

# THE MCA DOCKET

THE NEWSLETTER OF THE NEW YORK LAW SCHOOL MOOT COURT ASSOCIATION

VOLUME 3, NUMBER 2

SPRING 2008

## 2008 Robert F. Wagner National Labor & Employment Law Moot Court Competition

In March, the New York Law School Moot Court Association hosted the 32nd Annual Robert F. Wagner National Labor and Employment Law Moot Court Competition. A record 43 teams representing law schools from across the country competed head-to-head for the honor of arguing before the prestigious final round bench. The months of hard work put in by competition Co-chairs Michelle Benedetto 3L and Christopher (Chance) Miller 3L paid off in what was universally praised as one of the most successful Wagner competitions ever held.

This year's fact pattern was written by Anna Mikhaleva 3L and Jaclyn Rovine 3L. Mikhaleva and Rovine challenged the competitors with questions arising from a challenge to Title VII of the 1964 Civil Rights Act involving the topical issue of transgendered employees in the workplace. In the final round, Northern Kentucky School of Law emerged victorious over the formidable team from Michigan State University School of Law. This year's Wagner competition also had its first-ever deaf competitor, Scott Van Nice from Northern Kentucky School of Law, who was named Best Final Round Oral Advocate. Van Nice interacted with judges via sign language interpreters who assisted the communication process in each round.

The judges on this outstanding final round bench were:

- **William B. Cowen**, Solicitor, National Labor Relations Board;
- **The Honorable Martha Craig Daughtrey**, Sixth Circuit U.S. Court of Appeals;
- **Richard A. Matasar**, Dean and President, New York Law School;
- **Ronald Meisburg**, General Counsel, National Labor Relations Board;
- **Omar T. Mohammedi**, Commissioner, New York City Commission on Human Rights;



*Final round winners from Northern Kentucky School of Law.*

- **Reed L. Russell**, Legal Counsel of the Equal Employment Opportunity Commission; and
- **Anne Stevason**, Chairperson, New York State Industrial Board of Appeals.

This year's final round was once again Webcast live. The link can be found on the right-hand side of the Wagner competition home page ([www.nyls.edu/wagner](http://www.nyls.edu/wagner)).

This year's winners were:

- **Best Final Round Team**  
*Team 4: Northern Kentucky School of Law*  
Benjamin Lewis  
Marisa Palmieri  
Scott Van Nice
- **Second-best Final Round Team**  
*Team 31: Michigan State University School of Law*  
Clarence Dobronski  
Ellen Sluka  
Jessica Zimbelman
- **Best Final Round Oral Advocate**  
*Team 4: Northern Kentucky School of Law*  
Scott Van Nice
- **Best Preliminary Round Oral Advocate**  
*Team 42: DePaul University School of Law*  
Cortney Closey
- **Best Preliminary Round Team**  
*Team 4: Northern Kentucky School of Law*  
Benjamin Lewis  
Marisa Palmieri  
Scott Van Nice
- **Best Petitioner Brief**  
*Team 31: Michigan State University School of Law*  
Clarence Dobronski  
Ellen Sluka  
Jessica Zimbelman
- **Best Respondent Brief**  
*Team 4: Northern Kentucky School of Law*  
Benjamin Lewis  
Marisa Palmieri  
Scott Van Nice

The event was a fantastic success with nearly 200 attorneys and judges judging the preliminary and advanced rounds. If you are interested in judging next year, please e-mail [wagnermoot@nyls.edu](mailto:wagnermoot@nyls.edu) for more information.

# COMPETITION ACHIEVEMENTS 2007–08

---

Once again the New York Law School Moot Court Association members proudly served as ambassadors of the Law School. Twenty-five teams went to over 20 competitions across the country, consistently returning with awards and recognition.

## **14th Annual Burton D. Wechsler First Amendment Moot Court Competition**

American University, Washington College of Law  
*Octo-finalists*

Anna Mikhaleva and Sharon Sorkin  
*Coach:* Ernestine Ward

Lindsay Zuflacht and Carla Warsaw  
*Coach:* Allyson Cannistra

## **International Criminal Court Moot Competition**

Pace Law School

*International Finalists and Best Oral Advocates*

Lauren Angelo and Stephanie McKaughan  
*Coach:* Natalie Amar

## **National Entertainment Law Moot Court Competition**

Pepperdine University School of Law  
*Quarter-finalists*

Michelle Benedetto and Karlton Jarrett  
*Coach:* Lindsay Flora

## **Emory Civil Rights and Liberties Competition Emory Law School**

*Finalists and Best Brief*

Stephanie Kudrle and Devra Nemrow  
*Coach:* John Buza

## **Chicago Bar Association Moot Court Competition**

Sponsored by the Young Lawyers Division of the Chicago Bar Association

*Octo-finalists*

Vicki Becker and Jackie Rovine  
*Coach:* Andrew Finn

*Semi-finalists and Best Brief*

Alyssa Gunther and Chance Miller  
*Coach:* Luba Reife

## **The Association of the Bar of the City of New York National Moot Court Competition**

Sponsored by the Association of the Bar of the City of New York and the American College of Trial Lawyers

