EMORY CIVIL RIGHTS AND LIBERTIES
MOOT COURT COMPETITION

Fall 2016 Competition Rules
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Introduction

The rules set forth below must be strictly followed throughout the competition. If a change in the rules becomes necessary, teams will be notified via e-mail of such a change. The Civil Rights and Liberties (CRAL) Director reserves the right to make decisions regarding any aspect of the competition. The CRAL Director also reserves the right to amend these rules at any time before or during the competition. A team may make a request for clarification or interpretation of these Rules. Any such request must be e-mailed by a team member or student coach to alexandra.elizabeth.weiss@emory.edu with the subject line stating “Rule Clarification” and the rule needing clarification.

For example a subject line could read: Rule Clarification for Rule (B)(1)(7).

The Bench will respond to requests by e-mail. All clarifications and interpretations will be posted on the CRAL website at http://www.law.emory.edu/cral.
PENALTIES WILL BE ASSESSED FOR FAILURE TO COMPLY WITH ANY OF THE FOLLOWING RULES:

A. Teams

Up to eight (8) law schools may register up to two (2) teams, each consisting of two (2) or three (3) members. All other law schools may register one team, consisting of two or three members. A school may indicate its desire for a third team if space is available. Each team must be composed of members attending the same law school.

By the time a team submits its brief, it must have provided the names of all team members via the electronic form provided by the CRAL Director. After the submission of the brief, team members may be substituted only after receiving written or electronically written permission from the CRAL Director.

Each team will be assigned either the Petitioner or Respondent Brief when the problem is released. If two teams from the same school enter the competition, one team will submit a Petitioner’s Brief and one team will submit a Respondent’s Brief.

B. Briefs

Briefs are to be submitted on 8 ½” by 11” white paper. The briefs should be typed and justified. Except for the Cover Page, Table of Contents, Table of Authorities, and Appendices which may be single spaced, all portions of the brief including footnotes, indented quotations, questions presented and argument headings must be double-spaced.

Briefs must be submitted using Times New Roman 14-point typeface. Briefs must have one (1) inch margins on each side.

All citations must be in Bluebook form. Briefs MUST NOT be signed or contain any team information.

Each team will be notified by e-mail of their Team Number after distribution of the fact pattern. The Team Number should be printed in the top right corner of EVERY page of the brief.
1. **Brief Sections**

A brief must contain, under appropriate headings and in the order indicated:

1. A cover page;
2. A table of contents with page references;
3. A table of authorities – cases (alphabetically arranged), statutes, and other authorities – with references to the pages of the brief where they are cited;
4. A statement of the issues presented for review;
5. A statement of facts relevant to the issues presented for review with appropriate references to the record;
6. A summary of the argument;
7. The argument, which must contain: the party’s contentions and the reasons for them, with citations to the authorities and parts of the record on which the parties relied; and for each issue a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues);
8. A short conclusion stating the precise relief sought.

Briefs should omit a formal statement of jurisdiction. Appendices may be used if necessary to recite the text of statutes, provisions, or regulations, but are not mandatory.

2. **Page Limits**

The entire substantive body of the brief **may not exceed thirty (30) pages**. The pages that count toward the page limitation include only the Statement of the Facts, Summary of the Argument, the Argument, and the Conclusion. Begin Arabic page numbering with the Statement of the Facts.

All sections that precede the above sections should use lower case Roman numerals for page numbering.

The Conclusion must be on or before page thirty. Any partially filled page shall be counted as a full page. Exceeding the page limit, including the improper use of margins and/or font size shall result in a deduction of two (2) points for each page or partial page that exceeds the thirty page limit.
3. **Certification**

By submitting briefs, each team member certifies that the brief has been prepared in accordance with the Competition Rules and that the brief represents the work product, proofreading, and evaluation of ONLY the members of the team named on the roster.

4. **Submission**

*Briefs must be submitted ONLY as an electronic PDF copy.*

The electronic copy of the entire brief must be sent via e-mail attachment to alexandra.elizabeth.weiss@emory.edu. The electronic copy must arrive by **11:59 p.m.** EST on **Friday, September 9, 2016**. The e-mail’s subject line must include the Team Number of the team submitting the brief. The e-mail’s subject line must read “Attn: Team [INSERT TEAM NUMBER] CRAL 2016 Brief Submission.”

Any team whose electronic copy is received after the deadline shall be assessed a late submission penalty of five (5) points for every day the brief is late. For the purposes of this section, a day begins at 12:00 a.m. This penalty will be deducted from the overall score of the brief.

The CRAL Director will make available electronic copies of each team’s brief for viewing, downloading and printing by no later than **Monday, September 12, 2016**. Once the briefs are submitted, they are considered to be final and no revisions to the briefs are permitted.

5. **Scoring**

Select members of the Emory Moot Court Society under the supervision of the law school faculty will score all briefs. Each brief will be scored by at least five (5) different people. The highest and lowest score from the five scores will be dropped, and the remaining three (3) scores will be averaged to calculate the team brief score.

The top five (5) briefs will then be ranked by a panel of one practitioner, one law school faculty member, and the previous year’s CRAL Director. The winner of the best brief certificate will be determined by this panel. **The original score – not the panel’s ranking – is used to determine a team’s round score.**

C. **Prohibitions**

Teammates may not receive any outside assistance in writing the brief. Faculty or practitioner assistance is strictly prohibited. Teammates may receive assistance from others on
their oral arguments once the brief has been submitted. Violations of this rule will result in deductions and/or exclusion from the competition. The following minimum standards apply:

1. You may NOT discuss the problem in any respect with anyone else except your teammates until the brief is submitted.
2. You may not discuss the problem in any respect with faculty members, Society members, students or attorneys until the brief is submitted.
3. Once the brief is submitted, you may conduct practice benches with anyone you choose.

