On the cover:

St. Thomas More, the patron saint of lawyers and judges.

A lawyer, Thomas held important positions in the government of England during the reign of King Henry VIII. A devoted husband and the father of four children, he was a deeply religious person who lived an austere life. He was renowned throughout England and beyond for his wit and brilliance.

While Lord Chancellor of England, Thomas came into conflict with his friend, King Henry VIII. Thomas would not agree that it was lawful for the king to divorce his wife Catherine of Aragon in order to marry Anne Boleyn. Moreover, he refused to take an oath which required acceptance of the king as the supreme head of the Church of England. As a consequence, Thomas was arrested, imprisoned in the Tower of London, tried for treason and beheaded. His final words from the scaffold were that he was "the king's good servant — but God's first."

Painting by Hans Holbein the Younger

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I am happy to write to you to review a banner year in the history of the Notre Dame Law School.

First of all, the Law School has returned to the top tier of law schools ranked by *U.S. News & World Report*. We are thankful to the University for a major allocation of funds to the Law School. This was a critical factor in the return to the top rankings. *U.S. News & World Report* also rated our trial advocacy program in the top 10 and that same program received the Emil Gumpert Award from the American College of Trial Lawyers as the outstanding program in the country. The latest “Gourman” report ranked Notre Dame Law School at 18th and among the “very strong” law schools. While we are not sure how well these rankings measure the quality of law programs (if they were accurate, we believe we would rank even higher), we have concluded that, as long as these rankings are being published, we want Notre Dame to be in the top tier.

The 1995 edition of the *Princeton Review*, which attempts to do some quality surveying of law schools, rated our faculty as fourth among the best teaching faculties in the country and our students’ quality of life was rated seventh. The editors of this Review referred to Notre Dame as the oldest and finest Catholic law school and commented that “Notre Dame’s sheer academic strength is undeniable.”

But my excitement about this year is not so much about what’s happening to our reputation, but the strong momentum of our program. The University, as part of the “Colloquy for the Year 2000,” has approved additional law faculty positions. These positions will give us a student/faculty ratio that is more competitive with other small, high quality institutions. It is, of course, important to fill these positions with the very best people available.

Last year, we added seven new faculty and all of them have very impressive credentials. Two have served as United States Supreme Court clerks. Two have “double doctorates” (a J.D. and Ph.D. or equivalent). One was a partner in a major law firm, another comes with experience in the United States Solicitor General’s office and another with experience in the banking field at a major firm. Three, including our new London director, were teaching at prestigious law schools before coming to Notre Dame.

To top off this very successful hiring effort, we also added a world-class scholar — John Finnis. While continuing duties under an endowed chair at Oxford University, England, John Finnis will occupy the newly established Biolchini chair at Notre Dame. Professor Finnis, who is widely regarded as the leading natural law scholar in the world, will not only teach and do scholarship at Notre Dame, but will take over the editorship of the *American Journal of Jurisprudence*.

Short resumes for the recent faculty appointments are featured in the “New Kids on the Block” article in this issue written by John Garvey. I hope you’ll look it over. I think you’ll share our pride in the kind of people that are coming to Notre Dame.
Even with all that is happening with ratings and the new, high quality faculty, the most exciting news is not about the past, but where the Law School is going. We have just finished a new strategic plan which is designed to establish Notre Dame as a leadership law school, i.e., one that is a role model for others. The Mission Statement and Mission Objectives are stated below with an outline of the goals and essential strategies of the plan on the next page. The faculty and I would appreciate your comments.

The dream of Notre Dame becoming a leadership institution in legal education is becoming a reality. That’s where all of you come in. As well as things are going, we need to increase our momentum. That will require a team effort. It will take the University administration, faculty, students, Law School alumni, Notre Dame lawyers who went to other law schools, and all others interested in Notre Dame becoming one of the leading law schools, all working together to accomplish many of the goals in our new strategic plan. You will be getting correspondence from the Law School about recruiting new students, placement of students, returning to campus to give a lecture, and various other ways in which you can participate.

The mission objective of Notre Dame Law School being a leadership institution with a commitment to promoting the moral aspects of law is most important. I hope that all of you will share the joy of working to accomplish our goals.

Yours in Notre Dame,

David T. Link
Dean

NOTRE DAME LAW SCHOOL MISSION

Notre Dame is a Catholic law school dedicated to the integration of reason and faith in the study of law and committed to developing Judeo-Christian principles within systems of jurisprudence. Therefore Notre Dame Law School’s mission is:

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

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

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

MISSION OBJECTIVES

Mission Objective M(a) — Develop a distinctive curriculum and pedagogy for integrating the study of law with the study of ethics and other moral values so as to provide leadership for other legal education institutions.

Mission Objective M(b) — Through faculty and student research, produce seminal scholarship so that Notre Dame Law School can become a leading force in maintaining moral values in the law and legal education.

Mission Objective M(c) — As an institution, through teaching and research, take a position of leadership in restoring the concept of professionalism in law.

Mission Objective M(d) — Internationalize Notre Dame Law School’s leadership position.
Notre Dame Law School Strategic Plan

Goal 1 Faculty
Maintain a high quality teaching and research faculty committed to the values stated in the Notre Dame Mission Statement.

Goal 2 Students
Maintain a student body with a commitment to competence, moral values and social justice.

Goal 3 Curriculum
Offer a curriculum which assures the highest level of professional competence among Notre Dame graduates — a curriculum blending legal substance, procedure, administration, theory, analytical and other skills, jurisprudence and moral philosophy.

Goal 4 Research Programs
Establish and maintain an institutional research program emphasizing ethics, social justice and other Judeo-Christian principles as key values in analyzing the law and legal systems.

Goal 5 Administration
Have an administrative structure that assures a collegial execution of law school administrative functions.

Goal 6 Physical Facility
Have a physical facility which provides a comfortable, attractive, efficient, well-equipped environment for teaching and researching the law and social justice.

Goal 7 Library
Build and maintain library resources, collections and services appropriate to a leadership law school.

Goal 8 Technology
Build and maintain a technology infrastructure and support system sufficient to meet the requirements of curricular, research and administrative activities.

Notre Dame Law School Strategic Plan
Principal Strategies

I. Financial Aid — Triple the amount of money available for financial aid for students. This will involve tripling both the annual fund and the financial aid endowment.

II. Student/Faculty Ratio — Increase the faculty size in order to achieve a student/full-time teaching and research faculty ratio of less than 17-1. Increase the size of the clinical faculty by two. Involve more adjunct faculty in practice skills courses.

III. Research — Fund a Center for Law and Ethics which would support general faculty research in Law and Ethics. This involves funding for summer research stipends, student research assistants, research sabbaticals, technology support, etc.

IV. Graduate Studies and Special Research — Endow the Center for Civil and Human Rights.

V. Library — Continue the conversion of the law library to a research quality classification. This involves adding titles and research staff along with a physical addition to the library.

VI. Physical Facility — Complete a 50,000 to 60,000 square foot addition to accommodate the expansion of the library plus additional faculty offices, student space and classrooms.
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The New Kids on the Block

John H. Garvey
Professor of Law

moved to Notre Dame in 1994 after one of the longest courtships in modern academic history. I graduated from college here in 1970, then went to law school at Harvard where they said it was warmer. Notre Dame Law School first offered me a job in 1976. My wife graduated from business school that year, and we were both looking for university jobs — I at law school, she in administration. Notre Dame wanted to hire me. Kentucky wanted to hire us both. We went to Kentucky.

By 1979 we were parents of a couple of children. A nesting instinct possessed us both, and after some discussion we concluded that the place where we wanted to nest was in South Bend. I applied again for a job at the Law School, and this time they turned me down. I like to think it was spite. In fact the reason probably was that they had hired Ken Ripple to teach what I proposed to teach, and he was doing a better job of it than I would have done.

