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Desmond competition takes up actual Casey Martin case

A case right out of today’s headlines served as the basis for UB Law’s hotly contested 12th annual Charles S. Desmond Moot Court Competition, held in late October 1998.

It was the case of Casey Martin, the professional golfer who sued the PGA tour under the Americans with Disabilities Act, seeking permission to use a golf cart to accommodate a painful malformation of the blood vessels in one leg that hampers his ability to walk. “In the past we have taken elements from real cases and used them as the Moot Court problem,” said Marc Brown, a third-year law student who is serving as president of the Buffalo Moot Court Board this year. “This year, for the first time, we actually did take the real case, which involved disability law.”

Twenty-nine teams took part in the 1998 competition, up slightly from the previous year. “There are two ways in law school that you can really work at improving your oral skills — Moot Court and the Trial Technique course,” Brown said. “This competition provides an added bonus for those students interested in litigation.”

The victorious team consisted of two second-year students, Leslie Swift and Rachel Trapp, arguing for Casey Martin. Runners-up were Brian McGrath and Andrew Zakrocki.

“We didn’t expect to win,” Swift said. “The two gentlemen we were up against in the final round are our friends, so it really didn’t matter if we won. We just wanted the experience. In the final round, we weren’t very nervous at all.

“It was a very good case,” Swift said. “The judges were all familiar with it. I did feel it was harder to make a good case for the PGA side. The issues were perhaps a little bit lopsided.”

Said her partner, Rachel Trapp: “Leslie and I were very relieved when it was over. It was a lot of work. It was all I did during the week of the competition. Leslie and I practiced a little bit in front of each other and with our coach. There were practice rounds, too. We always try to feel the judges out for the questions. You do not want to be blindsided by a question you are not prepared to answer.”

UB Law Professor Lucinda Finley, faculty adviser to the Moot Court programs this academic year, said another new feature of this year’s Desmond competition was the presence of a final-round judge from outside the area.

Hon. Arlin M. Adams, retired from the U.S. Court of Appeals for the Third Circuit, came to Buffalo for the competition. “We wanted to increase the national profile of the Law School,” Finley said, “and I thought we should do what other law schools do in similar competitions, which is to bring in judges from outside the immediate area.” She had clerked for Judge Adams after her graduation from Columbia Law School. A well-known federal judge in Philadelphia, he once was under close consideration for a U.S. Supreme Court seat. “He is considered among a handful of the most distinguished federal judges,” Finley said.

Support from the local bench and bar was substantial. Once again, the competition attracted an impressive array of local judges and attorneys, including the Hon. M. Dolores Denman ’65, presiding justice of the Appellate Division, 4th Department, who also served as a final-round judge, as did Professor Finley.

“We wanted to draw upon not just UB alumni but also graduates of other law schools,” said Kenneth A. Manning...
'77, who practices civil litigation with the Buffalo law firm Phillips, Lytle, Hitchcock, Blaine & Huber and who, with James Gerlach '97, helped recruit and organize judges for the competition.

"In addition to those who have traditionally given their time to the program, we invited others who haven't been involved before. Because of these efforts, we received a stronger response than we had in the past.

"Where most of the education takes place, in my judgment, is in the preliminary rounds," Manning continued, "because very few participants make it past the preliminary rounds. What we were trying to do as alumni was to give the greatest benefit to the greatest number of students." Now a standing committee of the UB Law Alumni Association, called the Moot Court Mentoring Committee, will recruit judges for future Moot Court competitions and increase the interaction between alumni and students.

"Moot Court is one of the most important areas for alumni involvement," said Marc Brown, the board president. Organizing and running the competition, he acknowledged, is "a big challenge — but when we get such positive feedback from the competitors, it is worth it."