

Moot Points: Alumni Newsletter

Volume I Issue I

A Publication of the Tulane University Law School Moot Court Board

Spring 2008

2007-2008

COMPETITION SCHEDULE

Louisiana Trial Competition
New Orleans, LA - 10/05/07

American Bar Association
Negotiation Competition
Tulsa, OK - 11/3-4/07

Lone Star Trial Competition
Houston, TX - 11/6-8/07

Texas Young Lawyers'
Association National Trial
Competition
Austin, TX - 2/6-9

Philip C. Jessup Interna-
tional Law Appellate
Competition
Houston, TX - 2/21-24

Pace Environmental Law
Appellate Competition
White Plains, NY - 2/21-28

ABA Mediation Competition
New Orleans, LA - 2/22-23

ABA National Appellate
Advocacy Competition
Dallas, TX - 2/28-3/1

Judge John R. Brown Admi-
ralty Appellate Competition
New Orleans - 3/6-8

AAJ Student Trial Advocacy
Competition
Montgomery, AL - 3/7-9

Willem C. Vis International
Commercial Arbitration
Competition
Vienna, Austria - 3/15-18

ABA Trial Advocacy
Competition
Chicago, IL - 3/27-29

Trial Team Takes-on Lone Star State

By Elizabeth Fisher

Co-Chair for Alumni & PR

(Special thanks to Jason Kafoury)

On May 7, 2007, Anita Barkwood returned home from work to discover the body of her eighteen-year-old daughter, Tiffany, slumped over the family computer – an empty bottle of the prescription drug Zoloft at her side.

The police investigation into the teen's death unearthed a number of disturbing facts. For example, e-mail messages retrieved from the family's computer suggested that Tiffany, a junior at Weighland Heights High School, had been having an affair with her teacher at the time of her death.

Perhaps more shocking, however, was the discovery that Tiffany's father, a prominent local attorney, had used the e-mails to blackmail the teacher for \$60,000, prompting the District Attorney to charge Mr. Barkwood with negligence in his daughter's death.

Although this story sounds like a script from a soap opera, the plot, which formed the basis for this year's Lone Star Invitational Trial Competition in San Antonio, Texas, was based on actual events.

"It was a case with no good guys," teammate Jason Kafoury said.

The Tulane team, comprised of veteran trial team members Kafoury, Ty Anis, Gavin Guillot, and Jodie Michalski, and coached by Ms. Danielle Babashoff of the Steeg Law Firm, performed admirably, sweeping the preliminary rounds.

In fact, Tulane was the only team to win all of the ballots in the preliminary

round, finishing with a perfect 9-0 record. Two team members also earned individual awards, with Anis winning Best Overall Advocate and Michalski winning Best Direct Examination.

One of the most difficult parts for Kafoury, who played the role of the lecherous teacher when not participating as an attorney, was being cross-examined by the defense. Kafoury had to deny wrongdoing and blame the death on the girl's father, while downplaying the bad facts associated with his character.

"It was a case with no good guys."

"One of our best attributes is we're not stuck to our scripts," Kafoury said. "We're not a memorized team; we're a reaction-to-what-goes-on-in-the-courtroom team. We can change on a dime if needed."

Ultimately, the team fell to Cumberland, the eventual champions, in the Semi-Finals. Despite missing out on the top spot, Kafoury is proud of his team's performance:

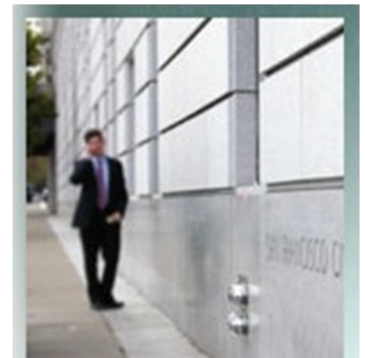
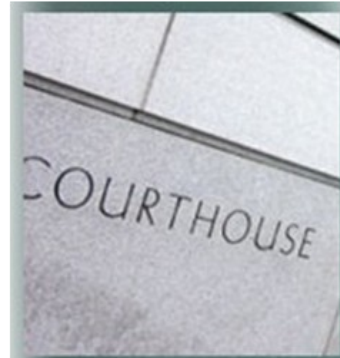
"Our team has done exceptionally well. We have great teamwork. We know our roles and our strengths," he said.

