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# Indiana Law Annotated

*Vol. 27 No. 1 (August 30, 2004)*

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## HIGHLIGHTS FOR THE WEEK OF AUGUST 30

Giovanni Kessler, a constitutional lawyer and a member of the Italian Parliament, will present "Judicial Independence in Contemporary Italy" at 4 p.m. on Thursday, Sept. 2, in the Moot Court Room.

## MONDAY, AUGUST 30

### PRESIDENTIAL MANAGEMENT FELLOWSHIP PROGRAM

Career Services will be hosting a presentation on the Presidential Management Fellowship Program at 12:15 in room 120.

## TUESDAY, AUGUST 31

### STUDENT ORGANIZATION PRESIDENTS' COUNCIL MEETING

All presidents, chairs, and leaders of student organizations are encouraged to attend an organizational meeting from noon until 1 p.m. in room 124.

## WEDNESDAY, SEPTEMBER 1

### STUDENT ORGANIZATIONS HOST INFORMATION TABLES THIS WEEK

Law School student organizations will host tables over the noon hours on Wednesday, Thursday, and Friday in the lobby. This will be a terrific opportunity to meet the officers and members of student organizations and to learn about their goals and activities.

## GOVERNMENT CAREERS AND HONORS PROGRAMS

Career Services will be hosting "Government Careers and Honors Programs" at 12:15 p.m. in room 120.

## THURSDAY, SEPTEMBER 2

### GIOVANNI KESSLER SPEAKS ON JUDICIAL INDEPENDENCE IN ITALY

Giovanni Kessler, a constitutional lawyer and a member of the Italian Parliament, will present "Judicial Independence in Contemporary Italy" at 4 p.m. on Thursday, Sept. 2, in the Moot Court Room. Kessler will discuss the evolution of the concept of judicial independence in Italy, its role in Italian society and politics, and the challenges and conflicts the judiciary faced in the years before and after President Berlusconi took office in 1994.

Kessler is a Distinguished Citizen Fellow at the Institute for Advanced Studies. He is also vice-president of the Italian Euro-Mediterranean Association and, since 2002, he has been a member of the Executive Committee of the Global Organization of Parliamentarians against Corruption. From 1986 to 1994, Kessler served as public prosecutor at the court of Trento and, in 1995 and 1996, he served as prosecutor at the Anti-Mafia Department in Sicily. Since 2001, he has served as a member of the Italian delegation to the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE) and as a member of the OSCE Parliamentary Assembly ad hoc committee on Kosovo. In 2003, he was OSCE Special Coordinator for the parliamentary elections in Armenia and the presidential elections in Azerbaijan. Kessler's talk is sponsored by the Institute for Advanced Study. For more information, please contact the institute at 855-1513.

## UPCOMING EVENTS

### LAW SCHOOL TO HOST NATIONAL DEATH-PENALTY REFORM CONFERENCE SEPT. 10- 11

Last fall, Massachusetts Gov. Mitt Romney appointed Professor **Joseph Hoffmann** as co-chair of the Massachusetts Governor's Council on Capital Punishment, a panel of scientific and legal experts charged with crafting a proposal to reinstate capital punishment in Massachusetts for a narrow set of crimes. On May 3, 2004, the Governor's Council issued a report outlining 10 recommendations for the creation of a fairer and more accurate death-penalty system. These recommendations, many of which are unprecedented, have already begun to influence the ongoing national dialogue about death-penalty reform.

Hoffmann is organizing a conference on the 10 recommendations, "Toward a Model Death-Penalty Code: The Massachusetts Governor's Council Report," to be held at the Law School on Sept. 10 and 11. The conference will be hosted by the school's Center for Law, Society, and Culture. Conference speakers and panelists will examine the 10 recommendations and discuss their potential impact on death-penalty law and practice across the United States. Leading

scholars, forensic scientists, lawyers, judges, and policy-makers will focus on the major themes of the report, such as narrowing the scope of death-eligible crimes, transforming the nature of capital jury decision-making, elevating the role of DNA and scientific evidence, providing judges with broad substantive review powers, and creating a new death-penalty review commission to study alleged errors in capital cases. Conference proceedings will be published in a symposium issue of the *Indiana Law Journal*.

## MEETING FOR 3LS NEXT TUESDAY

There will be a meeting for third-year law students at noon on Tuesday, September 7, in the Moot Court Room. Primary topics include graduation issues, the formation of a graduation committee, and preliminary information regarding applying for Bar exams. The meeting is expected to last about 30 minutes.

