NDLS Update 12/2001

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Merry Christmas!!

Best wishes for a Merry Christmas and a Happy New Year! University and Law School offices will be closed from December 24, 2001, through January 1, 2002.

New Area Code for ND and South Bend

Effective January 1, 2002, the new area code for Notre Dame and the rest of north-central Indiana will be 574. Both the 219 and 574 area codes will work through June 2002, but after June, only the 574 area code will work. Please update your records accordingly.

Stephen Smith Tackles Religious Freedom in New Book


New Classes for Spring Semester Focus on Criminal Justice

Donald Schmid ’82, Assistant U.S. Attorney and for the Northern District of Indiana, Ian Axford Fellow in Public Policy with the U.S. Department of Justice and a new adjunct assistant professor of law at NDLS, will offer a course on “Restorative Justice: A New Paradigm in Criminal Justice Policy” in the spring 2002 semester. The two-credit course will survey criminal-justice policy in the 19th and 20th centuries, then address the advent in the 1990s of restorative
justice as a new paradigm in criminal-justice policy. As Don explains, "Restorative justice has been hailed for giving crime victims a powerful voice, for rebuilding communities, for emphasizing offender accountability and for more effectively reintegrating offenders into society." The course will also examine restorative-justice programs around the world in countries such as New Zealand, Australia and Canada, as well as across Europe and in the U.S.

* * *

Douglas Cassel, a visiting scholar in the Center for Civil & Human Rights, director of the Center for International Human Rights and Associate Professor of Law at Northwestern University Law School, will teach a course on "International Criminal Justice" in the spring 2002 semester. The course will review the current international-law standards on what constitute war crimes and crimes against humanity, and the emerging principles that create an affirmative obligation to punish such crimes. The course will include a survey of attempts by the international community to put an end to the cycle of impunity that frequently surrounds mass atrocities. The course also includes an in-depth view of the procedures applied and the jurisprudence generated by the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, as well as an analysis of their most important cases. The course will also address the 1998 Rome Statute for an International Criminal Court and the U.S. position on the ICC. It also includes a discussion of the renewed possibility of extra-territorial prosecution under the principles of universal jurisdiction, particularly after the decision of the British Law Lords in Ex Parte Pinochet. The course will also cover jurisdictional and procedural issues, especially with regard to the fair-trial rights of defendants and to the protection of victims and witnesses.

Faculty Notes

Bob Blakey represented Canada in a suit against R.J. Reynolds Tobacco Company in the U.S. Court of Appeals for the Second Circuit. The case involved RICO charges brought by the attorney general of Canada against a number of U.S. tobacco manufacturers, alleging that the companies smuggled cigarettes into Canada to avoid paying taxes. The court voted 2-1 to dismiss the case, however, citing a centuries-old, common-law principle that bars foreign governments from using American courts to enforce foreign tax laws. Michael Gurdak '84, '87J.D., of the Washington, D.C., office of Jones, Day, Reavis & Pogue, represented R.J. Reynolds in the case. The text of the opinion can be found at No. 00-7972 (2d Cir., Oct. 12, 2001).

In an article titled Circuit Revives RICO Claims in Hiring Aliens in the November 26, 2001, edition of the NEW YORK LAW JOURNAL, Bob commented on a decision by the Second Circuit to reinstate a RICO case between two cleaning companies over the alleged illegal hiring of undocumented workers. One cleaning company alleged that a competitor engaged in a pattern of hiring undocumented workers to reduce its costs and thereby helping it to underbid competitors, including the plaintiff. The district court found that the plaintiff did not have standing to sue because it did not demonstrate proximate harm. Commenting on the appellate court's decision to reinstate the case, Bob noted that the decision was significant because the court has "now told people who are competitively injured by the abuse of the immigration system that they have a remedy under RICO." Courts have been hostile to such competitive-injury claims in the past, but in 1996 Congress expanded RICO to include immigration-related crimes.

Rick Garnett published A Quiet Faith? Taxes, Politics, and the Privatization of Religion in volume 42 of the BOSTON COLLEGE LAW REVIEW. He also co-authored an amicus brief on behalf of the Becket Fund for Religious Liberty in Zelman v. Simmons-Harris, a school-choice case currently before the United States Supreme Court.

John Nagle led a discussion on the current national debate regarding the regulation of arsenic in drinking water at a meeting of the NDLS Environmental Law Society on November 14.

Garth Meintjes and Jay Tidmarsh participated in a discussion on "Civil and Human Rights" as part of the "Week of Peace and War Education" sponsored by the University in mid-November.

