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## NDLS Update 02/1995

Notre Dame Law School

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# NDLS Update

News from the Notre Dame Law School

*Vol. IV, No. 5*  
*FEBRUARY 1995*

*TEX DUTILE*  
*EDITOR*

## **TRAI LE ANNOUNCES RETIREMENT**

Professor Tang Thanh Trai Le will retire from the full-time faculty at the end of this calendar year. Her retirement represents a serious loss to the Law School. Fortunately, she will continue to teach at the Law School on a part-time basis.

Trai brought to the Law School impeccable credentials. She received a "License en Droit" in 1954, and a "Doctorat en Droit" in 1956, from Université Aix-Marseilles. She earned her Ph.D. from the University of Chicago in 1967. She served as the Dean of the Hue Law School in Viet Nam from 1958 to 1960 and as a Professor there from 1958 until her departure from Viet Nam in 1975. She also practiced law in Saigon from 1969 to 1975. Trai came to Notre Dame in 1975, and earned her J.D. in 1977 at the Notre Dame Law School. She thereafter joined our faculty, teaching and writing in a variety of commercial-law areas.

Everyone in the Notre Dame community deeply appreciates all she has done for the Law School and for the

University. She leaves the full-time faculty with our best wishes and our assurance that she remains a part of us.

## **NDLS TO UNDERGO RE-ACCREDITATION VISIT**

From Sunday, April 2, through Wednesday, April 5, a site-evaluation team of the American Bar Association will visit the University. That team is charged with gathering the data and making assessments regarding the Law School's re-accreditation. The team will visit classes, examine documents, and speak with representatives of every Law School constituency. The Law School will make available to the team a temporary office in the Law Building. During its visit, the team will stay at the Morris Inn.

In anticipation of that visit, the Law School will prepare a Self Study. Much of the material in that Self Study will be drawn from the reports of the five Strategic Planning Committees that have met during



this academic year to analyze virtually every aspect of the Law School's operations.

The site-evaluation team comprises the following persons: Rudolph C. Hasl (Chair), Dean of the School of Law at St. John's University; Professor Jane Hammond, of Cornell Law School; H. Reese Hansen, Dean of the Law School of Brigham Young University; Russell K. Osgood, Dean of the Cornell Law School; and Professor Ann Shalleck, of the College of Law at American University. Representing the Association of American Law Schools on the team is Associate Dean Nathaniel Gozansky of Emory University Law School.

### **JUDGE LEAVY HEADS MOOT COURT PANEL**

On February 10, in the Notre Dame Law School Courtroom, the Forty-Fifth Annual Final Argument took place. Serving as chief judge was the Honorable Edward Leavy, NDLS '53, of the United States Court of Appeals for the Ninth Circuit. Also on the panel were Judge Roland Chamblee, Jr., NDLS '77, and Judge Cecelia McGregor, NDLS '77. Judge Chamblee sits on the Superior Court for St. Joseph County, Judge McGregor on the Goshen City Court. The panel, totally comprised of alumni of the Law School, heard an appeal involving the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA). Arguing for the Petitioner were Brian Butler and Jennifer Whitacre; arguing for the Respondent were Annette Brands and William Tunell. The Final Argument was followed by a dinner at the University Club.

Dean Walter Pratt serves as Faculty Advisor for the Moot Court Program. The Executive Directors for 1994-95 are Stephanie Shea and Michael McGuinness. The Final Argument is sponsored by Mrs. A. Harold Weber, a longtime benefactress of the Law School.

### **JCUL SPONSORS SPORTS-LAW CONFERENCE**

On February 24-25, THE JOURNAL OF COLLEGE AND UNIVERSITY LAW, the Law School and the National Association of College and University Attorneys sponsored a symposium entitled, "Sports Reform: College Athletics in Flux." The sessions, which were held in the Center for Continuing Education, recognized the immense regulatory bureaucracy that has emerged as the guardian of the integrity of college athletics. The speakers explored the pressures affecting that bureaucracy and examined proposals to reform it or to replace it. Among the questions considered included: Is the NCAA regulating college athletics effectively, or is it time for the federal government to take a larger role? Is placing greater control directly in the hands of the colleges themselves a better solution?

Speakers included Father William Beauchamp, Executive Vice President of the University of Notre Dame; Jim Delaney, Commissioner of the Big Ten Conference; Father Ted Hesburgh; and Tom McMillen, former United States Congressman and Co-Chair of the President's Council on Physical Fitness and Sports.



