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## NDLS Update 09/2001

Notre Dame Law School

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# NDLS Update

News from the Notre Dame Law School

*Vol. XI, No. 2*  
*September, 2001*

*CATHY PIERONEK, EDITOR*  
*KELLEY COLLINS, DESIGNER*

## **Professor Gurulé Unanimously Approved**

Congratulations to Jimmy Gurulé, who learned on August 3<sup>rd</sup> that the U.S. Senate voted unanimously to confirm his nomination as Undersecretary for Enforcement in the U.S. Treasury Department. The confirmation vote, along with a number of other similar votes, had been stalled by Senator Jesse Helms for three months. Jimmy will be on leave from NDLS for the 2001-02 and 2002-03 academic years. Good luck!



## **Three Members Added to Law School Advisory Council**

University President Reverend Edward A. Malloy, C.S.C, has appointed the following individuals to the Law School Advisory Council:

- < Franklin E. Eck Jr. '89J.D., an attorney with Shuler, Plank & Brahm in Columbus, Ohio;
- < Harry J. Fath Jr. '63, owner and chief executive officer of Fath Properties in Cincinnati, Ohio;  
and
- < Thomas D. Yannucci '72, '76J.D., a partner at Kirkland & Ellis in Washington, D.C.

In addition, Charles A. Weiss '68J.D., president of the Notre Dame Law Association for 2001-02, will serve on the advisory council for the year in an *ex officio* capacity.

### Faculty Notes



Bob Blakey reports that he has been busy on the lecture circuit, talking to local prosecutors. In April, he spent a day with the State's Attorneys Special Prosecution Unit in Miami, Florida, talking about how to make a RICO case, comparing the federal and Florida RICO statutes. Bob drafted the federal statute in 1970 and Florida's version in 1977 correcting, he says, the drafting mistakes he made in 1970!

Bob also got to see, for the first time, his youngest grandson, Charlie, walk. Jack '88, '92J.D., Charlie's father, is now an Assistant U.S. Attorney in Miami, where he won his first appeal, in a case involving a RICO prosecution of Russian mob figures, before the U.S. Court of Appeals for the 11<sup>th</sup> Circuit, *per curiam*, three weeks after the argument.



In July, Bob addressed the main meeting of the Louisiana District Attorney's Association in, of all places, Destin, Florida, which is in the Fort Walton Beach area of the Florida panhandle. Bob compared and contrasted federal, Florida and Louisiana RICO, in particular, showing how state courts are giving state RICO statutes a less hostile reading than are some federal courts. Bob's talk, on August 5<sup>th</sup>, preceded the arrival of Hurricane Barry on August 6<sup>th</sup>. Bob had to drive late on the night of April 5<sup>th</sup>, through a sheet of rain and gale-force winds, to get out of Destin and over to New Orleans to catch a plane back to Chicago and South Bend. Arranging the hurricane had it's advantages, however, as the convention participants had to stay off the beach and inside to hear his talk. Bob comments that this is one way to guarantee a big audience!

Bob also commented on a RICO prosecution in Utah in an article titled *Judge Blasts "Misguided" Oly Charges* in the August 10, 2001, edition of THE DESERET NEWS of Salt Lake City, Utah.

Rick Garnett will speak on "*Bush v. Gore and Much More, A Round-Up of the Supreme Court's October 2000 Term*" at a program hosted by The Federalist Society for Law & Public Policy Studies, Indianapolis Lawyers Division Chapter, in Indianapolis on September 12.

Terry Phelps commented on legal writing for practicing attorneys in an article titled *Brevity in Briefs is Best* published in the July 18, 2001, edition of THE INDIANA LAWYER.



Charlie Rice contributed to an exchange on the death penalty in an article titled *Avery Cardinal Dulles and His Critics: An Exchange on Capital Punishment* published in the August 1, 2001, edition of FIRST THINGS: A MONTHLY JOURNAL OF RELIGION AND PUBLIC LIFE.

John Robinson commented on the ethical issues surrounding stem-cell research in an article titled *Stem Cell Research: Hope or Bane for Human Life?* in the August 5, 2001, edition of the SOUTH BEND TRIBUNE.

Vince Rougeau will speak on “Does the American Legal System Thwart or Encourage Forgiveness?” at a conference on the “Meaning of Forgiveness” sponsored by the Center for Religion, Ethics and Culture at Holy Cross College in Worcester, Massachusetts, on September 15, 2001.



