

# TULANE UNIVERSITY LAW SCHOOL MOOT COURT

FALL 2011

## *Tulane Hosts Moot Court Competition in Rio De Janeiro, Brazil*

The First Annual International Sustainable Development Law Moot Court Competition was held at Fundacao Getulio Vargas (FGV) in Rio de Janeiro in March of 2011. Attendance at this competition, co-sponsored by Tulane Law School's Payson Center for International Development, was overwhelming. It was the first moot court competition held in South America, and involved competition between students and judges speaking English, Spanish, and Portuguese, with simultaneous translation services filling in the language gaps. Two of Tulane's Moot Court Board members, Ian Furman and Tom Sharp,

served as U.S. co-chairs to the competition. Their duties included drafting a set of Official Rules, contributing comments and editorial suggestions to the Problem, coordinating U.S. marketing, and helping the competition run smoothly in Rio De Janeiro. The extensive moot court experience of the two 3Ls was invaluable in helping introduce mootings to South America, and the success of the event encouraged FGV to host the competition again in 2012, along with co-sponsors Tulane, the Universidad de los Andes, and Universidad Rafael Landivar. 3L Gillian Egan is the current year's chair, and has been working ex-

tensively with Colin Crawford of the Payson Center, as well as professors from sponsor schools in South America, to promote this year's competition. Tulane's Moot Court Board is pleased to be a part of this international effort, and has even decided to send a team to compete this year. Moot Court Board wishes the following team members best wishes:

Natalie Maples, 3L

Steven Sanders, 3L

Adam Smith, 3L

Coach, Arly Smith-Pearson

For more information please contact Gillian Egan at [gegan@tulane.edu](mailto:gegan@tulane.edu).

## *Mardi Gras Sports Law Invitational Competition, 2012*

In time honored fashion, Tulane will host the spring Mardi Gras Sports Law Competition, now in its 17th year. Annually, Tulane invites law schools from across the country to compete in this unique competition, all while experiencing Mardi Gras charm. This competition is the largest one of its type in the nation, and participants will have the privilege of competing in courtrooms that house the Eastern District of Louisiana. Also notable, students will have the hon-

or of arguing some rounds in the Federal Fifth Circuit Court of Appeals.

The problem packet for this competition is crafted by the Tulane Sports Lawyers' Journal. Topics for the packing typically include current legal issues and questions facing the sports, and/or sports law community.

Tulane is currently accepting judges for this competition, as there are a few spots remaining. To qualify as a judge you must have a

juris doctor degree and be available during the Competition to be held during Mardi Gras, February 15-17, 2012.

If you are interested in judging or have any other questions about the competition, please contact Courtney Dahlgren, Administrative Justice of Invitational Competitions: [cdahlgre@tulane.edu](mailto:cdahlgre@tulane.edu).

### FALL EVENTS

- ◆ August-September Inter-school Competition team try-outs and teams chosen.
- ◆ October: Intrascchool Competitions begin
- ◆ October 20-22: *Civil Rights Trial Competition*,
- ◆ October 27-30: *ABA Criminal Trial Advocacy Competition*
- ◆ November 5-6: *ABA Negotiation Competition*

### MOOT COURT JUSTICES 2012

- Chief Justice:  
**Arly Smith-Pearson**
- ◆
- Administrative Justice for Academic Affairs:  
**Jon Ferguson**
- ◆
- Administrative Justice for Interschool Competitions:  
**Lauren Newhart**
- ◆
- Administrative Justice for Intrascchool Competitions:  
**Jennifer Necas**
- ◆
- Administrative Justice for Invitational Competitions:  
**Cortney Dahlgren**
- ◆
- Administrative Justice for Business Affairs:  
**Andrea Holmes**
- ◆

## *Tulane Alternate Dispute Resolution Teams Win Big at Home and Abroad!*

A child has been hit by a car and suffered fatal injuries. Who will help the grieving parents reach a settlement with the man alleged to have been driving that car? The Tulane 2010-2011 ADR Moot Court Team, that's who. Its members, Brandy Gann, Jon Ferguson, Lauren Newhart, Erin Sanders, Andrew Schwartz and George Stamps used their Jedi-like skills at dispute resolution (sans light sabers) to negotiate and mediate a positive outcome to that problem and many more. In so doing, they brought home more trophies than any other moot court team that year. Their hardworking coach, Raymond Wezik, was largely to thank for their success, due to his relentless insistence on excellence. He led them to two competitions, the ABA Negotiation Competition in Arkansas, and the International Competition for Mediation Advocacy in London.

