

Fall 2006

Notre Dame Lawyer - Fall 2006

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LAWYER



Fall 2006

Building for the New Millennium:
A Progress Report



UNIVERSITY OF
NOTRE DAME

The Law School

AB INITIO



Fall 2006 at the Law School

Dear Reader,

As you may remember, the end of August on any campus is an interesting time. Students return for the soon-to-begin academic year, some with parents and lots of boxes, posters, and bedding. There are always traffic jams as people acclimate to campus.

What has been a relatively quiet environment suddenly buzzes again with energy. I can look out my office that faces Alumni Hall and see students and parents and hear the shouts of people reconnecting after a summer away.

Here in the Law School, classes are also beginning. I had the honor of addressing our new class of 1Ls, a little under 200 strong, in the packed courtroom. Many of them leaned forward in their seats—full of enthusiasm for the three years of study that await them.

This end-of-summer ritual is a nice bookend to the beginning-of-summer ritual here: reunion. Each summer during the first weekend of June, alumni return to campus for an incredibly full schedule of lectures, events, and meals, as well as many opportunities to visit with former classmates.

This ritual is also experienced here at the Law School. With our new reunion format that creates events specifically for Law School alumni, we have seen attendance increase by well over 100 percent. During each of the four lectures made available to Law School alumni, 30 to 50 people listened intently to Jimmy Gurulé speak about the US State Department's efforts to combat the funding of international terrorism (Jimmy travels internationally on behalf of the State Department); to Doug Cassel, director of the Center for Civil and Human Rights, speak about the importance of upholding the rule of law in the war on terrorism; to Bob Jones, director of the Legal Aid Clinic, lecture on ethical issues facing those who provide legal service to *pro se* litigants; and to professor emeritus Tom Shaffer and Michael Jenuwine of the Law School's Legal Aid Clinic present information on end-of-life issues that are important to both the practitioner and the layman.

But alumni also had many opportunities to mingle and reconnect, and the pictures that attest to the enthusiasm of these returning alumni can be found later in this issue.

The tradition of educating a "different kind of lawyer" begins again in the building in which such educating has taken place since the 1930s. Soon, there will be a new building in which this learning will continue. But as the new building will remain connected to the old, so will those who are our new students be connected to every other Notre Dame lawyer.

I hope you enjoy the pages that follow.

In Notre Dame,

Carol

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FROM THE DEAN

There is a sense in which the cycle of seasons during the academic year makes fall feel more like spring. Each fall we experience a rebirth as campus comes to life and new faces appear in our hallways. As this issue of *The Lawyer* goes to press, not quite 200 students are in the opening weeks of their first year of studies with us. They were carefully selected from a pool of 3,500 applicants by a faculty committee which looked for interest in our distinctive mission, and they bring with them the strongest entering credentials ever. A dozen transfer students join the ranks of our 2L class, while a score of LL.M. students commence their studies with our Center for Civil and Human Rights. Arriving from countries that include Bangladesh, Indonesia, Vietnam, Mexico, Ecuador, Kenya, Cameroon, Kazakhstan, and Uzbekistan, the life stories and experiences of our LL.M. students enrich our entire community.

We also welcome several new members to our faculty this academic year. Peg Brinig, previously a chaired professor at University of Iowa, joins us as the Rev. Edward F. Sorin Professor of Law, proudly bearing the name of Notre Dame's founder. With a J.D. and a Ph.D. in economics, Peg is a major figure in family law, law and economics and the interrelationship between these two disciplines. Harvard University Press published her book, *From Contract to Covenant: Beyond the Law and Economics of the Family* in 2000 to great acclaim. Her family law textbook, coauthored with Carl Schneider, a member of the law and medical faculties at Michigan, enjoys widespread adoption. The author of more than seventy articles and book chapters, Peg is a vigorous advocate for reform of family law and a marvelous colleague.

Ed Edmonds joins us as Associate Dean for Library and Information Technology and Director of the Kresge Law Library. The holder of an undergraduate degree from Notre Dame with advanced degrees in library science and law, Ed previously headed the libraries of the law schools at William and Mary and Loyola, New Orleans. Most recently, as Director of the Schoenecker Law Library at University of St. Thomas in Minneapolis, he played a major role as one of the founding members of that law school in the design of a new building and the establishment of a law library. This experience will certainly serve us in good stead as we approach our own renovation and construction project. As his contribution to our pedagogy, Ed coordinates the first-year legal research course and teaches sports law, which is the area of his scholarship.

We are delighted that we were able to convince Jennifer Mason to join the ranks of our faculty. After graduating *summa cum laude* from Notre Dame as an undergraduate, Jen engaged in volunteer work as a Holy Cross Associate for a year before enrolling at N.Y.U. for law school where she graduated first in her class. Following a clerkship on the Ninth Circuit, she clerked for former Justice Sandra Day O'Connor. Jen practiced law and completed a public service fellowship with Holland and Knight in Washington, D.C. before testing the waters of the academy with us last year as a visiting assistant professor. She will offer courses in civil rights, constitutional law and post-conviction remedies, while she focuses her scholarship on the jurisdiction of federal courts.

Finally, we welcome Christopher O'Byrne as a research librarian in the Kresge Law Library. Chris graduated from Reed College and obtained a masters degree in teaching classics at University of Massachusetts before deciding to pursue a law degree and a masters in library science from University of Washington, one of the premier library science programs in the country. He teaches legal research to a segment of our first year class and assists faculty and upper-level students with their research projects.

All these additions buoy our ranks but make us acutely aware of our need for new space. Over the course of the past year, we made great strides in raising the final \$10M needed to reach our goal of \$57.68M for our building project. We are on the cusp of completing the necessary funding. Working with the architects of the S/L/A/M Collaborative, we are almost finished with schematic design, and we expect to break ground next fall. As the saying goes, a picture is worth a thousand words. Thus, we include in this issue a few of our most recent drawings, together with commentary by some of those involved in the building project.

As I close this letter, I am mindful of the many blessings that we enjoy — an outstanding faculty, committed to excellence in the classroom and to engaging the academy and the profession at the highest level on the complex issues of our time; exceptional students, who are eager, astute and marked by a thirst to contribute to the solution of those same issues; and alumni, in whom we take great pride and for whose loyalty and support we are deeply indebted. We begin this academic year with energy, excitement and great hope — hope that in the words of Thomas Aquinas, God will guide our beginning, direct our progress and bring to completion all that we undertake in the coming months.



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





Building for the New Mille

In 2001, the Law School embarked on a plan to renovate and expand our signature building at the gateway to campus by stretching across the major arterial walkway immediately south of our current structure and constructing a new facility. When complete, the existing building will house a renovated Law Library and administrative office space, while the new building will house classrooms, faculty offices, and administrative office space — all in a single, integrated, collegiate Gothic structure, joined together by a covered loggia and chapel at ground level and a Commons area above.

Buoyed by Frank Eck's July 2005 gift of \$21 million, the largest in the Law School's history, fundraising for the \$57.68 million building and renovation project nears completion. In the wake of Mr. Eck's gift, the University retained the S/L/A/M Collaborative of Glastonbury,



nnium: A Progress Report

Connecticut, in fall 2005 as project architects. With the help of the Law School Building Committee (Matt Barrett, Tricia Bellia, Roger Jacobs, Ed Edmonds, Mike Kirsch, Patty O'Hara, Gail Peshel, John Robinson, Cathy Roemer, Vince Rougeau, and Joe Thomas), S/L/A/M is close to completing the schematic design.

The pages of this issue contain schematics of the exterior of the new building drawn in the style of the building's original architectural rendering, which dates back to the late 1920s. We look forward to groundbreaking in fall 2007, to occupancy of the new structure in fall 2009, and to commencing renovation of the existing building immediately thereafter. We hope that you share our excitement about this dramatic new chapter in the history of the Law School.

Confessions of an Architectural Idiot

BY JOSEPH W. THOMAS
LIBRARIAN, KRESGE LAW LIBRARY

I am not an architecturally astute person. I have a hard time looking at an abstraction on a piece of paper and envisioning a real, walking-around-in space. But I am a librarian, and I know that the quality and quantity of space are of paramount importance for the successful operation of a library. That is why I felt a mixture of excitement and trepidation when I was invited to sit on the Law School's building committee last year.

I soon realized that the reason I was on the building committee was not because someone was in need of my architectural expertise (thank goodness!) but because those people who were the experts needed my perspective in order to make sound judgments about the new building, just as they needed the perspectives of those who worked in classrooms, admissions, career services, student organizations, information technology, and all the other areas that go to make up a 21st-century law school.

Sitting down in a room with fifteen people in order to work our way through a spreadsheet to determine how many square feet should be devoted to this or that function in a building that had no feeling of reality about it does not sound appealing, but it

was quite interesting, and even fun. Visiting other institutions with an eye toward seeing what would or would not work for our space was enlightening. People like to talk about their buildings. They are eager to show off the things they are proud to have had a hand in implementing, as well as the things they admit were big mistakes. The group process of absorbing all of that data and working through it with colleagues has been greatly rewarding.

There came a moment, sometime in the spring, after we had rejected this feature, insisted on that one, flipped this room that way, and were trying to remember the difference between option 4B and 5, when Steve Ansel from S/L/A/M put up on his screen a plan for the library's reading room. A troublesome stairwell problem had magically disappeared, and a magnificent space, stretching from the south wall all the way to the north window looking out to the dome, appeared before us. Somehow, out of our collective needs and within the restraints imposed upon our desires, the architects were able to fashion a solution that fit like a well-engineered door in its frame, closing with a satisfying click. The abstraction at that moment seemed tangible, and I could see our new building.

Technology for the New Building

BY DANIEL P. MANIER
DIRECTOR, LAW SCHOOL TECHNOLOGY

When I came to the law school eight years ago to head up the technology department, I was told that construction of a new building would begin in three to five years. I was relieved to learn this because the state of technology in the classrooms at the time was quite poor. Most rooms had only overhead projectors and a TV/VCR cart. The few rooms that had computers with projection capabilities had been set up with varying configurations. This lack of consistency frustrated faculty and as a consequence, contributed to many not using technology in their teaching.

Eight years later, we have come a long way toward bringing modern and reliable technology to our classrooms. But the infrastructure of our current building does not give us the platform to provide all of the services requested by our faculty and students, and certainly not the flexibility to quickly update systems to meet new requirements.

Over the past several years, we have visited law schools that have either built new classroom facilities or undergone full renovations. At the ABA Brick and Bytes conference in Seattle this past March, we toured new facilities at the William H. Gates Law School at the University of Washington as well as the University of Seattle Law School. The building committee and the architects

from S/L/A/M and Notre Dame were able to discuss these buildings in detail as well as hear from the faculty what worked and what did not. Much of what was learned was incorporated into plans for our new building.

We have also hired one of the top AV integration consulting firms in the nation, Wave Guide Consulting. We will work with them to develop technology, audio, and lighting solutions for our classrooms and meeting spaces. As we all know, technology is constantly evolving and the term "state of the art" is a fleeting concept. But with the new building, we are looking forward to incorporating the most useful law classroom technology available but in a way that gives us the flexibility to make changes based on our faculty and student needs.





“Community”

**BY MATT BARRETT
PROFESSOR OF LAW**

One word really captures the Building Committee’s ultimate goal for the Law School Expansion and Renovation Project: community. Beginning with the project’s mission statement, continuing with distribution of the classrooms and faculty offices in the addition, highlighted by the location of the Commons in the bridge that will connect the existing building, that will continue to house the library, various administrative offices, and the student journals, with the classrooms and faculty offices in the new facility, and punctuated by the placement of the Chapel directly under the Commons, the Building Committee has tried to keep the sense of community that has long stood as a hallmark of a Notre Dame legal education in the forefront of the planning and design process.

The project’s mission statement specifically directs that classrooms, the library, offices, and other faculty, staff and student spaces should engender academic conversations, support scholarship and learning, and create strong community bonds. Rather than dedicate a floor or wing of the new facility exclusively to faculty offices, the schematic design intertwines classrooms and offices on the top three levels of the new facility. By placing the Commons in the middle of the bridge, adjacent to the main entrance to the library and no more than one floor away from all the classrooms and faculty offices, that featured space will allow opportunities for relaxation, meals, and conversations among students, faculty, administrators and staff. The location of the Chapel under the Commons symbolizes the integration of faith and reason that serves as the foundation for our community and conveys the Law School’s commitment to shape the minds, hearts, and souls of the next generation of Notre Dame lawyers.

NEW FACULTY

Margaret Brinig

ADVOCATE FOR CHILDREN AND FAMILIES

Margaret Brinig joins the Law School as the Sorin Professor of Law, bringing almost 30 years of scholarship and advocacy for families and children. Her expertise in law and economics will be an important addition to the Law School's community of scholars.

Most recently, Prof. Brinig was associate dean for faculty development and William G. Hammond professor of law at the University of Iowa College of Law, where she joined the faculty in 1999. In 1981, she joined the faculty at George Mason University School of Law, where she received the Distinguished Faculty Award in 1993. Before that, she was also an assistant deputy public defender in the Inmate Advocacy Division for the State of New Jersey's Department of the Public Advocate (1974 through 1975) and a law clerk for the Honorable Theodore I. Botter of the Superior Court of New Jersey (1973 through 1974).

Prof. Brinig received a B.A. in history from Duke University in 1970, where she was an Angier B. Duke scholar, in *Who's Who in American Colleges and Universities*, and a Women's Leadership and Services Honorary. She completed her legal studies at Seton Hall University, earning her J.D. *cum laude* in 1973 and serving as notes editor for the *Seton Hall Law Review*. In 1993, she completed an M.A. in economics at George Mason University; in 1994, she completed her Ph.D. in economics at George Mason. Her doctoral thesis was "Essays in the Law and Economics of the Family."

Prof. Brinig is a respected and prolific scholar in the areas of law and the economics of the family. She has published more than 80 books, articles, and chapters and has made more than 50 presentations at academic conferences, workshops, and symposia. She has also served on numerous faculty committees; while at the University of Iowa, these committees included the University Committee on Endowed and Named Chairs, the University Committee on Endowed Faculty Positions, and the University Associate Deans for Research Committee. She also has numerous professional affiliations, including the American Bar Association's Family Law Section and Divorce Reform Committee, the Virginia State Bar Association's Family Law Section, and the District of Columbia Bar Association's Family Law Section.

Prof. Brinig's research interests center on economic and legal issues facing the family from both empirical and theoretical perspectives. Her interests are vast in scope, as evidenced by two current projects. One project involves legislated vision standards for drivers, especially as these standards relate to the renewal of drivers' licenses for citizens 64 years and older. She has presented preliminary work in this area at both Seton Hall

and Brooklyn Law schools. This topic is also the subject of a project titled "Law, Low Vision, and Driver's Licensing," for which she is a co-investigator along with University of Iowa colleagues from the departments of ophthalmology, family medicine, and engineering. Their research suggests a uniform driving statute for drivers over 64 (ssrn.com/abstract=822187). Another working paper, "The Story of Mary Sue and Junior Davis" (ssrn.com/abstract=899104), involves a Tennessee Supreme Court decision in which frozen embryos became contested property during a divorce proceeding. Brinig is especially interested in the resulting psychological issues that were raised, calling the *Davis* case important as it "touches on ideas of commensurability, self, and dignity."

For Brinig, traditional marriage and the nuclear family are the cornerstones of society. She believes that legislation written to affect the family often does so to the detriment of parents and children. "One set of rules may not work for everyone," Brinig believes. There often is a disconnect between legislated attempts to enforce parental accountability and methods that create environments that are nurturing for families and children. Even though laws may be crafted to seek the general good, much legislation create situations of future harm for parents and children, with lawmakers working in a vacuum that fails to account for the long-term social and psychological impact of marriage and family laws.

Prof. Brinig believes that religion plays a central role in the life of the family and welcomes the opportunity to bring this important dimension to the classroom. With her teaching and research acumen, Prof. Brinig is a wonderful addition to the Law School faculty.



Ph.D. 1994 Economics **George Mason University**
Thesis: "Essays in the Law and Economics of the Family"

M.A. 1984 Economics **George Mason University**

J.D. cum laude, 1973 **Seton Hall University**

B.A. 1970 History **Duke University**
Angier B. Duke scholar

Who's Who in American Colleges and Universities
Women's Leadership and Services Honorary

PUBLICATIONS INCLUDE

BOOKS

From Contract to Covenant: Beyond the Law and Economics of the Family (Harvard University Press, 2000).

With Carl E. Schneider. *An Invitation to Family Law: Process, Problems, and Possibilities* (second edition, West Publishing Company 2000); Teacher's Manual (2001).

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With Gerald Jogerst, Jeanette Daly, and Stephanos Bibas. "The Associations Between Statutory Penalties and Domestic Elder Abuse Investigations," 28 *Journal of Crime and Justice* 51 (2006).

