

Rules of the American Moot Court Association

As Revised August 1, 2017

PREAMBLE

The purpose of the American Moot Court Association (AMCA) is to educate undergraduate students about the American legal system, American jurisprudence, and the work of American attorneys. Moot Court competition (simulated legal argumentation before hypothetical appellate courts, also known as “mock Supreme Court”) has long been an educational opportunity limited to the law school environment. The goal of the American Moot Court Association is to create a system of top-quality undergraduate moot court competitions in America. Achieving this goal requires meeting specific objectives, including the following: a carefully drafted problem with associated authority list, clear, comprehensive, equitable, and uniform rules refined through experience; well-planned, publicized, and directed tournaments; and informed and uniform judging.

ARTICLE 1: DEFINITIONS

1.1.1 Team. A team consists of two undergraduate students, “attorney-contestants,” enrolled in a degree program at an accredited institution of higher education.

1.1.2 Eligibility. Part- or full-time students are eligible to compete in national tournaments for a five-year calendar period commencing at the first entry of the student into any regional or national tournament held by AMCA. Students enrolled in a graduate program of studies, such as a J.D. program, are **not eligible** to compete in AMCA tournaments. Students with a baccalaureate degree who are enrolled in other baccalaureate programs but who are not seeking and have not earned a professional or graduate degree may continue to compete in moot court competitions, if their school permits such competition. The Tournament Director may request proof of “undergraduate status” from contestants, and may determine a team ineligible to compete.

1.1.3 Dual-enrollment high school students. Dual-enrollment high school students may not participate in AMCA tournaments, absent approval from both the college/university in which they are dually enrolled and AMCA. The five-year calendar limit on eligibility described in Rule 1.1.2 applies to dual-enrollment students.

1.1.4 Use of ineligible team members. Any team that knowingly uses an ineligible person as a member will be subject to sanctions under Article 9 below. Challenges based on the ineligibility of an opposing team member must be made to the AMCA President or Regional Tournament Director before or after a hearing, but not to a Judge and not during a hearing.

1.2.1 Hearing. A hearing consists of forty (40) minutes total of oral argument, including questioning of judges, of both Petitioner and Respondent teams. Each team is permitted a maximum of twenty (20) total minutes.

1.2.2 Time constraints. Each team may divide their time as they wish with the following constraints:

- a) Both Petitioner and Respondent must state how they will divide their time before the beginning of the round.
- b) Each individual speaker must present a minimum of seven (7) minutes of oral argument, including questioning.
- c) With the exception of Petitioner’s rebuttal, each speaker has only one opportunity to present argument. The required order is: first speaker for Petitioner; second speaker for Petitioner; first speaker for Respondent; second speaker for Respondent; opportunity for Petitioner’s rebuttal.
- d) Petitioners may reserve, before the round begins, a maximum of three (3) minutes of “rebuttal” from their twenty (20) minute total. Respondents may not be given time for a rebuttal.
- e) Only one team member may deliver the rebuttal, but the name of the speaker doing

rebuttal need not be identified at the beginning of the round.

Note to Rule 1.2.2: Since the AMCA scoring guidelines state that teams must make full use of their allotted time, teams that reserve time for rebuttal and then fail to give a rebuttal may be penalized in scoring.

Rule 1.2.3 No new constitutional issues in rebuttal. Petitioner may not introduce new constitutional or legal issues in the rebuttal unless responding to a judge’s question that introduces a new constitutional or legal issue.

Note to Rule 1.2.3: Since the AMCA scoring guidelines state that Petitioner may not introduce new constitutional or legal issues in the rebuttal, teams that do so may be penalized in scoring.

1.3.1 Types of tournaments. The AMCA recognizes Invitational, Regional and National Tournaments (see Article 4 below).

1.3.2 Invitational Tournaments. Any school that wants to sponsor an Invitational Tournament must first ask the President of the AMCA for permission to use the AMCA Case Problem. However, the AMCA does not sanction Invitational Tournaments, and the sponsors of Invitational Tournaments may depart from the rules specified in this document subject to the agreement of the participating teams.

1.3.3 Regional Tournaments. A Regional Tournament consists of (a) a **minimum** of three “preliminary hearings,” during which teams of contestants argue in behalf of both Petitioner and Respondent, and (b) at least four “Elimination” hearings, which are used to determine the First Place team. The Tournament Director may organize additional “Elimination” hearings.

1.3.4 Accreditation. All Regional Tournaments are established and accredited by the Executive Board of the AMCA and shall follow the Code of Professional Conduct and Decorum (Article 2) and all AMCA Tournament Rules.

1.4.1 Tournament Director. A Tournament Director is any faculty or staff member at an accredited American college or university, or an attorney or other person designated by the AMCA who organizes an inter-collegiate undergraduate tournament authorized by the President for Invitational Tournaments or by the Executive Board of the AMCA for the Regional and National Tournaments.

1.4.2 Responsibilities of the Regional Tournament Director. The Tournament Director is responsible for ensuring that the tournament is conducted according to the rules of the AMCA, for ensuring that team scores are accurately entered into the AMCA scoring system, and for collecting and forwarding to the AMCA President the results of the tournament and all AMCA registration fees that are established by the Executive Board.

1.5.1 Coach. A Coach is any faculty, staff member, or attorney who serves as the advisor

for the teams from a particular school (defined as an institution of higher education offering a course of general studies leading to a bachelor's degree). An undergraduate student may not serve as a coach. All materials and correspondence from the AMCA and Tournament Directors shall be sent to the designated Coach only.

1.5.2 Teams without a coach. Teams without a Coach are eligible to compete as long as they meet the requirements of Rule 1.1.2. Teams without a Coach must supply the name, cell phone number, email and address of only one contact person who will be responsible for receipt of all materials and correspondence with the AMCA and Tournament Directors.

1.5.3 Number of coaches. Each school may have only one officially designated Coach who is responsible for managing all correspondence with the AMCA and Tournament Directors, and for confirming scores and representing the school's teams to the tournament officials. Although a school may use the coaching services of any number of additional faculty, staff members and attorneys before or during tournament competitions (except during a hearing as specified in Rule 3.11 below), the Tournament Director has the authority to ask coaches to clear the tab room if necessary for entering scores, copying ballots, or settling disputes.

ARTICLE 2: CODE OF PROFESSIONAL CONDUCT AND DECORUM

2.1 Ideals of the AMCA. The ideals of fair play, civility, and professionalism shall guide the conduct of all participants—including students, coaches and judges—throughout all moot court activities including, but not limited to tournament hearings, breaks between hearings, organizational meetings, and team practices.

2.2 Integrity. Participants shall strive to exemplify the highest ideals of the legal profession, to maintain the highest standards of ethical conduct, and to achieve excellence and integrity.

2.3 Courtesy. Courtesy toward opposing team members, judges, tournament officials, coaches, and one's own team members is expected of all participants.

2.4 Demeaning, harassing, or disruptive behavior. Participants shall not engage in any behavior designed to demean, harass or embarrass any other participant or solely to garner notoriety or publicity for themselves or their school.

2.5 Abiding by the rules. All participants in moot court, including students, coaches and judges, are expected to abide by the rules as established in this document. Failure to conform to the rules may lead to a loss of points or sanctions under Article 9 below.

