

Frequently Asked Questions

Question:

In the rules, it states that we are to send a copy of our brief to the other 32 or so other teams, I was wondering where our team would get the names and addresses to those teams? I didnt see them on the website and to my knowledge we have not received such information.

Answer:

The team addresses are posted online.

Question:

I understand that the record consists entirely of the district court opinion, the appellate court opinion, the order granting cert, and nothing else; is that understanding correct?

Answer:

Yes

Question:

Given that these three documents' pages are not consecutively numbered (i.e., the appellate court opinion's pages re-start at 1, 2, etc. and the cert order is not numbered at all), should the teams either:

- a) vary from the Rule IV.10 record citation form somewhat; or
- b) re-number the pages of the record on their own so as to create consecutive numbering in order to avoid ambiguous record citations?

Answer:

Please ignore the bylaws and number according the page numbers in the record being sure to make it very clear as to which opinion you are citing to (i.e. District Court Opinion or Circuit Court Opinion)

Question:

I wanted to be sure that we are competing at the District Court building on 333 Constitution Avenue, N.W. Is that correct?

If so, then am I correct that the closest hotels are Hilton Embassy Row and Marriot Residence Inn at Dupont Circle? Do you have a recommendation between the two?

Answer:

Check out this link to our website which provides information regarding hotels closest to the school. The competition will be held at the Washington College of Law NOT the courthouse.

<http://www.wcl.american.edu/admiss/lodging.cfm>

Question:

Times New Roman uses, I think, proportional spacing(at least when justifying the margins), which makes it difficult to comply with the rule(your rule IV, #4) that says no more than 10 characters per inch. My memory is that it takes an unusually large font to ensure that Times New Roman with justified margins will nowhere produce more than 10 characters per inch. On the other hand Courier New 12-point will result in a consistent 10 characters per inch throughout the brief. Does your answer mean that only Times New Roman is permissible? When the U.S. Supreme Court mentions "roman type" in its rules, that applies to the small booklet briefs and not filings on 8x11, and additionally includes many fonts and not just "Times New Roman." My team has recognized that they can get several extra pages by using Times NR rather than Courier New. I told them that I thought that's why your rules say no more than 10 characters per inch--to eliminate the advantage of proportional spacing. Now your answer seems to suggest that Times NR is the only safe way to go. Could we get a clarification of this? Or at least an indication that 12-point Courier New remains OK as it has been in the past at your competition?

Answer:

First, I apologize for the confusion. As stated above, when examining the US Supreme Court rules we did not make the distinction from when to use Times NR when we previously stated that the brief should use that format. **For purposes of the competition, in accordance with the Rules & Bylaws it is NOT CORRECT to use TIMES NR BUT instead teams SHOULD USE a font, such as Courier New 12 point, that will conform to the spacing and character requirements. The spacing requirements are stringent and will be measured by the brief graders for accuracy so please note these requirements carefully.**

Question:

What is the term for the oral argument?

Answer:

Noting the term is unnecessary and irrelevant for purposes of this competition.

Question:

The Order Granting Certiorari states that "this Court may consider all of the questions raised by the record." Our team is wondering whether the record is limited to the holding of each court or can we take an expansive view and address issues that were brought up but not addressed by the

courts. For example, the plaintiff brings a First Amendment claim but it is not addressed by the court, they instead focused on the RLUIPA claim. Another example, defendant challenges the constitutionality of RLUIPA, are we limited to the court's discussion of the Establishment Clause or can we also address the Spending Clause, Commerce Clause, etc.

Answer:

Keeping in mind that this is a **FIRST AMENDMENT COMPETITION**, responses should relate only to claims either brought by the parties and/or raised in **either** the district court or circuit court opinion. Read carefully, follow the competition rules & bylaws and use your best judgment.

Question:

Both the rules and bylaws state that our briefs will be judged by proper citation according to the 17th edition Bluebook. In addition, it is stated in the rules that citations to the opinions in the problem should take the "form of J.A. at **." I understand that we are to use the pages as provided in the actual packet, I just want to verify how to cite to the district and appellate court opinions. According to Bluebook Pg. 288, federal district courts are abbreviated to "D." and on Pg. 291 court opinions are abbreviated is "Op."

Is this correct?

D. Op. at 5.

Or this?

J.A. at 5.

If the latter is correct, what is J.A.?

Answer:

As indicated in the rules & bylaws, please defer to the BB for any citation issues and disregard this section of the rules if you find that it does not conform to the BB. If the BB offers more than one option for citation, also keep in mind that it should be clear to the brief graders which opinion you are citing too.

Question:

Quick question, Plaintiff contends his free exercise rights are violated under RLUIPA and First Amendment. However the discussion in both the district and circuit opinion is limited to RLUIPA. Are we limited to the RLUIPA discussion only and not the First Amendment. If so, how does that reconcile the general statement in the cert which states that "this Court may consider all of the questions raised by the record," which implies permission to discuss the First Amendment, among other related issues?

Answer:

While the District Court opinion is limited to a discussion of RLUIPA the circuit court opinion is not. Broadly speaking, any statutory first amendment issues and direct first amendment issues should be addressed. Again, please keep in mind that this is a **FIRST AMENDMENT COMPETITION**, and responses should relate either to claims brought by the parties and/or raised in **either** the district court or circuit court opinion.

Question:

Is the problem open or closed research? Please let me know as soon as is convenient-- thank you!

Answer:

Open research

Question:

I have been unable to find:

- (1) the certificate of service
- (2) team identification form
- (3) Other teams' mailing information

If you could direct me to the appropriate site, I would appreciate your help.

Answer:

These items will be posted online no later than Tuesday. I will send you all the links as soon as they are ready!

