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IU pass rate drops below 60%

Yeah, but Dan Quayle passed the Bar

By Tom Tozer & John Bessler

The percentage of IU-Bloomington law students passing the July, 1988 Indiana Bar Exam plummeted compared to historic pass rates, but administrators say figures statewide also declined on last summer's exam and expect future results to rise to traditional levels.

Assistant Dean Leonard Fromm says IU-Bloomington's pass rate on the summer bar exam was about 60 percent, "rounded up." The figure may rise slightly after the appeals process, when those who failed by a few points have a chance to defend their answers.

This July's test was the last time students from unaccredited law schools were allowed to take the Indiana Bar Exam. Test administrators, as well as Fromm, expected a large influx of students from unaccredited schools.

While there was not a massive influx of these students, the overall number who took the test was high at 387, according to a spokeswoman for the State Board of Law Examiners.

She confirmed 219 students total passed the July exam, but said final figures would not be released until the December. So far, fewer than 50 appeals have been filed, although 127 students requested to review their test booklets.

Over the past ten years IU-Bloomington's pass rate has averaged between 80 and 90 percent, occasionally straying slightly above 90 percent or lower than 80 percent. During that time, the statewide pass rate (between 75 and 80 percent) was also higher than July's estimated figures, Fromm said.

"I've been doing as much investigating as I possibly can and I've come to the conclusion that there is no simple causality," he said.

Fromm said individual bar examiners told him they were not evaluating test answers any more strictly in July than before, "but that there was a drop in the quality of the exams they read," he said.

"Whether one or a few of the other examiners, consciously or inadvertently, graded lower is difficult to ascertain, but quite plausible," he added.

"My counterparts at other schools are distressed, too," he said. Fromm did not have pass rate figures from competing law schools but said "all of them are down."

One theory about the low pass rate is that because test graders expected to see a large number of exams by students from non-accredited schools, the graders were predisposed to assume they were grading tests from those students and so assumed they were reading bad answers.

Because of the influx, "I thought at first that perhaps the pass rate would be low in July," Fromm said.

"I reject it as a reason, though. It was a tempting hypothesis but I don't give it that much weight," Fromm said. "I'm still investigating; as I get more information I'll pass it along to the students."

Fromm said the faculty are reviewing the July test and the model answers to look for discrepancies between the current curriculum here and what the bar examiners are testing.

"The question is, are they..." See BAR EXAM, pg. 7

Practitioner in Residence "Buddy" Yosha spoke to students on a variety of topics.
Kirk Backs Father's Right to Stop Abortion

By Martin Kirk

Fathers across this nation and notably in Indiana are seeking injunctions to prevent mothers from aborting developing babies.

The parties in these high-stakes court battles are, on the one side, a father armed only with love for his soon-to-be-born son or daughter, and his lawyer, who is likely donating his or her time or is compensated by private donations funded by individuals, religious groups, or a national right to life organization.

On the other side of the courtroom sits the pregnant woman. At her side are an army of A.C.L.U. liberal lawyers called forth by the billion-dollar-a-year abortion industry. A blood-thirsty industry which knows that it must prevent any semblance of morality from entering into the decision, or its livelihood will disappear. After all, vampire-like medical researchers are on the verge of experimental breakthroughs on new commercial and medical uses for discarded fetus carcasses. They, with their ghoulish colleagues the abortionists, who masquerade as doctors in clinics across the nation, know that every-gross profits are to be made if the lawyers can keep intact the insidious 1973 United States Supreme Court decision of Roe v. Wade.

Most of the pro-abortion arguments disappear when a father chooses life for his child. When a father confesses his willingness to take responsibility for the upbringing of the child through adulthood, and to pay for the mother's medical expenses associated with the birth, the mother's burden of carrying the child to term and giving birth seems trivial weighed against the loss of human life.

"Most of the pro-abortion arguments disappear when a father chooses life for his child."

The child no longer falls into the "unwanted" category, which is the favorite rationalization of the abortionists. The child is wanted, and by someone, and that someone is the child's father. Most mothers will affirm that the baby is loved even in the womb.

