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## 2018 - 2019 MOOT COURT PROGRAM INFORMATION PACKET

The Moot Court Program is comprised of Board Members, Case Counsel, and Competition Team Members. General descriptions of the available positions and competitions can be found below. Please email the Moot Court Board with questions at [usfmootcourt@gmail.com](mailto:usfmootcourt@gmail.com).

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### **ACADEMIC QUALIFICATIONS:**

Every member of the Moot Court Program is required to abide by USF's Honor Code and maintain good academic standing, in addition to completing any other program-specific requirements. Failure to do so may result in removal from the program, and/or forfeiture of Moot Court scholarships or academic credit. Copies of the USF Honor Code and Academic Policies are included in the Law Student Handbook, which was provided to every student upon enrollment in the law school.

Please note that USF School of Law requires that every student maintain a 2.4 cumulative GPA or higher. A student who falls below a 2.4 GPA is placed on Academic Probation.

It is your responsibility to immediately inform Faculty Director, Professor Amy Flynn, if you are placed on academic probation. Email Professor Flynn with any questions: [amflynn@usfca.edu](mailto:amflynn@usfca.edu)

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### **CASE COUNSEL (CC):**

Any student who has completed the First Year Moot Court Program may apply to be a Case Counsel. Selection is competitive and is based largely upon the excellence of the applicant's writing skills and oral argument, recommendations of the applicant's LRWA Professor and Case Counsel, grades, and an interview.

Other factors which weigh heavily in the selection process include: willingness and ability to make the necessary time commitment; teaching experience; research and writing skills; the ability to manage multiple tasks simultaneously; effective communication skills; and, the ability to work well with other people. Each Case Counsel also receives one unit of credit per semester.

Serving as a Case Counsel is a demanding and rewarding experience. Responsibilities include the following:

- Working with a LRWA professor to develop a topic suitable for First Year Moot Court
- Writing a Bench Memorandum, which can fulfill the Upper Level Writing Requirement (if the requirements to do so are satisfied)
- Participating in the annual Advocate of the Year Competition in the fall, which also earns an *additional* unit of credit
- Mentoring and advising first year students in persuasive writing and oral argument

- Recommending first year students who merit consideration as the following year's Case Counsel

### **COMPETITION TEAMS (CT):**

Any student who has completed the First Year Moot Court Program may apply to be a Competition Team member. Selection for this position is also competitive and is based upon the applicant's oral argument skills, recommendations of the applicant's Case Counsel, and an interview. Successful CT members are effective communicators, work well with others, and constantly work to improve their skills by incorporating feedback from others.

Each team member will receive two (2) units of credit for the semester in which the oral argument portion of the competition takes place. However, team membership is **a year-long commitment and members will be expected to work during semester or holiday breaks as necessary**. During both semesters team members are required to guest judge other teams' practices.

Team members are required to meet with their Development Director coach before they begin briefing the problem. Teams may also be required to attend a brief writing or oral argument workshop if their competition dates do not allow them to participate in AYC.

### **TEAM MEMBER RESPONSIBILITIES**

All team members are oral advocates and all oral advocates are responsible for the writing and research necessary to submit a successful brief. All team members will be substantially involved in the briefing process and are responsible for their argument sections of the team brief.

Oral advocates are required to attend all of their team's scheduled practices to work on their arguments. Each team must complete a minimum of 16 practices prior to their competition in addition to any other assignments their Development Director coach deems necessary.

Team leader position: One team member of each team will be the designated team leader. That person will be in charge of the team calendar, communication with the team, coaches, and competition organizers, and other administrative and leadership tasks. This person is also ultimately responsible for submission of the team's brief.

## COMPETITION DESCRIPTIONS:

### 1. **The National Appellate Advocacy Competition (NAAC) (Normally a Federal Statutory or Constitutional issue) (2-3 Members per Team)**

This competition is sponsored by the American Bar Association. The topic is not limited to any particular area of law, but normally involves Federal Constitutional Issues or Federal Statutory issue.

USF may send one or two teams, each consisting of two or three students. Briefs for the competition are typically due in the beginning of January and the Regional rounds of oral arguments are generally held in late February or early March. The finals are held in Chicago or Washington, DC in early April.

