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Notre Dame Lawyer - Spring 2003

Notre Dame Law School

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NOTRE
DAME

LAWYER

Spring 2003



Class Reunions for 2003

If your class is eligible for a reunion in 2003—that is, if your class year ends in “3” or “8”—we look forward to seeing you at the University’s Reunion 2003, the weekend of June 5–8, 2003. Members of the 50th anniversary class of 1953 will be invited to special ceremonies hosted by the University to commemorate the occasion. Information on reunion weekend activities is available on the Notre Dame Alumni Association’s Web site at <http://alumni.nd.edu/reunion/index.html>. Online registration will be available in the spring, or you may call the Alumni Association’s reunion office directly at (574) 631-6000.

The **NDLS Class of 1968**, under the leadership of Tom Curtin, is proposing a 35th anniversary reunion for the ND vs. Michigan State home football weekend, September 19–20, 2003. To help with the planning or for more information, please contact Curtin directly at:

Graham, Curtin & Sheridan
4 Headquarters Plaza
P.O. Box 1991
Morristown, NJ 07962-1991

Phone: (973) 401-7117
Fax: (973) 292-1767
E-mail: tcurtin@gcslaw.com

The **NDLS Class of 1998**, under the leadership of Mark Kromkowski, hopes for a strong turnout for the fifth anniversary reunion during the University’s spring reunion celebration in June. Contact Kromkowski directly at:

Wildman, Harrold, Allen & Dixon
Suite 300
225 West Wacker
Chicago, IL 60606-1229

Phone: (312) 201-2000
Fax: (312) 201-2555
E-mail: kromkowski@wildmanharrold.com

NDLS Sets Fall 2003 Schedule for Continuing Legal Education Programs

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

October 18, 2003
Notre Dame vs. USC

November 1, 2003
Notre Dame vs. FSU

November 8, 2003
Notre Dame vs. Navy

November 15, 2003
Notre Dame vs. BYU

Continuing Legal Education Program Information:

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

Who May Attend:

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

For More Information:

Please contact Gail Peshel at the Law School Career Services Office.
Telephone: (574) 631-7625
E-mail: peshel.1@nd.edu

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Reinforces Importance of Justice

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Spring 2003





FROM THE DEAN

This issue of our magazine illustrates the rich diversity of activities in which members of the Notre Dame Law School community are engaged—beyond the boundaries of campus, we see illustrations of achievements by our alumni, as well as their contributions to the public good; on campus, we see events that include visits by a broad array of distinguished guests who enliven the intellectual discourse within our halls. Woven among all these activities is the work of our faculty. As this issue so well demonstrates, their contributions to education are as diverse as the activities themselves.

Over the past few months we have been honored by a series of distinguished visitors. Early among them was Chief Justice William Rehnquist, who served as this year's holder of the Clynes Visiting Chair. All who were in the audience learned from his timely comments about Supreme Court precedents on the use of military tribunals during times of war, which have since been reprinted in our *Law Review*. Possibly even more, we learned from his graciousness during his visit, as well as from the ease with which he wore the distinction of being Chief Justice of the United States. More recently, two of our junior faculty, Lisa Casey and Julian Velasco, organized a lecture series on issues involved in recent legislative responses to the corporate scandals of the past few years. Through their hard work, we enjoyed the opportunity to listen to preeminent leaders from the academy and government who are involved in accountability reforms.

We have also been honored by the achievements of our alumni, both those mentioned in this issue and others. The Notre Dame Law Association honored four alumni for their service—Carl Eiberger, Jim Flickinger, Dave Link, and Don Wich. The evening was a wonderful occasion for reminiscing, as well as looking forward. Indeed, the same meeting of the Law Association highlighted the continuing service of our alumni organization, which has created a singular program of funding for students' summer service projects. Locally, the *South Bend Tribune* honored Paul Peralta, an alumnus and an adjunct member of our faculty, for his work in Chile. Alumni have also helped us to inaugurate our initial loan repayment assistance program, which will ease the debt burden of recent graduates who are employed in positions of public service. We deeply appreciate the support provided by alumni for these initiatives in the public service arena; equally important, we are grateful for the way in which these programs pass on the spirit of service from one generation of alumni to the next.

In the midst of all this activity, our faculty members have continued to make significant contributions, both in scholarship and in service. In this issue we feature examples of that work with short essays by Paolo Carozza and Jay Tidmarsh. Both essays are parts of more substantial, ongoing projects, with Carozza's work focusing on construction of a deeper understanding of human rights in the international arena, and Tidmarsh's work addressing issues related to complex civil litigation here in the United States. Other examples of the faculty's engagement in global issues can be found in Don Kommers' review of a recent book on responses to humanitarian crises, and in Barbara Szweda's report on her trip with a group of students to the border between the United States and Mexico. With the outbreak of war in Iraq, members of our faculty have also been involved in a number of panel discussions on campus, exploring issues related to the legitimacy of the war under principles of international law, as well as under principles of Catholic social justice teaching. We also are delighted to welcome Jimmy Gurulé back to the faculty from his service as Undersecretary of the Treasury for Enforcement. Jimmy received the Treasury Medal in recognition of his efforts to trace the money that financed the September 11 terrorist attack.

In the ebb and flow that characterizes any community, this academic year has been marked by both sorrow and joy. We lost Elaine Blakey, eloquently eulogized by her husband and our colleague, Bob. Ever the teacher, Bob offered us moving reflections on the role of the cross in the final months of Elaine's life journey. Judge James Clynes Jr., a member of the Law Advisory Council, also died. A loyal supporter of the Law School, Judge Clynes enriched our community with his gift of the Clynes Visiting Chair in Judicial Ethics. We will greatly miss his counsel and his friendship. On a much happier note, we welcomed Katherine Anna Bellia, born to Profs. A.J. and Tricia Bellia of our faculty.

Reminded on these and other occasions of the cycle of life, we give thanks to God for the faith that sustains us and ask for his safekeeping during these troubled times.

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

REACHING BEYOND BORDERS

Encounter with Migrants Reinforces Importance of Justice

By **Barbara Szweda**
Associate Professional Specialist
Notre Dame Legal Aid Clinic

Photography by **Rev. Mike Connors, C.S.C.**

“The Lord hears the cry of the poor. Blessed be the Lord.” This was our sung responsorial psalm during our Masses together at the Mexico/USA border. This same psalm echoed throughout our trip on the border and continues to echo for me each day as I remember our very real encounters with the living Christ, in our interactions with the migrants and their advocates.

Prompted by a grant last year from Notre Dame Vocation Initiatives (NDVI) to explore law as vocation, I got together with Rev. Mike Connors, C.S.C., director of the Master of Divinity (M.Div.) program at Notre Dame, to learn how he helps students to recognize and develop their vocations in ministry. This process was new to me since I came upon my vocation quite by chance. I spent 10 years as a products-liability and antitrust trial attorney working for big corporate clients and famous people, in big cities, litigating high-profile, textbook cases in federal court. I never saw my profession as anything other than an interesting but extremely stressful job. I never felt the satisfaction that I had anticipated while studying law. As a result, throughout those 10 years I knew there had to be something more. It was within months of beginning work at the Notre Dame Legal Aid Clinic and meeting the clients that I realized that I had at last discovered why I went to law school: I found my vocation in serving the poor and teaching others how to do the same.

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REFLECTIONS FROM THE BORDER

Sairah Saeed '04
Port Huron, Michigan

For most of us, both divinity and law students, the most educational and enjoyable aspect of our trip to the border of Mexico and Arizona was getting to know, through conversation, each other and the people we met on our journey. What all of us realized along the way was that there were many amazing stories we would never hear: Among the silent voices were the countless men, women, and children who had died because of dehydration, frostbite, exhaustion, or scorpion bites, while trying to cross the desert from Mexico to Arizona.



Among the people we met were a man named Jesus and a priest, Padre (Father) Rene. (I have changed some of the names and places to respect the privacy of the people we met.) Jesus was one of 12 volunteers at the CCAMYN, a community center in Altar, Mexico, which assists migrants preparing to cross the border into the United States and also those who were deported from the United States. When we asked Jesus how and why he worked in the center, he responded, “We assist migrants coming through here, but we are all migrants in life.”

Among the services provided by Padre Rene, Jesus, and the corps of volunteers at the CCAMYN are meals, clothing, assistance for migrants in finding employment, maps and supplies for those taking the trip across the border, and a place for migrants to stay for a few days. People seem to benefit the most from the camaraderie that largely results from a community Mass held every night in the center. A special prayer for the migrants hangs on the wall and is recited every Mass.

When Padre Rene first arrived at the CCAMYN as a deacon, he found, after talking to migrants in the town square, that

in addition to their being made scapegoats for local crimes and other problems, many of them were running from poverty, sometimes being paid as little as \$2.00 for every eight hours of work. He also found that men were primarily the ones attempting to cross the border because

they felt responsible for supporting their families of five or six. These men found that they could make \$5.00 per day in Mexico versus \$5.00 per hour in the United States.

According to Padre Rene’s chats with migrants in Altar’s community, one of the biggest sources of income for people living in Mexico is money coming from family members in the United States. Many people were simply crossing to be with their families. In fact, we met a group of children ranging in age from ages 8 to 18 (six altogether) who were all planning on crossing to meet their parents in Alabama. One of the divinity students, Colleen, noticed with sadness the difference in the realities of our own happy childhoods and the reality of this group of children who would soon be beginning a very dangerous journey and leaving their childhoods behind. Another divinity student, Betsey, pointed out that we might be the last people to see these children alive.

The next day we had the opportunity to speak with some people in Altar’s town square. Some of the students met “coyotes”—usually men who charge a lot of money to help people cross the border. Though some of the people we met told us they had positive experiences with the coyotes, we also heard stories of coyotes who have deserted their groups if they see Border Patrol coming or have left people behind who cannot keep up because of exhaustion or the heat. Coyotes also often do not alert people to

the resources necessary to cross the desert.

Many of the problems in Mexico affect children in an especially harsh way. The next place we visited, the Casa de la Misericordia (the House of Mercy), in Nogales, Mexico, provided serv-

ices mostly for children. A cofounder of the program, Esther, spoke with us and told us about the children’s lunch program that was started 20 years ago. This past year the Casa hosted a Christmas party in which the more than 1,000 children who attended received gifts and candy.

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People seem to benefit the most from the camaraderie that largely results from a community Mass held every night in the center. A special prayer for the migrants hangs on the wall and is recited every Mass.

“The project would explore the effect that our laws have on migrants and examine the Church’s response to their needs.”



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The question then became how to give students the chance to develop their own sense of vocation while they study law. Recognizing the Catholic Church’s directive to welcome the stranger and the Catholic bishops’ recognition of the Church as an immigrant church, Father Connors and I put together a joint border immersion project that would include law students who were studying immigration law and M.Div. students preparing to minister in this migrant church, all of whom were interested in better defining their vocations. The project would explore the effect that our laws have on migrants and examine the Church’s response to their needs. We chose the border region of Mexico near Nogales, Arizona, and Sonora. Soon we had five law students and our clinic fellow, Becca Houghton, as well as 15 M.Div. students, including three seminarians, interested and willing to go. NDVI, the Institute of Church Life, and the Martin Institute were extremely supportive and generously helped in funding the project.

For eight days we traveled together, worked together, and prayed together—Catholic, Protestant, and Muslim. Everywhere we went we encountered the living God. Our trip began with an evening at Holy Cross’s Brother Andre House in Phoenix, preparing and serving food to 700 homeless men and women and visiting with them as they ate. While in Phoenix, we also visited both St. Gregory’s and St. John Vianney’s, two Holy Cross parishes that minister to migrants and refugees, whose pastors and parishioners spoke of the challenges they face in doing so. We then met up with BorderLinks, a not-for-profit organization that guides border immersion experiences and encourages the examination of the difficult questions, both theological and legal, raised by migration.

Our first destination was Altar, Sonora, a small Mexican village 30 miles from the border. It is a town where migrants from Mexico and Central America gather to prepare to cross the border. Migrants often hire “guides” or “coyotes,” as they are commonly referred to, to get them through the desert that claimed more than 1,300 lives last year. Recently the United States has built walls topped with barbed wire through urban border areas, forcing people seeking a better life into the dangers of the desert and possible death. It was in Altar that we met Father Rene, an incredible man who spent a week sitting in the square listening to the migrants’ needs and imagining ways to respond. He sees the Church as the voice of those without a voice. He quickly gathered his parishioners together, and as a parish they began feeding and sheltering those who were to make their way into the desert, always cautioning them of the dangers. At CCAMYN, the community center the parishioners built, we shared a meal, prepared for us by the parishioners, with a family of nine preparing to cross the desert. There I met Angelica, a 5-year-old, whose mother and father had gone to Alabama two years earlier to earn money so that they could feed their family. They missed each other so much that they could no longer bear the separation. We all asked each other how these little children would make such a dangerous trip. They continue to be in our thoughts and prayers. While

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Most of the children who partake of the daily meals have factory-worker parents who do not have the time to feed the children because they are working most of the time.

Another problem many Mexicans face is an abhorrent work environment. One woman we met, Gabriela, because of her negative experiences in factories, attempts to teach people about the rights they have as workers under Mexican law. Gabriela explained that most people in Nogales left school and went straight to the factories. In one of the factories where she used to work, Gabriela was exposed to silver daily and her eyebrows started falling out. The factory-provided doctor told her it was due to nervousness. She left the factory without saying anything, as most people in the factory did if they decided to leave. Since leaving the factory her eyebrows have grown back.

At her second factory job, Gabriela found out that pregnant women were looked down upon; she met other labor organizers and started learning about her rights. Her supervisor told her to get rid of the “trouble people” trying to organize around the issue, and she decided that she wanted to do labor-organizing work, so she left the factory. Gabriela explained that she does this risky work because “knowledge and learning brings power.”

She now disseminates information about factory workers’ rights that are often infringed upon—for example, the right to go to the bathroom during a work shift and the right to breaks, including lunch. Gabriela explained that the laws currently in place are excellent but not carried out well and are not enforced by the government. For example, there is a minimum wage of 45 pesos (or \$4.50) a day and a rule that people cannot work more than nine hours per week of overtime. Gabriela told us that salaries are often lower than minimum wage and are not enough to even survive on.

REFLECTIONS FROM THE BORDER

Gabriela and her co-organizers provide alternatives to those unhappy with their factory jobs, including working at an in-house job such as a cook or housekeeper, cooking and selling tamales, sewing clothes, or working at a cooperative. In addition, Gabriela and other labor organizers investigate factories and write letters to those running factories.

Gabriela’s family also works to assist people in the area. Her father, a doctor by training, is a pastor at a Presbyterian church in Nogales that serves meals to migrants three times a week and serves as a shelter for migrants. He felt a calling to open up a parish and assist those repeatedly mentioned in the Bible: migrants, foreigners, orphans, and widows. And true to its

mission, the church welcomes everyone. We had a chance at this parish to visit with the men staying in the shelter. One man exclaimed, “It is like the movie; we are *Neither from Here nor There* ... that’s how we are.” Another man stated as a possible solution to the border problem, “Treat us like brothers ... open the door.”

This open-door policy was advocated by Reverend Fife in the 1980s for those who were then fleeing persecution from U.S.-backed wars in El Salvador and Guatemala. A leader in the 1980s of what is now referred to as the Sanctuary Movement, Reverend Fife’s church was the first to declare itself a sanctuary. When the media learned of Reverend Fife’s work, the word spread about those involved in the Latin American wars, “some of the worst torturers in the Western Hemisphere,” and by 1984, 200 congregations of various religious denominations served as public sanctuaries, and hundreds of cities declared themselves as sanctuary cities.

Reverend Fife’s congregation has planted water tanks in the desert between Arizona and Mexico in a project called Humane Borders. His congregation provides emergency medical care or transportation from trucks driven by congregation members through the desert in a program

called Samaritans, and the church provides a place for those crossing to shower twice a week. Reverend Fife is modest about these accomplishments and insists there is more to be done and dreams of opening up a center for day laborers.

The stories of all of these people led us to come back with visions about assisting through prayer, advocacy, and lobbying to change laws, policies, and attitudes. Rebecca Houghton, an attorney at Notre Dame’s Legal Aid Clinic, was adamant about not letting the problems we learned about at the border overwhelm her: “I can’t help everyone in the world, but I can help the person who knocks on my door. ... If I can’t help them I’ll find someone who can.” A divinity student, Rachell Farrell, insisted on our taking responsibility, stating, “We are our government ... we are our church.”

We have already started to implement these ideas in a Mass dedicated to the migrants every Friday in Malloy Hall’s chapel at 12:15. Everyone is welcome. We hope you will all join us in our struggle against injustice.





“We also met other migrants who feared the trip, but fear of their families dying of hunger was much greater.”

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in Altar we visited the village square, where we talked to “guides” who assured us that they had made the trip many times. We also met other migrants who feared the trip, but fear of their families dying of hunger was much greater. We heard about the heartache and frustration of being separated from the ones they love for such a long time because they cannot make a living in Mexico.

