

2017 Tullis Moot Court Competition Rules

1. Teams

1.1. Every participating student shall participate in this Competition through participation in a Tullis team. Tullis Teams must consist of two second-year LSU Law students; however, a team may consist of one or more LLM students with the express written permission of the Director of Advocacy Programs. Participants are responsible for making teams. If an individual is unable to find a teammate, the participant can sign up individually and will be assigned a teammate by the Tullis Committee if possible. If it is not possible for an individual to be assigned a teammate, then the Tullis Committee has the discretion to not allow that unassigned individual to participate. After a team has formed, that team shall submit the names of its members to the Tullis Committee by submitting a form on the Tullis Competition section of the Advocacy Programs website (<http://advocacy.law.lsu.edu>).

1.2 A participant may withdraw from the competition up to any point prior to the brief submission due date. In the event a participant withdraws in this manner, it is the responsibility of the other teammate to find an eligible substitute for the competition.

1.3 Scheduling Conflicts and Forfeits

1.3.a. Participants must inform the Moot Court Board of any and all scheduling conflicts for all Tullis competition dates no later than two days before the first preliminary round.

1.3.b. In the event one or both teammate(s) withdraw(s) or is/are otherwise unavailable for a Tullis round at any time up to 24 hours before that round, that Tullis Team shall be considered to have forfeited the competition.

1.3.c. The Moot Court Board shall make every reasonable effort to accommodate any scheduling conflict of which it is advised as specified in Rule 1.3.a. In the event a scheduling accommodation is impossible, that Tullis Team shall be considered to have forfeited the competition.

1.4. Each team shall be assigned a number by the Tullis Committee. All communication with the Tullis Committee shall include a team's number.

1.5 The Tullis Committee shall be chaired by the Moot Court Board Vice President of Internal Competitions and consist of such other Moot Court Board members as are assigned to the Tullis Committee by the Moot Court Board President.

2. The Brief – General Rules

2.1. Teams will be randomly assigned to write their brief on behalf of either the petitioner or respondent. Each team will be emailed their respective side by the Tullis Committee within 10 days of the sign up.

2.2. All questions regarding the case file or brief must be submitted via email before 5:00 p.m. on September 8, 2017 to mootcourt@law.lsu.edu. Clarifications to the Problem, if any, shall be posted on the Moot Court Board website no later than September 9, 2017 at 5:00 p.m. Clarifications may also be posted throughout the brief-writing period; teams are encouraged to visit the Tullis website for updates.

2.3. Teams shall not consult with or receive any assistance from anyone outside their own team members in researching, writing, or editing their brief. This includes, but is not limited to, other students, professors, lawyers, and judges. Students may utilize the assistance of the librarians of the LSU Law Library for generalized questions about legal research only (e.g.; how to access a particular legal research database, the location of a published work, etc.).

2.4. Each team member must be the primary author of the Argument section on one of the two issues in the Tullis problem. The team may divide up the remainder of the brief-writing responsibilities as it sees fit. The brief shall be written in a consistent and cohesive tone.

2.5. When submitting the Argument section of their brief for Moot Court external team tryouts, a student must be the primary author of the brief section selected.

2.6 All participants must abide by the LSU Law Center's Code of Student Professional Responsibility, which is set forth in the LSU Law Center Catalog, available at <http://www.law.lsu.edu/academics/lslawcatalog/>.

3. The Brief – Requirements

3.1. Briefs and oral arguments are to be submitted in conjunction with the rules of the United States Supreme Court. The rules set forth in this section are adaptations of the pertinent Rules of that Court. Briefs shall comply with all rules in this section. If a brief fails to comply with any portion of this section, points will be deducted in accordance with Rule 5 of these rules.

3.2. All briefs shall be typed and formatted to properly print on 8.5" x 11" inch paper. All briefs shall be written using "Times New Roman" 12-point font with one-inch margins on all four sides.

3.3. Each team shall submit one (1) electronic copy of their brief. The electronically submitted copy of the brief shall be in PDF format. A team must submit their entire brief as one complete PDF file. Any team who submits more than one PDF file or who submits their brief in any other electronic format may resubmit their brief, provided such resubmission is made before the final deadline.

