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NDLS Update 03/2001

Notre Dame Law School

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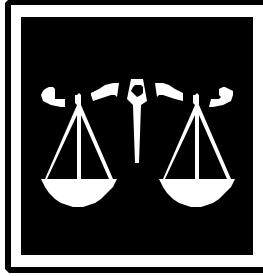


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NDLS Update

News from the Notre Dame Law School

Vol. X, No. 7
March, 2001

CATHY PIERONEK, EDITOR
KELLEY COLLINS, DESIGNER

Eileen Doran '86J.D. Honored

Eileen Doran '86J.D., co-director of the Notre Dame Legal Aid Clinic and associate professional specialist in law at NDLS, was honored by the Indiana Supreme Court in February for her long-standing service to the court's Indiana Pro Bono Commission. The court and the Indiana Bar Foundation appointed Eileen to the commission, which seeks to encourage *pro bono* civil legal work for the poor by Indiana attorneys, in 1998.

Faculty Resources

Faculty who have recently provided commentaries on current issues in the law include the following:

- , Steven Smith, Robert and Marion Short Professor of Law, believes that ***the Bush administration's faith-based service initiatives*** are constitutional.
- , Professor Dinah Shelton and Associate Professor Paolo Carozza, comment that the trial of two Libyans for ***the bombing of Pan Am Flight 103*** over Lockerbie, Scotland, in 1988, has helped create new guidelines for international law. They caution, however, that the specific circumstances of the case – in which a Scottish court assembled on a Dutch air base to try a case involving victims, prosecutors and defendants from various nations – are not likely to be repeated.
- , Assistant Patricia Bellia, notes that *Kyllo v. United States*, a case before the U.S. Supreme Court involving ***police use of new surveillance technology*** to find marijuana growing on the property of an Oregon man, forces the court to “confront pressing questions about the relationship between ***technology and privacy*** that go well beyond the use of thermal imaging devices.”

The complete text of these opinions may be found at the “NDLS News” section of the Law School’s web site, www.law.nd.edu. Other faculty experts may be found through the web site as well, using the “Faculty Experts” button at the top of the home page.

New Faculty

Dean Patricia A. O'Hara and the Faculty Appointments Committee have announced two new faculty members for the 2001-02 academic year, who will help strengthen offerings in the business and corporate law curriculum:

Lisa Casey, who will teach corporate and securities law, as well as in commercial law. She is currently a visiting professor at the University of Denver College of Law. She earned her B.A., with distinction, in economics and communication from Stanford University, where she was elected to membership in Phi Beta Kappa. She earned her J.D., with distinction, from the Stanford Law School, where she served as managing editor of the *STANFORD JOURNAL OF INTERNATIONAL LAW*.

Following law school, Professor Casey clerked for Hon. Sherman G. Finesilver, Chief Judge of the U.S. District Court for the District of Colorado, in Denver. For 11 years, she practiced law in Denver, focusing on corporate law, securities and commercial litigation. She chaired the Securities Law Section of the Colorado Bar Association and served as co-editor of *SECURITIES NEWS*, a quarterly magazine published by the ABA Security Litigation Section.

Professor Casey's husband Brian is also an attorney. They are the parents of twin girls.

Julian Velasco, who will teach corporate and securities law. He is currently an associate professor of law at the Hofstra University School of Law. He earned his undergraduate degree, *magna cum laude*, in finance, with minors in theology and philosophy, from Georgetown University. He earned his J.D. from Columbia University School of Law, where he served as an editor of the *COLUMBIA LAW REVIEW*.

Following law school, Professor Velasco clerked for Hon. Van Graafeiland on the U.S. Court of Appeals for the Second Circuit. For four years, he practiced law with Sullivan and Cromwell in New York City, where he focused on transactional work as a member of the firm's Corporate and Finance Group and Banking Group.

Professor Velasco's wife Jennifer is an analytical chemist.

News from the Center for Civil & Human Rights**Center Receives \$200,000 Grant from MacArthur Foundation**

The CCHR has received a \$200,000, three-year grant from the John D. and Catherine T. MacArthur Foundation, which has long supported the work of the center. The grant will help to fund a collaborative effort between the CCHR and the Center for Justice and International Law (CEJIL) to explore and expand the defense of economic, social and cultural rights (ESCR) in the inter-American human rights system. Long-standing judicial traditions have prioritized the protection of civil and political rights over the protection of economic, social and cultural rights, but the recent adoption of regional declarations of support for ESCR in conformity with international law have provided the impetus necessary to encourage the well developed inter-American human rights system to begin exploring appropriate means of protecting ESCR.

Three key points drive the project's focus on ESCR issues in Mexico: Mexico has a strong and active agenda for the protection of civil and political rights, but has not worked as intensively toward protecting ESCR. Mexico has accepted all of the major instruments of the inter-American human rights system. Third, the nation has a large and well organized human rights community that could begin effective work toward the protection of ESCR.

