

**Emory University School of Law and Emory**

**Moot Court Society**

present the



**Seventeenth Annual Civil Rights and  
Liberties Moot Court Competition**

## INTRODUCTION

Welcome to the 2023 Civil Rights and Liberties Competition at Emory University School of Law! The Civil Rights and Liberties Competition (CRAL) will take place in person at Emory Law in Atlanta, Georgia. CRAL celebrates the Emory Moot Court Society's dedication to academic excellence as well as civil rights and social justice. Emory Law and Emory Moot Court Society hope this competition inspires everyone involved with the competition to reflect upon the role civil rights and civil liberties serve in our society. We must use our positions as advocates to further champion an equitable 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 email of such a change.

A team may make a request for clarification or interpretation of these Rules by email. Any such request must be emailed by a team member or student coach to [emorymootcourt@gmail.com](mailto:emorymootcourt@gmail.com) with the subject line "Rule Clarification for [Rule XX]" by Sunday, September 10, 2023 at 11:59 p.m. All times listed in these Rules are Eastern Standard Time. All clarifications and interpretations will be posted on the CRAL website at <http://www.law.emory.edu/cral>.

Please thoroughly review these Rules in preparation for competition. We look forward to reading your briefs and hearing your arguments, which we know will be compelling! Good luck as you prepare.

*Lexie Cohen and Nora Maloney, CRAL Co-Directors*

## **A. TEAMS**

### **1. Registration Timeline**

The deadline for competition registration is August 15, at 11:59 p.m. The link for registration is posted on the CRAL website. Schools may register one team; team registration will be capped at the first twenty-eight schools to register. There will be a second team waitlist; if we do not fill the competition by August 3, 2023, we will begin admitting second teams off this waitlist. Team registration is complete once the Co-Directors have received a team's 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 by September 8, 2023 at 11:59 p.m. *via* the electronic form provided by the CRAL Co-Directors.

### **3. Alternates**

Teams may submit the names of up to two alternates on the same electronic form due September 8 mentioned in Item A.2 above. If a team member listed on the team roster cannot compete due to illness, travel cancellations, or other serious emergency, the team's advisor may request that a designated alternate be allowed to serve as a replacement. The CRAL Co-Directors will respond to this request as soon as reasonably possible. If no alternates are identified on the above-mentioned form, substitutions will not be allowed except in extraordinary circumstances and at the discretion of the CRAL Co-Directors.

### **4. Ghost Teams**

If an entire team is unable to compete due to illness or travel emergencies, their assigned opponent may argue against a "ghost team" comprised of volunteer Emory Moot Court Society members. Judges will not be informed of the presence of any ghost teams and will score them regularly. Competition representatives will discard any ghost team scores after argument. Depending on circumstances, it may be necessary for a team to argue without an opponent. If this occurs, judges will be instructed to score the arguing team equitably, without regard to a lack of that team's opponent.

During the octo-finals and subsequent elimination rounds, if a team drops out or is disqualified from the competition, a ghost team will not be used. Brackets will remain the same. In that circumstance, the remaining team in the bracket will argue, but not against an opponent. Judges will be instructed to score the remaining team equitably, without regard to that team's lack of opponent.

## **5. Registration of Two Teams**

If a second team is admitted off the waitlist, the two teams from the same school may not confer with one another in any aspect of writing their briefs. The two teams may not share research, arguments, or any other knowledge pertaining to their briefs. They may not review or in any way share any written materials, strategy, or other information about the brief or the problem prior to submitting their respective briefs.

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. These two teams will be treated as separate and individual teams and will be scored accordingly.

If both teams from the same law school advance past the preliminary rounds, they will be placed on opposite sides of the competition bracket so that each law school has a fairer chance of advancing in the competition.

## **6. Assigned Sides for Briefing and Arguing**

When the competition problem is released, the CRAL Co-Directors will assign each team to act as counsel for either the Petitioner or Respondent; each team will receive its assigned side *via* email. If space permits a team to register after the problem is released, the team will receive its party assignment within a reasonable time after its registration is completed and paid.

Each team will be assigned a team letter. The purpose of the letter is to anonymize law school affiliation, so it is important that each team uses its team letter throughout the competition and the brief writing process. At no time before or during the competition should a team make its law school known to fellow competitors or judges.

### **B. BRIEFS**

Briefs are to be submitted electronically and formatted for 8 ½" by 11" white paper. The team letter, as provided by the Co-Directors, must be in the top-right corner of each page of the brief. Briefs should be typed; text should be justified. Footnotes and argument headings must be single-spaced. The cover page, table of contents, table of authorities, and appendices must also be single-spaced. All other portions of the brief must be double

spaced.

Briefs must be written in Times New Roman 14-point typeface, and footnotes should be 12-point. Briefs must have one-inch margins on all sides. All citations must be in Bluebook form. Briefs must not contain any information identifying competitors' law schools.

## **1. Brief Sections**

A brief must contain the following items 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 to recite the text of statutes, provisions, or regulations but are not mandatory.

