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## Notre Dame Law School Annual Report for Academic Year 1989–1990

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Notre Dame Law School

Notre Dame, Indiana 46556

Office of the Dean

September 24, 1990

Reverend Edward A. Malloy, C.S.C.  
President  
Professor Timothy O'Meara  
Provost  
University of Notre Dame

Dear Father Malloy and Professor O'Meara:

Enclosed is the Academic Year 1989-90 Annual Report for the Law School along with accompanying reports for the Law Library, The Center for Civil and Human Rights, the Notre Dame Law Review, the Journal of Legislation, the London Law Programme and the Summer 1990 London Law Programme. I will be pleased to provide further information or elaboration as you may desire.

Sincerely,



David T. Link  
Dean

DTL:jw

NOTRE DAME LAW SCHOOL ANNUAL REPORT  
FOR ACADEMIC YEAR 1989-90

I. INTRODUCTION

Notre Dame Law School began Academic Year 1989-90 from a solid foundation with a full complement of top quality faculty and a strong student body selected from the greatest number of applicants in the history of the law school. The year continued on a high note with major emphasis going to the integration of three new regular teaching and research members of the faculty plus two visitors from foreign countries into the Law School program, the need to secure further new faculty as a result of developments that occurred during the year, and the processing of a record number of applications for admission to Notre Dame Law School. Highlights of the year included national recognition of the Law School with the number 19 ranking by U.S. News and World Report, the advancement of Professor Patricia O'Hara to the position of Vice-President for Student Affairs of the University of Notre Dame, and the naming of Dean David Link as the founding president of the University of Notre Dame Australia, a position which he will assume while on sabbatical from the Law School beginning in July 1991. A further significant development was the acquisition of the one hundred twenty thousand volume collection of the Chicago Bar Association Library.

II. IMPORTANT DEVELOPMENTS

A foremost development as the year drew to a close was the naming

of Dean Link as the first president of the University of Notre Dame Australia. Provost O'Meara met with the Law School Faculty to announce the appointment, explaining that it had the full concurrence and support of the University Administration. Dean Link will be granted a sabbatical with regard to his position as Dean of Notre Dame Law School, for a period not to exceed two years, effective July 1991. He will then return to resume his role as Dean. In his absence, Professor Fernand Dutile will serve as Acting Dean.

Six new members joined the law school faculty. Professor Alan Gunn is a widely recognized authority in the areas of taxation and law and economics and was the J. duPratt White Professor at Cornell Law School. Jimmy Gurule, President of the Hispanic National Bar Association, is an experienced prosecutor with significant trial experience in the Los Angeles U.S. Attorney's Office (including the successful trial of those accused of the murder of Federal Drug Agent, Kiki Camarena). Jay Tidmarsh, a participant in the Justice Department Honors Program, most recently served as trial attorney with the Torts Branch of the United States Department of Justice, where he participated in complex civil litigation (including Love Canal and Agent Orange toxic cases). Professor Fritz Raber, a visiting professor at the Law School and former Dean of the law school in Innsbruck, Austria, is a specialist in the areas of comparative torts and contract law. Professor Christopher Gane, currently on the faculty of the University of Lancaster, has taught in the Notre Dame London Law Programme for the past several years and joined us here at the home campus for the Fall Semester to

teach in the area of human rights law. Lucy Salisbury Payne, a research specialist for the past two years, joined the faculty as an Assistant Librarian.

While vacancies within the faculty were not anticipated for the academic year 1990-91, unexpected developments created special needs. The appointment of Professor O'Hara as an officer of the University required that the faculty be augmented in the areas of business and tax law. We were fortunate to acquire the services of Matthew Barrett as a one year visitor beginning in the fall of 1990. Mr. Barrett was graduated summa cum laude from Notre Dame Law School in 1985; he served as a judicial clerk with the U.S. Court of Appeals for the Sixth Circuit following graduation and since has been an Associate with a major law firm in Columbus, Ohio. Through the special efforts of Provost O'Meara, we were able to attract Estonian Professor Igor Grazin, Deputy of the Supreme Soviet and Professor of Law at Tartu State University. He will join the faculty for Academic Year 1990-91, to teach in areas related to constitutional law and work with the Center for Civil and Human Rights. Michael Slinger, Associate Library Director for research service, resigned to accept the Library Directorship of Suffolk University Law School. Professor Boswell elected to accept a visitorship at Hastings Law School and was granted a leave of absence for Academic Year 1990-91. Professor Gurule was granted a two year leave of absence to accept a position as Assistant Attorney General in the United States Department of Justice. To partially cover the curriculum needs created by these vacancies, Victoria Palacios will join the faculty as Visiting Associate

Professor for one year beginning in the fall of 1990, and Patti Ogden, formerly a research librarian at the University of Minnesota, was appointed as an Associate Librarian.

Reverend John Pearson, C.S.C., was named to the regular faculty as Assistant Professor beginning Fall 1990. Father Pearson, a graduate of the University of California at Berkeley Law School, served a clerkship at the United States Court of Appeals and practiced with a major firm in the Los Angeles area. He will teach in the property area.

Professor John Attanasio was granted a leave of absence for Spring Semester 1990 to accept a Fulbright Fellowship at the Pedagogical Institute in Moscow. Professor Robert Rodes was granted a leave of absence for Spring Semester 1990 to conduct research in Rome. Both will return to the home campus for Academic Year 1990-91.

Through the diligent efforts of the staff and the strong and unequivocal support of the University Administration, the Law School was able to acquire the entire one hundred twenty thousand volume collection of the Chicago Bar Association Library. This was a particularly significant development because a well-documented major need of the law school has been the acquisition of the historical materials required of a genuine research library. The Law School is most grateful to Provost O'Meara and Vice-President for University Relations Sexton for their prompt approval and enthusiastic support which made the acquisition possible. The significance of the acquisition is further dealt with in the Law Library's accompanying annual report.

The Law School's International Moot Court team won the Midwest Regional competition and represented Notre Dame in the Jessup International Moot Court Competition held in Washington, D.C.

The Law School hosted three continuing legal education programs this year. The Annual Notre Dame Law School Estate Planning Institute was conducted at the Century Center with attendance approximating 400 practitioners. A symposium concerned with RICO attracted national representation and was organized and hosted by the Law School. The papers presented at this conference constitute the symposium issue of the Notre Dame Law Review. The Law School in combination with the Notre Dame Alumni Association hosted a summer conference on ethical issues. Its main purpose was to provide a continuing education opportunity for Notre Dame alumni. The National Institute for Trial Advocacy, headquartered at Notre Dame Law School and directed by Professor James Seckinger of the Law School Faculty, conducted many continuing legal education programs throughout the United States and abroad, all aimed at contributing to the development of a competent, effective and professionally responsible trial bar.

