitor events. It was, he recalls, "an incredible day."

Two or three days later, he toured the Pentagon site. Viewing the devastation first-hand and watching the workers carry out body bags was, in his words, "a sobering experience, to say the least." Several days after that, he visited the World Trade Center site. He described the scene as a "surreal movie set," with six stories of smoldering rubble "where two magnificent structures had been." A number of federal law enforcement agencies had offices in Buildings 6 and 7 at the WTC site. He was grateful that all employees were successfully evacuated. The lone Secret Service agent who died in New York City wasn't detailed to one of the offices, but was there on business and was actually staying at the now-destroyed Marriott Hotel at the site.

Quite quickly, however, his focus turned to the war on terrorism. He has spent much of his time since those early days working to disrupt the flow of money that could go to support future terrorist activities. Enforcement agencies in the Treasury Department are unique for their expertise in financial investigations. So, he had a good start. However, one of the problems he encountered is what he termed "stovepipe thinking" — that is, agencies that think in terms only of their own hierarchy and not in terms of how other governmental agencies, both at home and abroad, might use information gathered through various operations. He has worked hard to break down some of these barriers and to help various agencies work together.

Professor Gurulé also explained the money-transfer systems used by terrorists — the *hawalas* — and how this network evades banking laws.

Transactions through commercial financial institutions such as banks are subject to a variety of laws that require, for example, the financial institution to report cash transactions over \$10,000. The *hawalas*, however, do not use financial institutions for their cash transactions, nor do they operate as wire-transfer agencies like Western Union. Rather, an individual would go into a business in, say, Seattle, hand over a sum of cash plus a 2- to 4-percent commission, and ask the agency to provide that amount of cash to an individual who will appear at



Gurulé



an affiliated business at some point in, say, Mogadishu, Somalia, to pick it up. When the person in Mogadishu gives a code to the agency there, the appropriate sum of money is handed over. Every once in a while, the individual elements of this network get together to balance the books. Since none of this is done electronically or through normal banking channels, their activities have been difficult to detect.

Professor Gurulé also addressed the challenge presented by some charities operating here and abroad. While some of these charities actually do good work, they also operate as fronts for collecting funds to support al-Qaida, the Taliban and other terrorist organizations. He characterized this as a "nefarious scheme," because they use something good to conceal illicit activities. He cited the example of the Holy Land Foundation, which had operated out of Richardson, Texas. The foundation does raise money to build schools, run orphanages and provide other humanitarian assistance in the Middle East. But the agency also funnels money to the military wing of Hamas. Shutting down the foundation angered some American Muslims, because it put a legitimate charity out of operation. In Professor Gurulé's estimation, however, any entity that supports terrorist acts cannot be allowed to do business in the United States, no matter what other good it accomplishes.

This is a small example of the balancing act that must be performed when going after these businesses and charities. In the case of the Holy Land Foundation, the issue was whether to shut down a legitimate charity because of its terrorist ties. In the case of the *hawalas* or other such businesses, the issues become more complex, as any decision to shut down an operation might have implications beyond simply denying funding to terrorists. As Professor Gurulé explains, the CIA might be conducting operations through one of the networks, or the Department of Justice may have an interest in particular criminal prosecutions. Each case requires an individualized assessment of risks and benefits before shutting down a particular operation.

The addition of foreign governments further complicates these efforts. Professor Gurulé related the great degree of coordination that led to the success of a recent joint effort by the United States and Saudi Arabia to issue simultaneous blocking orders to shut down a Saudi-based charity that was being used by networks in Bosnia-Herzegovina and Somalia to support Osama bin Laden.

As of early April, U.S. government efforts have frozen some \$34 million in terrorist-related assets belonging to 192 different individuals and

entities. U.S. allies — primarily the G-20 nations — have blocked an additional \$70 million. Professor Gurulé finds this international cooperation somewhat remarkable. He points out that, while the United States has a set of laws in place that allow the government to freeze assets identified as possible support for terrorists, most allied nations do not have such laws in place. Rather, their actions rely on a general set of United Nations resolutions that call on members to support the effort against terrorism.

Professor Gurulé has worked long and hard with his counterparts abroad to secure their cooperation in these efforts. He has visited Madrid, Spain, where he assessed evidence in the arrest of nine individuals visited by September 11-terrorist Mohammed Atta in the months before the attacks. In Lyon, France, he met with the secretary general and director of Interpol to discuss leveraging resources in the war on terror. He also met with high-level officers in the financial ministries in both the United Kingdom and France to discuss blocking terrorist assets. Every week, he meets or speaks with foreign officials to discuss this effort. Through these encounters, he has developed a strong global network to support the financial front of the war on terror.

As important as this effort is, Professor Gurulé finds himself involved in other activities as well — some more enjoyable than others. His work on strengthening security for the 2002 Winter Olympic Games in Salt Lake City — his hometown — provided him with the opportunity to attend the opening ceremonies, in between security briefings. And he recently attended a conference in Hawaii sponsored by

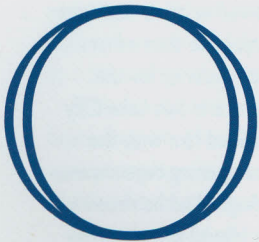
the U.S. State Department for the Association of Southeast Asian Nations to discuss strengthening anti-terrorism systems in those countries. He's also involved in efforts to monitor shipments through seaports and via truck routes across the U.S. borders with Mexico and Canada.

All in all, he describes his few months in government service as a "very interesting ride." In March, he testified before Congress on his operation's budget, which he hopes will be approved in the neighborhood of \$5.1 billion to support the efforts of 37,000 employees. He acknowledges that these are "astronomical" numbers, but in the same breath notes that his job has taken a "remarkable and dramatically new meaning" since September 11. His presentation gave the NDLS community a new appreciation for the gravity of his task, one headed by a member of our family obviously well suited to the challenge.

He has worked  
hard to break  
down some of  
these barriers and  
to help various  
agencies work  
together.



# Teaching, Traveling and Tsinghua



n Friday, February 22, 2002, President George W. Bush delivered a major address on the campus of Tsinghua University in

Beijing. He spoke of China's entry into the World Trade Organization, our mutual concern about international terrorism, and the importance of religious freedom. And the president complimented his hosts by observing that "the standards and reputation of this university are known around the world, and I know what an achievement it is to be here." A day later, with much less fanfare, I arrived at Tsinghua, too.

I am spending the spring semester at Tsinghua as a distinguished lecturer sponsored by the J. William Fulbright Foreign Scholarship program. Tsinghua, one of the premier universities in China, was established in the early 20th century with the aid of funds that the United States reinvested in Chinese education after China paid the United States an indemnity for losses suffered during the Boxer Rebellion. The law school is much younger, dating only to 1995. Indeed, law schools have flourished in China only since the country began its calculated — and so far enormously successful — effort to become more integrated into the international community. China's legal system faces tremendous challenges that range from accepting the rule of law to training lawyers to represent rural peasants in their disputes with local authorities. It has made much progress in such matters; it needs to make much more. That, I suppose, is why I am here.

I am teaching environmental law and property law, two subjects of keen interest in China as the nation's economy has expanded rapidly during the past two decades. The courses each meet for 90 minutes one evening a week. There are about 40 students in the property class and 30 in the environmental law class.

Little specific class information was available to me until I arrived on campus just two days before classes started. We left for China on February 13, and took a few days for family sightseeing in Hong Kong, where I was surprised at how clean and uncrowded

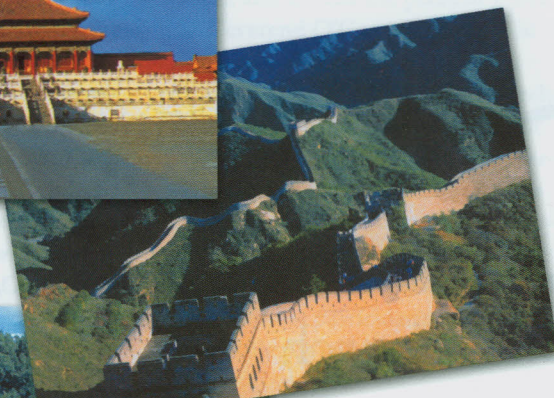
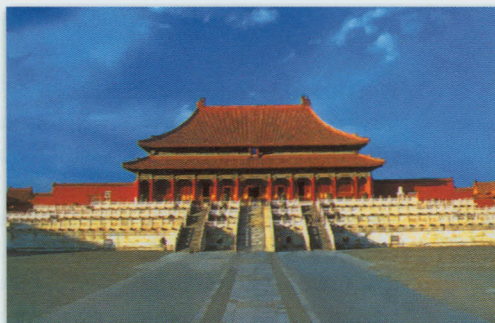
the city appeared. Meanwhile, my 3-year-old daughter Julia was pleased to discover that the Chinese make yummy pizza — in Pizza Hut, no less. Our next stop was Xiamen, formerly one of the foreign concessions established by European and American powers and now a prosperous home to much western investment along China's southeastern coast. We spent five days there at a five-star resort attending the orientation for the 25 Fulbright scholars who will be teaching throughout China this semester in a variety of disciplines.

Our stay in Xiamen was so comfortable, and the American businesses so familiar, that our arrival on campus in Beijing was somewhat of a shock. We are living in a small, two-bedroom apartment with a tiny kitchen, doorways not built for someone who is 6' 2", an unenclosed shower, only two TV stations that broadcast in English (a China news station and Star sports, which prefers Spanish motorcycle racing to the NCAA basketball tournament), and no elevator to deliver us to our fifth-floor home. But it is comfortable, and perfectly situated for us to explore both the Tsinghua campus and the new coffee shops, western grocery store and local restaurants just outside the campus gate.

The academic semester began at the end of February, so I am only beginning my experience at Tsinghua. Most of my colleagues do not speak English, but several of those who do have studied in the United States. The law school has already hosted several international events since I arrived,

BY JOHN COPELAND NAGLE  
PROFESSOR OF LAW





including a delegation of Americans visiting China to explore e-commerce issues.

My most rewarding experiences at Tsinghua so far have been with my students. They listen attentively — well, mostly attentively — as I have lectured on the American legal system, the nature of property and common law environmental remedies, aided by Corel Presentations slides. No one asks a question, makes a comment or says anything else to me during class. But the moment that we take a break or class is finished, I am surrounded by students asking questions. “What does it mean that a bill is sent to the ‘floor’ of the Senate?” “Why would anyone think that private property can solve environmental problems?” “What is the difference between a liability rule and a property rule in determining the best remedy in a nuisance case?” Outside of class, the questions range even further afield. “What do think

about the Simpson case?” (OJ, of course). “Is American law influenced by the Bible?” “How can the law promote justice for rural peasants?” Needless to say, I have answers to some but not all of those questions.

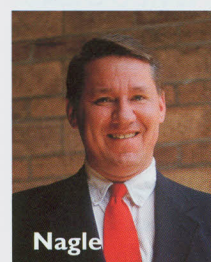
I look forward to many more of their questions — and a few of my own — as we spend our remaining months at Tsinghua. I am also excited for the opportunity to visit other parts of China as well. I will be lecturing in Shanghai in April, and over the May holidays my family will visit Lijian in China’s southwestern Yunnan Province, a city on the way to Tibet that has been likened to a Chinese version of Santa Fe. I would also love to explore some of China’s nature reserves, which I have written about in my biodiversity law coursebook. We hope to make the most of this opportunity that we are so grateful to have, even as we eagerly await our return home to our friends at Notre Dame.

Not long after Professor Nagle and his family arrived in China, they experienced one of China’s serious environmental problems — a severe dust storm. As Professor Nagle describes it, “What began as a relatively clear day quickly became surreal as the sky turned bright orange. That did not last long, though, because the dust became so thick that it quickly blocked any sign of the

sun. A week before, I had made the mistake of leaving the windows in the apartment open during the night. The

morning revealed a layer of dust covering nearly everything in the apartment.”

As for why this happens, “West of Beijing lies Mongolia and the Gobi desert. Beijing itself did not have any rain during our first three weeks here, and for several weeks before. It is also windier than Chicago. Between the desert and Beijing is ... well, not much. In particular, no trees, for they were all chopped down years ago in a burst of Maoist zeal. So the wind carries the dust from Mongolia across a barren plain onto the dry city, where the problem is helped along by the abundant construction sites around the city. Behold our dust storm.”



Nagle



# RICO

## and the Catholic Church

In late March, attorneys for a former seminarian filed suit in state court in Missouri, alleging that the Catholic Church violated federal anti-racketeering laws (Racketeer Influenced and Corrupt Organizations Act or RICO) in handling allegations of sexual abuse by priests. The particular case at issue involves a former seminarian, now 34 years old, who contends that Reverend Anthony J. O'Connell, who resigned as bishop of the Diocese of Palm Beach on March 8, 2002, sexually abused him while he was a teen-aged seminary student in Missouri from 1983 to 1986.



The complaint, which names as defendants Reverend O'Connell and the Dioceses of Jefferson City, Missouri; Knoxville, Tennessee; and Palm Beach, Florida, where O'Connell served, lists eight counts: five involving causes of action directly relevant to the abuse itself such as intentional and negligent infliction of emotional distress, but three involving racketeering charges. The complaint alleges that, for more than three decades, Reverend O'Connell and the various dioceses

where he served conspired to conceal the alleged sexual abuse of the plaintiff. According to the complaint, not until Reverend O'Connell resigned as bishop of Palm Beach, giving as his reason an incident of abuse of another seminarian, did the abuse of the plaintiff come to light.

Without discounting the seriousness of the underlying allegations of abuse, a successful federal RICO claim requires more than proving simply that wrongdoers acted in concert to conceal wrongful acts. According to G. Robert Blakey '57, '60 J.D., William and Dorothy O'Neill Professor of Law at NDLS, who drafted the RICO law when he worked as a congressional staffer, this RICO claim stands little or no chance of success for a number of reasons. It comes close, he says, "to a violation of Rule 11," which provides for sanctions for the filing of frivolous claims. Although the complaint was filed in a Missouri state court, the allegations were based on the federal

RICO statute, in particular, 18 U.S.C. §§ 1962(c) and (d); accordingly, he suggests, the complaint should be judged by federal pleading standards, since he expects that it will be removed to federal court. Indeed, he thinks that it would be malpractice for Church lawyers not to remove it. And, when analyzed under the federal pleading and substantive requirements for a RICO, he thinks that the claim fails on several accounts. Borrowing from *Macbeth*, Professor Blakey characterizes the case as "all sound and fury, signifying nothing" (Act V, scene V, line 19).

First, the claim fails because it is well past the statute-of-limitations period for civil RICO claims. RICO's four-year limitations period begins when the injury occurs, not when the victim realizes that the injury might fall under RICO. Specifically, the complaint alleges that the abuse occurred over the years 1983 to 1991, while the conspiracy of silence surrounding Reverend O'Connell's actions only came to light in 2002. Nevertheless, the complaint reads on its face as alleging injury well beyond four years. The victim could hardly have been unaware of his injury, even if he were not aware of the conspiracy of silence or the possible applicability of RICO.

Under federal law, the statute of limitations in RICO cases can be tolled for one of three reasons: duress, fraud in the concealment, or equitable tolling. As for duress, Professor Blakey explains that any duress must have been inflicted for the purposes of preventing the plaintiff from filing the complaint, and no evidence of such duress is stated in the complaint. In fact, the duress alleged is general in nature, no different from the psychological stress that any sexual abuse victim might suffer. As for fraud in the concealment, such a claim must be pleaded with particularity under Federal Rule of Civil Procedure 9(b).



The complaint contains only a general statement of misrepresentation and concealment as to the motives behind the priest's actions, without any specific reference to anything that the defendants did or said, including to whom, and when, where and under what circumstances. As for equitable tolling, RICO requires due diligence on the part of the plaintiff to discover the misconduct and file on time. In Professor Blakey's estimation, it is ridiculous to believe that a 34-year-old man, filing a complaint more than a decade after the abuse itself ended, acted with due diligence to discover the abuse and to say that he could not discover it or timely file until Reverend O'Connell resigned.

In the unlikely event that the plaintiff gets past the statute-of-limitations issue, Professor Blakey also believes that the complaint fails on the merits as well. For RICO to apply, at least four factors must be present: (1) a person, which is defined as an individual or entity capable of holding property; (2) an enterprise; (3) a pattern of criminal activity; and (4) predicate acts that fall under the racketeering statute. The first and third requirements likely are satisfied here: Reverend O'Connell, the bishops involved and the dioceses

are persons under the definition of the statute; and should the plaintiff prove that Reverend O'Connell engaged in such abusive actions with others, a pattern of activity might, if adequately alleged, be shown. Nevertheless, the complaint still fails because of the second and fourth requirements: It does not identify a legally cognizable enterprise, nor does it identify legally cognizable predicate acts, much less state them with the particularity required under Rule 9(b) when fraud is put in issue.

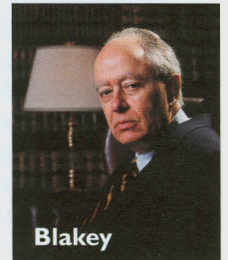
On the enterprise requirement, Professor Blakey explains that the enterprise as alleged in the complaint comprises the priest, the bishops and the dioceses. But under RICO, a defendant and an enterprise cannot be the same entity. Legally, the diocese is the bishop and its priests, and the bishop and its priests are the diocese. Consequently, the defendants — the priest, the bishops and the dioceses — are identical for RICO purposes. The requirement of a separate enterprise is not satisfied.

On the predicate act requirement, the complaint asserts that the defendants engaged in mail and wire fraud, bribery, and obstruction of justice. To allege mail or wire fraud under Rule 9(b), the particular communications must be spelled out in detail: who communicated, and how, when and where the communications took place. The complaint asserts only generally that the Church raises money through mail solicitations and that, by concealing the abuse, the Church was able to continue to raise money. That is plainly not enough. On the bribery allegation, Professor Blakey explains, the complaint does not spell out the elements of bribery, but to the extent that the bribe is the money received from the priest, bishops or dioceses as a form of settlement, the plaintiff is not the victim of bribery, but an accomplice in the offense. Finally, on

the allegation that the priest, bishops and diocese obstructed justice, Professor Blakey notes that there must be some sort of federal justice to obstruct. Since no pending federal proceeding is identified against any of the defendants, their actions could not have obstructed federal justice. "At worst," he explains, "it's a state tort."

