

## **ELLIOTT CUP TEAMS DOMINATE NATIONAL BANKRUPTCY COMPETITION**

*By: Adam Block, University of Houston Law Center*

Texas and Fifth Circuit law schools that participated in the 2008 Elliott Cup Bankruptcy Moot Court Competition dominated this year's 16th Annual National Duberstein Bankruptcy Competition in Queens, New York. Mississippi College of Law beat SMU Dedman School of Law to win the National Competition's final round; in the two semi-final rounds, SMU beat the University of Houston Law Center while two teams from Mississippi College of Law faced off against each other. Four other Elliott Cup teams from The University of Texas School of Law, Texas Tech University School of Law, and South Texas College of Law also advanced to the elimination rounds. In summary, the two finalists in the National Competition were Elliott Cup teams; all four of the "final four" teams in the National Competition were Elliott Cup teams; five of the "elite eight" teams in the National Competition were Elliott Cup teams; and nine of the "sweet sixteen" in the National Competition were Elliott Cup teams. All six law schools participating in the Elliott Cup placed teams in the final sixteen teams at the National Competition. These law students owe part of their success to the experience they gained in this year's Elliott Cup Competition, which is sponsored by the Bankruptcy Law Section of the State Bar of Texas.

The Third Annual Elliott Cup Competition took place this year in Dallas. The tournament hosted twelve teams from six law schools located across the Fifth Circuit. The SMU team of Rachael Stringer and Laura Schultz won this year's Elliott Cup, and the tournament's Best Advocate award went to Bill Richmond, also of SMU. The Elliott Cup competition, named in memory of Joseph C. Elliott, former Chief U.S. Bankruptcy Judge for the Western District of Texas, was created specifically for the competitors to "refine and bolster their moot court skills prior to the Duberstein National Competition," according to Chris Mott of El Paso, who served as the chair of this year's Elliott Cup. Bankruptcy Law Section members from throughout the State of Texas judged the preliminary rounds, and Texas Bankruptcy Judges Hon. Barbara Houser, Hon. Wes Steen, Hon. Craig Gargotta, and Hon. Harlin "Cooter" Hale judged the final round.

St. John's University School of Law and the American Bankruptcy Institute co-sponsor the Conrad B. Duberstein Memorial National Competition. This year's moot court problem dealt with two controversial commercial bankruptcy law issues: first, whether a pre-bankruptcy agreement can be enforced to make a creditor give up its right to vote to accept or reject a chapter 11 plan of reorganization; and second, whether the absolute priority rule prevents confirmation of a plan of reorganization when a senior creditor gives up property to a junior interest holder without paying in full the claim of a rejecting junior class. "We try to design a problem that is at the cutting edge of bankruptcy law so that it not only shows the students how fascinating this field is, but also educates the many lawyers and judges who devote their time to coach teams or judge in the competition," explained Prof. Ray Warner, director of St. John's Bankruptcy LLM program. Prof. Warner also complimented the Texas bankruptcy bar, saying, "Texas has long been a center of bankruptcy practice so it is no surprise that Texas schools continue to send winning teams to the National Competition."

Bankruptcy Judges from all over the country, including Hon. Barbara Houser (Chief Judge of the Northern District of Texas), judged the National Competition's elimination rounds, and three U.S. Court of Appeals Judges joined the Chief Bankruptcy Judges of the Southern District and Eastern District of New York to judge the final round of the National Competition.

## **2008 National Duberstein Bankruptcy Competition Team Results and Awards**

### **First Place** - Mississippi College of Law

Team members: Ashley Nader, Kenitra Hairston, and Jonathon Bissette

### **Second Place** - SMU Dedman School of Law

Team members: Rachael Stringer and Laura Schultz

### **Third Place (semi-finalists)** - University of Houston Law Center

Team Members: Donald Crump, Dave McClard, and Adam Block

### **Third Place (semi-finalists)** - Mississippi College of Law

Team members: Kelly Hollingsworth, Amy Strickland, and Clifford Ammons

### **Quarter-Finalists (Top 8 teams, including the following Elliott Cup teams):**

University of Texas School of Law

Mississippi College of Law

Mississippi College of Law

SMU Dedman School of Law

University of Houston Law Center

### **Octo-Finalists (Top 16 teams, including the following Elliott Cup teams):**

Texas Tech University School of Law

Texas Tech University School of Law

South Texas College of Law

University of Houston Law Center

University of Houston Law Center

University of Texas School of Law

SMU Dedman School of Law

Mississippi College of Law

Mississippi College of Law

### **Outstanding Brief** - Mississippi College of Law

Team members: Kelly Hollingsworth, Amy Strickland, and Clifford Ammons

### **Outstanding Advocates:**

Kelley Hollingsworth - Mississippi College of Law

Ashley Nader - Mississippi College of Law

Rachael Stringer - SMU Dedman School of Law