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Maurer School of Law
Bloomington

Indiana Law Annotated

*Vol. 13 No. 10
November 3, 1997*

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DISTINGUISHED GUESTS VISIT LAW SCHOOL

From the Office of Associate Dean Kelly Townes

FORMER GOVERNOR OF INDIANA, EVAN BAYH TO SPEAK

Evan Bayh, former Governor of the State of Indiana, will address the law school community on Monday, November 10 at noon in the Moot Court Room. The title of Governor Bayh's talk is "Public Service - A Lawyer's and a Citizen's Responsibility." Bayh served as Governor of the State from 1989-1996. His leadership and his record in office led TIME magazine in 1994 to name him as one of America's 50 most promising leaders under age 40. Governor Bayh graduated with honors in business economics from Indiana University in 1978, and received his law degree from the University of Virginia in 1981. After clerking for a federal appeals court judge and entering private law practice in Indianapolis, he was elected Indiana's secretary of state in 1986.

There is a web site for Gov. Bayh. It has a biography, photos, and key accomplishments:
<http://www.ai.org/fgov/>

AMBASSADOR OF COLOMBIA AT LAW SCHOOL--WILL ADDRESS THREATS TO DEMOCRACY

Ambassador Juan Carlos Esguerra Portocarrero of Colombia will visit the School of Law on November 5 and 6. On November 6, the Ambassador will meet with the Latino Law Student Association in the morning and will deliver a noontime, public lecture in the Moot Court Room. The title of the Ambassador's talk will be "The Struggles of Colombia: Threats to Democracy."

Ambassador Esguerra received his Masters of Law at Cornell University. He has served as dean of the Javeriana University School of Law (1992-1996) and has taught in the areas of administrative law, economic constitutional law, administrative procedure, and government contracts. In 1994 Ambassador Esguerra served as an Associate Justice to the Constitutional Court, and from 1994-1996 he served as the country's Minister of Defense.

NEWS FROM THE FACULTY

Pat Baude is scheduled to attend a symposium on the Constitutions of the Western States in Albuquerque on November 7-8. He is presenting a paper on "The Evolution of Constitutionalism Along the Oregon Trail."

NEW FACULTY IN SPRING

We have several visiting professors in the spring semester. John Applegate is the James P. Helmer Professor of Law at the University of Cincinnati School of Law. After graduating from Harvard Law School in 1981, Applegate clerked for the United States Court of Appeals for the Federal Circuit in Washington D.C., and then joined the D.C. firm of Covington & Burling until he joined the faculty at Cincinnati. Applegate is widely published in the area in which he teaches, Environmental Law. He will be teaching International Environmental Law and Toxic and Hazardous Wastes this spring. Satvinder Juss is a Harkness Fellow (somewhat like a reverse Rhodes Scholar) from England and a Visiting Human Rights Fellow at Harvard Law School. Professor Juss has written a number of books on immigration, nationality and citizenship, and numerous articles on constitutional law, health law, religious freedom, and administrative law. Professor Juss will be teaching Law and Medicine, and Law and Religion in the spring.

We have a few new faces among the adjunct faculty in the spring. Jamie Andree is the senior attorney at Legal Services Organization in Bloomington, where she has practiced for eighteen years. A graduate of Cornell Law School, Ms. Andree will teach Legal Professions in the spring. Judge Basil Lorch is a United States Bankruptcy Judge with chambers in Evansville. Judge Lorch has taught Advanced Bankruptcy at the school before, and will be teaching it again in the spring. Cassandra Marshall will teach Family Law in the spring. She has practiced family law for 18 years, and has been a mediator for ten years. In Seattle, Ms. Marshall regularly served as a family law court commissioner, and she is the publisher and editor of the *Indiana Family Law Digest*, as well as the director of Midwest Mediation Service.

sNEWS FROM STUDENT AFFAIRS OFFICE

SENIORS

1. Pictures for the Graduating Class Composite will be taken in the school on November 5, 11, and 17. Please consult the sign up sheets on the bulletin board across from Room 022 and sign up for your preferred time.

2. It is quite likely that there will be a Bar Review course next summer at our school for students taking the Illinois as well as the Indiana Bar. There may also be enough interest for a Review for New York and California. In order to assess that interest, students considering those states should tell Dale in Room 024.

