

12-1-1998

## NDLS Update 12/1998

Notre Dame Law School

Follow this and additional works at: [http://scholarship.law.nd.edu/ndls\\_updates](http://scholarship.law.nd.edu/ndls_updates)



Part of the [Law Commons](#)

---

### Recommended Citation

Notre Dame Law School, "NDLS Update 12/1998" (1998). *NDLS Updates*. Paper 89.  
[http://scholarship.law.nd.edu/ndls\\_updates/89](http://scholarship.law.nd.edu/ndls_updates/89)

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](mailto:lawdr@nd.edu).



# NDLS Update

News from the Notre Dame Law School

*Vol. VIII, No. 4*  
*December, 1998*

*TEX DUTILE*  
*EDITOR*

## Contents:

- [CCHR SPONSORS ROUNDTABLE ON INTER-AMERICAN SYSTEM](#)
  - [ESSAY-CONTEST WINNER SPEAKS AT NDLS](#)
  - [TWO NEW MEMBERS OF NDLS ADVISORY COUNCIL ANNOUNCED](#)
  - [FATHER HESBURGH SPEAKS AT NDLS](#)
  - [JUDGE NIEMEYER, NDLS ALUM, VISITS THE LAW SCHOOL](#)
  - [FLORIDA GOVERNOR APPOINTS NDLS ALUM TO BENCH](#)
  - [TWO NDLS GRADS AMONG BENCH FINALISTS](#)
  - [MOCK TRIALS FEATURE NDLS STUDENTS](#)
  - [ALUM JACK SANDNER RECEIVES AWARD](#)
  - [COLORFUL ALUM DIES](#)
  - [NEWS FROM THE CENTER FOR CIVIL AND HUMAN RIGHTS](#)
  - [NEWS FROM THE LAW LIBRARY](#)
  - [NEWS FROM THE FACULTY](#)
  - [NEWS FROM THE STAFF](#)
  - [NEWS FROM THE ALUMNI](#)
  - [MISCELLANY](#)
-

**CCHR SPONSORS**  
**ROUNDTABLE ON**  
**INTER-AMERICAN SYSTEM**

On November 19 the Center for Civil and Human Rights sponsored a Human Rights Roundtable on "Implementing the Protection of Human Rights in the Inter-American System." Conducting the roundtable: Gustavo Gallón, member of the Colombian Commission of Jurists and Visiting Residential Fellow at ND's Kellogg Institute. Refreshments followed the event, which took place in the Civil Rights Reading Room. The Roundtable series provides an interdisciplinary forum for Notre Dame faculty to discuss current issues relating to human rights.

\* \* \*

**ESSAY-CONTEST WINNER**  
**SPEAKS AT NDLS**

On November 11 Jennifer S. Hendricks, a student at Harvard Law School, presented a paper in the Courtroom of the Notre Dame Law School. Entitled "Congressional Enforcement of Women's Equality and Citizenship Under the Fourteenth Amendment," her paper garnered the prize for the best essay submitted in the annual Feminist Jurisprudence Essay Contest. Terry Phelps oversees both the contest and the presentation of papers.

\* \* \*

**TWO NEW MEMBERS**  
**OF NDLS ADVISORY**  
**COUNCIL ANNOUNCED**

Rev. Edward A. Malloy, C.S.C., recently announced the appointment of new members to eight of the University's eleven advisory councils. The Law School's advisory council will boast two new members: Emilio M. Garza, a member of the Court of Appeals for the Fifth Circuit; and Robert J. Wilczek, NDLS '68 and a partner at Chicago's Gardner, Carton & Douglas.

\* \* \*

**FATHER HESBURGH**  
**SPEAKS AT NDLS**

Theodore M. Hesburgh, C.S.C., President Emeritus of Notre Dame, spoke at the Law School on November 12. His topic: "The Notre Dame Lawyer's Call to Social Justice." A luncheon reception in the student lounge followed the talk. The Law School's Public Interest Law Forum sponsored the event.

\* \* \*

**JUDGE NIEMEYER,  
NDLS ALUM, VISITS  
THE LAW SCHOOL**

On November 23 Judge Paul Niemeyer, NDLS '66 and a member of the U.S. Court of Appeals for the Fourth Circuit, visited the Law School. He delivered a lecture entitled "Rethinking Discovery." Judge Niemeyer, who chairs the Advisory Committee on the Federal Rules of Civil Procedure, described the extensive changes in discovery that his committee has proposed and the future of rules concerning discovery. Later in the day, Judge Niemeyer met with students to discuss judicial clerkships.

