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In our cover illustration, Alumni Association staff artist J. Timothy Terrell depicts the subject of this year's Law Conference—"Successful Negotiation." Guest speaker Roger Fisher's technique avoids power plays or submission; like Terrell's illustration, it leads to a balance of interests and objectives. See story, page 2.

Negotiations Expert Fisher to Appear at IU As the featured speaker at the sixth annual Bloomington Law Conference, Harvard Law Professor Roger Fisher will draw on his experience as a negotiator during the Iranian hostage crisis to explain his no-nonsense approach to negotiation. Also outlined are the other featured activities during this year's conference.

Students Choosing Traditional Law Practice Law students have flirted with various fads and interests, but according to IU Law School Dean Sheldon Plager, today's students are more serious about traditional private practice.

Six Featured in Harris Lecture Series International human rights, the role of black lawyers, and legal obligations to unborn children were among the many topics addressed by guest speakers during the first year of this annual series.

Alumni Profile: Judge Jesse E. Eschbach Serving as U.S. District Court Judge for northern Indiana for 20 years, Eschbach now presides over the U.S. Court of Appeals—and has the experience and enthusiasm to match the job.

DEPARTMENTS

School News ......................................................... 8

Faculty News .......................................................... 10

Student News .......................................................... 11

Classnotes ............................................................ 12
President’s Message

I welcome this opportunity as President of the Law Alumni Association to discuss your law school, and particularly the Sixth Annual Law Conference this fall, September 10th and 11th.

After I left law school and Indiana University in 1960, fully a dozen years passed before I again became involved in the affairs of the Law School, other than to occasionally stop in, walk down the halls and look in a few doors. I believe in retrospect that both we alumni and the Law School were remiss in not communicating better. All that has changed in the last six years, as Dean Plager, his staff, and the IU Alumni Office have made great strides in involving Alumni in the affairs of the Law School. They have sponsored many events that have been both entertaining as well as informative.

I suppose the highlight of every year is the Law Conference. The weekend includes mini seminars by law professors, and an alumni forum which features persons who have achieved national recognition—this year it is Roger Fisher leading a discussion of the art of negotiations. We will also have an association dinner, class reunion parties, a pre-game barbeque, and of course, the football game on Saturday afternoon against Northwestern.

I feel that I don’t have to sell the conference to those of you who have attended before, but for those of you who have not, I can promise that you won’t make a mistake in returning to the beautiful IU campus in the early fall, in visiting with your former classmates, in picking up some valuable information in the process, and in watching the football game on Saturday. Mark the date in your calendar now.

Very truly yours,
Hugo C. Songer

Dean’s Message

This issue of the Bill of Particulars highlights one of Indiana University School of Law’s most prominent and distinguished alumni—the Honorable Jesse E. Eschbach. On Friday evening, April 16, 1982, a dinner in recognition of his appointment to the U.S. Court of Appeals was held at the Indiana Memorial Union. Judges, IU faculty and administrators, Alumni Association officials and close friends attended this recognition ceremony. An article about this event is included in this issue.

A recent survey of the Class of ’81 conducted by the Placement Office reports a 94% placement rate. An article on the Class of ’81 gives this and other details about where our graduates work, the positions they hold, and their geographical distribution.

An important academic change has been approved by the Indiana University—Bloomington Law School faculty. A new first-year curriculum was approved this spring after a year-long study by the Educational Policy Committee. Details of these significant revisions to the curriculum are included in this issue.

Once again the Indiana Supreme Court heard oral arguments in the Moot Court Room at the Law School. The interesting case argued at this year’s visit, involving the loss of four rolls of vacation film and their replacement cost, is described under the section “School News.” The outcome may affect your vacation plans!

This fall at the Sixth Annual Bloomington Law Conference, September 10 and 11, we are featuring negotiation expert Harvard Law Professor Roger Fisher. His topic, “Negotiating With the Iranians or Your Spouse—Is There a Difference?” will draw upon his experience as an attorney, author, educator, and diplomatic consultant.

Additional details about the Sixth Annual Law Conference are included in various articles in this issue. The Conference will include mini-seminars, the law forum, a general reception and dinner, and other highlights that will occur on the Bloomington campus. You are urged to attend the Conference and meet with fellow alums and to partake in all the exciting activities. Register as soon as possible to guarantee hotel reservations and priority football tickets—forms are included here.

I hope you enjoy this issue of the Bill of Particulars, and I look forward to seeing you in Bloomington on September 10 and 11.

Sheldon J. Plager
Dean
Negotiation expert Fisher to appear at IU

Be it in contacts with clients, colleagues, family members, or large corporations, we are all negotiators. And some of the secrets to successful negotiation—either at work or at home—will be revealed to law alumni by Harvard Law Professor Roger Fisher at the sixth annual Bloomington Law Conference September 10-11.

"Negotiating with the Iranians or Your Spouse—Is There a Difference?" will be the topic of Fisher’s speech, and as he draws upon his experiences as an attorney, author, educator, and diplomatic consultant, he will help law alumni, as well as their clients and guests, find new methods of problem-solving.

Fisher has been an occasional guest on several television talk shows and has drawn public notice several times for a rather wide range of activities. His recently published book, Getting to Yes, is grounded in Fisher’s rich experience as a negotiator for the Marshall Plan, for the U.S. Departments of State and Defense during the Iranian hostage crisis, and in private practice at the Washington law firm of Covington and Burling. Acclaimed in an ABA Journal review, Getting to Yes offers a practical method for handling conflicts on almost any scale—be it international or interpersonal.

Fisher is also known for the two PBS television series he originated (The Advocates and Arabs and Israelis), and in 1981 he received the Leo Szilard Annual Peace Prize from the Council for a Livable World. Fisher received the peace award for "his sustaining work to reduce the risk of war by improving the theory and practice of dealing with international differences in peaceful ways."

In addition to Fisher’s presentation on the art of negotiation, the Bloomington Law Conference will feature two mini seminars on bankruptcy and the new tax laws, the law alumni banquet, Race Judicata, the student-alumni football game, and a pre-game barbecue at the stadium before the IU-Northwestern game. In addition to the schedule of activities printed below, there will be class reunions on Friday evening for members of the Classes of ’77, ’72, ’67, ’62, ’57, ’52, ’47, and ’42. Reservations for the weekend conference can be made by mailing the registration form printed at right and returning it to Bloomington Law Conference, Law Alumni Association, M-17 Indiana Memorial Union, Bloomington, Ind., 47405.