At the London competition, they initially met with derision from other teams as they were the only team to have a student coach. "The other coaches were a bit patronizing," Raymond Wezik recounted, "but we showed them". Indeed, not only did the team compete in the final round, but they won more awards than any other team there.

The competition itself was three days long and featured four negotiation scenarios. Each member had to take a turn in the three different roles of attorney, mediator, and client. The team members said that, unsurprisingly, it was the easiest to compete in the role of attorney.

"Mediation is definitely the hardest part," Brandy Gann explained, "you can't appear biased for either side, even if you just

want to yell at one party to get his or her act together." Erin Sanders agreed, saying: "Sometimes, one side is just a damn fool, but you have to pretend like he's a special snowflake to his face." The team agreed that the most fun role to play was that of the client. "It really helps if you can cry on cue," said Lauren Newhart, whose tearful rendition of a mother who had recently lost her only child won points with the judges.

All the team members and their coach were ecstatic at the awards banquet when it became clear that they had done extremely well. Their entire table listened attentively as the judges called them to the stage over and over again. They earned the second place team award for mediation;

the fifth place team award for negotiation; the second, sixth and seventh place award for individual mediators; and the tenth place award for best attorney client team.

***Congratulations to all of the 2010-2011 Team members!***

*"MEDIATION IS DEFINITELY THE HARDEST PART. YOU CAN'T APPEAR BIASED FOR EITHER SIDE, EVEN IF YOU JUST WANT TO YELL AT ONE PARTY TO GET HIS OR HER ACT TOGETHER"*

*BRANDY GANN, 3L*

**MOOT COURT  
INTERSCHOOL  
COMPETITION  
CHAIRPERSONS  
2012**

◆  
Interschool ADR:  
**Andrew Schwartz**

◆  
Interschool Appellate:  
**Natalie Maples**

◆  
Interschool Trial:  
**Courtney Mitchell**

◆  
Interschool VIS  
Arbitration:  
**Joel Talley**

### *Admiralty Law Competition Returns to Tulane*

In 2012, the Honorable. John R. Brown Admiralty Moot Court Competition returns to Tulane from the University of Texas. Tulane University and the University of Texas share the commitment of sponsoring this distinguished Maritime Law competition. Competitors hail from a variety of law schools throughout the nation and will argue maritime issues simulating appellate arguments to a United States

Court of Appeals. This year's competition will be held on March 22-24, 2012 at the Eastern District of Louisiana and Fifth Circuit Court of Appeals.

Tulane is securing judges for this competition. All interested persons, who hold a juris doctor degree, should contact Emily Ross, the John R. Brown Committee Chairman, at [eross2@tulane.edu](mailto:eross2@tulane.edu) for inquiries.



## Phillip C. Jessup “Green Wave Dominates” the Rocky Mountain Super Regionals

Ethnic Zetians occupy the mountainous area that spans the border between the countries of Rigalia and Ardenia. Zetians practice the Masinto religion which requires that women wear the Mavazi, a garment that covers the entire head and face, and women who refuse to wear the Mavazi are punished by receiving 40 lashes and being exiled.

