

**THE CHARLESTON SCHOOL OF LAW**  
**NATIONAL MOOT COURT COMPETITION**  
*2010 VERSION*

**OFFICIAL RULES**

The following represent the official rules of the Charleston School of Law National Moot Court Competition (“Rules”).

**RULE I. ORGANIZATION AND PURPOSE OF THE CSOL NATIONAL MOOT COURT COMPETITION**

The National Moot Court Competition (“Competition”) is an annual inter-law school appellate moot court competition sponsored by the Charleston School of Law (“CSOL”). The purposes of the Competition are to develop the art of appellate advocacy, to recognize excellence in that art, and to promote integrity and esteem in the legal profession. All competitors are expected to follow the letter—and spirit—of these Rules and to maintain the highest levels of professionalism throughout the Competition.

The Competition is coordinated by the CSOL Moot Court Board (“Board”), which is comprised of CSOL students and applicable faculty advisors, in addition to CSOL’s Administration.

**RULE II. THE PROBLEM**

The Problem is prepared by the Board and provided to each Team for its use in preparing for the Competition. The Board will post the Problem on the Competition’s website ([www.csolmoot.com](http://www.csolmoot.com)) after the registration period for the Competition has closed.

**A. Use in other competitions.**

A school may not use the current Problem for intra-school or intramural competitions to select the school’s competitors for this Competition. However, schools may use the current Problem, after completion of the Competition, for intra-school or intramural competitions (or other academic purposes), with appropriate attribution to CSOL.

**B. Questions about the Problem.**

The Board will accept questions relevant to the Problem until the following deadline: Wednesday, January 6, 2010 at 3:00 p.m. EST. All questions should be emailed to Professor Miller W. Shealy, Jr., at [mshealy@charlestonlaw.edu](mailto:mshealy@charlestonlaw.edu).

### **RULE III. THE TEAMS**

#### **A. Number and composition of Teams.**

Each school may enter up to two teams (“Team(s)”). Each Team shall be composed of two law students, both of whom must be registered law students seeking a *Juris Doctor* degree and in good academic standing at their home institution at the time of brief writing, brief submission, and all oral argument rounds. No alternate Team members are permitted. Each Team member must argue in each oral argument round. We will accept no more than 26 teams.

#### **B. Substitution of Team members.**

There shall be no substitution of Team members after receipt of the Problem, except for extreme hardship, upon written permission of the Board.

#### **C. Team numbers.**

Upon registration, each Team will be assigned a Team number. This number should be referenced in any correspondence with the Board. To preserve anonymity, the Team number will be used during the Competition, and a Team can not reveal its school to the judges.

### **RULE IV. THE BRIEFS**

#### **A. General.**

Each Team may write only one brief. A Team may choose its side (respondent or petitioner, appellant or appellee) for purposes of writing the brief. Regardless of the side chosen for the brief, however, a Team should be prepared to argue either side of the Problem during the Competition’s oral argument rounds. Each Team member must substantially and substantively contribute to the writing of the brief.

As set forth in Rule VI (A), the receipt of assistance from, and the use of the work product of, any person other than a Team member when writing the brief is strictly prohibited. Work product does not include materials of the type generally used by attorneys to prepare briefs and available for public use.

#### **B. Length and form of briefs.**

Each team is required to submit a Measuring Brief as well as seven copies of the Team brief as specified in Rule IV (C).

##### **1. Format.**

All briefs shall comply with the Rules of the Supreme Court of the United States, except as modified by these rules. All text and footnotes shall be in 12 point Times New Roman type, with the text (not footnotes) double-spaced. Total length of the brief, excluding the Table of

Contents, Table of Citations, Statement Regarding Oral Argument, Statement of Jurisdiction, Issues Presented for Review, Certifications, and Appendices,<sup>2</sup> may not exceed thirty (30) pages. The brief shall be bound into a volume or fastened with three staples down the left margin. All citations shall be complete and in the form prescribed in the latest edition of the Harvard Law Association's Uniform System of Citation (Bluebook).

## **2. The Measuring Brief.**

As set forth in Rule IV (C)(1)(a)(i), each Team shall submit to the Board the printed original of its brief ("Measuring Brief"), which shall be used solely for the purpose of judging the criteria of this section. The Measuring Brief must comply with Rule IV (B)(1). The cover shall include the Team number at the upper right hand corner, with the school name and the names of individual Team members appearing at the lower right hand corner.