SUMMER SCHEDULE - 1998

Upperclass courses and clinics for the summer are:

- Conflict of Laws (2 or 3 credits)
- Commercial Transactions (the Sales and Secured Transactions version) (4 credits)
- Trial Process (3 credits)
- Remedies (2 credits)
- Family Law (3 credits)
- Comparative Constitutional Law (2 credits)
- Environmental Issues in Business Transactions (2 credits)
- Legal Professions (2 credits)
- Negotiations (2 credits)

The exact times for these courses will be posted in early November.

ENVIRONMENTAL INTERNSHIPS

Second or Third Year students interested in interning one day per week at the Department of Environmental Management or the Environmental Adjudication Office should see Associate Dean Fromm and submit a resume. Two credits of B710 may be earned.

NEWS FROM THE RECORDER'S OFFICE

II SEMESTER 1997-98 REGISTRATION

Third Year Students (May 98 and August 98 graduates):
Monday, November 3

Second Year Students:
Thursday, November 6

LLM, MCL, SJD Students:
Thursday, November 6

NEWS FROM CAREER SERVICES

FEDERAL CLERKSHIPS AND STATE SUPREME COURT CLERKSHIPS

Described as one of the best postgraduate experiences, judicial clerkships are becoming increasingly popular. Come learn why judicial clerkships are a great transition to the practice of law. Two current clerks will describe their experiences, and Kathleen Austin will walk students through the application process and its timing. 2Ls should note that applications for post-graduation, federal court and state supreme court clerkships are mailed out as early as the middle of November! So, it is time to get started. Wednesday, November 5, noon, Room 124.

NEWS FROM STUDENT ORGANIZATIONS

CHRISTIAN LEGAL SOCIETY

The Christian Legal Society holds a Bible study every Tuesday at 7:00 p.m. All students and faculty are invited. The group meets in the library lobby.

AMERICAN TRIAL LAWYERS ASSOCIATION

ATTENTION all those interested in participating in the National Student Trial Advocacy Competition. The school has registered two teams to attend the competition. There can be five students on each team. The only requirement so far is that participants be a 2L or 3L. Depending upon interest, there may be an in-school competition to determine who is on each team. The regional competition will take place March 5-8, 1998 and will probably be held in Louisville, KY. The national competition will be held in Washington, D.C. on March 26-29. The competition is an excellent way to develop and practice trial advocacy skills. Interested students should place their name, year and email address in Sohini Gupta's (2L) mailbox by November 10, 1997. Direct questions to ssgupta@indiana.edu.

ENVIRONMENTAL LAW SOCIETY

ATTENTION Christmas Shoppers. The Environmental Law Society is selling plaid, flannel boxer shorts in the lobby this week only. For merely \$10, buy a little joy with these amusing cotton in-jokes. The front leg says "Legal Briefs," and the back says something that's sure to bring a smile.

The Environmental Law Society has cleaned the office and rearranged the furniture. ELS members have stacked, in the corner, West Bar Review materials and boxes belonging to other organizations. Please claim these materials and boxes, or they will be thrown out on November 12. Email rozpark with questions.

LETTERS TO THE EDITOR

To the Editor,

First of all, I would like to say that I write this letter merely as a student of IU School of Law Bloomington. I am not an advocate, significant other, or cheerleader for any of the parties involved in the recent editorials. I have one red parent and one black parent. I was reservation-raised in rural Louisiana, and am a proud member of the Tunica-Biloxi Tribe. My life

experiences encompass being black, Tunica, and deeply southern. The well-being of my tribe is foremost in my life, and I appreciate the passion expressed by those whose writings appeared in the ILA. The letters printed were all well-written and articulate, definitely a reflection of the fine education we are all enjoying here at IU. However, I feel that a very important aspect of our education has been neglected: complete analysis of a situation. Statements were directed at a member of our faculty by individuals who have neither had David Williams as a professor, nor who allowed for an opportunity to discuss his letter with him prior to their responses. I would like to take this opportunity to educate the law school community in general on this subject.

David Williams teaches both Constitutional Law and Native American law. Many of the 1Ls will have him in the spring for Constitutional Law. Professor Williams has also written extensively in the area of American Indian Law. Specifically, some of Professor Williams' works have addressed the inherent racist undercurrents which pervade federal Indian law and policy. Such a suggestion is discomfoting for many who deal with Indian tribes and governments. It is a relatively new proposition to the field, and has led to criticism by many from the "old school" of federal Indian law. This analysis, however, is consistent with views Professor Williams has expressed in a variety of publications. His works are must-reads for individuals who express such strong convictions against racist views and analogies. They provide insight and ammunition to those wishing to further assert the views of many of this country's cultural elements.