In May 2008 Zetian leaders declared their independence. Ardenia conducted a secret agreement supporting a future Zetian State located on Rigalian territory in exchange for the abandonment of secessionist claims against Ardenia. Rigalia responded by denying Zetian claims and extensive fighting broke out in Rigalia. Zetian terrorists began to kidnap citizens and committed two suicide bombings killing 130 Rigalian civilians; which were accomplished because the bombers were wearing Mavazis which allowed them to avoid questioning. Rigalia then passed a bill prohib-

iting all Rigalians from wearing the Mavazi and declared the Rigalian government was at war with the Zetian secessionist movement. Rigalia began using Predator Drones to attack Zetian separatists. Finally, during a drone strike directed at a Zetian leader living in Ardenia, the operator was distracted which caused the strike to hit a hospital next to the leaders house killing 150 people and wounding 200 more. Subsequently Ardenia filed an application to the International Court of Justice alleging Rigalia’s law banning the Mavazi was illegal and the drone strike was an act of aggression against Ardenia.

Although this story sounds like a story in the news today, it formed the basis of the 2010-11 Phillip C. Jessup International Law Moot Court Competition; where Tulane team, comprised of members William Dunn, Jackie Len, Lee Rudin, Arly Smith-Pearson, and Jillian Petrella were Semi-Finalists. The team went 3-1 and placed 7th overall after the

Preliminary Rounds, with Jackie Len receiving a perfect oral argument score in one of her rounds. Tulane was then power matched against the Number 2 team (which won best brief in the competition and got to choose the side they argued) for the Quarter Final round. Jackie Len and Lee Rudin argued the Quarter Final round for Rigalia and beat out the Number 2 team in the competition. Tulane was the only underdog to win in the Quarter Finals.

During the Quarter Finals, a judge asked a question about standing that caught everyone off guard. Because of this the team spent all night researching and creating new arguments for the Semi-Finals. The next morning, William Dunn and Arly Smith-Pearson argued for Ardenia against Arizona in the Semi-Final rounds. It was a very close round, but Arizona won the favor of the judges and advanced to the Finals. However, Tulane made a great showing and effort.

The team’s overwhelming success is due entirely to their committed coaches. Student coach Monica Lederman was devoted to redemption from the previous year when her team didn’t advance. She kept the team on a strict schedule and motivated her team to be the best. Additionally, Professor Herbert Larson taught the entire team international law single handedly. Only one of the team members had taken an international law course before competing in Jessup and Professor Larson had his work cut out for him. Professor Larson spent every Saturday morning for two months at Weinmann Hall mooting the team.

This year, William Dunn, Jackie Len, and Professor Larson are back coaching a new team and they are out for the International Rounds. “We are making it to D.C. this year, no question” said William Dunn.

## Tulane Moot Court Beefs Up its Intraschool Competition!

In years past participation in Tulane’s intraschool competition has been down. Last year, Moot Court Board, attempted to increase participation to moving all rounds to the Spring semester, however this plan back fired and participation was down even more.

This year, Administrative Justice for Intraschool Competitions, Jennifer Necas is not going to let that happen again. Preliminary rounds have been moved back to the Fall semester and Jennifer has recruited dedicated chairs who have been working hard to

make the competitions accessible and interesting to the entire student body.

Additionally, for the first time, inter-school team members are now required to participate in the intraschool competitions. Which not only allows team members something new to practice before their packets drop but gives student who are not on a team to prove their abilities against the best.

Finally, this is the first year that Sr. ADR competition winners will get their name on the Mar-

ble in room 110 of Weinmann Hall.

All of these changes and hard work has paid off. Preliminary round participation for Appellate and Trial have doubled last year’s numbers and ADR has over three times more participants than last year.

The final rounds will be held in the Spring semester to determine what 3Ls will earn their place on the marble. If you are interested in helping please contact [jnecas@tulane.edu](mailto:jnecas@tulane.edu)

