Bill of Particulars

Spring 1994

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- Alumnus delivers first Willard Z. and Margaret Carr Lecture
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Cover: The cover depicts the three law journals now published at the Law School. Notice that the Federal Communications Law Journal's inaugural issue features greetings from the president of the United States and the governor of Indiana; the Indiana Law Journal features an article by the Honorable Richard Posner; and the Indiana Journal of Global Legal Studies features the products of an agenda-setting conference. One last note: The latitude and longitude markers on the Indiana Journal of Global Legal Studies point to Bloomington!

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Welcome to the IU School of Law

On Monday, Aug. 23, 1993, the dean addressed the entering class. We share that message here with all of our alumni.

My only purpose this morning is a very happy one—and that is to welcome you all to the Law School. We are proud to have you with us, and we wish you every happiness and success.

As the Class of 1996, you join a law school community that is 151 years old—one of the oldest and finest law schools in the United States. By way of welcome, I want to tell you something about this community, why we chose you for it, and why we hope you chose us for yourself.

First of all, this is a great law school with a proud tradition in both the legal profession and the university. From its beginnings in the middle of the last century, this law school’s record of achievement has been the record of its students and graduates. Your own high academic caliber and commitment to law have brought you into the same academic family as those of our graduates who are known the world over as creative lawyers and civic leaders: Supreme Court Justice Sherman Minton (Class of 1915), presidential candidate Wendell Willkie (Class of 1916), Congressman Lee Hamilton (Class of 1956), Wisconsin Supreme Court Justice Shirley Abrahamson (Class of 1956). We are equally proud of the hundreds of our graduates who serve society and their profession with quieter distinction, bringing judgment and justice to their communities, and who are attentive to the needs of others. You have now joined a very distinguished and accomplished family. All of these women and men are now your sisters and brothers.

The dedication, creativity, and productivity of the law school faculty and staff make this an exciting place that works—in the classrooms, the library, the offices, the hallways. Here, we all learn from each other, all of the time. Dialogue both in class and out of class, between professors and students and among students themselves is one of the primary learning tools of this environment. Do not hold back. Ask your questions, try out your answers and formulate your own theories. The world of law is a world of words. Words, language, and the connection between language and human affairs is the stuff of law. You will learn by reading, writing, and speaking. Do not hold back.

The faculty are dedicated to teaching and research, reinforcing the one with the other. Your teachers will provide you with much more than information—they will provide you with questions, cutting-edge analyses, intellectual and ethical connections that are the fruits of their own ongoing study of the law. They will not only train you—say, for the bar—they will also educate you by helping you formulate the questions and develop the intellectual processes that will sustain you in your professional life not only as beginners, but as seasoned advocates 20, 30, and 40, years from now. Your careers will span well into the 21st century—all of you, we hope, will attend the law school’s 200th anniversary in 2042; at this law school, we have our eye on the future, for your sake.

The people and spaces within the Law School connect you both to the law school community and to the great university around us. Indeed, this law school community is an integral part of a world-renowned university. I hope you will make use of the university, not only in the joint degree programs, or for elective courses, but also to enrich your own creative imaginations, to nourish them. Come to the extracurricular lectures and seminars at the Law School, but don’t ignore the academic calendar outside our walls. You will study hard, but you will have missed something essential about Indiana University if you let the concerts, theater, the art museum, and (yes) sporting events go on without you. Lose yourself in our beautiful library overlooking Dunn Woods, but don’t forget to walk in Dunn Woods, whose landmarks are sculpture, the Well House, the observatory, and the changing face of the seasons.

Perhaps I can tell you something
about why we chose you for the Class of '96. We chose you as individuals.

Your individuality—your goals, achievements, abilities, and whatever is uniquely yours—is going to be the foundation of whatever you do with your legal education. Your individuality is the seat of your creative imagination and your intellectuality; it is also the heart of your integrity, your virtue, and your sense of justice.

Your individuality is going to be tested thousands of times in your daily practice of law—both by the legal problems your practice provides you, and by what it means to be a lawyer in today's world. Being a lawyer takes courage: the courage to stand up for someone else, to do for her or him what needed doing and could not be done by other means.

And, although it might seem an odd thing to say, it also takes courage to stand up for the legal profession in these days. I'll explain what I mean.

The stock antipathy to lawyers we hear so much about these days is not new, except in its virulence. We hear a lot about lawyers' greed and incompetence, but surely, avarice and incompetence are randomly distributed across the population, and our profession has no more than its share. Of course, we should worry about those among our numbers who discredit their profession by misserving their clients and their society, but these numbers are, thankfully, small.

We hear a lot about the overuse of courts in this country, but, contrary to the common stereotype, the United States is not a society where the courts are overused. The latest figures show that some 70 percent of Americans have consulted a lawyer for one or more matters, but, contrary to popular opinion, these matters are not all lawsuits, or even disputes.

This is a society in which lawyers are intimately involved in the everyday business of life; part of the fabric of a society that lives by the rule of law. And so far as litigation goes, once U.S. litigation rates are compared to those of other industrial nations, we are not at the top of the list, but only near the top of the middle third.

These myths are propagated by well-meaning people, I'm sure, but their effect is deeply undermining. While I recognize the importance of being able to laugh at ourselves from time to time, I'm getting tired of lawyer jokes and especially the lawyer-bashing that is in such vogue these days. When people laugh at lawyers, I worry that they might be laughing at the causes lawyers serve. I worry that when they call lawyers ambulance-chasers or compare them unfavorably to snakes, that they are really laughing at the ordinary people who want and deserve redress for their injuries. I worry, too, that when they say lawyers are responsible for weakening the social fabric, they are decrying the importance of rights as a basis for a civil society, indeed, even constitutional rights. Or when they lament that they erroneously believe to be this country's high rates of litigation, they are dismissing the reality of people's grievances and the legitimacy of their disputes.

The fact is that we live in a complicated world, in which people's need for law exceeds their own abilities to negotiate relationships on their own. My own prediction is that more and more of lawyers' work will take place at negotiating tables, rather than in courtrooms, and that future lawyers will be increasingly involved in the affirmative task of building the global relationships that will be the shape of the future. Lawyers are already involved in deeply constructive ways, not only protecting individual Americans against the unruly demands of a mass society, but also in helping other nations build their own democracies from the ground up. American lawyers are also helping nations work together to protect the global environment and other world resources, human and otherwise.

People who attack the legal profession would perhaps wish they could roll back the clock to the days when lawyers were local professionals, but today, they are global professionals serving entirely new purposes along with the ones that your older sisters and brothers in the law know and knew.

I firmly believe that this new world needs every one of you. Hold your head high when you say you are preparing for a career in the law. It is an honorable profession, at the very core of our democracy and the rule of law, here and around the world.

So, a warm welcome to you all. Welcome to the Law School and to the threshold of the legal profession. We hope you will be proud to have chosen both, as you face personal futures that will give you many chances to discover your own capacity for courage, creativity, and service. We believe in you, we are happy you are here, and all of us in the Law School community look forward to knowing you.
Reinventing Property: A Conversation with Kyrgyzstan

Imagine this: You are a legislator in a country where all property is held by the state. After a world-shaking event, you become convinced that private ownership of property is one key to democracy and stability. You are particularly convinced that the people of the country need some stake in the land. Develop a system of property rights.

Before you replicate the fee system and start divvying up acres, add these facts to your decision. Your country is surrounded by other countries that have the capital to develop the land, and might want to buy it. And the people of your country earn, on average, $2 each month.

Welcome to Kyrgyzstan, a small country that was formerly part of the Soviet Union, and one of the most aggressively reformist emerging democratic republics of the former Soviet state.

Property professors Jeffrey Stake and Joe Hoffmann spent several bracing hours with leading government officials and legislators from that country, grappling with the fundamental questions of a system of property.

"The Kyrgyzstanis had asked to meet with officials at various levels of United States government, and they were specifically interested in how we handle property rights, because that is one of the biggest problems they face in moving from a system in which all land is owned by the government to a system in which there is private ownership of land," says Hoffmann.

Through his service on local planning boards, Hoffmann became aware of the Kyrgyzstanis' visit, and immediately thought they should meet with law professors--"people who make it their life's work to study the way that these systems operate."

Stake notes the Kyrgyzstanis' concern with the relationship between human rights and property law, a relationship familiar to our constitution's authors but one that often sounds antique to modern American ears.

"Several legislators were arguing that one of the essential human rights is to sell property, he says. "We tend to think of the issue of alienation of land in utilitarian terms: What are the economic losses that result if alienation is prohibited, for instance. They clearly found the notion of regulating alienability incompatible with the concept of ownership. It was a refreshing shift in perspective."

What is the biggest problem the country faces?

"They do not want to become tenants on their own land," says Stake. This fear is realistic in a poor country with very little to offer on the international market except land and the labor of the Kyrgyzstani people. Only six percent of the land is arable, there are no significant mineral or oil deposits, and as Hoffmann points out, "They are looking at a situation in which the only thing they can sell is the potential to put things on the land. Their worry is that the Chinese and Turks, who have resources, may see their land as a place to build the factories that people don't want in Turkey or China. How can they risk turning the land over to people who make $24 each year?"

"We have faced this issue in our own country in recent years, as foreign investors buy sites that have emotional value for Americans," notes Hoffmann. "But we have nothing like the Kyrgyzstani's concern that their entire country would be sold out from under them—and at an unreasonably low price."

While committed to privatization, the visitors voiced fears that years of communist control have left the people of Kyrgyzstan unsophisticated in the marketplace. "Frankly, if they
felt that their own people knew enough about free-market systems to place a proper value on the land, then we could have a serious debate about whether there is anything wrong with selling much of the land to foreigners at a fair price, and then using the considerable capital gained to develop indigenous industries," Hoffmann says.

Stake, however, is cautious about economic arguments. "It seems to me that the country has a legitimate interest in its own nationhood, and it would be clearly wrong to allow their people to sell their country out from underneath them, by mistake or lack of sophistication."

The government office that arranged the Kyrgyzstan's visit had suggested that their primary interest would be in learning of land-use controls such as zoning. But, Hoffmann notes, "The purpose of such controls is to curtail and confine the free use of land in order to control the engine of commerce and development. In Kyrgyzstan, the problem is just the opposite: how to attract investment to develop the land. What they were interested in was how to give people incentives for development. The last thing they care about at this point is restrictions on land use, beyond the kinds of controls one might impose to prevent serious environmental risks."

Hoffmann and Stake both note the difficulties in offering alternatives without a thorough understanding of Kyrgyzstan's current laws. Some suggestions, such as the possibility of allowing long-term leases, clearly astounded the visitors.

"We were trying to get at what the laws were at present in Kyrgyzstan, and we asked questions about whether their law allowed for leases," says Stake. "While they said it did, they found the idea of long-term leases, of 50 or 100 years, for instance, inconceivable. But perhaps their incredulity at this notion has political roots—perhaps the idea that you could sell your land for 100 years and ever get it back from the landlord is politically unthinkable."

These fundamental questions must be answered in a country of diverse population. Hoffmann observed that the visitors often divided along ethnic fault lines. "The group was a mixture of ethnic Russians, who had been the equivalent of the ruling class in the republic and had been long-time residents of Kyrgyzstan, and ethnic Kyrgyzstanis, with Asian roots. It was a wonderful group of faces."

