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INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

# Indiana Law Annotated

*Vol. 13 No. 4  
September 15, 1997*

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## ON EXCELLENCE

by Frank Motley Assistant Dean for Admissions

Admission to law school is a tense and anxiety-prone process. Most who apply are not admitted. Most who are accepted do not matriculate. It is a giant musical-chair game of raised and lowered expectations. Admission to law school is also an avalanche of papers and forms that students have to fill out and the admission staff has to file. There are travel forms, recruiting forms, residency forms, housing forms, deferral, reconsideration, scholarship, fellowship, and assistantship forms. I am told there is a form for forms that have to be filled out, and all of them need to be carefully monitored so that applicants receive timely notice and a fair chance for consideration.

More than 100,000 pieces of correspondence are processed through the admissions office. All of this work must be done among the constant disruptions of telephone calls and walk-in visitors. There is one person responsible for the day to day operation and progress of the admission's office: Pat Clark.

Last week Pat celebrated 30 years of service to Indiana University. For many, it is hard to imagine doing anything or being anywhere for thirty consecutive years.

There was a time in our country's history when loyalty and longevity were not unusual. It was a time where marriages lasted a lifetime and doing a good job was the only guarantee one needed for job security. But it is not on Pat's longevity or loyalty that we should focus. Anyone who knows Pat Clark knows that what makes her unique is her tireless devotion to doing her job well. She is the first here in the morning and the last to leave at night. There is only one standard for Pat: doing her best.

And she has been doing that for thirty years. There are generations of lawyers whose lives have been changed and enriched because of the little things Pat has done to make this very complicated and sensitive admissions process run smoothly. Good works often go unnoticed and people often equate longevity with banality. But it is talent put to good use for thirty years that is the reason we celebrate and commend Pat Clark's accomplishment. Her devotion to the Law School and the standard of excellence she has set reminds us of the joy inherent in doing one's job well and in being recognized for being the very best.

## HELLO FROM TOKYO

Best wishes to all of my faculty, student, and administration/staff friends in Bloomington! I hope you're all finding plenty of ways to enjoy (!) the last few weeks of hot, humid, summer weather...

As I promised last year, I will be submitting to the ILA occasional, irregular columns from my current temporary post in Tokyo. At the University of Tokyo, the new academic semester has not yet started, so I've been spending most of my time (1) researching and writing, (2) trying to survive the brutal heat and humidity (which, if it helps you feel any better, are MUCH worse in this island nation than they are in Bloomington), and (3) preparing our tiny apartment for the inevitable BIG EARTHQUAKE that everyone here knows could hit Tokyo at any time. (Did you know that more than 10 percent of all of the world's earthquakes occur in Japan?) We've experienced two "little" earthquakes in the past couple of weeks, but they weren't scary ones -- except for the fact that one of them occurred while I was standing on a small balcony six stories above the ground, causing me to beat a very hasty retreat indoors!

What with earthquakes and the often-accompanying tsunami (tidal waves), frequent typhoons (we've already had two since July), and various other, lesser natural nuisances (such as the heat and humidity, which make a great breeding environment for lots of big cockroaches), it seems that, for some unexplained reason, the Japanese must be on Mother Nature's bad side. There is some good news, however -- so far, there don't appear to be any yellow jackets in Tokyo! (My views about yellow jackets are well known to all those who read my columns last year -- just ask any second- or third-year student...).

Summer in Japan is a special time -- there are lots and lots of summer festivals, both large and small, to help people forget about the weather. Particularly popular are the hanabi (fireworks) festivals, which sometimes draw up to a million people. Japanese fireworks are exquisite, much more "shimmery" and delicate-looking than typical American boomers. This year, we enjoyed a rare opportunity to watch two major fireworks shows at the same time -- two different hanabi festivals were held on the same night, just a few miles apart, along the banks of the Tama River between Tokyo and Yokohama. We watched both shows from atop a nearby apartment building, thus beating the crowds and enjoying a superior view as well.

Other than festivals and earthquakes, the major topics of conversation in Tokyo these days include juvenile crime, organized crime, the U.S.-Japan defense agreement, and sumo. A few words about each...

