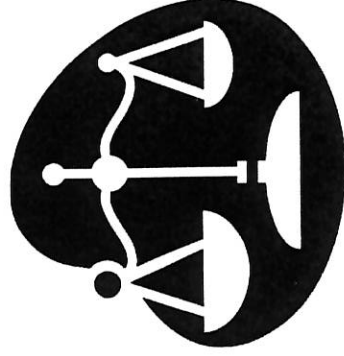


**GEORGIA INTRASTATE  
MOOT COURT  
COMPETITION  
2015**



Presented by:



March 27-28, 2015

John Marshall Law School  
Atlanta, Georgia

## INTRASTATE COMMITTEE

### **Chairs**

William A. Alexander

Emilia C. Walker

### **Problem Drafting Subcommittee:**

Jamie Woodard\*  
Brooke Gram  
Adam Fitzsimmons  
Allen Malone

### **Oral Argument Subcommittee:**

Brett Miller  
Kori Flake  
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Kimberly Thompson  
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### **Rules Subcommittee:**

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Adam Fitzsimmons  
Allen Malone  
Becki C. Lee

### **Competition Subcommittee:**

Allison Hill  
Brooke Gram  
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Natalie Sacha  
Mary Weeks  
Andy Treese  
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### **Brief Grading Subcommittee:**

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Allison L. Hill  
Kimberly Thompson  
Robert Watts  
Susan Haynes

### **Reception Planning Subcommittee:**

Andy Treese\*  
Adam Fitzsimmons\*  
Nicholas Howell  
Tammy Wilson

### **Sponsorship Subcommittee:**

Allison L. Hill  
Nelofar Agharahimi

## NOTE FROM THE COMPETITION CO-CHAIRS

Welcome to the 2015 Intrastate Moot Court Competition. Each year, members of the Young Lawyers Division of the State Bar of Georgia work hard to make this competition a reality. We do it because we, as young lawyers, believe that the best learning is the learning that happens on your feet. There is simply no better way to become a great advocate than by practice. No matter how much you read about the law, the *practice* of practicing law is how great lawyers are made.

We realize that for all of you, this weekend is the culmination of months of preparation. You are here because your schools have selected you among the best of the best at your institutions. Simply by being here, you have shown that you are among the most promising law students in Georgia – and will someday very soon be among the most promising new lawyers.

This weekend is the result of the hard work of dozens of practicing attorneys, but a few warrant special mention: Andrew Becker, Katie S. Dod, Mary Weeks, Natalie Sacha, Adam Fitzsimmons, Allison L. Hill, Warren Thomas, Robert Watts, Susan Haynes, Kimberly Thompson, Andy Treese, Cody Wigington, Becki C. Lee, Nicholas Howell and Brett Miller were essential to making the Competition happen. Also of key importance are the lawyers identified in this program who spent countless hours grading briefs. As always, Allen Wallace graciously and generously gave his time and energy in helping to plan the competition. Special thanks must also be given to Jamie Woodard for the enormous amount of time he spent researching and drafting this year's problem. These dedicated volunteers, many former moot court competitors themselves, are the heart of this Competition.

Finally, our very special thanks go to John Marshall Law School for its hospitality in hosting this year's Competition. The Moot Court Board, and especially student Kimberly Stahl, along with all of the deans, faculty, and staff of the law school, have gone above and beyond to make us feel welcome.

*Here's to a great weekend of Moot Court!*

William A. Alexander & Emilia C. Walker  
2015 Intrastate Competition Committee Co-Chairs

\* Denotes subcommittee chair(s)

## SCHEDULE OF EVENTS

### Friday, March 27, 2015

8:30 a.m. - Competitor Check-in: BCC Auditorium  
*Breakfast* in BCC Reception Hall

9:00 a.m. - Orientation and Welcome: BCC Auditorium

10:00 a.m. - Preliminary Round 1: Main Building,  
Rooms 201, 202, 203, 204, 304 & 703

12:00 p.m. - *Lunch*, BCC Reception Hall

1:00 p.m. - Preliminary Round 2: Main Building,  
Rooms 201, 202, 203, 204, 304 & 703

2:30 p.m. - Preliminary Round 3: Main Building,  
Rooms 201, 202, 203, 204, 304 & 703

4:30 p.m. - *Reception*: Jones Day,  
1420 Peachtree St., NE, #800

### Saturday, March 28, 2015

8:00 a.m. - Breakfast in BCC Reception Hall

9:00 a.m. - Preliminary Round 4: Main Building,  
Rooms 201, 202, 203, 204, 304 & 703