The CCHR and CEJIL will initiate the project with a conference, co-hosted with Mexican nongovernmental organizations, to identify appropriate precedent-setting cases. CEJIL will then work on two or three cases, seeing them through the negotiation and, if necessary, litigation process. At the conclusion of the project, the results will be discussed in a second conference. Ultimately, the CCHR and CEJIL hope that the effort will demonstrate the justiciability of ESCR cases.

Center Works Toward Release of American Citizens in Israel

Garth Meintjes '91LL.M., associate director of the CCHR, worked with the offices of U.S. Senator Richard Luger and U.S. Representative Tim Roemer, as well as with Partners for Peace, a Washington, D.C., organization that works to educate individuals about the Israeli-Palestinian conflict, to secure the return home of Katerina Araman and her daughter Sarah from the West Bank. Mrs. Araman, a naturalized American citizen and native of the West Bank, returned to her homeland with Sarah in January to attend her mother's funeral. Mrs. Araman and her brothers had been unable to secure the necessary paperwork – including a Palestinian passport and an exit visa – to return to the United States. They had received their passports, but the Israeli government apparently stalled on issuing exit visas even though all are American citizens. By Friday, March 2, however, the paperwork was completed and all returned home safely. Both Mrs. Araman and her husband are employed in University Security/Police.

Garth has had the opportunity to comment on the case to the local news media, including to the SOUTH BEND TRIBUNE on February 24, 2001, and to WSBT-TV on February 26, 2001.

Faculty Notes

Bob Blakey commented on the use of the RICO statutes against recently pardoned fugitive Marc Rich in a front-page story in the February 12, 2001, edition of the SOUTH BEND TRIBUNE. Bob believes that RICO charges were appropriate in the case, and indicated that Mr. Rich should have challenged those charges in court instead of seeking to avoid the charges entirely through the questionable pardon.

* * *

Barbara Fick commented on the case of *National Labor Relations Board v. Kentucky Community Care*, in an article titled *Hard Bargaining: High Court Takes on Highly Charged Issues of Nursing Duties vs. Union Eligibility* in the February 26, 2001, edition of MODERN HEALTHCARE. The case is before the U.S. Supreme Court on the issue of whether certain nurses, who have supervisory duties, are prohibited from joining a collective bargaining unit. The Sixth Circuit has ruled that certain nurses, as supervisors, are not protected by the National Labor Relations Act and, as such, are not eligible to join unions.

* * *

Nicole Garnett published *The Road from Welfare to Work: Informal Transportation and the Urban Poor*, in the Winter 2001 edition of Harvard's JOURNAL ON LEGISLATION.

* * *

Rick Garnett participated in a symposium at the University of Minnesota Law School on the subject of "The Freedom of Expressive Association," February 10, 2001. He presented a paper titled "Education and the Expression of Association" during a panel discussion on "Religious Freedom and Institutional Autonomy."

* * *

Jimmy Gurulé commented on the discretion judges use in deciding to accept evidence in drunk-driving cases in an article titled *Citizens Stepped Up, Watched Defendants Stroll Away* in the March 4, 2001, edition of the INDIANAPOLIS STAR.

Administrator & Staff Notes

Ken Kinslow, who joined the Kresge Law Library staff in January of 1985 as the evening and weekend supervisor in Access Services, will join the staff of the Hesburgh Library at the end of March as the supervisor of Interlibrary

Loan and Document Delivery. In his new job, Ken will supervise all of the employees of the library's interlibrary-loan and document-delivery units, and will work with department heads in assessing current user services and in investigating and implementing new user services.

Roger Jacobs, Associate Dean and Director of the Kresge Law Library, commented on Ken's departure: "Over the past 16 years, the responsibilities of Ken's position evolved beyond the job description. While Ken's research experience was strong when he came to us, he embraced the law and became proficient in legal research. He was able to fill a gap and provide research assistance in the evenings and on weekends. In addition, Ken's work with interlibrary loan, specifically working with the journal students, will be missed. Over the past 16 years, thousands of hours have been spent helping students meet their research and cite-checking needs. The more difficult the challenge, the more enjoyment he found in his work.

"Ken's congeniality and flexibility will also be missed. No matter what the assignment, Ken was ready to roll up his sleeves and get the job done. We can, however, take some consolation in recognizing that he still remains a colleague [at the University] in the Hesburgh Library."

Condolences & Prayers

To Deb Fox, acquisitions assistant in the Kresge Law Library, on the death of her father, Don Koz '56M.A., on Monday, February 12, 2001. Mr. Koz was a retired teacher and coach, having served in the South Bend Community School Corporation at Muessel, South Bend Central and Thomas Edison schools. As a student, he played for the legendary Coach John Wooden and, in 1942, was a member of the conference championship team from South Bend Central. He also played basketball and baseball at Indiana State University, and was an avid Notre Dame sports fan.



Services were held on Thursday, February 15, 2001, at Bubb Funeral Chapel North in Mishawaka. He is survived by his wife Melbadeane M. Kelly, four daughters including Deb, nine grandchildren, one great-grandchild and three sisters.

