

8-1-1994

NDLS Update 08/1994

Notre Dame Law School

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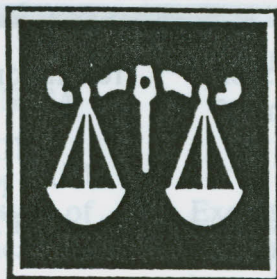


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Recommended Citation

Notre Dame Law School, "NDLS Update 08/1994" (1994). *NDLS Updates*. Paper 98.
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NOTRE DAME

SEP 16 1994

LAW LIBRARY

NDLS Update

News from the Notre Dame Law School

Vol. IV, No. 1
August, 1994

TEX DUTILE
EDITOR

ABA CRITERIA AMENDED -- LONDON FULL-YEAR PROGRAM NOW LEGAL!

The Council of the ABA's Section of Legal Education and Admissions to the Bar, meeting in Minneapolis, amended its "Criteria for the Approval of Semester Abroad Programs." A new Criterion now allows law students to earn up to one-third of their required credit hours in "semester abroad" programs. **WE ARE NOW LEGAL!**

NDLS WELCOMES NEW ASSISTANT DEAN AND THREE FACULTY MEMBERS

The Fall Semester will mark the

arrival of four new faces to NDLS. Patricia C. Leonard, formerly Vice President of the Society Corporation in Cleveland, has assumed the position of Assistant Dean for Administration in the Law School. Ms. Leonard, a 1975 graduate of the Law School, will succeed Janis Johnston, who served superbly as Interim Assistant Dean.

John Garvey, formerly of the Law School at the University of Kentucky, joins us as a Full Professor. John, a nationally known scholar and excellent teacher, earned his A.B. in 1970 from Notre Dame and his J.D. in 1974 from Harvard. Following a clerkship with Judge Irving Kaufman of the Second Circuit, John served as an Associate at Morrison & Foerster before becoming a member of the faculty at Kentucky. John

also served as Assistant to the Solicitor General in the United States Department of Justice.

Roberta M. Berry, Assistant Professor at Drake Law School, will spend the 1994-95 academic year as a Visitor at NDLS. Roberta was graduated from Swarthmore College in 1976 and earned her J.D. from Wisconsin in 1982. She has practiced with two law firms and, from 1983 to 1986, served as Legislative Attorney for the Wisconsin Legislature. At Notre Dame, Professor Berry will teach both sections of Contracts.

Mary Gillmarten, a specialist in International Taxation for the Internal Revenue Service in Washington, will spend the year at Notre Dame under the IRS Visiting Professor Program. Ms. Gillmarten was graduated from the University of Notre Dame and received her J.D. from Georgetown.

A warm welcome to all!

DWIGHT KING APPOINTED TO TASK FORCE

Carol Billings, President of the American Association of Law Libraries, has appointed Dwight King to a blue-ribbon task force to plan and coordinate the national conference on legal-information issues. The conference will bring together over 150 leaders from all sectors of the legal-information community--judges, law faculty, practicing attorneys, government officials, publishers and information professionals--who, along with law librarians, will focus on the implications of the legal-information

revolution.

NDLS ALUM WILL HEAD NATIONAL DISTRICT ATTORNEYS ASSOCIATION

The National District Attorneys Association, during its annual summer conference in Newport Beach, California, named Michael Barnes president-elect. Barnes, NDLS '73 and St. Joseph County Prosecutor, will become president in 1995. The Association, boasting a membership of over 7,500, constitutes the nation's largest group of prosecuting attorneys.

A longtime member of the group, Barnes serves on its board of directors and chairs its membership committee. His work with the Association includes service on the child-support and drug-control committees. Moreover, he has served as a member of the Executive Working Group, which represents NDAA, state attorneys-general, U.S. attorneys and Department of Justice officials. The Group meets often in Washington to consider matters related to criminal justice.

IRISH LAW ENDOWMENT ANNOUNCED

Mr. and Mrs. Rex P. O'Connor of Ionia, Michigan, have pledged approximately \$90,000 to establish an endowment to support the development of collections in Irish law. The Law Library will attempt to collect materials placing Irish law in the larger social and cultural contexts and, in so doing, support the University's developing interest in Irish studies.