Sixth Annual Bloomington Law Conference

Friday, September 10

CONFERENCE REGISTRATION
9:30 a.m.-12:00 noon, Mezzanine East Lobby
1:00 p.m.-4:00 p.m., Whittenberger Auditorium
Indiana Memorial Union

10:00-12:00
SCHOOL OF LAW MINI SEMINARS
BANKRUPTCY REVISITED
Professor Douglass Boshkoff
Professor Boshkoff will enlighten you and surely entertain you while discussing the new Bankruptcy Act and its implications.
Dogwood Room—Indiana Memorial Union

LATEST TAX DEVELOPMENTS
Professors William Popkin, William Oliver & Michael Carrico
By popular demand, we have been asked to repeat the mini-seminar on tax that was given at last year’s conference.
Redbud Room—Indiana Memorial Union

12:00 noon-1:30 p.m.
CONFERENCE LUNCHEON
For all conference registrants and guests immediately following the mini-seminars.
Frangipani Room—Indiana Memorial Union

2:00 p.m.-3:30 p.m.
THE LAW FORUM
Professor Roger Fisher—Speaker
"Negotiating With the Iranians or Your Spouse"—Is There a Difference?
Whittenberger Auditorium

6:00-7:30 p.m.
BANQUET RECEPTION
Ramada Inn, Bloomington
7:30-9:30 p.m.
LAW CONFERENCE BANQUET
Ramada Inn, Bloomington
9:30-11:00 p.m.
AFTER BANQUET PARTY
Music for listening or dancing. The bar is open! Meet new friends and visit with old friends.

Saturday, September 11

8:30 a.m.
RACE JUDICATA
The fourth annual conference Race Judicata featuring the 10k and 5k race.

9:00 a.m.
STUDENT/ALUMNI FOOTBALL GAME
Law alumni will pit their gridiron talents against a team of younger (though not necessarily stronger) law students.

11:30 a.m.-1:00 p.m.
PRE-GAME BARBECUE AT STADIUM
All law alumni and their guests will meet just south of the stadium for barbecued chicken or ribs. First come, first served, so please arrive early. This event was a highlight of last year’s weekend.

1:30 p.m.
BIG TEN FOOTBALL
IU vs. NORTHWESTERN
Cheer on the Fightin’ Hoosiers to victory as they battle the Northwestern Wildcats in exciting football action in the opening game of the home schedule.
### SIXTH ANNUAL BLOOMINGTON LAW CONFERENCE
Bloomington, Indiana, September 10-11, 1982

Please Print or Type

**Registration Fee Includes:**

- **Friday Evening Banquet**
- **After Banquet Party**
- **Pre-Game Barbecue at Stadium**
- **Seminars and Forum**
- **Class Reunion Activities**
- **Priority Hotel Reservations & Football Ticket Opportunity**

**Additional Banquet Tickets**
- **@ $18.00**

**Additional Pre-Game Barbecue Tickets**
- **Children under 12 years**
- **@ $9.00**
- **@ $5.00**

**Friday Luncheon in Frangipani Room**
- **@ $6.00**

**I.U. Northwestern Football Tickets**
- **(No Refunds)**
- **@ $11.00**

**Alumni Association Membership (Optional)**
- **@ $16.00**

**Room Deposit (See Below)**
- **$32.00 deposit for Memorial Union only**
- **@ $**

**Other**
- **@ $**

**Total Remitted**
- **@ $**

**NOTE:** Hotel reservations and football ticket priority to conference registrants. No requests for housing will be honored until the registration fee is paid. No room refunds after September 4, 1982.

### Class Reunion Activities
Please check the appropriate box if you are a member of one of the honored law classes listed below.

- **I.U. Law Class Reunions**
  - '42
  - '47
  - '52
  - '57
  - '62
  - '67
  - '72
  - '77

### Recreation
The following optional recreation activities will be scheduled on Saturday morning before the I.U. vs. Northwestern football game. Please check the appropriate box for more information.

- **10k and 5k Race**
- **Alumni/Student Football Game**
- **Tennis Tournament**
- **Racquetball**

### Room Reservations
Reservations request for
- **9/9**
- **9/10**
- **9/11**

- **No. of Persons**
  - **Single (one double bed)**
  - **Double (two double beds)**

- **Name of Hotel**
  - **Indiana Memorial Union**
  - **Ramada Inn**

**NOTE:** $32.00 deposit required for Memorial Union; no deposit for Ramada Inn, but must be claimed by 6:00 p.m. Rooms reserved for Friday & Saturday nights will have priority. Registrants will be assigned to Ramada Inn when Memorial Union rooms are filled. Reservations filled by date received.

### Name ______________________
**Class**

### Name of Accompanying Guest ______________________

### Address ______________________

### Phone ______________________

### City ______________________
### State ______________________
### Zip ______________________

RETURN TO: I.U. Law Alumni Association

Indiana Memorial Union M-17
Bloomington, Indiana 47405
Students choosing traditional law practice

Law students today are not much different from those of the mid-1950s, says Indiana University Bloomington Law School Dean Sheldon Plager. In the 25 years since the dean was a law student, there have been some fads and some dramatic changes, he said. The fads are gone and today students are concerned with legal careers that offer the best economic opportunities.

While noting the significant increase in University students, one of the most dramatic changes of the period has been the progress of women in law careers, Plager said.

One of the most dramatic changes of the period has been the progress of women in law careers, Plager said. He explained:

"I was teaching at a school in the '60s where the student body had only three women enrolled out of a total of 600 students. Eight years later a third of the enrollment was women."

Plager said it took a while for some law firms to adjust to the influx of women into law practice, but now they are readily accepted in the profession and in a number of places "they are being eagerly sought." He added that there are still occasional pockets of resistance toward women lawyers.

Concerning fads, Plager noted that there was a time a few years ago when students, swept by a wave of social consciousness, sought careers in environmental law, legal service organizations, and other public interest work.

