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I. Competition Committee and Forum

A. “Competition Committee Defined”

The Competition Committee consists of the Moot Court Faculty Supervisor, Assistant Professor of Legal Writing Melissa Greipp, the Chief Justice of the Moot Court Board, Max Stephenson, and the Associate Justice of Intramural Competitions, Nicole Cameli.

B. Powers of the Competition Committee

1. The Competition Committee has the sole discretion to enforce and interpret all Competition rules.

2. The Competition Committee has the sole discretion to answer questions about the Record and all other papers that constitute the Problem.

3. The Competition Committee has the sole power to resolve any dispute that may arise during the Competition and its decision may not be appealed.

4. The Competition Committee has the power to change or supplement the Competition rules, the Record or other papers that constitute the Problem, should any changes or supplements become necessary. Any changes and supplements will be communicated to participating teams in writing as quickly as possible, via email to team members.

C. Participation of Competition Committee Members

Unless each affected team consents, members of the Competition Committee will not judge oral argument rounds.

D. Contact with the Competition Committee

The Competition Committee should be contacted via email addressed to all members, at the following addresses: melissa.greipp@marquette.edu, nicole.cameli@marquette.edu and max.stephenson@marquette.edu.

II. Team Composition

A. Number and Selection of Teams and Team Members

1. The top performing students in each Appellate Writing and Advocacy class will be invited to participate, as determined by the Competition Committee. The total number of participants will not exceed 22. The number of students selected will be based on the number of students enrolled in each Appellate Writing and Advocacy Class and shall not exceed the following: Greipp—6, Blemberg—6, Kearney—2, O'Conner—
2. The team members must be Marquette University Law School students who have successfully completed the Appellate Writing and Advocacy course.

3. Eligibility for membership on a team shall be by invitation. The professors teaching the Appellate Writing and Advocacy course, Melissa Greipp, Rebecca Blumberg, Anne Kearney, Thomas Hruz, Brian Fahl, and Erin O’Connor, will rank students’ performance in the Appellate Writing and Advocacy course and will notify the Associate Justice of Intramural Competitions who will notify the students of their eligibility to participate. Notice to eligible students, with an invitation to participate, will be sent via email.

4. Students will have 24 hours after the sending of the email notice of their eligibility to confirm their participation by return email or by other written communication with the person who sent the invitation.

5. After all competitors have been selected and have confirmed their participation, the competitors will have an opportunity to select a teammate. Each team will consist of two team members. The Competition Committee will randomly pair competitors who do not select a teammate into two-person teams.

6. The Associate Justice of Intramural Competitions will assign each two-person team a team number and will maintain a record of the team assignments and team members. The team numbers will not be assigned by or communicated to the other members of the Competition Committee.

B. Replacing Team Members

No team member may be replaced except with the express written consent of the Competition Committee, which will require a showing of good cause. Should a replacement become necessary, the Competition Committee will select a replacement, based upon the rankings of eligible students from the Appellate Writing and Advocacy course, selecting the next-ranked student until a replacement can be found.
III. I. Briefs

A. Sides

The Associate Justice of Intramural Competitions will assign each team to represent either the Petitioner or Respondent, on the brief. Assignments will be made on a random basis.

B. Outside Assistance

1. Competitors may only assist, and receive assistance from, their partners in editing or drafting the brief.

2. Team members may conduct practice oral argument sessions before submitting the brief. However, only team members of the same team may listen to, or provide any comments or feedback about, any such sessions that occur before submitting the brief.

3. At the time of submitting the brief, team members must sign and submit the affidavit in Addendum A, which certifies that team members have not had any outside assistance with the brief.

4. Teams found to have received inappropriate outside assistance on the brief or found to have committed plagiarism will be penalized by the Competition Committee. The penalty may include disqualification from the Competition. Such misconduct may also constitute a violation of the Law School Academic Regulations.

C. Format

1. The brief must comply with Federal Rules of Appellate Procedure 28 and 32, as modified by these Competition rules.

2. Briefs must contain the following sections, in this order: (1) a cover page, (2) a table of contents, (3) a table of authorities, (4) a statement of the issues presented, (5) a statement of the case, (6) a statement of the facts, (7) a summary of the argument, (8) an argument with headings, (9) a conclusion, and (10) a certificate of compliance in the form demonstrated in Addendum B to these rules. No other sections may be included.

