1-1-1994

Notre Dame Lawyer - Academic Year 1994-95

Notre Dame Law School

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Ordinarily at this time of year, I would be sending a brief version of my annual report. However, since 1994 marks the 125th anniversary of the founding of this Law School, it seems more appropriate to give you a brief 150-year report — 125 years of history along with some insight as to where we are heading in the next 25 years.

Space does not permit me to recount in detail all of Notre Dame Law School’s long history; soon the Law School will publish a work through which all of us can delight in all of the features of our glorious past. Our history is indeed rich — we are the oldest Catholic law school and one of the oldest graduate-level professional law schools in the country.

In this letter, I simply will note a few important achievements. Over the years, we certainly have benefitted from and implemented some educational innovations. Notre Dame was one of the first schools to supplement the “case system” of study by introducing the “problem method” to the curriculum. We gave birth to the Natural Law Institute and the American Journal of Jurisprudence and were a moving force behind the Federal Rules of Appellate Procedure. We were one of only a select few locations chosen to test market the use of computers in legal research. Notre Dame was the first school to establish a campus abroad to teach a full year of international and comparative law to J.D. candidates; the Concannon Programme of International Law in London continues to be the pacesetter for law school study abroad programs.

As important as these innovations have been in our history, Notre Dame has gained respect as a teaching institution by sticking to basics. Our reputation continues to be that of a place with high teaching and learning standards, a “no-nonsense” curriculum with rigorous requirements and grading standards that have resisted the inflation temptation. It is no wonder that so often Notre Dame has been called one of the best teaching law schools in the country.

But the story of our success would be incomplete without an acknowledgement of those men and women who have given so much to make it possible. Those of you who are alumni of this place should reflect on the contributions by all of the great teachers who have had profound impacts on your careers. The names of these professors are too numerous to list here, but I would be remiss if I failed to mention the teaching and scholarship of Ed Murphy, who retired to emeritus status this year. While we will miss this dedicated scholar who had become one of the best “case method” analysts in the country, we will benefit from his legacy as a role model for present and future teachers at Notre Dame.

Although we are one of the oldest law schools in the country, we have had only eight deans. The length of their tenures has been a significant factor in maintaining quality and stability at Notre Dame. Those deans were greatly aided by associate and assistant deans and staff members who truly carried the spirit of the Notre Dame family. And finally, as we reflect on Notre Dame as a people-place, we need to recognize that we have been blessed by talented and hard-working students who have gone on to mirror the Law School’s excellence in their professional lives. The success of this place is largely written in the successes of its graduates.
In 1976, when it was clear that Notre Dame's reputation was as high as it could be as a teaching institution, a summit meeting was held at the Chicago Club to decide on where this Law School was to go next. At that meeting, Father Hesburgh, C.S.C., and then University Chairman of the Board, Edmund Stephan, agreed on the early part of a plan to move Notre Dame from the status of "a great teaching law school" to that of a "leadership school," a school that would help to lead others in the mission of improving the law, the legal profession and legal education. The Chicago Club meeting recognized that taking a leadership position meant building a research reputation as strong as that earned for teaching, and required that we find the appropriate leadership niche for Notre Dame teaching and scholarship.

We have pursued this "leadership school" ambition through two versions of strategic planning and, to date, have realized considerable success. While these plans have been quite detailed, the basic formula has been simple because we have found our niche. We want to be the law school that brings both reason and faith to bear on the analysis of law. We must be an example of why the study of moral values is important to the fullness of professional life. We want to reflect that the study of social justice and ethics is as important as the considerations of substance and procedure of the law. In short, our niche as a leadership institution is as a place specializing in the centrality of moral values in the study of law.

Notre Dame as a leadership institution is no longer a dream. We are accomplishing our goal. So what is there to do in the next 25 years? We must seize the day. We must lead well. Our plan is to intensify our efforts in fulfilling the mission that has been our guiding light for the past two decades. As you read our mission statement, I hope it is obvious that keeping a steady course in following it and its related goals will provide important leadership for the profession and for legal education.

Our progress has been no accident. We have had outstanding support from Father Malloy, C.S.C., Provost Tim O'Meara and other officers of the University. The Trustees, Advisory Council and Alumni Executive Board have played significant roles. There have been exemplary contributions from faculty, staff, students, alumni and other friends. In short, this has been a team effort.

Neither will our future be an accident. While both our present and future look very bright, please know that we cannot accomplish our goals without the support of our alumni and friends. As we prepare our third strategic plan, I hope you will join my enthusiasm for our future, because it is only through our mutual effort that we can ensure our continuing progress. There is much that you can do! We need your advice on the goals and objectives of a value-oriented legal education training lawyers for the beginning of the 21st century. Now more than ever we need you to help us recruit the best law-student talent. Also, we need you to become a member of our Career Services mentoring and networking systems. If you can find the time, return to Notre Dame and give a lecture to the students. Remember also that we can always use help in gathering the necessary resources for law school scholarships, library and other essentials which cannot be supported by tuition.

I thank all of you. This is a great law school, and I feel privileged to be here. It is an exceptional place for two very simple reasons — it is part of an excellent University and has always had an outstanding team of committed people — faculty, students, staff and supporters. On our 125th anniversary, let us all rejoice in our past and know that, through a continuing team effort, the best is yet to come.

Yours in Notre Dame,

David T. Link
The Joseph A. Matson Dean and Professor of Law
The Early Years of the Notre Dame Law School

Walter F. Pratt, Jr.
Associate Dean for Academic Affairs and Associate Professor of Law

The history of any institution is really the history of people. It is therefore fitting that the more recent history of the Law School be told through the stories of two people who have been such a vital part of the life of the school — Ed Murphy and Bill McLean. My contribution to this birthday issue of the alumni magazine focuses on the earlier years of the Law School — a time when people were no less important even though memories may have begun to fade.

The Law School was little more than a gleam in Father Sorin's eye when the State of Indiana granted the University a charter on January 15, 1844. The charter seems to have been the suggestion of John Defrees, the state senator from St. Joseph County, who doubtless saw in the University an opportunity for economic growth in his constituency. Father Sorin's diary lends a note of irony to Defrees' actions, coming as they did amidst the pervasive anti-Catholic sentiment of the time. After noting that Defrees was a Methodist, the diary entry continues, "in this case God was pleased to cause him to lay aside for once the prejudices of his sect and even his personal animosities, to make him useful to his country even in favoring his enemies. To the surprise of many and to the general rejoicing of the Catholics as well as to the vexation of their enemies."

Although the charter empowered the University to have a law school, that early ambition was not realized until December 1868, when the University announced that it would "offer a great boon to our future graduates, or others who intend to devote themselves to the study of law." The proposed two-year course would, if passed, qualify students for admission to the bar "in most, if not in all the States." The prospectus grandly announced that there would be three degrees available, LL.B., LL.M. and LL.D., though there was no information about the two higher degrees.

Classes began in February 1869, on the eve of the modern era of legal education in the United States. (The era dates from 1870, when Christopher Columbus Langdell became dean at Harvard Law School.) There was, however, little legal education in these early years at Notre Dame. The first three law degrees came in 1871; between 1871 and 1879 there were only 21 law graduates.

This article is taken from my current research for a history of the Law School. I have omitted footnotes because they seemed out of place in this magazine. I would be happy to provide citations for anyone who might be interested. Of course, interested readers can always wait for the book, to be published toward the end of the academic year.
Colonel Haynes instructs his Law School class, circa 1893.

Above right, the Law School's first dean was "Colonel" William Hoynes.

Most accounts agree that the law program really began in 1883 with the appointment of "Colonel" William Hoynes as dean. There is a special need for sensitivity about the differences between legal education then and now; for example, the description of the law course in 1886 is little more than what today would be printed in a commercial outline:

The duration of the regular course is from two to three years — two years for those who attend two lectures a day; and three years for those who attend but one. Each lecture lasts an hour. The first is delivered in the morning... and the other begins at 2:30 o'clock in the afternoon... these lectures are... so arranged and delivered that the youngest student cannot fail to understand them. They are prepared with special reference to brevity and clearness, and are free from the contradictory and repugnant dicta so commonly found in the text-books. They are delivered slowly enough to enable the student to write them down substantially as given. The practice of listening to and transcribing the notes tends to fix firmly and inseparable in the memory the definitions and principles they embody.

Haynes said that the system of teaching which he inaugurated was based on the lecture system from the University of Michigan. "It is a system," he said, "possessing undoubted merit for serious and attentive students, and I followed it in preparing lectures ample enough to serve as treatises on the more important branches of the law, both adjective and substantive. It was incidentally a source of economy to students, in that it obviated the purchase by them individually of books." Hoynes went on to identify another reason for the nature of his lectures: The law library was inadequate for research.

By the next fall, at least according to the Scholastic, the Law School had "taken rank among the very best law schools in the country." The measure of that success was that "[not one of his graduates during the past three or four years] has failed to pass a creditable examination for the Bar in any of the States." The author did not indicate which bar exams might have been discreditable.

Hoynes' significance to the early years of the Law School is evident in a letter one graduate wrote to Hoynes in 1902: The letter reported that mention of "Notre Dame's Law department is equivalent to saying Col. Hoynes." At the least, it is clear that the law program was becoming more important within the University.

