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Notre Dame Law School Annual Report: Academic Year 1990–1991 (acting dean Fernand N. Dutile)

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September 20, 1991

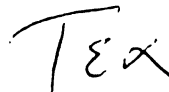
Professor Timothy O'Meara
Provost
202 Administration Building
University of Notre Dame

Dear Tim:

Enclosed is the academic year 1990-91 annual report for the Law School, along with accompanying reports for the Law Library, the National Institute for Trial Advocacy, the Thomas J. White Center on Law and Government, *The Journal of College and University Law*, the Center for Civil and Human Rights, the Notre Dame London Law Program, the London Summer 1991 Program, and the *Notre Dame Law Review*.

I will be pleased to provide further information or elaboration as you may desire.

Sincerely,



Fernand N. Dutilleul
Acting Dean

FND/cy



Notre Dame Law School Annual Report

Academic Year 1990-91

I. Introduction

Academic year 1990-91 was a good year in the Notre Dame Law School by all standards of measurement. For the second consecutive year Notre Dame was ranked among the top twenty-five law schools in the nation by U.S. News and World Report. The school had a full complement of well qualified faculty and an outstanding student body selected from a record number of candidates for admission. Dean David T. Link was named founding president of University of Notre Dame Australia and began a sabbatical to serve in that position as the academic year drew to a close. Professor Fernand N. Dutile was named Acting Dean. Among matters requiring special attention were the integration of a major new collection into the Notre Dame Law School Library and extra efforts toward student placement in light of the national downturn in job opportunities in the legal profession.

II. Important Developments

A foremost development 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 was granted a leave with regard to his position as Dean of Notre Dame Law School, for a period not to exceed two years, after which he will return to resume his role as dean. In his absence Professor Fernand Dutille will serve as Acting Dean, a position which he assumed in June 1991.

Several new members joined the law faculty. Estonian Professor Igor Grazin, Deputy of the Supreme Soviet and Professor of Law at Tartu State University, came as a Visiting Professor. He taught in areas relating to constitutional law and worked with the Center for Civil and Human Rights. His visit, which occurred through the special efforts of Provost O'Meara, was particularly timely in view of the developments in Eastern Europe. He became a much sought after speaker both within and beyond the law school and university. His appointment will continue through the fall semester of 1991.

Matthew Barrett joined the faculty as a one-year visitor to teach in the areas of Business and Tax Law. A 1985 Summa Cum Laude graduate of Notre Dame Law School, he served as a judicial clerk with Judge Kennedy of the United States Court of Appeals for the Sixth Circuit and worked as an associate with a major law firm in Ohio. In the course of the year he was offered and accepted a three-year appointment as a member of the regular faculty.

Victoria Palacios was named a Visiting Associate Professor for the year and taught in the area of Criminal Law.

Patti Ogden, a graduate of the University of Texas Law and Library Schools, and formerly a research librarian at the

University of Minnesota, was appointed as an Associate Librarian. Carmela Kinslow, long time Library Associate, was appointed to the faculty as an Assistant Librarian.

Reverend John Pearson, C.S.C., was named to the regular faculty as Assistant Professor. Father Pearson, a graduate of the University of California, Berkeley, Law School, served a clerkship with Judge Vance of the United States Court of Appeals for the Eleventh Circuit and practiced with a major law firm in Los Angeles. He taught in the property area.

Associate Professor Richard Boswell accepted a visitorship with University of California, Hastings Law School and was granted a leave of absence for academic year 1990-91. In the course of the year, he resigned his tenured position with the Notre Dame Law School Faculty to continue teaching at Hastings.

John Attanasio was named as the John M. Regan, Jr., Director of the Joan B. Kroc Institute for International Peace Studies, effective June 1991. Professor Attanasio will continue to teach one course per semester in the law school. He replaced Professor John Gilligan, who retired from the University of Notre Dame.

Sabrina McCarthy was appointed an Associate Professor to join the regular faculty beginning fall semester 1991. A black woman with three years' teaching experience at Tulane Law School, she earned her JD degree from Yale, served as a law clerk to two federal judges and practiced as an associate with a major San Francisco law firm.

Through the extraordinary efforts of the Law Library Staff, the strong and unequivocal support of the university

administration, and a major gift by a Notre Dame Law School alumnus, the Law School was able to acquire the entire 120,000 volume collection of the Chicago Bar Association Library. This was a particularly significant development because a well-documented major need of the Law School had been the acquisition of the historical materials required of a genuine research library. Throughout this year the Law Library Staff undertook the major efforts of developing a plan to move the books in an orderly fashion to Notre Dame and absorbing them into the Notre Dame collection. The addition of this collection had an enormous impact. The hard copy volume count of the library increased 38,000 volumes. When microformat acquisitions are aggregated, the collection increased by 46,396 volumes and volume equivalents, a single-year increase in the total collection of an almost unheard of 18 percent. The addition of these volumes resulted in the number of cataloged titles in the collection reaching 53,000, a 34 percent increase representing 13,400 titles--a truly significant achievement. The magnitude and impact of the acquisition is further dealt with in the Law Library's accompanying annual report.

This year saw the implementation of the Law School's LL.M. Program in International Human Rights. It operates under the guidance of Professor Rev. William Lewers, C.S.C., Director of the Notre Dame Law School Center for Civil and Human Rights. Beginning fall semester 1991 the Center will enroll six students in pursuit of the LL.M. degree--two from Chile, two from South Africa, one from Zimbabwe, and one American. Additionally, with endorsement of the University Graduate Council and approval of the University

Academic Council, plans were implemented to offer the J.S.D. Program. Review by the American Bar Association is in progress.

The Law School hosted three continuing legal education programs in the course of academic year 1990-91. The Sixteenth annual Notre Dame Law School Estate Planning Institute was conducted again at the Century Center with attendance exceeding 400 practicing lawyers and accountants. A symposium "Human Rights and Ethnic Minorities" attracted world-wide representation. The papers presented at this conference constitute the Symposium Issue of the Notre Dame Law Review. The Law School in conjunction 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, particularly Notre Dame Law School Alumni.

The National Institute of Trial Advocacy, headquartered at Notre Dame Law School and directed by Professor James Seckinger of the Law School faculty, conducted sixty-two 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. The enclosed NITA annual report elaborates further on the scope of its continuing legal education programs.

The Law School received a record number of applications for admission for the academic year beginning 1991-92, for the third consecutive year. Thirty-six hundred candidates applied, twenty-one applicants for each seat in the entering class. The one-hundred-seventy-six students enrolled from this applicant pool come

from one-hundred different undergraduate colleges and universities, thirty-five states and two foreign countries. The undergraduate grade-point- average for the class is over 3.4 and the average LSAT score is 41 (equivalent to the 90th percentile). Thirty-six percent of the incoming class are women and seventeen percent are minorities.

The Law School increased its commitment to its Legal Aid Clinic. The Clinic provides legal services to the underprivileged of the local area and the university community while at the same time providing real-life legal education experiences for the Law School students. This increased commitment was made possible partially by a small federal grant. Two qualified lawyers were hired as adjunct faculty to supervise the students and to stabilize the organization of the program. A committee made up of experienced public-interest members of the faculty was named to provide oversight, direction and counsel. In the course of the year, on the basis of marked progress toward an efficiently run Law School Legal Aid Clinic, the two adjunct members were offered part-time regular faculty positions beginning fall 1991.