As a current student of Professor Williams, I was witness to the process by which he decided to write the letter. He solicited our class' opinions and took class time to discuss his intentions as well as the possible consequences. Ironically, the aspects of his letter which were attacked were not the anticipated areas of contention. It was the understanding of the class that the purpose of his letter was to shed light on a very real problem in the legal community, sexism. Personally, I had not formulated an opinion either way and maintain this same position. I was extremely shocked, and at the same time, curious about the responses which Professor Williams' letter generated. Clearly the topic was sexism. However, it would appear that some could not "see the forest from the trees," and chose to focus on an isolated analogy. To attack the letter at such an angle is to avoid the discussion entirely. It served as a misguided attempt to dilute the issue at hand. As future attorneys, it is our duty to address the issues presented to us head on. Dancing around them and focusing on minor points will often get one nowhere.

Race was not an issue in this discussion. To argue that a single analogy merits three pages in the ILA is ridiculous! There was an insightful discussion in one of the editorials which stated that some racist occurrences don't qualify for rebuttal. Clearly, Professor Williams' comment was not racist nor would it be qualified for response! I would turn our collective attention to the events occurring on the IU campus at large and confidently state that these are incidents of racism. I acknowledge the views of the editorials and am confident that the same type of passion and zeal expressed in the ILA will be seen in the Ids concerning these recent events.

As I attend the BLSA Gong Show this evening, and watch my fellow students perform to the music of the Village People, I am confronted with an image of an Indian War Chief. Clearly one of the most stereotypical views of American Indians, and one which I vehemently abhor. Yet I have bigger fish to fry; my tribe faces daily attacks on our sovereignty, our right to religion, our

rights of economic self-interest, and our very way of existence. These are the battles I choose to fight--the ones that will determine the survival of my people, all 276 of us.

In closing, let me say that I do not wish to debate further in this forum. I simply felt that the debate had strayed from the issue and into a dangerous realm of nit-picking, and over-generalizing. I ask that those who agree/disagree afford me an opportunity that Professor Williams was denied; a face-to-face discussion. I am easy to locate in the law school, and will gladly speak with all interested persons.

Franklin E. Marley- Pierite

To the Editor,

I want to found a new law school organization. Its mission statement is as follows: "To promote and protect the integrity of the legal profession and the law school community by providing an appropriate platform to discuss means to eliminate misunderstandings and inappropriate behavior between opposite sex colleagues. To address the numerous issues raised in mixed gender working environments." I also want to name the organization the "Men's Law Cartel." My intent is for the title to serve as a reminder for why this organization is needed, and yes, a bit of irony in an attempt to take a name that has such negative breadth and turn it into something positive. I know naming this organization the "Men's Law Cartel" is controversial so before publishing this announcement I met with some faculty members for advice. My mission statement received support. One faculty member expressed concern over my title, concern that it will be viewed as a means to stir up controversy. The other faculty member told me I was "wrong" for taking another organization's name. I am not aware of any official law school organization called the "Men's Law Cartel." I am aware a group of law students use this name unofficially. I have been told that the organization does not really exist and is merely a joke, I have also been told that they do exist but are not associated with the law school, and finally, I was told by a law school faculty member that using the name "Men's Law Cartel" would be stealing another organization's title. I am calling upon my colleagues for clarification. If there are any of you out there that would be offended at my use of the title "Men's Law Cartel" please advise me of this. I think this title would be a powerful and effective way to launch an organization that will help prevent any future misunderstandings between opposite sex colleagues. I want to bring students from both sides of the controversy into one organization to use their viewpoints and experiences together in an ongoing effort to educate one another. I feel using the title "Men's Law Cartel" will remind people that until we learn more about each other, how we feel, what we think, and what motivates us, we cannot be sure that the offense generated by the ILA announcement will not happen again. I am very interested in hearing what my fellow law students think. If you feel I am "wrong" for using this title, please let me know your thoughts on why. I will be holding a meeting on Wednesday, November 5, at 4:30 in Room 121. I hope to hold elections and form a membership.

