

NOTRE  
DAME

# LAWYER

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Bridging  
Our Past and Our Future

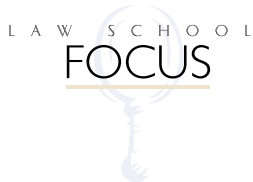
*The Law School's first dean, Colonel William J. Hoynes, teaches a contracts class in the late 19th century in Sorin Hall.*



*A view of the Law School, nearly complete, in early 1930.*



*The Hoynes College of Law, now Crowley Hall, which was home to the Law School from 1919 to 1930.*



**THE OLDEST  
CATHOLIC  
LAW SCHOOL  
ENTERS  
THE NEW  
MILLENNIUM:  
BRIDGING OUR  
PAST AND OUR  
FUTURE**

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**BY PATRICIA A. O'HARA '74 J.D.**  
JOSEPH A. MATSON DEAN AND  
PROFESSOR OF LAW

**T**he centerpiece of this issue of the magazine is the picture of our plans for a new building — a building that both symbolizes the centrality of the Law School in the life of the University and signals the place that the Law School hopes to occupy in the nation's public life.

We aspire to be a premier, Catholic law school. We want, at one and the same time, to be fully conversant and engaged in dialogue with the prevailing schools of thought in the legal academy, while also offering a compelling intellectual tradition, grounded in Judeo-Christian principles, with a time-honored wisdom all its own. We consciously create a community of scholars — Catholics and members of other faiths — who are interested in the integration of faith and reason, and who produce seminal research informed by this integrative intellectual tradition on issues that will affect structures and systems needed to resolve the complex problems of the new millennium. We strive to educate our students to be superbly qualified professionals who are also attuned to Gospel values that give them a heightened sensitivity to moral and ethical questions, as well as issues of social justice. We are committed to engaging in service that reaches out to the marginalized whom Christ served, while calling attention to the potential of lawyers to be agents of change in reforming social institutions.

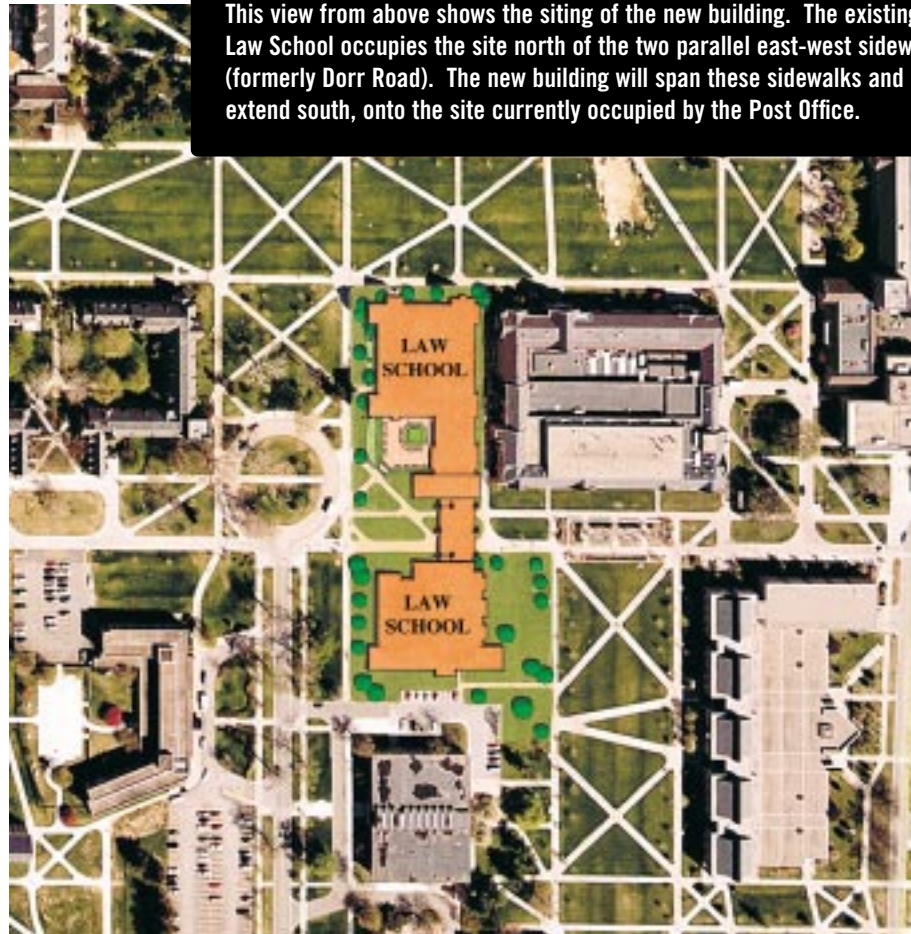
The proposed building matches our aspirations. We believe that it will support the ongoing formation of a vibrant, faith-based intellectual community — a community that is engaged in shaping opinions outside our walls through our scholarship, professional activities and service, while at the same time shaping the minds, hearts and souls of those who are privileged to work within these walls. We hope you will agree that the architects' rendering of our new home promises to do just this.

