



MOOT COURT ASSOCIATION
Members' Handbook
2009-2010

Marquette University Moot Court Association

Alyssa D. Dowse
Chief Justice

August 25, 2009

Dear Board Members, Coaches, and Competitors,

I am pleased to welcome you to the Marquette University Moot Court Program for 2009-2010. I hope that each of you are as excited as I am for the coming year.

This year there will be many changes within the Program in an effort to enhance the Appellate Writing and Advocacy experience and to strengthen Marquette University Law School's performance in National Competitions. These changes include new oral argument requirements for students taking Appellate Writing and Advocacy and new scheduling conference requirements for competitors in national competitions. I hope that we can work together to implement these changes and to continue to make the Program a success.

Additionally, the Program will continue to encourage national competitors to improve their brief writing skills by presenting a "Best Brief" award to the national competitors who write the best brief of the year, as judged by the Program's faculty advisors. The Program will also recognize national competitors through school-wide announcements of competitions in which they are participating and of their successes. I know that this is going to be our most successful year yet and I look forward to celebrating our achievements with the Law School.

You may notice these and many other changes within the Program over the next year, but the most important change will be our increased emphasis on participation by you, our members, coaches and competitors. The success of the Moot Court Program depends on the amount of effort and work we are willing to contribute to it, and I hope that you will provide the Board with feedback and suggestions for further improving upon our Program.

In this handbook, you will find information on the Moot Court Program and your responsibilities as a part of it. This handbook also contains rules and guidelines for competitors and coaches in regional, national, and international Competitions. If you have any questions about the content of this handbook, please do not hesitate to contact any member of the Executive Board including myself.

Again, welcome to the Moot Court Program. I am looking forward to working with each of you as we work together to strengthen our Program and make this the most successful year yet!

Sincerely,

Alyssa D. Dowse
Chief Justice
Marquette University Moot Court Association

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Associate Justice of Administration

Lindsey Johnson
Associate Justice of Education

Jessica Farley
Associate Justice of National Competitions

Brent Simerson
Associate Justice of Intramural Competitions

Megann Senfleben
Associate Justice of National Moot Court Competition

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Ryann Beck
Bridget Brave
Joseph Brydges
Lindsay Caldwell
Jon Cattey
Chris DeMatteo
Nick Harken
Tim Hassell
Sean Horkheimer
Allison Luczak
Michael Miner
Andrew Murphy
Anique Ruiz
Colin Shanahan
Tyrone St. Junior II
Nicole Standback
Allison Ziegler

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Tyrone St. Junior II
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Alap Suresh
April Toy
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Description of Moot Court Program

The Marquette University Law School Moot Court Program has three main components: one, the Appellate Writing and Advocacy course; two, the Jenkins Honors Moot Court Competition; and three, participation in regional, national and international competitions.

The Appellate Writing and Advocacy course provides students with an intensive opportunity to write and receive feedback about their writing and to study and practice theories of oral public communication skills. As a prerequisite to competing in intramural and extramural competitions, all interested students must take the Appellate Writing and Advocacy course. This two-credit elective is offered in the fall semester. The course culminates in a fall intramural moot court competition.

Not only does Appellate Writing and Advocacy provide students with the possibility of competing in an intramural competition, it also allows students to improve their written and oral communication skills. These skills are critical for all future attorneys, particularly for litigators and appellate advocates.

The top sixteen finalists from the Appellate Writing and Advocacy course will be invited to participate in the Jenkins Honors Moot Court Competition conducted during the spring semester. Participating students have preference when placing competitors on our national moot court teams for the following year. In addition to competing to win the Jenkins Honors Moot Court Competition, students also compete for the Best Oral Advocate and Best Brief Awards.

All students who complete the Appellate Writing and Advocacy course may participate in extramural moot court competitions the following year. Students may choose from a variety of competitions and receive two (2) credits for competing in a competition and one (1) credit for coaching participants in a competition.

