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NDLS Update

News from the Notre Dame Law School

Vol. VI, No.2
September, 1996

TEX DUTILE
EDITOR

FRANK BOOKER ANNOUNCES RETIREMENT

Professor Frank Booker, who first started at Notre Dame as a Visiting Professor in the fall of 1968, has announced his retirement, effective following this semester. Frank has served the Law School in a wide variety of capacities, but always well.

Frank received his law degree at Duke in 1954. At Duke, he was an Associate Editor of the DUKE LAW JOURNAL. Admitted to the Missouri Bar in 1954, Frank joined the firm of Coburn & Croft in St. Louis. In 1958, he joined Gilmore & McClintock, also in St. Louis. Academic life called in 1960, when Frank joined the Stetson law faculty, quickly climbing the academic ladder to a professorship just four years later.

After visiting at Notre Dame during the 1968-69 academic year, Frank accepted a position here as Professor of Law. Except for a two-year period of service as a partner at Ryan, Taylor, Booker & Law, in North Palm Beach, Florida, from 1970 through 1972, and service as a visiting professor at the University of Innsbruck, Austria, in the Spring of 1991, Frank has been at Notre Dame ever since. He directed Notre Dame's London Law Programme from 1972 to 1975 and again during the fall of 1990. At Notre Dame, his classroom teaching has involved Evidence, Torts, Federal Courts, and the Military Rules of Evidence. He is a member of the Editorial Board of THE AMERICAN JOURNAL OF JURISPRUDENCE.

Clinical education always remained dear to his heart; Frank was among the pioneers of our Legal Aid Clinic, serving as its director for several years. He served as a consultant to the Legal Services Corporation from 1983 to 1989 and as a member of its National Training Task Force in 1986. Despite this list of activities, Frank still found time to be Assistant Dean from 1985 through 1987. During his years at Notre Dame, Frank generously provided, in a quiet but effective manner, counseling and other kinds of help to countless NDLS students. His sense of humor, often expressed through folksy maxims, enlivened conversations and faculty meetings alike.

Frank will, of course, remain part of Notre Dame. As Dean Link commented, "We have every hope that Frank's retirement will not preclude his continuing as a valuable resource and close friend of the Law School, as he has been for over a quarter of a century." All of the Notre Dame community extends to Frank its deep thanks and best wishes.

**ROGER PAUL PETERS,
FORMER NDLS PROF, DIES**

Roger Paul Peters, who taught Constitutional, Tax and Admiralty Law during his twenty-year tenure at NDLS, died July 31.

Professor Peters was born in Brooklyn, New York, in 1905. In 1924, he received his undergraduate degree from the University of Texas, at which he was selected for Phi Beta Kappa. He taught high-school English in New York City and worked for a Wall Street stock brokerage. While working on Wall Street, he attended night classes at New York University Law School, from which he was graduated in 1938. Admitted to the New York State Bar, he edited newsletters for Research Institute America, a tax-investment and business-information service co-founded by William Casey, later Director of the Central Intelligence Agency.

Prior to joining the Notre Dame faculty, Professor Peters spent ten years drafting tax-code provisions for the Internal Revenue Service in Washington. The Internal Revenue system took much of its present form during this period, as a means of paying for World War II. Professor Peters helped write the original payroll-withholding act, revised the Form 1040, and created many other "beloved" tax features. It is said, perhaps apocryphally, that he once responded to a student's challenge of his interpretation of a particularly abstruse section of the tax code by saying, "Young man, I ought to know what that section means; I wrote it."

Professor Peters loved Constitutional Law and published significant articles in that area. A member of the United States Supreme Court Bar, he was invited to the

White House for the signing of the Twenty-Fifth Amendment to the Constitution. Among his many other interests, he spent hours in the University library reading history, philosophy, art, architecture, music and literature—in several languages.

Survivors include his wife, Mary Lou Peters (31582 Flying Cloud Drive, Laguna, Nigue, California 92677); four children--Roger Paul Peters, John Henry Peters, Catherine Ann Graham, and Edward Peters; and six grandchildren.

