

11-1-1993

NDLS Update 11/1993

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Recommended Citation

Notre Dame Law School, "NDLS Update 11/1993" (1993). *NDLS Updates*. Paper 46.
http://scholarship.law.nd.edu/ndls_updates/46

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Volume III, No. 4

November, 1993

NDLS UPDATE

News of the Notre Dame Law School

NOTRE DAME

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LAW LIBRARY

CAPTAIN McLEAN HONORED AT MILITARY LAW STUDENTS' DINNER

Captain William McLean, U.S. Navy (retired) and retiring Associate Dean of the Notre Dame Law School, was honored at the Military Law Students' Association's second annual "Dining Out." Held at the Marriott Hotel on November 13, the occasion marked the U.S. Marine Corps' 218th Birthday and the observance of Veterans' Day.

Distinguished guests, in addition to Capt. McLean, included the Honorable Kenneth Ripple of the Seventh Circuit, a retired Navy Commander himself, Frank Booker, Roger Jacobs, Charlie Rice and Lt.

Col. Holmes, USMC, of Camp Pendleton, California. Presiding over the Mess were Captains Robert McMonagle and Neil Chapman of the USMCR, both third-year law students.

Highlights included the promotion of two law students, David Morkin and Vinny Sanchez, from Second Lieutenants to First Lieutenants of Marines; the after-dinner speech by Lt. Col. Holmes; and Frank Booker's moving rendition of the classic *I Don't Care if it Rains or Freezes, as Long as I got My Plastic Jesus*. Captain McLean received a standing ovation when

introduced. Lt. Sue Toth, USNR, expressed her gratitude to the retiring Dean for his contributions to the NDLS community in general and its military students in particular.

NDLS FEMINIST JURISPRUDENCE WRITING COMPETITION ANNOUNCED

Through the generosity of a private benefactor, Notre Dame Law School will sponsor an annual Feminist Jurisprudence Writing Competition. The contest is open to all students at law schools accredited by the American Bar Association. All entries, limited to original, unpublished work, will be judged by a panel of scholars and attorneys. The winning author (or co-authors) will accept the award for best entry (which carries a prize of \$1000) at a banquet hosted by the Notre Dame Law School. All entries for the 1993-94 award must be received by June, 1994.

NDLS PLACES FIFTH IN TRIAL TOURNAMENT

During Fall Break, at the National Invitational Trial Tournament of Champions in Boston, the Notre Dame Trial Team placed fifth among the fourteen schools invited to compete. The Team, composed of Anthony Dowell, Peter McCarthy, Paul Moses and Andrea Roberts, won three of its four trials. This created a three-way tie, which was broken by looking to the number of the evaluators who voted on behalf of the winning teams. This criterion, unfortunately, precluded Notre Dame's presence in the final four. Congratulations to the Team on a splendid performance.

PHI ALPHA DELTA SPONSORS "IMMUNITY DAYS"

Phi Alpha Delta recently organized "Immunity Days" in the Law School. Students were urged to bring canned or other non-perishable food to their classes in hopes of earning immunity from being called upon by the professor. The immunity was not automatic; if the professor brought more food items to that class than did the student, the professor "trumped" the student, who must then be prepared to recite. At the end of the class a member of Phi Alpha Delta collected the food items from the students and the professors. The food was then turned over to the Social Justice Forum for its Family Food Drive. NDLS thanks all those involved.

McCARTAN FEATURED IN AMERICAN LAWYER

The October, 1993, issue of *The American Lawyer* carries a lengthy article featuring Pat McCartan, NDLS '59, and his challenge as new managing partner of Jones, Day, Reavis & Pogue. The article, by Susan Beck, is entitled, "Righting the Course." A "subtitle" announces: "Jones, Day's New Leader, Patrick McCartan, Must Turn the Behemoth Firm Around after Several Tough Years. Smart Money Would Bet He'll Succeed." Pat was graduated first in his class from the Law School, where he served as editor-in-chief of the *Law Review*. He then clerked for United States Supreme Court Justice Charles Whittaker. He joined Jones, Day in 1960. When Pat took over the litigation group at Jones, Day in 1976, it had twenty-five lawyers. Today its nearly 400 lawyers produce more than forty percent of the firm's billings.

ALUMNA APPOINTED ASSISTANT UNITED STATES ATTORNEY

Barbara Brook, NDLS '87, has been named an Assistant United States Attorney for the Northern District of Indiana. Barbara will supervise the South Bend Division of the Office. Barbara has worked in the U.S. Attorney's Office five years. She has been responsible for all forfeiture proceedings in the entire Northern District.

Following law school, Barbara clerked two years for U.S. District Judge Robert L. Miller, Jr. Her husband, Judge Sandy Brook, teaches Trial Advocacy at NDLS.

