

Burton D. Wechsler  
First Amendment Moot Court Competition  
-Rules of the Court-

October 20-22, 2011

*Sponsored by:*  
Moot Court Honor Society  
Washington College of Law  
American University

## I. PURPOSE OF THE COMPETITION

The purpose of the Burton D. Wechsler First Amendment Moot Court Competition is to stimulate student interest in current First Amendment law issues and to hone competitors' brief writing and oral advocacy skills.

## II. COMPETITION COMMITTEE

The officers of the Competition will form the Competition Committee, which shall perform the duties assigned by the Moot Court Honor Society Constitution, these Competition Rules, and the General Instructions of the Competition.

1. Directors: Ultimately responsible to the Moot Court Honor Society for the proper planning, preparation, and conduct of the Competition. The Directors shall enforce the regulations of the Competition set forth below. The Directors have sole and absolute discretion to resolve any dispute that arises from the interpretation or application of these rules. The Directors for the 2011 Competition are Carlos Valdivia, Sarira Sadeghi, and Jessica Letro.
2. Problem Drafter(s): Responsible to the Directors for all research and writing associated with producing the problem used during the Competition. This includes, but is not limited to, the production of the joint appendix and the bench memorandum for the problem. The Problem Drafter for the 2011 Competition is Nikhil Bhargava.
3. Assistant Directors: The Directors may have as many as three (3) assistants. The Assistants shall assist the Directors during all phases of preparation and execution of the Competition. The Assistants perform duties as assigned by the Directors, which may include, but are not limited to, assisting the Problem Drafter(s).

## III. TEAMS

1. Each participating law school may enter only **one** team.
2. Teams shall consist of at least two members, but no more than three members selected by the participating law school.
3. Team members must share equally in brief-writing responsibilities. In the case of three-member teams, the third must share in the oral advocacy responsibilities.
4. A school may not substitute team members at any time after the brief has been submitted. The Competition Directors reserve the right to allow a substitute to participate in oral arguments upon a showing of extreme hardship by the requesting team. An extreme hardship is classified as a *sudden, immediate, and unavoidable circumstance* that makes the participation of a team member impossible.

5. A maximum of thirty (30) teams may participate in the Competition. The Directors will compile a waitlist of any additional teams, and will change the number of participating teams at their discretion.
6. Each law school shall designate an email address to which information will be sent for all participants. Competitors are expected to check this email regularly and are responsible for any information communicated therein.
7. No team from the American University Washington College of Law may compete in the Burton D. Wechsler First Amendment Moot Court Competition. However, should there be an odd number of teams competing, a shell team may argue during preliminary rounds in order to supplement the extra team. Consistent with the blind-scoring policy, neither the opposing team nor the judges will be informed of the shell team's participation. Such shell team will be scored as a competing team, but will not advance into the elimination rounds.

#### IV. BRIEFS

1. Each team will be designated as a petitioner or respondent for the purpose of writing the brief. Each team must submit only one brief, but will be required to argue both sides during the competition.
2. Briefs shall be a maximum of thirty (30) pages, excluding preliminary materials (see items a through e below). Briefs must be typed on eight and one-half by eleven inch (8 ½" x 11") paper. Briefs shall be submitted in the format used by the United States Supreme Court. The brief must be bound and include the following sections in the following order:
  - a. Cover Page;
  - b. Questions Presented;
  - c. Table of Contents;
  - d. Table of Authorities;
  - e. Jurisdiction Statement;
  - f. Statement of the Case;
  - g. Summary of the Argument;
  - h. Argument; and
  - i. Conclusion

No appendix is necessary or expected. The thirty (30) page limit begins with the Statement of the Case.

3. The cover page for the petitioner must be blue. The cover page for the respondent must be red. **Your school name or the names of the team members must NOT appear on the actual brief.** Each team will be assigned a team number, which must be placed on the Cover Page.
4. Each typed page should have one inch (1") margins on each edge of the page. The font must be twelve-point Times New Roman, and lines must be double-spaced. This limitation does not apply to the cover page. Briefs must be printed single-sided.

