



FLORIDA INTERNATIONAL UNIVERSITY

22nd Annual
Board of Appellate Advocates
Intramural Moot Court Competition

MOOT COURT
CHAMPIONSHIP ROUND

November 12th, 2024
FIU College of Law, Miami, Florida

PROGRAM

Introduction of Judges and Advocates

Final Round Arguments

Reception & Awards Presentation

Welcome

Dear Friends of FIU Law,

Welcome to the Championship Round of the 22nd Annual Board of Appellate Advocates Intramural Moot Court Competition at FIU College of Law. To our alumni, welcome home. To the friends and family of the Finalists, thank you for coming; we expect you will be thoroughly impressed by their arguments. Finally, to those from our South Florida community and beyond, welcome to FIU Law, and we hope you enjoy your time here. Over the past three months, eighty students competed in this 22nd iteration of our Board of Appellate Advocates Intramural Moot Court Competition to compete and join FIU Law's Nationally Ranked and Recognized Board of Appellate Advocates. After seven weeks of research and writing, followed by five rigorous oral argument rounds over the past several weeks, our final two teams are delighted to have the privilege to argue in front of our esteemed panel of judges.

As you settle into what will undoubtedly be a fantastic round of oral arguments, we would like to highlight a few of the successes the FIU Board of Appellate Advocates has achieved this year. At the **American Bar Association National Moot Court Competition**: Regional Quarterfinalists and third place best brief at the Brooklyn, New York Regionals. At the **Duberstein Bankruptcy Moot Court Competition**: Regional Champions, National Finalists, Best Brief, and Outstanding Oralist Award. At the **E. Earle Zehmer National Moot Court Competition**: Quarterfinalists. At the **Florida Bar Association Robert Orseck Memorial Moot Court Competition**: Quarterfinalists. Finally, at the **Jessup International Law Moot Court Competition**: The FIU Law Board of Appellate Advocates achieved Octofinalist.

As our Board reflects on the successes of 2024 and looks to 2025, we cannot wait to welcome new members from this year's Intramural Competition to build on the achievements of our 2024 team. We hope you enjoy today's Championship Round and Awards Ceremony, and we hope to see you here again next year.

Sincerely,



Alexander A. Rubido and Samantha Arrastia

Co-Presidents of FIU Law's Moot Court Board of Appellate Advocates

Final Round Judges



**The Honorable
Nancy Gbana Abudu**
*United States Judge
for the 11th Circuit Court of
Appeals*

Nancy Gbana Abudu is a judge on the United States Court of Appeals for the 11th Circuit. She is the first Black woman to serve on the court. She is also the third Black judge to serve and the first person of color to sit on the court and assigned cases from Georgia.

Judge Abudu was born in Alexandria, Virginia, to parents who had immigrated from Ghana. She earned a Bachelor of Arts degree from Columbia University in 1996 and a Juris Doctor from Tulane University Law School in 1999.

After graduation, Judge Abudu joined Skadden, Arps, Slate, Meagher & Flom LLP as an Associate, where she practiced commercial litigation while also maintaining an active pro bono practice representing survivors of domestic violence at the Legal Aid Society. For her work with the Legal Aid Society, she won the organization's Outstanding Pro Bono Representation Award in 2001. Judge Abudu then served as a Staff Attorney at the U.S. Court of Appeals for the Eleventh Circuit for two years.

In 2005, Judge Abudu joined the American Civil Liberties Union's (ACLU) Voting Rights Project, serving first as a Staff Attorney before being promoted to Senior Staff Counsel. At the ACLU's Voting Right Project, she argued cases to protect the fundamental right to vote before the U.S. Court of Appeals for the Fifth, Ninth, and Eleventh Circuits. In 2013, she was hired as Legal Director for the ACLU of Florida, where she managed litigation on various civil rights issues, including free speech, religious freedom, and employment discrimination. Judge Abudu was hired in 2019 as Deputy Legal Director for the Southern Poverty Law Center, headquartered in Alabama. There, she spearheaded the creation of the Center's Voting Rights Practice Group and supervised litigation in the U.S. Court of Appeals for the Fifth and Eleventh Circuits.



**The Honorable
Cecilia Altonaga**

*Chief Judge of the United States
District Court for the Southern
District of Florida*

Cecilia Altonaga is the chief judge of the United States District Court for the Southern District of Florida. She joined the court in May 2003. She became chief judge in 2021. She is the first Cuban-American woman to be appointed as a federal judge in the United States.

