



The Andrews Kurth  
Moot Court National Championship  
January 22-25, 2014

2014  
Competition  
Rules



*The Andrews Kurth Moot Court National Championship is a competition designed to recognize a law school's sustained excellence in moot court. Participating schools qualify for the Championship through their performance in moot court competitions in the previous academic year.*

**Rule 1 – Teams**

- 1.1 A team must consist of two or three law students attending the same ABA-approved law school. For the purposes of these rules, a law student enrolled during the semester or quarter of the Championship is eligible to participate. Only students who are candidates for a Juris Doctor degree may compete.
- 1.2 A team may designate one team member as the brief writer.
- 1.3 Each team entering the competition must fill out a team information form (which serves as the registration form) and submit the entry fee to the University of Houston Law Center by October 15, 2013. The Team Information Form and entry fee information will be sent out to participating schools once the competition field is set. Each participating school must select all team members and submit the completed Team Entry Form, along with the entry fee, by the October 15<sup>th</sup> deadline. The Championship Committee has the discretion to withhold delivery of the problem until the completed Team Registration Form has been submitted and the entry fee has been paid.
- 1.4 Team members may not be substituted, except for good cause, such as death, severe illness, or other uncontrollable circumstance. After the brief-filing deadline, a team must obtain the Championship Committee's written approval to substitute a team member. No substitutions are allowed once the tournament begins.
- 1.5 Participating schools will receive a randomly assigned team number designation. This number will be the sole method of identifying the team throughout the tournament. Participants may not directly or indirectly divulge their law schools' identity to the judges until after the scores have been calculated and the results have been announced.

## **Rule 2 – Briefs**

- 2.1 The Championship problem will be released on October 15, 2013. At that time, each team will be randomly assigned to write its brief on behalf of the petitioner or respondent.
- 2.2 Unless otherwise stated in these Rules, briefs will comply with the Rules of the Supreme Court of the United States.
- 2.3 The cover of the brief must include the team's designation in the lower right corner. No information serving to identify the team or its law school, other than its designation supplied by the Championship Director, may be included on the cover or anywhere inside the brief.
- 2.4 All citations should conform to the most recent edition of *A Uniform System of Citation* (commonly known as The Bluebook).
- 2.5 The technical guidelines for the briefs are:
  - a) Paper size: 8.5” x 11”
  - b) Font: Century family, 12-point type
  - c) Word count: 14,000 (word count begins with the statement of jurisdiction and runs through the end of the brief, including argument headings and footnotes)
- 2.6 Each team submitting a brief shall certify that the brief was prepared and served in accordance with the Championship Rules (See Appendix 1). Teams shall submit the certification form, as a separate document, simultaneously with the brief.
- 2.10 A team may not amend or revise its brief once it has been submitted.
- 2.11 Service of Briefs
  - a. Service of the brief will be by electronic submission on the Championship Committee. Teams will submit their briefs in two formats: 1) as a Portable Document Format file (Adobe .pdf), and 2) as a Word file. Both files should be attached to an email sent to the Championship Committee at the following address: [mncnboard@gmail.com](mailto:mncnboard@gmail.com). The deadline for submission is 11:59 PM CST, on Monday, November 25, 2013.
  - b. The e-mail must contain only (1) the electronic copies of the submitted brief and (2) the certification form. The email must contain the team number in the email's subject line.

- c. The brief must be a single document. The document must not contain any portion of the appellate record (other than a portion contained in the brief's text), hypertext links to other material, or any document that is not included in the brief.
- d. A copy of each brief will be posted on the Championship website to allow all participating teams access. The briefs will be posted on the website no later than Monday, December 9, 2013.
- e. If a team fails to properly serve its brief under these rules, the service date will be considered the date the brief is received. See Section 2.13 for the applicable penalty rules.

#### 2.12 Brief Scoring

- a. Each brief will be individually evaluated by all members of the 5-member Scoring Committee. A 100-point scale will be used.
- b. Knowledge of the law and persuasiveness will be the primary standards in grading, but form and style will also be considered.
- c. The high score and the low score will be dropped and the remaining three scores will be averaged in order to determine a team's brief score.
- d. Brief scores will be published to the coaches/faculty advisors during the coaches meeting at the beginning of the competition. The decision of whether to relay that information to a team rests with the coach/faculty advisor of that team.
- e. A copy of the brief scoring sheet is attached to these rules as Appendix 2.

#### 2.13 Brief Penalties

- a. A three-point penalty will be assessed (deducted from the team's final averaged brief score) for each twenty-four hour period, or part thereof, for late filing.
- b. A one point brief penalty will be assessed (deducted from the team's final averaged brief score) for any brief that exceeds the allowable word count.
- c. A one point brief penalty will be assessed (deducted from the team's final averaged brief score) for a team's failure to submit the certification form in accordance with these rules.
- d. Teams will be notified of any penalty deductions 14 days prior to the tournament.

