

# THE NATIONAL LATINA/O LAW STUDENT ASSOCIATION 2018 NATIONAL MOOT COURT COMPETITION

## RULES

### *GENERAL PROVISIONS*

#### I. The Competition & Fees

The 11th Annual NLLSA Moot Court Competition will take place over two days, **October 4 and 5, 2018** in New York, New York. Preliminary rounds will be held on Thursday, October 4 and the final round will be held on Friday, October 5. All teams interested in participating in the Moot Court Competition must submit the Notice of Intent found in Appendix E to Carlos A. Lievano III, NLLSA Attorney General at [attorneygeneral@nllsa.org](mailto:attorneygeneral@nllsa.org) by **July 28, 2018 at 11:59 PM ET**. The moot court problem, the team's identification number, and the team's assigned brief, shall be released by **5:00 PM ET on August 1, 2018** to all teams filing their timely Notice of Intent form via email. For more information about the NLLSA Conference and Moot Court Competition, please visit [www.nllsa.org](http://www.nllsa.org).

There is a **\$100 registration fee** for teams; all moot court team members must also pay their **individual conference registration fee of \$50** and only NLLSA chapter schools in good standing may compete. Exceptions may be granted by the NLLSA Executive Board for law schools with small Latina/o populations that have no Latina/o organizations (with available funds) able to register a team. NLLSA's list of chapter schools in good standing can be found on our website at <http://nllsa.org/join-nllsa/>.

#### II. Teams

- a. Each participating law school may enter up to two teams by electronic service of the Notice of Intent Form by **July 28, 2018 at 11:59 PM ET** to Attorney General, Carlos A. Lievano III, at [attorneygeneral@nllsa.org](mailto:attorneygeneral@nllsa.org); however, registration will be capped at a total of the first **28 teams** to submit their Notice of Intent Forms. Teams not meeting the 28 team cut-off shall be placed on a waitlist. Should a registered team not be able to participate in the competition, for any reason, that team must notify the NLLSA Attorney General immediately so that a waitlisted team may be brought into the competition. At the discretion of the Moot Court Committee, more than 28 teams may be allowed to participate in the competition if it is determined that the host school can accommodate additional teams. If such a decision is made, the Attorney General shall inform all registered and waitlisted teams affected no later than **August 4, 2018**. Competing teams must submit briefs by electronic mail **no later than 11:59 PM ET on August 31, 2018**.
- b. **Each team** shall be composed of exactly two participants and, if desired, one coach. Both members of a team must contribute to the team's brief and must argue at some point during the competition. No substitution in the membership of a team is permitted after submission of the briefs, unless by approval of the NLLSA board for cause.
- c. If the NLLSA Moot Court Committee finds that there is a justifiable reason that the other member is unable to appear for a round, one sole member of a team may argue both issues in a single round.
- d. **Each participant** must:

- i. Be a candidate for a J.D. and currently enrolled in law school during the semester or quarter of the competition.
- ii. Be a member in good standing in accordance with their local NLLSA Chapter organization membership requirements.
- iii. Register for the NLLSA Conference.

Exceptions to section d may be granted by the NLLSA Executive Board for law schools with small Latina/o populations that have no Latina/o organizations wishing to endorse a team.

## ***PARTICIPANTS' NOTICE AND SERVICE REQUIREMENTS***

### **III. Service**

All requirements of notice and service are fulfilled by submitting briefs and notices on or before the due date by electronic mail.

### **IV. Notice of Intent to Participate**

In addition to submitting team briefs and registering for the conference, teams wishing to participate in the Moot Court Competition shall notify the NLLSA Attorney General at [attorneygeneral@nllsa.org](mailto:attorneygeneral@nllsa.org) no later than **July 28, 2018** by **11:59 PM ET** of its intent to participate in the competition.

The notice shall include the information including the school name and address, team member names, personal mailing addresses (not Post Office or Law School box numbers), day and evening telephone numbers, and e-mail addresses; and team coach or advisor name with mailing address and e-mail address.