According to one count, "the majority of bachelor's degrees granted during the regime of Father Morrissey (1893-1905) were in Law." At the turn of the century, over 70 students were studying in the Law School. Of course, not all of the students were necessarily the most diligent. There is a tradition that Law School was the rejuvination place for students from the other schools at the University. And, even as late as 1920, the Scholastic termed the Law School a haven for "all of athletic or oratorical turn of mind," surely not an entire compliment. Some graduates of the Law School had a different opinion. For example, Terence B. Cosgrove, from Danville, Illinois, wrote to Hoynes in 1907 to report that he had been one of only two students who earned summae honors in a graduate law course at Yale:

The courses at Yale, although in advance [sic] work following the case system, are practically the same as that you employ at Notre Dame, and I had absolutely no trouble in adapting myself to the mode of quizzing, which was precisely the same as yours and surely not more searching.
By the end of World War I the Law School was poised for growth, encouraged by the dedication of the “Hoynes College of Law” in 1919. In addition to a new law building, the year 1919 marked the beginning of considerable change for the University as a whole. Father James A. Burns became president of the University in that year, the first president to have a Ph.D. His background in education no doubt prompted him to respond positively to a number of suggestions for change. One of the changes was to organize the University into colleges, each with its own dean. The deans and elected professors made up the University Council, which revised the Law School curriculum in its first year of organization. In particular, the council approved a resolution from the law faculty asking that one year of college work be required for admission and that the regular course of law study be changed from four years to three. Although there were hints of an emerging autonomy for the Law School, the University itself continued to manage the bulk of the activities within the school. For example, in October 1920, the council approved new rules that would require quizzes every three weeks, with each quiz being required to meet a specific standard: “This shall consist of five (5) questions at least two of which shall be hypothetical cases of fact. These examinations shall be in lieu of the regular quarterly examinations.” Three months later the council allowed the law faculty to omit “one of the tri-weekly quizzes for the present semester.” By contrast to such detailed management, the council allowed the law faculty to determine whether a student should be allowed to enter without the credit for logic which was required of all Notre Dame undergraduates; and it left to the law faculty a decision about allowing a particularly accomplished student to graduate in three years, rather than four.

Burns may well have based some of the changes on a 1918 report from a member of the law faculty who later became dean, Judge Francis J. Vurpillat. Vurpillat offered six criticisms of the program as it then existed: (1) law should be a professional course, not an undergraduate one; (2) no law program could succeed without a head, who should be a lawyer and a member of the law faculty; (3) all work done in the law program should be uniform and under the supervision of a dean; (4) the system of grading based on accumulation of grades from individual courses was inadequate for a field such as law which required coherent knowledge of an entire body of material; (5) the facilities were inadequate; and (6) the Law School had failed in its application for admission to the Association of American Law Schools.

Vurpillat was dean for but a short time, until 1923. The University dismissed him, apparently on account of his repeated pleas for an honorary LL.M. degree as well as because of disputes over attendance in the Law School, by students and faculty.
The law Library serves as a resource for students and alumni. At right, Clarence Manion was selected dean of the law School from 1941 through 1952.

Thomas Konop followed Vurpillat into the dean's office late in 1923. Indeed, it is Konop who shepherded most of the accomplishments at the Law School during this period. The AALS accepted the Law School for membership in 1924; the ABA accredited the school a few years later. During that period, the Notre Dame Lawyer first appeared. The editors of the Scholastic were effusive in their praise of the inaugural issue:

*The Notre Dame Lawyer has made its initial appearance on the campus. It stands a living refutation of any charges of narrow knowledge so commonly preferred against law students. Though not so pretentious as the leading law reviews of the country, it is a readable, compact, legal publication. We cannot be too profuse in our congratulations to the staff and to the student body upon the quality of their journal.*

In 1931 the Law School moved into a new building, one which it continues to occupy. Then, in the 1940s the school found a distinctive voice in the Natural Law Institute. The leader of the movement promoting natural law was Clarence Manion, who had joined the law faculty in 1924. By 1937 he was appearing regularly with what seems to have been a stock speech praising the United States as "the only country in the world whose government is built upon the express declaration that God plants certain natural and inalienable rights into each human soul at the moment of its creation." Manion later declared that the Declaration of Independence was a much more important document than the Constitution. In 1941, following his selection as dean, Manion announced (in a speech at Columbia University) that the Declaration would "henceforth be the basis of law student instruction."

The Natural Law Institute held its first meeting in December 1947. In each of the following four years the institute sponsored a two-day program, attracting as many as 600 people. In 1951, the NLI included a coast-to-coast radio broadcast of a panel discussion by its speakers. The Notre Dame Lawyer was itself part of the increasing study of natural law, at least according to a column in the Scholastic. The Lawyer, the columnist said, allowed students to inject Catholic beliefs into a legal quarterly; it was distinguished from other law reviews because it considered morality and had a philosophy of natural law. The Natural Law Institute did not meet after 1951, but was replaced by a scholarly journal, The Natural Law Forum.

When Joseph O'Meara replaced Manion as dean in 1952, the Law School seemed to resume its emphasis on improving standards. O'Meara himself was quoted as declaring war on mediocrity:

*Father Heschburg has said: "Neither God nor man is well served by mediocrity." Excellence is our platform and we can be content with nothing less. This requires, on the part of the Law School, the highest of standards and, on the part of the students, sustained hard work. In no other way can our graduates be properly prepared for the great responsibilities that lie ahead.***

O'Meara's most fundamental change was the elimination of the elective system, which he said "involves many absurdities" such as not taking a class before 9:30." He further said that "the elective system coddles students by letting them pick easy courses or easy graders." He continued with the charge that the elective system was "at war with one of our obligations—namely, to train lawyers for responsible leadership. This means that our graduates must have a rounded and balanced legal education; and this, in turn, means that they must
have training in areas which many, if not all, left to
their own devices, would pass by."

With the elimination of electives came the intro-
duction of comprehensive examinations and a reduc-
tion of involvement in University activities by law students. A first-year student in 1958 explained:

"A very arduous undertaking awaits those who re-
spond to the calling, and at Notre Dame, in the
words of Dean O'Meara, "Excellence is our plat-
form, and we can be content with nothing else. This
requires, on the part of the Law School, the highest of
standards and, on the part of the students, sustained
hard work." So many of the functions of the Uni-
versity are therefore barred to us by the simple expedi-
cency of time economy. Moreover, by its nature, the
Law School has an end which differs in degree, and
probably in kind, from the University . . . The
Law School has perceived a basic difference between
its end and the sundry activities that are proper to
undergraduate life. The rituals of rallies designed to
induce Pep, the round potato tradition as enumerated
by Mr. Bowen, the intercollegiate golf tournament, or
nominations for "Who's Who" are probably import-
ant issues at the University; at the Law School they
are just as much banality.

O'Meara's first "Annual Report of the
Dean," reflected the mixed reaction one would
expect to such a dra-
matic program of re-
form. He reported
that "1953-54 was a
rough year, as I fore-
told it would be."

But, he continued,
"we made some
progress." He went
on to observe that the
student body had
poor morale during the 1953-54 academic
year. "There were a number of reasons for
this. In part it was simply mediocrity fighting
back against higher standards and harder
work." He had other, less favorable, comments
to make about the students. The senior class,
he reported, had been divided for no apparent
reason; the student law association had pro-
vided little leadership, and there had been "ex-
tensive cheating" in first two days of the Janu-
ary exams. O'Meara went on to generalize
about the latter problem:

"In this connection it seems to be widely accepted on
campus that dishonorable and dishonest conduct is
no more than a venal sin and can be indulged in
safely, unless one succeeds in stealing too much
money.

This venal-
sin (hyphen
in original)
will not
psychology
be tolerated in
the Law
School.

It is my
announced
policy not to
recommend
for gradua-
tion anyone who has proved his unfitness to be a
lawyer by dishonest or dishonorable conduct.

But O'Meara was not to be deterred from
his goal of improving the standards of the Law
School: "The examinations will continue to be
stiff, however, and it is to be expected that
there will be a substantial mortality. For one
thing I am sure: if everybody passes nobody
works." He had begun to require that appli-
cants take the LSAT effective with those enter-
ing in September 1954:

I am feeling my way with the LSAT and have
adopted a fairly low required minimum score,
namely, 350. In effect this means simply that I am
excluding only those whose score puts them in the
lowest 15 percent of all the students who have taken
the Test throughout the country in the last five years.
And even if a man drops below this minimum re-
quirement, I will still take him if he was in the
upper half of his college graduating class . . .

For the present I am using the Test only to
screen out those who seem plainly sub-marginal.

He further recommended the elimination
of the combination course which allowed stu-
At right, Notre Dame law students listen intently to their professor.

Edward J. Murphy taught every student in the Law School since 1957.

...dents to earn both a B.A. and an LL.B. in four years — he thought that undergraduates lacked the maturity essential for a professional school. He also recommended that the University no longer list the law school as one of the five undergraduate colleges; instead, the name should be "The College of Law.

O'Meara's second report as dean was slightly more heartening. There was, to be sure, a decline in enrollment, from 240 in September 1953 to 201 in September 1954, a change which he attributed to the demand for higher standards. The demands had caused a decline in morale among the students, especially the seniors, a considerable number of whom never fully accepted the new program with its higher standards and harder work. The other classes, however, had shown better morale.

