



Celebrating 22 Years **OF THE THURGOOD MARSHALL MEMORIAL MOOT COURT COMPETITION**

INTERVIEWS COMPILED BY MARSHALL C. WATSON

Janet Richardson: Twenty-two years—amazing. When we had our first year I'm not sure any of us imagined it would last this long, but I'm glad it did.

The Younger Lawyers Division (YLD) had secured permission from the Marshall family several years earlier but the first attempt at a competition never got off the ground.

I was pretty new to the board at the time, and the YLD was not held in such esteem as it is now and we were looking for ways to demonstrate our value. The other YLD roles were spoken for so I volunteered to start a moot court competition. No one else had the good sense to stop me and they pretty much let me make up the whole thing that first year. I wrote the problem and the bench brief, arranged for brief graders and judges, etc.

James Richardson Sr.: Janet is *far* too modest. The fact is that she was the driving force behind the first really successful moot court competition. Without her drive and energy I do not know whether

the competition would have moved as far as it did in the first two years. She is clearly the progenitor of the event. I really wondered how she kept up her practice for the two months or so each year leading up to the event.

Janet Richardson: That first year I just wanted schools to sign up (what if we threw a moot court party and nobody came?). We were thrilled at the level of interest at the board and the FBA leadership rallied around us to create a very cool event.

I think RJ joined the board the following year and he helped me run the second one. Then he took over and really got the program to take off.

RJ Hall: I appreciate the “shout out” by Janet but she was the one who deserves the credit for getting this off the ground. I think my co-leader, Matt Moreland, would agree that it's pretty easy to run something that's already hitting on all cylinders.

Dan Strunk: I learned to manage the competition from my predecessor, Stephen Warren. He was a patient and knowledgeable teacher. I think Stephen was managing the competition when I was a competitor—the tradition of keeping a competition director for as long as possible extends at least back to him. When I was ready to step away (several years after I no longer qualified for YLD), it was taken over by Kelly Scalise and Adine Momoh, who have made it a great success.

Kelly Scalise: The YLD's contribution is amazing. The committee usually starts work on it in August or September and works tirelessly through the event. The nights of the competition are the most stressful but most exhilarating.

COURTHOUSES

James Richardson Sr.: If I remember correctly, Bob Mueller who was then president elect made the arrangements for the use of the Court of Appeals for the Armed Forces. I think he also made the initial contact with the Federal Court (Judge Royce Lamberth) for use of the federal courthouse for the second round sessions. Don't know who was instrumental in making the D.C. courthouse available.

Dan Strunk: For years the competition struggled to find appropriate locations for every round of the competition. One of the strengths of the competition is that, unlike those held in law schools or at convention centers, the YLD program conducts every argument inside a courtroom.

When I competed (2004), the first round was at the D.C. Superior Courts, the intermediate rounds were at the U.S. District Court, which was beautiful and somber in a way the D.C. Superior Courts were not. We always wanted to host the final round in a location that was suitably grand, and the U.S. Court of Appeals for the Armed Forces fit the bill. What's more, the judges and staff were among the most giving group of people we ever encountered.

During my time, our primary contact at the court was then-Chief Judge Effron. He was enthusiastic and seemed very happy to host us each year. The other person I remember was Mike Pinette, who served as the security and operations director for the court. He was energetic and welcoming. As a baby lawyer, I remember being taken aback by Mike's professionalism, enthusiasm, and deference—he was incredible (as was every person who worked with him).

Bobby Psaropoulos: One legend [was that] the name of court changed because the former acronym was COMA and the court was referred to as such. Judges on the court didn't like that moniker. About 12 years ago (guessing) it was changed to the CAAF.

James Richardson Sr.: Sorry Bobby, urban myth. The court was not even aware of the legislation, which not only changed the name but increased the size of the court from three to five judges. It just sort of popped out "full blown from the head of Zeus." Speculation always was that there were folks in the Pentagon who needed employment and this would be a nice place to be for a while with a noncontributory retirement system.

VOLUNTEER JUDGES

Bobby Psaropoulos: As final round judges, we have had numerous sitting judges, FBA presidents and, at one point, a member of the U.S. Civil Rights Commission (moot court question was a civil rights question).

