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NDLS Update 12/1997

Notre Dame Law School

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NDLS Update

News from the Notre Dame Law School

Vol. VII, No. 4
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TEX DUTILE
EDITOR

ANNUAL REPORT HIGHLIGHTS LAW LIBRARY'S ACHIEVEMENTS

The recently released Annual Report of the Notre Dame Law School Kresge Library provides eloquent testimony regarding the superb performance of library faculty and staff during the 1996-97 academic year. High among these achievements was the implementation in July 1996 of the on-line circulation component of LINK. The completion of this component provided patrons with the circulation status for each title and speeded the work of Access Services.

During the year, Warren Rees joined the law-library faculty, bringing to it a wealth of computerized legal-research skills. With Warren, the library now boasts twenty-four personnel, making it the forty-fourth largest academic law-library staff in the country.

Technical Services added a "whopping" 41,370

microform volume equivalents and 7,238 books to the collection. This collection growth ranks Notre Dame first among law libraries for the academic year.

The Research Department answered 4,094 questions during the academic year--1,221 came from the faculty. Over 19,000 items were circulated to patrons; over 71,000 items were re-shelved; and over 32,000 pages were photocopied for faculty research. A new high of 5,276 serial subscriptions was reached, ranking the Library fifty-fourth in the nation. Finally, the size of the Library's collection now exceeds 450,000 volumes, making it the forty-second largest academic law library in the country.

These data reflect a tremendous amount of work and dedication. On behalf of all of us in the Notre Dame Law School community, thanks and congratulations to Roger Jacobs and his faculty and staff.

LOGIC CONFERENCE HONORS BOB RODES

The relationship between law and logic—a connection that often seems tenuous at best — was examined at Notre Dame in a conference titled "Premises and Conclusions." The conference took place on November 14 and 15 in the Law School's Barry Moot Courtroom.

Sponsored by the Notre Dame Law School and the NOTRE DAME LAW REVIEW, the conference marked the publication of a book by the same title co-authored by Robert Rodes, Jr., professor of law at Notre Dame, and Howard Pospesil, professor of philosophy at the University of Miami.

Nine scholars discussed contemporary symbolic logic that focuses particularly on legal reasoning. In addition to Rodes and Pospesil, participants included Kevin Saunders, professor of law at the University of Oklahoma; Douglas Walton, professor of philosophy at the University of Winnipeg; Richard

Friedman and Layman Allen, professors of law at the University of Michigan; John Rogers, professor of law at the University of Kentucky; Patricia Sayre, professor of philosophy at Saint Mary's College; and Larry Alexander, professor of law at the University of San Diego.

TRAI LE'S SON RETURNS TO VIET NAM TO PERFORM SURGERY

Dr. Khoi M. Le, son of Trai Le, veteran prof at NDLS, and her husband Chau, returned to Viet Nam last month as part of a team of American cardiologists. Dr. Le, an interventional cardiologist from Eisenhower Medical Center in Rancho Mirage, California, first lectured at training seminars for cardiologists in China, then spent two days in Viet Nam practicing what he preached. He performed an advanced type of angioplasty at Bach Mai Hospital in Hanoi. Beyond the standard angioplasty, this procedure involves installation of a fine-mesh screen called a stent, inserted to keep the deposits pressed against the arterial walls. The procedure had never been done before in Viet Nam.

In another operation, he reopened a patient's heart valve sealed shut by scarring from heart disease, another first for the doctors he taught there. Doctors in Viet Nam were particularly interested in the heart-valve procedure, packing the operating room to watch.

Despite a full schedule of operations, rounds, and training, Dr. Le tried to see as much of Hanoi as possible. He managed to visit his great-aunt and an uncle, Ton That Bach, the dean of Hanoi's Medical School. Dr. Le did his medical degree at Harvard and pursued his medical education at other prestigious medical schools.

Now 36, he last saw Viet Nam when he was 14, when his family joined thousands of other "boat people" escaping the regime.

A full account of Dr. Le's trip to Viet Nam appears in an article in Palm Spring's, (California) newspaper, THE DESERT SUN. Written by Pam Noles, the article is entitled *Valley Doctor Has "Dream Come True" on Viet Nam Trip*.

NDLS STUDENTS INVOLVED IN ENVIRONMENTAL LAW GROUP

Two current NDLS students appear prominently in the recent issue of NAELS, the newsletter of the National Association of Environmental Law Societies. The front page of the current issue includes a letter from Sarah Stancati, NDLS 2L, who currently serves as the Chair of the National Association of Environmental Law Societies. Cathleen Tobin, NDLS 2L, published an article in the same issue. Her topic: *The Death and Resurrection of CERCLA*.