*Competed with Distinction*

Jack Kallus and Joseph Niemczyk  
*Coach:* Farrell McManus

## **Tulane Mardi Gras Invitational National Sports Law Competition**

*Quarter-finalists and Third-best Brief*

Scott Baldassano and Charles Messina

*Coaches:* Karlton Jarrett and Jackie Rovine

## **Whittier Law School National Juvenile Law Moot Court Competition**

*Quarter-finalists*

Susan Cordek and Maureen Lee

*Coaches:* Lauren Angelo and Carla Warsaw

## **Charleston School of Law National Moot Court Competition**

*Quarter-finalists*

Gillian Kotlen and Christopher O'Donnell

*Coach:* Devra Nemrow

## **University of California, Los Angeles National Sexual Orientation Law Competition**

*Competed with Distinction*

Edmond Foy and Reyna Hernandez

*Coach:* Anna Mikhaleva

## **University of Minnesota Law School William E. McGee National Civil Rights Competition**

*Competed with Distinction*

Matthew Aboyme and Casi Carson

*Coach:* Stephanie Kudrle

## **George Washington University School of Law National Security Law Competition**

*Competed with Distinction*

Moumita Rahman and Michelle Tonelli

*Coach:* Sharon Sorkin

## **BMI/Cardozo Moot Court Competition Intellectual Property Law**

*Quarter-finalists*

Lindsay Garroway and Sujun Vasavada

*Coach:* Michelle Benedetto

## **National Appellate Advocacy Competition**

*Competed with Distinction*

Armando Acosta and Shane Humphries

*Coach:* John Buza

*Competed with Distinction*

Thomas Liou and Steven Sirota

*Coaches:* Alyssa Gunther and Lindsay Zuflacht

## **Fordham School of Law National Securities Law Competition**

*Octo-finalists*

Lev Ekster and Adam Love

*Coaches:* Farrell McManus and Joseph Niemczyk

## **Capital University National Child Welfare and Adoption Law Competition**

*Octo-finalists and Oralist Award to Demia Wilburn*

Ogechi Eto and Demia Wilburn

*Coaches:* Natalie Amar and Stephanie McKaughan

## **University of Buffalo School of Law Herbert Wechsler National Criminal Law Competition**

*Competed with Distinction*

Eric Opanga and Kathleen Walters

*Coach:* Lindsay Flora

## **University of Wisconsin School of Law Evan A. Evans Constitutional Law Competition**

*Competed with Distinction*

Frank Lanza and Brian Seidenberg

*Coaches:* Andrew Finn and Sharon Sorkin

## **Thurgood A. Marshall Memorial Moot Court Competition**

*Semi-finalists and Best Brief*

Jean Chou and Paul Colley (*Second-best Oralist*)

*Coaches:* Allyson Cannistra and Stephanie Kudrle

## **Seton Hall School of Law John J. Gibbons Criminal Procedure Competition**

*Competed with Distinction*

Cary London and Laura Seidl

*Coach:* Luba Reife

## **Brooklyn School of Law Jerome Prince Memorial Evidence Competition**

*Competed with Distinction*

Tiffany Rex and Greg Ring

*Coach:* Vicki Becker

## **University of Cincinnati School of Law August A. Rendigs Jr. Products Liability Competition**

*Competed with Distinction*

Patrick Jordan and Andrew Metzgar

*Coaches:* Chance Miller and Joseph Niemczyk

## **Catholic University, Columbus School of Law Sutherland Cup Moot Court Competition**

Maryam Maleki (*Best Oral Advocate*) and Jason Weisfuse

*Coach:* Chloe McRae

# New Executive Board Elected

The 2007–08 New York Law School Executive Board members recently elected their replacements. Michelle Tonelli was elected Chair and Armando Acosta was elected Vice Chair.

Tonelli is a 2L Day Division student. She graduated from Sewanee: The University of the South with a B.A. in history. After college she spent six months interning for Senator Bill Nelson of Florida, then served as Assistant Campaign Manager for the Sandra Murman for State Senate campaign in Florida. Currently Tonelli is a member of the Center for International Law and will be working for the U.S. Department of Homeland Security this summer in the area of Customs and Border Protection.

Acosta is a 2L Day Division student. Before enrolling at New York Law School, he was a Client Services Specialist at Covington & Burling, LLP in Washington, D.C. He received his B.A. in international affairs with a functional concentration in international economics from the Elliot School of International Affairs at The George Washington University. At the conclusion of his first year at New York Law School, Acosta was awarded a New York City Bar Fellowship through the City Bar's Diversity Fellowship Program, and was given the opportunity to be a part of Milbank, Tweed, Hadley & McCloy's Summer Associate Program for 2007. He will be returning to Milbank this summer and will also spend part of his summer at Covington in Washington, D.C. Currently, he is also an Associate Editor for the *New York Law School Law Review*.

The other members of the Executive Board are also quite accomplished and are very excited about the 2008–09 year ahead.

