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ON THE COVER: Professor Emeritus Harry Pratter is shown teaching in one of the remodeled classrooms of the Law School.

Bill of Particulars is published by the Indiana University Alumni Association, in cooperation with the School of Law—Bloomington and the School of Law—Bloomington Alumni Association, and is mailed to all graduates of the School of Law—Bloomington.

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President’s Message

Dear Fellow Alumni:

I look forward to seeing many of you at this year’s Law Conference on September 12 and 13 for two very special reasons. First, in addition to the usual Conference activities, the dedication of the beautiful new law library and renovated School of Law building will be held on Friday afternoon. As alumni, we can all take pride and satisfaction in seeing the School of Law grow in quality and stature. This growth is evident in the faculty, in the student body and, most visibly, in the new library and renovated School of Law building. We can all feel a part of that growth by participating in the dedication ceremonies during the Law Conference. Second, we have the rare honor of having Chief Justice William Rehnquist as the speaker at the dedication ceremony. I understand that this will be Chief Justice Rehnquist’s first speaking engagement since his nomination for the position of Chief Justice. Most of us do not often have the opportunity to see and hear a member of the United States Supreme Court speak in person, and I am delighted that the dedication ceremony will bring the Chief Justice to Indiana.

I wish I could report to you that the dedication of the new building brings with it the appointment of a new permanent dean, but that pleasant task will likely fall to my successor. I can report that the Search Committee began work this summer and its members are hopeful that a new dean will be in place by the start of the 1987 academic year. For those of you who have expressed concern over the time it takes to locate a new dean, bear in mind that after Douglas Boshkoff resigned the deanship in December, 1975, Sheldon Plager did not become dean until July, 1977. Dean searches are often slow but, as we have seen, can produce excellent results. In the meantime, we can all be pleased that Bryant Garth, a noted scholar and very popular teacher, has agreed to serve as Acting Dean.

Again, I encourage all of you to attend the Conference in September to renew your ties with the School and with each other.

James E. Bourne
President, IU School of Law
Bloomington Alumni Association

Bryant Garth named Acting Dean

As most of you know, Morris Arnold resigned the deanship in December in order to accept a federal district judgeship in Arkansas. Maurice Holland, who had served as acting dean before Arnold’s arrival at the law school, resumed that role in January. However, he had to resign from this position in order to accept the deanship at the University of Oregon Law School.

Professor Bryant Garth has been appointed acting dean effective July 1. Garth, who joined the faculty in 1979, is a magna cum laude graduate of Yale University and earned his JD from Stanford University, where he was elected to the Order of the Coif. He also served as editor of the Stanford Journal of International Studies. Dean Garth received the PhD from the European University Institute in Florence in 1979 where he was the first American to receive that degree.

Dean Garth clerked for Chief Judge Peckam in the Northern District of California prior to joining the IU faculty. He is the author of several books and numerous articles in the areas of dispute processing, complex litigation, and comparative law. His recent work on class action has been in collaboration with Professors Nagel and Plager. In 1982 Dean Garth received the Gavel Award, and in 1984 he became the School’s Louis F. Neizer faculty fellow. He is a member of the Board of Editors of the American Journal of Comparative Law, a trustee of the Law and Society Association, and a member of the Board of the Indiana Civil Liberties Union.
Many exciting things are taking place at the Law School this fall, and I want to use the occasion of this letter to bring them to the attention of our alumni and friends. As an Acting Dean following a number of rather rapid changes, it might also be useful for me to comment briefly on the state of the Law School. I want to emphasize that while we certainly can use a permanent dean (which I will not be), I think the Law School has become strong enough to generate its own forward momentum. This School has been moving ahead quickly in the past decade and has reached the stage where it is ready to join the top ranks of American law schools. The new dean will certainly help, but he or she will also draw on the human and material resources already in place.

A visitor to the Law School today sees first the great strides that have been made with our building and library facilities. Our dedication ceremony on September 12, 1986, which will include a major address by the new Chief Justice of the U.S. Supreme Court, William Rehnquist, will attract national attention to a truly first-class facility. It would be a colossal understatement to say that we have a far better place to study, teach, and conduct research than we did a few years ago.

Our new facilities also make it easier for us to host other important events this fall. To mention just a few, Professor Marc Franklin of Stanford, probably the leading libel scholar in the United States, will give a talk in September; we will host an interdisciplinary conference on Law and the Arts organized by Professor Rebecca Rudnick for September 26-27; and our Harris Lecturer early in October will be Professor Paul Bator of the University of Chicago, one of the top scholars in the area of federal courts.

The strength of the School, of course, depends on more than the physical facilities and the quality of those from outside who visit. The quality of the faculty is probably the most important factor in the reputation of the Law School. We have one of the younger faculties in the country, many of whom were hired in the past seven or eight years. For several years we have been claiming that our faculty is "promising"; we can now state that the promise is being fulfilled.

Two years ago, for example, we granted tenure to Professors Craig Bradley and Alex Tanford. Professor Bradley has become a provocative and widely-quoted scholar with a national reputation in constitutional law and criminal procedure, and Professor Tanford has become a leader in the field of trial practice, where his book is one of the principal texts. Last year saw tenure awarded to Professors Terry Bethel, an important and influential labor law scholar; Merritt Fox, celebrated already for his distinctive economic approach to corporate and securities law; and Julia Lamber, who has provided a fresh and much needed scholarly perspective on the area of employment discrimination. It is easy to see how our faculty has been strengthened in recent years. One of our important recent losses, furthermore, has returned. Professor John Baker is back after an exciting and challenging year as Dean of Howard University School of Law in Washington, D.C.

We are also continuing to attract diverse and talented new faculty. Four new faculty members will be joining us: Professor Richard Fraher, a graduate of Harvard Law School, is a legal historian who has already taught history at Harvard. He will continue to build our interdisciplinary strength, teaching contracts as well as legal history. Professor Joseph Hoffman, a graduate of the University of Washington Law School, joins us after a year of clerking for Justice Rehnquist. He will teach Property and Appellate Advocacy. Professor David Medine, a graduate of the University of Chicago Law School, is the product of a search over several years for the right individual to teach clinical courses and develop new clinics to enrich our educational process. He will also teach evidence. And Professor John Scanlan, who has directed the Law and Sports Center for two years, will now join the faculty, where he will continue to work in sports law and in the field of immigration law. He has already completed a book on immigration law which was published this summer, entitled Calculated Kindness.

The quality of the faculty as teachers and scholars will continue to help us attract excellent students, even as the number of applications nationally continues to decline. Our challenge now is to retain our best professors, as the national market finds them and tries to lure them away, and provide a teaching and research environment that cannot be duplicated elsewhere. Several of our faculty members are on leave, including Professors Richard Lazarus, Ilene Nagel and S. Jay Plager, all of whom are serving the federal government. We need to bring them back and keep as many of our other outstanding faculty members as possible.