\* \* \*

**FLORIDA GOVERNOR  
APPOINTS NDLS ALUM  
TO BENCH**

On November 17 Governor Lawton Chiles of Florida appointed Nancy Moate Ley, NDLS '77, to fill a vacancy on the Pinellas-Pasco Circuit Court. Said the Governor: "Nancy has consistently demonstrated a high level of integrity, competence and dedication to the law throughout her career. She brings a high level of professionalism and skill to the bench that will benefit both the judicial community and the community at large."

At NDLS, Judge Ley served as president of the Student Bar Association. She did her undergraduate work at the University of Illinois. Prior to assuming the bench, she served as an Assistant Public Defender for nine years, serving the last five in the capital-crimes division. She then practiced family law. Her term as judge will extend to January 2, 2001.

\* \* \*

**TWO NDLS GRADS  
AMONG BENCH FINALISTS**

Michael Gotsch, NDLS '87, and Michael Scopelitis, NDLS '71, are among five finalists for a vacancy on the St. Joseph Superior Court. The Court Judicial Nominating Commission has submitted its list to Indiana Governor Frank O'Bannon, who will make the appointment. The opening occurred when Judge Sandy Brook, an adjunct prof at NDLS, was promoted to the Indiana Court of Appeals.

Gotsch, 41, heads the child-support-collection division of the St. Joseph County Prosecutor's Office and serves as executive director of the CASIE Center, an agency providing services to abused children. President-Elect of the St. Joseph County Bar Association, he serves on the Board of Directors of the National District Attorneys Association, on various committees, and on a presidential task force addressing child-support enforcement.

Mike Scopelitis, 51, has practiced law in South Bend for twenty-six years. An adjunct professor at IUSB, he has served seventeen years as a member of the St. Joseph County Community Corrections Advisory Board and is a member of the Public Defenders Selection Committee.

\* \* \*

## **MOCK TRIALS**

### **FEATURE NDLS STUDENTS**

On October 28, six NDLS students performed four mock trials at the Juvenile Justice Center in South Bend. Judge Peter J. Nemeth presided over the trials, which played to "standing room only." According to Eric Smithburn, who helped arrange the event, the students earned "rave reviews of their performance." The students involved: Audra Esprey, Phyl Divine, Astrid Lebron, Ethan York, Robert Dunn, and Kim Esmond.

\* \* \*

## **ALUM JACK SANDNER**

### **RECEIVES AWARD**

The already much honored Jack Sandner, NDLS '68, president of RB&H Financial Services, and former chair of the Chicago Mercantile Exchange, has received the "Living Proof" award from Rush Neurobehavioral Center, a division of the Department of Pediatrics at Rush Children's Hospital. He received the award on November 5 when, for the first time, he spoke publicly about triumphing over Attention Deficit Hyperactivity Disorder. "I want to give people courage to come out of the closet," he said. "Barriers—whether they're racial or gender—only come down when people speak up. It's my time to speak up and be heard." Congratulations, Jack, on still another signal honor!

\* \* \*

## **COLORFUL ALUM DIES**

Peter Ross Viviano, NDLS '37, died in Hollywood, California, on November 9 at the age of 84. Viviano and Sons Macaroni and Importing Company, founded by his family, became the largest producer and importer of Italian foods west of the Mississippi. Years later, Peter Viviano became president.

He served in World War II as a paratrooper with the 82<sup>nd</sup> Airborne and received a Purple Heart. Later, he took over the helm of the Golden Dipt Company.

For the last months of his life, he moved to Hollywood to be near his daughter, Bettina Sofia Viviano. The St. Louis Post-Dispatch reported that, while ill, he purchased a new Rolls-Royce, because "I started my life that way, and that's the way I am going to finish." The newspaper, calling Mr. Viviano "home towner, businessman and bon vivant," noted that his great-nephew said: "He taught me how to drink Canadian Club Manhattans when I was 22 and how to have fun at the better clubs around the town."

A memorial celebration Mass took place on November 21 at the St. Louis Cathedral. Memorial contributions may be made to the American Cancer Society.

\* \* \*

## **NEWS FROM THE**

### **CENTER FOR CIVIL**

### **AND HUMAN RIGHTS**

Kelly Askin, Visiting Scholar in the Center for Civil and Human Rights, Sharelle Aitchinson, LL.M. candidate in the Center, and Terry Phelps filed an *amicus* brief before the International Tribunal for the Former Yugoslavia, arguing, among other things, that rape-counseling records should be afforded privilege. The Tribunal accepted the brief on November 12.