## NEWS FROM THE FACULTY

Professor **Pat Baude**'s pre-decision prediction and criticism of the Guantanamo prisoners' case, "An Essay on the Spirit of Liberty in the Fog of War," appeared in July in 29 NOTRE DAME L. REV. 1321 (2004).

The Law School is pleased to announce that two faculty members, Professors **Jeannine Bell** and **Dawn Johnsen**, were granted tenure and promoted to the rank of full professor this spring through a vote of the Indiana University Board of Trustees. With an academic background in government and law, Bell brings to the classroom the perspectives of both disciplines. A member of the law faculty since 1999, she is also an adjunct professor in the Department of Political Science. Her courses include Criminal Process and seminars on The First Amendment and Law and Society. She is the author of *Policing Hatred: Law Enforcement, Civil Rights, and Hate Crimes* (New York University Press 2002) and is a co-author of *Gaining Access: A Practical and Theoretical Guide for Qualitative Researchers*. Johnsen joined the faculty in 1998, following a distinguished career in Washington, D.C. After five years as legal director of the National Abortion and Reproductive Rights Action League, Johnsen was a deputy assistant attorney general and then the acting assistant attorney general for the Office of Legal Counsel, where she advised the attorney general and the White House counsel. Her courses include Constitutional Law, The First Amendment, and a seminar on The Separation of Powers. Johnsen has testified before Congress, is a frequent speaker at national conferences, and has appeared on many national television and radio news programs. She recently joined the national board of the American Constitution Society. This spring, Johnsen was the recipient of the Indiana University Trustees Teaching Award.

On August 12, Professor **Craig Bradley** presented a paper, "Untangling the Enemy Combatant Cases," to the International Society for the Reform of Criminal Law in Montreal.

Professor **Fred Cate** completed work on the final report for the Pentagon Technology and Privacy Advisory Committee, to which he was counsel. The report is available on the Law School's Web site at [http://www.law.indiana.edu/directory/publications/fcate/tapac\\_report\\_final.pdf](http://www.law.indiana.edu/directory/publications/fcate/tapac_report_final.pdf). Cate also

appeared before the House Committee on the Judiciary and the House Subcommittee on Social Security; was an invited expert at the Federal Trade Commission's roundtable on Methodologies that Assess Accuracy and Completeness of Credit Reports Methodology; and participated in a number of other conferences, including Data Mining Technologies, Counterterrorism Technology and Privacy, cosponsored by the American Bar Association Standing Committee on Law and National Security and the McCormick Tribune Foundation; the annual Microsoft Faculty Summit; and the Privacy Think Tank, a working group of the chief privacy officers of Axiom, Best Buy, IBM, Microsoft, Novartis, and Oracle who strategize about the future of privacy and security. Cate also completed a book chapter on legal methodologies and one on government data mining with former FCC Chair Newton N. Minow.

Professor **Kevin Collins** joins the faculty this fall, coming to the Law School from clerkships at the U.S. Court of Appeals for the Second Circuit and the U.S. Court of Appeals for the Federal Circuit. Collins graduated summa cum laude from Yale in 1990 with a double major in molecular biophysics/biochemistry and architecture. He then earned a master's degree in architecture from Columbia University and worked for five years as a project architect and lead designer for Bernard Tschumi Architects before earning his JD at Stanford. Collins will help the school develop a new joint degree in law and biotechnology with the Department of Biology.

Professor **David Fidler**'s book, *SARS, Governance and the Globalization of Disease*, was published by Palgrave Macmillan in July. The book provides a comprehensive and original analysis of the historic global SARS outbreak of 2003.

Professor **Rob Fischman** was the featured speaker at the U.S. Fish and Wildlife Service's Conservation-in-Action Summit on May 24. The purpose of the summit was to bring together conservation leaders to strategically plan for the next century of national wildlife refuge system management. Fischman's speech described how the refuges could move from progressive legal authorities to innovative action through imaginative implementation. Fischman's most recent article was published this summer in *Environmental Law*. Entitled "Predictions and Prescriptions for the Endangered Species Act," it is a contribution to a symposium marking the 30th anniversary of the enactment of the statute. In the article, Fischman argues that the Act is an indicator of the future of environmental law generally. He also describes reforms necessary to maintain and recover species. The prescriptions fall into three major categories: 1) better funding for the program, 2) technology-based limitations to control habitat degradation, and 3) preventive care for biodiversity.

Professors **Michael Grossberg** and **Aviva Orenstein** have been named Poynter Center Fellows for 2004-05 by the IU Poynter Center for the Study of Ethics and American Institutions. The center's second annual Interdisciplinary Poynter Faculty Fellowship focuses on the theme, "The Ethics and Politics of Childhood."

