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NDLS Update 11/1997

Notre Dame Law School

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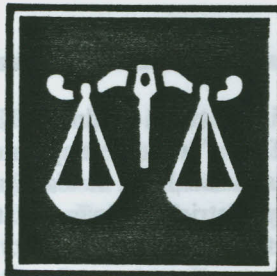


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NDLS Update

News from the Notre Dame Law School

Vol. VII, No. 3
November, 1997

TEX DUTILE
EDITOR

PRINCETON REVIEW NAMES NDLS FIFTH-BEST TEACHING FACULTY

The Princeton Review, in its 1998 edition of *THE BEST LAW SCHOOLS*, ranks Notre Dame's faculty fifth in the nation with regard to teaching. Its ratings relied on students' responses about the quality of teaching. In a separate ranking, Notre Dame also made the top ten with regard to lack of "cutthroat competitiveness."

BILL McLEAN WINS O'HARA AWARD

Bill McLean, the "Captain," has won the 1998 John Cardinal O'Hara, C.S.C., Award. The award, established in 1983, is "conferred on an alumnus of Notre Dame who is a

former employee of the University and has performed outstanding services beyond what is ordinarily expected and whose outstanding personal life reflects the principles for which Notre Dame stands." Notre Dame's National Alumni Board of Directors selected Captain McLean for the award at its meeting in late September.

The award itself will be presented on June 5, 1998, during the opening luncheon for Reunion '98. Captain McLean will speak at the luncheon, scheduled for the Joyce Center.

LISA AND PAT SCHILTZ FEATURED IN "UNITED WAY" ADS

Elizabeth and Patrick Schiltz have been featured in full-page ads promoting United Way. The ads, which quote Lisa

extensively, note that their son Petey, born in August 1995 with Down's Syndrome, needed expert support and guidance. Both were found at Logan Center, a St. Joseph County United Way Agency. At Logan, Petey works weekly with a speech therapist and now communicates at an age-appropriate level in both sign language and some words. Petey also works twice monthly with occupational and physical therapists to develop self-help and mobility skills.

Petey's four-year-old sister Anna participates in another Logan program, Supersibs, in which student volunteers from Notre Dame provide special attention to the siblings of children with disabilities.

PAT McCARTAN INDUCTED INTO BUSINESS HALL OF FAME

Patrick F. McCartan, NDLS '59 and Managing Partner of Jones, Day, Reavis and Pogue, has been inducted into the Business Hall of Fame of Cleveland. Mr. McCartan, a member of Notre Dame's Board of Trustees, was chosen for "exemplary service and commitment to his organization, profession and community."

Jones Day now boasts twenty offices around the world, in which 1,200 professionals work. Besides managing this gargantuan operation, Mr. McCartan serves as a member of the U.S. Council on Foreign Relations, the U.S. Japan Business Council, and the Ohio Business Roundtable. Besides his work on Notre Dame's board, as part of which he chairs the Academic and Faculty Affairs Committee, he serves on the boards of Gilmore Academy, the Cleveland Clinic Foundation, the Greater Cleveland Growth Association, Cleveland Tomorrow, the Musical Arts Association, the Cleveland Foundation Civic Study Commission on the Performing Arts, and the Kulas Foundation.

He is a former president of the Cleveland Bar Association and served as a member of the Ohio Board of Bar Examiners, the Board of Trustees of the National Institute for Trial Advocacy, and the National Conference of Bar Presidents. He married his "high-school sweetheart," Lois. They have

raised two children, Karen, NDLS '86 and a partner at Kirkland & Ellis, in Washington, and Patrick. Congratulations, Pat!

PUBLIC INTEREST LAW FOUNDATION AT NDLS HONORED

On October 17, at the annual conference of the National Association for Public Interest Law (NAPIL) in Washington, D.C., the Public Interest Law Foundation (PILF) of the Notre Dame Law School was honored by Attorney General Janet Reno. The Notre Dame group received the national award for the largest-percentage increase in student-based fundraising among the small-campus chapters. In the 1996-97 academic year, Notre Dame's PILF raised \$16,615, an increase of more than 260 percent over the previous year, including \$10,000 through the innovative solicitation of fifty private law firms that interviewed on campus.

Marisa Salazar, a first-year Notre Dame Law School student, accepted the award at a banquet at the Washington Sheraton. The annual event attracts hundreds of members of Washington's legal community.

NAPIL provides support and training through PILF and other campus chapters nationwide to law-school students seeking public-interest legal opportunities.