In the last few years, the briefs for this competition have been due the first week of school after winter break and oral arguments have taken place around or during spring break. Teams typically practice throughout the months of January and February. **Team members must be available to work on their briefs starting in the end of November and through winter break. Team members must also be available to travel for the competition and/or practice over spring break.**

Both USF teams advanced to the Regional semi-finals in 2007 and 2012, and one team advanced each in 2008, 2009 & 2010. USF also took 1st place for Best Brief out of 32 teams in 2007, 2nd place Best Brief in 2009, and 3d place Brief in 2012. In 2013, one of the USF teams advanced to the Regional finals and won, earning a spot at the National Finals. That team also took 2nd place Best Brief out of 35 teams in 2013. And, in 2014, one of the USF teams advanced to the Regional finals. In 2017, one USF team advanced to the Regional Finals.

### 2. **Saul Lefkowitz Moot Court Competition (Trademark and Unfair Competition Law) (2-4 Members per Team)**

This competition deals with issues of trademark law and unfair competition. The International Trademark Association sponsors it.

USF may send one or two teams, each consisting of up to four students. Briefs are typically due in early January, before the start of the spring semester. Regional rounds of oral arguments are generally held in San Francisco at the Ninth Circuit Courthouse in early February. The final rounds of competition are held in Washington D.C. in mid-March.

For this competition, the time frame between brief submission and oral argument may be short. Therefore, students on Lefkowitz are expected to spend up to 20 hours per week practicing during this period. Schedule flexibility during the first month of Spring 2016 is required.

Applicants with intellectual property experience are given preference for the Lefkowitz teams, although prior experience is not required. Applicants are encouraged but may also be required to take Trademark Law or IP Survey. Students selected for the Lefkowitz team are required to take

Appellate Advocacy in the Fall semester if they have not already taken it. **Team members must be available to work on their briefs over the winter break.**

In 2006, USF received 1st place for Best Oral Argument and 4th place overall regionally. In 2010, USF took 2nd place overall. In 2014, USF received 2nd place for Best Oral Arguments in the Western Regional Competitions out of 23 teams. In 2015, USF took First Place overall in the Western Regionals and advanced to the National competition. In 2017, USF again took First Place overall in the Western Regionals and won the National competition, along with Best Oralist team.

### **3. Robert F. Wagner National Labor & Employment Law Moot Court Competition (Labor and/or Employment Law) (2-3 Members per Team)**

This competition focuses on labor and employment law issues and is sponsored by New York Law School. Students at New York Law School run the competition in honor of alumnus Robert F. Wagner, a former United States Senator. As many as 40 schools attend the competition each year. The competition always takes place at New York Law School.

USF may send one team comprised of two or three students. In past years, competition problems were resealed in late December, briefs were due in early-February and oral arguments took place in New York City in mid-March.

Applicants should have taken at least one employment law or labor law class (or be taking one in Fall 2015) and have an interest in employment and labor law issues (which may be demonstrated by membership in LELSA or other activities). Students selected for the Wagner team will need to take Appellate Advocacy in the Fall 2015 semester if they haven't already taken it. **Team members must be available to work on their briefs over winter break. Team members must also be available to travel for the competition and/or practice over spring break.**

In 2013, USF won the entire Wagner Competition and received 2nd place Best Petitioner's Brief with 46 teams competing. In 2007, 2008, 2009, and 2011 USF advanced to the Octo-finals. In 2010, USF advanced to the quarterfinals. In 2007 USF also received 2nd place for Best Respondent's Brief with 42 teams competing. In 2017, USF advanced to quarterfinals and received Best Petitioner Preliminary Round Oralist. In 2018, USF advanced to the Octo-finals where they ranked 13th out of 16 teams.

### **4. Judge Thomas Tang International Moot Court Competition (Normally Constitutional Law) (2 Members per Team)**

The National Asian Pacific American Bar Association sponsors this competition and it often involves issues of constitutional law. It is named for Justice Thomas Tang, who served on the Ninth Circuit Court of Appeals from 1977- 1995.

USF may send one or two teams, each consisting of two students. This is the first competition of the year. The problem is released over the summer and the competition takes place in October. **Team members must be available to work on their briefs with their teammate during the summer. Additionally, applicants who have not already completed Appellate Advocacy at**

**USF must be available starting 3 weeks prior to the beginning of the Fall 2015 semester for a writing boot camp.**

The Tang competition is especially designed to reach out to APA law students, therefore applicants are encouraged, but not required, to be a member or friend of APALSA or have demonstrated a commitment to the Asian Pacific community. Note that APALSA extends memberships to students of all ethnicities. Participation on the Fall team is generally limited to applicants who have already taken Appellate Advocacy at USF School of Law.

