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NDLS Update

News from the Notre Dame Law School

*Vol. IX, No. 6
February, 2000*

*TEX DUTILE
EDITOR*

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**NDLS DOMINATES AT
CHICAGO TRIAL REGIONAL**

Notre Dame's National Trial Team captured both first and second places in the regional finals, which were held in Chicago February 12 and 13. The Gold Team placed first overall. That team comprised Stone Grissom, Scott Kellogg, and Steve Pratico, with Matt Woleski on brief. The Blue Team placed second overall. Its members were Shazzie Naseem, Tamara Walker, Ryan Redmond, and Kelly Murphy.

Both teams will represent Notre Dame at the National Finals in Dallas in March. Congratulations to all of these students on their outstanding achievement!

* * *

**RACHEL LISA-JO BAKER
"BEST ORALIST"
IN JESSUP REGIONALS**

Earlier this month, Notre Dame's International Moot Court Team competed in the 2000 Philip C. Jessup Northwest Regional Competition in Chicago.

The Jessup, the world's largest and most prestigious international-moot-court competition, annually involves students from 300 law schools in almost 50 nations on 6 continents.

Notre Dame's five-member team competed four times at the Competition. In a rigorous competition, each NDLS oralist demonstrated excellent advocacy skills in arguing the "Case Concerning Vaccination Trials and the Countries of Kuraca and Senhava."

Rachel Lisa-Jo Baker carried back to Notre Dame the "Best Oralist" Award, given for the best international-advocacy skills among the more than forty oralists participating in the Regional. The 2000 Jessup team also includes oralists Marc DeSantis, Aaron Markowitz and Beth Steffes, as well as Bridget Hubing on brief. Congratulations to the team on an excellent job of representing Notre Dame!

* * *

MOOT COURT SHOWCASE HELD FEBRUARY 17

Presiding as "The United States Supreme Court" were the Honorable Carlos F. Lucero, of the Court of Appeals for the Tenth Circuit; The Honorable Charles R. Wilson, NDLS '79 and a member of the Court of Appeals for the Eleventh Circuit; and the Honorable Theresa L. Springmann, a United States Magistrate Judge for the Northern District of Indiana.

The hypothetical case concerned one Chilli Conrad, whose trial-court conviction for armed robbery had been reversed in the Court of Appeals. The Supreme Court granted certiorari to examine issues related to the admissibility of confessions obtained without *Miranda* warnings, and the admissibility of a hearsay statement.

Law students Christopher Regan and Valerie Anne Steer represented the government; students John Laxague and Wilda Wahpepah represented Mr. Conrad. These students comprise Notre Dame's National Moot Court team; as such, they competed this past November in the regional National Moot Court Competition, sponsored by the Bar Association of the City of New York.

* * *

FELLOWSHIP NAMED FOR

CHARLIE RICE

With an anonymous gift from a 1972 graduate, the Notre Dame Law School has established a fellowship in honor of law professor Charles Rice. The benefactor hopes the fund will attract additional contributions from classmates and other Notre Dame law graduates.

A member of the Notre Dame faculty since 1969, Rice specializes in constitutional law, jurisprudence and torts. He is the author of eight books, including *50 Questions on the Natural Law* and *The Winning Side: Questions on Living the Culture of Life*.

Rice was coeditor of the *American Journal of Jurisprudence* from 1970-97, served as a member of the Educational Appeal Board in the U.S. Department of Education from 1981-93, and has been a consultant to the U.S. Commission on Civil Rights. A 1953 graduate of the College of the Holy Cross, Rice earned his juris doctor degree from Boston College in 1956 and his master of laws and doctor of juridical science degrees from New York University in 1959 and 1962, respectively. After working as a private practitioner in New York City, he taught at C.W. Post College, New York University and Fordham University before joining the Notre Dame law faculty.

Rice is a retired lieutenant colonel in the U.S. Marine Corps Reserve, and he serves on the board of trustees of Franciscan University in Steubenville, Ohio, and the board of governors of Ave Maria School of Law. A staunch pro-life advocate, Rice has co-authored numerous briefs involving right-to-life and right-to-die issues and has served as co-chair of Free Speech Advocates of Catholics United for Life.

The anonymous gift is a component of Notre Dame's \$767-million "Generations" campaign, the largest capital campaign in the history of Catholic higher education.

* * *

ALUM ESTABLISHES

NDLS FELLOWSHIP

A gift from University of Notre Dame graduate Jerry H. Mowbray, NDLS '78, of Reno, Nevada, has established a new fellowship at the Notre Dame Law School in the name of his parents, the late Justice John C. Mowbray and Kathlyn Hammes Mowbray of Las Vegas. The John and Kathlyn Mowbray Law Dean's Scholars Fellowship is the first of ten new full-tuition fellowships planned to assist law-school students at Notre Dame. Justice Mowbray, himself a 1949 graduate of the Notre Dame Law School, served for twenty-five years on the Nevada Supreme Court and eight years as a Clark County (Nevada) District Court Judge. Kathlyn Hammes Mowbray is the daughter of the late Mr. and Mrs. Romy Hammes, whose 1955 gift underwrote the University's bookstore.