### **V. Service of Briefs**

Briefs must be received **via electronic mail**, in **.pdf format**, no later than **11:59 PM ET on August 31, 2018** at [attorneygeneral@nllsa.org](mailto:attorneygeneral@nllsa.org). Beginning at **12:00 AM ET on September 1, 2018**, there will be a 5-point deduction applied for every day a team brief is late.

Team briefs will be distributed via email to participating schools no later than **September 5, 2018**.

## *ATTORNEY GENERAL'S NOTICES*

### **VI. The Attorney General shall notify the participants of the following:**

No later than **August 1, 2018**, all teams shall receive a copy of the moot court problem, their team identification number, and brief assignment.

By **September 15, 2018** the names of the teams in the national competition will be sent to each participating team. In addition, initial pairings, along with the location and time of the moot court competition, will be sent to each participating team. The initial pairings shall be assigned randomly.

**NOTE:** Team members and advisors should not telephone the Attorney General to request the above information unless it has not been received within 5 calendar days after the above dates.

### **VII. Subjects of Briefs**

- a. Upon receipt of the Notice of Intent Form, each team will be assigned a brief, either petitioner or respondent; however, teams must be adequately prepared to argue either side of the issue during oral argument. All members of the team must substantially participate in the preparation of the team's briefs.
- b. No one other than the team members may prepare, edit, or review the brief.
- c. Questions regarding briefs or the moot court problem may be directed to the Moot Court Committee until **August 17th, 2018**. Any questions regarding the moot court problem received after **August 17th, 2018** will not be answered.

### **VIII. Form for Briefs**

Briefs will conform generally to the Rules of the United States Supreme Court, Part VI, Rule 24 Briefs on the Merits: In General, and Part VII, Rule 34 Document Preparation (note Rule 33 is **excluded**) with the following exceptions and stipulations:

- a. Briefs will be typewritten, double-spaced on 8-1/2" by 11" .pdf format with one-inch margins on all sides. Briefs shall use a 12-point Times New Roman font. Character spacing shall be at the standard setting.
- b. Citations are to be in accordance with the standards set forth in the most recent edition of "A Uniform System of Citation," published by the Harvard Law Review Association ("Blue Book Citation").
- c. Briefs may not include any identifying information other than the assigned number, which should appear on the cover of the brief.
- d. Any references to the Court of Appeals (or lower court's) decision used in the record should be cited as if the opinion below had been attached as an appendix to the certiorari petition (e.g. "Petitioners Appendix 5"). Teams **will not** prepare or attach the lower court's decision as an appendix.

### **IX. Length of Briefs**

Each brief is limited to **30 pages**, exclusive of the cover page, table of contents, table of authorities and question presented.

## **X. School and Team Member Names**

Team member names, team's school name, and school address **shall not appear** on the briefs. In addition, addresses for all participating team members shall not appear on the briefs. When submitted to the Attorney General, **only the assigned team number** should appear on the briefs as counsel for petitioner or respondent.

## **XI. Changes in Briefs**

No changes in the briefs will be permitted after they have been served on the Attorney General, including any correction of typographical errors. If an error in the reporting of the team number on the brief is discovered, teams must notify the Attorney General via email within 24 hours of submission and will suffer no point deductions.

## ***ORAL ARGUMENT***

### **XII. Time**

Each team is allotted 30 minutes for its argument. Competitors must stop speaking when the bailiff calls time. However, competitors may request the judge's permission to finish a sentence or thought, and permission may be granted or denied at the judge's sole discretion. Competitors who continue to speak without the judge's permission will be penalized with a ten-point deduction.

### **XIII. Allotment of Time**

Each team may allot its time as it sees fit. **Each team member that is present must argue for a minimum of 10 minutes** per round.

### **XIV. Exhibit**

No charts, diagrams, or other visual aids shall be used during oral arguments.

### **XV. New Arguments**

No new arguments shall be made during oral argument that were not made in the team's brief, except in response to arguments made by opposing counsel in their brief or oral argument, or in response to questions from the judges during oral argument. Petitioners may not raise new arguments in rebuttals. Rebuttals are for the sole purpose of responding to issues raised by the respondents.

