2017

92nd Henry M. Campbell Moot Court Competition Final Round

University of Michigan Law School

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92nd
HENRY M. CAMPBELL MOOT COURT COMPETITION
FINAL ROUND

WEDNESDAY, APRIL 12
4:15 P.M. Hutchins Hall 100
IN THE

Supreme Court of the United States

STATE OF MUNROE,

Petitioner,

v.

PILAR L. HERNANDEZ,

Respondent.

On Writ of Certiorari
to the Supreme Judicial Court of Munroe

JOSHUA ROTHENBERG
on behalf of Petitioner

BRIAN DRESSEL
on behalf of Respondent

April 12, 2017
Henry M. Campbell Moot Court Competition
University of Michigan Law School
THE 2016–2017 CAMPBELL MOOT COURT BOARD
Evan Ballan, Chair
Cory Carone
Mariel Eben
Erika Giroux
Adam Kleven
Marissa Perry
John Ramer

Welcomes you to
THE 92ND ANNUAL
HENRY M. CAMPBELL
MOOT COURT COMPETITION

Sponsored by
Dickinson Wright PLLC
Pilar Hernandez, a Mexican citizen, moved to the State of Munroe as a nonimmigrant alien in 2013 with a student visa. She enrolled in the nursing program at the University of Monroe and started dating a player on her intramural soccer team.

In the fall of 2014, a teammate grew concerned that Hernandez’s relationship was abusive and loaned her a handgun. One night, an argument between Hernandez and her boyfriend turned violent. Hernandez used the handgun and fired a shot in the direction of her boyfriend. The bullet missed.

The City of Hutchins Police Department responded to the incident. Police officers determined Hernandez acted in self-defense and declined to detain her for the assault; however, Hernandez was unable to prove citizenship when asked for identification. Instead, she presented her student visa. Police officers subsequently arrested Hernandez and charged her with illegal possession of a firearm under Munroe Statute 230.118(A)(3)(b).

The statute provides in relevant part that “[i]t shall be unlawful for any person—being an alien . . . admitted to the United States under a nonimmigrant visa . . . to possess any firearm or ammunition; or to receive any firearm or ammunition.” The Munroe legislature enacted the statute in 2008 in response to a local mass shooting. The state sought to tighten gun control through stricter regulation for certain groups in order to suppress armed violence.

The Munroe Trial Court denied a pre-trial motion to dismiss by Hernandez. She appealed the Trial Court’s decisions (1) that nonimmigrant aliens do not have Second Amendment rights coextensive with those of American citizens, and (2) upholding § 118(A)(3)(b) as a valid restriction of Second Amendment rights and a valid classification under the Equal Protection Clause of the Fourteenth Amendment. The Supreme Judicial Court of Munroe reversed, holding that, like American citizens, nonimmigrant aliens have Second Amendment rights, and that the Munroe statute violated those Second Amendment rights and violated the Fourteenth Amendment in its classification of nonimmigrant aliens.

The State of Munroe appealed the decision, and the United States Supreme Court granted certiorari.
QUESTIONS PRESENTED

The petition for a writ of certiorari is granted. The parties are directed to brief and argue the following questions:

Whether Munroe Statute 230.118(A)(3)(b) imposes an unconstitutional restriction on Second Amendment rights.

Whether the Fourteenth Amendment’s guarantee of equal protection of the laws prohibits a State from banning firearm possession for nonimmigrant aliens.
The Honorable Roger Gregory, '78  
*Chief Judge, United States Court of Appeals for the Fourth Circuit*

Roger L. Gregory, '78, is the first African American to sit on the U.S. Court of Appeals for the Fourth Circuit, and the only person appointed to the U.S. Court of Appeals by two presidents of different political parties. President Clinton recess appointed him in 2000. President George W. Bush also nominated him, and the U.S. Senate confirmed his lifetime appointment in 2001.

He began his legal career at Butzel, Long, Gust, Klein & Van Zile in Detroit. He then practiced in Virginia, and co-founded the firm Wilder & Gregory with L. Douglas Wilder, who later became governor of Virginia.

Judge Gregory previously chaired the Committee on the Administrative Office of the United States Courts, and served on the *Brown v. Board of Education* 50th Anniversary Commission established by the president and Congress. He is a member of the Judicial Conference of the United States.

Judge Gregory received a bachelor's degree, summa cum laude, from Virginia State University in addition to a JD from Michigan Law. He is a native of Petersburg, Virginia.

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The Honorable Diane Sykes  
*United States Court of Appeals for the Seventh Circuit*

Judge Sykes was nominated to the U.S. Court of Appeals for Seventh Circuit by President George W. Bush, and confirmed by the U.S. Senate in 2004. Prior to her appointment to the federal bench, she was a justice on the Wisconsin Supreme Court. She was appointed by Governor Tommy G. Thompson in September 1999 to fill a mid-term vacancy on the state high court and elected to a full 10-year term in a statewide election in April 2000.

