

May It Please The Court:

UW Moot Court teams earn recognition nationally

BY PAUL S. DRAYNA

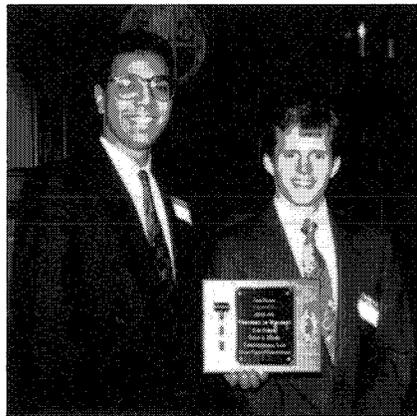
The University of Wisconsin Moot Court teams enjoyed a highly successful season of competition during the 1994-95 school year. Seven of Wisconsin's ten teams advanced to the quarter final level, and three teams to the final rounds of their competitions. In addition, three students earned "Best Oralist" honors, and one team was recognized for "Best Brief." (See sidebar for complete results).

I. HISTORY OF THE MOOT COURT BOARD

While many lawyers complain that law schools provide inadequate practical training, Moot Court gives students extensive experience in research, appellate brief writing, and oral argument skills while they are still in school. The program earns praise from practitioners, judges, and faculty alike for its unique contribution to the law school experience.

Nationally, the Moot Court program goes "way back," said Professor Carin Clauss, who formerly served as faculty advisor to the Moot Court program from 1981-1993. Clauss said the National Moot Court competition -one of the largest and most prestigious tournaments -has been around for at least forty to fifty years.

The first Moot Court teams formed at the UW nearly 30 years ago. Before a formal structure existed, individual faculty members would volunteer to coach loosely organized teams, Clauss said. At that time, the UW participated in only two competitions -the Jessup International tour-



Oscar Herasme and Dixon Gabnz, Class of 1995

namment, and the National Competition. For five years Clauss supervised the teams, and implemented a formal tryout process that involved careful review of writing samples, transcripts, and oral presentations.

As more and more students expressed interest in the activity three more competitions were added. The program was rapidly growing into more than one person could manage, Clauss said, and a committee was formed to examine Moot Court programs at other schools, and propose a solution for the UW. Upon recommendation of this Committee, the Law School founded a Moot Court Board in 1985. The student Board has a formal constitution and bylaws, and is run by an Executive Committee comprised solely of third year law students elected to five executive board positions. In 1986, the Moot Court Board added five competitions bringing the total UW teams to ten, Clauss said.

The UW's program is distinguishable from that of many schools where Moot Court is a loosely organized activity and any student may participate. Admission to the UW's Moot Court board is granted only through formal tryouts, and is considered a very high honor, said current Board president Laura Dunek. The Board endures today, and now administers a program recognized nationally for its excellence and innovation.

II. ADMISSION TO THE MOOT COURT BOARD

Students gain admittance to the board through three formal tryout processes. First year students may try out during the spring semester by submitting a short brief, and presenting an oral argument before a panel of judges. Generally 150 to 200 first years compete for only about 30 spots on the board, so competition is fierce.

Second year students who did not make it first year, or were unable to compete in the spring process, can try out through an intramural oral advocacy competition during the fall semester. For the fall competition, participants present a series of arguments based on a pre-written brief. Unlike the first years who tried out in the spring semester, competitors must argue both as petitioner and respondent. The two finalists in the Fall competition are admitted to the Moot Court Board, and compete during their third year.

Finally, second year students not yet admitted to the board may participate in a semester-long appellate writing and argument seminar, which culminates in the



Gerald Fox and William Bouhware, Class of 1995

Heffernan competition, named after Chief Justice Nathan S. Heffernan of the Wisconsin Supreme Court. The top two to four finalists are admitted to the Board, and compete during their third year.

Once admitted to the board, members are assigned to one of ten teams and compete in just one specific competition. The tournaments attended by UW teams are held throughout the country. The subject matter of each competition is focused to a particular topic, and ranges from environmental law, to products liability, to evidence, to constitutional law. Members are allowed to select which competition they prefer to attend, based on their individual interests.