We quickly understood why it is difficult to provide for a family in Mexico when we visited a supermarket and discovered that food costs as much as it does in the United States, while the *maquilas*, or U.S. factories created after NAFTA took effect, pay their Mexican workers only \$5.00 a day. We met with two remarkable women who are workers’ rights organizers, clandestinely working with laborers in the *maquilas* to improve working conditions, wages, and living standards. When we arrived for our appointment at a *maquila*, we were denied access to the factory, and a U.S. manager admitted that it was not in shape for visitors.

No trip would be complete without a visit to the Border Patrol headquarters, where we saw a movie about the history of the patrol. Although ridealongs are no longer possible after the terrorist attacks of September 11, 2001, we were proudly shown the patrol’s full arsenal and their methods of monitoring the border and picking up migrants. Back in Nogales, Sonora, we spent the evening sharing a meal with those who were recently deported back to Mexico, either from U.S. jails or because they were caught in the desert. Many of them also shared their stories of why they left Mexico and how they had been caught. All left Mexico because of the abject poverty they could no longer endure. Reverend Pazos and his wife open their church to those who are returned by Border Patrol and offer them friendship and meals. Reverend Pazos had been a medical doctor who felt called to the ministry and responded generously, giving up a certain lifestyle, to work with the poor and dispossessed. His entire family was at his side, an intrinsic part of his ministry.

Back in Tucson, we were invited to the home of a couple who fled Mexico 10 years before because the government threatened their lives for their labor activities. They have no status in the United States and no chance of getting status because our laws preclude people from applying for asylum after a year of being here. They had no resources when they entered the country to hire an attorney, and their fear of being deported back to certain death continues to make them cautious about seeking help. Despite their undocumented status, they open their home to anyone in need and welcome strangers graciously.

Our last stop was Southside Presbyterian Church in Tucson, where we met Rev. John Fife, the pastor and one of the founders of the Sanctuary Movement in the ’80s. He has created a parish community that recognizes that we are all the body of Christ and are called to incarnate the values of the Gospels. His community puts water in the desert and patrols the roads in four-wheel-drive vehicles as good Samaritans with medical equipment to continue to help the migrants, all the while advocating for a more humane

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REFLECTIONS FROM THE BORDER

Brendan Wilson '04 Waterloo, Ontario, Canada



More than 1,200 migrants are dying each year in a desperate attempt to evade capture in the desert.

Our trip to Arizona and Mexico was significant for a number of reasons. It introduced us to a group of friends and allowed us to meet many people struggling to comfort those hurt by the economic and political forces creating this border crisis. The trip also opened our eyes to the plight of migrants in Mexico and allowed us to see firsthand the effects of NAFTA, America’s border policy, and the desperation of migrant workers that leads them to risk their lives in the desert. Most significantly, though, the trip brought the Gospel to light in a new way. For many of us, it was the first time we had crossed the border and seen the enormous disparity in material wealth between the United States and Mexico. Previously, most of us had read the Gospel and had it interpreted for us only from the perspective of those living on the northern side of the border. Never had we heard

Mexicans speak of their own understanding of the Gospel and their experience of suffering and redemption. It seems so odd that a line drawn through the desert determines who is and who is not entitled to running water, street lights, and paved roads. Along the border, where the developed and developing worlds meet, Christ’s parables seem more poignant. We could see that none of the solutions offered by political leaders had really resolved the problems. While NAFTA had once been seen as the economic solution for Mexico’s ills, it has actually created more suffering for the poor of Mexico and increased the

disparity between the haves and have-nots. Likewise, the promise of legalism, that a set of correctly tailored immigration laws might ease the situation at the border, has also proven false. The number of migrants crossing the border has not decreased despite the more stringent immigration policy now being enforced. Instead, more than 1,200 migrants are dying each year in a desperate attempt to evade capture in the desert.

When faced with the reality of this difficult economic and political issue, it is easy to feel despair given that our macroeconomic solutions to these problems have failed us. Yet the Gospel reminds us that transformation—of ourselves and our communities—requires a change of heart, not a change of our political regime or our economic systems. Jesus speaks first about faith in God, compassion, community, selflessness, and sharing. He speaks to us about the gifts we all have and that we all have a responsibility to share with others. As Mother Teresa rightly told Fidel Castro: “The state may be able to provide many things, but it cannot give love.” In Mexico we learned that we can bring love to those in need—on both sides of the border.

Our trip introduced us to many individuals who were living out Christ’s Gospel message to serve our brothers and sisters in need. It was through their lives that we learned that migrants to our nation are not “illegal aliens” or “foreigners.” They are our brothers and sisters in Christ. It became clear that God was challenging us to follow the example of the priests, nuns, and laypeople met during our trip. These individuals had learned to love in an extraordinary way. Perhaps it is the desperation of the situation that evokes in people such extraordinary responses. Those who struggle through hardships are often better able to love others. Sometimes, on this side of the border, where our economic plight is not so bad, it is hard to learn how to love in an extraordinary way because we are rarely confronted with situations of obvious desperation such as those seen along the border. Perhaps, too, it is due to our often failing to realize that we are all spiritual migrants, separated from our true home in God. This trip allowed us to see that reality more clearly and, I pray, inspired us to love all of God’s people in a more extraordinary way.



“He [Reverend Fife] believes it is imperative that we all get involved in the suffering of people, always pressing the question of justice. He challenged us to do the same: to hear the cry of the poor and to respond.”

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border policy that does not force people to their deaths. He believes it is imperative that we all get involved in the suffering of people, always pressing the question of justice. He challenged us to do the same: to hear the cry of the poor and to respond.

Every evening we would gather to celebrate Mass, bringing all those we met that day to our prayers. Together we would share our reflections of the day, learning from each other—lawyers and theologians—where we saw Christ and how to best serve the living God. In our final reflections we agreed to find ways to stay attuned to the poor and the migrant and find ways to respond in our own community and to educate others.

Being back in South Bend has been difficult amid all that we take for granted. But we continue to work together to respond to the call we heard in the desert. As a start, we meet every Friday at noon for Mass at Malloy Hall to pray with Father Rene and his parishioners for those migrants crossing the desert and for those who welcome these strangers. It is still too early to know what seeds were planted during our experience in the desert, and which will germinate. It is our hope that in time this experience will lead to vocations in law or ministry that recognize and respond to the living Christ by recognizing and responding to the cries of the poor.



REFLECTIONS FROM THE BORDER

Julissa Robles '04 Lennox, California



No one realized that by signing up for a border immersion experience, they would end up on a life-changing journey. Not only was the trip an opportunity to face the realities of legal structures and living conditions on the border, but it was also an encounter with our faith. Sharing this powerful experience with the Master of Divinity students was a blessing that added a crucial and informed perspective on social justice and our duties as Christians to walk with the poor.

Throughout the trip we expressed a desire to understand the migrants' plight and took every opportunity to challenge each other to pursue alternative avenues of thought on the most difficult issues. Each meal we shared and each presentation we attended was filled with intense questions about the role of faith and law in the migration crisis. While our in-depth analysis of economic dynamics and global issues did not leave us with immediate answers, these conversations were enriching and informative because we had lawyers and theologians at a common table. We also had the opportunity to reflect on our individual choices and the role we play in affecting the economic situation. We walked away wondering how our ministries and legal careers will take shape after such an awakening.

The fruits of our journey have flourished in the shape of various projects that focus on spreading the awareness we gained on our border trip. Divinity students and law students are working on a class presentation to the undergrads that combines our encounters at the border with the concept of vocation. Students are also collaborating on a Sunday Spanish radio show that will offer reflections on the call to justice that we experienced at the border, as well as an explanation of the legal barriers that migrants face daily. Most importantly, the dialogue will continue as we meet to discuss the service role that we must take in our South Bend community to meet the needs of the surrounding immigrant community.

Most importantly, the dialogue will continue as we meet to discuss the service role that we must take in our South Bend community to meet the needs of the surrounding immigrant community.

As law students, we were challenged to realize the power that comes with knowing the law and to consider how this power can be used to serve and change the legal structures that promote injustice. We learned a great deal from the open hearts of the M.Div. students and are certain that we left a mark on them as well. We found an interesting balance in our analysis of issues by exploring pragmatic legal avenues and consequences, while integrating the values grounded in our faith in our responses. The reality we encountered as law students is that we are called to serve. This is our vocation.





By **Paolo G. Carozza**
Associate Professor of Law

Professor Carozza is a fellow in the Kroc Institute for International Peace Studies and the Nanovic Institute for European Studies.



“Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.”

—Eleanor Roosevelt

Subsidiarity as a Structural Principle of International Human Rights Law

The following is the introduction to an article that appeared in the March 2003 edition of the *American Journal of International Law*.

There is an inherent tension in international human rights law between affirming a universal substantive vision of human dignity and respecting the diversity and freedom of human cultures. Although understanding and securing human rights in international law requires us to grapple with that conflict, classic notions of state sovereignty cannot adequately address the issue. The principle of subsidiarity, instead, gives us a conceptual tool to mediate the polarity of pluralism and the common good in a globalized world and helps us to make sense of international human rights law. I argue that we should regard subsidiarity as a structural principle of international human rights law.

Although the idea of subsidiarity is rooted reaching deep in the history of Western political thought, it has grown visible as a prominent political and legal concept only much more recently. Thanks to the European Union’s adoption of subsidiarity as one of its central constitutional principles, in the past decade the term has emerged from the narrower confines of German law and the social philosophy of the Catholic Church. To those outside the field of European law, the word may still have a somewhat awkward, Eurospeak ring to it, like a thin and less-filling analogue to the meatier term “federalism.” Nevertheless, the idea is increasingly relevant to a variety of substantive areas of law and governance and is finding a place in the constitutional discourse of many legal systems other than the European Union (EU).

With the adoption of the Charter of Fundamental Rights of the European Union in December 2000, subsidiarity was formally extended for the first time into the arena of human rights. Nevertheless, it remains unclear what the relationship between subsidiarity and human rights will prove to be in the European Union. Until now, the constitutional limitations of the union have

“Every individual should say the phrase of Louis XIV: ‘I am the state.’”

—Rudolf Jhering

constrained the potential intersections between them, and scholars have accorded subsidiarity only passing references in discussions of EU human-rights law. Although the European Court of Justice can be regarded as tacitly addressing some elements of subsidiarity in its fundamental-rights case law, it has never done so explicitly, and in any case the principle has significant dimensions beyond those that can be seen in the court’s jurisprudence. Thus, although the union provides one necessary piece of the inquiry, to understand more fully the rich contribution that the concept of subsidiarity can make to international human rights law generally requires looking beyond Europe.

I begin, therefore, with a discussion of the theoretical foundations of the principle of subsidiarity generally (part I). The concept is not a rigid or precise one, and it is characterized by internal tensions and inherent paradoxes that need to be identified, especially its combination of intervention with non-interference. When used in its original and most comprehensive sense, subsidiarity has deep affinities at its roots with many of the implicit premises of international human rights norms, including presuppositions about the dignity and freedom of human persons, the importance of their association with others, and the role of the state with respect to smaller social groups as well as individuals.



Going beyond the jurisprudential background to positive law, the constitutional system of the European Union helps to illustrate that subsidiarity (especially when understood as a general principle rather than a technical rule) functions as a conceptual and rhetorical mediator between supranational harmonization and unity, on the one hand, and local pluralism and difference on the other. Part II explores this connection, and the ways it is reflected in EU fundamental rights law. However, my concern here is not to develop the place of subsidiarity in the constitutional structure of the European Union but, instead, to use EU law as a stepping stone to consider the principle’s potential place in international human rights law more broadly, in part III.

As in the European Union, in international law subsidiarity can be understood to be a conceptual alternative to the comparatively empty and unhelpful idea of state sovereignty. The principle of subsidiarity provides an analytically descriptive way to make sense of a variety of disparate features of the existing structure of international human rights law, from the interpretive discretion accorded to states, to the relationship of regional and universal systems, while also justifying the necessity of international cooperation, assistance, and intervention. In fact, subsidiarity fits international human-rights law so well that the basic values of the

principle can reasonably be regarded as already implicitly present in the structure of international human-rights law. If that is correct, then it is not surprising to find in the development of human-rights law that other doctrines and ideas have arisen that function at least in part as analogues to subsidiarity in addressing the pervasive dialectic between universal human rights norms and legitimate claims to pluralism. The doctrine of the “margin of appreciation,” first developed by the European Court of Human Rights, is the most notable example. But a direct comparison of subsidiarity to the existing techniques for accommodating diversity shows that the comprehensiveness and jurisprudential grounding of subsidiarity make it a more powerful concept for understanding and developing international human-rights law.

The principal advantage of subsidiarity as a structural principle of international human-rights law is that it integrates international, domestic, and subnational levels of social order on the basis of a substantive vision of human dignity and freedom, while encouraging and protecting pluralism among them. For those most committed to uniformity and universality in human rights, however, the pluralism that subsidiarity envisions also raises several potential dangers. Philosophically, it might be thought to call into question the senses in which human rights can be considered “fundamental,” “universal,” and ultimately even “human.” Politically, one might reasonably question whether subsidiarity will merely weaken the practical effectiveness of international human-rights law. And, finally, subsidiarity suggests a challenge for the legal values of certainty and consistency that come from uniformity. Part IV continues with a brief consideration of some of these objections to the application of subsidiarity to human rights, concluding that recognizing and applying the principle of subsidiarity should actually strengthen international human rights in both theory and practice. Despite the risks of legal pluralism, the links between subsidiarity and human rights are too important and potentially fruitful to set aside if we are to continue to seek an international law that protects both the dignity of the human person and the diversity of human society.



AGENT ORANGE

HEADS TO THE SUPREME COURT

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By **Jay Tidmarsh**
Professor of Law

Between 1987 and 1989, Professor Tidmarsh served as lead counsel for the United States in the Agent Orange litigation. He did not address the issues discussed here during his representation of the United States, nor should his views on these issues be attributed to the United States Department of Justice or the United States.

The *Agent Orange* litigation of the 1980s was the prototypical mass tort class action. It broke new ground, and many of the issues presented in more recent mass tort cases are simply footnotes to or refinements of the difficulties faced by the two judges—George C. Pratt and Jack B. Weinstein—that managed the case on its way to a \$180 million settlement on the eve of a 1984 trial. In particular, many of Judge Weinstein's decisions on procedural, evidentiary, substantive, and choice-of-law matters remain standard, even if controversial, fare for those who work in the field of complex litigation.

Curiously, despite repeated requests to step into the largest tort case of its time, the Supreme Court—before this past November—consistently refused to examine the die cast by *Agent Orange*. The legal wrangling in the case appeared to be over in 1989 with the final denial of the final *certiorari* petition seeking review of the Second Circuit decisions that had affirmed, with only a couple of modest modifications, the work of Judge Weinstein. Judge Weinstein's prosaic task then became the creation of distribution criteria and a distribution mechanism for the settlement funds. This was an enormous undertaking. The *Agent Orange* class consisted of 2.4 million Vietnam veterans, of whom 240,000 were estimated to have had some exposure to the class of defoliants of which Agent Orange was the most widely used and known. Judge Weinstein ultimately decided to distribute most of the proceeds to those class members who had died or were permanently disabled; the remainder went toward attorney fees and a program designed to assist veterans.

One of the critical distributional issues was the duration of the compensation program. The military had discontinued the use of chemical defoliants in Vietnam in 1971. The best available scientific information suggested that the illnesses, if any, from Agent Orange and other defoliants would manifest themselves within 20 years of exposure. Therefore, the class settlement called for an end to the fund's distribution program on December 31, 1994. This term was agreeable to the class representatives and class counsel, and approved and implemented by Judge Weinstein. The *Agent Orange* compensation system issued a final accounting and closed its doors in 1995.

This was bad news for Daniel Stephenson and Joe Isaacson, Vietnam veterans who claimed that their exposure to Agent Orange had caused, respectively, multiple myeloma in 1998 and non-Hodgkin's lymphoma in 1996. Because their injuries manifested themselves after December 31, 1994, they were unable to seek compensation from the settlement fund. Therefore, Stephenson sued the chemical manufacturers in federal court, while Isaacson sued in state court. The defendants removed Isaacson's case to federal court and then had both cases transferred to Judge Weinstein's court.

Judge Weinstein dismissed the cases. He held that both plaintiffs were members of the class, both were adequately represented by the class representatives during the case, and therefore both were precluded from seeking to avoid a settlement—albeit a settlement that provided them with no remedy for their injuries—to which they were legally bound. The Second Circuit reversed, holding that the class representatives could not simultaneously represent those whose injuries manifested themselves before January 1, 1995, and those whose injuries first arose after January 1, 1995. At the time that the class had been certified and the settlement had been approved in 1985, Judge Weinstein had found that the class representatives were adequate. But the Second Circuit did not believe that Stephenson and Isaacson should be bound by this finding, since they were not, as it eventually turned out, adequately represented in fact. Under traditional notions of class-action practice, a class member that is not adequately represented is not bound by the class judgment, and *res judicata* does not bar his or her individual action. According to the Second Circuit, this actual deficiency in representation permitted Stephenson and Isaacson to attack Judge Weinstein's finding of adequacy in their individual lawsuits.



