11-1-2001

NDLS Update 11/2001

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Justice Antonin Scalia Visits NDLS

In mid-October, NDLS welcomed U.S. Supreme Court Associate Justice Antonin Scalia for a visit that featured two days of talks and question-and-answer sessions with faculty and students. On the afternoon of Sunday, October 14, he addressed students and faculty in the Law School courtroom, socialized with students in the Law School student lounge, and had dinner with NDLS faculty and administrators at a dinner in the Notre Dame Stadium pressbox. On Monday, October 15, he conducted a question-and-answer session with NDLS students in the courtroom.

Justice Scalia’s visit was sponsored by the Judge James J. Clynes Jr. Visiting Chair in Judicial Ethics, a gift of Honorable James J. Clynes Jr., a 1945 graduate of the University of Notre Dame and 1948 graduate of the Cornell Law School. Judge Clynes served in various positions in city government in Ithaca, New York, including city judge from 1969 to 1989, and is currently a member of Treman & Clynes and Of Counsel at Harris, Beach & Wilcox in Ithaca. He has been a member of the Law School Advisory Council since 1983, and is a fellow of the American College of Trust and Estate Counsel.

Jimmy Gurulé Featured in NEWSWEEK Cover Story

The cover story section of the October 29, 2001, edition of NEWSWEEK magazine includes a feature article titled A New Wave of Commanders that features a number of the key Bush Administration officials involved in the new war on terrorism. Among those profiled is Jimmy Gurulé, currently on leave from NDLS to serve as undersecretary for enforcement in the U.S. Treasury Department. The profile talks of his background in federal drug investigations as a young attorney with the U.S. Department of Justice in the late 1980s and notes that he is now the highest-ranking Latino law enforcement official in the country.

Jimmy’s part in fighting the current battles with terrorists includes forming a special team of financial analysts and investigators who have been involved in
tapping into thousands of computer databases to track the money used to fund the hijackings. Although he has expressed his frustration at the lack of intelligence-sharing among U.S. agencies, Jimmy is confident that the agencies that report to him will be able to follow the money trail to wherever it ends.


**Faculty Notes**


Bob Blakey, with UCLA professor of law Eugene Volokh, engaged in a debate on "The Criminological Issues Surrounding Gun Control” at a talk sponsored by the Federalist Society on November 8.

Tex Dutile published *Students and Due Process in Higher Education: Of Interests and Procedures* in volume II of the *Florida Coastal Law Journal*. On October 8, he presented "The Faculty Board on Athletics: What Does (Should) It Do?” as part of the "Bridge Series” sponsored by the University’s Mendelson Center for Sport, Character and Culture to promote communication between the Department of Athletics and the academic community at Notre Dame.

He also served as an auctioneer at a dinner-auction benefit for the South Bend Regional Museum of Art on October 2.


Nicole Garnett led a discussion on "How Can We Love Our Neighbors When We Don’t Even Know Them?” sponsored by the St. Thomas More Society of Notre Dame on October 31.

Rick Garnett spoke on “The Sign of the Cross and Jurisprudence: Reflections on Being a Christian in the Law” at a discussion sponsored by the Christian Legal Society on October 18.

He commented on the new powers given to law-enforcement officials in the wake of the September 11th attacks in an article titled *Anti-Terror Law Pits Privacy vs. Need for Security* in the October 28, 2001, edition of the *Portland, Oregonian*.

John Finnis spoke on "Moral Absolutes, Conscience and the Development of Catholic Moral Teaching” at a lunchtime program sponsored by the St. Thomas More Society of Notre Dame on November 13. His talk focused on what makes acts morally illicit and he discussed the moral teachings of the Church that Catholics are bound to follow in conscience.

Bill Hoye presented "Indirect Protection of Collegiate Trademarks” at the National Sports Law Institute at Marquette University Law School in Milwaukee, Wisconsin, on October 5. He also lectured on "Ethics

Mike Kirsch presented a speech and participated in a panel discussion at a conference on “International Trust and Estate Planning” sponsored by ALI-ABA in Chicago, Illinois, on October 5. His speech addressed expected future developments in the foreign-trust area, while his panel discussion addressed ethical issues in international estate planning.

Don Kommers has been named an advisory editor of the INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW, a new journal published by the Global Law Program at New York University.

He delivered the keynote address on “Constitutional Review in the Contemporary World” at a major international conference on “Constitutional Courts” held at the Washington University in St. Louis School of Law, November 1-3. He delivered an invited address titled "The Grundgesetz: An American Perspective” at a conference on "Konflikt der Rechtskulturen? Die USA und Deutschland im Vergleich," sponsored by the Bavarian-American Academy in Munich, Germany, in May.