During the job interview season, normally September through November, a national turn-down in opportunities for emerging new lawyers became apparent. This sudden and somewhat precipitous development prompted extra efforts to assist second and third year students. Special meetings were held to apprise the students of the documented trends and to assist them in broadening their horizons in the job search. Alumni were invited to assist in calling attention to job opportunities which existed in their areas

of practice. In the end the third year class placed almost as well as in previous years, although second year class summer opportunities were somewhat curtailed. Recognizing that projections call for a continued tight job market for the foreseeable future, the earlier Law School efforts are being continued and expanded. As a new initiative the Law School Alumni Board of Directors prepared a special program on employment opportunities to present to the students during their annual visit to the Law School in the fall semester 1991. Job opportunities in the legal profession for the Notre Dame Law School graduate have been outstanding in recent years and the Law School is determined to do all that is possible to assure similar opportunities in the future.

III. Strengths

Notre Dame Law School's most significant strengths relate to its people--faculty, staff and alumni.

The faculty manages a healthy balance of heavy teaching assignments and the production of serious scholarship. They are well regarded by the students as indicated by teacher course evaluations and the general commentary. Fifty-five books, authored or co-authored by members of the faculty, are currently on display in the main hallway of the Law School. There are a number of indicators of the growing national and international stature of the faculty. Among them: Dean Link is the first president of the University of Notre Dame Australia, Professor O'Hara is the Vice

President for Student Affairs of the University of Notre Dame, Professor Attanasio is the new director of the Institute for International Peace Studies, Professor Gurule is on leave as an Assistant Attorney General in the United States Department of Justice, Professor Seckinger is Director of the National Institute for Trial Advocacy, Professor Dutile edits the influential *Journal of College and University Law*, Professor Jacobs is a member of The Council of the ABA Section on Legal Education, Professor Ripple is a Judge of the Seventh Circuit U.S. Court of Appeals, Professor Kmiec recently served as White House Fellow and subsequently as Assistant Attorney General in the U.S. Department of Justice, Professor Blakey is recognized as author of current RICO Legislation, and Professor Murphy's Contracts text is used by many law schools throughout the country.

A growing 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. Last year's graduating class took the bar in thirty-eight different states. The Law School Team was champion of the Region Four ABA Negotiation Competition. The last visiting accreditation team described the student body as "attractive, enthusiastic, proud of their school and basically motivated to a healthy concern for the commonweal."

The Law School enjoys the loyal and dedicated support of its alumni. They assist in student recruiting, job placement, fundraising and in other ways. Contributions by law alumni reached 51 percent for academic year 1990-91, the highest participation on

record.

The Law School's facilities are a unique strength. The Law School is housed in a recently expanded and refurbished building. There are adequate classrooms for a realistic class schedule. There is sufficient office space for faculty and staff. The state-of-the-art courtroom supports the conduct of practice court activities in a realistic environment while utilizing the latest in video and audio teaching techniques. There is adequate seating space in the Law School Library for one-hundred percent of the student body.

Library support for faculty and students, surveyed more fully in the accompanying report, continues to expand. The Law School Computer Lab continues to be a major asset to the students.

IV. Needs

There are a number of areas in the Law School which require special attention.

The Legal Aid Clinic has long played an important role in providing community service to the disadvantaged, and concurrently, educational opportunity for law school students. In doing so it has operated on a shoe-string, catch-as-catch-can, budget. This year the Law School took a major step forward in its commitment toward providing an essential bare-bones budget to operate an efficient and effectively run clinic. However, the money came from supplementary funding. The time has come to formalize the operation of the Clinic as a vital and significant part of the Law

School operation and to provide the necessary funding to allow it to function in that capacity. The Legal Aid Clinic will be considered a priority in planning for the academic year 1992-93 budget.

Adequate financial aid for law students continues to be a major concern. Only about twelve percent of tuition for law school students is covered by scholarships. This figure has remained nearly stable in recent years as tuition increases exceed growth in scholarship monies. The net result is an ever-increasing debt for law graduates as they rely on loan programs to finance their legal education. This has two serious impacts. First, we lose good students who belong at Notre Dame, to state schools with lower tuitions or to private schools with stronger scholarship programs. Second, students who come to Notre Dame wanting to work in the public interest arena, where legal services to the disadvantaged are so sorely needed, are forced to abandon such plans and seek higher paying employment in order to service the debts they compile while in law school.

The Thomas J. White Center on Law and Government has been funded through the years by a major annual gift by Thomas J. White. This funding source was interrupted on Mr. White's death two years ago. It seems clear that the White family wants to continue funding the Center but has not been able to do so while the estate is in probate and may be unable to do so in the foreseeable future because of cash-flow problems. Meanwhile the University has underwritten the continuation of the Center on a reduced funding basis through academic year 1991-92. This funding crisis places in

jeopardy the White Center's dual role of a commitment to public service lawyering and to the normative critique of public policy. The matter of continuation of the White Center beyond the academic year 1991-92, and the impact of its discontinuance should that occur, require early attention. The enclosed 1990-91 annual report on the White Center elaborates further on that Center's important contributions to the Law School mission.

The Notre Dame London Law Program, wherein second year JD students spend a full year studying at the London Law Center, has been in operation for more than twenty years. Recently, the American Bar Association has taken a position that limits foreign study to the equivalent of one semester. This requirement is waived for Notre Dame through academic year 1992-93. The Law School has decided to review the London Law Program in all its aspects, and to use this review to determine what changes to the Program might be in our best interests and whether to contest the ABA position.

While the Library experienced dramatic growth in the past year, increasing demands for research support, particularly international and foreign law research, argue for accelerated development toward parity with peer group schools.

The ten years growth represented by acquisition of the Chicago Bar Association Library has emphasized the need for additional space within the library. Alternative space possibilities are being investigated.

With one workstation for every 50 students, the computer lab is a valuable, intensely used asset. To reach the goal of one for

every 25 students, an additional ten workstations are genuinely needed.

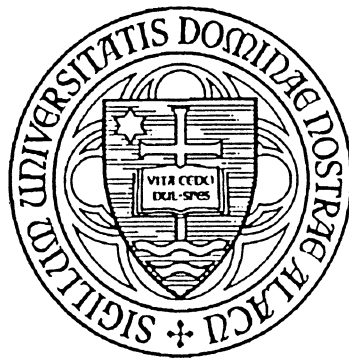
V. Conclusion

Notre Dame Law School has a long and distinguished history of educating members of the legal profession. It is gaining recognition as a research institution. This reputation is being realized because of a strong student body, a dedicated and hard working faculty, a rapidly developing Library, 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.

More remains to be accomplished but there is a growing recognition that Notre Dame will continue to enhance its position as a leadership law school.

**KRESGE LIBRARY
NOTRE DAME LAW SCHOOL**

**ANNUAL REPORT
1990 - 1991**



September 4, 1991

KRESGE LAW LIBRARY ANNUAL REPORT 1990-1991

It is a pleasure to review the progress of the law library during the past year. It was a year marked by singular opportunity, exemplary University support, significant benefactor generosity, and unstinting staff effort.

COLLECTION DEVELOPMENT AND TECHNICAL SERVICES

With the purchase of the 120,000 volume Chicago Bar Association collection in the final days of the previous fiscal year, it was necessary to develop a plan to move the books in an orderly fashion to Notre Dame, determine which items would be useful, and then, as with any other new acquisition, catalog and process the books for shelving in their appropriate collection location.