Juvenile crime has been a hot topic here ever since a series of horrible incidents occurred in Kobe over the summer. First, two schoolgirls were brutally attacked (in separate incidents) by an unknown assailant. Then, in roughly the same area of Kobe, a young boy -- slightly mentally retarded -- was decapitated, and his severed head placed in front of the elementary school he attended. Shortly thereafter, the killer wrote a rambling letter to the local newspaper, threatening further violence because of his anger at the Japanese educational system. The police searched frantically for the culprit, believing that it was probably a middle-aged man. Shockingly, however, it has turned out that the killer -- and author of the angry letter -- is apparently a fourteen-year old boy. The boy (whose identity, pursuant to prevailing Japanese media policy, has not been revealed) comes from a seemingly normal, middle-class home with no known history of family violence or trauma. A few years ago, however, the boy became obsessed with violent computer video games, and also began torturing animals in his neighborhood.

Unlike in the U.S., where (I suspect) many people would probably view this kind of case as a tragic aberration, the universal Japanese tendency is to see such an incident as reflecting an overall societal failure. Thus, the Kobe case has sparked a raging debate about how to reform the Japanese legal and/or educational system to prevent similar incidents. There is talk about increasing the maximum penalty for juvenile crimes (currently three years of confinement), introducing "morals" education into the Japanese school system, and censoring the contents of video games (as well as movies, TV, etc.). No consensus has yet emerged.

Organized crime has burst onto the front pages due to another shocking murder case. A few weeks ago, in the lobby of a major Osaka hotel, one of the leaders of the Yamaguchi-gumi, the largest of the Japanese boryokudan groups (also known as the yakuza, or Japanese mafia), was gunned down as he ate lunch. What was shocking about this particular incident was that (1) it happened in public, in the middle of the day, in a highly visible location, and (2) the killers were not very careful (as the boryokudan almost always are) to limit their violence to other members of the boryokudan -- instead, a stray bullet struck and killed an innocent dentist sitting at an adjacent table. The fact that boryokudan crimes almost never affect "average" Japanese people is one reason why the boryokudan have historically enjoyed a relatively positive public reputation -- that, plus the fact that the boryokudan are often seen as carrying on the tradition of the Japanese samurai (honor, duty, loyalty, etc.). Anyway, the Osaka case -- which has already led to a series of retaliatory shootings -- may have put a real dent in the public's perception of the boryokudan. The Japanese police agencies are now moving to capitalize on the case, asking the Diet (Japanese legislature) to approve several new legal tools to fight organized crime.

The U.S.-Japan defense agreement, under which the U.S. has -- ever since WWII -- guaranteed Japan's national security in exchange for certain kinds of assistance and support from the Japanese government -- is up for renewal, and is once again provoking controversy. The major issues, from the Japanese perspective, are three: (1) whether it is permissible to expand Japan's role in future joint military actions (such as U.N.-sponsored peacekeeping missions) without violating the Japanese constitution, which prohibits the use of force except in self-defense; (2) how to preserve Japanese autonomy, so that Japan is not seen as a "puppet" of the U.S. when military actions are concerned; and (3) how to cooperate with the U.S.'s desire to secure Japan's help in deterring a possible Chinese attack on Taiwan, without pissing off the Chinese government. (The U.S., which has adhered to a "one-China" policy ever since the days of the

Nixon administration, nevertheless retains a long-standing commitment to prevent China from attempting to retake Taiwan by force.)

This last issue has been a real problem recently. First, the Japanese defense minister announced that the mutual "sphere of cooperation," within which Japan would agree to assist the U.S. in joint military actions, would include the Taiwan Straits. The Chinese reacted vehemently, threatening various measures against Japan unless this position was modified. So, Japanese Prime Minister Hashimoto tried to make a quick back-pedal; he declared that no specific areas of cooperation had been agreed upon with the U.S., but that (of course) it would depend on the specific situation whether Japan would get involved in joint military actions with the U.S. elsewhere in Asia. So far, China seems to be willing to accept this rather ambiguous statement, but I'm sure that we haven't heard the last of the issue yet...

As far as sumo is concerned, the fall basho (tournament) is now underway, and the big "upset" so far has been Wednesday's loss by pre-tourney favorite Takanohana to a much more lightly regarded foe. Takanohana is clearly Japan's favorite son -- a young, charismatic Japanese star who, three years ago, managed to achieve the top sumo ranking of "yokozuna." Takanohana's promotion to yokozuna was a huge event for the Japanese people, because, at the time, the only other yokozuna in their national sport was an American -- Akebono, formerly known as Chad Rowan. Akebono had burst onto the scene a few years earlier, at a time when the sport was in serious decline, and had quickly become the dominant figure in sumo. The Japanese were pleased that Akebono came along and provided a needed boost to the sport. But they were even MORE pleased -- going beyond ecstatic -- when one of their own, Takanohana, rose up to challenge the foreign invader. Since 1994, Takanohana and Akebono have squared off in some classic bouts, with Taka usually getting the upper hand. This year's fall basho promises to be closely fought, since both of the yokozuna seem to be healthy and in good form. Tomorrow, I'll be attending the sumo matches with some other professors from the University of Tokyo -- it should be lots of fun, so long as we're not sitting close enough to get crushed by the enormous weight of the wrestlers as they fall out of the dohyo (ring)!

