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NDLS Update

News from the Notre Dame Law School

Vol. VII, No. 5
January, 1998

TEX DUTILE
EDITOR

TWO VISITORS TEACHING AT NDLS

The Spring 1998 semester has brought two visiting professors to the Law School. Albert L. Clovis will teach one section of Secured Transactions and Commercial Law. Professor Clovis received his B.A. from Yale and his LL.B. from Harvard. He has taught at the University of Virginia, William & Mary, and Ohio State, where he is the Joseph S. Platt-Porter, Wright, Morris & Arthur Professor Emeritus. He has co-edited three casebooks on commercial law.

Raymond E. Gallagher will teach Sports Law and one section of Secured Transactions. Professor Gallagher earned his law degree from Fordham Law School, where he was a member of the Law Review. Before beginning his teaching career, he served as an Associate at White & Case in New York City. He has taught law at Catholic

University, Widener University and, most recently, Villanova.

DEAN APPOINTS COMMITTEES ON ADMISSIONS, PUBLIC- INTEREST LAW AND THE CURRICULUM

An Admissions Committee has been named to consider applications for the class entering in the Fall of 1998. Members of the committee: Anne Hamilton, Dwight King, Patricia Leonard, James McDonald, C.S.C., Bill McLean, Heather Moriconi, Charlie Rice, Jack Pratt, and Jay Tidmarsh. The committee will make recommendations on applications in light of the "wisdom and experience of this community and . . . an awareness of the issues surrounding law-school admissions in the United States at this time." Father Jim McDonald will chair the

committee. Half the members will serve one year and the other half two years in order to provide both rotation and continuity.

Dean Link has formed a faculty-student committee to study the status of public-interest law at Notre Dame Law School and to make recommendations toward the promotion of public-interest law. Among other things, the committee will consider the role of a public-interest coordinator; a public-interest resource center; a public-interest mentor program; campus interviews by public-interest organizations; public-interest seminars and panel discussions; membership in Pro Bono Students for America; public-service scholarship; public-interest summer fellowships; loan assistance/forgiveness programs; public-interest student groups; pro bono graduation requirements; pro bono service by the faculty; and public-interest internships-externships.

Father Jim McDonald

will chair the committee. Other members are: Patricia Leonard, Matt Barrett, Margaret McCaffery (2L), Cynthia Morgan (2L), and Stacy Soper (2L). The committee remains anxious to receive comments or suggestions.

Dean Link recently appointed a committee to review our curriculum and to make recommendations for changes to it. Members from the faculty are: Matt Barrett, Paolo Carozza, Jimmy Gurulé, and Jack Pratt. Student members are: Mark Kromkowski, Stephen Griesemer, Jessie Barrett, and Traci Griffith. Lucy Payne will serve as the Library's consultant to the Committee.

BLAKEY DEFEATS TOBACCO AGAIN

On January 16, the tobacco industry agreed to a record \$14 billion settlement with Texas, the industry's biggest setback yet in the face of a spate of lawsuits brought by state attorneys general against the industry. Affecting eight cigarette manufacturers, the civil settlement is the largest in United States history. As in Florida, Bob Blakey was the architect of the RICO complaint that formed the centerpiece of the State's litigation strategy, this time under federal RICO not state RICO. More than money was involved: The settlement envisions advertising restrictions and a campaign aimed at stopping underage smoking.

The industry had

promised to fight the Texas suit as one of the weakest brought against it. In the past few months, however, Bob redesigned the State's RICO complaint and urged the judge to bifurcate liability (the strongest part of the suit) and damages (the weakest part of the suit). The judge's acceptance of Bob's argument precipitated the final settlement. In addition, as Bob designed the complaint, it prayed for not only treble damages, but also disgorgement of illicit profits (sales to minors), and because the suit relied upon federal RICO, the industry ran the substantial risk that an adverse judgment would issue preclusion on liability in the other 47 states. (Florida and Mississippi had already settled.) The industry had little choice but to settle.