With that rejection we settled down and became naturalized Kentuckians. We had a couple more children. My wife became the Commonwealth’s director of Small Business Development. We began to feel, in her phrase, “like big people” — the kind that drive large grey sedans. We never did buy one of those. We did buy a Volvo: second-hand, with 100,000 miles, but it made us feel very yuppified. Maybe that's why I took a job at Michigan in 1985 — we finally had a car capable of going that far. Anyway the day after I agreed to spend a year in Ann Arbor I ran into Dave Link in Washington. He asked me if I would be interested in moving to Notre Dame. I would have been, 24 hours earlier. I felt like someone who'd gotten engaged to the wrong girl. But I'd made a commitment, and I didn't think I should involve Our Lady's school in an action for breach of promise. I said no.

Eight years later we were back in Kentucky. My wife had joined a small business, the J. Peterman Company, a mail-order company that targets people who own real Volvos. We had another child and graduated to a van. On St. Patrick's Day the phone rang and it was Dave Link. You must understand that academic hiring is ordinarily a very coy affair. You don't tell a school you're interested (look what happened to me in 1979). You get Cyrano de Bergerac to make your proposals. But this was the fourth time Dave and I had discussed our nuptials, and we were beyond pretense. Dave said the Law School was creating a new position in Constitutional Law and
Religion and asked if I wanted the job. I said I'd always wanted a job at Notre Dame, and that for once the timing was good. My wife was tired of travelling around the world for Peterman and wanted to start her own business. That would be just as easy in South Bend as in Lexington. There followed the usual discussion about salary, football tickets, etc. I tried to drive a hard bargain, and not let Dave know that I would have taken a cut in pay to come.

I was on the job only a month or so when I found myself on the Appointments Committee. Not that I was already a popular favorite. At Notre Dame all faculty are deemed to be on the ballot for committee elections unless they ask that their names be stricken. Unaware of this convention, I got elected before I could figure out where everyone had gone. I don't mean to imply that the committee was entirely made up of people with slow reflexes. Joe Bauer served as committee vice chair (the dean is the chair) because he is a good citizen.

It proved to be an eventful year. The University, as part of the Colloquy for the Year 2000, had promised the Law School eight new positions over a period of 10 years. I had been the first of those, but there were seven more to come. In addition to our annual share of that total, Ed Murphy had fallen ill and retired (he died last summer), Trai Láz had stated an intention to retire soon, and Sabrina McCarthy had announced that she was getting married and moving to Tennessee.

My most important contribution to the committee's work was my first. We needed help in so many areas that we weren't really constrained by subject matter. In that case, I argued, our first move should be to hire my friend D. Reginald Whitt, O.P. He was a graduate of Duke Law School and had practiced with Duane, Morris & Heckscher in Philadelphia. He is also a Dominican priest. We had taught together for several years at Kentucky and lived across the alley from one another. Though he was a professor of torts, Father Whitt had an encyclopedic knowledge of theology and history, and was my best counselor on the things I worked on. I wanted to hire him for purely selfish reasons. He had left Kentucky in 1994 when the master of his order sent him to the Angelicum in Rome and then to Catholic University to get a doctorate in canon law. (If the timing is right he will get his degree May 19 of this year, the 20th anniversary of his ordination.) I knew Dave Link would be interested in hiring him, because Father Whitt and I had driven up from Kentucky for a conference in 1990, and Dave (who claimed a prior recruiting contract) flattered around him like a moth around a candle. I told him at the time to leave our guy alone. But now I was on Dave's team.

We weren't the only school to know that Father Whitt had returned from Rome. Duke had already engaged him to teach a course in the spring of 1995, and they had more sinister designs. Before they could act on them we invited him out for a visit and hired him. He teaches Torts and a course in Canon Law.

I had nothing to do with the committee's next action. In fact I still can't believe they did it. When Eddie Sutton got canned as coach at Kentucky the newspapers were full of speculation about who would replace him. One persistent rumor was that the new coach would be Pat Riley, an old Kentucky boy then coaching the Los Angeles Lakers, arguably the most famous basketball coach in the world. I remember thinking at the time, "Are these people crazy? Do they really think they can hire Pat Riley away from the Lakers?" (They didn't. But damned if they didn't hire Rick Pitino from the New York Knicks.) That's how I felt when I first heard the suggestion that we try to hire John M. Finnis away from Oxford University. Finnis is the Pat Riley of legal philosophy. His book Natural Law and Natural Rights (1980) revived a tradition of natural law thinking that had been dormant for half a century. He attended Oxford as a Rhodes scholar and received his D.Phil. in 1965. He is a governor and vice chair of the Linacre Centre for Medical Ethics, a member of the Pontifical Council de Justitia et Pace, a fellow of the British Academy and a practicing barrister at Gray's Inn. In addition to Natural Law and Natural Rights he has written Fundamentals of Ethics (1983), Natural Law (1991),
and Moral Absolutes: Tradition, Revision, and Truth (1991). After what I assume were more interesting negotiations than my own (Dave Link flew to London to meet with Finnis; he never flew to Lexington), Finnis agreed to teach fall semesters at Notre Dame’s main campus and spring semesters at the Law School’s London branch (where we have a new director, Geoffrey Bennett, see margin). Finnis will hold the new Bioletti chair at the Law School.

Because some of our appointments were (like Finnis’s and my own) lateral hires, the Appointments Committee frequently met together with the Promotions Committee during 1994-95. The most active member of either committee was Bob Blakey, who every week had a list of new names turned up by his network of talent scouts. One of his scouts was Judge John T. Noonan, who taught at the Law School from 1961 to 1966. He suggested that we hire his former clerk, M. Cathleen Kaveny, who was practicing law with Ropes and Gray in Boston. Kaveny graduated summa cum laude from Princeton and received her J.D. and Ph.D. from Yale. She was a member of the editorial board of the Journal of Law and Religion, and had already written numerous articles in the field of ethics. She also has a good sense of humor. Blakey, Teresa Phelps, and I went out for a steak at Steak and Ale (Blakey’s only shortcoming, so far as I can make out, is a weakness for cheap restaurants), and she thought it was funny. She teaches Contracts and Health Care Law.

Justice Scalia was another of our scouts. One name he gave us was William K. Kelley, who had clerked for (retired) Chief Justice Warren Burger and ended up working a lot for Scalia. My wife said Kelley’s resume looked just like mine, only he was younger and smarter. He was the Supreme Court editor on the Harvard Law Review, clerked for Judge Kenneth Starr on the D.C. Circuit before going to the Supreme Court, and served as an assistant to the solicitor general in the Justice Department from 1991 to 1994. When we hired him he was working for Sidley & Austin in Washington, D.C. He teaches Constitutional Law and Administrative Law.

When we hired Kelley there was some grumbling about the Hibernian slant our deliberations were taking. The membership of the two committees included Carol Mooney and Gerard Bradley, as well as Blakey and Garvey, and we hired Kaveny and Kelley. Some people did not understand the efficiencies involved in using the last letter of a surname to identify good teachers. I attribute this to bigotry against the Irish, because nobody showed any hesitation about hiring two other candidates who were not Irish, even though they had identical surnames. One was Patrick J. Schiltz, who had spent two years clerking for Justice Scalia. Like Kelley, Schiltz had gone to law school at Harvard, and they were our chief competitor for his services. Notre Dame appealed to him because it was a Catholic school. He is also from the Midwest — born in Duluth, he went to college at St. Scholastica, and became a partner at Faegre & Benson in Minneapolis. There

New Director Named for London Law Programme

Geoffrey Bennett has been named the British co-director of the Notre Dame London Law Programme. After graduating from Cambridge University, he was called to the English Bar in 1975. Most recently he was reader in law at City University London and has previously taught at the universities of Liverpool, Leeds and Louisville. He is the author of articles on criminal law, comparative law and law relating to cultural heritage. He is the editor of the journal Education and the Law.
he did litigation, much of it on behalf of churches and sports franchises. He should feel right at home here. He teaches Evidence, Civil Procedure and Sports Law.