ARTICLE 3: TOURNAMENT RULES

3.1 Application of rules. All the rules in this section apply to any Regional Tournament sanctioned/accredited by the AMCA and the AMCA National Tournament.

3.2.1 Registration required. Teams must register and remit the required registration fees by the dates posted by the Tournament Director in order to be eligible to participate in the tournament. Although each Regional Tournament Director will establish the deadline for registration for her/his Regional Tournament, the final deadline for registration for all AMCA Regional Tournaments shall not be later than November 1.

Note to Rule 3.2.1. If November 1 falls on a Saturday or Sunday, the final deadline for registration for all Regional Tournaments is the following Monday.

3.2.2 Registration fees. Regional Tournament Directors shall set the registration fees for Regional Tournaments. The Regional Tournament Directors are also responsible for collecting and forwarding to the AMCA all registration fees that are established by the Executive Board.

Note to Rule 3.2.2: The AMCA Board has currently established a registration fee of \$25 per team for all teams that register for a Regional Tournament.

3.3 Team identification. Each team shall be assigned a team number by the Tournament Director. Teams may not be identified or identify themselves by institutional affiliation.

3.4.1 Timekeeping. Prior to the beginning of each round, each team shall indicate to the timekeeper and judges how it wishes to allocate its time (subject to the constraints in Rule 1.2.2 above).

3.4.2 Rebuttal. Petitioners must reserve time for rebuttal before beginning their oral argument. The purpose of a rebuttal is to respond to the Respondent's arguments, and it is inappropriate for competitors to attempt to introduce new arguments during the rebuttal.

3.4.3 If there is no official timekeeper. If there is no timekeeper to monitor time, and there is no other individual in the courtroom whom the judges can appoint as timekeeper, each team shall keep time for the opposing team.

3.4.4 Timekeeping procedures. Timekeepers shall display time cards so that they are visible to the attorney-contestant who is presenting oral argument and to the panel of judges. At the end of the time allocated for each attorney-contestant, the timekeeper shall announce "time" so that the attorney-contestant and judges will know that time has expired.

Comment to Rule 3.4.4. Although Tournament Directors shall attempt to recruit timekeepers for all hearings, there will be hearings in which teams must keep time for

their opponents. Coaches are responsible for ensuring that their teams are familiar with the rules regarding allocation of time and experienced in keeping time. The Tournament Director shall provide a watch or timer that allows for accurate timekeeping.

3.4.5 Timekeeping signals at the National Tournament. Timekeepers at the National Tournament shall display time cards at minute intervals, beginning one minute into each speaker's argument and ending with a "30 second" warning card and a "Stop" card.

Note to Rule 3.4.5: Failure to receive proper time warnings does not constitute grounds for an appeal.

3.5 Use of notes and visual aids. Attorney-contestants may use notes at any time during the hearing. No presentation devices or exhibits of any kind may be used in oral argument. Attorney-contestants may not submit a written brief to the judges.

3.6 Extension of oral argument. Judges may permit a **brief** extension of oral argument if an attorney-contestant's time is exhausted while she is answering a judge's question and she requests such an extension. Outside this exception, attorney-contestants shall stop when their time is up.

3.7 Critique. After hearing arguments of both teams, judges should, if time permits, offer evaluations of performance in a short "feedback" period.

3.8 Competitions are open to the public. All hearings shall be open to the public. However, the Chief Justice may clear the courtroom so that judges may enter and calculate their scores at the end of a hearing.

3.9.1 Scouting. "Scouting" is defined as gathering information about opponents in the AMCA Regional or National Tournaments for competitive advantage.

3.9.2 Observation of teams from other schools is scouting. No person, including coaches, students, parents and other spectators, who is affiliated with any team or school may watch or listen to any oral argument other than one involving the team or school with which he or she is affiliated until all teams from that school have been eliminated from the tournament.

3.9.3 No note taking during rounds. The attorney-contestants may take notes when they are participating in oral argument. However, during rounds, parents and other spectators may not take notes, regardless of who is presenting. Notes may be taken during the oral critique following the hearing. Coaches may attend and take notes during rounds except as prohibited by Rule 3.9.2.

3.10.1 Video and audio recording at Regional and National Tournaments. No video or audio recording by schools, teams, parents or other spectators is permitted at the Regional and National Tournaments.

3.10.2 Recording by the AMCA is permitted. The Championship Round and other rounds may be videotaped, photographed or otherwise recorded by the AMCA at the Regional and National Tournaments. A student's decision to enter and participate in the tournament constitutes consent to videotaping, photography or other recording, unless state law imposes stricter requirements. Videos, photographs and audio recordings may be posted on one of the AMCA's websites, used in print publications, or otherwise distributed by the AMCA.

3.10.3 Recordings of Regionals may not be distributed until the National Tournament has ended. No video or audio recordings of any rounds at Regional Tournaments may be posted on the web or otherwise distributed until the National Tournament has ended.

3.10.4 Recording by the News Media. The news media may, with the permission of the AMCA or Tournament Director, videotape, record, or photograph during hearings at any sanctioned tournament. By competing in a sanctioned tournament, each participant grants the right to have the participant's likeness and recording used for media purposes, unless state law imposes stricter requirements.

3.10.5 Exceptions. Any exception to these rules on video and audio recording at the Regional and National Tournaments must be approved by both participating teams and by the AMCA or Tournament Director.

3.10.6 Video and audio recordings of other teams may not be distributed. No team or school may post on the web or otherwise distribute the video or audio recordings of another team or school's arguments without their prior permission to do so.

3.11.1 Use of cell phones, laptops, and other electronic devices by participants. Cell phones, laptops, tablets and other electronic communication devices are prohibited at the counsel table at AMCA Regional and National Tournaments.

3.11.2 Electronic devices in the courtroom. Students, parents and other spectators must turn off all electronic devices present in the courtroom during all preliminary and elimination rounds at AMCA Regional and National Tournaments. Coaches may use electronic devices providing that they are not disruptive and they do not violate AMCA rules against scouting and recording.

3.12 No substitutions. A team of the same two attorney-contestants must represent the Petitioner and/or the Respondent for every hearing of the Tournament. Substitutions are not permitted once the Tournament begins. If a team member is unable to complete the competition, that team will forfeit their next round.

3.13 No coaching during hearings. Coaches must not contact or attempt to contact by any means, whether personally or through another person, directly or indirectly, verbally or nonverbally, a member of a team during a hearing.

3.14 Closed problems. The problems presented for the AMCA Tournament are closed problems. Students may discuss cases outside the Table of Authorities **solely to the extent that they are quoted and cited within the official cases**. Judges are to be informed to deduct points as a penalty for use of prohibited materials.

Comment to Rule 3.14. For example, if a case is simply included in a string quotation, that case cannot be discussed unless the student says that this case of X v. Y was cited by the court in [official case within the record] to support its holding. Any detailed discussion of the facts or reasoning of X v. Y would be inappropriate unless those matters specifically appear in the official case.

3.15 Bench briefs. The AMCA may distribute bench briefs to judges for the purposes of briefing them on the constitutional issues presented in the problem. Students are not to have access to the bench brief. Students with such access are subject to disqualification.

