

The Little Black Book

The Little Black Book

A Do-It-Yourself Guide
for Law Student Competitions

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Preface

Are you a student participating in a law school competition? A coach of a law school competition team? A law school professor who teaches advocacy skills? Then this book is for you. We have designed *The Little Black Book* to fill a critical niche in law school pedagogy: the skills for succeeding in law school competitions. Law schools perpetually struggle with the need to fit an ever-expanding universe of both doctrinal studies and skills development into a finite curriculum. Training in competition skills inevitably gets squeezed and edited down, and sometimes even left on the cutting room floor. Yet students can benefit enormously from these competitions, as they provide a way for students to practice and develop skills that will benefit themselves and their clients once students enter the workforce.

Some law schools do offer courses in appellate advocacy or require appellate brief writing as part of their various legal writing programs, but these programs are not universal. In addition, the standard law school curriculum has expanded to encompass alternative dispute resolution mechanisms, such as negotiation and mediation, but schools often are not able to offer hands-on instruction in these topics to all students. The end result is that some students may learn the theory, but not necessarily the practical skills that accompany these mechanisms and others may not even learn the theory. Even those schools who do have courses in appellate advocacy, mediation, negotiation, and client counseling often cannot also incorporate the specific skills necessary for succeeding in competitions. (By “success” we mean mastering the skills used in the competition; skills that will serve students well in their chosen profession.) These deficiencies led us to write this book, which is a step-by-step instruction handbook that takes students through the procedures of each style of competition. Each section of this book takes a direct and pragmatic approach that is easily adapted to a broad spectrum of instruction: individual self-teaching, coach-student training,

and classroom teaching. At The University of Tulsa College of Law, this book is being used by individual students in preparing briefs for the Stetson, Jessup, and National Native American Law Students Association Moot Court Competitions; by coaches in their respective training programs; and by professors as an instruction manual for appellate advocacy courses.

Part I of this manual is designed to guide the user in applying the analytical, writing and research skills students learned (or are learning) in first year courses to the task of preparing an appellate brief. The manual does presuppose some background in legal analysis and persuasive argument. Part I also instructs students on developing and presenting an oral argument based on their brief. Part II focuses on non-brief writing competitions, specifically the Client Counseling, Negotiation, and Mediation Competitions.

About the Authors

The authors of *The Little Black Book: A Do-It-Yourself Guide for Law Student Competitions* are Barbara K. Bucholtz, Martin A. Frey and Melissa L. Tatum.

Barbara K. Bucholtz is an Associate Professor of Law at The University of Tulsa College of Law where she has served for several years as the faculty advisor for The University of Tulsa's Jessup Teams. She regularly teaches courses in Contracts, Corporations, Nonprofit Law and Legal Analysis and Writing. She is Director of the University's Nonprofit Law Center. For four years, she served as senior law clerk for the Honorable James O. Ellison, Chief Judge of the United States District Court, Northern District of Oklahoma. Prior to her clerkship, she was a practicing attorney in Chicago and Tulsa law firms. Her legal scholarship focuses on issues facing for-profit and nonprofit associations.

Martin A. Frey is a Professor Emeritus at The University of Tulsa College of Law. Prior to his retirement, Professor Frey was a Senior Adjunct Settlement Judge for the United States District and Bankruptcy Courts for the Northern District of Oklahoma as well as the Reporter for the Civil Justice Reform Act Advisory Group for the United States District Court for the Northern District of Oklahoma. He was the Co-Director of the Center on Dispute Resolution at the College of Law, the Faculty Advisory to the Board of Advocates (the student umbrella organization that coordinates all competition activities), and the Faculty Coach to several ABA/LSD Negotiation Competition teams. He taught Introduction to ADR; Interviewing, Counseling and Negotiating; Contracts; and Secured Transactions. Professor Frey also drafted the problems for the finals of the 2000–2001 ABA/LSD Negotiation Competition and served as the Faculty Coordinator for the regional 2000–2001 ABA Mediation Competition held at The University of Tulsa. He writes in the areas of ADR, contracts, and bankruptcy law.

Melissa L. Tatum is an Associate Professor at The University of Tulsa College of Law, where she also serves as Co-Director of the Native American Law Center and as Director of the Native American Law Moot Court Programs. As part of her work with the moot court programs, Professor Tatum oversees all aspects of the annual intramural Native American Law Moot Court Competition and serves as primary coach for the teams TU sends to the National NALSA Moot Court Competition. Prior to taking charge of the Native American Law Moot Court Programs, she served as primary coach of the health law moot court teams. Professor Tatum has also judged both local and national moot court competitions. In so doing, she draws heavily on her experience clerking for a U.S. Magistrate Judge and for two federal appellate court judges. Professor Tatum teaches Criminal Procedure: Police Practices, Criminal Procedure: Adjudication, Protection of Minority and Indigenous Cultures, and an American Indian Law Seminar. In addition to her teaching, Professor Tatum has published numerous articles in the fields of Indian law and Section 1983, and regularly lectures at regional and national conferences on Indian law. She also serves as a judge for the Southwest Intertribal Court of Appeals.

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