"Does Parental Autonomy Require Equal Custody at Divorce?" 65 *Louisiana Law Review* 1345 (2005).

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With Steven Nock. "Marry Me, Bill: Should Cohabitation be the (Legal) Default Option" 64 *Louisiana Law Review* 403 (2004).

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With Steven Nock. "What Does Covenant Mean for Relationships?" J. Witte and Eliza Ellison, eds. *Covenant Marriage in Comparative Perspective* (William B. Eerdmans Publishing Company, 2005).

"Some Concerns About Applying Economics to Family Law," Martha Fineman and Terence Dougherty, eds. *Feminism Confronts Homo Economicus: Gender, Law and Society* (Cornell University Press, 2005).

With Steven Nock. "Weak Men and Disorderly Women: Divorce and the Division of Labor," Anthony Dnes and Robert Rowthorn, eds., *Marriage and Divorce: A Law and Economics Approach* (Cambridge University Press, 2002).

"Community Involvement and Its Limits in Marriage and Families," Alan Hawkins, Lynn Wardle, and David Coolidge, eds., *Revitalizing The Institution of Marriage for the Twenty-first Century* (Greenwood Press, 2002).

ACCEPTED FOR PUBLICATION

With Carl Schneider. *An Invitation to Family Law* (forthcoming, West Publishing Company, 2006).

"Penalty Defaults in Family Law: The Case of Child Custody," (forthcoming) 33 *Florida State Law Review* (2006).

WORKING PAPERS

"The Public Choice of Standards for Licensing and Driving" (presented to workshops at Seton Hall and Brooklyn Law Schools).

"The Story of Mary Sue and Junior Davis," Carol Sander, ed., *Family Law Stories* (forthcoming, Foundation Press, 2007).

"Forbidden Fruit? Economics, Women and the Law," presented as the inaugural Women in the Academy Lecture to the Women's Studies Faculty, George Mason University.

NEW FACULTY

Ed Edmonds

HOME TO BUILD A LIBRARY

On a recent walk around the campus, Ed Edmonds, the newly-appointed associate dean of library services for the Law School, stopped in front of Dillon Hall. To his wife, Brigid, he remarked: "This is where your father lived on campus." That Brigid's father, Thomas Garvey, had lived in Dillon more than 70 years ago and was the first of many of her relatives to attend the University struck Ed as a reminder of how returning to the University of Notre Dame is a happy homecoming for both of them.

Edmonds has returned to the University to help the Law School build its new library. He brings with him a personal history of the University as well as personal experience building law libraries, two wonderful qualifications for this new member of the Law School community.

Edmonds graduated from Notre Dame in 1973 as a history major. Although more than 30 years have passed since he was a member of the University, his time as an undergraduate decided the course of his professional career that would return him here.

One of Edmonds' classes during his senior year was held in a Hesburgh Library basement classroom: a seminar on American history during the Revolutionary War taught by Prof. Marshall Smelser. It was Smelser who helped Edmonds form a plan to study librarianship and law. (Interestingly Smelser also influenced another of Edmonds' passions: sports. Smelser wrote the influential *The Life that Ruth Built: A Biography*.)

That Edmonds would decide to pursue a career that blended law and library services in the early 1970s was fortuitous, as the staffing of law libraries was beginning to reflect the need for people whose careers included training in the law.

The early 1970s were a transition time for law libraries. Through the early 1960s, law libraries were run by librarians who had no formal legal training. Yet the need for specialized law library collections continued to grow. Indeed, at the 1973 annual convention of the American Association of Law Libraries, a resolution adopted by the membership during the opening session reflects this growing specialization, acknowledging the "increasing complexities and responsibilities of the law library profession" (*Gateway Gazette, Centennial Edition* 2006).

To prepare himself for a life of the law and libraries, Edmonds first completed an MLS at the University of Maryland College of Library and Information Services in 1974. To study law, he looked for a law school at which he could both study law and gain experience working in a law library. To do so, he enrolled in the



University of Toledo Law School's part-time program and began working at its library as the head of the circulation department under the direction of Janet Wallin, the first of many who would offer him solid instruction in the world of law libraries.

Ed's first job after graduating from Toledo was with William and Mary Marshall-Wythe School of Law; he was the first non-director on the staff

to have both a library and law degree. The move to Virginia was a happy one for two reasons: one, it brought him closer to his family, who lived in Northern Virginia. Second, the move allowed him to gain experience building a new law library. He would remain at William and Mary for 10 years, from 1978 until 1988.

When he arrived at William and Mary, the School of Law was housed in four buildings and its library collection in three. About two-thirds of the collection was in one of the law school's buildings; the remaining one-third, primarily the tax and international and foreign law collection, was located in a dorm basement. Under the guidance of his second mentor, Caroline Heriot, Edmonds learned to consider both the philosophy of organizing a law library's collection as well as the practical considerations of packing, moving, and setting up library services and collections in a new building.

Until the late 1960s, law libraries had no schedule from the Library of Congress by which they could classify books. Because of this lack of a specific system, large sets of law material were left without call numbers. To arrange this material, reporters like *United States Reports* and *West's Supreme Court Reporter* were grouped together because they all contained decisions of the United States Supreme Court while other sets, like the *West* regional reporters, were shelved together in alphabetical order (e.g., *Atlantic Reporter*, *California Reporter*). Periodicals and loose-leaf services were shelved alphabetically by title.



Professor Heriot's arrival brought a change in course at William and Mary. Professor Charles Whitehead had implemented a new classification system to bring order to the William and Mary collection. He had implemented the Colon System, a scheme devised by Shiyali Ramamrita Ranganathan (1872-1972), which was gaining international appeal. The Colon System, just as other classification schemes, starts with a number of main classes (42), which represent the fields of knowledge. Each class is broken down into its basic elements, grouped together by common attributes, called facets (<http://www.innvista.com/society/education/info/classif.htm>). The scheme involves the assignment of punctuation marks to organize materials, thus cutting across language and alphabetical barriers. Unfortunately, the system did not catch hold in the United States and Professor Heriot worked with cataloger Sue Welch to reclassify the majority of the collection to the Library of Congress classification system.

This era of law librarianship was highlighted by the professionalization of cataloging with the emergence of professional catalogers hired expressly for the purpose of organizing law library collections. Of even greater importance during this period was the creation of the Ohio College Library Center (OCLC). Under the leadership of founder Frederick G. Kilgour, the concept of sharing bibliographic records and the work involved in creating those records revolutionized cataloging. In 1981, the expanding system changed its name to the Online

Computer Library Center, Inc. OCLC is now a dominant world system that provides service to more than 55,000 libraries in more than 110 countries (<http://www.oclc.org/about/history/default.htm>).

Edmonds was finding himself immersed in a world that was experiencing rapid change: the professionalizing of staff, historic expansions of collections, the need to determine future shelving capacity, the infancy of Lexis/Westlaw, and the meaning that these services would have for law libraries. He would use the knowledge that he gained through his experience at William and Mary—on the design of business and science library branches and on the building committee for the expansion of the Swen Library—to help guide construction of the new building for Loyola Law School in New Orleans, where he served from 1988 until 2000 and at the University of St. Thomas Law School in Minneapolis, where he served on the building committee and worked from 2000 until 2006. His resulting expertise includes meeting the challenge of hiring professional staff, developing collections, and participating in the oversight of a law school and library.

And now that he has come home to Notre Dame, he is in the position of guiding Notre Dame's Law School in the planning and ultimate construction of its new library.

NEW FACULTY

So, how does one decide the layout of a law library? For Edmonds, a law school's mission should form the genesis of this determination. At Notre Dame, the mission of the Law School is to continue its tradition as a premier, Catholic law school, and part of this mission emphasizes the importance of studying law in a community environment. With this principle in mind, Edmonds envisions the library to be a place in which people want to study and complete research, despite the fact that today's technology makes doing so anywhere possible. Edmonds believes that a law library should both honor the tradition of collections but also prepare students for the possibility of practice in one of the many firms that are moving print collections toward electronic access.

In essence, "I'm interested in balance," Edmonds says as he talks about print and electronic resources. While some new law libraries lean heavily toward digital/electronic information, he believes that the soon-to-be renovated Notre Dame Law School library should seek to incorporate both print and non-print resources, suitable for the needs of its community of resident scholars and students.

When this builder of libraries is not involved in the articulation of a new library, he finds interest in the world of sports law. In addition to serving as associate dean for library and information technology and director of the Kresge Law Library, Edmonds will be a professor of law, offering courses in sports law, an area of research that also dates back to his undergraduate days at Notre Dame, during which he served as a student manager of various teams as a freshman and sophomore and as a sports news broadcaster for WSND, the student radio station. (While he did some play-by-play, WSND leader and 1972 graduate, Joe Garagiola Jr., did far more.)

Even the study of sports law has changed during Edmonds' professional career. When he offered to teach sports law at the College of William and Mary, the curriculum committee approved a sports and entertainment law topics course. During the first year, Edmonds taught 90 percent sports and 10 percent entertainment topics. The 90 percent covered traditional topics such as contracts, labor relations, antitrust, and torts; the 10 percent covered the right of publicity, a doctrine dating from a 1950s case involving Topps baseball cards. Today, sports law courses are often divided into professional versus amateur issues.

Edmonds' area of strongest interest is baseball and labor issues, particularly the *Flood* and *Toolson* cases that followed, by several decades, the *Federal Baseball* case in creating baseball antitrust

exemption. He has worked on legislative histories of boxing and the Curt Flood Act, two sets that are part of a sports law legislative history series. With his coauthor Bill Manz of St. John's University, Edmonds expects to have two new additions to this series published this year, one on the federal sports agents act (SPARTA) and one on franchise relocation. He is also currently working on baseball salary arbitration. He is also fascinated, of course, by college football. He looks forward to teaching a sports law class while at Notre Dame.

With his family history of the University, experience overseeing the construction of law libraries, and his interest in all things sports, Ed Edmonds is a wonderful addition to the Law School community!

J.D. 1978 **University of Toledo College of Law**
Research Editor,
The University of Toledo Law Review

MLS 1974 **University of Maryland**
College of Library and Information Services

B.A. 1973 **University of Notre Dame**

RECENT PUBLICATIONS

Co-editor with William Manz, *Congress and Boxing: A Legislative History, 1960–2003* (William S. Hein & Co., 2005). Volume One includes "Congress Finally Lands a One-Two Combination: A Legislative History of the Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act."

Coauthor, *Theater Law: Cases and Materials* (Carolina Academic Press, 2004).

"Architecture Series: The Intellectual Hub of a New Law School: The Schoenecker Law Library Built for the University of St. Thomas School of Law" 8 *AALL Spectrum* 16 (May 2004).

"Cornering the Market: The Yankees and the Interplay of Labor and Antitrust Laws," Chapter 18, *Courting the Yankees: Legal Essays on the Bronx Bombers*, Ettie Ward, ed., (Carolina Academic Press, 2003).

"The University of St. Thomas Law Library: A New Library for a New Era in Legal Education," 13 *Trends in Law Library Management & Technology* 5, No. 2 (2002).

Jennifer Mason

AT HOME IN A NEW ROLE

As is true of her new colleague Ed Edmonds, Jennifer Mason has come home to teach at the Law School. Last on campus as a student in 1994, she graduated *summa cum laude* with a major in government and a minor in theology and then spent one year volunteering at a battered women's shelter in conjunction with the Holy Cross Associates program.

Of her new career, Mason says, "Teaching and scholarship are the right fit for me." While she enjoyed her time as a public service fellow with Holland & Knight LLP in Washington, D.C., she came to the conclusion that litigating, even on behalf of the most sympathetic of clients, required too much time "fighting about minutiae."

That is not to say that her years after law school were not fascinating ones. Immediately following her graduation *summa cum laude* from NYU Law School in 1998, where she was the managing editor of the *NYU Law Review*, Mason clerked for Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit and then for United States Supreme Court Justice Sandra Day O'Connor.

Judge Kozinski was one of Mason's early mentors, as was Sotirios Barber, the government professor at Notre Dame who inspired her to study law. She and Barber reconnected when she returned to Notre Dame to serve as a visiting professor at the Law School during the 2005–06 academic year.

Of her time with Justice O'Connor, whom she saw most recently at a retirement celebration coordinated by the Justice's former law clerks, Mason says that she benefited in countless ways. "Justice O'Connor gave me the opportunity of a lifetime—one that opened so many doors in my career." Perhaps even more importantly, O'Connor served as "a model of balance," a woman who made time for her family, for public service, and for her demanding, important work as a Justice. Mason says that O'Connor's "unique, indomitable spirit" will always inspire her.



Mason will teach civil rights, post-conviction remedies, and constitutional law. Although these topics often engender heated debate, Mason encourages respectful dialogue in the classroom. Indeed, she found her students last year to be "thoughtful, engaged, and open to learning from one another." This year, she looks forward to further developing her classes and working with more students. She finds Law School students to be "wonderful people who are preparing to be a force for good in the world."

When not reveling in her recent promotion to the status of associate professor—no longer a visitor—Mason spends time hiking and biking. She also enjoys cooking and believes that the South Bend Farmer's Market is one of the best-kept secrets in the city.

The Law School is pleased to have such a fresh, enthusiastic voice in its community.

J.D. 1998

New York University School of Law

summa cum laude
Managing Editor,
New York University Law Review

B.A. 1994

University of Notre Dame

summa cum laude

NEW FACULTY

Christopher S. O'Byrne

RESEARCH LIBRARIAN

Chris O'Byrne joins the Kresge Law Library with impeccable academic credentials. While at Reed College, from which he received a B.A. in Classics, he received a Presidential Commendation for Academic Excellence twice, once for the 1995–96 academic year and once for the 1997–98 academic year.

While at the University of Massachusetts, from which he received an M.A. in teaching (Latin and Classical humanities), he was inducted into the Phi Kappa Phi National Honor Society and the Eta Sigma Phi Classical Honor Society. He also was awarded two scholarships, one of which was for students with disabilities.

His legal and library science studies have been equally impressive. He received a J.D. in 2005 from the University of Washington School of Law and was honored there by the Center for Computer Assisted Legal Instruction with its Excellence for the Future award.

He has just completed his course work for a masters of library and information science with a Certificate in Law Librarianship from the University of Washington Information School, which has long sponsored one of the premier law library program in the United States.

Prior to arriving at Notre Dame, Chris completed his directed fieldwork placement as a Law Library Fellow at Washington University in St. Louis where he worked on several significant projects, including the reclassification of older international law titles to the current Library of Congress classification standards. Chris has also worked in the reference, technical services, and circulation departments of the Seattle University Law Library and the Marian Gould Gallagher Law Library at the University of Washington.

Chris' path to a career as a law librarian was not necessarily a straightforward one. While an undergraduate student at Reed College studying Classics, Chris served as a tutor for high school students preparing for the National Latin Exam. He also studied Roman culture and Latin at the Inter-Collegiate Center for Classical Studies in Rome, Italy. Both experiences drew him to the idea of teaching Latin and Classical humanities on the secondary level.

While studying at the University of Massachusetts for an M.A. in teaching, a program he chose for the two years of teaching experience that it offers as part of the curriculum, Chris gained experience in both high school and undergraduate classrooms, serving as a teaching assistant and instructor. It was here that he decided that a small college environment would work best for him,



rather than the larger classroom environment of a typical high school. He also developed an appreciation for the broad role of an educator: "An educator must do more than teach; an educator's dialogue with students must take place both inside and outside of the classroom."

Chris found teaching Latin to be extremely rewarding. Nevertheless, his graduate-level courses in education law and special education compelled him to seek a degree that would be meaningful on a broader scale than an advanced degree in Classics. He entered law school contemplating a career as an appellate advocate or as a clerk. During law school, however, Chris' growing interest in research methodology led him to advanced courses in legal research and an internship at the Seattle University Law Library. While at Seattle University, Chris realized that law librarianship offered an ideal career path that combined his interests in law, research methodology, teaching, and public service.

As a law librarian, Chris is enthused that his chosen professional niche allows him to be a specialist at times and a generalist at other times. He is pleased to be able to support faculty involved in specific, detailed research as well as assist a *pro se* patron looking for general information about landlord-tenant issues. Chris also appreciates the opportunity to integrate research and writing that law librarianship offers. Chris is a member of three special interest sections of the American Association of Law Librarians: Academic Law Libraries, Foreign Comparative and International Law, and Legal History and Rare Books. His professional interests include copyright, disability law, and Roman law.

Chris is especially appreciative of the Law School's collegial atmosphere; he believes that Notre Dame superbly combines the benefits of a small school environment with the extensive scholarly resources of a major university and looks forward to working with Law School faculty and students.