Congratulations, Bob!

KATHRYN ABRAMS SPEAKS AT NDLS

On January 23, Professor Kathryn Abrams, professor of law at Cornell, presented a Faculty Colloquium. Her topic: "How to Have a Culture War." Central to her discussion was the Oxford University Press publication, *BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW*, by Daniel A. Farber and Suzanna Sherry. John Garvey and Darlene Carlson did their usual good work in producing the event.

NDLS HOSTS RECEPTION AT AALS ANNUAL MEETING

On January 7, at the San Francisco Hilton and Towers Hotel, the Law School hosted a Breakfast Reception for Notre Dame alumni, friends and faculty. The event took place in connection with the 1998 annual meeting of the Association of American Law Schools. Dean Link welcomed the guests. The Law School Relations Office made arrangements.

WILBUR POLLARD, NDLS ALUM, DIES IN MISSOURI

Wilbur L. Pollard, NDLS '55, died on December 5 at Sunnyview Nursing Home in Trenton, Missouri. Memorial services took place at United Methodist Church in Trenton. Mr. Pollard earned his Bachelor of Science in Education degree, Bachelor of Arts degree, and Bachelor of Science degree from Northwest Missouri State University. He also earned an LL.M. from the University of Missouri-Kansas City. He was admitted to practice law in Missouri and Indiana, as well as before the United States Supreme Court and the Supreme Court of Missouri. He served as Assistant Attorney General of Missouri and was affiliated with four law firms, most recently Norton, Pollard and Norton.

Mr. Pollard had been involved in the cattle business for

over twenty-five years. A daughter, Beth Pollard French, of Ft. Lauderdale, Florida, two grandchildren, a brother, and two sisters survive him.

NEWS FROM THE LAW LIBRARY

Beth Klein has become Research Services Assistant in the Library, replacing Kimberly Lewis, who left on January 6. Beth earned her B.A. degree in Speech, Radio and Broadcasting, and her Master of Arts degree in Speech Communication, from the University of North Dakota. She brings to us several skills, having served as an assignment writer for newspapers; as public-relations coordinator for a state university; as an instructor of public speaking; and as a development director for non-profit institutions in education and health care. Most recently, since September 1996, Beth has served as Cataloging Assistant in our Technical Services Department.

NEWS FROM THE FACULTY

Judge Harry C. Dees, Jr., spoke at the Annual Bankruptcy Institute of the Indiana Continuing Legal Education Forum, in Indianapolis, December 18 and 19. His topic: "Article III Status For Bankruptcy Judges: Do They Need It To Do Their Jobs?"

Tex Dutille published *Law and Governance Affecting the Resolution of Academic and Disciplinary Disputes at Scottish Universities: An American Perspective*, in the **INDIANA INTERNATIONAL & COMPARATIVE LAW REVIEW**.

John Garvey was a featured author at the Kentucky Book Fair in Frankfort, Kentucky, November 22.

John published *What's Next After Separationism?*, in the **EMORY LAW JOURNAL**.

Alan Gunn published *Basis and the Bad-Debt Deduction* in **TAX NOTES**. He also published the 1997 **SUPPLEMENT TO CASES, TEXT AND PROBLEMS ON FEDERAL INCOME TAXATION**, a production of West Publishing.

On December 30, in the St. Joseph Medical Center, Kathryn Anne Moo, wife of long-time NDLS prof Paul Moo, died at the age of 81. Services took place on January 3 at Christ the King Catholic Church. Burial took place at St. Joseph Valley Memorial Park. Memorial contributions may be made in her memory to: Prison Fellowship Ministry, P.O. Box 97103, Washington, D.C. 20090-7103; or to Merce Home for Boys &

Girls, 1140 W. Jackson Blvd., Chicago, Illinois 60607.

Father John Pearson has been elected to represent the faculty in the AALS House of Delegates. Father's three-year term will expire in 2000.

