



Burton D. Wechsler First Amendment Moot Court Competition

American University Washington College of Law
WASHINGTON, DC

- When was the board founded?
 - The record does not reflect when the Board was founded.
- Are the board members paid by the city of Hendersonville or are they volunteer members?
 - The record does not reflect the answer to this question.
- Do the board members have other jobs, or is the board member position a full time job?
 - The record does not reflect the answer to this question.
- How are Board members given their positions? Are they voted in by the community? Are they appointed?
 - The record does not reflect the answer to this question.
- Does the town know about who they are and their religion?
 - The record does not reflect the answer to this question.
- How was summary judgment issued with a material fact problem? (“America is Christian....”)
 - We cannot answer this question.
- How did Pintok know the whole board was Christian?
 - The record does not reflect the answer to this question.
- Can you arrive late to or leave early from Board meetings or are you required to attend the whole meeting if you are requesting something of the Board?
 - The record does not reflect the answer to this question.



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- Have others in Hendersonville asked to add their own prayers to these meetings? If so, have they been denied or approved?
 - The record does not reflect if anyone else has asked to give a prayer at the meetings.
- Was anyone else allowed to give invocations (not just board members)?
 - The record does not reflect the answer to this question.
- Whether the opportunity to give a legislative prayer/invocation at the board meeting is **exclusively** reserved for the board members or may citizens attending the meeting have the opportunity to say a prayer/invocation?
 - The record does not reflect the answer to this question.
- How often does the board meet? (Monthly? Weekly?)
 - *See J.A.* at 8.
- Whether the audience of the legislative prayers/invocations at the board meeting are intended for **solely** the board members or for **both** the board members and the citizens?
 - The record does not reflect the intended audience of the prayers. However, both Board Members and citizens are in the room at the time of the prayers.
- Is Respondent an adult?
 - Yes.
- Can we presume that any citizen of Hendersonville can join the board?
 - The record does not reflect the answer to this question.



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- **Section IV (Briefs) Rule 4** states that the lines must be double spaced, but this limitation does not apply to the cover page. Usually Point Headings and Sub-Point Headings are single-spaced while the rest of the brief is double spaced. Based on the rules though, the Point Headings and Sub-Point Headings should be double-spaced. I wanted to clarify which spacing to use for PH and SPH.
 - Point headings and sub-point headings should be single-spaced.
- **Section IV (Briefs) Rules 2 and 8 (Jurisdiction Statement)** – I’m not sure how common a jurisdiction statement is, but we haven’t written one before and neither has anybody on our moot court team. We’re confused when Rule 8 says that “the statement should read” and then it’s an omission statement. Is the omission statement – “The 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” – supposed to be what we specifically put in the brief and that’s it? Or was there an old statement there that was actually omitted by WCL and we need to put something else in the brief?
 - For the statement of jurisdiction, please use the exact language stated in Rule 8.
- How do we cite to affidavits contained in the record?
 - See Rule 9 of the Competition Rules.
- Can the Summary of the Argument contain citations?



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- How do you cite a case for the first time if using it in the body of the text and not at the end of a quote?
 - *See* The Bluebook: A Uniform System of Citation R. 10.2, at 96 (Columbia Law Review Ass'n et al. eds., 20th ed. 2015).
- If the record cites a case, do we string cite to the case or cite to the record (i.e. J.A. 5)?
 - All citations to cases should be in Bluebook format.
- Should "see" cites be italicized?
 - Please refer to the Supreme Court Rules and the Bluebook.
- Are footnotes and/or block quotes acceptable within the brief?
 - Block quotes are acceptable. Use footnotes at your discretion.
- If footnotes are acceptable, should they be in Times New Roman and 12-point font?
 - Times New Roman 10-point font.
- If block quotes are acceptable, should they be in Times New Roman and 12-point font?
 - Yes.
- Should argument headings be double-spaced?
 - Argument headings should be single-spaced.
- Can we make reasonable inferences from the record?
 - Yes.



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- This question relates to question 2 in the cert grant. Am I correct in understanding that the court doesn't want us to entirely use the Lemon test or the coercion test. Instead, we should answer only the two prongs of question 2 (somewhat of a hybrid of the two tests)?
 - Competitors are encouraged to make whatever arguments they believe are strongest for their side of the case.