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# Introduction

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# Introduction

BRYANT G. GARTH

The addition to and renovation of the Indiana University School of Law building in Bloomington, dedicated on September 12, 1986, signal a major step forward for an institution with a long and rich tradition in legal education. As has become customary in recent years, we are celebrating the occasion with the publication of a collection of faculty essays in our *Law Journal*. It provides an opportunity to focus the legal community on the progress we have made and to remind ourselves of the challenges we face. This introduction will follow convention by reporting on the School of Law's physical history; but it will also add a few comments on the direction we should be proceeding as a scholarly community.

Founded in 1842, the School of Law is the oldest law school west of the Alleghenies and one of the oldest in the country. It has had several locations on the Bloomington campus, and moved to the present site in 1956. The 1956 building served us well in what was a very different era in legal education. The student body comprised only 230 students, the library was relatively small, and the faculty taught large classes typical of those taught in law schools around the country. By the late 1960's, it was clear that the building was no longer adequate. It became only a matter of time as to when the facility would be upgraded, and the time finally came under the leadership of Dean S. Jay Plager.

The library expansion and building renovation completed in 1986 suit a new generation in legal education, providing the law school with a facility that is for all practical purposes new. With forty percent of additional usable space featuring an atrium overlooking the woods behind the School of Law, the building now comfortably accommodates a student body that numbers close to 600 and a library with four times the number of volumes held in 1956. Classrooms are designed for both large and small classes as well as seminars, with special rooms for videotaping and trial and appellate court simulation. The new facility represents an outstanding combination of elegant design and an optimal working environment for students and faculty, and fortunately it did not come at the cost of exile to a remote part of the campus. By adding to and renovating the existing structure, the School of Law has been able to retain its position at the southwest corner of the Bloomington campus, closely linked to the rest of the University.

The excellence of the physical facilities and their choice location represent both opportunities and challenges to the School of Law. Complacency is hard to support in so impressive a facility; we must demonstrate that the University and the State of Indiana have been justified in their investment. It is not so simple, however, to explain the criteria necessary to justify the investment. Is it enough to have a faculty with even more distinguished

credentials? A faculty that publishes more pages and footnotes? A student body that succeeds in gaining the most prestigious jobs and clerkships? Traditional answers to these questions do not necessarily hold up today.

Legal education and scholarship are in a period of some turmoil. Traditions are being questioned from all sides in the debates, and answers have not yet emerged. While it may once have been possible for most law schools to be content to stay out of the debates and wait until guidance came from the two or three most elite law schools in the country, we no longer can be so confident in the traditional order. It is foolish and lazy to try to obtain our criteria from institutions that are themselves unsure how best to proceed. We have an obligation ourselves to participate in the transformation of legal study that is presently underway. At a minimum, the major new investment in the Indiana University School of Law in Bloomington contemplates a serious institution able to contribute important ideas and voices to the legal profession and the development of legal institutions.

This challenge requires us to take advantage of our connection to the University and our nice location on the Bloomington campus. Legal institutions and problems are of great concern to a variety of intellectual disciplines which characterize a great university. If that conclusion were not obvious already, the controversy at our dedication ceremony surrounding Chief Justice Rehnquist's visit to the campus makes the point even clearer. There is now a general recognition that law and politics cannot easily be separated. While many in the legal profession might wish, for example, for a situation where judicial appointments were made and evaluated solely according to legal criteria set by the leaders of the profession, the situation today is that judicial appointments and the judicial approaches to the constitution and statutory construction are of concern to the public generally and certainly to scholars with a wide range of primary interests. Legal education and scholarship must provide tools to understand these connections, which means also serving as a resource for the University community.

Faculty members of the School of Law must think about broad issues concerning legal institutions, and they also must enrich such inquiries with the approaches and ideas found among their colleagues located around the campus. We must not only help scholars around the University, we must learn from them as well. Chief Justice Rehnquist's actual remarks at the dedication ceremony are thus notable in part because they call for a non-traditional research agenda. He called for a better understanding of the day-to-day practice of law, how it is leading to changes in the legal profession, and what those changes imply more generally for our society. The studies he suggests reflect approaches more likely to be found in departments of anthropology or sociology than in a typical law school. Again, the School of Law needs to find ways to integrate such approaches into the teaching and research program. Another point highlighted by the Chief Justice deserves mention as well: the connection of law schools and the work of the

practicing bar needs to be reassessed frequently. The process of mutual teaching and learning must be strengthened. At the very least, no one should be content with the cliché that faculty teach and write something called theory, which is somehow separate and distinct from what happens in practice.

This collection of essays by faculty members of the School of Law provides an interesting array of approaches and concerns. While readers can decide for themselves whether individual essays are successful or not in realizing an author's aims, in some ways what is more important about a collection such as this is what it reveals about faculty interests and research approaches. Most of these essays are adventurous in that they suggest a willingness to explore new approaches and to reassess some of the problems and dilemmas that confront the courts and the legal profession today. The examples in this issue, and a number of other faculty works recently published elsewhere as books or articles, should be very encouraging to friends of the School of Law. A willingness to rethink the way we teach and do scholarly research is a vital characteristic of a first-rate law school today.