Several members of the current Law School faculty profited from his courses. After leaving Notre Dame pursuant to the University's then-mandated retirement age of sixty-five, he taught at Southwestern University Law School in Los Angeles for twelve years. Our thoughts and prayers are with him and his family.

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**KATHERINE BLAKEY WINS
BROWN AWARD**

On August 2, at the Hyatt Orlando Hotel, Katherine Blakey, NDLS '96, received the third annual Brown Award. The presentation took place in connection with the American Bar Association's Annual Meeting.

The Brown Award honors excellence in legal writing and includes a cash stipend "of at least \$5,000." The selection panel comprised a law-school dean, a federal judge and a law-school professor.

Katy's winning paper was entitled, "The Indefinite Civil Commitment of Dangerous Sexual Offenders is an Appropriate Legal Compromise Between 'Mad' and 'Bad'--A Study of Minnesota's

Sexual Psychopathic Personality Statute." She is the daughter of NDLS prof Bob Blakey.

NDLS WELCOMES 172 NEW STUDENTS

The Law School welcomed into its ranks 172 first-year students. This talented group brought with it a median grade-point-average of 3.4 and a median LSAT of 163. Of the 172 students, 63, or about 37%, are women, and 38, or about 22%, are members of minority groups. Thirty-seven states and the District of Columbia, as well as Canada, Taipei, Beijing, and Moscow, are represented among members of the first-year class. Finally, our new students represent 109 different colleges and universities.

BLAKEY WINS FOURTH CIRCUIT APPEAL

On September 10, the U.S. Court of Appeals for the Fourth Circuit reinstated a federal racketeering lawsuit filed by Trial Lawyers for Public Justice (TLPJ) and the Tidewater Legal Aid Society (TLAS) against TranSouth Financial Corporation. The suit charged TranSouth with engaging in a scheme that targeted unsuspecting consumers hoping to buy used cars on credit. The U.S. District Court for the Eastern District of Virginia had previously dismissed the case. TLPJ will now pursue its racketeering claims against TranSouth. (Because of federal restrictions, TLAS will not participate in the reinstated law suit.) The plaintiffs had

reached a settlement with two other parties in October of 1994. Bob Blakey, as co-counsel for TLPJ, argued the appeal before the Fourth Circuit on April 1, 1996.

PROMINENT ALUM FEATURED IN NATIONAL MAGAZINE

Patrick McCartan, Jr., NDLS '59 and Managing Partner of Jones, Day, Reavis & Pogue, is featured by INSIDE BUSINESS in its September, 1996, issue. The article, entitled "Pat McCartan's New Day," discusses Pat's accomplishments and expectations as "he guides the powerhouse global law firm toward the future he envisions." The article notes that Pat is "widely considered to be one of the best trial lawyers in the country." Listed among his accomplishments are the reversal of a \$100 million judgment against Firestone Tire & Rubber Co., the defense of Ronald Reagan's right to \$29.4 million in federal election funds, and a triumph for General Motors in injury and death cases that claimed design flaws in the Chevrolet Corvair.

Pat did his undergraduate work, as well, at Notre Dame. A long-time and enthusiastic supporter of the Law School, Pat now serves on the University's Board of Trustees. The article notes that Pat chairs the academic-affairs committee of the Board of Trustees and co-chairs the University's "upcoming \$750 million Capital Campaign."

WOMEN'S LEGAL FORUM HOSTS DISCUSSION OF GENDER DIFFERENCES

On September 4, the Women's Legal Forum hosted a conference entitled "Gender Differences in the Classroom and Beyond." Participating in the discussion were: Professors Fick, Lisa Schiltz, Patrick Schiltz, Teresa Phelps, Jay Tidmarsh and Cathleen Kaveny.

* * *

LOCAL ALUM DIES AT 62

Long-time South Bend attorney Edward N. Kalamaros, NDLS '59, died on September 1. Mr. Kalamaros practiced law in South Bend for thirty-six years, with a focus on insurance-defense work, including worker's compensation and areas of administrative law.

