The Thirty-Third Annual
LOYOLA UNIVERSITY CHICAGO
SCHOOL OF LAW
Intraschool Moot Court Competition
2009
INFORMATION PACKET

PRELIMINARY ROUNDS: Thurs, February 5
QUARTER, SEMI-FINAL AND FINAL ROUNDS: Sat, February 7
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

INTRASCHOOL MOOT COURT COMPETITION

The dates of the 2009 Intraschool Moot Court Competition are:

Preliminary Rounds 1 and 2: **Thurs, February 5**

Quarterfinal, semi-final, and final rounds: **Sat, February 7**
(Reception to follow)

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This packet contains:
  • The rules of the competition
  • A sample brief scoring sheet
  • A sample oral argument evaluation score sheet
  • The instructions to bailiffs

Please be familiar with the contents of this packet
INTRASCHOOL MOOT COURT COMPETITION

The Loyola University Chicago School of Law Moot Court Competition (“Competition”) is an intraschool appellate moot court competition. The purpose of the Competition is to develop the art of appellate advocacy and to provide an opportunity for students to participate in a moot court competition. The Competition is organized by Loyola’s Moot Court Board, faculty, and administration. The Competition is only open to eligible law students. An eligible student for the Competition is a student beyond his or her first year of law school who has completed the appellate advocacy course and who will be enrolled at Loyola in the semester in which the Competition is held.

I. THE RULES

a. Registration

i. All participants who intend to argue in the Competition, as well as those who will enter as brief-writer only participants, must sign up between December 30, 2008 and 6 p.m. on Friday, January 16, 2009 outside the Moot Court Office, Room 1355.

ii. Sign the form located on the door of the moot court office by providing the following information:
   1. Name
   2. Email address
   3. Whether you represent the appellant or appellee

iii. Submit three (3) copies of your brief

iv. On your brief, note the # of the line where you signed on the sign up sheet, REMOVE YOUR NAME FROM THE BRIEF!

v. All Briefs Received After 6 p.m. on Friday, January 16th will be considered “late” and substantial penalties will be applied. This deadline will not be extended. (Briefs turned in after this deadline will receive an automatic 5-point deduction on the first day, and 5-point deductions each subsequent day). Note: please understand that this deadline is firm. The competition has a long tradition of penalizing briefs that are received late, despite compelling circumstances. Be sure to plan for the possibility of computer failure, printer failure, car trouble, etc. Late briefs WILL be penalized.
vi. Participants **MUST USE THE NUMBER NEXT TO THEIR NAME ON THE SIGN-UP SHEET** to identify briefs. Grading will be anonymous. **DO NOT PUT YOUR NAME ON THE BRIEFS.** There will be a 5-point deduction for each brief submitted that contains the name of the participant or otherwise undermines the anonymity of the briefs.

vii. Students who do not wish to give oral arguments may sign up as “brief writer only” applicants. These students must designate themselves as brief writer only applicants when signing up on the sign up sheet.

viii. Students who fail to follow the registration requirements will be considered ineligible for the Competition.

b. Briefs

i. Each participant must submit his/her brief on the [open research problem (copyright problem)](copyright_problem) from his/her/advocacy class.

ii. Participants may not receive assistance from anyone else in the preparation of briefs. If you collaborated with another student to write a brief in the fall semester Advocacy class, you must rewrite it to make it a product of your effort only.

iii. The form of the brief should be as follows:

   Briefs should be either bound at the left margin using a staple or binder clip, and shall have white pages not exceeding 8.5 X 11 inches and typed matter not exceeding 6.5 X 9 inches with double spacing between each line of text. The font must be 12 point Times New Roman.

iv. The Argument section of the brief may not exceed 25 pages in length. In computing the length of the Argument section, each inch of single-spaced footnotes, single-spaced quotations, and singlespaced headings shall be counted as two inches of text and any partially-filled page shall be deemed a full page.

v. The following brief sections are required for all briefs (please note exception below):

   1. Cover –white sheet is fine
   2. Questions presented: should appear on the first page following the Cover and no other information should appear on that page.
   3. Table of Contents
4. Table of Authorities
5. Opinions Below
6. Statement of Jurisdiction: simply note that a formal statement of jurisdiction has been waived.
7. Constitutional and Statutory Provisions Involved: if the provisions are lengthy, participants may include citations in this section, and append the pertinent text.
8. Statement of the case
9. Summary of the argument
10. Argument
11. Conclusion
12. Appendices, as applicable: participants are not required to include the Decisions Below or the Order Granting Certiorari as part of the appendices, and appendices may be used to provide the text of constitutional and statutory provisions, or other similar material.
13. A certificate of service is not required
14. Exception: If any of the above sections were not required by your Advocacy instructor, please include a sheet with the instructor’s name and a short explanation of the sections not required. If there were any additional sections required by your Advocacy instructor, please include a sheet with the instructor’s name and a short explanation of the sections that were added. If a short explanation sheet is attached to the briefs, then points will not be deducted for the exclusion of the required sections listed above (or the inclusion of sections not listed above).