Note to Rule 3.15. The Executive Board has authorized that coaches shall have access to the bench brief on the password protected Coaches Blog on the AMCA website.

3.16 Judges' decisions final. All decisions of the Judges regarding scoring are final subject to the certification of the ballots by the Tournament Director and, in the case of the National Tournament, by the National Tournament Committee. In case of an incomplete or unclear judging form, the Tournament Director shall have the final determination.

Article 4: TOURNAMENTS

4.1.1 National Tournament. The Executive Board of the AMCA shall establish the location and date of the National Tournament.

4.1.2 Bids to the National Tournament. Teams must qualify to compete in the National Tournament by competing for and winning a bid at a Regional Tournament sanctioned by the AMCA.

4.1.3 Number of bids. The AMCA Executive Board determines the number of bids to the National Tournament.

Note to Rule 4.1.3. The current policy established by the Executive Board sets a total of 80 bids to the National Tournament.

4.1.4 National tournament bid criteria. The National Tournament Committee shall allocate automatic bids to the top teams competing in each of the AMCA sanctioned Regional Tournaments. After teams have registered on November 1, the National Tournament Committee shall determine a percentage that will maximize the number of automatic bids coming from the Regional Tournaments. At each Regional, the designated

percent of teams will automatically qualify for the National Tournament.

4.1.5 Determination of qualifying teams. The teams that finish highest in the elimination rounds of each Regional Tournaments will qualify for the National Tournament according to a percentage determined by the Executive Board. In cases where the percentage of qualifying teams exceeds the winners of a particular elimination round, the remaining qualifying teams will be selected from the teams that had lost in the preceding round on the basis of ballots won (as formulated in Rule 5.3 and Appendix D) in both the preliminary rounds and the elimination rounds beginning with the round of 16.

Comment on Rule 4.1.5. For example, if 10 teams were supposed to qualify at a Regional Tournament according to the percentage announced by the National Tournament Committee, the 8 teams that finished in the quarterfinals or above would automatically qualify. The remaining 2 qualifiers would be selected from the 8 teams that lost in the round of 16 based upon the total of their ballots won in the preliminary rounds and the round of 16.

4.1.6 Allocation of remaining bids. The National Tournament Committee shall allocate any remaining bids (beyond the bids automatically allocated to the Regionals) on the basis of the total ballots won by teams in their regional preliminary and elimination rounds. In case of a tie, the first tiebreaker is that teams from schools that already have qualified teams for the tournament will be passed by in favor of selecting teams from schools that have no teams that have already qualified for the tournament. The second tiebreaker is regional strength.

4.1.7 Limit on teams from a single institution. Only eight teams from a single institution may qualify for competition in the National Tournament.

4.1.8 Receipt and return of tournament bids. Schools that qualify teams to the National Tournament must notify the AMCA President to certify their acceptance of the bids, and they must follow all instructions to complete registration forms and pay registration fees by the established deadline. Any team that does not inform the President of their intention to accept their bid and/or fails to return its registration form and fees by the date specified forfeits its bid.

4.1.9 Declined National Tournament bids. The National Tournament Committee shall be responsible for the reallocation of declined and forfeited bids on the basis of the procedure stated in Rule 4.1.6 above. When a bid is declined or forfeited, a bid shall be offered to the next eligible team in the Regional Tournament from which the original bid was declined or forfeited. In order to be eligible for a national bid, a team must have a score of at least four ballots.

4.1.10 Substitutions. If both members of a team that has received a bid are unable to compete at the National Tournament, the bid is forfeited and will be reallocated by the National Tournament Committee. If one member of a team that has received a bid is

unable to compete due to medical or academic reasons, a substitution is allowed subject to the prior approval of the National Tournament Committee. If a substitution is necessary, the team shall retain its seeding.

4.1.11 Seeding at the National Tournament. The National Tournament Committee shall be responsible for seeding the teams that qualify based upon their performance at the Regional Tournaments. Regional Tournament Champions shall be seeded first, following the same criteria used to rank the remaining teams. Teams shall be seeded according to the following criteria: 1) total number of ballots won in elimination and preliminary rounds; 2) combined strength; and 3) point differential. If this formula results in a seeding tie, the tiebreaker shall be a coin flip.

4.2.1 Regional Tournaments. Regional Tournaments are those qualifying tournaments that are recognized and supported by the Executive Board of the AMCA. Each year the Executive Board shall establish a deadline by which all Regional Tournaments are held.

4.2.2 Location and dates. The Executive Board of the AMCA shall establish the location and dates of Regional Tournaments. The locations and dates of the Regional Tournaments shall be posted on the AMCA website.

4.2.3 Deadline for registration at Regional Tournaments. All Regional Tournament Directors must submit the list of teams registered for their Regional Tournament to the National Tournament Committee by November 1.

Note to Rule 4.2.3 If November 1 falls on a Saturday or Sunday, the final deadline for submitting the registration lists for all Regional Tournaments is the following Monday.

4.2.3 Regional authority. AMCA rules are applicable at all designated Regional Tournaments. Each region shall determine rules regarding its non-AMCA tournaments that are held throughout the year. In the event there are no specific AMCA rules regarding procedural issues or conflicts that arise during the course of the AMCA tournament process, the region, in consultation with the President, retains full authority to make determinations about the proper interpretation of the rule to be applied according to its own rulemaking procedures.

4.2.4 Team limits. There are no limits on the number of teams that a school may register for regional competition. Although schools may enter teams in any Regional Tournament (subject to space limitations to be set by the Regional Tournament Director), no individual may be entered in more than one Regional Tournament in a given year. Only eight teams from an institution may qualify for the National Tournament, regardless of in which regions they compete. If more than eight teams from the same school earn bids, the school may determine which eight teams will represent it.

4.2.5 Unaffiliated teams. A team comprised of members of two different schools (hybrid) shall be considered unaffiliated for purposes of team limits and same school restrictions.

4.3 Invitational Tournaments. An Invitational Tournament is an intercollegiate moot competition sponsored by a college, university, law school, or bar association and recognized by the AMCA. The President has the authority to recognize new Invitational Tournaments and to appoint their Tournament Directors. Each year, the President shall issue a report on Invitational Tournaments to the Executive Board of the AMCA.

4.4. Oral Arguments and Brief Writing. All tournaments must include Oral Arguments, but there is only one brief writing competition that is sanctioned by the AMCA. Written briefs may not be submitted at Invitational or Regional Tournaments. Any pair of students eligible to participate under Article 1.1.2 is eligible to participate in the National Brief Writing Competition, which is separate from the Oral Argument Competition at the National Tournament. Information on the National Brief Writing Competition shall be posted on the AMCA website. See Appendix B for the Brief Writing Competition Rules, Brief Writing Competition Certification Form, and the official AMCA Brief Writing Judging Form.

ARTICLE 5: JUDGING CRITERIA

5.1 Scoring system. All tournaments sanctioned by the AMCA shall use the 400-point scoring system outlined on the AMCA Official Ballot (Appendix A).

5.2 Scoring based on presentation. Oral arguments shall be scored on the basis of quality of presentation, not on the merits of the case.

