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Fall 2003

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Notre Dame Law School

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PAUL

LAWYER

Fall 2003





## Class Reunions for 2004

If your class is eligible for a reunion in 2004—that is, if your class year ends in “4” or “9”—we look forward to seeing you at the University’s Reunion 2004, the weekend of June 3–6, 2004. Members of the 50th anniversary class of 1954 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.

Don’t miss out on the chance to get together with friends and former classmates to relive special moments you once shared on the Notre Dame campus.

## Fall 2003 NDLS 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](mailto:peshel.1@nd.edu)



# NOTRE DAME LAWYER

Fall 2003



*Interim Editor:* Mary Hendriksen

*Contributing Authors:* Anthony J. Bellia Jr., Kristina Campbell '02, Rev. John J. Coughlin, O.F.M., Ryan Hall '05, Mary Hendriksen, Alexandria Lewis, Teresa Godwin Phelps, Julissa Robles '04, Charles Roboski

*Student Contributors:* Elizabeth Anderson '03, Louis Crisostomo '05, John Ross '03

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*Address correspondence to:*

**Notre Dame Lawyer**  
102 Law School  
Notre Dame, Indiana 46556  
Telephone: (574) 631-6891  
Fax: (574) 631-9299

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UNIVERSITY OF  
**NOTRE DAME**

The Law School

Cover image:  
**Norman Laliberté** (American, b. 1925)  
*Banner in honor of Father  
Theodore M. Hesburgh, C.S.C.*  
Kresge Law Library  
Applique of wool, various materials,  
traditional textiles, and mirrors  
Commissioned by the Advisory Councils  
of the Snite Museum of Art and the Law School









# FROM THE DEAN

One of the rituals of our lives at Notre Dame is the eager tension that develops as we turn the calendar page to the beginning of a new academic year. One instinct is to regret the loss of days of summer, which have brought opportunities for reflection, writing, relaxation, and renewal. The competing instinct is to anticipate with eagerness the arrival of a new class of students. Of course, the students always win out, as well they should; their energy and enthusiasm, along with that of their returning classmates, readily overwhelms any hint of glumness that might linger with the end of summer. This issue of our magazine nicely bridges these two seasons—I write at the conclusion of the summer, just before leaving for San Francisco to attend the ABA meeting and to host a gathering of our alumni. You, on the other hand, will read the magazine shortly after classes begin, when all of us will have turned our eyes to the fall.

Likewise, this issue of *Notre Dame Lawyer* nicely bridges other aspects of life at the Law School. The magazine captures the activities of two senior members of the faculty and two of the newest members, all of whom are making substantial contributions to the Law School, the University, and to the many audiences outside the academy. The two senior faculty members, Terry Phelps and Tex Dutile, have taught at the Law School for a combined 55 years. Terry's eloquent introduction to her new book, *Shattered Voices*, well illustrates the power of combining the study of literature with the study of law. Terry shows what literature can reveal about a society's understanding of justice, emphasizing the importance of giving victims a voice. She then translates these lessons into the context of transitional democracies struggling to overcome a violence-filled past in order to create a just society. Her book will be published next year by the University of Pennsylvania Press.

The profile of Tex Dutile concentrates on what is but the most recent in a long series of positions in which he has served the Law School and the University for more than three decades. The profile emphasizes how perfectly Tex fits the role of chair of the Faculty Board on Athletics, combining his expertise in the law of education with his understanding of the University.



The two newer members of the faculty, A.J. Bellia and Father John Coughlin, have taught here for less than a combined five years (though A.J. has an additional three years as a student). Father Coughlin tackles the terribly difficult issue of clergy sexual abuse, illus-

trating how canon law has real meaning in the life of the Church today. His careful exposition of canon law illustrates one of the reasons we are so delighted that he has decided to join our faculty. A graduate of Harvard Law School and the Pontifical Gregorian University in Rome, Italy, he clearly is one of the preeminent canon lawyers in the United States today.

A.J.'s contribution to the magazine is the text of his address to the graduating class this past May. I only regret that the printed page cannot adequately capture the spell that his remarks wove on the afternoon of Commencement. His reminder to each of the students in the class of 2003 that "You are Notre Dame" echoed time and time again, bouncing from the Hesburgh Library mural of "Christ the Teacher" to the outer wall of the football stadium, sweeping over the audience of students, faculty, families, and friends.

Other articles and photographs give you a sense of the lively place that is the Law School today. From Tom Curtin's deep commitment to the Law School and our ethic of service to the lecture series on corporate ethics; from the joyful photographs of Commencement to the heartwarming report on Kristina Campbell's work with the Virginia Farmworkers Legal Assistance Project—together they show that the Law School is indeed educating a different kind of lawyer, and placing our graduates in positions from the legal academy, to the corporate world, to the farms of the Southeast. I hope that you will have a chance to visit us soon and share our excitement.

Patricia A. O'Hara

Joseph A. Matson Dean and Professor of Law



# SHATTERED VOICES

Language, Violence, and the  
Work of Truth Commissions

by Teresa Godwin Phelps  
Professor of Law





The following is an abridged version of the introduction to Professor Phelps' new book, to be published by the University of Pennsylvania Press in spring, 2004.

In the winter of 1992 in London, I attended one of the first performances in English of *Death and the Maiden*, a play by Chilean writer Ariel Dorfman. Juliet Stevenson's brilliant depiction of Paulina Salas presented a transfixed audience with a compelling question: what happens when a new and tenuous democracy, of political necessity, turns its back on some of the victims of the regime it has replaced? Paulina is just such a victim, and the play provides a troubling answer.

The play takes place in an unnamed South American country and has three characters: Paulina, who was kidnapped and tortured by the oppressive regime some 15 years earlier; Gerardo, her husband, who was named to head the new president's commission charged with investigating the crimes of the past regime—but only those crimes that resulted in death; and Roberto Miranda, a stranger who spends the night at their remote house, whom Paulina recognizes (by his voice, as she was blindfolded during her torture) as the doctor who repeatedly raped and tortured her.

Paulina's already fragile emotional state is thrown into turmoil by her husband's appointment. Her kidnapping and torture will not be investigated because they are not considered to be among the "most serious" crimes committed during the dictatorship. For all official purposes, her pain and humiliation did not happen. The political process, she now discovers, promises only that her silence must continue. The new government, the government in whose cause she refused to give over names, including Gerardo's, will not take retribution for her.

Confronting the failure of legal state retribution, Paulina decides to take personal revenge. After the men have gone to sleep, she finds Gerardo's gun, ties up the doctor, and gags him. She then hides his car; in it she discovers a cassette recording of Schubert's *Death and the Maiden*, the very music that her torturer played repeatedly as he raped her.

When Gerardo awakens, he is, naturally, shocked at what Paulina has done and tries to explain the practicalities: "If he's guilty, more reason to let him go. Don't look at me like that. You want to scare these people and provoke them, Paulina, till they come back? Because that is what you're going to get. Imagine what would happen if everyone acted as you did. You satisfy your personal passion, you punish on your own, while the other people in this country with scores of other problems who finally have a chance to solve them, those people can go screw themselves—the whole transition to democracy can go screw itself—...Let him go, Paulina. For the good of the country..." Roberto Miranda, in his own self-interest, also presents a compelling argument against any action: "So we go on and on with violence, always more violence. Yesterday they did

*Pain and oppression destroy a person's ability to use language, and the rebalancing that is at the heart of revenge and retribution requires the recovery of that destroyed language.*

terrible things to you and now you do terrible things to me and tomorrow that same cycle will begin all over again. Isn't it time we stopped?"

Gerardo and Dr. Miranda are right, of course. The violence Paulina contemplates toward Miranda both mirrors and perpetuates the horrors committed against her. She remains enmeshed in a cycle of violence that may have no end. All the arguments are there: why dredge up the past and dwell on past wrongs? Why risk a backlash? Let bygones be bygones and move forward in a spirit of reconciliation. But Paulina's needs are personal, not political. She asks, "What about my good? . . . You're asking me to forget." She seeks, as do most victims, a rebalancing. Her torture took something from her that she wants to take back. The Latin root of retribution is *retribuere* meaning "to pay back" (*re + tribuere*). Adequate retribution for Paulina will pay back to her something that she lost as a result of the crimes against her.

*Shattered Voices* argues that what she lost was language. Paulina's ability to articulate her pain was taken away by her torture, and any adequate balancing she might achieve requires a restoration of that language. Pain and oppression destroy a person's ability to use language, and the rebalancing that is at the heart of revenge and retribution requires the recovery of that destroyed language. Near the end of the play, Paulina lays out for Gerardo her emotional response when she first heard Miranda's voice that night. At first she wanted an eye for an eye; she wanted someone to rape him: "But then I realized that wasn't what I really wanted. And you know what conclusion I came to, the only thing I really want?...I want him to confess. I want him to sit in front of that cassette-recorder and tell what he did—not just to me, everything, to everybody—and then have him write it out in his own handwriting and sign it and I would keep a copy forever—with all the information, the names and data, all the details. That's what I want." Paulina was surprised to discover that words were what she needed; she wanted Miranda's confession. She wanted the story of what happened to her to be heard and acknowledged.



So, what happens when a new and fragile democracy turns its back on some (or even all) of the victims of the regime it has replaced? The troubling and provocative answer that the play provides is this: if what happened to Paulina is ignored, if the state fails in its responsibility to exact retribution for her, she will take revenge into her own hands. If a new government turns its back on the victims, those victims will, in time, get their own back, becoming the perpetrators in the next stage of the cycle, the cycle of revenge that has no appropriate stopping place. If a state expects the Paulinas of the world to be the ones who make the concessions, it ignores critical truths about human history and psychology.

History shows us that revenge cycles end when the victims cede the right to take revenge to the state *and* the state properly fulfills this duty. That is, the victims are somehow satisfied that they have retrieved something they have lost. What they get back, of course, can in no way be commensurable with what was lost by the harm. Nonetheless, it must be, in some measure, *satisfying*.

*Shattered Voices* first looks backward at the evolution of private revenge into state retribution. It demonstrates that revenge was once at the heart of the idea of justice and that the taking of revenge was a noble duty. As nation-states emerged, that duty was given over to (or taken over by) central authorities and became state-sponsored judgment and punishment, but the human need for revenge continued to be acknowledged and served as the basis for state punishment. Revenge and justice continued to be aligned. Moreover, the giving over was tentative and reluctant and frequently taken back by the individual or family, especially in those instances in which the state failed to take retribution.

Thus, *Shattered Voices* lays the groundwork for the argument that a state *must* do something in response to wrongs against its people. Ignoring the needs of victims guarantees that the revenge cycle will continue. For all we know or think we know about revenge and retribution, we have not developed a way of thinking about alternatives to traditional violence for violence—whether personal or public. Our vision is limited by our history.

The center of the book's theoretical project is to explore whether there is any reason to think that stories can work as alternatives to traditional state-sponsored violence in the form of punishment. Can stories work this way in actual transitional democracies—countries that have few choices as to the action they take as they make the transition from a violent past? It analyzes the relationship between language and the violence that accompanies oppression, arguing that the appropriation and manipulation of language are central to the technology of oppression. It asks whether stories can do anything of value in the wake of such oppression. What are the relationships between language and power, language and pain, language and violence? Is language an appropriate balance

for violence and pain? Can having a story told and acknowledged possibly satisfy the emotional needs of victims? And, if so, what forms should this language take?

The question—can it work over the long term?—is not a theoretical one, and the stakes are high. Transitional democracies are faced with the concrete and pressing problem of how to deal with the past without destroying the future. History, recent and long past, has shown that cycles of revenge are indeed unending if dealt with in primitive and unthought-out ways. From southern Europe to Latin America, eastern Europe to South Africa, Rwanda and Bosnia, the solutions are varied and controversial. A fledgling democracy is in the process of building a new moral community. What ways of dealing with the past can best achieve this goal? A spectrum of solutions has been tried: trials, both national and international; exclusion from government posts; the opening of secret files; commemorations in art and ceremony; forgiveness and reconciliation; confrontations; and storytelling—truth commission reports.

*Shattered Voices* presents seven potential benefits of storytelling in the context of transitional democracies: (1) translating chaotic events into a story provides therapy for victims (a claim that is well-documented), but also the creation of story from experience is an essentially human activity that enables all of us to make sense of our lives; (2) the free and open telling of stories can reveal more truth than other responses, including trials; (3) the restoration of the ability to use language for oneself in one's own way balances the loss of language effected by oppression and violence and, thus, is a form of retribution in a basic semantic sense (a sense of the word that was lost as the philosophy of punishment shifted the focus from the victim to the perpetrator) of *giving back* that which was taken away; (4) stories can bring about communication between people who normally cannot understand each other; (5) the storytelling setting, in some circumstances, provides healing ritual, akin to *carnival*, in which the hierarchy is inverted and the people are empowered; (6) the stories are a visible manifestation of the invisible in a sacramental sense; and (7) the truth commission reports give the stories a plot (in the technical sense used in narrative theory) and result in the creation of a constitutive history for the emerging state. These seven benefits offer an expanded vision of the worth of stories for a transitional democracy, and they provide new and hopeful ways of thinking about and using such stories.

To clarify these points and to root them in actual commissions, *Shattered Voices* looks in detail at commissions and reports from four countries: Argentina, Chile, El Salvador, and South Africa, and asks this question: what kind of community does the report imagine and create? The book's final claim, and perhaps its most critical contribution, is that in the developing culture of ubiquitous truth reports,



*Justice is not a single event that occurs for once and for all—"we were harmed and now we have 'justice'"—but is, instead, an ongoing, dynamic process, of which storytelling is a vital part.*

we need to become attentive to the form that these reports take. The form of the report and its use of victims' stories necessarily convey a political message to the citizens of the emerging democracy. *Shattered Voices'* theoretical framework and its analysis of prominent truth reports reveal that some reports are better than others. Why? To what forms should the writers of truth reports aspire?

Truth commission reports have only come into existence in the final decades of the twentieth century, and they are seen as filling a gap when countries do not have the will or the resources to pursue more traditional forms of justice: investigations, trials, and punishment. As time passes, though, truth commissions are criticized for doing as much harm as good. Critics claim that the commissions are a poor substitute for traditional "justice," an inadequate second-best, and that truth commissions and their reports encourage premature closure.

*Shattered Voices* not only refutes the first of these common criticisms, in fact, it maintains that truth commission reports may constitute a radically new kind of justice and are, in any event, a necessary component of any adequate understanding of justice. Justice is not a single event that occurs for once and for all—"we were harmed and now we have 'justice'"—but is, instead, an ongoing, dynamic process, of which storytelling is a vital part.

About the second criticism—that the reports are a rush to closure—*Shattered Voices* offers a cautionary word about narratives in general and the reports in particular: that they can tempt us to a comfortable sense of closure more appropriate to fictions than actual political and human situations. The book also engages two other potential problems: hearing or reading too many stories of violence may result in "psychic numbing," in which we shut off our empathetic response rather than feeling anything; and, the appropriation of people's stories of pain, for whatever well-intentioned reasons, is a morally and ethically problematic act. Stories can be used to promote a moral vision of the world in the interests of power and manipulation. Is it possible to fashion truth commission reports in such ways as to minimize their misuse in the interests of the new power structure?

Lingering doubts persist about the efficacy or propriety of language when confronting mass atrocity, that "radical evil seems to surpass the boundaries of moral discourse."<sup>\*</sup> When I set out to look at truth commission reports through the lens of narrative the-

ory (in a broad sense), I expected that such a view would provide a richer vision of the potentialities of the reports, and, indeed, this has proven to be the case. Truth commission reports are capturing the imagination because stories can achieve powerful ends, many of which have not been articulated or even brought into consciousness. *Shattered Voices* begins the process of uncovering what stories can achieve in the context of transitional democracy, whether they represent the simple drama of storytelling or something far more profound and significant.

Looking at the reports through narrative theory allows us to see their strengths and weaknesses in an apolitical way—as, after all, *stories*. *Shattered Voices* seeks to develop a theory about the role of language in revenge and retribution and in so doing makes several claims. First, given the historical and psychological evidence about revenge, putting the past behind by attempting to draw a bright line between the past crimes and the new government, in other words, "getting on with it" with no action, is unworkable and unwise. The metaphor of balancing is at the heart of discussions about revenge and retribution, a metaphor that we should consider and take seriously. When grievous harms occur, a rebalancing *will* occur whether it is orderly and lawful or disorderly and unlawful. Second, adequate government action need not be state-sponsored violence in the form of prosecutions; as Paulina discovered, *lex talionis* may not be the rule. At the same time, a state should provide or assist victims in finding alternative means of psychic support that provide the benefits sought in revenge: preserving self-esteem and honor, providing physical security, and satisfying the desire for justice. Third, in any case, state-enacted redress must not be decided upon from the top down; the desires and emotions of the victims must be taken into account and outlets provided for them. Fourth, language, if not necessarily the end-all of the retribution process, is requisite to any adequate balancing. This fourth claim has several implications that have to do with the work of truth commissions and, in fact, all other responses to an oppressive past, including trials. A solution is viable only if it provides an atmosphere in which storytelling and subsequent dialogue can flourish.

