

RULES OF THE 2010 CHICAGO-KENT MOOT COURT HONOR SOCIETY SUMMER CANDIDACY PROGRAM

Thank you for participating in the 2010 Moot Court Honor Society Summer Candidacy Program. We look forward to an excellent competition and wish all of the participants the best.

Only two official sources should be consulted regarding the rules and procedures for the Summer Candidacy Competition. The first is this document. Review it carefully. We have endeavored to anticipate and answer all of the questions that may arise. If you have questions after consulting these rules, contact the second authority: Moot Court Honor Society President Alexis Crawford at acrawford@kentlaw.edu. She will attempt to return your email and answer your questions as soon as possible. The decision as to which questions will be answered is at the discretion of the Moot Court Honor Society Executive Board.

If circumstances warrant, the Board will post answers to questions and other updates about the competition on the summer competition web site (www.summer.chicagokentmootcourt.net). Check it and your email often as you prepare for the competition. If you have any questions about the site or wish to report problems with it, contact Professor Kent Streseman at kstreseman@kentlaw.edu.

Good luck!

GENERAL INFORMATION

1. Eligibility:

The Summer Competition is open to all Chicago-Kent students who (1) have a cumulative G.P.A. not less than 3.000 after the completion of the Spring 2010 semester, (2) are able to enroll in the required two-credit Appellate Advocacy course in the Fall of 2010, and (3) will be in residence at Chicago-Kent in the Fall 2010 and Spring 2011 semesters. Transfer students should contact Alexis for additional information.

2. Scoring:

Candidates will be invited to join the Moot Court Honor Society on the basis of their combined brief and oral scores (40% brief, 30% oral argument for Appellant, 30% oral argument for Appellee). The highest scoring students will be invited to join the MCHS. There is no fixed number of available positions, and it is impossible to estimate in advance how many competitors will be offered membership.

3. Participating in the summer competition:

July 20: Access the problem packet at the summer competition web site (www.summer.chicagokentmootcourt.net). This competition involves a closed- research problem. The Record on Appeal, as well as all cases and other materials relevant to your brief and oral arguments, will be posted by 12:00 noon on Tuesday, July 20, 2010, on the summer competition web site.

By Monday, August 2: Register for competition web site and receive a candidate number. Candidates will use the site to submit their briefs. All briefs will be graded anonymously by senior members of the Moot Court Honor Society. Rather than placing your name on your completed brief, you will instead use a number issued through this site. To obtain your number, register for the competition site by clicking the "Create An Account" link on the right side of the home page. When you register, provide your name, a user name that you will use to log on to the site, and an email address that you intend to check regularly during July and August. Once you have registered, log on, then click on the "View Your Candidate Number" link.

By Monday, August 9: Write and submit your brief. You may write your brief for either party in the case. Briefs are due at 6:00 p.m. on Monday, August 9, 2010. You will submit an electronic copy of your brief through the summer competition web site.

On Thursday, August 19 or Friday, August 20: Present your oral arguments. Oral arguments will be held on these dates, probably in the late afternoon to early evening. You will argue once on each side of the case; we will strive to schedule things so that you will present both your "on-brief" and "off-brief" arguments on the same day. Judging panels will consist of senior members of the MCHS; they might also include members of the Chicago-Kent faculty and practicing attorneys.

Shortly thereafter: Receive competition results. The students invited to join the Moot Court Honor Society based on their participation in the Summer Competition will be notified as soon as possible after the arguments on August 20. We will post the names of the invitees on this site and will notify all participants of the results by email.

If you join the Society, you will enroll in the two-credit (no pass/fail option) Appellate Advocacy class. The first class meeting will be held on Tuesday, August 24, and all new members are required to attend this class meeting. Under limited circumstances, students may defer acceptance of their invitation to join the Society for one year with the permission of Professor Kent Streseman. The Appellate Advocacy course, in conjunction with a research training course called the Legal Writing IV Equivalency, satisfies the Legal Writing IV requirement. If you accept membership into the Moot Court Honor Society and have not already satisfied the Legal Writing IV requirement, you should register for one of the two sections of the Legal Writing IV Equivalency along with Appellate Advocacy. Students taking Appellate Advocacy typically do not take Legal Writing III until Spring 2011.