Participation in the Lone Star competition also served as a dress rehearsal for the American Association of Justice tournament, which was held in Montgomery, Alabama from March 7th to 9th.

Last year, as 2Ls, Anis, Kafoury, Guillot, and Michalski won the Regional competition in Kansas City, Missouri. The team went on to compete in the National Championship, finishing third in the nation out of 237 teams.

This year, the team, which was

(Continued on page 2)



Lone Star Trial Team (Continued from page 1)

coached by Babashoff, Chris Teske, Mike Idayoga, and Wade Wootan, practiced 3 to 4 times a week in the months leading up to the competition in hopes of winning the national title for Tulane.

After finishing first in the preliminary rounds at Regionals, however, the team lost by one point to local favorite Cumberland, who once again went on to win the tournament.

Regardless of the final rankings, involvement with Moot Court has served an important function in Ka-

fourey's life:

"It's tremendous real world experience," he said. "[I]t will make each of my teammates more confident when they step into a courtroom."

Also participating in the AAJ competition were 3L Matthew Kirkham and 2Ls Sarah Chaudhry, Naomi Jones, and Lee Ziffer, who performed very well in their first competition.



From left: Anis, AAJ Regional Director, Kafoury, Guillot, and Michalski.

2L Arbitrator Recognized at Prestigious International Competition

Vienna, Austria – Teams from over two hundred law schools from around the world gathered in Vienna, Austria, recently for the Fifteenth Annual William C. Vis Arbitration Competition.

Among the competitors were Tulane team members Matthew Brown, Cathy Leblanc, Lindsay Sakal, and Laura Venta. Mr. Jerry Alexander sponsored the team.

While everyone performed well, it was the oral advocacy of 2L Lindsay Sakal that made the most lasting impression on the judges; she was selected from over one thousand competitors to receive the Honorable Mention award for Best Oralist.

Sakal's achievement is even more remarkable given the setback that she endured in the first round when a miscommunication from competition organizers led the team to believe that Brown and Leblanc would be arguing instead of Sakal and Venta. By the time the mistake was discovered, Sakal and Venta had only twenty minutes to prepare.

"We were all completely caught off guard," Leblanc said. "The coach from the team we were competing against offered Lindsay and Laura the suit off her back – Lindsay ended up wearing my jacket!"

Sakal and Leblanc will participate again next year as team co-coaches.

Tulane Hosts Sports Law Competition

Thirty-four teams from law schools all over the country descended on New Orleans from January 30 to February 1 to participate in Tulane's Eleventh Annual Mardi Gras Invitational Sports Law Competition.

"This year, the teams were excellent overall," competition organizer Claire Howington said.

"We had teams from some of the best law schools in the country, and it showed in the quality of arguments."

The packet, written by Bert Lockwood and Ashley Becnel of the *Tulane Sports Lawyer's Journal*, addressed legal issues surrounding fantasy football licensing agreements.

Specifically, the case required teams to examine the First Amendment and publicity rights involved in a dispute between an Internet fantasy sports provider and the National Football League Players Association (NFLPA).

The competition was staffed by the Tulane Moot Court Board with the help of over 140 New Orleans practitioners and Tulane Faculty who volunteered their time to judge during the three-day competition.

"As always, this event was a success because of the many local attorneys who donated their time to come judge the competition," Howington said.

Ultimately, the team from William & Mary Law School emerged victorious, beating the University of Wisconsin in the final round.

The championship round took place at the Fifth Circuit Court of Appeals and was presided over by Professor Leigh Augustine of the University of Denver College of Law, Dean Gary R. Roberts of Indiana University School of Law, and Professor

Gabe Feldman of Tulane.

