After September II: Challenges, Choices
Dear Notre Dame Lawyer,

THE EVENTS OF SEPTEMBER 11 have affected all of us in some way or another as countless stories in the national media relate. The events of that day and the ensuing months have affected individuals and communities, have caused emotional and psychological turmoil, and have raised serious questions about the right way to approach the continuing threat of terror.

At NDLS, these events have caused some on our faculty to look at legal issues in a different way. Some of their thoughts are included in this issue of the magazine. It's truly fascinating to see how the terrorist attacks have affected a varied set of legal issues ranging from Treasury Department and other law-enforcement methods of combating terror-as-crime, to whether victims and their families may file civil suits for compensation, to a host of very serious human-rights issues at home and abroad. These articles outline some of the challenges we face and some of the choices we can make in response to our national tragedy. We hope you will find these articles enlightening and interesting.

Also look in this issue for upcoming reunion information. The Classes of 1967 and 1972 have special reunions scheduled for fall 2002, and it's not too late for your class to schedule something as well — either during the spring 2002 reunion in June or on another date later in the year. Please contact me directly if you would like some help in organizing something special for your class.

Finally, the 20th edition of the Notre Dame Law Association Legal Directory will be mailed in the next couple of months. Look for your copy in the mail. In the meantime, you can access the alumni database through the University's Irish Online service — a free service that allows you to look up contact information for classmates and other Notre Dame lawyers, update your own contact information, participate in the Notre Dame alumni mentoring/networking community or post a job for a Notre Dame student. You can access the service directly at irishonline.nd.edu.

And don't forget to visit the Law School's web site, www.law.nd.edu, for information about upcoming events, faculty news, reunion information and ways to keep in touch with classmates. We also welcome your suggestions for improving the site. Please send an e-mail with your ideas to lawalum@nd.edu.

Yours in Notre Dame,

Cathy Pieronek, Editor

2002 Calendar of Events

February 15, 2002
Submission deadline for Notre Dame Lawyer, spring 2002 issue

March 9-17, 2002
Spring Break

March 11, 2002
First day for employers to sign up for fall on-campus interviewing through the Career Services Office, (574) 631-7542

March 29-April 1, 2002
Easter Break (University and Law School offices closed)

April 26, 2002
Notre Dame Law Association Spring Meeting

Notre Dame Alumni Association Alumni Senate

April 27, 2002
Blue-Gold Game

May 19, 2002
Commencement

June 6-9, 2002
University Reunion 2001

June 15, 2002
Submission deadline for Notre Dame Lawyer, summer 2002 issue

August 26, 2002
Fall semester classes begin

September 6, 2002
First day of fall on-campus interviewing

September 6-8, 2002
NDLS Class of 1967 — 35th Reunion Weekend

September 7, 2002
ND vs. Purdue

September 13-15, 2002
NDLS Class of 1972 — 30th Reunion Weekend

September 14, 2002
ND vs. Michigan

October 5, 2002
Continuing Legal Education Program ND vs. Stanford

October 11, 2002
Notre Dame Law Association Fall Meeting

October 12, 2002
ND vs. Pittsburgh

October 15, 2002
Last day of fall on-campus interviewing

November 2, 2002
Continuing Legal Education Program ND vs. Boston College

November 21-22, 2002
Law School Advisory Council Meeting

November 23, 2002
Continuing Legal Education Program ND vs. Rutgers

For more information on Law School or University events, please contact Cathy Pieronek at the Law School Relations Office.
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Challenges, Choices

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NOTRE DAME LAW SCHOOL — Class of 2004 Profile
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News from the Career Services Office
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The events of September 11, 2001, are seared into our memories and are certain to be a defining moment for the beginning of the 21st century. None of us at the Law School can escape the impact of these events, whether it be through personal loss of those we know or through the impact on our teaching and research. It is still too early to assess the long-term consequences of the terrorist attacks. For the near-term, however, I can report that the tragedies of last September have brought out much that epitomizes the best of Notre Dame. Many of you already have seen the photographs of the Mass celebrated by Father Malloy late in the afternoon of September 11. The picture of much of the South Quad covered by people — students, faculty and staff — many of whom held hands or linked arms at the shoulder, is one that I will never forget. Most important is the fact that our community came together in prayer — prayer that continues for the victims of the attacks and for our world. By coming together as a religious community, we found comfort in our faith and confidence to go forward.

We have also begun to confront the events of September 11 as an academic community. Throughout the University there have been special programs, each offering perspective and analysis. Members of the Law School community have been important participants in these special programs. A number of our contributions are highlighted in this issue of the LAWYER.

You are likely to have seen reports in the national press about our colleague Jimmy Gurule's service as one of the key leaders in the government's response to terrorism. We miss Jimmy’s presence in our halls, but we are extremely proud to know that he is serving his country so valiantly in his role as undersecretary for enforcement in the Treasury Department. Also playing a vital role in the University's thinking about terrorism has been the Center for Civil and Human Rights, led by Juan Mendez. As Juan notes in his contribution to this issue, the principles for which this University stands must reach out into the world in which we live, with the result that human rights "should be observed even — and especially — when it is difficult to do so."

Together, Jimmy and Juan remind us of Father Hesburgh’s oft-repeated statement that Notre Dame should be a place "where the Church does its thinking." We are doing just that; and, even better, we are demonstrating how very important it is that this thinking have a voice in the decisions made by governments at all levels. The spectrum of current thinking that is part of our life at the Law School is well illustrated by the contributions to this issue from other members of our faculty including Bill Hoye, Barbara Szveda, Bob Blakey and Tricia Bellia. With thoughts ranging from private remedies for terrorist attacks, to the impact on individuals seeking to cross national borders, as well as the application of existing (RICO) and potential (electronic fund transfer) statutes, we truly are bringing religious values to the public debate about responding to terrorism.

While continuing to reflect on the events of September 11, we have also worked hard to return to some semblance of normalcy. A highlight of this past fall semester was the visit of Justice Antonin Scalia of the Supreme Court of the United States under the auspices of the Judge James J. Clynes Jr. Visiting Chair in Judicial Ethics. As you will read in the article chronicling his visit, Justice Scalia gave our students much food for thought about matters related to the integration of faith and professional life, and about the balance between professional responsibilities and the wider set of responsibilities owed to family, church and community.

This brings me back to where I began. In the wake of September 11, all of us reflect on these questions in a world altered by the events of that day. On that day, we saw the power of evil and the abject pain that it wrought. But even in the face of evil, those of us with the gift of faith — and surely it is a gift — are strengthened by the sure and certain belief that the love of God will ultimately prevail.

Patricia A. O'Hara
Joseph A. Matson Dean and Professor of Law
Combating Terrorism through Law Enforcement:
Crime-Fighting Adapts to the New War on Terrorism

BY CATHY PIERONEK ’84, ’95 J.D.
DIRECTOR OF LAW SCHOOL RELATIONS
President George W. Bush spoke these words in a speech to Congress a mere nine days after the terrorist attacks on September 11. Several weeks later, at an address to the summit meeting of the U.S. Conference of Mayors, U.S. Attorney General John Ashcroft declared that U.S. law enforcement would use the same tactics brought to bear against the mob in fighting the terrorists networks controlled by Osama bin Laden and shielded by the Taliban. But how apt is the analogy? And, more importantly, can the tactics used to combat the ordinary types of crimes committed by the mob — murder, drug trafficking, extortion — be used effectively against international terrorists?

Much of our popular image of efforts to fight organized crime comes from the movies. Shoot-outs in Chicago train stations. Raids on speakeasies. Smashing barrels of bootlegged liquor. All these exciting scenes, right from the movie The Untouchables, depict Hollywood’s version of the thrilling moments in fighting mob crime in the early part of the last century. And clearly, in the war against terrorism, there is a place for similarly aggressive military action, to physically disrupt the infrastructure of a country and the lives of those responsible for harboring terrorists.

But as everyone who has seen the movie knows, the federal government didn't win its fight against the notorious Al Capone through these overt attempts to prevent or disrupt his criminal activity. The real hero of the story, as it turns out, was the accountant who found a way to prosecute the gangster for tax evasion, which kept him in prison for eight years.

Similarly, in our new war on terrorism, the federal government may find that its most effective weapons against Osama bin Laden and al-Qaida may lie in the same law-enforcement tools that have significantly disrupted organized criminal activity in recent years, according to Notre Dame Law School Professors G. Robert Blakey ’57, ’60 J.D., Jimmy Gurulé and Patricia Bellia.

But these tools must adapt to a new age of international electronic commerce and global communications, which add a tremendous level of complexity to an already daunting task. As one commentator has noted, if fighting the Mafia is likened to playing chess, fighting international terrorism may be likened to playing three-dimensional chess. In other words, it’s essentially the same game, but considerably more complex.

For much of the last century, efforts to fight mob-controlled criminal activity have depended on the creativity of federal law-enforcement officials. With tightly controlled networks of mob operatives, law enforcement faced tremendous difficulties in gathering the evidence necessary to prosecute gangsters for the crimes they committed. So, law enforcement had to use other, less direct, means to disrupt mob criminal activity.

In the early 1960s, the late U.S. Attorney General Robert F. Kennedy vowed to fight such criminal activity using whatever means he had at his disposal. According to current U.S. Attorney General John Ashcroft, speaking about those efforts before the U.S. Conference of Mayors summit meeting in Milwaukee, Wisconsin, on October 25, 2001, “Very often, prosecutors were aggressive, using obscure statutes to arrest and detain suspected mobsters. One racketeer and his father were indicted for lying on a federal home loan application. A former gunman for the Capone mob was brought to court on a violation of the Migratory Birds Act.” Although scores of murders and other heinous crimes remain unpunished, those involved were nevertheless prevented from engaging in such activities in the future through these aggressive law-enforcement tactics.
But legislation enacted in the latter part of the 20th century certainly helped to make law enforcement’s job easier. In particular, racketeering (RICO) and money-laundering statutes added new weapons to the federal and state law-enforcement arsenal. Evidence-gathering improved as law-enforcement officials could listen in on the conversations of those planning or reminiscing about criminal activities. Criminal convictions could be secured with less prosecutorial creativity and more focus on actually illegal activities. Prosecutors and district attorneys can now go after individuals for being part of a criminal enterprise, even if direct evidence of any actual crime cannot be found. Criminal activity was further disrupted when the financial proceeds of those activities were confiscated and those responsible for moving the ill-gotten money through legitimate businesses were prosecuted for helping to finance and conceal the criminal enterprise.

And now, these statutes are being turned to another advantage — finding evidence against and disrupting the activities of the terrorists who turned our world upside down on September 11. But can laws written to curtail the mob also work against an international network of terrorists? Some commentators have suggested that, because the mob’s motivation has been primarily financial gain whereas the terrorists’ motivation has been primarily power, that different tactics are needed. However, some Notre Dame Law School professors believe otherwise.

William and Dorothy O’Neill Professor of Law G. Robert Blakey ’57, ’60 J.D., who was instrumental in drafting the federal wiretapping and RICO statutes (along with the state-statute equivalents in more than half of the states that have adopted such legislation), has a clear picture of the usefulness of these laws. He believes that these statutes can be used to disrupt the activities of al-Qaida and Osama bin Laden in much the same way that they have been used to disrupt the activities of La Cosa Nostra and John Gotti.

As Professor Blakey explains, wiretapping had long been a part of the federal government’s evidence-gathering arsenal. But in its 1967 ruling in a wiretapping case, Katz v. United States,1 the U.S. Supreme Court expanded the understanding of the Fourth Amendment’s protection against unreasonable searches and seizures by stating that the privacy right refers to the rights of the person being searched, not to the place where the search occurs. Consequently, wiretapping — of a public phone booth, in the case of Katz — required authorization consistent with the safeguards required by the Fourth Amendment.

In the wake of this ruling, Congress enacted the federal wiretapping statute — Title III of the Crime Control Act of 1968 — to give federal courts the authority to issue wiretap orders in certain circumstances. This statute was amended in 1986 to include computer-based communications and to allow roving surveillance in certain narrow circumstances, when a suspect’s actions have thwarted law-enforcement officials’ surveillance efforts. So contrary to what has been reported in the popular media, according to Assistant Professor Patricia L. Bellia, the federal government has had the authority, for 15 years now, to intercept computer-based communications and to conduct roving wiretaps.

This is in contrast to laws governing access to certain information “about” communications — such as the phone number dialed, the e-mail address indicating the source or destination of a communication, or the address of an internet site visited. Although a 1986 statute provided clear rules for obtaining information about the phone number of an outgoing or incoming call — rules based on a Supreme Court decision indicating that a person does not have a privacy interest in such information
— the statute did not explicitly provide similar rules for gathering similar computer-based information such as e-mail addresses or internet sites accessed. Nevertheless, Professor Bellia notes that law enforcement has operated under a general understanding that e-mail and other addresses in cyber-communications are analogous to phone numbers in telephone-based communications and, further, that law enforcement has consistently interpreted the statute to cover access to such addresses as well.

These statutes authorize surveillance in connection with criminal investigations of serious crimes, including terrorism-related offenses and offenses implicating national security. But these statutes exist alongside a separate statutory regime that deals exclusively with surveillance in national-security cases — that is, the Foreign Intelligence Surveillance Act of 1978 (FISA). FISA authorizes a special court to approve warrants for electronic surveillance to intercept telephone and cyber-based communications relevant to activities such as espionage, sabotage and terrorism. Again, however, the utility of this statutory scheme has been somewhat limited against the communications techniques employed by al-Qaida and other international terrorists, both because it does not include roving wiretap authority analogous to the federal wiretapping statutes and because it requires that the government certify to the special court that the purpose of the surveillance is to obtain foreign intelligence information.

Legislation passed by Congress and signed by President Bush on October 26, 2001, will close some of these gaps in existing law, according to Professor Blakey. And because the changes brought about through the USA PATRIOT Act of 2001 mainly bridge technical gaps in the existing statutory structure, Professor Bellia believes that the impact of these changes on privacy rights is far less dramatic than popular media accounts suggest.

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wiretap authority under FISA that is analogous to the authority that had already existed under the federal wiretapping statutes.

Another provision in the act appears to expand law enforcement authority as well. According to Professor Bellia, however, this provision is merely a way to achieve with one court order what law enforcement could do already, but only with multiple court orders. Prior to the passage of the USA PATRIOT Act, tracking of non-content telephone and electronic communications information such as phone numbers called and e-mail and internet addresses accessed required law enforcement officials to obtain a new court order in each jurisdiction in which they sought information. The provisions of the new act, however, allow the government to serve one order on multiple service providers, thus giving a single order the broadest possible geographic scope.

One provision that popular media seems to have all but ignored, however, is what Professor Bellia describes as a subtle change to the language of FISA. She believes that this might well prove to be the most significant impact of the act, because it changes the requirements for issuing wiretapping orders related to foreign surveillance, and also because it might have Fourth Amendment implications in criminal prosecutions. According to Professor Blakey, under the original FISA, surveillance to gather information relevant to national security had to be the purpose of operating such a wiretap. If, through the FISA-authorized wiretap, the government incidentally came across information relating to criminal activities, the government could use that information in criminal prosecutions only if the government could prove that the wiretap was issued for the primary purpose of conducting national-security surveillance. The new provisions in the USA PATRIOT Act, however, allow the government to use such incidentally obtained information on a somewhat lesser showing that national security was a significant purpose of the wiretap. And as Professor Bellia notes, this raises concerns over whether FISA satisfies Fourth Amendment requirements, because it could broaden wiretap authority under

What RICO requires, as Professor Blakey explains, is a predicate act — a crime — and an affiliation with the individual or individuals who committed the crime through the criminal enterprise.
And to define this predicate act or crime — as perhaps distinct from the acts of war involved in destroying four U.S. aircraft and the World Trade Center, damaging the Pentagon and killing several thousand people on American soil — federal law enforcement has turned to the money-laundering statutes.
organized crime. He notes that, in enacting the MLCA, “Congress was responding to the spiraling growth and pervasiveness of money laundering in the United States and the nexus between money laundering and organized crime.” This nexus included not only the financial gains realized by organized crime and drug traffickers, but also the recycling of the ill-gotten money back into the enterprise to fund future criminal activity.

