



EMORY
LAW

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15th Annual

EMORY CIVIL RIGHTS & LIBERTIES MOOT COURT COMPETITION

Fall 2021 Competition Rules

INTRODUCTION

Welcome to the 2021 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 12, 2021 at 11:59 P.M.**

A. Teams

1. Registration Timeline

There will be no early or late registration this year. The **deadline for registration** is **August 8, 2021**, at 11:59 P.M. EDT. Each school may register up to two teams. The registration fee is \$425 for the first team, and \$400 for the second. 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. Roster

A team consists of two or three students 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 8, 2021.**

3. Registration of Two Teams

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 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 the Petitioner's Brief and one team will submit the Respondent's Brief.

For purposes of CRAL, these two teams will be treated as separate and individual teams and will be scored as such.

4. Substitution of Team Members

After the submission of the brief, team members may be substituted only after receiving written permission from the CRAL Co-Directors. Email emorymootcourt@gmail.com with any substitution request.

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, a team is assigned the party it will represent when writing 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 the Petitioner and which team briefs for the Respondent.

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. The Cover Page, Table of Contents, Table of Authorities, and Appendices may be single spaced. All other portions of the brief, including indented quotations and questions presented, must be double-spaced.

Briefs must be written in Times New Roman 12-point typeface. Footnotes should be 10-point. Briefs must have one 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 16, 2021**. 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 points. Additionally, two 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 20, 2021**. 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 2021 Brief Submission."

Any team whose electronic copy and Word document is received after the deadline shall be assessed a late submission penalty of five points for every day the brief is late. 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 22, 2021** on the CRAL website. Once the briefs are submitted, they are final and no revisions to the briefs are permitted.

5. Scoring

Each brief will be scored by at least five Moot Court Society members, under the supervision of two Emory Law School faculty. A team's brief score is the average of its individual brief scores, after the highest and lowest scores are discarded. A team's maximum possible brief score is 100 points.

To determine the "Best Brief" for the competition, the ten highest scored briefs will be scored by five Emory Law School Professors and practitioners in the relevant field of law. These

individuals will determine the winner of the best brief award. The team brief score – not the panel’s score or ranking – is used in the equation determining a team’s round score. Brief scores will be sent to teams prior to the first round 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 only after 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.

D. Competition and Oral Arguments

1. General Round Information

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

There will be six rounds of oral arguments. There will be two preliminary rounds: one on-brief, one off-brief. This will be followed by the Elimination Rounds: the Octo-final, Quarter-final, the Semi-final, and Final Rounds.

The first two preliminary round pairings will be announced on **Friday, October 8, 2021** by **11:59PM EDT**.

If 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 Petitioner and once for the Respondent during Round 1.

2. Format

2.1 Order: In each round, every team will argue both issues in the problem. Advocates will argue in this order: Petitioner for Issue 1, Petitioner for Issue 2, Respondent for Issue 1, Respondent for Issue 2. The Petitioner may then use any reserved time for rebuttal.

2.2 Time Limits: Each team will be given a total of **twenty-five 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 minutes or more than sixteen 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. The clock does not stop when judges pose questions or while advocates are answering them.

2.3 Rebuttal: The Petitioners will be given one period of 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 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 will be made available upon request to a team representative at the conclusion of each scored Oral Argument Round from the Tab Calculators. The scored arguments are the two preliminary rounds and the Octo-final round.

Each team member will be given a score out of 100 by the judges in the two preliminary rounds and the Octo-final Round. The Best Oralist will be determined by the highest average individual score from the **first three rounds**. A team member must argue in at least two of the first three rounds to be eligible to win Best Oralist (and bye rounds will not count toward individual awards eligibility). Each and every score earned by an individual team member is figured into the average for the Best Oralist calculation, whether that person argued in two rounds or three.

Team Oral Score for each round is the average of the individual oral score of each team member. For example, in Round 1, if Team Member A gets a 90 and Team Member B gets a 94, the team Oral Score for the round will be a 92.

The winner of each Preliminary Round will be determined by a combination of the team's total team brief scores and Oral Score from that round. The Oral Score will count for 60% and the brief score will count for 40%. For example, if Team Q has a total team brief score of 90 and an Oral Score of 80 in Round 1, then its score for Round 1 would be 84 ($90*0.4 + 80*0.6$).

In the Octo-final Round, a team's Oral Score in that round will count for 70% and a team's brief score will count for 30% in determining which team advances from each bracket. For example, if Team B has a total team brief score of 90 and an Oral Score of 80 (with Team Member A getting an 82 and Team Member B getting a 78), then its score for the Octo-final Round would be 83 ($90*0.3 + 80*0.7$).

Beginning with the Quarter-final Round and continuing through the remainder of the competition, winners advancing from each bracket will be determined by win-loss in that oral

argument, as decided and announced by the consensus of the judges of that round. Although judges will not complete score sheets in the Quarter-final and subsequent rounds, they will be instructed to guide themselves by the scoring criteria of this competition.

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 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 challenge its score, please email the CRAL Co-Directors at emorymootcourt@gmail.com within fifteen minutes of the conclusion of the rounds or the release of scores, whichever comes later. Emails will be monitored until 11:59 PM EST.

4. Opponent Determination

During Preliminary Rounds (Rounds 1 and 2), each team will face two different schools and, where possible, will represent each side of the case exactly once.

After Preliminary Rounds, the schools will be ranked based on win-loss record. Ties will be broken first by average Oral Scores from the Preliminary Rounds, and then by brief score. The top sixteen teams advance to the Octo-final Round, which employs a seeded bracket where teams advance to the next round by winning head-to-head matchups. The four Elimination Rounds are the Octo-Finals (16 teams), Quarter-finals (8 teams), Semi-finals (4 teams), and Final Round (2 teams).

Per the criteria ranking described above, seeds in the Octo-Finals will be based on rankings from Preliminary Rounds. In the Octo-finals, the 1 seed will play the 16 seed, 2 will play 15, and so on. The same seedings and bracket will be used throughout the Elimination Rounds, with no re-seeding after the Octo-finals Round. Thus, the winner of 1 v. 16 faces the winner of 8 v. 9 in the Quarter-finals, and so on.

In each Elimination Round, teams are randomly assigned to argue for the Petitioner or the 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.

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. 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 by e-mail to emorymootcourt@gmail.com and request the scores by verifying the individualized team code given to teams prior to the competition. The scoresheets will then be emailed to an address provided by the team's primary contact. Judges' names will be redacted from scoresheets.

Complaints may be made to any Emory tournament volunteer 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 is raised that a judge's comments evidence inappropriate bias, and if that complaint is substantiated, that judge's scores for that round will be dropped for all teams. The dropped score will be replaced by an average of the two remaining judge's scores. 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. Communication

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 email addresses provided by the teams before the competition. The Co-Directors will not respond to emails that have not been pre-registered before the competition 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.

2. 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.

Each round, only the team members and one coach may log in to the Zoom meeting.

3. Honor Code

Teams must 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. If 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** 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 will receive training on Zoom before the competition. There will be a minimum of three judges per round. The judges 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!