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## First Amendment And Media Law Diversity Moot Court Competition

Roger Williams University School of Law

Michelle Choate

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# First Amendment and Media Law Diversity Moot Court Competition

Moot Court Competition Finals  
Thursday, February 1, 2024 | 3:30 - 5:30 PM

The Ritz-Carlton, Bacara  
8301 Hollister Avenue  
Santa Barbara, CA 93117

## Application Process

Law students interested in the Competition submit a [written application](#), including a short essay explaining their interest in issues of media and communications law. There is no fee to apply. All applications are due and must be received no later than Midnight PDT on the deadline date. Students may apply individually or as part of two-person teams (each team member must complete an individual application).

Based on the essay submissions, competitors are selected to submit an appeal brief as part of a two-person team. Applicants who did not apply as part of a team will be paired with a partner.

**Application Deadline: Monday, October 23, 2023.**

## Competition Rules & Details

Competing teams are assigned a hypothetical set of facts from which to prepare an appellate brief. Each team will be paired with a practicing media lawyer for career advice, mentoring and networking. Mentors also will review and comment on a draft of their assigned team's appellate brief.

Briefs are judged blindly by a panel of experienced media-law practitioners. The team with the highest-scoring brief will be awarded "Best Brief" and each team member will receive \$1,000.

Each team that timely submits a brief compliant with the rules will be invited to argue the case before panels of communications lawyers acting as judges. Each team will take part in two argument sessions before two different panels of judges: One round in which the team will argue "on brief" (the side for which the team's brief was prepared) and a second round "off brief" (arguing the opposing side).

The four individual competitors with the highest combination of scores from the brief and

the two oral arguments, without regard to team assignment, will compete in the finals, arguing before a panel of prominent sitting judges. For the final round of arguments, the finalists will be randomly assigned to represent appellant or appellee, resulting in new team assignments.

The team with the highest score for the final round will be the winner of the Competition. Each member of the winning team will receive \$750. The finalist with the highest score for the final round of oral argument will be deemed “Best Oralist” and will receive \$1,500.

[Moot Court 2023-2024 Competition Official Rules](#)

## **Overview and Deadline**

The annual First Amendment and Media Law Diversity Moot Court Competition, now in its 16th year, is designed to introduce diverse law students to the practice of media law and to lawyers active in the communications law bar. The competition offers cash awards for superior performance in appellate briefing and oral argument.

The moot court hypothetical case will involve timely issues of national significance in the areas affecting communications law. The preliminary rounds of this year’s competition will be held virtually via video conference and will feature judges that are partners at top law firms, in-house counsel at major media companies, and media law scholars. Finalists will receive airfare and accommodations for the Forum on Communications Law’s Annual Conference scheduled to take place February 1 - 3, 2024. The final round of competition will take place in-person at the Conference before prominent members of the judiciary.

## **Eligibility**

Students from any ABA-accredited law school are encouraged to apply to participate in the competition. Students must be members of a chapter of the National Black Law Students Association; the National Latino/a Law Student Association; the National Asian Pacific American Law Student Association; the National Native American Law Students Association; National Disabled Law Students Association; National LGBT Bar’s Law Student Congress or a comparable minority law student organization at their school.

## **Hypothetical**

[Participant's Instructions](#)

[District Court Decision](#)

[Summary of Hypothetical](#)

## Competition Administration and Sponsors

The First Amendment and Media Law Diversity Moot Court Competition is administered by the American Bar Association Forum on Communications Law. The Competition Committee, made up of volunteer scholars and practitioners from across the field of media law, will oversee the administration of the Competition.

For any questions, please contact the Competition Committee at: [medialawmoot@gmail.com](mailto:medialawmoot@gmail.com).

### [Natalie Harris](#)

Baron Harris Healey  
Chicago, IL

### [Linda R. Norbut](#)

Thomas & LoCicero  
Tampa, FL

### [Amy Kristin Sanders](#)

The University of Texas at Austin | Moody College of Communication  
Austin, TX

## [First Amendment and Media Law Diversity Moot Court Competition](#)

## FAMLD

The annual First Amendment and Media Law Diversity Moot Court Competition is designed to introduce diverse law students to the practice of media law and to lawyers active in the communications law bar. The competition offers cash awards for superior performance in appellate briefing and oral argument.

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Students must be from an ABA-accredited law school and must be members of a chapter of the National Black Law Students Association; the National Latino/a Law Student Association; the National Asian Pacific American Law Student Association; the National Native American Law Students Association; National Disabled Law Students Association; National LGBT Bar's Law Student Congress or a comparable minority law student organization at their school.

