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INDIANA UNIVERSITY
SCHOOL OF LAW BLOOMINGTON
BILL OF PARTICULARS
Spring 2002

David Williams on
Violence and the American legal landscape
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Cover: American cowboy aims to fire at Indians; a 19th-century lithograph by Currier (1843–1909) & Ives (1847–1911) [The Art Archive/Yale University New Haven/Album/Joseph Martin].

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Law: Illumination against darkness

by Alfred C. Aman

The School of Law had an exceptionally successful admissions season this year. The Class of 2004 has the best academic record of any class we have ever admitted. This year’s class members have a median grade point average of 3.45 and a median LSAT score of 161. This is a significant step forward for us, and the fact that we were able to take this step is a profound tribute to the dedication of our alumni — the dedication of your example, which inspires us daily, as well as your strong financial support for scholarships, essential to our recruitment efforts. The 214 JD students come to us from 98 different undergraduate institutions; 32 percent of them are 25 years or older. They have chosen law from a rare richness of life experience, including academic experience. In addition, we brought 65 new graduate students to the law school this year, through the LLM program. These students represent 15 countries; they have chosen to study American law, taking time away from exceptionally promising careers. All of these students, JDs and LLMs alike, are extraordinary individuals — and already a pleasure to know and to work among. We have high hopes for all of our students — and high hopes of them. Truly, together, they make us optimistic about the future of our country and the world.

Three weeks into our new school year, on Sept. 11, our law school community, along with everyone, struggled with our shock to make sense of events. Gratefully, I can tell you that the circle of our students and alumni was spared any direct loss that day. In our zone of safety, talk turned to what we know best — studying law and law teaching — and many of us asked ourselves and each other how these might withstand the emergency: Would they still seem important? Our collective answer was a resounding “yes.”

The great beauty — and perhaps the greatest promise — of our legal system always has been most clear when its prevailing ethos is illuminated against darkness, and when — for students, scholars, and practitioners alike — it is more than a means to an end. Law can provide the very model of a just society, by which I do not mean that law alone can provide justice, but that law in our democracy warrants the conditions under which people can attend to each other’s needs, exchanging ideas — even those ideas expressed in the softest voices — under conditions of safety. Law is the archive of our society’s values, an archive that makes plain both the triumphs and the struggles to make it a record of the history of justice. Law teaching opens that record — law’s memory and all its unfinished hopefulness — to students, and, through them, to the future. Law and law teaching are more important now than ever before. I would like to share with you some words on this subject, from members of our faculty.

Aviva Orenstein expressed her thoughts in an e-mail to the school written on Sept. 13 from New York City, where she is on leave this year:
Studying civil procedure seems mundane after such a tragedy, but by doing so, we assert our drive to regain a normal, peaceful life and defiantly reject the disruption and barbarism of the attack. As future lawyers, studying the means of dispensing justice, it is essential that we safeguard civil liberties. Studying law and expressing concern for fair processes and just results is a noble answer to those who would try to make their case with terror: The rule of law is a cornerstone of civilized society. By studying and honoring law, our students promote a culture of non-violence, peaceful resolution of disputes, and respect.

Aviva concludes:

In times of tragedy, values come into focus. The horrors of [the days following the Sept. 11 terrorist attacks] have reaffirmed for me that our pursuit of law as a profession is at the deepest level an assertion of our shared values and democratic ideals.

Spring semester at the law school

Outlined below are some of the exceptional speakers and events on the schedule during the spring semester, which we hope will give a sense of the breadth and the depth of the intellectual life of our school. We are proud of the spirit of inquiry and engagement that exists here at the Indiana University School of Law—Bloomington, and visitors, forums, and conferences like these all contribute to that.

Check our Web site for a regularly updated schedule of public events (www.law.indiana.edu/aca/calendar/events.html). You, our alumni, are always welcome to join us.

• Feb. 1-2, Conference: Prominent practitioners and scholars from around the country gather to discuss “Congressional Power in the Shadow of the Rehnquist Court: Strategies for the Future.”
• Feb. 6, “Bringing the Terrorists to Justice: Where and How Should the Prosecutions Proceed?” A panel discussion with Professors Craig Bradley, Daniel Conkle, David Fidler, and Dawn Johnsen, moderated by John Scanlan.
• Feb. 11, Hall Lecture: Justice George Lampetey, of the Supreme Court of Ghana
• Feb. 13, African Summit: Justice Lampetey, former Liberian President Amos Sawyer, and Oyibo Afoaku, director of IU’s Neal Marshall Black Culture Center, discuss legal, political, and social issues pertinent to the African continent.
• Feb. 27, Ice Lecture: Professor Yvonne Cripps inaugurates the Harry T. Ice Chair in Law with a lecture on “Combinations & Recombinations: A Lawyer’s View of the Science and Art of Genetic Engineering.” One of the world’s leading legal scholars in the field of biotechnology, Cripps was appointed to the Indiana University law faculty in 2000.
• March 7, Snyder Lecture: Prof. Susan Marks
• March 20, Harris Lecture: Akhil Amar
• April 5-6, Conference: “Globalization and Governance: The Prospects for Democracy” marks the 10th-anniversary issue of the Indiana Journal of Global Legal Studies, which will publish the conference proceedings next fall. The keynote address will be given by Saskia Sassen, of the University of Chicago.

David Williams gave a talk to our 21st Century Society last month in Indianapolis reflecting on these events (see page 3). At the close of his powerful remarks, he spoke of a Hasidic man, who, rushing from the collapsing towers, came upon a young Muslim man from Pakistan, Usman Farman. Farman had just begun to work at the World Trade Center; now he lay on the street. The Hasidic man found him and extended his hand to help him up, so they could both run to safety. David concluded:

So here is a vision of how people might go about taming violence. In a moment of great danger, these two men forgot the cultural scripts that kept them apart. Instead, they joined hands to create instantaneously a culture of two, rooted in the affection that facing danger together brings. And yet they did not have to become the same: Farman is still a good Muslim, and his rescuer an Hasidic Jew. But here is the difference: Now they are friends, and so they can write a bigger and better and braver story. And they give the world hope.

The work of law is never finished, and it does not stop at the limits of our communities, or our country. More than ever, we will be called on as lawyers to keep the idea of law bright, and this will take patience, creativity, and courage. More than ever, a legal education is more than a means to an end. We are educating lawyers to imagine new relationships and partnerships, new approaches to and uses of law, and, most of all, to resist cynicism. Law is among democracy’s most powerful weapons against that particular enemy.
Violence and the American legal landscape

by David Williams

Professor Williams made the following remarks at a dinner for the IU School of Law's Alumni Board this fall. The dinner and talk took place at the Eiteljorg Museum of American Indians and Western Art in Indianapolis.

In many ways, the Eiteljorg is a natural place for me to be speaking, because I write about both of the cultures prominently on display here. On the one hand, there are displays about Native Americans, and one of my subjects is Indian law. On the other hand, there are displays about non-Indian Westerners—cowboys, if you will — and my other subject is the Second Amendment, the right to keep and bear arms, which is dear to the hearts of cowboys everywhere. Both cowboys and Indians created distinctive cultures, which in turn gave rise to distinctive legal ideas. And what I mostly write about is how such cultures create law, and how law then turns around and shapes those cultures.

My subject grows out of this setting, and my claim is simple. I want to suggest that legal systems grow out of larger cultural systems, that they don't exist apart from those systems, and that we won't get very far when pondering the relationship between different legal systems unless we understand their different cultural roots. Now all that might seem obvious, but an awful lot of American legal theory seeks to deny that claim. Instead, most American law grows out of an individualist orthodoxy that says the individual, rather than the culture, ought to be the basic unit of legal analysis. Individuals make legal systems for their own individual reasons, and then they act within those systems for their own individual reasons. In this view, to talk about legal culture smacks of hateful determinism. It suggests that we are the products of our cultures and that we have no choice in the matter. So it is better that we should see ourselves, legally speaking, as a nation of individuals and individualists, self-creating, untethered to any limiting society.

It is certainly true that individuals make important choices. To ignore the cultural context in which those choices occur, however, can lead to very unfortunate results. These days, most of us have exposure to more than one culture, or at least to a richly discordant culture, so we can choose between various cultural options.

And that's one of the reasons that cultural diversity is such a good thing: Without it, we risk becoming cultural monoliths, endlessly repeating what we've been taught to repeat.

All that might seem unbearably abstract, so to illustrate the point, let me tell you a personal story about cowboys and Indians and Indiana. I grew up in the southern Indiana gun culture. At one time or another, some of the men in my mother's family were sheriffs of Morgan County. And one of my cousins owned Lewis Wetzel's flintlock rifle. Wetzel was an early Indiana settler. His brother Jacob is buried in Morgan County. And after the Indians butchered some of his family, Wetzel became an Indian fighter. Now as you may know, people in southern Indiana like to tell stories, and I grew up on stories about this great ancestor. In the stock of this rifle were carved 21 notches, one for every Indian killed with that weapon. Gazing at this gun, night after night, I imagined great deeds of masculine derring-do, killing Indians. Indians were props in my games. At the time, these were the only thoughts that my culture enabled me to think.

But when I was 5, I went to Colorado. My uncle Joe took me out in a brand-new red 1965 convertible Mustang, and the first thing across the Colorado state line, he stopped and bought me a cowboy hat and boots, and two toy revolvers in a real leather holster. My father tells me that for weeks afterward, I was impossible to deal with, because I strutted around like John Wayne. But then we
went to the pueblos in southwestern Colorado and watched the Indian fancy dancers, and I thought they were great. Standing to one side was an old Indian in full plains regalia, and he saw me watching him, and he came over and said to me, “You have two guns and I have none — do you think that’s fair?” I allowed as how it wasn’t and gave him one. And then he said, “Now we each have a gun, and you’re a cowboy, and I’m an Indian — does that mean that you want to kill me?”

I was thunderstruck. In my mind, in my cultural scripts, I had killed people like him a hundred times. But here he was, and he was real, and I was sad that he thought I wanted to kill him. And I’m still sad that we exist on either side of this line. Now when I look at those 21 notches on Wetzel’s rifle, I see 21 dead Indian patriots, and I think about the violence that comes when cultures clash and don’t understand each other. Wetzel lost his family to Indians, and he was never the same. And 21 Indian families lost members to his bullets, and they were never the same. I wish that they’d all had more options. I wish that they’d found a way to construct a shared culture that would allow them all to live in safety and peace, regarding each other as co-creators of a common space instead of blood enemies.

To see this clash of cultures and the violence that it begets, however, we don’t need to go back to 1965. All you need to do is turn on the TV. In some Muslim countries, there’s a culture that teaches hatred of Americans, in the same way that Western cultures used to teach hatred of Jews or blacks or heretics — and some still do. It is not just terrorists who adopt this view: It is a portion of a whole generation that feels alienated from the global order and America and modernism itself, because what they’ve seen of those things has not seemed very appealing. Buying into our individualist orthodoxy, we might insist that if only we raise the stakes on individual terrorists, they will stop. If we make it costlier for them, they will consult their individual interest and stop bombing us. We might so insist, but then we might remember that the pilots of those planes were willing to die for their beliefs, so it is a little unclear how we could possibly raise the stakes for them. And many of those who stayed behind believe that they are earning a slice of paradise by conducting jihad against us. These people are not acting as individuals for reasons of self-interest; they are acting as representatives of a culture. In the long run, you will not change this threat by deterrence alone. You will need to change their culture’s perceptions of America, which means that you’ve got to give them a reason to care about the health and well-being of America. Ultimately, to contain this violence, we will need some global legal culture, generally shared, that fosters in us affection rather than distrust for those on the other side of the globe.

Now this need for cultural commonality to discipline violence is not some newfangled response to globalism. Instead, it is deep in the story of the American legal system. Although we imagine ourselves as a nation of individualists, we have also always imagined that our individuality can safely occur only within an overarching cultural frame that makes us a nation. In fact, that is how we began. By 1776, a lot of Americans had come to imagine that they had become distinct from the British — a different people with a different culture. As a result, they believed that they could no longer trust the British Parliament to look out for their interests or reflect their values. So they made a revolution, which they defined as the united rising of a whole people — they called it the Body of the People — against a foreign government. At the same time that they were making a revolution, however, they were also condemning rebellions — uprisings made by a faction for a faction. So revolution is good, but rebellion bad. The difference between the two lies in the identity of the maker. Individuals and interest groups make rebellions, but the People make revolutions.

We have this conviction at our founding: For all our individuality, there must be some common frame that holds us together, so as to discipline violence within a democratic society.

We here began the tension that is still legally with us: We demand individual autonomy, but we are also aware that without unity, no autonomy is even possible. The Framers wrote this tension into the Second Amendment. In order that the Body of the People could make a revolution against government, the amendment guarantees them the right to arms. In its original context, the provision gives rights neither to individuals nor to governments but to a united People, who control political violence through their shared culture. In the Framers’ view, if you try to control political violence by arming random individuals, you invite rebellion and
“Without a shared bridge culture, Indian law can only be the imposition by force of one legal culture on another. And that’s not democracy, that’s just violence.”

The continent should belong to Christian farmers, not superstitious nomads. And from that day to this, American law has imagined that Indian tribes represent one set of legal cultures, and the states represent a different legal culture, and the twain have some difficulty meeting. Sometimes, Indian law has sought to crush Indian culture by forcibly assimilating individual Indians; other times, Indian law has sought to allow Indian cultures to govern themselves. But always, Indian law has understood that we are dealing here with cultures that create individuals, and so those cultural lines matter. In other words, unlike most of American law, the basic unit of analysis in Indian law has always been the culture, not the individual.

In short, although we may think that we create ourselves as individuals, we actually formed ourselves first as a people, so as to discipline violence. We could become individuals only within the parameter of that peoplehood, and we could cobble together a chosen identity only from the diverse materials that culture made available to us. This conception of American democracy rests on a tension, or perhaps, more hopefully, I might say that it rests on a shifting balance. On the one hand, for any democracy to be viable, it must be able to tame violence. To accomplish that end and stay democratic, it must possess a common culture, so that we are not governed by mobs or a police state. Yet for a democracy to offer meaningful freedom to its citizens, it must possess a diverse culture, so that as individuals they may make choices among meaningful options.

Indian law illustrates the first principle, the importance of unity. Most people these days are vaguely ashamed of the way that the U.S. legal system has treated the Indians. Our record has been marked with violence that today seems needless and cruel. But as long as Indians and non-Indians existed in radically distinct legal cultures, some violence may have been inevitable, because we tame violence through shared ideas and norms. Now by that claim, I do not mean that Indians or non-Indians should have surrendered their own way of life, but that they needed to create a bridge culture that would have allowed them to speak cogently and persuasively to one another. As it was, existing on separate land bases and in separate regimes and imagining themselves as fundamentally different, it was predictable that they should have regarded one another as alien and threatening. Without a bridge culture, we have only two options for regulating relations between legal cultures — assimilation or separation — and neither is healthy.

In fact, the absence of such a culture is why treaties ultimately failed to tame violence on the frontier. For treaties to work, the two sides must share a conceptual vocabulary, so that the terms of the treaty are transparent. But Indian treaties were written in Washington, and they mostly made sense in Washington. To the people who actually had to live with them — Indians and non-Indians sharing a border — they generally seemed quite exotic. And this problem is still with us. Without a shared bridge culture, Indian law can only be the imposition by force of one legal culture on another. And that’s not democracy, that’s just violence.

So Indian law illustrates the importance of commonality. The Second Amendment, on the other hand, helps illustrate the second principle, the importance of diversity. The Framers were vividly aware that for a revolution to succeed without...
"In a democracy, it is helpful to be comfortable with uncertainty, ambiguity, and tension."

The e-mail begins: "My name is Usman Farman, and I graduated from Bentley with a finance degree last May. I am 21 years old, turning 22 in October; I am Pakistani, and I am Muslim." He says that he went to work in the World Trade Center on Sept. 11, and he got out in time, but when he turned back, the first tower collapsed, and he fell down, with a great cloud of debris coming toward him. He continues:

I was on my back, facing this massive cloud that was approaching, it must have been 600 feet off, everything was already dark. I normally wear a pendant around my neck inscribed with an Arabic prayer for safety, similar to the cross. A Hasidic Jewish man came up to me and held the pendant in his hand, and looked at it. He read the Arabic out loud for a second. What he said next, I will never forget. With a deep Brooklyn accent he said, "Brother, if you don't mind, there is a cloud of glass coming at us, grab my hand, let's get the hell out of here." He helped me stand up, and we ran for what seemed like forever without looking back. He was the last person I would ever have thought would help me. If it weren't for him, I probably would have been engulfed in shattered glass and debris.

So here is a vision of how people might go about taming violence. In a moment of great danger, these two men forgot the cultural scripts that kept them apart. Instead, they joined hands to create instantaneously a culture of two, rooted in the affection that facing danger together brings. And yet they did not have to become the same: Farman is still a good Jew. But here is the difference: Now they are friends, and so they can write a bigger and better and braver story. And they give the world hope.

Charybdis of perfect unity and unlimited autonomy. There are those who yearn for total sameness. They insist that there is only one right way to be an American — their way. There are others who yearn for total license. They insist that the meaning of life is making as much money as you can as fast as you can, without thought for the well-being of the whole. And we have to steer somewhere between these two monsters. That leaves open a lot of space, and it's impossible to know in advance exactly where we should be. So the second rule of thumb is that in a democracy, it is helpful to be comfortable with uncertainty, ambiguity, and tension. We must surrender the notion that we will get a blueprint from God or the Framers or Karl Marx or Adam Smith. It is hard to live without certainty. It is hard to give up the individualist idea that we control our own separate destinies and the collective conceit that perfect popular unity will show the way. And as the geographical scale grows, the task becomes exponentially greater.

In the years ahead, it will probably be enormously difficult to generate a bridging global culture, a culture in which all have a stake and which all co-create, a culture with sufficient unity to tame violence but sufficient diversity to allow freedom.

This task takes hope, perhaps more hope than many can muster in the wake of Sept. 11. So let me close with the account of one who survived the World Trade Center bombing. It's been making its way around the e-mail circuit, and it is so perfect that I worry that it is a hoax. But if it is a hoax, I don't want to know, because we all need hope. It's a story about two people deeply embedded in their own very different, even hostile cultures, but finding a bridge in a handclasp.

Instead, let me offer just two rules of thumb. First, we would do well to avoid the extremes, the Scylla and
Federalism and the Idea of Law Practice

On Nov. 2, Professor Patrick Baude gave the inaugural lecture celebrating his appointment as the first Ralph F. Fuchs Professor of Law and Public Service. The following essay is excerpted from this talk, in which Baude argued that the idea of a single, unitary license for all lawyers, no matter the nature of their work, is one whose day is almost past.

There are pressures on the simple idea of a unitary law license. One of these pressures is the crack in the modernism "ideal" and its legal version, that sees law as the construction of a utopian vision of society. If I told my students today that the law is the utopian construction of an ideal society, they would giggle. They recognize the law as the counterplay of force and power between self-interest and competing visions of justice. The idea of a unitary legal profession is one that in postmodern times cannot be maintained, because it depends for its deep coherence on the modernist ideal of a unitary utopia as well as a unitary profession.

In addition to this kind of philosophical crack — postmodernism has cracked everything — there are some more significant signs of strain. Two of these signs involve vertical integration, or the idea that the law license allows you to do anything in any court in the country. First, consider the Americans with Disabilities Act. The Americans with Disabilities Act imposes as a condition of a professional license that the things tested be an essential part of the job for which one is being licensed. If the state of Indiana gave a license that gave one the exclusive right both to be a lawyer and to play first base on a professional baseball team, it would not grant this license to people who were slow and clumsy. This would obviously exclude persons with disability from practicing law. The question is, does the definition of the profession as we now define it impose a bar to people who have a disability with respect to some tasks of lawyers but not to others?

The cases that have been and are being litigated almost all involve mental disabilities. It has been fairly clear that persons who can't see can practice law and can be accommodated by the licensing process — as can persons who cannot hear or have other physical disabilities. But the cases that have occasioned the most excitement around the country among licensing authorities are attention-deficit/hyperactivity disorders. At the present time, for example, as a result of settlements in litigation, people who want to be doctors and have established to the satisfaction of the medical licensing authorities that they cannot work effectively in confused environments with other people under great time pressures now take the medical examination by themselves in a quiet room. I certainly hope they don't plan to pursue careers in emergency medicine — and of course they don't. They plan to become pathologists, for example, for which their disability is not the least bit a bar. In these cases the courts have agreed with the medical authorities that the unitary medical license isn't necessary when persons have a disability that prevents them from performing some of the functions of the job. In medicine, that way of thinking is more familiar than in law. We already think of medical specialists as really being in different professions.

Likewise, people with attention-deficit/hyperactivity disorders may say they would be superb lawyers, they just couldn't be litigators. Another category of these cases involves persons with obsessive-compulsive disorder...
who say that they couldn't even imagine being litigators but they would make superb title examiners (I didn't make that up). So the licensing authorities around the country are beginning to face the question of whether they can defend a unitary law license. What is particularly at issue is litigation, because attention-deficit/hyperactivity disorder and the ability to perform certain tasks under time pressure may make a person not a suitable litigator at all but may in no way interfere with a person's ability to do various other kinds of tasks lawyers do. Because heretofore we've given one license, that license to be a real estate lawyer is withheld from a person who can't be a litigator.

These cases are not over yet, so I don’t mean to say that the State Supreme Courts have lost their cases, but it's not going smoothly from the standpoint of state authorities. Just a couple of years ago, for example, a lawyer — in an employment case, not a licensing case — said that he had trouble dealing with stress and couldn't work more than 45 hours a week. His employer said, “Look, we all know what a lawyer does. You have to work a lot harder than that.” The lawyer had psychiatric testimony and proposed an accommodation by which if he had to work more than two 45-hour weeks in succession, he would be entitled to 12 straight hours off. The employer refused the accommodation and fired him. He won a judgment of $1.1 million on the grounds that working hard from one week to the next was not an essential feature of being a lawyer; the ability to work well under sustained stress is essential to some legal jobs but not to other legal jobs. The ADA is forcing states now at least to ask whether they can or even should defend one license that covers the rather different abilities to be a litigator, to be a planner, to be a government lawyer who reviews contracts and writes regulations, and so forth.

The second example of pressure on the idea of a vertical license grows out of something that defense law-

Sidebar

A Closer Look at Ralph Fuchs and Patrick Baude

Ralph Fuchs
Ralph Fuchs was born in 1899 in Saint Louis. He earned his undergraduate degree and his JD from Washington University, then earned a doctorate in economics from what was to become the Brookings Institute, and a graduate degree in law from Yale. He practiced law privately for one year, then joined the faculty at his alma mater, Washington University. During the Second World War, he worked for the government, first as administrative head of the Civil Service Commission's legal division, then in the solicitor general's office. In 1946, he became a professor of law at Indiana University, and was eventually awarded the title of University Professor, in honor of his scholarship, his teaching, and his public service.

Fuchs' scholarly interests were wide-ranging, but much of his writing dealt with administrative law. He was in many ways a pioneer in this emerging field. Before he came to IU, he had been an important contributor in drafting one of the most important pieces of federal legislation affecting administrative law, the Administrative Procedure Act of 1946.

The most striking thing about descriptions of Ralph Fuchs from people who knew him at all stages of his career is how consistently they return to the same theme: his extraordinary personal integrity. He was a man whose political views were deeply felt (and often quite unpopular views they were), whose students knew of his beliefs, because he lived his beliefs fearlessly, but who never took advantage of his role in the classroom to foist them off on those students. His service to the causes he believed in was unstinting. He was very active in the NAACP and was appointed to its committee on legal redress in 1949. He also served as faculty adviser to the university chapter of the NAACP. When academic freedom was under threat because of the forces of McCarthyism, he worked with the American Association of University Professors, both at the campus level and as their national president from 1955 to 1957, to resist this threat and to create a culture of truly meaningful academic freedom. A member of the American Civil Liberties Union since the 1930s, he helped to found the Indiana chapter and was the first chairman of the executive board of the ICLU. Through it all, he was

Ralph Fuchs

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unfailingly courteous, and generous in the support and guidance he offered younger colleagues and students, well beyond his retirement in 1970 up until his death in 1985.

But perhaps what he believed in more than anything was the power of law for good. Even while championing causes that were often equated with radicalism and even violent challenge to the social order, Fuchs maintained a sometimes difficult twin allegiance to liberty and to law. He believed in the profession of the law, and he believed that scrupulous care for the specific demands of that profession could transcend individual instances of bad laws and could transform our world for the better.

Patrick Baude

It is fitting that the first holder of the Ralph Fuchs professorship should be Professor Patrick Baude, who joined the law faculty just two years before Fuchs retired. Fuchs never lost his deep concern for the future of the school and of the profession, and the overlap both in time and in the concerns of these two men makes real an important continuity between the history and the future of the law.

Baude graduated from the University of Kansas in 1964 and earned his JD there in 1966, serving as editor-in-chief of the Kansas Law Review and graduating first in his class. He was an associate with Foley & Lardner in Milwaukee before going to Harvard, where he earned an LLM in 1968. In the fall of that year he joined the faculty at Indiana.

Early on, he earned a reputation for being an exceptional teacher, articulate and witty but also able to challenge students at the deepest level. In 1973 he was awarded the university’s Ulysses G. Weatherly Distinguished Teaching Award. He has received the Gavel Award from the Class of 1980 and the Leon Wallace Teaching Award in 1990. He teaches Constitutional Law, Federal Courts, and the Legal Profession.

Baude has played a prominent role in the life of both the university and the local communities. He has been president of the Bloomington chapter of the AAUP, and has been secretary and parliamentarian for the university faculty. For 15 years, he served as chair of the Bloomington Commission of Public Safety. He also has been involved in a number of pro bono cases before the Supreme Court, including Hess v. Indiana in 1973, In re Infant Doe in 1982, and Barnes v. Glen Theatres in 1991. From 1990 to 1996 he was special counsel to the Office of the Governor, and he was a member of the State Board of Law Examiners from 1991 to 2001, including a stint as president. He also frequently gives Continuing Legal Education lectures for various groups.

He has written on a wide variety of subjects, including legal ethics and constitutional history, and he is currently writing a book on the constitutional foundation of the federal court system. 