* * *

To Hon. Kenneth F. and Mary Ripple on the death of Mary's mother, Katherine DeWeese, on Sunday, February 11, 2001. A Chicago native, Mrs. DeWeese worked in the fledgling aviation industry in the 1930s before she married Herbert W. DeWeese, an aviation engineering pioneer. The DeWeeses moved to Long Island, New York, where they raised three daughters, including Mary. After her husband's death in 1963, Mrs. DeWeese resumed her career in the aviation industry as a medical technician for TWA in New York, where she worked until she was 75. She moved to South Bend in 1988 and kept busy as a volunteer assisting with medical screening at the Chapin Street Clinic and as a volunteer at the Faith, Hope and Charity Chapel in downtown South Bend.

In addition to her three daughters, Mrs. DeWeese is survived by seven grandchildren – including Gregory P. Ripple '94, a 1L at NDLS, Raymond M. Ripple, a 3L at NDLS, and Christopher Ripple, a senior at the university – and one great grand-daughter. Her funeral mass was held at Christ the King Catholic Church on Saturday, February 17, 2001.

* * *

To Hon. Jack R. Miller, former NDLS professor of law (1948-1949), on the death of his wife, Isabelle, on March 2, 2001, in Tampa, Florida. After teaching at NDLS, Mr. Miller went on to a career as a U.S. Senator from Iowa and as a judge on the U.S. Court of Appeals for the Federal Circuit. Funeral services for Mrs. Miller were held on March 7, 2001, in Corpus Christi Catholic Church in Temple Terrace, Florida.

Please remember also the following deceased alumni and their families in your prayers:

Richard A. Cotter '51, '54J.D., died on February 15, 2001, at the age of 73 in Austin, Minnesota. While an undergraduate at Notre Dame, Mr. Cotter was a second-string fullback on the football team and was a member of Notre Dame's 1949 national championship team. Until his retirement five years ago, he practiced with the Austin law firm of Leighton Meany Cotter & Enger. He is survived by 10 children and

his brother Michael Cotter.

A wake and funeral services were held on Sunday, February 25, 2001, at St. Edward's Church in Austin. Condolences may be directed to Michael Cotter at 1706 31st Street, SW, Austin, MN, 55912.

* * *

John C. Halleck '42, '48J.D., died on February 22, 2001, at the age of 80 in Bowling Green, Ohio. Mr. Halleck majored in mathematics, with a minor in chemistry, as an undergraduate at Notre Dame. After serving in the U.S. Coast Guard in World War II, he entered NDLS at the urging of his wife, Virginia. He graduated in 1948 and settled in Bowling Green. Until recently, he continued to go into his office, the firm of Halleck & Halleck, where he practiced with his son Peter, on a regular basis. He had been a trustee of First Presbyterian Church in Bowling Green, where he taught Sunday School. He also liked to golf, as well as hunt pheasant and duck. For the last 25 years, he was a private pilot, flying to visit family members in North Carolina and Florida. He had recently passed his re-licensing test.

Mr. Halleck is survived by his wife; five children, including sons Michael and Peter, and daughters Katherine Krabill, Christine Sanzone and Mary Frobose; 16 grandchildren and five great-grandchildren. Private services were held for the family. Memorial contributions may be directed to the First Presbyterian Church Deacons in Bowling Green or to a charity of the donor's choice. Condolences may be directed to Mrs. John C. Halleck, c/o Halleck & Halleck, 107 E. Court Street, Bowling Green, OH 43402.

* * *

Hon. Joseph E. Mahoney '48, '49J.D. died on March 6, 2001, in Ashtabula, Ohio. The longest-tenured judge in Ashtabula County history, Judge Mahoney earned his B.S. in commerce from Notre Dame in 1948 and his J.D. in 1949, after serving in the U.S. Marine Corps and the U.S. Navy in World War II. He practiced law for one year, then attended the FBI Academy and became a special agent, last serving as director of investigation for Philadelphia. Upon his return to Ashtabula in 1961, he formed a law partnership with his brother, John P. Mahoney Jr. '38, and served as county prosecutor from 1965 through 1968. He was appointed to the 11th Ohio District Court of Appeals in 1989, from which he retired in 1997. He continued with the court as a visiting judge until his death.

Judge Mahoney is survived by his wife Christine; three sons, Joseph, Timothy and Francis; two step-daughters, Susan Rockhill and Renee Meola; brothers John P. Mahoney Jr. and William F. Mahoney; a sister, Margaret Mary Cragon; and 11 grandchildren. Services were held on Saturday, March 10, 2001, at Mother of Sorrows Church in Ashtabula. Memorial contributions may be sent to the St. Joseph Church Memorial Fund, 3330 Lake Avenue, Ashtabula, Ohio, or to the Notre Dame Law School. Condolences may be directed to Mrs. Joseph E. Mahoney, Unit 311, 6000 Lake Road West, Ashtabula, OH 44044.

Alumni Support Student Service

Once again this summer, alumni from around the country are working to support NDLS students engaged in service work during the summer. Last year, alumni in eight cities raised between \$3000 and \$4000 to provide students committed to service with a small stipend to help cover living expenses during the summer or to defray tuition in the fall semester. This year, alumni in eight cities – with the help of some local ND alumni clubs – will fund a total of at least 12 fellowships at the \$4000 level.