O'Meara was not unhappy with a smaller enrollment, especially since he saw indications that the students were improving: "As I have said before, no law school can become great or continue great without a topnotch student body. The finest faculty ever assembled will produce indifferent results if the students are mediocre. The best of faculties needs the stimulation of keen, alert, diligent students. And the student body needs stimulation from its own ranks as well as from its instructors. In a great law school the faculty and the students are constantly infecting one another with enthusiasm and zeal."

But, if the school was to attract the caliber of students O'Meara sought, he explained that it must have scholarships.

O'Meara drew a direct correlation between the availability of scholarships and quality of student: "For the first time in its long history the Notre Dame Law School had some scholarships to offer in 1954-55. Scholarships were awarded to seven members of the class entering in September 1954. Had it not been for these scholarships, not a single one of those men would have studied law at Notre Dame. Of the top 10 percent of the class, all but one were scholarship students.

He reported that he had not yet reached a conclusion about the use of the LSAT; but he added that "we do not apply the same criteria of selection to Notre Dame graduates as to other applicants. Every applicant who has an undergraduate degree from Notre Dame will be accepted and given a chance to show that he has what it takes. This is an innovation, adopted recently in the interest of good public relations with the University's alumni."

As far as the faculty was concerned, O'Meara was obviously pleased with a new salary scale which would assist him in attracting "outstanding young men as they become available." He characterized the improved salaries in this way: "An event of the first magnitude in the history of the Notre Dame Law School was the adoption in the spring of 1955 of a new and realistic salary scale. We still cannot compete salary-wise with schools such as Harvard, Pennsylvania, Michigan. But the new scale is a viable one."

One of the "outstanding young men" that O'Meara attracted was a recent graduate of the University of Illinois Law School, Edward J. Murphy. Professor Rice's article therefore appropriately continues the story of the growth of the Law School at Notre Dame.
Professor Edward J. Murphy

Professor Edward Murphy is an extremely good-spirited man, jocular and humorous in the classroom and warm and receptive outside of it. He is universally respected for his teaching and universally liked for his pleasing personality. He is a very devout Catholic and devoted father. Notre Dame is very well blessed to have him here.

1975 Haynes Reporter

Charles E. Rice
Professor of Law

Professor Edward J. Murphy has earned his retirement. However, I hope to persuade him to make it only part time.

I initially encountered Ed Murphy during the Goldwater presidential campaign in 1964. I was then at Fordham and had delivered what, in my objective opinion, was a balanced and compassionate radio talk on the issues. Ed heard that program and wrote to say that he thought the presentation was caring, progressive and (I seem to recall) environmentally sensitive. As you know, we narrowly lost the Goldwater campaign. It was not until five years later that I had the pleasure of actually meeting Ed Murphy when I came to Notre Dame. One of the first things he said to me was, “You’re too liberal.” It was a first.

Professor Murphy has taught every student at Notre Dame Law School since 1957. We have all learned much from him, including the lesson he taught by example that we should do our work very well but should always keep the family in first place. We learned from him, too, that constructive change in the law and society is best achieved by organic development rather than by grandiose master plans.

Professor Murphy is known in professional circles primarily as the leading academic authority in the area of contracts. His students have appreciated his expertise as they passed bar exams and went on to practice. It is no reflection on Professor Murphy’s successors at Notre Dame to say that he is irreplaceable as a teacher of contract law.

It is not, however, with contracts that I want Ed Murphy to teach when he comes partially out of retirement. Less well known than his contracts achievements, but more significant, in my opinion, is the unique contribution Ed has made to Notre Dame and to his students in his teaching of jurisprudence. He sees
clearly that law involves the definition and acceptance of ultimates. He taught that it makes no sense to talk about law without affirming its source. And he reminded us that the ultimate source and measure of all law is God, who guides us to our end of eternal happiness through his natural law, which is knowable to reason, and through his explicit revelation which provides certain and true answers as communicated by the Church which is the body of Christ, who is God.

In his 1993 encyclical, Veritatis Splendor, Pope John Paul II said “there can be no freedom apart from or in opposition to the truth. . . Only by obedience to universal moral norms does man find full confirmation of his personal uniqueness and the possibility of authentic moral growth. . . . These norms in fact represent the unshakeable foundation and solid guarantee of a just and peaceful human coexistence, and hence of genuine democracy” (No. 96). The destructive separation of freedom from truth, said John Paul, “is the consequence, manifestation and consummation of another more serious and destructive dichotomy, that which separates faith from morality” (No. 88). This is practically a summary of Murphy on jurisprudence.

Professor Murphy’s teaching of jurisprudence was a living embodiment of those truths. In his essay, “The Sign of the Cross of Jurisprudence,” in the Notre Dame Law Review this year, Ed wrote:

Every class I have taught in the Notre Dame Law School has begun with the same action and the same words: I have made the ancient Sign of the Cross, while saying: “In the name of the Father, and of the Son, and of the Holy Spirit.” The Trinity is the central fact of all reality. There is nothing more basic than this. It is a fact of such overriding significance that everything else must be seen in relationship to it. By affirming the Trinity as we begin a law class, we make a fundamental jurisprudential statement. We acknowledge God as sovereign, and we pledge to model our work in the law upon what we know of His law-order. We cannot escape reality. According to God’s word, we obey and we are blessed; we disobey and we are cursed. His moral laws are just as objective as His physical laws. We may, of course, ignore a law of God or pretend that it does not exist. But we must still suffer the consequences of violation. It is, however, precisely this objective character that provides encouragement and hope. For the judgments are themselves therapeutic; they can have a healing effect. In whatever we do, let it be with confidence in the name of the Father, and of the Son, and of the Holy Spirit.

In his teaching of jurisprudence Professor Murphy uniquely integrated faith and morality with the law. What he taught is sorely needed by law students today, including those at Notre Dame.

As a parenthetical note, let me say that the most effective class I ever saw Ed Murphy give was not even in a classroom. It was on a September night in 1989 when he led a hundred of others in reciting the Rosary outside the Snite Museum in protest of, and reparation for, Notre Dame’s sponsorship of a public showing of The Last Temptation of Christ. Professor Murphy described that film as “a blasphemy of Christ” and its sponsorship by the University as an “outrage.” His witness, though quiet and dignified, was politically very incorrect. Very few joined him in it. Yet I am sure he would have gone out there all by himself, even if no one had followed his lead. He knew it was the right thing to do. That night he was a great teacher at his best, for those who were there and for those who would later reflect upon his witness.

Ed Murphy deserves his retirement, but I hope he gets the itch for a few encores. Professor Frank Booker, a worthy successor, has moved into Ed’s office. I know Frank would not mind if Ed were to hang his hat there occasionally while he teaches a jurisprudence class. I hope he will teach his regular course. Or he can take my class any time he wants for whatever he wants to say. And he can even grade the bluebooks.
Here have been many great legal minds since Moses received the 10 greatest laws. These legal minds have furthered — as well as hindered — humanity’s quest for eternal salvation. No one, in my experience, has shown a greater desire to apply and develop the law in an effort to assist all people in achieving this ultimate goal than Edward J. Murphy.

Subject matter comprehension and preparation are two of the most important underpinnings of great teaching. Certainly Ed Murphy mastered both long ago. But there are other essential characteristics of a great teacher, and Professor Murphy possesses them in great abundance. These essential attributes are difficult to isolate and identify when wrapped in such a complete pedagogical package. This package was Notre Dame’s gift to its first-year law students. Each entering class from 1957 to 1993 was made to feel as though it were about to embark upon the greatest of law school adventures imaginable, i.e., contracts. The man who could do this is possessed of a rare talent indeed.

For portions of five decades, Professor Murphy has provided his academic insight and challenging classroom banter in such a way as to force young (and not so young) malleable legal minds to think, reason and develop. Whether a student of Professor Murphy earned an A or a C, that student was well-prepared for life as an attorney. Contracts, not the most exciting legal subject, was made interesting and occasionally enjoyable by his great abilities and superior effort.

Professor Murphy also spent countless hours outside of class advising his students; he has always made time to help others. He exudes fairness and justice, humor and sensitivity, kindness and decisiveness such that students trust him with questions, trust him with self-doubts and trust him to help with personal problems. He is an insightful and most able counselor as well as teacher.

A benefit of living in South Bend, in addition to the idyllic climate, is the opportunity to continue my friendship with Ed Murphy, a friendship that started in the classroom. Through 30 years Ed has tolerated my unartful legal questions, half-baked theories, and anemic humor with the charm and grace he always exhibited in the classroom. Ed Murphy brings a reassuring meaning to the expression “What you see is what you get.” Outside of class he is the same splendid person we knew inside.

No one in the history of Notre Dame Law School has had a greater impact upon so many lives than Professor Murphy. Lawyers throughout the world, whether on the verge of retirement or on the threshold of beginning a practice, know of this great man. It is always with great fondness and affection that he continues to be remembered and discussed.