## **CCHR BOASTS STUDENTS FROM AROUND THE WORLD**

Eight countries are represented in the 1994-95 class of students enrolled in the University of Notre Dame's graduate programs in international human-rights law. Administered by the Notre Dame Law School's Center for Civil and Human Rights, the graduate programs in international human-rights law are designed to provide lawyers -- primarily from outside the United States -- an opportunity to engage in specialized study and research in the field. The Center offers master's and doctoral degrees.

This year's class includes three students from South Africa, two from China and Chile, and one each from Armenia, Peru, Belgium, Estonia and the United States.

Founded in 1973, the Center for Civil and Human Rights at the Notre Dame Law School initially concentrated on civil-rights issues in the United States. In recent years the Center has expanded to include a full range of subjects in the field of international human rights.

The Center has undertaken a variety of research projects, including proposals for amnesty for violators of selective-service laws during the War in Viet Nam, and for immigration and naturalization law reform.

Most recently, the Center sponsored the translation and publication of the two-volume report of the Chilean National Commission on Truth and Reconciliation, a detailed account of extra-judicial killings and "disappearances" during the years of military dictatorship in that country.

## **BLAKEY TO ADDRESS FEDERALIZATION OF CRIME**

On February 4, Bob Blakey will participate in a symposium on the Federalization of Crime. The conference will take place at the University of California -- Hastings College of Law. Other participants include Professor Kathleen Brickey, of Washington University School of Law; Columbia University Professor George Fletcher; U.S. District Court Judge John Gleeson; University of California -- Boalt Hall School of Law Professor Sanford Kadish; and U.S. District Court Judge Vaughn Walker.

The participating scholars, judges and practitioners hold widely varying perspectives on the role of the federal and state governments in the criminal-justice system. Federal criminal filings have skyrocketed in the past decade, spurring a nationwide debate about the prosecution in federal courts of what are traditionally perceived to be local crimes. Views range from calls to decriminalize drugs to proposals to internationalize the reach of federal criminal jurisdiction. The HASTINGS LAW JOURNAL will publish the papers presented at the symposium in its spring 1995 Symposium Issue.

## **NDLS ALUM APPOINTED BANKRUPTCY JUDGE**

Gregg Zive, NDLS '73, has been appointed bankruptcy judge for the District of Nevada. Gregg began his fourteen-year term on January 23.

Gregg was graduated from the University of Nevada with a degree in



Journalism. He served as an officer in the United States Army and worked as a sports writer and sports editor before entering the Law School. He was graduated *magna cum laude* from the Law School, where he served on the Editorial Board of the LAW REVIEW. He was admitted to practice in California in 1973 and in Nevada in 1976.

After Law School, Gregg engaged in private practice as a partner at Bible, Hoy, Trachok, Wadhams & Zive in Reno. Judge Zive has been active in civic affairs, most recently as a member of the Board of Directors of Washoe Legal Services. He is past president of the Washoe County Bar Association and immediate past Chair of the University of Nevada, Reno Foundation. In 1993, he received the University of Nevada, Reno President's Medal.

### **PRESIDENT CLINTON APPOINTS ALUM TO WOODROW WILSON BOARD**

President Clinton has named Joseph A. Cari, NDLS '78, to the Board of Trustees of the Woodrow Wilson International Center for Scholars. Joe received his B.A. in 1974 from Notre Dame. He also attended the Harvard Law School Program of Instruction for Lawyers in 1981. His public service includes positions as a Special Counsel to the Drug Enforcement Caucus of the U.S. Senate Judiciary Committee, Administrative Assistant to U.S. Congressman Marty Russo, and several other positions on state, county and city boards.

The Woodrow Wilson International Center for Scholars is established within the Smithsonian Institution, and is administered by an Independent Board of Trustees. The

Center fosters scholarship and dialogue in the humanities and social sciences by bringing Fellows to Washington, D.C., encouraging discourse, and publishing the results of their activities.

### **NEWS FROM THE LAW LIBRARY**

Joe and Tracey Thomas announce the birth of their son, Abraham David William, on Saturday, February 18. The son weighed in at nine pounds and one ounce, and was twenty-two inches long. (Lou Holtz, take note!)

### **NEWS FROM THE CENTER FOR CIVIL AND HUMAN RIGHTS**

On February 20, Professor Allan Rosas of the Abo Akademi University, Institute for Human Rights, Finland, spoke on "The CSCE and Human Rights: Elephantiasis by Soft Law," in the Courtroom. Professor Rosas is among the leading lawyers in Finland and has been actively involved in Nordic and international cooperation. He has published a great number of articles and books on human rights.

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On February 27, Dr. Robert Kirschner, Director of International Programs for Physicians for Human Rights, presented a lecture and slide presentation on "Forensic Documentation of Human Rights Abuses." The presentation included identification of "disappeared persons."

