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*Herald Times*

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# IU law professor sworn in as judge on appellate level

By Kurt Van der Dussen  
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



Sheldon J. Plager  
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 wom-

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Staff photo by Kent Phillips

Federal judge Sarah Barker, right, swears in Sheldon Plager's wife and fellow appellate-level judge Ilene Nagel before a gathering of friends Saturday night as Nagel holds the Bible.

## Plager appointed appellate judge

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en have moved into the higher levels of government, "I suspect it's true."

"I think that we are," added Nagel. "It's kind of fun, both of us being from the IU Law School faculty."

Plager came from the University of Illinois in 1977 to serve as dean of the IU Law School until 1984, serving during the law school's \$12 million addition and renovation project in the early 1980s. Since then he has remained on the faculty part time, teaching courses in his specialties of environmental, property and administrative law.

Nagel has been on the law school faculty since 1973, teaching various courses in criminal law. She has taught part time since her federal appointment.

Plager, 58, received his law degree from the University of Florida in 1958. He taught law at the universities of Florida, Wisconsin and Illinois before coming to IU.

"Our plan is to live in the Washington area and both of us hope to continue to teach part time at the IU Law School," he said, noting that is "not uncommon" for judges who are former law professors.

For the past few years, the couple

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-

ed it Nov. 8. Bush made the appointment official Friday.

While his tenure begins immediately, Plager said he will not take up the duties of office until January.

"I'm very pleased, of course," said Plager. "When I started life, it was not my intent (to serve in the federal judiciary), but it is a marvelous opportunity and a great honor."