

# Indiana Law Review

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Volume 36

2003

Number 1

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## TRIBUTES

### NORMAN LEFSTEIN—SPLENDID DEAN, LEGITIMATE HOOSIER

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Few practitioners fully appreciate the challenge of being an effective modern law dean. The dean is surrounded by substantial forces only partially amenable to his or her will. The dean sits as the first among equals in a tenured faculty whose individual interests do not always mesh neatly with the overall goals of the school. Hundreds of students pass by the dean's office each day, many of them ready at the drop of a hat to spring into action proving that they will be superb advocates by doing combat on some matter of student interest. The alumni watch at greater distance, wishing for the school to burnish their own credentials but understanding only in part the trends in legal education. It is no wonder that most law deans last four or five years.

Still, success stories appear before our very eyes. Norman Lefstein's leadership of the school at Indianapolis has been such a story. I record here just a few of the ways in which Dean Lefstein has exceeded himself.

#### I. REACHING BEYOND THE ACADEMY

American law schools have reformed their education approach at a tremendous pace in the years since the American Bar Association issued the MacCrate Report in 1992.<sup>1</sup> Yet, complaints persist that the academy is too inward looking. Some of these criticisms come from within the academic community itself.<sup>2</sup> Others come from close by, such as a famous complaint by Judge Harry

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\* Chief Justice of Indiana. A.B., 1969, Princeton University; J.D., 1972, Yale Law School; LL.M., 1995, University of Virginia.

1. Robert MacCrate, *Legal Education and Professional Development—An Educational Continuum* (July 1992). The "MacCrate Report," headed by former ABA President Robert MacCrate and presented by the Task Force in Law Schools and the Profession, is a comprehensive examination of multidisciplinary practice in the United States.

2. See Donald J. Weidner, *A Dean's Letter to New Law Faculty About Scholarship*, 44 J. LEGAL EDUC. 440 (1994); Donald J. Weidner, *Law School Engagement in Professionalism and Improved Bar Relations*, 72 FLA. B.J. 40 (1998); Donald J. Weidner, *The Crises of Legal Education: A Wake-Up Call for Faculty*, 47 J. LEGAL EDUC. 92 (1997); Donald J. Weidner, *The Florida Supreme Court Commission on Professionalism and the Crises of Legal Education*, 71 FLA. B.J. 64 (1997). Don Weidner served as Dean of Florida State University College of Law from 1991 to 1997, as Interim Dean from 1998 to 2000, and as Dean from 2000 to present.

Edwards, formerly of the law faculty at Michigan: “For some time now, I have been deeply concerned about the growing disjunction between legal education and the legal profession.”<sup>3</sup>

To earn a reputation as someone who looks beyond the boundaries of the faculty meeting, a law dean must commit to some heavy lifting: time spent at bar association receptions, travel to relatively small groups of alumni in distant cities, meetings with judges of various stripes, and so on. Norm Lefstein has dedicated a substantial part of his personal energy to building such links during his stewardship of the school.

And he has always given the impression that he thirsts to do more. On integrating the bench and bar into the work of the school, he once said: “We seek to use the practicing bar as mentors to our students, as speakers at a variety of programs, as judges for a wide variety of competitions, and yet I always have the sense that the demand by members of the private bar to be involved in our legal education program exceeds our opportunities to involve them.”<sup>4</sup>

Dean Lefstein’s efforts along these lines has paid dividends for the school and the profession in a host of ways. His approach has assisted in recruiting both faculty and students, made it easier to integrate adjunct faculty into the teaching of the school, and resulted in broader support for the school’s financial needs.<sup>5</sup>

## II. COLLABORATION ON LEGAL EDUCATION REFORM

While outreach requires substantial exertion, it is not a particularly risky venture. The same cannot be said of working on alternative methods of legal education. Here, the academy’s interests are at a high point, making any decanal

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3. Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 34 (1992):

For some time now, I have been deeply concerned about the growing disjunction between legal education and the legal profession. I fear that our law schools and law firms are moving in opposite directions. The schools should be training ethical practitioners and producing scholarship that judges, legislators, and practitioners can use. The firms should be ensuring that associates and partners practice law in an ethical manner. But many law schools—especially the so-called “elite” ones—have abandoned their proper place, by emphasizing abstract theory at the expense of practical scholarship and pedagogy. Many law firms have also abandoned *their* place, by pursuing profit above all else. While the schools are moving toward pure theory, the firms are moving toward pure commerce, and the middle ground—ethical practice—has been deserted by both. This disjunction calls into question our status as an honorable profession.

