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IU law professor sworn in as judge on appellate level

By Kurt Van der Duusen
Sunday Herald-Times

U.S. judicial history may have been made Saturday night in Bloomington when Indiana University Law School Professor Sheldon Jay Plager was sworn in as a member of the U.S. Court of Appeals.

Plager was nominated for the judgeship by President Bush this summer. The U.S. Senate confirmed his appointment Wednesday before recessing, and President Bush signed it Friday. Federal District Judge Sarah Evans Barker, a close friend, swore Plager in Saturday night in a private ceremony at his Bittner Woods home.

As for the history, Plager and his wife, Ilene H. Nagel, have been told it is the first time in U.S. judicial history that a husband and wife have served in the federal judiciary at the appellate level.

Nagel has served as a member of the U.S. Sentencing Commission, a federal appellate-level judicial body, since 1985.

"I've been told that's true. I haven't researched that," said Plager of the precedent he and his wife were setting. But he said that given how recently it has been that women have served in federal appellate courts, it makes the history even more significant.

"I think it's a great honor to be sworn in as a judge," said Plager. "It's a great honor to be with my wife. It's a great honor to be with my friends."
Plager appointed appellate judge

Plager before a gathering of friends Saturday night as Nagel holds the Bible.

Federal judge Sarah Barker, right, swears in Sheldon Plager’s wife and fellow appellate-level judge Ilene Nagel.

Plager appointed appellate judge

has maintained a residence in Oxford, Md., both because of Nagel’s position and because of high legal positions Plager was holding in the Reagan and Bush administrations.

Plager took a leave of absence from the law school in 1986 to become counselor to the undersecretary of Health and Human Services under then-HHS secretary and former Indiana governor Otis R. Bowen. After a year in that post, he was recruited by the Office of Management and Budget (OMB) to oversee the budgets of several federal departments.

In July 1988, former President Reagan appointed Plager administrator of the Office of Information and Regulatory Affairs of the OMB, in which post he served until Oct. 31. Meanwhile, he has been teaching a fall semester seminar on administrative law at IU.

Plager said President Bush called him in early July just before his trip to Poland and asked him to serve as a member of the U.S. Court of Appeals, federal circuit, which hears cases involving patents, copyrights, trademarks and international trade. His judicial nomination was sponsored by U.S. Sen. Richard Lugar, R-Ind.

The Senate Judiciary Committee approved Plager’s nomination on Nov. 2, and the full Senate confirm-