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## NDLS Update 02/1998

Notre Dame Law School

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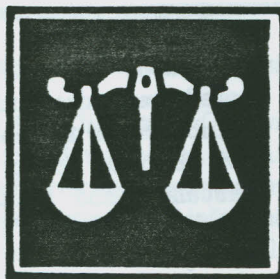
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# NDLS Update

News from the Notre Dame Law School

Vol. VII, No. 6  
February, 1998

TEX DUTILE  
EDITOR

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**SPECIAL POETRY (???) EDITION — See Page 6**  
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## NEW PROGRAM GIVES LAW SCHOOL NEW CHAIR

With an \$8 million gift from a benefactor wishing to remain anonymous, the University of Notre Dame has established the Edward Frederick Sorin Program for Academic Distinction. That program engenders new endowed professorships devoted to areas of excellence in six of the University's academic units, including the Law School.

The University will seek the most distinguished teachers and scholars available in their respective fields to assume the Sorin Program Chairs. Appointments to the chairs will be made, whether from within or outside the University, in consultation with others among the University's endowed-chair holders. The chairs will be

named in honor of distinguished Notre Dame faculty in the respective disciplines.

As part of the Sorin Program, the University will establish a new outdoor memorial on campus to honor all of Notre Dame's endowed-chair holders—past, present and future—and the tradition of teaching and scholarship they represent.

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## KAVENY KEYNOTES ROME CONFERENCE

Cathy Kaveny delivered the keynote address at a pontifical conference on women's health issues in Rome on February 18. Sponsored by the Pontifical Academy for Life, the five-day conference at the Università Cattolica del S. Cuore examined a wide range of issues,

including ethical aspects of health care, careers and family health, procreation and fertility, substance abuse, poverty and nutrition, reproductive technologies, and pre-, peri- and postnatal care.

Kaveny, in a speech titled "Women's Health and Human Rights," discussed the intrinsic value of all people — women and men — and drew upon the early Christian model of caring for widows to suggest that Catholic moral tradition offers rich resources for developing health and health-care policies that support women at all stages of life.

A specialist in ethics, Kaveny has been a member of the NDLS faculty since 1995. She graduated *summa cum laude* from Princeton University in 1984 and earned her J.D. and Ph.D. degrees from Yale



University in 1990 and 1991, respectively. Prior to coming to Notre Dame, she clerked for Judge John T. Noonan, Jr., of the U.S. Court of Appeals, Ninth Circuit, and practiced in the Boston law firm Ropes & Gray.

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### McLEAN FEATURED IN UNIVERSITY MAGAZINE

Capt. Bill McLean, the long-time assistant and later associate dean at NDLS, recently found himself the subject of a feature article in *ALUM: THE NEWSLETTER FOR NOTRE DAME ALUMNI*. Written on the occasion of his selection for the O'Hara Award, which honors graduates who are former Notre Dame employees, the article recounts Captain's outstanding career in the military and at Notre Dame. It alludes as well to his 52-year marriage to Shirley. The article quotes Dean Link: "Seeing Captain and Shirley at lunch in the University Club always reminds one of high-school sweethearts in the neighborhood soda shop." Congratulations, Captain. You always made us look good, and you continue to do so.

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### 1971 GRAD HONORED

Jim Flickinger, NDLS '71, recently received the 1997 Professional Community Service Award from the Young Lawyers Section of the Grand Rapids Bar

Association. The award, given annually, recognizes outstanding contributions to the practice of law, dedicated service to the community, and status as a positive role model for new attorneys.

Jim, who did his undergraduate work at Aquinas College, has immersed himself in service projects both locally and internationally. He and two friends made thirteen trips to Bosnia-Herzegovina and Croatia, where they helped at hospitals and refugee centers and delivered over \$5 million in medical aid. Jim arranged support for 125 destitute children in Croatia. He worked with Serbian, Muslim, and Croatian leaders to build a large playground for children in Sarajevo.

Jim also works with homeless youth and a leper colony in the Amazon region of Brazil. Four times recently he has traveled to an area known as "The Green Hell" as part of a project to feed and educate people there. He works to provide financial help to two schools that educate homeless youth.

In Grand Rapids, Jim instituted a free-lunch program for every Tuesday of the year at Veterans Park. Through this program, he has made personal contact with the local homeless and impoverished community. For them he seeks out housing and substance-abuse treatment.

Jim, congratulations!

