

A PEDAGOGICAL RATIONALE FOR THE LAW PROFESSOR AS MOOT COURT COACH

*David W. Case**

INTRODUCTION

This article recounts lessons learned and wisdom gained from nearly two decades of experience coaching moot court competition teams. It is a deeply personal account and, as such, not traditional fare for a law review article. Personal narratives can nonetheless make valuable contributions to the academic literature on a given subject,¹ as I hope this one does. The field of experiential education is already the beneficiary of previously published personal narratives on the substantial value moot court competition contributes to legal education.² Much of the existing literature in this field, however, seeks to convince law students of the important educational value of curricular and extra-curricular

* Professor of Law and Mississippi Defense Lawyers Association Distinguished Lecturer, University of Mississippi School of Law. B.A., J.D., University of Mississippi; LL.M., Columbia University; Ph.D., Vanderbilt University. The author gratefully acknowledges and offers the most sincere thanks to the following: (1) my friend and Ole Miss Law colleague Stephanie Otts, director of the National Sea Grant Law Center at the University of Mississippi School of Law, for her many years of invaluable assistance as co-coach of all of my moot court teams at Ole Miss Law. The tremendous success of each and every one of those teams, not just the many championship teams, would not have been possible without her; (2) my friend and Lewis and Clark Law School colleague Craig Johnston, whose Lewis and Clark moot court teams have won more NELMCC championships (7) over the years than any other law school, for his many years of generous mentoring, strategic insight, and advice regarding the Pace competition and moot court more generally; and (3) my friend and Ole Miss Law colleague Matthew Hall for his many years of enthusiastic and unwavering support for me and my many moot court teams in his essential role as faculty advisor to the Moot Court Board at Ole Miss Law.

¹ See, e.g., Mark R. Brown, *Affirmative Inaction: Stories From a Small Southern Law School*, 75 TEMP. L. REV. 201, 204-05 (2002).

² See, e.g., Michael V. Hernandez, *In Defense of Moot Court: A Response to "In Praise of Moot Court—Not!"*, 17 REV. LITIG. 69 (1998); Ronald J. Rychlak, *Effective Appellate Advocacy: Tips from the Teams*, 66 MISS. L.J. 527 (1997).

participation in moot court. The primary objective of this article, on the other hand, is to persuade full time law faculty that coaching moot court competition teams is a wonderfully rewarding teaching experience and an extremely valuable use of a professor's pedagogical talent, effort, and time.

In the 2001 fall semester, I was a newly hired, first-time law professor at the University of Memphis. Three students knocked on my office door asking to meet with me. They identified themselves as members of the student Environmental Law Society at the law school and asked if I would assist them in preparing to compete at the upcoming National Environmental Law Moot Court Competition (NELMCC) at Pace Law School in White Plains, New York. The request itself made perfect sense. I had just been hired to teach environmental law at Memphis, so, even though new, I was the obvious member of the faculty for them to turn to for help. Still, for me, the request seemed completely out of the blue.

Before joining the Memphis faculty, I had spent over a decade relentlessly pursuing a full-time career in legal academia, obtaining multiple advanced degrees seeking to transform myself from a practicing attorney into a legal scholar.³ At no point during that lengthy quest did I ever even consider that someday I might devote any of my finite quantities of time and energy as a law professor to coaching moot court teams. To the contrary, I had assumed a career as a full-time, tenure-track law professor focused exclusively on legal scholarship and the classroom. But, as a brand new, untenured member of my first law school faculty, I nervously considered that perhaps this was a request the newly hired environmental law professor was not supposed to refuse. So, with virtually no idea of what I was actually signing up for, I agreed, unknowingly making the best accidental decision of my professorial career. The following explains why I believe that is so.

³ See David W. Case, *The Pedagogical Don Quixote de la Mississippi*, 33 U. MEM. L. REV. 529 (2003) (describing the author's decade-plus journey in navigating the national law professor hiring market as a graduate of Ole Miss Law).

THE JEFFREY G. MILLER NELMCC

The Pace competition, now known as the Jeffrey G. Miller NELMCC in honor of its founder and long-time professor and dean at Pace Law School, was instituted in 1989.⁴ Long the preeminent environmental law moot in the world, over its three-plus decades the NELMCC has also become one of the largest, most competitive moots of any kind. In a typical year, around seventy law schools and over 200 competitors from around the country compete at the NELMCC, making it “the largest interschool competition of any kind under one roof.”⁵ Several law schools with the strongest environmental law programs in the nation are perennial participants. But, so are a multitude of law schools without a particular curricular emphasis on environmental law, attracted primarily by the extraordinarily high level of competition the moot offers. The NELMCC has established a national standard of excellence in moot court competition that in 2013 was recognized with the American Bar Association’s Section of Environment, Energy, and Resources Distinguished Achievement in Environmental Law and Policy Award.⁶

The NELMCC is unique in that three adverse teams (rather than two as is the norm for traditional appellate moot court) argue the issues in each round, mirroring the tendency of major environmental litigation to simultaneously include regulated industry, government regulators, and public interest groups.⁷ Thus, NELMCC teams typically consist of three law students, although two student teams can and do occur.⁸ The competition

⁴ See *The Jeffrey G. Miller National Environmental Law Moot Court Competition (NELMCC)*, ELISABETH HAUB SCH. OF L. AT PACE UNIV., <https://law.pace.edu/nelmcc> [https://perma.cc/VWA7-NRJ9] (last visited March 16, 2020).

⁵ *Id.*; see also JAMES DIMITRI ET AL., THE MOOT COURT ADVISOR’S HANDBOOK: A GUIDE FOR LAW STUDENTS, FACULTY, AND PRACTITIONERS 113 (2015) (“[T]he National Environmental Law Moot Court Competition at Pace Law School normally has 72 teams.”).

⁶ *The Jeffrey G. Miller National Environmental Law Moot Court Competition (NELMCC)*, ELISABETH HAUB SCH. OF L. AT PACE UNIV., <https://law.pace.edu/nelmcc> [https://perma.cc/2E4V-STXM] (last visited March 16, 2020).

⁷ *Id.*

⁸ THE JEFFREY G. MILLER NATIONAL ENVIRONMENTAL LAW MOOT COURT COMPETITION, 2020 OFFICIAL RULES, at Rule III.A, <https://law.pace.edu/sites>

problem releases during the fall semester in early October, and the team files a federal appellate court brief, researched and written with no faculty or other assistance of any kind, in late November.⁹ The team chooses which of the three parties for whom it writes its brief, and the brief score eventually constitutes forty percent of each team's preliminary score at the competition in February.¹⁰ The remaining sixty percent of each team's preliminary score comes from oral argument of the issues in three preliminary rounds in which all teams must argue once for each of the three parties.¹¹ At the conclusion of the three preliminary rounds, the twenty-seven teams with the highest total preliminary scores advance to the quarterfinal round.¹² The nine teams that win their quarterfinal round advance to the semifinals, and the three that win their semifinal round advance to the championship round.¹³

The requirement to prepare the legal arguments for three separate parties, and to always compete against two other teams at a time, rather than one, makes the NELMCC an especially rigorous academic, mental, and, indeed, physical challenge. Exponentially increasing the degree of difficulty is the long tradition at Pace Law School of purposefully creating extremely complex competition problems each year requiring painstakingly researched legal analysis of cutting-edge environmental law issues. Beginning with that first team from Memphis Law, I coached moot court teams annually at the NELMCC over an eighteen-year span. After I joined the faculty at the University of Mississippi in 2007, my moot court teams from Ole Miss Law won the NELMCC championship five times (in 2011, 2012, 2014, 2015, and 2016).¹⁴ Over the years, my NELMCC teams reached the

/default/files/nelmcc/2020/2020_Official_Rules.docx.pdf [https://perma.cc/6TGM-P948] [hereinafter NELMCC Rules].

⁹ *Id.* at Rule IV.B(1) and (4); Rule VI.

¹⁰ *Id.* at Rules IV.A. and V.B(2).

¹¹ *Id.*

¹² *Id.* at Rule V.B(2).

¹³ *Id.* at Rule V.C(2).

¹⁴ I am exceedingly grateful for the efforts of all the students from Memphis Law and Ole Miss Law on my many moot court teams over the years. However, I want to particularly acknowledge and thank the former students on these five NELMCC championship teams from Ole Miss Law: Christina Ashoo (2011), Irving Jones (2014), John Juricich (2015, 2016), Caroline Leary (2014), Etheldreda Culpepper Smith (2011,

quarterfinals fourteen times, the semifinals eleven times, and the championship round six times. Four teams additionally won best brief awards at the competition. I am extraordinarily proud of that record of competitive success at the NELMCC. My association with the competition has been among the most rewarding of my professional activities in my academic career.

TEACHER FIRST, COACH SECOND

The above accounting is not intended to suggest that faculty should choose to coach moot court teams in order to win moot court competitions.¹⁵ Not that winning them is bad, of course. Two decades of coaching moot court allows me to say unequivocally that winning moot court championships is fun, fabulous, and something that cannot happen nearly often enough. Moot court competitions are often characterized as law school sports¹⁶ and, as my students repeatedly reminded me over the years, winning them is vastly superior to not winning them. The thrill of competition and the even greater thrill of ultimate success in that competition are powerful incentives for best efforts and quality performances by competitors and their coaches alike.¹⁷ Despite the undeniable existence of such competitive incentives, however, even in moot court competition, winning is *not* the primary

2012), Mary Margaret Steinle (2015, 2016), Brian Whitman (2012), Neal Wise (2011), and Kimberly Young (2012).

¹⁵ See MARK THOMAS & LUCY CRADDUCK, *THE ART OF MOOTING: THEORIES, PRINCIPLES AND PRACTICE* 86 (2019) (“It would . . . be trite *and* inaccurate to imagine that results in a moot competition are the *sole* measure of either a team’s, or a coach’s, achievement.”).