Bob Rodes gave a colloquium on "Medieval English Secular Legal Materials" to the University's Medieval Institute on October 16, 2001.

Barbara Szweda spoke on current judicial decisions in asylum cases at the Asylum Conference sponsored by the American Immigration Lawyers Association in Chicago on October 19-20.


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Tom Shaffer reports that Hon. Leslie G. Foschio, a U.S. Magistrate in Buffalo, New York, suffered a heart attack and underwent surgery in May, but is recovering well from that ordeal and from cancer, and has returned to his duties on the bench. Judge Foschio taught law at NDLS and served as assistant dean from 1968 through 1975.

Hon. Sanford M. Brook, former adjunct associate professor of law and currently a member of the Indiana Court of Appeals, has been elected to a three-year term as chief judge of that court. He is also currently teaching at Indiana University School of Law - Indianapolis.

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We have terrific news to report about Barbara Link, wife of NDLS Dean Emeritus David T. Link. After a doctor’s visit in early December, she was officially determined to be in remission from the ovarian cancer she has been fighting for more than three years. We wish her all the best!

We also extend our condolences and prayers to Professor John C. Nagle and his family on the death of his mother, Patricia Campbell Nagle, Saturday, December 1, 2001, in Glen Ellyn, Illinois. Visitation was on December 6 and funeral services on December 7 in Glen Ellyn. Condolences may be sent to John and his family at 16810 Rockridge Court, Granger, Indiana.

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NDLS welcomes Jody Klontz, senior staff assistant supporting the offices of Associate Dean Vincent D. Rougeau and Director of Administration Cathy Roemer. She will also have responsibility for two student journals – the *Journal of Legislation* and the *Notre Dame Journal of Law, Ethics and Public Policy*. Jody, who began work at the Law School on November 19th, most recently worked for the Mirkin Law Offices in South Bend and brings a great deal of talent and energy to NDLS. Welcome, Jody!

Congratulations to Susan Good, technology support consultant/analyst at the Law School’s Technology Department, who celebrates 15 years of service with the University in January. Susan, who earned her B.B.A. in Accounting from the University in 1985, joined the Law School staff in August 1998 from the University’s First-Year of Studies Office. Included among her many technology-related responsibilities is the design and maintenance of the Law School’s web page. Congratulations, Susan!

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The NDLS Environmental Law Society welcomed Professor Murray Borrello and Dr. Ed Lorenz of Alma College on November 26th for a presentation on “Community Action, the SuperFund and Remediation.” Professors Borrello and Lorenz were instrumental in SuperFund designations at a chemical plant and oil refinery on the Pine River in Central Michigan, memorialized in the 1981 movie, “Bitter Harvest.” In their presentation, they discussed their involvement in the Community Action Group that worked with the government and industry to develop a remediation plan for the area. They also addressed the challenges the group continues to...
The Women’s Legal Forum and the Public Interest Law Forum co-sponsored a discussion on November 29 featuring Peter Tomas-Morgan 98J.D., 99LL.M., currently an attorney with Northern Indiana Legal Services in South Bend. He talked about his work with domestic-violence victims, working in a public-interest job and balancing his career and family.

The Women’s Legal Forum hosted a panel discussion on December 4 titled “Gender Trials.” Members of the NDLS community who participated spoke about the professional and personal experiences of women in the legal profession. Included in the panel were NDLS faculty members Tricia Bellia, Lisa Casey, Nicole Garnett, Lucy Payne and Terry Phelps, along with Director of Student Services Julia Meister.

In Memoriam

Richard Irwin Gagnon 50J.D. of Delray Beach, Florida, and formerly of South Bend, Indiana, passed away in his home on Sunday, November 11, 2001, at the age of 81 after a long illness. Mr. Gagnon served as a Lieutenant in the U.S. Navy and as Captain of a PT boat in World War II in the South Pacific. After earning his bachelor’s degree in philosophy from the University of Wisconsin and his J.D. from Notre Dame, Mr. Gagnon served on the boards of directors for more than 20 corporations nationwide. He worked for Sollitt Construction Company, Inc., in South Bend for 39 years and retired in 1985 after serving the company as president from 1974 to 1980 and vice chair of the board from 1980 to 1985. He also served as a director of the former National Bank and Trust Company of South Bend, past-president of the Committee of 100 of South Bend and Mishawaka, president of Industrial Land-Leasing Corporation, vice president of the Sollitt Foundation, Inc., and as a 22-year trustee for St. Anthony Catholic Church in South Bend.

