

TOURO UNIVERSITY JACOB D. FUCHSBERG LAW CENTER
9TH ANNUAL NATIONAL MOOT COURT COMPETITION
IN LAW & RELIGION
APRIL 2, 2023 – APRIL 3, 2023
RULES

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I. BACKGROUND

The 9th Annual National Moot Court Competition in Law & Religion (“Competition”) will be hosted by the Moot Court Honors Board (“Board”) of Touro University Jacob D. Fuchsberg Law Center (“Touro Law Center”) on **April 02, 2023**, and **April 03, 2023**. The Competition is administered by the Board and is designed to strengthen law students’ advocacy skills.

- a) The Competition is open to all law students of ABA-accredited law schools. Each student must be a law student pursuing a Juris Doctor degree.
- b) The Board will interpret, implement, and enforce these Competition rules. Additionally, the Board will be responsible for supervising the Competition and addressing any potential issues. Concerns regarding the Competition should be directed to the Editor-in-Chief of the Board, Salvatore Monello, at smonello@student.touro.edu, or the Associate Editor-in-Chief of the Board, Maria-Eleni Kioussenterlis, at mkioussen@student.touro.edu.

II. TEAMS

- a) Each law school participating in the Competition is limited to sending two (2) teams.
- b) Each team shall consist of two (2) or three (3) members. No student may be a member of more than one (1) team in the Competition. An oralist must compete in both of the preliminary rounds in order to be eligible for an oralist award.
- c) Each team member must contribute to both: (1) writing the brief; and (2) presenting an oral argument. If a team member does not participate in both the brief writing and oral arguments, said team will be disqualified from the Competition.
- d) Each team must provide a final list of team members and coach, as well as designate an alternate team member, to the Board’s Competition Editor, Ashley Travaglione, at atravagl@student.touro.edu, by **February 03, 2023, at 5:00 PM EDT**. Alternate team members may replace a team member if undue or excessive hardship is demonstrated due to serious illness or other unavoidable reasons. The Board will evaluate whether circumstances constitute undue or excessive hardship.
- e) Each team must designate a contact person (“Team Contact”) and submit that individual’s name, email address, and phone number to the Board contact identified in Section II (d). The Board will thereafter direct any correspondence concerning the Competition to the Team Contact.

III. ADMINISTRATION

- a) Please contact the Board’s Editor-in-Chief, Salvatore Monello, at smonello@student.touro.edu for information requests, interpretations of the Rules, or questions concerning the Problem. The deadline for rule interpretations, and problem-related inquiries is **5:00 PM EDT on Friday, February 17, 2023, at 5:00PM EDT** (“Questions Deadline”).

- b) The Board pledges to respond to queries on rule interpretations or questions about the problem by, or shortly after, the Questions Deadline.
- c) The Board has the discretion to modify these rules as necessary.

IV. BRIEFS

- a) Upon the problem's release the Board will: (1) assign a team number to each team; (2) randomly assign the side of Petitioner or Respondent to each team; and (3) inform each team whether they will be arguing on behalf of the Petitioner or the Respondent. If a participating law school enters two (2) teams in the Competition, then one (1) team must write for the Petitioner and the other must write for the Respondent.
- b) The cover page of the brief must reflect: (1) the name of both the court and the court appealed from; (2) the index number of the case; (3) the title of the document (e.g., "Petitioner's Brief"); and (4) the anonymous team-identification number provided by the Board pursuant to Section IV (a).
- c) Citations must conform to the 21st Edition of *A Uniform System of Citation*, published by Harvard Law Review Association ("The Bluebook").
- d) The brief from Question Presented through the signature block must not exceed 35 pages, with the Question Presented appearing on page 1. All pages before the Question Presented, other than the cover sheet, must be numbered using small Roman numerals.
- e) Each team must submit one (1) electronic copy of the brief in PDF format to the Board at tlcmootcourt@student.touro.edu. The brief is due no later than **Sunday, March 05, 2023, at 11:59 PM EDT**. Any team whose brief is submitted after **Sunday, March 05, 2023, at 11:59 PM EDT**, however, will be penalized ten (10) points per day for each day or part thereof it is late, which will be deducted from the brief score. No briefs will be accepted after **Friday, March 10, 2023, at 11:59 PM EDT**.
- f) Briefs must adhere to the Rules of the Supreme Court of the United States, unless otherwise provided herein.

Each Brief must include the following sections in the following order:

- i. Cover Page
 - ii. Table of Contents
 - iii. Table of Authorities
 - iv. Question(s) Presented
 - v. Statement of the Case
 - vi. Summary of the Argument
 - vii. Argument
 - viii. Conclusion
- g) The Cover Page of a team's brief arguing on behalf of the Petitioner must be light blue. The Cover Page of a team's brief arguing on behalf of the Respondent must be red.