Despite the divisions, the visitors struck both Stake and Hoffmann as fundamentally committed to democratic processes. "It seemed quite clear to me," says Hoffman, "that what various members of the delegation were doing was playing off against each other in the typical democratic way. In other words, these were not ethnic Russians trying to bully indigenous people; these were the equivalent of Democrats and Republicans arguing on the floor of the United States Congress. These were people who were arguing as equals, trying to use what Jeff and I would say as arguments in their own ongoing democratic debate."

And the opportunity to contribute to a discussion about first principles in property left them both exhilarated.

"We teach our students a system of property rights that is more than 900 years in the making," says Hoffmann. "Kyrgyzstan's central focus as a nation right now is to think through first principles of property rights. For instance, it occurred to both of us that the fee tail, a device whose usefulness has come and gone in our system, might be useful as a model for how they might entail the land and keep it 'in the family.' Talking to these people about their problem and realizing why this might be a useful thing for them puts the development of our own law in perspective—suddenly I could see why English families might have come up with this idea. In some ways, it was also like being back in Philadelphia watching the Constitutional Convention. We felt a sense of reverence and awe at what they are trying to do."

"And an intense sense of responsibility," adds Stake. "Their country has all sorts of needs and uses of property that we don't know about. I wanted to be very careful not to be prescriptive, to confine myself to pointing out benefits and costs of various devices. They were challenging us at the most fundamental level to explain why we do what we do and whether or not the assumptions on which our system is built apply or are reasonable assumptions in their situation. And if not, then why should they pay any attention to us? The discussion was exciting because it was so basic, so essential; it got right to the heart of why we might have the system of property that we do."
Names and boundary representation are not necessarily authoritative.

KAZAKHSTAN

Lake Balkhash

STAN

Balkhash

Kyrgyzstan — International boundary

Oblast boundary (approximate)

National capital

Oblast center

— Railroad

Road

Information on the 1990 reorganization of administrative divisions is incomplete. It is not clear whether the administrative center of Issyk-Kul'skaya Oblast' is Issyk-Kul' or Przheval'sk. An oblast is named only when its name differs from that of its administrative center.

Why Scholarship?

The age-old debate about how faculty members allot their time between research and the classroom has resurfaced nationally and locally as legislators and alumni look closely at funding for higher education. While the debate usually assumes that benefits accrue from university-based research, it often assumes that these benefits come at the expense of teaching.

Last year, faculty research at the law school led to seven books—all of them are being used in the classroom, either as primary texts or as resource materials for students. Professor Mary Ellen O’Connell coauthored, with IU President Tom Ehrlich, a text on the use of force. Professor Bill Popkin authored a text on legislation. And Dean Aman authored a text on administrative law.

At a recent Board of Visitors meeting, several scholars at the Law School discussed what their research means to them and how it informs their teaching. Here are excerpts from that discussion.

Craig Bradley: Teaching Ideas for the Future

(Craig Bradley used his book The Failure of the Criminal Procedure Revolution as the basis for a recent seminar in criminal procedure. The book advocates the adoption of a national code of criminal procedure.)

In 1975, I was a law clerk to Chief Justice Rehnquist. Because he was then the junior justice, it fell to him to plan the Supreme Court Christmas show. Justice Douglas had just retired and Justice Stephens had not yet been chosen to replace him, so the theme of the show was the various interest groups singing, to the tunes of Christmas carols, their pitches to President Ford about who he should name to the Supreme Court. As a clerk, my job was to help the Justice write the lyrics for the show. One of the songs that we did, sung to the tune of “Angels from the Realms of Glory,” was “Liberals from the realms of theory, Should adorn our highest bench, Though to crooks they’re always cheery, At police misdeeds they blench.”

“Save Miranda, save Miranda, save it from the Nixon Four,” sang the chorus falling to their knees. I know that many practicing lawyers think of academics as a bunch of “liberals from the realms of theory.”

I don’t think of myself that way. I was a prosecutor in Washington, D.C., for seven years before I went into teaching. I consider my function as a law professor, in addition to trying to teach students how to practice criminal law, to be to do research that is practical and useful to judges and to the people arguing before them. Research has practical application if it works to advance law in directions that will make it more coherent and better. While this goal can be advanced by research that is both theoretical and interdisciplinary, in my view research that is only of interest to other academics, and does not relate to the attempt to improve the legal system, is less valuable than research that is aimed at this goal.

One of the things that really struck me as a prosecutor was what a mess our rules of criminal procedure were in this country. As I began to teach the subject, I became even more impressed with how needlessly complex these rules were. We don’t have a set of rules of criminal procedure as such. What we call the rules are simply a set of Supreme Court opinions—30- to 40-page-long decisions that have been issued over several decades. We expect police to execute this body of law, which no lawyer could possibly master. Then we end up suppressing a good deal of evidence because inevitably they make mistakes.

It has always been a dilemma in this country, and one that caused the Supreme Court in 1961 to pull the states into the federal ambit, that there seemed to be no federal authority to promulgate national rules of criminal procedure. Consequently, the only way to get states to conform to constitutional principles was for the Supreme Court to decide individual cases and for lawyers and judges to try to extrapolate the “rules” for those individual decisions.

In researching other countries’ criminal law, first in Germany in 1982, and then in Australia in 1989, I
was struck by two things. First, I realized that not only those countries, but also the other major western European countries had a national code of criminal procedure. These codes spell out things like how long interrogation can last, what warnings have to be given to the suspect, whether the police can use deceit. In the United States, there are no clear answers to many of these questions, not only because it's hard to discern answers from a lengthy Supreme Court decision, but also because the court just hasn't reached many of these topics. Second, I realized that the United States could have such a system. While we had always assumed that Congress had no power to promulgate such a code, I recognized that now that the Supreme Court has incorporated the Fourth, Fifth and Sixth amendments into the Fourteenth amendment and applied them to the states, Section 5 of that amendment gives Congress the power to enforce its terms. It follows from the terms of the Fourteenth amendment itself that Congress can act to enforce the (now incorporated) requirements of that amendment by enacting a national code of criminal procedure. I argue just that in my book.

I think it is an intensely practical book, designed to deal with day-to-day problems in law enforcement and in the criminal procedure system even though it is founded on constitutional theory. I used the book in my seminar this year in the hopes of inculcating at least the 12 or 13 students in the seminar with the notion that a criminal procedure code for the United States would be both a desirable, and constitutionally possible reform.

Alex Tanford: Taking an Intellectual Journey

(Alex Tanford recently published the second edition of his text The Trial Process: Law, Tactics, and Ethics, which he uses in his course Trial Process.)

I must confess I am one of those liberals from the realm of theory that Craig and Justice Rehnquist were concerned about. Interestingly, I consider myself very theoretical in my approach to academics, and yet I teach and write about the most atheoretical and practical of subjects in the law school curriculum: trial tactics.

I want to comment on how the theoretical and practical sides of my job have influenced each other and cross-pollinated. The usual way that our scholarly work affects our teaching is illustrated by an article I wrote at the beginning of my career on the emerging rape shield laws. That article has been picked up and
excerpted in four criminal procedure textbooks and three evidence textbooks written by other people—a typical example of scholarly research influencing what happens in the classroom.

A second way that research relates to teaching is through the writing of textbooks for classroom use. After you teach for a while, you become convinced that you could write a better textbook than the one from which you are teaching. When I started teaching, the literature available to teach trial tactics consisted of two books. Both of them laid out the collective attorney folklore on what made good courtroom tactics. Neither one of them contained a single word about legal ethics. Neither one suggested that there might be a rule of procedure that affected what happened in the courtroom.

That there were such rules had been hammered home to me the first time I tried a case in New York. I got up and I walked to the blackboard, took out my chart and my chalk and I wrote down the three issues the state had to prove just like I had been taught in law school in my trial practice class. The judge slammed his gavel down on the bench and said "What on earth are you doing?" When I got up off the floor, I told him I was outlining my opening statement, to which he replied, "You may not use any exhibits or diagrams in opening statements. Don't you know the rules?"

It had never occurred to me as a student taking a trial practice class that there were rules under which courtrooms were run because they weren't taught and they weren't in the books. This experience was the genesis of my textbook Trial Process. I knew something was needed, did the necessary research, and wrote a new book that went beyond the existing texts.

After that the interaction between my research and textbook becomes somewhat more complicated. Even as I was teaching traditional trial advocacy, I was developing an intellectual interest in psychology as another way that one could think critically about the trial process.

There are a group of people over in the Psychology Building who make their living studying aspects of persuasion and small group behavior, and I became interested in integrating these theoretical insights into my research. During a sabbatical leave and a later fellowship, I studied law and psychology with Michael Saks, who is chair of the American Psychology Association Section on Law and Psychology.

Based on that study, I wrote an article on better trials through science, which talks about using the psychology of persuasion and communications to improve the way lawyers try cases. That paper and article caught the attention of a couple of social scientists who work in the field of communication science and who were writing a book on the psychology of legal communication for graduate students in communications. They asked me to write a short chapter on legal communication for the book, which is now being used in psychology graduate programs. I started to attend conferences put on by the American Psychological Association, which has a very small division of psychologists who are interested in jury behavior and trial procedure. After a few years, I worked up my courage and presented a paper on a fairly obscure issue, dealing with differences between how lawyers and social scientists analyze facts. That talk eventually led to a highly theoretical law review article, which probably no one read.

At that meeting, I met a psychologist from Indiana University named David Pisoni who had become involved in the National Transportation Board's investigation of the Exxon Valdez accident because his areas of specialty were psychological effects of intoxication on speech. We had a lot of fun with that and co-wrote another theoretical article, critiquing the rules of evidence governing the admissibility of social science evidence and expert witnesses.

This all leads to the third, least direct, way that research affects teaching. It changes the person who conducts it. My work in law and psychology exposed me to new people, ideas, and literature. It gave me marvelous anecdotes for use in class. I can play tapes of Joseph Hazelwood, the captain of the Exxon Valdez, reporting to the Coast Guard that he believes his ship has run aground and there may be a problem. And then I can give students Dr. Pisoni's data and analysis, give them the expert testimony rules and say okay, there's $300 billion at stake, you represent the state of Alaska, you represent Exxon, this group is the...
judge—fight it out—are you going to let this testimony in or not?

When I wrote the second edition of the trial process book last year, which has a chapter on expert witnesses, this research led me to rewrite parts of that chapter.

Other research on the psychology of jury instructions also ended up in the second edition of my book, as did my research on the psychology of communication. Until I conducted the research, I didn’t even know that a new edition of my trial practice textbook was necessary. I am proud of the new book because it again takes the teaching of trial practice to the next level. Now students not only have the folklore of trials, they also have presented throughout the book a systematic body of social science and psychology that gives them a different perspective and provides ammunition to think critically about the trial process.

One final note. All this research and teaching can have a practical effect as well. Last year, Chief Justice Shepard appointed me to serve on the Rules of Evidence Committee drafting a new set of rules for Indiana. My research led me to recommend a more modern view of scientific evidence and expert testimony that more closely reflects what the scientists themselves believe they can contribute at trial. My recommendation was adopted. Two months later, the United States Supreme Court followed Indiana’s lead and changed the rule on scientific evidence for the entire United States.

Gene Shreve: Defining Who We Are

(Gene Shreve is about to publish the second edition of a popular treatise, Understanding Civil Procedure, which he co-authored with Peter Raven-Hansen. He spoke recently about his view of the importance of law teachers also being scholars and writers.)

