UCI law students pitch in on U.S. Supreme Court case

Clinic’s work is not done, as Supreme Court ordered the case to be reargued in the fall.

By Don J. DeBenedictis

SANTA ANA - UCI third-year law student Brian Hardingham told many of his professors and externship supervisors that he'd turn his focus to their work as soon as the U.S. Supreme Court’s February argument calendar wrapped up. He was wrong.

Hardingham is one of nine students who spent the last two months helping adjunct professor Paul L. Hoffman research issues, write briefs and prepare for oral arguments in Kiobel v. Royal Dutch Petroleum, 10-1491, a closely watched human rights case the court heard last week.

Now that the Supreme Court has ordered the case reargued in the fall, Hardingham won’t be able to concentrate on those other obligations.

"It was playing the game at the highest level."
- Emma Soichet

Instead, he and other Hoffman students said they plan to throw themselves into getting the case ready for the second round of arguments on a new issue.

"I owe a lot of other people some work," Hardingham said.

The students had signed up for Hoffman's clinical class on international human rights law before the Supreme Court announced it would take the case on the centuries old and rarely invoked Alien Tort Statute. By the time classes started Jan. 9, Hoffman had already filed his opening brief.

After a couple of weeks reading old precedents and background material, his students plunged right into researching issues, debating strategy and offering edits on the evolving reply brief, due Feb. 21.

"They were working pretty much around the clock with me the last weeks," said Hoffman, a well-known civil rights attorney with Schonbrun DeSimone Seplow Harris Hoffman & Harrison LLP, who has taught at many law schools.

"Some of the students are excellent writers. They had good ideas on how to frame things" in the reply brief, he added.

"We did a lot of memo writing," Hardingham said. "We broke into groups and focused on different sections."

Hoffman "was very interested in talking strategy with us," said David Rodwin, another student.

As the class studied issues raised by the other side, including in 15 amicus briefs, "he was always asking, 'What do you think about this? What's the best way you could respond,'" Rodwin said. "And he really listened."
The students also watched as Hoffman went through several moot court practice arguments to discuss issues raised.

But they weren't there merely as free research assistants.

"We were trying to use it as an educational experience ... to show the extent of preparation for a Supreme Court argument," Hoffman said. "They were really privy to the whole process."

Third-year student Emma Soichet said she hadn't realized how much work went into preparing for a 20-minute argument at the Supreme Court.

"It was playing the game at the highest level," Soichet said.

The students travelled to Washington, D.C. - and slept on the Supreme Court steps in the February cold to ensure they got seats to watch the arguments.

That provided another unique experience.

When they lined up outside the court on the evening of Feb. 27, a group of students from New York University's law school - who had worked with Hoffman over the summer on the case - were already there.

Other groups of students from law schools at Harvard, Stanford, Georgetown and Minnesota followed. All had participated in the case in some way on amicus briefs or were taking classes in international human rights law, Soichet said.

"There was a moment at about 2 a.m. when I looked back and I realized I had lined up with ... a whole community" of people involved in the issues, Soichet said.

"I think a lot of us came to law school to do exactly this," said Jean Su, another Hoffman student. Su came to the clinic committed to defending human rights around the world from her work with aid groups in Madagascar before she started at UCI.

The clinic and other classes end on May 4. The second opening brief in \textit{Kiobel} is due May 3.

"The students are all in," Hoffman said Monday. "They're ready for round two."

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