The new structure will almost double our usable space in a single, neo-Gothic building that incorporates our existing facility, spans the major arterial walkway immediately south of our current structure with a three-story arch and fills the site of the post office with a new facility. Except for the historic Main Reading Room in the present library and the exterior facade, the current building will be all but gutted and renovated to house the new Law Library. The connecting arch, together with the new facility, will be devoted to faculty and administrative offices, classrooms and student space.

This will be the third major renovation of the Law School, which was originally constructed in 1930 during the tenure of Dean Thomas Konop. In 1972, Dean Thomas L. Shaffer '61 J.D. shepherded the first renovation of the building, which added the central core of our existing library. In 1987, Dean David T. Link '58, '61 J.D. oversaw the addition of the eastern wing of the current building, which added yet more library space, as well as two major classrooms, the courtroom and faculty office space.

The size of the student body has remained relatively stable at 550 students for the past decade, but we have outgrown our current space. As part of our efforts to elevate our profile as a research institution while retaining our excellence in the classroom, we have increased the size of the faculty. Through the generosity of benefactors, library holdings have grown dramatically with a significant number of volumes now stored off-site. We are gradually increasing the administrative

This view from above shows the siting of the new building. The existing Law School occupies the site north of the two parallel east-west sidewalks (formerly Dorr Road). The new building will span these sidewalks and extend south, onto the site currently occupied by the Post Office.



infrastructure to match our peer institutions in ways that will better support our teaching and research mission. The demands of information technology outstrip our best efforts to keep pace in a building that did not contemplate the now-pervasive personal computer and the world of the internet.

After dividing and subdividing the existing facility to create more library and office space, corridors are crowded and classrooms at a premium — not to mention space for student organizations and journals. We do not plan to increase the size of our student body in the new building. Our small size is an important factor in our ability to create community. The new building, however, will resolve our current library and office space problems, as well as address our needs for the future.

We hope to break ground in 2004 on what looks like a 24- to 30-month project. We will first build the new facility on the site of the post office. This will

provide us with space for faculty and students and allow us to conduct operations with a minimum of disruption while our existing facility is renovated exclusively to library. When the project is complete, at an estimated cost of \$56 million we will enjoy a signature building at the entrance to the heart of campus. The building will retain the architectural beauty of our existing structure, integrate our teaching and research functions, meet the standards required for legal education in this new century and support the sense of community so central to this special place.

The new building will be a dramatic symbol of our continuing quest for excellence. It will play a critical role in helping us attract the very best faculty and students to Notre Dame, and contribute greatly to creating and recreating each year a dynamic community grounded in the Judeo-Christian intellectual tradition. In the final analysis, however, the building alone will not assure our success. The history of this place is a history of people — faculty, staff, students, alumni and friends of the Law School — who are committed to our distinctive mission. This has been our past. This, too, will be our future.

