

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

FALL 2019 COMPETITION RULES

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INTRODUCTION

Welcome to the 2019 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 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 CRAL Co-Directors reserve the right to make decisions regarding any aspect of the competition. The CRAL Co-Directors also reserve 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 by e-mail. Any such request must be e-mailed by a team member or student coach to 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 22, 2019 at 11:59 P.M.**

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

A. Teams

1. Registration Timeline

The **early deadline for registration** is July 19, 2019, at 11:59 P.M. EDT. The early registration fee is \$650 for the first team and \$550 for the second team. The **regular deadline** is August 12, 2019 at 11:59 P.M. EDT. 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.

2. Registration of Two Teams

A team may consist of two or three members, and each team must be composed of members attending the same law school. 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 Co-Directors.**

3. Registration of One Team

A team consists of two or three members. 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 Co-Directors.**

4. 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 Co-Directors.

5. Identification of Teams

Each team will be assigned by the CRAL Co-Directors to either the Petitioner or Respondent brief when the problem is released. In other words, the side that a team is assigned is the side for which the team will write its brief. Schools with two teams competing must have one team brief for the petitioner and one for the respondent; those teams may decide which team briefs for petitioner and which briefs for the respondent.

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 its Team Letter throughout the competition and the brief writing process.

B. Briefs

Briefs are to be submitted electronically and formatted for 8 ½" by 11" white paper. The briefs should be typed and justified. Footnotes and argument headings must be single spaced. 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.

Briefs must be submitted using Times New Roman 12-point typeface (footnotes should be 10-point). Briefs must have one (1) inch margins on each side. All citations must be in Bluebook form. Briefs **MUST NOT** contain any team or other identifying information.

As stated in **Section A**, each team will be notified by e-mail of its Team Letter after. 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; and

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. Word Limit and Page Numeration

The brief 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 the word count function of a common word processing program such as Microsoft Word. This count includes the Statement of Issues and all subsequent sections up to and including the conclusion, including headings. The Cover Page, the Table of Contents, Table of Authorities, and any appendices will not count towards the word limit. Exceeding the word limit shall result in a deduction of two (2) points. Additionally, two (2) more points shall be deducted for every 500 words the brief exceeds the limit.

Begin numbering pages using Arabic numerals with the Statement of the Issues. All sections preceding the Statement of the Issues should be numbered using lower case Roman numerals.

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 its 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.** EDT on **Wednesday, September 25, 2019**. The e-mail's subject line must include the Team Letter of the team submitting the brief. The e-mail's subject line must read "Team [INSERT TEAM LETTER] CRAL 2019 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. eastern time. This penalty will be deducted from the overall score of the brief.

The CRAL Co-Directors will make available electronic copies of each team's brief for viewing, downloading and printing no later than **Monday, September 30, 2019**. 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 Emory Law School faculty members, 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 School Professors and practitioners in the relevant field of law. These individuals will determine the winner of the best brief award. **The original score – not the panel’s score or ranking – is used in the equation determining a team’s round score. Brief scores will be emailed out to teams prior to the start of the competition. An average brief score of all teams or ranking of the brief in comparison to other teams will not be made available to any teams. However, if a brief is within the top five briefs, the team will be made aware of its status as a top-five brief. The best brief will not be disclosed until awards are revealed after the final round.**

C. **Prohibitions**

Team members may not receive any outside assistance in writing the brief. Coach, faculty, or practitioner assistance is strictly prohibited. Teammates may receive assistance from others on their oral arguments once the brief has been submitted. Every member of the team must contribute to the brief. 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, Moot Court 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. **Competition and Oral Arguments**

1. General Round Information

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 writing the brief.

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, October 4, 2019 by 11:59PM EDT.**

There will be sixteen (16) teams in the Octo-final Round, eight (8) teams in the Quarter-final 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 Co-Directors 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.