We all understand that professors, particularly professors at a university law school, need to attain and keep a very high level of understanding in the areas in which they teach. Scholarship tends most of the time to produce particular areas in depth rather than a kind of comprehensive discussion of field. These particular areas of depth provide perhaps all that is needed to teach a seminar, but they are not going to be adequate to inform the professor at that level for all of the work that will be undertaken in most of his or her law school courses. Still, that work in a particular area is very valuable. It’s valuable because within the course there will be certain periods of time that we look forward to when we will be in the part of the course where we have done extensive work. And beyond that, because we’ve done extensive work in-depth on some particular rule or some subfield in the course, we will be able to appreciate the work application and commitment of scholars productive in other areas within our spheres of teaching. That is to say, we will be able to become informed, discerning consumers of the work of others insofar as that work shapes our thoughts and our planning and helps provide us with the information that we, in turn, can convey to our students.

I think we all accept the idea that students teach and teachers learn. For us to be learning along with our students, we have to continually face challenges that stimulate us in our learning. In the first few years of law teaching, we are stimulated by the need to learn enough about the subjects we teach to do justice to them and to keep ourselves out of trouble in the classroom. When permitted to teach the same course over a number of years, naturally we reach a point of where we have learned a fair amount about the subject. And for us to continue to have about our own activities a state of energy, a state of learning, we need another frontier—often represented by more research. For this reason among others, law professors tend only to engage in extensive legal research and writing only after the first or second year. That’s when it is appropriate to do so. That’s when it is really necessary for law professors to do so not only for their lives as scholars but also for their lives as teachers.

Finally, I think that law teachers need to have a strong professional self-image in the classroom. We, therefore, have to feel good about ourselves, about our state of knowledge, about our place in the legal academy at large. My guess is that it is very difficult to have the kind of self-image that we need as law teachers if we haven’t done a good deal of our own scholarly work.
Particularly at this university law school, we cannot project the kind of attitude toward our subject and toward our function as teachers that we should if we are merely curators of the work and the ideas of other people.

Unless we are ourselves researchers, we may not be familiar with those significant crossroads points in the courses we teach so that we know where the important issues are. We are all sufficiently intelligent, sufficiently clever that we could conjure up great, intellectually-stimulating dramas within our subject areas. However, whether those dramas really prepare the students to cope with reality depends on how much we really know about the course. How much we know depends in turn on how deeply we've read into matters of information, matters of methodology, matters that will enable us to determine what was important, what is important, and what is likely to be important in the future. And we owe it to our students to be able to formulate as exciting topics for debate or dialogue those topics that, in fact, are the most deserving of attention today. Our own research engenders in us respect for all that is probing and topical in the areas in which we teach.

There is a final way that it helps our effectiveness as teachers to have engaged in a substantial amount of research and writing. It is true that there are certain ways in which we exercise ourselves professionally and intellectually in research and writing that produce the levels of competition and levels of attainment that, however important they are, are not directly important in the classroom. Yet the law professor who is not an active scholar may try to compensate by proving things about his or her intellectual gifts in the classroom that are not necessarily the most appropriate use of the professor's time. After all, the purpose of the professor's work in the classroom is not to demonstrate to that limited captive audience how bright he or she is, but rather instead to facilitate as much learning as possible. That means sometimes we push hard and push ourselves hard and try to be as bright as we can, and it means sometimes we stop and listen and try to ascertain where the class is and where weak learning needs help. When we have a well-delineated identity as scholars, it is not always necessary for us to seize every possible minute when teaching to demonstrate just how bright we are, or how much more we know than the student.

When one writes a hornbook like *Understanding Civil Procedure*, one aspires to a lot of teaching in other law schools. This is because one of the functions of the hornbook is to extend the process of learning, of assimilating and ultimately coming to closure with reference to the material. One of my goals in co-writing this book is to, therefore, infiltrate the classrooms of American law schools all over the country, and that has actually occurred to some degree. So far as my own classroom is concerned, I think the students feel there is some value in my also having done a hornbook. It provides a means for the students of continuing or clarifying my particular slant on the materials.

I just want to comment on one other function of our research and writing, and that is the role of the scholar in informing the bench or bar and of guiding the development of reform. The grand style of American legal scholarship, with such masters of the legal treatise as Williston and Scott and Wigmore laying out magnificent studies of particular fields of law, has passed. Today, American legal scholarship is in a very different place. But if Williston, Scott, and Wigmore were alive today, it is just the work *they* would be doing. The process of legal scholarship—and all scholarship really—has always been one of simply telling the truth. It is to be hoped that scholars who are engaged in the process of telling the truth are, in addition, having some success in getting to what the truth is.

Today the process of truth telling tends to have characteristics that are radically different from those of the great era of the legal treatise. Now scholarship often has to do with inquiries that seem to be much more interdisciplinary. And it also has to do with sorting things out in a political, a social, and a cultural realm that is much more diffuse and much more dissonant than in earlier days. But that is a part of the world in which we live now. We must accept the realities of that world and also keep an eye toward the future. The future is going to be a time of re-trenchment, synthesis and rebuilding, and I do hope that when all of that occurs, the academic lawyer will play as large a role in the legal community as the academic lawyer played in the earlier age.
SERVING THE COMMUNITY: ENTREPRENEURIAL APPROACH, PERSONAL AGENDA

Law school in the '60s in Bloomington, Ind., presented a wonderful challenge to me, a recent graduate of the business school of the University of Colorado. As an undergraduate student, I was not particularly disciplined or mature; I rarely studied, thereby giving new meaning to the term "creative writing" during written examinations. Law professors Jerome Hall, Jack Getman, Harry Pratter, and Doug Boshkoff made learning challenging and exciting. I have special fond memories of Professor Val Nolan, whom we immediately dubbed "The Shadow" because he had the ability to "cloud men's minds." He is greatly respected and adored for his brilliance and caring teaching methods. Moreover, for the first time, school was becoming fun.

One event, however, during those years is especially worth noting inasmuch as it provided the thinking that set the pattern for my attitude toward entrepreneurship, philanthropy, and community service. Upon returning to law school for my second year, I discovered that I was the recipient of a law firm-sponsored merit scholarship. This took me completely by surprise inasmuch as I was unaware of the existence of such a scholarship. I cannot remember the exact amount of money, but I believe it was approximately $1,500. However, it represented a tremendous amount of money to me because I had never had a single undesignated dollar in my entire life. I immediately set about using this new resource in an attempt to become fabulously wealthy—in a hurry. After a quick study, I knew that the commodities market was the answer, and I invested the entire amount in corn futures. Needless to say, I was broke again within 10 days. The experience taught me two principles, which I have adopted as part of my "fundamentals of entrepreneurship." The first is conservatism. I now operate all of my businesses in a conservative balanced-risk manner. Equally important, however, is the principle of community service. The scholarship helped me to understand for the first time that there were good people in our profession who were giving something back, and I began to recognize the obligation of successful people to make available resources, including money and energy, to the community in which they live. Janie and I have endowed a law school scholarship that provides for community service as an essential requirement of the recipient in order to maintain qualification for the scholarship award.

How does one use an entrepreneurial approach in serving the community? I will offer three illustrations, one in the not-for-profit sector and two in the for-profit arena.

Everybody complains about red tape. Red tape exists everywhere, including the world of community service. In central Indiana, for example, many of the problems of society are addressed by social service agencies according to a customary method without regard to the ever-changing landscape of human needs. In response to what we saw as stagnation, Janie and I established a capital venture project in community service in collaboration with United Way of Central Indiana.
We authorized a United Way committee to designate an entrepreneur as a recipient of a $100,000 grant. The recipient was to undertake the development and execution of a community service project over a period of two years. The project was to be a new, creative approach to delivery of needed services, rather than duplicating existing approaches. In addition, the project had to encourage and promote volunteerism. The express purposes of the program were two-fold: to encourage the development of new and innovative approaches to providing services designed to address high priority community problems and to enlist the experience, talent, imagination, and participation of successful business entrepreneurs in the work of United Way.

The United Way committee chose as its first recipient a successful commercial real estate developer. At the annual meeting of United Way, he gave a moving acceptance speech and declared his heartfelt desire to use the grant in order to achieve the goals of the program. Within six months, his real estate empire had developed some cracks and he opted completely out of the program. The committee dutifully chose a second or substitute designee who conceived of an interesting idea but was not able to successfully implement his program. Less than half of the original grant was spent, and it would appear that United Way will discontinue the entire project. Obviously, this approach to entrepreneurial philanthropy was not a successful experience.

The second example of an entrepreneurial approach to serving the community is the most recent initiative—the creation of the National Bank of Indianapolis. As a result of the merger of Merchants National Bank into Cleveland-based National City Corp. and the merger of INB National Bank into Detroit-based NBD Bancorp, Indianapolis does not have any locally-owned national banks. This phenomenon caused Robert McKinney, one of our esteemed trustees at Indiana University, to remark: "The small community bank seems destined to meet the same fate as carbon paper and LP records." (Indianapolis Business Journal, October 19-25, 1993.) He went on to say that the huge distantly owned banks cannot adequately serve the needs of the individual and local business. But, on the other hand, locally based financial institutions are essential to the local economy and the very infrastructures of the cities they serve. I heartily agree. However, one might make the case that local ownership is an irrelevancy. The major executives remain unchanged. The physical locations do not change. Although some policies change, they may, in fact, be for the better.

Why is it important to have local ownership in a financial institution? I believe a strong case for local ownership can be made by citing several examples of perfectly logical—and uniformly adverse—outcomes as a result of weakening the relationship between financial institutions and the communities they serve:

- At the first opportunity to make a corporate contribution to United Way, Cleveland-based National City Bank significantly reduced its pledge to United Way of Central Indiana. This year, the year in which INB National Bank has become the National Bank of Detroit, that bank's employee gift to the United Way of Central Indiana was substantially less than last year.
- The local insurance agency that had written the insurance for INB National Bank and Merchants National Bank through the course of two generations was informed that insurance requirements would be met in Cleveland and Detroit respectively. Although this company served its customers well, the company, and thus the community, suffered a large six-figure loss of gross revenue. Many other local companies, including McDonald & Co. and Associated Group, lost business as a result of the bank mergers.
- The local office of Ernst & Young maintained a business relationship with INB National Bank as its auditor. The audit was lost after the merger with NBD Bancorp.
- Many hundreds of local jobs were lost as these jobs were eliminated due to increased efficiencies of operating a larger organization, but also due to the fact that corresponding jobs were moved to or created at the home office in Cleveland and Detroit. Entire sections of the banks were eliminated or transferred out of Indianapolis.
- Authority was limited in many cases to the discretion of higher ranking officers in Detroit and Cleveland. This phenomenon should eventually lead to the resignation of competent bank executives who find their jobs have been redefined and are not nearly as challenging as they
Many Indianapolis small businessmen find themselves playing by a brand new set of rules—rules that deal more with the numbers of banking and less with personal relationships. Businesses that have been faithful customers for years now find it difficult, if not impossible, to borrow from the new out-of-state controlled entities. One might make the case that the sale of major financial institutions will have a lasting profound adverse effect on the economy as local businesses find it increasingly difficult to obtain financing.

