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## NDLS Update 03/1997

Notre Dame Law School

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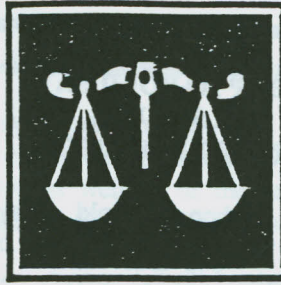
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# NDLS Update

News from the Notre Dame Law School

Vol. 6, No. 8  
March, 1997

TEX DUTILE  
EDITOR

## JOHN "CHIEF" BRODERICK DIES

The NDLS community lost a legend on February 28: John "Chief" Broderick passed away in a South Bend hospital following an illness. "Chief," as virtually everyone called him, served on the Notre Dame faculty for 29 years, from 1947 to 1976. While at NDLS, he also served as Assistant Dean for several years. After leaving Notre Dame, Chief joined the faculty at Campbell University, where he spent ten years, and was designated Distinguished Professor Emeritus there in 1986. Chief taught many courses, including civil procedure, evidence, labor law, alternative dispute resolution, and torts.

A member of Phi Beta Kappa, he served as President of Notre Dame's chapter. He was a member of the ABA sections on international law, labor law, outer-space law, and

education law. He also was a member of the Indiana Criminal Justice Agency from 1969 through 1976.

Born in 1910, Chief earned his A.B. at Washington & Lee University in 1932. His LL.B. came from St. John's University in 1936. He added the M.P.A. in 1953, at New York University. Admitted to the New York bar in 1936, he practiced law with Pross, Smith & Halpern in New York City and, later, practiced as a sole practitioner in Yonkers. He served in the Navy during World War II.

A graveside service was conducted on March 6. Fr. Mark Fitzgerald, C.S.C., presided. Fr. Edmund Joyce, C.S.C., former Executive Vice President of the University, gave remarks, as did Mary Louise Kennedy, Jack's daughter. A reception followed at the Broderick home.

Jack is survived by his wife Louise and his daughter Mary. The family has asked that memorial contributions be made to the Humane Society of St. Joseph

County, 2506 Liberty Drive,  
Mishawaka, IN 46545.

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## UNIVERSITY OFFICERS APPROVE FUNDING FOR CCHR

On February 18, the Officers of the University approved continued funding for the Center for Civil and Human Rights. During its first six years of operation, the core programming of the Center was supported by two successive grants from the Ford Foundation. Those grants were given with the understanding that the University would provide funding for the continuation of the program. The Officers approved the appropriation of funds sufficient to continue the current operation of the Center until an endowment for the Center is secured. The interim funding being provided by the University recognizes the important work being done by the



Center and the contribution that work makes to the mission of the University.

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**JUDGE LIPSCOMB,  
NDLS ALUM, GIVEN  
REYNOLDS AWARD**

Judge Willie G. Lipscomb, Jr., NDLS '75, has been selected by the Notre Dame National Alumni Board of Directors to receive the 1997 William D. Reynolds Award. This award goes annually to a graduate working with youth for the betterment of the quality of life. It will be presented to Judge Lipscomb during the half-time ceremonies of the Blue and Gold game on April 26. A small informal luncheon honoring Judge Lipscomb will take place at the University Club.

Judge Lipscomb, a highly regarded judge in the 36<sup>th</sup> District in Detroit, pioneered a handgun-violence intervention program aimed at convincing young men to lay down their weapons and find a different kind of life. The DETROIT NEWS named Judge Lipscomb one of its "Michiganians of the Year" for 1995. The next issue of the NOTRE DAME LAWYER will carry an "Alumni Profile" on Judge Lipscomb, written by Cathy Pieronek, Associate Director of Law School Relations.

Congratulations,  
Judge!

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**BISHOP HAROLD RAY,  
NDLS ALUM,  
HONORED IN FLORIDA**

Bishop Harold Ray, NDLS '81 and senior pastor of Redemptive Life Fellowship, was one of two West Palm Beach, Florida, civic leaders honored February 26 with the state's first African American Achievement Awards. Bishop Ray chairs the W.I.N. Community Development Corporation, which conducts mentorship and business training for inner-city youth. He also serves on the boards of the Comprehensive Alcohol Rehabilitation Network and the American Lung Association of South Florida.

