ILLINOIS STATE BAR ASSOCIATION

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The Globe

The newsletter of the Illinois State Bar Association's Section on International & Immigration Law

Editor's Comments

BY LEWIS F. MATUSZEWICH

Cindy G. Buys and Patrick M. Kinnally and other members of the International and Immigration Law Section Council have continued to work to have state court judges admonish defendants regarding the possible immigration consequences of a guilty plea. A new law, signed by the governor in August, amends the Judicial Admonition Statute related to guilty pleas. The article from Cindy and Pat in this issue of *The Globe* explains the background and intent of this statutory amendment.

Kristen E. Hudson of the law firm of Chuhak & Tecson, P.C. and an adjunct professor of law at UIC John Marshall Law School, is the co-coach of the UIC JLMS William C. Vis International Commercial Arbitration Moot Team. Her article, "Teaching Advocacy in Arbitration

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Pleading Guilty in Illinois Courts: A New Judicial Admonition Rule

BY PATRICK M. KINNALLY & CINDY G. BUYS

Due process requires that acceptance of a guilty plea be a "knowing, intelligent act [] done with sufficient awareness of the relevant circumstances and the likely consequences."[1] In light of this commandment, the Illinois legislature passed a law in 2004 requiring that state judges admonish defendants regarding the possible immigration consequences of a guilty plea prior to accepting that plea.[2] Unfortunately, not all judges complied with this command. As a result, some foreign defendants accepted guilty pleas not knowing the consequence would be deportation. When they discovered the immigration consequences of the guilty plea, some attempted to vacate their plea on the grounds of lack of notice and take their chance at trial, but the Illinois courts refused to provide any remedy for the judiciary's failure to comply with the law.

To correct this problem and ensure respect for the original legislative intent, the Illinois State Bar Association, through its International Immigration Section Council, drafted an amendment to the Judicial Admonition Statute relating to guilty pleas.[3] The new law,[4] which Governor Pritzker signed on August 16, 2019, states:

> Public Act 101-0409. Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 113-8 as follows: (725 ILCS 5/113-8)

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on the International Stage" explains the background of the Moot Competition and the work of the Team. The article appeared in the October 2019 issue of *In the Alternative*, the newsletter of the ISBA's Section on Alternative Dispute Resolution.

The Section Council has for several years encouraged its members to introduce themselves to the readers of *The Globe*. Mark Wojcik, former chair and current member of the Section Council, is featured in this issue's "Meet the Section Council." The members of the Section Council organize the continuing legal education programs for the Section, contribute material for publication in *The Globe* and review, comment on, and even propose legislation to be considered by the state legislature.

Also in this issue is David Aubrey's, "Student Outreach at The UIC John Marshall School of Law," which describes the latest in a series of programs held by the Section Council in an effort to present panel discussions explaining career opportunities to law students.

As always, thank you to all of our authors and contributors.■

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Pleading Guilty in Illinois Courts: A New Judicial Admonition Rule

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> Sec. 113-8. Advisement concerning status as an alien. (a) Before the acceptance of a plea of guilty, guilty but mentally ill, or nolo contendere to a misdemeanor or felony offense, the court shall give the following advisement to the defendant in open court: "If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States.". (b) If the defendant is arraigned on or after the effective date of this amendatory Act of the 101st General Assembly, and the court fails to advise the defendant as required by subsection (a) of this Section, and the defendant shows that conviction of the offense to which the defendant pleaded guilty, guilty but mentally ill, or nolo contendere may have the consequence for the defendant of deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea of guilty, guilty but mentally ill, or nolo contendere and enter a plea of not guilty. The motion shall be filed within 2 years of the date of the defendant's conviction.[5]

This amended law takes effect on January 1, 2020. Under this amended law, foreign defendants will have up to two years to seek vacation of a guilty plea entered without judicial admonition of potential immigration consequences. This amended law will increase the likelihood that guilty pleas will be more fully informed.

Background

In January 2004, the Illinois General Assembly passed an amendment to the

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Illinois Criminal Statute which says:

> Before the acceptance of a plea of guilty, guilty but mentally ill, or nolo contendere to a misdemeanor or a felony offense, the court shall give the following advisement to the defendant in open court.
>
> "If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequence of deportation, exclusion from admission to the United States or denial of naturalization under the laws of the United States."[6]

Prior to that time, persons who were not U.S. citizens sometimes accepted guilty pleas without understanding that they could face removal from the United States in addition to the agreed upon criminal sanctions. The defendant was then unpleasantly surprised when, after having completed his criminal sentence, he was taken into immigration custody and placed in deportation proceedings. Many defendants claimed they would not have pled guilty if they had known it would mean almost certain deportation from the country, separating them from their families, jobs, and homes. For some time, members of the trial bar pushed for legislation to address this problem.[7] The Illinois legislature finally responded in 2004 by requiring the judicial admonishment quoted above. As a result of this amendment to 725 ILCS 5/113-8, this warning is now posted on many courtroom walls or in hallways in circuit courts around the state.