VISITING SCHOLARS

ELIZABETH BRUCH will be visiting the Law School for the fall 2006 semester. She will teach Immigration Law.

Prof. Bruch is an associate professor at Valparaiso University School of Law in Valparaiso, Indiana. Prior to teaching at Valparaiso, Prof. Bruch taught at American University's Washington College of Law and at Arizona State University School of Law. She also taught in Bucharest, Romania, and Bratislava, Slovakia. Prior to teaching, she worked as a human rights lawyer and also in general civil practice. She served for two years as the executive officer of the Human Rights Chamber for Bosnia and Herzegovina in Sarajevo.

She earned a B.A. from Valparaiso University in 1986 and her J.D. from the University of Wisconsin in 1989. Her areas of interest are property law, immigration law, public international law, international human rights law, and feminism and legal theory.

HER PUBLICATIONS INCLUDE

"Models Wanted: The Search for an Effective Response to Human Trafficking," 40 *Stanford Journal of International Law* 1 (2004).

"Lessons about Autonomy and Integration from International Human Rights, Law Journals, and the World of Golf," 12 *Columbia Journal of Gender and Law* 565 (2003).

MICHAEL COZZILLIO will be visiting the Law School for the fall 2006 semester. He will teach Contracts I and Sports and Inequality.

Prof. Cozzillio is a professor of law at Widener University School of Law in Harrisburg, Pennsylvania. Prior to teaching at Widener, Prof. Cozzillio taught at Catholic University's Columbus School of Law. Before teaching, he was a partner at Akin, Gump, Strauss, Hauer & Field (Washington, D.C.) and an associate for Venable, Baetjer & Howard (Baltimore, Maryland).

He earned a B.A. from the University of Delaware in 1970 and a J.D. from Catholic University's Columbus School of Law in 1973, serving as associate editor of *Catholic University Law Review*. His areas of interest are sports law, administrative law, contracts, labor law, and race, gender, and sports.

HIS PUBLICATIONS INCLUDE

"The Option Contract: Irrevocable not Irrejectable," 39 *Catholic University Law Review* 491 (1990).

"The Athletic Scholarship and the College National Letter of Intent: A Contract by Any Other Name," 35 *Wayne State Law Review* 1275 (1989).

THOMAS WARD will be visiting the Law School for the fall 2006 semester. He will teach Intellectual Property and Commercial Law of Intellectual Property.

Prof. Ward is a professor of law at the University of Maine School of Law in Portland. Prior to his tenure at Maine, Prof. Ward taught at the University of South Carolina Law School and was in private practice in Burlington, Vermont. He has been a visiting professor at the University of Illinois, the University College of Galway (Ireland), Franklin Pierce Law Center, and the Notre Dame Law School.

Prof. Ward earned a B.A. from the University of Pennsylvania in 1965, an LL.B. from Notre Dame in 1968, and an LL.M. from the University of Illinois in 1970. His areas of interest are contracts, commercial law, and intellectual property.

HIS PUBLICATIONS INCLUDE

Intellectual Property in Commerce (West Group, rev. ed. 2004).

"Perfection and Priority Rules for Security Interests in Copyrights, Patents and Trademarks: The Current Structural Dissonance and Proposed Legislative Cures," 53 *University Of Maine Law Review* 391 (2002).

PAUL HORWITZ will be visiting the Law School for the spring 2007 semester. He will teach Constitutional Law and First Amendment.

Prof. Horwitz is an associate professor at Southwestern Law School in Los Angeles, California. Prior to joining the faculty at Southwestern, Prof. Horwitz served as a visiting professor at the University of Iowa College of Law and at the University of San Diego School of Law, as a law clerk to Judge Ed Carnes of the United States Court of Appeals for the Eleventh Circuit and as a litigation associate at Borden & Elliot (Toronto) and O'Melveny & Myers (Washington, D.C.). He also was a journalist in Washington, D.C., and New York City.

Prof. Horwitz earned an M.A. with first-class honors from McGill University (Montreal, Canada) in 1990, and both an M.S. in Journalism in 1991 and LL.M. in 1997 from Columbia University and an LL.B. from the University of Toronto in 1995. His areas of interest include constitutional law and the First Amendment.

RECENT PUBLICATIONS INCLUDE

"Grutter's First Amendment," 46 *Boston College Law Review* 461 (2005).

"Free Speech as Risk Analysis: Heuristics, Biases and Institutions in the First Amendment," 76 *Temple Law Review* 1 (2003)

NATIONAL PARKS

GHANIAN STYLE

BY JOHN COPELAND NAGLE

ASSOCIATE DEAN FOR FACULTY RESEARCH

When I was child, the only national parks that my family visited on vacation were the historic military parks commemorating Revolutionary War and Civil War battlefields. My own children have had a different kind of national park experience. This year, the Nagle family visited Kakum National Park, a popular tourist attraction in Ghana.

We were visiting Ghana thanks to our friends Cameron and Anne Gongwer, whose daughter Caylor is a good friend of my own daughters, Laura and Julia. The Gongwers serve as medical missionaries in a village that we reached after a five-hour drive from the Atlantic coast. We enjoyed five memorable days simply experiencing life among the people in their village. That left us with a few days to see other parts of the country, and my environmental interests pointed me toward an opportunity to experience some of Africa's legendary scenery and wildlife.

We had thought about visiting other national parks in Ghana to satisfy my lifelong desire to see a hippopotamus in the wild. But the other national parks were either much too far away given the increasingly sketchy condition of the roads as one drove further from the coast, or lacking in any basic visitor amenities, or both. For example, Mole National Park is Ghana's largest national park, but we were told that the very size of the park resulted in a distant separation between the elephants, lions, and other animals and their human visitors. Bui National Park stretches along the Black Volta River which forms Ghana's western border with Côte d'Ivoire, and it features lots of hippos, but the roads to the park are bad and the visitor accommodations nonexistent. The Weichau Community Hippo Sanctuary in Ghana's far north promised the opportunity to sleep in the "Hippo Hide Tree House," but our friends reported that the sanctuary was rather disappointing, especially given the twelve-hour drive necessary to get there.

The diversity of conditions found in Ghana's national parks reflect the varying ways in which national parks are conceived throughout the world. President Grant signed the bill designating Yellowstone the world's first national park in 1872, and ever since then different interests have struggled to articulate competing visions of the role of national parks. By law, national parks in the United States are to be "preserved and managed for the benefit and inspiration of all the people in the United States." The reality is that the National Park System is pushed to choose between the sometimes conflicting demands of recreation and preservation, as an ongoing administrative and congressional battle attests. Today, America's national parks struggle with conflicts involving air quality, snowmobiles, invasive species, and

inadequate funds to maintain trails and other facilities, with little in the law to guide the park's managers.

Ghana's national parks face similar issues, plus some much more basic ones. We experienced some of the challenges during our visit to Kakum National Park one afternoon in early July. Kakum is located near Ghana's Atlantic coast, and it is the country's most visited national park. The area's unique rainforests were threatened by massive logging operations, expanding agriculture, and hunting until the land was preserved in 1932. Kakum became a national park in 1992. The visitor amenities were modest by American standards, but quite impressive for Ghana. We enjoyed our lunch of fufu (a traditional Ghanaian dish combining mashed cassava and plantains plopped into ground nut soup), served at the park's original "Rainforest Café." The park contains an excellent visitor's center—built thanks to funds provided by USAID—which describes the Ghanaian rainforest and the importance of protecting endangered ecosystems. Like American parks, Kakum is charged with achieving a comprehensive, and sometimes conflicting, mandate: "to conserve rainforest biodiversity and to serve as an educational and research facility as well as a tourist attraction."

The highlight of the park, and the highlight of our visit, was a walk along the canopy walk. Built in 1995, the canopy walk





stretches 1,000 feet in seven separate sections along the top of the rainforest, rising over 300 feet above the ground. It wasn't as unnerving as I had feared—at least for me—but my typically adventurous wife Lisa's knuckles were white from grabbing the ropes so tightly. A few of the local Ghanians who approached the canopy walk turned back before they stepped out onto the ropes. But my family, our friends, and I all crossed the wobbly planks without incident. And, alas, without seeing any of the park's 250 species of birds or any monkeys or other animals. Our guide told us a story, though, about an incident a few years ago when a park ranger was leading a group of schoolchildren through the forest, just as a leopard jumped out of a tree onto the path behind them. The children did not see the cat, and only later did the ranger tell them what they had missed.

We enjoyed our visit to Kakum. To be sure, the park is not perfect, with one critique citing declining attendance, apparent corruption, and a lack of other tourist activities besides the canopy walk. The fact that we chose Kakum because it was said to be the best national park to visit tells me a lot about the facilities at the other national parks in Ghana. But while the park could be improved, I was also struck by what the area would be like if it had not been designated as a national park. The trees would have been used for lumber instead of sustaining a disappearing ecosystem, and the land would probably look like much of the rest of the developed landscape that we saw throughout the country. The American idea of national parks has helped to preserve part of Ghana, and thus provided the Nagle family with a very special summer vacation.

“Amazing Grace”

A TRIBUTE TO GRACIELA OLIVAREZ
BY JIMMY GURULÉ

The Hispanic Law Students Association presented its 2006 Graciela Olivarez award to Prof. Jimmy Gurulé in honor of his service both to their members and to the greater Hispanic community. The text that follows is Prof. Gurulé's acceptance speech.

“Ave Maria llena de gracias.” “Hail Mary full of grace.” How fitting that the first female law graduate of Our Lady's Law School was named “Graciela” or “Grace.” She was affectionately known to her friends and colleagues as “Amazing Grace,” and her life was truly amazing. Graciela was a woman of enormous strength, courage, dignity, and passion. While she mixed gracefully with the powerful leaders of our country, including congressmen, senators, governors, and even university presidents, including our own Rev. Theodore Hesburgh, CSC, she was most at home serving and advocating for the poor, homeless and underprivileged. After all, that was Graciela's mission in life.



While Graciela is recognized as the first female law graduate of Notre Dame Law School, this accomplishment only begins to scratch the surface of the “amazing” life of this “amazing” woman, who was “graced” by God. Graciela was born in the segregated mining town of Sonora, Arizona, during the Great Depression. Her father was a machinist who worked in the copper mines for 35 years and had emigrated to the United States from Spain. Her mother, a Mexican-American, gave piano lessons to help support Graciela and her four siblings. When Graciela was 15 years old she was forced to drop out of high school to find a job. After her parents split up, Graciela moved to Phoenix, where she grew up in a world where certain forms of legal discrimination were practiced. Speaking about racial discrimination in Phoenix, Graciela told a *Washington Post* reporter that “[t]here the public pools were closed to blacks and Mexicans and both groups had to sit in the movie theater balconies.”

At age 20, Graciela began working at a radio station, where she worked as a secretary, engineer, and announcer. Eventually, she became the host of an “action line” program, where she was an instant hit with the Chicano audience. The radio program opened her eyes to the complexities of racial discrimination and caused her to become involved in civil rights work.

Later Graciela was appointed to head the Arizona branch of the federal government's Office of Economic Opportunity (“OEO”), where she was responsible for coordinating the state delivery of services from all federally funded social welfare programs. It was during this time, in approximately 1966, that she met Father Theodore Hesburgh, who had been appointed as the Director of the US Civil Rights Commission. Graciela told Father Hesburgh of her frustration and lack of effectiveness working for the Arizona Office of Economic Opportunity. Impressed with her intelligence, compassion, and service to the poor, Father Hesburgh proposed that she enter law school, even though she lacked a high school diploma.

In 1967, with her seven-year-old son Victor, born from a previous marriage, Graciela moved from Phoenix, Arizona to the Midwest to study law at Notre Dame Law School. She was 39 years old. It is difficult to imagine how she must have felt on the first day of class. Graciela was a brown woman, a divorced and single parent, studying in an environment dominated by white males. At 39 years of age, she was approximately 17 years older than the students who had enrolled in law school immediately after earning their undergraduate degree. To further aggravate the situation, Graciela had received her last formal education when she was 15 years old, before she dropped out of high school.

Certainly Graciela was the only woman of color, and probably the only student of color, in the entire Law School. In the 1960s, few

women and even fewer persons of color studied to become a lawyer. More than likely, all of Graciela's professors were white, and all were male. What courage and determination it must have taken for Graciela to remain at Notre Dame and earn her law degree. In 1970, Graciela persevered and became the first woman graduate of Notre Dame Law School. The story of "Amazing Grace," however, doesn't end there.

After graduation from Law School, Graciela returned to Phoenix, where she worked as a consultant to the National Urban Coalition, and then as the Director of Food for All, where she managed and administered a half-million-dollar OEO-funded program designed to improve federal food programs such as school lunch, food stamps, and surplus food distribution in Arizona. She took the first paycheck from her \$22,000-a-year salary and used it to make a down payment on her "dream car," a three-quarter-ton Ford pickup truck.

In 1972, Graciela moved to New Mexico, where she became the Director of the Institute for Social Research and Development at the University of New Mexico. She also was a Professor of Law at the University of New Mexico Law School in Albuquerque. In 1975, Graciela's talents were recognized by New Mexico Governor Jerry Apodaca, who appointed her as the Secretary of the New Mexico State Planning Office, where she served as the highest-ranking woman government official in New Mexico and perhaps the entire Southwest. As the Secretary of State Planning, Graciela and her staff were responsible for reviewing long-range and short-range planning for all New Mexico state agencies.

By this time, Graciela's reputation as a civil rights leader had grown to national status. Graciela and Vilma Martinez, another Latina civil rights pioneer, were the first women to serve on the Board of Directors of the Mexican American Legal Defense and Education Fund ("MALDEF"), the premier Hispanic civil rights organization. Graciela later became the chair of the MALDEF. In 1972, Graciela led a campaign to require equal representation of men and women on the National Council of La Raza Board of Directors.

Graciela was a person of deep moral conviction. Her strong Catholic upbringing caused her to be a staunch opponent of abortion. In 1975, the National Women's Political Caucus rescinded a speaking invitation they had extended to her because of her anti-abortion views.

In April 1975, Graciela was named by *Redbook* magazine as one of "44 Women Who Could Save America." In the article, it was suggested that she would make an ideal Secretary of Health, Education and Welfare. President Jimmy Carter must have been a subscriber to *Redbook* magazine. In 1977, he appointed Graciela to serve as the Director of the Community Services Administration ("CSA"), the federal government's anti-poverty agency. Graciela was unanimously confirmed by the Senate, becoming the highest-ranking Hispanic and the third highest-ranking woman in the Carter administration. Her work with CSA earned her the title as "Washington's Top Advocate for the Poor." When she was appointed to her new position, one reporter commented that "[o]nce again Olivarez finds herself involved in the world of the poor—but this time as a viceroy of the government's social engineering."

After serving three years, Graciela resigned her CSA post and returned to her beloved New Mexico. In 1980, she started Olivarez Television Company, Inc., the only Spanish-language television network in the country. She continued her work in broadcasting and philanthropy until her death in 1987. On September 19, 1987, "Amazing Grace" died of cancer in Albuquerque, New Mexico. "Her untimely death... left a legacy of hope for thousands of women."

While Graciela's awards and honors are too numerous to mention them all, several should be highlighted. Graciela received an Honorary Doctor of Humane Letters degree from Amherst College (June 1973) and an Honorary Doctor of Law degree from Michigan State University (December 1975). She was also appointed to the National Advisory Council on Economic Opportunity by President Lyndon Johnson, and appointed by President Nixon to the Commission on Population Growth and the American Future, where she served as vice-chair of the Commission. She served on the National Board of the ACLU, the Board of the Fund for the Improvement of Post-secondary Education (Health, Education, and Welfare Department), the Commission on Education for Health Administration, Commission on Private Philanthropy and Public Needs, American Bar Association's Commission on Correctional Facilities and Services, and received the National Award from the American Cancer Society for cancer prevention work among Mexican-American women.

Graciela also generously volunteered her time to aid the poor and physically and mentally disabled. She volunteered as a mentor to high-risk teens, recorded education lessons in Spanish for the blind, worked with the Maricopa Council for Retarded Children, directed Spanish plays at the Phoenix Little Theater to promote Mexican-Spanish heritage, organized entertainment (shows, dances, skits) for patients at the State Mental Hospital, Veterans Hospital, and State Tuberculosis Sanitarium, in addition to performing her cancer prevention work with Mexican-American families.

Finally, as I reflect on Graciela's inspiring life, I wonder: if she applied to the Law School today would she have been admitted? As an academy, we have become so fixated on national rankings and academic indicators that she might have been rejected based on her LSAT score. That would have been a shame and a tragic loss for Notre Dame. Fortunately, Father Hesburgh perceived something special in Graciela and knew that if given the opportunity to earn a law degree, she would accomplish great things. Father Hesburgh was right.

