

AN APPRECIATION OF LARRIE WILKINS

PAUL N. COX*
SUSANAH M. MEAD**

We are honored to have been asked by the editors of the *Indiana Law Review* to record a few words about our friend and colleague, Larrie Wilkins, upon the occasion of his retirement.

It is customary in a tribute such as this to recount milestones in the career of the person honored, but we will only briefly summarize these. Of more importance is what Larrie meant to us as his colleagues, to the law school, and to his students.

Lawrence P. Wilkins was appointed by the Indiana University School of Law—Indianapolis as an Associate Professor in 1980. Prior to this appointment, he had served as an associate professor of law at the University of Akron School of Law (1974-1980). Larrie achieved full professorial rank in 1983 and was named the William R. Neale Professor of Law in 2003.

During the course of his twenty-eight years at this law school, in addition to his faculty responsibilities, Larrie has served as Associate Dean for Academic Affairs (1988-1990), as Director of the Program for Management of Legal Information Systems (1997-2000), and as chair or a member of numerous faculty committees and task forces. His tireless efforts on the Building Committee during the planning stages of Inlow Hall are in great part responsible for its beauty and functionality.

He served, as well, on several campus committees, and, significantly, devoted substantial time and effort as a member of the Indiana University-Purdue University at Indianapolis Institutional Review Board for Research Involving Human Subjects. On a campus with a major medical school and research facility, this Board serves a critical function. Larrie was an active member of the Board for many years, helping to develop policies and procedures for the use of human subjects in studies with experimental drugs. Although he was always clear with the Board that he was a member of the Board and not its legal counsel, he was instrumental in developing important policies and procedures, especially in sensitive privacy issues such as how health information could be used for research purposes. Members regularly discussed with him serious legal and ethical issues. He drafted the language on how subjects should be compensated if they were injured as well as the consent form that is still in use. On rare occasions when he was unable to attend a meeting and a difficult issue arose, someone would say, “what would Larrie do?” The fact that he was the only non-physician member of the Board ever to serve as a committee vice-chair speaks to the esteem in which he was held by his Board colleagues.

Larrie’s scholarly interests included the law of torts, medical malpractice, technology, negotiation, remedies, and legal education. His several publications and numerous presentations on these and other subjects reached national,

* Vice Dean and Centennial Professor of Law, Indiana University School of Law—Indianapolis.

** Professor of Law, Indiana University School of Law—Indianapolis.

regional, and local audiences of academics and lawyers. Of particular note were his many significant contributions to the medical research enterprise through his service on the institutional review board described above and his many presentations to medical professionals regarding medical and legal issues. Larrie's efforts helped to forge important links between the law school and life sciences and contributed significantly to the school's health law center and programs. He was faculty advisor to the law school's nationally ranked *Health Law Review* and to students seeking their LL.M. in health law.

These milestones, again, however, are merely a few factual highlights. They fail to capture sufficiently the reasons for the great affection with which Larrie is held in the eyes of his colleagues and students. What are these reasons?

There is, first, Larrie's generosity in making himself available to and sympathetically engaging with all who sought his opinion and counsel. There were countless occasions on which he would interrupt his work to address issues raised with him by colleagues. If there were limits to this generosity, they were only those imposed by the priorities of his devotion to his students, with one or more of whom he was often engaged in patiently discussing matters related to his courses.

There is, second, Larrie's principled judgment. Colleagues and students would seek his opinion and advice precisely because they could expect this judgment. So, too, could colleagues in other departments and schools, particularly in the medical community. By principled judgment we mean that Larrie brought to these conversations both a sense of the relevant, the material, and the possible—the discernment of the good lawyer and a commitment to principle—the integrity of the good lawyer. Our emphasis on the qualities of the good lawyer are, we think, central to an understanding of Larrie's contributions, for Larrie was both an exemplar of the lawyer and an educator committed to instilling the qualities of the good lawyer in his students.