Thus, it is especially important to add recent news about our faculty, staff and students to this exciting announcement of our building plans. In this regard, we were pleased to announce the promotion last May of William Kelley to tenure, John Nagle to full professor and M. Cathleen Kaveny to the first John P. Murphy Foundation Chair. An outstanding classroom teacher and rising young constitutional law scholar, Professor Kelley contributed important public service as one of the authors on the briefs in the case involving the 2000 presidential election argued before the United States Supreme Court. A prolific scholar in both environmental law and

statutory interpretation, Professor John Nagle received national attention for his scholarship on the power of a lame-duck Congress at the time of the presidential impeachment proceedings. Recognized for his equally strong classroom presence, he will teach in China next spring as a Fulbright senior fellow. A rising voice in the Catholic Church and the academy on issues related to the intersection of law and moral theology, Professor Kaveny authored more than 30 articles in her first five years on our faculty, including pieces on managed-care issues, assisted suicide and conjoined twins. She turned down the offer of a prestigious chair from another institution to remain on our faculty as a chaired professor

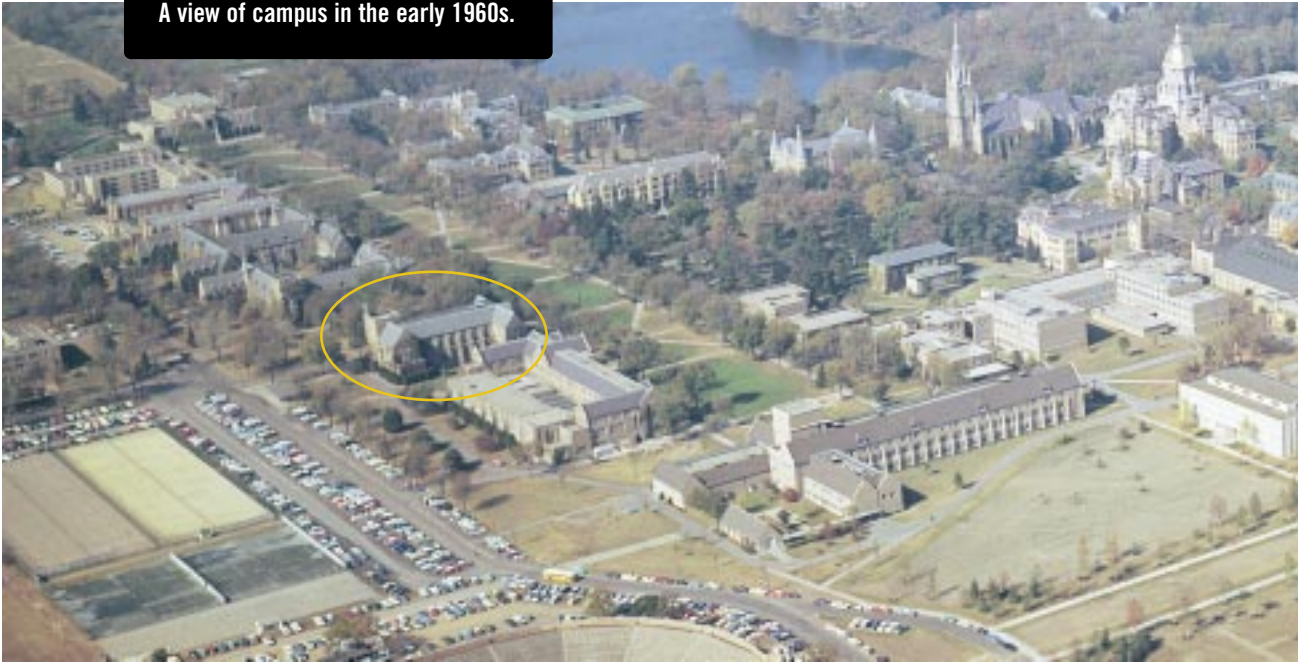
The current Law School building, shortly after construction was completed on the original structure in 1930.



— an example of the importance of the availability of chairs to attract leading scholars from other schools and to retain our own. We also take great pride in Professor Jimmy Gurulé's recent confirmation by the Senate to be undersecretary of the Treasury for Enforcement, and we look forward to his return to Notre Dame at the conclusion of his leave of absence for this service.

Taking their place in a long line of stellar faculty appointments profiled in recent years, three new faculty members joined our ranks this fall. Lisa Casey, Michael Kirsch and Julian Velasco bring us significant strength

A view of campus in the early 1960s.



in our business and tax curriculum; and their past records suggest that they will soon be making substantial contributions to scholarship in these areas.

