EVANS A. EVANS CONSTITUTIONAL LAW
MOOT COURT COMPETITION

2016

COMPETITION RULES
TABLE OF CONTENTS

I. TEAMS ........................................................................................................................................... 3
II. SOURCES ....................................................................................................................................... 3
III. BRIEFS ........................................................................................................................................ 4
IV. OUTSIDE ASSISTANCE ............................................................................................................... 5
V. QUESTIONS ABOUT THE PROBLEM .......................................................................................... 6
VI. SCORING ...................................................................................................................................... 6
VII. RULE VIOLATIONS ..................................................................................................................... 9
VIII. AUTHORITY ............................................................................................................................... 9
IX. AWARDS ..................................................................................................................................... 10
X. USE OF THE PROBLEM ............................................................................................................... 10
XI. QUESTIONS ................................................................................................................................. 10
Evan A. Evans Moot Court Competition Rules 2016

University of Wisconsin Law School
Evan A. Evans Constitutional Law
Moot Court Competition
2016 Rules

The University of Wisconsin Law School Moot Court Board (“the Board”) presents the following rules for the 2016 Evan A. Evans Constitutional Law Moot Court Competition (“the Competition”). They were created to ensure a fair, consistent, and efficient competition.

The 2016 Competition Rules are applicable to the 2016 Competition only. They are not binding on any future competition. If the rules conflict with other Evans material or there is confusion about a rule, please consult the Vice President - Evans.

I. TEAMS

A. Eligibility

The Competition is open to all ABA-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 Doctor degree. Teams may only consist of two members. Team members’ names that were not included on the registration form must be submitted to the Vice President – Evans at evanscompetition@gmail.com by 5:00 p.m. (Central Standard Time) on Saturday, December 19, 2015.

B. Substitution

There shall be no substitution of team members after 5:00 p.m. (Central Standard Time) on Saturday, December 19, 2015, except upon express written consent of the Vice President – Evans. 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.

II. SOURCES

A. The Problem

The problem is based on an issue of national interest, but it is not based on any particular case. Any resemblance to actual persons, places, or events is purely coincidental.

B. Limits on Sources

Eagleton is a fictional state. Competitors are not limited to any particular jurisdiction when conducting research. Only United States Supreme Court case law is controlling. It is possible that a court, either trial-level or appellate, will rule on a substantially equivalent issue to the one contained in the Problem between the time the Problem is distributed and the time of the Competition. Parties may not cite to any cases, briefs or other court documents filed or
opinion and orders issued after December 31, 2015, either in the brief or in oral argument. Judges will be informed of this restriction.

III. 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 have one team brief each side. Odd-numbered teams shall write petitioner’s brief; even numbers shall write respondent’s brief.

B. Body

The brief shall only include the following components:

1. Cover Page
2. Questions Presented
3. Table of Contents
4. Table of Authorities
5. Constitutional Provisions or Statutes Involved
6. Statement of the Case
7. Summary of the Argument
8. Argument
9. Conclusion

The Supreme Court Rules govern the format of the brief except as otherwise noted by these Rules. Citations shall be in conformity with the Bluebook, 19th Edition or 20th Edition. All teams are prohibited from identifying their school affiliation anywhere in their brief.

C. Form and Type

Briefs must be typed on 8 1/2” x 11” paper in double-spaced format. The page shall have 1-inch margins, 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. The thirty-page limitation shall include the Statement of the Case, Summary of the Argument, Argument, and Conclusion. The thirty-page limitation shall not include the Cover Page, Questions Presented, Table of Contents, Table of Authorities, and the Constitutional Provisions or Statutes Involved. Briefs shall be identified by the team’s identification number only. There shall be no information within the body of the brief indicating the team’s school affiliation.

Please consult the 2016 Evans Technical Brief Score Sheet for additional requirements and scoring. The 2016 Evans Technical Brief Scoring Sheet will be released with the release of the problem.

D. Submission of the Briefs
The cover for each brief shall include:

1. The docket number
2. The name of this court (Supreme Court of the United States)
3. The parties
4. Either “Brief for Respondent” or “Brief for Petitioner”
5. “On Writ of Certiorari to the Supreme Court of Eagleton”
6. Assigned team number

The Petitioner’s brief cover must be blue. The Respondent’s brief cover must be red.

Briefs shall be submitted electronically – paper copies will not be accepted. Each team shall email one pdf copy of its brief to the Vice President – Evans Competition at evanscompetition@gmail.com.

The email submission must contain two attachments:

1. the brief in its entirety as a single PDF
2. the Rule Compliance Certification. It must be signed, scanned, and attached as a separate PDF.

