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Notre Dame Law School: Catholicism, Conscience and Commitment

Martha Vazquez

It was the fall of 1971. As I strolled around St. Mary’s and Notre Dame for the first time, I was aware of many things foreign to me: the humidity, the hum of locusts that sounded like faulty power lines, the ivy on the buildings, and the beautiful campus. As I explored, I found the library with a mural of Christ on the exterior wall, affectionately known as “Touchdown Jesus.” In every dorm I visited I found starkly furnished chapels with only carpeting and simple altars. I encountered shrines throughout the campus in some beautiful places that only an explorer would find and, of course, the Grotto: these were familiar symbols to me. The more I saw, the more I felt at home.

The religious atmosphere at Notre Dame was like a reassuring hand being held out to me. It was the bridge that connected Catholic students from different walks of life to the University and to each other. It was a reassuring presence. I had never traveled outside of California except to visit family in Mexico. I had never been away from family when, at the age of eighteen, I found myself at the South Bend airport wondering how much a taxi would cost to get to St. Mary’s College.

An eighteen year old is often not aware of the role that religion plays in her life. I certainly was not. It was a presence in my life at home, though a presence about which I rarely thought. But when I arrived at Notre Dame, it was the only thing which felt familiar. Formal religious services and activities inspired by the commitment to justice permeated the undergraduate life. Looking back, I know that is why I stayed in spite of the loneliness I felt being so far from home.

Religion at Notre Dame is more than symbols, ceremony, and dogma. It is more than the Grotto, candles, and the Sunday services. As a student at Notre Dame for seven years, I learned that religion is not static; it is a process, like growing up. We begin to

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see our place in society as affecting the lives of others, a process by which we feel a responsibility towards the weak, the defenseless, a process by which we are in tune with our conscience. Over the years I have learned to recognize that religion is that which motivates me, that which inspires me, that which empowers me.

When I first saw Notre Dame and the religious symbols on the campus, I felt a bond which made the first weeks easier. At Mass, the provocative sermons from the pulpit challenged Catholics to live their religion, to take stands on social issues. To my surprise, these same topics were vigorously analyzed and debated in the classroom. Outside the classroom they were the impetus which prompted students to become involved in community activities. Catholicism is the soul of Notre Dame. Being able to tap into it in the dorm, in the classroom, as well as at Sunday Mass forever changed my life.

I went to Notre Dame as an undergraduate to become a lawyer. Because my father came to this country as an illegal alien, immigration issues were very close to my heart, and because he worked picking lemons in southern California, the farmworkers' movement remained very close to my heart as well. The process of earning my degree as an undergraduate was very exciting and fulfilling because academics were intertwined with social issues of great importance. I remember being very impressed by the fact that Father Hesburgh was President of the University and had been Chairman of the Commission on Civil Rights. While at Notre Dame, I read the reports published by the Commission, under Father Hesburgh's leadership, on discriminatory educational practices in public schools in the Southwest. I felt privileged to attend a university led by a man who truly understood the differences in educational experiences and opportunities of some Hispanic children in the Southwest.

Law school, however, was a somewhat different experience. The curriculum demanded a very focused existence. The courses were very challenging and stimulating, but I felt frustrated at times. I struggled to find the religious essence in the academic pursuit. I thought the connection between legal education and the legal issues of concern to society at large would be brought to bear to a greater degree in the classroom. There were Masses in the basement and clinical programs designed to provide legal services to the poor, but I longed for a stronger connection between Sunday Service Catholicism and the legal implications of matters of social justice.
I graduated with an excellent education, but I wish the experience had been more inspirational. One is very idealistic at that age. We have a simplistic belief that our degree and determination are enough to change the world. At that time in a law student's life, it would make for an extraordinarily powerful experience to provide greater academic emphasis on issues of racial equality and other such important issues. There are so many such issues which impact on the quality of people's lives that it was truly disappointing not to have energetically explored these in an academic setting with as much vigor as all other academic points were addressed.

I began my professional life as a lawyer in Santa Fe, New Mexico, working as an assistant public defender. I was in court as soon as the ink was dry on my license. I was terrified and exhilarated at the same time. For the most part, my clients were poorly educated, barely literate, drug dependent, young Hispanic males. The caseload was oppressive, the crimes charged extremely serious. The clients had no choice over counsel assigned to represent them. It struck me that they did not know any of the important facts most clients consider in choosing a lawyer. They knew I had recently graduated from law school. And they knew they were stuck with me. I knew I was all they had. I felt a tremendous surge of energy and desire to compensate for my lack of experience with hours of hard work. I wanted to become an excellent defense attorney so that my clients would feel they were walking into the courtroom with the kind of attorney they would have selected had they had the means to do so.

