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IU Moot Court Team Beats Chicago Odds

By Ben Beringer

In the first ever championship victory by a non-Chicago school, Indiana University won the Chicago-area Moot Court Competition held November 13 and 14.

Sponsored by the Young Lawyers Section of the Chicago Bar Association, the tourney’s 8-year existence has been dominated by John Marshall (4 championships) and IIT Chicago-Kent (3 championships). This year, however, IU would make its bid for the winner’s circle with the 3-man team of Chuck Killion, Greg Castanias, and Don Hindman.

Beginning in a field of 12 teams from 7 schools, IU teams had to endure 2 preliminary rounds arguing both sides of a case which involved two issues: whether Rule 11 applies to a case removed from state to federal court, and whether an employer is liable under Title VII for supervisor’s actions that create a sexually hostile working environment. The competition required one team member to argue both sides of one issue while the other two split the other issue.

In order to advance to the final four, teams had to win both preliminary rounds based on points earned from the brief that had to be submitted a few weeks earlier, as well as performance on oral arguments. Briefs constituted 40% of the team’s score while oral arguments counted 60%.

In oral arguments, the biggest test is to effectively field questions and arguments from the judges. A “hot” panel asks many questions, while a “cold” panel allows the advocate to give almost a soliloquy. On the temperature of Chicago panels, Killion said, “We started in the Antarctic and ended up in the Sahara.”

On Tuesday, Killion, Castanias, and Hindman earned their berth to the Final Four, held in the Illinois State Supreme Court room of the Daily Center, with two wins in prelims; the other IU team consisting of Aileen Simet, Jeff Pankratz, and Wally Laaksonen were eliminated. In semifinals, Killion and finals would be tantamount to the final round for them, but IU would make a run at the Marshall dynasty by the end of the day. After defeating NIU, Indiana sent Killion and Castanias to play spoiler in the final round. Former classmates at Wabash College, these two were no strangers to each other’s almost opposite rhetorical styles. But in the end, Castanias’ lofty intellectual form complemented Killion’s nuts-and-bolts pragmatic approach well enough to take the first place trophy.

"We started in the Antarctic and ended up in the Sahara."

Hindman—former partners in appellate advocacy class—were matched against Northern Illinois University. In the other semifinal round, both John Marshall teams faced one another.

Knowing their track record, the Marshall teams may have felt that semi-
Every Generation Must Play a Role in History

By Arny M. Huffman

Our media-driven society proclaims history every time Tom Brokaw dons his trench coat and boards an airplane. But elections, earthquakes, and summit meetings do not compare to the recent opening of the Berlin Wall—when the waves of democracy broke through that dam and washed over Eastern Europe. The past month’s events will fill the history books of the next century.

I am excited about the changes in Eastern Europe because they have made me realize that every generation must take responsibility for its role in history. However, our society implicitly taught me that history stopped before I was born. My high school teachers seemed to think that history stopped in the 19th century. Even World Wars I and II were worth only a quick week of study before finals. My parents’ generation and the wild, protesting baby boomers after them told me that history ended sometime in the 1970’s. Through their example, amid sit-ins, draft card and bra burnings, they had proved the power of democracy, of people in action. They helped to free women from the home and to begin giving back to Black Americans their natural human rights. They waged war on poverty (and thought they had won).

And so I’ve been told to sit back and enjoy the freedoms another generation won for me, to enjoy the sushi bars and BMW’s. But where was I when all this history was in the making? I was born in 1967, too late, according to my parents, to take part in the most pivotal historical event, the protest era.

My personal memories of history may not be as significant as facing fire hoses in the South, but I think they’re pretty important anyway. Because my fourth grade teacher felt it was important enough for us to see at school, I watched as Jimmy, Rosalyn, and Amy Carter walked down Pennsylvania Avenue in 1977. (That day I proclaimed my candidacy to be the first woman president of the United States. But I hope someone beats me to it before I’m eligible in 2002!) I also remember when President Reagan was shot, how we were glued to the television—just as my parents had been in 1963—and thinking that I had seen Reagan speak at the same hotel only a few months earlier. And I’ll always remember casting my first vote in a presidential election—for the first national Black candidate, Jesse Jackson, an act never imaginable in 1970.

But most importantly, I have marched, lobbied and argued for what I believe in, and I know it can work. Now the people of East Germany, Poland, Hungary, and Czechoslovakia have proven again the enormous effects such action can have. They do not need Tom Brokaw to tell them when history is in the making.

We should follow their lead. Our rights are never secure: recent decisions of the Supreme Court suggest the Court is willing to strip us of all our most recently won rights ... women’s rights, the civil rights of Blacks, and free speech rights.

Citizens in a democracy can never sit back and enjoy the gains of their parents. They must continue to make history everyday. Today that is our responsibility, not our parents’.
Hispanics: Las Nuevas Brisas

By Sal Vasquez

The 1989 Hispanic National Bar Association brought with it the close of a decade that was hoped would be a decade of prosperity and hope, a coming of age for Hispanics. The Wall Street Journal recently reported that the number of Hispanics in the U.S. has grown more than five times as fast as the rest of the population since 1980. Hispanics now account for about 8.2% of the 243.7 million people living in the U.S.