Academic Year 1989-90 witnessed still a further marked increase in applications for admission to Notre Dame Law School. With extensive recruiting activity and with the growing reputation of Notre Dame Law School, applications have escalated over the past four years to more than double the number received in 1986. There were more than 3150 candidates for the 1990 entering class resulting in a ratio of 18.5-1 applicants per available space.

### III. STRENGTHS

Notre Dame Law School has significant strengths.

The faculty is made up of a blend of senior teachers, professors in the middle years of their professional careers and a number of young people in their early years of teaching. On the occasion of our recent accreditation inspection, the visiting team reported its satisfaction with the depth and clarity of the faculty's instruction and the student's overall satisfaction with faculty effectiveness as teachers. The team also observed that faculty research and writing appeared to be on a solid track, noting an increase in production across the faculty as a whole and also in the breadth and challenge of the scholarship. The national and international stature of the faculty continues to grow as indicated just this year by the naming of Dean Link as the first President of the University of Notre Dame Australia, the Fulbright Scholarship to Moscow of Professor Attanasio, and the naming of Professor Gurule as Assistant Attorney General in the U.S. Department of Justice.

A great strength of Notre Dame Law School is the continuing quality and diversity of the student body. Their entering academic credentials are the highest in the history of the school. An entering class typically comes from more than one hundred different undergraduate institutions. Last year's graduating class took the bar in 37 different states. The accreditation team described the student body as "attractive, enthusiastic, proud of their school and basically motivated to a healthy concern for the common weal."

The Law School's facilities are a unique strength. There are adequate classrooms for a realistic class schedule. The forth-



coming move of the Peace Institute to its own building will leave us with sufficient office space for faculty and staff. The new Courtroom permits the conduct of practice court activities in a realistic environment while using the latest in video/audio teaching techniques. There is carrel or table space within the library for 100% of the student body.

Library support for faculty and students, surveyed more fully in the accompanying report, continues to expand. Direct research assistance, instruction in traditional and technologically advanced research methodologies, enhanced interlibrary loan systems including electronic communications and delivery service, and collection development are notable services to faculty and students. The incremental growth in the developing bibliographic control of the collection is a major factor in bringing the value of the current resources to library patrons.

The Law School enjoys loyal and dedicated support of its alumni. Contributions by Notre Dame Law School alumni reached 50% participation for the first time ever.

#### IV. NEEDS

From the Law School's in depth self-study preparatory to the re-accreditation inspection, the Law School concluded and the visitation team acknowledged three main areas that impede achievement of the ambitious goals Notre Dame Law School has established for itself. They are -- serious deficiencies in student financial aid; a library budget which is still inadequate to developing a genuine research library; and a need for enhanced faculty support, including increases in faculty size, faculty

salary and research funding.

With regard to financial aid, scholarship funds available to the law school cover only about 10% of the total tuition costs. This is low in comparison to our peer institutions. Each year we lose top level students to competing private or state schools because of the realities of costs and scholarship assistance.

With regard to the Library we now have a first class facility and with present personnel are in position to provide quality service for faculty and students. However, notwithstanding the outstanding growth of the past two years the weakness of the library collection remains a heavy burden in the attempt to develop the highest reputation for, and actual support of, wide ranging, in-depth research. In the list of US NEWS rated schools mentioned above, Notre Dame ranked last in the richness of its library collections. It should also be noted that providing a high level of service to faculty and students while concurrently conducting a dynamic collection development effort is a labor intensive program. The present library staff size can support an ordinary law school program. It will need to be expanded and provided with sufficient automated support to adequately meet near term growth requirements.

There is a need to improve the law school faculty salary structure. Progress has been made, but unlike the rest of the faculty at Notre Dame, the law faculty salaries are not in the top rank nationally. We need to continue to make carefully selected additions to the faculty. Further funding to support and enhance research for the faculty is a requirement.

Two additional needs have developed:

The recent acquisition of the Chicago Bar Association Library has filled available shelf spacing to capacity. It is time now to develop additional library space.

We now have more than one hundred computer work stations in the law school comprising over three hundred pieces of equipment. These include PC's and printers for the faculty, support staff, the administration, the student computer laboratory, and the varied equipments within the library. It has become apparent that the Office of University Computing cannot provide the requisite support for these many pieces of equipment. Thus the law school will have to provide for this administration and technical support through its own resources. This problem must be addressed in the near term and the necessary support positions dealt with in the next budget cycle.

Finally, at this juncture there is a need for an updated Law School Strategic Plan to chart a course which will assure a continued march towards excellence.

#### V. CONCLUSION

Notre Dame Law School has a long and distinguished history of educating members of the legal profession. It is developing a reputation as a research institution. This reputation is being realized because of a strong student body, a dedicated and hard working faculty, a law school administrative team which provides sound leadership and guidance, and a supportive university administration which has shown a commitment to excellence in the law school.

While much remains to be done there is growing recognition

that Notre Dame will continue to enhance its position as a leadership law school.

KRESGE LAW LIBRARY ANNUAL REPORT  
1989-1990

It is a pleasure to offer here an overview of the library's efforts in providing legal research and information services to the students and faculty of the law school and the greater university community.

#### STAFF

The authorized library staff increased by one support position at the beginning of the fiscal year. Rebecca Brothers was engaged to fill the newly created position of serials assistant. Debra Fox joined the staff in November as a replacement for Tamara Chapman who transferred to another university department.

Janis Johnston, Associate Director for Technical Services, was promoted to the rank of Librarian in May and in June, Lucy Payne, Assistant Research Specialist, added the degree of Master of Information and Library Studies to her credentials and became a member of the library faculty as an Assistant Librarian. Michael Slinger, who had admirably served the law school for five years, the last four as Associate Director for Public Services, left Notre Dame in June to assume the directorship of the Suffolk University Law School Library in Boston. Carmela Kinslow, Circulation Department Supervisor, received her Master's Degree in Library Science from the University of Indiana.

In addition to their primary roles as librarians, the library faculty continued the teaching of the required first year course in legal research and all the efforts surrounding the introduction of computer assisted legal research techniques to all students and interested faculty. They also served on various law school committees, were involved in co-curricular competitions, and gave guest lectures to several local professional groups as well as to law school, and other university classes.

