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NDLS Update 09/1995

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NDLS Update

News from the Notre Dame Law School

Vol. V, No. 2
September, 1995

TEX DUTILE
EDITOR

CLINIC RECEIVES GRANT, MARKS BANNER YEAR

The Legal Aid Clinic recently received a grant from the Jesse Ball DuPont Foundation for a Mediation Clinic at the Law School. Clinic Supervisor Steve Morse and third-year student Bruce Wells, both certified mediators, will initiate the project.

This semester, Steve and Bruce will spend Tuesday mornings in the Mishawaka Branch of the St. Joseph Superior Court, mediating small-claims disputes. Later, the program will expand to the small-claims court in South Bend. The program is designed to train law students to mediate under the supervision of Steve and Bruce. A section of the mediation course involving this clinical work will be offered to second- and third-year students in the spring semester.

The 1994-95 academic year was one of expansion for the Clinic in terms of faculty, student participation, courses, funding sources and clients.

During that academic year, six supervising attorneys, an office manager and a secretary staffed the Clinic. Three of the supervising attorneys are full-time members of the faculty funded by the University and three are part-time members of the faculty funded through grants.

In addition to University funds, the Clinic operated under grants from the Retirement Foundation (\$100,000), which funded an Elderlaw Project, the Keck Foundation (\$125,000 - the second half of a \$250,000 two-year grant), which continued to fund three Clinical Ethics Seminars, and the Cord Foundation (\$25,000), which funded a Children's Rights Project.

The Clinic served the highest number of students in its history. In the fall semester, 40 students were enrolled in the Clinic and 15 enrolled in the Clinical Ethics course taught by Christine Venter. In the spring, 45 students were enrolled in the Legal Aid Clinic, 12 students were enrolled in the Elderlaw Seminar (which combined the study of substantive law and

representation of older adults), 15 students were enrolled in the Children's Rights Seminar (which, like the Elderlaw seminar combined the study of substantive law with the representation of children), and 27 students were enrolled in the Clinical Ethics course taught by Tom Shaffer.

The Clinic opened 380 new cases last year, an increase of 60 cases from the prior year. This figure does not include the more than 200 clients who obtained legal assistance through our Immigration Clinic at La Casa De Amistad, a community resource center for Hispanic residents of St. Joseph County. The Clinic closed 340 existing cases during the same period. Even with the additional interns and supervising attorneys, the Clinic rejected 550 clients who sought our assistance.

In addition to supervising students in their work with clients, all of the supervising attorneys taught courses in the Law School this past year. Tom Shaffer taught two sections of Clinical Ethics and the Elderlaw Seminar. Barbara Gasperetti taught Immigration Law, and Bill Hoyer taught a course in Mediation. Christine Venter taught Comparative Law and a section of Clinical Ethics, and assisted with both the Children's Rights Seminar and Elderlaw Seminar. Eileen Doran taught the Children's Rights Seminar with Christine Venter.

This summer, the Clinic provided the opportunity for fifteen students--four funded by Clinic grants--to work full time in the Clinic. These students completed work on the 380 cases opened during the school year and took on 80 new cases. Eleven of the summer interns also participated in a Clinical Ethics seminar with Tom Shaffer.

Tom Shaffer and Christine Venter, along with interns, continue to carry out special work on elderlaw, under a \$100,000 Retirement Foundation grant. Tom conducts two study groups working on law reform, one on guardianship law and one on advance directives. Christine leads a group of interns who make educational presentations to people at senior-citizen centers and nutrition sites in the South Bend area.

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NDLS ENROLLS TALENTED, DIVERSE CLASS

This fall, NDLS welcomed a talented and diverse first-year class. The 160 new students include 61 females (38% of the class) and 25 students from minority backgrounds (16% of the class). The median grade-point-average of all students enrolled reached 3.40, while the median LSAT equalled 162. These students came to us from thirty-three different states, the District of Columbia and South Korea. California, with sixteen members of the first-year class, led all states, followed by Illinois and Ohio with fifteen each. Other states in double figures: Indiana with 14 and Michigan with 12. Twenty-six of the students received their undergraduate degrees at Notre Dame. Seven of the students came from the University of Michigan at Ann Arbor.

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CONGRESSMAN KING PRAISES ED MURPHY IN U.S. HOUSE

On September 6, Congressman Peter T. King, an alumnus of NDLS, paid tribute to Professor Edward J. Murphy, who passed away on July 24. In his tribute, Congressman King called Professor Murphy "one of our nation's most eminent educators and scholars." Said King: "I have no hesitancy in saying that Professor Murphy was the most outstanding teacher I have ever had. . . . [H]is teaching transcended the classroom. He believed in values, in principles, and in ideals and he imparted them to his students in all that he taught." Congressman King observed that Ed faced death as he lived his life--"with courage, with dignity and with faith in God."

