

22 Years Later: A Look Back on the FBA Younger Lawyers Division's Thurgood Marshall Memorial Moot Court Competition

by Adine S. Momoh



Adine S. Momoh is a partner and trial attorney at Stinson Leonard Street LLP, where her practice consists of banking litigation, estates and trusts litigation, and creditors' rights and bankruptcy in the firm's business and commercial litigation group. Momoh is also a FBA Eighth Circuit vice president, vice chair and board member of the FBA Younger Lawyers Division, vice president of membership and board member of the Minnesota Chapter's board of directors, and former law clerk to Hon. Jeanne J. Graham, U.S. District Court for the District of Minnesota.

Who would have thought that a moot court competition with only eight teams would grow into a nationally recognized moot competition with a strictly enforced registration cap of 40 teams that consist of law students from across the country and judges at all levels of service, from the state, federal and administrative law courts? Certainly not the founders of the Thurgood Marshall Memorial Moot Court Competition, but that is exactly what happened. Founded in 1996 by the Younger Lawyers Division (YLD) of the Federal Bar Association (FBA), the competition is not only the division's signature event, but it is also one of the most premier moot court competitions in the country.

History

YLD board member Janet Richardson created the competition as a means to demonstrate the value of the YLD's board to the FBA and FBA membership at large. Richardson wrote the first competition problem and bench brief, arranged for brief graders, and solicited judges. The FBA and its leadership rallied behind the YLD, and the rest is history. Richardson directed the competition until 1998 and eventually became chair of the YLD.

The competition is named after Associate Justice Thurgood Marshall, the first African-American justice on the U.S. Supreme Court, who before becoming a judge was best known for his high success rate in arguing before the very court he would one day serve. Several years before the competition got off the ground, the YLD secured permission from Justice Marshall's family to name the competition after him. The



Top: 2017 Overall Champions Shanthi Rajogopalan and Sarah Crandall, University of Virginia. Bottom: 2017 Moot Court Directors Joey Bowers and Adine Momoh who directed the competition for four years and five years, respectively.

competition, designed for two-person teams, focuses on written briefs as well as oral arguments based on a problem involving federal law. Problem topics have ranged from employment law; Fourth Amendment issues under 42 U.S.C. § 1983; the First, Fifth, Sixth,

2017 Moot Court Winners

1st Place Brief:	St. Mary's University (Team 15)
2nd Place Brief:	St. Mary's University (Team 16) and University of Virginia (Team 20)
3rd Place Brief:	University of Dayton (Team 17)

1st Place Oralist:	William Calve, St. Mary's University
2nd Place Oralist:	Devin DeBruyn, St. Mary's University
3rd Place Oralist:	Jennifer Milazzo, UCLA

Best Final Round Oralist: William Calve, St. Mary's University

Overall Champion:	University of Virginia (Team 20)
2nd Place:	St. Mary's University (Team 15)
3rd Place:	Kansas University (Team 8)

Seventh, 14th, 19th, and 21st Amendments; § 5 of the Federation Arbitration Act; and ERISA's anti-retaliation provision to the "law of the case" doctrine.

Not only does the competition involve a problem of federal law, but it is also regularly held in a courthouse (as opposed to a law school or office setting), again to mimic the experiences of the young Justice Marshall arguing issues from the district court to eventually the Supreme Court. For years, the competition directors struggled to find appropriate locations for every round of the competition. Past venues include the U.S. District Court for the District of Columbia and even the D.C. Office of DLA Piper due to a scheduling conflict with a local law school. Now the preliminary rounds are consistently held at the D.C. Superior Courts, the intermediate rounds are at the U.S. Court of Federal Claims, and the final round is held at the U.S. Court of Appeals for the Armed Forces (CAAF) (credit for use of the CAAF goes to past FBA Presidents Jim Richardson—no relation to Janet Richardson—and Bob Mueller. Richardson, who worked at the CAAF, and Mueller, the then-chief judge of the CAAF, secured the YLD's use of the CAAF as the venue for the final round). The opportunity for law students to present oral arguments in actual courtrooms is an invaluable experience.

Moreover, the real-world courtroom experience is further enhanced by the competition's judges who are actual judges (state or federal), practitioners, or scholars. Final round judges have also included numerous sitting judges, FBA presidents, a U.S. brigadier general, and, at one time, a member of the U.S. Commission on Civil Rights.

As for the registration and competition

logistics, the competition started with eight teams in 1996, and in 2010, the competition reached a high of 30 teams. In 2012, under past President Bob DeSousa's leadership, the 2012-2013 Competition Directors Adine Momoh and Kelly Scalise were tasked with turning a 30-team competition into a 50-team competition with the goal of each state having at least one team represented. The competition directors came close, reaching another competition high of 49 registered teams. Following the 2014 competition (which had 48 teams), the competition directors capped registration at 40, which has remained in place ever since. Because the competition is capped at 40 teams, the preliminary rounds require at a minimum 60 volunteer judges. The competition directors aim to line up around 75 volunteer judges in case any last-minute conflicts arise (which they invariably do).

The 2017 Competition

This year's problem presented two issues arising out of current events specific involving police shootings: the First Amendment and freedom of speech. The first issue was whether a government can permissibly impose fees that are not related to the state's expenses as a precondition to access to a public forum, and if those fees must be waived for would-be protesters who cannot afford them. The second issue was whether the government can criminalize threatening communications made without the specific purpose of instilling fear in the recipient. Dan Strunk, a past YLD board member, competition director, and competition participant, drafted this year's problem.