### News from the Kresge Law Library

Roger Jacobs has been elected to the board of directors of the Law Library Microform Consortium at the meeting of the consortium held in conjunction with the July meeting of the American Association of Law Libraries in Minneapolis. The Law Library Microform Consortium is a 30-year-old library cooperative devoted to fulfilling its members' requirements for preservation, collection development and space recovery. Contributing members of the consortium include every major law library in the United States in addition to significant legal research collection world-wide. Roger joins representatives from Harvard, Yale, and Berkeley, among others, as a member of the board.

\* \* \*

Welcome to Susan Hamilton, who joined the Kresge Law Library staff on August 18. From 1980 to 1994, Susan worked in the University libraries in the Catalog Department, Rare Books and Special Collections, and International Studies Resource Center. During the last seven years, she has taught English as a second language, GED courses in Spanish, and technical writing courses at the Walla Walla Community College in Washington. She also had the opportunity to give a presentation at the United Nations Committee on the Rights of the Child in Geneva, Switzerland. She will be working in the Access Services area of the library.

### Administrator & Staff Notes

Congratulations to Dan Manier, Director of Law School Technology, who received a Special Presidential Award at the University’s Staff Recognition Luncheon on August 20, 2001. Dan, who has worked at the University for 13 years and at the Law School for the last three years, was honored for, among other things, his work in improving the technology available to NDLS faculty, students, administrators and staff. As the citation reads, “There may have been a time when Notre Dame functioned without computers, but many of us can’t remember operating without them. [Dan] is one of those people who allows us to take the miraculous technology for granted. Three years ago he moved to the Notre Dame Law School, where, as Director of Technology, he



impressively manages an expanding complex of computing resources.” We’re all grateful for his support and send our heartfelt congratulations and thanks!

**Alumni Notes**

*Condolences*

Fenton J. Mee '39, '40J.D. died on July 27, 2001, in San Diego, California, at age 84 of complications from Parkinson's disease and macular degeneration.

A native of Logansport, Indiana, Colonel Mee earned his B.A. in economics and his law degree from Notre Dame. A member of the U.S. Naval Reserve, he returned to active duty after law school in 1940 and trained with British forces in Africa. As a major in the 4<sup>th</sup> Marine Division, Colonel Mee was awarded the Navy Cross in 1944 for duty in the Mariana Islands: on Saipan, which included 25 days of combat that cost the division more than 27 percent of its men; and on Tinian, which included a nine-day battle and a Presidential Unit Citation for his division. His role in the battle of Iwo Jima in 1945 earned him a gold star in lieu of a second Navy Cross.

He later served in the Pentagon as an executive officer for the Secretary of Defense. He practiced law in the San Francisco area after the war, and also earned a master's degree in education at Stanford University. Upon his retirement in the early 1970s, he relocated to Rancho Bernardo in southern California.

His wife preceded him in death in 1993. He is survived by a brother, Edward, of Logansport, Indiana. Condolences may be sent to Mrs. Thomas Mee, 729 Parkway Drive, Logansport, IN 46947.

Carl Hitchner '73J.D. died on August 5, 2001, at the age of 60, at his home in Palm Springs, California, after a battle with cancer. From 1996 until his retirement in the spring of 2000, he was a partner in the health care area at Foley & Lardner in San Francisco, California.

After graduating from NDLS, he worked at Stanford University as managing attorney for medical affairs before starting the San Francisco office of Weissburg and Aronson in 1982. He joined Foley & Lardner in 1996 as a result of a merger between the two firms. In his practice, he played key roles in merging some of the country's leading hospitals and health systems. In the early 1990s, he served as counsel for the merger between the Daughters of Charity Health System-West with Catholic Health Care West. In 1996, he served as counsel in the merger of Catholic Health Corporation, Franciscan Health System and Sisters of Charity of Cincinnati into Catholic Health Initiative.

Mr. Hitchner also served as president of the Healthcare Financial Management Association's Northern California chapter and was a member of the association's national board of directors. He was also a member of the American Health Lawyers Association, the Catholic Health Association, the California Society of Healthcare Attorneys and the Institute for Certified Public Accountants.

In lieu of flowers, donations may be sent to the Carl Hitchner Foundation, P.O. Box 792, Palm Springs, CA 92262.

***Marriages***

Sean Elliott '97J.D. married Meg O'Hara on September 21, 2001. Sean continues representing actors as a talent agent at Endeavor Talent Agency in Beverly Hills, California, and Meg works in publicity at New Line Cinema.

***1960s***

James P. Gillece Jr. '69J.D., a partner at McGuire Woods, L.L.P., in Baltimore, Maryland, and a member of the Notre Dame Law Association board of directors, successfully argued an appeal from a summary judgement before the U.S. Court of Appeals for the Fourth Circuit. The case, *Murrell v. Ocean Mecca Motel, Inc.*, involved alleged racial discrimination in public accommodations.