RULES OF ETHICAL CONDUCT

(1) Limitations on research and citation: All cases and other materials relevant to your brief and oral arguments will be posted on the Summer Competition web site. No other research is necessary or permitted; you may not consult or cite sources other than those provided. You may, however, refer in your brief to materials cited in the “closed-universe” cases. If you do so, you should make clear that you are referring to the material cited in the cases. For example: X v. Y, [citation, including pinpoint] (quoting A v. B, [citation, including pinpoint]).

(2) Collaboration: Your brief must be an individual effort. Prior to the time the brief is due, you may not talk with other competition participants or anyone else about the problem and legal issues involved in this competition or share with anyone any written work related to this competition. Any questions about the problem, issues, and materials must be directed to Alexis Crawford.

After submitting your brief on August 9, for the purposes of preparing your oral argument, you may practice oral arguments and discuss the problem and legal issues with any person except current and former members of the Chicago-Kent Moot Court Honor Society and members of the Chicago-Kent faculty. You are permitted and encouraged to practice with other students who have submitted a brief in the summer competition. A list of students who submitted briefs will be posted on this site after August 9.

The MCHS expects to arrange several open practice sessions prior to the oral argument dates. All competitors will be notified about them in advance, and each competitor can sign up to argue at one practice. Practice judges will be current or former members of the Moot Court Honor Society or members of the Chicago-Kent faculty who will not be judging oral arguments in the competition. As indicated above, practices with such persons outside of these "sanctioned" sessions are not permitted.

(3) Preserving anonymity in brief grading: You should use your assigned competitor number rather than your name on your brief. Do not place your real name or other identifying information anywhere on your brief or reveal your number to any MCHS member except Alexis Crawford, who will not be grading briefs.

(4) Code of Conduct: The rules of the Chicago-Kent Code of Conduct, including rules concerning plagiarism, apply to this competition. Violation of these Rules of Ethical Conduct can result in a complaint being filed with a Chicago-Kent disciplinary tribunal pursuant to the law school's Code of Conduct. Violation of these rules also will result in your immediate disqualification from this competition.

INFORMATION REGARDING THE BRIEF

(1) Deadline and submission of briefs: The brief is due at 6:00 p.m. on Monday, August 9, 2010. Briefs will not be accepted after the deadline. For the convenience of competitors and to facilitate the posting of briefs on-line, all briefs must be submitted through this site. Take the following steps:

- Save the brief as a single Word or PDF file. If you are using Word 2007 or 2010, be sure to save the file in the ".doc" format instead of ".docx" so that it can be opened by graders and candidates who are using older versions of Word.
- Strip the document of any identifying information. For example, click "File > Properties" and make sure that delete your name from the "author" field of the document tag.
- Name the file as follows: "summerbrief[your candidate number]." So if your candidate number is 2122, name the file summerbrief2122.
- Log on to this site and click "Submit Brief." Follow the instructions to upload the document. Immediately after you have submitted it, you will be able to confirm that it has been received.
- The system will allow you to submit more than one draft so long as you give each file a different name (you can simply add something like "draft2" to the file name). If you do submit multiple drafts, the system will ask you to identify which is the final submission. The system will also note the date and time of submission. Again, briefs submitted after the deadline will not be accepted.

(2) Content: The briefs will be judged for legal analysis, presentation of effective arguments, sensitivity to hierarchy of authority, organization, persuasive writing style, and form (including citations). Although you can use only those sources provided in the competition packet, you are not obligated to use all of these sources. The decision whether to write on behalf of the Appellant or the Appellee is yours. However, you will be required to argue orally both sides of the case.