The emailed brief must be received by 11:59 PM (Central Standard Time) on Monday, February 1, 2016. The Vice President – Evans Competition will then post all briefs on the Evans website by 11:59 PM (Central Standard Time) on Thursday, February 4, 2016.

IV. OUTSIDE ASSISTANCE

A. Purpose

The purpose of this rule 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 shall certify that its brief has been prepared in accordance with the 2016 Rules and that it represents the work of only the team members (which includes only those registered to compete on behalf of the school, and does not include the coach or any other individual who will not also argue orally in competition on behalf of the team). The Rule Compliance Certificate, which appears at the end of the 2016 Rules, shall be signed and dated by each team member, uploaded as a scanned PDF, and submitted as a separate attachment in the email along with the team’s final.

C. Brief

No team shall receive outside assistance in the preparation of its brief. This includes the use of templates or assistance from faculty, coaches, other teams, or other students. The individual team members may assist one another on the different sections of the brief. The final work
product must be completely structurally and substantively the exclusive work of the team members

No one other than the registered team members of that team shall edit and/or proofread 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. The individual team members may assist one another in preparing their oral argument. The final argument must be structurally and substantively the exclusive work of the team members.

Teams from the same school may not jointly prepare their oral arguments. Similarly, a school sending one team may not practice oral arguments with faculty, coaches, or other persons from outside schools.

V. QUESTIONS ABOUT THE PROBLEM

Teams may submit requests for interpretation of the Problem or questions about the Problem to the Evans Problems Writer at evanscompetition@gmail.com (the subject line should be labeled “Problem”). The deadline for submitting questions about the Problem and requests for interpretation is 11:59 PM (Central Standard Time) on Friday, January 22, 2016. The Evans Problem Writers will upload a list of questions and interpretations on the Evans website. Until the deadline for submitting questions has passed, this list will be updated periodically as teams submit new requests.

VI. SCORING

A. Brief Scoring

A minimum of two (2) judges will score each brief technically using the 2016 Evans Technical Brief Scoring Sheet. The average of the judges’ technical scores will comprise 30% of each team’s final brief score. A minimum of two (2) judges will score each brief substantively using the 2016 Evans Substantive Brief Scoring Sheet. The average of the judges’ substantive scores will comprise 70% of each team’s final brief score. The 2016 Evans Substantive Brief Scoring Sheet will be released with the problem. All teams are prohibited from identifying their school affiliation anywhere in their brief.

B. Oral Arguments Generally

Each team shall argue in all three preliminary rounds. Sixteen teams shall advance to the Octofinal round. Thereafter, eight teams shall continue on to the Quarterfinal round. Thereafter, four teams shall advance to the Semifinal round. The two winning teams from the Semifinal round shall advance to the Final round.

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Should there be an odd number of teams, the Evans Competition will field a shell team to compete in oral arguments. The shell team will be identified by a number like all other teams, and will not advance past preliminary rounds. If a shell team is unavailable for any reason, the Vice President - Evans will contact all teams with an alternate procedure within seven (7) days of the competition.

Each team argument shall be limited to thirty minutes. Every team member shall argue once per round (with the exception of three-member teams), and each team member must argue for a minimum of 10 minutes and a maximum of 15 minutes. Petitioners may reserve up to three minutes for rebuttal each round by 1) providing the bailiff, before the round, with notice of the length of rebuttal time and from which competitor’s total time allotment the team will take the rebuttal time, and 2) orally requesting the desired rebuttal time from the judges at the start of the oral argument. All rebuttal time must come from one teammate’s argument. Only one team member may deliver the rebuttal.

All teams are prohibited from identifying their school affiliation during oral argument. Team members must identify themselves using only their names and their team number.

Bailiffs will display signs indicating when a competitor has 10 minutes, 5 minutes, 3 minutes, and 1 minute remaining, as well as when the competitor’s time has expired.

For the first Preliminary round, each team will argue for the side on which they wrote their brief (i.e., “on-brief”). For the second and third Preliminary rounds, the Vice President – Evans shall randomly assign each team to argue either Petitioner’s or Respondent’s side. Teams will argue each side at least one time. For the Octofinal, Quarterfinal, Semifinal, and Final rounds, the highest seeded team going into the round may choose the side they argue.

Note: Seeding for entrance into the Octofinal is based upon the total of their 3 Preliminary Round scores. Seeding for the Quarterfinal, Semifinal, and Final is based solely upon the scores from the round immediately preceding the round in question. For example, seeding for the Semifinal round will be based on the Quarterfinal scores. See below scoring details.