¹⁶ See DIMITRI ET AL., *supra* note 5, at 15, 15 n.42.

¹⁷ See Eric E. Bergsten, *Experiential Education Through the Vis Moot*, 34 J.L. & COM. 1, 9 (2015) (“[C]ompetition is an integral part of the Moot and it gives the students an incentive to do the best they can when preparing the memoranda and making the oral arguments.”); Gerald Lebovits et al., *Winning the Moot Court Argument: A Guide for Intramural and Intermural Moot Court Competitors*, 41 CAP. U. L. REV. 887, 941 (2013) (“Moot court competitors should not underestimate the importance of wanting to win.”); Susie Salmon, *Reconstructing the Voice of Authority*, 51 AKRON L. REV. 143, 176 (2017) (“[M]oot court can and should be a learning experience, but teams (and their coaches and schools) also want to win. Many schools tout their moot-court victories in alumni publications, in new-student recruiting materials, in fundraising efforts, and on their websites.”).

point.¹⁸ Instead, teaching, learning, and education collectively *are*.¹⁹ For the faculty moot court coach in particular, “[a]lthough teaching and winning are not always mutually exclusive, when the two collide, teaching is paramount: teaching is more important than winning.”²⁰

This is, of course, because moot court is not in actuality a “sport” but, instead, an inherently *educational* program.²¹ Moot court has ancient roots as a pedagogical tool in legal education and, indeed, has been described as “perhaps the oldest form of legal education.”²² Using oral argument of hypothetical cases as a teaching method originated in the English Inns of Court during medieval times.²³ Mooting subsequently spread from England to those countries that share its common law traditions, including the United States.²⁴ During the eighteenth century, early legal education in the United States utilized moot court “as an essential pedagogical tool.”²⁵ Indeed, mooting was fundamental to the education of early legal practitioners prior to the advent of formalized university legal education.²⁶

¹⁸ See Sanford N. Greenberg, *Appellate Advocacy Competitions: Let's Loosen Some Restrictions on Faculty Assistance*, 49 J. LEGAL EDUC. 545, 553-54 (1999) (the goals of moot court competition should not be pursued “because we want our teams to win a competition”); William H. Kenety, *Observations on Teaching Appellate Advocacy*, 45 J. LEGAL EDUC. 582, 582 (1995) (decrying teaching appellate advocacy through moot court competitions as not advocacy teaching but rather “How to Win Law School Moot Court Competitions”).

¹⁹ See Robert H. Jerry, II, *A Primer for the First-Time Law Dean Candidate*, 49 J. LEGAL EDUC. 564, 579 (1999) (“[T]eaching goes well beyond what occurs in a classroom, clinic, or externship . . . [t]eaching occurs when . . . moot court coaches work with their teams.”).

²⁰ Lebovits et al., *supra* note 17, at 940.

²¹ Greenberg, *supra* note 18, at 553.

²² Alisdair A. Gillespie, *Mooting for Learning*, 5 J. OF COMMONWEALTH L. & LEGAL EDUC. 19, 19 (2007). See also DIMITRI ET AL., *supra* note 5, at 4 (“Moot court exercises and competitions are among the oldest traditions in legal education.”).

²³ DIMITRI ET AL., *supra* note 5, at 5; Andrew Lynch, *Why do we Moot? Exploring the Role of Mooting in Legal Education*, 7 LEGAL EDUC. REV. 67, 68 (1996). Pinpointing the exact emergence of mooting is extremely difficult and commentators have suggested both the fourteenth and sixteenth centuries as the possible origin points. See DIMITRI ET AL., *supra* note 5, at 5; Darby Dickerson, *In re Moot Court*, 29 STETSON L. REV. 1217, 1223 (2000); Gillespie, *supra* note 22, at 19.

²⁴ Gillespie, *supra* note 22, at 19-20.

²⁵ DIMITRI ET AL., *supra* note 5, at 5.

²⁶ See Lynch, *supra* note 23, at 69.

During the next century, law schools began incorporating moot court into the required curriculum. The first university school of law in the United States, Harvard, began using moot court as a means of teaching both substantive law and advocacy in 1820.²⁷ Other long-established American law schools subsequently followed suit. The University of Virginia's moot court program started in the mid-1840s.²⁸ The University of Mississippi's moot court program was instituted in 1855 by William Forbes Stearns, the university's first law professor.²⁹ Moot court was included as part of the curriculum at Northwestern University in the 1860s and at Boston University in the 1870s.³⁰

The era of moot court competition was ushered in, again by Harvard, as an intra-law-school activity in the early twentieth century.³¹ The modern day phenomena of interscholastic moot court competitions, with teams from different law schools competing against one another, began in 1950 with the National Moot Court Competition in New York City, followed a decade later by the Jessup International Law Moot Court Competition.³² An explosion of interscholastic moot court competitions eventually followed "with now over 200 intercollegiate competitions across the world covering a variety of subject areas."³³ External moot court competition teams are now a ubiquitous part of the moot court programs of virtually every modern law school.³⁴ These include traditional appellate advocacy competition teams, but also involve other facets of law school advocacy programs such as trial advocacy and other legal-skills competitions.³⁵

As important staples of educational programs, therefore, "[a]ll moot court competitions should be viewed as an educational experience."³⁶ Thus, the fundamental goals pursued by faculty

²⁷ DIMITRI ET AL., *supra* note 5, at 6; Dickerson, *supra* note 23, at 1223; Salmon, *supra* note 17, at 144.

²⁸ Dickerson, *supra* note 23, at 1223.

²⁹ MICHAEL DE L. LONDON, THE UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW: A SESQUICENTENNIAL HISTORY 5-6, 10 (2006).

³⁰ Dickerson, *supra* note 23, at 1223-24.

³¹ DIMITRI ET AL., *supra* note 5, at 7-8.

³² *Id.* at 8.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 3-4.

³⁶ Greenberg, *supra* note 18, at 553.

coaches in these still undeniably competitive endeavors should be those that “lie at the heart of the educational mission.”³⁷ But, again, in my experience, those educational goals and the competitive goals of winning moot court competitions are by no means in conflict. To the contrary, the more intensely and effectively a faculty moot court coach focuses on teaching and education, the more likely success at competitions will follow. Far more important than the plaques or trophies that might result from this, however, is the educational experience law students receive regardless of the competition results.

The resounding and consistent message I received from virtually all of my moot court students over the years is that preparing for and participating in the NELMCC was the most rewarding, and also the most valuable educational, experience of their law school careers.³⁸ Because I was intensely involved throughout the entirety of the five-month competition process with each one of them, I also very much believe that to be true. And, those many *educational* successes, rather than the competitions won, are at the top of the many reasons devoting nearly two decades of my career as a law professor to moot court coaching was so worthwhile.

In their treatise *The Art of Mooting*, Mark Thomas and Lucy Cradduck emphasize that coaching is a key component of moot court as a successful pedagogy of law schools.³⁹ “Coaching plays an indispensable and crucial role in the process of preparing mooting teams for competition at all levels.”⁴⁰ Yet, Thomas and Cradduck

³⁷ *Id.* at 553-54.

³⁸ *See id.* at 545 (“[M]oot court competitors often find preparing for and participating in interscholastic competitions to be the most intensive—and most satisfying—experience of their law school careers.”); Richard E. Finneran, *Wherefore Moot Court?*, 53 WASH. U. J.L. POL’Y 121, 121 (2017) (“[M]oot court is among the most valuable experiences that a law student can have.”); John T. Gaubatz, *Moot Court in the Modern Law School*, 31 J. LEGAL EDUC. 87, 105 (1981) (for some students the only rewards sought in undertaking activities like moot court may be the educational experience); Paula Gerber & Melissa Castan, *Practice Meets Theory: Using Moots as a Tool to Teach Human Rights Law*, 62 J. LEGAL EDUC. 298, 301 (2012) (“Mooting is one of the best forms of deep and experiential learning available to law students.” (footnotes omitted)); Lebovits et al., *supra* note 17, at 887 (“[C]ompeting in moot court can be law school’s best experience.”).

³⁹ *See* THOMAS & CRADDUCK, *supra* note 15, at 1.

⁴⁰ *Id.* at 6.

note that no standardized approach to moot court coaching exists.⁴¹ To the contrary, coaches inevitably have their “own personal advocacy style – some more effective than others.”⁴² After years of experience with moot court, though, coaches often develop “instinctive understanding” of how to oversee development and presentation of student legal arguments for competitions and “intuitive mechanisms” for managing teams and team members.⁴³

My own experience aligns with these assertions. I spent my first few to several years with moot court teams feeling my way forward and figuring out my approaches. During my early years, I solicited and received much helpful insight from colleagues at Memphis about preparing teams for moot court competition. I was also the beneficiary of extremely valuable advice from generous, more experienced faculty coaches of opposing teams at the NELMCC.⁴⁴ As I gained experience coaching teams, sometimes by way of trial and error, I learned to rely more and more on my own instincts and intuition. I also learned that, although my approaches often differed, at times substantially, from those of others, they typically worked very well for my own teams.

In this regard, Thomas and Craddock emphasize that “[m]any coaches . . . embark[] on the process of preparing a moot court team for competition without analysing, in any systematic or theoretical way, what they are trying to achieve (beyond a vague notion of maximizing performance – or even more crudely, perhaps, *winning*), or how they are going to achieve it.”⁴⁵ Thomas and Craddock urge coaches to, instead, “reflect on their methods” and “refine coaching practices” seeking “excellence in moot performance” against models of “relevant educational theories and principles.”⁴⁶ They argue that “[a]s a learning and teaching function within a law school, . . . mooting should be

⁴¹ *Id.* at 82, 84.

⁴² *Id.* at 82.

⁴³ *Id.* at 82.

⁴⁴ See *supra* note *. Again, although I asked for and received valuable advice from many faculty moot court coaches over the years, I cannot thank Lewis and Clark Professor Craig Johnston enough for his help in this regard, and particularly for his mentorship during my early years of bringing teams to the NELMCC.