5. The form of citations within the brief shall be in accordance with the rules in *The Bluebook: A Uniform System of Citation*, Harvard Law Review (19th Edition).
6. **Each team must submit five (5) bound copies of the brief and one electronic copy. The written copies and electronic copies must be identical. The electronic copy must be in Portable Document Format (PDF) and submitted to [firstamendment.wcl@gmail.com](mailto:firstamendment.wcl@gmail.com) by 11:59 PM Eastern Standard Time on September 30, 2011.** Late briefs will receive a ten (10) point penalty, to be deducted from the total brief score.
7. **Written briefs should be submitted to:**

Wechsler First Amendment Moot Court Competition  
Attn: Carlos Valdivia, Sarira Sadeghi, and Jessica Letro, Directors  
Washington College of Law  
Moot Court Honor Society, Suite 539  
4801 Massachusetts Avenue, NW  
Washington, DC 20016

Written briefs must be **received by 5 p.m. on OCTOBER 6, 2011.** Late briefs will receive a ten (10) point penalty, to be deducted from the total brief score. Please consider the amount of time necessary for the briefs to arrive at the Washington College of Law.

8. To receive credit in the case of lost briefs, you must provide evidence of the brief's deposit into the mail, such as a tracking number obtained by the U.S. Post Office, and bring this information to the Competition.
9. All briefs will be published on the Competition's website. Participants may consult other teams' briefs in preparation for oral arguments.
10. The Jurisdiction Statement in each team's brief should read:

A Formal Statement of Jurisdiction has been omitted in accordance with the Rules of the Washington College of Law's Burton D. Wechsler First Amendment Moot Court Competition.

11. Citation to the problem should take the following form: "(J.A. at \*\*.)"
12. Problem clarification questions must be submitted by **5:00 PM on September 2, 2011** to [firstamendment.wcl@american.edu](mailto:firstamendment.wcl@american.edu). Responses to clarification requests received by the deadline will be posted on the Competition's website by 5:00 PM on September 9, 2011.

13. Teams are prohibited from receiving “outside help” during the brief-writing process. Outside help is defined as assistance from any person who is not a member of that team. This includes, but is not limited to, faculty and coaches. However, teams may receive outside help upon final submission of the brief for purposes of oral argument preparation. *Any violation of the “outside help” rule may result in immediate disqualification from the competition.*

## V. BRIEF SCORING

1. Briefs are scored out of a maximum of 100 points. Each brief will be scored two times by members of the Moot Court Honor Society. If there is more than a ten (10) point difference between the two scores, the brief will be scored a third time.
2. Law school names will not be known to any person grading the briefs or judging the Competition. Each participating team will be assigned a number and will be identified only by that number. *Any violation of this rule or attempt to identify a team’s law school to a brief grader or a judge may result in that team’s immediate disqualification from the competition.*
3. The brief score will constitute fifty (50) percent of the team’s score for each preliminary round of the Competition. The brief score will constitute thirty-five (35) percent of the team’s score for the Octofinal Round, twenty (20) percent for the Quarterfinal Rounds, and zero (0) percent for the Semifinal and Final Rounds.
4. Criteria: Briefs will be graded according to the following criteria:
  - a. Compliance with the formal requirements set forth in these Rules and the General Instructions;
  - b. Recognition of issues presented by the problem;
  - c. Structure of the competitors’ arguments;
  - d. Application of appropriate law to facts;
  - e. Use of authorities;
  - f. Argumentative headings;
  - g. Legal writing style;
  - h. Ability to address and persuade against Opponent’s arguments;
  - i. Proper use of citation form in accordance with the Bluebook (19th Ed.); and
  - j. Proper format in accordance with Supreme Court brief requirements.
5. Neither briefs nor brief grading forms will be returned to competitors. However, oral argument and brief scores will be published on the competition website shortly after the conclusion of the Competition.

