

Indiana Law Review



Volume 37 No. 3 2004

COURTHOUSE CENTENNIAL CELEBRATION AND HISTORY SYMPOSIUM

*sponsored by the Historical Society of the United States District Court
for the Southern District of Indiana and the Indiana Law Review*

Rededication of the Federal Courthouse in Indianapolis
The 100th Anniversary of the Laying of the Cornerstone
March 25, 2003
Justice Theodore R. Boehm

Naming Ceremony for the Birch Bayh Federal Building and United States Courthouse
October 24, 2003
Judge Richard L. Young

Dedication of Birch Bayh United States Courthouse
October 24, 2003
Judge David F. Hamilton

Federal Justice and Moral Reform in the United States District Court in Indiana, 1816-1869
*George Geib
Donald Kite*

Judicial Federalism in the Southern District
*William E. Marsh
Andrea K. Marsh*

The Role of Indiana's State and Federal Courts in Legislative Redistricting, 1962-2003
A. Scott Chinn

Indianapolis Judges and Lawyers Dramatize *Ex Parte Milligan*,
A Historical Trial of Contemporary Significance
Justice Frank Sullivan, Jr.

Ex Parte Milligan

The United States Court House in Indianapolis
Perry R. Secret

"Three Bank Tellers Is Enough"
Personal Reminiscences of Legal Practice by Members of the Bench and Bar
Suzanne M. Buchko

Federal Judges for the Indiana Territory, District of Indiana, and Southern District of Indiana

ARTICLE

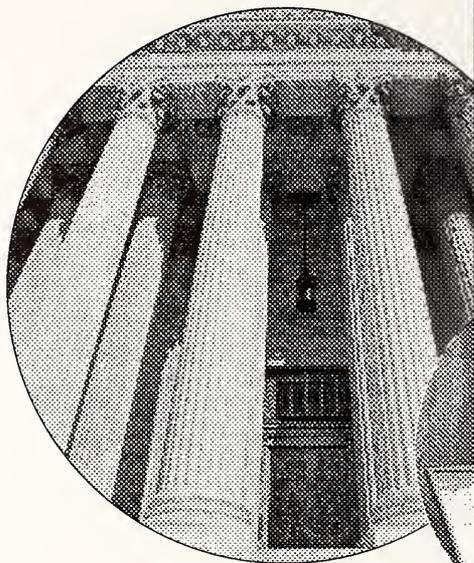
Dual Office Analysis: Can the Legislature Carve out Exceptions?
Gregory Zoeller

NOTES

The Constitutional and Economic Implications of a National Cap on Non-Economic Damages
in Medical Malpractice Actions
Kevin J. Gfell

Shaking *Price Waterhouse*: Suggestions for a More Workable Approach to Title VIII
Mixed Motive Disparate Treatment Discrimination Claims
Cassandra A. Giles

Cybermedicine: Defying and Redefining Patient Standards of Care
Julie Reed



Raise the Bar

BNA's *United States Law Week*

For more than 65 years, *U.S. Law Week* has consistently raised the standard of excellence in legal reporting. Today's *Law Week* is a powerful research and notification tool, packed with timely information:

- **Case Alert:** A summary and analysis of the most significant court opinions nationwide, with electronic access to full text.
- **Supreme Court Today:** Daily coverage of the status of every case before the U.S. Supreme Court and all Court proceedings.
- **Legal News:** Reports on non-judicial developments, including legal analysis and perspective, important legislation, and administrative rulemakings.
- **Supreme Court Opinions:** Full text of decisions, with headnotes and counsel listings, daily online, weekly in print.

There's no more complete, authoritative way to keep up with all areas of the law than with *U.S. Law Week*.

NO-OBLIGATION TRIAL SUBSCRIPTION!

Try *U.S. Law Week* for 15 days on the Web with no cost or risk. To take advantage of this offer visit www.bna.com/trials and when prompted, enter Priority Code LWEX531AA.

