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## NDLS Update 10/1999

Notre Dame Law School

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# NDLS Update

News from the Notre Dame Law School

*Vol. IX, No.2*  
*October, 1999*

*TEX DUTILE*  
*EDITOR*

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FACULTY WINS FIRST

## **SOFTBALL GAME EVER!**

**[Editor's note:** Pat Schiltz, NDLS Update stringer and player-manager for the faculty softball team, gives the following account of the "agony and ecstasy" accompanying the faculty's participation in the annual softball round-robin with our students. Your editor bears no responsibility for the accuracy of this account or, especially, for the unbridled cruelty of the account's last sentence!]

First the ecstasy: The faculty softball team won its first game ever, walloping the 1L team 19-12 in extra innings. Star of the game was Dan Manier, who batted in about half of the faculty's runs and hauled in some long drives in center field. (Runner up was Matt Barrett, for his timely hitting and for hauling in even more long drives in left-center.) Following the game, Dean O'Hara gave the manager a five-year contract extension.

Now the agony: The faculty fell 13-11 to the 2L team in the championship game. The faculty left the bases loaded four times and stranded a total of 17 runners. In the bottom of the final inning, the faculty loaded the bases with one out. Sadly, though, both the manager and Dwight King failed to bring the runners home. One hit a tepid pop-up to shallow shortstop; the other a screaming line drive to left field.

All in all, it was the best performance ever by a faculty team. On a completely unrelated note, it was the first time that neither Dean Link nor Tex Dutile played on the team.

\* \* \*

### **JUSTICE ANTHONY**

### **KENNEDY SPEAKS AT**

### **ND'S LONDON FACILITY**

The University of Notre Dame, in conjunction with the Embassy of the United States, sponsored a discussion featuring Justice Anthony Kennedy of the United States Supreme Court. The discussion took place on September 16 at Notre Dame's new facility in London. With an eye to both the Human Rights Act 1998 and the American experience with the Bill of Rights, Justice Kennedy discussed the impact of a written code of fundamental rights on the role of the judiciary.

\* \* \*

### **"FIRST MONDAY"**

### **PROGRAM AT NDLS**

### **EXPLORES HOUSING**

On Monday, October 4, in the Law School courtroom, "First Monday-1999" will explore the issue of housing and homelessness. Organized nationwide by the Alliance for Justice, "First Monday" takes place annually to coincide with the opening of the U.S. Supreme Court term. This year's program will highlight ways to meet the goal of the 1949 Housing Act, in which Congress declared that every American should have a "decent home and suitable living environment."

The program will feature, in addition to a twenty-five minute film, a panel discussion. Eileen Doran of the Legal Aid Clinic will take part in that panel discussion. The Notre Dame Law School, through the Center for Civil and Human Rights, and the Center for Social Concerns will co-sponsor the program.

\* \* \*

**BAUER AND TIDMARSH  
DEBATE DEATH PENALTY**

NDLS profs Joe Bauer and Jay Tidmarsh took up the contentious issue of capital punishment in a debate on September 24. The so-called "common ground" discussion, which took place in the lounge of the Hesburgh Library, grew out of the idea that even divisive issues provide opportunities for some agreement between contending parties. Call to Action—Michiana, an organization of liberal Catholics, has pioneered the common-ground model. One interesting part of that process has each side summarize the other side's position. Members of the audience then add their own views on what they heard. Joe Bauer supports the death penalty; Jay Tidmarsh opposes it.

\* \* \*

**PAT METER JOINS  
MICHIGAN COURT  
OF APPEALS**

On September 23, Patrick M. Meter, NDLS '73, was sworn in as a judge of the Michigan Court of Appeals. The ceremony took place at the Temple Theatre, in Saginaw, Michigan. Pat, who did his undergraduate work as well at Notre Dame, formerly served as Judge of the Saginaw County Circuit Court. A reception followed at the Horizons Conference Center, in Saginaw.

\* \* \*

**JUDGE MOTZ  
VISITS NDLS**

On September 27, Judge Diana Gribbon Motz of the United States Court of Appeals for the Fourth Circuit visited the Law School. During the lunch hour, in Room 110, Judge Motz gave a short talk on "Thirty Years of Women in the Law." She also took questions from the students. Her long and varied experience gave strong support to her perspective on the issue; since graduating from the University of Virginia Law School in 1968, she has worked as an associate in a large firm, as an assistant attorney general, as a partner in a small firm, as a state-court judge, and as a federal appellate judge.

In mid-afternoon, in Room 105, Judge Motz spoke on "Getting a Judicial Clerkship." Judge Motz described what law clerks do, why students should seek clerkships, and how students can maximize their chances of getting a clerkship.