⁴⁵ THOMAS & CRADDOCK, *supra* note 15, at 83 (emphasis in original).

⁴⁶ *Id.* at 82.

[foundationally] predicated and structured on supportable principles of learning.”⁴⁷

My two decades of experience indeed gave me abundant opportunity to “reflect on [my] methods” and “refine [my] coaching practices” against educational principles of learning. Over the years, my educational predicate for coaching moot court competition teams evolved into a very straightforward rationale. My approach to both coaching and teaching legal analysis to first-year law students in substantive, doctrinal first-year courses eventually began to align substantially.⁴⁸ My ultimate, rather obsessive goal in both the classroom and the moot courtroom became to teach law students how to achieve excellent execution of the basic fundamentals of legal analysis.⁴⁹

It was probably inevitable that I would end up synchronizing my approaches to coaching moot court teams and teaching first-year doctrinal courses. I have taught at least one first-year law school course every academic year of my career as a law professor. Typically, I teach from two to three such courses each academic year (usually contracts, property, civil procedure). Although environmental law remains my primary teaching area, my greatest passion and enjoyment as a law professor is teaching foundational first-year law school courses. Which is also why, I believe, I derived so much enjoyment from coaching moot court teams and continued to do it for so long after feeling blindsided by the request to coach that first team in 2001.

With respect to either classroom or moot court teaching, the crux of my approach is to train students to abide by one inviolable principle. Legal argument in all circumstances must be based on

⁴⁷ *Id.*; see also Bergsten, *supra* note 17, at 3 (moot court “is of educational value only to the extent that it has been designed with educational goals in mind”).

⁴⁸ See Lisa T. McElroy, *From Grimm to Glory: Simulated Oral Argument as a Component of Legal Education’s Signature Pedagogy*, 84 IND. L.J. 589, 592-602 (2009) (emphasizing that “law classroom teachers are teaching their students a skill as much as they are imparting knowledge of the law” which is how to engage in the basics of legal analysis); Michael Vitiello, *Teaching Effective Oral Argument Skills: Forget About the Drama Coach*, 75 MISS. L.J. 869, 892-900 (2006) (praising the classroom professor’s use of Socratic dialogue as an effective means of teaching advocacy skills and the basics of legal analysis and reasoning).

⁴⁹ See McElroy, *supra* note 48, at 589 (discussing using “practice oral argument [as] a starting point, rather than a mere end point, for teaching, learning, and executing the fundamentals of legal analysis”).

specific, applicable rules of law that have been learned by heart, committed to memory, and then applied as precisely as possible to the specific facts of the problem. Unerringly and aggressively following that principle leads to outstanding results for students on my law school exams in first-year courses. As it turned out, unerring and aggressive adherence to that exact principle also led to many outstanding results from competition judges for my moot court teams over the years. Although it is a simple concept, the process of actual execution of that principle within the context of a national moot court competition, particularly one as difficult and competitive as the NELMCC, is an elaborate, intensive, and enormous undertaking.

SELECTING THE TEAM

The first step in that process is selection of the team. The student-run Moot Court Board at Ole Miss Law was ultimately responsible for selecting the members of my competition teams. Team members were chosen from the pool of students that gained membership on the Board under its established membership criteria and processes. Over the years, however, I learned hard lessons about the risks of my taking a completely-hands-off approach to the team selection process. Team chemistry is crucial to successful moot court teams; the absence of it is devastating.⁵⁰ On the rare occasions my teams did not advance out of the preliminary rounds at the NELMCC, the root cause was an inability of team members to work well together, especially during the initial research and brief-writing stage when neither their work product nor work process could be supervised by the faculty coach.

Such instances convinced me to require prospective team members to interview with me as part of the Board's overall process for selecting the team. During that meeting with any student the Board identified as a potential candidate for the team, I would explain the critical importance of working collaboratively in a *team* environment to success in moot court. Further, as a prerequisite to team membership, I affirmatively solicited from

⁵⁰ See THOMAS & CRADDOCK, *supra* note 15, at 112-13 (discussing the importance of team dynamics to successful moot court preparation and performance).

each student an acknowledgement that they understood the value of such collaborative effort and a *commitment* to engage with teammates in good faith in that regard. As the faculty coach, if I was not convinced of the sincerity of that commitment, I would not sign off on that individual's selection to the team (which the Moot Court Board generously treated as a requirement for selection).

Indeed, an important educational advantage of participation in moot court competition is that it "affords students an opportunity to develop a skill that is rarely cultivated in law school, to the point even of being endangered: teamwork."⁵¹ Teamwork is an aspect of advocacy that is rarely addressed in traditional law school classes and activities, but is "an important talent for practicing attorneys"⁵² and "an essential component in any successful law practice."⁵³ Moot court is excellent for teaching students the importance of an ability to work efficiently and well with others, from working collaboratively to draft, review, edit, and revise the brief to collectively researching, formulating, and practicing legal arguments.⁵⁴

Winning a moot court competition requires the commitment of each member of the team to that overall goal.⁵⁵ But, winning also requires commitment to the obligation to work together as a *team*, rather than as individuals, on each and every one of the multitude of tasks necessary to achieve that overall goal.⁵⁶ Some students participating in moot court, particularly for the first time, may not intuitively appreciate or fully understand the value of working in a collaborative fashion to achieve a collective goal. This, however, creates "a teachable moment" for the faculty coach to address this issue directly and candidly with team members at

⁵¹ Finneran, *supra* note 38, at 126. See also John C. Coates IV et al., *What Courses Should Law Students Take? Lessons from Harvard's BigLaw Survey*, 64 J. LEGAL EDUC. 443, 451 (2015) (to the extent opportunities to hone teamwork by participating in advanced or specialized moot court programs during law school are available, "students would be well advised to do so"); Lebovits et al., *supra* note 17, at 895 ("Moot court also develops students' ability to work collaboratively with teammates and other lawyers.").

⁵² Lebovits et al., *supra* note 17, at 895.

⁵³ Finneran, *supra* note 38, at 126.

⁵⁴ Lebovits et al., *supra* note 17, at 895.

⁵⁵ THOMAS & CRADDOCK, *supra* note 15, at 112.

⁵⁶ *Id.*

the front end of the process.⁵⁷ Requiring an affirmative, advance commitment from potential team members to the essential value of teamwork prior to their selection was how I was able to minimize the risks of selecting a team ultimately unable to work well together.

The other essential reason for me to meet with prospective members in advance was to fully disclose to each of them the massive time commitment required to participate.⁵⁸ This is true for most moot court competitions, but was of the essence for my NELMCC teams. During my first couple of years attending the NELMCC, I learned the obvious lesson that better prepared teams typically advance out of the preliminary rounds. But, during those early years, I also observed that certain schools at the NELMCC were prepared at vastly higher levels than most. Not surprisingly, *those* were the teams that routinely won elimination rounds and contended for the competition championship. Faculty coaches from those schools generously engaged in conversations with me about preparation methods and practices. From them I learned that the most successful teams—those that won NELMCC championships—typically conducted between twenty-five and thirty-five (sometimes more) full practice rounds prior to the competition.⁵⁹ I realized that for my teams to seriously compete at the NELMCC it was an absolute necessity to at least match this level of preparation.

The competitive, admittedly non-academic, side of me decided it made little sense to invest any time and effort in this enterprise, either of the students or my own, unless we were making a legitimate, good faith attempt to win.⁶⁰ Thus, I resolved to raise

⁵⁷ See Greenberg, *supra* note 18, at 554 (discussing the concept of “a teachable moment” that arises during the context of preparation for a moot court competition “when both the coach and the student are focused on the same specific point”).

⁵⁸ See DIMITRI ET AL., *supra* note 5, at 114 (noting that “the time commitment is huge” for participation with moot court competition teams).

⁵⁹ See *id.* at 139 (“Over the years, teams that repeatedly win competitions credit the number of practices they conduct each week. That number may be up to five or more practices per week.”)

⁶⁰ This is probably the point where it makes sense to disclose that my father was a college football coach for the first forty years of my life, including for six years at my alma mater and present employer, the University of Mississippi. Thus, I was raised around intercollegiate competition and it is entirely possible that my desire to win, and

the pre-competition preparation of my teams to the level I now understood was required for that. I considered it a matter of fundamental fairness, however, that students were fully aware of this condition of participation on my NELMCC team *before* they consented to join the team.⁶¹ Moot court competition teams are essentially extra-curricular activities in which law students *voluntarily* participate. I wanted my students to know *exactly* what they were volunteering for and to do so either willingly or not at all. I especially wanted to avoid any potential for a student to later feel they had been somehow misled as to my expectations, particularly somewhere in the middle of the grind of five or more practices per week for several weeks.

My moot court students came to know this as Professor Case's "red pill, blue pill" speech, offering them much the same choice Morpheus offered to Neo in the 1999 film *The Matrix*.⁶² If the student took the metaphorical "red pill," they fully committed to the undiluted truth of the harsh reality and difficult journey ahead of them. If they took the "blue pill," the student remained in the comfort of a world where an obligation of several hundred hours of intensive competition preparation effort did not exist. I spared no details in explaining the undiluted truth, although, as many of my students would say later, having listened to a description of the harsh reality beforehand was by no means the intellectual equivalence of subsequently living it.

Most, but certainly not all,⁶³ of the students offered this choice over the years chose the red pill. Notwithstanding the

for my law school alma mater to win, in the context of a national team competition was somewhat influenced by this.

⁶¹ See DIMITRI ET AL., *supra* note 5, at 139 (recommending discussing expectations with students regarding the number of practices in advance).

⁶² THE MATRIX (Warner Bros. Pictures 1999).