The gift of John Sandner, which purchased the collection, also provided resources to underwrite the moving and organizational plan devised by Associate Director Janis Johnston and Catalog Librarian Joseph Thomas. A library moving specialist was hired to help pack and transport a total of 14 semi truck loads of books to Notre Dame. The entire staff turned out to place in the law library the approximately 30,000 books deemed to be most immediately valuable. Warehouse space was leased in Mishawaka to store the balance of the collection.

As the collection was moved, plans were underway to catalog the new books and transfer their bibliographic data to UNLOC so the material could be identified by the entire University community. It was calculated that it would take the law library cataloging unit a minimum of three years to catalog these books, if it stopped all current work; it would probably take closer to ten years to perform the task on a time available basis. Since neither of these time frames were acceptable, a commercial cataloging organization was engaged to catalog the books, prepare spine labels and bar codes, as well as prepare a machine readable tape of the cataloging to add to UNLOC. As the year ended, the library staff was shifting nearly 80% of the existing library collection in order to make room to shelve the newly acquired and cataloged books in classified order.

The result of this enormous logistical and bibliographic effort is simply this: The hard copy volume count of the library increased 38,000 volumes in a single year. By comparison, the greatest number ever acquired in any previous year--so far as current records can determine--was the 5,400 acquired in 1989-90. Moreover, when microformat acquisitions are aggregated, the collection increased last year by 46,396 volumes and volume equivalents, a single year increase in the total collection of an almost unheard of 18%! The addition of these volumes resulted in the number of cataloged titles in the collection reaching 53,000, a 34% increase representing 13,400 titles--a truly signal achievement.

The brunt of this massive acquisition fell on the library technical services staff and the extent of their effort cannot be exaggerated. At the same time, however, they maintained the regular level of library operations--sometimes under strain but never breaking. While it is obvious that some measures of production had to give way to the CBA project, others stayed at levels consistent with previous years: 2,000 purchase orders were executed; 3,600 books were bound; 59,000 pieces of mail were received; 3,300 invoices were processed; 5,600 documents were routed to faculty as were an additional 6,400 photocopied items. When the history of the law library is recorded, the achievements of Esther Batten, Rebecca Brothers, Debra Fox, Ed Huff, Florence Klecka, Kenneth Kreps, Kara O'Leary, Barbara Ritty, and Phyllis Strom, the 1990-91 technical services staff will set the standards by which effort and dedication are measured.

CIRCULATION SERVICES

The Circulation Department is the library unit with the greatest contact with all the library patrons. Available to patrons just under one hundred hours per week, it is the contact point for a host of library services and is often seen as the focal point of all library activities. Under the direction of Assistant Librarian Carmela Kinslow, with able assistance from Rebecca Carlton and Kenneth Kinslow, the department continued its intensive support of students and faculty.

Regular circulation increased 3% to 7,450 transactions. Reserve circulation increased 34% to just over 11,000 items. Interlibrary loans continued to be used extensively to augment our holdings with 1,124 items being borrowed. In turn, our collection was used to contribute to the needs of other libraries by loaning to them 915 items. The 2,039 total interlibrary loan transactions were down 7% from last year. In part, at least, this decrease is attributed to the addition of sizable numbers of useful items from the Chicago Bar Association collection which meant that we more frequently had materials immediately available on the shelf rather than having to borrow from another library.

The Circulation Department's document delivery service continued to be popular with faculty with 1,709 items being retrieved or copied and then delivered directly to faculty offices. While deliveries were fewer than in the previous year, the decrease largely stemmed from the three month suspension of the library's monthly new acquisitions list. This list had regularly generated faculty requests and its reintroduction is expected to generate an increased number of document delivery requests.

While the special requests requiring document delivery, interlibrary loan and reserve transactions receive a sizable amount of library attention, the fundamental value of the core collection as a most important library service deserves restatement. Since the substantial majority of all collection use takes place within the library, some coarse measure of that use is reflected in our shelving statistics. It is noted that over 70,200 books were reshelfed an increase of 8% from the previous year. Similarly, data indicates that over 3,170 microforms were refiled representing a 55% increase

in the use of the library's extensive and growing microformat collection.

The significance of the circulation staff as an information provider must also be noted. Last year the department responded to over 6,100 requests for information ranging from simple directional questions to in depth queries that could only be handled by an expert and experienced staff. Since 42% of these questions were answered in the evening and weekends, much credit must be given to library associate, Kenneth Kinslow, the library's long-time evening and weekend supervisor.

New technology requirements, in the form of video transmissions and the law school's only telefax machine, have been major new challenges for the circulation staff. Video transmissions increased 32% to over 530 bookings and telefax transactions increased 18% to 4,150 communications. It seems apparent that a circulation staff that has been fixed in size for more than three years cannot permanently maintain a high level of regular library services while responding to ever increasing new demands.

At the beginning of the year the University decision to contract with another vendor for coin-operated photocopy machines ultimately resulted in significant improvements in the photocopy services that could be made available to law students. The new vendor provided debit card vending machines that eliminated the need for the circulations staff to be involved in the sale or management of any cash relating to these machines. Moreover, the new vendor was willing to install a third photocopy machine in the library thus substantially increasing photocopy availability.

RESEARCH SERVICES

The year began with Librarian Dwight King assuming the role of head of the Department replacing the departed Michael Slinger. Newly appointed Associate Librarian Patti Ogden and Assistant Librarian Lucy Payne, offered energetic, imaginative, and experienced professional reference research and teaching services. Chevelle Williams continued to perform her wide ranging duties as departmental assistant.

By responding to 2,003 reference and research requests, an increase of 25% over the previous year, the department clearly met the challenges of its primary goal. Law student and faculty questions represented 64% of the requests received. Faculty requests alone were up 34% to 589 questions. Notre Dame faculty and students outside the law school generated 15% of the total questions received while 21% of all questions came from outside the University. Department statistics indicated that the vast majority of questions from non-university patrons are answered in 0-15 minutes. Consequently, it is felt that the good will achieved in responding to these questions more than offsets the associated staff costs. Analysis of faculty questions indicate that the nearly 600 faculty questions were evenly balanced in terms of research time required. Those questions requiring more than an hour to answer represented 22% of the total; those questions requiring less than five minutes were

also 22% of the total. Each of the three categories between these extremes averaged 18% of the total questions asked.

The department continued to particularly address the research needs of journal staffs and targeted student groups. Special meetings with journal editors, a "Bluebooking" session, directed classes to introduce job seekers to the law firm information power of Lexis/Westlaw, booking of Commando legal research tapes, and particularly a "brown bag seminar" devoted to research techniques required of the summer associate were all used in a multifaceted attempt to increase the legal research talents of our students.

Other initiatives of the department included the loading and publicizing the availability of CALI (Computer Assisted Legal Instruction) exercises. These efforts resulted in 509 uses of the CALI materials. Moreover, 124 copies of the disks were made by students for home use obviously increasing the total value of these self-training exercises.

Offering CALR (Computer Assisted Legal Research) training to the student body continues to be a major activity of the legal research staff. Over 50 training sessions were scheduled by the department during the year. Many of these were basic training for first year students while others were specialized sessions aimed at particular target groups or highlighting special features of the systems. Some sessions were taught by library faculty; others were offered by company specialists or teaching assistants paid by the companies but supervised by library faculty. There can be no question that the demand to introduce students to these new technologies requires increasing talent, time and energy of the legal research librarians.