III. PREPARING FOR COMPETITION

Preparing for a competition is a work and time-intensive undertaking, usually absorbing the participants for two months. The problem for a competition is generally mailed to participants one month before briefs are due. Problems are sometimes hypothetical cases, and sometimes real cases which are working their way through the appellate system at the time. After one month of intensive research and writing, the briefs are served upon the competition organizers, and all other competing teams. After serving their briefs, participants usually have about one month to prepare their oral arguments.

While preparing for competition, team

members are coached by third year students who competed the year before. This practice of students coaching students is rare, and distinguishes the UW's program from that of most other law schools where third year competitors are coached by faculty or practitioners. The UW's structure does not disadvantage its teams, says president Laura Dunek. "The student coaches provide very practical advice about how the competitions are run, and what is expected. They are able to sympathize with much of what the competitors face, having gone through it just a year earlier." Dunek says other competitors are often surprised to learn that the UW teams are second years with student coaches. "The quality of our teams often surprises other schools, especially when they learn that most of our competitors are only second years, coached by other students. Most schools send third years to these competitions, and they just don't expect to be given a run for their money by second years."

The practical experience shared by student coaches is augmented by substantive feedback from faculty members and area practitioners, who also serve as judges during the extensive oral argument practices. All competitions require that the teams argue not only from the side they briefed, but also the opposing side as well.

Finally the competition arrives, and participants put their skills to the test against other students from across the country. Wisconsin teams have historically



Maureen Boyle ('94) and Lisa Judson ('94)

done very well, and this year's competitors were no exception. See the sidebar article for results.

IV. DEVELOPMENT OF ORAL ADVOCACY AND ADVANCED LEGAL WRITING SKILLS

When all is said and done, Moot Court participants gain much more than a line on their resumes. The experience of becoming immersed in an issue, and arguing a case before judges is quite different from the usual law school experience. "The most exciting part of the competition was when it finally all came together," said Christina Plum, a 3L whose team won best brief at the Administrative Law Competition this year. "We felt confident, and we were lawyers arguing before the court."

Plum continued, "One of the most valuable parts of the competition came after we completed our oral arguments. It was then that the judges and practitioners gave their feedback. It's immediate feedback - something that is rare in law school."

The lessons of moot court are not left behind upon graduation, however. Team members carry their experiences into real court rooms, and say the skills they developed transfer directly into the practice of law. Discussing oral advocacy, Maureen Boyle, '94, Assistant District Attorney for Walworth County, Wisconsin said, "It's a hard thing for people to do, actually. Most people think that all lawyers can just stand up and speak eloquently. They



Chicago Bar Moot Court Competition. UW Law Students Lisa Judson and Elizabeth Donley hold the trophy

can't. And that's where Moot Court training is essential."

Boyle continued, "Most of what I do is oral argument. Every day I have to think on my feet and answer questions from the judge, other attorneys, and members of the jury. Thus for me, Moot Court skills translated directly into practice."

Faculty members also recognize the value of moot court in enriching the law school experience. Prof. Clauss, a former Solicitor General of the United States, says that the skills developed by Moot Court participants are impressive.

Employers who hire moot court members agree that practice makes perfect. Many law firms interviewing on campus now request applicants with Moot Court experience. "Top 30%, Law Review or Moot Court" is a common sight on the

bulletin board outside the placement office today. While many law firms recognize Moot Court as an equal to law review, some people still consider it a runner-up. Not so says Maureen Boyle. "For me it was such a clear choice between Moot Court and Law Review. With Moot Court I could sink my teeth into skills which I knew I would apply later in my career. For people who want to litigate, Moot Court is invaluable."

Through research, writing, oral advocacy, and coaching the UW Moot Court Board helps prepare students to enter court rooms as competent and polished advocates. Recognized by the bench, the bar, and the faculty for its outstanding contribution to legal education, Moot Court has earned a firm place in the overall law school experience.

Board President Laura Dunek is both proud and optimistic. "I am particularly proud of the fact that our students gain nationwide exposure through our competitions. Not only are they developing legal skills which will directly translate into the practice of law, but students develop these skills with guidance from judges and lawyers who practice in nearly every federal district in the country. The opportunity and exposure for UW law students is golden."

Although the law school's current construction project is draining funding, with a new appellate court room planned in the renovated law school, the UW's Moot Court teams will be pleasing courts well into the 21st century.