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A Message from the Dean

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A Message from the Dean

Rule 13. Requirements for Admission to Examination. Each applicant for admission on the basis of examination shall be required to prove to the satisfaction of the State Board of Law Examiners that the applicant is: . . .

(3) One who has as part of his or her work for graduation successfully completed each of the following designated subject-matter and semester-credit hour requirements, regardless of the course name in law school curricula:

CONFLICT OF LAWS	2 Credit-Semester Hours
CONSTITUTIONAL AND ADMINISTRATIVE LAW	6 Credit-Semester Hours
CONTRACTS AND EQUITY	6 Credit-Semester Hours
CRIMINAL LAW AND PROCEDURE	4 Credit-Semester Hours
EVIDENCE	4 Credit-Semester Hours
FEDERAL TAXATION	4 Credit-Semester Hours
LEGAL BIBLIOGRAPHY	2 Credit-Semester Hours
LEGAL ETHICS	2 Credit-Semester Hours
NEGOTIABLE INSTRUMENTS, SALES AND SECURED	

TRANSACTIONS	4 Credit-Semester Hours
PARTNERSHIP, AGENCY AND CORPORATIONS	4 Credit-Semester Hours
PLEADING AND PRACTICE (Rules of Procedure)	4 Credit-Semester Hours
REAL AND PERSONAL PROPERTY	4 Credit-Semester Hours
TORTS	4 Credit-Semester Hours
WILLS, TRUSTS AND FUTURE INTERESTS	4 Credit-Semester Hours

Rule 13 in its current form is going to place law students and Indiana law firms in a number of difficult situations.

1. An Indiana resident attending law school in Indiana or elsewhere fails to comply with Rule 13 because he or she intends to practice law in another jurisdiction. Perhaps a career in government service is contemplated and the student is admitted to practice in the District of Columbia. Then prior to the time when admission to practice on a foreign license is possible the family situation changes and a return to Indiana is necessary. The language currently found in

Rule 13(3) makes compliance impossible for the prescribed work must be taken as part of a program leading to graduation. The Rule could quite easily be amended to permit post-graduate study. However, even if such an amendment were adopted, the Rule would still impose a substantial burden on the student. Those living in Bloomington, Indianapolis, South Bend and Valparaiso will have access to courses in one of the state's four law schools. Students living in other locations such as Evansville, Richmond, and Fort Wayne will not find it quite as easy to engage in remedial legal education.

2. An Indiana law firm wishes to employ a student about to be graduated from an out-of-state law school. This person does not have all of the Rule 13 courses and cannot take them prior to graduation. Once again proximity to one of the four law schools will be a significant factor in determining whether remedial education is a possibility. More importantly, I fear that the necessity for compliance with Rule 13 may make Indiana law firms less competitive in the national market. Imagine the choice confronting a student who must engage in remedial education stretching over a period of one or two semesters before becoming eligible to take the Indiana Bar Examination. The same student is immediately eligible to take the bar examination in Missouri or Kentucky. I predict that the job offer from St. Louis or Louisville will look much more attractive than the invitation to locate in Lafayette, Indianapolis or Muncie. Over the years we are going to lose some good legal talent because Indiana's competitive position has been weakened by adoption of Rule 13(3).

There is a more general and long range concern that I would like to share with you. Other states are considering proposals which, like Rule 13, impose certain qualifications for practice in addition to passage of the bar examination. Ohio for instance already has a legal ethics requirement, but it is slightly dif-

ferent than the one found in Rule 13. The Second Circuit is considering adopting a rule which would set prerequisites for admission to practice before the Federal Bench. Again, there are some slight differences between the proposed rule and what we have in Indiana. And other states are talking about this. Legal educators worry about the balkanization of the practice of law which will occur if other jurisdictions follow Indiana's lead but adopt a different packet of courses. Notice that Labor Law, Family Law, Environmental Law and other popular offerings are not included in the Indiana list. As each state adds its own variation, the freedom of students and practicing lawyers to move throughout our country will be restricted. I just do not see how this effect of Rule 13 can be regarded as being in the interest of law students or in the best interests of the legal profession.

