Dear Moot Court Association Members-at-Large,

Welcome to the 2014-15 Marquette University Moot Court Association. On behalf of the Executive Board, I am writing to welcome you to the program, and to express our gratitude for your involvement.

First and foremost, congratulations. We have all navigated unknown and often times challenging paths to arrive at our 3L year. Moot court competitors at Marquette are a brave and resilient group. We heard of the difficulties of AWA and all took the class anyways. Even after sustaining that punishment, we all came back for more. Some of us applied to law school knowing we wanted to be oral advocates, others wound up in the Moot Court Association unexpectedly. In either case, we now have the duties to proudly represent Marquette University as the top oral advocates at our school. This coming year will present several challenges; however, we will no doubt have a lot of fun.

We must always remember that every competitor and board member represents something greater than himself or herself. You represent the Moot Court Association and Marquette University Law School. National competitions are opportunities to showcase talented Marquette students. Reputations can be built or destroyed by how competitors represent their school.

Additionally, since we are an association, and not a band of individuals, competitors are expected to support one another. We all know from having taken AWA that writing an appellate brief and preparing for oral argument can be incredibly stressful. Leaning on the support of a team makes the experience much easier.

But moot court is about more than just duties to represent your school and support your classmates, you should also recognize the opportunity before you to showcase yourself. Think about how much more career-advancing exposure a national competition presents than earning that A in Evidence. While of course we must continue to be successful in our regular classes, competitions represent a self-advocacy tool, a benefit that cannot be understated in a tough job market. Where your competition takes you is in your own hands. Meanwhile, we will be there to support and cheer you on each step of the way.

We view national competitors as the heart of Marquette’s Moot Court program. But activities of underclassmen represent necessary steps along the path leaders like you walk today. Of course, none of us would have been in a position to compete successfully this year without great leaders from classes ahead of us. This year, a special emphasis is being placed on preparing lowerclassmen and —women to play an eventual role in this program. The onus is on all of us to make that happen. There are several ways to achieve that goal; for instance, a moot court “fellowship” program is in the works, and will hopefully be implemented later this year. Additionally, we will ask for national competitors to volunteer to hold open practices so 1Ls and 2Ls can come see what an oral argument should look like.

This handbook is being provided as a guideline for your participation in the Moot Court program. Please review it carefully to ensure that you take all of the necessary steps to receive credit for your participation. Do not hesitate to contact me or any member of the Executive Board if you have questions or concerns about anything included in your competitor binder.

I am excited to welcome you all to the Moot Court Association and to work with each of you this year to ensure the continued success of the Marquette University Moot Court program.
Elizabeth Oestreich

*Chief Justice*, Marquette University Moot Court Association
EXECUTIVE BOARD

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Chief Justice

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Associate Justice of Administration

Dane Brown
Associate Justice of National Moot Court Competition

Frank Remington
Associate Justice of National Competitions (F)

Michelle Cahoon
Associate Justice of National Competitions (S)

Sarah Erdmann
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Jennifer McNamee
Associate Justice of Intramural Competitions

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Nate Cromer  
Patrick Winter  
William Tyler Nash  
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**Intramural Competitions Committee**

Jennifer McNamee  
Amy Heart  
Katherine Seelow  
Brenden Leib  
Stephen Clarke  
Melissa Fischer
Description of Moot Court Program

The Marquette University Law School Moot Court Program has three main components: (1) the Appellate Writing and Advocacy course; (2) the Jenkins Honors Moot Court Competition; and (3) participation in regional, national, and international competitions.

As a prerequisite to competing in intramural and extramural competitions, all interested students must take the Appellate Writing and Advocacy elective. Appellate Writing and Advocacy provides students with an intensive opportunity to write and receive feedback about their writing, and to study and practice theories of oral public communication skills. These skills are critical for all future attorneys, particularly litigators and appellate advocates. This three-credit elective is offered in the fall semester, culminating in a spring intramural moot court competition.

Top Appellate Writing and Advocacy students will be invited to participate in the Jenkins Honors Moot Court Competition conducted during the spring semester. Participating students have preference when the Executive Board places competitors on our national moot court teams for the following year. In addition to competing to win the Jenkins Honors Moot Court Competition, students also compete for the Best Oral Advocate and Best Brief awards.

All students who complete the Appellate Writing and Advocacy course may participate in extramural moot court competitions the following year. Students may choose from a variety of competitions and receive two (2) credits for competing in a competition and one (1) credit for coaching participants in a competition.

