

HISTORY OF THE INDIANA UNIVERSITY SCHOOL OF LAW—INDIANAPOLIS

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INTRODUCTION

The Indiana University School of Law—Indianapolis (“Law School”) had its formal beginnings as a private, unaffiliated law school known as the Indiana Law School. It was organized in 1893, but took its first class in the 1894-95 school year. Shortly after it was organized, it became a part of the ill-fated University of Indianapolis movement. It was also affiliated with Butler University for a time. It operated as the Indiana Law School until it became a part of Indiana University in 1945. From 1945 until 1968 it functioned as the evening division of a single law school of which the Indiana University School of Law in Bloomington was the day division. From 1968 until the present it has been an autonomous law school with both a full-time and part-time division. It is the largest law school in Indiana.

Such a barebones chronology, while accurate, does not begin to tell the story of the Law School, however. It does not tell of the roots which may go much deeper into Indiana history nor the people and events that shaped it into the great institution it is today.

I. DEEPER ROOTS

A. *The Depauw School of Law*

There are at least two possible branches to the root system of the Indiana University School of Law—Indianapolis. One of those branches goes back to the formation of the Department of Law of Depauw University in 1853. That department functioned with interruptions, caused by the Civil War and periods of economic recession, until 1894, when it closed for the final time.¹ It was sometimes known as the School of Law of Depauw University.² The interruptions experienced were not unusual in Indiana legal education. The School of Law in Bloomington, for example, was closed for a thirteen-year period from 1876 to 1889.³

The legal education tradition that the Depauw University School of Law represented did not end with its closing, however. In fact, it was not even interrupted by that event. Four of its faculty members, all very prominent Indiana lawyers, became the nucleus of the Indiana Law School, which began classes the next school year. They were William Fishback, Byron K. Elliot, William F. Elliot, and John L. Griffiths.⁴ Charles W. Fairbanks, another of the founding faculty of the Indiana Law School, was a trustee of

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1. 2 COURTS AND LAWYERS OF INDIANA 480-81 (Leander J. Monks et al. eds., 1916).
2. CATALOG OF DEPAUW UNIVERSITY SCHOOL OF LAW, 1889-90.
3. 2 COURTS AND LAWYERS OF INDIANA, *supra* note 1, at 476-77.
4. 2 COURTS AND LAWYERS OF INDIANA, *supra* note 1, at 481.

Depauw University, but it is not known if he lectured at Depauw.⁵ These persons were, in fact, prime movers in the organization of the Indiana Law School.⁶

These five faculty members could probably claim as much distinction in their field as any comparable group in any law school in the United States. The most prominent among them was Charles W. Fairbanks, who later became a United States Senator and Vice President of the United States under Theodore Roosevelt.⁷ Some believed that he was bound for the Presidency until he came out on the wrong side of the Prohibition issue. He apparently damaged his political career when, at a reception for president Roosevelt in his home here in Indianapolis, he served cocktails.⁸

William Fishback, dean of the new Indiana Law School, had been the law partner of President Benjamin Harrison.⁹ The two Elliots were prolific writers, having produced many volumes of legal texts.¹⁰ John L. Griffiths served as U.S. Consul to Great Britain where he became a celebrity to the British.¹¹ His home on North Delaware, a prominent Indianapolis landmark, is known as the Wedding Cake House. His picture, with a short description of his career, is displayed in his home.

B. *The Central Law School*

Another branch, or perhaps other branches, of the root system of the Indiana University School of Law—Indianapolis is represented by a lawyer training program. The training program occasionally had a formal organizational structure and was known under various names. Best remembered as the Central Law School, the training program has had some continuity of existence since 1858.¹² During the era where lawyers were trained in law offices, this program offered a combination of office training and formal legal education. This program was formally structured from 1871 until 1875, when it functioned as the Law Department of the Northwest Christian University,¹³ now known as Butler University. The training program's relationship with Northwest Christian University ended when that university moved to its Irvington campus.¹⁴ The program later became an independent entity when it was reorganized as the Central Law School in 1878.¹⁵ It is likely that this program was the forerunner of, or at least the name appears to have been perpetuated in, the American Central Law School, which was one of the schools that later became a part of the Indiana Law School.

5. 3 COURTS AND LAWYERS OF INDIANA 1154 (Leander J. Monks et al. eds., 1916).

6. CIRCULAR OF INFORMATION, INDIANA LAW SCHOOL, INDIANAPOLIS, FOR THE YEAR 1894-95 (1894) [hereinafter CIRCULAR OF INFORMATION].

7. 3 COURT AND LAWYERS OF INDIANA, *supra* note 5, at 1153.

8. Ray Boomhower, *The Fatal Cocktail*, TRACES, Winter 1995, at 14.

9. CHARLES W. TAYLOR, BENCH AND BAR OF INDIANA 246 (1895).

10. *See infra* notes 94-98 and accompanying text.

11. For details of his experience in England as Consul, *see Hoosier Consul Praised*, INDIANAPOLIS STAR, June 13, 1909, at 13. For highlights of his other accomplishments, *see Bar Association Drafts Tribute*, INDIANAPOLIS STAR, June 2, 1914, at 5.

12. TAYLOR, *supra* note 8, at 167.

13. TAYLOR, *supra* note 8, at 167.

14. TAYLOR, *supra* note 8, at 167.

15. TAYLOR, *supra* note 8, at 167.

Some other sources note the connection between the Indiana Law School and the lawyer training program discussed above. An 1895 publication, called the *Bench and Bar of Indiana*,¹⁶ discussed the history of legal education in Indianapolis. The publication noted the founding of the Indiana Law School in 1894 and, in the same paragraph, described the legal education tradition which had been known for a time as the Central Law School. There is further evidence of the connection between the Indiana Law School and the Central Law School: both the Central Law School and the Indiana Law School were, at one time, connected to Butler University. Furthermore, Byron K. Elliot, one of the principal parties in the Central Law School movement,¹⁷ was also a founder and the first president of the Indiana Law School.¹⁸

Perhaps the most direct evidence of the fact that the roots of this Law School begin with the Central Law School is found in the biography of Merrill Moores in the *Biographical Directory of The United States Congress 1774-1989: Bicentennial Edition*. It states that Congressman Moores graduated from "the Central Law School of Indiana (now Indiana Law School) at Indianapolis in 1880."¹⁹ Mr. Moores served in Congress from 1915 to 1925. His brother C. W. Moores, who also graduated from the Central Law School, was a member of the faculty of the Indiana Law School from 1896 until 1922.²⁰ It is not known if the information contained in the congressional biographical directory was supplied by the congressman himself,²¹ but, if it was, the fact that his brother C.W. Moores was on the faculty of the Indiana Law School suggests that the congressman would have had more than a casual understanding of the relationship between the two schools.

C. The Early Years

The first advisory trustees of the Indiana Law School included many prominent Indiana residents. Among them were former President Benjamin Harrison and industrialist Eli Lilly.²² Those same persons were also involved in the movement to establish a University of Indianapolis,²³ which came to fruition in 1896 with the banding

16. TAYLOR, *supra* note 8, at 167.

17. CATALOGUE AND REGISTER OF THE CENTRAL LAW SCHOOL, 1880-81.

18. CIRCULAR OF INFORMATION, *supra* note 6.

19. JOINT COMMITTEE ON PRINTING, CONGRESS OF THE UNITED STATES, BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS 1774-1989: BICENTENNIAL EDITION 1528 (1989) [hereinafter BIOGRAPHICAL DIRECTORY].

20. C.W. Moores is listed as a faculty member in the CATALOGUE OF THE INDIANA LAW SCHOOL, 1921-22 [hereinafter referred to as CATALOGUE without cross-reference] and as a special lecturer in CATALOGUE, 1922-23. Both Merrill Moores and C.W. Moores were uncles of Merrill Moores, who graduated from this Law School in 1953, and great-uncles of Merrill Moores' children Marilyn Ann Moores Burge ('81) and Merrill Moores ('88).

21. The "most thorough and systematic revision of biographical entries" occurred in 1927. BIOGRAPHICAL DIRECTORY, *supra* note 19, at 2. This year, of course, was only two years after Congressman Moores left Congress and two years before his death in 1929. It therefore seems likely that the information was obtained from him.