James Richardson Sr.: Judge Gerald Bard Tjoflat was one of the judges of the 1996 finals. He was close to the Atlanta Chapter and a good friend of former COMA Chief Judge (and active FBA leader) Robinson Everett. I think Chief Judge Everett may have been one of the final round judges along with the president of the FBA. Somewhere along the line they added the chair of the YLD. In 1998, Bob Mueller's year as president, the judges were Bob, Judge Royce Lamberth, and Judge Jack Farley, who was both one of the original Judges of the Court of Veterans Claims and the founding chair of the Veterans Law Section (Now the Veterans and Military Law Section).

The Judge Advocates General also helped by putting out the word that we needed judges.

CONTRIBUTORS

(AND FORMER COMPETITION DIRECTORS)

Robert J. (RJ) Hall
Biomet · Warsaw, IN

Robert C. Psaropoulos
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Kelly Scalise
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Top Overall Winners

4 St. Mary's University
(2012, 2014, 2015, 2016)

2 Seton Hall University
(1996 (first) and 2013)

2 Southern Methodist University
(2002 and 2007)

Top "Best Brief" Winners

4 Seton Hall University

2 Pepperdine University

2 George Mason University

Top "Best Oralist" Winners

2 University of Dayton

2 Duquesne University

2 Indiana University

Largest Ever Competition

2014
with 49 teams
(Subsequent competitions
have been capped at 40 teams)

Et Cetera

2015
St. Mary's University
Only Final Round where both
teams were from the same school

2004
Dan Strunk, Best Oralist Winner
Competitor who went on to
serve as a competition director

The appellate courts and the Base SJA at Quantico sent a large number of lawyers to act as judges in the first two rounds. Many of the other judges came from the Pentagon and D.C. chapters.

Kelly Scalise: The judges make the competition. The caliber of attorney and judge volunteers is bar none. I recall getting volunteers a year in advance, almost immediately after the competition, because people enjoyed it so much. The final panel almost always runs late in their decision-making because they take so much time with the students.

Dan Strunk: I believe Judge Effron agreed to participate in the final panel every year I managed the competition (though there was frequently another judge, including Judge Stucky, who joined us). He had an amazing combination of legal insight and warmth I have not seen before or since. While others on the panel could be very passive or very argumentative, Judge Effron would not speak until everyone else on the panel had asked a question. When he spoke, his questions cut to the core of the questions presented, but did so in a way that was inquisitive, not accusatory. I continue to think of him as the standard by which I measure all appellate judges.

Similarly, the competition benefited from the dedication of Judge Gustavo Gelpí from the U.S. District Court for Puerto Rico. At the time, Judge Gelpí was the youngest sitting federal judge. He frequently sat on our final panel. What I remember most about his participation was his conduct in the post-argument conversations with the participants. Following arguments and deliberations/scoring, the two finalist teams were each called back to the conference room for a short conversation with the panel. Invariably, Judge Gelpí took an interest in the participants that went beyond the argument. His genuine interest in the participants' education and career plans made a big impression, as did his feedback about the argument. I recall one year in which a finalist made an exceptional argument and then made an extremely strong impression upon the panel afterward. Judge Gelpí asked her about her career plans and repeatedly encouraged her to apply for a clerkship in his court. Although the young lady won the competition, I suspect the encouragement from the judge was more memorable.

Kelly Scalise: The level of preparation of the students is always awe inspiring, and their excitement is contagious. I recall Judge Gelpí hiring one of the competitors. I have participated in nearly all aspects of the competition from brief grading to bailiff to judge, and I was always impressed with the students.

ET CETERA

Henry Quillian: A *huge* factoid for me relating to the competition is that I received my first ever .zip file attachment from Janet Richardson, which contained the problem and the briefs for the first competition judges. I had little time before leaving to D.C. to learn how to download "WinZip" software, which had to be downloaded and installed in order for to unzip the files. Nothing was "built in" to software at that time. I succeeded! The problem was fantastic and the briefs were impressive.

Kelly Scalise: When I began with it, we had to run from floor to floor because so few people had cell phones and almost no one texted.

Dan Strunk: The most memorable thing about my time with the competition: one year I arrived at the D.C. Superior Court at about 3:00 to prepare for the evening's arguments. Immediately after I entered the building, court security locked down the atrium—no one could enter or leave the building via the atrium (which was the only way competitors could get to the courtrooms) because of police activity. Participants were due to begin arriving in a little more than 90 minutes, and our location was a restricted investigation scene, complete with yellow tape. The atrium re-opened shortly after competitors and judges began arriving, and I don't think any of them ever knew about the incident, or how close we were to holding arguments in a parking lot or wherever else I could find space.

Kelly Scalise: Or how about when there was a mouse running through the room where we were compiling scores? ☹