The Law School has moved into the computer age, providing faculty members with computers in their own offices for word processing and data analysis. The University's commitment to the library and to improving faculty salaries also bodes well for our future, but we have not yet arrived at the point where we ought to be. I hope that our alumni and friends will continue to push for us and participate in our efforts to strengthen further this Law School.

Bryant Garth, Acting Dean

1985 Telefund

Contrary to what appears from the photo above, the law school remodeling did not include personal telephones for each student in the classrooms. It did, however, permit us to use portable phone jacks so that telephones could be connected in the evening in one of the classrooms for the students to use during the annual fund drive. Under the direction of Assistant Dean Arthur Lotz, the student volunteers telephoned alumni, and raised pledges and contributions of about $30,000. Bonny Forrest and Marilyn Hanzal administered the telephoning which was done by: David Ambers, Elizabeth Burke, Kery Connor, Jane Curley, James Darnley, Kira del Giudice, Diana Frazier, Brian Gran, Robin Jackman, Kathleen Little, Mary McArdle, Gregory Meell, Douglas Meyer, Joshua Minkler, Sarah Mowell, Christopher Nichols, Mark O'Brien, Michael Owen, Steven Riggs, Isabel Rivera, Kathryn Roudebush, Mary Schneiter and Jo Ann Serpe.
Three Continuities of Choice in Abortion

Patrick L. Baude*

*Professor of Law, Indiana University—Bloomington. AB 1964, JD 1966, University of Kansas; LLM 1968, Harvard. This is the text of a lecture given in Muncie, Indiana, with the support of the Indiana Committee for the Humanities, which, of course, has not endorsed its substance.

I imagine you’ve come to this lecture for two different reasons. Some of you have come because you have strong convictions and commitments, to one side or the other of the abortion issue: You’ve come hoping either to hear these convictions reaffirmed or to enjoy the sense of righteousness that comes with being angry about people who disagree. I wish you well and hope I can make you angry enough so that your time hasn’t been wasted. But I would also like to tell you that some are here not because they have strong convictions, but because they are looking for a way to think about, to talk about, this problem.

To think about a moral question you have to have some continuity with other issues. If you think about abortion and think only about abortion, you’re struck by its uniqueness, by its complexity, by its difficulty, by the intensity of the debate surrounding it, by the depth and power of the competing claims. It’s hard to get off the mark; it’s hard to think about anything else.

I want to suggest a way of looking at abortion so as to create some continuities, a way to find that abortion is not a unique problem, but fits in with a series of other problems we do think about and do have reasonable and moderate opinions about. These continuities may help to illuminate our thoughts. One technique, commonplace among both first-year law students and distinguished moral philosophers, is to construct an elaborate hypothetical dilemma, carefully concocted to duplicate the issues in the abortion decision facing a pregnant woman. No doubt the best of all these is Judith Jarvis Thomson’s inspired speculation. A great violinist is near death with incurable kidney disease. Music lovers kidnap you and, without your consent, connect your circulatory system to his. Disconnection means his death. What do you do? One of the virtues of this hypothetical is that by staging biological dependency without pregnancy, it makes it hypothetically possible for a man to face something like the pregnant woman’s situation. But abortion without pregnancy is Hamlet without the prince. I do not need to go so far as to say that men can never, by reason alone, simulate the moral experiences of women. I do confess that Professor Thomson’s invention doesn’t help me think about abortion. Instead, it gives me something else I don’t understand and haven’t experienced to think about. My own understanding of the issue would profit from continuities with more familiar experiences, even though the analogies are less perfect. I will call these more mundane comparisons, perhaps a little too neatly, continuities of past choices, tragic choices, and wrong choices.

Let me start with the idea of past choices. It’s a striking irony—and one that particularly angers foes of abortion—that it was not the great liberal Supreme Court, the Warren Court, which recognized the right of abortion. The most passionate critics of Roe v. Wade could have had a field day if that great personally colorful and controversial justice, four times married, William O. Douglas, had been the author of the abortion decision. But the author was Harry Blackmun, a gentle and upright Nixon appointee, nobody’s idea of a libertine. How did this happen? It isn’t all that striking if you let me put this in the continuity of a series of constitutional decisions which are not primarily concerned with what people do, but rather with what the role of the government is—and, in this light, the abortion decision can be seen as merely one specific application of a fairly long train of decisions. There is a familiar argument in constitutional law about the legitimacy of these earlier decisions and about the separate question whether they were sufficiently like Roe v. Wade to be properly used as precedents. It would waste all of our times for me to try to improve upon John Hart Ely’s discussion of these two questions. Still, there is more to Supreme Court cases than legitimacy and precedent. Cases are also anecdotes in the collective experience of the republic. It seems to me that we can gain some insight into Roe v. Wade by comparing the case with earlier due process decisions, not as cases but as stories. That process won’t tell us if Roe was right, but it might help us think about it.

In the beginning part of the century, the Supreme Court embraced a doctrine called “substantive due process,” which in its simplest form meant that legislation which in the judgment of the Supreme Court of the United States was not consistently, rationally linked to generally accepted principles was unconstitutional. In theory, we have abandoned this doctrine because its effect was to give the Supreme Court a kind of barely fettered discretion to second-guess the judgments that citizens make. As a practical matter, the doctrine acquired a bad name because the Supreme Court used it to invalidate ideas which shortly came to have widespread political and intellectual support: industrial unionization, minimum wage laws, and the like. But another aspect of these cases, from 1900 to 1935, was their recognition of the right of the family to control its own destiny. During the First World War, as you probably know, hostility toward things German was so great that it was nearly impossible to get a dish of sauerkraut in the United States. However, it was possible to get a pickled vegetable known as “liberty cabbage.” As part of this xenophobia, Nebraska in 1919 outlawed teaching foreign languages to children and convicted Meyer of teaching German. The Supreme court said in Meyer v. Nebraska, that the upbringing of children is not exclusively the business of state law. The question might have emphasized the intellectual importance of foreign languages or even the blatant irrationality of mandating ignorance—but it didn’t. Looking at the case the way I’m trying to, as a story about power in America, the punch line was Justice McReynolds’ derisory quotation from Plato’s Republic: “[No] parent is to know his own child, nor any child his parent . . . . The proper officers will take the offspring of the good parents to the pen or fold . . . .” The point is that what might easily have been an opinion about the autonomy of the intellect was, instead, a case about the autonomy of parents.

Two years later, Justice McReynolds faced a more direct implementation of the Platonic ideal. Oregon actually outlawed private and religious schools, requiring attendance at the public pen or fold. As in Meyer, the Supreme Court might plausibly have emphasized the importance of schools as intellectual institutions whose freedom from state domination was an essential part of political freedom. The Court could also have decided the case along the lines of the economic freedom of schools as harmless businesses. Indeed, the application of the law to religious schools would have presented a fairly easy free exercise ground for decision. But again, the Court went straight to the rights of the family, not the rights of business or the political community: “The child is not the mere creature of the state; those who nurture him and direct his destiny have the right . . . .”