Law library faculty were also prominent in enhancing the university's reputation through publishing and professional service. Michael Slinger published an article in Integrated Legal Research and received an award for his submission to the American Association of Law Libraries annual "call for papers" program. He also served on the executive board of the Ohio Regional Association of Law Libraries. Lucy Payne had two articles published: one in the Law Library Journal and another in the Notre Dame Journal of Law, Ethics, and Public Policy. Janis Johnston had two articles accepted for publication in the Law Library Journal. In addition she designed and led a day-long national workshop on law serials management and served as a member of the governing counsel of the American Association of Law Libraries Section on Technical Services

and as an officer in the Ohio Regional Association of Law Libraries. Dwight King, presented two lectures to units of the Indiana State Library Association and served on the Advisory Counsel of the Center for Civil and Human Rights. Roger Jacobs, Director, chaired the Financial Advisory Committee of the American Association of Law Libraries and served on its Strategic Planning Committee; he chaired the Association of American Law Schools Committee on Libraries and organized and chaired its annual workshop for librarians and deans; he was also a member of the American Bar Association's visitation team to the University of California-Davis Law School and acted as a consultant to the Canadian Department of Justice Library.

#### ADMINISTRATION

With the departure of Michael Slinger the activities of the former public services department were slightly restructured. Research Services are supervised by Dwight King and Circulation Services are supervised by Carmela Kinslow. This arrangement will facilitate more direct communications between the Director and Circulation Services while allowing the Head of Research to spend more time attending to the growing demands on that department.

The Secretary to the Director, Terri Welty, continued her advising and support functions as the administrative assistant to the entire library staff. These efforts were particularly evident as the library assumed an increasingly involved role in law school-wide computer developments.

Granville Cleveland, Assistant Director for Student Employment, located and hired the students who provided thousands of hours of library assistance. He also personally directed the law school's audio-visual services in support of a growing interest in the effective use of these technologies.

#### COLLECTION DEVELOPMENT AND TECHNICAL SERVICES.

The Technical Services Department again accomplished new records for productivity. Unlike the previous year, when the department suffered much lost time due to sickness and other leaves, the entire staff, now expanded by the new serial assistant position, was in place for the entire year. A constant level of support, the refinement of routine procedures, and the industry of the entire staff resulted in a 69% increase in the total number of technical service transactions.

In an attempt to add more titles to the collection, as well as be more responsive to rush requests in support of faculty interests,

Debra Fox increased the number of orders placed by 27% and the number of claims placed on outstanding orders by 126%. These efforts resulted in the acquisition of 2819 new titles, 5433 new books and 122,753 microfiche items. Overall the collection grew by 26,234 volumes and volume equivalents, an increase of 11% over the past year when Notre Dame ranked 15th in the list of 175 ABA approved schools.

During May and early June it was discovered that the Chicago Bar Association intended to move its headquarters and dispose of approximately 120,000 books. With the full support of the university, the library, hoping to acquire eight to ten thousand unique law titles (about 30,000 books) bid on the collection. Notre Dame's offer was accepted and in the waning days of the fiscal year the law school took title to the collection. The books were subsequently transported to the campus, some being placed in the law building while the mass were stored in a Mishawaka warehouse. The challenge of integrating the useful portion of this magnificent acquisition will be part of next year's report.

Collection supplementation, mail distribution, and routing of current material to the faculty were carried out by Esther Batten assisted by Kenneth Kreps. With the volume of mail increasing nearly 20%, and faculty routings increasing by 110%, the ability to meet these demands while allowing minimal delays in the shelving or filing of supplementary material is indeed commendable.

Establishing total bibliographic control (i.e., the ability of the automated catalog to disclose the holdings of the collection) of the extensive and growing collection remains a continuing but elusive goal for the library. Joseph Thomas, Catalog Librarian, assisted by Barbara Ritty and Edward Huff, used efficient automated techniques to provide cataloging for over 4100 titles, an increase of 49% over the previous year. While serial processing also accounted for an overall increase in activity, largely the result of the new position filled by Rebecca Brothers, total bibliographic control of serials remains beyond the short-term capacity of present staff. A good amount of time was spent during the past year attempting to determine if the required control could be achieved by developing an automated serial system that is analogous to the cataloging system now in place. While it was determined that an automated system would be of immense benefit to the library and that use of technology was the only method to ultimately meet library requirements, the system of choice will require special financing.

The library financial accounts remain largely in the experienced hands of Phyllis Strom. Over 2900 invoices were processed this year and the practice of regular evaluation of subscriptions with extraordinary cost increases was vigilantly maintained. The establishment of a practice whereby major vendors provide a single annual invoice seems to offer potential for greater efficiencies

with the additional benefit of encouraging the annual cost review function.

## CIRCULATION SERVICES

As the department providing direct and personal service to the largest number of patrons over the greatest number of hours it is little wonder that to many patrons, the Circulation Services Department under the direction of Carmela Kinslow, ably assisted by Rebecca Carlton and Kenneth Kinslow, is the library. This past year was no exception.

The department's information function through directional assistance, and both quick and extended reference assistance increased 32% to over 8,000 interchanges. The sale of copy cards valued at \$20,000 accounted for another 6,000 transactions. A proposed new contract for vendor supplied photocopying calling for card vending machines should relieve the circulation staff of this growing sales and money management burden. Interlibrary loan activity increased by 24% to 2300 transactions of which borrowing to augment our collection was up 10% and lending in support of the activities of other libraries increased 57%. Circulation statistics, both internal and external, continued to give evidence of the utility of library collections. The increased use of the collections by the students and faculty of other units of the university, probably resulting from the appearance of Kresge Library holdings in UNLOC, the campus-wide university catalog, was notable. While the number of books which, when requested, could not be located (i.e., were missing from the collection) declined slightly to 756, it is expected that further analysis may indicate if the library should be more concerned about collection security than it has in the past.

Unique faculty services also proved to be of continuing value. The document delivery service by which materials are retrieved from the Hesburgh Library on behalf of faculty increased 37% to 2,200 items including 550 books and over 1600 photocopied articles. With over 35,000 pages copied, the faculty photocopy service was well received. The popularity of the library telefax service climbed upward again this year to over 3500 messages, a 129% increase. The use of this service has increased so substantially since its inception two years ago that without prompt future adjustment a degradation of patron service can be expected. Another expanding program which requires attention if it is to be continued at high quality levels is the video transmissions service. A 66% increase in one year to 471 transmissions cannot be sustained without some staffing response.



## RESEARCH SERVICES

For eleven months of the year research services were managed by Michael Slinger, Assistant Director of Public Services. Librarian Dwight King and Assistant Research Specialist Lucy Payne provided the required wide-ranging professional support while Chevelle Hillman offered departmental assistance in every area. The Departure of Mr. Slinger at the end of the year and the loss of Ms. Hillman to maternity leave at the same time required adjustments to provide uninterrupted research services. The willingness of the entire staff to respond to our temporary needs was admirable.