Judge Altonaga was born in Baltimore, Maryland, to Cuban parents. She graduated from Florida International University with her bachelor's degree in 1983 and from Yale Law School with a Juris Doctor in 1986.

Judge Altonaga was a County Attorney for the Miami-Dade County Attorney's Office in 1986. In 1987, Judge Altonaga served as a law clerk for former federal judge Edward Davis in the United States District Court for the Southern District of Florida. Altonaga served as Assistant County Attorney in the Miami-Dade County Attorney's Office from 1988 to 1996. From 1996 to 2003, Altonaga was appointed Judge of the County Court for the 11th Judicial Circuit of Florida.

Judge Altonaga is also known for her strong support for the creation of the Florida International University College of Law, having served as the keynote speaker in the 2004 Convocation, judged several moot court competitions, and employed FIU law students as law clerks.



**The Honorable
Marty Fulgueira Elfenbein**
*United States Magistrate for the
Southern District of Florida*

Marty Fulgueira Elfenbein was sworn in as a United States Magistrate Judge for the Southern District of Florida on March 11, 2024.

Judge Elfenbein earned a bachelor's degree in journalism from the University of Florida in 2002. She then completed a Juris Doctor at the University of Florida, Fredric G. Levin College of Law, in 2005.

Before joining the judiciary, from September 2018 to March 2024, Judge Elfenbein served as an Assistant United States Attorney in Miami, prosecuting cases in the Major Crimes and Economic and Environmental Crimes Sections. In her last year as a prosecutor, she was the Chief of the Collateral Litigation Section, overseeing all post-conviction litigation and filter reviews on a district-wide basis. Prior to joining the U.S. Attorney's Office, she worked as a law clerk for the Honorable Beth Bloom in the Southern District of Florida. From 2006 to 2016, Judge Elfenbein was an associate and later a partner at Rumberger, Kirk, and Caldwell, P.A., where she focused her federal and state practice in the areas of aviation law, products liability, premises liability, and insurance defense.

Judges For Preliminary, Quarter-Final, & Semi-Final Rounds

Professor Margaret Correoso
Professor Ila Klion
Professor Rima Mullins
Professor Howard Wasserman
Alain Acanda
Catarina Alvarez
Lauren Amos
Kieth Anton
Bryan Arnold
Arielle Astra
Olivia Ayala
Ashley Bechtold
Alyssa Campa
Isis Carbajal de la Garcia
Faitherly Caudio
Gianna Cetrangelo
Casey Corey
Searia Crea
Kelly Cuba
Brandon Cruz
Eric D'Adesky
Nicholas Diego
Taylor Dunker
Diedrre Edwards
Naomi Eid
Cooper Eisinger
Casey Esch
Allison Fry
Emily Garcia
Katelyn Garciga
Sydney Gass
Anaeli Gomez
Alejandro Gonzalez
Leslie Gonzalez

Julen Huarte
Joseph Jarone
Michelle Juarez
Dean Kandi
Heaven Kleinman
Yamir Leal
Gaia Llamuca
MaryGrace Longoria
Katie Miesner
Mohannud Mohammad
Cameron Moody
Paul Moore
Natalia Morales
Ivan Morgado
Abigail Nusbaum
Kaitlyn O'Connell
Paul Paliath
Leidy Perez
Yuliana Perez
Alexander Pollock
Emily Ramirez
Idania Ramos
Michal Reich
Ryan Rhoden
Carlos Romero
Sean Sabogal
Mariana Sanchez
Ruquyyah Smith
Claire Snell
Elizabeth Soto
Jennifer Torres
Johnathan Valdes Rosado
Jessica Viqueira-Rodriguez
Brittany Wellinhoff

The Issues

Issue I: Whether under the Equal Access Act, 20 U.S.C. § 4071 et seq., a school that provides a forum for non-curricular student-initiated clubs must: (1) provide access to all non-curricular student-initiated clubs unless a club “materially and substantially interferes” with the disciplinary requirements and operation of the school, and (2) provide all non-curricular student-initiated clubs identical access to school facilities and privileges.

Issue II: Whether a school that has a policy allowing community organizations to use school resources only at the school’s discretion, based on an application and screening process, has maintained a nonpublic forum under the First Amendment, U.S. Const. amend. I, and therefore can deny a community organization access to school resources where the reason for the denial is rationally related to a legitimate government interest.

The Facts

Orange Grove High School, located in Dolphin, New Florida, is an A-rated public school known for strong student performance on standardized tests and high levels of parental involvement. The School fosters a variety of student-initiated clubs, providing officially recognized groups access to resources such as classrooms for meetings, promotion through morning announcements, and inclusion in the school yearbook.

