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Law School Report

Trial run

Moot court competitions get future litigators on their feet



Left to right: Hon. Jonathan W. Feldman, Magistrate Judge US District Court for the Western District of NY (Rochester), Hon. Eugene M. Fahey '84, NY Appellate Division 4th Department (Rochester), and the Hon. Marian W. Payson, Magistrate Judge US District Court for the Western District of NY (Rochester).

One of the Law School's best tools for teaching litigation skills is its extensive moot court program. From competitions in Buffalo to contests nationally and even internationally, UB Law students are putting heart and soul into briefs and oral advocacy that are the next-best thing to actual litigation. The highlight of the year is the Desmond Moot Court Competition, held Oct. 29 to 31 at the Law School. Twenty-seven teams of second- and third-year UB Law students competed in arguing both sides of a federal appellate case, *U.S. v. Michael Williams*. The case concerns the constitutionality of the Protect Act of 2003, which prohibits the pandering of child pornography.

A panel of real-world judges – U.S. Magistrate Judge H. Kenneth Schroeder '61, U.S. Magistrate Judge Jonathan Feldman, Hon. Eugene M. Fahey '84, NY Appellate Division 4th Department and U.S. Magistrate Judge Marian W. Payson – judged the finals, in which second-year UB Law students Mark Welchons '09 and Anthony Rogers-Reeves '09 emerged victorious. Matthew Kibler '09 and Sydney Probst '09 took first place in the Best Brief category, and Taiymoor Naqi '09 was named Best Oral Advocate.

"It was reassuring to me to know that people who are professionals, who have excelled in this field, thought we did a good job, and it made me feel affirmed in career

choices and decisions that I am making," Rogers-Reeves said. "It made me realize that I really do enjoy the heck out of that kind of arguing."

The case, he said, was actually argued in front of the U.S. Supreme Court during the week of the Desmond competition. The appellant had been convicted of child porn pandering, but the Court of Appeals overturned his conviction because it found the law overbroad and thus unconstitutional.

"The part of the law in question in this case said essentially that anybody who even represented that they had child pornography to sell or trade over the Internet would be guilty of pandering," Rogers-Reeves said. "It becomes a matter of perhaps punishing

someone for just talking big or trying to rip someone off. Somebody who is just bragging about something they have, that is not a crime under our system."

The competition, he said, was an investment in time and effort: "I was not prepared for how much extra work it was going to be. It required me to give up some weekends and some evenings that I had not thought I was going to have to give up."

For his partner, the Desmond competition identified a growing edge. "I was not planning on going into litigation as a career," said Welchons. "Now I am seriously considering it."

"To be completely honest, I was terrified throughout the whole process. But it increased my confidence in speaking before people and in making oral arguments. Especially before the real judges in the finals – every question that I had hoped they would not ask me, they did. But overall it was a great experience."

The fourth annual Buffalo-Niagara Mock Trial Tournament, coordinated by Erie County Court Judge Thomas P. Franczyk, was held in city courtrooms and at UB Law School from Nov. 9 to 12.

Thirty-six law schools were represented, sending a total of 140 students to argue a fictional murder mystery about a wealthy tycoon who was poisoned with cyanide. A two-person team from Syracuse University Law School won the competition's final round, held in the Francis M. Letro Courtroom in O'Brian Hall. Other schools participating included St. John's, Temple and Michigan State.

Although two UB Law teams did not advance to a regional competition, two students, Joshua Hurwit '08 and Benjamin Carlisle '08, won the Best Direct Examination and Best Cross-Examination awards.

An awards dinner was held at Pettibones Grill at Dunn Tire Park.

In the National Trial Team Competition, UB Law's team of Kristin Paulding '09, Matt Schnirel '08 and Lisa Ball '08 placed fifth out of 20 teams in the regional contest. Paulding was named Best Overall Advocate, and



Left to right: Mark Welchons '09 at podium, and Anthony Rogers-Reeves '09, seated. Foreground, Emina Poricanin '09 and Taiymoor Naqi '09.

Schnirel was fifth overall among the 60 students competing.

UB Law sent two teams to the American Bar Association Regional Representation in Mediation Competition, held at Hofstra University on Long Island. Students Crystal Rodriguez '08, Danielle Barrett '08, Dwight Kanyuck '08 and Jennifer Jones '08 made the trip for the two-day competition, accompanied by coach Steve Sugarman '85, a UB Law faculty member. Kanyuck and Jones placed first in the semifinal round.

UB Law's four-person team of Mindi Byrd '09, Dan Christiansen '08, Greg Stein '08 and Jackie Bain '08 reached the semifinal round of the Jessup International Moot Court Regional Competition in Boston. The team went 3-1 in the preliminary rounds, advancing to the semifinals against Boston College.

The UB team's only loss in the preliminary rounds was against Harvard; however, the brief written by Greg Stein and Jackie Bain outscored Harvard.

The team was coached by Jennifer Mucha '07 and James O'Keefe '07.

In the Herbert Wechsler National Criminal Law Moot Court Competition, run by UB Law School's Criminal Law Center and held in Amherst, 24 two-person teams competed, with the winners coming from Chicago-Kent Law School. Competing for UB were Shannon Elwell '08, Christina Cassillo '08, Lauren Charles '08 and Kevin Habberfield '08.

Named after the drafter of the Model Penal Code, the Wechsler Competition is the only national moot court competition in the United States to focus on topics in substantive criminal law.

In the spring 2007 semester, UB Law's team of first-year students in the Fasken Martineau contest competed in Toronto against schools from New York and Ontario. UB, Cornell, Syracuse, Osgood, Queens and the University of Toronto were all represented. This invitation-only tournament, open to first-year law students, focuses on International Law issues. These UB Law students competed: Darice Dinsmore '09, Josh Dilk '09, Mike

Hecker '09, Gabby Petersen '09, Noel Mendez '09, Jodi-Kay Williams '09, Patrick Fitzsimmons '09, Carolyn Miller '09, Kevin Espinosa '09 and Mark A. Foti '09.

Also in spring 2007, UB Law's Niagara Cup team competed in Cleveland. That team comprised Jason Joaquin Almonte '07, Nicole Parshal '07, and current third-year students Theo Nickerson and Adam O'Brien.

In the Albert R. Mugel National Tax Moot Court Competition, held at UB Law School, two teams represented UB Law: Rachel Hezel '07 and Ray Walters '07, and Joshua Lawrence '07 with current third-year student Daniel Kuhn '08. The problem, written by Professor Kenneth F. Joyce, involved an appeal from a decision of the Tax Court regarding taxation of a compensatory damages award to a patron at a comedy club who was subjected to a tirade by a washed-up comic. Overall winners of the competition were Carrie Masters and Robert Cassity from the Salmon P. Chase College of Law at Northern Kentucky University.