**Leandra Lederman** joins the faculty for this academic year as the Visiting William W. Oliver Professor of Tax Law. Lederman has been on the faculty at George Mason University School of Law since 1998 and had previously taught at Mercer University. She earned her JD in 1990 from New York University School of Law, where she also earned an LLM in taxation. Lederman will help coordinate the school's joint JD/MBA in Accounting. The author of three books and more

than 20 articles on tax and tax procedure, Lederman has recently coauthored with Stephen W. Mazza the 2004 Supplement to *Tax Controversies: Practice and Procedure*, 2d Ed. (LexisNexis). At the beginning of August, she submitted a brief as amica curiae in support of petitioners in the consolidated Supreme Court cases of *Ballard v. Commissioner* and *Estate of Kanter v. Commissioner* (Aug. 2, 2004). Lederman also had two short articles published in August: "Delinquent Returns and Credit-Elect Overpayments: A Procedural Tangle," 104 *Tax Notes* 831 (2004) and "Does the Burden of Proof Matter?," 23 *ABA Section of Taxation NewsQuarterly* 10 (2004). On June 1, she became vice-chair (planning) of the Teaching Taxation Committee of the Tax Section of the American Bar Association.

From June 28 to July 9, Professor **Gene Shreve** presented a series of lectures on American legal philosophy at China University--Faculty of Law and Political Science in Beijing.

Professor **Susan Williams**'s book, *Truth, Autonomy, and Speech: Feminist Theory and the First Amendment*, has recently been published by New York University Press. Written from a feminist perspective, the book draws on work from several disciplines, including law, political theory, philosophy, and anthropology, to develop alternative accounts of truth and autonomy as the foundations for freedom of expression. Frederick Schauer, of Harvard University, describes the book as a "well-written work of careful scholarship [that] is an important contribution to free speech literature."

## ANNOUNCEMENTS

### LAW SCHOOL WELCOMES NEW DEANS FOR ADMISSIONS AND CAREER SERVICES

The Law School community is pleased to welcome **Dennis Long**, our new Assistant Dean for Admissions, and **Michael Keller**, our new Assistant Dean for Career Services. Long is a 1998 graduate of the School of Law who came to us after a distinguished military career. He has been practicing bankruptcy law at Ice Miller since law school. Keller has been in career services at SPEA for more than six years and was also a consultant for the Law School on federal employment.

### STUDENT AMBASSADOR TRAINING

The Admissions Office is seeking student volunteers to participate in the Student Ambassador Program. As a student ambassador, you will escort prospective applicants to class, give tours of the Law School, and serve as an e-mail contact for admitted students, providing information about our school, our programs, and our community. We will host a brief training session at noon on Tuesday, September 7, in room 122. If you are interested in participating and plan to attend the session, e-mail Dani Weatherford at [maweathe@indiana.edu](mailto:maweathe@indiana.edu). If you are not able to attend the meeting, stop by the Admissions Office in room 230, and pick up some materials.

### NEED BUSINESS CARDS?

JD students in need of business cards can order them through the Career Services office for \$41. Please see Kim Bunge for details.

## **ENVIRONMENTAL MOOT COURT**

Environmental Moot Court will be held next year, in the spring of 2005, at Pace University. Students interested in participating or in learning more about the program should contact Julia Amrock at jamrock@indiana.edu.

## **SCHEDULING EVENTS**

All e-mail about reserving classrooms must be sent to BL-LAW-EVENTS. Mail must be sent to the correct address, bl-law-events (for Outlook users) or bl-events-law@exchange.indiana.edu (for non- Outlook users). Please include the date and time of event, length of time room will be needed, classroom requested and number of people attending event. Requests should be sent at least one week before the event and include the name of the person requesting, the organization planning the event, and an e-mail address. Confirmations will be sent by reply e-mail. Thank you!

## **AUDIO-VIDEO SERVICES**

Requests for AV services may be sent to Beth at av@exchange.indiana.edu. Please include the name of your group and the e-mail address of the contact person, a description of what you want to do, and the date, location, starting time and duration of the event. Requests must be made at least 48 hours in advance and will be confirmed by e-mail.

## **ILA SUBMISSIONS**

The *Indiana Law Annotated (ILA)* is published every Monday while school is in session with news about the coming week. Information and articles for the *ILA* should be submitted to ila@indiana.edu by Friday at 3 p.m. for inclusion in Monday's edition.

If you have questions about an item appearing in the *ILA*, please contact Lesa Petersen (e-mail: petersen@indiana.edu; phone: 856-4044). To view past issues, visit [www.law.indiana.edu/publications/ila/](http://www.law.indiana.edu/publications/ila/).