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NDLS Update 01/2001

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NDLS Update

News from the Notre Dame Law School

More Election 2000 Updates

In response to the article that appeared in the November edition of this publication, more alumni have since notified us of their successful elections around the country. Congratulations to Patricia O'Brien Cotter '77J.D., who was elected as an associate justice of the Montana Supreme Court for a term that began on January 2, 2001.

NDLS Alumna Appointed to Bench

Congratulations to Hon. Barbara Scheper '85J.D., who was appointed to the Los Angeles County (California) Superior Court Bench, by Governor Gray Davis early in January. Judge Scheper formerly served in the U.S. Attorney's Office in Los Angeles.

Jimmy Gurulé Appointed to Bush-Cheney Transition Team

NDLS Professor Jimmy Gurulé been appointed as an advisor to the Bush-Cheney transition team to assist in presidential appointments to the U.S. Department of Justice. In that capacity, he will draft brief position papers on various criminal-justice issues that likely will arise during confirmation proceedings for presidential appointees to the DOJ. The 50-member committee is chaired by former New York Congressman Bill Paxson and includes four former attorneys general – Edwin Meese, William Barr, Richard Thornburgh and Griffin Bell – as well as former FBI Director William Webster, former DEA head Jack Long, and Ted Olson, one of the attorneys who represented George W. Bush during the election proceedings in Florida.

New Course in Medical Malpractice Law for Spring 2001

D. Andrew Spalding will join the ranks of NDLS adjunct faculty this spring to teach a course in the Law of Medical Malpractice. Mr. Spalding is of counsel to the South Bend firm of May, Oberfell & Lorber, where his litigation practice focuses on medical malpractice, health-care law and products liability. He earned his A.B. in 1983 from Miami University and his J.D. in 1986 from Valparaiso University School of Law. He has served as a business law instructor at Valparaiso's College of Business administration, as well as an adjunct professor teaching a course in medical malpractice at Valparaiso's Law School.

The course examines the elements and defenses of a medical malpractice claim, and considers issues of insurance, access, product liability and peer review. He intends to review most topics from the perspective of litigation/trial preparation.

Center for Civil & Human Rights Notes

The Center for Civil & Human Rights held the first meeting of its newly reconstituted advisory council in early December 2000. Members for the 2000-2001 academic year include:

- ▼ Abdullahi An-Naim, Charles Howard Candler Professor of Law, Emory University School of Law;
- ▼ Scott Appleby, Professor and Director of the Joan B. Kroc Institute for International Peace Studies, University of Notre Dame;
- ▼ Tricia Bellia, Assistant Professor of Law, Notre Dame Law School;
- ▼ Cynthia Brown of New York, New York;
- ▼ Douglass Cassell, Professor of Law, Northwestern University School of Law;
- ▼ Barbara Fick, Associate Professor of Law, Notre Dame Law School;
- ▼ Jimmy Gurulé, Professor of Law, Notre Dame Law School;
- ▼ Paul Hoffman, Schonbrun DeSimone Seplow Harris & Hoffman, L.L.P., Venice, California;
- ▼ Scott Mainwaring, Professor and Director of the Helen Kellogg Institute for International Peace Studies, University of Notre Dame;
- ▼ Carol Mooney '77J.D., Vice President Associate Provost, and Professor of Law, University of Notre Dame;
- ▼ Carolyn Nordstrom, Professor of Anthropology, University of Notre Dame;

- ▼ Naomi Roht-Arriaza, Professor of Law, University of California - Hastings College of Law;
- ▼ Reverend Timothy Scully, C.S.C., Executive Vice President, University of Notre Dame;
- ▼ Beth Stephens, Professor of Law, Rutgers University School of Law - Camden; and
- ▼ Eric Stover, Director of the Human Rights Center, University of California - Berkeley.

Class E-Mail Listservs

Class listservs have been developed for a number of classes at the request of the respective class secretaries. Members of the NDLS Classes of 1969, 1975, 1985, 1987, 1995 and 1999, as well as alumni from the Center for Civil and Human Rights and the London LL.M. Program, 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 and provide a current e-mail address.