5.3 The AMCA scoring system is standardized to two ballots. The scores for each preliminary hearing are calculated in a manner that assumes there are *TWO* ballots. Thus, in three preliminary rounds, the maximum score a team can attain is 6-0, or 6 ballots; and the worst record is 0-6, or 0 ballots. Ties count as .5 ballots. The scoring system tabulates a team's score based upon the portion of the ballots that it actually receives from the number of judges assigned to a particular hearing as indicated in the Calculation Sheet (see Appendix D). As Rule 6.1.4 indicates, teams in the preliminary rounds will be ranked by ballots won.

5.4 Brief writing competition. The National Brief Writing Competition shall be scored using the nine criteria summarized on the AMCA Brief Writing Evaluation Form (Appendix B). Rule 3.14 applies to the Brief Writing competition: "The problems presented for the AMCA Tournament are closed problems. Students may discuss cases outside the Table of Authorities solely to the extent that they are quoted and cited within the official cases." See Appendix B for the Brief Writing Competition Rules, Brief Writing Competition Certification Form, and the official AMCA Brief Writing Judging Form.

ARTICLE 6: TOURNAMENT PAIRINGS

6.1.1 Regional Tournaments: Preliminary rounds. The Regional Tournaments shall consist of at least three preliminary rounds of competition in which all teams compete. Each competing team shall represent each side of the case with a coin toss procedure used to determine which team represents Petitioner and Respondent in the third round. If there are four preliminary rounds then each team represents each side twice.

6.1.2 Pairings at Regional Tournaments. Teams shall present Oral Arguments before different Judges in each round, and no two teams shall be paired for more than one hearing during the preliminary rounds.

6.1.3 Same school constraint. Teams shall be randomly paired against other teams except that teams from the same school should not be paired during the preliminary rounds at Regional Tournaments if possible. It is permissible for a team to face a different team or teams from the same school.

6.1.4 Advancing to elimination rounds. Teams shall advance to the elimination rounds based upon the number of ballots won in the preliminary rounds as calculated by the formula in Rule 5.3. In the event of a tie on these criteria, strength of opposition, overall point differential, and other criteria used by the AMCA scoring system shall determine which team advances.

6.1.5 Number of teams that break. Regional Tournaments must break at least 16 teams unless granted an exemption by the Executive Board of the AMCA.

6.1.6 Ties in Regional Tournament elimination rounds. All panels of judges in elimination rounds should, if possible, be made up of at least three judges and should consist of an uneven number of judges. If the outcome of an elimination round results in a tie, the victory will be awarded to the team with the higher seed (based upon record, strength of opposition, overall point differential, and other criteria used by the AMCA scoring system). However, pursuant to Rule 3.16 above, a Tournament Director may ask a judge for clarification of her ballot if a tied ballot is the consequence of an incomplete or unclear judging form.

Note to Rule 6.1.6: The AMCA judges' orientation includes a strong recommendation that judges avoid tied ballots and select a winner when completing ballots in elimination rounds. However, pursuant to Rule 3.16, a judge's decision is final, and a Regional Tournament Director does not have the authority to force judges to change their ballots to avoid ties.

6.1.7 Breaking brackets. In all Regional Tournaments, brackets shall NOT be broken to prevent teams from the same school from competing during the elimination rounds.

6.2.1 The National Tournament: Preliminary rounds. The National Tournament shall consist of at least three preliminary rounds of competition in which all teams compete.

Each competing team shall represent each side of the case with a coin toss procedure used to determine which team represents Petitioner and Respondent in the third round. This is only needed if the final round is an odd number. If there are four preliminary rounds then each team represents each side twice.

6.2.2 Pairings at the National Tournament. Teams shall present Oral Arguments before different Judges in each round, and no two teams shall be paired for more than one hearing during the preliminary rounds.

6.2.3 Pairings in preliminary rounds. In the first round, teams shall be paired against other teams using a formula based upon their regional record and the historic strength of each regional tournament subject to the constraint listed below in 6.2.4.

6.2.4 Same school constraint. No team shall face another team from the same school in a preliminary round at the National Tournament.

6.2.5 Advancing to elimination rounds. Teams shall advance to the elimination rounds based upon the total ballots from the preliminary hearings. In the event of a tie, strength of opposition, overall point differential, and other criteria used by the AMCA scoring systems shall determine which team advances.

6.2.6 Number of teams that break. A minimum of thirty-two teams shall advance to the elimination rounds at the National Tournament. All teams that finish with at least 3 ballots (according to the formula in Rule 5.3) or with a 2-1 win-loss record in preliminary rounds shall advance to the elimination rounds.

6.2.7 Brackets. Teams in the elimination rounds shall be paired according to a “brackets” scheme such that the highest scoring team shall be paired against the lowest scoring team in the eliminations, and so forth.

6.2.8 Breaking brackets. In all Regional Tournaments and the National Tournament, brackets shall NOT be broken to prevent teams from the same school from competing during the elimination rounds.

6.2.9 Coin toss. Competing teams shall determine which team represents Petitioner and Respondent using a coin-toss procedure unless the two teams have already met in the preliminary rounds of the same tournament. If two teams were previously matched in the preliminary rounds, they will switch sides (from Petitioner to Respondent and from Respondent to Petitioner) in the elimination round in which they are matched again.

6.2.10 Ties in elimination rounds at the National Tournament. All panels of judges in elimination rounds will, if possible, be made up of at least three judges and will consist of an uneven number of judges. If the outcome of an elimination round results in a tie, the victory will be awarded to the team with the higher seed (based upon record, strength of opposition, overall point differential, and other criteria used by the AMCA scoring system). However, pursuant to Rule 3.16 above, the National Tournament Committee

may ask a judge for clarification of her ballot if a tied ballot is the consequence of an incomplete or unclear judging form.

Note to Rule 6.2.10: The AMCA judges' orientation at the National Tournament includes a strong recommendation that judges avoid tied ballots and select a winner when completing ballots in elimination rounds. However, pursuant to Rule 3.16, a judge's decision is final, and the AMCA does not have the authority to force judges to change their ballots to avoid ties.

ARTICLE 7: TOURNAMENT JUDGES AND OFFICIALS

7.1.1 Judges. Judges for tournaments may be recruited by the Tournament Director from local bar associations, institutional moot trial and law school alumni, or any other reasonable source. Tournament Directors shall make every effort to recruit at minimum two individuals to act as Judges for each hearing.

7.1.2 Preparation of Judges. The Tournament Director is responsible for insuring that Judges are instructed regarding the Tournament Rules and the scoring system. The Tournament Director shall provide Judges with copies of the case problem and bench briefs (if available) in advance of the tournament.

7.1.3 Coaches as Judges. Whenever there are insufficient Judges to provide adequate Judges for a round of competition, the Tournament Director may recruit Coaches to serve as Judges. When Coaches serve as Judges, they may not judge any oral arguments involving their own teams. Coaches who serve as Judges shall set aside any partisan interests and shall be fair and reasonable in presiding and scoring as Judges.

7.2 Officials. Every tournament shall have a Director. At the National Tournament the President of the AMCA shall act as Tournament Director. The Tournament Director may recruit such other officials as are needed to assist with the smooth operation of the tournament.

