

Moot Court

Course: PSC 3311

Time: TR, 3:30-4:45pm

Room: Draper 329

Instructor: Stephen Block

Office: Draper 338

Office Hours: MW 10am-12pm, and by appointment

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Teaching Assistant: Kevin Burns

Office: Draper 129

Office Hours: M-F, by appointment

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Goals and Objectives:

This course will prepare students to participate in undergraduate moot court competitions, which simulate the experience of arguing a constitutional case before the Supreme Court. Teams from Baylor will compete in local, regional, and national competitions. In the process, students will become familiar with case law, develop analytical and rhetorical skills, and put them in contact with practicing members of the legal community.

Required Texts

2014-2015 ACMA Case (posted on Blackboard)

2014-2015 ACMA Cited Cases (posted on Blackboard)

Recommended Texts

Dworsky, Little Book on Oral Argument

Dworsky, Little Book on Legal Writing

Course Requirements

Participation (15%): Students will be expected to attend every class and to participate fully. Failure to do so will be reflected in the grade. In accordance with university policy, any student missing 25 percent of scheduled classes will fail the course.

Quiz Average (15%): There will be a series of quizzes on the ACMA case problem and relevant precedents.

Briefs on Case Relevance (10%): Each Student will be assigned two cases listed as precedents for the case problem, one which will be reviewed and discussed in class in Week 2 and one which will be reviewed and discussed in class in Week 3. Each student will submit two 300-600 word briefs that explain the relevance of one of the cited cases and its possible application to the facts of *Sommerville and DeNolf v. Olympus*. The first brief will be due by email prior to class discussion of the case in Week 2, will be graded on a pass/fail basis, and will be factored into the course participation grade. The second brief will be due by email prior to class discussion of the case in Week 3, will receive a letter grade, and will constitute 10 percent of the final grade for the course. *The cases for which these briefs are written must be different from the case for which the oral argument analysis is written.*

Written Analysis/Critique of Oral Argument (5%): Each student will submit by email a 300-600 word written analysis and critique of the oral arguments of both petitioner and respondent in one of cited cases. This analysis will be due by **11:59pm on September 22nd**.

Oral Argument Outlines (5%): Each student will submit by email a one-page oral argument outline for petitioner and a one-page oral argument outline for respondent, by **11:59pm on September 29th**.

Oral Arguments (40%): Each student will participate in three in-class competitions. The first (Week 7) will be graded on a pass/fail basis, will factor into the participation grade for the course, and will be used to determine the teams that will compete in the regional tournaments. The second (Week 10) and third (Week 15) will receive a letter grade, each of which will constitute 20 percent of the final grade for the course. *All students must participate in all three of the in-class competitions.*

Final Exam (10%): The final exam will test the student's knowledge of the case problem and the relevant precedents covered in the course.

Petitioner/Respondent Brief (Extra Credit): Students may, if they choose, write a petitioner or respondent brief for possible submission to the ACMA Brief Writing Contest. *This brief can either add up to the three points on the student's final course grade or the student may substitute the grade received on the brief for the lower of their oral argument grades.*

Grading Scale:

100->93=A; 93->90=A-; 90->87=B+; 87->83=B; 83->79=B-; 79->77=C+; 77->73=C; 73->69=C-; 69->66=D+; 66->63=D; 63->60=D; <60=F

Course Schedule

8/26: Course Introduction

8/28: ACMA Case Problem –*Sommerville and DeNolf v. Olympus*

(This is a hypothetical case assigned each year by the American Collegiate Moot Court Association (ACMA) for the purpose of moot court competition. At the undergraduate level, cases that serve as precedents are also designated by the ACMA for the purposes of preparing briefs and arguments. This year's case involves the right to privacy/undue burden (14th Amendment) and the regulation of commercial speech (1st Amendment)).

9/2-9/4 (Week 2): Review Precedents:

Group 1 (14th Amendment):

Griswold v. Connecticut (1965)
Roe v. Wade (1973)
Webster v. Reproductive Health Services (1989)
Hodgson v. Minnesota (1990)

Group 2 (1st Amendment):

Wooley v. Maynard (1977)
Consol. Edison Co. of NY v. Public Services Commission of NY (1980)
Cent. Hudson Gas & Elec. Corp. v. Public Services Commission of NY (1980)
Accountant's Soc. Of Va. v. Bowman (4th Cir. 1988)
Florida Bar v. Went For It, Inc. (1995)

9/9-9/11 (Week 3): Review Precedents:

Group 1 (14th Amendment):

Planned Parenthood of SE Pennsylvania v. Casey (1992)
Stenberg v. Carhart (2000)
Gonzalez v. Carhart (2007)
Planned Parenthood of Minn., N.D., SD. v. Rounds (8th Cir. 2012)

Group 2 (1st Amendment):

Conant v. Walters (9th Cir. 2002)
Tex. Med. Providers Performing Abortion Servs. v. Lakey (5th Cir. 2012)
Pickup v. Brown (9th Cir. 2014)
Stuart v. Loomis (M.D.N.C. 2014)

9/16-9/18 (Week 4): Review Precedents and ACMA Case Problem/Formulate Arguments:

Group 1 (14th Amendment):

Syllabi of 1st Amendment Cases

Group 2 (1st Amendment):

Syllabi of 14th Amendment Cases

9/23-9/25 (Week 5): Oral Argument Practice

9/30-10/2 (Week 6): Practice/Refine Oral Arguments:

10/7-10/9 (Week 7): First In-Class Competitions

10/14-10/16 (Week 8): Practice Oral Arguments

10/21-10/23 (Week 9): Refine Oral Arguments

10/28-10/30 (Week 10): Second In-Class Competitions

11/4-11/6 (Week 11): Prep for Texas Tech Regional Qualifier

11/11-11/13 (Week 12): Prep for Texas A&M Regional Qualifier

11/18-11/20 (Week 13): Practice Oral Arguments

11/25 (Week 14): Optional Oral Argument Practice

12/ 2-12/4 (Week 15): Third In-Class Competitions

12/15: Final Exam (2-4pm)

Online Resources:

American Collegiate Moot Court Association (ACMA): <http://www.acmamootcourt.org/>

Texas Undergraduate Moot Court Association (TUMCA): <http://tumca.org/>

US Supreme Court: <http://www.supremecourt.gov/>

US Supreme Court Opinions: <http://www.supremecourt.gov/opinions/opinions.aspx>

United States Reports: <https://bulk.resource.org/courts.gov/c/US/>

4th Circuit Court of Appeals: <http://www.ca4.uscourts.gov/>

5th Circuit Court of Appeals: <http://www.ca5.uscourts.gov/>

8th Circuit Court of Appeals: <http://www.ca8.uscourts.gov/>

9th Circuit Court of Appeals: <http://www.ca9.uscourts.gov/>

US District Court-Middle District of North Carolina: <http://www.ncmd.uscourts.gov/>

OYEZ website (US Supreme Court media): <http://www.oyez.org/>

Legal Information Institute (Cornell): <http://www.law.cornell.edu/supremecourt/text/home>

Justia (Free Legal Information): <http://www.justia.com/>

Important Dates

ACMA Regional Competition

Texas Tech School of Law

Friday - Saturday

November 7-8, 2014

Lubbock, Texas

ACMA Regional Competition

Texas A&M School of Law

Friday-Saturday

November 14-15, 2014

Fort Worth, TX

2014-2015 NATIONAL CHAMPIONSHIP TOURNAMENT

Florida International University College of Law

Friday-Saturday

January 16-17, 2015

Miami, Florida