The Moot Court Association is run by an Executive Board, General Board, and Program Faculty Advisor(s). The Executive Board is chosen by a general election and consists of a Chief Justice and Associate Justices of Administration, Education, National Competitions, Intramural Competition, and National Moot Court Competition. Only those students who compete in the Jenkins Honors Moot Court Competition can be nominated to serve on the Executive Board.

Students who participate in the Jenkins Honors Moot Court Competition or those chosen by the Faculty Advisors (in accordance with the By-Laws) comprise the Moot Court General Board. Moot Court General Board members participate in organizing the Jenkins Honors Moot Court Competition and administering the various moot court activities. Additionally, all members of the Moot Court General Board serve on committees and as coaches for students participating in Appellate Writing and Advocacy course and the Jenkins Honors Moot Court Competition.

The Moot Court By-Laws govern the selection of all members of the Moot Court Board.

Moot Court Program Goals 2009-2010

To ensure a quality educational experience for every person involved in the Moot Court Program, the Moot Court Board will:

1. Articulate clear expectations of the General Board Members, Executive Board Members, Coaches, and Competitors through the adoption of By-Laws;
2. Maintain records of its activities and responsibilities to facilitate an easier transition for the incoming 2009-2010 Moot Court Board;
3. Provide Appellate Writing and Advocacy Competitors with individual attention, support, and practice opportunities as they prepare for oral argument; and
4. Provide competing teams with guidance and assistance, within competition guidelines, to give them the tools to continue to succeed at the highest levels.

To increase interest in appellate advocacy, both within the law school and within the legal community, the Moot Court Board will:

1. Host a reception in the fall for current Appellate Advocacy and Writing students, alumni, faculty advisors, current and past team members, coaches and supporters from the legal community; and
2. Host a high-quality intramural competition to identify teams and competitors who will successfully represent Marquette at the highest levels of regional and national competitions.

Information for Board Members

Executive Board Members must complete a minimum of one hundred twenty (120) hours of qualifying service and will receive two (2) credits. Additional information regarding credit requirements is included in this Handbook and in the By-Laws.

To receive full service credit, Executive Board Members must fulfill all duties as prescribed by the Moot Court Association By-Laws.

General Board members are eligible for one (1) academic credit upon the successful completion of all requirements outlined in the By-Laws. A minimum of sixty (60) hours of qualifying service is required to receive academic credit.

To receive credit, every General Board Member must meet the following general requirements:

1. Attend Board meetings;
2. Serve as a coach to participants in the Appellate Writing and Advocacy course and the Jenkins Honors Moot Court Competition; and
3. Volunteer for Moot Court Association sponsored competitions and events and fulfill any other duties considered necessary by the Executive Board and/or the Faculty Advisors.

Additional information regarding credit requirements is included in the By-Laws.

Moot Court Board	
	Spring Semester Credit(s)
Executive Board Members	2
General Board Members	1

Information for Competitors

Expectations of Competitors

As representatives of Marquette University Law School, competitors must conduct themselves in an ethical, civil, and professional manner at all times, including practices and competitions.

The Moot Court Board requires competitors to complete exit information sheets after each competition. This exit information sheet (attached to this handbook as Appendix B) provides critical information for ensuring a quality experience for future competitors.

Student competitors who will miss class to participate in a competition must notify professors in advance and must comply with class policies regarding attendance.

All teams should have a scheduling conference with their advisor within one week of receiving their competition problem. At this scheduling conference, competitors should outline a schedule of deadlines leading up to the brief submission date. Such deadlines may include: choosing which issue to argue; completion of research; developing an argument outline; completion of a draft of the argument section; completion of the joint sections; and any other "checkpoints" that the competitors and advisor deem appropriate.

During the scheduling conference, competitors must also set a weekly time to meet and work on the competition problem throughout the semester. As a moot court competition is considered a law school course for which competitors receive academic credit, competitors must meet on a regular basis just like any other class. The Moot Court Board will assist competitors with reserving a space in the law school to hold your weekly meeting. Ultimately, the goal of this scheduling conference is to use the advisors' experience to help construct a timeline with consideration to competitors' class, work, and other schedules.

