

10-1-1996

## NDLS Update 10/1996

Notre Dame Law School

Follow this and additional works at: [http://scholarship.law.nd.edu/ndls\\_updates](http://scholarship.law.nd.edu/ndls_updates)



Part of the [Law Commons](#)

---

### Recommended Citation

Notre Dame Law School, "NDLS Update 10/1996" (1996). *NDLS Updates*. Paper 33.  
[http://scholarship.law.nd.edu/ndls\\_updates/33](http://scholarship.law.nd.edu/ndls_updates/33)

This Newsletter is brought to you for free and open access by the Law School History at NDLScholarship. It has been accepted for inclusion in NDLS Updates by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).



NOTRE DAME  
NOV 05 1996  
LAW LIBRARY

# NDLS Update

News from the Notre Dame Law School

Vol. VI, No. 3  
October, 1996

TEX DUTILE  
EDITOR

## NDLS RANKED 18TH IN *GOURMAN* REPORT

The Notre Dame Law School finds itself in select company in the current edition of *THE GOURMAN REPORT: A RATING OF THE GRADUATE AND PROFESSIONAL PROGRAMS IN AMERICAN AND INTERNATIONAL UNIVERSITIES*. The volume, which carries evaluations of over one hundred graduate and professional categories of American and foreign study, places American law schools into five groupings: "very strong" (20 schools), "strong" (23 schools), "good" (31 schools), "acceptable plus" (43 schools), and "adequate" (58 schools).

With a point score of 4.67 (of a possible 5.0), NDLS earned the top classification of "very strong." Topping the list was The Harvard Law School, with a score of 4.92.

\*\*\*\*\*

## PAT MCCARTAN TO CHAIR ORDER OF ST. THOMAS MORE

Patrick F. McCartan, NDLS '59, managing partner of Jones, Day, Reavis & Pogue, and a trustee of the University, has been selected to chair The Order of St. Thomas More, an organization of alumni and others who annually contribute \$1,000 or more to NDLS. Pat received his bachelor's degree from the University in 1956.

After law school, Pat clerked for U.S. Supreme Court Justice Charles Evans Whittaker. Now one of the nation's preeminent trial lawyers, McCartan directs the twenty world-wide offices of Jones, Day, Reavis & Pogue from the firm's headquarters in Cleveland. He is a fellow of the American College of Trial Lawyers and of the International Academy of Trial Lawyers, as well as an honorary overseas member of the English Commercial Bar.

McCartan is a member of the



Council on Foreign Relations and the U.S.-Japan Business Council. He serves as trustee of the Cleveland Clinic Foundation, the Kulas Foundation, Ursuline College and Gilmour Academy. In 1994 he received the Archbishop Edward F. Hoban Award for Distinguished Service to the Diocese of Cleveland.

\* \* \*

### **JUDGE ROBERT A. GRANT RECEIVES AWARD**

On the occasion of the 100th anniversary of the Indiana State Bar Association, the Association honored those lawyers who, over that century, "provided outstanding leadership and service to the public and the profession." Among about eighty lawyers--including Benjamin Harrison --the Honorable Robert A. Grant, NDLS '30 and Senior District Judge for the Northern District of Indiana, received a "Centennial Service Award." Judge Grant, after whom the Judge's Robing Chamber adjacent to the Barry Courtroom was named in 1992, served five terms in the U.S. Congress and, for the past thirty-nine years, has served on the federal court for this district. All of us at Notre Dame are proud to claim him as our alumnus. Congratulations, Judge Grant.

\* \* \*

### **NOTRE DAME TRIAL TEAM PICKED**

The Notre Dame Trial Team for 1996-1997 comprises the following students: Tamara Herdener, Bret Heidemann, Catherine Hill, Jennifer Girard, Bernard

Keller, John Michels, Dorphine Payne and Katherine Singer.

The team coaches, Jim Groves, Jeanne Jourdan, and Wendell Walsh, commented, "We were forced to agonize in our decisionmaking because the 2Ls were the best we'd ever seen." Good luck!

\* \* \*

### **RODES AND SHAFFER LECTURE AT NDLS**

On October 16, at the Law School, Professors Bob Rodes and Tom Shaffer made a presentation entitled, "Using the Law as a Tool for Social Change." Sponsored by the Social Justice Forum and the Women's Legal Forum of NDLS, the program addressed the "Preferential Option for the Poor," the relationship of law to Liberation Theology and the lessons of Catholic social teaching.