Finally, Professor Blakey notes that, even if the courts disagree with his assessment and allow the case to proceed, no recovery is authorized by the statute, because RICO requires an injury "to business or property." Economic injury as an incident of a personal injury is not cognizable under RICO. In the leading case, Professor Blakey explains, the estates of FBI agents killed in a bank robbery sued the robbers under RICO for wrongful death and funeral expenses. The court denied recovery for wrongful death and ruled that the funeral expenses were incident to the murder — that is, to the personal injury of death. Consequently, the estate could not recover those expenses. Similarly, in this case, the plaintiff alleges that he suffered economic injury as a result of the psychological and physical stresses caused by the abuse, because the priest's misconduct caused, among other things, a "loss of earnings and earning capacity." Nevertheless, according to Professor Blakey, that is not injury to business or property within RICO, but rather, is economic injury incident to personal injury, which is not within RICO.

What is the prognosis for the bishop or the dioceses? "Bringing this case is like investing in Enron now, hardly a winning proposition for the plaintiff or his lawyer," he says.



Without discounting the  
seriousness of the  
underlying allegations of  
abuse, a successful federal  
RICO claim requires more  
than proving simply that  
wrongdoers acted in  
concert to conceal  
wrongful acts.



On January 28, 2002, Pope John Paul II addressed a meeting of lawyers who practice before the Roman Rota — the highest court in the ecclesiastical court system, which has as its primary responsibility the final appellate jurisdiction in annulment cases.

In a statement on Catholic marriage, delivered in Italian, the pope included two passages relevant to the work of Catholic civil lawyers and judges in divorce proceedings. The relevant paragraphs (see box for the English translations) have attracted some media attention in the United States.

According to Robert E. Rodes Jr., Paul J. Schierl/Fort Howard Company Professor of Legal Ethics at NDLS, the pope's remarks have added little to the requirements of conscience that have always bound Catholic lawyers, no matter their area of practice. In a talk sponsored by the NDLS St. Thomas More Society on March 25, 2002, Professor Rodes provided context for the pope's remarks, reviewed the basic issues of formal and material cooperation, and offered some explanations for how the remarks delivered to the Roman Rota likely have not changed the rules on cooperating in divorce proceedings for Catholic lawyers and judges.

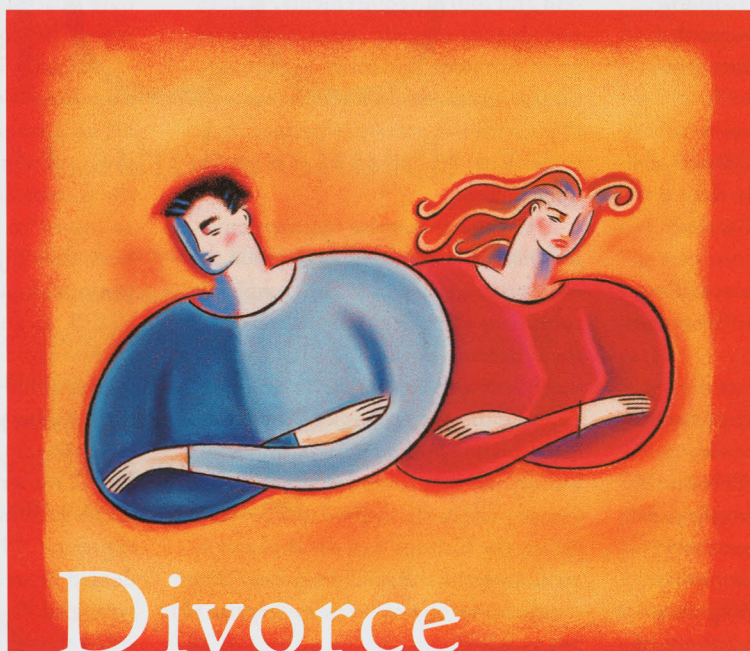
The pope's exhortations for Catholic lawyers and judges involved in civil divorce cases comprised just

two paragraphs of a much longer address on the meaning of Catholic marriage and on the ills of a culture of divorce that pervades society not only in the United States, but also around the world. As Professor Rodes points out, however, the situation in Italy is

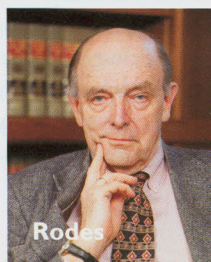
somewhat different from that in the rest of the world, since Italy is one of the few countries in which an ecclesiastical annulment also has civil effect. That is, an annulment granted by the Church in Italy also effectuates a civil divorce. Consequently, the pope was addressing a group that not only can secure a declaration of nullity within the scope of Church teaching, but that also can bring about the equivalent of a civil divorce.

Additionally, as

Professor Rodes explains, a number of the words in the Italian version of the address have not been translated properly into English. At the end of the first sentence in the paragraph on judges in divorce cases, the English translation uses the word "divorce," which in English can mean either the institution of divorce or the end result of a legal proceeding. The Italian original, however, is "il divorzio," which refers to the institution of divorce rather than to the judgment in any particular case. Similarly, in the first sentence of the paragraph on lawyers in divorce cases, the word "end" in English can be read in the context of the sentence to mean "result," whereas in the Italian original, the word "finalità" means something more cosmic than just what occurs at the conclusion of some act or series of acts — the



## Divorce and Catholic Lawyers and Judges



Rodes



"objective," perhaps. And in the second sentence, the Italian word "azione" is translated "activity" instead of "proceeding."

Ultimately, then, what is the Catholic lawyer or judge to take away from the pope's remarks? Nothing new, according to Professor Rodes. What governs cooperating in the conduct of others in the situation of divorce is no different than what governs cooperating in the conduct of others in the ordinary course of life: the distinction between formal and material cooperation in other's wrongs.

... the pope's remarks have added little to the requirements of conscience that have always bound Catholic lawyers, no matter their area of practice.

Formal cooperation in wrongdoing is never morally acceptable. Material cooperation may be morally acceptable under some circumstances, but only if it helps either to achieve a greater good or to avoid a greater evil.

Whether the attorney's cooperation in what the client does is formal or material depends on the intent of the attorney. In formal cooperation, the attorney actually intends what the client intends, whereas in material cooperation, the attorney helps to make the client's ends possible, but does not intend for particular ends to occur. In the case of divorce, the attorney cooperates formally in the actual procurement of the judgment, but may be cooperating only materially in whatever the client does once the divorce occurs — whether it be living alone, evading child support or marrying again.

For Catholic judges, the application of these principles is somewhat simple, owing to the obligations of the judicial office. A Catholic judge presiding over a divorce case cooperates

formally in the actual judgment of divorce. But that judgment is not necessarily an evil; there may be legitimate reasons for it — reasons related to the prevention of abuse, the education of children or the inheritance of property. Consequently, formal cooperation in the actual judgment of divorce might not be morally wrong. The judge also cooperates materially in whatever the parties do after the divorce is granted. But here, there is a greater good in the judge's performing the functions of the office. As the translation itself states, "the legal order does not recognize a

conscientious objection to exempt [a judge] from giving sentence."

Consequently, the judge's material cooperation is morally acceptable.

For Catholic lawyers, however, the analysis gets a little trickier and must be performed on a case-by-case basis. Professor Rodes postulates that the "paradigmatic" divorce scenario for a lawyer who wants to help people involves some sort of abusive situation in which the client believes in good faith that a divorce will dissolve the marriage and leave the client free to remarry. If the lawyer cooperates in the divorce to allow the client to escape the abusive situation, there is formal cooperation in the judgment because the lawyer intended the divorce to happen. But the judgment itself is not necessarily an evil. There is only material cooperation in any remarriage that occurs afterward. What the lawyer intends for the client is not that the client remarry, but rather, that the client escape abuse. Moreover, whatever material cooperation can be said to be present is likely morally acceptable because the lawyer, in helping the client to escape abuse, is working with the client to achieve a greater good and to avoid a greater

## TEXT OF ENGLISH TRANSLATION

[P]rofessionals in the field of civil law should avoid being personally involved in anything that might imply a cooperation with divorce. For judges this may prove difficult, since the legal order does not recognize a conscientious objection to exempt them from giving service. For grave and proportionate motives they may therefore act in accord with the traditional principles of material cooperation. But they too must seek effective means to encourage marital unions, especially through a wisely handled work of reconciliation.

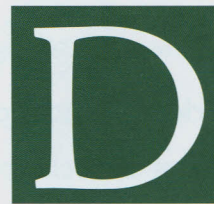
Lawyers, as independent professionals, should always decline the use of their profession for an end that is contrary to justice, as is divorce. They can only cooperate in this kind of activity when, in the intention of the client, it is not directed to the break-up of the marriage, but to the securing of other legitimate effects that can only be obtained through such a judicial process in the established legal order (cf. *Catechism of the Catholic Church* n.2383). In this way, with their work of assisting and reconciling persons who are going through a marital crisis, lawyers truly serve the rights of the person and avoid becoming mere technicians at the service of any interest whatever.

evil. In cases where such a greater good does not form part of the equation, however, such as when a client wishes to obtain a divorce to avoid the responsibilities of marriage or merely to be legally free to marry someone else, the lawyer's material cooperation likely would not be morally acceptable.

But according to Professor Rodes, none of this is a new take on the obligations of Catholic lawyers and judges in divorce cases. In fact, it involves a classical analysis of cooperation in the acts of others that is relevant to a broad spectrum of actions, not just divorce. Perhaps, however, the pope's remarks have given Catholic lawyers the opportunity to evaluate their practice of law in the context of traditional and long-standing Catholic teaching.



# Juan Méndez Elected President of IACHR

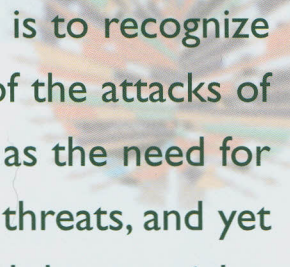


Director of the Center for Civil and Human Rights and Professor of Law Juan E. Méndez has been elected president of the Inter-American Commission on Human

Rights, at an election that took place Monday, February 25, 2002, right before the opening of the Commission's 114th session before the Permanent Council of the Organization of American States. Professor Méndez will serve as president for a year and will be assisted by Marta Altolaquirre as first vice president, and José Zalaquett Daher '95 LL.D. (Hon.) as second vice president.

Created in 1959 by the Organization of American States, the IACHR is one of the oldest supranational protection organs in the world. Among universal and regional protection mechanisms created by several treaties, the commission is the body with the widest array of functions to promote and protect rights in all member states of the OAS. It has seven commissioners, who serve as independent legal experts and are elected by the diplomatic representatives of all 35 member states of the OAS. In addition to his leadership responsibilities, Professor Méndez serves as the special rapporteur on migrant workers and their families, and as country rapporteur for Mexico, Venezuela, Jamaica and El Salvador.





## The challenge for the IACHR is to recognize the unprecedented nature of the attacks of September 11, as well as the need for effective responses to future threats, and yet hold all governments to high human-rights standards in fighting against terrorism.

The organization's work includes setting standards for human-rights protection, disseminating information on human-rights issues by means of country reports and thematic reports, such as a report on women's rights in the region, and proposing new instruments to protect human rights, such as the Inter-American Convention on Forced Disappearances of 1994. The commission also conducts fact-finding visits to member countries, issues reports on those visits and drafts follow-up reports for several years after a site visit.

Under its protection duties, the IACHR studies and acts on draft reports prepared by the secretariat concerning the admissibility of individual petitions, the merits of cases, friendly settlements and the referral of cases to the Inter-American Court of Human Rights. To address these cases, the IACHR receives communications from the public regarding human-rights issues and processes the complaints under a quasi-judicial proceeding that includes hearings, friendly settlement procedures and evidence-gathering. The commission then issues a report with conclusions and recommendations. If the state involved does not accept the recommendations, the IACHR takes the case to the Inter-American Court of Human Rights, where commission members present evidence and intervene in the discussion of the court's advisory opinions. The commission also has the power to issue a sort of temporary injunction, called a "precautionary measure," as a way of effectively dealing with urgent matters. During the recently ended 114th ordinary session, held from February 15 to March 15, 2002, the commission conducted 56 hearings on human-rights issues in the region.

Professor Méndez has been a member of the IACHR since January 1, 2000, and his first four-year term

expires December 31, 2003. He is eligible for re-election to a second four-year term if nominated by a government and elected at the 2003 General Assembly.

Beyond performing the usual functions of the office, Professor Méndez describes his top priority for the year he serves as president as analyzing member states' responses to terrorism. As he notes, "The challenge for the IACHR is to recognize the unprecedented nature of the attacks of September 11, as well as the need for effective responses to future threats, and yet hold all governments to high human-rights standards in fighting against terrorism." The IACHR has embarked on a study of the topic, which began with a hearing in March 2002. The commission will issue a report with recommendations to all OAS member states later this year. "In the meantime, we are already dealing with changes in legislation and practice in several countries, including cases brought to us on preventive detention, restrictions on immigration and special tribunals." The commission will also issue comments on a proposed Inter-American Convention on Terrorism.

Professor Méndez's involvement in the IACHR also benefits NDLS students in a number of ways. Several current students are providing him with research assistance on various issues of importance to the IACHR. Additionally, he hopes that he will be able to provide more internship opportunities for LL.M. and J.D. candidates

at the commission.

Although Professor Méndez has spent his professional life confronting human-rights abuses in the Americas, this position presents him with new challenges and new opportunities to learn. "After many years of representing victims of human-rights abuse in dozens of cases I brought to the attention of the commission and the court, the opportunity to sit in judgment of the practice of states is a great challenge for me. I come to it with more knowledge than most other commissioners as to how the system works, but the special perspectives of my colleagues — coming as they do from important experiences in their home countries in government, the courts, civil society and academia — provide richness to our discussions and fresh and innovative solutions to the plight of victims of human rights violations." Beyond the cases he will hear, his position will also present him with new challenges in communicating directly with the governments responsible for the human-rights conditions in their countries. He notes, "This dialogue is often difficult and frustrating, but I am convinced of its importance to advance the cause of human rights everywhere." And one thing is certain: The experience will add a practical dimension to his scholarship and his teaching that will enrich the work of the Law School.

*More information on the IACHR is available on line at [www.iachr.org](http://www.iachr.org).*



# Transitional Justice

**A**t its founding in 1973, the Center for Civil & Human Rights at the Notre Dame Law School focused on bringing attention to civil- and human-rights abuses around the world. What began as a way to explore these important issues in a scholarly arena has moved beyond the academic and into the practical. For almost 15 years, graduates of the center's LL.M. and J.S.D. programs in international human rights have been making an impact around the world, teaching and researching human-rights issues on every continent; working with governments, nongovernmental organizations and the Church to raise awareness of human-rights issues and abuses endemic to certain societies or across all societies; and helping to bring to justice those responsible for human-rights abuses such as those perpetrated in the former Yugoslavia and in Rwanda.

Over the past three decades, these educational and outreach efforts have helped to bring to light state-sanctioned or officially ignored practices that have taken from men, women and children the most fundamental rights including the right to life, the right to own property, the right to receive an education, and the right to live a dignified existence by working. Many societies have been making serious efforts to overcome their legacies of systematic and widespread human-rights violations, and Notre Dame and Notre Dame alumni have been playing key roles in these efforts.

As societies move toward a framework that respects fundamental individual rights, their experiences provide

a diverse and rich background of social and state responses to prior injustices. "Transitional justice" encompasses a range of experiences that bring specific abuses to light, bring perpetrators to justice, punish perpetrators and help victims heal. Specific activities that come under the "transitional justice" label include truth commissions and other experiences with official truth-telling, the exercise of universal jurisdiction to prosecute former dictators, domestic and international practices that involve prosecutions and reparations, remedies for victims of gross human rights violations, accountability standards and peacemaking in conflict situations. As a society moves away from domination by abusive leaders and moves toward respecting fundamental individual rights, the activities collectively known as transitional justice work to bring healing and restore dignity to victims. It is no surprise, then, that transitional justice has become one of the most important issues in the human-rights field today.

For that reason, the center has launched its Transitional Justice Project with the support of a \$750,000 three-year grant from the Ford Foundation. The Ford Foundation's involvement in this important project continues a relationship that is nearly three decades long, dating back to the founding of the center in 1973. As notes the center's director, Professor of Law Juan Méndez, "It is particularly significant that the Ford Foundation, whose generous contribution got this center started in 1973 at Father Hesburgh's request, continues to show a high degree of confidence in us and in our ability to work at the new horizons of human-rights protection." The grant will help the center to provide

academic, research and documentation support to transitional justice initiatives around the world. Professor Méndez further notes, "The Ford Foundation has decided to initiate a very strong investment over the next few years on what they call 'transitional justice,' and I am proud to say that we are among the first institutions chosen by Ford to launch this new strategic area."

In early 2001, Professor Méndez began work with the International Center for Transitional Justice, which is the centerpiece of the Ford Foundation's initiative. He and three other international experts traveled to Lima, Peru, to advise the post-Fujimori government in its plans to establish a truth commission.

The NDLS project encompasses four major activities collectively designed to learn from the transitional justice experiences that have already taken place in various countries around the world, and to provide a resource center that scholars and human-rights workers can use to inform similar activities around the world.

1. *Establishing an Accountability Resource Center at Notre Dame* that will include an archive of all the various truth commission reports, landmark judicial decisions on prosecutions for mass atrocities and a comprehensive collection of materials covering issues of impunity, transitional justice and accountability.
2. *Establishing a visiting fellowship program at Notre Dame* directed toward human-rights monitors and advocates who wish to take some time out to systematize their



experiences with accountability, as well as to prepare for the coming challenges of battling impunity in certain regions and countries.

3. *Establishing an internship program at truth commissions, tribunals or non-governmental organizations around the world* to prepare a new generation of human-rights advocates by giving recent graduates from international human-rights or humanitarian law programs opportunities to gain practical experience. Those selected for the program will work as interns or law clerks with truth commissions, international criminal tribunals, national courts or nongovernmental organizations that have amassed a well-known expertise in accountability. Graduates of Notre Dame's LL.M. and J.S.D. programs in international human rights, as well as graduates of similar programs around the world, may apply for internship support under this project. Each year, up to five lawyers and other professionals will be selected to undertake six- to 12-month internships. These practical training positions will give recent graduates opportunities to consolidate and enhance their theoretical knowledge, to gain experience in the public interest sector and to acquire first-hand experience working within the international framework of accountability.
4. *Publishing and disseminating information*, including publishing books and articles aimed at providing a comprehensive analysis of the theoretical, practical and policy issues underlying the developing framework on accountability, as well as organizing conferences and seminars on the subject.