vi. Each of three (3) copies of the brief which are required to be submitted shall be identical copies. They may be produced by duplicating or copying processes which produce a clear black image on white paper, with the specifications listed above.

vii. Briefs shall be in the format used in the United States Supreme Court, except that there need not be any formal statement of jurisdiction. All citations shall be complete and in the form prescribed in the Bluebook: A Uniform System of Citations (18th edition). Appendices may be used to recite the text of statutes, constitutional provisions, regulations, and materials that are not generally available.

viii. Each participant who submits a brief shall thereby certify that it has been prepared in accordance with these rules and that it represents the work product of that participant only.
ix. The briefs will be scored by readers consisting of faculty members, practicing attorneys, and former Moot Court Team members. The scoring will be blind and will be guided by a detailed evaluation sheet.

c. Oral Arguments

i. Oral arguments are limited to a total of 8 minutes per participant. Judges, in their discretion, may interrupt arguments to ask questions and may allow additional time. Petitioners can reserve one minute for rebuttal.

ii. Students who participate in the oral rounds of the Competition must be prepared to argue both sides of the closed research problem from advocacy class.

iii. To the extent possible, the following principles will be observed:
   1. No participant will argue the same side twice during the preliminary rounds
   2. No participant will argue against the same participant twice in the preliminary rounds
   3. In the event that an uneven number of students enter the competition, participants selected at random will argue unopposed in the preliminary rounds.

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PRELIMINARY ROUNDS: Two preliminary rounds will be held on the evening of Thursday, February 5, 2009. Participants are expected to argue in both preliminary rounds. Participants may have to argue one side of the case in the first round and the opposite side in the second round. The judging panel will consist of judges, faculty members, and practitioners. An effort will be made to ensure that no participant will be judged by the same panel member in the preliminary rounds.

After each oral argument, the judges will award an individual oral score to each participant. Brief scores will then be added to the individual oral scores. The average brief scores and the average oral argument scores will be weighted 60% oral argument / 40% brief score for the preliminary rounds. These combined scores will be tallied for each participant and the participant with the higher score will be awarded a win in the round.

QUARTERFINAL ROUND: The quarter final round will be held on the morning of February 7, 2009. The highest scoring participant from the preliminary rounds selected for the quarter finals will oppose the eighth highest scoring participant; the second highest scoring participant will oppose the seventh highest scoring participant, and so on. Argument sides will be determined by a coin toss. In the quarter final round, the
average brief scores and average oral argument scores will be weighted 70% oral argument/30% brief. The winners of each quarterfinal round will advance to the semifinal round.

**SEMI-FINAL ROUND**: A semi-final round will be held on the morning of February 7, 2009, following the quarterfinal round. The highest scoring winner from the quarterfinal round will oppose the fourth highest scoring winner; the second and third highest scoring winners from the quarterfinal round will oppose each other. Argument sides will be determined by a coin loss. In the semi-final round, the average brief scores and average oral argument scores will be weighted 80% oral argument/20% brief.

**FINAL ROUND**: A final round will be held on the morning of February 7, 2009, following the semi-final round. The judging panel will consist of appellate court judges, district court judges, and prominent practitioners. Argument sides will be determined by a coin loss. In the final round, the oral argument score will comprise the entire score.

**AWARDS**: The following awards will be recognized at a reception to be held following the Intraschool Moot Court Competition:

- Intraschool Moot Court Champion
- Intraschool Moot Court Runner-Up
- Intraschool Moot Court Best Brief
- Intraschool Moot Court 2nd Best Brief
- Intraschool Moot Court Best Oralist
- Intraschool Moot Court 2nd Best Oralist

**NOTE TO STUDENTS IN SPECIALIZED ADVOCACY SECTIONS**: Those students in specialized advocacy sections that did not write the open research problem for the general advocacy section have two options to complete in the Intraschool Competition: (1) the student can turn in their open research brief and choose to be brief writer only competitors; or (2) the student can request a copy of the closed research advocacy problem and argue that during the Intraschool Competition.

**JOINING THE NATIONAL MOOT COURT TEAM THE FOLLOWING YEAR**: In order to be considered for and try out for the National Moot Court Team in the spring of 2009, you **MUST** compete in the intraschool competition. The top 20 students in the intraschool competition will be invited to tryout for the 2009-10 National Moot Court Team. It is important to note that one does not need to be a current Moot Court team member to participate in Intraschool or be a member of next year’s National Moot Court Team.

