**HIST 4101: Moot Court Practicum**

Fall 2014

**Instructor:** Oliver Lee Bateman

**Moot Court Advisors:** An Lee Hsu

Michael Martinez

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**Office Hours:** 11:00 a.m.-12:20 p.m., Tuesday (class) and Thursday (club meeting)

**Time and Place of Class Meetings:** UNIVERSITY HALL, ROOM 08

**Description of Course Content:** This course will prepare students to participate in moot court competitions, which simulate the experience of arguing a constitutional case before the Supreme Court. Teams from UTA will compete in local, regional and national competitions. Moot court is a highly profitable exercise that acquaints students with existing case law, hones their forensic and analytical skills, and puts them in contact with legal scholars and practicing members of the legal community. Even students who do not travel to competitions will derive many advantages from their participation in this course. Local attorneys An Lee Hsu and Michael Martinez, who were both accomplished members of the Texas Tech University School of Law Moot Court program, will be assisting the team this semester.

**Student Learning Outcomes:**

1. Familiarize students with a hypothetical appellate case and the appropriate precedents.

2. Develop the capacity for oral argument in an appellate judicial setting.

3. Develop the capacity for analytical legal thinking.

**Textbooks and Other Course Materials:** 2014-2015 Official Moot Court Problem, available at <http://tumca.org/5-14/acma_case__2014-2015_1%20May%202014.pdf>

*(Optional but recommended)*

Alan Dworsky, The Little Book on Oral Argument (Rothman & Co., 1991).

Paul Weizer, How to Please the Court: A Moot Court Handbook (Peter Lang Publishing, 2004).

Michael Murray and Christy DeSanctis, Appellate Advocacy and Moot Court (Foundation Press, 2006).

**Course Assignments and Grading:** Students enrolled in the class will:

1. Complete three timed, graded “run-throughs” of the case problem during the course of the Fall 2014 semester (50% of final grade).

2. For each case listed on the syllabus, prepare a two-page case brief (see “How to Brief A Case” document, available via Blackboard) that addresses the following:

a) The relevant *facts* of the case.

b) The specific *holding* of the case, as announced by the writer of the majority opinion.

c) An analysis of the court’s *reasoning* in reaching its decision, making reference to important *precedents* that may have impelled this result.

d) A short discussion of the *dissent*, in situations where I advise you beforehand that such a discussion is warranted (50% of final grade).

Information about competitions is available here: <http://tumca.org/v3/competitions.htm>. We plan to attend all of the competitions listed on this page, including back-to-back competitions at Texas A&M and Texas Tech.

**Course Schedule:**

*Week of 8/18/2014 (meeting on 08/21/2014)*

**Discussion**: “Introduction to Moot Court”

**Reading Assignment**: Alex Kozinski, “In Praise of Moot Court – Not!”

<http://notabug.com/kozinski/mootcourt> (Recommended)

*Week of 08/25/2014*

**Discussion**: “The Case Problem – What the heck is going on here?”

**Reading Assignments**: 2014-2015 ACMA Moot Court Problem, available at

[*http://tumca.org/5-14/acma\_case\_\_2014-2015\_1%20May%202014.pdf*](http://tumca.org/5-14/acma_case__2014-2015_1%20May%202014.pdf)

*(READ THE STATUTE AT THE END OF THE CASE VERY CAREFULLY!)*

*Week of 09/01/2014*

**Discussion**: “Abortion: Opening the Frame”

**Reading Assignment**:    
Griswold v. Connecticut, 381 U.S. 479 (1965) <http://supreme.justia.com/cases/federal/us/381/479/case.html>

Roe v. Wade, 410 U.S. 133 (1973)

<http://supreme.justia.com/cases/federal/us/410/113/case.html>

Webster v. Reproductive Health Servs., 492 U.S. 490 (1989) <http://supreme.justia.com/cases/federal/us/492/490/>

*Week of 09/08/2014*

**Discussion**: “Abortion and Sandra Day O’Connor: The Undue Burden Test”

**Reading Assignment**: Hodgson v. Minnesota, 497 U.S. 417 (1990) <http://supreme.justia.com/cases/federal/us/497/417/>

Planned Parenthood of Se. Pa. v. Casey, 505 U.S. 833 (1992) <http://supreme.justia.com/cases/federal/us/505/833/>

