

2012 JULIUS H. MINER MOOT COURT RULES

I. BRIEF

A. ORGANIZATION

1. Each team is responsible for preparing a brief. There are two main issues in the problem and we suggest that each team member be primarily responsible for one issue. However, you may divide the work for the brief in whatever manner you choose. Regardless of your method, each brief must contain the following sections in the following order. Failure to include any section will result in the penalty indicated:

<u>Section:</u>	<u>Penalty if Missing:</u>
a. Title Page	2 points
b. Question(s) Presented	5 points
c. Index	5 points
d. Table of Authorities	5 points
e. Condensed Title Page	2 points
f. Opinions Below	2 points
g. Statement of the Case	Disqualification
h. Summary of the Argument	Disqualification
i. Argument	Disqualification
j. Conclusion	5 points
k. Appendix	2 points

2. The title page must include the team number provided to you by the Miner Moot Court Board (the “Board”).

The appearance of either participant’s name anywhere on the brief will result in the disqualification of that team.

3. The table of authorities should contain the appropriate subdivisions, *e.g.*, Cases, Constitutional Provisions, Statutes, and Other Authorities.

4. The term *passim* should be used in the Table of Authorities only if you cite a particular case or statute on more than five pages throughout the brief. In all other instances, use specific page numbers for citations.

5. The Opinions Below section must contain citations to the fictitious opinion included in the problem.

6. The Statement of Facts should contain citations to the fictitious opinions below using the fake Federal Supplement and Federal Reporter cites. (e.g. F. Supp. 4th or F.4th)

7. Do not include a jurisdictional statement.

8. All citations must conform to the Bluebook: A Uniform System of Citation (19th ed.). Copies of the Bluebook can be found in the law school library.

9. Argument headings must be in ALL CAPITAL LETTERS. Subheadings must be in ordinary type and indented. For example:

I. MOOT COURT IS GOOD FOR YOU.

A. Moot Court is good for your social life.

1. Moot Court will give you something to talk about at Bar Review.

10. Top briefs from past competitions are available for review on the Miner Moot Court website (<http://www.law.northwestern.edu/juliusminer/>). Any variation in format between these briefs and these rules will be resolved in favor of these rules.

B. LENGTH

1. The typeface must be 12-point Courier, or Courier-style (including Courier New). The font must also be a fixed-pitch font, measuring no less than 10 characters-per-inch. (“C.P.I.”) Do not print your brief on a printer with proportional spacing. If you are uncertain whether your printer and font will comply with the rules, be sure to measure the number of characters per inch before you begin writing. Violations of the typeface rule result in disqualification.

This is an example of a 12-point, fixed-pitch, 10 C.P.I. Courier New typeface.

2. The brief is limited to 30 double-spaced pages.

3. The following brief sections are included in the page limit:

- a.** Question(s) Presented
- b.** Condensed Title Page
- c.** Opinions Below
- d.** Statement of the Case
- e.** Summary of the Argument
- f.** Argument
- g.** Conclusion

4. The following brief sections are not included in the page limit:

- a.** Title Page
- b.** Index
- c.** Table of Authorities
- d.** Appendix

5. Briefs must be double-spaced (25-27 lines per page) on 8-1/2 x 11-inch white paper. Any briefs not double-spaced will result in disqualification. Penalties of 0.25 points will be assessed for each line over the 27 lines per page and 30 page maximums.

6. Footnotes are permitted, **but they must be double-spaced and must appear at the bottom of the corresponding page of text.** Bluebook citations should be included within the text of your argument.

7. The only places single spacing is permitted are the Index, the argument headings, and block quotations pursuant to Bluebook rules.

8. Margins must be one inch on all sides – top, bottom, left, and right. A penalty of 0.25 points per page will be assessed for each margin – left, right, top, or bottom – that violates these rules. Thus, it is possible to lose one point per page for incorrect margins.

C. BRIEF GRADING

1. Two or three graders will score each brief on a 100-point scale. The graders will consist of law school faculty members and (potentially) Miner Moot Court Board members. Graders will follow rules and procedures contained in the Brief Scoring Sheet (below). If only two graders are used, the two scores will be average into a base brief score.

2. If one grader's score is 25 points higher or lower than the other grader's score, a third person will grade the brief. The three scores will then be averaged into a base brief score.

3. The final brief score is determined by subtracting penalty points from the base brief score. Penalty points may result from organization violations, length violations, Bluebook errors, or late turn-in.

4. The penalty points for organization violations are detailed in section I.A.1 of these rules.

5. The penalty points for length violations are detailed in section I.B of these rules.

6. Every bluebook error will result in a deduction of .2 points up to a maximum of 10 points. Once a Bluebook error is assessed, repetitions of that error will not be counted toward the total number of errors.