Gerardo's question—what would happen if everyone acted as you did?—is a compelling one to which we know the answer if we are attentive to history. Miranda's question—isn't it time we stopped?—is the contemporary humanitarian response. But Paulina's question—what about my good?—is too often put aside. What is Paulina's "good" and can it be achieved without bringing down the country? That's what *Shattered Voices* attempts to answer.

<sup>\*</sup> Carlos Nino, *Radical Evil on Trial* (New Haven, CT: Yale University Press, 1996), ix. This question is taken up in Saul Friedlander's *Probing the Limits of Representation: Nazism and the "Final Solution"* (Cambridge: Harvard University Press, 1992) in terms of the Holocaust, how narratives about the Holocaust and Nazism "[t]est implicit boundaries and...raise not only aesthetic and intellectual problems, but moral issues as well."



This article is an abbreviated version of a paper presented at the Boston College Law School in April 2003. The paper will appear in the *Boston College Law Review*.

I n the fall of 2001, the Catholic Church and, in particular, the priesthood became the focus of months of extraordinary media attention—coverage unequaled in American religious history. Grave damage occurred to the public image of the priesthood, as the media alleged a pattern of church authorities covering up sexual abuse by members of the clergy. When the United States bishops assembled in Dallas in June 2002, the

atmosphere might fairly have been described as one of extreme urgency, if not bordering on hysteria. Clearly under enormous pressure from the media and victims' groups, the bishops adopted a so-called "zero-tolerance" policy. That policy, which eventually received Vatican approval, mandates that any priest who admits abuse or against whom an act of abuse is proven must be expelled from the priesthood and/or banned from public ministry for life. Thus, the zero-tolerance policy is an absolute rule under which the ultimate penalty of canon law—dismissal—must be applied to every case regardless of the specific facts.

Tracing the path of the American bishops' response to the problem of sexual abuse tells us much about how canon law has functioned in the life of the church. While its proper functioning depends on the balance between law and spirit, the recent scandal over the sexual abuse of minors by clergy exemplifies the damaging consequences of an imbalance.

Specifically, I believe that over the course of the last several decades, the bishops' response exhibited elements of antinomianism and legalism. In each case, the critical balance has

been lost. Antinomianism diminishes the rule of canon law in affording an ordered ecclesial life. In contrast, legalism reflects a rigid and formalistic misunderstanding of law that denies the unity of canon law with its inner theological meaning. Both antinomian and legalistic approaches result in a separation of the law's outer form from its inner spirit. The antinomians underestimate the significance of law, while the legalists posit law as the end in itself. Although my canonical analysis might be interpreted as critical of ecclesiastical authority, I write as a Franciscan friar of some 25 years. Rather than find fault, St. Francis of Assisi rebuilt the thirteenth-century church. From an entirely more modest perspective, I hope that my analysis is guided by his holy example.

The story of the United States bishops' response to clergy sexual abuse corresponds to the antinomian and legalistic trends that have characterized church law since its emergence in the ancient Christian communities. It is fair to describe the approach to canon law in the several decades immediately prior to Vatican II as sometimes manifesting characteristics of legalism. In 1959, when Pope John XXIII announced his intention to convoke the Ecumenical Council, the pontiff also called for revision of the 1917 CODE. The process of revising the 1917 CODE commenced at the conclusion of the Council and continued throughout the pontificates of Pope Paul VI and John Paul I, with the hope that the new legislation would reflect the theology of Vatican II. Over the course of almost three decades



## THE CLERGY SEXUAL ABUSE CRISIS AND THE SPIRIT OF CANON LAW



Reverend John J. Coughlin, O.F.M.  
Professor of Law



of revision, although theoretically still the universal law of the church, the 1917 CODE fell into general disuse. It was in many instances abrogated in favor of post-conciliar innovations *ad experimentum*.

In retrospect, the ecclesial ambiance in the wake of Vatican II represented a swing of the pendulum from the pre-Vatican II legalism toward the antinomian. While it would overstate the matter to claim that the juridical structures of the church disintegrated during the post-Vatican II years, it seems accurate to observe that the proper function of law in the church became unbalanced. The legalism of the past had been superseded not only by receptivity to the new spirit but also by a tendency to view canon law as an impediment to the manifestation of the spirit. Among the many spiritual fruits of Vatican II were a dissipation of legalism, a call to retrieve the authentic inner meaning of the law, and an openness to developments in the secular realm, especially concerning the protection of human rights. Vatican II, however, was never intended to usher in an antinomian age.

The available statistical information confirms that it was during this time—from the 1970s through the 1980s—that the number of allegations of sexual abuse against priests ballooned. In response to these kinds of allegations, bishops routinely sought psychological evaluations and treatment for the offenders. Both the 1917 and 1983 CODES contain substantive and procedural provisions for dealing with a priest who is charged with sexually abusing a minor. Pursuant to the provisions, the offense constitutes a grave crime and grievous sin, and could result in permanent dismissal from the priesthood. Both CODES envision administrative and judicial phases in the procedure to determine guilt and to impose a penalty, in accord with the requirements of fundamental due process. In general, these substantive and procedural provisions of canon law were ignored by the bishops.

The church's emphasis on a psychological model reflected a larger trend in American society, as many mental health professionals believed at the time that a sexual predator could be reformed with proper treatment. Although the psychological and canonical approaches have never been mutually exclusive, the focus shifted from the protection of children and the common good to the rehabilitation of the priest through therapy. It is fair to observe that the bishops were not acting in malice. As pastors of the church, they believed the psychological approach to be proper. In hindsight, the therapeutic focus may have been justified in certain cases involving a single offense with an older-age minor. As is now painfully evident, it was not helpful in dealing with the small number of priests who were true pedophiles and committed serial sexual abuse.

The United States bishops continued to forsake canonical measures even after a societal shift occurred in the 1980s with regard to sexual abuse from the psychological to the punitive. While Pope John Paul II's promulgation of the 1983 CODE had the much

larger goal of restoring the balance between law and spirit in the life of the universal church, it also affirmed the significance of the church's penal order in dealing with cases of sexual abuse of minors by clergy. Despite the societal shift and new canonical provisions, however, more than a few bishops failed to afford a just legal process in dealing with accusations. They continued to adhere to the psychological model, thereby setting the stage for grave damage to individuals and to the common good—damage that began to be revealed by the media a few years ago.

For at least some of the victims, perhaps no policy will suffice. When Cardinal Law of Boston invoked canon law in an attempt to justify his inaction to a group of victims, one member reflected: "Canon law was irrelevant to us. Children were being abused. Sexual predators were being protected. Canon law should have nothing to do with it. But they were determined to keep this problem, and their response to it, within their culture." Given the failure of the rule of canon law to protect them, the victims quite understandably might attach little value to it. Victims of sexual abuse by clergy have every right to expect that the church will take action to correct the injustice and prevent future harm. The rights of victims, however, are not the only considerations in a policy that restores justice.

The 1983 CODE is intended to set the conditions for a just ecclesial order in which the theological doctrine of forgiveness and redemption might flourish. Antinomianism belies the legislative intent in permitting the grave crime to go unpunished, while legalism stifles the spirit in declining to recognize the centrality of the theological doctrine to ecclesiastical order. The restoration of confidence in canon law would now seem to require no meager amount of wisdom in the application of its substantive and procedural provisions. Each one of these cases is fact-specific. The cases range from the relatively small number of horrendously disordered priests who perpetrated years of unchecked abuse to the priest now in his late seventies with an otherwise exemplary record of service who, in his twenties, is alleged to have had a sexual encounter with a 17-year-old. Canon law is designed to permit some flexibility and discretion in the way cases are resolved. The absolutist approach of the bishops' zero-tolerance policy may be necessary to restore faith in the church, but it belies canon law's image of the bishop who exer-





cises a wise discretion that flows from integrity, compassion, and holiness. An antinomian approach to ecclesiastical governance only reinforces the perception of some victims and state officials that the church authorities lack the resolve to protect children. Legalism, in contrast, communicates to priests and all the baptized that canon law is divorced from the Mystery of the Redemption.

In hindsight, it is easy to see that the bishops' focus on the psychological approach to the exclusion of the canonical has resulted in great injury. The clarity of hindsight, however, ought not to foster a culture of blame but should open the way for a more hopeful future. An important aspect of responding to the present crisis must entail recommitment to the rule of canon law. Despite the negative image of the priesthood generated by the crisis, many people continue to look to the church for its proclamation that healing and redemption are possible. No law or policy can eradicate sin from the fallen nature of the human situation, including that of the human beings who comprise the priesthood. The proper balance of law and spirit, however, can work to bring healing and forgiveness to injured individuals and communities.

## The Church Study Committee of the University of Notre Dame

In response to the sexual abuse scandal that has gripped the church, Rev. Edward Malloy, C.S.C., President of the University of Notre Dame, established the Church Study Committee in the spring of 2002. The Committee is composed of 11 administrators and faculty members, including **Professor Carol Ann Mooney**, vice president and associate provost, who chairs the Committee, **Dean Patricia O'Hara**, and **Professor Cathleen Kaveny**.

The Committee's first acts included a special Mass of reconciliation and accompanying campus forum on the issue and the preparation of a detailed document of reflections and recommendations that was sent to all the U.S. bishops prior to their June 2002 Dallas meeting, at which new policies to deal with the crisis were adopted. In October 2002, the Committee presented a second campus forum, titled "Restoring Trust," that included NDLS **Professor Gerard V. Bradley** among its panelists. The following month it brought a number of bishops and their representatives to campus for a series of presentations and discussions on actions needed to address the crisis. The Committee also formulated a new "Policy for the Protection of Children" for the University, and Committee members have met with several victims whose abuse occurred at Notre Dame. An article by John Salvesson, one of these victims, appears in the current issue of *Notre Dame Magazine*. A second Mass of reconciliation was offered on campus in conjunction with this year's Alumni Reunion. In addition to further outreach to victims, the Committee now is engaged in the preparation of a national survey of Catholic opinion in the wake of the crisis and is planning further conferences and additional meetings with bishops.





## The Law School's Spring 2003 Distinguished Lecture Series:

# Legislating Corporate Ethics

Recent corporate scandals—of which those involving Enron and WorldCom are only the most notorious—have rocked both corporations and investors worldwide.

This year, the Law School's **Distinguished Lecture Series** focused on legislative responses to the corporate scandals—in particular, efforts by Congress and other regulators to prescribe ethical norms for corporate managers and their professional advisors.

Seven authorities in the field of corporate ethics spoke to audiences at the Law School this spring on such topics as:

*How significant is the Sarbanes-Oxley Act of 2002?*

*How should the Securities and Exchange Commission implement the provisions of that act?*

*Will these efforts be successful in raising the ethical standards of corporate America?*

*Is federal legislation of corporate ethics even appropriate?*

The series was organized by NDLS professors **Julian Velasco** and **Lisa Casey** and funded by **Robert T. Palmer '74** and **Ann Therese Darin Palmer '73 B.A., '75 M.B.A.**

### Distinguished Lecturers

#### **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*

#### **Harvey J. Goldschmid**

*Commissioner, U.S. Securities and Exchange  
Commission and Dwight Professor of Law,  
Columbia University*



**John C. Coffee Jr.**



**David Dana**



**Susan Koniak**



**Richard Painter**



**Ronald Gilson**



**James D. Cox**



**Harvey J. Goldschmid**



## Notre Dame Law School Faculty Focus



**Tex Dutile**, Chair, University of Notre Dame Faculty Board on Athletics

by Mary Hendriksen

"But for my lack of speed, quickness, jumping ability, and agility, I could have been a superb athlete."

It's a classic Fernand ("Tex") Dutile line. Superb athlete or not, Dutile is a key person in athletics at Notre Dame. For the past three years, he has assumed the demanding and high-profile role of chair of the University's Faculty Board on Athletics (FBA), the 15-person mix of elected, appointed, and *ex-officio* members—drawn from the faculty, the Office of Student Affairs, the Office of the President, the Department of Athletics, Academic Services for Student-Athletes, and the student body—who serve as the principal advisory group to University President Rev. Edward Malloy, C.S.C. on educational issues related to intercollegiate athletics. Simultaneously, Dutile is the University's faculty athletics representative to the National Collegiate Athletic Association (NCAA).

Appointed chair of the FBA by Father Malloy in the summer of 2000, Dutile is the first layperson at the University to hold the position. Serving as chair is an enormous, multifaceted task and one that requires great sensitivity to the twin responsibilities of nurturing excellence in academics and athletics for the 725 student-athletes in 26 varsity sports at the University. It is a task Dutile has performed so well, Father Malloy reappointed him to a second term that begins this fall.

Dutile earned his undergraduate degree at Assumption College in 1962 and, in 1965, his J.D. from Notre Dame, where he was articles editor for the law review. Admitted to the Maine Bar in 1965, he began his legal career in the Honors Program of the U.S. Department of Justice. There, he worked with the litigation section of the Civil Rights Division. After teaching law at the Catholic University of America, Dutile joined the NDLS faculty in 1971, becoming a full professor in 1976.

Dutile has long taught courses in criminal law and education law, but because of his widely admired administrative skills, he has been tapped at various times to serve as assistant dean, associate dean, and acting dean of the NDLS. Described by Dean Patricia O'Hara as "the consummate University good citizen," Dutile has served as well on countless University and Law School committees—most notably, for a full 25 years on the University's Academic Council and for seven years as the Law School's representative to the FBA.

Dutile began his tenure as chair of the FBA at a difficult time in Notre Dame athletics. For the first time in its history, Notre Dame had found itself on NCAA probation. One result was a comprehensive analysis of the structure of athletics administration at Notre Dame. The athletics program was put directly under the control of the President's Office. It was decided as well that the chair of the FBA, a committee that had existed at the University since 1898, should be a member of the tenured faculty and Notre Dame's NCAA "faculty rep."

As chair, Dutile's task is to guide the Board in fulfilling the responsibilities set forth in the University's Academic Articles and the *Statement of Principles for Intercollegiate Athletics* (2001), a document specifically endorsed by Father Malloy, Director of Athletics Kevin White, and Dutile: The Board "nurtures Notre Dame's commitment to academic integrity within the athletics program, strives to ensure that the University's athletics program operates in consonance with Notre Dame's educational mission, and actively promotes the welfare and educational success of the University's student-athletes."

How, precisely, does the Board carry out those lofty aspirations? "It's all a balancing act," Dutile explains. The Board must maintain that "delicate but critical balance between the academic and the

Tex Dutile speaks with President George W. Bush during the White House visit of Notre Dame's 2001 national championship women's basketball team.





*The Board must maintain that “delicate but critical balance between the academic and the athletic at an institution that aspires to excellence in both.”*

athletic at an institution that aspires to excellence in both.” As he points out, “the University would be a stunningly different place if one or the other of these aspirations were to reign supreme. Nurturing both simultaneously presents the truly daunting challenge.”

It is obvious why excellence in academics should be the hallmark of Notre Dame, for the University has dedicated itself to providing all of its students with an outstanding education. Dutile explains why excellence in athletics is critical to the University as well. “It would be anomalous for Notre Dame to settle for the mediocre in anything it does. Athletics plays a huge part in the history and culture of the University. Its spillover effects are important as well. Not only do sports teach discipline, perseverance, civility, and humility to the members of Notre Dame’s teams, they have an enormous impact on the student body as a whole, on the connection of alumni to the University, on the larger South Bend community, and on the public’s perception of Notre Dame. Athletics also contribute mightily to the community building that lies at the heart of Notre Dame’s mission.”

As a practical matter, maintaining the critical balance between academics and athletics is done by reviewing data on admission of student-athletes, academic performance, and graduation rates and assessing the effectiveness of the work of the University’s Academic Services for Student-Athletes, which offers tutoring and other academic support to the members of all Notre Dame’s varsity teams. In addition, the Board sets guidelines for a fifth year of athletic eligibility and decides whether to approve students’ petitions for a fifth year; reviews all team schedules to assess their adherence to University regulations regarding Orientation Weekend, class attendance, study and examination periods, and religious holidays; screens, on academic and disciplinary criteria, all nominees for captains; and sets procedures for resolving conflicts between final examinations and post-season play. Finally, as liaison to the broader faculty, the FBA disseminates information at various times to the faculty on matters related to athletics and higher education.

For Dutile, in addition to setting the agenda for FBA meetings and overseeing the work of its three committees, the position of chair involves a dizzying round of meetings, speeches, consensus

building, and attendance at athletic events—both home and away. He attends meetings of the Student-Athlete Advisory Council, composed of a representative of each varsity team; meetings of Notre Dame head coaches; meetings of the Athletic Affairs Committee of the Board of Trustees; and meetings of the University Compliance Committee, consisting of representatives of many offices on campus and chaired by the General Counsel. Dutile has also been on several search committees in connection with the hiring of head coaches—with regard to football, two within the space of one month!