PAUL ARMSTRONG, NDLS GRAD, HONORED AT DAYTON

On October 17, Paul W. Armstrong, NDLS '73, accepted the 1997 Distinguished Alumnus Award from the University of Dayton, at which he did his undergraduate work. In a lecture the day before, he spoke about medical decision-making at the end of life. Armstrong was counsel to the families of Karen Ann Quinlan and Nancy Ellen Jobs in landmark court rulings concerning right-to-die issues.

He also joined a panel of university professors to discuss moral, ethical, religious and practical concerns faced by families, medical care givers and others when life-or-death decisions must be made.

On behalf of ten thousand physicians in opposition to the practice of physician-assisted suicide, Armstrong presented an amicus brief to the U.S. Supreme Court in connection with the Court's recent consideration of the issue.

FACULTY RETREAT HELD AT BLACKTHORN

On October 20, the annual Faculty Retreat took place at the Blue Heron at Blackthorn in South Bend. This year, the subject of teaching occupied the day's working sessions. Leading the discussion were Kent D. Syverud, newly appointed dean of the Law School at Vanderbilt; and Barbara Walvoord, Director

of Notre Dame's Kaneb Center for Teaching and Learning.

After the working sessions, Fr. Jim McDonald celebrated Mass for the faculty and spouses. A cocktail hour and dinner followed.

NDLS SPONSORS "MAXIMS, MONARCHY AND SIR THOMAS MORE"

On October 29, the Notre Dame Law School sponsored a one-person presentation entitled, "Maxims, Monarchy and Sir Thomas More." Cathy Kaveny arranged for the presentation, which presents More during his last, intensely intimate hour. Even as it sparkled with wit, "Maxims, Monarchy and Sir Thomas More" explored moral questions and provided keen insight into the universal human condition. The presentation took place in the Hesburgh Library Auditorium. A reception followed.

SEVENTY-FOUR-YEAR- OLD ALUM TO EARN BACHELOR'S DEGREE

Wright State University allows senior citizens to take courses for credit with no tuition payment. Bernard Franz, NDLS '51, of Enon, Ohio, will accumulate enough credit by next June under this program to graduate with a bachelor's degree in Latin and Philosophy

and a minor in Spanish. He earned an electrical engineering degree from Purdue in 1944.

Formerly a patent attorney at Wright-Patterson Air Force Base, Mr. Franz began taking classes "as a hobby" upon turning sixty.

ROBERT GEORGE DELIVERS LECTURE AT NDLS

On November 6, Robert P. George, Associate Professor of Politics at Princeton University, presented a lecture in the NDLS Courtroom. Entitled "Is There A 'Moral Reading' of the Constitution?", the lecture formed part of the Olin Distinguished Lecture Series. The Natural Law Institute presented the event. Upcoming lectures will feature David Novak on November 18 and Joseph Raz on April 17.

NDLS ALUMS ADMITTED TO PRACTICE IN INDIANA

On November 3, in the Indiana Convention Center in Indianapolis, twelve NDLS alums were admitted to practice before the Indiana Supreme Court and before the United States District Courts of both the Northern and Southern Districts of Indiana: Patricia Brown Dees; Kathleen Dvorak; Kathryn Elias; Abby Franke Fellrath; Deepa Vasudeva Iyer; David Lee; Keith Norwalk; Jeffrey Schmidt; Katherine

Singer; Allison Boyd Smith; Tom Von Steinke; and Stanley Wruble, III. Tex Dutille represented the law school at the ceremony and at the ensuing reception.

DAVID HOLLENBACH, S.J., LECTURES ON COMMUNAL SOLIDARITY

On October 16, in the Civil Rights Reading Room and as part of the Human Rights Roundtable Series, David Hollenbach, S.J., the Margaret O'Brien Flatley Professor of Catholic Theology at Boston College and for decades a very prominent scholar of human-rights and social-justice issues, spoke at Notre Dame. Reflecting on his recent tenure as a Fulbright Scholar in Kenya, he addressed "Human Rights and Communal Solidarity: African and Western Convergences?" Wine and cheese accompanied the discussion.

The Human Rights Roundtable Series began this year. Sponsored by the Center for Civil and Human Rights, the Series brings to the University scholars from other institutions working on human rights and a variety of other disciplines. These scholars discuss fairly informally their work-in-progress and generate a seminar-style discussion concerning the issues presented.

