Villanova University
Charles Widger School of Law

presents the

Final Argument

of the

62nd Annual

The Honorable Theodore L. Reimel '24 CLAS Moot Court Competition

Thursday, November 18, 2021

5:00 p.m.

The Martin G. McGuinn '67 Ceremonial Courtroom

THE HONORABLE THEODORE L. REIMEL '24 CLAS MOOT COURT COMPETITION

The Reimel Competition is an intra-school tournament dedicated to the late Theodore L. Reimel '24 CLAS, Judge for the Pennsylvania Court of Common Pleas from 1953 to 1973. The Competition is designed to foster student development in written and oral advocacy through simulated appellate argument.

Judge Theodore L. Reimel graduated from Villanova University in 1924 and then from Temple Law in 1928. Judge Reimel served for 10 years as an Assistant District Attorney in Philadelphia. Afterward, he practiced for 15 years before becoming a professor at Temple Law, where he published many articles and books on criminal law. In 1953, Judge Reimel ascended to the bench of the Court of Common Pleas of Philadelphia, where he served until his passing in 1973.

In the early years of Villanova Law, former Dean Reuschlein brought the competition to the attention of Judge Reimel, who subsequently played an integral role in the competition's success. Judge Reimel personally funded the awards for the participants and generously assisted with the competition. The Reimel Competition has since become a Villanova Law tradition.

THE JOHN J. DUFFY, ESQ. '62 ADVOCACY CUP

The Moot Court Board would like to extend a heartfelt thank you to Seamus Duffy '84 whose generous gift has created the John J. Duffy, Esq. '62 Endowed Fund for Moot Court. His gift supports students and faculty competing in external advocacy competitions through the Moot Court Program.

THE LEGACY OF JOHN J. DUFFY, ESQ. '62

John J. Duffy, a member of the Villanova Law Class of 1962, is a widely recognized and accomplished criminal trial lawyer in Pennsylvania. His experience runs the gamut of state and federal criminal prosecutions, including capital homicide cases, public corruption cases and complex drug and white-collar conspiracy cases.

Mr. Duffy has also been recognized for his philanthropic work, in particular for three decades of service with The Caron Foundation and his efforts to establish and provide leadership for Lawyers Concerned for Lawyers, an assistance program that offers confidential help to distressed and impaired lawyers, judges, law students and their family members to regain their good health and professional competency.

While a student at Villanova Law, Mr. Duffy competed for the winning team of The Second Annual Theodore L. Reimel Moot Court Competition. He was also selected Best Oralist by the members of the Final Argument Bench. Now, more than 50 years later, his legacy lives on in the outstanding teams and individuals who compete in this prestigious and highly competitive annual rite of passage for Villanova Law students.

THE FINAL BENCH

The Honorable Thomas M. Hardiman
Judge in the U.S. Court of Appeals for the Third Circuit

The Honorable Paul B. Matey
Judge in the U.S. Court of Appeals for the Third Circuit

The Honorable Stephanie D. Thacker
Judge in the U.S. Court of Appeals for the Fourth Circuit

THE SEMIFINAL BENCH

The Honorable James Gardner Colins '71
Judge for the Superior Court of Pennsylvania

The Honorable Megan McCarthy King
Judge for the Superior Court of Pennsylvania

The Honorable Sheldon K. Rennie '97
Judge for the Superior Court of Delaware

THE QUARTERFINAL BENCH

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FACTUAL BACKGROUND

The appellant, K.G., is a 16-year-old adolescent who was diagnosed with a deadly, aggressive and advanced form of pediatric cancer known as Burkitt's lymphoma when she was four years old. At the time of diagnosis one of the doctors at The Children's Hospital of Chester County informed the minor's mother, M.G., that with aggressive treatment she had a survival prognosis of nine months to three years. Miraculously, K.G. defied these odds; after her first round of treatment, her disease went into remission for approximately five years. Her cancer returned in 2014, however, and since then her doctors have used every medical advancement at their disposal to keep the cancer from spreading.

On May 27, 2021, K.G. and her mother learned that the minor's disease had returned with a vengeance. Her doctors discovered that the cancer had metastasized and was no longer localized to one section of the body. They recommended that K.G. immediately begin an "extremely intensive and painful" chemotherapy program at the Hospital that would last for at least nine months. K.G., however, refused to undergo additional treatment despite the expressed desires of her mother and the Hospital (collectively, appellees).