7. The penalty points for late turn-in are described in Sections II.A.4.

8. These are the complete rules for the brief. Any conflict between these rules and other rules, *e.g.*, those for the Supreme Court of the United States, will be resolved in favor of these rules. For example, the United States Supreme Court Rules require that each brief have a colored cover - our rules do not.

II. COMPETITION PROCEDURES

A. BRIEF DEADLINES

1. Each team must turn in **three** copies of its brief to the Moot Court Office (LM-B02) and an electronic copy to minermootcourt@gmail.com **between 1:00 PM and 5:00 PM on Monday, January 30, 2012.** The Moot Court Office is located in the basement of Levy Mayer near the stairwell on the west side of the building.
2. If a team is without the requisite three copies of its brief when turning it in, late penalties will be assessed up until the time all five copies are received.
3. Penalties for late turn-in will be assessed as follows:

<u>Time of Turn-in:</u>	<u>Points Deducted:</u>
5:00 p.m. - 5:30 p.m. (1/30/12)	2 points
5:30 p.m. - 6:00 p.m. (1/30/12)	4 points
6:00 p.m. - 10:00 p.m. (1/30/12)	10 points
12:00 p.m. - 10:00 p.m. (1/31/12)	20 points

4. Briefs will not be accepted after 10:00 p.m. on Tuesday January 31, 2012.

B. ORAL ROUNDS

1. Each team will argue in four preliminary rounds. The first two preliminary round pairings will be selected at random. The final two preliminary round pairings will be "power matched" (teams with similar records will face each other in each of these rounds). Every effort will be made to ensure that each team argues both sides of the problem (i.e. Petitioner and Respondent) two times in the preliminary rounds, but this is not always possible. If it is not possible, random selection will determine which side teams argue.
2. Opposing team assignments will be emailed to participants as soon as possible following each round of oral arguments. Room assignments will be emailed to participants the day of each competition.
3. Competitors may trade briefs at will beginning on Wednesday February 1, 2012. All briefs will be made available to all teams prior to the first round of oral arguments. Team numbers will remain on the briefs when they are dispersed.
4. Judges will read a bench memo before each round. They will not receive a copy of your brief. Teams are not required to make all of the arguments they used in the written brief. As the competition progresses, it is expected that teams will refine their oral arguments.
5. Each team will have 30 minutes for oral argument in each round, which it may divide in any manner it chooses, provided that each competitor present argues for at least 12 minutes total. In the extraordinary event that one team member is unable to argue on a particular evening, the other member may argue both issues. This arrangement must be cleared with the Board before the event, and generally, may only be used one time in the competition. On no occasion may

both teammates be unavailable to compete. In such an event, the team will be disqualified from the competition.

6. Should members of one team believe an opponent has misstated the law or facts during oral argument, that team should point out the misstatement during their oral arguments. The bench memo will contain concise summaries of the relevant facts and law, and the judges will receive instructions to make specific point deductions for misstatements even if not pointed out by the opposition. Therefore, please be careful in stating law and facts. Please note it is not necessarily a mistake to admit that you are unfamiliar with the holdings of a particular case, especially if it is obscure. Judges will respect honesty much more than obfuscation or misrepresentation, and will score accordingly.

7. Petitioners may reserve up to five minutes for rebuttal by requesting rebuttal time at the beginning of each round. Rebuttal time is included in the team's 30 minutes. The rebuttal time may NOT be split among team members – one team member will handle the entire rebuttal. Rebuttal is limited to arguments addressing topics raised by the Respondents or the Judges. No new topics may be introduced during rebuttal.

8. The judges will submit scores for oral arguments. Scores will be based on the attached grading rubric. The winner of each round will be determined by weighing the scores in the following percentages per round:

	<u>Brief Score Weight</u>	<u>Oral Score Weight</u>
Preliminary Rounds	33 %	67%
Sweet Sixteen	25 %	75 %
Elite Eight	20 %	80 %
Final Four	10 %	90 %
Finals	0 %*	100 %

* The Briefs shall serve as the tie-breaker in the final round in case of a tie.

9. The 16 teams with the best win/loss record at the end of the four preliminary rounds will advance to the Sweet 16. Ties in win/loss record will be broken by strength of schedule and brief scores, in that order.

10. Sweet 16 teams will be ranked in order of win/loss records. Teams with the same win/loss record will be ranked in order of strength of schedule and brief score, in that order.

11. Sweet 16 teams compete in a single elimination tournament. Only the winning team advances in each round for the remainder of the competition.

12. During the first two elimination rounds, the team with the better seeding chooses the side they wish to argue. For the semifinal and final round, sides will be chosen at random.