\* \* \*

**CAVANAUGH PRESIDES  
OVER HUMAN RIGHTS  
ROUNDTABLE**

William T. Cavanaugh, assistant professor of religion at the University of St. Thomas, presided over a Human Rights Roundtable at NDLS on September 20. The topic: "Torture and Eucharist: Theology, Politics and the Body of Christ." Lunch was served at the event, which took place in the Civil Rights Reading Room. The Center for Civil and Human

Rights and the Department of Theology sponsored the discussion, part of a series targeting faculty and doctoral candidates.

\* \* \*

### **FIRST-YEAR CLASS**

#### **ELECTS**

#### **REPRESENTATIVES**

The first-years at NDLS have completed their election of officers. The three class reps to the Student Bar Association: Sean McLaughlin, Kale Ness, and Rose Saari. The two Honor Council members: Sunil Bhuta and Chris Keegan.

Congratulations to all!

\* \* \*

### **NEWS FROM THE**

#### **LEGAL AID CLINIC**

The clinical seminar on law and poverty enrolled eleven experienced student-lawyers. Through the stories of their clients, the students and Tom Shaffer—even as they worked on the clients' legal problems—have been studying the situation of poor people in the South Bend area.

The legal problems range from landlord-tenant difficulties to public benefits such as Medicaid, to asylum appeals for immigrants, to the preparation of wills and allied documents. Litigation has included the asylum cases and several plaintiff lawsuits, one a quiet-title action, one a suit for damages against a tombstone company, and one a suit involving a defective automobile.

Parallel to the empirical study of poverty and legal representation, the seminar has taken up Catholic social teaching, including particularly the scholarship of Robert E. Rodes, Jr., and public lectures in the fall series at St. Mary's college; these include a lecture by Jan Pilarsky, Jay Tidmarsh's wife.

\* \* \*

### **NEWS FROM THE**

#### **FACULTY**

Sister Deborah Cerullo published *A Canonical Study of Lay Associate Programs*, in *Studia Canonica*; and *Charism and Membership: Surpassing the Institutional Limits of Religious Life*, in *Review for Religious*.

\* \* \*

Nicole and Rick Garnett announce the birth of their first child, Margaret Clare Garnett on September 27. Maggie weighed seven pounds, eleven ounces. Mother and daughter (Dad also!) are doing fine.

\* \* \*

John Gilligan, former prof and former director of the White Center at NDLS, has announced his candidacy for the Cincinnati, Ohio, board of education. Mr. Gilligan, before coming to the faculty at Notre Dame, served as Governor of Ohio. Prior to that, he occupied a seat in the United States Congress. The Cincinnati Enquirer set out Mr. Gilligan's reason for running: "I am concerned because there is a lot of discussion about the plight of the public schools, but I don't pick up much of a sense of urgency about it. I want to bring a sense of urgency to the subject." His four grown children, the 78-year-old ND grad said, "are unanimous in thinking I'm crazy."

\* \* \*

On September 21 Jimmy Gurulé testified before the United States Senate Committee on the Judiciary, Subcommittee on Youth Violence. His topic: "Examining the Office of Justice Programs' Reorganization Plan."

\* \* \*

Cathy Kaveny will speak at a conference on The Future of the Catholic Church in North, Central, and South America. Catholic cardinals, bishops, theologians and other scholars will meet October 10-12 at Notre Dame to explore such subjects as the vocation to holiness, martyrdom, the secularization of society, the family, Catholic social teaching, economic justice, and international debt. The meeting, entitled "Building a Culture of Solidarity: A Hemispheric Consultation" and sponsored by Notre Dame's theology department, will use Pope John Paul II's recent letter *Ecclesia in America* as the basis of its discussions.

\* \* \*

John Robinson's mother, Dorothy Robinson, passed away on September 24 in Providence, Rhode Island. Her funeral took place on September 27 at St. Martha's Church in East Providence, Rhode Island. Please keep John, his mother, and the rest of the family in your thoughts and prayers.

\* \* \*

Pat Schiltz gave the keynote address at a Symposium on "Attorney Well-Being in Large Firms: Choices Facing Young Lawyers," at Vanderbilt University School of Law in Nashville, Tennessee, on September 14. The focus of the symposium was his article, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*. Pat also taught a session of a Professional Responsibility course at Vanderbilt.

Pat also provided reflections on the topic, "Does the World Really Need Another Catholic Law School?," at the annual Red Mass at the University of St. Thomas, in St. Paul, Minnesota, September 26.

\* \* \*

Dinah Shelton taught in a training seminar for the United Nations Institute for Training and Research (UNITAR), in Kushiro, Japan, from August 25-31. Thirty-five environmental officials from countries in the Asia-Pacific region participated.

On September 9, in Tokyo, she gave a paper on "Human Rights Approaches to Forest Conservation," as part of the third IGES Workshop on Forest Management. She also wrote the final report of the meeting.

