

**EMORY CIVIL RIGHTS AND LIBERTIES  
MOOT COURT COMPETITION**

FALL 2018 COMPETITION RULES

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# INTRODUCTION

Welcome to the 2018 Civil Rights and Civil Liberties Competition at Emory University School of Law. The Civil Rights and Civil Liberties Competition (CRAL) will take place in the cradle of the Civil Rights Movement—Atlanta, Georgia. The Civil Rights and Civil Liberties Competition celebrates Emory Law’s Moot Court Society’s dedication towards academic excellence as well as social justice. The Competition embodies the pivotal values of fairness and equal opportunity for all in society. Emory Law and Emory Law’s Moot Court Society hope this moot court competition inspires each individual to reflect upon the role civil rights and civil liberties serve in our society.

As such, each competitor is charged with complying with the following rules with the utmost integrity and professionalism. The rules set forth below must be strictly followed throughout the competition.

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. If a change in the rules becomes necessary, teams will be notified via e-mail of such a change.

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 [emorymootcourt@gmail.com](mailto:emorymootcourt@gmail.com) 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>. Furthermore, all clarification and interpretation requests must be submitted by September 8, 2018 at 11:59 P.M.

PENALTIES WILL BE ASSESSED FOR FAILURE TO COMPLY WITH ANY OF THE FOLLOWING RULES:

**A. Teams .**

Registration Timeline

Registration for the 2018 Civil Rights and Civil Liberties Moot Court Competition is now open. The **early deadline for registration** is July 16, 2018 at 5:00 P.M. EST. The early registration fee is \$650 for the first team and \$550 for the second team. The **regular deadline** is August 13, 2018 at 5:00 P.M. EST. The regular registration fee is \$700 for the first team and \$650 for the second team.

Team registrations will be capped at the first 30 teams to register, with a team registration being complete upon receipt of the online form with competitor names and emails, and Emory's confirmed receipt of the competition fee.

Registration of Two Teams

Up to eight (8) law schools may register up to two (2) teams, each consisting of two (2) or three (3) members. To apply, a school must e-mail [emorymootcourt@gmail.com](mailto:emorymootcourt@gmail.com) to request registration of two teams. The first eight teams to request registering two teams will have their requests granted and will be notified via e-mail of the approval. All other schools requests for a second team will be placed on a waitlist in order of application and will be notified via e-mail of the amount of schools ahead of them on the waitlist. **If a school fills out a registration form for two teams without requesting a second team prior to receiving approval to do so, the second team will not be registered.**

If a school registers two teams for the competition, the two teams may **not** confer with one another in any aspect of writing their briefs. The two teams may **not** share research, arguments, and/or any other knowledge pertaining to their briefs. Furthermore, if a school has two teams competing in the competition, then the two teams will **not** be on the same side. Therefore, 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.

For purposes of the Civil Rights and Civil Liberties Competition, these two teams will be treated as separate and individual teams and will be scored as such. 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.

### Registration of One Team

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.

### Substitution of Team Members

After the submission of the brief, team members may be substituted only after receiving written or electronically written permission from the CRAL Director.

### Identification of Teams

Each team will be assigned either the Petitioner or Respondent Brief when the problem is released. In other words, the side a team is assigned is the side the team will write their brief for.

Each team will be assigned a Team Letter to protect the team's identity from judges and other teams. As such, it is important that a team uses their Team Letter throughout the competition and the brief writing process.

## **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 indented quotations and questions presented must be double-spaced. Footnotes and argument headings must be single 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.

As stated in **Section A**, each team will be notified by e-mail of their Team Letter after distribution of the competition's problem. The Team Letter 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 and Word 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. Please 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.

The briefs may **not** exceed 13,500 words. Under Section B, Part 3, for purposes of certifying compliance with the competition rules, the word count must be compliant using a standard word processing count such as Microsoft Word. Please note that this counts the

Statement of Issues as well as other subsequent sections. Therefore, the Cover Page, the Table of Contents and Table of Authorities will not count towards the word 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 emorymootcourt@gmail.com. The electronic copy must **arrive** by **11:59 p.m. EST on Friday, September 14, 2018**. 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 17, 2018**. 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 two law school faculty, will score all briefs. Each brief will be scored by at least five (5) Moot Court Society members. 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.

To determine the "Best Brief" for the competition, the five (5) highest scored briefs will be scored by five (5) Emory Law Professors and practitioners in the relevant field of law. The highest and lowest score from these five scores will also be dropped, and the remaining three (3) scores will then be averaged to calculate the brief score. The winner of the best brief certificate will be determined by this panel. **The original score – not the panel's score or ranking – is used in the equation determining 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 (2) 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.

The first two (2) preliminary round pairings will be posted on the website on **Friday, September 28, 2018 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.

In the event that there is an odd number of teams for each side, the CRAL Board will select one team at random to argue twice in Round 1. The selected team will not argue during Round 2; rather this team will argue once for petitioner and once for respondent during Round 1.



The arguments will be back-to-back. After Round 2, the highest seeded team will receive a “bye round” in Round 3 and will automatically be the top seed in the Octofinal round.

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

*Scores from each Oral Argument Round will be digitally uploaded and emailed to each team at the conclusion of each round.*

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**. In the case of a “bye” round, the higher of the average score for the first round or the average score for the second round will be used as the third score in determining the average individual score.

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.

Please note judges are permitted to deduct points for integrity. This applies to tardiness, disrespectful behavior, and a lack of integrity during the course of the competition.

If, upon receiving the scores from the conclusion of the round, a team wishes to have their score clarified, please email the CRAL Director at [saira.gul.shakir@emory.edu](mailto:saira.gul.shakir@emory.edu).

### 3. Opponent Determination

No team during the Preliminary Rounds will face a team from their same school, nor will they face 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 Friday, October 19, teams will be notified of the side they will be arguing and the team against which they will be arguing.

Sixteen (16) teams will advance to the Octofinal rounds. Teams will be seeded by the following criteria: (1) win/loss record, (2) highest cumulative margin of victory, and (3) brief score. The highest seeded team will play the lowest seeded team, etc.

The Octofinal winners will advance to the Quarterfinal rounds; the Quarterfinal winners will advance to the Semifinal rounds; the Semifinal winners will advance to the Final Round. The Final Round winner will be declared the First Place team.

For the elimination rounds, the Semifinal rounds, and the Final Round, 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.

#### Observation, Coaching, and Disclosing School Affiliation

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 competition, competitors should **not** indicate the name of their law school. A competitor may indicate their school affiliation **only when that competitor's team has been eliminated** from the competition. 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, WE WISH YOU GOOD LUCK!