This year we begin a regularized leave policy competitive with our peers that will provide faculty members with periodic time off from teaching to devote focused energies on research, as well as provide our faculty with the chance to accept visiting appointments at other institutions and professional-development engagements that will elevate our profile in the legal academy and profession. Slightly more than 20 percent of the faculty will be away all or part of this academic year. A commensurate number of visiting faculty will enrich our lives as a community and will provide course coverage to assure a diverse and full curriculum for our students. Seed funding from the University provost currently supports this sabbatical program while we seek additional endowment for visiting professorships.

Our faculty enjoyed a very productive year in terms of scholarship, authoring major treatises, leading case-books and scholarly articles placed in top law reviews across the country. We hosted a rich array of speakers from other law schools and featured a number of our

own faculty in colloquia devoted to discussion of current research projects. Under the direction of Professor Juan Méndez, the Center for Civil and Human Rights sponsored speakers, human-rights roundtable discussions and three major conferences — on our home campus, at our London facility on Trafalgar Square and in Santiago, Chile. A \$750,000 grant from the Ford Foundation will support the center's work over the next three years to implement research and advocacy on issues of transitional justice. The center also received a grant of \$200,000 from the John T. and Catherine D. MacArthur Foundation to fund a two-year program to prepare seminars in Mexico on litigation and advocacy before the Inter-American institutions designed to protect human rights. Professor Gerard V. Bradley coordinated a speaker series on natural law with funds from the Olin Foundation. In addition, Professor Bradley and Professor John M. Finnis, the Biolchini Family Professor of Law, hosted the annual symposium of the Natural Law Institute, the proceedings of which will be published in our *AMERICAN JOURNAL OF JURISPRUDENCE*.

In addition to our own four journals, we publish the *JOURNAL OF COLLEGE AND UNIVERSITY LAW* for the National Association of College and University Attorneys, which enjoys one of the highest subscription rates in the country. We continue to enjoy a special relationship with the National Institute for Trial Advocacy based in South Bend, which inures to the benefit of our highly-ranked trial advocacy program. Additionally, under the direction of our former colleague, Regis Campfield '63, now a professor and distinguished faculty fellow at Southern Methodist University, the Notre Dame Tax and Estate Planning Institute continues to draw record audiences to this top-flight program, which is now in its 27th year.

All of this intellectual activity is supported by the spectacular growth that we have enjoyed in our Kresge Law Library under the direction of Associate Dean and Professor of Law Roger F. Jacobs. In the past 15 years our library collection has grown significantly. With well over 500,000 volumes, the library properly belongs among the true "research libraries" in the nation. A number of generous benefactors have enabled us to develop special endowed collections to complement the growth in our operating funds. We now have 26 such collections ranging from the American Civil War to legal ethics to the law of specific jurisdictions such as Ohio, Michigan, New York and Ireland. We are especially proud of our collection of natural law materials,

which is clearly among the best in American law schools.

If people are the story of this place, then certainly our students continue to be a most important part of our story. The profile of this year's first-year class is no exception. The class of 2004, which entered the Law School this August, comes from over 100 colleges and universities. More than a quarter of the class is 25 or older; almost a third of the class has a year or more of full-time work experience. Approximately 85 percent of the class engaged in service or significant leadership activities prior to entering law school. Among the service activities represented are the Jesuit Volunteer Corps, the Mennonite Voluntary Service, the Peace Corps and Notre Dame's own Alliance for Catholic Education.

Moreover, our graduating students continue to enjoy an impressive placement record. Approximately 90 percent of the Class of 2001 was employed at graduation, and we fully expect that 100 percent will be placed within six months after graduation as in past



A view of the 1973 addition to the Kresge Law Library, from the southeast corner of the building.

years. Eleven graduates accepted judicial clerkships, nine of them in federal courts. Four Notre Dame graduates have served as clerks on the United States Supreme court in the past six years.

