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## On Top of Their Game: Trial Competition Program Builds A National Reputation

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# Law School Report



Left to right: Enam Hoque '06, Michael D. Mann '06, Geoffrey A. Kaeuper '06 and Leah R. Mervine '07 compete in the Desmond competition.

## On top of their game

*Trial competition program builds a national reputation*

**U**nder the guidance of more than a dozen alumni and members of the Western New York legal community, UB Law School's trial competition program – which sends teams of students across the country to compete – is finding major success.

Chief among the good news is UB Law's first-place victory in the Lonestar Clas-

sic Invitational Tournament in San Antonio, Texas, last fall, with a team consisting of Dan Morris, Lauren Cutuly, Sarah Wesley and John Menna, coached by Christopher O'Brien and Brian Melber '96. They defeated teams from the University of Washington, Georgia Southern College of Law, Texas Wesleyan and St. Mary's College of Law. In addition, Morris was named Best Advocate.

"This has been our most ambitious year to date in terms of the number of competitions entered and the number of teams winning or advancing to the finals of national competitions," said Buffalo

City Judge Thomas P. "Tim" Franczyk, who coordinates the trial competition program at the Law School. "You could say it is our breakout year. Within the past three years in particular, it has really gone through the roof."

Franczyk said the Law School fielded teams in six competitions in fall '04, in addition to hosting the Buffalo Niagara Invitational Tournament, and sent teams this spring to Syracuse for the regional round of the National Trial Competition, and to Rhode Island for the regional of the American Trial Lawyers Association competition.

Of the two teams UB sent to Syracuse, one – Leslie Travis, Aaron Glazer and Lauren Cutuly – advanced to the quarterfinals.

UB Law's team – Dan Morris, Sarah Wesley, Mary Mogovero and Janine Sprague, coached principally by Joseph Marusak '81 – won the regional competition in Rhode Island in February; in the national competition in West Palm Beach, Fla., in April, they came up just short on points of making the quarterfinals, after competing against two of the eventual semifinalists.

Preparation for the competition, Marusak said, "requires the students to prepare an opening statement and a closing statement; each student has to do one direct and one cross-examination. It requires them to write and rewrite and revise continually those sections of a trial. In addition, they have to master the federal rules of evidence on the evidentiary issues that arise, so they really have to do their homework in terms of arguments that have to be made on objections. It is a ton of work. We

were practicing, on the average, a minimum five days a week, probably three hours a night.”

One of the keys to success in trial competitions, Marusak said, is responding to the unexpected turns and arguments that arise at trial. To train his team to do that, he persuaded seven or eight teams of two local lawyers to come to the practices and play the plaintiff and defense attorneys. “I found that to be invaluable,” he said, in honing the competitors’ ability to think on their feet. “Everybody has their script. The key to success is how well you respond to what the other side is doing, because you do not know what their script is.”

At the Lonestar Invitational, said



New York State Supreme Court Judge John M. Curran '84, left, and U.S. Magistrate Judge H. Kenneth Schroeder '61

coach O'Brien, it was “one of those situations where the chemistry of this team was just perfect. They were battling for each other the whole way through. Each one of them got points in the competition for best advocate on at least one or more judges’ ballots. It was a demanding team in that they always wanted to do better.”

For the coaches, he said, “it is just a fantastic experience, because it forces you as a practicing lawyer to rethink everything you do and why you do what you do. Why is it that we only ask leading questions on cross? Why is it that we want to tell a story in the present tense in our opening statement? Things like that.”

Melber, the other team coach, said the team received the competition problem about three months before the event. “The students meet with their coach up to five times a week,” he said. “They spend an incredible number of

hours preparing.”

He noted that over the course of a competition, students end up arguing both sides of the case – and in some competitions, including Lonestar, even play the part of witnesses.

