

NATIONAL ONLINE MOOT COURT COMPETITION

... the All-Star Bracket Challenge

2021 Rules

General

- 1.001 The National Online Moot Court Competition is an inter-law school event designed to promote the art of appellate advocacy. It is sponsored by Baylor Law School, Chapman University School of Law, Michigan State University College of Law, St. Mary's University School of Law, Stetson University College of Law, South Texas College of Law Houston, University of California - Hastings College of the Law, and the University of Georgia School of Law. The sponsoring law schools will select representatives to administer the Competition ("the Committee").
- 1.002 These Rules govern the Competition. The Committee may impose any penalty deemed reasonable and appropriate for failure to comply with these Rules. The Committee may amend these Rules with notice to the teams. The Committee's interpretations of the Rules are final, and its decisions are binding. All Rule interpretation requests should be sent to rgalloway@stcl.edu.
- 1.003 The Committee holds copyrights to all Competition materials. Express written permission is required to use them for any purpose other than participation in this Competition. Competitors grant the Committee nonexclusive worldwide rights to reproduce and distribute any materials submitted or recorded throughout the Competition.

Registration

- 2.001 The Competition is limited to 80 teams. Law schools may register one team before the registration deadline of August 15, 2020. When registering, law schools may indicate their desire to enter a second team. On August 16, 2020, those second teams will be entered until 80 teams have been registered. After the registration deadline, teams may register for the competition only to the extent space is available.
- 2.002 Teams must pay the registration fee of \$600 by September 1. Any team that has not paid or made specific arrangements with the Committee to pay at later date will be withdrawn and a team from the waiting list will replace the withdrawn team.
- 2.003 As part of the registration for the Competition, teams shall provide the names of one brief judge and eight oral argument judges. Teams must identify their recruited judges by October 15, 2020. Teams will be subject to penalties if the judges provided do not participate in the brief judging or oral argument judging.

Teams

- 3.001 A team will consist of two or three law students enrolled in the same ABA-accredited law school. Only J.D. degree candidates may compete.
- 3.002 Visiting students may represent either their home school or the school they are visiting, but not both.

3.003 Teams shall identify team members as part of the brief submission process. After the brief submission and before the preliminary rounds, team members may not be substituted, except for good cause. After the preliminary rounds begin, no substitutions are permitted.

Briefs

4.001 Each team must submit an electronic brief. A team may write its brief on behalf of the petitioner or respondent. 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.

4.002 The brief format generally follows that used by the United States Supreme Court unless otherwise directed by these Rules. Briefs shall not include a formal statement of jurisdiction or appendices. Briefs must include a certification of word count at the end of the brief.

4.003 Briefs must use citations as prescribed by the current edition of *The Bluebook: A Uniform System of Citation*.

4.004 The electronic brief must be a PDF-file and be formatted to fit an 8 ½" x 11" paper size. Briefs shall use Century family (e.g., Century, Century Schoolbook, etc.) 12-point type with at least one-inch margins on all sides. Except for the table of contents, questions presented, table of authorities, footnotes, block quotations, argument headings, the entire content of the brief must be double-spaced.

4.005 A brief shall not exceed 12,000 words. The word limit does not apply to the table of contents, the table of authorities, questions presented. The team may rely on the word count of the word processing system used to prepare the brief.

- 4.006 No information identifying the team or its law school, other than its numeric designation supplied by the Committee, may be included on the cover, anywhere inside the brief, or in the brief's properties or metadata.
- 4.007 Electronic briefs will be posted on the competition website to allow all participating teams access. The briefs will be posted about 10 days after the deadline for submission.
- 4.008 The electronic brief must be submitted by 11:59 p.m. (Central time) on Monday, November 2, 2020.
- 4.009 The electronic brief must be uploaded as a PDF-file. The brief file name must start with the word "team" followed by the team number. All letters must be lower case, and there should be no space between the word "team" and the team number (e.g., team401). The size of the uploaded brief file can be no larger than 2 MB. The uploaded brief file must contain only an electronic copy of the submitted brief. The brief must be a single document, as a PDF-file. The document must contain no appendices, any portion of the appellate record (other than a portion in the brief's text), hypertext links to other material, or any document other than the brief itself. The uploaded brief file must be free of viruses.
- 4.010 Each brief will be anonymously scored by graders provided by participating teams. Each participating team must select one full-time faculty member or instructor, adjunct faculty member or instructor, or licensed attorney with at least five years' practice and/or judicial clerkship experience, to serve as a brief grader. Brief graders are expected to score the preliminary rounds fairly and professionally. The brief grader may not moot teams or discuss the problem with team members or advisors. Each brief grader should expect

to score five briefs. A school that sends two teams must designate one brief grader per team or certify that the brief grader will score five briefs for each team registered. Because the team will be subject to penalties for the brief graders not participating, it is imperative that trustworthy volunteers are selected.