⁶³ During the 2007 fall semester, my first on the faculty at Ole Miss Law, I attempted to solicit students to form a team to compete at the upcoming 2008 NELMCC. By then, I had coached NELMCC teams for six years at Memphis Law, and my 2007 Memphis team (Tiffany Bowders, Tamara Zellars Buck, and Melissa Van Pelt) had become my first team to reach the championship round. As such, I was highly motivated to continue taking moot court teams, now from Ole Miss, to the competition. Although I spoke with several initially interested Ole Miss Law students, after hearing my aggressive "red pill, blue pill" explanation of the competition preparation process, during which each student looked at me as if I was some kind of complete lunatic, not a single student was willing to take the red pill. I traveled to Pace Law School anyway that year to serve as a judge for multiple rounds of the 2008 NELMCC, but I despaired

ensuing, and not insubstantial, mental, physical, and emotional costs of that choice, the educational value of it was immense. Once the competition brief was filed by the team, we began a process of working very closely together over a two-month span to prepare for the competition. This included many lengthy meetings to analyze the issues in the problem, discuss and analyze applicable legal standards and authority, and work on road-maps for the students' arguments. It also included several weeks of three-hour and longer practices (seeking to reach the ultimate goal of twenty-five to thirty-five) which included lengthy, and intense, critiques and feedback.

As I described it in advance to the students, once this process began, we would be the equivalent of a small law firm with every lawyer in it working mightily and non-stop in order to prepare a crucial case for trial. I was the supervising senior partner expecting them, the junior associates, to do all of the heavy lifting (including actually trying the case), but critiquing and offering constant feedback on their work product all along the way.⁶⁴ In the moot court context, however, "the most effective way for the individual teacher to influence student learning is by using progressive assessment strategies that provide feedback."⁶⁵ Outside of potentially some clinic experiences, law school offers students few, if any, equivalent opportunities to spend hundreds of hours receiving continual, individualized feedback from a law professor towards development of the student's substantive knowledge of law and skills in legal analysis and advocacy.⁶⁶ The

that my tenure as a moot court coach was now over. Fortunately, the next year, the Moot Court Board at Ole Miss Law increased external competition participation requirements for its members, which created sufficient incentives for students to join my teams notwithstanding my overly honest, full disclosure, massive time commitment speech.

⁶⁴ See Hernandez, *supra* note 2, at 72 (describing the moot court experience as "similar to a senior partner handing a significant appellate project to a junior associate and then providing oversight").

⁶⁵ Mary E. Keyes & Michael J. Whincop, *The Moot Reconceived: Some Theory and Evidence on Legal Skills*, 8 LEGAL EDUC. REV. 1, 7 (1997) (emphasis omitted). See also Gillespie, *supra* note 22, at 34 (faculty feedback in moot court allows students "to be reassured that they correctly understand the concepts and assists them to improve their learning experience").

⁶⁶ See Hernandez, *supra* note 2, at 72. See also Gaubatz, *supra* note 38, at 90 (the hypothetical setting of moot court "allows for feedback rare in clinics").

more feedback the faculty moot court coach provides, however, the more valuable that feedback becomes and the more meaningful an educational experience it creates for students.⁶⁷

Because the NELMCC is a subject-specific competition, I gave serious consideration to including in the selection process the requirement that students take my environmental law course as a pre-requisite to team membership. I ultimately declined to do so, although I strongly encouraged team members to take it and also the course in administrative law, if they had not already done so. Many students wanted to compete at the NELMCC because of a significant interest in environmental law, but many others wanted to do so because of a more general, and sometimes more serious, interest in the benefits of participating in a highly competitive national moot court competition. The latter motivation to compete at the NELMCC increased suddenly and substantially following the first Ole Miss Law championship in 2011.

Regardless of the motivation for wanting to compete, I found that a student's ability to perform well at the competition was not impeded in the least by having not taken the course in environmental law in advance. Given the sheer quantity of preparation involved, by the time of the competition, each student would be extremely well versed in the applicable law, notwithstanding the extreme complexity of the issues involved in the problem. For my best teams, the students' knowledge and understanding of the typically voluminous statutes, regulations, agency guidance, and case law applicable to the competition problem equaled, indeed, exceeded in most cases, that of an experienced practicing lawyer.

Moot court receives substantial praise as a form of experiential learning primarily because of its ability to train students in critical lawyering skills, such as legal research, legal writing, legal analysis, critical thinking, and oral advocacy.⁶⁸ A perhaps less appreciated aspect of the value of moot court as an educational vehicle, however, is that it is also "an excellent way to

⁶⁷ See Lynch, *supra* note 23, at 95-96.

⁶⁸ DIMITRI ET AL., *supra* note 5, at 9.

learn the substantive law.”⁶⁹ Particularly with a specialty competition such as the NELMCC, moot court is “a useful tool for students to engage *deeply* with the substantive area of law” involved.⁷⁰ Indeed, Pace Law School expressly promotes the “purpose” of the NELMCC as development of “expertise” in environmental law and advocacy.⁷¹ Thus, the moot is an extremely effective “tool for deep doctrinal learning” of environmental law (and quite often administrative law) for law students all over the country.⁷²

Using moot court as a tool for teaching substantive law more effectively traces back to its origins in the English Inns of Court.⁷³ The modern application of that principle, however, is far more focused and intense in the context of an intercollegiate moot court competition. As Professors Paula Gerber and Melissa Castan have explained:

What makes mooting such a useful learning device when it comes to legal doctrine or subject matter, is that students must have comprehensive knowledge and a deep understanding of the issues and applicable law, so that they can respond to questions. . . . [P]reparing and arguing a moot is fundamentally a learning experience that is the antithesis of the superficial learning that time-poor students often

⁶⁹ Lynch, *supra* note 23, at 91. *See also* DIMITRI ET AL., *supra* note 5, at 13 (“[M]oot court not only teaches advocacy and argumentative skills, but also helps students learn substantive areas of law more effectively.”).

⁷⁰ Gerber & Castan, *supra* note 38, at 310 (emphasis added). *See also* Madeleine Fraser et al., *Transition from Legal Education to Practice: Extra-Curricular Competitions Offer the Missing Link*, 23 LEGAL EDUC. REV. 131, 134 (2013) (moot court “enhances an understanding of substantive law and the development of conceptual links between legal areas, which are typically taught as discrete subjects”); Keyes & Whincop, *supra* note 65, at 34 (discussing moot court “as a means of motivating deep learning about tax law”); Andrew Lynch, *Packing Them in the Aisles: Making Use of Moots as Part of Course Delivery*, 10 LEGAL EDUC. REV. 83, 85 (1999) (“[M]oot programs which are run in the context of a particular area of study may be structured so as to enhance the acquisition of knowledge of the substantive law.”); Bobette Wolski, *Beyond Mooting: Designing an Advocacy, Ethics and Values Matrix for the Law School Curriculum*, 19 LEGAL EDUC. REV. 41, 41 (2009) (discussing moot court “as part of the learning process and as a vehicle for the development of substantive knowledge”).

⁷¹ *See* NELMCC Rules, *supra* note 8, at Rule I.

⁷² *See* Gerber & Castan, *supra* note 38, at 300.

⁷³ DIMITRI ET AL., *supra* note 5, at 13.

engage in. Mooting is one of the best forms of deep and experiential learning available to law students.⁷⁴

Indeed, students preparing to compete at, and win, a major national moot court competition must, as my teams certainly did, “immerse themselves in the relevant area of law for months to anticipate and address any imaginable question on the topic.”⁷⁵ “Fear of failure” at the upcoming competition is one “powerful incentive” to encourage this level of “deep and thorough learning” of the applicable substantive law.⁷⁶ But the incentives for such deep learning are not wholly negative, particularly where, as here, the students have self-selected into this process “and thus are naturally motivated to internalize the material in order to compete and win.”⁷⁷

This particular educational benefit, however, does not inure solely to the law students. This months-long, deep doctrinal immersion into the substantive law applicable to the competition problem is also of tremendous benefit to the faculty coach, particularly if it involves that professor’s area of teaching. This is particularly true for a specialty competition such as the NELMCC. My experience, however, suggests the educational benefits faculty receive from coaching NELMCC teams are exponentially higher than the norm, even for specialty competitions.

As earlier noted, a never faltering constant of the NELMCC is for the problem authors at Pace Law School to deliberately create extremely complex, multi-layered, highly challenging legal puzzles.⁷⁸ Even though my primary research, scholarship, and

⁷⁴ Gerber & Castan, *supra* note 38, at 300-01 (footnotes omitted).

⁷⁵ DIMITRI ET AL., *supra* note 5, at 13. *See also* Gaubatz, *supra* note 38, at 89 (among the academic benefits of moot court is that “the student has several weeks to dig into an analytic problem”).

⁷⁶ DIMITRI ET AL., *supra* note 5, at 13; *see also* Gerber & Castan, *supra* note 38, at 300.

⁷⁷ DIMITRI ET AL., *supra* note 5, at 13.

⁷⁸ Sincerest thanks for the educational benefits I personally received from my years of preparing teams to confront these “highly challenging” problems at the NELMCC are owed directly to Pace professors Jeffrey G. Miller, who authored the problems for twenty-six years, and Karl Coplan, who took up the mantle of problem authorship when Professor Miller passed him the baton in 2014. In a related vein, I should also take this opportunity to personally apologize to the both of them for all of the many times I described the problems as “evil,” rather than educational, over the years. In my defense, the problems were always really, really, *really* hard.

teaching area is environmental law, working intensely with the students to prepare for the competition forced me to gain a comprehensive, detailed, and deeply analytical knowledge of many substantive environmental law areas and concepts I had not previously otherwise confronted. On countless occasions over the past two decades, legal issues I familiarized myself with solely because of the NELMCC found their way into my environmental law classroom, thus benefiting my students as well as myself. This certainly improved me immensely both as a classroom teacher and scholar of environmental law. This personal benefit by itself more than justified my substantial investment of time and effort in moot court coaching over the years.