Notre Dame Law School is committed to educating "a different kind of lawyer." Graciela gives true meaning to that term. The Law School and the legal profession desperately need more people like Graciela, more persons of color, more advocates for the poor and disadvantaged, and more champions of civil rights and social justice.

Graciela truly was an "amazing" person, "graced" by God, and today we honor her memory and legacy.

Fernand “Tex” Dutile

Prof. Dutile earned his AB from Assumption College in 1962 and his J.D. from Notre Dame in 1965, where he served as the articles editor for the law review. After graduation, he practiced law in the Honors Program of the US Department of Justice and taught law at the Catholic University of America. In 1971, he returned to Notre Dame as a member of the Law School faculty and became a full professor in 1976.

At Notre Dame, Tex has received two Presidential Awards, as well as the 2004 Faculty Award. In 2001 the Alumni Association bestowed upon him its Armstrong Award, given annually to an alum who has performed outstanding services as an employee of the University. He has won teaching awards at both Catholic University and Notre Dame.

In 2006, Dutile finished his six-year term as chair of the Faculty Board on Athletics and as the University’s NCAA faculty athletics representative. To mark the occasion, University President John Jenkins, CSC, and Athletic Director Kevin White co-hosted a reception for Dutile on May 16 in the Stadium Press Box. At the reception, White announced that Dutile had been made an honorary member of Notre Dame’s Monogram Club and presented Dutile with a monogram jacket.

So, athletics at Notre Dame.

Athletics at Notre Dame are, clearly, crucial to the University of Notre Dame—academically, financially, socially, and reputationally.

What are the pressures that come with being a University known for its sports?

It is always difficult to pursue excellence in both academics and athletics at a Division I institution, but Notre Dame has made this an explicit goal and takes this goal very seriously.

First, and most importantly, student-athletes, as much as possible, must be treated like other students.

Second, the University is sincere in its commitment to maintaining high graduation rates of its student-athletes... just as it is for its non-athlete students. But for student-athletes, everything is more demanding.

How do you think college athletics has changed in the last decade or so?

In the last 15 years, being a college athlete has become a year-round proposition.

For student-athletes, there is tremendous pressure, much of it self-imposed, to maintain their fitness and prowess all year. Student-athletes now train, practice, and compete constantly—during the season and out of the season.

Student-athletes feel a heavy burden today: the time demands of a varsity sport mimic those of a full-time job. While student-athletes may participate in their sport “only” 20 hours per week, those are the official hours and don’t count everything student-athletes do to maintain a competitive edge.

What is it like being a student-athlete here or anywhere?

I think it can be, ultimately, very isolating. Student-athletes, for example, often find it difficult to live in a dorm room with a non-athlete, because a non-athlete will not have the same time constraints... going to bed early, waking up early for weight training, and the like.

I think athletics forces, or at least occasions, student-athletes to socialize (to the extent that they have time to socialize) only with other student-athletes and, thus, to miss out on many of the joys of being a “regular” student... hanging out, talking late at night.





What are the most pressing issues facing the NCAA currently?

Certainly, one is the issue of freshman ineligibility. Under current NCAA rules, freshman athletes are allowed to practice and compete. There is some thought that the rules should be changed so that these students would be able to practice but not compete (as was true some decades ago).

Ultimately, I think this would discriminate against student-athletes. Other students have no parallel limits on their activities during their first year. Why should an incoming swimmer with a 4.0 GPA, for example, be prohibited from competing?

What about the amount of money that is generated by student-athletics, especially at a “football powerhouse” like Notre Dame?

Very few universities net a profit from sports. Any serious athletics program is very expensive... staff, facilities, travel... and Notre Dame puts most of any excess money it sees from sports revenues back into the University itself for things such as student scholarships.

Paying student-athletes, therefore, makes no sense to me. It would be impossible to pay every student-athlete any meaningful amount, even at Notre Dame, and doing so would serve only to “professionalize” college sports even further.

I see nothing wrong, however, with helping student-athletes with tuition, room and board, and other expenses, or even with providing grants, for example, to help parents attend sporting events. But I am not in favor of supplying the student-athletes themselves with salaries.

What about the controversy—maybe that is too harsh a word—surrounding the press conference held by Jimmy Clausen?

(Clausen is a rising senior at Oaks Christian High School in Westlake Village, California, who has given a verbal commitment to Notre Dame to play quarterback. He scheduled a much-hyped media press conference at the College Football Hall of Fame to announce this commitment.)

I think he epitomizes the high profile student-athlete of today. He's aware of the power of the media and the value of media attention. He also realizes his own leverage within the athletics culture. That said, the press conference, the Hummer limo, and all the rest of the hoopla took place without Notre Dame's participation.

Any other issues?

The NCAA and many others grow increasingly concerned about the so-called "facilities arms race." Student-athletes are increasingly "facilities conscious" and this awareness gets hyped during recruitment times. We are blessed to have some wonderful facilities here at Notre Dame, such as "the Gug" (the Guglielmino Athletics Complex), which offers our student-athletes a state-



of-the arts practice and training facility. But, sometime soon, some university will likely surpass us in what they can offer their football prospects and we'll be pressed to meet the new standard. And so the cycle continues.

And where does this competition end? University boards and presidents must be aware of the toll that this race places on their institutions, both financially and with regard to perceptions on and off campus. And while antitrust laws make it impossible for institutions to band together to stop the race, they must individually begin making the tough decision not to compete with buildings.

Now...what about law students of the 21st century?

Surprisingly, I don't think they've changed that much. While they may be more technologically adept than in years before, they remain the same good people that they always have been. I still so enjoy the classroom, which gives me the opportunity to work together with my students.

Yes, but haven't our law students changed?

Certainly, the depth of knowledge our current students bring with them to study law is substantial. Although the credentials of our top incoming students of yesteryear would match those of today, a much greater percentage of our incoming students today have such outstanding credentials.

And it's possible to interface with them in new and better ways, especially through e-mail. In addition to asking me a question after class, a student now has the option to e-mail me when he or she has thought about it more. And e-mail allows me to fashion comprehensive answers to recurring questions, answers that I can provide to the class as a whole.

Are there ways in which things aren't as good as they used to be?

I do think that generally we are not as demanding in terms of in-class performance, grades, and exams as we used to be. Perhaps because our students come to us with such outstanding credentials, we have begun to feel that we don't need to make them prove themselves quite as much.

I think we should take a tip from some of our coaches, who are much less willing to put up with student-athletes who default in their obligations to their sport, team, or coach. And I think some of today's students have more of a consumer's attitude toward their education: "I'm paying for this product, so I deserve a good grade." And, ultimately, alas, it's easier for us as faculty members not to be tough on students. In 40 years of teaching, no student has ever come to my office to complain about a high grade.

Outside of the law and college athletics, what occupies your time these days?

My family is very important to me. Brigid and I have been married 42 years. Our twin grandchildren just celebrated their first birthday! They and our other two grandchildren occupy much of our thought and time.

I hear you're quite the piano player.

I've been playing since I was four years old, all by ear. After all, there are only 88 keys, so it can't be that hard to get it right!

When you're not playing?

I'm reading. Beyond reading law stuff, I love the *New Yorker* and the *Chronicle of Higher Education*. I also consume lots of fiction. Right now I'm reading *The Shipping News* by Annie Proulx. As a Franco-American, I also try to read French novels regularly.

I love music, including jazz: Errol Garner, Ella Fitzgerald, Miles Davis, Frank Sinatra, Ramsey Lewis. (Lewis' concert at Leighton Hall was great.)

And I travel. I've served five different stints in our London Programme, which has given Brigid and me all kinds of opportunities for travel. I have also done research summers in Australia and Scotland.

And to sum it up?

As I look back on my long career, I cannot claim that I even resemble those Notre Dame greats about whom it has been said, "Their blood is in the bricks." I can definitely say, however, that those bricks are in my blood.

Mustering the Missing Voices: A Collaborative Model for Fostering Equality, Community Involvement and Adaptive Planning in Land Use Decisions.



BY ALEJANDRO CAMACHO
ASSOCIATE PROFESSOR

This is a precarious moment in modern land use regulation. Over the past several decades, many have criticized the command and control planning model that originated in the first half of the 20th century as infeasible, inefficient, and undemocratic. In response to these criticisms, current land use theory and practice emphasize a negotiated model of decision-making in which localities and applicants conduct the business of land use allocation through a variety of contract-like mechanisms. Bilateral deal-making between developers and localities has become commonplace.¹ With the growing influence of large-scale real estate developers and national “big-box” retailers, and the intense competition among municipalities to secure revenue-producing development, the negative impacts of such deal-making all too often fall on community members with little direct influence on the planning process.² This article asserts that a nuanced conception of public regulation rooted in collaborative governance theory can legitimize negotiated land use regulation by incorporating principles of local and regional equity and deliberative democracy. By reformulating the negotiation and implementation processes to include a more multilateral and adaptive orientation,

negotiated approaches to land use regulation can foster civic engagement and cooperation, achieving not only fairer but also more effective land use decisions.

Traditional regulatory zoning and land use planning relied on ostensibly expert planning officials to promulgate prospective, objectively valid zoning rules for their jurisdictions. This command and control approach assumed decision makers could intuit the appropriate rules for all properties and contexts, with little need for individualized changes. Under this model, the inclusion of non-government parties in the regulatory approval process was neither essential nor encouraged, and bargaining between municipalities and developers was considered inappropriate. Despite early hopes that comprehensive planning and command and control zoning could provide an idyllic and rationally ordered environment, and although zoning quickly became the dominant means of land use regulation,³ both planning and zoning were soon subject to many criticisms. The belief that expert planners can unilaterally discern and promote the public interest was quickly eroded, creating a crisis of legitimacy.

This crisis set the stage for the movement away from traditional planning and zoning and toward a regulatory system of bilateral bargaining. In new negotiated approaches to regulation that include planned unit developments, floating zones, incentive zoning, contract zoning, and development and annexation agreements, a locality and developer exchange a regulatory approval for any number of benefits to the local government. With the establishment of these new negotiated land use regulatory mechanism, developers and local governments have steadily increased their flexibility by supplanting traditional zoning's substantive restrictions with processes that afford extraordinary bargaining room. Despite their considerable potential, these negotiated processes tend to make land use decision making more opaque and less inclusive, to the detriment of deliberative democracy, substantive and procedural fairness, efficiency, and coherent long-term land use planning.

First, while each of these negotiated processes provide the developer with substantial opportunities to participate in the decision process, the participation of other affected parties has not advanced beyond a traditional command and control model that only provides access to the process at the local agency's final approval of the agreement.⁴ These processes typically escape due process requirements, and provide only limited and belated opportunities for other affected parties to shape decisions. Affected third parties are excluded from the extensive information exchanges and substantive trading that occur between cities and developers.⁵ This perfunctory participation exacerbates the strong potential for unfair dealing that exists in modern land use planning by obscuring the influence of some of its most powerful participants: real estate developers. Developers have considerable incentives to play the negotiating game, and have substantial resources to devote to it.⁶ Thus, it is still not uncommon for developers to attempt to pay off elected officials in exchange for favorable decisions,⁷ and it is no surprise that developers have come to expect regulatory approvals that manifestly favor their interests over those of other community members.⁸ Of course, the community segments most harmed by such favoritism are often the same ones historically denied influence in local politics, namely low-income and minority neighborhoods.⁹

Second, existing agreement-based processes often collapse land use planning and regulation decisions into crude bilateral, zero-sum bargains between developer and local government interests. These approaches are not only inefficient, but also inhibit the development of community civic engagement. Proponents of the bilateral negotiating approach argue that nonetheless such an approach is efficient because government officials seek to allocate resources to their "highest-paying employments," namely by maximizing the aggregate value of the land within the locality.¹⁰ However, this theory assumes that the development approval process actually integrates the interests of all affected parties into decisions. In fact, bilateral land use negotiation approaches are essentially designed to discount the preferences of many of those affected by the ultimate land use decision. Because municipalities are designed to represent the general public in the locality, they typically do not reflect the specific interests of those parties most affected by a development proposal for any specific site.

Moreover, because both municipal staff and legislators often lack the resources and institutional incentives to negotiate the best deals for their communities, they may fail to effectively represent even broader community interests.¹¹ In contrast, developers have their own seats at the negotiating table, and typically ample sophistication, incentives, and resources to ably represent their own private interests. Thus, any incremental efficiency benefits that a negotiated model delivers tend to accrue to the party with the most direct interest and influence—the developer.

Third, just as in the traditional command and control model, bilateral negotiation places land use planning officials in the almost impossible role of managing and aggregating the often competing and subjective interests that regularly exist in local land use disputes.¹² Negotiation training and experience alone cannot adequately prepare planners for this role; they simply cannot succeed at assembling and weighing the various interests of a typical land use dispute without some form of participatory input. Relying solely on planning staff to represent the public interest is not only ineffective but also unwarranted. Local governments, despite their unique vulnerability to corruption and favoritism, have traditionally been considered the most accessible level of government, primarily because interested parties can more easily participate in their decision-making processes.¹³ By failing to seek sufficient input from all affected parties, local officials deprive communities of the key structural advantages of small-scale governance.

Fourth, existing negotiated approaches often fail to embrace comprehensive land use planning, sacrificing enduring community-oriented planning for closely tailored but ad hoc decision making. The use of these strongly individualized approaches, with few if any firm or standardized requirements, virtually ensures that similarly situated properties will not be treated consistently with respect to long-term planning goals.¹⁴ Ad hoc negotiated approaches may also fail to account for the cumulative effects of individual land use decisions,¹⁵ and make local governments more inclined to trade subtle land use planning goals for more tangible financial benefits.¹⁶ Although comprehensive planning is a critical means of reconciling short-term negotiated land use decisions with long-term community and individual welfare, the vast majority of states do not currently require local governments to adopt comprehensive plans or give such plans binding legal force.

Finally, though agreement-based land use regulation has the potential to foster a more flexible approach to land use planning by allowing local governments and developers to adaptively manage these agreements during implementation, as currently used they regularly serve as impediments to flexible planning by constraining local governments' planning discretion after project approval. While such arrangements are not inherently problematic, as used they often hinder participatory and flexible planning by limiting the local government's ability to modify agreements to serve evolving community needs, excluding other interested parties from implementation activities, and allowing cities to ignore agreement compliance.

As negotiated approaches have come to dominate the local land use regulatory landscape, the legitimacy of local land-use decisions, and indeed of the local regulatory process itself, has substantially eroded. Expanded judicial oversight of the development approval process is the most commonly proffered means of restoring this legitimacy.¹⁷ However, experience shows that although courts may certainly help restrain particularly egregious decisions, the scope of judicial review cannot be relied upon to either legitimize or in any sense improve the quality of local negotiated land use approvals.

Because the design of existing negotiated regulatory processes itself is flawed, it is the decision-making process itself, rather than the judicial review of that process, that must be altered. Land use regulation must enhance local democratic institutions by fostering broad and meaningful participation in agreement negotiation, as well as a sustained problem solving, rather than adversarial, approach. In addition, land use institutions must promote plan and agreement adaptability and creative accountability by providing for shared community implementation and monitoring of agreements, with the local government serving as community organizer, facilitator, and information gatherer and distributor. Done right, negotiated approaches to land use regulation can continue to promote flexibility and efficiency without sacrificing equity, deliberative democratic values, or comprehensive long-term planning.

1. See Carol M. Rose, "Planning and Dealing: Piecemeal Land Controls as Problem of Local Legitimacy," 71 *Cal. L. Rev.* 837, 849 (1983); Erin Ryan, "Zoning, Taking, and Dealing: The Problems and Promise of Bargaining in Land Use Planning Conflicts," 7 *Harv. Negot. L. Rev.* 337, 347-48 (2002).

2. See, e.g., Constance E. Beaumont & Leslie Tucker, "Big-Box Sprawl (and How to Control It)," *Mun. Law.*, Mar.-Apr. 2002, at 7, 30; Jennifer Liberto, "Parts Builder to Bring 200 Jobs," *St. Petersburg Times* (Florida), Dec. 12, 2003, at 1; "What Officials Say They Learned From Losing Arena," *Ariz. Republic*, Jan. 7, 2004, at 8.

3. "Even today, Zoning Remains the Core Tool of Land Use Control." Julian C. Juergensmeyer and Thomas E. Roberts, *Land Use Planning and Control Law* 41 (1998).

4. See *Standard State Zoning Enabling Act* § 7 (Advisory Comm. On Zoning, US Dep't of Commerce 1926); Daniel R. Mandelker, *Land Use Law* 2-51 (5th ed. 2003).

