

NORTH CAROLINA BAR ASSOCIATION YOUNG LAWYERS DIVISION  
2025-26 LAW WEEK MOOT COURT COMPETITION

**2025-26 PROBLEM & INSTRUCTIONS**

1. The 2025-26 Law Week Moot Court Competition involves the legal concept of free speech. The problem is derived from the American Bar Association, Law Student Division, National Appellate Advocacy Competition. The questions for the competitors are whether Westland Community College and the Chair of the Philosophy Department and Academic Dean violated the First Amendment rights of instructor Jonah Smith by (1) retaliating against him for his controversial classroom speech and (2) coercing him to deliver messages in the classroom supporting viewpoints that conflicted with his deeply held academic views?
2. In order to focus the argument regarding whether Smith's First Amendment rights were violated, competitors are directed as follows:
  - a. The issues to be addressed are: (1) is a college or university professor's classroom speech excluded from the protection of the First Amendment as "official duty" speech under the Supreme Court's decision in *Garcetti*, or is there an "academic freedom" exception to that rule; (2) does the First Amendment limit a public college or university's ability to dictate the message that an instructor must convey while in the classroom?
  - b. Competitors are being provided with a number of materials to help them with formulating their arguments, including briefs for both the Petitioner and Respondent, the lower court's decision and rationale, and a summary of supporting case law which was cited in the briefs. The cases will help the students develop their argument as well as give the lower court's decision more context.
  - c. Competitors are reminded that both team members must argue. We suggest that teams divide the argument according to the two issues in the problem.

**RULES**

**The Problem**

- You have been provided with: (1) the Moot Court Problem and Instructions; (2A) Petitioner's Brief; (2B) Respondent's Brief; (3) the lower court's decision; and (4) summaries of key cases from the briefs that may be used in arguments.
- No outside research is permitted. You may only refer to the materials provided for you.
- There is no writing component to the competition.

NORTH CAROLINA BAR ASSOCIATION YOUNG LAWYERS DIVISION  
2025-26 LAW WEEK MOOT COURT COMPETITION

**Oral Arguments**

- Each team must consist of two individuals who must both argue in each of the two rounds.
- Each team will argue twice, once on each side. Teams will be randomly assigned to either Petitioner or Respondent for their first argument upon check-in on the day of competition, and teams should be prepared to argue either side first.
- Each team will have twenty minutes of oral argument.
- Petitioner may reserve up to two minutes rebuttal in their introduction which will be deducted from their twenty-minute total.
- You will be scored on the organization of your argument, the clarity and persuasiveness of your argument, your presentation, and your responsiveness to questions.
- You may bring materials up to the podium with you, however, these should be referred to sparingly. Excessive use of notes will be reflected in your score.

**The Competition**

- Competitors should look business professional.
- The regional competition will be held March 21, 2026 at the North Carolina Bar Center, 8000 Weston Pkwy, Cary, NC 27513.
- The two winning teams will compete in Finals to be held on May 1, 2026. The Finals will be held in Raleigh. The exact location for the Finals will be announced prior to the competition.
- There will be no virtual participation option; competitors must attend and argue in-person.
- You will receive feedback at the end of each round.