

MEMORIAL RESOLUTION

PATRICK L. BAUDE

(April 7, 1943 – January 26, 2011)

Indiana University Maurer School of Law lost an exceptional scholar when Pat Baude died on January 26, 2011 after a brief illness. Pat's intellect has been described as vast, brilliant, and noble, and his inspirational teaching was legendary at the Law School. He was a font of encyclopedic knowledge on virtually any subject from the United States Supreme Court to European travel, from politics to fine wine, and his contributions were always marked by his thoughtful analysis, eloquence, and generous spirit. He leaves an incredible legacy as a brilliant teacher; a productive scholar; an exemplary public servant; and a cherished colleague, husband, father, and grandfather.

Pat was born in his mother's hometown of Independence, Kansas, and grew up in Topeka. His mother, a professor of French literature, and his father, a doctor, met in France in the 1930s. He received his undergraduate degree in economics and history and his law degree from the University of Kansas, where he graduated first in his class and was editor-in-chief of the *Kansas Law Review*. Following graduation, he joined Foley & Lardner in Milwaukee. After 18 months of law practice, Pat accepted a graduate fellowship at Harvard Law School, where he received an LL.M in International Law. He decided to pursue a career in academia, and joined the Indiana University faculty in 1968. Although he retired in 2008, he continued to teach up to the time of his death.

Pat's approach to law transcended mere doctrine, and blended history, philosophy, popular culture, and current events. He challenged students to examine established institutions in light of new ideas. In his more than 40 years of teaching, he taught Constitutional Law, Federal Jurisdiction, Remedies, Criminal Law and Procedure, Restitution, Professional Responsibility, and Civil Procedure. Students marveled at his mastery of the material, dynamic style, and quick wit. He described his approach to teaching as "a personal interaction rather than a transfer of information," and challenged students to understand that the study of law requires "an examination of the moral dimension of our public life."

Pat inspired generations of students to think deeply and to embrace complexity. Upon hearing of his untimely death, alumni around the globe overwhelmingly expressed that Pat was the finest teacher they had ever had. He inspired this sense of gratitude by his kindness and generosity in the classroom, his uncompromisingly high standards, and his embodiment of inspirational professional values that led his students to understand the social importance of a life's work in the law. One graduate wrote, "His humanity was as huge as his intellect," and another credited Pat with "instilling in me a strong dislike of bullies and a desire to help underdogs." Another former student observed: "His contribution to his students has been an extraordinary one because he has the exceptional ability to encourage the student to seek answers to some of the most philosophical and legally difficult questions anyone might face."

Not surprisingly, Pat won numerous awards for his teaching, including the university's Ulysses G. Weatherly Distinguished Teaching Award in 1973, the Law School's Gavel Award in 1980 and 2011, the Wallace Teaching Award in 1990, the Trustees Teaching Award in 1997, and the Law School's lifetime teaching award in 2008 on the occasion of his retirement. Pat also held the Ralph F. Fuchs Professorship of Law and Public Service beginning in 2001.

Pat was an active scholar, and contributed articles and book chapters on a wide range of topics. His book *Judicial Jurisdiction: A Reference Guide to the United States Constitution*, examined the relationship between the power of constitutional review and the rule of law in the United States. He wrote numerous articles on the Indiana Constitution and many other subjects, including a monthly wine column in *Bloom* magazine. The press sought his perspective on controversial constitutional issues, and he was in demand as a conference speaker, academic visitor, and advisor throughout Indiana, the United States, and Eastern Europe and western Asia.

Pat's contributions as a public servant are legion. His personal integrity and deep commitment to the highest standards of professionalism and ethics made him a valued counselor and mentor to his students and colleagues, as well as practicing attorneys and government officials. In 1974 he successfully argued before the Seventh Circuit that federal prisoners are entitled to be given reasons when they are denied parole. In *Hess v. Indiana*, Pat and his colleague Tom Schornhorst persuaded the United States Supreme Court that an arrest for disorderly conduct during an antiwar demonstration in Bloomington violated the First Amendment. In 1990, Pat attempted unsuccessfully to persuade the Supreme Court not to review *Barnes v. Glen Theatre, Inc.*, arguing that the unconstitutionality of a total ban on nude dancing had already been settled.

Pat was active in state, local, and university affairs. Indiana Supreme Court Chief Justice Randall Shepard credits Pat for his scholarly contributions on state constitutions, and for his efforts to make Indiana's judicial and legal history more accessible to the public. Pat also served as special deputy attorney general and counsel to the State of Indiana, as special counsel to the governor of Indiana, and as an advisor to the Indiana General Assembly. He was a long-standing member and president of the State Board of Law Examiners. He served as president of the Bloomington Chapter of the American Association of University Professors, and chair of the Board of Governors of the Institute for Advanced Study. He participated on many university and law school committees, chairing most, and was advisor to the *Indiana Law Journal* for many years. He served on the University Faculty Council, as president *pro tem* and as parliamentarian, where we strongly suspect he never had to consult the rulebook.

Pat will be deeply missed by his colleagues and friends. One colleague noted, "I have never known anyone who was more widely read or who had a more inquisitive mind. Nor anyone who shared his wisdom with greater generosity, humility, or wit." He was an irreplaceable participant in faculty lounge debates, which he usually settled by piping in with facts and law that no one else knew. His office was a frequent destination for discussions about constitutional law, politics, world affairs, history, or wine (which was a particular passion of his). For a time,

Pat sponsored Friday afternoon wine tastings in the faculty lounge, and he was just as generous with his knowledge of wine as he was with his knowledge of constitutional law. His friend of 43 years, Roger Dworkin, noted that Pat's "qualities as teacher, gourmet, bon vivant, and man of taste" do not capture his essence completely. Pat was first and foremost an extraordinary friend.

Pat leaves behind his wife Julia Lamber, a professor at the Maurer School of Law, who was his loving and devoted partner. He is also survived by four children and three grandchildren. Pat's two daughters, from his marriage to Deborah Robinson, live in Bloomington. Virginia, who has worked in the Monroe County school system, is the mother of Eleanor. Leora, an IU graduate, is a free-lance writer and has two sons, Henry and James, with her husband Peter McCobb. Pat and Julia have two sons. William graduated from Yale Law School and clerked for John Roberts, Chief Justice of the United States. He currently works at a law firm in Washington, DC and will begin an academic fellowship at Stanford law School in fall 2011. Jonathan, a recent graduate of Washington University, is an actor and writer working in Chicago's theater world.

Pat bridged the roles of teacher, scholar, and public servant in a way that represents the best that public law schools have to offer their citizens. He was a supportive colleague, a valued friend, and a loving husband, father, and grandfather. His loss is deeply felt by all who knew him.

In the name of his many friends, colleagues and former students, I request that this resolution be presented in the Bloomington Faculty Council, and that copies be sent to those persons named on the attached page.

Lauren Robel
Dean and Val Nolan Professor of Law