Interpretation of 725 ILCS 5/113-8 by Illinois Courts

Despite the mandatory language of the statute, some trial judges were not giving this required admonition. Some judges may have thought the posting of the notice of this advisement in court rooms was sufficient. Other judges relied on written agreements in court orders signed by the accused. But this is not what the law said. Quite plainly, it directs: "the court shall give the following advisement to the defendant in open court."

That language denotes it must be given, and insists, much like the waiver of a jury trial, it be announced in open court when the accused is present.[8]

Moreover, the statute says the court "shall" give the advisement as to a "misdemeanor or felony offense" in "open court". Since this statutory requirement is mandatory, a cogent argument was made that such warning must be given orally by the trial court in open court. It does not suffice merely to have placards attached to courtroom walls which state such a caveat.

Lower courts in Illinois split on the issue of whether the failure to provide the admonishment would result in vacation of a guilty plea. One division of the first district appellate court held in Bilelgene that the trial court's failure to give the admonishment did not permit the defendant to vacate his guilty plea.[9] But in *People v. Del Villar*,[10] another division vacated a plea where the admonishment was not announced in open court.

The second district joined the Bilelgene majority opinion in concluding the language of the statute, even though it says the trial court "shall" give the admonishment, does not mean a trial judge has to do that.[11] This ruling, respectfully, ignores the definite requirement of a statute in the guise of what the court decrees as statutory interpretation. The Leon court found that even though the legislature said a trial judge shall give the admonition, the word "shall" does not mean "must." And, because it did not, the imperative of giving the admonition was not mandatory, but only directory.[12]

To reach this result, the Leon court noted there was no statement in the legislation which indicated that any consequence would ensue if the trial judge failed to obey the statute. It is true, as the Leon court observed, that whether a statute is mandatory or directory is a question of legislative intent. However, Leon failed to focus on what consequences flow from the failure to give the admonition. It seems quite obvious that the General Assembly was concerned that unknowing defendants, not judges, prosecutors, or defense attorneys, were entering into plea arguments – contracts with the government – that were not undertaken with full knowledge of the consequences of the deal they were making.[13] The Leon tribunal ignored the fact that plea agreements are contracts that require the parties who enter into them to possess full knowledge of all the terms of such a pact.

In reversing the appellate court in Del Villar, the Illinois Supreme Court sided with the Leon court and effectively rendered the Illinois guilty plea admonishment statute toothless.[14] In that case, Leobardo Del Villar pleaded guilty to aggravated unlawful use of a weapon by a felon. Before doing so, the trial judge asked him whether he was entering into the plea agreement in return for a sentence recommendation, freely and voluntarily. He answered affirmatively. The trial court next asked, "Are you a citizen of the United States?" and Del Villar said, "Yes." Sentencing was deferred until the end of November, when a term of four years imprisonment was to be imposed.

Two weeks later, Del Villar asked the trial court to vacate his plea stating he was a legal permanent resident alien, not a United States citizen, and the trial court failed to admonish him consistent with 725 ILCS 5/113-8. The trial court refused the request because Del Villar had lied to the court about his citizenship status. The Appellate Court reversed, stating the trial court was required by the statute to warn Del Villar based on the statute's plain and mandatory language. The Supreme Court disagreed and reinstated Del Villar's plea based on the guilty plea he sought to withdraw in the trial court.

Understandably, the courts were concerned, as they should be, that Del Villar lied to the court. Yet, this does not diminish the court's responsibility to comply with the statute and ensure the plea Del Villar was agreeing to was knowing and voluntary.

In reaching this result, the Illinois Supreme Court relied in part on a doctrine developed in Morris v. County of Marin,[15] a decision of the California Supreme Court. Marin County had a rule which said to obtain a building permit, a contractor had to have a certificate of workers' compensation insurance. Marin County issued a permit to Guy Cahoon, a contractor, to perform construction work despite the fact that Cahoon never had the insurance. After work commenced, Cahoon's employee, Morris, was severely injured on the job. Morris sued Marin County for failure to fulfil its statutory obligation to require workers' compensation insurance and alleged that such failure

proximately caused his uncompensated injuries.