The Moot Court Association is run by an Executive Board, General Board, and Program Faculty Advisor(s). The Executive Board is chosen by a general election and consists of a Chief Justice and Associate Justices of Administration, Education, National Competitions, Intramural Competitions, and the National Moot Court Competition. Only those students who compete in the Jenkins Honors Moot Court Competition can be nominated to serve on the Executive Board.

Students who participate in the Jenkins Honors Moot Court Competition or those chosen by the Faculty Advisors (in accordance with the By-Laws) comprise the Moot Court General Board. Moot Court General Board members participate in organizing the Jenkins Honors Moot Court Competition and administering various moot court activities. Additionally, all members of the Moot Court General Board serve on committees and as coaches for students participating in Appellate Writing and Advocacy course and the Jenkins Honors Moot Court Competition.

The Moot Court By-Laws govern the selection of all members of the Moot Court Board.
Moot Court Program Goals
2014-15

To ensure a quality educational experience for every person involved in the Moot Court program, the Moot Court Board will:

1. Articulate clear expectations of the General Board Members, Executive Board Members, Coaches, and Competitors through the adoption of By-Laws;

2. Maintain records of its activities and responsibilities to facilitate an easier transition for the incoming 2014-2015 Moot Court Board;

3. Provide Appellate Writing and Advocacy Competitors with individual attention, support, and practice opportunities as they prepare for oral argument; and

4. Provide competing teams with guidance and assistance, within competition guidelines, to give them the tools to continue to succeed at the highest levels.

To increase interest in appellate advocacy, both within the law school and within the legal community, the Moot Court Board will:

1. Host a high-quality intramural competition to identify teams and competitors who will successfully represent Marquette at the highest levels of regional and national competitions;

2. Promote awareness for the different competitions available in an attempt to target talented students in particular areas of law (IP law, sports law, labor law etc.);

3. Encourage 1L participation as bailiffs or assistants at the Jenkins competition or during AWA final arguments; and

4. Encourage national competitors to hold open practices so interested 1Ls and 2Ls can see how moot court operates.
Information for Board Members

Executive Board Members must complete a minimum of one hundred twenty (120) hours of qualifying service and will receive two (2) academic credits. Additional information regarding credit requirements is included in this Handbook and in the By-Laws.

To receive full service credit, Executive Board Members must fulfill all duties as prescribed by the Moot Court Association By-Laws.

General Board members are eligible for one (1) academic credit upon the successful completion of all requirements outlined in the By-Laws. A minimum of sixty (60) hours of qualifying service is required to receive academic credit.

To receive credit, every General Board Member must meet the following general requirements:

1. Attend Board meetings;
2. Serve as a coach to participants in the Appellate Writing and Advocacy course and the Jenkins Honors Moot Court Competition; and
3. Volunteer for Moot Court Association sponsored competitions and events and fulfill any other duties considered necessary by the Executive Board and/or the Faculty Advisors.

Additional information regarding credit requirements is included in the By-Laws.

All academic credits for participation on the Moot Court Board will be assigned in the spring semester.

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<th>Moot Court Board</th>
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Information for Competitors

General Expectations of Competitors

As representatives of Marquette University Law School, competitors must conduct themselves in an ethical, civil, and professional manner at all times, including practices and competitions.

*Student competitors who will miss class to participate in a competition must notify professors in advance and must comply with class policies regarding attendance.*

Credit Requirements

Two (2) academic credits will be awarded to each competitor in a regional, national, or international competition in the semester of participation. Credit will be granted when competitors successfully complete all requirements set forth in the By-Laws or as assigned by the Faculty Advisor(s) or the Executive Board.

Academic credit will be awarded upon qualified academic service of a minimum of one-hundred-twenty (120) hours of competition preparation and participation.

Competitors must submit their hours to the Executive Board through its Google Form Hours Log website. The final decision to award credit is at the discretion of the Faculty Advisor(s).

Academic credit for participation in a competition is distinct from any academic credit given to members of the Moot Court Board.

In addition to any requirements set forth in the by-laws, to earn full academic credit for participation in an interscholastic moot court competition each member must complete the following:

1. Average at least 3 oral argument practices per week with at least one judge at each of those practices. Practices must start immediately after the brief is due, and dates of practice need to be submitted to the faculty advisor and Associate Justice of Competitions.