10:30 a.m. - Announcement of Semifinal Round:  
BCC Auditorium

10:45 a.m. - Semifinal Rounds: Main Building,  
Rooms 304 & 703

11:45 a.m. - Announcement of Final Round: BCC Auditorium  
Lunch will immediately follow in  
BCC Reception Hall

2:00 p.m. - Final Round: BCC Auditorium  
*Followed by Presentation of Awards*

## SCHEDULE OF PRELIMINARY ROUNDS

| Matchup                                  | Room |
|--|------|
| <b><u>Round 1 (Fri @ 10a.m.):</u></b>    |      |
| 1A (Petitioner) v. 2B (Respondent) ..... | 201  |
| 2A (Petitioner) v. 3B (Respondent) ..... | 202  |
| 3A (Petitioner) v. 4B (Respondent) ..... | 203  |
| 4A (Petitioner) v. 5B (Respondent) ..... | 204  |
| 5A (Petitioner) v. 6B (Respondent) ..... | 304  |
| 6A (Petitioner) v. 1B (Respondent) ..... | 703  |
| <b><u>Round 2 (Fri @ 1p.m.):</u></b>     |      |
| 3B (Petitioner) v. 1A (Respondent) ..... | 703  |
| 4B (Petitioner) v. 2A (Respondent) ..... | 201  |
| 5B (Petitioner) v. 3A (Respondent) ..... | 202  |
| 6B (Petitioner) v. 4A (Respondent) ..... | 203  |
| 1B (Petitioner) v. 5A (Respondent) ..... | 204  |
| 2B (Petitioner) v. 6A (Respondent) ..... | 304  |
| <b><u>Round 3 (Fri @ 2:30p.m.):</u></b>  |      |
| 1A (Petitioner) v. 4B (Respondent) ..... | 304  |
| 2A (Petitioner) v. 5B (Respondent) ..... | 703  |
| 3A (Petitioner) v. 6B (Respondent) ..... | 201  |
| 4A (Petitioner) v. 1B (Respondent) ..... | 202  |
| 5A (Petitioner) v. 2B (Respondent) ..... | 203  |
| 6A (Petitioner) v. 3B (Respondent) ..... | 204  |
| <b><u>Round 4 (Sat @ 9a.m.):</u></b>     |      |
| 5B (Petitioner) v. 1A (Respondent) ..... | 203  |
| 6B (Petitioner) v. 2A (Respondent) ..... | 204  |
| 1B (Petitioner) v. 3A (Respondent) ..... | 304  |
| 2B (Petitioner) v. 4A (Respondent) ..... | 703  |
| 3B (Petitioner) v. 5A (Respondent) ..... | 201  |
| 4B (Petitioner) v. 6A (Respondent) ..... | 202  |

### PRELIMINARY ROUND JUDGES

- |                         |                            |
|-------------------------|----------------------------|
| 1. Ashley Akins         | 26. Adam Lilly             |
| 2. William Alexander    | 27. Brett Miller           |
| 3. Malone Allen         | 28. Robert J. Mollohan, Jr |
| 4. David Ballard        | 29. Shalimar Parham        |
| 5. Jason Beach          | 30. Ethan Pham             |
| 6. Andrew Becker        | 31. Kristen Pitts          |
| 7. Scott Bonder         | 32. Mike Rafi              |
| 8. Kevin Bradberry      | 33. Steve Rothman          |
| 9. Timothy Butler       | 34. Natalie Rowland        |
| 10. Kelly Campanella    | 35. Natalia Sacha          |
| 11. Darl Champion       | 36. Mark Silver            |
| 12. Jeremy Dailey       | 37. Eugene Smith           |
| 13. Katie Dod           | 38. Steven Strasberg       |
| 14. J.D. Fichtner       | 39. Christopher Steele     |
| 15. Jonathan Futrell    | 40. Grant Tall             |
| 16. Brooke Gram         | 41. Kimberly Thompson      |
| 17. Brent Hatcher       | 42. John Toro              |
| 18. Elissa Haynes       | 43. Andy Treese            |
| 19. Joe Hoffman         | 44. Emilia Walker          |
| 20. Nic Howell          | 45. Allen Wallace          |
| 21. Bert Hummell        | 46. Bob Watts              |
| 22. Katie Kiihnl        | 47. Josh Weeks             |
| 23. Nicole Leet         | 48. Mary Weeks             |
| 24. Hon. Robert Leonard | 49. Winter Wheeler         |
| 25. Erin Lerner         |                            |