## A Letter from the Wagner Chairs

It has been an honor and privilege to serve as Co-chairs for the nation's largest student-run moot court event, and we are proud to host the only national competition dedicated exclusively to labor and employment law. We would like to thank our distinguished final round bench; the New York Law School faculty, staff, and administration; and all of the Moot Court Association members for their enthusiasm, dedication, and support in preparing for the 32nd Annual Robert F. Wagner National Labor and Employment Law Moot Court Competition. We congratulate the competitors and wish you all the best of luck!

Michelle Benedetto and Chance Miller  
2008 Robert F. Wagner Competition  
Co-chairs

## New York Law School Moot Court Association 2008–2009 Executive Board

### Chair

MICHELLE TONELLI

### Vice Chair

ARMANDO ACOSTA

### Executive Editors

JEAN CHOU  
MOUMITA RAHMAN

### Froessel Competition Co-chairs

LEV EKSTER  
TIFFANY REX

### Wagner Competition Co-chairs

ADAM LOVE  
GILLIAN KOTLEN

### Froessel Competition Co-authors

FRANK LANZA  
CHRISTOPHER O'DONNELL

### Wagner Competition Co-authors

STEVEN SIROTA  
SHANE HUMPHRIES

### Alumni Relations & Media Chair

PAUL COLLEY

### Members

MATTHEW ABOYME  
KASI CARSON  
SUSAN CORDEK  
EDMOND FOY  
LINDSAY GARROWAY  
CARY LONDON  
ANDREW METZAR  
BRIAN SEIDENBERG  
KATHLEEN WALTERS  
JASON WEISFUSE

### Administration

SUSAN ABRAHAM  
*Faculty Advisor*

CARLIN MEYER  
*Wagner Competition Faculty Advisor*

SONJA DAVIS  
*Administrator*

SALLY HARDING  
*Director of Student Life*



The Wagner Competition final round bench.



MCA members enjoy Wagner Ball 2008.



An award winner celebrates at the Wagner Ball.

## Save the Date!

Calling all alumni! The New York Law School Moot Court Association needs your help. You can earn up to 2 CLE credits for judging our Charles W. Froessel and Robert F. Wagner competitions, and it's a great way to reconnect with other alumni. There are also banquets and other gatherings, so make sure to save the dates! For more information on these competitions, visit [www.nyls.edu/mootcourt](http://www.nyls.edu/mootcourt), or e-mail the co-chairs at [froesselmoot@nyls.edu](mailto:froesselmoot@nyls.edu) or [wagnermoot@nyls.edu](mailto:wagnermoot@nyls.edu).

β

30th Annual Charles W. Froessel  
Intramural Moot Court Competition  
September 3–7, 2008

β

31st Annual Robert F. Wagner  
National Labor and Employment  
Law Competition  
March 8–11, 2009

## Closing Argument

By Professor Susan Abraham

My observations of the Moot Court Association this year reminded me that participation in the MCA provides excellent preparation for the practice of law, at any level. Ironically, that is due not only to the students' learning how to write briefs and do oral arguments, but in large part to one of the unique features of the New York Law School MCA: that it is wholly student-run.

As a result of the student autonomy, Moot Court students experience learning law completely differently from how they experience it in class where they are led by a professor. In Moot Court, the students must tackle the problems themselves, as a team; what they don't know how to do, they have to figure out together and teach each other. Moreover, as in practice, the students here have to take on all of the responsibility of running an organization, from planning major competitions, to writing briefs, to mentoring the newer students. They need to make schedules for their practices, critique each other, and respond to constructive criticism. They need to learn to be active rather than passive, represent their team with pride, work together on a written product, and tackle new legal issues. The student leaders of the MCA maintain a vision of the organization's future, resolve disputes, work with budgets, and prod others to do their best work.

I have seen students begin their association with the Moot Court team having little idea of what they have gotten themselves into. They have even less of an idea of how to read a case, let alone how to write a brief and stand up in

front of a panel of judges and actually speak eloquently about a complex area of law. Yet over the years, and certainly over the course of this year, the students have come away from most of their competitions with awards and honors. They have organized and hosted two stellar competitions at the Law School with facts and law at the cutting edge of the fields, and final round judges who would challenge the most experienced attorneys. Our competition organizers and authors this year were showered with praise by participants, law professors, and volunteer judges.

Under the inspiring leadership of Joe Niemczyk 3L and Sharon Sorkin 3L, this year's MCA members learned far more than the legal arguments they had to struggle through and polish for their own competitions. They learned how to hold themselves to a standard of excellence that they set for themselves, to take full responsibility as professionals for all of their work, and to approach all of these tasks as teammates where each is responsible for all and compromise has to prevail. In April, Niemczyk and Sorkin handed over the reins to our two new leaders, Michelle Tonelli and Armando Acosta, with the seriousness that this transition demands, asking them to look critically at what this year's students have done and to implement whatever changes they see as necessary in their own drive toward excellence. These outgoing MCA students are clearly equipped to handle the challenges of the practice of law in all its manifestations; fortunate are the employers who will hire them and the clients they will represent.

## THE MCA DOCKET

THE NEWSLETTER OF THE NEW YORK LAW SCHOOL MOOT COURT ASSOCIATION

Moot Court Association  
New York Law School  
57 Worth Street  
New York, NY 10013