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NDLS Update

News from the Notre Dame Law School

Vol. VIII, No. 7
March, 1999

TEX DUTILE
EDITOR

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The NDLS Update thanks **Simpson Zelenock**, of Birmingham, Michigan, for underwriting the distribution of this newsletter to all recent (five years) NDLS graduates. Kathy Zelenock is a 1991 graduate of the Law School.

**JUAN MENDEZ APPOINTED
DIRECTOR OF
CIVIL RIGHTS CENTER**

Juan E. Méndez, executive director of the Inter-American Institute of Human Rights in San Jose, Costa Rica, has been

appointed director of the University of Notre Dame Law School's Center for Civil and Human Rights.

Méndez received his law degree from Stella Maris University in Mar del Plata in 1970 and for five years practiced labor law and defended political prisoners. During Argentina's military dictatorship, from 1976-83, he was twice imprisoned for his political and professional activities. He was adopted by Amnesty International as a "Prisoner of Conscience" in 1976.

After his release, Méndez moved to the United States and soon acquired a wide reputation as a leading international human-rights lawyer. From 1982-88, he directed the Washington, D.C., office of Americas Watch, a human-rights organization principally concerned with Latin- American nations. He was executive director of Americas Watch from 1989-94, leaving that position to become general counsel for Human Rights Watch in New York from 1994-96. He has directed the Inter-American Institute of Human Rights since then.

Méndez has taught and lectured at the Aspen Institute, Georgetown University, Johns Hopkins University and Oxford. He also was a fellow of Notre Dame's Kellogg Institute for International Studies during the 1996 fall semester. He has written numerous articles on international human-rights law for a wide variety of scholarly journals and several opinion pieces in the New York Times, the Los Angeles Times and the Miami Herald.

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NDLA ELECTION RESULTS ANNOUNCED

Cathy Pieronek, Director of Law School Relations, has announced the results of the 1999 election for regional representatives on the Board of Directors of the Notre Dame Law Association. These individuals will take office on July 1, 1999, for a three-year term ending June 30, 2002. Each person is eligible to be re-elected to a three-year term. The winners: Brian Bates, NDLS '86 (Region 2); Paul J. Meyer, NDLS '87 (Region 3); Eugene Smary, NDLS '75 (Region 7); Hon. Alfred "Jim" Lechner, Jr., NDLS '72 (Region 10); David M. Barrett, Notre Dame undergrad '59 (Region 12); and Scott T. Beall, NDLS '89 (Region 13/14). Also taking office under one-year terms expiring on June 30, 2000, are President Rich Catenacci, NDLS '65; and President-Elect Tom Curtin, NDLS '68.

Jim Gillece, NDLS '69 and current president of the board, Carl Eiberger, NDLS '54, Bob Krause, NDLS '66, and Lee Piovarcy, Notre Dame undergrad '63, chose not to run for re-election to the board. They will be offered life membership in the board's Executive Advisory Committee, whose members have voting privileges at NDLA meetings.

Congratulations to all!

* * *

PAT McCARTAN TO RECEIVE HONORARY DEGREE

The University has announced that Patrick F. McCartan, NDLS '59 and managing partner of Jones, Day, Reavis & Pogue, will receive an honorary degree at the May Commencement. A loyal alum of both the undergraduate and law schools here, Mr. McCartan has been a trustee of the University since 1989. He has been very active in the Law School's activities, including service as Chair of the campaign for the St. Thomas More Society. Congratulations, Pat!

* * *

WINFRIED BRUGGER**TO SPEAK AT NDLS**

Winfried Brugger, professor of law at the University of Heidelberg and visiting prof at Georgetown, will preside over a Human Rights Roundtable in the Civil Rights Reading Room on Thursday, April 1, at 3:15 p.m. The topic: "May a Government Ever Torture? Two Answers from German Law." Discussion and refreshments will follow.

* * *

NEWS FROM THE**LEGAL AID CLINIC**

Sr. Deborah Cerullo has been appointed co-chair of the Consumer Protection Regional Advisory Council of the Indiana Attorney General's Office. Its purpose is to better inform and protect consumers, especially senior and other vulnerable citizens, through outreach initiatives and legislative proposals.