Marin County claimed the statute requiring it to ensure Cahoon had the insurance was not a mandatory duty. The statute said:

> Every county which requires the issuance of a permit as a condition precedent to construction . . . shall require that each applicant for such permit have on file . . . a certificate of insurance . . . of workers' compensation insurance . . .[16]

Marin County claimed this statutory command was directory, not mandatory, in nature because it did not provide any consequence if a contractor, like Cahoon, did not have insurance.

The Marin court agreed with the County's reasoning that the directory or mandatory designation does not refer to whether a particular statutory requirement is "permissible" or "obligatory", but instead simply denotes whether the failure to comply with a particular procedural step will or will not have the effect of abrogation of the governmental action upon which the procedural requirement relates.[17] Although the Marin court acknowledged the interpretive dichotomy of mandatory/permissive and mandatory/directory, it rejected its application to the facts of the case before it and held that the County was at fault for failing to comply with the statutory command to require proof of insurance.

There are a number of problems with the Illinois court's reliance on Marin. First, it is very doubtful that members of the Illinois General Assembly were reading California jurisprudence as to how the statutes they enact should be interpreted at the time the admonition statute was drafted.

Second, Marin had nothing to do admonishing criminal defendants in Illinois trial courts or California tribunals. In addition, as Justice Freeman observed in his concurring opinion in Del Villar, the majority opinion's two-part test for determining when a statute is mandatory or directory is confusing to say the least.

The distinction between what constitutes a mandatory duty of a government actor as opposed to what constitutes the directory or mandatory legal doctrine in statutory interpretation seems not only clumsy, but more of a means to ascertain what is perceived as to be an acceptable legislative intent. The Del Villar court interpreted the legislature's failure to provide an express statutory consequence for noncompliance as a signal that the legislature believed the duty to be only directory, not mandatory, and that no particular consequence should therefore attach.[18] The court also determined that no violation of a defendant's due process rights would result from the failure to give the admonishment in every case because some defendants might still choose to plead guilty.[19] Thus, no consequence should attach in any case. This is an extremely high bar and ignores the fact that at least some defendants' due process rights will be trampled.

Ultimately, the Illinois legislature disagreed with the Del Villar court as to the proper result and amended the statute as set forth above to clarify the appropriate consequence for failure to provide the judicial admonition.

Not the Same as the Lawyer's Duty

The court's duty to admonish a defendant regarding possible immigration consequences should not be confused with an attorney's independent constitutional obligation to render effective assistance of counsel to his/her client.[20] The latter emanates from the defendant's right to the effective assistance of counsel inherent in the Sixth Amendment of the United States Constitution which requires an attorney to properly advise a client of the immigration consequences of entering a guilty plea. The debate about whether an attorney misadvising or omitting to instruct a client about the immigration consequences of his guilty plea had split various lower courts based on the view this conduct was collateral to the conviction subsequently entered on the plea.[21] In short, many courts took the view that the conduct of the lawyer in advising the client was outside the sentencing authority of the state trial court and, therefore, the misadvise was immaterial. In *Padilla v. Kentucky*, the Supreme Court held that the failure to advise or the attorney's provision of affirmative misadvise regarding the immigration consequences relating to the guilty plea is, on its face, a violation of the Sixth Amendment right to effective assistance of counsel. As Justice Stevens stated:

> It is our responsibility under the Constitution to ensure that no criminal defendant - whether citizen or not- is left to the "mercies of incompetent counsel." *Richardson*, 397 U.S. at 771. To satisfy this responsibility, we now hold that counsel must inform her client whether his plea carries a risk of deportation. Our long standing sixth Amendment precedents, the seriousness of deportation as a consequence of a criminal plea, and the concomitant impact of deportation on families living lawfully in this country demand no less.[22]

The U.S. Supreme Court recently reaffirmed this holding in *Jae Lee v. United States*.[23] Lee immigrated to the United States at age 13 in 1982. He was a lawful permanent resident. He never became a United States citizen. He was a successful restauranteur. Also, he allegedly sold illegal drugs. He was indicted for possessing contraband with intent to distribute. The government apparently had a formidable case.

Lee's criminal defense lawyer told him going to trial was very risky and if he pleaded guilty he would get a lighter sentence. Probably, this advice was accurate. Also, his attorney told Lee he would not be deported if he pleaded guilty. Lee accepted the plea agreement based on that guidance. He had no real defense to the indictment. The reason he did so was for a lighter sentence. He did not know that his agreement would result in mandatory deportation.

At his plea colloquy when the federal magistrate warned him that "a conviction could result in your being deported, and would that affect his decision to plead guilty, Lee's response was "yes". Persuaded by his lawyer he pled guilty anyway.