Dutile is thriving on the challenges the position of chair presents. “While the job is more complex than I expected, it is more exhilarating as well. Serving as chair has been a wonderful change in career focus—and it happened without my changing home or office.” Moreover, he says, “I’ve found the Athletic Department to be a very cooperative community. Kevin White and his administrators and coaches have been tremendously open. They truly have the welfare of our student-athletes at heart. That tone is set from the top down and set well. Inevitably, some disagreements arise, but that’s to be expected.”

Representatives of both the academic and athletic sides of the Board are enthusiastic about Dutile’s accomplishments and leadership. NDLS **Professor Matthew J. Barrett**, now in his second term on the board as the Law School’s elected faculty representative, says, “Tex brings so much to the Board: objectivity and independence, keen insight into the opportunities and challenges arising from the simultaneous pursuit of excellence in academics and athletics, and a strong commitment to academic integrity and student welfare—all surrounded by his warm collegiality, outstanding communication skills, a delightful sense of humor, and a devotion to Notre Dame and its values.”

Kevin White gives high praise as well: “Tex provides a unique perspective in his role as Faculty Board chair. He brings an in-depth understanding of the campus culture at Notre Dame, and he also provides great historical context relative to athletics. Our coaches and athletes realize that he has a real feel for their achievements and challenges and the day-to-day workings of their lives and seasons. You don’t have to spend much time around Tex to appreciate the





passion he has for achieving the appropriate balance between athletics and the academic and student-life sides."

The many challenges of the job will continue into Dutile's second term. As he points out, it is difficult at times to determine the proper reference point when trying to strike the critical balance between academics and athletics: "Is it other NCAA Division I-A institutions? the recommendations of the various Knight Commission reports? the Notre Dame of yesteryear?" Then, as anyone who pays attention to intercollegiate athletics knows, there is an ongoing "arms race" in terms of competing institutions' athletics budgets, as well as widespread concern about graduation rates, academic achievement, and the influence of big-money bowl games or conference championships on college sports.

Throughout it all, Dutile says, Notre Dame is standing firm on its commitment to maintaining high expectations for its student-athletes. "The University's athletics program has one of the highest graduation rates and one of the most demanding class-attendance policies in the nation. It is important for both our own student-athletes and for intercollegiate athletics as a whole that we stay that course. Our academic requirements provide the kind of markers that let our student-athletes, the student body, and other institutions know where Notre Dame stands on the purpose of higher education, intercollegiate athletics, and the intersection of the two. They align Notre Dame with Duke, Stanford, Vanderbilt, and Northwestern as schools with top-notch athletics and academics."

While Dutile is somewhat hesitant to pin down the Board's most significant contribution during his tenure as FBA chair, he

*"The University's athletics program has one of the highest graduation rates and one of the most demanding class-attendance policies in the nation. It is important for both our own student-athletes and for intercollegiate athletics as a whole that we stay that course."*

does name the redrafting of the University's *Statement of Principles for Intercollegiate Athletics*, the continued honing of the requirements for a fifth year of eligibility, and amendment of the University's guidelines for athletic activities during Easter week and during the First-Year Orientation weekend as solid accomplishments. He is perhaps most proud, he says, of the greater outreach by the Board to the campus community—the student-athletes themselves, other faculty, the student body, and academic advisors—that occurred during that time as well. One important aspect of that outreach is communicating the Board's decisions to the campus community. To accomplish that, Dutile has emphasized the publication in *Notre Dame Report* of in-depth minutes of the Board's monthly meetings.

The job as FBA chair has not been without its fun, even exhilarating, moments. Dutile and his wife of 39 years, Brigid, attend countless athletics contests. "Thankfully, Brigid likes cheering on the teams as much as I do." Both Dutiles have explored new sports, like lacrosse and fencing, since he assumed the position of chair.

What has been the most fun? That one is easy. "It's hard to top a national championship. Notre Dame's NCAA women's basketball championship in 2001 and its NCAA fencing championship in 2003 provided high points on the athletic side." And, ever the FBA chair, Dutile points out that those championships honored both excellent athletes and excellent students.

Members of Notre Dame's fencing team celebrate their 2003 NCAA national championship.





# FACULTY notes

**Matthew J. Barrett** presented "Enron, Accounting, and Lawyers (After the Recent Scandals and the Sarbanes-Oxley Act of 2002)" during the Sorin Society Recognition Weekend on March 1. He was inducted into the Notre Dame chapter of Phi Beta Kappa as an alumnus member on April 1.

**Joseph P. Bauer** published the second edition of Volume II of Kintner's *Federal Antitrust Law* treatise, with William H. Page (Anderson Publishing 2002), the subject of which was *Practices Prohibited by the Sherman Act*. He was a featured speaker in a national teleseminar presented on January 27 by the American Bar Association's Section on Antitrust Law on "Navigating the Robinson-Patman Act: A Map for the Antitrust Counselor."

**Patricia Bellia** published "Executive Power in *Youngstown's Shadows*" 19 *Constitutional Commentary* 87 (2002). She also published *Cyberlaw: Problems of Policy & Jurisprudence in the Information Age* (West Group 2003) with Paul Schiff Berman and David G. Post.

**G. Robert Blakey** published, with **Brian Murray '97, '00 J.D.**, "Threats, Free Speech, and Jurisprudence of the Federal Criminal Law," 2002 *BYU Law Review* 829. Prof. Blakey attended a two-day conference in Belfast, Northern Ireland, on organized crime. He spoke on the reforms carried out in the U.S. in the 1970s and 1980s to strengthen the legal means of dealing with organized crime and possible reforms in administration and law in the United Kingdom.

**Paolo Carozza** was granted tenure this spring and also appointed a fellow at the Kellogg Institute for International Studies. He published "From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights," 25 *Human Rights Quarterly* 281 (2003); "Subsidiarity as a Structural Principle of International Human Rights Law," 97 *American Journal of International Law* 38 (2003); and "My Friend is a Stranger: The Death Penalty and the Global Ius Commune of Human Rights," 81 *Texas Law Review* 1031 (2003). Prof. Carozza taught as a visiting professor at the Graduate School of Economics and International Relations, Catholic University of the Sacred Heart, Milan (Italy), in May. While in Italy, he presented "Subsidiarity and Fundamental Rights: An EU Contribution to International Law?" at the Catholic University of the Sacred Heart and "*Persona, sussidiarietà e stato tra America ed Europa: due strade divergenti*," at the Milan Cultural Center. He was also an invited expert at the plenary meeting of the Pontifical Academy of Social Sciences on "The Governance of Globalization," Vatican City, in May.

**Lisa Casey** gave a presentation to attorneys at the law firm of Barnes & Thornburg on March 3, titled "The SEC's New Regulations for Lawyers Representing Public Companies."

**Fernand "Tex" Dutile** was reappointed to a three-year term as chair of Notre Dame's Faculty Board on Athletics and as the University's NCAA faculty athletics representative. On March 1, he presented "The Problems and Challenges of Intercollegiate Athletics" at a luncheon at the Notre Dame Alumni Association's "Florida Fling" in Palm Beach. The "Florida Fling" is an annual spring reunion for Notre Dame alumni who received their degrees at least 50 years ago

## Gurulé and Smithburn Elected to American Law Institute

Professors **Jimmy Gurulé** and **Eric Smithburn** have been elected to the American Law Institute. They join NDLS faculty members **G. Robert Blakey**, **Carol Ann Mooney**, and **Jay Tidmarsh**. **Dean Patricia O'Hara** is an *ex officio* member of the Institute.

and for alumni of all ages who live in Florida. The Reverend Theodore Hesburgh, C.S.C. was the Fling's dinner speaker. Prof. Dutile spoke at UND Night dinners sponsored by the Notre Dame Club of Kokomo, Indiana, on March 7; the Notre Dame Club of New Hampshire on April 12; and the Notre Dame Club of Central New Jersey on May 8. The topic each night was "Academics and Athletics at Notre Dame." On June 6, as part of Notre Dame's Reunion Weekend, he served as moderator for a panel discussion on "The Future of College Athletics." Prof. Dutile published "Disciplinary Versus Academic Sanctions in Higher Education: A Doomed Dichotomy?" 29 *Journal of College and University Law* 619 (2003).

**Barbara Fick** published "Musical Courts: Plaintiff Picks a Court but Can Defendant Trump the Choice? An Analysis of *Breuer v. Jim's Concrete of Brevard*," 6 *Preview of United States Supreme Court Cases* 338 (March 21, 2003).

**John Finnis** wrote, with Prof. Patrick Martin of the Louisiana State University Law Center, an essay in the *Times Literary Supplement* (London) on April 18, arguing that Shakespeare's most enigmatic poem, usually known as "The Phoenix and Turtle," was written as an elegy and call for prayer



## Gurulé Receives Treasury Medal



**Jimmy Gurulé** was awarded the Treasury Medal for his service from 2001 to 2003 as undersecretary for enforcement. The citation reads, in part: "In response to the September 11th attacks,

he galvanized Treasury's law enforcement resources to deal with the myriad threats posed by terrorism.... He directed Treasury's law enforcement efforts to sever terrorists' access to banking and financial institutions and to seize millions of dollars of terrorist-related assets. In this endeavor, Mr. Gurulé traveled the world helping to create a coalition against terrorist financing. His extensive efforts abroad in bilateral and multilateral settings led to unprecedented international cooperation to combat terrorist financing and money laundering."

for Ann and Roger Line. This article follows a number of others they have published in scholarly journals in the last year on hitherto unstudied documents relating to legal, literary, and intelligence activities of the late Elizabethan Catholic underground. Their "Caesar, Succession, and the Chastisement of Rulers" appears in 78 *Notre Dame Law Review* 101 (2003). Prof. Finniss's article in 75 *Notre Dame Law Review* 1597 (2000), "On the Incoherence of Legal Positivism," has been reprinted as one of "fifteen classic articles in legal theory" in Dennis Patterson, *An Anthology of Law and Legal Theory* (2003).

**Judy Fox** presented a workshop, "Vicarious Traumatization and Burnout," to the American Association of Law Schools' Clinical Education Association conference in Vancouver, British Columbia, on May 16.

**Richard Garnett** published "Christian Witness, Moral Anthropology, and the Death Penalty," 17 *Notre Dame Journal of Law, Ethics & Public Policy* 541 (2003). On February 3, at the University of Oklahoma School of Law, he presented "What's Next After *Zelman*?" a talk about the issues that remain to be resolved after the Supreme Court's school-choice decision. On March 28 at the University of North Carolina School of Law, he presented "The Blaine Amendments and the Purpose of Education" at a conference sponsored by *The First Amendment Law Review* in conjunction with the Pew Forum on Religion and Public Life. Prof. Garnett chaired a discussion of the recent Vatican document "Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life" to the St. Thomas More Society on April 2. He served as the invited commentator at a conference in London, April 10–12, sponsored by the Brookings Institute on "Regulating Choice to Promote Civic Values: What Can the U.S. Learn from the Experience of Other Nations?"

**Jimmy Gurulé** was the featured speaker February 22 at the 2003 Annual International Law Symposium on "Global Business in Times of Terror," sponsored by the McGeorge School of Law, the American Bar Association, and the American Jewish Committee. Prof. Gurulé was on a panel on "Unfunding Terror." Additionally, he participated in the Fordham Debate, February 27, sponsored by the University of Utah School of Law. The issue for debate was whether the global war on terrorism requires Americans to surrender certain

civil liberties. In April, Prof. Gurulé spoke in London at an anti-money-laundering conference of senior Central Bank regulators; at a roundtable sponsored by the Centre for the Study of Financial Innovation, an independent think-tank based in London formed to stimulate research into the future of the financial services industry and to provide a neutral meeting ground for financial practitioners to share ideas; before the British Institute on International and Comparative Law on terrorist financing; and at the Notre Dame Law Centre on "Unfunding Terror: The Financial War Against Al Qaeda."

**William Hoyer**, in February, presented "Bringing Legal Ethics Back into Corporate Governance" at the American Council of Life Insurers' *Insurance and the Law Seminar*, San Antonio, Texas. He gave the plenary talk "Evaluating our Response to the Events of September 11: Changes in Law and Policy Throughout the University" and "Tort Liability Update" at the 24th Annual National Conference on Law and Higher Education, Clearwater, Florida, February 16–18. While at the conference, he was presented with the Outstanding Presenter Award for his talks at the 2002 conference. He also published "Safety for Americans Abroad" in *The Chronicle of Higher Education*, April 4, 2003.

**Roger F. Jacobs** was asked to consult with the University of Dayton Law School on law library staffing and collection development issues. He accompanied Dean **Patricia O'Hara**, Associate Dean **Walter F. Pratt**, and Law School Administrator **Catherine Roemer** to the ABA conference on law school architecture at Suffolk Law School in Boston, March 19–22, 2003. Visits to view the Harvard and Boston College library renovations were included in the program.



**Cathleen Kaveny** was elected to the editorial board of the *Journal of Religious Ethics*.

**Michael Kirsch** was interviewed by WNDU-TV regarding recently enacted federal tax laws.

**Donald P. Kommers** testified before the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee in Washington, D.C. on June 25. The hearing dealt with the rebuilding of a constitutional government in Iraq. Prof. Kommers has written extensively on Germany's Basic Law and was asked for his views on the lessons the American military occupation in Iraq might draw from the Allied role in rewriting a constitution for Germany after World War II. He also directed a seminar for college teachers on the topic "American Constitutionalism in Comparative Perspective" from June 23 to July 31. Sponsored by the National Endowment for the Humanities, the seminar took place at the Notre Dame Law School and included 15 college and university professors from around the nation.

**Juan Méndez** received a "Midwest Light of Human Rights" award from the Chicago-based Heartland Alliance for Human Needs and Human Rights. He was one of four recipients to be honored at a luncheon on May 14, 2003, at which the keynote speaker was the Honorable Mary Robinson, former president of Ireland and former United Nations High Commissioner for Human Rights. Prof. Méndez, along with coauthor **Javier Mariezcurrena**, the Center for Civil and Human Rights Transitional Justice Project manager, published a review of Priscilla Hayner's *Unspeakable Truths: Facing the Challenge of Truth Commissions* (2002) in *25 Human Rights Quarterly* 237 (2003).

## Jones and Barrett Families Participate in Appalachian Service Projects



When **Bob Jones**, director of the Law School's Legal Aid Clinic, joined the Notre Dame faculty in

2001, he and his family decided to maintain their connection with an important and meaningful service activity at their Chicago-area parish: the Appalachia Service Project.

Founded in 1969, the Appalachia Service Project is a home-repair and home-building ministry sponsored by the United Methodist Church. It organizes volunteers into teams that repair and build homes for low-income families in rural central Appalachia. The mission of the organization is "to make houses warmer, safer, and drier, while offering transformational experiences for volunteers and homeowners alike." Last year, nearly 15,000 volunteers participated in hundreds of projects identified by the organization.

Jones relates that his wife, Lucy, became involved in the Appalachia Service Project while their family was a member of Ascension Parish in Oak Park, Illinois. For three summers, she accompanied teenagers on one-week trips to Appalachia. There, they lived and worked with the families they came to help—repairing roofs, rebuilding walls, drywalling, and painting.

When the opportunity arose this year for entire families to sign on as a volunteer group, all members of the Jones family, including Rob, 15, Becca, 13, and Alex, 8, were eager to participate. They were joined on their April 2003 five-day trip by Kate Barrett, wife of NDLS Professor Matthew Barrett, and two of the four Barrett children: Kevin, 9, and Wilson, 7.

Jones explains why participation in the projects is so powerful. "The projects are not just construction projects. The program emphasizes getting to know the family you've come to help and experiencing first-hand the culture of Appalachia. Volunteers spend time visiting with family members and cultivating a friendship with them. Then, everyone works right alongside each other. For children and teenagers, the program is a wonderful way to experience another culture and to learn about service to the poor, all in a faith-based context."

This spring, the assignment for the Jones and Barrett families was to repair a rotted bathroom floor and to rebuild a wheelchair ramp for an elderly man. Part of the job was cutting and installing 156 spindles in a railing. Even the younger children were active participants. They wielded crowbars and hammers to take apart the ramp, painted some trim, and even hammered a few nails.

The Jones parents returned to Appalachia with son Rob and the Ascension Parish youth group in June, when they split up onto three different crews, two working for families with children and one for an elderly woman. Highlights of the week included Lucy finding nesting chickens in insulation she was removing under a trailer, Rob feasting on home cooking from a family whose porch he was building, and Jones being surprised when the 74-year-old woman whose roof he was replacing climbed up the ladder onto the roof for an impromptu party with the work crew.

Mary Hendriksen





**Rev. John Pearson, C.S.C.** published "The Law of Easements: Rights in the Property of Another," 7 *Thompson on Real Property*, Chapter 60, 118 (2002 Supplement), and "Real Covenants: Promises Concerning the Use of Land," 7 *Thompson on Real Property*, Chapter 61, 157 (2002 Supplement).

**Teresa Godwin Phelps** presented "Shattered Voices: Language, Violence, and the Work of Truth Commissions" at the University of Washington, Tacoma, on April 24, 2003. The following day she presented a faculty colloquium titled "The Truth Must Dazzle Gradually" at the University of Washington, Seattle. On June 26, she delivered the keynote address, with Paul Ricoeur, at the conference "Transforming Unjust Structures: Capabilities and Justice," St. Edmund's College, Cambridge University, England.