Another reason Schiltz will feel at home at Notre Dame is that we also hired Elizabeth R. Schiltz (née Kaczynski), to whom he is married. When we first started talking to Patrick he represented that his wife was brighter than he was. Having known them both for a year now, I am inclined to agree. Lisa Schiltz was raised in Germany but went to college at Yale, where she graduated magna cum laude in philosophy. She then attended Columbia Law School and served on the Columbia Law Review. After law school she returned to Germany as a Robert Bosch Foundation Fellow. She then practiced law for nine years, eventually (like Patrick) with Faegre & Benson. She specialized in things like credit cards and bank regulation. She now teaches in the areas of banking and commercial paper.

Counting me, this made seven new teachers hired in little over a year. The Law School still had several pressing needs. The most urgent were in various aspects of international law. Trai Le’s retirement would leave us with no one to teach international trade. Sabrina McCarthy’s departure left William Lewers, C.S.C., the only regular faculty member in the Center for Civil and Human Rights, where we need to offer a number of courses in public international law. Early in the fall of 1995 we did something to alleviate both of these problems by hiring Paolo Carozza, a lawyer practicing international law with Arnold & Porter in Washington, D.C. Carozza went to college and law school at Harvard, spent a year as a Fiske Scholar at Trinity College, Cambridge, and returned to Harvard from 1991 to 1993 as a Ford Foundation Fellow in International Law. He has written a book on the Argetinian Supreme Court (with former Secretary of State William D. Rogers), a handful of law review pieces, and a chapter on the European Community in Harvard Law School Professor Mary Ann Glendon’s comparative law casebook. (It was Glendon who first recommended him to us.) He has lectured at Harvard Law School and served as a visiting professor at the University of Chile. Carozza will teach International Trade and a course on Human Rights.

This spring we made a major addition to our rotation in public international law by hiring Dinah L. Shelton from Santa Clara University. She got both her college and law degrees from Berkeley, and has taught as a visiting professor at Stanford Law School and the Université Robert Schumann. She is the co-author of a number of important casebooks, including Protecting Human Rights in the Americas (4th ed. 1995), which won the Book Prize of the Inter-American Bar Association when it first appeared, and International Environmental Law (1991). She has served as a consultant for the United Nations, the European Community and the Council of Europe. Shelton will teach courses in Public International Law, International Organizations, International Environmental Law and cognate areas.

The Law School still has some curricular needs to address over the next few years. We need in particular to add a great variety of commercial and business courses, which despite Joe Bauer’s best efforts we have been unable to fill. The high quality of the people we have added to the faculty over the last two years will make it easier to attract others of the same caliber. It also makes me glad that I was hired at the front of the line rather than the back. I’m not sure the school would take me now.
FACULTY NOTES


- Joseph P. Bauer published the 1996 Cumulative Supplements to Volumes 1 through 10 of *Key Note* and *Bauer’s Federal Antitrust Law*. He served as the invited moderator of a session on “Revised Federal Rule of Civil Procedure 26,” sponsored by the ABA Torts and Insurance Practice Session at the annual meeting of the ABA, and made a presentation entitled “Local Market Collaboration” at a conference on Consumerism and Competition sponsored by the Institute for Health Law at the School of Law, Loyola University. He is serving as acting associate dean for the spring 1996 semester while Tex Dutile is in London.

- Thomas F. Broden, professor emeritus, was the recipient of the Kavanaugh Award, conferred on a graduate (NDLS 49) who has performed outstanding service in government, public service or politics. Prof. Broden was involved in the founding of both the Civil Rights Commission and the Legal Services Corporation.


- Eileen M. Doran was the recipient of the 1995 Special Presidential Award presented by University of Notre Dame President Rev. Edward “Monk” Malloy honoring her service to the legal profession as co-director of the Legal Aid Clinic. She published “Custody Determinations in Indiana” through the Indiana Continuing Legal Education Forum.

- Fernand “Tex” N. Dutile gave a talk entitled “The Death Penalty in the United States” to the faculty of the School of Law at the University of Queensland in Brisbane, Australia. He also delivered a lecture entitled “The United States Constitution and Criminal Punishment” while at the University. He has been appointed to the editorial boards of both the University of Notre Dame Press and the British publication Education and the Law. His article “Law, Governance, and Academic and Disciplinary Decisions in Australian Universities: An American Perspective” will soon be published in the *Arizona Journal of International and Comparative Law*.


- Barbara S. Gasperetti was the recipient of the 1995 Special Presidential Award presented by University of Notre Dame President Rev. Edward “Monk” Malloy honoring her service to the legal profession as co-director of the Legal Aid Clinic.

- Alan Guan has been appointed the John N. Matthews Professor of Law. He published *Studies in American Text Law*, with Vincent R. Johnson, Carolina Academic Press. He also recently published the second edition of *Partnership Income Taxation*, Foundation Press.

- Jimmy Gurule has been accorded tenure status by the University. He was appointed to a Senate Judiciary Committee advisory group by Sen. Orrin Hatch, R-Utah. He recently published “The Money Laundering Control Act of 1986: Creating a New Federal Offense or Merely Affording Federal Prosecutors an

- **Janis L. Johnston** was the 1995 recipient of the Rev. Paul J. Foik, C.S.C., Award presented by University of Notre Dame President Edward “Monk” Malloy.

- **M. Cathleen Kaveny** published “Ethical Issues in Health-Care Restructuring” in *Theological Studies*. The article was co-authored with James F. Keenan, S.J.


- **Donald P. Komninos** published a review of *The Birth of Judicial Politics in France: The Constitutional Council in Comparative Perspective* by A. Stone in the *American Political Science Review*. He delivered a paper at Princeton University entitled “The Constitutional Politics of German Unification.” He lectured on “Deploying Troops Abroad for Peace-Keeping Purposes: The German Debate” at the Kroc Institute for International Peace Studies. He recently won the Alexander von Humboldt Award, the highest award made in Germany for advanced research by foreign scholars.

- **Dean David Link** was appointed by ABA President Roberta Ramo to the ABA Committee on Professionalism to study the deterioration of legal professionalism and how it can be restored; he acted as counsel to the University’s Board of Trustees’ Committee on Athletic Affairs; and he continues in active service in South Bend’s Center for the Homeless. Over the past year, he has given dozens of Hebsorgh Lectures, speeches at Universal Notre Dame nights, and talks to other alumni, professional and civic groups. He spent a week this winter in Los Angeles, pouding nails alongside former President Jimmy Carter, in the course of building a house for Habitat for Humanity.

- **William O. McLean** has been elected president of the Retired Officers of America (TROA), Michiana Chapter.

- **Teresa G. Phelps** has been appointed to the Communication Skills Committee of the American Bar Association. She participated in a panel discussion, sponsored by the Notre Dame Center for Social Concerns, entitled “After ‘O.J.:’ Challenges for the Common Good.”

- **Walter F. Pratt Jr.** conducted a faculty colloquium in which he discussed his research on the U.S. Supreme Court under the stewardship of Chief Justice Edward Douglas White.

- **Charles E. Rice**, who chairs the Human Rights Committee for Northern Ireland for the Irish-American Unity Conference, discussed Ireland’s great famine (1845-49). The event, which took place at the Cleveland Marriott Society Center, included the viewing of the documentary entitled “When Ireland Starved.” He co-authored with John P. Tuskey “The Legality and Morality of Using Deadly Force to Protect Unborn Children from Abortionists” in the *Regent University Law Review*.

- **Honorable Kenneth F. Ripple** published “In Memoriam: Warren E. Burger” in the *Harvard Law Review*. He presided at the Final Round of the 16th annual John W. Davis Moot Court Competition at the School of Law, Washington & Lee University. He also addressed the school’s law students on the “Significance of Recent Developments in Establishment Clause Analysis.”

- **John H. Robinson** participated in a panel discussion on assisted suicide at the 81st annual clinical congress of the American College of Surgeons in New Orleans. He delivered the 31st annual Doran Foundation Lecture entitled “The
Constitutionalization of Assisted Suicide and the Revitalization of the American Catholic Church.”