SOCIAL JUSTICE FORUM HOSTS FOURTH ANNUAL HALLOWEEN PARTY

On October 18, the Law School's Social Justice Forum held its fourth annual Halloween Party for local children from the Salvation Army's Latchkey Kids Program. More than eighty children attended the event, held in the Stepan Center.

Each child received a costume and some candy, and played various games with the law students. One law student made balloon animals for most of the children. The children also decorated their own trick-or-treat bags, and filled them with candy. The children topped off the afternoon with brownies and milk.

The Social Justice Forum hosts the Party to provide a safe place for children to "trick or treat," as well as to give a costume to many children who might not be able to afford one. Most important, the children

enjoy a fun-filled afternoon and the law students have an even better time.

Donations from the entire Law-School community -- administration, faculty, staff and students -- paid for the costumes and candy. Several local businesses donated or discounted costumes and candy. This year's Party was chaired by Brendan Rielly, a first-year student, and Maria Tsifutis and Sheley Lake, both second-year students.

NEWS FROM THE OFFICE OF CAREER SERVICES

The Career Services Office held a series of seminars tailored to first-year students. Topics focused on career-planning strategies for first-years, including the type and timing of first-year positions, networking techniques and tips on writing resumes and cover letters.

In November, Dan Sherman, NDLS '88, and Corporate Counsel for the City of Chicago, spoke to students about careers in the public sector.

Jay Lewis, NDLS '91, and Ann-Carol Simons, NDLS '87, recently shared with students their experiences as judicial law clerks. Jay clerked for the Seventh Circuit Court of Appeals, and Ann-Carol clerked at both the state and federal district-court level.

NEWS FROM THE FACULTY

Barbara Fick published "If You're Sexually Harassed, Do You Have To Be Physically Injured?" in the *Preview of United States Supreme Court Cases: 1993-1994 Term*.

Jimmy Gurule will teach in Notre Dame's 1994 London Summer Programme.

Doug Kmiec recently published: "OLC's Opinion Writing Function: The Legal Adhesive for a Unitary Executive," in the *CARDOZO LAW REVIEW*; "Clinton Health Plan Goes Too Far," in the *CHICAGO TRIBUNE*; "Clinton Plan is Contrary to Catholic Social Teaching and Bad Economics," in *TODAY'S CATHOLIC*; "Is State's Anti-Voucher Rule Constitutional?" in the *DETROIT NEWS*; "Ginsburg's Conflict on Abortion," in *THE PHILADELPHIA ENQUIRER*; and "Murky Waters of Religious Freedom," in the *CHICAGO TRIBUNE*.

Doug also delivered a paper on American Catholic social teaching to the Katholische Sozialwissenschaftliche Zentralstelle, in Monchengladbach, Germany, in June; served as a member of the National Advisory Commission on Manufactured Housing with respect to new regulations pertaining to wind resistance, energy law and related regulatory standards, in Washington, in July; participated in a panel discussion and review of Jaffa, *Original Intent and the Framers of the Constitution*, before the American Political Science Association, in September; delivered the keynote address, entitled "Public Policy Issues Facing American Catholics -- John Courtney Murray's Challenge to Discover the American Public Philosophy," to the Catholic Town Meeting, in Lansing, Michigan, in September; debated the General Counsel of the Michigan ACLU on the topic, "Michigan's anti-voucher rule for non-public schools is not required by the Establishment Clause and may violate the Free Exercise Clause," in Detroit, in late October; and delivered a Hesburgh Lecture, entitled "Whatever Happened to the

Traditional American Family?" to the Notre Dame Club, in Peoria, Illinois, on October 28.

Don Kommers published "The Basic Law Under Strain: Constitutional Dilemmas and Challenges," in a book entitled *The Domestic Politics of German Unification*.

Don was also chosen president-elect of the Conference Group on German Politics at the 1993 Annual Meeting of the American Political Science Association.

Dave and Barbara Link became grandparents again on November 22. Daughter Mary Esparza delivered a son, Michael Anthony, who weighed in at eight pounds, three ounces.

Terry Phelps published "Review of Feminist Jurisprudence," in the *Review of Politics*.

Jim Seckinger served as Program Coordinator and Faculty member for the NITA/Ontario Centre for Advocacy Training Advanced Trial Advocacy Program, in Toronto, on October 20-23. Jim also gave a lecture to the faculty on Effective Teaching Techniques.

Tom Shaffer published "Erastian and Sectarian Arguments in Religiously Affiliated American Law Schools," in the *Stanford Law Review*.

Jan Pilarski and Jay Tidmarsh announced the birth of a son, Kevin, on November 6. The new addition weighed eight pounds, four ounces, and was twenty inches tall. Mother and son are doing well; dad is recovering rapidly.

NEWS FROM THE LIBRARY

Kimberly Lewis has joined the NDLS Library as Research Services Assistant. Kimberly received her B.A. with honors in May from Mount St. Mary's College in Emmitsburg, Maryland.