That's about all for this particular column...I've gotta go watch today's sumo bouts on TV! Take care, and bye for now.

Joe Hoffmann University of Tokyo

## **INTELLECTUAL PROPERTY/ANTITRUST PRACTITIONER**

Our practitioner-in-residence program brings interesting alums to the School to participate in classes and meet with students. In addition to attending classes, alum and Practitioner-in-Residence Ed O'Connor will be available to discuss his practice and the current state of the market on Monday, Sept. 22 at 3:15 p.m. in Room 216. Mr. O'Connor is a partner practicing in the areas of patent, trademark, and antitrust litigation. His firm's offices are in Irvine, California.

## **NEWS FROM THE FACULTY**

**Alex Tanford** has just returned from Sweden where he presented a paper to the European Conference on Psychology and Law entitled "Does Interdisciplinary Education Affect Lawyers' Use of Psychology?" Next week he will be updating the state's trial judges on recent developments in evidence law at the annual meeting of the Indiana Judicial Conference.

## **NEWS FROM CAREER SERVICES**

### **ALTERNATIVE CAREERS AND THE BENEFITS OF THE BAR ASSOCIATION**

On Monday, Sept. 15 at Noon in Room 124 the Indiana State Bar Association's Opportunities for Minorities Committee and the Young Lawyers Division will present a panel discussion on alternative career choices and how the bar association can assist you in your career. Please join us for insights from practicing attorneys. Pizza will be served!

### **FUNDING THE CAREER OF YOUR DREAMS: POST-GRADUATE FELLOWSHIPS & GRANTS**

Two IU law grads will talk about their experiences with applying for and receiving two of the most prestigious public interest fellowships available on Tuesday, Sept. 16 at Noon in Room 120. Find out about the process, timing and positioning yourself to receive post-graduate funding.

## **NEWS FROM STUDENT ORGANIZATIONS**

### **IUSA REPRESENTATIVE**

To the Law School Community:

Hello! My name is Christy Short, and I am the Law School's student representative to the IU student government (better known as IUSA). My responsibility to you is to represent the views and voice the concerns of the law students to the rest of the IU student body. Although IUSA is commonly thought of as the student government for the undergraduate students, it also represents the graduate students on campus. In fact, a portion of our activity fees are directed to IUSA, so it is able to provide programming and services to the student body.

The Senate meets every other Thursday at 7 p.m. in BUS 200, beginning September 11. At this first meeting, the Senate will consider two resolutions which will potentially affect you as a graduate student and as a Bloomington resident. One resolution considers whether to urge the Indiana University Student Foundation to open its activities (like IU Sing and Little 500) to graduate students. The second resolution concerns forming an IUSA committee to research and report how the City of Bloomington should approach re-construction of College Mall Road.

Please feel free to contact me if you have any questions, comments, ideas, criticisms, etc. Email me at [cashort@indiana.edu](mailto:cashort@indiana.edu) or call 332-5783. I look forward to talking with you about what IUSA can do for graduate students in general, and law students in particular.

Christy Short, 2L IUSA Law School Student Representative

## **WOMEN'S LAW CAUCUS**

The WLC will hold our first meeting of the year on Wednesday at Noon in Room 121. We will discuss plans for the new semester. Everyone (including 1L's) is welcome to attend!

## **PROTECTIVE ORDER PROJECT**

The Protective Order Project will be holding its training sessions this coming week. New members are required to attend domestic violence training on either Sept. 13 at 9 a.m at the United Methodist Church or Sept. 17 at 6:30 p.m. in Room 124. New members are also required to attend case management training on Sept. 18 at 6 p.m. in Room 125. If you are unable to attend these meetings for some reason, please contact Amy Lee (2L) at 336-5035.

## **PRO BONO FAIR TO BE HELD ON SEPT. 23**

PILF's annual Pro Bono Fair will be held on Tuesday, Sept. 23 from 11 a.m to 1 p.m in the Law School lobby. Representatives from local public interest organizations will be in the lobby to recruit volunteers for the current school year.