Dinah Shelton taught on the topic of “The Right of Conscientious Objection” in the summer session of the International Institute of Human Rights in Strasbourg, France, in July, and published an amicus brief on the same topic in the case of Osman Ulke v. Turkey at the European Court of Human Rights.

Her recent speaking engagements have included: a lecture on “Remedies in International Criminal Law” at a session of the Institute of International and Comparative law in Thessaloniki, Greece, in September; a talk on “Globalization and Human Rights” at Boston College Law School on November 2; and the keynote address on “Hierarchy of Human Rights” at the Saskatoon Conference on Human Rights on November 3.

She has been appointed the expert for United Nations Environmental Program (UNEP) in preparing for the United Nations Conference on “Rio plus 10” to be held in Johannesburg, South Africa, in September 2002. As part of her work in this regard, she will work for UNEP with the United Nations High Commissioner for Human Rights in preparing a long-term strategy and working paper on the intersection of issues of human rights and the environment.

Eric Smithburn served on the faculty for several programs presented by The National Council of Juvenile and Family Court Judges, in Reno, Nevada, in September and October, including: “Recent Developments in Juvenile and Family Law: An Update for Appellate Judges,” “Evidence in Juvenile and Family Court,” which he also developed; and “Advanced Family Law.”

Jay Tidmarsh moderated a panel discussion on the settlement of class actions at the invitation-only “Class Action Conference” sponsored by the U.S. Judicial Conference’s Advisory Committee on Civil Rules at the University of Chicago Law School, October 22-23. He also presented a talk on expert witness qualifications at an Indiana Continuing Legal Education Forum seminar on November 1 in Indianapolis, Indiana.

Julian Velasco spoke on “Corporate Finance in the Wake of the World Trade Center Attacks” at a lunchtime program sponsored by the Business Law Forum on October 9.

News from the Center for Civil & Human Rights

In October, the CCHR sponsored a two-hour discussion program on "Criminal Prosecutions After In Re Pinochet," in which participants discussed opportunities to contribute research in support of litigation applying universal-jurisdiction statutes. Speakers included Reed Brody, advocacy director of Human Rights Watch; John Cerone ’98J.D., executive director of the War Crimes Research Office at the Center for Human Rights & Humanitarian Law at the American University’s Washington College of Law; and Sandra Coliver, executive director of the Center for Justice & Accountability.

Administrator & Staff Notes

Congratulations to Trish Dunn, senior staff assistant in the Career Services Office, who celebrated 10 years of service to Notre Dame in October.

Law School Events


The Feminist Jurisprudence Writing Competition was established in 1993 with a gift from Marilyn Ashbaugh, formerly a project coordinator in the University’s Office of Information Technology.
On November 7, 2001, the NDLS Coalition to Abolish the Death Penalty, together with other student groups, presented a panel discussion on "How to Abolish the Death Penalty." Rob Warden, executive director of the Center for Wrongful Convictions at Northwestern University School of Law, was joined by NDLS professors Juan Méndez, Jay Tidmarsh, Rick Garnett and Garth Meintjes for the discussion, which addressed the death penalty in the United States and focused on current activities and strategies, both locally and internationally, for dealing with the reality of the death penalty in the American political system.

Alumni Notes

NDLS Alumnus and Veteran Addresses Notre Dame ROTC

While visiting campus for the ND-Michigan State football game in September, Thomas P. Foy Jr. ’38, ’39J.D. had the opportunity to address members of Notre Dame’s ROTC program on his involvement in military service in World War II - service that includes surviving the infamous Bataan death march and 3-1/2 years as a Japanese prisoner of war.

As a young lawyer in Silver City, New Mexico, Mr. Foy joined the New Mexico National Guard as a reservist in early January of 1941. The day after Mr. Foy joined, President Franklin D. Roosevelt called Guard units throughout the country into active service. He trained for eight months at Fort Bliss, Texas, before being sent to Clark Field near Manila, Philippines. Armed with World War I artillery and ammunition, Mr. Foy and his fellow Guard members were told to defend Clark and other nearby airfields. Eventually, however, the troops were overrun by Japanese forces and surrendered. Mr. Foy explained that American troops were outnumbered "15 or 20 to 1," and no help was in sight. Consequently, the commander of U.S. forces in the Philippines surrendered in April of 1942, by which time Mr. Foy had received a battlefield promotion to second lieutenant.