7.3 Tabulation of scores. All AMCA sanctioned tournaments shall use the official AMCA scoring system. The Tournament Director shall supervise the input of the data into the scoring system to ensure accuracy and fairness.

7.4 Verification of scores. At the conclusion of the preliminary rounds, a summary of the data inputted as well as the win/loss decision of each round shall be made available to the Coaches for inspection. Coaches shall have the opportunity to match the score sheets against the data input to insure that no errors were made prior to the assignment of the next round. Teams without Coaches shall not have access to this material, but they may request that a Coach review their scores for possible errors.

7.5 Announcement of scores. All scores shall be kept confidential. Only the tabulators,

Coaches, and the tournament officials shall have access to ballots. Announcement of scores to student-competitors shall be made only after all ballots have been entered and verified for accuracy.

7.6 Distribution of score sheets. At the conclusion of the Tournament, the Tournament Director shall provide copies of the score sheets for all the teams from each school to the Coach of that school.

ARTICLE 8: TOURNAMENT FACILITIES

8.1 Facilities. The Tournament Director shall provide facilities that are adequate for the tournament. Each hearing shall be held in a separate room. The tournament host is responsible for providing lecterns or podiums, time cards, and timers or watches for all rooms where hearings are held.

8.2.1 Handicap accessibility. The AMCA is committed to providing reasonable and appropriate accommodations to students with disabilities at its Regional and National Tournaments.

8.2.2 Request for accommodation due to physical disability. Any member institution requesting special accommodations for one of its students must submit specific, written information to the Tournament Director *at the time of registration* or as soon as practical thereafter if a student's situation changes. This information should include: 1) the specific nature of the disability, 2) the specific functional limitations of the student, and 3) the specific accommodation that is requested.

8.2.3 Provision of accommodation. The AMCA or the Tournament Director may provide the accommodation recommended, or such other accommodation that it/he/she deems reasonable to address the identified functional limitation. Coaches may appeal the decision of a Regional Tournament Director to the Executive Board of the AMCA. Any accommodations provided will be with the intent to provide an equal but not advantageous opportunity for the student to compete and is not intended to alter the fundamental nature of the activity of moot court.

ARTICLE 9: RULE VIOLATIONS

9.1.1 Complaints and sanctions. As specified under Rule 3.16, all decisions of the Judges regarding scoring are final. If a team believes that an opposing team has violated the Tournament Rules, such as by utilizing material from cases outside the Table of Authorities, it is the responsibility of that team to bring such a violation to the attention of the Judges during the course of oral argument. The Judges shall deduct points for any rule violation as they deem appropriate.

9.1.2 Egregious violations. A Coach may file a complaint of an egregious violation of the Tournament Rules (defined in 9.1.3 below) with the Tournament Director. The Tournament Director is empowered to meet with the Coaches of the teams involved in the complaint and to seek a mutually satisfactory resolution of the complaint.

9.1.3 Definition of egregious violations. Violations of the rules that are sufficiently egregious to warrant AMCA sanctions include, but are not confined to, the following:

- (a) Coaching during a hearing.
- (b) Physical or verbal abuse of any participant, including students, coaches, judges and tournament officials.
- (c) Destroying or defacing an opponent's notes or other property.
- (d) Using an ineligible person as a team member.

These examples are not intended to provide an exclusive list of egregious violations, but rather are intended to serve as a guide for participants. However, minor, inadvertent or harmless rule infractions shall not be used as a means to gain strategic advantage or to harass an opponent.

9.2.1 Sanctions at AMCA Regional Tournaments. If informal resolution of a claimed rule violation is not possible and the complaint involves egregious conduct, the Regional Tournament Director or a Coach may file a written appeal documenting the violation in question to the Executive Board of the AMCA. The Executive Board of the AMCA may, by a majority vote, sanction a student, team or coach for an egregious violation of the rules. Sanctions may include, but are not limited to the following: (a) verbal or written warning, (b) loss of seeding, (c) loss of individual or team awards, (d) exclusion of an individual, team, coach or observer from further attendance at, or participation in the next National Tournament, or (e) exclusion of an individual, team, coach or observer from future participation in AMCA Regional Tournaments.

9.2.2 Sanctions at the AMCA National Tournament. If informal resolution of a claimed rule violation is not possible and the complaint involves egregious conduct, the President of the AMCA may, in consultation with and the agreement of at least two members of the Executive Board not involved in the complaint, impose sanctions on the offending team. Sanctions may include, but are not limited to the following: (a) verbal or written warning, (b) loss of points, (c) loss of individual or team awards, (d) re-argument of a particular hearing before a new panel of judges, or (e) exclusion of an individual, team, coach or observer from further attendance at, or participation in, the current tournament. In addition, by a majority vote of the entire Executive Board of the AMCA, a team may be excluded from future participation in AMCA sanctioned tournaments.

ARTICLE 10: AMCA PRESIDENT AND EXECUTIVE BOARD OF DIRECTORS

10.1.1 Executive Board. The AMCA shall be governed by an Executive Board of Directors.

10.1.2. Legislative authority. The Executive Board has the legislative authority to establish and amend the Rules of the AMCA, including the basic rules of conduct, tournament procedures, scoring system and all other rules and practices.

10.1.3 Amending the rules. Amending the AMCA Rules shall require a two-thirds affirmative vote of the members of the Executive Board who are present. Voting via the Internet, teleconferencing is permitted.

10.1.4 Quorum. One-half of all the members of the Executive Board must be present or represented in order for the Board to conduct official business or to vote on changes in the Rules of the AMCA.

10.1.5 Tournament dates and locations. The Executive Board has the authority to establish the date and location of the National Tournament and the dates and locations of all sanctioned Regional Tournaments.

10.1.6 Executive Board membership. The Executive Board has the authority to elect new members of the Executive Board.

10.1.7. Nomination and election of members. All candidates for the Executive Board must complete the AMCA Board of Directors Candidacy Application form. The AMCA Nominating Committee shall select from these applicants a slate to nominate for Board membership, and the nominees shall be elected to the Executive Board by a majority vote of the Board. New members of the Board shall be elected to one-year terms. Thereafter, Board members will typically serve three-year terms, and must reapply at the end of a term, using the AMCA application form, and be reelected by a majority vote of the Board.

10.1.8 Same-school limitations. Colleges and universities may have no more than one voting member on the AMCA Executive Board. Additional individuals from the same school may serve as nonvoting members, and schools may have two or more persons who share or alternate votes.

10.1.9 Executive Board meetings. The Executive Board shall meet bi-annually: in January before the National Tournament and during the summer at a time and location established by the Executive Board. The President of the AMCA has the authority to call additional meetings of the Executive Board.

10.1.10 No voting by proxy or electronic participation. Members of the Executive Board who cannot attend a biannual meeting in person may submit their views on agenda

items in writing, but voting by proxy or electronic participation through Skype or other means is not permitted.

10.2.1 Additional committees. The Executive Board shall elect the members of two standing committees: the Rules Committee and the Case Problem Committee. The Executive Board has the authority to create and appoint additional committees and to delegate specific authority or tasks to these committees.

