

Moot Court Rules of Competition & Style Guide

Independent
Education
Program

INTRODUCTION TO MOOT COURT

Welcome to the Independent Education Program's Moot Court competition. Moot court is one of the oldest and most prestigious forms of forensic competition in existence. We are thrilled to be able to offer this experience to our students. This guide contains the official rules of competition and expectations for courtroom decorum. While this guide strives to be comprehensive, you may still have some questions after reading it. Please refer to an IEP Constitution and Moot Court teacher to resolve any questions or concerns. We hope you enjoy your experience competing in moot court!

COURTROOM DECORUM

Moot court places a heavy emphasis on civic ritual, including professional language and proper courtroom decorum. This section will help you understand how to handle yourself professionally and courteously in competition.

General Best Practices

- As much as possible, moot court resembles the form and procedures of an appellate court. As a competitor, you should wear business apparel and always treat the Court with respect. You should also avoid being overly aggressive in presenting your arguments and should never exhibit hostile behavior toward the Court or to opposing counsel.
- Stand whenever the Justice(s) enter or leave the room. The bailiff should instruct everyone present to “please rise” whenever this happens, but it is appropriate to stand even if the bailiff forgets this instruction. Do not sit until the Chief Justice announces, “You may be seated.”
- Speak from the lectern. Do not speak out of turn (ie, do not speak when your co-counsel is speaking or when it is opposing counsel’s turn for argument); raising objections during argument, as you would in a trial court setting, is inappropriate in an appellate court.
- Address the Justices by name (“Justice Brown” or “Chief Justice Smith”) or by referring to them as “Your Honor.” European judicial titles such as “My Lord” or “My Lady” are not appropriate for a US moot court.
- Ensure that you know ahead of time how to pronounce any difficult legal or technical terms correctly (trust me, nothing is more embarrassing than pronouncing “penumbral rights” incorrectly in front of an entire panel of lawyers).
- Refer to other competitors by name (“Mr. Johnson” or “Miss Roberts”); or use “co-counsel” and “opposing counsel” as appropriate.
- Always use professional, precise, and legally correct language. Avoid filler words (um/uh/so/like) and inappropriately casual language. Case names and references to statutory

law may be shortened when the reference is clear and has been already established (eg, shortening “*Griswold v. Connecticut* 381 U.S. 479 (1965)” to “*Griswold*”).

- You may use notes at any time during the hearing. However, you are encouraged to give your opening statements without notes and to minimize the use of notes at other times. You should maintain eye contact with the Judges throughout your oral argument.

Specific/Situational Decorum

- Opening arguments:
 - Begin your arguments by saying, “Mr./Madam Chief Justice and may it please the Court.” If you are the first competitor on your team to speak, you should introduce both yourself and your teammate and should inform the court which question(s) or issue(s) each of you will address.
 - The second speaker should also introduce him or herself to the court.
 - Each competitor’s opening statement typically provides a brief summary of the key points of argument to be presented or provides the Court with a clear picture of the case.
- Statement of the facts of the case:
 - The first speaker for Petitioner should be prepared to provide a clear, concise statement of the facts; this should be as short as possible to provide the factual context for discussing the legal and constitutional issues of the case. Sometimes the first speaker for Petitioner will simply ask the Court if it wants a summary of the facts before moving to their main arguments.
 - In general, Respondents should not provide a second statement of the facts, but they may want to draw attention to some facts that they believe have been omitted or misrepresented by Petitioner.
- Presenting arguments:
 - Provide a “road map” of your overall argument, starting with your strongest points to ensure that you do not run out of time without presenting your strongest points. In general, you should state your conclusions first and then provide the facts and law to support those conclusions.
 - Provide case citations to support your arguments, but avoid lengthy quotations from cases. Time permitting, each speaker should provide a summary of the arguments that integrates their main points into a coherent whole.
- Conclusion:
 - Conclude with a one-sentence request for relief and an “unamplified identification of

the ground on which the relief would be based.” A “prayer” is not a proper concluding request in the Supreme Court of the United States.

- Petitioner’s rebuttal:
 - As specified in Rule 1.2.2, Petitioners may reserve a maximum of three minutes of “rebuttal” from their twenty minute total. As specified in Rule 3.1.2, Petitioners must make their request to reserve time for a rebuttal prior to the beginning of each round.
 - The purpose of a rebuttal is to respond to the Respondent’s arguments, and it is inappropriate to attempt to introduce new arguments during the rebuttal.
- Questioning by Justices:
 - In a typical hearing, you will not be able to present your arguments without frequent interruption by Justices’ questions. When interrupted by a Justice’s question, you should stop speaking immediately and focus on understanding and replying to the Justice’s question.
 - Always attempt to provide clear and definite answers that address the Justice’s concerns. Evasive answers tend to lead to more pointed questions and to lower your scores.
 - Unwillingness to answer a question will be interpreted as disrespect for the Court.
 - Once you have answered a Justice’s question, you should immediately return to the presentation of your argument.