### **XVI. Sequencing of Oralists**

The Chief Judge of each panel will decide whether or not to hear each issue separately but may defer to the preferences of the competitors. Default sequence shall be: Petitioner, Questions presented followed by Respondent, Questions presented then Petitioner Rebuttal.

The first Petitioner to speak must inform the bailiff of how much time will be apportioned between team members, including any rebuttal time that the petitioner team cares to reserve. The first Respondent to speak must, likewise, inform the bailiff, keeping in mind that respondents do not rebut.

### **XVII. Promptness**

Competitors must be present at their assigned rooms promptly. A penalty of five points will be assessed up to five minutes past the scheduled start time; a penalty of ten points will be assessed up to ten minutes. Competitors who are more than ten minutes late forfeit that round.

### **XVIII. Recording**

No audio or visual recording of rounds is allowed.

### **XIX. Protests**

Protests regarding any competition rule must be raised before the beginning of the next round. Teams wishing to protest must deliver a written statement explaining the basis of their protest to the bailiff responsible for the round in question. The bailiff shall deliver the protest to the Chief Bailiff, who is responsible for resolving the protest in the first instance. Final adjudication of protests is at the sole discretion to the Attorney General. All decisions are final and not reviewable.

## ***STRUCTURE OF THE COMPETITION***

### **XX. Number of Teams**

All teams submitting the required materials, on time, will be permitted to participate in the oral portion of the Moot Court Competition, except as provided by Rule III.

### **XXI. Assignment of Sides**

The Attorney General shall structure the competition as much as practical to permit the teams to argue both sides of the case.

### **XXII. Closed Competition**

The competition shall be a closed competition, meaning that only those involved in a particular round shall be present in the courtroom during that round. The phrase “those involved in a particular round” is limited to competition personnel, judges, students competing in the round (“competing students”), and coaches. No other parties (e.g., other teams, other students, other coaches, or family members) shall be allowed to view arguments in which they are not considered “involved” for purposes of these Rule. This Rule does not apply to the final round of the competition.

### **XXIII. Preliminary Rounds**

On **Thursday, October 4, 2018**, teams will argue preliminary rounds:

- a. During the preliminary rounds, no individual match will be repeated. Each team shall argue on brief at least once and off-brief at least once. Determination of on-brief and off-brief assignments is at the sole discretion of the Attorney General.
- b. Oral argument judges shall evaluate each competitor on a 50-point scale. The combination of the competitors’ scores will yield a team score out of a possible 100 points, which shall be used to select the advancing teams. Teams advancing to the elimination rounds will be those with the highest combined score of averaged brief and oral argument scores. Tabulations shall be completed by the Moot Court Committee.
- c. Each competitor’s score will be determined by clarity, organization, brevity, courtesy and presentation.
- d. Any team forfeiting a round shall be assigned a loss for that round and will score zero points for that round. Any team whose opponent forfeits shall be assigned a win for that round. The team’s score for that round will be the average of its scores from the remaining rounds.
- e. Teams may also receive byes, randomly assigned, if the number of teams is odd. A team receiving a bye will be treated as a team whose opponent has forfeited.
- f. At the end of each preliminary round the judges will be asked to indicate who they felt was the best oral advocate in that round. The competitor receiving the most votes at the end of all of the preliminary rounds shall be named Best Oral Advocate. In the case of a tie, a point differential will be used to break. For example, if A got three Best Oralist ballots and B got three Best Oralist ballots, but A beat his opponent on his issue by +4, +1 and +2, while B beat her opponent on her issue by +2, +1, and 0, then A gets the Best Oral Advocate award.

