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Maurer School of Law
Bloomington

Indiana Law Annotated

*Vol. 23 No. 11
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DEFENDING THE KLAN

Two years ago, I sat reviewing six cases sent by the United States Court of Appeals in Chicago in which I had agreed to accept appointment. Professor Lahn and I were teaching a new appellate clinic, and we would work with students to brief the cases and prepare the students to argue them. The thought of students arguing their first cases before the Seventh Circuit was thrilling. All but one of the cases were criminal direct appeals, and the records had arrived. Murder, murder, drugs, drugs, guns ... cross-burning? A Klan member had been convicted of four federal felonies for burning a cross on the front lawn of a house rented by a Hispanic family.

I had first thought of law school as a result of moving to Alabama in the 1960s. My Air Force father had been transferred to Montgomery from France, where we had spent the previous four years. In 1965, Alabama schools were thick with racial tension. I learned the power of legal imagination as I watched my high school integrate, and the power of the law as I saw federal district judge Frank Johnson not only force the integration of the schools, but also take over the management of dangerous mental hospitals and prisons. My admiration for Judge Johnson's direct and unflinching courage propelled me to law school, and civil rights was the first course I taught when I returned to law school as a teacher.

And now, a court was requesting that I represent a Klan member. As deeply as I believe in the obligation to provide a strong check on the power of the government when it is arrayed against an individual defendant, and as deeply as I believe in the lawyer's obligation to provide pro bono representation, I had to examine my soul and my conscience carefully. Was I confident that I could provide effective representation to someone whose views I saw as reprehensible, no matter if constitutionally protected? And could I ask a student to work on this case?

Ultimately, I concluded, the answers were yes. As lawyers, we owe a clear obligation to the courts to provide representation when we are requested to do so. Our system of justice depends on our willingness to back up that belief with our time and our best efforts. While our code of professional responsibility allows us to decline appointment if "the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client," it also stresses our obligations to accept appointment in pro bono cases, and to accept our "fair share of unpopular matters or indigent or unpopular clients."

David Bayt (JD'01) argued the case as a third-year law student, and did a wonderful job. The case ended in a split decision. Now a graduate, he and Professor Lahn, who had also worked on the case, accompanied me to Chicago, where I stood before the 11 judges of the United States Court of Appeals for the Seventh Circuit to reargue the case to the en banc court.

The argument involved complicated questions of statutory interpretation, and engaged the 11 judges, whose questions about the intent of Congress and the inherent nature of fire quickly consumed my time and that of the attorney from the Department of Justice. Indeed, if you ever wonder why your professors pepper you with hypotheticals, I invite you to listen to the argument by clicking on the link at the end of this article — and hear the members of the Court trade hypotheticals back and forth with me and the other attorney.

When we become attorneys, we are given special power by the state, and from those who are given such power, much is required. We each have individual responsibility for assuring that criminal defendants have competent representation, and that indigent civil litigants do not forgo their rights because they cannot afford counsel. That's what we sign on for when we take our oaths as attorneys.

—*Lauren Robel, Acting Dean*

You can listen to the sound file of Dean Robel's argument on the Seventh Circuit Web site at http://www.ca7.uscourts.gov/farg/arg.fwx?submit=showar&caseno=00-3400_001 .MPG. This is a very large file that may take several minutes to download before you can listen to it. If you have difficulty playing it, open Real Player on your computer, go to the "open" command under the file menu and paste in the Web address above.

EVENTS & LECTURES

JOINT JD/MBA INFORMATION SESSION

On Tuesday, Nov. 12, an information session will be held for students interested in the JD/MBA joint degree program. Jim Holmen, director of admissions at the Kelley School of Business, will lead this session. It will take place at 5:30 p.m. in the third-floor faculty lounge. Please note that this will be the only such session this year; all interested students are strongly encouraged to attend.

PILF RECEPTION

The Public Interest Law Foundation Reception will be held on Thursday, Nov. 22, from 4:00 p.m. to 6:00 p.m. in the Student Lounge. Invitees include faculty members who've practiced public interest law and local attorneys and judges. We hope to provide students with an opportunity to discuss areas of public interest law with experienced practitioners. Booklets detailing the various work of the attendees will be provided to students. This event has a long tradition at the law school and is always a great success. Please join us for wine, snacks and good conversation. Hope to see you there!