- For more details on *U.S. Law Week*, contact BNA at 800-372-1033.
- Visit BNA's Professional Information Center at <http://litigationcenter.bna.com>



BNA

Essential information.
Expert analysis.

Indiana Law Review

Volume 37

2003-2004



Editor-in-Chief
Stephen M. Worth

Executive Managing Editor
Jeffrey S. Beck

Senior Executive Editor
Allan A. Wasson

Symposium Editor
Jamie B. Dameron

Executive Notes Editor
Jeffrey D. Preston

Executive Articles Editors
E. Renee Backmeyer
Jared A. Simmons

Articles Editors
Michael A. Benefield
Paula K. Davis
Shelley S. Fraser
Anthony H. Green
J. Matt Harnish
Hannah Kaufman
Heidi K. Hughes
Michael J. Natali
Sarah L. Pierce

Note Development Editors
J. Michael Bowman
Jessica L. Burks
Kevin L. McLaren, Ph.D.
Alexander L. Mounts
Peter J. Prettyman
C.W. Raines, III
Christopher G. Stevenson

Associate Editors

Kevin J. Gfell
Cassandra A. Giles
Adam J. Krupp
Melissa Lindley
Kathryn E. Ours

Julie D. Reed
Nathaniel Saylor
Michael D. Wilhelm
John C. Wright

Members

Bradley J. Bingham
James R. Blaufuss
Andrew L. Campbell
Drew W. Carlson
John A. Christian
Michael K. Correll
Kristen E. Davis
Lisa A. Durham
Andrew C. Humes
Elizabeth A. Kalisz
Jordyn Katzman McAfee

Jon A. Keyes
Nathan A. Leach
Justin W. Levertton
Elizabeth A. Mallov
Jason McNeil
Brian Mosby
Jayna M. Morse
Megan M. Mulford
Kelly J. Pautler
Anne K. Ricchiuto
Steven E. Runyan

Kelly M. Scanlan
Taryn E. Smith
Tim E. Staggs
Fenton D. Strickland
Seth M. Thomas
Stephen C. Unger
Krista M. Vargo
Kimberly L. Weiss
Kathleen M. White
Isaac M. Willett

Editorial Specialist
Chris Paynter

Faculty Advisors
Andrew R. Klein
R. George Wright

INDIANA LAW REVIEW

(ISSN 0090-4198)

Published four times a year by Indiana University. Editorial and business Offices are located at:

Indiana Law Review
Lawrence W. Inlow Hall
530 W. New York Street
Indianapolis, IN 46202-3225
(317) 274-4440

Subscriptions. Current subscription rates for an academic year are \$30.00 (domestic mailing) and \$35.00 (foreign mailing) for four issues. Unless the Business Office receives notice to the contrary, all subscriptions will be renewed automatically. *Address changes must be received at least one month prior to publication to ensure prompt delivery and must include old and new address and the proper zip code.*

Single and Back Issues. Current single regular issues may be obtained from the *Indiana Law Review* Business Office for \$10.00. Current Survey Issues may be purchased for \$20.00. The Symposium Issue may be purchased for \$15.00. Please enclose payment with order. Claims for nonreceipt of current year's issues must be made within six months of the mailing date. Back issues may be ordered from: William S. Hein & Co., Inc., 1285 Main St., Buffalo, NY 14209-1987, (800) 828-7571, (716) 883-8100 fax, mail@wshein.com (e-mail for orders).

Manuscripts. The *Indiana Law Review* invites submission of unsolicited manuscripts. All citations should conform to *The Bluebook A Uniform System of Citation* (17th ed. 2000). Manuscripts should be double-spaced with standard one-inch margins. The *Indiana Law Review*, as a matter of policy, promotes the use of gender-neutral language, and alternate use of the female or male pronoun is intended to refer to both female and male.

Copyright: Copyright 2003. The Trustees of Indiana University. Except as may be expressly provided elsewhere in this publication, permission is hereby granted to produce and distribute copies of individual works from this publication for nonprofit education purposes, provided that copies are distributed at or below cost, and that the author, source, and copyright notice are included on each copy. This permission is in addition to rights of reproduction granted under Sections 107, 108, and other provisions of the U.S. Copyright Act.