Each Team must also submit by e-mail its Measuring Brief, as specified in Rule IV (C)(1)(a).

## **3. Other copies.**

Other copies of the brief shall be identical reproductions of the original Measuring Brief, *except that no identification of the Team or its members other than the Team number shall be included on the outside cover.* The Measuring Briefs shall not be signed, nor shall any identifying material appear in the brief. Briefs may be duplicated on either one or two sides of the page.

## **4. Certification.**

Each Team submitting a brief in the Competition shall certify that such brief has been prepared in accordance with these Rules and that (per Rules IV (A) and (VI) (A)) the work product is solely that of the Team's members.<sup>3</sup> The certification shall be bound or fastened in the Measuring Brief as the last page.

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<sup>2</sup> Appendices may only be used to recite the text of statutes, constitutional provisions, regulations and materials that are not generally available.

<sup>3</sup> The certification, to be signed and dated by each Team member, shall state:  
We certify that the brief for \_\_\_\_\_ [*insert name of law school*] is the product solely of the undersigned and that we have not received any faculty or other assistance in connection with the preparation of the brief.

**C. Service of briefs and certification.**

**1. Service upon the Board.**

- a.** Each Team shall serve upon the Board, in a single package bearing the Team name and number, its brief. The brief *must be received* no later than Wednesday, January 13, 2010. The service package shall include:
- i.** The Measuring Brief, clearly marked “Measuring Brief”;
  - ii.** Seven (7) copies of the Team brief (pursuant to Rule IV (B)(3)); and
  - iii.** The Team’s original certification (pursuant to Rule IV (B)(4)).

By 5 p.m. (EST) on Wednesday, January 13, 2010 and pursuant to Rule IV (B)(2), each Team must also submit by e-mail, as an electronic attachment, its Measuring Brief (in .pdf or .doc format only) to Prof. Miller W. Shealy, Jr., at [mshealy@charlestonlaw.edu](mailto:mshealy@charlestonlaw.edu).

- b.** Briefs served upon the Board shall be directed to:

Prof. Miller W. Shealy, Jr.  
Charleston School of Law  
National Moot Court Competition  
81 Mary Street  
Charleston, South Carolina 29403

- c.** Packages containing briefs must bear a postmark or some other indicia proving date of mailing. The team should maintain proof of mailing, such as a receipt with the transaction date from the shipper or postal service, and a tracking number assigned by the shipper for delivery verification.
- d.** Briefs not received by Wednesday January 13, 2010 will be subject to a one-point deduction per day late pursuant to Rule VII .

**2. Service of briefs on opposing Teams.**

By 5 p.m. (EST) on Wednesday, January 13, 2010 and pursuant to Rule IV (B)(3), each Team must also submit by e-mail, as an electronic attachment, a copy of its brief (not the Measuring Brief) (in .pdf format only) to Prof. Miller W. Shealy, Jr., Faculty Sponsor of the

Charleston School of Law Moot Court Board, at [mshealy@charlestonlaw.edu](mailto:mshealy@charlestonlaw.edu). The briefs will be made available to competitors on the Competition's website at [www.csolmoot.com](http://www.csolmoot.com).

### **3. Revision of briefs.**

A Team may not revise its brief after its submission to the Board.

## **RULE V. SCORING**

### **A. Briefs.**

The Board, members of the CSOL faculty and/or Administration, and/or experienced members of the local bench and bar shall numerically score all briefs submitted and shall select the best brief for each side in the Competition. The brief score shall be used with the preliminary oral argument round scores to determine which Teams advance to the post-preliminary rounds.<sup>4</sup>

The brief score will not be considered for purposes of determining (1) which teams advance into any post-preliminary round or (2) the overall Competition winner in the final round; rather, advancement into post-preliminary rounds, and winning in the final round, shall be determined on the basis of oral argument round scores only.

### **B. Preliminary rounds.**

#### **1. Time and place.**

All rounds of arguments shall be held on the campus of CSOL, at the downtown Embassy Suites, and/or in a Charleston courthouse, depending upon facility availability and as selected by the Board in its sole and absolute discretion. The Board's goal is to post the brackets—containing information regarding time, place, and Team pairings—for the preliminary rounds on the Competition's website ([www.csolmoot.com](http://www.csolmoot.com)) at least one week before the Competition commences.