In 2005, USF advanced to the Regional semi-finals. In 2007, 2008, and 2009, USF received the Regional Best Brief award. In 2008, USF received Regional Best Brief, took 2nd place overall in Regionals and advanced to the International Final rounds in Seattle, WA. In 2011, USF advanced to the International Final rounds in Atlanta, GA where they were semi-finalists and won 1st place Best Brief. In 2012, the USF team won second place Regional Best Brief and Best Oralist. In 2014, the USF team won First Place overall and received the Best Brief award at the Regional competition, and advanced to the semi-finals at the National competition in Phoenix, AZ. In 2015, the USF team earned second best brief and were semifinalists at regionals and went on to compete at nationals in New Orleans. In 2016, the USF team earned Second Best Oralist, won the regional competition, and was quarterfinalists at the national competition in San Diego.

**5. UC Davis Asylum and Refugee Law National Moot Court Competition**

The UC Davis Asylum & Refugee Law National Moot Court Competition is the only competition in the nation devoted exclusively to the topic of asylum and refugee law. It is also the only immigration law moot court competition on the West Coast. The competition provides law students from across the country the opportunity to participate in a hypothetical appeal to the U.S. Supreme Court. Competitors will write a brief as either respondent or petitioner on an issue related to asylum and refugee law. Shortly after submitting their briefs, students will participate in oral arguments. Prominent judges, attorneys and scholars that specialize in the areas of immigration law and/or appellate advocacy will judge students' briefs and oral arguments.

Schools are permitted to send no more than three teams of two members each to the competition. In 2017-2018, USF sent two teams to compete. The problem was released in early December, briefs were due in early February, and the competition was held in early March during the beginning of Spring Break. One of our teams won 3<sup>rd</sup> best brief.

**6. Trial Advocacy Teams (4 Members per Team/Competition)**

Traditionally, USF participates in two trial skills competitions during the Fall semester: the National Criminal Trial Advocacy Competition (NCTAC), hosted by the California Attorneys for Criminal Justice, and the SFTLA civil trial competition. For both competitions, USF may enter one team consisting of four members. Each team member serves as both an attorney and a witness.

In 2014, both problems were released in early September with competitions held in San Francisco during the months of October and November. During this period, students are expected to be available for a minimum of 16 lengthy practices in which members practice evidentiary drills or participate in full mock trials. Because students do not submit a brief for this competition, team members are expected and required to meet independently to craft their case.

**Students participating in the criminal or civil trial team must already have taken evidence, and must take in Fall 2016 or must have already taken applied evidence, and must take in Fall 2016 or must have already a Trial Practice Class (or already have participated IAP over the summer).** For this reason, 1Ls will not be considered. Interested students may apply at this time, but Trial Team members will not be selected until after the completion of IAP in June 2016. Students interested in a trial advocacy team are therefore strongly encouraged to participate in IAP this June.

Once selected for a trial team, students must also enroll in Applied Evidence. Team members are not required to take Appellate Advocacy.

In 2015 USF's NCTAC team advanced to the quarterfinals and finished in the top 5 out of 25 teams. In 2015, USF earned third place at the SFTLA competition.

**Tryouts:** Since competition is fierce to get on these teams, there may be tryouts held over the summer for those that apply.

#### **7. Judge John R. Brown Admiralty Law Competition (Admiralty and Maritime Law) (2-3 members per team):**

This competition focuses solely on topics within the admiralty and maritime law fields. It is sponsored in part by the University of Texas. In 2016, USF hosted the competition in San Francisco at the 9<sup>th</sup> Circuit Court of Appeal.

In the past, USF has sent one to two teams comprised of two to three students each. Briefs are typically due in late January and oral arguments are generally held between late February and late March. Last year, the problem was released in early December and the briefs were due in mid February. The competition was held in early March last year.

Applicants should have taken (or be willing to take) at least one maritime law class and have an interest in maritime issues (normally, but not necessarily, demonstrated by participation on the Maritime Law Journal). Students selected for Brown will need to take Appellate Advocacy in the Fall semester if they have not taken it already. Team members must be available to work on their briefs over winter break. Team members must also be available to travel for the competition and/or practice over spring break.

