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Jimmy Gurulé, "'Amazing Grace:' A Tribute to Graciela Olivarez" excerpted from Notre Dame Lawyer, Fall 2006.

When the Hispanic Law Students Association awarded Prof. Jimmy Gurulé its Graciela Olivarez Award, he chose to honor the award's namesake in his acceptance speech.

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LAWYER



Fall 2006

Building for the New Millennium:
A Progress Report



UNIVERSITY OF
NOTRE DAME

The Law School

AB INITIO



Fall 2006 at the Law School

Dear Reader,

As you may remember, the end of August on any campus is an interesting time. Students return for the soon-to-begin academic year, some with parents and lots of boxes, posters, and bedding. There are always traffic jams as people acclimate to campus.

What has been a relatively quiet environment suddenly buzzes again with energy. I can look out my office that faces Alumni Hall and see students and parents and hear the shouts of people reconnecting after a summer away.

Here in the Law School, classes are also beginning. I had the honor of addressing our new class of 1Ls, a little under 200 strong, in the packed courtroom. Many of them leaned forward in their seats—full of enthusiasm for the three years of study that await them.

This end-of-summer ritual is a nice bookend to the beginning-of-summer ritual here: reunion. Each summer during the first weekend of June, alumni return to campus for an incredibly full schedule of lectures, events, and meals, as well as many opportunities to visit with former classmates.

This ritual is also experienced here at the Law School. With our new reunion format that creates events specifically for Law School alumni, we have seen attendance increase by well over 100 percent. During each of the four lectures made available to Law School alumni, 30 to 50 people listened intently to Jimmy Gurulé speak about the US State Department's efforts to combat the funding of international terrorism (Jimmy travels internationally on behalf of the State Department); to Doug Cassel, director of the Center for Civil and Human Rights, speak about the importance of upholding the rule of law in the war on terrorism; to Bob Jones, director of the Legal Aid Clinic, lecture on ethical issues facing those who provide legal service to *pro se* litigants; and to professor emeritus Tom Shaffer and Michael Jenuwine of the Law School's Legal Aid Clinic present information on end-of-life issues that are important to both the practitioner and the layman.

But alumni also had many opportunities to mingle and reconnect, and the pictures that attest to the enthusiasm of these returning alumni can be found later in this issue.

The tradition of educating a "different kind of lawyer" begins again in the building in which such educating has taken place since the 1930s. Soon, there will be a new building in which this learning will continue. But as the new building will remain connected to the old, so will those who are our new students be connected to every other Notre Dame lawyer.

I hope you enjoy the pages that follow.

In Notre Dame,

Carol

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FROM THE DEAN

There is a sense in which the cycle of seasons during the academic year makes fall feel more like spring. Each fall we experience a rebirth as campus comes to life and new faces appear in our hallways. As this issue of *The Lawyer* goes to press, not quite 200 students are in the opening weeks of their first year of studies with us. They were carefully selected from a pool of 3,500 applicants by a faculty committee which looked for interest in our distinctive mission, and they bring with them the strongest entering credentials ever. A dozen transfer students join the ranks of our 2L class, while a score of LL.M. students commence their studies with our Center for Civil and Human Rights. Arriving from countries that include Bangladesh, Indonesia, Vietnam, Mexico, Ecuador, Kenya, Cameroon, Kazakhstan, and Uzbekistan, the life stories and experiences of our LL.M. students enrich our entire community.

We also welcome several new members to our faculty this academic year. Peg Brinig, previously a chaired professor at University of Iowa, joins us as the Rev. Edward F. Sorin Professor of Law, proudly bearing the name of Notre Dame's founder. With a J.D. and a Ph.D. in economics, Peg is a major figure in family law, law and economics and the interrelationship between these two disciplines. Harvard University Press published her book, *From Contract to Covenant: Beyond the Law and Economics of the Family* in 2000 to great acclaim. Her family law textbook, coauthored with Carl Schneider, a member of the law and medical faculties at Michigan, enjoys widespread adoption. The author of more than seventy articles and book chapters, Peg is a vigorous advocate for reform of family law and a marvelous colleague.

Ed Edmonds joins us as Associate Dean for Library and Information Technology and Director of the Kresge Law Library. The holder of an undergraduate degree from Notre Dame with advanced degrees in library science and law, Ed previously headed the libraries of the law schools at William and Mary and Loyola, New Orleans. Most recently, as Director of the Schoenecker Law Library at University of St. Thomas in Minneapolis, he played a major role as one of the founding members of that law school in the design of a new building and the establishment of a law library. This experience will certainly serve us in good stead as we approach our own renovation and construction project. As his contribution to our pedagogy, Ed coordinates the first-year legal research course and teaches sports law, which is the area of his scholarship.

We are delighted that we were able to convince Jennifer Mason to join the ranks of our faculty. After graduating *summa cum laude* from Notre Dame as an undergraduate, Jen engaged in volunteer work as a Holy Cross Associate for a year before enrolling at N.Y.U. for law school where she graduated first in her class. Following a clerkship on the Ninth Circuit, she clerked for former Justice Sandra Day O'Connor. Jen practiced law and completed a public service fellowship with Holland and Knight in Washington, D.C. before testing the waters of the academy with us last year as a visiting assistant professor. She will offer courses in civil rights, constitutional law and post-conviction remedies, while she focuses her scholarship on the jurisdiction of federal courts.