After retiring from the construction business and moving to Florida, Mr. Gagnon became a licensed realtor with John P. O’Grady, Inc., and an arbitrator and mediator with the American Arbitration Association. Mr. Gagnon was preceded in death by his first wife, Gwen Sollitt Gagnon, in 1982. He is survived by his wife Mary Ellan Parrish Gagnon of Delray Beach, a son, two daughters, a step daughter, and 13 grandchildren. Memorial contributions may be made to Hospice by the Sea, 1531 West Palmetto Park Road, Boca Raton, FL 33486 or to the American Cancer Society. Condolences may be directed to Mrs. Gagnon at Apartment 205-N, 200 MacFarlane Drive, Delray Beach, FL 33483.

John Edmund Burke 41, 48J.D. of Sioux Falls, South Dakota, passed away in mid-November 2001. He is survived by his widow, Janice Burke. Condolences may be sent to Mrs. Burke at 4400 Tomar Road, Sioux Falls, SD 57105.

William J. Schmitz 54, 56J.D. of Monroe, Wisconsin, passed away on October 1, 2001, at the age of 69. He is survived by his widow, Marybeth Schmitz. Condolences may be sent to Mrs. Schmitz at 1117 - 21st Street, Monroe, WI 53566.

Carlos M. Cancel 93J.D. of Alexandria, Virginia, passed away on December 2, 2001, after a battle with brain cancer. Carlos earned a B.A. from Goshen College in 1985, an M.B.A. from Pennsylvania State University in 1990, and a J.D. from NDLS in 1993. Services were held on Thursday, December 6, in Alexandria, and burial will be in Puerto Rico at a later date. Until further notice, condolences may be sent to his family at his apartment in Alexandria: Apt. 612A, 2801 Park Center Drive, Alexandria, VA 22302.
Marriages

Edward E. McNally '82J.D. married Monique Martin on December 1, 2001, in Old St. Patrick’s Church in Chicago, Illinois. Ed had been a partner at Altheimer & Gray in Chicago until his appointment earlier this fall as senior associate counsel to President George W. Bush and as general counsel of the new federal Office of Homeland Security. Monique works at Klein Art Works, which specializes in contemporary art.

Paul P. Poth '94J.D. married Kristen Palma on November 10, 2001, at Martha’s Vineyard, Massachusetts. Paul is an associate at Mintz, Levin, Cohn, Ferris, Glovsky & Popeo in Boston, and Kristen is the manager of an urban youth development program for the Massachusetts Attorney General’s Office in Boston.

Todd Grice '95J.D. married Wendy Weber on July 14, 2001, in Indianapolis, Indiana. Todd is assistant general counsel at NIIBCO Industries in Elkhart, Indiana, and Wendy is an elementary school teacher at St. Joseph’s School.

Chris Kukla '97J.D. married Lisa Underwood on August 11, 2001, in Parkersburg, West Virginia. Chris and Lisa met when they both worked on Capitol Hill. Lisa’s father, an ordained minister, officiated at the wedding.


New Additions

Joe Jennings ’89J.D. and his wife Regina announce the birth of Katherine Margaret, May 8, 2001, in Newport Beach, California.

Mike Luzum ’89J.D. and his wife Barbara announce the birth of Annemarie Drexler, July 2, 2001, in St. Paul, Minnesota.

Patricia McLaughlin ’90J.D. and her husband Michael announce the birth of Maggie, June 1, 2001, in Dumont, New Jersey.

Carol Reed-Chan ’90J.D. and Stephen Y. Chan ’90J.D. announce the birth of Sarah in April 2001, in San Diego, California.

Patrick Christmas ’95J.D. and Sheryl Klemme Christmas ’96J.D. announce the birth of Kevin Patrick, July 5, 2001, in Ft. Lauderdale, Florida.

Thomas P. Conaghan ’92, ’95J.D. and his wife Stephanie announce the birth of Chloe Monica, March 3, 2001, in Washington, DC.

Ali Qazilbash ’97LL.M. and his wife Novera announce the birth of their daughter, Zohreh, November 4, 2001, in South Bend, Indiana.

Brian Hurt ’99J.D. and his wife Jennifer announce the birth of Anna Marie, June 4, 2001, in Dallas, Texas.

