

2023-2024 USF School of Law Moot Court Program Information Packet



This packet contains information about the prospective duties of both Case Counsel & Competition Team Members, as well as a brief description of the Competition Teams.

The USF School of Law Moot Court Program is a student-led organization comprised of Board Members, Case Counsel, and Competition Team Members. General descriptions of the available positions and competitions can be found below.

Applications are due at **11:59 PM on Wednesday, April 19, 2023**. Interviews for the 2023-2024 Moot Court Applicants will begin the week that Applications are due, **Wednesday, April 19, 2023**.

Any Questions? Email the Moot Court Board at usfmootcourt@gmail.com.

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. 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 the USF Moot Court Program requires that every student maintain a **2.5 cumulative GPA** or higher. A student who falls below a 2.5 GPA may be subject to removal from the program and/or forfeiture of any academic credits received from Moot Court participation.

It is your responsibility to immediately inform the Faculty Director, Professor Monalisa Vu, if you are placed on academic probation. **Email Professor Vu with any questions at: mvu@usfca.edu.**

CASE COUNSEL:

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 and oral argument skills, recommendations of the applicant's LRWA Professor and Case Counsel, grades, and 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 receives **one (1) unit of credit per semester** as Case Counsel is a year-long commitment.

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

- Working with an 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 Advanced Moot Court Program, starting in late summer and extending into the Fall semester, which also earns an *additional* one (1) unit of credit;
- Mentoring and advising first year students in persuasive writing and oral argument;
- Serving as a bailiff for the First Year Moot Court Competition; and
- Recommending first year students who merit consideration as the following year's Case Counsel and/or for Competition Teams.

COMPETITION TEAMS:

Any student who has completed the First Year Moot Court Program may apply to be a Competition Team (CT) Member. Selection for this position is also competitive and is based upon excellence in applicant's writing skills, the applicant's oral argument skills, recommendations of the applicant's LRWA Professor and Case Counsel, and interview. Successful CT members are those who can effectively communicate, willing to improve upon applicant's writing skills, able to think on their feet, team-oriented, willing and able to incorporate feedback quickly in order to improve, take constructive criticism

professionally, set aside personal views to argue any side and maintain a positive and respectful attitude towards team members.

Each team member will receive **two (2) units** of credit for the semester in which the oral argument portion of the competition takes place. Team members are also required to take the three (3) unit Appellate Advocacy class in the Fall. Appellate Advocacy is a course aimed at teaching CT members appellate brief writing along with oral argument training. As a new Moot Court member participation in the Advanced Moot Court Competition is also required. Each team member will receive one (1) unit of credit for the Fall semester.

Team membership is a year-long commitment and members will be expected to work during semester or holiday breaks, as necessary. Team members are required to guest judge other teams' practices during both semesters.

TEAM MEMBER RESPONSIBILITIES:

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 are unavoidable circumstances that prevent them from participate in AMC.

All team members are oral advocates. 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. Team members must also draft a bench memorandum to aid guest judges in oral argument practice rounds.

Oral advocates are required to attend all of their team's scheduled practices to work on oral argument. Each team must complete a **minimum of sixteen (16)** oral argument practices prior to their competition, in addition to any other assignments the Development Director Coach deems necessary.

COMPETITION DESCRIPTIONS

The following are Moot Court competitions USF School of Law participated in this past academic school year in order of their occurrence. Though we have a general idea of when competitions will drop the problem, the dates vary **every single year**, depending on the coordinators of the competition. We can offer information from previous years, but cannot predict exact dates for future competitions.

GENERIC TIMELINE FOR FALL COMPETITIONS: Some start late summer or early fall. Most done by Nov, etc.

GENERIC TIMELINE FOR SPRING COMPETITIONS: Competition coordinators generally drop the problem in mid to late Fall semester. You must be prepared to spend a significant time over winter break finalizing the brief writing process.

1. Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition (Tang): 2 Members per Team

The Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition is sponsored by the National Asian Pacific American Bar and 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 teammates during the summer. **There is a strong preference for 3L (or 4L) moot court returner students to be placed on the Tang Competition Teams. However, new members should indicate interest for future placement if they choose to return, which is highly encouraged for the full moot court experience.** Should a new member be placed on a Tang Competition Team, that member must still take Appellate Advocacy but will not be required to participate in Advanced Moot Court.

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.

In 2016, the USF team earned Second Best Oralist, won the regional competition, and was quarterfinalists at the national competition in San Diego. 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 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 2012, the USF team won second place Regional best brief and best oralist. In 2011, USF advanced to the International Final rounds in Atlanta, GA where they were semi- finalists and won 1st place Best Brief.

2. The National Criminal Procedure Tournament (Crim Pro): 2 Members per Team

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.

USF may send one, potentially two teams (depending on competition coordinators' permission), each consisting of two students. There is a strong preference for 3L (or 4L) moot court returner students to be placed on the Criminal Procedure competition teams. However, new members should indicate interest for future placement if they choose to return, which is highly encouraged for the full moot court experience. Should a new member be placed on a Criminal Procedure Competition Team, that member must still take Appellate Advocacy but will not be required to participate in Advanced Moot Court.

The tournament takes place at the University of San Diego campus and guarantees each four preliminary rounds over two days of competition. This is a fall competition, which releases its problem in early September and takes place in November.

This tournament is more fast paced than others with a 2-3 week turnaround after submitting the brief. The team(s) will have 2-3 weeks to complete oral argument practices before competing in the tournament. However, this competition often garners the most participation from alumni guest judges and practitioners so you will be fully supported.

In 2020, the USF team received First Place Petitioner Brief. In 2018, USF advanced to the top 8, and received Second Place Petitioner Brief. In 2016, the USF team advanced to top 16 and received Second Place Respondent Brief.

3. National Criminal Trial Advocacy Competition (NCTAC): 2-4 Members per Team

The National Criminal Trial Advocacy Competition (NCTAC) is organized by the California Attorneys for Criminal Justice (CACJ). The competition is hosted in different locations each year. In 2022, UC School of Law San Francisco hosted the competition at the Northern District Court of California in San Francisco. This is a fall competition that begins in the end of August and ends in mid-October.

USF may send one team consisting of four members. Students participating in the trial team must have already taken Evidence (this will exclude 2Ls). Courses beneficial for this competition are Applied Evidence, Trial Practice, or Intensive Advocacy Program (IAP). Trial team competitors are not required to participate in AMC or take Appellate Advocacy, but will have all other Competition Team responsibilities. Students interested in criminal justice are encouraged to progress from the new member year to the trial team in their second year of moot court participation. Please indicate if this is your interest.

USF last sent a team to NCTAC in 2018. During Covid-19, we participated in the virtual All Star Bracket Challenge two times (2020 and 2021). As this is a virtual competition, we will give preference to the in-person competitions first and only if they are not available will we go to the virtual options.

4. Saul Lefkowitz Moot Court Competition (Lefkowitz): 2-4 Members per Team

The Saul Lefkowitz Moot Court Competition deals with issues of trademark law and unfair competition. It is sponsored by the International Trademark Association (INTA).

USF may send one or two teams, each consisting of up to four students. The problem is released in October, with briefs typically due in early January, before the start of the Spring semester. As such, **team members must be available to work on their briefs over the winter break.** 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 in early January and oral argument in early February 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 is required. Applicants with IP experience may be given preference for the Lefkowitz teams, although no prior experience is required. Applicants are encouraged but may also be required to take Trademark Law or IP Survey.

In 2021, one USF team received First Place for Best Oral Arguments in the Western Regional Competition and received Fourth Place overall; the second USF team received Third Place Best Oral Argument. In 2017, USF received First Place overall in the Western Regionals and won the National competition, along with Best Oralist team. In 2015, USF received First Place overall in the Western Regionals and advanced to the National competition. In 2014, USF received Second Place for Best Oral Arguments in the Western Regional Competitions out of 23 teams. In 2010, USF received Second Place overall. In 2006, USF received First Place for Best Oral Argument and Fourth Place overall regionally.

