

2009 CHICAGO BAR ASSOCIATION MOOT COURT COMPETITION

RULES AND PROCEDURES

ARTICLE 1. BACKGROUND

The Chicago Bar Association Moot Court Competition (the "Competition") is open to all law students of ABA-accredited law schools. Any law school that wishes to participate in the Competition must notify The Chicago Bar Association YLS Director, Jenni Bertolino, by September 3, 2009 at 12:00 PM, Central Time.

1.1 Legal Problem

The Competition Problem (the "Problem") is prepared by members of The Chicago Bar Association Young Lawyers Section Moot Court Committee (the "Committee") with the assistance of a panel selected by the Committee.

1.2 Competition Dates

- September 3, 2009** Final registration date for law schools to enter the Competition
- September 4, 2009** Competition Problem sent to all schools currently registered and posted on CBA website
- September 25, 2009** Designation of school contact due
- September 25, 2009** List of designated school contacts released to Competitors
- October 8, 2009** Cutoff date for requests for clarification of the Problem and interpretation of Competition Rules
- October 15, 2009** Cutoff date for timely filing (postmarking) of briefs
- November 19, 2009** 1st & 2nd Preliminary Rounds of oral argument at Dirksen
- November 20, 2009** 3rd & 4th Preliminary Rounds of oral argument at Dirksen; Evening Reception and presentation of awards for Best Oralists and Best Briefs at the CBA Building
- November 21, 2009** Semi-Final & Final Rounds of oral argument at Dirksen Federal Building

1.3 Argument Dates

Oral arguments will be heard on November 19, 20, and 21, 2009, at the Dirksen Federal Building, 219 South Dearborn, Chicago, Illinois. All teams will argue in each Preliminary Round. Oral arguments shall start promptly at the designated time, according to the following schedule:

November 19, 2009

First Preliminary Round:	5:30 p.m.
Second Preliminary Round:	7:30 p.m.

November 20, 2009

Third Preliminary Round:	5:30 p.m.
ANNOUNCEMENT	approx. 7:15 p.m.
Octo-Final Round (16 teams):	7:30 p.m.

November 21, 2009

Quarter Final Round (8 teams):	9:00 a.m.
Semi-Final Round (4 teams):	10:45 a.m.
Final Round:	12:30 p.m.

ARTICLE 2. TEAMS

2.1 Number and Composition of Teams

Each ABA-accredited law school may enter a maximum of 2 teams. Each team may consist of 2 or 3 students. Each student must be, at the time the team is registered to compete in the Competition, a law student pursuing a Juris Doctor degree. All team members must be students at the same law school. No student may be a member of more than one team in the Competition.

2.2 Designation of School Contact

Each school shall designate a faculty member for each team to receive all correspondence and other Competition materials. This designation must be submitted to the Committee no later than September 22, 2009.

2.3 Designation of Teams as Counsel for Petitioner or Respondent

Each single team will be randomly assigned to represent Petitioner or Respondent for purposes of the Briefs. If a participating law school enters two teams, the teams will be assigned to opposite sides. Team designations will be issued to the single teams via electronic mail by Thursday, September 10, 2009.

ARTICLE 3. BRIEFS

3.1 Length and Form of Briefs

(a) Format. Except as otherwise provided in these Rules, briefs shall follow the format specified in Rule 24 of the Rules of the Supreme Court of the United States, except that no formal statement of jurisdiction or list of parties is required. All citations shall follow the format prescribed in *The Bluebook: A Uniform System of Citation*, 18th ed., published by the Harvard Law Review

Association. No drawings, photographs, tables, or diagrams may be incorporated in the text or submitted with the brief. The use of any drawings, photographs, tables, or diagrams is prohibited and will result in disqualification. The brief may not be signed, nor may any marks identifying the team, its members, or its school appear anywhere except as provided for in Article 3.2 “The Measuring Brief.”

(b) Typography. Each brief shall be either typewritten or prepared by word processing equipment. The style, font, and pitch of each brief shall be uniform for the entire brief, including footnotes but excluding cover pages. Each page shall be printed on one side only using black ink.

(c) Type Size & Line Spacing. The font used shall be 12-point Times New Roman. All text shall be double-spaced except footnotes and long quotations, which may properly be single-spaced according to the guidelines set forth in *The Bluebook: A Uniform System of Citation*, 18th ed., published by the Harvard Law Review Association. Material, substantive arguments in footnotes, which should be properly included in the main text, will be counted as double-spaced main text and added to the measured length of the brief.

(d) Page Numbering & Size. Pages shall be numbered. Each page shall be 8.5 inches by 11 inches, and have top, bottom, left, and right margins of 1 inch, excluding page numbers.