It is on this issue—the power of class members to attack the adequacy of representation in collateral proceedings—that the Supreme Court has now entered the *Agent Orange* fray, recently granting Dow Chemical’s petition for *certiorari* in the Stephenson matter (oral argument dates have not yet been set). As esoteric as the issue might seem, it is today one of the two hottest of all the hot buttons in class-action practice. The stakes are enormous. One of the great benefits of the class action, from the viewpoints of both the defendant and the court, is the ability of the action to buy a measure of finality and peace. If litigants are able to attack a class judgment in collateral proceedings even when the class action court has determined that the representation is adequate, defendants are receiving far less peace than they desire and need. The class judgment no longer ends the class members’ claims; it merely sets the stage for a second round of litigation in which some class members will seek to wiggle free from a class judgment that is unfavorable to their interests as those interests develop over time. The willingness of defendants to enter class settlements will therefore drop.

The concerns on the other side are no less weighty. Class actions constitute an uneasy exception to the usual rule that each plaintiff possesses the unfettered autonomy to decide when, where, and against whom to file suit. This usual rule, the Court found in *Hansberry v. Lee*, is constitutionally grounded in the due process clause: “one is not bound by a judgment *in personam* in a litigation in which he is not designated as a party.” *Hansberry* recognized that the class action constituted an exception to this rule, but it demanded, as a matter of due process, that the class members be adequately represented by the class representative at all times. Adequate representation is the cornerstone on which Rule 23, the modern class-action rule, has been built. In a series of cases beginning with *Hansberry*, continuing into the 1970s with *General Telephone v. Falcon*, and ending in the late 1990s with *Amchem Products v. Windsor* and *Ortiz v. Fibreboard*, the Supreme Court found that class representatives whose interests diverged from those of some of the class members did not adequately represent those members. Moreover, *Hansberry*, the granddaddy of all modern class-action practice, involved a collateral attack by a class member. The Supreme Court refused to bind the member to a judgment obtained by an inadequate representative. The logic was simple: “No adequate representation, not a proper party. Not a proper party, not bound by the class judgment. Not bound by the judgment, proceed with the individual case.”

Hansberry seems to dispose of the matter and require a summary affirmance of the Second Circuit’s decision in favor of Stephenson. (The court, under a ruling issued in an unrelated case the day after the *Stephenson* cert grant, is almost certain not to have jurisdiction over Isaacson’s case.) But *Hansberry* did not precisely resolve the question on which defendants are likely to focus: whether Stephenson is barred from contesting the issue of inadequate representation because of Judge Weinstein’s specific finding in the 1980s that the class representatives were adequate. If Stephenson is bound, as a matter of issue preclusion, to that finding, he cannot later contend that he was in fact inadequately represented. If he cannot make that argument, he cannot hope to escape the claim preclusive effect of the class judgment.

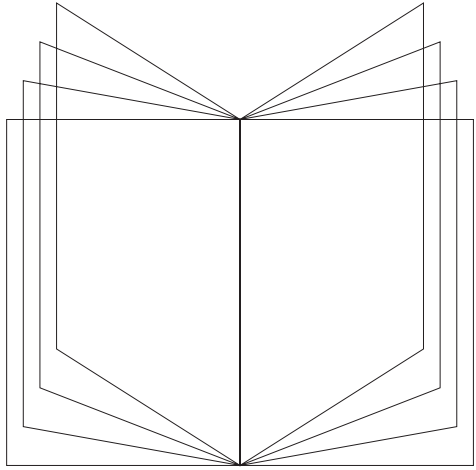
This nesting of an issue preclusion question within the claim preclusion question presents brain-numbing complications for those not steeped in class-action practice. Thus far, the courts of appeal are split on the issue, with the strongest position opposing *Stephenson* staked out by Ninth Circuit judge Diarmuid O’Scannlain in *Epstein v. MCA*. *Epstein* is distinguishable from *Stephenson*, but its distinctions cut both ways. The issue has also divided the academy.

To some extent, what is really at stake is our very understanding of what a class action is. Is it an amalgam of autonomous claimants, its centrifugal forces held in check only by the guarantee at every stage of actual, adequate, and vigorous representation whose goal is to maximize each individual’s interests? Or is it a cohesive collective entity, in which individual identity and interest are subsumed within the search for the collective’s common good? The former view supports *Stephenson*, the latter *Epstein*. Particularly in its recent *Amchem* and *Ortiz* decisions, the court has moved rather strongly toward the former view. Reversing *Stephenson* would require some rethinking of the class-action paradigm. At the level of theory, therefore, much hangs in the balance.

At the level of practice, too, much hangs in the balance—for *Stephenson* makes class judgments less secure, makes defendants more reluctant to enter into settlements and more likely to oppose class certification motions, and makes global peace for large-scale litigation a fainter hope.

On its facts *Stephenson* should be affirmed. The type of class action involved in *Stephenson* is a (b)(3) class—which is generally understood as an efficient amalgam of individual interests. Concerns for autonomy are strong in such classes. So are concerns for a sellout: Class representatives with present injuries have little incentive to negotiate worse terms for themselves simply in order to obtain better terms for those not yet injured. Stephenson had no ability to know at the time of the settlement whether he would ever meet the eligibility criteria for the settlement, or to know whether his eligibility would fall on the right or wrong side of December 31, 1994. To expect him, or others like him, to mount an effective challenge to the class representation in 1985 (when no one anticipated the possibility of post-1994 injuries) is asking too much. The right solution is to allow the contest over adequate representation to occur when the best information about inadequacy becomes available.

Whatever the outcome, *Agent Orange* continues, many years after its seeming denouement, to generate issues at the cutting edge of complex litigation and mass torts. It is good to see the old warhorse finally get its moment in the spotlight.



A Bed for the Night: Humanitarianism in Crisis

A book by David Rieff
Simon & Schuster, 2002, 368 pp.

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Reviewed for *America* magazine
by **Donald P. Kommers**

Donald P. Kommers is the Joseph and Elizabeth Robbie Professor of Political Science and a concurrent professor of law. He is also a fellow in the Nanovic Institute for European Studies.

“In Rieff’s account, the reality of our time is a world soaked in blood. Genocide and other massacres plague the earth. Warlords and tyrants torture, maim, and murder at will.”

The 20th century gave birth to an age of human rights. In recent decades, the world has witnessed a revolution of moral concern personified by an international community sworn to global standards of justice and decency. As the Universal Declaration of Human Rights and such documents as the Genocide and Geneva Conventions attest, the protection of human rights has formed the basis of the modern international legal order. The story of this moral revolution could not be told without considering the corresponding rise and prominence of humanitarian organizations such as Doctors Without Borders and the International Committee of the Red Cross. Moved by compassion, inspired by idealism, and bound to solidarity with the persecuted and dispossessed of the earth, they have organized campaigns to resettle refugees, feed the starving, and assist the victims of war and violence. Indeed, the international community appears to have taken to heart St. Paul’s vision in Galatians 3:23 that we are one world undivided by race, sex, ethnicity, or political ideology.

In *A Bed for the Night*, David Rieff, a noted journalist who has spent much of his career covering wars and other humanitarian disasters, disputes this benign view of the world. He doubts the existence of any international community or the reality of any global village. “Where are the shared values,” he bluntly asks, “uniting the United States and China, Denmark and Indonesia, Japan and Angola?” (He could have provided other examples, such as the fundamental disagreement between the United States and Russia over the alleged criminality of Slobodan Milosevic.) In Rieff’s account, the reality of our time is a world soaked in blood. Genocide and other massacres plague the earth. Warlords and tyrants torture, maim, and murder at will. Oppressive gunmen raid and rape. Civilians kill civilians in campaigns of ethnic and religious cleansing. Corpses by the tens of thousands rot in killing fields ranging from Central Africa to Kosovo to East Timor to Afghanistan and beyond. In short, the world is a slaughterhouse.

And what, in this age of moral concern, is being done about it? According to the author, not much, and he sees little promise of improvement. This book’s title, taken from a poem of the same name by Bertolt Brecht, holds a somber message. Brecht spoke of the few homeless people who have “a bed for the night,” thanks to the kindness of one or two passers-by; but such acts of generosity, he laments, “won’t change the world” or “improve relations among men.” In Rieff’s view, this truth applies to the humanitarian movement. Aid workers, whether employed by nation-states, the United Nations, or nongovernmental organizations, are good people committed to caring for the victims of poverty, disease, violence, and war. But their caring is selective, their advocacy misleading, their impact negligible, and their independence politically compromised. Worse, they are sometimes unknowing accomplices in the evils they seek to eradicate.

Humanitarianism, Rieff suggests, has taken on the hue of an ideology, one that stresses the needs of “innocent victims” to the exclusion of all other considerations. Knowing that compassion sells, humanitarian organizations, often allied with the media and sympathetic governments, especially the United States, have projected “simplistic images of wicked warlords” versus “suffering and innocent victims.” Graphic television scenes of rotting corpses and helpless refugees dying on the roadside have prompted national governments, and the United Nations, to intervene militarily in particular countries to stop the killing or to feed the hungry, but without any reference to the political conditions or the domestic rivalries that have produced these evils. To show that ignorance of context can do more harm than good, Rieff cites the situation in the refugee camps of eastern Congo following the Rwandan genocide: “[H]umanitarians discovered that solidarity with victims, political impartiality, and aid deployed simply on the basis of need could restore an army of genocidal killers to health and threaten to plunge Rwanda further into a nightmare of blood and fire.”

In separate chapters devoted respectively to Bosnia, Rwanda, Kosovo, and Afghanistan, Rieff convincingly demonstrates that, in the absence of critical contextual analysis and hard political decisions, there can be “no humanitarian solution to humanitarian problems.” These case studies also show that, whatever they might say, governments intervene in humanitarian crises only when their participation suits their national interests. Similarly, humanitarian organizations fight to defend their institutional prerogatives as much as to dispense aid to the needy, even to the point of surrendering their independence to gain favor with donor governments. The “hazard of charity,” as the author puts it, is that altruism and politics go together, much as Britain’s crusade to abolish slavery in the 19th century went hand-in-hand with its imperialistic designs.

Rieff’s case studies also show that governments will cut and run when humanitarian intervention goes sour, as in Somalia, when the United States pulled out after local gangs threatened its troops. Television images of an American soldier being dragged through the streets of Mogadishu cancelled out competing images of starving babies with flies on their faces. U.N. agencies and blue-helmeted peacemakers have been similarly enfeebled by their obstinate neutrality between rival groups and their blind trust in the ability of peoples to heal themselves if only given the chance.

In the author’s view, what makes the humanitarian project so frustrating—and even hopeless—is the timidity of the United Nations in the field and the unwillingness of wealthy nations to commit the resources, both military and financial, needed to heal the world’s wounds. Brecht was right. Humanitarian organizations, both religious and secular, have passed by to help the needy, assist refugees, and to rid certain communities of disease—Rieff acknowledges these success stories—but such heroic acts of selflessness and generosity have neither “changed the world” nor “improved relations among men.”

In the end, however, this book ignores an important reality. Resources alone will not stop the violence or the killing. Nor will an international criminal court, or a dozen such courts, curtail these evils. The ultimate cure, if indeed there is one, is for the world to take seriously the message of Galatians 3:23: “Whatever you do, work at it with all your heart, as though you were working for the Lord and not for the people.”

“...what makes the humanitarian project so frustrating—and even hopeless—is the timidity of the United Nations in the field and the unwillingness of wealthy nations to commit the resources...”



Notre Dame Law School Faculty Focus

Professor Joseph Bauer

By Kitty Cooney Hoyer

When most faculty members request a leave from teaching, the assumption is that they will spend their time deep in thought researching and writing on a particular area of law. When Prof. Joe Bauer sought a leave from his teaching responsibilities, he packed his bags, kissed his wife, Marzy, goodbye, and went off to Washington, D.C., to jump feet first into the practice of law. For nearly eight months last year, Professor Bauer became “of counsel” to the Washington, D.C., office of Kirkland & Ellis.

“I’ve been at Notre Dame Law School for 29 years, and with the exception of two semesters when I was on leave, I’ve been teaching the entire time,” said Bauer. “I graduated from law school in 1969 and practiced for three years. I didn’t particularly enjoy practice then, so I wanted to get back and see how it had changed. It was a desire for a change of pace, both in terms of where I was going to be and what I was going to do.” And get back into practice he did. It wasn’t, however, without some major groundwork on his part. The U.S. Department of Justice (DOJ) had offered a one-year program called Academics in Residence, designed to immerse law-school faculty in a specific division of the DOJ, with the intention that after the year they would return to the classroom. Unfortunately, because of a combination of budgetary cutbacks and other reasons, the DOJ discontinued the program.

Determined to find an appropriate alternative, Professor Bauer called on Tom Yannucci ’72, ’76, managing partner at the D.C. office of Kirkland & Ellis. “I’d done some work with Kirkland a couple of years ago as a consultant,” said Bauer, “so I knew them as an outstanding law firm, and they knew me, not only as a student’s former teacher, but on a professional level, too. I asked Tom if he thought we might be able to work something out; after consulting with his partners, he agreed to have me come down to the firm.” Yannucci arranged for Professor Bauer to visit the office and meet with some of the attorneys. “They led me to one of the conference rooms, and every half hour or so, someone would come in to meet me,” said Bauer. Literally the first person to stop in was Ken Starr, former

judge on the U.S. Court of Appeals for the D.C. Circuit and former U.S. Solicitor General, who is a partner in the firm. “He was so gracious and made me feel so welcome. It was an interesting experience to start out the day meeting him.”

In January 2002, Professor Bauer locked up his third-floor office at the Law School and headed for Washington. He rented a small apartment two blocks from DuPont Circle—an area unlike any found in South Bend—and began his life in the private sector. “I have to admit, at first it was a bit odd,” he said. “I was neither fish nor fowl. The firm gave me the designation ‘of counsel,’ since I was obviously not a partner, but certainly too old to be a traditional associate.” For Professor Bauer, however, it wasn’t about the title or the office; it was about the work. “The idea was to give me as much exposure to different projects and different attorneys as possible,” said Bauer.

Since his specialty areas of teaching and research include antitrust and intellectual property law, it was only natural that Professor Bauer was asked to assist the firm with a number of high-profile antitrust and copyright/trademark cases. One such case stemmed from the extended litigation between the federal government and Microsoft. As Professor Bauer explained, “The government’s case, among other things, alleged that Microsoft’s illegal behavior consisted of engaging in various predatory and exclusionary practices, designed to take market share away from the Netscape browser and to allow Microsoft’s browser to displace Netscape’s. That was the finding of anticompetitive behavior that the D.C. Circuit upheld. Subsequent to that, Netscape sued Microsoft for treble damages. Since Kirkland represents AOL-Time Warner, which now owns Netscape, I was asked to assist in the private litigation.”

Another high-profile case involved litigation closer to home. Kirkland & Ellis represents auto giant General Motors. DaimlerChrysler, the manufacturer of the Jeep, sued General Motors and AM General, manufacturer of the “Hummer,” for trademark and trade-dress infringement revolving around the

“The people were, on the one hand, very bright lawyers, but they were also extremely pleasant to work with. I really enjoyed working at the firm, and I hope that what I have by way of my experiences, both as a teacher and as a scholar, in some way added value to what they were doing as well.”

grille configurations on each vehicle. AM General has a manufacturing plant just outside South Bend, where the Hummer H2 is currently in production. In response to DaimlerChrysler’s attempt to obtain a preliminary injunction against GM and AM General, they sought declaratory and injunctive relief. That suit was filed in the Northern District of Indiana. Professor Bauer, knowing he was going to be taking a leave from teaching to work at Kirkland, began working on the case nearly two years ago. “I already had an understanding with Kirkland, so starting in the spring of 2001, I began working on this matter,” he said.

Shortly after leaving for Washington, Bauer found himself returning to South Bend to work as a member of the legal team assigned to the case. “Ironically, I went down to Washington right after the new year and was there for only about four weeks, when I wound up back in South Bend for the hearing in front of the District Court,” he said. “I spent nearly two weeks here and then, when the hearing was over, went back to Washington!” Incidentally, the District Court denied DaimlerChrysler’s request for a preliminary injunction, and that judgment was affirmed in the fall by the Seventh Circuit.

In addition to these two cases, Professor Bauer was asked to work on a number of antitrust issues involving both public and private actions. “I worked on a merger challenge brought by the Federal Trade Commission, as well as some private actions, both on the plaintiff’s side and the defendant’s side,” Bauer said. “I was also asked to assist on a copyright action, and then again on some administrative proceedings by the FDA against the Red Cross. I was involved in both the research and writing of briefs, as well as meeting with clients and occasionally working with expert witnesses.”

And how did the firm respond to having Professor Bauer in the office?

“Well, I think it may have caused a little bit of awkwardness for a few people, but there were really no problems on that score. It was particularly nice to work with a number of my former students who are partners and associates at Kirkland.”

Overall, Bauer felt the experience was one that cannot be matched: “The people were, on the one hand, very bright lawyers, but they were also extremely pleasant to work with. I really enjoyed working at the firm, and I hope that what I have by way of my experiences, both as a teacher and as a scholar, in some way added value to what they were doing as well.”

When not putting in 40 hours a week at the firm or traveling back to South Bend to visit with Marzy, who is an associate director at Madison Center, the South Bend community’s principal mental-health provider, Bauer found time to work on the 11-vol-

ume antitrust treatise he cowrote with Earl W. Kintner. “One of the earlier volumes in that series was hopelessly outdated, and I had made a commitment to the publisher that I would write a replacement volume by December of 2001—before I left for Washington,” Bauer said. “I didn’t make the deadline as planned, so instead of having free time in D.C., I spent my evenings and weekends writing the update.”