Remember, however, that many competition rules forbid professors from providing substantive aid to the competitors regarding the preparation of their brief. It is important, therefore, that these meetings with the competition advisors involve no substantive discussions regarding the competition problem, and instead revolve entirely around establishing a workable brief-writing schedule.

Please note that, if competition rules allow, competitors will be required to submit a draft their brief to the Moot Court Board and their advisor at least one week prior to the final deadline. If a team is prohibited from submitting a draft, the team will be required to submit a signed affidavit (Appendix F) indicating that they have completed a draft that complies with the bylaws. A draft should be a completed Argument section needing only minor revisions such as grammar, spelling and citations. The substance and structure of the argument should not change. This requires a good faith effort to complete a draft of the quality expected in legal writing classes.

No more than one week after the submission of the final brief, competitors are expected to hold a second conference with their advisor to schedule oral argument preparations. Competitors will

receive a reminder as your brief deadline approaches. At this second scheduling conference, competitors should set a practice schedule for oral argument preparations. Competitors should have at least one practice per week with their faculty advisor. Competitors will be expected to complete a minimum of ten (10) practice rounds before the final competition- (5) per side. This includes practices with their faculty advisor, alumni coach, or other practice panels.

As soon as competitors set these schedules of deadlines and a weekly meeting time, competitors must send an e-mail to Jessica Farley with a Word document entitled "Scheduling Conference." The Moot Court Board will monitor your progress and do our best to assist you with meeting each deadline throughout the semester.

Credit Requirements

Two (2) academic credits will be awarded to each competitor in a Regional, National or International competition. Credit will be granted when competitors successfully complete all requirements set forth in the By-Laws or as assigned by the Faculty Advisor(s) or the Executive Board.

Academic credit will be awarded upon qualified academic service of a minimum of one-hundred-twenty (120) hours of competition preparation and participation. Competitors are expected to keep track of their hours on the Competitor's Hours form (see Appendix A). The final decision to award credit is at the discretion of the Faculty Advisor(s).

Academic credit for participation in a competition is distinct from any academic credit given to members of the Moot Court Board.

Travel Arrangements and Other Expenses

The University operates on the reimbursement method. This means that you will pay for most expenses out of personal funds and the University will reimburse you. Save all original receipts and complete the Reimbursement Form. The reimbursement process can take approximately two-three weeks. Expenses greater than \$10 must be supported by the original receipt.

1. Registration Fees and Forms

All registration fees and forms for competitions are completed and submitted by the Associate Justice of Administration through the Marquette University Law School Director of Budget and Finance.

2. Travel Arrangements and Expenses¹

All travel arrangements are made by the Associate Justice of Administration in conjunction with the Marquette University Law School Director of Budget and Finance. All arrangements are coordinated and processed through a travel agency. The Associate Justice of Administration is the point of contact for all travel related issues.

Automobile travel can be reimbursed at the University rate (approx. 44.5 cents/mile). The University also reimburses for tolls without receipt. Please be sure to keep track of your mileage on the travel expense reimbursement form. Private automobiles are not covered by University insurance, even if being used for official University business.

Meals can be reimbursed at a rate of \$30 per day (\$40 for New York State and Washington, D.C.). Meals are defined as breakfast, lunch and dinner including gratuity. This is not a per diem, this is a reimbursement for actual costs. Law students are expected to use good judgment and discretion. Meal costs should also be included in the travel expense reimbursement form. Meals over \$10 must be supported with receipts.

Hotel reservations are made by the Associate Justice of Administration; he or she will provide all necessary information to you, including a copy of the hotel confirmation.

The following additional expenses can be reimbursed: (a) taxi to and from the airport/hotel/competition; (b) public transportation to and from the airport/hotel/competition; (c) parking at Mitchell Airport; and (d) local telephone calls. To be reimbursed you must provide the original receipt.

The following additional expenses cannot be reimbursed: (a) snacks; (b) minibar; (c) movies; (d) items of a personal nature; (e) long distance telephone calls; and (f) equipment rental, including laptops and printers.

If you have any questions about the above or about shared expenses, please speak with the Associate Justice of Administration prior to making the purchase.