From 1992 to 1999, Judge Sykes served on the state trial bench in Milwaukee County; she was first elected in 1992 and re-elected in 1998. From 1985 to 1992,
Judge Sykes practiced law with the Milwaukee firm of Whyte & Hirschboeck SC, and from 1984 to 1985, was a law clerk to the Hon. Terence T. Evans on the U.S. Court of Appeals for the Seventh Circuit.

Born and raised in the Milwaukee area, Judge Sykes earned a bachelor's degree in journalism from Northwestern University and a law degree from Marquette University. Between college and law school, she worked as a reporter for the *Milwaukee Journal*.

**The Honorable Robert Bacharach**

*United States Court of Appeals for the Tenth Circuit*

Judge Bacharach has served for roughly four years as a judge on the U.S. Court of Appeals for the Tenth Circuit. Before this appointment, he practiced civil litigation at Crowe & Dunlevy in Oklahoma City for more than 12 years and served as a U.S. magistrate judge in the Western District of Oklahoma for roughly 14 years.

He is the author of five law review articles and a co-author of a sixth law review article, which have been published in the *Indiana Law Review, Oklahoma Law Review, Oklahoma City University Law Review, Memphis State University Law Review*, and *Washington University Law Quarterly*.

Judge Bacharach obtained his JD from Washington University in St. Louis. He clerked for the Hon. William J. Holloway Jr., who was then the chief judge of the Tenth Circuit Court of Appeals.
Henry Munroe Campbell was a distinguished lawyer who served as legal counsel to the University of Michigan’s Board of Regents for several years. Mr. Campbell was born in 1854, the son of famed Michigan Supreme Court Justice James V. Campbell. He graduated from the University of Michigan in 1876 and later from the University of Michigan Law School. In 1878, he established a law partnership in Detroit with Henry Russell. Over the years, the firm prospered and continues today as the Detroit-based firm of Dickinson Wright PLLC.

Mr. Campbell became an attorney of considerable eminence in Michigan and was widely regarded as a constitutional scholar. He helped draft the Michigan Constitution in 1908 and served as chief counsel to the delegates who petitioned the Michigan Supreme Court to secure early submission of the document to the electorate.

Mr. Campbell maintained a keen interest in the affairs and growth of the University of Michigan. In Board of Regents of the University of Michigan v. Auditor General, 132 N.W. 1037 (Mich. 1911), he successfully argued for the constitutional autonomy of the University and its governing body. Mr. Campbell was a well-liked and inspiring teacher. One of the young lawyers he trained recalled years later, “he created and fostered a sense of loyalty, of cooperation and uncompromising integrity that must endure. To him the law was a science, its profession a service.”

Following, Mr. Campbell’s death in 1926, his law partners met with then—University of Michigan Law School Dean Henry M. Bates to discuss a fitting memorial. They decided to establish a case club competition to foster training for law students in appellate advocacy in his honor. The first Henry M. Campbell competition was held in the 1927–1928 academic year.

A trust fund to finance the competition was established in 1927 and has been periodically augmented with gifts from Dickinson Wright PLLC. Each year, prizes are paid from the income of the trust fund to the finalists in the Henry M. Campbell Moot Court Competition.
AWARDS

Please join us in recognizing all 82 exceptional competitors who participated in this year's Henry M. Campbell Moot Court Competition, and especially the following award winners:

QUARTERFINALISTS

Patrick Branson
Adele Daniel
Eric Fleddermann
Anna Greve
Syeda Haider

Joseph Hartunian
Sean Higgins
Stephen Houck
Jonathan Huberman
Samantha Jackson

Nicolas Kabat
Joseph Piligian
Troy Shepard
Chris VanDeusen

SEMIFINALISTS

Katherine Bailey
Damayanti Desai
Tara Patel

Amanda Rauh-Bieri
Deeva Shah
Johanna Walker

FINALISTS

Brian Dressel

Joshua Rothenberg

AWARD RECIPIENTS

Preliminary Round
Joseph M. Piligian, Joseph Hartunian, Anna Greve, and Z. Zheng
Best Petitioner Brief
Katherine Bailey
Best Respondent Brief
Nicolas Kabat
Best Oralist

Quarterfinal Round
Katherine Bailey
Best Petitioner Brief
Joseph M. Piligian
Best Respondent Brief
Brian Dressel
Best Oralist

RUNNERS-UP

Damayanti Desai
Third Place

Johanna Walker
Fourth Place

Katherine Bailey
Fifth Place
SPECIAL THANKS

The Campbell Board would like to extend a special thanks to the three esteemed federal judges who volunteered to serve on the panel for the final round of this competition, as well as all of the administrators, practitioners, and professors who served as judges for the earlier rounds. We would also like to thank those professors, administrators, and practitioners who graded briefs for the various stages of the competition. Without all of these parties’ collective support, this year’s competition would not have been a success.