Patrick Baude
"When law firms no longer extend credit to their clients for work being done out of state, because it's uncollectible, the drag on the economy is significant."

U.S. attorney. The state Supreme Court began looking at the same thing, and all of a sudden junior U.S. attorneys started saying, "Gee, you know, this is turning out to be a dead-end job; I've only been on this job two years, and not only am I not advancing, I'm almost not a lawyer any more."

So the Reno regulations specifically direct state courts not to discipline U.S. attorneys for violating the rules of ethics in the state court if the attorney general has instructed otherwise. Where the attorney general would derive that constitutional authority, I really don't know. Where the state court would derive the authority to decline to follow it, I do know: It would be called the 11th Amendment. Recognizing that, the administration went to Congress and asked for legislation that would empower the Department of Justice to protect its lawyers. It looked as though the legislation was going to be passed; it was being carried by Senator Hatch. However, halfway through a crucial vote in the House of Representatives, the Department of Justice indicted a key congressman from Pennsylvania without making full disclosure to the grand jury. After the court quashed the indictment, that congressman simply stopped the Hatch bill right then and there and, in fact, introduced legislation that would require U.S. attorneys to follow the law of the state in which the federal court before which they practice is located.

For the time being, neither the ADA nor the Thornburg memo has finished its run, but that is going to happen. They are both going to be ways in which the federal government will override the unitary license. The government will create a separate federal license, because they're not going to let their U.S. attorneys lose their state licenses as the price of practicing in federal court, and they're not going to start making full disclosures to grand juries.

These are examples of the attack on the vertical license. Now, for the "horizontal" license. The principle of the horizontal license is that a lawyer licensed to practice "in" a state is licensed to advise her clients about the law of any jurisdiction, anywhere, so long as she gives her advice within the geographical boundaries of the state where she is admitted. If she goes to another state, however, she may not be able even to give legal advice about the law of the state in which she is admitted.

The biggest formal threat to the horizontal license is NAFTA, the North American Free Trade Agreement. NAFTA gives Mexican lawyers the right to open an office in Indiana and practice Mexican law, and it gives Canadian lawyers the same right. Sometime fairly soon, it's going to cross the mind of an Ohio lawyer how odd it is that a Mexican lawyer can open an office in Indianapolis to practice Mexican law, but an Ohio lawyer can't open an office in Indianapolis to practice Ohio law.

Already in Canada, the Canadian national legislature has overridden the local bars to give a national license, the so-called 10-20-12 license, which licenses any Canadian lawyer who is authorized to practice law in any province to handle up to 10 matters for up to 20 days in any other province without control or regulation by the provincial authorities in the other states.

This movement seems likely to happen in the United States for a lot of different reasons. The Indiana Supreme Court for example, like many other supreme courts, has authorized the licensing of foreign legal consultants, not limited to the NAFTA countries. At the present time, no treaty obligates us to extend the same privilege to Japan or France, but some courts, like the Indiana courts, have anticipated what didn't happen in the Uruguay round of the GATT, which would have made this provision apply to all the members of the GATT.

More important, there is a question of reciprocity, because the French government, for example, gives the right to American lawyers to open an office in France to advise on American legal transactions under certain conditions, but the right is reciprocal, so an American lawyer who comes from a state that doesn't license a French lawyer to practice in that state will be unable to be licensed in France. States that generate large amounts of legal business are already recognizing French licenses for limited purposes to practice within the state.

These are just two examples of how the pressures of globalization as well as a mobile national economy will force people to think about the geographical bounds of the license differently and to abandon the 19th-century idea that the license pertains to where you sit, not the law you talk about. The cracks are growing.

Another bigger sign of the cracks is this: Anybody who's familiar with how lawyers practice recognizes that you simply can't represent a client without dealing with the law of a variety of different states unless your practice is an absolutely limited criminal law practice. Your clients do business in a number of states. Even your family clients have testators or beneficiaries who live in different states. One possibility for dealing with this is that the states could receive and license lawyers from other states, and some states have done that. For litigation, of course, this is commonplace. Lawyers who have been in the courts in one state can be admitted in the courts of
another state **pro hac vice** almost automatically. The last time that I’m aware of when a lawyer in Indiana was **not admitted pro hac vice** was when Judge Halder wouldn’t admit William Kunstler **pro hac vice** during the heyday of the Vietnam War, and that had nothing to do with geography. But there is nothing like a **pro hac vice** for transactional law: Say you represent a client, an Indiana corporation, buying property in Illinois. You go over to Illinois and negotiate. There’s nobody you can ask for a license: “Hey, can I come to Illinois and negotiate a transaction?” There’s no court to ask.

Until recently, this practice wasn’t so important, and most states didn’t care. With the perversion that drives the world, now that everybody sees this is an absolute economic necessity, the states are getting really sticky about it. California, for example, has a case that bothers all large law firms with nationwide practices, that dealt with a New York client involved in an arbitration in California. New York lawyers came out to California, tried the case for an arbitration, and lost. If it had been a court, they could have been admitted **pro hac vice**, but it was an arbitration. The client didn’t pay the million-dollar fee, so the law firm sued for payment, and the California Supreme Court said, “Sorry, a New York lawyer appearing in an arbitration in California for a New York client is the unauthorized practice of law, and you cannot collect a fee.”

When law firms no longer extend credit to their clients for work being done out of state, because it’s uncollectible, the drag on the economy is significant.

Another example, from New Jersey, is the Jackman case last year. Jackman was a Massachusetts lawyer who joined a New Jersey law firm located in New Jersey. He worked as an associate for clients across the United States. He was going to take the bar exam. The partners said, “We are too busy. Don’t take the bar exam; we’ll just have you work on nationwide matters.” So he did that for a couple of years. Then he took the New Jersey bar exam, passed it, and guess what? He was not admitted to practice law in New Jersey, on grounds of bad character: He’d shown himself to have bad character by engaging in the unauthorized practice of law in New Jersey. He was a Massachusetts lawyer advising clients from Texas about the law of California while he had an office in New Jersey, and that made him an evil person and he couldn’t be a lawyer — although they did let him in a year later.

These pressures on the horizontal license could go away if the states were reasonable about it, but they’re not being reasonable. The only real recourse is either Congress or the courts. The courts’ recourse would be to apply the commerce clause. To date, the federal courts have not applied the commerce clause with full vigor to law practice. Their decisions striking down geographical restrictions have centered on a far narrower basis, the privilege or immunity clause of Article IV. But Judge Posner has already written a separate dissent in the Scariano case from Indiana, in which he urged the U.S. Supreme Court to grant cert and hold that the commerce clause does apply. If the commerce clause is fully applied to the practice of law, the state license is gone. No business subject to the commerce clause can be conducted this way. The rule that you cannot have your clothes dry cleaned by a dry cleaner from out of state is clearly unconstitutional. It would not survive under the commerce clause. If the practice of law falls under the commerce clause, as powerful figures like Judge Posner are saying, then it’s just a matter of time. This is a big crack.

At a minimum these pressures — both vertical and horizontal — are going to force us to rethink the practice of law as involving at least two different professions, litigation and transaction. Whether this will happen formally or informally, I don’t know. It may just happen informally through alternative mechanisms for the unauthorized practice of law, which is already happening around the world. The firms that we used to call accounting firms now hire hundreds of lawyers. They are among the largest law firms in the world. People go to firms like these in Australia because they want to do business in America, and they get a team to help them do business in America that consists of lawyers, accountants, business consultants, and lobbyists. Many of those Australian professionals are not licensed as lawyers. This is called the multi-professional problem in the practice of law. It may well be that we will create transactional lawyers who don’t even work for law firms at all, because that’s one solution to the problem. If California and New Jersey continue to act the way they’re acting, then lawyers who are going to advise their clients are going to be part of a business consulting firm, practicing law in the form of giving business advice, and it may therefore be that instead of two licenses, we will simply have a more limited scope for the law license. In either case, there will be at least two different kinds of professions, litigation and transactional, which would be consistent with the practice almost everywhere else in the world (barristers and solicitors in England, **avocats** and **notaires** in France).

What does this mean? I want to talk about this not as a regulatory problem but as one relevant to three important ethical considerations. The problem that concerns me is not the historical anomaly of one vertically-horizontally integrated license centered in

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"Families can be torn apart if lawyers insist on observing the full standards of ethics concerning conflict of interest."
the state. It is that as we think about the law as one profession, we think about it as having a unitary set of ethical constraints, and that is the source, I think, of some of the greatest problems of professionalism and legal ethics we face today. Let me just pick on the three most obvious.

One, the transaction: Louis Brandeis was opposed for his nomination to the Supreme Court by most living past presidents of the American Bar Association on the grounds that he was unethical because he represented adverse parties in transactions. He functioned as what we would today call a mediator. In settling a strike, he would go in and work for both management and labor and come up with an acceptable solution. To the newly formed ABA, that was unethical because it was a conflict of interest. Brandeis coined the phrase "a lawyer for the situation," not for a client. A lawyer today cannot be a lawyer for the situation — Rule 1.7 — and your malpractice insurer would say if you're a lawyer for the situation, you are an uninsured lawyer for that situation. And that rule is entirely proper in litigation, which is adversity and conflict. But it's a good way to destroy a "situation."

In many situations, families can be torn apart if lawyers insist on observing the full standards of ethics concerning conflict of interest. There was a proposal to amend the ABA rules on conflict so as to allow a lawyer to represent parties in a family who might be unhappy as lawyers if their interests were not adverse at the present time. This was voted down. The result is that a group of persons who wish to say they have a common interest can hire a lawyer if they call themselves a partnership or a corporation, but if they call themselves a family, the conflict rules create very serious problems. So one result of rethinking the ethics of the legal profession would be to recognize that there are some situations that need harmony rather than adversity.

Secondly, a lot of the talk about the problems of legal ethics centers on the fact that lawyers simply have to do things that it wouldn't be moral for a person to do in other situations. We say this in different ways, but, as lawyers, we have to help criminals "get away with it." That's what the Constitution of the United States demands. We talk about due process, but we know that, fundamentally, it would be immoral for anybody else to help criminals avoid punishment. For a cab driver to be as helpful to a bank robber as the bank robber's lawyer is would be a felony for the cab driver.

You can extend this to all sorts of things lawyers do. One way to think about this is to think about morality as something that inheres in the role one plays in society. For example, for a person to let one child go hungry while surfacing another child with Legos and turkey would be immoral unless that one were your own child, for whose health and welfare you had responsibility in your role as a parent. We recognize that the roles one assumes for the good of society sometimes require people in those roles to do things that would be bad if they weren't in those roles.

The problem is that if you think about "lawyer" as a role, you end up applying the criminal defense model to every two-bit plumbing contractor who's putting flimsy pipes into a house, because our role as lawyers in the grand scheme of constitutional justice demands we fight for our client for every last inch. That's what the rule of law means. But if you apply that thinking to civil clients who are trying to defraud innocent people, you're doing a very bad thing. So coming to think of our profession as not one profession with one rule — say, Lord Brougham's rule, "We know no one but our clients" — would allow us to think more honestly about the limited situation in which the role of the lawyer does demand that we do things that would be bad if others did them. Doctors have no problem with this because they think about it very carefully. Cutting people open with a knife is bad unless you're in the role of a surgeon.

Finally, by thinking about the profession as different professions, we also play an important part in completing the transition to pluralism. Right now there are people who think they cannot be lawyers or people who are unhappy as lawyers because they think that thinking like a lawyer means being like Alan Dershowitz. Many of the groups who are needed in the law want to think of themselves in different ways. The American Bar Association was founded as part of the modernist project to construct one profession (one set of canons) with a unitary license (the modern bar examination). In this sense, the ABA was formed as part of the process of narrowing the practice of law by defining it as one profession. In 1912, the ABA did unknowingly admit three African-American lawyers and was going to kick them out until it discovered that one of them was a special assistant to the attorney general of the United States, who wouldn't go along with the plan. As an act of contrition, the ABA allowed these three African-Americans to remain in the ABA but passed a rule that wouldn't admit any more ever after, and that was part of the process of constructing one profession with one model. A profession that values diversity in the people who work within it, as I think we should, has to accept that as it seeks diverse persons, it must be seeking them for diverse professional roles rather than for fitting them all within one single role.
Will the real civil liberties issue please stand up?

by Patrick Baude

Last fall, the IU School of Law invited several faculty members to offer their thoughts on how the terrible events of 9/11 could be illuminated by a legal perspective — or, more accurately, perspectives. In a series of forums, John Scanlan spoke about implications of the attacks for immigration law; Patrick Baude addressed concerns about civil liberties; David Fidler offered an overview of how international law might deal with terrorism of this scope; and Kevin Jaques, a professor in Indiana University’s Department of Religious Studies, gave what was for most of his audience a catch-up primer on Islamic law and how the legal traditions of Islam might interact with the responses to 9/11.

The essays that follow, based on these presentations, are all somewhat speculative, having been written before the dramatic American military intervention that toppled the Taliban in Afghanistan. Some of the issues raised have been resolved, for better or worse, and some new issues, not obvious at the time, have since arisen. But the essays stand, as testament to the relevance of lawyers and the law even while all the old rules seem to have been broken.

Over the last few weeks I’ve read countless articles, and heard countless talking heads, and I myself have participated in countless discussions about civil liberties in wartime, and where to draw the line, and what’s going to happen. Everybody recognizes this as an important topic to talk about. But I am not sure it’s really the right thing to be talking about, or at least that we’re talking about it in the right way.

My first point is this: Since Sept. 11, people have been emerging from the woodwork with pre-existing agendas that they’re now tying to the events of Sept. 11. It’s a mistake to let them do that. There was a world and there were issues before. Some of these issues are still the same, and tying them to the attacks is just a sales pitch. My favorite example of this is the Wall Street Journal, which has been criticizing President Bush for not making the Senate confirm his 33 nominees to the federal court whom Democrats in the Senate have been reluctant to confirm. This has nothing to do with the World Trade Center. The Wall Street Journal doesn’t even pretend that it does. These nominees are important, in their view, because they’re economic conservatives on the Takings Clause; this has nothing to do with anything, but they say, “In a moment of national crisis, the president has some power, so let’s ram them through.” To talk about this as an event related to terrorism seems to me to miss the point.

There’s something of the same ilk that comes closer to the bone, and that I want to be more careful discussing. A number of columnists and some television commentators have said that what is terribly unfortunate about these events, in terms of civil liberties, is that we had reached a national consensus against racial profiling in this country, and now, after Sept. 11, suddenly we are all keen on racial profiling. A columnist in the Chicago Tribune, for example, reported on a recent poll showing that 68
"I think when we talk about civil liberties and acts of terrorism, it’s important to distinguish between our general concerns and those arising from recent events."

African-Americans believe it is right to stop Arab people from getting on airplanes. Liberal columnists say that this has broken down our national consensus against racial profiling. Now, I object to racial profiling: It is as ugly a thing as there is, but make no mistake, there was no national consensus against it. The U.S. Supreme Court has upheld it, in a case in which the INS stopped four Hispanic people near the border between the United States and Mexico. The detainees challenged their detention because it was based on a racial profile. The government conceded that it was indeed a racial profile, and the Supreme Court held that it was constitutional. The Supreme Court just denied cert in a case from New York that involved racial profiling by police investigators who stopped only African-American men while investigating a crime which the complaining witnesses said was committed by an African-American man. Nobody ever expected the Supreme Court to grant cert in that case — except of course the parties. There is no division in the circuits. Federal court cases since 1976 have followed the Supreme Court. So to say that we’ve now lost some consensus is again borrowing these events to lend support to a pre-existing agenda. I have no problem with the agenda, but a lot of what people are talking about now is just the old agenda — made livelier by these events. I think when we talk about civil liberties and acts of terrorism, it’s important to distinguish between our general concerns and those arising from recent events.

My second point: Of course the media is supposed to be a window on the world, but, you know, the media have their own perspectives; they’re really a window on their own world. I read a wonderful article by a writer I very much respect in the New York Times about threats of censorship — and, boy, if this is the threat of censorship, I am so unscared, it’s pitiful.

Several newspaper and television reporters claimed that Ari Fleischer, the White House press secretary, was inaccurate when he said the White House was the target of one of the hijacked planes, and they repeated that several times. And then Ari Fleischer actually said, in Washington, D.C., “People should be careful what they say,” Maureen Dowd, a columnist in the New York Times who is the most fearless woman I know (I never knew Joan of Arc), says that this repression of the press is an example of what the future holds. Well, I am not scared. And I cannot believe that Maureen Dowd is scared that Ari Fleischer might keep telling people they should be careful what they say.

The New York Times also reported that several newspaper reporters who had been critical of Ari Fleischer found that he did not return their phone calls within 24 hours. That’s not censorship. Censorship is when in 1918, Eugene Debs, a candidate for president, said “This war stinks,” and was given 10 years in the penitentiary, and the conviction was upheld by the Supreme Court — now that’s censorship.

Take another example: There’s a show called “Politically Incorrect,” and on the show they said some politically incorrect things, and Federal Express and Sears cancelled their advertisements. Well, if you’re going to have a show called “Politically Incorrect,” you’re going to expect that some advertisers are going to cancel their advertising. This is maybe too bad, maybe these are stupid advertisers. What Bill Maher said is something I personally agree with very much: It’s a question about the definition of the word “coward” and whether it is the best way of describing the evil men who committed these deeds. But is this censorship?

Or to take another case, two reporters were fired for criticizing President Bush by the rich old Republicans who owned their newspaper. Now, rich old Republicans have always owned newspapers, and Democrats have always worked for them. They sometimes get fired — there’s nothing new about this. What bothers me about this is not that these things are not interesting and important, but that they distract us from the real concerns, which I will talk about later.

Third point: I don’t know about you, but for the two or three days immediately after the attack, I felt bad being a lawyer. I wanted to be a fireman. I’d never wanted to be a fireman before. Or at least I wanted to be a doctor (as my mother wanted me to be), to do something useful. What do lawyers do? Sue somebody — but who? I felt helpless. Well everybody felt helpless. It is a wonderful tribute to the American people that, feeling helpless, they gave blood. As it turns out, blood is always needed, it’s wonderful to give blood, and the country’s much better off because all this blood has been given, but this blood didn’t go to New York, because the thousands of survivors needing blood just weren’t there. But it spoke to the fact that we wanted to do something.

So, several columnists that I’ve seen have called upon the president to follow the example of Abraham Lincoln and suspend the writ of habeas corpus — because it’s something to do. The fact is this: The government of the U.S. has taken 480 people into custody, and not one of them got out on the writ of habeas
corpus. If any of them filed a petition for a writ of habeas corpus, that has eluded my notice. So what’s the problem? It’s just something to do. Giving blood is something to do, and that’s great, but suspending the writ of habeas corpus because, by gosh, civil liberties have to give way in wartime is definitely jarring the wrong knee, or whatever the metaphor is I want.

People always make reference at this point to Lincoln’s greatness, citing his suspension of the writ of habeas corpus during the Civil War. Lincoln’s biography is worth studying in this matter. Lincoln started his career as a member of Congress. He was in Congress at the beginning of the Mexican War. While in Congress, he raised certain questions about the Mexican War. He was particularly concerned about the human rights aspect — concerned that the underlying motivation might have been that the Southern states were interested in conquering parts of Mexico, making those conquered parts slave states, and changing the slave/free balance of the United States. He expressed these concerns, satisfied them, and ultimately voted for the war. But his even expressing the concerns at all resulted in his constituents throwing him out of office, and he announced that he’d retired from politics. Fortunately, old Honest Abe tricked us one more time and came back into politics when he was needed. Lincoln’s biography doesn’t just consist of suspending the writ of habeas corpus to win a war. It consists also of having the courage to ask questions about war. His entire life is evidence of that courage.

Fourth point: The New York Times, recently, writing about something else, reminded me of what’s called the effect of the windshield pits in Seattle. In 1954, five or six people who lived in a suburb of Seattle noticed that their windshields were badly pitted. They wondered why. They asked their neighbors. Three or four days later, people living three or four miles away noticed the same thing. By the end of the week, it was discovered that windshield pits had spread from a suburb north of Seattle all the way down the Puget Sound. The first explanation offered was open testing of thermonuclear bombs, which had recently happened. A second explanation was cosmic rays. The real explanation, of course, of this phenomenon is that your windshield is pitted right now — go look at it. You just never noticed until someone told you to look at it.

In the same vein, a newspaper recently ran an AP story from Noblesville, Ind.: “An Indiana man accused of burning an American flag behind his home has been arrested despite rulings from the U.S. Supreme Court that such flag-burning is an exercise of free speech. David Stout, 49, of Noblesville, was charged Monday with flag desecration and resisting law enforcement.” The story goes on to say that he was arrested Sunday after police found him lying beside a burning flag in an alley behind his home and he threw lighted firecrackers at the police officers.

You know, I’d bet that Mr. Stout would have been busted on Sept. 9 for burning the flag and throwing firecrackers at police officers too, and no one would have taken it as evidence that our civil liberties are being challenged because of terrorism. Of course Mr. Stout shouldn’t go to jail for burning the flag. The Supreme Court said, as clearly as it can say, twice, that there’s a constitutional right to burn the flag. The prosecutor in the case acknowledges that the law exists, but she said the courts would have to tell her it exists — in other words, there are spineless prosecutors. But that is not something that happened in the last three weeks. There have always been spineless prosecutors. Right now that’s not the problem we need to focus on, but stories like this tend to make people worry that there’s an epidemic of arresting flag-burners.

The point that I’m trying to establish is that “civil liberties” is not one thing. Civil liberties as a whole are not put in jeopardy by terrorism, and it’s wrong to ask yourself the question, “How do you draw the boundary between civil liberties and national security in the post-Sept. 11 era?”

Other wars have presented us with different threats to specific civil liberties. You can go all the way back to 1798 and the Alien and Sedition Act. World War I presented us with the particular question of freedom of speech. People were convicted of felonies for speaking German. Stockbrokers were arrested and convicted for telling their customers that there were more lucrative interest-bearing obligations than war bonds. That was the distinctive and particular civil liberty issue of that war. In World War II there was of course the internment of United States citizens of Japanese descent as well as lawful residents of Japanese descent — a terrible example of racism. But just as generals sometimes fight the last war, you have to watch out for civil libertarians fighting the last war also. Of course that internment was a terrible, inexcusable thing, and I have always thought, myself, that the most uplifting text
in all of constitutional law is Justice Jackson's dissenting opinion in the Korematsu case. It just cannot be improved on for explaining what is so peculiarly wrong with the internment. And it's part of why every speaker, including the president and the secretary of defense, is very careful to avoid suggesting anything like that.

But the question we have to ask ourselves is what are the actual civil liberties issues we face now, not the recycled issues that we still feel bad about—which is not to trivialize Debs, Korematsu, the Alien and Sedition Act, John Brown, McCardle, and the like. There are two issues we face here realistically, apart from the noise. One of them is a renewed distinction between citizens and non-citizens. And the other is privacy.

It's important to remember that Korematsu is not about citizens and non-citizens. Korematsu was about race. But right now what we seem to be looking at is citizen and non-citizen as the new dividing categories. I didn't realize how deeply this reached until I heard on the radio a high-ranking Florida law enforcement official explaining the new anti-terrorism act in Florida. However scary federal legislation is, wait till you see the state legislation! This fellow was explaining that the real problem is that in Florida they cannot arrest people unless they have some reason to believe they've violated the law. "So what am I going to do," he wonders, "what are my men going to do, when they stop some guy on the back roads of Okeechobee County at three o'clock in the morning, and his papers are in order? I need the authority to arrest him, until the INS opens and I can call them." This gives you a sense of how deeply this particular question reaches. It's worth understanding—and I think this is important—that this is not just a civil liberties question. This is also a question of fundamental effectiveness, and of human intelligence. The function of the Constitution and civil liberties is not just to protect losers, criminals, and dangerous outsiders. It is also to focus our attention where it belongs.

The events of Sept. 11 caught us largely unawares, so now, in preparation for the next dangerous act of terrorism, we are thinking entirely about non-citizens. The last previous great act of terror in the U.S. was, of course, the Oklahoma City bombing, which was committed by Timothy McVeigh, as American a citizen as an American citizen can be. And so if our response now is to say, "Wow, we have to be able to protect America, and the way to do that is rounding up non-citizens, keeping them off airplanes," it's not only a civil liberties problem, it's an intelligence problem—human intelligence, that is, not military intelligence. Scapegoating almost always works like that; when you find somebody it's convenient to blame—in other words, Eugene Debs, or American citizens of Japanese descent, or foreigners—and you decide that punishing them will make the world safe, you're doing two things wrong. One, you're doing something that is fundamentally wrong in the first place, and two, you're not focusing on real solutions to the real problem.

The other civil liberties issue rising directly from these events is those questions involving the rights of privacy—of financial transactions, for example. At the present time, there are federal statutes and regulations regarding drug money laundering that give the government broad powers, but these regulations do not extend to suspected terrorism. Following this trail of money would of course threaten the privacy of international financial transactions and other kinds of personal privacy that people feel pretty strongly about. It's important to recognize that it's a real choice to be made.

Interestingly, Senator Gramm, of Texas, who used his authority on the senate banking committee to prevent a Clinton proposal that would have allowed this tracking to go through, was asked recently, "Don't you feel kind of responsible because you took huge contributions from banks and defended banks' rights on this?" He said he didn't feel the least bit responsible. He said the way to deal with terrorists is not to look at bank accounts but to hunt them down and kill them. He was a little unclear on how you hunt terrorists down, how you find them, without access to records, but anyway....

We face other real choices, as well, about wire-tapping, expanded airport security, encryption and computers, and, ultimately, we may face the question of national identification cards. These are real choices, and they're not particularly illuminated by thinking about John Brown, or the Alien and Sedition Act, or the British Prevention of Terrorism Act. They require knowledge, thought, and analysis of what is to be gained and what lost by each of these particular measures.

