



TOLEDO LAW

THE UNIVERSITY OF TOLEDO

*47th Annual Charles W. Fornoff
Competition*

October 25, 2018

Thank you for attending!

Special Thanks to:

Judge James Carr

Professor Eric Chaffee (Faculty Advisor to the Fornoff Competition)

Professor Bryan Lammon (Faculty Advisor to Moot Court)

Charles W. Fornoff

Charles W. Fornoff arrived at the University of Toledo in 1939. He served as a faculty member and Dean of the College of Law before retiring as an Emeritus Professor in 1970. In his 31 years as an educator and administrator, Dean Fornoff actively sought to safeguard the educational opportunities for all aspiring lawyers. He kept the College of Law open during World War II, encouraged female students to pursue careers as lawyers – contradicting the popular view of the time – and provided financial assistance from his own pocket to students in need. He is remembered as one who gave his time freely to students and all those who sought his advice and counsel.

It is in this tradition of excellence in education that the College of Law annually holds the Charles W. Fornoff competition. The purpose of the competition, which begins with dozens of participants each spring and continues into the following fall, is to provide opportunities for students to develop the necessary skills to become not only outstanding oral advocates, but dedicated and proficient lawyers.

2018-2019 Moot Court Board

Chair

Jenna Anthrop

47th Annual Charles W. Fornoff Competition

Coordinators

Brandy Brown

Joseph Loftus

2018-2019 Moot Court Members

Jenna Anthrop
Brandy Brown
Joseph Loftus
Jake Westfall
Nick Herweh
Drew Wobser
Zack Lemon
Blake Weiman
Billy Jeffers
Jessica Worley
Cathy Stripling

The Moot Court Board would like to extend our sincere thanks to the following for their time and dedication to the competition:

Dean Ben Barros
Dean Geoffrey Rapp
Professor Terrell Allen
Professor John Barrett
Professor Kara Bruce
Professor Lesa Byrnes
Professor Shelley Cavaliere
Professor Eric Chaffee
Professor Benjamin Davis
Professor Jelani Exum
Professor Maara Fink
Professor Llewellyn Gibbons
Professor Gregory Gilchrist
Professor Bruce Kennedy
Professor Ken Kilbert
Professor Jessica Knouse
Professor Bryan Lammon
Professor Liz McCuskey
Professor Kelly Moore
Professor Dan Nathan
Professor Kate O'Connell
Professor Nicole Porter
Professor Marilyn Preston
Professor Rob Salem
Professor Joseph Slater
Professor Lee Strang
Professor Rebecca Zietlow
Professor Evan Zoldan

Introducing the Attorneys:

Joshua Arter

Fornoff Competition Finalist
Second-Year Law Student

Joshua graduated from Ball State University with a Bachelor of Arts in Criminal Justice and Criminology, followed by a Master of Public Administration degree. He is currently an Associate Member of Law Review, Treasurer for the Criminal Law Society, and a member of the Public Interest Law Association and Delta Theta Phi. Joshua interns with the City of Toledo Prosecutor's Office. He would like to thank his friends, family, Fornoff coordinators, and the College of Law faculty and staff for all of their support throughout both the competition and law school in general, and also thank his fellow participants for bringing such a high level of competition to all of this year's Fornoff rounds.

The Moot Court Board would like to thank this year's competitors for their hard work, dedication, and commitment to this wonderful tradition:

Rena Laws
Eli Boldt
Lindsey Self
Nicole Kurtanich
Andrew Brown
Breanne Neros
Muheez Afolabi
Raina Dawson
Andrew Beier
Senayah Prince
Helena Taminski
Zachary Lemon
Andrew Wobser
Ariel Moore
Lindsay Eaton

The College of Law is Honored to have Presiding:

Honorable Martha Craig Daughtrey

U.S. Court of Appeals for the Sixth Circuit

Introducing the Attorneys:

Blake Weiman

Fornoff Competition Finalist
Second-Year Law Student

Judge Martha Craig Daughtrey was appointed to the United States Court of Appeals for the Sixth Circuit on November 22, 1993 by President William J. Clinton. Prior to her appointment to the Court of Appeals, she spent some time in private practice before becoming an Assistant U.S. Attorney for the Middle District of Tennessee. Judge Daughtrey then served as an Assistant District Attorney for the Tenth Judicial Circuit of Tennessee. She has also been a faculty member for the Vanderbilt University School of Law and an Associate Judge for the Tennessee Court of Criminal Appeals, Middle Division. Before her appointment in 1993, Judge Daughtrey served as an Associate Justice of the Tennessee Supreme Court.

Judge Daughtrey received her B.A. from Vanderbilt University in 1964 and her J.D. from Vanderbilt University School of Law in 1968. She assumed senior status on January 1st, 2009. She and her husband Larry have one daughter who serves as an Assistant U.S. Attorney for the U.S. District Court for the Middle District of Tennessee.

Blake graduated magna cum laude from Oakland University, where he earned a Bachelor of Integrative Studies degree with focuses in Business and Public Administration and Policy. He is currently a member of the Labor and Employment Law Moot Court Team that will compete in the Wagner Moot Court Competition in New York this March, and he is active in the American Constitution Society. This past summer, he served as a judicial extern at the Ohio Sixth District Court of Appeals under Judge Thomas J. Osowik. Blake would like to take the opportunity to thank his family, friends, and professors for their continued inspiration and support.

Introducing the Attorneys:

Eli Boldt

Fornoff Competition Solicitor
Second-Year Law Student

Eli is from Graytown, Ohio and graduated from The Ohio State University with a Bachelor of Arts in Public Policy and Management with a Minor in Criminal Justice. He is an Associate Member of the University of Toledo Law Review, an active member of the Student Bar Association where he serves as the Executive Board Treasurer, Delta Theta Phi Law Fraternity, Public Interest Law Association (Secretary), and other student organizations.