While the MCLA prohibits international money laundering, 18 U.S.C. § 1956(c)(7) limits the applicability of the statute to “specified unlawful activity,” which encompasses a wide range of statutorily designated felony offenses such as bank fraud, illegal gambling and narcotics trafficking. According to Professor Gurulé, what the Antiterrorism Act adds to this scheme is “authority for two additional sanctions programs targeting terrorism.” In his testimony before the U.S. House of Representatives Committee on Financial Services, Professor Gurulé described those programs: “First, [the act] prohibit[s] material support, such as funds, false identifications and safe houses, to designated foreign terrorist organizations. Second, [it] prohibit[s] financial transactions with state sponsors of terrorism.”

Furthermore, in enforcing the provisions of the MLCA, the government must rely on suspicious-transaction reports provided by banks and other financial institutions. But as has been noted in the popular media lately, many of these terrorist-related financial transactions occur informally, outside the banking system. In the case of the terrorists, much of this money moves through a system of transfer networks called hawalas. According to Professor Gurulé, the Bank Secrecy Act of 2001 will aid law-enforcement attempts to reach into this system by requiring these informal funds-transfer businesses to register with the Treasury Department by the end of 2001. In addition, the Treasury Department is working on similar suspicious-activity reporting rules relevant to casinos and to other nonbank financial institutions such as securities brokers and dealers.

Under Professor Gurulé’s leadership, the Treasury Department has also initiated an effort called the Foreign Terrorist Asset Tracking (FTAT) Center, formed to tap into thousands of computer databases to track assets such as the money that funded the hijackers. In his recent House committee testimony, Professor Gurulé noted, “The complex nature of terrorist fund raising demands a creative and unconventional response from the U.S. government.” In exploring how key government officials have responded to the events of September 11, the October 29, 2001, edition of Newsweek magazine notes that Professor Gurulé is addressing the problem in part by reevaluating how various government agencies can better share intelligence on such matters.

Through the work of FTAT, Professor Gurulé believes that the
government will be able to “identify the financial infrastructure of terrorist organizations worldwide and curtail their ability to move money through the international banking system.” In his congressional testimony, he commented that FTAT “represents a preventative, proactive and strategic approach to using financial data to target and curb terrorist funding worldwide.” In addition, three law enforcement agencies in the Treasury Department — the U.S. Customs Service, the Internal Revenue Service Criminal Investigations unit and the Secret Service, all of which fall under the Office of Enforcement — are working closely with the president’s Joint Terrorism Task Forces and at FBI headquarters to lend their technical expertise to tracking the terrorists’ money.

As Professor Gurulé explains, FTAT differs in two respects from traditional law-enforcement efforts to halt money laundering. First, traditional law-enforcement efforts focus on financial data in the context of a specific case. FTAT, however, looks at financial data across global terrorist organizations that have been implicated in a number of attacks.

Second, traditional law-enforcement efforts related to money laundering attempt to deter legitimate financial institutions from engaging in legal activities that nevertheless abet the criminal conduct of organized crime or the narcotics-trafficking industry. Disrupting the operational ability of these criminals occurs not as the primary focus but, rather, as more of a by-product of these efforts. But through FTAT, as Professor Gurulé notes, federal law enforcement will collect and analyze information related to money laundering for the express purpose of identifying and disrupting the various sources of funding that these groups are receiving. In particular, FTAT will assess the sources and methods used by foreign terrorist groups to raise money and fund their activities. In Professor Gurulé’s words, “This information will [then] be used to conceptualize, coordinate and implement strategies within the U.S. government to achieve four goals: deny these target groups access to the international financial system; impair their fund-raising abilities; expose, isolate, and incapacitate their financial holdings; and cooperate with other governments to take similar measures.”

Finally, Professor Gurulé and his colleagues in the Treasury Department are hard at work on efforts to secure international cooperation in these strategies to combat terrorism by attacking the financial structure of these organizations. The Office of Foreign Assets Control (OFAC), which also reports to Professor Gurulé, administers economic sanctions programs against specific countries, groups or individuals that pose a threat to the national security, foreign policy or economy of the United States. OFAC has already played a key role in working with other countries to track terrorist money movements and will work with other nations to block terrorist assets, cut off the flow of money to the terrorists, and regulate more closely the fund-raising activities of a variety of organizations and groups.

“Al-Qaeda is to terror what the Mafia is to crime.” But Jimmy Gurulé and others who continue to work on exploring ways to adapt existing legislation to fight the new war on terrorism are fast becoming to international terrorism what Eliot Ness, Robert F. Kennedy and G. Robert Blakey have been to organized crime: a formidable force dedicated to the destruction of those enterprises that wreak havoc on civilized society.


Id. at 824.
he war in Afghanistan has already yielded two very positive results for human rights: the overthrow of the Taliban regime in that country, and the almost certain disruption and disabling of al-Qaida as a functioning terrorist organization. It is proper to acknowledge the beneficial impact of these results, although I had serious doubts, at the time, about the wisdom of going to war over the events of September 11, 2001.

From the perspective of the promotion and defense of universal human rights, the short-term gains resulting from the demise of the Taliban and al-Qaida may come at the expense of serious setbacks in the future. Of course, this is not necessarily the way things will turn out, but it is important to start looking at the long-term ill effects of the present war effort in order to reverse them or, at least, to minimize their impact.

First and foremost, the United States must hold its military operations to the same standards that it uses when criticizing violations of the laws of war by others. There have been several worrisome complaints about deaths among the civilian population, and the Pentagon seems to be dismissing these complaints without a serious public investigation. It may well be that each one of the incidents reported by credible human-rights monitors is “collateral damage,” in the sense of unwanted and unpreventable civilian casualties in otherwise legitimate military actions. But labeling them so in response to the first question asked about such civilian
casualties precludes any serious inquiry and smacks of cover-up. To many outside the United States, “collateral damage” is no longer a term of art in international humanitarian law, but a cynical exercise in understatement in the face of human tragedies.

There is also the need to be clear on the treatment of prisoners. Al-Qaida fighters may not qualify for prisoner-of-war status under the laws of war, but the Pentagon has made the encouraging announcement that these prisoners will, nevertheless, be treated as much as possible as if they did. But under the laws of war, the United States, as the detaining power, is obligated to make individual determinations, by an impartial panel, about who qualifies as a POW and who doesn’t. It is not up to the discretion of the commander-in-chief, because this is an issue governed by laws that bind the U.S. Those are not the only prisoners for whom the United States is responsible. U.S. allies in different parts of Afghanistan hold thousands of former Taliban fighters, reportedly in appalling conditions. In late November, there was at least one serious riot, with hundreds of prisoners dead at its conclusion. Given the close strategic and tactical relationships between American and other anti-Taliban forces, the Bush administration cannot escape responsibility for the plight of those prisoners simply by shifting blame to the Northern Alliance or to the newly installed Afghan government.

On the home front, there are also troubling developments that need to be corrected right away. If any other government in the world held hundreds of prisoners without revealing their names, as the Department of Justice is doing, the U.S. State Department would, as it has done repeatedly in the last few years, justifiably criticize the practice. The U.S. Attorney General sought authority from Congress to detain aliens indefinitely without charges. Faced with some opposition, John Ashcroft settled for a seven-day detention. But by charging aliens with an immigration-law offense and then suspending deportation, the attorney general can bypass that limit and effectively engage in the prolonged and arbitrary arrest of noncitizens without charges. Such detention of any person under a state’s jurisdiction, whether citizen or alien, is a serious violation of international human-rights norms binding on the United States.

The most objectionable measure adopted since September 11 is the executive order by which President Bush has authorized himself to create military commissions to try any aliens who he has “reason to believe” are members of al-Qaida. These military commissions do not even meet the due-process requirements of regular U.S. courts martial and, for that reason, they should not be used, even for “illegitimate fighters” who do not qualify for what the laws of war call the “combatant’s privilege.” Commissions whose members serve at the pleasure of the president, who can admit evidence illegally obtained, whose decisions are not reviewable by any court and who can impose the death penalty by a majority of their members present hardly qualify as independent and impartial tribunals.

This initiative breaks with proud American traditions of due process and, significantly, is wholly unnecessary. In court proceedings including the trial of Timothy McVeigh, the trial of the 1993 World Trade Center bombers and matters relevant to the attack on U.S. embassies and the USS Cole, U.S. courts have amply demonstrated their ability to deal with difficult crimes of terrorism without danger to their effectiveness or their fairness, and with adequate protection of security interests. In response to widespread criticism, the Department of Justice has announced, via regulation, that the most offensive aspects of the president’s executive order will be amended. Nevertheless, it is difficult to imagine a set of regulations that can correct the fundamental lack of independence and impartiality inherent in the military commissions. The public — and, especially, concerned jurists — should be allowed to participate openly in the debate about those regulations.

September 11 undoubtedly presented us with an emergency situation. Many of the measures adopted by the current administration in response to that emergency are unobjectionable. In several important ways, however, the actions criticized above go well beyond the “exigencies of the situation.”

Recently, while on a human-rights fact-finding visit to Colombia, a journalist asked me if the September 11 attack had not changed everything about human rights. I answered that human-rights norms should be observed even — and especially — when it is difficult to do so, such as when a country faces a terrorist threat. Neither Colombia nor the United States has any claim to exceptionality in this regard. If, in the future, the United States wishes to continue to be a leader of the international community’s efforts to uphold democracy, human rights and the rule of law around the world, what we do against terrorism today, in response to our own tragedy, cannot be divorced from that goal.
Civil Remedies for Victims of Terrorist Attacks*

When a crime is committed, the state prosecutes the alleged perpetrator and, after a conviction, incarcerates or fines the wrong-doer, both to punish and to deter future similar misconduct. This may satisfy some victims, but others demand more. Some victims demand justice for themselves and file civil suits seeking compensation for injuries, wrongful death, or pain and suffering. Although it may be difficult, if not impossible, to collect any monetary judgment against a convicted defendant, such legal actions may provide some sense of closure for the victims, as grievances are heard in a public forum and wrongs are redressed by a financial judgment against the offender.

With a mass-atrocity like the terrorist acts of September 11, however, how may the victims and their survivors achieve similar justice? Certainly, the sustained military action by the United States and its allies is a form of punishment and, hopefully, also serves a deterrent effect. But what about justice for the victims themselves? What can be done to make the terrorists and their sponsoring states pay, quite literally, for what they have done?

Victims of terrorist attacks may avail themselves of a limited set of criminal remedies in certain circumstances, and the proposed International Criminal Court may help to broaden the range of conduct that can be punished across national borders. Individual victims may also avail themselves of the usual civil remedies against the terrorists themselves in some circumstances. But, as with criminal defendants in domestic cases, terrorists may lack sufficient personal funds to compensate for the death and destruction caused by their actions, and the difficulty in collecting any judgment may increase if foreign-national defendants are involved. Consequently, victims and survivors seeking compensation may look for deeper pockets — that is, the states that sponsor or support the terrorists.

Historically, however, foreign governments and their agents have enjoyed broad common-law and statutory immunity from criminal prosecutions and civil lawsuits under international law, even for international terrorist acts in which they have played key roles. And although at least 10 resolutions of the United Nations General Assembly have reaffirmed the "unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed," international law does not provide an adequate mechanism by which to impose criminal or civil penalties on states or governments that finance or otherwise support terrorist activities.

In the mid-1990s, the U.S. Congress attempted to remedy this situation by creating a new civil remedy with respect to certain designated state sponsors of terrorism. In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act to abrogate the immunity of foreign states involved in funding or sponsoring terrorist acts against U.S. citizens abroad. The act allows U.S. citizens victimized by state-sponsored terrorism to pursue civil lawsuits in U.S. courts against states identified by the U.S. Department of State as supporting, ordering, sponsoring or funding acts of terror directed at American citizens abroad.

But the act was not entirely successful in achieving Congress' goals. Although a number of plaintiffs were awarded large judgments under the act, they had difficulties collecting monetary judgments from foreign states, their agents or their instrumentalities. Consequently, in October 1998, Congress enacted a measure calling upon the U.S. Department of State and the U.S. Treasury Department to assist in locating money and other assets to satisfy judgments. Again, however, this measure has had mixed success, because it contains a "national security" waiver that allows the executive branch to refuse such assistance in the interest of national security.

In October 2000, then, Congress enacted the Victims of Trafficking and Violence Protection Act of 2000 to make


BY WILLIAM P. HOYE ’01 LL.M.
ASSOCIATE VICE PRESIDENT, DEPUTY GENERAL COUNSEL AND CONCURRENT ASSOCIATE PROFESSOR OF LAW
subject to attachment and execution any funds due to the United States from any state against which a judgment is pending under the Antiterrorism Act. As a result, victims of state-sponsored terrorism and their families have received more than $410 million from the frozen assets of certain state sponsors of terrorist acts, including Cuba and Iran. Significantly, however, in each of these successful cases, the defendant-states failed to respond to the plaintiffs’ complaints and were tried in absentia.

Although several U.S. federal courts have enforced the provisions of the Antiterrorism Act, the legality of the act under principles of international law has not yet been adequately tested or fully litigated in an adversary proceeding. The act seems susceptible to challenge under principles of customary international law on three fronts. First, the act might violate the sovereignty rights of foreign states by subjecting such states to suit, despite the fact that sovereign governments customarily are immune from civil suits. Second, the act might violate the “act of state” doctrine, which is a recognized matter of comity among sovereign states that requires a state to respect the independence of every other sovereign state. Third, the act might violate the principle of reciprocity, which requires that the United States treat a judgment of a non-U.S. court in the same way that a foreign court would treat the judgment of a U.S. court. It is unlikely that the United States would recognize domestic legal proceedings or judgments of certain identified state-sponsors of terrorism such as Iran or Cuba, for example.

Assuming for the sake of argument that the Antiterrorism Act is legal under customary international law, the question then must turn to whether the act can effectively or appropriately combat state-sponsored terrorism. Significantly, any assessment of the act’s effectiveness must turn on the goals ascribed to the act. For example, if the act is aimed at giving victims their day in court or publicly shaming foreign state-defendants, then the act appears to be quite effective, because cases brought under the act provide a forum through which to publicize particular atrocities. If the act is aimed at financially compensating victims, then its effectiveness is mixed, because, although plaintiffs do receive judgments, many have had difficulty collecting any actual money, until very recently. If the act is aimed at punishing defendant-states, again its effectiveness is mixed, as only Iran and Cuba have suffered because of the attachment of assets in the United States. Finally, it may never be known if the act has any deterrent effect, because it is impossible to know whether the penalties imposed by the act have caused any states to forego engaging in terrorist acts.

If the act is deemed effective, again for the sake of argument, questions still remain regarding whether the act is an appropriate normative tool for combating state-sponsored terrorism. Is the act just an example of fighting fire with the mire of years of litigation and procedural wrangling? By unleashing lawyers, lawsuits, procedural rules, delays and other characteristics of American-style tort litigation, has the U.S. government partially abrogated its own responsibility to fight state-sponsored terrorism and to obtain justice and compensation for victims and their families? Does the act’s one-sided victim-compensation system interfere with or undermine diplomatic efforts to resolve issues of state-sponsored terror among sovereign states? Or, is the act merely one arrow in the quiver of the U.S. government’s fight against state-sponsored terrorism?

