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Volume 37 No. 4 2004

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Tribute to Paul Galanti

Gerald L. Bepko

2003 SURVEY OF RECENT DEVELOPMENTS IN INDIANA LAW

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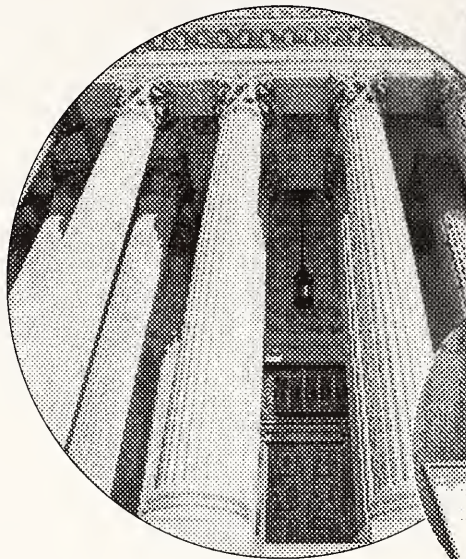
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2003-2004



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(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.*

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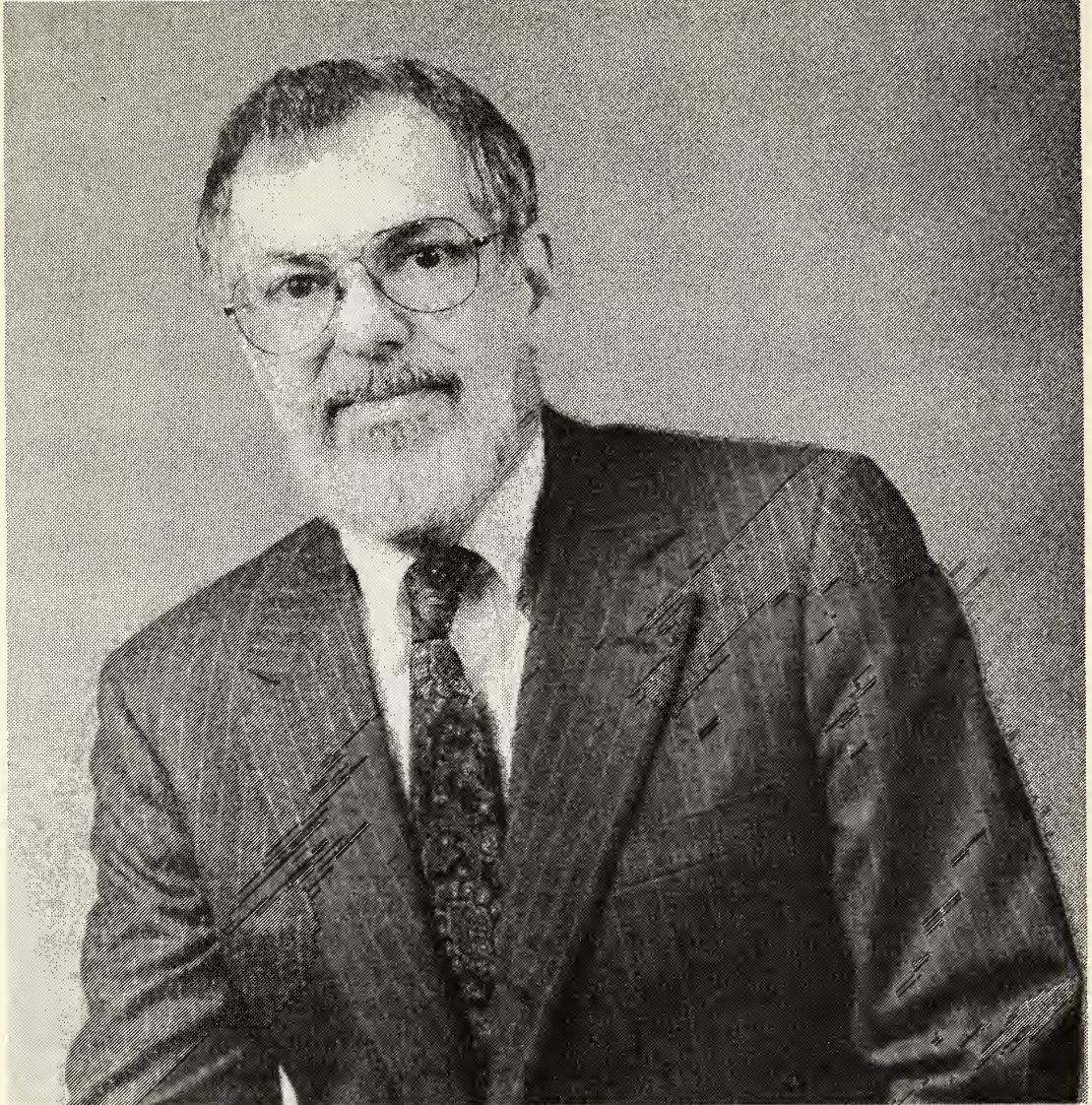
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PAUL GALANTI

