By Denitsa Mavrova Heinrich and Julia L. Ernst

In February 2018, trial teams representing 12 law schools from across the Midwest arrived in Fargo to compete in the regional rounds of the National Trial Competition.

Considered to be the most prestigious trial competition in the United States, the National Trial Competition is co-sponsored by the American College of Trial Lawyers and the Texas Young Lawyers Association. Its purpose is to “encourage and strengthen students’ advocacy skills through quality competition and valuable interaction with members of the bench and bar.” Each year, the competition attracts teams from 140 law schools and more than 1,000 law students to compete across the country, initially in 14 regional competitions.

For the first time in the competition’s history, the regional rounds were held in North Dakota, with the State Bar Association of North Dakota (SBAND) and the University of North Dakota (UND) School of Law co-hosting the competition. In this three-day event, law students from schools in seven midwestern states presented their case before some of North Dakota’s most experienced trial lawyers and judges. More than 100 members of the state’s bench and bar volunteered to help with the competition, including all of the federal judges in North Dakota, the entire North Dakota Supreme Court, and many state district court judges.

**How it all started**

UND School of Law has been a part of the competition at the regional level for many years and has twice advanced teams to the national rounds in Texas. But while the law school and students have benefited immensely from participating in the competition, the lack of suitable facilities had prevented the School of Law from hosting the competition in North Dakota in the past. For the preliminary rounds, the competition requires the use of 12 courtrooms at the same time, and with the recently completed renovations to the Cass County Courthouse, the School of Law knew it now had the space it needed to accommodate that requirement.

Together with SBAND and American College of Trial Lawyers Fellow Ron McLean, the School of Law reached out to Presiding Judge Frank Racek of the East Central Judicial District to request...
the use of the beautifully renovated Cass County Courthouse. Judge Racek, Cass County Administrator Robert Wilson, the Cass County Sheriff’s Department, and Clerk of Court Lindsey Scheel generously agreed to open the doors to the courthouse for the competition. Their assistance in securing the required number of courtrooms and providing security for the event made the competition a reality.

With the space for the competition secured, it was time to move on to the rest of the planning. And that planning was no small task. UND School of Law Trial Team alumnae Lori Conroy and Aubrey Zuger stepped up to the task and volunteered to serve as tournament directors. Their past experiences as competitors at both the regional and national levels, their unwavering commitment to the Trial Team program at UND School of Law, and their firm belief in the value of quality competition to build the next generation of trial lawyers, made Conroy and Zuger the perfect fit for the tournament directors’ job. For more than six months, the two worked tirelessly, offering their time, effort, and energy to plan the competition and help the School of Law and North Dakota’s legal community shine during this historic event. As Justice Crothers put it, “Teams succeed through the efforts of everyone, but have no chance of achieving that success without superior leadership. [Aubrey and Lori] organized and executed this very major function with skill and style. And [they] allowed us to show off the best of North Dakota.”

Conroy and Zuger worked with American College of Trial Lawyers Fellows to secure members of the bench and bar to fill the 170 judges’ slots needed for the competition. Attorneys Mary Batcheller from the United States Bankruptcy Court, Michael Sly from Ohnstad Twichell, and Sharon Thompson from Circling Eagle Law assisted with recruiting the nearly 200 additional volunteers needed for the witnesses’ slots. In collaboration with the School of Law, Batcheller, Sly, and Thomson reached out to hundreds of undergraduate and graduate students from the area, inviting them to participate as witnesses for the competition. They made presentations on college campuses, spoke with college professors and pre-law advisors, and reached out to local community groups. They spent countless hours assembling and preparing the required number of witnesses, and their work was instrumental to ensuring the competition’s ultimate success.

The competition
On Feb. 9, after months of extensive planning and recruiting, the Cass County Courthouse opened its doors to more than 75 law students from across the region. These students were highly-skilled advocates, who arrived in Fargo eager and ready to showcase their advocacy skills. The competition began with 24 teams competing in three preliminary rounds, each round featuring two teams going head-to-head in a wrongful death case.