## VI. ORAL ARGUMENT

1. Three members may participate in the oral argument rounds, but only two members may represent the team during any given oral argument round. For example, during the first round, Team Member A may argue the first issue and Team Member B may argue the second issue. During the second round, Team Member C may argue the first issue and either Team Member A or Team Member B may argue the second issue. All oralists’ scores will be considered for the Best Oralist Award, regardless of the number of times they represented their team in oral argument.

2. There will be two (2) preliminary rounds, an octofinal round, a quarterfinal round, a semifinal round, and a final round. The first two rounds will be conducted in a non-elimination format and will be structured such that each team will argue each side of the case one time.
3. There is a possibility that teams advancing to the Octofinal, Quarterfinal, and Final Rounds will be required to argue off-brief. If possible, teams will argue on-brief. However, if there is a conflict, the team with the lower advancing score will argue off-brief. Judges are not informed as to whether a team is arguing on-brief or off-brief.
4. Each elimination round is scheduled without regard to the identity of the teams.
5. Prior to each argument, the participants shall inform the bailiff of the order in which they will speak and the manner in which they will divide the allotted argument time. Each team will be allowed a total of thirty (30) minutes of argument time, including rebuttal time (petitioner only) and questions from the bench. The rebuttal time can be a maximum of five (5) minutes and may be taken entirely from one speaker's allotted time, or shared between the two speakers' allotted time.
6. A bailiff will signal the speaker when five (5), three (3), and one (1) minute(s) of each speaker's argument time remains. When the bailiff informs the speaker that his or her time has expired, the speaker must immediately end his or her presentation, or when appropriate, request additional time to briefly conclude.

## **VII. ADVANCEMENT**

In any round, a team may argue against a team it has already argued against. Every precaution will be taken against this, but if it occurs it will not constitute a violation of the rules. Teams will advance based on scores computed as follows:

1. Preliminary Rounds: For the first and second rounds, fifty (50) percent will be based on the brief score, and fifty (50) percent will be based on the oral argument score. Upon completion of both preliminary rounds, an aggregate score calculation will be compiled, including each team's brief score and oral argument scores. The top sixteen (16) teams will advance. The advancing teams will be seeded into a single-elimination bracket for the Octofinal Round. The bracket will be displayed in a visible and public place.
2. Octofinal Round: Thirty-five (35) percent will be based on the brief score, and sixty-five (65) percent will be based on the oral argument score. The eight (8) teams with the highest scores in their rooms will advance. The advancing teams will be seeded into a single-elimination bracket for the Quarterfinal Round. The bracket will be displayed in a visible and public place.
3. Quarter-Final Round: Twenty (20) percent will be based on the brief score, and eighty (80) percent will be based on the oral argument score. The four (4) teams with the highest scores in their rooms will advance. The advancing teams will be seeded into a single-elimination bracket for the Semifinal Round. The bracket will be displayed in a visible and public place.

**In the event of a tie in the Preliminary, Octofinal, or Quarterfinal Rounds, the team with the higher oral argument score will advance.**

4. Semifinal Round: This Round will be based one hundred (100) percent on the oral argument score. The two (2) teams with the highest scores in their rooms will advance to the Final Round.
5. Final Round: This Round will be based one hundred (100) percent on the oral argument score. The Final Round Panel will determine the Competition Champion.

## **VIII. AWARDS**

Awards will be given in the following categories:

1. Overall Competition
  - a. Competition Champion (prize money)
  - b. Competition Runner-Up (prize money)
  - c. Semifinalists (2)
2. Brief Scores
  - a. Best Brief
  - b. Best Brief, Runner Up
3. Oralist Scores
  - a. Best Oralist
  - b. Best Oralist, Runner Up

## **IX. EMERGENCY CONTACT INFORMATION**

In case of emergency, competitors should contact Competition Directors Carlos Valdivia at (202) 525-6580, Sarira Sadeghi at (714) 450-0400, or Jessica Letro at (904) 910-2548.