Stenberg v. Carhart, 530 U.S. 914 (2000) <http://supreme.justia.com/cases/federal/us/530/914/case.html>  

*Week of 09/15/2014*

**Discussion**: “Abortion: Concluded”

**Reading Assignment**: Gonzalez v. Carhart, 550 U.S. 124 (2007)

<http://www.supremecourt.gov/opinions/06pdf/05-380.pdf>

Planned Parenthood of Minn., N.D., S.D. v. Rounds 686 F.3d 889 (8th Cir. 2012) (en banc) <http://media.ca8.uscourts.gov/opndir/12/07/093231P.pdf>

*Week of 09/22/2014*

**First In-Class Moots**

*Week of 09/29/2014*

**Discussion:** “Free Speech: Opening the Frame”

**Reading Assignment**: Wooley v. Maynard, 430 U.S. 705 (1977)

<http://supreme.justia.com/cases/federal/us/430/705/>

Consol. Edison Co. of N.Y. v. Pub. Serv. Comm’n of N.Y., 447 U.S. 530 (1980) <http://supreme.justia.com/cases/federal/us/447/530/>

Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n, 447 U.S. 557 (1980) <http://supreme.justia.com/cases/federal/us/447/557/>

Accountant’s Soc. of Va. v. Bowman, 860 F.2d 602 (4th Cir. 1988)

<http://law.justia.com/cases/federal/appellate-courts/F2/860/602/465793/>

Fla. Bar v. Went For It, Inc., 515 U.S. 618 (1995)

<http://supreme.justia.com/cases/federal/us/515/618/>

*Week of 10/06/2014*

**Discussion**: “Free Speech: Concluded”

**Reading Assignment**:

Conant v. Walters, 309 F.3d 629 (9th Cir. 2002)

<http://caselaw.findlaw.com/us-9th-circuit/1343211.html>

Pickup v. Brown, 740 F.3d 1208 (9th Cir. 2014) <http://cdn.ca9.uscourts.gov/datastore/general/2014/01/29/12-17681_order_amended_opinion.pdf>

Tex. Med. Providers Performing Abortion Servs. v. Lakey, 667 F.3d 570 (5th Cir. 2012)

<https://www.ca5.uscourts.gov/opinions/pub/11/11-50814-CV0.wpd.pdf>

Stuart v. Loomis, 1:11-CV-804, 2014 WL 186310 (M.D.N.C. 2014) <http://www.ncmd.uscourts.gov/sites/default/files/opinions/11cv804_163moo.pdf>

*Week of 10/13/2014*

**Second In-Class Moots**  
   
*Week of 10/20/2014*

**Third In-Class Moots**

*Week of 10/27/2014*

**Fourth In-Class Moots**

*Week of 11/3/2014*

**Practice Sessions Tuesday and Thursday**

**Competition at Texas Tech (Lubbock); 8 Students will attend**

*Week of 11/10/2014*

**Practice Sessions Tuesday and Thursday**

**Competition at Texas A&M (Fort Worth); 8-12 Students Will Attend**

*Week of 11/17/2014*

**Fifth In-Class Moots**

*Week of 11/24/2014*

**No Class – Thanksgiving Holiday**

*Week of 12/01/2014*

**Discussion:** “What next?”

**Possible East Coast Competition TBA**

**NOTE : *As the instructor, I reserve the right to adjust this schedule in any way that serves the educational needs of the students enrolled in this course. --OLB***

***UTA NOTE TO STUDENTS****: You are expected to keep track of their performance throughout the semester and seek guidance from available sources (including the instructor) if your performance drops below satisfactory levels. A general rule of thumb is this: for every credit hour earned, you should spend 3 hours per week working outside of class. Beyond the time required to attend each class meeting, you should expect to spend at least an additional 9 hours per week of your own time in course-related activities, including reading required materials, completing assignments, preparing for exams, etc.*

**Make-up Exams**: In the event of a documented medical emergency, I will schedule a make-up examination for you that will take place during office hours.

**Grade Grievances**: Any appeal of a grade in this course must follow the procedures and deadlines for grade-related grievances as published in the current undergraduate catalog. For the full text of this policy, see <http://wweb.uta.edu/catalog/content/general/academic_regulations.aspx#10>.