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### NDLS ALUM APPOINTED TO STATE BENCH

Timothy P. McCarthy, NDLS '71 and a partner at Boose Casey Ciklin Lutitz Martens McBane & O'Connell in Palm Beach, Florida, has been appointed to fill a circuit-court vacancy created by a retirement. Florida Governor Lawton Chiles made the appointment. His work has focused on commercial litigation. He has practiced in Palm Beach County since 1975. Mr. McCarthy has three children.

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### NDLS GRAD SECURES LARGE SETTLEMENT

Patrick A. Salvi, NDLS '78, won an \$11.35 million settlement on behalf of a seven-year-old Rockford, Illinois, girl, brain-damaged at birth. The settlement was secured from the doctor and hospital that were involved in her delivery.

The settlement follows a \$10.23 million jury verdict, on July 3, 1996, the largest verdict ever in Winnebago County. After the verdict, the clinic and doctor paid \$1 million and the hospital appealed the \$9.23 million it was ordered to pay. In October of 1997, the hospital paid not only the original verdict, but also more than \$1.1 million in interest.

Mr. Salvi heads a seven-attorney personal-injury firm in Waukegan, Illinois, and is the former President of the Illinois Trial Lawyers Association.

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## NDLS ALUM CHAIRS ETHICS PANEL

Vincent Johnson, NDLS '78 and professor of law at St. Mary's in San Antonio, is chairing the Mayor's Task Force on Ethics in Government in that city. At a meeting recently, he challenged the City Council to pass without further delay the reforms the group has worked on since September. His thirteen-member task force includes lawyers, academics, and activists. The group assessed model ethics ordinances and rules in many other cities before drafting its own proposal. Commented Professor Johnson: "At the heart of any city ethics code should be a prohibition--that you cannot use official conduct to further your own private financial gain."

Professor Johnson clerked for Judge Bernard Moyer of the New York Court of Appeals in 1979-80, and for Judge Thomas Fairchild of the Seventh Circuit in 1980-82. A full professor at St. Mary's since 1982, he has directed that school's Innsbruck program since 1989.

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## NEWS FROM THE LEGAL AID CLINIC

Fifty-five students are in the Legal Aid Clinic this semester, up from 36 in fall 1997. Ten of these are in immigration, 5 in the mediation clinic, and 9 in the law and poverty seminar.

Mandie Landrie, an undergraduate senior, is serving

in the Clinic as a Government Intern this semester, working on such diverse issues as automobile repossessions and informational programs for the Clinic's clients.

The Clinic took on 276 new cases in 1997, and closed 266. At present, the clinic has 289 open cases.

\*\*\*

## NEWS FROM THE FACULTY

Gerry Bradley testified before the Senate Subcommittee on the Constitution, Federalism, and Property Rights, on January 21. The hearing, chaired by Missouri Senator John Ashcroft, addressed "The 25th Anniversary of *Roe v. Wade*: The Test of Time."

\*\*\*

Sally Wright, the mother-in-law of Paolo Carozza, died on January 15 in Fresno, California, after having suffered a stroke three days earlier. In addition to her daughter Susan Carozza, Sally leaves behind her husband, two sons and four grandchildren.

Susan, Paolo and their family are grateful to the many members of the law-school community who have joined their prayers to those of the family, including in a service at St. Joseph Church in South Bend that coincided with the funeral mass in Fresno, and who have made contributions in Sally's memory to the Holy Spirit Catholic Church Building Fund (355 Champlain Drive, Fresno, CA 937230).

\*\*\*

On November 20, John Garvey discussed the President's race initiative with President Clinton, Vice President Gore, the Secretaries of Health and Human Services, Labor, and Education, and a number of American religious opinion leaders at the White House, in Washington, D.C.

John has been elected 1998-99 co-chair of the Section on Law and Religion of the Association of American Law Schools.

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Jimmy Gurulé published *Lewinsky Still May Not Testify*, in the February 19th edition of USA TODAY.

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On January 20, Cathy Kaveny appeared on the Cable television show "CNN & Company." The topic: "Is There a Need to Clone Human Beings?" Cathy appeared on the show from Washington, D.C., where she is spending the semester as a distinguished visiting professor at Georgetown Law School.

\*\*\*

In November, Doug Kmiec served as an invited commentator on the viability of neighborhood association and was the keynote speaker at a dinner honoring Attorney General Daniel Lungren of California, hosted by the Notre



Dame Clubs of Los Angeles and Orange County, Calif., in Long Beach, California. He also conducted a Bible Study on the Gospel of Matthew at Pepperdine University Law School.

