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Judge Linda Chezem Speaks on Campus

By Joan Tupin-Crites

The Caucus for Women's Affairs was honored to present the Honorable Judge Linda Chezem to the law school at the beginning of this semester. Judge Chezem graduated from the IU-Bloomington School of Law with her J.D. in 1971. She currently serves on the Indiana Court of Appeals for the 4th District. Judge Chezem recalled meeting strong resistance from her Clay county parents when she told them that she intended to enroll in law school. She, like many of our students, began in the summer accelerated program. Arriving on campus, she quickly learned that she was the only female entering in the summer class.

She recalled classroom 120 looking quite a bit different the last time she was in it and then continued to tell us about her route to the Court of Appeals. Judge Chezem married a fellow law student who took a job after graduation in Bedford, Indiana. Her husband's new employer told her that they did not want her working in the same community, so she set up practice in Lawrence County, south of Bedford. There she became very active in politics, a fact that she counts as instrumental in her becoming the judge of the Lawrence Circuit Court and from there being appointed to the Court of Appeals. She is the first woman ever to serve as a circuit court judge in Indiana.

Judge Chezem is widely known for her interests in educating the public about the judicial system, her creative approaches to dealing with the problems of crime and its relation to substance abuse, and her innovative probation and sentencing programs.

Judge Chezem serves on a number of local and national committees concerning civil litigation, substance abuse, and other issues. She frequently teaches continuing education classes to Judges throughout the nation.

Having worked full time either in private practice or serving the community with her skills on the bench, Judge Chezem and her husband share in raising their two children.

The Caucus for Women's Affairs welcomes all interested students to take part in the upcoming programs which it will sponsor. An organization without dues, the caucus currently has committees working in the following areas: prevention of harassment and promotion of rape awareness on campus, Speakers and Programs, Newsletter, Social, and Auction. If you have an interest in joining the caucus, all meetings are open.

Search For a Dean Continues

By Cynthia A. King

The Dean’s Search Committee has a busy semester planned. David Chambers, a Michigan law professor was the only person to interview for the position last year. After three visits in which he seriously considered a move to IU, Chambers declined to be considered citing his desire to remain in teaching as his reason for withdrawing. However, the committee was far from inactive over the summer.

One of the main concerns of the committee is the recruitment of qualified minority and women candidates. Professor O’Connell, a member of the search committee, said that “since the first meeting of the Dean’s Search Committee diversity has been a consideration. There is no question that diversity is important to the committee, faculty, and the larger law school community.”

The committee used several methods to target qualified candidates. The first was to use personal contacts. Faculty on and off the committee called other faculty at other schools all over the country. Another method used by the committee was a thorough perusal of “The Directory of American Law Teachers.” After names were compiled, files on the individuals were generated. The result was invitations to three African-American candidates, all of whom declined the invitation; one Hispanic who has not yet responded; and six women, four of whom declined the invitation, one of whom is outstanding, and one of whom will visit the law school the last week of September.

Professor Popkin, chair of the committee, reiterated his belief that the committee is bringing candidates that any see Dean on pg. 2
PILF Recruits New Members

By Cynthia A. King

The Public Interest Law Foundation (PILF) had its first meeting of the year on Tuesday, September 11. The meeting, which addressed the purposes of PILF, the year’s agenda, and first year elections, was well attended. “If the meeting was any indication of overall interest, then public interest law may be making a comeback,” said JauNae Hanger, one of the co-chairs of the organization.

Planned activities for the year are quite diverse. Activities include bringing in a speaker, the annual Thanksgiving food drive, attending a public interest conference in Washington, D.C., and bringing a public interest consultant to the placement office. The two main projects they will pursue are the pledge drive to fund summer fellowships for students working in the public interest and implementing a loan forgiveness program.

The pledge drive and summer fellowship were started three years ago. Each spring students pledge a day’s salary so that other students can work for non-profit public interest organizations. The summer fellowship program gives students the chance to work in a forum other than a law firm, a choice they might not have had without a fellowship. “Through the support of their peers students have been able to work for groups like the Government Accountability Project and the Environmental Defense Fund,” said board member Philippa Guthrie.

The first steps toward implementing a loan forgiveness program were taken last year. At that time, the proposal to the administration was fleshed out and negotiated. While the project took a lot of time, the end result has been worthwhile. Hanger explained, “Dean Garth promised us the funds necessary to start the program. Acting Dean Bethel recognized that commitment and expressed support for the program.” In addition, a committee of faculty, administrators, and students was convened to oversee the program. The loan forgiveness program would help students who choose public interest jobs after graduation pay their student loans. Schools such as Harvard, Yale, and Stanford have had great success with their programs.