PRELIMINARY ROUND JUDGES

Alan Ackerman, ‘72
James Adams
James Allen
Chris Allen, ‘11
Sarah Alsaden, ’16
Brian Apel, ’16
Michael Barnhart, ’68
Peter Baumart
Brad Beaver
David Berry, ’87
Thomas Blaske, ’76
Howie Borin, ’94
Thomas Bourque, ’81
Diane Bower, ’80
Mike Brady
Bruce Brakel, ’84
John Brent, ’89
Andry Broder, ’73
Jennifer Bronson, ’13
Joel Bryant, ’14
Larry Buonomo, ’87
Bill Burdett
Beverly Burns, ’79
Chris Burtley, ’15
Rebecca Cantor, ’08
Virginia Cardwell, ’92
Bill Casey, ’92
Joe Celentino, ’16
Coryelle Christie
Michael Coakley, ’82
Trent Collier, ’03
Erin Conti, ’13
John Cothorn, ’80
Lee Crain, ’14
Michelle Crockett
Maxwell Czerniawski, ’12
Ellen Dannin, ’78
Bradley Darling, ’01
Mark Demorest, ’83
Camille Dietz, ’85
Sean Dutton
Frank Eaman, ’71
Alfred Eppens, ’81
Matt Evans, ’15
Daniel Ferris, ’06
Jennifer Fischell, ’16
Gavin Fleming, ’03
Jonathan Frank, ’85
David Franks, ’80
Ken Frantz, ’78
Jonathan Froman
Judah Garber, ’83
Rosemary Gardey
Mary Gniadek, ’11
Stephanie Goldfarb, ’14
Donnelly Hadden, ’61
Dan Halainen, ’15
Jeff Haynes, ’75
Tim Hefferson, ’78
Lynn Helland, ’80
William Hodgman, ’67
James Howarth, ’67
Julie Hurwitz, ’82
Nathan Jack
Angela Jackson, ’95
Andrew Jennings
Kurt Johnson, ’15
Richard Jolly, ’14
Ashish Joshi, LLM ’02
Ramji Kaul, ’05
Alexander Kazam
Teresa Killeen, ’97
Jesse Kirchner, ’11
John Knappmann, ’89
Jessica Kraft, ’15
Eric Lee, ’09
Stephen Leuchtman, ’70
Danny Lewin, ’13
James Lewis, ’95
John Lin, ’15
Tom Ludden, ’90
Rex Manning, ’15
Bradford Maynes, ’04
Jack Mazzara, ’78
Kristin McCall
David McCreedy, ’96
Andrew McGuiness
Mitt Meisner, ’84
Richard Miller
John Minock, ’74
Kate Mitchell
Peter Mooney, ’92
James Moore, ’72
Jessica Morton, ’13
Virginia Neisler
Max Newman, ’94
Brian Nowinski, ’15
Dan Osher, ’15
Patric Parker, ’79
George Parks, ’75
Donald Parshall, ’79
David Paruch, ’75
Jonathan Paul, ’07
Daniel Ping, ’11
Diana Pratt, ’76
Michael Qin
Seth Quidachay-Swan
James Ramer
Daniel Rauch
Clyde Robinson, ’79
Michael Ryan, ’58
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<td>Robert Sandoval</td>
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<td>John Van Bolt</td>
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<td>Matthew Wilk, '97</td>
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<td>Emily Wolfe, '90</td>
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<td>Sarah Youngblood, '16</td>
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**QUARTERFINAL ROUND JUDGES**

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<td>Nancy Wang, '00</td>
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<td>Beth Wilensky</td>
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**SEMIFINAL ROUND JUDGES**

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<tr>
<td>Daniel Crane</td>
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<td>Richard Friedman</td>
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<td>Julian Mortenson</td>
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<td>Richard Primus</td>
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<td>Margo Schlanger</td>
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**FINAL ROUND JUDGES**

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<th>Name</th>
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<tr>
<td>Hon. Roger Gregory, '78</td>
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<tr>
<td>Hon. Diane Sykes</td>
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<td>Hon. Robert Bacharach</td>
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Additionally, we would like to thank the first-year students who volunteered as Marshals. We cannot thank them enough for the long hours they dedicated to making the competition a success.


The Campbell Board especially wishes to thank Dickinson Wright PLLC for their continued support of the Competition.

Finally, we would like to extend our deepest thanks to Professors Kate Andrias, Nicholas Bagley, Evan Caminker, Sherman Clark, Edward Cooper, Richard Friedman, Don Herzog, Nina Mendelson, David Moran, Julian Mortenson, Eve Brensike Primus, Richard Primus, Suelyn Scarnecchia, and Christina Whitman for their invaluable assistance with this year’s problem; to our advisors, Justice Joan Larsen of the Michigan Supreme Court and Director Darren Nealy; and to Trudy Feldkamp, Jenny Rickard, Karen Edman, Tara Perry, and Shawn DeLoach for their tireless efforts over the course of the competition.

Thank You!

Please enjoy refreshments outside Hutchins 100 during the Judges’ deliberations.