Another notable success came in November at the National Civil Trial Invitational Competition in Los Angeles, sponsored by Loyola Law School. UB Law’s team of Janine Sprague, Meg Culliton, Matt Coseo and Aaron Glazer came in second to the South Texas College of Law, having defeated teams from Loyola, the University of Alabama, Samford University (Cumberland School of Law) and Thomas Cooley Law School. They were coached by Julie Atti and Kristin St. Mary, classmates in the

Class of 2003.

The two coaches were teammates on trial competition teams during their law school years, and “when we graduated, we wanted to do the same for future students,” St. Mary said. She said a group of about 15 legal professionals work with UB

Law’s trial competition program, sometimes sitting in on other coaches’ teams to offer a fresh perspective. “It is a pretty rigorous training regimen,” she said. “We meet every night.”

Trial competition was “the best experience I had in law school, and it is nice to be able to pass that on to current students,” Atti said. “By the time I finished law school, I had done 29 full trials, because I was on several teams.”

The Los Angeles competition, she said, is “a huge deal. This competition is by invitation only, based on your national ranking. For first time in a long time, we are really on the map as a school with a great trial advocacy program.

“It is so much fun for the students, because not only are they learning so much about trial advocacy above and beyond what a regular class could

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Opportunities abound for students who want to compete in moot court competitions. Ninety-nine students competed on teams that represented UB Law School against other law schools. These competitions included:

#### **Jessup Moot Court Board:**

- Fasken- Martineau International competition for 1Ls
- Niagara Cup regional competition
- Jessup International Moot Court competition

#### **Appellate Advocacy competitions**

Through our Appellate Advocacy course:

- ABA National Appellate Advocacy competition
- Hispanic National Bar Association competition
- Evans Constitutional Moot Court competition at the University of Wisconsin
- Federal Bar Association Thurgood Marshall competition

#### **Trial Team competitions:**

- Buffalo-Niagara Mock Trial Competition – hosted by UB Law School
- Lonestar Invitational in San Antonio, Texas
- National Civil Trial Competition in Los Angeles
- National Trial competition regionals
- American Trial Lawyers Association regionals
- Albert R. Mugel National Tax competition – hosted by UB Law School
- Weschler Criminal Moot Court competition – hosted by UB Law School
- National Black Law Students Association’s Frederick Douglass Moot Court competition

In addition, intramural competitions include the Desmond Moot Court competition, ABA Representation in Mediation Competition, and IL Jessup competition.

## Double the punch

*Improvements in the J.D./M.B.A. program make a good thing better*



Left to right: School of Management Dean John M. Thomas '76, Law School Dean Nils Olsen and David E. Franasiak '78

**A** long-term marriage is only getting better, as the Law School and the University at Buffalo School of Management look to strengthen an already-successful series of academic collaborations. “The Law School and the School of Management have built, over the years, a collaborative educational experience,” said Dean Nils Olsen. “There has always been a very close relationship between the two schools.”

The efforts represent significant changes to the J.D./M.B.A. program, the most popular of the Law School’s many dual degree programs. And they come at a time when the marketplace increasingly demands graduates who are comfortable in both the legal and business worlds.

“More and more, the practice of law across the spectrum, from commercial practice to public interest, requires an

understanding and knowledge both of business and of legal principles,” said Dean Olsen. “This dual degree also enables even the lawyer who is going to work for a company to become very familiar with approaches that management takes. Equally important, it helps those who are going into management to better understand and utilize the services of counsel.”

One example of cross-pollination

outside the J.D./M.B.A. program is the Law School’s finance transactions concentration – essentially a cluster of courses about the art of the deal. Philip R. Perry, a School of Management associate professor, co-teaches some of those courses with his counterparts in the Law School. Likewise, a School of Management course in mergers and acquisitions is expected to enroll some law students. In the Law School’s course on financial transactions, 20 of the 80 class members are management students.

“I think we are very much ahead of the curve here when it comes to our peer institutions,” agreed Olsen’s counterpart, School of Management Dean John Thomas, himself a 1976 graduate of the Law School. “I have a lot of respect for this law school. They have an outstanding faculty.”