The entrepreneurial approach to serving the community in this regard is to establish a locally owned national bank—The National Bank of Indianapolis. In order for the new bank to adequately fill much of the void, it must be immediately, fully competitive with the existing banks for a large target audience. The new bank chose to service professionals—doctors, lawyers, accountants, architects, investment bankers, professors, law school administrators, etc. In addition, the new bank targeted executives, small businesses (businesses with sales of from $10 to $30 million), and not-for-profit organizations. In these areas, it was thought that the bank needed to have a loan limit of approximately $2 million in order to be fully competitive. As a result, the bank was capitalized with more than $13.5 million. This capitalization level ranks The National Bank of Indianapolis among the top five of the last 325 banks formed nationwide.

Of the more than $13.5 million in capital, $5.5 million was provided by directors, officers, and associates of the bank. The largest part of the capitalization (more than $8 million) was raised from the general public. Although the bank received two firm underwriting offers from investment bankers to raise this capital from the public pursuant to fully registered public offering, the bank chose to market the stock through a private placement for three reasons.

First, the private placement regulations in Indiana require the purchaser to hold the stock for at least two years except under extraordinary circumstances. This regulation forces the investors to have a continuing interest during the development (continued on page 15).
Williard Z. and Margaret Carr Lecture Series emphasizes public interest role of law

Michael S. Maurer delivered the first Williard Z. and Margaret Carr Jr. Lecture on Nov. 4, 1994. The series is funded by Los Angeles attorney and IU alumnus Willard Carr, '50, a partner with the firm of Gibson Dunn & Crutcher, and Mrs. Margaret Carr. The theme of the lecture series is the public interest role of the lawyer. The series was founded on the premise that the speaker be an individual connected to the field of law who has participated in and contributed to community and civic affairs.

Carr is an internationally recognized expert on employment law relations and has devoted much of his time and effort to public service. As his firm has grown into a multinational giant, he has established himself as a leading authority in his field. He has headed committees on labor law and economic resources for the International Bar Association and the American Bar Association, and he has written several books and articles about labor law. Carr is also a founding trustee and past chair of the Pacific Legal Foundation.

While his professional accomplishments are impressive in themselves, Carr has always felt that an attorney's obligations extend beyond the office. "Lawyers are being well-compensated for the work that they do," he explains. "I think that as you develop and grow up in a profession, you should be putting something back into the community."

During his more than 40 years in California, Carr has served as head of both the Los Angeles Area Chamber of Commerce and the Chamber of Commerce for the state of California. He has been a board member of the Los Angeles Zoo Association, the Hollywood Presbyterian Medical Center, and the local council of Boy Scouts. He is also past chair of the Los Angeles chapter of the American Red Cross and a founding trustee of the Los Angeles Police Memorial Foundation.

Carr has also been active in the Republican Party and has chaired campaigns for candidates and ballot propositions. "I think participation in politics is another area where lawyers should be involved, and it can be challenging and rewarding," he says.

Margaret Paterson Carr has devoted herself to enriching the Los Angeles community. She has served on the board of directors of the Salvation Army Red Shield Youth Center, the Los Angeles Chapter of the American Red Cross, and the Hollygrove Home for Children. She has been chief of protocol for Los Angeles County and president of the Junior League of Los Angeles.

Margaret Carr was a founding board member of the Criminal Justice Legal Foundation, and in 1975 she became the first woman to serve as foreman of the L.A. County Grand Jury. She was also the first woman commissioner of the L.A. County Board of Parole.

Of the many honors the Carrs have received for their extraordinary commitment to community service, the one they treasure most came from the Anti-Defamation League of B'nai B'rith, which honored them jointly in 1987 with its Jurisprudence Award. Willard Carr also has been recognized for his professional and civic accomplishments with induction in 1991 into the Law School's Academy of Law Alumni Fellows, the school's highest honor.

Michael S. (Mickey) Maurer, '67, is an Indianapolis attorney and successful businessman. His lecture, titled "Serving the Community: Entrepreneurial Approach—Personal Agenda," focused on his personal experience as an entrepreneur who has been extensively involved in public service. Maurer has served on the boards of organizations such as the Indianapolis Children's Museum, the Jewish Welfare Federation, and Goodwill Industries, and United Way, and recently founded a community bank in Indianapolis.

Said Maurer, "I was delighted to accept the invitation to inaugurate the Willard Z. and Margaret Carr Lecture Series. I extend my thanks to Art Lotz, dean of development, Fred Aman, Law School dean, and, especially, Willard and Margaret Carr, who have generously provided the resources to make the Carr lecture series a reality."

"I am honored to be associated with the name of Willard Z. Carr Jr., who has distinguished himself both in law school at Indiana University and in the practice of law for which he is obviously well suited. I take particular note of his many activities, both in the legal profession and in the service of his community."

Mickey and Jane Maurer have endowed a scholarship for a law student who has demonstrated commitment to public service.
period.
Second, the proper marketing of stock pursuant to a private placement is to hold individual personal meetings with each and every investor. This opportunity was welcomed not only to educate investors with regard to the risks involved in an investment as speculative as a new bank but to make it clear to each prospective investor that a condition precedent to investment in the stock of the bank is the commitment to become a customer of the bank.

Third, state law requires that an investor in a private placement be accredited. Generally to be accredited, the investor must be worth a million dollars or have income in each of the last two years of $200,000 with similar future prospects. In this manner, the bank will open with more than 400 investors, each of whom is accredited and each of whom has promised to be a customer of the bank.

This strategy should allow The National Bank of Indianapolis to be immediately competitive and thus be in a position of profitability much sooner than start-up financial institutions. The bank has a philosophy of hiring only local people and purchasing goods and services whenever possible from local businesses. In addition, it will only trade in the central Indiana trading area. Keep in mind that service to the community by the creation of The National Bank of Indianapolis is provided with the entrepreneur’s profit motive. We hope The National Bank of Indianapolis will create a handsome return on investment.

A third example of the entrepreneurial approach to serving the community is the role of the Indianapolis-based MESBIC. MESBIC is an acronym for Minority Enterprise Small Business Investment Corp. The MESBIC in Indianapolis is called Lynx (linking capital to minority business opportunities). This MESBIC is funded by the equity investment of many of the major corporate institutions, including banks and utility companies. Capital is leveraged through the United States government and loaned to minority businesses. Lynx has made approximately a half a dozen loans this year to minority businesses with mixed results. In the process of making and monitoring these loans, Lynx has learned that capital is not the essential element of success for most minority businesses. The critical factor for the minority entrepreneur is the mentoring process.

One business was assigned to each member of the loan committee. I took the first one—a local delivery service. This business desperately needed a loan. It was behind in the payment of taxes and owed a number of other creditors. Its vehicles were prone to major repair bills and were badly in need of replacement. The owner, intelligent but, unfortunately, naive, was making critical errors every day. Through the mentoring process, he accepted advice on how to read a balance sheet, how to run his back office, how to pay his employees on an independent contractual basis in order to provide strong incentive, how to purchase and lease vehicles, how to analyze business problems, how to open doors at various major corporations—essentially how to run a small business. This is an entrepreneurial approach to serving the community of which I am the most proud. I’ve been able to impart some of my skills and savvy to an intelligent, eager businessman who now is operating a successful business and who is anxious to share his skills and provide mentoring to others.

The three experiences that I outlined, the United Way Challenge Grant, The National Bank of Indianapolis, and the Lynx Investment Committee are examples of the entrepreneurial approach to serving the community. Entrepreneurial philanthropy, although more challenging and time consuming than simply writing a check to one’s favorite charity, is clearly rewarding in a special personal way.

During the course of events, I have discovered that participation in community affairs has afforded me an opportunity to advance my personal agenda as well, by impressing my values on the community and sensitizing the community to my particular concerns. It should be clear, however, that my prime motivation, is not the advancement of a personal agenda but, rather, the way in which I understand my obligation to society as best described by the Jewish concept of Tzedakah. The notion of Tzedakah—meaning justice or righteousness—differs from the generally understood concept of charity, which, even in its highest form, is donee driven. Tzedakah, on the other hand, invokes social responsibility as a matter of justice and dictates that the level of that responsibility should be commensurate with...
success. In other words, a successful individual has a significant responsibility to improve his society—the greater the level of success, the greater the level of responsibility.

Let me offer three illustrations of the way in which I have been fortunate enough to advance part of my personal agenda, which, incidentally, I believe benefits the community as a whole—although some readers may disagree.

I am presently serving the community as chair of the United Way of Central Indiana general campaign. Our goal this year is more than $32,708,000. In reviewing my predecessor’s materials and his leadership group, I noted that there was almost a complete lack of minorities in the leadership positions. I am sure my predecessor did not intend that this be the case. He probably did not even realize that the United Way campaign was run last year, as in years before, by a predominantly white male leadership cadre. It is part of my personal agenda to be inclusive and to help develop bodies within my community that look like the community they represent. In order for our community to be strong and vibrant, we need a diverse group of leaders and the not-for-profit sector has always been significant for its role in leadership development. Consequently, I instructed the staff of United Way to prepare an appropriate list of names, and I insisted that my seven division leaders recruit their committees in part from this list. Minority participation on campaign leadership increased by a factor of 20—from two last year to more than 40 this year. I am confident that I have helped to create a more successful cabinet, and I am pleased to have been able to advance my personal agenda as well.

Also on my personal agenda is the removal of the barriers to membership at a number of our Indianapolis country clubs. The Meridian Hills Country Club in its 78-year history had never accepted an African-American or Jewish member. The St. Vincent’s Hospital had held its annual meeting at Meridian Hills Country Club for a number of years and as a member of its board I was invited to an annual meeting. I informed the hospital that I would not attend, and, furthermore, I suggested that they not have the meeting at a country club whose membership policy excluded people because of race or religion. As a result, St. Vincent’s Hospital declined to hold its annual meeting at Meridian Hills. In addition, by virtue of my ownership of the Indianapolis Business Journal and radio station WTPI-FM, I was asked by the Youth Links organization to support a charity money-raising event, a golf tournament, that would be held at Meridian Hills Country Club. In much the same manner, I replied that neither the radio station nor the newspaper support an event held at the Meridian Hills Country Club so long as it continued its discriminatory practices. I can now report that the club allowed its first two Jewish members this year, and the membership committee has been aggressive in soliciting for African-American membership as well. I would like to think that I played some small part in the process. Perhaps the time was right in any event. But perhaps the change occurred, at least in part, because enough good people at Meridian Hills Country Club understood that the discriminatory membership policies simply were wrong and could not continue with impunity.

The University of Indianapolis, where I serve as a trustee, granted a special scholarship to those full-time undergraduate students who demonstrated an affiliation with one particular religion. The founding of the university long ago by that religion notwithstanding, I perceived this policy to be discriminatory and opposed it on those grounds. I am pleased to say that now students at the University of Indianapolis who are affiliated with any organized religion are entitled to the same scholarship grant. Moreover, unaffiliated students who present a record of community service are also eligible for the special scholarship.

Whether or not you serve your community with an entrepreneurial approach and whether or not you use your community service to advance a personal agenda, I hope you will make community service an integral part of your business and professional life. It is good for business, and it will be good for you as well.
Sunstein presents Harris Lecture

Is discrimination against homosexuals constitutionally prohibited as sex discrimination? On Feb. 19, Professor Cass R. Sunstein delivered this year’s Addison Harris Lecture on the topic “Homosexuality and the Constitution,” developing that proposition among others. Sunstein is the Karl N. Llewellyn Professor of Jurisprudence at the University of Chicago Law School and the University of Chicago Department of Political Science. During his visit, he also presented a seminar for the faculty on “How (Not How Much) Lawyers Value.”