- 4.011 The top 16 briefs will be re-scored by a panel of eight brief judges to identify the brief rankings among the top 16 briefs, however, this second phase of brief judging will be used only to identify the five best briefs awards.

Oral Argument

- 5.001 Two advocates—no more or fewer—must represent each team during every argument. If two team members are not available for a round, the team will forfeit. Teams have the discretion to determine which team members will participate in each round. Any team member (not arguing in a particular round) is still considered a team member for purposes of these Rules.
- 5.002 Oral argument is limited to 30 minutes per team. Although a team may divide its 30 minutes as it chooses, no team may allocate more than 17 minutes to one advocate, including rebuttal.
- 5.003 The petitioner may reserve up to a maximum of 5 minutes for rebuttal. Only one advocate may argue rebuttal. The petitioner need not identify which team member will rebut before the round.
- 5.004 The judges may extend any speaker's time.

- 5.005 Each advocate is expected to compete in full courtroom attire.
- 5.006 Advocates must ensure that no distractions arise during the round, including making sure all other electronic devices in their possession are muted.
- 5.007 The two advocates participating in a round may choose to be physically in the same location, using the same computer. The two advocates participating in a round may choose to be in different locations, using separate computers. No others, including advisors or non-arguing team members, may be physically in the same room with advocates during the round.
- 5.008 Advocates arguing together during a round but not physically in the same room may communicate by electronic private devices. Advocates otherwise may not communicate with advisors, the non-arguing team member, or anyone else other than judges and the Clerk of Court during a round.
- 5.009 During the argument, the group “chat” function in Zoom will be utilized by the Clerk of Court only, to notify advocates of remaining time.
- 5.010 In addition to posting time updates on “chat,” the Clerk of Court will provide a visual notice of time either by timecards or a running clock displayed on screen.
- 5.011 Advocates will connect to the round by the internet. Each advocate must be prepared to connect by the call-in function as a backup if an internet service occurs disruption. An advocate must not be connected by more than one device at a time.
- 5.012 An advocate who experiences a distracting pause while

arguing may request that the Chief Justice pause the round so the technical problem can be addressed. The Chief Justice shall, in consultation with the Clerk of Court, may pause the round and have the advocate call in, or allow the round to continue.

- 5.013 For each argument, advocates will be provided a cell number to call to contact the Clerk of Court if disconnection occurs. If an advocate arguing is disconnected, time will be paused. If the advocate cannot reconnect to the internet within two minutes, the advocate must connect by phone and finish the argument by audio only. Time will resume when the advocate reconnects and resumes the argument. If an advocate not arguing is disconnected, the argument will proceed, and the advocate must reconnect as soon as possible.
- 5.014 Virtual backgrounds may not be used during the argument. Advocates should ensure that the room in which they are arguing looks professional and includes nothing that could identify the competitor's school.
- 5.015 Advocates shall keep their name on the Zoom window and introduce themselves to the Court by their name but may make no reference to their school.
- 5.016 Advisors and non-arguing team members may join the Zoom session for the arguments but must keep their cameras off and their microphones on mute. Advisors and non-arguing team members may not communicate with competing advocates during the arguments.
- 5.017 Advocates must check email for the Zoom link and join the session no later than 20 minutes before the round's start time so the Clerk of Court can confirm that everyone has proper connectivity. Once all advocates and judges have

joined the session and are properly connected, at the Chief Justice's discretion, the round may start if everyone is ready to proceed.

- 5.018 Scouting is prohibited. No team member still participating shall attend the argument of any other team or receive information from any person who has attended an argument of any other team. A bailiff not also a team member may serve as bailiff for both teams if the schedule permits, but may not merely attend the argument of a team for which he or she is not serving as bailiff.
- 5.019 A challenge to a round may be made only for rule violations or serious misconduct or unprofessional behavior by a judge (e.g. acknowledging knowing an advocate, falling asleep or not paying attention during a round, etc.) and must be made by a competitor or coach to the Clerk of Court within 10 minutes of the conclusion of the round. Any challenge submitted after 10 minutes of the conclusion of the round is waived.

Pairings and Advancement

- 6.001 Each team will argue four preliminary rounds.
- 6.002 The preliminary rounds will consist of 16 groupings of round-robin competitions with 5 teams arguing against one another in 4 rounds. In the preliminary rounds, each team will argue twice as Petitioner and twice as Respondent.
- 6.003 The top 32 advocacy programs will be seeded based on the three-year total (2017-18, 2018-19, and 2019-20) of the rankings for the Hunton Andrews Kurth Moot Court National Championship.

