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14th Annual

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

Fall 2020 Competition Rules

FALL 2020 COMPETITION RULES
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INTRODUCTION

Welcome to the 2020 Civil Rights and Civil Liberties Competition at Emory University School of Law. The Civil Rights and Civil Liberties Competition (CRAL) will take place remotely in light of health and safety concerns surrounding the Covid-19 pandemic. The Civil Rights and Civil Liberties Competition celebrates Emory Law's Moot Court Society's dedication towards academic excellence as well as civil rights and 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, and how we can use our positions as advocates to further champion civil rights and liberties.

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).

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 Sunday, **September 6, 2020 at 11:59 P.M.**

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

A. Teams

1. Registration Timeline

There will be no early or late registration this year. The **deadline for registration** is **August 9, 2020** at 11:59 P.M. EDT for single teams. The registration fee is \$425 per team. Schools may only register one team, but may request a second team be added to a waitlist in the case that registration capacity has not been met. Schools will be notified on **August 9, 2020** on a first-come-first-serve basis whether their second team is permitted to register based on remaining registration capacity. The second team registration will be due by **August 16, 2020**.

Team registration will be capped at the first 32 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 registration fee.

2. Registration of One Team

A team consists of two or three members. Each team must be composed of members attending the same law school. **Each team must provide the names of all team members via the electronic form provided by the CRAL Co-Directors by September 9, 2020.**

3. 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 an Appellant's Brief and one team will submit an Appellee'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. **Each team must provide the names of all team members via the electronic form provided by the CRAL Co-Directors by September 9, 2020.**

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. Email emorymootcourt@gmail.com with any substitution request. The Co-Directors understand the unusual circumstances surrounding this year, and will be deferential to reasonable substitution requests.

5. Identification of Teams

Each team will be assigned by the CRAL Co-Directors to either the Appellant or Appellee 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 Appellant and one for the Appellee; those teams may decide which team briefs for Appellant and which team briefs for the Appellee.

Each team will be assigned a Team Letter to protect the team's identity from judges and other teams. It is vitally 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 when the problem is released on **August 17, 2020**. 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. **Page Limit and Page Numeration**

The brief may **not** exceed **30 pages**. This page 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, the Table of Authorities, and any appendices will not count towards the page limit. Exceeding the page 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 page 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 **both** as an electronic PDF copy and as a Word document. The electronic copy and Word document of the entire brief must be sent via email attachment to

emorymootcourt@gmail.com. The electronic copy and Word document must **arrive** by **5:00 p.m. EDT on Monday, September 21, 2020**. 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 2020 Brief Submission."

Any team whose electronic copy and Word document 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 **Wednesday, September 23, 2020**. 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 ten (10) 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. The top-ten briefs and the best brief will not be disclosed until awards are revealed.**

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, including from a second team from the same school, 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. Exceptions may be made by the CRAL Co-Directors, at their discretion, in the case of a COVID-19 related team member substitution.

There will be a total of six (6) rounds of oral arguments. There will be two (2) preliminary rounds: one on-brief, one off-brief. 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 2, 2020 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 power seeded based on win/loss record and total points accrued (*i.e.* in Octo-finals the team ranked 1st will go against the team ranked 16th). However, after the first two (2) preliminary 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 the Appellant and once for the Appellee during Round 1.

Teams will receive scores in their first two (2) preliminary rounds and in the Octo-final Round. These scores will determine which teams advance from the preliminary rounds into the

Octo-final Round, and from the Octo-final Round to the Quarter-final Round. Beginning in the Quarter-final Round, teams will **not receive a score**. Judges will determine, without looking at brief scores, which team should move on. The winning team will move on to the next round in the competition, while the losing team will not.

2. Format

2.1 **Order:** In each round, every team will argue both issues in the problem. The Appellant for Issue 1 will argue first, followed by the Appellant for Issue 2. The Appellee for Issue 1 will argue next, followed by the Appellee for Issue 2. The Appellant 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 teams discretion 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 Appellant 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:** The Appellants will be given one (1) period of rebuttal per round. The rebuttal will be given at the end of the Appellee's arguments. Therefore, all four competitors will argue their issue and then the Appellant 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 scored Oral Argument Round from the Tab Calculators.