Isabel Noble

ANNOUNCEMENTS

AMERICAN RED CROSS - NEED FOR BLOOD

The Red Cross and IU are teaming up for a Fall Blood Drive on November 10-13 from 11:30 to 4:30 in the Alumni Hall of IMU. Walk-ins are welcome, and appointments can be made by calling 331-1300. The need for blood is always greatest during the holiday season. Put the blood drive down on your calendar and give the greatest gift of the season without spending a dime.

INDIANA COURT OF APPEALS HEARS ORAL ARGUMENTS

The Indiana Court of Appeals will hear oral arguments on November 18 at noon in the Moot Court Room.

FIRST YEARS: MOOT COURT NEEDS YOU !

The Moot Court Board needs first-year students to volunteer as bailiffs for the Moot Court competition. Come see what the competition involves and meet some judges. Either stop by the Moot Court office or drop a note in Susan McDonald's (3L) mailbox.

NEW IU BOOKSTORE TO OPEN IN CARMICHAEL CENTER WIN \$100 FOR BOOKS NEXT SEMESTER

The Carmichael Center at the corner of Indiana and Kirkwood is scheduled to open in November. The IU Bookstore will have a store, named "IU Traditions," in the new center. The store will focus on law texts, law reference materials, and other items of interest to law students, as well as items for visitors to IU. IU Traditions will have a wall dedicated to law-related items, and invites law students to enter a competition--open only to you--to name the wall. The student with the winning submission will receive a certificate for \$100 off their spring textbooks. In the case of duplicate submissions, the first entry wins. Entries should be given to Patrick di Battista in the Dean's Office by November 10, 1997.

ADMISSIONS COMMITTEE

The Admissions Committee will be contacting and interviewing a random sample of first-year students in an effort to improve the school's admissions process. The committee is focusing on ILs because this group of students most recently has been through the process. However, any student who wishes to discuss the admissions process should feel free to contact Pat Clark in the Admissions Office or Professor Jeffrey Stake.

ADMISSIONS COMMITTEE

Dr. Earl A. Snyder, an alumnus of Indiana University School of Law and Cambridge University, has generously provided support for a student (current 2L or 3L) from Indiana University to work at the Research Centre for International Law of Cambridge University during the summer or early fall of 1998.

Mr. Snyder will provide air fare, a housing and meal allowance, and stipend, worth over \$4,000 altogether. The Centre contemplates that the Snyder Scholar will be in residence for about three months and will either participate in an ongoing project of the Centre or be assigned a project of his or her own. Because the Centre expects the Snyder Scholar to work on an international law project, applicants must have had international law or equivalent courses. The Snyder Scholar should also be committed to further study of or practice in international law. Demonstrating a commitment can be done by listing courses taken in the international law area, research in international law topics, employment in the international arena, knowledge of languages, career goals, extracurricular activities and so on.

Applicants should provide the following: (1) a resume; and (2) a statement of commitment to international law and personal research agenda.

Please provide your name, address and a phone number where you can be reached here in Bloomington. Return your completed applications to Dale Calabrese in Room 024 by Tuesday, January 13, 1998.

The preliminary selection committee will be comprised of faculty. Interviews may be required. The final selection will be made in late January by Mr. Lauterpacht, Cambridge University professor and one of the premier lawyers on the international front.

The application deadline is January 13, 1998.

ETHICS COURSE TAUGHT BY PROFESSOR PAT BAUDE IN AMERICAN STUDIES DEPARTMENT

Professor Baude is teaching a spring-semester colloquium in the American Studies department on "Morality, Justice and American Lawyers," G620 Colloquium in American Studies, Section no. 0348. This is not a traditional "legal ethics" course. The course examines the cultural and political contexts in which lawyers are called on to make decisions about moral issues affecting themselves and society generally. (Students who want more information about the course's approach or content should see Pat Baude directly.)

The course meets from 2:30 to 4:20 on Tuesdays. Law students who want to take the course have two options. One, with Dean Fromm's permission, they could enroll directly in the colloquium for four hours credit. This option would require students to complete the written work for the course (three papers), and the grade would appear on a law school transcript as pass-fail. Two, students with Professor Baude's permission could enroll in "Directed Readings in Law." This option would give one hour of pass-fail law school credit and would not require the written work.