The J.D./M.B.A. program has been growing rapidly. In 2000, Thomas said, there were four J.D./M.B.A. students. Now there are 15, equal to 10 percent of the management school’s full-time MBA class. In the four-year J.D./M.B.A. program, all students spend their first year in the School of Management, their second year in the Law School, and then take a mix of courses in the final two years.

Changes in the works for the program center on three areas: administrative streamlining, academic enrichment, and an exciting initiative in New York City.

Administratively, the two schools are working to create a single, unified admissions application for the pro-

*“More and more, the practice of law across the spectrum... requires an understanding and knowledge both of business and of legal principles.”*

— Dean Olsen

## The view from J.D./M.B.A. alumni

gram. Until now, applicants have had to complete a separate application for each school. In publicizing opportunities at UB, Thomas said, "We are looking to market this very much as a separate program." Additionally, a new position in the Law School's Career Services Office is expected to work with School of Management placement experts.

Academically, administrators and faculty at both schools are exploring ways to enrich the J.D./M.B.A. students' experience. It starts with making these ambitious students feel part of a group effort.

"We are working on different program enrichment activities to give the J.D./M.B.A. students a separate sense of identity," Thomas said. "We want them to be able to develop an identity as a group." Those activities may range from simple social events to a planned speaker series.

"We are working very hard to make it a unified program," Olsen said. "While they get two degrees, they are a member of a cohort that has directed their studies toward management and law. We want to have courses, curricular activities and placement directed specifically toward this group."

Also, said Law School Clinical Professor Thomas F. Disare, who is active with the program, "We want to explore creation of a capstone course – a course that challenges students to ask themselves, what do you know, where are you going? It will take on colloquium-type issues."

In addition, the schools plan a significant investment of time and energy in Science Technology Outreach, or STOR, which works to commercialize technologies developed at the University. The

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The J.D./M.B.A. program has been in place for the long haul. So how has the dual degree worked out for graduates? We asked some.

**Susan Weber '89** was working in television news when she began an MBA program part time. She then decided to go to law school, quit the news business and spent three full-time years at UB earning the dual degree. Now she is a partner in the Chicago office of the international firm Sidley Austin Brown & Wood LLP, practicing "primarily product liability and consumer fraud litigation, with a large emphasis on pharmaceutical companies."

"Exposure to the management courses is enormously beneficial in helping to understand the perspective of large corporate clients and helping in-house counsel to address issues with their internal business plan," Weber said.

"When you are developing a litigation strategy, there are frequently aspects of that strategy that have to be sold to the business managers. And if outside counsel can anticipate the questions that are going to go to in-house people, then you can work together more effectively.

"Having some business courses is beneficial for young lawyers, too. Sometimes with new associates, the first time they are exposed to corporate reports, some of them panic."

**Michael Rosenbaum '84** is a director of the international accounting firm PricewaterhouseCoopers LLP in Atlanta.

"I wanted to have a career with a business or consulting firm, rather than something purely legal," he said. "The best way to have some credibility to initially start out was to also have the MBA degree. It also provided useful skills. I enjoyed tax law, so it was quite a natural thing to get my MBA in accounting.

"The Law School was a different per-

spective on how to come up with some answers. Much of accounting is rules-driven, whereas in law one can be somewhat creative and determine where there are paths you can go within the tax law that can benefit your client.

"People will stop by with issues or problems that have come up, and a lot of things are laid out in an accounting format of debits and credits. The fact that I understand what's going on, because of my MBA, helps the interaction."

**Gary DeWaal '80**, who is senior executive vice president and group general counsel of the Fimat Group in New York City, said, "The J.D./M.B.A. definitely was worth the extra year and the extra money. I remember in the winter of my third year thinking about not going forward, and really weighing it, because I was reluctant to not graduate with my colleagues. But ultimately I decided it was the right thing to do.

"I knew that it would make me more marketable. Academically, I was interested in both law and business. I was an undergraduate economics major, so the opportunity to marry law and business, for me, was invaluable.