This rendered Larrie, as he recognized, "old school" in an era in which many in the legal academy have questioned the efficacy and even the reality of "thinking like a lawyer." Larrie believes passionately, however, in what many have questioned, and we testify to efficacy and reality in the example he established. In all of our many encounters with him and in all of the many encounters we observed, he brought to even the most complex and difficult matters an insistence upon the importance of facts and nuances of context, a capacity to identify the material issues and a talent for imposing order through persuasive analysis.

Larrie brought also, and perhaps most importantly, an insistence upon honest, civil, and reasoned discussion within a commitment to doing the right thing, and this is what we mean by the importance of principle to his thinking. Neither Larrie nor we are so naïve as to think "the right thing" always easily discerned or always free from contest or doubt, even though neither he nor we are so cynical as to believe it seldom discernible or always contestable and in doubt. We mean only that it is, in Larrie's eyes and in the example he set for us, that which should be sought, however painful the answer reached.

There is, third, Larrie's tireless devotion to service, both inside and outside the law school. We have touched upon his service to the university, campus, and

profession, but wish particularly to note his service within the law school. Legal academics bring a variety of important qualities to their profession, but the willingness and capacity to get things done within an institution devoted in large measure to faculty governance is, perhaps surprisingly, often rare. Larrie possessed in high measure these rare qualities. If there was to be a difficult and burdensome year in faculty recruitment or in curricular reform or in reviewing academic standards or in the myriad of other matters that come before the faculty, Larrie was the first choice of the person to chair the relevant committee or lead the appropriate task force. His many contributions to making the law school work are now significant parts of our institutional structure and practice.

Fourth, and finally, there is Larrie's complete commitment to being a legal educator. That commitment is evidenced by his large body of teaching materials, his experiments with and success in developing distance education courses and CALI (the Center for Computer Assisted Legal Instruction) exercises, his many hours of preparing for classes and many more hours of conferences with students, and the great esteem with which he is viewed by the school's alumnae. These, again, however, are facts that inadequately capture our point. That point is that Larrie was committed to the belief that the primary function and calling of the legal academic is teaching. And teaching was what Larrie did superbly well. His now literally thousands of former students, who may in the early weeks of the semester in a course taught by Larrie have entered the classroom door with great trepidation, having heard of the rigors of his classes, left it at the end of the semester with a sense of great good fortune for having had the opportunity to be taught by a master. The myriad notes, letters, poems, pictures and sculptures—including a beautiful Lego rendition of the famous train in *Palsgraf v. Long Island Railroad Co.*¹—he received at the end of every semester attest to the esteem in which his students held him as well as the great affection they had for him. His habitual greeting to his first-year students, “good morning (or “afternoon” or “evening”) Torts scholars,” was fraught with meaning. His intent was to make each student immerse him or herself in the subject of the law of Torts in a way none of them had ever been immersed in a subject before. His gentle but demanding insistence on depth of reading, care in organization, and precision of thought made Torts scholars of all who allowed themselves to be led by him.

Larrie's teaching was not limited to the students who enter our doors each year and leave us three or four years later as educated lawyers. Some of his most important (and most appreciated) teaching has been the training of novice law professors in the art of teaching the uninitiated to become lawyers.

In 1981, when Larrie had been a Torts professor for a number of years but a Torts professor at our school for only a year, he took on two young disciples who had recently been recruited to teach Torts. One of these disciples is one of the authors of this tribute. The time and effort he devoted to teaching two neophyte law professors who had not seriously considered the law of Torts since their first-year Torts class, and who had never taught a substantive law class before, cannot

1. 162 N.E. 99 (N.Y. 1928).

be measured. He spent endless hours discussing the subtleties of the law and how best to present it to students. He was always available to discuss cases, observe classes, and answer questions. Some of these questions no doubt displayed naïvety, perhaps stupidity. Nevertheless, to his eternal credit Larrie managed to answer and advise novices in a way that always made them feel respected as colleagues and considered as equals. This unselfish mentoring of young colleagues continued throughout his career.

It is impossible to capture the character of a three decade career in a few paragraphs especially one as full as Larrie's. Nevertheless, we hope that we have conveyed a sense of his importance to this law school. His retirement was a great loss to the law school as an institution and to his friends and colleagues personally. In closing, we would just like to say that we miss his presence in our midst but know that he will always remain a loyal and loving friend.