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INDIANA UNIVERSITY
Maurer School of Law
Bloomington



INDIANA LAW UPDATE

June 2003

Greetings from the School of Law!

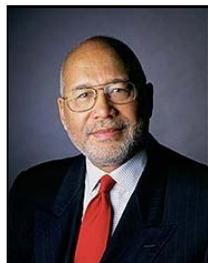
Dear Friend:



Graduation is a particularly satisfying moment in the life of the Law School. As I prepared my remarks for [graduation on May 10](#), I was struck by the enormous record of service that members of the Class of 2003 have already compiled. Through the [Public Interest Internship Program](#), more than 100 graduating students volunteered after their first year in law school at every level of government, at legal services organizations, and at nonprofits. Thirty-five members of the class provided direct legal assistance to prisoners or victims of abuse through the Inmate Legal Assistance Project or the [Protective Order Project](#), and many provided free legal aid to community members and children through our [clinical programs](#) and through Indiana Legal Services. Several students contributed to public legal education by fanning out to teach children in local fifth-grade classes about the law through the Law School's [Outreach for Legal Literacy](#) program. The class mounted the most successful [Women's Law Caucus](#) Auction ever, raising more than \$10,000 for our local domestic violence shelter. I am proud that our graduates are leaving the Law School committed to the ideal of service that is a core value of our profession. I am absolutely confident that the communities they join will be blessed and enriched by their presence.

Yours truly,
Lauren Robel, JD'83

IU names new president



The Indiana University Board of Trustees has unanimously approved the appointment of Adam W. Herbert as the 17th president of the university. Herbert will begin his tenure on Aug. 1.

Herbert, a longtime leader in the Florida higher education system, is currently Regents Professor and executive director of the Florida Center for Public Policy and Leadership at the University of North Florida. He served as the president of UNF from 1989 to 1998. From 1998 to 2001, Herbert led the nation's second-largest university system, serving as the sixth chancellor of the State University System of Florida. In this position, he oversaw a \$5 billion budget and 250,000 students.

"It is a privilege for me to introduce Dr. Herbert as our 17th president. He is the right man to lead our great university at this important time," said **Frederick F. Eichhorn Jr.**, JD'57, president of the board. "He brings an unqualified depth of experience and knowledge to this presidency. He understands the importance of our complex research university, previously serving as the chancellor of a major system, and he knows how critical it is for Indiana University to help lead the state through a period of economic transformation. Dr. Herbert already knows our university well, and I'm very pleased with

[School of Law](#)[This Week at the Law School \(ILA\)](#)[Alumni Outreach](#)[Class Notes](#)[Alumni Directory](#)[Update Your Information](#)[Faculty Directory](#)[Give to the Fund For Excellence](#)

his selection."

Trustee **Stephen Ferguson**, JD'66, who served as the chair of the 17-member search committee, said the group began its quest for a new president armed with an extensive list of desired qualities generated by focus groups early in the search process. "We sought an individual with unquestionable integrity and exemplary leadership skills. We wanted a president who could demonstrate knowledge of IU's traditions, someone who understood complex higher education institutions and who possessed an appreciation for the mission of a research institution. We sought candidates who could raise money, promote academic and cultural excellence, and serve as an advocate and champion of diversity," said Ferguson. "We've unquestionably found that person in Adam Herbert. As the search committee immersed itself in its work, it became clear very quickly that Dr. Herbert had the right combination of skills and experience."

Herbert was born in Muskogee, Okla., in 1943, and earned a BA in political science from the University of Southern California in 1966. He continued his education at USC, earning a master's degree in public administration a year later. Herbert earned his PhD in urban affairs and public administration from the University of Pittsburgh in 1971. He began his professional career as a faculty member in the USC School of Public Administration and the Center for Urban Affairs. He moved to Virginia Polytechnic Institute and State University (Virginia Tech) in 1972, serving as the chair of the urban affairs program and associate professor of urban affairs. Herbert was named one of 15 White House Fellows in 1974 and served as special assistant to the U.S. secretary of health, education, and welfare and then to the U.S. undersecretary of housing and urban development. After a stint at the Joint Center for Political Studies in Washington, D.C., and a return to Virginia Tech as professor of public administration and as the first director of Northern Virginia Programs for the university's Center for Public Administration and Policy, Herbert joined the Florida university system. He accepted an appointment in 1979 as a professor of public administration at Florida International University in Miami, and from that time until 1989 also held posts as dean of the School of Public Affairs and Services, associate vice president for academic affairs, and vice president of the North Miami campus.

"Adam Herbert is a great academic leader. His leaving is a significant loss for Florida and UNF," said A. David Kline, UNF interim president. "He has the knowledge, talents, and skills to lead one of America's great public universities. I have no doubt Indiana University will thrive under his leadership."

[More on Adam Herbert](#) »

New alumni academy members named

Five new members of the Academy of Law Alumni Fellows will be inducted at Alumni Weekend 2003 on September 19. Membership in the academy is the highest honor the Law School can confer on its graduates.

