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## NDLS Update 12/1991

Notre Dame Law School

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Volume I, No. 2

December, 1991

# **NDLS UPDATE**

*News of the Notre Dame Law School*

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## **MCLEAN POSTPONES RETIREMENT**

Good news for the Law School community: Bill McLean has decided to put off his retirement, originally set for Summer of 1992. All of us at the Law School are delighted.

## **BARRETT ANNOUNCES ENGAGEMENT**

Over Thanksgiving week-end, Matt Barrett became engaged to Kate Sullivan, the Rector of Lewis Hall and a Program Director in Campus Ministry. A Summer 1992 wedding is planned. Congratulations to both of them!

## **FAMILY MASS AND BRUNCH HELD**

On November 10, the Family Mass and Brunch were held in the student lounge. Father Lewers celebrated the Mass. Special thanks to him, Paul Drey, the Faculty spouses and the student singers for making this a special event.

## **ESTHER BATTEN and PHYLLIS STROM CELEBRATE MILESTONES**

Esther Batten, Library Tech Services, has just celebrated her twentieth anniversary as an employee of the University. She has worked the entire twenty years in the Law School Library.



Phyllis Strom marks her fifteenth year of employment at Notre Dame. Congratulations and thanks to both!

### **MOOT COURT TEAM COMPETES**

On November 14th, the National Moot Court team travelled to Chicago for the regional rounds of the forty-second annual national moot-court competition, sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers. The team comprised Geoffrey Blazi, John Crowley, David Gorman, Susan Hall, Douglas Liedberg, and Jayant Tambe; Jody Schlichting served as Director for the team's activities. Each of the School's three-person teams argued twice, once as petitioner and once as respondent. The case they argued arose under the Copyright Act, presenting questions of the right to a trial by jury and of the scope of "fair use" under the Act. The team will next appear in the Showcase Argument, on March 18, 1992, before a panel of Justice Anthony M. Kennedy, of the U.S. Supreme Court, Dean Henry Ramsey, Jr., of Howard Law School (and formerly of the Ninth Circuit), and Judge Ann C. Williams (NDLS '75), of the United States District Court for the Northern District of Illinois.

### **APPOINTMENTS COMMITTEE ATTENDS RECRUITMENT CONFERENCE**

The Appointments Committee attended the Recruitment Conference of the Association of American Law Schools in Washington, D.C., on November 14, 15 and 16. Alan Gunn, Terry Phelps, Jack Pratt and Tex Dutile attended. The Committee held a reception on Thursday evening for graduates of Notre Dame and St. Mary's attending the Conference. On Friday and Saturday, the Committee interviewed twenty-six law-teaching aspirants. Special thanks are due Vice-Chair Jack Pratt for his tremendous effort in preparing for and orchestrating the Committee's work.

### **McCAFFERTY BENEFIT HELD**

On Thursday evening, November 21, the Student Bar Association presented the annual Father Michael McCafferty Benefit to over 300 people. M.J. Sully produced the show and David Chorzempa "enceed." All proceeds from the Benefit go to a scholarship named for Father Mike.

### **NEW STUDENT PAPER PLANNED**

Law students plan to publish a newspaper. The editor will be Corrine Paulis. The Dean's Office provided a \$500 start-up grant.

### **NDLS AND MINORITIES**

In "A Report on the Comprehensive Plan on Minorities at Notre Dame," Associate Provost Oliver F. Williams, C.S.C., after noting "slow progress" in minority recruitment in other graduate programs, points out that the "Law School, on the other hand, with 79 minority students (14%) is making excellent progress." Congratulations to our Admissions personnel for their good work!

### **BROWN-BAG LUNCH PROGRAM**

The SBA will sponsor a series of sessions at which members of the faculty can interact with students. Making appearances, in chronological order, are Tex Dutile, Igor Grazin, Tom Shaffer, Charlie Rice, Garth Meintjes, Lucy Payne, Jim Seckinger, Judge Brook, Bob Rodes, Matt Barrett and Ed Murphy.

### **INTERNATIONAL LAW ENDOWMENT**

Mr. John A. Vuono of Pittsburgh, a 1955 graduate of the Law School and father of five Notre Dame or Saint Mary's graduates, has pledged \$100,000 to establish an endowment in support of International Law collections. The endowment fund, to be established over a



number of years, will be named in memory of Mr. Vuono's parents.

### **SOCIAL JUSTICE FORUM PLANS DEBATE SERIES**

The Notre Dame Law School's Social Justice Forum will initiate an annual debate series in the Spring semester of 1992. The inaugural year's issue is both timely and controversial -- "whether mandatory pro-bono work or legal-aid educational credit should be required for a juris doctorate degree."

The debate format includes two sessions. The first, scheduled for February 28, 1992, in our courtroom, will feature students alone. The second stage, scheduled for March 20, 1992, will present spokespersons from outside the Law-School community, as well as NDLS faculty. Anyone interested in serving on the committee that will select the student speakers or in advocating either side of the issue should contact Rob Mitchell (Box #139).

