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NDLS Update 10/1997

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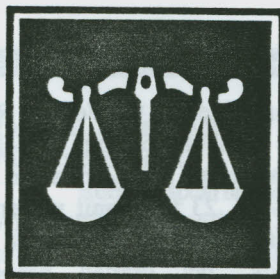


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NOTRE DAME
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NDLS Update

News from the Notre Dame Law School

Vol. VII, No. 2
October, 1997

TEX DUTILE
EDITOR

GURULÉ TO HELP COMBAT CORRUPTION IN ARMENIA

Jimmy Gurulé has been appointed to a four-member team that will conduct workshops on public corruption and organized crime, October 5-10 in Armenia. More than 150 federal prosecutors and other members of Armenia's legal community will attend.

Jimmy will work under the auspices of the Central and Eastern European Law Initiative (CEELI), a joint project of the American Bar Association and the Department of Justice that assists in democratizing the criminal-justice systems of former Soviet republics and members of the Warsaw Pact.

"I think there is a real effort within these countries to move to more-democratic criminal-justice systems," Gurulé said. "The CEELI project is

important because it not only assists in democratizing the criminal-justice systems of these countries, but also has had a direct impact on the basic human rights in these countries."

Located between Turkey and Azerbaijan, Armenia was a Soviet republic from 1922 until the breakup of the Soviet Union in December 1991. It now is a republic with a president, Levon Ter-Petrosyan, who has been in office since the country declared its independence in November 1991.

SOCIAL JUSTICE FORUM HOSTS GOLF SCRAMBLE

On Sept. 25, the Social Justice Forum of NDLS hosted its Eighth Annual Golf Scramble on the Notre Dame Golf Course. The event, counted on for more

than fifty percent of the organization's yearly revenue, has, over the past years, attracted more than 1,000 players and donors from South Bend and Notre Dame. Karen DuBay, president of the Social Justice Forum, notes that during the past academic year the Forum served over 1,000 families and children of the South Bend-Mishawaka area through programs including the HERO Mentoring project, the annual Halloween Party, the Thanksgiving Basket Project, and the 1997 Children's Olympics. In addition to these volunteer activities, the SJF sponsored campus-wide speakers on such subjects as child-support collection and racial and sexual discrimination.

BLAKEY DELIVERS KEYNOTE AT CANADIAN CONFERENCE

On September 9, Bob Blakey delivered the keynote address at the 1997 Organized Crime Conference of the Canadian-American Law Enforcement Organization. The Conference focused on the prosecution of organizations under United States and Canadian law, in particular Bill C-95, the Criminal Organization Act, introduced in the Canadian Parliament by the Administration on April 21.

Bob has worked with Ministry of Justice officials in the organized-crime area for a number of years. He got his start in Canada when he helped draft Canada's wiretapping legislation in the early 1970s. (You don't get paid for this kind of sojourn, Bob observes, so the Mounties gave him a "bobby" hat, just brought over from London, for his collection of police hats, which includes hats from as far away as Russia and as long ago as the old Soviet Union).

TIDMARSH COMPLETES STUDY OF TORT CLASS ACTIONS

Jay Tidmarsh just completed a 240-page study of mass-tort-settlement class actions. The study was conducted at the request of the Federal Judicial Center, and will be forwarded to the Advisory

Committee on the Federal Rules of Civil Procedure, which is considering amendments to F.R. Civ. P. 23 to permit settlement class actions. Based on the study, Jay drafted proposed language for the amended rule. The amended language "hasn't a prayer of being adopted by the Committee," Jay notes, but the Federal Judicial Center has preliminarily expressed an interest in publishing the study anyway.

THIRD-YEAR STUDENT ADDRESSES PRESIDENT'S LUNCHEON

Karen DuBay, a third-year student at NDLS and a 1995 alumna of Notre Dame, addressed the President's Luncheon for Michiana Business Leaders on October 1. At the event, hosted by Father Malloy, Karen discussed her service experiences in the Michiana community. Also on the program: Father Malloy, Bill Sexton, who gave the keynote address, and Autry Denson, a Notre Dame junior.

PHELPS AND BLAKEY DISCUSS BATTERED WOMEN'S SYNDROME

On September 25, Terry Phelps and Bob Blakey discussed the current status of Battered Women's Syndrome as a defense

in criminal prosecutions. The discussion followed a showing the previous day of a movie entitled "Conspiracy Of Silence," which explores the reactions of those associated with violent abuse, including victims, batterers, support groups, and other members of the community. The Women's Legal Forum sponsored both events.