The total number of requests fielded by research librarians increased by 23% to 1499 requests. The time spent answering these questions increased 32%. An analysis of these requests indicate that 58% were generated by law school patrons, 18% came from other units of the university, and 24% came from outside the university. The increasing percentage of requests from off campus and the time spent in response is a area of some concern. Attention will be given in the forthcoming year to devise instruments which will provide more accurate data on outside requests so that appropriate responses may be designed.

Particular attention was paid to nurturing a closer relationship with various student co-curricular organizations concerned with research. Special classes on citation checking, CALR training, and orientation sessions on the broad range of research support available from library faculty were highlights of this activity.

The Research Department conducted a major survey of law school faculty's teaching and research interests with the goal of improving the design of services provided to them. The creation of a regularly maintained departmental database of faculty interests is in preparation and should prove helpful in this regard.

Introduction and training of students in the use of computer assisted legal research techniques was a major continuing activity of the research department librarians. This effort seemed successful in that overall student use of the systems increased 19% to 4936 hours. On a hour per student basis this figure should again find the law school among the top ten users of automated research technology. Much anecdotal evidence supports the view that the inculcation of this skill is a valuable asset to Notre Dame students.

The ten station computer lab established and maintained by the library has attracted very high levels of student use. Unfortunately, the law student need for computers has far exceeded the library's resources. With too few machines, insufficient space, and absolutely no additional financial support to respond to the costs of supervision, training, supplies and maintenance, the library cannot begin to provide the services that are generally

available in other law schools and in other computer clusters on campus.

#### GOALS

The major goals of the library during the forthcoming year are to maintain the quality of established circulation and research services while continuing the efforts to develop collection resources and establish bibliographic control of those thousands of items that remain in unprocessed or unconverted backlogs. This task will be a challenging one. The efforts of the library staff are already stretched to a point that it is difficult to imagine heightened levels of performance. The achievements of the current staff surpass the accomplishments of any group that I have had the opportunity to work with in nearly thirty years of library service. Yet, with the continuing growth of the collection, particularly with the extraordinary acquisition of the 120,000 Chicago Bar Association books and the success of several previously established library initiatives, we will have to find imaginative responses to future requirements. However, imagination and effort alone will be insufficient to meet the demands of a first class national law school. This goal will require the continued and even increased support of the university and its many friends.

Roger F. Jacobs  
Professor of Law  
Associate Dean


Notre Dame Latin School  
Notre Dame, Indiana 46556

Center for Civil and Human Rights  
(219) 239-7982

August 30, 1990

To: Dean William McLean

Re: 1989-90 Report for the Center for Civil and Human Rights

From: William M. Lewers, C.S.C. 

In response to your request for a summary of activities and developments at the Center for Civil and Human Rights during the past academic year for inclusion in the Dean's report to the Provost, I wish to submit the following information.

- 1) During the 1989-90 academic year, I continued to serve as both Director of the Center for Civil and Human Rights and as the Chair of the Center's Advisory Council. (I have now suggested to Dean Link that Professor John Attanasio be appointed to the Chair of the Advisory Council, since it is not desirable administrative practice for a staff person to report to a policy advisory committee of which the staff person is also the Chair.)
- 2) The Advisory Council met twice each semester and was of very significant assistance in developing policies and programs for the Center. The membership of the Council during the past year was: John Attanasio, Richard Boswell, Barbara Fick, John Gilligan, Dwight King, Trai Le, David Link, George Lopez, John Robinson, Thomas Shaffer, Gilbert Loescher, Scott Mainwaring, Sharon O'Brien, Timothy Scully, C.S.C., and Richard Warner, C.S.C.
- 3) Negotiations with the leadership of the Catholic Church in Chile were successful in securing for the Center a microfilm copy (totaling 100 roles of microfilm) of the archives of the Vicaria de Solidaridad of the Archdiocese of Santiago, the premier human rights agency in Latin America. These records will cover the full period of the military dictatorship, 1973-1989.
- 4) Grants were received from the Ford Foundation to assist in processing the above described Chilean human rights materials (\$30,000) and to assist in developing a teaching/research program in International Human Rights Law (\$280,000 over a period of three years).

5) With the Ford monies, a reader-printer was purchased for use with the Chilean archival materials, and three persons have been employed at varying times to work on these materials. Thanks to the leadership of Mr. William Cavanaugh (now a doctoral student in Theology at Duke University) and the assistance of Mr. Alejandro Ferreiro (a Chilean lawyer) and Mr. Andres Wood (a Chilean graduate student), and in consultation with George Lopez, an indexing scheme has been adopted for these materials, and we have begun the process of developing a database.

6) The second Ford Foundation grant (\$280,000 over a period of three years) will enable us to institute an LL.M. program in International Human Rights Law. An academic program has been developed, within university and law school limits, and approved by the Advisory Council. Efforts will soon begin to recruit young lawyers, primarily from outside the United States, for this program, and we plan to start the LL.M. program in the fall of 1991. It will be a modest program, and I would envision no more than six or seven students at any one time.

7) As part of its teaching/research program, and with the cooperation of the university administration, the Center is sponsoring as a senior visitor during the 1990-91 academic year Professor Igor Grazin of the Soviet Union.

8) In collaboration with the Notre Dame Law Review, John Attanasio and I have spent much time this past year planning and organizing a major conference now scheduled for March 1991 on the subject of Human Rights and Ethnic Minorities.

9) In April 1990, the Center, in cooperation with the Kellogg Institute, sponsored a visit to the campus and a lecture by Dr. Hugo Fruhling, a Chilean law professor and one of the leading Latin American scholars in the field of International Human Rights Law.

10) The Center continues to receive and organize certain of Father Hesburgh's materials on civil rights and international human rights. Mr. Martin Loesch has been of great assistance in this regard.

11) With regard to future needs, there is a need for additional space for the Center. At the present time, we have only my faculty office from which to work (and a corner of the library offices for the Chilean archival project). Ideally, we also need an office for the senior visitor we anticipate having each year and an office or working space for an assistant director or staff person. This question of additional space is crucial if we are to strengthen the activities of the Center.

# Notre Dame Law Review

Box 988

Notre Dame, Indiana 46556

(219) 239-7097

(219) 239-5764

## 1990 ANNUAL REPORT

The Notre Dame Law Review is a student operated organization comprised of 43 students. The Law Review seeks to publish timely and interesting legal scholarship and to enhance the legal education of its members. The Law Review also recognizes its unique role as a representative of the Law School and the Notre Dame community.

Each year, the Law Review publishes five issues, including one symposium issue. These five issues total approximately 1000 pages. Each issue contains articles and book reviews submitted by law professors and practitioners<sup>1</sup> as well as student notes and case comments written by Law Review members. The Law Review has over 1,000 subscribers.