Thereafter, Lee sought to vacate his conviction on the basis that in accepting the plea his criminal defense counsel rendered ineffective assistance of counsel in violation of the Sixth Amendment. The record showed Lee's attorney was errant in his advice. His lawyer admitted that truth at an evidentiary hearing.

In *Strickland v. Washington*,[24] the Supreme

Court held that to obtain relief because of ineffective counsel a criminal defendant must establish two propositions. First, that his/her attorney's performance fell below an objective standard of reasonableness. Next, that the attorney's inferior conduct created a reasonable probability that if the attorney had performed adequately, the consequence of the criminal proceeding would have been different. As to the latter, the touchstone is whether that inadequate performance resulted in prejudice.

The government conceded in Lee that his trial counsel's performance was deficient. A federal magistrate concluded Lee's plea should be set aside and his conviction vacated since Lee had received ineffective assistance of counsel. The government argued no prejudice could result because Lee's guilt was obvious: and concomitantly, no one would have decided to plead otherwise.

The district court disagreed, as did the Sixth Circuit Court of Appeals.[25] Both concluded the evidence of Lee's guilt was compelling and he would have "almost certainly" been found guilty and received a longer sentence. Accordingly, Lee could not show he was prejudiced. The United States Supreme Court reversed.

The court observed Lee knew his ability to obtain an acquittal was remote and that his attorney's conduct had nothing to do with that. Notwithstanding, the court observed that his plea was based on the very fabric of the consequences of pleading guilty-namely, he would be deported. In short, the Supreme Court held that if Lee knew he would be deported by pleading guilty he would have gone to trial. The court concluded Lee demonstrated a reasonable probability that absent his counsel's errors he would not have pleaded guilty; and, that prejudice, the risk of deportation, was paramount in his guilty plea. The risk of deportation was an actual impairment.

Lee confirms the virtue of P.A. 101-0409 as to government actors. Developing legal rules through case-by-case application of those rules to specific facts is an important tool in our legal system. However, where we can achieve the identical corollary through legislation that achieves the same aim, that should be our goal. The responsibility for informing a criminal defendant of the consequences of a guilty plea should be a governmental function, not one based on what might be the "best" deal a criminal defense attorney thinks might be the preferable alternative to affect a client's liberty interest, where the client's plea culminates in certain deportation. Thankfully, we have now achieved that goal with P.A. 101-0409.

Foremost, a guilty plea is a contract with the accused and the prosecutor. Each should not only know, but promote, what that pact includes and what will be the aftermath of the deal they make, including deportation which, in the final rendition, becomes the judgment of the court.

The tension between making the best plea deal for a client that keeps him or her out of jail, but may have consequences with respect to deportation, is unmistakable. In our state criminal courts, the confluence of liberty interests and immigration consequences with respect to guilty pleas has never been more apparent than today. A heightened focus on immigration enforcement by federal and state regulators adds to this provoking brew. But let there be no mistake; criminal defendants, immigrant or citizen, have a Sixth Amendment right to the effective assistance of counsel.

Conclusion

Public Act 101-0409 clarifies that judicial admonition of all defendants, not just immigrants, in Illinois state courts regarding potential immigration consequences is mandatory, not optional. And, if it does not occur, the judicial and executive branches of our government run the risk the criminal prosecution in which a guilty plea occurs will be a nullity. The law now provides a consequence. "Shall" no longer denotes "may" or some subjective connotation. The General Assembly has now foreclosed a different interpretation. Most importantly, this law is not about a lawyer misadvising a client. It is about governmental actors making certain the accused knows the immigration consequences of what his or her contract with the government entails. The best deal for a criminal defendant, regardless of what a lawyer thought was preferable, will now be one that the defendant understands and accepts.■

