

IT 820: Contemporary Problems in Information Technology Law
The John Marshall Law School
Professor David E. Sorkin
Spring 2008

Project 2: Outlines of Potential Moot Court Problems

For the second project, each student is to complete a set of outlines of potential problems for possible use in future IT and privacy law moot court competitions at John Marshall. Students are encouraged to prepare problems covering a wide variety of privacy and technology issues, even if some of the problem ideas initially may not seem especially amenable to use in an actual moot court competition.

The number of problem outlines expected of each student depends upon the complexity of the proposed problems. Three problems is sufficient for this project if (1) each problem involves two independent issues (e.g., personal jurisdiction and an intrusion upon seclusion claim), and (2) the problems represent the student's own independent work.

For this project, students may elect to develop their problem ideas independently or may choose to exchange ideas and collaborate on some or all of their outlines. If two or more students contribute substantially to a particular problem outline, they should identify the share of the work that is attributable to each student, and credit for the outline will be allocated to the students in proportion to their contributions.

Each problem outline should include, at a minimum, the following:

- An overview of the problem, including the factual scenario, the substantive legal issues, and the procedural posture of the matter.
- A more specific description of each of the issues to be addressed in the problem, emphasizing the aspects that are in dispute on appeal, with references to the relevant applicable law. (Exhaustive legal research is not required at this stage; reliance upon secondary material such as a recent law review article or a Restatement of the Law may be sufficient. The point is to come up with a viable problem that can be tweaked later to balance the parties' positions or for other reasons.)
- A statement placing the problem in the context of previous moot court competition problems, particularly those addressing similar substantive legal issues.
- If the problem is based upon an actual event, case, or controversy, include a description of that situation, along with appropriate references to enable others to track later developments.
- A plan for how the outline would be developed into a complete problem. What documents need to be drafted, if any (aside from the lower court decision being

appealed from)? What legal research needs to be done? What if any research is needed into the relevant technology or other factual aspects of the case?

Students are encouraged to submit the outlines as they are completed, rather than waiting until the deadline to submit all of them at once. The outlines will be made available to other students in the class for purposes of discussion and feedback (and you are welcome to circulate drafts or other materials to the class for feedback while you are still working on them). Don't worry about overlap between your problem ideas and those submitted by other students; you should not merely copy others' ideas (unless they are explicitly offered for you to take), but overlap between outlines of similar problems is not a major concern for me.

The problem outlines should all be submitted no later than March 26, 2008, unless other arrangements have been made with the instructor in advance of that date. Thereafter, a late penalty of one full letter grade will be imposed for each week or portion thereof.