

Maclain Conlin: Good afternoon, and welcome to Originalist Angles. My name is Maclain Conlin. Today, we are joined by a very special guest, Mr. Matthew Meyers. Mr. Meyers is a senior at Yale University, where he was the President of the Yale Undergraduate Moot Court Program from February 2022 to February 2023. He was the tournament director of the first Yale moot court tournament for high schoolers in spring 2021, and co-founded the National Association of Moot Court, a circuit of high school moot court tournaments run by undergraduate students that had its first season last year. Today, he joins us to discuss the growth of moot court at the undergraduate and high school level, and how students can best prepare for this event. Mr. Meyers, thank you for joining us.

Matthew Meyers: Thanks for having me.

MC: First of all, since many of our readers have experience in forensic activities like debate or mock trial, I would like to start off by asking you to explain what moot court is. What are its components, and what skills is it intended to teach?

MM: Moot Court is a simulation of an appellate argument. It's usually the Supreme Court, but in theory it could be another appellate court. Moot court develops an understanding of the legal system and certain areas of legal interpretation—often constitutional law—at a level that's really unmatched in any other kind of high school or undergraduate activity. It started out as a law school competition and only recently became an undergraduate competition and even more recently became a high school competition. A lot of my work has been in spreading it to more high school students, because it's something that I really would've enjoyed in high school and I think high schoolers get a lot out of it. Another way to think of moot court is that it's like mock trial, where mock trial simulates the court of first instance, and moot court simulates the highest court, the Supreme Court. While mock trial teaches you a lot more about rhetoric and the theatrical elements of a court of law, moot court is really all about extemporaneous thinking and legal analysis. They're both great activities.

MC: Wonderful. Out of curiosity, how long has Yale had an undergraduate moot court program?

MM: Only recently. I joined it in its second season. It was founded by two students who just competed themselves in the fall of 2018 and then the next year they actually made a real team where they recruited other students to compete in 2019. I joined in 2020, so it was really only the second year of an official moot court team.

MC: Interesting, and your program is a part of the American Moot Court Association, correct? What is that organization, and how is it set up? Do you have regional tournaments? How does that work?

MM: The American Moot Court Association is the organization that organizes tournaments for undergraduate moot court teams. There are teams from all across the country that represent a diverse set of schools. Yale, UChicago, UC Santa Barbara, Liberty University, University of Texas, etc., just to name the first five that came into my head right now! It was founded in 2000, and the faculty of the founding schools mostly run it. Several board members are former competitors. It organizes a series of regional tournaments that run from early October to early December, and then the top 25% of performers at each

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regional qualifies for the next round. There are four of those, and then the top 25% of each of those tournaments go on to nationals. This is the first year that it's doing three rounds. Every other year it has just been regionals and nationals, so it's an exciting new expansion for the program.

MC: When does your team receive the case, and how do you prepare for the competition season? What's your typical timeline on that?

MM: The season starts on May 1st when AMCA releases the case. This year, the case is about two issues, one involving religious freedom and *Employment Division of Oregon v. Smith*, and then the second issue is about the right to privacy with respect to contraception, tying into *Griswold v. Connecticut*. Over the summer, our team meets over Zoom because we're scattered all over the world. We read the cases and discuss them, and then when we get back into the school year, we hold tryouts for new members, which are going on right now actually. We pause training to run tryouts, and then we get new members up to speed and assign partners. Each partner takes one of the two issues. We keep reading, and over the course of September and October, we build our arguments. The first weekend of competition is usually the last weekend of October. Most of the competitions are held in November. The last regional competition is on the first weekend of December. Everyone competes exactly once. You cannot compete more than once, and that is your one shot to advance.

Each tournament is a two-day event. The first day, you do three rounds against random opponents, and you will argue for each side, Petitioner or Respondent, at least once. After that day, they give awards for top individual speakers and the top sixteen teams that competed at the tournament advance to a knockout round. The second day, there's four rounds-the round with sixteen, then the round with eight, then the round with four, and then the finals.

MC: What does your judge pool look like?

MM: Our judge pool is mostly local lawyers, law professors, and sometimes former competitors as well, for the American Moot Court Association. For the National Association of Moot Court, which is the high school league, the judge pool is the same, but might also include undergraduate moot court competitors. As someone who has organized a lot of tournaments, recruiting judges can be very challenging because you're essentially asking for several hours out of very busy people's day, and the people who judge genuinely do care about providing a good experience and are being extremely generous with their time.

MC: You mentioned that when you joined the Yale Moot Court Program it was only in its second official year. Did you have any experience in forensics from high school? How did you prepare for an event that was this new at the undergraduate level?

MM: My only forensic experience in high school was Model UN-unless you count debating with friends, casually, as forensic experience! Model UN is a very different type of forensic experience because speeches rarely last more than one minute and are usually developed completely on the fly. A lot of Model UN is about navigating social dynamics. My first year of college, most things were completely on Zoom, including clubs. During our virtual club fair, I hopped onto the Zoom meeting for undergraduate moot court, and just talked for half an hour with the club's co-founder, Alex McGrath, who convinced me

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that this was a great activity. I had always been an American history and con law nerd in high school, so I was excited to have something that was both forensic and engaged with this topic. I tried out, and joined the team. We were really figuring things out on the fly as well. The people who had done it before were training new members, and we also had two graduate students—one at Yale Law School, and the other pursuing a PhD at the Yale Political Science Department—who had been Moot Court champions when they were undergraduates, and they helped out as well. They were both incredible. Both are graduated now and we are extremely grateful for their help.