#### 2.14 Assistance

- a. The brief is to be the work product of the Championship student team members only.
- b. Team members may not, during the brief writing process, discuss the problem with anyone.
- c. It is permissible for coaches and faculty advisors to help students set a brief writing schedule.
- d. Subsections 2.14 (a), (b), and (c) are the “letter” of this rule. The “spirit” of this rule is that the students who compete in the Championship have full and total responsibility for the brief. There are undoubtedly loopholes to this rule and to look for loopholes would, by the very nature of that action, violate the “spirit” of this rule.

### **Rule 3 – Oral Arguments**

- 3.1 Each team will participate in four preliminary rounds. The first and fourth rounds will be “on” brief and the second and third rounds will be “off” brief.
- 3.2 Two team members will argue in each round of oral argument. A team may vary which members will argue first or second from round to round. Only those team members who are arguing may sit at counsel table.
- 3.3. Oral argument is limited to a total of 30 minutes per team.
  - a. Although a team may divide its time allotment as it chooses, no team may allocate more than 17 minutes to one advocate.
  - b. The petitioner may reserve up to a maximum of three minutes for rebuttal. Only one advocate may argue rebuttal.
  - c. The judges may, in their sole discretion, extend any speaker’s time.
- 3.3 Oral arguments will be scored using a 100-point scale. A sample scoring sheet is attached as Appendix 3.
- 3.4 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.
- 3.5 Teams are not permitted to “scout” during the tournament. No team member, or person associated with a competing school, may attend the argument of any other school or receive information from any person who has attended an argument of any other school.

- 3.6 Pairings for the four preliminary rounds will be through random assignment. The pairings for all the preliminary rounds will be published 14 days in advance of the competition.
- 3.7 After completion of the four preliminary rounds, advancement to the quarter-final round will be determined using the following process:
  - a. Win/loss record;
  - b. Point differential;
  - c. Higher brief score.
- 3.8 If a team forfeits an assigned round, the team's scheduled opponent will be the winner of that round.
- 3.9 The team's score in the preliminary rounds will be computed by weighing the oral argument 70% and the brief score 30%.
- 3.10 The team's score in the quarter-final round and semi-final round will be computed by weighing the oral argument 80% and the brief score 20%.
- 3.11 The team's score in the final round will be computed by weighing the oral argument 90% and the brief score 10%.
- 3.12 The quarter-final rounds will pair #1 v. #8, #2 v. #7, #3 v. #6, and #4 v. #5. Petitioner/Respondent assignments for the quarter-final round will be determined by a coin flip with the lower ranking team making the "heads/tails" call.
- 3.13 Teams advancing to the semi-final and final round will change sides when possible. If it is not possible for both teams to change sides, then Petitioner/Respondent assignments for the final round will be determined by a coin flip. The lower ranked team will call "heads/tails".

**Rule 4 – Administration**

- 4.1 A protest of any brief penalties must be made timely and in writing (electronic filing is permissible). The protest should be sent to the Championship Director at the following email address: [mncnboard@gmail.com](mailto:mncnboard@gmail.com)
- 4.2 Any protest arising out of oral argument are considered waived unless the protest is brought to the attention of the Championship Director prior to the publishing of the results that relate to the subject of the protest.
- 4.3 The deadline for submitting questions and clarifications about the problem is Monday, October 28, 2013. Responses to questions will be distributed to all teams so that all competitors will have identical information. Submit questions to: [mncnboard@gmail.com](mailto:mncnboard@gmail.com)

- 4.4 Submit questions and clarifications about the rules to: [mcncboard@gmail.com](mailto:mcncboard@gmail.com).
- 4.5 The Championship Committee shall interpret these rules.
- 4.6 The conduct of all participants in the competition, including team members, coaches, and bailiffs, will be governed by the standards set out in the ABA Model Code of Professional Responsibility and the ABA Model Rules of Professional Conduct and may result in disqualification.



## Appendix 1

### Certification Form

We hereby certify that the brief of Team \_\_\_\_\_ has been prepared and served in accordance with the Championship Rules.

Team Member 1

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

Team Member 2

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

Team Member 3

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)