**Nancy Poehlmann** cowrote "Bibliography of Legal History Articles Appearing in *Law Library Journal*, Volumes 1–94 (1908–2002)," 95 *Law Library Journal* 217 (2003).

**Robert Rodes** published "On the Vocation of a Benedictine Oblate" in the December 2002 edition of the *American Benedictine Review*.

**John H. Robinson** cowrote, with Roberta M. Berry, "Unraveling the Codes: The Dialectic Between Knowledge of the Moral Person and Knowledge of the Genetic Person in Criminal Law," chapter 14 of *Mutating Concepts, Evolving Disciplines: Genetics, Medicine, and Society* 75 (Kluwer Academic Publishers 2002). He led a discussion on "Legal Issues Confronting Private Colleges and Universities" at the 24th Annual National Conference on Law and

Higher Education, sponsored by Stetson University College of Law, February 16–18, 2003.

**Thomas Shaffer** gave the keynote address at the conference "Religious Values and Poverty Law: Clients, Lawyers, and Communities," Fordham University in New York, New York, on January 31. His talk was titled "Lawyers as Prophets." Prof. Shaffer published "Lawyers as Prophets," 15 *St. Thomas Law Review* 469 (2003); "Lawyers and the Biblical Prophets," 17 *Notre Dame Journal Of Law, Ethics & Public Policy* 521 (2003); and "The Virtue of Friendship in Legal Counseling," 30 *Pepperdine Law Review* 626 (2003).

## E - X - C - I - T - I - N - G !

The word "redivivus" (*adj.* brought back to life; reborn) was the first word David Tidmarsh spelled correctly at the 76th Annual Scripps Howard National Spelling Bee, held the week of May 26, 2003, in Washington, D.C. David, the 13-year-old son of **Professor Jay Tidmarsh** and his wife, Jan Pilarski, next met with success in the difficult Round 2—the written round—which included "piscivorous," "bodhran," and "werowance." (Readers should consult their dictionaries.) David emerged intact from the next three oral rounds ("electroencephalograph," "delitescent," and "acajou") but, unfortunately, stumbled in Round 6—on the word "segetal." Still, he earned an admirable 16th place out of the bee's 251 spellers.

David uses a word we can all understand to describe his experience as a finalist: "exciting." He says he had a great time touring D.C. with his family and had fun with his fellow contestants in an atmosphere

that, while competitive, fosters friendship and camaraderie among the spellers. What's more, he was even televised on ESPN—and years sooner than the scores of young teens who have decided to concentrate their energies on soccer or basketball.

David has been participating in spelling bees since the third grade. It is the process of spelling, he explains, that intrigues him. "Lots of people think that spelling-bee contestants concentrate only on the actual *spelling* of words. That's not true. What's fun for me is learning the meaning of words and how other languages contribute to the English language."

To prepare for the high-stakes national competition, beginning in mid-April, David spent a few hours a day with his dictionary of choice: *Webster's Third New International Dictionary*—unabridged, of course.

Mary Hendriksen





**Dinah Shelton** was elected to one of the American Society of International Law's highest offices, Counselor of the Society, at the society's annual meeting, April 2-6. She also was one of five persons elected to the board of editors of the *American Journal of International Law*. Prof. Shelton was among a group of experts who conducted a training seminar for the United Nations Institute for Training and Research in Kushiro, Japan. The seminar focused on protecting marine living resources and involved government officials from the Asia-Pacific region. Following the Kushiro workshop, she delivered a paper at a conference on international and domestic legal responses to September 11. The conference was sponsored by and held at the University of Sussex.

**Barbara Szweda** was one of four recipients of this year's *Distinguished Notre Dame Woman Award*. Given by the Women's Resource Center, the award recognizes the contributions of women who have served as outstanding role models for female students at Notre Dame. She traveled to Havana, Cuba, speaking to Catholic churches about human rights and the Catholic Church's involvement with the Cuban government, as part of a class she taught in Notre Dame's Theology Department, "From Power to Communion."

**Jay Tidmarsh** published "Agent Orange Heads to the Supreme Court" in *Jurist*, an online legal education magazine, at <http://jurist.law.pitt.edu/forum/forum-new81.php> (December 2002).

## Birth Announcement

**Professor Paolo Carozza** and his wife, Susan, announce the birth of their son, Matteo Angelo Carozza, on July 20, 2003. He joins Giuliana, Giancarlo, and Sofia.

# ADMINISTRATOR AND STAFF notes

## Jackie Weiler Retires

After nearly 25 years of service to the Law School, Jackie Weiler retired June 27. Weiler, who joined the Law School in August of 1978, served the school in a number of different capacities. After

working in the Admissions Office with Carol Nelson, Weiler was administrative assistant to the Associate Deans' Office, where she worked with Capt. William McLean, Frank Booker, Peter Thornton, Rev. Michael McCafferty, C.S.C., Walter F. Pratt, Janis Johnston, Patricia Leonard, and Rev. James McDonald, C.S.C. She also was senior staff assistant to Professors Eric Smithburn, Teresa Godwin Phelps, Nicole Garnett, Judge Kenneth Ripple, Robert Rodes, Amy Barrett, and numerous visiting faculty.



## Welcome to Dean O'Hara's Assistant

Julie Shook has accepted the position of senior administrative assistant in the Dean's Office, replacing Denise Sullivan, who moved to Notre Dame's new Center for the Performing Arts. Previously, Shook worked for 20 years in the Chicago office of Seyfarth Shaw, most recently as administrative assistant to the chairman of the firm.



# DEAN PATRICIA A. O'HARA AND THE NOTRE DAME LAW SCHOOL

## *proudly announce the following faculty appointments*

### REVEREND JOHN J. COUGHLIN, O.F.M.

Father Coughlin joins the Notre Dame Law School faculty after visiting at the Law School during the spring 2003 semester. Father Coughlin was ordained a Roman Catholic priest in the Franciscan order in 1983. He earned his B.A. degree from Niagara University in 1977, an M.A. from Columbia University in 1982, a master's degree in theology from Princeton University in 1984, a J.D. from Harvard Law School in 1987, and his canon law license and doctorate of canon law, *summa cum laude*, from the Pontifical Gregorian University in Rome, in 1990 and 1994, respectively. His doctoral dissertation was a comparative study of the administration of the tribunals of the *Roma Curia* and the United States federal court system.

A member of the New York bar, Father Coughlin clerked for the Honorable Francis X. Altimari on the United States Court of Appeals for the Second Circuit. He served as general counsel of St. Bonaventure University in Olean, New York, from 1990 to 1993. From 1993 to 1996, he served as legal and canonical counsel to the Holy Name Province of Franciscan Friars in New York. Upon appointment by John Cardinal O'Connor of New York, Father Coughlin served as professor of canon law and spiritual director of St. Joseph's Seminary in New York from 1994 to 2001. He also served the Archdiocese of New York as a judge in the Appeals Tribunal, as vicar of canonical and legal aspects of health care, and as a member of the boards of several Catholic hospitals and educational institutions.

Father Coughlin taught as an adjunct at St. John's Law School from 1996 to 1998, was a research professor there in 1998–1999, and, in 1999, joined the St. John's faculty as an assistant professor. In his first year as a full-time faculty member, St. John's law students selected him as their "Professor of the Year." He teaches in the areas of professional responsibility, canon law, administrative law, and family law.

### JOANMARIE ILARIA DAVOLI

Joanmarie Ilaria Davoli has joined the Notre Dame Law School as an associate professional specialist in the Legal Aid Clinic. A native of northern Virginia, she received her B.A. in history and philosophy from the University of Virginia in 1985 and her J.D. from Georgetown University Law Center in 1988. She worked over 11 years as a criminal defense attorney—first with the South Carolina Death Penalty Resource Center and later as a public defender for Fairfax County in Virginia and Charleston County in South Carolina. While practicing as a public defender, Davoli represented clients on charges ranging from misdemeanors to capital murder. It was during this time that she became interested in the rights of those with mental illnesses and psychiatric problems.

In 1999, Davoli joined the faculty of George Mason University School of Law and established the school's first endowed legal clinic—the Law and Mental Illness Clinic. Through classroom training, research projects, and representation of petitioners in civil commitment hearings, students learned first-hand of the challenges facing clients with mental illnesses.

At Notre Dame, Davoli will be teaching and supervising students in the general civil division of the Legal Aid Clinic.



## LAUREL P. COCHRANE

Laurel P. Cochrane has joined the Notre Dame Law School Kresge Library as an associate librarian. She received her B.A. in English from Indiana University, where she was elected to Phi Beta Kappa. She also earned her M.L.S. (with honors) from Indiana University. Since 1985, Cochrane held technical services positions of increasing responsibility at the St. Joseph County Public Library in South Bend, Indiana, where she had a major role in managing the public library's automated system.

Cochrane was a visiting librarian at NDLS last year to support the Transitional Justice Project at the Law School's Center for Civil and Human Rights. During that time, she established the project's Accountability Resource Center, a collection of books, monographs, studies, reports, and similar documents relating to the change from repressive to more open regimes. She also provided bibliographic assistance to the Kresge Law Library, with particular responsibilities for the effective application of the automated library system.

## visiting faculty

**Stephen Johnson** is associate dean and professor of law at Mercer University's Walter F. George School of Law, where he teaches environmental law, administrative law, statutory law and analysis, and alternative dispute resolution. He earned both his B.S. and his J.D. from Villanova University in 1985 and 1988, respectively. Prior to joining the Mercer faculty, Professor Johnson practiced with the Pennsylvania Department of Environmental Resources from 1988 to 1991 and with the United States Department of Justice, Environment and Natural Resources Division from 1991 to 1993. As a visiting professor of law during the fall 2003 semester, he will teach torts and a course on economics and environmental justice.

**Mark Kende** is a professor of law at the University of Montana School of Law, where he teaches courses on constitutional law and cyber law. In 2000, he was a Senior Fulbright Scholar and visiting professor of law at the University of Stellenbosch in South Africa, where he taught in the areas of comparative constitutional law and comparative human rights law. He currently serves as chair of the AALS Section on Africa. He earned his B.A. in philosophy from Yale and his J.D. from the University of Chicago Law School, where he was a member of the law review. Prior to joining the faculty at Montana, he served as a law clerk for Chief Judge Julian A. Cook Jr., of the Eastern District of Michigan, and as a litigator for Miner, Barnhill & Galland, a Chicago law firm. As a visiting professor of law during the 2003–2004 academic year, Professor Kende will teach constitutional law, civil rights litigation, First Amendment, and constitutionalism in emerging nations.

**Mark L. Movsesian** is a professor of law at Hofstra University, where he teaches in the areas of contracts, international trade, and legislation. He received his A.B. in history *summa cum laude* from Harvard College in 1985 and his J.D. *magna cum laude* in 1988 from Harvard Law School, where he was editor of the *Harvard Law Review*. He served as a law clerk to Chief Judge Harrison L. Winter of the United States Court of Appeals for the Fourth Circuit and to Justice David H. Souter of the Supreme Court of the United States. He also served as an attorney-advisor in the Office of Legal Counsel at the United States Justice Department. As a visiting professor of law during the fall 2003 semester, Professor Movsesian will teach international commercial arbitration law and law of international trade.



## NEWS FROM THE KRESGE LAW LIBRARY

### Moving 70,000 Volumes

To support the research and scholarship of NDLS faculty and students, the Kresge Law Library houses 300,000 printed volumes, 300,000 microform volume equivalents, and subscribes to 6,000 serial titles—180,000 discrete titles in all formats. **Roger F. Jacobs**, associate dean for library and information services, explains that even in an age when electronic resources are critical to the functioning of the Library, books continue to provide the foundation for faculty and student research. "Last year, notwithstanding the wealth of electronic resources now available, the Library acquired 4,600 print titles to provide continued critical support of research and teaching."

To make room for the ever-growing collection, this summer nearly 70,000 lesser-used volumes were barcoded for inventory control and then moved to a newly constructed intensive book storage area in the basement of the University's Hesburgh Library. While the volumes will no longer be on site, Law Library patrons can access any of the stored volumes within 24 hours by a simple request at the circulation desk. The freed-up space will, after major shifts of the remaining collections, alleviate the crowded conditions of some areas of library shelving where there is insufficient space to add even a single new book. Additionally, it will provide growth room for the 60,000 additional print volumes that will be acquired before the Law School addition is constructed.

### Librarian Soars to New Heights

Librarian **Warren Rees** earned his private pilot's license this spring. He writes: "Flying has been a dream of mine since I was 10 years old. The world always looks so perfect and interesting from above. Time and money held me back until a couple of years ago, when I decided that it was finally time to take the big step and see if flying a plane was for me. After several flights, a few of which were so bumpy that I felt more than a little ill, flying began to grow on me. Between my schedule and the Michiana weather, I was able to fly only two or three times a month. Eventually, though, I logged enough hours to solo for the first time on March 1, 2002, and passed the FAA check ride for the private pilot's license on February 28, 2003. As my instructor and other pilots tell me, I now have a license to learn. My next goal is to gain experience and enjoy the view while flying to such beautiful destinations as Traverse City and Mackinac Island."

### Maria Marquinez Cabrejas Visits from Spain

Maria Marquinez Cabrejas, serials librarian from the Universidad de Navarra in Pamplona, Spain, visited the Kresge Law Library this summer to observe procedures relating to the integrated library system, the system that supports the online catalog, LINK, and most of the staff functions. Cabrejas expressed her thanks to the library faculty and staff by hosting, with Librarian **Patti Ogden**, a picnic at St. Patrick's Park on July 29 that featured both American hot dogs and Spanish paella.







## NOTRE DAME LAW SCHOOL COMMENCEMENT CEREMONIES

MAY 18, 2003



As has long been traditional at the Law School, Commencement 2003 began for this year's 194 graduates with a prayer service and hooding ceremony in the Basilica of the Sacred Heart.

In the afternoon, the Law School's graduates joined University ceremonies at the Joyce Center, where Senator Richard G. Lugar, R-Ind. was the principal speaker. Also at that ceremony, Peter Steinfels and Margaret O'Brien Steinfels, successive editors of the journal *Commonweal*, received the 2003 Laetare Medal, the most prestigious award given to American Catholics.

The day concluded with the Law School Diploma Ceremony at the Hesburgh Library's reflecting pool.





The graduates from the class of 2003 select **Professor Anthony J. Bellia** as the 2003 “Teacher of the Year”

Professor Bellia teaches courses in contracts and federal courts. He joined the Law School faculty in the fall of 2000 as an assistant professor of law. He earned his B.A. *summa cum laude* from Canisius College in 1991, where he was named the outstanding graduate in economics and political science as well as a Harry S. Truman Scholar. At the Notre Dame Law School, he received the prestigious Judge Roger T. Kiley Fellowship and served as editor-in-chief of the *Notre Dame Law Review*. He earned his J.D. *summa cum laude* in 1994 and received the Dean Joseph O’Meara Award for outstanding academic achievement. He is admitted to practice in the state of New York and in the District of Columbia.

After graduation, Professor Bellia clerked for the Honorable William M. Skretny of the United States District Court for the Western District of New York, for the Honorable Diarmuid F. O’Sconnlain of the United States Court of Appeals for the Ninth Circuit, and, in the October 1997 term, for Associate Justice Antonin Scalia of the United States Supreme Court. From 1998 to 2000, he practiced law as an associate with Miller, Cassidy, Larroca & Lewin in Washington, D.C.





## Graduation Address by Professor Anthony J. Bellia Jr., Recipient of the 2003 Law School Distinguished Teacher Award

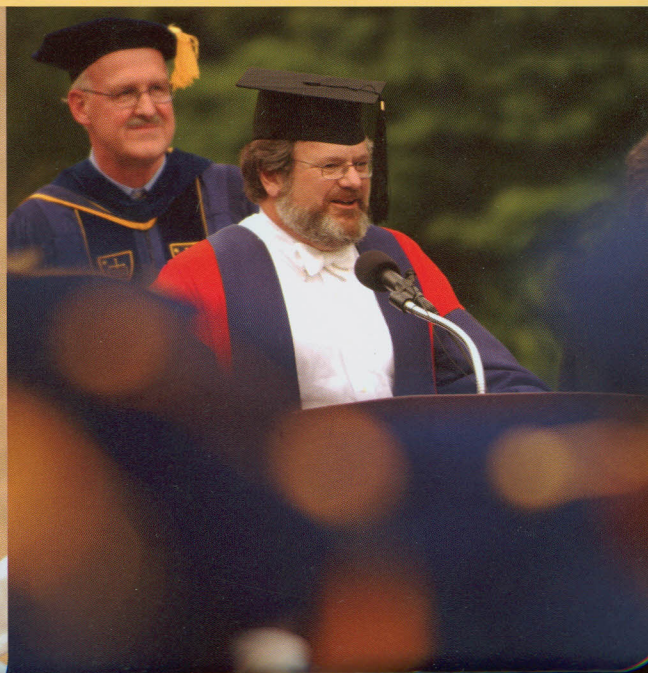
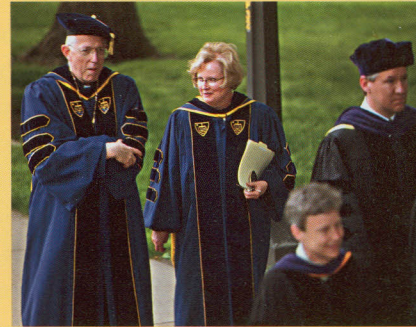
In speaking with several of you during the week preceding graduation, I was struck by a sentiment expressed by one of you in particular. One of you said that, living under the shadow of the Dome for three years, he had come to take for granted the opportunity to study law at Notre Dame, a university with which people all over the world want to be associated. And, now, having come to take Notre Dame for granted, he felt as though he were graduating without having left his mark on Notre Dame—and this was an empty feeling. “There will never be a plaque in the Law School that has my name on it,” he said. “There will never be a journal on the shelf that lists my name as an editor.... On graduation day, no one will hear my name associated with any special honors.” And so forth.

