

2010 NATIONAL FIRST AMENDMENT MOOT COURT COMPETITION RULES

I. GENERAL RULES

RULE 1. APPLICATIONS

(a) *Eligibility.* The competition is open to all law schools fully accredited by the ABA. **Teams may only consist of two members**, both of which must be in their second or third year of law school.

(b) *Procedural Requirements.* All teams qualified to compete must submit an intent-to-compete form and a check or credit card information for \$500, to the Vanderbilt Moot Court Board, postmarked no later than October 9, 2009.

(c) *Selection of Participants.* The competition is open to 36 teams. If the competition is oversubscribed, admission will be based on the quality of the team and the school's commitment to the competition. To assist in making these determinations, applicants may submit team-member resumes and any other information that would suggest a serious commitment to a high level of performance in the competition. Any additional supporting material must be submitted with the intent to compete form and payment, postmarked no later than October 9, 2009.

(d) *Notification of Status.* All entrants will be notified of their status on October 30, 2009, via the e-mail address they provided to the Vanderbilt Moot Court Board in their application materials.

(e) *Refunds.* Teams not selected to compete will be refunded their entry fees after October 30, 2009. Teams that are chosen to compete will not be given a refund at any time or under any circumstances.

II. BRIEFS

RULE 2. GENERAL

(a) *Participation in Brief Writing.* Both team members are expected to participate in preparing the brief together and in arguing during the oral competition. **Only the two team members registered for the competition may write or participate in drafting the brief, including editing.** Teams may not have "Brief Specialists" who participate in preparing the brief but do not argue. **Additionally, participants may not receive any assistance from coaches, faculty members,**

attorneys, judges, other law students, or other persons in preparing or editing the brief.

(b) *Content of Briefs.* The list of cases included in the problem packet is not a closed universe. As such, participants may, but need not, conduct independent research and include that research in their briefs.

(c) *Petitioner and Respondent.* Teams will be randomly assigned to write either the Petitioner or Respondent brief. Teams will be notified by e-mail of their status as Petitioner or Respondent on October 30, 2009.

(d) *Team Identification.* Every team is randomly assigned a team letter. Teams will be notified by e-mail of their team letter on October 30, 2009. The team letter shall be the only form of identification used in the brief. This letter shall be included on the cover of the brief in lieu of the team name. Violation of this rule may result in a maximum of two (2) points being deducted from the total brief score.

(e) *Property of Vanderbilt.* All briefs submitted for purposes of the Competition become the exclusive property of Vanderbilt University Law School Moot Court Board.

RULE 3. LENGTH AND FORMAT OF BRIEFS

(a) *Format.* Briefs shall be in the format used in the United States Supreme Court (see Rules of the Supreme Court 33 and 24), subject to the Rules of the National First Amendment Moot Court Competition. Teams assigned to write briefs on behalf of the respondents must have a red front and back cover. Teams assigned to write briefs on behalf of the petitioner must have a blue front and back cover. A list of constitutional provisions, treaties, etc., should not be included in the brief. All citations shall be complete and in the form prescribed in Harvard Law Review Association, A Uniform System of Citation (18th ed.), generally referred to as “The Bluebook.” All briefs are expected to contain:

1. Statement of Issue(s)
2. Table of Contents
3. Table of Authorities
4. Statement of Jurisdiction: a concise statement of the basis for jurisdiction in this Court, including the statutory provisions and time factors on which jurisdiction rests.
5. Statement of the Case: a recitation of the procedural history of the case.
6. Standard of Review
7. Statement of the Facts: a concise statement of the case, setting out the facts material to the issue(s) presented with appropriate reference to the record.
8. Summary of the Argument: a clear and concise condensation of the argument; mere repetition of the headings under which the argument is arranged is not sufficient.
9. Argument: a clear statement of the points of fact and of law presented with citation to pertinent cases and statutes.

Every violation of the aforementioned provisions will result in two (2) points being deducted from the total brief score.

(b) *Length.* The argument and argument summary portions of the brief shall not exceed twenty-five (25) pages in length (this page limitation does not include the Table of Contents, Table of Authorities, Statement of Jurisdiction, Statement of the Issue(s), Statement of the Case, Statement of the Facts, and Appendices). The type size must be twelve (12), the font must be Times New Roman (Please note that this requirement is different from the applicable Supreme Court Rule), the text must be double-spaced, all margins must be one inch, and the pages must not exceed eight and a half (8 ½) by eleven (11) inches. The brief must be bound at the left margin using either perfect, spiral, or plastic comb binding. Each violation of the aforementioned provisions will result in two (2) points being deducted from the total brief score.