D. Oral Arguments

While three (3) team members may compete in the overall competition, only two (2) members may participate in any single round of oral argument. Two team members must argue in each round.

All team members participating in oral arguments MUST have participated in preparing the brief. All team members that participated in preparing the brief MUST participate in oral arguments.

There will be a total of seven (7) rounds of oral arguments. There will be three (3) preliminary rounds: one on brief, one off brief, and one power-paired. This will be followed by two elimination rounds, then the Semi-Final and Final Rounds.¹

The first two (2) preliminary round pairings will be posted on the website on Friday, September 30, 2016 by 11:59PM EST.

There will be sixteen (16) teams in the first elimination round, eight (8) teams in the second elimination round, four (4) teams in the Semi-Final Round, and two (2) teams in the Final Round. Pairings for the elimination rounds will be based on win/loss record and total points accrued. However, after the first two (2) rounds, sides are randomly determined.

¹ The number of rounds may be subject to change based on the number of registrants and participants.
1. **Format**

1.1 **Order:** In each round, every team will argue both issues in the problem. Both Petitioners will argue first, followed by both Respondents, then any reserved rebuttal by one of the Petitioners. The order in which the issues are argued is at the discretion of each team.

1.2 **Time Limits:** Each round will consist of fifty (50) minutes of arguments. Each team will be given a total of twenty-five (25) minutes of oral argument time during each round. It is in the discretion of the team as to how to allocate the twenty-five minutes between the two issues. However, no team member may be allocated less than nine (9) minutes or more than sixteen (16) minutes. The twenty-five minutes includes any time the Petitioner may wish to reserve for rebuttal. Judges may interrupt arguments to ask questions and may, within their discretion, allow additional time to any participant.

1.3 **Rebuttal:** Petitioners will be given one (1) rebuttal per round. The rebuttal will be given at the end of the Respondent’s arguments. Therefore, all four competitors will argue their issue and then the Petitioner will be allowed to rebut on either issue or both. The rebuttal may not exceed five (5) minutes. Judges have the discretion to refuse to allow a rebuttal if it is not requested. Only one team member may give the rebuttal.

2. **Scoring**

Each team member will be given a score out of 100 by the judges for each round of competition. These individual scores will go toward the determination of Best Oralist, which will be determined by the highest average individual score from the first three (3) rounds.

Team Oral Score for each round will be determined by averaging the individual oral score of each team member. In preliminary rounds 1 and 2, the total team score will be a combination of oral argument scores and brief scores. The oral argument score will count for 70% and the brief score will count for 30%.

For example, in round 1, if Team Member A gets a 90 and Team Member B gets a 94, the team oral argument score for the round will be a 92. If the team earned a 90 on their brief score, then their total team score for round one will be

\[(92*0.7)+(90*0.3) = 91.4.\]  

**The ranking of the top five briefs does not count into this score.**

In the third preliminary round, a team’s combined oral argument score will count for 90% and their brief score will count for 10%. In the two elimination rounds, only the team’s combined oral argument scores count.
Teams will advance from the semi-final round based on the oral argument score from that round alone. The winner of the final round will be decided based on the oral argument score from that round alone.

In the event of a tie in ANY round, the team with the higher brief score will be determined to be the winner of the round.

3. Opponent Determination

No team during the Preliminary Rounds will face a team from their same school or the same team twice.

In the third preliminary round (Round 3), teams will be paired up by their win/loss record. Teams with a 2-0 record will be paired against another 2-0 team based on point totals. Similarly, 1-1 teams will be paired against 1-1 teams, and 0-2 teams will be paired against 0-2 teams. After teams are paired, each team will be randomly assigned to argue for either the Petitioner or Respondent. On the evening of October 14, teams will be notified of the side they will be arguing and the team against which they will be arguing.

***Only sixteen (16) teams will qualify for the first elimination round (Round 4). Any undefeated team after the first three rounds will be guaranteed a spot in the first elimination round. Any remaining spots in the first elimination round will be granted to the teams after Round 3 with the highest average team score from the first three rounds.***

For the elimination rounds and the semi-final round, teams will be power matched based on their scores in the preliminary rounds. Teams will be randomly assigned to argue for either the Petitioner or Respondent.

For the final round, teams will be randomly assigned to argue for either the Petitioner or Respondent.
4. **Observation and Coaching**

Scouting is not permitted. While still competing, a competitor may not observe any round where that competitor’s team is not arguing. If a competitor is not arguing during a round, that competitor may only observe the round where his or her teammates are arguing. A competitor may observe any round only when that competitor’s team has been eliminated from the competition.

During a round, competitors should not indicate the name of their law school while there are ballots in the room. It is at the competitor’s discretion whether they wish to indicate their school affiliation after ballots have left the room. If a teammate, coach, family member, or friend is observing a round, that person may not display or in any way disclose the school name of any team in the competition.

**E. Awards**

Certificates will be given for the following categories:
- Best Brief (Team Award);
- Best Oralist; and
- First Place Team.

**On Behalf of the Emory Law Moot Court Society, GOOD LUCK!!!!!!**