Sunstein has been a visiting professor of law at Harvard and Columbia Law Schools. In 1975, he was graduated magna cum laude from Harvard College and, in 1978, received his JD magna cum laude from Harvard Law School, where he served as executive editor of the Harvard Civil Rights–Civil Liberties Law Review. Following law school, Sunstein served as law clerk to the Honorable Thurgood Marshall of the United States Supreme Court.

Sunstein has published more than 100 articles, short essays, and reviews since 1981. He has also edited or authored six books, three of which were published in 1993: Democracy and the Problem of Free Speech, The Partial Constitution, and After the Rights Revolution: Reconciling the Regulatory State. For more than a decade, he has lectured extensively both nationally and internationally on subjects as varied as the lessons of American federalism for federalism in Europe, freedom of speech in Israel, and constitution making in Poland and the Ukraine.

At present, Cass Sunstein is working on a book on the theory and practice of environmental protection and another on legal reasoning. He also continues to work on various projects relating to constitutionalism and constitution making in Eastern Europe.

Sunstein teaches in the fields of constitutional law, administrative law, and environmental law. Among the courses he has taught are Constitutional Theory and Interpretation, Constitutionalism and Democracy, The Theory of the Regulatory State, Environmental Law, and Selected Issues in Contemporary Legal Theory. He serves as co-director of the Center on Constitutionalism in Eastern Europe at the University of Chicago and as vice chair of the Judicial Review Committee of the American Bar Association’s section on administrative law and regulatory practice. He is a member of the American Law Institute and the American Academy of Arts and Sciences.

Ambassador Earle teaches at school

In the movie Annie Hall, an overbearing man in a ticket line pontificates on the work of Marshall McLuhan. Exasperated, Woody Allen produces Marshall McLuhan himself from behind a potted plant to refute the man’s assertions. Students in last semester’s course on Arms Negotiations would understand: The drafter of SALT II, Ambassador Ralph Earle, taught the class.

“They were a little intimidated,” Earle admitted. After discussing the history of Soviet-U.S. relations, Earle led the class through SALT II para-
"I tried to relate the arms negotiations process to contract negotiations, and to teach the students some basic negotiating tenets," said Earle, "such as not setting artificial deadlines and putting oneself in the shoes of one's negotiating partner."

The class examined in detail significant arms control treaties over the last 30 years and reviewed the negotiation and ratification processes employed to produce the treaties. In addition to addressing the development of substantive international law governing the production and deployment of nuclear arms, the course looked at a variety of international issues. Earle points out that the negotiation and creation of treaties dealing with arms limitations present a number of issues and challenges that arise in other areas as well, such as the problems of dealing with multiple parties, free riders, scientific uncertainty, and enforcement. In addition to arms negotiations, the class focused on the ethics of lawyering for the government.

During the semester, Earle also gave an informal talk, sponsored by the Indiana Journal of Global Legal Studies, on current crises around the world, including the situation in North Korea. Earle brought a wealth of experience to the class. Currently chair of the board of directors for Lawyer's Alliance for World Security, Earle served as director of the U.S. Arms Control and Disarmament Agency in 1980-81, where he was the principal advisor to the president, the National Security Council, and the secretary of state on matters involving arms control and disarmament. He had previously served as chief U.S. negotiator (with the rank of ambassador) of the SALT II treaty. In addition to his government service, Earle, a graduate of Harvard College and Harvard Law School, has practiced law as a partner of Morgan Lewis & Brocquis in Philadelphia and Baker & Daniels in Washington.

Students in the class had a variety of international backgrounds. "One was a nuclear control officer in Germany, two were fluent in Russian, and one had worked as an interpreter in Berlin. One student had worked for a French law firm and another came from Costa Rica."

Earle was surprised at the amount of preparation the course took. "If it had been any other subject, I would have been overwhelmed by the work." But he enjoyed the class. "I wish it could go on for another month," he said.

Creating learning environments outside classroom

Much of the learning that occurs in a law school happens outside the classroom. In the last year, for instance, students had the opportunity to hear a distinguished professor from China discuss Chinese economic reforms, sit in on oral arguments before the Indiana Court of Appeals in the Moot Court Room, and hear the lawyers who argued both sides of the case challenging NAFTA on the grounds that it violated federal environmental law.

Much of the "curriculum outside the classroom" is the result of a thriving variety of student organizations that sponsor speakers and programs. The Law, Ethics, and the Arts Society, for instance, sponsored a seminar on "Law for Artists" to provide art students and local artists with some practical legal knowledge to assist and protect them in their creative endeavors. Presentations included "Copyright Law for Artists," with Professor Fred Cate, "The Artist as Business Professional," and "Contract Law for Artists," taught by John David Hoover, a partner at Johnson Smith Densborn Wright & Heath in Indianapolis. Hoover is an expert in the sale and purchase of art and antiques, best known for representing the Greek Orthodox Church and Republic of Cyprus in their successful effort to reclaim four fifth-century Byzantine mosaics from an Indianapolis art dealer.

In addition to sponsoring the
NAFTA attorneys, the Environmental Law Society hosted a national conference on environmental law focusing on issues such as environmental racism. The Sports and Entertainment Law Society brought five Indianapolis Colts players to the school to discuss contract negotiations, and is sponsoring a talk by Milt Thompson, JD'79, on product licensing and player and event management. The Indiana Journal of Global Legal Studies staff brought Steve Ferguson, CEO of Cook Inc., an international medical equipment company, to talk about a career in international business. And the Federal Communications Law Journal sponsored a day-long conference on media topics recently.

Other learning opportunities beyond the classroom are a result of the efforts of dedicated professors. Professor Aviva Orenstein helped put together a discussion group on "Children and the Law," which meets to discuss topics such as violence and television. Several years ago, Professor Lauren Robel formed a Protective Order Project for battered women that gives students the opportunity to represent some of the community's neediest clients. For several years, Professor Mary Ellen O'Connell has worked closely with students competing in the Jessup International Moot Court Competition, and Professor Bob Heidt this year coached a team in a Law and Economics Moot Court competition. Professor Rob Fischman suggests lines of research and investigation to students participating in an Environmental Law Society volunteer clinic to help environmental groups in the state.

Students interact with professors in other ways outside the classroom that promote learning. Professor Doug Boshkoff, for instance, meets every week with his contracts students in the lunch room to give them a chance to ask questions and make observations about the material. And many professors make a point of giving their research assistants work that will be challenging and enhance their learning. O'Connell has research assistants draft comments on treaties and statutes; Fischman had his assistant help prepare teaching materials for National Park Service resource managers, "so he could think a bit like a teacher." Professor Craig Bradley sent his research assistant on the road, to county seats throughout Indiana, to check on whether counsel were available in misdemeanor cases.

Professors also serve as speakers for student organizations. For instance, the Rutherford Institute sponsored a debate on prayer at public school graduations, featuring professors Alex Tanford and Daniel Conkle. Aviva Orenstein talked to the Jewish Law Student Association about Jewish Law; O'Connell is a regular speaker at the International Law Society.

Many alumni remember their participation on moot court teams or law journal as a significant learning experience. Today, more than 100 students have the opportunity to work on one of the three law journals at the school. And faculty members supervise hundreds of law journal notes and independent research projects, and listen to dozens of moot court practice rounds every year.

At the law school, then, learning is hardly confined to the classroom. Rather, the school is a learning environment, with opportunities to expand and grow available to suit every student's intellectual needs and interests.

**Law School goes for a drive on information superhighway**

The IU School of Law brought two influential media leaders to campus this spring to discuss industry changes with media law students. Andy Hayes, JD'59, and Karsten Schmidt, JD'59, work for two of the most powerful media corporations in the world, said Fred Cate, associate professor of law. "They are two out of probably 10 of the leading media figures in the world."

The main topic of discussion was the highly hyped information superhighway and the cost involved in its creation. In theory, the information superhighway will allow people to receive personalized newscasts over their computers, rent a movie without leaving home, and use numerous other convenient services.

“We are concerned about who's going to pay for all the bells and whistles,” said Hayes, vice president of corporate relations of the Tribune Co. “There are great risks...to get together these superhighways, which are the confluence of all these media.”

Schmidt, director of international operations of News International,
said the electronic highway will happen only if there is a demand for the services it can deliver. “You cannot run a business without a result. Someone has to pay for it and someone has to make a profit,” he said. Neither Schmidt nor Hayes said they knew who would pay for the network’s creation.

When the information superhighway comes, the future of the existing media is uncertain. But the two agree that the media forms of today will still exist in the future.

“Newspapers will not die. They will have a useful life because many people who are 40 or above are computer illiterate, and they will not give up their papers,” said Schmidt.

The two IU Law School alumni stressed that even if the government tries to put an end to the growth of information technology, it cannot stop the movement.

“We have got to get government in step with progressive communication,” Hayes said.

IU students shine in national arenas

The quality of our students is demonstrated by their success in a variety of national arenas. In just the past year, several of our students have won national writing competitions. For instance, Alex Bird, ’93, won first place in the Nathan Burkan Memorial Competition with her entry titled "An Argument for the Copyrightability of Typeface Designs." John D. Ayres’ paper "Medical Practice Guidelines: A Search for the 'Golden Fleece'?" has been selected by the American College of Legal Medicine as winner of the 1993 prestigious Letourneau Award. David Lazerwitz won first prize (out of 70 entries from around the country) in the ABA Section on Natural Resource, Energy, and Environmental Law student writing competition. His essay, "Bones of Contention: The Regulation of Paleontological Resources on the Federal Public Lands," was published as a note in the Indiana Law Journal.

Karen Howe received the third-place award in the American Bar Association Judge Edward R. Finch Law Day Speech Competition. Howe's speech was entered in the ABA competition by Judge David L. Welch, Monroe Circuit Court, after Howe received the first-place scholarship in the Monroe County Bar Association competition in April 1993. Ray Limon’s article “Bloomington, Indiana’s Public/Private Connection” was published in the ABA’s State and Local Law News. The article discusses the cooperative effort between the city, the university, and the private sector that will result in a new municipal building for Bloomington. The cooperation made possible a financing package that will allow the new building without requiring property taxes to be raised.

Our students have also demonstrated success in national competitions involving lawyering skills. IU Law students placed third overall in the Jessup International Moot Court Regional Tournament, with one of our students, Randy Head, receiving the award for best oralist. Two students, Eleanor Parker and David Cabrere, won the regional Frederick Douglass Moot Court Competition and placed third at the national
Students have also been recognized with grants and fellowships. Kevin Kinney, a recent graduate, was awarded a Humboldt Fellowship for research and study in Germany after a national competition. Yasmine Rassam, a current student, was named a McArthur Fellow for 1993-94. The fellowship will support a research proposal that will allow her to continue work on an interest that began when she was a Peace Corps volunteer in Mauritania. Rassam will explore how international legal mechanisms define women’s access to resources. Maile Hirota was recently accepted to the prestigious Inter-University Center for Japanese Language Studies. The center admits approximately 48 students who have demonstrated outstanding professional promise and have completed two years of Japanese.

