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IU Moot Court Team Does NYC in Style

By Jonathan Rappaport

The national reputation of IU Bloomington rose one notch higher recently, thanks to the efforts of Angela Marotto, Bradley Warrick, and Jennifer Payne. The three represented IU at the National Moot Court Competition, held in New York City from January 29 through February 1. The IU team's written and oral advocacy skills earned them a spot in the Octofinals, an honor shared by only fifteen other schools. Though eventually edged out by Iowa, our own three third-years beat the New York hometown favorite, St. Johns.

This year's national competition focused on corporate law. The first issue concerned standing under the antitrust laws for target corporations to enjoin illegal mergers. Jennifer argued this issue as petitioner; Brad as respondent. Angie performed double duty as the "swing woman," arguing the second issue on both sides. Her issue concerned soft information disclosure in a self-tender offer under Rule 14(e) of the Williams Act.

Students will argue and brief the same issues in this semester's Appellate Advocacy class. All Appellate Advocacy students have the opportunity to advance to the in-house Sherman A. Minton Moot Court Competition, vying for selection to the national team or three other moot court teams. Because of their familiarity with the issues, members of see Moot Court on pg. 2

Dean Bryant Garth to Leave IU Law School

By Brian Lehrer

After four years as Dean of Indiana University's law school, Bryant Garth is leaving for a research position in Chicago.

This summer Garth will begin his tenure as the director of the American Bar Foundation. He described the position as a research liaison with the legal profession.

"This is a job description that fits my interests," he said.

Garth said he was "quite happy" being dean, but that the ABF sought him out and he could not resist the opportunity to return to research.

"It's a contradiction being dean," Garth said. "A school gets someone to be dean because of his academic record and then he spends most of his time doing other things."

If actions speak louder than words, then Garth certainly demonstrated this point when it took him longer to turn in the grades for his two-credit Legal Professions class last semester than it took Czechoslovakian dissidents to peacefully overthrow their repressive government.

Garth said he will not be heavily involved in the selection of a new dean. "I'll only be an advisor to anybody who wants my advice."

Professor William Popkin, chairman of the finding committee, said the search for a replacement has just begun and he does not think that they will find someone by July 1, the date Garth's resignation takes effect.

"The procedure basically consists of casting the net as widely as possible," Popkin said. "We try to generate a list of names and then we select candidates to interview."

Popkin said this is an especially difficult time to be looking for a new dean as the University of Illinois and the University of Wisconsin are also looking for new deans.
SLA Holds Open Forum Night

Students present at the recent SLA Open Forum Night raised two big issues. The first issue concerned access to the faculty evaluations that students are asked to complete each term. When choosing their class schedules students have repeatedly expressed a desire to view faculty evaluations, in order to find out what their classmates collectively have to say about certain professors. Faculty, always aware of the advantages to keeping students in the dark, want to suppress their evaluations. Faculty claim that the only purposes for evaluations are to help the professors sharpen their skills or to determine tenure appointments.

The second big issue concerned the law library's circulation policy as it applies to faculty. Students are upset that faculty are allowed to check out material and maintain possession for the life of the material or the life of the professor, whichever comes first. More specifically, students are squawking that recall requests are going unanswered. As it turns out, the library is aware of the "problem" and is currently addressing it.

The following issues were also discussed: the writing requirement for 2L's, the effectiveness of the first year research and writing course, the absence of Sunday papers in the library, the need for more periodicals in the library, the possibility of having model answers from previous exams put on file, the possibility of fining professors who turn in late grades, the recent vandalism, the rationale for the copy-card machine being housed in the cafeteria, and the desire to compile a placement survey for current 2L's and 3L's.

Your SLA Representatives.

The Exordium

The Exordium is published by the Student Law Association with the help of student volunteers. The next issue will be available in March. The editors are currently accepting articles and letters for publication for that issue. Items should be turned in to Kevin Belt's mailbox. All opinions expressed in The Exordium are those of the individual writer and do not necessarily reflect the view of the students, faculty, administrators or University. The editors reserve the right to edit any letters or articles or reject items which do not fulfill editorial goals. Any upcoming events should be put in Pete Raack's mailbox for publication in the next issue.