5. See MANDELKER, *supra* note 4, at 2-50.

6. See Robert C. Ellickson and Vicki L. Been, *Land Use Controls: Cases and Materials* 345 (2d ed. 2000).

7. See Susan Rose-Ackerman, *Corruption: A Study in Political Economy* 25 n.20 (1978).

8. See Ellickson and Been, *supra* note 6, at 345.

9. See, e.g., Luke W. Cole, "Empowerment as the Key to Environmental Protection: The Need for Environmental Poverty Law," 19 *Ecology L.Q.* 619 (1992). See generally Vicki L. Been, "Environmental Justice and Equity Issues," in 4 *Zoning and Land Use Controls (MB)* Ch. 25D, § 25D.06 (October 1995).

10. Frank I. Michelman, "Political Markets and Community Self-Determination: Competing Judicial Models of Local Government Legitimacy," 53 *Ind. L.J.* 145, 153 (1977-78); see Ellickson and Been, *supra* note 6, at 57.

11. See Jerold S. Kayden, "Market-Based Regulatory Approaches: A Comparative Discussion of Environmental and Land Use Techniques in the United States," 19 *B.C. Envtl. Aff. L. Rev.* 565, 571 (1992) (citations omitted); see also Bernard Frieden, "Center City Transformed: Planners as Developers," 56 *J. Am. Plan. Ass'n* 423, 426 (1990); J. Barry Cullingworth, *The Political Culture Of Planning* 88 (1993).

12. See Richard L. Fosmoen, "The Public Sector's Perspective," in *Managing Development through Public/private Negotiations* 24-25 (Rachelle L. Levitt & John J. Kirlin eds., 1985).

13. See Gerald Frug, "The City as a Legal Concept," 93 *Harv. L. Rev.* 1057, 1068-71 (1980); Rose, *supra* note 1, at 883-85.

14. See, e.g., Mandelker, *supra* note 4, at 6-75; Norman Williams Jr. and John M. Taylor, *American Land Planning Law: Land Use and the Police Power* § 154A.02, at 150 (Supp. 2002); *id.* § 154A.04, at 154.

15. See Douglas R. Porter, "The Relation of Development Agreements to Plans and Planning," in *Development Agreements: Practice, Policy and Prospects* 149 (Douglas R. Porter & Lindell L. Marsh, eds., 1989); Lindell L. Marsh, "The Future of Development Agreements," in *Development Agreements: Practice, Policy and Prospects*, *id.* at 159.

16. See *Institute for Local Self Government, Development Agreement Manual: Collaboration in Pursuit of Community Interests* 14 (2002).

17. See Rose, *supra* note 1, at 844.

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Professor Aubrey Diamond 1923–2006

No student or faculty member who passed through the London Programme between 1987 and 1999 could fail to have a memory of Prof. Aubrey Diamond. His obvious flair for teaching and administration combined with his eminence amongst the legal establishment, both academic and practising, was a vital contribution to Notre Dame's presence in London.

Aubrey Diamond's family had fled the pogroms, in what is now Lithuania, for the East End of London, where he was born. His father was a tailor and a special constable. This may have exposed him early on to an interest in the law but it also perhaps had another consequence. The occupants of the groves of academe are not always known for their dress sense, but Aubrey always retained a certain sartorial distinction that reminded you that you were in the presence of someone who also had experience of the upper echelons of practice and public service.

He left school at 15 to work as a clerk in what was then the London County Council. From 1943 to 1947 he served in the RAF where, amongst other things, he acquired a knowledge of meteorology. He had experience even then of techniques that served him later in the classroom. At a briefing he was well used to being asked what the weather would be. On one occasion he was asked, "Why is it raining now?" He inventively responded with the useful generic reply, "middle level instability." After his service in the RAF he won a scholarship to study economics at the London School of Economics. When asked why he had then changed to law he always claimed that it was the chance discovery that the economics course was five years whereas law was only three.

After qualifying as a solicitor and completing his training he moved into full-time teaching in 1955 and became Reader in Law at the London School of Economics which was then, as now, a prestigious element of the University of London. In 1966 he was appointed to a chair at Queen Mary College.

Aubrey was always keenly interested in the practical aspects of what law could do for the community and in 1959 became a partner in a firm of solicitors. This practical perspective on the law fed into his interest in consumer law which, in the early 1960s, was just beginning to have a significant impact. With his friend Lord Borrie (as he later became), he coauthored *The Consumer Society and the Law* in 1963, a book that became required reading for anyone about to embark on the study of law. Although he was the author of many scholarly works, this book, in particular, reached a wide public and did much to raise awareness of the legal issues that infiltrate everyday life.

In 1971 Aubrey was appointed to the Law Commission. This specialist and influential body, chaired by a High Court judge, produces proposals for law reform, often in important and technical areas that might excite limited popular interest. He was instrumental in introducing proposals for improving commercial and consumer law, one of his projects being the Unfair Contract Terms Act 1977, a piece of legislation still in force that significantly changed the operation of the English law of contract.

In 1976 he was appointed professor of law and director of the Institute of Advanced Legal Studies at the University of London. His portrait hangs in the principal meeting room of the Institute.

In 1987 he was lured out of retirement to become the director of Notre Dame's London Programme. In that capacity, he not only taught a number of classes in his specialties of commercial law and public international law, but also supervised the non-American LL.M. students participating in the programme, with his typical careful attention to assisting them in writing their theses. The American codirectors profited enormously from his wise counsel and from his broad knowledge of the English legal community. And students will remember his classes, which were infused with his formidable learning but always delivered with that dry sense of humour that was sometimes used to devastating effect. His quiet and often self-effacing manner belied a rigorous dedication to putting in place an organized structure for the London Programme enhanced by faculty whom he worked hard, and was able to attract. A significant reason for the University's law programme being known in the United Kingdom is undoubtedly its association with Aubrey Diamond. In 1992 he received the highly unusual accolade of being made an honorary Queen's Counsel, and he remains one of only a handful of academics to have been awarded this distinction.

Aubrey had also taught at Stanford, Virginia and Tulane as well as various Commonwealth universities. He had many American friends, and until ill-health intervened both he and his wife spent time each year at their home in Florida. Even after his final retirement in 1999 he periodically returned to Suffolk Street for reunions and, on his final visit, spoke of his satisfaction in "having once been a part of all of this."

He is survived by his wife Eva and their two children, both of whom have at different times taught in the University's London Programme.

Geoffrey Bennett,
*Director, Notre Dame
London Law Programme
Professor of Law*

Joseph Bauer
Professor of Law

A REMEMBRANCE

Aubrey looked, sounded, and acted like the perfect English gentleman that he was. Almost never seen tieless and almost always speaking in sentences that seemed publishable, he brought to mind, for those of us old enough to remember the late actor, an academic James Mason. Aubrey's warmth, however, invariably trumped that formal-sounding description. Those of us visiting in the London Programme he welcomed with a hearty handshake, an urbane wit, and festive

dinners at his home. I'll always remember his captivating discussions of British culture and history, especially with regard to the years encompassing World War II. Over many years, his erudition and renown contributed mightily to the London Programme's standing in the English legal world. Happily, the impact of those contributions will continue.

—Fernand N. Dutile, Professor of Law

FACULTY SCHOLARSHIP AND HONORS

Matthew J. Barrett and D. Herwitz wrote *Materials on Accounting for Lawyers* 4th ed., unabridged version (Eagan, Minn.: Foundation Press).

Joseph P. Bauer published "Refusals to Deal with Competitors by Owners of Patents and Copyrights: Reflections on the *Image Technical* and *Xerox Decisions*," *DePaul Law Review* 55 (2006): 1211–246. Bauer was invited to give two lectures at the University of Innsbruck, Austria on May 22 and 24, 2006, and presented "Antitrust Implications of Aftermarkets" (lecture, conference sponsored by the American Antitrust Institute, Washington, D.C., June 30, 2006). Bauer and Bob Feferman wrote "Israel: A Model for Democracy in the Middle East," *South Bend Tribune* (South Bend, Ind., May 7, 2006).

Patricia L. Bellia wrote the "The Fourth Amendment and Emerging Communications Technologies," *IEEE Security & Privacy Magazine* 4, no.3 (May–June 2006): 20–28. An adaptation of this article was also featured on the IEEE Computer Society website, www.computer.org, in May 2006. Bellia presented "The Future of Internet Surveillance Law" (lecture, Distinguished Speaker Series, St. Thomas University School of Law, Miami Gardens, Fla., March 16, 2006). She also presented "Privacy Surveillance: The Challenges of Economic Crime and the Internet" (lecture, Conference on Economic Crime in the 21st Century, St. Thomas University School of Law, Miami Gardens, Fla., March 17, 2006).

Geoffrey J. Bennett published "Criminal Procedure and Sentencing" *All England Law Reports Annual Review of 2005* (London: Butterworths, 2005): 170–87.

Margaret F. Brinig and Carl E. Schneider wrote *An Invitation to Family Law: Process, Problems and Possibilities* 3rd ed. (Eagan, Minnesota: West Publishing Company, 2006); as well as the accompanying *Teacher's Manual*. Brinig edited vol. 2 of *The Economics of Family Law*, Richard Posner and Francesco Parisi, eds. (Edward Elgar & Son, 2006), as well as wrote the introduction to the series and several entries. Brinig wrote the chapter "Domestic Partnerships and Default Rules" in *Reconceiving the Family: Critical Reflections on the American Law Institute's Principles of the Law of Family Dissolution* 269, Mary Ann Glendon and Robin Wilson, eds. (Cambridge: Cambridge University Press, 2006). She also wrote articles on "Penalty Defaults in Family Law: The Case of Child Custody," *Florida State Law Review* 33 (2006); "Lawmaking by Public Welfare Professionals," with Gerald Jogerst, Jeanette Daly, Jeffrey Dawson, and Gretchen Schmuch, *Whittier Journal of Child & Family Advocacy* 5, 57 (2006); and "The Association

Between Statutory Penalties and Domestic Elder Abuse Investigations," with Gerald Jogerst, et al., *Journal of Crime and Justice* 28, 2 (2006). Brinig participated in an editors' meeting for the *Encyclopedia of Marriage* (Routledge, gen. ed. Don Browning) in May 2006. She is the associate editor for law and economics for the three- or four-volume series, which also includes sections on psychology and sociology, anthropology and history of religion, and philosophy and theology, with some attention to literature.

Alejandro E. Camacho presented "The Un-Adaptive Management of Adaptive Management" (talk, Northwestern University School of Law Faculty Workshop Series, Evanston, Ill., April 27, 2006.) Camacho's article, "Mustering the Missing Voices: A Collaborative Model for Fostering Equality, Community Involvement and Adaptive Planning in Land Use Decisions, Installment One," *Stanford Environmental Law Journal* 24, 3 (2005), was selected as one of the 10 best environmental law articles of the year by the *Land Use and Environment Law Review* (A. Daniel Tarlock and David L. Callies, eds., West 2006). This article and Camacho's article, "Mustering the Missing Voices: A Collaborative Model for Fostering Equality, Community Involvement and Adaptive Planning in Land Use Decisions, Installment Two," *Stanford Environmental Law Journal* 24, 269 (2005), were also selected for republication as Chapters 13 and 1, in *Zoning and Planning Law Handbook* (Patricia Salkin ed., West 2006).

Paolo G. Carozza presented a colloquium at the University of Texas Law School in April 2006. His book chapter titled "La perspectiva histórica del aporte latinoamericano al concepto de los derechos económicos, sociales y culturales" appeared in *Derechos económicos, sociales y culturales en América Latina* (Alicia Yamin, ed., 2006). Carozza has also been involved in a variety of activities throughout the Americas in his capacity as a member of the Inter-American Commission of Human Rights.

Edmund P. Edmonds presented "The Enduring Legacy of Curtis Charles Flood: His Courageous Legal Struggle for Personal Dignity" (talk, 18th Cooperstown Symposium on Baseball and American Culture, Cooperstown, N.Y., June 8, 2006).

Barbara J. Fick wrote "Social Security for Migrant Workers: The EU, ILO and Treaty-based Regimes," for the CAN–MERCOSUR Labor-Integration Project at the Pontificia Universidad Javeriana, Bogota, Colombia, July 2006. Fick also wrote the *American Bar Association Guide to Workplace Law* 2nd ed. (New York: Random House, 2006). She presented "Negotiation: What

You Need to know Before You Sit at the Table" (talk, Region 26 Staff National Law Review Board, Indianapolis, Ind., August 8, 2006).

Richard W. Garnett published "Religion, Division, and the First Amendment," *Georgetown Law Journal* 94 (2006): 1666; "Chief Justice Rehnquist's Enduring, Democratic Constitution," *Harvard Journal of Law & Public Policy* 29 (2006): 395; "The Freedom of the Church," *Journal of Catholic Social Thought* 4 (forthcoming 2006); "Chief Justice Rehnquist: A Life Lived Greatly, and Well," *Yale Law Journal* 115 (2006): 1847; "Personal Reflections on the Chief," *Texas Review of Law & Policy* 10 (2006): 283; "Chief Justice Rehnquist and the Freedom of Speech," *Engage* 7 (2006): 1; "Campaigning from the Pulpit: Why Not," *USA Today*, April 16, 2006; "An Unassuming Decision," *National Review Online* (February 23, 2006). Garnett made the following presentations: "Constitutional Reflections on the Parish as an Organization" (lecture, Conference on the Parish, Dominican School of Philosophy and Theology, Loyola University, Chicago, Ill., July 18, 2006); "Summit on Church Autonomy" (lecture, Christian Legal Society, June 22–23, 2006); "The Religion Clauses and Religious Freedom: An Overview" (lecture, The Blackstone Fellowship, June 20, 2006); "Arizona's Supreme Court Legacy: Chief Justice William H. Rehnquist and Justice Sandra Day O'Connor" (talk, Appellate Practice Section, State Bar Arizona, June 16, 2006); "Catholic Social Thought and the Law 'Brainstorm,'" (lecture, Fordham University School of Law, New York, N.Y., May 31–June 1, 2006); "Religious Freedom, Church Autonomy, and *Libertas Ecclesiae*" (lecture, Colloquium on Constitutional Law and Theory, Georgetown University Law Center, Washington, D.C., April 25, 2006); "Law's Quandary Roundtable" (organizer, Notre Dame Law School, Notre Dame, Ind., March 31, 2006); "The Rehnquist Legacy" (lecture, The Federalist Society, University of Kansas School of Law, Lawrence, Kans., March 10, 2006); "The Jurisprudence of the Rehnquist Court and the Enterprise of Judging," *The Legacy of the Rehnquist Court* (talk, conference sponsored by the Milwaukee Lawyers Chapter of the Federalist Society, February 20, 2006); "The Freedom of the Church" (talk, Faculty Workshop, Seton Hall University School of Law, South Orange, N.J., February 20, 2006); "Religion, Division, and the First Amendment" (lecture, University of Kansas Law School, Lawrence, Kans., March 10, 2006).

Jimmy Gurulé was recently named as the 2006 Recipient of the Graciela Olivarez Award. This prestigious award is given in honor of Graciela Olivarez, the first female and first Hispanic student to graduate from NDLS. The award is bestowed each year upon a Hispanic lawyer or judge who best exemplifies Graciela Olivarez's commitment

to community service, demonstration of highest ethical and moral standards, and dedication to justice. Gurulé also co-authored, with Jordan J. Paust, M. Cherif Bassiouni, Michael Scharf, Leila Sadat, and Bruce Zagaris, *Humanity, Genocide, Other Crimes Against Human Rights, and War Crimes* 2nd ed. (Durham, N.C.: Carolina Press).

Roger F. Jacobs received the Frederick Charles Hicks Award for Outstanding Contributions to Academic Law Librarianship on July 11, 2006, at the annual meeting of the American Association of Law Libraries held at the Washington University School of Law.

Donald P. Kommers published "Germany: Balancing Rights and Duties," in *Interpreting Constitutions: A Comparative Study* (New York: Oxford University Press, J. Goldsworthy, ed., 2006): 161–214. Kommers held an online discussion sponsored by the US Department of State on the topic "Democracy, Defamation, and Freedom of Speech," February 27, 2006. The discussion was part of the State Department's "Democracy Dialogues" initiative, which seeks to spark global conversations about various issues pertaining to democratic governance.

Lloyd H. Mayer and Douglas N. Varley published Chapter 2, "Tax Issues for Private Foundations," in *Complete Guide to Nonprofit Organizations* (2005). Mayer also presented "Regulating Political Activity: Tax Law and the IRS vs. Election Law and the FEC" (draft paper, 2006 Junior Tax Scholars Conference in Boulder, Colo., June 16, 2006).

