

Moot Court Topics

UC Hastings College of the Law, Spring 2016

Civil Cases

Federal Court

1. ***Fisher v. University of Texas at Austin***

Issue: Whether the Fifth Circuit's re-endorsement of the University of Texas at Austin's use of racial preferences in undergraduate admission decisions can be sustained under this Court's decisions interpreting the Equal Protection Clause of the Fourteenth Amendment.

Instructor	Day	Time
Daniel Duan	Tuesday	4:40 – 6:50 PM
Brian Lambert	Thursday	5 – 7:10 PM

2. ***Green v. Brennan***

Issue: Under federal employment discrimination law, does the filing period for a constructive discharge claim begin to run when an employee resigns or at the time of an employer's last allegedly discriminatory act giving rise to the resignation?

Instructor	Day	Time
Vanessa Beary	Tuesday	5 – 7:10 PM
Steven Harris	Tuesday	4:40 – 6:50 PM

3. ***OBB Personenverkehr AG v. Sachs***

Issue: For purposes of determining when an entity is an "agent" of a "foreign state" under the first clause of the commercial activity exception of the Foreign Sovereign Immunities Act, which definition of agency controls? (2) Does a tort claim for personal injuries suffered in connection with travel outside of the United States is "based upon" the allegedly tortious conduct occurring outside of the United States or the preceding sale of the ticket in the United States for the travel entirely outside the United States?

Instructor	Day	Time
Mara Boundy	Wednesday	4:40 – 6:50 PM

4. ***Upadhyay v. Aetna***

Issue: If, during its handling of a claim for long term disability benefits, an ERISA-regulated insurance company fails to raise known defenses to payment of long term disability benefits, may it then assert those defenses for the first time in litigation? Or, by not raising them, did the insurer waive the defenses?

Instructor	Day	Time
Joe Creitz	Thursday	4:40 – 6:50 PM

State Court

5. ***Ardon v. City of Los Angeles***

Issue: (1) Does inadvertent disclosure of attorney work-product and privileged documents in response to a Public Records Act request waive those privileges and protections? (2) Should the attorney who received the documents be disqualified because she examined them and refused to return them?

Instructor	Day	Time
Sigrid Irias	Tuesday	4:40 – 6:50 PM

6. ***Baltazar v. Forever 21, Inc.***

Issue: Is an employment arbitration agreement unconscionable for lack of mutuality if it contains a clause providing that either party may seek provisional injunctive relief in the courts and if the employer is more likely to seek such relief?

Instructor	Day	Time
Casey Christensen	Thursday	12 – 2:10 PM

7. ***City of San Jose v. Superior Court***

Issue: Are written communications pertaining to city business, including email and text messages, within the meaning of the California Public Records Act of “public records” if the records (a) are sent or received by public officials and employees on their private electronic devices using their private accounts, (b) are not stored on city servers, and (c) are not directly accessible by the city?

Instructor	Day	Time
Shashi Deb	Tuesday	8:30 – 10:40 AM
Kimon Manolius	Wednesday	4:40 – 6:50 PM

8. ***DisputeSuite.com, LLC v. Scoreinc.com***

Issue: Were defendants entitled to an award of attorney fees under Civil Code section 1717 as the prevailing parties in an action on a contract when they obtained the dismissal of the action on procedural grounds pursuant to a Florida forum selection clause?

Instructor	Day	Time
Tiffany Gates	Thursday	4:40 – 6:50 PM
Catalina Lozano	Thursday	9:40 – 11:50 AM
Chip Selan	Monday	4:40 – 6:50 PM

9. ***Greater Los Angeles Agency on Deafness, Inc. v. Cable News Network, Inc.***

Issue: Does the California Disabled Persons Act’s reference to “places of public accommodation,” include websites, which are non-physical places?

Instructor	Day	Time
Stephen Tollafeld	Wednesday	4:40 – 6:50 PM

Criminal Cases

Federal Court

10. ***Friedman v. City of Highland Park***

Issue(s): (1) (1) Whether the Constitution allows the government to prohibit law-abiding, responsible citizens from protecting themselves, their families, and their homes with a class of constitutionally protected “arms” that includes the most popular rifles in the nation; and (2) whether the Constitution allows the government to prohibit citizens from protecting themselves, their families, and their homes with ammunition magazines that number in the tens of millions.

Instructor	Day	Time
Lou Biggio	Thursday	10:50 AM – 1 PM
Nathan Scheg	Wednesday	4:40-6:50 PM

11. ***Ocasio v. United States***

Issue: Whether a police officer’s mistake of law can provide the individualized suspicion that the Fourth Amendment requires to justify a traffic stop.

Instructor	Day	Time
Wendy Hill	Monday	1:10 – 3:20 PM

12. ***Utah v. Strieff***

Issue: Whether evidence seized incident to a lawful arrest on an outstanding warrant should be suppressed because the search occurred during an investigatory stop later found to be unlawful.

Instructor	Day	Time
Mark D’Argenio	Tuesday	4:40 – 6:50 PM
Michael Gowe	Thursday	4:40 – 6:50 PM

13. ***Williams v. Pennsylvania***

Issue(s): (1) Whether the Eighth and Fourteenth Amendments are violated where a state supreme court justice declines to recuse himself in a capital case based on a specific set of facts; and (2) whether the Eighth and Fourteenth Amendments are violated by the participation of a potentially biased jurist on a multimember tribunal deciding a capital case, regardless of whether his vote is ultimately decisive.

Instructor	Day	Time
Amit Kurlekar	Wednesday	5 – 7:10 PM
Michael Quinn	Monday	4:40 -6:50 PM

State Court

14. *People v. Franklin*

Issue: (1) Did defendant's sentence of 50 years to life for a homicide committed when he was a juvenile violate the Eighth Amendment? (2) Was this issue rendered moot by the enactment of Penal Code section 3051?

Instructor	Day	Time
Sean Gallagher	Monday	4:40 – 6:50 PM
Denise Yates	Wednesday	4:40 – 6:50 PM

15. *People v. Ikeda*

Issue: (1) After detaining a person outside a hotel room, may law enforcement officers enter the detainee's room to conduct a protective sweep based on a reasonable suspicion that the room harbors a person posing a danger to officer safety? (2) Did law enforcement officers have reasonable suspicion in this case to believe that defendant's hotel room harbored a person who posed a danger to officer safety?

Instructor	Day	Time
Rebecca Arons	Thursday	10:50 AM – 1 PM
Adrienne Rogers	Tuesday	4:40 – 6:50 PM

16. *People v. Macabeo*

Issue: "(1) May law enforcement officers conduct a search incident a minor traffic offense, so long as a custodial arrest (even for an unrelated crime) follows? (2) Is there a requirement to exclude evidence obtained during the warrantless search of the suspect's cell phone incident to arrest, or did the search fall within the good faith exception to the exclusionary rule?"

Instructor	Day	Time
Eric Hing	Tuesday	5 – 7:10 PM
David Pai	Tuesday	4:40 – 6:50 PM

17. *People v. Moran*

Issue: Was the condition of probation barring defendant from all Home Depot stores and their parking lots after he was convicted of shoplifting at a single Home Depot store unconstitutionally overbroad because it restricted his constitutional right to travel?

Instructor	Day	Time
Stephanie Clarke	Monday	1:10 – 3:20 PM

18. *People v. Wade*

Issue: Is a defendant carrying a firearm "on his person" within the meaning of Penal Code if he is wearing a backpack containing a firearm?

Instructor	Day	Time
Bob Kane	Tuesday	4:40 – 6:50 PM
Allison Macbeth	Wednesday	4:40 – 6:50 PM