- h) Each submission must include the team’s assigned number on the Cover Page. No identifying information, such as the names of schools or competitors, may appear anywhere on the brief.
- i) When submitting a brief, each team must certify that its work is original, and that the brief adheres to the rules set forth herein (“Certification”). The Certification must be included in the body of the email sent to the address specified in Section IV (e) with submission of the brief. Any brief submitted without the Certification will not be scored, thus resulting in a mark of zero.

V. RELEASE OF COMPETITORS’ BRIEFS

- a) Prior to the Competition, all teams will have the opportunity to review all submitted briefs. On or around Monday, March 13, 2023, all submitted briefs will be posted on the competition webpage, <https://www.tourolaw.edu/mootcourt/national-competition-law-religion>. To access the briefs, competitors must utilize a password that will be provided through email to the designated Team Contact.

VI. BRIEF SCORING

- a) Two (2) faculty and one (1) Board member (collectively “Graders”) will grade each brief. The Graders will use the scoring sheet attached at **Appendix A** and titled **Brief Scoring Sheet**.
- b) The overall brief score for each team will be the average of the Graders’ scores.
- c) During each of the Preliminary Rounds of the Competition, the brief score will account for thirty percent (30%) of a team’s overall score.
- d) During the Quarter-Final, Semi-Final, and Final Rounds, the brief will not contribute to a team’s overall score.

VIII. ORAL ARGUMENTS

- a) The Preliminary Rounds will be hosted at Touro Law Center on **April 02, 2023**, beginning at **10:00 AM EDT**. Each team’s argument will be limited to thirty (30) minutes per round (“Overall Time”). Each team must have two (2) members argue the issues presented throughout each round, and each member must argue for at least twelve (12) minutes every round (“Individual Time”). During the oral arguments, a bailiff will display time cards to the oralists that indicate ten (10) minutes, five (5) minutes, three (3) minutes, one (1) minute, and zero (0) minutes remaining.
- b) A team arguing on behalf of the Petitioner may reserve up to three (3) minutes for rebuttal time (“Reserved Rebuttal Time”). Any Reserved Rebuttal Time will be deducted from the respective team’s Overall Time. Reserved Rebuttal Time may be charged to the time of any team member’s Individual Time, but only one team member may deliver the rebuttal. At the outset of their argument, the first member of the Petitioner’s team to argue must

request rebuttal time from the chief judge. The judges have discretion to deny rebuttal time in the event Petitioner fails to request it.

c) Preliminary Rounds

Each team will argue for a minimum of two (2) thirty- (30) minute Preliminary Rounds (on brief and off brief). Teams will be seeded according to their brief scores. For each preliminary round, the top half of the brief scores will be randomly paired with the bottom half of the brief scores. No two teams will be paired together twice. In the event of an unbalanced number of registered teams, the Board has the option to create and enlist a “ghost team,” which will be a random pairing of Board members. The ghost team will not progress to any following rounds. The eight (8) teams with the highest score will advance to the Quarter-Final Rounds.

d) Quarter-Final Rounds

Teams will be paired by their scores from the Preliminary Rounds. The team with the highest score will be paired with the team with the lowest score. A Board member will toss a coin to determine which team will argue which side. The team with the higher score from the Preliminary Rounds will call “heads or tails,” and the coin-toss winner will choose which side that team will argue. The four (4) of the eight (8) teams who win their round will advance to the Semi-Final Round.

e) Semi-Final Rounds

- a. The Semi-Final Rounds will be held on **April 03, 2023**, beginning at **10:00 AM EDT** at Touro Law Center.
- b. The pairing structure from the Quarter-Final Rounds will continue; the highest-scoring team will be paired with the lowest-scoring team.
- c. In the Semi-Final Rounds, a coin toss will determine which side each team will argue. The two (2) teams with the highest oral argument score will choose heads or tails. Each Semi-Final Round will be a single elimination round. The two (2) teams who win in their round will advance to the Final Round.

f) Final Round

- a. The Final Round will be held on **April 03, 2023**, at **1:00 PM EDT**.
- b. The winner of the Final Round will be determined by the judges of the Final Round, based only on the oral argument performances of the Final Round.

- g) Competitors, coaches, and/or judges may wear masks if they so want. None of those present during a round should be questioned or penalized for their choice to wear a facial covering.

IX. ATTENDANCE AT ARGUMENTS

- a) During the Preliminary and Quarter-Final Rounds, no team member, coach, or faculty advisor of a team to the Competition may attend an argument of any other team. The only individuals permitted to attend each argument are members of the competing teams and a maximum of two (2) coaches or faculty advisors per team. Before teams enter the argument room, requests for permission for additional attendees must be made to the Board contact identified in Section II (d). All participants to the Competition may attend the Semi-Final Rounds and the Final Round of oral arguments.
- b) Except for the oralists, any attendees of the Semi-Final and Final Rounds must remain silent during the entire duration of the oral arguments, both before and after the actual arguments. Coaches, faculty advisors, and other approved auditors are prohibited from asking the judges questions.