Javier Mariezcurrena, an Argentinian lawyer who was recently

counsel to the executive director of the Inter-American Institute of Human Rights and who has worked and published on issues of transitional justice, joined the staff of the Center for Civil and Human Rights in February 2002 as project manager. In March 2002, Laurel Cochrane joined the project staff as librarian with the responsibility for building the Accountability Resource Center within the Notre Dame library system.

The project has already awarded its first visiting fellowship to Pedro Díaz Romero, a lawyer who once served as director of Colombia's National Human Rights Unit of the Public Prosecutor's Office. During the spring semester, Douglass Cassel, director of the Center for International Human Rights and associate professor of law at Northwestern University Law School, came to NDLS as an adjunct faculty member to teach a course on international criminal justice, which is an important component of transitional justice.

Early this year, Garth Meintjes '91 LL.M., the center's associate director, participated in a meeting in London to promote coordination between several groups that are collecting materials related to universal jurisdiction. The main purposes of the meeting were to develop strong links among different projects and to capitalize on the combined resources of these different organizations to advance accountability through universal jurisdiction. An ancillary benefit of the meeting was to build some institutional goodwill and cooperation among these groups. In April 2002, these same groups and others will convene in New York at a meeting organized by the Lawyers Committee for Human Rights (LCHR).



Cochrane and Mariezcurrena

Notre Dame's potential for leadership in this area is reflected in its past accomplishments in such significant projects as translating and publishing the report of the Chilean National Commission on Truth and Reconciliation, acquiring a microfilm copy of the human rights archive of Chile's *Vicaría de Solidaridad*, creating an electronic index to that archive and establishing practical training programs at the two *ad hoc* international criminal tribunals in the former Yugoslavia and in Rwanda. The center has also hosted several conferences dealing with transitional justice, the Chilean truth commission, the *ad hoc* international criminal tribunals, domestic litigation of foreign human-rights violations and the creation of a permanent international criminal court. The center's faculty has also engaged in significant relevant scholarship, including a book edited by Professor Dinah Shelton, *INTERNATIONAL CRIMES, PEACE, AND HUMAN RIGHTS* (Transnational Publishers 2000), which contains the proceedings of the conference on international criminal tribunals and was reviewed in a recent issue of the *AMERICAN JOURNAL OF INTERNATIONAL LAW*.

At this time, the center is seeking applications for transitional justice fellowship and internship programs. For more information, please visit the CCHR on line at [www.nd.edu/~cchr](http://www.nd.edu/~cchr).





# Rubber Bullets:

THE MIDDLE EAST —

On February 20, 2002,

Alan Pogue, of the Texas Center for Documentary

Photography, gave an exceptional presentation titled "Rubber Bullets: The Middle East." The center sponsored the event with the University's Institute for Latino Studies.

Mr. Pogue calls himself a documentary photographer. He travels to different places around the globe to create documents of social and human conditions. For over 30 years, he has photographed social and political movements in Texas and around the world. His photographs have appeared in several national and international publications. In the last four years, he has been to Jordan, Israel and the West Bank twice, and to Iraq four times. Most recently, he visited Pakistan to photograph Afghan refugees. His many honors include receiving a Dobie-Paisano fellowship and being named "Best Photographer" by the AUSTIN (TEXAS) CHRONICLE for 10 consecutive years.

For him, the challenge is not only the technical aspects of his craft — that is, to get close enough to the action to get good pictures with the

correct exposure — but also to create authentic documents. He stresses that a photographer must understand his subject, and believes that the best preparation for a photographer is a solid liberal arts education. His own background and interest in moral philosophy is evident when he poses the question: "Peace is immanent (from within), so why not imminent (near at hand)?"

The presentation's title comes from bullets that Mr. Pogue picked up in Bethlehem, consisting of a solid steel cylinder or ball with a hard vinyl covering. To illustrate the lethal impact of these bullets as belied by their name, he shows a photograph of a boy who was hit with a rubber bullet. This boy now lives with a glass eye after undergoing facial reconstructive surgery.

Setting the stage for his discussion of the current conflict in the Middle East, Mr. Pogue began his presentation with a photograph taken from a hole in the wall in a house in Beit Jala, which constitutes the western part of greater Bethlehem. For his mostly American audience, he explained that what most people refer

to as Bethlehem actually consists of three parts: Beit Jala in the west, which is predominantly Muslim; Bethlehem proper in the center which has equal parts Christian and Muslim inhabitants; and Beit Sahour in the east, which is mostly Christian. Through the hole in the wall of the house in the mostly Muslim section of the city, he captures the image of Gilo, a very large Israeli settlement outside the southern city limits of Jerusalem. Gilo captures more and more Palestinian territory, and Palestinian houses on the northern edge of Bethlehem have become targets of the Israeli army.

Describing another photograph, Mr. Pogue noted that the soldiers on the corner represent some of the over 1,500 Israeli combat troops in Hebron. Some of them are Russian immigrants, others Eastern Orthodox Catholics, who were promised land in return for their military service. In the mid-1980s, some Israelis seized a small hotel in Hebron and from that grew the settlement of Kiriyat Arba. The Israeli combat troops in Hebron work to secure this Israeli colony within Palestinian territory.

Two photographs illustrate the





## A PHOTOGRAPHER DOCUMENTS THE SOUL OF CONFLICT

mindset of many Palestinians during the present crisis. First, as a reminder to themselves and to everyone they meet, Palestinians, whose homes were confiscated in the 1948 settlement of Israel by European Jews, keep the old-fashioned front door keys on chains around their necks. Mr. Pogue showed a photograph of Ibrahim Shaheen Al-Mansi, who has been in a Palestinian refugee camp since 1948. Then, he shows a boy wearing a T-shirt that says "We have a dream" in Arabic. The boy is from Dheisheh Refugee Camp, one of the original refugee camps that grew out of the 1948 expulsion of the Palestinians in Beit Jala. For this boy, his dream is to return to his original home in safety.

Although the conflict tends to overshadow the desire for peace, Mr. Pogue also documents the efforts of peacemakers. In one photograph, two men chained to a house are members of Christian Peacemaker Teams. These teams, comprised of Mennonites, American Friends (Quakers) and others, go to troubled places around the world to bear witness and to place themselves between contesting factions. In this picture,

they have chained themselves to Faiez Jabber's house, which he built without approval from the Israeli Army and which the Army threatened to demolish. The photograph bears witness to the truth that Palestinians must obtain building permits from the Israeli government to perform even the most trivial improvements, but such permits are rarely granted.

Another photograph shows Rabbi Arik Ascherman, co-director of Rabbis for Human Rights, shaking hands with Atta Jabber in Atta's home near Hebron. Atta Jabber has also received a home-demolition order for his modest cement and cinderblock home outside of Hebron. Mr. Pogue explained that Rabbi Ascherman often visits Palestinians who have received home-demolition orders to offer moral support. Sometimes, he even risks arrest for peacefully opposing such disrespectful treatment of his fellow human beings.

An Arab Israeli Jew and a European Israeli Jew form the centerpiece of a photograph of women demonstrating for peace. The two women belong to Bat Shalom, an Arab/Israeli women's group nominated

for the 2001 Nobel Peace Prize for their "Women in Black" vigils. Mr. Pogue observed that these women's activities are not covered in U.S. media even though they have worked for peace for more than 15 years. He further noted that people in the United States rarely hear of the dozens of other Israeli peace groups working to end the conflict.

In concluding his talk, Mr. Pogue presented a universal message for peace. He drew his message from the universal manifestation of grief that he witnessed both in New York City one week after September 11, 2001, when he attended an international conference on prison reform, and in Baghdad, where a U.S. bomb had killed 400 children in a bomb shelter. The two strikingly similar photographs from different parts of the world show the same tokens of grief: flowers and visitors' cards on a wall. For Mr. Pogue, killing humans cannot be rationalized or justified, and for every human killed, our moral outrage should be the same.

His photographs are available for viewing on line at [www.documentaryphotographs.com](http://www.documentaryphotographs.com).



# F A C U L T Y

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## notes

■ **FERNAND N. "TEX" DUTILE '65 J.D.** served on a panel discussing "The Role of Athletics in Higher Education" at the annual NCAA Conference Intern Seminar in Indianapolis, Indiana, January 24, 2002.

■ **RICHARD W. GARNETT** participated in a conference on "A Call for Reckoning: Religion and the Death Penalty" sponsored by the Pew Forum on Religion and Public Life at the University of Chicago on January 25, 2002. He served on a panel with three other speakers to discuss "Religion, Justice and the Death Penalty." He spoke on "Religious Witness in the Public Square: How Not to Think About the Death Penalty." Other presenters included U.S. Supreme Court Justice Antonin Scalia, Cardinal Avery Dulles, WASHINGTON POST columnist E.J. Dionne, former U.S. Senator Paul Simon and others who addressed "Faith Traditions and the Death Penalty" and "Faith, Politics and the Death Penalty."

■ **JIMMY GURULÉ** was profiled in an article titled *Ex-Utah "Attacking" Terrorists* in the January 20, 2002, edition of THE DESERET NEWS of Salt Lake City, Utah. The article reviewed his background — at home, in school and professionally — and explores how his experiences have prepared him to become the nation's highest-ranking Latino law-enforcement official.

■ **ROGER F. JACOBS** served on an ABA site evaluation team in the sabatinal inspection of Inter-American University Law School in San Juan, Puerto Rico, in March.

■ **JUAN MÉNDEZ** had a busy fall semester traveling and speaking on human-rights issues throughout the Americas. In October, he visited Argentina and Brazil. In Argentina, he spoke on the future of the human-rights movement after September 11; and, at the provincial Supreme Court in La Plata, spoke on the Inter-American System of Protection on the occasion of his being appointed honorary director of a human-rights institute created by the provincial public defender's office. In Brazil, he participated in a meeting of nongovernmental organizations that promote the rights of the Afro-Brazilian population on ways to promote racial equality through the Inter-American system of protection.

In November, he traveled to El Salvador for a series of human-rights events commemorating the 12th anniversary of the murder of six Jesuit priests, their landlady and her teenage daughter. He gave two keynote addresses on the jurisprudence of the Inter-American System of Protection on accountability for gross human-rights abuses and on comparative law efforts to restore truth and justice for such violations.

In December, he visited Colombia as part of a delegation of the Inter-American Commission on Human Rights for a site visit to promote and protect rights in the hemisphere. The seven-member delegation spoke with the country's president and several cabinet members, high judicial, legislative, military and police authorities, and representatives of nongovernmental organizations and victims. At the end

of the visit, the team issued a press statement containing preliminary impressions of what Professor Méndez describes as "the worrisome state of human rights in Colombia."

The Inter-American Institute on Human Rights in San Jose, Costa Rica, published three articles in Spanish that he wrote or co-authored including *Consideraciones sobre la reforma al Reglamento de la Comisión Interamericana de Derechos Humanos* in REVISTA IIDH, nos. 30-31; *Libertad de Expresión y Seguridad Nacional en el Sistema Interamericano de Protección de los Derechos Humanos*, co-authored with Viviana Krsticevic, Drew Porter and José Miguel Vivanco, in ESTUDIOS BÁSICOS DE DERECHOS HUMANOS, no. X; and *Comentario Académico*, a note on *Regina v. Bow Street Magistrate, Ex Parte Pinochet*, in IUDICIUM ET VITA, no. 7.

■ **LUCY SALSBUURY PAYNE '88 J.D.**, together with Rudy Monterrosa '01 J.D., supervised the public defender externs in the fall semester. In August, she presented a class on legal research in labor relations law to an undergraduate economics class at the University. In September, she presented a talk on "Understanding the Fifth Amendment" to the Elkhart County Chapter of the League of Women Voters.

■ **CHARLES RICE**, in an article titled *Accountability in Public Education* in the December 13, 2001, edition of the FORT WAYNE NEWS SENTINEL, commented on a study conducted by the Indiana Policy Review that blames collective bargaining for some of the problems facing public education in the state.



■ **HONORABLE KENNETH F. RIPPLE** served as an invited faculty member at the Pepperdine Judicial Clerkship Institute at Pepperdine University School of Law, Malibu, California, January 2-5, 2002. He lectured on Judicial Process and on the Law of *Habeas Corpus*.

He published *The Role of the Law Review in the Tradition of Judicial Scholarship* in New York University's ANNUAL SURVEY OF AMERICAN LAW.

■ **JOHN H. ROBINSON '72 M.A., '75 PH.D.** presented an update on *Ex Corde Ecclesiae* to lawyers attending the Stetson Conference on Law and Higher Education in Clearwater Beach, Florida, in February.

■ **ROBERT E. RODES JR.** spoke on "Juridical Categories in Theology" at a faculty colloquium on February 15, 2002.

■ **THOMAS L. SHAFFER '61 J.D.** presented "The Iron of Lawyers' Justice in America" at the Legal Professional Colloquium at Fordham University, November 8-9, 2001. He presented "Religious Faith and the Practice of Law" at a meeting of the Ohio State Bar Association in Columbus, November 14, 2001. He was also one of two keynote speakers at a retreat titled "The Reflective Lawyer: Raising the Bar on Ethics" held at the Carondelet Center in St. Paul, Minnesota, on February 15-16, 2002.

His forthcoming book, *BYPRODUCTS OF FAITHFULNESS: JOHN HOWARD YODER TO A HOOSIER LAWYER*, will be published soon by Wipf and Stock Publishers. He published *On Tending to the Ethics in Legal Ethics: Two Pedagogical Experiments in* LEGAL EDUCATION REVIEW.

■ **J. ERIC SMITHBURN** has been reappointed as an academic advisor to the Judiciary Leadership Development Council, Inc., headquartered in Arlington, Virginia.

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.

Contact information for individual faculty members is available on the Law School's web site at [www.law.nd.edu/faculty/faculty.html](http://www.law.nd.edu/faculty/faculty.html). The site provides hot links with each faculty member's e-mail address, as well as regular mail and telephone information.

#### NDLS FACULTY PROMINENT AT LAW AND FAITH CONFERENCE; SHAFFERS HONORED

A number of Notre Dame Law School current and former faculty members participated in a conference on "Viewing Law Through the Eyes of Faith." Hosted by Pepperdine University School of Law in Malibu, California, and sponsored by religiously affiliated law schools across America, the conference gave participants an opportunity to discuss the loss of religious voices in the American university. Structured around themes in books by George Marsden, Francis A. McAnaney Professor of History at the University of Notre Dame, including *THE SECULARIZATION OF THE ACADEMY* (Oxford 1992) and *THE OUTRAGEOUS IDEA OF CHRISTIAN SCHOLARSHIP* (Oxford 1997), the conference addressed whether American law schools have experienced the loss of a religious perspective informing scholarship as occurred at most American universities in the latter half of the 20th century.

**Steven D. Smith**, Robert and Marion Short Professor of Law, participated in a panel discussion on "The Outrageous Idea of Religious Legal Scholarship." **Thomas L. Shaffer '61 J.D.**, former dean and Robert and Marion Short Professor Emeritus of Law, participated on a panel on "Religious Traditions' Potential Contribution to Scholarship and Teaching."

Also at the conference, Professor Shaffer and his wife Nancy were the guests of honor at a special dinner held in conjunction with the conference. As the conference program notes, Professor Shaffer "has served as an advisor to and advocate for many of the religiously affiliated law schools over the years. He is the author of more than 250 books and law review articles. From his ground-breaking book, *ON BEING A CHRISTIAN AND A LAWYER* (1981) to the present, Tom has been at the forefront of the law and religion movement, encouraging both Jews and Christians to consider the full implications of their faith." The program continued with a tribute to Mrs. Shaffer, who "has worked since 1970 as a volunteer in legal aid clinics in Santa Monica, Charlottesville, Lexington and South Bend. One of her children describes her as 'a freelance do-gooder.' Many law students and professors have been beneficiaries of her gift of hospitality."



# Kathy Farmann:

## *An Inspiring Woman Remembered*

On January 25, 2002, members of the Law School community, past and present, lost a dear friend, colleague and mentor. Kathleen Elizabeth Farmann, director of the Kresge Law Library from 1965 to 1985, passed away quietly and on her own terms after a brief illness at Regency Nursing Home in South Bend.

Kathleen Farmann grew up in Washington, D.C. She graduated with honors from Trinity College in 1941 and Catholic University of America School of Law in 1945. Upon graduation, Kathy practiced antitrust and corporate law in D.C. at Covington and Burling from 1945 to 1953. Kathy was a pioneer, practicing law in an area where, as a woman, she was definitely in the minority. But knowing Kathy, I'm sure this only made her resolve more fervent. I don't know why Kathy decided to abandon the practice of law, but fortunately she next chose a career in law librarianship. In 1957, Kathy received her master's degree in law librarianship from the University of Washington.

From 1957 to 1965, Kathy served as an assistant librarian and assistant director of research services at the Ohio State University, and then as law librarian at the Hawaii Supreme Court Library, before assuming the position of director of Notre Dame's Law Library. During her tenure at NDLS, the library's physical space was expanded in 1973 and the library's collections more than doubled, growing from 69,000 volumes to 164,823. All

of these accomplishments, however, are overshadowed by the mark that Kathy left on so many lives here in the Law School — her colleagues, students and friends all celebrate Kathy's life. We are thankful for the moments we shared with her.

I recently read a book titled *7 GREATEST TRUTHS ABOUT SUCCESSFUL WOMEN*. This is not the type of book I would normally pick up, but for some unknown reason, when I saw it while browsing the new book shelf at the St. Joseph County Public Library, I felt compelled to take a look. On the cover were printed the words, "Play by your own rules and succeed on your own terms." When I began to think about my tribute to Kathy, those words and the "truths" came back to me: resiliency, passion, nurture, intuition, creativity, self-value and sensitivity.