The Law Review has continued to enjoy an increase in the quality of unsolicited articles submitted for publication. The last several volumes have contained a number of unsolicited manuscripts authored by leading scholars in their respective fields. In fact, Professor Welsh White's article, which appeared in Volume 65 was cited by the Supreme Court during the last term.

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<sup>1</sup> See Appendix A for a list of authors published in the last five issues.

The Law Review's success in attracting prominent authors is due in part to our continued use of a system that ensures manuscripts submitted by the most prominent authors receive expedited review. This allows us to extend an offer to publish before an author hears from our competitors. Nevertheless, the most significant factor contributing to the rising quality of unsolicited articles is the favorable exposure the Law Review has gained from our live symposia.

We are just beginning to realize the benefits of prestige and notoriety that the symposia have garnered. The Law Review recently was honored to have the Civil Procedure Symposium, Volume 63, Issue 5 (1988), cited twice in the current revision of the Federal Rules of Civil Procedure. The Law Review is among only a handful of journals cited by the Advisory Committee.

This is but one example of the value of the live symposia. The symposia enhance the reputation of the Law Review which in turn directly affects the quality of the journal itself. This trend is exhibited by the increasing quality of regular issues as the quality and quantity of submissions increase. Specifically, unsolicited submissions are up 30% over last year. In addition, research utilizing the Law Review is up as well, as evidenced by a 50% increase in the use of the Notre Dame Law Review database on WestLaw.

This past year the symposium centered on the current controversy and proposed legislative reforms of the Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO). Professor G. Robert Blakey, the principal drafter of the statute, was instrumental in developing the symposium. Professor Blakey presented a paper, along with a number of the most prominent practitioners in the field.<sup>2</sup> John C. Coffee of Columbia Law School, probably the most frequently cited corporate law professor in America, acted as a moderator and will write a forward to the issue. The symposium will be published this fall as Issue 5 of Volume 65.

This year the Law Review, in conjunction with the Center for Civil and Human Rights, is sponsoring a symposium entitled "The Rights of Ethnic Minorities." The symposium will bring together some of the most prominent figures in international law to explore issues including autonomy, sovereignty, self-determination, religious freedom, cultural identity and the political and economic rights of ethnic minorities within nation-states.<sup>3</sup> Among the participants is the drafter of the United Nations report on the Human Rights of Ethnic Minorities, as well as the drafter of the Estonian constitution. The symposium will provide the opportunity for input on these important documents and could well be the most

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<sup>2</sup> See Appendix B.

<sup>3</sup> See Appendix C for a list of participants in the symposium.

influential symposium the Law Review has hosted thus far.

The Law Review is grateful for the financial support of the live symposia provided by the administration. This support has led directly to the heightened stature of the Law Review in the academic community. The Law Review is eager to continue to host live symposia and has every intention of maintaining these lofty standards. The live symposium format has proved a valuable and worthy investment in the future of the Law Review, as well as that of the law school itself.

The Law Review has also instituted several new programs to keep apace of developments in publishing and technology. The purpose of the new programs is to facilitate the overall goal of the Law Review: to improve the quality of both the content and production process of the Law Review to that of a first-tier law journal. The new programs involve the use of in-house legal database terminals donated by Westlaw and LEXIS, and three new personal computers with an array of legal software designed to facilitate editing.

The redesign of the Law Review office has enabled us to utilize this technology through a new group editing process. The group editing process is employed by some of the top law reviews in the country and is more efficient in terms of time and accuracy. The improvement in accuracy results in fewer changes at the galley



stages of publishing and should save considerable expense. Most importantly, the new editing process helps us adhere to our publication schedule--a principle problem in years past (and one of great importance to authors)--and allows for an even more comprehensive and accurate edit--the standard by which law reviews are judged.

The current level of support received by the Law Review from the University and Law School is essential to ensure the continuing vitality of the journal. The Law Review is committed to increasing the already high level of its product, and with this support can realize the goal of first tier stature within the legal community.

Volume 64, Issue 5

John B. Attanasio  
Professor of Law  
Notre Dame Law School

Calvin Woodard  
Doherty Professor of Law  
University of Virginia  
School of Law

George Fletcher  
Beekman Professor of Law  
Columbia University  
School of Law

Robert Cooter  
Professor of Law  
University of California, Berkeley  
School of Law

Thomas Shaffer  
Robert and Marion Short Professor of Law  
Notre Dame Law School

Lucinda Findley  
Visiting Professor of Law  
SUNY Buffalo School of Law

William Nelson  
Professor of Law  
New York University  
School of Law

Stephen Carter  
Professor of Law  
Yale Law School

Professor Thomas Franck  
Professor of Law and Director,  
Center for International Studies  
New York University  
School of Law

Volume 65, Issue 1

Welsh S. White  
Professor of Law  
University of Pittsburgh  
School of Law

Jayne Barnard  
Associate Professor of Law  
Marshall-Wythe School of Law  
College of William & Mary

Allen Boyer  
New York Stock Exchange  
Division of Enforcement

Volume 65, Issue 2

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Karen Gross  
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New York Law School

Lee Goldman  
Associate Professor of Law  
University of Detroit  
School of Law

Gary C. Leedes  
Professor of Law  
T.C. Williams School of Law  
University of Richmond

Volume 65, Issue 3

Rochelle Dreyfuss  
Professor of Law  
New York University  
School of Law

Charles Murdock  
Professor of Law and former Dean,  
Loyola University  
School of Law

Volume 65, Issue 4

Bernard Schwartz  
Edwin D. Webb Professor of Law  
New York University  
School of Law

Jeffrey O'Connell  
John Allan Love Professor of Law  
University of Virginia  
School of Law

**"The Racketeer Influenced and Corrupt Organizations Act"  
1990 Law Review Symposium**

**PARTICIPANTS**

Norman Abrams  
Professor of Law and Associate Dean,  
UCLA School of Law

Geoffrey Arronow  
Partner, Arnold & Porter  
Washington, D.C.

Bruce Baird  
Partner, Covington and Burling  
Washington, D.C.

Graeme Bush  
Partner, Caplin & Drysdale, Ltd.  
Washington D.C.

John C. Coffee, Jr.  
Adolf A. Berle Professor of Law  
Columbia University School of Law

L. Gordon Crovitz  
The Wall Street Journal  
New York, NY

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Deputy Director,  
Organized Crime and Racketeering Section  
U.S. Department of Justice

Arthur Matthews  
Partner, Wilmer, Cutler & Pickering  
Washington, D.C.

William W. Taylor III  
Partner, Zuckerman, Spaeder, Goldstein,  
Taylor & Kolker  
Washington, D.C.

Jay Kelly Wright  
Partner, Arnold & Porter  
Washington, D.C.