TRIBUTE TO PAUL GALANTI

GERALD L. BEPKO*

In the fall term of 1972, the Indiana University School of Law family was still celebrating the 1970 opening of the new facility at 735 West New York Street. In that new facility the offices for faculty were distributed throughout the building in newly arranged suites of three. Each suite contained two faculty offices and one office in the middle for an assistant. As a new member of the faculty in 1972, I had the good fortune to be assigned to the suite of offices that already included our dear friend Paul Galanti.

Paul and I became friends quickly in those beautiful late summer days on the second floor south hall of the new building. Paul and I talked about our common experiences living in Chicago. I grew up there; Paul grew up in New Jersey but went to Law School at the University of Chicago. We shared an affinity for the ever hapless Chicago Cubs, near north side Rush Street social life, Windy City politics still then dominated by the first Mayor Daly, and *Chicago Daily News* columnist Mike Royko whose columns were carefully clipped and packaged each month and sent to us by my mother who still lived in Chicago. All this laid the foundation for a bond of friendship that has grown stronger and stronger as the next thirty-one years flew by.

I remember thinking that Paul had a near perfect preparation for a career in law. His father was a judge in New Jersey, and Paul attended the best schools—Choate, Bowdoin, and the University of Chicago Law School. Paul was not, however, influenced much by the Milton Friedman Chicago school of free market economics that later may have contributed to the rise of such luminary Chicago law faculty as Richard Epstein, Judge Frank Easterbrook, and Judge Richard Posner. In contrast, Paul left the University of Chicago as a Kennedy/Johnson liberal who found the Johnson administration to be less idealistic than suited his New England Democratic Party populism. As this tribute to Paul is written, former Vermont Governor Howard Dean is making a strong bid for the Democratic Party nomination for President. In his campaign Governor Dean has sounded a lot like Paul Galanti.

After leaving the University of Chicago, Paul joined an excellent Chicago law firm (Ross Hardies) and began a corporate practice representing large corporate clients such as People's Gas Company. Paul probably was never comfortable in this type of silk-stocking, aristocratic law practice working to facilitate corporate reorganizations and protecting wealth from taxation. This was to the good fortune of Indiana University because it led to Paul's acceptance of an appointment here in 1970, the year the law building on New York Street opened.

Teaching business association courses made sense for Paul because of his experience at Ross Hardies and his instinct for questioning the justice and societal utility of some of the norms of this field of law. His tendency to take the position

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of the "little guy" in the analysis of corporate law matters gave students something special. Over the years Paul's students have understood law better because Paul provoked them with examples of the drama that unfolds when the interests of large organizations clash with those of ordinary people or when the interests of large organizations clash and cause collateral damage to ordinary people. His students became more adaptable and developed a more profound capacity for analysis because they were forced to think about underlying economic and social considerations. Also, after hearing Paul's repeated examination of the public interest, his students seemed more likely to become thoughtful and socially responsible members of the profession.

Paul's contributions to student development were not confined to the classroom. In his first years on the faculty Paul pitched in and took on extra assignments such as faculty advisor to the *Indiana Law Review*. This was a very important role, since the *Review* had only begun publication a few years earlier. It was Paul's role not only to help establish a culture of excellence, but also to make certain that the culture and traditions were those of the students to be handed from one class of law review editors to the next. This is something Paul did with real dedication for eighteen years. To some considerable degree the excellence of the *Indiana Law Review* in which this tribute is published is based on Paul's devotion to the ideals of a student managed educational process and his steadfastness as faculty advisor to the *Review*.