He has served as a chief deputy prosecutor, as a member of the St. Joseph County Tax Adjustment Board, and as a member of the St. Joseph County Draft Board.

Among the professional organizations to which he belonged were the American, Indiana and St. Joseph County bar associations, the Indiana Trial Lawyers Association, and the Lawyers and Pilots Bar Association. His community activities supported the First Presbyterian Church of South Bend, the Council for the Retarded of St. Joseph County, the Alcoholism Council of St. Joseph County, Madison Center, Indiana Opera North, and South Bend Entertainment (which is involved in the renovation of the Palais Royale and Morris

Civic Auditorium).

Born in 1934, Mr. Kalamaros was graduated from Central High School in South Bend and did his undergraduate work, as well as his law degree, at Notre Dame.

Surviving are his wife, the former Marilyn Jane Foster; a daughter; three sons; and a sister. One of his sons, Philip, was graduated from the Law School in 1987. His family ask that contributions be made to the First Presbyterian Church.

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FIRST-YEAR CLASS HOLDS ELECTIONS

The Student Bar Association conducted elections among first-year students on September 16 and 17. Fourteen sought the position of Student Bar Association Representative and another thirteen ran for the Honor Council. Approximately three-quarters of the class voted. Winning positions as representatives were Jonathan Coury, Alex Nakis, and Jean Seidler. Stacy Soper, Chuck Topping, and Ethan York garnered positions on the Honor Council. Congratulations to all who participated.

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NEWS FROM THE CENTER FOR CIVIL AND HUMAN RIGHTS

For the 1996-97 academic year, twelve young lawyers (five women and seven men, from eleven countries) are enrolled in the LL.M. Program in International Human Rights Law. Garth Meintjes directs the

Program. A reception for these students took place on September 5 in the Morris Inn.

A member of last year's LL.M.'s class, Faustina Fereira of Bangladesh, has been admitted to the J.S.D. Program in International Human Rights Law. A lawyer from Ethiopia has also been admitted to that Program, but will not begin the requisite year in residence until a later date. Dinah Shelton directs the doctoral program.

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NEWS FROM THE LAW LIBRARY

Roger Jacobs completed six years as a member of the Council of the Section of Legal Education and Admission to the Bar. This work put him in the center of the troubles revolving around the suit brought against the ABA by Dean Lawrence Velvel, Dean of the Massachusetts School of Law. Roger also co-chaired the Library Committee of the Section of Legal Education, leading major work toward the development of new instruments to be used in the sabbatical site visitations of schools seeking to secure or retain approved status.

Roger and Joe Rosenfeld, director of Law School computing, took part in an educational session directed at the relationships between the information-department directors and law-library directors at the annual meeting of the American Association of Law Libraries held in Indianapolis in July. Their portion of the program, delivered as a skit that mimicked the regular conversations between these diverse interests, was reported to be one of the "highlights" of the meeting's educational programming.

Upcoming items on Jacobs' calendar include membership on an ABA sabbatical-visitation team for the Columbia University Law School and an invited paper on the issue of what hardcopy books remain in the future of rapidly developing electronic library information services.

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During the second week of October, Joe Thomas will attend a seminar in Ann Arbor on "Revisioning Technical Services."

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NEWS FROM THE LEGAL AID CLINIC

Thirty-four members of the law class of 1996 were on the Dean's List as they finished law school. Ten of these had been interns in the Clinic; seven of the ten reported employment as they left campus.

The Clinic's summer program provided full-time employment to eleven law students, who handled a total of 200 cases, 75 of them opened during the summer.

Twenty-four students are in the Clinic's fall-semester program, which is limited to third-year students. Second-year students will be invited to enroll in the Clinic for the spring semester. Both fall and spring enrollment is restricted, however, due to a shortage of clinical faculty.