Finally, we welcome Christopher O'Byrne as a research librarian in the Kresge Law Library. Chris graduated from Reed College and obtained a masters degree in teaching classics at University of Massachusetts before deciding to pursue a law degree and a masters in library science from University of Washington, one of the premier library science programs in the country. He teaches legal research to a segment of our first year class and assists faculty and upper-level students with their research projects.

All these additions buoy our ranks but make us acutely aware of our need for new space. Over the course of the past year, we made great strides in raising the final \$10M needed to reach our goal of \$57.68M for our building project. We are on the cusp of completing the necessary funding. Working with the architects of the S/L/A/M Collaborative, we are almost finished with schematic design, and we expect to break ground next fall. As the saying goes, a picture is worth a thousand words. Thus, we include in this issue a few of our most recent drawings, together with commentary by some of those involved in the building project.

As I close this letter, I am mindful of the many blessings that we enjoy — an outstanding faculty, committed to excellence in the classroom and to engaging the academy and the profession at the highest level on the complex issues of our time; exceptional students, who are eager, astute and marked by a thirst to contribute to the solution of those same issues; and alumni, in whom we take great pride and for whose loyalty and support we are deeply indebted. We begin this academic year with energy, excitement and great hope — hope that in the words of Thomas Aquinas, God will guide our beginning, direct our progress and bring to completion all that we undertake in the coming months.



Patricia A. O'Hara
The Joseph A. Matson Dean and Professor of Law



“Amazing Grace”

A TRIBUTE TO GRACIELA OLIVAREZ
BY JIMMY GURULÉ

The Hispanic Law Students Association presented its 2006 Graciela Olivarez award to Prof. Jimmy Gurulé in honor of his service both to their members and to the greater Hispanic community. The text that follows is Prof. Gurulé's acceptance speech.

“Ave Maria llena de gracias.” “Hail Mary full of grace.” How fitting that the first female law graduate of Our Lady's Law School was named “Graciela” or “Grace.” She was affectionately known to her friends and colleagues as “Amazing Grace,” and her life was truly amazing. Graciela was a woman of enormous strength, courage, dignity, and passion. While she mixed gracefully with the powerful leaders of our country, including congressmen, senators, governors, and even university presidents, including our own Rev. Theodore Hesburgh, CSC, she was most at home serving and advocating for the poor, homeless and underprivileged. After all, that was Graciela's mission in life.



While Graciela is recognized as the first female law graduate of Notre Dame Law School, this accomplishment only begins to scratch the surface of the “amazing” life of this “amazing” woman, who was “graced” by God. Graciela was born in the segregated mining town of Sonora, Arizona, during the Great Depression. Her father was a machinist who worked in the copper mines for 35 years and had emigrated to the United States from Spain. Her mother, a Mexican-American, gave piano lessons to help support Graciela and her four siblings. When Graciela was 15 years old she was forced to drop out of high school to find a job. After her parents split up, Graciela moved to Phoenix, where she grew up in a world where certain forms of legal discrimination were practiced. Speaking about racial discrimination in Phoenix, Graciela told a *Washington Post* reporter that “[t]here the public pools were closed to blacks and Mexicans and both groups had to sit in the movie theater balconies.”

At age 20, Graciela began working at a radio station, where she worked as a secretary, engineer, and announcer. Eventually, she became the host of an “action line” program, where she was an instant hit with the Chicano audience. The radio program opened her eyes to the complexities of racial discrimination and caused her to become involved in civil rights work.

Later Graciela was appointed to head the Arizona branch of the federal government's Office of Economic Opportunity (“OEO”), where she was responsible for coordinating the state delivery of services from all federally funded social welfare programs. It was during this time, in approximately 1966, that she met Father Theodore Hesburgh, who had been appointed as the Director of the US Civil Rights Commission. Graciela told Father Hesburgh of her frustration and lack of effectiveness working for the Arizona Office of Economic Opportunity. Impressed with her intelligence, compassion, and service to the poor, Father Hesburgh proposed that she enter law school, even though she lacked a high school diploma.

In 1967, with her seven-year-old son Victor, born from a previous marriage, Graciela moved from Phoenix, Arizona to the Midwest to study law at Notre Dame Law School. She was 39 years old. It is difficult to imagine how she must have felt on the first day of class. Graciela was a brown woman, a divorced and single parent, studying in an environment dominated by white males. At 39 years of age, she was approximately 17 years older than the students who had enrolled in law school immediately after earning their undergraduate degree. To further aggravate the situation, Graciela had received her last formal education when she was 15 years old, before she dropped out of high school.