Another technological development requiring the attention of the research staff has been the law school computer lab. It is clear that the lab continues to be a major asset to the students. Without additional funding it is not clear that it is of particular benefit to the library. To the contrary, funds expended for the lab have regularly reduced resources that could be used for library and research related development.

STAFF

The authorized staff increased by one support position at the beginning of the fiscal year. Kara O'Leary was engaged to fill a newly created cataloging assistant position. Rosie Kincaid joined the staff as secretary to the Director in September replacing Teresa Welty who transferred to the office of the Associate Provost. Associate Librarian Patti Ogden came to the library faculty as a research librarian in August to fill the position vacated by the departure of Michael Slinger. Carmela Kinslow, long time library associate, was appointed to the library faculty as an assistant librarian.

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. Further details of the staff's marked achievements are set out in the reports of the respective departments.

ADMINISTRATION

The library continued to work through its department heads who met regularly at weekly meetings to discuss and decide the issues and priorities facing the library. Summary reports of these meetings are circulated to all library staff for their information and commentary. The reports are also circulated to law school deans.

In September Rosie Kincaid moved from her position as secretary to several faculty to the law library director's office. She brings to the library a substantial talent in computing, which talent she continues to share with the Law School and University staff. Moreover, she has instigated a number of procedures which have proved to be of continuing benefit to the library.

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.

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



NATIONAL INSTITUTE FOR TRIAL ADVOCACY

August 28, 1991

Notre Dame Law School
Notre Dame, Indiana 46556
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To: Dean William McLean

From: James H. Seckinger
Director and Professor of Law

Re: Report on NITA for Calendar Year 1990

I. NITA Programs Conducted in 1990

| | |
|--------------------|-------|
| Number of Programs | 62 |
| Number of Students | 2,624 |
| Number of Faculty | 1,438 |

II. NEW PROGRAMS IN 1990

A. New NITA Programs

In 1990, NITA inaugurated the following programs, which were run solely by NITA.

- (1) Florida Deposition Program
Nova University College of Law
Fort Lauderdale, Florida
- (2) Mid-America Expert Testimony Program
University of Nebraska College of Law
Lincoln, Nebraska
- (3) Northwest Deposition Program
University of Washington
School of Law
Seattle, Washington
- (4) Notre Dame Teacher Training Program
Notre Dame Law School
Notre Dame, Indiana
- (5) Rocky Mountain Motion Practice Program
Stapleton Plaza Hotel
Denver, Colorado

II. NEW PROGRAMS IN 1990

B. New In-House and Co-Sponsored Programs

New consulting clients -- the following organizations utilized NITA's consulting services for the first time in 1990:

- (1) Arter & Hadden
Cleveland, Ohio
In-House Trial Advocacy Program
- (2) Bingham, Dana & Gould
Boston, Massachusetts
In-House Deposition Program
- (3) Cincinnati Bar Association
Cincinnati, Ohio
Co-Sponsored Trial Advocacy Program
- (4) Fish & Neave
New York, New York
In-House Deposition Program
- (5) Gunster, Yoakley & Stewart
West Palm Beach, Florida
In-House Deposition Program
- (6) Keck, Mahin & Cate
Chicago, Illinois
In-House Trial Advocacy Program
- (7) Lyon & Lyon
Palm Springs, California
In-House Deposition Program
- (8) Thelen, Marrin, Johnson & Bridges
San Francisco, California
In-House Teacher Training Program

III. REPORT ON NITA PROGRAMS

The NITA Programs are conducted exclusively by NITA. Every aspect of the programs, from admissions to evaluations, are managed by NITA personnel.

The NITA Programs that were conducted in 1990 are:

1. National Session
 2-Week Trial Advocacy Program
2. 14 NITA Regional Programs
 11-14 Day Trial Advocacy Programs
3. 6 Advanced Programs
 6-Day Trial Advocacy Program
4. 6 Deposition Programs
 3-Day Deposition Skills Program
5. 2 Negotiation Programs
 3-Day Negotiation Skills Program
6. 3 Teacher Training Programs
 2-Day Teaching Skills Program
7. 1 Motion Practice Program
 3-Day Motion Skills Program
8. 1 Expert Testimony Program
 3-Day Expert Testimony Skills Program
9. Total of 34 Programs

IV. REPORT ON IN-HOUSE PROGRAMS AND CO-SPONSORED PROGRAMS

In 1990, NITA conducted training programs for the following law firms and government agencies:

1. American Bar Association Family Law Section
 Co-Sponsored Trial Advocacy Institute
 Denver, Colorado
2. American Board of Trial Advocates
 Co-Sponsored Trial Advocacy Program
 Los Angeles, California
3. Arter & Hadden
 Trial Advocacy Program
 Cleveland, Ohio
4. Arthur Andersen
 (3) Expert Witness Programs in
 St. Charles, Illinois, Perth, Australia, and
 Auckland, New Zealand

IV. REPORT ON IN-HOUSE PROGRAMS AND CO-SPONSORED PROGRAMS
(cont.)

5. Atlanta Bar Association
Co-Sponsored Trial Advocacy Program
Atlanta, Georgia
6. Bingham, Dana & Gould
Deposition Program
Boston, Massachusetts
7. Brown & Bain
Deposition Program
Phoenix, Arizona
8. Cincinnati Bar Association
Co-Sponsored Trial Advocacy Program
Cincinnati, Ohio
9. Davis, Polk & Wardwell
Trial Advocacy Program
New York, New York
10. Federal Aviation Administration
2 Trial Advocacy Programs
Washington, D.C.
11. Fish & Neave
Deposition Program
New York, New York
12. Fried, Frank, Harris, et al.
1 Trial Advocacy Program and
1 Deposition Program
New York, New York
13. Georgetown CLE Institute
Co-Sponsored Trial Advocacy Program
Washington, D.C.
14. Gunster, Yoakley & Stewart
Deposition Program
West Palm Beach, Florida
15. Indiana CLE Forum
Co-Sponsored Trial Skills Workshop
Indianapolis, Indiana
16. Jones, Day, Reavis & Pogue
3 Deposition Programs
Cleveland, Ohio
17. Kaye, Scholer, Fierman, Hays & Handler
Trial Advocacy Program
New York, New York

IV. REPORT ON IN-HOUSE PROGRAMS AND CO-SPONSORED PROGRAMS
(cont.)

18. Keck, Mahin & Cate
Trial Advocacy Program
Chicago, Illinois
19. Lyon & Lyon
Deposition Program
Palm Springs, California
20. Mayer, Brown & Platt
Deposition Program
Chicago, Illinois
21. O'Melveny & Myers
1 Trial Advocacy Program and
1 Deposition Program
Los Angeles, California
22. Pillsbury, Madison & Sutro
Trial Advocacy Program
San Francisco, California
23. Rosenman & Colin
Deposition Program
New York, New York
24. Schulte, Roth & Zabel
Deposition Program
New York, New York
25. Skadden, Arps, et al.
Deposition Program
New York, New York
26. Snell & Wilmer
Trial Advocacy Program
Phoenix, Arizona
27. Thelen, Marrin, et al.
Teacher Training Program
San Francisco, California
28. Winston & Strawn
Trial Advocacy Program
Chicago, Illinois

V. REPORT ON NITA PUBLICATIONS

A. New Books for 1990

Developing Deposition Skills, Case File, Doug Li v. John Ross
Construction - Advocates

Developing Deposition Skills, Case File, Doug Li v. John Ross
Construction - Barristers

Developing Deposition Skills, Case File, Doug Li v. John Ross
Construction - Faculty