Today about half of the students go into traditional law practice while the other half go into government law service, clerking for judges, corporate law practice, or teaching, Plager said. He added that students today respond to economic opportunities and peer interests in the business and commercial world.

In the '60s and '70s many students became interested in the "ecology movement" and went into environmental law. Now, Plager said, the environmental field has been left to those who are seriously interested in it and plan to make it their life's work.

Plager pointed out that he was involved in environmental law when it was known as "water law." Plager, who is a specialist in this field, was at the Washington conference at which this area of study became known as environmental law.

For those students who want the experience, the law school offers pro bono publico (for the public good) programs which include legal service organizations, tax assistance for the elderly, and legal aid for prison inmates—all supervised by faculty.

In response to a comment by Chief Justice Warren Burger about the training and competence of trial lawyers, Plager had this to say:

"You can always improve on what you are doing, and I agree that we need to improve the training and education of those who are going to be trial lawyers. While we must, of course, continue to put major emphasis on the intellectual content and importance of law as a system and as a social structure, within the limited time we have we should be introducing our students to some of the skills they will need as practicing lawyers."

Despite predictions of a decline in demand for legal education, Plager said, law school applications were up 10 percent last year and, so far this year, they are running 12 percent higher than last year. He predicts a continuing need for lawyers to provide a wide range of legal services to society in the decade ahead, although he also foresees a period of imbalance between employment opportunities for new lawyers and the numbers of new law graduates.

Baude doubts resolution in sight for school prayer issue

A constitutional amendment that would permit group voluntary prayer in public school classrooms could "catch on like wildfire," says an Indiana University constitutional law expert.

"It's hard for anyone to object to voluntary prayer, especially if it should become an issue in a political campaign," according to Professor Patrick Baude. "On the other hand, there is a feeling among many conservatives that we should not tamper with the Constitution. There are religious groups who are opposed to any government interference in matters of prayer."

Some scholars argue that there are few provisions of the Constitution that are not subject to amendment, Baude pointed out. He added that the amendment process is a long and difficult task. Until this century there was no time limit set on constitutional amendments. Since about 1900, however, Congress has set a time limit, usually seven years, for a constitutional amendment to be ratified by the required 38 states, he said.

The whole issue of prayer in the schools is filled with emotion, but the Constitution itself was born in a very heated and emotional atmosphere, Baude said. There is a fine line between protection of individual religious rights and beliefs and imposing them on others, he explained. Baude doubts there will ever be a definitive resolution of the issue.

Baude does not believe that setting aside a specific time period designated for voluntary prayer would be constitutionally acceptable because this could still have a coercive influence on those who did not choose to pray. However, if a class is given two minutes of free time at the desk without designating how the time should be spent, this might be acceptable, Baude believes.

"It should be remembered," Baude said, "that anyone can pray silently anywhere at any time. It would be clearly unconstitutional, however, for a teacher to say, 'Let's pause for two minutes of silent prayer, or meditation.'"
Six featured in Harris lecture series

Under the auspices of the very generous and timely contribution of the Harris family, the Indiana University-Bloomington School of Law sponsored a number of Harris lectures during the spring 1982 semester.

On Friday, January 29, Gerald M. Rosberg of Cali­fano, Ross and Heine­man presented a lecture on "The First Anniversary of the Hostage Release Agreement with Iran." Rosberg is on leave from the faculty of law at the University of Michigan. He has been actively involved in negotiating the Iranian settlement, in particular, in drafting suggested means by which to settle Iranian claims. His lecture provided students, faculty, and guests from the bench and bar of Indiana with an inside view to some of the complicated and provocative legal issues surrounding the Iranian crisis and its aftermath.

On Friday, February 5, Professor C. Ronald Scott of the University of Washington School of Medicine presented a lecture on "Obligations to the Unborn." Scott also met with our seminar students in Law and Medicine. His research on the legal issues surrounding the medical and ethical questions of the unborn was most interesting.

On Friday, February 12, Professor Alan Schwartz, formerly of the Indiana University School of Law and presently a chaired professor at the University of Southern California Law Center presented a lecture on "The Enforcement of Security Interests in Consumer Goods."

On Friday, February 19, Professor Robert F. Drinan of the Georgetown University School of Law, formerly of the United States Congress, presented a lecture on "The Future of International Human Rights in American Foreign Policy." Father Drinan’s lecture was particularly interesting to students in international law as well as to others who are concerned with international human rights policies and their formulation and enforcement. As a former member of the United States House of Representatives, Drinan was able to juxtapose his experience in Congress with his legal and analytical understanding to give an exciting lecture.

On February 27, Professor Elwyn C. Lee of the University of Houston presented two lectures. The first focused on his research on "Multiple Legal Representation of ERISA Plans and Employers Following Allegations of Fraud and Malfeasance." The subject of his presentation is the basis for a forthcoming article to be published in the Indiana Law Journal. His second lecture focused on "The Role of the Black Lawyer in the 1980’s."

On April 22, Professor Marc Galanter of the University of Wisconsin School of Law presented a lecture to a luncheon assembly that included the justices of the Indiana Supreme Court. The lecture focused on "The Role of Judges as Mediators." On April 23, Professor Galanter presented a second lecture on "The Impact of Mega Size Law Firms on Litigation."

The Law School Lecturers Committee, chaired by Professor Ilene H. Nagel, and including Professors Bryant Garth, William Popkin, and Douglass Boshkoff, are pleased to announce that Professor Lawrence Tribe of the Harvard Law School will be the Harris Lecturer for 1982-83. As well, a number of other distinguished lawyers, judges, and professors have been invited for the 1982-83 Harris Lecture Series. Suggestions from alumni for additional speakers are welcome.

All lectures are open to the public with special invitations to alumni of the Indiana University-Bloomington School of Law and members of the Indiana Bar.

New curriculum approved by faculty

After a year-long study by the Educational Policy Committee, the Law School faculty voted to make significant revisions to the first year curriculum. For the past three years, first year students have taken five hours each of Contracts, Torts and Property and one hour of the Tutorial in Legal Research and Writing in the fall. In the spring semester, they have taken four hours of Constitutional Law, three hours of Civil Procedure, three hours of a Perspectives course (generally either Social Science Principles Applied to Law, Law and Economics, or American Legal History), a four-hour Statutory course (generally either Income Tax, Commercial Transactions or Criminal Law) and the remaining one hour of the Tutorial.