* * *

NEWS FROM THE**FACULTY**

Matt Barrett published, with David R. Herwitz, a fifty-eight page 1998-99 Special Update to Accounting for Lawyers.

Matt has been appointed Chair of the Committee on Audit and Association Investment Policy, Association of American Law Schools.

* * *

Joe Bauer made an invited presentation at a faculty colloquium on the topic "The Erie Doctrine Revisited: Does A Conflicts Perspective Aid The Analysis?", at Quinnipiac College School of Law, Hamden, Connecticut, on January 29.

On February 12 Joe Bauer spoke on "The Microsoft Antitrust Trial: What's It All About?" The Business Law Forum sponsored the event, including the pizza.

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On March 4-5, the Criminal Justice Section of the American Bar Association sponsored its 13th Annual National Institute on White Collar Crime at The Westin St. Francis Hotel in San Francisco. Over 200 people attended. Bob Blakey moderated one of the panels at the Institute, entitled "RICO: Conflicting Criminal and Civil Decisions."

On March 18, United States District Judge Raymond Jackson of the Eastern District of Virginia certified a class in a federal racketeering suit that Bob designed for the Trial Lawyers for Public Justice. The class comprises 2,500

consumers who, according to the Complaint, were targeted in a scam to sell used cars to poor people and then repossess them, cheating the buyers out of their equity in their cars. Bob has had to handle (successfully) two appeals to the Fourth Circuit to keep the litigation on track. The case, Bob notes, has been pending for almost six years: "It looks like it is going to give Dickens' Bleak House a run for its length of time."

On February 25, Judge Harold Ackerman of the District of New Jersey lifted the trusteeship that he had imposed, after a 51-day trial, on Local 560 of the Teamsters in New Jersey. The trusteeship, imposed on Local 560 under RICO in February of 1984 in an effort to rid the local of the influence of the Genovese organized-crime family, was lifted after a finding that the union's members had finally regained control of their union. In the proceedings Bob was credited for developing the idea of using trusteeships to rid unions of mob influence.

* * *

On March 8, Gerry Bradley discussed the Apostolic letter *Ex Corde Ecclesiae* in a lecture sponsored by Notre Dame's chapter of the Knights of Columbus.

* * *

John Garvey delivered a lecture entitled "Religious Authority and Academic Freedom," at Georgetown University Law Center on March 16.

* * *

Jimmy Gurulé published *Does the CCE Statute Require Juror Unanimity on the Specific Predicate Drug Offenses?*, in Preview of U.S. Supreme Court Cases.

* * *

Bill Hoyer published *Court Litigation in Higher Education: A Review of the 1997 Judicial Decisions*, in The Journal of College and University Law.

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Roger Jacobs was a member of the ABA Accreditation Inspection Team that visited Chapman University School of Law in Anaheim, California, October 18-21.

* * *

Doug Kniec published *Statistical Sampling and the Census—You Can Count on Me, But Will You?*, in Preview of U.S. Supreme Court Cases.

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On March 2, Dean David Link appeared before an Indiana Senate Committee in support of a bill providing for the abolition of the death penalty in Indiana. After a five-hour session, the panel voted eight-four against the bill.

* * *

On February 22, Father Jim McDonald made a presentation entitled "The Jubilee and Community: A Celebration of Hope, Freedom and Responsibility," as part of a Parish Retreat at Christ The King, in South Bend.

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Terry Phelps published *Gender and The Reasonableness Standard In Sexual Harassment Cases*, in the Notre Dame Journal of Law, Ethics and Public Policy.

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On March 25, at NDLS, John Robinson gave a lecture entitled "Saving The Constitutional Order from the Courts: The Case of Physician Assisted Suicide." Notre Dame's Right to Life sponsored the event. Lunch was served.

John Robinson will participate in a panel discussion titled "Making Health Care Better: Medical, Ethical, Legal and Policy Perspectives." Sponsored by the South Bend Center for Medical Education, the discussion will take place on April 6 in DeBartolo Hall on campus.