Patrick J. Schiltz gave the fall commencement address at the College of St. Scholastica, Duluth, Minn. He received the college’s Presidential Alumni Award recognizing outstanding alumni whose professional and personal lives best exemplify the Benedictine tradition.

James H. Seckinger served as program director and faculty member of the NITA/Fish and Neave Deposition Skills Program in New York, for the NITA/Freshfields Trial Advocacy Skills Programme in London, and for the NITA/IRS Deposition Skills Program in Cincinnati. At all three programs, he gave a series of lectures to the students and the faculty on Trial Techniques. He was also the program director and faculty member for the NITA Train the Trainers Programme for Lovell White Durrant and Central Law Training in London. He gave a presentation to the faculty on using the NITA Method of Learning-by-Doing Skills Training for teaching the teachers and gave a lecture to both the participants and faculty on Effective Teaching Techniques.


J. Eric Smithburn published the 1995 pocket parts for his new volumes on Indiana Family Law. He has also completed the final manuscript for his new book, Problems in Family Law and Instructor’s Manual for Problems in Family Law. Little Brown & Company expects publication this spring. This is the first family-law text published by an American law publisher using the problem approach. He presented an invited paper entitled “International Child Abduction in the Hague Convention” to the Hong Kong Family Law Association. He also served as faculty coordinator and lead lecturer for the one-week program entitled “Evidence in Juvenile and Family Court” at the National Council of Juvenile and Family Court Judges in Reno, Nevada.

Jay H. Tidmarsh has been accorded tenure status by the University. He recently published “A Process Theory of Torts” in the Washington & Lee Law Review and was named “Teacher of the Year” by the Class of 1993. His co-authored book on complex civil litigation has been accepted for publication by West Publishing Co.


Father Lewers Receives Cavanaugh Award

Professor of law and director of the Center for Civil and Human Rights at Notre Dame Law School, Rev. William M. Lewers, C.S.C., is the recipient of the Rev. John J. Cavanaugh, C.S.C., Award, conferred on a graduate who has performed outstanding service in the field of government, public services, and/or local, state, or national politics.

After earning undergraduate and J.D. degrees from the University of Illinois, Father Lewers became a graduate fellow at the Yale Law School and studied theology at Holy Cross College in Washington, D.C. He then practiced law in Kansas City and later taught on the law faculties of the Universities of Kentucky and Illinois. In 1965, the year he was ordained a Holy Cross priest, he began his service as a faculty member at the Notre Dame Law School. From 1967 through 1969 he was visiting professor of law at Catholic University of Chile. Upon his return to Notre Dame, Lewers assumed teaching duties until 1973, when he was elected to a six-year term as provincial superior of the Indians Province of the Congregation of Holy Cross. The University awarded Lewers an honorary Doctor of Laws degree in 1979, and in 1993 he was chosen as director of the Office of International Justice and Peace of the United States Catholic Conference in Washington, D.C., and served for five years in that capacity.

Initiated by Lewers in response to worldwide need for human rights education, Notre Dame’s Master of Laws (L.L.M.) Program in International Human Rights Law provides lawyers, primarily from outside the United States, an opportunity to engage in specialized study and research. A trustee of Stonehill College and of the University of Portland, Father Lewers continues to serve Notre Dame both as a law professor and as a member of the Board of Trustees.
Professor Trai Lê

Carol Ann Mooney
Professor of Law

For most of her years at the Notre Dame Law School, Professor Trai Lê has sole responsibility for teaching Commercial Law and taught every Law School student. In addition to teaching several Commercial Law courses Professor Lê has taught Consumer Law, International Law, International Business Transactions and Immigration Law. She devoted countless hours to coaching International Moot Court Teams that, under her guidance, won the regional competitions on several occasions. She published widely to favorable reviews. She served on University and Law School committees with a grace and diplomacy that we came to depend upon. In short, Professor Lê was all that is expected of a top-notch faculty member. And this was not her first career.

Trai Lê was born in Vietnam. Because of the political upheaval that Vietnam experienced throughout much of this century, her personal life story contains its share of tumult. After World War II Trai journeyed to France where she earned her law degree at Aix-en-Provence. By the time she returned home she had married Chau and civil war had split their country in two. Undeterred by the political instability she opened a law office in Saigon where she ably served international business clients. At the same time Chau began his academic career at the University of Hue.

In the early 1960s Chau and Trai Lê moved to the United States to pursue further studies at the University of Chicago. While caring for their two toddler children (Mimi and Khol), they each earned a Ph.D. — Trai's in political science and Chau's in English literature. Once again they returned home to turmoil. The United States had entered the war between north and south Vietnam. But Trai returned to her law practice and Chau to the University at Hue. Shortly after the University of Hue was flattened in the 1968 Tet offensive Chau was named rector (president). Trai too was involved in the university; she was the founding dean of its law program. Their work to rebuild a Catholic university that was located close to the war zone was, like so much else in their lives, an act of faith, optimism and idealism. In 1975, shortly before the fall of Saigon, one of Trai's business clients helped her and her family leave their beloved homeland.

Notre Dame was fortunate enough to be the beneficiary of the talents, dedication and
love that Traci and Chau have generously shared with others throughout their lives. Their love for their homeland and their fellow countrymen has caused them to work ceaselessly to help other Vietnamese refugees. Their strong attachment to their first home is matched by their enthusiasm for their new one. The casual observer watching them today would see two diehard Notre Dame fans who have thrown themselves into the life of their new country and new university with a level of eagerness that is not common even among those just at the dawn of their first career.

It would probably be futile to ask Professor Lê what she would most like the Notre Dame Law School community to remember about her; her modesty is such that it is unlikely she has ever given it any thought. But it probably would not be her teaching, research or service, excellent as they all have been. Those Traci would probably describe simply as what she, and every faculty member, is expected to do. Many of us, however, have been marked by her. She is an amazingly strong person — strong in determination even in the face of great adversity and personal physical threat, strong in integrity, strong in idealism that has not faded despite the reality that other forces sometimes prevail, strong in loyalty and strong in faith — and all that strength is packaged in such a tiny body that one wonders how it all resides there. The secret is that all that power is ruled over by love. A love that nurtures her students around her dining room table as well as behind their desks. A love that guides her young colleagues through the doubts and uncertainties of the early years of their academic career. And most importantly, a love that has kept her family — husband Chau, and children Mimi and Khoi, and now their spouses and children — alive and vibrant through circumstances that could have beaten a lesser being into dullness and despair.

Although Professor Lê has officially retired, we selfishly hope that she will continue to teach as much and as often as is consistent with her desire to visit her grandchildren.
A Tribute to Professor Edward J. Murphy

Douglas W. Kmiec
Professor of Law

It can be simply and faithfully written that Professor Edward J. Murphy's life and death were in joyful submission to the sovereignty of God. A renowned and master teacher until cancer forced his retirement in 1994, Professor Murphy taught more students than any other faculty member in the Notre Dame Law School's 125-year history, including among his devoted pupils the Law School's present dean and two of the University's officers.

Raised behind the proverbial country store in Sangamon County, Ill., he earned both undergraduate and law degrees at the University of Illinois and served as law clerk for Justice H.B. Hershey of the Illinois Supreme Court. In 1957, Dean Joseph O'Meara, always on the lookout for young Catholic scholars, brought Edward Murphy to Notre Dame. Over the years, he was a teacher of contracts, jurisprudence, negotiable instruments and remedies, and also served as acting dean of the Law School in 1971. In 1979 he was named the first holder of the John N. Matthews chair in law. Later his peers presented him with one of Notre Dame's highest honors, the Faculty Award (1990). His students likewise recognized his contributions, naming him "Teacher of the Year" in 1993.

A demanding teacher known for impartial and high standards, he celebrated his country roots by favoring the Law School community with country melodies and old-time gospel favorites on the piano.