**UTA Drop Policy:** Students may drop or swap (adding and dropping a class concurrently) classes through self-service in MyMav from the beginning of the registration period through the late registration period. After the late registration period, students must see their academic advisor to drop a class or withdraw. Undeclared students must see an advisor in the University Advising Center. Drops can continue through a point two-thirds of the way through the term or session. It is the student's responsibility to officially withdraw if they do not plan to attend after registering. **Students will not be automatically dropped for non-attendance**. Repayment of certain types of financial aid administered through the University may be required as the result of dropping classes or withdrawing. For more information, contact the Office of Financial Aid and Scholarships (<http://wweb.uta.edu/ses/fao>).

**Americans with Disabilities Act:** The University of Texas at Arlington is on record as being committed to both the spirit and letter of all federal equal opportunity legislation, including the *Americans with Disabilities Act (ADA)*. All instructors at UT Arlington are required by law to provide "reasonable accommodations" to students with disabilities, so as not to discriminate on the basis of that disability. Any student requiring an accommodation for this course must provide the instructor with official documentation in the form of a letter certified by the staff in the Office for Students with Disabilities, University Hall 102. Only those students who have officially documented a need for an accommodation will have their request honored. Information regarding diagnostic criteria and policies for obtaining disability-based academic accommodations can be found at [www.uta.edu/disability](http://www.uta.edu/disability) or by calling the Office for Students with Disabilities at (817) 272-3364.

**Academic Integrity:** All students enrolled in this course are expected to adhere to the UT Arlington Honor Code:

*I pledge, on my honor, to uphold UT Arlington’s tradition of academic integrity, a tradition that values hard work and honest effort in the pursuit of academic excellence.*

*I promise that I will submit only work that I personally create or contribute to group collaborations, and I will appropriately reference any work from other sources. I will follow the highest standards of integrity and uphold the spirit of the Honor Code.*

Violators will be disciplined in accordance with University policy, which may result in the student’s suspension or expulsion from the University.

**Student Support Services**:UT Arlington provides a variety of resources and programs designed to help students develop academic skills, deal with personal situations, and better understand concepts and information related to their courses. Resources include tutoring, major-based learning centers, developmental education, advising and mentoring, personal counseling, and federally funded programs. For individualized referrals, students may visit the reception desk at University College (Ransom Hall), call the Maverick Resource Hotline at 817-272-6107, send a message to [resources@uta.edu](mailto:resources@uta.edu), or view the information at [www.uta.edu/resources](http://www.uta.edu/resources).

**Electronic Communication:** UT Arlington has adopted MavMail as its official means to communicate with students about important deadlines and events, as well as to transact university-related business regarding financial aid, tuition, grades, graduation, etc. All students are assigned a MavMail account and are responsible for checking the inbox regularly. There is no additional charge to students for using this account, which remains active even after graduation. Information about activating and using MavMail is available at <http://www.uta.edu/oit/cs/email/mavmail.php>.

**Student Feedback Survey:** At the end of each term, students enrolled in classes categorized as lecture, seminar, or laboratory shall be directed to complete a Student Feedback Survey (SFS). Instructions on how to access the SFS for this course will be sent directly to each student through MavMail approximately 10 days before the end of the term. Each student’s feedback enters the SFS database anonymously and is aggregated with that of other students enrolled in the course. UT Arlington’s effort to solicit, gather, tabulate, and publish student feedback is required by state law; students are strongly urged to participate. For more information, visit <http://www.uta.edu/sfs>.

**Emergency Exit Procedures:** Should we experience an emergency event that requires us to vacate the building, students should exit the room and move toward the nearest exit, When exiting the building during an emergency, one should never take an elevator but should use the stairwells. Faculty members and instructional staff will assist students in selecting the safest route for evacuation and will make arrangements to assist handicapped individuals.

**Final Review Week:** A period of five class days prior to the first day of final examinations in the long sessions shall be designated as Final Review Week. The purpose of this week is to allow students sufficient time to prepare for final examinations. During this week, there shall be no scheduled activities such as required field trips or performances; and no instructor shall assign any themes, research problems or exercises of similar scope that have a completion date during or following this week *unless specified in the class syllabus*.