- 6.004 Preliminary round pairings will ensure that the top 16 seeds may not face one another in the preliminary rounds. The remaining seeds (17-32) will be assigned to their appropriate grouping—the 32nd seed will be assigned to the grouping with the 1st seed; the 31st seed will be assigned to the grouping with the 2nd seed; etc. The remaining, unseeded teams will be randomly assigned.
- 6.005 If a school has two teams competing in the Competition, that school's team with a higher brief score will receive the school's seed for purposes of pairings and the school's team with a lower brief score will be randomly assigned as an unranked team. The pairings will ensure that two teams from the same school may not face one another until the championship round.
- 6.006 The preliminary rounds will be scored by judges recruited by the participating teams. Each participating team must select eight full-time faculty members or instructors, adjunct faculty members or instructors, or licensed attorneys with at least three years' practice and/or judicial clerkship experience, to serve as judges for the preliminary round oral arguments. Judges are expected to score the preliminary rounds fairly and professionally. The judges may not moot teams or discuss the problem with team members or advisors after gaining access to the confidential judging materials. Each judge will hear one oral argument. A school that sends two teams must designate eight judges per team. Because the team will be subject to penalties for the judges not participating, it is imperative that trustworthy volunteers are selected.
- 6.007 In the preliminary rounds, each team's round score will be computed by weighing the oral argument two-thirds (66.67%) and the brief score one-third (33.33%). In these rounds, the winner will be team with the higher round score.

If a tie exists after the oral argument and brief scores are considered, the team winning the oral argument portion will be declared the winner of the round. In this situation, the margin of victory for the winning team will be zero, and the margin of loss for the losing team will be zero.

- 6.008 The highest ranked team of the five in each grouping after the preliminary rounds will advance to the Elimination Rounds based on the following criteria: (1) win/loss record, (2) highest cumulative margin of victory, and (3) brief score, except that if two teams are tied with the same win/loss record after the preliminary rounds, then, in that circumstance, the winner of the head-to-head round between the two tied teams will advance to the Elimination Rounds.
- 6.009 Judges may not tie the teams' overall oral-argument scores in the Elimination Rounds. Each judge must declare a winner on the ballot.
- 6.010 The octofinal round will be held on Wednesday, January 20, 2021. The teams paired in the octofinal round will argue against one another in two arguments with each team arguing once as petitioner and once as respondent. Different judging panels will be used for each of the two rounds and each round will have three judges. The winner of each round will be the team that receives the higher argument score on a majority of the ballots submitted by the oral argument judges. The brief will not count. If each team wins three judge ballots, the winner will be the team with the higher point total on all six oral argument ballots. If teams have the same point total on the six ballots, the winner will be the team with the higher brief score. The winners of the octofinal round will advance to the quarterfinal round.
- 6.011 The quarterfinal round will be held on Thursday, January 21, 2021. The teams paired in the quarterfinal round will

argue against one another in two arguments with each team arguing once as petitioner and once as respondent. Different judging panels will be used for each of the two rounds and each round will have three judges. The winner of each round will be the team that receives the higher argument score on a majority of the ballots submitted by the oral argument judges. If each team wins three judge ballots, the winner will be the team with the higher point total on all six oral argument ballots. If teams have the same point total on the six ballots, the winner will be the team with the higher brief score. The winners of the quarterfinal round will advance to the semifinal round.

- 6.012 The semifinal round will be held on Friday, January 22, 2021. The teams paired in the semifinal round will argue against one another in one argument. A coin flip will be held to determine which team has the choice of sides. The winner of each round will be the team that receives the higher argument score on a majority of the ballots submitted by the oral argument judges. Should an even number of judges participate in a round, the Committee will randomly select one judge's ballot that will not be counted in determining the winner of the round. The winners of the semifinal round will advance to the championship round.
- 6.013 The championship round will be held on Saturday, January 23, 2021. The teams paired in the championship round will argue against one another in one argument. A coin flip will be held to determine which team has the choice of sides. The winner of each round will be the team that receives the higher argument score on a majority of the ballots submitted by the oral argument judges. Should an even number of judges participate in a round, the Committee will randomly select one judge's ballot that will not be counted in determining the winner.

Assistance

- 7.001 Because the purpose of this Competition is educational, a team may receive limited faculty assistance to prepare its brief. Permissible assistance is limited to general discussion of the issues with the students. The brief must be the team members' work product.
- 7.002 After the brief is filed, an advisor can work with, assist, and direct the students; critique mock preparations; arrange for the students to consult with others for assistance; and provide any other educational assistance.