Armed only with my recently obtained law degree, as a public defender, I was faced with cases involving not only serious crimes, but also major social problems. The combination seemed at times insurmountable. Most clients faced the kind of obstacles most of us only read about. The need for my services was dire. It made me aggressive in the courtroom when I had been painfully shy in my trial practice class. It made me research and investigate my cases with such determination that the worst cases actually seemed triable when I completed my pretrial preparation. The importance of lofty constitutional protections in the daily lives of my clients hit me like a blast of frigid South Bend wind. In law school they were such noble yet amorphous concepts. In practice, my clients transformed them into passionate monumental guarantees.

As I look back on my life as a lawyer, there is much I wish Catholic legal education would address. For example, the fact that
people do not trust lawyers and the resultant impact on the public's perception of the integrity of our country's entire system of justice. Our profession is ridiculed every day as people laugh at the latest lawyer joke. And yet we, as lawyers, go about our business, sidestepping this problem. We are criticized for being greedy, charging exorbitant fees, and using archaic language as a secret code to guarantee a need for our services. But in law school you only hear our profession described as "honorable," without a footnote, without any mention of how the rest of the world looks at us. And an opportunity to address the problem and correct it is lost.

The desire to win or to impress a senior partner sometimes encourages "Rambo" litigation tactics that serve only to increase litigation costs and further tarnish our public image. It is difficult to stand up to your clients and to refuse to utilize such tactics. Aggressive representation does not require tactics that belittle, demean, or humiliate witnesses, parties, or opposing counsel. Unfortunately, many in our profession view failure to engage in these tactics as a sign of weakness or as an indication of inferior litigation skills. Zealous advocacy means thorough preparation and effective presentation of a case. It does not mean utilizing illegal means to obtain evidence. It does not mean treating witnesses rudely or pursuing discovery intended to force a party, unable to afford litigation costs, to settle.

Many of these issues arise in trial practice courses and can be effectively addressed in practical and moral terms. Our religion speaks to these issues. Our conscience speaks to these issues. Notre Dame Law School, as a Catholic institution, is in a unique position to prepare lawyers to face the practical as well as the ethical considerations at stake.

As Notre Dame lawyers, we have a responsibility to be informed about the legal controversies of our time such as the death penalty, abortion, mandatory sentencing in federal criminal cases, the large number of Americans we as a nation imprison, the dwindling budgets for legal aid offices, the differences in the quality of education our children receive depending on where they live, to name a few. The impact of these issues on those in our society who have no voice, who are poorly educated, who are inarticulate, who are poor should be watched closely by all. But Catholic lawyers should be especially vigilant.

All lawyers have an obligation to make sure our laws are not unfairly applied. We have an obligation to make sure all people
have access to our courts, not simply the wealthy. We have an obligation to see to it that inequities are brought to light and rectified. We cannot leave it to the injured, the victims of injustice, to stand up to their oppressors. I believe, as graduates of a Catholic law school, we have a greater responsibility to step forward and speak out.

The process of becoming a lawyer is a process which, in and of itself indoctrinates, separates us from normal people, encourages an elitist mentality. It is unnatural. It is a process whereby all else is secondary because of the intense academic pressures. And during the process of learning how to become a lawyer we forget how to be a good person, a good spouse, parent, son or daughter, or a contributing member of our community. Catholic legal education should include a religious component which addresses the negative and selfish aspects of law school and which seeks to instill in its graduates a sense of social commitment.

Catholic education is in a unique position to assume greater responsibility for the social evils of our time. It must strive not only to produce lawyers who excel in the profession; it must ensure its graduates will face legal issues with a conscience as well as with competence. Catholic legal education must graduate lawyers who will challenge inequities and use their knowledge to right wrongs. The quest for excellence cannot be an end in and of itself for a Catholic institution of higher learning.

Like our Catholic faith, our profession is more than what we do for a living. It is who we are. We are Catholic lawyers. Our religion is not simply what we believe; it is how we try to live our lives. To neglect or not fully embrace these religious issues during the three years of law school training is to waste a valuable opportunity. It is like raising our children without imparting our values, without encouraging kindness, courage, strength, and prohibiting violence, deception, and the unkind treatment of others.

As the Notre Dame Law School looks to its next 125 years, it must continue to proudly embrace its religious identity and demand religious responsibility from its law students in the same manner that it demands excellence in academics. Notre Dame, after all, is different. It is a Catholic institution of higher learning. It must not ignore its religious identity. It must not focus exclusively on academic excellence. It must continue to be ever vigilant of social injustices and instill in its graduates a sense of religious responsibility. In this way, Notre Dame will always occupy a vital
place in legal education and Catholicism will always have a dynamic avenue to effect change in society.