The economic aspect of the substantive due process decisions, the anti-labor union decisions, the anti-minimum wage decisions, went under. The family cases persisted. Nothing I have said about them is new. Justice Blackmun pointed briefly to them, and his (continued on page 6)
critics like to take that as evidence that all we have in Roe is substantive due process reheated in the microwave. Maybe so, at least if we’re talking legitimacy and judicial review. But if we’re looking for experiences to inform our understanding, maybe not. All I can do is invite you to reread these two cases and to notice how assiduously Justice McReynolds avoids the easier way of making the cases like ordinary substantive due process decisions—and yes, I do chafe a little bit on recommending McReynolds to anyone.

The debate is renewed in 1965, with the Supreme Court’s decision in Griswold v. Connecticut. That case involved an uncommonly silly law under which the state prosecuted a birth-control clinic for doing what such clinics do—that is to say, for aiding and abetting a married couple to practice birth control. As a constitutional case, Griswold has inspired a vast and important literature primarily on the theme of whether a statute can be so silly that it violates due process. That question is the same important one which dominates the discussion of the old substantive due process cases; it is, in other words, a question of legitimacy and power. Griswold also invites comparison with Roe because the subjects of birth control and abortion are connected with each other in everyday experience. The comparison is more obvious than useful. Griswold involves only one question: What should the Court do? Roe involves two questions: What should be done? Should the Court be the one to do it?

After Griswold v. Connecticut, a variety of different sorts of sexual privacy rights were asserted, for the most part without success, in the Supreme Court. The Supreme Court has steadfastly refused, for example, to recognize the right of non-married couples to engage in sexual relationships. It has also continued to recognize that obscene material, although narrowly defined, is not protected by the Constitution. This makes it all the more striking that the abortion right has been recognized by the Supreme Court. I suspect abortion is more controversial as a social matter than occasional fornication. I think the only way this can be explained—I can only invite you to see what follows from looking at it this way—is that Justice Blackmun’s opinion in Roe v. Wade is not about sex. It is about families. Justice Douglas’ opinion in Griswold is about sex, not families.

Now that doesn’t answer whether the Court should have decided Roe as it did, but it does put it in the right context. We’re used to thinking of it as a case only about the right to life or a case about sex and reproduction. As such it seems to stand out. In the long stream of family-oriented decisions, it seems to make all the more striking that the abortion right has been recognized by the Supreme Court. I suspect abortion is more controversial as a social matter than occasional fornication. I think the only way this can be explained—I can only invite you to see what follows from looking at it this way—is that Justice Blackmun’s opinion in Roe v. Wade is not about sex. It is about families. Justice Douglas’ opinion in Griswold is about sex, not families.

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heirs would make judgments which even a good-hearted optimist would be nervous about, or the government would create a bureaucracy of life and death; nothing I know about either the settlement of estates among family members or the Social Security Administration gives me confidence in either vision of the future. Even so, I can easily imagine a situation in which my greatest hope would be that my wife has not been convinced by my arguments.

The famous case of Regina v. Dudley and Stephens can be informative if we think about it as an exercise in moral humility. Starving shipwrecked sailors kill and eat the starving cabin boy. Should they be punished? We can think about the problem as one of weakness under stress. We can sympathize with men who lack the courage to become heroes in death. We can (and must) acknowledge that we haven’t been there ourselves and dare not claim that we would have done otherwise. Still, we can recommend punishment because the law should set an example, should point the way for those who have the strength, and strengthen those who know the way.

It’s not that simple. A good utilitarian can, indeed must, argue that Dudley and Stephens owed each other the duty of helping to save each other’s life by the only means available—an unpleasant duty but that is the way with duty. The non-utilitarian can reply that we have an overriding responsibility not to treat each other as means to ends—and treating a man as food is the clearest violation imaginable. The utilitarians are wrong in my opinion but even I would hesitate to punish an actor for failing to be convinced by Immanuel Kant. A century later one might think that the problem Dudley and Stephens faced is so unusual and bizarre that we can treat it as a rare act of fate, one of those unfair but unique moments that allow the law to make a symbolic statement about the sanctity of life without facing the real world of real people. Seen as actors drafted for a once-in-a-century morality drama, Dudley and Stephens are much like Professor Thomson’s involuntary friend of music. It is startling to learn, however, that survival cannibalism was, in fact, a serious problem in the 19th century.

A lot of abortions fail, I think, along this continuity. I invite you to consider them as cases in which we may have a conviction as to what is morally right, but in which our conviction is not perfect. Take the case of a pregnant woman who, with full responsibility, has undergone amniocentesis and has concluded near the end of the second trimester that the fetus has Down’s Syndrome and spina bifida. I don’t know what the right thing for her to do is. Most of us haven’t been there either: "Yet one cannot reach a convincing resolution to a problem like that without imagining the agony of the parents in making the decision, without imagining the life of the child . . . ." I’d like to put this example in a category of choices which we ought not to attempt to govern by a general systematic rule. The relevance of that for me in the context of abortion focuses particularly on the fact that when we talk about abortion, we ordinarily talk about the criminal law. Roe v. Wade involved a criminal law. Abortion, prior to Roe v. Wade, was commonly punished as a felony—not as murder but as a felony. One thing, it seems to me, our experience with criminal law in society teaches us: The penitentiary is not a very good way to give moral instructions to those who disagree on principle. The criminal law reaffirms those things to which we agree. And it is appropriately used to punish people who are transgressing those moral norms which we, as a society, generally share. But if used to punish (continued on page 7)
activity which is not nearly universally, irreversibly regarded as
immorality, it tears society apart. It leads to systematic nonenforce-
ment, and it leads to contempt for the law, even good laws. Prohibi-
tion, obviously, comes to mind. Illegal abortion comes to
mind. Some of us think it wrong to violate the law and drink,
smoke marijuana, get an abortion, eat red meat, read Penthouse
magazine, refuse aid to the traveller, keep lovers on the side,
neglect charitable contributions; but people do. And the con-
tinued application of the criminal law against people who believe
they have made morally responsible choices tears society apart.
Instead of reaffirming a common morality, it invites a fractiona-
tion of, a rejection of social norms and the proposition that society
or the state should be linked to morality and law.

