

University of Michigan Law
ACS 2007-2008 Moot Court Try-Out Problem

On August 10, 2005, the United States Court of Appeals for the Fourth Circuit decided the case of *Myers v. Loudon County Pub. Schs*, 418 F.3d 395. Please read this decision and prepare a brief in support of either side (your choice) to the Supreme Court. The discrete question you are expected to answer is whether the Virginia statute requiring the daily, voluntary recitation of the Pledge of Allegiance in all public school classrooms violates the Establishment Clause of the First Amendment to the U.S. Constitution. The statute is provided for you in the majority opinion. See *Myers*, 418 F.3d at 398. In preparing your brief, you may rely on the following Supreme Court cases, as well as the Fourth Circuit's opinion:

McCreary County v. ACLU, 545 U.S. 844 (2005).
W. Va. State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943).
Lee v. Weisman, 505 U.S. 577 (1992).
Marsh v. Chambers, 463 U.S. 783 (1983).
Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000).
Lynch v. Donnelly, 465 U.S. 668 (1984).

Please do not do any research outside of these cases. Citing to other cases will detract from your score.

Rules:

1. This brief must be prepared alone. Students should not get help from *anyone* in writing or editing their brief.
2. The brief must be four pages or less: 1 inch margins, 12 point font, double-spaced, a Times or Courier font. Block quotes and footnotes should comply with the Blue Book court document rules.
3. Citations should be done according to Blue Book court document rules. Citations need not be perfect – you will not be scored based on the complete correctness of your citations. However, an attempt should be made to follow the rules; an obvious lack of any effort to use correct citations will decrease your score.
4. The only sections of a brief that should be included are the Introduction, Argument and Conclusion.

Logistics:

1. Briefs are due by 5:00 pm on Wednesday, October 17.
2. Send your brief to ljonan@umich.edu, attached as a Word document. No hard copies are necessary.
3. Do not include your name or other identifying information on your brief. We will assign it a number when we receive it.
4. Two ACS board members will score each brief. The scoring will be as follows:
 - a. Identification of issues – 10 pts

- b. Persuasiveness of argument – 10 pts
 - c. Soundness of legal reasoning – 10 pts
 - d. Clarity/Conciseness – 10 pts
 - e. Organization and following of rules – 10 pts
5. The four highest brief scores will be chosen to participate in the National ACS moot court competition. If there are any ties that must be resolved in order for the top four briefs to be chosen, each brief in dispute will be scored by a third board member, and that score will be averaged with the first two scores.
 6. The participants will be announced by Wednesday, October 24.
 7. There will be two teams of two, paired based on input from the board and the participants.

Thank you for your interest in the ACS moot court team! We look forward to reading your briefs. If you have any questions, please e-mail ljonan@umich.edu.

Leslie Onan and the ACS board