The Moot Court Program is comprised of 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; 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 Legal Research and Writing Analysis 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:

Each team member will receive 2 units of credit for the semester in which the oral argument portion of the competition takes place. However, team membership is a yearlong commitment and members will be expected to work during semester or holiday breaks as necessary.

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.

During both semesters team members are required to guest judge other teams’ practices. This commitment ensures (1) that each team member will have solid oral argument skills before focusing on the complex legal issues of their competition problem, and (2) that each team will have plenty of skilled judges at each practice as its competition approaches. Team members are expected to assist with other competitions as necessary (e.g., acting as bailiffs, etc.).

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. Although each team has a Brief Specialist all other team members should remain substantially involved in the briefing process are responsible for their argument sections of the team brief (see paragraph below regarding “Brief Specialist Position”).

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.

BRIEF SPECIALIST POSITION

While all team members participate equally in the research, writing, and editing process, the brief specialist is responsible for coordinating these projects and overseeing brief details, much like a “team captain.” When the competition prompt is released, team members and board coaches will meet to select the brief specialist and determine their exact role.

As a base description, the brief specialist: (1) may write, in addition to the argument, the first draft of the remaining brief sections, (2) has final control over the edits of the entire brief, (3) is responsible for ensuring compliance with the briefing and formatting rules and regulations, and (4) may write the bench memo following submission of the brief.
COMPETITION DESCRIPTIONS:

1. The National Moot Court Competition (NMCC) (Normally involves Federal Constitutional Law or Statutory Interpretation) (2-3 Members per Team)

   This competition is sponsored by the New York City Bar Association and the American College of Trial Lawyers. More than 130 teams compete each year in Regional competitions to select finalists to argue in New York City for the national title. The competition problem is usually a hypothetical case before the U.S. Supreme Court involving some aspect of Constitutional law.

   USF may send one or two teams, each consisting of two or three students. Briefs are typically due in mid-October and the Regional rounds of oral argument are generally held in Northern California in early to mid-November. Sometimes the Regional rounds are held in late October. Final rounds are held in New York in early February.

   Usually the problem for this competition is only received one month prior to the brief due date, an exceptionally short briefing period. As a result, students on this team should expect to commit more than 25 hours per week in September and October to writing the brief between its release date and due date. Likewise, students should expect to spend similar time in October and November preparing for the oral argument.

   Preference for this and all fall semester teams is given to third-year students who have taken Appellate Advocacy. Second or third year students who have not taken Appellate Advocacy may participate on the team provided they take Appellate Advocacy concurrently in the Fall semester.

   USF advanced to the National Competition in 2009. Our two teams advanced to the Regional quarterfinals and semi-finals in 2007. One USF team advanced to the Regional quarterfinals in 2010 and in 2011. In Fall 2013, a USF advocate was awarded Best Oralist of the Preliminary Rounds, and in Fall 2014 one USF team was awarded Best Brief Runner-up at Regionals.

2. 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 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.
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 3rd 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, but lost their argument to U.C. Davis.

3. **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. 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 to mid-February. The final rounds of competition are held in Washington D.C. in mid-March. **Students should be aware that there is a potential conflict between the competition weekend and the PI/PS day Information fair, so plan accordingly.**

   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.

4. **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, briefs were due in mid-February and oral arguments took place in New York City in late 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.

### 5. 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.

### 6. Philip C. Jessup International Law Competition (International Law) (4-5 Members per Team)

This competition involves issues of international law and is hosted by the International Law Students Association. The Jessup Competition includes teams from more than 130 United
States law schools and more than 43 foreign countries. Team members present argument before a moot International Court of Justice, as opposed to the US Supreme Court.

USF sends one team consisting of four or five people, with preference given to returning team members. The Jessup problem, called a Compromis, is usually released in September. Briefs are typically due in early January and the Regional rounds of oral arguments are generally held in late February. The final rounds of competition are held in Washington D.C. in late March.