The INDIANA LAW REVIEW (ISSN 0090-4198) is the property of Indiana University and is published quarterly by the Indiana University School of Law—Indianapolis, which assumes complete editorial responsibility thereof. Current subscription rates for an academic year are: one year domestic, \$30.00; foreign, \$35.00. Send all correspondence to Editorial Specialist, *Indiana Law Review*, Indiana University School of Law—Indianapolis, Lawrence W. Inlow Hall, 530 W. New York Street, Indianapolis, Indiana 46202-3225. Publication office: 530 W. New York Street, Indianapolis, Indiana 46202-3225. Periodicals paid at Indianapolis, Indiana 46201.

POSTMASTER: Send address changes to INDIANA LAW REVIEW, Lawrence W. Inlow Hall, 530 W. New York Street, Indianapolis, Indiana 46202-3225.



The entire text of this Law Review is printed on recycled paper.

INDIANA UNIVERSITY SCHOOL OF LAW



LAW

INDIANA HEALTH
LAW REVIEW

I N D I A N A P O L I S

INTRODUCING

INDIANA HEALTH LAW REVIEW

A Specialty Law Review

Focusing on
Health Care Law and Policy

Inaugural Issue - Spring 2004

For more information, please contact:

Indiana Health Law Review

Indiana University School of Law-Indianapolis

Lawrence W. Inlow Hall

530 West New York Street

Indianapolis, IN 46202-3225

Phone: 317.278.9519

E-mail: ihlr@iupui.edu

www.indylaw.indiana.edu/ihlr/



Digitized by the Internet Archive
in 2011 with funding from
LYRASIS Members and Sloan Foundation

Indiana International & Comparative Law Review

The *Indiana International & Comparative Law Review*, published by the Indiana University School of Law- Indianapolis since 1991, is a student-edited law journal that provides a forum for the discussion and analysis of contemporary issues in public and private international law. The *Review* publishes articles by prominent legal scholars, practitioners, and policy makers from around the world, as well as student-written notes and comments.

The *Review* is published twice annually, with a periodic third issue devoted to a specific topic in international or comparative law. In 1994, in conjunction with the Italian Academy for Advanced Studies in America at Columbia University, the *Review* published a special issue on the political and social aspects of Italian law. In 1996, the *Review* published an issue addressing various aspects of Chinese law.

Name

School/Firm/Business

Address

City, State, Zip Code

Subscriptions within the U.S. are \$18.00 per year and outside the U.S. are \$21.00 per year. I enclose \$ _____ for _____ subscription(s) to the *Indiana International & Comparative Law Review*. Please make your check payable to *Indiana International & Comparative Law Review*.

Mail to: Executive Production Editor
 Indiana International & Comparative Law Review
 Lawrence W. Inlow Hall
 530 West New York Street
 Indianapolis, Indiana 46202





**Please enter my subscription
to the
INDIANA LAW REVIEW**

NAME

ADDRESS:

Enclosed is \$ _____ for _____ subscription(s)

Mail to: **ATTN: Law Review Specialist**

at

INDIANA LAW REVIEW

INDIANA UNIVERSITY SCHOOL OF LAW—INDIANAPOLIS

Lawrence W. Inlow Hall

530 West New York Street

Indianapolis, Indiana 46202-3225

For an *academic* year, the subscription rate for four issues is:

