

Moot Court

Course: PSC 3311

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

Room: Draper 353

Instructor: Stephen Block

Office: Draper 350

Office Hours: MWF 10:30am-12pm, and by appointment

Email: steve_block@baylor.edu

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, will develop analytical and rhetorical skills needed for success in legal and other professions, and will be put in contact with practicing members of the legal community.

Required Texts

2017-2018 ACMA Case (posted on Canvas)

2017-2018 ACMA Cited Cases (posted on Canvas)

Recommended Texts

Scalia and Garner, *Making Your Case: The Art of Persuading Judges*

Dworsky, *Little Book on Oral Argument*

Dworsky, *Little Book on Legal Writing*

Course Requirements

Participation (10%): Students are 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 (20%): 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 of 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 potential application to the facts of *Denolf v. State of 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.

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 (30%): Each student will participate in three in-class competitions. The first (Week 7) will be graded on a pass/fail basis, but will factor into the participation grade for the course. The second (Week 10) and third (Week 15) will receive a letter grade, each of which will constitute 15 percent of the final grade for the course. All students must participate in all three of the in-class oral argument rounds.

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 (15%): Students will write a petitioner or respondent brief for possible submission to the ACMA Brief Writing Contest.

Written Analysis/Critique of Oral Argument (Extra Credit): A student may submit by email a 300-600 word written analysis and critique of the oral arguments of both petitioner and respondent in one of the cited cases. This analysis will be due by the last day of class for up to four extra credit points on the final exam.

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

8/22: Course Introduction

8/24: ACMA Case Problem –*William DeNolf v. State of 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 raises two separate constitutional questions: 1) Whether the Functional Brain Mapping Exam (FBME) conducted by the State of Olympus facially violated the right against self-incrimination protected by the Fifth Amendment, as applied to the states through the Due Process Clause of the Fourteenth Amendment; and 2) Whether the sentence of solitary confinement, as applied to Petitioner, violated the Cruel and Unusual Punishment Clause of the Eighth Amendment, as applied to the states through the Due Process Clause of the Fourteenth Amendment.)

8/29-8/31: (Week 2): Review Precedents:

Group 1 (5th Amendment Cases):

Schmerber v. California, 384 U.S. 757 (1966)
Rhode Island v. Innis, 446 U.S. 291 (1980)
Estelle v. Smith, 451 U.S. 454 (1981)
Doe v. United States, 487 U.S. 201 (1988)

Group 2 (8th Amendment Cases):

Trop v. Dulles, 356 U.S. 86 (1958)
Hutto v. Finney, 437 U.S. 678 (1978)
Rhodes v. Chapman, 452 U.S. 337 (1981)
Harmelin v. Michigan, 501 U.S. 957 (1991)

9/5-/9/7: (Week 3): Review Precedents:

Group 1 (5th Amendment Cases):

Pennsylvania v. Muniz, 496 U.S. 582 (1990)
United States v. Hubbell, 530 U.S. 27 (2000)
Kyllo v. US, 533 U.S. 27 (2001)
United States v. Weber, 451 F.3d 552 (9th Cir. 2006)

Group 2 (8th Amendment Cases):

Hudson v. McMillian, 503 U.S. 1 (1992)
Helling v. McKinney, 509 U.S. 25 (1993)
Madrid v. Gomez, 889 F. Supp. 1146 (N.D. Cal. 1995)
Ewing v. California, 538 U.S. 11 (2003)

9/12-9/14: (Week 4): Review Precedents and ACMA Case Problem/Formulate Arguments:

Group 1 (5th Amendment Cases)

Commonwealth v. Knoble, 42 A.3d 976 (Pa. 2012)

United States v. Von Behren, 822 F.3d 1139 (10th Cir. 2016)

Group 2 (8th Amendment Cases)

Roper v. Simmons, 543 U.S. 551 (2005)

9/19-9/21: (Week 5): Oral Argument Basics and Strategies/Formulate Oral Arguments

**9/26-9/28: (Week 6): Practice Oral Arguments/Prep for St. Mary's Law School Invitational
St. Mary's Law School Invitational Tournament (San Antonio): 9/29-9/30**

10/3-10/5: (Week 7): First In-Class Oral Argument Rounds (Pass/Fail)

10/10-10/12: (Week 8): Practice Oral Arguments

**10/17-10/19: (Week 9): Prep for UT-Arlington Invitational
UT-Arlington Invitational Tournament (Arlington): 10/20-10/21**

**10/24-10/26: (Week 10): Second In-Class Oral Argument Rounds (Graded)
Petitioner/Respondent Brief Due 10/30 by 11:59pm**

**10/31-11/2: (Week 11): Prep for A&M Regional Qualifier
Texas A&M Regional Tournament (Ft. Worth-National Qualifier): 11/4-11/5**

**11/7-11/9: (Week 12): Prep for Texas Tech Regional Qualifier
Texas Tech Regional Tournament (Lubbock-National Qualifier): 11/10-11/11**

11/14-11/16: (Week 13): Oral Argument Practice

11/21: (Week 14): Optional Oral Argument Practice

11/28-11/30: (Week 15): Third In-Class Oral Argument Rounds (Graded)

12/8: Final Exam (2-4pm)

Online Resources:

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

Texas Undergraduate Moot Court Association (TUMCA): <http://www.tumcamootcourt.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/>

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

10th Circuit Court of Appeals: <https://www.ca10.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:

TUMCA Invitational Tournament

St. Mary's Law School
Friday-Saturday
September 29-30, 2017
San Antonio, TX

TUMCA Invitational Tournament

University of Texas-Arlington
Friday-Saturday
October 20-21, 2017
Arlington, TX

ACMA Regional Tournament

Texas A&M School of Law
Saturday-Sunday
November 4-5, 2017
Fort Worth, TX

ACMA Regional Tournament

Texas Tech School of Law
Friday-Saturday
November 10-11, 2017
Lubbock, TX

2017-2018 NATIONAL CHAMPIONSHIP TOURNAMENT

UNT-College of Law
Friday-Saturday
January 19-20, 2018
Dallas, Texas