3. Briefs must be typed, in double-spaced text (except for block quotations and headings), and with margins of at least one inch. The typeface for all text must be 12-point, Times New Roman font. Pages should be printed single-sided. The word limit for briefs is 7,000 words. If any formatting questions arise, please follow the Supreme Court rules. The following sections of the brief count toward the word limit: the statement of the issues presented, the statement of the case, the statement of the facts, the summary of the argument, the argument with headings, and the conclusion. The following sections
do not count toward the word limit: the cover page, the table of contents, the table of authorities and the certificate of compliance. Any footnotes in the brief will count toward the word limit.

4. Scoring penalties will be taken for failure to follow these format rules. Four points will be deducted for exceeding the word limit. In addition to any points deducted for exceed the word limit, two points will be deducted for each violation or other format and submission requirements, but no more than eight points will be deducted for format violations. Thus, at most, twelve points-four for exceeding the word limit, and eight for violating other format requirements—may be deducted for format violations.

D. Citations
All citations must conform to the rules contain in The Bluebook: A Uniform System of Citation (19th ed. 2010).

E. Team Identification
To facilitate anonymous grading, names of the team members may appear only on the affidavit, which must be submitted with the original brief (see Addendum A). The only identifying information in the brief may be the team’s number, which must appear on the front cover of the brief.

F. Number and Service

1. Each team must submit an original and five copies of the brief in the Marquette University Law School Moot Court Office (Room 336G) in the receptacle that will be provided. The original brief must be marked “original” on an attached note. Copies of the bound, printed brief must be bound and reproduced identical to the original.

   a. The affidavit (see Addendum A) should only accompany the original brief.

   b. The affidavit should not be bound within the original brief, but rather should be placed inside the back cover of the bound brief.

2. In addition to submitting the original and five copies of the brief, each team must send a copy of the brief via email to the Associate Justice of Intramural Competitions, Nicole Cameli, at Nicole.cameli@marquette.edu. The brief must be submitted as an email attachment in PDF format. The content of the email attachment must not differ from the content of the hard copies, except that no affidavit should be included.

3. The briefs must be submitted no later than 5:00 p.m. on February 18, 2013. The official clock will be the digital clock in the common area of the Boden Suite, found outside the Elder’s Law Review office. The official clock for the electronic submission will be the time that the e-mail is received by the
Associate Justice of Intramural Competitions. Eight points will be deducted for each day the brief is late beginning at 5:01pm on February 18, 2013.

4. Team should not serve each other with copies of the brief. The Competition Committee will post each brief on the TWEN website soon after the briefs have been submitted.

G. No Changes after Submission

Once the brief has been submitted to the Competition Committee, no revision, supplements, or additions will be allowed. In addition, no written material outside the brief will be accepted.

H. Grading

1. Each brief will be scored by a panel of judges. At least three judges will evaluate each brief.

   a. If three judges evaluate each brief, then those three scores will be added together, and the average of that sum will be taken to determine the average brief score, which will be used throughout the Competition.

   b. If four judges evaluate each brief, then the score that is furthest from the median score will be excluded from the calculation of the brief score. The three remaining scores will be added together, and the average of that sum will be taken to determine the average brief score, which will be used through the Competition.

   c. If five judges evaluate each brief, then both the highest and the lowest scores will be excluded from the calculation of the brief score. The three remaining scores will be added together, and the average of that sum will be taken to determine the average brief score, which will be used through the Competition.

   d. Any points deducted for technical violations will be subtracted from the sum of the three brief scores, before the average score is calculated.

2. Judging will be anonymous.

3. Briefs will be graded for both content and style. The factors that judges will consider include, but are not limited to, organization and persuasiveness, analysis and reasoning, writing style, citation use and form, format, and compliance with Competition rules.
I. Penalties for Misconduct

Teams found to have violated these rules through misconduct, such as, but not limited to, plagiarism or other outside assistance on the brief, will be penalized by the Competition Committee. The penalty may include disqualification from the Competition. Such misconduct may also constitute a violation of the Marquette University Law School academic Regulations.

IV. Oral Argument Procedures

A. Time and Place

Oral arguments will be held on the weekend of March 23 and 24, 2013. Courtroom assignments will be provided in advance of the arguments.

Outside Assistance in Preparing Oral Arguments

1. Each team is responsible for planning, preparing, and practicing its own oral arguments.

2. After submitting its brief, a team may practice its oral argument before anyone other than Marquette University Law School faculty or other current Jenkins Competitors. Members of the Marquette Moot Court Board, other than members of the Competition Committee, may assist the teams in practicing their oral arguments. Individuals assisting teams with such practice arguments may question the team, and may provide feedback and advice regarding the oral argument. However, individuals providing such assistance are reminded that the Competition’s primary goal is education, and the team must take primary responsibility planning and preparing arguments.