This kind of love is limited to a mother. The...
can also love the developing baby, and demonstrate it by being willing to go to court to save its life, and its right to be born. Society should commend and reward the father who will fight for the life of his unborn child!

_Roe v. Wade_ in conjunction with certain aspects of the feminist movement seems to have taken the heart and soul out of many American women. It has replaced the warmth and quiet strength of the past with a chillingly callous attitude, one in which a woman is led to believe that motherhood is degrading and exploitive, and gives them a ready-made escape route through on-demand abortion.

_Roe v. Wade_ says a woman has the choice of what to do with her own body, but it is not her body that will be cut into pieces, or sold whole for medical experimentation. It is the unborn fetus' body.

Abortion has taken a gristy toll on the women who have had them; not only by added risks of medical problems and potential infertility, but also through pangs of guilt, wondering what their child would have been like, as well as the missed experiences of loving and raising the child. A father can feel the loss as well, and survive just as deeply and just long.

These courageous and dedicated fathers who will fight for the life of their children should be shining examples of responsibility to the many fathers who are ducking child support. If the few small group of fathers can make a difference to stop the malaise which is gripping the American family, then the courts should not stand in their way.

Fathers Rights & Abortion: A Rebuttal

By Gregory A. Castanias

Anyone who has attempted to step away from the thick rhetoric of abortion cannot help but be struck by the uniqueness of this debate, as well as the inability of our system of laws to deal adequately with this controversy.

It may, perhaps, always be inappropriate for two men to debate this issue. However, the scope of this debate involves the rights of men in abortion contexts, so if there is a singular abortion issue which merits the arguments of men, this will be it.

First, it should be noted that while I have had the opportunity to review Marty Kirk's article, he has not had the same opportunity due to deadline constraints. This argument should be taken, then, only as a response to the prior article, and not a dialogue.

To speak of men's rights in a fetus is to assert that a fetus (or a "child," to use Marty Kirk's term) is a chattel, a piece of property manufactured by the woman. The right that is truly being asserted in these conflicts is not the fetus's right-to-life, but the man's right to compel the services of the woman, against her will, for nine months, in order to produce a child.

It is suggested that by the offer of financial support, the man is simply proving his love for the potential child. Such an offer is undeniably important if the woman's desire to abort rests solely upon financial considerations. However, it is sheer dogma to assert that "the [woman's] burden of carrying the [fetus] to term and giving birth" is subordinated to a "trivial" level once financial support has been offered.

We must not forget that a man and a woman come to the state for a legal solution only when their interests in bearing and raising a child are not in harmony. The courts are then faced with the tragedy of deciding whose rights - the man's or the woman's - are to be asserted (there can obviously be no ties; one must win and the other must lose).

Imagine the couple in conflict are husband and wife. Imagine the courts compel the woman to bear the child to term. Now imagine the childhood and adolescence of that child, a child whose life was purchased by the father over the objections of the mother.

And what if the woman obtains the abortion in defiance of the injunction? What are the remedies available to the man? Monetary damages? What if the "warm and quiet" woman is judgment-proof? Does the man get an order of specific performance? Is there anything the courts can do? Is there anything the courts of our country have less business prying into?

Imagine, similarly, that the pregnancy results from a rape. Does the rapist then have the right to assert "father's rights" as long as he pays? Or, as has been suggested by some, will a narrow exception be carved out for rape (and incest). If, however, there is an exception, can we really speak straight-faced about _fetal_ rights-to-life? Wouldn't an exception then suggest that a "child" of rape has _less_ of a right-to-life than a "child" of consensual sex?