Seen in this light, Roe is not so much a case about the right
of privacy as it is about the limited range of the criminal sanc-
tion. There are other instances in which the Supreme Court has
recognized that criminal sanctions cannot constitutionally be im-
posed where moral blame is not established. "The doctrines of
actus reus, mens rea, insanity, mistake, justification, and duress
have historically provided the tools for a constantly shifting ad-
justment of the tension between the evolving aims of the criminal
law and changing religious, moral, philosophical, and medical
views of the nature of man." Thus, the Supreme Court has
held it unconstitutional to make drug addiction a crime or
to punish a woman for failing to perform an unknown legal duty
which was not also a moral duty. Thinking of Roe as a criminal
case makes it easier to understand the Supreme Court's
otherwise astonishing decision upholding the Hyde Amendment,
which barred the use of federal funds to support a medically
necessary abortion for indigent women whose other medical needs
were financed by the government. And the third thing I want to invite you to consider is the con-
tinuity of wrong choices. We are inclined to forget that it is the
Supreme Court's detractors who refer to it as a "bevy of Platonic
guardians." We have a rhetoric, a metaphor, a myth. We think
that the Supreme Court is a moral teacher, an instructor in a vital
national seminar that will tell us the rights and wrongs of racism,
crime, freedom of speech, and so forth.

One of the ironies posed by Roe is that the image of the Supreme Court as moral prophet is mainly a justification for an
activist role in protecting individual rights against governments.
Looking at the Supreme Court's abortion decision as an essay
in right and wrong, I give it a failing grade, or at most an "in-
complete." I do not find it instructive on the question of what
it is right to do. Even McReynolds did better.

We don't have to look at constitutional law as prophecy. The Supreme Court is often engaged in the business of allocating
authority to people, not because they will make the right choices,
but because the choice is theirs to make wrong. This is the familiar
source of freedom for stupid Nazis and possessed cultists, not
because they might be right, but because they have a right to be
wrong. This is the freedom for the State of Indiana to make
of itself in one way while the State of Missouri makes a
fool of itself in another way.

In this light, who has the right to decide? The pregnant woman
or the State of Texas? If you are totally convinced that the fetus
has full rights of personhood from the moment of conception,
the answer is easy. There is no deciding to be done, and nothing
for the woman to weigh. Once there are lines to draw, however,
special rules for special cases, the government's claim to draw
the lines is less impressive. Even before Roe v. Wade there was
nothing like unanimous opinions among different states about
which abortions were prohibited and which allowed. The dif-
ferent states wrestled in different ways with questions of rape,
incest, fetal deformity, and the pregnant woman's health. If the
process is not simply enforcing a rule (e.g., homicide is homicide),
then it becomes making a decision. Seen this way, it would be
wrong to say that she has the right to an abortion. It would be
like many other constitutional rights to say she has the right to
make the decision—not because she will be particularly likely
to make the right choice, but only because it is her choice to make
wrong.

2. See generally C. Gilligan, In a Different Voice: Psychological
Theory and Women's Development (1982).
5. 262 U.S. 390 (1923).
6. Id. at 401-02. Justice Blackmun, for what it's worth, has a
higher opinion of Plato but didn't think much of the
8. 381 U.S. 479 (1965).
10. See generally, A. W. Brian Simpson, Cannibalism and the
11. Baude, High Technology, the Human Image, and Constitu-
12. For a more formal statement of this point, see generally
Baude, Review Essay, The Limits of Liberalism: Wrong to Others,
opinion). The actual holding of the Powell case, that public in-
toxication may constitutionally be punished as a crime, is no sup-
port for my statement in the text. The fact that the Court was
narrowly divided and unable to reach a majority opinion does
support my larger thesis that abortion does not stand alone on
this constitutional continuum. This thesis was illustrated by the
Supreme Court's decision in Bowers v. Hardwick, 106 S. Ct. 2841
(decided on June 30, 1986, after this lecture was given). Press
reports of the Hardwick case have concentrated on the Court's
five-to-four refusal to recognize a constitutional right to sodomy.
For my purpose, it is striking that the Court, also by a five-to-
four margin the other way, suggested that sodomy could not be
constitutionally be made a crime. Justice Powell concurred with
the majority's holding that there was no "fundamental right" to the
conduct in question, but added in his concurring opinion that
"a prison sentence for such conduct—certainly a sentence of long
duration—would create a serious 8th Amendment issue." (at 2847,
emphasis supplied).
18. See Baude, Constitutional Reflections on Abortion Reform,
A decade ago, I wrote an article for the Bill of Particulars describing our admission practices. The title of the article was "Do More than Numbers Count in Law School Admissions?" The "numbers" referred to in the title were the undergraduate grade point average (UGPA) and the Law School Admission Test (LSAT) score, the two quantifiable factors all law schools examine to assess the quality of their applicants. Written at a time when the number of applicants exceeded all law schools' collective seating capacities, the article was intended to show the difficulties the size and strength of the applicant pool posed for the selection process. Because the pool of applicants was so large and so strong, we, and most other law schools, were forced to look beyond the quantifiable criteria for admission. That is, if we admitted all applicants whose UGPA and LSAT indicated they would do passing work at our school we would have had to triple our seating capacity.

Today the word "numbers" has an additional and somewhat sinister meaning. The number that is the first concern of law schools today is the number of applicants. For most schools that number has declined significantly over the past three years. Nationally, the number of applications declined by 12% between 1982 and 1984, and by another 10% in 1985. That year also marked the first time, since 1969-70, when there were fewer than 100,000 LSAT administrations.

The precise causes for the declining interest in legal education have yet to be identified. Although one would expect that demographics would play a large role, college enrollments remain the same despite the declining number of 22-year-olds. Certainly media attention about a supposed "glut" of lawyers may have affected career choices. Some speculate that the decline is attributable to a post-Watergate backlash. The only factor which seems to be directly tied to the decline in the number of applicants is a decline in the number of people majoring in the humanities and liberal arts. It appears that college students may be starting their undergraduate programs with the idea that they must have a marketable skill in hand when they graduate, and that leads them away from courses of study that do not seem directly job-related.

Whatever the cause for the decline in the number of applicants, the fact of the decline has different meanings for different schools. There are still more applicants than there are seats in law school; however, there may not be enough applicants for an individual school to maintain the quality or size of its student body at the same level as in the past. For those schools that are "tuition driven," that is, schools whose program funding is largely dependent on enrollments, the number and quality of the people in the applicant pool may be critical to the schools' continued existence. Reductions in expenditures or locating new sources of income may be the only ways for these schools to keep their doors open. While the latter is a more palatable solution than the former, it is not a realistic one for schools which have not had the time or resources to build a strong alumni base and a strong development program. In 1984 at least one law school was so hard hit by the first drop in the number of applicants that its only feasible response was to let some faculty go. For that school, and a few others like it, "fewer" applicants translates into "not enough" enrolled students to run their programs.

For most law schools, though, fewer applicants will likely mean continuing their programs with less qualified students, at least insofar as quality is defined by LSAT score and UGPA. How much less qualified is the question each school must consider today. In 1985 several schools were so dissatisfied with their applicant pools' quality that they elected to reduce the size of their entering class. And there has been discussion, at least, of reverting to the practice of accepting less well-qualified students in order to fill a class in the fall with the stated intention of emptying it significantly when final exam results are posted in the spring.