Doug Li v. John Ross and Ross Construction Co., Inc., Case
File Problems and Materials on Motion and Appellate
Advocacy

Use, Misuse and Abuse of Expert Witnesses

B. Revised Books for 1990

BMI v. Minicom, 5th Edition

Developing Deposition Skills, Case File, BMI v. Minicom -
Advocates, 2nd Edition

Developing Deposition Skills, Case File, BMI v. Minicom -
Barristers, 2nd Edition

Developing Deposition Skills, Case File, BMI v. Minicom-
Faculty, 2nd Edition

Dixon v. Providential Life Insurance, 4th Edition

Dixon v. Providential Life Insurance, Teaching Notes,
4th Edition

Federal Rules of Evidence as Amended December 1990
Green v. Hall and Rose, 4th Edition

Potter v. Shrackle and the Shrackle Construction Company,
4th Edition

Potter v. Shrackle, Teaching Notes to Problems

Practical Guide to Federal Evidence, Objections, Responses,
Rules and Practical Commentary, 2nd Edition

Problems and Cases in Legal Writing, Teachers' Manual,
2nd Edition

Problems and Cases in Legal Writing, Volume 1, 2nd Edition

Problems and Cases in Legal Writing, Volume 2, 2nd Edition

V. REPORT ON NITA PUBLICATIONS (cont.)

B. Revised Books for 1990 (cont.)

Problems and Cases in Trial Advocacy, Law School Edition,
Teacher's Manual 4th Edition

Problems and Cases in Trial Advocacy, Law School Edition,
Volume 1, Problems, 4th Edition

Problems and Cases in Trial Advocacy, Law School Edition,
Volume 2, Cases, 4th Edition

State v. Diamond, 4th Edition

State v. Diamond, Teachers Manual, 4th Edition

State v. Stone, 4th Edition

Trial Evidence - Making and Meeting Objections, 2nd Edition

Trial Evidence - Making and Meeting Objections (Vignettes and
Teaching Notes), 2nd Edition

United States v. Peters, 4th Edition

C. New Materials Available on Videotape
and Audiotape for 1990

Advocacy and the Art of Storytelling

Laser Disk Technology in the Courtroom

Persuasive Expert Testimony

D. Catalog (attached)

JHS:ml

Enclosure

THOMAS J. WHITE CENTER

ON

LAW & GOVERNMENT

1990-91 ANNUAL REPORT

**SUBMITTED BY
JOHN ROBINSON
DIRECTOR
SEPTEMBER, 1991**

Despite significant budgetary constraints, the 1990-91 academic year was a productive one for the White Center. In the fall semester, the Center sponsored a major public policy address by William Bennett, who was at the time the Director of the Office of National Drug Control Policy. In the spring, the Center sponsored a lecture by Cass Sunstein, the Karl N. Llewellyn Professor of Jurisprudence at the University of Chicago. The Center also published two issues of the Notre Dame Journal of Law, Ethics & Public Policy, one on serious juvenile crime and one on the drug problem. A third issue, devoted to civil disobedience, will appear later this month. Two other issues of the Journal--a symposium issue on women and the law and one on media and the law--are in preparation and will appear during the course of the current academic year. The preparation of each of these issues of the Journal, involving as it does the writing of student articles and the solicitation and editing of articles by established scholars, is the focal point of both the seminars that I conduct in the fall of each academic year and of the many hours that the White Scholars devote each week to the Center. My hope is that this work both stimulates their interest in public service careers and prepares them for such careers by developing their ability to assess public policy from an explicitly normative standpoint.

Unless the financial fortunes of the White Family take a pronounced and unexpected turn for the better over the course of the next several months, either another source of funding for the

White Center will have to be found or the Law School will have to find some other way to institutionalize its commitment both to public service lawyering and to the normative critique of public policy. For the past ten years, the White Center has pursued both of those objectives simultaneously, and for good reasons. Students who intend to pursue a career in public service lawyering usually have very strong policy interests, and they need to submit those interests to sustained analysis if they are to be able to advance them in practice. Relatedly, the Center is able to sustain student interest in public service lawyering when it focuses their attention on issues and constituencies--e.g., the homeless, AIDS victims, neglected children--whose interests the legal system appears to undervalue. It may be, however, that upon reflection the Law School will settle upon some very different way of pursuing these two objectives; encouraging careers in public-service lawyering by heavy investment in Legal Aid, for example, and encouraging the normative critique of public policy by restructuring the curriculum.

The point that I would make here is that thought should be given now to which option the Law School should pursue in the event that the White family finds itself unable to honor the financial commitments that Mr. White created before his death. It is impossible to imagine the Notre Dame Law School not being committed to public service lawyering and to emphasizing the moral dimension of law. The real question for the Law School, and for the University, is how funds are to be raised to back

those commitments and into which programs those funds will be put. I hope that the White Center is part of the answer to these questions, but my overriding concern is that the current funding impasse in which the White Center finds itself be taken as an opportunity for the Law School and for the University to reconsider the entire issue of how it funds precisely those commitments that serve to distinguish this law school from other prominent law schools. Commitments of this sort need to be institutionalized in clearly identified programs if they are not to be honored more in the breach than in the observance.



THE JOURNAL OF COLLEGE AND UNIVERSITY LAW

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



To: Dean William O. McLean
From: Dean Fernand N. Dutile ^(FND)
Date: August 30, 1991
Re: Report on *The Journal of College and University Law*,
1990-91

This is in response to the memo from the Office of the Provost, dated May 29, 1991, concerning Annual Reports. *The Journal of College and University Law* came to the Notre Dame Law School in May 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, Acting Dean 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: Dean Dutile, Dean David T. Link and Philip J. Faccenda, General Counsel of the University.

During the 1990-91 academic year, the Student Editorial Staff included fifteen third-year students and thirteen second-year students. The Student Editor was Katherine L. Zelenock, who was graduated in May of 1991.

During the 1990-91 academic year, the *Journal* published four issues. Those issues, from Fall 1990 through Summer 1991, totaling 716 pages, include eight lead articles, five "Commentaries," four Book Reviews, three Student Case Comments, five Student Notes and a Cumulative Index. The press run for each issue was approximately 3650 copies. A copy of the 1990-91 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*.



THE JOURNAL OF COLLEGE AND UNIVERSITY LAW

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



Budget Academic Year 1990-91

Salaries and Wages:

| | | |
|--|--------------|----------|
| Secretary..... | \$ 5,500 | |
| Student Assistant - Summer | 2,850 | |
| Student Research Assistant - Academic Year..... | 2,000 | |
| Faculty Editor (Summer Stipend)..... | <u>4,800</u> | |
| Subtotal | | \$15,150 |

| | | |
|---------------------------------|--------------|-------|
| <u>Benefits:</u> Secretary..... | <u>1,200</u> | 1,200 |
|---------------------------------|--------------|-------|

| | | |
|-------------------------------------|-------|--|
| <u>Supplies and Expenses:</u> | 2,300 | |
|-------------------------------------|-------|--|

| | | |
|---------------------------------------|-------|--|
| <u>Duplicating and Copying:</u> | 1,200 | |
|---------------------------------------|-------|--|

| | | |
|-----------------------------|-----|--|
| <u>Entertainment:</u> | 600 | |
|-----------------------------|-----|--|

| | | |
|---------------------------|-----|--|
| <u>Memberships:</u> | 200 | |
|---------------------------|-----|--|

| | | |
|-----------------------|-------|--|
| <u>Postage:</u> | 2,000 | |
|-----------------------|-------|--|

| | | |
|------------------------|--------|--|
| <u>Printing:</u> | 25,000 | |
|------------------------|--------|--|

