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NDLS Update 01/2003-02/2003

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NDLS Update

News from the Notre Dame Law School

January-February 2003

KITTY HOYE, EDITOR
KELLEY COLLINS, DESIGNER

Gurulé Returns to NDLS

Professor Jimmy Gurulé has returned to the Law School after serving as undersecretary for enforcement in the U.S. Treasury Department since August 2001. Professor Gurulé announced his resignation from the Treasury in a letter to President Bush stating, "I am extremely grateful for the opportunity to serve your administration, the Department of the Treasury, and the American people during the difficult and challenging times following the terrorist attacks of September 11, 2001."

As undersecretary for enforcement, Professor Gurulé had oversight responsibilities for the U.S. Customs Service, the Secret Service, the Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center. He was also in charge of the Financial Crimes Enforcement Network, the Office for Asset Forfeiture and the Office of Foreign Assets Control.

While at the Treasury Department, Professor Gurulé was a key leader in the implementation of President Bush's financial war on terrorism, working to find, disrupt and dismantle terrorist financial networks around the world. Under his leadership, the Treasury Office of Enforcement designated 257 global terrorists groups and individuals and blocked over \$125 million in terrorist funds. "Jimmy Gurulé is one of the most distinguished law enforcement officials and law professors in the country," said Acting Treasury Secretary Kenneth Dam. "His talents and leadership proved invaluable for the Treasury Department and the United States government as he helped shape and lead our campaign against terrorism. It has been a great privilege to work with him and this Administration is grateful for the contributions he has made to the nation."

Welcome back Professor Gurulé!



Faculty Notes

Joe Bauer was a featured speaker in a national teleseminar presented on January 27, 2003, by the American Bar Association's Section on Antitrust Law on "Navigating the Robinson-Patman Act: A Map for the Antitrust Counselor."

Tricia Bellia recently published "Executive Power in Youngstown's Shadows" 19 Constitutional Commentary 87 (2002).

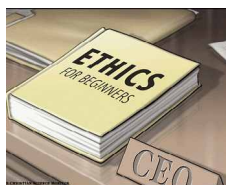
G. Robert Blakey recently published with Brian Murray '97, '00J.D., "Threats, Free Speech, and Jurisprudence of The Federal Criminal Law, 2002 BYU Law Rev. pp. 829-1130. Professor Blakey recently returned from a two day conference in Belfast, Ireland, on organized crime in Northern Ireland. He spoke on the reforms carried out in the USA in the 1970's and 1980's to strengthen the legal means of dealing with organized crime and possible reforms in administration and law in the UK.

Rick Garnett, presented "What's Next After Zelman?," a talk about the issues that remain to be resolved after the Supreme Court's school-choice decision, February 3, 2003 at the University of Oklahoma School of Law.



Jimmy Gurule' was the featured speaker at the 2003 Annual International Law Symposium on "Global Business in Times of Terror," sponsored by the McGeorge School of Law, the ABA, and American Jewish Committee held February 22, 2003. Professor Gurule' was speaking on a panel on "Unfunding Terror." Additionally, he also participated in the Fordham Debate, February 27, 2003, sponsored by the University of Utah School of Law. The issue for debate was whether the global war on terrorism requires Americans to surrender certain civil liberties. In other words, in order to wage a successful campaign against terrorism, must Americans surrender certain privacy rights and other civil liberties.

William Hoyer gave the following talks during February, 2003. "Bringing Legal Ethics Back into Corporate Governance" at the ACLI Insurances and the Law Seminar, San Antonio,



Texas. He gave the plenary talk "Evaluating our Response to the Events of September 11," "Changes in Law & Policy Throughout the University," and "Tort Liability Update" at the 24th Annual National Conference on Law and Higher Education, Clearwater, Florida. While at the conference, he was presented with the Outstanding Presenter Award for his talks at the 2002 conference.

John Nagle published, The Law of Biodiversity and Ecosystem Management (Foundation Press 2002) (with J.B. Ruhl). He recently published, Textualism's Exceptions, Issues in Legal Scholarship, Dynamic Statutory Interpretation, Article 15.