**Symposia discuss environment, television news**

During the past academic year, the Law School hosted symposia and workshops in both environmental law and communications law. In October, the school hosted a workshop on “Changing Environments: How Vulnerable Are We?” The conference was designed to cross traditional academic disciplines to foster an interdisciplinary conversation on important global environmental issues. Panels looked at climate change, catastrophic events, water problems, and vulnerable ecological communities. Associate Professor Rob Fischman, who helped organize the conference and served as discussant for the panel on vulnerable ecological communities, described the event as “incredibly stimulating and challenging.” Fischman noted that the interchange between natural scientists, lawyers, and social scientists deepened everyone’s understanding not just of the problems, but also of the range of responses to environmental instability.

During spring semester, the school was host to a symposium on “The Transformation of Television News.” Speakers included David Bartlett, president of the Radio-TV New Directors Association, who discussed the news marketplace; Professor Jane Rhodes, of the IU School of Journalism, speaking on media ethics; and Adrian Cronauer, of Good Morning, Vietnam fame, now senior associate, Maloney & Burch, discussing the fairness doctrine. Commentators included James Coltharp, special advisor to Commissioner Andrew C. Barrett of the Federal Communications Commission; Henry Geller, a fellow at the Markel Foundation; Barbara McDowell, a partner at Jones Day Reavis & Pogue; Jo Holtz, director of news audience research National Broadcasting Co. Inc.; and Professor Robert Rhoades, Edinboro University.


**Global migration talks come to IU**

What is the “nation-state”? Traditional theories describe a nation-state as a defined territory with a sovereign government and a permanent population bound by culture. In addition, definitions of the nation-state usually assume the state’s ability to control its own borders. These traditional elements and concepts of the nation-state are challenged by global migration. The 1994 Indiana Journal of Global Legal Studies Symposium on April 8 examined global migration and its effects on the nation-state from four perspectives: the demographics of migration, the history of immigration laws, the role of the nation-state as the “open republic,” and political theories of the nation-state.

Speakers at the symposium included Jeffrey Passel, director of the Program for Research on Immigration Policy at the Urban Institute in Washington; Jost Delbruck, IU School of Law faculty member and director of the Institute for International Law at Kiel University, Germany; Ari Zolberg, professor at the New School for Social Research in New York; and John Scanlan, professor at the Law School. Commentators from other schools and institutions included Kenneth Karst, the David G. Price Professor of Law at UCLA; Alexander Alienikoff, general counsel of the Immigration and Naturalization Service; and Kitty Calavita, professor of criminology at the University of California, Irvine. Commentators from Indiana University...
University included Carol Greenhouse, professor of anthropology; Dennis Conway, professor and chair of geography and Latin American and Caribbean studies; David Williams, professor at the Law School; Jeffrey Hart, professor in political science; and Guy de Lusignon, visiting professor in the School of Public and Environmental Affairs and retired deputy director of the Economic Development Institute, World Bank.

Speakers at the symposium looked at whether mass migration, along with comparable developments such as regional integration and the globalization of markets, challenges traditional notions of the nation-state, and whether these phenomena challenge the traditional territorial state’s role of serving as the political, social, and cultural home of its people. Other than the notion of a permanent population, what integrating factors might there be that would give shape and meaning to the concept of a nation-state?

The symposium also examined what new forms of political organization might be possible as nation-states change and transform themselves in the global era. Is the nation-state an antiquated concept that is no longer appropriate for the problems facing the world? If so, what institutions or new forms of political organization can take the nation-state’s place and effectively address the complex issues arising as a result of migration?

The symposium was interdisciplinary, using the insights of law, political science, anthropology, sociology, geography, and history.

Community Legal Clinic wins $100,000 grant

The Law School's Community Legal Clinic has won a $100,000 grant from Legal Services Corp. to help fund the operation of the clinic during 1993-94. The grant was awarded after a competitive application process.

“I am enthusiastic about being affiliated with LSC, and providing services to those in our community who otherwise would go without,” says Earl Singleton, clinic director of legal services.

The grant will allow the clinic to continue an expertise in family law matters. The grant application notes that the nature of family law practice poses special opportunities for students to learn about ethical issues. In addition, it allows the clinic to add a new teaching emphasis in methods and techniques of alternative dispute resolution.

Professor Patrick Baude is the clinic’s director of legal education. “The reason the grant is so important is that it makes it possible to continue to emphasize real quality in clinical education,” says Baude. “It is tempting to try to offer clinical education on the cheap, but it would be a real mistake.”

The clinic has two components: real clients and a weekly class meeting. The real clients are local residents seeking legal help with family problems. Interns’ practice experiences include interviewing clients and witnesses; negotiation with opposing counsel and administrative agencies; pretrial motion practice; discovery, both formal and informal; depositions; pretrial conferences; and, of course, trial. Interns function as the primary attorney in each case, making direct contacts with the client and opposing counsel, developing the theory of each case, conducting fact investigation, and making strategic decisions. A rule of the Indiana Supreme Court allows third-year students to be specially certified to perform these jobs (which is why the clinic is at the moment open only to third-year students). The supervising attorneys (Earl Singleton and Phyllis Kenworthy) meet with each intern weekly for one and a half hours and more as needed. At these meetings the interns discuss each case, its development, its theory, legal and ethical issues, negotiation and other case strategies, and all documents being written in the case. Interns usually work with six to 10 different clients.

Interns’ work on cases is comple-
mented by a weekly meeting of the clinical seminar. The seminar provides material about the necessary practical skills and legal rules as well as an opportunity to discuss interesting problems and issues that come up in the interns’ cases. The seminar is likely to discuss recognizing ethical issues, what the lawyer’s duty is, how to interview clients, how to gather facts, how to prepare documents, how to negotiate, and how to deal with difficult or untruthful clients and opposing counsel.

The director of education and the supervising attorneys each work with all interns enrolled in the clinic. The supervising attorneys have primary responsibility for “performance learning” in client service, and the director of education is responsible for “reflective learning” for the benefit of the diverse practice contexts to which interns’ careers will take them.

Hoffmann wins Fulbright to Japan

Professor Joseph Hoffmann has been awarded a Fulbright grant for 1994–95. The grant will allow him to go to the University of Tokyo, where he will be a visiting lecturer in law from September 1994 until January 1995, when he will return to IU.

The University of Tokyo is the premier law school in Japan. Hoffmann will teach one course as a member of the faculty in American criminal law and procedure. In addition, he will teach two courses in the Department of American Studies on the role of law in American society.

He has been taking an IU class in Japanese, taught by third-year law student Nate Alder, who is fluent in Japanese and “a wonderful teacher.”

Professor Val Nolan, who also is fluent in Japanese and can write and speak it with ease, is helping as well.

“At one point, Val was going to show me how to write some of the Japanese characters, or ‘kanji’. He took out his ballpoint pen and started drawing them. Even with a ballpoint, he made it look like art—I could see the brush strokes in the writing of a ballpoint pen,” says Hoffmann.

He hopes to establish ties that will help the law school recruit good graduate students for its LLM and SJD programs, as well as open opportunities for IU students there.

“We’ve had a good connection at the law school with China, but little connection with Japan. University of Tokyo is such a good school, it would be great to attract some of their top students into our program.

Former faculty member Jack Getman talks on worker’s rights

In March, former IU Law School faculty member Jack Getman returned to the school under the auspices of the Institute for Advanced Studies to present a lecture on a work in progress.

In “Worker’s Rights Are Human Rights,” Getman told the story of the strike against International Paper in Maine through interviews with the strikers. The average seniority of workers at the plant was 17 years when the union went on strike in response to International Paper’s demand for wage and benefits concessions. The ensuing strike cut into the heart of the community, dividing families, lifelong friends, and co-workers.

Getman argued that certain practices now authorized by labor law, particularly the ability of employers to hire permanent replacements for striking workers, unbalance the negotiation process and lead to such egregious effects on workers that the practice should be banned as a human rights violation.

Since leaving Indiana University in 1975, Getman been a member of the faculties of Stanford University School of Law (1975–77), Yale Law School (1978–86), and University of Texas Law School (since 1986). He has also served as first general counsel and then president of the American Association of University Professors.


Aman, Alfred C. Jr., ADMINISTRATIVE LAW AND PROCESS (Matthew-Bender, 1993).


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Boshkoff, Douglass, Rethinking the Treatment of Unsecured Claims in Chapter 13 Proceedings, FJC (April 1993).

Boshkoff, Douglass, Bankruptcy and the UCC, 6 Insolvency Intelligence (1993).

Boshkoff, Douglass, A Requiem for Comity, 6 Insolvency Intelligence (1993).


Cate, Fred, Communications Policy, Competition, and the Public Interest, 68 Indiana Law Journal 665 (1993).


Cate, Fred, Implementing the Educational Mandate of the Patient Self-Determination Act, 7 Health Lawyer 11 (1993).


Cate, Fred, The Future of Communications Policymaking, William and Mary Bill of Rights Journal (forthcoming 1994).


Cate, Fred, The EC Data Protection Directive, Communications Committee, Section of International Law and Practice, American Bar Association (forthcoming 1994).

Cate, Fred, Global Information Policymaking and Domestic Law, Indiana Global Legal Studies Journal (forthcoming 1994).
Cate, Fred, United States Laws Regulating International Telecommunications Products and Services, in International Communications Practice Handbook 1 (1994).


Cate, Fred, Media, Disaster Relief, and Images of the Developing World (1994).


Dworkin, Roger, Anencephalics as Organ Donors (with E.A. Mearns, et al.), The Fetus (in press).


Hicks, William, The Extraterritorial Reach of American Securities Law (with
Before 1960

C.B. Dutton, LLB'40, is senior partner with the Indianapolis law firm Dutton Overman Goldstein Pinkus. From 1946 to 1947, he served as an assistant professor of law at IU, and from 1969 to 1970 as president of the IU Alumni Association. He was inducted into the Academy of Law Alumni Fellows of the IU School of Law in 1988. He and his wife, Jane (Stevens) Dutton, BS'39, live in Naples, Fla.

John W. Houghton, LLB'42, JD'67, is a partner with the law firm Barnes & Thornburg, Indianapolis. He is past president of the Indianapolis Bar Association and past treasurer of the Indiana State Bar Association. He received the 1993 Fifty-Year Award from the fellows of the Indiana Bar Foundation. He and his wife, Ruth Prickett Houghton, BA'41, live in Carmel.

Robert O. Aders, JD'51, former president and CEO of the Food Marketing Institute, joined the Washington, D.C., law firm Collier Shannon Rill & Scott. He lives in Washington, D.C.

Robert H. McKinney, JD'52, serves as the new president of the IU Board of Trustees. Chair and CEO of First Indiana Bank, Indianapolis, he recently spent three weeks in Moscow explaining American-style finance to Russian bankers interested in rebuilding the country's state-run banking system. McKinney lives in Indianapolis.

Thomas M. Lofton, JD'54, chair of the board of Lilly Endowment Inc. since January 1993, was elected president of the foundation in October. A former partner with the Indianapolis law firm Baker & Daniels, he served as the endowment's chief legal counsel from 1970 to 1991, when he joined the foundation as vice chair. An active member of the Indiana, 7th Circuit, and American bar associations, he has also served on the board of the IU Foundation. He lives in Indianapolis.

Thomas L. Stevens, JD'55, partner in the law firm Lord Bissell & Brook, Chicago, is serving a second term as chief executive officer and chair of the firm's executive committee. Stevens leads the corporate insurance group in the firm and, since 1988, serves as the Illinois attorney-in-fact for underwriters at Lloyd's of London. Stevens lives in Evanston, Ill.

Indiana Lt. Gov. Frank L. O'Bannon, JD'57, recently announced the opening of a new state office in Mexico City in March 1994.