Potential conflicts could arise between the judicial remedies provided for in the act and other remedies available to the president as the final arbiter of U.S. foreign policy. The act’s legislative scheme, for example, could place the interests of a few victims of state-sponsored terrorist acts and their families above, or at least in conflict with, the government’s broader foreign-policy interests and goals.

Another potential problem involves the issue of collateral estoppel and the protection of the constitutional rights of individual criminal defendants. If an incident of state-sponsored terrorism were adjudicated in a civil action under the act, those same facts and circumstances may be deemed finally adjudicated under the doctrine of collateral estoppel in a subsequent domestic or international criminal proceeding.

These problems could be avoided almost entirely, however, if domestic proceedings under the act were replaced with an international tribunal that would merge criminal and civil remedies into a single proceeding before an independent international court such as the proposed International Criminal Court (ICC). A single tribunal that could adjudicate criminal culpability, punishment and victim compensation for alleged international crimes could also adjudicate alleged acts of state-sponsored terrorism.

Historically, however, the challenge with the proposed ICC has been in persuading states to surrender some aspects of sovereignty and submit to the jurisdiction of an independent international tribunal with full legal authority to impose criminal and civil penalties based on a state’s involvement in terrorist acts. In light of the tragic events of September 11, 2001, however, there may never be a greater opportunity or greater political will to expand the jurisdiction of the envisaged ICC to include the crime of terrorism and to provide a forum for civil claims arising from acts of state-sponsored terrorism.

If the world community fails to take full advantage of this unique window of opportunity to act, while the consensus against state-sponsored terror is at its peak, then the chance to make the necessary changes may be lost forever. Then, the best the global community can hope for is a flawed, lopsided and inequitable system whose legitimacy, independence and legality under international law is questionable at best. The victims of the September 11 attacks, their families, the world community and future victims of state-sponsored terrorism deserve and are entitled to demand more, especially if the new war on state-sponsored terrorism is to be a long-term success.

An additional problem relevant to September 11, 2001, is whether the Taliban could be brought to trial under the terms of the act, since the United States never recognized the Taliban as the ruling authority in Afghanistan and, thus, the Taliban may not be considered a sovereign nation under the statute.
Just as those of us who are old enough remember where we were on the day President Kennedy was shot, all of us today have an indelible memory of where we were on the day of the terrorist attacks. In all the horror and the aftermath, the universal question frequently asked has been, “How can they hate us this much?” My particular memory of September 11 began with an incredible revelation of why “they” hate us, providing me with a different perspective than most Americans as I watched the tapes of the attack played over and over again.

I was with an Immigration Clinic student of mine, Dawn Johnson, a 3L from Shiocton, Wisconsin, on our way to an asylum hearing in Chicago for a client from a Middle Eastern country. We did not have the car radio on, since we needed the time to brief our client on the asylum procedure and to review his claim. As we tried to gather our thoughts, he began to thank us profusely for all that we had done for him. He explained that he had been afraid of Americans and that, when he first came to the United States, he did not leave his apartment for a month, fearful of what “we” might do to him.

Our client is a highly educated man, a member of his country’s foreign service and a practicing Muslim. Yet, since he was a young child, he had been taught about the “evils” of the West. Through grade school, high school, college and graduate school, he had heard and he believed what we now know to be something of a mantra for some Middle Easterners: The West is to blame for all social ills — crime, murder, rape, pornography, homosexuality. Evil things happened to people who had any association with the West.

Our client’s country people were encouraged to resist this evil in any manner they could, even if it meant dying or killing. He recalled for us a time when his 10-year-old sister had made friends with the boy next door, merely talking to him through the fence. When their parents discovered her friendship, her father almost killed her by beating her for not upholding the strictures of the Muslim practice. Our client, too, had suffered indescribable abuse at the hands of his countrymen because of his effeminate nature. He told us that he had never expected, in his wildest dreams, for the United States to be the place it has been for him, with kind and understanding people everywhere. He reemphasized that he never could have been prepared for what he encountered here, because the rhetoric at home had no place for American’s generosity and good will.

When we arrived in Chicago, I dropped off Dawn and our client at the court. As I pulled the car into the parking garage, I saw cars were streaming out. Traders were everywhere in the streets and on the plaza, on cell phones and looking at the sky. It was a surreal experience for us, since we had no idea of what had happened. Dawn and the client met me outside the court, having been turned away by the asylum officer with the explanation that downtown Chicago was being evacuated. A woman on the street explained to us what had happened. Dawn and I both thought back to the first World Trade Center bombing, and instantly realized that we may be perceived to have a “enemy” with us in our client. He, on the other hand, was totally oblivious to anti-Middle Eastern sentiments or to our need to get out of there fast. As he told us, this sort of thing happens in his country every day. He commented that when people go to bed at night in his homeland, they don’t say “good night.” Rather, they say “good-bye,” just in case they don’t live through the night because of bombing.

Then, in a voice loud enough to be heard over the hubbub, he proclaimed, “It could only be [someone else], not Osama bin Laden. I know, because I am in the foreign service of [a Middle Eastern country]!” At that point, I lost it. I told him to be quiet, in no uncertain terms. We then evacuated downtown Chicago with the others who were fleeing.

The enormity of what had happened did not hit our client at first. He had never lived in the security that we had, and he had not realized what this breach of our security meant. Nor did he expect the anti-Arab backlash from Americans — a people who, he had come to learn, had been wrongly demonized back home.

Two months later, our client had his hearing and was granted asylum. He now assists the Quakers in their work with Afghan refugee orphans. He still thanks us profusely for giving him his life. We, in turn, thank him for what he has given us: an understanding of where at least some of that hatred comes from — fear and ignorance.

BY BARBARA SZWEDA
ASSOCIATE PROFESSIONAL SPECIALIST, NOTRE DAME LEGAL AID CLINIC
Justice Antonin Scalia
2001 Clynes Visiting Professor in Judicial Ethics

University President Reverend Edward A. Malloy, C.S.C., introduces Justice Scalia as Dean. Patricia A. O’Hara looks on in the Law School Courtroom.

Justice Scalia (right) at the faculty dinner with University Provost Dr. Nathan O. Hatch and Julie Hatch.

Justice Scalia (right) at the faculty reception with (left to right) Lisa Nagle, Professor John Nagle and Associate Professor Bill Kelley.
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 in the Notre Dame Stadium pressbox. During the dinner, Justice Scalia gave an inspiring talk about the role of faith in the teaching and practice of law.

On Monday morning, October 15, Justice Scalia taught Assistant Professor A.J. Bellia’s Contracts I class. Justice Scalia had taught contracts during his years in the academy at the law schools of the University of Virginia and the University of Chicago. The students, who had no prior notice that Justice Scalia would be teaching class that day, greeted his entrance with warm applause. Justice Scalia lectured on the history of the common law and statutory interpretation. He answered several questions from the students, including questions about the role of the judge in common-law cases, legislative history and the relationship between the states and the federal government as a matter of constitutional law. At the end of class, Justice Scalia left to a standing ovation.

Later that morning, Justice Scalia met with students for a one-hour question-and-answer session in the courtroom. He answered specific questions about federalism, separation of powers, the First Amendment, capital punishment and due process. The students also asked several questions regarding the role of faith in the life of a judge. In particular, Justice Scalia answered questions about how to balance the demands of law practice with responsibilities of family and community.

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.
Contact information for individual faculty members is available on the Law School’s web site at www.law.nd.edu/faculty/faculty.html. The site provides hot links with each faculty member’s e-mail address, as well as regular mail and telephone information.

• MATTHEW J. BARRETT ’82, ’85 J.D. published the unabridged version of the third edition of ACCOUNTING FOR LAWYERS (Foundation Press) the 1,094-page casebook he co-authored with Professor David R. Herwitz of the Harvard Law School. The second edition of the casebook is the most widely used in the field, having been adopted by more than 50 law schools since its release in 1997. In August, he published the 670-page concise version of the text, and the teacher’s manual that accompanies both versions of the casebook.

He has been elected by the law faculty to a second consecutive three-year term as the Law School’s representative to the Faculty Board on Athletics.

• JOSEPH P. BAUER has published the 2002 annual supplements to volumes I and III through IX of Kintner’s FEDERAL ANTITRUST LAW treatise (Anderson Publishing Company, 2002). He also commented on the decision by the U.S. Department of Justice to drop its efforts to break up Microsoft in an article titled “Guided” Oly Charges in the August 10, 2001, edition of THE DESERET NEWS of Salt Lake City, Utah.

• GERARD V. BRADLEY served as the moderator for a panel discussion titled “The Catholic Experience: Americanism, Dignitatis Humanae and the First Amendment,” part of a program on “Faith Under Democracy: What Have Religious Believers Gained? What Have They Lost?” sponsored by the Religious Liberties Practitioner Group of the Federalist Society and Ave Maria School of Law in Ann Arbor, Michigan, in September.

• FERNAND N. DUTILE ’65 J.D. 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.


• RICHARD W. GARNETT published A Quiet Faith: Taxes, Politics, and the Privatization of Religion in volume 42 of the BOSTON COLLEGE LAW REVIEW. He 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.

He also served as a panelist for a discussion on “Bush v. Gore and Much More, A Round-Up of the Supreme Court’s October 2000 Term” at a program hosted by The Federalist Society for Law & Public Policy Studies, Indianapolis Lawyers Division Chapter, in Indianapolis on September 12.


He published Fighting Fire with... Minen Civil Remedies and the New War on...
PROFESSOR GURULÊ 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 Commandos, which features a number of key Bush Administration officials involved in the war on terrorism. Among those profiled is NDSL Professor Jimmy Gurule, currently on leave to serve as under-secretary for enforcement in the U.S. Treasury Department. The profile talks about 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.

Professor Gurule’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, he is confident that the agencies’ joint efforts will be able to follow the money trail so wherever it ends.


* ROGER JACOBS has been elected to the board of directors of the Law Library Microform Consortium at the meeting of the consortium held in conjunction with the July meeting of the American Association of Law Libraries in Minneapolis. The Law Library Microform Consortium is a 30-year-old library cooperative devoted to fulfilling its members’ requirements for preservation, collection development and space recovery.

Contributing members of the consortium include every major law library in the United States in addition to significant legal research collections worldwide. Dean Jacobs joins representatives from Harvard, Yale and Berkeley, among others, as a member of the board.

* MICHAEL S. KIRSCH spoke and participated on a panel 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.

* DONALD P. 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.


* GARTH MEINTJES ’91 LL.M. 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.

He traveled to Romania in early December to participate in a conference on domestic violence held at the Law School of the Mihail Kogalniceanu University. The program was organized by the law school’s dean and center alumnus, Aurora Ciucu ’96 LL.M., to heighten awareness about the scale and frequency of domestic violence in that country. Participants included judges, prosecutors, forensic scientists, police officers, social workers, doctors and students, from Romania as well as from Georgia, Moldova, Slovakia and Tajikistan. Mr. Meintjes’ presentation focused on Romania’s international human-rights obligation to address the problem. He also helped to formulate legislative and policy recommendations based on the work of other similarly situated countries.


* TERESA GODWIN PHELPS ’73, ’75 M.A., ’80 Ph.D., commented on legal writing for practicing attorneys in an article titled Brevity is Best published in the July 18, 2001, edition of The Indiana Lawyer.

She presented a workshop on “Advanced Legal Writing” at the annual meeting of the Council of Appellate Staff Attorneys on July 20, 2001, in Portland, Maine. She also gave a day-long writing workshop for the staff attorneys at the United States Court of Appeals for the Seventh Circuit in Chicago, Illinois, on September 7, 2001.

* WALTER F. “JACK” PRATT JR. has been appointed to a three-year term on the Law School Administration Committee of the ABA’s Section on Legal Education and Admissions to the Bar.
**An Exchange on Capital Punishment**


**JOHN ROBINSON '72 M.A., '75 Ph.D.** commented on the ethical issues surrounding stem-cell research in an article titled Stem Cell Research: Hope or Bane for Human Life in the August 5, 2001, edition of the South Bend Tribune.

**ROBERT E. RODES JR.** gave a colloquium on "Medieval English Secular Legal Materials" to the University's Medieval Institute on October 16, 2001.

**VINCENT D. ROUGEAU** spoke on "Does the American Legal System Threaten or Encourage Forgiveness?" at a conference on the "Meaning of Forgiveness" sponsored by the Center for Religion, Ethics and Culture at Holy Cross College in Worcester, Massachusetts, on September 15, 2001.


**DINAH SHELTON** taught on "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 Uke 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; the keynote address on "Hierarchy of Human Rights" at the Saskatoon Conference on Human Rights on November 3; an address to the Canadian Parliament's human-rights committee on the ratification of the American Convention on Human Rights on November 22, a lecture in Ecuador sponsored by the speaker's program of the U.S. State Department in late November; talks on environmental implementation and codes of conduct at a conference on "World Trade and the Environment" in Takamatsu, Japan, December 6-8; and the keynote speech on "The Impact of Globalization on International Law" in Australia for the opening of the University of Sydney's new international law center on December 11.

She has been appointed the expert for the United Nations Environmental Program (UNEP) to prepare 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.


**J. ERIC SMITHBURN** has published Cases and Materials in Juvenile Law (Anderson Publishing Company, 2001). He also 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 2001, 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."

**BARBARA SZWEDA** spoke on current judicial decisions in asylum cases at the Asylum Conference sponsored by the American Immigration Lawyers Association in Chicago, Illinois, October 19-20.

**JAY TIDMARSH '79** 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, November 1, 2001, in Indianapolis, Indiana.

He 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.
STEVEN SMITH TACKLES RELIGIOUS FREEDOM IN NEW BOOK

Steven D. Smith, Robert and Marion Short Professor of Law, has published GETTING OVER EQUALITY: A CRITICAL DIAGNOSIS OF RELIGIOUS FREEDOM IN AMERICA (New York University Press). According to a review in the December 1, 2001, issue of FIRST THINGS: A MONTHLY JOURNAL OF RELIGION AND PUBLIC LIFE, the book "[moves] beyond stale arguments about the 'separation of church and state' and expos[es] the incoherence of doctrines of 'equality.' In his book, Professor Smith "proposes a vibrant practice of tolerance and prudence that holds high promise for our continuing debate over the role of religion in the public square. His argument is lucid, forceful, sometimes eccentric, and refreshingly free of legalistic cant."

ADMINISTRATOR & STAFF NOTES

• Congratulations to DAN MANIER ’87, ’93 M.S.A., director of Law School Technology, who received a Special Presidential Award at the University’s Staff Recognition Luncheon on August 20, 2001. Mr. Manier, who has worked at the University for 13 years and at the Law School for the last three years, was honored for, among other things, his work in improving the technology available to NDLS faculty, students, administrators and staff. As the citation reads, "There may have been a time when Notre Dame functioned without computers, but many of us can’t remember operating without them. [Dan] is one of those people who allows us to take the miraculous technology for granted. Three years ago he moved to the Notre Dame Law School, where, as Director of Technology, he impressively manages an expanding complex of computing resources."

• Congratulations to TRISH DUNN, senior staff assistant in the Career Services Office, who celebrated 10 years of service to Notre Dame in October 2001; and to SUSAN GOOD ’85, technical support consultant/analyst in the Law School’s Technology Department, who celebrated 15 years of service to Notre Dame in January 2002. Ms. Good’s duties include managing the technology department’s name server, the Law School’s gateway to the Internet.

• Welcome to JODY KLONTZ, senior staff assistant supporting the offices of Associate Dean Vincent D. Rougeau and Director of Administration Cathy Roemer. Ms. Klontz will also have responsibility for two student journals — the JOURNAL OF LEGISLATION and the NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY. She began work at the Law School on November 19, 2001, having most recently worked for the Mirkin Law Offices in South Bend.