"The Rights of Ethnic Minorities"  
1991 Law Review Symposium

SCHEDULED PARTICIPANTS

Igor Grazin  
Member, Supreme Soviet  
Professor, Estonia Academy of Sciences

Lung-Chu Chen  
Professor of Law  
New York Law School

Henry J. Steiner  
Jeremiah Smith, Jr., Professor of Law  
Harvard Law School

Hurst Hannum  
Professor of Law  
Fletcher School of Law and Diplomacy  
Tufts University

Arthur I. Rosett  
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University of California at Los Angeles

Adeno Addis  
Visiting Professor of Law  
Boston University School of Law

Sharon O'Brien  
Associate Professor of Government &  
Director, Undergraduate Studies  
University of Notre Dame

Jean Bethke Elstain  
Centennial Professor of Political Science  
Vanderbilt University

Asbjorn Eide  
Director of Norwegian Institute  
of Human Rights

Myres McDougal  
Sterling Professor Emeritus  
Yale Law School

W. Michael Reisman  
Wesley N. Hohfeld Professor of Jurisprudence  
Yale Law School



# THE JOURNAL OF COLLEGE AND UNIVERSITY LAW

NOTRE DAME LAW SCHOOL  
NOTRE DAME, INDIANA 46556  
219-239-5668



TO: Assistant Dean William O. McLean

FR: Professor Fernand N. Dutile *JWD*

DA: June 20, 1990

RE: Report on *The Journal of College and University Law*, 1989-90

This is in response to the memo of from the Office of the Provost, dated June 13, 1990, concerning Annual Reports. *The Journal of College and University Law* came to the Notre Dame Law School on May 8, 1986. The *Journal* is co-published by the Notre Dame Law School and the National Association of College and University Attorneys (NACUA), situated in Washington, D.C. The Faculty Editor, Professor Fernand N. Dutile, responds to a thirteen-member Editorial Board, chaired by Thomas P. Hustoles of Miller, Canfield, Paddock & Stone, of Michigan. Three members of that Board are at Notre Dame: Professor Dutile, Dean Link and Philip J. Faccenda, General Counsel of the University.

During the 1989-90 academic year, the Student Editorial Staff included thirteen third-year students and sixteen second-year students. The Student Editor was Charles P. Reed, who was graduated in May of 1990.

During the 1989-90 academic year, the *Journal* published four issues, all on schedule. Those issues, from Fall 1989 through Summer 1990, totaling 656 pages, include twelve lead articles, one "Commentary," two Book Reviews, five Student Case Comments, eight Student Notes and a Cumulative Index. The press run for each issue was approximately 3500 copies. A copy of the 1989-90 budget is attached.

The *Journal* is especially proud of its timely publication; of the diversity of views reflected in its pages; of the supervised writing experience the *Journal* provides student staff members; and of the quality of student contributions to the *Journal*.

Budget Academic Year 1989-90

Salaries and Wages:

Secretary.....	\$ 5,180	
Student Assistant - Summer .....	2,710	
Student Research Assistant - Academic Year.....	1,900	
Faculty Editor (Summer Stipend).....	<u>4,500</u>	
Subtotal		\$14,290

<u>Benefits:</u> Secretary.....	1,100	1,100
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<u>Supplies and Expenses:</u> .....	2,260	
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<u>Duplicating and Copying:</u> .....	1,075	
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<u>Entertainment:</u> .....	600	
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<u>Memberships:</u> .....	200	
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<u>Postage:</u> .....	2,000	
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<u>Printing:</u> .....	25,000	
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Telephone:

Line.....	1,000	
Toll.....	1,500	

<u>Distributed Charges:</u> .....	<u>(18,000)</u>	
Subtotal		15,635

Travel:

NACUA Convention.....	3,000	
Mid-Year Meeting.....	<u>1,000</u>	
Subtotal		4,000

<u>Repairs and Maintenance</u> .....		1,000
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<u>Capital:</u>		<u>2,000</u>
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TOTAL		\$38,025
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## M E M O R A N D U M

TO: Dean William McLean  
FROM: Professor John Attanasio  
DATE: August 28, 1990  
RE: Annual Report on the Journal of Legislation

The Journal of Legislation is a student-operated publication with a staff of approximately twenty-five law students. The Journal targets questions at the cutting edge of law and public policy. Each year, the staff publishes two issues which together run approximately 300 pages. We are one of the oldest legal journals of this kind. The number of similar journals has proliferated--especially at the better law schools. In particular, Harvard and Yale each have similar reviews.

Traditionally, the Journal has featured prominent government officials. We have a substantial edge over our competitors in publishing such authors. For example, over the past fourteen years, we have published Edmund Muskie, Richard Gephardt, Christopher Dodd, Walter Mondale, Jack Kemp, Barry Goldwater, William Douglas, John Brademas, Elliott Richardson, Lawton Chiles, Peter Rodino, Andrew Young, William Webster, Henry Cisneros, Otis Bowen, Alfonse D'Amato, Birch Bayh, Dennis DeConcini, Adlai Stevenson, III, Claude Pepper, Paul Simon and many others. The Journal also has published a number of prominent legal academics. We have particularly emphasized such authors over the past few years. For example, recent issues have included Professor William Banks of Syracuse Law School,

Professor Jack Greenberg of Columbia Law School, Theodore Hesburgh, C.S.C., Professor Dietrich Fischer of New York University and Princeton, Roald Sagdeyev of the Soviet Academy of Sciences and Professor Stephen Carter of Yale Law School. In addition to articles and book reviews by prominent authors, the Journal features a selection of student notes which tend to focus on issues currently pending before Congress and state legislatures. The editorial board devotes one of its two annual issues to a symposium. The other issue features articles covering a wide variety of topics.

In our Issue 16-1 we featured articles by Professor Aubrey Diamond of our London Program, Congresswoman Olympia Snowe, Professors Stephen Happel and Marianne Jennings both at the College of Business of Arizona State University, and Professor Gao Xian of the Chinese Academy of Social Sciences. Our symposium issue was on poverty. The Foreword was written by Dean David Link; Dean Harry Specht of the School of Social Welfare of the University of California, Berkeley; and Gregory Evans, Deputy Counsel of the National Coalition for the Homeless. The issue also featured articles by Senator Lloyd Bentsen; Diana Pierce, Director of the Women's Poverty Project; Marc Linder, Visiting Professor at the University of Iowa School of Law; and Michael Novak, George F. Jewett Scholar and Director for Social and Political Studies of the American Enterprise Institute. The Afterword was written by Edward Malloy, C.S.C.

One problem with the Journal's enterprise is lateness of publication. So long as we continue to publish prominent

governmental officials, this difficulty should prove hard to avoid. At times, we also encounter problems with the work submitted by congressional authors. We try to compensate for such problems by devoting substantial efforts to polishing such articles.