10.2.2 Rules Committee. The Rules Committee shall consist of four members of the Executive Board who are elected by the full Board, and the President who serves *ex officio*. The Rules Committee shall receive and consider all proposals for changes in the AMCA Rules, shall periodically review the Rules, and shall make recommendations for rule changes at the bi-annual meetings of the Executive Board.

10.2.3 Tournament Administration Committee. The National Tournament Administration Committee shall be chaired by the President of the AMCA and shall also include at least two additional members of the Executive Board who are appointed by the President. The Administration Tournament Committee shall administer the selection of teams to compete in the National Tournament as prescribed in Article 4 above.

10.2.4 Case Problem Committee. The Case Problem Committee shall consist of the President of the AMCA, and at least two additional members of the Executive Board who are elected by the Board. The Case Committee may consult with and use the services on non-Board members. The Case Problem Committee shall formulate the case problem for the next year and present it to the Executive Committee no later than May 1 for discussion, revision, and a vote of approval.

10.3.1. Executive Board member duties and responsibilities. The members of the Executive Board of the AMCA, who serve without salary or compensation, shall promote and represent the goals and values of the AMCA.

10.3.2 Assistance at tournaments. Members of the Executive Board are expected to serve as outside observers at tournaments, to assist in the tabulation of scores at tournaments, and to generally assist the Tournament Director with tournament administration.

10.3.3 Promotion of the AMCA. Members of the Executive Board are expected to organize Invitational and Regional Tournaments when possible, to recruit new schools to participate in the Regional and National Tournaments, to mentor new Coaches, and to engage in outreach activities that promote the goals and programs of the AMCA.

10.3.4 Executive Board responsibilities. Members of the Executive Board are expected to attend the bi-annual committee meetings and other planning meetings, to serve on elected committees, to put the goals and values of the organization above their partisan team interests, to participate fully and advocate forcefully in committee meetings, and to act as part of a unified organization in implementing the decisions adopted by the

Executive Committee.

10.4.1 President. The President of the AMCA is elected, for a three-year term, by majority vote of the Executive Board of the AMCA.

10.4.2 Duties and responsibilities. The President shall coordinate the Regional Tournaments and ensure that the Regional Tournaments conform to the rules and procedures of the AMCA, chair the National Tournament Committee and supervise the allocation of bids to the National Tournament, collaborate with the host of the National Tournament to organize and serve as Tournament Director of the National Tournament, release the case problem once it has been approved by the Case Problem Committee and the Executive Board, maintain and update an Internet site devoted to the AMCA, direct outreach activities that promote the goals and programs of the AMCA, issue an annual report on Invitational Tournaments and Regional Tournaments, maintain the historical records of the AMCA, supervise the task of writing a new problem, and call special meetings or conferences of the Executive Board when necessary. The President shall serve as a voting member of the Executive Board and the Rules Committee.

10.5.1 Recording Secretary. The Recording Secretary of AMCA is elected, for a three-year term, by majority vote of the Executive Board of the AMCA.

10.5.2 Duties and responsibilities. The Recording Secretary is responsible for recording the minutes of the Executive Board meetings, for providing all members of the Executive Board with an up-to-date list of the members of the Executive Board, and for maintaining the files of the Executive Board, including its minutes, reports and other records.

10.6.1 Treasurer. The Treasurer is elected, for a three-year term, by a majority vote of the AMCA Board.

10.6.2 Duties and responsibilities. The Treasurer is responsible for managing the finances of the AMCA, issuing biannual financial reports to the Board, maintaining the organization's bank account, and overseeing the yearly reporting and filing of AMCA's business documents to relevant state and federal agencies.

APPENDIX A
AMCA APPROVED JUDGING FORM
FOR ORAL ARGUMENTS

AMERICAN MOOT COURT ASSOCIATION

Official Ballot

Judge Name: _____

Time: _____

Room: _____

Please read the guidelines on the back, which correspond to specific content areas before filling out your ballot.

Petitioner Team # _____

Petitioner #1 Name _____

Score 100 points for each content area
400 points maximum for each speaker

_____ Knowledge of Subject Matter (0-100)
_____ Response to Questions (0-100)
_____ Forensic Skill & Courtroom Demeanor (0-100)
_____ Organization, Logic & Clarity of Argument (0-100)

_____ **#P1 TOTAL POINTS**

Comments:

Petitioner #2 Name _____

Score 100 points for each content area
400 points maximum for each speaker

_____ Knowledge of Subject Matter (0-100)
_____ Response to Questions (0-100)
_____ Forensic Skill & Courtroom Demeanor (0-100)
_____ Organization, Logic & Clarity of Argument (0-100)

_____ **#P2 TOTAL POINTS**

Comments:

Total Petitioner Team Points: _____
(both speakers #P1 & #P2)

Respondent Team # _____

Respondent #1 Name _____

Score 100 points for each content area
400 points maximum for each speaker

_____ Knowledge of Subject Matter (0-100)
_____ Response to Questions (0-100)
_____ Forensic Skill & Courtroom Demeanor (0-100)
_____ Organization, Logic & Clarity of Argument (0-100)

_____ **#R1 TOTAL POINTS**

Comments:

Respondent #2 Name _____

Score 100 points for each content area
400 points maximum for each speaker

_____ Knowledge of Subject Matter (0-100)
_____ Response to Questions (0-100)
_____ Forensic Skill & Courtroom Demeanor (0-100)
_____ Organization, Logic & Clarity of Argument (0-100)

_____ **#R2 TOTAL POINTS**

Comments:

Total Respondent Team Points: _____
(both speakers #R1 & #R2)

Scoring Guidelines

American Moot Court Association

Scoring Advocates:

Please score each speaker on a 100-point scale for each of the four different categories described below. Excellent advocates should earn the equivalent of an A (90-100), good advocates should earn a B (80-89), satisfactory advocates should earn a C (70-79), and poor or unsatisfactory advocates should earn a D or F (0-69). Accurate scores assist us to distribute orator awards and rank teams.

Knowledge of Subject Matter (100-point scale)

- Demonstrates thorough knowledge of the record
- Directs the Court to important points in the record
- Clearly identifies and focuses on the central constitutional issue
- Understands relevant constitutional doctrines and applies them clearly
- Demonstrates thorough knowledge of the cases in the Table of Authorities
- Provides case citations to support arguments
- Only uses cases outside the Table of Authorities solely to the extent that they are quoted and cited within the official cases.