\*\*\*

**GEORGE RICE,  
NDLS ALUM,  
HONORED AS  
VOLUNTEER**

George Rice, NDLS '69 and a partner at Bennett, Pape, Rice & Schure, in Rockville Centre, New York, received the St. Charles Hospital and Rehabilitation Center's 1996 Theodore Roosevelt Award for Outstanding Volunteer and Humanitarian Effort. George, who joined the hospital's board of trustees in 1988 and served as its chair from 1994 through 1996, led the hospital through its major modernization project and the development of the "Strategic Alliances." This work included the formulation of the Catholic Health Care Network of Long Island and the joint venture between St. Charles and Mather

Hospitals.

For twenty years, George served on an admissions committee for mentally retarded adults run by Catholic Charities. He and his wife, Pam, have been married for thirty years and have three daughters: Erin, Kara and Darby.

George did his undergraduate work at Niagara University. In his spare time, he swims and relaxes with his family at their cabana off Long Island Sound.

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**JOHN MOWBRAY,  
NDLS ALUM AND  
NEVADA JURIST, DIES.**

John Mowbray, NDLS '49 and a long-time member of the Nevada Supreme Court, died March 5 at a Las Vegas hospital at the age of 78. He had fought diabetes-related illnesses for several weeks. His funeral services, at which hundreds mourned him, took place March 8 at Guardian Angel Cathedral in Las Vegas.

Born in Bradford, Illinois, he served in the U.S. Army Air Corps for five years, leaving the military with the rank of major. As a result of his military training for World War II, Justice Mowbray spoke fluent Japanese. At Notre Dame, he met his wife, Kathlyn. He started his legal career in the Clark County District Attorney's Office.

His thirty-three years on the bench included twenty-five years on the Supreme Court and eight years as a Clark County



District Court Judge. He fought for the underprivileged and inspired the decision to allow cameras in Nevada courtrooms.

Justice Mowbray was credited with the establishment in 1966 of Clark County's (Nevada) first public-defender office; the taming of a court caseload that had run amok; and the passage of the state's first child-abuse law. His family provided the land for the creation of Bishop Gorman High School and for the Home of the Good Shepherd, a refuge for young women.

He and Kathryn had four sons, including John, NDLS '76, and Jerry, NDLS '78. Memorial donations should be made to the John C. Mowbray Memorial Scholarship Fund at Bishop Gorman High School, 1801 S. Maryland Parkway, Las Vegas, Nevada 89104; or to a scholarship fund for Nevada students to attend the University of Notre Dame, in care of the Notre Dame Club of Las Vegas, P.O. Box 16010, Las Vegas, Nevada 89101.

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#### **PROMINENT CLEVELAND ALUM DIES**

Richard Miller, NDLS '55 and managing partner of Miller & Miller in Cleveland, died of cancer March 15 at Cleveland Clinic Hospital. He was 65. Richard was part-owner of the Cleveland Indians from 1972 to 1985. He was the

largest shareholder of the Cleveland Cavaliers from 1970 to 1985, as well as of the minor-league Cleveland Crusaders Hockey team during the 1970s. President of both Cleveland Broadcasting and of Miller Broadcasting, he owned and operated eleven radio stations from 1966 to 1987. He did his undergraduate work at Notre Dame, as well. He and his father, Ray, mayor of Cleveland from 1930 to 1932, founded the Cleveland Law Firm of Miller & Miller.

Richard is survived by his wife, Ernestine; two sons, James and William; daughters Sue Anne Dress, Elizabeth Seth, and Judith Miller; ten grandchildren; two brothers; and two sisters.

\*\*\*

#### **MISCELLANY**

Kevin Hansen has been elected Editor-In-Chief of Volume 73 of the NOTRE DAME LAW REVIEW.

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On March 26, in the NDLS Courtroom, Helen Alvare, the spokeswoman for the U.S.C.C.'s Secretariat for Pro-Life Activities, gave a talk entitled, "Women, Abortion and Authentic Freedom."

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

Justice Louise Arbour, prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), has written to the John D. and Catherine T. MacArthur Foundation to express gratitude for its sponsorship of the Notre Dame ICTY Law Clerk Program. Said Justice Arbour: "It continues to be a most successful initiative, which has certainly benefitted my office, and the young lawyers who have been fortunate enough to be funded by your organization. All of these law clerks have produced outstanding work, and I have only received very positive reports from their supervisors." Justice Arbour strongly encouraged the Foundation to renew the grant through the 1997-98 fiscal year in order to prevent "a great loss to both my office and the law clerks concerned."

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#### **NEWS FROM THE LEGAL AID CLINIC**

Eileen and Pat Doran announce the arrival of their new son, Brian Thomas. Brian weighed in at seven pounds, twelve ounces, at birth on March 11. Brian arrived at the Dorans' home on March 13. Sister Colleen and brother Kevin, and of course the proud parents, are very happy with the new addition. Congratulations!



