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FORMER GOVERNOR OF INDIANA, EVAN BAYH TO SPEAK

Evan Bayh, former Governor of the State of Indiana, will address the law school community on Monday, November 10 at noon in the Moot Court Room. The title of Governor Bayh's talk is "Public Service - A Lawyer's and a Citizen's Responsibility." Bayh served as Governor of the State from 1989-1996. His leadership and his record in office led TIME magazine in 1994 to name him as one of America's 50 most promising leaders under age 40. Governor Bayh graduated with honors in business economics from Indiana University in 1978, and received his law degree from the University of Virginia in 1981. After clerking for a federal appeals court judge and entering private law practice in Indianapolis, he was elected Indiana's secretary of state in 1986.

There is a web site for Gov. Bayh. It has a biography, photos, and key accomplishments: http://www.ai.org/fgov/

NEWS FROM STUDENT AFFAIRS OFFICE

SENIORS

1. Pictures for the Graduating Class Composite will be taken in the school on only two more days: November 11 and 17. Please consult the sign up sheets on the bulletin board across from Room 022 and sign up for your preferred time.

2. It is quite likely that there will be a Bar Review course next summer at our school for students taking the Illinois as well as the Indiana Bar. There may also be enough interest for a Review for New York and California. In order to assess that interest, students considering those states should tell Dale in Room 024.
SUMMER SCHEDULE - 1998

Upperclass courses and clinics for the summer are:

- Conflict of Laws (3 credits, Shreve)
- Commercial Transactions (the Sales and Secured Transactions version) (4 credits, Markell)
- Trial Process (3 credits, Bethel)
- Remedies (2 credits, Conrad)
- Family Law (3 credits, Conrad)
- Comparative Constitutional Law (2 credits, Zoller)
- Environmental Issues in Business Transactions (2 credits, Spalding)
- Legal Professions (2 credits, TBA)
- Negotiations (2 credits, Fromm)

ENVIRONMENTAL INTERNSHIPS

An opening still exists for a Second or Third Year student interested in interning one day per week at the Department of Environmental Management or the Environmental Adjudication Office. See Associate Dean Fromm and submit a resume. Two credits of B710 may be earned.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES CLINICAL PROJECT

The UNHCR will take one or two of our students for the summer of 1998 for a non-paying B710 Clinical Project in Brussels, Belgium. Although primarily for students who have completed two years of law school, students graduating are eligible to apply as well, provided they are able to finance their stay.

The open period for applying is November 10 through December 1. Please see Dean Fromm if you have interest and wish to apply.

NEWS FROM CAREER SERVICES

ISBA MINORITY CLERKSHIP PROGRAM

The Indiana State Bar Association's Opportunities for Minorities Committee will once again sponsor the Minority Clerkship Program for the summer of 1998. This program creates opportunities for first and second year law students to clerk with employers throughout the State of Indiana during the summer of 1998. More than 15 employers have already registered to participate, and there are more to come. Student applications will be available in the CSO on November 14, 1997 and will be due back to the CSO by noon December 3, 1997. The
application will require multiple resumes and copies of a cover letter addressed to the Committee. Students should use the cover letter to express their interest in the program.

NEWS FROM STUDENT ORGANIZATIONS

CHRISTIAN LEGAL SOCIETY

The Christian Legal Society holds a Bible study every Tuesday at 7:00 p.m. All students and faculty are invited. The group meets in the library lobby.

AMERICAN TRIAL LAWYERS ASSOCIATION

ATTENTION all those interested in participating in the National Student Trial Advocacy Competition. The school has registered two teams to attend the competition. There can be five students on each team. The only requirement so far is that participants are a 2L or 3L. Depending upon interest, there may be an in-school competition to determine who is on each team. The regional competition will take place March 5-8, 1998 and will probably be held in Louisville, KY. The national competition will be held in Washington, D.C. on March 26-29. The competition is an excellent way to develop and practice trial advocacy skills. Interested students should place their name, year and email address in Sohini Gupta's (2L) mailbox by November 10, 1997. Direct questions to ssgupta@indiana.edu.