(e) Length. Briefs shall not exceed 35 pages in length, excluding cover pages, Questions Presented, Table of Contents, Table of Authorities, and Appendices. Arguments and substantive material included in the Appendix that should be included in the Argument section of the brief will be counted toward the page limit.

3.2 The Measuring Brief - 1 copy to each school and original to Committee

Each team shall submit to the Committee a typed or printed original of its brief specifically designated as the "Measuring Brief," which will be used for the purpose of judging the format and length of the brief. *The name of the team's law school and the names of its team members will be included on the cover of the Measuring Brief only.*

On or before October 15, 2009, each team shall also send 1 copy of its Measuring Brief to the faculty contact for each team participating in the Competition. The Committee will provide a list of such faculty contacts and addresses to each team by September 25, 2009.

3.3 The Scoring Briefs - 9 copies to Committee

(a) Identification. The Scoring Briefs shall be the same in all respects as the Measuring Brief, except that the Scoring Briefs shall *not* contain any identification as to the team's law school or the names of the team members. It shall only refer to the team letter designation (i.e. Team A).

(b) Copies of the Brief. Scoring Briefs shall be *exact duplicates* of the Measuring Brief with the exception of Identification. Briefs may be reproduced by any method (except carbon copying) that produces a clear black image on white paper.

3.4 Certification and Service of Briefs

(a) Certification. Each team shall prepare a statement certifying that its brief has been prepared in accordance with these Rules and is the work product solely of the team members. The Statement shall indicate the name of the team's law school, the side that the team represents (Petitioner/Respondent), and the names of the team members. The Statement must be signed by each of the team members, and submitted as part of the Measuring Brief only.

(b) Service of Briefs. Briefs must be postmarked by no later than October 15, 2008 (the "Cutoff Date"). Please note that the Cutoff Date also applies to the Measuring Briefs being submitted to the faculty contact for each competing team. By the Cutoff Date, each team will submit the Measuring Brief, 9 copies of the Scoring Brief, and the original signed Certification in a single package postmarked, or otherwise dated by a courier service listed below, to The Chicago Bar Association at the following address:

Jenni Bertolino
YLS Director
Chicago Bar Association, Seventh Floor
321 S. Plymouth Court
Chicago, Illinois 60604

(Each team must send its package by UPS, Federal Express, Airborne Express, First Class United States Mail, or any other reputable carrier with tracking capability.)

(c) Late Postmark.

(1) Any team that postmarks any portion of its submission, as described in 3.4(b) above, after the Cutoff Date will be assessed a penalty of five (5) points per day, which will be deducted from the overall score of the brief. It is the sole responsibility of each team to ensure that its package is complete and postmarked by the Cutoff Date.

(2) Any team receiving a copy of a competitor's brief with a postmark later than the Cutoff Date may file a complaint against that competitor by immediately contacting Jenni Bertolino of The Chicago Bar Association in writing. The complaint must include the following:

- (A) Name, address, and telephone number of the complaining school;
- (B) Name and telephone number of person to contact regarding the complaint;
- (C) Date the brief was received; and
- (D) Original envelope in which the brief was mailed.

If the Committee determines that a team sent their brief to a competitor after the Cutoff Date, the team will be assessed a penalty of five (5) points per brief, per day.

3.5 Scoring of Briefs

Each Scoring Brief (9 copies) will be evaluated by a panel of judges selected by the Committee. Each judge will evaluate each brief according to a Brief Score Sheet similar to the one attached to these Rules. Each team will receive a Team Brief Score equal to the average of the scores given by the judges.

ARTICLE 4. ORAL ARGUMENT

4.1 Organization

(a) Structure. The Oral Argument portion of the Competition will consist of 7 rounds: 3 Preliminary Rounds, 1 Octo-final Round, 1 Quarter Final Round, 1 Semi-Final Round, and 1 Final Round.

(b) Ranking and Seeding. To the extent practicable, the following principles will be observed:

(1) No team will represent the same side more than twice in the Preliminary Round.

(2) No team will argue against the same team twice in the Preliminary Round.

(3) No team will appear before a judge known personally by any team member. In the event a team member becomes aware that a judge is known personally by that or any other team member, a Committee member is to be promptly and discretely contacted so that arrangements can be made to recuse the known judge and, if possible, reappoint a new judge. Failure to notify a Committee member of a competitor's personal knowledge of a judge prior to the start of argument before that judge may result in disqualification.

(c) Posting of Dockets. The team pairings and court rooms for each docket for the Preliminary Rounds will be emailed to the participants on November 17, 2009. The information will also be posted at the registration/information table on each evening of the Competition. The Committee will attempt to post the initial pairings on the CBA's website at the Moot Court Committee's home page (www.chicagobar.org/attorney/mootcourt).

(d) Location. Oral arguments will be held at the Dirksen Federal Building on November 19, 20 and 21. While arguments may be held at other locations as determined by the Committee, competitors will be notified well in advance of any changes.