Response to Questioning (100-point scale)

- Does not evade the Court's questions and answers questions clearly
- Answers questions with authority, identifying relevant rules and/or case names
- Fits relevant questions into overall analysis and presentation
- Makes clear transition back to argument after answering a question
- Listens carefully to the Court's questions
- Answers questions directly, starting with "Yes, Your Honor" or "No, Your Honor"
- Addresses questions posed by the Court to opposing counsel
- Uses questions to advance an argument by connecting responses to larger issues

Forensic Skills and Courtroom Demeanor (100-point scale)

- Demonstrates proper respect and courtesy toward the Court and opposing counsel
- Projects an image of professionalism in appearance and presentation
- Begins presentation with "May it please the Court," stays within the time limits, and ends with a specific conclusion
- Maintains eye contact and talks to the Court in a conversational manner rather than reading from notes
- Uses correct pronunciation and grammar, uses appropriate vocabulary, and avoids distracting "ahs," "ums," or "ers"
- Speaks in a conversational but formal style, with good inflection and clear voice
- Exhibits a professional stance at the podium and uses gestures effectively and appropriately for appellate argument

Organization, Logic and Clarity of Argument (100-point scale)

- Provides brief overview or "road map" of argument
- Presentation is well organized and focused on the constitutional question certified by the Court
- Clearly distinguishes central from marginal issues
- Arguments are clear and direct
- Central issues are clear to the Court when the advocate finishes
- Respondent does respond to the constitutional and legal arguments presented by petitioner
- Petitioner, in rebuttal, addresses and rebuts the constitutional and legal arguments presented by respondent
- Petitioner does NOT introduce new constitutional or legal issues in the rebuttal

APPENDIX B:

BRIEF WRITING COMPETITION

The AMCA National Brief Writing Competition is separate from the Oral Argument Competition at the National Tournament. Any two-person team meeting eligibility rules for the American Moot Court Association (AMCA) may participate.

AMCA BRIEF WRITING COMPETITION RULES

AMCA BRIEF WRITING COMPETITION CERTIFICATION FORM

AMCA APPROVED JUDGING FORM

AMERICAN MOOT COURT ASSOCIATION

BRIEF WRITING COMPETITION RULES

(Updated August 1, 2017)

AMCA ELIGIBILITY REQUIREMENTS

Any team meeting eligibility rules for the American Moot Court Association (AMCA) may participate. The Brief Writing Competition is held in conjunction with the AMCA National Tournament but is not required in order to compete in oral argument.

The AMCA Brief Writing Competition is open only to undergraduate students who are currently enrolled in a baccalaureate program. Anyone who has earned a graduate degree or is currently enrolled in a graduate program of studies, such as a J.D. program, is not eligible to enter the AMCA Brief Writing Contest.

SUMMARY OF RULES

The AMCA Brief Writing Competition shall be scored using the nine criteria summarized on the AMCA Brief Writing Evaluation Form available at the AMCA website. The problems presented for the AMCA Tournament are closed problems. Students may discuss cases outside the Table of Authorities solely to the extent that they are quoted and cited within the official cases.

All teams submitting written briefs are expected to rely upon their own research and originality of thought in preparing their briefs. Teams may not seek *any* assistance from other students, from their professors and coaches, from tutors or writing centers, or from any attorneys, law professors or other sources.

The brief shall be a written argument reflecting the issues to be decided by the Court for the problem posted at the AMCA website. A team or individual may submit only one brief: either a brief for Petitioner or a brief for Respondent.

Each team shall submit to the AMCA the original copy of its brief. The original shall be submitted electronically in PDF format. Only electronic submissions will be accepted.

Each brief shall, without exception, be limited to TWENTY (20) double-spaced 8 1/2 x 11 inch pages, with printed matter (excluding page numbers) not to exceed 6 1/2 x 9 inches. The typeface/font used must be Times New Roman and 12-point font. This twenty (20) page limitation shall include only the argument itself and the conclusion

(i.e., the cover page, questions presented, table of contents, table of authorities, statement of the case, summary of the argument and appendices are not included in the twenty (20) page limit).

Except to the extent that the Rules herein are inconsistent, the Rules of the Supreme Court of the United States shall govern the format of the briefs. A formal statement of jurisdiction, however, will not be required. All citations shall be complete and in the form prescribed by *A Uniform System Of Citation* (most recent edition).

A team number assigned by the AMCA will be added to each brief as it arrives.

NOTE: The name of the undergraduate college or university, the names of the team members, or the geographical region SHALL NOT appear anywhere on the brief. Briefs shall not be signed, and no information (real or fictional) serving to identify a team or team member shall appear on or within the brief itself.

Failure to conform to the provisions of these rules will result in reduction of a team's brief score by twenty points. Egregious violations will result in disqualification.

Brief Writing scores will not be considered in judging oral argument.

ATTACHMENT CERTIFYING ORIGINAL WORK

All briefs must include a statement by members of each team certifying that the brief submitted for the competition is their work alone, and that no outside assistance from attorneys or faculty was used. The certification form is to be separate from the PDF file of the brief, but must be attached to the same email as a PDF file. Briefs submitted for this competition must be original work and may not have been used, in whole or in part, in any other competition.

SERVICE OF BRIEF

Each team shall serve the original copy of its brief, to be RECEIVED by the AMCA ON OR BEFORE NOON (12:00 p.m. Eastern Time), December 14, 2017.

All briefs must be submitted electronically as a PDF file. The email address for submissions is:

pweizer@fitchburgstate.edu

No brief will be considered which is not received by noon (12:00 p.m. Eastern Time) on Thursday, December 14, 2017. Failure to file a timely brief will result in automatic disqualification from the Brief Writing competition. Briefs may not be revised or amended after they are served. No supplemental briefs will be accepted.

AMCA Brief Certification Form

This completed certification form must be submitted in the same email as your written brief, but as a separate PDF document.

AMCA Eligibility Requirements

The American Moot Court Association (AMCA) Brief Writing Competition is open only to undergraduate students who are currently enrolled in a baccalaureate program. Anyone who has earned a graduate degree or is currently enrolled in a graduate program of studies, such as a J.D. program, is not eligible to enter the AMCA Brief Writing Contest.

Summary of Rules

The AMCA Brief Writing Competition shall be scored using the nine criteria summarized on the AMCA Brief Writing Evaluation Form available at the AMCA website. The problems presented for the AMCA Tournament are closed problems. Students may discuss cases outside the Table of Authorities solely to the extent that they are quoted and cited within the official cases. Students may not seek any outside assistance in writing the briefs that they submit to the AMCA.

Student Certification

We, the authors of this brief, certify that we have not received any outside assistance in writing the brief that we are submitting to the AMCA Brief Writing Competition.

Signature: _____ Signature: _____

Printed name: _____ Printed name: _____

Email: _____ Email: _____

School: _____ School: _____

Eligibility Certification

[To be completed by your coach, pre-law advisor, or other professor or administrator at your school.]
I certify that the students listed above are currently enrolled at this college or university.

Signature: _____

Printed name: _____

Email: _____

School: _____

This form must be scanned and emailed as a separate PDF document along with your brief. None of this information will be shared with the judges who evaluate your brief.

Judging Criteria for the AMCA Brief Writing Competition

Scoring is based on a 100-point rating scale

Part A: maximum of 50 points

Part B: maximum of 50 points

PART A: LEGAL ANALYSIS
Maximum of 50 points TOTAL for the following:
Focus on relevant legal issues (15 points maximum)
Originality and creativity (15 points maximum)
Effective use of supporting cases and other authorities (10 points maximum)
Effectiveness in dealing with contrary arguments and authorities (10 points maximum)
PART B: WRITING QUALITY
Maximum of 50 points TOTAL for the following:
Logical organization (10 points maximum)
Clarity in expressing arguments (10 points maximum)
Effectiveness of writing style (10 points maximum)
Use of proper grammar and citation form; (10 points maximum)
Overall appearance of the brief (10 points maximum)
PART A AND PART B COMBINED NOT TO EXCEED 100 POINTS TOTAL.