ENVIRONMENTAL LAW SOCIETY

The Environmental Law Society has cleaned the office and rearranged the furniture. ELS members have stacked, in the corner, West Bar Review materials and boxes belonging to other organizations. Please claim these materials and boxes, or they will be thrown out on November 12. Email rozpark with questions.

PILF

The Public Interest Law Foundation will meet at 12:00 p.m. on Tuesday, November 11 in Room 120. The meeting agenda includes planning for the "kiss-the-pig" fundraiser, changes in the PILF bylaws and nominations for PILF elections. PILF members must pay dues ($5.00) to treasurer Brian Winger (3L) to be eligible to vote in PILF elections. New members are encouraged to attend.
THE FEDERALIST SOCIETY

The Federalist Society will conclude this semester's Lawyers at the Lion speaker series with Professor David Williams, who will be speaking on "The Second Amendment and the Right to Revolution in 20th Century America." The talk begins at 6:00 p.m. this Wednesday, November 12 at the Irish Lion. The Second Amendment reads, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Professor Williams is an established Second Amendment scholar whose law review articles include "Civic Republicanism and the Citizen Militia: The Terrifying Second Amendment" (1991), and "The Militia Movement and Second Amendment Revolution: Conjuring with the People" (1996).

The Society is also pleased to announce that Professor Marci Hamilton of the Cardozo School of Law will be at the law school on Wednesday, November 19 at 4:15 p.m., in the Moot Court Room. She will give a talk entitled, "The Religious Freedom Restoration Act is Unconstitutional. What Next?" Hamilton successfully represented the petitioners in Boerne v. Flores, the case in which the Supreme Court this past summer held RFRA to be an impermissible exercise of congressional power.

Finally, the Society plans to bring House Whip, Representative Tom Delay to speak on campus in January. More details will be provided later.

For more information, contact Kristofor Hammond at krhammon@indiana.edu or at 339-5045.

OUTREACH FOR LEGAL LITERACY--TEACHERS MEETING

Outreach for Legal Literacy will have a meeting for all teachers on Thursday, November 13 at 12:10 in Room 216. Teachers will share classroom experiences, answer any questions, and discuss next semester. Pizza will be served. Please R.S.V.P. with Martha Marion (3L) or with Professor Aviva Orenstein.

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ANNOUNCEMENTS

NEED A PLACE TO LIVE?

If you are looking for a place to live next semester, check the bulletin board by the SLA bookstore (next to the stairwell). Current rental listings are posted there.

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AMERICAN RED CROSS - NEED FOR BLOOD
If you had a chance to save a child's life, would you? By donating blood you can help save many lives in this area. The Red Cross and IU are teaming up for a Fall Blood Drive on November 10-13 from 11:30 to 4:30 in the Alumni Hall of IMU. Walk-ins are welcome, and appointments can be made by calling 331-1300. The need for blood is always greatest during the holiday season. Put the blood drive down on your calendar and give the greatest gift of the season without spending a dime.

WIN $100 FOR BOOKS NEXT SEMESTER

The Carmichael Center at the corner of Indiana and Kirkwood is scheduled to open in November. The IU Bookstore will have a store, named "IU Traditions," in the new center. The store will focus on law texts, law reference materials, and other items of interest to law students, as well as items for visitors to IU. IU Traditions will have a wall dedicated to law-related items, and invites law students to enter a competition--open only to you--to name the wall. The student with the winning submission will receive a certificate for $100 off their spring textbooks. In the case of duplicate submissions, the first entry wins. Entries should be given to Patrick di Battista in the Dean's Office by November 10, 1997.

ETHICS COURSE TAUGHT BY PROFESSOR PAT BAUDE IN AMERICAN STUDIES DEPARTMENT

Professor Baude is teaching a spring-semester colloquium in the American Studies department on "Morality, Justice and American Lawyers," G620 Colloquium in American Studies, Section no. 0348. This is not a traditional "legal ethics" course. The course examines the cultural and political contexts in which lawyers are called on to make decisions about moral issues affecting themselves and society generally. (Students who want more information about the course's approach or content should see Pat Baude directly.)