## Appendix 2

### FINAL BRIEF SCORE SCORING SHEET

BRIEF NUMBER: \_\_\_\_\_

NAME OF JUDGE: \_\_\_\_\_

	<b>BRIEF PARTS</b>	<b>POINTS: Possible</b>	<b>Given</b>
1.	<b>QUESTIONS PRESENTED. . . . .</b> Are the questions posed to frame the exact issue to be decided, expressed in the terms and circumstances of the case, but without unnecessary detail or repetition? Are the questions phrased to call for a favorable answer without being argumentative?	(6)	_____
2.	<b>TABLE OF CONTENTS. . . . .</b> Are the parts in proper sequence for accurate identification and speedy location? Do points and sub-points provide an overall outline of the case?	(2)	_____
3.	<b>TABLE OF AUTHORITIES . . . . .</b> Are all of the authorities sensibly divided and arranged, with proper division between cases, constitutional materials, statutes, rules and secondary sources?	(2)	_____
4.	<b>OPINIONS BELOW . . . . .</b> Are the opinions below properly included and referenced (to the extent the problem permits)?	(1)	_____
5.	<b>CONSTITUTIONAL OR STATUTORY PROVISIONS . . . . .</b> Are relevant constitution(s), statutes, rules, regulations or ordinances (which are directly involved and must be construed or applied to reach a decision) included in either (1) an edited version in this part or (2) listed in this part and stated in an appendix?	(3)	_____
6.	<b>STATEMENT OF THE CASE. . . . .</b> Are the facts, including the procedural facts and results, reasonably developed (with references to the record) and fairly stated (consistent with fairness and candor)? Are the facts stated, with order and emphasis, to persuasively tell that client's side of the case?	(10)	_____
7.	<b>SUMMARY OR ARGUMENT. . . . .</b> Are the summaries accurate and clear condensations, by suitable paragraphs, of the argument actually made in the body of the brief and not a mere repetition of the headings in the arguments?	(5)	_____
8.	<b>ARGUMENT</b>		
a.	<b>ISSUE RECOGNITION. . . . .</b> Are all of the necessary issues included in the arguments? Are the issues confused or show a lack of understanding of what is involved? Are irrelevant issues included?	(10)	_____
b.	<b>ARGUMENT STRUCTURE . . . . .</b> Are the arguments structured to indicate a recognition of the issues? Are the arguments organized in a clear manner and compel a conclusion in the writer's favor?	(10)	_____
c.	<b>ARGUMENTATIVE HEADINGS AND TONE. . . . .</b> Are the points and sub-points clear and effective headings that serve as a succinct summary of the argument to follow? Are the arguments developed as announced in the points, headings and introductory materials?	(10)	_____
d.	<b>AUTHORITY. . . . .</b>	(10)	_____

Are the best available legal authorities used? Are statutes, legislative history and secondary authorities appropriately developed and used (or overused)? Are all unfavorable authorities recognized and properly treated?

- e. PERSUASION ..... (15) \_\_\_\_\_  
Are the issues and authorities combined with sound legal analysis for the most effective persuasion? Are the facts, analogies and public policies appropriately argued to apply the law? Are favorable arguments positively stressed and unfavorable arguments recognized and answered?
- 10. CONCLUSION ..... (2) \_\_\_\_\_  
Does the conclusion request the correct relief available under the record and arguments?
- 11. APPENDIX ..... (2) \_\_\_\_\_  
Has the correct decision been made to include an appendix or not? (Points may be given or not given for either decision.) If an appendix is used, are those items included in the appendix the proper type of items to be so included?
- 12. STYLE AND APPEARANCE ..... (7) \_\_\_\_\_  
Is the brief clear and unambiguous, reflecting good word choice, readable sentence structure and careful editing? Does the brief look polished and present an overall professional appearance? Does the brief make the sale?
- 13. CITATION FORMAT ..... (5) \_\_\_\_\_  
Do the citations in the brief conform to the style required under the rules?

**FINAL BRIEF SCORE (out of 100 points)** \_\_\_\_\_

## Appendix 3 JUDGE'S SCORING SHEET



**Petitioner: Team \_\_\_\_\_**

Counsel 1

Counsel 2

Name: \_\_\_\_\_

Name: \_\_\_\_\_

	<u>Max.</u>			<u>Max.</u>
	(40)	Evidence of Research; Knowledge of the Record, Issues and Law; Organization and Reasoning		(40)
	(30)	Performance in Answering Questions (direct, correct & complete answers with poise)		(40)
	(10)	Public Speaking Performance (including clarity of thought, voice, eye contact, gestures, absence of bad habits, etc.)		(10)
	(10)	Persuasiveness of counsel, Irrespective of Merits (likeable, sincerity and conviction)		(10)
	(10)	Counsel's Demeanor and Courtroom manner		(10)
	(100)	Total		(100)

**Respondent: Team \_\_\_\_\_**

Counsel 3

Counsel 4

Name: \_\_\_\_\_

Name: \_\_\_\_\_

	<u>Max.</u>			<u>Max.</u>
	(40)	Evidence of Research; Knowledge of the Record, Issues and Law; Organization and Reasoning		(40)
	(30)	Performance in Answering Questions (direct, correct & complete answers with poise)		(30)
	(10)	Public Speaking Performance (including clarity of thought, voice, eye contact, gestures, absence of bad habits, etc.)		(10)
	(10)	Persuasiveness of counsel, Irrespective of Merits (likeable, sincerity and conviction)		(10)
	(10)	Counsel's Demeanor and Courtroom manner		(10)
	(100)	Total		(100)

Best Speaker: \_\_\_\_\_

Signature \_\_\_\_\_