Jerry Mowbray was graduated from Notre Dame with a bachelor's degree in government in 1975. He practices in Reno.

Nadira K. Kirkland, a first-year Notre Dame Law School student from Englewood, N.J., is the initial recipient of scholarship support from the Mowbray fellowship. The gift is a component of Notre Dame's \$767-million "Generations" campaign.

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BISHOP RAY, NDLS ALUM,

OUTLINES PLANS

TO EMPOWER BLACKS

The Dallas Morning News, in its January 22 edition, featured a story on Harold Calvin Ray, NDLS '81. In the late eighties, Mr. Ray left his six-figure salary to enter the ministry. Now, as Bishop Ray, he leads the church he founded, the Kingdom Dominion Church Fellowship, a network of about 300 independent Pentecostal churches in the United States.

Currently, he works on plans for the National Center for Faith Based Initiatives, "an information clearing house and economic network that he says will transform black America." His plan calls for a "one-stop center" for more than 50,000 non-denominational black churches. The center would allow the consolidation of resources and financial know-how into an "economic force to be reckoned with." These centers will provide everything from life insurance to accounting services to on-line investments, with a view to creating, accumulating, allocating and preserving wealth among blacks. Bishop Ray plans to do this not through government money, but through corporate financing. The newspaper stated that Bishop Ray "typifies a new breed of black minister-savvy businesswise and politically flexible, with an eye on results and the bottom line."

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**CARNEGIE FOUNDATION
TO STUDY NDLS**

The Carnegie Foundation for the Advancement of Teaching is currently engaged in a major study of legal education as part of its "Program on Preparation for the Professions." NDLS is one of fifteen schools selected for the study. The Professions Program also encompasses studies of engineering, ministry, social work, medicine, and teaching, as part of an integrated initiative that seeks to understand professional education as a whole. The Program's comparative approach will foster deeper understanding of fundamental aspects of teaching and learning in the individual fields, while improving higher education more generally through dissemination of the best practices across fields and between graduate and undergraduate education. Through the Professions Program, the Carnegie Foundation aims to improve the education provided professionals and thus the quality of their future practice and impact on society.

Judith Wegner, formerly dean of the University of North Carolina Law School, together with William Sullivan, a philosophy professor at LaSalle University, visited Notre Dame in connection with this study on February 28 and 29. Betsy Woody, another member of the Carnegie staff, accompanied them.

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**NDLS ALUM APPOINTED
FEDERAL
MAGISTRATE JUDGE**

William Baughman, Jr., NDLS '74 and formerly a partner at Weston, Hurd, Fallon, Paisley, in Cleveland, was appointed as federal magistrate judge on February 7. He took the oath of office on February 15. His investiture will take place in late March or April.

Mr. Baughman, his wife Maryan, and their children, Amy and Chris, reside in University heights, Ohio. Congratulations!

* * *

**WHITE HOUSE FELLOW
SPEAKS AT NDLS**

Gary Hall, NDLS '96 and a White House Fellow, discussed White House Fellowships and his experiences in the law

during a talk on February 21 in the NDLS courtroom. BLSA sponsored the occasion. Immediately after the talk, refreshments were served in the student lounge.

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**NDLS ALUM DISCUSSES
SPORTS AND
ENTERTAINMENT LAW**

On February 9 Karl McDonald, NDLS '89, gave a talk entitled "Sports and Entertainment Law: Breaking Into the Business, Making Contacts, and Acquiring Clients." Mr. McDonald, a partner at McDonald, Patrick & Roberts, in Oxon Hill, Maryland, chairs the Sports and Entertainment Section of the National Bar Association. BLSA sponsored the event.

* * *

**WIERCIOCH SPEAKS ON
DEATH PENALTY IN FEDERAL COURTS**

On February 7, in the Courtroom, Greg Wiercioch gave a public lecture entitled, "Back in Business: The United States Prepares for the First Federal Execution in Nearly Forty Years."

Mr. Wiercioch did his undergraduate work at Notre Dame and earned his law degree at Washington and Lee. He worked with the Texas Death Penalty Resource Center until Congress terminated that Center's existence. Now in a small private practice, he continues to handle death-penalty cases at trial, on appeal, and on habeas review.

He presently serves as counsel for Juan Garza, incarcerated at Terre Haute Federal Penitentiary in Indiana. Mr. Garza is scheduled to be the first federal prisoner executed in about for decades. Although his execution date has not been set, his only hope is executive clemency. Mr. Wiercioch's talk addressed Mr. Garza's case. The Center for Civil and Human Rights sponsored the lecture.

* * *

**LAW STUDENTS
COMPETE IN
BENGAL BOUTS**

NDLS students will once again play a prominent role in the Bengal Bouts, a Notre Dame tradition that benefits the C.S.C. missions in Bangladesh. Students participating: Dan Adam, Joe Czerniawski, Larry Harrington, Bill McMurtrie, Sean Nowak, Steve Pratico, Mike Wells, Todd

Yeagley, and Sean Yuzwa. Our own Charlie Rice serves as coach and mentor.