22. CIRCULAR OF INFORMATION, *supra* note 6.

23. EDWARD A. LEARY, INDIANAPOLIS: THE STORY OF A CITY 137 (1971); HENRY K. SHAW, HOOSIER

together of the Indiana Law School, Butler University (which became Butler College to accommodate the new arrangement),²⁴ the Medical College of Indiana, and the Indiana Dental College.²⁵ The movement generated a great deal of enthusiasm. "The students marched through the streets giving college yells and flying college colors. The suggestion was in many minds: here is the nucleus for a great university."²⁶ However, the enthusiasm was never translated into a binding union of the four schools involved. After the Medical School dropped out in 1905, it was absorbed by Purdue University, and later transferred to Indiana University.²⁷ Although one writer states that the University of Indianapolis was dissolved by 1910,²⁸ catalogues of the Law School continue to show the university in existence for many years thereafter,²⁹ and Butler did not resume the status of a university until 1922.³⁰ There remained, however, a loose association of the Law School with Butler University until the merger of the Law School with Indiana University.³¹

The Indiana Law School maintained a full-time day program from the time of its founding until it became a part of Indiana University in 1944.³² In 1898, an evening

DISCIPLES 271 (1966).

24. SHAW, *supra* note 23, at 350.

25. SHAW, *supra* note 23, at 271.

26. INDIANA LAW STUDENT 26 (1896).

27. A BRIEF HISTORY OF THE INDIANA UNIVERSITY SCHOOL OF MEDICINE 4 (1994).

28. CLIFTON J. PHILLIPS, INDIANA IN TRANSITION 427 (1968).

29. CATALOGUE, 1935-36, contains the following statement: "Formerly the Indiana Law School stood as a unit in a group of various schools which together formed the University of Indianapolis. A series of mergers by the schools belonging to the University of Indianapolis with other universities left the Indiana Law School the only remaining unit of the former group. Today the Indiana Law School is still considered a part of the University of Indianapolis, and degrees and diplomas are conferred by authority of the Trustees of the University." See *infra* note 32.

30. SHAW, *supra* note 23, at 349.

31. SHAW, *supra* note 23, at 352. From at least as early as 1925, students at Butler University could combine their senior undergraduate year with their first year at the Indiana Law School. See *infra* note 115. Beginning with the CATALOGUE, 1941-42, the statement, "Affiliated with Butler University" appears on the cover. Earlier catalogues simply showed the Law School as being "associated" with Butler University. See CATALOGUE, 1926-27.

32. See CATALOGUES 1894 through 1944. Copies of the catalogues for the following years may be found at the Indiana State Library: 1894-95; 1895-96; 1896-97; 1903-04; 1905-06; 1931-32; 1935-36; 1936-37; 1937-38; 1938-39; 1939-40; 1940-41; 1941-42; 1942-43; 1943-44. Catalogues for the following years may be found in the library of the Indiana University School of Law—Indianapolis: 1894-95; 1895-96; 1896-97; 1897-98; 1899-1900; 1900-01; 1901-02; 1902-03; 1903-04; 1904-05; 1905-06; 1908-09; 1909-10; 1910-11; 1911-12; 1912-13; 1913-14; 1914-15; 1915-16; 1916-17; 1920-21; 1922-23; 1925-26; 1926-27; 1931-32; 1933-34; 1934-35; 1936-37; 1937-38; 1938-39; 1939-40; 1943-44. From 1900-01 through 1931-32, the covers of the catalogues indicate both the school year of issuance and the succeeding school year. Thus a catalogue issued in 1900-01 would indicate that year as the year of issuance and then add: "With Announcements of the Faculty and Course of Study Nineteen Hundred One Nineteen Hundred Two." The above listing gives the year of issuance.

school was organized and known as the Indianapolis College of Law.³³ In 1909, a second evening school known as the American Central Law School began operations.³⁴ The faculty members of the second evening school were defectors from the Indianapolis College of Law. In 1914, the two evening law schools merged and began their joint operation under the name of the Benjamin Harrison Law School.³⁵ Thereafter, the Benjamin Harrison Law School and the Indiana Law School worked very closely together, almost as if they were two divisions of the same school, with the Indiana Law School as the full-time day division and the Benjamin Harrison Law School as the part-time evening division. In 1936, the two formally merged and thereafter operated as the Indiana Law School.³⁶

The evening schools were staffed by a distinguished faculty from the very beginning. Judge U.Z. Wiley was listed as the dean of the Indianapolis College of Law and J.W. Kern was its president.³⁷ The best known of the evening school faculty, Kern was a vice presidential candidate, the running mate of William Jennings Bryan in 1908. He later became a United States Senator and Senate Majority Leader until his death in 1917.³⁸ If the day and evening schools are considered as a single institution, then this Law School had the distinction of having its two divisions alternate in supplying a vice presidential candidate at the national level in three presidential elections. Charles W. Fairbanks was elected in 1904 and ran again in 1916 on the Republican ticket. John W. Kern ran as a Democrat in 1908. Thus when Dan Quayle, a graduate of this Law School, burst onto the

33. While the beginning date for the Indianapolis College of Law is said to be 1898, *see infra* note 35, the biographical sketch of Congressman Joseph Bonaparte Cheadle, who represented Indiana in the United States Congress from 1887 to 1891, indicates that he graduated from "the Indianapolis Law College in 1867." BIOGRAPHICAL DIRECTORY, *supra* note 19, at 769. This suggests that both the Indianapolis College of Law and the American Central Law School may have been continuations of existing law training programs. If that were true, it might also explain why no beginning date for the American Central Law School is ever given.

34. The CATALOGUE OF THE BENJAMIN HARRISON LAW SCHOOL, 1920-21, contains the following statement: "The Benjamin Harrison Law School . . . is the successor of the Indianapolis College of Law and the American Central Law School. The former was organized in 1898 and the latter a few years subsequent thereto." Other publications are similarly uncertain as to the date of founding the American Central Law School. *See, e.g.*, 2 COURTS AND LAWYERS OF INDIANA, *supra* note 1, at 483 (giving substantially the same statement as quoted above from the CATALOGUE OF THE BENJAMIN HARRISON LAW SCHOOL). However, the first composite of a graduating class of the American Central Law School which is now in possession of this Law School is from the year 1910. Theophilus Moll appears as a faculty member in that picture. He appears as a faculty member in a class composite of the 1909 graduating class of the Indianapolis College of Law, but does not appear in the class composites of that school thereafter. Apparently, he was one of the founders of the American Central Law School which suggests that the opening date of the school was the fall of 1909.

35. The CATALOGUE OF THE BENJAMIN HARRISON LAW SCHOOL issued for the year 1915-16 school year, which was called a yearbook, lists a graduating class for 1914, but the persons shown in that list are also pictured in the graduating class composites for the American Central Law School and the Indianapolis College of Law for 1914. Apparently the merger occurred after the close of the 1913-14 school year.

36. *Two Law Schools Arrange Merger*, INDIANAPOLIS NEWS, April 25, 1936, at 1.

37. *See* Composite Photo for Class of 1908, Indianapolis College of Law (available at the Indiana University School of Law—Indianapolis).

38. 1 WHO WAS WHO IN AMERICA 1897-1942 at 670 (1943).

national scene in 1988, he followed in a long-established tradition in which representatives of this Law School served in the United States Senate and then became vice presidential candidates.

Neither the Indiana Law School nor the Benjamin Harrison Law School had permanent quarters until after their merger in 1936. Previously, the Indiana Law School occupied space in office buildings in the downtown area. Originally located at 71 West Market Street,³⁹ the School was also housed in the YMCA Building on North Illinois,⁴⁰ the fourth floor of the Talbot Block on the Northwest Corner of Pennsylvania and Market Street,⁴¹ and the third floor of Castle Hall on East Ohio between Delaware and Alabama Streets.⁴² The Benjamin Harrison Law School occupied space in the Lemke Building at the Northeast corner of Market and Pennsylvania Streets for most of its early existence. In 1931, the Benjamin Harrison Law School moved to the State Life Building. After the 1936 merger, the newly created Indiana Law School, which now had both day and evening divisions, occupied the third floor of the State Life Building. In 1938, the School purchased the Wheelock House, located at 1346 North Delaware.⁴³ It was the first facility owned by the Law School and the catalogues of the Law School proudly showed pictures of the new building from three angles.⁴⁴ Those pictures remained a part of the Catalogue until the association of the Indiana Law School with Indiana University in 1945.