RULE 4. PLAGIARISM

(a) *Definition of Plagiarism.* Plagiarism is defined as the act of incorporating into one's work a substantially similar portion of another's work without adequately or properly indicating that source. All competitors will be bound by this definition.

(b) *Reporting Alleged Plagiarism.* Any competitor having knowledge of potential violations of the rule against plagiarism should report his/her concern to the attention of Jamie Thalgott by mail (Jamie Thalgott, First Amendment Center/Vanderbilt Moot Court Board, 1207 18th Ave. S., Nashville, TN 37212), by email (mootcourt@fac.org) or by phone (615-727-1345). Under no circumstances should any competitor contact another team regarding plagiarism.

(c) *Procedures for Responding to Plagiarism.* In the event of alleged plagiarism, the Vanderbilt Moot Court Board, in conjunction with a Vanderbilt Law School Faculty Committee and the Vanderbilt Honor Council, will evaluate the brief in question. Penalties, including but not limited to disqualification from the Competition, will be assessed at the discretion of the Vanderbilt Moot Court Board and Faculty Committee.

RULE 5. SERVICE OF BRIEFS

(a) *Service of Briefs on the Vanderbilt Moot Court Board.* Each team shall serve seven (7) paper copies of its brief and one (1) PDF copy of its brief to the Vanderbilt Moot Court Board. The seven (7) briefs must be sent in a single package, postmarked no later than January 20, 2010 (Jamie Thalgott, First Amendment Center/Vanderbilt Moot Court Board, 1207 18th Ave. S., Nashville, TN 37212, (615) 727-1345). Also included in this package should be your team information sheet. The PDF copy of the brief is to be emailed to the Vanderbilt Moot Court Board at mootcourt@fac.org by 5:30 p.m. (CST) on January 20, 2010. Three (3) points will be deducted from the total brief score should the brief arrive after 5:30 p.m. (CST) on January 20, 2010. One (1) point will be deducted for each additional day late.

(b) *Service of Briefs on Opposing Teams.* On January 21, 2010 all briefs will be posted to the National First Amendment Moot Court Competition web site at www.firstamendmentcenter.org/mootcourt. Teams will be responsible for checking the web site to obtain opposing teams' briefs.

RULE 6. SCORING THE BRIEFS

(a) *Scoring.* The briefs will be graded on a one hundred and seventy (170) point scale. Five (5) judges will score each team's brief. The highest and lowest scores given to each brief will be averaged to create one (1) score. The averaged score will then be added to the other three (3) scores. The four (4) scores will then be averaged to determine a team's total brief score.

(b) *Penalties for Rule Violations.* Penalties for rule violations will be deducted from the team's total brief score. All teams are responsible for complying with the rules and knowing the penalties for such violations.

(c) *Weight.* The brief score will count as fifty percent (50%) of each team's total score for each round until the quarterfinals. The brief will not count in the quarterfinal, semifinal, or final rounds.

(d) *Best Brief Award.* The team with the highest brief score shall be awarded Best Brief. In the event of a tie, the award will be divided evenly among the teams. A copy of the 2004 Best Brief may be obtained by visiting the First Amendment Center's web site. A copy is online at www.firstamendmentcenter.org/mootcourt.

III. ORAL ARGUMENTS

RULE 7. GENERAL

(a) *Participation in Oral Arguments.* **Only the two team members registered for the competition may participate in oral arguments.** Both members are required to participate in all four preliminary rounds, and each will independently be eligible to receive the Best Oralist Award. Only the two team members may sit at counsels' table during oral arguments. Coaches are specifically disallowed from sitting at counsels' table. **Additionally, each team is responsible for crafting and creating its own oral argument, without assistance from any faculty member, coach, attorney, or other person. After the team serves its brief on the Vanderbilt Moot Court Board, the team may seek general critiquing of practice arguments.** Teams may receive no guidance from coaches or advisors during a round. Such a violation may disqualify the team from advancing.

(b) *Team Identification.* Throughout the competition, teams will be identified to judges by their randomly assigned letter. Competitors shall not use apparel, jewelry, backpacks, hand gestures or other materials that identify academic affiliations. If a judge asks a team

member what school the team member represents, the student should respond that the rules do not permit the divulging of that information until after the competition. Violation of this rule may result in a maximum of two (2) points being deducted from the total oral argument score.

(c) *Spectators*. All rounds are open to spectators. Spectators must wear an assigned “Guest” badge while on the premises. **However, no team member, coach, or faculty advisor of any school still participating in the Competition shall attend the argument of any other school, or receive information from any person who has attended an argument of any other school.** Coaches may attend all rounds in which their team is participating but they may not sit at counsel’s table. All competitors and coaches may attend the semifinal and final rounds.