If you are interested in getting involved with PILF contact JauNae Hanger (3L), Cynthia King (2L), or Philippa Guthrie (2L).

Dean from pg. 1

law school would be proud to have as a dean. “We have been diligent in our search and now it’s paying off,” stated Popkin. Even while candidates are visiting the law school, the committee continues to look at other potential candidates. “Obviously the search is not over until we on the committee have satisfied all of our colleagues and we are assured that we have made the best possible choice,” said committee member Professor Hoffman.

Students will have the chance to meet the dean candidates when they visit the law school. It is important that students utilize this opportunity to meet the candidates and to ask them questions. “Students must get involved with the interviewing process. It not only gives students a chance to have a say in the future of the law school, but also allows the candidate to get a sense of the student body,” declared Popkin.

Minorities and women were not the only candidates seriously considered. Names of qualified and interested candidates have been generated in the same manner as those of minority and women candidates throughout the search. As a result, the committee has successfully attracted three candidates who will visit the law school over the next month.

The three candidates making visits are all exceptional. The first to visit will be George Rutherglen, a professor of law at the University of Virginia. Rutherglen will visit on September 24th and 25th. The next candidate to visit will be Ellen Jordan.

The first meeting will be with George Rutherglen on Monday, September 24th from 2:45 to 4:15. If you are interested in meeting with the dean candidates, contact Cynthia King (2L) or Gary Gold (3L).
IU Students Recount Experiences "Out of Africa"

By David Sorenson

While a typical summer experience for many 2Ls consists of several months spent amidst the bustle of big-city law firms, two IU students found their interest in the law taking them all the way to Africa.

Last June, Sean Kenyon (3L) and Shuba Krishnan (3L) traveled to Malawi and Kenya as part of an African law exchange program run the auspices of the United States Information Agency (USIA). Four law students from Georgetown and Berkeley rounded out the group, which tackled a hectic schedule of meetings with magistrates, lawyers, and law students in order to gain a better understanding of law and society in Africa.

While Shuba expected the countries to resemble in certain ways the conditions she has witnessed in India, Sean was taken by surprise. According to Sean, the visitors gained an understanding "unlike anything you could possibly imagine having only read or seen pictures" of the countries, from their breathtaking beauty to the tragic poverty under which many of their people struggle. Despite a restrictive timetable and dangerous roads -- numerous accidents and reckless drivers were commonplace -- the intrepid students ventured out to a game preserve in Kenya. "We were walking along a path single-file in order to see some hippos," recalls Shuba, "when two men came running past us, looking very afraid. They said nothing to us, but we heard rustling in the bushes nearby."

Heeding caution they returned to their vehicle, from which a fearless monkey had earlier liberated their supply of junk food.

Such excursions were rare, as by far the most time was spent discussing legal issues and comparative systems in their host countries. These encounters produced the most ambivalent feelings among the students regarding their trip. As guests at a reception or dinner, and in general, the people were "friendly, interesting, intelligent, and would go out of their way for us," said Sean. At times, the Americans even felt as if they were "goodwill ambassadors" from their country. Hospitality notwithstanding, the greatest disappointment the students suffered was a lack of "opportunities to discuss what was really going on in those countries," related Shuba. Their overall impression was that the hosts were not especially frank about their governments, a suspicion amplified by the many talented young lawyers and students who seemed terribly frustrated because they were blocked in their attempts to aid their country's growth. Often, the American students themselves felt frustration. Discussions were rather one-sided when the students talked to older officials. "It was if they were saying, 'What would an older person have to learn from a younger person?','" recalled Shuba.

Despite continued adherence to certain traditions, however, the students noticed signs of change. Increasing awareness of women's rights is being spread throughout the traditionally male-dominated societies, and the concept of legal aid is catching on in Kenya. Modernization promises dramatic change. Malawi, for example, supports two parallel legal systems. One, handed down from the colonial period, is based upon British law. The other, official or "customary" law, originated from the traditions and values of closed communities. Growing mobility among the populace and tribal intermarriages, along with other aspects of the move to a modern society, may force a reconciliation of these separate systems. Regardless of the changes, however, lawyers are assured a key role in the development of their countries. The "Legal Societies" of Kenya and Malawi -- equivalents of the American Bar Association -- actually wield substantial political influence, in contrast to their more social American counterpart.