### *Important Dates*

Registration Deadline

Hypothetical Published

Mentors/Sides Assigned

Appellate Briefs Due

Preliminary Rounds

Semifinal Rounds

Final Rounds

October 23, 2023

November 3 (emailed to participants)

November 13

December 31 by midnight (PDT)\*

January 10 & 11, 2024 (ZOOM = on-brief and off-brief)

January 17, 2024 (Zoom = Top 4 / on-brief and off-brief)

February 1, 2024 / 3:30-5:30 PM (PDT)

(LIVE at ABA Forum on Communications Annual Conference in Santa Barbara, CA)

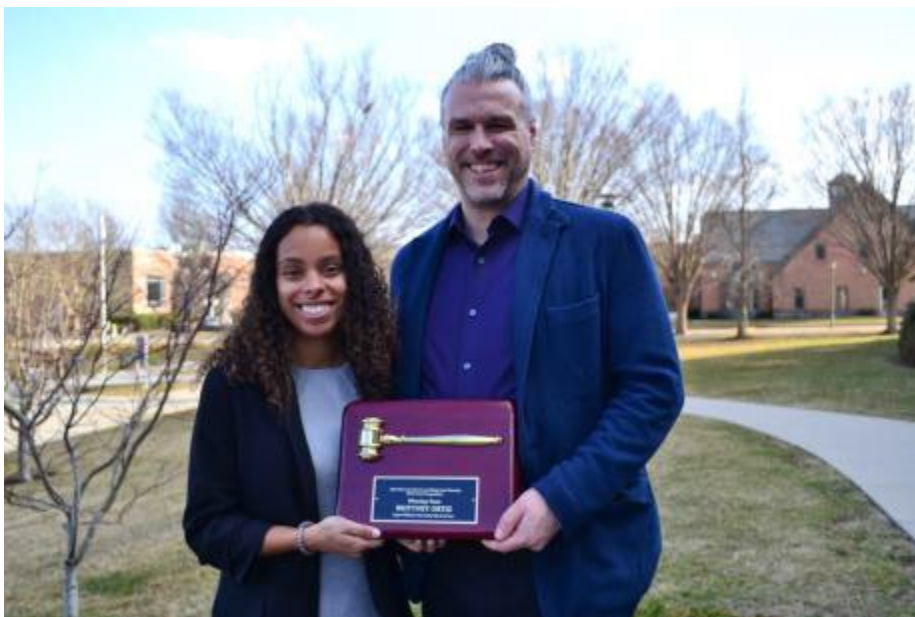
\* Each team must submit their measuring brief and service brief to [medialawmoot@gmail.com](mailto:medialawmoot@gmail.com), in accordance with the Official Rules. REMEMBER: The service brief must have no indication of personal names or schools. Briefs submitted after the deadline will be disqualified.

## Victorious Verdict

RWU Law 3L Brittney Ortiz was paired with Marco Romero of Yale Law School at the final round of the ABA 16th Annual First Amendment and Media Law Diversity Moot Court Competition and the duo emerged as winners. At this round, Brittney and Marco were pitted against a second team from University of Illinois College of Law and Harvard Law.

February 21, 2024

Michelle Choate



Brittney Ortiz 3L receives a plaque from Prof. Justin Kishbaugh, symbolizing her victory at the First Amendment and Media Law Diversity Moot Court Competition held in Santa Barbara, CA. Image Credit: Kathleen MacAndrew

Roger Williams University School of Law's Brittney Ortiz 3L, emerged victorious as part of the winning duo at [the 16th annual ABA First Amendment and Media Law Diversity Moot Court](#) competition. This Moot Court competition is designed to introduce minority law students to the practice of media law. At the conclusion of the competition, awards are given for superior performance in appellate briefing and oral argument.



At the beginning, the competition consisted of 18 two-person teams which narrowed down to three teams. Ortiz entered the competition at the invitation of fellow RWU Law 3L Aicha Elola, with whom she performed as a team for the first two rounds of the competition. Due to the rules of the competition, the four individual competitors with the highest combination of scores from the brief and the two oral arguments, without regard to team assignment, moved on to compete in the finals in Santa Barbara, CA. Because she was one of those top four, Ortiz was paired with Marco Romero (Yale Law School) for the finals. However, Ortiz holds Elola and her abilities in high esteem. Says Ortiz, “Aicha has top-tier oral advocacy skills. I would not have made it as far as I did in the competition without her.”

In the First Amendment and Media Law Diversity Moot Court, competing teams are assigned a legal topic and a set of facts from which to prepare an appellate brief. At issue for this year's competition was a particular statute that prohibited the selling or distribution of sexually explicit material to minors. Teams had to determine if the statute was constitutional or if it was impeding on First Amendment rights. Ortiz and her teammate took the position that the statute was constitutional, arguing that the statute's language was necessarily broad in order to be adaptable to the diverse nature of the different communities—and the values and viewpoints found there. The opposing team argued that the statute was too vague and hard to follow. The panel of judges for the final, which included two federal judges and one state court judge, found in favor of Ortiz