Under the new curriculum, which takes effect in 1982-83, entering students will take three hours each of Contracts and Civil Procedure, five hours of Torts, four hours of Criminal Law and one hour of Tutorial in the fall. In the spring they will take the remaining three hours of Civil Procedure and two hours of Contracts as well as three hours each of a Perspectives course, Property and Constitutional Law and the remaining hour of Tutorial. In the fall of their second year, they will complete the remaining three hours of Property.

Area alumni meet

Five area meetings for alumni of the IU-Bloomington School of Law were held this spring under the joint sponsorship of the Law School, the IU-Bloomington Law Alumni Association, and the IU Foundation. Law alumni in Chicago, Gary, South Bend, and Fort Wayne met with former classmates and heard reports on the status of the school from Dean Sheldon Plager and Assistant Dean Arthur Lotz. Also attending were Robert Stebbins of the Alumni Association and Tom McGlasson of the IU Foundation. This was the second year for the regional meetings, each of which attracted about 40 law alumni.

The School, the Law Alumni Association and the IU Foundation also sponsored a breakfast for law alumni in conjunction with the Indiana Bar Association’s mid-year meeting this spring. More than 100 alumni attended the breakfast, which is hoped to be an annual event.
Despite a high overall unemployment rate in the nation, Indiana University-Bloomington Law School graduates had little trouble finding jobs last year.

A 94% job placement rate for the Class of '81 was reported by Mary Kay Moody, Placement Director for the Law School. In response to a questionnaire sent out by the Placement Office, 177 graduates listed beginning salaries and positions.

Salaries range from $14,000 to $24,000 among 81 graduates in law firms with 2-8 members and from $24,000 to $40,000 in law firms with more than 40 members. Law firms with 21-50 members paid beginning salaries ranging from $20,000 to $28,300. Salaries at law firms with 9-20 members ranged from $15,000 to $28,000.

The average salary in private practice for the Class of '81 ranged from $16,500 in law firms with 2-8 members to $29,400 in law firms with more than 50 members. Fifty-eight percent of the 1981 class is in private practice.

The next highest percentage of '81 graduates (11%) went into federal, state, or local government. In government, federal law positions brought the highest pay with a range of $18,500 to $28,000. The average salary in this area was $23,500. Salaries of lawyers who took jobs with state government range from $16,000 to $19,000, with $18,000 the average. Lawyers working for local governments were paid in the range of $13,300 to $20,000 with $14,100 being the average.

Beginning salaries for federal judicial clerkships ranged from $20,000 to $23,500 and state judicial clerkships pay ranged from $18,000 to $19,500, with an average of $18,800. Public service and public interest jobs for lawyers paid a beginning salary ranging from $15,000 to $17,000, with $16,100 being the average. Only 3% of the graduates entered this field.

Ten students from the class went into business or corporate law, which paid an average of $25,500. The range was $22,000 to $33,000. Accounting firms attracted eight graduates who were paid an average of $24,700.

The range was $16,000 to $24,000 for the five graduates who chose teaching, research or administration. The average was $19,300.

Although 51% of the graduates found jobs outside of Indiana, many stayed in the mid-west.

A total of 81 graduates found jobs in Illinois; 23 in Indiana, all but two in Chicago. Louisville, Kentucky, claimed four graduates, and Michigan gained 11. Nine went to Ohio to find jobs, and two went to Minneapolis. The rest were scattered over 16 other states and the District of Columbia.

The Placement Office provided considerable help preparing all students for the job market. Activities included a three-day career conference dealing with resume-writing, cover letters, interview skills, and advice from a panel of law school alumni. Workshops in job-hunting skills were also conducted at various times during the year.

A total of 132 employers conducted job interviews on the IU campus. There were 1,803 job interviews with students at first, second and third year levels.

Moody said the beginning salaries are fairly typical of those across the nation. The placement rate of the Class of 1981 is a little above the national average. The 1981 class includes students who graduated in January, May, or August.

Dickerson's new legal drafting text published

Indiana University-Bloomington Professor Reed Dickerson, who has been called the "Dean of Legislative Drafting," has a few choice words for the law. Dickerson, retired Professor of Law, has crusaded for more than 35 years for clear, more concise writing in laws and other legal documents. His new textbook, *Materials on Legal Drafting*, with an accompanying teacher's manual, has been published by West Publishing Company. Dickerson sees the book as a potent weapon in his war against rambling, redundant, and ambiguous legal drafting.

Legal drafting involves writing laws, contracts, and regulations, as opposed to writing briefs, appeals, and other pleadings. Legal drafting, Dickerson commented, is the "most difficult kind of writing." He indicates that writers should "say it once, and say it right. Many legal documents are not well thought out. They are not well structured, and they are not very readable."

Dickerson's course is filled with many samples of legal drafting, both good and bad. He uses humor and his years of experience and teaching expertise to help students. "Materials on Legal Drafting." Dickerson emphasizes, "is not a simple how-to book," nor does he suggest that legal documents be written in laymen's language. Legal terms should be used, but Dickerson insists that documents be free of ambiguity and redundancy and that they have "readability."
A dinner in recognition of the appointment of the Honorable Jesse E. Eschbach to the U.S. Court of Appeals was held at the Indiana Memorial Union on Friday evening, April 16, 1982. The dinner was attended by judges, IU administrators, Alumni Association officers, and Trustees. Remarks during the evening were made by attorney Phillip J. Harris, Professor Patrick L. Baude, Professor Stanley C. Fickle, Professor Douglass G. Boshkoff, and Judge William I. Garrard, with Dean Sheldon J. Plager presiding. The appointment of Judge Eschbach, one of Indiana University School of Law's prominent and distinguished alumni, to the United States Court of Appeals was announced earlier this year.