### **ABA TEAM VISITS**

An American Bar Association Site Visitation Team evaluated the Law School's proposed J.S.D. Program on November 24 and 25. The Team spoke with Faculty, students and the Provost. The Team was made up of Professor Jerome Barron of the George Washington University Law School and Professor Richard Huber of the Boston College Law School.

### **STUDENT-PRACTICE RULE CHANGE SOUGHT**

Deans at the four Indiana law schools have written a joint letter to the Chief Justice of the Indiana Supreme Court, requesting that the Student-Practice Rule in Indiana be amended to include second-year students. Our Legal Aid Clinic, with the good help of Tom Shaffer, initiated this proposal. (Many other states allow second-year practice).

### **BLAKEY ARGUES SUPREME COURT CASE**

On November 11, Bob Blakey, representing Securities Investor Protection Corporation on the issue of standing in securities-fraud cases, argued before the U.S. Supreme Court. Despite the strong support of ideas picked up at the first faculty colloquium, Bob reports that Justice Scalia told him, "The odds are against you in this case."

### **THE DE BARTOLO MALL**

Bill McLean recently attended a briefing by Ellerbe-Becket Architects on near-term plans for the DeBartolo Mall. Points of interest to the Law School included:

- (1) the new DeBartolo Classroom Building will open August 1992;
- (2) Dorr Road will be permanently closed from the Snite Museum to the Notre Dame Avenue Circle during the summer of 1992 -- it will become a wide sidewalk that can serve as a very limited service road for security and fire vehicles, law-library deliveries, and the like;
- (3) the Bus Stop will be relocated -- tentative new location is old Juniper Road between the DeBartolo Classroom Building and Notre Dame Stadium;
- (4) the East-West road between the University Club and the new Hesburgh Center (Peace Institute) will remain open for now -- parking behind the University Club, near the Stadium, and near the Senior Club will remain unaffected for the next two or three years; and
- (5) long-range parking plans are being addressed -- maybe a parking building south of the Morris Inn?



## **SECOND FACULTY COLLOQUIUM HELD**

On December 6, the second Faculty Colloquium was held in the Faculty Lounge. Doug Kmiec led a discussion of the constitutionality, under the Establishment Clause, of high-school religious invocations. Thanks to Doug for engendering a lively discussion.

## **NDLS PARTICIPANTS IN "COLLOQUY 2000" ANNOUNCED**

A more complete listing of the Law School's participants in the "Colloquy 2000" committees is now available. The Committee for the Whole includes Paul Drey, SBA President, Carol Mooney, Patricia O'Hara, and alumnus Kevin Warren. The Committee on Academic Life includes Tex Dutile and Sabrina McCarthy. The Committee on Finances, University Relations and Athletics includes Roger Jacobs. The Committee on Student Life includes Matt Barrett, student Dan McDevitt, Patricia O'Hara and alumnus Bill Kirk. Finally, the Committee on Mission Opportunities and Challenges includes John Attanasio, Paul Drey, Carol Mooney and Kevin Warren.

## **THREE STUDENTS AWARDED SCHOLARSHIPS**

In a ceremony held on December 5 in the Law School, Gerard Gallagher and Leesa Taylor were awarded Indiana Bar Foundation Scholarships. At the same ceremony, Doug Drysdale was presented with the Indiana Lawyers Auxiliary Scholarship.

## **LIBRARY-COLLECTION MARKS REACHED**

Two major library-collection milestones were recently reached. We added our 200,000th hard-copy book and, with our significant micro-form holdings, reached the cumulative figure of 300,000 volumes and volume equivalents. At the end of October we held 207,051 books and volume/volume equivalents of 311,078. We

have now equalled the mark of the schools ranked 58th and 62nd, respectively. Only two or three years ago we found ourselves at least forty places lower in the standings, and in 1988, at the time of the last ABA site evaluation, we ranked 105th and 132nd, respectively. The support of the University and law-school benefactors, and the dedicated effort of the library staff have been major factors in advancing the stature of our library collections.

## **THANKSGIVING FOOD DRIVE SUCCEEDS**

With the help of NDLS Faculty, staff and students, the Thanksgiving Food Drive, sponsored by the Social Justice Forum, fed forty-four families. Sponsors were matched with needy families. Extra donated food and money supplemented the donated bags of groceries. Students delivered the food directly to the families, who expressed their gratitude for the help.

## **FACULTY ACTIVITIES**

John Robinson recently spoke to the Notre Dame Club of Memphis, Tennessee. His topic was the "Right to Die." On November 19, he travelled to Manchester College in central Indiana to lecture on the role of lawyers in American society.

