

# Anthony J. Celebrezze Appellate Advocacy Competition



## Final Round

Petitioner		Respondent
Jack	v.	Samantha
D'Andrea		Rutter

*Friedrichs*  
v.  
*California Teacher's Association*

April 8, 2016  
Ohio Northern University

On behalf of the Executive Board of the Moot Court Program, we would like to thank everyone who helped us with the competition.

Many thanks to our faculty judges in the quarter- and semi- final rounds: Professors Kevin Hilll, Brian Anderson, Scott Gerber, Lauren Newell, and Deidre Keller.

Additionally, many warm thanks to Nicolle Merkel, Deanna Cira, Teresa Reisser, and Professor Nancy Armstrong for organizing the event.

### 2015-2016 MOOT COURT EXECUTIVE BOARD

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*Anthony J. Celebrezze, 1910-1998*

*Ohio Northern College of Law Class of 1936*

Born in Anzi, Italy on September 4, 1910, one of 13 children, Judge Celebrezze came to this country at the age of two. He attended public schools in Cleveland, Fenn College and John Carroll University and graduated from Ohio Northern University with LL.B Degree in 1936. His activities in public affairs began upon his graduation from College of Law when he joined the Ohio Bureau of Unemployment Compensation.

He entered general practice in 1939. His political start began his ascendancy in 1950 when he was elected to the Ohio Senate. His able work in this august body resulted in his reelection in 1952 as State Senator, and twice he was voted one of the top senators.

He was first elected Cleveland's mayor in 1953. He was the only mayor in the city's history to be elected to five consecutive terms.

Judge Celebrezze was elected president of the American Municipal Association (now the Nation League of Cities) in 1958, and served as president of the U.S. Conferences of Mayors in 1962.

In July of 1962, Celebrezze was appointed to the Cabinet post as Secretary of Health, Education and Welfare (HEW). He served in the Cabinets of both Presidents Kennedy and Johnson until August of 1965. During this time, Celebrezze was responsible for enactment of important social legislation, including the Medicare Act, and the Civil Rights Act of 1964. One of Celebrezze's most important achievements as secretary of HEW was separating the public assistance and child health and welfare functions from the Social Security Administration and transferring these programs to a new Welfare Administration. Under Celebrezze's watch, HEW was granted power to deny funds for any federal program, to any state, or institutions which practiced racial segregation.

Celebrezze took the oath of office as Judge of the United States Circuit Court of Appeals on September 1, 1965. By Act of Congress, the federal building in Cleveland is named the Anthony J. Celebrezze Federal Building.



## Anthony J. Celebrezze



### A WARM WELCOME TO ALL OF OUR GUESTS, INCLUDING THE CELEBREZZE FAMILY

#### Question Presented:

- (1) Do public-sector agency shop arrangements violate the First Amendment's protections for freedom of speech and assembly?
- (2) Does the First Amendment prohibit the practice of requiring public employees to affirmatively opt-out of subsidizing non-chargeable speech rather than to affirmatively consent?

## PANEL OF JUDGES

### Dean Richard Bales

Rick Bales became Dean of the Law School on July 1, 2013. He holds a B.A. from Trinity University and a J.D. from Cornell University. Before coming to ONU Law, Dean Bales was a faculty member at NKU Chase College of Law, where he was the Director of the Advocacy Center and was Associate Dean of Faculty Development. Before that, he taught at the University of Montana Law School, Southern Methodist University Law School, and University of Houston Law School. Prior to his teaching career Dean Bales litigated employment cases for the Houston-based law firm of Baker & Botts and the Cleveland-based law firm of Baker & Hostetler.

### Professor Stephen Veltri

Professor Veltri teaches commercial law and property. He holds an LL.M. from Columbia University, a J.D. from Georgetown University, and a B.A. from the University of Pittsburgh. He has written widely in the field of payments. Professor Veltri is a member of the Uniform Commercial Code committee of the Section of Business Law of the American Bar Association. He has served as chair and vice-chair of the Subcommittee on Payments and as editor of the Annual Survey of Developments in Commercial Law published each August in THE BUSINESS LAWYER.

### Professor Joanne Brant

Prior to joining the faculty, Professor Brant practiced law in Cleveland, Ohio, with the firms of Thompson, Hine & Flory and Squire, Sanders & Dempsey where she specialized in labor and employment litigation. From 1986-87 she clerked for Chief Justice Pierce Lively of the U.S. Court of Appeals for the Sixth Circuit, in Danville, KY. Professor Brant has served on the Attorney General's Ethics and Professional Responsibility Advisory Council, served on an ABA site inspection team in 2000, and served as Chair of the AALS Section on Law and Religion in 2001. She has been a recurrent visiting professor at the University of Alabama since 2003. In 2013, she taught law students at the University of Fribourg, Switzerland.

## COMPETITORS

### Jack D'Andrea, Petitioner

Jack D'Andrea is from Columbus, Ohio. He received his Bachelor's degree in Philosophy, *cum laude*, from The University of Akron. Jack is currently a second year law student, a Staff Editor on the Ohio Northern University Law Review, a teaching assistant for contracts, and an appellate advocate on the American Bar Association Moot Court Team. Additionally, Jack was a quarterfinalist in the Daniel S. Guy First-Year Appellate Advocacy Competition. Recently, Jack was elected to serve as the Articles Research Editor for the 2016-2017 Law Review Editorial Board and was also hired as a law clerk for the Honorable Judge David Chaney in the Allen County Court of Common Pleas where he will work until graduation.

### Samantha Rutter, Respondent

Samantha Rutter is from Pittsburgh, Pennsylvania. Samantha received her Bachelor's degrees in Psychology and French with a minor in Italian from the University of Pittsburgh. Samantha is currently a second year law student, a Staff Editor for the Ohio Northern University Law Review, and a member of the Phillip C. Jessup International Law Moot Court Team. The Jessup Team placed second in the Midwest Regional Competition, qualifying it to advance to the International Rounds. Samantha was ranked as a Top 30 Oralist in the Regional Rounds. Samantha was also the first runner-up of the 2015 Intra-School Daniel S. Guy First-Year Appellate Advocacy Competition and the winner of the 2016 Intra-School Shah Closing Argument Competition.