MORE ON PATRICK McCARTAN

The November issue of NDLS UPDATE reported on Patrick McCartan's induction into Cleveland's Business Hall of Fame. We at Notre Dame have special reasons to be proud of his outstanding achievement. Pat, NDLS '59 and Managing Partner of Jones, Day, Reavis and Pogue, has long taken a deep interest in happenings here at Notre Dame. You will remember that he narrated a stunning video about the Law School. He currently serves as Chair of the Order of St. Thomas More, the premier support group of the Notre Dame Law School. Pat serves on ND's Board of Trustees and serves as co-Chair of the University's current fund-raising effort, *Generations—A Campaign for the Notre Dame Student*. Obviously, all of us at Notre Dame deeply appreciate Pat's outstanding leadership and generosity.

SJF SPONSORS THANKSGIVING DAY BASKET PROJECT

The Social Justice Forum's Fourteenth Annual Thanksgiving Basket Project helped to provide Thanksgiving meals to over 65 local families. All of the families received a gift certificate for a turkey and a pumpkin pie. Additionally, the SJF purchased gravy, potatoes and broiling pans to supplement

the canned foods that were contributed by students, faculty and staff of NDLS.

This year's food drive was the largest in the program's history, with over 700 non-perishable food items donated. A large part of the success of the drive was due to faculty participation in "Immunity Days." A number of professors chose to host "Immunity Days" during their classes, in which students who brought canned goods were exempt from questions. In one course, Credit & Payment Devices, Professor Lisa Schiltz secured 100% class participation in the canned food drive.

The families selected for the Thanksgiving Basket Project were provided through local agencies—Salvation Army of South Bend, Salvation Army of Mishawaka and La Casa de Amistad. Members of the Black Law Student Association, as well as forty other law students, made the deliveries to the families. The Social Justice Forum has added 35 families to the program over the past two years. Plans are underway to increase the families served and to work with BLSA to target African-American families in next year's deliveries. Karen DuBay heads the Social Justice Forum.



NDLS STUDENTS HOLD SESSIONS ON LANDLORD-TENANT LAW WITH CITY RESIDENTS

NDLS students taught and learned about the mutual obligations of landlords and tenants during a series of neighborhood meetings held in late November.

Ten students enrolled in the Law School's "Property II" course gave public presentations at five neighborhood centers on tenants' rights and responsibilities. Topics included rent increases, evictions, troublesome lease provisions and the retrieval of security deposits.

Dennis Hirsch, who teaches the course, said the purpose is to educate both low-income tenants and law students in landlord-tenant law.

"When students see that the law they are learning is not an end in itself, but can be used to make a difference in people's lives, it makes them much more motivated to learn. The presentations also give the students a chance to develop their public-speaking and communication skills, competencies that will serve them well when they enter the practice of law," Hirsch said.

CCHR SPONSORS DEATH-PENALTY VIGIL

On November 19, at 11:30 p.m., in the Notre Dame Law School Lounge, students,

faculty, and staff participated in a prayer vigil for condemned Indiana prisoner Gary Burris. The vigil concluded with a candlelight procession to the Grotto of Our Lady of Lourdes. The vigil was sponsored by the Law School's Center for Civil and Human Rights. Organizers of the vigil also called on the Notre Dame community to fast for twenty-four hours prior to the vigil as a witness to the execution. A group led by Sister Kathleen Beatty, S.S.J., rector of Lyons Hall, left the vigil for the forty-five-minute drive to the Indiana State Prison in Michigan City, where they joined an on-site vigil.

Burris was sentenced to death in February 1981 for the robbery and murder of taxi driver Kenneth Chambers. Two other men involved in the crime were sentenced to prison terms and one has since been released. At Burris' sentencing hearing, the jury was unable to agree, but the judge imposed the death sentence, and the Indiana Supreme Court affirmed the decision.

SCHIERLS ENDOW CIVIL-WAR COLLECTION

Paul Schierl, NDLS '61 and former Chairman of the Board of Ft. Howard Paper Company, and his wife Carol have pledged \$100,000 to create an endowed law-library collection for the study of Legal Issues of the American Civil

War. Mr. Schierl, who did his undergraduate work too at Notre Dame, has harbored a life-long interest in the Civil War.

FELLOWSHIP HONORS LOCAL FAMILY

A fellowship memorializing four members and two generations of a prominent South Bend African-American family has been established in the University of Notre Dame's Law School.