In January, Doug was interviewed by the Associated Press on the constitutionality of allowing religious organizations to be grantees and program directors under recent welfare-reform legislation. He prepared a legal opinion for the Senate Judiciary Committee on legislation that would create new criminal liability for paparazzi-like events of the type that attended the death of Princess Diana and was an invited participant in the Liberty Fund Conference on Freedom and Federalism in Captiva Island, Florida.

Doug was an honored guest, along with Chief Justice William Rehnquist and Associate Justice Antonin Scalia, at the first-ever reunion of the former heads of the Office of Legal Counsel of the U.S. Department of Justice, in Washington, D.C., October 16.

Doug published Volumes I and II of AN INTRODUCTION TO THE HISTORY AND NATURE OF AMERICAN CONSTITUTIONAL LAW. Pepperdine University Press did the honors.

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Terry Phelps has been elected to complete the unexpired term of Eric Smithburn on the Faculty Committee on Promotions.

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Pat Schiltz published *Don't Leave Religion Out of the Classroom*, in U.S. CATHOLIC.

Pat also published *Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney*, in the MINNESOTA LAW REVIEW.

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Tom Shaffer published a review of Harry M. Clor's PUBLIC MORALITY AND LIBERAL SOCIETY: ESSAYS ON DECENCY, LAW, AND PORNOGRAPHY, in THEOLOGICAL STUDIES.

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On February 6, Jay Tidmarsh presided at a Faculty Colloquium. His topic: "Civil Law in the 21st Century." The event took place in the Civil Rights Reading Room and included lunch. John Garvey and Darlene Carlson organized the occasion.

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# NEWS FROM THE ALUMNI

Tom Ajamie, NDLS '85, has joined a new firm: Schirrmeister Ajamie, LLP, Pennzoil Place, South Tower, Suite 2150, 711 Louisiana, Houston, TX 77002.

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Michael P. Barnes, NDLS '73, has announced his candidacy for reelection as

Prosecuting Attorney for St. Joseph County. The announcement took place on February 18 at the Downtown Holiday Inn.

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Kathleen Gleason, NDLS '97, married Stuart Healy III, NDLS '96, in Portland, Oregon, on February 7. Both bride and groom did their undergraduate work, as well as their law work, at Notre Dame. She is employed by Davis & Cannon; he is employed by The Healey Law Firm. Both will reside in Sheridan, Wyoming, following a trip to Jekyll Island, Georgia.

\*\*\*

Tony Howard, NDLS '85, passed away February 22 of an apparent heart attack. He leaves behind his wife, Catherine (formerly Rayala--NDLS '86), and sons Will and Ted. Tony worked for the law firm of King & Spalding in Washington, D.C. at the time of his death. The wake took place February 25 at Joseph Gawler's Funeral home. The funeral followed on February 26, at the Blessed Sacrament Catholic Church in Washington.

\*\*\*

Bill Maledon, NDLS '72, represents the PGA in its defense of a lawsuit brought by Casey Martin. Martin, a disabled golfer and member of the Nike Tour, brought suit against the PGA Tour under the Americans



With Disabilities Act. The PGA Tour conducts the Nike Tour.

The former Stanford star sought a permanent injunction to allow him to ride a cart during the competition. Martin won a temporary injunction in November allowing him to ride during the PGA Tour Qualifying Tournament. He has thus far prevailed in later litigation, as well.

\*\*\*

John Martzell, NDLS '61 and a partner at Martzell & Bickford, in New Orleans, was recently featured in *Top Lawyers*, in NEW ORLEANS MAGAZINE. John did his undergraduate work at Notre Dame and, following law school, clerked in New Orleans for Judge J. Skelly Wright, the architect of Louisiana's racial- desegregation program. Commented Martzell: "We desegregated the street cars, the schools, the faculties." To say that Judge Wright was unpopular is, Martzell notes, "about the understatement of the year."

\*\*\*

When Margaret (Marlen) McKinney, NDLS '95, and John Bellaschi, NDLS '92, both formerly interns in our Legal Aid Clinic, were married, they asked their wedding guests to make donations to the Clinic in lieu of wedding gifts. That generous action generated over \$5,000 in contributions to the Clinic. Thanks to them both!

\*\*\*

Robert Melone, NDLS '84, has joined the law firm of Foley & Lardner in its Tampa, Florida, office. He will practice as special counsel in the real-estate group. He did his undergraduate work in liberal arts and sciences at the University of Illinois.

\*\*\*

Perry A. Napolitano, NDLS '89, has become a partner at Reed, Smith, Shaw & McClay, in Pittsburgh. Mr. Napolitano's commercial-litigation practice focuses on both individual and class actions in the insurance, banking, and securities industries, and on litigation of first-amendment and related media issues.