RESEARCHING AND WRITING THE BRIEF

Another considerable educational benefit of moot court competition is that it functions as a legal writing competition as well as an oral advocacy competition. "Moot court competitions give students excellent opportunities to develop and hone [persuasive legal writing] skills."⁷⁹ The rules of the NELMCC, however, as is typical of most competitions, do not permit the students to receive any assistance of any kind, faculty or otherwise, with the brief.⁸⁰ This includes writing and editing, of course, but also includes assistance with analysis of the problem or research necessary to write the brief. Thus, to stay within competition rules after release of the problem, my roles as teacher, coach, and supervising senior partner, had to be put on hold until such time as the team completed and filed its competition brief with Pace.

From a competitive standpoint, however, this is a perilous moment. As previously noted, the brief score is forty percent of the total preliminary score at the NELMCC to determine those teams that advance to the elimination rounds.⁸¹ Thus, a poor brief score

⁷⁹ Hernandez, *supra* note 2, at 72. See also DIMITRI ET AL., *supra* note 5, at 16 ("virtually every law student could benefit from an additional practice-oriented legal-writing experience" of the type provided by participation in moot court competition).

⁸⁰ See *supra* note 9 and accompanying text. See also DIMITRI ET AL., *supra* note 5, at 123-24 ("[V]irtually all moot court competitions prohibit the team from obtaining any assistance in writing the brief.").

⁸¹ See *supra* note 10 and accompanying text.

is “very difficult, if not impossible to overcome” at the competition, regardless of how well the team may perform in oral argument during the preliminary rounds.⁸² Only twice at the NELMCC did my teams not make it out of the preliminary rounds. On both occasions, the culprit was submission of a brief that scored tragically. Such instances were devastating to both the students and the faculty coach, particularly given that the quantity of time and effort in pre-competition preparation is not any less in a year in which the team fails to advance than in a year it does. Even though, from an educational standpoint, that time and effort had not been wasted, in that moment it certainly felt to all of us like it had. These failures spurred me to discover incentives to consistently motivate the students to produce at least a competitive, but preferably outstanding, brief each year without violating any competition rules in the process.⁸³

My solution became to meet as a team a few days before the release of the competition problem to discuss the upcoming research and brief writing process.⁸⁴ In addition to reviewing basic principles of good legal research and brief writing with the students, I used the meeting to emphasize, rather aggressively, two crucial points. The first was to stress the critical importance of the brief and the brief score to the overall competitive and extraordinarily time-consuming enterprise we had all voluntarily undertaken. Tapping into the students’ desire to win, I emphasized that if we were serious about trying to win a national moot court competition, it simply was not possible unless the team produced a brief of sufficiently competitive quality.

To signal that as their faculty coach they were accountable to me for this work, I assured them that, while I could not review the brief prior to submission, I certainly would do so afterwards. Following that review, if in my judgment the brief had not cleared the bar of “sufficient competitive quality,” I would see no point in the team moving forward with participation in the competition.⁸⁵

⁸² DIMITRI ET AL., *supra* note 5, at 16. *See also* Hernandez, *supra* note 2, at 80 (“Many moot court coaches and participants have learned the hard way that a team has little chance of winning a reputable competition without an outstanding brief.”).

⁸³ *See* DIMITRI ET AL., *supra* note 5, at 123.

⁸⁴ *See id.* at 124-25.

⁸⁵ In all of the years that I issued this particular warning to my teams, I, thankfully, never subsequently reviewed a brief that I felt approached the lack of

To try and lighten the mood this warning tended to generate, I routinely followed it with a statement of how much I was, instead, looking forward to watching them receive their best brief award at the competition in February. In this way, I established for the students both where the floor was and the absence of a ceiling for the quality of the brief.

I next reminded the students of our pre-team selection conversations about moot court as a *team* activity in order to stress the second crucial point. At no point in the process would teamwork matter more than in their initial analysis of the problem and their research and writing of the brief.⁸⁶ To that end, I explained the critical importance of the entire team assuming ownership over not only the brief as a whole but also the process necessary to produce it. In other words, they must avoid the natural tendency to divide responsibilities individually, where each of them focuses only on their individual tasks. Instead, they must collaboratively analyze the problem, research, draft, edit, and finalize the brief, and communicate and work together effectively and collegially during every single step of the process.⁸⁷ Drawing on my own legal practice experience, I stressed the importance of lawyers in a collaborative work environment having the ability to both give and receive constructive criticism of each other's work product in good faith and with a generous spirit.⁸⁸

These pre-problem release exhortations to the students succeeded dramatically. In every year following this meeting to establish the bar for the quality of the brief, the students easily cleared the "sufficient competitive quality" standard. Moreover, in most years the students greatly exceeded my expectations and produced a brief of outstanding quality that scored among the best in the competition. And, on four occasions I was indeed fortunate enough to watch my teams win a best brief award at the competition. These awards were always particularly meaningful because they were earned solely through the efforts of the

"sufficient competitive quality" level and thus never felt that this potential bluff had been called.

⁸⁶ See DIMITRI ET AL., *supra* note 5, at 124.

⁸⁷ See *id.*

⁸⁸ This is not always what happens in the real world of legal practice, even in my own experience, although it should.

students and because of the quality of their work alone. No faculty assistance means *no* faculty assistance, but that does not include creating incentives and the setting of clear expectations by the faculty coach.

PREPARING FOR THE COMPETITION

Following submission of the brief by the students, the focus immediately pivoted to competition preparation efforts. This did not mean the start of oral argument practice, however. A great deal of preparation work was necessary before the team could begin practices. Moreover, after their long hours of painstaking labor in research and brief writing, there was also the urgent matter of the students' remaining academic work load, particularly the need to prepare for on-rushing fall semester final exams. Other competition related activities must wait until the current semester was concluded. Following that, however, and prior to the students dispersing for the holiday break, it was critical to meet as a team to discuss competition related work projects during that break. Once the spring semester commenced, preparation activities for the competition would be all consuming until the team left Oxford for White Plains in mid- to late February. As such, it was crucial that the students know exactly what tasks to accomplish prior to their return so those preparation activities could begin immediately.

The first objective at the meeting was to divide up the oral argument responsibilities at the competition for each student for each of the problem's three party positions. During the briefing stage, the students researched primarily for the legal positions of the party for whom they wrote their brief, rather than the remaining two parties. They must now fully research the positions for all three parties, and those research responsibilities would track their oral argument responsibilities. I sought to reach a consensus with the students on how to divide the oral argument responsibilities between them. At this point, the students' understanding of the problem was far greater than mine, given their two-month head start in analysis, research, and working on the brief under the competition's no-assistance rules. I would not

catch up to them for some time.⁸⁹ Therefore, their views on the best way to divide the oral argument responsibilities among the team members carried a great deal of weight.

This was just the first of many instances of working with the students more as colleagues in the preparation process than as professor and student. Indeed, outside of the brief, most aspects of preparing for the NELMCC were a collaboration between the students and the faculty coaches. More often than not, that meant working together to arrive at a consensus, rather than dictated, view of how to best approach particular concerns.⁹⁰ In such a collaborative environment, the faculty coach's view should not "necessarily prevail."⁹¹ Of course, the faculty coach's view often does and must prevail due to far greater experience and substantive knowledge. But a faculty coach needs an open mind to situations in which reaching a consensus decision as a team about the way forward is the better approach.⁹²

This exemplifies another compelling educational advantage of moot court over traditional classroom education. Moot court is a form of "problem-based learning" in which the student "is the prime focus of the educational experience and . . . constructs their own knowledge."⁹³ That is, the faculty coach does not, and frankly cannot, simply transfer knowledge to the students or dictate the necessary solutions to the problem.⁹⁴ Rather, the students acquire much of the knowledge on their own and the role of the coach is "to check the validity of the solutions offered" by the students to address the problem.⁹⁵ Because the moot court competition problem is "the student[s] own problem" it "invites a deep approach" to learning because of the students' increased role and responsibility in the educational process.⁹⁶ The students' active,

⁸⁹ See Greenberg, *supra* note 18, at 554 ("In many situations, team members will have considerably more substantive knowledge than faculty advisors on specific topics that the students have been researching.").

⁹⁰ See THOMAS & CRADDOCK, *supra* note 15, at 26-27.

⁹¹ *Id.* at 27.

⁹² *Id.*

⁹³ Lynch, *supra* note 23, at 76. See also Gillespie, *supra* note 22, at 28-29 (discussing the concept of "problem-based learning" in the context of moot court).

⁹⁴ Lynch, *supra* note 23, at 76.

⁹⁵ Gillespie, *supra* note 22, at 29.

⁹⁶ Lynch, *supra* note 23, at 80.

rather than passive, participation in this process enhances their desire to learn and thus the overall value of the educational experience they receive.⁹⁷

At the pre-break meeting, I urged the students to accomplish as much of the necessary legal research as possible over the winter break. During the lengthy span of preparation for a moot court competition, however, legal research is a continuous, never ending process.⁹⁸ Thus, I cautioned the students that identification of additional issues and points requiring further analysis and research would occur at virtually every step of ongoing preparation for the competition. Indeed, every meeting and every practice would likely identify new research questions ranging from merely minor to absolutely critical.⁹⁹ These constantly recurring research cycles highlight yet another important educational benefit to participation in moot court—development and honing of students' legal research skills under real-time deadline pressure.¹⁰⁰ The continuing need to perform additional research tasks as preparation proceeds greatly enhances the skill of students in identifying research sources, analyzing research, evaluating its usefulness, and utilizing it in constructing legal arguments under serious time pressure.¹⁰¹

In addition to researching over the break, I also directed the students to create a first draft of roadmaps and outlines of affirmative arguments for the oral argument responsibilities each had been assigned. A roadmap is a critical organizational tool utilized in moot court to introduce judges to the issues each advocate will address and outline the structure of the legal argument the advocate will make.¹⁰² An advocate's effective and persuasive communication of both the substance (the facts and the law) and the structure of their legal arguments to the bench is the key to successful oral advocacy.¹⁰³ At the competition itself,

⁹⁷ Bergsten, *supra* note 17, at 2.