In the preliminary rounds, the teams took turns representing the plaintiff in one trial and the defendant in the next, putting the
students’ advocacy skills to the test. As the students delivered opening statements and closing arguments, examined witnesses, and argued evidentiary issues, members of the North Dakota bench and bar either presided over each trial or assumed the role of jurors. The presiding judges had the responsibility of conducting the round and making the evidentiary rulings during the trial. In addition to the presiding judge, each round had three other attorneys who served as scoring judges. Through the lens of jurors, these attorneys scored the student advocates to determine the winning team of each round. The points earned during the preliminary rounds determined which teams advanced to the semi-final rounds on Sunday morning.

After two long days of competition, eight teams, including one of UND’s teams, advanced to the semi-final rounds. In the semi-finals, the UND School of Law team faced the team from the University of Minnesota Law School—the team that would go on to become the overall champion of the competition. The UND Law students competed fearlessly and represented our law school and state with distinction, losing the round by the narrowest of margins (2:1 in judges’ ballots, losing one of the ballots by a single point). But having the opportunity to compete against teams from top-tiered law schools with nationally recognized trial advocacy programs, while showcasing their skills before trial lawyers and judges from North Dakota, was an experience UND Law students will always remember fondly. As Hannah Wegner, a member of UND’s Trial Team, put it:

“I thought I knew how to work hard, until I joined trial team. During my time on the team, I learned how to manage my time more effectively, work more efficiently, and incorporate feedback constructively. Knowing that members of the North Dakota bench and bar would participate in the competition encouraged me to work even harder. I wanted to make our bench and bar proud of the UND Law team and show that we could keep up with the bigger schools. I wanted to assure them that the next generation of lawyers in North Dakota knows how to work hard and will continue to cultivate a passion for trial advocacy in the future.”

The hard work and passion for trial advocacy that all student advocates demonstrated throughout the competition was indeed undeniable. Reflecting on the skills these student advocates displayed, Judge Daniel Narum had this to say, “These young advocates are a credit to their respective law schools, mentors, and coaches. In my observation, all of these law students are ready for any courtroom. The advocates were poised, prepared, polished, and professional. The future looks bright for our profession.”

At the end, however, only two teams could advance to the 2018 National Trial Competition in Austin, Texas. After a final round that was nothing short of a master demonstration of trial advocacy skills, the two teams that moved on to the national rounds were the University of Minnesota Law School and the University of Kansas School of Law. The presiding judges in the final rounds were Judge Ralph R. Erickson of the United States Court of Appeals for the Eighth Circuit and Justice Lisa Fair McEvers of the North Dakota Supreme Court. The scoring judges were Chief Justice Gerald VandeWalle and Justices Daniel Crothers, Jerod Tufte, and Jon Jensen of the North Dakota Supreme Court, along with United States Magistrate Judge Alice Senechal and United States Magistrate Judge (Retired) Karen Klein.

The support from our bench and bar was apparent to all. As Judge Narum observed, “Where else do you get the entire Supreme Court, federal bench, and so many esteemed members of the bar to participate in a trial competition? You have to love North Dakota!”

In total, the competition required more than 400 volunteers to serve
as judges, bailiffs, and witnesses. Essential to this group of volunteers were UND Law Trial Team alumni, who traveled from as far away as Slippery Rock, Pa., and Seattle, Wash., to help with the event. Many of the volunteers participated in multiple rounds. Members of the bench and bar often judged more than one round, and several acted as utility players, serving as judges, bailiffs, and even witnesses in the final trials of the competition.

“It was incredible to see the tremendous amount of support the trial competition received from the bench and bar,” Cole Johnston, a member of UND’s Trial Team, said. “I’ve always known that UND Law is unique in that alumni care so much about the school. And that was never clearer to me than during this year’s trial competition. It’s difficult to express just how much we, as students, appreciate that support, but we certainly do.”

As do all of us at UND School of Law!

A heartfelt thanks to the following members of our bench and bar and to our UND Law Trial Team alumni who graciously offered their energy, experience, and enthusiasm during the regional rounds of the 2018 National Trial Competition:

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