JIMMY GURULÉ HONORED AS "PILLAR OF A JUST SOCIETY"

Jimmy Gurulé is one of twelve Hispanics nationwide selected as "Pillars of a Just Society." Sponsored by the Miller Brewing Company, the honor recognized professors, attorneys, and judges who have served the cause of justice in the Hispanic community. A 1997 commemorative calendar, with proceeds going to a scholarship fund for deserving Hispanic students, features the honorees.

Jimmy earned his bachelor's and law degrees from the University of Utah and joined the Notre Dame faculty in 1989. Prior to entering academe, he served as an Assistant U.S. Attorney in Los Angeles, where he successfully prosecuted the Mexican nationals charged with the murder of Drug Enforcement Administration Agent Enrique "Kiki" Camarena.

From 1990 through 1992, while on leave from Notre Dame, Jimmy served as an

Assistant Attorney General in the Department of Justice, where he worked on responses to the growing problems of gangs in major American cities. He is the highest-ranking Hispanic in the Department's history.

A past president of the Hispanic National Bar Association, Jimmy was honored by that organization in 1993 for his leadership in the Hispanic-American community and in the legal profession. He has received distinguished-service awards from the Justice Department and the DEA for his work on the Camarena case and he currently serves on an advisory group to Senator Orrin Hatch and the Senate Judiciary Committee. He is the author of **COMPLEX CRIMINAL LITIGATION: PROSECUTING DRUG ENTERPRISES AND ORGANIZED CRIME.**

Congratulations, Jimmy!

JIM ROEMER, NDLS GRAD, WINS COMMUNITY AWARD

James A. Roemer, NDLS '55, director of community relations for the University of Notre Dame, and an adjunct professor of law at NDLS, has received the second annual Ed Dargis Community Leader Award from the Michiana Coalition on Alcohol and Other Drugs. The award is named for the late community activist who devoted many years to the development of treatment

programs for alcohol and other drug dependencies.

Roemer spearheaded the formation of the coalition at the request of University president Rev. Edward Malloy, C.S.C. More recently, Roemer initiated the drive for a drug court, now operated by Judge Roland Chamblee.

Roemer is one of the founders of Dismas House and an organizer for Christmas in April and the Community Allies Program. He serves on the boards of the Chamber of Commerce, Center City Associates, the Martin Luther King Foundation, Vision in Progress, and the Housing Development Corporation, among others. Jim did his undergraduate work at Notre Dame and is a member of the Indiana Bar.

The Ed Dargis Memorial Fund is campaigning to raise \$25,000 to endow a bed in Dargis's name at the Life Treatment Centers, which provide a full continuum of treatment for alcohol and drug addictions. No one is denied help there due to an inability to pay.

Congratulations, Jim!

ND ALUMS AMONG NEW ST. JOSEPH COUNTY BAR OFFICERS

Three Notre Dame alumni were elected as 1997-98 officers of the St. Joseph County Bar Association. Michael

Gotsch, NDLS '87, will serve as Vice President; Philip Kalamaros, NDLS '87, will serve as Secretary; and Robert Parker, NDLS '52, will serve as Treasurer.

NEWS FROM THE CENTER FOR CIVIL AND HUMAN RIGHTS

On Sept. 11, in the Alumni Room of the Morris Inn, the Center hosted a welcoming reception for its students, in both the LL.M. and the J.S.D. programs. Tina Jankowski handled the arrangements.

DUKAKIS TO SPEAK AT SYMPOSIUM

On November 14, at the Center for Continuing Education, a Symposium on "Campaign Finance Reform" will take place. The JOURNAL OF LEGISLATION will sponsor the event.

Participants include Michael Dukakis, a professor at Northeastern University and the 1988 Democratic Presidential nominee; Craig Engle, former General Counsel for the National Republican Senatorial Committee; Congressman Pete King, NDLS '68; William Marshall, an attorney in the Office of White House Counsel and professor of law at Case Western Reserve; Don Simon,

Vice-President and Counsel of Common Cause; Bradley Smith of the Cato Institute; and Ken Weine, an attorney for the Brennan Center for Justice. Former Indiana Governor Evan Bayh may also participate.

Each participant will present a paper. Discussion among the participants and a question-and-answer session will follow. The JOURNAL will publish the papers in its Spring issue.

NEWS FROM THE FACULTY

Bob Blakey participated in the "Business Litigation Seminar," in Chicago, on September 11. His topic: RICO. The seminar featured some of the top civil-litigation defense specialists in the courts. (Bob asks: "Was I a Daniel in a den of lions?")