Following is a list of the fellowships planned for this summer, along with alumni to contact if you'd like to contribute

in some way, follow. Remember, too, that your contribution need not take the form of a financial contribution. It is just as important to the students undertaking these challenges to have contact with local alumni to build a support network. If you'd like to contribute – either financially or with the gift of your time at a lunch, dinner, ballgame or any other activity – please contact the alumni listed with each internship, or see <http://www.nd.edu/~ndlaw/alumni/studentsservice.pdf>.

<u>City</u>	<u>Service Location</u>	<u>Sponsor</u>
Albany, NY	Center for Law & Justice	Edward P. McConville Jr. '54BA 518-477-7951
Cincinnati, OH	Hamilton County Public Defender	Paul Mattingly '75J.D. 513-977-8281 mattingl@dinslaw.com
Denver, CO	Colorado Legal Services	Notre Dame Club of Denver Brian Bates '86J.D. 303-733-3500 bbates@abblaw.com
Detroit, MI	Legal Aid and Defender Association	Notre Dame Club of Detroit Robert S. Krause '66J.D. 313-223-3500 rkrause@dickinson-wright.com
Grand Rapids, MI	Legal Aid of Western Michigan	Gene Smary '75J.D. 616-752-2129 smaryee@wnj.com
Morris County, NJ	Morris County Legal Aid	Richard D. Catenacci '62, '65J.D. 973-535-0500 rcatenacci@connellfoley.com Thomas R. Curtin '68JD 973-401-7117 tcurtin@gcslaw.com
Portland, OR	Legal Aid Services	Robert C. Weaver Jr. '72, '75J.D. 503-228-3939 rweaver@gsblaw.com Hannah Callaghan '75J.D. 503-224-5086 callweav@europa.com
Washington, DC (4 students)	Lawyers Committee for Human Rights - and - Washington Lawyers Committee for Civil Rights & Urban Affairs - and - Appleseed Foundation	David Pruitt '92, '99J.D. 202-879-5032 david_pruitt@dc.kirkland.com Heather K. McShain '96, '99J.D. 202-879-3939 hkmcshain@jonesday.com

New Law Firm Partners

Thomas J. Arkell '94, '97J.D. has been named a partner at the firm now known as Dunn, Stanczak, Willard & Arkell in Bloomington, Illinois. Mr. Arkell represents universities, businesses and professionals with employment, immigration and litigation issues.

William Choe '91J.D. has been named a partner in the Palo Alto, California, office of Gray Cary Ware & Freidenrich. He focuses his practice on securities law.

Gerald T. Gallagher '89, '92J.D. has been named a partner at Baker & Daniels in South Bend. He focuses his practice on intellectual property law, with an emphasis on obtaining intellectual property rights, and represents clients before the U.S. Patent and Trademark Office and in proceedings before the Trademark Trial and Appeal Board.



Michael S. Kelly '91J.D. has been named a partner at Marshack Shulman & Hodges in Irvine, California. He focuses his practice on wrongful termination, employment-related cases, business litigation, products liability and complex personal-injury matters.

A. Alyce Werdel '90J.D. has been named a national partner in the San Francisco, California, office

Alumni Notes**1960s**

Charles A. Sweeney '64J.D., formerly of counsel with Sweeney, Pfeiffer, Morgan & Stesiak in South Bend, has opened his own law office, the Sweeney Law Firm, also in South Bend. His practice focuses on personal injury and wrongful death.

Robert J. Wilczek '68J.D., a partner in the Corporate and International Practice Groups in the Chicago, Illinois, office of Gardner, Carton & Douglas and a member of the Law School Advisory Council since 1998, has been elected chair of the firm. Mr. Wilczek, whose practice focuses on mergers and acquisitions as well as on providing strategic advice to public companies, has served several terms on the firm's management committee, including a previous term as chair.

1970s

Hon. Patricia O'Brien Cotter '77J.D., recently elected to the Montana Supreme Court, was featured in the February 2001 edition of MONTANA LAWYER.

Hon. Willie G. Lipscomb Jr. '75J.D., chief judge *pro tem* on the 36th District Court in Detroit, Michigan, was featured in a full-page photo essay and story titled *Bodies Lie in Morgue, Waiting to Teach a Lesson to Gun Carriers*, which appeared in the January 29, 2001, edition of the DETROIT FREE PRESS. The article noted the success of Judge

Lipscomb's eight-year-old Handgun Intervention Program, which includes activities such as visits to the county morgue to "shock some sense and compassion into the minds of people who thought they needed to carry an illegal gun." People arrested in the City of Detroit for illegally carrying firearms are required, as a condition of bond, to attend the three-hour Saturday morning program. Judge Lipscomb and his innovative program were featured in the spring 1997 issue of NOTRE DAME LAWYER magazine.