***1970s***

John R. Burns '74J.D., a partner in the Fort Wayne, Indiana, office of Baker & Daniels, published *Considering Rats, Roaches and Rosenbloom: Journal-Gazette Co., Inc. v. Bandido's, Inc.*, with Frederick B. Jonassen, in the July/August 2001 edition of RES GESTAE, the magazine of the Indiana State Bar Association.

Kathleen Cekanski-Farrand '73J.D., an attorney in South Bend, has announced her candidacy to represent the South Bend area in the U.S. House of Representatives, to replace current representative Tim Roemer '81M.A., '85Ph.D., who has announced that he will not seek reelection in 2002.



Kevin O. Faley '72J.D., formerly chief counsel to the U.S. Senate Subcommittee on the Constitution and counsel to the Senate Subcommittee on Juvenile Delinquency, and most recently a partner in the Washington, D.C., office of Oppenheimer Wolff & Donnelly, has joined the Washington, D.C., office of Venable in the firm's public-policy advocacy practice.

Hon. Michael J. Howlett Jr. '73J.D., formerly a partner at Shefsky & Froelich, Ltd., in Chicago, Illinois, has joined the Cook County State's Attorney's Office in the newly created position of counsel to Cook County State's Attorney Richard A. Devine. His responsibilities include advising the state's attorney on intergovernmental matters and policy. Judge Howlett has also joined the faculty of Loyola University School of Law as a visiting professor.



Mark G. Olive '76, '79J.D., a partner practicing personal-injury law with Sieben, Grose, Von Holtum & Carey in Minneapolis, Minnesota, was voted a "super lawyer" by Minnesota attorneys for the fifth consecutive year since the survey's inception in 1996. The survey, conducted by the *Journal of Law and Politics* is based on ballots sent to more than 12,000 Minnesota lawyers to ask for recommendations of the best lawyers in the respondent's field, and only 5 percent of the Minnesota bar receives the "super lawyer" designation.

Michael W. Salsieder '78J.D./M.B.A., formerly with Bueyras International, Inc., in South Milwaukee, Wisconsin, has joined Peek Traffic in Sarasota, Florida, as vice president for legal and commercial.

Hon. Edward A. Sheridan '64, '72J.D., of the New York State Court of Claims in Saratoga Springs, New York, was featured in a profile in the July 30, 2001, edition of the NEW YORK LAW JOURNAL.

Kevin J. Short '78J.D., of the Short Law Firm in Minneapolis, Minnesota, was selected as a "super lawyer" by his peers in the Minnesota bar, based on a survey of 12,000 Minnesota attorneys conducted by the *Journal of Law and Politics*.

### ***1980s***

Anne E. Becker '88J.D. has been reappointed by Indiana Governor Frank O'Bannon to a four-year term as Indiana Utility Consumer Counselor, a position she has held since 1995. Her responsibilities include representing Indiana consumers before the Indiana Utility Regulatory Commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, courts and legislative bodies.

Ethna Bennert Cooper '80J.D., formerly with Thompson, Hine & Flory in Cincinnati, Ohio, has been appointed a judge on the Hamilton County (Ohio) Municipal Court by Governor Bob Taft.

Antoine Gomez '86J.D. is in the Legal Audit Department of the Scottsdale Insurance Company in Scottsdale, Arizona.

Kevin Hofman '84J.D., formerly with Jacobson, Harwood & Erickson in Minneapolis, Minnesota, has joined Halleland Lewis Nilan Sipkins & Johnson, also in Minneapolis.

Frank Julian '82J.D., general counsel for Federated Department Stores in Cincinnati, Ohio, testified before the U.S. Senate Finance Committee in August on the subject of Internet taxation. Earlier in the year, he testified before the U.S. Senate Commerce Committee and the U.S. House Judiciary Committee on the same topic, and has been a guest on C-SPAN's "Washington Journal" and the

“Oliver North Show.”

Alex Lengyel '83J.D. has become the Senior International Counsel for Gulf Indonesia Resources, an NYSE-listed oil & gas company. He is based in Jakarta, Indonesia. His staff of five attorneys are all native Indonesians who speak English as their second language and who have been trained in only Indonesian law. One of his responsibilities, therefore, is to train these lawyers to be better able to negotiate on an international playing field, so he will work with them not only on substantive legal skills, but also on developing their practice-oriented skills such as legal writing.

Timothy J. Schorn '89J.D., '90M.A. has been promoted to associate professor of political science at the University of South Dakota. He coordinated an international conference on “Genocide in the 20<sup>th</sup> Century” in the fall of 2000 that featured presenters from all over the United States as well as from Great Britain, Mexico, Germany and Australia. He has published in the areas of human rights and South Dakota politics.



