

**The American Constitution Society's  
Constance Baker Motley  
National Moot Court Competition  
in Constitutional Law  
2007**

**National Moot Court Competition in Constitutional Law  
2006-2007**

**Oral Argument Rules Amendment**

Given the nature of the problem presented with its two distinct questions where the New York Tribune filed the appeal in Question 1 and the United States filed the appeal in Question 2. The New York Tribune should argue Issue #1 first, with the U.S. responding. The United States should argue Issue #2 first with the Tribune responding.

**Thus the replacement rule reads:**

- **Sequencing of speakers: New York Tribune, Question 1; United States, Question 1; Tribune Rebuttal on Question 1 (optional; see Rule 3); United States, Question 2; New York Tribune, Question 2; United States Rebuttal on Question 2 (optional; see Rule 3).**
- **Each competitor must speak for a minimum of ten minutes. Each team of two is allotted thirty minutes maximum, with no less than 10 minutes allotted to each question.**
- **New York Tribune counsel may, if they wish, deliver a rebuttal after the United States argues on Question 1, assuming they have reserved the time. United States may, if they wish, deliver a rebuttal after the New York Tribune argues on Question 2, assuming they have reserved the time.**
- **The first counsel to appear for either party must inform the bailiff of how time will be apportioned between team members, including any rebuttal time for the Tribune on Question 1 or the U.S. on Question 2.**

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**These rules may be amended at any time.**

**Preliminary and Briefing Rules**

1. Each participant must be a candidate for the J.D. degree who is enrolled a law school during the semester or quarter of the competition. A participant must be a [member of the national American Constitution Society for Law and Policy](#).
2. Each team consists of two participants from the same law school. Both members of a team must contribute to the team's brief and both must argue during each round of the competition.
3. 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. 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 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.
4. Each team must register for the competition according to the policies promulgated by the American Constitution Society by November 17, 2006. The registration fee of \$50 is non-refundable per team.
5. After registering, a team will receive a randomly assigned identification number.
  - a. At the same time, the team will be assigned to write for petitioner or respondent.
  - b. The team must identify its brief only with its assigned number. No team may include any identifying information in its brief other than its assigned number. Prohibited identifying information includes names of team members, name or location of their law school, religious affiliation of the team members, etc.

6. Each brief must conform to the [Rules of the Supreme Court of the United States](#), Part VI, Briefs on the Merits and Oral Argument, and Part VII, Practice and Procedure, Rule 34 only (Rule 33 is **excluded**), with the following exceptions and stipulations:
  - a. A brief may not include any identifying information other than the assigned number. The assigned number should appear on the cover of a brief.
  - b. Briefs must be spiral-bound with card stock covers that are blue (petitioner) or red (respondent).
  - c. Briefs may not exceed 30 pages, excluding the preliminary materials (Rule 24.1(a)-(g)).
  - d. Briefs must be printed in Courier 12-point font.
  - e. Pages must be 8.5" x 11", and briefs must be double-spaced with margins of 1" on each edge of the page.
  - f. Briefs may be printed only on one side of each page.
7. Briefs will be scored by brief judges. The judges will assess the format and appearance of the briefs, the correctness of the citations, the cogency of the statement of facts, the quality of the legal arguments, the use of legal authority, and the clarity of the writing.
8. All citations must conform to the latest edition of [The Bluebook: A Uniform System of Citation](#). Citations may not be included in footnotes.
9. Briefs must be **RECEIVED** at the offices of the American Constitution Society for Law and Policy, 1333 H Street, N.W., 11<sup>th</sup> Floor, Washington, D.C. 20005, ATTN: Moot Court no later than **January 19, 2007**. Each brief submission must include 6 identical paper copies and 1 electronic copy on a CD-ROM or floppy disk. The electronic copy may be in Word or PDF format. Briefs must also be submitted by **electronic mail** no later than **8 PM Eastern Standard Time on January 19, 2007**.
10. All briefs will be published on the competition's web site. Participants may consult other teams' briefs as they prepare for oral arguments.
11. ACS will assign teams to one of the two regional competitions based upon geographical considerations and to balance the number of competing teams per regional competition site. Teams will be notified of their assigned regional competition no later than December 1, 2006.
12. One regional competition will be held at UCLA, and oral arguments will take place on March 17 and 18, 2007. Preliminary rounds will take place on Saturday, March 17 and elimination rounds will take place on Sunday, March 18.
13. The other regional competition will be held at the University of Chicago on March 31 and April 1. Preliminary rounds will take place on the Saturday, March 31 and elimination rounds will take place on Sunday, April 1.
14. At each regional competition, awards will be presented for the best brief for the petitioner, the best brief for the respondent, and the best oral advocate. At each regional competition, a winning team shall be determined through the elimination rounds

15. The winning team from each regional competition shall compete in the Final Round to be held at the ACS 2007 National Convention in Washington, D.C., in late July 2007.
  