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Garth Meintjes, Associate Director, gave a workshop on Environmental Rights at a Community Forum sponsored by Augustana College and the United Nations Association of the United States, held on February 3 and 4, at Augustana College.

\* \* \*

At the Hague, two graduates of the LL.M. Program in International Human Rights Law -- Rod Dixon (South Africa) and Rosette Muzigo (Uganda) -- have begun their internships with the International Criminal Tribunal for the former Yugoslavia. These internships were made possible through the generosity of Father Theodore M. Hesburgh, C.S.C., President Emeritus.

### NEWS FROM THE FACULTY

Joe Bauer published the 1995 Cumulative Supplements to Volumes 1 through 10 of Kintner and Bauer, *FEDERAL ANTITRUST LAW*.

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On February 23, Bob Blakey participated in a RICO and Organized Crime Workshop for F.B.I. Agents and Assistant United States Attorneys in Buffalo, New York.

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Barbara Fick was elected to a two-year term on the Board of Directors of the YWCA.

\* \* \*

Alan Gunn published the second edition of *PARTNERSHIP INCOME TAXATION*.

\* \* \*

Senator Orrin G. Hatch, Chair of the United States Senate Committee on the Judiciary, has invited Jimmy Gurule to become a member of Senator Hatch's informal legal advisory group. That group will advise Senator Hatch on matters before the committee or on matters the group believes the committee should consider.

\* \* \*

On February 16, at Palm Beach Atlantic College in West Palm Beach, Florida, Dave Link delivered a Hesburgh Lecture entitled "Professional Ethics: Revival of the Legal Profession." A reception followed the presentation. The evening was sponsored by the Notre Dame Club of the Palm Beaches. The Hesburgh Alumni Lecture Series is a presentation of the Notre Dame Alumni Association.

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Doug Kmiec published "Group Homes -- is Single-Family Zoning Discrimination against the Handicapped?" in *PREVIEW OF UNITED STATES SUPREME COURT CASES*.

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Trai Le published "Are Litigating Attorneys Debt Collectors Under The Federal Fair Debt Collection Practices Act?" in *PREVIEW OF UNITED STATES SUPREME COURT CASES*.

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Terry Phelps recently spoke to the faculties of St. Louis-area girls' high schools. She addressed emerging feminist issues in high-school education.

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On January 9 and 10, Jim Seckinger served as Programme Director and faculty member for the NITA "Train the Trainers" Programme for Lovell White Durrant and Central Law Training in London. Jim instructed the faculty on using the NITA method of Learning-by-Doing Skills Training for teaching the teachers. He also lectured both the participants and the faculty on Effective Teaching Techniques.

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Tom Shaffer published *Stephen Carter and Religion in America*, in the UNIVERSITY OF CINCINNATI LAW REVIEW.

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Eric Smithburn and Tom Singer will serve as Teaching Team Leaders at the Indiana NITA Trial Skills Workshop at the Indiana University School of Law from March 12 through 18.

## NEWS FROM THE ALUMNI

Jane Becker, NDLS '77 and formerly St. Joseph County's Chief Deputy Prosecutor, has become a member of the trial team at May, Oberfell and Lorber in South Bend. A fifteen-year veteran of the prosecutor's office, Jane served as the liaison between that office and all area law-

enforcement agencies. She is President-Elect of the St. Joseph County Bar Association.

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Denis E. Buckley, NDLS '88, died on January 25 in Elkhart General Hospital, where he had been a patient for six weeks. Services were held on January 29 at St. Paul's United Methodist Church.

Denis was graduated from Stanford University in 1985. After graduating from the Law School, he was employed as Assistant State Prosecutor in Lake County and later as Assistant United States Attorney in Dyer. Most recently, he was Assistant United States Attorney in South Bend. He was a member of the Indiana State Bar Association. Memorials may be directed to the Intensive-Care Unit of Elkhart General Hospital.

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Franny Forsman, NDLS '77, was featured in an article in the February, 1995, issue of the ABA JOURNAL. The article discussed a proposal for mandatory pro-bono work. The proposal, put before the Nevada Supreme Court, emanated from the Nevada Bar Association, of which Franny is President-Elect.

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On February 6, in the Courtroom, Paul Fulkerson, NDLS '94 and a clerk for the Indiana Court of Appeals, Kari Gallagher, NDLS '93 and a former clerk for Judge Kenneth Ripple, and Professor Matt Barrett, a former clerk for the United States Court of Appeals, presented a program entitled "Clerking for a Judge."