The final thing I want to say is this: I said earlier that in the few days immediately after Sept. 11, I was sorry I was a lawyer, I wanted to be a fireman or something useful. I changed my mind. Justice Sandra Day O'Connor recently said, "In the years to come, it will become clear that the need for lawyers does not diminish during times of crisis; it only increases." I want to explain why I think that's so. It is not because lawyers have greater values—that lawyers are attached to civil liberties and the rule of law and the Constitution, and therefore we are good people because we stand up for these values. Instead, I think that what lawyers have to contribute is hard-hitting, hard-thinking, particularistic analysis, that avoids saying the way to deal with this problem is to say, "I stand with Eugene Victor Debs and therefore I say no to John Ashcroft." I see the contribution of lawyers as being able to take part in the process by which any measures that would restrict rights are analyzed to ensure that they are in fact useful, necessary, and legitimate ways of accomplishing goals that are important and cannot be accomplished in any other way.
Thoughts on proposed immigration reforms
by John Scanlan

On Oct. 2, 2001, the front page of the New York Times announced, "Negotiators Back Scaled-Down Bill for Terror Fight." The story described the compromise reached in the House of Representatives on a bill that would give law enforcement officials expanded authority to wiretap suspected terrorists, share intelligence information about them, and seize their assets.

This compromise affects only the principal House bill; other measures are in the works in both houses of Congress. On the Senate side, work is proceeding more slowly, in part because the chamber is in the hands of the Democrats, and Sen. Patrick Leahy, the chair of the Judiciary Committee, has, in the words of the Times, "made it plain he will not be rushed into accepting many of the administration’s proposals."

It seems likely, though, that something like the House bill eventually will be enacted and signed into law. If so, the government will be given some powers it currently does not possess. Included will be expanded "roving wiretap" authority, keyed to particular individuals, not to particular telephones; facilitated tracing of e-mail, since the government will be permitted to obtain the e-mail addresses of suspected terrorists without first obtaining a warrant; and a relaxed standard for obtaining court orders permitting electronic surveillance of suspected terrorists overseas.

The House bill also will permit the government to detain non-citizens — the folks our immigration laws refer to as "aliens" — suspected of being terrorists, for up to seven days before charging them with a crime or a violation of immigration law. This provision is a significant extension of present law and administrative practice. Before Sept. 11, such detentions were limited to one — or in some cases — two days. Nevertheless, the extension is much milder than the one proposed and still championed by Attorney General John Ashcroft. Ashcroft supports indefinite detention without the necessity of bringing charges for those suspected of terrorist activity. Although the administration’s proposal has undergone almost daily changes, it has also supported limiting the opportunity for judicial review of those so detained. The most radical administration proposal — which apparently has now been withdrawn — would have denied such aliens all judicial review, including the right to petition for habeas corpus.

These are not the only measures now being considered. In my own area of immigration law, legislators are anxious to close loopholes that permitted individuals to enter the United States with suspect documentation. Sen. Dianne Feinstein has proposed putting a hold on all new student visas for six months to permit better vetting of the applicants’ bona fides. Sen. Christopher "Kit" Bond has proposed a thorough review of the entire nonimmigrant visa and visa waiver program. (That program currently permits some visitors from 29 countries to enter the United States for up to 90 days without first securing visas). A press release from Bond’s office says Bond’s legislation has four major goals: (1) improve the screening of foreigners applying for visas; (2) close the loopholes exploited by the terrorists; (3) boost oversight and control of those who overstay their visa deadlines; and (4) increase the accountability of U.S. persons or institutions, such as schools, that sponsor visa holders.

At least 30 days would be added to all visa applications under Bond’s plan. Other proposals are likely to subject "exchange visitor" and "vocational education" nonimmigrant visas to greater scrutiny, in an attempt to better regulate who attends flight schools and other similar institutions.

The substance of these measures and the motives behind them are inherently interesting, as is the related question: How much good will they actually do? I intend to say a few words about motives in a few minutes. But equally interesting is the relatively moderate course that I believe the Congress is pursuing. Despite administration pressure for immediate action, Congress has demonstrated a willingness to listen to those counseling it to slow down and think before it acts. Two small but telling examples:

1. The House bill would eliminate the statute of limitations for terrorist crimes, but it restricts the definition of what constitutes terrorist crimes, insisting that they be committed with a motive to influence or change the government. This is a squishy standard, to be sure, but it cuts back substantially on what the administration proposed.

2. The administration proposed that "schools be required to disclose information about foreign students to investigators" if those investigators "said they had a reasonable need to obtain it." Disclosure of such information currently is...
prohibited without a much stronger showing of need, usually requiring a warrant. The House negotiators dropped this provision from their bill.

This resistance to the administration suggests that Congress is even less likely to be stampeded by some of the more extreme voices in our society urging that we sacrifice liberty for security. Two examples, provided by colleagues, stand out.

1. In an article by Tony Blankley in the Washington Times on Sept. 26, "Trade civil liberties for better security," Blankley characterizes himself as someone who was, until two weeks ago, a "crypto-anarcho-Libertarian advocate of maximum civil liberties. I have always feared government intrusion far more than I have feared the price of living with maximum freedom. But the price has just gone up. Now, every congressman, senator, and citizen must discard everything they thought they believed about civil liberties."

Blankley argues that for a defined period, President Bush should emulate President Lincoln. He says:

Prior to the Civil War, Abraham Lincoln had always held a Libertarian view of civil liberties. But ... fearful that Union troops marching from Philadelphia to Washington might face insurrection in Maryland, he issued to Gen. Scott his first suspension of the writ of habeas corpus: "If ... you find it necessary to suspend the writ of habeas corpus for the public safety, you, personally, or through an officer in command at the point where resistance occurs, are authorized to suspend the writ."

He acted pursuant to Article 1, Section 9, Paragraph 2 of the Constitution, which reads in full: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

Lincoln asserted his authority, and Congress subsequently enacted supporting legislation.

As a result, thousands of American citizens were arrested and incarcerated indefinitely without benefit of due process. Not only dangerous actions, but seditious words were sufficient grounds for such arrests. The Union was preserved and the use of the writ was then returned to the people.

Was Lincoln's action necessary to preserve the Union? We will never know. But at a time of unlimited danger, Old Abe didn't hesitate to take unlimited power.

2. An article by Ann Coulter, author of High Crimes and Misdemeanors: The Case Against Bill Clinton, that appeared in the Jewish World Review on Sept. 28, says:

As the entire country has been repeatedly lectured, most Muslims are amazingly peaceful, deeply religious, wouldn't hurt a fly. Indeed, endless invocations of the pacific nature of most Muslims is the only free speech it is safe to engage in these days.

This is a preposterous irrelevancy. Fine, we get it. The New York Times can rest assured that every last American has now heard the news that not all Muslims are terrorists. That's not the point. Not all Muslims may be terrorists, but all terrorists are Muslims — at least all terrorists capable of assembling a murderous plot against America that leaves 7,000 people dead in under two hours.

How are we to distinguish the peaceful Muslims from the fanatical, homicidal Muslims about to murder thousands of our fellow citizens? The only thing we know about them — other than that they live among us — is that they are foreign-born and they are Muslims.

Her solution: take advantage of the asserted "fact" that "Congress has authority to pass a law tomorrow requiring aliens from suspect countries to leave." She continues, "As far as the Constitution is concerned, aliens, which is to say non-citizens, are here at this country's pleasure. They have no constitutional right to be here."

So, according to Coulter, Congress should enact a "Terrorist Deportation Law":

There will be two fail-safes: 1.) Muslim immigrants who agree to spy on the millions of Muslim citizens unaffected by the deportation order can stay; and 2.) any Muslim immigrant who gets a U.S. senator to waive his deportation — by name — gets to stay.

She admits that "This is brutally unfair to the Muslim immigrants who do not want to kill us," but tells us: "It's not our fault. It is the fault of the terrorists who are using their fellow Muslims as human shields."

My reading of Congress's current mood is that it has no intention right now of going the direction proposed by Blankley and Coulter. I think that some of the half-formed ideas on restricting the availability of non-immigrant visas will be reconsidered in the light of the economic benefits that relatively open borders have long conferred. But I want to underline the word "current." Americans have tended to value "civil liberties" highly, and have defined them in an essentially negative way, signaled most directly by the constitutional language, "Congress shall not ... ," in the Bill of Rights. "Civil liberties" are zones of freedom, permitting speech, assembly, an active press, religious choice, and privacy, among other things. The government is prevented from acting arbitrarily to deprive individuals of those freedoms. Yet constitutional law, particularly in the area of privacy, has tended to focus on what is "reasonable." In 1941, President Roosevelt announced the existence of four fundamental freedoms. These included the traditional "negative" rights. But they also included "positive" ones as well — most notably, "freedom from want," and "freedom from fear." The World Trade Center bombings put fear back on the agenda. We must be concerned about what will happen in the future to our cities, our peace of mind, and our traditional freedoms.
International legal perspectives on the Sept. 11 attacks on the United States

by David P. Fidler

The terrorist attacks of Sept. 11 on Washington and New York left us reeling emotionally, physically, and psychologically; but as horrific as they were, they do not radically affect the existing rules of international law that apply to such violence.

The most difficult question for international law, in terms of actual and potential responses of the United States and the world community to the Sept. 11 attacks, is the legitimacy of possible military action against terrorists and countries that harbor them. In this realm, I sense from some of the international legal commentary that appeared in the immediate aftermath of the attacks that these events may have caused an important shift in the international law on the use of military force in self-defense.

The attacks on the United States on Sept. 11 also raise the question of whether they will have larger ramifications for international law in world politics, ramifications that go beyond discourse about the technical application of existing rules. It appears from the evidence now accessible to the interested public that behind the violence on Sept. 11 is an ideological conflict between the United States, as representative of the West, and a controversial version of Islam. In fact, it seems apparent that the perpetrators of the Sept. 11 attacks desire through these unprecedented acts of terrorism to begin a long, protracted struggle between the United States and an increasingly radical and assertive pan-Islamic movement.

The attacks under international law

A number of international legal commentators have noted in the wake of violence that the perpetrators committed a crime under international law — the crime of international terrorism. The United Nations International Convention for the Suppression of Terrorist Bombings, which entered into force in May 2001, defines the crime of international terrorism in this way:

Article 2
1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility:
   (a) With the intent to cause death or serious bodily injury; or
   (b) With the intent to cause extensive destruction of such a place, facility or system, where the destruction results in or is likely to result in major economic loss.

While some international legal scholars might ask whether the crime of terrorism is as clearly recognized in customary international law as in treaty law, the nature and scale of the attacks place those acts squarely into the category of the crime of international terrorism, as is evident from the condemnation of the actions from all corners of the globe.

The question of state sponsorship

Much speculation has occurred whether the terrorists who hijacked the aircraft were aided and abetted by a government. If a government was involved in planning
and executing these attacks, it would have violated the prohibition on the use of aggressive force in international law and would have committed the international crime of aggression. The parameters of the crime of aggression are not necessarily crystal clear in international law, but the nature and scale of the violence on Sept. 11 leaves little doubt that these acts constitute criminal acts by a government if state sponsorship of the terrorism occurred.

Other possible crimes
The international legal commentary on the terrorists attacks has involved discussion concerning whether the attacks constituted "war crimes" or "crimes against humanity" that have become more familiar to us through the work of the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda.

These debates are complicated, but I will say that labeling what happened on Sept. 11 as a war crime or crime against humanity might be difficult because those crimes developed through international law on armed conflict. The arguments are stronger if state sponsorship of the terrorism is involved, because the attacks would have constituted acts of war, or armed conflict by one state against another.

But the war crimes and crimes against humanity concepts are more difficult to apply to the acts of terrorists operating without state sponsorship and outside any context of armed conflict. However, the rhetoric being used by the United States and other countries that the attacks on the United States were attacks on the entire civilized world may portend a development in international law where a crime against humanity can occur outside the traditional contexts of civil war and inter-state war.

No defense
The international legal case against these attacks becomes stronger when we realize that international law recognizes no justifications or defenses for the commission of these international crimes. International law on the crime of international terrorism, generally speaking, imposes on states a duty to prosecute international terrorists or extradite them to another state that has jurisdiction. This duty to "prosecute or extradite" contains no exceptions, and treaties on terrorism usually provide that extradition cannot be denied because the crimes were "political offences" or inspired by political motivations. These kinds of provisions indicate that international law has no tolerance for attempts to justify acts of international terrorism. Similarly, if state sponsorship is involved, international law contains no rules that would allow a government to justify an aggressive use of force that involved the direct targeting of civilians. Nor does international law recognize any excuses for the commission of war crimes or crimes against humanity by individuals or governments.

In the past, terrorism and other forms of political violence have been connected to important principles of international law, especially the principle of self-determination. Terrorist groups in the past fought for the right to self-determination, largely in the form of a state. The Sept. 11 terrorism does not seem to be connected to the principle of self-determination or any other familiar principle of international law that might lend legitimacy to the violence.

Responses to the attacks
Arguments that the terrorists attacks on Sept. 11 were illegal under international law have not gained nearly as much attention from international lawyers as the question of the legality of possible responses by the United States and other countries. I would like to comment on three topics in connection with the legality of possible responses under international law: non-military responses, military responses, and arguments that the Sept. 11 violence may have wrought an important change in the international law on self-defense.

Non-military responses
Non-military responses to acts of international terrorism historically have included law enforcement actions against suspected terrorists and their collaborators, the freezing of assets related to terrorist organizations, and diplomatic and economic sanctions against countries believed to be harboring or supporting terrorists. None of these kinds of non-military responses is controversial from an international legal perspective. In fact, international law on international terrorism supports each of these kinds of efforts to fight terrorism. The U.N. Security Council has authorized sanctions against Libya and Afghanistan for their failure to turn over suspected terrorists to countries having jurisdiction over their violent acts. Sanctions by individual countries against governments that support international terrorism qualify as legal counter-measures under international law. Treaties on combating international terrorism encourage law enforcement cooperation among governments and build and reinforce mechanisms to suppress the financing of international terrorism.

Military responses
The legitimacy of military responses to the violence on Sept. 11 has drawn much more attention than non-
Military responses, for obvious reasons. International law on the use of force, especially the parameters of the right to self-defense, has historically been a very controversial area of international relations, and the terrorist attacks on the United States have the potential to add even more heat. In connection with military responses, I want to look at three things: Whether the United States and its allies are justified in using military force as a response to the Sept. 11 violence; if so, what international legal constraints does a legitimate use of force confront; and how the recent terrorist attacks may be changing the international law on the use of force and self-defense.

The basic rules of international law on the use of force are as follows: International law prohibits the use of force by states against other states, unless: (1) the use of force is authorized by the U.N. Security Council as a response to a threat to international peace and security; or (2) the force is used in self-defense.

Again, these basic rules are controversial in many respects, some of which — such as the legitimacy of force in humanitarian interventions — are not relevant to responses to terrorist violence. The key controversy for our purposes is the controversy over the scope of the right to use force in self-defense.

Painting with a very broad brush, the controversy over the right to use force in self-defense has involved arguments between two interpretations of this right. The first interpretation holds that the right to self-defense in international law is very narrow in scope and is triggered only by an armed attack by one state against another. The second interpretation argues that the right to self-defense is broad and is triggered by different kinds and levels of violence.

The United States has consistently supported the broad interpretation of the right to use force in self-defense. In military responses to previous state-sponsored terrorist violence (e.g., the bombing of Libya in 1986), the United States claimed the right to self-defense justified its use of force. In the military responses to the terrorist bombings of embassies in East Africa, the United States justified cruise missile attacks on alleged terrorist facilities in Afghanistan and the Sudan by reference to the right of self-defense. These past U.S. appeals to the right of self-defense to justify the use of force have not been met with universal approval.

The past controversies provide an interesting backdrop to the formation of the current global consensus supporting the U.S. right to exercise its right of individual and collective self-defense in response to the Sept. 11 violence. The U.N. Security Council, NATO, the Organization of American States, and countries around the world have all, in one way or another, indicated that the Sept. 11 terrorist violence against the United States has triggered the U.S. right in international law to use force in self-defense. Equally remarkable is the fact that these international statements supporting the U.S. right to act in self-defense did not explicitly or implicitly tie their support to the existence of significant state sponsorship of the terrorism.

The narrow interpretation of the right to self-defense would require that the United States demonstrate the existence of a significant level of state sponsorship of the terrorist attacks, because the narrow interpretation requires an "armed attack" by one country against another. The current global consensus on the U.S. right to self-defense does not support the narrow interpretation of this right in international law.

The broad interpretation of the right to self-defense would support the use of force by the United States against not only countries that may have sponsored the Sept. 11 attacks, but also those that knowingly harbor the terrorist network responsible for the violence. The current global consensus on the U.S. right to self-defense does support the broad interpretation of this right in international law and perhaps has started an expansion of the right to self-defense.

To summarize, the current global support for the U.S. right to self-defense suggests that "armed attack" in reference to the right to self-defense in international law now means a traditional cross-border attack by one state against another (e.g., Iraq's invasion of Kuwait); a significant level of state participation in political violence perpetrated by insurgents or terrorists; or harboring terrorist groups responsible before and after acts of terrorism against other countries.

What is happening, then, is a move to lower the threshold for state responsibility in connection with terrorist violence. Or as one commentator put it, "lowering the threshold for holding states accountable for the failure to prevent violations [of international law] by non-state actors."

In thinking about this potential shift in international law on the right to self-defense, it is important to keep in mind the unusually devastating results of the terrorist violence on Sept. 11. In other words, the threshold for state responsibility for terrorist acts is lowered significantly when terrorist violence occurs on a large and deadly scale. Smaller scale terrorist violence does not, I would argue, have the same impact on the right of self-defense as the kind of...
"We should guard against our anger playing into the mind-set of those who killed and destroyed."

**Jus in Bello**

Let me quickly mention other rules of international law that would apply to any use of force by the United States in the exercise of its right to self-defense. First, the use of force in self-defense must be proportionate to the violence that triggered the right to self-defense. Second, the United States can attack only legitimate military targets and is prohibited from attacking civilian populations. This remains an absolute prohibition even when the enemy attacked civilian populations in the initial violence. In addition, the already horrible conditions under which the people of Afghanistan live need to be kept in mind in any U.S. military operations against that country.

Third, the United States cannot use means of warfare that would cause unnecessary injury or superfluous suffering to enemy combatants. Another principle of international law that is in play in connection with possible U.S. military responses is the principle of nonintervention in the domestic affairs of other states. The U.S. government would probably like to see the Taliban government removed and replaced by a regime more accommodating to U.S. interests. Whether harboring terrorists provides a justification for violating the principle of nonintervention is a question that perhaps international lawyers will soon be debating.

**The clash of civilizations?**

Commentators are already remarking how the Sept. 11 violence has transformed the Bush administration from a bastion of unilateralism in foreign policy to a force for global multilateralism in the face of a common threat. An administration that previously rejected a series of negotiated and proposed international treaties ranging from climate change to biological weapons now finds itself championing treaties and international law in the face of a new kind of terrorist threat. Perhaps now the Bush administration will apply its new-found multilateral zeal to promoting treaty regimes on weapons of mass destruction.

It is too early to tell whether the Bush administration has a new-found enthusiasm for international law. Perhaps more interesting at this stage are some deeper questions that the Sept. 11 violence raises about international law in world politics. The scale and nature of the Sept. 11 violence combined with the objectives of the Al Qaeda network immediately suggested to many Samuel Huntington's thesis that the next war would constitute a clash of civilizations. Huntington argued in 1996 that a global war "could come about from the escalation of a fault-line war between groups from different civilizations, most likely involving Muslims on one side and non-Muslims on the other." We have also heard a great deal of rhetoric about the "civilized" nations united against terrorism.

When civilizations have clashed in the past, the behavior by both sides has been less than civilized, so I worry about the implications of thinking about the "war on terrorism" as a clash between Western and Islamic civilizations. This is precisely the clash that the perpetrators of the Sept. 11 violence wish to trigger, and we should guard against our anger playing into the mind-set of those who killed and destroyed.

The United States and other nations, some words of the British-Irish thinker Edmund Burke come to mind. In arguing for action against the French revolutionaries in 1796, Burke said:

*We are in a war of a peculiar nature. It is not with an ordinary community, which is hostile or friendly as passion or as interest may veer about; not with a State which makes war through wantonness and abandons it with lassitude. We are at war with a system, which, by its essence, is inimical to all other governments, and which makes peace or war, as peace and war may best contribute to their subversion. It is with an armed doctrine, that we are at war.*

In wars of peculiar natures, traditional rules of international law often become among the first casualties, because the rules were predominantly designed for other types of conflicts. We may be witnessing an expansion of the right to self-defense in international law, and whether this shift in international legal and political thinking contributes to a successful and civilized end to the "war on terrorism" or triggers a long and bloody conflict remains to be seen.
Islamic law and American responses to the terror attacks of Sept. 11

by R. Kevin Jaques, Assistant Professor of Islamic Studies, Department of Religious Studies, Indiana University

Any discussion of an “Islamic legal response” to the attacks of Sept. 11 is complicated by the fact that there is no standard system of Islamic law to which all Muslims adhere. Traditional Islam has developed four institutionalized systems of law (madhahib, sing. madhhab) that have created standardized methods of legal interpretation (usul al-fiqh). Since the 14th century, a small number of Muslim intellectuals have criticized the institutionalized methodologies of legal interpretation and have argued that they have been corrupted by “foreign” and non-Islamic modes of thinking. Indeed, the debate on how to interpret the rules of law lies at the heart of the current crisis in the Islamic world and informs not only how Muslims will respond to the attacks but how they will react to U.S. responses as well.

Islamic law

The word “islam” means “submission,” and a “muslim” is one who submits to the will of God as articulated in a system of rules (shari'ah) that exists in a complete form only in the mind of God. The traditional jurist must discover the rules of the shari'ah that lie either explicitly or implicitly in the texts of revelation (the Qur'an and the traditions [Sunna] of the Prophet Muhammad), because very few rules are explicitly stated. For instance, of the 6,247 verses of the Qur'an, only approximately 500 contain explicit rules reflective of God's will. Most of these pertain to laws for divorce, contracts, standards for basic forms of evidence, and so forth. In order to discover the rules hidden in the Qur'an and Sunna, jurists developed sophisticated systems of textual interpretation that examined such things as grammar, lexicography, history, and rhetoric in order to discern the implicit rules in the texts and make them applicable in various cultural and social settings. Central to these rules of interpretation is a system of analogy which, depending on the school of law, was applied in varying degrees. The backbone of the traditional system of jurisprudence is the concept of ijma, or consensus of the juridical community. All of the rules based on ijma — on which jurists in a given generation agree — rise to the level of explicit statements found in the texts of revelation and become direct statements of the shari'ah. These rules cannot, therefore, be disputed by later generations of jurists.

Islamic revivalism

Beginning with the medieval legal reformer Ibn Taymiyah (d. 1328), traditional systems of legal interpretation were criticized by intellectuals who believed that the modes of discerning the shari'ah used in institutionalized systems of law had become corrupted by foreign (usually Sufi, or mystical) ways of understanding the world and God’s role in it. Ibn Taymiyah argued that mysticism had clouded juridical perceptions because Sufi modes of reasoning, especially the idea that mystically inclined jurists could be aided by inspiration from God in deciding legal cases, led legal scholars away from the methods of textual interpretation developed in early Islam. Only by removing mystical influences on legal interpretation could the law be cleansed of non-Islamic bias and returned to a system which reflects “true” Islam. In addition, he believed that Sufism, especially its focus on spiritual authority, had caused jurists to become subservient to the non-consensus based rules (furuz) discovered by previous generations. Ibn Taymiyah argued that for law to continue to be relevant to the needs of the Muslim community, jurists would have to exercise greater levels of independent reasoning and cast off those areas of law that were based on the blind adherence to the authority of previous generations of jurists.

Ibn Taymiyah’s ideas were developed by the central Arabian revivalist Ibn ‘Abd al-Wahhab (d. 1792), who argued that the only way to remove foreign influence was through violent means. 'Abd al-Wahhab believed that Ibn Taymiyah’s call for a return to non-Sufi piety as the cure-all for the problems of Muslim society did not go far enough. He called for a two-pronged approach to legal and social reform: the violent expulsion of Sufism and the destruction of traditional jurisprudence. In practical terms, the destruction of traditional jurisprudence meant the elevation of the individual Muslim as the sole authority in religious matters.
Solon and his students, from the 13th-century Seljuk Turkish manuscript
The Best Maxims and the Most Precious Dictums of Al-Mubashir

interpreter of the texts of revelation: All that was necessary to interpret the will of God was individual piety and the ability to read the Qur'an and the traditions of the Prophet in their original Arabic. Juridical authority not only had no legitimacy, but it perpetrated non-Islamic norms in the Muslim community. While many revivalists follow aspects of Ibn Taymiyah’s and 'Abd al-Wahhab's ideas, they do not adhere to the Wahhabi call for violence as a means of purifying Islam. The “Wahhabi idea,” however, did become widespread in the 19th century in places where Muslims were under the domination of European powers.

In the colonial context, European colonial authorities and Sufism were understood to be the non-Islamic forces that were preventing true Islam from flowering. In the post-colonial context, the establishment of the state of Israel and U.S. support for it and various authoritarian regimes in the Muslim world have been understood as the latest threats to the development of true Islam and the revival of the ideal Islamic community. The idea that the United States threatens the revival of true Islam is based on the ideas of the Egyptian revivalist Sayyid Qutb (d. 1966). Qutb believed that the United States had become an industrial power, not because of its moral and technological superiority, but because it built its massive industrial and technological system on the backs of minorities and the poor. Qutb saw U.S. support for the establishment of Israel in 1948 as an extension of American and Western racism into the Middle East. If unchecked, Qutb worried that American values of racism and oppression — of individual success at the expense of the many — would corrupt Muslims and drive them even further away from “true” Islam. Qutb advocated a radicalized form of Wahhabi extremism as the only means of driving foreign (meaning U.S. and Israeli) influences out of the Islamic world. His writings have become the basic texts of contemporary violent fringe movements around the Islamic world.

In the context of the rise of various forms of revivalism, any discussion of Islamic law must be understood to speak to and about those Muslims who still, to one degree or another, participate in traditional systems of legal thought. By this I do not mean that all revivalists fall outside discussions of Islamic law. On the contrary, revivalist movements around the Islamic world are articulating new and exciting systems of legal interpretation that, in real terms, are similar to traditional legal norms. Only the violent fringe — approximately 1 percent to 2 percent of Muslims worldwide — would disparage any discussion of Islamic law as being reflective of the kinds of non-Islamic ideas that they claim have contaminated Islam since the very first centuries of Islamic history.