USF advanced to quarterfinals in this competition in 2005, 2006, 2007 and 2008, along with schools like Harvard, University of Texas, and South Texas College of Law. In 2008, USF advanced to the semi-finals as well. In 2016 and 2017 USF's team advanced to the quarterfinals round. In 2017, USF also earned a brief award for producing the second best petitioner's brief.

#### **8. The National Criminal Procedure Tournament**

The National Criminal Procedure Tournament is an annual moot court competition organized by the University of San Diego School of Law Moot Court Board. Students brief and argue timely criminal procedure issues before experienced and knowledgeable members of the California Bar and well-respected state and federal judges. The tournament guarantees each team four total

arguments over two days of competition with the initial rounds taking place in the San Diego Superior Courthouse and the semi-final and final rounds taking place at the University of San Diego campus. This Fall competition releases its problem in early mid-September. Briefs are due mid-October, and the competition takes place in November at UC San Diego. In 2016, the USF team advanced to top 16 and received Second Best Respondent Brief.

## POTENTIAL NEW COMPETITIONS

The USF Moot Court Program is dedicated to ensuring a rich educational experience for all of its members. In order to enhance the educational experience of our participants, applicants are encouraged to apply to competitions that they have a strong interest in and/or plan to practice in upon graduation. For this reason, where there are sufficient program resources and student interest, the Program offers applicants an opportunity to participate in competitions and tournaments in various areas of law that we have previously not competed in. This year, the Board has targeted 7 potential competitions that cover areas of substantive law, which we believe may appeal to the student body. USF's participation in these programs will depend on various factors including program resources and number of interested students.

### **1. UCLA Williams Institute Gender and Sexuality Law**

The Williams Institute hosts the only national competition dedicated exclusively to the areas of sexual orientation and gender identity law. The competition provides an opportunity for competitors to write an appellate brief on a current legal topic and to argue the case before a panel of judges. The competition is designed to promote and recognize the finest oral and written advocacy on a significant problem in sexual orientation and gender identity law. This is a spring competition that releases its problem in early December and takes place in February at UCLA.

### **2. Pepperdine Entertainment Law**

Now in its 17<sup>th</sup> year, the competition allows each team, consisting of two or three students, to argue novel entertainment law issues before some of the best entertainment lawyers in Los Angeles. This is a Fall competition that releases its problem in early September and takes place in November in Malibu, CA.

### **3. Whittier National Juvenile Law**

Whittier Law School's Center for Children's Rights and Moot Court honors Board co-host the only national moot court competition that focuses exclusively on juvenile law issues. The competition addresses a wide range of issues affecting juveniles and attracts competitors from law schools across the nation. This is a spring competition, which releases its problem in mid-November and takes place in early February at Whittier in Costa Mesa, CA.

### **4. Tulane Sports Law**

The Mardi Gras Invitational, now in its 20<sup>th</sup> year, is organized by the Tulane University Law School Moot Court Board and The Sports Lawyers Journal, which is published annually and edited by students of Tulane Law School. This is a spring competition, which releases its problem in October and is held in February at Tulane in New Orleans.

### **5. Pace Environmental Law**

This competition is now the largest interschool moot court competition, which attracts around 200 competitors from diverse law schools and 200 attorneys who serve as judges for the three days of oral arguments. Teams write a brief for one of the three respective parties' legal positions, and each team must argue all three sides at the competition, taking a different side during each of the three



preliminary rounds. This is a spring competition, which releases its problem in October and is held in February in White Plains, NY.

**6. Giles Sutherland Rich Competition (IP Law)**

Now in its 46<sup>th</sup> year, the competition allows each team, consisting of two students, to argue intellectual property law issues before some of the best IP lawyers in Northern California. This is a spring competition that takes place at the end of March in Palo Alto, CA with nationals in Washington, D.C.

**7. HNBA Uvaldo Herrera Competition**

The Hispanic National Bar Association holds the Annual Uvaldo Herrera National Moot Court Competition, now in its 21st year. This competition brings teams together to argue a case currently pending before the U.S. Supreme Court. This is a spring competition that takes place in mid-March. Last year, the competition took place in Las Vegas, NV.