LAW LIBRARY LAUDED

The NDLS Library received good notices concerning its U.S. Government Depository Program, a statutorily enacted arrangement providing government documents to approved libraries. Summarizing extensive findings, the representative of the Government Printing Office observed: "The University of Notre Dame Kresge Law Library is a strong public service oriented depository. It recognizes its responsibility to serve the general public of the Third Congressional District as well as its primary clientele." The representative complimented such depository strengths as a "dedicated staff, a sizable collection and good cataloging efforts." Special congratulations to Anita Lutz and Joe Thomas, not only for their superb management of the program,

but also for their thorough preparation for the inspection.

NDLS ALUM WINS AWARD

Michael Woerner, NDLS '85 and a partner at Keller Rohrbach in Seattle, was named "1995 Trial Lawyer of the Year" by the Trial Lawyers for Public Justice. Mike earned the award as a member of the litigation team that prosecuted *In re The Exxon Valdez*.

Each year, Trial Lawyers for Public Justice presents the award to attorneys who most exemplify TLPJ's ideals by taking, and winning, a cutting-edge case with significant impact on the public good. This year, the organization honored both the *Exxon Valdez* team and a group of lawyers from the Center for Constitutional Rights who successfully prosecuted a series of international human-rights cases during the past year.

In his letter to Mike, Arthur Bryant, Executive Director of TLPJ, said: "Your work on *In re the Exxon Valdez* offers an inspiring example of how trial lawyers help to bring about positive social change by holding powerful corporations accountable for their misconduct. We hope it will encourage others to pursue cases and careers that advance the public good. Congratulations. . . ." We at NDLS add ours, as well.

NDLS ALUM ELECTED PRESIDENT OF COUNTY BAR

Jane Becker, NDLS '77 and an attorney with May, Oberfell & Lorber in South Bend, has been chosen President of the St. Joseph County Bar Association for 1995-96. Formerly Chief Deputy in the St. Joseph County Prosecutor's Office, Jane also served as President-Elect and Vice-President of the Bar Association. Jane earned her undergraduate degree at Indiana University. Jim Groves, NDLS '72, was named President-Elect; Phil Kalamaros, NDLS '87, was named Secretary; and Robert Parker, NDLS '52, was named Treasurer.

FORMER PRESIDENT OF CHILE VISITS NDLS

On September 28, Don Patricio Aylwin, former President of the Republic of Chile, visited NDLS. Don Patricio met with graduate law students of the Center for Civil and Human Rights in the Civil Rights Reading Room. The former President reflected upon his reasons and hopes for the Chilean National Commission on Truth and Reconciliation, which he appointed shortly after taking office in March 1990 as the first democratically elected president since the military coup in September 1973. A reception, which included members of the Center's Advisory Council, followed.

SOCIAL JUSTICE FORUM HOSTS GOLF SCRAMBLE

On September 19, the NDLS Social Justice Forum held its Second Annual Law School Golf Scramble. Proceeds from the event will fund the Forum's community activities benefiting needy South Bend families.

NEWS FROM THE FACULTY

Matt Barrett published "IRS Pubs Are Confused On Punitive Damages," in TAX NOTES.

Joe Bauer served as the invited moderator of a session on "Revised Federal Rule of Civil Procedure 26," sponsored by the ABA Torts and Insurance Practice Session, at the annual meeting of the American Bar Association in Chicago on August 7.

On September 14, THE NEW YORK TIMES published Joe Bauer's letter addressing an "etymological gaffe" in William Safire's column, in which he used the term "mentee" as the apparent reciprocal of "mentor". Joe pointed out that, unlike a vendor who vends something to the vendee, a mentor "ments" nothing. Mentor, Joe added, is not a noun derived from a verb.

Judge Sandy Brook published
"Opening Statements: A Judicial

Perspective," in THE LITIGATOR: JOURNAL OF THE NOTTINGHAM LAW SCHOOL.

Teresa Collett has been invited to participate in two panel discussions relating to "Joint Representation of Husband and Wife in Estate Planning: Confidentiality and Loyalty in Tension." The discussions, which will take place at the Cornell Law School, form part of that School's "Focus on Ethics," a program funded in part by the W.M. Keck Foundation.

Teresa also will make a presentation entitled "Life-and-Death Lawyering" at a conference on "Legal Ethics: The Core Issues," on September 18 at the School of Law at Hofstra University. At the same conference, Tom Shaffer will deliver a talk entitled, "On Line to Oppressors." The "Keynote" address will be given by Justice Ruth Bader Ginsburg. Both sessions will take place on October 17.

Tex Dutille has been appointed to the Editorial Board of the University of Notre Dame Press by Provost Tim O'Meara.

Jimmy Gurulé was quoted in the September 13, 1995 issue of USA TODAY. Asked how the trial of O.J. Simpson, "the trial of the century," bogged down so badly, Jimmy said: "Both parties are to blame. Also, the finger of blame needs to be pointed at the judge, who has contributed to the continuing pattern of delays."

Dave Link published an "op-ed" piece, entitled "Law Schools Must Lead Legal Profession Back to its Roots," in the September 1 issue of the CHICAGO TRIBUNE.

Fr. John Pearson gave the homily at the Summer Session Commencement on August 4.

