**HIST 4302: Moot Court Practicum**

Fall 2015

**Instructor:** Amber White

**Moot Court Advisor:** Andrew Stubblefield

**Office Number:** UNIVERSITY HALL, ROOM 217

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**Class Time:** 10:00 a.m.-10:50 a.m., Monday, Wednesday and Friday

**Office Hours:** 2:00 p.m. – 4:00 p.m. Tuesday

**Place of Class Meetings:** UNIVERSITY HALL, ROOM 14

**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. Students will also get the experience of drafting a legal appellate brief for submission to the Supreme Court (simulated). 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. Andrew Stubblefield, who is a Dallas attorney practicing appellate litigation for Coats Rose, will be assisting and coaching the team this year. Mr. Stubblefield is an accomplished alumnus of the University of Texas at Arlington, University of Mississippi School of Law, and has received recognition as a National Moot Court Champion at the collegiate and law school levels.

**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 persuasive legal writing.

4. Develop the capacity for analytical legal thinking.

**Attendance:** As the instructor of this section, I fully expect each student to come to each class meeting and arrive fully prepared and ready to engage in discussion of the cases. Being in class for the case discussions is not only critical to your understanding of the case we will be trying in the class, but also critical to your development of oral argument. Your absence hurts your classmates. With that said, it is understandable that things do come up. Therefore, you will be permitted three absences in the class during the year. I will be taking attendance at each class meeting, excused unexcused or otherwise. After three absences, your attendance/participation grade will be adversely impacted by each additional absence.

**Textbooks and Other Course Materials:** 2015-2016 Official Moot Court Problem & Supplementary Cases, available on Blackboard

*(Optional but recommended)*

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

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

1. Submit a 20 page double-spaced brief complete with citations in accordance with the Uniform System of Citation. (40% of final grade)
   1. Brief will be a written argument reflecting issues to be decided by an Appellate Court for the ACMCA moot court problem.
   2. Brief must be no more than 20 double-spaced pages, 1 inch margins, 12 point Times New Roman font
   3. Brief must include a Cover Page, Questions Presented Page, Table of Contents, Table of Authorities, Statement of the Case, Summary of the Argument and relevant appendices. None of these pages are included in the page count for the body of the brief.
   4. Grading criteria for the brief will be based on 2 parts: Legal Analysis and Writing Quality. Additional information will be distributed closer to the due date of the assignment.
2. Complete two full-length moot rounds of oral arguments of the case problem during the semester that are timed and graded. (40% of final grade – each graded moot will be worth 20% each)
3. Prepare a 1-2 page brief on each case discussed during the class session. (10% of final grade)
   1. Typewritten copies of the briefs are to be submitted at the end of each class. This will be for a completion grade.
   2. Handwritten case briefs will not be accepted.
4. Fully participate in class discussions and argument rounds (10% 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*, to gain the perspective of those who opposed the majority opinion.

Please note: We plan to attend all of the competitions listed on this page, including back-to-back competitions at Texas A&M and Texas Tech. You will not be graded on any of the out of class competitions. Travel will be optional but desirable to get a full experience from the course.

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| Grading Scale | |
| A | 90-100% |
| B | 80-89% |
| C | 70-79% |
| D | 60-69% |
| F | 59 or Below |

**COURSE SCHEDULE**

Before the First Day of Class:

Read Winning the Moot Court Oral Argument: A Guide for Intra-and Intermural Moot Court Competitors by Gerald Lebovits, Drew Gewuerz, and Christopher Hunker. Available on Blackboard.

F August 28

DISCUSSION: Intro to Legal System & Oral Argument; How to Brief a Case

Homework: Read the case problem and be prepared to discuss the case in full detail at the next class meeting.

M August 31

DISCUSSION: Kedesh College v. United States

Homework: Read *Roberts v. United States Jaycees*, 468 U.S. 609 (1984)

*https://supreme.justia.com/cases/federal/us/468/609/case.html*

*Employment Division v. Smith*, 494 U.S. 872 (1990)

https://supreme.justia.com/cases/federal/us/494/872/case.html

Assignment Due: Case Brief for Roberts v. US Jaycees due at the end of class

W September 2

DISCUSSION: Roberts v. U.S & Employment Div. v. Smith

Homework: Read

*Salvation Army v. Department of Comm’y Affairs*, 919 F.2d 183 (3d Cir. 1990)

*Salvation Army v Department of Community Affairs of State of NJ.pdf*

*Regents of Univ. of Mich. v. Ewing*, 474 U.S. 214 (1995)

*https://supreme.justia.com/cases/federal/us/474/214/case.html*

Assignment Due: Case Briefs for Employment Div. v. Smith due at the end of class.