D. The Affiliation with Indiana University

As a result of financial problems brought on by the great depression, World War II, and the low demand for lawyers at that time, the Indiana Law School found it necessary to seek the security of association with Indiana University. In 1944, a merger agreement was reached in which the Indiana Law School became the part-time evening division of the Indiana University School of Law.⁴⁵ The agreement provided that the admissions policies of the two schools would be the same and that the Indianapolis Division would be headed by an associate dean. Henry Witham, a member of the faculty of the University of Tennessee School of Law, was recruited as the associate dean.⁴⁶ The agreement also provided that William Forney and James Ogden, two longtime members of the faculty of the Indiana Law School, would be retained as members of the faculty of the new division. In addition to the full-time staff, eleven part-time instructors were engaged to conduct classes. The part-timers included John S. Grimes, General Counsel of the Indiana Farm Bureau, and Cleon H. Foust, a Deputy Attorney General,⁴⁷ both of whom would become full-time members of the faculty in 1948⁴⁸ and 1949⁴⁹ respectively. In addition, two

39. CATALOGUE, 1894-95.

40. CATALOGUE, 1903-04.

41. CATALOGUE, 1909-10.

42. See CATALOGUE, 1912-13.

43. *Indiana Law School Gets New Quarters*, INDIANAPOLIS NEWS, June 22, 1938, at 6.

44. See CATALOGUES, 1938-39 through 1943-44.

45. *Law School Merger Furthers 102-Year-Old I.U. Tradition*, THE INDIANA DAILY STUDENT, Nov. 29, 1944, at 3 [hereinafter *Merger*].

46. *Id.*

47. *Id.*

48. DIRECTORY OF LAW TEACHERS 1985-1986 at 374 (1985).

members of the Bloomington faculty, Dean Bernard Gavit and Professor Frank Horack, were to teach several classes.⁵⁰ In 1945 and 1946, two young law teachers were added to the full-time staff: Ben Small and R. Bruce Townsend.⁵¹ Both played important roles in the growth of the school in later years. Other members of the early faculty who later achieved distinction in the field of legal education were Lester Orfield⁵² and Charles Kelso.⁵³

Shortly after the affiliation with Indiana University, the Law School moved into new quarters. The University purchased the Mannechor Building which was located at the corner of Illinois and Michigan Streets, and the Law School occupied it in 1947.⁵⁴ The beautiful and historic old building was constructed as a German cultural center in the late nineteenth century and was a companion building to the Atheneum, since both were of the same architectural style.⁵⁵ The Atheneum still stands, but the Mannechor Building was torn down shortly after it was vacated by the Law School. However, many of the artifacts from the Mannechor Building were brought to the current facility, including an elaborate hand carved fireplace mantel which was installed in the Barristers Room in the library of the current facility.

Although the Indianapolis Division was to be a part of a single Indiana University School of Law headed by an associate dean, such an arrangement never materialized. The school remained, de facto, a separate institution, the Indiana Law School. There was little interchange between the two divisions of the school, and it was not long before the Indianapolis Division began making plans for resuming a full-time program and building a new facility.⁵⁶ Those plans were vigorously pursued under the leadership of both Ben Small, who succeeded to the associate deanship upon the retirement of Henry Witham in 1960, and R. Bruce Townsend, whose dynamic personality dominated the faculty. The distance between the two divisions of the Law School⁵⁷ was underscored by the fact that

49. *Id.* at 326.

50. *Merger, supra* note 45.

51. DIRECTORY OF LAW TEACHERS 1965 at 316, 338 (1964).

52. Professor Orfield joined the faculty in 1952. *See* DIRECTORY OF LAW TEACHERS 1965, *supra* note 51, at 267.

53. Professor Kelso joined the faculty in 1951. *See* DIRECTORY OF LAW TEACHERS 1965, *supra* note 51, at 199.

54. *Landmark Will House Law School*, INDIANAPOLIS STAR, Jan. 19, 1946, § 1, at 1.

55. *Id.*

56. On August 9, 1951, Professor Kelso proposed at a faculty meeting that the Law School seek space in the proposed new City-County Building, but the faculty rejected that plan. Faculty Minutes, August 9, 1951 [hereinafter referred to as Faculty Minutes, without cross-reference] (on file with author). On October 12, 1957, the minutes contain the notation: "The possibility of a new building has been suggested by the university." Faculty Minutes, October 12, 1957. An article in the *Indianapolis Star* attributes to Dean Ben Small the statement that "there is a plan to organize a law curriculum for day students in the division." *New I.U. Law Building Due In 1969*, INDIANAPOLIS STAR, Oct. 30, 1966, § 2, at 5. The article does not indicate when the plan originated, but conversations with Ben Small at the time indicated that it was fairly longstanding. *Id.*

57. A report called Objectives and Plans of the Indianapolis Division of the School of Law, dated December 13, 1963, contained the following statement: "[T]he Committee believes that the Law School could most effectively be transformed into a new peak of excellence by consolidating both Divisions in a new building

the head of the Indianapolis Division was regarded as "The Dean" and few people considered the title to be limited by the word "associate." In fact, Dean Small succeeded in getting the Trustees of Indiana University to add the words "and Dean of the Indianapolis Law School" to his official title of "Associate Dean" in 1964.⁵⁸ Ben Small was dean of the Law School until the end of 1966 when he left to become the chief executive officer of the Life Insurance Association of North America.⁵⁹ He was succeeded by Cleon H. Foust.

II. AN AUTONOMOUS LAW SCHOOL WITH A NEW BUILDING

Several young faculty members were hired during the deanship of Ben Small, including this writer, Lawrence Jegen, and G. Kent Frandsen. Others, who have since moved on to distinguished careers at other law schools, include Robert Force at Tulane University, Daniel Baum at Osgoode Hall of York University, and John Slain at New York University. It was a time of great promise for the Law School. At the suggestion of Dean Cleon H. Foust, this writer prepared a report⁶⁰ in the spring of 1967 that demonstrated the need for a full-time division in Indianapolis. The report, using statistics from several sources, showed that when the post-World War II "baby-boomers" reached the law schools, there would be a shortage of legal education facilities in Indiana. The

at Indianapolis." This suggestion was not well received by the Bloomington faculty. A report entitled *How the Academic Program of the Bloomington Division of the Law School Can Be Significantly Improved*, dated December 11, 1963, contains the following statement: "These recommendations and proposals are prompted by President Stahr's invitation to the Law School to inventory its needs with a view to turning what is already a fine law school into one that can stand beside the finest in the country. Inter-divisional matters are not included because these can be better handled after each division has defined its own needs." No reference is made to the suggestion for consolidating the two divisions. While the Bloomington report is dated two days earlier than the Indianapolis report, there is every reason to believe that the Bloomington statement concerning the two division pursuing separate paths was in response to the statement contained in the Indianapolis report. Dean Wallace of Bloomington attended the meetings of the faculty of the Indianapolis Division, including the meeting of December 6, 1963, at which Professor Kelso read a draft of the December 13 report. The draft contains the statement quoted above. Both reports are attached to Faculty Minutes, December 6, 1963.

The question of consolidating the two law schools continued to be raised and was not finally settled until 1975 when a committee appointed by President Ryan to study the matter recommended against consolidation. The report has often been referred to as the Beasley Report after the chair of the committee, Eugene N. Beasley. The committee was appointed as a result of remarks made at a Board of Trustees meeting on July 10, 1975. See Faculty Minutes, July 11, 1975. The Beasley Report also contained the following statement: "Neither school should be viewed as the chosen instrument of legal education in Indiana. Parity in the distribution of financial resources is essential to the enrichment of our state's legal development." *Id.*

58. *Small Named I.U. City Unit Dean*, INDIANAPOLIS STAR, December 10, 1964, § 1, at 37.

59. *New I.U. Law Building Due In 1969*, *supra* note 56, at 5.