2. Video tape at least 1 oral argument and review it with the practitioner coach or faculty advisor at least one week before the competition.
   To record the oral argument round, contact Dax Phillips, Steve Nelson, or Ryan Rau in the Technology Department to set up the time and date for recording. Your practitioner coach or faculty advisor must sign off that he or she has reviewed the recorded oral argument.

3. Have the faculty advisor sign a form indicating that the practice requirements have been complied with for the semester.
4. Meet as a team with the faculty advisor at the start of the competition to set up a research,
briefing, and practice schedule.

   Teams must provide the faculty advisor with blocks of time they have set aside to work
   on oral argument and brief writing.

5. Communicate with team members as schedules for the semester of competition (or semesters
   if the brief writing spans across semesters) are set, so that the team has dedicated three two-hour
   blocks of time each week when team members can work on their briefs together, and then can
   meet for the mandatory oral argument practices.

6. Submit the team’s brief to the faculty advisor at least one week prior to the due date so that the
   faculty advisor can assess the brief to award credit. To receive credit, the faculty advisor will
   need to review the final brief (in compliance with any competition rules) to verify that the brief
   meets at least a minimum “satisfactory” completion for the final draft.

   To meet the “satisfactory” completion requirement, the faculty advisor must agree that
   the brief is satisfactory in research, content, and meets all submission requirements.

7. Reserve rooms for oral argument practice through the Marquette Law website. This is
   extremely important, especially when practitioner coaches will be attending the practices. For an
   attorney coach to access Eckstein hall, the practice form must be submitted a minimum of two
   business days before the practice.

   Submitting this form on time will allow your attorney coach to access Eckstein Hall and
   park in the Eckstein lot. The form can be found here:
   Rooms can be reserved in advance by filling out this form as well.

8. The National Competitions are worth two academic credits. To receive these credits, student
   competitors must complete and record 120 hours of research, writing, editing, and oral argument
   practice. The actual competition hours will also count toward the total number of hours.

9. All competitors must report their hours to the Executive Board through the Google Form at the
   following link:
   https://docs.google.com/forms/d/1ACCK6NEtvZKJklE21GDQYhGzM1b6GDUNhvwwKnB9pv4/viewform
   To ensure students are preparing for the National Competitions and will meet the
   required number of hours, competitors must log hours in the Google Doc by the first and
   third Monday of each month. The following Tuesday, the Associate Justices of National
   Competitions will check the hours submitted.

**Travel Arrangements and Other Expenses**

For the most part, the University operates on a reimbursement method. This means that you will
pay for most expenses out of personal funds and the University will reimburse you. Competitors
will be required to save all original receipts and complete the reimbursement paperwork to be
submitted to the Associate Justice of Administration. The reimbursement process can take up to
four weeks. Expenses greater than $10 must be supported by the original receipt.
1. **Registration Fees and Forms**

All registration fees and forms for competitions are completed and submitted by the Associate Justice of Administration in cooperation with the Marquette University Law School Director of Budget and Finance.

2. **Travel Arrangements and Expenses**

All air travel arrangements will be made by the Associate Justice of Administration in conjunction with the Marquette University Law School Director of Budget and Finance. **Tickets for travel must be booked at least four weeks in advance.** Accordingly, please contact Nikki Ostrowski, Associate Justice of Administration, to set up a travel booking meeting as necessary. All arrangements are coordinated and processed through a travel agency. The Associate Justice of Administration is the point of contact for all travel related issues.

Automobile travel can be reimbursed at the University rate (currently 51 cents/mile). The University also reimburses for tolls without receipt. Please be sure to keep track of your mileage on the travel expense reimbursement form. Private automobiles are not covered by University insurance, even if being used for official University business.

Meals can be reimbursed at a rate of $30 per day ($40 for New York State and Washington, D.C.). Meals are defined as breakfast, lunch, and dinner, including gratuity. This is not a per diem; this is a reimbursement for actual costs. Law students are expected to use good judgment and discretion. Any meal over $10 must be supported with receipts.

Hotel reservations must be made by competitors on personal credit cards. Book early under competition rates, if possible. **A hotel bill is required for reimbursement.**

The following additional expenses can be reimbursed: (a) taxi to and from the airport/hotel/competition; (b) public transportation to and from the airport/hotel/competition; (c) parking at Mitchell Airport; and (d) local telephone calls. To be reimbursed you must provide the original receipt.

The following additional expenses cannot be reimbursed: (a) snacks; (b) minibar; (c) movies; (d) items of a personal nature; (e) long distance telephone calls; and (f) equipment rental, including laptops and printers.