Each team member will be given a score out of 100 by the judges for each scored round of competition (the scored rounds are the two (2) preliminary rounds and the Octo-final Round). 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**. A team member must argue in at least two of the first three rounds to be eligible to win Best Oralist. 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 50% and the brief score will count for 50% to account for potential lags due to remote arguments.

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 $(92*0.5)+(90*0.5) = 91$. **The ranking of the top ten briefs does not count into this score.**

In the Octo-final Round, a team's combined oral argument score will count for 70% and its brief score will count for 30%. Following the Octo-final Round and beginning with the Quarter-final Round, judges are not bound to a score sheet but will determine amongst themselves which team had the best oral argument skills. Teams will advance based on who the judges deem as having won the round.

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. Judges are *not* permitted to deduct points for technological disruptions, and will be instructed as such.

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 and 2) will face a team from the same school, nor will they face the same team twice.

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 the Appellant or the Appellee.

The Octo-final winners will advance to the Quarter-final Round; the Quarter-final winners will advance to the Semi-final rounds; the Semi-final 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 the Appellant or the Appellee.

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. Due to a desire to keep technological disturbances to a minimum, a competitor or coach may not observe any other team's rounds even after that competitor's or coach's team has been eliminated from the competition. The only round available for observation will be the Final Round, which will be hosted virtually as a webinar to reduce technological concerns.

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 or coach is observing a round, that person may not display or in any way disclose the school name of any team in the competition. Teams should be mindful of backgrounds and other identifying features if competing at their home law school.

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, contact the Co-Directors either through e-mail to emorymootcourt@gmail.com or by entering the Competitor's Zoom Lobby where the Co-Directors are stationed, and request the scores by verifying the individualized team code given to teams prior to the competition. If done in the Competitor's Zoom Lobby, a Co-Director will create a private breakout room for teams to present their individualized team code. The scoresheets will then be emailed to an address provided by the verified requester. Judges names will be redacted from scoresheets.

Complaints may be made to any Emory Moot Court Society Volunteer present in the Competitor's Zoom Lobby. 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 is a factor in determining which teams move on to the Octo-final Round. In the Octo-final Round, 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. In the Quarter-final Round and on, failure to start a round timely on the basis of attempting to lodge a complaint may result in that team receiving an automatic loss.

If a 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:

- Top 10 Briefs (Team Award);
- Best Brief (Team Award);
- Top 10 Oralists;
- Best Oralist; and
- First Place Team.

All awards besides First Place Team will be given following the Quarter-final Round on October 17, 2020, along with the announcement of Semi-finalists. The First Place Team will be announced following the final round, and all teams are encouraged to attend the final round virtually.

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.

G. Technology

We understand there may be concerns about a virtual competition. We would like to emphasize that Emory Moot Court Society has been working closely with Moot Court Advocacy Programs across the country to make this as seamless a transition as possible.

1. Training Competitors and Practice Rounds

Understanding that CRAL may be the first virtual competition many teams have attended, Emory will be hosting a practice round on **Thursday October 15, 2020**. Teams will be paired randomly. However, no team will go against the same team in the practice round as in either of the preliminary rounds. The practice round will be unscored and will be benched by Emory Moot Court Society volunteers trained on the problem, and able to ask questions. The practice rounds will not be recorded. The purpose of the practice round is for teams to gain comfort with the Zoom system, and work out any technology related issues before the competition begins.

Competitors will also receive a video instructing them on how to use Zoom. Teams may email emorymootcourt@gmail.com with technological questions at any time prior to the competition. If teams have questions regarding technology after the Practice Round, they may enter the Competitor's Lobby to ask the Co-Directors before the competition starts the following day.

2. Scoring

As stated above, preliminary round scores will be calculated by 50% brief score and 50% oral argument score. This will act as a padding for the initial rounds where technological difficulties or confusion are most likely. The Octo-final Round score will be 30% brief score and 70% oral argument score.

3. Communications

Communications will be sent to each team through email. This information will include information such as the competition schedule, Zoom links and passwords, and requested score sheets. Communications will only be sent to emails provided by the teams before the competition. The Co-Directors will not respond to emails which have not been pre-registered before the competition in order to avoid fraudulent communication.