Despite the long hours, Professor Bauer insists the nearly eight months spent at Kirkland were indeed worth it. “I was looking for the opportunity to do something different and to experience practice in a new way. I certainly did that and found that on my return, I was recharged in the classroom. I also hope that by having re-experienced practice, I am now able to bring some of my experiences to bear in the classroom. What I now do in the classroom hopefully has a little bit more currency and reality that it did when I was teaching last year.”

Would he do it again? “Absolutely!” said Bauer. Would he do it for the rest of his life? “Absolutely not!” One of the things he discovered is that he made the right decision nearly 30 years ago to leave practice and to go into teaching. “As much as it was an interesting experience,” said Bauer, “I enjoy more what I am doing now.”

He went on to explain: “I certainly recognize both the intellectual challenge of private practice and the importance of the proper use of the lawyer’s skills, and greatly appreciated the opportunity to work with a very talented group of lawyers. But it has to do with balancing the rewards. At the end of the day, whether or not I have helped my client make another \$1,000 is not going to change the world. That’s not to say what I do—teaching—changes the world either, but I estimate that in my three decades of teaching, I have contributed to the education of some four to five thousand law students who are now lawyers. For me, there are certain rewards that come from having had what I hope is a positive impact on the lives of so many people. While practicing law was also fun and challenging, I prefer doing just that—teaching!”

A Friend-in-Law

Local Attorney Shares His Knowledge with Chilean Counterparts



When Paul Peralta saw the opportunity for a unique volunteer project for which he could use his knowledge of the Spanish language, he jumped at the chance.

A local attorney, Peralta has spent a week in Chile for each of the past three years to help instruct and advise Chilean lawyers. Born of Ecuadorian parents, the bilingual Peralta has enjoyed the opportunity to use his Spanish as well as his law expertise.

Peralta, a partner with the law firm of Baker & Daniels, was referred to California Western Law School in San Diego, which conducts a program in Chile where American lawyers work with Chilean lawyers to teach a trial advocacy course. Cal Western's McGill Center for Creative Problem Solving collaborates on this project, "Proyecto Acceso," with the Catholic University of Temuco, Chile.

The need for instruction came after the Chilean government changed its criminal code, Peralta explains.

Previously, in Chile, cases were brought before a judge through evidence presented by documents. The judge read the evidence and issued a ruling. The reform instituted in 1997 allows for direct and cross-examination of witnesses before a panel of judges, not just one judge. There still is no jury in the Chilean judicial system.

Techniques new to the Chilean lawyers are making opening and closing arguments

and conducting direct and cross-examinations. Volunteer attorneys serve as instructors for weeklong programs.

"We work on building blocks of concepts, of certain evidence, on developing a theme, a story line to persuade the judges," Peralta says.

"They (lawyers) had no foundation, but surprisingly they were quick studies," Peralta continues. "I fully expected some foot dragging. I thought the more experienced lawyers would be skeptical, but they embraced the whole process."

Ana Maria Silva, the Chilean coordinator, has high praises for Peralta.

"Mr. Peralta has given us his valuable time, his knowledge, and experience for the training of lawyers here in Chile, in our transition from a written to an oral criminal trial system.

"He has been a wonderful collaborator. Besides his role in teaching the workshops, he has always given us support and contributed with new ideas on how to improve our training," she says.

Silva notes that both his knowledge of the oral trial system and command of the language have been instrumental.

"He has a natural ability for teaching and puts all his interest into it. He is very well liked and appreciated by the students he has had here and by the Chilean co-teachers he has worked with. He has become a friend to us."

Among his new friends are his students who range from experienced attorneys to novices in the beginning stages of their work. Whether experienced or beginners, all seemed to appreciate the course.

He points out that their success might be attributed to the fact that they had developed no bad habits that had to be unlearned and because they are so expressive.

"American lawyers tend to be more formal. To make someone believe you, you have to be impassioned, and they are that," he says.

Peralta remembers one student from the first course he taught in Chile. Calling her "the most impressive lawyer (student) I've ever had in any course, here or in Chile," he says she was a young blind woman with her guide dog, Daisy. All of the material for her was in Braille, and she had a special keypad for taking notes.

"About the only English she knew were the commands to her dog because she got the dog in the United States," Paul recalls. "But she gave the most impassioned opening statement. After hearing her, I had the feeling that our techniques were working."

Peralta says the lawyers have a hard time understanding the "theme" of a case, the one- or two-sentence statement that encapsulates what the case is about.

"For the O.J. (Simpson) case, Johnny Cochran's 'theme' was 'If the glove don't fit, you must acquit.' That was the key point of the trial."

Chuckling, Peralta adds that most of their exposure to such techniques has come from the media and through American TV dramas.

Peralta says that he had to look for examples of situations that were important culturally to the Chileans.

"Soccer is huge. For the game that was like their Super Bowl, each team had a motto. One's was something like 'Santiago has the men; bring on the boys.' That was something they could relate to. I tell them to think of cases in those terms. 'What is it that makes your case a winner?'"

During the weeklong course, they would

look at a number of cases, two Chilean lawyers on each side. At the end of the course, they conducted a full mock trial, not unlike the mock trials Peralta works on with the John Adams High School students as they prepare for their competitions.

Noting that the firm encourages them to be contributing members of the community, he says it encourages his work in Chile. Peralta also serves on the boards of WVPE, Southhold Dance Theater, and Century Center.

The work in Chile, however, holds a special place in his heart.

"It gets me back to my cultural background," he explains.

Peralta grew up in Charlotte, N.C., of parents who had emigrated from Ecuador. Spanish was his first language when he was growing up.

"Growing up, that's all I heard," he says.

"It's funny, when my parents moved to Charlotte, there were only three Latin families," he says.

Peralta received his undergraduate and law degrees from the University of Notre Dame. He practiced law in Chicago; then, he and his South Bend-born wife, Liz, moved back to South Bend.

"Chicago is not the easiest place to raise kids," says the father of three daughters—Katie, 15, Ellie, 12, and Grace, 9.

Active in his daughters' lives, he has helped coach their soccer teams over the years.

"It's probably a good thing my coaching days were numbered," he jokes.

Now, he works with Katie and her fellow students on the Adams mock trial teams.

A friend, Judge Sanford Brook, got Peralta involved teaching law students at Notre Dame and was the one who brought Peralta's name to the Chilean program. Peralta, who continues to teach a course at the University of Notre Dame Law School, found that his Latin background is beneficial but has limitations.

"Their culture, their concepts, mannerisms, expressions, they're uniquely Chilean," he explains. "When I first get down there, it

takes me a day or two to get acclimated."

So, for a week each year, Peralta teaches a course in a different region of the country. By the year 2005, the entire country will be in compliance with the new law. Already plans are under way for course work at the next level—case preparation—and Peralta looks forward to teaching another course next year.

Sometimes, they call and want to know if he can come down in two weeks, and he can't always make it on such short notice. He does anticipate another trip, perhaps in the spring.

Although the weeks are generally busy and he hasn't been able to do much sight-seeing, he has been in three different locations and finds Chile a beautiful and fascinating country.

Except for the coffee.

"The seafood is off the charts, but the coffee is horrible. I've resorted to tea," he comments.

The lousy coffee has been about the only detriment.

"When I think of Chile, I have happy thoughts. It's been fun. It's been gratifying. I feel like I'm being helpful, in a remote way, to the Chilean people," he says. "It's a good complement to the everyday things we do here."

By **Becky Emmons**
Reprinted with permission
from the November 17, 2002,
South Bend Tribune

Paul Peralta is an adjunct assistant professor of law.



Clynes Endowment Brings Chief Justice Rehnquist to Campus



The Chief Justice's visit was made possible through the generosity of the late Judge James J. Clynes Jr., a 1945 graduate of the University of Notre Dame and a 1948 graduate of Cornell Law School. A retired partner with the Ithaca, New York, firm of Harris, Beach & Wilcox, Judge Clynes was the Ithaca City Judge from 1969 to 1989. Before serving on the bench, he was a city attorney and city prosecutor. He was a member of the Law School Advisory Council as well as a fellow of the American College of Trust and Estate Counsel. The benefaction reflects Judge Clynes' strong interest in promoting teaching and lecturing directly related to the ethics of litigation within the judicial process at the NDLS.



Last fall, the Law School was honored to host William H. Rehnquist, Chief Justice of the United States Supreme Court, as the 2002 Clynes Visiting Chair in Ethics of Litigation within the Judicial Process. During his two-day visit to the Law School, the 16th Chief Justice met with students, faculty, and administrators of the Law School and the University community alike. He began his visit to NDLS on September 12 in fitting fashion, attending a First Amendment class taught by Rick Garnett, who served as a law clerk to the Chief Justice during the 1998–99 judicial term. After class, Chief Justice Rehnquist presented a lecture giving a historical perspective on the use of military tribunals during times of war.

Later that evening, Dean O'Hara and members of the Law School faculty played host to the Chief Justice at a dinner on the 14th floor of the Hesburgh Library, surprising him with a musical performance by the renowned Notre Dame Glee Club. Their personalized performance included a medley of college fight songs that chronicled the Chief Justice's academic career. Knowing of his interest in U.S. history and the Civil War, Dean O'Hara also presented him with a framed print of Paul Henry Wood's painting *Absolution Under Fire*, depicting Rev. William Corby, C.S.C., blessing the Irish Brigade during the battle of Gettysburg, as well as an autographed copy of Notre Dame archivist Peter Lysy's book *Blue for the Union and Green for Ireland: Civil War Flags of the 63rd Regiment New York Volunteers, Irish Brigade*.

Chief Justice Rehnquist's visit was capped off on Saturday, September 13, as he had the opportunity to experience the pageantry of a Notre Dame football weekend. As a guest of the University, he attended the game, in which Notre Dame beat Michigan.

FACULTY notes

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Matthew Barrett participated in a five-week summer seminar on the Catholic intellectual tradition sponsored by the Institute for Scholarship in the Liberal Arts. He presented the CLE program "Law and Accounting in a Post-Enron World" on November 23, 2002, at the Law School. He also was elected as an alumni member of the Notre Dame Chapter of Phi Beta Kappa and was reelected as chair of the Student Welfare Subcommittee of the University's Faculty Board on Athletics. Foundation Press recently published the teachers' manual to the concise version of the third edition of *Accounting for Lawyers*, a casebook written by Professor Barrett and Prof. David Herwitz of Harvard Law School. Both the unabridged and concise versions of the third edition include his article "Enron, Accounting, and Lawyers," which appeared in the summer issue of the *Notre Dame Lawyer*. Professor Barrett will be on a research leave during the spring semester.

Joseph Bauer published the 2003 annual supplements to Vols. I and III–XI of the *Kintner Federal Antitrust Law Treatise* (Anderson, 2002).

Robert Blakey was back in the news recently for his work on a comprehensive study looking at the impact of organized crime influences on the Teamsters Union. The Teamsters financed the first-ever independent internal investigation into both the history and current status of organized crime influences on the union. The report, "The Teamsters: Perception and Reality, An Investigative Study of Organized Crime Influence in the Union," was conducted as part of the Teamsters' internal RISE (Respect, Integrity, Strength, Ethics) anti-corruption program. Professor Blakey serves as a member of the Project RISE board of advisors.

Gerry Bradley participated in a symposium exploring the conditions for a "just war" with Iraq. The Washington, D.C., symposium was sponsored by the Pew Forum on Religion and Public Life, the Institute for American Values, and the Institute for Philosophy and Public Policy.

Paolo Carozza presented an invited lecture, "Subsidiarity and the Dilemma of Fundamental Rights in the Constitutional Structure of the European Union and Its Member States," at the Valparaiso University Law School in December 2002. His presentation, "The Death Penalty in the United States: An International and Comparative Perspective," was featured at the conference titled "An American Paradox: Justice and the Death Penalty," held at Saint Mary's College during November 2002.

Tex Dutile gave a talk at Saint Mary's College titled "Law School and Careers in Law" on November 7, 2002.

Barbara Fick and **Ada Verloren** presented a paper they cowrote titled "The Role of Trade Unions in Creating and Maintaining a Democratic Society" at the "Authority in Contention" conference, sponsored by the Collective Behavior and Social Movements section of the American Sociological

Professors Announce Birth

Tricia and **A.J. Bellia** announce the birth of a baby girl, Katherine Anna Bellia, on November 26, 2002. She weighed in at 8 pounds 13 ounces.

Association. The conference was held at the University of Notre Dame on August 14–15, 2002.

Rick Garnett was a featured speaker at the Christian Legal Society's National Student Conference, and at its Scholars' Conference, in Savannah, Georgia, in November 2002.

Alan Gunn has published the fifth edition of his casebook, *Gunn & Ward: Cases, Text and Problems on Federal Income Taxation* (West, 2002).

William P. Hoyer has been appointed to a three-year term on the NCAA Division I Infractions Appeals Committee (IAC) by the NCAA Management Council. Recommended to the committee by Rev. Edward A. Malloy, C.S.C., University President, and nominated by the Big East Conference, Hoyer will join a five-member committee charged with conducting appellate hearings and adjudicating appeals.

Please Remember the Blakey Family

Elaine Blakey, wife of **Robert Blakey '57, '60 J.D.**, passed away, Saturday, December 7, 2002. Mrs. Blakey was a graduate of Saint Mary's College. She is survived by three sons, Michael '81, '84 J.D., and his wife, Natalie, of Center Moriches, New York; Matthew of Washington, D.C.; and Jack '88, '92 J.D., and his wife, Christina, of Pembroke Pines, Florida, and five daughters, Elizabeth Martinez and her husband, Daniel, of South Bend; Anna Maria of Santa Monica, California; Katy Cox '93, '96 J.D., and her husband, Michael, of Chicago, Illinois; Christine and her husband, Jon, of Phoenix, Arizona; and Margaret and her husband, Kevin, of Chicago. The family has asked that memorial contributions be made to St. Margaret's House, 117 North Lafayette Blvd., South Bend, IN 46601, or to the Notre Dame Law School Scholarship Fund. Condolences may be sent to Professor Blakey at 1341 E. Wayne St. North, South Bend, IN 46615.

Please keep Professor Blakey and his family in your prayers.

Houghton Named
Clinic Fellow

Rebecca Houghton has joined the Notre Dame Legal Aid Clinic as a supervising attorney and a clinic fellow. The Law School established the clinic fellowship last year to provide additional supervisory assistance in the clinic. Clinic fellows will serve the Law School for two years at a time.



Houghton is a graduate of the Boston College Law School, where she worked in the Boston College Legal Assistance Bureau representing indigent clients in civil litigation and assisted *pro bono* attorneys in preparation of asylum cases. After graduation, Houghton was a judicial law clerk in the Attorney General’s Honor Program for the Executive Office for Immigration Review, where she drafted judicial opinions for immigration judges in the New York and Boston area. Before law school, Becca was the project coordinator for Building with Books, an international not-for-profit in which she supervised schoolhouse construction projects in developing countries as the organization’s on-site coordinator. She worked in Brazil, Bolivia, Nepal, and Mali.

of decisions by NCAA member institutions from the NCAA Committee on Infractions. He also gave the keynote address titled “Tales from the Shredder: Enron, Arthur Andersen, and Their Ethical Lessons for the Future” at the University Risk Management and Insurance Association National Conference, Cleveland, Ohio, September 25, 2002.

Roger Jacobs published “Pulling the Pieces Together, What Have We Learned? A Summary of the Joint Study Institute: Canadian Focus, Global View” in the 2002 *Canadian Law Libraries/Bibliothèques de Droit Canadiennes*, Volume/Tome 27, No.4. Professor Jacobs also served as a reporter for the third Joint Study Institute held last May at Royal Roads University, Victoria, British Columbia. The institute is hosted every two years by one of four participating law library associations and is intended to provide an introduction to the host country’s legal heritage and traditions.

Mike Kirsch was a featured speaker at the 28th Annual Notre Dame Tax and Estate Planning Institute, held at the South Bend Century Center. His presentation included a discussion of the tax consequences of expatriation and offshore trusts.

Donald P. Kommers taught comparative law at Duke University Law School’s Transnational Law Program in Geneva, Switzerland, last summer. He delivered a paper, cowritten with Stephanie Niehaus, titled “Equity and Non-Discrimination in the United States” at an international conference sponsored by the Max Planck Institute of International and Comparative Public Law, Heidelberg, Germany. He recently was named a member of the National Screening Committee, U.S. Student Fulbright Program in Germany, and also has been appointed to the Board of Advisors of a new Praeger Publication Series on “Issues in Comparative Public Law.” In addition, he has received a major grant from the National Endowment for the Humanities to conduct a college teachers’ seminar on campus next summer on the topic of “American Constitutionalism in Comparative Perspective.”