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NEWS FROM THE FACULTY

John Finnis figured prominently in an article entitled "The Stand: Expert Witnesses and Ancient Mysteries in a Colorado Courtroom." The article explores the role of experts in the so-called "Colorado Gay Rights Case." (The case ultimately went to the United States Supreme Court where Colorado's anti-gay Amendment II was ruled unconstitutional this past May.) The article appears in the September/October 1996 issue of *LINGUA FRANCA*.

* * *

Hugh Fitzgerald, former visiting faculty scholar, passed away in early September. His funeral took place on September 7 at the Risen Savior Church in Albuquerque, New Mexico. His family requested that memorial donations be sent to the Center for Social Concerns in his name. Please keep Hugh and his family in your thoughts and prayers.

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John Garvey published "Is There a Principle of Religious Liberty?", in the *MICHIGAN LAW REVIEW*.

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Howard Glickstein, former director of the Notre Dame Center for Civil Rights and former adjunct professor at the Law School, recently observed his tenth anniversary as dean of the Touro Law School. To mark the occasion, the Board of Visitors at Touro held a special program on September 7.

Father Hesburgh and Dean Link participated through the magic of videotape.

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Jimmy Gurulé published "Dismantling the Foundations Crime," in the *IRISH TIMES*, on July 25.

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Don Kommers published a "letter to the editor" in the August 25 edition of *THE NEW YORK TIMES*. The letter appeared under the headline, "When Opposing Abortion Is Part of a Larger 'Ethic of Life'; Incompatible Theories."

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Terry Phelps presented a paper entitled "Using Writing Process To Teach Legal Writing," at the biennial conference of the Legal Writing Institute in Seattle on July 20.

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On September 21, Greg Ripple, son of Ken and Mary Ripple, married Corinne Dougherty at Sacred Heart on campus. A reception followed in the South Dining Hall.

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Tom Shaffer published "Maybe a Lawyer Can Be A Servant; If Not . . .," in the *TEXAS TECH LAW REVIEW*.

Tom also published a review of Kent Greenawalt's *PRIVATE CONSCIENCES AND PUBLIC REASONS*, in the *JOURNAL OF CHURCH AND STATE*.

NEWS FROM THE STAFF

Mary Cowser's husband, Chuck, underwent back surgery on September 11 at Memorial Hospital. Mary reports that all went well.

On September 3, Kitty Hoyer underwent surgery at Memorial Hospital in South Bend in connection with a severe infection growing out of a dog (her own) bite on her hand. All went well following the surgery, and Kitty has now returned to work.

NEWS FROM THE ALUMNI

The BALTIMORE SUN announced on September 9 that Leslie Bender, NDLS '83, has become Executive Director of Empower Baltimore Management Corporation's newly formed Business Empowerment Center. The Center will implement strategies for Baltimore's Empowerment Zone's economic initiatives. Leslie formerly served as regional manager for government lending programs at NationsBank. Leslie did her undergraduate work at Northwestern University.

Beth Debauche, NDLS '88 and an assistant athletics director for Vanderbilt University, found a diplomatic way to deal with the recent Notre Dame-Vanderbilt football game: "I have to cheer for Vanderbilt. For the other ten games, I'll

cheer for the Irish." Beth did her undergraduate work at St. Mary's College and earned her M.A. at Notre Dame in 1985. A member of the bars of Illinois, Wisconsin, and Georgia, Beth clerked in Georgia's Superior Court after graduation.

Richard G. Dytrych, NDLS '54 and Chairman of the Board of Gary, Dytrych & Ryan in North Palm Beach, Florida, died September 6 after a brief illness. Born in Chicago in 1925, he had been a resident of North Palm Beach since 1973.

Mr. Dytrych served in the U.S. Navy during World War II. He received his undergraduate degree in business at Notre Dame and was one of its most loyal supporters. He served on the Law Advisory Council.

Mr. Dytrych is survived by his wife of forty-nine years, Elaine; six children; five grandchildren; one great grandchild; and a brother. Funeral services took place at St. Paul of the Cross Catholic Church in North Palm Beach. The family asks that memorial contributions be made to Our Lady of Florida Spiritual Center, 1300 U.S. Highway 1, North Palm Beach, Florida 33408.