It is fitting that cancer did not directly take Edward Murphy's life. His spirit and faith in God were never dimmed, and his peaceful death after a rainy and midday meal with his wife, Mary Ann, gives simple, living elegance to the words of the poet Tennyson: "God's finger touched him, and he slept." More than once, as inquiries were made of his health, he would respond humbly: "God's will be done." But Professor Murphy was not complacent about life or death. Unwaveringly pro-life, he...
found in his own diagnosis in 1992 another opportunity to be of service in life’s behalf as he volunteered eagerly for experimental gene therapy at the University of Chicago. Despite the discomfort of treatment, he continued to teach, launching two well-received series of Saint Collector Cards (containing a beautiful portrait and a carefully researched biography of each saint) to inspire the faith of the young. Nourishing the faith of many was a continuing devotion for Professor Murphy, as illustrated by his earlier religious instruction in the apologetics of the Catholic faith and his authorship of the 1978 volume Life to the Full.

In a modern world of pretension and bluster Edward Murphy possessed an open, deliberate, honest and unassuming brilliance. He drew sustenance from the writing of the Apostle John, who writes of Christ’s purpose this way: “I came that they might have life and have it to the full.” Not content with being an editor of one of the most respected casebooks on contract law, Studies in the Law of Contracts, now in its fourth edition, and co-author of a treatise on Sales and Credit Transactions, Murphy was best known for a jurisprudence powerfully and unmistakably traced to the Word of God. In 1990, he wrote in the American Journal of Jurisprudence. “I believe that many of us . . . have forgotten THE WORD. I mean the Word which was made flesh and dwelt among us, the One who existed from the beginning and through Whom all things came into being and apart from Whom nothing came to be.”

Murphy’s jurisprudence hinges upon an acceptance of the Triune God, God’s revealed law and the implications of the natural law. Among the highly secularized, skeptical and postmodern circles of the academy, such insight might be slighted as too overtly religious. Yet, as Professor Murphy would good naturedly, but steadfastly, remind critics awash in philosophical complexity and human tangle, we have not become “ungodly.” Not at all! In a sense this is a very “religious” society. There are all sorts of gods. It is that we largely ignore in our thinking (yes, in our legal and jurisprudential thinking) the true God, the God of Abraham, Isaac, and Jacob, the God Who made us, sustains us, saves us, governs us, and with Whom we hope to spend an eternity.

None among the multitudes of family, colleagues, former students and friends who bade Edward Murphy farewell doubted the realization of his hope for eternal life. The lasting presence of Ed’s love and the magnificence of his life were wonderfully evident at his parish church during his funeral mass.

Ed and Mary Ann Murphy were co-creators with God of 10 children. One child preceded Edward to eternal life many years ago at birth. The nine who witnessed their father’s return to God are themselves lovingly devoted to family life (parents to Ed and Mary Ann’s 22 grandchildren) and pursue many callings, including homemaking, architecture, banking, advertising, accounting, teaching and law.

The day Edward Murphy was laid to rest, the appointed Lectionary reading was from the Book of Exodus. Here God reveals to Moses the unquestionably sound direction of the Ten Commandments. Upon the Decalogue, Edward J. Murphy based his entire life and legal philosophy. In his book, In Your Justice, Murphy summarized what would be his trademark challenge to humanity:

It is, in fact, a conflict between God’s will as normative and man’s will as normative. The issue is: Who is to rule? Christ or Caesar? Christ or the Marquis de Sade? Christ or the Supreme Court of the United States? There can be no neutrality here, nor can there be any compromise. We must choose, and our choice will be consequential — for ourselves and for future generations.

Edward J. Murphy chose wisely.

Requiescat in Pace.
Notre Dame Graduates Intern at The Hague

When asked about their clerking experiences, many law students will boast about their research and writing projects, some will have the opportunity to draft pleadings, and fewer yet will enter the courtroom to represent a client. An internship program designed by the Center for Civil and Human Rights at the Law School is changing all that.

In May 1993 the United Nations Security Council established an international tribunal to investigate war crimes in the former Yugoslavia. Seeing this as an opportunity to provide an extraordinary learning experience to our LLM graduates, Dr. William Lewers, director of the center, and Garth Meinjes, associate director, established an internship program geared at providing the prosecution team with legal research assistance.

Two LLM graduates, Rodney Dixon of South Africa and Bassette Muzigo of Uganda, are currently serving as interns at The Hague, Netherlands. Their responsibilities, although varied, have focused on the relationship between international human rights law and criminal law.

"The contribution being made by this group of dedicated junior lawyers is significantly enhancing the legal research being conducted by the staff," says Richard Goldstone, the noted South African jurist and human rights activist who is the tribunal’s chief prosecutor.

For Dixon it has proven to be the job of a lifetime. "We're really creating an entirely new body of jurisprudence. This is not like working within a national legal system where you know what the limits and precedents are. And it's very different from the Nuremberg Trials where the conflict in question had a clear outcome." In fact, as Dixon points out, "There are even challenges to the Security Council's legality and jurisdiction in establishing the tribunal in the first place. It challenges you to be creative and innovative — and is tremendously exciting."

The demanding work comes at a cost, however. As Dixon points out, there is a tremendous emotional strain. Gathering information and evidence on such gruesome atrocities as rape, murder and torture causes Dixon to question, "The usual historical and political explanations don't answer the question of why no one did anything to prevent what happened." But as he concludes, "You have to learn to direct those feelings into your work — to transform them into energy and determination, and redouble your efforts on behalf of the victims."
19 January 1996

To Reverend Edward Malloy:

I am writing you to commend Notre Dame’s efforts in the area of human rights. I was pleased to learn about the work of your Law School and Center for Civil and Human Rights in involving lawyers around the world in the development of a global human rights culture.

Your L.L.M. degree program in International Human Rights Law and your law clerkship and internship program play an important role in increasing both the numbers and the skills of human rights legal advocates worldwide, especially in developing countries. Your law clerkships at the International Criminal Tribunals for the Former Yugoslavia and Rwanda and your new clerkships for the United Nations Centre for Human Rights in Geneva, in particular, provide valuable assistance to organizations very much in need of the help. The Carter Center’s International Human Rights Council also has a strong interest in supporting these organizations. I appreciate your Center for Civil and Human Rights working with our Human Rights staff in that regard.

Again, I applaud your work in the field of human rights, and I look forward to a long association between our Human Rights Program and your Center.

Sincerely,

[Signature]

Reverend Edward A. Malloy, C.S.C.
President
301 Main Building
University of Notre Dame
Notre Dame, Indiana 46556
Law Schools Must Lead Legal Profession Back to its Roots

DAVID T. LINK, DEAN

Whatever the outcome of the O.J. Simpson murder trial, one thing seems certain: contempt for lawyers — be they tailor-made defense attorneys or hard-charging prosecutors — will grow even greater.

Lawyers have not always been held in low public esteem. Believe it or not, the legal profession began as one of the classic healing professions, and lawyers were considered society’s peacemakers. While doctors healed the body and theologians healed the spirit, lawyers brought healing to societal rifts, whether these were disputes among neighbors or large-scale human rights violations.

In fact, the famous quote from Shakespeare is not a criticism of lawyers, but actually is the greatest possible compliment. The scene from “Henry VI” (Part II) concerns the planning of an evil revolution — a takeover of power by Cades and his companion, Dick the Butcher, for their own greedy purposes. Dick the Butcher, recognizing the one group of people that might save the citizenry’s property and rights, says: “The first thing we do, let’s kill all the lawyers.” The lawyers, in other words, were the potential enemies of the despots.

We see this played out in history. Hitler’s first move was to subordinate the rule of law and the legal profession. The same thing happened in Vietnam at the time of the communist takeover of Saigon. Fidel Castro, as his first official act after the revolution in Cuba, closed Havana Law School, the very institution at which he had been educated. Theatrical and real despots have long seen the potential for the legal profession to represent the rights of the people and maintain a rule of law and order rather than a rule of power.