1960-1969

Phillip W. Brown, LLB'60, of Shelbyville, was installed in October as 1993-94 treasurer of the Indiana State Bar Association. Brown, who is a partner with the Shelbyville law firm Brown Linder & Deprez, has served on the ISBA board of managers and chaired the ISBA budget and finance committee. He is also a fellow of the Indiana Bar Foundation and has served on its board of directors and chaired its grants committee.

Robert Russell Goliver, LLB'60, has retired as president and CEO of Washington Energy Co. and Washington Natural Gas. He lives in Seattle.

V. Sue Shields, LLB'61, was recently selected to serve as U.S. magistrate judge for the Southern District of Indiana. She has served on the Court of Appeals since 1978 and for 13 years as Hamilton County Superior Court judge. She lives in Sheridan.

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The Indiana State Bar Association recently installed Thomas C. Bigley Jr., JD'63, as ISBA board of governors member for the 6th District. Bigley, who is a partner with the Columbus, Ind., law firm Sharpnack Bigley David & Rumple, also chairs the Heritage Fund of Bartholomew County, and is president of the Hospice of Bartholomew County board of directors.

Frederick A. Sabatini, LLB'64, was a recipient of the President's Award, the highest honor the IU Alumni Association gives to volunteers, in December. Sabatini has been an active alumni volunteer for the IU campuses in Bloomington and Kokomo. He is an attorney with Hanna Small Sabatini Becker & Murray in Logansport.

Terrill D. (Terry) Albright, JD'65, was installed as the 97th president of the Indiana State Bar Association in October 1993. He is a partner with the Indianapolis firm Baker & Daniels, where he is a trial attorney in business and commercial litigation.

Albright, a fellow of the Indiana Bar Foundation and member of the American College of Trial Lawyers, is listed in The Best Lawyers in America and in Who's Who in American Law.

William A. Fawcett, LLB'65, JD'67, recently taught a course on estate planning at the Community Law School, Bloomington. The Bloomington resident is a practicing attorney specializing in estate planning.

Robert S. Koor, JD'65, is an attorney with a private practice in Muncie. He recently earned certification as a creditors' rights specialist from the Commercial Law League of America Academy of Commercial and Bankruptcy Law Specialists.

The Indiana State Bar Association recently installed J. Lee McNeely, JD'65, as chair of the ISBA House of Delegates. McNeely, a former ISBA secretary and member of the ISBA board of managers, is also a patron...
fellow and a former director of the Indiana Bar Foundation. He is senior partner of the Shelbyville law firm McNeely Sander Stephenson & Thopy.

Robert (Bob) D. Arnold, LLB'66, JD'67, is an account executive for Raffensperger Hughes & Co., Indianapolis. A 1954 graduate of the IU School of Business, he is writing a book about life at IU in the early '50s, the profits from which will go toward the Class of 1954's campaign to endow a faculty chair in the Department of Biology.

Douglas R. Bridges, JD'66, of Bloomington, is a judge on the Monroe Superior and Circuit courts, where he has served two terms. A former Monroe County deputy prosecutor, Bridges has also been in private practice and has held adjunct professorships in IU's School of Law and Department of Criminal Justice.

John C. Cox, LLB'66, JD'67, has a private law practice in Evansville.

David F. McNamar, JD'68, is a partner in the new Indianapolis-based law firm of McNamar Fearnow & McSharar, which provides litigation services to clients in the long-term health care industry. He previously practiced with Steers Sullivan McNamar & Rogers, Indianapolis.

John A. Nelson, JD'68, is associate director of the Vermont School Board Association, Montpelier.

Kenneth R. Yahne, JD'68, of Fort Wayne, was promoted to second vice president and senior counsel by Lincoln National Life Insurance Co., an affiliate of Lincoln National Corp. Yahne, who has been with the company since 1968, is a member of the Allen County and American bar associations and is coordinator of the law division's pro bono legal services.

Patrick Chavis III, JD'69, is a partner in the Indianapolis law firm Timmons Endsley Chavis & Lewis.

James A. Strain, JD'69, of Indianapolis, is an attorney with Barnes & Thornburg, Indianapolis.

1970–1979

S.R. (Chic) Born II, JD'70, a partner with the Indianapolis firm Ice Miller Donadio & Ryan, was installed as chair-elect of the Indiana State Bar Association House of Delegates in November 1993. He also chairs the ISBA's long-range planning committee, and is a past vice chair of the ISBA Commission of Opportunities for Minorities in the Bar.

Richard T. Dawson, JD'70, practices as partner in the corporate and labor relations departments of the law firm Holland & Knight, Tampa, Fla. He previously served as general counsel for Anchor Glass Container and worked with Anchor Hocking Corp., Ohio. His articles on labor management relations have appeared in the Air Force Law Review and the Oklahoma Law Review.

Barry S. Brown, JD'71, was recently appointed a member of the Indiana Public Defender Commission for a term ending in 1997. Brown is a law partner in the Bloomington firm Kelley Belcher & Brown.

Among the recipients of the 1993 Indiana Entrepreneur of the Year Award were Ed W. Kelley, LLD'71, and Jack E. Reich, LLD'86. Kelley, who received the Master Award, is chair of the Indianapolis-based Consolidated Products Inc. and managing general partner, Kelley & Partners Ltd., New York. He oversees Fairmont Snacks and a large agribusiness in Indiana and in Florida, where he lives. Reich, who received the Lifetime Achievement Award, is chair emeritus of American United Life Insurance Co., Indianapolis. He has served as field director of the Indiana Gross Income Tax Division, headed the Indiana State Chamber of Commerce and the Indianapolis Water Co., and is listed in Who's Who in the World, Who's Who in America, and Who's Who in Finance and Industry.

U.S. Rep. Frank McCloskey, JD'71, received the Medal of Warsaw University during a recent trip to Poland. The medal symbolizes the ties between Warsaw University and IU, which is the center of McCloskey's district. While in Poland, he met with academic experts and European politicians to talk about European affairs. He lives in Smithville.

Richard E. Wyckoff, JD'71, has been president of the Pennsylvania Association of Broadcasters since 1984. After earning his law degree at IU, he spent three years as an attorney with the Federal Communications Commission and 10 years as a lobbyist for the National Association of Broadcasters. He has worked in the public affairs department of WPVI-TV, Philadelphia, and with the public relations department of WGN Radio, Chicago. He lives in Hershey, Pa.

Thomas L. Shriner Jr., JD'72, was elected president of the 7th Circuit Bar Association in November. The organization's members practice law in the 7th Circuit Court of Appeals and in the other federal courts in Wisconsin, Illinois, and Indiana. Shriner is a partner at the law firm of Foley & Lardner, Milwaukee, and practices in a broad range of civil litigation areas, concentrating in commercial and public law.

Robert T. Wildman, JD'72, is partner with the Indianapolis law firm Henderson Daily Withrow & DeVoe and head of Arden Foundation, Indianapolis, a not-for-profit small-business incubator.

Dorothy J. Frapwell, JD'73, of
Bloomington, has been appointed IU's new university counsel, as of July 1994. Frapwell, who has served as special counsel to the Office of the President since 1990, will act as attorney for the trustees and officers of the university and direct the activities of the University Counsel Office, which has general responsibility for all legal matters involving IU's eight campuses.

Harry L. Gonso, JD'73, attorney with the Indianapolis firm Ice Miller Donadio & Ryan, has been vice president of the IU Board of Trustees since August 1993. Gonso chaired the presidential search committee that chose current IU President Thomas Ehrlich and headed the committee to select Ehrlich's successor. He recently announced his intention to step down from the board when his term ends in June.

Robert Steven Richardson, JD'73, formerly a professional staffer on the House Government Operations subcommittee on environment, energy, and natural resources, left in November 1993 to become a special assistant at the Interior Department's Bureau of Land Management. He lives in Washington, D.C.

John R. Carr III, JD'74, of Indianapolis, was recently appointed chair-elect of the employee benefits committee of the American Bar Association's tort and insurance practice section. Carr is a partner with the Indianapolis firm Buschmann Carr & Shanks, where he specializes in bankruptcy reorganization, corporation, insurance, and employee benefits law.

Marcia Rehmar Gelpe, JD'74, is now on the faculty of law at Bar Ilan University in Ramat Gan, Israel.

Michael K. Guest, JD'74, a partner in the law firm McHale Cook & Welch, Indianapolis, specializes in real estate and environmental law. In October 1993, he was re-elected vice chair of the board of directors and chair of the executive committee for the Walther Cancer Institute in Indianapolis.

Andrew C. Mallor, JD'74, is a partner in the Bloomington law firm Mallor Clendening Grodner & Bohrer. He worked as seminar chair for the 1993 Advanced Family Law Workshop, held in Nashville, Ind. He and his wife, Jane Pratt Mallor, JD'76, a professor with the IU School of Business, live in Bloomington.

Cynthia A. Metzler, JD'74, was named associate administrator for administration at the U.S. General Services Administration. Previously, she handled personnel matters for the Clinton-Gore transition team and was an associate director in the White House Office of Presidential Personnel. She lives in Washington, D.C.

The Kalamazoo, Mich., Optimist Club honored R. Scott Ryder, JD'74, with its 1993 Respect for Law Award for his 14 years of service as chief hearing referee of the Kalamazoo County Juvenile Court.

In January, William S. Stevens III, JD'74, of Tallahassee, Fla., was appointed assistant secretary for the Florida Department of Commerce. As assistant secretary, he directs the day-to-day operations of the agency, manages the department's $50 million budget, and creates plans of action for new and existing programs in the agency's three divisions—economic development, tourism, and international trade. Prior to his appointment, Stevens was general counsel for the department, serving as its chief attorney and legislative coordinator. In 1992, he designed legislation to create the Florida Film and Television Investment Act as an incentive to attract more entertainment productions to the state.

Thomas L. Davis, JD'75, became president of the Indianapolis Bar Association in January. Davis is a senior partner in the Indianapolis law firm Locke Reynolds Boyd & Weisell, which serves clients throughout Indiana. He manages the firm's litigation section and concentrates his practice in the areas of civil and commercial litigation.

Linda L. Lanam, JD'75, was appointed corporate secretary and made a member of the board of directors of the Life Insurance Co. of Virginia, where she has been vice president and senior counsel since 1989. She lives in Richmond, Va.

John C. Mitchell, JD'75, of Long Valley, N.J., was named president of the sales and integrated logistics division of the Nabisco Foods Group. He is responsible for all operations of the division, of which he has been senior vice president since 1991. The division manages the selling, trade marketing, customer service, and distribution of Nabisco's warehouse-distributed products manufactured by the company's Fleischmann's, LifeSavers, Planters, specialty products, and food service divisions. Mitchell has been with the company since 1982.

John D. Walda, JD'75, is a partner in the law firm Barrett & McNagny, Fort Wayne.

Sarah A. Carter, JD'76, of Bloomington, was a recipient of the 1993 Pro Bono Publico Award given by the Indiana Bar Foundation for her free legal services work. A partner with the Carter law office, she recently taught the family law section of the Community Law School at the Bloomington I.B.E.W. Hall.

Julia Zoller Smock, JD'76, is serving her second term as a member of the Peoria Unified School District.
Board in the northwestern part of the Phoenix metropolitan area. She is also secretary of the board of directors of the Arizona School Boards Association. An assistant attorney general in Arizona since 1980, she specializes in child support enforcement. She lives in Glendale, Ariz.