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Dean Buys is a member and past chair of the International and Immigration Law Section Council of the ISBA, as well as being the Vice Chair of the Women and the Law Committee of the ISBA. Dean Buys also has held leadership positions in the American Association of Law Schools, the American Bar Association, and the American Society of International Law. She is a member of the Illinois Advisory Commission to the U.S. Commission on Civil Rights. She also has served as a panelist for Chapter 19 disputes under NAFTA.
Prior to joining the SIU School of Law faculty in 2001, Dean Buys spent ten years in public and private practice in Washington, D.C. Dean Buys has published a wide range of book chapters and articles on immigration and refugee law, U.S. foreign relations law, U.S. constitutional law, treaty law, international arbitration, economic sanctions, and other topics.
Dean Buys earned a B.A. in Political Science from the State University of New York at Albany in 1987; a J.D. and an M.A. in International Relations from Syracuse University in 1991; and an LLM in International Law from Georgetown University Law Center in 1999.
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1. *Brady v. United States*, 397 U.S. 742, 748 (1970).
2. 725 ILCS 5/113-8.
3. *Id.*
4. P.A. 101-0409.
5. P.A. 93-373.
6. 725 ILCS 5/113-8 (emphasis added).
7. Moran and Kinnally, *Aliens, Guilty Pleas and the Risk of Deportation: Time for Legislative Action*, 89 Ill. Bar Journal 194-198 (2001).
8. See, *e.g.*, People v. Thornton, 363 Ill.App.3d 481 (2d Dist. 2006).
9. See, People v. Bilelgene, 381 Ill.App.3d 292 (2008).
10. *People v. Del Villar,* 383 Ill.App.3d 80 (2008).
11. *People v. Leon*, 387 Ill.App.3d 1035 (2d Dist. 2009) [hereinafter *Leon]*.
12. *Id.*
13. See *People v. Reed*, 177 Ill.2d 389 (1997); *People v. Youngbey*, 82 Ill.2d 556 (1980).
14. *People v. Del Villar*, 235 Ill. 2d. 507 (2009) [hereinafter *Del Villar*].
15. *Morris v. County of Marin*, 559 P.2d 606 (Cal. 3d 1977) [hereinafter *Marin]*,
16. *Id.* at 610.
17. *Id.* at 611.
18. *Del Villar*, 235 Ill.2d at 515.
19. *Id.* at 518.
20. *People v. Huante*, 143 Ill. 2d 61 (1991) [hereinafter *Huante*]; *Padilla v. Kentucky*, 130 S.Ct. 1473, 1481 (2010).
21. *Huante*, *supra* note 20.
22. *Padilla*, 130 S. Ct. at 1486.
23. *Lee v. United States*, 137 S.Ct. 1958 (2017).
24. *Strickland v. Washington*, 466 U.S. 668 (1984).
25. *Lee v. United States*, 825 F.3d 311 (6th Circ. 2016).

Teaching Advocacy in Arbitration on the International Stage

BY KRISTEN E. HUDSON, ESQ.

This article was written by Kristen E. Hudson, esq., principal and general counsel, Chuhak & Tecson, P.C., adjunct professor of law, UIC John Marshall Law School, and co-coach of the UIC JMLS Willem C. Vis International Commercial Arbitration Moot Team, with the 2018-19 Hong Kong Team: Humza Ansari, Sara Geoghegan, Ariel Yang Hodges, Zhiwen "Jeannette" Jie, Caroline Mazurek, and Gabrielle Neace.

Autumn has arrived, and with it, crisp air, falling leaves, and for most of us, memories of sharpened pencils and new textbooks from our law school days. For UIC John Marshall Law School, it also brings with it the excitement and anticipation a new season and new team to compete in the Willem C. Vis International Commercial Arbitration Moot.

What Is Vis?

The Vis competition was named for Willem Cornelius Vis, a world-renowned expert in international commercial transactions and dispute settlement procedures. Among his many accolades, Willem Vis was deputy secretary general of the International Institute for the Unification of Private Law (UNIDROIT) in Rome and served on the faculty of the Pace University School of Law from 1980 until his death in 1993. At Pace, Professor Vis was a champion of international commercial law, and the founding director of Pace Institute of International Commercial Law. Today, Pace University, along with Stockholm University, Queen Mary (University of London), the University of Vienna and others, are instrumental in hosting and organizing the Vis competition.

The purpose of the competition is to train law students in resolving international commercial disputes by arbitration. Each year, the problem involves a transaction between merchants in two fictitious countries governed by the United Nations Convention on Contracts for the International Sale of Goods (the "CISG") in the context of arbitration under a specified set of arbitration rules. There is a procedural problem for the students to resolve. In years past, the procedural issues, for example, have involved arbitrator impartiality in connection with third-party litigation funding, the admissibility of hacked information, among other cutting-edge topics. There are also substantive contract issues to resolve, and these are likewise emerging issues, dealing with, for example, warranties for "sustainable" products and whether tariffs unexpectedly imposed by one country qualify as hardship or force majeure. Bright young legal minds are tasked with analyzing and creatively advocating for positions that practitioners grapple with in real time.

There are two sites for the competition. The first situs for the competition was Vienna, Austria, and the competition there is now in its 27th year. More recently, Hong Kong, China, has hosted the Vis East competition, now in its 17th year. Worldwide, more than 300 teams participate in the competition. There is no better training ground for students to participate in a realistic arbitral experience and to be exposed to diverse approaches to factual analysis and legal argument—it is like the Olympics of law school.