For many law schools the pool of well-qualified applicants is sufficiently "deep" to permit them to accept applicants who are qualified to be successful in law school and in the practice of law, but who may not be quite as well-qualified as their counterparts of a few years ago, in LSAT score and GPA. Put another way, the LSAT and GPA of the top quarter of future entering classes will probably be closer to the current LSAT and GPA of the middle of the class than it has been for many schools. This, in turn, will likely drop the median LSAT a point or two, but will have no significant effect on the quality of the class, (when defined as performance in law school), since the LSAT and UGPA account for a relatively small percentage of actual performance.

Where does this leave us? We aren't sure, but we are hopeful that the decline in the size of the pool will have little effect—that at worst we will fall into the last category of schools noted above.

While we have experienced nearly a 30% (continued on page 9)

IU Law Conference

On Friday, September 12, and Saturday, September 13, the School and the Law Alumni Association will host the 10th Annual Law Conference. This year's conference will be exceptional. On Friday afternoon the recently completed Law Library addition and renovated building will be dedicated. The Honorable William H. Rehnquist (who should be Chief Justice of the United States Supreme Court by then) will give the dedicatory address. IU President John W. Ryan will preside at the dedication ceremony in the IU Auditorium. Immediately following the ceremony, a reception will be held in the Law Building, and tours will be offered.

On the morning of September 12 two half-day seminars will be sponsored by the School and ICLEF. John F. Lyons of Barrett, Barrett & McNagny in Fort Wayne, Phillip R. Scalleta of Ice Miller Donadio & Ryan in Indianapolis, Stephen Williams of Mann, Chaney, Johnson, Goodwin & Williams of Terre Haute and Mark Roberts of Locke, Reynolds, Boyd & Weisell of Indianapolis will lead a seminar on "Recovery: Solutions and Strategies in Automobiles and Personal Related Incidents." A seminar on "Secured Transactions Under Article 9 of the UCC: Problems with Perfection and Priorities" will be lead by John R. Carr III of the Indianapolis firm of Bushmann, Carr & Meyer, Professor Emeritus Harry Pratter, J. Philip Updike of the Muncie firm of Beasley, Bilkison, Retherford, Buckles & Clark, and Thomas Bigley of Sharpnack, Bigley, David & Rumple of Columbus.

Following the traditional banquet, the Honorable Juanita Kidd Stout, James Thornsburg, Daniel James and the late Judge John Hastings will be inducted into the Academy of Law Alumni Fellows.

On Saturday morning participants in the Conference are invited to a student sponsored continental breakfast in the newly remodeled Student Commons in the Law School. After the pre-game barbecue, participants may attend the IU football team's season opener against Louisville.
decline in the number of applications since 1983-84 (our second highest year for applicants last year. The people listed below from those of its predecessors. We anticipate alumni in assisting us with recruiting. With especially appreciative of the efforts of our concerned about future years. We are, therefore, cern volume), the quality and size of the class which entered in 1985 are indistinguishable admitted applicants and encouraging the recruiter's firm or company before legal education even begins. If others of you are interested in helping with our recruitment program, contact Pat Clark, Admissions Office, School of Law, Indiana University, Bloomington, Indiana 47405, (812) 335-2704.

Frank Dermody, University of Pittsburgh, Pittsburgh, PA
Scott Hubbard, Western Michigan University, Kalamazoo, MI
Brian Kilbane, Kalamazoo College, Kalamazoo, MI
Tom Grier, Villanova University, Philadelphia, PA
Denise Kelly, Northern Illinois University, DeKalb, IL, and Chicago State University, Chicago, IL
Don Carrillo, Loyola Law School, Forum, Chicago, IL
Augie Johnson, Puerto Rico Legal Defense Fund, New York, NY
Al Fenner, Atlanta University Center, Atlanta, GA
Bertha Zuniga-Galindez, Julia Merkt, Fernando Chacon, University of Texas, El Paso, TX
Gene Ross, University of Minnesota, Minneapolis, MN
Julia Wilder, Barbara Wand, Paul Rosen, Doug & Susan Marshall, Law School Admissions Council Forum, Boston, MA
Chuck Brower, University of Texas, Austin, TX
Larry Zimmerman, University of Missouri, Columbia, MO
Tim Blue, University of Washington, Seattle, WA
Elizabeth Justice, Stanford University/Pacific Conf., Stanford, CA
Bill Resneck, UC Berkeley/Pacific Conf., Berkeley, CA
Jose Rodriguez, Florida International University, Miami, FL
Dick Butler, Hope College, Holland, MI, and Calvin College, Grand Rapids, MI
Sydnee Singer, UC Pacific Conf., San Diego, CA
Kirk Wilkinson, Tim Paris, Jeff Riffer, Law School Admissions Council Forum, Los Angeles, CA
Dave Schierstein, Western Association of Pre-Law Advisors, Denver, CO
Myra Willis, Michigan State University, East Lansing, MI
Ron Andazola, University of New Mexico, Albuquerque, NM
Dick Harkness, Ball State University, Muncie, IN
Frances Komoroske, University of California, Santa Barbara, CA

In Memoriam
Leon Harry Wallace (1904-1985)

Former Dean Leon Wallace died in November. The following tribute was written by Professor William Oliver and Professors Emeritus Harry Pratter and F. Reed Dickerson.

Leon Harry Wallace, lawyer, teacher, scholar, historian, cartographer, author, administrator, public servant, loyal Hoosier, and gentleman was a person who drew deep satisfaction from a life-long love affair with Indiana and Indiana University, to both of which he contributed generously.

Born in Terre Haute, he entrusted his first two years of undergraduate study to the University of Illinois, a youthful indiscretion that he later corrected by taking his last two years and an AB degree at Indiana. Soon after graduation he sharpened his geographical (and perhaps other) perspectives by a stint as production manager for Rand McNally & Company in San Francisco before yielding to the urge to become a lawyer, an urge that brought a law degree at Indiana in 1933, followed by a 12-year affiliation with a leading Terre Haute law firm.

Spurred, perhaps, by having married into a distinguished and long-standing academic tradition, and despite substantial financial sacrifice, he determined, in 1945, to share his legal insights with the young by accepting a law teaching position at the Law School in Bloomington. Here he quickly moved within seven years from associate professor to professor, to acting dean to dean. In his last capacity, which also included responsibility for the now autonomous Law School in Indianapolis, he served with devotion from 1952 to 1966, counting as one of his major Bloomington achievements the funding and development of a fine law building. Since that time he contributed memorable studies on legislative reapportionment and state boundary disputes while occupying the distinguished Charles McGuffey Hepburn Professorship of Law. Both studies reflect the meticulous care that marks the authentic scholar.

Perhaps his greatest talent as administrator and pedagogue was the ability to develop and maintain an extraordinary fund of confidence, loyalty and respect among the law alumni and members of the state bar at large, a bond so strong and so permanent that it can be explained only by his intense personal interest in the student as an individual, his patience as a listener, and his impressive qualities of perceptiveness, decency, and compassion.