If you have any questions about the above or about shared expenses, please speak with the Associate Justice of Administration prior to making the purchase.

3. **Copying and Mailing Costs**

The Marquette University Law School has a purchase order with Print World, located at 16th & Wells, (414) 342-6800, printworldmilwaukee.com. This enables copy charges to be billed directly to Marquette University. Please provide Print World with the following purchase order.
number: PO 187169. Obtain a receipt and place it in the Moot Court mailbox. Please be sure to write the name of the competition on the receipt.

For mailings, please request and obtain original receipts for reimbursement purposes. Please record the expense and include it on the Reimbursement Form.
4. *The Reimbursement Process*

Complete the Reimbursement Form, including the name of the competition and your mailing address. Also, please attach all original receipts. Be sure to complete the form in its entirety, signing it on the bottom left corner where indicated. After the form is complete, return it to the Moot Court mailbox or the mailbox of the Associate Justice of Administration, located on the second floor of the law building.

Reimbursement takes approximately 3-4 weeks.
Student Coaching Information

Student Coaching Guidelines

Some national competition teams will be assigned a student coach. The student coach is responsible for all aspects of his or her team’s preparation, including, but not limited to:

1. Meeting with the members of the team as soon as possible after being assigned to the team.

2. Distributing the team’s problem and rules of the competition in a timely manner.

3. Reading the rules of the competition thoroughly and ensuring the team complies with all competition rules.

4. Scheduling practices in accordance with the requirements of the specific competition and credit requirements.

5. Arranging judges for practices (professors, alumni, practicing or retired attorneys/judges/etc., General and Executive Board Members, law students/peers, and members of the legal community).

6. Preparing the team for competition, including advising competitors of all travel plans and competition details.

7. Traveling with the team to the competition (competition rules permitting).

Team members of teams without student coaches must complete the above-listed duties independently.

Credit Information

To receive credit, each coach is expected to comply with the responsibilities detailed above and the responsibilities outlined in the By-Laws. A coach is also required to fill out an exit information evaluation sheet.
Appellate Writing and Advocacy Coaching Instructions

Moot Court Board members are required to serve as coaches for students in the Appellate Writing and Advocacy course. This is intended to benefit the students and provide Board Members with an additional method of accumulating hours for academic credit.

The following are some guidelines and suggestions for your time spent coaching the students. Please remember that these guidelines are present to ensure that academic regulations are met and to provide students with an opportunity to become comfortable with oral advocacy. Please see the Appellate Writing and Advocacy Coaching Packet for more information.

Brief Writing

Coaches are not permitted to assist their teams with any aspect of the brief writing process. Accordingly, any question that a team may have about the brief should be addressed by a team’s respective professor or the Associate Justice of Education.

Oral Arguments

Coaches will be provided with a bench memo regarding the case in order to help coaches better understand the arguments of their teams. Additionally, coaches are required to attend a meeting later in the semester to discuss the problem. However, coaches are not permitted to change the substantive content of their teams’ oral arguments, but rather are permitted to help them identify both strong and weaker aspects of their arguments.

Preparing each team for oral argument is the coach’s primary duty. Practice sessions are imperative to a team’s success and coaches are encouraged to hold multiple practices beyond those required, while staying within the scheduling guidelines. Additionally, coaches may find it beneficial to arrange for other Board members to serve as “judges” during oral argument practice. Coaches should designate at least one practice for students to argue the opposing side of the problem set in order to help students better understand the strengths and weaknesses of their position.

Coaches should encourage their team members to draft answers to reoccurring questions asked during these practices. Coaches may look over these drafted responses and may make suggestions accordingly. However, each coach should stress that these are helpful drafts but should not be memorized in preparation for competition. Scripted responses are discouraged. Coaches may not draft responses for competitors.
**Scheduling**

It is important that coaches meet with their teams by September 24th to outline a coaching schedule and adhere to it. Coaches **may not** guide their teams until after submission of the first draft of the brief.

After the submission of the first draft, coaches may practice with their teams and begin preparing them for the oral argument phase of the Appellate Writing and Advocacy course. Coaches must arrange at least five (5) oral argument sessions. Additional practice is encouraged but optional. Coaches may not, however, meet with their teams more than ten (10) times. Furthermore, one of these sessions should focus on arguing the opposing position. Ultimately, coaches should evaluate their teams’ comfort level with oral argument and schedule an appropriate amount of time to prepare for the arguments.