The competition is divided into two phases, a written advocacy phase and an oral advocacy phase. Students are required to first submit a claimant's memorandum based on a problem that contains a packet of real-world materials like those a lawyer would use to work up a case. In years past, the problem has included a variety of documents, including contracts, correspondence, and witness statements. From these materials, students must distill the relevant facts and legal issues. Once the claimant's brief is done, the team must then flip sides and present the respondent's counter arguments in a responsive memorandum. Thereafter, the students practice oral arguments in preparation for four preliminary arguments of one hour each in Vienna or Hong Kong to kick off the oral portion of the competition.

The 2018-19 Vis competition was a great success for the JMLS team. For the first time in the school's history, the team brought home awards for both briefs, earning honorable mention for Best Claimant's Brief and honorable mention for Best Respondent's Brief.

Vis Is Not Just for Students!

While this might all sound very "academic," the Vis competition is not just for students. There are opportunities for practitioners to participate in and be a part of the international arbitration community. UIC John Marshall Law School is always looking for arbitrators to moot the team before travel abroad for competition. In addition, each year, Loyola University Chicago School of Law hosts a pre-moot in or about February, where schools from the region come to participate and practice their arguments. More information can be found at https://www.luc.edu/law/academics/centersinstitutesandprograms/disputeresolutionprogram/eventsandcompetitions/. Sign up to be an arbitrator to learn more about this opportunity.

Practitioners can also learn more about international commercial arbitration and get involved in the community by joining the Chicago International Dispute Resolution Association, or CIDRA, http://www.cidra.org/. CIDRA is a supporter of and its members participate in Loyola's Vis Pre-Moot.

What Does the Vis Competition Teach?

In an interview with their coach, UIC JMLS students from the 2018-19 Vis team reflect on their experience and what they learned as competitors in the Vis competition, and how they plan to use these lessons in their practice.

Why were you interested in joining the Vis team?

Gabrielle Neace: I wanted to find the most challenging competition that John Marshall had to offer and prove to myself that I could rise to the challenge. I also wanted coaches that would continually push me to reach my full potential, which is why I wanted to join even more after meeting the coaches.

Caroline Mazurek: I was taking a global investments class at the time when I heard about Vis and was interested in expanding my knowledge of international trade beyond what I was learning in the classroom. I also wanted to work with coaches that would challenge me to further develop my advocacy skills. The information session convinced me this competition would do that, so I tried out!

Ariel Yang: I have always been interested in pursuing a career in international commercial law. However, our law school did not offer the exact course that I wanted to take during that time. I originally learned of Vis Competition while I was trying out for a trial team. I researched a little bit about the competition and I thought that this could be a great learning experience for me.

What was one thing that you learned that was surprising about arbitration that you didn't know before you joined the Vis team?

Gabrielle Neace: The different way of phrasing and demeanor that they follow on an international scale rather than the more (aggressive) American style. It really is a very particular style that you cannot fully realize until you go to Hong Kong to meet the community of participants, coaches, and arbitrators.

Caroline Mazurek: The style in which the competition is conducted, particularly the way in which arguments are presented and the cadence necessary to advance in the competition. Vis, as an international competition, was different than any other moot court or trial advocacy program I had been a part of and it took some time to get familiar with the style.

What was the most rewarding part of your experience on the Vis team?

Gabrielle Neace: Getting to work with people who have the same goal and passion for the program.

Caroline Mazurek: Being a part of a team that truly worked hard toward a common goal. We all had the same drive, passion, and work ethic which made the experience so great!

Humza Ansari: Building relationships with my the team members and the coaches that we will remember for the rest of our careers, discovering a new skill and developing it with my teammates, and winning two awards!

Ariel Yang: The opportunity to collaborate with a group of people who share the same passion with me. We worked together for six months and we grew as a team. It has been one of the best experiences during law school.

What was your least favorite part of your experience on the Vis team?

Gabrielle Neace: The long flight! But it was not that bad. I also wish our school offered more coursework to support the program, but I know the coaches are working on changing that.

Caroline Mazurek: Not being familiar with international law prior to the start of the competition. It would have been helpful to know the Hague Principles, the HKIAC, and any other model rules before writing the briefs. The coaches and the team discussed implementing a program or class that would teach those rules, which would be beneficial to the whole process.

Has learning about alternative dispute resolution, and in particular arbitration, changed your view of litigation in the United States and internationally?