Sean and Shuba came away from their summer experience with increased international exposure, new friends, and unforgettable memories. While USIA does not plan to continue this program, there are numerous options available to law students seeking international experiences. Career Planning Coordinator Mary Kay Rothbert, Professor O'Connell (International Law), and the Student Bar Association's publication "Student Lawyer" may all provide some direction for those seeking to go abroad.

Federalist Society Making Comeback

By Kevin Belt

After being conspicuous only by its uncharacteristic low profile last year, the IU Law School chapter of the Federalist Society is once again becoming an active and outspoken organization. The group charted this new course at its first meeting of the year on Tuesday, September 18. The meeting was well attended by both current members and several new eager supporters. Tom Holtz, president of the Federalist Society at IU, said, "I am encouraged with the turnout. If this meeting indicates our support, the Federalist Society will return to its prominent position as a significant presence within the law school."

The meeting included a brief explanation of the Federalist Society's basic tenets and purpose by Tom Holtz. Discussion included the agenda for the year, plans for major events, and the possible sponsorship of nationally known speakers on campus. A spirited exchange over the purposes and common beliefs of the group followed. Holtz was quite pleased with the course of the meeting, saying, "It has become necessary to clarify our jurisprudence. Some groups have been successful at fingering the Federalist Society as a radical or extreme group, when in fact it isn't. Discussion like this will clarify where we stand."

The Federalist Society will hold its next meeting on Tuesday, October 9, at 12:15 P.M. in Room 120. Interested students are welcome to attend. This meeting will address the agenda and activities for the semester, as well as the planning of at least one major event for the year.

When asked what the group's major message is, Holtz replied, "The Federalist Society will resuscitate the once-controversial debate over the judiciary's role in lawmaking."
IU Trustees Should Rethink Policy on South Africa

To the Editors,

Did the release of Nelson Mandela from South African prisons, and his visit to several cities throughout the U.S., go unnoticed by the IU Trustees? Were his pleas simply ignored? Or have the Trustees decided that they know what is better for South African blacks, better than blacks themselves?

In Mandela’s address to the U.S. Congress on June 26, 1990, Mandela said, “We require an economy that is able to address the needs of all the people of our country, that can provide . . . education . . . that makes life joyful and not a protracted encounter with hopelessness and despair.” He went on to say, “Sanctions should remain in place because the purpose for which they were imposed has not yet been achieved . . . . We plead that you cede the prerogative to the people of South Africa to determine the moment when it will be said that profound changes have occurred and an irreversible process achieved, enabling you and the rest of the international community to lift sanctions.”

The people of South Africa have yet to determine that “irreversible” changes have taken place, yet President Ehrlich went to South Africa to meet with administrators and faculty at Khanya College, an IU-sponsored school that provides “quality higher education to black students,” according to the “IU Newspaper.” In light of the fact that the international anti-apartheid movement is trying to persuade governments to isolate South Africa from the rest of the world, at least until non-white peoples of South Africa are able to exercise fundamental human rights without fear of imprisonment, torture, and/or instant death, members of the anti-apartheid movement in this country, including myself, question whether IU should be involved in such a “project” at such a crucial time in the movement to abolish apartheid.

What exactly are the sanctions Mandela talked of, and why has IU decided that its interests in educating South African blacks are so great that not even sanctions will stop it from fulfilling its mission?

The Anti-Apartheid Act of 1986 prohibits the sale and shipment of books and educational supplies to South Africa. Should we assume then that as long as I.U. does not sell and ship books and “supplies” to South Africa, no violation of the Act is being committed? That would be a naive assumption. It would be just as naively believed that blacks, except for the privileged few who can attend Khanya College, would actually benefit from a violation of the act.

Mark Mathabane, author of Kaffir Boy (that is “nigger” in Afrikaans) and Kaffir Boy in America, a black South African who studied in the U.S. and has remained in this country since, suggested in his article in U.S. News and World Report that “By embargoeing the sale and shipment of U.S. books to South Africa, Americans are unwittingly abetting the South African government in its systematic starvation of young black minds.”

I would agree with Mathabane if it were not for the fact that the South African government consistently bans “subversive” literature -- that is, literature which might create a sense of freedom and rebellion in the minds of blacks and coloureds. I do not agree with Mathabane for he, and apparently the Trustees, are more interested perhaps in the intellectual fulfillment of the 405 students who have graduated from Khanya College without having taken a course in political science, philosophy, or business, than say the millions of blacks who, even if “highly educated” would only be able to use their talents to help maintain the South African status quo.

