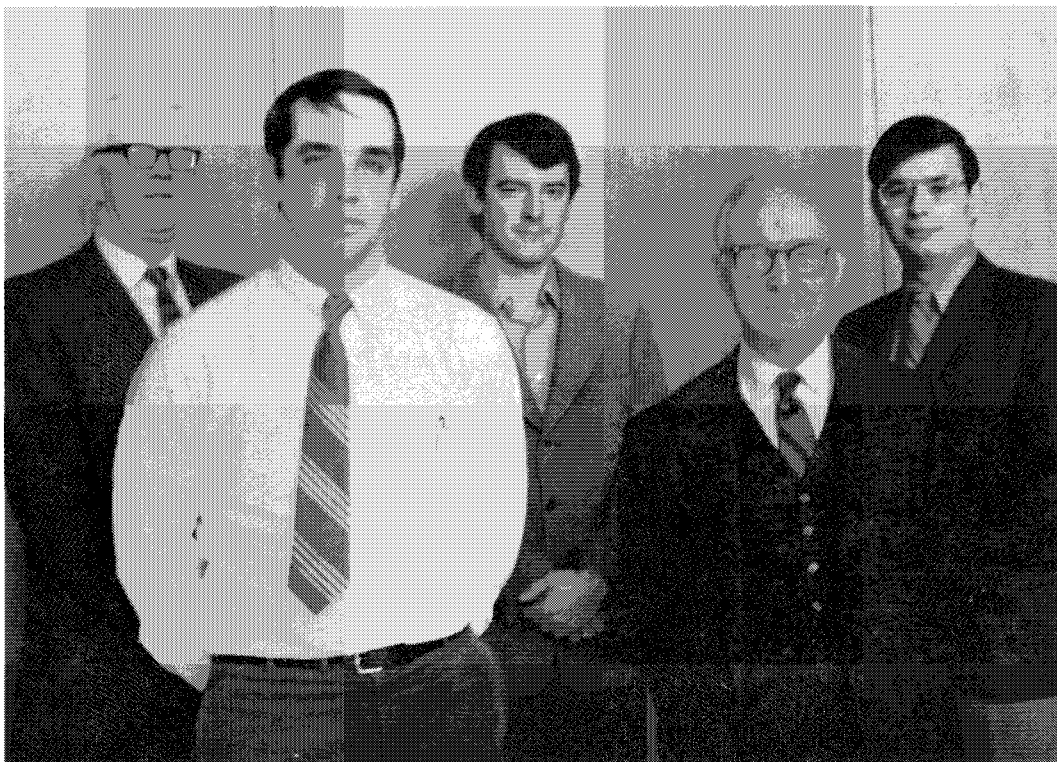


MOOT COURT PROVIDES EXPERIENCE IN ORAL ARGUMENT



1970 Moot Court Team

Left to right: Prof. Helstad, William Lewis, Fred Leatherman, Prof. Brodie, Howard Eisenberg.

When the Wisconsin Law School was established in 1868, the course of study included, along with the customary lectures and textbook discussions, weekly moot courts for the argument of cases. Throughout the Law School's history, efforts have been made to incorporate into the curriculum practical experience in the trial of law suits and in the preparation and argument of cases on appeal.

The National Moot Court competition provides the annual culmination of these efforts for over 120 law schools in the United States. Each year, the national championship rounds are sponsored in New York by the Young Lawyers Committee of the Association of the Bar of the City of New York. After regional tournaments throughout the country, the 16 winning teams gather for the final rounds in No-

vember each year, and a national champion team is selected.

The Wisconsin Law School has won the regional competition and hence has participated in the New York tournament twelve times since the establishment of the national competition in 1950. In 1969, the Wisconsin team won its only national championship, though on several other occasions, the Wisconsin team has reached the semi-finals. In November, 1970, the team defeated the University of Texas in the first round, but was eliminated in the second by New York University.

Regional tournaments precede the national championship rounds. For many years, the Milwaukee Junior Bar Association played regional host. In 1970, the regional tournament was shifted to Chicago.