Gabrielle Neace: Yes, I like the formal, yet conversational style in Vis. It also seems more rooted in fostering a rapport and politeness. It is also less theatrical than some of the styles in the U.S.

Caroline Mazurek: It has. Stylistically, U.S. litigation is more aggressive and allows attorneys to be zealous advocates for their clients. Although international litigation has the same intention, Vis was more conversational and polite. This makes me believe that international litigation is more culturally sensitive, but both styles are effective.

Has your experience on the Vis team influenced a particular area of law in which you wish to practice?

Caroline Mazurek: Absolutely! I always knew that I wanted to litigate but I am now more interested in doing so abroad! I would like to work for a firm or company that has offices both in the U.S. and overseas and allows its attorneys to practice or be a part of various disputes.

Humza Ansari: Yes, it has. Before joining the Vis team I was primarily interested in transactional work, but after this competition I developed a passion for litigation.

If you had to do it all over again, would you (and will you)?

Gabrielle Neace: Yes. It is the best competition and the best team (coaches and participants) I have worked with! I consider my teammates as close friends that I am very thankful to have met. Aside from the team, the arbitrators were very supportive and clearly enjoyed being part of the competition. The team running the competition was efficient and welcoming. Best of all, the problem was very complex and even fun to argue!

Caroline Mazurek: Yes! This was the best competition at JMLS and the best team I had been a part of! My teammates have become some of my closest friends and my coaches are attorneys that I aspire to be like. The host school, competition coordinators, arbitrators, and opposing teams were also welcoming and extremely supportive. The problem was complex but so much fun to argue and I would do this competition again and again if I could!

Humza Ansari: I would absolutely do Vis again. This competition has been the highlight of my time in law school, and I would recommend it to anybody who has a passion for contract law and an interest in litigation. The time I spent with my teammates and coaches, through ups and downs, was worth every bit of effort I put into this competition.

Ariel Yang: Yes, and in fact I competed in Vis twice. When I first participated in the 2017-2018 Vis Competition, I really enjoyed the collaboration with the team and the coaches. We not only supported each other throughout the brief writing phase and the oral argument phase, we also challenged each other to become better advocates. More importantly, this competition opened my eyes and helped me develop continuing interests in international commercial arbitration. The Vis competition gave us the opportunity to learn about international business law in depth while our law school did not offer the same course. By competing in Vis, I was able to learn what I am passionate about. This was the main reason why I chose to compete in Vis again.

How do you think this experience will impact the way that you practice law in the future?

Sara Geoghegan: I think that the Vis experience will impact the way that I practice law in the future because it taught us adaptability. The Vis experience exposed our team to a new area of law with different issues. We had to adapt to a new style of persuasion and rules. I think this exposure and ability to self-correct after receiving feedback will benefit the way we practice in the future.

Gabrielle Neace: Confidence! Now that I have competed against the world, I feel like I can take on anything. It also helped with research and being able to self-teach as international law is such a HUGE area of law.

Caroline Mazurek: Vis has given me the confidence to advocate any position and has helped me perfect my research skills. It also required a professional demeanor and resilience, all great attributes to have as a future attorney.

Do you feel better prepared to enter practice than your classmates?

Gabrielle Neace: Yes, which is why I would recommend this competition to anyone looking for a competition to best prepare them to be practice ready. However, it is not for the faint of heart as you must be willing to be broken down then built back up, take constructive criticism and make yourself better. While I still have much to learn, I feel more equipped. I am very grateful to have been given this opportunity.

Caroline Mazurek: Yes. This competition prepares you for real practice and challenges you to be a better advocate. It is both the most challenging and the most rewarding experience in law school because you have you to be willing to receive feedback, including criticism. I am so thankful to have been a part of Vis!

Ariel Yang: Yes. Vis uses a fictional problem closely related to the emerging legal issues, and also requires tons of practical skills such as communication, teamwork, legal research and writing. Vis challenged us both intellectually and practically. I am very thankful that I was able to participate in Vis and share this journey with my teammates and coaches.

What is next?

After two years competing in the Vis East competition in Hong Kong, the UIC JMLS team has their sights set on a return to the Vienna stage. This year, the team will be led by returning veterans Humza Ansari, Sara Geoghegan, and Gabrielle Neace. These veterans are excited about a new Vis year. As third-year student Gabrielle Neace indicates, "I truly feel that I gained a Vis family last year, so I couldn't imagine not returning to this team. We are very excited to get started on another complex, intellectually challenging problem. This year will be another strong team. We hope to continue the coaches' mission to make the program stronger every year with alumni, students, and practitioners who love the program as much as we do!"