(e) Scouting. No person affiliated with any team or school still participating in the Competition may watch or listen to any oral argument other than one involving the team or school with which he or she is affiliated. If any person violates this rule, all teams with which that person is affiliated may be disqualified. The Committee may impose additional restrictions or penalties, as they may deem appropriate.

(f) Byes. The Committee may grant byes as it deems necessary for administration of the Competition.

4.2 Procedure for Oral Argument

(a) Oralists. Any 2 members of a team may participate in any round of oral argument, and 2 members must participate in each round.

(b) Time Limits. Each team will be allotted 30 minutes for its oral argument. The division of argument time between the 2 team members is left to the discretion of the team. The Petitioner may, by informing the judges before the beginning of the Petitioner's oral argument, reserve up to 5 minutes of its argument time for rebuttal. Only 1 member of Petitioner may speak in rebuttal.

(c) Order of Speaking. The order of speaking in each round of oral argument will be in the following order: Petitioner 1, Petitioner 2, Respondent 1, Respondent 2, Petitioner rebuttal (if

properly reserved). There will be no intermission or recess from the beginning of the argument until its conclusion, and the order of issues need not be the same as the order presented in the Problem.

(d) Critique. The judges will present a short oral critique following the conclusion of the oral argument.

4.3 Judging

(a) Judges. Each oral argument will be heard by a judge or panel of judges selected by the Committee. The judges will evaluate the oral arguments independently of the briefs and without knowledge of the brief scores, and without knowledge of the schools of the competitors.

(b) Scoring of Oral Argument. In each round,

(1) Each judge will give each oralist:

(A) An oral score (from 0 to 100, with 100 being the best) according to an Oral Argument Score Sheet similar to the one attached to these Rules; and

(B) An oral rank (from 1 to 4, with 1 being the best). No ties in rank are permitted.

(2) Each oralist will receive for the round:

(A) An individual oral score equal to the average of the oral scores given by the judges to that oralist; and

(B) An individual oral rank equal to the sum of the oral ranks given by the judges to that oralist.

(3) Each team will receive for the round:

(A) A team oral score equal to the average of the individual oral scores given by the judges to that team's oralists.

(c) Interpolation. If a team is judged by fewer judges than are other teams competing in the same round, or if an oralist argues in fewer rounds than do other oralists, Individual and Team Oral Scores and Ranks will be interpolated (or averaged), as necessary to determine team rankings, team advancement, and oralist awards.

ARTICLE 5. PRELIMINARY, OCTO-FINAL & QUARTER FINAL ROUNDS

5.1 Pairing for Preliminary

In one of the preliminary rounds, teams will be ranked solely on the basis of their Team Brief Scores. The highest ranked teams will be paired against the lowest ranked teams. For example, the team with the highest Team Brief Score will be paired against the team with the lowest Team Brief Score, and so on.

In one of the preliminary rounds, teams will be ranked solely on the basis of their Team Brief Scores. The highest ranked teams will be paired against each other. For example, the team with the highest Team Brief Score will be paired against the team with the next highest Team Brief Score, and so on.

In one of the preliminary rounds, teams will be paired by random assignment.

5.2 Advancement to Subsequent Rounds

(a) Eligibility. Each team must compete in all 3 Preliminary Rounds in order to be eligible to advance to the Semi-Final Round, unless granted a bye by the Committee.

(b) Composite Team Score. At the end of the Preliminary Rounds, each team will be given a Team Composite Score, the team composite score will be calculated as follows:

Prelim Rounds 1-3: 40% Brief Score & 60% combined Team Oral Scores for Rounds 1 through 3.

Octo-Final Round: 30% Brief Score & 70% Octo-final Team Oral Scores

Quarter Final Round: 20 % Brief Score & 80% Quarter Final Team Scores

(c) Advancement.

Octo-Final Round: The 16 teams with the highest Team Composite Score will be announced at approximately 7:15 pm on November 20, 2009. The advancing teams will argue against each other on November 20, 2009 at 7:30 p.m.

Quarter Final Round: The 8 teams with the highest Team Composite Score will argue in the Quarter Final on Saturday, November 20, 2009 at 9:00 a.m.

(d) Seeding during subsequent Rounds. The team with the highest Composite Team Score will be paired against the Team with the lowest Composite Team Score, and so on. The team with the higher Composite Team Score will select whether it will argue for Petitioner or Respondent in each subsequent round.

(e) Ties. In the event of a tied Team Composite Score, the tie between the teams having the same Team Composite Score will be broken as follows:

(1) The team with the best Team Oral Scores will advance.

(2) If the teams remain tied, then the team with the best Team Brief Score will advance.

(3) If the teams remain tied, the tie will be broken by coin toss.