NDLS GRAD APPOINTED PUBLICATIONS EDITOR FOR NITA

The National Institute for Trial Advocacy has announced the selection of John M. Maciejczyk as its new publications editor. John was graduated from the United States Naval Academy in 1981 and from the Notre Dame Law School in 1984. At Notre Dame, John served as Note and Comment Editor for the NOTRE DAME LAW REVIEW. A member of the PENNSYLVANIA BAR, he has practiced corporate law in the Houston area since 1987, except for a one-year stint at Miles and Stockbridge in Baltimore. John began his career at NITA in late July.

DIANA LEWIS, LAW SCHOOL ALUM, NAMED TO UNIVERSITY BOARD

NDLS alum Diana Lewis has been made a member of the University's Board of Trustees. Lewis, a partner in the West Palm Beach, Florida, law firm of Gay, Ramsey & Lewis, was graduated from Notre Dame in 1974 with a bachelor's degree in sociology. After receiving a master's degree in education from Florida Atlantic University in 1976, she returned to Notre Dame, earning her law degree in 1982.

A member of the Guild of Catholic Lawyers, Lewis also is active in professional societies, including the American Academy of Hospital Attorneys and the National Health Lawyers Association. Prior to her election as a Trustee, she was a member of the Notre Dame Law School Advisory Council for five years.

LAW ADVISORY COUNCIL ADDS MEMBER

Paul J. Polking, NDLS '66 and Executive Vice President and General Counsel of NationsBank Corporation, has been appointed to the NDLS Advisory Council. Paul did his undergraduate work at Notre Dame, earning a B.S. in Commerce in 1959. Paul lives in Charlotte, North Carolina, with his wife Joan and their five children.

BURKAN AWARDS ANNOUNCED

First Prize in the 1994 Nathan Burkan Memorial Competition has been awarded to W. Scott Judice for his essay entitled, "Is the Reverse Engineering of Protected Software Permissible Under Current American Copyright Law?" Second Prize went to Martin Schrier for his essay entitled, "The Semiconductor Chip Protection Act of 1984 and its Role in Intellectual Property Protection." Cash awards accompanied both prizes.

NEWS FROM THE LAW LIBRARY

The American Association of Law Libraries held its annual meeting in Seattle, Washington, July 9 through 13. Over forty-five percent of the Association's 5,000 members attended the meeting. The law library was represented by Roger Jacobs, Janis Johnston, Dwight King, Lucy Payne and Joe Thomas. The meeting gave the librarians the opportunity to attend numerous educational sessions, to view a massive display of new information sources and technologies and to network with their colleagues around the country upon whom

they rely for resources and information beyond the walls of the Kresge Library. Janis Johnston was an invited speaker on an educational program concerned with personnel management. She spoke particularly on the relationship between the manager and her supervisor.

A newly approved position for Law School Computing Director/Manager has been approved, triggering a national/international search for appropriate candidates.

Roger Jacobs attended the CALI-LEAP Institute in Chicago, a program devoted to new-technology applications in law schools, and a Council meeting of the American Bar Association Section of Legal Education and Admissions to the Bar in Minneapolis. The theme of the ABA meeting might have been "Current Tensions in Legal Education:" the pending suit of the Massachusetts Law School against the ABA and this Section; a circular letter from fourteen deans criticizing alleged micro-management of the ABA's regulatory process; the Department of Justice Antitrust Division's investigation of potential actions against the Association on the theory that it constitutes the classic cartel; and promulgation by the Department of Education, which accredits the ABA Section, of new regulations that would require the Section to regulate legal education even more closely.

Joe Thomas and Beckie Brothers attended an INNOVATIVE Interfaces and Users Group meeting in Columbus, Ohio. The meeting considered new applications and refinements of our primary technology for processing serials material.

Attorney Thomas W. Bosse of Deters, Benzinger & LaVelle, Covington, Kentucky, wrote to Carmela Kinslow: "I also wish to thank all of the library staff for their very generous assistance to me while I was there last week. It makes a big difference when working on a big, difficult case. Thanks again."