Garth Meintjes shared his insights on the impact of terrorist attacks on civil liberties and human rights at a panel discussion titled “After September 11: Civil Liberties, Human Rights, and Legal Remedies,” sponsored by the Center for Civil and Human Rights and the Kroc Institute for International Peace Studies, October 3, 2002. He participated in a workshop titled “How to Abolish the Death Penalty,” organized by the NDLS Coalition to Abolish the Death Penalty, November 7, 2002. In early December, Professor Meintjes traveled to Romania to participate in a conference on domestic violence held at the law school of the Mihail Kogalniceanu University. The program was organized by the law school’s dean, Aurora Ciuca ’96 LL.M, to heighten awareness about the scale and frequency of domestic violence in that country.

Dean O’Hara Featured
at Women’s Conference

Dean Patricia O’Hara was the featured speaker at a luncheon held in conjunction with the fifth Women in Law Conference held October 17 and 18, 2002, in Indianapolis, Indiana. Dean O’Hara joined other prestigious presenters when she addressed approximately 400 Indiana lawyers attending the Friday luncheon. **Nancy Gargula ’82**, a recently appointed U.S. bankruptcy trustee, introduced Dean O’Hara as a “woman of firsts,” noting that she is the first female law dean in Indiana. On a more personal note, Gargula said that learning corporation law from Dean O’Hara was the high point of her legal education.



Juan Méndez traveled to Costa Rica last August to lecture at the annual Interdisciplinary Course on Human Rights offered by the Inter-American Institute on Human Rights (IACHR). As part of his duties as Special Rapporteur of the IACHR for the Rights of Migrant Workers and Their Families, he also conducted a fact-finding mission with Andreas Feldmann and Helena Olea ’00 LL.M. (currently a J.S.D. candidate) on immigration policy and practice. He then traveled to Mexico, where the same group undertook another fact-finding visit to several border posts, including Chiapas and Ciudad Juárez, as well as the capital’s detention center for immigrants.

In September 2002, Professor Méndez chaired a special session of the IACHR in San José, Costa Rica, dedicated to the discussion of a forthcoming report on state responses to terrorism. He delivered the keynote address at a roundtable on immigration issues sponsored by the University of Chicago Program on Human Rights, with participants from the United States, Mexico, and Central America. In November, he visited Santiago, Chile, to attend the Hemispheric Conference on Migration, organized by the International Organization on Migration and the UN Economic Commission for Latin America. He has written a number of articles on human rights issues, including “National Reconciliation, Transnational Justice, and the International Criminal Court,” originally published in the Carnegie Council’s *Ethics and International Affairs* (2001, Vol. 15, No. 1), which has been published in Spanish in *Anuario* of the Law School of the University of La Coruña, Spain (No. 6, 2002). His article “Human Rights Policy in the Age of Terrorism,” *St. Louis University Law Journal*, Vol. 46, No. 2, Spring 2002, is one of several responses to a Childress Lecture on “A United States Human Rights Policy for the 21st Century,” by Yale Law Professor Harold H. Koh.

Gurulé to Return
from the Treasury Department

Professor Jimmy Gurulé has announced that he will return to the Law School this spring after serving as undersecretary for enforcement in the U.S. Treasury Department since August 2001. Professor Gurulé announced his resignation from Treasury in a letter to President Bush stating, “I am extremely grateful for the opportunity to serve your administration, the Department of the Treasury, and the American people during the difficult and challenging times following the terrorist attacks of September 11, 2001.”



As undersecretary for enforcement, Professor Gurulé had oversight responsibilities for the U.S. Customs Service, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center. He was also in charge of the Financial Crimes Enforcement Network, the Office for Asset Forfeiture, and the Office of Foreign Assets Control.

While at the Treasury Department, Professor Gurulé was a key leader in the implementation of President Bush’s financial war on terrorism, working to find, disrupt, and dismantle terrorist financial networks around the world. Under his leadership, the Treasury Office of Enforcement designated 257 global terrorist groups and individuals and blocked more than \$125 million in terrorist funds.

“Jimmy Gurulé is one of the most distinguished law enforcement officials and law professors in the country,” said Acting Treasury Secretary Kenneth Dam. “His talents and leadership proved invaluable for the Treasury Department and the United States government as he helped shape and lead our campaign against terrorism. It has been a great privilege to work with him, and this administration is grateful for the contributions he has made to the nation.”

John Nagle published *The Law of Biodiversity and Ecosystem Management* (Foundation Press, 2002) with J.B. Ruhl. He recently published “Textualism’s Exceptions,” *Issues in Legal Scholarship*, Dynamic Statutory Interpretation 2002, Article 15(www.bepress.com/ils/iss3/art15) and “Choosing the Judges Who Choose the President,” 30, *Capital University Law Review* 499 (2002). He also presented a paper on Christianity and environmental law at the Christian Legal Society National Convention, Savannah, Georgia, November 2002; a paper on the solution to pollution at the Loyola University (Chicago) Law School, October 2002; and a paper on the definition of pollution at the University of Georgia Law School, September 2002.

Terry Phelps presented two writing workshops at the annual meeting of the Council for Appellate Staff Attorneys, in Flagstaff, Arizona, this past July.

Associate Dean **John Robinson** teamed with Prof. John Price of the University of Washington Law School to make a presentation at last fall’s Notre Dame Tax and Estate Planning Institute on the ethical responsibilities of a fiduciary’s lawyer. He also presented a CLE lecture titled “The Effect of the Current Clerical Sexual Abuse Scandal in the Catholic Church in America on American Law” on November 23, 2002, at the Law School. He spoke in December to the St. Joseph County Bar Association on recent developments in legal ethics.

Thomas Shaffer addressed members of the Fulton County Bar Association, Rochester, Indiana, in August, on ethics in estate planning by lawyers. He spoke to members of the St. Joseph County Bar Association on October 7, 2002, in South Bend, concerning moral reasons for providing free legal services to low-income clients. During the meeting, he received an Exceptional Service Award from the agencies administering the two local *pro bono* programs. Professor Shaffer also presented the annual Villanova Lecture “Lawyers as Prophets, Prophets as Lawyers” at St. Thomas University, Miami, Florida, on October 24, 2002. He presented a paper on the preferential option for the poor at the annual conference of the Law Professors’ Christian Fellowship, January 4, 2003, at the Catholic University of America in Washington, D.C., and across town that same day, he presented a paper on the virtue of friendship in legal counseling during the annual meeting of the AALS Section on Professional Responsibility. He recently published “American Legal Ethics,” in *Theology Today*, as well as *Moral Memoranda from John Howard Yoder: Conversations on Law, Ethics, and the Church Between a Mennonite Theologian and a Hoosier Lawyer* (Wipf and Stock, 2002). Professor Shaffer has been appointed as an adjunct professor at Valparaiso University, where he will teach the required course in legal ethics in the spring semester.

Dinah Shelton presented “Corporate Liability for Human Rights Abuses under the Alien Tort Claims Act” on October 30, 2002. The event was sponsored by the International Human Rights Society and the Business Law Forum.

Eric Smithburn cowrote with Ann-Carol Nash *Family Law: Children in Need of Services* (West Group, 2003). This is the third volume in the *Indiana Family Law* series. He lectured on a variety of evidence topics at a program titled “Evidence in Juvenile and

Family Court,” at the University of Nevada, Reno, September 2002. He returned to Reno in October to present several lectures on family law at a program titled “Advanced Family Law.” Both programs were sponsored by the National Council of Juvenile and Family Court Judges. He also has been named to the National Association of Counsel for Children Juvenile Attorney Certification National Advisory Board, which will formulate national certification credentials for child welfare and juvenile justice attorneys. He also was recently named to membership in the Society of Legal Scholars (SLS), the learned society of legal academics in the United Kingdom and Ireland.

Jay Tidmarsh cowrote with Roger H. Trangsrud *Complex Litigations: Problems in Advanced Civil Procedure* (Foundation Press, 2002). He presented a paper titled “Democracy, Globalization, and Law: Some Cautionary Reflections” at the Democracy, Globalization, and Law conference, cosponsored by the Hamline University School of Law and the Center for Process Studies, in St. Paul, Minnesota, September 21, 2002.

News from the Kresge Law Library

New Fund Will Aid in Materials Acquisition

The Paul A. Guarnieri Endowment for Rare Legal Materials has been established recently for the benefit of the Kresge Law Library. The fund will enable the Law Library to purchase unique items and expensive treasures. Currently, the Law Library houses its rare books in the Hesburgh Library’s special collections area. A list of rare materials the library already owns is available on the Web under “Special Collections” at <http://innopac.law.nd.edu>.

Second Librarian-in-Residence Named

Two years ago, the Kresge Law Library and the Hesburgh Library created a librarian-in-residence position with the purpose of attracting librarians with diverse backgrounds to Notre Dame. It was hoped that this position would bring to the campus talented young librarians from groups historically underrepresented in librarianship. Through a series of rotations over two years, the librarian would be introduced to all aspects of university and law library work.



Jessica Kayongo is the second librarian-in-residence, holding the title of visiting assistant librarian. She holds a 1996 B.A. in sociology/criminal justice from South Dakota State University, a 1998 J.D. from the University of Nebraska, and a 2002 master’s degree in library and information science from the University of Wisconsin. She has served as an intern in a South Dakota law firm and for seven months worked as a library assistant in the Schmid Law Library at the University of Nebraska. She spent the fall semester working with the research librarians at the Law School and will spend the spring semester with the staff at the Hesburgh Library.

The first librarian-in-residence was **Hector Escobar**, who, upon completing his residence, joined the Hesburgh regular library faculty with special responsibilities for reference and Latino collections.

King Appointed as Ombudsperson



Dwight B. King Jr., librarian and head of research services for the University of Notre Dame’s Kresge Law Library, has been appointed ombudsperson for discriminatory harassment complaints at the University.

As ombudsperson, Mr. King will provide one means by which students, faculty, and staff can report allegations of discriminatory harassment. He will investigate all complaints brought to his attention and follow up with either informal conciliation or assistance in preparing a formal report to University officials. Complaints also can be filed with the Office of Residence Life, the director of Human Resources, or appropriate supervisors.

Under terms of the harassment policy as passed by the Academic Council, the ombudsperson is appointed by the University’s President, Rev. Edward A. Malloy, C.S.C., in consultation with other officers of the University.

A member of the Kresge Law Library faculty since 1986, Mr. King became head of research services in 1990. He teaches legal research to first-year law students at Notre Dame. King has served on several committees of the American Association of Law Libraries, including the Committee on Minorities, the Committee on Recruitment, the Task Force for the National Conference on Legal Information Issues, and the Grants Committee. Mr. King earned his bachelor’s, master’s, and doctoral degrees from the University of Michigan.

ADMINISTRATOR AND STAFF notes

Nate Joins NDLS

The Law School welcomes **Lu Ann Nate** to the staff. Lu Ann joined the Law School in August of 2002, filling a vacancy left as a result of Nancy Catanzarite’s retirement. Before joining the Law School staff, Lu Ann was employed by the Bayer Corporation, where she held a variety of positions, including technical secretary, administrative secretary, and senior special clerk.

Horvath Named New Director



Peter Horvath, formerly the assistant director of career services, has been named the Law School director of student services, succeeding Julia Meister ’95, who resigned that position last summer to return to private practice in Ohio. Peter is a graduate of Wabash College and of the Indiana University School of Law–Indianapolis. After graduating from law school, Peter practiced law with the Konopa law firm in South Bend. He joined the Law School in February of 2001. Peter will be assisting Associate Dean John Robinson in managing a wide range of student-related programs and services, including maintaining contact with all student organizations to ensure compliance with University regulations, counseling students about different aspects of their law school experience, and collaborating with various law school administrators to help coordinate their activities and realize their objectives.

STUDENT notes

SJF Thanksgiving Drive Largest in History

The Social Justice Forum (SJF) reports that it assisted a record number of families in its annual Thanksgiving Baskets Drive this past November. SJF President **Kristie McCann '03**, from Deep River, Connecticut, says that 160 Thanksgiving dinners were delivered to needy families in the South Bend/Mishawaka area. Originally, the group was planning to deliver 100 dinners, but with the poor economy there seemed to be an even greater need for assistance this year. “We just couldn’t say ‘no,’ so we raised more money,” McCann said. The students were creative in their fundraising efforts, including an “Amnesty Day” on which students “pay” professors not to be called on for class. This event alone raised more than \$1,500. In addition, faculty and staff members donated funds to enable SJF to purchase food for family baskets. In all, the event was a huge success and one that serves to remind us of the true meaning of the season.

Student Bar Association Honored for Web Site

The Notre Dame Law School Student Bar Association (SBA) was recently honored by the Law Student Division of the American Bar Association, winning the Law Student Division Award for Best SBA Web Site. Sharing the top honors with NDLS were the Gonzaga University School of Law and St. John’s University School of Law. Originally designed by Stacye DeJulius, wife of **Leon DeJulius '02**, the SBA site has become the home page for frequent visitors. Alumni will find the site informative as well as humorous. Links to all student organizations, activities, and events can be found on the site as well as information about ordering NDLS merchandise. You may check out the award-winning SBA Web site at www.nd.edu/~sba.



Recently, we asked a few of the members of the Class of 2005 to reflect on their first year at NDLS. We asked students, ***“Why did you choose to attend Notre Dame Law School?”*** Their responses were both heartfelt and inspiring, proving that the Law School is succeeding in its committment to educating a “different kind of lawyer.”



Anson Rhodes '05
Detroit, Michigan

I chose Notre Dame because I knew I’d get two things for the price of one: an excellent legal education which focused on serving people via the law, and the prestige of earning a degree from one of the nation’s best law schools.



Ryan Dwyer '05
Olean, New York

My prayer in choosing a law school was, “Lord, I want to study the law in a place full of the light of Christ.” God answered my prayer by leading me to the Notre Dame Law School. I’ll never forget my first day of criminal law with Prof. Rick Garnett. One of the first things he said to us was, “We believe that there is a God here. And we believe that studying the law is not about a paycheck. It’s about justice, and true justice is a reflection of the mind and heart of God.” That’s the best part about studying the law here at NDLS—the truth behind the law shines forth from the Christ-filled insight within these professors. If you ever forget why you’re here doing what you’re doing, just pick your head up: There’s A.J. Bellia leading the rosary in the chapel; there’s Rick Garnett opening class with the sign of the cross; there’s Paolo Carozza giving a talk on sainthood. And if you get distracted, lift your gaze: There’s the crucifix in every classroom. This place is about truth. I wouldn’t want to be anywhere else.



Sonja Redmond '05
Soldotna, Alaska

Heather Moriconi, from the admissions office, was a significant factor in my decision to attend ND. She was so friendly and helpful when I came to visit the first time. She even made a copy of the alumni directory page that included alumni from Alaska. That made a big impression on me. The willingness of students and alumni to talk to me via e-mail, letter, and phone and share their experiences was the other big factor. I just fell in love with the people. Since I am 50 years old and left my husband and family behind in Alaska to come to law school, it was very important to me to find a place where I could be comfortable and accepted. I was uneasy about how all the young kids (that’s under 40) would react to having an old fogey in their classes. I knew a large part of law school was teamwork. Every student and alumnus I talked to from Notre Dame reassured me, “We are all in this together.” I took the chance that Notre Dame would live up to its reputation as a “family.” The experience has been everything I ever hoped it would be and more. I love it!



First-Year Students Reflect on Notre Dame

IrishLaw Sports Report

2Ls Win 2002 Football Championship

Coming off of a disappointing loss last year, the 2L flag football team “Vanilla Thunda” emerged victorious from the finals this past fall at Notre Dame Stadium. The championship team avenged its only loss of the season by defeating a team from the Department of Chemistry, 13-12. The game drew a large crowd of support from the NDLS community, as the enthusiastic Vanilla Thunda fans witnessed an exhilarating contest that was not determined until the final play. Composed of **Dan Bubar** of St. Joseph, Michigan; **Geoffrey Ciereck** of Syracuse, New York; **JJ Gonzales** of Beaverton, Oregon; **Brian Josias** of Fort Lauderdale, Florida; **Chris Kubiak** of Midland, Michigan; **Scott Leaman** of Wyckoff, New Jersey; **Jason Linster** of Aurora, Illinois; **James Murray** of Huron, Ohio; **Ken Perry** of Orland Park, Illinois; **Joe Reimer** of Colleyville, Texas; **Ken Vorrasi** of Rochester, New York; and **Bart Walker** of Charlotte, North Carolina, Vanilla Thunda eagerly anticipates defending their title as 3Ls next year.

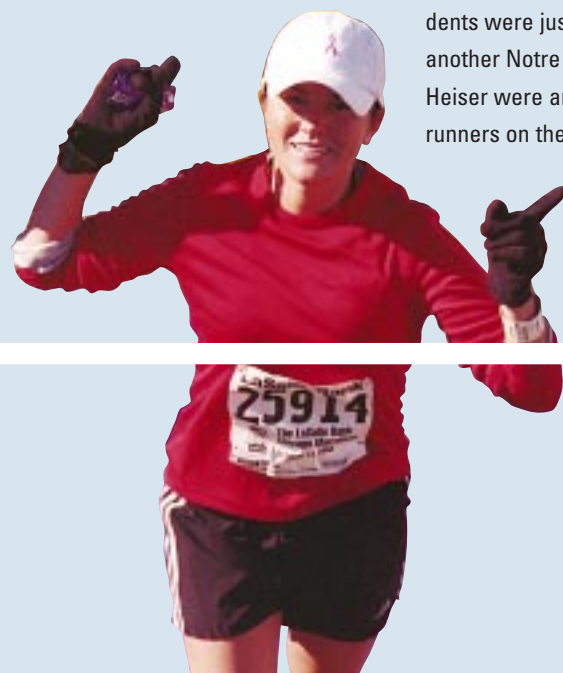


Alum on the Run

Edward Sullivan '93, an adjunct faculty member at the Law School, took a break from his busy litigation practice at Baker & Daniels in South Bend to head east for his first marathon. Ed joined the nearly 30,000 runners as they made their way through New York City while running in the 2002 New York Marathon. Finishing his first marathon, Ed is already planning for his return in November 2003.