Mary Ellen O'Connell published "Proportionality and the Use of Force in the Middle East Conflict," *Jurist*, July 21, 2006, <http://jurist.law.pitt.edu/forumy/2006/07/proportionality-and-use-of-force-in.php>; "A Note on *UN v. Parton*," *International Organizations Law Review* 3 (2006): 137; "The American Society of International Law Adopts a Resolution on the Use of Force and Treatment of Detainees," *ASIL Insights*, May 2006; and with S. DePaul, "Report on the Conference: Imperialism, Art and Restitution," *International Journal of Cultural Property* 12 (2006): 487. O'Connell also presented: "Interrogating Terrorists," School of Oriental and African Studies (lecture, University of London, May 25, 2006); "The Golden Age of Arbitration," American Attitudes toward Courts and Tribunals (lecture, George Washington University National Law Center, Washington, D.C., May 11–12, 2006); "Customary International Law," International Law and Theology (lecture, Princeton Theological Seminary, Center for Theological Inquiry, Princeton, N.J., May 4–5, 2006); "Combatants, Commanders, and Customary International Law" (lecture, University of Pittsburgh School of Law, Pittsburgh, Pa., April

12, 2006); "International Law on Interrogation" (lecture, Amnesty International, USA, Indianapolis, Ind., April 12, 2006); "Rules of Evidence for the Use of Force in International Law's New Era" (talk, annual meeting of the American Society of International Law, March 29–April 1, 2006). O'Connell also presented "Use of Force" (workshop, International Studies Association Meeting, San Diego, Calif. March 23, 2006); "The Rise and Decline of Hegemonic International Law" (panel, Law and Power in North-South Relations, International Studies Association Meeting, San Diego, Calif. March 23, 2006).

Teresa Godwin Phelps held the Padre Kino Chair in Faith and Culture at La Universidad Iberoamericana on October 11–15, 2005. Prof. Phelps has left the Notre Dame Law School to become the director of the Washington College of Law at American University and will continue to teach and write in her areas of interest at Washington College of Law.

Vincent D. Rougeau has been made a research associate at the Von Hügel Institute Centre for Faith and Society at St. Edmunds College, Cambridge University. Rougeau hopes to use his three-year appointment to plan and execute a conference on Christianity and democratic pluralism in London with the Von Hügel Institute and the Contextual Theology Centre (London) in October 2007.

Thomas L. Shaffer published *Property Law: Cases, Materials, and Problems*, 3rd ed. (Eagan, Minnesota: West Publishing Company, 2006); as well as the accompanying *Teacher's Manual*. Shaffer edited both publications with Sandra H. Johnson, Peter W. Salsich Jr., Michael Braunstein, and Alan M. Weinberger. Shaffer and Prof. Michael Jenuwine led a session on "End-of-Life Issues" (lecture, University Alumni Reunion Weekend, University of Notre Dame Law School, Notre Dame, Ind., June 3, 2006). Shaffer also led a discussion on teaching methods (faculty colloquium, Washburn University School of Law in Topeka, Kans., April 10, 2006). Shaffer also taught two classes in legal interviewing and counseling while visiting Washburn University School of Law in Topeka, Kans. (April 10, 2006). On April 18, 2006, Shaffer and a group of student lawyers from the Notre Dame Legal Aid Clinic joined other community organizations for the Health and Safety Fair at Our Lady of Hungary Church in South Bend, Ind.

J. Eric Smithburn and Ann-Carol Nash wrote "2006 Pocket Parts for Volumes 14 and 15" in *Indiana Family Law* (Eagan, Minn.: Thomson West Publishing Company, 2006); and "2006 Volume 15A" in *Family Law: Children in Need of Services* (Eagan, Minn.: Thomson West Publishing

Company, 2006); Smithburn was the recipient of the Charles F. Crutchfield Professional Excellence Award from the Black Law Students Association, Notre Dame Law School; and he is a 2006 member of the Legal Education Conclave Committee of the Indiana States Bar Association.

O. Carter Snead testified before the US House Government Reform Committee Subcommittee on Criminal Justice, Drug Policy and Human Resources (May 17, 2006) with the presentation "RU-486: The Regulatory Options." Snead published "The (Surprising) Truth about Schavio: A Defeat for the Cause of Autonomy," *Constitutional Commentary* 22 (2006): 101; and "Understanding the Bush Veto," *Indianapolis Star* (Indianapolis, Ind., July 24, 2006). Snead presented "Neuroimaging Evidence in the Courts: Present and Projected Impact on the Law" (lecture, the Federal and State Judge Seminar on Neuroscience and the Law, June 29–30, 2006); presented "The Past, Present, and Future of Assisted Reproduction" and "A Scientific, Legal, and Ethical Primer on Embryonic Stem Cells and Human Cloning" (lecture, Summer Conference on Assisted Reproduction, May 23, 2006); "Poverty, Privacy, Consent and Commodification: Worrisome Intersections with Stem Cell Research and Cloning" (lecture, Notre Dame American Civil Liberties Union, March 31, 2006); and presented with Dr. Mark Siegler, Lindy Bergman Professor of Medicine and Surgery and director, MacLean Center for Clinical Medical Ethics, University of Chicago, and Dr. H. Tristram Englehardt Jr., emeritus professor of medicine, Baylor University and professor of philosophy at Rice University, "Lessons from the South Korean Cloning Scandal" (lecture at the 21st annual Philip and Doris Clarke Family Medical Ethics Conference, sponsored by the Notre Dame Center for Ethics and Culture, March 17–18, 2006). Snead was the featured speaker at the ninth annual Undergraduate Bioethics Conference held at the University of Notre Dame (Notre Dame, Ind., March 9–11, 2006), where he presented "Bioethical Issues on the Horizon: Looking to the Future."

Patrick J. Schiltz, former associate professor of law for the University of Notre Dame Law School, was confirmed by the Senate on April 26, 2006 for the United States District Court in Minneapolis.

Commencement

The three years of law school vary from seemingly endless days and nights of study, research, and writing to time that flees from capture. Commencement marks the finality of classroom and the beginning of practice. Part tradition of ceremony and part uniqueness of the people graduating, commencement marks the first public step students take into the world of the profession.

Congratulations to this class! While they will no longer be with us each day, they will continue in our hearts.





Awards

EDWARD F. BARRETT AWARD
Julie Regina Brown

CLINICAL LEGAL EDUCATION ASSOCIATION
OUTSTANDING STUDENT AWARD
Dory Mitros Durham

THE DEAN JOSEPH O'MEARA AWARD & ARTHUR
ABEL MEMORIAL COMPETITION WRITING AWARD
Anthony Joseph Enright

EDWARD F. BARRETT AWARD
Kirsten Steen Fochtman

DEAN KONOP LEGAL AID AWARD
Kenneth John Glessner

INTERNATIONAL ACADEMY OF TRIAL
LAWYERS AWARD
Stephanie Nicole Hew

THE A. HAROLD WEBER MOOT COURT AWARD
Andrew Scott Hiller

EDWARD F. BARRETT & THE ARTHUR A. MAY AWARD
Jared Christian Jodrey

THE COLONEL WILLIAM J. HOYNES AWARD & ALI-ABA
SCHOLARSHIP & LEADERSHIP AWARD
Vincent G. Kalafat

CONRAD KELLENBERG AWARD
Sarah Marie Looney

DAVID T. LINK AWARD & THE A. HAROLD WEBER MOOT
COURT AWARD
Adrienne Lyles-Chockley

THE FARABAUGH PRIZE
Travis Hugh Mallen

THE JON E. KRUPNICK AWARD
& THE A. HAROLD WEBER MOOT COURT AWARD
Joel M. Melendez

WILLIAM T. KIRBY AWARD, THE JON E. KRUPNICK
AWARD & THE A. HAROLD WEBER MOOT
COURT AWARD
Maria Cruz Melendez

JOSEPH CIRAOLO MEMORIAL AWARD
Najarian Rhashaline Peters

CAPTAIN MCLEAN COMMUNITY AWARD,
INTERNATIONAL ACADEMY OF TRIAL LAWYERS
AWARD, THE JUDGE JOSEPH E. MAHONEY AWARD
Amir Hassan Sadaghiani

THE A. HAROLD WEBER WRITING AWARD
Patricia Eileen Simone

NATIONAL ASSOCIATION OF WOMEN
LAWYERS AWARD
Jessica Erin Tannenbaum

AMY BERRETT
Professor of the Year Commencement Speech

Thank you for this honor. Thank you, Class of 2006, for your ideas, your enthusiasm, and for the ways in which you have challenged me in the classroom. You've made it easy for me to call my job one of the best around.

I decided to talk to you today about what it might mean for you to be a different kind of lawyer. Three years ago, you decided to enroll at Notre Dame Law School on the promise that we were educating a different kind of lawyer. Now, as you prepare to leave us, you may well wonder whether that promise has been fulfilled in you. When you drive away from campus tonight or tomorrow to wherever you're headed, will you be a different kind of lawyer? Indeed, what does it even mean to be a different kind of lawyer in the Notre Dame tradition?

There are certainly many respects in which you will not be any different from your peers who have graduated from other law schools. To begin with, being a different kind of a lawyer does not mean that you have mastered a different body of law. There is no Catholic version of the Federal Rules of Civil Procedure, and the movie *My Cousin Vinny* taught you the same evidentiary principles observed by Domers and non-Domers alike. The law is a discipline, and it is one in which you are now well trained. When you begin your jobs, you will be able to hold your own with other graduates of the best law schools.

Sometimes we're tempted to say that a Notre Dame lawyer is a different kind of lawyer because he or she is an ethical lawyer. But that can't be right. Our profession is in pretty deep trouble if the only ethical lawyer is the different one. When you leave here, hold yourselves to the highest ethical standards, and be leaders in that regard. But maintaining high ethical standards ought to be something that characterizes our whole profession—not something that causes Notre Dame lawyers to stand apart.

So if being a different kind of lawyer is not defined by the body of knowledge you have mastered or by the ethical standards you are expected to maintain, might it be defined by the kind of law you choose to practice? The banner hanging in the main reading room says, "If you want peace, work for justice." Surely we can expect that, as a Catholic law school, our commitment to social justice will lead a higher-than-average percentage of you to choose to work on behalf of the disadvantaged and oppressed. We can expect Notre Dame lawyers like my own classmate, Sean Litton, who left a successful and lucrative practice at Kirkland & Ellis to work for a human rights organization with the mission of eliminating sexual trafficking in southeast Asia. Many of you, like my classmate Sean, will work in the public interest sector, and Notre Dame will be proud of you. But many of you will work in the private sector, and Notre Dame will be proud of you too. It cannot be that being a different kind of lawyer is defined by the kind of law one practices, for that would leave too many of our graduates out of the definition.



So what then, does it mean to be a different kind of lawyer? The implications of our Catholic mission for your legal education are

many, and don't worry—I'm not going to explore them all in this short speech. I'm just going to identify one way in which I hope that you, as graduates of Notre Dame, will fulfill the promise of being a different kind of lawyer. And that is this: that you will always keep in mind that your legal career is but a means to an end, and as Father Jenkins told you this morning, that end is building the kingdom of God. You know the same law, are charged with maintaining the same ethical standards, and will be entering the same kinds of legal jobs as your peers across the country. But if you can keep in mind that your fundamental purpose in life is not to be a lawyer, but to know, love, and serve God, you truly will be a different kind of lawyer.

I think you will find, when you enter the legal profession, that most of your colleagues, by default or by design, treat the legal profession as an end in and of itself. Apart from family, which occasionally exercises a tempering influence, the law is the preeminent force driving the life of a typical lawyer. Legal opportunity is the primary consideration in choosing where to live. Ambition is the primary influence in choosing a job. The average lawyer gives his or her daily routine largely to work, from waking to sleeping. These things are true, by the way, whether the legal job is high paying or not. You have chosen a profession that engages your mind. While there is certainly some drudgery involved—no one likes document review—the practice of law is fun. Be prepared to love it. As a young lawyer, I was surprised by how much I did. It is easy to see how, for so many lawyers, the practice of law quickly becomes an end in itself, for the satisfaction, prestige, or money it brings.

Don't let that happen to you; set your sights higher than that. No matter how exciting any career is, what is it really worth if you don't make it part of a bigger life project to know, love, and serve the God who made you?

I'd like to offer three concrete suggestions for ways in which you might go about being a different kind of lawyer, one who treats his or her career as a means to the end of serving God rather than an end in itself.

First, before you take any job, particularly one that requires a move, pray about it. St. Ignatius of Loyola observed that when presented with options, most people choose what they want to do first, and it's only after the choice is already made that they go to God and say, "How can I serve You in the situation I'm in?" It's the rare person who consults God before making a choice. It's the rare person who brings his or her options to God and says, "In which situation can I best serve You?" Be the rare person. Pray about your career choices before you make them. If you



do, I think you will be successful at tempering the influence of ambition as the overriding force in your decisionmaking.

My second suggestion is that you give away 10 percent of what you earn to the church, charitable causes, and to friends and acquaintances who need it. Tithing will help you remember that your career and the money you earn shouldn't be directed just toward your own betterment but ought to be directed, in a tangible way, toward the common good. I recommend that you begin this practice with your first paycheck. As soon as I said that, I'm sure that many of you started worrying about your student loans. Don't. It's my experience that God is never outdone in generosity. For those of you who expect your salaries to increase over time, in some cases dramatically, it is also worth noting that in my experience, it is a lot easier to start this practice at the beginning of your career, when your paychecks are relatively small. Perhaps paradoxically, it wasn't really that hard for me to give away 10 percent of my income when I was a law clerk on government wages. It got a lot harder for me to write the checks when I went into private practice and the amount on them increased. But by then, the practice was a habit, so it was easier to stick with it.

Finally, when you arrive at your new jobs in your new cities, seek out friends with whom you can share your faith. For the past

three years, you have lived within the Notre Dame Law School community. While we are a community engaged in the enterprise of legal education and scholarship, we are also a community engaged in the enterprise of bringing about the kingdom of God. We are a community characterized by our love and concern for one another. I hope that you have enjoyed living here these last three years. I also hope that living at Notre Dame has given you a thirst for this kind of community. Don't just look back on your time here with nostalgia. When you get where you're going, carry Notre Dame with you. Deliberately choose a parish or church that has an active community life and commit yourself deeply to the relationships you find there. It's only when you're an independent operator that your career takes over. When your life is placed firmly within a web of relationships, it is much easier to keep your career in its proper place.

The advice I've given you today may sound challenging. But if you can rise to the challenge, I think you will find your career more satisfying as a result. The fulfillment at the end of your career will be immeasurably greater if it is a career marked by more than just cases won or deals done.

That's it. It has been a privilege to call you my students, and today, it is a privilege to call you my colleagues in the profession. Congratulations. I expect great things from all of you.

Reunion 2006

As the pictures that follow will attest, Reunion 2006 was a success! As in 2005, over 100 alumni attended, reconnecting with classmates and faculty.

Many thanks are in order to all those who worked hard to make this year's event such a success.

First: thanks to the faculty who made wonderful presentations: Jimmy Gurulé, Doug Cassel, Bob Jones, Tom Shaffer, and Mike Jenuwine. All of their lectures were well-attended by engaged and enthusiastic audiences. The Q&A sessions after each presentation were evidence of this.

Second: thanks for the hard work of the Reunion 2006 class committees. Committee members wrote letters and made phone calls to their classmates, encouraging them to attend. The class committees were:

1956: George Tompkins, Chair; Ronald P. Mealey, Edward J. Broderick, and Larry Dolan

1961: John Moreland

1966: Joe Della Maria

1971: Bryan Dunigan, Chair; Bob McMenamin, Mike Heaton

1976: Nancy Morrison O'Connor, Chair; Clark Durant, Daniel Novakov, Bert Goodson

1981: Chris Koenigs, Jeanne Collopy, Chairs; Doug Van Essen, Claire Corson Skinner, John Fitzpatrick, Adrienne Coffin

1986: Rob Kurnick, Jerry Powers, Chairs; Teresa Giltner, Brian Bates

1991: Martha Boesen, Chair; Marty Loesch, Bill Webb, Kathy Zelenock, Brendan Judge, Maura Doherty, Irene Prior Loftus, Carla Consoli, Scott Martinsen

1996: Chris Spartaro, Caryn Jorgensen, Chairs; Brendan Rielly

2001: Jonell Lucca, Chair; Marjorie McCanta High, Shannan Ball McFadden, Maura Cichol Sprague, Katleen Brannock, JonMarc Buffa, Rudy Monterrosa

Third: Thanks to all of the Alumni Association people with whom I worked to make the weekend's events meaningful, including scheduling our All-Class Reunion Mass in the Grotto and dinner in the Monogram Room.

Fourth, thanks to Glenn Rosswurm, Jill Donnelly, Mary Deditch, Eileen Schmitt, and Kristin Schoenfeld in Law School Advancement for all of their help working with the various Reunion 2006 committees.

Finally, many thanks to Therese Hanlon who cheerfully ran whatever errands needed to be run, who organized lists, and helped make the event the success it was.

