

Judge Alice Moore Batchelder

U.S. Court of Appeals for the Sixth Circuit

Judge Batchelder received her B.A. from Ohio Wesleyan University in 1964 and her J.D. from Akron University School of Law in 1971, where she was Editor-in-Chief of the Akron Law Review. She also received an LL.M. from the University of Virginia School of Law in 1988. She engaged in private practice in Ohio for twelve years prior to her service as a U.S. bankruptcy judge and eventually as a U.S. District Court judge. She was appointed to the U.S. District Court for the Northern District of Ohio by President Ronald Reagan in 1989. In 1991 she was appointed by President George H.W. Bush to the Sixth Circuit and served as Chief Judge of the Sixth Circuit from 2009 until 2014.



Judge John Blakey

U.S. District Court

Judge Blakey received a B.A. degree in 1988 from the University of Notre Dame, a Certificate of Fine Arts in 1989 from the London Academy of Music and Dramatic Art, and a Juris Doctor degree in 1992 from Notre Dame Law School. He served as a law clerk to Judge William J. Zloch of the United States District Court for the Southern District of Florida from 1992 to 1994. He worked at the law firm of Vedder, Price, Kaufman & Kammholz, P.C., from 1995 to 1996. From 1996 to 2000, he served as an Assistant State's Attorney in the Office of the Cook County State's Attorney. He also served as an Assistant United States Attorney in the Southern District of Florida from 2000 to 2004 and in the Northern District of Illinois from 2004 to 2009. From 2009 to 2014, he served as both the Chief of the Special Prosecutions Bureau for the Office of the Cook County State's Attorney and as a Special Assistant United States Attorney in the Northern District of Illinois.

On August 5, 2014, President Barack Obama nominated Blakey to serve as a United States District Judge of the United States District Court for the Northern District of Illinois. He is the son of G. Robert Blakey, a professor emeritus at the University of Notre Dame Law School and authority on the Racketeer Influenced and Corrupt Organizations.



Chief Justice Matthew Durrant

Utah Supreme Court

Justice Durrant received his undergraduate degree from Brigham Young University in 1981 and his law degree from Harvard Law School in 1984. After clerking with Judge Monroe G. McKay of the U.S. Court of Appeals for the Tenth Circuit, Justice Durrant engaged in private practice in Salt Lake City. Justice Durrant has also served as an adjunct professor at Brigham Young University's J. Reuben Clark Law School.

Justice Durrant was appointed to Utah's 3rd Judicial District bench in 1997 and to the Utah Supreme Court in January 2000. He became the Chief Justice in 2012. While on the Supreme Court, Justice Durrant was the founding chair of the Supreme Court's Professionalism Committee and has chaired the Judicial Council's Technology Committee. In addition, Justice Durrant chaired the Supreme Court Committee charged with the revision of the Code of Judicial Conduct.

67th Annual Moot Court

SHOWCASE ARGUMENT

Patrick F. McCartan Courtroom
March 3, 2017 - 4:00 p.m.

Harry Piper
Petitioner

v.

Luna Lockwood
Respondent





THE COURT

The Honorable Alice Moore Batchelder

Judge, U.S. Court of Appeals for the Sixth Circuit

The Honorable John Blakey

Judge, U.S. District Court

The Honorable Matthew Durrant

Chief Justice, Utah Supreme Court



THE ADVOCATES

For Petitioner

Nicholas Schilling

Brittany Ehardt

Jeffrey Schmidt

For Respondent

Sean McAuliffe

Christina Milanese

Lauren Shumate



MOOT COURT APPELLATE ADVISOR

Professor Christine Venter

Bailiff

Jon McCreary

SYNOPSIS

Diagon Park in St. Mungo, Craven, U.S.A. is the site for a new group of government buildings and other developments. Over the course of approximately eight months, an encampment of environmentalists opposed to the development of the park and of homeless people was established in Diagon Park. On January 20, 2014, the police attempted to clear the park of the encampment so that a fence could go up and construction could begin. Some of the environmental activists and homeless people refused to comply with police orders to disperse, which gave rise to the relevant events.

Luna Lockwood, an environmental activist, lives near Diagon Park. During the events of January 20, 2014, Lockwood went to the park to video record the police who were yelling racial epithets. An unnamed officer saw Lockwood and instructed her to stop recording because she was in violation of Craven Statute § 15A-287 ("Statute"), which renders it illegal for an individual to record a conversation without the consent of each person involved. Lockwood at first complied, but then later began filming from behind a bush.

Officer Harry Piper, an undercover officer in plain clothes, saw Lockwood record more of the exchange and depart the park. Piper followed Lockwood to her home, identified himself as a police officer, and ordered Lockwood to open the door. Lockwood refused because a rash of burglaries had occurred in the neighborhood with individuals posing as police officers. Piper kicked in the front door; Lockwood ran to hide. Piper pursued her and found her hiding behind a door in a bedroom. Lockwood screamed for help and reached for a backpack on the bed. Piper removed his baton, striking Lockwood on the leg. Piper ordered Lockwood to not move, but she again refused out of fear of this unknown man. Piper then struck the struggling Lockwood on the head knocking her unconscious. Lockwood suffered brain damage and impediment of her motor skills and speaking ability. The video camera was confiscated and the footage was deleted.

Lockwood brought a 42 U.S.C. § 1983 civil rights action alleging three claims: (1) Officer Piper violated her Fourth Amendment right to be free from unreasonable searches when he entered her home; (2) Piper violated her Fourth Amendment right to be free from excessive use of force; and (3) the Craven Statute was unconstitutional because it violated her First Amendment right to gather news and receive information. The district court granted partial summary judgment to Lockwood on the first claim. The district court granted summary judgment to Office Piper on the second and third claims. Lockwood appealed these final two decisions. The U.S. Court of Appeals for the Thirteenth Circuit reversed the decision of the district court on the second and third issues.

The case is now before the Supreme Court of the United States with two certified questions: (1) whether a court, in determining the reasonableness of a use of force by an officer during an arrest, should consider only the fact and circumstances at the moment of the use of force or should also consider the relevant facts and circumstances leading up to the moment of the use of force; and (2) whether individuals, including those with no formal affiliation to the press, have a First Amendment right to record police officers acting in public.