APPENDIX C

PROCEDURAL GUIDELINES

The following procedural appendix is included as an aid in training teams for competition. Thus, most of the following points are recommended rather than required by AMCA rules. However, items in italics are mandatory as they are abstracted from the rules.

1.1 General procedures. As much as possible, moot court should resemble the form and procedures of an appellate court. Attorney-contestants should wear business apparel and always treat the court with respect. Attorney-contestants should avoid being overly aggressive in presenting their arguments and should never exhibit hostile behavior toward the court or to opposing counsel.

1.2 Use of gestures. Attorney-contestants should present their argument from behind the podium or lectern, and should avoid distracting gestures such as waving their arms or pounding the podium.

1.3 Use of notes. Attorney-contestants may use notes at any time during the hearing. However, they are encouraged to give their opening statements without notes and to minimize the use of notes at other times. Attorney-contestants should maintain eye contact with the Judges throughout their oral argument.

2 Opening statement. In their opening statement, attorney-contestants should state “May It Please the Court” and wait for an affirmation from the Court. The first speaker should introduce both him or herself and his or her teammate and should inform the court which question or issue each team member will address. The second speaker should also introduce him or herself to the court. The opening statement of each attorney-contestant typically provides a brief summary of the key points of argument to be presented or provides the court with a clear picture of the case.

3 Statement of the facts of the case. The first speaker for Petitioner should be prepared to provide a clear, concise statement of the facts. However, the statement of facts should be as short as possible to provide the factual context for discussing the legal and constitutional issues of the case. Sometimes the first speaker for Petitioner will simply ask the court if it wants a summary of the facts before moving to her main arguments. In general, Respondents should not provide a second statement of the facts, but Respondents may want to draw attention to some facts that they believe have been omitted or misrepresented by Petitioner.

4 Presenting arguments. Attorney-contestants should provide a “road map” of their overall argument, and they should start with their strongest points to ensure that they do

not run out of time without presenting their strongest points. In general, attorney-contestants should state their conclusions first and then provide the facts and law to support their conclusions. Attorney-contestants should provide case citations to support their arguments, but should avoid lengthy quotations from cases. Time permitting, each speaker should provide a summary of the arguments that integrates their main points into a coherent whole.

5 Conclusion. Attorney-contestants should conclude with a one-sentence request for relief and an "unamplified identification of the ground on which the relief would be based." A "prayer" is not a proper concluding request in the Supreme Court of the United States.

6 Petitioner's rebuttal. As specified in Rule 1.2.2, *Petitioners may reserve a maximum of three minutes of "rebuttal" from their twenty minute total.* As specified in Rule 3.4.1, Petitioners must make their request to reserve time for a rebuttal *prior to the beginning of each round.* The purpose of a rebuttal is to respond to the Respondent's arguments, and it is inappropriate to attempt to introduce new arguments during the rebuttal.

7 Questioning by Judges. In a typical hearing, attorney-contestants will not be able to present their arguments without frequent interruption by Judges' questions. When interrupted by a Judge's question, an attorney-contestant should stop speaking immediately and focus on understanding and replying to the Judge's question. When answering a Judge's question, the attorney-contestant should address the Judge as "Your Honor." Attorney-contestants should always attempt to provide clear and definite answers that address the Judge's concerns. Evasive answers tend to engender more pointed questions and to lower the attorney-contestant's scores. Unwillingness to answer a question will be interpreted as disrespect for the court. Once an attorney-contestant has answered a Judge's question, she should return to the presentation of her argument.

APPENDIX D

CALCULATION SHEET FOR TABULATING PRELIMINARY ROUNDS AT THE NATIONAL TOURNAMENT

If two judges:

Each judge's decision will count as an independent win, loss or tie based upon the criteria described in Article 5 above and be awarded the corresponding number of ballots.

If three judges:

A team would receive the following range of ballot:

3 wins =	2 ballots	(3-0 decision)
2.5 wins =	1.67 ballots	(2-0-1 decision)
2 wins =	1.34 ballots	(2-1 or 1-0-2 decision)
1.5 wins =	1 ballots	(1-1-1 decision)
1 win =	.67 ballots	(1-2 or 0-1-2 decision)
.5 win =	.33 ballots	(0-2-1)
0 wins =	0 ballots	

If four judges:

4 wins =	2 ballots	(4-0 decision)
3.5 wins =	1.75 ballots	(3-0-1 decision)
3 wins =	1.5 ballots	(3-1 or 2-0-2 decision)
2.5 wins =	1.25 ballots	(2-1-1 or 1-0-3 decision)
2 wins =	1 ballot	(2-2 or 1-1-2 decision)
1.5 wins =	.75 ballots	(1-2-1 or 0-1-3 decision)
1 win =	.5 ballots	(1-3 or 0-2-2 decision)
.5 win =	.25 ballots	(0-3-1 decision)
0 wins =	0 ballots	

If five judges:

5 wins =	2 ballots	(5-0 decision)
4.5 wins =	1.8 ballots	(4-0-1 decision)
4 wins =	1.6 ballots	(4-1 or 3-0-2 decision)
3.5 wins =	1.4 ballots	(3-1-1 or 2-0-3 decision)
3 wins =	1.2 ballots	(3-2, 2-1-2, or 1-0-4 decision)
2.5 wins =	1 ballot	(2-2-1, 1-2-3, or 0-0-5 decision)
2 wins =	.8 ballots	(2-3, 1-2-2, or 0-1-4 decision)
1.5 wins =	.6 ballots	(1-3-1 or 0-2-3 decision)
1 win =	.4 ballots	(1-4 or 0-3-2 decision)
.5 win =	.2 ballots	(0-4-1 decision)
0 wins =	0 ballots	

If seven judges:

7 wins =	2 ballots	(7-0 decision)
6.5 wins =	1.86 ballots	(6-0-1 decision)
6 wins =	1.71 ballots	(6-1 or 5-0-2 decision)
5.5 wins =	1.57 ballots	(5-1-1 or 4-0-3 decision)
5 wins =	1.43 ballots	(5-2, 4-1-2, or 3-0-4 decision)
4.5 wins =	1.29 ballots	(4-2-1, 3-1-3, or 2-0-5 decision)
4 wins =	1.14 ballots	(4-3, 3-2-2, 2-1-4 or 1-0-6 decision)
3.5 wins =	1 ballot	(3-3-1, 2-2-3, 1-1-5 or 0-0-7 decision)
3 wins =	.43 ballots	(3-4, 2-3-2, 1-2-4, or 0-1-6 decision)
2.5 wins =	.36 ballots	(2-4-1, 1-1-5, or 0-2-5 decision)
2 wins =	.29 ballots	(2-5, 1-4-2, or 0-3-4 decision)
1.5 wins =	.21 ballots	(1-5-1 or 0-4-3 decision)
1 win =	.14 ballots	(1-6 or 0-5-2 decision)
.5 win =	.07 ballots	(0-6-1 decision)
0 wins =	0 ballots	