Domestic, \$30; Foreign, \$35; Student, \$20

Single Issue, \$10; Survey Issue, \$20

Symposium Issue, \$15



Indiana University School of Law—Indianapolis

2003-2004 ADMINISTRATIVE OFFICERS AND FACULTY

Administrative Officers

- ADAM W. HERBERT, *President of the University*. B.A., M.A., University of Southern California; Ph.D., University of Pittsburgh.
- CHARLES R. BANTZ, *Chancellor, Indiana University-Purdue University—Indianapolis*. B.A., M.A., University of Minnesota; Ph.D., The Ohio State University.
- ANTHONY A. TARR, *Dean and Professor of Law*. B.A., LL.B., University of Natal; LL.M., Cambridge University; Ph.D., University of Canterbury; Ph.D., Cambridge University.
- THOMAS B. ALLINGTON, *Associate Dean for Technology and Professor of Law*. B.S., J.D., University of Nebraska; LL.M., New York University.
- JEFFREY W. GROVE, *Associate Dean for Graduate Studies, Professor of Law, and Director, China Summer Program*. A.B., Juniata College; J.D., George Washington University Law School.
- SUSANAH M. MEAD, *Associate Dean for Academic Affairs and Professor of Law*. B.A., Smith College; J.D., Indiana University School of Law—Indianapolis.
- CYNTHIA BAKER, *Director, Program on Law and State Government*. B.A., J.D., Valparaiso University.
- ELIZABETH L. DECoux, *Assistant Dean for Student Affairs*. J.D., Mississippi College School of Law.
- ANGELA M. ESPADA, *Assistant Dean for Admissions*. J.D., Indiana University School of Law—Bloomington.
- JONNA KANE MACDOUGALL, *Assistant Dean for External Affairs*. J.D., Indiana University School of Law—Indianapolis.
- CAROL B. NEARY, *Director of Development*. B.A., Indiana University.
- SHANNON L. WILLIAMS, *Director of Professional Development*. B.S., Indiana University.

Faculty

- CYNTHIA M. ADAMS, *Clinical Associate Professor of Law*. B.A., Kentucky Wesleyan College; J.D., Indiana University School of Law—Indianapolis.
- THOMAS B. ALLINGTON, *Associate Dean for Technology and Professor of Law*. B.S., J.D., University of Nebraska; LL.M., New York University School of Law.
- JUDITH FORD ANSPACH, *Professor of Law and Director, Ruth Lilly Law Library*. B.S., M.L.S., Kent State University; J.D., Mississippi College School of Law.
- GERALD L. BEPKO, *Indiana University-Purdue University—Indianapolis Chancellor Emeritus, Indiana University Trustee Professor and Professor of Law*. B.S., Northern Illinois University; J.D., ITT/Chicago-Kent College of Law; LL.M., Yale Law School.
- FRANK BOWMAN, *M. Dale Palmer Professor of Law*. B.A., Colorado College; J.D., Harvard Law School.
- WILLIAM C. BRADFORD, *Assistant Professor of Law*. B.A., M.A., University of Miami; Ph.D., Northwestern University; J.D., University of Miami School of Law; LL.M., Harvard Law School.
- ROBERT BROOKINS, *Professor of Law*. B.S., University of South Florida; J.D., Ph.D., Cornell University.
- KENNETH D. CHESTEK, *Clinical Associate Professor of Law*. B.A., Pennsylvania State University; J.D., University of Pittsburgh School of Law.
- DANIEL H. COLE, *R. Bruce Townsend Professor of Law*. A.B., Occidental College; A.M., University of Chicago; J.D., Lewis and Clark Law School; J.S.M., J.S.D., Stanford Law School.
- JEFFREY O. COOPER, *Associate Professor of Law*. A.B., Harvard University; J.D., University of Pennsylvania Law School.
- PAUL N. COX, *Centennial Professor of Law*. B.S., Utah State University; J.D., University of Utah College of Law; LL.M., University of Virginia School of Law.
- ROBIN KUNDIS CRAIG, *Associate Professor of Law*. B.A., Pomona College; M.A., The Johns Hopkins University; Ph.D., University of California; J.D., Lewis and Clark Law School.