3. No member of the Marquette University Law School faculty shall assist a team in preparing its oral argument, including but not limited to serving as an audience for the team’s practice arguments.

4. The Competition Committee will penalize teams found to have received inappropriate outside assistance. The penalty may include disqualification from the Competition.

B. Time Per Team and Rebuttal Time

1. Each oral argument round will be limited to sixty minutes; each team will have thirty minutes; each person is allocated fifteen minutes. Petitioners will argue first, then the Respondent, then, if chosen, the Petitioner’s rebuttal. Rebuttal time comes out of the Petitioner’s thirty minutes.

2. The two-team members may divide their time unequally. There will be no penalty if a student reserves time but does not use the entire time.

3. The team representing the Petitioner in a round may reserve up to five
minutes of their times for rebuttal by (a) informing the bailiff before the round how much rebuttal time will be reserved and the time breakdown for each member, and (b) requesting rebuttal time from the presiding judge at the beginning of the argument.

4. Only one team member may argue on rebuttal, though either team member may be the one to do so.

5. The Petitioner may, following the close of Respondent’s argument, waive previously reserved rebuttal time, without penalty. However, the Petitioner may not otherwise reallocate rebuttal time once the round begins.

6. The Respondent may not reserve time for, nor deliver, a sur-rebuttal. The bailiff will give each advocate a 10-minute, 5-minute, 2-minute, and 1-minute warning card, as well as a stop or 0 time card.

7. Visual aids and other similar devices may not be used during oral argument. Students may bring notes, a folder, or binder to the podium during their oral argument.

8. Each team will be provided a table card that identifies the team as Petitioner and Respondent and contains the team number. The card should be placed on counsel table facing the judges at the beginning of the round and should remain on the table throughout the round.

C. Anonymity and Contact with Judges

1. Team members and individuals affiliated with a team may not speak with the judges before the judges enter the courtroom. Any such communications must be reported immediately to a member of the Competition Committee or to the bailiff.

2. Since judges may judge more than one round, until a team is eliminated from the Competition, team members and individuals affiliated with the team may not speak with judges about any substantive matters.

D. Judges and Judging Criteria

1. Each oral argument round will be judged by at least three persons.

2. Oral argument judges will be provided with a copy of the Record and a bench memorandum relating to the Problem. The oral argument judges may read participants’ briefs anonymously if they so request.

3. Oral argument judges will receive pre-argument orientation in matters such as scoring and judging on advocacy as opposed to merits, and will be provided with Oral Argument Guidelines and an Oral Argument Scoring Sheet.

4. Each judge will score each advocate in the round; the judges’ scores for that
round will be added and then averaged to determine the team’s oral argument score for a round. Judges will score individually, and they should not consult with each other during the scoring process. The bailiff will take the oral argument scores to the Competition Committee, where brief scores will be combined with oral argument scores to determine the winner of the round.

5. The winner of each round will be announced at the end of the round, when it has been determined.

E. Conflicts of Interest

1. Judges should not serve in a round in which they have a conflict of interest. Knowing a competitor does not automatically constitute a conflict of interest rather; a conflict of interest occurs when a judge has a friendly or working relationship with the competitor. Conflicts of interest should be disclosed as soon as possible and may be reported by a team member or judge. Jenkins Competitors will be emailed a list of judges 48 hours prior to the competition and are encouraged to check the list closely and report any conflicts.

2. If a conflict of interest exists, the judge should be removed from the panel. If possible, a substitute judge should be added to the panel.

3. If a team is aware of a conflict of interest that is adverse to that team and does not report it before the beginning of the round, the conflict is waived.

4. If a team is aware of a conflict of interest that might benefit that team and fails to report the conflict at the beginning of the round, and the conflict is later discovered by the opposing team or the Competition Committee, the Competition Committee may penalize the non-reporting team. The penalty may include disqualification from the Competition.

F. No Scouting Rule

1. No member of any team still eligible to participate in the Competition may attend any practice or argument of another team or receive information about another team’s argument from any person who has attended such practice or argument. However, an eliminated team may practice with any team that is still eligible under the following conditions: the eliminated team may not discuss the arguments of any of the teams that they have competed against, observed, or practiced with. This includes commenting on the preliminary round arguments of any teams that are still active in the competition.

2. While a team is still active in the Competition, no team member or other affiliated person may “scout” other active teams.

