

**UNIVERSITY OF WISCONSIN
LAW SCHOOL
EVAN A. EVANS CONSTITUTIONAL LAW
MOOT COURT COMPETITION
2009 Rules**

I. TEAMS

A. Eligibility

The competition is open to all accredited law schools in the United States except for the University of Wisconsin. Participating schools may enter one or two teams in the competition, each composed of two full or part time students studying for a Juris Doctorate degree. Team members' names that were not included on the registration form must be submitted to the Evans Director at evanscompetition@gmail.com by midnight (Central Standard Time) on **January 20, 2009**.

B. Substitution

There shall be no substitution of team members after submission of contestant names pursuant to rule (III)(B), except upon express written consent of the Evans Director. Such consent will be given at the sole discretion of the Vice President – Evans. Absolutely no substitution of team members shall be permitted after oral arguments begin.

IA. SOURCES

A. The Problem

The 2009 Problem is based on an issue that is in the early stages of nationwide litigation, but it is not based on any particular case.

B. Limits on Sources

It is possible and likely that a court, either trial-level or appellate, will rule on a substantially equivalent issue to the one contained in the 2009 problem between the time the problem is distributed and the time of the competition. To ensure that the law remains relatively equally balanced for both sides, **parties may not cite to any cases published after January 26, 2009** either in the brief or in oral

argument. Judges will be informed of this restriction.

II. BRIEFS

A. Assignment

Participating teams shall be randomly assigned to write either a petitioner's or a respondent's brief. A school sending two teams to the Competition shall be required to brief opposing sides. Odd numbers shall write petitioner's brief; even numbers shall write a respondent's brief.

B. Body

The brief shall include the following components: Cover, Questions Presented, Table of Contents, Table of Authorities, Constitutional Provisions or Statutes Involved, Statement of the Case, Summary of the Argument, Argument, and Conclusion. The Supreme Court Rules govern the format of the brief except as otherwise noted by Competition rules. Citations shall be in conformity with the Bluebook, **18th Edition**.

C. Form and Type

Briefs must be typed on 8 1/2" x 11" paper in double-spaced format. The typed space shall not exceed 6 1/2" x 9", excluding page numbers and must be printed on one side. The brief shall not exceed thirty pages in length and must use **Times New Roman, 12-point font**. All partial pages will be counted as a full page. In addition, the total number of single spaced lines will be divided in half and that number of lines shall be added to the end of the brief following the last line of printed matter. The **thirty-page limitation shall include** the Statement of the Case, Summary of the Argument, Argument, and Conclusion. Briefs shall be identified by the team's identification number **only**. There shall be **no** information within the body of the brief or in any appendices indicating the team's school affiliation.

D. Submission of the Briefs

1. All briefs **must** be created using Microsoft Word in order to

ensure compatibility and reduce formatting problems. The cover for each brief shall include:

- The docket number
- The name of this court: Supreme Court of the State of Grace
- The parties
- Either “Brief for Respondent” or “Brief for Petitioner”
- “On Writ of Certiorari to the Court of Appeals of the State of Grace”
- Assigned team number
- The color of Petitioner’s brief must be BLUE
- The color of Respondent’s brief must be RED

2. Briefs must be bound.
3. Each team shall email one copy of its brief to the Evans Director at evanscompetition@gmail.com. The emailed brief must be submitted as one document file. The brief may be in Word (.doc) or Adobe (.pdf) format. The emailed brief **must be received by midnight (Central Standard Time) on Monday March 2, 2009**. The Evans Director will then post each team’s brief on the Evans website by March 9, 2009.
4. Each team must send six copies of its brief, using U.S. mail, to the Evans Director at University of Wisconsin Law School, Moot Court Board, 975 Bascom Mall, Madison, WI 53706-1399. Briefs **must be postmarked** (by the Post Office, not by mail meter) **on or before March 2, 2009**. Although it is not required, teams may choose to request proof of mailing from the Post Office.

III. OUTSIDE ASSISTANCE

A. Purpose

The purpose of the rule regarding outside assistance is to ensure that the substance of the brief and oral arguments is the product of only those individuals participating in the Competition.

B. Certification

Each team submitting a brief in the Competition shall certify that its brief has been prepared in accordance with the Rules of the Competition and that it represents the work of only the team members. The certificate shall be signed and dated by each team member.