Patti Ogden recently vacationed in Switzerland. While there, she offered an Internet Seminar to the Library of the International Labor Organization in Geneva.

Lucy Payne recently traveled to Bloomington, Minnesota, to attend the WESTLAW Seminar.

Chevelle Williams, who was employed as a research assistant in the library for seven years, was selected to attend a "Women As Leaders" conference. Chevelle is currently attending Holy Cross College and was one of two women selected in Indiana to attend the 1994 Women As Leaders Seminar in Washington, D.C.

NEWS FROM THE LEGAL AID CLINIC

The Clinic had fourteen summer interns, twelve of them working full time throughout the summer. These interns inherited 180 cases from last academic year and took on 111 new cases.

The new cases are fairly typical of the Clinic's practice. The largest category (28%) are family-law matters (dissolution, custody, visitation, support, paternity, and guardianship).

Consumer credit, housing, and public benefits cases made up 14% each of the new caseload, immigration 8%, and wills and related documents 7%.

Other kinds of new cases were automobile accidents, representation on driver's-license matters, and incorporation and tax representation for not-for-profit corporations.

The NDLS Legal Aid Clinic has received a \$25,000 grant from the Cord Foundation to fund a program in advocacy for children.

Legal Aid interns, working in the Clinic on immigration cases, have won three very difficult asylum cases before administrative law judges in the Immigration and Naturalization Service. The latest victory, executed by Kevin Maloney and Mark Yoshida under the supervision of Barbara Gasperetti in hearings in Chicago, involved a former member of the Honduran

military who had to overcome involvement, early in his career, with atrocities that were later visited on him. In a pending case, a client from Rwanda, who has lost members of his family in the recent violence there, also seeks asylum.

NEWS FROM THE FACULTY

Catherine Barrett, widow of long-time NDLS Professor Edward Barrett, died on July 18. Remembrance contributions may be made to the Edward Barrett Scholarship Fund here at the Law School.

Matt and Kate Barrett announce the birth of a son, Kevin James, on June 3. Congratulations to all concerned.

Matt Barrett published *Determining An Individual's Federal Income Tax Liability When the Tax Benefit Rule Applies: A Fifty-Year Checkup Brings a New Prescription for Calculating Gross, Adjusted Gross and Taxable Incomes*, in the BRIGHAM YOUNG UNIVERSITY LAW REVIEW.

Matt Barrett was quoted in the June 14, 1994, edition of THE WASHINGTON POST. Matt commented on a Supreme Court case upholding Congress's closing of a tax loophole: "The Court seems to be saying that if something looks like it is too good to be true, it is too good to be true."

Matt was named to the Founding Board of Advisors of the JOURNAL OF LIMITED LIABILITY COMPANIES, a quarterly publication addressing issues regarding the formation and operation of a new form of

business organization currently recognized in forty-two states. The JOURNAL published its first issue in June.

Frank Ragano and Selwyn Raab, in their book "Mob Lawyer", observe: "In 1971, at a libel trial, G. Robert Blakey, now a law professor at Notre Dame University, had been accurate in his analysis of me as a lawyer. He described me as a 'House Counsel' for the Mafia. I plead guilty to that charge."

On June 3, Frank Booker delivered a lecture entitled "Expert Witnesses Under the New Rules of Evidence." The program, sponsored by the Indiana Continuing Legal Education Forum, took place in Indianapolis.

Judge Sandy Brook, of our Adjunct Faculty, will participate in a program entitled "Indiana Trial Systems Workbook." The session, scheduled for Indianapolis on September 23, will be sponsored by the Indiana Continuing Legal Education Forum.

Sandy also published "Indiana Rules of Evidence with Objections," a NITA publication.

At its Annual Meeting in Marco Island, Florida, on June 29, the National Association of College and University

Attorneys installed Tex Dutile as a Fellow of the Association, "[i]n recognition of exemplary service, over an extended time, which has brought distinction to higher education and to the practice of law on behalf of college and university clients."