He endured the five-day, 60-mile march northward to Bataan, through stifling heat and with little food or water for sustenance. An estimated 650 American soldiers, and 5,000 to 10,000 Filipinos died during the torturous march. As prisoners of war, an estimated 4,500 additional Americans died in the camps in the Philippines.

In addition to all of the physical and psychological difficulties he endured, Mr. Foy commented to the students that a Japanese guard forced him to give up his Notre Dame class ring. He thinks it may still be somewhere in the Philippines or Japan.

He later joined a contingent of POWs who were transported to Japan for final interment. Mr. Foy and his fellow soldiers spent more than 40 months total in captivity, and were liberated about a month after the Japanese surrender in August of 1945.

Major Gary Masapolio, head of Notre Dame’s Army ROTC program, commented to the students that the courage of men such as Mr. Foy exemplifies what Notre Dame tries to instill in its graduates. "They fought on against overwhelming odds. [Mr. Foy] is a strong example of the school motto - God, country, Notre Dame."
In Memoriam

Maurice Tulchinsky ’36, ’37J.D., died September 29, 2001, in South Bend, at the age of 88, following an illness. A life-long resident of South Bend, Mr. Tulchinsky graduated from Central High School at the age of 16, and worked his way through Notre Dame, graduating magna cum laude with his bachelor’s degree and cum laude with his law degree.

He practiced law in South Bend for 60 years, beginning his career as deputy prosecutor and later entering in private practice. Among his achievements, he led the drive to desegregate the city’s natatorium in the 1940s. He also held several important positions in the Young Democrats Organization at a time when that organization championed the causes of workers and minorities. Mr. Tulchinsky also belonged to the St. Joseph County Bar Association, the Hebrew Orthodox Congregation, B’nai B’rith and the Robin Hood Men’s Golf Association.

He enjoyed music and golf. As a teenager, he had earned a chair in the South Bend Symphony, but the necessities of education and work cut his musical career short. With golf, on the other hand, he pursued the pastime well into his eighties. Near his 70th birthday, he achieved the golfer’s dream - a hole-in-one.

Mr. Tulchinsky is survived by his wife of 59 years, Ruth; by three sons, including Mark ’74M.A., and a daughter; and by five grandchildren, including Sarah Baer ’96B.A.

Services were held on October 1. The family requests that memorial contributions be made to the National Alliance for the Mentally Ill of St. Joseph County, Hospice of St. Joseph County or the Hebrew Orthodox Congregation. Condolences may be sent to Mrs. Tulchinsky at 3022 Essex Drive, South Bend, IN 46615.

* * *

Hon. E. Spencer Walton Sr. ’35, ’36J.D. died October 11, 2001, in Mishawaka, Indiana, at the age of 88. A life-long resident of Mishawaka, he graduated from Mishawaka High School in 1930 and earned his bachelor’s degree from Notre Dame in 1935 and his J.D. degree cum laude from NDLS in 1936. He began his career as a lawyer in Mishawaka and became active in the county’s Democratic Party. He served as deputy prosecutor to George Beamer from 1937 to 1938, and as city attorney from 1939 to 1942.

In 1943, he joined the U.S. Navy to serve in World War II as a communications specialist aboard the destroyer DD783 in the South Pacific. He achieved the rank of lieutenant and was honorably discharged in 1946 and returned to Mishawaka, where he was elected to two successive two-year terms as mayor. He then accepted the Democratic Party’s nomination for the office of lieutenant governor of the State of Indiana. In 1954, he was elected as a judge of the St. Joseph Superior Court and served on the bench for 26 years until his retirement in 1980.

Judge Walton was awarded Indiana’s highest honor, the Sagamore of the Wabash, by Governor Otis R. Bowen on June 20, 1975. He was also a dedicated and active member of the Veterans of Foreign Wars; he served as district commander for Indiana’s Junior and Senior Vice Commanders and state commander of the VFW from 1951 to 1952. He served as Indiana’s judge advocate general for years and was elected as national judge advocate general of the VFW in 1996.

Preceded in death by his wife, Edna, he is survived by four children, nine grandchildren and one great-grandchild. His memorial service was held on October 15. The family requests that memorial contributions be made to VFW Local Post 360, 1307 E. Jefferson Street, Mishawaka, IN 46545, or to St. Paul’s Episcopal Church, 616 Lincoln Way East, Mishawaka, IN 46544. Condolences may be sent in care of the family to 346 Park Avenue, Mishawaka, IN 46545.

* * *

Charles J. Golden ’48J.D. died on October 22, 2001, in Monroe, Michigan, at the age of 79 following an illness. He attended Monroe High School in Michigan, from which he graduated in 1939. He then studied at Notre Dame, and in 1948 earned his LL.B. (later converted to a J.D.). He was quite prominent in legal circles in southeastern Michigan. And despite his illness, he had appeared in court as recently as late September.