NEWS FROM THE LAW LIBRARY

Vern Batten, husband of Esther Batten — long-time employee of the Law Library, passed away on October 28. Services took place on October 31 at the McGann Funeral Home on Cleveland Road in South Bend. Esther's home address is 52939 Hollyhock Road, South Bend, IN 46637.

On September 11, in Indianapolis, Roger Jacobs presented "Faculty Standards," at a seminar of deans, associate deans, and other representatives of law schools anticipating American Bar Association accreditation visitations.

NEWS FROM THE FACULTY

Matt Barrett has joined with David R. Herwitz, the Austin Wakeman Scott Professor at Harvard Law School, to publish the second edition of ACCOUNTING FOR LAWYERS, and the related teacher's manual, with Foundation Press. The book's earliest predecessor, the first casebook on accounting for law students, dates back to 1948. In his forty-four-year teaching career at Harvard, Professor Herwitz has taught this subject to more than 13,000 students and authored or co-authored three earlier versions of the casebook.

Professors at ten other law schools, besides Notre Dame and Harvard, have already used the manuscript in their classes this spring or adopted the casebook for courses this fall.

Designed for the law student (or lawyer) with little or no accounting background, the 785-page book identifies and emphasizes those accounting topics and issues most likely to confront lawyers as they enter the new millennium. The preface contains a listing of the ten most important things that every lawyer should know about accounting. In the first section of each chapter, entitled "Importance to Lawyers," the authors explain how the topics discussed in that chapter affect the practice of law. Other features of the book include cartoons from Ben & Jerry's 1992 annual report that explain the balance sheet and income statement, examples and problems using the names of former students, and a twenty-one page index.

The book is available from the Hammes Notre Dame Bookstore (\$41.95). Matt will donate to the McCafferty Fellowship Fund all royalties derived from sales made by the Notre Dame Bookstore.

Bob Blakey gave a CLE presentation on RICO to Titus & McConomy, of Pittsburgh, at "Glendorn," a lodge in the countryside near Bradford, Pennsylvania, September 26 through 28. (The "Titus" in the

firm's name is Paul Titus, NDLS '60 and Bob's classmate.) Following the legal discussion, Paul and Company did other things, including skeet shooting. (Bob "hit" .666; Paul declines to discuss the matter.)

Bob also gave a presentation on RICO to the staff of the Office of the Attorney General of New Jersey on September 30.

On October 23, Bob traveled to Ithaca, New York, where he gave a colloquium at the Cornell Law School, entitled "Tobacco Litigation and RICO: A Turning Point?" Bob said it was great to see old colleagues and invigorating to test his new ideas against a knowledgeable, interested, and imaginative group of scholars. It was, he said, "like a good oral argument." Now, he says, it is back to the drawing board to see how he can fill in the holes identified by the group.

Bob added that about a year ago he gave a similar colloquium at Wisconsin, in which he concluded that RICO "had little to offer litigants in the tobacco wars." (Thurman Arnold is supposed to have said, in an argument before the Supreme Court when Arnold-the-advocate was asked about the position of Arnold-the-professor: "A fee tends to sharpen one's judgment").

Richard A. Boswell, former NDLS prof, has published, with Karen Musalo and Jennifer Moore, REFUGEE LAW AND POLICY: CASES AND

MATERIALS. Carolina Academic Press issued the book.

On October 10 John Finnis spoke at the Hesburgh Library Faculty Lounge on "Re-Reading Aquinas on Sex and Marriage."

John Finnis has agreed to lead weekly meetings of all faculty interested in discussing his manuscript on the social and political thought of Thomas Aquinas. The first session took place November 3.

On September 23, Jimmy Gurulé was invited to the White House for a briefing on issues of importance to Hispanics. The briefing was given by top Clinton Administration officials to leaders of the national Hispanic legal community.

Dennis Hirsch and his wife, Suzanne, announce the birth of a baby girl, Clara Cecile Hirsch, November 1. Mom and baby (and Dad!) are doing fine. Their home address is 330 W. Colfax Avenue, #318, South Bend, IN 46601.

Bill Hoye, along with Robert M. Zerr, Director of Risk Management and Safety, was awarded a grant by United Educators Insurance Risk

Retention Group to examine the general liability risks associated with the operation of international study-abroad programs by American colleges and universities. At the annual convention of the National Association of College and University Attorneys in Seattle, in June, Bill led a discussion on the assessment and management of such risks. He spoke on the same topic to the national conference of the University Risk Management and Insurance Association in Chicago, on September 23.