# NEWS FROM THE FACULTY

Matt Barrett was appointed to a three-year term on the Committee on Audit and Association Investment Policy for the Association of American Law Schools.

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Joe Bauer published a "Cumulative Supplement" for each of volumes 1 through 10 of KINTNER & BAUER, FEDERAL ANTITRUST LAW.

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Former NDLS prof Frank Beytagh published CONSTITUTIONALISM IN CONTEMPORARY IRELAND.

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Bob Blakey gave a lecture on March 20 on "Property Sanctions: Legislative Solutions to the Control of Organized Crime," at the Nathanson Center for the Study of Organized Crime and Corruption, Osgoode Hall Law School, York University, in Ontario. Bob also participated in a seminar on March 22 at the Center for Civil and Human Rights. His topic: "RICO's Possible Application to International Violations of Human Rights."

THE AMERICAN CRIMINAL LAW REVIEW devoted its entire Twenty-Fifth Anniversary Issue to *Reflections on Reaves v. Ernst & Young*, Bob's 357-page article in the

REVIEW's 1996 Special Edition.

Bob recently did a guest stint on "Cochran & Grace," where he discussed James Earl Ray's request for a new trial in connection with the assassination of Dr. Martin Luther King, Jr. Bob thought it a waste of time to give Ray "another day in court."

\*\*\*

Louise Broderick, Jack's widow, has moved from her South Bend home. Her current address: C/O Mary Kennedy, 603 Kilburn Road, Wilmington, Delaware 19803. Her current phone: (302) 478-8210. Louise does plan to move into her own home fairly soon, but will live with her daughter until then.

\*\*\*

Tex Dutile was the featured speaker at the Academic Excellence Awards Dinner on March 18, in the Monogram Room of the Joyce Center. His topic: "The Three Challenges of Excellence." Sponsored by the Office of Academic Services for Student Athletes, the Dinner honors members of Notre Dame's varsity teams who have excelled academically, as well.

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Barbara Fick published REVIEW AND ASSESSMENT OF COLLECTIVE LABOR LAW IN EIGHT CENTRAL EUROPEAN COUNTRIES. She also published *The Scope of Employer Liability for Employee Exposure to a Hazardous Substance: No Harm, No Foul?* in PREVIEW OF UNITED STATES

SUPREME COURT CASES.

Barbara also presented a lecture, entitled "Sexual Harassment in the Medical Profession," to residents and interns at St. Mary's Community Hospital in South Bend on February 20.

\*\*\*

Jimmy Gurulé published a piece entitled, "U.S. - Mexico Political Gamesmanship Jeopardizes Lives of U.S. Drug Agents," in the February 27 issue of the CHICAGO TRIBUNE. As a federal prosecutor in Los Angeles, Jimmy was responsible for directing the criminal investigation into the 1985 kidnapping and murder in Mexico of Drug Enforcement Agent Enrique Camarena Salazar.

\*\*\*

Dean Link has announced that Bill Kelley has decided to return to law practice with Sidley & Austin in Washington, D.C. All of us at NDLS wish Bill and his family all the best.

Bill published *Simpson Jury Conflicts Explained*, in the February 28 edition of the SOUTH BEND TRIBUNE.

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On March 7, Doug Kmiec debated Professor Daniel R. Mandelker of Washington University of St. Louis Law School on "Regulatory Takings and Affordable Housing." The program took place at the



Bloustein School of Planning and Public Policy in New Brunswick, New Jersey. Bloustein and the Rutgers Law School--Newark co-sponsored the event.

\*\*\*

The Provost has appointed Don Kommers to a search committee in connection with the appointment of a new Director of the Helen Kellogg Institute for International Studies. Father Tim Scully chairs the committee.

Don has been elected to the Board of Directors of the U.S. Association of Constitutional Law, a group committed to the study of comparative constitutional law. The group, headed by Norman Dorsen, includes Shirley Abrahamson, Drew Days, Charles Fried, Gerald Gunther, and William Van Alstyne. Three Justices of the United States Supreme Court are Honorary Members.

Don leaves March 11 for a six-month stint in Germany. He will be a guest of the Heidelberg University Law Faculty and a research fellow at the Max Planck Institute of Comparative and International Public Law in Heidelberg.

\*\*\*

Dean Link's daughter, Maureen Favorite, and his son-in-law, Mike Favorite, are the proud parents of a new baby girl named Helen Therese. Helen weighed eight pounds, four ounces, when born (at home).