In addition to the team champions, several other teams were recognized at an awards ceremony held in the French Quarter.

The University of Iowa College of Law was recognized for the Best Brief award, and Emory University took home the Competitor-of-the-Year honors. Matthew Parker from Yeshiva University, Cardozo School of Law received the Best Oralist award.

For more information on the Mardi Gras Competition, please e-mail Susan Jaffer at sjaffer@tulane.edu or visit the Moot Court website.



The Coaches' Corner: Alternate Dispute Resolution Team Negotiates Family Law Conflict

By Porter Nolan
ADR Team Coach

This past fall, Tulane students headed to Emory University in Atlanta to participate in the ABA's Regional Negotiation Competition.

The topic of this year's competition was family law, and a total of 24 teams competed, with schools attending from Florida, North Carolina, Georgia, Mississippi, Alabama, Tennessee, Louisiana, and Puerto Rico.

Tulane, which has done well in Alternate Dispute Resolution competitions over the past two years, was invited to send six competitors – three teams of two students – to com-

pete.

Among the team members were returning veterans Rob Magourik and Owais Aziz, and new additions Taryn Brown, Allison Silver, Breen Sullivan, and Earnest Williams, who were selected from a field of over thirty hopefuls during the fall argue-on competition.

The teams spent a great deal of time preparing for the competition.

Team members reviewed tapes of the argue-ons to determine individual strengths and weaknesses and held strategy sessions to discuss negotiation best practices.

Another key element of their training was assessing the negotiating position of both their clients and their

opponents.

To this effect, each team brainstormed and wrote a potential negotiating position they could expect from the competitors. The positions helped team members to anticipate what their counterparts likely would demand during the negotiation.

The teams were coached by Interschool ADR Chair Porter Nolan and by Ms. Sabrina Mannai, an associate from the Business and Finance practice group at Jones Walker, LLP.

Ms. Mannai provided



insight and “notes from the field” to the team during several practice moots.

Overall, the team did very well, both at the negotiation competition and the more recent ABA Mediation Competition, which was held at Tulane in February.

Tulane was the defending Regional Champion in that competition.

Volunteers: the Secret of Our Success

A special 'thanks' to all of the faculty and practitioners who have devoted their time and effort toward improving Tulane's Moot Court program.

Adj. Prof. Robert B. Acomb
Mr. Jerry Alexander
Ms. Danielle Babashoff
Prof. Adam Babich
Judge Peter Beer
Mr. John Bolles
Ms. Jackie Brettner
Mr. Matthew Brown
Judge James Browning
Adj. Prof. Michael Butterworth
Prof. Alan Childress
Adj. Prof. Jim Cobb
Prof. Martin Davies
Vice Dean Carlos Davila-Caballero
Prof. Mark Davis
Mike DePetrillo
Prof. Raymond Diamond
Mr. John Dildy
Prof. Onnig Dombalagian
Prof. Erin Donelon
Judge Stanwood Duval

Prof. John Eason
Ms. Jennifer Englander
Mr. Jimmy Fahrenholtz
Ms. Dana Falstrom
Prof. Gabe Feldman
Judge Martin Feldman
Prof. Robert Force
Mr. Scott M. Gallante
Mr. David Gallenis
Inst. Abigail Gaunt
Judge John Grout
Ms. Aubrey Harris
Mr. Jason Hammer
Prof. Jancy Hoeffel
Ms. Jennifer Hoekstra
Mr. Michael Idoyaga
Judge Charles Jones
Inst. Lisa Jordan
Prof. Herbert Larson
Ms. Sabrina Mannai

Mr. Christopher McCusker
Ms. Agnieszka McPeak
Mr. Matthew Payne
Judge Nadine Ramsey
Mr. Kirk Reasonover
Adj. Prof. Robert Redfearn, Jr.
Judge Walter Rothschild
Prof. Michael Sackey
Dean Edward Sherman
Mr. L. Scott Sherman
Mr. Christopher Teske
Mr. Miles Thomas
Judge Gwendolyn Thompson
Judge Max Tobias
Inst. Corinne Van Dalen
Mr. David Weiss
Prof. Mark Wessman
Inst. Andrea Wilkes
Ms. Katie Wilkinson
Inst. Jill Witkowski
Mr. Wade Wootan

*If you would like to see your name on this list in the future please email dbaerbos@tulane.edu.
We always need help!