According to co-coach of the team Daniel Saeedi, esq., partner at Taft Stettinius and Hollister, LLP and former Vis participant, "This year's team has big shoes to fill, but we believe we will hit the ground running where we left off last year. In addition to strong and talented veterans, we have a talented set of 2L's that are excited to join us in our journey. It is an honor and a pleasure to coach this talented group of young lawyers." The three returning veterans are joined by Lexi Hudson, Alexandra Pruitt, Wyatt Sugrue, and Skylar Young.

Good luck, team! We hope for good things to come. ■

For more information about how to get involved with the Vis Competition or the UIC JMLS Vis team, please email coaches Kristen Hudson at khudson@chuhak.com or Daniel Saeedi at dsaeedi@taftlaw.com.

Meet the Section Council

BY PROF. MARK E. WOJCIK

The International and Immigration Law Section Council brings to the ISBA a wide range of experiences and interests. Following is an introduction to Section Council Member Mark E. Wojcik:

Prof. Mark E. Wojcik

UIC John Marshall Law School

Professor Mark E. Wojcik teaches international business transactions, international trade law, international litigation, international law, and other courses at the UIC John Marshall Law School (previously known as The John Marshall Law School before its August merger with the University of Illinois at Chicago. As a student he was an editor on *The John Marshall Law Review* and competed twice in the Philip C. Jessup International Law Moot Court Competition. After graduation, he clerked for judges on the Nebraska Supreme Court and the U.S. Court of International Trade. He practiced customs and international trade law in New York before returning to Chicago.

From 1994 to 1995 he served as court counsel for the Supreme Court of the Republic of Palau during the year that Palau gained its independence. It has previously been a United Nations strategic trust territory administered by the United States. And in 2017 and 2018 he was a Fulbright specialist working in the Kingdom of Bhutan at the Jigme Singye Wangchuck School of Law, the first law school in Bhutan. Earlier in 2019 he was working in Italy as a Fulbright Researcher and Lecturer at the University of Bari Department of Law.

Professor Wojcik has taught and lectured widely across the globe. He has been an adjunct professor in Mexico (at the Facultad Libre de Derecho de Monterrey), Lithuania (at the Vytautas Magnus Faculty of Law in Kaunas), and Switzerland (at the University of Lucerne Faculty of Law). He has also given lectures and courses in Canada, China, Costa Rica, Egypt, Indonesia, Italy, Jordan, Singapore, and other countries.

In addition to longstanding service on the Section Council for the Illinois State Bar Association Section on International and Immigration Law (and on the ISBA Board of Governors), he has leadership roles in numerous legal organizations and associations. He was the Publications Officer and the Diversity Officer for the American Bar Association Section of International Law of the ABA. He is President of Scribes—The American Society of Legal Writers. He's also the founding and continuing Chair of the Global Legal Skills Conference Series, a conference that has been held in Costa Rica, Italy, Mexico, and the United States. He's also the incoming Chair of the Section of International Law of the Association of American Law Schools.■

Student Outreach at the UIC John Marshall School of Law

BY DAVID W. AUBREY

On October 21, 2019, Margaret Samadi, Mark Wojcik, and David Aubrey held a student outreach event at the UIC John Marshall School of Law. The event introduced the students to the Illinois State Bar Association, the International & Immigration Law Section Council, and primarily focused on the topic of helping students plan their careers.

Margaret Samadi is an attorney at Maune Raichle Hartley French & Mudd, LLC, a national firm of trial lawyers for plaintiffs. Her primary practice is civil litigation, focusing on discovery and motion practice. Margaret also volunteers her time to handle refugee and asylee cases *pro bono* with Missouri Immigrant & Refugee Advocates. Margaret shared her experiences with the students and encouraged them to use their legal training to help others.

Mark Wojcik is a member of the faculty at The UIC John Marshall School of Law and has extension experience working in international law. Mark offered the students practical advice on how to plan for a career in international law. He also shared about his remarkable opportunity to help the Kingdom of Bhutan form its first law school as it transitions from a monarchy into a democracy. Mark also encouraged students to submit articles for our section council's newsletter *The Globe*.

David Aubrey, is an attorney at The Gori Law Firm and the current chair of the Section Council for International & Immigration Law. David explained to the students that global business and finance has created a world where litigation will necessarily intersect with international law

in most careers—whether it be in legal specialties of family law, civil tort law, criminal law, business law, or agricultural law.

In total, 19 students participated in the event. The students had thoughtful questions for the speakers. As in the past, The UIC John Marshall School of Law was a wonderful host for members of the Section Council. Hopefully these students will consider more participation with the bar association in the future.■

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