\* \* \*

### **BLAKEY SUCCEEDS ON FIRST CIRCUIT APPEAL**

On September 27, the First Circuit decided *Roma Const. Co. v. aRusso*, an appeal that Bob Blakey successfully argued. According to pleadings filed in the case, Roma was the victim of an extortion plot by aRusso, the former mayor of Johnston, R.I. Roma bought into a real-estate development. Much to its surprise, it found that its new partners had previously promised to make a payoff to obtain necessary zoning and other approvals on the development. To avoid substantial financial loss, it continued to make the payoffs until it could sell the



investment. It called the FBI, which immediately arrested a number of the culprits, whom Roma then sued under RICO and the Civil Rights Statutes.

Bob was called in to help draft the RICO complaint; the District Court, however, declined to admit him to practice *pro hac vice*. The court also threw out the complaint, finding that Roma had paid a bribe when it succumbed to the extortion. RICO and the Civil Rights statutes were, the court held, for "innocent victims," thus adopting a type of *in pari delicto* defense.

On appeal Bob argued there was no "delicto" (party was victim of extortion, not perpetrator of bribery) or at least no "pari" (a couple of bribes balanced against a "pattern of racketeering" that included numerous other victims) and that the District Court abused its discretion, if it had any, when it would not let him appear and argue the matter. The Court of Appeals held that Roma was, as pleaded, an innocent victim and that Bob should have been admitted to the bar, "[p]articularly . . . where the plaintiffs identified specific, logical reasons for their request [to wit, that Bob was] the acknowledged author of the . . . statute and of excellent commentaries on RICO. . . ."

\* \* \*

### ADVISORY COUNCIL MEMBER DIES

William R. (Dick) Dillon, a member of the NDLS Advisory Council since 1972, passed away October 15. Funeral services were held on October 17 at St. Joseph. Catholic Church in Wilmette, Illinois.

A loyal and valuable member of the Council, Dick and his partner, Herbert

Morton, donated a 6,000-volume law library to NDLS. Dick was instrumental in obtaining for NDLS the Concannon Endowment, which funds the Concannon Program of International Law in London.

Dick did his undergraduate work at Notre Dame and earned his law degree at Northwestern. A member of both the Illinois and Arizona Bars, Dick was, at the time of his death, "of counsel" to Concannon and Dillon in Chicago. Please keep him and his family in your prayers.

\* \* \*

### JUDGE LOKEN SPEAKS AT NDLS

Honorable James Loken, of the United States Court of Appeals for the Eighth Circuit, spoke at the Law School on October 11. His talk, entitled "Judicial Conservatism--in Practice," addressed the differences between judicial and political conservatism and the realities and obstacles in applying judicial conservatism. The NDLS Chapter of the Federalist Society for Law and Public Policy Studies sponsored the event.

Judge Loken was graduated from Harvard Law School in 1965, clerked for Justice White on the U.S. Supreme Court, and then joined Faegre & Benson in Minneapolis, where he practiced business litigation for many years. In the early 1970s, he took a leave of absence to serve as a staff assistant to President Nixon. He was nominated to the Eighth Circuit by President Bush in 1990.

\* \* \*



## NDLS ALUM ELECTED TO UNIVERSITY ALUMNI BOARD

Joseph B. Joyce, NDLS '56 and a partner at Adler, Brennan & Joyce in Des Moines, Iowa, has been elected to a three-year term on Notre Dame's Alumni Board. Mr. Joyce represents the Midwest Region, including Iowa, Kansas, Missouri and Nebraska. The Board, which meets three times a year, directs all of the University's alumni clubs. A member of the Iowa Bar, Mr. Joyce did his undergraduate work, as well as his law degree, at Notre Dame.

\*\*\*

## LOUIS M. BROWN, NDLS FRIEND, DIES

Professor Louis Brown, a good friend of NDLS, died at his home in Beverly Hills, California, on September 19. He had been in failing health for some time. Services were held at Forest Lawn on September 22.

Professor Brown was generally regarded as the grandfather of the preventive-law movement, and of the study of law-office jurisprudence. He founded the Client-Counseling Competition. In keeping with these interests, he gave NDLS the equipment for its first teaching law office.