Third-Year Students Lace Up for Marathon

For many students, the rigors of law school are grueling enough, but not for two 3L students who decided they wanted more adventure in their final year at the Notre Dame Law School. **Jim Heiser** of Pittsburgh, Pennsylvania, and **Angie Little** of Fort Wayne, Indiana, trained for several months in anticipation of running in the 2002 Chicago Marathon. When other law students were just waking up after witnessing yet another Notre Dame football victory, Little and Heiser were amidst a crowd of more than 37,000 runners on their way to finishing the 26.2-mile race. This was Heiser's third marathon and Little's first. Heiser finished in four hours and one minute, Little in three hours and 54 minutes.



LAW SCHOOL briefs

Law School Announces Loan Repayment Assistance Program Established to Aid Those in Public Service

The Law School is pleased to announce the establishment of a Loan Repayment Assistance Program to provide financial assistance to eligible graduates of the Law School who work in low-paying public-interest, public-service, or other similar positions after graduation. Many members of the Law School community worked tirelessly to make this program a reality—**Profs. Matt Barrett, Con Kellenberg, and Terry Phelps**; from the school's administration, **Cathy Roemer**; and current law student **Suzi Prchal '99, '03 J.D.** and recent graduate **Sean O'Brien '95, '01 J.D., '02 LL.M.**

Under the program, the Law School will select a limited number of graduates each year and will extend loans to them to help them to repay qualifying law school educational loans. If a graduate selected for the program performs qualifying employment for at least five years, the Law School will then fully forgive any loan(s) made to the graduate under the program.

The program is initially limited in amount and in coverage, but it is the hope of all involved that it will expand in the future. The Law School is deeply indebted to **William J. Wernz '77 J.D.** and **Ann Hart Wernz '75 J.D.**, the estate of **Francis O'Kane**, and the estate of **Thomas Hawekotte** for initial gifts toward beginning this endowment, as well as to **Jerry '75 J.D.** and **Kathi Woods** and **Andrew '81 J.D.** and **Celeste Cuomo** for recent commitments. In the interim, the Law School will be funding the program largely from soft monies.

By adopting this program, the Law School seeks to help in alleviating some of the financial obstacles that have prevented many interested graduates from pursuing low-paying positions in public-interest, public-service, or other similar employment. We recognize that lawyers bear a responsibility to provide services to people who cannot afford legal representation and to use their legal education in other ways for the public good. This responsibility flows from the Gospel and a desire, as members of the living body of Christ, to help to build God's kingdom on earth.

Funding for a Different Kind of Lawyer



By Suzi Prchal '99, '03 J.D.

For many Notre Dame law students, attending law school and becoming a lawyer are more than just something to do after college or merely a way to earn a living. For many students, law school is a vocation, a way to live out God's call to love one another, feed the hungry, welcome the stranger, clothe the naked, and care for the sick and imprisoned. Notre Dame law students and graduates heed God's call by serving as lawyers for the poor, the vulnerable, and the community. The beginning of Notre Dame's Loan Repayment Assistance Program, "LRAP," makes the ability to heed God's call more financially realistic for Notre Dame Law School graduates.

Realizing a vocation in public-interest law has been a difficult one for many Notre Dame law students, as well as law students across the country, because of high debt burden and abysmally low salaries for public-interest lawyers. According to a report by Equal Justice Works, formerly the National Association for Public Interest Law, the median law student educational debt grew to \$84,400 in 2001, and this figure does not take into account undergraduate debt. Current Notre Dame Law School students would graduate with more than \$100,000 in debt if they were to borrow the entire amount needed to pay for tuition and living expenses.

Coupled with this debt burden, graduates seeking employment in public-interest and public-service law jobs are frequently offered incredibly low salaries for such work. Equal Justice Works reports that the median starting salary for a public-interest law job in 2001 was a mere \$37,000. The median starting salary for a government job in 2001 was a slightly higher \$41,000. Compared to a median starting salary of \$90,000 for a position in private practice, it is easy to see why graduates often must forgo their desire to serve the poor and their communities to support themselves and their families.

Thus, the long-awaited LRAP is an important institutional response to Notre Dame students with vocations to be lawyers for the poor and for the community. The Notre Dame LRAP is also a significant response to the community as a whole, a community in which up to 80 percent of the legal needs of the poor go unmet under a system in which lawyers are integral to obtaining justice.

We on the LRAP committee strove to create a program with the available resources that would provide significant, meaningful assistance to graduates, such that graduates could reasonably accept an offer of employment

Law School Hosts Distinguished Speakers Through Lecture Series



The **Olin Distinguished Lecture Series**, sponsored by the Natural Law Institute, was host to **Prof. Patrick Kelly**, Southern Illinois University Law School, on November 21, 2002. Professor Kelly’s lecture, “Childhood Insanity and Infirmary in the Law of Torts: The Line Between Justification and Excuse,” was held in the Law School Courtroom. Speakers scheduled for the spring semester include **William A. Galston**, professor at the University of Maryland’s School of Public Affairs and director of the Institute for Philosophy and Public Policy; **Very Rev. Francis Cardinal George**, archbishop of Chicago, who will be speaking on the topic “Law and Culture”; **Christopher Tollefsen**, professor from the University of South Carolina, who will speak on “Justified Belief”; and **Joseph Raz**, professor from Oxford University, who will speak on “Law’s Moral Foundations.”

continued from page 33

from a public-interest or public-service agency. We know, however, that the current LRAP is only a beginning. Because the LRAP funding sources are soft monies, our work as a law school community will not be complete until we establish an endowment so that the LRAP is protected from budget cuts and tough economic years and so that the program can expand. For now, however, we on the committee hope that we have planted the seeds that will enable graduates to live out their vocation of serving God and God’s people through the law. As Archbishop Romero said, “We plant the seeds that one day will grow. ... It may be incomplete, but it is a beginning, a step along the way, an opportunity for the Lord’s grace to enter and do the rest.”

I am particularly appreciative of the opportunity to serve on the LRAP committee, and I owe many thanks to my fellow committee members. I am amazed at the hours they spent working on this effort with nothing to gain for themselves but the satisfaction of participating in the project. I am also thankful to those donors who have made loan forgiveness a reality for Notre Dame. Now, more of the “different kind of lawyers” educated by Notre Dame can afford to pursue the careers to which they feel called.

Each year, the Law School hosts several speakers through the **Distinguished Lecture Series** as part of enriching the academic experiences of students and faculty alike. The spring 2003 series discussion “Legislating Corporate Ethics” will focus on legislative responses to the well-publicized corporate scandals that are making headlines throughout the country. In particular, speakers will focus on efforts by Congress and other regulators to prescribe ethical norms for corporate managers and their professional advisors. Scheduled speakers for the semester include **Richard Painter**, professor of law, University of Illinois; **James D. Cox**, Brainerd Currie Professor of Law, Duke University; **John C. Coffee Jr.**, Adolf A. Berle Professor of Law, Columbia University; **Ronald Gilson**, Marc and Eva Stern Professor of Law and Business, Columbia University, and Meyers Professor of Law and Business, Stanford University; **Susan Koniak**, professor of law, Boston University; **David Dana**, professor of law, Northwestern University; and **Harvey J. Goldschmid**, commissioner of the U.S. Securities and Exchange Commission and Dwight Professor of Law, Columbia University. Organized by NDLS professors **Julian Velasco** and **Lisa Casey**, the Distinguished Lecture Series is made possible by the generosity of **Robert T. ’74** and **Ann Therese Darin Palmer ’73 B.A., ’75 M.B.A.**



Richard Painter



James D. Cox



John C. Coffee Jr.



Ronald Gilson



Susan Koniak



David Dana



Harvey J. Goldschmid

CENTER FOR CIVIL AND HUMAN RIGHTS

A Center for Universal Rights

Every year, the Center for Civil and Human Rights (CCHR) receives more than 100 applications from lawyers around the world hoping to participate in the Notre Dame Law School’s LL.M. and J.S.D. programs in international human-rights law.

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

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

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

Projects Supporting International Justice

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

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

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

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

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

ALUMNI notes

LISTSERV ADDRESSES	CLASS OF 1966
Law School—all alumni: <i>ndlaw-alumni@listserv.nd.edu</i>	<i>Secretary: Thomas J. McNally</i>
Center for Civil and Human Rights alumni: <i>ndlaw-cchr@listserv.nd.edu</i>	Marty Idzik has been appointed executive director of the Arts Council of Chautauqua County, New York.
London LL.M. alumni: <i>ndlaw-london-llm@listserv.nd.edu</i>	
To join any NDLS listserv, please send an e-mail to: <i>lawalum@nd.edu</i>	

WEB ADDRESS

Law School alumni Web site:
www.nd.edu/~ndlaw/alumni

In Memoriam

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

Robert E. Gartland ’38 J.D. July 12, 2002, Niles, Illinois	Ralph G. Schulz ’51, ’53 J.D. August 11, 2002, Green Bay, Wisconsin
William J. McNamara ’38, ’40 J.D. August 10, 2002, Painesville, Ohio	Thomas J. Hanrahan ’52, ’54 J.D. December 26, 2002, Polson, Montana
William A. Hosinski ’41, ’43 J.D. December 22, 2002, South Bend, Indiana	Eugene F. Smith ’53 J.D. September 14, 2002, Whitewater, Wisconsin
James L. O’Brien ’50 J.D. August 27, 2002, Princeton, New Jersey	John V. Reilly Jr. ’56, ’60 J.D. December 31, 2002, Seaside Park, New Jersey
Jack M. Michaelree ’50, ’51 J.D. September 13, 2002, Effingham, Illinois	John A. Burgess ’65, ’68 J.D. December 12, 2002, Granger, Indiana
Francis J. Ley ’51, ’52 J.D. July 29, 2002, Melbourne, Florida	Fredrick M. Miller ’81 J.D. July 30, 2002, Grosse Pointe, Michigan

Leon Geyer, professor of environmental and agricultural law at Virginia Tech, has been named department head of the Department of Agriculture and Applied Economics. In 1981, Professor Geyer joined the faculty, in which he teaches and conducts research in law and economics. He also directs the state’s largest tax-practitioners workshop.

CLASS OF 1974

Secretary: Christopher Kule

John Cariotto writes that he has spent the better part of 15 years working on an automation system for the Nebraska court system that he is sure “had its genesis in Professor Link’s technology and law class.” Currently serving as associate state court administrator, Cariotto has recently been honored for his extensive work on a statewide trial court computer system now being used in 185 of Nebraska’s 186 trial courts.

CLASS OF 1979

Secretary: M. Ellen Carpenter

Greg Murphy has accepted a position on the American Bar Association’s Law School Accreditation Committee. Greg recently resigned from the Montana Board of Law Examiners, where he served for 17 years, during eight of which he was the chair. He also recently completed his term as immediate past chair of the National Conference of Bar Examiners. The Montana State Bar Association recently awarded Greg with its 2002 Distinguished Service Award for his many contributions to the state of Montana.

CLASS OF 1982

Secretary: Frank Julian

Diana Lewis, a partner in the Palm Beach, Florida, office of Carlton Fields and a member of the University’s Board of Trustees, was successful in a recent run for a judicial seat in Palm Beach County. Her six-year commission commenced in January of 2003. She has been assigned to the Circuit Civil division of the court and reports she will be sharing a judicial office suite with another NDLS graduate, Judge Tim McCarthy ’71.

Edward V. Sommer, a partner in the Chicago office of Chapman and Cutler, was recently featured in a *Chicago Daily Law Bulletin* article highlighting his *pro bono* work for the Neighborhood Housing Servics (NHS), which assists low-income families in buying and refurbishing homes in the Chicago area. Sommer and two associates at the firm donated nearly 500 hours of legal work drafting a complex financial plan that will allow NHS to distribute funds to nearly 2,500 low-income working families seeking home loans.

CLASS OF 1983

Listserv: ndlaw-1983@listerv.nd.edu
Secretary: Ann Burford Merchlewitz

John Sullivan has been promoted to senior vice president, general counsel, and corporate secretary for the Imation Corporation in Oakdale, Minnesota.

CLASS OF 1984

Secretary: Cathy Chromulak

Matthew Miklave, a labor and employment partner with the New York-based law firm Epstein Becker & Green, P.C., was elected in November 2001 to a two-year term on the Norwalk (Connecticut) Common Council. On November 26, 2002, after one year in office, the 15-member council honored the freshman legislator by electing him president of that body.

CLASS OF 1986

Listserv: NDLaw-1986@listserv.nd.edu
Web site: http://alumni.nd.edu/~law86
Secretaries: Glenn Schmitt and Don Passenger

Eileen Doran has joined the St. Joseph County, Indiana, prosecutor’s office as an assistant prosecuting attorney in the Family Violence and Special Victims Unit.

Lori Guzzo, a partner with Betts Patterson & Mines, P.S., in Seattle, Washington, has been named chair of the firm’s Business Practice Group.

Robert H. Kurnick Jr. has been named president of Penske Corporation, Detroit, Michigan, and will be elected to the company’s board of directors. Kurnick will continue as general counsel of UnitedAuto Group, Inc., which is a subsidiary of the Penske Corporation.

CLASS OF 1988

Secretary: Lisa Visingardi

Peter Grenier, an attorney with the Washington, D.C., firm Bode & Grenier, was recently featured in the July 29, 2002, issue of the *National Law Journal*. The *NLJ* article, titled “40 Under 40,” listed the top 40 litigators in the country under the age of 40. Not only was Peter among the top 40, but he also was given special honors as being one of the top 10 litigators within the group.

Tony Stites, a partner with Barrett & McNagny, Fort Wayne, Indiana, was one of five attorneys featured in a *Business People Magazine* article titled “An Ounce of Prevention . . . Five Local Attorneys Discuss How Employment and Labor Law Affect Your Business.” In the article, Stites noted that communication is key to successful employer-employee relations and noted that treating employees fairly and consistently is vital in today’s business environment.

CLASS OF 1989

Web site: http://alumni.nd.edu/~law1989
Secretary: Jennifer O’Leary Smith

Timothy Schorn has been granted tenure and named director of international studies at the University of South Dakota.

CLASS OF 1993

Listserv: NDLAW-1993@listserv.nd.edu
Secretary: Charlie Hegarty

Erin Bartholomy has been named a partner with the Chicago office of Chapman & Cutler, where she practices as a municipal bond attorney.

CLASS OF 1994

Secretary: P. Douglas Duncan

Kurt McCamman received the Donald P. Stone Service Award from the Kalamazoo County Bar Association. Kurt practices products liability, injury litigation, and dispute resolution for Miller, Canfield, Paddock and Stone in Kalamazoo, Michigan.

Jamie Moses has been named a partner with the Orlando, Florida, firm Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap.

David Reed, former director of legal affairs for Seattle-based ods, Inc., has joined the Atlanta-based AFC Enterprises, Inc., as corporate counsel. He will be responsible for matters involving distribution, manufacturing, and franchising for one of AFC’s subsidiaries, the Seattle Coffee Company.

CLASS OF 1995

Listserv: NDLAW-1995@listserv.nd.edu
Secretary: Julia Meister

Martin T. Schrier has been elected a shareholder at the Miami, Florida, firm of Akerman Senterfitt.

CLASS OF 1997

Secretary: Erica Anaya

John Blakeley ’98 LL.M. has left his practice in South Bend to accept a position in the General Counsel’s Office of the U.S. Commission on Civil Rights in Washington, D.C.

Jerri Ryan Kent and husband **Matthew ’97** are now living in Okinawa, Japan, where Matthew is stationed with the Marines.

Kate Singer, a former deputy prosecutor for St. Joseph County, Indiana, has joined the YWCA of St. Joseph County to administer the newly created court watch program. Kate will monitor domestic violence cases and coordinate court advocacy for YWCA clients.

CLASS OF 1998

Web site: http://alumni.nd.edu/~law98
Secretary: Mike Rafford

Nayda Mannle has been hired as a special agent by the Naval Criminal Investigative Service (NCIS) and will serve in the Okinawa field office. NCIS investigates felony offenses in the Navy and Marines and also is involved in force protection in conjunction with the war on terror. Nayda’s husband, **Mike ’98**, is serving in the Marines.

CLASS OF 1999

Listserv: NDLAW-1999@listserv.nd.edu
Web site: www.geocities.com/Heartland/Trail/3096
Secretary: Steve Boettinger

Robert Fellrath, an officer with the Army JAG, has joined the U.S. Army Trial Defense Services as senior defense counsel at Fort Huachuca in Arizona.

