

12-1-1996

NDLS Update 12/1996

Notre Dame Law School

Follow this and additional works at: http://scholarship.law.nd.edu/ndls_updates



Part of the [Law Commons](#)

Recommended Citation

Notre Dame Law School, "NDLS Update 12/1996" (1996). *NDLS Updates*. Paper 91.
http://scholarship.law.nd.edu/ndls_updates/91

This Newsletter is brought to you for free and open access by the Law School History at NDLScholarship. It has been accepted for inclusion in NDLS Updates by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.



NOTRE DAME
JAN 29 1996
LAW LIBRARY

NDLS Update

News from the Notre Dame Law School

Vol. VI, No. 5
December, 1996

TEX DUTILE
EDITOR

FRANK BOOKER HONORED AT RETIREMENT RECEPTION

On December 10, in the Student Lounge, faculty, staff and students gathered to honor Professor Frank E. Booker, who has announced his retirement, effective at the end of this semester. Amid good food, good drink and other manifestations of festivity, members of the Notre Dame community came to thank Frank for his long service to the Law School. That service has been reflected in the classroom and out; generosity and commitment have characterized his career here.

At the reception, Dean Link spoke to the qualities that Frank brought to our enterprise. Though he will formally retire this month, Frank will continue to contribute to NDLS and, of course, remain an important part of it. Well done, Frank, and best wishes!

BOB BLAKEY NOTCHES VICTORY OVER TOBACCO INDUSTRY

On December 13, 1996, Judge Harold J. Cohen accepted the State of Florida's Third Amended Complaint, four counts of which allege Florida RICO. Bob Blakey represented the State. As amended, the Complaint charges the American Tobacco Co. and others with engaging in a "scheme to defraud" within the federal mail and wire fraud statutes that inflicted on the State of Florida \$800 million in annual expense for treating sick smokers. The State accused the industry of unlawfully marketing its product to children and attempting to deceive the public about the dangers of smoking. The State is requesting treble damages plus counsel fees since 1977 under Florida RICO. In upholding the complaint, Judge Cohen observed:

[T]he State alleges a parade of horrors that would seem to make out a case for the "mother of all RICO actions." What is alleged

is so far-reaching and all encompassing that if liability is proven, application of RICO civil relief and recovery would undoubtedly be warranted. No cocaine cartel, gambling empire, or white-collar scheme has even approached the damage allegedly done to the State as alleged in the Plaintiffs' case.

* * *

DINAH SHELTON DELIVERS COLLOQUIUM TALK

On December 6, in the Civil Rights Reading Room, Dinah Shelton delivered a talk entitled, "Damages For Human Rights Violations." Following her talk, she engaged in a lively discussion with members of the faculty. The talk was part of the 1996-97 NDLS Colloquium Series, spearheaded by John Garvey. As usual, those present enjoyed a tasty lunch.

* * *

JOHN HOUCK, NDLS ALUM AND LONGTIME ND FACULTY MEMBER, DIES

John W. Houck, NDLS '55 and Professor of Management at Notre Dame, died of a heart attack on December 11, at home in South Bend. He was 65 years old. John, co-founder and co-director of the Center for Ethics and Religious Values in Business, taught at Notre Dame for thirty-nine years. John did his undergraduate work at Notre

Dame and earned his M.B.A. from North Carolina and his LL.M. from Harvard. He was a former Ford and Danforth Fellow. John, a winner of the University's Reinhold Niebuhr Award, published many books and articles. He leaves his wife, Mary, who is Brigid Dutile's sister, and three children: Chris, of South Bend, and Monica and Gregory, of California.

* * *

NDLS ALUM ELECTED PRESIDENT OF COLLEGE OF LAW PRACTICE MANAGEMENT

Robert M. Greene, NDLS '69 and Chief Executive Officer of Phillips, Lytle, Hitchcock, Blaine & Huber, in Buffalo, New York, has been elected President of the College of Law Practice Management. Mr. Greene did his undergraduate work at Canisius College and, in 1971, earned his LL.M. from New York University. He is a member of the New York Bar. Previously, Mr. Greene served as his firm's Managing Partner for 14 years. He practices in the areas of health care and corporate counseling. In May 1994 he was inducted as a Fellow of the College of Law Practice Management. He lectures frequently on topics relating to law-practice management and has written three books on the subject.