Kathy had a resiliency that enabled her to rise above the challenges that were presented to her. She practiced law at a time when there were few women practicing law, let alone in the areas of antitrust and corporate law. She had a determination — a passion — to overcome obstacles and barriers. And she exhibited this passion not only in her love of the law, but also by encouraging all whom she took under her wing to strive to overcome the obstacles and barriers that life sometimes presents. Kathy was a nurturer — be it to a friend, colleague or student. She helped us realize our ambitions.

She possessed a keen intellect and extraordinary insight that some might characterize as intuition. Her knowledge went beyond book knowledge and straight to common sense and fundamental principles. She had a way of informing and persuading by engaging people. She kept them interested because she was able to hear not only what they were saying but also what they were thinking. She could hear their unspoken responses as well as their spoken responses.

I remember that she once told me that I had to develop a "Mona Lisa" smile, in response to my overreacting to a situation. She told me not to let anyone know that they had upset me. I had to learn how to handle such situations, and not allow them to handle me. On another occasion, she told me that I had to visualize the word "elephant" on a person's forehead before I responded. She said that how I responded might make me feel better and I might move on thinking that it was over, but they might not forget. She offered me creative solutions to my shortcomings, and gave me advice that I have never forgotten.

Kathy's self-value was one that relied less on the approval of others and more on relationships with others. Her sense of self was developed by the relationships that she truly valued. Her everyday interactions with friends, colleagues and students defined her.

Kathy truly played by her own rules and succeeded on her own terms. The contributions that follow from her friends, colleagues and former students tell her story and highlight her successes far better than anything that can be measured by a list of standards in a book. I will miss not being able to visit with Kathy and hear her laugh or ask for her advice. But I know that I will always have Kathy with me in my heart, which is something that I will always cherish.

BY CARMELA KINSLOW

HEAD OF ACCESS SERVICES, KRESGE LAW LIBRARY



## K R E S G E L A W L I B R A R Y

## FORMER COLLEAGUES:

**Granville Cleveland, Professor Emeritus, Notre Dame Law Library:**

— Irish Toast —

May you always have work for your hands to do. May your pockets hold always a coin or two.  
May the sun shine bright on your windowpane.  
May rainbow be certain to follow each rain.  
May the hand of a friend always be near you.  
And may God fill your heart with gladness to cheer you.

Dear Kathy,

I am so sorry that I could not be with you during your final moments. I will always regret that. You gave so much of yourself to others. Thank you for all the things you did for me in my life. You brought me to Notre Dame. You taught me how to look at the entire picture of life and how not to limit myself to small things that have little meaning. You showed me the importance of character in life. I feel very proud and lucky that you are my friend.

**Michael Slinger, Associate Dean, Director of the Law Library and Professor of Law, Cleveland-Marshall College of Law:**

I will always be grateful to Kathy Farmann. Mrs. Farmann — I could never bring myself to call her Kathy — gave me my start as a law librarian, a profession I have been proud to call my own for the past 18 years. I was first impressed with Mrs. Farmann because she asked me to bring my wife Cheryl to my interview at Notre Dame. I had already interviewed at USC and Villanova, and they had not asked me to bring my wife. But Notre Dame was different. It was a family atmosphere, and Mrs. Farmann and her husband Stan made it that way. I have always suspected that my wife Cheryl had as much to do with me getting the job at Notre Dame as anything I did on that interview.

Mrs. Farmann was a wonderful role model for me because she had integrity and talent, but also because she was always kind to me and to others. She went out of her way to make Cheryl and me feel welcome and, yes, part of the Notre Dame family that we all know and love. I have tried during my professional career to emulate Mrs. Farmann and Dean Roger Jacobs, my two wonderful mentors. I hope both Mrs. Farmann and Dean Jacobs are pleased with not only what I have done, but also with how I do it. I consider Notre Dame Law Library to be my professional home, no matter where else I may work. Mrs. Farmann is in large part responsible for making me feel this way. I am so grateful to have worked with her. I will miss her very much.

**Mary Persyn '82 J.D., Director of Law Library and Professor of Law, Valparaiso University:**

I worked for Kathy Farmann all through law school as well as for two years after graduation. I will always be grateful to her for giving me my start in law librarianship. I always appreciated her dedication to keeping an orderly library, where the materials could be easily found by the faculty and students. I also remember with fondness the staff parties that we used to have.

## FORMER STUDENTS:

**Carol Ann Mooney '77 J.D., Vice President and Associate Provost, Professor of Law, University of Notre Dame**

It is unlikely that Kathy Farmann ever blended in. That certainly would have been nearly impossible when she entered law school — at that time, the presence of a female student was remarkable. When I first met her in the mid-1970s, Mrs. Farmann's red hair and red lipstick made their own statement. Kathy had presence and we loved her for it. We also loved her for the way she treated us.

I was one of a sizable number of law students who partially financed our educations by working in the library — staffing the circulation desk, working in technical services and re-shelving books at 7:00 each morning. Working in the library, I benefited from Mrs. Farmann's encouragement during the inevitably dark days of a law student's life, and I also had the opportunity to observe how many other students, in addition to my co-workers, sought her counsel.

Mrs. Farmann was known as the best person in the building to help whip a resume into shape. She also spent a lot of time with minority students. I suspect that she keenly understood the difficulties one faces in being a pioneer, and was able to share insights that few others in the school possessed.

It was clear that she dearly loved three things: her husband Stan, the library that together they had worked so hard to improve and the students. Kathy Farmann



**Stan and Kathy Farmann**



## *Kathy Farmann: An Inspiring Woman Remembered* (continued)

touched many of us and was one of those people whose presence made a difference in our lives.

### **Honorable Ann Clare Williams '75 J.D., '97 LL.D. (Hon.), U.S. Court of Appeals for the Seventh Circuit:**

I met Mrs. Farmann during my first year of law school. Although I was a little intimidated at first, I was immediately fascinated by her — that slash of red lipstick, the long dangling cigarette, her intellect, her wit, her big heart and the very direct way in which she spoke. She was a very private person, but always willing to lend a helping hand and provide research and writing suggestions. Her legal reasoning and analysis of complex issues was thoughtful, thorough and always on target. Our friendship flourished through the years and she became a cherished mentor who gave me wise advice and counsel. So much that after graduation, I stayed in contact and visited her home during football weekends. And although she declined to attend my investiture ceremonies (she disliked large, public gatherings) I was thrilled that she and Stan could join my family and friends for the dinner celebration the University held for its honorary degree recipients in 1997. She will remain in my heart and her spirit will continue to give me and everyone she touched the courage to face any challenge with wit, intelligence, courage and love.

### **Ron Dallas '73, '76 J.D., Fort Lauderdale, Florida:**

Mrs. Farmann was a wonderful woman. She was a caregiver who never missed an opportunity to offer words of encouragement or a warm smile and hug. She made the Notre Dame Law School a very special place. She enriched my life as a law student, and she continued to share generously her wisdom, wit and encouragement following my graduation. She and her husband made me a part of their family. Mrs. Farmann will be missed by the many people she loved, nurtured and counseled. We — the beneficiaries of her vision, labor and countless acts of kindness — are entrusted with her immortality. We must be inspired to give tribute to her by following her great example of service to others. May God bless her soul and may we find comfort in the reading from I Corinthians: "Where, O death, is your victory? Where, O death, is your sting? The sting of death is sin, and the power of sin is the law. But thanks be to God! He gives us the victory through our Lord Jesus Christ."

### **Paul Mattingly '75 J.D., Cincinnati, Ohio:**

When investigating law schools in the fall of 1971, I visited something like a career fair at the Ohio State University, a central location for many of the smaller universities from around Ohio. At the time, I thought my career plans would take me to Washington & Lee Law School in Lexington, Virginia. Probably out of curiosity, I stopped by the Notre Dame Law School table, where Kathy Farmann was Notre Dame's representative — and everything changed.

Kathy was my first real contact with Notre Dame. We talked briefly, and she seemed so interested in me. We spoke about what I was looking for in a legal career. She extolled Notre Dame, telling me about how it would fit into my plans and how I belonged there. By the time we parted, she had insisted that I contact her as soon as possible after my return to the University of Dayton to arrange a personal visit to Notre Dame. She practically extracted a commitment from me to do so — I was to call her directly to arrange it.

I made the call to Kathy and came to Notre Dame on a very snowy, impassable day in the winter of 1972. As soon as I entered the library doors near the circulation desk, Kathy saw me, hailed me by name with a huge smile, and welcomed me. There were other students there that day too, and I was shocked that after several intervening weeks, she genuinely recognized me and knew instantly who I was. I had a wonderful day visiting classes and spending one-on-one time with Professors Regis Campfield and Edward Murphy. Kathy arranged that because I sought financial aid and, as I recall, she was on the awards committee.

Of course, I did attend Notre Dame, seeing and working with Kathy from time to time over my three years in school. Those earliest contacts with her, however, are what stick vividly in my mind. They are what made Notre Dame a reality to me. They are what changed my mind. I am sure that there are many others who can relate similar stories about how Kathy touched and influenced their lives in ways she never imagined. She was a wonderful ambassador for the Law School.

### **Honorable Susan Zwick '80 J.D., Circuit Court of Cook County (Illinois):**

I don't believe any person who graced the halls of Notre Dame Law School during the 1970s and 1980s could avoid at least one encounter with Mrs. Kathy Farmann. The unsinkable, larger-than-life librarian who

routinely dusted off neophyte law students, placed them on their feet and marched them into the profession. Mrs. Farmann was a friend and forever a mentor — and it is with sorrow that I find myself now recalling memories that were often shared between us when I was just a student.

From 1977 until 1980, Mrs. Farmann shepherded an unlikely group of new law students through the rigors of law school. Those who shelved books in the early dawn were working for rent and food. Despite the 5:45 a.m. start time, we were initially an undisciplined lot, and frightened of every aspect of law school. Mrs. Farmann allowed her library staff to adopt us. We were given coffee to drink, a sanctuary in which to study and constant advice on life. But life wasn't what we were there to learn — the law was. And Mrs. Farmann always made sure that life's demands didn't swallow us whole. The study of law came first.

For those of us who worked for her, and for any other student who came under her shield, Mrs. Farmann was uncompromising in her demand for individual excellence. And as uncompromising as she was with each of our goals, she was as protective of our dream. If we had trouble in a class, she found us a tutor. If we had a personality clash with a professor, she set up a meeting and mediated if necessary. If we had trouble with the gas company (and they threatened to turn off the heat) she taught us how to deal with the situation, how to negotiate and how to win gracefully. And she expected that we would prevail and graduate, as was the dream.

But most of all, Mrs. Farmann instilled in each one of us a love for books, and a passion for knowledge. You are only as good as your research she once told me, and to be sure I didn't forget, I wrote those words on my Prosser hornbook. I still have the book, and the quote is now written on a piece of paper, tacked to my computer at work.

It was during my third year that I began to see Mrs. Farmann for the true pioneer she was. Mrs. Farmann graduated from Catholic University in Washington, D.C., in 1945. Her practice of the law was so different from the world I was entering, and yet, her stories of the people and events were timeless. In a profession dominated by gentlemen, she remained, first and always, a true and refined lady, and never failed to remind each of us that our vocation demanded character, integrity and class. It did not matter where we hailed from, or what type of law we practiced, as long as we treated all with respect and graciousness.

I will miss Kathy Farmann for her irrepressible



humor (a side she rarely showed to the public, but which was always evidenced by her smile), her unequalled and organized mind, and her ability to bring the best out of all of us. I am privileged to have shared a cup of coffee with her; to have read and exchanged books with her; to have debated politics and history with her; and to have learned, oh so much from her. But most of all, I am privileged to be able to call this remarkable woman my friend. I will never forget all she taught me.

#### Irv Vinson, Retired, International Representative of the United Auto Workers:

When I was informed that Kathleen Farmann had passed away, I wondered what words would be appropriate to sum up her life. Words like kindness and dedication to helping law students like myself came to mind. I found some words written by Stephen Grellet, who said, "I expect to pass through this world but once. Any good thing, therefore that I can do, or kindness that I can show to any fellow human being, let me do it now. Let me not defer or neglect it, for I shall not pass this way again." To my knowledge, Mrs. Farmann never verbalized her philosophy on life, but in my opinion, had Stephen Grellet known her, he would have found her to be the perfect model to make his words a reality, because what he wrote, Kathleen Farmann lived. She will be sorely missed.



#### LAW FACULTY SPOUSES BOOK CLUB:

For almost 25 years, Kathy was a regular at "The Book Club," a monthly gathering of Kathy and about a dozen law faculty spouses. During her years as director of the Law Library, Kathy would slip away during her lunch hour to discuss Cather or Conrad, Marquez or Dinesen. If a book touched on Kathy's own experiences, she would talk a bit about her childhood, growing up in Washington, D.C., and then about practicing law there in the post-World War II years. Another book might set off a story about canoeing adventures with husband Stan.

Kathy managed to be candid in the book discussions without trading on her authority as a librarian. It was her practice to listen keenly and then, as the talk died down, to announce her own firm views. These were not always, or even frequently, in agreement with what the others had spent the previous 30 minutes describing. But they always led to smiles and some friendly teasing — not arguments. Her comments never failed to add a warm and zesty spice to the discussions. The Book Club members agree that it won't be the same without Kathy.

## ADMINISTRATOR & STAFF NOTES

■ Welcome to **ALEXANDRIA LEWIS**, who joined the Career Services Office as a full-time career and public-interest counselor in January 2002. She earned her J.D. degree from the University of Idaho College of Law in 1998. While a law student, she participated in clinic and mock trial, and was actively involved in many law school organizations, including the student bar association. During and after law school, she interned with several city attorney's offices including in Clarkston, Washington, and Santa Ana, California, before finally accepting a position as a civil litigator in Newport Beach. Prior to attending law school, Ms. Lewis earned her bachelor's degree in criminal justice administration from

Boise State University and worked for the U.S. Fish and Wildlife Service.

■ **SUSAN GOOD '85**, technical support consultant/analyst in the Office of Law School Technology, pieced together a "peace quilt" for the University's Office of Campus Ministry. The quilt, which measures 70 inches by 70 inches, features 49 squares designed by various campus dormitories and groups, as well as by children in area elementary schools.

Campus Ministry unveiled the work on Martin Luther King Jr. Day as part of the University's celebration of the life of Reverend King. The quilt reflected perfectly the theme for the celebration,

"Operation Love: Making a Difference Piece by Piece." Each square represents what Reverend King and his legacy mean to the people who took the time to design and create each square. Ms. Good and her work were featured in the January 22, 2002, editions of the *SOUTH BEND TRIBUNE* and the *OBSERVER*.

■ **CATHY PIERONEK '84, '95 J.D.**, 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.



## Law School Hosts Distinguished Speakers

■ The Federalist Society hosted a number of distinguished speakers this semester:

- **Honorable James Buckley**, senior judge on the D.C. Circuit, spoke on January 22, 2002, on "The Constitution and the Courts: A Question of Legitimacy."

- With funding provided by the Olin Foundation, the society hosted **Honorable Daniel Manion '64**, of the U.S. Court of Appeals for the Seventh Circuit, for a talk on "The Judicial Confirmation Process" on February 5, 2002.

- **Carl Esbeck**, senior counsel for the U.S. Department of Justice, spoke on "Charitable Choice and Its Critics" on March 7, 2002.

- **James Lindgren**, Stanford Clinton Sr. Research Professor at Northwestern University, spoke on "Historians' Scandals: The Strange Case of Michael Bellesiles and the Missing Guns." His March 26, 2002, talk addressed what has been described as the most serious historical scandal of the last 30 years, involving Michael Bellesiles's book *ARMING AMERICA* and his research, which Professor Lindgren contends is based on records that do not exist, including probate records from San Francisco that were destroyed in the 1906 earthquake and fire.

### LAW REVIEW AND JOURNALS ELECT EDITORS-IN-CHIEF

Congratulations to the four students elected as editors-in-chief of their respective journals for the 2002-03 academic year:

NOTRE DAME LAW REVIEW — Bruce Khula of South Bend, Indiana

JOURNAL OF COLLEGE & UNIVERSITY LAW — Angela Little of Fort Wayne, Indiana

JOURNAL OF LEGISLATION — Ida Shum of Hacienda Heights, California

NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY — Elizabeth Anderson of Columbus, Ohio

- **Philip Hamburger**, professor of law at the University of Chicago Law School, spoke on "Religious Liberties" on April 5, 2002.

- The Christian Legal Society sponsored a talk titled "John Calvin, the Taliban, and the Idea of Pollution" by NDLS Professor **John C. Nagle** on January 24, 2002.

- The St. Thomas More Society, together with the University's Gender Studies Program, Department of Philosophy and Knights of Columbus Council, welcomed **Sister Prudence Allen, R.S.M.**, chair of the philosophy department at the St. John Vianney Theological Seminary in Denver, Colorado, for her talk on "Philosophy of Relation in John Paul II's New Feminism" on January 30, 2002. On February 15, the society presented a talk by **Monsignor Lorenzo Albacete**, theologian, author/columnist and National Ecclesiastical Coordinator for *Communion and Liberation*, on

"The Religious Sense, Violence and Mystery," reflecting on the religious roots of violence in the modern world and their relationship to Christian understandings of faith and grace.

- The Women's Legal Forum sponsored a talk on "Holes in the Law: Domestic Violence, Rape Law and the Real World" by NDLS Professor **Teresa Godwin Phelps '73, '75 M.A., '80 Ph.D.**, March 20, 2002.

- 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)," April 2, 2002.

- **Sarah Buescher '94 J.D.** addressed a meeting of the Business Law Forum on her work with the Securities and Exchange Commission and now at Vanguard Group on April 5, 2002.

### TUITION FOR 2002-03

The University announced that tuition for the 2002-03 academic year for law students will increase 4.8 percent to \$26,110. This is the second consecutive year in the last 40 that tuition increases have remained below 5 percent.



## NITA Receives Family-Values Award

### Notre Dame Alumni Association Honors NDLS Student

Congratulations to 2L Susan Prchal '99, of Huntington Beach, California, who was selected by the Notre Dame Alumni Association as the recipient of its 2001-02 Distinguished Graduate Student Award. An assistant rector in McGlinn Hall, Ms. Prchal is the fifth law student to receive the honor since the award's inception in 1992.