The most significant problem with the Journal has been funding. We budget very carefully to ameliorate this problem.

ANNUAL REPORT  
1989-90 ACADEMIC YEAR  
NOTRE DAME LONDON LAW CENTRE

The Notre Dame London Law Centre experienced a successful year during 1989-90 in both of the programs at the Centre--the second year program for J.D. students and the LL.M. program in international and comparative law.

There were 28 J.D. students who spent their entire second year in London. Of these, 24 were regular Notre Dame students, and 4 were transient students enrolled at other American law schools. These four students came from the law schools of the State University of New York at Buffalo; the University of Dayton; the University of San Diego; and American University.

There were 11 LL.M. students from 10 different countries. Two students--a husband and wife--came from Brazil. One student each came from the United States, Spain, France, the Netherlands, Belgium, Norway, Columbia, Taiwan and Japan.

The LL.M. program completed its third year in 1990. In this short time, the quality of applicants to the program, and the quality of the students enrolled in the program, has continued to improve. Furthermore, there is a developing interchange between the LL.M. and J.D. students, as they work and study together, both in the classroom and outside.

The faculty of the London Law program has also maintained its quality. Most of the members of the faculty from the previous year continued with the program in 1989-90. This lent strength and continuity to the curriculum.

There were 7 new members of the faculty this year. They included:

William Twining, the occupant of an endowed chair at University College London, and a renowned legal scholar in England and the United States;

Ian Dennis, a professor at University College London;

Frank Wooldridge, a retired professor in the Law Department of the University of Birmingham;

David Schiff, a professor at the London School of Economics;

Simon Goulding, a lecturer at the University of East Anglia in Norwich;

James Cameron, a barrister at Gray's Inn and a member of the faculty of Kings College London;

Roberta Karmel, a professor at Brooklyn Law School and former commissioner of the Securities and Exchange Commission.

There are two full-time administrators of the program. Prof. Aubrey Diamond completed his third year as British co-director of the program. Prof. Joseph Bauer, who had previously served as director of the program in 1975-76, was the American co-director. The program was also blessed by a new Secretary/

Administrative Assistant--Ms. Gillian Walker--who was hired in April 1989 and who proved to be outstanding in performing the myriad of tasks given her.

The curriculum consisted of 21 courses. Of these, five were among the required second-year courses in the Law School curriculum--Jurisprudence, Property II, Evidence, Uniform Commercial Code and Business Associations. The curriculum also offered a number of British, international and comparative law courses. These courses included American Legal Systems; Comparative Studies; International Business Transactions; European Community Law; Human Rights Law; Comparative Land Use Planning; English Legal System; International Law; Comparative Constitutional Law; Multi-National Enterprises; Comparative Criminal Law; International Tax; Soviet Legal System; Law of the Sea; European Private International Law; and an LL.M. Seminar.

Students also participated in a number of co-curricular activities. Fourteen students took part in the moot court competitions, the second rounds of which were argued in courtrooms in the Royal Courts of Justice. About a dozen students worked in internships, with barristers, solicitors, public interest organizations and American law firms. Four students worked on one of three different home-campus law journals.

In many ways, this was a year of consolidation for the program. Some of the past years were affected by searches for property in London, by personnel crises, by an ABA/AALS reinspection visit, or the like. This year did not have any such interruptions, and it went very smoothly, including enjoying excellent relations with the directors of the other two programs in the Albemarle Street facility--Dr. Donald Sniegowski of the Arts & Letters program and Dr. Yu Furuhasi of the M.B.A. program (fall term only). The Law School program instead was able to devote itself to certain physical and material improvements, including the purchase of two new Zenith 286 computers--for the two directors--and the binding of a number of formerly loose law journals in the library.

The greatest need for the program is a solution to the eternal "space problem." Although relations among the directors of the three programs resulted in general harmony in the building, the Albemarle Street facility is grossly overcrowded, with 140+ students in the fall and 120 students in the spring. There is not enough classroom space, study space, or common area space, and this affects the overall quality of the programs. The building is noisy, and students don't want to spend non-class time here because of the conditions. Although London real estate prices are higher than those in South Bend, they are lower today than in the past several years, and they will only go up again. The present would be an excellent opportunity to conduct a genuine property search. Delay will only mean that prices will rise when the University is eventually forced to find larger premises; in the meantime, the space limitations will continue to cause adverse impacts on all the London programs.


Other problems are minor by comparison. There are inadequate funds in the budget for certain needs. The law library could use a one-time infusion of funds--perhaps \$25,000--to purchase some texts and reference materials to support the courses offered. One

or two additional computers for student use would also be helpful.

In general, however, the London Law program is a real asset for the Law School and the University. It is very popular with students, and it enhances the quality and reputation of the institution. It has an excellent faculty, good students attend the program, and it contributes to the University's international stature. It deserves the University's continued support. Urgent attention to the need for additional space is required.

Joseph P. Bauer

TO: Dean David T. Link

FROM: Professor J. Eric Smithburn   
Director, Summer London Law Program

DATE: 27 August 1990

SUBJECT: Report on 1990 Summer Program

We had 111 students from fifty-one American law schools enrolled in the 1990 Notre Dame Summer London Law Program. Daily lectures in the following courses were offered from 25 June through 27 July (with examinations from 28 July through 1 August) at the Notre Dame Law Centre, located at 7 Albemarle Street, London W1X 3HF.

<u>Professor</u>	<u>First Period</u>	<u>8:30-11:35 a.m.</u>
Tennekoon	International Business Law (2 cr.)	8:30-9:30 a.m.
Edge	Comparative Law (2 cr.)	8:30-9:30 a.m.
Diamond	Commercial Transactions (3 cr.)	8:30-10:00 a.m.
Smithburn	Evidence (4 cr.)	9:35-11:35 a.m.
Drzemczewski	International Human Rights Law (2 cr.) (June 25-July 11)	9:35-11:35 a.m.
Slinn	Public International Law (3 cr.)	10:05-11:35 a.m.

	<u>Second Period</u>	<u>11:40 a.m.-1:45 p.m.</u>
Hayes	English Legal System (2 cr.)	11:40 a.m.-12:40 p.m.
Henderson	Introduction to the Soviet Legal System (2 cr.)	11:40 a.m.-12:40 p.m.
Dine	Common Market (E.E.C.) Law (2 cr.)	12:45-1:45 p.m.
Gorin	International Relations & the Law of Treaties (2 cr.)	12:45-1:45 p.m.
Lee	Jurisprudence (2 cr.)	12:45-1:45 p.m.

#### Strengths of Program

The Notre Dame Summer London Law Program is the oldest American summer law program conducted in London. This year marked our twenty-first annual summer program in London.