The College of Law Practice Management is a non-profit corporation. The organization seeks to recognize individuals who have made outstanding contributions to law-practice management for a period of not less than ten years. Each year the College nominates and inducts people from around the

world, including judges, lawyers, legal administrators, and legal consultants. Although the Fellows and Honorary Fellows are honored for past achievements, the College annually holds symposia that focus on the future of the legal profession.

* * *

KATHRYN ABRAMS SPEAKS AT NDLS

Professor Kathryn Abrams of Northwestern Law School spoke at the dinner honoring the winner of the third annual Feminist Jurisprudence Essay Contest on November 18, 1996, at Greenfield's. The contest winner, Joan Weiner, a recent graduate of Harvard Law School, presented her winning essay, "Understanding Unwelcomeness in Sexual Harassment Law: Its History and a Proposal for Reform," that afternoon in the Courtroom.

In her talk on the necessity of complex images of women in antidiscrimination doctrine, Professor Abrams lavishly praised Notre Dame's sponsorship of the essay contest. The Feminist Jurisprudence Essay contest is a national contest for law students made possible by a private donation. Previous winning essays were "Prosecuting Rape As a War Crime: Speaking the Unspeakable," by Tamara Tompkins of Georgetown Law School (1994); and "Peer Sexual Harassment in Schools: Model Title IX Guidelines," by Kim Wade of NYU Law School (1995). Professor Teresa Godwin Phelps administers the contest; the essays are judged by faculty, attorneys, and judges.

NEWS FROM ADMISSIONS

On two weekends in October, the faculty and the Law School Admissions Office staff hosted eight visiting pre-law advisors. The visitors: William Corwin from Princeton, Charles Longley from Bucknell, Kazi Mamun from USC, Gloria Myklebust from Claremont, Ava Preacher from Notre Dame, J. Howell Smith from Wake Forest, Peter Van Houten from Berkeley and Charlotte Wray from New York University. The visitors gained an insider's view of the community by attending classes with student hosts; meeting with journal editors, deans, faculty and administrative staff; and viewing videos about Notre Dame and the Law School.

* * *

Every fall, Notre Dame Law School alumni assist with recruitment efforts on behalf of the Admissions Office. The generous volunteers this year included Patricia Smith, Richard Holzheimer, Franklin Eck, Wendy Gotway, Katheryne Zelenock, Christina Pesoli, Teresa Ereon Giltner, Mike Willson, Carlos Acosta, Charles Sacher, Adam Hirschfeld, Todd Nelson, Mario Zepponi, John Beisheim, Donald Held, Scott Richburg, Charles Ashdown, Jeremy Trahan, Karl Ulrich, John Amarante, Andrea Larkin, John Mowbray, Sheila Castilla, Maureen Dowd, and Brian Bates.

* * *

Welcome to Heather Miller Moriconi, who has joined the Admissions Office as Assistant Director of Admissions. Heather brings a wealth of experience in the admissions field from her eight years of service, most

recently as Associate Director, in the St. Mary's College Admissions Office.

* * *

Laura Manship has been working as receptionist in the Law School Admissions Office. Formerly, Laura was employed at Lobdell Emery in Plymouth in the Human Resources Department.

* * *

Anne Hamilton, Director of Admissions, recently completed a year-long certificate program in the Executive Management Program of the College of Business Administration.

NEWS FROM THE CENTER FOR CIVIL AND HUMAN RIGHTS

Justice Richard J. Goldstone of the Constitutional Court of South Africa writes to Father Theodore Hesburgh: "As the former Chief Prosecutor, I would also like to thank you for your assistance in developing the internship programme at the Hague Tribunal. Through the efforts of your Centre for Civil and Human Rights and the funding provided by the John D. and Catherine T. MacArthur Foundation, we received a number of outstanding young lawyers whose work, particularly in the legal services section, proved to be indispensable for any success we accomplished I have employed one of the Notre Dame interns, Ms. Jaqueline Cassette, as a law clerk in my chambers for 1997. I do hope that the internship will continue for the benefit of the Tribunal and especially for my successor, Judge Louise

Arbor. She already shares my high regard for the excellent work being performed by the interns."