Carol

Notre Dame Law School 2006 Reunion Gift Final Report

RANK	CLASS	PARTICIPATION
1	1966	59.6%
2	1971	51.4%
3	1981	37.6%
4	1956	36.7%
5	1961	35.1%
6	1976	34.1%
7	1991	29.6%
8	1986	29.6%
9	2001	25.6%
10	1996	21.6%

Includes contributions made from July 1, 2005–June 30, 2006 and corresponding matching gifts.





1951

Back – Bob McGlynn, Rex O'Connor
Front – Chuck Perrin, Bill Greif, Mark Berens



1956

Back – Honorable Patrick Foley, Thomas Ryder, Edward Broderick Jr., George Tompkins Jr., Honorable Matthew Moran, James O'Malley
Front – Joseph Joyce, James Murray, William McMeel



1961

Back – David Kelsey, Thomas Mayer, Dean David Link, Arthur Roule Jr. *Front* – John Dunn, John Coffey III, John Moreland, John Hirschfeld



1971

Back – Robert Helm, William Smoley, Fred Kuhar
Front – E. Bryan Dunigan, Michael Brennan, J. Robert McMenamin



1976

Back – Timothy Howard, Anthony Monton, William Kemp Jr., Roger Brunner, W. Clark Durant III *Front* – Edward Grimmer, Nancy Morrison O'Connor, Tomas Gamba



1981

Back – Douglas VanEssen, Christopher Koenigs, John Hurley, Dean David Link, Mike Palumbo, Claire Corson Skinner, Jeanne Collopy, Mark Gargula *Front* – Maureen Hurley, Adrienne Coffin, Dean Patricia O'Hara, Nancy Gargula



1986

Back – Nick Simeonidis, Gerard Powers, Glenn Schmitt, Robert Kurnick Jr., Jerome Frazel, Charles Ashdown, Stephen Hogan, John Glowacki, John Goetz, Jeffrey Thompson, Thomas Burger, David Link, C. Thomas Evans Jr. *Front* – Judith Morse, Susan Link, Philomena Ashdown, Julie Maloney



1991

Back – Greta Roemer Lewis, James Lewis, Linda Hynes, Brian Hynes, William Webb, Karen Morello, Gerald Morello Jr. *Front* – Glenn Rosswurm, Martha Boesen, Paul Patus, Denise Davis Patus



1996

Daniel Tychonievich, Brendan Rielly, Art Cody, Bruce Wells



2001

Back – Julie Foster, Janelle Blankenship, JonMarc Buffa, Jonell Lucca, Thomas Mauch *Front* – Rebekah Casteel, Maura Sichel Sprague, Stephanie Gilford, Christine Mayle



1950s

Honorable Tobias G. Barry Jr., '52 J.D., retired after more than 50 years in the practice of law as a judge and state representative.

1960s

John R. Martzell, '58 B.S., '61 J.D., received the 2006 Louisiana Bar Foundation's Curtis R. Boisfontaine Trial Advocacy Award.

Honorable N. Patrick Crooks, '63 J.D., was re-elected on April 4, 2006, to a second 10-year term on the Wisconsin Supreme Court.

Clifford A. Roe Jr., '67 J.D., was recognized by the Chambers USA legal guide *America's Leading Lawyers for Business* as being a leader in his field of corporate law. Roe is with Dinsmore & Shohl LLP in Cincinnati, Ohio.

Thomas M. Ward, '68 J.D., wrote *Intellectual Property in Commerce* (Eagan, Minnesota: Thomson-West, 2005). Ward is a professor at the University of Maine Law School and will be a visiting professor at the University of Notre Dame Law School this fall.

James E. Mackin, '66 B.A., '69 J.D., with Bond, Schoeneck & King, PLLC, in Syracuse, N.Y., was recently selected by his peers for inclusion in *The Best Lawyers in America*® 2007.

Vincent B. Stamp, '69 J.D., chair of the environmental law practice group at Dinsmore & Shohl LLP in Cincinnati, Ohio, received the first Lifetime Achievement Award presented by the Cincinnati Bar Association's Environmental Law Committee. Stamp was also recognized by the Chambers USA legal guide *America's Leading Lawyers for Business* as being a leader in his field of environmental law.

1970s

James D. Friedman, '72 J.D., with Quarles & Brady, LLP, in Milwaukee, Wisc., was the featured subject of Judith Steininger's "Waging Justice," *Northshore Magazine* (July 2006): 20.

Alfred J. "Jim" Lechner Jr., '72 J.D., has joined the firm of Lerner David in Westfield, N.J.

Dennis G. Bonucchi, '76 J.D., is pleased to share that "Notre Dame is still No. 1 for

Susan and me!" Bonucchi and his wife have three children, all Michigan State University graduates. He shares that "football and basketball seasons are quite interesting."

Chadwick C. Busk, '77 J.D., has been with Meijer, Inc. in Grand Rapids, Mich., for more than 25 years. Busk holds the position of assistant general counsel and practices general commercial law for Meijer.

Dean A. Calland, '79 J.D., was named 2006 Pennsylvania Super Lawyer. Calland is a founding partner at Babst, Calland, Clements and Zomnir, P.C. in Pittsburgh, Pa. In addition to Calland's firm's receiving top honors in the environmental law practice area for the second year in a row, Calland was listed as one of the leading environmental lawyers in the state.

1980s

Honorable David J. Dreyer, '77 B.A., '80 J.D., was honored by Indiana University-Purdue University Indianapolis (IUPUI) School of Environmental and Public Affairs as its "Outstanding Faculty of the Year." Judge Dreyer has taught criminal law and public policy courses at IUPUI for more than seven years.

Darlene Mason O'Brien, '80 J.D., was appointed a judge for the Washtenaw County Probate Court in Ann Arbor, Mich., by Governor Jennifer Granholm on March 16, 2006.

Diane M. Haller, '86 J.D., was ranked in the 2006 edition of *Chambers USA* for excellence in the field of real estate law. Haller is a partner with Quarles and Brady LLP in Phoenix, Ariz.

Steven C. Powell, '86 J.D., has joined the firm of Powell, Murphy & Adolf, PLLC, in Birmingham, Mich.

Michael F. Kelly Jr. '83 B.A., '87 J.D., has been named the chief operating officer and general counsel for The National Arbitration Forum in Minneapolis, Minn.

Bruce A. Thomason, '87 J.D., is in solo practice focusing family law in Huntington Beach, Calif.

Paul G. Porter, '89 J.D., has been named as a partner with Poyner & Spruill LLP in Charlotte N.C. He will practice in the areas of mergers and acquisitions, joint ventures, entity governance, finance, and business law.

1990s

David B. Cosgrove, '87 B.A., '90 J.D., has joined the firm of Capes, Sokol, Goodmand & Sarachan in St. Louis, Mo. as a senior attorney. He was recently honored by the North American Securities Administrators Association for his "significant contributions to investor protection in Missouri and throughout North America."

Michael A. Roberts, '86 B.S., '90 J.D., a partner with Graydon Head & Ritchey LLP in Cincinnati, Ohio, successfully represented a client in a multimillion dollar bad faith case against a disability insurer.

Keith J. Rothfus, '90 J.D., has joined the Bush Administration's Faith-Based and Community Initiative team. He is a director for the Center for Faith-Based and Community Initiatives at the Department of Homeland Security. Rothfus and his family are residing in McLean, Va.

Katheryne L. Zelenock, '91 J.D., has been elected a principal at the law firm of Miller, Canfield, Paddock and Stone, P.L.C., in Troy, Mich.

George F. Ritchie, '92 J.D., has joined Saul Ewing in Baltimore, Md., as a partner in the litigation department.

Chris Zampogna, '89 B.A., '92 J.D., has accepted a position as a lecturer at The Catholic University Columbus School of Law in Washington, D.C., Zampogna will lecture on employment law. He is in private practice in Washington, D.C., with Zampogna, P.C.

Patrick L. Emmerling, '93 J.D., was recently selected by his peers for inclusion in the estates and trusts category in *The Best Lawyers in America*® 2007. Emmerling is a partner with Jaeckle Fleischmann & Mugal, LLP, in Williamsville, N.Y. Emmerling was also named secretary to the Financial Planning Counselors of Western New York.

Marcia Y. Lucas, '90 B.B.A., '93 J.D., has been elected to partnership with Michael Best & Friedrich LLP in Milwaukee, Wisc.

Robert M. Mitchell, '93 J.D., has joined the firm of Bush Graziano & Rice, P.A., in Tampa, Fla.

Michael J. Castellino, '91 B.A., '94 J.D., was elected partner at the firm of Wildman, Harrold, Allen & Dixon, LLP, in Chicago, Ill.

Dione J. Ludlow, '95 J.D., is working in the felony division of the Pierce County Prosecuting Attorney's Office in Tacoma, Wash.

Eric A. Bauman, '97 J.D., has accepted the position of deputy district attorney in Las Vegas, Nev.

Melissa Corrie Anne Brown, '97 J.D., has joined Sugar, Friedberg & Felsenthal LLP in Chicago, Ill., as a partner, concentrating on commercial and securities litigation. Brown has also published "First Reg. FD Decision Finds SEC's 'Excessive Scrutiny' Chills Disclosure," *BNA Securities Regulation & Law* (19 December 2005).

David J. Butler, '94 B.B.A., '97 J.D., was named as one of the "Ohio Rising Stars" by *Law & Politics* magazine. Butler is with the law firm of Chester Willcox & Saxbe, LLP, in Columbus, Ohio.

Kathryn Elias Cordell, '97 J.D., married John Cordell on January 8, 2005. She is currently an associate in the legal section of Hall Render Killian Heath & Lyman in Indianapolis, Ind.

Daniel W. Tarpey, '97 J.D., was recently named partner at the law firm of Seyfarth Shaw LLP in Chicago, Ill.

Stanley F. Wruble, III, '97 J.D., was recently part of a panel of lawyers for the television show "Ask A Lawyer" on WNIT television in Elkhart, Ind. Wruble is with the South Bend, Ind. firm of Leone and Halpin, LLP.

Brian H. Blaney, '98 J.D., has been named a shareholder with Greenberg Traurig in Phoenix, Ariz.

Jay Evans, '98 J.D., has joined Obermayer Rebmann Maxwell & Hippel LLP in Pittsburgh, Pa., as an associate in the firm's litigation department.

Traci L. Griffin, '99 J.D., and her husband, Jefferson Gomez, celebrated the birth of their son, Jaden Emmanuel, on May 29, 2006.

Cynthia J. Morgan, '99 J.D., has joined Seltzer Caplan McMahon Vitek in San Diego, Calif., as an associate.

Tracy Warren, '99 J.D., has joined Seltzer Caplan McMahon Vitek in San Diego, Calif., as an associate. Warren was also named to the San Diego State University (SDSU) Sports Business Management MBA Program Advisory Board.

2000s

Ryan Blackstone-Gardner, '00 J.D., has joined the firm of Ross, Dixon & Bell in San Diego, Calif.

Akram Faizer '00 J.D., has joined the firm of Hiscock & Barclay, LLP, in Buffalo, N.Y., as an associate.

JonMarc Buffa, '01 J.D., has joined the firm of Sonnenschein Nath & Rosenthal LLP in Washington, D.C.

Marjie McCanta High, '01 J.D., has joined the Snohomish County Legal Services Group in Everett, Wash., as a staff attorney. High will work on housing law issues and coordinate legal clinics to serve low-income clients.

Joseph A. Tomain, '98 B.A., '01 J.D., was recently featured in an article by the Ohio State Bar Association. The article highlighted Tomain's teaching background, his participation as a moderator in an upcoming Ohio State Bar Association Law and Media Conference, and his role as an advocate for having a healthy work-life balance.

Christopher L. Brewster, '02 J.D., recently joined the law firm of Lloyd Gosselink Blevins Rochelle & Townsend, P.C., in Austin, Tex.

Kristina A. Campbell, '02 J.D., recently joined MALDEF (Mexican-American Legal Defense & Education Fund) in Los Angeles, Calif., as a staff attorney. Campbell will focus on immigrant rights and federal employment litigation.

Amy C. Egloff, '03 J.D., has joined Witmer, Karp, Warner & Ryan, LLP, in Boston, Mass. Egloff will focus on family law.

David S. Maquera, '03 J.D., has joined O'Reilly Rancilio, PC, in Macomb County, Mich., where he will concentrate on commercial litigation.

Fernando V. Narvaez, '03 J.D., has joined Binder & Binder in Tampa, Fla. as an associate.

Jennifer Spry, '04 J.D., and **Andrew Villier, '01 B.A., '05 M.B.A., '05 J.D.**, were married on April 29, 2006 at the Shrine of St. Joseph in St. Louis, Mo. Several ND Law alumni attended the nuptials: **Ryan Blaney, '99 B.A., '01 M.E., '04 J.D.; J.J. Gonzales, '05 M.B.A., '05 J.D.; Katie Koenig, '04 J.D.; John Mazza, '74 B.A., '77 J.D.; Maria Mendoza, '04 J.D.; Chris Parente, '04 J.D.; Paul Polking, '59 B.S., '66 J.D.; Matt Schmanski, '04 J.D.; and Jeff Troxclair, '04 J.D.**

James P. Curtin, '05 J.D., has been admitted to the Bar in Virginia, commissioned a captain in the U.S. Army, and dispatched to Heidelberg, Germany. Curtin provides advice and legal review for Army investigations.

Cortney L. McDevitt, '05 J.D., is with the firm of Strazulo Fitzgerald, LLP, in San Francisco, Calif.

Nicolle M. Siele, '05 J.D., is an associate with the firm of Ballard Spahr Andrews & Ingersoll, LLP, in Phoenix, Ariz.

IN MEMORIAM

'44 B.A., '49 J.D.

Honorable Philip L. Russo, Sr. passed away on Monday, July 7, 2006, in Virginia Beach, Va.

'56 J.D.

Eugene J. Volk passed away on Wednesday, August 9, 2006, in Palatine, Ill.

'57 J.D.

William T. Downing passed away on Saturday, April 22, 2006, in Decatur, Ill.

'61 J.D.

Honorable James S. Casey passed away on December 20, 2005, in Kalamazoo, Mich.

'64 J.D.

Donald E. Wintrobe passed away recently. He resided in Danville, Va.

'72 J.D.

Barry G. O'Connell passed away on March 27, 2006, in Bozeman, Mont.

CLOSING ARGUMENTS

Whenever I think about my seven years at Notre Dame, four in engineering and three in the Law School, I remember the logo: “God, Country and Notre Dame.” I have always been troubled by the failure of the motto to include “Family,” even though the issue was high on the Notre Dame agenda. As the seventh out of nine children raised in a traditional Catholic family in Iowa, I settled on my own interpretation—all three entities involve the family: God is the Father of All; the United States is made up of families; and Notre Dame is our Universal Mother.

In its own way, my preoccupation with families has immeasurably helped me in the practice of law. Many awards and much firm recognition, on a national scale, have revolved around the issue of firm being genuinely family friendly. My firm started with six lawyers in 1988 and today has 92 lawyers in an overall firm of 200 employees. We welcome family members both as lawyers and as employees. Several years ago, *Crain’s Chicago Business* listed our firm as the fastest growing law firm in Chicago.

Looking back on 44 years of practice, trying lawsuits throughout the United States, I smile when I think of all the jokes about lawyers having a “slight” tendency to exaggerate. But it does seem as though a third-party reality check confirms that Notre Dame’s recognition of “family” has benefited my life and my practice.

The firm has been written up time and time again for its family friendly attitude. Here are several examples:

Pioneer Press, December 3, 1998

Attorneys, paralegals and accountants all agree that the firm’s congenial and family friendly atmosphere are what won its inclusion in *America’s Best Places to Work With a Law Degree*. The firm, which started at a time when many women with scientific and technical backgrounds were moving into the legal profession, has always been sensitive to the needs of working mothers, their children and families.

America’s Greatest Places to Work With a Law Degree, Harcourt Brace, 1999

One of the ways the firm maintains a family-friendly atmosphere while expecting long hours is that “the firm bends over backwards to accommodate pregnant attorneys and attorneys with young children.” One female attorney recalls telling George McAndrews that, “my difficult pregnancy would require ongoing testing that would reduce the amount of time I could be in the office. He told me to take whatever



time I needed, that having a healthy baby was more important than anything else.”

The firm recently instituted a policy that allows women attorneys with small children to work part-time. In fact, the firm is notoriously protective of the interests of its women attorneys. As one lawyer tells it, “Several years ago, an older client gave not-so-subtle hints that he would prefer not to have

female associates assigned to his work. The firm responded by refunding all the fees he had paid, returning his files, and suggesting that he would be happier being represented by some other firm.” This attitude “has not been isolated. The firm is well-known for its understanding, support, and equal treatment of female attorneys.”