(d) *Right to Videotape*. The Vanderbilt Moot Court Board and the First Amendment Center reserve the right to videotape the competitors during oral arguments from all rounds, and to use, display, or reproduce this videotape for any and all purposes they deem necessary or appropriate.

RULE 8. FORMAT

(a) *Time Allowed for Argument*. Oral arguments shall be limited to a total of twenty-four (24) minutes per team. Team members may allocate their time in any manner desired by prior arrangement with the bailiff as long as each oralist argues a minimum of ten (10) minutes. A penalty of two (2) points will be assessed to any oralist who does not argue for a minimum of ten (10) minutes. Judges, at their discretion, may interrupt arguments to ask questions. Petitioners, by prior arrangement with the bailiff, may reserve up to three (3) minutes for rebuttal. Petitioners desiring rebuttal time must inform the bailiff of the name of the team member who will make the rebuttal argument in advance of the round.

(b) *Bailiff’s Time Warnings*. Bailiffs will keep time during the oral arguments and will use cards to inform competitors of how much time they have remaining. The specific time warnings will be: 12 mins., 10 mins., 7 mins., 5 mins., 2 mins., 1 min., and 30 seconds. When the competitor’s time is up, the bailiff will verbally announce “time.” Once time has been called, the competitor may request additional time from the Chief Justice. The allowance of more time is solely at the discretion of the Chief Justice.

IV. ROUNDS

RULE 9. PRELIMINARY ROUNDS

(a) *General*. There will be four preliminary rounds. In the first three rounds, teams will be randomly assigned an opponent. Teams will not meet more than once in these initial three rounds. Each team will argue at least once as Petitioner and once as Respondent. Ideally, each team will argue each side twice. However, this may not be possible due to the nature of the Power Match (see subsection (d) below).

(b) *Scoring.* The oral scores will be determined by a panel of three judges, without knowledge of the brief score. Each team member will be judged on a fifty (50) point scale. The average score for the two team members will be the team score.

(c) *Weight.* The total oral score will count for fifty percent (50%) of the overall preliminary score.

(d) *Power Match.* The fourth round is based on each team's performance in the first three preliminary rounds. A team's point total shall be calculated by adding the total brief score with the total oral score. The total oral score will be determined by disregarding the highest and lowest scores of the nine (9) team oral scores (3 rounds x 3 judges) and then averaging the remaining seven scores. The team with the highest overall score will be paired against the team with the lowest overall score; the team with the second highest score will be paired against the team with the second lowest score, and so on. Ties in rank will be broken in the manner that best enables all teams to argue each side twice. Teams will not be informed of their actual ranking.

(e) *Best Oralist.* The Best Oralist will be based on individual oral performances in the preliminary rounds and Power Match. Each participant's total oral score will be determined by disregarding the highest and lowest scores of the twelve individual oral scores (4 rounds x 3 judges) and then averaging the remaining ten scores. The participant with the highest individual score shall win the Best Oralist Award. In the event of a tie, the award shall be divided evenly among the Best Oralists.

(f) *Addition of a Vanderbilt Team.* The Competition is designed for an even number of teams. In the event that a team drops out of the Competition (or if for some other unforeseen reason there are an odd number of teams) a pre-selected Vanderbilt team will be entered in the Competition. This team will compete in the four preliminary oral rounds, and its brief will be scored along with all other briefs. The Vanderbilt team will not be eligible to advance to the elimination rounds or receive the award for Best Brief or Best Oralist.

RULE 10. QUARTERFINALS

(a) *General.* Only eight teams will advance to the quarterfinals. The quarterfinals are based on each team's performance in the preliminary rounds and Power Match. A team's point total shall be calculated by adding the total brief score with the total oral score. The total oral score will be determined by disregarding the highest and lowest scores of the twelve team oral scores from the preliminary rounds and Power Match (4 rounds x 3 judges) and then averaging the remaining ten (10) scores. The eight teams with the highest overall scores will advance.

(b) *Pairings.* The team with the highest oral score will be paired against the team with the lowest oral score; the team with the second highest oral score will be paired against the team with the second lowest oral score, and so on. Ties will be resolved in favor of the

team with the highest total brief score. Teams will not be informed of their actual ranking. This bracket will remain the same for the rest of the competition.