Times, unfortunately, have changed. The image of the legal profession is at an all-time low (even Congress has more credibility). An American Bar Association committee on which I served found that the primary reason for this lack of trust was the belief by many that lawyers lack ethics. For the most part, people have viewed lawyers as simply hired guns — men and women in the business of selling their services to the highest bidder; legal manipulators willing to do anything for which they are sufficiently compensated.

This is a serious indictment, and one that must be addressed by the profession at large and, more specifically, by those of us in legal education. If we cannot restore faith in the legal profession, we will have a most difficult time maintaining the rule of law.

How best to restore this faith? We can and should begin with a commitment to ethics in the training of our lawyers. It is incumbent upon our nation’s law schools to develop lawyers who believe their primary responsibility is to bring about justice and peace between litigants, rather than strive for oversized verdicts; who put a greater emphasis on the beginning rather than the end of the Aristotelian formula “Do good and avoid evil.”

A commitment to ethics in legal education cannot begin and end with a single course, or even a series of courses. Ethics is not just an appendage to law, it is at the very heart of the matter, and must become part and parcel of the entire program. While continuing to produce highly competent and compassionate lawyers, legal educators are obligated to introduce and integrate ethics into each area of our curriculum. The professor in corporations law, in addition to teaching substance and procedure of a securities transaction, should also discuss the ethical dilemmas posed by that situation. The trial advocacy professor must explore the immorality of badgering a witness, and the arbitration instructor should emphasize fairness to all parties.

In order to develop a new kind of lawyer, ethical considerations must be at the core of law colleges and schools. That means different student recruiting and admissions systems designed to attract young women and men with strong leadership potential and moral anchors. It means hiring faculty who are committed to emphasizing ethics, social justice and peace, as well as conveying information about law. It means developing a curriculum that has moral philosophy and social justice as its heart and soul, while also assuring high competency in the law.

In short, it means a return to the roots of the legal profession as one of healing.

Reprinted with permission from the September 1, 1995, Chicago Tribune.
Law School to Offer Dual Degree in Law and Engineering

Notre Dame now offers a new dual-degree program in law and engineering. The program, administered jointly by the Law School and the College of Engineering, targets students interested in environmental, patent, telecommunications and similar law specialties. Associate Dean Jack Pratt, who shepherded the proposal for the Law School, stressed that it will be “sufficiently flexible to adapt to almost any need in the engineering field.”

Student acceptance into both the Law School and the Graduate School’s Engineering division will be required. Over the course of three years, students will work toward both a juris doctor degree and a master’s degree with a concentration in one of the engineering disciplines. The new program resembles the Law School’s dual-degree programs in business and peace studies.

NDLS Wins Award for Trial Advocacy

The Board of Regents of the American College of Trial Lawyers voted to confer the Emil Gumpert Award upon the Notre Dame Law School. The award, honoring the late Honorable Emil Gumpert, chancellor-founder of the American College of Trial Lawyers, honors the nation’s most outstanding trial advocacy program and carries a monetary award of $25,000.

Professor Jim Seckinger heads the trial advocacy program at Notre Dame. “The Gumpert Award is the highest honor awarded to a law school trial advocacy program,” says Seckinger. “We are honored to be singled out like this. It is a true compliment to the students who work so diligently each year.”

Law School Confers First J.S.D.

Christine Venter of Bulawayo, Zimbabwe, received the first juridical scientiae doctor (J.S.D.) degree awarded by the Notre Dame Law School at last spring’s commencement ceremonies. Ms. Venter’s dissertation, “Africa Meets the West: Reconciling Cultural Rights, Women’s Rights and Human Rights in the New South Africa,” was directed by Professor Robert Rodes Jr.

An associate professional specialist with the Law School Legal Aid Clinic since 1993, Venter holds advanced law degrees from Notre Dame and the University of Cape Town, from which she earned a bachelor’s degree in 1983.

Notre Dame’s J.S.D. program focuses on international human rights law and is among just 20 such programs in the United States. The J.S.D. is comparable to a Ph.D. and is primarily for those interested in an academic career. J.S.D. candidates typically have eight years of university experience and come to the program with a bachelor’s degree, a professional law degree and a master of laws degree.

Three other candidates currently are enrolled in the J.S.D. program — Garth Meintjes of South Africa, Toomas Silisate of Estonia, and Luc Reydam of Belgium. Vinodh Jaichand of South Africa will receive his degree this spring.

Barnes Named NDAA President

Michael P. Barnes was named president of the National District Attorneys Association (NDAA). Barnes, a 1973 graduate of the Law School, has been a prosecutor for 17 years and is currently the St. Joseph County prosecutor in South Bend, Ind. Barnes has been an active NDAA member for several years serving as chairman of the membership committee and as a member of the drug-control and child-support committees before becoming president-elect of the 7000-member organization last year.

Barnes began his legal career with the prosecutor’s office as a legal intern while still attending law school. He was elected to his current position in 1978 and has remained in office since that time.
Mooney Named Vice President and Associate Provost

Carol Mooney, professor of law, has been elected vice president and associate provost of the University. Her appointment is effective July 1, 1996, when Nathan O. Hatch becomes Notre Dame’s provost.

Mooney’s responsibilities in the provost’s office will include tenure and promotion matters, strategies for faculty recruitment, in particular, recruitment of Catholics, women and people of color, and issues related to professional education.

“Throughout her career at Notre Dame, Carol Mooney has distinguished herself in the profession of law, as a legal scholar and as an academic administrator,” Hatch said in announcing her appointment. “She is a woman of character and conviction who will be a valuable asset both in the provost’s office and as a University officer.”

A member of the law school faculty since 1980, Mooney teaches courses on trusts and estates, estate planning and the federal court system. She received the law school’s Teacher of the Year award in 1983. She serves on the Provost’s Advisory Committee and the Lactate Medal and Notre Dame Award selection committees and has been a member of the Academic Council, the Committee on the Protection of Human Subjects, the editorial board of the University of Notre Dame Press, the Faculty/Student Committee of Women of Notre Dame, and the graduate admissions committee of the University’s Kroc Institute for International Peace Studies.

A native of Norwich, N.Y., Mooney was graduated from Saint Mary’s College in 1972 and received her J.D. degree from the Notre Dame Law School in 1977, earning the Colonel William J. Hoytine award for the highest cumulative grade point average in her class. She was an associate attorney in the Washington, D.C., firm of Jones, Day, Reavis and Pogue from 1977 to 1978.

Mooney is the co-author of two books, along with numerous articles in law reviews and other scholarly periodicals. She was elected a member of the American Law Institute in 1988 and has been a reporter to the U.S. Judicial Conference Advisory Committee on Federal Rules of Appellate Procedure since 1985.

Mooney served as a faculty mentor at the 1995 Collegium Summer Institute on faith and intellectual life. A Catholic higher educational institute of which Notre Dame is a founding member, Collegium annually brings together distinguished faculty from its member institutions to engage young faculty and advanced graduate students in exploring how their faith influences their academic work and what it means to be a Catholic intellectual in contemporary American culture.

Mooney is active in a number of community service organizations in the Michiana area and is past president of the Logan Center Protective Services Board, a corporate guardianship program for profoundly mentally retarded adults.

Mooney and her husband, George Efi, are the parents of four daughters — Elizabeth, Christine, Caitlin and Valerie.

Back by Popular Demand!

The Law School alumni and friends post-football receptions are back in full swing. All law school alumni, friends and families are invited to join Dean David Link for a reception in the student lounge of the Law School following each home football game. This is a wonderful opportunity not only to rehash the day’s great plays, but also to remember old times at the Law School. In addition to the reception, the building is open to alumni who might want to revisit classrooms, the library or courtroom. Please plan to drop by if you are on campus this fall.
Swiftly John twists off the lid. He pours out the contents and investigates the thick white fluid flowing across the expanse of glass. He automatically spreads it to the edge of his canvas with the tips of his fingers, his thumbs, his palms. Seconds later he is caught forming a painting, created using white-out on his mother's desk.