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Bill McLean was the featured speaker at the Tri-Military ROTC Veterans' Day Ceremony. Addressing ROTC students on the South Quadrangle of the University, Bill invoked the sacrifices of our military veterans and impressed upon the students a sense of duty as they in turn assume their roles as citizen-soldiers.

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Trai Le has been invited to serve on the 1992-93 Review Committee of the Council for International Exchange of Scholars. The Committee screens applications for the European Regional Research and E.C. Affairs Research and Scholar-in-Residence Programs. This Com-



mittee provides very important support for the Fulbright Exchange Program.

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Doug Kmiec, on November 14, delivered a Hesburgh Lecture in the Gooding Auditorium of Jacksonville University. His topic: "Beyond Race and Gender: Tales from the Supreme Court, Congress and the Community." The talk addressed Supreme Court decisions dealing with race and gender discrimination, affirmative action, policies of discriminatory harassment and related issues. A panel discussion followed the lecture.

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Don Kommers was awarded the 1991 ABA Silver Gavel Award for his publication of *Abortion and the Right to Privacy: A Comparative Perspective*.

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Janis Johnston offered a workshop on Law Serials Management at the Northwest Regional meeting of law-library associations held on November 8 in Philadelphia. She also recently served as a library consultant to the John Marshall Law School and the Marquette University Law School.

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Roger Jacobs took part in an ABA CEELI planning committee meeting in Washington, D.C. While there he had the opportunity to visit the Supreme Court and renew his contacts with a number of his former colleagues and staff.

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On November 15, Tom Shaffer led a faculty colloquium on legal ethics at the Indiana University School of Law, in Bloomington. On the same day, he led a discussion of his book, "On Being a Christian and a Lawyer," with a research group at the Poynter Center at Indiana University.

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Sabrina McCarthy attended the semi-annual meeting of the Steering Committee of the Amnesty International (U.S.A.) Legal Support Network on November 15-17, 1991, in Washington, D.C. Sabrina is one of two

Midwest Regional Representatives on the Steering Committee. In recent years, the Legal Support Network has concentrated on refugee and death-penalty issues in the United States. Sabrina invites faculty and students interested in joining the Legal Support Network to contact her.

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Carol Mooney has been elected to the Provost Review Committee by the Academic Council.

## FACULTY PUBLICATIONS

[Details available in *Notre Dame Report*]

\* Barbara Fick published "Breaching the Union Constitution: Can a Member Make a Federal Case of It? An Analysis of *Wooddell v. IBEW Local 71*."

\* Tom Shaffer published "The Estate Planning Interviewer" and co-authored a book entitled, "American Lawyers and Their Communities: Ethics in the Legal Profession."

\* John Robinson published "Catholic Doctors and the Catholic Church in America."

\* Jim Seckinger published "Closing Argument" and "Presenting Expert Testimony -- An American Perspective."

## MISCELLANY

Roger Jacobs has been named 1992-93 Director of the London Programme.

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Richard Boswell has just published the second edition of his "Immigration and Nationality Law: Cases and Materials."

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Rosie Kincaid recently offered a class on Beginning Wordperfect 5.1 under the auspices of the Office of University Computing. She will offer another class in Spring 1992.

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The Library sent a fine second-hand set of CJS, supplemented through 1990, to Dean Pullo at the law school in Gdansk.

Maureen Power Wilkerson, NDLS '76, teaches Administrative Law as an Adjunct Professor at Catholic University Law School.

Tex Dutile

Jeff Morgan presented a class on WordPerfect Office Productivity as part of OUC's continuing education program.

### ALUMNI NEWS

Little Brown & Co. has just published *Fundamentals of Bankruptcy: A Lawyer's Guide*. The author is David L. Buchbinder, a 1977 graduate of NDLS. David now practices in San Diego, California, and teaches bankruptcy law for the University of San Diego Legal Assistance Program.

NDLS grads passing the July 1991 Michigan Bar Exam: Katharyn Barron; Kristin Cabral; Robert Paul Guerre; Mary Hacket; Ginny Mikita; Richard Paige; Eric Scheske; Ann Marie Van deVere; Sandra Yonkoski; and Katheryne Zelenock. As far as we can tell, the Law School passed 100% of its Michigan applicants.

Judge Willie G. Lipscomb, Jr., NDLS '75, broke both legs in a November 19 skydive. Although doctors expect a full recovery, Judge Lipscomb "may be laid up until the Spring." (Address: 36th District Court, 421 Madison Avenue, Detroit, Michigan 48226).

On December 5, 1991, William E. Kelly, Law School Class of 1962, passed away. Mr. Kelly was Shareholder-Director of Polk, Ballard, Shepard & Fowle in Chicago. Messages or cards may be sent to: Mrs. William E. Kelly, 923 Elmwood Avenue, Wilmette, Illinois 60091.

Ernie Szarwark, NDLS '76, has been elected Chair of the Taxation Section of the Indiana State Bar Association for 1991-92.