In 1976 while we still shared the office suite, Paul underwent a round of serious surgery. Through his surgery and its aftermath, I came to understand Paul's tremendous courage. This also was a time when we got to know Paul's family better. We already knew Jean and sons Ben and Daniel, who were about the age of our children, but, through this difficult time, we met his father, Judge Benjamin Galanti, his sister, Benita and his mother, Rosalye. The intertwining of our families has brought us together in various ways on many occasions up to the present. Our spouses, both named Jean, have remained friends. A few years after Paul's surgery, while we were on sabbatical leave at Oxford, Jean, our children and I had dinner with Paul's sister Benita, her husband Ian and their son Adrian at their home in London. I remember with sadness when Judge Galanti died and I remember the feelings that Paul worked through in the wake of his death. Many years later, in the 1990s, Paul's mother moved from New Jersey into Hoosier Village, the same retirement home in Indianapolis to which my mother and stepfather had earlier moved from their home in Chicago. In the last days before Mrs. Galanti died at age 96, she and my mother sat at the same table for meals.

The inevitable moments of sadness in life never interrupted for very long Paul's sense of humor—often self effacing—which has been a treasure of the law school. A favorite story about Paul involves his often taking extra time to post his grades. This was in the days when we did not have grade deadlines and Paul, like many of us, still reflected the traditions of law schools where grades were posted months after exams were administered. We were both in our offices in the second floor south suite with all the doors open. Paul's booming voice could be heard up and down the hall. As the weeks went by after exams, anyone nearby could hear Paul receive and respond to phone calls about grades. Some of these

calls were reminiscent of the classic Bob Newhart one-sided telephone humor of the early sixties. I would hear Paul answer the phone. He would say, "HELLO" with a touch of annoyance in his voice. It was as if he knew who was calling. He was right. The conversation would continue, "No, they're not." (pause) "No!" (pause) "Yes, I know that." (pause) "EVENTUALLY!" (click)

A prominent vehicle for Paul's playful wit is the letters he writes to various editors, including letters to the editors of *Motor Trend* and *Auto Week* reflecting his lifelong interest in automobiles. His interest in cars and politics came together when, in 1994, he wrote a letter to the *Wall Street Journal* titled "I have Indiana's most infuriating car." In the letter, he responds to a woman who complained about the way she is treated by drivers of cars who disagree with her conservative politics, apparently displayed on her car. Paul wrote: "She should come to Indiana. I have on my car two Clinton-Gore bumper stickers, an Earth Day sticker, and a sticker supporting the President's Health Care Proposal. On the front I have a license plate that reads DEMOCRAT, and my official license plate in the rear is DEMCRAT, since Indiana only allows seven letters on vanity plates." Then, Paul continued: "Have I ever gotten an obscene gesture from drivers of cars with Republican/Conservative bumper stickers? She better believe it Do I make comparable gestures to conservatives while driving?" "Well, for one thing," Paul lamented, "In Indiana that would mean driving with one hand all the time Actually, I'm just satisfied watching conservatives become apoplectic when they see my car."

Paul's light-hearted moments and sense of humor were in vivid contrast to the serious side that he exhibited when there were substantive law school matters at stake. As relatively young faculty members, Paul and I were drawn into debates on a number of issues within the law school—issues that reflected sharp differences of opinion. Paul was always ready to hear the views of others, but when it came time to make a decision he was never afraid to express himself in the most direct way. On more than one occasion he exemplified the adage that there is a need to speak truth to authority, and the school's affairs were managed in a much more principled and effective fashion because of Paul's forthrightness and independence. I'm pleased to add that Paul and I usually found ourselves on the same side in these discussions, especially in the most important cases where fundamental directions and choices for the school were in play.

Another interest we shared was running, although Paul didn't become a runner until he was about forty years old. I remember Paul's first efforts to run around Military Park and thinking it would take him a long time to keep up with those of us who were already runners. I also remember, only a year later, having great difficulty keeping up with Paul, and with Tom Reed, and how many times I was impressed with the excellent times Paul recorded in various races such as the Indianapolis Mini-Marathon.