A

“typical” day at Lake & Lake in Michigan City, Indiana, consists of client meetings, caselaw research, court appearances and . . . diaper changes. The Lakes, John B.A. ’88, J.D. ’91 and Mary J.D. ’91, believe they have found the answer to the nagging issue facing many two career couples today — what to do about daycare.

For John and Mary the answer was simple: Both Robert, 3 1/2, and John, 1 1/2, join the Lakes at their law office.

The offices of Lake & Lake are smartly decorated with professional furnishings, a conference room, reception area, kitchen and a large playroom. “We looked for office space with the children in mind,” says John who has a portrait of “The Spaghetti Eater” by young Robert Lake hanging in his office. “Our goal all along was to keep the children with us as much as possible,” adds Mary.

Like many young professional couples, the Lakes found themselves looking for a balance between their demanding legal careers and their growing family. “Our first priority had to be the children,” says John. “We wanted a big family, but didn’t want the children being cared for by someone else.” As John points out,
Mary’s practice was taking off, I was going through a philosophical change with respect to the way I wanted to practice law, and my son was growing up before my very eyes.” Bringing the children to work seemed like a logical solution for the Lakes, but going out on their own seemed risky at best. “This isn’t exactly how we had planned it,” says John.

John and Mary met during law school at Notre Dame. Both were staff members for the Journal of College and University Law, and both spent their second year of law school studying in the London Law Programme. “We began dating in London,” says John. Mary is quick to add, “but we were best friends first.” Soon they were making plans for a life together.

Mary, a native of Yonkers, N.Y., never dreamed she’d be practicing law in middle America. “I came to Notre Dame to get away from it all,” says Mary. A 1987 graduate of Fordham University, Mary “fell in love with Notre Dame” after visiting the campus. “I thought I’d come out to Indiana, study law, and then go back to New York to practice law.” But that all changed when she and John decided to marry.

John, a native of Michigan City, accepted an offer from a LaPorte, Ind., firm to join their litigation section upon graduation. Mary developed a specialty in real estate law and began working out of an office at home. They dreamed that someday they would be able to practice together, but were resigned to the fact that it wasn’t going to happen very soon. John on the partnership track at the firm, and Mary was soon pregnant with their first child. “We couldn’t foresee practicing together for at least 10 or 15 years,” says John.

It wasn’t until the fall of 1994 that John and Mary began to re-evaluate their situation. The death of a very close friend caused them to take a close look at the way they were living. “Robert, our first child, was growing up quickly,” says John, “and our second child, John, was born in September.” Their friend’s death “really caused me to take a step back and re-evaluate my personal and professional life,” says John. “We came to the conclusion that life was too precious and too short to spend it worrying about money.”

It wasn’t long before John had an offer for part-time work with the county prosecutor, and Mary had developed quite a “cottage industry” in real estate law. As she points out, “It all seemed to come together. Everything pointed to doing this now.” And so the Lakes decided to go into practice together — as a family.

“I wanted to have a ‘child-friendly’ office,” says Mary, “Many of our clients have children, and I wanted this to be a welcome environment for them.”

The Lakes schedule their day so that one parent is always available to watch the children while the other meets with clients or makes a court appearance. Mary’s practice as a real estate attorney allows her flexibility when scheduling appointments. “I’m able to schedule my appointments around John’s court schedule,” notes Mary.

On occasion, however, one of the children may have to sit in on a conference, but only with client approval. As Mary points out, “The clients actually enjoy having the children around. Most now look forward to seeing the boys when they come in.”

The advantages to having the children at the office are many, says John, “If I’m having a bad day, I can take a break and go across the hall to play with the boys.” With small children, however, there are bound to be mishaps like the usual spilled drinks. Or when Robert reconfigured one of their computer programs. “He is either a computer genius, or extremely lucky,” says Mary. “We have yet to figure out exactly what he did.”

The practice, however, is taking off and recently the Lakes hired a paralegal to assist in the office. They had very specific criteria — paralegal experience and child-friendly. They hired a paralegal and mother of six!

In February of this year, the law offices of Lake & Lake celebrated the one-year anniversary. Upon reflection, John stated, “This has been the best decision we’ve ever made — personally, professionally and financially. We wouldn’t change a thing!”

There may be, however, a few changes in store. When asked what lies ahead for Lake & Lake, Mary announced, “little Lake #3” due this August!
- **Heriberto Lopez Alberola ’93** has joined Mutual of New York and is serving as the director of International Relations in its International Division.

- **Joseph P. Albright ’62** was recently appointed by West Virginia Governor Gaston Caperton to the West Virginia Supreme Court of Appeals.

- **William B. Ball ’48**, a founding partner of Ball, Skelly, Murren & Connell in Harrisburg, Va., received an honorary doctor of laws degree from the Dickinson School of Law.

- **Walter F. Begley ’84** was elected a managing partner at Chapman & Cutler in Chicago.

- **Scott Cessar ’87** was named a partner at the Pittsburgh, Pa., office of Eckert Seamans Cherin & Mellott where he practices in civil litigation, with an emphasis on construction-related cases.

- **Thomas J. Coyne ’85** was named a partner in the Cleveland office of Thompson, Hine and Flory. His practice focuses on commercial real estate and financing transactions.

- **David S. Crossett ’80** was elected a managing partner at Chapman & Cutler in Chicago.

- **Wendell G. Davis Jr. ’93** has moved to the Michigan City, Ind., firm of Huelat & Gardener where he practices defense litigation.

- **Matthew J. Dunn ’84** was appointed by the Illinois Attorney General to head the statewide Environmental Enforcement Division of the Attorney General’s office.

- **Robert F. Gonderman Jr. ’85** has formed Gonderman Legal Corporation, P.C., where he practices in the field of personal injury and wrongful death.

- **Joseph G. Harraka Jr. ’85** has joined the Irvine, Calif., office of Smith, Brennan & Dickerson as a partner.

- **Don Hubbard ’84** has founded Hogan and Hubbard in Boston, Mass., specializing in complex litigation.

- **Vincent R. Johnson ’78**, professor of law at St. Mary’s University, San Antonio, was elected to the American Law Institute.

- **Kathleen Kearney ’80** was recently promoted to the Circuit Court bench in Fort Lauderdale, Fla.

- **Kristina Kiley ’76**, formerly the director of Human Resources, has been named vice president-Human Resources for Gerber Products Company.

- **Robert S. Krause ’65** has been elected a director of the 20,000 member Defense Research Institute, the nation’s largest association of civil litigation defense lawyers. He is a partner with the Detroit law firm of Dickinson, Wright, Moon, Van Dusen & Freeman, in charge of its Litigation Practice Group.

- **Donald A. Lohman ’94** joined the St. Louis, Mo., office of Husch & Eppenberger as an associate.

- **Jeannette P. MacLeod ’93** has joined Kreig DeValult Alexander & Capehart, Indianapolis, Ind., where she practices in the areas of civil litigation, environmental law and employment law.

- **Caroline McIntyre ’91** has become associated with the Irvine, Calif., office of Smith, Brenner & Dickerson.

- **David B. McMullen ’87** has been elected a partner at Chicago’s Chapman and Cutler where he practices with the firm’s Corporate Finance Department.
Edward E. McNally '82 has joined the Chicago law firm of Alzheimer & Gray as a partner in its litigation department.

Brian Martin '91 has joined the Kansas City, Mo., firm of Blackwell, Sanders, Matheny, Weary & Lombardi.

Timothy Rhatigan '93 has joined the Clifford Law Offices, a Chicago personal-injury firm. He practices in the areas of aviation, medical-negligence and product-liability law.

Steven M. Richard '89 has become a principal at Tillinghast Collins & Graham, Providence, R.I.

Michael W. Salsieder '78 has been appointed vice president, general counsel and secretary of Harnischfeger Corporation, Milwaukee. The company manufactures surface mining and material handling equipment.

Janis Lynn Sammartino '75 has been appointed to the Superior Court Bench in California.

James L. Scott '95 recently joined the Grand Rapids, Mich., office of Warner Norcross & Judd LLP as an associate.