Sanford Brook, JD'74, chief judge of the Indiana Court of Appeals, is highly regarded as both a jurist and a global trial advocacy teacher.

An esteemed trial lawyer for more than 60 years, the late **George Craig**, LLB'32, was the 39th governor of Indiana, serving from 1953 to 1957.

Thomas Lemon, JD'66, former Indiana State Bar Association president, is a prominent Indiana trial lawyer and a renowned mediator.

R. Bruce McLean, JD'71, is chair of Akin Gump Strauss Hauer & Feld. Under McLean's leadership, the firm has become one of the most influential in the world.

Cynthia Metzler, JD'74, provost of Cedar Crest College and former acting secretary of labor, has distinguished herself as a lawyer, consultant, and advisor.

Hoffmann drafts death penalty amendment

On May 29, the Illinois legislature passed and sent to Governor Rod Blagojevich a substantial reform of that state's death penalty laws. One of the key provisions in the reform package is the Fundamental Justice Amendment, a path-breaking expansion of the scope of appellate review that was designed and drafted by Professor **Joseph Hoffmann**. The FJA grants the Illinois Supreme Court the power to reverse any death sentence and substitute a prison term, if the court finds the death sentence "fundamentally unjust" as applied to the particular case, independent of any procedural grounds that may or may not warrant a new trial or sentencing hearing. The *Chicago Tribune* praised the FJA for giving the court "extraordinary power to set aside death sentences," and the legislation's chief sponsor, Senator John Cullerton (D-Chicago), called the FJA "a revolutionary change that will be a model for other states that have the death penalty." Governor Blagojevich has indicated that he will soon sign the reform package into law.

Professor Buxbaum wins Gavel Award

 Each year, the third-year class gives the Gavel Award to the member of the Law School community who has had the most influence on their lives. The 2002-03 award went to Professor Hannah Buxbaum, who received tenure this year. The award was presented at the party for the third-year class on the night before graduation.

In addition to mentoring students, especially those in the joint JD/MBA program, Buxbaum is participating in an international project with representatives from eight European universities as part of the implementation of the European Commission's Framework Program for Judicial Cooperation in Civil Matters. For the project, she is writing a paper on the taking of evidence abroad.

Washington Summer Program begins

Professor **A. James Barnes**, former dean of the School for Public and Environmental Affairs and faculty member at both  SPEA and the Law School, is spearheading a new program for law students interning in the Washington, D.C., area. The purpose of the program is to expose students to legal practice in Washington, D.C., as well as to provide an opportunity to discuss current practice-related topics. In addition to its obvious educational benefits, the program will enhance student and alumni networks and students' future employment options.

The core of the program is a series of weekly seminars, with alumni and friends of the school making presentations and leading discussions. The program began on June 5 with a reception at the Sky Terrace atop the Hotel Washington and featured an (unscheduled) fly-by of the president's helicopter, Marine One, as it came in for landing on the nearby White House grounds.

Scheduled seminars and confirmed speakers to date include **Greg Castanias**, JD'90 (Jones Day); **George Patton**, JD'87, (Bose McKinney & Evans); **Susan Lynch**, JD'93, (U.S. Department of Justice); **Cynthia Bauerly**, JD'98, (Senate Judiciary Committee); **James Cooper**, JD'91 (Arnold & Porter); **Penny Farthing**, JD'70, (Patton & Boggs); **Peter Raack**, JD'91, (EPA); **Bruce McLean**, JD'71, (Akin, Gump, Strauss, Hauer & Feld); former Congressman **Lee Hamilton**, JD'56, (currently the director of the Woodrow Wilson International Center for Scholars and co-chair of the 9/11 Commission); and former Law School Dean **Jay Plager** (currently senior judge of the U.S. Court of Appeals for the Federal Circuit).

Valtierra receives university honor

J. Guadalupe Valtierra, JD'82, the chancellor of Ivy Tech State College in Gary, Ind., is the first recipient of the Indiana University Distinguished Latino Alumni Award. The award will be presented at the Latino Alumni Luncheon on Sept. 27.

Valtierra's professional career in education spans more than 20 years. With a bachelor's degree from Purdue University and master's and law degrees from IU Bloomington, where he also completed work toward a doctoral degree in higher education administration, Valtierra has held several university-related positions. He was appointed assistant director for Purdue University Calumet's Upward Bound in 1988. Subsequently, he was promoted to director and became responsible for managing all aspects of the program. Appointed as Ivy Tech's director of student services in 1995, a position later renamed dean of student affairs, he directed all student services functions at the college's campuses. Additionally, he helped develop a partnership between Ivy Tech Northwest, the Gary Housing Authority (GHA), and the Indiana Department of Adult Education to provide literacy and GED training.

Husain works with "Road Map" negotiating team

When **Amene Husain**, JD'01, accepted a summer position on the West Bank with Hiba Husseini, a leading Palestinian lawyer, at the firm Husseini & Dajani, he had no idea that he would be quickly thrust into the middle of a renewed effort to end the hostilities in the region.

