



# 2018 Moot Court Rules & Regulations



AMERICAN ACADEMY OF  
ADOPTION ATTORNEYS



NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES



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### ***Article One – Purpose***

The Capital University Law School National Moot Court Competition in Child Welfare and Adoption Law emphasizes the development of oral advocacy skills through a realistic appellate advocacy experience. Competitors participate in a hypothetical appeal to the Supreme Court of Capitania.

### ***Article Two – Administration***

Capital University Law School (CULS) conducts and directly administers the competition at the national level. The competition is hosted in partnership with The Family and Youth Law Center, The National Council of Juvenile & Family Court Judges, The ABA Center on Children and the Law, the American Academy of Adoption Attorneys, and the National Association of Counsel for Children.

### ***Article Three – Teams***

1. A team must consist of two or three law students attending the same ABA-accredited law school, or a law school seeking ABA accreditation. For the purposes of these rules, a law student enrolled during the semester or quarter of the competition is eligible to participate. Only students who are candidates for a Juris Doctor degree may compete.
2. Each team entering the competition must submit an online registration form and non-refundable entry fee to CULS by January 1, 2018. Registration is limited to the first 26 teams. A school may enter one or two teams in the competition. The fee is \$550 per team. If two teams are registered from the same school, the total entry fee will be \$1100. Entries submitted after January 1, 2018 will be accepted only with the consent of CULS.
3. Team members must be identified, and their names must be submitted to CULS, prior to January 1, 2018. Team members may not be substituted, except for good cause such as death, severe illness, or other uncontrollable circumstance. After the registration deadline of January 1, 2018, a team must obtain written approval from CULS to substitute a team member. No substitutions are permitted once the first round of oral argument begins.
4. CULS will randomly assign a number designation to each team. This will be the sole method of identifying the team during the competition. Participants may not directly or indirectly divulge their law school's identity to the judges at any time during the competition.

### ***Article Four – Use of the Competition Problem***

1. The copyright to the competition problem is held by The Family and Youth Law Center (FYLaw). Requests to use or reproduce the problem for any purpose should be sent to Doug Althausser, 303 East Broad Street, Columbus, Ohio 43215-3200.
2. The persons and events depicted in the problem are purely fictional and were prepared

solely for the educational purpose of this competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

### ***Article Five — Organization of the Competition***

#### **Preliminary Rounds – Day One:**

1. Each team will argue three rounds. CULS will set pairings based upon the following criteria:
  - a. Round 1 - Teams will be power protected by brief score.
  - b. Round 2 - Teams will be power protected by brief score. Teams will not face the same team they faced in Round 1.
  - c. Round 3 - Teams will be power matched by win/loss record (i.e., 2-0 team with highest cumulative margins of victory argues against 2-0 team with lowest cumulative margins, etc.; 1-1 team with highest cumulative margins argues against 1-1 team with lowest cumulative margins, etc.; 0-2 team with highest cumulative margins argues against 0-2 team with lowest cumulative margins.) If an odd number of teams have the same record, then the lowest seeded team will argue against the highest seeded team with one more loss.
2. A bye round will be necessary if an odd number of teams compete. CULS will select two teams at random to receive byes in one of the first two rounds. These teams will be paired against each other and will argue at a time designated by CULS. Teams may be required to argue immediately before or after the bye round. In addition, the highest seeded team at the beginning of Round 3 will receive the bye for that round and will automatically be the top seed in Round 4.
3. Teams will be notified of pairings for Rounds 1 and 2 approximately one week prior to the competition.

#### **Elimination/Championship Rounds – Day Two:**

4. Sixteen teams will advance to Round 4 and will be slotted into a single elimination bracket. Teams will be seeded according to the following criteria: 1) win/loss record, and 2) cumulative margin of victory. The highest seeded team will argue against the lowest seeded team, etc. If possible, the bracket will be adjusted to ensure teams from the same school are in opposite halves of the bracket. Pairings will continue along the bracket throughout the elimination rounds.