Thanks, Ed, for being a Notre Dame man and a friend.
Few have exhibited the steady commitment and unflagging devotion to the ideals of Notre Dame Law School that Captain William O. McLean has. As associate dean, he has presided over changes including a major expansion and renovation of the facilities, a marked and rapid increase in applicant numbers, and the acquisition of new computer technology throughout the Law School. Though he has a worthy successor in the new Assistant Dean Patricia Leonard, his presence and spirit will be missed.

Captain McLean holds a bachelor’s in school administration from the University of New Mexico, awarded in 1957, an M.S. in international affairs earned in 1969 at George Washington University, and a Notre Dame M.A. in education awarded in 1975. He came to Notre Dame after a distinguished 32-year career in the Navy, first as a Naval Science and later to become professor and associate dean at the Law School. During his military career he served as a staff officer at the SALT talks in Vienna and Helsinki; he also won the Legion of Merit — one of the nation’s highest awards for non-combat service.

The following reflections on Captain McLean and his tenure at the Law School describe his many achievements here at Notre Dame. Fortunately, he retains emeritus status and may still be seen around the Law School.

Some call him Bill, Dean or even Mr. McLean. But to most, Associate Dean William McLean remains the Captain. To be sure, the designation stems from his many years in a first career, that of United States Naval Officer. But his long service in the Law School gave the term an added dimension, an added emphasis, an added confirmation.

Captain’s tenure in the Law School, first as assistant dean and later as associate dean, encompassed virtually all of my 19 years as dean. Shortly after I became dean in June 1975, I approached the provost asking for some short-term administrative assistance. We had just lost an assistant dean and I had moved up from the associate dean slot, in addition our Law School administrator had resigned. The provost said he could spare Bill McLean who most recently had been in charge of the ROTC program on campus and was now working in the Financial Aid Office. But only for a few months.

So, the Captain joined us at the Law School in the fall of 1975 “on loan” for six months from Financial Aid. I was able to extend his “loan” status until the end of the academic year, and then, like the tool that is constantly borrowed by a neighbor, eventually Captain never returned!

Captain served as my personal accountant in budgetary matters: He could trace, usually from memory, the source and current allocation of any of the funds relating to the Law School. He oversaw our staff with skill and compassion. He served marvelously as the liaison for the Admissions Committee, our Coordinator of Admissions and me, over the years processing literally thousands of thick applicant files. He brought his quiet wisdom to hundreds

They Call Him “The Captain”: William O. McLean

David T. Link
Dean of the Law School
of meetings, formal and informal, in my office and elsewhere. He would often refer to the Law School as one of his naval vessels. “The sign of a good command is a happy ship,” he would say. Captain saw himself as responsible for ensuring that I ran a “happy ship.” That meant an attitude toward administration that focused on ministering to the needs of faculty, staff and students.

Whether providing the minutes for faculty meetings, choreographing the many elections to University and Law School committees, ensuring that our physical plant remained sparklingly beautiful, preparing the Commencement ceremonies, or even arranging for an extra shelf in a faculty office, the Captain’s hand was surely felt, though not always seen. And he did all this with a calm confidence. I suppose that a Navy pilot who once made an emergency landing of a burning jet with a nuclear device on board would remain undaunted by whatever passes for a crisis in the Law Building!

Perhaps in part as a result of his military service, the Captain respected the chain of command; he gave his views when asked — as be always was — and, whatever the ultimate decision, supported it as if it were his own. Captain’s greatest attribute was his undying loyalty both to the institution and to me personally. We often laughed at the thought that someone like myself, who reached only the rank of Lt. Commander, had a Captain as his Executive Officer. Despite his constant, pervasive impact on the place, he never claimed credit or avoided responsibility. He could make the hard decision and convey it forthrightly to those affected. Indeed, in a movie of the Captain’s life, I can imagine Henry Fonda in the title role: gentle but firm — a beacon of leadership, confidence and integrity.

The Captain loved our students. From his first glimpse of them in their application papers, through their graduation and beyond, Captain served as friend, mentor and even surrogate father. He rendered solid advice, emotional support and tireless effort. And the students loved him: They named an award after him and promptly designated him its first recipient!

Despite his steadfast devotion to the Law School, Captain was not married to his job — everyone knows that he is married only to Shirley, his one true love. Seeing Captain and Shirley at lunch in the University Club always reminds one of high-school sweethearts in the neighborhood soda shop. Their children, and their children’s children, remain to this day a crucial, dynamic force in their lives. Despite his studied reluctance to discuss his own outstanding accomplishments, he proudly shares with whoever will listen the progress and achievements of his progeny.

The McLeans’ lives abound with friendships, many dating from decades ago. Houseguests are a constant feature of their home. The glorious party that Captain and Shirley lovingly hosted each fall trumpeted the beginning of the new school year no less reliably than did Orientation. As family man and as friend, this tough military officer fears nothing — not even displays of warmth and affection.

Perhaps only one serious question remains — after a career in the Navy and another at Notre Dame, how does he deal with the Notre Dame-Navy football game? Even the Captain’s great wisdom found no way to protect fully these dual, but colliding loyalties. I hope he won’t mind my revealing that he cheers for the Irish but hopes the Navy will “keep it close.” Fair enough, Captain!

During my years as dean, I have been blessed with countless colleagues of great talent and service. I will offend none of them by noting that my most important appointment occurred when I designated Captain William McLean as assistant dean. (I took it as a tribute to that appointment when someone joked at a Law School Talent Show that a member of the faculty, pursuing some issue or other,
had gone over my head, right to Dean McLean). In many ways, his service has defined my term as dean. For that service, for his example, and for his friendship, I am deeply grateful. More important, the University of Notre Dame, and especially its Law School, have been immeasurably better places because of him. Thanks, Captain!

A Personal Reflection

Susan Toth '94
Notre Dame Law School

I will always have a particular affinity and affection for those men and women who have served their country in the military. This bias is not so much a result of my own experience as it is a recognition of the sacrifice some people are willing to make for their country. In my mind the person who most clearly demonstrates this willingness is Captain William McLean.

I first came to know the Captain when I was an applicant to Notre Dame. I had returned from the Persian Gulf a wait-listed student, with a husband applying as a transfer student. Both my husband and I pestered Captain McLean until he somehow got us both admitted. Thanks to his respect for the military, Chris and I are proud alumni.

Captain McLean was the guest speaker at the first Military Law Students Association’s Dining Out. During the evening, he reflected on his career in the United States Navy, a career that spanned the years from World War II until after Vietnam. The captain talked about why he had joined the services as a young man in 1944. He said that there was no other option. There was no Oxford or draft deferment. Young men joined because it was the right thing to do. Serving our country was not an imposition, rather it was an honor. That young man who walked into a Navy Recruiting office stayed to serve his country through two more wars and a cold peace. That young man became a member of the SALT negotiations team, trying to ensure the safety of his country. That young man became the helmsman of a great law school. That young man became an example of selflessness and honor for countless law students.

For those who heard the Captain speak that night it was a great lesson in history, and an account of the courage and integrity of a single sailor. The Captain reminded all of us why service is important. I may not ever be the sailor he was, but I know I will always try. If I can demonstrate half the integrity, honor, commitment and courage that is Captain McLean, I know I will have lived a successful life. In the words of an old Navy saying, “Fair winds and following seas,” skipper, you will be missed.
The Notre Dame Legal Aid Clinic

The Law School at Notre Dame was in place for a century when its students noticed that their incomplete learning might be useful to people who need lawyers but cannot afford them. The initiative came from students, prompted by notes and letters from inmates at the Indiana State Prison in Michigan City, some 40 miles to the west.

In 1965, four students, led by John Fine '67, began visiting these prisoners and helping them prepare habeas corpus petitions for the federal district court. As hearings on these petitions were scheduled by Judge Robert A. Grant '30, in South Bend, the students asked members of the faculty to accept appointment as uncompensated counsel. The understanding was that the students would do most of the work.

The following year, Tom Farrell '67, took over leadership of the group. A year later, the organization had a name, a faculty advisor, and the praise and approval of Dean Joseph O'Meara. The Notre Dame Legal Aid and Defender Association was led by Terry Kelly, Rich Hennessey and Ivan Bodensteiner, all '68, with Professor Tom Shaffer '61, as faculty advisor.

When Dean O'Meara retired in the summer of 1968, experience in legal aid at Notre Dame was beginning to have serious implications for students. Terry and Rich joined the first group of postgraduate fellows in the ambitious and prestigious Reginald Heber Smith program in poverty law at Georgetown University. Both men went into practice in legal aid—Terry in Oregon and Colorado and Rich in Colorado.

Ivan became a nationally recognized law-reform lawyer, working out of legal-aid offices in Fort Wayne, Indianapolis and Honolulu. He later joined the Valparaiso law faculty, set up a legal-aid clinic there, and was law dean from 1983 to 1990. His daughter, Julie Bodensteiner Douglas, a legal-aid intern and team leader, will graduate from the Notre Dame Law School this spring.

The program deepened and spread in the next 20 years, under the direction of Professors Conrad Kellenberg, who was faculty advisor from 1970 to 1981, Frank Booker (1981-82, 1989-90), and Tom Broden '49 (1982-89) — all three of whom took regular teaching loads and worked with L.A.D.A. students, whether or not they were advisors.