PROCEDURE FOR A-V REQUESTS

A-V services would like to offer the following guidelines for making A-V requests.

Any member of the law school community may request audio-video and other media services. However, A-V Services cannot process a request without a name and an e-mail address to which it can respond. If the request comes from a secretary, include the faculty member's name. If the request comes from a student, identify the relevant student organization. Send requests to Beth Plew, our A-V supervisor. E-mail your requests to AV@law.indiana.edu.

In the request, please include a description of what you want A-V to do. Include the date, location, starting time and duration of the event. If you are requesting that A-V videotape the event, state the nature of the activity being videotaped. When requesting something other than videotaping a class, include the name of the person who will unlock the room and arrange
furniture if necessary. If the request is for taping in 219 or 222, specify whether A-V is to make one or two tapes.

Requests for taping should include directions on what should be done with the videotape when the taping is completed.

When requesting that A-V play a videotape for a group, specify whether the A-V operator will be expected only to set up and take down the equipment, or whether the A-V operator should remain throughout the event.

A-V Services appreciates your cooperation.

**USING CALI TO PREPARE FOR CLASS AND EXAMS**

CALI, the Center for Computer-Assisted Legal Instruction provides member schools with computerized legal instruction materials. There are CALI lessons for a variety of courses, including Torts, Contracts, Civil Procedure, Criminal Law, Evidence, Corporations, Arbitration, Environmental Law, Taxation, Wills and Trusts, and Trial Advocacy. In total, there are more than 100 lessons.

Students may access these lessons in the Library Computer Clusters and from the Library CD-ROM work stations, located just outside the Reference Office. Students can download the lessons to diskette if they wish, or purchase a complete set of lessons on CD-ROM from CALI. In addition, students can now download the lessons from . A password is required in order to download lessons from the Web. The password is learnthelaw.

If you have any questions about CALI, see Juliet Smith.

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**SNYDER VISITING SCHOLAR**

Dr. Earl A. Snyder, an alumnus of Indiana University School of Law and Cambridge University, has generously provided support for a student (current 2L or 3L) from Indiana University to work at the Research Centre for International Law of Cambridge University during the summer or early fall of 1998.

Mr. Snyder will provide air fare, a housing and meal allowance, and a stipend, worth together more than $4,000. The Centre contemplates that the Snyder Scholar will be in residence for about three months and will either participate in an ongoing project of the Centre or be assigned a project of his or her own. Because the Centre expects the Snyder Scholar to work on an international law project, applicants must have had international law or equivalent courses. The Snyder Scholar should also be committed to further study of or practice in international law. Applicants can demonstrate this commitment by listing courses taken in the international law area, research in international law topics, employment in the international arena, knowledge of languages, career goals and extracurricular activities.
Applicants should provide the following: (1) a resume; and (2) a statement of commitment to international law and a personal research agenda.

Please provide your name, address and a phone number where you can be reached here in Bloomington. Return your completed applications to Dale Calabrese in Room 024 by Tuesday, January 13, 1998.

The preliminary selection committee will consist of faculty. Interviews may be required. The final selection will be made in late January by Mr. Lauterpacht, Cambridge University professor and one of the premier lawyers on the international front.

EVENTS

TRAIN TO USE LEXIS OR WESTLAW FOR JOB SEARCHES

First year students wishing to use Lexis or Westlaw in the job search process should attend the training sessions scheduled for the week of November 10. Passwords will be given only to students that attend the training sessions, and these passwords will be restricted to job-search-related databases. Full access to Lexis and Westlaw will be available next semester, as part of the Legal Writing and Research program.

Training will take place in the large computer lab, 208B. Please sign-up at the Reference Desk. Depending upon demand, more sessions may be added the week of November 17.

Nov. 11 Lexis Training
11 a.m., Noon, 1:15, 3:15

Nov. 12 Westlaw Training
11 a.m., Noon, 1:15, 3:15

Nov. 13 Westlaw Training
10 a.m., Noon, 1:15, 3:15

Nov. 14 Lexis Training
10 a.m., 3:15

Direct questions to Juliet Smith, Electronic Services Librarian.