Coaches must adhere to these guidelines. If it is discovered that coaches are providing assistance beyond that described here, they may face disciplinary action. Remember that these guidelines are in place to ensure that both coaches and students are meeting academic regulations.

All coaches must complete an Appellate Writing and Advocacy Coach Exit Interview Evaluation.

Students in the Appellate Writing and Advocacy course are also expected to complete an exit interview evaluation.

**Panel Weekend**

Coaches will be required to serve on a coaches’ panel during the weekend of November 1st and 2nd. Coaches are expected to sign up to be judges for 3-4 rounds, this should be about a five to six hour time commitment. The panel will not count towards the mandatory five practices.

**Affidavit of Compliance**

Both students and coaches will be required to submit affidavits at the end of the semester certifying that they have complied with the coaching requirements. A copy of the required affidavit can be found in the Appellate Writing and Advocacy Coaching Packet.

**Serving as a Bailiff**

Coaches are required to serve as a bailiff one or two rounds of Appellate Writing and Advocacy oral arguments unless and until the Executive Board successfully arranges 1L volunteer bailiffs.
Jenkins 2015 Coaching Instructions

Members of the General Board normally serve as coaches for the 2015 Jenkins Honorary Moot Court Competition. This is intended to help the students and provide Board Members with an additional method of accumulating hours for academic credit.

The following are some guidelines and suggestions for your time spent coaching the students. Please remember that these guidelines are present to ensure that academic regulations are met and to provide students with an opportunity to become comfortable with oral advocacy. More information will be provided in early 2015.

Brief Writing

Coaches are not permitted to assist their teams with any aspect of the brief writing process. Accordingly, any question that a team may have about the brief should be addressed by e-mailing Jennifer McNamee, the Associate Justice of Intramural Competitions.

Oral Arguments

Coaches will be provided with a short bench memo regarding the facts and other relevant information in order to help coaches understand the arguments of their teams. Additionally, coaches are required to attend a meeting in early 2015 to discuss the problem. Coaches are not permitted to change the substantive content of their teams’ oral arguments, but are permitted to help them identify both strong and weaker aspects of their arguments.

Preparing each team for oral argument is the coach’s primary duty. Practice sessions are imperative to a team’s success and coaches are encouraged to hold multiple practices beyond those required. Practices should alternate between opposing sides of the problem set in order to help students better understand the strengths and weaknesses of their position.

Coaches should encourage their team members to draft answers to reoccurring questions asked during these practices. Coaches may look over these drafted responses and may make suggestions accordingly. However, each coach should stress that these are helpful drafts but should not be memorized in preparation for competition. Scripted responses are discouraged. Coaches may not draft responses for competitors.

Scheduling

It is important that coaches meet with their teams to outline a coaching schedule and adhere to it. Each team will be responsible to contact their coaches and set up an initial meeting. The teams will receive their coach’s information in February, but may not meet with their coaches until after their brief has been submitted.

After the submission of the brief, coaches may practice with their teams to prepare them for the competition. Each team will have three coaches, consisting of General Board members with at
least one having been a former Jenkins participant. The former Jenkins participant will be designated as the “head coach.” This designation is only an administrative position only.

Each team must practice with their team at least five (5) times. Team members are in charge of reserving a room to practice in. A practice will count as one of the five required practices if two out of the three coaches are present. The head coach will be responsible for making sure that this requirement is met. There will not be a maximum number of times that a team may practice with their coaches.

Coaches must adhere to these guidelines. If it is discovered that coaches are providing assistance beyond that described here, they may face disciplinary action. Remember that these guidelines are in place to ensure that both coaches and students are meeting academic regulations. All coaches must complete a 2015 Jenkins Honors Moot Court Competition Exit Interview Evaluation after the competition.

Panel Weekend

Coaches or Members of the Executive Board will be required to serve on a coaches’ panel during the weekend of February 28 and March 1. Coaches are expected to sign up to be judges for 3-4 rounds, this should be about a five to six hour time commitment. The panel will not count towards the mandatory five practices.

Affidavit of Compliance

The head coach will be required to submit an affidavit at the end of the competition to certify that they have complied with the requirements. A copy of the required affidavit will be distributed to the coaches.

Serving as a Bailiff

Coaches will be required to serve as a bailiff for the preliminary rounds of the Jenkins competition. Additionally, some coaches will be needed to serve as a bailiff for both the semi-final round and the final round.