X. COMMUNICATION DURING ROUNDS

- a) Once a round has begun, no person, including but not limited to coaches, faculty advisors, team members, or any member of the audience, may advise, instruct, or communicate in any way with any participant, or among each other, during oral arguments.
- b) Teams may not reveal their schools' identities to the judges until either the conclusion of the Competition or their elimination from the Competition, whichever occurs first.
- c) Audio or video recordings are prohibited during the arguments of all rounds, except as done by the Board.
- d) Note-taking during the arguments in all rounds is prohibited, except as done by the Board or judges. The note-taking prohibition does not apply to oralists while competing, nor to one (1) coach per team who elects to take handwritten notes as his or her team is competing.

XI. SCORING OF ORAL ARGUMENTS

- a) For each of the Preliminary Rounds, the scores of the teams will be determined by aggregating the points for the brief and oral argument. The oral argument score will account for seventy percent (70%) of the total score, while the brief score will account for thirty percent (30%). The judges' scores for the oral argument will be averaged together for the final score.
- b) Throughout the Quarter-Final, Semi-Final, and Final Rounds, the judges will choose which of the two (2) teams is to advance to the next round (or, in the Final Round, as the winner). In these rounds, and as previously set forth in Section VI (d), brief scores will not be taken into account.
- c) In the event a tie occurs in the Preliminary Rounds, the team with the higher brief score will be declared the winner.

XII. ANNOUNCEMENTS AND AWARDS

- a) On **Sunday, April 02, 2023**, at **6:30 PM EDT**, Touro Law Center will host an awards ceremony in its building (“Awards Ceremony”). Six (6) oralists will receive awards based on their performance in the Preliminary Rounds. To be eligible for an oralist award, an oralist must have participated in both of the preliminary rounds. In addition, awards for the three (3) highest scored briefs will be presented at the Awards Ceremony.
- b) On **Monday, April 03, 2023**, the team who wins the Final Round will be declared the First Place Team. The team that competes in the Final Round, but does not win, will be declared the Second Place Team.

XIII. PENALTIES

- a) For failing to comply with these rules, additional regulations set by the Board, or the spirit of the Competition, the Board may impose such consequences, including disqualification, as it considers reasonable and appropriate in its sole discretion.

XIV. OUTSIDE ASSISTANCE

- a) The brief and oral argument must be the exclusive work of the student team members. The text of the brief must be the original work of the team members and cannot be copied, or duplicated, from other briefs or sources, save for passages clearly marked as quotations. All brief submissions may be analyzed with a plagiarism detection program to ensure they are original.
- b) The prohibition on outside assistance does not limit preliminary broad discussion of the issues with the student coach, faculty or others before competitors begin writing the brief or, after submission of the brief, during mooted sessions in preparation for the Competition.

XV. COMPETITION PUBLICITY RIGHTS

- a) Participation in the Competition, whether as a team member, coach or faculty advisor, constitutes consent to be photographed and recorded by any member of the Board or Touro Law Center. Photographs and recordings may be displayed or distributed during or after the Competition in a variety of formats and media, including posting on the internet and use in press releases and promotional materials. Participants waive all claims for any compensation, damages, or other remedies relating to the use of these photographs or recordings.

APPENDIX A
BRIEF SCORING SHEET



TOURO LAW CENTER 2023 NATIONALS COMPETITION
SCORING SHEET

COMPETITION NUMBER: _____ GRADER NAME: _____

BRIEF PARTS	CRITERIA	POINTS POSSIBLE	POINTS GIVEN
Table of Contents	Does the table list all sections in the brief in proper order and is it neatly organized?	(4)	
Table of Authorities	Are the citations sensibly arranged (separating decision by court and further separating Constitutional provisions, statutes, and secondary sources)?	(4)	
Constitutional Provisions	Are the proper Constitutional provisions cited?	(4)	
Statement of the Case	Are the relevant and important facts included?	(6)	
Summary of the Argument	Does the summary provide a concise and persuasive summary of the arguments in the Argument section?	(10)	
Argument Structure	Structure Is the structure logical and indicative of the issues? Are the arguments organized in clear and persuasive manner? Do the arguments flow logically, compelling a conclusion in the writer's favor?	(25)	
	Persuasiveness Was the Argument, including both the headings and text, persuasively written? Do the authorities support a sound legal analysis? Have persuasive secondary authorities been used? Has there been an excessive reliance on secondary materials? Have policy arguments been developed when appropriate?	(25)	
Point Headings	Do the point headings adequately describe the issues before the court?	(8)	
Citations	Does the brief contain proper citations that conform to the Bluebook?	(8)	
Overall	Evaluate the overall neatness of the typing and physical presentation. Does the brief look polished? Was the brief easy to follow?	(6)	