- KENNETH D. CREWS, *Associate Dean of the Faculties for Copyright Management and Samuel R. Rosen II Professor of Law and Professor of Library and Information Science*. B.A., Northwestern University; J.D., Washington University School of Law; M.L.S., University of California, Los Angeles; Ph.D., University of California, Los Angeles.
- JAMES D. DIMITRI, *Clinical Associate Professor of Law*. B.S., Indiana University; J.D., Valparaiso University School of Law.
- JENNIFER ANN DROBAC, *Associate Professor of Law*. B.A., M.A., Stanford University; J.D., J.S.D., Stanford Law School.
- GEORGE E. EDWARDS, *Professor of Law and Director, Program in International Human Rights Law*. B.A., North Carolina State University; J.D., Harvard Law School.
- FRANK EMMERT, *Professor of Law and Executive Director, Center for International and Comparative Law*. Erstes Juristisches Staatsexamen (J.D.), University of Munich Law School; LL.M., The University of Michigan Law School; Ph.D., University of Maastricht; Diploma, European University Institute.
- NICHOLAS GEORGAKOPOULOS, *Professor of Law*. Ptyhion Nomikis, Athens University School of Law; LL.M., S.J.D., Harvard Law School.
- JEFFREY W. GROVE, *Associate Dean, Professor of Law, and Director, China Summer Program*. A.B., Juniata College; J.D., George Washington University Law School.
- FRANCES WATSON HARDY, *Clinical Associate Professor of Law*. B.S., Ball State University; J.D., Indiana University School of Law—Indianapolis.
- JOHN LAWRENCE HILL, *Professor of Law*. B.A., Northern Illinois University; J.D., Ph.D., Georgetown University.
- LAWRENCE A. JEGEN, III, *Thomas F. Sheehan Professor of Tax Law and Policy*. A.B., Beloit College; J.D., M.B.A., The University of Michigan; LL.M., New York University School of Law.
- HENRY C. KARLSON, *Professor of Law*. A.B., J.D., LL.M., University of Illinois College of Law.
- ROBERT A. KATZ, *Associate Professor of Law*. A.B., Harvard College; J.D., University of Chicago Law School.
- LINDA KELLY-HILL, *Professor of Law*. B.A., J.D., University of Virginia.
- ELEANOR D. KINNEY, *Hall Render Professor of Law and Co-Director of the Center for Law and Health*. B.A., Duke University; M.A., University of Chicago; J.D., Duke University School of Law; M.P.H., University of North Carolina.
- ANDREW R. KLEIN, *Paul E. Beam Professor of Law*. B.A., University of Wisconsin; J.D., Emory University School of Law.
- ROBERT E. LANCASTER, *Clinical Associate Professor of Law*. B.A., Millsaps College; J.D., Tulane Law School.
- NORMAN LEFSTEIN, *Professor of Law and Dean Emeritus*. LL.B., University of Illinois College of Law; LL.M., Georgetown University Law School.
- MARÍA PABÓN LÓPEZ, *Assistant Professor of Law and Co-Director, Latin American Law Program*. B.A., Princeton University; J.D., University of Pennsylvania Law School.
- GERARD N. MAGLIOCCA, *Assistant Professor of Law*. B.A., Stanford University; J.D., Yale Law School.
- ALLISON MARTIN, *Clinical Associate Professor Law*. B.S., J.D., University of Illinois.
- DEBORAH MCGREGOR, *Clinical Associate Professor of Law and Assistant Director of Legal Analysis, Research and Communication*. B.A., University of Evansville; J.D., Georgetown University Law School.
- SUSANAH M. MEAD, *Associate Dean and Professor of Law*. B.A., Smith College; J.D., Indiana University School of Law—Indianapolis.
- MARY H. MITCHELL, *Professor of Law*. A.B., Butler University; J.D., Cornell Law School.
- NOVELLA NEDEFF, *Clinical Associate Professor of Law*. B.A., J.D., Indiana University.
- JAMES P. NEHF, *Cleon H. Foust Fellow, Professor of Law, and Director, European Law Program*. B.A., Knox College; J.D., University of North Carolina Law School.
- DAVID ORENTLICHER, *Samuel R. Rosen I Professor of Law and Co-Director of the Center for Law and Health*. A.B., Brandeis University; J.D., M.D., Harvard College.
- JOANNE ORR, *Clinical Associate Professor of Law*. B.S., Indiana State University; J.D., California Western School of Law.
- ANTONY PAGE, *Assistant Professor of Law*. B. Comm., McGill University; M.B.A., Simon Fraser University; J.D., Stanford Law School.
- H. KATHLEEN PATCHEL, *Associate Professor of Law*. A.B., Huntington College; J.D., University of North Carolina Law School; LL.M., Yale Law School.