3.4. Contents – A brief on the merits for a petitioner or a respondent shall comply in all respects with these Rules and shall contain, in the order here indicated: a Cover Page, Questions Presented, Table of Contents, Table of Authorities, Statement of Case, Summary of the Argument, Argument, and Conclusion. These sections shall be set out as follows:

3.4.a. The first page of a brief shall be a Cover Page, which shall comply with Rule 3.5.

3.4.b. The Questions Presented shall be set out on the first page following the cover, and no other information shall appear on that page. The phrasing of the questions presented need not be identical with those presented in the grant for a writ of certiorari, but the brief may not raise additional questions or change the substance of the questions presented.

3.4.c. Following the Questions Presented shall be a Table of Contents and a Table of Cited Authorities.

3.4.d. The Statement of the Case shall be a concise statement setting out the pertinent facts and procedural history material to the consideration of the questions presented, with appropriate references.

3.4.e. The Summary of the Argument should be a clear and concise condensation of the argument made in the body of the brief, suitably paraphrased; a mere repetition of headings under which the argument is arranged is not sufficient.

3.4.f. The Argument should clearly exhibit the points of fact and of law presented and cite the authorities and statutes relied on.

3.4.g. The Conclusion should, with particularity, specify the relief the party seeks.

3.4.h. A brief shall be concise, logically arranged with proper headings, and free of irrelevant, immaterial, or scandalous matter.

3.5. The Cover Page shall bear, in the order indicated and from the top of the page, ONLY the following information: (a) the Tullis Team Number for counsel of record on the brief, which shall be placed in the upper-right-hand corner, (b) the docket number of the case (No. 40-001), (c) the name of the court in which these proceedings are held, (d) the caption of the case, (e) the nature of the proceeding and the name of the court from which the action is brought (i.e., “On Writ of Certiorari to the United States Court of Appeals for the Fourteenth Circuit”), and (f) the title of the document (i.e., “Brief for Petitioner” or “Brief for Respondent”).

3.6. Other than the inclusion of the Tullis Team Number on the cover page of the brief, no other student or team identifying information shall be included in any section of the brief. Failure to comply with this rule may result in penalties or disqualification pursuant to Rule 5.

3.7. Length:

3.7.a. Each brief shall be double-spaced and shall not exceed 20 pages in length.

3.7.b. This page limit does NOT include the pages containing the Cover, the Questions Presented, Table of Contents, Table of Authorities, Statement of the Case, Conclusion, or any appendix.

3.7.c. The page limit DOES include the Summary of Argument and the Argument.

3.8. Proper attribution shall be given to all sources through citation. All citations to sources should follow the guidelines set forth in in The Harvard Law Review Association, *The Bluebook - A Uniform System of Citation*. Parallel citations are unnecessary for the purpose of this competition, regardless of jurisdiction. Teams are also reminded that plagiarism is a violation of the LSU Law Center’s Code of Student Professional Responsibility.

3.9. Submission Procedures:

3.9.a. Time – The brief is due on Friday, September 15, 2017, by 5:00 p.m., no exceptions. A brief received past this time will receive a score of zero.

3.9.b. Manner of Submission – One electronic copy of the brief must be emailed, in PDF format, to mootcourt@law.lsu.edu. No print copies of the brief shall be submitted. Each team must submit one electronic copy of its brief in PDF format pursuant to Rule 3.3. All technical problems must be resolved before the submission deadline. If you have questions or problems, email mootcourt@law.lsu.edu immediately.

3.9.c. Submission Confirmation – Each Team will receive an email response to confirm that the electronic submission has been received. If, after 24 hours from submission, a team has not received such a response from a member of the Moot Court Board, the team must send an email to mootcourt@law.lsu.edu requesting verification that its briefs were received.

3.10. Each member of the team must write the Argument section for one of the two questions presented. The teams are free to choose which team member writes on which question. Team members may, and are encouraged to, jointly write the remaining sections of the brief. Teams may jointly edit all sections of the brief to ensure a consistent tone, citation format, and writing style.