Additionally, each day there will be a Competitor's Zoom Lobby where the Co-Directors will be located virtually for teams to come at any time to ask questions or raise concerns. If teams have a private question, the Co-Directors will create a private breakout room for the team to speak to the Co-Directors privately.

4. Presentation and Round Attendees

Competitors should, to the extent possible, compete from a quiet place with limited distractions and where the background is clear and organized. Competitors are expected to present in professional attire. If possible, teams are encouraged to compete from their law school on a single Zoom account rather than each competitor or coach logging on to the Zoom meeting. However, Competitors will not be penalized for competing at their homes. Competitors may sit or stand during rounds. Competitors are encouraged to wear headphones with a built-in microphone in order to reduce background noises.

Attendance at each round will be limited to 3-4 Zoom logins per team. If a team has two (2) competitors, the team is limited to three (3) total Zoom accounts in the round to account for the competitors and one (1) coach. If a team has three (3) competitors, the team is limited to four (4) total Zoom accounts in the round to account for the competitors and one (1) coach. If the team is competing from their law school on one account, there may be additional coaches in the room.

5. Honor Code

Teams will be required to certify at the beginning of each round that there will be no cheating. Cheating includes, but is not limited to: (i) reading off of any notes that are not printed and in-front of the competitor (*i.e.* competitors may not read from a computer or tape notes to the wall), (ii) any person not competing communicating in any way with competitors during the round, and (iii) feigning technological difficulties to gain time. Teammates who are both competing in the round may communicate with each other through text, handwritten notes, or any other non-distracting method while the other team argues. Teammates may not communicate with each other in any way while either of the teammates is arguing.

6. Technological Difficulties

6.1 Competitors: Competitors will connect to the Zoom room for both video and audio. Competitors will not call in on a phone unless audio problems occur over Zoom. Each competitor must keep their video on for the duration of the round. However, each competitor not arguing must keep their audio on mute. In the event that a period of 10 or

more seconds of audio problems occurs, the bailiff will stop the clock and allow the competitor to attempt refreshing Zoom to fix the audio. Similarly, in the case that the video fails or freezes, the bailiff will stop the time so the competitor may attempt to refresh or reconnect their Zoom to fix the video. Once the bailiff has paused the time, the competitor will have up to **15 minutes** (with the bailiff timing) to get their video or audio up and running again.

Each team may have **two (2)** technical difficulty “pauses”, but will only receive the **one 15-minute cure period**. If the internet connection goes out a second time, teams receive what is left-over of the previous 15-minute period to cure (*i.e.* a single pool of time). If the connection fails a third time, or if the team is unable to cure within 15 minutes, then **the team must continue the oral argument over the phone**. For this reason, **competitors should write down the phone number for the room before the round starts**. Judges will be instructed not to reduce points for technology failures. Competitors will receive training on how to operate Zoom prior to the start of the competition.

- 6.2 Judges:** Judges, like competitors, will receive training on Zoom before the competition. There will be a minimum of three (3) judges per round. The judges, like the competitors, will connect to the Zoom room with their computer for both audio and video. If a judge’s internet connection falters, **the round will not be stopped**. The judge will be instructed to attempt to fix, and if the judge cannot do so quickly, the judge will call in. The judge will continue listening and asking questions over the phone used to call in for audio.
- 6.3 Bailiffs:** Bailiffs will visually indicate to competitors their remaining time. If the bailiff’s internet connection falters, a second bailiff will turn on their video and continue providing the time indicators.

If the Zoom room itself crashes, the bailiff will immediately stop the timer. **The competitors will immediately return to the Competitor’s Zoom Lobby**. If the host is able to repair the connection within 15 minutes, the host will do so. After the room is reinstated, the host will inform the Co-Directors to send the competitors back to the original Zoom link (the judges will likewise be informed in their Zoom Lobby). If the host is unable to repair the connection within 15 minutes, then one of the bailiffs assigned to that room will set up a new Zoom room and will act as the host for the remainder of the round. The Co-Directors will instruct the competitors and judges to join the new link hosted by the bailiff. The competitor who was disrupted by the crash will gain an additional 30 seconds to ramp their argument back up in either situation.

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