Judge Eschbach was born and raised in Indiana. After graduating from Warsaw High School, he enrolled at Indiana University and received his BS degree in 1933. He then joined the United States Navy, serving part of his three years of active duty as an officer aboard a mine sweeper in the Pacific. At the end of World War II, Judge Eschbach returned to Bloomington where he enrolled in IU School of Law. As a law student, he served on the editorial staff of the Indiana Law Journal, was named to the Order of the Coif, and was awarded the Hastings Scholarship. During this time he married Sarah A. Walker of Indianapolis, also a graduate of Indiana University. Judge Eschbach has been a member of the Indiana University Board of Trustees and currently serves on the IU School of Law Board of Visitors. In addition to holding positions in many civic and professional organizations, he received the Man of the Year award from the Warsaw Chamber of Commerce and was chosen Most Trusted Leader by the Indiana Society of Chicago.

After graduating with distinction from law school in 1949, Jesse and Sally Eschbach returned to his hometown of Warsaw and he joined the law firm of Graham, Rasor, Eschbach and Harris. He practiced law until 1962 when he was appointed by President Kennedy as the United States District Judge for the Northern District of Indiana. He served on that court until 1982 when he was appointed by President Reagan to the United States Court of Appeals for the Seventh Circuit.

A Law Clerk's View

by Stanley C. Fickle

It is frequently remarked what awesome power federal district judges wield in our society, but far too infrequently observed how terribly difficult the job is. In addition to the many demands of trying both civil and criminal cases in this era of complex litigation and crowded dockets, federal trial judges must grapple daily with the most varied and difficult intellectual questions our legal system generates. State and federal law, constitutional, federal jurisdictional and administrative law, patent, corporate tax, anti-trust and securities regulation—our federal district judges are expected to resolve whatever questions arise both quickly and correctly. And after having done their level best to follow statutes or the precedents of higher courts, federal district judges must accept gracefully and in silence the brunt of the community's ire in controversial cases, and sometimes appall reversal as well. In this most demanding of jobs, surely one of the most difficult our society knows, Judge Jesse Eschbach's Federal District Court was as fine a human institution of justice as I can imagine.

In private, Judge Eschbach is as kind, warm and unpretentious a person as I have ever known. A stickler for careful reading of statutes and for following controlling precedent whether he agreed with it or not, the Judge taught by strong example that a trial judge's responsibility is to ascertain and apply law deriving from more authoritative sources whenever possible; yet that sense of lawmaking humility and the comfort it sometimes affords did not justify wooden reading or mechanical reliance upon isolated bits of language without regard to its context.

For every decision of any consequence I ever saw him called upon to make, the Judge by written opinion or oral elaboration on the record told counsel accurately and in detail why he decided as he did, ensuring the process of careful deliberation and preserving full opportunity for appellate review. Most importantly, Judge Eschbach was a past master at the true art and craft of judging—adjudicating each particular case with fairness to the parties and their individual circumstances, yet maintaining those general legal rules which collectively and over time preserve justice for us all.

I have often thought how privileged I was to have received a fourth year of legal education serving as Judge Eschbach's law clerk. Some of the fondest memories of my legal experience involve waiting for a jury to come in at the end of a long day by discussing the issues with the Judge or listening to him evaluate the lawyers' presentations. But the highest tribute, I think, is the development of my moral sensibilities and my appreciation for our system of government that resulted just from watching him in action.

I of course applaud Judge Eschbach's appointment to the Court of Appeals and those wise enough and sufficiently perceptive of the Judge's character and ability to place him there. I am at the same time saddened by his loss to the federal trial bench. Of the many thousands of fine graduates of Indiana University and its law school, I cannot believe there is any of whom these institutions have more cause to be proud.

Editor's Note: Stanley Fickle, a former member of the faculty of the IU-Bloomington School of Law, will be joining the Indianapolis law firm of Barnes and Thornburg this fall.
Supreme Court at law school

Is the loss of four rolls of vacation film worth the replacement cost of the film or the cost of retaking the pictures?

The Indiana Supreme Court weighed that question in the case of an Indianapolis lawyer who sued Hoosier Photo Supplies, Inc. and Eastman Kodak Co., Inc. for the loss of four rolls of film from his 1970 European vacation.

The justices made their annual trip to the Indiana University Law School to hear arguments in the case.

John R. Carr, Jr. originally sought $10,000 in damages from Hoosier Photo and Kodak.

At a trial in Marion County Municipal Court in 1975, Carr showed that going back to northern Spain and retaking the pictures would cost $6400. Kodak and Hoosier Photo said he was only entitled to $13.60—the cost of four rolls of film.

Judge Joseph N. Myers awarded Carr $1,013.60 in damages, and the award was upheld last year by the Indiana Court of Appeals. Hoosier Photo and Kodak then asked the Supreme Court to review the case. "We're here because the defendants, through their negligence, lost that irreplaceable record," said A. David Myer, an Indianapolis lawyer who argued Carr's case. Myer said the proper measure of Carr's loss is its value to him. "That's been the law in Indiana since 1916," he said.

"These particular photos were of particular value because they were of his family in that particular area in northern Spain," he said.

But W.C. Blanton, the lawyer for Kodak and Hoosier Photo, insisted that all Carr should be able to recover is the replacement cost of the film because a notice on the film box and the processing receipts told him so.

"He knew what the wording was and he knew what the wording meant. He stipulated that this is (film) industry practice," Blanton said. "The nature of this particular loss is such that Mr. Carr is the person who appropriately should bear his own loss." A decision on the case will come at a later date.

Following the arguments in the case, a reception was held for the court, giving students an opportunity to meet and talk with the justices.

Modification approved for law addition

The Trustees of Indiana University approved a modification in plans for the proposed library addition to the law school building on April 3. Under the new design, all trees located in the Old Crescent Woods would be preserved. The exterior wall of the addition will stand west of the wooded area which occupies much of the 20 acres of the campus listed in the National Register of Historic Places.

Concern that the addition would encroach into the woods by 24 feet, as called for in the initial plan, led to criticism from some IU alumni, faculty, and students. The change preserves the woods while continuing to meet the law school need for additional space.

The change was adopted by the Trustees in response to those people who were concerned about the initial plan.