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Moot Court from pg. 1

IU’s national team serve as advisors for Appellate Advocacy. Angie, Brad, and Jennifer meet with the students individually and help them polish their written and oral arguments.

Angie, Brad, and Jennifer overcame many adversities en route to their fine performance. The three represented IU at the regional competition in Indianapolis last November, but, because of a clerical error, were not informed that they had won both preliminary arguments. Figuring they were done, they returned to Bloomington to reacquaint themselves with classes long put on hold. Only in January, two weeks before the national competition, were they in formed of the scoring error and invited to New York City.

Much as they had the previous semester, the three honed their legal arguments for battle. With barely enough time to prepare, they flew off to New York City to represent the Cream and Crimson in fine fashion.

The three have more than enough New York Stories for a feature film. What follows are the more interesting highlights.

• U.S. Air lost Jennifer's garment bag, so she had to argue the first round in a borrowed dress which was much too large.

• Their $85.00 per night hotel rooms (Remember: this is New York City) at 46th and 5th Avenue came complete with empty wine bottles on the fire escape, no soap, and a call-in porn channel.

• Brad and Angie saw a big rat run across a booth while eating at a Roy Rogers.

• Jennifer was admonished at counsel table by one of the judges for grimacing when opposing counsel made a dumb argument.

• After they lost in the Octofinals, Brad consoled the team with a roll of Cherry Lifesavers.

• All arguments were followed by collect calls to Professor Joe Hoffmann, who entertained the team with "ulimate in cool" stories of his years on Moot Court.
The War on Drugs Begins with Education
BLSA Lunch-Time Lectures and Symposium

By P. Ayo Yetunde

The Black Law Student Association (BLSA), in observance of Black History Month, has organized a three-part Brown Bag Lunch series on lectures and discussions around the topic, "The Legal Implications of the Drug War." At the first lecture held Thursday, February 15th at 12 p.m. in the Moot Court room, Professors Patrick Baude and Joseph Hoffman discussed America's tendency to blame "outsiders" for America's drug problem, and the current proposition of amending the Fourth Amendment to allow police officers to conduct searches without "probable cause."

Hoffman suggested that the "probable cause clause" of the Fourth Amendment is a barrier to effectively fighting the war due to the cooperative nature of the relationship between the drug trafficker and the drug buyer. Neither party implicates the other, other witnesses are very difficult to find or are not easily persuaded to testify, and other evidence which would substantiate a probable cause determination is very difficult to gather.

Baude suggested that the drug problem has not stemmed from an outside foreign influence, nor from aliens living within the U.S. borders. He suggested that it stems from what might be called a need or desire on the part of human beings to feel good, a need or desire to use stimulants, be they illegal or legal (like the original formula for Coca-Cola which purportedly included some form of a cocaine-like drug, derived from coca leaves). However, if America continues to ascribe to xenophobic tendencies, Baude hinted that the "probable cause" proposition deserves serious consideration.

Professor Terry Bethel and Edward Fillenwarth, a labor attorney from Indianapolis, addressed the issues of random drug testing and the retention of employees who are suspected of using illicit drugs. Bethel approached the topic of discussion, "The Impact of Drugs in the Workplace" from the perspective of an arbitrator representing management, and Fillenwarth spoke from the viewpoint of a labor union representative. The event took place in the Moot Court room at 12 p.m. on Thursday, February 22nd.

IU Police Chief James Kennedy and Monroe County Magistrate Viola Taliaferro will discuss the problems of arresting children and young adults on Thursday, March 1st in the Moot Court room at noon. Students and faculty wanting to meet guest lecturers are encouraged to meet in the law school cafeteria one hour before the noontime discussion.

The annual BLSA Symposium will be held Friday, March 23rd in the Moot Court room from 2-6 p.m. The topic of the symposium will address is the concern "How Far Will the U.S. Go in Its War Against Drugs?" Professor Mary Ellen O'Connell will speak about the capture of Noriega and whether his capture really means a beginning to the eradication of drugs from U.S. communities, and Jim Richmond (former visiting practitioner at IU School of Law—Bloomington), the U.S. Attorney in the Northern District of Indiana (Hammond), will address the legal impact of the "International Drug War" on U.S. federal courts.