Richard W. Slawson '70 of the Boca Raton firm of Slawson & Glick was named president of the Academy of Florida Trial Lawyers.

Eugene E. Smary '75, a partner with the Grand Rapids-based firm of Warner Norcross & Judd LLP, was recently appointed vice chair of the Brownfields Task Force of the ABA's Section of Natural Resources, Energy and Environmental Law.

John F. Sturm '69 has been named president and chief executive officer of the Newspaper Association of America.

Charles A. Weiss '68, a partner at Bryan Cave in St. Louis, is the president-elect of the Missouri Bar.

On September 14, 1995, Kathy Meyers (J.D. '89) was diagnosed with Acute Lymphocytic Leukemia. For six months Kathy has valiantly endured aggressive chemotherapy treatments, and until recently it appeared that Kathy was on the road to recovery. Sadly, she is not. Our hopes were shattered when Kathy was recently told she has come out of remission and that the only chance for saving her life is a bone marrow transplant. Kathy now desperately needs our help.

Because Kathy is adopted, her chances of finding a suitable bone marrow donor are remote. Thus, Kathy must rely on us and the National Marrow Donor Program (NMDP) to provide her a life-saving matching donor. By giving just two tablespoons of blood, the NMDP can test to see if you are a match for Kathy, or for some other person waiting in anguish for a suitable donor. The testing procedure is so simple, yet the result may be Kathy's miracle.

If you are interested in helping Kathy, please contact the National Marrow Donor Program at 1-800-654-1247 or 1-800-627-7692 as soon as possible. The NMDP can give you specific information regarding testing centers in your area of the country. You can also obtain information about the minimal costs involved in being tested (generally from $22 to $45). Kathy and her husband, Rob, and their baby daughter, Kaly, thank you in advance for your help and prayers.

For those who wish for more information, please feel free to call Kathy Leyden '91 at (847) 998-6453. Thank you and please keep Kathy Meyers in your prayers.
Bruno P. Bernabe '51, died June 20, 1995, Spring Valley, Ill.
Charles M. Boynton '44, died December 4, 1995, South Bend, Ind.
Denis E. Buckley '88, died January 25, 1995, Elkhart, Ind.
John P. Daley '38, died December 4, 1995, LaPorte, Ind.
Russell J. Delo '41, died October 18, 1995, Chicago, Ill.
Herbert A. Eastman '76, died October 13, 1995, St. Louis, Mo.
Frank J. Galvin Sr. '23, died May 13, 1995, Munster, Ind.
Wally Hass '51, died June 26, 1995, Peoria, Ill.
F. James Kane Jr. '60, died August 24, 1995, Williamsville, N.Y.
Charles J. Kock '83, died January 8, 1995, Goshen, Ind.
Robert D. McAuliffe '49, died in January 1995, Camillus, N.Y.
John E. Manahan '40, died December 25, 1995, South Bend, Ind.
Peter F. Nemeth '44, died July 4, 1995, South Bend, Ind.
Andrew Pliskowski '52, died March 17, 1995, South Bend, Ind.
Mark J. Tracy '73, died in December 1995, Glen Rock, N.J.
David E. Walsh '70, died May 24, 1995, Longwood, Fla.

Please pray for the deceased and their families.

REMEMBER WHEN:
The Law Class of 1970

Photo courtesy of James H. Casley
From the Newsroom to the Courtroom

Ferah Husain

When third-year law student Ferah Husain had the opportunity to move to Saudi Arabia, she never dreamed she’d end up on the news. Reading it, that is.

In 1991, Ferah’s father’s work took him to Saudi Arabia. Upon graduation from the University of California, Davis, in June of that same year, Ferah, too, moved to Saudi Arabia. “I really never expected to do anything like that,” Ferah explains. “I heard there were positions available at the television station in Riyadh, and the next thing I knew, I was taking a screen test.” That screen test led to a position as news anchor for the national television station.

In addition to her responsibilities as an anchor, Ferah put her degree in rhetoric and communications to work. She researched and wrote program material dealing with both censorship and editing. She also produced and directed a weekly entertainment show, while at the same time interviewing national personalities on topics ranging from sports to religion.

In addition to providing her with an incredible opportunity to apply her communication skills, anchoring the news on national television made Ferah a part of Saudi history. She accepted the position just as a seven-year ban on women on television was ending. Since Saudi women must wear veils in public, most of the women on television are western, but even they are rare. Ferah was the first woman in Saudi history to report sports for the news.

Ferah returned to the United States in 1993 to join the Notre Dame Law School Class of 1996. She was attracted to Notre Dame for its strong religious background. A Pakistani-American, Ferah is a devoted Muslim — one of few on campus. When asked if she had concerns about the strong emphasis on Catholicism at the Law School, Ferah replied, “No! In fact it’s refreshing. I came from a secular college where any mention of religion was taboo. Here, you can say ‘God’ out loud, without worrying whether it’s politically correct or not.”

It is Ferah’s strong faith in God and her positive attitude which have guided her through her Law School experiences. “Law school has definitely strengthened my faith,” she observes. Ferah’s practicality and optimism make her virtually unsinkable. She manages to find a bit of humor even in the darkest situations. When asked her advice for other law students, Ferah offered, “It takes too much energy to cry. Dude, laugh it off.”

And this attitude must be working, since Ferah has clerked for the Fifth Circuit Court of Maryland, as well as for a commercial litigation firm in Denver, Colo. She is president of the Asian Law Students Association and has served as Honor Council representative. Ferah is a bright, articulate and well-respected representative of the class of 1996, with a bright future ahead.
A Legal Peacemaker

Bruce Wells

What do a law student, a Presbyterian pastor, a mediator, a family man and a community leader have in common? Bruce Wells, third-year law student, is all of the above, and the combination is extraordinary. A soft-spoken, gentle person, Bruce’s calming presence and quiet firmness facilitate his role as problem-solver in all of his many roles.

Bruce entered the class of 1996 after 10 years of pastorate. He had worked closely with lawyers in the course of his activities as a pastor and was interested in their work. Bruce described his decision to go back to school as a vocation, “I had felt a calling to be a pastor, and I then experienced the same sense for law school.” He decided to pursue his degree at Notre Dame, making the two-hour round trip every day from Nappanee, where he lives with his wife and children. “The very first day, when Professor Murphy opened Contracts class with a prayer, I knew I was in the right place.” Bruce remembers, “I feel at home in a legal environment that respects religious beliefs.” Along with his interest in legal work, Bruce also saw potential for introducing legal skills into the pastoral community to help the clergy cope with conflict in the church.

In keeping with his dedication to peaceful problem-resolution, Bruce completed the Indiana Continuing Legal Education Forum Family Mediation Training in January 1995 and became a licensed Indiana mediator. Mediation is a legal process by which the parties to a dispute meet to discuss their problem and arrive at a compromise out of court. The mediator is a neutral party who facilitates communication in order to solve the parties’ problems while preserving something of their relationship in the process.

As a licensed mediator, Bruce joined with Steve Morse, a supervising attorney at the Notre Dame Legal Aid Clinic, to establish the Notre Dame Mediation Center, which works alongside the Legal Aid Clinic to provide mediation services for the South Bend community. Up and running since August 1995 with Bruce as assistant director, the Mediation Clinic has already completed numerous mediations.

Bruce visits the small claims court two days a week and mediates cases on the spot, as the judge refers them. He has built a reputation among local judges as a valued resource both for feuding parties and overloaded dockets.

In addition, Bruce helped develop a Mediation course which is now in the Law School curriculum this semester. Bruce co-teaches the course, which introduces the theory and practice of mediation through readings, participatory simulations and observations of real mediations. Alternative dispute resolution is finding more and more popularity in the law, and this course provides valuable training for the lawyers of the future.

Most admirably, Bruce has accomplished all this while carrying a full course load, is a White Center Scholar, and is committed to spending time with his family. His contributions to the Law School will leave a lasting imprint for years to come, and his very presence has enriched all who know him.
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