Maureen E. Fitzgerald, NDLS '96, has joined the firm of Harris, Beach and Wilcox in Rochester, New York. Maureen has both a B.A. and an M.A. in American History from the University of Scranton.

Albert P. Heeb, NDLS '25, of Connersville, Indiana, died September 2. Mr. Heeb was elected Fayette County Prosecutor, serving from 1934 through 1939. He also spent about twenty-five years as a Connersville city attorney. Mr. Heeb was a veteran of World War II, a member of the Veterans of Foreign Wars and of the American Legion, and a fourth-degree member of the Knights of Columbus.

Kevin Holtz, NDLS '92, has joined the business operations of the Orlando Devil Rays, a Double-A affiliate. Kevin came to the Devil Rays from the Dallas Cowboys, in whose front office he served since 1992. Kevin earned his undergraduate degree, as well, from Notre Dame.

George S. Keller, NDLS '36, has given the Law Library a copy of his memoirs, entitled VIEW FROM THE TOP. Mr. Keller, who holds a 1986 Special University Citation from Father Hesburgh, spent all his professional years practicing law in the Midwest. In accepting the volume, Kresge Library director Roger Jacobs told Mr. Keller that the book would be "a perpetual testament to your service at the bar and an example of a Michigan lawyer's practice during this period."

Diana Lewis, NDLS '82 and a member of the University's Board of Trustees, has become a shareholder in the West Palm Beach office of Carlton, Fields,

Ward, Emmanul, Smith & Cutler.

M. James Moriarty, NDLS '51, died August 23 at his home after a long illness. A retired trial lawyer and member of the Illinois State Bar Association for over forty-two years, he was Director of many corporations, both domestic and foreign. He had served as National President of the Notre Dame Law Association, Chair of the Great Lakes Commission, and a member of the Board of Governors of the Chicago Notre Dame Club. He leaves his wife, Diane; five children; and eleven grandchildren.

The Mass of the Resurrection took place August 27 at St. Paul of the Cross Catholic Church, in North Palm Beach, Florida. Further services and interment were planned for Chicago at a later date. In lieu of flowers, the family requested contributions to the Moriarty Law Scholarship Fund at NDLS.

An exhibition of political memorabilia used in presidential campaigns from 1844 through 1972 features items from the personal collection of Andrew Nickle, NDLS '74. The exhibition, which began September 15 and will last through December 8, takes place at the Northern Indiana Center for History. On September 15, a public reception took place.

On September 26, at the Law School, Patrick A. Salvi, NDLS '78, delivered a lecture on tort reform and on trial strategy. Patrick practices law in Waukegan, Illinois, where he is the lead attorney in a firm specializing in litigating personal-injury, medical-malpractice, and product-liability cases for plaintiffs. He has lectured widely on a variety of issues in tort law and in trial strategy. Of late he has made several presentations on the most recent effort by the Illinois legislature to reform that state's tort laws.

Chris Toth, NDLS '93, has been appointed the Republican nominee for St. Joseph County (Indiana) Circuit Court Judge. He will oppose Circuit Judge Terry A. Crone, NDLS '77.

Jack Young, NDLS '87, has been designated a Certified Commercial Investment Member by the Commercial Investment Real Estate Institute. Jack is managing partner of Stone Real Estate Group in Mishawaka and the developer of Edison Lakes Medical Center, Park Place Office Village at Blackthorn and Edison Lakes.

MISCELLANY

The Thomas J. White Center on Law and Government, through its director John Robinson, has announced the new White Scholars and staff members of the JOURNAL OF LAW, ETHICS & PUBLIC POLICY: Richard Bell; Christopher Bopst; Stephen Griesemer; Steven Hearne; Kimberly Henderson; Michael Hickey; Gavin McCraley; Daniel Overbey; Julie Seeman; Kathryn Weston-Overbey; Allison Wisk; and Susan Wyffels. Congratulations all!

Kathryn Weston-Overbey and her husband, Dan, announce the birth of Erin on September 16. All are well. Congratulations!