

## TRIBUTE TO JEFF GROVE

JAMES W. TORKE\*

I take up this task with a mixture of eagerness and frustration. I am eager because I have known the subject long and well and know there is much about him to praise. I am frustrated, however, for I have been allotted only 1000 to 1500 words to do it in, and I have already used up sixty-some words.

Jeff Grove and I came to the School of Law at the same time: August 1971. We were two parts of a six-person faculty expansion necessary to meet the burgeoning student numbers attracted by the new full-time program which, together with the evening division students, pushed enrollments to over 1000 students. Jeff arrived fresh from a two-year clerkship with the outstanding Third Circuit U.S. Court of Appeals Jurist Ruggero Aldisert.

A native of Altoona, Pennsylvania, Jeff graduated from Juniata College in Huntingdon, Pennsylvania, and then matriculated at George Washington University Law School. After a year of law school, Jeff determined to gain some broader perspective before returning to his legal studies. He took up the challenge of teaching history and government courses to junior high students in the Washington, D.C. schools. He then returned to the Law School, graduating with honors in 1969. As a student, Jeff early distinguished himself as a writer and scholar. His case note on the important Establishment Clause case of *Board of Education v. Allen*,<sup>1</sup> was selected as the outstanding student case note of Volume 36 of the *George Washington Law Review*.<sup>2</sup> As a member of the Law Review, he also wrote an extended commentary on the peculiar difficulty of standing issues that arise under the Establishment Clause.<sup>3</sup> His extended comment examines those standing problems as they arose in the lower courts in a then pivotal case ultimately resolved in the Supreme Court under the name *Flast v. Cohen*.<sup>4</sup> He was also elected to the editorial board where he served as Notes Editor.

During his third year, Jeff interviewed with a variety of big city law firms, and several of them, such as Latham & Watkins, were willing to hold open their offers until he completed his clerkship with Judge Aldisert. As his second year with the judge came to an end, his plans to enter practice were somewhat abruptly superseded through a call from his former professor (soon to be Dean) Jerry Barron. Professor Barron told him of a faculty opening at Indiana University School of Law in Indianapolis. A trip to Indianapolis convinced Jeff that an academic career was worth a try. His intuition proved true and proved to

---

\* Carl M. Gray Professor of Law Emeritus, Indiana University School of Law—Indianapolis.

1. 228 N.E.2d 791 (N.Y. 1967).

2. Jeffrey W. Grove, Recent Decision, *Textbook Lending Statute Benefits All School Children and Does Not Aid or Establish Religion*—*Board of Education v. Allen*, 36 GEO. WASH. L. REV. 246 (1967).

3. Jeffrey W. Grove, Editorial Note, *The Insular Status of the Religion Clauses: The Dilemma of Standing*, 36 GEO. WASH. L. REV. 648 (1968).

4. 392 U. S. 93 (1968); Grove, *supra* note 3.

be a great good fortune for the thousands of students he has taught, as well as for the dozens of colleagues among whom he worked for the next thirty-six years. Indeed, few others have left such a positive and distinctive mark on the nature of legal education in Indianapolis as Jeff Grove.

In those days, rookie faculty members were assigned to teach what had to be taught. A few years of utility service usually preceded the point where one could settle into one's preferred area. As a scholar and teacher, Jeff has become a proceduralist, a teacher of "lawyers' courses," the central importance of which only lawyers can appreciate and only a few come to love. In keeping with his procedural emphasis, his first principal article as a faculty member was an incisive study of the intricacies of Indiana's Trial Rule 59, the peculiar complexity and twisting history under which Indiana lawyers have labored for decades.<sup>5</sup> His initial teaching package comprised a kind of catch-all course in Urban Legal Problems, a course in which Jeff turned the focus to urban poverty. He also contributed to the clinical program, which at that time was taking shape as a varied cluster of student externships. On top of these responsibilities, he took on the training of the moot court team. In the early 1970s, the major national competition was sponsored by the Association of the City of New York. The best teams survived local and regional competitions and then headed to New York for the final rounds. In his few years as coach, Jeff led a team of talented students all the way to the final round in New York City, thus beginning the tradition of moot court excellence which continues to distinguish the School still today. The one plum—at least it was a plum to him—was the course in Federal Jurisdiction, a course that he has taught throughout his career. As his service continued, Jeff moved into his preferred areas to take on, in addition to his course Federal Jurisdiction, the basic sequence in civil procedure, upper level electives in Conflicts of Law and Complex Litigation, as well as a changing mix of seminars and internships involving the federal court system. He retires as the faculty's acknowledged dean of federal procedural law and judicial system, an area in which he has frequently written and spoken in this country and throughout the world. His stature as an expert proceduralist was well attested by his 1987 election to the American Law Institute ("ALI") where, from 1988 through 1994, he lent his special expertise in complex litigation to the ALI's Complex Litigation Project.

