

3-1-2003

## NDLS Update 03/2003-04/2003

Notre Dame Law School

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### Recommended Citation

Notre Dame Law School, "NDLS Update 03/2003-04/2003" (2003). *NDLS Updates*. Paper 60.  
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# NDLS Update

News from the Notre Dame Law School

Spring 2003

KITTY HOYE, EDITOR  
KELLEY COLLINS, DESIGNER

## Ralph Nader Visits NDLS

Consumer advocate Ralph Nader delivered a lecture entitled "Legislating Corporate Ethics" on March 26, 2003. A reception for law school faculty and students followed in the student lounge where Mr. Nader greeted the law school community and autographed books for well wishers. Mr. Nader has played a central role in numerous consumer issues. He and the organizations he has founded have been responsible for eight major federal consumer protection laws, including the Safe Drinking Water Act; the creation of federal regulatory agencies such as the Occupational Safety and Health Administration, Environmental Protection Agency and Consumer Product Safety Administration; and greater access to government through the passage of the Freedom of Information Act in 1974. Nader, who was the Green Party candidate for President in 2000, earned his bachelor's degree from Princeton in 1955 and his law degree from Harvard in 1958.



## White Center Symposia

The Thomas J. White Center on Law & Government and the Journal of Law, Ethics & Public Policy sponsor two symposia each year on topics that correspond to each journal issue. The first of the two events "Bioethics: Can Regulations 'Stem' Scientific Progress?" was held March 24, 2003. Speakers engaged in an in-depth analysis of the federal government's attempts to stop human cloning and embryonic stem cell research. Participants included Clarke D. Forsythe, President, Americans United for Life; Dr. Nathan A. Adams, IV, Chief Litigation Counsel for the Christian Legal Society; and Dr. Maureen Condic, Assistant Professor of Neurobiology and Anatomy, University of Utah. Moderator for the event was Associate Dean John Robinson. The second event "Religion in Public Schools?: Debating Creation, Evolution, and

"Intelligent Design" was held April 15, 2003. Speakers for this event included, NDLS Professor Gerry Bradley; Professor Kent Greenawalt, Columbia Law School; and Associate Professor Steven Green, Willamette University College of Law and Special Counsel, Americans United for Separation of Church and State. Moderator for the event was Associate Professor Rick Garnett.

### Natural Law Institute Conference

Several of the world's leading philosophers were on campus April 10-11, 2003 to discuss the question "Law's Moral Foundations: Has it Any?" during a conference sponsored by the Natural Law Institute. The conference opened with a keynote address by Joseph Raz, Philosophy of Law Professor, University of Oxford and Fellow of Balliol College, Oxford. Other speakers included Jude Chua Soo-Meng, National University of Singapore and Center for Philosophy of Religion at Notre Dame; Timothy Endicott, Fellow in Law at Balliol College, University of Oxford; M.H. Kramer, Professor of Legal and Political Philosophy, University of Cambridge; and Brian Leiter, Joseph D. Jamail Centennial Chair in Law, University of Texas. The conference concluded with the annual Natural Law Lecture, this year given by John M. Finnis.

### Faculty News

Matthew Barrett gave a presentation entitled "Enron, Accounting, and Lawyers (After the recent scandals and the Sarbanes-Oxley Act of 2002)" during the Sorin Society Recognition Weekend on March 1, 2003. He was also inducted into the Notre Dame chapter of Phi Beta Kappa as an alumnus member on April 1, 2003.

Joseph P. Bauer published Volume II of Kintner's Federal Antitrust Law treatise, with William H. Page (Anderson Publishing, 2002). The subject of this volume: *Practices Prohibited by the Sherman Act*.

Lisa Casey gave a presentation to attorneys at Barnes & Thornburg on March 3 entitled, "The SEC's New Regulations for Lawyers Representing Public Companies."

Father Malloy re-appointed Tex Dutille, NDLS '65, to a three-year term as Chair of Notre Dame's Faculty Board on Athletics and as the University's NCAA Faculty Athletics Representative.

On March 1, Tex delivered a talk entitled, "The Problems and Challenges of Intercollegiate Athletics," at a luncheon forming part of the Alumni Association's "Florida Fling," in Palm Beach, Florida. The "Florida Fling" is an annual spring reunion for Notre Dame alumni who received their degrees at least fifty years ago and for alums of all ages who live in Florida. Father Hesburgh was the Fling's dinner speaker.

On March 7, Tex spoke at a UND-night dinner sponsored by the Notre Dame Club of Kokomo, Indiana. Tex also delivered a UND-night talk to the Notre Dame Club of New Hampshire, on April 12, at Rivier College, Nashua, New Hampshire. The topic both nights: "Academics and Athletics at Notre Dame."