Each participating law school

travels a different route to the championship rounds in New York. Although Wisconsin teams have been among the most successful in the competition over the years, appellate advocacy, at least in the competitive sense, is less emphasized at Wisconsin than at many other law schools. At some schools, intra-school competitions, such as the Ames competition at Harvard, involve up to 100 students in the extra-curricular practice of appellate advocacy.

In many law schools, moot court competitions were traditionally organized through moot court clubs, which had social and fraternal as well as competitive purposes.

All of these intensive intramural and interscholastic efforts have the stated purpose of providing to law

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students an opportunity to gain experience in all aspects of appellate advocacy, including research, brief-writing and oral argument. In addition, of course, participating students have chances to meet and associate with outstanding students from other law schools and outstanding members of the Bench and Bar.

All first year law students at Wisconsin are enrolled in a Legal Writing course in which they write memos and briefs. Late in the second semester, students are divided into teams of two, to present oral arguments following the submission of briefs on problems prepared by the Legal Writing instructors. Legal Writing instructors and members of the local Bar serve as judges on these occasions.

Appellate Advocacy is a second year course, which culminates in an intramural tournament presided over by Wisconsin Supreme Court justices at the time of the Spring Program each year. In addition, a seminar in Appellate Procedure is offered to advanced law students. Now conducted by Wisconsin Supreme Court Justice Nathan Heffernan, it was formerly under the direction of Justice George S. Currie.

Students interested in being selected to represent the Wisconsin Law School in the regional and national tournaments receive the record of the case to be argued in the late summer each year. The hypothetical trial record is prepared by the Young Lawyers' Committee. In recent years, the cases selected have all involved constitutional questions. In 1969-70, the national championship team argued a case dealing with student discipline at a private university. Recent controversy over the records presented has caused Harvard and the University of Chicago to withdraw from the competition. Prospective team

members prepare briefs on one side or the other, which are judged in the regional and national competitions separately from the argument. Intramural competitions determine which teams will represent Wisconsin at the regional tourney. Initially, student competitors prepare only one side of the argument.

Teams winning the regional competitions then must prepare to argue either side, as assigned in the national rounds.

Costs to entering schools include mimeographing of briefs before the regional rounds. All participants read and receive each brief. Regional victors have the additional costs of printed briefs, as well as travel and other expenses. Moot Court expenses at Wisconsin are borne by grants of Wisconsin Law Alumni Association funds.

The 1970 Wisconsin team was composed of Howard Eisenberg and William Lewis, Jr., Madison, and Fred Leatherman, Jr., Bethesda, Maryland. Participation in the national rounds is a very exciting experience, according to Mr. Eisenberg, who represented the Law School in 1969 (when Wisconsin was Champion) and again in 1970. The Chief Judge of the National Moot Court is always a U.S. Supreme Court Justice, and sitting with him are other Federal Judges and distinguished members of the Bar. Approximately 1000 people attend the final arguments. Social occasions accompany the arguments, and on the night of the final rounds all participants are entertained at dinner. Prizes to winning teams, to winning briefs and winning individuals are numerous.

The tremendous amount of time required to participate in Moot Court probably deters many students from taking advantage of this opportunity. A small amount of academic credit is given as partial compensation for the investment. The opportunity to study an area of law in depth, and the developing

poise that accompanies growing experience are other irreplaceable compensations.

Mr. Eisenberg feels that the Legal Writing experience is viewed as drudgery and not as a challenge, and few students choose to continue their study of appellate advocacy after the Legal Writing course. There should be greater effort to acquaint first year students with the values of the Moot Court experience.

There seems, however, to be little correlation between the number of students who enter the intramural rounds and the success of the team which ultimately represents the school. Although Wisconsin's intramural competition is smaller than that of most other schools, its teams have performed well, and are considered to be among the best every year, for their briefs as well as for their oral arguments.

For many years Prof. Samuel Mermin and Prof. Abner Brodie served as advisors to the Moot Court competitors. This last year, Prof. Orrin Helstad has replaced Prof. Mermin.

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