Jeff early earned a reputation as a strong classroom teacher. His classes were regarded by students and colleagues alike as serious-minded, deep, and stimulating. He presided with an appropriate sprinkling of wit and a demanding, but always courteous, mode of inquiry. His elective courses always drew many of the School's most able students. At the same time his deep knowledge, careful preparation, and sure-handed grasp of the subject, which informed his lucid lectures, held the close attention and lasting appreciation of all of his students. Those who have seen Jeff teach—colleagues and students alike—share a firm impression that his teaching was dignified but never pompous, full of wit but

---

5. Jeffrey W. Grove, *The Requirement of a Second Motion to Correct Errors as a Prerequisite to Appeal*, 10 IND. L. REV. 462 (1977).

never ingratiating, always on point and substantial, neither careless nor rigid, challenging but not intimidating, and always imparted with a natural, understated grace.

Had his work as a scholar and teacher of federal procedural law been his sole legacy, it would have been an ample reason for high tribute. I wrote above, however, that few others have had as distinctive and innovative an influence on the School of Law as Jeff Grove. Through his initiative, the School has gained both an international profile of high regard beyond its walls as well as a cosmopolitan atmosphere within.

To begin, Jeff's talents as a leader, administrator, and diplomat were early in evidence as he took on administrative tasks ordinarily entrusted to the most senior faculty. Fortunately, among those of his colleagues who recognized his rare combination of personal talents was Jerry Bepko, who served as Dean of the School from 1981 through spring of 1986. Jerry asked Jeff to serve as the School's Associate Academic Dean, the Dean's most vital assistant. In those days, the Dean and his two associates, aided by a small staff, did whatever had to be done to run the School and push it forward. Jeff took to this "multi-tasking" with a natural aptitude, tact, and aplomb. So when Jerry Bepko left to become the IUPUI Chancellor, it was natural that the School should turn to Jeff to serve as Acting Dean. With barely a moment's notice, he stepped into a post he had not sought. He served one and one-half years in this post. He kept the ship afloat and on a progressing course. Thus, when the next Dean, Norm Lefstein, arrived, he inherited a smooth-running operation with upward momentum, supported by enthusiastic constituencies inside the School and out.

It was during his period of service as Acting Dean that Jeff's interest took the turn that led to his most innovative and distinctive contributions to the School of Law. Through some fortuity or other, it happened that the School was hosting a Chinese Scholar, one Professor Wang Qun of the East China University of Political Science and Law in Shanghai. Jeff befriended Professor Wang and became his principal guide and unofficial host. This friendship sparked the initiative by which Jeff Grove forged the Law School's first foreign study program in Shanghai, China. At the time the program was one of the very first Chinese study programs based in an American law school. So it was a pioneering venture, certainly for our Law School, but also for American legal studies in general.

From 1990 to 2005, Jeff served as Director of the Program. This position took him frequently to China where he quickly became acquainted with the leading Chinese law schools, law scholars, legal officials, and private lawyers. Taiwan was also included in his travels. There he established an ongoing faculty exchange program with National Taiwan University College of Law.

His growing acquaintance with China and the Chinese legal profession led over the next many years to his traveling and lecturing throughout China, where he is held in the highest regard as a representative of the American legal community. He continues today, in the United States, China, and Taiwan, to be in demand to speak on Chinese and American law.

In 1997, through Jeff's efforts, our China Program was shifted to Renmin University of China School of Law in Beijing. Renmin (People's) University is

one of the leading universities and law schools in China. His growing knowledge of the Chinese legal system and its academicians has led to many honors, including his being named in 1998 as Honorary Professor of Law at the Renmin (People's) University School of Law. During this period he also developed a superb textbook for the China Program. His text, *Selected Readings in Chinese Law*, is supplemented by a collection of Chinese primary legal sources and is updated frequently. I speak from some experience here, having served as the Program's on-site supervisor in 2002, during which time I became very familiar with the text. I found it to be a superb introductory canvas of Chinese law.