### ***Article Six – Oral Argument Rules***

1. Two team members will argue in each round of oral argument. A team may vary which members will argue from round to round. In the final round, all team members whose names are listed on the brief may sit at counsel table. In all other rounds, only those team members who are arguing may sit at counsel table.

2. Oral argument is limited to a total of 30 minutes per team.
  - a. Although a team may divide its time allotment as it chooses, no team may allocate more than 17 minutes to one advocate;
  - b. The Petitioner may reserve up to a maximum of five minutes for rebuttal. Only one advocate may argue rebuttal; and
  - c. The judges may, in their sole discretion, extend any speaker's time.
3. CULS will assign sides for the first two rounds. In every other round, a coin toss will determine which team has the choice of side.
4. Teams may decide the order in which they will argue the two substantive issues on appeal.
5. A team member must argue at least two preliminary rounds to be eligible for an oralist award.
6. No video or audio recording by teams or spectators is permitted. The final round may be videotaped. A student's decision to enter and participate in the competition constitutes consent to photographing and/or videotaping. As a condition of publication, and for no monetary compensation, this consent grants CULS the nonexclusive worldwide rights to reproduce, distribute, and sell any visual material in connection with the student's participation, in whole or in part, in any media, as part of a course book or any other publication published under the auspices of CULS and to license these rights to others. Consent also grants CULS the right to use students name, voice, and image in connection with the published competition materials.

### **Article Seven — Briefs**

1. A team may choose to write its brief on behalf of the Petitioner or Respondent. If two teams from the same school enter the competition, one team must submit a Petitioner's Brief and one team must submit a Respondent's Brief.
2. Unless otherwise stated in these Rules, briefs must comply with the Rules of the Supreme Court of the United States. Supreme Court Rule 24.1(e), 24.2, 24.3 and 24.4 should not be followed. Rule 33 should be followed only with regard to the preparation of the brief covers.
3. All citations should conform to the most recent edition of *A Uniform System of Citation* (commonly known as "The Bluebook"). Citation to the appellate court opinion should be treated as a record cite. A statement of jurisdiction is not required.
4. Briefs produced by any printing or copying process shall be in 12 point Times New Roman font. Smaller fonts and the use of compacted or otherwise compressed printing features will be grounds for a penalty. Margins shall be at least 1". Each page of text shall contain no more than 28 lines of double-spaced text. The page number is not included in this measurement.

5. Briefs shall not exceed 35 pages. Any partially filled page will be counted as a full page. The page limit does not include pages containing the questions presented, table of contents, table of authorities, and the appendix.
6. Any process that produces a clear, black image on white may be used for the brief. All hard-copy briefs must be bound on the left. The paper size must be 8½" x 11".
7. Typed matter must be double-spaced. Footnotes, argument headings, and extended quotations, however, may be single-spaced. Footnotes, argument headings, and single spaced quotations must appear in the same size type as other typed matter. Footnotes may not exceed 15 inches of text for the entire brief.
8. Service of Briefs
  - a. Each team will serve **one bound hard-copy** of its brief upon CULS, and it must be postmarked on or before Wednesday, February 7, 2018. The bound brief should be sent to the Family and Youth Law Center, Capital University Law School, 303 East Broad Street, Columbus, Ohio 43215-3200.
    - 1) The hard-copy brief must have an opaque front cover of durable quality. The cover must include the team number, law school name and address, and team members' names.
  - b. Each team must also serve **one electronic copy** of its brief upon CULS on or before 11:59 p.m. E.T. Wednesday, February 7, 2018. The electronic copy of the brief must be sent as an email attachment to the following email address: [mootcourt@law.capital.edu](mailto:mootcourt@law.capital.edu)
    - 1) Teams are required to submit the electronic copy of the brief in Portable Document Format file (Adobe PDF) format.
    - 2) The email must contain only an electronic copy of the submitted brief. The brief must be a single document. The document must not contain any appendices (even if the hard copy of a team's brief does), any portion of the appellate record (other than a portion contained in the brief text), hypertext links to other material, or any document that is not included in the brief.
    - 3) The email must be free of viruses or any other files that would be disruptive to CULS's computer system.
    - 4) Unlike the hard-copy brief, the cover page of the electronic copy of the brief must not contain the school name and address or team member names. Only the team number may be printed on this brief. The accompanying email must contain the team number in the email's subject line, and the law school's name and the team members' names in the body of the email.
  - c. Failure to submit a brief by the deadline for service will result in a penalty of 10 points for every day the brief is late.