Despite his indefatigable dedication to Indiana University, Dean Wallace managed to accumulate an impressive list of accomplishments beyond Bloomington, and even beyond the state. His contributions to state and municipal government included his appointment}

(continued on page 10)
ment as chairperson of the United States District Court's advisory panel on legislative apportionment, his service as the Governor's representative on the Indiana Constitution Revision Commission, and as consultant to the State in the Indiana-Kentucky boundary dispute. His federal contribution included service as a special hearing officer for the United States Department of Justice.

His professional affiliations confirmed the judgment that his interest in the law and public affairs was not parochial. His many memberships included the American Bar Association (where he served as chairperson of the Section of Local Government Law); the Indiana, Indianapolis, and Monroe County bar associations; the American Law Institute; Order of the Coif; and the professional legal fraternity Phi Delta Phi, where he served as president from 1949-51. His non-legal affiliations included the American Academy of Social and Political Sciences, the Academy of Political Science, and the fraternities Phi Beta Kappa, Sigma Delta Chi, and Delta Tau Delta.

Dean Wallace's conscientiousness, quiet competence, prodigious memory, general thoughtfulness, modesty, and gentleness of spirit were qualities that are of increasing value in an uncertain world. For these, as for his many tangible accomplishments and the privilege of enjoying their fruits, we warmly salute him.

Jane Schliesman

The School is saddened to report that Jane Schliesman, '80, died in January. Ms. Schliesman taught Legal Writing and Research at the School from 1982 to 1984. She received her bachelors degree in Political Science and Communication from the University of Wisconsin-Parkside in 1976, and was a magna cum laude graduate of the law school.

She had been a staff attorney for the Legal Services Organization of Indiana for several years and, at the time of her death, was a staff attorney for the Legislative Services Agency in Indianapolis. She also was an attorney for the Indiana Coalition against Domestic Violence and the Women's Encampment for a Future of Peace and Justice. She had also served as vice president of the South Central Community Action Program, and had worked as an attorney for the Area 10 Council on Aging for Monroe and Owen Counties.

Assistant Professor Steve Conrad chaired a panel on "The Political Theory of Adam Smith" at the annual meeting of the American Political Science Association and was a commentator on three papers presented at the annual meeting of the American Society for Legal History. He also lectured at the Legal History Forum at the College of Law at the University of Illinois on "The Appeal to the Authority of the Imagination in the Federalist Theory of the Framers, James Wilson."

Professor Craig Bradley's article, "The Uncertainty Principle in the Supreme Court," has been accepted for publication in the Duke Law Journal.

In January, Professor Roger Dworkin was a panelist and participant at the invitation conference, "Medicine for the 21st Century," sponsored by the Annenberg Foundation and the American Medical Association; he also delivered two lectures at the Northwestern University Medical School in September 1985.

Professor Patrick Baude's article, "High Technology, the Human Image, and Constitutional Value," appears in 18 Indiana Law Review 643. He has also produced audio tapes on criminal procedure for the Sum and Substance series.

Matthew Bender will publish Professor William Popkin's casebook entitled Introduction to Income Tax.

Julia Lamber, recently promoted to associate professor, wrote an article on "Discretionary Decision-Making: the Application of Title VII's Disparate Impact Theory, 1985," which will appear in the University of Illinois Law Review.

Daniel Conkle, who was also promoted to associate professor, authored "Nonoriginalist Constitutional Rights and the Problem of Judicial Finality," which will appear in 13 Hastings Constitutional Law Quarterly.

Richard Lazarus was recently promoted to associate professor. He is on leave of absence while he works with the Office of the Solicitor General, United States Department of Justice, representing the interest of the United States in cases before the United States Supreme Court. His article, "Changing Conceptions of Property and Sovereignty in Natural Resources: Questioning the Public Trust Doctrine," will appear in volume 71 of the Iowa Law Review.

Professor Edwin Greenebaum conducted his second workshop on Understanding Clinical Experience during the summer session. The workshop provides an opportunity for faculty, staff and students from the law school and other units in the University to study the issues involved in working in groups and organizations.

Professor Emeritus Harry Pratter was the luncheon speaker at the October 1985 "Artificial Intelligence Exposition" sponsored by the Artificial Intelligence Committee of the Indiana Corporation for Science and Technology.

Associate Professor Robert Heidt spent nearly a month last summer in Djakarta teaching a course in legal drafting at the National Law Development Agency. He also lectured at the University of Indonesia, and at the Indonesian Ministry of Justice. He was chosen a Visiting Fellow at the University of Warwick School of Law in Coventry, England, where he worked with a research team on trade regulation in the United Kingdom. Closer to home, his article, "Don't Talk of Fairness: The Chicago School's Approach to the Discipline of Professional Athletes," appears in 61 Indiana Law Journal 53.

Associate professors Terry Bethel and Merritt Fox were promoted to the rank of professor.

Professor and former Dean S. Jay Plager has been given a two-year leave of absence to serve as Counselor to the Under Secretary for Health and Human Services in Washington, D.C.

John Baker has resigned the deanship at Howard University Law School and will rejoin our faculty this fall.

Professor Ilene H. Nagel has been appointed one of seven United States sentencing commissioners. The Sentencing Commission was established as part of the 1984 Comprehensive Crime Control Act. The commissioners will set guidelines for federal district judges to follow regarding the nature and type of sentence, whether sentences should run consecutively or concurrently, and the conditions under which judges should order post-release supervision. They will issue policy guidelines on the appropriate use of conditions of probation and supervised release, the conditions under which sentences should be modified, the use of Rule 11(e)(2) plea agreements, provisions for temporary release and for pre-release custody, the use of probation revocation, and the assignment of offenders to particular correctional facilities. The commissioners will also establish a research and development program and will collect data concerning the sentencing process, the relationship of sentences to the goals set forth in the Sentencing Reform Act, and the effectiveness of sentences imposed in reducing crime and general deterrence.

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Visiting Faculty

Professor Julius Getman (formerly of this law school) spent his fall semester sabbatical from Yale in residence here. During the spring semester he offered a course in Alternative Dispute Resolution for our students. Professor Getman will join the University of Texas law faculty in the fall.

James Pielemeyer, '74, a professor at Hamline University School of Law, also visited during the academic year to offer Civil Procedure, Conflicts of Law and Federal Jurisdiction.

The third visitor this year was Carolyn Birmingham, who taught Family Law, Sales and Negotiable Instruments.

Law and Society Conference

On September 6 and 7, 1985, Professor Bryant Garth organized a conference on “Traditions of Critical Inquiry in Law and Society” for the Law and Society Association. The speakers at the conference, which was held at the Law School, included: Christine Herrington of New York University, Martha Minow of Harvard University, John Schlegel of Suny at Buffalo, David Trubek of the University of Wisconsin, Jane Collier of Stanford and Austin Sarat of Amherst University.

The Conference was attended by approximately 60 scholars from law schools and other institutions across the country.