The China Program opened up the first on-site study of a foreign legal system available to our students—hundreds of whom have benefitted. Many Indiana lawyers, as well as lawyers and students from many other outstanding American law schools, have also participated. It also opened China and its legal culture to a good number of our faculty who were afforded, as was I in 2002, an opportunity to spend many weeks in China while supervising the participating students.

This pioneering China Program served as a seedbed for a host of other foreign study programs that have enabled our students to study law in France, Croatia, Latin America, and, through the International Human Rights Program, in countries throughout the world. It also served as a vital spur to the founding of the School's second law review, the *Indiana International & Comparative Law Review*. Jeff Grove serves as Chair of its Board of Faculty Advisors. This constellation of assets has given rise to the School's Center for International & Comparative Law, on the advisory board of which Jeff Grove plays a critical role.

The spark ignited by Professor Grove in 1986 also led to an invaluable enrichment of our student body. As Indiana University School of Law—Indianapolis became known throughout China and other nations of the world, it began to attract a growing number of foreign students. The greatest number naturally was from the People's Republic, but also included a growing number of students from Korea and other Asian, European, African, and South American nations. Many of these students came to us with foreign law degrees, and as their language skills improved, they added a new fount of depth and breadth to our curriculum. Many of these students earned a J.D. degree that they took back to their native country where, as practicing lawyers and officials, they have put their special familiarity with American law to good use. As well, they have remained loyal alumni. Indeed, an active alumni chapter is now budding in Beijing. Some few chose to stay and practice in the United States and have joined firms from New York to Indianapolis to Los Angeles, often serving as key liaisons for American clients doing business in China as well as for foreign entities doing business in the United States. Thus, our international connections have become two-way bridges.

Beginning in 2001, now in a new role as Associate Dean for Graduate Studies, Jeff set out to develop a Master's degree curriculum for foreign lawyers seeking an abbreviated, one-year, introduction to our legal system. Through Jeff's efforts and planning, we began in 2002 to offer a Master of Laws (LL.M.) in our Program in American Law for Foreign Lawyers. The program continues

to grow and has brought to the Law School as many as fifty or more foreign lawyers each year. As they take a combination of special courses as well as regular curricular offerings, they are sprinkled among our students and faculty adding an inestimable richness to our School.

From this first master's offering there grew several more graduate degree programs, culminating in 2006 with the establishment, again through Jeff Grove's efforts, of a track offering the Doctor of Judicial Science (S.J.D.) degree, the highest degree available in American legal studies, a degree available in only fifteen percent of American law schools.

The effect on the School from foreign studies and foreign students together with our graduate degree programs have been immense and wholly enriching. Certainly it has given the School a genuine international reputation, as certainly it has brought to the School of Law a vastly expanded awareness of the world around us. By far the greatest portion of the credit for these benefits belongs to Jeff Grove; much of his work has involved travel and diplomacy, much of the less pleasant part has involved shepherding the programs through the labyrinthine procedures endemic to any academic organization as large as Indiana University. In the midst of these duties, it was always my pleasure to watch Jeff giving freely of his time to counsel our foreign students who flock to his office for advice, favors, reassurance, and comfort. Jeff has a natural touch with these students, and they respond with an appreciation that reminds me of the sort of gratefulness and honor that is usually reserved for a wise and kindly uncle.

\* \* \* \*

These tributes to Professor Grove are intended largely as professional tributes. Nevertheless and despite the few words I have been allotted to honor Jeff Grove, I would feel remiss if I didn't add a brief personal note, for he has been not only a valued colleague, but a dear and staunch, wise and understanding friend of mine over the thirty-some years we have served together.

As I wrote earlier, Jeff and I came to the Law School more or less simultaneously in 1971. While from the beginning he seemed to me a good fellow, it took a few months for us to recognize in each other whatever are those qualities that bring people together as friends. Those qualities are many and complex. I could mention his many virtues, not least among them those knightly virtues of courage, generosity, and loyalty, but what brought us together first—and continues to cement our friendship—is a shared sense of humor. The instances of mutual laughter that we have shared over the years are uncountable and remain among my most treasured memories. An aspect of this tie sometimes took the form of mild pranks. I can not begin to recall how often my cleverly disguised telephone calls had Jeff puzzling over the nut on the phone. He, of course, will deny that I ever fooled him. But then, how would he know? Of course, it could be that he has been humoring me. Hard to say.

Beyond the laughter we have shared many other pleasures, problems, disappointments, and successes. For thirty-seven years we grew together into advanced adulthood. I look forward to the many more years yet to come.