1950s

Robert P. Mone ’59J.D., a partner with Thompson, Hine & Flory in Columbus, Ohio, was honored in by the Ohio Rural Energy Cooperative and Buckeye Power, Inc., for which he is general counsel. The utility companies named their newest power plant after him, and commissioned a gold-plated coin to commemorate the event.

1970s

Patrick T. Duerr ’72, ’76J.D., a partner at Honigman Miller Schwartz and Cohn in Detroit, Michigan, has been elected a new trustee of Walsh College in Troy, Michigan. Mr. Duerr’s practice includes providing counsel to public and private business clients, and he focuses on debt and equity offerings, multi-disciplined corporate restructurings, mergers and acquisitions, and divestitures. He is also a trustee of the Barbara Ann Karmanos Cancer Institute and is active in other community, civic and religious organizations.

Nelson J. Vogel Jr. ’71J.D. has been elected managing partner of the South Bend Office of Barnes & Thornburg, and has been re-elected to the firm’s management committee and elected to serve as vice chair of the firm.

1980s

Class of 1986 - take note: Don Passenger ’86J.D. has volunteered to coordinate the class notes column for Notre Dame magazine. He may be reached by phone at (616) 632-5678, by fax at (616) 632-5681 or by e-mail at dpasseng@iserv.net.

Megan Bovee ’88J.D., formerly with Spitler & Williams-Young in Toledo, Ohio, has joined Roose and Birmingham in Oberlin, Ohio, where her practice focuses on Social Security disability law.
Paul F. Carlson ’88J.D., formerly with Brunswick, Keefe & Deer in Blue Island, Illinois, has opened his own practice in Wadena, Minnesota.

John R. Heitkamp Jr. ’81 M.M.S., ’85J.D., formerly with Reinhart, Boerner, VanDeuren, Norris & Rieshbach, S.C., in Milwaukee, Wisconsin, has joined Fortis Health, also in Milwaukee, as vice president and senior counsel for regulatory affairs.

Karen Keltz ’85J.D., formerly with McCauley MacDonald Devin & Huddleston, P.C., in Dallas, Texas, has joined Shannon, Gracey, Ratliff & Miller, L.L.P., also in Dallas.

Mark A. McLean ’87J.D., formerly with Arter & Hadden in Woodland Hills, California, has joined Fulbright and Jaworski, L.L.P., as a partner in the firm’s Los Angeles, California, office, where he heads the office’s expanding labor and employment practice.

Kathleen Moriarty ’80J.D., a partner with Carter, Ledyard & Milburn in New York, New York, has been honored by Exchange-Traded Funds Report for her significant role in the development of the exchange-traded funds (ETF) market, particularly, for the detailed legal work she did to gain regulatory exemptions needed to list and trade ETFs, as well as for developing the documentation required for creating new products. Kathleen focuses her practice on securities law and financial products.

Lt. Commander Edward J. Sheeran ’85, ’88J.D. is the officer-in-charge of the U.S. Army’s Northern Law Center in Belgium.

**1990s**


Karin Gunther ’95J.D. has been elected partner at Tonkin Torp in Portland, Oregon, where she focuses her practice on employment and other litigation.

Douglas H. Liedberg ’92J.D., formerly in-house counsel of the Dana Corporation in Toledo, Ohio, has returned to Sonnenschein, Nath & Rosenthal in Kansas City, Missouri, where he has been elected partner. He practices in the firm’s Corporate Group, primarily in the areas of corporate and securities, mergers and acquisitions, and corporate finance.

Kevin Maloney ’94J.D., formerly Ada County (Idaho) prosecuting attorney, has joined Givens Pursley, L.L.P., also in Boise.

Steven R. Malynn ’96J.D., formerly with Calfee, Halter and Griswold in Cleveland, Ohio, has joined Cleveland-based Kohrman Jackson & Krantz, P.L.L., as an associate in the firm’s litigation practice, where he will focus his practice on corporate law. Steven is also a Lieutenant Colonel in the U.S. Marine Corps Reserve.

Omar Muñoz ’99J.D., ’01M.B.A. reports that he finished his M.B.A. in finance in May 2001 at the University. After returning to California, he passed the July administration of the bar exam and, in August, joined the Los Angeles office of KPMG, L.L.P.

David Nozick ’96J.D./M.A. is with the State Attorney’s Office in Key West, Florida.

Cary Reeves ’95J.D., formerly assistant patent counsel at Bristol-Myers Squibb in Warsaw, Indiana, has joined Medtronic Sofamor Danek in Memphis, Tennessee, as senior patent counsel.