Academy of Law Alumni Fellows

At last year’s Law Conference, the School of Law and the Law Alumni Association honored five graduates in recognition of their significant contributions to the profession of law. Shirley Schlanger Abrahamson, Jesse Ernest Eschbach, Carl M. Gray, Earl Wilson Kintner and Sherman Minton were the first inductees into the Academy. The remarks which accompanied the induction ceremony are printed below.

Shirley Schlanger Abrahamson

A jurist, teacher, researcher, advocate, and editor, she has excelled in her pursuits wherever they led. Early evidence of her brilliance brought undergraduate awards at New York University and at the Schools of Law of Indiana University and the University of Wisconsin. She succeeded in breaching the traditional prejudices against women in private law firms and soon demonstrated her ability to engage in prodigious activity both within her profession and in wide-ranging organizations. Along with her private practice she performed the duties of a professor in the University of Wisconsin School of Law, including the leadership of major campus committees. Her service on committees and boards from city and county to state and nation signifies a rare combination of special skills, illustrated in her participation on the Board of Visitors of the Indiana University School of Law. Although she has an abiding interest in the rights of people as taxpayers and consumers whose civil liberties must be protected, she is equally at home in an advisory capacity on judicial organizations. Widely admired and respected, she is the first woman named to the Wisconsin Supreme Court, an appointment clearly approved three years later by her election to a ten-year term. The Indiana University School of Law and the Law Alumni Association salute her achievements with pride and high esteem.

Jesse Ernest Eschbach

A Hoosier with graduate and undergraduate degrees from Indiana University, he has evidenced in his successful professional life traits of character that match his achievements. The expectations raised by his rank as an honor student met early fulfillment in his practice with a private law firm, his stints as city attorney and deputy prosecuting attorney, and his leadership in civic organizations. Military service and brief excursions into business preface his appointment to the United States District Court of Indiana, where he served for 19 years, seven of them as Chief Judge. His tenure was distinctive for the widespread respect he gained for his scrupulous fairness, thorough knowledge of the law, unwavering integrity, and regard for human dignity. Honors signifying that respect have come to him amid public acclaim. The United States Chamber of Commerce cited him as one of the top speakers on labor-management relations, and the American Bar Association entrusted him with membership on a procedural reform committee. He gave memorable service to Indiana University as a trustee, and to the School of Law he has contributed wise counsel on its Board of Visitors. As a member of a special advisory commission on appellate rules and procedures for the United States Court of Appeals for the Seventh Circuit he gained advanced knowledge of the bench to which he was appointed in 1981. That honor reflects distinction upon his alma mater that its School of Law and Law Alumni Association proudly proclaim and gratefully share.

Carl M. Gray

An acknowledged master as a trial lawyer, he gained his spurs before he won his law degree. Service in World War I interrupted his training but not his prowess as he successfully combined careers of banker and attorney upon his return from military service. The American College of Trial Lawyers, the American and Indiana Bar Foundations, and

(Left to right) Chief Justice Warren Burger, Judge William W. Wilkins III, of the Federal District Court of South Carolina, Professor Ilene H. Nagel, Judge George E. MacKinnon of the D.C. Circuit Court of Appeals and Judge Stephen G. Breyer of the First Circuit Court of Appeals after the swearing-in ceremonies for the U.S. Sentencing Commission.
School News

the College of Probate Counsel have named him a Fellow and key professional organizations have had the benefit of his participation. A former State Senator, he brought invaluable political experience to his service on the Indiana University Board of Trustees and a generous mixture of wit and wisdom to the Indiana University Foundation Board. Important statutory contributions resulted from his membership on the Judicial Study Commission and the Civil Code Study Commission of the State. His spirit and generosity have furthered the work of his church and of local youth organizations, but in no greater measure than the support he has given the Cream and Crimson teams of his alma mater. Indiana University and the Indiana State Bar Association have honored him for distinguished service, with the Bar Association additionally declaring a Carl M. Gray Day. For the dimensions he added to the role of trial lawyer, for his boundless loyalty, and for his thoughtful benefactions, the Indiana University School of Law and the Law Alumni Association gratefully tender this accolade.

Earl Wilson Kintner

Self-supporting from the age of eight, he built a legendary career on diligent application of his skills and judgment. His Hoosier birth and education at DePauw and Indiana universities determined his location in Indiana for the general practice of law before the interruption of military service altered his direction. His appointment as Deputy United States Commissioner for the United Nations War Crimes Commission led to the public unveiling of his writing and editorial abilities. He produced valuable material on the Commission and laws of war and has followed it with a series of primers on anti-trust, merger, the law of deceptive practices, and intellectual property as well as with attorneys' manuals. He rose through the ranks, from Senior Trial Attorney to General Counsel for the Federal Trade Commission, before elevation to membership on the Commission and its chairmanship. His return to private practice as a senior partner in a Washington, D.C. law firm allowed the continuation of his leadership role in federal Bar organizations and freed him for the major era of his writing. His leadership has extended to the Board of Visitors of the Indiana University School of Law, which he chaired twice during his two decades of service. To be both provider of guidelines and wielder of presidential gavels for a profession is an accomplishment of enviable dimension. The Indiana University School of Law and the Law Alumni Association hail his contribution to the profession and proudly laud his example.

Sherman Minton

Sherman "Shay" Minton went from humble beginnings on an Indiana farm to a seat on the highest court in the land. Early inured to hard work but always aspiring, he led his law school class at Indiana University with an LL.B. degree summa cum laude and, still relying solely on his own resources, completed his Master of Laws degree with distinction at the Yale Law School. Tempered by a tour of overseas duty in World War I and six years of private law practice, he emerged as a public figure when Governor McNutt named him public counselor of Indiana in 1933. Industry, intelligence, a humane spirit, and the friendship of men of power and influence marked the rise of his political star as he won election to the United States Senate and became the Senate Whip at the height of the New Deal. No isolationist, he lost his reelection bid but won brief appointment as a presidential assistant prior to entry upon his judicial career, first on the United States Court of Appeals for the Seventh Circuit and, after eight years, as Associate Justice of the United States Supreme Court. A man of character and a jurist of distinction, the Indiana University School of Law and the Law Alumni Association posthumously accord him just recognition.

Women’s Caucus

The Women’s Caucus annual auction raised $2,200 this year. Among the items auctioned were dinners at faculty homes, golf and tennis games with various faculty, airplane and hot air balloon rides with faculty, and the like. The success of this year’s auction enabled the Caucus to donate $1,450 to a Bloomington shelter for the homeless.

Law Journal

The Indiana Law Journal, under the able leadership of Editor-in-Chief Ellen Muison, published nine issues of the Journal this year. The acquisition of two IBM PCs for the Journal helped the Board in this remarkable accomplishment.

