

TRIBUTE TO ANDY KERR

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Professor William A. Kerr retired from Indiana University School of Law—Indianapolis at the end of the 1997-98 academic year after thirty years of teaching. We are honored to have the opportunity to write this tribute, and we consider ourselves well suited to the task. Both of us had the privilege, shared now with hundreds of Indiana lawyers, of having been taught by Andy Kerr. In addition, we have known him as a friend and colleague for twenty years. Thus, we have a unique perspective on Andy and his remarkable contributions to this institution.

Andy demonstrated his academic bent early. He received his Bachelor of Arts degree in 1955 and his Juris Doctor degree in 1957 from West Virginia University, where he was named to Phi Beta Kappa and the Order of the Coif. In 1957 he received a Ford Foundation Fellowship to attend the Harvard Law School, which awarded him the Master of Laws degree in 1958. His legal career began in 1958 when he was assigned to serve as a trial attorney in the Judge Advocate General Department of the United States Air Force. During his three years of military service, Andy served as prosecutor or defense attorney in numerous court-martial proceedings involving charges ranging from AWOL to murder, with everything from larceny to bigamy in between.

After completing active duty with the Air Force, Andy joined the litigation department of a Philadelphia law firm, Schnader, Harrison, Segal & Lewis, where he practiced for three years before deciding to pursue an academic career. As an additional preparation for that career and because of his abiding interest in religion and law, he entered the Duke University Divinity School and in 1968 earned a Master of Divinity degree with summa cum laude honors. That year, he joined the faculty at Indiana University School of Law—Indianapolis and has been a member of the faculty ever since. His teaching interests have been many and varied. During his career, he has taught Criminal Law, Criminal Procedure, Evidence, Domestic Relations, Church and State, Torts, Jurisprudence, Appellate Advocacy, and Trial Advocacy. It is fair to say, however, that his great love, and the focus of his considerable energy, both scholarly and practical, has been criminal law and procedure in general and the Indiana criminal justice system in particular.

Throughout his teaching career, Andy was deeply interested in the relationship between practice and theory. Shortly after joining the faculty, he took advantage of an opportunity to serve as Assistant United States Attorney, while continuing to teach part-time. When he returned to full-time teaching in 1972, he was asked to assist the Indiana Prosecuting Attorneys Association in establishing a staff agency at the law school. He served as Director of Research

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for this agency, which became the Indiana Prosecuting Attorneys Council. The success of this venture prompted the Indiana judiciary to enlist his aid in creating a similar state agency for the judiciary, which became the Indiana Judicial Center. Andy served as its Executive Director for twelve years, although he remained a member of the law school faculty.

Andy's many efforts to improve the criminal justice system in Indiana and the accolades awarded to him for those efforts are too numerous to recount here. Notable among them, however, was his work with the Indiana Criminal Law Study Commission from 1973 until 1989. During that time, with Andy often serving as secretary, the commission completely revised the state's antiquated criminal code and criminal procedure code. His tireless crusade to improve the juvenile justice system earned him a distinguished service award from the Indiana Council of Juvenile Court judges in 1979 and an award for an outstanding judicial education program from the National Council of Juvenile and Family Court Judges in 1985. It is no exaggeration to say that Andy Kerr has been one of the most influential forces in shaping the Indiana criminal justice system in the last quarter century.

In addition to these impressive accomplishments, Andy Kerr was a superb teacher. He taught hundreds of law students and inspired many of them to pursue careers in criminal justice. He also taught practicing lawyers, judges, and on at least one occasion, the public. During professional boxer Mike Tyson's trial, Andy was the legal analyst for the local NBC affiliate. Always the teacher first and foremost, Andy took this experience into the classroom. Struck by how closely the various motions made before and during the trial coincided with the material that he intended to cover in his Criminal Procedure class, Andy decided to use the trial proceedings as a teaching tool. For three weeks, his students had the rare experience of learning principles of criminal procedure as the principles were being applied in an ongoing and much publicized criminal proceeding. This novel approach to teaching a law school subject caught the attention of the media. A television crew visited Andy's class to document Andy's use of the Tyson proceedings as teaching material.

When we were law students, we each had the good fortune to take a class from Andy, one of us in Criminal Law and the other in Evidence. Our recollections of Andy as a teacher are vivid and remarkably similar. We recall, for example, the awe that he inspired in us and our classmates. When Andy walked into the classroom, a hush fell, books opened, and students prepared to engage in a dialogue that required precision, logic, and clarity, as well as a thorough understanding of the procedural and substantive issues in each assigned case. We were impressed by his ability to reduce legal issues into simple logical steps while still considering the complexities of the issues—the essence of thinking like a lawyer—and to teach us to do the same. He was adroit at drawing from students far more than they thought they knew. To us, he was the consummate law professor. We also recall as if it were yesterday the Andy Kerr exam experience—the dread before, the writer's cramp during and the elation afterwards when we learned we had received an A from Andy Kerr!

More recently, we have had the good fortune to be Andy's colleagues. We know that we speak for the entire faculty when we say he has earned our deep

respect for his service to our law school. He brought a principled approach and tireless dedication, as well as good humor, to all of his law school responsibilities, from the preparation of teaching materials to the seemingly endless task of reading admissions files. When his experience was needed, he willingly and unselfishly took on extraordinary faculty responsibilities, even in the face of publishing deadlines and other commitments. For this we will always be grateful.

As is to be expected from someone with Andy's energy and enduring interest in the law, he has not ended his legal career, though he has retired from teaching. At a time in his life when most people would be seeking a quiet retirement, Andy is hanging out his shingle. His return to the practice of law is the law school's loss, but we have confidence that if we are ever in need of his wise counsel, Andy will not let us down.