G. Penalties for Misconduct

Teams found to have violated these rules through misconduct, such as, but not
limited to, obtaining prohibited faculty assistance, engaging in improper communication with judges, or engaging in “scouting,” will be penalized. The penalty may include disqualification from the Competition. Such misconduct may also constitute a violation of the Law School Academic Regulations.

V. Sequence of Oral Argument Rounds and Advancement in the Competition.

A. Preliminary Rounds

1. Each team will argue in three preliminary rounds. The preliminary round arguments will take place on March 23 and 24, 2013. In the preliminary rounds, two competing teams will be paired up based on rank. Teams will be ranked based on brief scores. Teams will argue as follows:

   - First Preliminary Round (3/23):
     Each team will argue on-brief

   - Second Preliminary Round (3/23 or 3/24)
     Each team will argue off-brief

   - Third Preliminary Round (3/24)
     The choice as to sides will be determined by a coin-flip which will occur less than 20 minutes before the round begins.

2. At the conclusion of each preliminary round argument, each team will be scored on a combination of its average brief score and average oral score, with the brief score counting as one-half (1/2) and the oral score counting as one-half (1/2) of the total.

3. Each team’s score will be compared to its opponent’s score in that argument, and the differential determined. The team with the highest score will win that preliminary round argument.

4. In the event that the teams’ scores are tied, the oral argument judges who judged an argument will choose the winner of the argument based on overall performance in the oral argument.

5. Four teams will advance from the preliminary rounds to the semifinal round. Any team that wins all three of its preliminary rounds will automatically advance to the semifinal round.

6. Advancement of teams with two wins and one loss will be determined by combining each team’s point differentials in the preliminary rounds. The team(s) with the highest score(s) after the winning and losing point differentials are combined will advance, until the number of advancing teams reaches four. In the event there is a tie in point differentials, the first consideration will be head-to-head match up. If the tied teams have
not faced each other, the next tiebreaker will be total oral argument score from all three preliminary rounds.

B. Semifinal Round

1. The four teams that advance from the preliminary rounds will argue in the semifinal round, which will take place on the evening of March 27, 2013. Going into the semifinal round, the teams will be ranked according to their scores by combining their point differentials from the preliminary rounds. The team with the highest score differential from the preliminary rounds will argue against the team with the lowest score differential from the preliminary rounds and so on.

2. Teams will be assigned by coin-flip, called by the higher-ranked team, to argue for the Petitioner or the Respondent in the semifinal round. The coin flip will occur twenty minutes before the start of the semifinal round. The winner of the coin flip will choose whether they will argue for the Petitioner or the Respondent in the semifinal round.

3. At the conclusion of each semifinal round argument, each team will be scored on a combination of its average brief score and average oral score for the semifinal round argument, with the brief score counting as one-half (1/2) and the oral score counting as one-half (1/2) of the total.

4. Each team’s score will be compared to its opponent’s score in that argument, and the differential determined. The team with the highest score will win its semifinal round argument and advance to the finals.

5. In the event that the teams’ scores are tied, the oral argument judges who judged an argument will choose the winner of the argument based on the team’s performance in the oral argument.

C. Final Round

1. The two teams that advance from the semifinal round will argue in the final round, which will take place on the evening of April 3, 2013. In the final round, the teams will be assigned by a coin flip to argue for the Petitioner or the Respondent, with the higher-ranked team, as determined by the semifinal score differential, calling the coin flip. The coin flip will occur thirty minutes before the round.

2. At the conclusion of the final round argument, each team will be scored on a combination of its average brief score and average oral score for the semifinal round argument, with the brief score counting as one-half (1/2) and the oral score counting as one-half (1/2) of the total.

3. In the event that the teams’ scores are tied, the oral argument judges who judged an argument will choose the winner.
4. The winner of the final round will be the Competition Champion.

VI. Requests for Information, Challenges, and Dispute Resolution.

A. Requests for Information

1. Any team may submit a request for interpretation of the rules or clarification of the problem before 5:00 P.M. on January 16, 2013. Requests should be submitted to the Associate Justice of Intramural Competitions, Nicole Cameli, via e-mail.

2. If the Competition Committee determines that a request submitted should be answered, the Competition Committee will promptly distribute the question and answer to all competitors via e-mail and also let the teams know at the Jenkins group meeting to be held on January 17, 2013 (or at an alternative date).