(3) Required sections: Every brief shall contain, in the following order, a cover page, QUESTION(S) PRESENTED, TABLE OF CONTENTS, TABLE OF AUTHORITIES, OPINION(S) BELOW, STATUTORY AND CONSTITUTIONAL PROVISION(S) INVOLVED, STATEMENT OF THE CASE, SUMMARY OF ARGUMENT, ARGUMENT, CONCLUSION (with signature line), and appendices, as appropriate. The JURISDICTIONAL STATEMENT has been waived for purposes of this competition. To demonstrate format, a sample brief will be posted on the Moot Court Honor Society website on July 20.

(4) Citations: All citations must be in the form prescribed by the *ALWD Citation Manual*. If you prefer to use the Harvard Law Review Association's *A Uniform System of Citation* (the Bluebook), you may do so, but you should indicate that you used the Bluebook when you submit your brief. Unless you notify us that you used the Bluebook format, we will assume that you followed the ALWD format. Citations to the Record are required in both the Statement of the Case and the Argument.

(5) Page limit: The Argument portion of the brief shall be no longer than twenty (20) pages, on 8 1/2" x 11" paper, with margins of no less than one inch on the top, bottom, and both sides of each page. Twenty pages is a maximum, not a requirement. All text – except for indented block quotations, point headings, and footnotes – shall be double-spaced. You may have no more than twenty-four (24) double-spaced lines per page (not counting the page number). The Argument page limit will not be adjusted if you get fewer than 24 lines per page. A penalty equivalent to 5% of the maximum possible brief score will automatically be deducted for briefs with Arguments over 20 pages or those that use footnotes to attempt to evade the Argument page limit. The bottom margin shall be measured from the bottom of the text, not the bottom of the page number. All pages between the cover page and the Opinions Below shall be numbered with lower-case Roman numerals (e.g. i, ii, iii, etc.); the Opinions Below page should begin on page “1.”

(6) Font: The typeface for all text – including footnotes and excluding only the cover page – shall be Times New Roman 12 point. Use of any other typeface other than what is specified here shall result in a minimum penalty equivalent to 5% of the maximum possible brief score.

(7) Table of Authorities: All submissions must include a Table of Authorities that lists each authority cited in the brief and each page where the authority is cited in the Argument. You may refer to Richard K. Neumann, *Legal Reasoning and Legal Writing* or any other legal writing text for guidance on preparing and formatting your Table of Authorities. Consult the ALWD manual or Bluebook for the proper use of “passim” when citing multiple times to the same source. It is not necessary to cite to sources you consult only for guidance on proper formatting of your brief. Because preparation and proper formatting of a Table of Authorities can be time consuming, all candidates are strongly advised to plan their time accordingly.

INFORMATION REGARDING ORAL ARGUMENTS

(1) Content: Each candidate will present two separate oral arguments: one on each side of the problem. To assist you in developing your arguments, you will have access to briefs written by other candidates. The briefs will be available after the deadline; they will not be accessible to the public.

As you prepare for oral arguments, please adhere to the limitations on research and collaboration described in the Rules on Ethical Conduct.

(2) Process: Each side will be allowed 15 minutes for oral argument. Counsel for Appellant may present the facts of the case and may reserve up to 3 minutes for rebuttal. Prior to the argument, Counsel for Appellant will advise the bailiff of the amount of time reserved for rebuttal. Only the candidates and the judges are allowed in the courtroom during arguments and critiques.

(3) Scheduling: Depending on the number of competitors and the availability of judges, oral arguments will be held Thursday, August 19, 2010 and/or Friday, August 20, 2010, probably in the late afternoon to early evening. The exact dates and times will be posted on this site approximately one week before oral arguments. If you have any intractable conflicts with either oral argument date, you must notify Alexis no later than Monday, August 2. We will try to schedule arguments to avoid any such conflicts, but we cannot guarantee that schedule changes will be possible.

GOOD LUCK TO ALL COMPETITORS