The School’s Student Organization Formation and Governance policy (OGHS-POL-003) outlines that student clubs must have a clearly defined mission aligned with the district's educational goals, promote equality and inclusion, and encourage constructive engagement on relevant topics. To gain official recognition, students must submit an application detailing the club's name, mission, activities, faculty advisor, and signatures from at least ten interested students.

For community organizations, the Community Use of Orange Grove High School's Facilities policy (OGHS-POL-008) states that outside groups must demonstrate a clear educational or community-based purpose to gain complimentary access to school facilities. Access can be denied if the organization poses a risk of disrupting the School's educational mission, causing property damage, or creating safety hazards.

In Fall 2022, Ava Johnson sought official recognition for the Environmental Naturalist Club, aimed at promoting dialogue about the origins of climate change. The Club's application emphasized open-mindedness regarding the topic but drew significant backlash from students and parents who opposed its message, leading to emotional distress among some students. The principal ultimately denied the Club's official status, citing conflicts among students and potential disruptions. Alternatively, however, the principal offered the Club the opportunity to meet either at 7:00 in the morning (an hour before school starts) or Friday afternoons at 5:00. The principal also permitted the Club to post flyers throughout the school hallways.

Around the same time, the Naturalist Scientists United, a national organization advocating for diverse perspectives on climate change and opposing the view that human activity significantly impacts climate, applied to participate in a school organization fair and hold meetings on the high school campus, pursuant to the School's policy OGHS-POL-008.

Despite the School allowing the Mosaic Minds Collective, a community think tank, to use its facilities for research and forums, it denied Naturalist Scientists United access due to concerns over potential divisiveness and safety issues. The group's mission includes political advocacy, which the school administration deemed likely to disrupt the educational environment and conflict with its mission and values. The denial followed the principal's public comments labeling the group's stance on climate change as ignorant. The Naturalist Scientists United filed a lawsuit, alleging that the School's facilities constituted a government-designated open forum and that its exclusion infringed on its First Amendment rights and amounted to viewpoint discrimination.

On cross-motions for summary judgment, the district court ruled in favor of Ava Johnson, finding that Orange Grove High School violated the Equal Access Act when it refused to give the Club official status. The court determined that the School could not deny recognition based on the safety and disruption exception to the Act and that the proposed compromise failed to meet the Act's requirements for equal access. Regarding Naturalist Scientists United, the district court denied the School's motion for summary judgment and granted summary judgment in favor of the organization, holding that the School's outside organization fair and auditorium constituted government-designated open forums. The court then concluded that the School's denial of access could not withstand strict scrutiny.

On appeal, the Thirteenth Circuit consolidated both cases, reversed the district court's judgments in favor of the Environmental Naturalist Club and Naturalist Scientists United, and directed summary judgment for Orange Grove High School in both cases.

The U.S. Supreme Court granted certiorari to address two questions: (1) whether a club must "materially and substantially interfere" with school operations to fall within the Act's exceptions, and whether the Act mandates identical access for all student-initiated clubs; and (2) whether the School's application and screening process for outside organizations renders it a nonpublic forum, subject to rational basis review under the First Amendment

The United States Supreme Court set briefing and argument for the Court's October term.

Final Round Student Advocates

For **Petitioner, Ava Johnson**, a minor, by and through her parents, Jim Johnson and Elaine Johnson, and **Naturalist Scientists United**



Daniela Gonzalez (Issue I)

Daniela Gonzalez earned her B.A. degrees in Political Science and International Relations from Florida International University. She is currently a second-year student at FIU College of Law, where she serves as a staff member on the FIU Latin American & Caribbean Law Review, is a member of the Willem C. Vis Moot International Commercial Arbitration Team, and is active as Outreach Director of the FIU International Dispute Resolution Club. Additionally, she is the Marketing Director for the FIU Federal Bar Association and the Secretary of the FIU Women's Law Society.



Sabrina Prado (Issue II)

Sabrina Prado received her B.B.A. in Finance and International Business from Florida International University. Currently a second-year student at FIU College of Law, Sabrina was named to the Dean's List in spring 2024. She is a member of the FIU Latin American & Caribbean Law Review and the Willem C. Vis Moot International Commercial Arbitration Team. Sabrina is also the Spirit Chair for the Student Bar Association and a member of the Women's Law Society, Business Law Society, and Cuban American Bar Association.