### **MOOT COURT INTRASCHOOL CHAIRPERSONS**

Intraschool Trial:  
**Dan Chiorean**



Intraschool Appellate:  
**Katie Van Dyk**



Intraschool ADR:  
**Nick Cenac**



1L Open:  
**Brendan Conroy**



## 2011-2012 Tulane Moot Court Interschool Competitions:

### ADR:

**ABA Negotiation Competition**  
Nov. 5-6, Houston, TX

**International Competition for  
Mediation Advocacy**  
March 5-9 Toronto, Canada

### Vis:

**International Center for Dispute  
Resolution Pre-Moot**  
January, New York, NY

**Willem C. Vis International  
Commercial Arbitration Moot**  
March 30- April 5, Vienna, Austria

### Appellate:

**Phillip C. Jessup International  
Competition**  
February, Houston, TX

**PACE National Environmental  
Competition**  
Feb 23-25, White Plains, NY

**Inter-American Sustainable  
Development Competition**  
March 1-3, Rio de Janeiro, Brazil

**Ruby R. Vale Corporate Competition**  
March 12-18, Wilmington, Delaware

**John R. Brown Admiralty Competition**  
March 22-23, New Orleans, LA

### Trial:

**National Civil Rights Competition**  
Oct. 21-23, Mineola, New York  
Civil Rights

**ABA Criminal Trial Advocacy  
Competition**  
Oct. 28-30, New Haven Connecticut

**American Association of Justice**  
March 1-4

**Texas Young Lawyers Association**  
March 21-24, Austin, Texas

**Louisiana State Bar Association Trial  
Competition**

## *Volunteers: Our Secret to Success*

Special 'thanks' to the following individuals for their dedication to Tulane Moot Court:

Ms. Kelly Bagayoko  
Prof. Paul Barron  
Ms. Adrienne Chavez  
Mr. Brad Cousins  
Prof. Martin Davies  
Mr. Brandon Davis  
Prof. Onnig Dombalagian  
Ms. Vanessa D'Souza  
Prof. Jörg Fedke  
Prof. Gabe Feldman  
Prof. Robert Force  
Prof. Janet Hoefel  
Prof. Oliver Houck  
Prof. Herbert Larson  
Ms. Janet MrKnight  
Mr. Joe Pipinich  
Ms. Thalia Reisin  
Ms. Kari Riley  
Mr. Scott Sherman  
Ms. Lynzi Spann  
Mr. William Sommers  
Prof. Amy Stein  
Ms. Melissa Swabacker  
Mr. Chris Teske  
Prof. Tania Tetlow

## *VIS International Moot Court Competition is One for the Records*

Tulane University Law School's international moot court team, the Vienna Vis, recently advanced as a finalist at the 18th Annual Willem C. Vis International Commercial Arbitration Moot competition held in Vienna, Austria, April 15-21, 2011. Ultimately, the Tulane Law School team finished in the top 64 and surpassed 80 percent of its competition, which included a record 262 teams involving approximately 2,500 participants from 66 countries.

Referred to as the "Olympic Games of International Trade Law," the Vis Arbitral Moot in Vienna is considered the largest and most prestigious moot court competition in the world. Representing the Tulane team in this year's high-standing competition were second-year law students Nicholas Cenac, Morgan Levy, and Joel Talley, as well as third-year law student Ethan Minshull, who also serves as a Vis Moot student coach with fellow 3Ls Meghan Shumaker and Ashvi Sivapalan.

In addition to the highly success-

ful performance of the Vista Vis team orals, Minshull—a late-comer to the team—was awarded second "Best Individual Oralist" during the general rounds of the competition (four oral hearings of each team), based on the scored performances of some 1,300-plus individual advocates. Minshull's second-place finish is the highest in the history of Tulane law's participation in the Vienna competition.

Unable to make the trip but equally applauded for their longstanding service as faculty advisors are Tulane law professors Robert Force and Martin Davies. Team member Nick Cenac commended the professors' dedication and commitment to the Vis team.

"I feel honored and humbled to have been selected to join the team and work with such remarkable people," said Cenac. "Our coaches and advisors have given us such strong support and encouragement, and I cannot express how grateful I am to have had this opportunity."

The case in the 18th Willem C. Vis International Commercial Arbitration Moot Court was approximately seventy pages long and dealt with the distribution and sales of squid in international trade.

The objective of the Moot is to foster study in the areas of international commercial and arbitration laws and to encourage the resolution of business disputes by arbitration. The problem for the Moot is always based on an international sales transaction, subject to the United Nations Convention on Contracts for the International Sale of Goods, and also involves procedural issues of arbitration. The Moot requires submission of written memoranda prior to oral argument.

