

Because Don's words always possessed both scientific validity and human value, he was often asked to share them. As Cataldo (2002) noted, the first thing that any group planning a conference or meeting always said was, "Let's see if we can get Don Baer" (p. 320). That is exactly what my colleagues and I did when planning each of The Ohio State University Focus on Behavior Analysis in Education conferences. Don gave the opening address at the first Focus conference in 1982 (Baer & Fowler, 1984), he was a keynote speaker at the second Focus conference in 1992 (Bushell & Baer, 1994), and he was the first person we invited to speak for the 2002 conference.

"Letters to a Lawyer" is an original manuscript compiled by Don in the fall of 2000 for students enrolled in my seminar, Contemporary Issues in Special Education. Scholars at other universities provide the content for the seminar by assigning several of their published papers. Each class session features a 90-minute teleconference via speakerphone in which students discuss papers assigned by that week's "guest faculty" member. On three occasions spanning three decades Don graciously served as Distinguished Guest Faculty for this course. To read some of the highlights of those seminars with Don, see Heward and Wood (2003).

"Letters to a Lawyer" is a collection of affidavits made by Don as an expert witness for the plaintiffs in court cases in which parents were suing schools or Medicaid agencies to provide applied behavior analysis services for their children with autism. "Letters to a Lawyer" is a plain-English description of the requirements and potential of applied behavior analysis as an educational treatment for children with autism and pervasive disabilities. In Don's words, the paper is "my best estimate of how to be clear to nonbehaviorists."

Because "Letters to a Lawyer" contained so many important insights about applied behavior analysis and its critical value to all children who depend on systematic instruction to learn useful skills, my colleagues and I invited Don to make the manuscript the basis for the opening address

at the third OSU Focus conference planned for September 2002.

In a letter to me dated February 22, 2002, Don wrote:

My contribution to the OSU conference] in September will be the chapter, Letters to a Lawyer, which you and your students have already seen. Experience since then has shown me ways in which I would like to enlarge it, a little. Is that all right?

The same experience has shown me how to make it much more engaging to a listening audience. Thus, I now propose a (slightly longer) chapter, and an hour's talk, and they are not identical in topography even though I think they serve the same function. Will it be all right to offer the talk to the conference and the chapter to the book?

I do not know what Don wanted to add to the original manuscript. His death occurred before he could share the new insights his additional experiences had shown him. With the exception of some light copyediting, we have published "Letters to a Lawyer," perhaps Don's last published work, in nearly verbatim form.

Although Don's paper speaks directly to the pointed questions and difficult issues often raised in court cases with respect to the relevance, need, and risks and benefits of intensive behavioral treatment of young children with autism, "Letters to a Lawyer" transcends the topic of autism by its relevance to fundamental questions about teaching and learning such as the following:

- Is society morally, ethically, and legally responsible to provide effective education to children?
- How do we know when education is effective?
- Why are curricular decisions and lesson planning so critical to effective instruction?
- How does the direct and frequent measurement of student learning inform teaching, and what is likely to happen in its absence?
- What are the necessary components of effective teaching, irrespective of student characteristics, curriculum, or setting?
- How are applied behavior analysis and responsible teaching similar?