Defining the acts of terror
How can the attacks of Sept. 11 be defined under Islamic law? Almost universally, Sunni Muslim religious leaders who have been able to speak out have condemned the attacks. They have generally defined the acts as “un-Islamic” based on the fact that Islamic law does not allow for suicide or for the murder of innocent women and children. Many religious leaders, however, constrained by the threat of reprisals from sympathizers to violent revivalists and from governments afraid of violent revivalist uprisings, have been unable to define the attacks in more specific legal terms. In formulating an American response to the acts of terror, it is necessary to define them according to the provisions of Islamic law.

There are two possible characterizations of the attacks based on the standard texts of Islamic law. They could be viewed as bughat, or outrages committed by “rebels” against the state. Bughat is primarily a political category and includes anyone who attacks the Imam (the universally recognized political leader of all Muslims), who disobeys his orders, who refuses his services, or who does not pay taxes. Defining the acts as bughat is complicated by
the fact that there is no universally recognized Muslim leader in any area of the Muslim world and has not been for more than 700 years. Many jurists argue that since this is the case, rules for *bughat* are not applicable today. Others argue, however, that, in the absence of a universally recognized leader, the community of jurists fills the role of the *Imam*. In this case, the second condition for rebellion may apply. Since the jurists have expressly forbidden suicide and the murder of innocent women and children, it is possible to argue that the acts expressly contravene the orders of the *ulama* (community of jurists). Under this definition, reaction by the United States becomes problematic since the rebels are still defined as Muslim and the law expressly forbids non-Muslims from attacking Muslims in a Muslim land.

The second possible definition of the attacks is *riddah*, or acts committed by apostates. Traditional law defines an apostate as anyone who separates from the submission to the will of God mentally, by statements (whether in jest, contradiction, or in good faith), or by acts. Any one of these must include a statement that one does not believe in God, does not believe in the prophets, does not believe Muhammad to be a prophet, considers something lawful that by consensus (*ijma*) is ruled unlawful, considers something forbidden that by consensus is ruled lawful, is not required to follow the rules decided by consensus, intends to change religion, or doubts the truth of Islam. Under the rules, anyone defined as being an apostate is, *inter alia*, not a Muslim. The penalty for apostasy is death, if the offender does not recant and return to religion. The rules for fighting an apostate are the same as those for fighting any non-Muslim. This leads by necessity to a discussion of the rules of war, and by what legal provisions the United States may engage in a military response.

### Rules of war: The struggle against unbelief

Traditional Islamic law has very few and rudimentary rules outlining the laws of war between Muslims. To a certain extent, Islamic law sees the world as an ideal setting in which all Muslims are united under the leadership of a single state. Jurists simply did not develop comprehensive rules regulating intra-Muslim conflict. This is not the case with war between the Muslim state and its non-Muslim neighbors. War between a Muslim state and its non-Muslim neighbor is legally defined as "*jihad*," which has a legal and a pietistic definition. In all cases, the legal definition involves some aspect of military expedition (*sayr*) or political expansion. Discussion of *jihad* is complicated by legal texts that reflect the changing circumstances of the Muslim community as it moved from a military power to a community that was under foreign domination.

There were three phases in the legal development of rules of war: the period from 622 to roughly the mid-10th century, when Muslims were expanding their empire from southern Europe to central Asia; from the mid-10th to the mid-18th century, when Muslim powers were consolidating political and military power; and from the mid-18th century to the present, a period when Muslim power has been in a general state of decline.

The laws of war that developed in the earliest periods divide the world into two halves, *dar al-Islam*, or the "land of submission" and *dar al-harb*, the "land of war." *Dar al-Islam* refers to any territory that is under the control of Muslims and thus forms an Islamic commonwealth. Legal texts imply that the term is meant to denote a political designation of submission to Muslim political authority (non-Muslims already living under Muslim political authority are exempt from *jihad* as long as they obey the rules of the state and their own communal laws). All areas outside of Muslim political authority are considered to be in a potential
The state of war with the Muslim state. All relations between the areas of submission and the areas of war are regulated by the concept of jihad.

Jihad is defined as an obligatory "struggle" against non-believers who are not already under Muslim rule. Since the obligation is collective and not individual, as sufficient numbers of people are engaged in the struggle with unbelief, the majority of Muslims are excused from participation in jihad. Jihad is generally but incorrectly understood to be a war to convert non-Muslims to Islam. To the contrary, it is legally and historically meant to be a systematized struggle for Muslim political control, not the religious conversion of non-Muslims. Most traditional legal texts outline 14 to 16 different categories of struggle, only one of which involves military action. The remaining rules outline ways in which Muslims can increase social cohesion and religious adherence in the face of threats from non-Muslim political opponents, the majority of which are aimed at expanding the authority of jurists in Muslim society. Rules for increasing social and religious cohesion indicate that the majority of jurists understood external threats from non-Muslims to be marginal to the greater threats to Islam posed by Muslims who failed to adhere to the law and thus weakened social and religious bonds in Islamic society.

In situations involving military struggle with non-believers, the rules state that only men who are free, not ill (physically or mentally), who have the permission of their creditors, and who own the arms and equipment necessary for war, are required to fight. This stipulation changes, however, if Muslims are attacked in their lands by non-Muslims. In that case, all Muslims — men and women, regardless of health or wealth — are required to fight. If Muslims cannot organize a resistance, they may allow themselves to be taken prisoner, and are required to travel only the equivalent of 48 miles to fight in a war. If the invaders are more than 48 miles away, Muslims are not required to take up arms in defense of Islam. In addition, in the case of invasion, women and children may be attacked if the enemy hides behind them with the sole purpose of using them as a defensive shield. In all other cases the law expressly forbids attacking women, the mentally ill, the disabled, and minors who have not reached the age of maturity.

The declaration of jihad can be made only by a universally accepted Imam, or in his absence, by the community of jurists. Individual Muslims can and have declared jihad, but this carries little weight under Islamic law. Declarations by individual jurists are issued in the form of a fatwa, or non-binding legal opinion. Only trained jurists, according to traditional legal norms, can issue a fatwa. Declarations issued by non-jurists carry no legal power and are treated both legally and popularly as personal statements. Only those already inclined to adhere to such statements will follow these edicts. The fact that jihad must be declared for struggle to be valid indicates that conflict between dar al-Islam and dar al-harb is not perpetual, but exists only under certain restricted circumstances.

In cases where a state of war exists between Muslims and non-Muslims, or in other cases where it becomes necessary for non-Muslims to move through Muslim-controlled areas, the law stipulates that the Imam or his surrogates may issue safe conduct or quarter to the enemy. Safe conduct is to be granted for a limited time (usually four months) and must not prejudice the interests of the Muslims. A corollary to this rule is that in times of need, the Muslim military may employ non-Muslims as "guides" in order to root out the enemies of Islam.

The law outlines, in most cases, rules for the cessation of struggle (hudnah) when it is deemed by the Imam or his surrogates that it is to the advantage of the Muslims to do so, or out of a need due to Muslim weakness. In cases where Muslims simply seek some advantage in the cessation of hostilities, hudnah is limited to a period of four months. If the cessation of hostilities is due to Muslim weakness, hudnah can last for a period of up to 10 years. Many legal texts also admit the reality of world affairs when they state that if the cessation of hostilities extends past the 10-year limit, hudnah remains in effect until such a time that one side or the other violates the terms of the original treaty.

U.S. responses

What do the above legal interpretations mean for U.S. responses to the terror attacks of Sept. 11? If the United States wishes to approach the fight against terrorism to limit future revivalist terrorist groups from forming and attacking American citizens and interests, it will be necessary to craft a response that conforms to the realities of Islamic law. Although Islamic law — especially rules of war and foreign relations — is not applied in the modern context, Muslim religious leaders, the very people the United States needs to attract to its cause to avoid future difficulties, use legal provisions as the foundations of their religious world views. Muslim religious leaders think of the world in legal terms and will react to U.S. policies according to how these policies conflict or adhere to Islamic legal principles.

American responses to the attacks will be greatly assisted if Muslim jurists are willing to define the attacks as riddah (apostasy) and not as bughāt (rebellion), or simple homicide (qatl).
In the latter two categories, the perpetrators remain Muslim and any effort by non-Muslims to punish them will expressly violate provisions in Islamic law that prevents non-Muslims from killing Muslims. Only apostates may be killed by non-Muslims, and in some interpretations, Muslims may ask non-Muslims for assistance in bringing apostates to justice.\(^1\) Defining the terror attacks as apostasy would be based on the clear indication that the perpetrators, by advocating suicide, the mass murder of innocent women and children as a legitimate act of war, mass destruction of private property, and the declaration of jihad without the authority of the community of jurists (ulama), contravene the authority of the ulama by considering lawful things which by ijma have traditionally considered unlawful. Defining the acts as contraventions of ijma would not hinge just on the enormity of the acts (simple murder contravenes ijma but is not defined as apostasy), but also on the idea that they endanger the Muslim community because of what they suggest about structures of legal authority. Encouraging others to commit suicide, claiming the right to declare jihad, to kill thousands (including many Muslims) and destroy billions of dollars of property without proper consent, and to risk the lives of Muslims due to Western military and economic retaliations challenges the authority of the community of jurists and of every principle of law that, by consensus, seeks to promote the welfare of the Muslim community. Convincing Muslim jurists of the value of such a definition would be critical to any U.S. response.\(^1\)

In addition, under Islamic law individuals harmed as a result of an unjust act have certain financial tools that allow them to be compensated for losses that result. Rights to compensation extend to non-Muslims when they are harmed by Muslims and allow for rather comprehensive rights to financial recompense. Especially useful is the provision that injured parties have the right to sue any individual who forms part of an organization that commits acts of unjust violence against them. This extends to individuals who do not themselves form armed bands, or take up arms directly, but in some other way contribute to the formation or activities of the organization in a non-military capacity. These provisions would allow the United States to seize funds from groups that are proven to facilitate the activities of terror groups.

In each of the above legal responses, the issue of proof is central to American reactions to the terror attacks. It will not be enough for the United States to say, “we think so and so did it.” Rather, it will be necessary to lay out a case of guilt that conforms with the standards of Islamic law. Proving guilt in cases of murder or apostasy requires three witnesses to each individual fact. Witnesses can be either eyewitnesses to individual acts or transactions, or expert witnesses who can testify to the facts as they understand them.

The last question that this discussion raises is this: What role does the United States have in making a religious argument to Muslims? In other words, why should the United States try to make a religious argument to Muslims about the guilt under Islamic law of those it says committed the acts? The United States has the opportunity to redefine its relationship with the Islamic world. There need not be a conflict of civilizations if the West seeks to prevent such a war by building bridges with Muslim intellectuals who it can win to its side by speaking their language and seeking to understand their world views. Only if the United States and its allies take Islamic legal norms into account can it fight and win a war on terrorism without creating more terrorists down the road. While a legally sound response is only one prong of a comprehensive effort, one that includes redressing economic and political policies toward the Muslim world, it is nonetheless central to a sound policy for dealing with this new war.

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1 For an interesting discussion of the implications of the Wahhabi idea, see Fazlur Rahman, ISLAM (New York: Holt, Rinehart and Winston, 1966), 193-211.
2 Quotations from MILESTONES (Cedar Rapids: The Mother Mosque Foundation, n.d.) has become the bible of the violent revivalist movement. Widely available throughout the Muslim world (including the United States), the book outlines Qutb's vision of the current state of Islam and articulates a theory for the application of jihad against the enemies of true Islam. It should be noted that for Qutb, the majority of Muslims are so perverted by foreign elements that they should no longer be defined as such and are to be the primary objects of jihad.
3 For instance, see H. M. Amin Rais and H. Ahmad Syaffi Maarif, METODE IQTNAH MAJLIS TARJIB MUHAMMADIN (Jakarta: Logos Publishing House, 1995).
4 As stated above, institutionalized Islamic law is a broad subject. There are, however, a number of issues on which most of the schools of legal interpretation agree. What is presented below are those areas of agreement according to the medieval legal text MINHAJ AL-TALIBIN (Beirut: Dar al-kutub al-'ilmiyah, 1996), written by the great Shafi'i jurisprudence Yahya b. Sharaf Muhyi al-Din al-Nawawi (d. 1277). The text is one of the most important foundational texts in the Shafi'i school of law and is highly esteemed by jurists in all traditional schools. Al-Nawawi seeks to represent the consensus view of his school and in places where there is disagreement (ikhlaq) he delineates what this may be.
5 Ibid., 169-179.
6 Ibid., 170.
7 Ibid., 179.
8 Ibid.
9 Ibid., 180-81.
10 Ibid., 179.
11 Ibid., 181.
12 Ibid., 184.
13 Ibid., 170.
14 It must be admitted that such an argument has limitations. There are very strong arguments made in the traditions of the Prophet against condemning anyone as an apostate. These admonitions stem largely from the debate that arose after 658 when a group that came to be known as the Khawarij claimed that any Muslim who committed a grave sin should be killed. A number of civil wars broke out after the rise of the Khawarij that centered on who had the right to define what a Muslim is and whether or not humans had the right to condemn anyone to death for committing an act of sin. In response to the atrocities of the Khawarij, a group known as the Murjia (the postponers) asserted that only God had the right to declare who was, and who was not a Muslim, which could only occur on the Day of Judgment. The Murjia argument eventually became part of the “orthodox” Sunni tradition.
Law Library benefits from Pell collection

Last year, the Law Library became home to a substantial collection of private papers from Wilbur F. Pell Jr., a judge on the 7th Circuit Court of Appeals who was one of the three-person panel to hear the 1972 appeal by the Chicago Seven.

Judge Pell died on Sept. 25, 2000, at the age of 84. A 1937 graduate of IU and a 1940 graduate of Harvard Law School, he joined his father’s law firm in Shelbyville, Ind. During World War II, he was a special agent for the FBI, later returning to become a senior partner in the family firm. From 1953 to 1955, he was deputy attorney general for Indiana. In 1970, President Nixon appointed him to the U.S. Court of Appeals.

According to library director Colleen Pauwels, Judge Pell’s daughter-in-law, Carol (Channell) Pell, BA’69, called on the night before Christmas in 2000 to see if the IU School of Law would be interested in housing the papers. Judge Pell’s son, Wilbur F. Pell III, had earned a law degree from IU in 1967. Pauwels jumped at the chance, promptly arranging a trip to the Pells’ Evanston home.

Pauwels and Dick Vaughan, acquisitions librarian, spent a long, wonderful day looking through Judge Pell’s belongings — all four floors and 84 years worth. With its floor-to-12-foot-ceiling bookshelves full of “tempting” first editions, the house, according to Pauwels, was a treasure trove. When they arrived in the morning, they knew virtually nothing about Wilbur Pell except that he was a judge on the 7th Circuit Court of Appeals and the father of an IU law alumnus. By that night, they had looked through his private papers and photos, determined his taste in books, learned how tidy he was, and more. “It was exhausting,” says Pauwels, “to suddenly become a part of his life in such an intimate way.”

The day was physically exhausting as well, beginning as it did “at the crack of dawn” with a drive up to Evanston and not ending until a return very late at night to Bloomington. Pauwels, Vaughan, and their student assistants drove up in a van, with 125 flattened cardboard boxes. They filled every single one of them. According to Pauwels, “By the (continued on page 30)

Hook, Larson, Bryan fielding research questions at Law Library

Peter Hook has joined the Law Library staff as the new electronic services librarian, effective Oct. 8, 2001. He comes to us from the University of Illinois Law Library, where he was a reference librarian. He earned his JD from the University of Kansas School of Law and his MLS from the University of Illinois Graduate School of Library and Information Science.

Hook’s responsibilities as electronic services librarian will include providing training and assistance with the use of Lexis and Westlaw, as well as other databases owned by the library. He also will provide assistance in the use of the Internet as a research tool. He will be responsible for maintaining the WWW Virtual Library for Law, which is part of the law school’s Web site. Additionally, as part of the reference staff, he will be available to assist with general reference questions. Hook replaces Juliet (Smith) Casper, JD’92.

Liz Larson joined the public services staff of the Law Library effective Oct. 1, 2000. She holds the position of reference librarian. Before joining our staff, she was a reference librarian at the John Marshall Law School in Chicago. She earned a BA in Russian studies, an MLS from UCLA, and a JD from the University of Wisconsin Law School.

Larson is available to answer research questions. She will be participating with other public service librarians in teaching the research segment of the first-year Legal Research and Writing classes in the spring semester. Her office is in Room 105F.

Jennifer Bryan was appointed to replace Marianne Mason as the documents librarian, effective May 1, 2001. Since 1995, she had been the head of circulation and patron services. In her new position, she is responsible for maintaining all aspects of the Law Library’s depository program. As part of the public services team, she has substantial teaching and reference duties.

Bryan earned a BA in English literature from Saint Mary-of-the-Woods College and an MLS from IU. She also did graduate work in comparative literature.
Professor Bill Popkin retires

O
ver its long history, this Law School has been known for its outstanding scholars and teachers. One of its finest exemplars in this tradition is Professor Bill Popkin, who became the Walter W. Foskett Professor of Law emeritus in December 2001. His contributions to this school, to generations of students, and to the scholarly literature which he has helped to shape will continue to have great influence long into the future. The ideas that he has nurtured and let loose in his classes, among his colleagues, and in print will continue to teach, inform, and change the way students and scholars come to know the law.

Bill Popkin

Bill Popkin joined the Indiana University School of Law faculty in 1968. He earned a bachelor’s degree and an LLB, both with honors, from Harvard, and then spent a year in India as a Fulbright fellow. He returned to the United States to practice law in New York. Later, he became a teaching fellow in the International Tax Program at his alma mater, Harvard Law School, before coming to Bloomington with his young family.

During his long and enormously productive career at IU, Popkin has made his mark nationally in the fields of tax, legislation, and statutory interpretation.

In 1987, in honor of his extraordinary scholarship, he was named to the law school’s very first named professorship, the Walter W. Foskett Professorship.

He is the author of two books on tax law, two books on legislation, and one on statutory interpretation. The third edition of Fundamentals of Federal Income Tax Law was recently published. It is a widely used text in law schools throughout the country. His book Statutes in Court: The History and Theory of Statutory Interpretation was published by Duke University Press in 1998 and has made a significant contribution to that important area of the law. He also has recently published a new edition of Materials on Legislation: Political Language and the Political Process, a book that deals with many fascinating intersections of law, politics, and language. In 1999, Popkin helped to organize a conference at the law school on law and religion in India. A volume of essays arising out of this event is forthcoming from the IU Press.

Popkin continues to help us understand the law. He is now at work on a historical and comparative study of how judicial opinions are written in England, France, and the United States. He has also written many important law review articles on these subjects throughout the years, published in the leading journals of our profession.

Popkin has taught many courses on tax and legislation, including Income Tax and Tax Policy, as well as Welfare Law and the Legal Profession, and he has taught on occasion at other law schools as well. In the late 1970s, he was a visiting professor at the University of Southern California Law Center. He taught at the Yale School of Law in the late 1980s, and, in 1991, at Hangzhou University in China. He has also taught in our law school’s London program.

Popkin has been very active and extremely helpful in serving the law school and university communities. He has been an associate dean of this law school, and has chaired, at one time or another, all of its most important committees. He also has been a member of the university Faculty Council and the Faculty Affairs Committee and has chaired the university-wide Grievance Committee and Faculty Board of Review.

(continued on page 30)
time we were done, there wasn’t room for a single feather more.”

The contents of all these boxes include mainly letters and other private papers, including notes on Judge Pell’s cases. There are also photographs and assorted memorabilia. While this gift constitutes the first really extensive or significant collection of papers to be donated to the Law Library, Pauwels hopes it will not be the last. “It was a nice group of papers to get, from a Court of Appeals judge. I’d like to have district court papers from alumni as well.” Before the Pell gift, the library had received some smaller collections of papers from faculty, and a single box of oddments from an army judge during the Nuremberg Trials.

The papers are currently being catalogued and will ultimately be available for use by researchers.

Popkin retires
(continued from page 29)

His service to his profession is also notable beyond the university and the law school. He is a member of the tax committee of the American Association of University Professors and a member of the American Law Institute. He was chair of the Legislation Section of the AALS. He has given many talks, seminars, and courses on legislation for federal judges, for the National Judicial College in Reno, Nevada, and for the ABA, among other groups. In fact, he is well-known by judges throughout the country who have had the pleasure of being in his classes at the National Judicial College.

Bloomington was a congenial place for Delbrück in those post-war years. “With all the destruction I’d seen in my younger years,” he says, “to find a peaceful — but not boring — atmosphere was something quite impressive to me.”

Bloomington was also home to a large group of East European and German immigrants who had been driven away from Europe during World War II. “A really fascinating intellectual network formed here,” recalls Delbrück.

The law school, in particular, was “quite a lively intellectual community.” Delbrück formed an especially close relationship with one member of the faculty, Ralph Fuchs. He had come armed with a letter of introduction from a “friend of a friend” — a rather formal beginning to what was to become a life-long intimacy. “With Ralph it was a family friendship,” says Delbrück. “We visited with our children and grandchildren over the years. Ralph was incorruptible, and his wife, Annetta, was also a very congenial companion intellectually, and she was very warm-hearted.”

Delbrück needed the anchor of that friendship. Being in the United States was disorienting, and he was suffering from “all the signs and symptoms of real culture shock — the anger one feels that those who are so similar do things differently.” He particularly remembers being annoyed during discussions by what he saw as the evasive tactics of Americans when conflicting views came to the fore. “I thought it was terrible.
Americans give little signs, in not obvious ways, that they see your point. Germans argue like tanks, driving opponents to the wall. Later, I had red ears over many of the things I thought and did then."

After returning to Kiel from his first stint in Bloomington, he did a legal internship and finished his doctorate. Then, "not knowing what else to do," he says, "I returned to Bloomington. During that first visit, I was a person between two worlds. I had really longed for home, but the first weeks after I got back [to Germany] were absolutely disastrous, because there were many things I saw with critical eyes now. I didn't plan to return to the U.S., but within six months I had concrete plans to come back."

Delbrück says that the choice, which led to such success for him, to pursue international law, was not, at first, a "real, conscious decision — it was just fun to do." In Germany, while in law school, he had worked with a scholar of international law, Georg Dahm, who had impressed him very much (and whose treatise he was invited, many years later, to do a second edition of). As an academic research fellow at IU in 1963-64, he took courses in international law and relations. "At that time," he says, "I was very interested in the Cold War and détente talks, and the very profound questions raised about peace: Is it a political order or a legal one? But the only real strategic decision I made was that I wanted to teach. I knew I wanted to work with young people. Teaching was a mission. I loved it, and I still do."

Having chosen this path, Delbrück returned to Kiel yet again to embark on postdoctoral work toward a doctor habilitatus degree, required in order to become a professor in Germany. His dissertation arose out of the interest he had pursued in Bloomington in the power and limits of the law, addressing the question of how far law can go toward eliminating racial discrimination. After completing the degree in 1971, he received a one-year appointment as Chair of Constitutional Law and General Theory of the State at the University of Hamburg. In 1972, he was named a professor at the University of Göttingen; this appointment was followed by his appointment at the University of Kiel, where he served as director of the Institute of International Law (later renamed the Walther-Schücking-Institute of International Law) until his retirement last spring.

Great as his love of teaching has been throughout his career, Jost Delbrück has devoted an extraordinary amount of time and effort to public service as well. What follows are just a few highlights:

- 1973–1981, Member of the Commission for Peace and Conflict Research of the German Science Foundation and the Society of Peace and Conflict Research (chairperson from 1975)
- 1978–1980, Instructor in international law for young diplomats (at the German Foreign Office)
- 1983–1985, German delegate to the UNESCO Human Rights Committee
- Since 1985, member of the International Court of Arbitration at the Hague
- 1995–1999, counsel for the Republic of Namibia in the Kasikili/Sedudu Island Case before the International Court of Justice at the Hague
- 1997–2001, president of the German Society of International Law

Over the summer, John Applegate was appointed to the National Academy of Sciences Committee on Long-Term Institutional Management of Department of Energy Legacy Waste Sites: Phase 2. He also gave two presentations to the academy's Board on Radioactive Waste Management, "Public Involvement in Radioactive Waste Management Decisions at Fernald," and "Preparing for Long-Term Stewardship in the Department of Energy."

A. James Barnes has been named to a panel for the National Academy of Public Administration that will study and make recommendations concerning the incorporation of environmental justice considerations in the Environmental Protection Agency's permitting regulations.

Craig Bradley (along with Professors Alex Tanford, Joe Hoffmann, and Jeannine Bell) attended the Law and Society Conference in Budapest, Hungary, last summer. Bradley gave a paper on "The Changing Face of Criminal Procedure." Author of a bi-monthly column on Supreme Court criminal law and procedure decisions for *Trial Magazine*, the magazine of the American Trial Lawyers Association, Bradley has recently published pieces on the Indianapolis drug roadblock case (*Indianapolis v. Edmond*) and an interrogation case (*Texas v. Cobb*).

Kevin Brown spent four weeks as a special visiting professor at the Adilet Law School in Almaty, Kazakhstan. During that time he presented lectures on the "Introduction to American Criminal Law" and the "Introduction to American Law and Religion." On Oct. 5, he delivered a paper titled "Can African-American Students Benefit from Single-Race Schools with Specialized Curricula?" at the 2001 Louis L. Redding Civil Rights Symposium, "Will Recent Supreme Court Decisions Lead to the Resegregation of Public Schools?" held at the University of Delaware in Newark, Del.

Hannah Buxbaum has written two articles, "Cooperative International Regulatory Enforcement and the Privilege Against Self-Incrimination," which appeared in 43 *German Yearbook of International Law* 171 (2000), and "The Role of Public Policy in International Contracts: Reflections on the U.S. Litigation Concerning Lloyd's of London," which is forthcoming in *IPRax*. She has presented papers on international regulatory law at workshops and conferences at Cornell, the University of Arizona, the University of Texas, and the University of Jena (Germany), and she offered a seminar on international contract law as a visiting professor at the University of Erlangen (Germany). She is the 2001 winner of the IU School of Law's Leon Wallace Teaching Award.