- FLORENCE WAGMAN ROISMAN, *Michael D. McCormick I Professor of Law*. B.A., University of Connecticut; LL.B., Harvard Law School.
- JOAN M. RUHTENBERG, *Clinical Professor of Law and Director of Legal Analysis, Research and Communication*. B.A., Mississippi University for Women; J.D., Indiana University School of Law—Indianapolis.
- JOEL M. SCHUMM, *Clinical Assistant Professor of Law*. B.A., Ohio Wesleyan University; M.A., University of Cincinnati; J.D., Indiana University School of Law—Indianapolis.
- ANTHONY A. TARR, *Dean and Professor of Law*. B.A., LL.B., University of Natal; LL.M., Cambridge University; Ph.D., University of Canterbury; Ph.D., Cambridge University.
- JAMES W. TORKE, *Carl M. Gray Professor of Law*. B.S., J.D., University of Wisconsin.
- LAWRENCE P. WILKINS, *William R. Neale Professor of Law*. B.A., The Ohio State University; J.D., Capital University Law School; LL.M., University of Texas School of Law.
- LLOYD T. WILSON, JR., *Associate Professor of Law*. B.A., Wabash College; M.A., Duke University; J.D., Indiana University School of Law—Bloomington.
- MARY T. WOLF, *Clinical Professor of Law and Director of Clinical Programs*. B.A., Saint Xavier College; J.D., University of Iowa College of Law.
- R. GEORGE WRIGHT, *Michael D. McCormick II Professor of Law*. A.B., University of Virginia; Ph.D., Indiana University; J.D., Indiana University School of Law—Indianapolis.

Emeriti

- EDWARD P. ARCHER, *Professor of Law Emeritus*. B.M.E., Rensselaer Polytechnic Institute; J.D., LL.M., Georgetown University Law School.
- JAMES F. BAILEY, III, *Professor of Law Emeritus*. A.B., J.D., M.A.L.S., The University of Michigan.
- AGNES P. BARRETT, *Associate Professor of Law Emerita*. B.S., J.D., Indiana University.
- CLYDE HARRISON CROCKETT, *Professor of Law Emeritus*. A.B., J.D., University of Texas; LL.M., University of London (The London School of Economics and Political Science).
- DEBRA A. FALENDER, *Professor of Law Emerita*. A.B., Mount Holyoke College; J.D., Indiana University School of Law—Indianapolis.
- DAVID A. FUNK, *Professor of Law Emeritus*. A.B., College of Wooster; J.D., Case Western Reserve University School of Law; M.A., The Ohio State University; LL.M., Case Western Reserve University; LL.M., Columbia Law School.
- PAUL J. GALANTI, *Professor of Law Emeritus*. A.B., Bowdoin College; J.D., University of Chicago Law School.
- HELEN P. GARFIELD, *Professor of Law Emerita*. B.S.J., Northwestern University; J.D., University of Colorado School of Law.
- HAROLD GREENBERG, *Professor of Law Emeritus*. A.B., Temple University; J.D., University of Pennsylvania Law School.
- WILLIAM F. HARVEY, *Carl M. Gray Professor of Law & Advocacy Emeritus*. A.B., University of Missouri; J.D., LL.M., Georgetown University Law School.
- W. WILLIAM HODES, *Professor of Law Emeritus*. A.B., Harvard College; J.D., Rutgers University School of Law—Newark.
- WILLIAM ANDREW KERR, *Professor of Law Emeritus*. A.B., West University; B.S., Duke University; J.D., LL.M., Harvard Law School.
- WILLIAM E. MARSH, *Professor of Law Emeritus*. B.S., J.D., University of Nebraska.
- RONALD W. POLSTON, *Professor of Law Emeritus*. B.S., Eastern Illinois University; LL.B., University of Illinois College of Law.
- KENNETH M. STROUD, *Professor of Law Emeritus*. A.B., J.D., Indiana University—Bloomington.
- JAMES PATRICK WHITE, *Professor of Law Emeritus*. A.B., University of Iowa; J.D., LL.M., George Washington University Law School.