Michael Durst, former prof at NDLS, will join the Internal Revenue Service in mid-August as director of the advanced-pricing-agreement program in the Office of Associate Chief Counsel (International). Michael is currently with the Washington office of the international-law firm of Jones, Day, Reavis and Pogue.

Jimmy Gurule authored *Don't be a party to one-sided extradition treaty with Mexico*, in the HOUSTON CHRONICLE, June 26; and *Think twice on extradition treaty*, in the CHICAGO TRIBUNE, June 27.

Kent Hull, who teaches Disability Law at NDLS, is on the Faculty for a seminar entitled "Pro Bono: A Practical Training of the Issues in Public Interest Law." The Indiana Continuing Legal Education Forum and the Indiana Bar Foundation will sponsor the event, scheduled for Indianapolis on August 31.

Doug Kmiec published *Clarifying the Supreme Court's Taking Cases -- An Irreverent But Otherwise Unassailable Draft*

Opinion in Dolan v. City of Tigard, in the DENVER UNIVERSITY LAW REVIEW. One reviewer has lauded the article's "witty demonstration that what passes for the Supreme Court's inverse condemnation jurisprudence has at long last reached the state of absurdity."

Doug authored *Rostenkowski's a Grass-Roots Pol*, in the June 7, 1994, issue of the PHILADELPHIA ENQUIRER.

Doug will be a "keynote presenter" at the 1994 National Leadership Conference entitled, "Public Catholicism versus Private Catholicism", on October 22, in Baltimore. Others on the program include Mary Cunningham Agee, Richard V. Allen, William J. Bennett, Robert P. George and Fr. Richard Neuhaus.

Don Kommers' name now appears in an article's title. A recent issue of the NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE features an article by Florian Midel entitled, *Is West Germany's 1975 Abortion Decision a Solution to the Abortion Debate? A Critique of Mary Ann Glendon and Donald Kommers*.

Don Kommers published *The Constitutional Law of Abortion in Germany: Should Americans Pay Attention?*, in THE JOURNAL OF CONTEMPORARY HEALTH LAW AND POLICY.

Don also published *The Federal Constitutional Court*, Monograph Number 2 in KEY INSTITUTIONS OF GERMAN DEMOCRACY. The publication emanates

from the American Institute for Contemporary German Studies at The John Hopkins University.

On May 29, Bill and Shirley McLean hosted a marvelous champagne brunch for family, friends and colleagues at the Morris Inn.

Garth Meintjes, formerly Assistant Director of the Center for Civil and Human Rights, has been named Associate Director, effective August 23, 1994. The appointment issued on the recommendation of Father Bill Lewers, Director of the Center, and Dean Link, with the approval of Provost Timothy O'Meara and Father Malloy. Congratulations, Garth.

Garth was one of twenty-five persons invited from academic institutions and human-rights agencies to participate in a discussion at the Carnegie International Center, Washington, D.C., on "Reconceptualizing Human Rights Strategy." The Stanley Foundation will underwrite the meeting and will prepare for a major international conference in the fall.

Father John Pearson published a chapter entitled "The Law of Easements: Rights in the Property of Another," in THOMPSON ON REAL PROPERTY, issued by the Michie Company.

Terry Phelps published *The Margins of Maycomb: A Rereading of To Kill a Mockingbird*, in the ALABAMA LAW REVIEW.

Terry Phelps authored, along with George S. Mitrovich, an "op-ed" piece entitled *We Elect a President to Work For Us; His Problems Can Wait*, in the LOS ANGELES TIMES, May 20, 1994.

Tom Shaffer published "The Church and the Law" in C.C.I.C.A. ANNUAL, Volume 13.

Tom gave a series of lectures on the American Legal Profession at the Russian Academy of Jurisprudence and at the Moscow Legal Center, July 11-13, 1994, in Moscow.

Tom published *Growing Up Good in Maycomb*, in the ALABAMA LAW REVIEW. He also published, with R.F. Cochran, Jr., LAWYERS, CLIENTS AND MORAL RESPONSIBILITY, and a Teachers Manual to accompany it. Both are publications of the West Publishing Company.

