



Burton D.
Wechsler
National
First
Amendment
Moot Court
Competition
2021

Official Rules

Problem released August 15, 2021

Briefs due September 26, 2021

Oral Arguments on October 23-24, 2021

The 2021 Timeline:

Applications will be due June 30, 2021 at 11:59pm ET

Decisions will be announced the first week of July

Problem will be released August 15, 2021

Briefs will be due September 26, 2021 at 11:59pm ET

Oral Arguments will be held virtually Saturday, October 23 and Sunday, October 24, 2021

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 2021 Competition are Lizzie June and Shahnoor Khan

II. TEAMS

1. Each participating law school may only enter one team.

2. A team must consist of 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 at least 24 teams, and there will be a waitlist.
7. Each law school shall designate an email address upon applying, 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 the 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. This is an “open universe” problem.

7. The cover page for the petitioner must be blue. The cover page for the respondent must be red. **Your school name or team member names must NOT appear on the actual brief.** Each team will be assigned a team number, which must be placed on the Cover Page. Your assigned team number must be the only identifying information included in your brief.

8. Citations within the brief shall be in accordance with the rules in *The Bluebook: A Uniform System of Citation*, Harvard Law Review (21st Edition).

9. **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 (ET) on Sunday, September 26, 2020. Late briefs will receive a ten (10) point penalty per day, to be deducted from the total brief score. The first ten-point penalty applies at 12:00AM (ET) Monday, September 27, 2020, until exactly 24 hours after the deadline. At 12:00AM (ET) Tuesday, September 28, 2020, an additional ten-point penalty applies, totalling a twenty-point (20) deduction. Additional ten-point penalties apply and compound every twenty-four hours until the brief is submitted to firstamendment.wcl@gmail.com.

10. All briefs will be published on the Competition's website. Participants may consult other teams' briefs in preparation for oral arguments.

11. 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.

12. Citation to the problem should take the following form: "(J.A. at **.)"

13. Problem clarification questions must be submitted by **Sunday, August 29, 2021 at 5:00 p.m EST.** to firstamendment.wcl@gmail.com. Responses to clarification requests received by the deadline will be sent out by pdf in an email to all competitors by 5:00 PM ET on September 5, 2021.

V. BRIEF SCORING

1. Briefs are scored out of a maximum of 100 points. The final score of each brief will be the average of its grades. Each brief will be graded three times by members of the WCL MCHS, each time by a different member. If there is greater than a ten point discrepancy between the highest and the lowest of the three scores, the brief will be scored a fourth time by a different member.
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.*** Wechsler Competition Directors will remove metadata from all brief PDFs upon receipt to protect team anonymity.
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. Oral argument and brief winners 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.

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. Visitors are to be muted throughout the entire argument and must have their videos off. 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. Pictures of the event may take place in the form of screenshots taken by WCL Moot Court Honor Society members. They will be instructed to take photos at the appropriate times, and teams should be aware of when this will be happening.
10. There shall be no recording or broadcasting (audio and/or visual) of oral arguments by anyone other than the WCL MCHS-appointed photographer during any round of the competition.
11. 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, thirty percent (30%) of the team's total score will be based on the brief score and seventy percent (70%) will be based on the oral argument score. Upon completion of both preliminary rounds, the total scores from the first and second rounds will be added together. 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:** There will be a total of sixteen (16) teams. The advancing teams will be placed into a single-elimination bracket for the Quarterfinal round. The bracket will be announced over zoom. In each matchup, the team with the higher score will advance. Ninety percent (90%) of the team's total score will be based on the oral argument score and ten percent (10%) will be based on the brief score. Eight (8) teams will advance to the next round.
3. **Quarterfinal Round:** There will be a total of eight (8) teams. In each matchup, the team with the higher score will advance. Ninety percent (90%) of the score will be based on the oral argument score and ten percent (10%) will be based on the brief score. There will be 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 over zoom.

4. **Semifinal Round:** There will be a total of four (4) teams. In each matchup, the team with the higher score will advance. Ninety percent (90%) of the score will be based on the oral argument score and ten percent (10%) will be based on the brief score. There will be 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 over zoom.

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 oral argument 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

****Note:** Oralist Scores are tallied only from the first day of arguments, and the **Oralist Awards and Best Briefs** are presented at the meeting following the first day of competitions. The teams that will be moving on to subsequent rounds will also be announced at that time.

I.EMERGENCY CONTACT INFORMATION

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