New members selected to compete on Saul Lefkowitz Moot Court Competition are required to enroll in the three (3) unit Appellate Advocacy course and the one (1) unit Advanced Moot Court Program in the Fall semester.

5. The National Appellate Advocacy Competition (NAAC): 2-3 Members per Team

The NAAC competition is sponsored by the American Bar Association. The topic is not limited to any particular area of law, but usually involves federal constitutional issues or federal statutory issues.

USF may send one or two teams, each consisting of two or three students. Briefs for the competition are typically due in mid-January and the Regional rounds of

oral arguments are generally held in late February or early March. The finals are held in Chicago 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. **Team members must be available to work on their briefs over the winter break. Team members must also be available to travel for the competition and/or practice over spring break.**

New members selected to compete on NAAC are required to enroll in the three (3) unit Appellate Advocacy course and the one (1) unit Advanced Moot Court Program in the Fall semester.

6. Robert F. Wagner National Labor & Employment Law Moot Court Competition (Wagner): 2-3 Members per Team

The Wagner competition focuses on labor and employment law issues and is sponsored by New York Law School. Students at New York Law School organize 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 briefs were due in mid-February and oral arguments took place in New York City in late March. **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.** This past year the competition took place during spring break, so please expect that as a possibility as well.

Applicants are encouraged to take at least one employment law or labor law class and have an interest in employment and labor law issues (which may be demonstrated by membership in LELSA or other activities).

In 2017, USF advanced to quarterfinals and received Best Petitioner Preliminary Round Oralist. In 2013, USF won the entire Wagner Competition and received Second Place Best Petitioner's Brief with 46 teams competing. In 2010, USF advanced to the quarterfinals. In 2007, 2008, 2009, and 2011 USF advanced to the Octo-finals. In 2007 USF also received Second Place for Best Respondent's Brief with 42 teams competing.

New members selected to compete on Wagner are required to enroll in the three (3) unit Appellate Advocacy course and the one (1) unit Advanced Moot Court Program in the Fall semester.

7. UC Davis Asylum and Refugee Law National Moot Court Competition: 2 Members per Team

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 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.

The problem is released in early December, briefs were due in early February, and the competition was held in mid-March during the second week of Spring Break. **Students competing in this competition should expect to research over winter break and practice during spring break.**

Schools are permitted to send no more than three teams of two members each to the competition. 2015 was the first year USF participated in this competition and one team was sent. In 2016, USF sent three teams to this competition.

New members selected to compete on UC Davis Asylum and Refugee Law National Moot Court Competition are required to enroll in the three (3) unit Appellate Advocacy course and the one (1) unit Advanced Moot Court Program in the Fall semester.

8. Tulane Sports Law & Negotiations: 2-3 Members per Team

The Tulane Sports Law & Negotiations Competition is organized by the Tulane University Law School Moot Court Board and The Sports Lawyer Journal, which is published annually and edited by students of Tulane Law School. The competition focuses on the National Football League ("NFL").

This competition simulates an NFL contract negotiation between free agent players and a team. Competitors will be required to learn how basic NFL contracts work, research player comparisons and statistics, and negotiate with other competitors to achieve contract objectives. A general understanding of NFL teams and top players will be required for this competition.

This is a spring competition, which releases its problem at the beginning of the Spring semester. It is held in February at Tulane University in New Orleans, LA. Tulane competitors are **not required** to take Appellate Advocacy in the Fall, but **must** participate in the one (1)

unit Advanced Moot Court competition during the Summer and Fall. While not required, a class in basic negotiations is helpful.

IMPORTANT: The Tulane team only takes three (3) members each year. As such, an internal competition is held over the Summer to determine who will be selected for the team. The competition typically takes place in late June or early July on a Saturday and Sunday.

Participating in the internal competition is required to be placed on the Tulane team.