Our ability to attract high-caliber students has been greatly enhanced by growth in our financial aid resources. The conclusion of the University's *Generations* campaign last December marked the creation of 41 new endowed fellowships for the Law School, including a \$1 million gift from Harry Fath '63 split between scholarships and library collections. The Order of St. Thomas More, representing donations of \$1,000 or more annually, now numbers about 550 members. We use these unrestricted gifts primarily for expendable financial aid. Moreover, the University contributed \$6,000,000 to the Law School's financial aid endowment this past year, which, together with market growth, allowed us to increase our scholarship awards by close to 25 percent this year.

I mentioned above that a high percentage of our students enter the Law School with extensive records of involvement in social-justice projects. This percentage is not an accident. In seeking the best qualified students from among a highly talented applicant pool, we look for an orientation toward service as one indicator of an interest in our distinctive mission.

We seek to support our commitment to Catholic social-justice principles in our curriculum — most notably in classes such as Catholic Social Thought, Poverty Law, in Center for Civil and Human Rights course offerings and through our Legal Aid Clinic, Public Defender Externship and GALILEE intersession program. Moreover, with the help of our alumni and the collaboration of the student-run Public Interest Law Forum, we now offer 12 summer-service fellowships that place interested students in legal internships in the social-justice arena. This year we also added a part-time public interest coordinator to our Career Services Office, who will seek to make information about public interest positions available to our students,

as well as increase the number of public interest agencies visiting campus.

Most importantly, we will begin this year a program of distributing \$100,000 in awards annually to subsidize educational loan repayments on behalf of students who accept social-justice positions after graduation. Over the last two years, we have raised an initial endowment of \$250,000 for this purpose. This endowment comprises a gift from William J. Wernz '77 J.D. and Ann Hart Wernz '75 J.D. in honor of Robert and Marion Short Professor Emeritus Thomas L. Shaffer '61 J.D. and Paul J. Schierl/Fort Howard Company Professor of Legal Ethics Robert E. Rodes Jr., together with two estate gifts, contributions made through the Annual Fund that donors have directed to the loan-forgiveness endowment, and contributions made by faculty and students to the Public Interest Law Forum's Day-of-Pay Campaign. In an effort to signal the importance of this effort, we will supplement the earnings on this \$250,000 endowment with operating monies until we are able to raise an endowment that can fully support at least \$100,000 in annual awards.

Much of the progress that we are making within the Law School is the result of support from a gifted administrative staff that has only been strengthened by recent appointments. We previously announced the arrival of Glenn J. Rosswurm II '91 J.D., director of Law School Advancement, Gail Peshel, director of Career Services, Peter Horvath, assistant director of Career Services, Julia Meister '95 J.D., director of Student Services, and Charles W. Roboski, director of Law School Admissions and Financial Aid. The most recent arrival is M. Catherine Roemer, director of Law School Administration. After a national search, we ended up close to home in replacing Reverend James E. McDonald, C.S.C., who became rector of St. George's College in Chile. A graduate of Indiana University and a C.P.A. with "Big 5" accounting experience, Cathy worked as a vice president for a bank and a local corporation here in South Bend before serving four years

as city controller. With responsibilities for the Law School budget and all human resource matters relating to members of the staff, Cathy will also play a significant role in oversight of the new building project. In many ways, Cathy is the lynchpin who brings together our operational plans for the future. Each of these new administrators joins a group of remarkably strong professionals who will help us provide improved services to faculty, staff, students and alumni.

Thus, although we are a number of years away from completion of the building project — and only beginning to raise the funds we need — in a very real sense the Law School is already on the move in our efforts to build upon the legacy entrusted to us and bridge our past to a future that continues our quest for excellence. We hope to increase still further the size of the faculty in order to enrich our curriculum, offer smaller classes, improve the faculty-student teaching ratio and reduce course loads to enhance research. We will continue to build the library and the academic infrastructure needed to become an even stronger teaching and research institution. We will challenge ourselves to sustain a spirited intellectual community by increasing the number of named lectureships, conferences and symposia that we sponsor. We will channel our energies in the future, as we have in the past, to playing our part in transforming the academy and the profession through our faith-based approach to legal education, scholarship and service. Five to six years from now, when the entire construction project is complete, may it be said of our building that, like the medieval cathedrals of old, it symbolizes a place where all that begins within and extends beyond our walls is done for the greater honor and glory of God.