<http://www.bepress.com/ils/iss3/art15> 2002); Choosing the Judges Who Choose the President, 30 Capital University Law Review 499 (2002). He presented a paper on Christianity and environmental law, at the Christian Legal Society National Convention, Savannah, Georgia, November 2002. He also presented a paper on the solution to pollution at the Loyola University (Chicago) Law School, October 2002, and a paper on the definition of pollution at the University of Georgia Law School, September 2002.

Robert Rhodes published "On the Vocation of a Benedictine Oblate" in the December 2002 edition of the American Benedictine Review.

Tom Shaffer gave the keynote address at the conference "Religious Values and Poverty Law: Clients, Lawyers, and Communities," at Fordham University in New York City, January 31, 2003. His talk was entitled "Lawyers as Prophets." Professor Shaffer also gave a paper on the preferential option for the poor at the annual conference of the Law Professors' Christian Fellowship, January 4, 2002, at the Catholic University of America in Washington, DC. Across town that same day, he gave a paper on the virtue of friendship in legal counseling during the annual meeting of the AALS Section on Professional Responsibility.

Jay Tidmarsh published "Agent Orange Heads to the Supreme Court" in Jusrist, an online legal education magazine, at <http://jurist.law.pitt.edu/forum/forumnew81.php> (December 2002)

Law School Hiring

The Law School has openings for instructors to teach legal writing to first-year students. The instruction begins with a two-credit course in the fall semester and continues with a two-credit course in the spring. Instructors will be expected to teach two class hours each week and to have regular office hours for one-on-one conferences with students. With time for reviewing assignments included, the position will require approximately twenty hours a week. Each instructor will be responsible for approximately twenty students. Compensation will be \$10,000 for the academic year. Requirements include a J.D., or similar advanced degree; experience teaching legal writing is preferable.

Candidates interested in applying should submit a statement of interest, a current resume, and the names of three references to: Associate Dean Walter F. Pratt, Jr., Notre Dame Law School, P. O. Box R, Notre Dame, Indiana 46556-0780.

Notre Dame is an Equal Opportunity/Affirmative Action Employer.



Prayers

Please continue to keep Barbara Link, wife of Dean Emeritus Dave Link '58, '61J.D. in your prayers as she recovers from recent surgery. Barbara Link's surgery, which took five hours, was "long and complicated." Nonetheless, Barbara came through very well and the surgeon, Dr. Method, reported that he was able to do "all

that he wanted to do" during that surgery.

Law School Briefs

The Law School Fellowship Weekend took place February 20-22, 2003. Organized by the Admissions Office, but with significant involvement of current students, faculty, and alumni, this three-day program is now in its sixth year. Fellowship Weekend is designed to facilitate the enrollment of admitted candidates who promise to be the academic leaders of the Class of 2006. Fellowship Weekend provides prospective students with the opportunity to meet with a cross section of students, faculty, and alumni in a variety of formal and informal settings. Fellowship Weekend begins with attendance at the Moot Court Showcase Argument on Thursday afternoon.

Staff News

Gail Peshel, Director of Career Services, was the featured speaker at two presentations at the recent NALP Newer Professionals Conference held January 30 - February 1, 2003 in San Antonio, Texas. Gail's talks "Management Foundations for Career Services Professionals" and "Alumni Counseling" were part of the conference held to educate newer members of the career services profession.

Class Notes

1970s and 1980s

Jerry Ross, '77 M.S., '78 J.D., a partner with Pillsbury Winthrop has moved from the firm's San Francisco office to its new office in Houston. Ross has been with Pillsbury Winthrop for 25 years focusing on environmental law.

Patrick A. Salvi, '78 J.D., the managing partner of Salvi, Schostok & Pritchard P.C. in Waukegan, Illinois, has been selected as one of the leading lawyers in Illinois by the Law Bulletin Publishing Company for his work in general personal injury law and professional malpractice law.