Gerry Bradley published *A Case for Proposition 209*, in the NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY.

Tex Dutile has been appointed a faculty mentor in the Academic Honors Program for Notre Dame Student-Athletes. The "kick off" dinner for the program took place September 16 in the Stadium Press Box.

Speakers included Fr. Malloy, Fr. Beauchamp, Nathan Hatch, and Mike Wadsworth.

Tex Dutile's article, "Law and Governance Affecting the Resolution of Academic and Disciplinary Disputes at Scottish Universities: an American Perspective," will be published by THE INDIANA INTERNATIONAL AND COMPARATIVE LAW REVIEW. The article stems from research Tex did while a Senior Visiting Fellow at the University of Aberdeen, Scotland, during the summer of 1996.

Barbara Fick published *The Case for Maintaining and Encouraging the Use of Voluntary Affirmative Action in Private Sector Employment*, in the NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY.

John Garvey made a presentation entitled "What Are Freedoms For?", at South Texas College of Law, in Houston on September 4.

Jimmy Gurulé published a teacher's manual for CRIMINAL AND SCIENTIFIC EVIDENCE: CASES, MATERIALS, AND PROBLEMS, which he co-authored with Robert J. Goodwin.

On October 24 Cathy Kaveny will participate in a panel discussion entitled "Closures: Legal Issues," part of a series of discussions in a program called "Final Choices: Planning for the End of Life." The Biomedical Ethics Committee at Elkhart General Hospital will sponsor the four-part symposium on issues of death and dying. All events will take place in the hospital auditorium, at 600 East Boulevard. For reservations, phone (219) 523-3303.

Con Kellenberg's son Tom, a 1980 alumnus of the University, has been appointed executive director of the new Notre Dame Semester in Washington Program. Tom will be responsible for on-site operations. Tom will also teach and participate in the continued development and expansion of that program. After graduation from Notre Dame, Tom volunteered service as a Holy Cross Associate in Chile from 1980 to 1983. He earned his J.D. from Harvard Law School in 1986, following which he spent two years as an instructor in law and Assistant General Counsel at the Catholic University of America. He did a federal clerkship, in both the U.S. District Court and the U.S. Court of Appeals for the Ninth Circuit. Most recently, he has been an associate in the Seattle law firm of Perkins Cole.

Doug Kmiec published *The Abolition of Public Racial Preference — An Invitation to Private Racial Sensitivity*, in the NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY.

Doug also published *The Court Rediscovered Federalism*, in POLICY REVIEW.

On September 30 Patricia Leonard delivered a "Personal Statement Seminar" to prospective law students. The Notre Dame Pre-Law Society sponsored the event, which took place in the Law School.

On September 19, Judge John T. Noonan, Jr., who is teaching two courses in the Law School this Fall, discussed "Life in the Ninth Circuit." The JOURNAL OF LEGISLATION and ALSA co-hosted the event, part of the "Diversity in Law Series."

Terry Phelps presented a workshop entitled "Advanced Legal Writing and Editing," at the annual conference of the Council for Appellate Staff Attorneys, in Burlington, Vermont, July 2. She also presented a day-long writing workshop for the staff attorneys at the United States Court of Appeals for the Seventh Circuit, in Chicago on September 12.

Terry will serve on the faculty of the First Appellate Practice Skills Institute, in

Indianapolis, November 14. The Indiana Continuing Legal Education Forum will co-sponsor the event with the Appellate Practice Section of the Indiana State Bar Association.

Daniel W. Pratt, son of Jack and Dotty Pratt, has been named a semifinalist in the 1998 National Merit Scholarship Program. As a semifinalist, he now has the opportunity to continue in the competition for one of 7,400 Merit Scholarship awards worth more than \$28 million. Semifinalists were selected based upon their performance on the Preliminary Scholastic Assessment Test/National Merit Scholarship Qualifying Test. The number of semifinalist in each state depends on that state's percentage of the nation's graduating high-school senior class. Semifinalists must fulfill additional requirements to advance to the finalist level, including the maintenance of an outstanding academic record, recommendation by their high-school principal, and a high SAT score. The detailed scholarship application requires completion of an essay and information concerning the student's participation and leadership in school and community activities. Congratulations, Daniel!