You must not, however, leave here today with the feeling that these are the kinds of things that determine whether you have left your mark on Notre Dame. Those of you who in your first year suffered the disappointment of grades that you were not accustomed to receiving, but nonetheless diligently persisted in your studies, perhaps semester after semester not receiving the grades that you expected: you, too, have left your mark on Notre Dame. You have valued learning over recognition and left a mark of

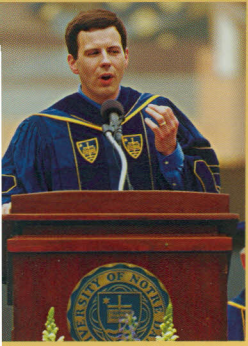
integrity on Notre Dame. Those of you who were delighted with your first-semester grades, but never rested on your laurels, semester after semester earning high grades that perhaps you no longer needed instrumentally:

you have left your mark on Notre Dame. The plaque that might bear your name in the Law School does no justice to the mark of integrity that you have left on Notre Dame. Those of you, and this would be all of you, who took exams for three years without proctors, sometimes in your homes, and who never gave in to the temptation to cheat: you have left your mark on Notre Dame. Future students of this Law School will be called upon to do the same, and the mark of integrity that you have left here will be their source of strength. Those of you who have come to the aid of those classmates and staff members who suffered personal tragedies over the last three years: you have left your mark on Notre Dame. That one does not receive a trophy for voluntarily lending a hand to a friend does not mean that one has failed to leave a mark on Notre Dame.

I must confess that when I walk through the hallways of the Law School at the end of the day, I seldom read the plaques on the wall. But, sometimes, I pop my head into a classroom late at night, when the halls are quiet, and the classroom does not feel empty; rather, it feels electric. You know the experience. The spirit of integrity that permeates the Notre Dame Law School is the mark that you have left on Notre Dame.







That said, your goal today should not be to figure out whether and how you have left your mark on Notre Dame. Ultimately, you *are* Notre Dame. Your comings and goings over the past three years have not been some sort of virtual exercise in a land of make-believe. What you do tomorrow will be as much a part of Notre Dame as what you did yesterday. When you find yourself doing thankless work for which other people receive the credit, and,

rather than seethe about it, you relish good outcomes, you remain with Notre Dame. When you find yourself in a position of power with an office full of plaques and awards, and, rather than become vain and complacent, you diligently pursue good outcomes and treat everyone in your organization, from top to bottom, with dignity and gratitude, you remain with Notre Dame. In private practice, when you find yourself short for the first time on your monthly billable hours (and this will be a great moment of choice for you), and, rather than pad your hours, you make an honest accounting of the hours you actually worked that month, you remain with Notre Dame.

And you will remain with Notre Dame in so many other ways as well. When you find yourself at 4 o'clock in the afternoon on a Little League baseball diamond with mud on your loafers and knots in your stomach because you know that you are going to be up all night writing a brief, you remain with Notre Dame. When you find yourself day-to-day addressing issues of great importance—international affairs, multi-billion dollar deals—but you take half an hour to stop by the house of a parent, a grandparent, or an aunt or uncle to change a water jug and thereby address perhaps the issue of

greatest importance in that person's day, you remain with Notre Dame. And when you find yourself at some point, by chance or by choice, on your own, and you actively pursue the challenging and selfless vocation that your circumstances have enabled you to pursue—may God bless you—you remain with Notre Dame.

Remaining with Notre Dame means pursuing not recognition but influence in the achievement of good. Your goal should not be to be the best lawyer, for if that is your goal, surely you will fail. There always will be someone who is regarded as a better lawyer than you are, and there always will be someone who is regarded as a worse lawyer than you are. Strive for influence in the achievement of good, and recognition either will follow or be irrelevant. This applies if you are working on Wall Street or in legal aid. Those of you who will work 2500 hours next year in the private sector with honesty and integrity will be performing work that is necessary and beneficial to both your clients and your community. Legal tasks that demand around-the-clock attention are not new in history. And money has not been, and is not now, the reward for performing them. If you take it upon yourself to perform these tasks honestly and justly, you will remain with Notre Dame. Those of you who will work next year not for profit but on behalf of those who have not the means to afford for-profit legal services also will be performing work that is necessary and beneficial to your clients and your community. The poor always have been and always will be with us. If you take it upon yourself to perform these tasks with honesty and integrity, accepting the attendant financial sacrifice that you and your family will endure, you will remain with Notre Dame.

While I ask you not to focus on being the best lawyer, there are certain roles in life at which I would ask you to focus on being the best. You have been a child to a parent. If you are not the best





child to that parent, there is no one who will be better. You may be a sibling to a brother or a sister. If you are not the best sibling to that brother or sister, there is no one who will be better. If you marry, and you are not the best spouse to your husband or wife, there is no one who will be better. And if you have children, and you are not the best father or mother to that child, there is no one who will be better.

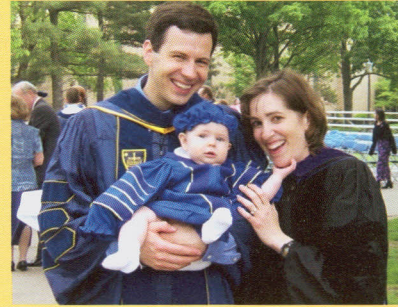
Simply put, pursuing the achievement of good demands self-denial. That is the principle upon which the Congregation of the Holy Cross founded this University. The mural that stands behind me is not about a touchdown; it is about the fact that self-denial and suffering are the wellspring of good. The same is true of Our Lady on the Dome. Why did the Congregation of the Holy Cross choose her as our patron? Because self-denial is the wellspring of good.

So do not think today that you somehow must leave your mark on Notre Dame before you leave. When you go, Notre Dame goes with you. It is often said there will come a day when the stadium no longer will stand, the Hesburgh Library will have crumbled, and the Dome no longer will shine over a campus; but Notre Dame will endure because you are Notre Dame. We need not project that far into the future, however, to appreciate this reality. In fact, we must appreciate it today, because tomorrow these symbols will not be present in your day-to-day lives. Do those of you who were in my first-year contracts section remember the first day of law school? On that day, I told you that you are here because you had exhibited good judgment and good character in your prior endeavors, the *sine qua non* for admission to Notre Dame. And I asked you not to leave your character and judgment at the door as you entered law school. You must not lose that character, I said. You

must foster it. Why such a solemn charge on the first day of law school? In short, because today would be a sad day, rather than the joyful day that it is, if it turned out that you were more a part of Notre Dame when you entered its law school than you are as you leave it today. When you get in your cars this week and take to the interstates, and the Dome grows smaller and smaller in the rear-view mirror, let it grow bigger and bigger in your hearts. You will be as much with Notre Dame where you are as you are here now. When you exercise good judgment and character in your moments of choice, you much more define what Notre Dame is than do a bunch of crazies doing push-ups in a stadium. If Notre Dame does not inhere in the post-graduate lives of its alumni, it cannot be said that it inheres in the lives of its students.

If the day ever comes that you feel disconnected from Notre Dame, or if the joy of this day ever becomes a distant and seemingly unreal memory, then, by all means, call, write, or, better still, grab a big cup of coffee, get in your car, and set the compass for the plains of northern Indiana. Notre Dame cannot afford to lose even one of you, and you cannot afford to lose Notre Dame.

Congratulations and may God bless you all.





## GRADUATION LAW HONOREES

The following special awards were announced at the Law School's diploma ceremony:

### Arthur Abel Memorial Writing Competition Award

*for excellence in writing for the Notre Dame Law Review*

Keith Edward Eastland of Pittsburgh, Pennsylvania

### Edward F. Barrett Award

*for outstanding achievement in the art of trial advocacy*

Keith Edward Eastland of Pittsburgh, Pennsylvania

Emily Elizabeth Bienko of Tranquility, New Jersey

### Nathan Burkan Memorial Award

*for the best paper in copyright*

Lora Anne Saltarelli of Chatham, New Jersey

### Joseph Ciraolo Memorial Award

*to a law student who exemplifies spirit, service, and significant achievement in the face of adversity as did Joe, beloved member of the class of 1997*

John William Ross of South Bend, Indiana

### Farabaugh Prize

*for high scholarship in law*

Michael Marc Wolz of Nurnberg, Germany

### Colonel William J. Hoynes Award

*for outstanding scholarship, application, deportment, and achievement*

Jane Ann Dall of Ferdinand, Indiana

### International Academy of Trial Lawyers Award

*for distinguished achievement in the art of advocacy*

Sheryn Elizabeth Chatham of Chatsworth, California

William Henry Gallina of Pittsburgh, Pennsylvania

Jeremy Martel Ramp of Indianapolis, Indiana

### Jessup International Moot Court Award

*for excellence in advocacy*

Kevin Snowden of Kirkland, Washington

### William T. Kirby Award

*for excellence in brief writing*

Jane Ann Dall of Ferdinand, Indiana

### Dean Konop Legal Aid Award

*for outstanding service in the Legal Aid and Defender Association*

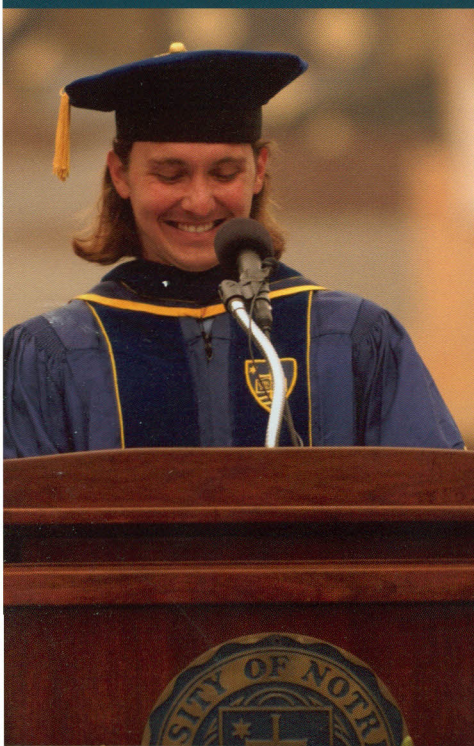
Fernando Vincent Narvaez of Clearwater, Florida

### John E. Krupnick Award

*for excellence in the art of trial advocacy*

Gregory Patrick Ripple of South Bend, Indiana

John William Ross of South Bend, Indiana





**David T. Link Award***for outstanding service in the field of social justice*

Susan Kathleen Prchal of Huntington Beach, California

**Judge Joseph E. Mahoney Award***for demonstrating outstanding leadership qualities*

Kristie Lynn McCann of Deep River, Connecticut

**Arthur A. May Award***to a member of the Barristers team who demonstrates a commitment to professional ethical standards and exhibits excellence in trial advocacy*

Natalie Kay Wight of Portland, Oregon

**Captain William O. McLean Law School  
Community Citizenship Award***to a member of the Law School community who has done the most to contribute to the lives of students and the Law School*

Susan Kathleen Prchal of Huntington Beach, California

**Dean Joseph O'Meara Award***for outstanding academic achievement*

Esther Slater McDonald of Clinton, Maryland

**National Association of Women Lawyers Award***for scholarship, motivation, and contribution to the advancement of women in society*

Kristie Lynn McCann of Deep River, Connecticut

Susan Kathleen Prchal of Huntington Beach, California

**National Clinical Legal Education Association Award***for an outstanding student in the Notre Dame Legal Aid Clinic*

Amy Claire Egloff of Arnold, Maryland

**A. Harold Weber Moot Court Award***for outstanding achievement in the art of oral argument*

Lisa Marie Jarmicki of Asbury, New Jersey

Mark Francis Juba of Lancaster, Pennsylvania

Laura Olivia Leslie of Sonora, California

Jeffrey David Perconte of Arlington Heights, Illinois

**A. Harold Weber Writing Award***for excellence in essay writing*

Mary Sydney Leach of Stafford, Virginia





# STUDENT **notes**



## Hispanic Law Students Association Honors Advocate on the Bench

On March 29, 2003, over 50 law students, faculty, and community members gathered in the Notre Dame Law School Courtroom to present the **2003 Graciela Olivarez Award** to the Honorable Richard A. Paez. Each year, HLSA honors a member of the Latino legal community with this award as a means of remembering **Graciela Olivarez '70**, a Latina activist who was the first woman graduate of Notre Dame Law School.

Judge Paez sits on the United States Court of Appeals for the Ninth Circuit in Pasadena, California. A dedication to public interest throughout his early career makes his journey to the bench both non-traditional and admirable. In his speech at the awards ceremony, Judge Paez shared his experience during the judicial confirmation process in Congress and entertained questions from a captivated audience.

A native of Salt Lake City, Utah, Judge Paez spent years as a legal advocate for the underserved community through such organizations as California Rural Legal Assistance, the Western Center on Law and Poverty in Los Angeles, and the Legal Aid Foundation of Los Angeles. He was the first Mexican American appointed to the U.S. District Court in Los Angeles in 1994. After only two years of service on the federal bench, President Clinton nominated him to the Ninth Circuit Court of Appeals.

As stated at the ceremony, Judge Paez is a pioneer within the Latino community. HLSA is proud to recognize his accomplishments and his efforts to bring ethics and integrity to the search for justice on the bench. He is an inspiration and a gift to the legal community of Notre Dame.

*Julissa Robles '04*

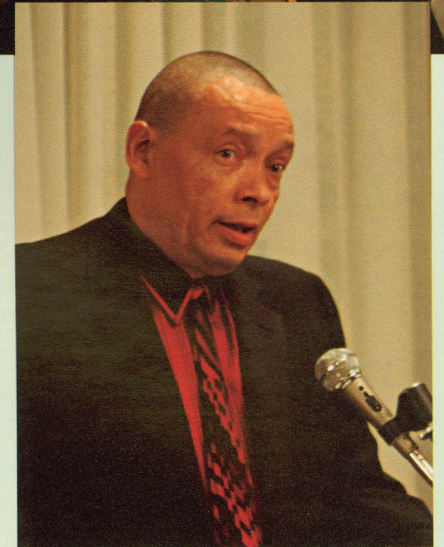


## Black Law Students Association Hosts Alumni and Prospective Students

A new and exciting era was ushered in during this year's BLSA Weekend, hosted April 4–6 by the Black Law Students Association. The annual event signals the return of alumni to South Bend, along with the presence of accepted applicants looking to get an insider's view of NDLS. Throughout the weekend, current BLSA members host prospective students, giving them an intimate look at what it is like to be a member of the Notre Dame family. In addition to shuttling prospective students around campus, BLSA members meet with alumni to discuss topics concerning BLSA and work with the alumni to strengthen all aspects of legal education at Notre Dame.

The weekend's pinnacle moment is the Saturday night awards banquet at the Morris Inn. This year's alumni award went to **Jock M. Smith '73**, a partner in the firm of Cochran, Cherry, Givens & Smith and author of *Climbing Jacob's Ladder: A Trial Lawyer's Journey on Behalf of 'The Least of These.'* While giving everyone a chance to relax and enjoy another successful weekend, the banquet also provides a unique opportunity for third-year law students to be recognized by their peers and marks the change of administration of the executive board.

In the last academic year, 14 African American students entered the Law School—the largest number in any class to date. The increased numbers brought rejuvenation to the Black Law Students Association, and the new enthusiasm was undoubtedly felt during BLSA Weekend.



Ryan Hall '05

## Loan Repayment Assistance Program Participants Selected

This spring, the Law School selected the inaugural participants in its Loan Repayment Assistance Program (LRAP), which seeks to alleviate some of the financial obstacles that have prevented many new graduates from pursuing low-paying positions in public interest, public service, or similar employment. Under the LRAP, the Law School extends loans to graduates to help them repay qualifying law school educational loans. If a graduate selected for the program performs qualifying employment for five years, the loans from the Law School are then fully forgiven.

The Law School approved all seven graduates who submitted timely and complete 2003 applications. On the final page of this issue of *Notre Dame Lawyer*, one of the inaugural participants, **Kristina Campbell '02**, of the Virginia Farmworkers Legal Assistance Project, relates some of her experiences this past year representing migrant farmworkers.