Although the population has grown and continues to grow, we must come to terms with the fact that there has been little progress for Hispanics both in society in general and the legal profession.

According to The New York Times, 35.7% of Hispanic high school students dropped out last year, sending some 1.4 million uneducated youths into the labor market, the unemployment line, or the welfare line. The Hispanic high school dropout rate is almost triple that of white students, and double that of Blacks. In California, while more than 40% of the population belongs to an ethnic minority, fewer than 9% of California attorneys belong to a “minority.” Nationally, 11 Hispanics joined the ranks of law school faculty this year. The total number of Hispanic law professors is now fifty, less than 1% of the number of law professors in the U.S. Indiana University has never had a Hispanic law professor. Moreover, the number of Hispanics entering IU is at a staggering low, averaging two to three per entering class. To date, there are about 15,000 Hispanic attorneys practicing in the U.S. IU graduated its first Hispanic in 1969.

Other statistics could be quoted to illustrate that things are not going well for Hispanics, but the point is already clear: except for a few, the quality of life for Hispanics remains, at best, unchanged.

The theme of this year’s Hispanic National Bar Association meeting was Las Nuevas Brisas, the “New Breeze.” This theme served to welcome the hundreds of successful and dynamic Hispanics from around the U.S. converging on the nation’s capital. As the President-Elect of the American Bar Association stated in his address to the convention, “This bar is indeed very young.” At the convention, there were only a handful over age 45. Of course, as time goes on, more and more Hispanics will enter the legal ranks.

The task now is to exchange ideas and create a unified voice. As in many other things, there is strength in numbers. The Hispanic National Bar Association, like the ABA, established nine student regional divisions to enhance communication at the law school level.

The student regional presidents around the nation are responsible for communicating with law schools in their area. Recruitment, faculty appointments, fundraising, retention of Hispanic law students, and community involvement are some of the concerns that will be examined and passed along to the Hispanic law school organizations within each region.

The task of facing the current challenges was articulated clearly by the current president of the Hispanic National Bar Association, Jimmy Gurule: “If, when confronted with the stark realities of life for Hispanics, we simply shrug our shoulders, shake our heads and do nothing more, then Hispanic attorneys, as the perceived leaders of the Hispanic community, are part of the blame. For as I hate racism, poverty, and injustice, I likewise detest apathy and complacency.”

The uphill plight facing the growing Hispanic community is an ongoing phenomenon that will not vanish by simply turning our backs. Allowing another decade to pass only to realize that millions of Hispanic youths continue to drop out of school, that the flood of an uneducated group of Americans continues to rise, that Hispanics still comprise less than one percent of all law school professors in the United States, and that the IU School of Law has not yet hired its first Hispanic law professor, will be more than unthinkable, it will be a travesty and intolerable. C/S

Sal Vasquez was elected one of the nine regional presidents at the 14th Annual Convention of the Hispanic National Bar Association in Washington, D.C.
On Exam Anxiety and Alfred E. Neumann

By Jim Joven

As my first semester of law school draws to a close, I can't help but notice the heightened levels of tension and anxiety that my fellow first years (and even some second year law students) are experiencing. The culprit behind this recurring plague is exam stress.

For some reason which I have not perceived (please excuse my naiveté), students are disheartened by the realization that their grades for the semester's course work rely on a single final exam per course. Although I have heard people say that one's law career hinges upon one's first year, first semester grades, I do not believe that this is the chief cause for exam stress, because both second and (gasp) even third years also exhibit symptoms of the malady. If you do not believe me, I cite the increase in sightings of second and third years (not to mention the plethora of undergraduates) frequenting the law school library during the final two weeks of the semester.

I'm not saying that all students experience this dread disease. I have seen many rather relaxed, confident (or perhaps playful, even boisterous) second and third years about, laughing, joking, and generally cavorting amongst themselves. Unfortunately, these incidents occur in close proximity to the "quiet" library. Personally, I try to follow the lead of my learned classmates (with apologies to those around me who are trying to study.)

In all sincerity, I look forward to exam time. I tend to gauge my time on this planet by significant happenings in my life; exams are such memorable experiences. Also, I like to take exams for what I think they are: exams are indicators of knowledge actually acquired. A "poor" grade merely reflects the areas in which I need to strengthen my understanding.

Nor do I believe that the time spent preparing for exams should be a time for elevated stress levels, unless you believe that normal class time is stressful. Every class we have, every assignment we read, every exercise we complete is intended to teach us new material. The exam itself is our chance to show off our new skills.

My approach certainly is simplistic. Maybe I am living in my own little dream world, painting a rosy picture of what is in fact a nerve-shattering (certainly, a hectic, mind-boggling) ordeal. However, I will never waver in my beliefs. In the words of MADD magazine's Alfred E. Neumann, "What? Me worry?"

The proposition of an alternate journal was met with varying support by those students who were interested, and publishing expertise to make a second, quality journal. The general consensus was of approval, but the approvals were usually conditioned by the quality of the journal. With the resource problems taken into consideration, such quality would be an elusive goal.