Students who participate on the Jessup team are encouraged to participate on the team for two years. However, not all students who participate in Jessup will, in fact, participate for two years. Team membership in the second year depends on team needs and an evaluation of the team member’s performance in the first year. The team must brief both sides of the problem in this competition, but (because of the number of team members) each team member writes only one brief. **Team members must be available to work on their briefs over the winter break in addition to working on their briefs during the last half of the fall semester. Team members must also be available for practice and/or competition travel during spring break.**

Applicants for the Jessup team should have experience with or interest in international law issues. Applicants may also be required to take Public International Law or International Human Rights (TBD in summer). Students selected for the Jessup team will need to take International Advocacy and Research Course in the Fall semester if they haven’t already taken it.

In 2006, USF received 4th place for Best Oral Advocate and 5th place overall. In 2007, USF advanced to the semi- finals and placed 4th overall. In 2010, USF won Best Memorial (Best Brief), took 2nd place overall in the Regional and advanced to the International Rounds in Washington, DC. In 2012, USF won 2nd Best Memorial and advanced to the Regional semi- finals placing 3d overall. In 2013, USF received 9th place Best Oral Advocate and the Jessup team advanced to the quarterfinal round and placed 4th of 23 teams in the Region. And in 2014, USF received 1st place Best Oral Advocate.

### 7. 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. 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.
8. **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 ABA Labor and Employment Law Trial Skills 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.

**Evidence and participation in either IAP or Trial Practice are a pre-requisite OR co-requisite for membership on a Trial Team.** Interested students may apply at this time, but Trial Team members will not be selected until after the completion of IAP in June 2015. Students interested in a trial advocacy team are therefore strongly encouraged to participate in IAP this June.

If selected students have not yet completed Evidence and do not, or are unable to, enroll in the class their fall semester, they will be removed from the team. Once selected for a trial team, students must also enroll in Applied Evidence. Team members are not required to take Appellate Advocacy.

In 2014 USF’s NCTAC team advanced to the quarterfinals and finished in the top 8 out of 32 teams. In 2009, USF won 2nd place overall in the Regionals at the ABA Labor and Employment Law Competition.

**List of Past and Possible Competitions:**

1. **SFTLA Trial Skills Competition:**
   This is a trial skills competition hosted by the San Francisco Trial Lawyers Association. This one-day competition currently includes participants from Bay Area law schools. The competition takes place at the Ninth Circuit in San Francisco in October or November. In 2007, 2011 and 2012 USF took 2nd place.

2. **Giles Sutherland Rich Memorial Moot Court Competition (Intellectual Property-Patent Law) (2 members per team):**
   This is a national competition sponsored by the American Intellectual Property Law Association dealing primarily with patent law. The Rich Competition is named for one of the most distinguished jurists in the field of patent law and is sponsored by the American Intellectual Property Law Association (AIPLA).

   USF may send one or two teams of two people. Briefs are typically due in early February and the Regional rounds of oral arguments are generally held in the Bay Area in mid to late March. The final rounds of competition are held in Washington D.C. in mid April.

   Team members must brief both sides of the problem. Thus, unlike most competitions, the
team members will be submitting two briefs. 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. Applicants with intellectual property experience are given preference for the Rich teams, although prior experience is not required. Applicants may also be required to take Patent Law or IP Survey (with permission). Students selected for the Rich team will need to take Appellate Advocacy in the Fall semester if they have not taken it already.

In 2006, USF received 1st place for Best Appellant’s Brief and 1st place for Best Oral Advocate. In 2007, USF took 1st and 2nd place overall in the Pacific Regionals. Both teams advanced to the finals in Washington D.C. In 2012 USF took 2nd place overall in the Pacific Regionals and advanced to the national finals in Washington D.C, where they advanced to the semi-final round.


This competition focuses solely on topics within the admiralty and maritime law fields. It is sponsored in part by the University of Texas. Often, the competition takes place in New Orleans.

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 April 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.
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. 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 is a fall competition, which releases its problem in early September and takes place in November at UC San Diego.

2. 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.

3. Pepperdine Entertainment Law

Now in its 17th 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.

4. 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.
6. **Tulane Sports Law**

The Mardi Gras Invitational, now in its 20th 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.

7. **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.