3. Copying and Mailing Costs:

The Marquette University Law School has a purchase order with FedEx/Kinkos, located at 209 E. Wisconsin Ave., (414) 270-0404. This enables copy charges to be billed directly to Marquette University. Please provide FedEx/Kinkos with the following purchase order number: PO 140536. Obtain a receipt and place it in the mailbox for the Office of the Director of Finance and Budget, located in the main office, Room 146. Please write the name of the competition on the receipt.

¹ The reimbursement rates contained in this document are valid as of 2006.

For mailings, please request and obtain original receipts for reimbursement purposes. Please record the expense and include it on the Reimbursement Form after the competition has concluded.

4. The Reimbursement Process

Complete the Reimbursement Form, including the name of the competition and your mailing address. Also, please attach all original receipts. Be sure to complete the form in its entirety, signing it on the bottom left corner where indicated. After the form is complete, return it to the Office of the Director of Finance and Budget, Room 240B, located in the Career Planning Center.

Information for Coaches

Coaching Guidelines

Some national competition teams will be assigned a student coach. The student coach is responsible for all aspects of his or her team's preparation, including, but not limited to:

1. Meeting with the members of the team as soon as possible after being assigned to the team.
2. Distributing the team's problem and rules of the competition in a timely manner.
3. Reading the rules of the competition thoroughly and ensuring the team complies with all competition rules.
4. Scheduling practices in accordance with the requirements of the specific competition and credit requirements.
5. Arranging judges for practices (professors, alumni, practicing or retired attorneys/judges/etc., General and Executive Board Members, law students/peers, and members of the legal community).
6. Preparing the team for competition, including advising competitors of all travel plans and competition details.
7. Traveling with the team to the competition (competition rules permitting).

If a coach is not assigned to a team, then members of that team are responsible for the above listed duties.

Credit Information

To receive credit, each coach is expected to comply with the responsibilities detailed above and the responsibilities outlined in the By-Laws. A coach is also required to fill out the exit information sheet (see Appendix C).

Competition Information for 2009-2010

Evan A. Evans Constitutional law Moot Court Competition

Faculty Advisor: Professor Scott Idleman
Team 1: Ryan MacGillis, Megann Senfleben
Team 2: Anique Ruiz, Tyrone St. Junior

Giles Sutherland Rich Memorial Moot Court Competition (Intellectual Property Law)

Faculty Advisor: Professor Ramon Klitzke
Team: Ryann Beck, Allison Johnson,

Mardi Gras Sports Law Competition

Faculty Advisors: Professor Paul Anderson, Professor Michael Mitten
Team: Jessica Baranko, Lindsay Caldwell, Nicole Standback

National Appellate Advocacy Competition

Faculty Advisor: Professor Jessica Price
Team 1: Alyssa Dowse, Rachel Helmers, Nick Harken
Team 2: Lindsey Johnson, Jesica Ballenger, Allison Ziegler

National Criminal Procedure Tournament

Faculty Advisor: Professor Thomas Hammer
Team: James Robinson, Jr., Neha Sharma

National Entertainment Law Moot Court Competition

Faculty Advisor: Professor Paul Anderson
Team: Scott Chandler, Sean Horkheimer, Colin Shanahan

National Environment Law Moot Court Competition

Faculty Advisor: Professor Alan Madry
Team: Bridget Brave, Julie Kipp, April Toy

National Health Law Moot Court Competition

Faculty Advisor: Professor Alison Barnes
Team: Bridget Mueller, Alap Suresh, T.J. Wessel

National Moot Court Competition

Faculty Advisor: Professor Melissa Greipp
Team 1 Competitors: Joseph Brydges, Jon Cattey, Tim Hassell
Team 2 Competitors: Jessica Farley, Brent Simerson,

Phillip C. Jessup International Law Moot Court Competition

Faculty Advisor: Professor Michael Waxman
Team: Kaitlyn Dulac, Andrew Murphy, Sammi Jo Nevin, Michelle Velasquez

Robert F. Wagner National Labor & Employment Law Moot Court Competition

Faculty Advisor: Professor Phoebe Williams
Team: Jesse Dill, Allison Luczak, Mike Miner

Ruby R. Vale Interschool Corporate Moot Court Competition

Faculty Advisor: Professor Ed Fallone
Team: Chris DeMatteo, Cate May, Elise Morrison-Sorgenfrei

Appellate Writing and Advocacy Coaching Instructions

Moot Court Board members are required to serve as coaches for students in the Appellate Writing and Advocacy course. This is intended to benefit the students and provide Board Members with an additional method of accumulating hours for academic credit.