4. Brief Scoring

4.1. The brief will be evaluated by members of a 5-member scoring committee for knowledge of the law, style, and persuasiveness. A team's highest brief score and lowest score will be dropped, and the remaining three scores will be averaged to determine the team's brief score.

4.2. There will be one technical grader per brief that will assess citations and errors, and assigns a technical score in the form of a deduction to the final average brief score in accordance with Rule 5 of these rules.

5. Brief Penalties

5.1. Participants failing to provide all, or the accurate, cover page information set forth in Rule 3.5 will be penalized one (1) point from their overall brief score.

5.2. Participants will be deducted 0.5 points for each citation that does not conform to the rules set forth in The Harvard Law Review Association, *The Bluebook - A Uniform System of Citation*, up to a maximum of 5.0 points deducted. Repeat instances of the same incorrect citation will not be assessed this penalty more than once.

5.3. Teams turning in briefs in excess of the page limits set out in Rule 3.7 will be penalized two (2) points from their overall brief score for each page over the limit.

5.4. Any team violating the research, outside assistance, and proper attribution rules in Rules 2.3 and 3.8 may be disqualified from the Tullis Competition. The Tullis Committee will investigate any such occurrence after giving the suspected participant an opportunity to comment. The Tullis

Committee will make disqualification decisions after consulting with the Tullis Competition faculty advisor. In lieu of disqualification and after consulting with the Tullis Competition faculty advisor, the Tullis Committee, at their discretion, may penalize a team for violation of the outside assistance rules. Any such decision will be final. In the event the findings of such an investigation implicate a team's responsibilities under the LSU Law Center's Code of Student Professional Responsibility, that team shall be referred to the Dean's Office or the Student Bar Association Ethics Committee in accordance with the Code.

5.5. Where no specific penalty is provided for a rules violation, the Tullis Committee, at their discretion and in consultation with the Tullis Competition faculty advisor, may determine and impose appropriate penalties.

6. Oral Argument General Rules.

6.1. The oral argument will consist of preliminary rounds, an octo-finals round, a quarter-finals round, a semi-finals round, and a final round.

6.2. Arguments are team against team, *i.e.*, two Petitioners against two Respondents.

6.3. Each member of the team must argue a different issue. The teams are free to choose which member argues which issue. Teams shall not consult with or receive any assistance from anyone outside their own team members in preparing their oral arguments.

6.4. So far as possible, each oral argument will be before a panel of three (3) judges. Oral argument judges will consist of local judges, attorneys, and/or faculty members. Current Moot Court Board members may sit as judges in the preliminary rounds in extenuating circumstances.

6.5. For each argument, each judge will individually score each oralist on a numerical scale. Each competitor's individual oral advocacy score for that round will be the average of the judges' scores. The team's total oral advocacy score will be the average of each individual competitor's oral advocacy score for that round.

6.6. For oral arguments, judges will be provided with detailed guidelines by the Tullis Committee on proper scoring procedures and expectations.

6.7. A tie shall be a precisely equal score to the second decimal place (the hundredths place). In the case of a tie, a team will advance to later rounds based on the following criteria:

6.7.a. the highest brief score; if a tie remains, then,

6.7.b. the highest single round team score; if tie remains, then,

6.7.c. the highest single individual oralist score; if tie remains, then

6.7.d. a coin flip executed by the Vice President of Internal Competitions.

6.8. After verification by the Vice President of Internal Competitions, oral argument scores are final and cannot be challenged.

7. Procedures for Oral Argument Preliminary Round

7.1. Each team will argue twice during the preliminary rounds, and each team will argue each side of the case once in the preliminary rounds (*i.e., each team will argue once for petitioner and once for respondent*).

7.1.a. In the event there is an uneven number of petitioner and respondent teams, the Vice President of Internal Competitions will solicit and select volunteer teams to participate in an additional preliminary round argument. Those teams participating in a third preliminary round will have the opportunity to drop the lowest team score between the two rounds in which the team represented the same party.