Jim Seckinger recently served as Program Director and a faculty member for the NITA/Fish and Neave Deposition Skills Program in New York; for the NITA/Freshfields Trial Advocacy Skills Programme in London; and for the NITA Internal Revenue Service Deposition Skills Program in Cincinnati. At all three programs, he gave a series of lectures to the students and the faculty on Trial Techniques.

Tom Shaffer published "The Lost Lawyer: Failing Ideals of the Legal Profession," in the LOYOLA LAW REVIEW.

Eric Smithburn published the 1995 Pocket Parts for his new volumes on INDIANA FAMILY LAW. The West Publishing Company did the honors.

Eric has also completed the final manuscript for his new book, PROBLEMS IN FAMILY LAW and INSTRUCTOR'S MANUAL

FOR PROBLEMS IN FAMILY LAW. Little, Brown & Company expect publication in the spring of 1996. PROBLEMS IN FAMILY LAW will be the first family-law text published by an American law publisher and using the problem approach.

NEWS FROM THE STAFF

On September 18, Marcia Towne's husband, Larry, passed away at the age of sixty-one. Funeral services were held at the Welsheimer Funeral Home with interment at Highland Cemetery. Our thoughts and prayers are with her and the rest of the family.

NEWS FROM THE ALUMNI

Governor Lawton Chiles of Florida has promoted Judge Kathleen Kearney, NDLS '80, of Fort Lauderdale, to the circuit bench. Judge Kearney also teaches at Nova Southeastern University.

THE ARIZONA REPUBLIC recently featured Tim Hogan, NDLS '76 and the Executive Director of the Arizona Center for Law in the Public Interest, in an article entitled "Lawyer relishes his 'dream job' of consumer advocate." For twenty years, the article reports, Tim has fought powerful politicians and business leaders, utility companies and government agencies, all in order to "make things better." Tim credits his interest in public-interest work to the

novel "To Kill A Mockingbird" and other such books he read while a student at Central High School in Phoenix. Tim did his undergraduate work at Arizona State University.

The Center is currently conducting a major law suit on behalf of seventy-four Arizona school districts. The suit contends that the state's system discriminates against districts with a low level of taxable property.

F. James Kane, Jr., NDLS '60 and a partner at Damon & Morey, died on August 24 after suffering an apparent heart attack in his office. He received his undergraduate degree in 1957 from Canisius College, where he was President of the Glee Club. His law practice focused on commercial litigation and media law. He served as a director and past president of the Epilepsy Association of Western New York and chaired the board of trustees at St. Joseph's Collegiate Institute in 1989. His wife, Barbara, survives him, as do two daughters, Liza and Laurie, his father, a sister and two brothers.

Jack Krisor, NDLS '72, was featured in the August issue of EXECUTIVE JOURNAL. The article entitled "Been There...Done That: From Prosecuting Murderers To Juggling A Successful Private Practice--The Well Respected South Bend Attorney Who Has Seen It All," explores Jack's career as both a criminal-law and civil-law practitioner. Since 1982, he has tried over fifty murder cases. He and his wife Mary Jo have one daughter, Joy Danielle, who will

attend Xavier University, her dad's alma mater.

Tom Londrigan, Jr., NDLS '92, is reportedly considering a run for the state legislature in 1996. The Springfield, Illinois, native earned his undergraduate degree from The Citadel. He is a partner at Londrigan & Londrigan in Springfield.

Brian Martin, NDLS '91, has joined Blackwell, Sanders, Matheny, Weary & Lombardi, in Kansas City, Missouri.

Ed McNally, former prosecutor, lecturer and White House speech writer, has joined the Chicago law firm of Altheimer & Gray as a partner in its litigation department. After a stint with the Justice Department, Ed served as Assistant U.S. Attorney in New York under Rudolph Giuliani. He recently served as Deputy Attorney General for Alaska. As a writer for President Bush, Ed wrote the Desert Storm and Berlin Wall speeches for the President and, for Barbara Bush, the speech on feminism delivered at Wellesley College.

Jeanine Nemesi LaVille, NDLS '78 and an Assistant United States Attorney for the Western District of Michigan, has been appointed to the state bench by the Governor of Michigan. Jeanine did her undergraduate work at Michigan State University. Her judicial appointment

extends through the end of 1996. She must stand for election in November of 1996.

Mike Sirtori, NDLS '95, passed the Oregon Bar Examination and was sworn into practice on September 22.

Chris Truax, NDLS '95, has been accepted into the Masters Program at Queens' College, Cambridge, for the 1995-96 academic year.

Tom Varga, NDLS '80 and a partner at Financial Associates in Mishawaka, has been designated an "Accredited Estate Planner" by the National Association of Estate Planners.

MISCELLANY

On September 18, Professor Philip E. Johnson, of the University of California, delivered a lecture in the law school Courtroom entitled, "Jurisprudence and Evolutionism." The lecture addressed the tension Professor Johnson perceives between Darwinism and standard religious belief as that tension manifests itself in American law.