⁹⁸ See Stephanie A. Vaughan, *Persuasion is an Art . . . But It Is Also an Invaluable Tool in Advocacy*, 61 BAYLOR L. REV. 635, 644-47 (2009) (discussing the research process in appellate advocacy).

⁹⁹ *See id.*

¹⁰⁰ *See* Gillespie, *supra* note 22, at 23.

¹⁰¹ *Id.*

¹⁰² Lebovits et al., *supra* note 17, at 904; Vaughan, *supra* note 98, at 657, 669-70.

¹⁰³ Vaughan, *supra* note 98, at 671.

roadmaps are essential to the students' ability to clearly and effectively communicate both the structure and content of the legal arguments to competition judges.¹⁰⁴ Roadmaps, however, are also essential to the students' learning process during preparation for the competition. The roadmaps help the students organize and learn the content of their arguments, create an effective structure to deliver that content, and commit both the structure and content to memory.¹⁰⁵

Roadmaps were a crucial component of my approach to coaching teams and a central vehicle I utilized to teach the basic fundamentals of legal analysis in moot court. To say I was obsessive about roadmaps is a monumental understatement, to which any single member of my teams over the years can attest. I asked my students to organize their roadmaps around the specific holdings they would ask the court to make in ruling on the case. First, the roadmap should tell the bench each holding (ruling) the advocate wants the court to reach in order for the client to prevail on a particular issue. Second, with respect to each holding, the roadmap should tell the bench each specific legal reason the advocate will argue compels the court to reach that holding. During preparation for the competition, the students' legal arguments and supporting legal authority were mentally organized and learned within this roadmap structure. At the competition, this mental organization allowed any part of the students' arguments to be instantaneously accessible to them at any point during questioning from the bench. In this regard, I asked the students to visualize their roadmaps as mental file cabinets. Each cabinet contained specifically labeled drawers each containing specifically labeled files containing various parts of their argument waiting for the student to access at each point needed.

In addition to an organizing principle to learn and commit the arguments to memory, the roadmap is an even more indispensable tool for effectively communicating the students' arguments to the bench. As other commentators have emphasized, the roadmap:

¹⁰⁴ See Lebovits et al., *supra* note 17, at 926-27; Vaughan, *supra* note 98, at 657.

¹⁰⁵ See Vaughan, *supra* note 98, at 669-71.

tells the court how it should rule, why it should rule that way, and how the discussion should progress. It provides structure and clarity to the argument and assists the judges in understanding the main points. It will take immense practice to nail down a perfect roadmap—one that lasts not a fraction longer than sixty seconds—but the effort is worth it.¹⁰⁶

Without the structure of a roadmap “to inform the listener what to expect and how to expect it[,] . . . the importance or relevance of a particularly important detail may be completely lost in the torrent of information provided.”¹⁰⁷ The substantive merits of the advocate’s legal arguments will not matter if they are misunderstood or simply lost by delivery to the bench in an ill-structured presentation.¹⁰⁸ Thus, the roadmap is not simply for the purpose of introducing the judges to the issues and argument outline at the beginning of the argument. Instead, the students frequently use the pieces of their roadmaps as “oral signposts” throughout their arguments to signal the bench when transitions to another part of the argument are occurring.¹⁰⁹ Making such frequent use of the roadmap structure throughout the argument greatly minimizes the risk that judges are lost during the presentation, an extremely important concern during moot court competition.¹¹⁰

I assured the students at the pre-break meeting that the roadmaps and outlines they were to produce over the break were truly a first draft; simply a good starting place to begin work when it commenced after the break. Both were a work in progress that would continually evolve, improve, and eventually reach perfection as the students progressed in understanding their arguments and the applicable substantive law. Indeed, this evolution would begin at the first stage of competition preparation at (or often a bit before) the start of the spring term, which I referred to as the “chalk talk.”¹¹¹ This involved a series of

¹⁰⁶ Lebovits et al., *supra* note 17, at 926-27.

¹⁰⁷ Vaughan, *supra* note 98, at 671.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at 670.

¹¹⁰ *Id.*

¹¹¹ This name derived from my penchant for outlining issues in chalk on the blackboards of the classrooms the team would use for these meetings. Over the years,

meetings in which each member of the team walked me and my co-coach, Stephanie Otts, another environmental law professor at the law school,¹¹² through their draft roadmaps and argument outlines.

This “chalk talk” process typically spanned a few to several days, during which we would tear apart the initial roadmaps, and discuss, analyze, and argue about the issues, argument outlines, and supporting legal authority they had identified thus far. These meetings were the beginning of a brutal, several-week-long collective fight with the competition problem, as we sought assurance we fully understood each and every issue it raised on all three sides. The “traditional wisdom” in moot court is that “by requiring students to learn both sides of the problem, they come to understand each side better than if they had learned only one side.”¹¹³ For the NELMCC, that wisdom extends to learning *three* sides of the problem. I lack sufficient words to fairly describe what an extraordinarily difficult and exhausting, but extremely educational, experience the team’s annual fight to do this was.¹¹⁴

Following that collective analytical process, it was time to begin practices. Commentators stress that “the key to oral argument is meticulous preparation.”¹¹⁵ My teams’ practices ramped up our meticulous preparation to an even higher level of detail and intensity.¹¹⁶ I developed a rigid approach to moot court practices over many years as a coach, heavily influenced by the extremely high degree of difficulty the NELMCC challenge entailed. For every practice, I insisted that the students argue a

this evolved into dry erase markers and white boards as chalk and blackboards became extinct at the law school. The name of the meetings, however, remained the same.

¹¹² See *supra* note *.

¹¹³ Dickerson, *supra* note 23, at 1225.

¹¹⁴ But see *supra* note 78.

¹¹⁵ James D. Dimitri, *Stepping Up to the Podium With Confidence: A Primer for Law Students on Preparing and Delivering an Appellate Argument*, 38 STETSON L. REV. 75, 77 (2008). See also BRYAN A. GARNER, *THE WINNING ORAL ARGUMENT* 45 (2009) (“You can’t overprepare [for oral argument], at least if you’re preparing in the right ways.”); Lebovits et al., *supra* note 17, at 899 (“To win a moot court oral argument while learning the most from the experience, advocates must prepare meticulously”); Vaughan, *supra* note 98, at 668 (“Preparation is vital: ‘The key to presenting an effective oral argument is meticulous preparation . . . [The advocate must] know [the] case backward and forward’” (alterations in original)).

¹¹⁶ See Lebovits et al., *supra* note 17, at 912 (“The most valuable part of preparing for oral argument, either real or moot, is completing practice rounds.”).

complete round, as similar as possible to a round as it would occur at the competition. That meant the students argued all three party positions at every practice which, at thirty minutes per side, equated to a ninety minute practice round. This was immediately followed by critiques and feedback from the faculty coaches that typically lasted as long as the practice round if not longer.

Numerous advantages flowed from practicing with such rigor. In moot court preparation:

[p]ractice rounds should be real as possible. Advocates should follow court decorum, stay in character and role, wait until the round ends to ask the judges questions about their performance and how to answer questions, and speak to the mock judges as if they are real moot court judges.¹¹⁷

This is how every practice was conducted, and arguing all three sides of the problem certainly made each practice “as real as possible.” More importantly, requiring the students to argue each side in each practice developed a thorough understanding of all sides of the problem, a necessity given that they must argue each of the three party positions during the competition’s preliminary rounds. Moving between each of their roles for the three parties in every practice meant the students would become intimately familiar with both the strengths and the weaknesses of each of their positions for each party.¹¹⁸ In particular, the students were required to confront those weaknesses in every practice round, greatly increasing their ability to anticipate and develop the best answers to the most challenging questions they were likely to face at the competition.¹¹⁹

From a competitive standpoint, however, the ultimate advantage to this practice routine was that it instilled considerable mental sharpness, dexterity, and stamina in the students in advance of the competition. Simply put, arguing all three sides of the problem in every practice is *hard*, both mentally

¹¹⁷ Lebovits et al., *supra* note 17, at 914.

¹¹⁸ *See id.* at 891 (requiring students to argue multiple sides of an issue “compels student-advocates to learn the opposing side’s case thoroughly, making them better able to defend their positions and structure affirmative points in a way that undercuts their adversary’s position”).

¹¹⁹ *See id.* (“Through this difficult form of devil’s advocacy, competitors will see the flaws in their own positions and learn to think objectively, skeptically, and honestly.”).

and physically. But, the more of these practices the students endured, the sharper their understanding of the problem, their arguments, and supporting legal authority became. Further, the harder it became for the practice judges to surprise or confuse them with questions, issues, or legal concepts they had not already learned how to confront. As I explained to the students often during this process, the mental strength and acuity they developed by arguing all three positions in thirty or more full rounds would have a huge payoff at the competition. After becoming fully adjusted to that level of heavy mental lifting in a competition round, arguing as only one party at a time in each round of the NELMCC would seem a comparatively easy task. To use a sports analogy, it was similar to training for competition while wearing extremely heavy weights and then competing without them.

The conventional wisdom for moot court competition preparation is that a team should moot with as many different practice judges as possible.¹²⁰ In theory, the broader the range of people with various levels of knowledge and experience to moot the team, the more advantageous it is to the students' preparation.¹²¹ Even in my early years of coaching teams, however, I served as the sole judge for practice rounds with my team the great majority of the time. This was largely due to my preference for consistency in the students' preparation from hearing one authoritative voice, rather than many.¹²² But, on occasion, I would seek out guest judges among the members of my faculty, local attorneys, and members of the law school moot court board.¹²³ After several years of experience with the NELMCC, however, I made the decision that guest judges were, at best, of only slight value and, at worst, damaging to our efforts to prepare for the competition.