#### **2. Number of arguments.**

Each Team will argue in two preliminary oral argument rounds; each Team should expect to argue each side for at least one of the preliminary oral argument rounds. At the conclusion of the preliminary rounds: (a) in the event less than sixteen Teams participate in the Competition,

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<sup>4</sup> Briefs will be scored on the following basis: Correct Bluebook citation, spelling, punctuation, and capitalization shall represent fifteen (15%) of the total brief score. Thoroughness of research, depth of analysis, and persuasiveness of argument shall represent eighty percent (80%) of the total brief score. Compliance with the Measuring Brief factors shall represent five percent (5%) of the total brief score.

the four Teams with the highest total preliminary scores<sup>5</sup> shall advance to the semi-final (Final Four) rounds; and (b) in the event sixteen or more Teams participate in the Competition, the eight Teams with the highest total preliminary scores shall advance to the quarter-final (Final Eight) rounds.

### **3. Ties.**

Ties shall be broken in favor of the Team that has the highest aggregate point differences over its opponents in the two preliminary rounds.<sup>6</sup> In the event that tying Teams have the same aggregate point difference over their opponents, the tie shall be broken in favor of the Team having the higher brief score.

### **4. Assignment of Teams for arguments.**

Except as qualified by Rule V (B)(2), Teams shall be randomly assigned to sides for purposes of preliminary oral argument rounds. Assignment for successive arguments will be announced as soon as reasonably practicable following the completion of the preceding round(s).

### **C. Post-preliminary (final) rounds.**

The post-preliminary rounds specified in Rule V (B)(2) will take place on a schedule announced by the Board and shall include at least a semi-final (Final Four) round and final round, with the possible addition of a quarter-final (Final Eight) round as set forth in said Rule. If a quarter-final round is held, the better of the two Teams in each quarter-final round argument—as based upon oral argument scores—will be selected by the judges and will advance to semi-final round of the Competition. The better of the two Teams in each semi-final round argument—as based upon oral argument scores—will be selected by the judges and will advance to the final round of the Competition. The better of the two Teams in the final round argument—as based upon oral argument scores—will be selected by the judges as the winner of the Competition.

For all post-preliminary rounds, Competition officials will assign case side by a “double coin toss.” Specifically, a Competition official will toss a coin and ask the representative of one of the two Teams competing in that round’s argument to call the result. The winner of that first coin toss then has the right to call the outcome of the second coin toss. The winner of that second coin toss may then choose which side it will represent in that round’s argument.

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<sup>5</sup> A Team’s total preliminary score shall be computed as follows: A Team’s brief score shall constitute forty percent (40%) of its total preliminary score. A Team’s score for each of the two preliminary rounds shall constitute thirty percent (30%) of its total preliminary score, with each Team member’s preliminary round score being of equal weight.

<sup>6</sup> Aggregate point differences shall be computed in the manner illustrated by the following example: If Team A defeated its first round opponent by a score of 80-75 and lost its second argument to the winning Team by a score of 78-80, its aggregate point difference for the three rounds is +3 points (i.e., the net of the +5 point difference in its first argument and the -2 point difference in its second argument).

**D. Order, timing and results of arguments.**

**1. Participants.**

Each Team member must participate in each argument.

**2. Time allowed for arguments.**

Oral argument shall be limited to a total of thirty minutes per Team, fifteen (15) minutes for each Team member, except as discussed below. Judges, at their discretion, may interrupt arguments to ask questions but may not allow additional time. Each Team, by advance notification to the bailiff, may reserve up to five (5) minutes for rebuttal, but only one Team member may use rebuttal. Additionally, the first Team member to argue must request rebuttal time from the judges. Rebuttal time may be subtracted from either or both of the Team members' time allotment. (Example: Team member #1 may argue for 14 minutes, Team member #2 may argue for 13 minutes, thus reserving a total of 3 minutes for rebuttal by one Team member). If the first Team member to argue fails to designate from whose argument the rebuttal time will be deducted, the time will be automatically subtracted from the first Team member.

