



Burton D.
Wechsler
National First
Amendment
Moot Court
Competition
2019

Official Rules

Problem released August 18, 2019

Briefs due September 29, 2019

Oral Arguments on October 25-26, 2019

The 2019 Timeline:

Problem will be released August 18th, 2019

Briefs will be due September 29th, 2019

Oral Arguments will be held October 25th and 26th of 2019

PURPOSES OF THE COMPETITION

The purposes of the Burton D. Wechsler First Amendment Moot Court Competition ("Competition") are:

1. To stimulate student interest in current First Amendment law issues
2. To hone competitors' brief writing and oral advocacy skills
3. To recognize excellent brief writing and oral advocacy skills through competition

I. COMPETITION DIRECTORS

The Competition occurs at the command of the Directors, as appointed by American University, Washington College of Law's ("WCL") Moot Court Honor Society ("MCHS"). They are to act to fulfill the purposes of the competition, according to the rules of the competition. All decisions regarding the competition (including any disputes that arise during the competition, and all issues of rule interpretation) are to be resolved by the decision of the Directors.

The consequence for any violation of these rules will be resolved at the discretion of the directors. Potential remedies include disqualification from the competition, or adjustments to the violating teams score, proportionate to the severity of their violation.

Directors: The Directors for the 2019 Competition are Robert Lackey and Stephanie Herrmann.

II. TEAMS

1. Each participating law school may only enter one team.
2. A team may consist of either two or three members.
3. Team members must share equally in brief-writing responsibilities.
4. For teams of three members, in any two subsequent rounds of the competition that the team participates in, each team member must have argued at least once. *In*

other words, for teams of three, a team member may not sit out for more than one round in a row.

5. Once the brief has been submitted, a team may not change its members. In the event of an extreme, unavoidable, and insurmountable hardship, the Directors may grant exemptions to this rule at their sole discretion
6. Space restrictions may limit the total number of teams that may participate in the competition. There is guaranteed room for 30 teams.
7. Each law school shall designate an email address upon registration, to which all competition information will be sent. Competitors are obliged to check this email regularly and are responsible for any information communicated therein
8. To avoid potential impropriety, and the appearance of impropriety, competitors must not reveal what school they are representing until after the conclusion of the competition. This includes revealing this information to judges, other teams, and members of the WCL MCHS who are hosting the competition. Teams, judges, and MCHS members must not seek to discover this information. If a team, judge, or MCHS member nonetheless discovers what school another team is representing, they must not share this information with anyone except as necessary to report a violation of the rules to the directors.

No team from the WCL may compete in the competition. However, should there be an odd number of teams competing, the directors shall establish a “shell team” to present arguments in 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 at the release of the problem. This is the position that team shall adopt in their brief. While each team will only submit one brief arguing for one side, teams should prepare and expect to argue for both sides during the competition.
2. 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.*** At the problem release, teams will be provided

with a document to execute, which certifies their compliance with the outside help rule. Team members must complete this certification, and submit it with their brief.

3. Briefs must not exceed thirty pages, excluding the cover page, the questions presented, the table of contents, the table of authorities, and the statement of jurisdiction. Any writing in excess of the thirty page limit shall be disregarded by the brief graders, as if the document ended at the last character on the 30th page after the excluded sections.
4. Briefs must be typed in the format of an eight and one-half by eleven-inch (8½” x 11”) document, with one inch margins, double spacing in both text and footnotes (Except for where the most recent edition of the Bluebook prescribes a different spacing--for example, in block quotations), in 12 point Times New Roman font. The title page may use different fonts, at the discretion of the teams.
5. Briefs shall include the following sections in the following order, with the content of each section being consistent with the typical content for those sections in briefs submitted to the Supreme Court of the United States:
 - i. Cover Page;
 - ii. Questions Presented;
 - iii. Table of Contents;
 - iv. Table of Authorities;
 - v. Jurisdiction Statement;
 - vi. Statement of the Case;
 - vii. Summary of the Argument;
 - viii. Argument; and
 - ix. Conclusion.
 - x. No appendix is necessary or expected.
6. 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.
7. Citations within the brief shall be in accordance with the rules in *The Bluebook: A Uniform System of Citation*, Harvard Law Review (20th Edition).
8. **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 Daylight Time (EDT) on Sunday, September 29, 2019.** Late briefs will receive a ten (10) point penalty per day, to be deducted from the total brief score.
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:

- i. 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 EST on September 15, 2019** 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, 2019.

V. BRIEF SCORING

1. Briefs are scored out of a maximum of 100 points. Each brief will be graded five times by a designated five member team comprised of members of the WCL MCHS. Of these five scores, the highest and lowest will be dropped. The average of the remaining three scores will be the final score of each brief.
2. Any person grading the briefs or judging the Competition will not know what school the team they are assessing is from. 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 may result in that team's immediate disqualification from the competition.***
3. 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, generally in accordance with The United States Supreme Court brief requirements.
4. 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. However, if a team member does not participate in the arguments of one round, they **must** argue in the next round. 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 preliminary rounds, an Octofinal Round, a Quarter Final Round, a Semifinal Round, and a Final Round. The preliminary rounds will be conducted in a non- elimination format and will be structured such that each team will argue both on and off-brief.
3. The elimination rounds will default to each team arguing on-brief. However, logistically, teams may be required to argue off-brief in these elimination rounds. In this case, the team with the lower advancing score will argue off-brief. If these scores are tied, then the team with the lower brief score will argue off brief. If that is also tied, a coin will be flipped. **Judges are not to be 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. 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. Each competitor must argue a minimum of (10) minutes)

6. A bailiff will signal each 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.
7. No teams may watch other teams' oral arguments, except at the Final round, or if the team is directly competing with that other team.
8. Competitors may invite visitors to watch their arguments as long as they are respectful and not disruptive. The judges in any room where a round of the competition is taking place, and the competition directors may expel guests if they are disrupting the proceedings.
9. A photographer will be present during the competition and will take pictures during rounds. The photographer will be instructed to avoid entering competition rooms mid-argument, but teams should be aware that this may happen.
10. Teams must argue before the panel of judges that they are assigned. Refusal to argue before any particular judge or judges will result in a score of zero for that round.

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:** In each matchup, one team will advance. Which team advances will be determined by a simple majority vote by the judicial panel for that matchup, for a total of eight (8) advancing teams. The advancing teams will be placed into a single-elimination bracket for the Quarterfinal round. The bracket will be announced and displayed in the competitors' room. Teams will also be scored based on their oral argument.

3. **Quarter Final Round:** In each matchup, one team will advance. Which team advances will be determined by a simple majority vote by the judicial panel for that matchup, for a total of four (4) advancing teams. The advancing teams will be placed into a single-elimination bracket for the Semifinal round. The bracket will be announced and displayed in the competitors' room. Teams will also be scored based on their oral argument.
4. **Semifinal Round:** In each matchup, one team will advance. Which team advances will be determined by a simple majority vote by the judicial panel for that matchup, for a total of two (2) advancing teams. The advancing teams will be placed into a single-elimination bracket for the Final round. The bracket will be announced and displayed in the competitors' room. Teams will also be scored based on their oral argument.
5. **Final Round:** The Final Round Panel will determine the Competition Champion.

In the event of a tie in the Preliminary rounds 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
 - a. Semifinalists (2)
2. Brief Scores
 - b. Best Brief
 - a. Best Brief, Runner-Up
3. Oralist Scores
 - c. Best Oralist

a. Best Oralist, Runner-Up

I. EMERGENCY CONTACT INFORMATION

In case of emergency, competitors should contact Competition Directors at firstamendment.wcl@gmail.com