Richard M. Goehler, '82 J.D., has been elected to the Executive Committee of Frost Brown Todd in Cincinnati, Ohio, where he currently serves as a partner. Goehler focuses his work in the areas of First Amendment, media and advertising law, and general business and commercial litigation.

Robert H. Kurnick, Jr., '86 J.D., was named President of Penske Corporation and was

elected to the Board of Directors. He has worked for the Penske Corporation since 1995.

Howard Mulligan, '88 J.D., has been appointed counsel to Dewey Ballantine LLP in New York City. He is an attorney in the Structured Finance Group.

Nicola Pisano, '80, '89 J.D., has been named a partner in the Luce, Forward, Hamilton & Scripps Carmel Valley-San Diego office where he works on intellectual property litigation, counseling and prosecution.

1990s and 2000s

Kathleen (Sullivan) Kerrigan, '90 J.D., has been named a partner in Baker & Hostetler's D.C. office where she practices in the litigation group.

Elizabeth A. Wolford '92 J.D., a partner in the Rochester firm of Wolford & Leclair LLP has been named Outstanding Young Lawyer of the Year by the New York State Bar Association's Young Lawyers Section.

Charles S. Hegarty, '93 J.D., has been named a partner with Bodman, Longley & Dahling LLP's Detroit office specializing in civil litigation.

Richard t. McCaulley, Jr., '94 J.D., has been selected for the Board of Directors of McAndrews, Held & Malloy, Ltd. McCaulley has been with the firm for ten years and focuses on complex patent, trademark and antitrust litigation.

Cathy Pieronek, '84, '95 J.D., had a letter to the editor, "The Role Elitism Plays in Affirmative Action" published in the Chronicle of Higher Education, Chronicle Review, January 24, 2003.

Joe Byrne '97 J.D., writes that he is an associate with Mayer, Brown, Rowe & Maw in Los Angeles, working in their government practice. This move came after four years as a policy consultant and counsel to the Speaker with the California State Legislature.

Jon Hwang '97 J.D., has moved from the Los Angeles office of KPMG to their Tokyo office where he is responsible for international transactions.

Sharon M. Ryan '98 J.D. reports that she is now with the Law Offices of Paul S. Moore in Nashua, NH, where she focuses on family law and probate.

Jesse M. Barrett '96, '99 J.D., has become an associate with Barnes & Thornburg in South Bend.

Claudio Lins de Vasconcelos '99 LL.M., has been appointed Chief Counsel of the Roberto



Marinho Foundation in Brazil.

Perry K. DeLay '00 J.D., has joined Hangley, Aronchick, Segal & Pudlin in Philadelphia.

Jason H. Schauer '00 J.D., writes that he is now with Stanislaw-Ashbaugh LLP in Seattle where he works in construction and real estate litigation.

Matthew C. Gladwell '02 J.D., has joined the law firm of Coolidge, Wall, Womsley & Lombard Co. in Dayton where he practices in the area of commercial real estate law.

Scott D. Harvey '02 J.D., has become an associate with Barnes & Thornburg in South Bend practicing business, tax and real estate law.

Michael J. Hays '02 J.D., has become an associate with Barnes & Thornburg in South Bend where he will join their litigation group.

Matthew T. Nelson '02 J.D., has joined the Grand Rapids office of Warner Norcross & Judd LLP as an associate.

Matt Anderson from the Class of 2002 writes:

"I thought I should let you know about a classmate of mine who is making a real contribution to his community. He's too modest to tell you about what he did, but fortunately I am not. A few weeks ago, Tony Mendoza '02, organized a disaster relief fund raiser in his home town of Austin, TX, for victims of the recent Mexico earthquake. By all accounts it was a smashing success. Tony never told any of his friends about all the hard work he put into organizing this event. He simply mentioned the fundraiser in an email and asked if any of us would be willing to make a contribution. I think Tony deserves some recognition for giving so selflessly to a worthy cause."