When asked why BLSA chose "The Drug War" as the topic of this year's Symposium, Alison Hinds, BLSA vice-president and co-chairperson for the Symposium, said that while the drug war has a devastating effect on low-income families, the problem is not exclusive to low-income families or members of any particular ethnic group. She added that the problem of drug violence should be viewed in the context of affluent communities which provide an example of the "American Dream," and like those from affluent communities, less fortunate youth know that money made fast erects the rickety bridge between the city slum and the "American Dream" of affluence.

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Melon Sellers and Lost Passports in Iran

By Scott Hansen

I used to live in Teheran. It was during the revolution of 1978 and Americans were not very popular. I was walking home one afternoon all alone. There was a cart full of melons on the side of the road and as I passed I noticed that the vendor of the melons held a large knife. Since melon vendors often had knives, I continued to walk past the cart. But the guy pointed his knife at me and ordered me to come to where he was.

As I reluctantly approached him, he turned to his cart and picked up a large melon. He proceeded to cut it in half and remove the seeds. Then he handed me half of the melon, kissed me on both cheeks, and said, “God be with you.” After thanking him many times, I went happily on my way, feeling touched by his spontaneous act of kindness.

After returning to the U.S. a few months later, I read some of the stories in the papers about the experiences of Americans who had lived in Teheran during the revolutions. Almost all were negative. Reports of angry mobs overturning Americans’ cars and setting them on fire were abundant. Yet I could not find a single article about the kindnesses that many Americans had experienced in their time in Iran. Many had found the Persians to be full of hospitality, concerned for the welfare of others, and humorous. These good things were as strong and as real as the violence that the newspapers were reporting.

Sometime back the Christian Science Monitor, a highly regarded international newspaper that brings perspective to world news, carried a series of articles on Iran. They were written by an American woman who had traveled to Iran to see for herself what the country was like after the revolution. She wrote of many instances during her trip when people went out of their way to offer her their assistance. She told of a time her purse was stolen while she was visiting a holy shrine in Mashad. The local authorities made sure that she was compensated for what had been taken. She was even provided with a letter from a religious authority that helped assure her safe travel inside the country until she could get a new passport.

These instances of kindness by a people who are popularly portrayed as wild fanatics have helped me to see through the distorted image that is presented of them in much of the media. When I read reports of mindless mobs chanting “death to America” in the streets of Teheran, I remember the kind melon seller who kissed me on both cheeks. There is much good in that country, as there is in so much of the world, even though we do not often hear about it. Perhaps it is well to remember that the negative reports that bombard us about the world rarely give us a well-rounded view of the true situation.

This is not to say that the negative aspects of the world should be ignored. Recent reports of political repression, economic stagnation, and the aftereffects of a senseless war point to serious problems in Iran. But the kind of thinking that solves world problems does not accept the premise that the human situation is hopeless. Rather, it seeks to recognize the positive and the negative in arriving at the fresh, balanced approaches that are so often needed. Thought should be independent of overly negative and condemning impulses. Constructive thinkers must refuse to join in with mass mental Lynch mobs, which act on the destructive basis of blind preconception.

To look for the good in things is not
President Ehrlich -- Not Just a Bowtie

By Anne Bennett

On February 7, 1990, IU President Thomas Ehrlich gave an impressive, thoughtful and humorous speech about Learned Hand, for whom Ehrlich had clerked the year before Learned Hand died. He personalized a renowned and remarkable man.

Ehrlich spoke of Hand’s love for Gilbert and Sullivan songs—Hand sang them frequently, and Hand’s love of toys—Hand actually drove a toy truck (evidence in a patent case) through the halls of his chambers.

Ehrlich talked of Hand’s seemingly effortless prose being the product of Hand’s reworking and redrafting of his opinions. Ehrlich estimated that after one year that only one of his own (Ehrlich’s) paragraphs made it in a Hand opinion.