Final Round Student Advocates

For Respondent, Orange Grove High School



Ryan Scivally (Issue I)

Ryan Scivally earned his B.A. degree in Economics from the University of Florida. He is currently a second-year student at Florida International University College of Law, where he has earned a spot on the Dean's List for both fall 2023 and spring 2024. Ryan serves as a staff member on the FIU Law Review and as a 2L Representative for the Federal Bar Association. He is also a mentor in the FIU Peer Mentor Program and is actively involved in the Society of First-Generation Students.



Jake Sanchez (Issue II)

Jake Sanchez is a graduate of the University of Florida with a B.S. in Electrical Engineering. He is currently a second-year student at FIU College of Law, where he has earned a spot on the Dean's List for Fall 2023 and Spring 2024. Jake is currently a research assistant for Professor Thomas E. Baker, as well as a law clerk for Cole, Scott, & Kissane, P.A.

Semi-Final Round Student Advocates

Jose Garces
Daniela Gonzalez
Eduardo Paulino
Sabrina Prado

Nazario Saint Louis
Jake Sanchez
Ryan Scivally
Nestor Serret

Quarter-Final Round Student Advocates

Flavia Argamasilla
Alexandria Arias
Jose Garces
Daniela Gonzalez
Juana Kojusner
Ninel Lira
Brittany Littrell
Amanda Lorenzo

Tyler Newland
Eduardo Paulino
Sabrina Prado
Debora Rodriguez Lugo
Nazario Saint Louis
Jake Sanchez
Ryan Scivally
Nestor Serret

Preliminary Round Student Advocates

Adam Abdin
Isabella Alonso
Christopher Alvarez
Flavia Argamasilla
Alexandria Arias
Carlos Ayala
Victoria Baez
Sam Bermudez
Yohance Brodie
Benjamin Bush
Gill Castillo
Sam Chenoy
Aaron Colina
Serena Correia
Devorah Corvo
Abram Crespo
Marina Cutwright
Zachary Danney
Adrian Del Rio
Stephanie De Los Santos
Noah Fineberg
Andres Gampel
Jose Garces
Elisa Garcia
Stella Garcia
Daniela Gonzalez

Ryan Gonzalez
Clara Harrison
Samantha Hernandez
Adriana Herrera
Ashton Jeffers
Juana Kojusner
Malina Lapenes
Fabiana Lara
Ninel Lira
Brittany Littrell
Amanda Lorenzo
Alexia Luckert-Morales
Jasmine Martin
Olga Martinez
Emma Masters
Alisha Michel
Angela Montano
Julian Munoz
Manuel Munoz-Repiso
Tyler Newland
Eduardo Paulino
Claire Pelletier
Sydney Popp
Sabrina Prado
Isabella Ramos
Dayna Rieger
Darlene Rodriguez

Debora Rodriguez
Ryan Rodriguez
Kimesha Rowe
Norhan Saber
Nazario Saint Louis
Jose Sanchez
Jake Sanchez
Angel Sarmiento
Ryan Scivally
Gabriel Sierra
Nestor Serret
Sasha Shirazi
Rachel Stazzone
Julia Stern
Shane Sullivan
Kimberly Suzana
Andrew Traugutt
Madeline Trost
Stephanie Trujillo
Catherine Ullivarri
Ross Unger
Grace Van Hooser
Andrew Vasquez
Sophia Verdino
Stone Vickers
David Wilson
Cassandra Zamor

2023-2024 Moot Court Board of Appellate Advocates Executive Board

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Jefflyne Desilme, *Head of Coaches*
Professor Rima Y. Mullins, *Faculty Advisor*

2023-2024 Moot Court Board of Appellate Advocates Members

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Kelly Cuba	Alejandro Gonzalez	Amys Serret
Joseph D'angelo	Julen Huarte	Ruquyyah Smith
Jefflyne Desilme	Cala Iglesias	Sunny Toreihi
Nicholas Diego	Heaven Kleinman	Jennifer Torres
	Kerra Masso	Brittany Wellinghoff

Board of Appellate Advocates' Successes

ABA National Moot Court Competition

2024 - Quarterfinalists; Third Place Best Brief in Brooklyn Regionals
2023 – **Best Brief Award**; Semifinalist; Quarterfinalist
2022 – Semifinalist
2021 – **Best Advocate Award**; Third Place Best Brief Award
2020 – **Champions**; Runner-Up Best Brief Award
2019 – Semifinalist; Top Ten Orator Award
2015 – Octo-Finalist