Because K.G.'s situation was critical, life-threatening and required immediate intervention and treatment, the appellees filed an Emergency Application for a Preliminary Injunction in the Chester County Court of Common Pleas. The Application sought an order authorizing the Hospital on an immediate basis, to administer medical treatment necessary to preserve the health and life of the minor. The court appointed a Guardian Ad Litem for the minor and an attorney to represent K.G.'s interests.

During the evidentiary hearing K.G.'s lead oncologist testified that if the recommended treatment itself does not prove fatal—which it could at any point—there is an approximately 70 percent likelihood that it will achieve remission of K.G.'s disease. However, the long-term prognosis is not optimistic, as the three-year survival rate for patients like K.G. is 25 to 30 percent. Without treatment, however, K.G. will most certainly die, probably within a month or two. The doctor further testified that immediate action was needed, that an unmanageable emergency could arise at any moment, and that any delay could cost the patient her life. Nevertheless, during her testimony K.G. remained adamant in her refusal to undergo any further treatment, even though she acknowledged that certain death would result. However, M.G. expressed her belief that as K.G.'s mother she should have the right to make medical decisions on her behalf.

PROCEDURAL BACKGROUND

The trial court held that appellees satisfied the prerequisites for a preliminary injunction and authorized the Hospital, on an immediate basis, to administer medical treatment necessary to preserve the health and life of the minor. Subsequently the trial court amended this order by granting appellees' Motion to Convert the Preliminary Injunction into a Permanent Injunction and directed the clerk to close the case. The Superior Court of Pennsylvania granted K.G.'s request for an expedited appeal and affirmed the trial court's order. K.G. appealed the Superior Court's decision to the Supreme Court of Pennsylvania.

ISSUES PRESENTED

I. Whether the Commonwealth of Pennsylvania should adopt the "Mature Minor Doctrine" as a matter of common law and permit minors to refuse life-saving medical treatment if they are sufficiently mature and competent to make that decision.

II. Whether an adolescent has a right to refuse unwanted medical treatment under the substantive due process protections required by the Fourteenth Amendment to the United States Constitution and Article I, Section 1 of the Pennsylvania Constitution.

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ACKNOWLEDGMENTS

The Moot Court Board gratefully acknowledges the Law School faculty and staff who have supported the Board in administering the 2021 Reimel Competition. The Board would especially like to thank the attorneys who served as judges during the Preliminary Round and the Round of Twelve, the faculty members who judged the Quarterfinal Round, and the esteemed benches of the Semifinal and Final Rounds. The Reimel Competition continues to be a success due to the generosity of these individuals who donate their time—we appreciate your contribution to this valued Villanova Law tradition.

We express our sincere thanks and appreciation to our Moot Court Board Adviser, Professor Jessica Webb. Professor Webb should be congratulated for her dedication to writing this year's Reimel Problem, and for the level of preparation her appellate advocacy students displayed throughout the Competition. Her invaluable expertise, unending patience and mentorship is shaping us to be better future litigators. We are grateful for her impact on our law school careers.

We would also like to thank our Reimel Administrators, Tasha Stoltzfus Nankerville and Emily O'Leary. Tasha and Emily brought a vision of flawless execution to this year's Reimel Competition—there was not one piece of this Competition that they did not successfully strategize and execute. Their positive attitudes and purpose of making this Competition the best experience for all participants made them an outstanding team. Thank you.

The Board is grateful to those who assisted with planning this event, including Dean Mark Alexander, Vice Dean Michael Risch, Associate Dean Candace Centeno, Associate Dean Bo Connell, Associate Dean Edward Stephen, Joe Mariani, Nicole Garafano, Julie Delaney, Samantha Pilhuj, Priscilla Holmes, Victoria Durand, Diane Mozino, Brian Sirak, Michael Hayden and Michael Gallo.

Thank you to Judith R. Forman and Katherine Cole Douglas for presenting the Lise Luborsky '75 Memorial Award and for your support of the Reimel Competition. The Moot Court Board will continue to honor Lise Luborsky's legacy.


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