There are serious immediate and long run costs associated with Rule 13, and there are not important offsetting benefits. A sharp drop in the state-wide pass rate for bar examinations administered in 1973 and 1974 prompted considerable discussion of the possible causes of the phenomenon. It was widely assumed that the change in the pass rate was directly related to the fact that students had not taken Rule 13 type courses. And this led to the adoption of Rule 13. Phillips Cutright of the I.U. Department of Sociology, Assistant Dean Karen Cutright and I have done a study of the performance of 272 Indiana University Law School graduates who took the bar exam in July of 1973 and February and July of 1974. In it we try to identify the relationship between bar examination success and a number of student characteristics such as course selection, law school average and marital status. Our conclusion is that the only possible predictor of success is law school grade point average, the higher the average the greater the chance of passing the bar. Course selection is definitely not a factor. We will be happy to send a copy of this study to any interested reader of the *Bill of Particulars*. The point I want to emphasize is that Rule 13 is not going to assist our students, it's not going to help them pass the bar, it's not going to help them be better practitioners and it's going to cause a number of problems.

Many practitioners cannot understand my concern with Rule 13. After all, they suggest, the prescribed subject matter areas are important. What they fail to appreciate is that Rule 13 forces the stu-

dent to direct attention to certain areas at the expense of others. Many very significant subjects of study are omitted from Rule 13. We offer a total of 6 hours in Criminal Procedure. These hours cannot be counted toward satisfaction of Rule 13 because our Criminal Law course, a prerequisite to Criminal Procedure offerings, exhausts that segment of the Rule. Civil Rights, Family Law, Land Use Control, Consumer Credit, Corporate Finance, Environmental Law, our two Labor Law offerings (totaling 6 credit hours), Trial Practice, specialized torts courses, Creditors Rights, Antitrust Law, International Law, International Business Transactions, Federal Jurisdiction and Estate Planning, all these courses plus any clinical offerings are redundant for the purpose of satisfying Rule 13.

Thus the student is put to some very difficult choices and cannot take a number of courses. It is, of course, true that such choices must be made under any elective system. For instance if Rule 13 were not in effect some students might decide to take Trusts and pass up Antitrust or make similar choices. But each student would be free to shape his or her own program in light of his or her own career goals and employment opportunities. Rule 13 deprives students of the freedom to tailor their programs to their needs. It asserts that every lawyer, no matter what his career goals, must

have the prescribed number of hours in the prescribed areas and relegates courses outside the designated subject matter areas to secondary levels of importance. I do not deny that Trusts or the other specified areas are important. I do object to the concept that for every single person graduating who wishes to practice in Indiana Trusts is more important than Antitrust law or additional study in Criminal Law or in some other field that is not included within the prescribed areas of study found in Rule 13.

My opposition to Rule 13 does not mean that I am unaware of the responsibility of this Law School as a professional school to produce good practicing attorneys. I also appreciate the role which the practicing bar has traditionally played in determining who shall be admitted to practice, and I think it should continue to play this role. I support the concept of a bar examination. While I have offered suggestions for improvement of the bar examination I have never once suggested that it be abolished. I do not favor a diploma privilege under which graduation from law school automatically insures admission to practice. It seems to me, however, that Rule 13 is taking us down a dead end road. I doubt whether it will do anything to improve the current generation of law graduates and it is going to impose heavy burdens on some law students and on some law firms. —DGB



Columbus attorney Joseph S. Thompson, BS'49, JD'54, (left) was elected president of the IU School of Law Alumni Association at its annual dinner at the Indiana State Bar Association meeting this fall in French Lick. Other officers elected were (left to right) Thomas R. Lemon, AB'63, JD'66, of Warsaw, secretary; Thomas M. Lofton, BS'51, JD'54, of Indianapolis, vice president; the Hon. Michael S. Kanne, BS'62, JD'68, Rensselaer, board member, and Clarine Nardi Riddle, AB'71, JD'74, of Indianapolis, board member.