Telephone:

| | | |
|-----------|-------|--|
| Line..... | 1,200 | |
|-----------|-------|--|

| | | |
|-----------|-------|--|
| Toll..... | 1,500 | |
|-----------|-------|--|

| | | |
|-----------------------------------|-----------------|--------|
| <u>Distributed Charges:</u> | <u>(23,250)</u> | |
| Subtotal | | 10,750 |

Travel:

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

| | | |
|--------------------------------------|--------------|-------|
| <u>Repairs and Maintenance</u> | <u>1,200</u> | 1,200 |
|--------------------------------------|--------------|-------|


| | | |
|-----------------|--------------|--------------|
| <u>Capital:</u> | <u>2,000</u> | <u>2,000</u> |
|-----------------|--------------|--------------|

| | | |
|-------|--|----------|
| TOTAL | | \$34,300 |
|-------|--|----------|

September 14, 1991

To: Dean William McLean

Re: 1990-1991 Report of Center for Civil and Human Rights
for Inclusion in Law School's Report to the Provost

From: William 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 1990-91 academic year, the Advisory Council of the Center for Civil and Human Rights held two meetings each semester; this Council continues to play a vital role in the development of policies and programs for the Center. Its members during the past year were: John Attanasio (Chair), Barbara Fick, John Gilligan, John Jenkins, C.S.C., Dwight King, Trai Le, William Lewers, C.S.C., David Link, Gilbert Loescher, George Lopez, Scott Mainwaring, Sharon O'Brien, John Robinson, Thomas Shaffer, Timothy Scully, C.S.C., and Richard Warner, C.S.C.
- 2) The LL.M. Program in International Human Rights is the foundation of the Center's activities, since we consider human rights education a primary requisite to the enhancement and protection of human dignity and freedom. There are presently six lawyers drawn from Chile, the United States, Zimbabwe, and South Africa enrolled in the LL.M. Program. We project that in future years the optimum number will be seven or eight participants in this LL.M. Program. This graduate program in law has been made possible by tuition-waivers provided by the Provost and the grant received for this purpose from the Ford Foundation. In addition to the tuition-waiver, each participant has received a fellowship ranging from \$6,000 to \$8,000 in amount.
- 3) Two new courses have been developed for this LL.M. Program - "Introduction to Human Rights Research" and "Ethics of Human Rights"; they were approved by the Law School faculty for inclusion in this year's curriculum. These courses were designed to meet the requirements of the LL.M. academic program as recommended by a Working Group of the Advisory Council consisting of John Attanasio, Sharon O'Brien, and Thomas Shaffer.
- 4) To enable a very select number of lawyers an opportunity further to specialize in International Human Rights Law research, a program leading to the degree of Doctor of Juridical Science (J.S.D.) has been instituted after having received the approval

of the Law School faculty, the Graduate Council, and the Academic Council. Application has now been made for ABA approval.

5) To administer these graduate programs in International Human Rights Law, a Committee on Graduate Studies has been appointed by the Dean and William Lewers, C.S.C., has been asked to serve as Chair of this Committee and Director of Graduate Studies.

6) We do not, however, consider human rights work to be the exclusive domain of lawyers and are therefore investigating the possibility of introducing a complementary honors program for non-lawyers.

7) The Ford Foundation grant enabled us to provide stipends for summer internships for four students: Liesl Fichardt (South Africa) to Human Rights Watch in New York City; Kathy Quirk (U.S.) to the USCC Migrants and Refugees Service in Washington, D.C.; Garth Meintjes (South Africa) to Chile; and Pedro Aylwin (Chile) to the Center for Civil and Human Rights to work on the Vicaria de Solidaridad archives. These internship stipends enable students to gain practical experience by participating in the work of organizations related to their field of interest. Furthermore, this obviously strengthens their employment prospects. Such internship stipends require approximately \$4,000 per student.

8) The Center for Civil and Human Rights joined in sponsoring two very successful conferences in the second semester of the last academic year: (a) "Human Rights and Ethnic Minorities" (with the Notre Dame Law Review, and (b) "Soviet Federalism" (with the Journal of Legislation. Igor Grazin, whose visiting professorship during the 1990-91 academic year was under the auspices of the Center for Civil and Human Rights, participated in each of these conferences. Sharon O'Brien, a member of the Advisory Council, also gave one of the major papers at the conference on Ethnic Minorities, and other members of the Advisory Council served as moderators.

9) In collaboration with the Institute for International Peace Studies and the Notre Dame Law Review, planning is well under way for a major conference in February 1992 on "Theories of Dispute Resolution".

10) As noted above, Igor Grazin of Estonia and the U.S.S.R., was the Senior Visitor sponsored by the Center for Civil and Human Rights during the academic year 1990-91. Two Senior Visitors from Chile will be at the Center and the Law School in the spring semester 1992: Dean Jorge Correa, Diego Portales University School of Law, and Staff Director, Chilean National Commission on Truth and Reconciliation; and Ignacio Walker, Counselor to the President of Chile. Dean Correa has accepted our invitation to

give one of the principal papers at the February conference on "Theories of Dispute Resolution".

11) Work on developing a database from the microfilm records of the Vicaria de Solidaridad continues with the participation of Andres Wood, Pedro Aylwin, and Tomas Vial. The format of our database has been revised based upon the experience of Pedro Aylwin as one of the staff lawyers with the Chilean National Commission on Truth and Reconciliation and the Vicaria de Solidaridad.

12) In a related matter, the Ford Foundation, acting on its own initiative, has asked whether the Center for Civil and Human Rights and the University of Notre Dame Press is interested in undertaking the publication of an English translation of the Report of the Chilean National Commission on Truth and Reconciliation appointed by President Aylwin to investigate the human rights abuses which occurred under the military regime. We have submitted to the Ford Foundation an estimate of the costs involved, and I anticipate that a decision will be made at the Foundation by the end of October.

13) Also, we are sponsoring an English translation of a series of human rights educational materials designed and produced by the Chilean Vicaria de Solidaridad for primary and secondary schools.

14) We continue to explore the possibility of publishing a series of occasional papers on international human rights and related materials, and we hope to begin this series during the coming year.

15) In June of this year, I visited Guatemala and El Salvador for meetings with human rights agencies in those countries. The Church in Guatemala has instituted a human rights office under the sponsorship of the Church, and we are in discussions with the lawyers of that office concerning concrete ways in which we can be of assistance. Two lawyers from that Guatemalan human rights office will visit the Center for a week in November to continue these discussions.

One possibility being explored is to establish an information network, similar to "CHIP" (Chilean Information Project), using the bitnet system to provide up-to-date reports on human rights abuses in Guatemala. Such information would be of great importance to our human rights research and advocacy work.

16) We continue to intervene in human rights cases, by telephone, letter, or personal visit when requested to do so by such organizations as Amnesty International, the Lawyers Committee on Human Rights, the Minnesota Lawyers International Human Rights Committee, and Bread for the World.

17) During the past year, the Center sponsored lectures by Claudio Orrego of Chile (with the Kellogg Institute), Martha Doggett of the Lawyers Committee on Human Rights (with the Kellogg Institute), and Barbara Frey of the Minnesota Lawyers International Human Rights Committee (with the Center for Social Concerns). In each instance, these visitors met with the class in the International Human Rights course and gave a lecture open to the university community. On each occasion, a dinner was sponsored during which several Notre Dame students could spend some time in conversation with the visitor.