STUDENT CHAPTER OF ICU HOSTS SPEAKER
Sheila Kennedy will speak on "Civil Liberties and the Republican Party" on Tuesday, November 11 at 7:00 p.m. in the faculty lounge. She is the Executive Director of the Indiana Civil Liberties Union and author of the book, "What's a Nice Republican Girl Like You Doing in the ACLU?" The talk will be informal and is open to all members of the law school community. It is being sponsored by the student chapter of the ICLU.

DISCUSSION ON STRICTER DIVORCE LAWS

Louisiana recently passed legislation giving couples the option to choose between a basic marriage agreement that includes no-fault divorce and a covenant marriage that is more difficult to dissolve. What are the consequences of such legislation? Children and the Law and the Women's Law Caucus are cosponsoring a discussion, featuring Professor Emily Van Tassel. The discussion will focus on the movement toward stricter divorce laws. All are invited and encouraged to attend. The discussion will take place Tuesday, November 11 at 12:10 in Room 124. Refreshments will be served.

INDIANA COURT OF APPEALS HEARS ORAL ARGUMENTS

The Indiana Court of Appeals will hear oral arguments on November 18 at noon in the Moot Court Room. This will be Judge Robertson's last oral argument outside of the statehouse before his retirement in December. The case synopsis follows.

IN THE COURT OF APPEALS OF INDIANA
CHARLES W. WRIGHT,
Appellant-Defendant,
vs. No. 10A01-9706-CR-194
STATE OF INDIANA,
Appellee-Plaintiff.
APPEAL FROM THE CLARK SUPERIOR COURT NO. 3
The Honorable Steven M. Fleece, Judge
Cause No. 10E01-9501-CF-62

CASE SYNOPSIS

Charles W. Wright was convicted of Intimidation, a Class D felony, and three counts of Harassment, all Class B misdemeanors, for threatening the life of Dr. Bruce Geer, after Dr. Geer refused to prescribe a controlled substance for Wright. Thereafter, on May 1, 1995, Wright was sentenced to three years imprisonment for intimidation and six months for each count of harassment. The sentences were to be served consecutively for a total sentence of four and one-half years.
During his incarceration, Wright filed a civil action against Dr. Geer alleging medical malpractice. Shortly thereafter, on July 5, 1996, Wright filed a petition to modify his sentence. Prior to the modification hearing, Wright wrote a letter to Dr. Geer expressing his intent to terminate his civil action against him in the event his sentence was modified and he was permitted to serve the remainder of his sentence on probation. Due to Wright's letter, Dr. Geer did not contest the sentence modification. The trial court then granted Wright's petition, suspending the remainder of his sentence and ordering him to serve his remaining sentence on probation. Thereafter, Wright dismissed his lawsuit against Dr. Geer.

As a condition of his probation, Wright was prohibited from contacting Dr. Geer or any member of his family. On December 27, 1996, however, Wright filed another civil lawsuit against Dr. Geer, alleging common law negligence, destruction of the doctor/patient relationship and harassment. Subsequently, the Clark County Sheriff's Department served Dr. Geer with Wright's summons, complaint and a set of interrogatories which had been filed with the complaint.

In response, the State filed a petition to revoke Wright's probation. In particular, the State claimed that Wright had violated the "no contact" provision of his probation by filing the lawsuit against Dr. Geer and serving him with a summons and interrogatories. Following the revocation hearing on February 26, 1997, the trial court revoked Wright's probation, finding that Wright had violated the "no contact" order. The trial court then ordered Wright to serve the remainder of his executed sentence. Wright now appeals the revocation of his probation.

**PARTIES' CONTENTIONS**

Wright claims that the trial court erred in revoking his probation. First, Wright asserts that he was denied due process because he was not adequately notified that filing a lawsuit would violate the "no contact" order of his probation. Wright concedes that "direct personal contact" or "indirect contact" in the form of a telephone call or written correspondence may be considered "contact." However, he claims that he could not have known that his action of filing a lawsuit against Dr. Geer would violate his probation. Wright also argues that, although IND. CODE §35-38-2-2.3 gives a trial court broad discretion in imposing conditions of probation, the statute does not permit a court to deny a defendant access to the courts. Finally, Wright claims that, denying him access to the courts by preventing him from filing a civil action, violates his rights under the First Amendment to the United States Constitution and Article 1, Section 12 of the Indiana Constitution.