C. OTHER GUIDELINES

1. This competition is administered subject to the provisions of the Northwestern University School of Law
2. Participants are reminded to cite all sources carefully. Any failure to attribute words or ideas to their proper sources is plagiarism and may result in disqualification and honor code action.
3. Materials in the library are for the use of all competitors. Hoarding or stealing any materials is a violation of the SBA Honor Code and of these rules and will result in immediate disqualification.
4. Competitors may prepare for oral argument rounds with any person, with the following exceptions: members of the Julius H. Miner Moot Court Board, National Moot Court Team Members, and Faculty Members.
5. You may not charge copying costs to student publications or other groups.
6. You may discuss the problem with other students. However, we cannot emphasize enough that the briefs need to be YOUR WORK. Also, your partner can certainly look over your portion of the brief, but do not swap briefs with other teams for proofreading or critiquing purposes. Swapping briefs after the brief due date in order to prepare for oral arguments is permissible.
7. While you may discuss the standard of review in your briefs and during oral arguments, your brief and arguments should focus on your substantive legal positions and arguments. Justiciability issues, such as standing to sue, mootness or ripeness, should not be discussed either in briefs or at oral arguments.

D. AWARDS

1. Brief:

The Adlai Ewing Stevenson Award will be presented to the team with the best brief. To determine the winner of the award, the five highest scoring briefs are re-scored by a committee composed of the members of the Miner Moot Court Board and faculty members.

2. Final Round:

All finalists receive the **Lowden-Wigmore Prizes**. The team winning the final round receives the **William Jennings Bryan Award**. The Outstanding Speaker in the final round receives the **International Academy of Trial Lawyers Award**.

3. National Moot Court Team:

The Chairs, with the assistance of the entire Moot Court Board, will select the eight members of the 2012–13 National Moot Court Team. These selections will be based on performance during the entire competition. A competitor need not advance to the elimination rounds to be considered for the National Team.

4. The 2010-2011 Julius H. Miner Moot Court Board:

All competitors will be asked to complete a survey regarding this year's competition and their interests in a position on next year's board. The current Chair will select the new Board from interested participants.

JULIUS H. MINER MOOT COURT COMPETITION – *Sample* Brief Scoring Sheet

I. INTRODUCTORY SECTIONS

Points Awarded/Available

A. Questions Presented

_____/5

- Combine legal principles with key facts
- Are persuasive but not conclusory
- Are clear and succinct

B. Statement of Facts

_____/10

- Provides easy-to-follow narrative
- Accurately includes all relevant facts
- Emphasizes favorable facts and avoids overemphasizing unfavorable facts
- Cites to (but does not merely repeat) the record
- Provides procedural background for the appeal

C. Summary of the Argument

_____/5

- Answers the Questions Presented
- Provides concise summary of reasons for answer
- Can be understood without reference to other section of the brief

III. WRITING STYLE

_____/10

- Uses clear, concise, and persuasive language
- Avoids grammatical, spelling, and typographical error

II. ARGUMENT

A. Organization

_____/15

- Cogently identifies and sequences grounds for relief
- Effectively uses thesis paragraphs
- Logically develops issues and uses genuine transitions

B. Analysis

1. Use of Record

_____/10

- Uses the record to the client's advantage

2. Legal Argument and Use of Authority

_____/20

- Clearly and affirmatively states relevant authorities
- Persuasively analogizes facts and holdings of similar cases to client's case
- Distinguishes or explains unfavorable cases
- Effectively supports or criticizes the opinion(s) below

3. Adversarial Effectiveness

_____/20

- Anticipates and refutes the opponent's arguments
- Avoids overly defensive response to opponent's arguments
- Make effective policy arguments

IV. OVERALL EFFECTIVENESS OF BRIEF

_____/5

TOTAL SCORE _____

JUDGE'S NAME:

Advocate's Name:

Counsel for:

Room:

Date:

- Please complete Objective Evaluation **FIRST** & give it to the Bailiff.
 - Please **DO NOT** consult with your colleagues before filling out this sheet.
 - Please return all materials to the Bailiff at the end of this round.
-

OBJECTIVE EVALUATION

Please evaluate each speaker's performance in the three categories listed and explained below on a scale from 1 to 10. Feel free to use increments of 0.5. The following scale provides some guidelines for your numerical evaluations:

Superior/Excellent	13-15 points	17-20 points
Above Average	11-12 points	13-16 points
Average	6-10 points	8-12 points
Below Average	1-5 points	1-7 points

I. QUALITY OF ARGUMENT (20 points) _____

- Use of legal principles, statutes, and case law
- Reasoning and ability to develop arguments
- Discussion of the policy implications of the case

II. SPEAKING ABILITY (15 points) _____

- Composure and courtroom demeanor
- Fluency, clarity, and tone
- Discussion of the policy implications of the case

III. ABILITY TO ANSWER QUESTIONS EFFECTIVELY (15 points) _____

- Comprehension of questions
- Responsiveness to questions
- Ability to use judge's questions to further one's argument

TOTAL POINTS (50 Points) _____