ARTICLE 6. SEMI- FINAL ROUNDS

6.1 Structure of Semi Final Round

The Semi-Final Rounds will be conducted on a single elimination basis. The winners of the Semi-Final rounds will advance to the Final Round.

6.2 Advancement to Final Round

(a) Composite Team Score. At the end of the Semi-Final Rounds, each team will receive a Team Composite Score, which will be based upon 10% of the Team Brief Score and 90% of the Team Oral Score for the Semi-Final Rounds.

(b) Advancement. The team with the higher Team Composite Score within their respective Semi-Final Round will be the winner of the Semi-Final Round.

(c) Ties. If two teams have the same Composite Team Score within the same Semi-Final Round, the tie between the teams will be broken as follows:

- (1) The team with the better Team Oral Rank for the Semi-Final Round will advance.
- (2) If the teams remain tied, the team with the higher Team Brief Score will advance.
- (3) If the teams remain tied, the tie will be broken by coin toss.

ARTICLE 7. FINAL ROUND

7.1 Structure

(a) Side for Oral Argument. The team with the higher Semi-Final Round Composite Team Score will select whether it will argue for Petitioner or Respondent in the Final Round.

(b) Winner. The Final Round will be conducted on a single elimination basis, and the winning team will be based solely upon oral arguments scores.

(c) Ties. No ties are permitted. The panel of judges, in conjunction with the Committee Co-Chairs, will determine the winner if necessary.

ARTICLE 8. AWARDS

8.1 Best Oralists

(a) Scoring. Best Oralist awards will be given to the competitors with the highest average individual oral scores from the preliminary rounds.

(b) Eligibility. Participants must argue in at least 2 preliminary rounds to be eligible for consideration.

8.2 Best Briefs

Best Brief awards will be given to the teams with the highest average team brief scores.

8.3 Team Awards

The following awards will be given to teams for overall excellence in the Competition:

First Place, awarded to the winner of the Final Round

Second Place, awarded to the runner-up of the Final Round

8.4 Presentation of Awards

The awards for Best Oralists and Best Briefs will be presented at the Reception on Friday, November 20, 2009, upon completion of the Octo-Final Round. Team Awards will be given upon the conclusion of the Final Round on Saturday, November 21, 2009.

ARTICLE 9. PENALTIES, COMPLAINTS, AND APPEALS

9.1 Penalties

The Committee may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with these Rules, other Rules established by the Committee, or the spirit of the Competition.

9.2 Faculty, Attorney, or Other Assistance Prohibited (Briefs)

No team may receive assistance of any kind from any faculty member, attorney, or other person before filing its brief, including any assistance from, or sharing or comparison of research or work product with, members of another team from the same school. This Rule does not prohibit the use of computerized researching or word processing software. A brief that is not the work product solely of the team submitting the brief will result in the team's disqualification from the Competition.

9.3 Power of the Committee

The Co-Chairs of the Committee may amend these Rules as necessary in order to ensure a fair and proper Competition. When time permits, the faculty representative designated by each school will be notified of rule changes in writing. The Co-Chairs have the power to interpret these Rules and resolve disputes as they arise.

9.4 Acceptance of Rules

The entry of a team in this Competition constitutes an acceptance of these Rules.

9.5 Requirement of Ethical Conduct

It is expected and required that every team, team member, Committee member, Competition judge, and all other Competition participants will conduct themselves in accordance with the ABA Model Rules of Professional Conduct.

9.6 Complaints and Appeals

Any complaint or appeal concerning the Competition shall be made in a timely fashion directly to either of the Co-Chairs of the Committee. Complaints and appeals do not lie as a matter of right but at the discretion of the Committee. Complaints will be resolved by the Committee or by a body designated by the Co-Chairs of the Committee.

9.7 Committee Co-Chairs

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9.8 Interpretations and Clarifications

All requests for interpretation of these Rules or clarification of the Competition Problem can be made by submitting an email to: mootcourt@chicagobar.org.

Each request should state clearly the issue on which an interpretation or clarification is requested. All requests for clarifications of the Problem or interpretations of the Rules must be received no later than October 8, 2009, at 4:00 p.m. central time. All requests must be made through the CBA Moot Court Question & Answer Listserv (www.chicagobar.org/mootcourt.asp) or by sending an e-mail to mootcourt@chicagobar.org, unless other arrangements have been made with Jenni Bertolino, (312) 554-2031. *Please be aware that when sending a question to the above email addresses, the question will be posted to all teams and members of the Competition.* Questions regarding hotel arrangements, directions, and other administrative items should be addressed directly to Jenni Bertolino at (312) 554-2031 or jbertolino@chicagobar.org.

The Committee has sole discretion to issue any interpretations or clarifications. Any such interpretations or clarifications will be issued only in writing and will be sent simultaneously to all teams entered in the Competition.

GOOD LUCK!