While our friendship continued throughout the ensuing years, it was at more of a distance beginning in 1981 when I became dean. Of course Paul regarded me differently when I joined the administration, making sure that I understood that our friendship would not guarantee Paul's support for anything but the best ideas for the school as he defined them. What Paul did not supply in unquestioning support, however, he did supply in productivity, and I was proud

of Paul's academic work, which was maturing at about that time. His writing on the law of corporations culminated in the publication in 1991 of the four volumes on Business Associations in Indiana that are a part of the West Publishing Indiana Practice Series. While this Series is intended to serve Indiana lawyers and judges, many subjects, including Paul's treatment of business associations, are covered with a much broader scope and contain very high quality breadth and analysis. In 1982 Paul was appointed as a visiting professor at the University of Illinois College of Law—a role in which I had served five years earlier in 1977 and something I was pleased to recommend for Paul. And I was pleased to see Paul take an interest in the School's China Summer Program, which he headed up on four different occasions. Coupled with the spring term Paul spent in China as a visiting scholar in 1993, this work in China has made Paul into a law faculty member with a significant international and comparative law dimension.

In 1998, in a not untypical turn of the seasons of faculty life, Paul's interests moved to the continuing development of the culture of our university and its faculty. In pursuit of this interest, Paul was elected Vice President of the IUPUI Faculty, which at the time was some 1700 strong. The majority of those faculty are from the School of Medicine, which makes Paul's election, as a professor of law (the first member of the law faculty elected to this office), even more notable. Since I was Chancellor at the time, Paul and I came back to work closely together again, twenty-six years after sharing the office suite on the second floor south. Two years later, in 2000, as most of us expected, Paul proceeded through the chairs and was elected President of the IUPUI faculty, once again expanding the time and projects on which we were able to collaborate. Over the ensuing two years of Paul's presidency I thought many times about the cycles of life. Twenty-eight years earlier, as young faculty, we had spent a lot of time together seeking change, sometimes restlessly, and sometimes in a manner that was unsettling to older faculty, most of whom had already more than once been through what we thought was novel. Now Paul and I were together as leaders of the campus, trying to advance this wonderful university in a circumspect manner, probably to the frustration of some young faculty seeking change.

These four years were poignant for me, as I suspect they were for Paul. He and I were bringing our service to the larger university to a close on nearly the same schedule. He concluded his term as Faculty Council President and retired at the end of the 2001-02 academic years. I retired from the administration at the end of the 2002-03 academic year.

During these four years of renewed collegiality and friendship, I had the pleasure of seeing Paul employ the same courage, the same independence, the same willingness to stand up for what is right, the same friendly collegial approach and the same sense of humor that I admired thirty years earlier. His steady contributions as a teacher, his scholarship and his leadership have been very important to our School of Law, to all of IU, and particularly to this special campus in Indianapolis known as IUPUI.

In the year 2000, the campus administration concluded that a part of the annual Chancellor's Honors Convocation should be devoted to a celebration of the history and remarkable values that have been the foundation for campus growth. We thought we should tap into institutional memory by having long-

servicing retiring faculty members speak and reflect on the development of the campus. Each speaker is to be a person who is familiar with our origins, our traditions, our hopes and aspirations, and a person who has been a significant factor in building the network of collegiality, trust and friendship that has been such a significant factor in IUPUI's growth. In that first year (2000) the first speaker was Bob Holden, who was at that time retiring as Dean of the IU School of Medicine. In 2001 Paul Nagy spoke as a former Associate Dean of Faculties and the retiring chair of the Philosophy Department here at IUPUI. In 2002, the year in which he made his transition to retirement, the speaker was Paul J. Galanti. I had the pleasure of participating in his selection for this role, extending the invitation to him, and introducing him to the assembled faculty, students, staff and alumni. It was an honor for me as the campus Chancellor to be able to make that introduction of Paul highlighting the importance of our friendship, long association, and his many contributions to our academic success, and it has been an honor for me to write this tribute to him. He is one of those stalwart colleagues who helped build and sustain a great university, and I know I speak for many when I say that I am pleased and proud to be his friend and colleague.