Barbara Fick published, *Musical Courts: Plaintiff Picks a Court but Can Defendant Trump the Choice? An Analysis of Breuer v. Jim's Concrete of Brevard*, 6 Preview of United States Supreme Court Cases 338 (March 21, 2003).

Rick Garnett presented a paper, "The Blaine Amendments and the Purpose of Education," at a conference sponsored by the Pew Forum on Religion and Public Life and The First Amendment Law Review, at the University of North Carolina School of Law, on March 28, 2003. He presented a talk to the St. Thomas More Society, on April 2, on the recent "Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life." On April 10-12, he served as the invited commentator at a conference sponsored by the Brookings Institute and held in London, on "Regulating Choice to Promote Civic Values: What Can the U.S. Learn from the Experience of Other Nations?"

Jimmy Gurulé was recently honored for his service as Under Secretary of the Treasury for Enforcement with the Treasury Medal by John W. Snow, Secretary of the Treasury. He traveled to London the week of April 14th for a week of speaking engagements. He spoke at an anti-money-laundering conference sponsored by the Central Banking Publications of senior central bank regulators. He also spoke at a roundtable sponsored by the Centre for the Study of Financial Innovation, an independent think-tank based in London, formed to stimulate research into the future of the financial services industry, and to provide a neutral meeting ground for financial practitioners to share ideas. He lectured before the British Institute on International and Comparative Law on terrorist financing. Finally, he spoke at the Notre Dame Law Centre on "Unfunding Terror: The Financial War Against Al Qaeda."

Cathy Kaveny was elected to the editorial board of the Journal of Religious Ethics.

William P. Hoye presented "Bringing Legal Ethics Back into Corporate Governance" at the ACLI Insurance and Law Seminar, February 4, 2003.

Roger F. Jacobs was asked to consult with the University of Dayton Law School on law library staffing and collection development issues. He recently accompanied Dean O'Hara, Associate Dean Jack Pratt, and Law School administrator Cathy Roemer, to the ABA conference on law school architecture held at Suffolk Law School in Boston, March 19-22, 2003. Visits to view the Harvard and Boston College library renovations were included in the program.

Juan Méndez, along with co-author Javier Mariezcurrena, CCHR Transitional Justice Project Manager, recently published a book review of Priscilla Hayner's Unspeakable Truths: Facing the Challenge of Truth Commissions (Routledge, NY, 2002) in the Human

Rights Quarterly, Vol. 25, No. 1 February 2003, pp. 237-256.

Thomas E. Plank recently published *Federalism and Bankruptcy* in 71 Fordham Law Review 1063-1131 (2002).

John H. Robinson, co-authored with Roberta M. Berry, *Unraveling the Codes: The Dialectic Between Knowledge of the Moral Person and Knowledge of the Genetic Person in Criminal Law*, chapter 14 of Mutating Concepts, Evolving Disciplines: Genetics, Medicine, and Society 75 (Kluwer Academic Publishers, 2002). He also facilitated a discussion on Legal Issues Confronting Private Colleges and Universities at the 24<sup>th</sup> Annual National Conference on Law and Higher Education, sponsored by Stetson University College of Law, February 16-18, 2003.

Dinah Shelton, At the annual meeting of the American Society of International Law, April 2-6, 2003, Dinah Shelton was elected to one of the Society's highest offices, Counselor of the Society. She also was one of five persons elected to the Board of Editors of the American Journal of International Law, the premier scholarly publication in the field. Last month, Professor Shelton was among a group of experts who conducted a training seminar for the United Nations Institute for Training and Research in Kushiro, Japan. The session addressed issues of protecting marine living resources and was addressed to government officials from the Asia-Pacific region. Following the Kushiro Workshop, Professor Shelton delivered a paper at a conference on international and domestic legal responses to September 11. The conference was sponsored by and held at the University of Sussex, England. In January, Professor Shelton was sent by the U.S. State Department to assist universities in Ecuador develop teaching materials for courses in human rights.

Eric Smithburn co-authored with Ann-Carol Nash, Family Law - Children in Need of Services (West Group 2003). This is the third volume in the INDIANA FAMILY LAW series. He lectured on a variety of evidence topics at a program entitled, "Evidence in Juvenile and Family Court," at the University of Nevada, Reno, NV, September 2002. He returned to Reno in October to present several lectures on family law at a program entitled, "Advanced Family Law." Both programs were sponsored by the National Council of Juvenile and Family Court Judges. He was named to the National Association of Counsel for Children Juvenile Attorney Certification National Advisory Board, which will formulate national certification credentials for child welfare and juvenile justice attorneys. He was also recently named to membership in The Society of Legal Scholars (SLS), the learned society of legal academics in the United Kingdom and Ireland.