* * *

Pat Schiltz was quoted in the February 2 edition of The Wall Street Journal about the attempts of large law firms to improve their retention rates by paying cash bonuses to associates. Pat expressed skepticism that the bonuses would work, given that most associates do not leave because they are dissatisfied with their salaries, but because they are dissatisfied with the nature and, especially, the amount of their work.

Pat spoke on "Restoration To Ministry: The Legal Implications," at the annual conference of the Bishops of the Evangelical Lutheran Church in America, in Tucson, on March 5.

* * *

The Fellows of Wolfson College Oxford have elected Eric Smithburn a Visiting Faculty Fellow for the Spring 2000 Semester. Eric will spend that Semester at Oxford, working on a new Comparative Family Law book.

On March 14-17, Eric taught on the faculty of the National Institute for Trial Advocacy at the Mid-Central Regional

Advocacy Program. The event, attended by fifty trial lawyers from ten states, took place at Indiana University School of Law.

On March 21-24, Eric presented lectures at the National Conference on Juvenile Justice, in Minneapolis. His topics: "Termination of Parental Rights: Issues for the New Millennium," and "International Child Abduction and the Hague Convention: What You Need to Know."

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NEWS FROM

THE STAFF

Deb Fox of the library staff has been elected vice-president of the Staff Advisory Council of the University. The Council was formed four years ago to provide a forum for representatives to discuss staff concerns with university officials. Deb has served for several years as the elected representative from the Law School to the Council.

* * *

Dana Ruth has left the Dean's Office in order to begin a home-cleaning business. Good luck, Dana, and thanks!

* * *

NEWS FROM

THE ALUMNI

Jim Bohan, NDLS '90, has written a book entitled *The House of Atreus: Abortion as a Human Rights Issue*. Praeger Publishers produced the volume.

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Melissa C. Brown, NDLS '97 and an associate at Jenner & Block in Chicago, recently conducted a workshop entitled "Good Writing is Good Business," for a Chicago group called Women Employed. Women Employed, a non-profit organization, works to promote women's economic status and career development. Ms. Brown's workshop teaches essential business-writing skills.

* * *

Art C. Cody, NDLS '96 and an Associate at Fish & Neave, in New York City, and his wife Stacy announce the birth of Patrick Shane Cody on February 16. Weighing in at nine pounds, three ounces, Patrick joins big sisters Jen and Emily.

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Kathleen Cox, NDLS '79, and a litigator and partner at Venable Baetjer & Howard, in Baltimore, has been named to the Circuit Court bench in Maryland.

* * *

Robert W. Cox, NDLS '62, long-time Chair of the NDLS Advisory Council, and former Managing Partner of Baker & McKenzie, has been named to the Board of Directors of HomeBase. Mr. Cox resides with his wife, Pat, in Scottsdale, Arizona. With headquarters in Irving, California, HomeBase operates 84 home-improvement warehouses in ten Western states.

* * *

Thomas E. Foley, NDLS '40, died on March 6 at St. Joseph's Regional Medical Center. Mr. Foley served as a Navy Lieutenant in the Pacific Theater during World War II. In 1989, he retired from the Foley Adjustment Bureau. Mr. Foley was Past-President of the National Association of Independent Insurance Adjusters and of the Logan Center. His funeral Mass took place in St. Matthews Cathedral on March 9, with Bishop Joseph R. Crowley and Father Dermot Gahan officiating. Surviving Mr. Foley are his wife of fifty-eight years, Dora Belle, two sons, and three grandchildren.

* * *

Jeffrey Fitzgerald, NDLS '97 and an associate at Jones, Day, Reavis & Pogue, Washington, D.C., has recently published two articles: *Health Care Providers Encounter the Civil False Claims Act*, in *The Colorado Lawyer*; and *Key Issues in Defending Civil Investigative Demands Under the False Claims Act* (co-authored with James J. Graham), in *A National Institute on the Civil False Claims Act and Qui Tam Enforcement*. The American Bar Association published the work.

* * *

Obie Media has made Susan Haddad, NDLS '93, its new corporate counsel at the company's headquarters in Eugene, Oregon.