This past summer he worked at the City of Toledo Prosecutor's Office and will begin a Summer Associateship at Marshall Melhorn following this school year. He would like to thank his parents David and Denise ('85 graduates of the College of Law), his sister Sarah ('18), girlfriend Marissa, friends, and faculty of the College of Law for their continued support.

The College of Law is Honored to have Presiding:

Honorable Walter H. Rice

**U.S. District Court for the Southern District of
Ohio**

Judge Walter H. Rice is a federal judge for the United States District Court for the Southern District of Ohio. He was sworn in on June 4th, 1980 after being appointed by President James E. Carter.

Judge Rice graduated from Northwestern University with a B.A. in 1958 and graduated from Columbia University School of Law in 1962. Judge Rice also graduated from Columbia University Graduate School of Business Administration with a Master of Business Administration that same year.

Judge Rice has served as an Assistant County Prosecutor, Montgomery County, Ohio 1964-1966; Associate with Gallon & Miller 1966-1969; Judge, Dayton Municipal Court 1969-1971; Judge, Court of Common Pleas, Montgomery County, Ohio 1971-1978. Judge Rice served as Chief Judge of the Southern District of Ohio from 1996-2003.

The College of Law is Honored to have Presiding:

Honorable Jonathan D. Greenberg

U.S. District Court for the Northern
District of Ohio

Magistrate Judge Jonathan D. Greenberg became a United States Magistrate Judge on the United States District Court for the Northern District of Ohio on August 20, 2016. Before his appointment, Judge Greenberg was a partner and head of the litigation department at Walter Haverfield in Cleveland, Ohio.

Judge Greenberg has also served as Law Director and Prosecutor for the village of Cuyahoga Heights. Additionally, he has served as a prosecutor for Pepper Pike, Richmond Heights, and Valley View. Judge Greenberg also teaches trial tactics at Case Western Reserve University School of Law.

Introducing the Attorneys:

Rena Laws

Fornoff Competition Barrister
Second-Year Law Student

Rena is from Dearborn, MI and graduated Summa Cum Laude from Western Michigan University with a Bachelor of Arts in Film, Video, Media Studies and Gender Studies. She is currently an Associate Member of Law Review, the Vice President of the Public Interest Law Association, the Secretary of the Criminal Law Society, and a Class Representative of the Student Bar Association. This past summer she worked as a legal intern at Lucas County Children Service. She plans to work for the Office of the Federal Public Defender for the Northern District of Ohio in Summer 2019. She would like to thank her parents, friends, and professors for their support

Questions Presented

- 1) By issuing the press release, did Dragontown University infringe Dr. Foster's liberty interest in his reputation under the Fourteenth Amendment?

- 2) By firing Dr. Foster for statements made on his blog, did Dragontown University violate Dr. Foster's free speech rights under the First Amendment?

SUPREME COURT OF THE UNITED STATES

Dragontown University,

Petitioner,

v.

Dr. Peter Foster,

Respondent.

ARGUING BEFORE THE COURT:

Blake Weiman

Rena Laws

Joshua Arter

Eli Boldt

Counsel for Petitioner *Counsel for Respondent*

Erin O'Neil

Andrew Brown

Semi-Finalists

Statement of the Case

In this case, Dr. Peter Foster, a former tenured medical professor at Dragontown University, claims he was fired in retaliation for a blog entry he posted on his non-university-hosted website. Dragontown University is an American public research university located in Dragontown, Keystone where Dr. Foster was employed as an Assistant Professor of Medicine and a faculty member in the department of surgery. His responsibilities included teaching classes and engaging in research, scholarship, and discourse to further the academic mission of the medical school. While Dr. Foster was a well-liked professor and respected faculty member, he was known to express some unpopular beliefs. Some of these beliefs included theories about chemtrails, the link between diet soda and autism, and the dangers of mercury in orange juice. He also recommended chiropractic treatment for epilepsy.

Although he never taught these ideas in class, he did publish them on his personal blog. On January 14, 2016, he posted a blog entry suggesting chiropractic treatment for epilepsy and urged doctors to forego traditional treatment for epileptic patients, claiming that most doctors rely far too heavily on pharmaceuticals and overlook useful therapies by using such a myopic focus.

This blog entry quickly went viral with over 50,000 views. One of the blog viewers, Dr. Francine Wooley, followed his suggestion about treating epilepsy, which led to the death of one of her patients. A televised wrongful death suit followed, and Dragontown University received a great deal of negative publicity. This negative attention resulted in a student protest, threats from donors to withdraw their support, and a letter from Dragontown alumni calling for Dr. Foster's dismissal. The letter was dated April 6, 2016. The day after receiving this letter, Dean Berman sent Dr. Foster an email to set up a meeting to discuss the allegations, but Dr. Foster never responded.

Dr. Foster was terminated on April 24, 2016. Dragontown University issued a press release stating that the university had "parted ways" with Dr. Foster due to his "dissemination of advice inconsistent with the standards of Dragontown University." Dragontown University attached the alumni letter to the press release. Dr. Foster has been unemployed since his termination.

Dr. Foster filed a complaint in the United States District Court for the District of Keystone against Dragontown University on June 5, 2016, raising two claims. First, he claimed that his liberty interest in his reputation had been infringed, in violation of his due process rights. Second, he claimed that he was retaliated against in violation of his right to freedom of speech. The district court granted Dragontown University's motion to dismiss. On appeal, the United States Circuit Court for the Fourteenth Circuit reversed the district court's decision. Dragontown University filed a petition for certiorari with the United States Supreme Court, which was granted.