The addition, to be placed on the east side of the law school building, will provide new library space, study areas, classrooms and offices. Beginning construction is planned for early fall.
New security system installed to prevent book losses at library

A new security system to improve service for library patrons by preventing unauthorized borrowing of books has been installed in the Law Library. Book losses, which have been steadily mounting, now cost the library about $20,000 a year, according to Colleen K. Pauwels, Director of the Law Library. They will be greatly reduced now that the new detection system has become operational she says.

The 3M detection system "sensitizes" library materials to activate an electronic detector if patrons attempt to leave with a book or periodical which has not been properly checked out. An audible signal sounds and the exit gate locks.

"The great percentage of patrons are honest, and would not intentionally take a book or periodical without checking it out," says Pauwels. "In most cases it's just a matter of being forgetful."

Unfortunately, Pauwels says, a great deal of material removed by patrons seldom, if ever, finds its way back to the library.

"Of course there also are those who will selfishly walk off with popular volumes and research materials in high demand. This is not only unfair to other law students, but strains the library budget as we attempt to replace lost material and also buy new books," says Pauwels.

While not revealing all of the technical details of its new "Tattle-Tape" book detection system, Pauwels did say that it involves magnetic strips hidden in the books.

At the checkout desk, a Book Check unit deactivates the signal when books or periodicals are processed. The Book Check unit also reactivates books as they are returned to the Library.

The system does not slow down checkout procedures, Pauwels points out. The desk attendant simply places the material into the Book Check unit and takes it out again. In a fraction of a second the material has been deactivated so it will clear the detection sensor and the patron can pass through the gate.

"We know it is easy for a patron to inadvertently mix up library materials with personal belongings, particularly when he or she is busy with classes or exams," said Pauwels. "Fortunately, this system will detect such material even when it is placed in briefcases, attache cases, or book bags."

Pauwels noted that book losses are a major expense for law libraries everywhere, and losses are greatest among books which are heaviest in demand—newer materials, and "standard" works, like reporters, codes, and loose-leaf services.

"Since the new system does its job quietly and without fuss, it has good acceptance among library patrons," said Pauwels. "And our library becomes a more valuable research facility because we are able to devote more time to assisting law students, faculty and alumni, and we can use the book budget for new materials rather than replacements."

Law students excel

Leonard D. Fromm, Assistant Dean for Students, has announced the names of law students who received the highest grades in selected courses. The grades are for the fall 1981 semester. The students are: Suzanne Forster Trautman, Elizabethtown, Civil Rights; Daniel Edward Serban, South Bend, Negotiations in the Practice of Law; Richard John Thrapp, Kendallville, Introduction to Income Tax; Steven Linn Hostetler, Kokomo, Gift and Estate Tax; Bruce Lynn McSpaden, Wabash, Environmental Law; Christine Files, Lafayette, Corporate Taxation; Clarence C. Frank, Indianapolis, Securities Regulation I; and Peter A. Teholiz, Bloomington, Jurisprudence.

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FACULTY NEWS

New faculty appointments

Three new faculty appointments have been made for the 1982-83 school year. Associate Professor Robert Heidt, formerly from the University of Nebraska, will be teaching Torts this fall and Legislative Drafting and Antitrust I in the spring. Heidt received his BA in Economics at the University of Wisconsin in 1970. While still an undergraduate, he entered that university’s law school where he served on the school’s Law Review and was inducted into the Order of the Coif before graduating in 1972. Heidt clerked for the Honorable John W. Reynolds, C.J. Eastern District of Wisconsin in 1972-73 and later as a trial attorney, Antitrust Division, for the U.S. Department of Justice in San Francisco. Since 1978, Heidt has been teaching at the University of Nebraska School of Law.

Serving as Visiting Associate Professor, Eugene Gaetke will teach Legal Profession and Environmental Law in the fall and Land Use Controls along with Environmental Law Seminar in the spring. Gaetke is currently teaching at the University of Kentucky. He received his BA in Political Science from the University of Minnesota in 1971 and his JD, also from Minnesota, magna cum laude, in 1974.

Barbara Wand, a visiting faculty member at the IU School of Law this past year, will join the faculty as an associate professor, teaching in the areas of Family and Juvenile Law and Civil Procedure. She received her JD summa cum laude from IU-Bloomington in 1979. Since then she has been associated with the firm of Mallor and Mills in Bloomington. Prior to her entering law school, Wand was legislative liaison for the Massachusetts Association for Retarded Children, Inc. She has taught courses in Family Law and Juvenile Justice.

Where are you?

Below is a list of several individuals for whom we have been trying to get up-to-date addresses. If you know the whereabouts of these graduates, please drop a note to the Editor, Bill of Particulars, Indiana University School of Law, Bloomington, Indiana 47405.

Tyrus D. Bingham, Jr.
Mahlon E. Calhoun
Harry Williams
Marguerite Watson
Robert G. Mann
Norma Juanita Greene
Harriet Bailey Frank

Fuchs writes article on law school history

Ralph F. Fuchs, Professor Emeritus of Law at IU, has written "Law School in Transition, 1926-1941," recently published in the Washington University (St. Louis) law school magazine. Professor Fuchs was on the faculty at Washington University School of Law from 1927-1944. Fuchs traced the history of Washington University’s law school from 1926 when it was placed on a two-year probation by the Association of American Law Schools to its development into an outstanding school of law in 1941.

Coming and going...

Returning from sabbatical to continue his long and distinguished career at the IU School of Law will be Professor Val Nolan, Jr., who will teach Titles in the fall and Property in the spring. Also returning is Professor John T. Baker who was a visiting professor at New York University School of Law during 1981-82. In addition, Adjunct Associate Professor Eric Manterfield will return for the fall semester to teach Estate Planning.

Professor Stanley C. Fickle will be taking up practice in Indianapolis with the newly-formed law firm of Barnes and Thornburg. We wish Stan a successful career in Indianapolis.

Professor Hendrik Hartog will be visiting the University of Wisconsin School of Law during the 1982-83 school year.

Spring law day held

The annual Spring Law Day was held on Saturday, April 3 for those students interested in pursuing careers in law. The event was open to all undergraduate students on the Bloomington campus.

The program consisted of several seminars which discussed the topics: "Justice O'Connor: A Preliminary Appraisal," by Professor Baude, "White Collar Crime," by Professor Nagel, "Lawyers and Clients," by Professor Greenebaum, and "Promises, Promises," by Professor Pratter.