60. See Report and Recommendations Concerning The Establishment of A Full-time Program in the Indianapolis Division of The Indiana University School of Law which may be found following Faculty Minutes, March 23, 1967. The Report is undated, but it was accepted by the faculty at the meeting held March 23, 1967, with a recommendation that it be "forwarded as a Faculty Report for comment to President Stahr." Faculty Minutes, March 23, 1967.

report was adopted by the Law School faculty with a resolution instructing the dean to forward it to President Stahr. President Stahr responded positively.⁶¹ Planning began immediately, and the first full-time students were admitted to commence classes in the fall of 1969.

Not only was the Indianapolis Division given authority to begin a full-time program, it was given complete autonomy. It became the Indianapolis Law School of Indiana University.⁶² The present name of the Law School was not settled upon until 1975, when, under the leadership of Dean William F. Harvey, who succeeded to the deanship upon the retirement of Cleon Foust in 1973, the two law schools became, by trustee action, the Indiana University School of Law—Bloomington and the Indiana University School of Law—Indianapolis.⁶³

The planning for a new building began in the early 1960s under the leadership of a Future Plans Committee chaired by Professor R. Bruce Townsend.⁶⁴ The plans were completed in the fall of 1965, when the final meetings between the architects and the faculty were held.⁶⁵ The funding was secured by a legislative appropriation obtained in the legislative session of 1967,⁶⁶ with the help of the Law School's alumni under the

61. At a faculty meeting held on July 12, 1967, the faculty adopted a resolution that the full-time day program commence in September 1968. Faculty Minutes, July 12, 1967. The full-time program was actually commenced in September 1969.

62. See Faculty Minutes, April 5, 1967, where the faculty voted to adopt the name "Indiana University School of Law at Indianapolis." Despite the action of the faculty at that meeting, the faculty minutes carried the adopted name only until the meeting of February 1, 1968, at which time the heading of the minutes inexplicably changed to "Indiana University, Indianapolis Law School." That heading continued for the next few years. In the faculty minutes of August 20, 1969 the following appears: "There was some discussion of the school name and letterhead. The consensus was that the name Indiana University Indianapolis Law School should be retained . . ." Faculty Minutes, August 20, 1969.

63. Minutes of the Board of Trustees of Indiana University, September 12, 1975.

64. The Faculty Committees list dated October 17, 1960, which appears in the faculty minutes collection immediately after the first meeting of the school year on September 30, 1960, indicates that Professor Townsend was appointed chair of the committee. He was reappointed each year thereafter through 1965. See Faculty Minutes and accompanying committee appointment lists, corresponding to the first faculty meeting of each year following 1960. The minutes of the faculty meeting on April 17, 1964, contain the following statement: "Dean Small reported on law school building plans. He suggested that Professor Townsend, Chairman of the building committee, formulate space recommendations for transmission to the architects office." Faculty Minutes, April 17, 1964.

65. At the first faculty meeting attended by this writer, the following occurred: "Mr. Bardwell, University Architect submitted a set of revised plans for the new Law School." Faculty Minutes, September 14, 1965. This writer recalls that to be the final approval by the faculty of the plans for the current building.

66. The appropriation of \$3,265,607.00 was contained in Act of March 11, 1967, ch. 305, 1967 Ind. Acts 1127. A newspaper article of December 10, 1964, noted that Dr. Stahr "expressed disappointment that the budget committee of the outgoing General Assembly slashed an appropriation request of \$2,700,000.00 for the building by more than 50 percent." *Small Named I.U. City Unit Dean*, *supra* note 58. Dean Small reported to the faculty in April of 1965 that "2.2 million had been allocated toward the new Law School building and that the original construction estimate of \$3.48 million would have to be reduced." Faculty Minutes, April 29, 1965. The final cost of the building and furnishings was approximately \$4.5 million.

leadership of Dean Small and Professor Townsend. The specifications were drawn up by architects under the supervision of Associate Dean Lawrence Jegen and were completed by the spring of 1968, at which time Associate Dean Jegen resigned to resume full-time teaching.

In the fall of 1968, this writer became assistant dean of the Law School with the primary duties of supervising the construction and furnishing of the current building and planning the inauguration of the full-time program. Ground was broken for the new building on Saturday November 9, 1968.⁶⁷ It must have been an omen when, during the ground breaking ceremonies, a minor earthquake occurred. The building was completed in September of 1970, and the Law School commenced classes in it that fall.⁶⁸

The Law School has occupied the current facility since 1970. The facility has served the Law School very well. However, as the program has expanded and the library has grown, the need to for more space has become obvious. Much of the library's collection has been relegated to storage as a result of its growth from about 90,000 volumes at the time this facility was completed⁶⁹ to about 300,000 volumes at the present time.⁷⁰ The growth of the faculty and the development of a clinical program have also required more space than the current structure can provide. As a result there has been a movement to either enlarge the current facility or to build a new one. Plans for an addition were abandoned when an appropriation request failed in the 1993 legislature due to a freeze on capital expenditures.⁷¹ Rather than make a second effort to fund a new addition in the 1995 legislature, Dean Norman Lefstein announced in a memorandum to the faculty dated June 14, 1994, that the Trustees of Indiana University had approved a plan whereby the Law School would be allowed to build a new structure, and the current structure would be given to the Herron School of Art.

III. THE ALUMNI

When the Law School became a part of Indiana University in 1944, it was reported in newspaper articles that the list of alumni of the School, at that time, included three United States Senators, Frederick VanNuys (1900), Arthur R. Robinson ('10), and Samuel D. Jackson ('17).⁷² It was also reported to include a Governor, Harry G. Leslie ('07), a

67. *Ground Broken For I.U.'s \$3.8 Million Law School Building Here*, INDIANAPOLIS STAR, November 10, 1968, § 1, at 19.

68. In the summer of 1969, the date for the dedication of the building was set for September 25, 1970. Faculty Minutes, July 2, 1969. This writer recalls that while the building was not entirely complete by September of 1970, the Law School moved in anyway and commenced classes. In the faculty meeting of September 1970, this writer advised the faculty of some of the peculiarities of the new building. Faculty Minutes, September 8, 1970.

69. An American Bar Association publication lists the Law School as having 93,233 volumes. LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES 6 (1970).

70. The library contained 302,111 hard copy volumes in 1993. A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES 22 (1994).

71. See Faculty Minutes, September 7, 1993, in which Dean Lefstein reported on the attempt to obtain financing for the new addition.

72. *Indiana Law School to Graduate 3 in Last Ceremony Before Merger*, INDIANAPOLIS STAR, August

Congressman Raymond S. Springer ('04), four judges of the Indiana Supreme Court, Clarence R. Martin ('06), James P. Hughes (1900), Willard Gemmill ('02), and Howard S. Young ('03), a Seventh Circuit Court of Appeals Judge, Will M. Sparks ('99),⁷³ and three Appellate Court Judges, Frank Hamilton ('14), Dan C. Flanagan ('21) and Wilbur A. Royse ('98).⁷⁴

Those newspaper articles were apparently referring to notables of recent memory and failed to mention several earlier graduates who had attained positions of prominence. For example they failed to mention Appellate Court Judge James J. Moran ('96) and Congressman Courtland Gillen, who served in the 72nd Congress from 1931 to 1933. Also not mentioned were two Supreme Court Judges, Douglas Morris ('26) and John W. Spencer ('15), and Appellate Court Judge Posey T. Kime ('37). The latter three judges served on the Supreme and Appellate Courts in an era when it was common for non-lawyers to have such positions. Supreme Court Judges Morris and Spencer obtained their degrees from this School after leaving the bench. Appellate court Judge Kime obtained his degree while still on the bench.⁷⁵

In addition to the Appellate and Supreme Court Judges, the articles listed four Superior Court Judges, twenty Circuit Court Judges, two Judges of the Marion County Municipal Court, and one Judge each from the Criminal Court, Juvenile Court and Probate Court, of Marion County. The Circuit Judges included F.E. Jump of Kokomo who later endowed the Jump scholarships of the Law School.