Certainly Graciela was the only woman of color, and probably the only student of color, in the entire Law School. In the 1960s, few

women and even fewer persons of color studied to become a lawyer. More than likely, all of Graciela's professors were white, and all were male. What courage and determination it must have taken for Graciela to remain at Notre Dame and earn her law degree. In 1970, Graciela persevered and became the first woman graduate of Notre Dame Law School. The story of "Amazing Grace," however, doesn't end there.

After graduation from Law School, Graciela returned to Phoenix, where she worked as a consultant to the National Urban Coalition, and then as the Director of Food for All, where she managed and administered a half-million-dollar OEO-funded program designed to improve federal food programs such as school lunch, food stamps, and surplus food distribution in Arizona. She took the first paycheck from her \$22,000-a-year salary and used it to make a down payment on her "dream car," a three-quarter-ton Ford pickup truck.

In 1972, Graciela moved to New Mexico, where she became the Director of the Institute for Social Research and Development at the University of New Mexico. She also was a Professor of Law at the University of New Mexico Law School in Albuquerque. In 1975, Graciela's talents were recognized by New Mexico Governor Jerry Apodaca, who appointed her as the Secretary of the New Mexico State Planning Office, where she served as the highest-ranking woman government official in New Mexico and perhaps the entire Southwest. As the Secretary of State Planning, Graciela and her staff were responsible for reviewing long-range and short-range planning for all New Mexico state agencies.

By this time, Graciela's reputation as a civil rights leader had grown to national status. Graciela and Vilma Martinez, another Latina civil rights pioneer, were the first women to serve on the Board of Directors of the Mexican American Legal Defense and Education Fund ("MALDEF"), the premier Hispanic civil rights organization. Graciela later became the chair of the MALDEF. In 1972, Graciela led a campaign to require equal representation of men and women on the National Council of La Raza Board of Directors.

Graciela was a person of deep moral conviction. Her strong Catholic upbringing caused her to be a staunch opponent of abortion. In 1975, the National Women's Political Caucus rescinded a speaking invitation they had extended to her because of her anti-abortion views.

In April 1975, Graciela was named by *Redbook* magazine as one of "44 Women Who Could Save America." In the article, it was suggested that she would make an ideal Secretary of Health, Education and Welfare. President Jimmy Carter must have been a subscriber to *Redbook* magazine. In 1977, he appointed Graciela to serve as the Director of the Community Services Administration ("CSA"), the federal government's anti-poverty agency. Graciela was unanimously confirmed by the Senate, becoming the highest-ranking Hispanic and the third highest-ranking woman in the Carter administration. Her work with CSA earned her the title as "Washington's Top Advocate for the Poor." When she was appointed to her new position, one reporter commented that "[o]nce again Olivarez finds herself involved in the world of the poor—but this time as a viceroy of the government's social engineering."

After serving three years, Graciela resigned her CSA post and returned to her beloved New Mexico. In 1980, she started Olivarez Television Company, Inc., the only Spanish-language television network in the country. She continued her work in broadcasting and philanthropy until her death in 1987. On September 19, 1987, "Amazing Grace" died of cancer in Albuquerque, New Mexico. "Her untimely death... left a legacy of hope for thousands of women."

While Graciela's awards and honors are too numerous to mention them all, several should be highlighted. Graciela received an Honorary Doctor of Humane Letters degree from Amherst College (June 1973) and an Honorary Doctor of Law degree from Michigan State University (December 1975). She was also appointed to the National Advisory Council on Economic Opportunity by President Lyndon Johnson, and appointed by President Nixon to the Commission on Population Growth and the American Future, where she served as vice-chair of the Commission. She served on the National Board of the ACLU, the Board of the Fund for the Improvement of Post-secondary Education (Health, Education, and Welfare Department), the Commission on Education for Health Administration, Commission on Private Philanthropy and Public Needs, American Bar Association's Commission on Correctional Facilities and Services, and received the National Award from the American Cancer Society for cancer prevention work among Mexican-American women.

Graciela also generously volunteered her time to aid the poor and physically and mentally disabled. She volunteered as a mentor to high-risk teens, recorded education lessons in Spanish for the blind, worked with the Maricopa Council for Retarded Children, directed Spanish plays at the Phoenix Little Theater to promote Mexican-Spanish heritage, organized entertainment (shows, dances, skits) for patients at the State Mental Hospital, Veterans Hospital, and State Tuberculosis Sanitarium, in addition to performing her cancer prevention work with Mexican-American families.

Finally, as I reflect on Graciela's inspiring life, I wonder: if she applied to the Law School today would she have been admitted? As an academy, we have become so fixated on national rankings and academic indicators that she might have been rejected based on her LSAT score. That would have been a shame and a tragic loss for Notre Dame. Fortunately, Father Hesburgh perceived something special in Graciela and knew that if given the opportunity to earn a law degree, she would accomplish great things. Father Hesburgh was right.

Notre Dame Law School is committed to educating "a different kind of lawyer." Graciela gives true meaning to that term. The Law School and the legal profession desperately need more people like Graciela, more persons of color, more advocates for the poor and disadvantaged, and more champions of civil rights and social justice.

Graciela truly was an "amazing" person, "graced" by God, and today we honor her memory and legacy.