Ehrlich gave a handful of quotes worth mentioning:

“Intelligence to the highest degree without faith is absolute melancholy.”

“Think you may be wrong.”

President Ehrlich’s speech was inspiring, stating that, “Our profession gives more than any other. Our legal education is a tool, use it well.” But most importantly he said that “It is your will that makes you a success.” I say that’s inspirational!

President Ehrlich’s speech was sponsored by the American Bar Association/Law Student Division.

March Events

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<th>Wednesday, February 28</th>
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<td>Women’s Law Caucus Meeting</td>
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<th>Friday, March 23</th>
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<td>BLSA Symposium (M.E. O’Connell/J. Richmond)</td>
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<th>Wednesday, March 28</th>
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<tr>
<td>How to Survive Your Summer Clerkship (Placement Office)</td>
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Iran from pg. 4

merely the result of an overly optimistic outlook. Isn’t it a mutual recognition of the good in one another that brings people, as well as nations, together? Let us be honest in our assessment of the world and recognize the good that is there. This receptivity to good will help immeasurably in promoting the clear thinking required to meet the challenges to world peace that confront us today.

SUMMER LAW STUDY in
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Making The Grade, Grading "The Bake," and Saving a Tray
By Greg Castanias

Thanks to the help of Len Fromm and Sherrilyn Kobow, The Exordium has been able to tally and publish—for the first time—the average grades for each class for which grades have been posted. The numbers speak volumes about these classes, but one set of numbers stands out—the bookend grade curves of Professor John T. Baker's two classes.

The Exordium interviewed Baker about grades in his office on February 7. Excerpts from that interview follow.

GC: You taught two classes last semester. Are you aware of the discrepancy in the curve in each class?
JB: Well, I know that one was somewhat higher than the other.

GC: Do you know what the numbers were?
JB: I could look it up.

GC: Remedies was 3.15; Corporations was 2.58.

JB: That about—2.58? Jesus, I thought I averaged them higher than that. Usually I try to keep the grades between 2.5 and 3.1 or 3.2.

GC: Well, I can double-check my math [ed.—it was correct]. What explains this disparity?
JB: Corporations is a lot harder than Remedies. No matter who teaches that, you'll find that. Remedies students come in with two or three years of law school experience; most of the Corporations students don't have a business background.

GC: What is the faculty policy of grading and grading curves?
JB: There is none. There's a general faculty consensus that the range be 2.7 to 2.8. There is no grade normalization policy, though I understand that's under consideration.

GC: How do you grade exams?
JB: I assign points to issues as I write the exam. Grading is not scientific. I might assign ten points to one issue; five to another. Because a student did really well on the ten point issue, not as well on the five, I might compensate by attributing more points on the big issue.

GC: How do the numbers turn into letter grades?
JB: Well, it's not scientific—it varies from year to year to how many get thrown out of the curve. It's usually the low end I throw off. But sometimes its a couple of students who are on the high end I throw off. There's no need to throw an entire class off.

GC: What about last year's Corporation's grades? Weren't the Spring grades significantly higher than the Fall grades?
JB: I think they were.

GC: What was the difference?
JB: People in the Fall are taking heavy course loads—Corporations, Tax, Criminal Law—extraordinarily difficult classes. The Spring class course load is not as demanding—in number of pages covered.

GC: But I was in the Fall '88 class. You asked two big questions on securities regulation stuff you covered in the last two weeks of class. In the Spring you didn't even get to that...
JB: I think that's right.

GC: So maybe the Spring exam was just easier?
JB: I don't know. I can't answer that. I'd have to go back and compare the exams.

Environmental Update: ELS has placed a new recycling bin in the snack bar for aluminum cans. Use it. Also, let's stop using the styrofoam issued by the snack bar. Mariott will be replacing most of it, but the cups will probably stay. The insulated mugs available at The Daily Grind are the same size as the large foam cups. It's not that hard to keep a cup here. And you environmentally-correct folks can help by "reminding" the styrofenders that styro ain't enviro.