NEWS FROM THE FACULTY

Joe and Marzy Bauer's daughter, Deborah, earned "early admission" to Yale. Congratulations!

* * *

Barbara Fick published *How to Count to 15: Determining the Jurisdictional Scope of Title VII*, in PREVIEW OF UNITED STATES SUPREME COURT CASES.

* * *

Father Bill Lewers is again receiving chemotherapy for non-Hodgkin Lymphoma. The treatment will continue for "at least four months." Father Bill expects to follow, as much as possible, an ordinary schedule during this time. Please keep him in your thoughts and prayers.

* * *

Lisa Schiltz gave a lecture entitled "Electronic Banking--Where Are We Now?", at a meeting of the Credit Card Bank Compliance Association in Chicago on October 18.

* * *

Patrick Schiltz presented two seminars on litigation against religious organizations at a joint meeting of the Bishops of the Episcopal and Lutheran Churches in White Haven, Pennsylvania, on October 3.

* * *

Dinah Shelton was a featured panelist at the Workshop on Environmental Law and Sustainable Development at the World Conservation Congress (IUCN-General Assembly), held in Montreal, Canada, on October 12. She also spoke on reparations for human-rights violations at a Legal Seminar with members of the African Commission on Human and People's Rights, held in Washington, D.C., October 1 and 2.

The American Society of International Law has announced that Dinah will direct its new project on compliance with non-binding legal accords. Supported by the Ford Foundation, the project will examine the use of non-binding legal accords through case studies drawn from the areas of human rights, the environment, arms control, and trade and finance. The project, which will make a major contribution to the growing body of work on compliance with international agreements and standards, is expected to be completed in 1998. Participants in the study will be drawn from a multidisciplinary and international group of scholars.

* * *

Christine M. Venter published "Encouraging Personal Responsibility: An Alternative Approach to Teaching Legal Ethics," in the DUKE UNIVERSITY JOURNAL OF LAW AND CONTEMPORARY PROBLEMS.

Christine spoke at a seminar on housing discrimination, sponsored by the South Bend Commission on Human Rights, at the Charles Martin Center in South Bend, on November 10.

* * *

NEWS FROM THE STAFF

This past year has brought new grandbabies to two of our third-floor secretaries.

Corinne Karlin welcomed her fourth grandchild, Kayla, born to her daughter Sharon Avisror in Indianapolis on September 23.

Jackie Weiler welcomed her first granddaughter (she has three grandsons) on November 23. Elinor Jacqueline was born to daughter Ranay Bell in Louisiana. Ellie weighed eight pounds, fifteen ounces.

Both proud grandmas were with their daughters to welcome the newborns home.

NEWS FROM THE ALUMNI

Joel E. Bair, NDLS '74 and a partner at Varnum, Riddering, Schmidt & Howlett, in Grand Rapids, was elected chair of the Intellectual Property Law Section of the State Bar of Michigan. Joel, who did his undergraduate work at the Indiana Institute of Technology and earned a Master's from Notre Dame, practices in all areas of intellectual property law, including computer law, litigation, patents and trademarks, licensing, publishing, advertising-compliance and unfair competition. He is a member of both the Texas and Michigan bars.

* * *

Samuel Bernardi, NDLS '66 and a partner at Spangler, Jennings & Dougherty, in Merrillville and Valparaiso, has been appointed secretary of the Indiana State Bar Association. Sam did his undergraduate work at Miami (Ohio) University. He has been a certified

mediator in civil mediation since December of 1991. Over his career, he has been heavily involved in ISBA activities and community charities. Sam has four children, one of whom is a Notre Dame graduate.