Husain writes, "It appears that my presence in Ramallah this time comes at one of the most important moments in recent history for the Palestinian-Israeli conflict. With the conclusion of the Iraq war, a very small but real window of opportunity for peace has presented itself. The current renewed hope in a political compromise is already resulting in a tremendous amount of work coming through the firm. These projects mainly relate to building an efficient and effective national legal and regulatory structure for the Palestinian private sector to flourish, which, in turn, would lay a proper foundation for future Palestinian economic development. Because of my language skills and U.S. legal training, I am now directly involved in a variety of these projects.

In addition, representatives of the Adam Smith Institute (a U.K. think tank commissioned by European states to manage the Palestinian negotiating team and provide technical, logistical, and substantive support) have recently demonstrated an interest in adding me on board the negotiating team. Their offices happen to be located in the same building as the firm in which I work, and they heard about me from one of the partners at H&D. Tomorrow, we are scheduled to meet in the evening to visit their operations headquarters and to meet people from the negotiating team. To my astonishment, I appear to be right in the center of things."

Husain, who was the Law School's Snyder Scholar at Cambridge, has had the opportunity to represent his law firm at a conference, *The Future of the Palestinian Question: Between Global Transformations and National Priorities*. His Snyder work will be published in the peer-reviewed *Chinese Journal of International Law*, and he will begin work on an LLM in international law at Columbia Law School in the fall.

[More alumni news](#) »

Last chance to give to 2002-03 Fund for Excellence

There is still almost a month to go in the 2002-03 Fund for Excellence campaign. Every dollar from every one of you counts, as we strive to make this our best 12-month campaign yet. We need your support and participation! So far, 1,613 of 8,024 alumni have donated to the Fund for Excellence, for a participation rate of 20.1 percent. Currently, our average alumni gift is approximately \$300. If we reach 50 percent participation at this level, our annual alumni giving will top \$1 million. Not only would

this provide crucial revenue for scholarships, student organizations, faculty research, the Law Library, legal clinics, the Practitioner-in-Residence Program, and career services (to name only a few vital programs the Fund for Excellence supports), it would also send a strong message about our dedication to the school's mission. Indeed, foundations providing grants for programs always ask for evidence of support for the institution. Thus, a higher alumni participation rate could leverage more money from other sources. Please show your support!

To be recognized in this year's Honor Roll of Donors, make your contribution in any amount by June 30, 2003, by [giving online](#) or by sending your check to Indiana University School of Law—Bloomington, Indiana University Foundation, P.O. Box 2298, Bloomington, IN 47402-2298.

Recent Faculty Publications

McGraw-Hill/Irwin in May published the 12th edition of [A. James Barnes's](#) BUSINESS LAW: THE ETHICAL, GLOBAL AND E-COMMERCE ENVIRONMENT (with Mallor, Bowers, and Langvardt). The book is one of the leading business law textbooks used in business schools throughout the country.

[Craig Bradley](#), *When is Political Protest a RICO Violation?* in TRIAL MAGAZINE (June 2003)

[Michael J. Jenuwine](#), *Using Therapeutic Jurisprudence to Bridge the Juvenile Justice and Mental Health Systems*, 71 U. CINN. L. REV. 65 (2002) (with Gene Griffin)

[Robert Fischman](#), *The National Wildlife Refuge System and the Hallmarks of Modern Organic Legislation*, 29 ECOLOGY LAW QUARTERLY 457 (2002). Fischman's May 2002 article, *A Lesson for Conservation from Pollution Control Law: Cooperative Federalism for Recovery Under the Endangered Species Act*, 27 COLUMBIA J. ENVTL. L. 45 (with J. Hall-Rivera), has been judged one of the 30 best environmental and land use law articles of the year by a panel of 50 professors convened by the Land Use and Environmental Law Review.

[Luis Fuentes-Rohwer](#), *Doing Our Politics In Court: Gerrymandering, 'Fair Representation,' and an Exegesis of the Judicial Role*, 78 NOTRE DAME L. REV. 527 (2003)

[Joseph Hoffmann](#), *Revenge or Mercy? Some Thoughts About Survivor Opinion Evidence in Death Penalty Cases*, 88 CORNELL L. REV. 530 (2003)

[Dawn Johnsen](#), *Ronald Reagan and the Rehnquist Court on Congressional Power: Presidential Influences on Constitutional Change*, 78 IND. L. J. 363 (2003)

[Charles Geyh](#), *Why Judicial Elections Stink*, 64 OH. ST. L. J. 43 (2003). Judicial Independence, Judicial Accountability, and the Role of Constitutional Norms in Congressional Regulation of the Courts, 78 IND. L. J. 153 (2003)

[Lauren Robel](#), *Sovereignty and Democracy: The States' Obligations to their Citizens Under Federal Statutory Law*, 78 IND. L. J. 543 (2003)

[David Snyder's](#) paper, *Private Lawmaking*, is available on SSRN, where it is one of the top ten downloaded papers this week for securities, contract, and commercial law. An [abstract](#) can be viewed online. It will be published in the *Ohio State Law Journal*.