After earning her undergraduate degree in government and international studies and Spanish from Notre Dame in 1999, Ms. Prchal joined the Jesuit Volunteer Corps and worked with the Northwest Justice Project, through which she assisted low-income residents of the state of Washington with free civil legal services.

At NDLS, Ms. Prchal is president of the Public Interest Legal Forum, a member of the Women's Legal Forum and the Social Justice Legal Forum, and liaison between NDLS and the National Association for Public Interest Law. She has also been instrumental in working with a Law School committee that is developing criteria for administering the loan repayment assistance program for alumni engaged in public-interest work. She worked with the Lawyers Committee for Human Rights in Washington, D.C., last summer through the Alumni-Funded Summer Fellowship program, and also engaged in service work in San Diego through the Law School's GALILEE program.

The National Institute for Trial Advocacy (NITA) has received the Family Values in Business Award in the not-for-profit category from the Samaritan Counseling Center in South Bend in recognition of its family-friendly work environment. Samaritan created the award to bring the importance of family-friendly work environments to the attention of employers in St. Joseph County, Indiana, and to honor those who provide such environments.

Samaritan selected NITA for the honor for two primary reasons. First, NITA has a demonstrated commitment to flex-time for all employees, not just those who need to adjust work hours to their children's school or day-care schedules. Other employees who must juggle work duties with obligations relating to caring for elderly parents, friends, neighbors or others also benefit from the program. Additionally, NITA encourages an easy working relationship between upper- and lower-level management. Other innovative management practices include allowing employees to bring their children to work with them on school holidays and other special occasions.

Patricia C. Bobb '72 J.D., chair of NITA's board of trustees and a prominent Chicago-area trial attorney, accepted the award on behalf of NITA.



Raymond M. White, Chief Operating Officer of NITA, and Patricia C. Bobb '72 J.D., Chair of NITA's Board of Trustees, accept the award from Samaritan Counseling Center on behalf of NITA.

## 15th Annual Father Mike Talent Show

The annual SBA-sponsored "Father Mike McCafferty Show" was held on Saturday, March 2, at Senior Bar. The show featured nine acts portraying the humorous side of life in the NDLS community. Research Librarian Lucy Payne provided the faculty act, a retrospective of life at NDLS then (in 1990) and now. SBA president Andy Mayle and SBA community service commissioner Myra McKenzie served as emcees for the annual event, which raises money for the Reverend Michael Dillon McCafferty, C.S.C., Law Fellowship.



2L Adam Witmer serenades the audience as part of NDLS's own "TR2L."



# S T U D E N T N O T E S

## Moot Court Competitions Highlight Spring Semester

### 52ND ANNUAL SHOWCASE MOOT COURT ARGUMENT



Continuing a tradition more than a half-century old, NDLS students presented the 52nd Annual Showcase Moot Court before a panel of distinguished judges on February 7, 2002. 3Ls Frederick P. Marczyk of Egg Harbor City, New Jersey, and Anne M. Peterson of South Bend,

Indiana, represented the petitioners, while third-years Timothy F. McCurdy of Cumberland, Iowa, and Kevin G. Lohman of Northridge, California, represented the respondents in the case of *EEOC v. Acme, Inc.* The panel of distinguished judges who heard the case included Honorable Michael S. Kanne of the U.S. Court of Appeals for the Seventh Circuit, who served as chief justice for the proceedings, Honorable Randall T. Shepard, chief justice of the Indiana Supreme Court, and Honorable Michael P. Barnes '73 J.D. of the Indiana Court of Appeals.

The facts of the case involved an employee of Acme, Inc., who was fired after a diabetes-related fainting spell at work. The employee filed a claim with the EEOC under the Americans with Disabilities Act.

Rather than pursue injunctive relief against Acme, the EEOC chose to bring a monetary-damages claim against Acme on the former employee's behalf. Acme contended that, because the employment contract required the fired employee to submit any claim for money damages to arbitration, the EEOC was precluded from pursuing a monetary claim in his behalf. The EEOC argued that the agency was not bound by the arbitration agreement and, even if it were so bound, a fee-shifting clause in the agreement requiring the loser to pay all arbitration costs rendered the agreement void as against public policy.

Keeping with tradition, each participant argued one issue in the case. Mr. Marczyk and Mr. McCurdy addressed whether the arbitration provision prevented the EEOC from bringing an action for monetary damages against Acme.

Ms. Peterson and Mr. Lohman addressed whether the fee-shifting clause invalidated the arbitration agreement.

Both sides argued their cases well and received high praise from the judges for the manner in which they responded to the incisive questioning and for the way in which they made their arguments in a case that involved difficult issues. Justice Barnes commented that the attorneys were excellent in oral argument.



Moot Court Showcase Argument participants (left to right) Tim McCurdy, Anne Peterson, Honorable Randall T. Shepard, Honorable Michael S. Kanne, Honorable Michael P. Barnes '73 J.D., Kevin Lohman and Fred Marczyk



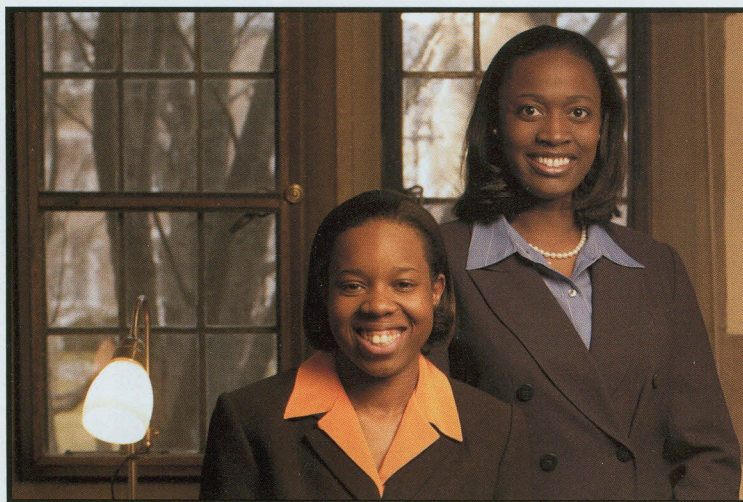
and praised their ability to respond to the judges' questions. Justice Shepard described the arguments as an "engaging encounter," and commended the students for their ability to treat the judges' questions as essential to their oral arguments, rather than as impediments to making particular points. He explained that judges' questions are often the best way to gain insight into how a judge is thinking about a case, and noted that the ability to respond effectively to such questions is a good indicator of how to present various aspects of the law to make a point. He also took some time to comment on the intellectual aspects of the case, noting that some of the arguments were more difficult to make

than others, but praising the students for their strong abilities in the face of weak arguments. Justice Kanne concluded with a lesson for the students: What judges in appellate argument look for is a dialogue — an exchange of ideas and information — which is what the students provided. He, too, offered praise for the style in which the students approached the whole appellate-argument process.

Also keeping with tradition, the student-participants chose not to have a first-speaker selected and chose not to have the judges decide the case. The judges praised this tradition as well, noting how much they appreciated the spirit of collegiality that ran throughout the process.

## COUNSELING CLIENTS LEADS TO SUCCESS

3Ls Myra McKenzie of Slidell, Louisiana, and Tamona Bright of Harker Heights, Texas, know what it takes to be a successful attorney — the ability to listen to a client, understand the problem, and work through solutions to achieve a desired result. This knowledge has served them well as they earned the opportunity to represent NDLS and the Midwest region at the national client-counseling competition.



*Client Counseling Competition participants Myra McKenzie and Tamona Bright*

Ms. McKenzie and Ms. Bright became the NDLS representatives to the Midwest Regionals by winning the 2002 NDLS Client Counseling Competition coordinated by 2L Adam Witmer of Bellefonte, Pennsylvania. They became the first team in the 30-year history of the NDLS competition to win two years in a row. At the regional competition in Indianapolis in February, they faced a total of 10 teams from eight other law schools.

In the first round, they counseled three different clients

who presented an environmental law problem in front of three different three-member judging teams, and received eight out of nine perfect scores. In the second round, they prevailed over the team from Illinois. Last year, as NDLS representatives for the 2001 regional competition, they missed the cut from the first round to the second round by a mere two points, and finished

third in the overall competition.

Faculty advisor Judy Fox '93 J.D., an associate professional specialist in the Notre Dame Legal Aid Clinic and herself a winner of the 1993 NDLS Client Counseling Competition, accompanied the students to the national competition at Baylor University. She notes that Ms. McKenzie and Ms. Bright "impressed all the judges with their ability to put the client at ease, discuss both legal and nonlegal matters that were troubling the client and propose alternative courses of action."



## SUCCESS CONTINUES IN U.K. JESSUP INTERNATIONAL MOOT COURT COMPETITION

D

uring the 2002-03 academic year in the London Law Programme, NDLS students once again had the opportunity to build a team to compete in the United Kingdom's Jessup International Moot Court competition coordinated by 2L Adam Witmer of Bellefonte, Pennsylvania. And

this year, the Notre Dame London Law Centre served as the site of the three-day competition, which included nearly 20 teams from universities all over the United Kingdom.

The Notre Dame team, consisting of 2Ls Alison Gregoire of Great Falls, Montana, James Heiser of Notre Dame, Meredith Mariani of King of Prussia, Pennsylvania, Jeremy Ramp '99 of Indianapolis, Indiana, and Marc Ricchiute '99 of Granger, Indiana, formed the team Notre Dame entered into the two-phase competition.

The first phase required the team to compose written memorials for both parties to the moot court suit, and the second phase involved oral arguments based on the written memorials. This year's problem presented difficult and highly challenging questions of international law involving terrorism, Internet restrictions and state responsibility.

The first two days of oral arguments consisted of preliminary rounds in which each team argued a total of four times, ultimately arguing each side twice. Mr. Ricchiute and Mr. Heiser represented the Applicant, while Ms. Gregoire and Mr. Ramp represented the Respondent.

Ms. Mariani served as bench counsel for both teams. The competition used a lottery system to determine the matchups of the various teams for the preliminary rounds. At the end of the competition, the teams were ranked on performance. The final score resulted mainly from oral argument scores in each round, with some weight being given to the scores awarded to the written memorials. By the end of the four preliminary rounds, the Notre Dame team placed second and was one of four teams to advance to the semi-finals round.

In the semi-finals, the leading two teams were permitted to choose which side to argue; Notre Dame students chose to argue the side of the Applicant, which sent Mr. Ricchiute and Mr. Heiser into the fray. A very talented Scottish team represented the Respondent. The mix of the two teams resulted in an excellent show of oral talent and proficiency in the legal issues involved in the case. Unfortunately, the Notre Dame team came up short against the Scots and ended their involvement in the competition in the next-to-last round.

Despite some comments relating to the different and somewhat aggressive American style of advocacy, the team felt that the competition was a solid success. NDLS earned a third-place in the oral arguments, and received third-place honors for the written memorials. This year's team continued the Notre Dame tradition of proficiency and excellence in the Jessup International Moot Court Competition.



U.K. Jessup International Moot Court Competition participants (left to right)  
Meredith Mariani, Jeremy Ramp, Marc Ricchiute, Jim Heiser and Alison Gregoire

— Meredith Mariani,  
2L  
Notre Dame London  
Law Programme



## 2L Serves as Trustee — Political Correctness NDLS-Style

BY LUCY SALSBUARY PAYNE '88 J.D., RESEARCH LIBRARIAN

First-year law students' solid grounding in basic legal concepts comes from both the classroom and through simulated training. But current 2L David Maquera already has put his classroom and simulated learning into action to solve a divisive community problem. On October 19, 2002, the 32-year-old was sworn-in as one of five new members of the Oronoko Township (Michigan) Board of Trustees. Mr. Maquera was chosen in a special election that followed a recall vote.

Last year, as Mr. Maquera entered his second semester of law school, a nasty political fight brewed in his home community. Homeowners opposed the township board's proposed sewer plan, because the plan would assess only part of the township even though the entire township would benefit from the intended economic development. The targeted homeowners found the plan unfair, inequitable and too expensive. Despite objections aired at a public hearing, the board voted to proceed with the \$9 million plan. Thus began a year of contention. A citizens' group to which Mr. Maquera belonged initiated a recall election targeting the five board members who had voted to proceed with the sewer project. The board continued to enter into contracts and to prepare an assessment roll. Just days before the recall vote, the board signed a \$3 million contract with another local municipality as part of the project.

The recall successfully removed all the targets. As Mr. Maquera began his second year of law school, he, along with 14 others, filed for the board vacancies. His fall semester thus included significant community service — educating Oronoko citizens and running for election. He won a board seat in the October election, and easily survived a November recount.

Local newspapers reported Mr. Maquera's conciliatory post-election stance. "We have to be willing to see what it takes to resolve the issue instead of retrenching into the same old positions," he said. "I think everybody realizes [that,] after two elections, [the sewer project] needs to be re-evaluated in good faith by all parties concerned, and I think all parties are ready to do that."

At the end of 2001, the newly constituted board decided by a one-vote margin to cancel the project, but also authorized a new committee to develop another plan. Mr. Maquera stated, "It is too bad that [the] sort of spirit being exhibited in this room wasn't exhibited more than a year ago. Time after time opinions [of the people] were made known to the previous board. Unfortunately, it took a recall election to make the message clearer, and a subsequent election to send another message. And now it takes this [motion] to make the message as clear as possible."



David Maquera

This factual recounting of the Oronoko sewer plan vastly understates the discord that exists in the community. Mr. Maquera has his work cut out for him as a Notre Dame lawyer-healer.

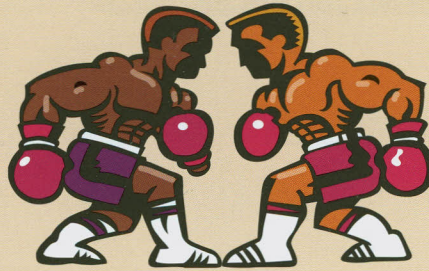
Recognizing the intensity of the dispute prior to the election, Mr. Maquera spoke of reuniting the community by doing the complete opposite of what the recalled trustees had done. "[I]nstead of feeling threatened by constituents who take an active interest in their local government, I am going to welcome and foster such an active interest even if I happen to disagree with some of their positions. . . . I will listen and solicit everyone's advice and ideas . . . on a proactive . . . more personal and frequent basis by hosting unofficial weekly meetings. . . . Furthermore, I will proactively set up a

[t]ownship e-mail address. . . . The overall goal will be to make all citizens, not just those who happen to like or agree with me, feel included and challenge them to take a more active role in their local government. That is what democracy is all about. . . . I will emphasize the word 'servant' in the term 'public servant.'"

Mr. Maquera's legal and analytical skills bring an acuity not previously seen in Oronoko-Berrien Springs political life. He says, "I'm going to think outside the box and not settle for . . . assumption[s]. Instead I will be asking a lot of hard questions and demanding a lot of answers from those who seek to spend the hard-earned dollars of the township citizenry." As the leader of the Citizen Movement in Oronoko says of Mr. Maquera, "[he] is an outstanding addition to the board. This community is fortunate to have him as one of our trustees."



Carlos Abeyta strikes a blow for the Holy Cross missions in his title match of the 2002 Bengal Bouts.



## 2L Defends Heavyweight Title

**C**arlos Abeyta (pictured above wearing blue trunks), a 2L from Lubbock, Texas, successfully defended the title he earned last year in the heavyweight division of the Bengal Bouts. The field of four in his division opened their competition in the semifinal round. Mr. Abeyta defeated an ND senior by unanimous decision after three rounds, and in the finals, he defeated an ND sophomore in a split decision.

Mr. Abeyta was joined in the annual boxing tournament by NDLS 3L Andy Baum of Bexley, Ohio, in the 155-pound division; 3Ls Ethan McKinney of Mishawaka, Indiana, and John Murphy of New York, New York, in the 160-pound division; 2L Chris Oliver of Kansas City, Missouri, in the 170-pound division; 3Ls Eric Goulet of Baldwinsville, New York, and Justin Alvarez of Los Angeles, California, in the 180-pound division; and 1L Jeremy Gayed of Huntington, Indiana, in the 190-pound division. John Murphy reached the semifinals in his division, and Chris Oliver made it to the quarterfinals.

The Bengal Bouts, a Notre Dame tradition for more than 70 years, raises money for Holy Cross missions in Bangladesh. The contest typically raises more than \$70,000 annually in support of the efforts of Holy Cross priests and brothers ministering to the poor in that part of the world.

I R I S H L A W



SPORTS REPORT



## NDLS Women Begin New Athletic Tradition

**T**wo NDLS women figure prominently in the formation of Notre Dame's newest club sport for women — ice hockey. Second-year law student Rebecca McCurdy, of Grosse Pointe Park, Michigan, together with Notre Dame senior Stacie Greene, formed the club this past fall, with NDLS Research Librarian Lucy Salsbury Payne '88 J.D. as their faculty advisor. Ms. McCurdy, who is also an assistant rector in Lyons Hall, played women's ice hockey as an undergraduate at Michigan State University, and played last year with a South Bend club team.

The team played five games in the early part of the season, and has a 3-2 record after defeating the club teams from Bowling Green (6-0) and American University (7-0), splitting with Northwestern (0-1 and 3-0) and losing to defending national club champions Maryland. The team has two games late-April remaining on the schedule. Ms. McCurdy has been having a great deal of fun with the team and says that they're looking forward to next



year, when the team will join a collegiate women's hockey league. She also appreciates the alumni support that has developed for the team and supports the women during road games.

More information on the team is available on line at [www.nd.edu/~sgreen/hockey/](http://www.nd.edu/~sgreen/hockey/).

## Alumni Sports Notes

**Joe Scott '90 J.D.**, head coach of the U.S. Air Force Academy basketball team, was touted for coach-of-the-year honors in the Mountain West Conference for his achievements in turning around the USAFA basketball program. An article titled *For Air Force's Scott, Bottom Line is Winning Games* in the February 8, 2002, edition of the ALBUQUERQUE (New Mexico) JOURNAL describes Mr. Scott as "a stylish former lawyer" and notes that, although the Falcons were 8-12 (at the time the article ran) and finished the 2001 season 8-21, he has achieved the most NCAA Division I wins by the Falcons since 1989-90 and has turned around a program that had won more than four conference games only twice since the 1989-90 season.