Tulane Honored at John R. Brown Admiralty Competition

Tulane students Matthew Browne, Abbott Jones, and Ben Motal earned two prestigious awards at the recent John R. Brown Admiralty Competition: Second Place Team and Overall Best Brief.

The Honorable John R. Brown served on the U.S. Court of Appeals for the Fifth Circuit from 1955 until his death in 1993, and was one of the nation's most prominent admiralty judges.

Shortly after his death, The University of Texas School of Law established an interscholastic appellate advocacy competition in his honor.

Each year, the competition is held under joint sponsorship with a host school. Tulane hosted this year's Fifteenth Annual Competition from March 6th through March 8th.

"This competition went extremely well, and we couldn't have done it without the support of the New Orleans maritime law community and U.S. district judges Peter Beer, James Browning, Stanwood Duval, and Martin Feldman," said Claire Howington, the Tulane competition organizer.

The competition problem packet presented two issues that, according to

teammate Abbott Jones, "provided for some great policy arguments and crafty arguing."

"I'm extremely proud of the Moot Court Board, the *Tulane Maritime Law Journal*, and the New Orleans admiralty bar at large for putting together and executing such a successful competition experience," Jones said.

She also commended the organizers for making sure all the panels in every round had at least one judge with admiralty experience, an improvement from last year, stating:

"The panels were more active, they knew what kinds of questions to ask, and they knew which arguments would not carry water."

When asked about the appeal of admiralty, Jones said:

"Cases about sailors and seafaring are never boring! Admiralty encapsulates every branch of law...and borrows from a 3,000-year-

old tradition of general maritime principles.

"That marriage of modern legal fields with ancient maritime understandings leads to truly fascinating issues of jurisdiction, choice of law, liability, and contract interpretation.

"It's like one big salty riddle."

The preparedness of the other teams enabled a lively and stimulating competition.

In the Quarter-Finals, Tulane beat the previously undefeated first-ranked team to advance.

"It was an honor and a pleasant surprise to argue in

the final round," Jones said.

A hot bench and the presence of supporters in the courtroom heightened the excitement of the final round.

Despite the initial disappointment over missing first place by a mere four-tenths of a point, the team was ecstatic over their Best Brief award:

"We may not be the Dream Team, but we found our own fairytale ending."

The team is grateful to their coach, Mr. Jason Kuczek, and to the members of the *Tulane Maritime Law Journal* for all of their support.



From Left: Tulane competitors Abbott Jones, Matt Browne, and Ben Motal proudly display their award.

Recent Award-Winners

This year, Tulane Interscholar teams enjoyed record success! Congratulations to all.

Lone Star Trial Competition

2007 Semi-Finalists, Best Oralists (Ty Anis),
Best Direct Examination (Jodie Michalski)

AAJ Student Trial Advocacy Competition

2008 Regional Semi-Finalists

TYLA National Trial Competition

2008 Regional Semi-Finalists

ABA Criminal Trial Competition

2008 Semi-Finalists

Pace Environmental Law Appellate Competition

2008 Quarter-Finalists, Best Preliminary Round
Oralists (Mary Reichert and Erica Rancilio)

ABA National Appellate Advocacy Competition

2008 Semi-Finalists

John R. Brown Admiralty Appellate Competition

2008 Finalists, Best Brief

Vis International Arbitration Competition

2008 Best Oralists, Honorable Mention (Lindsay Sakal)