Many alumni have achieved political prominence since the articles written at the time of the merger of the Indiana Law School with Indiana University in 1944. Two United States Senators have been added to the list. They are Dan Quayle ('74) and Dan Coats ('72), bringing the number of United States Senators graduating from this school to five. In the 73rd Congress, from 1933 to 1935, both of the U.S. Senators from Indiana had graduated from this School.⁷⁶ In addition, Senators Fairbanks and Kern were faculty members of this School.

Other alumni who have achieved political prominence since 1944 have included Congressmen Edward H. Cruse ('42), John Richard Walsh ('34), Andrew Jacobs, Sr. ('28), Andrew Jacobs, Jr. ('58),⁷⁷ Phillip H. Hayes ('67), Dan Quayle ('74), and Dan

27, 1944, § 1, at 22; *Merger, supra* note 45.

73. No Will M. Sparks can be found among the list of graduates of the various schools. However, those lists may be incomplete. *See supra* note 32. There is an Edward M. Sparks listed in the Class of 1899, and that date is used here.

74. The newspaper articles listed Wilbur A. Rose. There is no one by that name in the rolls of the Court of Appeals. There is a Wilbur A. Royse, and it is assumed the newspaper article was referring to him. The problem does not end there, however. There is no Wilbur A. Royse listed among our graduates. There is a Walter A. Royse who graduated in 1898 and it is assumed the reference is to him.

75. Judge Kime began service on the Appellate Bench in 1931, and attended law school while on the bench. He graduated in 1937 and served on the Appellate Court until 1938. Judge William E. Steckler ('36) recalls attending classes with Judge Kime, and related to this writer that Judge Kime was a very colorful person.

76. They were Frederick Van Nuys (1900) and Arthur R. Robinson ('10).

77. Andrew Jacobs, Sr., the father of Congressman Andrew Jacobs, Jr., was a member of Congress from 1948 to 1950, and he received his degree from the Benjamin Harrison Law School in 1928. Congressman Andrew Jacobs, Jr. ('58) has represented the 11th district since 1964, except for a two year hiatus, 1972-1974,

Coats ('72). In addition, Edgar Whitcomb, ('50), was the Governor of Indiana from 1968 to 1972 and was also the author of a best selling book which chronicled his World War II experiences called "Escape From Corregidor." Many alumni have served in the state legislature including Paul Mannweiler ('76), who is currently the Republican leader in the Indiana Senate, and Michael Phillips ('69), who was the Democratic leader in the Indiana House of Representatives until the recent elections.

The Law School alumni have also been well represented in the Indiana Judiciary since that time. Members of the Indiana Supreme Court have included Arch Bobbitt ('27), Dixon W. Prentice ('50), Richard Givan ('51), who served as Chief Justice from 1974 to 1987, Brent E. Dickson ('68), and Jon Krahulik ('69). Until the resignation of Justice Krahulik in 1993, three of the five members of the Court were alumni of this School. Those serving on The Court of Appeals, in addition to those mentioned in the newspaper articles written at the time of the merger with Indiana University, have included Charles W. Cook ('29), John W. Pfaff ('29), George H. Prime ('30), John A. Kendall ('31), Hubert E. Wickens ('31), Joe W. Lowdermilk ('34), Warren W. Martin ('38), Stanley B. Miller ('53), Robert H. Staton⁷⁸ ('55), and Betty Barteau ('65). At the time of this writing a vacancy on the Court of Appeals, resulting from the death of Stanley B. Miller ('53), has just been filled by the appointment of Carr Darden ('70). All three of the finalists for that position were graduates of this Law School. They were, in addition to Carr Darden, Gerald Zore ('68), and Margaret Robb ('78).

The alumni of this Law School have been well represented on the Federal Bench by District Judges Cale J. Holder ('34), William E. Steckler ('36),⁷⁹ and Robert L. Miller ('75), in addition to Magistrates John P. Endsley ('56), Kennard Foster ('70), Robin D. Pierce ('76), and Bankruptcy Judges Nicholas Sufana ('40), Richard W. Vandivier ('67), and Robert L. Bayt ('72). The alumni of the School are represented on the Seventh Circuit Court of Appeals by Judge Daniel A. Manion ('73).

In addition to those serving on the Indiana Courts, one of our alumni, Gregory Scott ('77), has the distinction of being the first African-American to serve on the Colorado Supreme Court. Prior to being appointed to the Court, Mr. Scott was on the Faculty of The University of Denver College of Law.

Many of the alumni have achieved distinction in the field of legal education in addition to Gregory Scott ('77). E. Thomas Sullivan ('73) has been dean of The University of Arizona College of Law since 1989,⁸⁰ and Donald J. Polden ('75) has been the dean of Memphis State College of Law since 1993.⁸¹ Other law teachers include: Martha Traylor ('46), Seton Hall University School of Law;⁸² William Traylor ('50),

when he was defeated by William Hudnut.

78. Judge Staton has been very active in alumni affairs. He currently serves on the Alumni Board and as a member of the Centennial Committee. He also produces the annual seminar on Indiana law which is held in conjunction with the annual alumni dinner.

79. Both Judge Stecker and Judge Holder received their initial degree, an L.L.B., from The Benjamin Harrison Law School and the dates shown here are the dates those degrees were awarded. Both later received a J.D. from The Indiana Law School in 1937.

80. THE DIRECTORY OF LAW TEACHERS 1993-94 at 922 (1993).

81. *Id.* at 767.

82. THE DIRECTORY OF LAW TEACHERS 1993-94 at 946 (1993).

Temple University School of Law;⁸³ Herbert Meyers ('51) (deceased), Temple University School of Law;⁸⁴ Earl Murphy ('52), Ohio State University College of Law;⁸⁵ Ramon Klitzke ('57), Marquette University Law School;⁸⁶ M. Cherif Bassiouni ('64), DePaul University School of Law;⁸⁷ G. Kent Fransden ('65) (deceased) of this Law School; Tom Collins ('69), William and Mary School of Law;⁸⁸ Charles Thompson ('69) (deceased), Ohio State University College of Law;⁸⁹ Debra Falender ('75) and Susanah Mead ('76) of this Law School; Christina Kunz ('78), William Mitchell College of Law;⁹⁰ Alan Raphael ('79), Loyola University School of Law, Chicago; Catherine Mahern ('80), Creighton University College of Law;⁹¹ Joan Ruhtenberg ('80), of this Law School; Richard George Wright ('82) Samford University, Cumberland Law School; Cynthia Starnes ('83), Detroit College of Law; Ellen Podgor ('87), Georgia State University College of Law;⁹² Karen Jordan ('90), University of Louisville School of Law. In addition, John Vargo ('74), author of a well known, five volume, text on products liability,⁹³ and Jan Vargo ('85), husband and wife, taught three years at Bond University in Queensland, Australia, and have signed a contract to teach for the next five years at Deakin University in Victoria, Australia.

This list of legal educators has been compiled from the memory of a few individuals and undoubtedly does not include all those in legal education. Our apologies to those left out.

IV. THE LAW SCHOOL FACULTY

The founding members of the faculty and their distinctions have already been noted. Until the association with Indiana University the Faculty consisted almost entirely of practicing lawyers and judges. Nevertheless, many were distinguished scholars. William F. Elliott and Byron K. Elliott collaborated on several important works including *The Law of Roads and Streets*, which was first published by Bobbs Merrill in 1890 and went into a third edition in 1911; *Elliott on Evidence* (four volumes);⁹⁴ *The Law of Railroads* (four volumes);⁹⁵ *The Work of The Advocate*.⁹⁶ William F. Elliott also collaborated with Charles W. Moores to produce *Indiana Criminal Law*⁹⁷ and on his own produced

83. *Id.*

84. THE DIRECTORY OF LAW TEACHERS 1976 at 701 (1975).

85. THE DIRECTORY OF LAW TEACHERS 1993-94 at 709 (1993).

86. *Id.* at 571.

87. *Id.* at 191.

88. *Id.* at 299.

89. THE DIRECTORY OF LAW TEACHERS 1976 at 937 (1975).

90. THE DIRECTORY OF LAW TEACHERS 1993-94 at 585 (1993).

91. *Id.* at 641.

92. *Id.* at 767.