The following are some guidelines and suggestions for your time spent coaching the students. Please remember that these guidelines are present to ensure that academic regulations are met and to provide students with an opportunity to become comfortable with oral advocacy. Please see the Appellate Writing and Advocacy Coaching Packet for more information.

Brief Writing

Coaches are not permitted to assist their teams with any aspect of the brief writing process. Accordingly, any question that a team may have about the brief should be addressed by a team's respective professor or the Associate Justice of Education.

Oral Arguments

Coaches will be provided with a bench memo regarding the case in order to help coaches better understand the arguments of their teams. Additionally, coaches are required to attend a meeting later in the semester to discuss the problem. However, coaches are not permitted to change the substantive content of their teams' oral arguments, but rather are permitted to help them identify both strong and weaker aspects of their arguments.

Preparing each team for oral argument is the coach's primary duty. Practice sessions are imperative to a team's success and coaches are encouraged to hold multiple practices beyond those required. Additionally, coaches may find it beneficial to arrange for other Board members to serve as "judges" during oral argument practice. Practices should alternate between opposing sides of the problem set in order to help students better understand the strengths and weaknesses of their position.

Coaches should encourage their team members to draft answers to reoccurring questions asked during these practices. Coaches may look over these drafted responses and may make suggestions accordingly. However, each coach should stress that these are helpful drafts but should not be memorized in preparation for competition. Scripted responses are discouraged. Coaches may not draft responses for competitors.

Scheduling

It is important that coaches meet with their teams early in the semester to outline a coaching schedule and adhere to it. Coaches *may not* guide their teams until after submission of the first draft of the brief.

After the submission of the first draft, coaches may practice with their teams and begin preparing them for the oral argument phase of the Appellate Writing and Advocacy course. Coaches must arrange at least five oral argument sessions. Additional practice is encouraged but optional. Coaches may not, however, meet with their teams more than ten times. Furthermore, one of these sessions should focus on arguing the opposing position. Ultimately, coaches should evaluate their teams' comfort level with oral argument and schedule an appropriate amount of time to prepare for the arguments.

Coaches must adhere to these guidelines. If it is discovered that coaches are providing assistance beyond that described here, they may face disciplinary action. Remember that these guidelines are in place to ensure that both coaches and students are meeting academic regulations.

All coaches must complete the Appellate Writing and Advocacy Coach Exit Interview (Appendix D).

Students in the Appellate Writing and Advocacy course are also expected to complete an exit interview (Appendix E).

Panel Weekend

Coaches will be required to serve on a coaches' panel during the weekend of November 7 and 8. Coaches are expected to sign up to be judges for 3-4 rounds, this should be about a five to six hour time commitment. This round will be videotaped, so coaches are encouraged to meet with their teams early in the following week to review the arguments. The panel will not count towards the mandatory five practices.

Affidavit of Compliance

Both students and coaches will be required to submit affidavits at the end of the semester certifying that they have complied with the coaching requirements. A copy of the required affidavit can be found in the Appellate Writing and Advocacy Coaching Packet.

Bailiffing

Coaches are required to bailiff one or two rounds of Appellate Writing and Advocacy arguments.

Competitor's Hours²

Moot Court Association Hour Log

Name: _____
 Competition Name or Board Position: _____
 Year: _____
 Semester: _____

The below hours are to be counted towards:

Executive Board Hours:
 General Board Hours:
 Competitor Hours:
 Coach Hours:
 (Choose one.)