Patrick A. Salvi '78J.D., of Salvi, Schostok & Pritchard, P.C., in Waukegan and Chicago, Illinois, won the largest personal injury/wrongful death settlement in McHenry County, Illinois, history in February 2001. The \$4 million settlement is intended to help compensate the family of a man who died after doctors failed to diagnose a pulmonary embolism in a timely manner.

1980s

John Fitzpatrick '81J.D. has volunteered to be the class secretary for the NDLS Class of 1981. Please contact him with your announcements and news to be included in NOTRE DAME magazine, as well as your ideas regarding plans for the upcoming 20th reunion. He may be contacted at:

LeClair Ryan phone 804-343-4172
Suite 1100 fax 804-783-2294
707 East Main Street
Richmond, VA 23219
e-mail jfitzpatrick@leclairryan.com

Thomas M. Crowley '79, '82J.D., senior attorney with the Pennsylvania Department of Environmental Protection in Harrisburg, has been elected chair of the Conference of Government Mining Attorneys (COGMA) for 2000-2001. COGMA is a nationwide organization of state and federal attorneys involved in the regulation of mining and, in particular, the environmental impacts of mining. In his work for the state of Pennsylvania, Mr. Crowley is involved in litigation on behalf of and counseling to the department's mining, radiation and waste programs.

Nancy J. Gargula '81J.D., a partner in the Indianapolis, Indiana, office of Baker & Daniels, is a member of the board of directors of the Indianapolis Bar Foundation for the year 2001.

Paul Pasin '89J.D., and his brother Robert '91, were featured on the February 18, 2001, edition of CNN's "Business Unusual." Paul and Rob are the third generation of their family to be involved in the family business, Radio Flyer, Inc. They are the sons – and business colleagues – of Mario Pasin '54J.D.

1990s

Marlon Alvarado '98J.D., formerly with Ropers, Majeski, Kohn & Bentley, P.C., in San Jose, California, has joined Hitachi Data Systems in Santa Clara, California, as associate in-house counsel. He and his wife Katherine are living in San Jose with their one-year-old son Spencer Thomas.

Greg Butrus '93, '98J.D., an associate with Balch & Bingham in Birmingham, Alabama, and a member of the University's Board of Trustees, spoke on "The California Energy Train Wreck: An Energy Lawyer's Opinionated Guide," on February 20, 2001, at NDLS.

New Additions

Thomas J. Arkell '94, '97J.D. and his wife Tracey announce the birth of their second child, Dawson, on February 5, 2001, in Bloomington, Illinois.

Jennifer Gehrlein '97J.D. and her husband Andy announce the birth of Alexander Louis on February 11, 2001, in Cleveland, Ohio.



Michael P. Leary '86, '96J.D. and his wife Mary announce the birth of their first child, Flannery Maire, on February 7, 2001, in Brighton, Massachusetts.

John Blakeley '97J.D., '98LL.M. and his wife Cindy announce the birth of Coleman Zezhariah on

Dan Esrey '99J.D., formerly with Brock & Clay in Marietta, Georgia, has joined Alston & Bird in Atlanta, Georgia, as an associate.

James C. Frasher '94J.D., assistant general counsel at Northwestern Mutual in Milwaukee, Wisconsin, is serving his second year as president of the board of Work for Wisconsin, a membership organization that both initiates systemic changes by developing partnerships with business, education and other institutions within the community, and promotes self-determination and growth so that every person who wants to work has the opportunity to secure and maintain a career with a family-supporting wage.

Marriages

Erin M. King '95, '98J.D. married John P. Sweeney '98M.B.A. on February 17, 2001, in Erin's hometown of Seaford, New York. Erin is the manager of legal and regulatory affairs for Swissair and Sabena Airlines in Melville, New York, and is the daughter of Congressman Peter T. King '68J.D. (R-NY) and his wife Rosemary. John is a securities research associate at Salomon Smith Barney in New York, New York.

Brad Meier '98J.D./M.E. married Emily Riehm on May 27, 2000, in Emily's hometown of Kendallville, Indiana. Brad is with Kenyon & Kenyon, practicing in the area of patent law, and has moved from the firm's New York City office to its Washington, D.C., office. Emily is a pediatric resident at Children's National Medical Center in Washington, D.C.



Kristin E. Polovoy '98J.D. married Anthony Pocarobba on October 21, 2000, in Philadelphia, Pennsylvania. Kristin is in the litigation department at Montgomery, McCracken, Walker & Rhoads, L.L.P., in Cherry Hill, New Jersey, and the newlyweds

Matthew Hicks '96J.D., formerly with Hall, Farley, Oberrecht & Blanton in Boise, Idaho, has joined the business department of the Boise office of Holland & Hart, L.L.P.

Bart Jonkman '92LL.M. (London) has started a corporate finance and business development firm in the Netherlands, Bluemind, N.V. The focus of his firm is assisting European companies with business development plans.

Lance Lawson '96J.D. is an associate with Alston & Bird, L.L.P., in Charlotte, North Carolina. He recently passed the Patent and Trademark Office Registration Examination, and focuses his practice primarily on patent, trademark and internet law.