## NEWS FROM THE STAFF

Mary Cowser's brother-in-law, Jack Cowser, passed away on March 2. Funeral services were held on March 5 at Bubb's Funeral Chapel in Mishawaka. Please keep Mary and her family in your prayers and thoughts.

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## NEWS FROM THE ALUMNI

Father Bill Beauchamp, C.S.C., NDLS '75 and Executive Vice President of the University of Notre Dame, published a review of GAMES COLLEGES PLAY--SCANDAL AND REFORM IN INTERCOLLEGIATE ATHLETICS (by John R. Thelin), in the JOURNAL OF COLLEGE AND UNIVERSITY LAW.

\*\*\*

Jason C. Brino, NDLS '94, has joined the law firm of Niles, Barton & Wilmer, in Baltimore.

\*\*\*

W. Scott Hardy, NDLS '96, has joined Meyer, Unkovic & Scott in Pittsburgh. He will work in the firm's litigation section. He did his undergraduate work at Allegheny College.

\*\*\*

Maureen O. Hurley, NDLS '81, has been named senior vice-president for legal and communications at Rich Products Corporation. In that capacity, Maureen, who did her undergraduate work at the University of New Hampshire, takes responsibility for directing Rich's communication group and brand-management initiatives.

\*\*\*

Ralph Litzenberger, NDLS '69, is seeking a second term as a district justice in Pennsylvania. His district covers Forks & Palmer townships and Tatamy. Ralph did his undergraduate work at Villanova.

\*\*\*

Nicholas J. Meagher, NDLS '39, died in Denver on March 7 at the age of 80. Born in 1916, in San Diego, Mr. Meagher was graduated from the University of Utah prior to coming to NDLS. His service in the Army during World War II took him to India, Burma and China. He attained the rank of captain and was decorated. He worked as a banker in Utah and in Colorado. Civic affairs in his home town of Vernal, Utah, occupied much of his time.

Services took place on March 14 at Cathedral of the Madeleine in Salt Lake City. His wife, Dale Anne Dacier; a son, Nicholas III; a sister; and a grandson survive him.

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Jody Hilger Odell, NDLS '95, has become an associate at Barnes & Thornburg's South Bend office. Jody previously had served as a law clerk to Judge Kenneth F. Ripple.

\*\*\*

Martin Oelz, a 1995 graduate of the LL.M. program at NDLS, has been appointed Assistant Lecturer in the Department of International Law and International Relations at the University of Innsbruck. His article, "Non-governmental Organizations in Regional Human Rights Systems," will be published in the COLUMBIA HUMAN RIGHTS LAW REVIEW. Martin has completed two internships—one at the International Human Rights Law Institute at DePaul University College of Law and the other at the United Nations High Commissioner/Centre for Human Rights—subsequent to his graduation from Notre Dame. The Centre for Civil and Human Rights and the Federal Ministry of Research and Science of Austria sponsored these internships.

\*\*\*

Thomas J. Reed, NDLS '69 and a prof at Widener since 1981, published *The Futile Fifth Step: Compulsory Disclosure of Confidential Communications among Alcoholics Anonymous Members*, in the ST. JOHN'S LAW REVIEW.

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Brendan Rielly, NDLS '96, has joined the litigation-practice group of Jensen, Baird, Gardner & Henry in Portland, Oregon.

\*\*\*

James F. Smith, NDLS '89, has become a member of the firm of Clausen Miller in Chicago.

\*\*\*

Arthur A. Vogel, Jr., NDLS '79 and a partner at Quarles & Brady in Milwaukee, has been selected for inclusion in THE BEST LAWYERS IN AMERICA. Arthur, who did his undergraduate work at Northwestern, was recognized for his Environmental-Law Practice.

\*\*\*

Kurt D. Weaver, NDLS '87, has been named a partner at Kelley McCann & Livingstone in Cleveland. His practice focuses on litigation and on public and employment law. He is assistant law director for the City of Independence and deputy solicitor for the Village of Bratenahl. Kurt, who joined the firm in 1991, was graduated from Hillsdale College.

\*\*\*

Joe Treanor, NDLS '84, has long been one of the most loyal participants in programs of the Career Services Office. He has often driven all night—from Wyoming one year, Buffalo another—in order to keep his appointments with our students. This year, his call to insure a date for interviews came on his way to Kuwait. "I'll be in a tent in Kuwait for the next three months and I want to make sure I reserve a date to be at N.D."

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The Olin Foundation has made a \$100,000 grant to the AMERICAN JOURNAL OF JURISPRUDENCE.

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