4. John E. Connor & Assocs., 1 Conclave on Legal Education in Indiana 64 (Feb. 28, 1997) (transcript of Conclave on Legal Education in Indiana).

5. Total gifts to the law school during the decade of the 1990s rose from roughly \$250,000 a year to about \$3 million a year. Dean’s Report 2000-2001, Indiana University School of Law—Indianapolis, at 20.

leadership a high-risk endeavor. It has been the characteristic of the Lefstein reign.

When Indiana became one of the early states to stage a “conclave on legal education,” Dean Lefstein appeared not to hesitate about co-chairing the project, along with the president-elect of the Indiana State Bar Association, Chic Born.<sup>6</sup> When seventy-five leaders of the bench, the bar, and the academy gathered for nearly two days of discussions about reforming lawyer and law student legal education, it was plain that some of the academics in the hall mostly wanted to get out of town in one piece. It was not Norm’s approach. He said:

[T]here are two final questions that are sure to be before us during this conclave. The first relates to whether or not we are teaching our students what we want them to learn, whether we are effective in doing that. And the second concerns whether there are ways in which legal education should change in order to enhance the confidence of today’s law graduates.<sup>7</sup>

One can sort through the leadership ranks in American institutions of all sorts and conclude that we face a shortage of people willing to engage publicly with others about the adequacy of the work their organizations perform. Norm Lefstein has provided us all with a model of forthright, collaborative leadership.

### III. LEFSTEIN AND INDIANA’S CRIMINAL LAW PROGRESS

Barbara Allen Babcock will write more fully about Dean Lefstein’s contributions to the national effort at improving defense of the indigent in criminal cases.<sup>8</sup> The story of his contributions to Indiana reform, however, should

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6. See, e.g., William R. Rakes, *Conclaves on Legal Education: Catalyst for Improvement of the Profession*, 72 NOTRE DAME L. REV. 1119, 1124 (1997):

[T]oday’s law school graduates are less prepared for the practice of law than those of two or three decades ago, Lilly agrees the trend toward this theory has created an imbalance in the law schools. He claims that the situation is deteriorating, particularly with regard to the relationship between law faculties and the practicing bar.

Rakes continues,

I will suggest that beneath this seemingly placid surface lie currents of a major realignment, not between students and faculty, or even between students and practitioners, but rather between the faculties of major law schools and the bench and bar.

*Id.* (citing Richard Posner, *The Deprofessionalization of Legal Teaching and Scholarship*, 91 MICH. L. REV. 1921 (1993)).

7. Connor & Assocs., *supra* note 4, at 70-71.

8. Dean Lefstein’s prominence in this effort is of long standing. See, e.g., Dudley Clendinen, *Budget Ills Crippling Defense of Poor, Lawyers Say*, N.Y. TIMES, Nov. 14, 1982, § 1, at 28 (Whatever the precise measure, it is the apparent inequity, and the erratic nature of indigent defense, that worries Professor Lefstein. “People being arrested are not having their cases challenged in any rational, systematic kind of way,” he said, “and the result is, innocent people get

be separately documented.

Larry Landis of the Indiana Public Defender Council led a dogged effort to improve our public defender services, and finally persuaded the General Assembly to adopt a framework for far-reaching reforms in 1989.<sup>9</sup> Governor Evan Bayh appointed Norm as first chair of the new Public Defender Commission of Indiana, and the project has never looked back.

For more than a hundred years, Indiana has held to the ideal that in a decent society a person should not go to trial without a lawyer just because he or she is too poor.<sup>10</sup> It thus befit our heritage that Indiana became the second state in the union to adopt mandatory standards for the appointment of counsel in capital cases (something that still does not exist in federal courts) when the Indiana Supreme Court and the Indiana Public Defender Commission collaborated on court rules and commission standards in 1989.<sup>11</sup> Norm Lefstein captured the enormous effect of these standards in a comprehensive published study.<sup>12</sup>

Perhaps more telling is the effect of the Public Defender Commission's work on the hundreds of thousands of non-capital cases. We have striven to assure indigent criminal defendants that their legal counsel is not doing his or her on-the-job training on them.<sup>13</sup> By today, more than fifty counties are participating in a program to upgrade local public defender services.

