without holding an evidentiary hearing and without presuming the facts pled by Mr. Hobley to be true, notwithstanding that the law required the court to do so. The Illinois Post-Conviction Hearings Act has an essential purpose — to ensure that justice is done. The lower court failed to effectuate that purpose, and in failing to do so an innocent man may die. The strong evidence of Mr. Hobley's actual innocence and the uncontroverted evidence of his constitutionally defective trial show that Mr. Hobley is entitled to a new trial."

Lyon stressed these matters in her oral argument before the court, where she wrapped her facts into a package that reminded the justices that a man's life was at stake in this case. Following her own guideline to argue "in a way that is legally cognizable and emotionally compelling," she stressed gaps in procedure that had kept Hobley on death row. "Why no questions?" from the lower court in the post-conviction petition process? she asked. "Why no explanations?" from police about evidence that was hidden or destroyed?

"When I finished," Lyon told her Hutchins courtyard audience, "one of the justices of the Illinois Supreme Court asked the prosecution the same questions, and they made the cardinal error in oral argument — they didn't answer the question. They evaded it."

You have to learn to both believe and not believe everything the prosecution says, Lyon said. "I don't want to make you cynical. I just want to make you want to keep fighting."

Regan named Fellow of American Academy of Arts and Sciences

Donald H. Regan, William W. Bishop, Jr., Collegiate Professor of Law, has been elected a Fellow of the American Academy of Arts and Sciences. Regan is the ninth current Law School faculty member elected to membership in the Academy, which was founded in 1780 to cultivate the arts and sciences.

Regan named Fellow of American Academy of Arts and Sciences

Regan, a graduate of Harvard and the University of Virginia Law School, was a Rhodes Scholar at Oxford University, where he earned a degree in economics. He also holds a Ph.D. in philosophy from the University of Michigan, where he began his academic career in 1968.

Regan's election to the prestigious Academy is the most recent to recognize the standing of Law School faculty members. Other Law School faculty members who are Fellows of the Academy are Professors Phoebe Ellsworth, Bruce W. Frier, Yale Kamisar, Richard O. Lempert, '68, Terrance Sandalow, A.W. Brian Simpson, Joseph Vining and James Boyd White. In addition, University of Michigan President Lee C. Bollinger, a former Dean of the Law School, is a member of the Academy.

A specialist in constitutional law and moral and political philosophy, Regan is the author of Utilitarianism and Cooperation, which shared the Franklin J. Matchette Prize of the American Philosophical Association for 1979-80.

The Academy includes more than 4,400 Fellows and some 600 Foreign Honorary Members. It is headquartered at Cambridge, Massachusetts, and has regional centers in Chicago and Irvine, California.