RULES OF COMPETITION

The following rules of competition are adapted and condensed from the *Rules of the American Moot Court Association*, as revised August 17, 2021. The American Moot Court Association, or AMCA, is the largest intercollegiate moot court organization in the US and organizes moot court competitions for colleges and universities across the country. Their official rules of competition and other resources can be found at amcamootcourt.org.

ARTICLE 1: DEFINITIONS

1.1.1 Team. A team consists of two students, “attorney-contestants.”

1.1.2 Eligibility. Any student enrolled in an Independent Education Program course is eligible to compete in the IEP Moot Court Competition. Students need not be enrolled in a Constitution and Moot Court class to compete. Students are responsible to form and register their teams for the appropriate tournaments if they wish to compete.

1.1.3 Use of ineligible team members. Any team that knowingly uses an ineligible person as a member will be subject to sanctions under Article 7 below. Challenges based on the ineligibility of an opposing team member must be made to an IEP representative (teacher or administrator) before or after a hearing, but not to a Judge and not during a hearing.

1.2.1 Hearing. A hearing consists of forty (40) minutes total of oral argument, including questioning of judges, of both Petitioner and Respondent teams. Each team is permitted a maximum of twenty (20) total minutes.

1.2.2 Time constraints. Each team may divide their time as they wish with the following constraints: a) Both Petitioner and Respondent must state how they will divide their time before the beginning of the round. b) Each individual speaker must present a minimum of seven (7) minutes of oral argument, including questioning. c) With the exception of Petitioner’s rebuttal, each speaker has only one opportunity to present argument. The required order is: first speaker for Petitioner; second speaker for Petitioner; first speaker for Respondent; second speaker for Respondent; opportunity for Petitioner’s rebuttal. d) Petitioners may reserve, before the round begins, a maximum of three (3) minutes of “rebuttal” from their twenty (20) minute total. Respondents may not be given time for a rebuttal. e) Only one team member may deliver the rebuttal, but the name of the speaker doing rebuttal need not be identified at the beginning of the round.

Note to Rule 1.2.2: Since the scoring guidelines state that teams must make full use of their allotted time, teams that reserve time for rebuttal and then fail to give a rebuttal may be penalized in scoring.

1.2.3 No new constitutional issues in rebuttal. Petitioner may not introduce new constitutional or legal issues in the rebuttal unless responding to a judge’s question that introduces a new constitutional or legal issue.

Note to Rule 1.2.3: Since the scoring guidelines state that Petitioner may not introduce new constitutional or legal issues in the rebuttal, teams that do so may be penalized in scoring.

ARTICLE 2: CODE OF PROFESSIONAL CONDUCT AND DECORUM

2.1 Ideals of the IEP Moot Court Competition. The ideals of fair play, civility, and professionalism shall guide the conduct of all participants—including students, coaches and judges—throughout all moot court activities including, but not limited to tournament hearings, breaks between hearings, organizational meetings, and team practices.

2.2 Integrity. Participants shall strive to exemplify the highest ideals of the legal profession, to maintain the highest standards of ethical conduct, and to achieve excellence and integrity.

2.3 Courtesy. Courtesy toward opposing team members, judges, tournament officials, coaches, and one's own team members is expected of all participants.

2.4 Demeaning, harassing, or disruptive behavior. Participants shall not engage in any behavior designed to demean, harass or embarrass any other participant or solely to garner notoriety or publicity for themselves or their class.

2.5 Abiding by the rules. All participants in moot court, including students, coaches and judges, are expected to abide by the rules as established in this document. Failure to conform to the rules may lead to a loss of points or sanctions under Article 7 below.

ARTICLE 3: COMPETITION RULES

3.1.1 Timekeeping. Prior to the beginning of each round, each team shall indicate to the timekeeper and judges how it wishes to allocate its time (subject to the constraints in Rule 1.2.2 above).

3.1.2 Rebuttal. Petitioners must reserve time for rebuttal before beginning their oral argument. The purpose of a rebuttal is to respond to the Respondent's arguments, and it is inappropriate for competitors to attempt to introduce new arguments during the rebuttal.

3.1.3 If there is no official timekeeper. If there is no timekeeper to monitor time, and there is no other individual in the courtroom whom the judges can appoint as timekeeper, each team shall keep time for the opposing team.

3.1.4 Timekeeping procedures. Timekeepers shall display time cards so that they are visible to the attorney-contestant who is presenting oral argument and to the panel of judges. At the end of the time allocated for each attorney-contestant, the timekeeper shall announce "time" so that the attorney-contestant and judges will know that time has expired. Alternatively, timekeepers may display time cards at minute intervals, beginning one minute into each speaker's argument and ending with a "30 second" warning card and a "Stop" card.