The firm’s offices are incredibly kid-friendly, with a common observation that “it’s not uncommon to see young children in the office.” Lawyers report that “Half of the artwork in the firm are drawings made by the children of attorneys and staff.” One lawyer shares that “the senior partners not only say ‘hi’ to my children, they call my children into their offices and the kids get to choose a treat from their treat drawers.” Lawyers also comment that “No one was surprised when a crib showed up in George’s office and remained there, often with a baby of one of the associates having sitter problems.... George talks about the 400 people who depend on our paychecks—all of our families. He cares about us, and he gets involved in the work we do. This is just a great place to work.”

Daily Herald, 2002

And it seems his passion for law has rubbed off on his family. Four out of his five children are currently lawyers or in law school. His two daughters are married to patent attorneys.

CLOSING ARGUMENTS

Three of my children graduated from Notre Dame—a daughter and a son graduated from the ND law school.

When we empanel juries, we try to analyze each person's family background. When we use analogies in court to explain complex technical matters, we select stories that would appeal to the family background of one or more jurors.

In closing arguments, we keep the jurors' attention by putting argument of facts in a setting understandable to the family or personal background of the various jurors.

National Law Journal, July 16, 2001
"Successful Strategies from 10 of the nation's leading litigators." "Using Artful Analogies To Win Over The Jury"

McAndrews noted that no one claims that the *Oxford English Dictionary* is a replica of the works of Shakespeare. "All the words in Shakespeare are in the dictionary, but the words aren't in proper order."



Invention requires putting things in their proper order.

Wall Street Journal, Thursday, June 8, 2006

One weekend last month, eight of his grandchildren had baseball games, and two had soccer matches. He made it to six of their sporting events, plus the flute/violin recital of four granddaughters. "There's a playpen in my office," he says. "That's my symbol that children are always welcome here."

Chicago Daily Law Bulletin, June 19, 2006, "At his firm, there's always time for the kids."

George P. McAndrews is a highly successful lawyer and is a senior partner in his law firm, but lately he gets big attention for family matters.

* * *

On June 8, he was written up in the *Wall Street Journal* as a businessman who is so involved with his grandchildren that he qualifies as a "Grandmom."

Then last week, an NBC TV crew filmed McAndrews in his offices and with his family for a Father's Day feature on the "Today Show."

Yet what may really distinguish McAndrews is how his attitude toward the family seems to affect the day-to-day operations of the law firm, McAndrews, Held & Malloy.

McAndrews likes to say the firm is "family friendly."

"We're very careful with the women... If they're pregnant they don't have to go out of town."

Also for the lawyer-moms, "If they come to us and tell us, 'We'd sooner do patent prosecutions' — work on seeking patents from the patent office and travel less—"We allow them to do that."

We realize they are the carriers of the human family," he explained. "We're flexible because the human family commands that."

"I tell every person here we are responsible for the well-being of 600 people, the 200 that work here and another 400 dependents somewhere else. They're families," McAndrews states.

"We don't want people going home at night crying. They've got enough to worry about. Existence is exhausting."

Little did I know, in 1962, when I finished my academic career at Notre Dame, that the philosophical and religious atmosphere at Notre Dame would translate into a meaningful support system for a successful career over and above my engineering and legal education. My five children and eighteen grandchildren have enriched my life and my work.

I still wish Notre Dame would change the motto.

GEORGE MCANDREWS

MEMBER, LAW ADVISORY COUNCIL
CHAIRMAN AND PRESIDENT,
MCANDREWS, HELD & MALLOY, LTD.

FALL CLE CLASSES

SATURDAY, SEPTEMBER 30, 2006

Notre Dame vs. Purdue

Player Conduct Off-the-Field: A Matter for League Governance?

Michael Cozillio, Visiting Professor of Law

Real Ethical Dilemmas in Modern Law Practice

William P. Hoyer, Associate Vice President and Deputy General Counsel
and Concurrent Associate Professor of Law

SATURDAY, OCTOBER 7, 2006

Notre Dame vs. Stanford

Serving on a Charity's Board: Legal and Ethical Duties in an Age of Accountability

Lloyd Mayer, Associate Professor of Law

The Public Choice of Standards for Drivers' Licensing Renewal

Margaret F. Brinig, Edward J. Sorin Professor of Law

SATURDAY, OCTOBER 21, 2006

Notre Dame vs. UCLA

Labor, Antitrust, and Baseball

Edmond Edmunds, Associate Dean, Director of Kresge Library, and Professor of Law

Changes in the Federal Rules of Civil Procedure: What's on the Drawing Board?

Jay Tidmarsh, Professor of Law

SATURDAY, NOVEMBER 4, 2006

Notre Dame vs. North Carolina

Conflicts of Interest in Class Actions

Gerard V. Bradley, Professor of Law

Ethics

Robert L. Jones Jr., Director, Legal Aid Clinic, and Professional Specialist

SATURDAY, NOVEMBER 18, 2006

Notre Dame vs. Army

Natural Law

Charles E. Rice, Professor Emeritus of Law

Integrating UCC Article Nine Filing Information with the Federal Intellectual Property Records: A Modest Proposal

Thomas Ward, Visiting Professor of Law

For more information, contact: gpeschel@nd.edu

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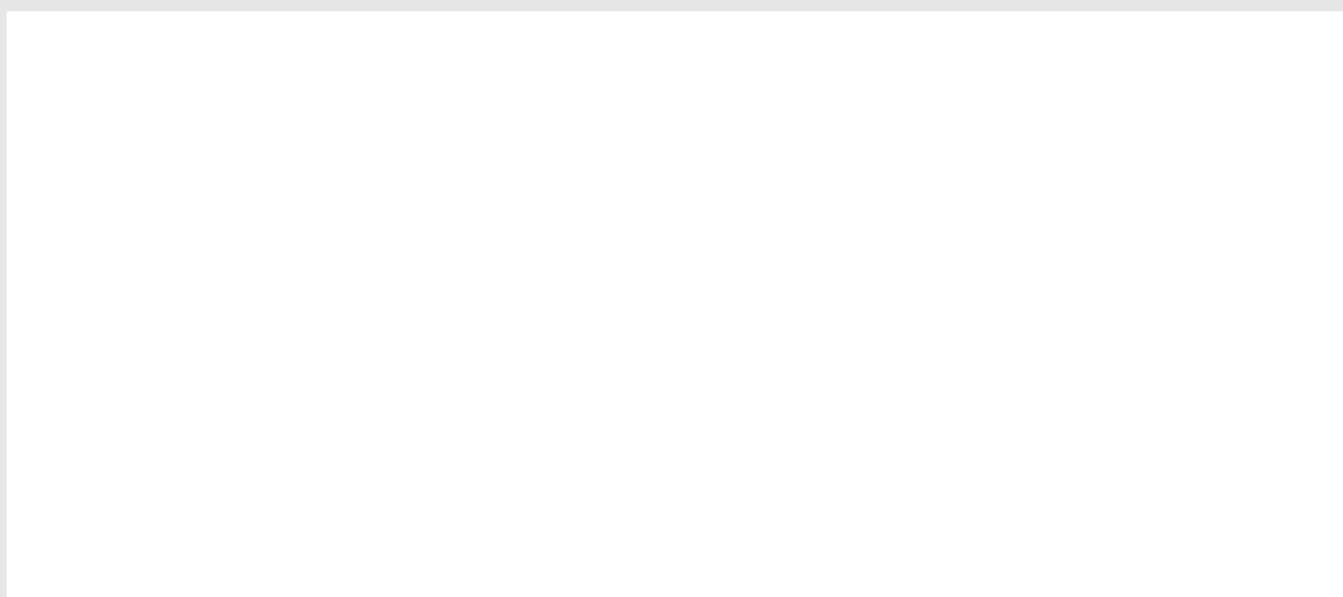
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1985
N1869
2006

The Life of a library: a brief history of the Kresge Law Library at the Notre Dame Law School / compiled by Beth Klein.
South Bend, IN: The Media Group, 2006.

1 folded leaf: ill.; 28 cm.

Originally published as an insert in Notre Dame Lawyer,
Spring 2006.

1. University of Notre Dame. Law School. Kresge Library.
2. Jacobs, Roger F. 3. Farnmann, Kathleen. 4. Lawrence, Marie.
5. Law libraries — Indiana. 6. Leadership. I. Klein, Beth G.

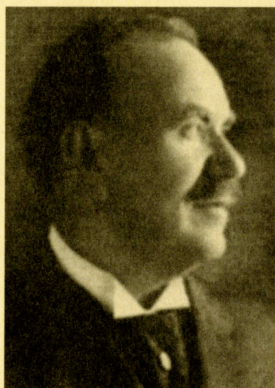
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➤ "All the latest reports of
State and Federal courts are
in its shelves."

— *Law Department Bulletin*,
1904–05

Kresge Law Library

1883



➤ "Colonel" William Hoynes is appointed first dean of the law school, and the few books he brought with him from Chicago constitute the library.

1888



➤ The Law Department, located in the south end of Sorin Hall, has an "excellent library comprising 2,500 volumes."

— *Columbia Law Times*,
January 1889

1904

1918



➤ The library holds more than 5,000 volumes but is very inadequate in working space.

— *University Bulletin*,
1918–1919

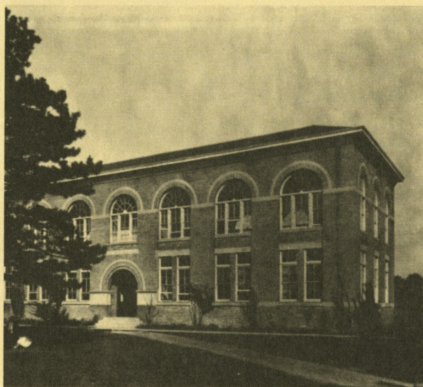
➤ The College of Law launches a campaign among its graduates to secure state reports published prior to West's reporter system.

— *Propaganda*, 2 NOTRE DAME LAW REP. 48 (1920)

➤ Two stories in height with a double row of stone pillars supporting the arched ceiling, the impression of this room is one almost of vastness. To harmonize with their surroundings the massive bookcases are of dark oak so arranged as to provide study nooks for individuals or small groups of students.

— THOMAS F. KONOP, *History of the Notre Dame College of Law*, 6 NOTRE DAME LAW. 24 (1930)

1919 1920



➤ The college of Law began a new era, when a new and well equipped building [now the Crowley Hall of Music] was provided for the exclusive use of the students of Law."

— 1920–21 *Bulletin*, 280. The library has a 20,000-volume capacity.

1925



➤ Dean Thomas Konop appoints John H. A. Whitman as the first law librarian of the 7,000-volume library.

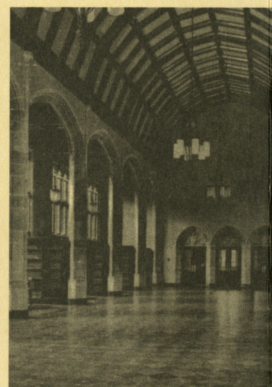
1930



➤ The present law building on Notre Dame Avenue is built. "Even more impressive than the courtroom is the large library on the second floor."

— THOMAS F. KONOP, *History of the Notre Dame College of Law*, 6 NOTRE DAME LAWYER 5, 21 (1930)

1932



➤ The 50 x 100 ft. reading room holds 10,000 volumes. There is additional stack space for 25,000 volumes.

➤ Prof. Arthur Pulling, Harvard Law Library: “[Miss Lawrence] knows her bibliographies and what an excellent law collection should contain.... [She] commands the respect of all law librarians, East and West.”

—JOSEPH O'MEARA, NOTRE DAME LAW SCHOOL, DEAN'S REPORT, 1957–58 16–17 (August 15, 1958)

1942



➤ Dean Manion appoints Lora Lashbrook as the second law librarian. She also serves as teacher of research, registrar, and secretary to both the dean and the faculty.

1945



➤ Marie Lawrence becomes the third law librarian. She worked for the University Libraries before coming to the Law School.

1954–1960

➤ The library contains over 22,000 volumes and Dean O'Meara complains of shelving problems. Books are stored on four of the reading tables. “If we must use the tables as bookshelves, where are we to put the students?”

—JOSEPH O'MEARA, NOTRE DAME LAW SCHOOL, ANNUAL REPORT OF THE DEAN 20 (1954–55).

➤ There are 55,000 volumes in the library—two times as many as in 1950.

—PHILIP S. MOORE, CSC, *Academic Development: University of Notre Dame*, chapter V in *THE STORY OF NOTRE DAME* at <http://archives.nd.edu/moore/moore05.htm>

➤ Jurisdiction over the law library is transferred on October 1 from the Director of the University Library to the Dean of the law school.

—JOSEPH O'MEARA, NOTRE DAME LAW SCHOOL, DEAN'S REPORT 16 (August 15, 1958)

plight of persons who suffer injustice for want of a lawyer champion.

May these students in their lawyer lives ever avoid that which bends the law to ignoble ends. May these students learn the majesty of the law in this place, and, through the practice of law, may they earn for themselves

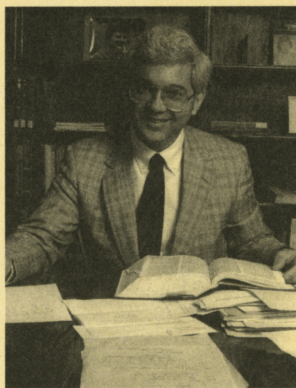
1973



➤ "For the first time in 20 years we have enough room. We can seat every law student in the splendid new Kresge Law Library."

—Thomas L. Shaffer,
Report of the Dean,
1972–73, 49 NOTRE DAME
LAW. 214 (1974).

1985



➤ Dean David T. Link hires Roger F. Jacobs, former Head Librarian of the Library of the United States Supreme Court, as the fifth law librarian.

—picture from the collection
of The Supreme Court of the
United States Office of the
Curator, #E-98-8A.

1986



➤ The law building expansion adds the East Reading Room, expands stack space, and creates the reference offices.

1990



➤ Roger Jacobs secures funding from alumnus John Sandner for the acquisition of the entire 120,000-volume collection of the Chicago Bar Association Library. 30,000 books are immediately added to the Kresge Library collection.

and others the blessings of the God of Justice, not the least of which is personal and civic peace, which is at the same time both the noblest work and the first fruit of justice among just men working for the creation of a just society.

Rev. Theodore M. Hesburgh, CSC, President
(at the dedication of the Kresge Law Library, November 2, 1973)

2000



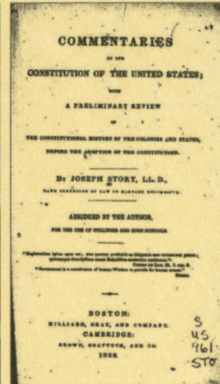
➤ Father Malloy bestows a Presidential Award on Roger Jacobs in recognition of his 15 years of service to the law library.

2001



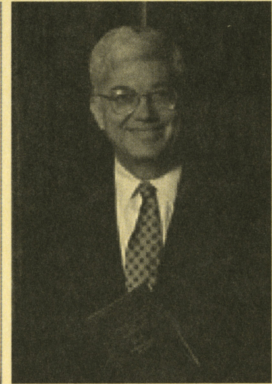
➤ The University presents to Roger Jacobs the Grenville Clark Award honoring members of the University Community whose voluntary activities have advanced the causes of peace and human rights.

2004



➤ The Kresge Law Library joins select group of academic law libraries holding at least 600,000 volumes. Story's *Commentaries on the Constitution of the United States* (1833) is the 600,000th volume.

2006



➤ Roger Jacobs retires. Kresge Library contains more than 634,000 volumes.

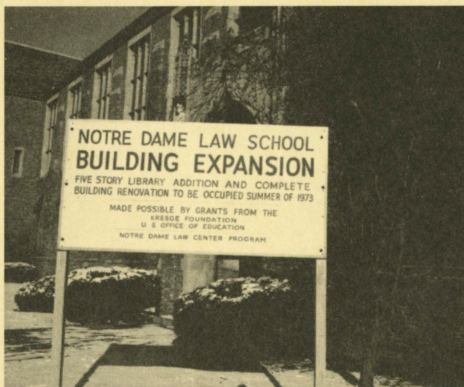
May there be a hunger for justice. May our students seek competence in the law, since compassion without competence would be a cruel hoax upon those they serve. May they also realize that competence in the law without compassion leads the lawyer to use the law for other purposes than the works of justice, blinds him to the sad

1966



➤ Dean Joseph O'Meara appoints Mrs. Kathleen Farmann as the fourth law librarian.

1971



➤ The law library holds 83,000 volumes.



➤ The Kresge Foundation provides \$750,000 for a law building expansion.

—THOMAS L. SHAFFER, *Report of the Dean, 1971–72*, 48
NOTRE DAME LAW. 232, 251 (1973).