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Practice Makes Perfect: Moot Court and Trial Programs Winning National Renown

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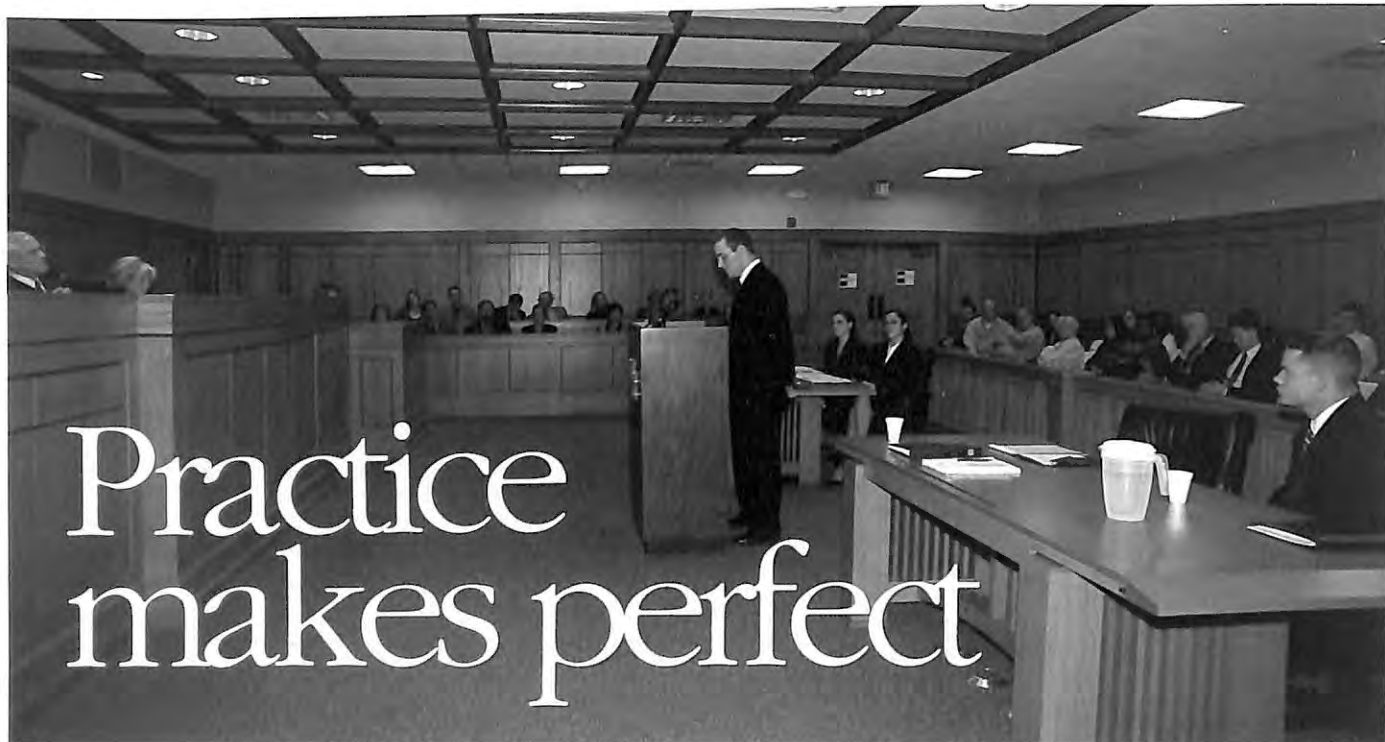
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Law School Report



UB Law's new courtroom was the setting for the Desmond Memorial Moot Court Competition.

Moot court and trial programs winning national renown

It has been a banner year for moot court competitions at UB Law School and for UB Law teams that have traveled to national trial competitions.

The school's long-standing strengths in traditional moot courts are being increasingly augmented by opportunities for participation in regional and national contests that enable students to practice and showcase their skills in writing briefs and oral advocacy.

For instance, for the first time, UB has been invited to participate in the prestigious "Tournament of Champions" in Texas this fall. "We received our invitation because of the performance of UB students in trial competitions last school year," said James W. Grable Jr. '76, one of several practitioners who help coach such teams at UB Law. "We will also field strong teams in the ATLA Trial Competi-

tion and the William C. Daniel Trial Competition in Atlanta."

Professor Lucinda M. Finley took students from her appellate advocacy class to two national competitions: the Northeast regional American Bar Association Moot Court Competition in New York City, and the Herbert R. Wechsler First Amendment Competition in the District of Columbia.

Finley points out that in the ABA competition, two UB Law students — Paige Junker '02 and Dan Willkens '02 — placed in the Top 10 for best-oralist awards. "To have two students from one school in the top 10 is quite an extraordinary achievement," Finley said. "There were close to 100 students who competed. This shows that UB students can compete with the best students anywhere throughout the nation."

Junker, who was named seventh-best

oralist in the competition, said: "I really enjoy the oral advocacy portion of it. It is a good experience because I get to do the part that I like and I get to improve my writing skills at the same time. Being forced to sit down and turn out quality work product has been really helpful.

"It is just a lot of fun. It is a nice break from the grind of class."

Junker, whose partner was Brendan Mehaffy '02, said the case in question was a civil appellate matter having to do with a family that had bought a manufactured home that turned out to be grossly defective. The case dealt with whether the home was covered by the Magnusson-Moss Warranty Act and whether disputes over its quality should be heard in arbitration rather than through the courts.