(c) *Representation.* To determine which team will represent Petitioner and which will represent Respondent, the Moot Court Board will first determine if the teams argued different sides in the Power Match. If so, then each team will take the side not argued in the Power Match. If both teams argued the same side in the Power Match, then the Moot Court Board will determine whether two teams have met in an earlier round. If they have met in an earlier round, each team will take the side not argued in the earlier round. If they have not met in an earlier round, a coin toss (called by a Vanderbilt Moot Court Board member), will determine which team will represent Petitioner and which team will represent Respondent.

(d) *Scoring.* None of the previous scores are considered in this round. Additionally, the brief score is not considered. To determine the winner of this round, the panel of judges shall make their ruling based on a majority vote. Each judge's vote shall be cast for the team he or she discerns to have exhibited the better oral team performance. The winner of each match-up will advance to the Semifinal Round.

RULE 11. SEMIFINAL ROUND

(a) *General.* The winners of the quarterfinal round shall advance to the semifinal round. The teams will be paired against each other according to the bracket created for the quarterfinals. There will only be one round of oral argument.

(b) *Representation.* To determine which team will represent Petitioner and which will represent Respondent, the Moot Court Board will first determine if the teams argued different sides in the quarterfinals. If so, each team will take the side not argued in the quarterfinals. If both teams argued the same side in the quarterfinals, then the Moot Court Board will determine whether two teams have met in an earlier round. If they have met in an earlier round, each team will take the side not argued in the earlier round. If they have not met in an earlier round, a coin toss (called by a Vanderbilt Moot Court Board member), will determine which team will represent Petitioner and which team will represent Respondent.

(c) *Scoring.* None of the previous scores are considered in this round. Additionally, the brief score is not considered. To determine the winner of this round, the panel of judges shall make their ruling based on a majority vote. Each judge's vote shall be cast for the team that he or she discerns to have exhibited the better oral team performance. The winner of each match-up will advance to the Final Round.

RULE 12. FINAL ROUND

(a) *General.* The winners of the semifinal round shall advance to the final round. There will only be one round of oral argument.

(b) *Representation.* To determine which team will represent Petitioner and which will represent Respondent, the Moot Court Board will first determine if the teams argued different sides in the semifinals. If so, each team will take the side not argued in the semifinals. If both teams argued the same side in the semifinals, then the Moot Court Board will determine whether two teams have met in an earlier round. If they have met in an earlier round, each team will take the side not argued in the earlier round. If they have not met in an earlier round, a coin toss (called by a Vanderbilt Moot Court Board member), will determine which team will represent Petitioner and which team will represent Respondent.

(c) *Scoring.* None of the previous scores are considered in this round. Additionally, the brief score is not considered. To determine the winner of this round, a panel of judges shall make their ruling based on a majority vote. Each judge's vote shall be cast for the team that he/she discerns to have exhibited the better oral team performance. The winner of the final round is the Winner of the First Amendment Moot Court Competition. The remaining team will be the Runner-up of the First Amendment Moot Court Competition.

V. ADMINISTRATION

RULE 13. RELEASE OF SCORES

Each team will receive a letter containing their total brief score, oral scores, and ranking following the Competition. No scores will be distributed at the Competition. Additionally, teams may not obtain the scores and rankings of other teams involved in the Competition.

RULE 14. WITHDRAWAL OF A COMPETING TEAM

(a) *Inability to Compete with Notification.* If a team withdraws from the competition one week or less before the competition and notifies the Vanderbilt Moot Court Board, the team may be prohibited from competing for the next two years. If a team withdraws from the competition more than one week before the competition and notifies the Vanderbilt Moot Court Board, no refund will be made. Should a team need to withdraw, the team should promptly contact Jamie Thalgott by phone at (615) 727-1345 or by email at mootcourt@fac.org.

(b) *Failure to appear without Notification.* If a team fails to appear at the competition and did not notify the Vanderbilt Moot Court Board that the team would be absent, the team **will be prohibited** from competing in the competition for no less than two years.

RULE 15. RESERVED RIGHTS

(a) *Additional Rules.* In addition to these Rules, the Vanderbilt Moot Court Board reserves the right to amend or modify these Rules as it deems necessary. Teams will be notified of any amendments or modifications in advance of the Competition.

(b) *Penalties.* The Vanderbilt Moot Court Board reserves the right to assess such penalties for failure to comply with these rules as it deems reasonable and appropriate, including but not limited to disqualification from the Competition.

(c) *Interpretation of Rules.* All interpretations of these Rules shall be in the absolute discretion of the Vanderbilt Moot Court Board and shall be final and binding upon all participants. Requests for interpretation of these rules should be e-mailed to Jamie Thalgott at mootcourt@fac.org. Requests should be made at the earliest possible date and in any case no later than January 29, 2010.