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## NDLS Update 02/1993

Notre Dame Law School

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*Volume II, No. 7*

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# ***NDLS UPDATE***

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*News of the Notre Dame Law School*

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## **NDLS SHINES AT ABA MOCK TRIAL COMPETITION**

NDLS sent two teams to the ABA Mock Trial Competition for the Midwest Region held in Chicago on February 4, 5 and 6. Both teams earned places in the quarter finals. One team, composed of Nikki Comacho, Frank Kros, and Ed Sullivan won the finals and, along with a team from Northwestern, will participate in the national competition to be held in San Antonio, Texas, on March 11, 12, and 13. The other team consisted of Brian Alexander, Andrea Roberts, and Charles Rose.

Twenty teams from eleven law schools in the midwest participated in the competition. Notre Dame was the only school to have two teams proceed to the quarter finals. The teams were coached by Adjunct Professors Judges Brook and Jourdan, and by generous volunteers -- Jeanine Gozdecki-Wright, NDLS '92; Paul Peralta, NDLS '86; and Wendell Walsh, NDLS '80. Congratulations to all involved.



## CLIENT COUNSELING COMPETITION

The first two rounds of the client counseling competition were held on February 15 and 16. Thirty-six students participated. Six semi-finalists -- three two-person teams -- have been chosen. They are: Russ Carr and Pete Smith; Laura Curliss and Frank Kros; and Judy Fox and Mary Malone. Congratulations to all of them.

The final round of the intramural competition was held February 18 and Judy Fox and Mary Malone were the winners. They will participate in the regional competition to be held at NDLS on February 27.

## LAW REVIEW SYMPOSIUM

On February 26 and 27 a symposium sponsored by the *Notre Dame Law Review* will take place in the courtroom. All members of the faculty, staff, and student body are welcome. The topic is "The Civil Rights Act of 1991: Theory and Practice." Seven principal speakers will present papers on various aspects of the Act. The speakers will be: Michael Carvin, a partner in the firm of Shaw, Pittman, Potts & Trowbridge, Washington, D.C.; Professor Neal Devins from Marshall-Wythe School of Law of the College of William and Mary; Professor Jules Gerard of the Washington University School of Law in St. Louis; Marian Haney, from the firm of Seyfarth, Shaw, Fairweather & Geraldson, Chicago; Glen Nager, partner of the firm Jones, Day, Reavis & Pogue, Washington, D.C.; Professor Ronald Rotunda from the University of Illinois College of Law; and Eric Schnapper, Assistant Counsel of the NAACP Legal Defense Fund. Following each speaker's presentation there will be an

opportunity for questions and comments from the audience. Reverend Theodore Hesburgh, C.S.C., will be the keynote speaker at the Friday evening dinner. The symposium has been certified for 8.8 hours of continuing legal education credit.

## LORD BROWNE-WILKINSON SPEAKS TO LONDONERS

The Right Honorable Nicolas Browne-Wilkinson visited the London Centre on Thursday, January 28 to give a talk on the functioning of the legal arm of the House of Lords. His Lordship, one of ten Lords of Appeal in Ordinary, (commonly referred to as Law Lords and the equivalent in some sense to a United States Supreme Court Justice) was introduced to an overflow crowd of students and faculty by Professor Aubrey Diamond, a long-time acquaintance who had arranged the visit. The talk addressed the qualifications for appointment to his office, the method of carrying out the work of the highest English court, and his impressions of some recent cases the Lords were considering. Among these cases was one requiring a decision on whether the criminal statutes prohibiting bodily mutilation applied to a cult in which members had mutually consented to these acts; another presented the issue of whether it was permissible to remove the feeding tubes from a young man who is in a permanently vegetative state. He recounted, in a moving statement, his concern about the people involved, the appropriate roles of the court and the Parliament and the effect his decisions may have on future generations. After a bright and probing question and answer session, a reception in His Lordship's honor, attractively set out by Ms. Gillian Walker,



the London Law Programme Administrator, was held in the Common Room.