9. A team may not amend or revise its brief after the deadline for the service.
10. Each team shall certify that the brief was prepared and served in accordance with these Rules. Teams shall submit the certification simultaneously with the hard-copy brief served on CULS. The certification may not be affixed, bound, or otherwise inserted in the brief.<sup>1</sup>
11. Electronic versions of the briefs will be posted to a password protected portion of the competition website to allow all participating teams access: <http://familyyouthlaw.org/mootcourt.php>. The briefs will be posted once CULS has received the briefs from each team. Passwords will be emailed to each team's designated contact person.

## ***Article Eight — Scoring***

### **1. Brief Scoring**

- a. Each brief will be “blind-graded” by judges provided by CULS. Any person directly associated with a participating school's moot court program is not eligible to serve in this capacity. Brief graders may not judge practice rounds or otherwise discuss the problem with the participants or their coaches.
- b. Each judge will evaluate the briefs based upon a 100-point scale. Knowledge of the law and persuasiveness will be the primary standards in grading, but form, style, and appearance will also be considered. Grading will be anonymous, with each brief identified only by its designated team number.
- c. Brief scores will not be available to teams. After the competition, teams may request their brief score ranking by emailing CULS.

### **2. Oral Argument Scoring**

- a. CULS will select members of the bench and bar to serve as oral argument judges. Each judge will evaluate each advocate upon a 100-point scale, considering: Substantive Content of Argument, Knowledge of the Record, Extemporaneous Ability, and Courtroom Demeanor and Professionalism.
- b. For all preliminary rounds (Day 1), a team's score will be computed by weighing the oral argument 75% and the brief 25%. For all elimination rounds (Day 2), including the final round, brief scores will not be used; a team's score will be solely based on the oral argument scores.
- c. A team's margin of victory is calculated by subtracting the losing team's point total from the winning team's point total.

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<sup>1</sup> The certification shall state: “We hereby certify that the brief has been prepared and served in accordance with CWAL Rules. We acknowledge that by entering in the National Moot Court Competition in Child Welfare & Adoption Law, that the organizers of the competition may use, disseminate, or circulate our brief, at the sole discretion of the organizers.” Each team member must sign the certification.

- d. If a tie exists after the oral argument and brief scores are considered, the team winning the oral argument portion will be declared the winner of the round. In this situation, the margin of victory for the winning team will be zero and the margin of loss for the losing team will be zero.
- e. If a team forfeits an assigned round, the team's scheduled opponent will be the winner of that round and their margin of victory will be one point. If the opponent's reduced brief score is more than one point higher than the forfeiting team's reduced brief score, the margin of victory for the opponent shall be the difference between the reduced brief scores.
- f. Oral argument scores will not be available to teams. After the competition, individual competitors may request their individual oral argument ranking by contacting CULS.

### ***Article Nine – Awards***

1. The following awards will be presented upon the conclusion of the preliminary rounds/Day 1:
  - a. A plaque will be presented to each team with the top three brief scores.
  - b. The top ten individual oralists from the preliminary rounds will be recognized.
2. The following awards will be presented upon the conclusion of the final round:
  - a. The Champions will receive a trophy to display at their school, and each team member will receive an individual plaque.
  - b. The Runner-Up team will receive a plaque to display at their school, and each team member will receive an individual plaque.
  - c. The two teams which advance to the Semifinals but do not advance to the Finals will receive a plaque to display at their school.
  - d. A plaque will be awarded to the Best Oral Advocate from the final round.