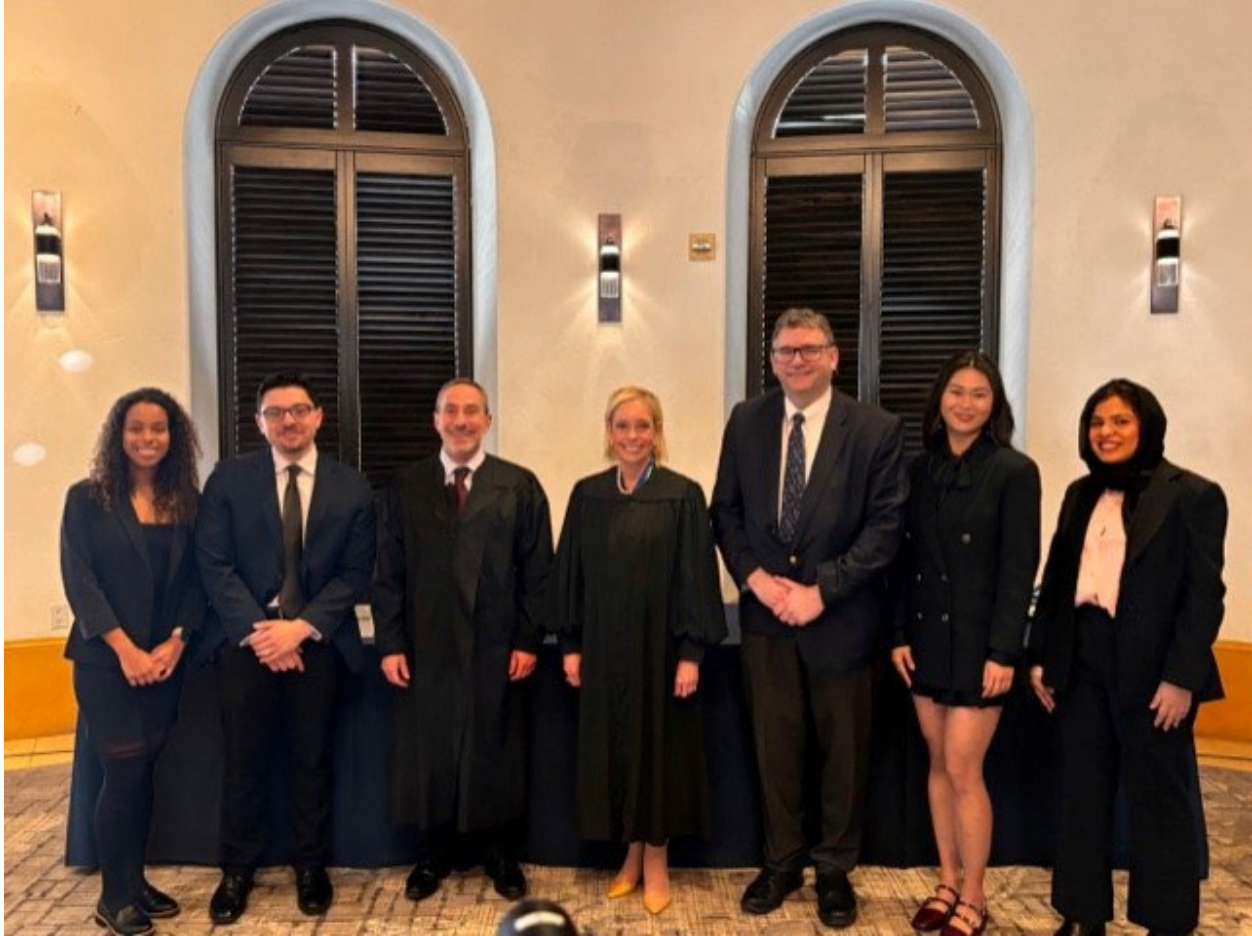
and her teammate Romero.



Ortiz credits RWU Law classes and her experience as a TA in the writing center for her success in the competition. “Everything I learned in the Prisoner’s Rights class taught me how to attack opposing councils’ briefs. And I believe I was able to do so well with writing the brief because of the teachings of Professor Kishbaugh at the Writing Center.”

While technically a victory for her and Romero, Ortiz sees her performance in the Moot Court as exemplary of the adage “It takes a village.” In addition to her original partner Elola and all of her RWU Law professors, she is grateful to the many alumni who helped her in preparing and powering through the rigorous competition. But as a student who went to the writing center “about 70 times” in one semester, she truly believes she would not even have had the confidence to enter the competition without the improvement in her writing that she credits to Professor Justin R. Kishbaugh.





As RWU Law’s Associate Director of Academic Success and a Professor of Writing, Prof. Kishbaugh can speak with great authority on both the importance of good writing in the legal profession and Ortiz’ commitment to improvement. “Good writing is the gateway to success in these competitions—as it is in both law school and the legal profession. With that standard in mind, I often tell my students that their understanding of and arguments regarding the law mean nothing if not expressed in an organized and understandable prose,” says Kishbaugh. “To help students produce the quality of prose that Moot Court competitions and the legal profession expect of them, I stress that good writing is a skill that can be learned and is dependent more on effort and planning than on intrinsic aptitude or innate ability. Brittney is the record holder for the most appointments in a single semester at our law school’s Writing Center. Her hard work and commitment led to great writing and the well-deserved success and recognition that come with it. We could not be prouder of her tremendous accomplishment!”