## **2. Page Limit and Page Numeration**

The brief may not exceed thirty pages. This page count includes the statement of the issues and all subsequent sections up to and including the conclusion. The cover page, table of contents, table of authorities, and any appendices will not count toward the page limit. Exceeding the page limit shall result in a deduction of two points from the brief score.

Begin numbering pages using Arabic numerals with the statement of the issues. All sections preceding the statement of the issues should be numbered using lowercase 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 and evaluation of only the members of the team named on its roster. These team members do not include any named alternates. All coaches, competitors, and alternates must sign and date the certification form found on the last page of these Rules. This certification form must be scanned and emailed to the competition administrators.

## **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 as well as the

certification form must be sent together *via* email to [emorymootcourt@gmail.com](mailto:emorymootcourt@gmail.com). These items must arrive by **5:00 p.m. on Friday, September 15, 2023**. The email's subject line must include the team letter of the team submitting the brief. The email's subject line must read as follows: "**Team [Team Letter] CRAL 2023 Brief Submission.**" Once briefs are submitted, they are final; no revisions to briefs will be permitted.

Any team whose electronic copy and Word document are received after the deadline shall be assessed a late submission penalty of five points for every day the brief is late. A "day" will be assessed as a twenty-four-hour period, inclusive of weekends and holidays. This penalty will be deducted from the overall score of the brief. A team that does not submit a certification form will be disqualified from any consideration for competition awards.

The CRAL Co-Directors will publish electronic copies of each team's brief on the CRAL website no later than Friday, September 22, 2023. After brief publication, teams may view, download, and print other teams' briefs. If a school has two teams, they shall not share their briefs internally before September 22.

## **5. Scoring**

Each brief will be scored by at least five Emory Moot Court Society members under the supervision of two Emory Law School faculty members. 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 ranked by a panel of five Emory Law School professors and practitioners who teach and practice in various kinds of related public interest law. These individuals will determine the winner of the "Best Brief" award. These rankings are generated solely for the purposes of the Best Brief Award; any differences in these rankings and the brief scores used in all other portions of the competition shall not be subject to a complaint or appeal. The team brief score—not the panel's ranking—is used in the equation determining a team's scores for each round and advancement throughout the competition. 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 an individual team's 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 the awards ceremony.

## **C. PROHIBITIONS**

Team members may not receive any outside assistance in researching, writing, or editing the brief. Coach, faculty, or practitioner assistance in preparing the brief in any way is strictly prohibited. Designated alternate assistance is also strictly prohibited. Designated alternates for a team may confer only with each

other. If a school has two teams, designated alternates from each respective team may not confer with each other until after each team from that school has submitted its brief.

Teammates may receive assistance from others, may receive outside assistance from others, including but not limited to alternates, with oral argument preparation beginning on September 22, 2023. Before September 22, teammates may only confer with each other regarding oral argument. Violations of this rule will result in deductions and potentially exclusion from the competition; the CRAL Co-Directors have discretion in making any determinations of disqualification.

## **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. Teams may decide how to allocate arguing time between their two arguing members in any given round.

There will be seven rounds of oral arguments. There will be three preliminary rounds: one on-brief, one off-brief, and one coin-flip round. For the coin-flip round, teams should be prepared to argue either on- or off-brief with little advance notice for which side they will argue. Then, the competition will proceed to the elimination rounds: the octo-final, quarterfinal, semifinal, and final rounds.

### **2. Format**

#### ***2.1 Order***

In each round for which it qualifies, every team will argue all issues for its assigned client. Advocates will speak in this order: Petitioner's full argument, Respondent's full argument, and Petitioner's rebuttal (if desired and requested).

#### ***2.2 Time Limits***

Each team will be given a total of twenty-five minutes of oral argument time during each round. Teams may choose how to allocate their twenty-five minutes. However, no team member may argue for fewer 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. Bailiffs will be present in each round and will inform competitors of their remaining time at the following intervals: ten minutes remaining, five minutes remaining, and one minute remaining.

### **2.3 Rebuttal**

Petitioners will be given one period of rebuttal per round and must request their rebuttal time during announcements before the round begins. Rebuttal is not required. Petitioners may not request “the remainder of the team’s time” in asking for a rebuttal period; they must indicate a specific number of minutes during which they wish to rebut the Respondent’s argument. The Petitioner may rebut as many issues as they choose, but only one team member may give the rebuttal. Judges have the discretion to refuse to allow a rebuttal if it is not requested.

### **3. Scoring**

Judges will give each team member a score out of 100 in the three preliminary rounds and the octo-final round. The recipient of the “Best Oralist” award 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. Every score an individual team member earns is figured into the average for the Best Oralist calculation, regardless whether that person argues in two rounds or three.

The team argument score for each round is the average of the individual argument 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 argument 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 argument score from that round. The argument 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 argument score of 80 in the first round, then its score for that round would be 84 ( $90 * 0.4 + 80 * 0.6$ ).