The competition took place in Washing-

ton, D.C., from March 16 to 17, 2017. Having briefed their respective positions on the two issues certified to the Supreme Court, the law students presented their oral arguments. A total of 40 teams registered, but ultimately 38 teams competed (one team withdrawing due to illness, the other due to lack of preparedness). Teams were eliminated over the course of the two days: first from a cut of the then-38 to 16 on Thursday; then from a cut of 16 to eight, eight to four, and four to two on Friday.

The two teams who made it to the final round were able to present their case to the final round panel. Joined by Strunk, the remaining final round panel consisted of Hon. Scott W. Stucky, U.S. judge of the CAAF; Jim Richardson; Janet Richardson; and Brad Henry, past YLD chair and past president of the FBA's Massachusetts Chapter. Each of these final round judges had in one way or another been instrumental in making the competition the extraordinary event that it is today.

2017 also saw the naming of a new champion. For the past three years, St. Mary's University had taken home the title of Overall Champion of the competition. This year, the title went to Shanthi Rajagopalan and Sarah Crandall of the University of Virginia. William Calve and Sophia George from St. Mary's University finished second. The remaining winners of the competition are as follows:

Changing of the Guard

The directors of the competition, Adine Momoh, YLD vice chair, board member, and chair of the Thurgood Marshall Moot Court Committee; and Joey Bowers, YLD secretary and board member, thank all who

continued on page 95

Spotlight continued from page 92

† Crystal N. Acevedo
† Cyrus Ellison
† Maria Green
† William David Ramos
† David J. Rodziewicz
† Latravia Smith
† Lisa Ann Thomas
† Christian Waugh
† David Wood
† Marina Zorina
* Devon W. Galloway
* Teresa A. Herrmann

Palm Beach County

† William John Eagan
† Jason Kaplan
† Nicole Nicolette Mace
† Jill Amy Sanoff
* Gregory Morse
* Amy Morse

South Florida

† Nicole Alesandra Bauta
† Victor Manuel Borimonoff
† Luis R. Casas
† Juliee Anne Conde-Medina
† Gregory Deutch
† Alanna Thi Duong
† Max G. Frizalone
† Rosie Gil
† Mariam Grigorian
† Frank Labrador
† Brendalee Marcenaro
† Michael Nadler
† Jonathan Kent Osborne
† Natalia Pinzon Martinez
† Olivia Prolk Schuchovski
† Sonya Randolph
† Maria C. Rodriguez
† Annasofi Alexandra Roig
† Evelyn M. Runciman
Rosen
† Kemil Adriana Saab
† Andrew Sagona

† Frederic Charles Shadley
† Hon. Rodney Smith
† Sarah Valenti
† Thomas Lee Voracek
† Steven D. Weber
* Barbara Perez

Southern District of Georgia

† Martin Dozier
† James Philip Gerard
† Michelle Danielle Johnston
† Ashleigh Madison

Tallahassee

† Donna Duncan

Tampa Bay

† Stefan A. Alvarez
† Aimee Tecla Canty
† Brian C. Garrity
† Jon Hackworth

† Jared Douglas Kahn
† Ciara Chelsea Willis
† Alicia Marly Winterkorn
* Randall Wayne-Christopher
Leonard
* Dominick Michael
Maranzana

D.C. CIRCUIT

† Stacy L. Fuller
† Nicole Griffi
† Michael K. Isenman
† Lancelot A. King
† Richard C. Miller
† Joanne Skerrett

Capitol Hill

† Philip Villeneuve

District of Columbia

† Marco E. Adelfi
† Brenden Carroll

† Paul Joseph Delligatti
† Douglas P. Dick
† Sydney Bradford Edwards
† Thomas S. Harman
† Lindsay Best Jackson
† Daniel Richard Kleinman
† Robert M. Kurucz
† Marguerite Walker Laurent
† Christopher D. Menconi
† Jason Monfort
† James Christopher Edward
Palmer
† Joshua Sterling
† James M. Trusty
† Kimberly Vargo
† Richard G. Verri
† Zach Williams
† Annie M. Wurtzback
† Joseph Yanoshik
* Anthony C.J. Nuland

2017 Moot Court continued from page 85

volunteered their time to serve as judges and bailiffs during the two-day competition; the first round judges; the YLD Board; the U.S. Library of Congress for hosting the competition's Opening Luncheon; Hon. Michael J. Newman, magistrate judge for the U.S. District Court for the Southern District of Ohio and the president of the Federal Bar Association who gave the welcome reception keynote; as well as Lt. Col. Deon Green of the U.S. Army JAG and Ashley Akers, chair of the Law Student Division, who both gave remarks at the luncheon; the Superior Court of D.C., the U.S. Court of Federal Claims, and the CAAF for hosting this year's

competition; competition sponsors FBA Foundation and U.S. Army Judge Advocate General's Corps; the participants and their coaches, who continue to impress us all with their oral advocacy skills, careful preparation, and ability to make this competition a rewarding experience for everyone involved; and the dedicated FBA staff, for without their efforts, the competition could not continue to be a success year after year. Momoh and Bowers also thank their Moot Court Committee, especially the following:

Problem/Bench Brief Subcommittee

Jhanile Trudy Smith

Ryan McGee
Sherri Marie Carr

Brief Grading Subcommittee

Marshall Watson
Jehmal Hudson
Kyle Brennan
Holly Naehrutz

After serving a combined nine years as competition directors (Momoh with five and Bowers four), both will be passing the reins to the future directors. The YLD looks forward to the competition in 2018, and hopefully another 22 years to come. ☺



22nd Annual Thurgood Marshall Memorial Moot Court Competition Program Sponsors