93. JOHN VARGO, PRODUCTS LIABILITY PRACTICE GUIDE (1988).

94. Bobbs Merrill 1905.

95. Bowen Merrill Co. 1893.

96. Bowen Merrill Co. 1888.

97. Bowen Merrill Co. 1893.

Commentaries on the Law of Contracts (seven volumes),⁹⁸ and *The Law of Bailments*,⁹⁹ a second edition of which was published by William Hemingway of The University of Mississippi School of Law in 1929.

William Fishback produced a book called *Manual of Elementary Law*,¹⁰⁰ which was revised by Arnold Bennett Hall in 1915, was still being used as a text in the Law School in the 1930s. W. W. Thornton produced many books and articles on Indiana law and was said by *The Bench and Bar in Indiana* (1916) to be the most prolific writer in the Indiana Bar. James M. Ogden, who was one of two members of the faculty of The Indiana Law School to become full time members of the faculty when that Law School affiliated with Indiana University, served for a time as Attorney General of Indiana. He authored *Negotiable Instruments*,¹⁰¹ which was a part of the National Textbook Series, was widely used in law schools throughout the United States, and went through five editions, the last being in 1947.

The first group of faculty members hired after the Law School became a part of Indiana University included some very productive scholars, including Ben Small, R. Bruce Townsend, John S. Grimes, Lester Orfield, and Charles D. Kelso all of whom authored at least one important book.

Ben Small's *Workmen's Compensation Law of Indiana: A Treatise on the Law of Employment, Accident and Disease*¹⁰² became the standard authority on the subject and, although it first appeared over forty years ago, it is still widely regarded as authoritative. R. Bruce Townsend led the movement to adopt the Uniform Commercial Code in Indiana and, as a part of that project, authored, with Professor Harry R. Pratter of the Bloomington Law School, *The Indiana Uniform Commercial Code With Comments*.¹⁰³ John S. Grimes wrote extensively in the real property and probate areas. He completely rewrote the multi-volumes sets, *Thompson on Real Property*¹⁰⁴ and *Henry's Probate Law and Practice*,¹⁰⁵ in addition to many law review articles. Charles Kelso has been a leader in innovative legal educational methods and is the author of *A Programmed Introduction To The Study of Law*.¹⁰⁶ In addition he wrote *The AALS Study of Part Time Legal Education*.¹⁰⁷ Lester Orfield completed a seven-volume treatise on *Criminal Procedure Under The Federal Rules*¹⁰⁸ in addition to many law review articles. A footnote in an article in *The Kentucky Law Journal* attests to his productivity. It states: "Professor

98. Bobbs Merrill Co. 1913.

99. Bobbs Merrill Co. 1914.

100. Bowen Merrill Co. 1896.

101. Callaghan Co. 1909.

102. Bobbs Merrill 1950.

103. Bobbs Merrill 1963.

104. The 14-volume set, published by Bobbs Merrill, was completely rewritten by Professor Grimes in replacement volumes, which were published from 1958 through 1985.

105. The three volume Sixth Edition, by Professor Grimes, was published by Bobbs Merrill in 1954.

106. Bobbs Merrill 1965.

107. Assoc. of Am. Law Schools 1972.

108. Lawyers Coop. 1966. A new edition of the Orfield work has been published with Mark S. Rhodes as the author. MARK S. RHODES, ORFIELD'S CRIMINAL PROCEDURE UNDER THE FEDERAL RULES (Lawyers Coop. 1985).

Orfield's first article was published by the Kentucky Law Journal in 1929. In his letter forwarding the manuscript for the present article, Professor Orfield noted this fact then continued, 'The present article is my 101st. I thought it fitting that I start my second hundred in the same excellent journal which published my first!'"¹⁰⁹

V. THE LAW SCHOOL PROGRAM

In the early years of the Law School, the full-time program was a two year program, and credit was given for law office training completed by the student prior to entering the Law School. In 1916, the full-time program was extended to three years.¹¹⁰ Originally, the part-time program of the Benjamin Harrison Law School required a two-year commitment, and in 1931 it was extended to three years.¹¹¹ After the consolidation of the Benjamin Harrison Law School with the Indiana Law School, the part-time program required four years to complete.¹¹² The early program of the Indiana Law School was based entirely on the lecture method. In 1899, under the direction of James Rohbach, who was then Faculty Secretary, the method of instruction was changed to a textbook and case method.¹¹³ By 1916, the case method was the foundation for all the principal courses.¹¹⁴

From at least 1925 until the affiliation of the Indiana Law School with Indiana University in 1944, students at Butler University were permitted to combine their senior

109. Lester B. Orfield, *The Complaint in Federal Criminal Procedure*, 46 KY. L.J. 7 (1957). Reference to this footnote is made in a later article in the same journal. See Paul Oberst, *The Kentucky Law Journal—75 Years*, 78 KY. L.J. 129, 138 (1989-90).

110. CATALOGUE, 1913-14 contained the following "Special Announcement" on page four: "The Board of Trustees have under consideration the lengthening of the course of study from two to three years to take effect after 1916. The proposed change will not affect those who enroll prior to 1916." Subsequent catalogues indicate that the change took effect as announced.

111. CATALOGUE OF BENJAMIN HARRISON LAW SCHOOL, 1929-30 contained the following announcement: "Beginning with the opening of the school year in September, 1931, this school will no longer offer a two year course, but will offer a course which can only be completed in three years." The predecessor schools of the Benjamin Harrison Law School had a somewhat more ambitious program. The ANNUAL ANNOUNCEMENT OF THE INDIANAPOLIS COLLEGE OF LAW, 1911-1912, describes a Master of Laws program which could be obtained in an additional year after completion of the initial two years. The YEAR BOOK OF THE AMERICAN CENTRAL LAW SCHOOL, 1911-12, indicates that a day program is offered in addition to the evening program. See *supra* note 32.

112. The CATALOGUE, 1936-37 shows an Evening Division Program which requires four years for completion. CATALOGUE OF THE BENJAMIN HARRISON LAW SCHOOL, 1935-36 (the last one), contained the following announcement:

For some time past, the Benjamin Harrison Law School has had under consideration the extension of the curriculum to four years for all candidates for the degree. Owing, however, to circumstances over which the school has no control, a definite announcement can not be made at this time when such extension will become effective, but in no event will it apply to students enrolling during 1935-1936.

113. 2 COURTS AND LAWYERS OF INDIANA, *supra* note 1, at 482-83.

114. 2 COURTS AND LAWYERS OF INDIANA, *supra* note 1, at 483.

undergraduate year with their first year at the Indiana Law School. As a result they could complete their undergraduate degree and law degree in a total of six years.¹¹⁵

In 1934, the Law School commenced a campaign to be accredited by the American Bar Association.¹¹⁶ In order to attain that rating, the Law School was required to increase the size of its library to 7000 volumes and to employ at least three full-time teachers. When the merger with the Benjamin Harrison Law School was announced in 1936, it was stated: "The merged institution will operate as a Grade A school."¹¹⁷

After affiliation with Indiana University, the existing requirements of the Indiana University School of Law became applicable, and students were required to complete eighty credit hours. In 1969, the credit hour requirement was increased to eighty-five hours,¹¹⁸ and in 1993 to ninety hours.¹¹⁹

The program, perhaps due to the Law School's background as a training school for lawyers, has always emphasized a required core curriculum. At the present time a student must complete fifty-four hours of specific required courses.¹²⁰ The wisdom of such a program is, perhaps, demonstrated by the fact that the graduates of the Law School have, for many years, had a higher success rate on the Indiana Bar Exam than the graduates of any other school. The success of the program has not gone unnoticed by persons outside the Law School community. In a statement published in the local press in 1970, Dr. Kenneth Penrod, the departing provost of the Medical Center noted the substantial influence that alumni of this Law School have had on Indiana's legal profession.¹²¹

The Law School, because of its location, has always afforded students the opportunity to obtain practical experience in the offices of lawyers, governmental agencies, and private organizations in downtown Indianapolis. The first effort to formalize a clinical program was described in a report by Professor Cleon H. Foust to the faculty, dated July 7, 1960.¹²² That program involved placement of students with the Legal Aid Society, with law firms, and corporate legal offices. The students could receive one and one-half hours credit for spending three and one-half hours per week at Legal Aid and a full day (or two afternoons) in law related work.