Professor Kellenberg, along with Professors Charles Crutchfield and Joseph Bauer, expanded student representation to the Federal Court of Appeals in Chicago. Professor Booker led students into legal-aid offices in two counties in Michigan and established a clinical program on the Law School's London campus when he was London program director in 1973 and 1974. Professor Broden represented clients out of his office in the Urban Studies Institute on campus and enlisted students from the association for law-reform cases involving treatment of prisoners and kids in Indiana's juvenile justice system.

By this time, Notre Dame law students were a regular presence in the courts in South Bend and Southern Michigan, as their faculty directors secured federal and philanthropic support to cover the expenses of representation. Through their work in the association, several young Notre Dame lawyers now make their homes in northern Indiana and in Cass County, Michigan. One of them, Mike Dodge '69, is now Circuit Judge in Cass County.

Legal Aid Clinic Receives Cord Foundation Grant

The Notre Dame Legal Aid Clinic recently received a $25,000 grant from the E.L. Cord Foundation to establish a children's advocacy clinic. Tom Ford '40, one of the directors of the Cord Foundation, is a member of the Law School's advisory council. Over the past 32 years, the Cord Foundation, a private foundation which operates out of Reno, Nevada, has demonstrated a commitment to supporting both higher education and youth services organizations. By means of this gift to the clinic, both of the foundation's aims are being served.

With the Cord Foundation grant, the clinic is able to expand its existing program and to train students in the area of children's rights. Representing children has become a rapidly growing area of practice for the clinic in recent times. Many of the children encountered in the clinical practice are disabled and need representation on a variety of levels — obtaining disability benefits, receiving appropriate medical care and having an appropriate individualized educational plan worked out for them, to name but a few. In representing children it has become apparent that both an interdisciplinary approach to the representation and special training of students...
A new generation of faculty leadership came to the program in 1990, when Dean David T. Link decided to increase University support for student-provided legal aid and to bring it into the mainstream of Notre Dame legal education. The Law School hired two lawyers to devote their professional time to turning the program into a modern law office. The Notre Dame Legal Aid and Defender Association became the Notre Dame Legal Aid Clinic.

The new teachers, co-directors of the clinic, were experienced lawyers from large-firm practices — Professor Eileen Doran '86, from Milwaukee, and Professor Barbara Gasperetti, a Pepperdine law graduate, from firms in Los Angeles and Tulsa. They were young mothers as well as lawyers and have given the clinic a youthful, feminine presence that is rare in Notre Dame's academic programs. Linda Harrington, moved from a career on the secretarial staff to become the clinic's office manager in 1992. A majority of students in the clinic are now women, as are most of the clinic's clients.

If you count each of the 43 law students who works there, the clinic is now the largest law firm in northern Indiana. It has its own off-campus office, at 725 Howard Street in South Bend (across the street from Pandora's Books and just to the west of where Frankie's Bar, later the Library, used to be).

Three Hoosier lawyers — Eileen, Barbara and Tom Shaller — are full-time, year-round supervisors in the clinic. Three other lawyers supervise cases on a part-time basis — Christine Venter, '92LL.M., a South African lawyer who is a candidate for one of Notre Dame's first research doctoral degrees in law; Bill Hooy, an Iowa trial lawyer who came to Notre Dame as a graduate student in government in 1993; and Franklin (Steve) Morse '67, who volunteers in the clinic now that he is retiring from his trial practice in South Bend.

These members of the clinic faculty also teach an array of courses in the regular law-school curriculum — including legal ethics, elder law, children's rights, immigration law, comparative law and alternative dispute resolution.

The clinic's primary mission is education. Students are trained in skills and substantive law in their case work and in classroom sessions led by the clinic faculty and by lawyers and judges from South Bend. They earn as much as six degree credits and four co-curricular credits in the clinic, as they work, year-round, on some 200 open cases (about 400 cases per year).

Clinic interns practice under the Indiana student-practice rule, which allows them to represent clients in court. They do initial interviews of people who come to the clinic for help, and decide in firm meetings which cases to take.

As it did in the 1960s, the clinic prepares students for full-time legal-aid work. Two recent alumni, Judy Fox '93, and Teresa Kozick '94, are now full-time lawyers in the Berrien County, Michigan, legal services program.

The clinic offers hands-on education in the general practice of law. Its alumni go, as most Notre Dame lawyers have, into general-practice law firms. Unusual legal work — such things as representation of immigrants seeking refugee status in the United States, or claims for crime-victim compensation — is part of the agenda at the clinic. But on most work days, the interns counseled clients, draft estate planning documents, untangle real-property messes, negotiate settlements in civil cases, file and pursue motions and petitions, and represent their clients in judicial and administrative hearings.

Education is the primary purpose, but the clinic is also evidence of Notre Dame's growing commitment to its neighbors and to those thousands of people whom Jesus and Moses told Jews and Christians to prefer.
Leonard Named Assistant Dean

Patricia C. Leonard '75 has been named assistant dean at the Law School. She replaces Associate Dean William O. McLean, who retired last January. Dean Leonard joins the Law School after nearly 20 years with Society Corporation, the parent company of Society Bank in Cleveland, Ohio. During the course of her career with Society, Dean Leonard served in the corporation's law department, its retail banking group and as legal counsel and corporate secretary in its Columbus, Ohio, affiliate. Most recently, she acted as vice president and manager in the organization's information technology and operations group, with responsibility for myriad personnel training and administrative functions.

Dean Leonard brings to the position an extensive legal and administrative background that surely will enhance the existing administrative structure of the Law School. Although her duties will be many and various, she will be responsible generally for the financial and administrative affairs of the Law School.

When asked her thoughts on returning to the Law School, Dean Leonard responded, "It feels like coming home. The warm reception that I received from the Law School faculty and staff proves that the concept of the Notre Dame family is alive and well."

Reflecting on her new responsibilities, Dean Leonard said, "I look forward to making a significant contribution to the general well-being of the faculty, students and staff of the Law School. As the Law School moves into its next 125 years, its prospects are excellent. I am excited about working to enhance the school's national reputation while affirming its mission to produce lawyers dedicated to public service."

There is a little known fact about Dean Leonard that now appears to have been a fore-shadowing of things to come: She was considered for the position of Assistant Dean 20 years ago! "I took an occupational interest test while I was in law school, and I scored equally high in both law and academic administration. As a result, Dean Link and I discussed the possibility of my joining his administrative team immediately after I graduated. I was up against some pretty stiff competition for the position, and I had other career plans lined up with Society, so I figured that I'd wait it out and apply again when the next opportunity occurred. Little did I know the stiff competition would turn out to be Dean McLean and that I would have to wait nearly two decades to take another stab at the job!"

We welcome Dean Leonard to the Law School family and wish her well in her new career!

Legal Ethics Conference

For years, the Notre Dame Alumni Association has sponsored a weekend for Notre Dame alumni physicians to discuss tough medical ethics issues. Delighted with the success of these conferences, the Alumni Association approached the Law School in 1987 and suggested that Notre Dame sponsor a similar conference for lawyers. Dean Link jumped at the chance and in the summer of 1988, the Law School and the Alumni Association teamed up to sponsor the first of the six Legal Ethics Conferences that we have held since that time.

The conferences involve a half dozen members of our law faculty and a couple of outside experts and 25 to 30 practicing attorneys. A Notre Dame faculty member or one of the outside experts leads the discussion. This facilitator's task is to remind the conferences of...
the case or article that they have read in preparation for that session, then to lead them in a discussion of the issues raised by the case or article. In all of this the Model Code and the Model Rules are relevant, but they are not dispositive of the issues raised. Our goal is to get beyond what the codes and rules require to address some of the underlying moral disquiet that so many lawyers feel as they go about their work. Perhaps a brief account of some of the issues addressed in recent conferences will help to concretize these abstractions.

The opening session of our first conference was devoted to a discussion of Professor Tom Shaffer’s book, *Faith and the Professions*. Rev. Edward A. Malloy’s keynote address noted how poorly all of the professions, the priesthood included, have gone about policing miscreants within their ranks. Later conferences have addressed issues of aggressive representation; setting reasonable fees; identifying the client in corporate work; working for social justice; institutionalizing lawyers’ *pro bono* obligation; exploiting procedural rules for dubious ends; prosecuting suspected child abusers; representing troublesome clients in divorce and custody cases; and issues specific to such fields as probate work and insurance law. Theologians, philosophers, and counseling psychologists have graced our sessions, all of them bringing their specialized expertise to bear on our deliberations. Feasts and liturgies have been part of each conference, helping to create and to maintain a spirit of collegiality and seriousness in our collective deliberations.

Although they offer continuing legal education (CLE) credits, our legal ethics conferences are designed to be different from mainstream CLE classes. We do not rehash the shopworn dilemmas that are the stuff of too many ethics sessions, and we sedulously avoid the minimalism that kills the lawyer’s spirit. Instead, we ask our conferees to reflect on the fit between what they aspire to be as humans and what they do as lawyers. We ask them to think about how well the ethical imperatives of professionalism mesh with the ethics they live day to day. We ask them to attend to whatever tension might exist between how their professional consciousness justifies such things as fee structure or litigation tactics and how they would assess these phenomena if they were guided by their own most basic normative beliefs. We do all of this with a certain sense of urgency, conscious as we are that the soul of the profession, not to mention its popular image, is in peril these days. If either the profession’s soul or its image is to be saved, we lawyers must take action to bring our own professional lives into line with our considered moral judgments — no mean task.