In response, the State contends that Wright was sufficiently apprised that he was prohibited from contacting Dr. Geer by filing a lawsuit against him because the court provided Wright with the terms of his probation in writing and orally at the modification hearing. The State further argues that Wright should have known that he was prohibited from communicating with Dr. Geer in any manner because the trial court informed Wright during the modification hearing that he no longer needed to contact Dr. Geer, having previously expressed his apologies to Dr. Geer in a letter. The State also contends that Wright was aware that he was prohibited from filing a lawsuit against Dr. Geer because his sentence for intimidation and harassment had been aggravated on the basis
that he had abused the legal system by filing several frivolous lawsuits in the past against
different parties. Additionally, the State asserts that, as part of the trial court's broad discretionary
powers, the court was permitted to impose conditions of probation "reasonably related to
[Wright's] rehabilitation," pursuant to I.C. § 35-38-2-2.3, and to impose conditions upon Wright's
suspended sentence. Specifically, the State contends that the "no contact" provision was
reasonably related to Wright's rehabilitation because it sought to prevent Wright from harassing
and intimidating Dr. Geer, the same conduct which caused Wright to be convicted. Finally, the
State contends that the "no contact" order did not violate Wright's constitutional rights under the
First Amendment or Article 1, Section 12, because it was not unduly intrusive.

CALENDAR

MONDAY, NOVEMBER 10

...Evan Bayh, former Governor of the State of Indiana, discusses "Public Service - A Lawyer's
and a Citizen's Responsibility," noon, the Moot Court Room.

...Deadline for entries to name the wall in the "IU Traditions" law-related store. Entries should be
given to Patrick di Battista in the Dean's Office.

...Students interested in the National Student Trial Advocacy Competition should place their
name, year and email address in Sohini Gupta's (2L) mailbox.

...American Red Cross, Fall Blood Drive, November 10-13 from 11:30 to 4:30 p.m., Alumni Hall
of IMU. Walk-ins welcome, or for appointments call 331-1300.

...Open application for UNHCR project begins. See Dean Fromm.

TUESDAY, NOVEMBER 11

...Public Interest Law Foundation, 12:00 p.m., Room 120.

...Discussion, featuring Professor Emily Van Tassel, on the movement toward stricter divorce
laws, 12:10 p.m., Room 124.

...Christian Legal Society Bible study, 7:00 p.m., library lobby.

...Student chapter of ACLU hosts speaker, 7:00 p.m., faculty lounge.

...Lexis Training, 11 a.m., noon, 1:15, 3:15, large computer lab, 208B.

...Pictures for the Graduating Class Composite. Please consult the sign up sheets on the bulletin
board across from Room 022.
WEDNESDAY, NOVEMBER 12

...Westlaw Training, 11 a.m., noon, 1:15, 3:15 in the large computer lab, 208B.

...The Federalist Society's Lawyers at the Lion speaker series with Professor David Williams, 6:00 p.m., at the Irish Lion.

THURSDAY, NOVEMBER 13

...Westlaw Training, 10 a.m., noon, 1:15, 3:15, large computer lab, 208B.

...Outreach for Legal Literacy, meeting for all teachers, 12:10 p.m., Room 216.

FRIDAY, NOVEMBER 14

...Lexis Training, 10 a.m., 3:15, large computer lab, 208B.

...The Indiana State Bar Association's Minority Clerkship Program applications available in the CSO.

MONDAY, NOVEMBER 17

...Pictures for the Graduating Class Composite. Please consult the sign up sheets on the bulletin board across from Room 022.

TUESDAY, NOVEMBER 18

...The Indiana Court of Appeals will hear oral arguments, noon, Moot Court Room.

Page created and maintained by Patrick di Battista

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