

**ABOUT THE COMPETITION  
AND  
THE HONORABLE LUTHER M. SWYGERT**



In memory of the late Judge Luther M. Swygert, Mrs. Gertrude Swygert, his wife, and Professor Michael I. Swygert, his son, established an endowment at the School of Law for the creation of the Judge Luther M. Swygert Memorial Moot Court Competition.

A 1927 graduate of the Notre Dame Law School, Luther M. Swygert became an Assistant United States Attorney for the Northern District of Indiana in 1934. President Franklin D. Roosevelt nominated him District Judge for the Northern District of Indiana in 1943, and he was the first Democrat to be appointed to the federal bench from Indiana since the Civil War. He served as Chief District Judge until 1961, when President John F. Kennedy nominated him to the United States Court of Appeals for the Seventh Circuit. Judge Swygert served as the Seventh Circuit's Chief Judge from 1970 to 1975. He became Senior Circuit Judge in July 1981, but continued to serve the Seventh Circuit as well as other courts of appeals until 1987.

Judge Swygert had a special relationship with Valparaiso University. He was awarded an honorary Doctor of Laws degree from Valparaiso University during the dedication ceremony for the first Wesemann Hall School of Law in 1963. He was the first Jurist-in-Residence at the School of Law, and in 1984 taught an innovative seminar at the law school entitled "Language and the Law." In addition, his son, Michael, graduated from the Law School in 1967 and was a member of the board which inaugurated the Valparaiso University Law Review.

Throughout his years as a federal jurist, Judge Swygert maintained a special interest in legal education. In particular, he took an interest in moot court programs, acting as judge for student moot court competitions at Valparaiso, Syracuse, Notre Dame, Indiana University, New York University, Wisconsin, Illinois, DePaul, Northwestern, Chicago, and Yale law schools. In light of this special interest of Judge Swygert, the Judge Luther M. Swygert Memorial Moot Court Competition was created in 1989. The program involves an annual law student moot court competition to be held at Valparaiso University. The competition is designed to include at least one judge from the Seventh Circuit as a final round judge, and it will offer a cash award to the team of advocates adjudged to exhibit the best skills in the annual competition.

The School of Law benefited enormously from the relationship with Judge Luther M. Swygert and is grateful for this generous opportunity to honor him. In addition, the students and faculty of Valparaiso University School of Law wish to thank Mrs. Swygert for her continual support and interest in the students participating in the Luther M. Swygert competition.

26TH ANNUAL  
**Luther M. Swygert Memorial  
Moot Court Competition**

# Final Argument

**WEDNESDAY, NOVEMBER 5 | 4 P.M.  
DUESENBERG RECITAL HALL, VUCA**



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## JUDGES

### **The Honorable William J. Bauer**

Judge, United States Court of Appeals for the Seventh Circuit

### **The Honorable Mark S. Massa**

Associate Justice, Indiana Supreme Court

### **The Honorable Theresa L. Springmann**

District Judge, United States District Court, Northern District of Indiana

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## PARTICIPANTS

### **Petitioner:**

Robert McMahon

Emily Mussio

### **Respondents:**

Natasha Corbett

James Williams

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## ISSUES

- I.** Whether the 14th Circuit Court of Appeals correctly used the intermediate scrutiny level of judicial review to analyze Canon 4 of the Hoosierland Code of Judicial Conduct that regulated a non-partisan judicial candidate's solicitation of campaign funds, or is strict scrutiny under *White I* the proper level of judicial review.
  
- II.** Whether the 14th Circuit Court of Appeals correctly found that Canon 4 of the Hoosierland Code of Judicial Conduct did not violate judicial candidate Paula Pinkerton's Free Speech rights under the First Amendment of the United States Constitution.

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### **2013 SWYGERT MOOT COURT COMPETITION WINNER OF BEST ORALIST**

Kylee Miller

### **2013 SWYGERT MOOT COURT COMPETITION WINNER OF BEST BRIEF**

Elizabeth Perez

### **2013 SWYGERT MOOT COURT COMPETITION WINNING TEAM**

Kylee Miller          Matthew Tumminaro

### **PRELIMINARY ROUNDS**

**Round 1:**                  Wednesday, Oct. 15, 2014

**Round 2:**                  Wednesday, Oct. 22, 2014

**Semi-Finals:**          Wednesday, Oct. 29, 2014

### **SWYGERT MOOT COURT PROGRAM ADVISOR**

Professor Clare Nuechterlein

### **FACULTY JUDGES FOR SEMI-FINAL ROUND**

Professor Ivan Bodensteiner, Professor Joellen Lind, and Professor Rosalie Levinson

### **2014-2015 MOOT COURT SOCIETY EXECUTIVE BOARD**

Elizabeth Perez, Chief Justice

Mallory Zampa, Associate Justice, Luther M. Swygert Competition

Ryan Locke, Associate Justice, Judging

Aaron Medley, Associate Justice, Interschool Competitions

Kylee Miller, Associate Justice, Business and Finance

Reece Freeman, Associate Justice, First-Year Oral Arguments/Tryouts

### **2014 3L MOOT COURT MEMBERS**

Warren Freiberg

Davina Hughes

Jennifer Lee

Paul Nicolosi

Eric Skwiat

Matthew Tumminaro

### **2014 COMPETITION PARTICIPANTS**

Pia Betancourt Bauzo

Michelle Kelly

Robert Raymond

Jennie Bell

Stephanie Kroeze

Patricia Schulz

Alex Bialk

Gabrielle O'Connor

Lauren Tesla

Natasha Corbett

Justine Mackey

James Williams

Lauren Deitrich

Robert McMahon

Connor Hale

Emily Mussio