Willkens, named 10th-best oralist, said he "really liked doing" the competition. "It is the competitive part of the profession that I really enjoy," he said. "For me, seeing people from other schools and getting up before the judges is part of the fun. It was probably the most fun I had in law school." He noted that the competition was the culmination of Finley's full-year appellate advocacy course.

Willkens' partner, Hillary Green '02, pointed to the tough judges as one challenge. "It is a competitive bar in New

York City," she said, "and they were pretty brutal. It kept us on our toes. We had to think a little bit harder than we would have if we were in a competition with people we know. They created a hostile environment and tried to put us off of our game. That was something I did not anticipate.

"When you are a trial attorney, there is often only one judge. Here there were three. When you want to get every aspect of your argument out, but you are constantly interrupted and they will not let you, your understanding of the material needs to be very fluid. The judges do not like it when you do not answer their questions."

Another UB Law trial technique coach is Hon. Thomas P. Franczyk, a Buffalo City Court judge. He now coordinates UB Law's mock trial competition program.

"Every year it gets bigger," Franczyk said of UB Law's participation in these competitions. "The better you do, the more invitations you get; the more invitations you get, the more you can show how well you can do and the more invitations you get, and on and on.

"It definitely is a program that is on the rise. We are now on the nation's radar screen as far as the top trial competitions are concerned. Every year we have gotten better, and we have gotten noticed."

Of the mock trial experience, Franczyk said: "This is, in my opinion, the best possible training that a law student who wants to be a trial lawyer can have. You are trying cases, working for months at a time, constantly being evaluated by top judges and lawyers. This gives them real-life training.

"We have a good cross-section of lawyers who are doing a great job on this. We hope that the alumni will continue to support the program."

Another recent success was the appearance by two UB Law teams at the Northeast regional of the 2002 Frederick Douglass Moot Court Competition. The team of Dave Morisset '03 and Terry-Ann Llewellyn '04 reached the semifinals of the competition before being eliminated by eventual champion Columbia University. The team of Malissa N. Lewis '03 and Anthony J. Jones '04 upset Yale University and Syracuse University before eventually losing to Harvard. Twenty-four teams

competed in the event, run by the National Black Law Students Association.

UB last entered the competition in 1988, said Langston D. McFadden '03, a UB Law student who coached the team along with Sheri D. Crosby '02. "It was really difficult, especially the first couple of rounds," he said. "Buffalo had a lack of respect from Harvard, Yale, Columbia. It was really personal. We felt that the education at UB was as good as or better than Harvard or Yale. So it was extremely gratifying to beat Yale."

McFadden said the competition also pointed up the abilities of African-American students. "There seems to be a misconception that somehow minority students are not as good as non-minority students when it comes to such things as oral arguments and writing appellate



Kristin St. Mary '03 and Julie Ann Atti '03, winners of the Desmond competition.

briefs," he said. "Not only are UB's minority students just as good as the Tier 1 schools, the level of education at Buffalo ensures that."

Back at O'Brian Hall, the Charles S. Desmond Memorial Moot Court Competition enjoyed a successful year. UB's most popular moot court competition, it saw about 70 people competing this year, said Joseph E. Schneider '02, who chaired the Buffalo Moot Court Board and is now assistant director of the Buffalo Criminal Law Center. "It is really a tremendous enterprise when you consider that we recruit judges from the local legal community," Schneider said.

Jennifer Noto '02 chaired the committee responsible for recruiting those judges. "Most of the time, the response is really positive," she said of soliciting vol-

unteers among the bench and bar. The Desmond typically has three-person panels of judges, in a competition that reaches throughout O'Brian Hall.

Hon. Julio M. Fuentes '75 of the U.S. Court of Appeals, Third Circuit, was among the judges for the competition's final round. "I was very happy to do it," he said. "It is a wonderful, wonderful experience in law school for any law student, because of the writing required and the ability to get up before any judge and present a case in a persuasive and thorough way.

"The quality I saw was outstanding. I have had an opportunity to judge moot court competitions at NYU, Brooklyn Law School, and the students in Buffalo are just as good as any other students I have had the pleasure of hearing. I had a great experience."

Fuentes' companions on the final-round bench were Hon. Judith Lieb of the Criminal Court of the City of New York, and New York State Supreme Court Justice Barbara Howe '80, of the 8th Judicial District.

Said Howe: "It really is a joy to watch students function as litigators or at least appellate counsel, and then to watch those who in their second and third years choose to subject themselves to the rigors of the Desmond Moot Court Competition; the Mugel Tax Court Competition, which I have also judged; and other highly competitive contests which take them in many instances to compete with others throughout the country.

"In the language of the bar and the bench, we are trying to be a 'hot court' — a court that has read and reviewed and sometimes even pre-conferenced the cases that are to be argued before it, so that an oral argument is not the first education that the judges are having about the particular cases before them. Every lawyer in practice deserves a hot court, and therefore every student likewise deserves a hot court when they have worked so hard."

Other prominent moot court competitions that have UB Law School components include the Philip C. Jessup International Moot Court Competition, the Fasken Campbell Godfrey International Law Moot Court in Toronto, the Albert R. Mugel National Tax Moot Court Competition and the Herbert Wechsler National Criminal Law Moot Court Competition.