**CLEO Program at Notre Dame**

Notre Dame Law School served as the sponsor for the 1994 Midwestern Summer Institute of the Council on Legal Education Opportunity (CLEO). The other five summer institutes were held at the Universities of Idaho and Utah, Samford University, Wake Forest University and Dickinson School of Law. Funded through a grant from the U.S. Department of Education, the CLEO program for over 25 years has enabled low-income students, particularly minorities, to compete successfully in law school despite lower than average GPA and LSAT predictors of law school success. The program provides six weeks of intensive training in a mini law school, placement services to ensure admission to law school and scholarship assistance through the three years of law school.

Twenty-six college graduates participated in Notre Dame’s Summer Institute, which was held from June 13 through July 22, 1994. The students, all of whom reside in the Midwest, were selected from a pool of 90 applicants by a committee of Notre Dame faculty and students. Rarely do all fellows finish the program, but this summer at Notre Dame all 26 students completed it successfully and were certified as

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**NDLS Alumna Named to Board of Trustees**

Diane Lewis ’82, a partner in the West Palm Beach, Florida, office of Gay, Ramsey & Lewis, PA., has been appointed to the Notre Dame Board of Trustees. Ms. Lewis graduated from Notre Dame with a B.S. in 1974 and continued her studies at Florida Atlantic University where she obtained a M.Ed. in 1976. She returned to Notre Dame and graduated from the Law School in 1985. Ms. Lewis is a member of the Guild of Catholic Lawyers and several professional societies including the American Academy of Hospital Attorneys, the American Society of Law and Medicine, and the National Health Lawyers Association. She has been a member of the Law School Advisory Council for five years.
CLEO fellows. This certification makes each student eligible to receive a $6000 scholarship during each year of law school.

Notre Dame assembled faculty and teaching assistants from around the country for the summer institute. The curriculum included courses in Intentional Torts with Professor Martha Davis of the University of South Dakota Law School, Criminal Procedure with Professor George Cox of the University of Missouri, Columbia, Law School, and Legal Writing and Analysis with Professors Patricia Johnson of John Jay College of Criminal Justice and James Pierre of the Southern University Law Center. In addition, the CLEO students worked closely with teaching assistants, who are second- and third-year law students from Notre Dame Law School, Drake University Law School, the University of Kansas Law School, the University of Missouri, Columbia, Law School, the University of Nebraska Law School, Valparaiso University Law School, and Washburn University Law School.

During the six weeks, classes met daily. Traditional law school classes were supplemented by special sessions on word processing and the use of LEXIS and Westlaw. Students were graded on midterm and final exams and on the legal memoranda and briefs that they had drafted. The culmination of the program was a trip to Baker & McKenzie's offices in Chicago and an awards ceremony in the Law School courtroom, at which students received their certificates from Cleo Washington, a South Bend City Councilman and former CLEO Fellow.

Special thanks for the success of Notre Dame's Summer Institute go to Professor Sabrina A. McCarthy, who served as the institute director; Assistant Dean Janis Johnston, who coordinated the program finances; Marsha Foulks, a second-year law student who served as a teaching assistant; Professor Dwight King, who coordinated library services for the program; Karen Woods, a third-year law student who provided research instruction to the CLEO students; Rosie Kincaid, who taught the CLEO students word processing skills; Tina Jankowski, who provided administrative services for the program; and Professors Carmela Kinslow, Trai Le, William McLean, Lucy Payne and Christine Venter, who served on the committee which selected the CLEO students.

Admissions Continues the Tradition of Excellence

Each student contributes significantly to the colorful blend of experiences which help form the spirit of this entering class. The students are exemplars of that special combination of leadership, service to others, and intellectual acuity which marks Notre Dame Law School graduates. Their recent efforts included working for Special Olympics, raising eight children, missionary work, ministering to battered and homeless women, leading multicultural affairs committees and events, serving in the Peace Corps and in military roles.

Garvey Joins Faculty

Renowned legal scholar John H. Garvey recently joined the NDLS faculty. Professor Garvey graduated from Notre Dame cum laude in 1970. He then attended Harvard Divinity School for a year before enrolling at Harvard Law School where he was graduated cum laude in 1974.

Professor Garvey began his professional career as a law clerk to the Hon. Irving R. Kaufman, Chief Judge of the U.S. Court of Appeals, Second Circuit. Following his clerkship, he joined the San Francisco office of Morrison & Foerster. In 1976 he was appointed to the faculty at the University of Kentucky College of Law and was named the Wendell Caerry Professor of Law from 1986 to 1990 and the Ashland Professor of Law in 1990.

Professor Garvey is renowned for his scholarly work in the area of constitutional law and religion with numerous publications to his credit including Garvey and Aleinikoff, Modern Constitutional Theory (West Publishing 3d ed., 1994) and Garvey and Schauer, The First Amendment (West Publishing, 1992). He will be teaching several courses including Constitutional Law, First Amendment, Legislation, and an advanced seminar course entitled "Freedom in American Law."
service, and interning in state and federal government.

Many thanks go out to the numerous alumni who assisted the Admissions Office in attracting one of the strongest entering classes in recent years. Alumni are called upon to assist the Admissions Office in many ways including representing the Law School at student recruiting fairs and contacting admitted students to discuss personally the advantages of attending Notre Dame Law School.

A few of the many alumni who have assisted the Admissions Office by attending recruiting fairs in their regions include, Tom Hartzell '86, Rochester, New York; Al Avila '80, Florida regions; Leslie Sudbury-Haydel '91, North Carolina, Chapel Hill; Todd Nelson '88, University of Washington; Brian E. Bates '86, Boulder, Colorado; and Maureen Dowd '85, University of Arizona.

If you are interested in assisting the Admissions Office and did not receive the recent survey calling for volunteers from Dean Link, please contact the NDLA/Career Services Office at 219-631-7542 or the Admissions Office at 219-631-6626.

**Visitors**

Robert M. Berry joins the Law School as a visiting professor from Drake University Law School in Des Moines, Iowa. Professor Berry graduated from Swarthmore College in Pennsylvania and then attended the University of Wisconsin Law School where she graduated as a member of the Order of the Coif in 1982.

Professor Berry served as a legislative attorney for the State of Wisconsin and also as an associate with the Wisconsin firm of Whyte & Hirschboeck in their Madison office. Professor Berry has been with Drake Law School since 1996 where she teaches Contracts, Health Law and Policy, and Insurance Law. While at NDLS, Professor Berry will be responsible for teaching both sections of Contracts in the first-year curriculum.

Mary del Rey Gillmarten comes to the Law School as a visitor under an exchange program with the Internal Revenue Service. Professor Gillmarten graduated from Notre Dame in 1979 and Georgetown University Law Center in 1982. She worked for several years in private practice with the Alexandria, Virginia, firm of Hart, Nugent & Ahearn before joining the IRS in 1984.

For the past five years, Professor Gillmarten has served as a staff attorney in the Office of Associate Chief Counsel (International) providing technical advice on foreign tax issues. She will be teaching several advanced tax seminars during her year at the Law School.

**News From Abroad**

The world from across the Atlantic is that the London program of studies is as strong as ever. Established in 1968, the London law program is the only year-long program of its kind in the country. The program provides an opportunity for nearly 30 second-year students and a number of LLM candidates to spend the year studying in England under the tutelage of both English and American legal scholars. Although the curriculum in London changes with the needs and interests of the students, some 50 hours of credit are generally available and a student may elect to follow a regular, second-year course of study. For example, participants might enroll in standards American courses such as Business Associations, Property II, Commercial Transactions, or Evidence, though in most classes a comparative law element from one or more foreign systems is frequently added to the base of the American law. International and comparative law electives such as Public International Law, Common Market Law, and International Regulation of Trade and Business constitute half of the curriculum.

London program students can enhance their international experience by participating in a number of internship opportunities. Professor Karen Miller, director of the London Program, reports that "all students who wanted a placement [in London] obtained one." Students found positions with U.S. law firms, U.K. law firms, larger practices, sole practitioners, barristers, corporations and public interest agencies. A sample listing of employers offering internships includes PepsiCo; Amnesty International; the British American Chamber of Commerce; Skadden, Arps, Slate, Meagher & Flom; The American Church in London; and The European Bank.

Professor Miller notes, "For the students who are able to take part in the London program, it is a valuable and enriching experience. The total impact of the program with its English faculty, its mix of foreign students, its non-American world view, its opportunity to travel widely and its provision of internships in unique legal environments, provides our London students with an educational experience that cannot be duplicated in the United States." Professor Miller concludes, "The program gives them a legal and cultural background which helps them to assume with ease professional obligations that contemplate a smaller, more interactive world."
Career Services Making Strides Despite the Odds

We all have read the headlines and heard the horror stories — the legal job market is not what it used to be. Students are finding the job of finding a job much more time consuming. Law students must recognize that employees are placing special emphasis on criteria such as specialty areas, geographic ties to the community and client development capabilities. Additionally, with the changing profile of entering law classes — more students choose law school as an option during poor economic times — the emphasis on self-assessment and long-range career planning is increasing. Employers are enjoying a bountiful crop of entry level and lateral attorneys from which to choose; therefore students must learn about the market and needs of the individual employers and distinguish themselves from the thousands of other candidates vying for positions. In order to help them do this, the Career Services staff is giving additional attention to one-on-one counseling, small group programming and marketing the Law School.