## ADMISSIONS NEWS

There is a national downturn in the numbers of applicants for admission to law schools -- somewhere in the range of thirteen percent at this stage of the cycle. Applicants to NDLS are also down but not as great as the national trend -- less than ten percent for us.

It is clear at this point that we will have a very strong applicant pool -- well over 3000 candidates, many with strong credentials. We are again assured of great selectivity in assembling the class for entry in August 1993.

## FACULTY NEWS

Matt Barrett published "Making Accessibility Accessible: Tax Incentives for Complying with the ADA," in 7 *Practical Tax Lawyers* 29-47, 50-52 (1992). The article discusses federal and state income tax provisions that may reduce compliance costs under the Americans with Disabilities Act.

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Joe Bauer published the 1992 supplements (totaling 607 pages) to Volumes, I, II, III, IV, V, VI, VII, VIII, and IX of Kintner's "Federal Antitrust Law."

On February 11, Joe was invited to judge a moot court exercise in Boston, Massachusetts, in preparation for the plaintiffs' oral argument before the United States Supreme Court, in the *Multistate Insurance Antitrust* litigation.

Tex Dutile attended the National Conference on Law and Higher Education, held in Clearwater Beach, Florida, February 14-17.

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Roger Jacobs attended the mid-winter meeting of the ABA in Boston, February 4-7. As a member of the Council of the Section of Legal Education he reports that the Accreditation Committee's Special Committee on Foreign Programs has not yet completed its review of the criteria governing the four different types of foreign programs. When the review is complete, we should have a better idea of the Accreditation Committee's inclination toward continued acquiescence of our year-long London Programme.

While in Boston, Roger met with former Notre Dame Colleague Michael Slinger. Roger reports that Mike, as Director of the Suffolk Law School Library, has been making solid progress over the past two years toward bringing a first-rate library organization to that school.

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Don Kommers participated in a workshop at the United States Capitol sponsored by the American Bar Association's Central and East European Law Initiative. Four members of the Constitutional Commission of the Russian Federation met with panels of American legal specialists to discuss the draft Russian Constitution. Don was a member of the panel on the judiciary article of the draft constitution. The other members of the panel were Justice Elizabeth Lacy (Va. Sup. Ct.), Judges Abner Mikva and Patricia Wald (D.C. Cir.) and Professors Paul Rothstein (Georgetown Law School) and Harman Schwartz (Washington College of Law, G.W.)



This month Don and his co-editor, Professor Paul Kirchhof (Associate Justice of Germany's Federal Constitutional Court), published *Deutschland und sein Grundgesetz* (Germany and its Basic Law). The book was published in Baden-Baden, Germany. Don was recently awarded an \$80,000 grant from the National Endowment for the Humanities to conduct a seven week seminar on "American Constitutionalism in Comparative Perspective" for American college teachers and foreign law professors. The seminar will be held at NDLS from June 14 to July 31, 1993.

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Dave Link spent February 4 and 5 in Boston at a national meeting of law school deans.

On February 7, 8, and 9 Dave hosted the visiting president from Australian Catholic University (formed after Notre Dame Australia) during his visit to campus.

On February 11, Dave met in Buffalo, New York with a group of approximately 100 lawyer alumni (both Notre Dame undergraduates with law degrees from other schools and alumni of NDLS). Dave gave a presentation about the current state of NDLS.

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Sabrina McCarthy will give a presentation on "Human Rights Abuses Against People with HIV," at the Annual Midwestern Regional Conference of Amnesty International USA, on February 28, 1993 in Chicago.

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Garth Meintjes was a member of a discussion panel on "South Africa in Transition." The event was sponsored by the Kroc Institute for International Peace Studies and was held on February 17 in LaFortune following a showing of the film

"Robben Island: Our University." Garth was recently invited to join the Regional Outreach Committee of the American Society of International Law.

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Charlie Rice spoke at Marymount University in Arlington, Virginia on February 5 about *Humanae Vitae*.