Cynthia Morgan has taken a position as deputy city attorney for the City of Oceanside, California, where her duties include performing civil trial work, enforcing codes, and advising the police department.

John T.A. Rosenthal recently published “*Batson* Revisited in America’s ‘New’ Era of Multiracial Persons” in Vol. 33, Issue 1, of the *Seton Hall Law Review*. The article examines the continuing problem of the use of peremptory challenges to exclude people from juries based on race, with particular focus on the problems multiracial individuals pose to the *Batson* framework used to root out pretextual attorney reasons for venire person dismissals.

Tawni Wilhelm has joined Traskbritt, P.C., a Salt Lake City, Utah-based patent boutique firm that services clients throughout the world, where she will continue to practice in biotechnology, chemical, mechanical, software, and telecommunications areas.

CLASS OF 2000

Secretary: Mark Busby

Stone Grissom, an associate with Gordon Thomas Honeywell, Tacoma, Washington, was recently honored by *Washington Law & Politics* as a “Rising Star.” He also was nominated and confirmed as the Washington State Bar Association Trial Advocacy Chairman for 2002–2003. Stone credits his early successes to the training he gained at NDLS, “specifically from Professors Seckinger, Jourdan, Kommers, and the entire Legal Aid Clinic.”

Dion Spencer and his wife, **Candace ’00**, have relocated to Alexandria, Virginia, where Dion has been named federal legislative director for Household International, a financial services corporation. Dion acts as a lobbyist for the organization. Candace recently was promoted to senior case law editor for Lexis-Nexis.

CLASS OF 2001

Listserv: NDLAW-2001@listserv.nd.edu
Secretary: Jonell Lucca

Julie (Foster) Bueche has accepted a position at Olivet College, her undergraduate college, as vice president for community life.

CLASS OF 2002

Secretary: Matt Bozzelli

Matthew A. Anderson has joined McAndrews, Held & Malloy, Ltd., Chicago, as an associate. McAndrews is a national intellectual-property and complex-technology law firm.

New Additions

Please welcome the newest members of the NDLS family.

Steve Ryan ’87 J.D. and wife Renae announce the birth of their fourth child, Arron, in July of 2002.

Matthew Fricker ’91 J.D. and wife Tracey welcomed their first child, Ellen Moran, born May 28, 2002.

Brian Hynes ’91 J.D. and wife Linda welcomed Thomas Joseph on June 29, 2002.

Tom Keller ’92 J.D. and Bridget Quinn ’93 J.D. announce the birth of Clare Eileen, September 15, 2002.

John Machado ’92 J.D. and wife Nancy announce the birth of their daughter, Catherine Clare, June 7, 2002.

Sunil M. Bhuta has joined Bollinger, Ruberry & Garvey, Chicago, as an associate.

Patrick K. Dahl also has joined Bollinger, Ruberry & Garvey, Chicago, as an associate.

Paul Hanley has joined the Philadelphia office of Cozen O’Connor as an associate.

Laura Patterson Hoffman reports that she has passed the Texas bar exam and is an associate at King & Spalding, Houston.

Timothy McCurdy has joined Blackwell Sanders Peper Martin, L.L.P., in their St. Louis, Missouri, office as an associate in their litigation department.

Bob Boldt ’95 J.D. and wife Laura welcomed their fourth child, Peter Joseph, on July 1, 2002.

Deborah Dezelan ’98 J.D. and husband Chris announce the birth of their son, Jack Andrew, on September 11, 2002.

D.J. Young III ’98 J.D. and wife **Melissa ’98 M.B.A.** proudly announce the birth of their daughter, Rebecca Elise, August 20, 2002, in Columbus, Ohio.

Heather (Guillette) Walser ’99 J.D. and husband Jack welcomed their first child, Samuel Dillon, June 3, 2002, in Alexandria, Virginia.

Allison (McCarthy) Miller ’95, ’99 J.D. and husband Patrick welcomed a new baby girl, Sarah Quinn Miller, on June 14, 2002.

Ethan McKinney has accepted a position at the South Bend law firm of Tuesley and Hall.

Maureen Reid has recently joined the Newark, New Jersey, offices of McCarter & English as an associate.

Beth L. Riga has joined the Indianapolis, Indiana, office of Bose McKinney & Evans L.L.P., where she will be working in the firm’s litigation group.

Alan Szuma has joined Clark Hill P.L.C. in their Birmingham, Michigan, office, where he will practice primarily in the areas of corporate law and of trusts and estate planning.



Law School Graduate Invested into the Sovereign Military Order of Malta



Heriberto Antonio Lopez Alberola '93 was recently honored at ceremonies at St. Patrick's Cathedral in New York City, where he was granted investiture into the Knighthood in the Sovereign Military Order of Malta. Alberola was honored at the ceremony officiated by Most Rev. Edward Cardinal Egan. Following the ceremonies, a Mass of celebration and reception was held to honor Alberola.

The Order of Malta—its full title is the Sovereign Military and Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta—is the oldest existing chivalric order in Christendom, having been founded in the 11th century in Jerusalem before the First Crusade. Its members were first known as Hospitallers of St. John of Jerusalem, from the hospital that they founded there, and then Knights Hospitallers. In this way the Knights are often regarded as the founders of all modern hospital and ambulance work. The order dedicates itself not only to the sick but to the socially isolated, the victims of persecution, and the refugees of any race and religious faith as well.

In the program materials, in which Alberola honored all those who have been so influential in his personal and professional life, he made special mention of his beloved Notre Dame Law School. While at NDLS, Alberola founded and presided over the Cuban American Union of Student Advocates (CAUSA), a student-run think tank dedicated to the rule of law and religious freedom in Cuba. He gave particular recognition to Notre Dame's President Emeritus, Rev. Theodore Hesburgh, C.S.C., as well as to Dean Emeritus David T. Link and classmates Carlos Verdecia, Bernardo Garcia, and J.C. Bermudez.

Successor Named to McCartan as New Managing Partner at Jones Day

Patrick F. McCartan, '56, '59 J.D., has stepped down as managing partner of Jones Day after nearly 10 years as the firm's leader. McCartan, who serves as chairman of the University's Board of Trustees, became the managing partner of Jones Day in January of 1993 after serving 16 years as head of the Jones Day Litigation Group. Featured in *The Wall Street Journal*, *Institutional Investor*, the *American Lawyer*, *The National Law Journal*, and every edition of *The Best Lawyers in America*, McCartan is a fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers. Cited in every survey conducted by *The National Law Journal* as one of America's most respected lawyers, McCartan is also a subject of *America's Top Trial Lawyers: Who They Are & Why They Win* (Prentice Hall, 1994), a study by legal scholar and author Donald E. Vinson of "consummate courtroom advocates whose reputations are associated with major cases that have had a significant impact on society as a whole."



McCartan named fellow NDLS graduate **Stephen J. Brogan '77** as his successor. Brogan, a member of the Law School Advisory Board, began his career with Jones Day in 1977 and most recently served as the partner-in-charge of Jones Day's Washington, D.C., office. Brogan earned his B.A. from Boston College. After serving as deputy assistant attorney general of the United States from 1981 to 1983, he returned to Jones Day, where his practice is focused on complex litigation, corporate investigations, and international counseling and litigation.

There are many apparent similarities between these two fine attorneys. Both are Irish American Catholic men, the sons of police officers, and Notre Dame Law School graduates. While chatting with the media at the press conference announcing the firm's new leadership, McCartan was heard joking, "You know what the difference is between a Notre Dame grad and a Boston College grad? They both got into BC!" McCartan went on to praise Brogan as one of the firm's finest lawyers: "I am delighted that Steve Brogan, who is an exceptionally talented lawyer, has accepted this appointment. I know that he will continue the Jones Day tradition of operating as one integrated partnership throughout the world and will lead the firm to even greater achievement and recognition in the years ahead." Jones Day currently employs more than 1,700 attorneys with offices in 26 locations throughout the world. McCartan will remain active with the firm as Jones Day's senior partner, concentrating on appellate litigation and corporate governance.

NEWS FROM THE NOTRE DAME LAW ASSOCIATION

January 2003

Greetings from the Notre Dame Law Association!

Midway through my one-year presidency of NDLA, I am pleased to report continuing progress on various activities. Indeed, it seems that the possibilities for NDLA as it matures and grows exceed the space available for discussion. Suffice it to say that motivated and enthusiastic alumni working in concert with the Law School can have a meaningful effect on extending the presence, mission, and impact of Notre Dame.

As noted in some detail on other pages of this magazine, NDLA made its first large-scale presentation of awards during October to those who have distinguished themselves as Notre Dame lawyers. The existence and substance of these awards give all of us an opportunity to recognize and honor our alumni whose service to God, our profession, and humanity at large exemplifies the best traditions of Notre Dame. We know there are uncounted numbers of deserving men and women who qualify for consideration through future nomination. Charlie Weiss, who preceded me as president of NDLA, is the current chairman of the Awards Committee. I urge you to bring to his attention the names of those persons you believe should be honored with an NDLA award. Charlie can be reached at caweiss@bryancave.com.

NDLA always needs help with the sponsorship of alumni-funded summer fellowships. This program grew out of the commitment of Notre Dame law students to serve in public-interest positions consistent with the Law School's mission. The students themselves, through the Public Interest Law Forum organization at the Law School, manage to fund approximately 10 fellowships each summer. In support of this effort, NDLA has for the past several summers secured and funded a roughly equal number of positions around the country with great success. Approximately 40 students have so far served in positions from New York to California, in endeavors ranging from immigration issues to prisoners' rights. Please take a moment to read some of the student reflections in this issue of the magazine. This program is in the hands of Gail Peshel at the Law School. Gail can be reached at peshel.1@nd.edu. Anyone with even a passing interest is invited to contact Gail about how individually, or with other alumni, a position can be created and funded in your area.

Of course, NDLA makes every effort to assist the Law School's admissions office in its efforts to attract and retain the very best students. Alumni are being sought to host more than 60 alumni/prospective student luncheons all over the country this March. This effort puts accepted students who have not yet decided their law school futures in touch with Notre Dame alumni who can answer questions and explain the benefits of this University. Past results have been exceptional. NDLA is also helpful in identifying prospective students. Bob Greene, president-elect of NDLA, has for many years spearheaded efforts to identify and help in selecting students and has coordinated such efforts with alumni from around the country. The admissions office is always eager to catalogue volunteers.

The Law School and NDLA are eager for your help in these and other endeavors. Whether your contribution is one of time, talent, or treasure, you will not regret making it. Experience tells us that those who elect to participate find rewards that far exceed the effort involved.

Finally, I extend NDLA's thanks to **Cathy Pieronek '84, '95L**, who moved to the University's Women in Engineering Program last summer. Cathy spent a number of years at the Law School serving as director of Law School relations, which included shepherding the affairs of NDLA. Through her untiring efforts, NDLA was reorganized with an elected board, the summer service fellowship program became a reality, alumni contacts were greatly encouraged and enhanced, and NDLA found a much more active role in promoting the mission of the Law School. NDLA owes Cathy a debt of gratitude.

Sincerely yours,
Paul R. Mattingly '75L
President, 2002–03
Notre Dame Law Association

NDLA Honors Four Graduates with New Awards

Notre Dame Law Association President Paul Mattingly '75 and NDLA Awards Committee Chair Charles Weiss '68 presented the inaugural NDLA Alumni Awards at its fall meeting to four outstanding law school graduates. These recipients were singled out for their unselfish commitment to serving not only their beloved Notre Dame Law School, but their service to their profession and community as well.



Dean Emeritus David T. Link '58, '61 J.D.

A 1958 Notre Dame graduate, Link earned his law degree in 1961 and served as dean of the Law School from 1975 to 1999. He also served as the first president and vice chancellor of the University of Notre Dame Australia and, following his retirement in 1999, served as associate vice president for academic affairs at the University of St. Thomas, where he was the founding dean of the university's new law school. Link has been a leader and active volunteer in numerous community, charitable, and professional organizations.

Edward J. Murphy Award
for Notre Dame lawyers who have distinguished themselves in the profession of law and exhibited the highest standards of professional competence and compassion, and who have been guided by the high moral and religious values Notre Dame represents. The award is for those who have devoted service to their church and have a reputation for being ethical, professional, and faithful to moral and religious values.

ALUMNI AWARD RECIPIENTS

Carl F. Eiberger '52, '54 J.D.

Eiberger earned his bachelor's degree from Notre Dame in 1952 and graduated in 1954 from the Law School, where he served as editor-in-chief of the *Notre Dame Law Review* and was named one of 25 outstanding law students in the United States. He has served on the national board of the NDLA since 1965 and is currently a member of the board's executive committee. Eiberger is in private law practice in Denver, Colorado.

Rev. Michael D. McCafferty, C.S.C., Award
for individuals who have rendered distinguished service to the University of Notre Dame. Efforts undertaken by recipients of this award may include having expended substantial time and effort as part of alumni association activities, having raised substantial funds for the University, or having been an outstanding faculty member or administrator at the Law School, regardless of whether a graduate of the Law School.



Pictured from left to right: Carl F. Eiberger, James B. Flickinger, Dean Emeritus David T. Link, and Donald A. Wich

James B. Flickinger '71 J.D.

Flickinger graduated in 1971 from the Law School and served as editor-in-chief of the *Notre Dame Law Review*. He is a resident of Grand Rapids, Michigan, where he practices law and is a member of the Third Order of Franciscans, a charitable organization founded in the 13th century by St. Francis of Assisi. Along with his law partner, Flickinger has established a weekly program that serves lunch to the poor and homeless in downtown Grand Rapids.

Saint Yves Award
for Notre Dame lawyers who have rendered outstanding service or contribution to the area of public-interest law. Named after St. Yves, one of the patron saints of lawyers, the award is intended to create awareness of and support for public-interest law. The recipients of this award are lawyers who have devoted substantial time and effort to the practice of or support of social justice in the law. Examples of such efforts include those by the private practitioner or corporate counsel who encourages a client to act responsibly or who volunteers professional services outside the scope of paid practice; the government employee who ensures that a public agency acts with the requisite concern for the public good; the legislator or legislative staff member who drafts and works to enact just law; the judicial clerk, prosecutor, or public defender who works to ensure justice for all parties involved in criminal actions or civil disputes; and those who provide financial support for such efforts.

Donald A. Wich '69, '72 J.D.

A 1969 Notre Dame graduate, Wich received his law degree in 1972 and currently resides in Fort Lauderdale, Florida, where he has practiced law since 1976, representing clients in a wide range of civil and commercial matters. Wich is a co-founder of Broward Lawyers Care, an organization of 2,000 lawyers who provide legal service to poor and underprivileged people who lack access to traditional legal aid services.

Rev. William E. Lewers, C.S.C., Award
for Notre Dame lawyers who have made outstanding contributions in the area of civil and human rights, social justice, or pro bono legal services.



Alumni-Funded Fellowships

For the past several years, Notre Dame Law School alumni have been opening their hearts and their wallets to eager law students dedicated to working in the public interest. Last summer was no exception. Eight law students were able to participate in public-interest internships because of the generous donations of Notre Dame Law Association members and Notre Dame alumni clubs throughout the country. Whether they dedicate their professional life to the public-interest field or continue to provide *pro bono* assistance through their employer after graduation, the impact these experiences have on the law students is nothing less than life changing. It is an experience made possible through your generous gifts of time, talent, and financial resources. With your support, we will continue in our mission to educate “**a different kind of lawyer.**”

Rachel L. Mordecai-Izikson

Legal Aid Society of Colorado
Denver, Colorado

I chose ND because the literature said the Law School is “educating a different kind of lawyer.” I quickly came to find out that this is not just a slogan the school places in pamphlets. This dedication became evident to me in my first year, when my job search for that summer went into full swing. I wanted to go back home to Denver, but I needed to find a place where I could give back to the community as well.

That opportunity came in the form of an internship at Colorado Legal Services (CLS) made possible through the Notre Dame Club of Denver and the Alumni-Funded Fellowship program. CLS is a statewide organization that provides seniors and low-income people in Colorado with meaningful access to high-quality legal services.

While working at CLS, the attorneys taught me many things. One of the most valuable was to remember that attorneys, and the legal profession as a whole, are here to help people, all of whom are equal and deserving. I was able to see those words put into action. Many of the CLS clients were in desperate need of medical care and medication, but they were not receiving the necessary benefits under the state’s Medicaid system. I was able to intervene between the state Medicaid system and our clients with a favorable result.

Notre Dame has shown me that its principles and actions are one and the same. The Alumni-Funded Fellowship allowed me to gain valuable legal experience and helped to show Denver that Notre Dame stands behind its mission of service to the community.

Ryan Blaney

Legal Aid Society of New York
New York, New York

Thanks to the sponsorship and generosity of **Jim Carr ’87 J.D.**, a partner at Kelley Drye & Warren L.L.P., and the New York City Notre Dame Alumni Association, I had the opportunity to represent the Notre Dame Law School as an alumni-funded public-interest fellow with the Legal Aid Society of New York. This internship, located at the Juvenile Rights Division in Manhattan, was extremely rewarding and eye-opening. I worked on cases involving adoptions, abuse and neglect, and delinquency. I interviewed legal aid clients and attended court hearings, trials, and the Harlem Community Justice Center. Attorneys supervised me as I wrote office memorandums and bills of demand, researched relevant cases and statutes, and contacted caseworkers, attorneys, schools, and parents.