### ***Article Ten – Assistance***

1. The purpose of this competition is to highlight student work. Because the competition should be an educational experience, a team may receive limited assistance from faculty members or the team coach in the preparation of its brief. Permissible assistance is limited to (a) discussion of the issues with the students and (b) oral comments on the drafts of the brief, addressing stylistic and grammatical concerns and legal analysis. Editing, writing or rewriting of any of the text of the brief by anyone other than the team members, however, is not permitted. Additionally, this rule does not permit research done by any person other than a team member. Filing of the brief as required by Article Eight constitutes certification that the team has not received



impermissible assistance in preparation of the team's brief and has complied with this Rule.

2. After the brief is filed, participants may receive assistance in the preparation for oral argument.
3. During oral argument, a speaker may only receive assistance from those seated at counsel table.
4. Any person who provides assistance to any team by mooted or otherwise advising the team during their preparation for the competition may not serve as an oral round judge during the competition.

#### ***Article Eleven — Bailiffs***

1. CULS will provide a bailiff for each of the oral argument rounds.
2. Bailiffs are responsible for:
  - a. Distributing the ballots to judges before the round;
  - b. Calling court to session;
  - c. Serving as timekeepers for the round and holding up cards to indicate the amount of time remaining in each argument; and
  - d. Returning completed ballots to CULS competition supervisors.
3. The Bailiff will serve as timekeeper when the team members are speaking. The team members are responsible for informing the Bailiffs of time allocation between the oralists prior to each round.

#### ***Article Twelve — Protests***

1. Briefs - A protest against another team's brief must be served upon CULS on or before the tenth day after the briefs have been made available on the website. This protest must be specific as to the complaint being lodged and the particular rule the brief allegedly violated.
2. Oral Arguments - All protests arising out of oral argument are considered waived unless the protest is brought to the attention of a CULS competition supervisor prior to the beginning of the judges' critiques during the round.

### ***Article Thirteen – Conflicts During Oral Argument***

1. All conflicts must be brought to the attention of a CULS competition supervisor prior to the start of a round. Failure to raise a conflict in a timely manner will result in a waiver of the conflict.
2. If a participant does not recognize the conflict until a judge has entered the hearing room, the participant must immediately inform the bailiff who will then notify a CULS competition supervisor. The decision of whether a conflict exists, and how it will be resolved, is in the sole discretion of the CULS competition supervisor.

### ***Article Fourteen – Penalties***

CULS, in its sole discretion, will assess penalties for violation of these rules. Uniform penalties will be assessed for each type of violation.

### ***Article Fifteen – Information***

1. CULS will disseminate information through the competition website: <http://familyyouthlaw.org/mootcourt.php>. Teams are responsible for regularly reviewing updates to this information. Notices of additional information will be emailed to the team's designated contact person identified on the registration form.
2. Requests for information or rule interpretation should be sent to CULS via the competition website. CULS will issue a written response to each inquiry of consequence and will post a copy of the question and the response to the website.

### ***Article Sixteen – Scouting During Oral Argument***

1. Scouting is prohibited. No team member or faculty advisor of a team still participating shall attend a round in which his or her team is not participating nor receive information from any person who has attended an argument of any other school. A team member from a school with two teams may not attend the round of the other team while his or her team is still eligible for participation in the competition.
2. If a school sends two teams, faculty advisors may attend the argument of each of their teams. As stated in number 1, an advisor may not divulge information obtained as a result of attending the argument.

### ***Article Seventeen – Interpretation of the Rules***

CULS, in its sole discretion, shall interpret these rules. CULS's decisions are final.

### ***Article Eighteen — Supplemental Rules***

CULS, in its sole discretion, may create additional rules to address situations not presently covered by these rules.

### ***Article Nineteen – Conduct***

The conduct of all competition participants, including team members, coaches, bailiffs, and judges will be governed by the standards set out in the ABA Model Rules of Professional Conduct. Violation of these standards may result in disqualification of the team or removal of a judge or bailiff.