The Pro Bono Fair is an excellent opportunity to support local organizations, gain valuable experience, and talk to people working in the public interest about what they do. Don't miss it!

## **NITA TRIAL COMPETITION TRYOUTS**

Tryouts for the NITA trial team are scheduled for Saturday, Oct. 18 from 9 a.m. until whenever. Each person trying out is expected to do an opening statement, a direct examination and a cross examination in 15 minutes. Witnesses will be provided. Sign-up will begin Oct. 8. Trial packages will be available Oct. 8. The person to contact for sign-up and trial packages will be Dodie Bowman in the secretarial office on the second floor of the Law School. Sign-up will be on a first come-first served basis.

The trial team will be selected by Nov. 4. Letters will be sent to everyone that tried out to the addresses listed on the sign-up sheet. That letter will also specify the first meeting time of the trial team. For those of you interested in being a trial lawyer there is no better experience available in the Law School. If you have questions please call Vince Taylor at 334-0600.

## **CHRISTIAN LEGAL SOCIETY**

The Christian Legal Society will meet Tuesday, Sept. 16, Noon - 1 p.m., in Room 124.

## **INTERNATIONAL HAPPY HOUR - INTERNATIONAL LAW ASSOCIATION, GLOBAL JOURNAL, AND LLM/MCL STUDENTS**

If you have an interest in public or private international law or in the globalization of legal issues, please join us Wednesday, Sept. 17 at 5 p.m. at the Wild Beet for an International Happy Hour. This is a time to meet others in our school with global visions as well as welcome our 33 international LLM/MCL graduate students to America and to Bloomington. More than 10 countries on five continents will be represented. Come to the law lobby between 4:50 and 5:10 and a guide will walk you over, or just "meet at the beet." For more information, please contact Kendall at kemillar@indiana.edu.

## **FEDERALIST SOCIETY**

The Federalist Society For Law and Public Policy Studies would like to thank Professor Pat Baude for his provocative lecture and subsequent discussion Wednesday evening at the Irish Lion. Thirty students turned out to hear Baude deliver his views on this past term in which the Supreme Court struck down four federal laws (the greatest number of ill-fated federal laws since the New Deal Era).

The Society will be meeting on Wednesday, Sept. 17 in Room 120 at Noon to elect our officers for the coming year. For more information, contact Kristofor Hammond at 339-5045 or krhammon@indiana.edu.

## **ANNOUNCEMENTS**

### **HAVE YOU ACCEPTED A PERMANENT POSITION?**

The Career Services Committee asks all 3L's who have accepted permanent positions to advise the Career Services Office of their plans. The Committee is planning its work for the year and needs information on placement to make informed choices about how to devote its energies.

### **TWO GOOD INTERNSHIP/VOLUNTEER POSITIONS**

Ken Falk, the Legal Director of the Indiana Civil Liberties Union in Indianapolis, is looking for students who would like to volunteer some time. Andrew Stewart (2L) was one of several students who interned with Ken this summer and can give you some information about this exciting volunteer possibility. Andrew's email is arstewar@indiana.edu; Ken Falk can be reached at kfalk@iquest.net.

Mappleton-Fall Creek Christian Legal Clinic provides legal assistance to low-income residents of Indianapolis. It is run by Indianapolis attorneys who volunteer their time. Jum Curtis (2L) interned there last summer and can tell you about the work; Abby Kuzma is the contact person at (317)257-4843.

## **CALENDAR**

### **MONDAY, SEPTEMBER 15**

...Alternative Careers and the Benefits of the Bar Association, Noon, Room 124

### **TUESDAY, SEPTEMBER 16**

...Funding the Career of Your Dreams, Noon, Room 120

...Christian Legal Society Meeting, Noon - 1 p.m., Room 124

### **WEDNESDAY, SEPTEMBER 17**

...WLC Meeting, Noon, Room 121

...Federalist Society Meeting, Noon, Room 120

...International Happy Hour, 5 p.m., Wild Beet

...Protective Order Project Domestic Violence Training, 6:30 p.m., Room 124

### **THURSDAY, SEPTEMBER 18**

...Protective Order Project Case Management Training, 6 p.m., Room 125

### **MONDAY, SEPTEMBER 22**

...Practitioner-in-Residence Discussion, 3:15 p.m., Room 216

### **TUESDAY, SEPTEMBER 23**

...PILF's Annual Pro Bono Fair, 11 a.m. - 1 p.m., Law School Lobby

Page created and maintained by [Karen Miller](#)

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