C. Brief

No team shall receive outside assistance in the preparation of its brief. This includes assistance from faculty, coaches and other teams. The individual team members may assist one another on the different sections of the brief. The final work product must be structurally and substantively the exclusive work of the team members. **No one** other than the registered team members of that team shall perform editing and proofreading the brief. A school sending two teams to the competition may not allow the teams to collaborate in **any** capacity in preparation of the brief.

D. Oral Arguments

During oral argument practices, faculty, coaches, or other persons are permitted to offer general critiques concerning the team members' presentation. A school sending two teams to the competition may not allow the teams to collaborate in any capacity in preparation of the competition, including, but not limited to, arguing in practice against one another.

IV. QUESTIONS ABOUT THE PROBLEM

Requests for interpretation of the problem or questions about the problem may be submitted to the Evans Director at evanscompetition@gmail.com. Questions and answers will be posted to the Evans Website. The deadline for submission of questions about the problem and requests for interpretation is midnight (Central Standard Time) on February 23, 2009. Questions about the rules may be answered at any time.

V. SCORING

A. Point Scoring

In the first three Preliminary rounds, the brief score shall account for 50% of the total score for each round and the oral argument score shall account for 50% percent of the total score for each round. Total scores for all three Preliminary rounds will be added together to determine who shall advance to the Octo-final round.

After the Preliminary rounds, all prior oral scores shall be erased and only the brief score will carry forward. In the Octo-final round, the brief score shall account for 40% and the oral argument score shall account for 60% of the total score. In the Quarterfinal round, the brief score shall account for 25% and the oral argument score shall account for 75% of the total score.

In the Semi-final round, the brief score shall account for 10% and the oral argument score shall account for 90% of the total score. In the Final Round, the brief score will drop out altogether, and the winner shall be the team with the higher score earned during that final oral argument. In the Octo-final, Quarterfinal and Semi-final rounds, the winner of each pairing shall advance to the next round. The team with the highest score will argue against the lowest score and so on.

B. Oral Argument

Each team shall argue in all three preliminary rounds. Sixteen teams shall be selected to continue on to the Octo-Final round. Thereafter, eight teams shall be selected to continue on to the Quarterfinal round. Thereafter, four teams shall advance to the Semi-Final Round. The two winning teams shall advance to the Final Round.

Each team argument shall be limited to thirty minutes. Each member of each team will argue in each round, and each is required to argue for a minimum of 10 minutes. Petitioners may reserve up to three minutes for rebuttal. Only one team member may deliver the rebuttal. **All teams are prohibited from identifying their school affiliation during oral argument.** Team members may identify themselves using their name and/or their team number.

For Preliminary Round I, each team will argue for the side on which they wrote their brief (i.e., "on-brief"). For Preliminary Round II, Preliminary Round III, Octofinal, Quarterfinal,

Semifinal, and Final Rounds, the Evans Committee shall assign each team to argue either Petitioner's or Respondent's side. Teams will argue each side at least one time.

VI. RULE VIOLATIONS

A. Brief Deadline

1. Email

On the first day that a brief is overdue, the team failing to email its briefs on time will incur a four-point penalty on its brief score. For every late day thereafter, the team will incur an additional two-point penalty.

2. Postmark Violation

Materials submitted past the postmark deadline will incur a two-point penalty for every day past the postmark deadline.

B. Team Identification

Any team identifying its school affiliation during oral arguments shall have five points deducted from its raw score for each violation during that round.

C. Page and Margin Errors

Failure to remain within the specified margins shall result in a one-point deduction for each page exceeding the margin limits. A team that exceeds the page limitations shall have one point deducted from its brief score for each page over the limit.

D. Oral Argument Errors

A failure to argue for a minimum of ten minutes will result in that member being penalized three points from that member's raw score.

E. Source Violations

Citing materials prohibited by Rule IA (B) will result in a five point deduction from the raw score for each violation, whether in the brief

or in oral argument.

VII. AWARDS

Awards shall be presented to the top three placing teams. Additionally, awards shall be presented for Best Oralist, Best Petitioner Brief, Best Respondent Brief, Runner-Up Oralist and Briefs, and third best Oralist. Oralist awards will be determined based on preliminary round scores.

VIII. USE OF THE PROBLEM

The problem is prepared and distributed by the University of Wisconsin Law School Moot Court Board ("the Board"). By entering the competition, each law school agrees that it will not use the problem except in connection with its participation in the competition. Any other use of the problem requires the written consent of the Board.

IX. QUESTIONS

All questions concerning the Competition and these Rules should be addressed to Janell Wise, Evans Director, evanscompetition@gmail.com, or by phone at 608-263-1691.