• Two members of the Law School’s administrative staff retired in December 2001 after years of dedicated service. LINDA HARRINGTON, supervisor of office services at the Notre Dame Legal Aid Clinic, retired after 21 years of service to the Law School. She began her work at the Law School in 1980 as a faculty secretary, and later was a member of the administrative staff of the National Institute for Trial Advocacy. She served the clinic well as its office manager for most of the last decade. KITTY COONEY HOYE, career counselor in the Law School’s Career Services Office, retired after 8 years of service to spend more time with her family. Hired in 1993, she modernized the CSO facilities and hired professional staff to meet the needs of NDLS students. She also wrote and edited the first two issues of NOTRE DAME LAWYER magazine, and initiated the Law School’s alumni-outreach efforts in the mid-1990s.
Law Library Dedicates New Endowed Collections

On September 20, 2001, in conjunction with the annual meetings of the Law School Advisory Council and the University Libraries Advisory Council, the Law School dedicated seven new endowed collections, each of which enhances the strength of the Kresge Law Library in a different and much-needed way. These collections resulted from focused efforts during the recently completed GENERATIONS campaign to continue to develop library collections and other resources to support both teaching and the scholarship of NDLS faculty and students.

The dedication ceremony, attended by benefactors, University officers and Law School administrators, served to recognize those whose support for the Kresge Law Library has risen to a level that will sustain certain collections in perpetuity. Currently, the Law School has 16 endowed collections. In addition to the new collections described below in more detail, the endowed collections include:

The Harry Fath Family Endowed Law Library Collection
The Francis M. Gregory Jr. Collection in Law
The Mary K. Hartigan ’91 J.D. Endowed Law Library Collection
The John P. Murphy Law Library Collections
The Rex Patrick and Mary Evelyn O’Connor Family Endowed Collection in Irish Law
The Paul and Carol Schierl Law School Endowment for the Study of the Legal Issues of the Civil War
The John A. Vuono Family Endowed Collection in International Law
The Robert J. and Kathleen B. Welsh Family Endowment for the Notre Dame Law School

For more information on endowed collections in the Kresge Law Library, please visit the Library’s web site at http://www.nd.edu/~lawlib/about/endwments.html.

Resource Enhancement

Patrick F. McCartan ’56, ’59 J.D., ’99 L.L.D. (Hon.), managing partner of Jones, Day, Reavis and Pogue and chair of the University’s Board of Trustees, and his wife Lois have established The Patrick F. McCartan Law Library Endowment to enhance the resources at the Kresge Law Library. The endowment provides the Kresge Law Library with the flexibility to respond to emerging legal-information needs. Whether the need is for new online resources, important historical materials on microfiche, or additional books and journals, the educational advancement of law students and the research needs of law faculty are supported generously by the McCartan Endowment.

Technology

The Richard P. Anton Law Library Technology Endowment was established by Richard P. ’54 and Bonnie B. Anton in 1998. The technology needs in an effective academic law library are enormous. The endowment helps to ensure that the technology needs of the Law School’s students and faculty are fully met. The generosity of the Anton Family has ensured that Notre Dame legal scholars will have the benefit of the proper equipment and the necessary access to the best online resources.
Honorable Thomas J. Meagher ’36 was always a proud graduate of the University of Notre Dame, and his wife, Margaret, shared that pride. Consequently, Mrs. Meagher has honored her husband’s alma mater and their home state by creating in her will the Judge Thomas J. and Margaret S. Meagher Endowment of the New York State Law Collection in the Kresge Law Library. New York state legal materials are vital for any law library that seeks to support scholarship and the needs of a national student body. The endowment supports the acquisition both of new works of analysis as well as of the many continuing publications of legislative and judicial materials emanating from New York. The Meaghers’ generous support will enable the library to build and maintain a great New York legal collection.

John F. “Jack” Sandner ’68 J.D., formerly chair of the Chicago Mercantile Exchange and currently chair, president and chief executive officer of RB&H, L.P., a futures-commission merchant and clearing-member firm of the exchange, as well as a member of the University’s Board of Trustees, established the John F. Sandner Family Law Library Collection to support the research needs of the Kresge Law Library. The endowment has facilitated the single largest purchase of materials in the history of the library, when the Chicago Bar Association made its entire collection available for sale. The collection has vastly increased the library’s holdings of periodicals and primary state legal materials, and has helped to fill in large gaps in 19th- and 20th-century monographic holdings. This key acquisition has helped the Kresge Law Library become a true research facility.

Born in the Flemish part of Belgium, Roger Regelbrugge’s family and education provided a strong foundation for an enduring devotion to his faith and to Our Lady. Inspired and motivated by the many blessings received through the intercession of the Virgin Mary, Roger and his wife, Dorcas, have established the Roger and Dorcas Regelbrugge Family Endowed Collection in Natural Law. The endowment supports the study of legal theory with a long and honorable history in the Law School. As the home of the Natural Law Institute and the AMERICAN JOURNAL OF JURISPRUDENCE, and as a center for the study of law and religion, the Law School has always required significant library holdings in natural law. Through the generosity of the Regelburgges, who established their collection to stimulate awareness and interest in the fundamental mission and destiny of humankind, and the divine guidelines for success, this collection will ensure that these holdings will increase and that the study of natural law will continue to be integral to the Law School’s work.

To help further the mission and resources of the Kresge Law Library, Lawrence W. Smith Jr. ’35 established the Lawrence W. Smith Endowed Collection in Ohio Law and the Lawrence W. Smith Endowed Collection in Legal Ethics through a charitable remainder trust. Part of the Law School’s mission is to prepare professionals whose decisions are guided by the ethical values and morality that Notre Dame represents. The legal ethics collection provides the Kresge Law Library with the opportunity to acquire the scholarly materials necessary for the study of legal ethics at the institution where ethical concerns are a priority. The Ohio collection endowment supports an important body of state law for students and researchers. The cumulation of case law and statutory materials and the acquisition of new scholarly works analyzing Ohio law add significantly to the library’s comprehensive collection of American legal materials. The Smith Collection will ensure the ongoing quality of the Ohio law collection in perpetuity.

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O H I O L A W A N D L E G A L E T H I C S
Law School Hosts Distinguished Speakers

Successful alumni and distinguished scholars added to the rich intellectual debate at NDLS and helped students learn more about the practice of law as a number of programs throughout the first half of the fall semester, including:

- As part of the Olin Distinguished Lecture Series sponsored by the Natural Law Institute, Daniel Robinson, distinguished research professor and professor of psychology at Georgetown University, gave a lecture on "Can There Be a 'Moral Psychology'" on September 10. Professor Robinson has published widely on both the empirical and the philosophical issues involved in free will, insanity and other problems at the interface between law, philosophy, psychology and the natural sciences.

In the continuation of the series, Richard W. Wright, professor of law at Chicago-Kent College of Law, lectured on "Justice and Reasonable Care in Negligence Law" on October 30. Professor Wright specializes in torts, jurisprudence and computer-based legal reasoning.

- The St. Thomas More Society sponsored a lecture on "Thomas More as Statesman and Lawyer of the Millennium: His Legacy of Integrity" by Gerard Wegemer '86 Ph.D., a professor of English at the University of Dallas and author of A PORTRAIT OF COURAGE, a biography of the saint. The program, held on September 27, 2001, featured a discussion of St. Thomas More's views on the nature and limits of law, the law's relationship to conscience, the role that statesmanship plays in executing the law, and the application of his views to modern legal practice.

- Speakers at the Faculty Colloquium Series included Tom Merrill of Northwestern University, Chris Game of Aberdeen University in Scotland, and Teresa Godwin Phillips '73, '75 M.A., '80 Ph.D. of NDLS, in September; and Ruth Okediji of Oklahoma University and Robert Berring of the University of California-Berkeley, in October.


- The Irish Law Society sponsored a talk by Seamus Deane, Keough Professor of Irish Studies and director of the Keough Institute for Irish Studies at Notre Dame, on "The Northern Irish Troubles and Irish Writing." Professor Deane is a renowned literary critic and writer whose book READING IN THE DARK earned international acclaim and was nominated for the Booker Prize.

- 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 Mendez, Jay Tidmarsh '79, Richard W. Garnett and Garth Meintjes '91 L.L.M., 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.


- The Environmental Law Society welcomed Alma College Professors Murray Borrello and Ed Lorenz on November 26 for a presentation on "Community Action, the SuperFund and Remediation." Professors Borrello and Lorenz were instrumental in SuperFund designations as a chemical plant and oil refinery on the Pine River in central Michigan, memorialized in the 1981 movie, "Bitter Harvest."

- 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 Patricia Bellia, Lisa Casey, Nicole Garnett, Lucy Salsbury Payne '88 J.D., and Teresa Godwin Phelps '73, '75 M.A., '80 Ph.D., along with Director of Student Services Julia Meister '95 J.D.

Spring 2002 Courses Examine Criminal Justice

Donald Schmid '82, assistant U.S. attorney for the Northern District of Indiana, Ian Axford Fellow in Public Policy with the U.S. Department of Justice and a newly appointed 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 Professor Schmid 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 United States.

Douglas Cassel, a visiting scholar in the Center for Civil and 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 constitutes 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, in the 1990s, 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, and 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.

2001 Feminist Jurisprudence Writing Competition


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.
Several NDLS faculty members provided insight into the impact of the recent terrorist attacks on civil liberties, human rights and our conceptions of justice, retribution and separation at a panel discussion titled "After September 11: Law, Rights and Remedies," sponsored by the Center for Civil and Human Rights, with the University’s Joan B. Kroc Institute for International Peace Studies and Helen Kellogg Institute for International Studies. The discussion, which was the third in a series of panels examining the dimensions of the tragic events of September 11, 2001, included the center’s director, Professor Juan Méndez, Professor Dinah Shelton, the center’s associate director, Garth Meintjes ’91 LLM., and center advisory council member Assistant Professor Tricia Bellia, along with Robert Johnansen, professor of government and international studies and senior fellow in the Kroc and Kellogg Institutes at the University.

On October 19, 2001, the center sponsored a two-hour discussion program on "Criminal Prosecutions After 9/11: Proceeding," 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 ’98 J.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.

Ali Qazilbash ’97 LLM., J.S.D. candidate in the CCHR, has been quite active in writing and speaking on various human-rights topics while he completes his J.S.D. He has received some support for his J.S.D. work in the form of a dissertation scholarship from the Institute of World Politics in Washington, D.C., for 1999-2000. He published NGO Efforts Toward the Creation of a Regional Human Rights Arrangement in the Asia-Pacific Region in the spring 1998 edition of the ILSA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW, and gave a presentation on that same topic as part of a panel discussion on "Issues Surrounding the Creation of a Regional Asia Pacific Human Rights System" at the International Law Weekend 1999 in New York. Continuing with that same theme, he published Human Rights Environment and Development in South Asia in the spring 2000 edition of the ILSA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW, and gave a presentation on that same topic as part of a panel discussion on "Human Rights Environment and Development: Some South Asian Experiences" at the International Law Weekend 1999 in New York.

He has helped to educate the NDLS community on human-rights issues in the Asia-Pacific region through presentations to various student groups. He presented "The Influence of Religion on the Laws of Pakistan" for the NDLS International Law Society in April 1999; he spoke on "Honor Killings in Pakistan" to LLM. and J.D. students; he chaired a panel discussion on "Issues Around the Globe" at a program sponsored by the University in October 1999; chaired a program that featured a presentation by Dr. Clarence Dias on "The Future of Human Rights and Democracy in South Asia" in November 1999; spoke on "Implementing Human Rights Protection of Indigenous Peoples Internationally and in the United States" to the NDLS Native American Law Students Association in April 2000; chaired a presentation that featured a talk by Professor Naim on "Rethinking Pakistan" in April 2000 and gave an invited talk on "Environment and Development" at the University’s Center for Social Concerns in April 2001.

He has worked as a consultant with Human Rights Watch on a project concerning juveniles in jails in Pakistan. He has also worked as a legal associate at the second session of the "International People’s Tribunal on Human Rights and the Environment" in New York. He has helped to develop a briefing-resource kit on "How to Explore United Nations Mechanisms" with Dr. Clarence Dias, which should be published sometime in 2002.

MARGARET MUNALULA EARN J.S.D. DEGREE

Congratulations to Margaret Munalula of Lusaka, Zambia, a Fulbright scholar studying in the Center for Civil and Human Rights, on completing the requirements for her J.S.D. degree in August 2001. Ms. Munalula successfully defended her dissertation, The Legitimacy of Sovereign Debt: A Case Study of Zambia, in August 2001, and earned her degree with honors. Her dissertation applies human-rights theory and standards to evaluate the legal framework relating to external public borrowing in the context of debt-ridden sub-Saharan Africa. The study raises several issues that impinge on the legitimacy of such debt and on borrowing as a state function. She questions the effect of a denial of political and civil rights during the process of borrowing and she addresses the effect of a state’s choice to meet debt obligations at the expense of social and economic rights. Her primary argument is that the debt process is legitimate only after the recognition of the primacy of human rights and after the adherence to basic human-rights expectations.

She begins her dissertation by setting out the applicable human-rights and justice standards, and follows with an analysis of the international sovereign-debt regime — particularly, the World Bank and the International Monetary Fund — from a historical point of view. She then evaluates the operations of that debt regime within the context of Zambia, a highly indebted sub-Saharan African country. Ms. Munalula argues that the Zambian experience clearly demonstrates the weaknesses in the concept of sovereign debt and in the sovereign debt-management system. She reveals the manner in which Zambia’s domestic legal system was manipulated in order to legalize a debt-management process that excluded the country’s citizens both from knowing what was going on and from sanctioning the loans incurred by the state. She also shows that debt service has had a devastating impact on the economy as a whole, and on the delivery of social services such as health and education in particular. For Zambian children especially, the effect of this sovereign-debt-management process has been to deny them their rights to education and basic well-being.
Student Organizations Raise Money for FDNY and NYPD

In the wake of the World Trade Center disaster, various NDLS student organizations quickly responded to raise money for the New York City police and fire departments. John Murphy, a third-year student from New York, New York, president of the Irish Law Society and an assistant rector in Dillon Hall, took the lead by organizing a concert on Saturday, September 15, at the Alumni/Senior Club on campus. The concert, which raised funds through a $10 per person cover charge, featured Kennedy's Kitchen, a local band, along with the Notre Dame Pipe Band. The money will be donated to the NY Firefighters 911 General Relief Fund and the Patrolmen's Benevolent Association's Widow's and Children's Fund. Mr. Murphy organized this benefit because of the tremendous respect he has for the men and women of the NYPD and FDNY. Mr. Murphy organized this benefit because of the tremendous respect he has for the men and women of the NYPD and FDNY.

On that same Saturday, the Social Justice Forum sponsored its annual golf scramble at the University's Warren Golf Course. The outing had been planned over the summer and was originally intended to raise money for Thanksgiving dinner baskets for over 100 needy families in the South Bend-Mishawaka area. In the light of the events of September 11, however, SJF decided to hold the event as a benefit for the same NYPD and FDNY charities. The SBA, led by third-year law student and SBA social activities chair Tony Mendoza of Austin, Texas, organized a luau on September 27 as a benefit for the relief efforts as well. All together, the student-led fund-raising efforts totalled more than $3,000.

Class of 2004 Elects Leaders

In late September, the Class of 2004 elected its representatives to the Student Bar Association and the Honor Council. Congratulations to SBA representatives Gerry Olinger of Springfield, Pennsylvania, LaWanda Spearman of Detroit, Michigan, and Ben Tschann of San Francisco, California, as well as to Honor Council representatives John Torgensen of St. George, Utah, Ben Whipple of Grand Rapids, Michigan, and Kristina Zurcher of Devarur, Indiana.