PANEL ON HATE CRIMES NOV. 25

On Monday, November 25, 2002, the ACS will host a panel on hate speech/hate crimes at noon in the Moot Court Room. IU Law Professor Jeannine Bell will serve on panel discussing hate speech and hate crimes in the context of her recent book on the convergence of these areas, *Policing Hatred: Law Enforcement, Civil Rights, and Hate Crime* (NYU Press 2002). Professor Bell will be joined on the panel by IU Political Science Professor Jeffrey Isaac, who is a leader of the organization Bloomington United Against Hate, which is dedicated to tolerance in the community. Professors Bell and Isaac will be joined by John Krull, the Executive Director of the Indiana Civil Liberties Union (ICLU), who has other views to share on hate speech. The event promises to feature exciting exchange between these panelists. Please make plans to join us. Refreshments will be provided.

NEWS FROM THE FACULTY

Professor **David Snyder** has been elected to the American Law Institute.

NEWS FROM CAREER SERVICES

JAG SPEAKER TODAY

Captain James Warden from the U.S. Navy Reserve JAG will hold an informational session today at noon in the Moot Court Room. All interested students are welcome.

JOB SEARCH WORKSHOP THURSDAY

The Office of Career Services will hold a workshop on job search skills at noon on Thursday, Nov. 14, in the Student Lounge.

B710 MEETING FRIDAY

Career Services will hold a meeting on Friday, Nov. 15, at noon, to discuss Federal Courts and B710.

NEWS FROM STUDENT ORGANIZATIONS

WOMEN'S LAW CAUCUS MEETING TODAY

The WLC will hold an organizational meeting on Monday, Nov. 11, at noon in room 120. Topics for discussion include the Etiquette Dinner and Auction. New members are welcome, hope to see you there!

Feed yourself and those in need as part of the Christian Legal Society Food Drive, this week, Nov. 11-15.

Donate at the table in the law school lobby between noon and 1:00 p.m. this week and receive a gift certificate to a local restaurant. A donation bin will also be placed in the basement of the law school.

Backstreet Missions will distribute all items as Thanksgiving Baskets to needy families in Bloomington. Items especially desired include: canned fruit, yams, corn, green beans, pork & beans, cranberry sauce, instant mashed potatoes, gravy mix, stuffing mix, cake mix and macaroni & cheese. Cash donations for the purchase of fresh turkeys are also appreciated.

SLATOWN MEETING FOR 1LS

On Wednesday at noon, all 1 Ls are invited to meet with their SLA representatives for a chance find out what SLA has been doing, and to present their ideas for what needs to be done (room to be announced).

CAREER TALK FOR NON-TRADITIONAL STUDENTS

The Older and Wiser Law Students (OWLS) will host a discussion with Dean Kearney on Wednesday, Nov. 13, at noon in room 120. Dean Kearney will discuss the opportunities and challenges that non-traditional law students will likely encounter in their job search. Specific topics of discussion will likely include structuring a resume to highlight past experience; factors that non-traditional students should consider when selecting a legal career; questions students might expect during interviews; and how students might highlight their unique skills during the interview process.

The OWLS invite any interested students to join the discussion. Desserts will be provided.

ELS MEETING WEDNESDAY

There will be an Environmental Law Society Meeting Wednesday, Nov. 13, at noon in room 121.

ARE YOU UNCOUTH?

Career Services and WLC present: The 2002 etiquette dinner, on Tuesday, Nov. 19, at 6:00 p.m., at Terry's Banquet and Catering (business casual dress). For only \$16 enjoy a delicious dinner (veggie option available), an evening with friends, and learn everything you need to know about etiquette for those job interviews and business dinners.

Sign up in the law school lobby from Nov. 4 through Nov. 13, from 11:00 a.m. to 1:00 p.m.

ACS MEETING NOV. 19

The American Constitution Society (ACS) will be holding a general membership meeting Tuesday, Nov. 19, at noon in room 121. Please put this event on your calendar and be sure to join the ACS as we move into our second year. The meeting will be brown bag (so bring a sandwich and drink) as well as brief, so come at noon, stay for 30 minutes, and help the ACS continue to enjoy the success it has experienced so far. We look forward to seeing you there!