In Memoriam

James L. O'Brien, '50 J.D., of East Princeton, New Jersey, died on August 27, 2002.

Murray C. Campbell, '67 passed away January 17, 2003. Mr. Campbell had been a partner at the Niles, Michigan firm of Stone, Campbell and Hoffelder since graduating from NDLS. He

was a prominent member of the Michigan Bar as well as a leader in the Niles community. Professor Tom Shaffer noted that Mr. Campbell was “a terrific man” and outstanding lawyer.

Bring on the Babies!

Paul and Anne (Malarkey) McLaughlin, '97 J.D., announce the birth of their daughter, Eleanor Malarkey McLaughlin on August 3, 2002.

Jim and Renee (Flickinger) Howard '99 J.D., announce the birth of a baby girl named Abigail Grace on December 3, 2002.

Perry K. DeLay '00 J.D., announces the birth of identical twins girls, Sophie and Zoe on October 28, 2002.



Student Notes

Second-year students studying in London, Elizabeth Holden, Keith Massey, Billie Jo Taylor, Benjamin Tschann, and Jennifer Macnak, placed third in the British Jessup International Moot Court Competition held earlier this semester.

The 53rd Annual Showcase Argument was held February 20th, in the Norman C. Barry Courtroom. The case, Cathy Smith v. Davins, Attorney General of the State of Calizonia, was heard by Judges José Cabranes, James Gray Carr and William H. Baughman. The advocates for the petitioner were Laura Leslie, of Sonora, California and Jeffery Perconte, of Arlington Heights, Illinois. The advocates for the respondent were Lisa Marie Jarmicki, of Asbury, New Jersey and Mark Juba, of Lancaster, Pennsylvania. The Moot Court Appellate Advisors were Adjunct Assistant Professor Robert J. Palmer, and Adjunct Assistant Professor Edward A. Sullivan.

A Note From Judy Fox . . . On February 15, 2003, Notre Dame hosted the ABA Client Counseling Competition for region 7. Twelve teams from 8 different law schools competed all day Saturday. I want to congratulate our team - James Murray and Mary Blazek, both 2Ls, - for the tremendous job they did. James and Mary tied for second place in the initial round. The top 2 teams go on to the final round to compete for the honor of representing region 7 at the national competition at Stetson in March. Because of the tie, we had 3 teams competing in the final round. Although we were ultimately beaten by a talented team from Valparaiso, we are encouraged by the fact that this was the very same team that we beat last year to advance to the Nationals. Mary and Jim will be back next year, hopefully to regain the honor! I would also like to thank the many people who worked so hard to help make this competition possible, specifically Jennifer Ihns and Harriet Baldwin. In addition, I'd like to thank the wonderful volunteers from the SBA, my - as always - wonderful clinical students, the graduate students in Irish studies and the English department who played clients, students from Siiri Scott's advanced acting class who played clients, and the other law students who responded to our plea for help and volunteered to give up their Saturday. They made this successful competition possible.

Recent Speakers

The Olin Distinguished Lecture Series sponsored by the Natural Law Institute, was host to Francis Cardinal George, Archbishop of Chicago, on January 30, 2003. Cardinal George spoke on the topic "Law and Culture."

The Appellate Moot Court Board sponsored the talk "Appellate Advocacy and the Supreme Court" by Sidley Austin Brown & Wood attorney Carter G. Phillips, one of the nation's leading appellate practice attorneys, on February 20, 2003.

The Federalist Society was host to a symposium on Law and Human Dignity, February 21-22, 2003. A panel discussion held Friday evening and moderated by Ninth Circuit Judge Diarmuid O'Scannlain, entitled "Technology, Ethics and Human Dignity," featured panelist Maura Ryan, associate professor to theology at Notre Dame, Richard Epstein of the University of Chicago Law School; and David Hyman of the University of Maryland School of Law. Other symposium topics for included, "Crime, Punishment and the Concept of Human Dignity," "Religious Freedom and Human Dignity," "Theories of Welfare," and "International Law and Human Dignity."