18) Out of concern about the difficulties graduates from both the Peace Studies Program and our Human Rights Program may have in securing the most appropriate employment or internship positions, we are working with the Peace Studies Institute towards establishing a joint liaison office in which continuously updated information will be available with regard to current, future and periodic employment and internship opportunities.

19) When the Institute for International Peace Studies moved from the Law Building to the new Hesburgh Center for International Studies, the Center for Civil and Human Rights was moved to the area vacated by the Peace Studies Institute. This provides offices for the director, assistant director, and senior visitor, as well as a small seminar room, a room housing the project involving the microform archives of the Vicaria de Solidaridad, and space for a secretary.

20) With the support of the University and Law School administrations and the recommendation of the Law School's Appointments Committee, Garth Meintjes, a lawyer from South Africa, has been appointed Assistant Director of the Center and Assistant Professional Specialist. In addition to administrative duties, he has the responsibility for the seminars on "Introduction to Human Rights Research" and "Ethics of Human Rights". His appointment to a full-time position with the Center promises to contribute greatly to the range of programs and projects that may be undertaken by the Center and to the quality of that work.

REPORT OF THE DIRECTOR--1990-91
LONDON LAW PROGRAMME

The 1990-91 academic year marked another success in the long history of the Notre Dame London Law Programme. The Programme enrolled twenty-five Juris Doctor students from the home campus, all of them, except for one, second-year students. The Programme also included fifteen students pursuing the Masters of Law. These students represented a wide range of countries, among them Thailand, Taiwan, Japan, Brazil, El Salvador, Panama, Puerto Rico, Australia and, for the first time, the U.K.

The Programme presented a great diversity of courses (see attached schedule). Nine courses totalling 18 credit hours were taught in Term I, nine courses totalling 16.5 credits in Term II, and eight courses totalling 15.5 credits in Term III. These courses were offered by an interesting, varied and talented group of instructors. New to the faculty this year were: David Galligan, Lecturer at the University of Southampton, David Raybould of International Antitrust Services, Felicity Scroggie, Lecturer at Queen Mary & Westfield College, and Malcolm Shaw, Lecturer at the University of Leicester.

Crucial to the success of the Programme again this year were two people who do so much to guarantee quality and continuity. Professor Aubrey Diamond's steady and wise counsel, his marvelous network of acquaintances in the British legal community, and his outstanding teaching in all three terms constitute an invaluable resource. His international reputation as a scholar frosts the cake. Mrs. Gillian Walker, the "nerve center" of the operation, is energetic, creative and fiercely dependable. These two pillars of the Programme greatly facilitated my work as co-Director.

Recognition is due as well to Professor Frank Booker, the American Co-Director for Term I. It fell to him to deal with orientation and the great number of start-up problems associated with Term I. As I had every reason to expect, the Programme was on "cruise control" when I arrived in early January.

The Moot Court Programme enlisted few participants this year, perhaps because the Student Directors allowed withdrawal from the Programme until briefs were due. If the normal "drop-add" period had been used for Moot Court, perhaps more students would have stayed in the Programme. In any event, only four students participated in the first round and only two in the second. Jayant Tambe prevailed in the competition and thus secured a position on Notre Dame's 1991-92 National Moot Court Team.

Eleven students earned credit through our internship program. Two students arranged for their positions during the Summer of 1990. The remaining students secured their positions through the London Student Placement Office. Some students worked for the London branches of American law firms, while others worked for American sole practitioners or for Scottish or English solicitors. Internship projects involved immigration law, Eastern European policies, European Economic Community law and environmental law. One student secured a summer position in London through his internship.

During the year, the students enjoyed a great variety of social occasions, including a Thanksgiving feast served at the Law School; several "TGIFs"; movies; videotapes of many important sports events; and, finally, a "Law Ball", held on a cruise boat on the Thames (cocktails were followed by dinner and dancing amid the beautiful night-time scenes of Tower Bridge and much of the rest of London).

Several capital improvements occurred during the 1990-91 academic year. As a result of the flooding of the Director's office in February, new carpeting, a new desk chair and a new secretarial desk were added to the law offices, both of which were totally repainted as well. A second-hand typewriter was purchased for the office. All computers in the offices and in the library were upgraded to WordPerfect 5.1. Finally, a new laser printer was added to the computer room for the use of the students.

Two problems deserve mention. The first concerns the building facility. Of course, in many ways the Albemarle property is marvelous: great location, attractive rotunda, and the like. Nonetheless, the continuing pressures for space from other programs make it increasingly difficult to honor our commitment to the ABA concerning space allocation. Already, despite the earlier expectation that all areas above the basement floor would be exclusively at law-school disposal, the common room is open to non-law students, as is the library, except at examination time. Moreover, the Arts and Letters program--understandably, I might add, in light of their severe shortage of space--annually requests, and occasionally secures, use of a ground-floor classroom for selected periods.

The space problem is exacerbated by the fact that the two classrooms on the ground floor are little better, in practice, than one. This stems from the fact that the large doorway between the two provides almost no soundproofing at all. As a result, using both at once is highly unsatisfactory. Moreover, ingress to the larger classroom can be had only through the smaller classroom (excluding a doorway in the foyer).

The University has had numerous occasions to secure additional facilities for one or more of its London programmes. It has resisted all of them. I am sure the University has its reasons. It does seem unfair, however, for

the University to establish programmes well beyond the space limitations of the facility and thus require the Directors of the various programmes here to "fight it out," a process that has on occasion resulted in bad blood between programmes or directors or both. The situation resembles that of a parent giving two children one toy, with a direction to decide between them who shall have it.

The building has other problems: wiring deficiencies led to several power and heat failures this year. Moreover, the fact that the Director's and Secretary's offices constitute part of the fire exit precludes the kind of security and privacy that such offices need for files, letters, exams, grades, and the like. To be sure, the door is put on an alarm when the Director and Secretary leave, but many people have access to the alarm keys, including student caretakers of the building. Additionally, the fact that the Xerox and FAX machines for all programmes are housed, for lack of space, in the Law Programme's offices yields another group with around-the-clock access to these offices.

I raise the space problem yet again because the University has another opportunity to purchase property (in Earl's Court) that would fully satisfy the needs (academic and housing) of the Arts and Letters Programme and perhaps of other programmes as well. Given the current, depressed real-estate prices in England, the willingness of the owners to renovate the building to our needs, and the "option to buy" available with the lease, the University should exploit this opportunity.

The second problem worthy of mention is that of student absences for extended periods while classes are in session. Although no exact statistics are available, my distinct impression, and that of the Programme Secretary, are that many of our students seriously abused the traveling opportunities presented by enrollment in the London Programme. Although we do stress, in our communications with instructors here, the importance of attendance, abuses continue. The Law School should consider enacting some regulation that would control long absences from the London campus during class sessions. Whether this should entail a required signing-in with the Secretary at designated times or something else, I do not know. Some remedy for this ill is needed before the beginning of the next academic year.

Despite such problems, the American Co-Directors of the London Programme for the 1991-92 academic year inherit, as I did, a strong and vibrant operation. Moreover, they can look forward to a challenging, but immensely satisfying assignment. Their opportunity to work closely with an interesting and diverse student body and faculty, to serve in the great variety of ways required of the Co-Director, to travel, and to immerse themselves in this great city is an enviable one. Indeed, it is one which I already look forward to seizing again in the not too distant future.