ANNOUNCEMENTS

OPENING FOR IU STUDENT TRUSTEE

The Board of Trustees is Indiana University's governing board, legal owner, and final authority. The board holds the university's financial, physical, and human assets and operations in trust for future generations. The board was created in 1820. Today it has nine members, six appointed by the governor, and three elected by alumni. The student trustee is a fully vested member of the board with all rights, responsibilities, and privileges accorded to all trustees. The student trustee must be a full-time student for the duration of the appointment. He or she is expected to participate in nine board meetings a year, serve on board committees, take part in various university functions and ceremonies, and complete any assigned projects.

The term of office begins July 1. Applications for the student position will be reviewed by the 2003 ID Student Trustee Search and Screen Committee, which is appointed by the president of the university, and is entirely composed of student representatives from IU's campuses. The committee will interview selected finalists on March 28 and 29 in Indianapolis. According to state law, the committee must forward 10 names to Gov. Frank O'Bannon, who will make the final selection by June 30.

Applications are available from November 1, 2002 for the student position on the Indiana University Board of Trustees. Application materials are available at the Office of the Board of Trustees, Room M005, on the mezzanine level of the IMU.

For more information on powers and responsibilities of the Trustees of IU, see the relevant State Code listed at http://www.indiana.edu/trustees/state_code.html.

STUDENT RUSH TICKETS AVAILABLE FOR IU THEATRE

Thirty minutes before the start of any performance in our season, all unsold tickets become available to students for just \$10 cash — a full third off the regular price. Just bring your ID (required) and \$10 cash. The regular price is \$15. Join us for some great theater at an unbeatable bargain.

Opening This Week is Arthur Wing Pinero's *Trelawny of the "Wells."* A charming and whimsical comedy, *Trelawny of the "Wells"* celebrates the transition from one British generation's theatrical tradition to the next — from artificiality to realism in the mid-19th century. Rose Trelawny, the star of the Sadler's Wells Theatre, falls in love with a young man from polite society, leading to hilarious encounters between denizens of the stage and her fiance's upper class family. *Trelawny of the "Wells"* opens November 8 and continues November 9 and 11 through 16.

Get a free sampling of the show by joining us for a pre-show lecture by Albert Wertheim of the Department of English followed by a scene from the play. The lecture takes place at 3:30 p.m., Thursday, November 7, on the Mezzanine of the Theatre and Drama Center Lobby. Attend the show on Tuesday night, Nov. 12, and join us for a curtain talk after the performance. This is a casual discussion with the director, dramaturg (he's the research guy), the cast, and designers about how they made the magic happen. Even if you attend another night, feel free to return for the discussion.

The Ruth N. Halls Theatre is located in the IU Theatre and Drama Center at the corner of Seventh and Jordan.

CHANGE IN PROCEDURE FOR SCHEDULING EVENTS

ALL e-mail about reserving classrooms must be sent to BL-LAW-EVENTS. Mail MUST be sent to the correct address, bl-law-events (for Outlook users) or bl-events-law@exchange.indiana.edu (for non-Outlook users). Please include the date and time of event, length of time room will be needed, classroom requested and number of people attending event. Requests should be sent at least one week before the event and include the name of the person requesting, the organization planning the event, and an e-mail address. Confirmations will be sent by reply e-mail. Thank you!

AUDIO • VIDEO SERVICES

Requests for AV services may be sent to Beth at av@exchange.indiana.edu. Please include the name of your group and the e-mail address of the contact person, a description of what you want to do, and the date, location, starting time and duration of the event. Requests must be made at least 48 hours in advance and will be confirmed by e-mail.

CALENDAR

Nov. 11: Captain James Warden (JAG), noon, Moot Court Room
WLC meeting, noon, room 120
CLS Food Drive (through Friday)

Nov. 12: Joint JD/MBA information meeting, 5:30 p.m., Faculty Lounge

Nov. 13: SLA meeting for 1Ls, noon, room t.b.a.
OWLS career talk, noon, room 120
ELS meeting, noon, room 121

Nov. 14: Job Search Skills Workshop, noon, Student Lounge

Nov. 15: Federal Courts/B710 meeting, noon, room t.b.a.

ILA: Please visit our Web site at www.iaw.indiana.edu/pubs/ija/iiacurrent.html. The ILA is published every Monday with news about the coming week. If you have questions about an item appearing in the ILA, please contact Leora Baude (e-mail lbaude@indiana.edu or phone 855-2426).

Submissions: Information and articles for the ILA should be submitted by **Friday at 10 a.m.** for inclusion in Monday's edition. Please e-mail all submissions to ila@indiana.edu.