Lou was a partner in the Los Angeles law firm of Irell & Manella before becoming a full-time law teacher, first at Southern California and, after retirement from there, at Pepperdine. He published scores of articles and books on law-office subjects and in preventive law. He is survived by his wife, Hermione, four children, and several grandchildren. Hermione Brown's home address is 606 North Palm Drive, Beverly

Hills, California 90210.

\*\*\*

## KEN MASSUGI LECTURES ON SHAKESPEARE AND THE LAW

On October 18, Ken Massugi, Visiting Professor of Political Science at the Air Force Academy, delivered a lecture entitled, "Shakespeare's *The Merchant of Venice* and the Rule of Law," in the Courtroom. Professor Massugi holds a Ph.D. in political science from the Claremont Graduate School. He is Senior Fellow at the Ashbrook Center for Public Affairs at Ashland University.

Commented John Robinson, Lecture Czar at NDLS: "At a time when both the judiciary and the electorate have a heightened interest in the conditions under which a government should take account of a person's gender, race or ethnicity, Professor Massugi's lecture is especially timely."

\*\*\*

## NEWS FROM THE FACULTY

Anderson Publishing Company has announced it will publish the *AMERICAN CONSTITUTIONAL ORDER: INTRODUCTION TO THE HISTORY AND NATURE OF AMERICAN CONSTITUTIONAL LAW*, co-authored by Doug Kmiec and Stephen B. Presser, the Raoul Berger Professor of Legal History at Northwestern.

\*\*\*

Joe Bauer published "South Bend, Indiana: A Case Study of the Possibilities



and Realities of Hospital Cooperation," in the LOYOLA CONSUMER LAW REPORTER.

\* \* \*

Frances X. Beytagh, former member of the NDLS faculty, has become the president of Florida Coastal School of Law. Since leaving Notre Dame, Frank has served as dean at both the Toledo Law School and at the Ohio State University College of Law. Frank did his undergraduate work at Notre Dame and his law degree at the University of Michigan, where he was Editor-in-Chief of the MICHIGAN LAW REVIEW. After law school, Frank served as law clerk to Chief Justice Earl Warren. He also worked with Jones, Day in Cleveland.

\* \* \*

Katie Gilligan, wife of Jack Gilligan, former NDLS prof and Director of the White Center, died October 11. The funeral Mass took place at St. Mary's Church in Hyde Park, on October 14. Jack Gilligan's current address is 3646 Ashworth Drive, Cincinnati 46208. Please keep Katie, Jack and all the family in your thoughts and prayers.

\* \* \*

Jimmy Gurulé co-authored INTERNATIONAL CRIMINAL LAW--CASES AND MATERIALS. The Carolina Academic Press published the 1438-page work.

\* \* \*

Don Kommers published "Procédures Destinées à Assurer la Protection des Droits

de l'Homme dans le Cadre de Systèmes Diffus de Contrôle de la Constitutionnalité des Lois," in LA PROTECTION DES DROITS FONDAMENTAUX PAR LA COUR CONSTITUTIONNELLE, number 15 in a series entitled SCIENCE ET TECHNIQUE DE LA DEMOCRATIE.

\* \* \*

On October 13, Lisa Schiltz was elected as one of the parent representatives on the Early Childhood Development Center's Board of Directors.

\* \* \*

On September 29, Tom Shaffer spoke on "Morality in the Practice of Law," in the "Faith, Ethics, and World of the Professions" series held at the First Presbyterian Church, Bethlehem, Pennsylvania. On October 1, he gave a paper entitled "Stories of Legal Order in American Business," in the conference on "How Literature and Films Can Stimulate Ethical Reflection in the Business World," sponsored by the Notre Dame School of Business.

\* \* \*

On September 19, Jay Tidmarsh testified before the House Committee on the Judiciary, Subcommittee on Immigration and Claims, concerning H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act. Jay's testimony focused on standards of governmental liability for the regulatory conduct of its agencies and the effect of this legislation on those standards.



## NEWS FROM THE STAFF

Tina Jankowski and her husband Jeff announce the arrival of their son Andrew Bradley on September 29. Andrew, who weighed in at two pounds, eight ounces, joins an older sister, Erin. All are doing well. Congratulations!

