



ANNUAL NATIONAL MOOT COURT

# COMPETITION GUIDELINES

2008 – 2009

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## Background

The New York City Bar's Committee on Young Lawyers ("Committee") Competition Guidelines describes step-by-step the policies and practices of the Annual National Moot Court Competition. These guidelines are for informational purposes only. They are not mandatory. Only Competition Rules are mandatory. Those Rules remain controlling at all times.

Regional Sponsors may modify these guidelines to suit the special needs of that region. The Committee, however, is the final arbiter of any disputes on how to ultimately conduct this Competition. We may deviate from these guidelines whenever we deem that the circumstances and the good administration of the National Competition require it.

### 1. General Administration

**Informational Packet.** About 2 months before the Regional Rounds, the Committee gives each team an informational packet containing:

- Pairings for the initial preliminary rounds
- Argument schedule description
- The Transcript of Record
- List of teams and addresses competing in the local Regional Rounds

**Bench Memorandum.** Only Competition Judges receive our **confidential** Bench Memorandum. Regional Sponsors should take precautions to properly distribute and supervise access to this important document. Regional Sponsors must never share this confidential document with anyone — even after the National Rounds. Regional Sponsors should task someone to check courtrooms after each round to make sure judges don't inadvertently discard Bench Memorandums.

**Scheduling.** When scheduling Regional Rounds, avoid predictable conflicts by noting religious holidays and MPRE dates.

**Supervision.** We strongly recommend that the person with hands-on responsibility for running the competition be a lawyer or faculty member.

## 2. Local Rules

**Generally.** We understand that, over the years, this National Competition has developed sound regional preferences and traditions. With this in mind, Regional Sponsors may modify Rule 8 procedures for conducting regional rounds. But the Committee must first approve any revisions (“Local Rules”) in writing. And all Committee Local Rules approvals expire at the end of that year’s Competition.

**Annual Renewal.** Regional Sponsors must re-submit Local Rules annually for Committee approval. This allows the Committee an opportunity to regularly review local procedures to ensure those practices remain relevant and consistent with the National Competition’s overall mission.

## 3. Brief Judging

**Blind grading.** Briefs make up 40% of a team’s overall score. To foster impartiality, briefs are “blind” graded. This means we remove all identifying information and code each brief with a number. Therefore, competitors must submit electronic briefs in PDF format with only that team’s officially-designated number in the lower right corner of the brief’s cover. Briefs are then graded by at least 4 Committee members using a 100-point rating scale. Click [here](#) to view our brief grading guidelines.

**Penalties.** After the briefs are scored, we assess penalties for Rule 3 violations (e.g., brief length). We often assess penalties in fractions of points and – except for extreme violations – most single violations receive 2 points or less. The result is each team’s official Competition brief score. We use the brief score to compute each team’s final composite score. Click [here](#) to read our guidelines for assigning brief-scoring penalties.

**Best brief selection process.** We select the “best” brief by reviewing the top 4 briefs. Once we decide on a winner, we re-grade those briefs to ensure that the “best” brief has the highest overall brief score, and that the other scores accurately reflect the rankings decided by our group. None of the scores of the four regraded briefs will be less than the score of the fifth highest graded brief.

**Brief Score Disclosure.** To assure transparency, each team is informed of its brief score at the beginning of the Regional Competition.

## 4. Oral Arguments Generally

**Orientation.** Oral arguments scores make up 60% of a team’s overall score. Before the Competition begins, all competitors attend a brief orientation. During orientation, competitors receive brief scores and argument procedures. Competitors also receive a random number (e.g., Team #12) to identify them during oral arguments.

The goal is to better ensure that judges don't know the identity of a team's law school during argument. Finally, we detail the key factors to success:

- Persuasively presenting an in-depth understanding of the Record
- Demonstrating a solid command of all key legal issues
- Professional courtroom demeanor, advocacy skills, and persuasiveness
- Following all Competition Rules

**Argument Procedures.** Before every argument, teams complete a "Time Allocation Sheet" specifying how much time each team will reserve for argument (petitioner may reserve up to 5 minutes for rebuttal). In all, each side has 30 minutes to make its case. Competitors may ask Judges for leave to extend time. During argument, petitioner makes its entire case (both issues), then respondent argues its entire case. If petitioner reserved time for rebuttal, then only 1 competitor may rebut respondent's arguments.

**Elimination.** The New York Regional Rounds have 2 preliminary arguments. The goal after these 2 initial rounds is to narrow the group of teams to 4 for the Semi-Final round. If more than 4 teams are undefeated, we hold a "tie-breaker" round. For more details on "tie-breaker" rounds, read Rule 8. We conduct the remaining rounds on an elimination basis (i.e., winner advances).

**Video.** To learn more about how we conduct oral arguments, click [here](#) to see a video of the 2006-07 National Finals in New York City.

## 5. Judges

Before each argument, we post a schedule of competing schools and participating judges. The goal is to identify any potential conflicts **before** argument begins. If a conflict arises, Rule 6.5 applies. Judges may be re-assigned or the conflict waived by the judge and the competitors for both teams. We don't, however, disclose individual team member names.