This sea change is consistent with what the Indiana Supreme Court said when it first established a right to counsel for indigent defendants. In deciding *Webb v. Baird* more than a century before *Gideon v. Wainwright*,<sup>14</sup> Justice Stuart of our court said:

It is not to be thought of, in a civilized community, for a moment, that any citizen put in jeopardy of life or liberty, should be debarred of counsel because he was too poor to employ such aid. No Court could be respected, or respect itself, to sit and hear such a trial. The defense of the poor, in such cases, is a duty resting somewhere, which will be at once conceded as essential to the accused, to the Court, and to the public.<sup>15</sup>

Norm Lefstein has played a central role in building upon this foundation by

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convicted.”).

9. The General Assembly created the Indiana Public Defender Commission in 1989 by P.L. 284-1989.

10. Chief Justice Randall T. Shepard, *State of the Judiciary, Counsel, Computers, Compensation, and a Few Words About Dimpled Chads* (Jan. 2001).

11. Norman Lefstein, *Reform of Defense Representation in Capital Cases: The Indiana Experience and its Implications for the Nation*, 29 IND. L. REV. 495, 503-04 (1996).

12. *Id.*

13. Chief Justice Randall T. Shepard, *State of the Judiciary, 1995 is Bound To Be A Better Year* (Jan. 1995).

14. 372 U.S. 335 (1963).

15. 6 Ind. 13, 18 (1954). *See also* Randall T. Shepard, *Indiana Law and the Idea of Progress*, 25 IND. L. REV. 943, 947 (1992).

developing the self-respect of these institutions.

#### IV. THE SCHOOL IS A LARGER PLACE

Everyone I know recognizes that there would not be a fine new law building had it not been for Norm Lefstein. More important yet is the stronger school that rests beneath its roof.

American law schools at the turn of the century were obliged to seek out their own niches in the world of legal education in order to thrive in a market that turned down for most of the decade of the 1990s. Dean Lefstein's vision of the mission of the school has been simultaneously lofty and practical: "To give our students a first-class legal education, to have a faculty that engages in scholarship and research that not only is geared to Indiana but to the nation and the international community as well, and to serve both the academic and legal communities."<sup>16</sup>

Under Dean Lefstein's tutelage, the law school has developed along the lines of the business/environmental adage "Think globally, act locally." It has promoted student involvement at the local level, built national relationships, and strengthened international awareness in the legal community. The dean was instrumental in creating the International and Comparative Law Review and launching Summer Study Abroad programs in places like Lille, France, and Beijing, China. The Program in International Human Rights Law soared as students have represented the school on six continents since its inception. Most recently, the school became home to an LL.M. program in American law for foreign lawyers. The national and international work of the faculty have meant such change in the school's work that it was hardly a surprise that Dean Lefstein's successor came from overseas.

The Center for Law and Health program blossomed to national recognition, the faculty has grown steadily stronger and diverse, and the professional lecture series has attracted notable speakers from U.S. Supreme Court Justices to civil rights activists and dignitaries from other countries. Dean Lefstein has dramatically expanded student opportunities for clinics, internships, and externships.

And, of course, if you build it, they will come. The school's applications have nearly doubled during the Lefstein years. The grade point average of the entering class has risen. Minority enrollment has risen from 0.36% to 22%. And there are more women than men for the first time in history. Moreover, the national and international work of the faculty have expanded the school's reputation so broadly that attracting a successor dean from overseas seemed part of a natural progression.

Norm Lefstein has left us an institution of legal education stronger than it has ever been. It is one that makes good of its connections to Indiana, and one that makes noteworthy contributions to the national and international legal scenes.

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16. Connor & Assocs., *supra* note 4, at 60-61.

## V. LONG LIVE NORM!

I learned a new word some weeks back that befits today's occasion: *festschrift*. A *festschrift* is a collection of writings from several hands for celebration; especially one of learned essays contributed by students, colleagues and admirers to honor a scholar on a special anniversary.<sup>17</sup> Dean Norman Lefstein is worth celebrating. He was not born in Indiana, but I think he came as soon as he heard about it. He has given us more than we could ever have hoped for. Many thanks, dean, for what you have done and who you are.

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17. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 841 (Philip Babcock Grove ed., 1993).