In the Faculty Minutes of July 27, 1961, reported that a new phase of legal clinic had been established in which students were assigned to work in the courts. In 1970, the faculty decided to hire a new faculty member who would primarily function as a

115. CATALOGUE, 1925-26 contains the following statement: "Candidates for the degree of Bachelor of Arts or Bachelor of Science in Butler University may be permitted to spend their senior year in the Indiana Law School, and the year's credits in hours and grade points will be accepted for the Arts or Science degree. This plan enables the student to complete the undergraduate and law degree in six years." After the consolidation of the Indiana Law School with the Benjamin Harrison Law School, the announcement was modified to provide that part-time students could complete the program in seven years.

116. *Law School Plans Library Program*, INDIANAPOLIS STAR, April 9, 1934, § 1, at 4.

117. *Two Law Schools Arrange Merger*, *supra* note 36.

118. *See* Faculty Minutes, October 15, 1968.

119. *See* Faculty Minutes, April 7, 1992.

120. *See* BULLETIN, INDIANA UNIVERSITY SCHOOL OF LAW—INDIANAPOLIS, 1992-1994 at 22.

121. *Progress Lags on Indiana-Purdue Campus*, INDIANAPOLIS STAR, Aug. 24, 1969, § 2, at 1.

122. *See* Faculty Minutes, July 7, 1960.

clinician.¹²³ As a result Professor Marshall Seidman was hired, and his clinical program was approved by the faculty on July 13, 1971. It outlined several internships. In 1972 Professor Seidman was assigned exclusively to the clinic in order to satisfy a grant from CLEPR.¹²⁴ Professor Seidman's assignment to the clinical program lasted only one year. In the years subsequent to 1972, the clinic was neglected. As a result, in 1977, the Clinical Legal Education Committee, chaired by Professor Jeffrey Grove, recommended that no credit be given for clinical programs that did not have faculty supervision. Extensive discussion of the clinical program by the faculty on August 24, 1977,¹²⁵ which heard from the newly appointed Clinical Placement Board and student representatives, resulted in renewed efforts to create an academically-oriented clinical program. In 1982, Professor William Marsh was assigned to the clinic on a half-time basis, and the Law School began an in-house clinic.¹²⁶ In 1984 Professor Mary Wolf was hired as a full-time clinician. Three full-time clinicians, Lynn McDowell, Fran Quigley, and Joanne Van Pelt, have since been added, and the clinic now provides effective clinical instruction to many students.

In 1987, under the leadership of Acting Dean Jeffrey Grove, who assumed that position when Dean Gerald Bepko became the Chancellor of Indiana University—Purdue University, Indianapolis, the Law School began the China Summer Program.¹²⁷ The China Program provides students from this and other law schools with a four week course in Chinese law and is conducted at the East China University of Political Science and Law in Shanghai, PRC, every summer from mid-May to mid-June. Students receive four semester hours of credit. A member of the Law School faculty accompanies the students to Shanghai and participates in the instruction which is conducted primarily by the faculty of the host institution. The course materials which have been used in the program since 1989 were assembled by this writer.¹²⁸ Members of this faculty who have conducted the Program are Professors William Hodes, William Marsh, Jeffrey Grove, Paul Galanti, and this writer. The permanent director of the program is Jeffrey Grove.

In 1987, under the leadership of Professor Eleanor Kinney, the Center for Law and Health was established at the Law School. The Center has three missions: (1) to conduct research on key health law issues; (2) to enhance the curriculum and teaching of health law at the Law School and the University; and (3) to serve as an information resource on health law issues for the bar and the health care community. Since its organization the influence of the Center has steadily increased. It has contracted with the Administrative Conference of the United States to analyze various aspects of the Medicare and Medicaid Programs and has done research and written reports for national as well as state governmental entities. The Center's director is Professor Eleanor Kinney.

123. See Faculty Minutes, January 19, 1970.

124. See Faculty Minutes, September 12, 1972.

125. See Faculty Minutes, August 24, 1977.

126. See Faculty Minutes, May 11, 1982.

127. The program was announced at a faculty meeting on October 14, 1986. At the faculty meeting on November 17, 1986, the faculty approved the granting of credit for those participating in the program. See Faculty Minutes, November 17, 1986.

128. RONALD W. POLSTON, *SELECTED READINGS ON CHINESE LAW* (1992). The 1994 Supplement to these course materials was prepared by professor Jeffrey W. Grove.

The size of the student body of the Law School has been the subject of faculty debate a number of times in recent years. With the establishment of the full-time program at about the same time as the construction of the present facility, the target number of students was set for 1200, and the building was said to have that capacity. However, the total number has never exceeded 950.¹²⁹ In 1972, the faculty, because of an apparent limitation on the availability of funds for new faculty positions and because of concern about the quality of the student body, decided to reduce the enrollment to about 800.¹³⁰ In July 1986 a task force, headed by Professor Lawrence Wilkins, studied the problem of student population and issued a report that recommended that the size of the student body be reduced to 700 students.¹³¹ The faculty met in special session on a Saturday morning and adopted the recommendations of the task force.¹³² Since that time several factors, such as an increase in applications and a resulting increase in student quality and the implementation of Responsibility Centered Budgeting at the university level has resulted in the student population remaining at about 800. Responsibility Centered Budgeting would result in loss of funds to the Law School if the size of the student body were reduced. The question of size of the student body occupies the attention of the faculty every year. For the past several years the faculty have decided to admit a beginning class of about 255 to 260 students.

VI. LAW SCHOOL PUBLICATIONS

The *Indiana Law Journal*, a privately owned publication, began in 1895 at about the same time as the Indiana Law School. Its editor was the dean of the Law School, William Fishback.¹³³ It was in the era before the student-operated law reviews of today, and it contained news of the legal profession in Indiana along with short articles on legal subjects. That publication appears to have existed for only three years. The Indiana State Bar Association began a publication by the same name in 1925,¹³⁴ and, in 1926, gave editorial control of it to the Indiana University School of Law in Bloomington.¹³⁵ While it continued to carry news of the Indiana Bar Association and to report the proceedings of the annual meetings of the Association, the editorial content was controlled by faculty and student boards of the Law School in Bloomington. The Bar Association continued to be the publisher for several years, during which time it reported the affairs of the Bar Association. Eventually it was turned over entirely to Indiana University and became the student operated law review of the Law School in Bloomington.

129. TASK FORCE ON STUDENT POPULATION, FINAL REPORT 6 (1986).

130. See Faculty Minutes, February 1, 1972.

131. TASK FORCE ON STUDENT POPULATION, *supra* note 129, at 11.

132. See Faculty Minutes, November 15, 1986.

133. Only a few copies of the publication are in the Law School library, the first being Volume I, No. 6 dated June 1898. It was published by the Indiana Law Journal Co. William Fishback is listed as the editor, and three other members of the faculty of the Indiana Law School, William F. Elliot, Charles W. Moores and W. P. Kappes, are listed as associate editors.

134. 1 IND. L.J. (1925).

135. 2 IND. L.J. (1926).

After the affiliation of this Law School with Indiana University in 1945, students of the Indianapolis Division were given the opportunity to participate on the Editorial Board of the *Indiana Law Journal*, but there was friction between the divisions, which made it very difficult for students of the Indianapolis Division to get their work published. In 1964, Indianapolis Division student John Stark recommended to the Indianapolis faculty that the Indianapolis Division be given one or two issues of the *Indiana Law Journal* to publish as its own.¹³⁶ At a joint meeting of the faculties of the two divisions in December of 1964, the president of Indiana University approved an appropriation to enable the students at Indianapolis to publish an issue of the *Indiana Law Journal* containing an annual survey of Indiana law.¹³⁷ In March of 1965, Indianapolis student Steve Devoe outlined, in a memorandum to the faculty, a plan for a fifth issue of the *Indiana Law Journal* to be issued around October 1 of each year.¹³⁸ In the fall of 1965, Dean Small of the Indianapolis Division confirmed that the money had been made available for the *Indiana Law Journal* project.¹³⁹ In August 1966, Professor Force stated at a faculty meeting that the survey issue of the *Indiana Law Journal* would go to the printer the following September.¹⁴⁰ However, objections by the Bloomington Division resulted in that issue never appearing as a part of the *Indiana Law Journal*. Instead it became,¹⁴¹ in the fall of 1967, the first issue of the *Indiana Legal Forum*,¹⁴² a law review published entirely by the Indianapolis Division. It operated under that name until it was changed, by faculty action in March 1972,¹⁴³ to the *Indiana Law Review*.