\* \* \*

On September 21, at Memorial Hospital in South Bend, Eric Smithburn underwent surgery for the installation of a pacemaker.

\* \* \*

Foundation Press has published the annual supplement and a teacher's manual for Jay Tidmarsh's (and his co-author's) Complex Litigation and the Adversary System.

\* \* \*

### NEWS FROM THE ALUMNI

Ben Allison, NDLS '97 and an associate at Dewey Ballantine, in New York City, figured in a recent article in Time Magazine entitled, *Home-school report card; parents are teachers for a million kids. But does home schooling work?*

\* \* \*

Patrick L. Brennan, NDLS '99, has been appointed assistant director of the Office of Planned Giving at Notre Dame. Mr. Brennan did his undergraduate work at the University of Maryland at College Park.

\* \* \*

Jim Carr, NDLS '87, and his wife, Danielle, announce the birth, on September 16, of their son Ryan Patrick. At birth Ryan weighed seven pounds, fifteen ounces. Jim informs us that "Ryan will be in the NDLS Class of 2024."

\* \* \*

John Cerone, NDLS '97, has been appointed a Human Rights Officer with OSCE (the Organization for Security and Cooperation in Europe). OSCE has the human-rights mandate in Kosovo. John was nominated by the U.S. State Department in July, recommended by OSCE Headquarters in early September, and accepted by the Head of Mission shortly thereafter. He will be placed in the Mission in Kosovo in late October.

\* \* \*

Chris J. Conboy, Jr., NDLS '85, has been named publisher of Drug Store News and Drug Store Newsfirst, the magazine's weekly fax newsletter. Mr. Conboy, a six-year veteran of Lebhar-Friedman, did his undergraduate work at Notre Dame. He earned an MBA in marketing from the University of Connecticut.

\* \* \*

Walter F. Jones, Jr., NDLS '48, died September 9. Mr. Jones retired in 1990 from Born & Jones, a law firm in which he had served as partner for thirty years. From 1950 to 1956, he had served as public counselor for the Indiana Public Service Commission. An Army veteran of World War II, Mr. Jones received both the Sagamore of the Wabash and Jaycee's Good Government Awards. The widower of Vivian Wood Jones, he is survived by his children, Susan and Mark; two sisters; and one grandchild.

\* \* \*

Margaret Mahoney, NDLS '98, has joined the Manhattan, New York, District Attorney's Office.

\* \* \*

Jane Woodward Miller, NDLS '78, has been named St. Joseph County's new juvenile court magistrate. The St. Joseph County Council earlier this summer approved the new position in order to help the County's Probate Judge deal with a large volume of cases. Ms. Miller becomes the second such magistrate.

Ms. Miller did her undergraduate work at Indiana University. From 1972 to 1975, she served as a child-welfare worker in Lake County. For eleven years after graduation from law school, she prosecuted felony cases involving children as victims. In 1995 she served as acting director of CASIE Center, an advocacy agency for child victims. According to the South Bend Tribune, she and her husband, federal judge Robert Miller, are the only couple in St. Joseph County in which both husband and wife are judicial officers.

\* \* \*

David Morken, NDLS '94, was featured in the September 12 edition of Forbes.com. The article notes that Mr. Morken, while a student at NDLS, read "about how bandwidth was going to be big business." Knowing nothing about technology, he nevertheless registered the domain name "bandwith.com." The article describes how, since then, that domain has led to large and regular sales of technological equipment.

\* \* \*

Jane Nagle, NDLS '93, has joined Chicago's Lord Bissell & Brook. She joins another new associate there, Eric W. von Deck, NDLS '99.

\* \* \*

Rosie Lozada Schrier, NDLS '96, now teaches law at the University of Miami. She and her husband, Martin T. Schrier, NDLS '95, have a new baby daughter named Sabrina Maria.



\* \* \*

James R. Sweeney II, NDLS '96, has joined the Indiana firm, Barnes & Thornburg. Mr. Sweeney did his undergraduate work at the Naval Academy at Annapolis, Maryland. Mr. Sweeney flew the Marine Corps' first surveillance mission into Iraq during Desert Storm.

\* \* \*

Coquese Washington, NDLS '97, will return to Notre Dame as an assistant basketball coach next season. Ms. Washington played for the New York Liberty WNBA team this year. She played on Notre Dame's first NCAA tournament team in 1992. Her 307 steals remain a school record.

\* \* \*

#### MISCELLANY

On September 10, Judge Adrian G. Duplantier of the United States District Court for the Eastern District of Louisiana spoke at NDLS on "Getting a Judicial Clerkship."

\* \* \*

#### EXCUSE ME???

The following item appeared in the September 12 issue of the St. Pius X church bulletin. Under "Youth Group News," we are reminded: "This Thursday night is our *surprise* going-away party for Jill . . . ." (emphasis added).

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