Eligible graduates seeking loan repayment assistance for 2004 must apply before November 3, 2003. Once finalized, application materials will be available on the Law School's web site.



# Journal of Law, Ethics & Public Policy

## Holds Two Symposia

### Notre Dame Journal of Law, Ethics & Public Policy

Symposium on  
Bioethics



Thomas J. White Center  
on Law & Government  
Notre Dame Law School

Volume 17 Issue No. 1, 2003



As part of its mission to provide a forum for analyzing legal and public policy issues from an ethical perspective, the *Notre Dame Journal of Law, Ethics & Public Policy* sponsors two symposia each year that correspond with the *Journal's* two published issues.

In March of 2003, the *Journal* held the first of its symposia—a panel discussion on a topic in the field of bioethics titled “Can Regulations ‘Stem’ Scientific Progress? An In-Depth Analysis of the Federal Government’s Attempts to Stop Human Cloning and Embryonic Stem Cell Research.” Members of the panel included Clarke D. Forsythe, president of Americans United for Life; Nathan A. Adams IV, chief litigation counsel for the Christian Legal Society; and Maureen Condit, assistant professor of neurobiology and anatomy, University of Utah School of Medicine. The panel was moderated by NDLS **Professor John H. Robinson**, associate dean for academic affairs.



## FEDERALIST SOCIETY STUDENT SYMPOSIUM

In February, the Law School hosted the 22nd annual Federalist Society Student Symposium: “Law and Human Dignity.” The symposium attracted more than 400 law students and some of the top legal scholars in the country. It was the first time the Law School has hosted the prestigious event.

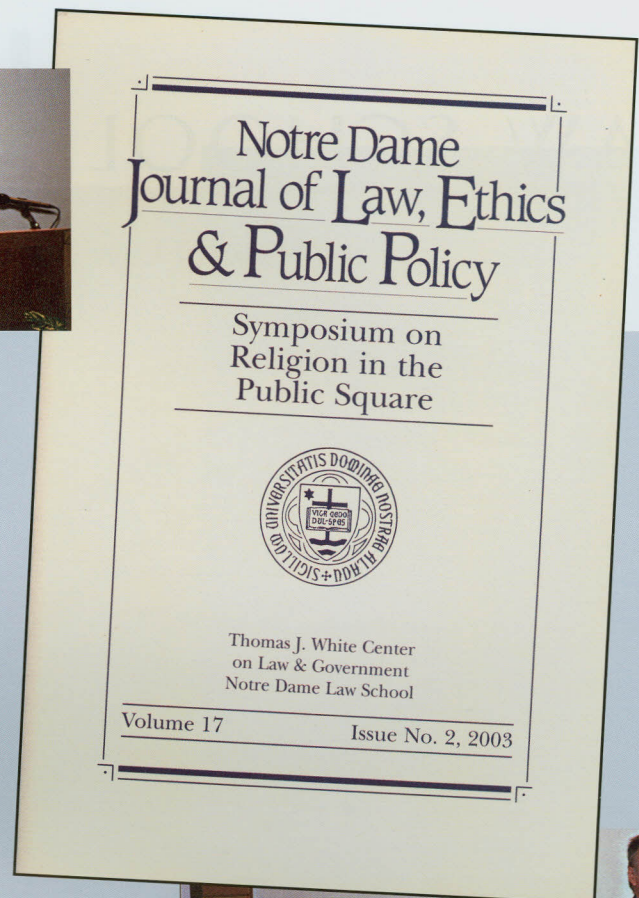
Dean Patricia O’Hara and David M. McIntosh, national co-chairman of the Federalist Society and formerly a U.S. congressman from Indiana, opened the weekend’s sessions. Panels addressed the various ways in which law affects and reflects ideas of human dignity. Panel topics included “Crime, Punishment and Human Dignity,” “Technology, Ethics, and Human Dignity,” “International Law and Human Dignity,” and “Theories of Welfare.” A debate rounded out each discussion and focused on religious liberties in the context of human dignity. The panels and debates were marked by vigorous questions from the student attendees, with discussion spilling out into the halls after each panel.





In April of 2003, the *Journal* held the second of its symposia—a discussion on religion in the public square, with keynote speaker Professor Kent Greenawalt of the Columbia University School of Law. Prof. Greenawalt is the author of an article titled “Religion in Public Schools? Debating Creation, Evolution, and Intelligent Design,” which was published in the second issue of volume 17 of the *Journal* in April. Other speakers included **Professor Gerard V. Bradley** of NDLS and Steven K. Green, associate professor of law at Willamette University College of Law and special counsel, Americans United for Separation of Church and State. Moderator for the event was NDLS **Professor Richard Garnett**.

Next year, the *Journal* will present symposia on two new topics: “Marriage and the Law” and “Criminal Punishment.”



The symposium featured notable scholars from the judiciary, public interest groups, and academia. Speakers included Morris Arnold (U.S. 8th Circuit), Frank Easterbrook (U.S. 7th Circuit), Alex Kozinski and Diarmuid O'Scannlain (U.S. 9th Circuit), as well as Kevin Seamus Hasson of the Becket Fund for Religious Liberty, Michael Horowitz of the Hudson Institute, and the Rev. Barry Lynn of Americans United for Separation of Church and State.

Additionally, Professors Richard Epstein of the University of Chicago, John McGinnis of Northwestern University, Stephen Morse and Amy Wax of the University of Pennsylvania, Peter Edelman and Louis Michael Seidman of Georgetown University, G. Marcus Cole of Stanford University, and Jeremy Rabkin of Cornell University participated in the symposium. NDLS professors participating included **Gerard V. Bradley**, **Vincent Rougeau**, **Rev. John Coughlin, O.F.M.**, **Juan Méndez**, and **Donald Kommers**.

Articles based on the presentations and discussions at the symposium are published in the fall issue of the *Harvard Journal of Law & Public Policy*. Five NDLS students were selected to serve on that issue's editorial board.

**Louis Crisostomo '05** will be the National Symposium Editor, the top editor managing the publication of the issue. **Kate O'Scannlain '05**, **Rebecca Parrott '05**, **Cynthia Phillips '04**, and **Mellissa Rundus '04** will be editors.



# LAW SCHOOL **briefs** *the Policy*

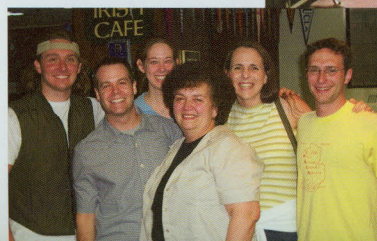
## Natural Law Institute Conference

Several of the world's leading philosophers were on campus April 10–11, 2003, to discuss the question "Law's Moral Foundations: Has it Any?" during a conference sponsored by the Natural Law Institute. The conference opened with a keynote address by Joseph Raz, professor of the philosophy of law, Oxford University and Fellow of Balliol College, Oxford. Other speakers included Jude Chua Soo Meng, National University of Singapore and Center for Philosophy of Religion at Notre Dame; Timothy Endicott, Fellow and Tutor in Law at Balliol College, Oxford; M.H. Kramer, professor of legal and political philosophy, University of Cambridge; and Brian Leiter, Joseph D. Jamall Centennial Chair in Law, University of Texas. The conference concluded with the annual Natural Law Lecture, this year given by **John M. Finnis**, the Biolchini Family Professor of Law at NDLS.



## Law School Community Raises Funds to Send Vicky Moore and Family to Disney World

Vicky Moore has served the Law School for many years in the Irish Café. She had been in remission from colon cancer but learned this spring that her cancer had returned. The Law School community raised money to send Vicky and her family this summer on a much-needed and well-deserved vacation to Disney World.





## Legal Writing at NDLS

*Whoever speaks a language  
that no one else understands  
does not speak.*

H.G. Gadamer. *Philosophical Hermeneutics* (1976): 65

Notre Dame Law Professor **Teresa Godwin Phelps**, the director of the first-year legal writing program, thinks these words have particular resonance for lawyers. Perhaps more than the members of any other profession, lawyers receive low marks for clarity and conciseness.

In a groundbreaking law review article, "The New Legal Rhetoric," 40 *Southwestern Law Review* 1089 (1986), Phelps made the case that all the worst qualities of traditional legal writing—wordiness, legalese, unintelligibility—occur when writers fail to recognize that legal writing is a *conversation* that is intended to solve problems. She argued that as in any other discourse community, those who write in the legal community must see their writing as rhetorically based. Thus, attention to the three components of any rhetorical situation—audience, purpose, and occasion—should be key to any legal writing task, whether it be a client letter, a memorandum, or a brief.

This fall, Phelps will lead a team of nine adjuncts, each assigned a 20-student section, to teach the NDLS first-year legal writing course. All the adjuncts have J.D.s or Ph.D.s, and some are experienced, college-level composition teachers. The syllabus and course texts will be identical for each section.

Phelps explains that the change from third-year students as teaching assistants to adjuncts "will dramatically improve the faculty/student ratio for the course." At the same time, she says, "the program will retain many of the strengths of the old model. Under it, first-year students wrote, revised, revised again—and developed into extremely capable writers."

In addition, the faculty voted last spring to introduce a new upper-level writing requirement for students. Beginning with the Class of 2006, students will be required to complete a "substantial" research paper—normally, at least 10,000 words—during their second or third year.

## Adjuncts for the First-Year Legal Writing Course

Elizabeth Blakey  
Sondra Byrnes  
Susan Murphy Casey  
Amy Monahan  
Thomas Nuttle  
Susan Taylor  
Tracey Thomas  
Christine Venter  
Stephanie Vetne



## Colloquium on Legal Discourse

From June 9 through June 13, 2003, Professor **Teresa Godwin Phelps** led the third *Notre Dame Law School Colloquium on Legal Discourse*. Different from seminars and workshops that teach the techniques of legal writing, the colloquium brings together scholars who delve into such topics as narrative theory, literary theory and criticism, modes of legal reasoning, and the ethics of legal rhetoric.





## Ralph Nader Speaks on Campus

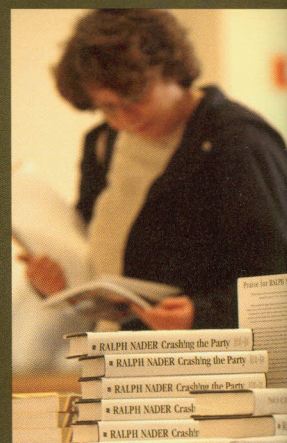
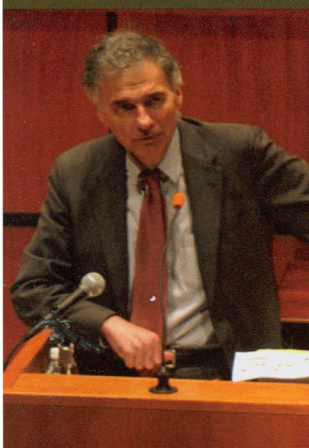
On March 26, Ralph Nader, consumer advocate and the Green Party's candidate for president in 2000, delivered a lecture on campus titled "Legislating Corporate Ethics." Sponsored by the Law School, Nader's talk was attended by hundreds of students, faculty, and community members.

Nader began by stating that "in the last two years alone, the corporate crime wave has looted trillions of dollars from millions of workers, including their pension funds....When corporate wrongdoing or fraud becomes so institutionalized or so embedded, it ceases to be viewed as an egregious violation. It is just a way of doing business."

He cautioned audience members against the dangers of "growing up corporate." This, he said, is the failure to recognize that corporate violence—which he defined as preventable disease or injury—has been responsible for more than 300,000 deaths in the United States since September 11, 2001—far more than the number of deaths from that day's terrorist attacks. These deaths were from such preventable conditions as air pollution, work-related diseases and trauma, and hospital-caused infections.

Nader urged his listeners to join "the corporate responsibility movement" so that corporate leaders are forced to obey more than just internal corporate standards of behavior. "If you want to make sure these companies behave, you empower two classes of people—the shareholders and the victims"—groups that include workers, investors, pension-fund holders, and the general public.

In closing, Nader told students that they are particularly able to contribute to the corporate responsibility movement. "The whole point of a university education is to develop a critical mind.... There is a certain moral imperative... for students like you, who are in the top 2 percent of your age group in the world in terms of health, education, and living in a country where you can make a difference." He urged them to take full advantage of their time at Notre Dame and to bring their creativity to ending the millions of deaths that occur worldwide every year from a multitude of preventable conditions or causes.





## CENTER FOR CIVIL AND HUMAN RIGHTS

The human rights community recognizes the Center for Civil and Human Rights for its outstanding and innovative contributions in the areas of teaching, research, and service. Its LL.M. and J.S.D. programs offer opportunities for committed lawyers from around the world to advocate for human rights through the use of international legal processes. Many of its graduates now form part of an international network of lawyers who, through their teaching or practice, are engaged in the development of a global human rights culture.

### Faculty Spotlight: Professor Dinah Shelton, Teaching Throughout the Globe

Sponsored by the U.S. State Department, **Professor Dinah Shelton** spent the month of January in Ecuador training university professors on human rights teaching and research. Shelton gave three-day workshops in five different cities in Ecuador. Participants in her workshops included not only university teachers and administrators, but judges, lawyers, and local officials. Because Ecuador's constitution requires universities to teach human rights, the workshops were aimed at helping to develop teaching materials and awareness of available resources.

Professor Shelton has also continued her work with the United Nations Institute for Training and Research, lecturing in seminars on the implementation of international environmental law. The next such workshop is scheduled for government officials in Croatia in September. Through the United Nations Environment Programme, she is also working with high court judges from several countries and a former judge of the International Court of Justice to develop a handbook for judges on international environmental law.

### A Graduate's Letter: Gisela DeLeon, LL.M. '03, Intern at the Center for Justice and International Law, Washington, D.C.

After I finished my LL.M. in international human rights law at Notre Dame, I traveled to Washington, D.C., to intern at the Center for Justice and International Law (CEJIL). My internship is being sponsored by the Center for Civil and Human Rights.

CEJIL is a nongovernmental organization with consultative status before the Organization of American States (OAS) and the United Nations (UN). It has observer status as well before the African Commission of Human Rights. CEJIL's main objective is to achieve the full implementation of international human rights norms in the OAS member states through the use of the Inter-American System for the Protection of Human Rights and other international protection mechanisms.

Even though I have been at CEJIL for only two months, I have already had the opportunity to apply knowledge acquired while earning my master's degree at Notre Dame. I have also had the opportunity to gain some practical skills in using the Inter-American System for the Protection of Human Rights to address human rights violations.

The cases that I have been working on involve a variety of human rights violations in countries in Latin America—for example, threats to the life and physical integrity of unionists in Colombia; violations of the rights to life, humane treatment, due process, and effective remedy of prisoners in Venezuela; and violations of children's rights in Paraguay.

The purpose of presenting these cases before the Inter-American System is to establish the responsibility of the state for the violations, to further obtain appropriate redress for the victims (who are not able to obtain redress within their own domestic legal systems), and to prevent the recurrence of these types of violations.

My internship at CEJIL has not only enhanced me professionally, it has also brought me growth as a human being. In keeping with my education at the Center, I feel that my work here is helping to improve human rights conditions in the Americas.



# ALUMNI **notes**

## LISTSERV ADDRESSES

Law School—all alumni:  
[ndlaw-alumni@listserv.nd.edu](mailto:ndlaw-alumni@listserv.nd.edu)

Center for Civil and Human Rights  
 alumni: [ndlaw-cchr@listserv.nd.edu](mailto:ndlaw-cchr@listserv.nd.edu)

London LL.M. alumni:  
[ndlaw-london-llm@listserv.nd.edu](mailto:ndlaw-london-llm@listserv.nd.edu)

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

## WEB ADDRESS

Law School alumni Web site:  
[www.nd.edu/~ndlaw/alumni](http://www.nd.edu/~ndlaw/alumni)

## New Additions

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

**Paul and Anne (Malarkey) McLaughlin '97**  
 announce the birth of their daughter,  
 Eleanor Malarkey McLaughlin, on  
 August 3, 2002.

**Brian Lennon '92 and Susan Hall Lennon  
 '92** announce the birth of their third child,  
 Ella Rose, on October 25, 2002.

**Perry K. DeLay '00** and his wife, Sunny,  
 announce the birth of identical twin girls,  
 Sophie and Zoe, on October 28, 2002.

**Jim and Renee (Flickinger) Howard '96,  
 '99 J.D.,** announce the birth of Abigail  
 Grace on December 3, 2002.

**Christine Gould-Hamm '01** and her  
 husband, Michael, welcomed daughter  
 Lauren Olivia on January 13, 2003.

**Michael Robson '95, '99 J.D.** and his  
 wife, Colleen, welcomed Shannon  
 Bailey Robson on May 2, 2003.

## CLASS OF 1951

**William T. Huston** is stepping down  
 after 40 years as president and chairman  
 of Watson Land Company, a Los Angeles-  
 based real estate business.