Jay Tidmarsh published "Mandatory Pre-Discovery Disclosure in the Northern District of Indiana," in MANDATORY PRE-DISCOVERY DISCLOSURE: A FIRST LOOK. The volume, edited by Molinda Thaler and Ettie Ward, was published by the American Bar Association.

Jay has signed a publication

agreement with Foundation Press for a casebook tentatively entitled COMPLEX LITIGATION AND THE ADVERSARY SYSTEM. The co-author of the casebook is Roger H. Trangsrud, Associate Dean for Academic Affairs at George Washington's National Law Center. Jay and Roger also received an offer of publication from West, which they declined. The expected publication date is February, 1997.

NEWS FROM THE STAFF

Nancy and Bob Beaudoin write to express their deep gratitude for all the prayers, cards and kind thoughts during Bob's bi-lateral lung transplant: "It was so comforting to feel the power of prayer at work in our lives, and to know that we were never alone during this long procedure and recovery."

In July, Darlene Carlson celebrated her fifteenth year of service to the University.

Phyllis Idalski writes, "I would like to express my sincere thanks to all of the Notre Dame Law family who provided thoughtful gifts of flowers, cards and condolences, after hearing of my sister Teresa's death. I was overwhelmed and so appreciative, to say the least. It is guaranteed that this display of emotion, prayer and thoughtfulness will never be forgotten in my lifetime."

At the Annual President's Staff Appreciation Dinner, Jean Mundt, of the Law School Grill, was honored for twenty years of service. Honored for fifteen years of service were Jackie Weiler and Terri Welty.

On August 12, Mary Lee Ready's first grandchild, David Jonathan Hall, was born.

On July 5, Craig R. Reiter, son of long-time NDLS staff member Rosemary Reiter, died in Indiana University Medical Center after an illness. Mr. Reiter, a lifelong resident of the area, was thirty-nine years old. He leaves his wife Cari and two daughters, Erin Marie and Jenifer Leah. Services were held at St. Anthony de Padua Catholic Church. Memorial contributions may be made to the Erin and Jenifer Reiter Trust Fund, in care of Society Bank.

NEWS FROM THE ALUMNI

Thomas S. Botkin, NDLS '78, Charles S. Leone, B.S. Notre Dame '69, and Stephen L. Eslinger have announced the formation of a new law firm: Botkin, Leone & Eslinger. John D. Stoddard, NDLS '92, is associated with the firm.

Tom Burger, NDLS '86, has become a partner at Wood, Herron & Evans in Cincinnati.

Robert W. Cox, NDLS '62, retired from Baker & McKenzie on June 30, 1994. Bob, the Chair of the Law School's Advisory Council, has completed twenty-five years of service as a partner in the firm, during eight of which he served as its Chair. Bob and his wife will move to their Keystone Ranch, Colorado, home.

Brian J. Hynes, NDLS '91, has left Stinson, Mag & Fizzel, in Kansas City, Missouri, to join Gray, Plant, Mooty & Bennett in Minneapolis.

John F. Magnuson, NDLS '87, was one of three attorneys representing Star Phoenix Mining Company in its suit against HECLA Mining. On July 29, an Idaho judge upheld a jury's \$20,000,000 award in favor of Star Phoenix Mining Co. The suit alleged breach of contract and sought punitive damages for HECLA's termination of a lease agreement with Star Phoenix.

Laurie Murphy, NDLS '88 and an associate with Miller, Johnson, Snell & Cumiskey, was named the 1994 "Quotarian of the Year" for her outstanding contributions to the community through Quota Club. Quota Club is an international service organization of local professionals and executives dedicated to serving the local and global communities, with an emphasis on helping the deaf and hard of hearing.

John Roda, NDLS '85, is Senior Counsel for AMP, Inc., in Harrisburg, Pennsylvania. John has practiced International Business Law in over twenty-five countries during the last five years. He recently taught an International Business Transactions Course at Widener Law School.

Clarence J. Ruddy, NDLS '27, authored *On The Shoulder of Giants: Reflection on a Life in Law*, in the Spring issue of EXPERIENCE, the magazine for the Senior Lawyers Division of the American Bar Association.