The Elizabeth Fletcher Allen, Joseph Chester Allen, Sr., Joseph Chester Allen, Jr., and Sarah Fletcher Allen Endowed Fellowship is being funded with a gift from Dr. Irving M. Allen of Brookline, Mass. Recipients of the Allen fellowship will be students with excellent academic records who show promise of continued excellence, with preference given to minorities from St. Joseph County who have financial need and have been active in community service.

South Bend attorney Joseph Chester Allen, Sr., who died in 1980, was a graduate of Brown University and Boston University Law School. He and his wife, Elizabeth Fletcher Allen, established the South Bend law firm of Allen and Allen in 1931. He was instrumental in obtaining Indiana's first allocation of federal funds for public housing, served in the Indiana legislature from 1939-41, led efforts to integrate Indiana businesses, was elected to the

South Bend City Council, and served on the board of the South Bend Community School Corporation.

Elizabeth Fletcher Allen, who died in 1994, was born in Chicago in 1905. A graduate of Talladega College, she was a student at Boston University Law School when she married Joseph Chester Allen. She was likely the first woman attorney and certainly the first African-American woman attorney in the state of Indiana and the first woman to sit as a judge *pro tem* in South Bend. During the 1930s, 40s, and 50s, she joined her husband in leading numerous efforts to eliminate racial discrimination from public and private institutions in Michiana and throughout the state of Indiana.

Joseph Chester Allen, Jr., a graduate of Dartmouth College and the University of Michigan Law School, joined the Army and served at the Army Intelligence School in Baltimore from 1958-59 and later in the Army Reserve. He practiced law in the South Bend firm his parents founded and served two terms as president of the St. Joseph County Center for Economic Development. In 1976 he became the first African-American judge in St. Joseph County. Suffering a stroke in 1979, he retired from the bench. He died on Christmas in 1983 following a lengthy illness.

Sarah Fletcher Allen attended James Madison elementary school and Central High School in South Bend, where she won the English prize

during her senior year. She completed three years at Wellesley College before an illness forced her to withdraw. She later took courses from several other colleges including Fish and Saint Mary's. A writer and aspiring poet, she died in 1963 after a lengthy illness.

DAVID NOVAK SPEAKS AT NDLS

On November 18, in the NDLS Courtroom, David Novak, the Chair of Jewish Studies at the University of Toronto, gave a lecture entitled, "Natural Law and Judaism." A native of Chicago, Novak was graduated from the University of Chicago in 1961 and holds a Master's degree in Hebrew literature and a Rabbinical diploma from the Jewish Theological Seminary of America. He received a doctoral degree in philosophy from Georgetown in 1971. He joined the faculty of the University of Toronto this year, having taught for eight years at the University of Virginia. From 1966 through 1969 he served as Jewish chaplain at St. Elizabeth's Hospital in Washington, D.C.

Author of nine books, including, most recently, *THE ELECTION OF ISRAEL: THE IDEA OF THE CHOSEN PEOPLE*, Professor Novak has lectured widely in this country and abroad. He serves as secretary-treasurer of the Institute on Religion and Public Life and sits on the editorial board of the

journal FIRST THINGS.

The Natural Law Institute sponsored the lecture as part of its Olin Distinguished Lecture Series.

CODY McCONE SPEAKS AT NDLS

Cody McCone, Vice President of the Irish American Unity Conference and Defense Counsel for the last IRA case tried in the United States, spoke at the Law School on November 21. His topic: "The Struggle for Human Rights in the North of Ireland and the Irish Peace Process." A pizza lunch was served during the event. The lecture was sponsored by the Irish Law Society, National Chapter of the Brehon Law Society.

NEWS FROM THE LAW LIBRARY

Kimberly Lewis, Research Department Assistant for over four years, has announced that she will leave the law-school community on January 6. She will move to Pittsburgh with her fiancé, Brian, for his new position in Bayer Corporation's Legal Department. (Contrary to the rumors, Kimberly says, Brian will not be involved in the litigation aimed at getting all members of the Flintstone's cast equally

represented in Bayer's Flintstones multi-vitamin repertoire!) Kimberly plans to attend the University of Pittsburgh's teacher-certification program with the goal of teaching high-school English. Though this move will bring Kimberly and Brian closer to their long-term goals (and, more important, to their families) she will greatly miss the law-school community, especially those whose smiles have brightened more than a few overcast South Bend days.

Anita Lutz has worked at the Notre Dame Law Library Technical Services first as a Cataloging Assistant, and since then as Acquisitions/Serials Coordinator. At the end of this semester, she will have earned her MLS (Master's of Library Science) through Indiana University. After four years here (she came from USC's Law Library in October 1993), she will leave Notre Dame to attend Indiana University at Bloomington. She will begin a Master's in Information Systems (to supplement her MLS). She seeks to become a Systems Librarian and/or Information Specialist.