"One of the values I bring to my work is remarkable credibility. When I speak to the lawyers, I speak as both a lawyer and a business guy; and when I speak to the business guys, I speak as both a business guy and a lawyer."

**David Franasiak '78** is chief financial officer and a senior partner in Williams & Jensen in Washington, D.C., a policy firm that does lobbying on statutory and regulatory issues. The J.D./M.B.A., he said, is especially helpful in industries that are highly regulated, such as pharmaceuticals, chemicals and utilities, or the financial sector. "It helps you navigate not only the marketplace but also the laws and regulations that govern it," Franasiak said.

Also, he said, "If you want to go into pure policy, work in a think tank or academia, or you want to work for an international institution like the United Nations or a U.S. institution like the Federal Reserve, it is also extraordinarily helpful. You can really understand the intersection between the law and the marketplace.

"While we try to think like lawyers, we also very much try to think like business people."

# Law School Report



Competitors in the Law School's trial competition program

## Trial competition program

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teach them, it is basically practical application of the law. This gives them such a great tool in terms of coming out of law school and saying, 'I have been in a courtroom, I know my way around a courtroom.'

Also in Los Angeles, the UB Law team of Delesha Burton, Joshua Korode, Yadira Ramos and Dianne Thoben competed in the annual Tournament of Champions invitational, open to law schools with nationally recognized successful trial advocacy programs. Though the team did not advance, it competed against all four eventual semifinalists in the preliminary rounds.

UB Law's success in such competitions, Franczyk said, "really does build on itself. The point is not just to win competitions, though that enhances UB's reputation. The primary goal is to give law students the best opportunity we can to become great trial lawyers."

Closer to home, the on-campus Charles S. Desmond Moot Court Competition enjoyed another successful run last fall. The Desmond competition is the top oral advocacy competition open to second- and third-year law students. Students write an appellate brief

and present oral arguments on a case that is pending before the U.S. Supreme Court.

The competition case was based on *Johnson v. California*, looking at the California Department of Corrections' policy of segregating new prisoners by race for up to 60 days.

An astounding 28 teams competed. Allen Brenner, Buffalo Moot Court Board president, said that was as many teams as the last two years combined. After three nights of preliminary rounds, the quarterfinalist teams continued in Buffalo City Court.

The '04 finals were held in the Letro Courtroom on the first floor of O'Brien hall, before an active three-judge panel consisting of U.S. Magistrate Judge H. Kenneth Schroeder '61, New York Supreme Court Justice John M. Curran '84, and Robert B. Conklin '68.

Geoffrey Kaeuper and Leah Mervine, representing the petitioner, edged out Enam Hoque and Michael Mann for the top prize. Top oralist honors went to Lauren Cutuly; Jason Lee and Amber Storr won the award for best brief.

## Improvements in the J.D./M.B.A. program

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schools are looking to create a program in technology entrepreneurship and commercialization, for which STOR would serve as the laboratory. "The goal is to assist the University to build successful tech start-ups," Thomas said. "We want to build this as an educational endeavor as well as one that benefits the mission of STOR."

But perhaps the most exciting initiative for the J.D./M.B.A. program will come not in Buffalo, but in New York City. It is there that the State University of New York is creating the Levin Graduate Institute, a new institution focused on providing SUNY students access to sophisticated international business and legal institutions situated in the New York City area. UB students in the J.D./M.B.A. program will be offered the chance to spend a semester at the Levin Institute studying international banking and finance, taught by UB Law and Management faculty in the world's financial capital. "This will give J.D./M.B.A. a unique dimension," Thomas said.

Added Olsen: "Buffalo is definitely not New York City when it comes to very sophisticated international finance and banking and legal transactions. The Levin Institute has for us the advantage of location and access to all the financial and political and legal leadership in the City of New York."

The new educational program is expected to include classroom lectures, team-based projects, panel discussions with practitioners, and company site visits. The program emphasizes analytic tools, cross-cultural skills and global perspectives.

The first J.D./M.B.A. students from Buffalo may begin studying there as early as this spring.