Cathy Kaveny has been appointed to the advisory board for the newly created Erasmus Institute. Named after Desiderius Erasmus, a pivotal sixteenth-century Catholic scholar and reformer, the Institute will foster general scholarship that is informed by Catholic thought.

While located at Notre Dame, it will be national in scope, providing research scholarships to senior and junior faculty as well as to graduate students for dissertation work; sponsoring a publishing program; originating cooperative faculty-development programs; organizing conferences and colloquia at colleges and universities across the country; and arranging summer seminars for graduate students. James Turner, professor of history at Notre Dame, will direct the center, whose initial funding of \$1.5 million comes from an anonymous benefactor.

On November 12, Carol Mooney was initiated into Phi Beta Kappa. Congratulations, Carol!

On October 3-4, Judge John Noonan delivered two lectures at Dayton's School of Law: "Conscience and Moral Values in Judging and Lawyering;" and the Dedication Address for Keller Hall. Judge Noonan also led a Faculty Colloquium entitled, "Ethics Throughout the Curriculum."

On October 27, in the NDLS Courtroom, Judge Noonan spoke on "Judicial Clerkships."

On October 30 Judge Noonan gave a talk entitled, "The New Crusade? The Global Campaign Against Corruption," in the NDLS Courtroom. A reception followed in the Law School Lounge. The Law School, the Office of the Provost, the Philosophy Department, and the Department of Theology co-sponsored the event.

On October 12 Charlie Rice delivered a talk entitled, "Capital Punishment: The Catholic Response," in Walsh Hall Chapel. Sponsored by Campus Ministry, the talk was part of the "Living Out the Gospel of Life Series."

Vince Rougeau will moderate a luncheon discussion on the "Christian as Citizen" on January 17, in Chicago, at a conference entitled "Challenges Facing 21st Century Christians." The National Center for the Laity will sponsor the conference. Copies of the registration materials are available in the faculty-lounge mailroom.

In a recent article entitled *Legal Education and the Vision Thing*, Professor Timothy W. Floyd, of the Texas Tech University School of Law, paid high praise to Tom Shaffer's book, *LAWYERS, LAW STUDENTS, AND PEOPLE*. Among the hundreds of works dealing with the problems of legal education, that book, Floyd says, is among the "top three." (Tom probably wrote most of the other ones, as well!)

Tom gave the sermon at the 47th Annual Red Mass for Lawyers, at the University of St. Thomas in St. Paul, Minnesota, on September 28.

On November 8, Dinah Shelton delivered a paper on "Recent Developments in International Law Regarding Marine Archaeology" to a joint meeting of the Association of the Hague Academy of International Law and the European Council on Environmental Law. During the meeting she was elected to a two-year term as Counselor to

the Hague Academy Association. The meeting took place in Funchal.

Dinah Shelton argued before the Inter-American Commission on Human Rights, in Washington, D.C., on October 10, supporting the petitioner's claim in *Maria Eugenia de Silva v. Guatemala*. The case concerns provisions of the Guatemalan civil code that restrict the right of married women to work outside the home. Third-year student Peter Morgan drafted the brief.

Lisa Schiltz has been selected to become a partner in the Partners in Policy Making Academy, sponsored by the COVOH Foundation, in conjunction with the Indiana Governor's Planning Council for People with Disabilities. Her application competed with 120 others, submitted by people with disabilities, parents of children with disabilities, and advocates on disability issues. The Foundation, headquartered in Indianapolis, is "dedicated to the promotion of awareness and communication to improve the lives of individuals with disabilities and their families."

Lisa will spend one and one-half days per month in training and workshops on a variety of topics. She will thereafter undertake a local advocacy project.

Congratulations, Lisa!

Eric Smithburn serves on the faculty of three CLE-accredited training programs on Juvenile Law scheduled for October and November in Indianapolis, Bloomington, and South Bend. NDLS and the Indiana University School of Law collaborate in these sessions. Eric is a member of the Advisory Committee for the Court-Improvement Project of the Indiana Supreme Court.

Fr. Reginald Whitt addressed the Guild of Catholic Lawyers of the Diocese of Norwich (Connecticut) on "The Catholic Lawyer: It's Not an Oxymoron," following the Norwich diocese's Red Mass on October 5. He gave a paper, entitled "Changes in Canon Law regarding Territorial and Personal Parishes: A Tale of Two Codes, and Then Some," on October 12 at the symposium "The Parish as Social Institution: Past and Future." The South Bend parishes of Saint Hedwig and Saint Patrick and the Institute for Church Life in America sponsored the event.

