

**SCOTT M. MATHESON SR. AMERICAN INN OF COURT
MOOT COURT COMPETITION AND SCHOLARSHIP
2011-2012**

This year the Scott M. Matheson Sr. American Inn of Court will sponsor a moot court competition involving a Utah statute under which a minor will lose his or her driver's license for alcohol and drug related offenses. This competition is a chance to show your writing and oral advocacy skills. The competition is available to all high school students in Washington, Iron, and Beaver Counties. First Place is a **\$750 scholarship**. Second Place is a **\$300 scholarship**. Third Place is a **\$100 scholarship**. For more information, you should contact your school's advisor/contact as listed below on page 3.

Here are the grading schedule and rules:

1. You will write a brief limited to three pages of argument and a conclusion—typed, double spaced. The argument must concisely set forth the issues in the case and you must argue your assigned position. The brief should be formatted with one-inch margins and 12-point font. The brief is due January 4, 2012 and should be handed in to your school's advisor/contact.
2. All participants will debate their position with an opponent in front of a member of the Scott M. Matheson Sr. American Inn of Court, who will grade your performance along with your brief. Oral argument will be coordinated through the local school representative.
3. The top two participants in each school will then participate in a debate with the top two students of all schools in Washington, Iron, and Beaver Counties. The top two participants will then be selected and will face off for a final debate on February 2, 2012 before the entire Scott M. Matheson Sr. American Inn of Court.
4. Briefs will be worth 50 points and will be graded as follows: up to 25 points for concise, clear and persuasive argument of the issue; up to 10 points for grammar and punctuation; up to 15 points for proper citation of authorities. No special citation format is necessary, but if you argue a point in your brief that has its origins from another source you need to give proper credit.
5. Oral argument will be graded as follows: up to 10 points on your professional appearance; up to 20 points for arguing your point; up to 20 points for handling questions from the bench.

Here is the fact pattern for this year's competition:

The Utah State Legislature has determined that it is a privilege and not a right for minors under the age of 18 to obtain permits to drive vehicles. Under that theory, the Utah State Legislature has determined that all alcohol and drug related offenses will cause the minor to lose his or her driver's license for 1 year for first conviction. even if the minor was not driving a vehicle at the time of arrest or citation. If it is an alcohol offense only, then the minor can get their driver's license back within 4 months if the minor completes a substance abuse evaluation along with a "Prime for Life" class, produces a sworn affidavit by the parents that the minor has not drank any alcohol during the four months, has not had any further law violations, paid all fines and fees ordered by the court, paid any restitution if ordered, and obtains a letter from the County Attorney that concludes there is no objection to the minor getting a driver's license reinstated.

Jeff Miller is 17 years of age and was at a party with some friends when someone brought out marijuana for all to enjoy. Jeff had never tried marijuana before but under the peer pressure to just try it,

Jeff did smoke the marijuana. Neighbors had called the police because the parents were not home and the noise of the stereo was too loud. When the police came, they were let into the home and found the marijuana and wrote citations for everyone in attendance for:

1. MARIJUANA POSSESSION OR USE - CLASS B MISDEMEANOR, On or about September 14, 2011 in WASHINGTON County, State of Utah, in violation of 58-37-8(2)(a)(i), Utah Code Ann. 1953 as amended, said minor did knowingly and intentionally possess or use a controlled substance, to wit: Less than one ounce of marijuana.

2. POSSESSION DRUG PARAPHERNALIA - CLASS B MISDEMEANOR, On or about September 14, 2011 in WASHINGTON County, State of Utah, in violation of 58-37a-5 Utah Code Annotated 1953, as amended, said minor did knowingly, intentionally or recklessly use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body, to wit: Budweiser can and Arizona Tea can made into a pipe.

In court, Jeff Miller admitted to using the marijuana but claimed the paraphernalia was not his even though he had availed himself of the paraphernalia to smoke the marijuana.

The court ordered that the Driver License Division be notified of the conviction, that he pay \$183 in fines and fees, that no restitution be ordered, and that Jeff Miller not commit any further law violations, complete a drug and alcohol education class, and receive credit for 25 mandatory community service hours when he completes the class. Jeff is to remain drug and alcohol free and is subject to random drug testing. Jeff was also given 30 days in detention, but that order was suspended if he complied with all of the court orders.

Jeff Miller is appealing the order of losing his driver's license privilege because (1) he was not operating a vehicle, (2) only alcohol offenses allow for early reinstatement, (3) and the law punishes the parents more than the minor in that the parents must drive the minor to school, to work, and any extra activities.

You will be assigned to write and argue either in favor of Jeff Miller's appeal or against it based solely on the three issues that Jeff Miller is arguing in his appeal. While you may research the issues, you need not conduct any statutory or case-law research. You should limit your brief to public policy arguments.

GOOD LUCK!

**SCHOOL ADVISORS/CONTACTS FOR THE SCOTT M. MATHESON SR.
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