F September 4

DISCUSSION: Salvation Army v. Department of Comm’y Affairs & Regents of Univ. of MI v. Ewing

Homework: Read *La. Debating and Literary Assn. v. City of New Orleans*, 42 F.3d 1483 (5th Cir. 1995)

*http://law.justia.com/cases/federal/appellate-courts/F3/42/1483/604698/*

*Thomas v. Anchorage Equal Rights Comm’n*, 165 F.3d 692 (9th Cir. 1999)

Thomas v Anchorage Equal Rights Com'n.pdf

*Grace United Methodist Church v. City of Cheyenne*, 451 F.3d 643 (10th Cir. 2006)

http://law.justia.com/cases/federal/appellate-courts/F3/451/643/627360/

M September 7

Labor Day Holiday – No Class

Homework: Read *Chi Iota Colony of Alpha Epsilon Pi Fraternity v. City Univ. of N.Y.*, 502 F.3d 136 (2d Cir. 2007)

http://law.justia.com/cases/federal/appellate-courts/ca2/06-4111/06-4111-cv\_opn-2011-03-27.html

*Parker v. Hurley*, 514 F.3d 87 (1st Cir. 2008)

http://caselaw.findlaw.com/us-1st-circuit/1387902.html

W September 9

Discussion: Thomas, Grace United, Chi Iota & Parker cases. Review of Issue 1 – key arguments and persuasive points. Team Assignments

Homework: Prep for first-in class moots

Assignment Due: Case Briefs for Grace United Methodist & Parker v. Hurley due at the end of class

F September 11

IN-CLASS MOOTS ROUND 1

M September 14

IN-CLASS MOOTS ROUND 2

W September 16

Homework: Read *Bolling v. Sharpe*, 347 U.S. 497 (1954)

https://supreme.justia.com/cases/federal/us/347/497/case.html

*Graham v. Richardson,* 403 U.S. 365 (1971)

Graham v Richardson.pdf

*In re Griffiths*, 413 U.S. 717 (1973)

https://supreme.justia.com/cases/federal/us/413/717/case.html

F September 18

Homework: Read *Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975)

https://supreme.justia.com/cases/federal/us/420/636/case.html

*Mathews v. Diaz*, 426 U.S. 67 (1976)

https://supreme.justia.com/cases/federal/us/426/67/case.html

M September 21

Homework: Read *Plyler v. Doe*, 457 U.S. 202 (1982)

https://supreme.justia.com/cases/federal/us/457/202/case.html

*Bernal v. Fainter*, 467 U.S. 216 (1984)

https://supreme.justia.com/cases/federal/us/467/216/case.html

W September 23

Homework: Read *Arizona v. United States*, 132 S. Ct. 2492 (2012)

https://supreme.justia.com/cases/federal/us/567/11-182/opinion3.html

*United States v. Windsor*, 133 S. Ct. 2675 (2013)

https://supreme.justia.com/cases/federal/us/570/12-307/opinion3.html

F September 25

DISCUSSION: Assigned cases Arizona v. US & US v. Windsor; Review Issue 2 Cases; Prep for Issue 2 Moots

M September 28

SECOND IN-CLASS MOOTS – ROUND 1

W September 30

SECOND IN-CLASS MOOTS – ROUND 2

F October 2

Class will not meet. Meet with partners during class time for individual team practice. Report on improvements to submitted via blackboard at the end of class.

M October 5 – Practice Rounds; prep for competition

W October 7 – Practice Rounds; prep for competition

F October 9-10th – Class will not meet. UNT Law Invitation Moot Court Competition

M October 12 – Cycle 1 Graded Rounds

W October 14 – Cycle 1 Graded Rounds

F October 16 – No class meeting; meet with teams to practice mooting arguments

M October 19 – Practice Rounds; prep for competition

W October 21 – Practice Rounds; prep for competition

F October 23-24th – Class will not meet. Texas Tech ACMA Regional Competition

(Lubbock, TX)

M October 26 – Legal Research 101; Issuance of the Brief Assignment

Homework: Legal Research Assignment. Email completed assignment before next class.

W October 28 – Legal Writing 101 – using the bluebook and other citation references

Homework: Citations. Email to professor before next class.

F October 30 – Tables, Statutes and Other Reference & Authorities Lists

Homework: Create a table of authorities. Email to professor before next class.

M November 2 – Practice Moots & Video Review

W November 4 – Practice Moots & Video Review

F November 6-7th – Class will not meet. Texas A&M ACMA Regional Competition

(Fort Worth, TX)

M November 9 – Video review day

W November 11 – Cycle 2 Graded Moots

F November 13 – Cycle 2 Graded Moots

M November 16 – Cycle 2 Graded Moots

W November 18 – Cycle 2 Graded Moots

F November 20 – Q&A Session for Brief Submission

M November 23 – Practice Rounds for regional Qualifiers.

Brief Submission due date for bonus points

W November 25 – No Class Thanksgiving Holiday

F November 27 – No Class Thanksgiving Holiday

M November 30 – Practice rounds for regional qualifiers. Brief Submissions Due

W December 2 – Practice rounds for regional qualifiers.

F December 4 – Brief Grades released and discuss revisions for brief writing competition submissions. Attendance at this class required. Last class meeting of the semester.

BRIEF SUBMISSIONS DUE TO ACMA ON DECEMBER 13, 2015.

**Possible East Coast Competition For Nationals in the Spring**

**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.***

***–amber white***

***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 competitions & oral arguments, etc.*

**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*.

**Emergency Phone Numbers:** In case of an on-campus emergency, call the UT Arlington Police Department at **817-272-3003** (non-campus phone), **2-3003** (campus phone). You may also dial 911.