#### **XXIV. Seeding of Teams**

Teams will be **seeded into brackets** based on brief and oral argument scores. Depending on the number of teams participating in the competition, selection of the teams advancing to elimination rounds shall take place as follows:

- a. If there are 25+ teams, the top sixteen teams with the best win-loss records shall advance. If there are between 12 and 24 teams, the top eight teams with the best win-loss records shall advance. If there are fewer than 12 teams, the top four teams with the best win-loss records shall advance. A point differential system will be used for tie breaking purposes.
- b. For the purposes of elimination rounds, teams shall be seeded based on their rankings from the preliminary rounds. Within the confines of this rule, the Attorney General will try to avoid matching teams that met in the preliminary rounds. The judges will assign oral argument scores as in preliminary rounds, and they will decide the winning team and the losing team of each match similarly. **Brief scores will not be a factor** in determining the winners of elimination rounds.

## *JUDGES AND JUDGING*

### **XXV. Number of Judges**

Each panel will include three judges.

### **XXVI. Order of Presentations**

The Chief Judge of each panel has the discretion to determine whether or not to hear each issue separately. It is recommended that the panel defer to the preferences of the competitors, but the default sequence shall be: Petitioner, Questions presented followed by Respondent, Questions presented then Petitioner Rebuttal (if any).

The first petitioner to speak must inform the bailiff of how much time will be apportioned between team members, including any rebuttal time that the petitioner team cares to reserve. The first respondent to speak must, likewise, inform the bailiff, keeping in mind that respondents do not rebut.

### **XXVII. Questioning**

Judges may interrupt competitors with any questions at any time. Competitors may be required to argue for more than their allotted time at the sole discretion of the judges. If judges choose to extend competitors' speaking time, the extension shall not be deducted from the other team member's time allotment.

### **XXVIII. Anonymity of Competitors**

The Judges **will not** be told which school each team represents until after they have rendered a decision. Any visible identification, including, but not limited to, ties, pins, folders and pens that bear the name or logo of a team's school is prohibited during the competition. Both competitors and coaches are prohibited from displaying any items that could directly or indirectly comprise the anonymity of their representative school.

### **XXIX. Selection of Winners**

Each panel for an oral argument shall judge only the oral arguments of the teams appearing before it. A separate panel of judges will grade the briefs prior to the oral arguments in the manner described in Appendix D attached below. The brief scores for the side argued by each team will be provided to the panel after the oral argument. After oral argument in the preliminary round, the panel will select a winner giving equal weight to the briefs and oral arguments. Briefs and arguments will be judged based upon the criteria set forth in Appendices B and C. In all advanced rounds, winners will be determined based solely on team scores for oral arguments. The **merits** of the case will not be considered. It is the responsibility of the Attorney General to provide the judging criteria to all judges in advance of the competition.

### **XXX. Commentary**

After announcing the winner of the round, each judge is encouraged to critique candidly the briefs and oral arguments. Also, each judge is encouraged to write marginal comments on the briefs and to return the briefs to the teams after the critique.

## ***MISCELLANEOUS***

### **XXXI. Modification of Rules**

The Attorney General may modify any of the Rules in the interest of justice. A violation of any of these rules may result in a penalty or disqualification. Absent a showing of extreme circumstances, violation of either the service or length of brief requirements may result in **DISQUALIFICATION**. The Attorney General has complete discretion in enforcing the rules.

### **XXXII. Outside Assistance**

No team may receive assistance in the form of guidance in research or constructing arguments. Competitors may not receive aid from other students, professors, attorneys, or administrators in preparing their briefs. No team may receive assistance before the deadline for brief submission.

- a. Participants may consult briefs, transcripts, opinions, or other documents in any court case, except as otherwise stipulated. However, they may not contact the parties or attorneys who were involved.
- b. This rule does not prohibit participants from discussing the general issues of law raised by the problem. This rule also does not prevent participants from receiving critical feedback from their coaches as they draft their briefs.
- c. After the deadline for brief submission, participants may receive advice and assistance as they prepare for oral arguments. Teams may practice mock oral arguments and receive critical feedback.

This rule is intended to insure the effectiveness of one of the most important purposes of this competition, i.e., the development of the art of appellate advocacy through the team's own work.

### **XXXIII. Clarifications**

All questions regarding clarification of these rules and guidance should be addressed to the Attorney General at [attorneygeneral@nllsa.org](mailto:attorneygeneral@nllsa.org).