Sure, blacks need education to teach their own, police their own, conduct small businesses (taxi services, etc.), and maintain the welfare of the Bantustans. Given our own history of race relations, should not IU’s interest in black South Africans be the attainment of fundamental rights first? And if not, should not I.U. at least prepare black South African students for leadership roles in a new, one person, one vote South Africa?

What will it take before the Trustees decide that IU and South Africa, morally, do not make good bedfellows? How much more blood must be shed? How many more speeches must Mandela make before South Africa is seen for what it is -- a “terrorist state”?

As long as IU continues to invest financially and materially in South Africa, may I suggest that the Trustees make it economically possible for hundreds of black South Africans to travel to Indiana and study, at least for one year, at any of the IU campuses? Nothing would prepare a black South African for a leadership role more than the taste of freedom itself. **see South Africa on pg. 5**

### October Events

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<tr>
<td>Thursday, Sep 27</td>
<td>ILA Meeting</td>
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<tr>
<td>Monday, Oct 1</td>
<td>Senior Graduation Meeting</td>
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<td>Rm. 121</td>
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<td>Dean Candidate Ellen Jordan--Student Meeting</td>
<td>1:30 p.m.</td>
<td>Faculty Lounge</td>
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<td>Tuesday, Oct 2</td>
<td>PILF Meeting</td>
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<td>Wednesday, Oct 3</td>
<td>CLS Meeting</td>
<td>12:00 p.m.</td>
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<td>Thursday, Oct 11</td>
<td>Federalist Society Meeting</td>
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<td>Friday, Oct 12</td>
<td>PAD Demurrer’s Club</td>
<td>4:00 p.m.</td>
<td>Nick’s</td>
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<td>Friday, Oct 19</td>
<td>BLSA Gong Show</td>
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<td>October 19 -- October 21</td>
<td>DC Jobs Fair</td>
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See Placement Office
IU Law Gains Two New Faculty
By Eric Vermeulen

The law school faculty has gained two new professors this fall, both of whom bring impressive credentials and private practice experience with them to Bloomington.

Professor Bruce Markell is a commercial law specialist who spent much of his youth in Indiana. He lived in Logansport until about age thirteen, when his family moved to California. A philosophy major as an undergraduate, he considered attending graduate school in philosophy, but applied to law school at the University of California at Davis along with a group of his friends. As it turned out, he was the only member of the group to be accepted there, and wound up graduating first in his class. "I decided I was more of a carpenter than an architect," says Markell about his decision to enter the legal profession rather than pursue an advanced philosophy degree. He said he prefers the more practical nature of law over other more theoretical disciplines. Even so, he left his partnership at the Los Angeles firm of Sidley & Austin to become a law professor because of his great affection for teaching and the academic environment.

Markell particularly enjoys teaching bankruptcy because it involves altering relationships among people. He feels working in bankruptcy is an opportunity to be more of a "renaissance lawyer," since it touches so many other aspects of the law, a fact he finds intriguing.

In addition to his other professional accomplishments, Markell was editor-in-chief of the U.C.-Davis Law Review, and a judicial clerk for current U.S. Supreme Court Justice Anthony Kennedy when the justice served on the 9th Circuit Court. During his time as a clerk the court considered several landmark cases, including ones dealing with gay rights and separation of powers.

Markell and his wife, a native Californian, have one child, who the professor claims keeps him pretty busy. However, when he finds spare time, he enjoys outdoor activities such as hiking and camping.

Fred Cate is a new associate professor who specializes in communications law and ethical and legal issues relating to communications in medicine, particularly transplantation. A 1987 graduate of Stanford Law School, Cate will teach property and intellectual property at IU, in addition to communications law. Like Professor Markell, Professor Cate thought about graduate study in his undergraduate major of history, but chose law school because he felt there were more career opportunities available in the legal profession. Once in law school, he quickly steered toward communications law and has maintained that focus ever since.

Prior to teaching at IU, Cate was an associate in the Washington, D.C., office ofDebevoise & Plimpton, a firm based in New York. He is currently a Senior Fellow of the Annenberg Washington Program in Communications Policy Studies in Washington, D.C., and has authored numerous publications in the areas of communications law and transplantation.

Contrary to a widely held belief, Cate feels law school should be a fun experience, and says he enjoys teaching a great deal. "To me, teaching is the greatest profession imaginable," exclaims Cate. "You get paid to read about things you like, write about them, then tell other people about them." He finds the students at the IU School of Law to be "terrific," and has been impressed by their high academic standards.