There shall be no compromises, no ties. The man enjoins the abortion, or the woman is allowed to abort. My arguments have been in the form of questions without answers. The solution lies in who gets to answer them. If the choices are this tragic, this personal, this close-to-home, on which side should the laws err? Marty Kirk suggests we choose life. I suggest we choose choice. To speak of a man's right to obtain an injunction prohibiting an abortion is to speak of an absolute right of a man (and the courts) to control the womb of a woman for three-fourths of a year. Should the courts recognize Marty Kirk's argument, the 1968 pickets of "U.S. Out Of Viet Nam" may read, in 1988, "U.S. Out Of Womens' Womb."
Extra-curriculars highlight Baker's work

By Richard Davis

Do you ever wonder what your professors do in their spare time? Are they sitting at home, thinking up ways to make your life more difficult?

Sometimes it is hard to picture them as people with individual lives with a wide variety of interests and pursuits. So it's comforting to find out about a professor and his interests -- especially someone who has had the experiences that Professor John Baker has had.

Professor Baker came to IU in 1978. Before teaching here, he practiced law for four years at a Wall Street firm and was also general counsel and president of the New York Urban Coalition, an organization which confronted the problems of New York blacks and other minorities.

Civil rights is an area of great importance to Baker, who does pro bono work for the NAACP Legal Defense Fund. His work for the fund includes substantial litigation and legal research. In 1981 he was co-counsel in a case that went to the United States Supreme Court and dealt with ending segregation in a number of southern colleges and universities.

A couple of weeks ago, Baker travelled to New York to hear practice oral arguments to be presented to the United States Supreme Court on October 20. Baker was picked to be a member of the panel by the Fund because the case involves a contract issue pursued under 42 USC section 1981.

This law, passed after the Reconstruction, gave blacks the same rights as whites to make and enforce contracts. The case deals with a black woman who filed a discrimination charge against her employer. The question in the case was whether the woman was denied this right because she was asked to do menial jobs that no other white woman in her office was asked to do.

The case is interesting because Chief Justice William Rehnquist ordered the case to be argued to decide if its ruling in Runyon v. McCrory, 427 U.S. 160 (1976), should be overruled. The plaintiff in the case will lose if the Court overrules Runyon.

Baker has devoted a great deal of his time to helping minorities in other ways. He was the dean of Howard Law School in Washington, D.C. during the 1985-86 school year. Howard is a law school that was once training ground for the nation's top black lawyers.

Baker, who was an honor graduate of Howard, took the job because the law school academic standards and bar pass rate had been declining in recent years. He had hoped to turn around the decline but his efforts were hindered when the president, over objections of Baker and the faculty, allowed some students to graduate without fulfilling graduation requirements. Frustrated with lack of cooperation of the administration, he returned the following year to IU.

Just last year Baker was asked by form See BAKER, pg
New profs bring legal experience, other talents

By Brian Lehrer

Sara Jane Hughes: jass singer, afficianado of 19th and 20th Century British literature, and dabbler in cooking classic French cuisine. Not the ordinary resume' for a negotiable instruments and sales professor. But after 14 years as a litigator for the Federal Trade Commission (FTC) in Washington, D.C., Hughes looks forward anxiously to the classes she will be teaching next semester as a Visiting Professor at IU.

"I knew I would like teaching," she said. "I'm used to having people to work with."

In addition to her duties as a litigator and manager of enforcement programs for many of the credit statutes, Hughes trained new lawyers at the FTC and helped keep banking executives abreast of new banking laws.

Hughes graduated from Mt. Holyoke College and the University of Washington School of Law in Seattle. She is married to A. J. Barnes, the new dean of the School of Public and Environmental Affairs, and has three children.

Hughes said she will seize the opportunity to pursue her research in the areas of negotiable instruments and sales while at IU.

"I would like to examine the Lemon Laws," she said, referring to sales law covering automobiles. "I would like to examine whether or not they achieve the goals they were meant to when they were enacted."

Although she is not certain of her plans further in the future, Hughes will be teaching a series of courses this summer for the American Bankers Association at the bank examining school in Norman, Oklahoma.

By Brian Lehrer

Despite his talents as a singer, David Skover has opted for the legal stage instead of the musical stage. Skover, who has performed in Off-Broadway productions throughout the United States and Europe, will be teaching Civil Procedure this semester.

A graduate of Princeton University and Yale, Skover taught law at the University of Puget Sound in Seattle for three years before coming to IU.