Charlie and his co-counsel filed suit on February 3 on behalf of the Indiana Policy Review against the members of the Indiana State Legislature. The suit challenges as violative of the Indiana Constitution an increase in compensation that the legislators approved for themselves.

Charlie authored a chapter entitled "Operation Rescue" in the recently published book *Abortion: A New Generation of Catholic Responses*.

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Jim Seckinger published the second edition of *Materials for NITA Teacher Training Program*.

Jim also served as program coordinator and faculty member for two NITA programs. The first program covering "Examination for Discovery" was conducted for the Tory Tory DesLauriers & Binnington firm in Toronto, Canada on January 21-23. The second program, an advanced deposition program, was for Mayer, Brown & Platt in Chicago on January 28-30.

## LEGAL AID NEWS

During the month of January, the Legal Aid Clinic accepted 22 new cases bringing their total caseload to 134. Following his semester at Boston College, Tom Shaffer rejoined the clinical faculty. As a consequence of Tom's return, some of



the new cases involve housing issues and wills. Five of the new cases opened in January were, however, immigration cases, making immigration the fastest growing area of practice for the clinic.

### LIBRARY NEWS

Janis Johnston left for London Thursday, February 11, where she planned to meet with her "lost" Director, Aubrey Diamond, Gillian Walker, and our students.

### LONDON NEWS

Aubrey and Eva Diamond recently held open house luncheons for the students in the London Law Programme. The students divided themselves into two groups, of about twenty each, to visit the Diamonds and enjoy an afternoon of great food, warming drinks, and good fellowship.

Professor Martin Dockray of the London Programme recently escorted twenty students in the English Legal System's class on a tour of the Law Courts and the Old Bailey.

### PLACEMENT

Nancy Kommers of NDLS Placement Office reports that twenty-seven students have applied for clerkship positions.

### STAFF NEWS

On February 22, Cathy Burch, who has been with the Law School since 1980 -- except for a short tour at the Hasburgh Center -- begins a new position in the offices of Administrative Information Services in the Main Building of the University. Everyone at the Law School wishes Cathy well.

### ALUMNI NEWS

Jared DesRosiers, NDLS '92, has become an associate with the firm of Pierce, Atwood, Scribner, Allen, Smith & Lancaster in Portland, Maine.

JoAnn Chavez, NDLS '90, has left New York for a position with the Tampa, Florida, Public Defender's Office.

Timothy P. Galvin, Sr., Ph.B., ND '16, Honorary LL.D., ND '64, recently died. Mr. Galvin was a life trustee of the University of Notre Dame and father of Timothy Galvin, Jr., NDLS '62.

Peter T. King, NDLS '68, has been elected to the United States House of Representatives for the third district of New York.

William E. Miller, Jr., NDLS '89, ran for the United States Congress from New York this past fall. Although he lost to a 20-year incumbent, he garnered 45% of the vote and he plans to run again in 1994. Bill is in private practice in Lockport, New York, and also serves as a member of the Orleans County Public Defender staff.

Gerard F. Powers, NDLS '86, gave a lecture at NDLS on February 1. The title of his talk was "Sarajevo and Self Determination: Building a New World Order?" Gerry is a foreign policy advisor at the United States Catholic Conference. He advises the American Bishops on affairs in Eastern Europe, the former Soviet Union, and Northern Ireland. The lecture was sponsored by the Center for Civil & Human Rights and the Social Justice Forum.

(Susan) Jill Rice, NDLS '88, was recently diagnosed with lymphatic cancer.

She has undergone her second chemotherapy treatment at the Cleveland Clinic. Jill works as a clerk for Judge Harry Dees in the bankruptcy court. Please remember Jill and her family in your prayers. You may want to send her a note of encouragement: 1008 W. Grove Street, Mishawaka, Indiana 46545.

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Richard Slawson, NDLS '70, of Slawson Burman & Critton in North Palm Beach, Florida, has been elected as Secretary of the Academy of Florida Trial Lawyers.

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Kevin Warren, NDLS '91, has joined Sports Professionals in Chicago.

CAROL ANN MOONEY  
ASSOCIATE DEAN