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Power struggle influences law schools at the expense of 'liberal' Bloomington

The recent controversy surrounding the two I.U. law schools seems to resemble the well-known Jeopardy game show. Everyone knows the given answer — merging — but no one seems to have any intelligent question besides — why?

Individuals interviewed, who are in some way affiliated with I.U. Law School-Bloomington, are unhappy and feel threatened by the talk of a possible merging between the law school on this campus and the I.U. Law School-Indianapolis. These people believe some "culprit" exists that is making plans at the expense of Bloomington's legal education system.

The debate has surfaced as a result of Louisville Courier-Journal, Indianapolis Star and Daily Student articles which stated the Bloomington law school might be closed if the two schools merge. According to the article appearing in the Louisville Courier-Journal Thursday, Sept. 18, I.U. President John W. Ryan rejected this idea and planned to "name an advisory committee of lawyers and judges to search for ways to improve cooperation between the schools — one in Bloomington and the other in Indianapolis."

Ryan's response evolved from a statement made by Chief Justice Richard M. Givan of the Indiana Supreme Court in the Tuesday, Sept. 16 Indianapolis Star, that "if the two schools are not combined, the division between them will grow and grow — much to the detriment of the Bloomington school."

In comparison, Bloomington sentiment reveals an attitude antithetical to Givan's. Most people interviewed believe history shows that the autonomy of the two schools is essential for optimum legal education in Indiana.

The law school in Indianapolis was consolidated with Bloomington from its origins in 1944 to 1968. In 1968 the split into two separate I.U. law schools evolved after a committee decided that because of the distance factor and the distinct environments of the two cities, the schools would serve law students best as two autonomous institutions.

The question most frequently asked by interviewees this past week has been, considering the history of the Indiana law schools, why talk of merging again?

A general belief prevails among those questioned that a "power struggle" is the motive behind the merging debate.

There is speculation the origin of the dispute lies with William F. Harvey, dean of the I.U. Law School-Indianapolis. Many persons believe he is vying for more power over legal education in Indiana.

Others surmise Rule 13, enacted in spring 1974 for the state of Indiana, perpetuates the belief that the I.U. Law School-Bloomington is being "squeezed dry" by state politics. Rule

analysis

13, which requires law students to study 54 stated hours, has induced a lot of complaints because of its restrictive curriculum. Still other persons interviewed speculate the recent talk of merging is an attempt to phase out legal education on the Bloomington campus.

Dean Harvey and Chief Justice Givan say no. They deny there is any plot attempting to undermine the Bloomington law school. The recent talk of merging, according to both men, is an attempt to examine the future of Indiana's legal education system and to devise the "best possible structure for the law schools."

Before drawing any conclusions on the reasons for and the effects of merging the law schools, it is necessary to examine several events prior to the recent merger controversy.

According to one source who wished to remain unidentified, rivalry and power politics have existed between Indianapolis and Bloomington concerning legal education since the establishment of the Indianapolis law school as a branch of I.U. in 1944. Indianapolis offered only a night school program for law students until 1968. In the legal world, the school was historically (until the past few years) viewed as the law school second to the one in Bloomington.

A Daily Student article from February 1968 said Indianapolis favored the split into two law schools that year because it wanted to shed its "night school" image.

Out of this sentiment grew a strong drive by Indianapolis faculty and students to build its law school, both in academics and reputation. In order to do this, "Indianapolis law school administrators began to play the game of politics by appearing at all the Indiana Bar Association parties and winning favors with the Indiana Supreme Court," one member of the Board of Visitors said. (The Board of Visitors is an advisory group for I.U. Law School-Bloomington composed of lawyers and judges.) "Dean Harvey, especially, has been guilty of this," he added.

In the meantime, Bloomington's law school has been setting a different image for itself in the Indiana legal world. Because of its curriculum and the liberal attitude of its deans, I.U. Law School-Bloomington has been considered the "radical" law school, which has displeased conservative lawyers and judges in the past four years.

In 1971, to the dismay of many protesting students, Bloomington law school's Dean William Burnett Harvey (not to be confused with current dean of I.U. Law School-Indianapolis Dean William F. Harvey)

was asked to resign his position. At the time, many persons speculated his "resignation" stemmed from his liberal approach to academics and his outspoken stands regarding the war in Vietnam and student campus protests.

If an angry fire was burning in Bloomington over the 1971 Harvey incident, the enactment of Rule 13 in 1974 added extra gas.

Outraged interviewees said the requirement does not provide "needed guidance" but is restrictive and unnecessary. These persons said Rule 13 is another jab at "liberal" Bloomington. Previously Bloomington required approximately 15 hours which left most persons enough free time to study less traditional courses as environmental, women's, welfare and sociological law.

According to one I.U. Law School-Bloomington graduate, many people believe the Indiana Supreme Court-enacted Rule 13, is designed to gear students away from these non-traditional, non-state oriented courses and "to train everyone to become Indiana practitioners," she said.

Harvey and Givan defend Rule 13 as a guidance to help students prepare for bar exams after 1973's relatively high percentage of flunk-outs from the Indiana bar exam (statistics were unavailable according to the State Board of Law Examiners.)

In comparison, Boshkoff has been outspoken and consistent in his disfavor of Rule 13, and many of the persons interviewed speculate this may have "cost Bloomington politically."

Out of this background arises the talk of "merging" the two law schools.

More than three months ago Harvey wrote Boshkoff and explained his and the I.U. trustees' support of an Indiana Legal Research Center in Indianapolis. Harvey said the center would "probably absorb all the the law library here (Indianapolis), and perhaps a substantial part of the law library in Bloomington too."

This statement, more than anything, has evoked a barrage of complaints from concerned people in Bloomington. According to the Courier-Journal, implicit in Harvey's remark is "the understanding that the Bloomington law school, shorn of its library, would die." Neither the persons interviewed nor the Wilburn Committee that investigated the reorganization of the entire University administration last year, wish to see the discontinuation of the two law schools. They especially don't want to see the Bloomington law school "die."

President Ryan will appoint a committee to examine the possibility of merging the two law schools shortly. The committee will decide when and how to mesh the schools into one institution. There is talk the I.U. law schools in Bloomington and Indianapolis will have one dean with one "cooperative" faculty and identical curricula, but currently no one is certain exactly what "merging" the schools would entail.

In the meantime, the undercover battle continues — undercover because most people who are opposed to merging are remaining silent and unidentified. There seems to be an attitude among the individuals interviewed which is summed up by Boshkoff who said, "We'll simply have to wait and let the committee make the decision."

And as one member of the Board of Visitors said, "Let's just hope the committee is fair. This is not time for politics."

Denise Pattiz
Opinion Page Assistant

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