\* \* \*

On November 4 Garth Meintjes published an "Op-Ed" piece in the New York Times. The topic: *In South Africa, Truth and Justice?; Prosecution Undermined.*

Garth served as a panelist for Amnesty International's 1998 Midwest Regional Conference on October 31. His panel addressed the topic "The USA Campaign: Focus on Supermax Prisons." The workshop targeted prison conditions in the United States, the development of "supermax" prisons, the practices at such prisons, which now house over 13,000 men and women, and the issue of whether these facilities meet international standards of human rights. The event took place at the College of Law of the University of Cincinnati.

On November 1 Garth delivered a talk entitled "Renewing Our Promise: The Universal Declaration of Human Rights at Fifty." His presentation took place during a conference titled "All Human Rights For All: Fiftieth Anniversary of the Universal Declaration of Human Rights." The event took place in the Little Theater of Moreau Hall at St. Mary's College. The St. Joseph County Chapter of the United Nations Association of the U.S.A., St. Mary's College, and its Justice Education Program sponsored the event.

\* \* \*

Ada Verloren van Themaat attended the 24<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights, in Banjul, The Gambia, from October 22 through 31. The Center for Civil and Human Rights is the only institution at an American law school carrying observer status at the African Commission. This marked the first time that the Center has sent a representative to a session of the Commission.

\* \* \*

## NEWS FROM THE LAW LIBRARY

On November 27 Dan Manier and his wife Karen introduced to the world Aidan Kyle Manier. Aidan weighed in at nine pounds, two ounces. At home, he will join big sister Matti.

\* \* \*

## NEWS FROM THE FACULTY

Bob Blakey argued *Humana v. Forsyth* before the U.S. Supreme Court on November 30. Bob says that the argument went well; the Court merely sought to clarify his arguments. The questions for opposing counsel, however, reflected skepticism about his arguments—even hostility. The decision should come down in a month or two. The oral argument was attended by former and current students: Kenlyn Flipse and Patricia Solomon, both NDLS '97; and NDLS 1Ls Rachel Rous and Katherine Plante.

\* \* \*

Jack "Chief" Broderick's widow, Louise, has a new address: Neward Manor, 254 West Main Street, Neward, DE 19711. Her daughter, Mary Louise Broderick Kennedy, reports that Louise has had several recent outpatient surgeries.

\* \* \*

Provost Nathan Hatch has appointed Paolo Carozza as a Fellow of Notre Dame's Nanovic Institute for European Studies.

\* \* \*

Bill Kelly and Pat Schiltz made a presentation to NDLS students entitled "Applying for Judicial Clerkships: The Nuts and Bolts," on December 1.

\* \* \*

Don Kommers presented a paper entitled "Autonomy Versus Accountability: The German Judiciary," at a meeting of the Comparative Judicial Studies Committee of the International Political Science Association, in Boston, on September 1.

\* \* \*

Terry Phelps served as one of the presenters at a Gender Studies Roundtable entitled "Reading the Starr Report." The event took place on November 4 in DeBartolo Hall.

Terry delivered a paper, "Orestes' Dilemma: Revenge in Literature and Law," at the Mid-Atlantic Popular Culture Conference in Morgantown, West Virginia, on October 31.

On November 19 Terry presented a Gender Studies Colloquium entitled "Gendered Space and the Reasonableness Standard in Sexual Harassment Law."

Terry published a review of Martha Nussbaum's *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*, in the *Journal of College and University Law*.

\* \* \*

Pat Schiltz gave the Trustees' Lecture at William Mitchell College of Law. His topic: "Legal Ethics in Decline: The Betrayal of Novice Lawyers by Law Professors and Senior Lawyers." The talk, which took place in St. Paul, Minnesota, on November 2, was reportedly the best attended ever at William Mitchell: Almost 500 people crowded into the 425-seat auditorium.

\* \* \*

The Supreme Court of Indiana has appointed Jim Seckinger a member of the Advisory Panel to the Indiana Commission on Continuing Legal Education and Attorney Specialization. The appointment cited "his particular area of expertise and his reputation in the legal community."

Jim published the second edition of *Impeachment and Rehabilitation and Exhibits and Demonstrative Evidence*, both part of *Materials for Intensive Trial Advocacy Workshop*, a product of Osgoode Hall, York University, in Toronto.

\* \* \*

Eric Smithburn recently served as a consultant to the Ancillary Relief Advisory Group, chaired by Lord Justice Thorpe. Lord Justice Thorpe recently presented a lengthy report to the Lord Chancellor for approval and eventual adoption by Parliament. Eric primarily provided information on property division and antenuptial contracts in the United States.