Michael P. Leary '86, '96J.D., formerly with the District Attorney's Office in Philadelphia, Pennsylvania, has joined the Special Prosecutions Unit of the Suffolk County (Massachusetts) District Attorney's Office in Boston. He specializes in white-collar crime and public corruption investigations and prosecutions.

Diana C. Madrigal '96J.D., formerly with John Wiley & Sons in New York, New York, is now a legal editor at Aspen Publishers, also in New York.

Melanie Rubocki '97J.D., formerly with Neal, Gerber & Eisenberg in Chicago, Illinois, is an associate in the business department of the Boise, Idaho, office of Holland & Hart, L.L.P.

Michael J. Willson '95J.D., formerly with Arter & Hadden in San Antonio, Texas, has joined Cotton, Bledsoe, Tighe & Dawson, P.C., in Midland, Texas, as an associate.

Anthony C. Wisniewski '98J.D., formerly with Carr Goodson in Washington, D.C., has joined Tydings & Rosenberg, L.L.P., of Baltimore, Maryland, as an associate in the firm's business department. His work focuses on corporate law, e-business and real estate transactions.

Edward T. Yevoli '90, '93J.D. has joined the Fort Lauderdale, Florida, office of Gunster, Yoakley & Stewart, P.A., where he focuses his practice on taxation and corporate-law matters.



2000

The Class of 2000 needs a class secretary. Duties include contributing a column four times each year to NOTRE DAME magazine, helping to organize class reunions and mini-reunions, and corresponding with classmates when matters of interest arise. If you would like to volunteer to be the first secretary for the Class of 2000 – this doesn't have to be a permanent lifetime assignment! – please contact Cathy Pieronek in the Law School Relations Office at lawalum@nd.edu.

Student Notes

Moot Court and Other Practice Competitions Dominate Spring Semester

NDLS students have performed outstandingly in a number of moot court competitions and other practical exercises this semester, including:

51st Annual Showcase Moot Court Argument

Five members of the NDLS Class of 2001 demonstrated their oral advocacy skills on Thursday, February 8, 2001, at the 51st Annual Showcase Moot Court Argument. Aaron Markowitz of Huntington, New York, and Ryan Mahoney of Dayton, Ohio, appeared for the petitioners, while Marjorie McCanta of Yorba Linda, California, Stephanie Renner of Somerset, Kentucky, and Krista Zimmerman of Goshen, Indiana, appeared for the respondent in the case of *Lex Luthor and Lexcorp International, Inc. v. The Daily Planet*.

The students presented two issues in the case before three presiding justices including Honorable Richard S. Arnold and Honorable Morris S. Arnold, of the U.S. Court of Appeals for the Eighth Circuit, and Honorable William H. Baughman Jr. '74J.D., U.S. Magistrate Judge in the U.S. District Court for the Northern District of Ohio. The first issue concerned the constitutionality under the First Amendment of a statute that prohibits the use or disclosure of information from an illegally intercepted communication – in this case, the respondent newspaper was being punished for publishing illegally intercepted cell phone communications that the newspaper itself did not intercept. The second issue involved interpretation of the damages section of the statute, and whether it provided for mandatory or permissive damages for a violation.

NDLS adjunct assistant professors of law Robert Palmer '77 and Edward Sullivan III '93J.D. coached the team in preparation for this event, which is the culmination of two years' worth of work by these dedicated students.



London 2Ls Place 2nd in UK Jessup Moot Court Competition

Research Librarian Lucy Salsbury Payne '88J.D. reports from London that a team of five 2Ls placed second out of a field of nine in the UK Jessup International Moot Court Competition. The team, comprised of Joanna Angelides of Salt Lake City, Utah, James Arrowood of Mishawaka, Indiana, Adrian Delmont of Beemer, Nebraska, Lars Knudson of Princeton, New Jersey, and team captain Brian Skaret of Colorado Springs, Colorado, earned Best Memorial and placed second to Nottingham University. Adrian finished as the second-place oralist, only two-tenths of a point behind first place, and Brian finished in third place.

Lucy noted that not only did the students have to prepare for the competition, but they also “had to jump through a zillion hoops to participate.” In particular, they had to overcome the perception that NDLS had two opportunities to participate in the competition because one team already competes in the U.S. program. She commended Brian, in particular, for his efforts. “I understand that he worked from September through January just to cut through the red tape for ND to participate.”

Zo Kevork, an LL.M. student in the London program, and NDLS London faculty members Geoffrey J. Bennett, Susan Hawker and Frank Wooldridge helped to prepare the students for this competition.

NDLS 3Ls Place 2nd in Regional U.S. Jessup Competition

A team of four 3Ls placed second in the regional U.S. competition of the Jessup International Moot Court program, held in Chicago in February. Lisa-Jo Baker of South Bend, Chad deVeaux of Defiance, Ohio, Aaron Markowitz of Huntington, New York, and Krista Zimmerman of Goshen, Indiana, represented NDLS well in the tournament.

