

**The American Constitution Society for Law and Policy**  
**2010 Constance Baker Motley**  
**National Moot Court Competition**  
**in Constitutional Law**

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

**Preliminary and Briefing Rules**

1. Each participant must be a candidate for a J.D. degree who is enrolled in law school within the 50 United States or Puerto Rico during the semester or quarter of the competition. Each 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 one other than the two registered team members may prepare, edit or review the brief.
  - a. This rule does not prohibit participants from discussing the general issues of law raised by the problem with other students, professors, attorneys or administrators.
  - b. This rule also does not prevent participants from receiving critical feedback on the substantive legal issues as they draft their briefs. However, authorization to discuss the legal issues with others is not authorization to receive aid in the preparation of the written work (the brief) outside of the two registered members of the team.
  - c. 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.
  - d. After the deadline for brief submission, participants may receive advice and assistance as they prepare for oral arguments. Teams may and should 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 20, 2009**. The registration fee of \$50 per team is non-refundable.
5. ACS reserves the right to limit the number of teams allowed to participate in the competition due to space and logistical constraints. In general, teams will be accepted into the competition based on the order in which they registered, but ACS may also limit the number of teams allowed into the competition from each school. If a team is not ultimately accepted into the competition, the \$50 registration fee will be returned.
6. After registering, all teams accepted into the competition 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.

7. Each brief must conform to the [Rules of the Supreme Court of the United States](#), Part VI Briefs on the Merits and Oral Argument, Rule 24 (Briefs on the Merits: In General) and Part VII Practice and Procedure, Rule 34 (Document Preparation: General Requirements) 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)-(f)).
  - 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.
8. Briefs will be scored by brief judges for a score out of 100. The judges will assess 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.
9. All citations must conform to the latest edition of [The Bluebook: A Uniform System of Citation](#). Citations may not be included in footnotes.
10. Briefs will also be assessed for their adherence to the formatting and appearance rules contained above in 6 (a) thru (f). Teams will lose points for each formatting and appearance rule violation.
11. Briefs must be **postmarked** no later than **11:59 PM Eastern Standard Time on January 15, 2010** to Constance Baker Motley National Moot Court Competition c/o The American Constitution Society for Law and Policy, 1333 H Street NW, 11th Floor, Washington, DC 20005.
12. Briefs **must** also be submitted by **electronic mail** in both a Microsoft Word and PDF version no later than **11:59 PM Eastern Standard Time on January 15, 2010** to **mootcourreg@ACSLaw.org**.
13. Each mailed brief submission must include six (6) identical **spiral-bound** paper copies **and** one (1) electronic copy on a CD-ROM or floppy disk. The electronic copies must contain both a Microsoft Word **and** PDF version.
14. All briefs will be published on the competition's web site [www.ACSLaw.org](http://www.ACSLaw.org) no later than **January 22, 2010**. Participants may and should consult other teams' briefs as they prepare for oral arguments.
15. 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 **November 24, 2009**.
16. The first regional competition will be held at a law school in the San Francisco, CA, area.
17. The second regional competition will be held at the Suffolk University Law School in Boston, MA. Oral arguments will take place on March 27 and March 28, 2010.

Preliminary rounds will take place on Saturday, March 27 and elimination rounds will take place on Sunday, March 28.

18. A welcome reception/information session will be held at Suffolk University Law School on Friday evening, March 26, 2010.
19. 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.
20. The winning team from each regional competition shall compete in the Final Round to be held at the ACS 2010 National Convention in Washington, D.C., in June 2010.
21. The winning team selected in the Final Round will receive a \$3,000 prize, and the runner-up team will receive \$2,000.

### **Oral Argument Rules**

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

1. For each regional competition, on Saturday, teams will argue three preliminary rounds. Teams will compete in round-robin groups of four teams each. Teams will be seeded into these 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 competition director.
3. Oral argument 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. Teams may also receive a randomly assigned bye if the number of teams is odd, or a bye if a team drops out of the competition after the seeding has been completed.
  - b. 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.
  - c. Any team forfeiting a round shall be assigned a loss for that round and will score zero points for that round.
  - d. 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. 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 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. Sequencing of speakers: Petitioner, Question 1; Respondent, Question 1; Petitioner Question 1 Rebuttal (optional); Petitioner, Question 2; Respondent, Question 2; Petitioner Question 2, Rebuttal (optional; see Rule 3).
2. Each competitor must speak for a minimum of ten minutes.
  - a. Failure to speak for a minimum of ten minutes by any competitor will result in a loss for the team for that respective round.
  - b. The ten minute minimum includes the time accrued due to questions presented from judges.
3. Each team of two is allotted 30 minutes maximum.
4. Petitioners may, if they wish, deliver a rebuttal after the close of each Respondent argument.
5. The first petitioner to speak (Petitioner, Question 1) must inform the bailiff of how time will be apportioned between team members, including any rebuttal time that the petitioning team cares to reserve. Failure to formally reserve time will result in the forfeiture of all rebuttal time for entire team.
6. The first respondent to speak must likewise inform the bailiff, keeping in mind that respondents do not rebut.
7. 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.
8. 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.
9. No visual aids are allowed. No costumes are allowed.
10. Petitioners may not raise new arguments in rebuttals. Rebuttals are for the sole purpose of responding to issues raised by the respondents.

11. 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.
12. No audio or visual recording of rounds, except such recording as authorized by ACS, is allowed.
13. 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. Final adjudication of protests is at the sole discretion of the competition ombudsperson.
14. 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.
15. Competitors who are not selected to participate in Sunday's elimination rounds are invited to observe the quarterfinal, semifinal, regional final rounds and lunch with the Regional Final judges on Sunday.
16. 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 may be video recorded.
17. 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 and national finalists shall receive plaques in recognition of their achievement.