Cate is particularly happy to be at Bloomington because of the excellent telecommunications department and journalism school at IU. He considers the law school's hiring of a communications law professor to be "the third leg of a three-legged stool," and is excited about what that association might hold in the future.

Cate's outside interests include racquetball and traveling.
If You're So Smart Why Ain't You Rich?

By Timothy Dismond

Students, friends, and colleagues all have frequently posed this question to IU's newly honored celebrity. His usual response: "I'm just one of the odd-duck people who likes a competitive atmosphere and the challenge of intellectual inquiry." Money is not this man's motivation; he is driven by a personal sense of responsibility.

This 1990-91 celebrity is a literature buff. He has a degree in journalism and has served as managing editor of a highly recognized national publication. His contributions to the literary world are many. As author of numerous articles in scholarly and professional journals and as a participant in laudable organizations, his name is nationally renowned.

As might be expected, our celebrity is not only an acclaimed scholar, but also an ardent athlete. He played varsity baseball and hockey as an undergraduate, and later Rugby in Gibraltar with the British. In 1985 he was MVP of the decade for his post-graduate athletic prowess. Now, all sports have yielded to his passion for sailing on his 25-foot sloop and wind surfing.

One of his famed quotes reads, "I thrive on the adversary system . . . . The first son-of-a-bitch [my pupils] meet ought not be a judge . . . so if it's me, I'm getting them ready for the world."

Who is this contributor to acclaimed publications, die-hard sportsman, and defender of unpopular causes? Who is this man recognized by Playboy for having "good defensive work?" It's not Ernest Hemingway, nor Sean Connery; rather, it's IU School of Law's Professor F. Thomas Schornhorst.

Indiana University celebrates Professor Schornhorst for his outstanding service to the university community and his commitment to students and faculty. Accordingly, he has been awarded the "Distinguished Service Award" for the academic year 1990-91.

Professor Schornhorst is a graduate of the University of Iowa and George Washington University School of Law. His accomplishments include developing the Inmate Legal Assistance Clinic; helping establish the Monroe County Public Defender's office; serving as President of the BCLU; working for the Marion County Prosecutor's office; and representing indigent clients in criminal cases -- including four capital cases, two of which are still active.

Of all of his career undertakings, however, Professor Schornhorst has found one case to be particularly rewarding. He states, "The one that gives me the most satisfaction is the Hess case." In Hess v. Indiana, 414 U.S. 105 (1973), Professor Schornhorst, together with colleague Professor Pat Baude, successfully defended an IU student's First Amendment rights before the United States Supreme Court. Most significantly, in doing so, they established a "footnote" in constitutional law case books with respect to the application of the "clear and present danger" standard. Professor Schornhorst notes, "This case will always stand out as my fondest legal memory."

Professor Schornhorst is very pleased and honored to receive this award, and extends his appreciation to the law school and the Bloomington community. And, though Professor Schornhorst seeks no recognition for his many accomplishments, he humbly states, "My colleagues ask me if it's all true, and I have to admit that it is -- mostly!"

SLA Prepares for an Active Year

By Cynthia A. King

The Student Law Association's (SLA) already busy beginning has set the tone for a productive year. SLA acts as the student government of the law school. Each class elects three representatives who then become a voice for students. While one of SLA's most visible projects is running the used book store, SLA's main responsibility is to act as a liaison between students and the faculty and administration. The interaction between the students and the faculty and administration can occur in several ways.

One way for students to voice their concerns about the law school is to personally contact an SLA representative. Another way is to attend "Open Forum" nights. Open Forum nights were first instituted by last year's SLA and they are held two or three times a semester. "Open Forum nights are really helpful," commented Dan Bopp, a second-year representative who helped to institute Open Forum night last year. Todd Hayden, another second-year representative, added, "Because they are open to the entire student body, students can listen to the concerns of their peers. This is just one way that SLA hopes to encourage students to take an active role in making the law school a better place to live and learn."

Working on a student-faculty committee is another great way to get involved. SLA will be reviewing student applications for the committees over the next week. The committees address a variety of issues from scheduling to administrative law case books with respect to the application of the "clear and present danger" standard. Professor Schornhorst notes, "This case will always stand out as my fondest legal memory."

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Two proposed agenda items are carryovers from last year's administration. Those issues, grade posting and faculty delays in grade reporting timeliness, have already been discussed by current SLA members. The interaction between students and the faculty and administration can occur in several ways.

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