After Round 2, all teams will have accrued an on-brief and off-brief score. The highest scoring team following Round 2 will receive a “bye round” in Round 3 and will automatically be the top seed in the Octo-final Round.

2. Format

2.1 Order: In each round, every team will argue both issues in the problem. Petitioner for Issue 1 will argue first, followed by Petitioner for Issue 2. Respondent for Issue 1 will argue next, followed by Respondent for Issue 2. Petitioner may then use any reserved time for rebuttal.

2.2 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.

2.3 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.

3. Scoring

Scores from each Oral Argument Round will be made available upon request to a team representative at the conclusion of each Oral Argument Round from the Tab Room.

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 its brief score, then the 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 Round 3, a team’s combined oral argument score will count for 90% and its brief score will count for 10%. Following Round 3 and beginning with the Octo-final Round, only the team’s combined oral argument scores count, and teams will advance based on that Round’s oral argument score alone.

In determining the winner of the Final Round, Final Round Judges are not bound to a score sheet but will determine amongst themselves which team had the best oral argument skills.

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 its score clarified, please email the CRAL Co-Directors at emorymootcourt@gmail.com.

4. Opponent Determination

No team during the Preliminary Rounds (Rounds 1, 2, and 3) will face a team from the 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 18, 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 Octo-final Round. Teams will be seeded by the following criteria: (1) win/loss record, (2) average oral argument score from the Preliminary Rounds, and (3) brief score. The highest seeded team will play the lowest seeded team, etc. Teams will be placed into brackets, and the winner based on that round's score alone will advance to the next round. Once teams are seeded, they will be randomly assigned to argue for petitioner or respondent.

The Octo-final 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. In each round, teams are randomly assigned to argue for petitioner or respondent.

5. Observation, Coaching, and Disclosing School Affiliation

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

During competition, competitors must **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.

6. Requesting Scores and Making Complaints

Following each round, teams may request their oral argument scoresheets for that round or any earlier round. A team must wait 30 minutes after the conclusion of its round, approach the tab

room table, and request the scores by presenting a card with its Team letter on it that team members will have received during check-in. Judges names will be redacted from scoresheets. Teams may take photos of the scoresheets, but may not keep the physical copy of the scoresheet. Teams must return the scoresheet to the table and will receive their identifying card upon returning the sheets.

Complaints may be made to any individual behind the tab room table. These individuals will then inform the Co-Directors of the complaint. Timeliness of rounds is of the utmost importance to the competition; therefore, teams may only make complaints after the conclusion of a round and may not refuse to start a round on the basis of a complaint. During Rounds 1 and 2, failure to start a round timely on the basis of attempting to lodge a complaint will result in the opposing team being awarded an automatic win, but will not impact oral argument score. However, teams should be aware that its win-loss record determines its opponent pairing in Round 3. Beginning in Round 3, failure to start a round timely on the basis of attempting to lodge a complaint will result in a deduction of five points from the oral argument scores.

If complaint about comments from the judge that evidence inappropriate bias is substantiated, that judge's scores will be dropped if they are the lowest score of all judges in that round. Any remedy beyond this is at the discretion of the CRAL Co-Directors.

The competition strives to obtain a wide range of judges, and does attempt to ensure that no team argues before the same judge twice. However, it is not a valid basis for complaint that the team has already argued in front of the same judge.

Any other remedy or lack of remedy to a complaint is at the sole discretion of the Co-Directors. Teams may request changes to the rules for the following year's competition by emailing emorymootcourt@gmail.com with the subject line "Proposed CRAL Rule Change."

E. Awards

Awards will be given for the following categories:

- Best Brief (Team Award);
- Best Oralist; and
- First Place Team.

Awards will be given following the final round and all teams are encouraged to attend the final round.

F. Competition Schedule

The Competition Schedule will be provided a month before the competition; however, the Co-Directors may make changes to the schedule before and during the competition.

ON BEHALF OF THE EMORY LAW MOOT COURT SOCIETY, WE WISH YOU GOOD LUCK!