Anita says, "I've enjoyed the experience I've gained here and I'm very grateful for the help and support everyone has shown."

Doug Mappin, a member of the U.S. Naval Reserve, was awarded the "Navy and Marine Corps Achievement Medal" by the Department of the Navy for his initiative and resourcefulness in revamping the Naval Reserve's monthly newsletter. The award states that Petty Officer Mappin's voluntary contribution in the writing, planning and publication of the newsletter has had a positive impact on the morale of the entire command. Congratulations, Doug!

NEWS FROM THE CENTER FOR CIVIL AND HUMAN RIGHTS

On October 6 Garth Meintjes gave a talk entitled "An International Human Rights Perspective on Corporate Codes," at a conference on "Global Codes of Conduct: An Idea Whose Time Has Come?" The event, sponsored by the Center for Ethics and Religious Values in Business, took place in the Center for Continuing Education, at Notre Dame.

Garth also served as a panelist in a discussion of "Truth Commissions/War Crimes Tribunals," held November 8 at Northwestern University. The panel formed part of the 1997 Midwest Regional Conference of Amnesty International. The Conference itself was entitled "Your Corner of the Globe" and took place on November 7-9.

NEWS FROM THE LEGAL AID CLINIC

Nine of the twelve recent graduates admitted last month to practice in Indiana had served as interns in the Notre Dame Legal Aid Clinic.

NEWS FROM THE FACULTY

Elaine Blakey underwent valve-replacement heart surgery on November 25 at Rush Presbyterian-St. Luke's Hospital in Chicago. She is progressing at the rate expected, or better, and returned home to South Bend on December 2.

On November 3, Bob Blakey met with Judge Atsuo Wakazono, who is in the United States representing the Japanese Supreme Court. A student at the Law School in 1989-1990, Judge Wakazono is visiting the United States to study its wiretapping laws and practices. The Ministry of Justice in Japan is considering wiretapping legislation. The Japanese Supreme court is preparing for its role in the implementation of the new legislation. Judge Wakazono contacted Bob because Bob drafted the 1968 federal legislation and helped in drafting similar legislation in over half of the thirty-nine states that have such legislation.

On November 8 and 9, Bob attended the meeting of the Council of the Criminal Justice Section of the American Bar Association, in Washington, D.C. Bob is a member of the Council.

The Council recommended to the House of Delegates new Standards for Technology Assisted Physical Surveillance. Bob was the Association's Reporter for its 1972 Standards for Electronic Surveillance, which will soon come up for reconsideration by the Council in light of more modern technology. The Council tabled a Report on the Independent Counsel Act, but passed a Report on an International Criminal Court.

On November 14, Bob participated in a conference entitled "Deterring Corporate Misconduct," at the Ritz Carlton Hotel and Resort in Naples, Florida, sponsored by Duke Law School and The Institute for Law and Economic Policy. (LEISURE AND TRAVEL—it's best not to know, Bob says, how this source was obtained—rated the Ritz the number-one hotel in the continental United States, beating its nearest rival, a Pebble Beach, California, hotel, by 300 basic points). Bob gave a paper on "The History, Scope, and Rationale of Treble Damages."

On November 17, Bob participated in a symposium on "Florida's Tobacco Litigation: Fact, Law, Policy and Significance," sponsored by Florida State University Law School in Tallahassee. Participants included Governor Lawton Chiles and Attorney General Robert A. Butterworth. Bob discussed the role that Florida RICO played in the successful termination, on August 25, of the litigation in a settlement for \$11.3 billion and the granting of significant equity

relief to the State to limit the sale of cigarettes to minors. Bob drafted the Florida RICO statute for Florida Senator Edgar Dunn in 1977.

Jimmy Gurulé published *Justice Delayed is Justice Denied: May a Prisoner's Challenge to Parole Revocation be Delayed until the Sentence is Completed and then Dismissed as Moot?* in PREVIEW OF UNITED STATES SUPREME COURT CASES.

Don Kommers delivered the concluding address at an international colloquium on "Comparative Constitutionalism, 1945-1995: Rights and National Identity," sponsored by the Ohio State University's College of Humanities and Mershon Center, at the Hyatt Regency Hotel, Columbus, Ohio, October 9-11. He spoke on the topic, "What We Americans Can Learn from Constitutional Developments in Eastern and Western Europe."

On October 16, he appeared at Emory University. He was invited to discuss his research (on comparative constitutionalism) at a noon luncheon attended by members of the political-science and law faculties. The luncheon was followed by a public address on "The Function of Judicial Review and the Role of Constitutional Courts in Europe."