Note to Rule 3.1.4: Failure to receive proper time warnings does not constitute grounds for an appeal.

3.2 Use of notes and visual aids. Attorney-contestants may use notes at any time during the hearing. No presentation devices or exhibits of any kind may be used in oral argument.

3.3 Extension of oral argument. Judges may permit a brief extension of oral argument if an attorney-contestant's time is exhausted while he is answering a judge's question and he requests such an extension. Outside this exception, attorney-contestants shall stop when their time is up.

3.4 Critique. After hearing arguments of both teams, judges should, if time permits, offer evaluations of performance in a short "feedback" period.

3.5 Competitions are open to the public. All hearings shall be open to the public. However, the Chief Justice may clear the courtroom so that judges may enter and calculate their scores at the end of a hearing.

3.6 Video and audio recording. Recording by both spectators and the IEP or its representatives is permitted. A student's decision to enter and participate in the tournament constitutes consent to videotaping, photography or other recording, unless state law imposes stricter requirements. Videos, photographs and audio recordings may be posted on one of the IEP's websites, used in print publications, or otherwise distributed by the IEP.

3.7.1 Use of cell phones, laptops, and other electronic devices by participants. Cell phones, laptops, tablets and other electronic communication devices are prohibited at the counsel table.

3.7.2 Electronic devices in the courtroom. Students, parents and other spectators must turn off or silence all electronic devices present in the courtroom during all hearings.

3.8 No coaching during hearings. Coaches must not contact or attempt to contact by any means, whether personally or through another person, directly or indirectly, verbally or nonverbally, a member of a team during a hearing.

3.9 Open problems. The problems presented for the IEP Moot Court Competition are not closed problems. Students may discuss any relevant case law, statutory law, or other material that existed on or before the date of the case's original oral arguments.

3.10 Judges' decisions final. All decisions of the Judges regarding scoring are final. In case of an incomplete or unclear judging form, the IEP tabulation team shall have the final determination.

ARTICLE 4 : JUDGING CRITERIA

4.1 Scoring system. All rounds of the IEP Moot Court Competition shall use the 400-point scoring system outlined on the AMCA Official Ballot.

4.2 Scoring based on presentation. Oral arguments shall be scored on the basis of quality of presentation, not on the merits of the case.

4.3 The AMCA scoring system is standardized to two ballots. The scores for each preliminary hearing are calculated in a manner that assumes there are TWO ballots. Thus, in three preliminary rounds, the maximum score a team can attain is 6-0, or 6 ballots; and the worst record is 0-6, or 0 ballots. Ties count as .5 ballots. The scoring system tabulates a team's score based upon the portion of the ballots that it actually receives from the number of judges assigned to a particular hearing as indicated in the Calculation Sheet. Teams in the preliminary rounds will be ranked by ballots won.

4.4 Brief writing competition. The Brief Writing portion of the Competition shall be scored using the nine criteria summarized on the AMCA Brief Writing Evaluation Form. Rule 3.12 applies to the Brief Writing competition: "The problems presented for the IEP Moot Court Competition are not closed problems. Students may discuss any relevant case law, statutory law, or other material that existed on or before the date of the case's original oral arguments."

ARTICLE 5: TOURNAMENT PAIRINGS

5.1.1 Rounds Each tournament shall consist of four rounds of competition in which all teams compete. Each competing team shall represent each side of the case twice.

5.1.2 Judges. Wherever possible, teams shall present Oral Arguments before different Judges in each round, and no two teams shall be paired for more than one hearing.

5.2.1 Brackets in elimination rounds. Teams in the elimination rounds shall be paired according to a “brackets” scheme such that the highest scoring team shall be paired against the lowest scoring team in the eliminations, and so forth.

5.2.2 Coin toss for elimination rounds. Competing teams shall determine which team represents Petitioner and Respondent using a coin-toss procedure unless the two teams have already met in the preliminary rounds of the same tournament. If two teams were previously matched in the preliminary rounds, they will switch sides (from Petitioner to Respondent and from Respondent to Petitioner) in the elimination round in which they are matched again.

ARTICLE 6: TOURNAMENT JUDGES AND OFFICIALS

6.1.1 Judges. Judges for tournaments should be recruited from qualified WIDL alumni, qualified parents (particularly those with a background in law or law-related fields), or any other reasonable source. Every effort shall be made to recruit at minimum two individuals to act as Judges for each hearing.

6.1.2 Preparation of Judges. Tournament staff are responsible for ensuring that Judges are instructed regarding the Tournament Rules and the scoring system. Staff shall provide Judges with copies of the case problem and teams' briefs in advance of the tournament. Staff shall provide a judges' orientation that summarizes AMCA rules and scoring.