Faculty Notes

* * *

Gerard V. Bradley was quoted about the application of *Ex Corde Ecclesiae* to Catholic colleges and universities in an article in the January 7, 2001, edition of the OMAHA WORLD-HERALD that focused on the Archdiocese of Omaha and issues relevant to theology at Creighton University. He noted that concerns about the mandate have been overblown. "It's hard to imagine the reputation of any Catholic institution being [hurt] by the mandatum." He further commented that adherence to the mandatum could help Catholic universities by giving Catholic parents greater assurances that their children are being taught theology in accordance with church doctrine.

* * *

Robert and Marion Short Professor Emeritus Thomas L. Shaffer '61J.D., Associate Vice President, Associate Provost and Professor of Law Carol Ann Mooney '77J.D. and Amy Jo Boettcher '00J.D. have co-authored the fourth edition of THE PLANING AND DRAFTING OF WILLS AND TRUSTS (Foundation Press).

* * *

Barbara J. Fick wrote four chapters – "Hiring Employees," "Laws Affecting Employees," "Terminating Employees," and "Maintaining a Safe Place of Business" – for the 2000 edition of the ABA's *Legal Guide to Small Business*.

Rick Garnett presented "Law or Prepossessions? Fifty Years Later: John Courtney Murray, the Constitution, and the Common Good" at a conference on "Religion and the Public Good" at St. John's University Law School in November.

Continuing his involvement in Election 2000 matters, he was quoted in an article titled *Justices, In Effect, Determined Winner*, in the December 17, 2000, edition of THE PHILADELPHIA INQUIRER. The article addressed whether the judicial decisions by the Florida Supreme Court and the United States Supreme Court could be viewed as political or ideological actions rather than as interpretations of the law. "My fear," Rick said, "is that because this election for 36 days was played out so obviously in the courts that people start thinking that law is just politics."

* * *

Jimmy Gurulé published the second edition of his treatise, COMPLEX CRIMINAL LITIGATION: PROSECUTING DRUG ENTERPRISES AND ORGANIZED CRIME (Lexis Law Publishing), in January. He also published *The 1998 Rome Statute Creating an International Criminal Court: Is the Jurisdiction of the Court Truly Complementary to National Criminal Jurisdictions?* in AMICUS CURIAE, the journal of the Society for Advanced

Legal Studies at the University of London. Also in January, James Publishing released a new edition of THE FEDERAL FORFEITURE GUIDE, a monthly publication authored by Professor Gurulé that summarizes recent federal appellate and district court civil and criminal forfeiture decisions.

* * *

John Robinson has provided an update on his activities during 2000. He spoke on the constitutional rights of religiously affiliated colleges and universities under the Establishment and Free Exercise Clauses of the First Amendment to the Constitution at the Stetson University School of Law Conference on Higher Education in Clearwater Beach, Florida, in February. In March, he spoke on the moral and legal implications of recent developments in genetic research at Xavier University in Cincinnati, Ohio. And in June, he spoke on *Ex Corde Ecclesiae* and its application to American Catholic colleges and universities at the annual convention of the National Association of College and University Attorneys in Washington, D.C.

He has completed an article on the extraterritorial application of American law, which will appear in the next issue of the JOURNAL OF COLLEGE AND UNIVERSITY LAW. His encyclopedia entry on "death and dying in American law" will also appear in print in early 2001.

Alumni Notes

1970s

M. Ellen Carpenter '79J.D., partner and founding shareholder in the Boston law firm of Roach & Carpenter, P.C., was recently appointed by the Supreme Judicial Court of Massachusetts as a member of the Board of Bar Overseers.

Tony S. Colletti '77J.D. has joined Winston & Strawn in Chicago, Illinois.

Patrick A. Salvi '78J.D., principal attorney at Salvi, Schostok & Pritchard, P.C., in Waukegan, Illinois, was the featured presenter at the Illinois Trial Lawyer Association's "Point Counterpoint" seminar on January 20, 2000, in Chicago. He spoke on "Maximizing Damages in Wrongful Death Cases."

John Van Gessel '77J.D., formerly of counsel at Gunster Yoakley & Stewart, P.A., in Fort Lauderdale, Florida, has returned to Waste Management, Inc., in Atlanta, Georgia, as vice president and southern area general counsel. Mr. Van Gessel had served as vice president, secretary and general counsel for the company's Florida operations as well as senior counsel for AutoNation, Inc., before engaging in private practice.