Faculty advisor Professor Dinah Shelton commended the team’s performance: “The team made the finals, where it was narrowly edged out by the University of Michigan, thus coming in second among the dozen teams in the region. It took the judges – a member of the Seventh Circuit, a former clerk of the International Court of Justice, and the head of the ABA’s international law section – over an hour to come to a split decision after the final round.”

The team took third place for its Memorial and, among the 50 or so oralists, Mr. Markowitz received second place for his effort and Ms. Zimmerman received fourth place.

NDLS 2Ls Place 3rd in Regional Client Counseling Competition

Second-year students Tamona Bright of Killeen, Texas, and Myra McKenzie of Slidell, Louisiana, represented NDLS at the regional client counseling competition in Chicago the weekend of February 17, 2001. Finishing third in a competition in which the top two teams advance to the nationals, a mere two points separated the NDLS team from the second-place team. Faculty advisor Judy Fox ‘93J.D., an associate professional specialist in the Legal Aid Clinic, commented, “Several judges made a point of approaching me to tell me what a great job our team had done. It was a disappointment to come so close, but the team has nothing to be ashamed of. They really were excellent!”

Third-year student Eric Martin of Green Bay, Wisconsin, served as the student coordinator of the competition this year. He organized the intra-school competition through which Tamona and Myra advanced to the regional competition, and helped the NDLS team practice by playing the clients in preparation sessions.

NDLS 2L Places Third in British Essay Contest

Congratulations to Adrian Delmont, a second-year student from Beemer, Nebraska, who placed third and won £1000 in this year’s Times Law Awards essay competition, held in conjunction with One Essex Court, the chambers of Lord Grabiner, Q.C. According to THE TIMES (LONDON), this year’s topic, “Ethical Dilemmas: Who Should Decide - Scientists, God or Lawyers?” produced a record number of entries. The Lord Chancellor, Lord Irvine of Laird, headed the judging panel and praised the quality of the entries as “exceptionally high.” He further noted that the consensus of the entries was that, “while science and religion both had a part to play, the inevitable consequence of a civilised society seeking to resolve ethical dilemmas was to increase the burden on our judges – if legislation has not provided the solution.” Mr. Delmont was the only American student to place in the competition.

BLSA Sponsors Death-Penalty Panel Discussion

As part of its educational activities for February – Black History Month – the NDLS Black Law Students Association, together with the Notre Dame chapter of the American Civil Liberties Union and the Notre Dame Coalition to Abolish the Death Penalty, sponsored a panel discussion on “The Disproportionate Application of the Death Penalty on African Americans” on February 27, 2001. Panelists included NDLS Assistant Professor of Law Richard W. Garnett, NDLS alumnus and current St. Joseph County (Indiana) Prosecutor Chris Toth ‘93J.D., Richard

Kammen, an Indiana attorney who litigates death-penalty cases, and Thomas H. "Speedy" Rice, professor of law and director of the externship and clinical programs at Gonzaga University School of Law.

Second-Year Student Speaks on Benefits of Home Schooling

Kyle Payne, a second-year student from Crawfordsville, Indiana, was one of three individuals profiled in an article titled *Home Schooling Makes the Grade for These Students* in the February 18, 2001, edition of THE INDIANAPOLIS STAR. Kyle, who earned his bachelor's degree from Hillsdale College in Michigan, was home-schooled along with his five brothers and sisters. In the article, he notes that home schooling allowed him to form closer relationships with his family members. Moreover, he believes that being able to learn at his own pace, with an educational program tailored especially for him, prepared him well for college – especially since he had the opportunity to take some courses at Wabash College while still engaged in his high school curriculum.

Journals Elect Editors-in-Chief for 2001-02

The staffs of the four legal journals at NDLS elected the following members of the Class of 2002 as editors-in-chief for the coming academic year:

- , NOTRE DAME LAW REVIEW: Leon F. DeJulius of South Bend, Indiana;
- , JOURNAL OF COLLEGE & UNIVERSITY LAW: Anne Peterson '93B.A. of South Bend, Indiana;
- , NOTRE DAME JOURNAL ON LAW, ETHICS & PUBLIC POLICY: Joseph J. Shimek of Brookfield, Wisconsin;
- , JOURNAL OF LEGISLATION: Matthew Bozzelli '99B.B.A. of Rochester, New York.

WLF Auction Benefits Local Charity

The annual Women's Legal Forum Auction, held on March 2, 2001, raised \$4600 for the support of Sex Offense Services, through the auction of various items donated by the NDLS family including two ND home football tickets, typing services and dinners or other outings with professors and their families.

Law School Sports



Ten Law Students Compete in Bengal Bouts 2001

Ten NDLS students participated in the annual Bengal Bouts boxing competition to benefit the Holy Cross Missions in Bangladesh, with one first-year student defeating a third-year student and capturing the crown for his weight class.

In the heavyweight class, first-year Carlos Abeyta of Lubbock, Texas, defeated third-year Dan Adam of Hales Corners, Wisconsin, by a technical knock-out mid-way through the second round of the championship match. Carlos reached the finals by prevailing in a split decision in the quarter-finals and by winning his semi-final round, both against undergraduate

students. Dan had a bye into the semi-final round, in which he defeated third-year Steve Pratico of Archbald, Pennsylvania. Mr. Pratico had advanced to the semi-final round by a first-round knockout in the quarter-finals.