Terry Phelps served on the faculty for the First Appellate Practice Skills Institute for the Indiana Continuing Legal Education Forum in Indianapolis, on November 14.

On November 8, Dinah Shelton delivered a paper on "Recent Developments in International Law Regarding Marine Archaeology" to a joint meeting of the Association of the Hague Academy of International Law and the European Council on Environmental Law. During the meeting she was elected to a two-year term as Counselor to the Hague Academy Association. The meeting took place in Funchal. ("Look it up," she says!)

On December 2, Dinah gave a talk entitled "Reparations for Human Rights Violations," at the Hesburgh Center for International Studies.

Tom Shaffer reviewed PUBLIC MORALITY AND LIBERAL SOCIETY: ESSAYS ON DECENCY, LAW, AND PORNOGRAPHY (by Harry M. Clor), in the December 1997 issue of THEOLOGICAL STUDIES.

Eric Smithburn was recently re-elected to the Board of Directors of the Indiana Juvenile Justice Task Force, Indiana's largest advocacy organization involved with children's-rights issues.

Fr. Reginald Whitt published *"VARIETATES LEGITIMAE and an African-American Liturgical Tradition,"* in the journal WORSHIP.

NEWS FROM THE STAFF

Nancy Beaudoin, Marilyn Imus, Laura Manship, Lois Plawecki, and Debbie Sumption recently completed a COVEY Leadership Seminar on "The Seven Habits of Highly Effective People," sponsored by Human Resources. The staff members found the program very worthwhile and recommend it to others who may find it of interest.

NEWS FROM THE ALUMNI

Judith L. Andrews, NDLS '88, is one of three partners in a new municipal-finance law firm, Gottlieb Fisher, in Seattle. The firm's public-finance work will include municipal law, federal tax law relating to tax-exempt bonds, and federal and state securities law.

John Crowley, NDLS '92, was graduated with honors recently from the Harvard Business School, receiving a Master's of Business Administration. John did his undergraduate work at Georgetown University. He has accepted a position as a

consultant for Marakon Associates in Stamford, Connecticut. He will reside in Mahwah, New Jersey, with his wife, Aileen, and two children, John III and Megan.

Thomas P. Dovidio, NDLS '72, and his co-counsel, Mitch S. McKay, recently won a jury verdict of \$812,500 in Los Angeles Superior Court. The recovery came in connection with a fraudulent scheme involving a restaurant venture. The verdict, which included punitive damages, came after a four-week trial.

Nancy Helling Gargula, NDLS '81, has become a partner in the Indianapolis office of Baker & Daniels. Ms. Gargula works with the firm's commercial, financial and bankruptcy-services team. She returns to private practice after twelve years as in-house counsel at Bank One, Indiana.

Jose Alfredo Reygadas, NDLS LL.M. '96, has become Director of Business Affairs for Universal Music Latin America, Inc. His office is at 1425 Collins Avenue in Miami Beach, Florida. Jose reports that his "LL.M. has been one of my strongest credentials so far."

Daniel P. Ryan, NDLS '87 and Chief Judge of the 17th Judicial District Court in Redford, Michigan, published an article entitled *Generational Legacy*, in the NJC ALUMNI MAGAZINE, the periodical of the National Judicial College. The article recounts how, as a boy, Judge Ryan accompanied his father, Judge James Ryan of the Court of Appeals for the Sixth Circuit, for courses at the National Judicial College. Since his appointment in 1994, Judge Daniel Ryan has taken his own children to the College, where he has both taught and learned.

Stephen Ryan, NDLS '80 and a partner at Brand, Lowell & Ryan, in Washington,

testified before the Crime Subcommittee of the House Judiciary Committee on October 29. The subject: Federal Prison Industries. Mr. Ryan appeared as the representative of the Hugh Quarters Finisher Manufacturers Association.

He had served as general counsel to the Senate Committee on Government Affairs and as Deputy Counsel of the President's Commission on Organized Crime under President Reagan. He also has served as an Assistant United States Attorney and as an Adjunct Professor of Law at Georgetown.

Andrea Sharetta, NDLS '97, has accepted a two-year clerkship with Judge William Fay of the United States Tax Court.

Pete Allen Smith, NDLS '94, married Lisa Ann Toole May 24. Both bride and groom work at Strauss & Troy, in Cincinnati.

MISCELLANY

The Second Annual Multicultural T.G.I.F. took place on November 21 in the Law School Lounge. The event was sponsored by the Black Law Students Association; the Hispanic Law Students Association; the Asian Law Students Association; and the Native American Law Students Association.

HAVE A WONDERFUL
HOLIDAY SEASON!