The Spring Law Day provides undergraduates with an opportunity to talk with the law professors and law students about pursuing a law career.
Law students get top grades

American Jurisprudence prize awards for the fall 1981 semester have been announced by Leonard D. Fromm, Assistant Dean for Students, University Bloomington Law School.

The awards are given each semester to students who are either in the top 10 percent of their class academically or whose writing competition papers are judged to be in the top 10 percent of those submitted. Award winners and the courses in which they received the highest grade are: James Franklin Bohrer, New Albany, Agency/Business Associations; Paula Faye Cardoza, Wheatland, Remedies; Nora Robin Casey, Fort Wayne, Advanced Constitutional Law; Michael Joseph Collins, E. Brunswick, N.J., Torts (Section I); Joy Lynn Colwell, Bloomington, Property (Section I); Linda Jo Dague, Bloomington, Family Law; Edward Feigenbaum, Skokie, Illinois, Administrative Law; Elizabeth Gavit Filipow, Carmel, Corporations (Section I) and Labor Law; Richard Thomas Freije, Indianapolis, Contracts (Section II); Kathryn Knue, Lawrenceburg, Negotiable Instruments; Elizabeth L. Majers, Champaign, Illinois, Criminal Law (Section I); Paul Overhauser, W. Lafayette, Corporations (Section II); Daniel T. Piekarczyk, Hammond, Contracts (Section I); Dona S. Porvaznik, Mishawaka, Contracts (Section III); Timothy John Rifle, Van Wert, Ohio, Wills & Trusts; Douglas Dewitt Small, Knox, Criminal Process; Todd Robert Smyth, Warren, Criminal Law (Section II); David Michael Stryker, Bloomington, Civil Procedure II (Section I) and Evidence; Susan Rose Weinberg, Munster, Civil Procedure II (Section II); Kirt Alan Wilkinson, Okemos, Michigan, Property (Section II); and John Mark Wray, Bedford, Torts (Section II).

Law Journal editors named

The Indiana Law Journal has announced its board of editors for the 1982-83 school year. The editors are: Jeff Rensberger, Topeka, Editor-in-Chief; Elizabeth Gavit Filipow, Carmel, Executive Director; David M. Stryker, Bloomington, Executive Editor; Thomas W. Waldrep, Jr., Greenfield, Managing Editor; Brian Buckley, Lafayette, Associate Managing Editor; Jason Levin, Warsaw, Associate Managing Editor; Todd Smyth, Warren, Associate Managing Editor; Jeffrey A. Boyll, Brazil, Assistant Managing Editor; George L. Lenard, Bloomington, Assistant Managing Editor; Joseph W. Rebone, Princeton, Assistant Managing Editor; Kenneth L. Turchi, Crawfordsville, Articles Editor; Ken Yerkes, Richmond, Articles Editor; Dan Carville, Anderson, Administrative Editor; Susan R. Weinberg, Bloomington, Research Editor; Debra M. Byers, Bloomington, Note Editor; Richard B. Kaufman, Indianapolis, Note Editor; Susan LaCava, Santa Barbara, California, Note Editor; Tracey L. Nicolau, Lexington, Kentucky, Note Editor; David R. Schieferstein, Fort Wayne, Note Editor.

Tax article published

Elizabeth L. Majers, CPA, and a May 1982 graduate of Indiana University-Bloomington School of Law, recently published an article in the International Tax Journal, April, 1982. Majers received her BS in accountingancy in 1979 from the University of Illinois-Champaign. She was active in the Student Bar Association while a student at IU and is a member of the American Institute of Certified Public Accountants and the Illinois Certified Public Accountant Society. While in Bloomington, she was a law clerk for Mallor and Mills and Applegate and Pratt. She also held instructor positions in business law and accounting at Indiana University School of Business. She has assumed a position with the corporate tax department of Exxon Corp.

Moot court team announced

Members of the 1982-83 Moot Court Team were announced by the Indiana University School of Law. Membership on the team is determined after highly competitive try-outs.

Members of the National Moot Court Competition Team are: Elizabeth Justice, Logansport; Daniel Carville, Anderson; Elizabeth Filipow, Carmel; Loretta Hogan, Richmond; Bruce Haas, Wayne, NJ; and Doug Small, Knox.

Members of the nationally-ranked outgoing team are: DeLois Leapheart, Bloomington; James Morse, Indianapolis; Robert Millen, Bloomington; Kathryn Knue, Lawrenceburg; Jeffrey Teske, West Lafayette; and Norma Casey, Fort Wayne.

The team of Millen, Teske, and Casey placed second at the Region VII competition in Indianapolis in November and advanced to the finals in New York City where the team's brief took second place in the national competition. Knue replaced Casey in the final oral arguments. In overall competition the team is among the top eight in the country.
1940-1949

Richard B. Wathen, JD’42, of Jeffersonville, Ind., is the author of *Wathen’s Law: The Hang-Ups of an Indiana Politician*, (Regnery Gateway Inc., $8.95), which draws on his experiences as a precinct committee member, delegate to the Republican National Convention, and four-term member of the Indiana state legislature. According to the *Indianapolis Star*, Wathen’s book “should be read by all who want to know more about Indiana, its politics, and its people.” Wathen is also the author of two earlier novels, *The Only Yankee* and *Cliffs of Fall*.

1950-1959

William Z. Carr, LLB’50, JD’67, partner in the law firm of Gibson, Dunn and Crutcher, has been elected president of the Los Angeles area Chamber of Commerce. Carr, who served as the chamber’s senior vice president last year, joined Gibson, Dunn and Crutcher in 1952 and specializes in the practice of labor relations law.

Joe L. Hensley, LLB’55, AB’50, judge of the fifth judicial circuit (Jefferson and Switzerland counties) of Indiana, had his eleventh book, *Final Doors*, published last December as part of the Doubleday Crime Club. The book is Hensley’s first collection of stories, many of which were previously published in magazines and anthologies. Several of his other Crime Club books have been republished in paperback; some of his novels have been distributed throughout Europe.