1980s

William J. Lawrence III '83J.D. has been

elected chair of Varnum Riddering Schmitdt & Howlett, L.L.P., a Michigan law firm of 140 attorneys based in Grand Rapids. Mr. Lawrence is the youngest person ever to serve in the firm's top leadership position, and continues as the firm's executive partner, a position he has held since 1996. His work in the firm's corporate practice group focuses on securities, mergers and acquisitions, antitrust, and international transactions.

W. Mark Mullineaux '84J.D., formerly a partner with Duane, Morris & Hecksher in suburban Philadelphia, Pennsylvania, has become a shareholder at Ratner & Prestia, P.C., an intellectual property boutique firm in Valley Forge, Pennsylvania, where he will focus on intellectual property litigation.

Marianne Vorhees '83J.D., formerly a member of Beasley & Gilkison in Muncie, Indiana, has become a full-time commissioner in the court system in Delaware County, Indiana.

1990s

Ralph A. Caruso II '94J.D. has been elected a partner/director of Sommer & Barnard, P.C., in Indianapolis, Indiana. He has been an associate at the firm since 1998, and is a member of the firm's business group. His practice focuses on mergers and acquisitions, joint ventures, and financing transactions.

Kathleen C. Farley '92J.D. has been named a partner in the Atlanta, Georgia, office of Alston & Bird, L.L.P. She is a member of the firm's Employee Benefits and Executive Compensation Practice Group and focuses her practice on all areas of employee benefits and executive compensation.

Cheryl Greene '96J.D. has joined the Department of Law for the City of South Bend as Assistant City Attorney. The December 2000 issue of *NDLS Update* erroneously reported that she was still an associate at Sopko, Inabnit & Nussbaum in South Bend. We apologize for the error.

Jeff Heck '91, '98J.D. was featured in an article titled *Legal Life Doesn't Mean Strife for New Lawyers* in the December 20, 2000, edition of THE INDIANA LAWYER. The article explored the professional life of several recent Indiana law school graduates.

William R. Johnson '96J.D. is an attorney in the Office of the General Counsel at Ford Motor Company in Dearborn, Michigan. His corporate practice focuses on labor and employment law in the office's general litigation department.

Meg Penrose '99LL.M., an associate professor at Oklahoma University School of Law, recently completed her first semester teaching civil procedure. This spring, she will teach courses in civil procedure, nego-

tiation and mediation, and human rights. She is also working on an essay on "War Crimes" for ENCYCLOPEDIA BRITANICA. Even with her busy schedule, she still manages to practice law, having recently completed a Title IX lawsuit in Texas in which she successfully represented a young woman who wanted to try out for a high school football team.

Noelle P. Ries '97J.D., an associate in the professional liability practice group in the Cherry Hill, New Jersey, office of Marshall, Dennehey, Warner, Coleman & Goggin, presented a "Legal Update" to the South Jersey Claims Association at its meeting in Mt. Laurel, New Jersey, on November 28, 2000.

Ariel Rodriguez '98J.D. has completed his two-year clerkship with U.S. Bankruptcy Judge Stephen S. Mitchell in the Eastern District of Virginia and has joined Gunster, Yoakley & Stewart, P.A., in Fort Lauderdale, Florida, as an associate. His practice will focus on general corporate law, franchise law, mergers and acquisitions, securities law and bankruptcy.

Christopher Slick '97J.D., formerly an assistant attorney general for the State of Illinois, has been appointed as a law clerk to Hon. Robert R. Thomas '74, who was elected to the Illinois Supreme Court in November 2000.

Scott Sroka '97J.D. currently runs the Buffalo, New York, office of U.S. Senator Charles E. Schumer, where his responsibilities include representing the senator in four western New York counties.

Bruce Wells '96J.D. has become director of the child support division in the St. Joseph County (Indiana) Prosecutor's Office. He had served as assistant director for the past two years, and also co-directs the PEACE Program, a neighborhood mediation program run by the prosecutor's office and the Legal Services Program of Northern Indiana.

2000

Michael D. Archer '00J.D. reports that he has passed the Ohio bar and has joined the Columbus, Ohio, office of Baker & Hostetler, L.L.P., as an associate.