Terry Phelps published "Syndrome Logic" of Donald Alexander Downs' **MORE THAN VICTIM: BATTERED WOMEN, THE SYNDROME SOCIETY AND THE LAW**, in **THE REVIEW OF POLITICS**.

Dan Pratt, son of Jack and Dottie Pratt, was featured in a large article—with color picture—in the January 12 edition of **THE SOUTH BEND TRIBUNE**. Dan had placed fifth in the North American Cup Competition during the previous weekend.

Eric Smithburn was recently appointed to membership on the Legal Education Conclave Action Committee of the Indiana State Bar Association. The committee grows out of the Conclave that Dean Link, Tom Shaffer and Eric attended last Spring. The eleven-member committee includes a representative from the faculty of each of the four Indiana Law Schools.

NEWS FROM THE ALUMNI

Robert Scott Cessar, NDLS '86, is one of two lawyers being considered for appointment as District Attorney of Allegheny County, Pennsylvania. Scott has worked in the White Collar Crime Section of the U.S. Attorney's Office since 1990. He earned his undergraduate degree at Dickinson College, where he was selected to Phi Beta Kappa. From 1986 to 1990, he served as a staff attorney for the Federal Deposit Insurance Corporation in Washington. Robert is married and has three children.

Tom Connick, NDLS '74 and a main partner in Boutwell & Connick, has received the 1998 Pro Bono Award for the 17th Judicial Circuit in Broward County, Florida. Among his pro-bono contributions, Tom became Chair of the Deerfield Beach Housing Authority in 1989, an Authority that has made significant improvement as a result of his work. Congratulations, Tom!

Daljit Doogal, NDLS '97, has become an associate in the business-services department of Miller, Canfield, Paddock & Stone, in Bloomfield Hills, Michigan. Daljit did his undergraduate work at the University of Michigan.

James D. Friedman, a partner at Quarles & Brady, in Milwaukee, has been nominated and is running for President-Elect of the State Bar of Wisconsin. The election will take place in February.

Mr. Friedman currently serves as an elected member of the Bar's Board of Governors. He also is a member of the Bar's Finance Committee, its Investment Subcommittee and its Strategic Planning Task Force.

He did his undergraduate work at Marquette, where he was selected the Outstanding Senior in the College of Liberal Arts. At Notre Dame, he served as Managing Editor of the NOTRE DAME LAW REVIEW.

Christina T. Henriques, NDLS '97, has joined Fraser, Trebilcock, Davis & Foster, in Lansing, Michigan, as an associate. Ms. Henriques will focus on litigation.

Philip E. Kalamaros, NDLS '87 and a member of the firm of Edward N. Kalamaros & Associates in South Bend, was elected to the Board of Directors of the Defense Trial Counsel of Indiana at its recent annual conference. The organization, made up of civil-defense attorneys in Indiana, promotes excellence in civil litigation and supports the administration of justice in the courts and through mediation.

Lee Korzan, NDLS '87, and Wendell Davis, Jr., NDLS '93, have become shareholders of Dixon, Wright & Associates in South Bend. They will focus their practice on commercial transactions and civil litigation.

Patrick Van Tiflin, NDLS '76, has become a partner at Honigman, Miller, Schwartz and Cohn in Detroit. Patrick has nationwide recognition as an expert in local and Michigan taxation law.

Katheryne Zelenock, NDLS '91 and a partner at Simpson Zelenock in Birmingham, Michigan, published a piece entitled *Contingent Returns as Interest for Purposes of Usury*, in the November 1997 edition of the MICHIGAN BAR JOURNAL. Our readers will remember that a generous annual grant from Simpson Zelenock makes possible the complimentary distribution of NDLS UPDATE to recent NDLS grads.

MISCELLANY

The NDLS Christmas Party took place on December 23 in the Law School Lounge. Food and drink, as well as good cheer, pervaded the occasion, which was enjoyed by both faculty and staff.