Ursula A. Silberman and Barry F. Irwin, both NDLS '92, were married on April 30 in Clay United Methodist Church. Ursula is employed by the Chicago Legal Clinic as a family-law attorney; Barry practices intellectual-property law at William, Brinks, Hofer, Gilson & Lione, in Chicago.

Kevin Warren, NDLS '90, has been featured recently in several newspaper profiles. In October, 1993, Kevin founded his own firm, Kevin S. Warren & Associates, specializing in sports and entertainment law. Kevin encourages his clients to give back to the community: "If you want me to represent you, that's the approach." Among his clients: Chris Zorich of the Chicago Bears and Lake Dawson of the Kansas City Chiefs.

On July 8, the CBS newsmagazine "48 Hours" featured Kim Worthy, NDLS '84. Interviewed by Dan Rather, Kim addressed the O.J. Simpson case from the perspective of the prosecutor. Kim is an Assistant Prosecuting Attorney for Wayne County, Michigan.

MISCELLANY

From a recent issue of *Foreign Affairs*: "The University of Notre Dame Press, with the support of the Ford Foundation, does a great service in making available to an English-speaking readership the full text of [*Report of the Chilean National Commission on Truth and Reconciliation*, Center for Civil and Human Rights of the Notre Dame Law School, an] exhaustive report on human rights violations in Chile. The Commission's reports . . . played a critical role in the successful democratization of Chile . . . Beyond the Chilean setting, this is also a remarkable document of our times. The thoughtful comparative introduction by Jose Zalaquette, in particular, should be required reading for those who must confront the now recurrent and difficult problem of how democratic successor regimes balance justice, retribution and truth in the aftermath of massive and systemic violations of human rights by their dictatorial predecessors."

An alum writes to Dean McLean: "Of all the good things that have happened to me in pursuing my legal career over the last eleven years, during and after my three

years at Notre Dame, I cannot think of any single factor more important than your assistance at the very beginning."

From the June, 1994, edition of READER'S DIGEST: "As a second-year law student at the University of Notre Dame. . . I had finished studying for my Federal Income Tax final. When I opened the door to the Law Building, I spotted a penny, heads up. After retrieving it, I turned to see my Professor. 'It must mean good luck for the exam,' I said, showing him the penny.

'Not necessarily,' he replied. 'But it does mean that you have taxable income.'

- Contributed by Franklin E. Eck, Jr."

An Alabama judge writes, concerning NITA's Teacher Training Course: "What a job NITA does! The Alabama delegation, in addition to and perhaps more important than the improved skills, was tremendously invigorated. We fed on the enthusiasm of the faculty, other participants and each other. The only downside is that my grudging respect for Notre Dame has now turned to full-blown fondness. Perhaps, if I keep my mouth shut around here, I can get through the fall secretly cheering for the Irish to do nearly as well as Bama."

Incoming student, United States Marine Corps Captain Robert J. Muise, NDLS '97,

authored an article entitled *Officer Education: The Flawed System*, in the June, 1994, issue of MARINE CORPS. The article tied for Second Place in the 1993 Chase Prize Essay Contest.

FROM THE "YOU CAN SAY THAT AGAIN!" DEPARTMENT

From the August, 1994, issue of PERSPECTIVE: "(P)arents sued for twenty million dollars after the school's debate coach stabbed their son to death in 1989. The coach had a stern reputation in his work with students"

TEX DUNLE
EDITOR

Donations may be made to the British Heart Foundation or to the Marie Curie Cancer Fund. Cards and notes to Professor West's widow, Mariann, should be sent to: 13 St. George's Court, Chesham Road, London W11 5HN.

ROBINSON AND HOYE NAMED NEW EDITORS OF JOURNAL OF COLLEGE AND UNIVERSITY LAW

John Robinson, Director of the White Center, and Bill Hoyer, of the NDLS Legal Aid Clinic, have been named Co-Editors of the JOURNAL OF COLLEGE AND UNIVERSITY LAW. Appointed to the Board of Directors of the National Association of College and University Attorneys (which, along with NDLS, co-publishes the JOURNAL), John and Bill succeed Tex Dunle, who resigned July 1 after eight years.