We generally aim to put at least 3 judges on all panels. All judges receive Competition materials (Problem and Bench Memorandum) in advance. To help defray the duplicating costs, we may reimburse Regional Sponsors up to \$150 (courtesy of the *American College of Trial Lawyers*).

Judges are then carefully instructed (usually within 30 minutes) on how to proceed. During training, judges are instructed that the panel must decide the argument's winner, and determine the oral argument score for each team. Absolutely no ties allowed. We also make the following key points.

**Performance.** Judges should evaluate performance on:

- Knowledge of the record and relevant law (not weighing merits of case)
- Command of the legal issues

Courtroom demeanor, advocacy, and professionalism  
Extemporaneous ability  
Following all Competition Rules

**Point Differential Guidance.** Scoring is based on a 100-point scale. Judges assign a score. The key to determining the winner is in the point differential. When argument quality is close, judges should assign 5 points or less (e.g. 95-90). When clear difference exists between participants, they should assign between 5-9 points. When a significant difference exists, assign 10 points or more.

**Team Interaction.** Judges should engage all participants. They should evaluate how the teams react to abrupt interruptions and difficult questions from the bench, and participants' knowledge of relevant law and ability to persuade a hostile audience. Judges may also extend time when properly requested.

**Feedback.** After the Committee calculates scores and announces the winner, judges should offer participants constructive feedback.

## 6. Law Clerks

Our Rules task each team with providing their own law clerk for oral argument. As a courtesy, however, Regional Sponsors may choose to provide law clerks to all competitors. Law clerks make sure that the oral argument experience generally proceeds smoothly. Rule 6 details law clerk responsibilities. Regional Sponsors review those responsibilities with competitors before regional competition begins. Among them:

- Accurately track time. Make sure timer is working properly.
- Look to see courtroom contains no items that may give one team any unfair advantage or identify competing law schools.
- Ensure courtroom competing schools are not listed in traditional Petitioner-Respondent order.
- Ensure competitors have completed time allocation sheet.
- Escort judges to courtroom.

**Cry of the Supreme Court.** Clerks also introduce sitting judges in two steps.

**Step 1:** Announce Justices to the audience by saying:

"All Rise! The Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States."
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**Step 2:** As the Judges enter courtroom, announce:

“Oyez! Oyez! Oyez! All persons having business before the honorable the Supreme Court of the United States are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this honorable Court.”

Click [here](#) to hear a sample of how the U.S. Supreme Court Marshall makes this announcement.

**Time Tracking.** Once argument begins, law clerks track time for each argument consistent with the time allocation sheet. Overall, each team only gets **30** minutes total to argue. Judges may, however, extend time when properly asked.

## 7. Competitors

Before preliminary rounds begin, all competitors are briefed on Competition Rules, goals, and procedures.

**Oral Argument Procedure.** Participants should introduce themselves to the court in the usual manner, but may **never** identify their schools during argument. Any team that mentions its (or opponent’s) law school’s name will automatically receive a 5 point deduction against its oral argument score. Petitioner makes its entire case (both issues), then respondent argues. Petitioner may reserve time for rebuttal. Once the law clerk informs a competitor that time has expired, that competitor must immediately conclude his or her presentation. Judges may, however, extend time to conclude.

**Judge Feedback.** Once YLC determines the winner, judges announce the winning team and offer competitors feedback.

**Double Coin Toss.** After preliminary rounds end, a double coin toss decides which side a team will argue in later rounds. A Competition official tosses a coin and asks either team representative to call the result. The winner of the first coin toss earns the right to call the outcome of a second coin toss. The winner of second coin toss may choose the side it will represent in the next argument.

## 8. Scoring

**Scoring Transparency and Accuracy.** After a panel of judges decides the oral argument’s winner and assigns a score, law clerks representing each team deliver the score to Competition officials to calculate the total score. The clerks remain in the room to serve as witnesses that the grades inserted are accurate. If a mistake is made, it can be addressed immediately. This is designed to bring transparency to the process and to enhance the accuracy of the computation process.

We also recommend that regional sponsors consider having coaches participate in the computations. Having three coaches overseeing the computations would provide a higher level of assurance that the tabulations are accurate, with sufficient checks in the process to satisfy the competitors. Perhaps the coaches can undertake the responsibility on a rotating basis.

**Announcing Results.** The results of each round of the competition should be announced at the end of that round, so that each team knows where it stands in the Competition.

## 9. Prizes

We provide each Regional Sponsor with a silver bowl for the winner, and an award for the second place team. Most regions also present competitors with 2 additional awards: **Best Brief** and **Best Oralist**. Once the Competition ends, the Regional Sponsor must notify the Committee of the winner and second place team eligible to compete in the National Finals.

## 10. Questions

You may send questions to the Committee Chair at [ylc@nycbar.org](mailto:ylc@nycbar.org) or:

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