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Copies of the brief grading form, the oral argument evaluation form, and the bailiff instructions are attached. Please be familiar with them.
LOYOLA 2009 INTRASCHOOL MOOT COURT TOURNAMENT
Brief Grading Rubric

STUDENT’S NAME: ________________________________

JUDGE’S NAME: ____________________________________

APPLICATION: (circle one) ORALIST BRIEF WRITER ONLY

ADV PROBLEM (circle one): REGULAR CHILD LAW IP

Each brief should be given a numeric score in the range between 50 and 100. The suggested grading key breaks down as follows:

<table>
<thead>
<tr>
<th>50-60 Unsatisfactory</th>
<th>60-70 Below Average</th>
<th>70-80 Satisfactory</th>
<th>80-90 Above Average</th>
<th>90-100 Outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fails to meet expectations</td>
<td>Less than acceptable</td>
<td>Acceptable</td>
<td>High Quality</td>
<td>Exceptional</td>
</tr>
<tr>
<td>Exhibits major deficiencies</td>
<td>Needs improvement</td>
<td>Meets requirements and expectations</td>
<td>Exceeds requirements and expectations</td>
<td>Demonstrates real excellence</td>
</tr>
</tbody>
</table>

I. BASIC ELEMENTS TOTAL: _______ (Max 20 points)

(a) Cover Page should look like a cover submitted to the U.S. Supreme Court and should reference the correct parties, case number, etc.

(b) Tables should reference correct page numbers, and citations should conform with The Bluebook, A Uniform System of Citation (18th ed.).

(c) Questions Presented should be accurate and should advance the argument.

(d) Statement of Facts should be effectively “slanted” in support of the argument but should not contain any misstatement or omission of relevant facts.

(e) Summary of Argument should clearly and concisely outline each of the brief’s major arguments.

(f) Argument Headings should effectively organize the argument. Each heading should advance the argument.

(g) Conclusion should call for the appropriate relief.
II. ORGANIZATION

(a) **Logical and Persuasive Sequence of Arguments**: Consider whether the brief flows logically, building a persuasive argument.

(b) **Argument Structure**: The brief should address all issues raised on appeal in a logical, straightforward manner. The brief’s organization should not confuse the reader.

III. SUBSTANCE

(a) **Argument Persuasiveness**: Consider whether, based on their substance, the arguments are persuasive and logical.

(b) **Legal Research Quality and Use of Supporting Authority**: The brief should include—and appropriately treat—leading cases, statutes, regulations, legislative history, and secondary authority. The brief should also attempt to distinguish unfavorable precedent, and address arguments the opposition will likely raise.

(c) **Comprehensive Treatment of All Issues on Appeal**: The issues before the Court should be correctly identified and persuasively articulated.

(d) **Effective Use of Facts and Record**: The brief should effectively weave the facts and the record below into the legal analysis. The absence of a fact, however, should not be used offensively.

IV. OVERALL WRITING STYLE

(a) **Persuasiveness**: Consider whether facts, law, and analysis are woven together to create a piece of persuasive writing. Keep in mind that this should be a brief, not an internal legal memorandum that simply summarizes case law. Each point heading, sentence, and paragraph in the brief should advance the argument.

(b) **Grammar, Spelling, and Typographical Errors**: Consider whether the language used in the brief is literate, grammatically correct, interesting, and suitable for a Supreme Court brief. Sentence structure and word choice should not be excessively repetitive or boring.

(c) **Legal Analysis**: Finally, consider whether the argument as a whole makes sense, and is clear and concise.

**TOTAL BRIEF SCORE**: ________________
LOYOLA 2009 INTRASCHOOL MOOT COURT TOURNAMENT

Oral Argument Evaluation Sheet

Judge’s Name: ___________________ Competitor’s Name: ___________________

(Circle One): Petitioner Respondent

I. Speaking Ability (1-25 points possible/17-19 average) ________ (out of 25)
   □ Voice (audibility/clarity) • Speed of Delivery
   □ Grammar • Poise
   □ Tone • Posture
   □ Word Choice • Eye Contact and Hand Gestures
      • Sincerity and Enthusiasm • Effective use of notes
      • Respect for the Court
   □ Emphasized best arguments

II. Structure of Argument (1-25 points possible/17-19 average) ________ (out of 25)
    □ Introduced self • Transitioned well b/w arguments
    □ Gave preview of argument • Used time judiciously
    □ Persuasive organization of argument (e.g. clear and logical) • Strength of argument
       □ Emphasized best arguments • Strength of conclusion (concise)
    □ Effective rebuttal (if applicable)

III. Preparation/Familiarity (1-25 points possible/17-19 average) ________ (out of 25)
     □ Knowledge of record • Understanding of all issues
     □ Knowledge of relevant law • Application of law/policy to facts
     □ Understanding of policy questions

IV. Response to Questions (1-25 points possible/17-19 average) ________ (out of 25)
    □ Direct Responses to questions • Poise and composure while responding to questions
    □ Citation to appropriate authority • Appropriate deference to court
    □ Logic of responses
    □ Ability to return smoothly to argument

INDIVIDUAL ORAL SCORE (total of Parts I, II, III, IV) ________ (out of 100)

EXPECTED POINT DISTRIBUTION
90-100 = Excellent 66-77 = Average 1-50 = Poor
78-89 = Good 50-65 = Below Average