* * *

Michael J. Bettinger, NDLS '83, has joined the San Francisco office of Orrick, Herrington, & Sutcliffe. Michael, valedictorian of his 1980 graduating class at St. Joseph's college and three-time academic all-American and captain of the football team there, practices in the area of Intellectual Property.

* * *

Judge Roland W. Chamblee, NDLS '77, will serve as judge of a new, special drug court in St. Joseph County, Indiana. The program will provide intervention, treatment and, where appropriate, punishment to drug offenders. The court will begin its operation on February 1.

* * *

Kimberly Fanning, NDLS '87, has been made a partner in the San Francisco office of Cooley, Godward, Castro, Huddleson & Tatum. Kimberly works in the firm's immigration and nationality practice.

* * *

Mary Mertens James, NDLS '81, will represent Oregon's Judicial Fitness and Disability Commission in connection with the Commission's sexual-harassment charges

against Oregon Supreme Court Justice Edward N. Fadeley. The commission charged Fadeley with multiple violations of the judicial conduct code. A public hearing in the case is set for December 3 in Salem. Mary is a former Assistant Attorney General for Oregon specializing in employment law. The Commission's hearing will result in a recommendation to the state Supreme Court, which then will decide whether to discipline Justice Fadeley.

* * *

Richard M. Jordan, NDLS '70 and a partner at White & Williams, in Philadelphia, secured a new sentencing hearing for a Death Row prisoner. In that case, *Commonwealth v. Terry*, Judge Lawrence A. Brown of the Court of Common Pleas of Montgomery County, Pennsylvania, found that the defendant had been denied effective assistance of counsel at trial.

* * *

Roman Kalytiak, NDLS '87 and a prosecutor for the Oakland County Prosecutor's Office in Pontiac, Michigan, secured a murder conviction in the case growing out of the "Jenny Jones Show." In that case, Jonathon Schmitz was convicted of murder and sentenced to twenty-five to fifty years in prison.

* * *

Charles O'Malley, NDLS '64 and a partner at Johnson, O'Malley & Harvey in Boston, died November 23. Charles was graduated *magna cum laude* from Boston

College in 1960. At NDLS, he was editor-in-chief of the NOTRE DAME LAWYER. In 1965, he earned a Master's in tax law at Boston University.

Following graduation from law school, he served as an associate at the firms of James D. Casey, and Herlihy & O'Brien. In 1982, he set out on his own. His firm specialized in product liability, business litigation, franchise law, and equine law. He taught at Boston University School of Law on a part-time basis. His wife Kathy survives him, as do his mother, four brothers, a sister, and many nieces, nephews, grand-nieces and grand-nephews. The funeral Mass was celebrated on November 25 at St. Anthony Church in Cohasset, Massachusetts.

* * *

Jeff Turner, NDLS '92, announces the opening of his new practice of law at 3700 Abrams Road in Dallas, Texas. The practice will focus on small-business representation and estate planning. A member of the Texas bar, Jeff did his undergraduate work at Southern Methodist University.

* * *

Kevin Luby, NDLS '84, reports that "all is well in Tigard, Oregon." He and his wife, Jane, recently celebrated their thirteenth anniversary and bought a new home. Kevin has begun a new firm, Jordan, Caplan, Paul & Luby.

Kevin did his undergraduate work at Regis College and is a member of the Oregon Bar.

* * *

Catherine A. Schmidt, NDLS '96, has joined the firm of K. Gabriel Heiser, in Nashville, as an associate. She will concentrate on estate planning and probate matters.

* * *

MISCELLANY

WHO WAS THAT FAN?

The Joyce Center was packed for the Notre Dame-Indiana men's basketball game on December 2. Among the 11,000 in attendance, only one fan literally jogged from his seat over to the scorer's table to suggest that Notre Dame had been credited with a two-point shot when it should have been credited with a three-point shot. Although the appeal failed, a probing investigation by NDLS UPDATE has revealed the identity of that loyal, lone fan: our own Joe Bauer. Way to go, Joe!

* * *

Merry Christmas

and

Happy New Year