### BRIEF JUDGES

Bryan Baer  
*Kalka & Baer, LLC*

Andrew Becker  
*Merbaum Law Group, P.C.*

Rachel Berlin  
*The Buckley Law Firm*

Emma Burke  
*Bailey Davis, LLC*

Michael Gretchen  
*Downey & Cleveland, LLP*

Anna Howard  
*Law Clerk for Judge May, Northern District*

Brett Miller  
*Law Office of Hung Q Nguyen & Associates, LLC*

Lynn Olmert  
*Garlock Copeland & Stair LLP*

Victoria Rooks  
*Sladkus Law Group*

## **FINAL ROUND ORAL ARGUMENT JUDGES**

**Honorable Judge Anne Elizabeth Barnes**  
*Georgia Court of Appeals*

**Honorable Judge Carla Wong McMillian**  
*Georgia Court of Appeals*

**Honorable Judge Reuben M. Green**  
*Superior Court of Cobb County*

**Allen F. Wallace, Esq.**  
*Career Law Clerk to Hon. Judge Robert L. Vining, Jr.  
of the Northern District of Georgia*

**Jamie P. Woodard, Esq.**  
*Problem Drafter and Partner at  
Wellborn, Wallace & Woodard, LLC*

## **RECEPTION AND RECOGNITION OF SPONSORS**

All team members, advisors, coaches, parents, spouses, committee members, and judges are invited to a reception hosted by the Intrastate Moot Court Competition Committee following the conclusion of the third preliminary round on Friday, March 27. The reception will be held from 4:30-6:00 p.m. at Jones Day, located at 1420 Peachtree St., NE, #800. We welcome all of you to take this opportunity to meet and mingle with fellow competitors, their families, and the attorney volunteers and committee members.

The Committee extends its special thanks and gratitude to its sponsors, without whom this competition would not be possible:

Bondurant, Mixson & Elmore, LLP  
Case Imagery  
Fincher Denmark Williams & Minnifield LLC  
Jones Day  
Troutman Sanders LLP

Special thanks also go to the Young Lawyers Division of the State Bar of Georgia for its continued sponsorship and support of the Georgia Intrastate Moot Court Competition.

## **SUMMARY OF THE PROBLEM**

This year's case presents a constitutional challenge to the State of Oglethorpe's Unlawful Use of Weapons Act ("Act"), which generally restricts the carrying of guns in public. Kristoff Bjorgman, the president of a right to bears arms advocacy organization named OglethorpeCarry.org, applied to the Commissioner of Oglethorpe for a license to carry a handgun in public. Bjorgman's application was denied for failure to demonstrate a "justifiable need" pursuant to the terms of the Act.

Bjorgman then filed suit in the U.S. District Court for the District of Oglethorpe, seeking a declaratory judgment and an injunction prohibiting enforcement of the Act on the grounds that it violated the Second Amendment to the U.S. Constitution. OglethorpeCarry.org joined as Bjorgman's co-plaintiff, suing on behalf of all its members. Oglethorpe's Commissioner moved to dismiss the suit for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). The District Court granted the Commissioner's motion, and Bjorgman and OglethorpeCarry.org appealed to the U.S. Court of Appeals for the Fourteenth Circuit.

Upon review of the case, the Court of Appeals held that Oglethorpe's Unlawful Use of Weapons Act does not violate the Second Amendment and qualifies as a longstanding, presumptively lawful state regulation of handguns. Bjorgman and OglethorpeCarry.org thereafter appealed to the Supreme Court of the United States by Petition for Writ of Certiorari.

The U.S. Supreme Court granted Bjorgman and OglethorpeCarry.org's Petition to determine: 1) Whether the Second Amendment affords an individual the right to carry a ready-to-use handgun in public for self-defense and 2) Whether Oglethorpe's Unlawful Use of Weapons Act impermissibly infringes upon the Second Amendment right to keep and bear arms.

## **PARTICIPATING TEAMS**

### **School 1— Emory University School of Law**

Team A: Je'Leah Wiggins & Christopher Roth

Team B: Joseph Bearden & Jennifer Rosenbaum

### **School 2 — Georgia State University College of Law**

Team A: Steven Campbell, Brea Croteau & Mary E. Hearons

Team B: Alan Long, Clynton Namuo & Dixon Revell

### **School 3 — John Marshall Law School**

Team A: Michael Barrett, Stephanie Housefield & Amber Reed

Team B: Samantha Trippedo, Tracey Watson & Shawntae Woodhouse

### **School 4 — Mercer University School of Law**

Team A: Hillary Freesmeier, Tom Shaw

Team B: Steven Jones, Justine Poteau

### **School 5 — University of Georgia School of Law**

Team A: Kate Hicks, Marshall Sims & Jake Ware

Team B: Mical Carter, Robert Daniel & Sarthak Sharma

### **School 6 — Savannah Law School**

Team A: Delighla Sebastian-Brehm & Rex Wisenbaker

Team B: Stephanie Bagnall & Michael Kelley



Programs courtesy of Troutman Sanders LLP