## CLASS OF 1956

**Edward C. Cosgrove** has been elected  
 chair of the New York State Bar Association  
 Trial Lawyers Section. A former special  
 agent of the FBI and district attorney of  
 Erie County, New York, from 1974–1981,  
 he focuses his practice on complex civil and  
 criminal litigation.

## CLASS OF 1959

**Dana Devoe** has been named to the  
 Strauss Corporation board of trustees.  
 The Strauss Corporation is a subsidiary  
 of St. Joseph Healthcare Foundation in  
 Bangor, Maine. Now retired, Mr. Devoe  
 practiced law in Bangor from 1959–2001.  
 He served in the Maine House of  
 Representatives from 1977–1978 and  
 in the Maine Senate from 1979–1980. He  
 also served as a member and the chairman  
 of the Orono Appeals Board and on the  
 Orono Town Council from 1992–1998.

## CLASS OF 1963

**Edmund J. Adams**, a partner at Frost,  
 Brown, Todd LLC in Cincinnati, has  
 been selected to serve as vice chairman  
 of the Ohio Board of Regents.

## CLASS OF 1969

**Timothy J. Malloy**, a partner with  
 McAndrews, Held & Malloy, Ltd., was  
 lead counsel on a case that was featured  
 in the March 2003 edition of *Intellectual  
 Property Today*. The case, *Advanced  
 Cardiovascular Systems Inc. v Medtronic  
 AVE Inc.*, was featured as one of the  
 “top ten for all time” damage awards  
 in intellectual property cases.

## CLASS OF 1973

**James L. McCrystal Jr.** has been elected  
 president of the Ohio Association of Civil  
 Trial Attorneys. He is a partner at Brztwa,  
 Quick & McCrystal LLC, a litigation  
 and dispute resolution firm in Cleveland.

## CLASS OF 1975

**Dennis Owens** has received the Judge  
 James A. Moore Award presented by the  
 Lawyers Association of Kansas City.  
 The award is presented to an area judge  
 or attorney who “exemplifies generosity  
 of spirit and deep concern for others and  
 who has truly made a difference in the  
 lives of others.” The citation mentions  
 Mr. Owens’ many volunteer activities,  
 as well as his extensive efforts with the  
 bar and his *pro bono* appellate work for  
 the poor and disadvantaged.



## CLASS OF 1976

**Patrick T. Duerr**, a partner in the corporate department of Honigman Miller Schwartz & Cohn LLP, Detroit, has been named in the tenth edition of *The Best Lawyers in America*. Mr. Duerr has been recognized in the last two published editions as a top practitioner in the area of corporate law.

**Nora Barry Fischer** has become a fellow of the American College of Trial Lawyers. She is a partner in the firm of Pietragallo, Bosick & Gordon, where her practice is focused in the areas of products liability, including toxic tort litigation; insurance and bad faith litigation; medical malpractice defense; insurance coverage interpretation; and alternative dispute resolution.

## CLASS OF 1977

**Michael E. Arruda** has joined the law firm of Fulbright & Jaworski, L.L.P. as a partner. He will work in the firm's Hong Kong office, where his practice will emphasize oil, gas, and other energy transactions arising in Asia, with a focus on China and Central Asia.

**Richard Powers Jr.**, a partner in the Washington, D.C. office of Dorsey & Whitney, L.L.P., has been elected to a three-year term as a member of the Gonzaga University Board of Regents.

## CLASS OF 1978

**Jerry Ross**, a partner with Pillsbury Winthrop, has moved from the firm's San Francisco office to its new office in Houston. He has practiced environmental law for 25 years, with a focus on environmental litigation. He serves as co-chair of the firm's global energy group.

**Patrick A. Salvi**, the managing partner of Salvi, Schostok & Pritchard P.C. in Waukegan, Illinois, has been selected as one of the leading lawyers in Illinois by the Law Bulletin Publishing Company for his work in general personal injury law and professional malpractice law.

## CLASS OF 1979

**Mark G. Olive**, of Sieben, Gross, Von Holtum & Carey, has been selected as a "Super Lawyer" by his peers in the annual "Super Lawyers" survey conducted by the trade journal *Minnesota Law & Politics*.

## CLASS OF 1980

**Terry Springman** has been confirmed as United States District Court Judge for the Northern District of Indiana.

## CLASS OF 1982

**Richard M. Goehler**, a partner at Frost Brown Todd L.L.C. in Cincinnati, Ohio, has been elected to the firm's executive committee. Goehler focuses his work in the areas of the First Amendment, media and advertising law, and general business and commercial litigation.

## Marriages

**Angie Little '03 and Peyton Berg '02** were married at Sacred Heart Basilica on May 31, 2003.

**Christy Brown '00 and Chris Dunn** were married in Corsicana, Texas, July 13, 2002.

## CLASS OF 1983

**Michael F. Bigler** has joined the Cincinnati office of Baker & Hostetler as a partner in the business group. He will concentrate his practice in the area of corporate finance, with a focus on commercial lending, mergers and acquisition finance, equipment leasing, and aircraft finance.

**Robert R. Bruce** has joined the Chicago office of Barnes & Thornburg as of counsel. He will practice in the firm's labor and employment law department. Prior to joining Barnes & Thornburg, Bruce was vice president, labor and employment law counsel for The Servicemaster Company.

## CLASS OF 1984

**Mark A. Byrne** has formed his own law firm, Byrne & Nixon, LLP, in Los Angeles, California.

**Mark Mullineaux** has joined Flamm Boroff & Bacine, Blue Bell, Pennsylvania, where his focus will be intellectual property litigation.



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CLASS OF 1987

**Amy Ronayne Krause** has been appointed to the District 54-A bench in Lansing, Michigan. Krause's previous position was with the Michigan Attorney General's office.

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CLASS OF 1988

**Howard Mulligan** has been appointed of counsel to the New York office of Dewey Ballantine LLP in their structured finance group.

**Lisa L. Swem** has been named to the board of directors for the National Council of School Attorneys. She is president of the Michigan Council of School Attorneys as well.

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CLASS OF 1989

**Nicola Pisano** has left Fishe & Neave in Palo Alto to join Luce, Forward, Hamilton & Scripps as a partner in their Carmel Valley-Del Mar office, where he will focus on intellectual property litigation.

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CLASS OF 1990

**Kathleen Kerrigan** has been named a partner at Baker & Hostetler, Washington, D.C., where she is a member of the federal policy practice group.

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CLASS OF 1991

**Simon Dance** has been promoted to partner in the Washington, D.C. office of Foley & Lardner. His practice focuses on counseling and representing clients for environmental, litigation, and transactional matters.

**William W. Kirk** has been named associate vice president for Residence Life at the University of Notre Dame. A concurrent assistant professor of accountancy, Kirk teaches a business law course in the Mendoza College of Business.

**Katheryne L. Zelenock** has joined Miller, Canfield, Paddock and Stone P.L.C. to lead the newly formed capital markets lending group within the firm's commercial lending practice.

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CLASS OF 1992

**Kenneth Christopher Eager** teaches history and geography at Holy Cross Middle School in Kansas City. He was selected as one of 45 Catholic-school educators to attend "Bearing Witness: Anti-Semitism, the Holocaust and Contemporary Issues," a program sponsored by the Anti-Defamation League, the U.S. Holocaust Memorial Museum, and the U.S. Conference of Catholic Bishops. During the week-long conference, Mr. Eager was selected as a "Nathans Scholar," thereby giving him additional grant funding to implement programs based on the Bearing Witness model.

**James Sledge** has been appointed executive director of the Illinois Human Rights Commission by Illinois Governor Rod Blagojevich.

**Elizabeth Wolford**, a partner with Wolford & Leclair L.L.P. in Rochester, New York, has been named 2003's Outstanding Young Lawyer of the Year by the New York State Bar Association's Young Lawyers Section.

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CLASS OF 1993

**Charles S. Hegarty** has been named a partner with Bodman, Longley & Dahling LLP's Detroit office. He specializes in civil litigation.

**William W. Matthews III**, a partner in the corporate and securities department at Klehr, Harrison, Harvey, Branzburg & Ellers, L.L.P., has been elected to a two-year term as president of the 41,000-member LaSalle University Alumni Association.

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CLASS OF 1994

**Richard T. McCaulley** has been selected for the board of directors of McAndrews, Held & Malloy, Ltd. McCaulley has been with the firm for 10 years and focuses on complex patent, trademark, and antitrust litigation.

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CLASS OF 1995

**Barry W. Andrews** has been elected to partnership at the Cleveland office of Baker & Hostetler, where his practice concentrates in the areas of general business, mergers and acquisitions, debt financing, and securities.



**Bryan W. Kopman** has been elected partner at Chicago's Rooks Pitts. He concentrates his practice in the areas of medical malpractice, construction, premises liability, and general tort litigation.

**Catherine Pieronek**, director of the Women's Engineering Program at Notre Dame, was selected by Notre Dame's Club Coordination Council as Advisor of the Year for 2002-2003 in the academic clubs' division for her work with the student chapter of the Society of Women Engineers. Pieronek appeared on "Massachusetts School of Law Education Forum: Affirmative Action," an hour-long panel discussion on the University of Michigan cases involving the use of race in admissions, aired throughout New England on AT&T/Comcast in May. She also had a letter to the editor published in *The Chronicle of Higher Education*, *The Chronicle Review*, January 24, 2003.

**James L. Scott** has been named a partner at Warner Norcross & Judd, Grand Rapids, Michigan, where his practice is in the areas of computer and intellectual property law.

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#### CLASS OF 1997

**Joseph Byrne** is now an associate with Mayer, Brown, Rowe & Maw in Los Angeles. His move came after four years as a policy consultant and counsel to the speaker of the California State Legislature.

**Jon Hwang** has moved from the Los Angeles office of KPMG to the company's Tokyo office, where he is responsible for international transactions.

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#### CLASS OF 1998

**David Loglisci**, formerly a vice president in Solomon Smith Barney's investment banking division, has been named director of private equity investment of the New York State Common Retirement Fund.

**Colin J. Reilly** has become a partner with Jones Obenchain, LLP in South Bend.

**Sharon M. Ryan** is now with the Law Offices of Paul S. Moore in Nashua, New Hampshire, where she focuses on family law and probate.

**Kimberly L. Thomas** has joined the Grand Rapids, Michigan office of Barnes & Thornburg as an associate practicing in the areas of corporate finance and mergers and acquisitions.

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#### CLASS OF 1999

**Jesse M. Barrett** has become an associate with Barnes & Thornburg in South Bend.

**Claudio Lins de Vasconcelos** has been appointed chief counsel of the Roberto Marinho Foundation in Brazil.

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#### CLASS OF 2000

**Perry K. DeLay** has joined Hangle, Aronchick, Segal & Pudlin in Philadelphia.

**Christy Brown Dunn** is now an assistant district attorney for Tarrant County Texas in Fort Worth, Texas.

**Jason H. Schauer** is now with Stanislaw-Ashbaugh LLP in Seattle, Washington, where he works in construction and real estate litigation.

## In Memoriam

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

**Murray C. Campbell '67**

January 17, 2003, Niles, Michigan

**John F. O'Donnell '75, '78 J.D.**

March 28, 2003, Dallas, Texas

**Hugh McGuire '58, '60 J.D.**

April 15, 2003, Troy, Michigan

**Robert W. Merkle, Jr. '68, '71 J.D.**

May 5, 2003, Tampa, Florida

**Joseph C. Spalding '52**

July 18, 2003, Louisville, Kentucky

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#### CLASS OF 2002

**Matthew C. Gladwell** has joined the law firm of Coolidge, Wall, Womsley & Lombard Co. in Dayton, Ohio, where he practices in the area of commercial real estate law.

**Scott D. Harvey** has become an associate with Barnes & Thornburg in South Bend, practicing business, tax, and real estate law.

**Michael J. Hays** has become an associate with Barnes & Thornburg in South Bend, with a focus on litigation.

**Sean McLaughlin's** article "More Than Meets the Eye: President Bush's Faith-Based Initiative" was published in 33 *University of Memphis Law Review* 41 (2002).

**Matthew T. Nelson** has joined the Grand Rapids office of Warner Norcross & Judd LLP as an associate.



## NEWS FROM THE NOTRE DAME LAW ASSOCIATION

Dear Fellow Law Domers:

Since July 1, it has been my pleasure to serve as President of the NDLA. **Paul Mattingly '75** will be tough to match in terms of his devotion and efforts on behalf of ND Law alumni. We all must thank him for his creativity and time spent so generously. Happily, Paul will continue to oversee and—we hope—expand the summer service projects for NDLS students.

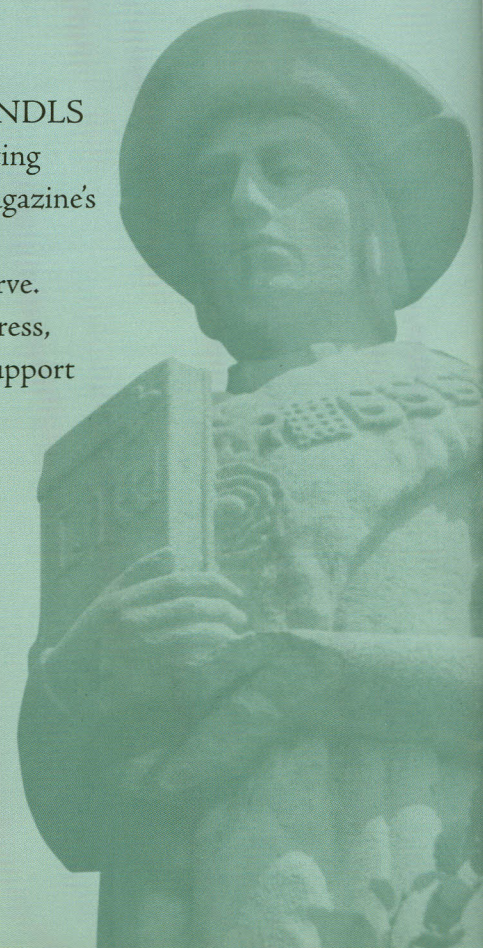
During the coming year, the NDLA will continue to serve the Law School, the law students, and fellow ND lawyers everywhere. I cannot state it more simply. There will be no drastic changes; rather, we will continue our efforts to recruit top-quality students, foster *pro bono* service programs, and assist with job placement. We will tinker with some programs because they can always be improved or enhanced, and we may experiment with others. **David Scheper '85** on our Board has already begun plans to improve relations and communications with current NDLS students.

This issue's profile of **Tom Curtin '68**, a past president of the NDLA, demonstrates the character and competence of just one NDLS alumnus. I hope to feature more of our members and the interesting things they do professionally and in their personal lives in the magazine's NDLA pages.

We want ideas and suggestions from you as to how we can serve. Please feel free to pass on your thoughts. My e-mail, mailing address, and telephone number are all listed below. Thank you for your support and confidence. Go Irish!

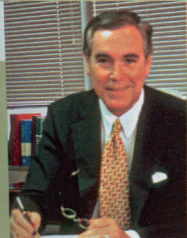


Bob Greene  
Phillips, Lytle, Hitchcock, Blaine & Huber, LLP  
3400 HSBC Center  
Buffalo, NY 14203  
(716) 847-7038  
rgreene@phillipslytle.com





## Notre Dame Law School Alumni Focus:



### Tom Curtin '68

by Mary Hendriksen

*"Everything good that has ever happened to me has been connected to Notre Dame."*

At a time when public mistrust of lawyers is high and, in some quarters, the lawyer-client relationship has fallen on hard times, an extraordinary tribute was paid to Notre Dame Law School alumnus **Tom Curtin '68** by his client, Tommy Hilfiger.

In 2000, Hilfiger established an endowed fund at NDLS in Curtin's honor. At Curtin's request, income from the fund is used at the Dean's discretion to provide a variety of educational and career opportunities for law students engaged in public service. Dean Patricia O'Hara says: "The Curtin Endowment has made an immediate impact upon NDLS and upon our world. This past summer, it made possible paid public service internships for 10 first-year law students in several cities across the country, including positions with legal aid in Chicago, Philadelphia, and western Michigan; the Lawyers' Committee for Civil Rights Under Law in Washington, D.C.; the Homeless Action Center in Berkeley, California; and the Mexican American Legal Defense Education Fund in San Antonio, Texas.

The establishment of the endowed fund speaks volumes about both Curtin's competence and character. Since graduation in 1968, he has practiced law in New Jersey—the last 16 years with the professional association Graham, Curtin & Sheridan. Curtin's focus is on corporate and commercial litigation, with an emphasis on sports and sports-related and fashion and fashion-related business issues. In addition to Tommy Hilfiger, his clients include the Ferragamo and Zegna fashion houses, as well as Jim Fassel, the head coach of the New York Giants.

A compilation of Curtin's *pro bono* work and professional and community involvement is impressive. Only six years out of law school, he was appointed guardian of Karen Ann Quinlan in the high-profile "right to die" case. More recently, Curtin has been active on numerous national, state, and local boards, including the Community Food Bank of New Jersey, Cancer Hope Network, the Connecticut Center for Child Development, the Community Foundation of New Jersey, and the National Football Foundation's College Hall of Fame—and that's just the short list. He has held numerous positions in professional associations as well but says he is "most proud of" his selection as chair, from 1996 to 1998, of the New Jersey Commission on Professionalism in the Law and his appointment in 2001 to Martindale-Hubbell's advisory board.

