

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 08-12

November 27, 2007

TO: All Regional Directors, Officers-in-Charge, and
Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

RE: Section 10(j) Cases and Moot Court Oral Argument Preparation

When the Board authorizes a Region to seek Section 10(j) injunctive relief, the Injunction Litigation Branch of the Division of Advice provides litigation guidance to the Region in seeking such relief from the U.S. District Court. One of the key benefits that the ILB has regularly offered to Regions is to have the lead attorney handling the Section 10(j) litigation participate in a videoconference moot court session in order to prepare to argue the need for 10(j) relief to the district court.

Our experience has shown that these moot court practice sessions have significantly enhanced the ability of the Region's trial attorney to persuasively argue the case to the district court. This is true even in cases where the attorney handling the litigation has previously appeared in federal district court. Because these moot court sessions have been so well received and have significantly improved the attorney's preparedness for questions about the need for 10(j) relief posed by a district court judge, we are asking that all Regions avail themselves of a moot court preparation session in any case in which 10(j) relief is authorized and a hearing before the district court is scheduled. Effective immediately, when Section 10(j) relief is authorized by the Board and 10(j) papers are filed with the district court, please contact the Injunction Litigation Branch to arrange for a moot court session prior to the hearing on the 10(j) petition before the federal district court.

Any questions concerning this matter should be addressed to your Assistant General Counsel or Deputy.

/s/
R. A. S.

cc: NLRBU
Release to the Public

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