The alumni grant allowed me to participate in this rewarding experience and pay for my transportation and housing while I was staying in Jersey City. In addition to Jim Carr, I would also like to thank **Leslie Farris ’01 J.D.**, an attorney at the Legal Aid Society, who organized my internship experience. I am also grateful for the generosity of the New York City Notre Dame Alumni Association, particularly **Matthew Donohue ’95 J.D.**, who invited me to numerous Yankee games, and **Patricia Moran ’93 B.A., Laura LaVelle ’92 B.A.,** and **Larissa Herczeg ’96 B.A.**, who welcomed me to New York City and introduced me to many Notre Dame alumni living there.

Catherine Lockard

Hamilton County Public Defender
Cincinnati, Ohio

This summer, I worked as a law clerk for the Hamilton County Public Defender’s Office in Cincinnati, Ohio. As an intern, my Notre Dame alumni sponsor, **Paul Mattingly ’75**, made sure that I was given substantive legal work, and not clerical tasks. Whether I was conducting initial interviews, researching legal issues, writing motions, or preparing questions for trial, the fast pace of municipal court was never boring. The attorneys always kept me involved in the cases on which I was working, making sure that I was present in court when a motion I had written was being argued and inviting me into the judge’s chambers to discuss the motion.

While the public prosecutors all have their own offices and individual computers, the public defenders have cubicles and share outdated computers. To say the least, the technical resources at the public defender’s office were lacking. Oftentimes, demands and motions were not filed because it was too time consuming for an attorney with hundreds of cases to create a motion for each client. Because I have a strong computer/database background, I helped develop a motion template database that inputs client and attorney information into the motions automatically. As a result of my efforts, the attorneys can now easily access hundreds of motions/entries, greatly simplifying their job and helping them to more effectively represent their clients. Recently, one of the public defenders contacted me to tell that motions are still being filed for many cases—a fact that makes me proud.

Most of the clients with whom I interacted had so little both financially and socially. Our clients ranged greatly, from those who were very sympathetic to those who were belligerent. Some clients came to court drunk and dirty. Other clients came to court clean and cooperative. Regardless of outward looks or overall demeanor, the attorneys at the public defender’s office understood that each client deserved good legal representation. I was impressed with one attorney who, having been a public defender for more than 20 years, still treated each client with tremendous respect and professionalism. In law school, the focus is on learning to think like a lawyer and not necessarily on how to interact with a client. The attorneys at the public defender’s office taught me how to interact with the clients: when to be firm, when to be compassionate, and when to just listen. My summer internship will have a lasting impact on my life, both as a person and as a lawyer.

Rebecca McCurdy

Legal Aid and Defender Association
Detroit, Michigan

During the summer of 2002, because of the generosity of the Notre Dame alumni in Detroit, I was able to take advantage of the opportunity to work at the Legal Aid and Defender Association (LADA). LADA provides legal services for low- and moderate-income individuals in Wayne County, Michigan. As a law clerk I worked with the civil division of LADA. During the course of the summer I assisted with all aspects of cases dealing with Social Security, Housing, and wills. I was able to help prepare for a trial and serve as co-counsel at various hearings. Throughout the summer I was encouraged to take an active role in anything that interested me.

Unlike many work experiences where the clerk is relegated to research assistant, LADA allows law clerks to play an integral role in the management of cases. I participated in cases from the time clients were initially brought in for interviews, through the filing of various court documents, to preparation for trial.

In addition to my work experience, the Notre Dame Club of Detroit included me in the club’s various functions throughout the summer. I attended a meeting of the Alumni Club, a golf outing where Tyrone Willingham spoke, and was invited to the end-of-the-summer sendoff for Notre Dame students. These activities gave me the opportunity to meet and thank the alumni whose generosity funded my internship and to network with members of the Detroit legal community.

The Alumni-Funded Fellowship is an invaluable opportunity for individuals who wish to pursue public-interest work. As funding is so limited for many public-interest jobs, Notre Dame is fortunate to have such supportive alumni.

NEWS FROM THE CAREER SERVICES OFFICE

Legal Employers
are Catching the Wave

By **Gail Peshel**
Director of Career Services

If videoconferencing is the wave of the future, the Notre Dame Law School is riding the crest of that wave. Last fall, the Law School installed videoconferencing equipment in the Career Services office because the Law School understands that economy of time and expense are equally valuable concerns to every employer. Now, employers who cannot afford the time to return to campus but wish to interview one or more students may do so—often without leaving their offices. Judges, government agencies, and smaller law firms already have made use of videoconferencing equipment—many from their own offices and others from a convenient site in their city.

Last year, four students were hired through video interviews. Ryley, Carlock & Applewhite in Phoenix, Arizona, was the first firm to interview, and subsequently hire, by using videoconferencing equipment. **Christopher Coury ’91, ’94L**, partner with the firm, extols the benefits of video interviewing:

“By being at the cutting edge of video interviewing, Notre Dame has reaffirmed its commitment to being a national law school and, in so doing, has allowed us to invite, and continue looking for, new talented, ethical, and personable professionals to join our firm.”

“Video interviewing has allowed our firm to interview qualified Notre Dame students who we otherwise would not have met. Even though our firm has a strong contingent of Notre Dame alums (10 percent to 15 percent of attorneys—a large percentage for Phoenix), we seldom participated in on-campus interviews at Notre Dame. It was difficult to justify the time and expense of sending one or two attorneys from Phoenix to South Bend to interview for only a limited number of positions—and even more difficult when the interview schedule had a mere five or six interested students. Video interviewing has changed this. Now, two attorneys from our firm can interview all qualified Notre Dame students who express an interest in joining our practice—regardless of whether there are one or 10 students in a given year. By being at the cutting edge of video interviewing, Notre Dame has reaffirmed its commitment to being a national law school and, in so doing, has allowed us to invite, and continue looking for, new talented, ethical, and personable professionals to join our firm.”

Employers have to determine only an interview date and time with Career Services. Students then will be scheduled within the designated times in either 20-minute or half-hour increments. During the interview, students see the interviewer by television monitor. A camera attached to the monitor enables the interviewer to simultaneously view the student on his or her own monitor. With only a one- to three-second delay, both interviewer and interviewee adjust to the timing and cadence of the interview in the first few minutes of the interview.

Given the high caliber of Notre Dame’s law students, employers are eager to hire the University’s students to clerk or associate with their offices. Now, even those employers who hire sporadically or do not budget for recruiting will be better served. Conducting interviews via videoconferencing provides an answer to the age-old dilemma: Attorneys or clerks are needed, but there is no time to find any, and no recruiting budget.

Through videoconferencing, students are not asked to miss as many classes to travel for interviews, but employers still have the opportunity to talk with them face-to-face. Even when student interest in an employer’s geographic location is not sufficient to warrant a trip to campus, interviewing applicants via videoconferencing is often the answer. It also makes our second-year students attending classes in London available for interviews, as the equipment is in place in London as well. Employers can interview these students, whether they are conducting interviews on campus or from their own office or city.

Our goal is to assist employers and students in making the most beneficial employment choices, and we believe that interviewing via videoconferencing aids in that goal, complementing our on-campus program. It opens the door for those firms not able to visit campus, it increases opportunities for students, and it lessens the expense for everyone. For more information on videoconferencing, please e-mail me at peshel.1@nd.edu. I look forward to hearing from you.

NEWS FROM THE ADMISSIONS OFFICE

Alumni Support Strong for Law
School Enrollment Efforts, Fall 2002

Law School alumni graciously gave of their time and talent this past fall in support of the school’s enrollment efforts. Alumni represented the Law School at or participated in 61 Law Days events, 11 law forums, three online chat sessions, and 12 alumni-admissions receptions. In total, 133 alumni from 33 states supported the recruitment efforts of the admissions office during the fall. The personal stories of these alumni helped to make a positive impact on nearly 2,000 prospective applicants.

For the second year, alumni opened their firms or their homes and provided refreshments and a welcoming environment for prospective applicants at alumni-admissions receptions in various cities across the United States. These receptions provided a wonderful opportunity for prospective applicants to meet and interact with a cross-section of alumni and to learn more about the qualities of a Notre Dame legal education. In the words of one prospective applicant who attended, “The reception convinced [me] that Notre Dame is the best law school for me. I loved what everyone said about the classes, the culture, the philosophy, and the opportunities at Notre Dame.”

On behalf of the entire admissions office staff, I wish to thank all of our alumni who have so generously supported the enrollment efforts of the Law School.

Best regards for 2003,
Charles W. Roboski
Director of Admissions and Financial Aid

Admissions Activities

Thanks are in order to the following alumni who participated in admissions activities between August 15 and December 15, 2002.	JonMarc Buffa ’01 J.D. University of California, Los Angeles	Peter Farb ’83 J.D. University of Wisconsin, Green Bay	Christine Harding ’01 J.D. New York forum
	Paul Buhl ’85 J.D. Wesleyan University	John Fisher ’88 B.A., ’91 J.D. University of Albany	Elizabeth Huber ’96 J.D. University of Albany
	Erin Burke ’95 J.D. Davidson College	Jonathon Fligg ’93 B.A., ’97 J.D. Atlanta forum	Maj. Eric Jensen ’94 J.D. University of Virginia
	Patrick Cawley ’97 B.A., ’00 J.D. Penn State University	Martin Foos ’92 B.A., ’95 J.D. University of Dayton	Gus Kallergis ’99 J.D. Cleveland Metro Law Fair
	Elizabeth Cheung ’01 J.D. George Washington University	Geoffrey Forgione ’01 J.D. George Washington University	Douglas Kenyon ’79 J.D. University of North Carolina, Chapel Hill
	Kevin Connolly ’01 J.D. Barnard College	Gregory Garber ’77 M.S., ’77 J.D. Oklahoma State University and University of Oklahoma	Adriana Koeck-de-Schmidt ’93 J.D. St. Thomas University
	Charles Cooper ’96 J.D. Dayton Metro Law Fair	Stephanie Giggetts ’87 B.A., ’92 J.D. Chicago State University Minority Law Forum	Qiana Lillard ’88 B.A., ’01 J.D. University of Detroit Mercy
	David Dyer ’92 J.D. Tulane and Loyola universities	John Gurganus ’86 J.D. University of Scranton	Jean Lam MacInnes ’02 J.D. New York forum and Pace University
	Dana Eismeyer ’84 J.D. University of Colorado	Elizabeth Haley ’02 J.D. Pace University	Amy Maher ’88 J.D. Southern Illinois University
	Akram Faizer ’00 J.D. Cornell and Syracuse universities		Eileen Martin ’91 J.D. Niagara University and Canisius College

Paul Mattingly '75 J.D.
University of Dayton

Colleen McDana '02 J.D.
Dallas forum

Myra McKenzie '02 J.D.
Spelman College and Atlanta forum

Julia Meister '95 J.D.
University of Dayton

Michael Mendola '92 J.D.
University of Rochester

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

Cynthia Morgan '99 J.D.
University of California, San Diego

Sarah Ney '92 J.D.
Xavier University, Louisiana

Frederic Rocafort Pabon '02 J.D.
Florida A&M University

Lisa Patterson '96 J.D.
University at Buffalo

Melissa Plumlee '01 J.D.
University of Texas
and Texas A&M University

Mark Quayle '95 J.D.
University of St. Thomas

David Reed '91 J.D.
Central Washington University

David Rivera '99 J.D.
University of California, San Diego

Scott Rynearson '84 J.D.
Dallas forum

David Rzepecki '92 J.D.
Gannon University

Mary Sommer Sandak '75 J.D.
Yale College

Lindsay Sestile '02 J.D.
Ohio State University

Frank Shaw '76 J.D.
Brigham Young University

Matthew Shecter '96 J.D.
Stanford University

Thomas Shumate '98 J.D.
Vanderbilt University

Kathryn Smith '93 J.D.
Arizona State University

Stacy Soper-Stine '99 J.D.
Kalamazoo presentation

Karen Sugden '01 J.D.
Chicago forum

John R. Sweeney '73 J.D.
University of Wisconsin

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

William Walsh '95 J.D.
Davidson College

Heather Brown Wolesky '01 J.D.
MINK Law Days, Kansas City

Andrew Wright '96 J.D.
Dallas forum

Mario Zeponne '88 M.B.A., '88 J.D.
University of California, Berkeley,
and Stanford University

ONLINE CHAT

JonMarc Buffa '01 J.D.
Kristina Campbell '02 J.D.
Hon. David Dreyer '80 J.D.
Marcus Ellison '01 J.D.
Amy Gaughran '00 J.D.
Franklin Julian '99 J.D.
Edward Merrill '01 J.D.
Cynthia Morgan '99 J.D.
Stephanie Niehaus '02 J.D.
Timothy Schank '01 J.D.
Carolyn Trenda '02 J.D.

ALUMNI RECEPTION HOSTS

Boston
Ellen Carpenter '79 J.D.

Philadelphia
Richard Jordan '70 J.D.

Detroit
Robert Krause '66 J.D.

Columbus
Alvin McKenna '66 J.D.

New York
Harold Moore '80 J.D.

Dallas
Daniel Novakov '72 B.A., '76 J.D.

Washington
Nancy Morrison O'Connor '76 J.D.

Los Angeles
David Scheper '85 J.D.

Atlanta
Daniel Shea '70 J.D.

St. Louis
Charles Weiss '68 J.D.

San Diego
Michael Whitton '89 B.B.A., '92 J.D.

Chicago
Robert Wilczek '68 J.D.

ALUMNI PARTICIPATING
IN ALUMNI RECEPTIONS

Atlanta
Colleen Grogan '00 J.D.

Boston
Todd Dziobak '01 J.D.
Matthew Kowalsky '95 B.A., '02 J.D.
Kathleen Lundy '01 J.D.

Chicago
Sarah Bassler '01 J.D.
Ralph DeJong '82 J.D.
William Farrell '93 J.D.
Hon. Sheila O'Brien '77 B.A., '80 J.D.
Zhidong Wang '94 J.D.

Columbus
Andrew Bojko '98 J.D.
Leslie Batte '92 J.D.
David Butler '97 J.D.
Andrew Hackett '92 B.B.A., '95 J.D.
Hon. William Klatt '81 J.D.
Myra McKenzie '02 J.D.
Lindsay Sestile '02 J.D.

Dallas
Andrew Cuomo '81 J.D.

Detroit
Qiana Lillard '88 B.A., '01 J.D.

Los Angeles
Karen Edmonson Bowen '00 J.D.
JonMarc Buffa '01 J.D.
John Kreis '70 B.A., '73 J.D.
Marytza Mendizabal '01 J.D.
Stephanie Renner '01 J.D.
Hon. Barbara Scheper '85 J.D.

New York
Tessa Davis '01 J.D.
Christine Gou-Hamm '01 J.D.
Christine Harding '01 J.D.
Jean Lam MacInnes '02 J.D.

Philadelphia
Andrew J. DeFalco '99 J.D.
David E. Edwards '87 J.D.
David Prior '69 J.D.
Carolyn P. Short '77 B.A., '80 J.D.
Christopher M. Turk '97 J.D.

San Diego
Ryan Blackstone-Gardner '00 J.D.
Jasmin Flores '98 J.D.
Hon. John Hargrove '64 B.A., '67 J.D.

St. Louis
Travis Almandinger '99 J.D.
James Ferrick '94 J.D.
James Kearns '74 J.D.
Randy Mariani '81 J.D.
Patricia Redington '81 J.D.

Washington
Elizabeth Cheung '01 J.D.
Thomas Clare '92 B.A., '95 J.D.
Thomas Conaghan '92 B.A., '95 J.D.
Sean O'Brien '95 B.A., '01 J.D., '02 LL.M.
Matthew Reiffer '01 J.D.

OTHER ASSISTANCE PROVIDED

The admissions office would like to thank two alumni who represented the Law School at a number of recruitment functions: **Myra McKenzie '02**, who traveled from Ohio to Atlanta, where she represented the Law School at the Atlanta Forum and met with faculty and students at area historically black colleges and universities; and **James Ehrhard '00**, who provided invaluable assistance by serving as a seasonal employee of the admissions office before relocating to Massachusetts and beginning his association as counsel with the law firm Kressler & Kressler, P.C., and as principal with the law firm of Arndt & Ehrhard, P.A.

During Christmas, some of our law students headed for the Mexican border. But they weren't vacationing. Under the auspices of the Notre Dame Legal Aid Clinic, they went to gain a better understanding of the complex legal, social, economic, political, and spiritual issues that are central to the lives of immigrants.

The trip gave our students a unique opportunity to realize the significance of their work on behalf of clients in the immigration clinic and a chance to comprehend more keenly the change they can effect through the mastery of legal structures relating to immigration.

It is only through the generosity of Law School alumni and friends that we are able to provide the financial assistance that enables us to attract and nurture students such as these who are not only academically superb but also imbued with the passion for justice that is so integral to our identity.



Who benefits?
Everyone.
Imagine that.



For information on how you can contribute to Law School fellowships or the Notre Dame Legal Aid Clinic, please write:

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1100 Grace Hall
University of Notre Dame
Notre Dame, IN 46556
E-mail: Glenn.J.Rosswurm.3@nd.edu

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