3L Honored for Philanthropy and Service

Third-year law student Christopher Zorich '91 of Chicago, Illinois, was honored by Armani Exchange in Chicago as one of Chicago's "10 to Watch" — a salute to 10 of the "hippest and hottest Chicagians" in celebration of Armani Exchange's 10th anniversary. He was honored for the work of his Christopher Zorich Foundation, which works to provide food, hope and education for Chicago's less fortunate, as well as to sponsor scholarships, food-delivery programs, assistance to women in shelters and children in youth homes and orphanages.
The 2001-02 “Day of Pay” effort by the Notre Dame Law School’s Public Interest Law Forum (PILF) is in full swing. In the wake of the exciting announcements from NDLS Dean Patricia A. O’Hara ’74 J.D. that the Law School will budget $50,000 per year to fund loan repayments for alumni engaged in public-interest work, and from University Executive Vice President Reverend Timothy Scully, C.S.C., that the University will match that amount for a total of $100,000 available annually for loan forgiveness, PILF has also collected a total of approximately $4,000 from students to help grow the loan repayment endowment so that the program can sustain itself well into the future. Additional gifts from faculty and alumni have helped to increase the endowment total to more than a quarter of a million dollars. And our collection efforts are far from over!

In 2000, PILF redefined the “Day of Pay” program — which, in the 1990s, had been used to secure financial support for students engaged in service work during the summer — to begin a grassroots, student-led initiative to accomplish two goals. First, “Day of Pay” would raise money to fund an LRAP endowment. Second, the program would help to demonstrate to the Law School and University administration, as well as to alumni, that the student body considered debt relief for those pursuing public-interest employment to be a vital component of the NDLS mission to “educate a different kind of lawyer.”

The need for loan repayment assistance is quite urgent. With the skyrocketing costs of a quality legal education, students often have $50,000 to $90,000 in debt from law school alone. Nevertheless, the median public-interest salary has stagnated in the low $30,000 range. Well-educated, but highly indebted, students consequently are often unable to enter the public-interest sector, perpetuating the shortage of public-interest lawyers. Thus, the poor and disadvantaged continue to have limited access to the legal system, and the majority of their legal needs go unmet.

The “Day of Pay” program functions as a pledge drive. In the spring, PILF accepts student pledges to donate earnings from one day of summer employment. Then, throughout the fall, PILF collects the money that was pledged. Any amount is welcome, and PILF greatly appreciates any amount that students can give. The donations are tax deductible and, for 3Ls, current law students who earned their undergraduate degree from Notre Dame and alumni, the pledges count toward the football-ticket lottery. Alumni are welcome to donate as well, and are encouraged to inquire about their firms’ matching-gift programs. The “Day of Pay” program facilitates an outward display of the Law School community’s generosity and mutual support for each other’s career choices. Even students who work in unpaid or low-paying public interest jobs for the summer donate to “Day of Pay.” Students working to support their own families donate to “Day of Pay.” And students who may never intend to benefit from the loan repayment program donate to “Day of Pay.”

The Law School continues to raise funds for the endowment so that, in the near future, the interest from the endowment alone will sustain the program. Such an endowment would allow a perpetual program independent of the vagaries of the budget process.

The Law School has also formed a committee to determine the appropriate method for distributing endowment earnings from the loan repayment fund. Associate Professor Matthew J. Barrett ’82, ’85 J.D. currently chairs the committee, which includes members Professor of Law Teresa Godwin Phelps ’73, ’75 M.A., ’80 Ph.D., Professor Conrad Kellenberg, Director of Law School Administration M. Catherine Roemer, and students Sean O’Brien ’95, ’01 J.D. (LL.M. candidate) and 3L Susan Prchal. The committee has as its goal making recommendations to Dean O’Hara in time to have the program in effect for the Class of 2002. The committee meets regularly to make decisions on the parameters and scope of the program. Watch for updates about the details of the program in future issues of this magazine.

Thank you for your continued generosity. "Day of Pay" would not be successful without alumni participation. Also, thank you to the PILF alumni who laid the groundwork for the current students. For questions or comments about the “Day of Pay” program, the LRAP or other PILF initiatives such as student-funded fellowships, please send an e-mail to pilf@nd.edu, or visit the PILF web site at www.nd.edu/~pilf.

— Susan Prchal, Class of 2003
PILF President, 2001-02
Huntington Beach, California
SBA Student Service Initiatives

Thanks to the hard work of Myra McKenzie, a third-year student from Slidell, Louisiana, who chairs the Student Bar Association, and her committee, the NDLS student body has been busy participating in a number of service projects — both one-time and semester-long.

The semester-long projects included:

- Story-time with Head Start, where law students read stories to preschool children in local schools for one hour per week;
- Tutoring at the South Bend Center for the Homeless, twice each week for one-and-a-half hours; and
- Dinner at Dismas House, where law students cook dinner for the residents of this program, which helps those convicted of crimes to reintegrate themselves into society after incarceration.

One-time or seasonal projects included:

- Habitat for Humanity Blitz Build in October 2001, where law students joined with other University students to build a house for a low-income South Bend family over fall break;
- Kids and Kandy Halloween party, where law students provided treats and fun for children from a local Catholic elementary school;
- Thanksgiving basket drive, for which the SBA, Social Justice Forum and the ND Men's Baseball Team joined forces to collect, package and deliver Thanksgiving meals to needy families in South Bend;
- Nursing home Christmas project, through which law students helped to refurbish a local nursing home’s activity room with video games, crossword puzzles and board games after some of the home’s supplies were stolen; law students also delivered Christmas stockings with candy to each of the home’s 243 residents; and
- Toys for Tots, co-sponsored with the Military Law Students Association, to collect toys and funds to purchase toys for the annual project sponsored by the U.S. Marine Corps.

Committee members for 2001-02 include: Tamona Bright, a 3L from Harker Heights, Texas, who served as education programming coordinator; Hilary Baldwin, a 3L from Baltimore, Maryland, who served as children’s programming coordinator; Mildred VanVolkom, a 2L from Houston, Texas, who served as compassion programming coordinator; 3Ls Kristina Campbell of Notre Dame, Kathleen Finn of Aurora, Illinois, and Maureen Threapleton of Burlington, New Jersey; and 1Ls Zenaida Alonzo of Chicago Heights, Illinois, Sally Boston of Indianapolis, Indiana, Paola Canales of Miami, Florida, Rebecca D’Arcy of Grosse Pointe, Michigan, Brian Josias of Fort Lauderdale, Florida, Jim Murray of Huron, Ohio, and Rabeh Soofi of Inverness, Illinois.
Current NDLS students Angie Little, a 2L from Fort Wayne, Indiana, and Peyton Berg, a 3L from Kalispell, Montana, teamed up with Marine Corps captains Erich Bertiel and Mark Benson in the 10K Volkslauf Mud Run, October 27, 2001, in Bakersfield, California. Runners negotiated a series of different obstacles throughout the course. Proceeds from the event were donated to the American Red Cross. Prior to attending law school, Mr. Berg served in the U.S. Marine Corps with Captains Bertiel and Benson, from 1995 to 1999.

Under the leadership of John Rosenthal '99 J.D. and Will Esser '99 J.D., members of the NDLS Class of 1999 contributed $2,500 toward the support of one current student who engaged in service work in the summer of 2001. Martin Kappenman, a 3L from Madison, South Dakota, has provided the following account of his summer at Southern Minnesota Regional Legal Services in St. Paul, Minnesota:

"Thank you for providing the funds for my public-interest fellowship this past summer. Had it not been for the generous funding I received from [the NDLS Class of 1999], I would not have been able to pursue public-interest work.

"I worked at Southern Minnesota Regional Legal Services. . . It is a traditional public-interest law firm with departments handling housing law, family law, government benefits and senior law. The office has around 30 attorneys and a handful of support staff. The overwhelming demand for their services meant they could keep 10 interns busy all summer, all of whom — like me — received funding from outside sources. I was assigned to both the senior law and government-benefits unit. While working with the senior law unit, I helped low-income elderly clients with matters ranging from consumer protection to avoiding eviction from public housing. Unlike many of my classmates, I was able to meet with clients on a daily basis. It was quite rewarding to assist clients in dealing with the bureaucracies that can often confound those struggling with the day-to-day challenges of aging.

"The government-benefits section kept me busy with projects the other half of the time. As an intern in this practice group, I helped conduct research for cases pending before the Minnesota Court of Appeals and a variety of administrative agencies. I also was fortunate enough to represent a partially deaf client in an administrative hearing to appeal a decision denying unemployment benefits. We were successful and the client received numerous weeks of deserved back-benefits as well as support during his ongoing search for employment. Lest you think I missed out on the more mundane aspects of legal practice, I also spent many hours reviewing and summarizing medical records in preparation for disability-benefit hearings.

"When I visited NDLS as a senior in college, the students and faculty here cited the commitment of the alumni to the Law School and its current law students as the institution's greatest asset. You have proven that true in your support of the fellowship I received. I encourage you to continue your support of public-interest law at NDLS!"

— Martin Kappenman, 3L
Madison, South Dakota

SPORTS REPORT

Ill Esser '99 J.D. played on the U.S. Tennis Association men's tennis league that recently won the North Carolina state championship.
Student Bar Association members staff a concession stand on the south side of the Law School and Fitzpatrick Hall on the morning of the ND-Michigan State football game, September 22, 2001. Proceeds from the concession stand assist the SBA in providing social, recreational and service activities for NDLS students.
LISTSERV ADDRESSES

Law School all-alumni:
ndlalumni@listserv.nd.edu
Center for Civil and Human Rights alumni:
dlalumni-cchr@listserv.nd.edu
London LL.M. alumni:
dlalumni-london-llm@listserv.nd.edu

To join any NDLS listserv, please send an
e-mail to lawalum@nd.edu.

WEB ADDRESS

Law School alumni web site:
http://www.nd.edu/~ndlalumni/alumni.html

CLASS OF 1953
Secretary: Robert L. Berry

CLASS OF 1954
Secretary: Carl F. Eiberger

CLASS OF 1955
Secretary: John P. Coyne

CLASS OF 1956
Secretary: Timothy D. O'Hara

Carl A. Eck, senior partner and president of Meyer D’arragh 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.

CLASS OF 1957
Secretary: Thomas S. Calder

CLASS OF 1958
Listerv: NDLAW-1958@listserv.nd.edu
Secretary: John F. Murray

CLASS OF 1959
Secretary: William J. Harte
Robert P. Mone, a partner with Thompson, Hine & Flory in Columbus, Ohio, was honored 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.

CLASS OF 1960
Secretary: John A. DiNardo

CLASS OF 1961
Secretary: John N. Moreland

CLASS OF 1962
Secretary: Paul K. Rooney
George McAndrews, managing partner of McAndrews, Held & Malloy in Chicago, Illinois, was featured in an article titled Barrington Lawyer Has Passion for Job in the September 24, 2001, edition of the CHICAGO DAILY HERALD.

CLASS OF 1963
Secretary: James L. Lekin

CLASS OF 1964
Secretary: Charles A. Serény

CLASS OF 1965
Secretary: Honorable John D. O’Shea

IN MEMORIAM:
A.A. SOMMER JR. ’45

Alphonse A. "Al" Sommer Jr. ’45, a benefactor and long-time member of the Notre Dame Law Association, died on January 14, 2002, of a neurological ailment at the age of 77 in Bethesda, Maryland. He was a native of Portsmouth, Ohio, and served as a staff sergeant in the U.S. Army in Europe during World War II. He earned his law degree from Harvard and practiced securities and corporate law in Cleveland for 24 years.

In 1973, President Richard Nixon named him to a three-year term as Democratic commissioner on the SEC. During his tenure, he was instrumental in the SEC’s decision to eliminate fixed-commission rates. After he left the SEC in 1976, he became a partner at Morgan, Lewis & Bockius, until his retirement in 1994, and he also chaired the Public Oversight Board of the American Institute of Certified Public Accountants until 1989. There, as at the SEC, he was regarded as a strong proponent of enhanced and improved audit practices.

He wrote and lectured extensively on corporate reorganizations, conglomerate accounting and other securities laws and accounting topics. He advised the governments of China, Egypt, the Philippines and several Latin American countries on establishing securities markets, and taught at Case Western Reserve University and the University of Michigan. He was also active in bar association and other committees that worked on securities-law issues.

He is survived by his wife of 50 years, Storrow "Starr" Sommer, three children, a sister and seven grandchildren. Condolences may be sent to Mrs. Sommer at 7105 Heathwood Court, Bethesda, MD 20817.
A L U M N I  N O T E S

C L A S S  O F  1 9 6 6
Secretary: Thomas J. McNally

P L E A S E  S E E  3 5 t h  r e u n i o n  i n f o r m a t i o n  o n  p a g e  4 1 .
Secretary: James J. Olson

David R. Francescani, 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.

C L A S S  O F  1 9 6 7
Secretary: Thomas J. McNally

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

C L A S S  O F  1 9 6 8
Secretary: Timothy W. Woods

John J. Coyle Jr., who had his own practice in Phillipsburg, New Jersey, has been named a judge on the New Jersey Superior Court by the state's governor.

Thomas M. Ward, professor of law at the University of Maine, published INTELLECTUAL PROPERTY IN COMMERCE in the West Group treatise series. Professor Ward, who specializes in contracts and commercial law, served as a visiting professor of law at NDLS in 1998, during which time he did some of the work on his new book.

C L A S S  O F  1 9 6 9
Listserv: NDLAW-1969@listserv.nd.edu
Secretary: Scott J. Anelli


C L A S S  O F  1 9 7 0
Secretary: John K. Plumb

Honorables Edward A. Hewlett Jr., formerly a partner at Sherfisky & Froehlich, Ltd., in Chicago, Illinois, has joined the Cook County State's Attorney's Office in the newly created position of counsel to Cook County State's

C L A S S  O F  1 9 7 1
Secretary: E. Bryan Danzig III

Kevin O. Foley, formerly chief counsel to the U.S. Senate Subcommittee on the Constitution, counsel to the Senate Subcommittee on Juvenile Delinquency, and most recently a partner in the Washington, D.C., office of Oppenheimer Wolff & Donnelly, has joined the Washington, D.C., office of Venable in the firm's public-policy-advocacy practice.

Honorables Frederick J. Martone, of the Arizona Supreme Court, has been confirmed by President George W. Bush and confirmed by the U.S. Senate as a judge on the U.S. District Court for the District of Arizona.

Honorables Edward A. Sheridan, of the New York State Court of Claims in Saratoga Springs, New York, was featured in a profile in the July 30, 2001, edition of the NEW YORK LAW JOURNAL.

C L A S S  O F  1 9 7 2
Secretary: Richard L. Hill

Honorables Michael J. Howard, of the Arizona Supreme Court, has been nominated by President George W. Bush and confirmed by the U.S. Senate as a judge on the U.S. District Court for the District of Arizona.

C L A S S  O F  1 9 7 3
Secretary: Tony Palumbo

James B. Buda has been elected 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.

Kathleen Czarnowski-Farrand, an attorney in South Bend, has announced her candidacy to represent the South Bend area in the U.S. House of Representatives, to replace current representative Tim Roemer '81 M.A., '85 Ph.D., who has announced that he will not seek reelection in 2002.

Honorables Edward A. Laing, assistant professor of law at NDLS in the early 1970s, September 11, 2001, in his native Belize.

I N  M E M O R I A M
Please remember the following deceased alumni and their families in your prayers:

Maurice Tulichinsky '36, '37 J.D., September 29, 2001, South Bend, Indiana.
John E. Burke '41, '48 J.D., November 1, 2001, Sioux Falls, South Dakota.
Kenneth N. Obrecht '50, '51 J.D., August 12, 2001, Dallas, Texas.
Edward A. Laing, assistant professor of law at NDLS in the early 1970s, September 11, 2001, in his native Belize.
Attorney Richard A. Devine. His responsibilities include advising the state attorney on intergovernmental matters and policy. Judge Howell has also joined the faculty of Loyola University School of Law as a visiting professor.