Last spring, Daniel Conkle made presentations at a conference on Law and Religion at Loyola University Chicago School of Law and at a conference here at the IU School of Law book headed for press

**Policing Hatred: Law Enforcement, Civil Rights, and Hate Crime**, a new book by Jeannine Bell, is scheduled for publication by NYU Press in 2002. Bell is also on the program committee for the Law and Society Association annual meeting, to be held in late May in Vancouver, British Columbia.

Bell book headed for press

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Jeannine Bell
Professor Elisabeth Zoller, who teaches classes in comparative law every summer at the IU School of Law—Bloomington, has been named a chevalier of the French Legion of Honor. This award, bestowed on France's most distinguished citizens, is the highest honor given by the French government.

In addition to teaching at IU, Professor Zoller is a law professor and director of the Center for American Law at the University of Paris II (Panthéon-Assas). A scholar of international and comparative constitutional law, she has written a number of books, among them a landmark work, Les grands arrêts de la Cour suprême des États-Unis, which translates into French and briefly describes the historical context and doctrinal significance of the most important cases decided by the U.S. Supreme Court. This book is the first to make these cases accessible to French students and scholars in their native language, and it earned a major prize, la médaille du prix Maurice Travers.

She is also the co-author, with Professor Lauren Robel of the IU School of Law—Bloomington, of a book on affirmative action and federalism in the U.S., Les États des Noirs: Fédéralisme et question raciale aux États-Unis (Black States: Federalism and the Race Question in the United States). Most recently, she co-edited a volume of papers originally presented at a conference and published under the title Le droit dans la culture américaine (Law in American Culture).

In 1997, Professor Zoller served as a consultant and lawyer for the United States before the International Court of Justice in the Lockerbie bombing trial.


In the aftermath of the events of Sept. 11, Professor Steve Conrad is developing, with IU sociologist David James, a new course called The Constitutionalism of Americanism and American Citizenship. Fred Cate’s monograph, Privacy in Perspective, was published in June by the American Enterprise Institute. He also wrote a number of articles and chapters, including “Constitutional Issues in Information Privacy” (with former Assistant Attorney General and Office of Management and Budget Deputy Director Robert Litan). Together with Professor David Williams and former student Dennis Long, he edited The Court-Martial of George Armstrong Custer. He testified on privacy issues before both the House and Senate Commerce Committees and committees of the California, Idaho, and South Carolina state legislatures, and gave more than 30 other presentations, including appearances before the Federal Trade Commission; the Western Association of Attorneys General; the American Society of Newspaper Editors; the Investment Company Institute; and the National Retail Federation Board of Directors. In June, he addressed government and business leaders in Japan on U.S. privacy and information law, and in September he gave the inaugural Herman B Wells Distinguished Lecture, “Data and Democracy,” for IU’s Society for Advanced Study. Cate was appointed an Ira C. Batman Faculty Fellow at the law school, a visiting scholar at the American Enterprise Institute, a senior policy adviser at the Hunton & Williams Center for Information Policy Leadership, an academic adviser to the American Legislative Exchange Council, and a senator of Phi Beta Kappa.

Cathy Crosson filed the respondent's brief in her seventh case before the Supreme Court, City of Los Angeles v. Alameda Books. Arguments were heard in the case this winter.

Professors Ken Dau-Schmidt and Jeff Stale hosted the first annual Midwest Law and Economics Gathering at the IU School of Law on Oct.
Don Gjerdingen is the winner of the Indiana State Bar Association’s 2001 Rabb Emison Award, which is given in recognition of work promoting diversity and equality in the legal profession. Gjerdingen was cited for his efforts in assisting minority students and serving on the faculty of the Indiana Conference for Legal Education Opportunity. He received the award on Oct. 25 at the ISBA annual meeting in South Bend.

Rob Fischman is looking forward to his return to the IU classrooms this winter after a year and a half away. In addition to teaching as a visiting professor at the two top environmental law programs in the country, at the Vermont Law School and at Lewis & Clark College’s Northwestern School of Law, Fischman conducted sabbatical research as a Senior Research Scholar at Yale Law School. His sabbatical work focuses on cooperative federalism in endangered species protection, the meaning of public lands organic legislation, and the National Wildlife Refuge System. Fischman’s most recent article, published in the latest issue of the Stanford Environmental Law Journal,

Charlie Geyh wrote a chapter on “Judicial Independence and Accountability” for a book, to be published later this year by the American Bar Association Press, titled The Improvement of the Administration of Justice. He participated in a conference at the University of Pennsylvania on developing a research agenda for judicial independence, in connection with which he prepared a paper, “Customary Independence,” that will be published by Sage Publications as a chapter in Judicial Independence at the Crossroads: An Interdisciplinary Approach. He, together with Dawn Johnsen and Lauren Robel, organized a conference this winter at the School of Law on congressional power, for which he presented a paper, “Judicial Independence, Accountability, and the Power of Constitutional Custom,” that will appear as an article in the Indiana Law Journal. He is presenting a paper on “The Judicial Selection Conundrum” at a conference at the Ohio State University School of Law, which will be published as an article by the Ohio State Law Journal. He served as reporter to the ABA Commission on Public Financing of Judicial Campaigns that issued its report last fall. He continues to serve as a member of the ABA Federal Judicial Improvements Committee and was inducted as a member of the American Law Institute. He continues to teach Civil Procedure, Legal Professions, and Courts and Congress, and was one of the inaugural recipients (along with Jeff Stake) of a Trustees’ Teaching Award last spring.

Fromm negotiates language barriers on trip to Thailand

At left, Dean of Students Len Fromm celebrates Loy Kathrong, the Day of Atonement, in Ayuthia, Thailand’s ancient capital. As part of the festivities, arrangements of flowers and candles are set afloat on a river, or, sometimes, shot up in the air with helium, in order to symbolically carry away the year’s bad deeds.

Dean Fromm spent three weeks in Thailand in November 2000 teaching legal negotiations at Chula Long Korn University in Bangkok. Although he taught in English, Fromm says that “the language barrier meant teaching a little differently.” But, he says, there were “not as many cultural differences as I anticipated there would be.” The most striking cultural differences he encountered were within Bangkok itself. “It’s called a city of amazing contrasts, and it is,” says Fromm. “You go from beautiful temples to squalid houses. Modern high-rise hotels stand next to completely dilapidated buildings.”

In addition to teaching, Fromm met with IU law alumni and gave a lecture to judges on the Intellectual Property and International Trade Courts.
looks at the intersection between environmental impact analysis and ecological economics. He is also collaborating with SPEA conservation biologist Professor Vicky Meretsky to address problems of access to and control of endangered species information.

Professor Emeritus Ed Greenbaum has been working with the Community Conflict Resolution Program, a new program of the Citizens for Community Justice, to offer conflict resolution education and services to the citizens of Monroe County. The program was founded in fall 2000 in response to a growing need for a centralized location for community conflict resolution activities. The group consists of a steering committee and a larger collaboration of committed community members. The CCRP also works in collaboration with an Indiana University student group, IU Conflict Resolution Services.

In September, Bill Hicks gave a talk at the annual Government-Business Forum on Small Business Capital Formation, Washington, D.C. He spoke about efforts to reform the transaction exemptions under the Securities Act of 1933, and, in particular, about how various reform proposals might affect small businesses.

Sarah Hughes' latest article on electronic payments has been published in a collection of pieces called The Best of E-commerce Law. Her fall 2000 paper on promoting the use of retail electronic payments through clarifying the legal rules applicable to the payment mechanism has just been published in Proceedings from the Workshop on Promoting the Use of Electronic Payments: Assessing Future Requirements, by the workshop sponsors, the Federal Reserve Bank of Chicago; the Institute for Science, Law, and Technology of the Illinois Institute of Technology; and the Program for Research on the Information Economy at the University of Michigan. In November, she was interviewed about the arrests and seizures of records of affiliates of the al Taqua and al Barakaat banking, money services, and communications networks alleged to be sources of financial support for al Qaeda, and about the informal but extensive network of money transmitters known as hawals. Channel 13 News, the NBC affiliate in Indianapolis, did the live interview and broadcast portions of the interview.

Dawn Johnsen helped organize and took part in a symposium at the law school on Congressional Power in the Shadow of the Rehnquist Court: Strategies for the Future, with articles forthcoming in the Indiana Law Journal. The symposium brought together leading scholars, practitioners and former governmental officials to explore the impact of recent Supreme Court decisions that have diminished congressional power in the name of federalism and judicial supremacy. Her presentation focused on how presidents have contributed to these substantial shifts in constitutional doctrine, and, more generally, on the appropriate role of presidents in the development of constitutional meaning. She also advises public interest organizations on congressional power and federalism and other constitutional issues. She organized and participated in a public forum on “Bringing the Terrorists to Justice: Where and How Should the Prosecutions Proceed?” presented on an American Studies Program panel on “Meet the New Right: Collegiality, Community” will appear in the Indiana Law Review's forthcoming symposium issue dedicated to the problems of appellate courts. Robel presented a paper, “Collegiality, Social Capital, and the United States Courts of Appeals,” at a symposium on Dispute Resolution in the 21st Century at the University of Nevada, Las Vegas, in February. She presented a paper titled “Alden Undone: Mitigating Immunity Doctrine in the States” at the School of Law’s conference, Congressional Power in the Shadow of the Rehnquist Court. In December, she was a visiting faculty member at Université Panthéon-Assas (Paris II), where she taught a seminar on Federalism and Governmental Responsibility. She also worked with Seth Lahn and a number of law students during the last year to provide representation as appointed counsel before the United States Court of Appeals for the 7th Circuit. She continues to teach Civil Procedure, Constitutional Litigation, and Federal Jurisdiction.

Last summer, Jeff Stake published two articles: “Are We Buyers or Hosts? A Memetic Approach to the First Amendment,” 52 Ala. L. Rev. 1213, and “Can Evolutionary Science Contribute to Discussions of Law?,” 41 Jurimetrics 379. He makes no claims as to the utility of either.
Alumni in the News

Academy of Law Alumni Fellows inducts five

The Academy of Law Alumni Fellows pays tribute to alumni who are leaders in the profession, and to be named to the academy is the highest distinction that can be bestowed on alumni by the IU School of Law. Five new members were inducted this fall, bringing the total number of fellows to 73. The new members are Terrill D. Albright, JD'65; Ann M. DeLaney, JD'77; Joseph "Andy" Hays, LLB'59; Paul G. Jasper, LLB'32; and José Villarreal, JD'79.

Terrill D. Albright

In 1963, while still a law student working for the Indiana University Foundation, Terrill D. "Terry" Albright, along with Robert Kassing, JD'64, spent a summer traveling through Indiana visiting law alumni and soliciting them for contributions for the law school. It was, in essence, the beginning of the law school's Annual Fund program.

While president of the Indiana State Bar Association from 1993 to 1994, Albright initiated a peer mediation training program, known as Project PEACE, in cooperation with the Indiana Attorney General's Office. Project PEACE is aimed at reducing conflicts and violence in schools by teaching children how to mediate their disagreements. The program has since been taken over by the Department of Public Instruction and is to be implemented in all schools throughout Indiana.

For the past two and a half years, Albright has been co-chairing a task force on the future structure of the Indiana State Bar Association, Indiana Continuing Legal Education Forum, and the Indiana Bar Foundation. Since 1989, he has been listed as one of the "best lawyers in America" in business litigation. Albright is also an active fellow of the American College of Trial Lawyers.

These are just a few examples of Albright's leadership, commitment to community, and dedication to excellence in the profession. As one of his nominators put it, "Terry Albright has consistently devoted his energies to the profession, his community, his alma mater, and his family. Terry doesn't just 'give back,' he gives back richly."

Albright earned a bachelor's degree from Indiana University in 1960. During his senior year, he set the stage for his long-term love affair with Indiana University when he served as president of the IU Student Foundation and the Little 500.

Albright received his JD in 1965, after serving as an articles editor and author for the Indiana Law Journal. For more than 35 years, he has served as a civil jury trial attorney and an appellate practitioner with Baker & Daniels, focusing on complex commercial and construction litigation. He is also a certified AAA arbitrator on the commercial and construction panels and a registered Indiana civil mediator. Since 1994, he has devoted an ever-increasing percentage of his time to serving as a neutral, arbitrating large, complex cases for the American Arbitration Association. In addition, Albright is active with the CPR Institute for Dispute Resolution, serving as one of only two members from Indiana of CPR's Panel of Distinguished Neutrals.

For many years, Albright's name has been synonymous with the Indiana State Bar Association, the Indianapolis Bar Association, and American Bar activities. He has served as the vice president, chair of the Judicial Review Committee, counsel to the board, and member of the board of managers for the Indianapolis Bar Association. His devotion to state bar activities has been even more extensive. After working his way through the leadership positions, Albright served as president of the Indiana State Bar Association from 1993 to 1994. He also served on several key committees, including the Committee on Professionalism and the Long Range Planning Committee.
In the past, he served as chair of the Young Lawyers Section and was a member of the board of managers. From 1993 to 1998, he served on the executive council of the National Conference of Bar Presidents. He has also been a member of the Alternative Dispute Resolution, Litigation, Torts, and Insurance Practice sections of the American Bar Association. He was a member of the House of Delegates from 1993 to 1995.

In 1994, during his tenure as the president of the state bar association, Albright teamed up with the president of the Indiana Judges Association, Judge John Kellam, to form an organization known as the Citizens Commission for the Future of Indiana Courts. One of the projects that grew out of that organization (and is currently under consideration by the Indiana Supreme Court) is jury reform. If adopted by the Indiana Supreme Court, this measure will have an impact equal to that achieved when Indiana codified its Rules of Evidence by Supreme Court rule. This project has required extensive commitment of time for in-depth study of the existing rules, recruiting various organizations of lawyers and citizens, networking nationally to undertake this substantial task, and advocating the adoption of these rules by the Indiana Supreme Court. This kind of project that showcases Albright's passion and great talent for the law. He is, as one of his nominators said, "A lawyer's lawyer who is a great credit to our profession."

Terry Albright's passion for his community and alma mater is every bit as impressive. A few of his more notable involvements include serving as president of Christamore House, board member and branch president of the Greater Indianapolis YMCA, and president of the Community Centers of Indianapolis, and doing extensive volunteer work with the United Way of Central Indiana, the American Heart Association, and the Arthritis Foundation.

His association with his alma mater dates back more than 35 years, when he worked to formulate the school's annual fund. Albright has acknowledged, "To see the annual fund become what it is today is truly rewarding." He continues his involvement with the annual fund by serving as a class agent for the Class of 1965. He is a former member of the School of Law's Board of Visitors and is a past president of the Law Alumni Association (1978-79). He has said, "My financial contributions to the school are testimony to what I believe the school made possible for me to achieve."

**Ann M. DeLaney**

When the time came for the U.S. trustee for the state of Indiana to hire a new standing trustee to handle Chapter 13 bankruptcies for the greater-Indianapolis region, he was looking for a pillar of the community. He found such a person in Ann M. DeLaney. She has been called a "tiger in the courtroom" by former Indianapolis Mayor Stephen Goldsmith and a "tough cookie" by former GOP chair Rex Early. She has been credited with revitalizing the Democratic Party in the State of Indiana and has been recognized as a champion of women and children who are victims of domestic abuse. A newspaper article quoted the Democratic chair of the 9th District as saying, "If I was in trouble and needed an attorney, someone I felt would go to the end for me, I'd pick Ann DeLaney."

Growing up in Long Island, N.Y., DeLaney never thought of a career in politics. "I just wanted to get to college," she once told the *Indianapolis Star*. She accomplished that goal in 1967, graduating with a degree in political science from the State University of New York. Ten years later, she earned a law degree from Indiana University.

She immediately went to work as a deputy prosecuting attorney for Marion County and spent the next five years as a supervisor in the felony sex crimes and child abuse unit, where she tried more than 60 cases. In 1983, she focused her attention on serving as special prosecutor during the Marcia Heald murder trial in Tippecanoe County; she then spent a year as a commissioner of the Marion Superior Court in the criminal division.

By 1984, DeLaney was giving thought to a career in politics. She had already come in first among Democratic candidates in a primary race for Marion County Superior Court Judge when she abandoned that race to make history in Indiana. That year, she became the first woman in Indiana's history to run for the position of lieutenant governor, joining the ticket with Wayne Townsend. Although she and Townsend were defeated, the *Indianapolis Star* named Ann DeLaney its Woman of the Year. She was praised by readers for the way she "handled the rigors of the campaign with good grace and good sense" and for the way she "advanced the cause of women candidates."

In 1988, newly elected governor Evan Bayh asked her to join his...
administration as his executive assistant for legislative affairs. Although DeLaney had no direct legislative experience, then-Governor Bayh said that what he liked about her was a quality that is mentioned time and again as one of her prime assets: tenacity. “One of Ann’s strengths is the ability to bring fresh perspectives and not be a creature of the status quo,” said Bayh. When re-election time came in 1992, Bayh looked no further than to DeLaney to be his campaign manager. Bayh won that election by a landslide, receiving 63 percent of the vote.

From there, DeLaney went on once again to make history in Indiana by becoming the first woman to head a political party when she accepted Bayh’s request to become the chair of the Indiana Democratic Party. She is widely credited with having revitalized the Democratic Party in the state, due in large part to the high profile she maintained during her tenure. This was most visible when she teamed up opposite former GOP party chair Rex Early for Indiana Week in Review, a weekly televised public affairs talk show.

In 1994, DeLaney resigned her post as chair, ending four years of leadership that saw, as one newspaper said, “stunning political victories and devastating defeats.” She had decided, she said, to “think about other options,” but vowed to stay involved with politics at the grassroots level.

In 1996, she wrote Politics for Dummies, which served as a political primer for the average person who wanted to get involved in politics. She was also named one of Indianapolis’s Most Influential Women by the Indianapolis Business Journal. In June of that same year, she was selected to be executive director of the Julian Center, a not-for-profit agency that offers shelter and counseling to victims of domestic abuse, rape, and child abuse. Her many experiences in law and politics, combined with her prominence, made her a tremendous asset to the center and the causes it represents.

During DeLaney’s time as the executive director, the Julian Center moved to a new location and successfully completed a major capital campaign. In September 2001, she was honored for her work with the center by being awarded the Antoinette Dakin Leach Award of the Women and Law Division of the Indianapolis Bar Association. This award is named for Indiana’s first female lawyer and honors outstanding women in the legal profession. Earlier this year, she announced that she would be reducing her role at the Julian Center to accept the position of standing trustee in Chapter 13 bankruptcy. Of her new position, DeLaney noted, “I wanted to get back into the practice of law, and this was a good way to do that.” DeLaney has been active in her community of Indianapolis, as well as her university community. She is active in the President’s Advisory Committee for the Arts, the Indianapolis Greenways Board, St. Vincent’s Stress Center, and the Sycamore Institute. She serves as a member of the School of Law’s Board of Visitors, and, for many years, served as a class agent for the school’s annual fund. She is also a former member of the Alumni Board. In addition, DeLaney served as a member of the school’s capital campaign committee.

Joseph A. Hays

Andy Hays has been called a “truly distinguished servant of the law,” and a “credit to the legal profession.” He is, said one of his nominators, “someone who has had a career of immense accomplishments which were enriched by his experiences and education at the IU School of Law.” Widely recognized as one of the country’s outstanding corporate communicators, he has applied his training as a lawyer to produce programs that explain complex legal, financial, and operational issues to a variety of audiences. A sixth-generation Hoosier, Hays was born in New Castle. He graduated from Utah State University in 1953. Following military service in the United States Air Force, he graduated from the IU School of Law in 1959. A few days after graduation, his career path began to define itself when he met with his new boss at Kennecott Copper, an international mining company, having joined the company in Utah as a junior member of the labor relations staff. The company was then making huge capital investments and major expansions to its operations. Complex labor relations concerns and impact from environmental legislation were feared by management to negatively impact shareholder value. It soon became clear that the company’s case needed to be more effectively presented to key constituencies.

The Kennecott management looked to the freshly minted lawyer with a background in journalism to create the company’s messages, communicate them effectively, and be an advocate for the company’s positions. Throughout the 1960s, Hays was promoted at Kennecott to senior positions within the labor law group.
and corporate relations staff. At the urging of his company’s management, he took a leave of absence to respond to a request from R. Sargent Shriver, the first chief executive of the Peace Corps, to serve as its director of public affairs. For two years, Hays steered the agency’s legislation through Congress and directed programs to recruit volunteers. In one year, Hays recruited a record number of volunteers — a record that has yet to be surpassed.

He returned to Kennecott to serve in its New York headquarters as an executive in labor and government relations. In 1969, the New York Stock Exchange called on Hays to serve as a vice president, charged with directing programs to enhance the relationships between member brokerage firms and financial institutions in the U.S. and European financial markets. In the mid-70s, Hays operated as a consultant to corporate managements in communications. From 1976 to 1983, he was employed by one of his former clients, American Can Company, as vice president for corporate affairs.

In 1983, the Tribune Co. in Chicago, a major media company, recruited Hays to create the company’s communication strategy and messages during its conversion from a privately held to a publicly traded company. Formulating programs for individual and institutional investors, financial analysts, financial media, and the company’s employees and management, he established Tribune’s Office of Corporate Relations. It has been said that in doing so, “Andy Hays revolutionized the conventional process of corporate disclosure by maximizing the amount and frequency of corporate information shared with the public.” Hays spent the next 13 years at Tribune as the senior executive for corporate relations and a member of its executive committee. During this period, Tribune’s reputation for excellence in communication was recognized. The New York Society of Financial Analysts for 10 years named Tribune’s financial disclosure among the best in the industry. Over the last decade, Fortune magazine has annually ranked Tribune as one of America’s most admired companies, ranking it as most admired in the newspaper industry based on surveys of peer company executives, investors, financial analysts and executives, and thought leaders in business.

For eight consecutive years before his retirement, Hays was recognized by Institutional Investor magazine as one of the 10 best financial communicators in the United States as ranked by investment professionals. Significantly, since becoming a publicly traded company, Tribune’s stock performance has far exceeded that of the market overall, a result due in part to the company’s effective disclosure programs.

Since his retirement from the Tribune Co. in 1996, Hays has continued to serve as a consultant to the CEO of Tribune Co. He has also established the Hays Group, a consulting firm that provides counsel to companies on communications policy and enhancing shareholder value and to not-for-profit organizations on strategic planning and fund raising.

Hays continues to be a leader in the philanthropic, cultural, and civic life of Chicago and beyond. He is an active supporter of the Chicago Symphony Orchestra and has been a board member of Ballet Chicago and of the Lincoln Park Zoological Society. He also serves as a member of the Board of Visitors of the Utah State University Department of Journalism. In addition, Hays serves on the boards of the Institutional Capital Corp., a provider of mutual funds, and the High-Country News, a bi-weekly paper published in the western mountain states.

Hays is a lifelong supporter of Indiana University and the School of Law, joining in 1998 a small group of other alumni and friends to establish the Harry Pratter Professorship.

**Paul G. Jasper**

Editor’s note: We report with sorrow that Paul Jasper died on Oct. 23, 2001. Members of his family were present at the academy dinner on Nov. 2 to accept the award in his name. The following biography was prepared for that occasion.

Paul George Jasper has been called upon by presidents and governors to provide advice, counsel, and sound judgment. He has served both the bench and the bar with distinction. The Indiana University Alumni Association has sought his leadership and honored his service. Earlier this year, he and his wife, Mary, celebrated their 70th wedding anniversary. He remained as committed to his family as to his community at large. As one nominator put it, “It is hardly necessary to elaborate on Paul Jasper’s qualifications for this award. He continually brings distinction to his alma mater, his profession, and his community. I know of few others as dedicated to the highest standards of his profession.”

Paul Jasper was born in Fort Wayne, Ind. He arrived on the Bloomington campus as a freshman.
In memoriam: Paul Jasper, 1908–2001

Paul Jasper was a very accomplished lawyer — called upon by presidents and governors to provide advice and counsel. He was a valued member of the Indiana Bench and Bar, having served on the Indiana Supreme Court and then, in practice, as general counsel and vice president for the Public Service Co. of Indiana.

But what made Paul so very successful wasn’t just the fact that he was a talented lawyer, but that he was a caring lawyer, as concerned with his community and public service as he was with the legal matters before him. It is this quality of his career that is especially inspiring to all of us and to our students.

Some time ago, another judge, Elbert Tuttle, defined the professional person in a way that I believe captures what was so special about Paul. He said this:

“The professional man is, in essence, one who provides service ... that wells up from the entire complex of his personality. True, some specialized and highly-developed techniques may be included, but their mode of expression is given its deepest meaning by the personality of the practitioner. In a very real sense, his professional service cannot be separate from his personal being. He has no goods to sell, no land to till. His only asset is himself. It turns out that there is no right price for service, for what is a share of a man worth? If he does not contain the quality of integrity, he is worthless. If he does, he is priceless. The value is either nothing or it is infinite.”

Paul’s service to the law and to the communities of which he was a part was truly priceless.

Paul had been selected to be inducted into the Academy of Law Alumni Fellows on Friday, Nov. 2.

The Academy of Law Alumni Fellows is reserved only for those who have graduated from the IU School of Law. It is the highest honor our school can bestow on one of its graduates.

The criteria for selection for the academy stipulate that candidates will have "brought distinction to themselves through their personal achievements and dedication to the highest standards of their profession." Paul Jasper was the perfect inductee.

For many years, Paul had been coming to Bloomington each fall to judge our Moot Court competition. It was something he loved to do. And the students loved to have Paul participate. Paul had a great ability to simply light up a room — even a Moot Court Room, with nervous students standing before him, not at all oblivious to the fact that they were arguing before a former Indiana Supreme Court Justice. Not only did Paul bring wisdom and experience to the bench, but he also brought warmth and his passion for the law, and his enthusiasm for the law students who participated in these competitions. On the days when he was to participate, Paul would arrive several hours in advance of the competition. This would allow him time to visit with all of us. He would spend the remainder of his afternoon preparing for the night’s session — re-reading the briefs, getting his questions in order. He would prepare not only to question the students, to judge the arguments, but to teach them as well. He was, in essence, passing along his love of the law.

We at the IU School of Law will miss Paul, his warmth and wisdom, his generosity of spirit, and his passion for the law. He will forever hold a place of honor at our school.