An obvious strength is the Law Centre building, containing four suitable classrooms, administrative and faculty office space, the Law Centre Library and a common room.

The curriculum is an excellent selection of comparative and international law courses taught by prominent American, U.K. and Continental scholars. In the 1990 summer program, Professor Alexandre O. Gorin of Kiev State University in Kiev, U.S.S.R., joined the faculty and taught International Relations and the Law of Treaties.

A program of extracurricular activities, designed to provide the students with enriching exposure to English culture and its legal institutions, includes professionally guided walking tours, guest lectures at the

Law Centre, special presentations by members of the faculty, a tour of Hatfield House and Gardens and the Elizabethan Banquet at Old Palace, Hatfield, and a cruise on River Thames.

The popularity of the Notre Dame Summer London Law Program among American law students is evidenced by figures released by the American Bar Association Consultant on Legal Education, showing that each year from 1984 through 1989 the Notre Dame Summer London Law Program had the highest enrollment among all American law school overseas summer programs located throughout the world.

### Needs of Program

There is a need for additional space in the Law Centre Building for the following:

1. another clerical staff work station
2. storage of office equipment, supplies and academic materials
3. faculty offices where professors may store their materials and meet in private with students

The space problems in the building became more acute as a result of the Arts and Letters Program Director on 25 June declaring that Room B2 is off limits to other programs. Associate Provost Charles stated in early July that she never authorized this action by Arts and Letters. It is possible that the Law School or Engineering will need to use Room B2 during the Summer of 1991. It is suggested that Associate Provost Charles notify Arts and Letters that Room B2 is available during the summer for classroom instruction by either the Law or Engineering Programs.

Other needs are library security and year round staffing for the library. We have incurred substantial losses to our collection over the years because of these problems. Our collection is inadequate to meet even the supplemental reading, non-research needs of our courses. Unless reasonable steps are taken to address needs of security and staffing, it would not seem feasible to allocate more resources to the collection. This problem, however, is a more serious one in terms of the academic integrity of the year round J.D. and LLM programs than for the summer program.

pc: Assoc. Dean Dutile  
 Assoc. Dean Jacobs  
 Asst. Dean McLean ✓  
 Asst. Dean Mooney



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A N N U A L      R E P O R T

THOMAS J. WHITE CENTER

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During the 1989-90 academic year, the White Center brought to fruition its most ambitious intellectual project, solidified its academic program, expanded its scope with the law school, and initiated a loan-assistance program for its alumni. It also suffered the death of its financial sponsor, and is currently in indeterminate financial straits. I will touch on each of those points in this report.

During the past academic year, the Center published two issues of the Notre Dame Journal on Law, Ethics & Public Policy--one on Homelessness and another on the Religion Clauses of the First Amendment to the Federal Constitution. A third issue, addressed to the AIDS epidemic, will appear in a few weeks time. While all three issues represent significant contributions to the policy debate in their respective areas, it is the Religion Clauses issue that was our greatest accomplishment. It runs to well over five-hundred pages, contains the work of twenty constitutional scholars, and is the culmination of a project initiated four years ago. The high quality of that publication should help the Center to gain greater recognition in the academic community. This year's issues of the Journal will address serious juvenile crime, drug addiction, and civil disobedience. Those slated for publication in 1991-92 will address the feminist critique of contemporary American jurisprudence and the relationship between the media and the jury in American law.

During the past academic year the classroom component of the White Scholar program took definitive form. Every second year

law student in our program, except those based in London, now participates in two one-credit fall semester seminars, the topic of each of which is one of the two symposium topics that have been selected for consideration that year. In the fall of 1989, therefore, I led seminars in national drug policy and in civil disobedience. (I am appending the syllabi from those seminars to this report.) The principal purpose of these seminars is to introduce our new White Scholars to the art of normative policy assessment; a secondary purpose is to make sure that they are aware of the principal works in the field in which they will be writing the essay that by some point in their third year in law school we hope has matured into an article fit for publication in the Journal. By far the most difficult and time-consuming part of the director's job is working with our Scholars on the multiple drafts that distinguish the initial essay from the publishable article. It is also the most rewarding part of the job.

During the 1989-90 academic year, the White Center experimented with the inclusion of first year law students in our program. The experiment was quite successful. Thanks to it, we were able to convince several good students with public service interests to choose Notre Dame over other law schools, and we were able to nourish that interest during their first year of law school. We were careful not to add to their first year work load, confining their involvement in the Center to a legal ethics seminar that took the place of the ethics course that every other

first year law student takes. (The syllabus for that seminar is also attached to this report.) We would like to see the first year White Scholar program become a regular part of our operation, but that is contingent upon the availability of more funds, and our current financial situation precludes that expense for now. The same is true of the Loan Assistance Program that we hoped to have in place by now. That program is vital to our ability to convince our graduates to choose public service work over corporate practice; it would also be somewhat costly. For that reason, the Loan Assistance Program is on hold until our financial situation becomes more clear.

I turn finally to our financial situation. In April of 1989 Mr. White agreed both to enter into a trust agreement that would fund the Center indefinitely and to support us at a slightly higher annual rate than previously. He did not prior to his death increase his monthly contribution to the Center to reflect that greater funding commitment, and we have not since his death been receiving any funds at all from the White Foundation. I have not been able to determine the status of the trust agreement that was to fund the Center, nor have I heard anything reliable on the financial health of the White family business generally. I am acting, for now, as if the Center's funding was secure. I have for example, scheduled a Conference on Women and the Law for next spring and one on Public Service Lawyering (with financial assistance from the Truman Foundation) for the next fall. I have also authorized the publication of the several issues of our

Journal that I mentioned earlier. At some point in the near future, however, reliable information will have to be obtained about the trust agreement under which the Center was to be funded and decisions may need to be made about alternative funding for the Center.

The Law School's commitment both to encouraging our students to take up careers in public service and to undertaking the normative critique of public policy is so firmly established and is so central to the self-understanding of this institution that some mechanism will have to be found for rendering those commitments operational. The simplest way to do that may well be the continued existence of the White Center, with whatever changes in funding are required by the financial fortunes of the White family. In any case, the clarification of the financial status of the White Center is the overriding necessity of the current moment.

The following pages were copied from one of the books below that are available in Kresge Law Library at the University Notre Dame:

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090 KF292.N67 |bA7  
110 2 University of Notre Dame.|bLaw School.  
245 10 Annual report.  
260 [Notre Dame, Ind. :|bLaw School, 198-  
300 v.|c28 cm.  
907 .b11053604

LOCATION	CALL #	STATUS
3rd floor, Stacks	<a href="#">KF292.N67 A7</a> 1988-1989	Check shelves
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3rd floor, Stacks	<a href="#">KF292.N67 A7</a> 1990-1991	Check shelves
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