Daniel traveled to Czestochowa, Poland, South Bend's sister city, this summer on a goodwill trip. He went as a member of the Indiana Fencing Academy, a group of elite fencers. While there, Daniel,

also a pianist, serenaded diners in a cafe at which Chopin himself had played. After their return, some members of the group, including Daniel, shared their experiences with South Bend Mayor Stephen J. Luecke. While in Poland, the group sparred with several Polish fencing teams, losing but once--to the Polish national team.

Jim Seckinger underwent retinal surgery twice recently, the later of the two surgeries taking place on September 22. The second surgery, fast upon Jim's operation for a retinal detachment, involved the removal of the vitreous from his eye and patching of a retinal hole. Jim's recovery goes well.

Jim has served as program director, faculty member, and lecturer at a large number of programs including: at Skadden Arps Slate Meagher & Flom, in New York, on February 27, 28; on April 30-May 2; and on August 4-5; at the NITA Teacher Training Program at the Harvard Law School, on March 21-23; at Altheimer & Gray, in Chicago, on April 3-5; at Pennie & Edmonds, in New York, on April 18-20; at the University of Toronto, in Toronto, Canada, on April 25-26 and on June 4-7; at Fish & Neave, in New York, on June 12-14 and July 30-August 2; and at Notre Dame, on June 19-21.

Jim presented a paper on "Impeachment and Rehabilitation of Witnesses," at the Canadian

Intensive Trial Advocacy Workshop, Osgoode Hall, York University, on July 7. The paper was published in MATERIALS FOR INTENSIVE TRIAL ADVOCACY WORKSHOP, a publication of Osgoode Hall.

Tom Shaffer published the Tabor lecture in legal ethics: *On Living One Way in Town And Another Way At Home*, in the VALPARAISO UNIVERSITY LAW REVIEW.

Dinah Shelton published *Reconcilable Differences? The Interpretations of Multilingual Treaties*, in the HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW. She published *Litigating Foreign Environmental Damage in United States Courts*, in THE EUROPEAN BUSINESS LAW REVIEW.

Dinah, along with Alexandre Kiss, published the second edition of MANUAL OF ENVIRONMENTAL LAW. Cambridge University Press did the honors.

Dinah presented a lecture entitled, "The Right to Environment and Public Participation," in Budapest, on July 21. The lecture was part of the Danube Environmental Law Program, sponsored by the Conference of Rectors of European Universities and the Commission of European Communities.

Eric Smithburn's son, Scott, underwent surgery at Riley Hospital on Sept. 11.

Eric led the design of a course entitled "Evidence in Juvenile and Family Court," to be offered October 26 through 31 in Reno, Nevada. The National College of Juvenile and Family Law will sponsor the event. Eric also will teach part of the course.

NEWS FROM THE ALUMNI

Tom Ajamie, NDLS '85 and formerly Special Counsel to Baker & Botts, has quit that firm, according to THE NATIONAL LAW JOURNAL, after the firm's Executive Committee told him to find someone outside the firm to take over a multibillion-dollar class action against a Canadian minerals company. A partner, Paul Yetter, left with Tom. Tom joined Houston's Zummo Scherrmeister & Ajamie.

Gov. Pete Wilson has appointed Gerard S. Brown, NDLS '76, to the municipal-court bench for San Bernardino County, California. He took the oath of office and commenced judicial duties on July 31.

Judge Brown writes, "I find my work exciting and very rewarding and believe my years at Notre Dame Law School helped instill in me a desire to serve the public in this capacity."

Catherine C. Chavez, NDLS '96, has joined El Paso's Kemp, Smith, Duncan & Hammond as an associate. Ms. Chavez will do corporate work.

Michael L. Costello, NDLS '73, has been appointed to the Committee on Character and Fitness for the Third Judicial District in New York. Mr. Costello practices with Tobin and Dempf, in Albany. He did his undergraduate work at Siena College.

Joanne M. Frasca, NDLS '77 and until recently a partner at Jones Day's Los Angeles office, has sued the firm for discrimination. The managing partner of Jones Day is Patrick McCartan, Jr., NDLS '59 and a member of the Board of Trustees of the University of Notre Dame.

Patrick and Melissa (Byrne) Hall, both NDLS '92, announce the birth of their son Gabriel Patrick Hall—seven pounds, four ounces—on August 29.

John D. Hughes, NDLS '88, died August 26. A resident of Mishawaka, Indiana, Mr. Hughes was a self-employed

planning consultant working through his own company, Hughes Consulting of Mishawaka. A member of the Indiana State Bar Association, the American Planning Association, and the First Presbyterian Church in South Bend, he is survived by his wife Anna; his mother, two daughters; two sons; a sister, and two brothers.