\* \* \*

Former NDLS prof Larry Soderquist has published a mystery novel entitled *The Lab Coat*. Reviewing the book, Ralph McNerny, ND Medievalist and creator of the Father Dowling Mysteries, noted: "[Soderquist] is a natural story teller. . . . In *The Lab Coat*, [he] has brought new depth to the academic novel."

\* \* \*

Jay Tidmarsh's May, 1998 speech to the American Law Institute, addressing civil law in the 21<sup>st</sup> century, has been published in ALI's *Remarks and Addresses at the 75<sup>th</sup> Annual Meeting*.

Jay published *Whitehead's Metaphysics and The Law: A Dialogue*, in the *Albany Law Review*.

\* \* \*

#### NEWS FROM

#### THE STAFF

On November 12, at Memorial Hospital, Lois Plawicki underwent surgery for a hip replacement. All went well; Lois plans to return to work following Christmas break. Please keep Lois in your thoughts and prayers.

\* \* \*

#### NEWS FROM

#### THE ALUMNI

Mark D. Boveri, NDLS '85 and an associate at Barnes & Thornburg in South Bend, Carmen M. Piasecki, NDLS '73 and



a partner at Nickle & Piasecki in South Bend, and Thomas C. Sopko, NDLS '70 and a partner at Sopko & Firth in South Bend, will serve on the faculty of a panel discussing "Legal Ethics for Litigators." The event, sponsored by the Indiana Continuing Legal Education Forum, will take place at Century Center in South Bend on December 21.

\* \* \*

John S. Day, NDLS '96 and an associate at Posternak, Blankstein & Lund, in Boston, recently married Nancy C. Semonian. The couple visited Austria and Italy on their honeymoon and live in Brookline, Massachusetts.

\* \* \*

Tim Flanagan, NDLS '98, recently joined Notre Dame's Office of Research as Assistant Director for Technology Transfer. Tim, who did his undergraduate work in electrical engineering at Notre Dame, brings to the post experience in the U.S. Navy, in manufacturing, and in environmental consulting for the federal government.

\* \* \*

Joseph A. McCarron, NDLS '96, has joined the Bloomington, Illinois, law firm of Hayes, Hammer, Miles, Cox and Ginzkey. His practice will target civil litigation, including business and contract disputes; family law; and personal injury. Mr. McCarron did his undergraduate work at Augustana College in Rock Island, Illinois.

\* \* \*

Colin J. Reilly, NDLS '98, has joined Jones, Obenchain, Ford, Pankow, Lewis & Woods, in South Bend. Mr. Reilly, who did his undergraduate work at Rutgers College, will focus on civil litigation.

\* \* \*

Joseph P. Shannon, NDLS '88 and a partner at Dolan & Shannon, with offices in both Chicago and Naperville, Illinois, recovered a judgment of \$13 million recently. The judgment was entered in favor of a woman who suffered numerous surgeries and permanent injuries as a result of being shot by her husband, the defendant.

\* \* \*

On October 27, Joseph B. Stio, NDLS '48 and CEO and Chairman of the Board, Angebro Real Estate Development Corporation, in Placida, Florida, passed away at the home of his sister, Angela M. Stio. Our thoughts and prayers are with him and his family.

\* \* \*

#### MISCELLANY

Brian Banas, a member of the first-year class at NDLS, placed 43 out of 80 in the sabre event at the Penn State Open, held in University Park, Pennsylvania, on the week-end of November 7-8.

\* \* \*

Thirteen recent NDLS grads proved successful on the July administration of the Indiana Bar Examination: Keith Bice, John Blakely, Scott Cockrum, Brien Crotty, Timothy Flanagan, Bernie Keller, Matthew McGovern, Mark Mueller, Colin Reilly, Christopher Putt, Peter Thomas Morgan, Susan Wilson, and Jennifer Zimmerman. The admission ceremony took place at the Convention Center in Indianapolis on November 9. Randall Shepard, Chief Justice of Indiana, presided over admission to the Bars of the State of Indiana, to the Northern District of Indiana, and to the Southern District of Indiana. Tex Dutile represented the Law School at the ceremony, the reception following the ceremony, and a luncheon for representatives of Indiana's law schools, a luncheon hosted by the Indiana Board of Law Examiners. \* \* \*

On November 20 philosopher Joseph Dunne of St. Patrick's College in Dublin presided at a faculty colloquium in the Civil Rights Reading Room. His topic: "Professional Judgment and the Predicaments of Practice."

\*\*\*\*\*

# Happy Holidays!





