

Setting Up A Moot Court Team

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The next Midwest Regional Tournament of the American Collegiate Moot Court Association (ACMA) will be held at the College of Wooster on November 20 and 21, 2009. I encourage MAPLA members and any college or university in the Midwest to send undergraduate teams to participate in this tournament, and I will provide a quick outline of how to set up a moot court team. However, since I am well aware of the numerous demands made on pre-law advisors, let me first quickly summarize why intercollegiate moot court is an activity worth some of your valuable time.

We have been participating in intercollegiate moot court competition for over ten years now, and we find that it offers important benefits to our pre-law advising program as well as to our students. In particular, moot court has made us more visible on campus and increased student interest in the program, generated administrative support and additional funding, fostered interaction and support within the local legal community, and increased alumni support and participation in the program. Thus, moot court has been very valuable to our program as well as to the students who participate.

The 2009-2010 ACMA hypothetical case problem, *State of Olympus v. William DeNolf, Jr.*, concerns two of the most important civil liberties protected by the U.S. Constitution: the Fourth Amendment's guarantee that state searches of "persons, houses, papers, and effects" be reasonable, and the Eighth Amendment's prohibition against "cruel and unusual punishment." More specifically, the two constitutional questions raised in the case are: 1) Does the deployment of a visual enhancement device without a warrant violate the Fourth and Fourteenth Amendments to the United States Constitution? 2) Does the sentence of life in prison without the possibility of parole imposed on Respondent violate the Eighth and Fourteenth Amendments to the United States Constitution?

Intercollegiate moot court is easier and less expensive to start up than other legal simulations because students participate in two-person teams with each student arguing one of the two constitutional questions that make up the case problem. Students must be prepared to argue both the Petitioner and the Respondent sides of the case, but there are only two "roles" to prepare: a counselor to argue the Second Amendment question and a counselor to argue the Commerce Clause question. The case problem is always closed, so the basic task of setting up a team is to develop students' oral argument skills and to assist them in understanding the cases listed in the Table of Authorities.

In general, each school may enter as many teams as it wants in ACMA regional tournaments, but there is a registration fee for each two-person team (usually \$50 to cover trophies and other expenses). In addition, the ACMA regional tournaments are typically two-day events, with preliminary rounds on a Friday afternoon, and final rounds for qualifying teams on Saturday morning. Thus, the major moot court costs are registration fees, travel and lodging, and the costs of copying the cases used in the hypothetical case problem.

My short list of recommendations to those who are starting up a moot court team is: 1) recruit local attorneys to work with the students; 2) delegate most of the organizational responsibilities to student team captains; 3) recruit other faculty to work as coaches, 4)

incorporate the case problem into courses (if possible), and 5) buy and use one of the available moot court handbooks.

I emphasize recruiting attorneys first because they are very helpful in preparing students and because interaction with attorneys is one of the best ways to keep students motivated. Attorney coaches are especially valuable if you are inexperienced at moot court because they can introduce students to the legal terms of art, to the procedures of appellate argument, and to the constitutional issues in the case problem. Also, I have found that my students are enthusiastic about the opportunity to work with attorneys and value the feedback that the attorneys give them. I contacted local alumni who were attorneys and also involved several other attorneys through the local bar association. Most local bar associations have a Law Day Committee and/or a community education committee, public relations committee, or young lawyers' committee that specializes in community education and outreach.

As to recruiting other faculty, I note that I was recruited as our moot court coach by the chair of our pre-law advising program. Since I already used moot court simulations in my civil liberties class, I understood the pedagogical value of moot court, and I soon discovered that my students made even greater gains in oral presentation and legal understanding by participating in intercollegiate moot court. I also recruited other faculty from within the political science department and from the communication department, as well as some who had attended law school.

Recruiting students can be difficult in the beginning, but becomes easier as some students come to value moot court. Our pre-law program frequently sponsors events with other programs such as women's studies or black studies to reach out to under-represented students, and we try to build on these contacts to interest students in moot court. In addition, students from the moot court team are always present at the pre-law tables that are held outside the cafeterias during lunch early in the semester to inform students of the program.

My final recommendation is: Don't reinvent the wheel. Find and use one of the valuable moot court handbooks that are available. In particular I recommend *How to Please the Court: A Moot Court Handbook*, written by faculty associated with the ACMA, and *Introduction to Advocacy: Research, Writing, and Argument*, prepared by the Board of Student Advisors at Harvard Law School.

I am an enthusiastic proponent of intercollegiate moot court and am willing to provide you with additional material or answer questions that you may have. If you would like to see this year's ACMA case problem, want a longer paper on how to set up a moot court team, want to know about ACMA rules and procedures, or want more information about the Midwest Tournament, please contact me at mweaver@wooster.edu or go to my web page at <http://www.wooster.edu/Academics/Areas-of-Study/Pre-Professional-Advising-Programs/Pre-Law-Advising-Program.aspx>.

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