Curtin says that his personal and professional joys and successes can be traced back to Notre Dame Law School. "Everything good that has ever happened to me has been connected to Notre Dame.

First, I met my wife, Kathleen, through Notre Dame friends. Second, I joined my law firm because fellow alumnus **Samuel A. Colarusso '29**, a retired superior court judge, urged me to do so. Third, the friendships that I made at Notre Dame continue to be among the closest I have. Even though I was on campus in the somewhat turbulent '60s, the cohesiveness of my class is extraordinary. Every one of us is successful in a unique way. Each is proud to proclaim an identity as 'a Notre Dame lawyer.'"

Curtin believes that long before the Law School adopted the slogan "Educating a Different Kind of Lawyer," the faculty taught students what it is to be a lawyer with strongly held personal convictions. "They taught us what it means to be a lawyer with integrity and to be an active part of your community, church, and profession."

Curtin also thinks that NDLS is unique in its integration of law students with the larger University community—and the music, sports, symposia, and lectures so plentiful on campus. "I grew up in a small New Jersey town. I was the first member of my family to attend college (Curtin is a 1965 graduate of Fairfield University), much less law school. The way law students are connected to the fabric of the University was critical to my law school experience. It enabled me to absorb all that is mystical about Notre Dame."

Curtin's connection to Notre Dame and the Law School remains strong. He joined the Northern New Jersey Notre Dame Club as soon as he moved back to his home state after graduation. He has served as president of that club and of the Notre Dame Law Association (from 2000 to 2001) and has been a member of the Notre Dame Alumni Association Board of Directors. He is currently on the Notre Dame Law Association Board of Directors and the Law School Advisory Council.

*"It gives me great pleasure to establish the Curtin Endowment at Notre Dame Law School. The Endowment recognizes Tom's passion for Notre Dame along with his commitment to helping others. Tom is a loyal, dedicated attorney and one of my greatest friends. I am proud to be a part of such a worthwhile endeavor." —Tommy Hilfiger*





# Notre Dame Law School Reunion





## NEWS FROM THE ADMISSIONS OFFICE

### Applications to NDLS Up Sharply for 2003

It's been an exciting and challenging year for admissions nationwide and here at Notre Dame Law School. There has been a renewed interest in the legal profession as college seniors decided to invest in further education rather than to enter the workforce. As the accompanying table shows, nearly 98,000 candidates applied for admission to law schools nationally—the second-largest pool of applicants since 1991. At NDLS, this year's application volume is nearly twice as large as the pool of just two years ago.

The increased competition for admission at NDLS, combined with the Law School's commitment to limit the entering class size to 180 students, resulted in admission being offered to only 13 percent of the applicant pool. The Admissions Committee, which included six members of the faculty, was confronted with many extremely difficult decisions in light of both the quantity and caliber of applications received this year.

The profile of the NDLS Class of 2006 includes students from 32 states and four nations. Among those entering are three husband-wife couples, four students who have earned doctoral degrees, more than two dozen students who will become "Double Domers" upon graduating from the Law School, and several siblings of NDLS alumni. In keeping with the profile of past entering classes, more than 85 percent of the entering students have been involved in extracurricular and community service. The class is composed of 45 percent women, 20 percent minority students, and 42 percent who have at least one year of full-time work experience.

Alumni support of the Law School's enrollment efforts has been extraordinarily generous this past year. From hosting receptions in 12 cities last fall, to sending congratulatory letters to admitted candidates, to hosting more than 50 alumni luncheons in the spring, alumni have graciously supported the Admissions Office in so many ways. In total, more than 200 alumni contributed an estimated 675 hours of time. Clearly, the interaction our alumni have had with both prospective applicants and admitted candidates positively affected the application pool and the profile of the entering class.

As the Admissions Office plans for the NDLS Classes of 2007 and 2008, we wish to continue to involve alumni in our outreach to prospective students. **Janet McGinn '84** will continue to coordinate alumni involvement during the academic year. Please complete an online Alumni Volunteer form, or phone or e-mail the office, if you wish to volunteer.

Online Volunteer Form:

[http://www.nd.edu/%7Elawvisit/place\\_ndlawyers\\_lawdays.htm](http://www.nd.edu/%7Elawvisit/place_ndlawyers_lawdays.htm)

E-mail: [lawadmit@nd.edu](mailto:lawadmit@nd.edu) or [Janet.J.McGinn.9@nd.edu](mailto:Janet.J.McGinn.9@nd.edu)

Telephone: (574) 631-6626

**Charles W. Roboski**

*Director of Admissions and Financial Aid*

### National and NDLS Applicant Volume Information:

#### 1987–2003 Entering Classes

Entering Class Year	National Applicant Pool	NDLS Applicant Pool
1987	68,804	1,686
1988	78,930	2,029
1989	87,288	2,717
1990	92,958	3,147
1991	99,327	3,600
1992	97,720	3,507
1993	91,892	3,250
1994	89,633	3,223
1995	84,305	2,481
1996	76,715	2,249
1997	72,340	1,845
1998	71,726	1,629
1999	74,380	1,869
2000	74,550	1,859
2001	77,235	1,904
2002	89,157	2,894
2003	97,721	3,699

National data is provided by LSAC; '03 data current as of 5/15/03.



## NEWS FROM THE CAREER SERVICES OFFICE

### Creating a Different Kind of Lawyer

by **Alexandria Lewis**,  
Assistant Director for Public Interest  
Career Services Office

Recently, law school professionals across the nation discussed how best to define "public interest." Should there be a broad definition of the term and, if it is to be defined broadly, is context key to the definition? Or, should the definition of the term be restricted when financing students in various kinds of employment? Rather than laboring over the definition, Notre Dame law students simply answered the question by acting. Further, **Dean Patricia O'Hara**, alumni (via the Alumni Funded Fellowship program), student groups, and some employing agencies, predominately in conjunction with Notre Dame's Federal Work Study program (FWS), ensured that our law students who accepted public-spirited and legally-related employment received funding.

In total, 70 law students were funded to work in public interest employment during the summer of 2003. That large number was made possible through the creative use of FWS dollars. Dean O'Hara was one of the first to envision how FWS program dollars could be used to the fullest extent possible. Of the 70 students employed in the public interest sector, 30 percent were employed in public service as a result of the Dean's support and identification of available funds.

Cortney Swift, senior financial aid administrator in Notre Dame's Office of Student Financial Services, explains that under the FWS program, 75 percent of a student's salary for his or her legally-oriented public service can be paid with federally allocated dollars. The remaining 25 percent is then provided by an employing agency, another sponsoring agency such as the Law School, and/or alumni or student

groups (see chart for employment placement). Thus, a \$1,000 gift will become a \$4,000 summer stipend. That kind of match motivates and allows even more students to seek public service-oriented legal employment.

Many agencies that provided their own 25 percent contribution were excited about the implementation of the FWS program. John I. Mauldin, a public defender for the Defender Corporation of Greenville County in South Carolina and board member of the National Legal Aid and Defender Association (NLADA), stated: "The [FWS program] is a wonderful opportunity for students to make a contribution to the public-sector legal community at minimum cost to the [employing] program." While Mauldin noted that the NLADA is making strong progress legislatively for loan forgiveness for public defenders, in the interim, he said, utilizing FWS dollars in a three-to-one match allows students with often substantial debt loads to explore the world of public defense. Without those funds, a typical public defender's office could not afford to employ a student over the course of a summer.

The creative use of FWS dollars is a wonderful example of how Notre Dame continues to fulfill its ongoing mission to "educate a different kind of lawyer." An amazing group of alumni created, funded, and continue to support the Alumni Funded Fellowship program at the Law School. Since the introduction of the FWS program, most alumni who fund fellowships have agreed to maximize their dollars by utilizing the FWS program to fund more students.

**Paul Mattingly '75**, past president of the Notre Dame Law Association and cur-

rent chair of the Public Interest Committee, was approached approximately five years ago to spearhead a program that would ensure a greater and continued commitment from Notre Dame Law School to public service. After some discussion, the Alumni Funded Fellowship program was created. Mr. Mattingly, along with **Thomas R. Curtin '68**, **Richard D. Catenacci '62, '65 J.D.**, **Robert S. Krause '66**, and **David Pruitt '92, '99 J.D.**, agreed to approach their local Notre Dame alumni clubs and other appropriate parties to sponsor law students for a summer in public-interest work.

In past years, the goal was to ensure that each student received approximately \$4,000 for his or her public service position. Thus, for every Alumni Funded Fellowship opportunity created by an alumni group, one student could be funded to work for a nonprofit, public-interest employing agency. For instance, during the summer of 2002, seven Alumni Funded Fellowships existed and seven students were funded; however, during the summer of 2003, 16 students were funded through the fellowships because a majority of the alumni dollars were used in conjunction with the FWS program. To date, alumni have placed NDLS students with such nonprofit organizations as the Hamilton County Public Defender's Office in Ohio, Morris County Legal Aid in New Jersey, the Lawyers' Committee for Civil Rights Under Law in Washington, D.C., the U.S. Department of Justice in California, Colorado Legal Services in Denver, and many more public service institutions and agencies.

Since the initial undertaking, additional alumni and their respective alumni groups have joined the ranks to provide summer funding. Those alumni include **Brian E. Bates '79, '86 J.D.** in Colorado; **Michael J. Whitton '89, '92 J.D.** in San Diego; **James D. Friedman '72** in Milwaukee; **Cynthia J.**



**Morgan '99** in Oceanside, California; **Judge David J. Dryer '77, '80 J.D.** in Indianapolis; and **Judge Neil Patrick Crooks '63** and **Christopher Green '87 B.A.** together in Madison, Wisconsin.

Additionally, **Diane L. Langston '77** was pivotal in creating several funded positions for students working for the United Nations. **Jocelyn Penner**, a third-year law student who worked at the U.N. in Geneva, said: "As I look forward to a career in human rights law, my work this summer expanded my ability to serve the indigent and vulnerable... I see my incredible summer experience as an investment in my own abilities, as well as an investment for the greater public interest I wish to serve throughout my lifetime."

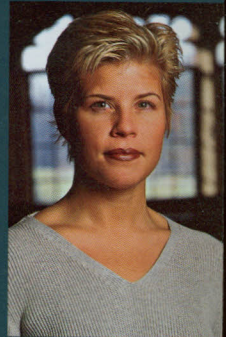
Our hope is that our alumni continue to express an interest in crafting public-service Alumni Funded Fellowships for summer employment now that students can be funded for less money with the use of the FWS program. As Mr. Mattingly points out: "If you can place students in public service, they will have a greater appreciation and knowledge of the importance of service throughout their careers."

Regardless of a student's commitment to pursue public service after graduation,

experiences during law school are essential in shaping students to become lawyers who will always work for the benefit of the community in which they reside. **Nicolle Siele**, a second-year student, worked this summer for the William E. Morris Institute for Justice in Phoenix through contributions made by the Dean and alumni groups in conjunction with the FWS program. She says, "I feel a great deal of satisfaction in my work and know that this summer will affect the way I approach my future legal career. I am grateful that the Notre Dame Law School provides many options to its students—options that give them the tools and support to develop into 'a different kind of lawyer.'"

## Alexandria Lewis, Assistant Director for Public Interest, NDLS

Alexandria Lewis, assistant director for public interest in the Career Services Office, joined NDLS in January 2002. Lewis earned her J.D. from the University of Idaho College of Law in 1998. During and after law school, she interned with several city attorneys, including offices in Clarkston, Washington, and Santa Ana, California. She then took a position with a civil litigation firm in Newport Beach, California.



Prior to law school, Lewis moved from southern California to the Pacific Northwest to complete her bachelor's degree and to work with the U.S. Fish and Wildlife Service Endangered Species Division.

## Employment Placement for Summer 2003

Agency Type	Number of Students Placed
Nonprofit	19
Legal Aid	10
Public Defenders	8
Government	21
Judicial Internships	12

## Peshel Appointed to NALP

Gail Peshel, director of career services, has been appointed to the National Association of Law Placement's (NALP) task force charged with examining the organization's procedures and regulations concerning guidelines for the timing of offers and acceptances. Peshel is a past president of the NALP.



## Loan Repayment Assistance Program

### Recipient Profile: Kristina Campbell '02

### Counsels Migrant Farmworkers

"Life is what happens to you while you're busy making other plans." This adage may explain how I ended up in my current job with the Virginia Farmworkers Legal Assistance Project (*Proyecto de Ayuda Legal para Trabajadores Agrícolas*) in Charlottesville, Virginia, where I have been a staff attorney since shortly after my graduation from NDLS in 2002.

I stumbled into farmworker advocacy in 1997. As part of a seminar on migrant farmworkers offered by Notre Dame's Center for Social Concerns, I traveled to Immokalee, Florida, for one week when I was a senior at Saint Mary's College. Immokalee, located in the southwestern part of the state, is home for part of the year to the many farmworkers who migrate up and down the coast looking for work. For one week, I lived and worked with a migrant family, rising at dawn with them to travel to the fields on a yellow school bus and pick oranges. I returned to Immokalee in 2000, during my first year of law school. This time, I led 12 Notre Dame students to the town, where they also lived with farmworker families and picked tomatoes alongside them under the bright Florida sun—for 40 cents a bucket; sometimes, for 12 hours a day.

Farmworkers are some of the most abused and overlooked workers in our country. Although most of the farmworkers who labor in our fields harvesting everything from strawberries to tobacco to Christmas trees are here illegally, there are also many workers who are "legal." In Virginia, most of the legal farmworkers have temporary agricultural guestworker visas, which are known as "H-2A" visas. This program, which is overseen by the United States Department of Labor, allows farmers to hire foreign workers (typically, Mexican nationals) to fill a shortage of domestic workers in the agricultural industry for six to nine months. The guest workers earn a statutory wage set by the Department of Labor that varies annually for each state. In 2003, H-2A workers in Virginia earn \$7.75 an hour.

The H-2A program provides workers with specific rights and protections under federal law. As a staff attorney for the Virginia Farmworkers Legal Assistance Project, my job is to make sure that farmers afford the workers those rights and protections. Much of my day is spent doing outreach to workers around the state, informing them of their legal rights, and working on cases that are currently in litigation.

While many farmers follow the law, the standards federal law sets are very low. Thousands of farmworkers live in cramped, squalid conditions in poor rural areas. They often work 12 to 16 hours a day outside, sometimes without convenient access to bathrooms or drinking water. Workers are often injured on the job and are not always properly paid for the hours they work. These problems are typically more severe for farmworkers without legal immigration status.

I always intended to pursue a career in public interest law; yet, while I stayed involved in farmworker advocacy throughout my time at NDLS, I never thought that I would be able to use my law degree to help farmworkers. To my surprise, I was offered my current position shortly before graduation last year. I took the job because this is the work I feel called to do—I see my job as a vocation, and working for social justice is an essential element of my faith. Still, I wasn't quite sure exactly how I would manage all of my expenses—including my student loans—on my small salary.

I need not have worried. Grace took care of what no amount of planning on my part could. In 2002, NDLS unveiled its new Loan Repayment Assistance Program (LRAP). Under it, the Law School extends loans to eligible graduates who work in low-paying public interest or public service positions to enable them to repay their law school loans. If a participant works five years in qualified employment, the loans from the Law School are fully forgiven. I was fortunate to be selected as one of the LRAP's inaugural participants.


This past year has been busy, exhilarating, and frustrating. I've done a lot of things, including learning how to speak Spanish proficiently and traveling across the beautiful state of Virginia. But most of all, I've learned of the generosity of the NDLS community and its commitment to making the practice of public interest law a possibility for NDLS graduates. All who have given their time and money to implement the LRAP have contributed to my ability to do my work. The support I've received from those involved in the LRAP program, both financial and spiritual, has been a humbling

and rewarding experience. My hope is that I will be just one of many NDLS graduates the new LRAP will enable to pursue a path in public interest law.



photography by Chris Johnson





# We take corporate ethics to heart

Last spring the Notre Dame Law School was host to seven of the nation's most eminent scholars in corporate law and ethics. *Legislating Corporate Ethics*, our 2003 Distinguished Lecture Series, focused on legislative responses to well-publicized corporate scandals such as Enron and WorldCom.

It brought to campus a variety of perspectives that enriched the intellectual environment of the Law School for faculty and students. It was also publicized across the nation, enhancing Notre Dame's reputation for taking ethics to heart.

You can't buy that kind of prominence and distinction. But you can sponsor it. The 2003 Distinguished Lecture Series was underwritten by the generosity of **Robert T. Palmer '74 J.D.** and **Ann Therese Darin Palmer '73 B.A., '75 M.B.A.**

We thank them, and we encourage you to join them in supporting the Law School's academic programs.

For information on support programs, contact:

**Glenn J. Rosswurm II '91**

Director of Law School Advancement

1100 Grace Hall

University of Notre Dame

Notre Dame, IN 46556

(574) 631-7609

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