■ **Gretchen Swanz '93 J.D.**, an attorney with Manulife Financial in Boston, Massachusetts, participated in the Verizon Luge Challenge at Waterville Valley, New Hampshire, and finished second in the women's division.

## 2Ls Avenge Law School in Grad League Sports

**C**ongratulations 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 '99 of West Nyack, New York, other members of the team included fellow 2Ls Tom Anderson '00 of Wauwatosa, Wisconsin; Michael Earley '97 of South Bend; Kevin Gringras of Cypress, California; Nate Hall of Monroe, Michigan; Leo J. Hurley of Neptune City, New Jersey; Eric Nedell of Spotsylvania, Virginia; and Jeff Perconte '00 of Arlington Heights, Illinois; along with 1L Matt Nussbaum '00 of South Bend.

*Thelen Center for Schmoopie Studies, from left to right, Mike Thelen, Leo Hurley, Matt Nussbaum, Eric Nedell, Tom Anderson, Nate Hall, Mike Earley, Kevin Gringras and Jeff Perconte*





# A L U M N I N O T E S

## LISTSERV ADDRESSES

Law School all-alumni:  
[ndlaw-alumni@listserv.nd.edu](mailto:ndlaw-alumni@listserv.nd.edu)  
 Center for Civil and Human Rights alumni:  
[ndlaw-cchr@listserv.nd.edu](mailto:ndlaw-cchr@listserv.nd.edu)  
 London LL.M. alumni:  
[ndlaw-london-llm@listserv.nd.edu](mailto:ndlaw-london-llm@listserv.nd.edu)

To join any NDLS listserv, please send an e-mail to [lawalum@nd.edu](mailto:lawalum@nd.edu).

## WEB ADDRESS

Law School alumni web site:  
<http://www.nd.edu/~ndlaw/alumni/alumni.html>

## CLASS OF 1963

Secretary: James L. Lakin

■ **Bud Malone**, president of Malone Mortgage Company in Dallas, Texas, was recently featured in a roundtable of mortgage bankers on the subject of apartment markets across America in 2001 and 2002 in the December 2001 issue of *MULTI-HOUSING NEWS*, a publication of Bill Communications, Inc., of New York, New York. Mr. Malone also published *The Future of FHA and Its Role in Multifamily Finance* in the winter 2002 issue of *MULTIFAMILY TRENDS*, a publication of the Urban Land Institute in Washington, D.C.

## CLASS OF 1964

Secretary: Charles A. Sweeney

■ **John J. Jiganti**, a partner at Madden, Jiganti, Moore & Sinars in Chicago, Illinois, was honored by his high school *alma mater*, St. Ignatius College Prep in Chicago, at the school's 21st annual Law Luncheon on February 8, 2002. Mr. Jiganti, a member of the school's class of 1958, received the 2002 Award of Excellence in the Field of Law.

## CLASS OF 1966

Secretary: Thomas J. McNally

■ **Martin E. Idzik**, managing partner in the Jamestown, New York, office of Phillips, Lytle, Hitchcock, Blaine & Huber, has been appointed executive director of the Arts Council of Chautauqua County, New York.

## CLASS OF 1967

Secretary: James J. Olson

■ **Clifford A. Roe Jr.**, a partner at Dinsmore & Shohl in Cincinnati, Ohio, has been re-elected to a three-year term as managing partner of the firm, which has eight offices in five states. He has served as managing partner since June 1998 and has practiced corporate and securities law at the firm since graduating from NDLS.

## CLASS OF 1968

Secretary: Timothy W. Woods

■ **Honorable John J. Coyle Jr.**, recently named to the Warren County, New Jersey, Superior Court, was profiled in an article titled *Judge Brings Charisma to the Bench* in the January 27, 2002, edition of *THE STAR-LEDGER* in New Jersey.

■ **Thomas R. Curtin**, a partner at Graham, Curtin & Sheridan in Morristown, New Jersey, immediate past president of the Notre Dame Law Association and a member of the Law School Advisory Council, has been appointed to the Martindale-Hubbell/Lexis-Nexis Legal Advisory Board, which was established to assist the companies in responding to the constantly changing needs of the legal profession. Board members are chosen from private, corporate and international sectors of the legal profession.

Mr. Curtin has also been elected to serve a three-year term as the New Jersey State Delegate to the American Bar Association. He had been completing the term of his predecessor and is now in his first complete term as an elected delegate.

■ **Charles A. Weiss**, a partner with Bryan Cave, L.L.P., in St. Louis, Missouri, and current president of the Notre Dame Law Association, published *Lawyers Bypassing Lawyers* in the winter 2002 edition of *LITIGATION*.

## CLASS OF 1969

Listserv: [NDLAW-1969@listserv.nd.edu](mailto:NDLAW-1969@listserv.nd.edu)  
 Secretary: Scott J. Atwell

■ **Robert J. O'Connor**, alderman at-large in Aurora, Illinois, is running for the 83rd District seat in the Illinois House of Representatives.

## CLASS OF 1972

Secretary: Richard L. Hill

■ **Richard L. Hill** has been reappointed managing partner of the Elkhart and South Bend offices of Baker & Daniels, a position he has held in the South Bend office since 1990 and in the Elkhart office since its opening in 1993. He serves on the firm's management, compensation, finance and strategic-planning committees, and focuses his practice on municipal law and tax-exempt finance, business transactions, education law and health-care law.

■ **Michael J. Holland**, 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.

## IN MEMORIAM

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

**Robert A. Derengoski '38, '40 J.D.**, March 12, 2002, East Lansing, Michigan.

**James F. McVay '42, '44 J.D.**, March 1, 2002, Bradford, Pennsylvania.

**James F. Brisky '51, '54 J.D.**, November 23, 2002, Mequon, Wisconsin.

**David A. McGough '55 J.D.**, July 21, 2001, Chanhassen, Minnesota.

**Thomas A. McNish '61 J.D.**, December 14, 2001, Plymouth, Michigan.

**Howard F. Hillis '73 J.D.**, November 21, 2001, Wilmington, Delaware.

**Joseph J. McDonough '69, '73 J.D./M.B.A.**, January 14, 2002, Oak Lawn, Illinois.



## CLASS OF 1973

Secretary: Tony Palumbo

■ **Judy Snyder**, managing partner of Hoevet, Snyder and Boise, P.C., in Portland, Oregon, received the Professionalism Award from the Litigation Section of the Oregon State Bar Association, and was selected as a Distinguished Trial Lawyer by the Oregon Trial Lawyers Association.

■ **Alan Jay Kaufman**, partner in Kaufman & Payton in Farmington Hills, Michigan, and president, chief executive officer and chair of the board of both Burns & Wilcox, Ltd., and H.W. Kaufman Financial Group, was profiled in an article titled *Burns & Wilcox Chief Aims for \$1 Billion* in the February 25, 2002, edition of NATIONAL UNDERWRITER PROPERTY & CASUALTY-RISK & BENEFITS MANAGEMENT.

## CLASS OF 1974

Secretary: Christopher Kule

■ **William J. Dolan** has retired as general counsel to the Connecticut Education Administration and has accepted an appointment as a U.S. Administrative Law Judge in the Office of Hearings and Appeals of the Social Security Administration in Hartford, Connecticut.

■ **Michael J. O'Connell**, 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.

## CLASS OF 1975

Listserv: NDLaw-1975@listserv.nd.edu

Secretary: Dennis Owens

■ **Honorable Ann Claire Williams** of the U.S. Court of Appeals for the Seventh Circuit will be awarded an honorary doctor of laws degree and will receive the second Morton A. Brody Distinguished Judicial Service Award from Colby College in Waterville, Maine, in April. The award recognizes a federal or state judge who demonstrates integrity, compassion, humility and judicial excellence, and is named for a former federal district court judge in Maine who passed away in 2000.

## ALUMNI ASSOCIATION HONORS TWO NDLS JUDGES

The Notre Dame Alumni Association has selected **Honorable Philip Lee Russo '44, '49 J.D.** to receive the association's 2002 Reverend John J. Cavanaugh, C.S.C., Award, which will be presented on September 14, 2002, at the halftime of the ND-Michigan football game. The Cavanaugh award is conferred annually on a graduate of the University who is performing, or who has performed, outstanding service in the field of government, patriotism, public service, local, state and national politics, etc.

In May 1943, after completing his junior year at Notre Dame, Judge Russo was called to active duty in the U.S. Army. After World War II, he completed his education at Notre Dame, earning a law degree in 1949. He then returned to practice law in his home state of Virginia where, among other accomplishments, he was instrumental in bringing about the racial integration of the Norfolk and Portsmouth Bar Association in 1964 when he sponsored a young African-American lawyer for admission.

In 1965, he was appointed a judge in the Juvenile Court and Domestic Relations Court in Virginia Beach. On that court, he initiated a juvenile-rehabilitation program recognized as one of the best in the nation in a report by the National Council on Crime and Delinquency. He was elevated to the Circuit Court of the City of Virginia Beach in 1970, and served on the board of governors of the Criminal Law Section of the Virginia State Bar.

Judge Russo retired from the bench in 1992, but still serves as a substitute judge in various courts of the Commonwealth of Virginia as needed. He and his wife of 50 years, Mary, have three children, Mary (Saint Mary's College '75), Lee Ann '77 and Philip Jr. '80, and six grandchildren.

The Notre Dame Alumni Association has selected **Honorable Jeanne Jourdan '75 J.D.** to receive the association's 2002 William D. Reynolds Award, conferred annually on a graduate of the University who has done exceptional work with youth for the betterment of their quality of life.

Judge Jourdan graduated from NDLS in 1975. Her student career was legendary among her classmates. In addition to being the wife of a Notre Dame faculty member, she also had five daughters at home ranging in age from two to 10 years old. With the graduation of her daughter Mary Swartz Butler '84, '87 J.D., Judge Jourdan became the first woman graduate of NDLS to have a daughter follow in her footsteps.

Her career as a judge began in 1981, when she became the first woman judge on the St. Joseph Superior Court. During her 17 years on the bench, she initiated several court projects — a court devoted to drunk driving, a court-sponsored rehabilitation program for drunk drivers, a drug court and an educational program for divorcing parents. A series of murder cases involving teenagers prompted her to spearhead a community educational awareness program for all students in the South Bend Community School Corporation titled "This Is My Neighborhood." Area hospitals, police officers, lawyers, the WNDU stations, Leadership South Bend-Mishawaka, Kiwanis Clubs and the Urban League joined the effort to help children seek peaceful solutions to conflict. Through photography, a one-act play, mock trials and a "Teen Forum," schoolchildren focused on the causes and solutions to conflict. The Indiana Judicial Center used the project as a way to inspire other judges in their efforts to reach out to the communities they serve.

Judge Jourdan has been a member of the NDLS adjunct faculty since 1983, teaching in the nationally recognized trial advocacy program. She has also helped to coach various NDLS trial teams, including the team that won the 1993 National Trial Team Competition.

Since retiring from the bench, Judge Jourdan has remained active in teaching both at NDLS and across the country for the National Institute of Trial Advocacy. As a volunteer at the Notre Dame Legal Aid Clinic she also has the opportunity to put her own trial skills to the test on behalf of clinic clients.

Judge Jourdan is the second member of her class to receive the Reynolds Award since the award was established in 1985. Honorable Willie G. Lipscomb '75 J.D. received the award in 1997 in recognition of the handgun-violence intervention program he founded and runs in Detroit, Michigan.



## CLASS OF 1976

Secretary: Gerald N. Fritz

■ **Kevin C. Gallagher** has been appointed vice president and corporate secretary of Telephone and Data Systems, Inc., in Chicago, Illinois, a diversified telecommunications corporation that provides cellular and local telephone service. He had held officer-level and other senior positions at 360 Communications, Sprint Cellular and Centel, and brings nearly 20 years of telecommunications industry experience to his new position.

■ **Robert W. Goodson**, a founder of Carr Goodson, P.C., in Washington, D.C., has joined Wilson, Elser, Moskowitz & Dicker, L.L.P., as a partner in the firm's Washington, D.C., office. He brings 24 years of litigation experience and 16 years of firm-management experience to his new position, where he will focus on complex civil litigation with an emphasis on medical and legal professional liability, products liability and toxic torts.

■ **W. Burks Terry**, corporate vice president and general counsel at Northrup Grumman Corporation in Los Angeles, California, was profiled in an article titled *Defense Work* in the January 21, 2002, edition of the NATIONAL LAW JOURNAL.

## CLASS OF 1977

Secretary: Jane F. Bennett

■ **Joanne M. Frasca**, formerly with Frasca & Associates in Irvine, California, has formed Ducote & Frasca, P.C., in Costa Mesa, California.

■ **Dale S. Recinella**, 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.

## CLASS OF 1978

Secretary: vacant; please contact the Law School Relations Office (see p. 47) to volunteer

■ **Patrick A. Salvi**, of Salvi, Schostok & Pritchard, P.C., in Waukegan, Illinois, recently won a \$4.1 million jury verdict for the survivors of a patient treated by a physician who failed to diagnose an abdominal aneurism in a patient.

■ **Paul Unger**, formerly counsel to U.S. Senator George Allen (R-Va.) has been named counsel and legislative director on the senator's staff.

## CLASS OF 1979

Secretary: M. Ellen Carpenter

■ **M. Ellen Carpenter**, founding shareholder of Roach & Carpenter, P.C., in Boston, Massachusetts, has been elected as a fellow of the American College of Bankruptcy. Ms. Carpenter, who represents the New England region on the Notre Dame Law Association board of directors, is the first woman attorney from the state elected to the college. She was recognized for her professional excellence and distinguished contributions to the fields of bankruptcy and insolvency. Her practice focuses on business litigation and bankruptcy law, and she also serves as a trustee in Chapter 7 and Chapter 11 proceedings, and as a receiver and master in state court proceedings. She belongs to numerous professional associations and is currently secretary of the Boston Bar Association and is a member of the Board of Bar Overseers of the Massachusetts Supreme Judicial Court.

## CLASS OF 1981

Secretary: Robert J. Christians

■ **Robert N. Allen Jr.**, a partner in Allen & Galeo in Miami, Florida, was featured in an article in the October 26, 2001, edition of the DAILY BUSINESS REVIEW. The article, titled *Hazardous Conditions*, addressed the work that American attorneys such as Mr. Allen do to assist Latin American businesses enter into successful business deals in the United States.

He 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.

CONGRESSMAN KING  
PENS SECOND NOVEL

**Congressman Peter T. King '68 J.D. (R-NY)** has released his second novel, this one also centered around the conflict in Northern Ireland. Set partially in the future, *DELIVER US FROM EVIL* anticipates a world in which an Irish peace accord has been reached, and efforts to undermine its success run rampant. Congressman King uses his own background in the Irish peace process to deliver a tale that reviewers have praised for its accurate account of politics on both sides of the Atlantic Ocean.

As in his last book, Congressman King uses some of his NDLS 1968 classmates as characters, including Lou Bianchi, Lanny Bonenberger, J.C. Coyle, Tom Curtain, Dick Manning, Steve Madonna, Tom Ward and Charlie Weiss. NDLS Professor Emeritus Charles Rice makes an appearance in Chapter 3, which is set at Notre Dame and revolves around a conference held on campus to discuss peace in Northern Ireland.

The book is now available through on-line vendors and in bookstores.

■ **Gus Cifelli**, a shareholder at Lee Smart Cook Martin & Patterson in Seattle, Washington, has been voted a "super lawyer" in the August edition of *WASHINGTON LAW & POLITICS MAGAZINE*, which recognizes the top 4 percent of lawyers in the state. Additionally, the NATIONAL LAW JOURNAL recently reported on one of his recent trial verdicts in a products-liability case.

■ **William Klatt**, chief legal counsel for Ohio Governor Bob Taft, has been appointed judge on the 10th District Court of Appeals in Franklin County, Ohio. He will complete the term of a judge who recently resigned, and will run for election to the judicial post as the Republican candidate in the November election.

## CLASS OF 1982

Secretary: Frank G. Julian

■ **Michael Gridley**, formerly a trial lawyer with Union Pacific Railroad, has become the city attorney for Coeur d'Alene, Idaho.



## A L U M N I N O T E S

1975 GRADUATE EARNS  
CRYSTAL APPLE

**Chauncey Veatch '75 J.D.**, a teacher at Coachella Valley High School near Palm Springs, California, has been named 2002 National Teacher of the Year in a program sponsored by the Council of Chief State School Officers and Scholastic, Inc., a children's publishing and media company. He received his award — a crystal apple — from President George W. Bush and Education Secretary Rod Paige at a Rose Garden ceremony in Washington, D.C., on April 24, 2002.

Mr. Veatch earned his bachelor's degree in 1970 from the University of the Pacific in Stockton, California, before attending Notre Dame. While in law school, he served in the U.S.

Army Reserves and, after graduation, served as an officer in the U.S. Army infantry and medical services corps with



assignments to a variety of locations including throughout Latin America. After 22 years in the military, he retired and decided to pursue a teaching career. His proficiency in Spanish language and knowledge of Latino culture helped him secure a job teaching seventh- and eighth-grade students at a middle school in Thermal, California. While in that position, he earned his social studies teaching credential through Chapman University in Palm Desert, California.

He has been at his current position at Coachella Valley High School since 1999, where he teaches social studies but also helps his students learn basic skills such as reading, spelling, writing and communicating. His example inspires his students as well — he reports that five of the 17 seniors in his classes last year announced plans to become teachers and, this year, 17 of his 34 students want to teach. And nearly a dozen military veterans have contacted him about second careers as teachers.

## CLASS OF 1983

Listserv: [ndlaw-1983@listserv.nd.edu](mailto:ndlaw-1983@listserv.nd.edu)

Secretary: Ann Burford Merchlewitz

■ **John L. Sullivan** has been promoted from vice president, general counsel and corporate secretary of Imation Corporation in Oakdale, Minnesota, to senior vice president, general counsel and corporate secretary. Imation is a global technology company offering removable data storage systems to a variety of end users ranging from corporate data centers to home users.

## CLASS OF 1984

Secretary: Cathy Chromulak

■ **Christopher Kuner** 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.

## CLASS OF 1985

Listserv: [NDLAW-1985@listserv.nd.edu](mailto:NDLAW-1985@listserv.nd.edu)

Web site: <http://alumni.nd.edu/~law85/>

Secretary: Tom Nessinger

■ **Walter F. Brown Jr.**, 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.