### *1990s*

Erik Ablin '99J.D., formerly with Lathrop & Gage in Kansas City, Missouri, has joined the Republican National Committee as a senior research analyst in the Research & Strategic Planning Area in Washington, D.C.

Robert Clancy '95J.D., formerly an associate with Goldberg & Osborn in Phoenix, Arizona, has joined the staff of the State Bar of Arizona, also in Phoenix.

Jasmine Flores '98J.D., now an associate with Loftin & Ward in San Diego, California, and formerly an associate with the San Diego District Attorney's Office, has been honored by the State Bar of California with a 2001 President's Pro Bono Service Award for her volunteer efforts. She is among nine California attorneys recognized this year for extending exceptional legal services to the needy, and the only one selected to represent the government sector. Jasmine provided 100 hours of free legal service to 63 clients of a weekly walk-in AIDS clinic who needed help with a range of legal issues including debtor relief, child-support enforcement issues, estate planning, wills and powers of attorney, landlord/tenant disputes and contracts. She also trained law students and other attorneys on the AIDS

law team in procedural and legal issues to ensure that they could effectively interview clinic clients.

Fred J. Fresard '90J.D., of Fresard & Associates in St. Clair Shores, Michigan, was featured in an article titled *Lumber Yard Worker Couldn't Recover From Forklift Maker* on the front page of the July 2, 2001, edition of the MICHIGAN LAWYERS WEEKLY. The case involved a products-liability action brought by a lumberyard worker who was injured by a forklift. He who sought recovery against the forklift manufacturer for failure to have a back-up warning device on the machinery. In granting summary judgment to Fred's client, the forklift manufacturer, the court ruled that the worker's employer, as a "sophisticated user" of the machinery, had the duty to ensure the worker's safety.

David Freund '96J.D., an assistant public defender in Sedgwick County, Kansas, and Fred Tiemann '96J.D., an assistant federal public defender in McAllen, Texas, attended and completed the National Criminal defense College Trial Practice Institute in Macon, Georgia, in June.

Mary K. Hartigan '91J.D. has joined Carroll, Hartigan, Farmer & Cerney, Ltd., in Chicago, Illinois, as a member of the firm. Her practice focuses on business tort litigation, representing corporate policyholders in insurance coverage disputes and assisting both clients and other attorneys with electronic/sophisticated discovery problems.

Kevin Holtz '89, '92J.D. is an assistant public defender in the appellate division of the Public Defender's Office in Daytona Beach, Florida.

Humberto Iglesias '99LL.M. (London) has joined the law firm of Infante, Garrido & Garrido in the Republic of Panama and is in charge of the department of Offshore Corporations, Trusts and Private Interest Foundations. He and his wife are expecting a baby girl in November.

Michelle Mack '99J.D., '00LL.M. has been supporting the activities of the Center for Civil and Human Rights and will work with the NDLS Admissions Office during the fall semester as an admissions counselor assisting with a number of projects including traveling to recruit prospective students, revising admissions materials and assisting in the development of a new publication for prospective students. She will start her new job with the International Committee of the Red Cross (ICRC) in January 2002. She still isn't sure where she will be placed, but her responsibilities will include visiting prisoners of war and detainees to ensure compliance with international-law standards, educating armed forces on international humanitarian law, and negotiating with governments on related issues. This work follows from the six months she served with the ICRC in Geneva, Switzerland, after earning her J.D. degree and before returning to NDLS to complete her LL.M. in international human rights law.



Stephen McClain '96J.D., a senior associate in the Los Angeles, California, office of Kirkland & Ellis,

published *Under a New Supreme Court Decision, Litigants Seeking Arbitration of a Dispute Can Control the Timing of an Appeal* in the August 2001 issue of THE FEDERAL LAWYER.

Paul McLaughlin '97J.D., formerly with Morrison & Foerster in Irvine, California, has joined Kelvin Cooperage in Louisville, Kentucky.

Daniel Murphy '94J.D., formerly with Zimmerman, Shuffield, Kiser and Sutcliffe, P.A, in Orlando, Florida, has joined the U.S. Department of Housing and Urban Development in Washington, D.C., as chief of staff.

Rich Rolwing '93J.D., formerly with Vorys, Sater, Seymour & Pease in Columbus, Ohio, has joined the Tax Division at the U.S. Department of Justice in Washington, D.C., where he works as a trial attorney.