— Alfred C. Aman

in 1927. He continued the trend he had started at Fort Wayne Central and was soon a star athlete at Indiana University as well, lettering in basketball and football. He was also president of his senior class and president of the Board of Aeons. Jasper graduated from IU in 1932 with his LLB degree (now known as a JD). Upon graduation, Jasper returned to his hometown of Fort Wayne to practice law. He joined the firm of Peters Leas & Murphy. In 1941, he entered into active duty in the U.S. Armed Forces, serving in the infantry throughout World War II. Excelling in the military, as he had in athletics and scholarship, he was promoted to the rank of major. After serving in the military for six years, Jasper returned to his law practice in Fort Wayne, where he also served as chair of the Allen County Democratic Party from 1946 to 1948.

In 1948, Jasper was elected to the Indiana Supreme Court. At age 40, he was the youngest justice to sit on the court since 1899. It was also during this time that he was called upon by President Harry S. Truman to serve on the President’s Emergency Board and to hear railroad disputes involving the Boston and Albany Railroad, the Texas and Pacific Railroad, and the New York Central Railroad East. In the end, Jasper served on six separate boards of arbitration. In addition, he served as a referee for railroad disputes, again under presidential appointment.

After four years on the bench, Jasper resigned from the court to accept a position as general counsel and vice president for Public Service Co. of Indiana, the largest public utility in the state. He held that position from 1956 through 1973. In 1974, Jasper joined the Indiana Electric Association, whose membership consisted of five investor-owned utilities in the state. He remained active in the day-to-day activities of the organization, and served as secretary-treasurer and as a part-time employee of the association.

After stepping down from the Supreme Court of Indiana, Jasper...
benefited from his loyalty. He is a lifetime member of the IU Alumni Association and a member of the I-Men’s Club, the Woodburn Guild, and the Varsity Club. He is also the former president of the IU Alumni Association Club in Fort Wayne, as well as a former member of the IU Alumni Association Board of Managers. He served as president of the IU Alumni Association in 1960. The following year, Indiana University rewarded his hard work and dedication by presenting him with a Distinguished Alumni Service Award. The School of Law also has benefited from Jasper’s devotion to and love of the law. For many years, he served as a class agent and a judge for the school’s Moot Court Program.

When the IU Alumni Association presented Jasper with the Distinguished Alumni Service Award on June 13, 1970, the citation read in part: “Generously endowed with talent, Paul Jasper is esteemed as a leader in his vocation and many avocations. ... High officials of the state and nation have sought and benefited from his equitable judgment, repeatedly appointing him to positions which require that gift. To each of the responsible posts he has brought the same invigorating and steadfast spirit. ... He has honored his alma mater with dedicated service, and now we take pleasure in honoring him.”

José H. Villarreal

Former president Bill Clinton counts José Villarreal among his close friends. He served as treasurer of the Gore-Lieberman 2000 presidential campaign. Former secretary of energy Bill Richardson calls Villarreal “a major player in American Democratic politics.” When the law firm of Akin Gump Strauss Hauer & Feld went looking for an attorney to help strengthen its public finance and international practice, they recruited Villarreal. In San Antonio, where he has made his home for more than 20 years, the Express News calls him a super-lobbyist for San Antonio who “may well have touched your life,” and “an honest broker who gets things done for the city.” Time magazine recently observed: “As a partner with the law firm of Akin Gump Strauss Hauer & Feld, vice chair of the Congressional Hispanic Caucus Institute and chair of the National Council of La Raza, Villarreal certainly has juice.”

José Villarreal is, unquestionably, one of the country’s most influential members of the Democratic party and is nationally recognized in the civic, not-for-profit, and civil rights worlds. In fact, it is his volunteer work that he is most proud of. He told the San Antonio Express News in 1999, “I consider those civic efforts more important than anything in my public life.”

Villarreal spent his childhood in East Chicago, Ind., and spent several teenage years studying in Monterrey, Mexico. After graduating from East Chicago Washington High School, Villarreal attended Purdue University, earning a BA in political science in 1975 and a JD from Indiana University in 1979. Following graduation, he headed to Texas, where he worked for two years as a civil rights lawyer, litigating fair-housing and municipal services discrimination cases in East Texas. Among other major cases, he represented the NAACP in public housing desegregation and municipal services discrimination cases.

Civil rights work led Villarreal to join the Southwest Voter Registration and Education Program, an organization founded in 1974 and dedicated to ensuring “meaningful political participation” by Hispanics in the Southwest, a prerogative that they had largely been denied before the mid-1960s. While working there, Villarreal caught the attention of Michael Dukakis, who was making a bid for the presidency. Dukakis recruited him to be political director...
of his presidential campaign for the state of Texas and later director of his campaign in the states of New Mexico and Arizona. Following the 1988 presidential campaign, Villarreal joined the Texas Attorney General’s Office as an assistant attorney general specializing in public finance transactions. His efforts with that office earned him a special award for outstanding work from the attorney general.

After playing a volunteer role in the successful gubernatorial campaign of Ann Richards, Villarreal went back to the national political stage, this time with Bill Clinton, who was organizing his presidential campaign. His initial role with the Clinton campaign was as deputy general counsel, and then it was on to Little Rock, where he served as deputy campaign manager, logging long hours on the campaign trail with Clinton.

Following Clinton’s victory, Villarreal spent four months in the White House as associate director of presidential personnel. It was during this time that Villarreal was able to advance a lifelong goal of making significant inroads for Hispanics on a national level. During this time, he was able to recommend a record number of Hispanics for key government positions.

Although offered several senior posts in the government, Villarreal declined them all, opting instead for a presidential appointment to the board of Fannie Mae and a return to San Antonio, where he immersed himself in his law practice with Akin Gump. A full partner with the firm, he practices primarily in the public law and policy and public finance areas.

Villarreal remained a close friend and confidant to President Clinton, who in turn invited him to attend important White House functions. At President Clinton’s request, he was proud to serve on the official White House delegations to the inaugural of presidents Zedillo and Fox of Mexico. In commenting on Villarreal’s influence, the former Texas attorney general said, “My sense has always been that José is one of the relatively small number of advisers who essentially can get to the president or vice president whenever he needs to.” He often uses his connections for the benefit of the city he loves.

Senator Kay Bailey Hutchinson said, “José’s first priority is always doing what is best for San Antonio.” His commitment was evidenced by his behind-the-scenes efforts to bring the North American Development Bank to the city in 1994. Again that same year, he was instrumental in securing a presidential pledge to privatize jobs lost as Kelly AFB closed and the Air Force’s award of a multi-million-dollar contract with Boeing.

When Vice President Al Gore was lining up his staff for his presidential bid in 2000, his first campaign appointment was Villarreal, to the position of national treasurer. Upon learning of the appointment, Villarreal said, “I am surprised and stunned. It’s an important role in the campaign and one that is new to me.” Villarreal is still considered one of the most important fund-raisers within the Latino community.

Villarreal’s civic and volunteer commitments are equally impressive. Earlier this year, he was named chair of the board of the National Council of La Raza, the nation’s largest constituency-based Hispanic advocacy organization. He also serves as vice chair of the board of the U.S. Congressional Hispanic Caucus Institute. In addition, Villarreal is a member of the executive committee of the board of the United Way of San Antonio and on the board of the Close-Up Foundation, the nation’s leading civic education organization. He serves on the board of directors of the New American Alliance, which includes some of the country’s most successful Hispanic business leaders.

The aim of the alliance is to empower Hispanic Americans through education, civic participation, economics, and philanthropy. He also serves on the board of directors of Wal-Mart and, from October 1993 to May 1999, he served as a presidential appointee to the board of directors of Fannie Mae.

Long recognized for his many civic and volunteer contributions, Villarreal was named one of the 100 Most Influential Hispanics by Hispanic Business magazine for 2000 and again for 2001. He also was recognized by the Hispanic National Bar Association for contributions he made in advancing the role of Hispanics in the legal profession, his commitment to public service, and promoting diversity.

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Ken Beckley named IU Alumni Association CEO

Kenneth A. Beckley, BS’62, became president and CEO of the IU Alumni Association on Feb. 1. President Myles Brand appointed Beckley after a 10-member search committee unanimously chose him from among more than 40 applicants. Beckley retired as spokesperson and executive vice president of Indianapolis-based H.H. Gregg Appliances & Electronics in December. He replaces Jerry Tardy, BS’62, who died on Sept. 7 after leading the organization since 1987.

Before joining H.H. Gregg, Beckley was IUPUI’s first director of university relations. He came to that post after 14 years in broadcast journalism, including nine years as anchor at WRTV in Indianapolis. Beckley has more than 30 years of volunteer service to the university, including service as national head of the Alumni Association in 1995-96.

“Our association is fortunate to have dedicated alumni who serve it and the university,” Beckley said. “None work any harder than those of the School of Law—Bloomington. We will make a major effort to educate all alumni in the value of membership in the IUAA.”
Before 1960

Edgar N. Harbit, LLB’31, is 94 years old and lives with his daughter in Elwood. He broke his hip but reports that he is doing well.

John R. Smock, LLB’32, and his wife, Margaret, celebrated their 70th wedding anniversary on Oct. 11, 2000. They were married while both were students at IU. They live in West Lafayette.

John L. Carroll, LLB’48, has recently published the Club Board Members Guide, a book that offers practical advice for board members and others responsible for overseeing organizations, as well as outlining the history of private clubs in Europe and America. Carroll, who lives in Sarasota, Fla., with his wife, Patricia, practiced law in Indiana for more than 40 years and was president of the Indiana State Bar Association. He was inducted into the Law School’s Academy of Law Alumni Fellows in 1995.

Lawrence M. Brown, LLB’49, writes, “Brown Law Office, a partnership, ceased to exist, effective June 1, 2001.” He lives in Rochester, with his wife, Charlotte.

Le Roy M. Lacey, JD’49, retired as chair of the senior lawyers section of ISBA. He is of counsel at King McCann & Scott. Lacey and his wife, Joan A. Lacey, BS’49, live in Kokomo.

William S. Robertson, LLB’53, and Janice Robertson, BA’51, celebrated their 50th wedding anniversary on Sept. 15. They live in Poughkeepsie, N.Y.

Joseph B. Board Jr., JD’58, PhD’62, is a professor at Union College in Schenectady, N.Y. A seminar room was built and named after him at the college. He lives in Arlington, VT.

Lee W. Dabagia, JD’62, retired as managing partner with the law firm Sweeney Dabagia Thome Janes & Pagos. He remains active as a mediator and arbitrator. He lives in Michigan City.

Carl Ver Beek, JD’62, an attorney at Varnum Riddering Schmidt & Howlett, Grand Rapids, Mich., has been elected to a two-year term on the board of directors of the Michigan Chamber of Commerce.

George P. Smith II, JD’64, LLD’98, was notified in September 2000 by the International Biographical Centre in Cambridge, England, of his inclusion in Outstanding Writers of the 20th Century. Kluwer International in the Netherlands published his eleventh book, Human Rights and Biomedicine. He is a professor of law at the Catholic University of America in Washington, D.C.

George B. Tofaute, JD’64, has been certified as a trial advocate by the National Board of Trial Advocacy, as has Sherrill Colvin, JD’65.

Hayward D. Reynolds, JD’65, recently retired after teaching law for 35 years at Capital University, Ohio Northern University, and the University of South Florida. He and his wife just purchased a summer home at Eagle Pointe on Lake Monroe.

Ernest W. Smith, LLB’65, was appointed to a four-year term on the New Albany-Floyd County school board. He is a senior partner at Smith Bartlett Heeke et al.

James F. Collins, MA’65, LLD’99, joined Akin Gump in Washington as a senior international adviser. He was formerly the ambassador to Russia and now lives in Bethesda, Md.

Arthur P. Kalleres, JD’66, has resumed managing partner responsibilities for Ice Miller, legal and business advisers with offices in Indianapolis, Chicago, Kansas City, South Bend, and Washington, D.C. He is responsible for the overall management of the firm along with determining its direction and future. He lives in Indianapolis.

Joseph S. VanBokkelen, JD’69, was nominated by President Bush to be the U.S. attorney for Indiana’s Northern District. He is a partner at Goodman Ball & Van Bokkelen in Highland, Ind.

1970s

Michael J. Starrett, JD’70, was appointed vice president of LandAmerica Financial Group Inc., in St. Louis.

Martin J. Klaper, JD’71, and his wife, Julie, BS’72, donated their collection of Inuit and Northwest Coast fine art to the Eiteljorg Museum of American Indians and Western Art in Indianapolis. In consideration of their gift, the Eiteljorg Museum’s new Northwest Coast and Inuit galleries, to be completed in June 2003, will be named “The Marty and Julie Klaper Galleries for Northwest Coast, Inuit, Aleutian and Arctic Art.” Klaper is a partner at Ice Miller in Indianapolis.

Thomas M. Newman, JD’71, is a partner with the law firm of Peregrine Stime Newman Ritzman & Bruckner. He lives and works in Wheaton, Ill.

Gary E. Brown, JD’73, is a city attorney for the city of Grandview Heights, a suburb of Columbus, Ohio.

Stephen D. Manning, JD’73, is a biology professor at Arkansas State University, Beebe.

William C. Vaughn, JD’73, writes, “After leaving the Circuit Court bench in Greenacastle, I joined the Administrative Law Judge Corps in New Orleans. After stints in Lexington, Evansville, and
Savannah, we transferred to Indianapolis.”

William F. Hammack Jr., JD’74, was named director of Deloitte & Touche’s tax controversy service practice in the Dallas office. He lives in Plano, Texas.

B. Marc Mogil, JD’74, was an attorney in New York and Florida, judge of the District Court of New York from 1986 to 1990, judge of the County Court (Criminal Term) from 1990 to 1996, and in real estate brokerage since 1999. He lives in Great Neck, N.Y., and can be reached at gntaz@aol.com.

Peter D.P. Vint, JD’74, writes, “I have my own law firm. I speak Chinese, and we do international contracting for Taiwan. I also speak several other languages and do international practice in those languages (French, Spanish, Portuguese, and Vietnamese).” Vint is also a lieutenant colonel in the U.S. Army Reserves assigned to the Contract Appeals Division.

Donald K. Densborn, JD’76, is a partner with Bose McKinney & Evans. He practices in the areas of corporate finance and capital formation. He also chairs the firm’s finance group. He lives in Indianapolis.

Donald E. Hinkle, JD’76, is a tax compliance manager for Ernst & Young in Indianapolis.

William E. Adams Jr., JD’78, is chair of the Association of American Law Schools section on gay and lesbian legal issues. He is also secretary of the AALS section on aging and the law. He is a professor at Nova Southeastern University and can be reached by e-mail at adamsb@nsu.law.nova.edu.

Renee Mawhinney McDemott, JD’78, was elected to the board of directors of the Polk Community Foundation. She also has been elected vice president of the board of directors of the Pacolet Area Conservancy, a regional land conservancy in western North Carolina. She continues her environmental law practice in Tyron, N.C.

Ted Waggoner, JD’78, has been elected to the post of vice moderator, one of the three highest non-paid leadership positions in the Christian Church, Disciples of Christ. He will be responsible for the business activities and agendas for the church’s administrative meetings and for its 2003 general assembly. Waggoner practices law in Rochester, Ind.

Timothy D. Blue, JD’79, a trial lawyer with Williams Kastner & Gibbs, Seattle, was included this year in Washington Law & Politics magazine’s annual list of “Super Lawyers.”

Daniel C. Emerson, JD’79, is a law partner with Bose McKinney & Evans. He is a member of the Indianapolis, Indiana State, American, Federal, and 7th Circuit bar associations.

1980s

Brian P. Williams, JD’81, and his wife, Barbara Coyle Williams, were awarded the Evansville Bar Association’s highest award, the James Bethel Gresham Award. Brian is a partner at Kahn Dees Donovan & Kahn, and Barbara is an attorney with Olsen Labhart White & Hambidge.

As senior counsel for ExxonMobil International Limited, James Morse, JD’82, is currently in his eighth year overseas; he spent three years in Qatar, four in Norway, and is just beginning a multi-year assignment in London.

George M. Streckfus, JD’82, served as a deputy public defender for two years and has now gone into private practice on a full-time basis. He lives in Louisville, Ky.

Taylor C. Segue III, JD’83, a shareholder with Butzel Long, Detroit, was appointed by President Bush to the Board of Directors of the Federal National Mortgage Association (Fannie Mae).

Julian L. Shepard, JD’83, is a partner with Venable Baetjer et al. in Washington, D.C. He provides counsel on Internet and communications transactions and regulatory matters. He lives in McLean, Va.

Tracy T. Larsen, JD’84, a partner in the Grand Rapids, Mich., office of Warner Norcross & Judd, has been elected to serve as chair of the Business Law Section of the State Bar of Michigan.

Barbara E. McKinney, JD’84, is director and assistant city attorney for the Bloomington Human Rights Commission. She lives in Bloomington.

Jay A. Rigdon, JD’84, announced his candidacy (continued on page 46)
Alumni profile

Dillin's no-nonsense style cements legacy as trial judge

John Patterson first encountered S. Hugh Dillin, BA'36, LLB'38, LLD'92, about three decades ago when Dillin was fighting to bring racial balance to Indianapolis schools. Patterson was the black principal of an elementary school filled with black students and black teachers, and he'd been waiting years for an end to segregation. Yet he appeared before Dillin as an Indianapolis Public Schools witness against busing.

In 1997, Patterson returned to Dillin's courtroom on the same issue. This time, as a Wayne Township School Board member, he testified in favor of busing. The 83-year-old judge remembered his 75-year-old witness.

"He looked at me," Patterson recalled. "He said, 'Young man, when are you going to make up your mind?'"

Today, Patterson is quick to praise Dillin for making Indianapolis a more integrated city. But as the legendary jurist retires from trial work after 40 years, he is remembered as much for his pointed questions and direct nature as for his landmark decisions.

Now 87, Dillin will continue to serve as a senior judge and attend court functions. His annual salary will be about $145,000, the same amount he would receive if retired. But he will no longer handle cases.

Those who know Dillin best say that being a trial judge was the role he loved most. "He's done it with such relish. He loves it as much today," said U.S. District Judge Sarah Evans Barker, who has shared the bench with Dillin for 17 years.

If some friends worry how Dillin will adjust to leaving that role, others don't. They say that, like a Southern novelist whose writings are bound to a particular place and time, Dillin has succeeded by keeping a firm grasp on his roots. It's reflected in the stories he tells, and in the stories others tell about him.

In a series of taped interviews made in 1994 for the 7th U.S. Circuit Court of Appeals, the judge recited the ancestral ties that brought the Dillin family to Pike County in southern Indiana.

Collins T. Fitzpatrick, a court official who has known Dillin for 30 years, recalled that throughout most of the judge's career, he regularly returned to his farm in Petersburg. "He's got his feet firmly planted in the soil of southern Indiana. He's got a world outlook, but he's still a home boy," said Fitzpatrick, who serves as circuit executive for the 7th U.S. Circuit Court of Appeals.

Barker, too, said Dillin's Pike County ties were evident. "A great deal of who he is is where he came from." The son of a lawyer and music teacher, Dillin won election as a state representative at 22, ran unsuccessfully for governor in 1956, and, by 1961, had risen to president pro tem of the Indiana Senate. Then President John F. Kennedy appointed him to a newly created third judgeship for the Southern District of Indiana.

(continued on page 46)
Dillin (continued from page 45)

But though his reputation grew steadily in the four decades that followed, Dillin never lost his Pike County open-mindedness.

"He listened well and he heard well," said attorney John O. Moss Jr., who represented black students in the Indianapolis desegregation case.

And he was quick to cut to the chase. Dillin admonished lawyers to "cut out the wind-up, just give me the pitch," earning him the nickname among some prosecutors as "rifle-shot Dillin," said U.S. District Judge John D. Tinder.

Tinder, who tried cases under Dillin as a prosecutor, recalled the judge once telling an attorney: "Stop right there. Do you really believe that argument? Because if you really do, you ought to think about stopping your practice of silly law and start selling shoes instead."

Even in the most complex cases, Dillin meted out justice in a no-nonsense style. To handle 434 personal injury and death lawsuits stemming from a 1963 State Fairgrounds explosion, Dillin appointed a panel of lawyers to evaluate and sort through the claims.

All the insurance companies agreed to pay except Lloyds of London. In a 1994 oral history, compiled by Fitzpatrick, Dillin recounted how he pressured Lloyds to settle. He told Lloyds' attorney he'd start trying the cases the next week, with the worst case first: a crippled girl who had lost both her parents. And that would be followed by a case involving a surgeon who lost his arm.

"We'll just keep trying them until you say uncle," Dillin told the attorney.

This article, by Terry Horne, is reprinted by permission of the Indianapolis Star.
J. Mitchell Pickerill, JD'91, received his PhD in political science from the University of Wisconsin–Madison in 2000. Currently an assistant professor at Washington State University, Mitch and his wife, Anne, live in Moscow, Idaho.

Steven D. Hardin, JD'92, was appointed to the Marion County Family Advocacy Center board of directors. He is a partner at Brigham McHale in Indianapolis, where he specializes in the practice of real estate and litigation law, and was awarded the 2001 Bradford B. Boyd Award for his contributions to community service.

Mark Need, JD'92, MBA'92, has been named a partner in Bose McKinney & Evans, Indianapolis. Need is a member of the firm's litigation group.

Craig R. Patterson, JD'92, is a partner with Beckman Lawson in Fort Wayne, Ind.

Erik H. Carter, JD'93, is an associate intellectual property attorney with the IP law firm of Ratner & Prestia in Berwyn, Pa.

Kiersten E. Warning, JD'93, provides crisis intervention support and referrals to victims of domestic violence. She is the director/founder of DVVAP (Domestic Violence Victim Assistance Program) in Concord, Mass.

Geoffrey J. Bradley, JD'94, is the assistant director for student rights and responsibilities with the University of Kentucky. He lives in Wilmington, Ohio.

James P. Doyle Jr., JD'94, is an attorney for Fish & Neave in New York City.

Charles Frayer, JD'01, has won the top prize in the American Bar Association Business Law Section's 2001 Mendes Hershman Student Writing Contest, for a paper on "Employee Privacy and Internet Monitoring: Balancing Workers Rights and Dignity with Legitimate Management Interests." For winning, Frayer himself received $2,500 from the ABA, and another $2,500 was awarded to the IU School of Law. His paper will appear in The Business Lawyer, the journal of the ABA's business law section.

Frayer, the seventh of eight siblings, was older than most when he enrolled as an undergraduate. When he graduated from college, at 37, he became the first member of his family to do so. Although it was the height of the technology boom when he emerged from Purdue with a degree in computer science, he decided to postpone diving into the job market to go to law school instead. "If I didn't do it then," he says, "I never would."

Frayer entered law school thinking his interests lay in labor and employment law. Over time, though, he found himself increasingly intrigued by the intersection of law and the Internet, which dovetailed with his undergraduate major. While in his second year, he and fellow student Derek Rockers, JD'00, organized a law and Internet reading group. As a 3L, he signed up for a seminar on Internet Law with Professor Cate. It was for this class, to fulfill his third-year research and writing requirement, that Frayer wrote his winning paper. He submitted it to the ABA judges after Dean Fromm sent out an e-mail advising students of upcoming writing contests.

Frayer is currently enrolled in a one-year program at the School of Business to earn a master's degree in information science — and then it's back to work. "I enjoyed the intellectual challenges of law school," he says, "but I've missed the practical challenges of working life."
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Nomination Form
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Please submit this form along with your separate statement of support and pertinent biographical information for the nominee.

Nominations must be received by April 1, 2002

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Home Address _______________________________

City __________________ State ______ Zip ______

Career Field of Nominee _______________________

Name of Nominee's Law Firm/Business ________________

Address _________________________________

City __________________ State ______ Zip ______

Name of Nominator ___________________________

Address _________________________________

City __________________ State ______ Zip ______

Relationship to Nominee _______________________ 

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211 South Indiana Avenue
Bloomington, Indiana 47405

Class notes
(continued from page 47)

practicing litigating patent cases. He and his wife, Patty, have four children and live in Old Greenwich, Conn.

Stephanie Schankerman Forrest, JD'94, is a deputy prosecutor for the Johnson County Prosecutor's Office. She lives in Indianapolis.

Leah Lorber, JD'94, has recently become of counsel in the new public policy group in the Washington, D.C., office of the products liability defense litigation firm Shook Hardy & Bacon.

David G. White, JD'95, is an associate in the litigation department of Clausen Miller, Chicago.

Tracie J. Woods, JD'95, joined the West Insurance Group as COO and general counsel in Philadelphia. She manages the daily operations of West's three offices in Boston, Philadelphia, and Newark, N.J.

Daniel E. Kidd, JD'96, is an attorney in Maryville, Tenn. He recently married Deni West, and they live in Knoxville, Tenn.

William M. Reese, JD'96, and his wife, Marygrace Loveranes Reese, JD'96, had a daughter, Riley Nicole, in 1999. William is general counsel for Penn-Sylvan International Inc. in Adamsville, Pa.

Dominic W. Glover, JD'97, is a partner at Eynon Harmon Rocker & Glover in Columbus, Ind.

W. James Hamilton, JD'97, joined the Indianapolis-based law firm of Bose McKinney & Evans as an associate in the business services group.

Megan Jefferies was born on Sept. 8 to Michael Jefferies, JD'97, and his wife, Christine, of Wildwood, Mo.

Online directory unveiled!
Have you lost track of your classmates? Use IUAA's new online directory to find them! Register and log on today at www.alumni.indiana.edu/directory/
In memoriam:
Daniel L. Rotenberg, JD'55
Stephen E. O'Neil, JD'69
Steve Kinnard, JD'72
Kathleen Buck, JD'73
J. Travis Maurer, JD'00


Jonathan Siebers, JD'97, is a staff attorney with Michigan Indian Legal Services, which is dedicated to providing no-cost legal services to Native American tribes and individuals throughout Michigan in matters that relate to their status as Native Americans. Siebers lives in Traverse City, Mich.

Angela Smith Fisher, JD'98, is an associate at Baker & Daniels in Elkhart, Ind. She was married to Rhett Fisher in the Bahamas in June 2001.