On November 8, the Access Services Department welcomed Mary Cowser to the staff of the Law Library. Mary assumes the responsibilities formerly held by Rebecca Carlton, who left to assume new duties with the Legal Aid Clinic.

Mary comes to the Law Library with many years of both supervisory and public-service experience. She has worked for the University Libraries since 1977, serving variously as Stacks Maintenance Supervisor, Copy Center Supervisor, and Circulation Supervisor. As Circulation Supervisor, Mary participated in the automation of circulation. She has extensive experience in the utilization of automated systems.

Leisure time finds Mary reading, traveling, fishing and playing bingo. Mary also enjoys spending time with her grandson Douglas and anxiously awaits the birth of her second grandchild.

NEWS FROM THE ALUMNI

Brian E. Bates, NDLS '86, has announced the formation of a new firm -- Antonio, Bates, Bernard & Haenel, in Denver, specializing in business law, estate planning and administration, and transactional and corporate matters.

Matthew C. Bremen, NDLS '93, and Michael J. Messaglia, NDLS '93, both new members of the Indiana Bar, are Associates

with Krieg, Devault, Alexander & Capehart in Indianapolis. Matthew works primarily with the Litigation Practice Group. Michael practices primarily with the firm's Corporate Practice Group.

Allan Capps, NDLS '93, successfully sat for the Nevada 1993 Bar Examination.

President Clinton has named Joe Cari, Jr., NDLS '78, National Co-chair of the Finance Committee of the Democratic National Committee.

Patrick Fisher writes to report the deaths of three fellow members of the Class of 1937: Paul A. Guarnieri, John M. Pilarski, and C. Joseph Kalman.

F. James Foley, NDLS '77, has been appointed an Adjunct Professor at the Ohio State University School of Law, where he teaches Trial Practice. He continues as a partner at Vorys, Sater, Seymour and Pease in Columbus.

Vincent R. Johnson, NDLS '78 and Professor of Law at St. Mary's University, has been appointed by Chief Justice William Rehnquist to the Federal Judicial Fellows Commission.

Jeff McDermott, NDLS '86, enjoys his seventh year at Krieg, Devault, Alexander & Capehart in Indianapolis.

Bruce D. Peterson, NDLS '82, has been made a partner at Hunton & Williams.

Jim Porro, NDLS '75, died of cancer in late October. Jim was in charge of International Legal Operations for the Kellogg Corporation in Battle Creek, Michigan.

 Dale Recinella, NDLS '76, was featured in an article entitled "The Full-time Volunteer" in the Autumn 1993 issue of *Notre Dame Magazine*. The article noted that a few years ago, he "could look down from his fourteenth-floor law office in Miami and see the sun sparkle on the waters of Biscayne Bay." Currently, "he earns virtually nothing and has never been happier." He works with prisoners, AIDS victims, prostitutes, addicts, the homeless and the mentally ill.

 Zarko Sekerez, NDLS '64, has been appointed Vice-Chair of the Bankruptcy Committee of the General Practice Section of the American Bar Association.

 Ernie Szwark, NDLS '76 and a partner at Barnes & Thornburg, co-authored "Non-qualified Deferred Compensation Plans May Be Tailored to Needs of Employers and Employees," in the September/October 1993 issue of the *Journal of Taxation of Employee Benefits*.

 The United States Senate has confirmed the nomination of Martha Vazquez, NDLS '75, to the United States District Court for New Mexico.

 Michael Woerner, NDLS '85, has been made a partner at Keller, Rohrback, in Seattle.

 John Zipprich, NDLS '72, serves as Vice-President and General Counsel for the Sisters of Charity of the Incarnate Word Health System in Houston, Texas.

MISCELLANY

In late September, Paul Varul, Dean of the Law Department at the University of Tartu, in Estonia, visited the Law School. His visit to Notre Dame (and other

American Law Schools) was sponsored by the ABA's CEELI Program (Central and East European Law Initiative). Roger Jacobs choreographed Dean Varul's visit.

 In October, Sergio Illanes Laso, Dean of the School of Law of Universidad Diego Portales, visited NDLS as part of a three-week program organized by the American Bar Association and United States Information Agency (USIA). The Center for Civil and Human Rights oversaw the Dean's visit.

 Baker & McKenzie has provided financial support to the NDLS Black Law Students Association Ambition Lecture Program, scheduled for December 1-5, 1993.

 Praeger announces the publication of "The Responsible Judge," edited by Judge John T. Noonan, Jr., formerly of this Faculty, and Kenneth Winston, Professor of Philosophy at Wheaton College.

 On November 10, in the Courtroom, Thomas Geoghegan, Chicago labor attorney and author, delivered an address entitled, "Passionate Unions: Labor Law Reform and Economic Recovery."

 The *Notre Dame Journal of Law, Ethics and Public Policy's* "Symposium on the Rights of Children" made the "Worth Reading" list in the November 29 issue of the *National Law Journal*.

TEX DUTILE
 Editor