He is survived by his wife Joyce, four sons and two daughters, 12 grandchildren, two great-grandchildren and his sister. Services were held on October 24, 2001 in Monroe. Condolences may be sent to Mrs. Golden at 1436 Arbor, Monroe, MI 48162.
Marriages

Susan Wyffels '95M.A., '98J.D. married Eric Horner on October 27, 2001, in Chicago, Illinois. Susan is an assistant state's attorney for Cook County.

Rob Seidler '01J.D. married Amber Hunter on September 8, 2001, in Cincinnati, Ohio. Rob met Amber in their freshman year at Butler University in Indianapolis. He reports that he has passed the Ohio bar and is working as an associate in the Cincinnati office of Frost Brown Todd.

New Additions


Patrick L. Emmerling '93J.D. and his wife Catherine announce the birth of Anna, July 14, 2001, in Orchard Park, New York.

Toni Turner Budd '97J.D. and her husband Ted announce the birth of Natalie Grace, January 5, 2001, in Tulsa, Oklahoma. Toni is an associate with Stuart, Biolchini, Turner & Givray in Tulsa.


1950s

Carl A. Eck '55, '56J.D., senior partner and president of Meyer Darragh Buckler Bebenek & Eck, P.L.L.C., in Pittsburgh, Pennsylvania, has been elected president of the board of trustees of DePaul Institute, a state-approved nonprofit school for children with hearing, speech or language impairments.

1960s

David R. Francescani '64, '67J.D., formerly a partner at Darby & Darby, P.C., in New York, New York, has joined the New York office of Fish & Richardson as a principal in the firm.
1970s

James B. Buda ’73J.D. has been elected a vice president for legal services at Caterpillar, based in Peoria, Illinois. He joined Caterpillar in 1987 as an attorney in the firm’s legal department and has served in a number of senior corporate attorney positions. He was named associate general counsel in 1996, and assumed the position of associate general counsel for the Legal Services Division in the firm’s United Kingdom office.

Martin J. Hagan ’73, ’76J.D., formerly of Schnader, Harrison, Segal & Lewis in Pittsburgh, Pennsylvania, has formed his own firm, the Law Firm of Martin J. Hagan, L.L.C., also in Pittsburgh. His practice focuses on trusts and estates, as well as elderlaw, and he is a fellow of the American College of Trust & Estate Counsel.

Doug Kenyon ’76, ’79J.D., a partner in the Raleigh, North Carolina, office of Hunton & Williams and a member of the Notre Dame Law Association board of directors, spoke on “Hints from an Interviewer: What Lawyers Expect from a Law Student,” and provided NDLS students with insightful information about what students should expect and prepare for during the interview process.

Honorable Elizabeth Mattingly ’79J.D. from the Hamilton County Court in Cincinnati, Ohio, and Honorable David Dreyer ’77, ’80J.D., from Marion County Superior Court in Indianapolis, Indiana, and a member of the Notre Dame Law Association board of directors, spoke on the current increase in domestic-violence cases and the issues involved for attorneys practicing in this area. Their talk was co-sponsored by the Public Interest Law Forum and the Women’s Legal Forum.

Patrick A. Salvi ’78J.D., principal attorney for Salvi, Schostok & Pritchard, P.C., in Waukegan, Illinois, served as a guest lecturer at Northwestern University’s Kellogg Graduate School of Management and at Harvard University’s John F. Kennedy School of Government, both in October. At Northwestern, he spoke to a business-law class on “Catastrophic Personal Injury Cases”; at Harvard, he represented trial lawyers in a panel discussion about money and politics.

1980s

Rosanne Ciambrone ’88J.D., formerly of counsel to Bell, Boyd & Lloyd, L.L.C., in Chicago, Illinois, has joined the Chicago office Duane Morris & Heckscher, L.L.P., as a partner in the firm’s bankruptcy practice. She focuses her work in the areas of business reorganization, with particular emphasis on debt restructuring, recapitalization and bankruptcy.

Michael L. Coticchia ’88J.D. has been named vice president for human resources at Applied Industrial Technologies in Cleveland, Ohio. He joined the company in 1989 as associate corporate counsel and held several other positions before being named to this office, where his responsibilities include oversight of the company’s compensation and benefits programs, hiring and promotion process, employment policies and procedures, college recruitment and training programs, high-level management leadership programs, career development planning, and risk management and safety programs.
**1990s**

Brian J. Alexander ’93J.D., a partner with Kreindler & Kreindler in New York, New York, whose practice focuses on aviation law, served as a panelist at the ABA’s 2001 Aviation Litigation Seminar, “Aviation Issues in the New Millennium” in Washington, D.C. He addressed current issues affecting aviation litigation, particularly pending air-carrier litigation.