* * *

**NEWS FROM THE
FACULTY**

Bob Blakey is on leave at the Michigan Law School this semester, where he is teaching "Criminal Law" to first years and "Federal Criminal Litigation" on an upper-class level.

January 27 through 30, Bob participated in the legal-fee arbitration for Ohio. (The state will receive \$10 billion over twenty-five years). The lawyers' contingency agreement calls for a ten-percent fee. Bob testified on Ohio RICO, which he drafted in 1986 and which played a crucial role in the settlement of the litigation. A decision is expected soon.

On February 2 Bob took part in a symposium on tobacco litigation, held at The T.C. Williams School of Law at the University of Richmond.

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On February 22, Tex and Brigid Dutile became grandparents for the first time. Patrick Daniel, born to their son, Dan, and his wife, Peggy, weighed seven pounds, thirteen ounces, and measured twenty-one inches. All are well.

* * *

Barbara Fick has been named a member of the editorial advisory board of the University of Pennsylvania's Journal of Labor and Employment Law.

Barbara has also been appointed a visiting professor on the law faculty at the Katholieke Universiteit Leuven, Belgium, for the spring 2000 semester.

* * *

Rick Garnett wrote *Are Payments to a Hospital for Services Provided Medicare Beneficiaries "Benefits" Under the Federal-Program Bribery Statute?*, published in Preview of United States Supreme Court Cases. The piece discussed *Fischer v. United States*, argued on February 22.

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Gabriel Moens, a visiting prof at NDLS during the spring 1993 semester and a regular on our London Summer faculty, received the prestigious National Australian Teaching Award for 1999. Professor Moens, whose permanent affiliation is with the T.C. Beirne School of Law at the University of Queensland, in Brisbane, Australia, recently assumed the Garrick Chair in Law. Congratulations, Gabriel!

* * *

Pat Schiltz presented a seminar on litigation against religious organizations, at a meeting of the newly elected bishops of the Evangelical Lutheran Church in America, in Chicago, January 11.

He spoke on "Protecting Small Town Ethics from Big Firm Influences," at a meeting of the Benjamin Harrison American Inn of Court in Fort Wayne, Indiana, on February 15.

He taught a session of a seminar on "Large Law Firms" at the Northwestern University School of Law on Feb. 16.

Pat was featured in an article, entitled, *The "First Principles" of Patrick Schiltz*, in his alma mater's alumni magazine.

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Former NDLS visiting prof Teresa Stanton Collett published *Authentic Pluralism: The Case for Including Religiously-Affiliated Schools in Publicly Funded Voucher Systems*, in the Fall 1999 issue of Focus on Law Studies.

* * *

NEWS FROM THE ALUMNI

Carlos Cancel, NDLS '93, has been diagnosed with a brain tumor. His address: Apartment 302, 1300 N. Rhodes Street, Arlington, Virginia 22209. Please keep Carlos and his family in your thoughts and prayers.

* * *

Bob Clemens, NDLS '82 and a partner at Bose McKinney & Evans, in Indianapolis, will serve on the faculty of the Indiana Trial Advocacy College March 13-17. The event, sponsored by the Criminal Justice and Litigation Sections of the Indiana State Bar Association, will take place at the Indiana University School of Law at Indianapolis.

* * *

Frank Julian, NDLS '82, is quickly becoming the guru on taxation of Internet sales. Frank recently was quoted in Business Week and both quoted and pictured in The Cincinnati Enquirer. In late February, at the White House, he participated in a policy discussion of the taxation issue.

* * *

Jacqueline Sells Homann, NDLS '90, has become a partner at Jones Obenchain, in South Bend. Associated with the firm since 1997, she did her undergraduate work at DePauw in Greencastle, Indiana. After completing law school, she clerked for bankruptcy Judge Harry C. Dees and, from 1991 through 1997, worked with Barnes & Thornburg, in its Elkhart office. Congratulations!

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David Worhatch, NDLS '79, is a candidate for Ohio State Representative. David, who resides in Hudson, Ohio, did his undergraduate work at Duquesne University. He has served on the Hudson City Council and as a Hudson Township Trustee.

* * *

Jennifer Zimmerman, NDLS '98, has begun her work as a staff attorney in Mishawaka's City Hall. Jennifer, a graduate of the University of Michigan, had worked part-time in the office while an associate at Tuesley & Hall, in South Bend.

* * *

MISCELLANY

NDLS 3Ls Chris Castro and Michelle MacArthur, both of Dallas, Texas, lost all of their belongings in a fire at their home in late January. Chris and Michelle were married February 12. The home, located at the southwest corner of Notre Dame Avenue and Howard Street, in South Bend, had been built in the 1890s. One of the couple's two Dalmatian dogs may also have been lost in the fire. Until they can find new housing, Chris and Michelle are staying with friends.

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On February 4, Professor Curt Bradley, of the University of Colorado and currently a visitor at the University of Chicago, presided over a Faculty Colloquium. His topic: "The U.S. Treaty-makers, International Human Rights Law, and Conditional Consent."