Fernand N. Dutile
June 6, 1991

TENTATIVE SCHEDULE
1990-1991 ACADEMIC CALENDAR - NOTRE DAME LONDON LAW CENTRE

| <u>TERM 1</u> | <u>TERM 2</u> | <u>TERM 3</u> |
|---|--|--|
| Classes: Oct. 1-Dec.7 Exams: Dec. 10-14 | Classes: Jan. 7-Mar.15 Exams: March 18-22 | Classes: Apr. 2-May 31 Exams: June 3-7 |
| Comp. Studies (1.5)M Banakas | Comp Studies (1.5)M Banakas | Multi-National Enter- prises (2) Muchlinski |
| UCC (2)*M Diamond | UCC (2)*M Diamond | |
| Amer. Leg. Sys. (2)+ Booker | Evidence (2)*M Galligan | Evidence (2)*M Galligan |
| Business Ass'n (3*) Coe | Comp. Const.Law (2) Gearty | Comp. Crim Law (2) Leigh |
| Int'l Bus Trans (2) Schmitthoff/Raybould | Comp. Land Use (2) Barron | Int'l Tax (2) Frommei |
| Euro Comm Law (2) Wooldridge | Eng. Leg. Sys. (2) Dockrav | Soviet Legal Sys (2) Henderson |
| Human Rights (2) Gane | Int'l Law (1.5)M Shaw | Int'l Law (1.5)M Shaw |
| Property II (1.5)*M Goulding | Property II (1.5)*M Goulding | European Priv.Int'l Law (2) Diamond |
| Jurisprudence (2)* Scroggie | Law of Education (2) Dutile | Law of the Sea (2) Boyle |
| 18 hours 9 courses 6 exams | 16.5 hours 9 courses 7 exams | 15.5 hours 8 courses 8 exams |

- * courses satisfying requirements for JD degree
- + must be taken by all non-American LL.M students
- M multiple term courses: must be taken in both terms to receive credit

PLEASE NOTE: This schedule is subject to change based on faculty availability, student enrollment levels or other reasons beyond the control of the Law School.

TO: Fernand N. Dutile
Acting Dean

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

DATE: August 26, 1991

SUBJECT: Report on 1991 Summer Program

We had 106 students from fifty-three (53) law schools enrolled in the 1991 Notre Dame Summer London Law Program. Daily lectures in the following courses were offered from 1 July through 2 August (with examinations from 3 August through 7 August) at the Notre Dame Law Centre, located at 7 Albemarle Street, London W1X 3HF.

| <u>Professor</u> | <u>First Period</u> | <u>8:30-9:30 a.m.</u> |
|--|--|-----------------------|
| Moens | International Business Law (2 cr.) | 8:30-9:30 a.m. |
| Edge | Comparative Law (2 cr.) | 8:30-9:30 a.m. |
| Morse | English Legal System (2 cr.) | 8:30-9:30 a.m. |
| <u>Second Period</u> 9:35-11:40 a.m. | | |
| Smithburn | Evidence (4 cr.) | 9:35-11:35 a.m. |
| Drzemczewski | International Human Rights Law (2 cr.) (July 1-July 17) | 9:35-11:35 a.m. |
| Wooldridge | Common Market Law (2 cr.) | 9:35-10:35 a.m. |
| Galligan | Jurisprudence (2 cr.) | 10:40-11:40 a.m. |
| <u>Third Period</u> 11:45-1:15 p.m. | | |
| Slinn | Public International Law (3 cr.) | 11:45 a.m.-1:15 p.m. |
| Gane | International Criminal Law (2 cr.) | 11:45 a.m.-12:45 p.m. |
| Grazin/Henderson | Introduction to Soviet Legal System & Economy (3 cr.) | 11:45 a.m.-1:15 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-second annual summer program in London.

An obvious strength is the Law Centre building, containing five 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 1991 summer program, Professor Igor Grazin of Tartu State University and member of the Supreme Soviet, joined the faculty and taught Introduction to the Soviet Legal System and Economy.

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, presented by judges, barristers and solicitors, special presentations by members of the faculty and a cruise for students, faculty and staff on the 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.

Except for the six-weeks of summer in London, the program is administered from the home campus throughout the academic year. The good work of Marlou Hall, administrative secretary on the home campus, and Gillian Walker, program secretary in London, have contributed much to the success of our summer program.

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

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 LL.M. programs than for the summer program.

pc: Assoc. Dean Bauer
Assoc. Dean Jacobs
Assoc. Dean McLean
Asst. Dean Pratt

Notre Dame Law Review

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1991 ANNUAL REPORT

The Notre Dame Law Review is a student publication which reviews more than 500 unsolicited articles annually from legal scholars. The Law Review publishes five issues, including a symposium, of approximately 1,300 pages. The Law Review has more than 1,000 subscribers.

The 42-member staff not only edits the roughly two dozen articles selected for publication, but each member also writes a student note for the Law Review. Due to the pitfalls of being preempted by other scholars, typically only one-half of the students actually publish their notes.

In recent years, the Notre Dame Law Review has gained recognition as an up-and-coming publication. Three years ago, a nationwide survey ranked Notre Dame 28th on the basis of citations to its articles and notes. (65 Chi.-Kent L. Rev 165). The ability to garner references from other scholarly works is the industry standard for judging publications.

Since that survey, the Law Review has published some of the more influential scholars in their respective fields. For example, Volume 67 will feature an article co-authored by Judge Bruce Selya and Matthew Kipp on the Federal Sentencing Guidelines. The judicial opinions of Judge Selya, a First Circuit appellate judge, now guide the nation on applying these guidelines. His article in the Notre Dame Law Review is his first on the topic.

In keeping with the increasing esteem of the Law Review, this year's symposium will feature prominent scholars of dispute resolution. Professor Onora O'Neill, a philosopher at the University of Essex, England; Professor Jay Katz of Yale Law School; Professor Roger Fisher of Harvard Law School; and Anatoly Torkunov of Moscow State Institute of International Relations are among the first to agree to speak at the symposium this coming February.

The Joan B. Kroc Institute for International Peace Studies and the Center for Civil and Human Rights have agreed to sponsor the symposium with the Law Review. This venture will mark the first cooperative symposium for the peace institute. Professor John B. Attanasio, recently appointed peace institute director, chose to continue as Law Review faculty advisor while pursuing his new role at the institute. The 1992 symposium will be the second straight symposium co-sponsored with Rev. William Lewers, C.S.C., director of the Center for Civil and Human Rights. As with all the former symposia, the Law Review is

grateful for the financial support given by the administration.

One of the challenges of maintaining high publication standards is the annual 100 percent staff turnover. Each year the entire Editorial Board graduates and is replaced by the preceding class. The turnover is especially critical, since the Law Review sends camera-ready text to publisher. The desk-top publishing process demands that editors be knowledgeable about computers as well as grammar and syntax. The administration's commitment to the Law Review has allowed the staff to overcome these inherent obstacles. Last spring, we purchased the same powerful computer used by our printer in Atlanta. This purchase gave us the opportunity to edit and perform the typesetting commands that previously had to be done in Atlanta in an emergency.

As the Notre Dame Law School continues to gain recognition, so also does the Law Review. In some scholarly circles, and in the job market, the reputations of both go hand-in-hand. The Law Review gratefully acknowledges the support of the administration, and will continue to commit to the standard of excellence that befits the Notre Dame Law School.

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