■ **Karen Keltz** has been named a partner in Shannon, Gracey, Ratliff and Miller, L.L.P., in Dallas, Texas. She is also chair of the State Bar of Texas Insurance Law Section, Insurance Litigation Committee, and co-directed and will moderate the section's continuing legal education program for the bar association's 2002 annual meeting.

■ **Susan T. Muskett**, formerly legislative affairs director for the Christian Coalition of America in Washington, D.C., has joined the National Council of Catholic Women, also in Washington, D.C., as the organization's executive director. The NCCW is an organization of over 5,500 Catholic women's organizations across the country that focus on areas related to the sanctity of life including domestic violence, trafficking of women and children, abolishing capital punishment, combating pornography and obscenity, and protecting human life at every age and stage.

## CLASS OF 1986

Listserv: [NDLAW-1986@listserv.nd.edu](mailto:NDLAW-1986@listserv.nd.edu)

Web site: <http://alumni.nd.edu/~law86/>

Secretaries: Glenn Schmitt and Don Passenger

■ **Philomena Ashdown**, a partner at Strauss and Troy in Cincinnati, Ohio, has been appointed by the Archbishop of Cincinnati to a three-year term on the board of Catholic Social Services of Southwestern Ohio.

## CLASS OF 1987

Listserv: [NDLAW-1987@listserv.nd.edu](mailto:NDLAW-1987@listserv.nd.edu)

Secretary: Jay Brinker

■ **Suzette Nanovic Berrios**, 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.

■ **George E. Horn Jr.** has been named a partner in the South Bend office of Barnes & Thornburg. He chairs the firm's White Collar Crime Practice Group and practices primarily in the areas of litigation and health care with an emphasis on products liability and personal injury litigation.

■ **Timothy P. VerHey**, an assistant U.S. attorney in the Western District of Michigan, in Grand Rapids, was profiled in an article titled *Two of the Very Best* in the February 19, 2002, edition of THE GRAND RAPIDS PRESS. The article covers the careers and personal characteristics of Mr. VerHey and another assistant U.S. attorney involved in prosecuting a high-profile murder that occurred in a national forest along Michigan's western shore.

## CLASS OF 1988

Secretary: Lisa Visingardi

■ **Bradley K. Benson**, formerly with Fisher & Sweetbaum in Denver, Colorado, has joined Robinson Waters & O'Dorisio, also in Denver, where he focuses his practice on real estate and commercial transactions as well as tax law. He is also a candidate for an LL.M. from the University of Denver and expects to complete his studies this year.



■ **Michael L. Coticchia**, 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.

■ **John A. Culver**, 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.

■ **Thomas M. Dixon**, a partner at Clark Hill, P.L.C., in Detroit, Michigan, has been elected by his partners to serve on the firm's Executive Committee.

■ **Jeffrey D. Linton**, vice president of corporate business development, legal and public affairs at Serologicals Corporation in Norcross, Georgia, was profiled in an "up close" article in the December 30, 2001, edition of THE ATLANTA JOURNAL-CONSTITUTION.

#### CLASS OF 1988 (LONDON LL.M.)

■ **Jose Reyes**, interim mayor of Ciudad Juarez, Mexico, was profiled in an article titled *Interim Juarez Mayor N.M.'s Friend* in the February 11, 2002, edition of the ALBUQUERQUE JOURNAL. A Juarez-based attorney who specializes in bridging the gap in business transactions that cross the U.S.-Mexico border, Mr. Reyes has taught law classes at the Autonomous University of Juarez and has hosted a business program on a Juarez radio station. The Mexican federal government appointed him to the temporary mayoral post after irregularities in the July election, in which he was not a candidate, forced a new election in that country's largest border city. According to the article, Mr. Reyes was chosen for the post "because of his reputation for honesty and getting things done." Interestingly, his father had also once served as the mayor of Juarez.

#### CLASS OF 1989

Web site: <http://alumni.nd.edu/~law1989/>

Secretary: Jennifer O'Leary Smith

■ **Warren W. Byrd** has been promoted from executive vice president for corporate

development to president of ADESA Impact and ComSearch, and will relocate to East Providence, Rhode Island, to the company's headquarters. ADESA Impact is North America's third-largest total-loss management company, and ComSearch is a professional claims outsourcing service for the property and casualty insurance industry.

#### CLASS OF 1990

Secretary: Cathy Gregory

■ **Kathleen M. Kerrigan** has been named a partner in the Washington, D.C., office of Baker & Hostetler, L.L.P. She is a member of the firm's federal policy practice and concentrates her practice in the area of legislative tax.

■ **J. Robert Suffoletta Jr.**, a partner with Wilson Sonsini Goodrich & Rosati, has moved from the firm's Palo Alto, California, office to the firm's Austin, Texas, office to support its corporate securities practice.

#### CLASS OF 1991

Secretary: Martha Boesen

■ **Matthew T. Fricker**, formerly with Kersten & McKinnon, S.C., in Milwaukee, Wisconsin, has joined Crivello, Carlson, Mentkowski & Steeves, S.C., also in Milwaukee.

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

■ **Tracy D. Knox**, a partner with the law firm of Barnes & Thornburg, has transferred from the firm's Elkhart, Indiana, office to the firm's South Bend office. His practice focuses on product-liability defense.

■ **Katheryne L. Zelenock** is co-founder, president and CEO of e-Cognita Technologies, headquartered in Birmingham, Michigan. e-Cognita develops sophisticated transaction management and document automation software for lenders and lawyers involved in commercial mortgage transactions, and resulted from work she did at her former firm, Simpson Zelenock, P.C., to improve work the firm did for one of its lender-clients. e-Cognita now has a full-time staff of 27, and an initial customer list that includes Wells Fargo Bank, Principal Financial Group and Freddie Mac, and several law firms including Dykema Gossett, where Ms. Zelenock is also of counsel.

#### CLASS OF 1992

Secretary: Paul Drey

■ **Lisa Lavelle Burke** has been named a partner in the Washington, D.C., office of Patton Boggs, L.L.P., where her practice focuses on employment law and litigation.

■ **Martin E. Seifert** has become a partner in the firm now known as Kos & Seifert, L.L.P., in Fort Wayne, Indiana. His practice focuses on commercial litigation, creditors' rights and bankruptcy law.

■ **Christopher A. Zampogna** has formed Eidson & Bonello, P.C., in Washington, D.C., where he is of counsel.

#### CLASS OF 1993

Listserv: NDLaw-1993@listserv.nd.edu

Secretary: Charlie Hegarty

■ **Brian J. Alexander**, a partner with Kreindler & Kreindler in New York, New York, spoke at the 36th Annual Southern Methodist University Air Law Symposium in Dallas, Texas, in February. His talk addressed "The Boyle Battleground: A Critical Analysis of the Government Contractor Defense." A former military pilot, his practice involves litigation of international and domestic airline, commuter, military and general aviation crash cases, as well as aviation product liability cases.

■ **Frank J. Kros**, formerly with The Children's Guild in Baltimore, Maryland, has returned to San Diego where he is director of San Pasqual Academy, a 136-bed residential and educational campus for foster teens from San Diego County. To keep active in the law, he teaches a course in Community Property at California Western School of Law.

■ **James A. O'Brien Sr.** has opened the Law Office of James A. O'Brien in South Bend.

#### CLASS OF 1994

Secretary: P. Douglas Duncan

■ **Mark E. Derwent** 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.



■ **James V. Garvey** has been named a partner in the Chicago, Illinois, office of Vedder, Price, Kaufman & Kammholz.

■ **Kurt Kjelland**, formerly with Cozen & O'Connor in San Diego, California, has joined the San Diego office of Brobeck, Phleger & Harrison.

■ **Joseph R. Mariniello Jr.**, 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.

■ **Frank Timons** is now with Sun Microsystems, Inc., in Menlo Park, California.

#### CLASS OF 1995

*Listserv: NDLaw-1995@listserv.nd.edu*  
*Secretary: Kurt Merschman*

■ **C. Robert Boldt** has been named a partner in the Los Angeles, California, office of Kirkland & Ellis.

■ **Michael Cloonan** (J.D./M.B.A.), who has his own free-lance television production company, Global Media, based in South Bend, was the focus of an article titled *Olympic "Stars" in ND Grad's Eyes* in the February 3, 2002, edition of the SOUTH BEND TRIBUNE. He worked on NBC's coverage of the 2002 Salt Lake City Olympics, producing the shorter human-interest segments broadcast throughout the games. Mr. Cloonan won an Emmy award for his work on the 2000 Olympic games in Sydney, Australia.

■ **Michael Collins**, an associate at Gibson, Dunn & Crutcher in Washington, D.C., is teaching a course in conflicts of laws as an adjunct faculty member at the Catholic University of America School of Law.

■ **W. Clark Jordan** has been named a partner in the Charlotte, North Carolina, office of Kilpatrick Stockton, L.L.P.

■ **W. David Winstead** 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.

## NEW ADDITIONS

*Please welcome the newest members of the NDLS family:*

**John A. Culver '88 J.D.** and his wife Terry announce the birth of Elias Meek, November 8, 2001, in Chicago, Illinois.

**Martin Seifert '89, '92 J.D.** and his wife Petra announce the birth of Patrick Christopher, December 4, 2001, in Fort Wayne, Indiana.

**James Garvey '94 J.D.** and **Jennifer (Dessoie) Garvey '95 J.D.** announce the birth of Matthew James, October 5, 2002, in Chicago, Illinois.

**Michael Cloonan '95 J.D./M.B.A.** and his wife announce the birth of Dylan Liam, November 15, 2001, in South Bend.

**Laura Salava Villa '95 J.D.** and her husband Matt announce the birth of Paul, December 17, 2001, in St. Louis, Missouri.

**John T. Refermat '96 J.D.** and his wife Stacy announce the birth of Stanley John Paul, December 15, 2001, in Penfield, New York.

**Vincent O. Nmechielle '96 LL.M.** and his wife Nkechi announce the birth of Danielle Chiburuoma on August 31, 2001, in Hyattsville, Maryland.

**Erica Anaya '97 J.D.** and **William B. Anaya '97 J.D.** announce the birth of William Leo on February 1, 2002, in Arlington, Virginia.

**Steve Kelso '97 J.D.** and his wife Erin announce the birth of Sarah Olivia, February 22, 2002, at Travis AFB, California.

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

**William E. Grady '99 J.D.** and his wife Carol announce the birth of John Patrick, December 27, 2001, in Annapolis, Maryland.

**Jennifer (Klute) Hall '99 J.D.** and **Daniel F. Hall '00 J.D.** announce the birth of Emma Grace, December 18, 2001, in Odenton, Maryland.

**Kristopher Tefft '99 J.D.** and his wife Marriann announce the birth of Sophia Elisabeth, January 22, 2002, in Olympia, Washington.

**Abiola Akiyode-Afolabi '99 LL.M.** and her husband announce the birth of their son, Mowanlola, November 30, 2001, in Lagos, Nigeria.

**Patrick Iseman '00 J.D.** and his wife Crystal announce the birth of Rebekah Lee, November 20, 2001, in Kansas City, Missouri.

Special congratulations to NDLS Associate Professor of Law **Lisa L. Casey** and her husband Brian on the birth of their twin daughters, Jillian and Kristen, January 27, 2002, in South Bend.

#### CLASS OF 1996

*Secretary: Marie Prein*

■ **Mark Cole**, an associate practicing real estate and finance law at Bracewell and Patterson, L.L.P., in Houston, Texas, has announced his candidacy for the Republican party nomination for state representative in District 134.

■ **Lisa Patterson**, associate dean for career services at the University of Buffalo Law School, has joined the board of the Notre Dame Club of Western New York and has been appointed the club's communications director, with responsibility for the club's newsletter and web site.

■ **Matthew Schechter**, 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.

■ **Fred W. Tiemann**, formerly a federal public defender for the Northern District of Texas in Fort Worth, is now a federal public defender for the Southern District of Alabama in Mobile.

#### CLASS OF 1997

Secretary: Erica Anaya

■ **Jonathan P. Lienhard**, formerly with McKenna & Cuneo, L.L.P., in Washington, D.C., has joined Richards, McGettigan, Reilly & West, P.C., in Alexandria, Virginia, as a litigation associate.

■ **Raymond J. Tittmann**, a litigation associate in the San Francisco office of Paul, Hastings, Janofsky & Walker, L.L.P., published *Residence Required* in the October 2, 2001, edition of the CALIFORNIA DAILY JOURNAL. The article addresses whether in-house counsel should represent a corporation in out-of-state matters and cautions that local counsel should be hired to comply with state practice rules.

Mr. Tittmann has also been appointed as statewide co-chair of communications for Bill Simon's campaign for governor of California.

#### CLASS OF 1998

Web site: <http://alummi.nd.edu/~law98/>  
Secretary: Mike Rafford

■ **John Cerone**, executive director of the War Crimes Research Office at American University's Washington College of Law, was interviewed by the Canadian television network, CBC, on its news broadcasts on February 7, 2002, regarding the recent decision by the U.S. government to treat Taliban captives according to the rules governing treatment of prisoners-of-war.

■ **John L. Michels**, formerly a deputy district attorney for Riverside County, California, has opened his own practice in Riverside and Orange County. His practice focuses primarily on criminal defense.

■ **Jeevan Subbiah**, formerly with Keane Consulting Group in Chicago, Illinois, has joined the Ashoka Trust for Research in Ecology and the Environment (ATREE) in Bangalore, India. His work will involve conserving the biodiverse Western Ghat region of India, which is in the province where much of his family lives. As deputy director and consultant to the ATREE's Bangalore office, he will have a wide variety of responsibilities

working to coordinate the organization's programs and reaching out to various constituencies, including the Indian government, to develop conservation programs.

■ **Heath Weaver**, formerly with Dinsmore & Shohl in Cincinnati, Ohio, has joined the staff of the Upward Bound program at Notre Dame as an advisor. He also teaches at Indiana University South Bend and at Davenport University.

#### CLASS OF 1999

Listserv: [NDLAW-1999@listserv.nd.edu](mailto:NDLAW-1999@listserv.nd.edu)  
Web site:

<http://www.geocities.com/Heartland/Trail/3096/>  
Secretary: Steve Boettinger

■ **Stephanie Gumm**, formerly with Goldberg & Simpson in Louisville, Kentucky, has joined Sommer & Barnard, P.C., in Indianapolis, Indiana.

■ **Timothy P. Lewis**, 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 postoperative infectious diseases that have affected the hospital's patients.

■ **Michelle Mack ('00 LL.M.)**, who works with the International Committee of the Red Cross and is based in Geneva, Switzerland, has been assigned to Belgrade, Yugoslavia, as an economic security delegate. Her responsibilities include analyzing assistance and long-term economic security needs of the community of internally displaced people, and making arrangements with government authorities for provisions for these individuals.

■ **Jeffrey Matura**, 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.

■ **David Rivera** and Nativity Prep Academy, which he founded in San Diego, California, were featured in an article titled *Leap of Faith* in the January 20, 2002, edition of the SAN DIEGO UNION-TRIBUNE.

#### 2000 GRADUATE NAMED SUPREME COURT CLERK

Brian Murray '97, '00 J.D., currently a clerk with Honorable Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit, has been selected as a clerk to U.S. Supreme Court Associate Justice Antonin Scalia for the 2002-03 term. Mr. Murray earned his undergraduate degree in chemical engineering from the University of Notre Dame, and played clarinet in the Band of the Fighting Irish. At NDLS, Mr. Murray was a member of the staff of the NOTRE DAME LAW REVIEW, serving as articles editor during his third year. Graduating *summa cum laude*, he also received the Hoynes Prize, the Law School's top honor. After law school, Brian worked as an associate in the Chicago office of Jones, Day, Reavis & Pogue for a year before beginning his clerkship on the Ninth Circuit. His Supreme Court clerkship will begin in July.

#### LL.M. CLASS OF 1999

■ **Malose Mahloko** has been appointed acting principal table assistant at the Gauteng Legislature in Johannesburg, South Africa.

#### CLASS OF 2000

Secretary: Mark Busby

■ **Christopher Castro**, formerly with Huffman & Associates in Dallas, Texas, has joined Stovall & Associates, also in Dallas.

■ **Christopher M. Huck**, formerly with Skadden, Arps, Slate, Meagher & Flom, L.L.P., in New York, New York, has joined Milbert, Weiss, Bershad, Hynes & Lerach, L.L.P., also in New York. His practice focuses on consumer protection and securities litigation.

■ **Adam MacLeod**, currently an associate in private practice at the Law Office of Meirwyn Walters in Danvers, Massachusetts, has accepted a one-year clerkship with Honorable Christopher Armstrong, chief justice of the Massachusetts Court of Appeals, beginning in September 2002.

■ **Marissa McDermott**, formerly with Hoepfner, Wagner & Evans, L.L.P., in Valparaiso, Indiana, has joined the Merrillville, Indiana, office of Chicago-based Querrey & Harrow.



## 2001 GRADUATE OPENS ADVOCACY CENTER

Felipe Merino '01 J.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 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 Charles Rice; James A. Roemer, '51, '55 J.D., director of community relations at the University and adjunct professor of law; AnnMarie DeVita '01 J.D., an associate at Alschuler Grossman Stein Kahan in Los Angeles; and Alex Mendoza Jr. '87 J.D., who has his own practice in Santa Ana, California. Mr. Mendoza served as master of ceremonies for the grand opening celebration, held April 13, 2002, in Hawthorne, California. Also involved are NDLS faculty members Matthew J. Barrett '82, '85 J.D. and Conrad Kellenberg, who provided technical assistance to the center.

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

*The NDLS Class of 1966 reunion last fall provided a wonderful opportunity to reconnect with friends and faculty. Pictured (left to right): Professor Tex Dutille '65 J.D., Professor Emeritus Tom Broden '49 J.D., Paul Polking '59, '66 J.D., and Steve Seall '66 J.D.*



■ **Thomas McDermott** has his own firm, McDermott & Cantrell, in Schererville, Indiana.

■ **John Storino**, an associate with Jenner & Block in Chicago, Illinois, successfully argued a criminal appeal to the U.S. Court of Appeals for the Seventh Circuit. He handled the appeal in *United States v. Peters* on a *pro bono* basis. His arguments — before Judges Posner, Ripple and Kanne — helped to convince the appellate court to overturn the jury verdict in the district court on sufficiency-of-evidence grounds and to grant the appellant's motion for acquittal. Mr. Storino's involvement in the case was also noted in the November issue of *THE NEW YORKER* magazine, in an article about Judge Posner.