The issue, in my view, was not the guest judges themselves, but the extreme size, density, and complexity of the NELMCC

¹²⁰ See, e.g., DIMITRI ET AL., *supra* note 5, at 140-41; Lebovits et al., *supra* note 17, at 912.

¹²¹ Lebovits et al., *supra* note 17, at 912-13.

¹²² See Greenberg, *supra* note 18, at 555 (“[S]tudents who practice before numerous judges often get conflicting advice on substance, strategy, and style.”).

¹²³ See DIMITRI ET AL., *supra* note 5, at 141; Lebovits et al., *supra* note 17, at 912.

problem. Those factors make for an excellent competition, but also means that the problem is not particularly accessible even to the most well-intentioned casual collaborator. The problem's tremendous difficulty creates a steep learning curve that only after several rounds of working with it appreciably diminishes. Certainly for those without, but even for those with, a background in environmental law, a single or even a few exposures to the problem will not provide a particularly helpful level of understanding. Thus, questions posed by guest judges rarely honed in on important issues in the problem and their feedback offered little to no insight on the substantive law involved. Because of their unfamiliarity with the substance, many guest judges defaulted to commentary on stylistic matters in delivering moot court argument much of which directly conflicted with my own advice to the team.¹²⁴ I viewed these as largely wasted practices. The quality of each practice is, in my view, a far more meaningful preparation factor than having a particular quantity of practices.

For these reasons, I eventually stopped having my teams moot with guest judges altogether. This decision was accelerated after my move to the Ole Miss Law faculty in 2007 and subsequent discovery that Professor Otts was also willing to work with me in preparing the law school's teams for the NELMCC. For the vast majority of our practices, therefore, Professor Otts and I mooted the team together. This collaboration resulted in massive benefits to the quality of the teams' preparations over the years, including by making the NELMCC problem's steep learning curve work in the team's favor. The faculty coaches understanding of the problem was much improved after mooting the students a few times; mooting them several times moved us considerably higher up the learning curve. But, after the fifteenth time, the twentieth time, the twenty-fifth time, of mooting the students, the faculty coaches' understanding, particularly of the students' arguments and supporting legal authority they were (or, importantly, were not) utilizing, had advanced exponentially. And, concomitantly, so

¹²⁴ See Michael Vitiello, *Teaching Oral Advocacy: Creating More Opportunities for an Essential Skill*, 45 SETON HALL L. REV. 1031, 1040 (2015) ("Judges unfamiliar with a sophisticated area of the law will almost inevitably fall back on style in assessing performance.").

had our ability to ask more sophisticated and focused questions of the students during practice rounds, and to provide more constructive and valuable feedback to them afterwards.

In short, after every practice round we did, the more valuable a practice judge to the students we became. Consistent with the theme of this article, however, we also became far better *teachers*, as opposed to merely coaches. The numerous repetitions with the same practice judges transformed the preparation process into an exceedingly rigorous classroom experience for the students. The same professors were able to conduct an extended Socratic dialogue on the same problem with the same students in a serial, aggregating fashion. As Professor Michael Vitiello has noted:

An effective Socratic dialogue is an invaluable tool to teach advocacy skills. A professor's questions ought to be similar to those that a judge would ask an attorney. Good law professors and judges expect answers to be responsive. The Socratic dialogue should teach students the importance of listening to questions and framing thoughtful answers. Students should realize that their answers will in turn inspire follow up questions and that they must be able to think through the implications of their answers. Like oral argument where judges ask probing questions to bring out the specific issues in the case, a classroom discussion should focus on the strengths and weaknesses of different legal positions.¹²⁵

The educational, not to mention competitive, value of this extensive interaction between the students and faculty coaches was immense. In essence, the competition preparation process became a master class in advocacy and legal analysis for the students.

From a competitive standpoint, this vast level of familiarity and experience with mooted the problem allowed the faculty coaches to help the students put themselves in the best position possible to answer the hard questions about their positions.¹²⁶ Specifically, we had multiple opportunities to identify the critical weaknesses in the students' positions and help them in preparing

¹²⁵ Vitiello, *supra* note 48, at 892 (footnotes omitted).

¹²⁶ *Id.* at 889.

to directly address them at the competition.¹²⁷ It also allowed more than sufficient opportunity for the faculty coaches to fully explore the entire gamut of questions about the students' positions that might potentially arise at the competition. Indeed, "[e]xcellent advocates must . . . rehearse answers to countless questions the moot court may or may not pose."¹²⁸ Over the years, it became an extreme rarity for the students to field a question from a judge at the NELMCC they had not already heard some version of, usually repeatedly, from the faculty coaches during practices.

Further, the more repetitions in mooted the problem, the more opportunity I had to work with the students on learning to answer questions effectively, precisely, and persuasively. Good oral advocacy is not memorizing and delivering prepared speeches.¹²⁹ Moreover, excellent oral advocacy only happens when an advocate is fully engaged in an interactive conversation with the bench.¹³⁰ Thus, "answering the judges' questions . . . is the heart of" excellent oral advocacy, whether real or moot court.¹³¹ To do well in competition, therefore, students must learn "to relish the opportunity to answer [judges'] questions."¹³² Particularly at early stages of the preparation process, though, it is natural for students to "often dread questions for fear that they may not be able to answer them."¹³³ Intensive preparation, however, removes that fear and replaces it with confidence that comes from already knowing how the most challenging questions should be answered.¹³⁴

¹²⁷ *Id.* at 885.

¹²⁸ Lebovits et al., *supra* note 17, at 897.

¹²⁹ See Finneran, *supra* note 38, at 129 ("If one walks into a courtroom with the misimpression that the judge wishes to be impressed by a well-crafted speech, she will have been all but laughed out of the courtroom by the time she finishes.").

¹³⁰ See Lebovits et al., *supra* note 17, at 909 ("[O]ral argument is supposed to be a conversation between the advocate and judges.").

¹³¹ Finneran, *supra* note 38, at 129.

¹³² *Id.*

¹³³ Kenety, *supra* note 18, at 584.

¹³⁴ See Larry Cunningham, *Using Principles from Cognitive Behavioral Therapy to Reduce Nervousness in Oral Argument or Moot Court*, 15 NEV. L.J. 586, 602 (2015) ("If nervousness is stemming from worry about being unprepared, one antidote is to prepare so thoroughly so that the advocate will be confident and ready for any questions that come up."); Vaughan, *supra* note 98, at 675 ("If the advocate

Students must also learn, however, to answer these challenging questions in the most direct and persuasive way possible. This means giving “short, structured answers” to questions from the bench.¹³⁵ As Professor Richard Finneran emphasizes, “[a] good answer to a question in appellate argument has three parts: a direct answer, a justification that supports the answer, and a restatement of the direct answer.”¹³⁶ Each question from the bench is an opportunity to address the concern inherent in the judge’s question, but also to answer in a manner that propels the advocate forward to the “main themes and ultimate conclusions” of their larger argument.¹³⁷ But, for students to do this well, it is also necessary to consistently focus on their listening skills in practices. To directly and persuasively answer questions, “few things aid the appellate advocate more than listening attentively to—and really hearing—the court’s questions and concerns.”¹³⁸

Thus, my feedback to the students after practices was a constant refrain. They must always first state a short conclusion that directly answers the specific question they have been asked. It must never appear to the judge that the advocate is trying to avoid their question. They must immediately follow their conclusory answer with a well-structured and concise explanation of why their conclusion is correct. Then, if the judge has not interrupted with a follow up question, they should tie their explanation back to the original conclusion. But, without exception, I insisted that the students directly state their ultimate conclusions at the very beginning of their answers.

Again, at early stages of the process, it was normal for students to find this approach counterintuitive. Their natural instinct was to give lengthy, often meandering, preambles to justify any answer to a question *before* actually attempting an answer.¹³⁹ Typically, this occurred because the students had not yet learned their arguments deeply enough to have confidence in

appropriately prepares, then the advocate knows the material better than anyone else. The key is to have confidence in that knowledge.”).

¹³⁵ Finneran, *supra* note 38, at 130.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ Salmon, *supra* note 17, at 180.

¹³⁹ Finneran, *supra* note 38, at 131.

their answers to most questions, or to even yet know what their ultimate conclusions were.¹⁴⁰ The ability to move their conclusions to the front of their answers to questions was only possible when the students knew their arguments comprehensively and at a microscopic level of detail. But that, of course, was the reason for having such a great many practices leading up to the competition.

In addition to teaching students to state conclusions first and justifications second, I also insisted that those justifications always include *specific* legal authority that supported their answers. My teams were forbidden to engage in naked argument (unsupported by authority) under any circumstances. As their faculty coach, and as a practice judge they had to endlessly deal with, I required them to precisely identify the legal support they were using (whether that was a statute, regulation, case law, agency guidance) and fully explain how it applied in the context of the problem. If the students could not explain their authority to me so that I fully understood it and how it supported their argument, then I required them to find different authority or abandon that argument.

This was a particular problem early in the process when the students either had not yet located any authority for a position, or the authority they initially attempted to use did not actually or sufficiently support their position. My role as faculty coach at such times was to express my extreme dissatisfaction with that state of existence and to continue to express that dissatisfaction at every opportunity going forward until the state of existence changed for the better. The students got used to hearing me repeatedly say “that is not working,” “find some support for that,” or “do more research” during feedback after practice rounds. My role was not, however, to do this work for them.¹⁴¹ As I routinely told the students as these circumstances arose, they, and not I, were the lawyers in this process. It was their obligation to find solutions to the problems in front of them, including finding legal authority to support their arguments. I would do my best to guide them towards finding a legally viable solution, but the hard work of

¹⁴⁰ *Id.*

¹⁴¹ See Greenberg, *supra* note 18, at 554 (“Faculty are unlikely to do students’ work for them even when allowed to give more than artificially limited assistance.”).

researching, locating, and analyzing potential support fell to them.¹⁴²

In the meantime, I continued to consistently and enthusiastically play my role in practices as the exasperated competition judge expressing considerable unhappiness over counsel's inability to give me credible answers to credible questions about the arguments. On virtually every occasion this particular dilemma played out over the years, students would eventually find some way in which to solve this crisis. It was not at all unusual to hear from a student after I expressed happiness (often unrestrained joy) when specific, applicable legal authority suddenly appeared in their argument that the reason they had finally found it was because they were tired of repeatedly being asked the same questions and having no answers for them. Sometimes the teacher's job is to *be* the incentive for learning.