**3. Results.**

The Best Oralist for each courtroom in the preliminary rounds will be announced by the judges. The Best Oralist of the combined preliminary rounds will be announced by the Board after the conclusion of the rounds. The scores for each Team will not be announced, but shall be determined by the judges without knowledge of the brief score, and shall be arithmetically weighed and combined with the brief score by the Board under the formula described in Rule V (A) and (B), with scores computed to decimals or fractional points, as necessary, to determine the schools that will advance to the post-preliminary rounds.

The winning Teams for the quarterfinal (if applicable), semifinal and final rounds will be announced by the Board at the conclusion of each round. A single listing of all final overall and final brief scores will be sent to participating Teams within three months after the Competition. No individual Team member's scores will be distributed.

**4. Video and Audio Taping.**

Video and/or audio taping of oral arguments is prohibited. Visual aids are not permitted during oral arguments.

**E. Competition Awards.**

The following awards and distinctions are available in the Competition:

- (a) Team Champion;

- (b) Team Runner-Up;
- (c) Team Semi-Finalist (for teams not advancing to final round);
- (d) Team Quarter-Finalist (if applicable) (for teams not advancing to semi-final round);
- (e) Team Best Brief (one for Appellant and the other for Appellee) (selected per Rule V (A));
- (f) Best Individual Oral Advocate for Preliminary Rounds (per Rule V (D)(3)) (selected based on highest aggregate (cumulative) oral argument score for the individual for both preliminary rounds, with any tie(s) being broken (1) by determining highest aggregate oral argument score after discarding the highest and lowest judges' scores and (2) by brief score, if still tied after (1));
- (g) Best Individual Oral Advocate for Final Round (determined as set forth in (f) above);
- (h) OPTIONAL: CSOL Professionalism Award (selected by the Board for the Team that, in the Board's sole and exclusive discretion, best represented professional integrity, courtesy, and esteem throughout the Competition).

#### **RULE VI. FACULTY OR OTHER ASSISTANCE; SCOUTING**

- A.** Prior to filing its brief, no Team shall receive assistance of any kind (faculty or otherwise) in writing the brief. Consequently, Teams within the same school may not share or compare work product for purposes of writing the brief.

After the filing of the brief, (a) no Team shall receive assistance of any kind (faculty or otherwise) *during an oral argument at the Competition or during any adjournment thereof* but (b) a Team may receive assistance in preparing for a round's oral argument *prior to the commencement (or after the final conclusion) of said oral argument.*

- B.** Scouting rival Teams is strictly prohibited. No Team member or coach still participating in the Competition may attend oral arguments of rival Teams or otherwise obtain (or seek to obtain) information about other Teams for purposes of gaining any competitive advantage.

#### **RULE VII. PENALTIES**

- A.** The Board may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole and exclusive discretion for failure to comply with the Rules or deadlines set pursuant to these Rules and other rules made pursuant to Rule IX hereof.
- B.** All briefs in the Competition shall be subject to uniform penalties for each type violation; penalties may be levied in whole or fractional points.
- C.** The Board shall maintain records of the penalties imposed pursuant to this Rule for at least six (6) months.

## **RULE VIII. INTERPRETATION OF THE RULES**

Requests for interpretation of these Rules should be addressed to the CSOL National Moot Court Competition, by e-mail to [mshealy@charlestonlaw.edu](mailto:mshealy@charlestonlaw.edu). Pursuant to Rules IV (A) and VI (A), teams may not receive faculty assistance on the preparation of the brief; therefore, any questions related to brief writing must be submitted by the competitors and not the coach or advisor. Requests should be made at the earliest date possible. All interpretations of these Rules and any waivers, consents, assessments of penalties, decisions or other actions taken by the Board in its administration of the Competition shall be in its sole and absolute discretion. Such interpretations, waivers, consents, assessments of penalties, decisions or actions shall be final, and all participants shall be bound thereby.

## **RULE IX. OTHER RULES**

The Board may from time to time make any other rules and procedures deemed advisable for the conduct of the Competition, in its sole discretion.

Please address questions about the CSOL National Moot Court Competition to Prof. Miller W. Shealy, Jr., CSOL Moot Court Board, at [mshealy@charlestonlaw.edu](mailto:mshealy@charlestonlaw.edu).