LAW LIBRARY COMPUTER

We are aware that students have been very frustrated by the lack of staffing and the performance of the printers in the Computer Labs. The Library staff has also been frustrated by not being able to provide the level of service that we feel you should be able to expect. Hopefully, many of the

problems will improve very soon. The equipment in the labs belongs to UCS, and we have been in constant contact with them about the printing problems. Finally, on Thursday, UCS replaced the printer in the big lab (not with a new one, but hopefully one that performs better). Most importantly, a full-time staff member, Dave Lankford, will be working in the labs beginning on Monday, November 3. Dave was hired 2 weeks ago, but could not begin until now because of his previous job. Please stop by the Media Center and welcome Dave when you get the chance. And please remember, if you have any problems or concerns with Library services, come by my office in the reference area of the Library. I will be happy to address those concerns with you.

Linda Fariss
Associate Director

EVENTS

INDIANA JOURNAL OF GLOBAL LEGAL STUDIES HOSTS PROFESSOR BUXBAUM

Professor Hannah Buxbaum, who joined the IU Law Faculty this year, will be speaking on her experiences working in international law. Professor Buxbaum worked for Davis Polk & Wardwell, a large international law firm headquartered in New York City, for four years including two in the firm's Frankfurt office.

This event will provide excellent insight into "real world" international legal issues and the practice of international law in general. Everyone in the law school community is invited; in addition, the IJGLS would like to extend a special invitation to members of the International Law Association. All those interested in practicing international law should make a special effort to attend.

Pizza and beverages will be provided by the Journal. This engagement will be held on Wednesday, November 5 at 5 p.m. in Room 216, and should conclude by 6 p.m.

TRAIN TO USE LEXIS OR WESTLAW FOR JOB SEARCHES

First year students wishing to use Lexis or Westlaw in the job search process should attend the training sessions scheduled for the week of November 10. Passwords will be given only to students that attend the training sessions, and these passwords will be restricted to job-search-related databases. Full access to Lexis and Westlaw will be available next semester, as part of the Legal Writing and Research program.

Training will take place in the large computer lab, 208B. Please sign-up at the Reference Desk. Depending upon demand, more sessions may be added the week of November 17.

Nov. 11 Lexis Training
11 a.m., Noon, 1:15, 3:15

Nov. 12 Westlaw Training
11 a.m., Noon, 1:15, 3:15

Nov. 13 Westlaw Training
10 a.m., Noon, 1:15, 3:15

Nov. 14 Lexis Training
10 a.m., 3:15

Direct questions to Juliet Smith, Electronic Services Librarian.

CALENDAR

MONDAY, NOVEMBER 3

...International Business Law Scholarship, application materials should be given to Associate Professor David P. Fidler by 5:00 p.m.

...II semester 1997-98 Registration for Third Year students (May 98 and August 98 graduates).

TUESDAY, NOVEMBER 4

...Christian Legal Society Bible study, 7:00 p.m., library lobby.

WEDNESDAY, NOVEMBER 5

...Learn about Federal Clerkships and State Supreme Court Clerkships, noon, Room 124.

...Organizational meeting for new student group, 4:30, Room 121.

...Professor Buxbaum, hosted by IJGLS, discusses international trade, 5 p.m., Room 216.

...Pictures for the Graduating Class Composite. Please consult the sign up sheets on the bulletin board across from Room 022.

THURSDAY, NOVEMBER 6

...Ambassador Juan Carlos Esguerra Portocarrero of Colombia discusses "The Struggles of Colombia: Threats to Democracy," noon, the Moot Court Room.

...II semester 1997-98 Registration for Second Year Students and LLM, MCL, SJD students.

MONDAY, NOVEMBER 10

...Evan Bayh, former Governor of the State of Indiana, discusses "Public Service - A Lawyer's and a Citizen's Responsibility," noon, the Moot Court Room.

...Deadline for entries to name the wall in the "IU Traditions" law-related store. Entries should be given to Patrick di Battista in the Dean's Office.

...Students interested in the National Student Trial Advocacy Competition should place their name, year and email address in Sohini Gupta's (2L) mailbox.

...American Red Cross, Fall Blood Drive, November 10-13 from 11:30 to 4:30 , Alumni Hall of IMU. Walk-ins welcome, or for appointments call 331-1300.

Page created and maintained by [Patrick di Battista](#)

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