G. Weldon Johnson, JD’57, AB’52, was installed as the 104th president of the Indianapolis Bar Association in ceremonies last January. Johnson practices in the area of estate planning and administration, and presently serves as president of the Estate Planning Council of Indianapolis. Johnson has written articles on estate planning and taxes for many journals, and has appeared on various bar association panels and programs. He has taught estate planning at both IU-Bloomington and IU-Kokomo.

William Pritchard, JD’57, dean of the School of Veterinary Medicine at the University of California-Davis, received the American Animal Hospital Association’s Region V Service Award to acknowledge his worldwide leadership in both veterinary education and international agricultural development.

1960-1969

Stephen W. Crider, LLB’65, JD’67, BS’63, has been named president and chief executive officer of Traders Bank of Kansas City, Missouri. Most recently serving as a director and executive vice president for Traders Bank, Crider has a banking career that spans 17 years, beginning in 1965 with People’s Trust Bank of Fort Wayne, Ind.

David O. Tittle, JD’67, BS’64, a partner in the Indianapolis law firm of Bingham, Summers, Welsh & Spilman, has been elected president for 1982 of the Indiana Civil Defense Lawyers Association—a statewide organization of attorneys specializing in civil defense litigation.

Arvin L. Davis, LLB’66, JD’67, has been appointed district judge for the City of Kalamazoo by Michigan Governor Milliken.
Walter Wingenroth, LLB/JD '66, of Valparaiso, Ind., has been promoted from manager to assistant general manager, industrial relations, at Inland Steel Company's Indiana Harbor Works in East Chicago.

Ira A. Cohen, JD '68, is in private practice in New York City, where he is doing primarily civil trial work. He also represents members of the commodities business and works in the formation of commodity investment pools. An adjunct assistant professor of litigation and matrimonial law at Long Island University, Cohen also serves as an educational consultant to the New York and National Law Journals.

1970-1979

Richard T. Dawson, JD '70, BS Ed '67, has worked as the senior labor attorney for Anchor Hocking Corporation since September 1981, when he left his post as labor counsel for Peter Eckrich & Sons, Inc. Dawson is one of four Air Force Reserve lawyers selected to develop and teach a weekend course on federal sector labor law. The course Dawson teaches is for active duty, reserve, and civilian government agency attorneys and personnel professionals.

Penelope S. Farthing, JD '70, has been promoted from counsel to senior counsel for the American Insurance Association. She is involved in lobbying and liaison activities among federal legislators and regulators and the property-casualty companies which ALA represents. Farthing began her Washington, D.C. career in 1970, and has worked with the Federal Communications Commission, the American Retail Federation, the Federal Trade Commission, the USDA Food Safety and Quality Service, and Allstate Insurance Company. A Federal Bar Association Distinguished Service Award recipient, Farthing appeared in both Who's Who in American Law and World's Who of Women in 1980.

Returning to the Bloomington campus in April to speak to students was Richard Wykoff, JD '71, vice president for broadcast liaison for the National Association of Broadcasters, Washington, D.C. Wykoff serves as the principal lobbyist for the NAB, the commercial broadcasting industry's major trade association. During his visit, Wykoff told IU telecommunication students that the "future looks bright for you....I'd be excited about it." With the emergence of cable television, low power TV, direct broadcast satellites, and teletext, there will be an increased need for personnel in programming, production, and sales, he told students.

William A. Rotzien, JD/MBA '73, of Maple Grove, Minn., has been promoted to assistant general counsel for ITT Consumer Financial Corporation and is now responsible for acquisitions and legal matters in the northern and eastern United States. Rotzien joined ITT in 1975 as senior attorney.

David E. Greene, JD '74, BS '71, of Greenwich, Conn., formerly director of tax planning for Pepsi Co. Inc., has joined Phelps Dodge Corporation as director of taxes. A certified public accountant, Greene has also worked as a tax manager with Price Waterhouse & Co.

What's news with you?

The School of Law is always interested in the promotions, honors, and activities of its alumni. Please send your news on the coupon below to Alumni Publications, IU Alumni Association, IMU M-17, Bloomington, Indiana 47405. Please use this coupon for change of address.

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Home Address _______________________
Business Address ____________________
IU degree(s) and date(s) _____________
Current position/employer ____________
News (promotions, community activities, elected offices, etc.) _______________________

1980-1981

Ted R. Brown, JD '81, AB '78, has joined the law firm of DeFur, Voran, Hanley, Redcliff and Reed in Muncie, Ind.

At age 25, Richard D. McIntyre, JD '80, AB '77, is the youngest member of the Indiana General Assembly. But his "youth" hasn't stopped the Republican representative from Bedford from quickly moving into the mainstream of activity; he was the House author of the Budget Stabilization Act which passed the House in January. McIntyre serves on the House Agriculture Committee and the powerful Ways and Means Committee.
Eleven to serve on Board of Visitors

Five new members have been appointed to the Board of Visitors of the Indiana University—Bloomington School of Law, and six have been reappointed.

The Board of Visitors is composed of outstanding members of the bar and bench, alumni, and others with a special interest in legal education. The members serve in an advisory capacity to the President and Board of Trustees, and to the Dean of the School. The Board meets twice a year on the Bloomington campus. Members, other than ex-officio members, serve for three year terms, with the terms of one-third of the Board expiring each year.

New members of the Board and their law firm or office are: Miles C. Gerberding, Barrett, Barrett and McNagny, Fort Wayne; Richard S. Rhodes, Chadwell, Kayser, Ruggles, McGee and Hastings, Chicago; John W. Donaldson, Donaldson and Andrioli, Lebanon; Douglas R. Bridges, Berry Bridges Benson and Benson, Bloomington; and Joel Rosenbloom, Wilmer, Cutler and Pickering, Washington, D.C.

Reappointed were: George B. Gavit, Ice Miller Donadio and Ryan, Indianapolis; Haney Jones III, Assistant U.S. Attorney, Louisville, Kentucky; Renee R. Mawhinney, Barnes and Thornburg, Indianapolis; Saul I. Ruman, Hammond; Judge Sue Shields, Indiana Court of Appeals, Indianapolis; and Lawrence L. Stentzel II, U.S. Air, Washington, D.C.

All were appointed to three-year terms on the Board beginning July 1.

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