



Burton D.
Wechsler First
Amendment
Moot Court
Competition
2017

Official Rules

Briefs due September 29, 2017
Oral Arguments on October 20-21, 2017

I. PURPOSE OF THE COMPETITION

The purpose of the Burton D. Wechsler First Amendment Moot Court Competition ("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 2017 Competition are Chelsea Krzaczek and Joseph Kerins.
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 2017 Competition is David Hudson.
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.

III. TEAMS

1. Each participating law school may only enter one (1) team.
2. Teams shall consist of at least two (2) members, but no more than three (3) members, selected by the participating law school.
3. Team members must share equally in brief-writing responsibilities. In the case of three (3) member teams, members must alternate between rounds in the oral advocacy portion of the competition.
4. **A school may not substitute team members at any time after the brief is 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.

- i. Competitors may not tell judges or the WCL Moot Court Honor Society which school they represent. However, competitors may tell other competitors and coaches.

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 to supplement the extra team. Consistent with the blind-scoring policy, the judges will not 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 the petitioner or respondent for the purpose of writing the brief. Each team must submit only one (1) brief, but will be expected 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 (8½" x 11") paper. Briefs shall be submitted in the format used by the United States Supreme Court. The brief must 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 (12 pt.) Times New Roman, and lines must be double-spaced. This limitation does not apply to the cover page.
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 (20th Edition).
6. **Each team must submit one electronic copy. The electronic copy must be in Portable Document Format (PDF) and submitted to firstamendment.wcl@gmail.com by 11:59 PM Eastern Standard Time (EST) on Friday, September 29, 2017. Late briefs will receive a ten (10) point penalty per day, to be deducted from the total brief score.**
7. All briefs will be published on the Competition’s website. Participants may consult other teams’ briefs in preparation for oral arguments.
8. 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.
9. Citation to the problem should take the following form: “(J.A. at **.)”
10. Problem clarification questions must be submitted by **5:00 PM EST on September 15, 2017** to firstamendment.wcl@gmail.com. Responses to clarification requests received by the deadline will be posted on the Competition’s website by 5:00 PM on September 22, 2017.
11. 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 three (3) times by members of the Moot Court Honor Society. If there is more than a ten (10) point discrepancy between each of the three scores, the brief will be scored a fourth time.
2. Any person grading the briefs or judging the Competition will not know Law school names. Each participating team will be assigned a Blind Grading Number (BGN) 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 zero (0) percent of the team's score for the Octofinal, Quarterfinal, Semifinal, and Final rounds. After the Preliminary round, advancement will be based solely on oral argument scores (discussed more below).

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 (20th Ed.); and
- j. Proper format in accordance with The United States 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 (3) members may participate in the oral argument rounds, but only two (2) 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 Quarter Final 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 both on and off-brief.

5. There is a possibility that teams advancing to the Octofinal, Quarter Final, and Final Rounds will be required to argue off-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.
6. Each elimination round is scheduled without regard to the identity of the teams.
7. Only teams who advance will receive their judges' scoring sheets from the previous round to help them prepare for the next argument.
8. Before 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.
 - i. Each competitor must argue a minimum of (10) minutes.
 - a. 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.
10. No teams may sit in and watch other teams' oral arguments during preliminary rounds.
11. Competitors may invite visitors to watch their arguments as long as they are respectful and not disruptive. Competition directors reserve the right to ask anyone's guests to leave a round at any time.
12. A photographer will be present during the competition and will take pictures during rounds. The photographer will be instructed not to enter competition rooms mid-argument, but teams should be aware that this may happen.

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 percent (50%) will be based on the brief score, and fifty percent (50%) 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 with the highest aggregate scores will advance. The advancing teams will be seeded into a single-elimination bracket (teams will be ranked based on score) for the Octofinal Round. The bracket will be announced and displayed in the competitors' room.
2. **Octofinal Round:** Advancement will be based one hundred percent (100%) on the oral argument score. The higher scoring team in each individual room will advance, for a total of eight (8) advancing teams. The advancing teams will be seeded into a single-elimination bracket (teams will be ranked based on score) for the Quarterfinal Round. The bracket will be announced and displayed in the

competitors' room.

3. **Quarter Final Round:** Advancement will be based one hundred percent (100%) on the oral argument score. The higher scoring team in each individual room will advance, for a total of four (4) advancing teams. The advancing teams will be seeded into a single elimination bracket (teams will be ranked based on score) for the Semifinal Round. The bracket will be announced and displayed in the competitors' room.

4. **Semifinal Round:** Advancement will be based one hundred percent (100%) on the oral argument score. The higher scoring team in each individual room will advance, for a total of two (2) advancing teams. The final round teams will be announced and displayed in the competitors' room.

5. **Final Round:** This Round will be based one hundred percent (100%) on the oral argument score. The Final Round Panel will determine the Competition Champion.

In the event of a tie in the Preliminary round the team with the higher oral argument score will advance. In the unlikely event of a tie during the Octofinal, Quarterfinal, or Semifinal rounds, the team with the higher brief score will advance.

VIII. AWARDS

Awards will be given in the following categories:

1. Overall Competition
 - a. Competition Champion
 - b. Competition, Runner-Up
 - 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, Chelsea Krzaczek at (609) 617-5793 and Joseph Kerins at (904) 803-3545.