In addition, Skover will be publishing articles in numerous law reviews. He has an upcoming piece in the Michigan Law Review.

Wooed by the charms of Associate Dean Terry Bethel and Professor Richard Fraher, Skover said he chose IU because of its growing reputation and the congenial atmosphere among its faculty.

Of course, what is a law school without its law students?

"I've found the students to be extremely bright and intense," Skover said. "They are always ready to question me without being intimidated by the Socratic format."
Bloomington lawyers, IU law students combine efforts in Pro Bono Project

By Allison Adkins

PRO BONO. This phrase may strike fear into the hearts of many already overworked attorneys. More work and no compensation. As soon-to-be members of the American legal community, though, most of us will be doing some pro bono work. That is, giving legal help and advice, usually to those who cannot afford it.

The Law Student Division of the American Bar Association has started a program at IU where law students work with local attorneys in performing pro bono work. This program is called the Indiana University Law School Pro Bono Project.

"It is important to develop some type of pro bono consciousness on the part of our students, and what better way than this program," said Assistant Dean of Students Leonard Fromm.

The program strives to motivate young attorneys to continue performing pro bono work as they begin their legal careers.

"The program will provide students with a great opportunity to gain practical experience while helping to meet the pressing need for legal representation in the community," said 2L Jeff Pankratz, the program's coordinator.

Since law students here are so closely tied to the university environment, it is easy to forget that IU is located in rural Indiana. There are approximately 50,000 people in Monroe County alone living below the poverty line. Presently, the Monroe County Pro Bono Project, a network of volunteer attorneys, and the Indiana Legal Services Organization are the only groups that serve these people's legal needs.

Still, these attorneys are often overworked and need the services of others, including law students. To ease the burden, students in the program will work directly with the attorneys, doing research and sometimes counseling clients in such areas as housing, government benefits, employment and consumer law. Fromm emphasized the importance of informing the community and "pro bono attorneys in Monroe County that IU students would be available to help."

Jamie Andree, director of the Indiana Legal Services Organization, coordinates the program from the attorneys' side. She will direct individual projects to Pankratz, who will then distribute work to student volunteers. The projects will be distributed depending on the interests and time commitment specified by the student. This flexibility, says Pankratz, "allows any student to be involved. Students can commit anywhere from 10 hours a semester to 10 hours a week."

3L Jim Anderson, IU's student representative, serves as an advisor to students who may need help or guidance with their projects. Co-founder of this pro bono project, Anderson worked on a similar program in Palo Alto, California, this summer.

In spite of the great demand for pro bono work, few law schools have programs of this type. Tulane University Law School in New Orleans became the first to include pro bono work as a graduation requirement. The Indiana University Pro Bono Project, on the other hand, is voluntary. This program will highlight the demand for legal representation in an area of society that is often overlooked.

An informational meeting is tentatively scheduled for November 17.

BAKER, cont. from pg. 4

judge Robert Bork to testify before the Senate Judiciary Committee in favor of Bork's confirmation as a Supreme Court justice.

Baker, who was the only black law professor scheduled to testify and who had known Bork when they were both professors at Yale, had intended to testify that Bork was "solidly entrenched in the mainstream of civil rights and other issues affecting minorities and women." Yet, Baker intended to qualify this by criticizing the mainstream by saying that there has been a "great exaggeration of the society's accomplishments in this area."

Baker cancelled his appearance for pragmatic reasons when an aide to the Senate Judiciary committee warned Baker that his academic career and scholarship would be heavily scrutinized. Baker felt that if he, rather than Bork, was to become the issue at the hearing, his testimony would little good.
Faculty committees are waiting for more information about the summer bar exam before looking into changes aimed at addressing the "problem," according to Professor Daniel Conkle, chairman of the Academic Regulations Committee.

"The figures suggest the immediate problem is not unique to Bloomington," Conkle said.