The hard work appears to be paying off. The most recent graduating class boasts numbers fast approaching 80 percent placement and we have yet to reach the “six months after graduation” mark for statistical purposes. With other schools around the country reporting numbers half that, we are certainly pleased with the progress being made.

Although NDLS enjoys a strong placement record, it does not come easily. Most students find they are spending more time on the job search. No longer can students rely on the on-campus interviewing season for an offer. On average, only 30 percent of the class indicates their job offers resulted from on-campus interviews. Instead, students must embark on a comprehensive approach to the job search that includes on-campus interviewing, direct mailings, referrals and networking. The focus of the career services office, then, is on providing as many resources as possible to ensure that the students are prepared to face the challenges of the tight legal market.

One of our most valuable resources is our alumni. Many alumni have convinced their hiring committees to visit Notre Dame Law School for an on-campus interview. This year, the Law School enjoyed a 13 percent increase in the number of employers visiting the campus. This increase was due in large measure to our faithful alumni. Additionally, several alumni keep in contact with the career services office by sending topical articles and advertisements out of their local bar magazines, or making calls to the office as they hear about an opening.

For example, Joe Treanor BA '80 L '83, a major in the United States Air Force, drove non-stop (at his own expense) from Wyoming last year to interview students interested in the JAG Corps. This year Joe planned a similar trip, but from Buffalo, New York. Harold Moore '80, at the dean’s request that alumni from New York consider Notre Dame students, flew down to South Bend for a day of interviewing. He was “extremely impressed” by the caliber of student he found here. Also helping to expand opportunities in New York City for students this year were Kathleen Comfrey '76 at Shearman & Sterling, Stephen Wink '91 of Cleary, Gottlieb, Steen & Hamilton, and Domenique Camacho '93 at Clifton, Budd & DeMaria. Even undergraduate alumni are getting involved — a Pennsylvania lawyer who is an NDLS alumnus has begun a new firm in order to hire only NDLS graduates.

Returning
Professor Emeritus John Broderick has returned to the Law School after a sojourn in North Carolina. Professor Broderick served on the NDLS faculty from 1947 to 1976. Upon his retirement in 1976, Professor Broderick moved to North Carolina where he served as associate dean and professor at the law school at Campbell University until 1986.

We welcome all our new, visiting and returning faculty to the Notre Dame family.
Are you looking for a new position? Do you have an opening for an ND lawyer?

The Career Services Office publishes a monthly newsletter, The NDLS Job Link featuring entry level and experienced attorney positions available throughout the country. If you would like to either advertise in or subscribe to the Job Link, contact the Career Services Office at 219-631-7542 or fax your advertisement to 219-631-6371. You can be assured that your advertisement will be seen by many highly qualified ND lawyers! This service is offered free of charge to any Notre Dame graduate.

With yet another year of relatively little growth in the legal market on the horizon, the Law School is embarking on an aggressive campaign to ensure that our students and graduates are using marketing in such a way as to distinguish themselves from the masses of applicants seeking positions.

Overwhelming Response to Dean’s Call for Help

The Law School has received an overwhelming response to Dean Link’s letter to alumni asking for assistance as network contacts or alumni mentors for the office. Eight hundred offers to help have poured in thus far, and more are coming.

Researchers indicate that over 70 percent of new legal positions are secured through networking. Knowing this, and also recognizing that Notre Dame alumni are renowned for their active involvement in the life of the school, Career Services, with the continued support of the NDLA and the Dean’s Office, have set out to build one of the largest organized alumni networking/mentoring programs in the country.

Participating in the NDLS Network/Mentor program allows an alumnus to contribute one of his or her most valuable resources — time — to a student. With yet another year of relatively little growth in the legal market on the horizon, the Law School is embarking on an aggressive campaign to ensure that our students and graduates are using marketing in such a way as to distinguish themselves from the masses of applicants seeking positions.

Program participants will be asked to assist students in a broad range of activities and to provide the students with a personal perspective on a particular practice area or geographic location. We have students interested in all areas of the country as well as abroad and in aspects of both law and non-law-related careers. Already, volunteers have included partners, associates, general counsel, public interest attorneys, real estate brokers, accountants, CEOs, public defenders, judges and prosecuting attorneys, to name a few. Any help you can give as a personal contact will be of great benefit to students and recent graduates seeking to enter the profession.

Carl Eiberger BS ’52, L ’54 has been working as a network contact in the Denver area for several years. Denver’s legal market, like many others around the country, has tightened to the point where local contacts are vital for any entry into the market. Carl has assisted several students over the years by calling upon his classmates and other professional colleagues to “keep their eyes and ears open” on behalf of an NDLS student. Additionally, Carl will send topical articles from the local bar journal or share war stories with the Career Services Office that can better prepare the students for the tough journey ahead.

If you are interested in participating in the program and did not receive a mailing from the Law School, please contact the Career Services Office at 219-631-7542.
NDLS Students Enjoy Enriching Summer Experiences

Notre Dame lawyers usually find that those dog days of law school, with all of their attendant anxieties and alarms, pay fine rewards. Many of our current students discovered just that this summer as they spent their first few months in law offices and public agencies around the country, learning what they can do with the schooling they have had. What follows are some profiles of students' summer positions. These four were selected for their interest and variety; there are many more students whose work also would merit mention if space permitted.

Carrie DiSanto '96 landed a plum position for any law student, let alone a first-year. Working as a summer associate in the litigation department of the world's largest law firm, Baker & McKenzie, she fast gained valuable experience in the art of lawyering. When not drafting motions, briefs and memos, she learned from courtroom observation and from informal lecture series which the firm sponsors for its summer clerks. "The cases that I worked on were mostly tort actions or commercial disputes, with a few assignments that involve business fraud or disputes with a criminal angle," Carrie writes.

But her work was not confined to commercial law, rather it included "some firm development and pro bono assignments," such as representing an indigent woman through the Chicago Volunteer Legal Services. The ubiquitous health care issue also permeated Carrie's office in downtown Chicago; she contributed to a "project that eventually will become a handbook on alternative dispute resolution in the health care setting."

Carrie said she "thoroughly enjoyed the summer experience." Besides the abundant practical knowledge and experience acquired, she said, "I also had the opportunity to see, in some places, how our legal system fails, or could use improvement in its day-to-day workings... while some legal arguments are theoretically sound, they just are not effective in the real practice of law."

Second-year student Elizabeth Rhea's work forcefully impressed upon her the same lesson, particularly regarding the law's failure to protect the unborn. At the suggestion of Professor Charles Rice, Elizabeth applied for and secured a two-month clerkship with the not-for-profit American Center for Law and Justice, a public interest law firm and educational organization in Virginia Beach, Virginia, which "engages in litigation, renders advice and counsel to clients and supports other attorneys who are defending the religious and civil liberties of Americans." There she was given both theoretical instruction and practical experience, ranging from morning seminars on the First Amendment to research and writing assignments on constitutional issues with the staff attorneys.

Elizabeth was effusive in her praise of this summer experience. "This clerkship was an incredible opportunity for me to learn more about the tremendous struggles in the legal field... I chose to attend Notre Dame Law School because I wanted to learn the law in a traditional Catholic environment. I sincerely believe that my professional career should reflect my private convictions. Millions of abortions are taking place each year, and religious and moral values are practically excluded from our society; I want to use my legal skills to join the fight for the life of the unborn and the preservation of the family." Her summer clerkship was a good start.

Back on the home front, so to speak, Rob Hestin '95, worked for the small South Bend litigation firm of Konopa & Murphy in an atmosphere quite different from that of his fellow students. The firm gave Rob extensive research and writing responsibilities, and he even conducted his own trial in small claims court (with supervision, he assures us). No content
with success on the courtroom floor, Rob also participated in the National Institute for Trial Advocacy's (NITA) Teachers Training Program as a student attorney with his firm's sponsorship. "I acquired valuable experience during the two days by actually performing as if I were trying a case and then hearing the critiques of the attorneys who were training to be NITA instructors."

Rob had high praise both for his experience at the firm and for his bosses, Bob Konopa '67 and Mike Murphy '79. Perhaps the only nonorthodox or unsettling thing about his summer position, Rob said, was that he stole it from the grasp of a classmate — and good friend — who had told him of the opening. It seems that other student had interviewed for the position before Rob and was the chosen candidate until Rob sent in a late resume and was called for an interview. Fortunately, the other student had taken a very desirable position at a U.S. Attorney's Office, and was able to take the whole thing with good grace. The friendship has not suffered.

Mark Cole '96, did not abscond with a classmate's job — he stole his from a European Community student! The firm in Ireland with which he spent the second half of his summer, McCann-Fitzgerald, is the second largest in Ireland and had restricted its summer program to students from member nations of the European Community — until meeting Mark, that is. Mark asserts that he obtained his job in "typical Notre Dame fashion." After receiving curt rejection notices such as: "Mr. Cole, unemployment is exceptionally high in Ireland, and many of our own young solicitors are unable to find suitable employment," Mark hit upon McCann-Fitzgerald. The administrator of the summer program there, Mark wrote, is an American woman "who happens to be a huge Notre Dame fan. She was delighted that an ND student was interested, and gave me the position, gladly it seemed. I worked with EC law students on EC law."