The students utilizing specific legal authority in support of their arguments in extremely precise ways became a hallmark of my teams at the NELMCC. In addition to my "no naked arguments" rule, other similar norms were created for how the students utilized legal authority at the competition. I insisted that students put their legal authority at the front of their explanations of the correctness of their direct answers to judge's questions. I emphasized repeatedly during practices that judges should never have to ask them if they had legal authority that supported a position. Instead, they should always be explaining their legal authority to the judge.

Additionally, if a particular legal test or standard was especially pivotal to an argument, which was very often the case, then the language of that legal standard should be memorized and quoted verbatim to the bench in the argument. The reasons for this were, first, if the argument was based on the particular standard, then the standard should be used *precisely* in the argument, never generally. And, second, reading anything to the bench, even the specific text of a statute or regulation or legal standard from a judicial opinion, was an absolute non-starter.¹⁴³ If

¹⁴² THOMAS & CRADDUCK, *supra* note 15, at 85.

¹⁴³ See GARNER, *supra* note 115, at 103 ("Never read an argument."); Lebovits et al., *supra* note 17, at 909 ("Appellate and moot courts frown on the reading of a prepared text during oral argument.").

it was important to the argument, then it was worth memorizing and quoting when the occasion warranted. Further, once that legal standard had been verbally emphasized in that way, the judge's full attention would shift to counsel's argument as to how that standard should apply.

Another trademark of my teams at the competition eventually became that none of the team members used any notes or outlines at the podium during their arguments. This particular evolution, however, was student, rather than coach, driven. During my early years as a coach, I did not have strong opinions on whether and how students should use notes at the podium.¹⁴⁴ I warned that not using notes was a risk, but if they wanted to run the risk I would support it, as students who are prepared well enough to forego notes often receive significant praise (and, one assumes, high marks) from competition judges.¹⁴⁵

During our first championship run at the NELMCC in 2011, one of the three team members, Dreda Culpepper, the only second-year student on the team, decided to forego notes. It went extremely well. The next year, now a third-year student, Dreda was again on the team, but she was also Moot Court Board Chair and thus primarily responsible for selecting her teammates. Dreda informed her teammates upon selecting them that they would also prepare to argue without notes at the competition that year. She was in charge and I knew better than to interfere. So, in 2012, all three members of the team argued without notes or outlines, Ole Miss Law won the NELMCC for the second consecutive year, and a team standard was etched in stone.

While the practice of not using notes in moot court has been criticized, primarily because it does not reflect what occurs in real appellate advocacy,¹⁴⁶ it should be remembered that this is, in fact, a competition. Impressing scoring judges with a superior level of preparation and quality of performance at the podium is an important part of the point. However, arguing without notes cannot be a parlor trick; if it is, the attempt will almost surely

¹⁴⁴ See DIMITRI ET AL., *supra* note 5, at 143 (“Advisors are of different minds about whether students should use notes or not.”).

¹⁴⁵ See *id.*; Lebovits, et al., *supra* note 17, at 910.

¹⁴⁶ See Dimitri, *supra* note 115, at 86.

backfire. Substantive argument, rigorous analysis of precise legal issues, and the ability to fully engage in interactive conversation with the bench overrides any stylistic accompaniments in delivery.

But, the ability to answer questions directly and substantively, utilize specific legal authority in a precise manner, and quote that legal authority verbatim without any use of notes or an outline more often than not makes a lasting impression on competition judges. Without question, it demonstrates a stark contrast with the other teams in the round not also doing the same. Again, however, this was never an illusion. It took an immense amount of preparation for the students to do this well at the competition. It became an annual occurrence, however, that by the last week of practices, the students' ability to deliver their arguments and stand up to intense questioning without any aids at the podium tended towards the extraordinary. If "[t]he aim of moot training is to arrive at the competition itself fully prepared," my students' desire to compete without the aid of notes motivated them not only to fully prepare but to over-prepare each and every year.¹⁴⁷ As their faculty coach, I did not object to this.

THE COMPETITION

Each year of leading students through the intense grind of our preparation regimen, my primary carrot to encourage them along the way was to assure them that the competition itself would be an absolute blast. And, the NELMCC was, in fact, an absolute blast each and every year. It is an extraordinarily well organized and well run competition and the students, faculty, and staff at Pace Law School work extremely hard every year to make it the best possible experience for everyone. Moreover, when law students have put in the level of work necessary to be great at something, as mine most certainly had, actually getting to do the thing they are great at is, indeed, pure joy. Even in those years that the team was eliminated prior to the final round, the competition experience itself was exceedingly enjoyable. The five years the team was not eliminated were also enjoyable.

In addition to the wonderful folks at Pace, however, another part of the experience that made it extremely fun for both

¹⁴⁷ THOMAS & CRADDUCK, *supra* note 15, at 19.

students and faculty coaches was the opportunity to interact with other law students and faculty from all over the country. With seventy, and often more, law schools represented each year, the opportunities to meet new people and make new friends and acquaintances was virtually unlimited. On many occasions, we would bond with other teams at receptions or back in the hotel lounge, some that we had competed against, some not. As perhaps the largest on-site moot court competition in the country, this is a wonderful feature of the NELMCC. I reminded the team each year that each of us was representing our law school at the competition and so every interaction we had while there should reflect positively on the school and ourselves.¹⁴⁸ We made a great many friends at the NELMCC over the years, so I believe we represented the law school well.

Each year, my message to the team was that my work was over at the conclusion of our final practice before we got on the plane in Memphis to make our way to White Plains. Everything from that point forward was totally up to them. My role as faculty coach did not completely disappear at the competition, but I deliberately assumed a greatly diminished role. As earlier stated, my view is that the students are the lawyers in this process. Over my eighteen years, I was never permitted to make a single argument at the competition. My role was as a consultant that the students could rely on as much or as little as they needed, but the burden of arguing the case was on them. I also provided moral support, emotional support, physical support (I happily carried satchels and briefcases), and cheerleading support. My job now was to assist the students in whatever way I could so that they could do the real work.

Particularly given how extraordinarily well prepared they were to make their arguments at the competition, my instinct was not to unnecessarily interject myself into their mental space while they did their work. They were ready; we had seen to that before leaving Oxford. If the students wanted to bounce thoughts or concerns off me, then I happily served as their sounding board. If on rare occasions I noticed something during a round that we had not considered during our preparation, I would bring it to their

¹⁴⁸ See DIMITRI ET AL., *supra* note 5, at 146.

attention. I would debrief with them after rounds as much as they found useful. But, for the most part, I waited for them to tell me what they needed and otherwise tried to not get in their way. In the most important sense of the word, the students were lawyers, unusually well-prepared lawyers at that, and my default setting is to not interfere with another lawyer at work.

My highest and best use was as the students' guide around both the law school campus and the annual process of the competition's operation and day-by-day progression. I made sure that nothing at the competition came as a surprise to them. I ran whatever interference or errands would make matters easier for them, whether that meant getting them water before a round or going back to retrieve something they had left behind. One year I carried Neiman Marcus bags around the law school for an entire afternoon because the students had used a break between rounds to shop at the Westchester Mall. I helped them navigate our hotel and White Plains each day, including advising them on the best local restaurant options, especially the best pizza. I carried the various plaques and prizes they won over the years for best briefs and advancing to the semifinal and final rounds, so they would not have to. I also posed next to them in photographs when they won awards and eliminations rounds, including the five times they won the competition. That was my favorite of all of my jobs to be honest.

CONCLUSION

Now two decades removed from that initial decision to help three Memphis law students prepare for the 2002 NELMCC, I can say with certainty that coaching moot court teams is the most impactful teaching I have done during my career as a law professor. As someone who believes my work in the classroom is the most important work I do in the legal academy, I consider that a profound statement. Fortunately, I am confident that my experience coaching moot court teams also made me a far better classroom teacher and environmental law professor than I would have otherwise become. Thus, my decision to do so was an extremely valuable investment in my development as a law professor. As both a member of the faculty and an alumnus of the University of Mississippi School of Law, I am also extremely proud

to have assisted so many of its former students in bringing national moot court competition championships to our shared alma mater.

I am far more proud, however, to have positively impacted the legal education and professional careers of so many outstanding law students along the way. The greatest benefit moot court provides, especially under the supervision of an enthusiastically committed faculty coach, is a transformative educational experience for participating students.¹⁴⁹ I was privileged to witness so many of my students experience tremendous personal and professional growth over the course of a single NELMCC cycle, and many over the course of two.¹⁵⁰ The level of skill and confidence that my students developed because of their moot court experiences was often awe-inspiring. Armed with full realization of the extent of their talent and ability, many used those experiences as a launching point towards outstanding career opportunities.

Moreover, the intense, personal nature of these shared experiences forged exceedingly strong bonds with the students on my teams which has brought me a great deal of joy over the years. Traditional classroom teaching simply does not rise to the same level of meaningful education and training of students as does moot court coaching. I am humbled to have been such an important part of my moot court students' legal education. Their considerable educational, rather than competitive, successes in that endeavor are fundamentally the reason I wanted to enter legal education as my profession in the first place.

¹⁴⁹ See Hernandez, *supra* note 2, at 77.

¹⁵⁰ See *id.*