Brendan Rielly ’96J.D., with Jensen Baird Gardner Henry in Portland, Maine, was elected councilor for Portland’s Ward 2 in November. He defeated the incumbent by a vote of 457 to 381. According to the PORTLAND HERALD, Brendan ran on a platform that included working to diversify the tax base so that property taxes play a less prominent role in generating revenues.

Amy Ritter ’97J.D., formerly with Pederson & Houpt in Chicago, Illinois, has joined the Chicago office of Chapman and Cutler.

Mike Schrenk ’87, ’95J.D. has been named a partner in the Seattle, Washington, office of Cozen & O’Connor.

Jean Seidler ’99J.D. has completed her clerkship with Hon. C.C. Bridgewater of the Court of Appeals of the State of Washington and
has joined Ryan, Swanson & Cleveland in Seattle.

Jack Vales ’94, ’97 J.D. has joined Riker, Danzig, Scherer, Hyland & Perretti, L.L.P., in Morristown, New Jersey, as an associate in the firm’s litigation department.

Julie Vales ’97 J.D. has joined Cuyler Burk in Parsippany, New Jersey, as an associate in the firm’s litigation department.

Paul Weis ’95 J.D. has moved to the Washington, D.C., office of Deloitte & Touche, where he works with the firm’s national tax practice. He had been in the firm’s Cincinnati, Ohio, office.

2000 and 2001

Rachel Friend Bradley ’00 J.D. has completed her clerkship with Hon. Charles R. Wilson ’76, ’79 J.D. of the U.S. Court of Appeals for the 11th Circuit in Tampa, Florida, and has joined the South Bend office of Barnes & Thornburg as an associate in the firm’s labor and employment department.

Stephanie Gumm ’00 J.D., formerly with Goldberg & Simpson in Louisville, Kentucky, has joined Sommer & Barnard, P.C., in Indianapolis, Indiana.

Student Notes

Congratulations to Tony Fehrenbacher, a 3L from Evansville, Indiana, who received the Indiana Lawyers Alliance Scholarship for 2001-02. Each year, the IJA, the auxiliary of the Indiana State Bar Association, awards a total of $1000 in scholarship funds to students at two of Indiana’s four law schools. NDLS shared this year’s award with a student from the Valparaiso University School of Law. Tony received the award on the basis of his academic achievement as well as his desire to practice law in the state after graduation.

Third-year law student Christopher Zorich ’91 was honored by Armani Exchange in Chicago as one of Chicago’s “10 to Watch” – a salute to 10 of the “hippest and hottest Chicagoans” in celebration of Armani Exchange’s 10th anniversary. He was honored for the work of his Christopher Zorich Foundation, which provides food, hope and education for Chicago’s less fortunate, sponsors scholarships and food-delivery programs, and assists women in shelters and children in youth homes and orphanages.

The Law School’s team in this year’s Graduate Football League, ”Vanilla Thunda,” made it all the way to the final game in Notre Dame Stadium on Sunday, November 18, 2001, but emerged from the contest as runners-up to the more-experienced MBA team by a score of 13-0. Team members included 1Ls Lou Canfield, of Whitehall, Michigan, Geoff Ciereck of Syracuse, New York, Jonathan Gonzales of Beaverton, Oregon, Chris Kubiak of Midland, Michigan, Scott Leaman ’98 of Wyckoff, New Jersey, Ken Perry of Orland Park, Illinois, Joe Reimer of Colleyville, Texas, Andy Villier ’01 of Charlotte, North Carolina, and Bart Walker of South Bend, along with Martin Ingelsby ’01, a student in the University’s Executive M.B.A. program and former Irish basketball team member, and Byron Levkulich ’01, a first-year student in the University’s M.B.A. program.

To Submit Information to the Update

Please contact Cathy Pieronek, Director of Law School Relations:

phone 574-631-6891
fax 574-631-9299
e-mail pieronek.1@nd.edu - or - lawalum@nd.edu

Don’t forget to keep up on NDLS events through the Law School’s web site, www.law.nd.edu.
Class listservs have been developed for a number of classes at the request of the respective class secretaries. Members of the NDLS Classes of 1958, 1969, 1975, 1983, 1985, 1986, 1987, 1990, 1991, 1993, 1995, 1999 and 2001, as well as alumni from the Center for Civil and Human Rights and the London Programme, who wish to join these new listservs but who have not yet received notification that they have been added should contact the Law School Relations Office by e-mail as listed above and provide a current e-mail address.

Calendar of Events

January 2002

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