In addition, a number of students competed in other weight classes, with the results as follows:

- , In the 155-pound weight class, 3L Sean Nowak of Erie, Pennsylvania, who had been a champion in this weight class in prior years, defeated fellow 3L Joseph Czerniawski of Franklin Lakes, New Jersey, in the quarter-finals in a second-round TKO decision that THE OBSERVER reported as “disputed.” and “controversial.” Sean, however, lost in the semi-final round in a split decision. Shawn Monterastelli, a 2L from Blue Springs, Missouri, also competed, but lost in his first match.
- , In the 160-pound weight class, 2L Andrew Baum of Bexley, Ohio, lost his first match.
- , In the 165-pound weight class, 2L Tim McCurdy of Cumberland, Iowa, lost his first match, while 3L Billy McMurtrie of Bethesda, Maryland, lost his quarter-final match by a unanimous decision after the third round.
- , In the 185-pound weight class, 2L Eric Goulet of Baldwinsville, New York, defeated his opponent in the quarter-finals, but lost in a unanimous decision in the semi-finals.

Law School Team Wins Grad League Basketball Title

Wenzel's Fan Club, a team composed of seven 2Ls, one M.B.A. student and Assistant Professor of Law Rick “Charity Minutes” Garnett, won the Graduate/Professional/Staff League basketball tournament for the second year in a row, defeating a team of first-year M.B.A. students in the finals on March 5, 2001. As Rick reports, “The game was tight – the law team led throughout, but never by more than 5. The game was sealed with under a minute to go when 2L Patrick “I *called* that bank shot!” Dahl [of Winnetka, Illinois,] made two free throws to increase the *Wenzel's Fan Club* lead to 4.”

The other members of the team included T.C. “Cortizone” Couhig of Painesville, Ohio; Martin “Sleepy” Kappenman of Madison, South Dakota; Kevin “Kobe” Lohman of Northridge, California; Fred “Clooney” Marczyk of Absecon, New Jersey; Steve “Son of Audit” Klein of Cranberry Township, Pennsylvania; and Steve’s brother Scott “Audit” Klein, who is in the M.B.A. program in the University’s Mendoza College of Business.



2001-02 Tuition Announced

Tuition for the 2001-02 academic year has increased 4.8 percent to \$24,920. The University reports that this is the lowest percentage increase in 40 years.

Coming Events

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| March 10-18, 2001 | Spring Break
Kresge Law Library on summer/break schedule |
| March 23, 2001
3 to 5 p.m. | White Center / NOTRE DAME JOURNAL OF LAW,
ETHICS & PUBLIC POLICY
“Symposium on Legal Education”
<i>Featuring Professor Ellen Podgor of Georgia State University
College of Law, and Dean Joseph Tomain ‘70 of the University of
Cincinnati College of Law</i> |
| March 31, 2001
7 p.m. to 1 a.m. | Barristers’ Ball Dinner/Dance - The Blue Heron at Blackthorn
<i>Tickets are \$30 per person and available through the SBA</i> |
| April 2, 2001
9 a.m. to 12 noon | Seventh Circuit Court of Appeals
Notre Dame Law School Barry Moot Courtroom
Three sessions beginning at 9, 10 and 11 a.m. |
| April 6-8, 2001 | Black Law Students Association 29 th Annual Alumni Weekend
“BLSA’s Legacy: Using the Past and the Present to Create a
Network for the Future”
<i>Contact second-year student Myra McKenzie at mckenzie.5@nd.edu
or Rebecca Ward in the Associate Deans’ Office at (219) 631-6627
for more information.</i> |
| April 26, 2001
3 to 5 p.m. | White Center / NOTRE DAME JOURNAL OF LAW,
ETHICS & PUBLIC POLICY
“International Law Symposium”
<i>Featuring Karen Musalo, professor and resident scholar, and
Stephen Knight, research fellow, at the University of California
Hastings College of Law discussing their “Expedited Removal Study”</i> |

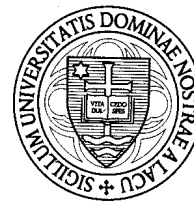
To Submit Information to the *Update*

Please contact Cathy Pieronek, Director of Law School Relations:

phone 219-631-6891

fax 219-631-9299

e-mail pieronek.1@nd.edu - or - lawalum@nd.edu



Don't forget to keep up on NDLS events through the Law School's web site, www.law.nd.edu.

Class E-Mail Listservs

Class listservs have been developed for a number of classes at the request of the respective class secretaries. Members of the NDLS Classes of 1958, 1969, 1975, 1981, 1983, 1985, 1986, 1987, 1990, 1993, 1995 and 1999, as well as alumni from the Center for Civil and Human Rights and the London Programme, who wish to join these new listservs but who have not yet received notification that they have been added should contact the Law School Relations Office by e-mail