Mark's first summer position was equally interesting. For two months he acted as research assistant to Dr. David Tomkin, founder of the Irish Legal Research Fund. Dr. Tomkin is writing a book on Irish medical law, and Mark's job was to research "the American side of the issues he covered, including the laws on euthanasia, medical negligence and informed consent, among others." Mark writes, "My boss was very surprised at the extent of my knowledge . . . this is not a self-aggrandizing statement because I am sure that any of my first-year colleagues would have had the same grasp of the material. It is good to know that what we did in our first year of law school actually has some relevance to a real-life situation."

All success in Ireland is particularly good news to Mark, who is engaged to marry an Irish lady. He summarized the achievements of his summer in the following manner: "First, I was surprisingly well-prepared to help a professor write a book. We also published an article, to which my contribution was nothing more than discussions of stuff everyone learns during the first year. Second, I did get a great place with a foreign firm as its first American associate ever, entirely because of ND's worldwide popularity." And perhaps the luck of the Irish.
Russell T. Alba '80 has been named a partner in the Tampa, Fla., office of Foley & Lardner. Formerly a partner in the Tampa firm of Annis, Mitchell, Alba will practice in Foley's new corporate securities and finance department.

Mary Ambrose-Gerak '87 is a partner with Kenneth B. Drost in practice in Hoffman Estates, Ill. She is also staff counsel of New Era Funding Corp. and is in her sixth year as a member of the adjunct faculty at Loyola Law School.

Brian E. Bates '86 has formed a law firm specializing in business law, estate planning and administration, transactional and corporate matters. The new firm is Antone, Bates, Bernard, Haenel, P.C., and is located in Denver, Colo.

Cecelia Baty '82 has been promoted to group counsel with the legal department of Butler Manufacturing Company in Kansas City, Mo.

Ann E. Bennington '89 has joined the law firm of Hahn Loeser & Parks in Columbus, Ohio.

Lisa Galante Blackburn '93 has joined the law firm of Saul, Ewing, Remick & Saul in Philadelphia, Pa., as an associate in their litigation department.

Michael Brenton '76, president of the Lansing, Mich., law firm of Murphy, Brenton & Spagnuolo, P.C., has been elected vice chairperson of the workers' compensation law section of the State Bar of Michigan.

Kathleen K. Brickley '82 has become a partner at Barnes & Thornburg, South Bend, Ind.

Thomas J. Burger '86 has been named a partner at Wood, Herron & Evans, Cincinnati, Ohio.

Jack Bycraft has joined Barnes & Thornburg in their new Chicago branch office.

Angella Castille '88, formerly with Warrick, Weaver & Boyt in Elkhart, Ind., has joined the law firm of Baker & Daniels in their new Elkhart office.

August G. Cifelli '81 has become a shareholder at Lee, Smart, Cook, Marini & Patterson, P.S., Inc., in Seattle, Wash.

Lewis J. Conwell '89, formerly with McWhirter, Grandoff & Reeves in Tampa, Fla., has joined Rudnick & Wolfe's Tampa office. He will continue to practice in the areas of transactions, general corporate and commercial litigation with an emphasis on construction and health care law.

John J. Coyle '68 has been elected to a two-year term on the board of trustees of the New Jersey State Bar Association. He continues his general practice concentrating in personal injury, civil litigation, municipal and criminal law.

Michael L. Dever '84 has been named a shareholder at Buchanan Ingersoll, Pittsburgh, Pa.

Michael C. Donovan '78, formerly a partner at Ware & Freidenrich, Palo Alto, Calif., has joined the San Jose office of Hopkins & Carley as a partner in their environmental practice group.


Bernardo M. Garcia '91 announces the formation of Garcia & Verdeci, P.A., in Phoenix, Ariz. His firm practices in both trial and appellate areas with emphasis in criminal defense, personal injury, medical malpractice, environmental law, toxic torts and general commercial litigation.
Lucinda Kil Gillis '89, formerly with Jones, Obenshain, Ford, Pankow, Lewis & Woods, has left the firm to establish her own private law office in South Bend, Ind. Also a registered nurse, she will continue to practice primarily in the areas of health care and medical law, insurance, workers' compensation, personal injury, real estate, wills, trusts, estates and family law.

Mary Elizabeth Halloran '93, formerly with Hugh J. McCarthy & Associates, has left that firm along with five other attorneys to form Collins P Whitfield & Associates in Chicago, Ill. The firm practices primarily in the area of labor and employment law.

Ronald J. Hein, Jr. '75, formerly at Wildman, Harrold, Allen & Dixon, has joined with 12 partners from Chicago firms to form Franczek Sullivan Man Cremenl Hein Pelias, P.C. The firm's practice is dedicated to representing management in all aspects of labor and employment law in both the private and public sectors.

John P. Horan '77, a partner in the Orlando, Fla., office of Foley & Lardner, was recently given the Award of Excellence by the Legal Aid Society of the Orange County Bar Association for his many years of volunteer service as a guardian ad litem for dependent children.

Vincent R. Johnson '78, professor of law at St. Mary's University Law School, San Antonio, Tex., has been appointed by the Chief Justice as a member of the Judicial Fellows Commission for 1993-94.

Thomas E. Lange '86 has been elected to partnership in the Tampa, Fla., office of Foley & Lardner. He practices in the areas of securities offerings and merger and acquisition transactions.

Edward E. Lehman '86 is a partner and founding member of The Long An Law Firm in Beijing, China. The firm is the largest privately owned law firm in China, and its attorneys are licensed to practice law in China as well as the United States. The firm performs a wide range of legal services, including banking and finance, establishing international businesses, litigation, arbitration and family law.

Thomas D. Lupo '85 has been named a partner with Cofield Ungaretti & Harris, Chicago, Ill. He practices with their environmental law group.

Patrick Martin has joined Vlcko, Lane, Payne & Broder, P.C., Bingham Farms, Mich., and will continue to practice in areas including complex business, products liability and arbitration.

Laurie Murphy '88, an associate with the Grand Rapids, Mich., law firm of Miller, Johnson, Snell & Cummiskey, was named the 1994 "Quotarian of the Year" for her outstanding contributions to the community through Quota Club. Quota Club in an international service organization of local professionals and executives dedicated to serving the local and global communities with an emphasis on helping the deaf and hard of hearing.

Beth Schneider Naylor '86 has been named a partner at the Cincinnati-based law firm of Frost & Jacobs. Her practice is concentrated in commercial, tort and insurance litigation.

Linda S. Ross '78 has been named a partner at the Detroit, Mich., office of Honigman, Miller, Schwartz and Cohn.

Patrick A. Salvi '78 was elected president of the Illinois Trial Lawyers Association and will serve in such capacity throughout 1994. He heads a six attorney firm in Waukegan, Ill., concentrating on catastrophic personal injury cases.

Gerard K. Sandweg, Jr. '67 was recently named president of the board of directors for the American Lung Association of Eastern Missouri. He is currently a partner in the St. Louis, Mo., law firm of Thompson & Mitchell.

Gregory K. Thoreson '86 has been named a partner at Semmes, Bowen &
Semmes, Baltimore, Md. He is a member of the banking practice group and specializes in regulatory issues and transactional matters related to financial institutions.

In Memoriam

Glenn A. Blake '37 died on May 11, 1994, in Naples, Fla.

Thomas B. Brennan '49 died on May 19, 1994, in Houston, Tex.


Robert E. Dowd, Sr. '41 died on February 12, 1994, in Cleveland, Ohio.

Francis Dunn '37 died on September 22, 1994.

Robert E. Dowd, Jr. '75 died of cancer. He was in charge of international legal operations at the Kellogg Corporation in Battle Creek, Mich.

John P. Pretrzko '61 died on January 7, 1994, in Simsbury, Conn.

Louis J. Nitti '52 died on May 17, 1994, in West Long Branch, N.J.

Harry W. O'Boyle '27 died on May 5, 1994, in Deerfield, Ill.

Edward F. O'Malley '32 died on February 16, 1994, in Belleville, Ill.

James Perno '75 died of cancer. He was described as "one of the finest trial lawyers in the country" by the Minneapolis Star & Tribune.

Please pray for the deceased and their families.
Notre Dame is a Catholic law school dedicated to the integration of reason and faith in the study of law and committed to developing Judeo-Christian principles within systems of jurisprudence. Therefore, Notre Dame Law School's mission is:

To be an outstanding teaching law school, continuing to prepare professionals who have both competence and compassion, who are committed to championing the cause of justice and whose decisions are guided by the ethical values and morality which Notre Dame represents.

Through faculty research and scholarship and institutional projects, to be a leader among institutions making contributions to the development of the law, the system of justice, the legal profession and legal education, concentrating on the important qualities of the Notre Dame moral value system.

Through service along with teaching and scholarship, to sensitize students, faculty and other members of the University community to societal problems and the potential for legal institutions and lawyers to bring about peace by working for justice.

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Notre Dame Lawyer was designed and copy edited by Publications and Graphic Services for the Notre Dame Law School.

Academic year 1994-95