Scott Catlin ’95J.D. has joined the San Jose, California, office of Lyon & Lyon, L.L.P., where he focuses on intellectual property.


In August and September, he traveled to the Federal Republic of Yugoslavia, as a member of a team of humanitarian law experts, to train Yugoslav judges and prosecutors in the laws of war and international criminal law. The purpose of the training session was to build capacity for the domestic prosecution of war criminals.

He spoke at a conference of the American Society of International Law in October, on the topic “To War, To Court, To Both?” which addressed the law of state responsibility in the context of the September 11th terrorist attacks. For ASIL’s INSIGHT series, he published a comment titled *Acts of War and State Responsibility in Muddy Waters: The Non-State Actor Dilemma*. Later that month, he returned to NDLS to participate in a panel discussion sponsored by the Center for Civil & Human Rights on “Criminal Prosecutions after In Re Pinochet.”

At the end of October, he participated in the International Law Weekend hosted by the International Law Association in New York, New York. He served on a panel discussing “Recent Developments in International Criminal Tribunals, Hybrid Tribunals and International Justice,” concerning the Special Court for Sierra Leone.

Thomas Clare ’92, ’95J.D. has been named a partner at Kirkland & Ellis, in the litigation practice in the firm’s Washington, D.C., office.

Patrick L. Emmerling ’93J.D., formerly with Cohen Swados Wright Hanifin Bradford & Brett in Buffalo, New York, has joined Jaeckle Fleischmann & Mugel, L.L.P., as a partner in the firm’s Buffalo office.

Gregg LoCascio ’95J.D. has been named a partner at Kirkland & Ellis, in the intellectual property and litigation sections in the firm’s Washington, D.C., office.

David Rivera ’99J.D. reports that his new school for at-risk children, Nativity Prep in San Diego, California, has opened its doors. The program, featured in the summer 2000 edition of *Notre Dame Lawyer* magazine, offers tuition-free, private education for children who attend 12 hours per day, six days per week, year-round. The school has two affiliate sites and 10 volunteer teachers, including
seven 2001 Notre Dame alumni who are earning a master’s degree and a teaching credential through the University of San Diego in a program patterned after Notre Dame’s Alliance for Catholic Education program. For more information, visit the school’s web site at www.nativityprep.org.

Andrea Roberts ’94J.D., an associate in the Indianapolis, Indiana, office of Baker & Daniels, has been elected president of the Indiana Chapter of the Leukemia and Lymphoma Society.

Elizabeth VanDersarl ’95J.D. is committee counsel to Senator Fred Thompson on the U.S. Senate Government Affairs Committee in Washington, DC.

William F. Zieske ’97J.D., an associate in the Chicago office of Ross & Hardies, P.C., published Your Court Documents Under Seal: Will They Stay That Way?, which was featured as the cover article in the November 2001 edition of the ILLINOIS BAR JOURNAL. The article is also available on line at www.isba.org/member/isbajournal.html.

2000 and 2001

James W. McCament ’00J.D. has completed his clerkship with Honorable William Lee of the U.S. District Court for the Northern District of Indiana in Fort Wayne, and has joined the Office of the General Counsel at the U.S. Department of Treasury in Washington, D.C., as an honors attorney.

Stacey Mosesso ’96, ’00J.D., an associate at Kelley Drye & Warren in New York, New York, is on loan from her firm to the City Bar Fund in New York to work for six months coordinating legal services for relief after the September 11 tragedy. She would be happy to hear from Notre Dame lawyers in Maryland, New Jersey, New York and Pennsylvania who are interested in assisting with these pro bono efforts. She can be reached by e-mail at smosesso@abcny.org or by phone at the City Bar Fund, (212) 382-6795.

Student Notes

The Student Bar Associations’ Annual Thanksgiving food drive provided seventy-five food baskets to needy families in the South Bend area. Thanks to the generosity of the Notre Dame community, those families enjoyed a wonderful meal this Thanksgiving.
### December 2001

#### Calendar of Events

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#### To Submit Information to the Update

Please contact Cathy Pieronek, Director of Law School Relations:

- **Phone**: 219-631-6891
- **Fax**: 219-631-9299
- **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](http://www.law.nd.edu).
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 1958, 1969, 1975, 1983, 1985, 1986, 1987, 1990, 1991, 1993, 1995 and 1999, 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.