Law Library Faculty

- JUDITH FORD ANSPACH, *Professor of Law and Director, Ruth Lilly Law Library*. B.S., M.L.S., Kent State University; J.D., Mississippi College School of Law.
- MARY HUDSON, *Reference/Circulation Librarian*. B.A., Ball State; M.L.S., Indiana University.
- RICHARD HUMPHREY, *Reference Librarian*. A.A., Brewton-Parker Junior College; B.A., Georgia Southwestern College; M.L.S., University of Kentucky.

- WENDELL E. JOHNTING, *Assistant Director for Technical Services*. A.B., Taylor University; M.L.S., Indiana University.
- CHRIS E. LONG, *Catalog Librarian*. B.A., Indiana University; M.A., Indiana University; M.L.S., Indiana University.
- MAHNAZ K. MOSHFEGH, *Acquisition/Serials Librarian*. B.A., National University of Iran; M.S., Tehran University; M.A., Ball State University; M.L.S., Ph.D., Indiana University.
- MIRIAM A. MURPHY, *Associate Director of Law Library*. B.A., Purdue University; J.D., M.L.S., Indiana University—Bloomington.
- KIYOSHI OTSU, *Computer System Specialist*. A.A., Parkland College; A.B., M.S., C.A.S., University of Illinois.

Indiana Law Review

Volume 37

2004

Number 3

Copyright © 2004 by the Trustees of Indiana University

TABLE OF CONTENTS

SYMPOSIUM

- Rededication of the Federal Courthouse in Indianapolis
The 100th Anniversary of the Laying of the Cornerstone
March 25, 2003 *Justice Theodore R. Boehm* 605
- Naming Ceremony for the Birch Bayh Federal Building
and United States Courthouse
October 24, 2003 *Judge Richard L. Young* 609
- Dedication of Birch Bayh United States Courthouse
October 24, 2003 *Judge David F. Hamilton* 613
- Federal Justice and Moral Reform in the
United States District Court in Indiana,
1816-1869 *George Geib* 619
Donald Kite
- Judicial Federalism in the Southern District *William E. Marsh* 629
Andrea K. Marsh
- The Role of Indiana's State and Federal Courts
in Legislative Redistricting, 1962-2003 *A. Scott Chinn* 643
- Indianapolis Judges and Lawyers Dramatize *Ex Parte Milligan*,
A Historical Trial of Contemporary
Significance *Justice Frank Sullivan, Jr.* 661
- Ex Parte Milligan* 667
- The United States Court House in Indianapolis *Perry R. Secrest* 687
- "Three Bank Tellers Is Enough"
Personal Reminiscences of Legal Practice
by Members of the Bench and Bar *Suzanne M. Buchko* 699
- Federal Judges for the Indiana Territory, District of Indiana,
and Southern District of Indiana 729

ARTICLE

- Dual Office Analysis: Can the Legislature
Carve out Exceptions? *Gregory Zoeller* 733

NOTES

- The Constitutional and Economic Implications
of a National Cap on Non-Economic Damages
in Medical Malpractice Actions *Kevin J. Gfell* 773
- Shaking *Price Waterhouse*: Suggestions for a
More Workable Approach to Title VIII
Mixed Motive Disparate Treatment
Discrimination Claims *Cassandra A. Giles* 815
- Cybermedicine: Defying and Redefining
Patient Standards of Care *Julie Reed* 845