B. Brief and Pre-Oral Argument Challenges

1. Any protest or challenge concerning another team’s brief for any pre-oral argument matter must be submitted to the Competition Committee via e-mail, to the addresses set forth in Section I(D) of these rules, no later than 5:00 P.M. on March 19, 2013, or, if the allegedly offensive conduct occurs after that date, within 24 hours of its discovery.

2. The protest or challenge must be directed to the Competition Committee and should specify in as much detail as possible the nature of the complaint or challenge. No other person should be copied on the protest or challenge.

3. After reviewing the protest or challenge, the Competition Committee will, if necessary, contact other affected teams and issue a ruling.

4. The ruling of the Competition Committee will be final and may not be appealed.

C. Oral Arguments and Other Competition Challenges

1. Protests or challenges concerning any oral argument must be reported to the bailiff within 30 minutes of the conclusion of the round in which the allegedly offensive conduct occurs. Conclusion of the round, for purposes of this rule, will be the end of the Petitioner’s rebuttal period.

2. Protests or challenges that occur during the Competition that do not relate to a particular oral argument must be reported to a member of the Competition Committee as soon as possible, but in no event later than one hour before the next-scheduled oral argument round.
3. The Competition Committee has the ability to raise any rule violation on its own motion.

D. Penalties
Penalties are the discretion of the Competition Committee, and may range from warnings, to point deductions (including fractional points), to disqualification, depending on the nature and severity of the offense. Multiple offenses by a single team will warrant more severe penalties.

E. Waiver
A team’s failure to comply with the procedures in this section regarding any protest or challenge will constitute a waiver of that protest or challenge.

VII. Miscellaneous Provisions

A. Competition Website
The Competition Committee will supervise the creation of a website and a TWEN site for the Competition. The Record, the Competition Rules, and other documents relating to the Competition will be posted on the website and the TWEN site. Briefs will only be posted on the TWEN website. The website address will be provided to team members, and all team members should add the TWEN site in Westlaw.

B. Bench Memorandum

1. The Competition Committee will supervise the preparation of a bench memorandum. The contents of the bench memorandum are strictly confidential and may be viewed only by members of the Competition Committee and by judges in the Competition.

2. Teams may be disqualified from the Competition if they intentionally gain access to the bench memorandum or its contents. If a team inadvertently gains access to a bench memorandum, the team members must return it immediately to a Competition Committee member or a bailiff, without reading, copying, or otherwise using it. Teams will not be disqualified if, during a critique, a judge inadvertently discloses portions of the bench memorandum.

C. Reimbursement for Copying Costs
Students may seek reimbursement for the costs of binding and reproducing the briefs, and reimbursements will be made from the Law School Moot Court budget, using the form attached as Addendum C. Please submit your printing requests to Joe Birdsall (joe.birdsall@marquette.edu) by April 1, 2013.

D. Professionalism
All team members, judges, and bailiffs should conduct themselves in an ethical, civil, and professional manner. The conduct of all students participating in the Competition, including team members and bailiffs, is governed by the Law School Academic Regulations. Any misconduct or ethical violation must be reported to the Competition Committee as expeditiously as possible. Misconduct may result in penalties in the Competition, including disqualification. Misconduct may also result in discipline consistent with the Law School Academic Regulations.
ADDENDUM A
AFFIDAVIT

We, the undersigned, have read the Rules of the Marquette University Law School 2013 Jenkins Honors Moot Court Competition. We certify that our brief was prepared in accordance with the Competition Rules and that we have no received any unauthorized assistance. Furthermore, we have complied with Marquette University Law School’s plagiarism policy and Academic Regulations.

Please print each team member’s name under the signature, as you would like the name to appear on participation certificates.

Team Number: ____________

Team Member #1: Printed: __________________________

Signature: __________________________

Team Member #2: Printed: __________________________

Signature: __________________________

Date:
ADDENDUM B

Certificate of Compliance

We certify that this brief complies with the format requirements of the Federal Rules of Appellate Procedure, as modified by the rules of this Competition. In particular, we certify that the brief is in 12-point, Times New Roman font, with margins of at least one inch on all sides, and contains_____________words, excluding the cover page, tables, and certificate of compliance.

Team Number: _____________

Date: _____________
ADDENDUM C

Request for Reimbursement of Costs

I, ________________________________ (print name), seek reimbursement for the costs of producing, binding, and copying briefs for the Marquette University Law School 2013 Jenkins Honors Moot Court Competition. The costs were as follows (on the lines below, describe the services you paid for (including the number of copies), the dates(s) of the services, and the costs):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I have attached a receipt or receipts showing these costs.

Signature: ____________________________

Date: _________