Deborah A. Hoetger, JD'98, is an associate in the ERISA and executive compensation department at Winston & Strawn. She lives in Chicago with her husband, Craig, and 1-year-old daughter, Chloe Meridian. She can be reached by e-mail at dhoetger@winston.com.

Misty Y. Elliott, JD'99, is an attorney for Cox Zwerner Gamblill & Sullivan in Terre Haute, Ind.

Erica A. Horne, JD'99, has joined the law firm of Bricker & Eckler as an attorney in the firm's education department.

Before joining the firm, she was a judicial clerk for the 3rd District Appellate Court of Ohio. She lives in Marysville, Ohio.


Kostas Poulakidas, JD'99, has been appointed as a clerk to Judge Lawrence S. Margolis in the U.S. Court of Federal Claims in Washington, D.C. Ball State University, from which Poulakidas received his undergraduate degree, has given him a Graduate of the Last Decade Award. E-mail Poulakidas at kpoulakidas@hotmail.com.

Jennifer A. Thomas, JD'99, is law clerk to the Honorable Sanford M. Brook of the Indiana Court of Appeals. She joined Ice Miller in Indianapolis in September 2001.

2000s
Stephanie S. Bisselberg, JD'00, is an associate at Taft Stettinius & Hollister, Cincinnati, where she practices labor and employment law.

Kara E. Krothe, JD'00, is an associate for Glaser & Ebbs in Fort Wayne, Ind.

Anna M. Lambert, JD'00, is a grants administrator for the Dallas-area Habitat for Humanity. She lives in Dallas.

Heather C. Sewell, JD'00, was selected as a participant for the 2001-02 class of the Richard G. Lugar Excellence in Public Service Series. She lives in Franklin, Ind.

Suzanne (Clifford) Taylor, JD'00, is an attorney for the legal department at Conseco, Minneapolis.

Kevin N. Tharp, JD'00, joined the Indianapolis law firm of Riley Bennett & Egloff as an associate.

Samuel E. Gasowski, MBA'01, JD'01, passed the Indiana bar exam in July 2001 and was admitted to the bar in November. Gasowski is a law associate for Hackman Hulett & Cracraft in Indianapolis.

Amy Henry, JD'01, has joined the labor and employment practice group at the firm of Varnum Riddering Schmidt Howlett, Grand Rapids, Mich.

Robert A. Lucas, JD'01, has been hired as an associate in the corporate department of Dinsmore & Shohl, Cincinnati.

Andrew Nill, JD'01, has joined the law firm of Vorys Sater Seymour & Pease in Columbus, Ohio, as a first-year associate.

Mindy Thompson, JD'01, writes from Boston: "I love my clerkship. I have worked with Judge Diane Kottmyer ... [and] am now in a criminal session with Judge Charles Grabau. I was lucky enough to be the clerk for the much-publicized Junta trial (the hockey dads). It was a sad situation all around, but exciting to be involved in."

Larry Tomlin, JD'01, and his wife recently became parents of triplets, Sarah, Hannah, and Jacob.
HELP US STAY IN TOUCH...

We are collecting fax numbers and e-mail addresses from our alumni, as well as updating our records. Please take a few moments to fill out this form and mail it back to us, along with any current news about yourself. Photos and clippings are always welcome. Material will be published in a future class notes column in Bill of Particulars or Alumni Update.

Name ____________________________ Date ______________________

Preferred name ________________________________

Last name while at IU ________________________________

IU degree(s)/Yr(s) ________________________________

Soc. Sec. # or Student ID # ________________________________

Home address ____________________________ Phone ________________________________

City ____________________________ State ____________________________ Zip ________________________________

Law firm/business name ________________________________

Law firm/business address ________________________________

City ____________________________ State ____________________________ Zip ________________________________

Phone ____________________________ Fax ________________________________

E-mail ____________________________ URL ________________________________

New address?  O Yes  O No  Mailing address preference:  O Home  O Business

Spouse name ____________________________ Last name while at IU ________________________________

IU Degree(s)/Yr(s) ________________________________

News & comments: ________________________________

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Source: IU Law Bill of Particulars, Spring 2002

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Dear Alumni and Friends:

It is with gratitude that we acknowledge the alumni and friends whose generous gifts make the IU School of Law’s continued excellence possible. During the 2000–2001 campaign, the Fund for Excellence raised $657,000, with 22 percent alumni participation. In addition to thanking our generous donors, we would like to thank all of our class agents and law firm/corporate solicitors whose volunteer efforts helped us achieve the continued and dramatic success of our annual fund. The students, faculty, and school benefit greatly from your philanthropy. There are many exciting challenges that face us this year, and I hope that, together, we can find new ways to build upon our tradition of excellence.

Most sincerely,

Alfred C. Aman
Dean and Roscoe C. O’Byrne Professor of Law

About the Honor Roll

The School of Law is extremely proud of the growth of the annual fund since its inception in 1963. The table below reflects the history of our outstanding progress. Annual gifts to student organizations (PILF, Moot Court, law journals, etc.), annual scholarships, library support, and unrestricted gifts are recognized as contributions to the Fund for Excellence. The 2000–2001 Honor Roll of Donors reflects gifts from July 1, 2000, to June 30, 2001. Gifts from donors listed in bold were matched by their employers, and an asterisk (*) denotes that the donor is deceased. Every effort has been made to avoid errors; please accept our apologies if your name has been listed inappropriately or if it was omitted. We would appreciate your feedback. Report any corrections to: Director of Annual Fund & Reunion Giving, Law School Office of Development & Alumni Relations, 211 S. Indiana Ave., Bloomington, IN 47405-7011, (812) 855-2075.

Annual Fund
(giving over time)

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<th>Year</th>
<th>Amount</th>
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<td>2000–2001</td>
<td>$656,922</td>
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</tbody>
</table>

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The 21st Century Society recognizes alumni and friends who demonstrate their ongoing commitment to the Indiana University School of Law through annual gifts to the Fund for Excellence of $1,000 or more. The School of Law is grateful for their generosity and support.

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Harry V. Huffman, ’68
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R. Nell Irwin, ’71
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C. Frederick LeBaron Jr., '80
Millard D. Lesch, '67
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John W. Houghton, '42
William J. Regas, '42
Jeanette R. Reibman, '40
William A. Voss, '40
Bernice B. Weatherholt, '44
Robert L. Austin, '42
J. Ben Dutton, '40
J. Lloyd Fitzpatrick, '42
Wallace H. Grosbach, '40
Howard R. Hawkins, '41
John W. Houghton, '42
William J. Regas, '42
Jeanette R. Reibman, '40
William A. Voss, '40
Bernice B. Weatherholt, '44
James F. Bash*
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Richard L. LaGrange, '34
Robert E. Meyers, '38
William E. Mitch Jr., '38
Herman L. Trautman, '37
S. Hugh Dillin, '38
Charles E. Harrell, '36
Robert L. Austin, '42
Wallace H. Grosbach, '40
Howard R. Hawkins, '41
John W. Houghton, '42
William J. Regas, '42
Jeanette R. Reibman, '40
William A. Voss, '40
Bernice B. Weatherholt, '44
Classes 1947–1948
Class Agent: William F. McNagny
Total Raised: $10,993
Participation: 31%
Steve C. Bach, '48
Garza Baldwin Jr., '48
C. Burcham Budd Jr., '47
John L. Carroll, '48
Stephen A. Free, '48
Charles F. Gaus, '48
Harry H. Hardy, '48
Leslie E. Howell, '47
George K. Hughel, '47
William F. McNagny, '47
Jeanne Seidel Miller, '47
Mickey M. Miller, '48
Orville W. Nichols Jr., '48
J. Arden "Jack" Rearick, '47
John M. Ryan, Sr., '48
John J. Thomas, '48
Lloyd C. Wampler, '47
Russell A. Willis Jr., '48
James F. Bash*
Frederick A. Beckman
Burghard R. Davidson Jr.
Jesse E. Eschbach II
G. Burt Ford
Arthur R. Griffith
Robert L. Hines
LeRoy M. "Lee" Lacey
Kenneth T. Hayes, Sr., '37
Paul G. Jasper, '32
Russell T. Keith, '38
Richard L. LaGrange, '34
Robert E. Meyers, '38
William E. Mitch Jr., '38
Herman L. Trautman, '37
S. Hugh Dillin, '38
Charles E. Harrell, '36
Robert L. Austin, '42
Wallace H. Grosbach, '40
Howard R. Hawkins, '41
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S. Hugh Dillin, '38
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Robert L. Austin, '42
Wallace H. Grosbach, '40
Howard R. Hawkins, '41
John W. Houghton, '42
William J. Regas, '42
Jeanette R. Reibman, '40
William A. Voss, '40
Bernice B. Weatherholt, '44
Dean Aman, left, and Pat Baude congratulate Ann DeLaney on her induction into the Academy of Law Alumni Fellows.
Class of 1951
Class Agent: James D. Nafe
Total Raised: $3,200
Participation: 27%
Waldo F. Beebe
F. Wesley Bowers
Max Cohen
Raymond W. Gray Jr.
Bernard E. Harrold
Gerald K. Hudson
John A. Kessler
Patricia (Gates) McNagny
James D. Nafe
William F. Radcliff
Harry F. Smiddy Jr.
Allen M. Sowle
Donald G. Speyer
William D. Stephens
Class of 1952
Class Agent: James S. Foster
Total Raised: $11,791
Participation: 48%
Ellis B. Anderson
Richard T. Conway
James R. Cotner
Richard R. DeCamp
Thomas F. Dean
Horace A. Foncannon Jr.
James S. Foster
James R. Grossmand
Howard R. Henderson
Elwood H. "Bud" Hillis
Gene R. Johnson
John H. Kealing
Arthur D. King
Roy S. Kullby
Alan H. Lobley
Lindy G. Moss
Saul I. Ruman
James M. Schwentker Jr.
Geoffrey Segar
James L. Smith
Walter D. Turner
William J. Wood

James H. Ferguson
J. Arnold Feldman
James M. Schwentker Jr.
Saul I. Ruman
Gerald Levenberg
Geoffrey Segar
Thomas D. Logan

Class of 1953
Class Agents: Robert H. Hahn & Richard S. Rhodes
Total Raised: $5,950  Participation: 41%

Richard D. Bonewitz
William T. Burke
Martin N. Daniel
Andrew C. Emerson
J. Arnold Feldman
James H. Ferguson*
DeVon W. Flaningam
Fred H. Gregory
Robert H. Hahn
Gerald Levenberg
Thomas D. Logan
Alfred W. Moellerling
Harley B. Nelson
Richard S. Rhodes
William S. Robertson Jr.
Thomas M. Swain

Class of 1954
Class Agent: Joel Rosenbloom
Total Raised: $4,250  Participation: 43%

Dale E. Armstrong
Don R. Ashley
Wills H. Ellis
Robert W. Haller
William B. Heubel
Arnold Kreavitz
John M. Kyle
Thomas M. Lofton
Ray G. Miller
Joel Rosenbloom
George M. Sammons
Richard D. Sanders
Donald G. Sutherland
George R. Taylor
Jack N. Van Stone

Class of 1955
Class Agent: Frank E. Tolbert
Total Raised: $4,470  Participation: 42%

Vernon Atwater
John W. Barce
James T. Corle
Robert J. Eder
Alexander Jokay
Frank A. King
Christopher Kirages
Gordon G. MacKenzie
Donald D. Martin
Charles K. McCrory
Carl D. Overholser

Fred J. Pain Jr.
David Rogers
William J. Sampias
Josephine (Stong) Sanders
Wayne A. Shirley
Thomas L. Stevens
Bernard G. Wintner

Class of 1956
Class Agent: Russell H. Hart
Total Raised: $5,550  Participation: 38%

Shirley Abrahamson
R. Benjamin Bush
R. Ronald Calkins
James C. Clark
Gerald L. Cooley
Richard O. Creedon
Frederick R. Franklin, Sr.
Miles C. Gerberding
Russell H. Hart
Ralph O. Lafiuzo
Robert W. Miller
William W. Peach
Wayne C. Ponader
Reza Rezazadeh
Joseph G. Roberts
Max D. Rynearson
Vern E. Sheldon
Richard C. Witte

Class of 1957
Class Agent: Donald P. Dorfman
Total Raised: $14,405  Participation: 56%

Frank A. Barnhart
John M. Baumunk
Janet (Roberts) Blue
William C. Burns
Marvin S. Crel
Rudolph V. Dawson
Donald P. Dorfman
William N. Farabaugh
Robert R. Glenn
Gerald R. Hlbinck
Theodore W. Hirsh
Ralph L. Jewell
G. Weldon Johnson
Carl C. Klin
Ivan A. Lefamoff
Donald C. Lehman
John H. Menzel
Frank L. O'Bannon
Thomas J. O'Connor
Robert C. Riddell
Walter W. Sapp
Allen Sharp
Thomas M. Small
Cliff K. Travis
Edwin F. Walmer

Class of 1958
Class Agent: Robert L. Jessup
Total Raised: $4,710  Participation: 33%

Joseph B. Board Jr.
Herbert K. Douglas
William A. Freihofer
Vincent F. Grogg
John H. Heiney
Leroy W. Hofmann
Joseph T. Ives Jr.
Robert L. Jessup
Leser A. Kassig
Joseph T. Morrow
Richard C. Quaintance, Sr.
William E. Reifsteck
Robert W. Roth
Thomas L. Ryan
Robert C. Ware
James S. Wood

Class of 1959
Class Agent: James F. Fitzpatrick
Total Raised: $11,613  Participation: 39%

William H. Andrews III
Paul E. Ave
Virgil L. Beeler
John E. Chevigny
Eugene N. Chipman, Sr.
Kenneth F. Fedder
Daniel D. Fetterley
James F. Fitzpatrick
Robert H. Fraser
Marvin L. Hackman
Joseph "Andy" Hays
Barry S. Jellison
James R. Martin
Stanley H. Matheny
William McCrae
G. Douglass Owens
Anne Paramenkos Weeks
Philip C. Pott's
Samuel L. Reed
William J. Rogers
William N. Salin Jr.
Spencer J. Schnaitter
Philip H. Smith
William R. Stewart
John H. Sweeney
Allen W. Teagle

Class of 1960
Class Agent: Hugo C. "Chad" Songer
Total Raised: $7,075  Participation: 29%

George N. Beamer Jr.
Lee J. Christakis
Jost W. Delbrück
James M. Dixon
Clarence H. Donger
Robert E. Highfield
Jerry E. Hyland
Leser R. Irvin
Charles R. Jennings
Edward J. Liptak
Lloyd H. Milliken Jr.
Donald L. Porter
Robert D. Ready

Class of 1961
Class Agent: Donald W. Butrey
Total Raised: $18,841  Participation: 31%

William V. Bartleau
Richard E. Becker
Carl M. Bornmann
William G. Bruns
Joseph T. Bumbleburg
Thomas E. Burchfield
Donald W. Butrey
Robert P. Duvigno
William H. Eichhorn
William H. Fleece
Robert L. Fonner
James D. Hall
Harold A. "Skip" Harrell
Jack A. King
Richard A. Mayer
Eugene J. McCarver Jr.
H. Theodore Noll
John B. Scales
John T. Scott
John B. Wilson Jr.

Class of 1962
Class Agent: Jerry Moss
Total Raised: $5,895  Participation: 28%

John R. Barney Jr.
Daniel P. Byron
Rafe H. Cloe
Lee W. Dabagia
Thomas A. Dailey
David C. Dale
Martin J. Flynn
John P. Gourley
Samuel R. Henderson
John J. Horser
Hugo E. Martz
Thomas M. McDonald
Sidney Mishkin
Jerry Moss
William P. Philips Jr.
William A. Rudolph
Oscar C. Ventanilla Jr.
Carl E. Verbeek
Albert T. Willard
Julian D. Wilton

Class of 1963
Class Agent: Thomas C. Bigley Jr.
Total Raised: $5,459  Participation: 28%

Larry C. Amos
Norman E. Baker
Gary E. Becker
Thomas C. Bigley Jr.
David L. Brewer
George E. Buckingham

Stark O. Sanders Jr.
Philip H. Siegel
Hugo C. "Chad" Songer

Class Agent: Hugo C. "Chad" Songer
Total Raised: $18,841  Participation: 31%

William V. Bartleau
Richard A. Becker
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William G. Bruns
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David L. Brewer
George E. Buckingham

Stark O. Sanders Jr.
Philip H. Siegel
Hugo C. "Chad" Songer
Class of 1964
Class Agent: Sydney L. Steele
Total Raised: $8,170
Participation: 33%

John E. Allen
Ralph A. “Buffy” Cohen
Thomas A. Coyne
William C. Ervin
Maxwell Gray
David B. Hughes
Robert P. Kassing
Edward C. King
Frederick M. King
Gerald H. McGone
James V. McGone
Mark A. McIntosh
P. Michael Mitchell
James J. Nagy
David D. Phoenix
Mildred L. Raichle
Gene E. Robbins
Marshall D. Ruchman
George P. Smith II
Sydney L. Steele
Robert P. Tinnin Jr.
Robert A. Wagner
Robert G. Williams

Class of 1965
Total Raised: $24,175
Participation: 35%

Terrill D. Albright
Thomas A. Berry
Vorris J. Blankenship
James E. Bourne
Sherrill W. Colvin
Stephen W. Crider
Robert P. Doolittle Jr.
Ray M. Druley
Leonard E. Eibacher
William A. Fawcett
Thomas G. Fisher
Ezra H. “Zeke” Friedland
Thomas E. Freuechtenicht
Dennis M. Hanaghan
Barton L. Kaufman
Robert S. Koer
Philip H. Larmore
Arthur M. Lotz
B. Michael McCormick

P. Michael Miller
Arthur C. Nordhoff Jr.
Justin P. Patterson
Hayward D. Reynolds
Don M. Robertson
D. Reed Scism
Ernest W. Smith
George L. Stubbs Jr.
Philip R. Terrill
Robert F. Welker
John W. Whiteleather Jr.
Stephen J. Williams
Frank E. Wren
Thomas G. Wright

Class of 1966
Class Agents: John H. De Boisblanc & Thomas R. McCully
Total Raised: $23,702
Participation: 25%

Robert D. Arnold
Thomas M. Barney
Douglas R. “Randy” Bridges
R. Stephen Browning
David A. Butler
Charles A. Cohen
Garry E. Davis
John H. de Boisblanc
Dennis J. Dewey
James R. Emmett
Stephen L. Ferguson
Robert A. Garelick
Donald I. Grande
John C. Grimm
William J. Hein
Henry C. Hudson
Tom C. Huston
Robert A. Jefferys Jr.
Arthur P. Kallner
Denis L. Koehliger
Thomas R. Lemon
Tracy E. Little
Nancy (Lehman) Litzenberger
Robert D. Mann
Thomas R. McCully
Thomas K. Milligan
Stephen C. Moberly
Mamoru Muraoka
Frank J. Otte

Class of 1967
Class Agents: Eric A. Frey & Bruce A. Polizotto
Total Raised: $10,153
Participation: 23%

Elliott Abrutyn
Jon C. Baxter
George A. Brattain
Russell L. Brewer
Craig W. Caplinger
Philip L. Carson
Richard S. Ewing
Eric A. Frey
Arthur L. Greenwood
F. Roberts Hanning Jr.
John R. Hillis

Jeffrey J. Kennedy
Robert V. Kimmeller
Millard D. Lesch
William C. Lloyd
Malcolm C. Mallett
Michael S. “Mickey” Maurer
Jon H. Moll
James C. Nelson
Bruce A. Polizotto
Kenneth H. Raatz
Kathryn Robertson
Philip M. Rollings
Donald E. Scholl
Jay G. Taylor
Ronald A. Tibaldi
David O. Tittle
John F. Tweedle
Philip D. Waller Jr.
Sally (Hartfield) Westley
Richard E. Wosnam
Terrance F. Wozniak

Class of 1968
Class Agent: Larry R. Fisher
Total Raised: $10,500
Participation: 22%

Thomas D. Beeby
Larry D. Bemning
Robert J. Braman
George H. Brant
Harold E. Brueseeke
Gary J. Clendening
Richard J. Darko
E. Duane Daugherty
Larry R. Fisher
John K. Graham
James W. Holland
Harry V. Huffman*
Thomas A. Jenkins
Robert E. Kabisch
James L. Kennedy
Joseph S. King
David A. Kruse
C. David Little
Thomas K. Maxwell
Thomas M. McGlasson
Robert L. Meinzner Jr.
W. Wyatt Rauch
William C. Reynolds
Alexander L. Rogers
Daniel B. Seitz
Marshall S. “Sandy” Sinick
Peter W. Steketee
John E. Tener
Frederick F. Thornburg
William H. Van Deest
Donald C. Wells
Kent H. Westley
John M. Whittmore Jr.
Kenneth R. Yahne

Participat ion: 31%

Thomas H. Bryan
Robert B. Christopher Jr.
John E. Coldren
Richard L. Darst
Gerald F. George
John R. Gerbracht
Peter L. Goerges
Richard M. Handlon
Gregory A. Hartzler
David M. Haskell
Frank C. Hider
Michael E. Hunt
V. William Hunt
James R. Kuehl
John B. Leatherman Jr.
Duncan A. MacDonald
Stephen P. Malak
Brian J. May
Daniel A. Medrea
William R. Pietz
John L. Pogue
James G. Richmond
Lon D. Showley
Paul W. Silvers
Steve H. Tokarski
Fredrick W. Wenger*
Thomas F. Wright

Class of 1970
Class Agents: Ronald B. Brodey & Lambert C. Genetos
Total Raised: $8,902
Participation: 31%

Paul E. Black
Daniel C. Blaney
Samuel R. “Chic” Born II
Ronald B. Brodey
Mary (Butt) Casey
Ann (McCallister) Coons
Richard W. Davis Jr.
Richard T. Dawson
David A. Dodge
Penelope S. Farthing
Robert G. Fishman
Jack H. Frisch
Lambert C. Genetos
J. Patrick Glynn
Richard A. Gole
Gordon Gullitz
T. Todd Hodgdon
Margaret M. Huff
Rex M. Joseph Jr.
Jerome R. Krueger
Thomas O. Margan
William J. Maher
Francis L. Miller Jr.
John P. Mitchell
C. Kenneth Perry Jr.
William A. Resneck
Robert N. Schlesinger
Stuart E. Schmitz
John B. Smith
Rex M. Joseph Jr.
Margaret C. Streib
Gregory W. Sturm
Edward L. Volk
William E. Weikert
Charles C. Wicks
Alan C. Witte

Class of 1971
Class Agents: James D. Kemper & William H. Reploge II
Total Raised: $35,050
Participation: 23%

John G. Baker
Wade R. Bosley
Samuel A. Bradshaw
Dean A. Brown
Geoffrey K. Church
David C. Evans
Ethan C. Evans
John R. Fleck
Raymond J. Furey Jr.
Robert H. Guilick
William C. Haynes
Terry K. Hiestand
R. Neil Irwin
James D. Kemper
Robert D. Kullgren
Larry R. Linhart
Robert A. Long
Lewis H. MacLaughlin III
R. Bruce McLean
James P. Mulroy
Thomas M. Newman
William H. Reploge II
Richard D. Robinson
Martin A. Rosen
Richard J. Shagley
John L. Shambach
Charles T. Spencer
Milton R. Stewart
Rollin E. Thompson
Jack L. Walkey

Class Agents: Dorothy L. "Dottie" Frapwell & Harry L. Gonzo
Total Raised: $17,108
Participation: 32%

Joseph L. Amaral
Scott H. Anderson
David A. Ault
Lee J. Bell
George N. Bewley Jr.
William A. Bourder
Thomas J. Brannan
Gary E. Brown
Kathleen A. Buck*
Thomas A. Clancy
John D. Clossin
James D. Collier
Jay F. Cook
Alice M. Craft
John F. Crawford
Gary Crist
LeRoy E. Cummings II
Richard A. Dean
Howard W. Feldman
Michael R. Fisher
Richard E. Fox
Dorothy J. "Dottie" Frapwell
Michael R. Fruehwald
John F. Fuzak
Harry L. Gonzo
War S. Hamlin Jr.
Gilmore S. Haynie Jr.
John D. Hutchinson
Alan L. Johns
Stephen J. Johnson
John C. Kapsner
Peter M. Kelly II
Eric L. Kirschner
Georgail L. Knowles
Richard E. Kotzenmacher
Robert L. Lewis
Robert G. Lord
Jeffrey S. Marlin
Kevin B. McGrath
Laurence A. McHugh
Terry (Miller) Mumford
Arthur L. Page
Carolyn (Holder) Price
Ronald E. Prusek
Thomas L. Pytnia
Ronald S. Reinstein
Gerald P. Rodeen
William D. Roessler
William A. Rotzien
Charles R. Rubright
Robert W. Rund
Thomas H. Sawyer
Domenic P. Sbrochi
Stuart Senescu
Willoughby G. Sheane Jr.
Arthur M. Small
Pete H. Smith
J. Eric Smithburn
Dan E. Spicer
Karl S. Steinmanis
Curtis B. Stucky
David W. Sullivan
Arthur G. Surgini Jr.
Robert W. Thacker
Ellen Thomas
Patrick J. Zikos

Class of 1973
Class Agents: Dorothy L. "Dottie" Frapwell & Harry L. Gonzo
Total Raised: $18,670
Participation: 26%

Douglas B. Altman
Charlie P. Andrus
Margaret M. Ankenbruck
James E. Beiler Jr.
Jonathan F. Bucsher
James E. Carlberg
John R. Corr III
Dennis E. Carter
Laura J. Cooper
David M. Correll
John W. Coutier
Jon M. DeHorn
Harry C. Dees Jr.
Rodger C. Field
Donovan R. Flora
Marcia (Rehrmar) Gelpe
Daniel M. Graly
Dana I. Green
David E. Greene
Mary (Hall) Ham
David L. Henselman Sr.
Charles A. Hessler
Jane (Titus) Hessler
Richard M. Holmes
Michael G. Jaimet
Michael A. Jordan
Sally A. Lied
Mark I. Lilianfled
Basil H. Lorch III
Stephen W. Lyman
Ward W. Miller
Timothy M. Morrison
Clarine Nardi Riddle
Jon S. Readnor
Robert C. Rosenfeld
Richard S. Ryder
John E. Siedelmeier
Robert W. Sikkel
Robert O. Smith
Myra (Podvoll) Spicker
Tom W. Stonecipher
Dennis D. Sutton
Augustus H. Tabor
Frank E. Thomas
Jon D. Vander Ploeg
Thomas J. Walsh
Robert L. Wood