6.1.3 Coaches as Judges. Whenever there are insufficient Judges to provide adequate Judges for a round of competition, tournament staff may recruit Coaches to serve as Judges. When Coaches serve as Judges, they may not judge any oral arguments involving their own teams. Coaches who serve as Judges shall set aside any partisan interests and shall be fair and reasonable in presiding and scoring as Judges.

6.2 Tabulation of scores. All IEP Moot Court tournaments shall use the official AMCA scoring system. Tournament staff shall supervise the input of the data into the scoring system to ensure accuracy and fairness.

6.3 Verification of scores. As rounds are concluded and scores are input, tournament staff shall monitor results for possible errors. Any concerns or irregularities shall be verified by the staff with the Judges.

6.4 Distribution of score sheets. At the conclusion of the Tournament, tournament staff shall provide copies of the score sheets to their respective teams.

ARTICLE 7: RULE VIOLATIONS

7.1.1 Complaints and sanctions. As specified under Rule 3.10, all decisions of the Judges regarding scoring are final. If a team believes that an opposing team has violated the Tournament Rules, it is the responsibility of that team to bring such a violation to the attention of the Judges during the course of oral argument. The Judges shall deduct points for any rule violation as they deem appropriate.

7.1.2 Egregious violations. A team may file a complaint of an egregious violation of the Tournament Rules (defined in 7.1.3 below) with the tournament staff. Tournament staff will meet with the teams involved in the complaint and seek a mutually satisfactory resolution of the complaint.

7.1.3 Definition of egregious violations. Violations of the rules that are sufficiently egregious to warrant sanctions include, but are not confined to, the following: (a) Coaching during a hearing. (b) Physical or verbal abuse of any participant, including students, coaches, judges and tournament officials. (c) Destroying or defacing an opponent's notes or other property. (d) Using an ineligible person as a team member. These examples are not intended to provide an exclusive list of egregious violations, but rather are intended to serve as a guide for participants. However, minor, inadvertent or harmless rule infractions shall not be used as a means to gain strategic advantage or to harass an opponent.

7.2 Sanctions at IEP Tournaments. If informal resolution of a claimed rule violation is not possible and the complaint involves egregious conduct, the Director of the IEP may, in consultation with and the agreement of at least two members of the Executive Board or tournament staff not involved in the complaint, impose sanctions on the offending team. Sanctions may include, but are not limited to the following: (a) verbal or written warning, (b) loss of points, (c) loss of individual or team awards, (d) exclusion of an individual, team, coach or observer from further attendance at, or participation in, the current tournament, or (e) exclusion of an individual, team, coach or observer from future participation in IEP tournaments.

ARTICLE 8: BRIEF WRITING COMPETITION

8.1 Scoring criteria. Briefs shall be scored using the criteria summarized on the AMCA Brief Writing Evaluation Form available at the AMCA website.

8.2 Content. The problems presented for the IEP Moot Court Competition are open problems. Students may discuss any relevant material that existed at the time of the case's original oral arguments. All teams submitting written briefs are expected to rely upon their own research and originality of thought in preparing their briefs. Teams may, however, seek advice or assistance from other students, from their professors and coaches, from tutors or writing centers, or from any attorneys, law professors or other sources, provided that the final product is their own original work. The brief shall be a written argument reflecting the issues to be decided by the Court for the problem assigned for the competition.

8.3 Submission guidelines. Each team shall submit two briefs: a brief for Petitioner and a brief for Respondent. Each team shall submit to the IEP the original copy of its brief. The original shall be submitted electronically in PDF format. Only electronic submissions will be accepted.

8.4 Brief formatting requirements. Each brief shall be limited to approximately TWENTY (20) 8 1/2 x 11 inch pages. This twenty (20) page limitation shall include only the argument itself and the conclusion (i.e., the cover page, questions presented, table of contents, table of authorities, statement of the case, summary of the argument and appendices are not included in the twenty (20) page limit). No specific font type or size is required; however, teams are encouraged to model their formatting after real legal documents. An example of this formatting can be found in the model brief posted on the IEP website. Except to the extent that the Rules herein are inconsistent, the Rules of the Supreme Court of the United States shall govern the format of the briefs. All citations shall be complete and in the form prescribed by A Uniform System Of Citation (most recent edition).

8.5 Separate scoring for briefs and oral argument. Brief Writing scores will not be considered in judging oral argument.

8.6 Service of brief. Each team shall serve the original copies of its briefs, before midnight (11:59 p.m. Mountain Time), on the date specified for the tournament in question. All briefs must be submitted electronically as a PDF file. No brief will be considered which is not received by this deadline. Failure to file a timely brief will result in automatic disqualification from the Brief Writing competition. Briefs may not be revised or amended after they are served. No supplemental briefs will be accepted.