Class of 1974
Secretary: Christopher Cole
- John R. Burns, a partner in the Fort Wayne, Indiana, office of Baker & Daniels, published Considering Rats, Roaches and the July/August 2001 edition of RES GESTAE, the magazine of the Indiana State Bar Association.
- Robert T. Palmer is chair of the Central Federal Savings & Loan Association in Chicago. He had served on the bank's board for 12 years before he was elected chair in 2000.
- Martin J. Hagan, 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.
- Timothy M. Hogan, of the Center for Law in the Public Interest in Phoenix, Arizona, was featured in an article titled "Watchdog" Lawyer Tilt at Legislative Windmills in the September 25, 2001, edition of THE ARIZONA REPUBLIC.

Class of 1975
Class of 1976
Class of 1977
Secretary: Jane F. Bennett
- David L. Buchbinder, with the Office of the United States Trustee in the Department of Justice in Wilmington, Delaware, has published the fourth edition of his textbook, BASIC BANKRUPTCY FOR PARALEGALS (Aspen Publishing Company). He also regularly contributes articles to THE BANKRUPTCY STRATEGIST.
- Tony S. Colletti, formerly with Winston & Strawn in Chicago, Illinois, has become senior vice president and general counsel for Legal & Government Relations at Check Into Cash, Inc., in Cleveland, Tennessee.

Class of 1978
Secretary: Anthony Palumbo
- Joseph A. Carli Jr., a partner and member of the executive committee at Ungaretti & Harris in Chicago, Illinois, has been appointed chair of the Advisory Board of the Joan B. Kroc Institute for International Peace Studies at Notre Dame, and to the Board of Advisers for the John H. Foster Center for Private Equity at the Tuck School of Business, Dartmouth College. He spent the fall of 2001 as a fellow at the John F. Kennedy School of Government at Harvard University.
- Patrick A. Salvi, principal attorney at 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 Northwesterners, 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.
- Kevin J. Short, of the Short Law Firm in Minneapolis, Minnesota, was selected as a "super lawyer" by his peers in the Minnesota bar, based on a survey of 12,000 Minnesota attorneys conducted by the Journal of Law and Politics.

Class of 1979
Secretary: M. Ellen Carpenter
- Mark G. Olive, a partner practicing personal-injury law with Sieben, Grose, Von Holrum & Carey in Minneapolis, Minnesota, was voted a "super lawyer" by Minnesota attorneys for the fifth consecutive year since the survey's inception in 1996. The survey, conducted by the JOURNAL OF LAW AND POLITICS, is based on ballots sent to more than 12,000 Minnesota lawyers to ask for recommendations of the best lawyers in the respondent's field, and only 5 percent of the Minnesota bar receives the "super lawyer" designation.

Class of 1980
Secretary: Honorable Sheila M. O'Brien
- Honorable Edina Benesetz Cooper, formerly with Thompson, Hine & Flory in Cincinnati, Ohio, has been appointed a judge on the Hamilton County (Ohio) Municipal Court by Governor Bob Taft.
- Lucille Dary is working as the Education Policy Director for the McGreevey for Governor 2001 Campaign in Woodbridge, New Jersey.
- Kathleen Moriarty, a partner with Carter, Leonard & Millburn 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. Ms. Moriarty focuses her practice on securities law and financial products.
A L U M N I  N O T E S

C L A S S  O F  1 9 8 1
Secretary: Robert J. Christians


C L A S S  O F  1 9 8 2
Secretary: Frank G. Julian

• Frank Julian, general counsel for Federated Department Stores in Cincinnati, Ohio, testified before the U.S. Senate Finance Committee in August on the subject of internet sales taxation. Earlier in the year, he testified before the U.S. Senate Commerce Committee and the U.S. House Judiciary Committee on the same topic, and has been a guest on C-SPAN's "Washington Journal" and the "Olive North Show.

C L A S S  O F  1 9 8 3
Listerv: ntlaw-1983@listserv.nd.edu
Secretary: Ann Bayford Marchewitz

• Alex Lengyel has become the senior international counsel for Gulf Indonesia Resources, a NYSE-listed oil and gas company. He is based in Jakarta, Indonesia. His staff of five attorneys are all native Indonesians who speak English as their second language and who have been trained in only Indonesian law. One of his responsibilities, therefore, is to train these lawyers to be better able to negotiate on an international playing field, so he will work with them not only on substantive legal skills, but also on developing their practice-oriented skills such as legal writing.

C L A S S  O F  1 9 8 4
Secretary: Cathy Chronuak

• Abe Frank, formerly a lobbyist with Citigroup, Inc., in Washington, D.C., has been hired by the National Collegiate Athletic Association to be the NCAA’s director of federal relations in Washington, D.C.

• Kevin Hofman, formerly with Jacobson, Harwood & Erickson in Minneapolis, Minnesota, has joined Hallidan Lewis Nilan Stipkms & Johnson, also in Minneapolis.

C L A S S  O F  1 9 8 5
Listerv: ntlaw-1985@listserv.nd.edu
Web site: http://alumni.nd.edu/~law85/
Secretary: Tom Neisinger

• Christopher M. Hazlitt, formerly with Christman, Bynum & Johnson in Boulder, Colorado, is now a partner at Faegre & Benson, also in Boulder.

• John R. Heitkamp Jr., formerly with Reinhurst, Boerner, VanDeuren, Norris & Riesbach, S.C., in Milwaukee, Wisconsin, has joined Fortis Health, also in Milwaukee, as vice president and senior counsel for regulatory affairs.

• Karen Kelitz, formerly with McCaskey MacDonald Devin & Huddleston, P.C., in Dallas, Texas, has joined Shannon, Gracey, Ratliff & Miller, L.L.P., also in Dallas.

C L A S S  O F  1 9 8 6
Listerv: ntlaw-1986@listserv.nd.edu
Web site: http://alumni.nd.edu/~law86/
Secretaries: Glenn Schmitt and Don Passenger

• Christopher Cipolletti, a partner in James and Cipolletti, L.L.P., in Colorado Springs, Colorado, has been elected chair of the board of the Greater Colorado Springs Chamber of Commerce.

• Antoine Gomez is in the Legal Audit Department of the Scottsdale Insurance Company in Scottsdale, Arizona.

C L A S S  O F  1 9 8 7
Listerv: ntlaw-1987@listserv.nd.edu
Web site: http://alumni.nd.edu/~law87/
Secretary: Jay Broeker

• Mark A. McLean, formerly with Arter & Hadden in Woodland Hills, California, has joined Fullbright & 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.

C L A S S  O F  1 9 8 8
Secretary: Lisa Viangardi

• Anne E. Becker has been reappointed by Indiana Governor Frank O’Bannon to a four-year term as Indiana Utility Consumer Counselor, a position she has held since 1995. Her responsibilities include representing Indiana consumers before the Indiana Utility Regulatory Commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, courts and legislative bodies.

• Megan Beve, formerly with spitler & Williams-Young in Toledo, Ohio, has joined Roos and Birmingham in Oberlin, Ohio, where her practice focuses on Social Security disability law.

• Paul F. Carlson, formerly with Brunswig, Keele & Deer in Blue Island, Illinois, has opened his own practice in Wadena, Minnesota.

• Rosanne Ciambrone, formerly of counsel to Bell, Boyd & Loyd, 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 area of business reorganization, with particular emphasis on debt restructur- ing, recapitalization and bankruptcy.

• Michael L. Cotichina 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.

• Lieutenant Commander Edward J. Sheeran is the officer-in-charge of the U.S. Army’s Northern Law Center, and is stationed in Belgium.

C L A S S  O F  1 9 8 9
Web site: http://alumni.nd.edu/~law1989/
Secretary: Jennifer O’Leary Smith

• Timothy J. Sahn has been promoted to associate professor of political science at the University of South Dakota. He coordinated an international conference on "Genocide in the 20th Century" in the fall of 2000 that featured presenters from all over the United States as well as from Great Britain, Mexico, Germany and Australia. He has published in the areas of human rights and South Dakota politics.
judgment to Mr. Fresard's client, the forklift joined the South Bend office of Baker in St. Clair Shores, Michigan, was featured in "Recover From Forklift Maker"

device on the machinery. In granting summary
	
turer for failure to have a back-up warning
		worker's safety. The case involved a product-liability action brought by a lumberyard worker who was injured by a forklift. He sought recovery against the forklift manufacturer for failure to have a back-up warning device on the machinery. In granting summary judgment to Mr. Fresard's client, the forklift manufacturer, the court ruled that the employer, as a "sophisticated user" of the machinery, had the duty to ensure the worker's safety.

Class of 1993

Listerv: NDLAW-1993@listserv.nd.edu

- Brian J. Alexander, a partner with Kreindler & Kreindler in New York, New York, whose practice focuses on aviation law, particularly pending air-carrier litigation.
- Patrick L. Emmerling, formerly with Cohen Swadao Wright Hanslin Bradford & Brein in Buffalo, New York, has joined Jueckle Fleischmann & Mogul, L.L.P., as a partner in the firm's Buffalo office.
- Michael Fannan, formerly deputy attorney general for the state of Pennsylvania, has become chief counsel for Pennsylvania's Department of Corrections.
- Richard M. Redwing, formerly with Vorys, Sater, Seymour & Pease in Columbus, Ohio, has joined the Tax Division at the U.S. Department of Justice in Washington, D.C., where he works as a trial attorney.
- Richard M. Rosenthal in Kansas City, Missouri, where he focuses his practice on intellectual property.
- Scott Catlin has joined the firm's Washington, D.C., office, where he focuses his practice on intellectual property.
- Thomas Clare has been named a partner at Kirkland & Ellis, in the litigation practice of the firm's Washington, D.C., office.
- Karin Gunther has been named a partner at Tonkin Teep in Portland, Oregon, where she focuses her practice on employment and other litigation.
- Gregg LoCascio has been named a partner at Kirkland & Ellis, in the intellectual property and litigation sections of the firm's Washington, D.C., office.
- Cary Reeves, formerly assistant patent counsel with Bristol-Myers Squibb in Warsaw, Indiana, has joined Medronic Sofamor Danek in Memphis, Tennessee, as senior patent counsel.
- Michael L. Schrenk has been named a partner at Coten & O'Connor, in the firm's Seattle, Washington, office.
- Paul Weiss has moved from the Cincinnati, Ohio, office of Deloitte & Touche to the firm's Washington, D.C., office, where he works with the firm's national tax practice.

Class of 1995

Listerv: NDLAW-1995@listserv.nd.edu

- Art C. Cody, an associate at Patterson Belknap Webb & Tye, L.L.P., in New York, New York, was profiled in the November 23, 2001, NEW YORKLAWJOURNAL for his work in e-commerce.
- Craig Oline has been elected partner at Rains & Pogrebin, P.C., in Mineola, New York. He focuses his practice on representing public- and private-sector management in labor and employment matters.
- Andrea Roberts, an associate in the Indianapolis, Indiana, office of Baker & Daniels, has been elected president of the Indiana Chapter of the Leukemia and Lymphoma Society.
as a commander in the U.S. Naval Reserve in the early days of Operation Enduring Freedom. Mr. Cody was fulfilling his two-week reserve duty aboard the USS Enterprise on September 11, but the two-week duty turned into two months at sea. The article described his service, which included working days as a personnel officer in a reserve unit augmenting the ship's battle group staff and working nights on aviation watch with active-duty sailors. The article also commented that his extended service was made possible both by the attorneys in his law firm, who helped him manage his active-patent-litigation caseload, and by his wife Stacy, who kept things going on the homefront for their four young children.

David Freond, an assistant public defender in Sedgwick County, Kansas, and Fred Tiemann, an assistant federal public defender in McAllen, Texas, attended and completed the National Criminal Defense College Trial Practice Institute in Macon, Georgia, in June.

Steven R. Malynn, formerly with Calfee, Halter and Griswold in Cleveland, Ohio, has joined Cleveland-based Kohrman Jackson & Krantz, PLLC, as an associate in the firm's litigation practice, where he will focus his practice on corporate law. Mr. Malynn is also a lieutenant colonel in the U.S. Marine Corps Reserve.

Stephen McClain, a senior associate in the Los Angeles, California, office of Kirkland & Ellis, published Under a New Supreme Court Decision, Litigants Seeking Arbitration of a Dispute Can Control the Timing of an Appeal in the August 2001 issue of THE FEDERAL LAWYER.

David Nosick is with the State Attorney's Office in Key West, Florida.

William E. Weber, formerly with Winston & Strawn in Chicago, Illinois, has joined the staff of the United States Senate in Washington, D.C., as counsel for the Governmental Affairs Committee.

Keep in touch

e-mail your Perspectives ideas and personal and professional news to lawalum@nd.edu
September 28, 2001, edition of the CHICAGO TRIBUNE. The article concerned her work in a case defending a client accused of murdering a September 11 terrorist attack. For AILA’s Insight series, he published a comment titled Act 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 and 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.

Scott P. Delaney has opened the Law Offices of Scott Patrick Delaney in Joliet, Illinois. He will focus his practice on post-judgment execution in civil cases, but will also handle a broad range of civil, criminal and real-estate matters. Prior to opening his own practice, he did insurance-defense work for a Chicago-area insurance company, and served as a prosecutor with the Will County (Illinois) State’s Attorney’s Office.

Jasmine Flores, now an associate with Loeb & Ward in San Diego, California, and formerly an associate with the San Diego District Attorney’s Office, has been honored by the State Bar of California with a 2001 President’s Pro Bono Service Award for her volunteer efforts. She is among nine California attorneys recognized this year for extending exceptional legal services to the needy, and the only one selected to represent the government sector. Ms. Flores provided 100 hours of free legal service to 63 clients at a weekly walk-in AIDS clinic who needed help with a range of legal issues including debtor relief, child-support enforcement issues, estate planning, wills and powers of attorney, landlord/tenant disputes and contracts. She also trained law students and other attorneys on the AIDS law team in procedural and legal issues to ensure that they could effectively interview clinic clients.

Thomas W. Shimuate IV, formerly with North, Pursell, Bannos & Jamison, P.L.C., in Nashville, Tennessee, has joined Evans, Jones & Reynolds, P.C., also in Nashville.

John Cerone continues to work actively in the human-rights arena through his position as executive director of the War Crimes Research Office at American University’s Washington College of Law. He published Minding the Gaps: Outlining KFOR Accountability under International Human Rights and Humanitarian Law in Peace Conflict Knowledge in the June 2001 issue of the EUROPEAN JOURNAL OF INTERNATIONAL LAW. In July, he appeared on C-SPAN’s “Washington Journal” to discuss the transfer of Slobodan Milosevic to the International Criminal Tribunal for the Former Yugoslavia.

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 11 terrorist attacks. For AILA’s Insight series, he published a comment titled Act 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 and Human Rights on “Criminal Prosecutions after In re Pinochet.”

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Thomas W. Shimuate IV, formerly with North, Pursell, Bannos & Jamison, P.L.C., in Nashville, Tennessee, has joined Evans, Jones & Reynolds, P.C., also in Nashville.
Jean Seidler has completed her clerkship with Honorable C.C. Bridgewater of the Court of Appeals of the State of Washington and has joined Ryan, Swanson & Cleveland in Seattle.

CLASS OF 1999 — LL.M.

Mary Margaret Penrose, assistant professor of law at Oklahoma University at Norman, has been selected to teach a course entitled "Redressing Violations of International Human Rights" at Oxford University in summer 2002, as one of three faculty representatives from Oklahoma University.

