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Nichols and Magavern Win Moot Court


About 140 students screwed up their courage and plunged into this year's contest. Each team submitted a formal, appellate brief of the issues, representing the claims of the plaintiff or defendant, and orally presented their case twice. In the final week, students competed in three preliminary rounds of oral arguments, which considerably narrowed the field. Eight teams made it to the quarter-finals; four to the semi-finals; and only two teams remained to compete in the finals.

This year's case was a First Amendment problem dealing with religion in the public schools. A hypothetical federal law was passed to standardize values education curricula in public schools throughout the nation. Fearing loss of federal assistance, the Board of Regents for the State of Cordova adopted the program that was required by the federal law. Taxpayers, who felt the government's values education program conflicted with their own religious beliefs, sought to test the right of the federal government to regulate curricula in the public schools.

Key issues were the First Amendment rights of taxpayers to freely exercise their religion; the constitutionality of the law as an excessive use of spending power by the federal government in violation of the Tenth Amendment; and whether the law constituted the establishment of a state religion.

Hon. Mathew J. Jasen '39, a retired State Court of Appeals Judge, acted as Chief Justice for the final round, which was presented before about 150 spectators. Joining Judge Jasen on the bench were Hon. Michael F. Dillon '51, presiding judge of the State Supreme Court, Fourth Department Appellate Division; Martin J. Littlefield, assistant U.S. Attorney; and Wade J. Newhouse, dean of the Law School.

Those in the Moot Court room keenly felt the absence of the "chief," the late Chief Judge of New York Charles S. Desmond, who presided over our Moot Court for the past 25 years and for whom the competition is named. Before hearing the arguments, Judge Dillon gave a moving tribute to his former colleague and friend, and said in part:

"During the last decade of his life, I sat with the chief as a judge of this competition. It was always clear that his respect for the institution was exceeded only by his genuine affection for its students."

Over 400 alumni took part in this year's Desmond competition. "We couldn't have the competition without alumni support," says Brian Martin, director of the Moot Court Board.

"They come because it's fun. They compete to see who can ask the hardest questions."

This year's Moot Court Board has significantly broadened its mission. For the first time, students from UB Law will attend 11 national and regional Moot Court competitions, from San Diego to Boston, says Julie Freudenheim, who is director of national competitions for the Moot Court Board and was one of last year's Desmond winners.

Not surprisingly, some contests attract more interest than others—"like the ones in California," says Freudenheim.

Most competitors think the extra work involved in preparing for Moot Court and the accompanying tension is well worth it, says Martin. He feels that few other law school experiences resemble the real legal world as closely.

"Moot Court offers students the opportunity to gain valuable skills and courtroom experience before graduation that will help them throughout their legal career," says Martin.

"Besides, it's terribly exciting - your adrenaline really starts to flow."