Class of 1975
Class Agents: James M. Carr & Scott T. Kragie
Total Raised: $12,758
Participation: 24%

Richard L. Brown
James M. Carr
Michael R. Conner
Thomas L. Davis
Paul S. Elkin
William R. Fatou
Adrian J. Good
Norma J. Greene
Thomas B. Grier
John C. Haury
Roy R. Johnson
Larry J. Kane
Joseph F. Kent
Scott T. Kragie
Linda L. Lanam
John L. Lisher
Mary (Sturmon) Lisher
Larry A. Macey
Kenneth W. Macke
David J. Mallon
Kirk A. Pinkerton
Don E. Prosser
Martin E. Risacher
Jay M. Rosen
K. Stephen Royce
Fred Schwab
Grant F. Shipley
Yvonne Starn
Marcia W. Sullivan
Tommy F. Thompson
Wm. Charles "Chuck" Thomas III
John D. Tider
Fred O. Towe Jr.
Neil A. Weikart
Bradley L. Williams
Thomas L. Wooding
Robert E. Wrenn

Class of 1976
Class Agents: Mary Beth (Kleiser) Brody & James L. Petersen
Total Raised: $26,987
Participation: 33%

Ann (Keller) Bailey
Richard A. Bierly
Gary L. Birnbaum
Richard H. Blaich
Dianne (Blocker) Braun
Mary Beth (Kleiser) Brody
William J. Brody
Class of 1977
Class Agents: Ann M. Delaney & Sue A. Shadley
Total Raised: $35,428
Participation: 27%

Gerald E. Allega
Robert C. Anderson
Garrison R. Armstrong
Charles A. Asher
Peter J. Austgen
Priscilla (Howell) Austgen
James Balanoff
Robert J. Black
Stephen R. Bowers
Mary B. Cook
Byron D. Cooper
James B. Couch
Patricia A. Daly
Ann M. Delaney
Francine (McWilton) Dlouhy
Elizabeth A. Frederick
Myrna E. Friedman
Jeffrey L. Gage
Philip C. Genetos
Darlene C. Goodwin
Paul A. Hass
Scott W. Irmscher
Kurt R. Kaboth
Brenda E. Knowles
Stephen W. Lee
Fred J. Logan Jr.
Joel M. Marver
Bruce W. McLaren
John L. Milam
Chris D. Molen
James D. Moore
Myron L. Byers
Thomas E. Nelson
Thomas P. Nessel
Ann L. Nowak
Robert F. Parker
William M. Pope
Frederick L. Rice
Randall R. Riggs
Mark J. Roberts
Thomas C. Scherer
Michael J. Schneider
Sue A. Shadley
James A. Shanahan
Rebecca (Miller) Shanahan
Timothy R. Smock
Roger A. Treece

Class of 1978
Class Agents: James S. Kowalik & Ted A. Waggoner
Total Raised: $14,115
Participation: 27%

Wayne D. Bober
James R. Brotherhood
Alecia A. DeCoudeaua
James R. De Motte
Aladane Derose-Smithburn
Thomas G. Eckert
Robert W. Elliott Jr.
Scott E. Fose
Bonnie K. Gibson
Alice J. Holland
Veda M. Jairrels
James S. Kowalik
Ronald E. Large
Janett (Burns) Lowes
Dollie (Stafford) Manns
John P. Martin
Philip L. McCool
Renee (Machinney) McDermott
John W. McGee
Joseph D. O'Connor III
Donna (Bembienista) Panich
Michael L. Pate
George E. Reed Jr.
Christopher Rice
Patricia S. Roberts
John W. Rowings
Linda (Ritchie) Rowings
Hugh A. Sanders
David L. Sandweiss
Glenn Scolnik
Stephen G. Smith
Carolyn W. Spengler
George W. Stephenson

Class of 1979
Class Agents: Mark E. Gia Quinata & John M. Kyle III
Total Raised: $14,214
Participation: 22%

Jane Alshuler
Maria Arista-Volksy
Robert M. Bond
Jeffery A. Burger
David L. Canman
Darcy J. Chamberlin
Gonzo P. Curiel
Jeffrey S. Dible
Daniel C. Emerson
Thomas J. Felts
Richard Franzblau
Mark E. Gia Quinata
Jeanne A. Hoffmann
Patrick E. Hoog
Bruce A. Hugon
Ronald E. James
John J. Jewell
John M. Kyle III
Frederick W. LaCava
William E. Langdon Jr.
William C. Lawrence
Edward J. Liptak
Cecilia M. Marta
Patricia J. Murphy
Frank M. Nardi
Robert A. Orlich
Agnes (Siedlecki) Peters
Bruce J. Rasch
Thomas F. Schnellenberger Jr.
Jacqueline A. Simmons
Michael W. Spurgeon
Mark H. Steinber
Milton O. Thompson
Leslie E. Vidra
Russell E. Warfel
W. William Weeks
Sabra A. Weliever
Joseph K. Wilson
Linda M. Woolcott

Class of 1980
Class Agents: Michael J. Hinchion & Christopher G. Scanlon
Total Raised: $14,362
Participation: 22%

Michael A. Aspy
George C. Barnett Jr.
Philip L. Bayt
Sue A. Beesley
Thomas J. Belcher

Class of 1981
Class Agents: David L. Ferguson & R. William "Bill" Jonas Jr.
Total Raised: $37,360
Participation: 21%

Ruth M. Acheson
David S. Barrett
Alan W. Becker
Ted R. Brown
Josef A. Colussi
John A. Crawford
Kevin W. Dogan
David L. Ferguson
Hope (Hanes) Fey
William P. Fletcher
Stephen R. Galvin
Clifford W. Garstang
Edward W. Gerecke
Joseph H. Hogsett
Claire (Tolf) Hugo
David F. Johnson
Gary K. Kiyuna
Gregory C. Knapp
Abigail L. Kuzma
Matthew R. Lewin
Julia E. Merkt
Kathryn (De Neut) Molewlyk
David C. Ollis
Michael A. Pechette
Richard M. Quinlan
Bill Popkin with his family: From left are daughter Carol Smart, wife Prema, and daughter Meera.

Class of 1982
Class Agents: Thomas A. Barnard & Daniel E. Serban
Total Raised: $9,981
Participation: 22%

Joseph M. Ambrose
Anonymous
Peter G. Bakas
Thomas A. Barnard
Roger W. Bennett
Richard R. Bleeke

Class of 1983
Class Agents: Jerry J. Burgdoerfer & Kenneth L. Turchi
Total Raised: $12,708
Participation: 24%

Samuel R. Ardercy
Susan Blankenbaker Noyes
William R. Buckley

Class of 1984
Class Agents: Stephen J. Hackman & Donald D. Levenhagen
Total Raised: $6,125
Participation: 17%

James F. Beatty
Lee R. Berry Jr.
Timothy J. Booglin
Donald E. Brier
Kim (Oldham) Brown
Phillip M. Crane
Richard T. Freije Jr.
George C. Gaskin
Stephen J. Hackman
Keith G. Hedinger
Phil L. Isenbarger
Gregory J. Jordan
John P. LaHae
Leslie S. Mead
Karen (Graham) Nealy
Renee (Riecke) Neeld
Thomas L. Perkins
Jeffrey F. Petrich
John W. Polley
Raphael M. Prevot Jr.
Cynthia J. Reichard
Paul D. Reid
Jay A. Rigdon
Sydney R. Singer
Carol (Nolan) Skinner
Robert A. Tailor Jr.
David R. Warshauer
James J. Weber
James L. Whitlatch
Douglas S. Winslow-Nason

Class of 1985
Class Agents: Alan R. Loudermilk & Donald J. Vogel
Total Raised: $9,124
Participation: 14%

Marilyn (Van Bergen) Ashbaugh
Barbara L. Brugnaux
James C. Cardino

Class of 1986
Class Agents: J. Adam Bain & Steven J. Riggs
Total Raised: $5,270
Participation: 19%

Arend J. Abel
J. Adam Bain
James A. Button
Kurt A. Diefenbach
John Fedors Jr.
James A. Gesmer
John M. Hamilton
David J. Hensel
Jill (Reifinger) Marcum
Louis K. Nigg
James A. Nolan Jr.
Daniel G. Pappas
Thomas B. Parent
Wendy (Wright) Ponader
Peter M. Racher
Theresa A. Riess
Kathryn J. Roudebush
David T. Schaefer
Ruth A. Schneider
Dennis L. Schoff
Nina M. Sorensen
Carl R. Stambaum
Mary (Pellic) Thickstun
Malcolm A. Tripp
Timothy L. Tyler
Ann C. Varnon
Bridget (Madigan) Zalman

Class of 1987
Class Agents: Gerald A. Role & Susan (Eads) Role
Total Raised: $4,611
Participation: 21%

Katherine (Streicher) Arnold
Jan N. Campbell
James D. Cockrum
Class of 1995
Class Agents: David O. Barrett & Martin Montes
Total Raised: $4,031
Participation: 14%

Nathan D. Alder
David O. Barrett
Eva (Saha) Daniel
Kathleen A. DeLaney
Robert A. Dubault
Jennifer (Kelly) Fardy
Matthew T. Furton
Julie (Lingle) Gardner
Douglas W. Hyman
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Marcia A. Mahoney
Charles J. Meyer
Janet S. Min
Carol (Gleum) Morrison
Jill T. Powlick
Cynthia Storer Baran
Elizabeth D. Stuart John
Kathryn (Harrigan) Sullivan
Richard B. Veen

David G. White
John M. Yarger

Class of 1996
Class Agents: Randi L. Kaltenmark & Elissa J. Preheim
Total Raised: $2,205
Participation: 10%

Sandra (Petersen) Byrd
Christine M. Carroll
Jill M. (Wright) Denman
Krista Duncan
Melinda J. Gentry
Kyle E. Hanrahan
Randal J. Kaltenmark
Jason L. Kennedy
Shou Yeh “Tony” Ling
Daniel M. Long
Andrea R. Marshall
Dawn (Dolgert) Noble
Elissa J. Preheim
Susan M. Shook
Julie K. Stapel
Rhonda (Hanna) Veen
Andrew M. Weiss
Susan J. Yoon

Class of 1997
Class Agents: Troy D. Farmer & Heidi G. Goebel
Total Raised: $4,502
Participation: 20%

Matthew J. Bergstrom
Theodore H. Burmeister
James K. Cleland
Kelly (Collier) Cleland
Giovanna (Wolf) Copat
Jose M. Espinosa
Troy D. Farmer
John P. Fischer
Mark D. Fridy
Shelly S. Gibson
Heidi G. Goebel
Allen J. Guon
Susannah M. Hall-Justice
Holly (Ashburn) Harvey
Steven S. Hoar
Julie R. Hubly
David H. Iskowich
Michael S. Jeffries
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Amy (Sundermeyer) Steinhart
David A. Suess
Karen (Richardson) Swopes
Jennifer A. Tucker
William C. Underwood
Konrad M. Urberg
Julie A. Veach
Carrie L. Wagner
Danielle (Rifkin) Weksler

Class of 1998
Class Agents: Shelese M. Emmons & Jennifer A. Puplava
Total Raised: $3,605
Participation: 13%

Jason M. Basile
Stephen W. Bead
Nick N. Boegel
Adair (Walker) Brent
Kara S. Coats
David A. Concha
Carrie (Walter) Cotter
Paul V. Danielson
Shelese M. Emmons
Angela L. Freel
Megan E. Groves
Norman J. Hedges
Peter B. Jurgeleit
Kristin J. Keltner
Kwanghyun “Tom” Ko
Andrew D. Kruse
Dennis H. Long
David T. McGimpsey
Kendall H. Millard
Mark W. Nogueria
Christine (Mayewski) Orich
Michael M. Pratt
Marc T. Quigley
Ann K. Schooley
Jennifer (Wheeler) Terry
John S. Terry
Stacy L. Valentine
Dawn A. Wildrick-Cole
Gerald B. Zelenock

Class of 1999
Class Agents: Bryan H. Babb & Julie P. Wilson
Total Raised: $2,390
Participation: 16%

Mark R. Anderson
Bryan H. Babb
Adam J. Berlin
Thomas E. Byrne
Brett A. Cardile
Tamatha (Gavlik) Earnhart
Lynne E. Ellis
Jennifer (Engle) Garrett
Karen L. Hsu
Eileen M. Kaplan
Clarence E. Leichty
Jennifer A. Lewis
Joseph H. Macklin
Brad R. Maurer
Craig D. Nix
Heidi G. Goebel
Stephen J. Obar
Jennifer D. Schramm
Heather J. Kidwell
Jason D. Kimpel

Heidi (Bierberich) Adair
Edward G. Bielski
Amanda (Owens) Blackketter
Geoffrey J. Bradley
Craig C. Burke
Ron D. Danski
Kelly (Kann) Davidson
Lisa DeFerrari
Daniel K. DeWitt
Thomas E. Deer
Stephen P. Fardy
Thomas M. Fisher
Brenda (Hacker) Freije
Sarah K. Funka
Sandra (Rasche) Hemmerlein
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Pamela G. Schneeman
Clarice K. Smith
James P. Strenski
Shawn M. Sullivan
Steven A. Wade
Stephen M. Wagner
Ronald Wilcox
Kevin A. Wolff

Class of 2000
Class Agents: Angela R. Karras & David A. Neboyskey
Total Raised: $1,470
Participation: 12%

Brian E. Bailey
Philip J. Boren
Erin (Goedde) Berger
Stephanie (Miller) Bisselberg
Jason Chronopoulos
Heather R. Clark
Reid A. Cox
Joseph A. Fitzgerald
Angela R. Karras
Robert C. Kruger
Gara U. Lee
Bruce T. Lucas
Sheba (Vattamattam) Lucas
Joel T. May
Robert S. Meitus
Jaime L. Neal
David A. Neboyskey
Benjamin L. Niehoff
Kristi L. Proulx
Amy E. Romig
Sanjeev Teppara
Andrea D. Unzicker

CAMILLE D. LEVIN
DAMON R. LEICHTY
JENNIFER D. LEWIS
SANDEE M. LIEFKENS
BRAD R. MAURER
JOSEPH H. MERRICK
JOHN C. MUTO
BRETT E. NELSON
DAVID B. NOBLE
KATHY L. OSBORN
VICTORIA J. PARKER
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Bill of Particulars / 59
Class of 2001 Gift

The Class of 2001 was the fifth consecutive graduating class to conduct a class gift campaign. This year, the Class of 2001 decided to create a tangible legacy by supporting two areas of the law school that help most students — Student Services and Career Services. The class established the Class of 2001 Career Advancement Fund and the Class of 2001 Student Services Emergency Relief Fund. The class raised more than $5,200 in gifts and pledges, with 105 donors and 52.5 percent participation. This is the most successful class gift to date, and we are grateful for the support of our new graduates.

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Jennifer S. Brooks
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New Academy of Law Alumni Fellow José Villarreal (seated, second from right) is surrounded by family at the Alumni Weekend dinner.

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<th>Contact</th>
<th>Gifts</th>
<th>Donors</th>
<th>Alumni</th>
<th>Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrews Harrell Mann Carlin &amp; Parker PC (Bloomington)</td>
<td>Angela F. Parker, ’94</td>
<td>$470.00</td>
<td>5</td>
<td>6</td>
<td>83%</td>
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<tr>
<td>Arnold &amp; Porter (Washington, D.C.)</td>
<td>James F. Fitzpatrick, ’59</td>
<td>$6,655.31</td>
<td>4</td>
<td>5</td>
<td>80%</td>
</tr>
<tr>
<td>Baker &amp; Daniels (Elkhart, Fort Wayne, &amp; South Bend)</td>
<td>Steven L. Jackson, ’77</td>
<td>$800.00</td>
<td>6</td>
<td>26</td>
<td>23%</td>
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<tr>
<td>Barness &amp; Thomburg (Elkhart, Fort Wayne, Indianapolis, &amp; South Bend)</td>
<td>James M. Carr, ’75; &amp; Patrick S. Cross, ’93</td>
<td>$8,680.00</td>
<td>30</td>
<td>54</td>
<td>56%</td>
</tr>
<tr>
<td>Barnhart Sturgeon &amp; Spencer (Bloomington)</td>
<td>Randal J. Kaltenmark, ’86; Mark D. Levick, ’88 &amp; Timothy J. Riffle, ’83</td>
<td>$13,275.00</td>
<td>33</td>
<td>57</td>
<td>58%</td>
</tr>
<tr>
<td>Barrett &amp; McNagny (Fort Wayne)</td>
<td>Frank A. Barnhart, ’57</td>
<td>$210.00</td>
<td>2</td>
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<tr>
<td>Beckman &amp; Bell (Hammond)</td>
<td>Richard “Dick” Robinson, ’71</td>
<td>$475.00</td>
<td>4</td>
<td>10</td>
<td>40%</td>
</tr>
<tr>
<td>Bingham Summers Welsh &amp; Spilman LLP (Indianapolis)</td>
<td>Daniel W. Glavin, ’80</td>
<td>$500.00</td>
<td>6</td>
<td>6</td>
<td>100%</td>
</tr>
<tr>
<td>Bone McKinney &amp; Evans LLP (Indianapolis)</td>
<td>James P. Strenske, ’94</td>
<td>$1,852.50</td>
<td>11</td>
<td>14</td>
<td>79%</td>
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<tr>
<td>Bowers Harrison LLP (Evansville)</td>
<td>Robert P. Kassinger, ’84</td>
<td>$5,475.00</td>
<td>25</td>
<td>25</td>
<td>100%</td>
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<tr>
<td>Burger &amp; Robertson (Bloomington)</td>
<td>Holly Wilhelmus, ’95</td>
<td>$250.00</td>
<td>2</td>
<td>7</td>
<td>88%</td>
</tr>
<tr>
<td>Chapman &amp; Cutler (Chicago)</td>
<td>Joseph D. O’Connor III, ’78</td>
<td>$445.00</td>
<td>7</td>
<td>8</td>
<td>88%</td>
</tr>
<tr>
<td>Cohen Garelick &amp; Glazier (Indianapolis)</td>
<td>Jeffrey A. Burger, ’79</td>
<td>$400.00</td>
<td>3</td>
<td>4</td>
<td>75%</td>
</tr>
<tr>
<td>Cox Zwerin Gallimb &amp; Sullivan (Terre Haute)</td>
<td>Robert A. Garelick, ’66</td>
<td>$750.00</td>
<td>3</td>
<td>3</td>
<td>100%</td>
</tr>
<tr>
<td>Eichhorn &amp; Eichhorn (Bloomington)</td>
<td>David W. Sullivan, ’73</td>
<td>$1,500.00</td>
<td>1</td>
<td>7</td>
<td>14%</td>
</tr>
<tr>
<td>El Lilly Co. (Indianapolis)</td>
<td>Alyssa D. Stamatakos, ’92</td>
<td>$500.00</td>
<td>1</td>
<td>8</td>
<td>13%</td>
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<tr>
<td>Ferguson &amp; Ferguson (Bloomington)</td>
<td>Joseph H. Marxer, ’87</td>
<td>$4,825.00</td>
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<td>17</td>
<td>53%</td>
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<tr>
<td>Foley &amp; Lardner (Milwaukee, Wis.)</td>
<td>David L. Ferguson, ’81</td>
<td>$1,212.50</td>
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<td>6</td>
<td>100%</td>
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<tr>
<td>Hackman Hulett &amp; Cracraft LLP (Indianapolis)</td>
<td>Thomas L. Shriner Jr., ’82</td>
<td>$425.00</td>
<td>4</td>
<td>13</td>
<td>31%</td>
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<tr>
<td>Hunt Suedhoff Kalamos LLP (Fort Wayne)</td>
<td>Marvin L. Hackman, ’59</td>
<td>$625.00</td>
<td>2</td>
<td>4</td>
<td>50%</td>
</tr>
<tr>
<td>Ice Miller (Indianapolis &amp; Chicago)</td>
<td>Branch R. Lew, ’82</td>
<td>$1,110.00</td>
<td>4</td>
<td>7</td>
<td>57%</td>
</tr>
<tr>
<td>Jenner &amp; Block (Chicago)</td>
<td>William R. Riggs, ’63</td>
<td>$14,235.00</td>
<td>31</td>
<td>57</td>
<td>54%</td>
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<tr>
<td>Jones Obenchain LLP (South Bend)</td>
<td>Jerry J. Burgdorfer, ’83</td>
<td>$2,150.00</td>
<td>2</td>
<td>8</td>
<td>28%</td>
</tr>
<tr>
<td>Kahn Dees Donovan &amp; Kahn LLP (Evansville)</td>
<td>Mark J. Phillips, ’80</td>
<td>$510.00</td>
<td>5</td>
<td>6</td>
<td>83%</td>
</tr>
<tr>
<td>Kirkland &amp; Ellis (Chicago, Los Angeles, &amp; Washington, D.C.)</td>
<td>Brian P. Williams, ’81</td>
<td>$320.00</td>
<td>6</td>
<td>10</td>
<td>60%</td>
</tr>
<tr>
<td>Krieg DeVault Alexander &amp; Capehart LLP (Indianapolis)</td>
<td>Azin Lotfi, ’99</td>
<td>$500.00</td>
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<td>7</td>
<td>14%</td>
</tr>
<tr>
<td>Leagre Chandler &amp; Millard LLP (Indianapolis)</td>
<td>Andrew B. Buecker, ’89</td>
<td>$800.00</td>
<td>3</td>
<td>9</td>
<td>33%</td>
</tr>
<tr>
<td>Lemon Arney Hearn &amp; Leininger (Warsaw, Ind.)</td>
<td>Arend J. Abel, ’86</td>
<td>$500.00</td>
<td>5</td>
<td>9</td>
<td>56%</td>
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<tr>
<td>Lincoln National Corp. (Fort Wayne)</td>
<td>Thomas R. Lemon, ’66</td>
<td>$1,138.61</td>
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<td>60%</td>
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<tr>
<td>Locke Reynolds LLP (Indianapolis)</td>
<td>Patricia A. Daly, ’77</td>
<td>$5,517.92</td>
<td>3</td>
<td>7</td>
<td>43%</td>
</tr>
<tr>
<td>Lowe Gray Steele &amp; Darko LLP (Indianapolis)</td>
<td>Randall R. Riggs, ’77</td>
<td>$2,780.00</td>
<td>13</td>
<td>22</td>
<td>59%</td>
</tr>
<tr>
<td>Lucas Holcomb &amp; Medrea (Merrillville)</td>
<td>Mary-Jane Lapointe, ’87</td>
<td>$1,300.00</td>
<td>4</td>
<td>8</td>
<td>50%</td>
</tr>
<tr>
<td>Mayer Brown &amp; Platt (Chicago &amp; New York)</td>
<td>Daniel A. Medrea, ’69</td>
<td>$950.00</td>
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<td>3</td>
<td>100%</td>
</tr>
<tr>
<td>McHale Cook &amp; Welch PC (Indianapolis)</td>
<td>Danuta B. &quot;Donna&quot; Panich, ’78</td>
<td>$30,500.00</td>
<td>2</td>
<td>4</td>
<td>50%</td>
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<tr>
<td>Miller Carson Boxbberger &amp; Murphy LLP (Fort Wayne)</td>
<td>Randolph L. Seger, ’72</td>
<td>$5,410.00</td>
<td>10</td>
<td>16</td>
<td>63%</td>
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<tr>
<td>Moss Harris &amp; Yates (Fort Wayne)</td>
<td>Philip L. Carson, ’67</td>
<td>$625.00</td>
<td>4</td>
<td>14</td>
<td>29%</td>
</tr>
<tr>
<td>nollfingen2barnett LLP (Evansville)</td>
<td>Lindy G. Moss, ’52</td>
<td>$1,120.88</td>
<td>1</td>
<td>3</td>
<td>33%</td>
</tr>
<tr>
<td>Plews Shadley Racher &amp; Braun (Indianapolis)</td>
<td>Douglas K. Briscoe, ’94</td>
<td>$100.00</td>
<td>1</td>
<td>3</td>
<td>33%</td>
</tr>
<tr>
<td>Procter &amp; Gamble (Cincinnati)</td>
<td>Sue A. Shadley, ’77</td>
<td>$1,225.00</td>
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<td>80%</td>
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<tr>
<td>Skiles Hansen Cook &amp; DeTrude (Indianapolis)</td>
<td>Karl S. Steinmanis, ’73</td>
<td>$1,010.00</td>
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<td>3</td>
<td>100%</td>
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<tr>
<td>Sommer &amp; Barnard, P.C. (Indianapolis)</td>
<td>Stephen M. Koers, ’92</td>
<td>$350.00</td>
<td>4</td>
<td>4</td>
<td>100%</td>
</tr>
<tr>
<td>Stites &amp; Harbison (Louisville, Ky., &amp; Jeffersonville, Ind.)</td>
<td>Erick D. Ponader, ’85</td>
<td>$2,675.00</td>
<td>6</td>
<td>14</td>
<td>43%</td>
</tr>
<tr>
<td>Stuart &amp; Bramigin (Lafayette &amp; Indianapolis)</td>
<td>Leslie E. Vidra, ’79</td>
<td>$550.00</td>
<td>2</td>
<td>5</td>
<td>40%</td>
</tr>
<tr>
<td>Warner Norcross &amp; Judd LLP (Grand Rapids &amp; Traverse City, Mich.)</td>
<td>Thomas R. McCully, ’66</td>
<td>$7,450.00</td>
<td>13</td>
<td>16</td>
<td>81%</td>
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<tr>
<td>Winston &amp; Strawn (Chicago)</td>
<td>Robert A. Dubault, ’95</td>
<td>$312.50</td>
<td>3</td>
<td>10</td>
<td>30%</td>
</tr>
<tr>
<td>Woodard Emhardt Naughton Moriarty &amp; McNett (Indianapolis)</td>
<td>George E. Buckingham, ’63</td>
<td>$750.00</td>
<td>3</td>
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<td>75%</td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>$136,265.22</td>
<td>310</td>
<td>570</td>
<td>54%</td>
</tr>
</tbody>
</table>

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