There seemed to be no apparent pattern to the questions missed by IU-Bloomington students. Assuming that answers were unusually weak on this past exam and that the bar examiners were not purposely trying to lower the pass rate, Fromm predicted that pass rates, for the Bloomington campus and statewide, will rise in coming bar exams, with added student effort and focus on areas tested.

Sister law school IU-Indianapolis has a traditionally higher pass rate than the Bloomington campus. This may be due to a possible emphasis at Indianapolis on Indiana law and the Indiana bar exam, he said.

There is only one bar review course offered, and some students who failed the July bar said they were not happy with the course, Fromm said. Two, who did pass, told him they did not take the review course.

"The Bar Review course is a five-week course. It's a review. If your initial understanding of a certain area was weak, the review course will not shore that up," he said.

The bar exam costs $200 to take and the bar review course costs $525. Those who do not pass the test can retake it three times. There is another application fee, though smaller than the initial fee, for each retake.

The "Law School Blues" flag football team lived up to their name last Monday as they turned in a "sad" performance in the finals of the university's intramural flag football tourney.

In an effort to retain flag football's travelling trophy, won last year by a team of graduated 3Ls called the "Law Stars," the Blues came up short with a 42-0 loss to Sigma Chi-A.

The Blues began their quest for the championship in the independent points division where they steadily moved up the brackets with narrow victories. After winning their division, the team went on to upset the independent non-point and residential hall champions. Both wins came in the closing minute of the game.

Team captain Mike Maresse was elated with the wins, knowing that of the 400 teams that had started the tournament his Blues had made the finals.

The Cindarella story came to a halt in the championship game when Sigma Chi's team, led by quarterback John Banjak, showed a potent offense which scored easily off the Blues' defense with four touchdowns in the first half alone. The Blue's defense, which had previously held opponents scoreless during pre-season play, buckled down in the second half, but muddy conditions hampered the offense as the Blues quarterback Chris Van Natta could not find paydirt.
Pins "felled" in SAC bowling tournament

By Bill O'Connor

Dateline: Thursday, Oct. 27.

The thunder of the lanes, the comforting feel of the hand dryer and a Bud bottle gently tapping against classy shoes which have doubtless been worn by many a man named Clem: yes folks, it was the second law school bowling tournament brought to you by your trusty Student Activities Committee.

Topping the points category was the team of 3Ls Beth Niehaus, Mike Dobosz, Dave Suerine, Nadine Akimoto and 2L Don Pitzer with a refreshingly above-average three-game total of 2115. Not surprisingly, the two individual highs for men and women came from this very same team. Niehaus sat atop all women hurlers with 421 and Pitzer scattered the pins to the tune of 508. Of course, critics recognize that the team is soon to be ravaged by graduation, and only "Pins" Pitzer will remain to defend the title.

Tanasijavich's Hall of Famer Earl Andrus, when asked, "who?"

An honorary award went to Professor Alex Tan as the only faculty bowler in both bowling tournaments.

Following in the footsteps of Dickens, we now move from the best of times to the worst of times. Sliding below all the other team scores with remarkable ease was the team of 3Ls Andy Otis, Rhett Dennerline, Laura Goodman, 2L Allison Adkins and a visiting Australian doubtlessly named Sheila. They had an almost nonexistent team score of 1256. Otis insisted that bad luck and injuries plagued the veteran team, and that next year they'll be much tougher due to the supplemental draft.

2L Pete Raack, when asked to comment on the quality of play deftly stated, "How much is a pitcher?"

Hailing down that low male spot for the second straight year was Rudy "Which Lane" Tanasijavich, with 275 over three games. Remarkably, "Pins" Pitzer scattered the pins to the tune of 108 and Tanasijavich's consists Hall of Famer Earl Andrus, when asked, "who?"

An honorary award went to Professor Alex Tan as the only faculty bowler in both bowling tournaments.

Assistant Dean of Students Fromm did arrive, fashion sporting a corduroy jacket. However, he disdained to return to the lanes, preferring to pronoun the definition of a successful evening of law school entertainment and will be repeated whenever need arises.

For in the depths of the library, bent over an open book or there will always be a scholar thinking, "I can that 7-10 split."