MC: What skills have you learned from moot court, and how do you plan on using them in your career?

MM: I plan to go to law school, and my personal interest lies in democratic reform and making American democracy work better to generate more policy solutions. I might pursue a career in appellate law. Moot court has really helped me to understand the Constitution on a more holistic level and whatever career I take to pursue those social goals, the extemporaneous speaking skills and legal knowledge that moot court teaches you will be incredibly helpful.

MC: Interesting. Moving from moot court at the undergraduate level to the high school level, the National Association of Moot Court was founded. You touched on this before, but for our readers who might want to participate, would you mind giving a brief overview of what NAMC is and why you chose to found it along with several other undergraduate programs?

MM: NAMC is the umbrella organization for all undergraduate teams that run high school moot court tournaments. We founded it because it didn't exist, and we thought it would be cool! In my first year, I volunteered to run the first ever high school moot court tournament at Yale. I was sort of building a boat as I was sailing it. In two months, we had to create a tournament structure and actually run the tournament. We had about forty teams and a really incredible judge pool for that. We did the same thing again next year, but over the course of those two tournaments, I realized that it's very hard to run this solo. Both because I believe in the activity's educational potential and because running the tournaments is a big part of fundraising for undergraduate moot court, I wanted to expand the number of high schools that could offer this activity. Basically, my thought, and the thought of several students at Duke University, who also had their own independent tournament, was that if we could combine forces, we can work together to really build this activity through outreach and word of mouth and develop stable infrastructure so that every tournament is as beneficial as it can be. Once again, we were really building an infrastructure as we were running it for the first time last year, but it was a big success. We were also able to host a national tournament, which I think was really exciting for the high schoolers, where a handful of the top performers at each regional tournament went off to the nationals. That was really exciting.

To talk more about the story, we had preliminary conversations in the spring of 2022, and then over the course of the late summer 2022 and the fall, several of our students here at Yale connected with the tournament directors at Duke for their next tournament, and then we quickly brought in UC Santa Barbara and Cornell. The University of Chicago then joined, so five schools really founded the program, and we are expanding this coming year! More schools will be hosting tournaments. NAMC is growing, and is a

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wonderful segue into an exciting new activity. Hopefully, it will become part of the canon of high school activities that anyone who is interested in public speaking and current affairs and law will be drawn to.

MC: Isn't one of the new schools going to be the University of Toronto?

MM: Yes!

MC: Wow. So you're expanding to the international level?

MM: This summer, the board split up, and I have been working on the case for the coming year while the other half of the board works on recruiting new schools and managing next year's logistics. I've been on the case side, so I wasn't sure if we had announced the new tournaments yet, but yes, one of them will definitely be Toronto!

MC: Going back to something we discussed earlier, specifically your program's preparation in the summer and fall, what do you typically do during practice sessions? Are there any techniques that your team has found to be very helpful? Any drills that you routinely use to help reinforce your skills? In other words, if you're thinking of creating a team at your high school this coming fall, what should you be doing to prepare for the upcoming season?

MM: One thing I would recommend is to start thinking about your argument as soon as you start reading cases. I would suggest reading a summary of each precedent in order to lay your groundwork and then reading what seem to be the most foundational cases first. Once you've done that, you're ready to start building your argument. Obviously, it won't be ready at that point even if you have the delivery down perfectly, because the complexity of the argument comes from the less foundational cases. I would also say that you should focus on being clear with your argument and answers to questions. One of the things that most people don't have an instinct to do that you really need to do in moot court is give a roadmap for your argument. Spend thirty seconds introducing yourself and your case, and then say something like: "I will argue on behalf of the petitioner for three reasons," and then list your three reasons. It can be two or four, but close to three. Then keep going back to that throughout your argument. Make sure that you're putting the headlines up front. Otherwise, judges might get confused. The same thing goes for questions. If you get a yes-or-no question, always answer, "Yes, Your Honor," or, "No, Your Honor." To that end, the best thing that you can do to prepare is to start getting in front of "judges," which can just be your teammates sitting in as judges. Delivering the argument that you have in front of fake judges is the best way to become comfortable with the interruptions that happen in a real moot court competition.

MC: Are there any books on public speaking or legal advocacy that the Yale program has used in the past as a source, or anything else that you would recommend in that regard?

MM: We don't have a single book that everybody uses. There's one that my friend really likes. It's called *Making Your Case: The Art of Persuading Judges*, by Justice Scalia and Bryan Garner. I haven't read it, but he has used it frequently. Another thing that I would recommend if you have time is that you try to read some legal scholarship about the issues. I had a lot of fun with last year's case because I was arguing an issue about the Fourth Amendment and technology. I had read some scholarship on this topic for a

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paper that I wrote in the previous semester, and I had written the Yale case for the high school tournament the year before on a similar issue by coincidence. It definitely helped me to have a richer experience when I could use this previous knowledge. I don't know if it helped me to argue better because you can't incorporate outside materials directly into your argument, but I learned a lot more, and I would recommend it.

MC: I know that you first participated in moot court after you started college, but does it seem like universities are starting to take a greater interest in this activity at the high school level? Is it valuable to have this event on your transcript?

MM: I wish I could read the minds of admissions officers, but I really can't say! At the very least, as with any educational activity that you put effort into, it shows colleges that you have interests outside the classroom and are willing to take action on them. NAMC certainly shows that. I don't know if it is especially of interest to admissions officers, but I can't say that of anything, unfortunately!

MC: Thank you so much! We really appreciate your time.

MM: Thanks for having me.