CLASS OF 1999 — LL.M. (LONDON)

Humberto Iglesias, formerly with the law firm of Marquez & Preciado in the Republic of Panama, has joined the law firm of Infante, Garrido & Garrido, also in the Republic of Panama, and is in charge of the department of Offshore Corporations, Trusts and Private Interest Foundations.

CLASS OF 2000

Secretary: Mark Busby

Ryan Bennett, formerly with Lord Bissell & Brook in Chicago, Illinois, has joined the Chicago office of Kirkland & Ellis.

Rachel Friend Bradley has completed her clerkship with Honorable Charles R. Wilson '76, '79 J.D. of the U.S. Court of Appeals for the Eleventh 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.

Michael F. Harte has completed his clerkship with Honorable Charles R. Wilson '76, '79 J.D. on the U.S. Court of Appeals for the Eleventh Circuit in Tampa, Florida, and has joined the Chicago, Illinois office of Sidley Austin Brown & Wood as an associate.

Matthew J. Hoefling has joined the Washington, D.C., office of Jones, Day, Reavis & Pogue as an associate.

James W. McCormack 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 Mossop, 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 smossop@ksdywv.org or by phone at the City Bar Fund, (212) 582-6795.

CLASS OF 2001

Listerio NLAW-2001@listers.nd.edu
Secretary: Joelle Luca


NATIVITY PREP OPENS ITS DOORS

David Rivera '99 J.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.ndlaw_prep.org.

CLASS REUNIONS FOR 2002

If your class is eligible for a reunion in 2002 — that is, if your class year ends in "2" or "7" — it's not too early to begin planning for the festivities, particularly if you'd like to schedule a special reunion weekend apart from the University's Reunion 2002, the weekend of June 6-9, 2002. The Law School Relations Office can facilitate planning, but the best reunions result from strong involvement by volunteer class members who can take leadership roles in encouraging classmates to attend and in organizing meaningful activities. If you would like to help plan a memorable reunion for your class, please contact Cathy Pieronek at (574) 631-6891.

The annual Black Law Students of Notre Dame alumni reunion will be held the weekend of April 5-7, 2002. The keynote speaker will be Honorable Charles R. Wilson '76, '79 J.D., a judge on the U.S. Court of Appeals for the Eleventh Circuit. For more information on the weekend, please contact Joseph F. Birmingham at (574) 631-6627, or by e-mail at joseph.birmingham@nd.edu.

The NDLS Class of 1967, under the leadership of Jim Heinhold, has scheduled its 35th reunion for the Notre Dame-Michigan home football weekend, September 13-15, 2002. Mike Holland has formed a reunion committee with Jim Lechner, Larry Forsyth, L.L.P., 685 Third Avenue, New York, NY 10017, phone (212) 870-1100, fax (212) 907-4082 or e-mail mholland@condonlaw.com if you'd like to make suggestions for activities for the weekend. For more information, contact the Law School Relations Office at (574) 631-6891, or by e-mail at lawalum@nd.edu or visit the Class of 1972 Reunion web site at www.nd.edu/~ndlaw/alumni/1967.
A Message from the President: The NDLA Family

It is a true honor to serve as president this year of your Notre Dame Law Association (NDLA), a vital part of the Notre Dame family. Our association now has over 7,700 members and serves as a valuable network for all of us.

Soon, you will receive your new NDLA Legal Directory containing the names and professional biographical information of our NDLA members. This directory is a unique resource, providing you ready access to fellow NDLA lawyers located in every state and major city in the United States, as well as in many foreign countries. We invite you to use it for referrals, or simply as a resource for identifying someone you can feel comfortable calling for information in another state or city. As part of the Notre Dame family, we understand the bond that ties us together and the importance of helping one another.

We understand and appreciate that it is special to be a Notre Dame lawyer. We realize, however, that being a Notre Dame lawyer means something more than simply having a J.D. and graduating from Notre Dame.

A Notre Dame lawyer is one who lives the principles of a Notre Dame education: a faith-based sense of and commitment to justice, compassion and caring.

A Notre Dame lawyer is grounded and highly skilled in the fundamentals of the law and observes the highest moral and ethical values.

A Notre Dame lawyer understands that all law comes from God. Lou Holtz did not get it quite right when he said that “winning at Notre Dame isn’t everything, but it ranks right up there with heaven.” He would have been more accurate if he had said it ranks a rung below heaven. A Notre Dame lawyer understands his or her priorities and that winning ranks below not with heaven. Belief in God and living a faith-based life in the quest for heaven is the purpose that guides us. Without belief in God, life would surely seem like a dead-end street.

A Notre Dame lawyer is someone who clearly understands that we gain nothing by filling our pockets if our souls remain empty.

A Notre Dame lawyer follows the example of Sir Thomas More and is committed to doing what is right, cost what it may. The Notre Dame lawyer heeds the advice of Father Theodore Hesburgh who said: “My basic principle is that you don’t make decisions because they are easy; you don’t make them because they are cheap; you don’t make them because they are popular; you make them because they are right.”

We respect life, the most precious of God’s gifts.

The Notre Dame lawyer sees the profession of law as a calling. A client is not a mere commodity, but someone who has come to us for help. Our self-worth is not bound to the size of our paycheck or our office.

The Notre Dame lawyer fits neatly within the description set out in the preamble to our Rules of Professional Conduct: ‘A lawyer is a representative of clients, an officer of the legal system and public citizen having special responsibility for the quality of justice.’

Use your new Directory. Communicate with your global NDLA family. Help one another.

Charles A. Weiss ’68 J.D., President
Notre Dame Law Association
NOLA Supports Student Service

Thanks to the generosity of Notre Dame Law Association members and Notre Dame Alumni Clubs throughout the country, 10 NDLS students had the opportunity to engage in service work in the summer of 2001 at agencies across the country. Alumni — both through individual alumni and through contributions from the Notre Dame Alumni Clubs in Colorado Springs, Denver, Detroit and Phoenix — raised $38,500 to support these 10 students. AmeriCorps grants — provided through the Holy Cross Associates program with the assistance of the University’s Center for Social Concerns — provided additional $1,000 grants to eight of the students involved in these projects.

Following is a list of the students who helped to serve the public thanks to the commitment on the part of the Notre Dame Law Association to make this program a success:

<table>
<thead>
<tr>
<th>City</th>
<th>Program</th>
<th>Student</th>
<th>Sponsor</th>
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<tbody>
<tr>
<td>Cincinnati, Ohio</td>
<td>Hamilton County Public Defender</td>
<td>Christy King</td>
<td>Paul Mattingly ’75 J.D.</td>
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<tr>
<td>Denver, Colorado</td>
<td>Legal Aid Society of Colorado</td>
<td>Jeremy Ramp</td>
<td>Brian Bates ’79, ’86 J.D.</td>
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<td>Notre Dame Club of Colorado Springs</td>
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<td>Notre Dame Club of Denver</td>
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<tr>
<td>Detroit, Michigan</td>
<td>Legal Aid and Defender Association</td>
<td>Nelson Robie</td>
<td>Robert S. Kraus ’66 J.D.</td>
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<td>Notre Dame Club of Detroit</td>
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<tr>
<td>Morris County, New Jersey</td>
<td>Morris County Legal Aid</td>
<td>Emily Bienko</td>
<td>Richard D. Catanacci ’82, ’83 J.D.</td>
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<td>Thomas R. Cursin ’68 J.D.</td>
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<tr>
<td>Phoenix, Arizona</td>
<td>Community Legal Services</td>
<td>Kristina Campbell</td>
<td>Notre Dame Club of Phoenix</td>
</tr>
<tr>
<td>Portland, Oregon</td>
<td>Legal Aid Services of Multnomah County</td>
<td>Alison Gregoire</td>
<td>Robert C. Weaver Jr. ’71, ’74 J.D.</td>
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<td>Hannah Callaghan ’72 J.D.</td>
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<td>Lawyers Committee for Human Rights</td>
<td>Susan Pothal</td>
<td>David Pratt ’92, ’97 J.D.</td>
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<td>Washington Lawyers Committee for Civil Rights &amp; Urban Affairs</td>
<td>Gabriela Teodorescu</td>
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<td>Jonathan Worm</td>
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</table>

If you are interested in helping to secure a position for an NDLS student in your area for the summer of 2002, please contact Paul Mattingly, chair of the NDLA’s Public Interest Committee, as soon as possible:

Mr. Paul Mattingly  
Dansmore & Shohl  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, OH 45202-3172  
phone: (513) 977-8281  
fax: (513) 977-8141  
mattingly@dinslaw.com

NEW NDLA BOARD MEMBERS

Charles A. Weiss ’68 J.D., president of the Notre Dame Law Association for 2001-02, announces the following alumni have joined the board of directors:

Mark A. Wattley ’91 J.D. of the Walgreen Company in Deerfield, Illinois, has joined the board as the representative to the Black Alumni of Notre Dame for a term running through June 30, 2003; and

Elena R. Baca ’92 J.D., a partner at Paul, Hastings, Jennofsky and Walker in the firm’s Los Angeles, California, office, has joined the board as the representative to the Hispanic Alumni of Notre Dame for a term running through June 30, 2004.
For the students who benefited from the summer 2001 Alumni-funded Summer Service projects, the experiences at community-service or public-policy agencies across the country gave them an opportunity to turn their scholarship, their legal education, into service. But the students also had the opportunity to learn more about the practice of law, as these summer positions provided student interns with direct contact with clients and with interesting work on significant public-policy matters. Their experiences will certainly help these students as they decide on a career path and work to integrate service to others into their daily lives.

Kristina Campbell, a member of the Class of 2002, spent her second consecutive summer as a participant in the program, working this past summer at Community Legal Services (CLS) in Phoenix, Arizona. In expressing her gratitude to the Notre Dame Club of Phoenix for their $2,500 grant in support of her work, Kristina noted: “My experience at CLS was even more rewarding than I imagined it would be. As a law clerk in the Housing Unit, I was able to assist the attorneys who supervised me in representing low-income people in Phoenix facing eviction and dealing with consumer-fraud issues. Although the outcomes were not always successful for our clients, I derived a great deal of satisfaction from helping people with their legal problems. I also learned a great deal about the reality of practicing law in a public-interest setting, and about practicing law in Arizona.”

Nelson Ropke, a member of the Class of 2003 from Grosse Pointe Farms, Michigan, spent the summer of 2001 working at the Legal Aid and Defender Association in Detroit, supported by a gift from the Notre Dame Club of Detroit. He appreciated “the ability to help people and learn a great deal” through his position, where he “helped provide legal services to low- and moderate-income individuals.” His experience was rewarding as well as educational. “The appreciation of the staff attorneys was evident as they were able to relieve some of their caseload by having me perform all of the duties for clients, including going to court. I primarily assisted tenants in disputes with landlords. I also did work for clients involved in bankruptcy, Social Security and family-law issues. The learning experiences and courtroom time are something I could not have obtained anywhere else.” He further noted that the organization appreciated his work as well. “Legal Aid and Defender is very grateful to the club for providing students two years in a row. They eagerly await the summer service student for next summer.”

Suzi Prchal, a member of the Class of 2003 from Huntington Beach, California, had a different experience as an intern at the Lawyers Committee for Human Rights (LCHR) in Washington, D.C. As she explains, she “learned a great deal about asylum law, sat in on congressional hearings and thoroughly enjoyed living in Washington, D.C., for the summer. The LCHR staff was very friendly and supportive, and I especially benefited from working with [two members] of the Asylum Representation Project.” She further comments that her experience at LCHR helped her to decide on immigration law as her practice area after graduation.

And Chrissy King, a member of the Class of 2003 from Scott Depot, West Virginia, enjoyed her summer opportunity at the Hamilton County, Ohio, Public Defender’s Office. Her experience has helped her to decide to continue working in the public-interest arena, and she hopes to return to Cincinnati in the summer of 2002, possibly to experience the other side of criminal law practice with the prosecutor’s office.

For these and the other students drawn to service work and drawn to Notre Dame because of a commitment to working for justice, alumni support is critical to achieving these successful learning experiences. Thank you to all who supported these programs through your gifts of time, money and prayers.
statement adopted by the University of Notre Dame in August 1997 regarding the Spirit of Inclusion at Notre Dame states that the “social teachings of the Catholic Church promote a society founded on justice and love, in which all persons possess inherent dignity as children of God.” I read this sentence for the first time in the summer of 2000 in the Law School’s Bulletin of Information, and realized that it succinctly expressed my world view, forged from growing up Catholic, attending Notre Dame as an undergraduate and my real-world experience. At the same time, it articulated why I was about to begin my legal education at Notre Dame Law School. Today I thank you for establishing the Alumni-funded Fellowship Program, because my summer spent working with Colorado Legal Services (CLS) has shown me that being a Notre Dame lawyer means not only having certain beliefs about justice and the inherent dignity of all persons, but more importantly, about substantiating these beliefs with action.

CLS is a state-wide legal aid organization that operates to provide meaningful access to high-quality legal services for low-income residents of Colorado. Those who seek help from CLS include particularly vulnerable populations such as immigrants, Native Americans, non-English speakers, and disabled or institutionalized individuals. With a very small budget, despite the efforts of a very dedicated and hardworking staff, CLS is able to handle only approximately 25 percent of their clients’ legal problems.

I spent my summer with the Statewide Advocacy Support Staff (SASS), working closely with three very experienced attorneys — Manuel Ramos, Linda Olson and Joel Hayes. Besides handling their own caseloads, the SASS unit acts as a legal resource for all of the CLS attorneys across the state by providing litigation support, case strategy and general mentoring. They also put on training programs for CLS staff and do some policy work in an attempt to improve the lives of our clientele. My time at CLS was spent gaining valuable experience researching and writing on issues involving Medicare/Medicaid, Social Security, housing, contract revocation and deceptive trade practices under the UCC. I also took on a policy project examining the availability of interpreters in state courts, which allowed me to look into questions of due process and constitutional rights. The highlight of my summer was the National Institute for Trial Advocacy (NITA) training course. Before the training, I researched and wrote for some of the trainers. I was then allowed to participate in the training, taking part in the lessons and drills and receiving feedback from the litigation experts. The NITA training not only affirmed my decision to be a litigator, but fueled my excitement as well.

Enjoying my job was not the only thing that made this an excellent summer experience. In addition to the wonderful people with whom I worked, I was incredibly impressed with the Notre Dame Club of Denver (NDCD). I have been involved with other ND clubs, but NDCD is by far the most welcoming, active and enthusiastic club of which I have ever had the privilege of being a part. In a city in which I have no relatives, NDCD members made me feel like part of their families.

In addition to giving my sincerest thanks for the Alumni-funded Fellowship, I write you today to encourage you to continue offering this opportunity. Dollar for dollar, you cannot get much more out of an investment. The AFF benefits Colorado Legal Services by providing an intern that would otherwise not be available to help carry the overburdening workload, allowing the CLS staff to do their jobs better and, most importantly, help the poor and powerless residents of Colorado. Additionally, the AFF was a great learning experience for me, as it would be for any student who follows. The AFF is an asset to the Notre Dame Law Association, the Notre Dame Club of Denver, and the greater Notre Dame community in that it actualizes the high ideals taught by the University and held by domers regarding service, justice and the inherent dignity of each person. Finally, the AFF benefits the City of Denver, as it builds a reputation in the community that Notre Dame lawyers care about service and do their part to ensure that legal services clientele will not be denied justice.

My special thanks go to Bill Webb ’88, ’91 J.D., Annette Quill ’90, Mike Gleason ’91, ’97 J.D., and Casey and Laura Tighe ’84, whose investment in me included not only contributions to the AFF but also their time, advice and valuable contacts — not to mention quite a few delicious meals. And of course, I am incredibly grateful to Brian Bates ’79, ’86 J.D. for being the driving force behind the Alumni-funded Fellowship in Denver and for turning it into a reality. I only hope to be able to repay him someday — or, more likely, to pay the fellowship forward and do my part to promote and perpetuate the noble values and ideals of Notre Dame men and women.