7.2. The preliminary rounds will be held on September 28, 2017 and October 3, 2017.

7.3. Length of Preliminary Rounds.

7.3.a. Each competitor will have ten (10) minutes to argue their issue.

7.3.b. Each team arguing for the petitioner can reserve up to two (2) minutes for rebuttal after the close of the respondent's argument. This reservation of time must be made orally during the oralists' main arguments. The respondent may not reserve time for sur-rebuttal.

7.3.c. Only one competitor may argue during the rebuttal.

7.4. No participant may attend an oral argument other than the round(s) in which he/she participates. Non-team members and guests are not permitted in any preliminary round.

7.5. The sixteen (16) teams with the highest score as calculated in Rule 6 will advance to the octo-final round.

8. Procedures for Advanced Rounds Oral Arguments (Octo-final, Quarter-final, Semi-final, and Final Rounds)

8.1. Each team will argue once in each advanced round. No participant may attend an oral argument other than the round(s) in which he/she participates, even after elimination from the competition. Non-participants and guests are not permitted in any advanced rounds without the express permission of both participating teams, the Vice President of Internal Competitions, and the Director of Advocacy Programs. All eliminated participants, along with all guests and non-team members, may attend the Final Round.

8.2. The team with the highest seeding in a match shall choose between arguing for the petitioner or respondent. The team does not have to choose the same side argued in their brief. The deciding team must notify the Vice President of Internal Competitions of their side designation within 24 hours of the announcement of their advancement.

8.3. Round Length.

8.3.a. Each competitor will have fifteen (15) minutes to argue his/her issue.

8.3.b. The Team arguing for the Petitioner may reserve up to five (5) minutes for rebuttal at the close of the Respondent's argument. This reservation of time must be made orally during the Petitioners' arguments. Respondents shall not receive a rebuttal.

8.3.c. Only one competitor may argue during the rebuttal.

8.4. Advanced Round Dates.

8.4.a. The Octo-final round will be held on October 9, 2017.

8.4.b. The Quarter-final round will be held on October 16, 2017.

8.4.c. The Semi-final round will be held on October 19, 2017.

8.4.d. The Final round will be held on November 1, 2017 in the Robinson Courtroom.

8.5. The team with the highest score in each argument, as determined pursuant to Rule 9, will advance to the succeeding rounds. Ties will be decided based on Rule 6.7.

8.6. If a complete team cannot participate in a match for any reason, then it forfeits. However, the Tullis Committee, at their discretion, can schedule alternative match times in exceptional circumstances. The Final Round is not subject to rescheduling.

9. Oral Argument Scoring Calculation

9.1. The brief grade and oral argument grade will be weighted and combined into a composite score at the end of each round as set forth in Rule 9.2. Each composite score will not take into account the composite score(s) of previous rounds.

9.2. The relative weight of the brief and oral argument used to determine the composite score will vary for each successive round, as set forth below:

9.2.a. The Preliminary Rounds: 50% Brief Grade, 50% Oral Argument Grade

9.2.b. The Octo-final Round: 40% Brief Grade, 60% Oral Argument Grade

9.2.c. The Quarter-final Round: 30% Brief Grade, 70% Oral Argument Grade

9.2.d. The Semi-final Round: 20% Brief Grade, 80% Oral Argument Grade

9.2.e. The Final Round: 100% Oral Argument Grade

10. Moot Court Board Selection

10.1. The 2018–2019 Moot Court Board will be chosen based on the outcome of this competition. Competitors whose scores permit them to advance to advanced rounds but forfeit without good cause shall not be considered for membership on the Moot Court Board.

10.2 In accordance with the Moot Court Board's bylaws, selection to the Moot Court Board shall be on the basis of a score comprised of an oral argument evaluation weighted fifty percent and a written brief evaluation weighted fifty percent of the competitor's total score. Guaranteed spots on the Moot Court Board are reserved for those four individual participants in the final round and those two individual participants of the team with the highest brief score.

10.3. Law Review and JELR students who compete in the Tullis Competition may serve on the Moot Court Board.