Amy Jo Boettcher '00J.D. has co-authored the fourth edition of THE PLANNING AND DRAFTING OF WILLS AND TRUSTS (Foundation Press) with NDLS professors Thomas L. Shaffer '61J.D. and Carol Ann Mooney '77J.D.

Claire Campfield '97, '00J.D. has passed the Texas bar and is an associate with the Dallas firm of Koons, Fuller, Vanden Eykel & Robertson, where she practices family law. Her proud father, former NDLS professor Regis Campfield, reported the happy news.

Colleen Grogan '00J.D. is an associate with Constangy, Brooks & Smith, L.L.C., in the firm's Atlanta, Georgia, office.

Matthew W. Hoyt '00J.D. has passed the Ohio bar and has joined the Columbus, Ohio, office of Baker & Hostetler, L.L.P., as an associate.

Xiaosheng Huang '00LL.M. has joined the law offices of Jon Eric Garde & Associates in Las Vegas, Nevada. The firm specializes in immigration and naturalization matters, including deportation, consular law and visa applications.

Brian E. Kersey '00J.D. has joined the Kalamazoo, Michigan, office of Miller, Canfield, Paddock and Stone, P.L.C., as an associate in the firm's West Michigan Business Group.

Eric J. Steiner '00J.D. has passed the Ohio bar and has joined the Cleveland, Ohio, office of Baker & Hostetler, L.L.P., as an associate.



Notre Dame Law Association - Elections 2001

Ballots for the 2001 elections for directors of the Notre Dame Law Association will be mailed by January 31, 2001, to all graduates of the Law School as well as all other members of the NDLA. Please remember to vote and return your ballot to the Law School by March 15, 2001.

Thanks to the hard work and dedication of the Nominations Committee Chair Carl Eiberger '52, '54J.D., the slate of candidates includes a number of wonderful Notre Dame lawyers including:

Region 4: Minnesota, North Dakota, South Dakota, Wisconsin

Hon. N. Patrick Crooks '63J.D.
(incumbent)
Wisconsin Supreme Court
Madison, Wisconsin

Patrick Howell '70, '80J.D.
Wyte Hirschboeck & Dudek
Milwaukee, Wisconsin

Region 5: Iowa, Missouri, Nebraska, Kansas

Paul Drey '89, '92J.D.
The Bradshaw Law Firm
Des Moines, Iowa

Stephen Krchma '69
Brown & James
St. Louis, Missouri

Region 6: Illinois (excluding Cook County)

Scott Sullivan '76, '79J.D.
(incumbent)
Williams & McCarthy
Rockford, Illinois

Michelle Mancias '94J.D.
Sonnenberg & Anderson
Bloomington, Illinois

Region 11: Northern Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

M. Ellen Carpenter '79J.D.
Roach & Carpenter
Boston, Massachusetts
James Ciapciak '88J.D.
Duggan Caccavaro & Ciapciak
Boston, Massachusetts

Region 15/17: Florida, Georgia, North Carolina, South Carolina, Puerto Rico

Doug Kenyon '76, '79J.D.
Hunton & Williams
Raleigh, North Carolina

Jeff Woodward '83, '87J.D.
Foltz Martin
Atlanta, Georgia

If you're interested in serving on the NDLA board, the following regions will be up for re-election in 2002:

Region 2: Colorado, Montana, New Mexico, Utah, Wyoming and Western Canada (Calgary)

Region 3: Arizona, Southern California, Southern Nevada and Mexico

Region 7: Michigan

Region 10: New Jersey, Southern Connecticut, Southern New York

Region 12: Delaware, Eastern Pennsylvania, Maryland, Virginia, Washington DC

Region 13/14: Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas

Candidates need to satisfy only two requirements: they must be members of the NDLA (if you receive *Notre Dame Lawyer* magazine on a regular basis, you qualify), and they must reside in the region they will represent. If you're interested in running to represent one of these regions on the NDLA board, or if you'd like to nominate someone, please contact the new Nominations Committee Chair:

Richard D. Catenacci '62, '65J.D.
Connell Foley, L.L.P.
85 Livingston Avenue
Roseland, NJ 07068

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