Jeremy Ramp ’99
NDLS Class of 2003
Indianapolis, Indiana
Law School — Class of 2004 Profile

On August 25, the Law School community welcomed the Class of 2004. The 173 members of the class hail from 35 different states and three foreign countries (Nepal, Canada, and Korea), and represent 100 undergraduate schools. Women constitute 45 percent of the class, and diversity students make up 18 percent of the class. The median LSAT for the class is 162, the median undergraduate GPA is over 3.51 on a 4.0 scale, and over 30 percent of the class had one or more years of work experience. Sixty-seven percent of the class is Catholic.

Over 85 percent of the class members were involved in service to others through their work and volunteer experiences. One class member served as a housing advocate for the mentally ill; one was a prisoner’s rights advocate; one did recordings for the blind; one served as the president of the Coalition of Human Concerns; and many participated in Habitat for Humanity. Several members of the Class of 2004 have fought for human-rights issues.

A number of the first-year class members were involved with literacy programs, Big Brother and Big Sister organizations, and other community-service agencies. Members of the class participated in the Jesuit Volunteer Corps, the Peace Corps in Zimbabwe, the U.N. World Food Programme Operation Lifeline in Sudan, the Alliance for Catholic Education, the Mennonite Volunteer Service and missionary work for Church of Jesus Christ of Latter Day Saints.

Students in the class hold such advanced degrees as a Ph.D. in philosophy, M.D., M.A. in English, Master of Public Administration, and Master of Public Policy. Many in the class bring leadership experience to the Law School, having held positions such as student body president, co-founder of International Justice Mission, founder of the College Orthodox Christian Fellowship Club, and editor of Holy Cross Journal of Law and Public Policy.

As can be seen in the composition of the class of 2004, the Law School continues to enroll leaders dedicated to service and helping others.

— Heather Miller Marioni
Assistant Director of Admissions

News from Law School Admissions

Alumni Support Admissions Office Fall 2001 Activities

Notre Dame Law School alumni continue the proud Notre Dame tradition of supporting the Admission Office. Ninety-six alumni represented the Law School at 50 law days, seven Metro Receptions, and six Catholic College Information Sessions in 23 states across the country. The personal stories our alumni share at these events have helped to make a positive impact on the nearly 2,000 prospective applicants they have met.

Also with the generous support of NDLS alumni, the Admissions Office hosted receptions in seven metropolitan areas this fall: Chicago, New York, Los Angeles, Atlanta, Pittsburgh, Cincinnati, and Washington, D.C. Admission Information Sessions were also held at six Catholic undergraduate schools: Boston College, John Carroll in Cleveland, Ohio, Marquette University in Milwaukee, Wisconsin, St. Louis University, St. Mary’s University in San Antonio, Texas, and the University of Dayton in Ohio.

The Admissions Office would like to thank the following volunteers for taking time out of their own busy professional and personal lives to represent NDLS at these events:

Alumni/Alumna | Law Day/Reception/Information Session
---|---
Albert Allan ’92 J.D. | Davidson College
Travis Almandinger ’99 J.D. | Catholic College Information Session at St. Louis University
Gary Anderson ’96 J.D. | Metro Reception in Washington, D.C.
Charles Ashdown ’86 J.D. | Cincinnati Metro Fair at Xavier University, and Metro Reception in Cincinnati
Philemona Ashdown ’86 J.D. | Metro Reception in Cincinnati
Eugene Assaf ’89 J.D. | Metro Reception in Washington, D.C.
Elana Baca ’92 J.D. | Metro Reception in Los Angeles
Brian Baruss ’98, ’01 J.D. | Metro Reception in Cincinnati, and Catholic College Information Session at University of Dayton
Amy Coney Barrett, ’97 J.D. | Metro Reception in Washington, D.C.
James Basile ’89 J.D. | George Washington University
John Bellaschi ’92 J.D. | Catholic College Information Session at Marquette
Steve Boettinger ’90, ’99 J.D. | Metro Reception in Washington, D.C.
Paul Bohr ’99 J.D. | Oklahoma State University
Monty Bottom ’82 J.D. | Metro Reception in Cincinnati
Rebecca Brown ’01 J.D. | Michigan State University-James Madison College
Richena Brown ’01 J.D. | Catholic College Information Session at St. Mary’s University
Jorge Canales ’82 J.D. | Metro Reception in Washington, D.C.
Elizabeth Cheung ’01 J.D. | Metro Reception in Washington, D.C.
Thomas Clark ’92, ’95 J.D. | Syracuse University
Tim Connors ’00 J.D. | University of Minnesota
Ryan Crayne ’93 J.D. | Seton Hall Law Fair
Kristina Czerniawski ’01 J.D. | Metro Reception in Chicago
Thomas Cushing ’87 J.D. | Metro Reception in New York
Joseph Czerniawski ’01 J.D. |
### Alumnus/Alumna

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<thead>
<tr>
<th>Name</th>
<th>Law Day/Reception/Information Session</th>
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<tbody>
<tr>
<td>Stephanie Davidson '96 J.D.</td>
<td>Yale University</td>
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<tr>
<td>Tessa Davis '01 J.D.</td>
<td>Metro Reception in New York</td>
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<tr>
<td>Phyllis Divine '00 J.D.</td>
<td>University of Akron</td>
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<tr>
<td>David Dyer '92 J.D.</td>
<td>Tulane University</td>
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<td>Gregory Dyer '91 J.D.</td>
<td>Seton Hall University Law Fair</td>
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<tr>
<td>Kimberly Esmond '99 J.D.</td>
<td>Metro Reception in Atlanta</td>
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<tr>
<td>David Evey '99 J.D.</td>
<td>Metro Reception in Atlanta</td>
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<tr>
<td>Akram Faizer '00 J.D.</td>
<td>Cornell University and Colgate University</td>
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<tr>
<td>John Geelan '00 J.D.</td>
<td>University of Wisconsin-Green Bay</td>
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<tr>
<td>John Fisher '91 J.D.</td>
<td>Metro Reception in Atlanta</td>
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<tr>
<td>John Gurganus '86 J.D.</td>
<td>Metro Reception in New York</td>
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<tr>
<td>Gregory Dyer '91 J.D.</td>
<td>Metro Reception in Pittsburgh</td>
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<tr>
<td>Lezlie Farris '99 J.D.</td>
<td>University at Albany</td>
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<tr>
<td>Thomas Fitzgerald '79 J.D.</td>
<td>Metro Reception in Chicago</td>
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<tr>
<td>John Gealan '00 J.D.</td>
<td>University of St. Thomas</td>
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<tr>
<td>Richard Gibson '81 J.D.</td>
<td>Southern Illinois University</td>
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<tr>
<td>Amy Greene '01 J.D.</td>
<td>Metro Reception in New York</td>
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<td>John Gurganus '86 J.D.</td>
<td>University of St. Thomas</td>
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<tr>
<td>Christine Harding '01 J.D.</td>
<td>Metro Reception in New York</td>
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<tr>
<td>Mary K. Hartigan '91 J.D.</td>
<td>University at Albany</td>
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<td>Timothy Healy '83 J.D.</td>
<td>Metro Reception in Chicago</td>
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<tr>
<td>Matthew Hoyt '06 J.D.</td>
<td>Ohio State University</td>
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<td>Eric Jensen '94 J.D.</td>
<td>University of Virginia</td>
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<td>Frank Julian '92 J.D.</td>
<td>Metro Reception in Cincinnati</td>
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<tr>
<td>Roble Kestner '00 J.D.</td>
<td>Catholic College Information Session at University of Dayton</td>
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<tr>
<td>Ashok Lalwani '89 J.D.</td>
<td>Stanford University</td>
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<tr>
<td>Tanja Lenko '97, '91 J.D.</td>
<td>Catholic College Information Session at University of Dayton</td>
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<tr>
<td>Qiana Lilard '98, '01 J.D.</td>
<td>University of Detroit Mercy</td>
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<td>William Logan '90 J.D.</td>
<td>University of Kansas</td>
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<tr>
<td>Marcia Lucas '93 J.D.</td>
<td>Stanford University</td>
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<tr>
<td>Kathleen Lundy '01 J.D.</td>
<td>Boston Forum</td>
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<td>Elizabeth Mastingly '75 J.D.</td>
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<td>Paul Mastingly '73 J.D.</td>
<td>Metro Reception in Cincinnati</td>
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<tr>
<td>James McCrystal Jr.'70, '73 J.D.</td>
<td>Catholic College Information Session at John Carroll University</td>
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<tr>
<td>Julia Menster '95 J.D.</td>
<td>Miami University-Ohio</td>
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<td>Michael Mendola '92 J.D.</td>
<td>University of Rochester</td>
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<tr>
<td>Felipe Merino '01 J.D.</td>
<td>Metro Reception in Los Angeles</td>
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<tr>
<td>Rafael Miltora '01 J.D.</td>
<td>St. Thomas University</td>
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<tr>
<td>Christopher Mugica '00 J.D.</td>
<td>University of Texas at Austin</td>
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<tr>
<td>Kathleen Murphy '00 J.D.</td>
<td>University of Colorado</td>
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<tr>
<td>Shazie Naseem '01 J.D.</td>
<td>Metro Reception in Chicago</td>
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<tr>
<td>Mark Paiko '01 J.D.</td>
<td>Seton Hall Law Fair</td>
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<tr>
<td>Kevin Peinkofer '00 J.D.</td>
<td>University of Buffalo and Canisius College</td>
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<td>David Peiron '01 J.D.</td>
<td>Metro Reception in Pittsburgh</td>
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<tr>
<td>David Pruitt '92 J.D.</td>
<td>Metro Reception in Washington, D.C.</td>
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<td>Stephen Rains '96 J.D.</td>
<td>Metro Reception in Atlanta</td>
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<tr>
<td>Richard Reinhartler '70, '73 J.D.</td>
<td>University of California at San Diego</td>
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<tr>
<td>David Rivera '99 J.D.</td>
<td>Metro Reception in Chicago</td>
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<tr>
<td>Timothy Rooney '92 J.D.</td>
<td>Catholic College Information Session at St. Louis University</td>
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<tr>
<td>Gerard Sandweg '77 J.D.</td>
<td>Metro Reception in Atlanta</td>
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<tr>
<td>John Sawyer '81 J.D.</td>
<td>Catholic College Information Session at St. Mary's University in San Antonio</td>
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<tr>
<td>Honorable Barbara M. Scheppe '85 J.D.</td>
<td>Metro Reception in Los Angeles</td>
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<tr>
<td>Louise Vuono Schrage '95 J.D.</td>
<td>Metro Reception in Pittsburgh</td>
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<tr>
<td>Thomas Shumate '98 J.D.</td>
<td>Vanderbilt University</td>
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<tr>
<td>Richard Siller '96 J.D.</td>
<td>Catholic College Information Session at St. Mary's University in San Antonio</td>
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<tr>
<td>Kate Smith '93 J.D.</td>
<td>Arizona State University</td>
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<td>Chris Spring '91 J.D.</td>
<td>Boston Forum</td>
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<tr>
<td>Allison Wink Starmann '98 J.D.</td>
<td>Metro Reception in Chicago</td>
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<tr>
<td>James Stad '92, '97 J.D.</td>
<td>Catholic College Information Session at John Carroll University</td>
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<tr>
<td>Jack Strauch '95 J.D.</td>
<td>Wake Forest University</td>
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<tr>
<td>Jeremy Trayhan '96 J.D.</td>
<td>Cleveland Metro Law Fair</td>
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<td>John Ubinger '73 J.D.</td>
<td>Metro Reception in Pittsburgh</td>
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<tr>
<td>Jay Van Handel '99 J.D.</td>
<td>Catholic College Information Session at Marquette</td>
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<tr>
<td>John Vuono '53, '55 J.D.</td>
<td>Metro Reception in Pittsburgh</td>
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<tr>
<td>Stacy Gerber Ward '93 J.D.</td>
<td>Catholic College Information Session at Marquette</td>
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<tr>
<td>Tracey Warren '99 J.D.</td>
<td>Metro Reception at Marquette</td>
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<tr>
<td>Thomas Yanucci '72, '76 J.D.</td>
<td>Catholic College Information Session at Boston College</td>
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<tr>
<td>Sean Yuzwe '01 J.D.</td>
<td>University of California-Berkeley</td>
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<tr>
<td>Mario Zappone '88 J.D.</td>
<td>Metro Reception in New York</td>
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In addition, alumni working in the Admissions Office represented NDLS well at the following events:

- Rudy Monterroso '01 J.D. visited Stanford University, Southern Methodist University, St. Mary's University in San Antonio, Texas A&M University, the University of California at Los Angeles and the University of California at Davis; represented NDLS at law days in Houston, Los Angeles and Oakland; and attended the Catholic College Information Session at the University of Dallas and the Metro Reception in Chicago.
- Michelle Mack '99 J.D., '00 LL.M. represented NDLS at Metro Receptions in Chicago, Washington, D.C., New York and Atlanta, and at Catholic College Information Sessions at St. Louis University and the University of North Carolina.
LAW SCHOOL NOTES

News from the Career Services Office

Public Interest Law Day Reunites Alumni

As part of a broader effort at NDLS to support students interested in practicing in public-interest law after graduation, the Career Services Office hosted a mini-reunion for alumni practicing in various public-interest agencies on Friday, October 12, 2001. The half-day program began with a three-hour continuing legal education program featuring presentations by Professors Gerard V. Bradley, John H. Robinson ’72 M.A., ’75 Ph.D., and Thomas L. Shaffer ’61 J.D. Their presentations focused on ethical issues relevant to public-interest attorneys practicing in a variety of areas including criminal law, constitutional law and legal assistance to low-income individuals. Following the three-hour program, a number of alumni attended a reception with students, at which they discussed their career paths and opportunities in the area of public interest. The CSO also coordinated publication of a booklet containing biographical and contact information on the attorneys who attended the program as well as from other alumni who could not attend the program. For more information, please contact the CSO at lawjobs@nd.edu or by phone at (574) 631-7542.

Thanks to Alumni Volunteers

Several alumni volunteers have enhanced career-services programming for students throughout the fall semester, including the following:

- Doug Kenyon ’76, ’79 J.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 students with insightful information about what students should expect and prepare for during the interview process.

- Honorable Elizabeth Martingly ’79 J.D. from the Hamilton County Court in Cincinnati, Ohio, and Honorable David Dryer ’77, ’80 J.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.

News from Law School Relations

Fall 2002 Continuing Legal Education

This fall, two-hour continuing legal education programs will be held on the mornings of three home football games:

- Stanford (October 5)
- Boston College (November 2)
- Rutgers (November 23)

Remember that each person attending the program may purchase — at face value — up to two tickets to the football game for that weekend, on a first-come, first-served basis.

Topics will be listed in registration materials that will be mailed or e-mailed in July to those on the regular CLE mailing list. To add your name to the mailing list, please contact the Law School Relations Office.

For More Information

For more information on alumni programs and activities at NDLS, please contact Cathy Pieronek, director of Law School Relations:

102 Law School
Notre Dame, IN 46556
phone: (574) 631-6891
fax: (574) 631-9299
e-mail: pieronek.1@nd.edu
or lawalum@nd.edu
Or visit the Law School Relations web site, www.nd.edu/~ndlaw/alumni/alumni.html, where you can update your address, send in personal or professional information, volunteer for the NDLS Network or keep in touch with your class secretary all online.
For those who bear the pain of loss,
For those who sacrifice to serve,
For those who work for justice and peace,
We remember and pray.

— The Notre Dame Law School community