Total Hours Needed:	<input style="width: 95%; height: 25px;" type="text"/>	(Please insert 120 for competitor hours and 60 for all other hours)
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Date	Activity	Hours
Total Hours:		0
Hours Remaining:		0

Certification of Accuracy: By my signature below, I certify the accuracy of the hours and activities reported above.

 Signature _____
Date

² You will receive an electronic version of the Competitors' Time Sheet in your Marquette email account. You are required to submit an electronic copy of your hours to the Associate Justice of Administration on the 1st of every month. At the end of the semester you are required to print, sign, and submit the original to the Associate Justice of Administration.

Appendix B

Competitor Exit Interview

Please take the time to fill this form out completely. Your answers to these questions will help improve the program and ensure future Moot Court Association Competitors have a quality educational experience in the Moot Court Program.

Name: _____ Year: _____

Competition Competed In: _____

Coach: _____ Faculty Advisor: _____

How would you rate your overall experience (1-10) _____

Number of Practices Before Competition: _____

Did you feel the practices prepared you for competition Why or why not?

Did you find the problem challenging? Did you feel prepared to submit your brief?

Did the host school run a smooth competition? Why or why not? Would you compete in this competition again? Why or why not?

Were your travel arrangements and accommodations acceptable? Why or why not? _____

How would you improve a future team's performance at this competition?

Do you have suggestions for future Executive Boards about how to run the Moot Court Program? Please explain.

Appendix C

Coach Exit Interview

Please take the time to fill this form out as completely as possible. Your answers to these questions will help improve the Moot Court Program and ensure future Moot Court Competitors have a quality educational experience.

Name: _____ Year: _____

Competition Competed In: _____

Coach: _____ Faculty Advisor: _____

How would you rate your overall experience (1-10) _____

Number of Practices Before Competition: _____

Did you have problems finding judges for the practices? Please explain either way.

How did you go about finding judges for practices?

Did the host school run a smooth competition? Why or why not?

Did you find any preparation tactics or techniques particularly helpful?

What advice would you give to future coaches of this competition?

Do you have suggestions for future Executive Boards about how to run the Moot Court Program? Please explain.

Appendix D

Appellate Writing and Advocacy Coach Exit Interview

Please take the time to fill this form out as completely as possible. Your answers to these questions will help improve the Moot Court Program and ensure future Moot Court Competitors have a quality educational experience.

Name: _____ Year: _____

Students Coached: _____

Professor: _____

How would you rate your overall experience (1-10) _____

Number of Practices Before Competition: _____

Did you have problems contacting the students for the practices? Please explain either way.

How did you go about finding alternate judges for practices?

How receptive were the students to having a coach? Why or why not?

Did you find any preparation tactics or techniques particularly helpful?

What advice would you give to future coaches of this course?

Do you believe that this was beneficial to the students? Why or why not?

Would you recommend continuing this program? Why or why not?

Do you have suggestions for future Executive Boards about how to run the Moot Court Program? Please explain.

Appendix E

Appellate Writing and Advocacy Student Exit Interview

Please take the time to fill this form out as completely as possible. Your answers to these questions will help improve the Appellate Writing and Advocacy course and the Moot Court Program and ensure students have a quality educational experience.

Name (optional): _____ Year: _____

Coach: _____ Professor: _____

How would you rate your overall experience (1-10) _____

Number of Practices Before Intramural Competition: _____

Did you have problems with your coach or finding judges for the practices? Please explain either way.

How did you go about finding judges (other than your coach) for practices?

Did you find having a coach helpful in Appellate Writing and Advocacy?

What advice would you give to future students in this course?

What advice would you give to future coaches in this course?

Do you have suggestions for future Executive Boards about how assisting students in the Appellate Writing and Advocacy course? Please explain.

Appendix F

Moot Court National Competitor Rough Draft Affidavit

We, the undersigned national _____ team, certify that we have
(add competition name)

completed a rough draft of our brief. We understand that a rough draft is a completed argument section needing only minor revisions such as grammar, spelling, and citations. We have made a good faith effort to complete a draft of the quality expected in legal writing classes.

Signed this ____ day of _____ 20____