16. The winning team selected in the Final Round will receive a \$3,000 prize, and the runner-up team will receive \$1,000.

### **Oral Argument Rules**

#### **Seeding of teams, weighting of scores, and determination of elimination rounds**

1. For each regional competition, on Saturday, teams will argue preliminary rounds. Teams will compete in round-robin groups of four teams each. Teams will be seeded into round-robin groups based on brief scores.
2. 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 regional competition director.
3. Judges shall evaluate each competitor on a 50-point scale and shall also determine which team has won the match. The combination of the two competitors' scores will yield a team score out of a possible 100 points, which shall be used as described in Rule 5 to select the advancing teams.
  - a. Sixty percent (60%) of a competitor's score will depend on substantive matters, such as mastery of the legal issues and construction of arguments. The remaining forty percent (40%) will be determined by stylistic matters, such as organization, eloquence, and courtroom manner.
  - b. Any team forfeiting a round shall be assigned a loss for that round and will score zero points for that round.
  - c. 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.
  - d. 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.
  - e. The competitor receiving the highest cumulative point total after the three preliminary rounds shall be named Best Oral Advocate.
4. For each regional competition, selection of the eight teams advancing to Sunday's elimination rounds shall take place as follows.
  - a. The top eight teams with the best win-loss records shall advance. Cumulative score will be used to break ties.

- b. Cumulative score will be the sum of the three oral argument scores and the brief score. Total points possible will be 400.
5. 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 regional competition director will try to avoid matching teams from the same school or 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.
6. At each regional competition, the eight teams advancing to quarterfinal level of the elimination rounds will be announced at the awards reception on Saturday evening. The four teams advancing to the semifinal rounds, and then the two teams advancing to the regional competition final rounds, shall be announced by the chief judge in the round (following judges' deliberations in chambers).

### **Oral argument competition rules**

1. Each competitor must speak for a minimum of ten minutes. Each team of two is allotted thirty minutes maximum.
2. Sequencing of speakers: Petitioner, Question 1; Respondent, Question 1; Petitioner, Question 2; Respondent, Question 2; Petitioner, Rebuttal (optional; see Rule 3).
3. Petitioners may, if they wish, deliver a rebuttal after the close of Respondent 2's argument. Either P1, P2, or both petitioners may rebut, regardless of how the time is split between the two, so long as each petitioner has spoken for a minimum of ten minutes.
4. The first petitioner to speak must inform the bailiff of how 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.
5. Judges may interrupt competitors with 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.
6. 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.
7. No visual aids are allowed. No costumes are allowed.
8. Petitioners may not raise new arguments in rebuttals. Rebuttals are for the sole purpose of responding to issues raised by the respondents.
9. 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.

10. No audio or visual recording of rounds, except such recording as authorized by ACS, is allowed.
11. 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 of the regional competition director.
12. Competitors may not speak to the judges before the round. At their sole discretion, judges may provide competitors with a brief oral critique after the round has concluded. Any such critique must take place in the presence of both teams. Competitors must preserve their anonymity with respect to the judges and may not reveal their school of origin in any way, including via apparel, jewelry, briefcases or bags, notebooks or notepads, or spoken comments.
13. Competitors who are not selected to participate in Sunday's elimination rounds are invited to observe the quarterfinal, semifinal, and regional final rounds on Sunday. Competitors are warned that observers may be present at any and all of their rounds. This will be especially true of the regional final round on Sunday. Competitors are warned that Sunday's regional final rounds will be video recorded.
14. Regional Competition Awards include:
  - a. Best oral advocate (highest cumulative score after three preliminary rounds; brief score breaks a tie)
  - b. Best brief, petitioner
  - c. Best brief, respondent
  - d. Quarterfinalists, semifinalists and regional runners-up shall receive plaques in recognition of their achievement. The regional finalists shall receive awards at the 2007 Constance Baker Motley Moot Court Competition Final Round at the ACS 2007 National Convention.

The following rules can be [downloaded](#) in Adobe® PDF format. Adobe Reader® is required to view and print this document. It can be downloaded for free [here](#).