## LAW ASSOCIATION MEMBERS

■ **Dennis R. McCoy '73** (University of Buffalo '77 J.D.), a partner in the Buffalo, New York, office of Hiscock, Barclay, Saperston & Day, has been elected chair of the 4,390-member Torts, Insurance and Compensation Law Section of the New York State Bar Association. His practice focuses on general litigation, products liability, professional liability and health-care law.

## CLASS REUNIONS FOR 2002

■ **The NDLS Class of 1967**, under the leadership of Jim Heinhold, has scheduled its 35th reunion for the Notre Dame-Purdue home football weekend, September 6-7, 2002. Preliminary plans include a welcoming dinner on Friday evening, the game and a post-game reception on Saturday evening. To help with the planning or offer suggestions, please contact Mr. Heinhold by e-mail at [IM4IRISH@aol.com](mailto:IM4IRISH@aol.com), or contact the Law School Relations Office. Reunion updates are available on line at [www.nd.edu/~ndlaw/alumni/1967](http://www.nd.edu/~ndlaw/alumni/1967).

■ **The NDLS Class of 1972** has scheduled its 30th reunion for the Notre Dame-Michigan home football weekend, September 13-15, 2002. Mike Holland has formed a reunion committee with Jim Lechner, Joe McFadden and David Posatko, and may be contacted at Condon & Forsyth, L.L.P., 685 Third Avenue, New York, NY 10017, phone (212) 894-6740, fax (212) 370-4482 or e-mail [mholland@condonlaw.com](mailto:mholland@condonlaw.com) if you'd like to make suggestions for activities for the weekend. For more information, contact the Law School Relations

Office. You can also keep up with reunion activities on the Class of 1972 30th Reunion web site at [www.nd.edu/~ndlaw/alumni/1972](http://www.nd.edu/~ndlaw/alumni/1972) or by joining the Class of 1972 listserv. Send an e-mail to [lawalum@nd.edu](mailto:lawalum@nd.edu) and request to be added to the class listserv.

■ **The NDLS Class of 1992** has scheduled a 10th reunion tailgate party for the Notre Dame-Michigan home game, September 14, 2002. Margot O'Brien is working with the Law School Relations Office to secure a site. More information will be provided as it becomes available. In the meantime, class members are encouraged to secure tickets for the game through the usual sources including the University's ticket lottery. For more information, contact Ms. O'Brien at (574) 631-3560 or by e-mail at [mobrien@nd.edu](mailto:mobrien@nd.edu).



# reunions 2002



## NEWS FROM THE NOTRE DAME LAW ASSOCIATION

### Spring NDLA Activities Focus on the Future

The spring meeting of the Notre Dame Law Association, held in conjunction with the University's annual Alumni Senate meeting, April 25-27, 2002, focused on developing leadership for the future. Board members in attendance elected Robert M. Greene '69 J.D. of Buffalo, New York, to succeed Paul Mattingly '75 J.D. as president for the 2002-03 term.

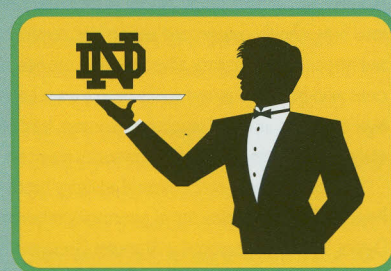
Also, the board will be developing a slate of candidates for the 2003 elections. The following regions will be up for election, for three-year terms beginning July 1, 2003:

- Region 1: Alaska, Hawaii, Idaho, Northern California, Northern Nevada, Oregon, Washington
- Region 8: Indiana (excluding northwest Indiana), Kentucky
- Region 9: Ohio, Western Pennsylvania, West Virginia
- Region 16: Chicago (Cook County)
- Region 18: Northern New York, Eastern Canada (Toronto)

To represent a region, you must be a resident of that region and must be a member of the Notre Dame Law Association. If you are interested in learning more about these opportunities, please contact the Law School Relations Office. Nominations for the 2003 elections close on September 15, 2002. Ballots will be mailed in January 2003 to all NDLA members.

Results of the 2002 elections will be available in June. Thanks to those who agreed to run to represent the following regions:

- Region 2: Colorado, Montana, New Mexico, Utah, Wyoming and Western Canada (Calgary)  
Brian Bates '79, '86 J.D., Denver, Colorado  
Maureen E. Witt '80 J.D., Englewood, Colorado
- Region 3: Arizona, Southern California, Southern Nevada and Mexico  
Cameron Jay Rains '81 J.D., San Diego, California  
David C. Scheper '85 J.D., Los Angeles, California
- Region 7: Michigan  
Eugene Smary '75 J.D., Grand Rapids, Michigan  
(running unopposed)
- Region 10: New Jersey, Southern Connecticut, Southern New York  
James S. Carr '87 J.D., New York, New York  
Honorable Alfred J. "Jim" Lechner Jr. '72 J.D., Princeton, New Jersey
- Region 12: Delaware, Eastern Pennsylvania, Maryland, Virginia, Washington, D.C.  
James F. Basile '86, '89 J.D., Washington, D.C.  
Gregory Shumaker '87 J.D., Washington, D.C.
- Region 13/14: Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas  
Scott T. Beall '89 J.D., Memphis, Tennessee  
(running unopposed)



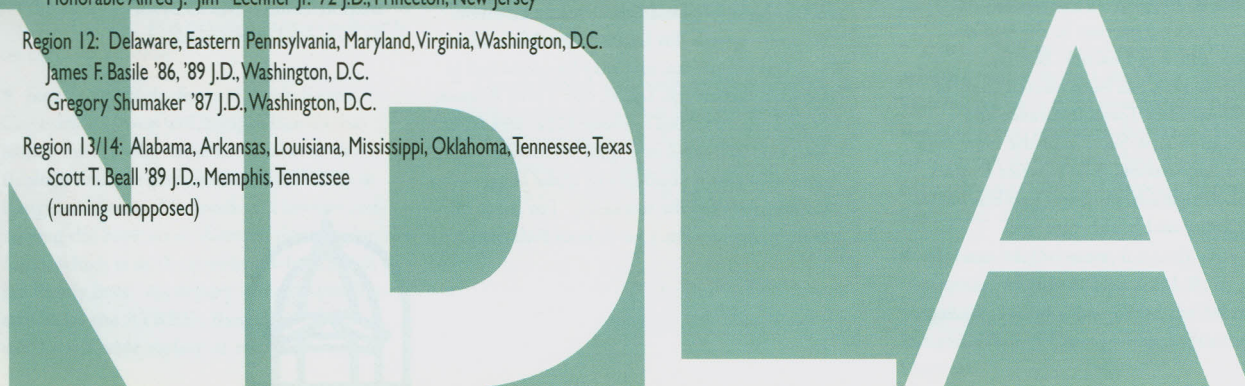
### Upcoming NDLA Receptions

The Notre Dame Law Association will host the receptions at the following locations in the coming months. Watch your mail for your invitations.

**Boston, Massachusetts**  
**June 27, 2002**

**Washington, D.C.**  
**August 9, 2002**  
(American Bar Association  
Annual Meeting)

**Grand Rapids, Michigan**  
**September 26, 2002**  
(State Bar of Michigan Annual  
Meeting)





## Directories Are On Their Way!

At long last, the 20th edition of the NDLA's *Legal Directory* is on its way to all members. As of the time this magazine went to press, the directories were scheduled to be mailed in mid-May.

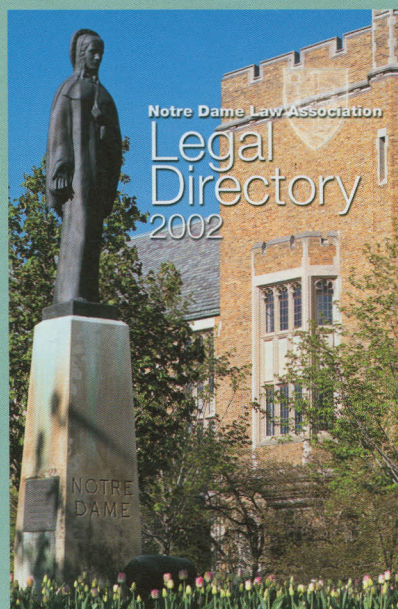
The directories, provided courtesy of the Notre Dame Law School, will include contact information for nearly 7,500 Notre Dame lawyers, including graduates of Law School classes through 2001, and nearly 1,500 graduates of Notre Dame who hold law degrees from other institutions. This new edition, published through a different service than the last edition, also contains a list of practice-area specialties, with individual attorneys listed by name and state, to help find referrals. As we reminded all NDLA members in a mailing when this project started, in July 2000, moving to a new directory printing company meant that practice area, bar admission and educational institution information contained in previous editions of the directory would not be transferrable. If you had such information listed in previous editions, but not in this edition, please provide that information to us again and it will be included in the next edition.

We have made every effort to ensure an accurate and useful directory. Address information listed in the directory was taken from the University's Alumni Files Office on November 29, 2001. Changes received after this date may not be included in the directory. We used business addresses where available, and home addresses otherwise, including for retired members. We apologize in advance for any inaccuracies and encourage you to update your address information on line through the University's Irish Online database, [irishonline.nd.edu](http://irishonline.nd.edu).

Please contact the Law School Relations Office if you:

- need to update your address and don't have Internet access;
- want to add information to your listing, such as practice areas, bar admissions or education;
- want to add a Notre Dame colleague to the listing; or
- haven't received your directory by mid-June 2002.

We hope that you find the directory to be helpful in your practice of law, and in keeping in touch with classmates and friends around the world.



## For More Information

Please contact the Law School Relations Office:

Cathy Pieronek, Director  
102 Law School  
Notre Dame, IN 46556

phone (574) 631-6891  
fax (574) 631-9299

e-mail [pieronek.1@nd.edu](mailto:pieronek.1@nd.edu)  
or [lawalum@nd.edu](mailto:lawalum@nd.edu)

web [www.nd.edu/~ndlaw/alumni/alumni.html](http://www.nd.edu/~ndlaw/alumni/alumni.html)

### FALL 2002 CONTINUING LEGAL EDUCATION

This fall, two-hour continuing legal education programs will be held on the mornings of three home football games:

- Stanford (October 5)**
- Boston College (November 2)**
- Rutgers (November 23)**

Remember that each person attending the program may purchase — at face value — up to two tickets to the football game for that weekend, on a first-come, first-served basis.

Topics will be listed in registration materials that will be mailed in July to those on the regular CLE mailing list. To add your name to the mailing list, please contact the Law School Relations Office.



### *News from Law School Advancement*

**The Class of 1986** recently concluded a successful and inspiring effort to raise funds for a gift to the Law School to celebrate the 15th anniversary of its graduation from Notre Dame. Tom Lange and Beth Schneider Naylor provided the organizational leadership for this initiative, and were joined by a core group of 11 classmates who provided significant financial support and collectively signed a letter appealing for the class's participation. This core group consisted of Rob Kurnick, Mary McPherson, Charles and Philomena Ashdown, Jeff Elverman, Teresa Ereon Giltner, Diane Haller, Susan and Dave Link, Mike Shields, and Karen McCartan DeSantis.

The focal point of the Class of 1986 gift was the creation of a new Law School fellowship under the rubric of the Reverend Michael D. McCafferty, C.S.C., Fellowship program. The Class of 1986 McCafferty Fellowship will award its first fellowship during the 2002-03 academic year. Overall, gifts to the Law School from members of the Class of 1986 equaled \$58,054. A total of 37 percent of the class made contributions, which represents a substantially higher percentage than the 24 percent average participation rate in annual giving among all Law School classes.

When queried about the impetus for orchestrating the Class of 1986 gift, Tom Lange, a member of the Law School Advisory Council, commented, "It just seemed like the right time for our class. Many of our classmates reacted warmly to the idea when Beth and I presented it. In fact, one of the most gratifying aspects of this class gift was the opportunity to reconnect with classmates we had not visited with for several years."

With respect to the core group's decision to create the Class of 1986 McCafferty Fellowship, Tom expressed that "Father Mike was a close friend to both my wife Tami and me, and his memory remains a part of our family today. Many of our classmates had a close relationship with Father Mike — as a teacher, a mentor, an advisor, a priest and spiritual counselor. Very often he wore more than one of those hats. In helping us grow as people, he gave us a good start down the path of a professional career, where being grounded is enormously helpful in making decisions about priorities — about what we value in our lives and our careers."

Beth Schneider Naylor added to these sentiments by stating that "Father Mike brought out the best in everyone both in and out of the

classroom. He made it his business to know every first-year student by name, which was a little intimidating at first, but also sent a clear message that he cared about you as a person. Father Mike and Professor O'Hara were regular attendees at Law School social functions because they knew that it was the whole person, not just the student, who was important. Father Mike was intent on making sure that each Notre Dame law student succeeded in school and in life."

The Class of 1986 McCafferty Fellowship is an endowed fellowship that will exist for as long as there is a Notre Dame, and may be contributed to in future years by members of the class. As Tom Lange stressed, "It's important to get out the word that our class gift is now established, allowing our classmates to augment the Class of 1986 McCafferty Fellowship over the years. This is just the beginning — the funding of our class gift gives all of us the opportunity to help with something that can meaningfully impact the lives of Notre Dame law students who are honored with a McCafferty Fellowship. Hopefully, in some small way, we will extend the huge legacy that Father Mike has left us."

It is particularly fitting that the Class of 1986 McCafferty Fellowship will be inaugurated in 2002, the 15th anniversary of Father Mike's death. The Law School is grateful to all the members of the Class of 1986 whose generosity has made possible this fellowship, which honors Father Mike's memory in such a meaningful way.

— Glenn J. Rosswurm II '91 J.D.  
Director of Law School Advancement

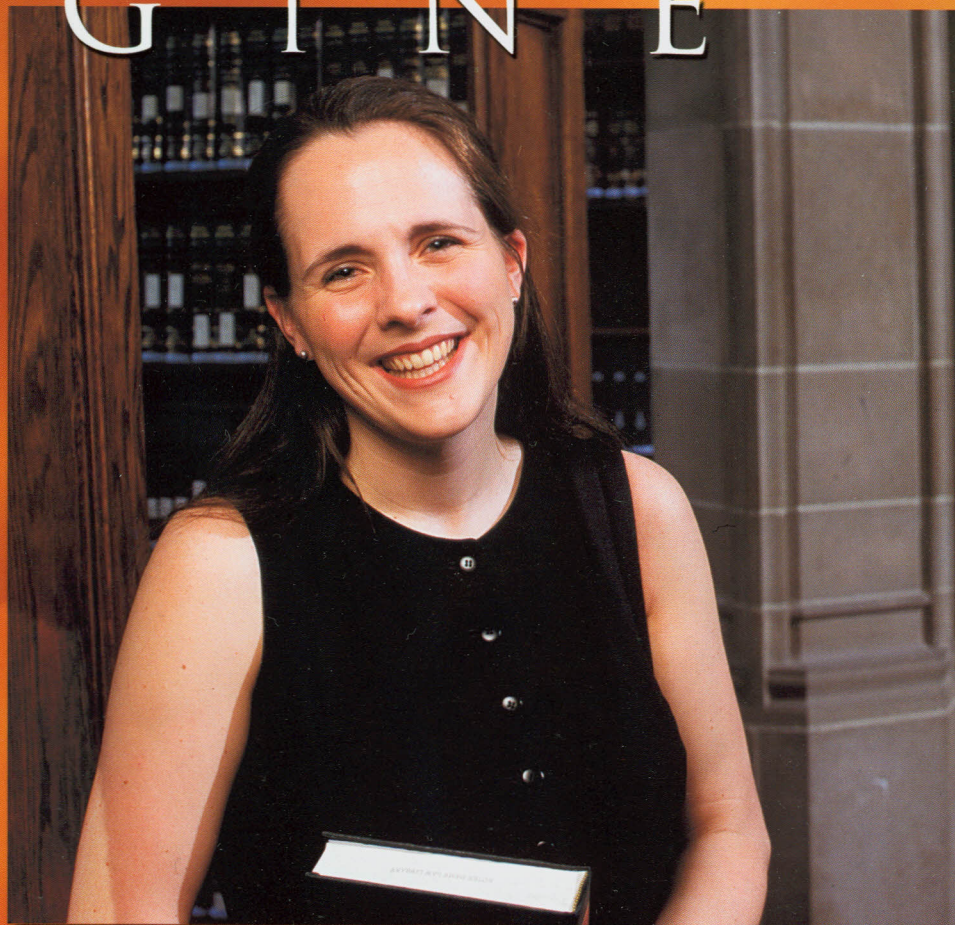
Class of 1986 Anniversary Gift  
Establishes New  
McCafferty Fellowship



# I M A G I N E

"Notre Dame's Loan Forgiveness Program encourages new Law School graduates to consider a range of public interest opportunities that assist the poor and disadvantaged. **Imagine** who benefits."

Susan Prchal '99, current NDLS 2L  
2002 Distinguished Graduate Student Award Recipient  
Assistant Rector, McGlinn Hall  
President, NDLS Public Interest Law Forum



The average Notre Dame Law School graduate begins professional life with \$62,000 in student loans, not including undergraduate debt. So there's not much incentive to take on public interest work.

But now, new graduates with a desire for social justice and public interest work are eligible for loan forgiveness awards through Notre Dame's Loan Repayment Assistance Program (LRAP). Which means they can pursue the interests that brought them to Law School in the first place.

Who benefits? Everyone.

**Imagine that.**

LRAP was established through funding from individual donors, the Law School and the University. New donations are urgently needed. For information on how you can contribute to the Notre Dame LRAP, or if you would like to establish your own named loan forgiveness endowment in the Notre Dame Law School, please write:

**Office of Law School Advancement**  
1100 Grace Hall  
University of Notre Dame  
Notre Dame, IN 46556

e-mail: [Glenn.J.Rosswurm.3@nd.edu](mailto:Glenn.J.Rosswurm.3@nd.edu)  
web site: [www.nd.edu/~ndlaw/](http://www.nd.edu/~ndlaw/)



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