Barbara Szweda received this year's Distinguished Notre Dame Woman Recognition Award, by the Women's Resource Center, on April 14, 2003. The award recognizes the contributions of women who have served as outstanding role models for female students at ND. Barbara also traveled to Havana, Cuba, speaking to Catholic Church about human rights and the Catholic Church's involvement with the Cuban government. Her travels were a part of a class that she is teaching in the Theology Department, "From Power to Communion", she was accompanied by NDLS students Shannon Benbow, Julissa Robles, Sairah Saeed and Rebecca McCurdy.

### News From The Law Library

The Kresge Law library recently acquired cataloging records for some 85,000 microform titles and added these records to its electronic catalog, LINK. These titles, previously available only through print indexes, increased the total number of both print and non-print titles accessible through LINK to 190,000 titles ranking 36th among 187 law libraries nationally.

### News From The Legal Aid Clinic

Under the capable hands of Shannon Benbow, a 3L from Washington State, Barbara Szweda reports that after seven years, twice before the Board of Immigration Appeals and once in front of the Seventh Circuit, the court granted our client the relief he sought.

### Administrator & Staff Notes

Denise Sullivan, Senior Administrative Assistant to Dean Patricia O'Hara has accepted a new position with the University. Denise will be the senior administrative assistant to the Executive Director of the Center for Performing Arts. In a note announcing Denise's new position, Dean O'Hara commented "During the past three years, Denise has interacted with almost everyone in the building and has been the glue that holds my office together." We all wish Denise the best of luck in her new position.

Gail Peshel, Director of Career Services has recently been appointed to the National Association of Law Placement (NALP) Task Force charged with examining the organization's procedures and regulations regarding the "Guidelines for the Timing of Offers and Acceptances."

### Alumni Notes

#### *Marriages*

**Christy Brown '00** wrote to let us know of her marriage last summer, July 13, 2002, to Chris Dunn in Corsicana, TX. Other NDLS alums at the wedding were Karen Edmonson, Sarah Brite Evans and Chris Mugica all from the class of 2000.

#### *Births*

**Christine Gould Hamm '01** and husband, Michael, welcomed daughter, Lauren Olivia, on January 13, 2003. Lauren joins her big sister, Meredith Elise, who turned two years old on January 30.

*1950s*

Dana Devoe, '59 has been named to the Struass Corporation board of trustees. The Struass Corporation is a subsidiary of St. Joseph Healthcare Foundation in Bangor, Maine. Now a retired lawyer, Mr. Devoe practiced law in Bangor from 1959-2001. He also served in the Maine House of Representatives from 1977-78 and in the Maine Senate from 1979-80. Before his retirement, he also served as a member and chairman of the Orono appeals board and on the Orono Town Council from 1992-1998.

*1960s*

Timothy J. Malloy, '66 BS, '69 J.D. a partner with McAndrews, Held & Malloy, Ltd., was lead counsel on a case that was recently featured in the March 2003 edition of *Intellectual Property Today*. The case, *Advanced Cardiovascular Systems Inc. v Medtronic AVE* was featured as one of the "top ten for all time" damage awards in intellectual property cases. The damage award was in excess of \$166 million.

*1970s*

Dennis Owens, '75 has received the Judge James A. Moore Award presented by the Lawyers Association of Kansas City. The award is presented to an area judge or attorney who "exemplifies generosity of spirit and deep concern for others and one who has truly made a difference in the life of others." The citation mentions Mr. Owens' many volunteer activities, as well as his extensive efforts with the bar and pro bono appellate work for the poor and disadvantaged.

Patrick T. Duerr, '76 a partner in the corporate department Honigman Miller Schwartz and Cohn LLP, Detroit, has been named in the tenth edition of *The Best Lawyers in America*. Mr. Duerr has been recognized in the last two published editions as a top practitioner in the area of corporate law.

Richard Powers, Jr. '77 a partner in the Washington, DC office of Dorsey and Whitney, has been elected to a three-year term as a member of the Gonzaga University Board of Regents.

Jerry Ross '77 M.S., '78 J.D. a partner with Pillsbury Winthrop, LLP has relocated from the firm's San Francisco office to their new office in Houston, TX. He has practiced environmental law for 25 years with a focus on environmental litigation and serves as co-chair of the firm's global energy group.

*1980s****In Memoriam***

Please remember these members of the Notre Dame family in your prayers.