In the octo-final round, a team’s argument 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 argument 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 quarterfinal round and continuing through the remainder of the competition, winners advancing from each bracket will be determined by a win-loss determination as decided and announced by the consensus of the judges of that round. Although judges will not complete score sheets in the quarterfinal and subsequent rounds, they will be instructed to guide themselves by the same scoring criteria used for earlier rounds.

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. In the event that teams are tied in a round and also tied in their brief scores, the team with the higher average oral



argument score from all preliminary rounds will be determined to be the winner of the round

#### **4. Opponent Determination**

During the preliminary rounds, each team will face three different schools. After the preliminary rounds, schools will be ranked by winning records. For purposes of rankings, ties will be broken first by average argument scores from the preliminary rounds and then by brief scores. The top sixteen teams advance to the octo-final round, which employs a seeded bracket; teams advance to the next round by winning head-to

head matchups. The four elimination rounds are the octo-finals (sixteen teams), quarterfinals (eight teams), semifinals (four teams), and the final round (two teams).

Placement in the octo-finals will be based on rankings from the preliminary rounds. In the octo-finals, the number-one team will argue against the number-sixteen team, the second-highest ranked team will argue against the team ranked fifteenth, and so on. The CRAL Co-Directors may modify the bracket if absolutely necessary to avoid any conflict that may arise.

In each elimination round, teams are randomly assigned to argue for the Petitioner or the Respondent. Teams will learn which side they will argue as close as possible to dissemination of advancement results.

#### **5. Observation, Coaching, and Disclosing School Affiliation**

Scouting is not permitted. While a team is competing, competitors and coaches of that team may not observe any round in which that team is not arguing. If a competitor is not arguing during a round, that competitor may only observe the round if their teammates are arguing in that round. If observing oral argument, alternates may only attend rounds in which their teams are arguing. The only round available for general observation will be the final round, which will be open for in-person attendance and will also be hosted virtually as a webinar to allow for maximum accessibility.

During competition, competitors must not indicate the name of their law school. If a teammate, alternate, 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.

#### **6. Requesting Scores and Making Complaints**

Following each round that is scored explicitly by rubric, teams may request their oral argument scoresheets for that round or any earlier round. A team must wait thirty minutes after the conclusion of its round, contact the Co-Directors at [emorymootcourt@gmail.com](mailto:emorymootcourt@gmail.com), and request its scores by verifying the individualized

team code given to teams prior to the competition. That team's scoresheets will then be emailed to an address provided by the team's primary contact. Judges' names will be redacted from scoresheets.

If a team wishes to make a complaint about any aspect of the competition, it may do so by sending the Co-Directors an email at [emorymootcourt@gmail.com](mailto:emorymootcourt@gmail.com). Complaint emails should be sent with a subject line of "Complaint Filed by Team [Team Letter]."

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 because of a complaint. During the preliminary rounds, failure to start a round timely based on making a complaint will result in the opposing team automatically winning but will not impact oral argument score. Teams should be aware that the win-loss record is a factor in determining which teams move on to the octo-final round.

In the octo-final round, judges will deduct five points from oral argument scores for failure to start on time because of the complaint process. In the quarterfinal round and on, failure to start a round timely because of a complaint may result in the team submitting a complaint automatically losing. The CRAL Co-Directors will make any such determinations as necessary in consultation with the round's judges. Please note that judges are permitted to deduct points for tardiness and disrespectful behavior.

If a complaint is raised that a judge's comments evidence inappropriate bias and 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 more than twice. However, that a team has already argued in front of a given judge is not a valid basis for complaint. Extensive efforts are made to provide three practicing attorneys as judges to score each round. If needed and at the discretion of the Co-Directors, 3L students may sit in as judges in the event of volunteer cancellations, repeat-judge conflicts, or other unavoidable circumstances.

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

### **E. AWARDS**

Awards will be given for the following categories:

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

All teams are encouraged to attend the final round, after which awards will be announced in person and streamed. The final round and awards ceremony will be made available *via* webinar.

### **F. COMPETITION SCHEDULE**

The competition schedule will be emailed to teams two weeks before the competition; it will also be published on the CRAL website. The Co-Directors may make changes to the schedule before and during the competition. Competitors will be notified of any changes to the schedule *via* email as soon as possible after changes are determined necessary. By October 6, 2023 at 5 p.m., competitors will receive detailed instructions regarding each preliminary round in which they will argue, including times, argument locations, and directions. For subsequent rounds, competitors will receive information as soon as possible after advancement determinations are made.

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

**CERTIFICATION FORM**

All competitors, coaches, and alternates must sign and date this certification form. It must be scanned and emailed as a separate attachment in the same email used to submit briefs. Robust competition requires fairness; competitors and coaches are expected to abide by all competition Rules. Failure to submit this certification form to the CRAL Co-Directors will result in disqualification for any CRAL competition awards.

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Competitor 1 Name

\_\_\_\_\_  
Alternate 1 Name

\_\_\_\_\_  
Competitor 1 Signature

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Alternate 1 Signature

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Date

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Date

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Competitor 2 Name

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Alternate 2 Name

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