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William G. Greif, NDLS '52, and his wife have established a scholarship in their names at the University of Notre Dame. Following a twenty-six-year career with Mead Johnson and Bristol-Meyers Company, he retired as Vice-President of Government Affairs in 1990. Since then, he has been a consultant for the company and an attorney with the law firm of Akim, Gump, Strauss, Hauer and Feld. The Greifs have nine children, two of whom, Douglas and Martha, are Notre Dame graduates. First consideration for the Connie and Bill Greif scholarship will be given to students from the Evansville, Indiana, or Washington, D.C., areas.

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Vincent R. Johnson, NDLS '78, Professor of Law at St. Mary's University Law School, is director of the Institute on World Legal Problems. This summer, the Institute, meeting in Innsbruck, Austria, will feature Justice Ruth Bader Ginsburg as its Distinguished Visiting Jurist.

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William A. Klatt, NDLS '81, has joined the office of the Ohio Attorney General. He will oversee legal affairs and various sections of the Attorney General's office. Klatt, who has thirteen years of trial experience, is admitted to practice before the U.S. Supreme Court. He has been affiliated with Squire, Sanders and Dempsey in Columbus, Ohio.

\*\*\*

Jon E. Krupnick, NDLS '65, was quoted in the February 6th issue of the NATIONAL LAW JOURNAL regarding litigation brought against the DuPont

Company. In a settlement, DuPont has agreed to pay \$214,000,000 to 220 growers of ornamental plants as compensation for crops lost through the use of DuPont's Benlate fungicide. Some of these actions have gone to trial, with judgments against DuPont, observed Jon, whose firm, Krupnick, Campbell, Malone, Roselli, Buser, Slama, and Hancock, of Fort Lauderdale, handled the case. Jon emphasized that the settlement did not cover all Benlate cases against DuPont.

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John F. Lake and Mary Pedulla Lake, both NDLS '91, have opened the law offices of Lake & Lake for the general practice of law. An "Open House" at the offices, in Michigan City, Indiana, was held on February 17.

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Judge Willie Lipscomb, NDLS '75, was featured on a front-page story of the DETROIT NEWS AND FREE PRESS on January 22. The story featured the Saturday morning classes he conducts for gun-toting defendants. In those classes, he brings young people face-to-face with urban violence in the hope that it might change their behavior.

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Michael G. McClory, NDLS '89, published *Relationship of the Americans with Disabilities Act of 1990 and California Workers' Compensation Laws* in CALIFORNIA LABOR AND EMPLOYMENT QUARTERLY. Mike is an associate in the Palo Alto office of the New York-based firm of Holtzmann, Wise & Shepard. He specializes in employment-law matters on behalf of management throughout the country.



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Mary P. Malone, NDLS '93, Vice President of Corporate Development for Press, Ganey Associates, has been given responsibility for overseeing the sales and service for all three of the firm's regional offices. Mary has served as Vice President for Corporate Development since 1993. Her added responsibilities include managing sales and customer service for the United States and overseeing the operations of the three regional sales offices.

Mary holds a Master of Science degree in health systems from Rush University in Chicago and a Bachelor of Science degree in Biology and a Bachelor of Arts degree in Anthropology, both from Notre Dame.

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Hon. Andrew P. Napolitano, NDLS '75 and Judge of the Superior Court of New Jersey, is stepping down. When appointed in 1987 by Governor Thomas H. Kean, Napolitano was 36, the youngest state judge ever appointed. He remains the youngest judge ever granted lifetime tenure, a distinction he earned in 1994. According to a local newspaper, Napolitano wants "to put some money away before he gets much older," although he does not rule out a return to the bench. "I can live on a judicial salary," he said. "I'm just not sure I want to die on one." His resignation is effective April 1.

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Andrea Roberts, NDLS '94, is working for Chief Justice Randall Shepard of the Indiana Supreme Court.

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Maureen P. Wilkerson, NDLS '76, has been named Chair of the Not-For-Profit Committee of the District of Columbia Bar. That committee forms part of the Section on Corporation, Finance and Securities Law.

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### MISCELLANY

In early February, the Notre Dame Mock Trial Teams composed of Dione Ludlow, Kate Pamenter, Phil Mohr, Scott O'Halloran, Scott Richburg, and Jack Strauch finished eighth and ninth at the Midwest Regionals held in Chicago. Congratulations and thanks to them and to their devoted coach, Judge Jeanne Jourdan.

\* \* \*

LeBrei Simmons, a straight-A student at Poplar Halls Elementary School, in Norfolk, Virginia, has been named the school's "Student of the Year" through the D.A.R.E. (drug abuse resistance education) program for her academic achievements and for her participation in the program. Called a role model by her teachers, LeBrei told the Norfolk *Virginian-Pilot* that her goal is to "study law at the University of Notre Dame." Sounds as if she has made a good start!

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