\*\*\*

Joseph Shannon, NDLS '85 and a partner at Jaffe, Raitt, Heuer & Weiss, in Detroit, was recently featured in an article, entitled *40 Under 40*, in CRAIN'S DETROIT BUSINESS. The article profiled forty of the most successful businesspeople under the age of forty in the entire Detroit area.

Mr. Shannon handles a high-profile caseload, including commercial cases, employment-law suits, traditional labor matters, and enforcement of judgments for large and mid-size corporate clients. He serves as a trustee for the Detroit Bar Association and is vice-chair of its circuit-court committee. Michigan Governor John Engler twice appointed him to the Department of Natural Resources

Site Review Board.

Mr. Shannon did his undergraduate work at the University of Southern California. He and his wife Claudia have three children: Kate, Joey and Meg.

\*\*\*

Jock Smith, NDLS '73, recently appeared on the "700 Club" television program. On the program, which reaches an audience of over one million viewers daily, Smith shared the vision for his "Scoring For Life!" ministry, a ministry designed to motivate youths to make sound life choices. He also shared with the viewers his extensive collection of sports memorabilia-- a collection that he says is the second-largest in existence. Jock did his undergraduate work at Tuskegee University. According to THE MONTGOMERY ADVERTISER, Smith "uses his courtroom experience, knowledge of sports and his Christian experience to promote to youngsters the importance of making value-driven decisions."

\*\*\*

Kathleen Zouhary, NDLS '76 and vice president and general counsel for St. Luke's Hospital in Maumee, Ohio, has been appointed to the Board of Trustees of Miami University of Ohio. She will serve the remainder of a term that expires next year. Ms. Zouhary did her undergraduate work in political science at Miami of Ohio.

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## THIS TIME I MEAN IT!

By Tex Dutile

I will turn over my old leaf:  
"I'll have the fries and a side of beef,"  
Cuisine . . . or food . . . or just mere grub;  
Chez Paul, or Rocco's . . . or the Club!  
To Mexican, I said, "Si, Si!"  
To French, I bellowed, "Oui" (and "Whee!").  
To stuff once labeled Soviet--  
I never managed to say "Nyet."

There is no food that makes me skittish--  
Once I even sampled British!  
The correlation of my mood  
To the imminence of food  
Does engender in me pain  
(Could someone pass that candy cane?)  
The deepest question facing me:  
Why limit daily meals to three?

But now to set this matter right,  
I'll eat no food not labeled "Lite."  
In re gastronomy I'll be wiser:  
Breakfast with no appetizer.  
I'll eat the salad--nothing more,  
Just dabbled with oil--what a bore.  
The beets I'll chew, the cream eschew.  
I'll drink skim milk, though it look blue.

I'll spurn the lift, crawl up the stairs,  
And hear my lungs wheeze out their cares.  
Two times a day I'll "tread the mill,"  
And thus watch time as it stands still.  
I'll jog each noon, and really far  
(Though if I'm rushed I'll use the car).  
I'll do the "yog-": both -a and -urt  
And pound my tummy 'til I hurt.

Among the oils, I'll choose the soy  
To help control avoidupois.  
My resolution must not slacken,  
And the fish I'll never blacken.  
I won't eat ice cream on the sly,  
I'll always boil and never fry.  
Another "diet of worms" I'll take  
Before I snarf just one more steak.

No mashed potatoes--nothing nice,  
Just eggplant with anemic rice.  
No coffee laced with heavy cream,  
No nights with Guinness or Jim Beam.  
There are, I'm sure, some things much better  
(Or gouda?) than a block of cheddar,  
Or nougat by the pound or ton.  
(But I, alas, can't think of *one*).

If I can duck all food illicit,  
Scales won't have to rue my visit.  
I'll run the mile in under four--  
And yes, that's minutes--nothing slow'r  
But will my pledge survive the night?  
Is not a late-night snack my right?  
And when my hunger pang awakes,  
Won't Danish trump those damned corn flakes?

Then lunch will bring a battle new:  
Eat cottage cheese or oyster stew?  
Will I resist the béarnaise,  
Or even plain old mayonnaise?  
Can ice cream yield to pale sorbet?  
And please this gour-, both -mand and -met?  
When countering my "sweets alerts,"  
Don't I deserve my "just desserts"?

I dread that I'll embrace my past,  
That my commitment just won't last.  
My resolutions seem less able  
When the menu hits the table.  
Indeed, these pledges oft come fast  
Upon my *ending* a repast.  
I know you'll understand my fears;  
I've just had pizza and three beers.