

— National Association of —
MOOT COURT

February 2, 2024

Dear NAMC Community:

The Case Committee is releasing this memorandum in advance of the first regional competitions of the 2024 season. We are writing to provide clarification on several matters relating to this year's [case problem](#), *Chambers v. New Storke*.

Rule Clarification: Use of Cross-Issue Authority

Multiple coaches have requested clarification as to whether advocates can reference authority designated for the other issue, given that both issues involve the First Amendment. The answer is **yes, they may**. However, advocates are **not** expected to be familiar with the other issue's precedent, and judges will be instructed not to question advocates on the other issue's cases unless the advocate introduces the authority on their own accord.

Case Clarification: Scope of the Questions Presented

We have also received several questions about permissible arguments for advocates under the questions presented. While we cannot address every conceivable argument, we offer the following point of emphasis.

As footnote 1 of the Record notes, no issues of statutory interpretation are properly preserved on appeal. That means that advocates may **not** argue that Chambers' conduct did not meet the standards set out by either § 424 or POPA. That includes arguments that Chambers' conduct was not "false[]... and reckless[]" on the first issue and those that contend that Chambers did not act with an "intent to intimidate, abuse, threaten, harass, or frighten" on the second issue.

Instead, advocates should present arguments about whether these standards provide sufficient protection of First Amendment freedoms, whether Chambers' conduct falls under any exception to protected speech set out by Supreme Court precedent, and any other arguments that pertain to the scope of the First Amendment rather than the scope of the state statutes at issue.

Minor Case Revisions

The Case Committee is releasing a revised version of the case problem today. No substantive changes have been made. Several citation errors have been fixed, including a

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phrase mistakenly attributed to *Virginia v. Black* on page 26. A full log of changes can be viewed [here](#).

The NAMC Case Committee welcomes future error reports and requests for clarification at case@namcmootcourt.org. Thank you for participating in NAMC's 2024 season, and we look forward to seeing you at our tournaments!

Warm regards,

NAMC Case Committee
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