Larry J. Stroble, JD'76, has been elected chair of the management committee of Barnes & Thornburg.

Viola T. Tali fierro, JD'77, was appointed chair of the newly formed Committee on Civil Rights of Children of the Indiana State Bar Association in December 1993. Tali fierro, magistrate of the Monroe County Circuit Court, lives in Bloomington.

Thomas P. Yoder, JD'77, was installed in November as the Indiana State Bar Association Board of Governors member for the 4th District. He is a partner with the Fort Wayne law firm Barrett & McNagny, a member of the ISBA Accelerated Dispute Resolution Special Committee/Section, and a former chair of the ISBA Young Lawyers Section.

Alecia A. DeCoudreaux, JD'78, has been named director of government relations in Washington, D.C., for the Indianapolis-based Eli Lilly & Co.

Renée R. McDermott, JD'78, has moved her environmental practice from Indianapolis to Nashville, Ind., where she will also serve as attorney for Brown County. McDermott formerly practiced environmental law with Barnes & Thornburg in Indianapolis. Her new mailing address is 1008 West McLary Road, Nashville, Ind., 47448.

Jeffrey K. Riffer, JD'78, is a partner in the law firm Jeffer Mangels Butler & Marman, Los Angeles, and an adjunct professor of law at Pepperdine University School of Law. He recently published "Recent Misinterpretations of the Avoidable Consequences Rule: The 'Duty' to Mitigate and Other Fictions," in 16 Harvard Journal of Public Policy 411 (1993).

Glenn Scolnik, JD'78, a nine-year partner with the Sommer & Barnard law firm, left the firm to become principal of Hammond Kennedy Whitney & Co., a New York City-based private investment firm. In heading the Indianapolis office, Scolnik has become the firm's fourth principal.

David B. Millard, JD'79, partner in the law firm Leagre & Barnes, is known for his work with small-business owners. He reinvigorated the Entrepreneur's Alliance of Indiana and served as its president. He is a director of the Venture Club and helped write its award-winning booklet "The Rewards of Investing in Private Companies." Millard is also a member of the board of advisors for the Ball State University Entrepreneurship Program.

Milton O. Thompson, JD'79, was recently appointed a trustee of the Indianapolis Foundation, a community foundation that awards grants to local health, human services, and arts organizations. Thompson, an attorney, is general partner in Grand Slam, a sports and entertainment management consulting and licensing firm. He is also of counsel to several law firms. In September 1993, he was appointed by the National Endowment for the Arts to serve on its Presenting and Commissioning Advisory Panel.

1980-1989

Stephen A. Tyler, JD'80, was installed as Indiana State Bar Association Board of Governors member for the 1st District in October 1993. Tyler, a partner in the Highland firm Friedrich Bomberger Tweedle & Blackmun, is host and editor of "The Law and You," a segment on the Indiana Nightly Report news program, Channel 56/WYIN Television (PBS), and a fellow of the Indiana Bar Foundation.

Phyllis (Schramm) Kenworthy, JD'81, a Bloomington attorney, recently served as faculty of the National Judicial College at the University of Nevada, Reno. She taught a 40-hour mediation training session to 85 judges from numerous states.

Linda Clark Dague, JD'82, a partner with the Muncie firm Warner Wallace McLaren Dague & Glass, was installed in November as Indiana State Bar Association Board of Governors member for the 10th District. Dague is also a member of the ISBA House of Delegates and the Muncie YWCA's board of trustees.

Debra H. Dermody, JD'82, has been made partner in the Pittsburgh firm Reed Smith Shaw & McClay, where she is a member of the litigation department and its trade regulation section. She is a former law clerk to the Honorable Joseph F. Weis Jr., of the U.S. Court of Appeals for the 3rd Circuit, and to the Honorable David W. Craig, president judge of the Pennsylvania Commonwealth Court.

Jeffrey J. Lorenzo, JD'82, was installed as the Indiana State Bar Association Board of Governors member for the 9th District in November 1993. A partner with the Seymour firm Montgomery Elsner & Pardieck, he is the former Jackson County chief deputy prosecuting attorney and is the city attorney for Seymour.

Gov. Evan Bayh named Frank E. Sullivan, JD'82, as a justice to the Indiana Supreme Court. He had been Bayh's fiscal policy consultant since December 1992 and was state budget director from 1989 to 1992. He lives in
Indianapolis.

Gina Skelton Koons, JD’83, a tax manager at Meridian Mutual Insurance, Indianapolis, was named to the board of directors of the Indiana CPA Society. She is married to Karl M. Koons III, JD’85, a partner with the Indianapolis law firm Locke Reynolds Boyd & Weisell, who concentrates his practice in the areas of medical malpractice and toxic tort/asbestos.

In November 1993, Heather Gray Mollo, JD’83, was appointed circuit court judge, Brown County. Mollo, who lives in Nashville, has practiced law in Brown County since 1983. She has also served as deputy prosecutor, public defender, and referee for the Brown County Court.

Kenneth L. Turchi, JD’83, has been promoted to senior vice president of First Indiana Bank, Indianapolis. He will continue to manage the bank’s marketing and strategic planning division.

Matthew E. Wilkins, JD’83, is a partner in the bankruptcy/creditors rights group of Coffield Ungaretti & Harris, Chicago. He has been with the firm since 1991.

After finishing his studies in Munich, Germany, in 1987, Ulrich C. Kartzke, MCL’85, worked for two years in the Ministry of Justice and for one year as a public prosecutor, both in Munich. He is clerking at the Federal Supreme Court (Bundesgerichtshof) in Karlsruhe.

Former ambassador and Indiana Gov. Robert D. Orr, LLB’85, works with the Alliance for Global Commerce to help state businesses become world traders. He recently returned from Singapore, where he was ambassador for three years and chairs the Confederation of Trade Consultants, Importers, and Exporters. He lives in Indianapolis.

Loren Dale Rueter, JD’85, works as general counsel and Washington, D.C., liaison for Rose Acre Farms, the nation’s third largest egg producer. He lives in Bloomington.

Beth Ahlmeyer Tevlin, JD’85, is executive director of the Wabash Valley Community Foundation, Terre Haute. The Greater Terre Haute Chamber of Commerce awarded her the 1993 Athena Award for her business accomplishments, community service, and support of the goals and efforts of professional women.

Gary A. Wadman, JD’85, practices business law as partner with Baker & Hostetler, Columbus, Ohio.

Eric E. Boyd, JD’86, of La Grange, Ill., is a partner with the Coffield Ungaretti & Harris environmental law group, one of the Chicago-based firm’s larger practice groups.

E. Lynn Grayson, JD’86, became a partner with the Coffield Ungaretti & Harris environmental law group in November 1993. He works in the firm’s Chicago offices.

Christopher J. Randall, JD’86, is deputy chief of the Immigrant Visa Section at the U.S. Consulate General in Ciudad Juarez, Mexico. He was promoted to the rank of consul in October 1993.

David A. Collins, JD’87, of Bloomington, recently declared his candidacy for the Republican nomi-
nation for Monroe County prosecutor in the May 1994 primary. Collins has been a Monroe County deputy public defender since 1990, and previously served as deputy prosecutor for Morgan County.

V. Samuel Laurin III, JD'87, has been named partner of the Indianapolis firm Bose McKinney & Evans. He practices in the area of commercial litigation.

Gregory Rutzen, JD'87, was recently named director of student affairs at Marquette University Law School. He is married and lives in Cedarburg, Wis.

Attorney Sean M. Clapp, JD'88, works with Bose McKinney & Evans, Indianapolis. He and his wife, Brenda, had their first child, Haley, in July. They live in Indianapolis.


Rebecca K. Schmitt, JD'88, formerly an associate with the Palo Alto, Calif., law firm Ware & Freidenrich, holds that position at the newly-formed Gray Cary Ware & Freidenrich. In January, Ware & Freidenrich merged with Gray Cary Ames & Frye, of San Diego, to become California's seventh-largest law firm.

James E. Anderson, JD'89, is an attorney with the law firm Ware & Freidenrich (now Gray Cary Ware & Freidenrich) in Palo Alto, Calif. He is married to Theresa Ernst Anderson, BS'87, an account service representative with Ziff-Davis Publishing Co.

1990-Present

Brett R. Fleitz, JD'90, operates a private law practice in Indianapolis.

Duncan Kinkade, JD'90, practices family law and law matters related to art as an associate with the Bloomington law firm McDonald & Koch.

Craig J. Bobay, JD'91, is an associate with the law firm of Hunt Suedhoff Borror & Eilbacher, Fort Wayne. From 1991 to 1993, Bobay served as law clerk to the Honorable William C. Lee, district judge of the U.S. District Court for the Northern District of Indiana, Fort Wayne division. Before attending law school, he was director of court operations with the Allen Superior Court.

Richard M. Bramer, JD'91, is prosecuting attorney for Sullivan County.

John R. Fernandez, JD'92, of Bloomington, joined the law firm of Bingham Summers Welsh & Spilman in January. Before joining the firm, Fernandez was judicial clerk to the Honorable Roger DeBruler, Indiana Supreme Court. He has also served as council member at-large and president of the Bloomington Common Council.

Lisa McKinney, JD'92, an associate in the Indianapolis-based law firm of Bose McKinney & Evans, has been appointed newsletter editor of the American Bar Association General Practice Section's Committee Update on Administrative and Government Law. She edited two issues of the newsletter in 1993.

Mark Need, JD'92, and Andrea Isaacs, JD'93, were married in August. He works with the law firm Blankenship & Robbins, Indianapolis, and she is an attorney with the Indiana Department of Environmental Management. They live in Indianapolis.

Michelene B. Patte, JD'92, has joined the civil trial law firm of Brinks & Associates, Grand Rapids, Mich., at Suite 40, Riverfront Plaza Building, 55 Campau, N.W.

Judson G. Barce, JD'93, is an associate with the Elkhart law firm of Chester Pfaff & Brotherson. A former clerk for the U.S. Attorney's Office, Sioux City, Iowa, he concentrates his practice in the areas of environmental and business law, real estate and land use, civil trial practice, and bankruptcy and criminal law.

Kent Alan Brassealle II, JD'93, recently became an associate with the law offices of Kahn Dees Donovan & Kahn, Evansville. He was admitted to the Indiana Bar and to the U.S. District Courts for both the Northern and Southern Districts of Indiana in October 1993. His areas of practice include environmental, intellectual properties, construction, business, and real estate law.

William Cook, LLD'93, is president of the Cook Group and founder and president of Cook Inc., Bloomington, which produces medical instruments. With assets of $575 million, he was recently named the 163rd richest American by Forbes magazine. He and his wife, Gayle Cook, BA'56, LHD'93, co-owner of Cook Inc., live in Bloomington.

Monique S. Matheson, JD'93, is an attorney practicing with the Portland Seattle office of Lane Powell Spears Lubarsky. She concentrates in appellate law.

Matthew M. Price, JD'93, joined the law firm McHale Cook & Welsh as an associate in the Indianapolis office. Before graduating from IU, Price was managing editor of the Indiana Law Journal.

Kenneth L. Turchi, JD'93, was promoted to senior vice president of First Indiana Bank, Indianapolis, in January. He continues to manage the bank's marketing and strategic planning division.

Paul M. Weiss, JD'93, of Morton Grove, Ill., is an associate in the litigation department of the law firm McDermott Will & Emery, Chicago.
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