

2020 – 2021 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 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. 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. 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 2.3 cumulative GPA or higher. A student who falls below a 2.3 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

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 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** meaning that 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 Advocate of the Year Competition in the Fall, which also earns an *additional* unit of credit
- Working with members of the Board as necessary
- 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

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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 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. Team members are also required to take the 3-unit Appellate Advocacy class in the Fall. 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 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 oral argument. Each team must complete a minimum of 16 practices prior to their competition, in addition to any other assignments the Development Director Coach deems necessary.

COMPETITION DESCRIPTIONS

The following are competitions USF School of Law participated in this past academic school year in order of their occurrence:

1. Judge Thomas Tang International Moot Court Competition (Tang): 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 2020 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.

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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.

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. 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 is a fall competition, which releases its problem in early September and takes place in November at UC San Diego. In 2016, the USF team advanced to top 16 and received Second Best Respondent Brief. In 2018, USF advanced to the top 8, and received second best Petitioner Brief.

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

This competition deals with issues of trademark law and unfair competition. It is sponsored by the International Trademark Association.

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 2020 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. 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.

4. The National Appellate Advocacy Competition (NAAC): 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 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**

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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.

5. Tulane Sports Law & Negotiations: 2-3 Members per team

The Mardi Gras Invitational 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. This is a spring competition, which releases its problem toward the end of the Fall semester and is held in February at Tulane in New Orleans. This competition simulates a contract negotiation between free agents and a team. In the past, students completed the short writing portion of the competition during the winter break. While not required, a negotiations class is helpful. Students are **not** required to take Appellate Advocacy but **must** participate in the Advocate of the Year competition during the Fall.

6. Robert F. Wagner National Labor & Employment Law Moot Court Competition (Wagner): 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 briefs were due in mid-February and oral arguments took place in New York City in late March.

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). Students selected for the Wagner team will need to take Appellate Advocacy in the Fall 2020 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.** This past year the competition took place during spring break, so please expect that as a possibility as well.

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.

7. UCLA Williams Institute Moot Court Competition (Gender and Sexuality): 2-3 members per team

The UCLA 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 current legal topics in the field with previous topics including the constitutionality of conversation therapy bans and application of the ministerial exception in religious educational institutions. This is a Spring competition that typically releases its problem in December and takes place in late February to early March at UCLA. Students competing in this competition should expect to research over winter break and practice during spring break.

The following are competitions USF did NOT participate in this past academic year but that has competed in in the past:

1. UC Davis Asylum and Refugee Law National Moot Court Competition

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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. 2015 was the first year USF participated in this competition and one team was sent. The problem was 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. In 2016, USF sent three teams to this competition.

2. Judge John R. Brown Admiralty Law Competition: 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 9th 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, USF's Brown team got to the quarterfinal round.

3. 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. **Please note that the status of these trial competitions is uncertain because of the pandemic.**

Students participating in the criminal or civil trial team must already have taken Evidence, must take in Fall 2020 or already took Applied Evidence, and must take in Fall 2020 or already took a Trial Practice Class (or already have participated IAP over the summer). For this reason, 1Ls will *not* be considered. Please note that IAP is not being offered this summer due to the changed circumstances with the COVID-19 pandemic. Some 2Ls may have taken IAP last summer though.

Once selected for a trial team, team members are not required to take Appellate Advocacy.

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