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Richard L. Hill, NDLS '72, has been reappointed managing partner of the South Bend and Elkhart offices of Baker & Daniels. Mr. Hill, a former city attorney for South Bend, practices in the areas of municipal law/tax-exempt finance, business planning, education law and health care.

* * *

The Chicago Daily Law Bulletin recently featured a front-page picture of John J. Jiganti, NDLS '64, a partner at Madden, Jiganti, Moore & Sinars, in Chicago, and former president of the Chicago Bar Association. In the picture, Mr Jiganti was flanked by his daughter-in-law, Jennifer L. Keegan, NDLS '98, and his son, Mel R. Jiganti, also NDLS '98; Jennifer and Mel held bar-admission certificates they had just received during their admission ceremonies conducted at Chicago's McCormick Place.

Jenny works with Mayer, Brown & Platt and Mel with Chapman & Cutler, both Chicago firms. Dad writes that he "still practices with all Notre Dame partners (undergraduate or law) and is greatly relieved that tuitions are over."

* * *

Russ Lloyd, NDLS '61, served two years as a popular mayor of Evansville, Indiana. On March 19, 1980, a mentally ill Evansville woman, upset with city officials and under the impression that Mr. Lloyd was still mayor, fatally shot him after a brief argument in his dining room. Now, nineteen years later, his son, Russell Lloyd, Jr., is himself running for mayor of Evansville.

* * *

On May 18, Ronda Mascaro, wife of Dan Mascaro, NDLS '88, died after a year-long battle against breast cancer. Lucy Payne attended the funeral, which took place on March 21. Our thoughts and prayers are with the Mascaro family. Home address: 21375 Sydenham Rd., Shaker Heights, Ohio 44122-2935.

* * *

Eileen P. (McDermott) Taylor, NDLS '84 and a former partner at Kilpatrick Stockton, in Charlotte, North Carolina, has become a partner at Mayer, Brown & Platt's Charlotte office.

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Christopher M. Neronha, NDLS '91, has become engaged to Monica A. Gaboriault. They will marry in June.

* * *

Arthur A. Vogel, Jr., NDLS '79 and a partner at Quarles & Brady in Milwaukee, has been chosen for inclusion in the eighth edition of The Best Lawyers in America (1999-2000). The publication contains the names of lawyers in 25 legal specialties, representing communities both large and small throughout the United States. Mr. Vogel was recognized for his Environmental practice.

* * *

MISCELLANY

Jay Tidmarsh, Tex Dutile, and Paul Simo, a candidate for the LL.M. in the Center for Civil and Human Rights, participated in a panel discussion entitled "The U.S. Justice System: The Death Penalty in Question." The discussion took place following a showing of the film "Behind These Walls: Mumia Abu-Jamal and the Long Struggle For Freedom." The event, part of Black History Month Film Series, took place in DeBartolo Hall on February 17.

On February 24, at St. Mary's College, Tex participated in another panel on the death penalty, this one examining the relationship of the penalty to religious faith. Jan Pilarski, Jay Tidmarsh's wife, chaired the panel.

* * *

On March 1, the staff of The Journal of College and University Law elected Neesha Singh as Editor in Chief for the 1999-2000 academic year. Neesha is a *magna cum laude* graduate of Wellesley College in Massachusetts. She worked as a litigation paralegal in New York City and Boston after graduation and before her first year at Notre Dame Law School.

Ms. Singh has appointed Eushuk Andrew Hong as the Executive Editor for the Journal during her administration. Andrew holds his degree in Human Biology from Stanford, and worked as an AIDS researcher in Palo Alto, before coming to Notre Dame Law School.

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The faculty has added to the curriculum a course entitled, "Canon Law: Basic Principles." Proposed by Father Reggie Whitt, the course examines the nature, history and function of law in the Catholic Church by presenting an overview of the norms provided in the 1983 Code of Canon Law concerning general norms, the rights and obligations of the Christian faithful and ecclesiastical structures, the teaching *munus* of the Catholic Church and temporal goods.

* * *

Joseph Raz, Professor of the Philosophy of Law at Oxford, delivered a lecture at NDLS on March 24. His topic: "Disagreement in Politics."

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