Eric Scheske '91J.D., a partner in Bird Svendsen Rogness Scheske in Sturgis, Michigan, has been doing freelance writing for a number of Christian magazines including *Touchstone*, *The Catholic Faith*, *Gilbert!* and several *Our Sunday Visitor* publications.

### **2000 and 2001**

Michael F. Harte '00J.D. has completed his clerkship with Hon. Charles R. Wilson on the U.S. Court of Appeals for the Eleventh Circuit in Tampa, Florida, and has joined the Chicago, Illinois, office of Sidley Austin Brown & Wood as an associate.

## **Student Notes**

Law student organizations secured coveted concession-stand spots for each of the six home football games this fall. If you're looking for refreshments on those Saturday mornings, please consider supporting our law students at the following locations:

Sept. 22 - Michigan State	Student Bar Association	Fitzpatrick Hall (west side)
Oct. 6 - Pittsburgh	Coalition to Abolish the Death Penalty	LaFortune Student Center (front)
Oct. 13 - West Virginia	Public Interest Law Forum	Fitzpatrick Hall (west side)
Oct. 20 - Southern California	ND American Civil Liberties Union	LaFortune Student Center (front)
Nov. 3 - Tennessee	Business Law Forum	Fitzpatrick Hall (west side)

Nov. 17 ND vs. Navy


Social Justice Forum  
AND  
St. Thomas More Society

Fitzpatrick Hall (west side)

LaFortune Student Center (front)

<b>Calendar of Events</b>
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Sept. 10	4 to 5:30 p.m. NDLS Courtroom	<b>Natural Law Institute - Olin Lecture Series</b> Daniel Robinson, Distinguished Research Professor and Professor of Psychology, Georgetown University "Can There Be a 'Moral Psychology'?"
Sept. 15	All Day Warren Golf Course & Clubhouse	<b>Social Justice Forum Annual Golf Scramble and ND-Purdue Football Game Watch</b> <i>contact Kristie McCann at 219-256-7394 or <a href="mailto:mccann.16@nd.edu">mccann.16@nd.edu</a> for more information</i>
Sept. 19	6:30 to 8 p.m. NDLS Courtroom	<b>Intellectual Property Law Society</b> Anthony Zupcic '70 (AERO) Fitzpatrick, Cella, Harper & Scinto, New York "Intellectual Property Law Practice"
Sept. 20	12 noon Civil Rights Reading Room	<b>Faculty Colloquium</b> Chris Gane, Aberdeen University
	4:15 to 5:30 p.m. NDLS Room 115	<b>Environmental Law Society</b> Jack Ubinger '73J.D. Jones Day Reavis & Pogue, Pittsburgh "Environmental Conflict Management"
Sept. 21	2 to 3 p.m. NDLS Room 120	<b>Business Law Forum</b> Frank Julian '82J.D. Federated Dept. Stores, Cincinnati "Taxation of Internet Sales"
Sept. 22	8 to 10 a.m. NDLS Room 101	<b>Continuing Legal Education Program</b> Featuring Professor Joseph P. Bauer on "Napster Litigation" and Professor James P. Seckinger '68J.D. on "Client and Witness Preparation for Deals, Depositions, and Trial" <i>For more information, contact Cathy Pieronek at (219) 631-6891 or <a href="mailto:lawalum@nd.edu">lawalum@nd.edu</a>.</i>
Sept. 27	7 to 8:30 p.m. NDLS Courtroom	<b>St. Thomas More Society</b> Dr. Gerard Wegner, Professor of English University of Dallas "Thomas More as Statesman and Lawyer of the Millennium: His Legacy of Integrity"

Sept. 28	12 noon Civil Rights Reading Room	<b>Faculty Colloquium</b> Teresa Godwin Phelps, Notre Dame Law School
	12 noon Civil Rights Reading Room	<b>Faculty Colloquium</b> Ruth Okediji, Oklahoma University
Oct. 5		

**To Submit Information to the Update**

Please contact Cathy Pieronek, Director of Law School Relations:

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e-mail [pieronek.1@nd.edu](mailto:pieronek.1@nd.edu) - or - [lawalum@nd.edu](mailto:lawalum@nd.edu)

Don't forget to keep up on NDLS events through the Law School's web site, [www.law.nd.edu](http://www.law.nd.edu).

**Class E-Mail Listservs**

Class listservs have been developed for a number of classes at the request of the respective class secretaries. Members of the NDLS Classes of 1958, 1969, 1975, 1983, 1985, 1986, 1987, 1990, 1991, 1993, 1995, 1999 and 2001, as well as alumni from the Center for Civil and Human Rights and the London Programme, who wish to join these new listservs but who have not yet received notification that they have been added should contact the Law School Relations Office by e-

