

**The 42nd Annual Robert F. Wagner
National Labor and Employment Law Moot Court Competition**

Frequently Asked Questions

Q1: In reading the Thirteenth Circuit opinion, it was our understanding that the Court *reversed* the district court's decision to uphold the jury's prejudgment interest award. However, we also read the first issue for review on the Writ of Cert to imply the Thirteenth Circuit *upheld* the jury's award. Because this issue seems inconsistent with the Court's holding, we are seeking clarification on the wording of the first issue.

A1: The correct question on certiorari should be:

Whether the Thirteenth Circuit correctly reversed the jury's award of prejudgment interest in the Petitioner's mixed Jones Act and unseaworthiness claim?

Q2: My team and I are preparing our brief, and we noticed there is neither a complaint nor motion to dismiss included in the documents. If these two items were intentionally omitted, please disregard this inquiry.

A2: **A complaint and motion to dismiss were not included in the fact pattern as the court options summarized those issues.**

Q3: On page 19 of the record, the Appellate Court wrote, "Sparrow argues that the District Court properly upheld the jury's prejudgment interest award 'because the Jones Act claim was brought on the admiralty side of the court, where prejudgment interest is generally awarded as a matter of discretion.'" However, page 24 of the record indicates that jury trials are not available on the admiralty side of the court. We are wondering if this is an error in the record that needs correction or something that we need to address in our brief?

A3: **There is no discrepancy.** On page 19, the Court of Appeals does acknowledge that Sparrow argues that the award should be upheld because it was brought on the admiralty side of the court. However, the Court of Appeals finds fault in her argument, which is explained on pages 24 and 25. When a Jones Act claim is brought on the admiralty side, it is tried to a judge, not a jury; only a judge has discretion to award prejudgment interest on Jones Act claims. The Court of Appeals acknowledges that the rule about claims brought in admiralty is correct, but the court explains that Sparrow misapplied that rule to her situation. The opinion does not concede that this case was brought in admiralty. Competitors are encouraged to form their own legal arguments and address points in their briefs they feel are necessary.

Q4: Did Jaclyn Sparrow ask for a jury trial, either in her complaint or in a demand?

A4: **Please refer to the facts in the Fact Pattern. Competitors are encouraged to form their legal analysis based on the facts presented.**

Q5: At the jury trial, was the jury instructed on prejudgment interest?

A5: Please refer to the facts in the Fact Pattern. Competitors are encouraged to form their legal analysis based on the facts presented.