NEWS FROM THE ALUMNI

A. Samuel Adelo, NDLS '54, is featured in an article in the Summer 1997 issue of *EXPERIENCE*, the senior-lawyers magazine published by the American Bar Association. The article, entitled *Ensuring Full and Fair Participation in the*

Courts, describes Mr. Adelo's second career, as a court interpreter. Mr. Adelo retired as corporate counsel for Gulf Oil in 1984. Said Mr. Adelo: "I get a real sense of personal satisfaction from knowing that I helped a defendant to understand the court proceedings and to get due process."

Anne Elizabeth Becker, NDLS '88, married Carl Pebworth August 31 in Immaculate Heart of Mary Catholic Church in Indianapolis. Anne did her undergraduate work at St. Mary's College. She is the Utility Consumer Counselor for the State of Indiana. Her husband was graduated from Bowdoin College, in Brunswick, Maine, and the University of Michigan Law School. He works as an Associate at Baker & Daniels.

James M. McCrystal, Jr., NDLS '73 and formerly a partner at Cleveland's Weston, Hurd, has joined the new Cleveland law firm of Martindale, Brzytwa & Quick as a partner. Jim brings to the firm more than twenty-five years of national recognition in the areas of product liability and business litigation. Recently, the Ohio Association of Civil Trial Attorneys named Jim the Frank Seth Hurd Member of the Year. Jim did his undergraduate work at John Carroll University.

Paul Niemeyer, NDLS '66 and a Judge on the Court of Appeals for the Fourth Circuit, was featured in an article concerning the "length, breadth and costs of discovery in big cases." The article, *Many Suggest Changing the Nature of Discovery*, appeared in the October 13 issue of THE NATIONAL LAW JOURNAL. Judge Niemeyer, who chairs the Advisory Committee on Civil Rules, said, "We're looking at whether discovery, when properly run, is too expensive to justify its contribution to the process."

On August 30, Brian Arthur O'Gallagher, NDLS '92, married Judith Irene Snare in North Minster Presbyterian Church in Indianapolis. Brian is a Public Defender for De Page County, Illinois. His bride was graduated from Miami University of Ohio and from the Indiana University School of Law. She works for Eichhorn & Eichhorn, in Hammond, Indiana.

Jack Sawyer, NDLS '81, was recently elected to membership as a Fellow in the American College of Trust & Estate Counsel. Jack practices with Alston & Bird in Atlanta. He did his undergraduate work at the University of Georgia.

Gene Smary, NDLS '75 and a partner at Warner, Norcross & Judd, in Grand Rapids, has been appointed an adjunct associate professor at NDLS for the Spring semester. Gene will teach Environmental Law.

Matthew E. Thornhill, NDLS '93, married Heather Denise Boettcher on May 31 at Assumption Catholic Church in O'Fallon, Missouri. Matthew did his undergraduate work at Rockhurst College in Kansas City and is employed by the St. Charles Prosecutor's Office.

Ann Williams, NDLS '75 and U.S. District Court Judge for the Northern District of Illinois, spoke at NDLS on October 16. She described her experiences as an African-American woman and judge, and "her perceptions about gender-issue changes and trends in the law." A lunch followed the talk.

MISCELLANY

Karl Eichelberger, of the third-year class, was in the cast, among the writers, and prominent in the production of the opening ceremony for last year's Olympic Games in Atlanta. That production received an Emmy recently for the best live production on television.

On November 19, at the South Bend Marriott, the Notre Dame Law School, in conjunction with Baker & Daniels, will co-sponsor the 1997 Indiana Forum Luncheon. The luncheon will feature prominent journalist Lynn Sherr, who will speak on "Society & Change."

On October 17, in Notre Dame's Courtroom, Professor

Anthony D'Amato, the Leighton Professor of Law at Northwestern University, spoke on "Cross-Country Adoptions: A Call to Action."

On November 13, in the Civil Rights Reading Room, the Human Rights Roundtable Discussion on "The European Human Rights System as a System of Law" featured Richard S. Kay, the William J. Brennan

Professor of Law at the University of Connecticut. Refreshments followed. The activity was sponsored by the Center for Civil and Human Rights.

On September 30, Patricia Leonard conducted a "Personal-Statement Seminar." Sponsored by the Notre Dame Prelaw Society, the event took place in the Law School.

Happy Thanksgiving