C. Oral Argument Scoring

A minimum of two (2) judges will judge each oral argument round and score it in accordance with a standardized scoring sheet, which will be the same sheet used for all oral argument rounds during the Competition. Should there only be two judges in a round, their scores will be averaged, and the average will be used as the third score. Similarly, some panels may consist of four or more judges. In panels of three or more judges, all scores will be averaged together pursuant to normal procedure.

The oral argument scores to be used for scoring a round (after the number of judge’s scores has been properly accounted for pursuant to the above paragraph), will be averaged, with the average score representing the team’s oral argument component of their score for that round.
Total team scores will be used on a combination of brief and oral argument scores, consistent with the following rules:

**i. Preliminary Rounds**

The brief score will count for fifty percent (50%) of the total score. Oral argument scores will count for the other fifty percent (50%) of the total score. The top sixteen (16) teams with the highest combined brief and oral argument score will move on to the next round.

**ii. Final Rounds**

In the Octofinal, Quarterfinal, and Semifinal rounds, the team with the highest score from the prior round will argue against the lowest score, and so on.

- **a. Octofinal Round**: The brief score will count for forty percent (40%) of the total score. The oral argument score will count for sixty percent (60%) of the total score. The top eight (8) teams with the highest combined brief and oral argument score will move on to the next round.

- **b. Quarterfinal Round**: The brief score will account for thirty percent (30%) of the total score. The oral argument score shall account for seventy percent (70%) of the total score. The top four (4) teams with the highest combined brief and oral argument score will move on to the next round.

- **c. Semifinal Round**: The brief score shall account for twenty percent (20%) of the total score. The oral argument score shall account for eighty percent (80%) of the total score. The top two (2) teams with the highest combined brief and oral argument score will move on the next round.

- **d. Final Round**: The oral argument score shall determine the winner of the competition.

**D. Ties**

In the event of a tie, the team with the higher brief score will advance.

**E. Scoring Questions**

Any questions about a received score must be brought to the Vice President – Evans immediately. The Vice President – Evans has the authority to investigate scoring questions and if remedial action is necessary, take remedial action.

**F. Return of Scores**

Scores will be returned to teams by March 14, 2016. Unlike previous years, they will not be returned immediately after a round.
VII. RULE VIOLATIONS

A. Brief Deadline

For the first day that a brief is overdue, the team failing to email its brief 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.

B. Team Identification

Any team identifying its school during oral arguments shall have five point deducted from its raw score\(^1\) for each violation during that round.

C. Page and Margin Errors

Failure to remain within the specified margins shall result in a ten-point (10-point) deduction. A team that exceeds the page limit shall have twenty (20) points deducted from its technical brief score.

D. Oral Argument Errors

A team member’s 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 II.B will result in a five-point deduction from the raw score for each violation, whether in the brief or in oral argument.

F. Outside Assistance Violations

A team receiving outside assistance will receive a penalty proportional to the amount of outside assistance received. Penalties may range from point deductions to inability to advance beyond preliminary rounds to team disqualification. The Vice President – Evans has the discretion to determine the appropriate punishment based on severity of the violation.

G. Rule Violations

All rule violations should be reported to the Vice President – Evans. The Vice President – Evans has the discretion to assess penalties for rule violations in accordance with the rules.

VIII. AUTHORITY

\(^1\) Note: For purposes of these rules, “raw score” is the score given by each judge to each competitor during each round. For example, if a round has three judges, a competitor will be given three “raw scores” before those scores are calculated to reach the total round score.
A. Vice President – Evans

The Vice President – Evans maintains the authority to implement all rules as described. Additionally, the Vice President – Evans retains authority to address any issues that are not addressed by the official rules.

All questions, issues, and concerns must be brought first to the Vice President – Evans.

B. President

If a team disagrees with the decision of the Vice President – Evans, the team may appeal to the Wisconsin Moot Court Board President. The decision of the President is final.

IX. AWARDS

Awards shall be presented to the top three placing teams. Additionally, awards shall be presented for the following categories:

1. Best Oralist, Second Best Oralist, Third Best Oralist
   a. Oralist awards will be determined based only on the average of the competitor’s preliminary round scores.
2. Best Petitioner Brief and Second Best Petitioner Brief
3. Best Respondent Brief and Second Best Respondent Brief

X. 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.

XI. QUESTIONS

With the exception of prior limitations as previously defined, all questions concerning the competition and the rules may be submitted to the Vice President – Evans at evanscompetition@gmail.com at any time.
**RULE COMPLIANCE CERTIFICATION**

We certify that we have complied with the rules of the Evan A. Evans Moot Court Competition at the University of Wisconsin Law School. This brief is the work product solely of the undersigned competitors. The undersigned competitors have not received any assistance from any law school faculty member, student, coach, or any other person when researching, writing, or editing the enclosed brief.

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