Karl F. Jorda, NDLS '57 and the David Rines Professor of Intellectual Property Law and Industrial Innovation Director, Germeshausen Center, Franklin Pierce Law Center, received the 1996 Jefferson Medal of the New Jersey Intellectual Property Law Association. Professor Jorda received the award, the United States' highest honor in intellectual property, for his "extraordinary contributions to the U.S. intellectual property law system." Professor Jorda has participated in World Intellectual Property Organization symposia around the world and has served as a consultant to both the Indonesian and Bulgarian Patent Offices.

On September 18 South Bend attorney Phil Kalamaros, NDLS '87, was quoted in a CHICAGO TRIBUNE article on Notre Dame football. Regarding pressure on Coach Bob Davie following Notre Dame's loss to Purdue, Phil said: "I saw the question asked in a newspaper: Is

the honeymoon over? There is no such thing as a honeymoon at Notre Dame. You either win or you're in trouble. There has never been anything in between."

In a front-page feature of the SOUTH BEND TRIBUNE on September 2, Paul E. Noonan, Jr., NDLS '96 and residence director of the N.D. London Programme, reported on London's reaction to Princess Di's death. Paul has lived in London for about three of the last five years. He reported as a "Tribune Special Correspondent" in an article entitled *England's Rose*.

Martin Olz, NDLS LL.M. '96, published *Non-Governmental Organizations in Regional Human Rights Systems*, in the COLUMBIA HUMAN RIGHTS LAW REVIEW. Mr. Olz did his first draft of the article during the spring of 1997 as part of Dina Shelton's course on international organizations.

Daniel H. Roberts, NDLS '94, has joined Pierce Atwood, in Portland, Maine. His practice will focus on general corporate and commercial law, including mergers and acquisitions.

Mason D. Sullivan, NDLS '61 and an attorney in Chicago for four decades, died August 27 in Oak Park, Illinois. Mr. Sullivan, who did his undergraduate work, as well, at Notre Dame, worked as a Certified Public Accountant and a sole practitioner in Chicago's financial district. Surviving him are: his wife, Ann; a daughter, Mary Ann; four sons, Thomas, Michael, William and James; and three grandchildren. A funeral Mass took place in Ascension Catholic Church, in Oak Park, on August 30.

Timothy J. Walsh, NDLS '74, has announced the opening of his law office at 245 Edison Road in Mishawaka. Tim formerly was a shareholder, officer, and director of Edward N. Kalamaros and Associates.

**GREAT - STORY
DEPARTMENT
(How Ed and Mary Ann
Murphy Got
Special Stadium Seats)**

The fall 1997 edition of ALUMNI: THE NEWSLETTER FOR NOTRE DAME ALUMNI, contained the following letter from Michael J. Murphy, ND '87 and son of longtime NDLS prof Ed Murphy and his wife Mary Ann: "My father, Ed Murphy, was a professor in the Notre Dame Law School and spent many fall afternoons with my mother in the

stadium cheering on the Irish football team. For most of these seasons, they were assigned the same two seats directly beneath the north scoreboard: Section 36, Row 59, Seats 29 and 30. Most of my brothers and sisters subsequently attended Notre Dame, and no matter where any of us were seated elsewhere in the stadium, we always knew where to look for Mom and Dad.

"My youngest brother, Steve '90, spent his summers while at school assisting the stadium maintenance staff. One of his first assignments in the summer of 1986 was to paint new numbers on the seats in the stadium. None of us thought much about this task until that following football season. When the first game of the season came and my parents were making their way through the crowd to their usual seats within the stadium, they were greeted with a lot of grins from those who sat by them and, upon looking down at their seats, saw a wonderful surprise . . . where once had been painted '29' and '30' was now, in fresh white paint, hand scrawled 'Mom' and 'Dad.'

"For as many years as the seats remained as such, my parents took great pride and delight in being the only spectators in the stadium with their own set of personalized seats."

MISCELLANY

Don Kommers has announced the visits of two European guests. Laszlo Solyom, President of Hungary's Constitutional Court, Kommers notes, is Hungary's most outstanding constitutional scholar and jurist. He came to Notre Dame on September 25 following his participation in the Yale Law School's well known "Global Constitutionalism Project."

The second guest, Professor Dr. Werner Meng, is one of Germany's leading international public lawyers and Dean of the Law Faculty at Halle University. Dr. Meng arrived on September 29 for a five-day visit. He is an expert in energy and environmental law.
