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From the Dean's Office

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"May I assume that you intend to make a Federal case out of this?"

From The Dean's Office BY ASS'T. DEAN JAMES P. WHYTE

Not only is Marshall-Wythe America's oldest law school, it is also the pioneer in use of the moot court as a teaching device. It is well-known that George Wythe, America's first law teacher used this technique as an effective means of teaching rules of law and techniques of their application.

Nowadays, of course, moot court instruction at Marshall-Wythe has been revamped and broadened to fit current needs. Students may participate in various facets of this activity throughout their law school careers with varying degrees of intensity. Entering students first encounter moot court through the required course in Legal Method and Writing. Here participation in what is known as an "appellate briefing exercise" is compulsory. The class is divided into two-man partnerships and each partnership is assigned to represent either an appellant or appellee in an appeal before the "Supreme Court of the State of Marshall." The basis for appeal is found in prepared transcripts of a mythical trial before the "Circuit Court of Wythe County, State of Marshall." Points of law involved in these transcripts are ordinarily confined to subjects encountered in first-year classes of Property, Contracts, Agency and Torts. Advisors from the third-year class are appointed to assist the neophyte partners in getting started. Upon submission of briefs which are limited in length and written in accordance with prescribed rules, dates for oral argument are set before a three-man court usually consisting of a law professor and two third-year students. One hour's academic credit of the three established for Legal Method and Writing is earned by this exercise.

Upon completion of the course in Legal Writing and Method, Marshall-Wythe students may elect to continue moot court work, for which academic credit is earned, on a voluntary basis. The nature of this work is essentially the same as encountered in Legal Method and Writing. Subject matter of the problems encountered, however, is more complex and varied, and the work takes place in the framework of an intramural contest. Again students choose partners and, by a drawing, are assigned to represent either an appellant or appellee. A first round is held in the second semester of the first year, a second round in the first semester of the second year and a final round in the second semester of the second year. The winning partnership is crowned a Marshall-Wythe Moot Court Champion, the partners' names are engraved on a permanent plaque, and other suitable prizes are awarded them. It is expected, then, that those Champions will constitute Marshall-Wythe's entry in regional and, hopefully, national moot court contests.

Other practical activity which actually does not involve moot problems but which sometimes is nonetheless called "moot" court, is to be found in the one-hour course titled "Practice Court." The student enrolling in this course, normally in his third year, is required to find a situation either on campus or in town which contains all elements of a civil law suit. Gaining the voluntary cooperation of all parties and witnesses concerned, one student elects to represent plaintiff, a classmate representing defendant. From this point the work proceeds as though the case were being processed in an actual court of record. Cases are filed in the "Circuit Court of Wythe County, State of Marshall." Procedure, at plaintiff's choice, may be either according to the Federal Rules of Civil Procedure or the Virginia rules. Witnesses are interviewed, depositions or interrogatories are taken as necessary, pleadings and motions are filed, a pre-trial conference is held with the judge, a trial brief is prepared and the case is ultimately tried before a professor-judge and a jury usually consisting of first-year law students. Upon occasion, motions for new trials are filed by counsel for the party against whom the verdict has been returned and are argued before the judge.

It is hoped that the establishment and maintenance of Marshall-Wythe's moot program will continue to be of significant benefit to law students. In addition to providing a refreshing way to learn law, it provides a convenient, practical and efficient way of gaining actual experience in the practice of law. And of immediate value to the law student is the fact that prospective employers rate highly moot court experience as a silent, but effective, recommendation.