John F. O'Donnell, '75, '78 J.D. of Dallas, Texas, died March 28, 2003

Hugh McGuire, '58, '60 J.D. of Troy, Michigan, died April 15, 2003

Robert R. Bruce, '80, '83 J.D. has joined the Chicago office of Barnes & Thornburg as Of Counsel. He will practice in the firm's labor and employment law department. Prior to joining Barnes & Thornburg, he was Vice President, Labor and Employment Law Counsel for The Servicemaster Company.

Mark A. Byrne, '84 has formed his own law firm – Byrne & Nixon, LLP – in Los Angeles, California.

Amy Ronayne Krause, '87 has been appointed to the District 54-A bench in Lansing, Michigan. Formerly with the Attorney General's Office, she was appointed to the bench by Governor Jennifer Granholm.

Mark Mullineaux, '84 has joined Flamm Boroff & Bacine, Blue Bell, PA where he will practice intellectual property litigation.

Cathy Pieronek '84, '95 J.D. Director of the Women's Engineering Program at Notre Dame, was selected by ND's Club Coordination Council as advisor of the year for 2002-03 in the academic clubs division for her work with the student chapter of the Society of Women Engineers.

Nicola Pisano '89 has left Fishe & Neave in Palo Alto to join Luce, Forward, Hamilton & Scripps as a partner in their Carmel Valle-San Diego office where he will focus on IP litigation.

Lisa L. Swem, '88 has been named to the Board of Directors for the National Council of School Attorneys. She will soon begin serving a term as President of the Michigan Council of School Attorneys.

### *1990s*

Christopher Eager '92 teaches history and geography at Holy Cross Middle School in Kansas City, and was selected as one of 45 Catholic school educators to attend "Bearing Witness: Anti-Semitism, the Holocaust and Contemporary Issues" a program sponsored by the Anti-Defamation League, the US Holocaust Memorial Museum and the US Conference of Catholic Bishops. During the week long conference, Mr. Eager was selected as a "Nathans Scholar" thereby giving him additional grant funding to implement programs based on the Bearing Witness model.

Kathleen Kerrigan, '99 has been named partner at Baker & Hostetler, Washington, DC., where she is a member of the federal policy practice group.

Bryan W. Kopman, '95 has been elected partner at Chicago's Rooks Pitts where he practices in the area of medical malpractice, construction, premises liability and general tort litigation.

David Loglisci, '98 formerly a vice president in Solomon Smith Barney's investment banking division, has been named director of private equity investment of New York State Common Retirement Fund.



Colin J. Reilly, '98 has become a partner with Jones Obenchain, LLP in South Bend.

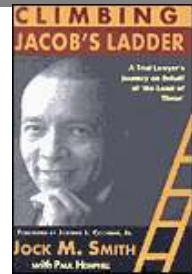
### 2000s

Christy Brown Dunn, '00 is now an Assistant District Attorney for Tarrant County Texas in Fort Worth, TX.

Sean McLaughlin, '02 has had an article published in the University of Memphis Law Review – *More Than Meets the Eye: President Bush's Faith-Based Initiative*, 33 U. Mem L. Rev. 41 (2002).

## Student Notes

The Black Law Student Association (BLSA) hosted their 30<sup>th</sup> annual BLSA weekend April 4-5. This year's BLSA alumni award went to Jock M. Smith, '73 J.D. a partner in the firm of Cochran, Cherry, Givins & Smith and author of the recently published book *Climbing Jacob's Ladder: A Trial Lawyer's Journey on Behalf of 'The Least of These'* (NewSouth Books).



Conor B. Dugan, a 3L from Grand Rapids, Michigan, received the Alumni Association's 2002 - 2003 Distinguished Graduate Student Award. Conor maintains a 3.64 GPA and is the recipient of the Kiley Law Fellowship as well as the Dean's Award for Excellence in con law, legal research and cyberlaw. He was recently selected as administrative editor of the Notre Dame Law Review and also serves as president of the St. Thomas More Society.

Andrea Bernica, a 3L from Denver, Colorado, ran in the Country Music Marathon, in Nashville, Tennessee, on April 26<sup>th</sup>. Andrea finished the grueling, hilly, course with a remarkable time of 4 hours and 3 minutes. Way to go Andrea!

### 2003-2004 Editors-in-Chiefs Have Been Selected!

Notre Dame Law Review ✍ Paul Ahern, South Bend, IN  
 Journal of College and University Law ✍ Ken Kleppel, Concord Township, OH  
 Journal of Legislation ✍ Eric Tamashasky, Cincinnati, OH  
 Journal of Law Ethics and Public Policy ✍ John Patelli

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