The annual survey of Indiana law, for which funds were made available by President Stahr in 1964, did not become a reality until 1973 when the *Indiana Law Review* began an annual issue, which contains a survey of Indiana law.¹⁴⁴ The survey has been very successful and influential in the development of Indiana law.

In 1991, a second law review, the *Indiana International and Comparative Law Review*, was commenced by the students of the Law School under the leadership of student James R. Meyer, Jr. It too has been very well received by the Law School and the legal community.

136. See Faculty Minutes May 5, 1964.

137. See Faculty Minutes, December 9, 1964.

138. See Faculty Minutes, March 29, 1965.

139. See Faculty Minutes, October 15, 1965.

140. See Faculty Minutes, August 23, 1966.

141. Professor Robert Force, now at Tulane University School of Law, was shown as the faculty adviser of the publication. In a recent telephone conversation, he stated that he does not recall many of the details surrounding that initial issue but that the first issue he worked on contained a symposium on criminal law. The initial issue of the *Indiana Legal Forum* contains a survey of criminal law and is obviously the issue that Professor Force referred to in his report to the faculty in August 1966.

142. 1 IND. LEGAL F. (1967).

143. See Faculty Minutes, March 21, 1972.

144. 7 IND. L. REV. (1973).

VII. THE ADMINISTRATION OF THE LAW SCHOOL

The first dean of the Indiana Law School was William Fishback,¹⁴⁵ and the first dean of the Benjamin Harrison Law School was Theophilus J. Moll.¹⁴⁶ In the early years, the two schools also had a president or a chancellor. The respective original holders of that office were Byron K. Elliot¹⁴⁷ and W.W. Thornton.¹⁴⁸ After the death of William Fishback, James A. Rohbach became the dean of the Indiana Law School and held that office until 1933. Mr. Rohbach is remembered as being the life and soul of the Indiana Law School until his retirement in 1931.¹⁴⁹ For a time thereafter, the Indiana Law School was administered by an Executive Committee¹⁵⁰ until the merger with Benjamin Harrison Law School, at which time Joseph G. Wood assumed the deanship of the day division, and William R. Forney became dean of the evening division.¹⁵¹ W.W. Thornton was the long time dean of the Benjamin Harrison Law School, serving until 1932.¹⁵² At that time William R. Forney became acting dean and held that office until the merger of the two schools in 1936.¹⁵³ When the Law School became part of Indiana University the officers were: James Ogden, President, Addison Dowling, dean of the day division, and William R. Forney, dean of the evening division.¹⁵⁴

After the affiliation with Indiana University, the chief executive officer of the Law School was an associate dean. That office was first held by Henry Witham.¹⁵⁵ Dean Witham retired in 1960 and was succeeded by Ben Small.¹⁵⁶ The accomplishment of Dean Small's administration included the laying of ambitious plans that resulted in the school gaining autonomy, a new building, and a resumed full-time program. When Dean Small left the Law School in 1966, he became the chief executive officer of the Life Insurance Association of North America.¹⁵⁷ Cleon H. Foust succeeded him as dean.¹⁵⁸

145. See CATALOGUE, 1894-95.

146. See YEARBOOK OF THE BENJAMIN HARRISON LAW SCHOOL, 1915-16.

147. *Supra* note 37.

148. *Supra* note 38.

149. Letter from William J. Wood to William F. Harvey (Sept. 24, 1993) (on file with author). The letter stated: "I cannot overemphasize the importance of Dean James A. Rohbach. All evidence is that he was the heart and soul of the Indiana Law School and kept it going through thick and thin." William J. Wood is the son of Joseph Wood who was later the dean of the Law School.

150. See CATALOGUE, 1932-33.

151. CATALOGUE, 1935-36 still shows only an Executive Committee. CATALOGUE, 1936-37 (after the merger) shows William J. Wood as dean of the day division and William R. Forney as dean of the evening division.

152. CATALOGUE OF THE BENJAMIN HARRISON LAW SCHOOL, 1931-32 shows W.W. Thornton to be the dean, and the CATALOGUE OF THE BENJAMIN HARRISON LAW SCHOOL for the next year shows William R. Forney to be the acting dean.

153. CATALOGUE OF THE BENJAMIN HARRISON LAW SCHOOL, 1932-33.

154. See Composite Photo for Class of 1944, the last class to graduate from the Indiana Law School (available at the Indiana University School of Law—Indianapolis).

155. See *supra* note 46 and accompanying text.

156. *Small Named I.U. Law Dean*, INDIANAPOLIS TIMES, August 12, 1960.

157. See source cited in *supra* note 59.

Dean Foust, under whose administration autonomy was achieved, the new building constructed, and a full-time program commenced, served until his retirement and return to teaching in 1973. It was also during his administration that the faculty, at the request of the university administration, adopted a constitution for the Law School. The constitution is still in effect.

William F. Harvey became the dean of the Law School in 1973. Dean Harvey worked hard to obtain a parity of funding with the Law School in Bloomington and succeeded in getting the Board of Trustees to adopt an official policy to that effect.¹⁵⁹ It was also during his administration that the library of the Law School became the largest in Indiana,¹⁶⁰ and the present name of the Law School was adopted.¹⁶¹ When Dean Harvey returned to teaching in 1979, he was succeeded by Frank T. Read. At a Faculty retreat held during Dean Read's administration, the Faculty adopted extensive amendments to the Faculty Constitution concerning Law School governance and the curriculum.¹⁶²

Frank T. Read left the Law School in 1981 to become dean of the Law School of the University of Florida. He later became dean of Hastings College of Law of the University of California. He is currently back at the Law School teaching a course and serving as assistant to James P. White, the Consultant on Legal Education to The American Bar Association. Gerald Bepko, who served as an associate dean in the administration of Dean Read, succeeded him. Dean Bepko left the deanship in 1986 to become Vice President of Indiana University and Chancellor of Indiana University—Purdue University, Indianapolis. Upon his departure Jeffrey W. Grove became the acting dean until the selection of Norman Lefstein as dean. Dean Lefstein is the current dean of the Law School. He is making efforts with the current university administration to obtain a new building for the Law School.

CONCLUSION

The Law School, from its beginning until the present, has been a university-affiliated full-time institution, except for the period from 1945 to 1969 when it functioned as the part-time division of the Indiana University School of Law. Even during that period,

158. See Faculty Minutes, January 6, 1967, in which the faculty recommended that Cleon H. Foust be named acting dean. See also subsequent Faculty Minutes in which he appears as dean.

159. See Memorandum from Dean Harvey to the Faculty dated September 15, 1975 (reporting on the action of the Board of Trustees at its meeting of September 12, 1975). Faculty Minutes, January 15, 1976, attachment.

160. See LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS (1972). The library of the Law School was second to that of the School of Law in Bloomington. *Id.* The same publication for 1975 indicates that the library of this Law School is larger than that of the School of Law in Bloomington. LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS (1976).

161. See *supra* note 151.

162. In 1979, Dean Read announced the appointment and mission of task forces on governance and academic standards. See Faculty Minutes, August 27, 1979. The reports of those task forces were considered later that year at a faculty retreat held November 9 and 10, 1979.

however, it never really lost its identity as a separate institution, and, at the first opportunity, it resumed a full-time program and its autonomy within Indiana University.

Through its faculty and alumni the School has played an important role in providing Indiana, and the nation, with practicing lawyers, political leaders, judges, and policy makers. At the national level it has produced three vice presidential candidates, seven United States Senators and many members of Congress. At the state level it has produced many leaders in Indiana Government, including governors, and, in fact, has more of its graduates in the Indiana judiciary than any other law school.

Although proud of its past the School looks forward to the next century as the time when it will make its most important mark in the Bench and Bar of the state and nation and will become an even bigger force in the field of legal education in the United States.