The 1985-86 Board has announced the Board members for the 1986-87 year. Joseph Marxer will be editor-in-chief. The executive editors will be Mary Lapointe, David McAvoy and Jane Mayes. Jennifer Pratt will be senior managing editor and Al Daspin and Brian Porto will be the articles editors. The administrative editors will be Angela Johnson, Larry Liebeler, Vincent Moccio, Katherine Streicher and Ann Zobrosky. Gayle Gerling will be senior editor. Mark Adamson, Mark Bransdorfer, Daniel Kopp, Vilda Samuel Laurin, III and Michael Rogers will be the managing editors. The editorial staff will include Frank Berrodin, Mindy

(continued on page 13)
Moot Court Board

The 1986-87 Moot Court Board members will be Nancy Craig, Teri Crouse, Joe Heeren, George Patton, David Reidy, Philip Simon and Jean Will.

The Federalist Society

The Federalist Society hosted two symposia at the Law School. The first symposium focused on "Judicial Activism vs. Judicial Restraint: The Role of Federal Judiciary in Setting Public Policy," and the second concerned "Federal Intervention into State Sovereignty." Speakers at the symposia included professors Patrick Baude, Craig Bradley, Daniel Conkle, Stephen Conrad, Lauren Robel and Maurice Holland. In addition, Judge Michael Kanne, '68, and Stanley Fickle, '74, participated in the first symposium. Charles Cooper, assistant attorney general, Office of Legal Counsel and Vincent Ostrom, professor of Government at Indiana University and co-director of the Workshop for Political Theory in Policy Analysis, were speakers at the second symposium.

Law and the Arts Conference

On September 26 and 27, a multi-disciplinary conference on law and the arts will be held in the law school. Organized by Professor Rebecca Rudnick, speakers at the conference will include professors Patrick Baude, Lauren Robel and Michael Sinclair of our faculty, and Professor John Kernochan of Columbia University Law School, Professor Richard Weisberg of Yeshiva University Law School, Professor Marshall Leaffer of University of Toledo College of Law and Robert Anthoine, adjunct professor at Columbia Law School. In addition to the panelists who are members of a law faculty, Steven Weil, esq., deputy director of the Hirshhorn Museum of the Smithsonian Institution in Washington, Elizabeth Weil, director of corporate funding for the National Gallery in Washington, Meredith Palmer of the Herbert Palmer Gallery in Los Angeles and Elizabeth McCann, esq., a theater producer and manager from New York City, will participate. Panelists from other disciplines on the Bloomington campus will include Rudy Pozzatti, distinguished professor of fine arts, David Baker, professor of music, Noretta Koertge, professor of history and philosophy of science, and Claus Cluver, associate professor of comparative literature.


Law School London Consortium

Second- and third-year students now have the opportunity to spend the fall semester studying law in London. The School has joined a consortium with the law schools of the universities of Arizona, Arizona State, Iowa, Kansas, Missouri-Columbia and Utah to enable students to participate in the program. Each of the seven member schools will send one of their faculty to teach two courses in the program every other year. This year, Professor Douglass Boshoff will teach a course in Anglo-American Bankruptcy Law and a course in Law, Ethics and the Visual Arts. In addition to the three American law faculty members, students will have the opportunity to study with a barrister. They will also be exposed to many aspects of the English legal system through court visits, and will have the opportunity to work with English barristers and solicitors.

The classes will be held at University College in London. Students may make their own housing arrangements or may arrange for both housing and transportation through a service agency. Tuition for each student is the same as what he or she would pay at the home law school. This fall, 15 of our law students will participate in the program.

Placement for the Class of 1985

The annual survey of new graduates reveals that 95% of the class of 1985 are employed in law or law-related positions. As has been the case for the past several years, about half the class remained in Indiana and, of those who left the state, many remained in the midwest. Sixteen percent of those who left the state went to the east coast, primarily to Washington, D.C. and New York. Nearly 7% went to the west coast and 9% to the southeast. Four percent went to the southwest.

During the year, 164 employers conducted nearly 2,300 interviews at the School.

Addison Harris Lecture Series

Returning to the remodeled building enabled us to have a full lecture series this year. The keynote Harris lecture for 1985-86 was delivered by Ronald D. Rotunda, professor at the University of Illinois College of Law. Professor Rotunda's lecture, "Law Reviews-The Extreme Centrist Position," was given at the annual Law Journal banquet and will be published in the Law Journal.

Other Harris lecturers were: Ann Witte, professor, department of economics, Wellesley College; "Economic Models of How Audit Policies Affect Voluntary Tax Compliance."

Hendrick Hartog, professor, University of Wisconsin Law School: "The World of Mrs. Packard."


John Bayly, general counsel for Legal Services Corporation: "Current Developments at LSC."

William Winslade, professor, University of Texas Medical Branch: "Confidentiality in Psychotherapy."


Barbara Reskin, professor of sociology, University of Illinois: "Status Hierarchies and Sex Segregation."
Congressman Lee Hamilton: “Aid to the Contras.”
Craig Bradley, professor, Indiana University Bloomington School of Law: “The Uncertainty Principle in the U.S. Supreme Court.”

Stephen Goldberg, professor, Northwestern University School of Law: “The Alternative Dispute Resolution Movement: What Does It All Mean?”

Alumni Briefs

1960

Edward C. King, ’64, who has served as Chief Justice of the Supreme Court of the Federated States of Micronesia since 1981 is the author of “The Bar Examination in a Tropical Paradise” which appeared in the November 1985 issue of The Bar Examiner.
Penelope Farthing, ’70, has been elected president of the American League of Lobbyists. A two-time recipient of the Federal Bar Association Distinguished Service Award, Ms. Farthing practices with Patton, Boggs and Blow in Washington, D.C.
Verner Partenheimer, Jr., ’60, served as a faculty member for a special institute on "Mineral Titles" sponsored by the Eastern Mineral Law Foundation in November, 1985 in Evansville.

1970

D. Kevin Blair, ’78, has become a partner in the Chicago firm of Rooks, Pitts and Poust.
Thomas Clancy, ’73, has opened his own law office at 29 South LaSalle Street in Chicago. He was recently appointed to the Editorial Board of the Brief, the magazine of the Tort and Insurance Practice Section of the ABA.
Steve Richardson, ’73, is a senior counsel for the Wilderness Society in Washington, D.C.
In January, Clarine Nardi Riddle, ’74, became the first woman appointed as deputy attorney general of the state of Connecticut.
Duncan MacDonald, ’69, vice president and general counsel of the Retail Services of Citicorp, testified before Attorney General Edwin Meese’s Pornography Commission in May, 1985.
Franklin Cleckley, ’65, professor of law at the University of West Virginia, was a speaker at the NAACP’s 1986 CLE Seminar on School Desegregation and Voter Rights.
Professor Cleckley spoke on national court trends in civil rights.
Thomas A. Clancy, ’73, has opened his own law office in Chicago, IL.

1980

Linda Netherton, ’80, is an administrator at Pacific University, Forest Grove, OR.