\*\*\*

## NEWS FROM THE ALUMNI

Herbert A. Eastman, NDLS '76, who died last year, was the subject of a piece by Jessie A. Goldner entitled, "In Memoriam: Herbert A. Eastman, 1951-1995," in the ST. LOUIS PUBLIC LAW REVIEW.

\*\*\*

Valli Goss Fisher, NDLS '91, has joined the firm of Lane, Powell, Spears & Lubersky. Her practice will emphasize employment, trademark, and copyright law.

\*\*\*

Kathleen Meyers-Grabemann, NDLS '89, died on September 28 after a year-long battle with leukemia. After her diagnosis, family, friends and associates held several bone-marrow drives in pursuit of a match. An adopted child with no known siblings, she never got that match, although the National Bone Marrow Registry added thousands of new names as a result of the search.

Kathy did her undergraduate at Loyola of Chicago, graduating *magna cum laude* in 1985. She was named the outstanding student in Political Science and

Criminal Justice. After law school, she joined the litigation department of Bell, Boyd & Lloyd in Chicago.

The funeral Mass took place at St. Isaac Jogues Church in Niles, Illinois. In lieu of flowers, the family requested donations to the Leukemia Research Foundation, 4761 West Touhy, Suite 211, Lincolnwood, Illinois 60646.

Kathy is survived by her husband, Robert; a daughter, Kaily; her parents, Leo and Bridie Meyers; and a brother, Robert Meyers. Our thoughts and prayers are with her and her family.

\*\*\*

Homer L. Harris, NDLS '75 and a partner at Williams & Harris in New York, was featured in an article about his firm in the June 24, 1996, edition of THE NATIONAL LAW JOURNAL. The article was entitled, "Minority Firm Battles as Political Tides Shift." The article sets out the challenge facing the firm after it "lost its political allies in City Hall and the State House following the mayoral and gubernatorial elections. . . ." According to the article, the firm had hit its peak in December of 1994 when it finished its second straight year among the ten leading counsel to municipal-bond underwriters in the United States. According to the article, in 1993-94 the firm became involved in 140 issues worth about \$19 billion.

\*\*\*

The DETROIT FREE PRESS recently featured Judge Willie Lipscomb, NDLS '75, in a story dealing with his Saturday morning class on handgun violence. Anyone charged



with carrying a concealed firearm in Detroit must attend the program as a condition of bail. The program has graduated about four thousand young men in the last three years; Judge Lipscomb estimates that fewer than one percent have returned to court on new gun charges.

\*\*\*

Scott K. Martinsen, NDLS '91, has joined the firm of Blackwell, Sanders, Matheny, Weary and Lombardi, in Kansas City. He will focus on trusts and probate.

\*\*\*

Mary G. Robertson, NDLS '87 and a project-finance and leasing lawyer for Hunton and Williams, recently married in New York City. She did her undergraduate work at Canisius College.

\*\*\*

On September 2, THE NEW JERSEY LAWYER, in an article entitled "Lawyers and Their Lore," discussed several lawyers, including Brian Sagrestano, NDLS '95, who participate in a barbershop chorus called The Harmonizers. Brian clerks for Hunterdon County Superior Court Judge Marilyn Rhyne Herr. Brian, the article points out, has sung before: he sang *a capella* with a Cornell University group while doing his undergraduate work there.

\*\*\*

Edward T. Yevoli, NDLS '93, has joined the tax section of Stinson, Mag & Fizzell, in Kansas City. Ed did his

undergraduate work, as well as his law degree, at Notre Dame. He has a master's degree from the University of Missouri--Kansas City.

\*\*\*

## MISCELLANY

Practice exams for the first-year class took place on the evening of October 17.

\*\*\*

Professor Henry P. Monaghan, of Columbia Law School, delivered a faculty colloquium entitled "Seminole Tribe," in the Civil Rights Reading Room on October 18.

\*\*\*

New York Congressman Peter T. King, asked in a September 30 NEWSDAY interview what opened up his view of life, stated: "Notre Dame Law School. That was like a dream come true."

\*\*\*

The annual Faculty Retreat took place on October 21 at the Harbor Grand Hotel, in New Buffalo, Michigan. After a full day of discussions relating mainly to curriculum, faculty members and spouses joined for Mass, a reception, and dinner.

\*\*\*

NDLS Advisory Council member Sonya Penn and her husband Jeff announce the birth of their daughter, Kendra Simone, on August 2.