Billings, Exum, & Frye National Moot Court Competition

2024 - Octo-finalist; Third Best Orator
2023 – **National Champions; Best Brief Award; Best Orator**; Runner-Up Brief Award; Quarterfinalist
2022 – National Semifinalist
2020 – National Semifinalist; **Best Brief Award**
2019 – Semifinalist
2017 – Semifinalist

Claude Pepper Elder Law Moot Court Competition

2023 – **Champion**

Duberstein Bankruptcy Moot Court Competition

2024 -- **Regional Champion; National Finalists**; Best Brief; and Outstanding Oralist Award

E. Earle Zehmer National Moot Court Competition

2024- Quarterfinalist
2022 – **Best Brief Award**; Quarterfinalist
2021 – **Champion**; Best Orator Award
2018 – National Semifinalist

Emory Civil Rights Moot Court Competition

2021 – National Semifinalist

Ferrell Intercultural Human Rights Moot Court Competition

2015 – **Finalist**; Runner-Up Best Memorial; **Best Orator**; Fourth Runner-Up Orator; Fifth Runner-Up Orator
2014 – **Finalist; Best Orator**; Runner-Up Best Orator
2013 – **Finalist**; Second Runner-Up Best Memorial; Runner-Up Best Orator; Third Runner-Up Best Orator; Fifth Runner-Up Best Orator
2012 – **Finalist**; Second Runner-Up Best Memorial; Best Orator; Runner-Up Best Brief
2011 – Third Place; Best Memorials
2010 – Third Place; Best Memorial; Best Brief; Semifinalist

2009 – **Best Brief**; Semifinalist; **Best Orator**; Runner-Up Best Orator; Second Runner-Up Best Orator
2008 – **National Champion**; Runner-Up Best Memorial; **Best Orator**; Runner-Up Best Orator; Second Runner-Up Best Orator
2007 – **National Champion**; Best Memorial; **Best Orator**; Runner-Up Best Orator; Runner-Up Best Brief
2006 – **Finalist**; Best Brief Award; Runner-Up Best Orator

Florida Bar Association Robert Orseck Memorial Moot Court Competition

2024 -- Quarterfinalist
2023 – Quarterfinalist
2022 – **Finalist**
2019 – **Best Brief**
2018 – Quarterfinalist
2017 – Quarterfinalist
2012 – Semifinalist
2011 – **Finalist**
2010 – Semifinalist
2008 – Semifinalist
2007 – Semifinalist
2005 – Semifinalist
2004 – **State Champion; Best Brief**

Giles S. Rich Memorial Intellectual Property Moot Court Competition

2024 -- Regional Finalists

Herbert Wechsler National Criminal Law Moot Court Competition

2023 – Quarterfinalist

Jessup International Law Moot Court Competition

2024 – Octofinalist
2023 – Quarterfinalist
2020 – Semifinalists; Top Five Brief Award
2019 – Semifinalists; Top Five Brief Award; Top Ten Orator Award
2018 – Finalist; Best Oralists at the Southern Regional Tournament; International Championship Qualifier
2007 – Regional Round, Fifth Place

John J. Gibbons Criminal Procedure Moot Court Competition

2019 – **Champion**; Best Respondent Brief; Best Preliminary Round Oralist; Runner-Up Best Preliminary Round Oralist

Monroe E. Price International Media Law Moot Court Competition

2015 – International Final Rounds; Americas Regional Round Runner-Up Team
2014 – International Final Rounds, Octo-finalist; Eighth-Place Orator; Tenth-Place Orator; America’s Regional Round, Quarterfinalist; Fourth-Place Orator; Semifinalist
2013 – Quarterfinalist; Octo-finalist

National Latina/o Law Student Association Moot Court Competition

2017 – Quarterfinalist

New York City Bar Association National Moot Court Competition

2022 – **Regional Champions**

2005 – Semifinalists; Fourth Place Brief; Fifth Place Brief

2004 – **Finalist**; Runner-Up Best Brief

Notre Dame Religious Freedom Moot Court Competition

2021 – National Semifinalist

Wechsler National First Amendment Moot Court Competition

2015 – Octo-finalist

2014 – Quarterfinalist

2013 – Quarterfinalist

2010 – Quarterfinalist

2009 – Quarterfinalist & Octo-finalist

2008 – Semifinalist; Octo-finalist; Quarterfinalist; **Best Orator**

2007 – Semifinalist, Octo-finalist, Runner-Up Best Orator; Runner-Up Best Brief

2006 – Semifinalist, Quarterfinalist & Runner-Up Best Brief

2005 – Semifinalist, Quarterfinalist & Third-Place Brief

2004 – National Champion